

Information and Advice for Bereaved Families and Friends following a Fatal Collision in Alberta



Produced with the help of:



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Introduction

If you are reading our guide for families bereaved by a road death and have been affected yourself, we would like to begin by offering our sincere condolences to you and your family.

Losing a loved one in such a sudden, violent, and unnatural way brings the world crashing down around you.

While grieving your loss, not only are you left reeling, but you also must confront the horrific aftermath, which is always an overwhelming unknown.

We hope this guide, provides you with the necessary information to deal with the events that follow your loved one's death. Please feel free to ask questions, particularly with the legal processes which follow. Services are in place to assist you in your quest for information regarding the circumstances of your loved one's death.

The guide will, we hope, prompt you to ask questions during the police investigation and the legal processes which follow, including a possible hearing or inquest into the death, or a criminal or civil court case or hearing.

The thorough investigation into the death of your loved one, should also help ensure there is some explanation or context to the event. We strongly suggest you be proactive during this process. This can sometimes provide answers to the

multitude of questions constantly surfacing about the incident. By doing so, the criminal justice process can seem less intimidating.

The thorough investigation into the death of your loved one, should also help ensure there is some semblance of justice for your loss.

Regardless of whether there is a prosecution following the death of your loved one, we hope that in getting answers to your questions, and in understanding the full circumstances surrounding their death, you may be able to make some sense of what happened, even when sometimes the 'why?' may not be so clear.

We hope you can rest assured knowing there has been a thorough investigation, and lessons have been learned by your loved one's needless death, which will assist with prevention efforts.

In this way, we hope the loss of your loved one, was not in vain.

Sgt. Vinnie Hetu (RCMP/GRC)

Cst. Bob Tell (CPS)

Cpl. Robert Newton (RCMP/GRC)

Crime & Trauma-informed Support Services (EPS)

How to use this guide

This guide aims to help you if:

- Someone close to you has been killed in a road collision
- You are helping someone who has been bereaved

Who has written this guide?

This guide has been written by experienced, current serving members of the Calgary Police Service, the Edmonton Police Service, and the Royal Canadian Mounted Police. Additionally, collaboration has been sought from Victim Services Alberta, the Alberta Motor Transport Association, and MADD Canada.

Why has this guide been written?

There are no words to describe what has just happened to you, your family, and friends. This guide has been designed to try and help you navigate through this traumatic time, to give you ready access to information and resources, and help to answer the question, why did this happen?

Where do you start?

This guide has been designed to be easily navigated. In the next few pages, you will find information dedicated to some of the most common questions people like yourself, who have

been bereaved, find they need answers to. This guide can also be used by someone who is helping you during this time.

You can use the index at the start of this booklet to find the information this guide contains. If the collision happened very recently, *Section 1 What happens now?* may be the most useful place to start. This will give you and your family advice and information on what happens in the days following the collision.

The rest of the guide provides information and advice on the other issues that may come up in the days, weeks, months, and years after this time.

If you do not feel ready to read this guide yourself, you can ask someone else to read it for you. If you have questions that are not covered in the booklet, ask your police contact, or reach out to one of the many support organizations that are available to you.

The online version of this guide

This guide is available online: <https://www.calgary.ca/cps/community-programs-and-resources/victims-of-crime/victim-resources-traffic-fatalities.html>

Looking after your own needs

Coping after a sudden and shocking bereavement can be very challenging. You, or others may be suffering from significant shock and distress and experiencing a range of emotions and reactions. Different people react in different ways to grief, and at different times. You may feel exhausted.

It is important to look after your emotional and physical welfare, and, if you are part of a family, look after each other too. Remember to:

- Eat regularly, and drink water or have comforting, hot drinks
- Stay warm, and get sleep when you can
- Seek support and support each other

If you were also in the collision and have injuries, it is important they are treated too. Make sure you receive any medical attention you need.

Informing others

When it comes to informing loved ones about a fatal motor vehicle collision, it can be an incredibly difficult and emotionally tasking undertaking. Here are some tips to help guide you and your family through this difficult conversation:

1. Be direct and compassionate, choose the right time and place, share what you know, offer support, and encourage self-care.

2. Remember there is no "right" way to approach this difficult conversation, and everyone will have their own, unique response to the news.
3. The most important thing is to approach the conversation with compassion, empathy, and a willingness to support your loved ones through this difficult time.

Help for children and families

It is important to remember that grief is a personal journey as much for children as it is for adults. Each child's needs will be unique and may require different types of support.

It is important to include children in the process of grieving. Tell them the truth using words they can understand and be honest about your own feelings. Children need to know facts. Do not exclude them in order to protect them from the pain of their loss, this will only increase their confusion and fear.

Because each child's starting point for supports might differ from the next, the sooner supports are provided, the better. Some of the following considerations might help:

Grief counselling

Grief counselling can help everyone who is affected by this loss. Children, especially, will benefit from counselling to cope with their emotions and provide them with a safe space to express their feelings. Alberta Health Services and several community

organizations offer grief counselling services for children and families.

Art therapy: Can be a useful tool for children who are struggling with grief. It can provide a creative outlet for children to express their emotions and process their feelings.

School support: Contact your child's school, teachers and school counsellors can provide additional support for children who have experienced a loss.

Support groups: Can provide a sense of community and understanding for all those affected by this loss, sharing in a common grief can help, you are not alone, and support groups can help in the transition through your grief.

Books: There are many books available for children that address loss and grief. Books can help children understand their feelings and provide a safe way to explore their emotions. Some recommended books include *The Invisible String*, by Patrice Karst, *The Memory Box*, by Joanna Rowland, and *The Goodbye Book*, by Todd Parr. These books may be available at your local library or through support groups.

Your right to support - Help from the police

Depending on where you live, the policing agency investigating the collision could be an officer from the RCMP, or a municipal police service, such as the Calgary Police Service, Edmonton Police Service, or others across the province.

The policing agency that covers the area in which the collision occurred will likely be the agency that conducts the investigation. Whichever the agency is, there should be an officer who is your point of contact. They might be able to facilitate the following:

- Help with immediate things, such as seeing a loved one's body or telling other people about the collision.
- Give you basic details about what happened.
- Return any personal items found in a vehicle or at the location where the collision occurred, if they are not required as part of the investigation.
- Tell you the location of the vehicle your loved one was travelling in if it was involved; and if they are examining it.
- Keep you informed about the progress of the investigation.
- Whether anyone has been, could be, or will be arrested or charged.

Your police contact may also be able to help you:

- Visit the scene of the collision.
- Manage the media interest in the investigation.
- Get information and support later, for example if there is a court case.

Your right to support - Help for victims of crime

'Victims have the right to receive information about the justice system, and about the services and programs available to them. Victims may also obtain specific information on the progress of the case, including information on the investigation, prosecution and sentencing of the person who harmed them.'

Office of the Federal Ombudsman for Victims of Crime

The Canadian Victims Bill of Rights (CVBR) defines a victim as an individual who has suffered physical or emotional harm, economic loss, or property damage because of a criminal act committed in Canada. This will not apply if no criminal charge is laid in your matter.

All victims may exercise their rights under the CVBR while they are in Canada.

Canadian citizens or permanent residents may exercise these rights even if they are outside of Canada if the crime took place in Canada. If a victim is deceased or is unable to act on their own behalf, the following people may act on the victim's behalf:

- The victim's spouse.
- An individual who had been living with the victim as their common law partner for at least one year at the time of the crime.
- A relative or dependant of the victim.
- Anyone who has custody of the victim or of the victim's dependant.

Space for your notes and contacts

Section 1 – What happens now?

How did a loved one die?

If you were not in the collision yourself, you may or may not want to know the details of how a loved one died. You may want to know about medical treatment given at the roadside or in a hospital, and whether a loved one said anything or was unconscious during this time.

If you want to know this information, your police contact should be able to find out or ask people who were with your loved one at the time.

Can I visit the collision site?

If you were not in the collision, you may or may not want to visit the place where it occurred. Your police contact can tell you the location, and advise if it is possible and safe to attend. They will advise you on any dangers such as parking problems, lack of pedestrian access or fast traffic.

They may be able to accompany you to ensure your safety and answer questions you may have about the site. This will take some time, planning and resources to ensure it is safe.

If the collision site is far away and not accessible by public transit, your police contact or someone else may be able to drive you

there. You may want them to do this if you do not drive, do not feel able to drive because of the shock, or you can't drive because your vehicle was damaged in the collision.

You may or may not want to place flowers or stuffed animals at the collision site. Check to see if this is allowed under local bylaws or ask your police contact. For more permanent memorials, see the section on memorialization resources on page 33.

Can my loved one still donate organs and / or tissue?

If your loved one had expressed a desire to donate organs and or tissue, you can inform the hospital or the police contact so their wishes can be considered. There are restrictions on age and time limits from death that may mean it will not always be possible to donate. Visit the following for more information:

<https://myhealth.alberta.ca/alberta/Pages/organ-and-tissue-donation-topic-overview.aspx>

When will I get my loved one's belongings back?

The police, hospital officials or funeral home staff may be holding personal belongings of your loved one, such as a bag, mobile phone, clothes, or jewelery. You can ask if they are holding any belongings.

You may decide you want all, some, or none of them returned. If you are using a funeral director, you can ask them to collect any personal belongings for you when they collect the body.

Personal belongings, particularly clothes, are often damaged or blood-stained in collisions. Before deciding if you want certain belongings, you may want to ask about the condition of them.

If you want something returned that has been blood-stained, you can choose whether you want it returned as is, or arrange for it to be cleaned first. Some people don't want a loved one's clothes cleaned because the clothes may carry the smell of that person.

If a loved one who has died was in a vehicle, you can ask your police contact to check if any belongings are still in the vehicle and ask for the items to be returned to you.

Sometimes belongings are kept temporarily by the police because they need them as part of their investigation. Once the police investigation and any resulting criminal prosecution are finished, these belongings can be returned, if you want them. Belongings should not be disposed of by police, medical or funeral home staff without the next of kin's consent.

What happens to my loved one's body?

Where has my loved one gone?

After someone dies suddenly or unexpectedly, their body is taken to a hospital or funeral home, and then transferred to the Office of the Chief Medical Examiner.

Can I see my loved one's body?

If you did not see a loved one in hospital or at the roadside before their death, you may not be able to see their body until they are taken to the funeral home. The ability to see your loved one immediately after the collision, is dependent on if the body has been taken to the hospital or the local authority. Your police contact can assist you through these different scenarios. You can ask your police contact or funeral home staff to tell you about injuries to a loved one's body and what their body looks like.

Sometimes the bodies of people killed in collisions have few visible injuries because their injuries are internal. Sometimes bodies are very badly damaged. If a body is badly damaged, the funeral home may cover the damaged areas with a sheet. You can ask which areas of the body will be covered or uncovered.

Sometimes a body is a different color, due to internal bleeding or bruising.

Touching a loved one's body

If you decide to see a loved one's body, you may also wish to touch their body. If you want to do this, talk to your police contact or funeral home staff.

Sometimes the bodies of people killed in road collisions are very delicate because they are damaged. If you touch a loved one's body, it will help to remember that their body will feel cold, and their skin may feel different than how you remember it.

You will have the support of family, hospital staff, and funeral home staff during this time.

Identifying a loved one's body

The police or the Office of the Chief Medical Examiner sometimes require a family member to identify a person who has died. If they ask you to do this, they may ask you to identify your loved one's body from a video screen or a photograph or in some cases identify them from their belongings.

If you do not want to see a loved one's body, but you are asked to identify their body, ask if there is anyone else who could do this for you.

Sometimes a body is difficult to identify because it is badly injured.

In this case, police may ask you to help identify a loved one through dental records or by providing a sample of their DNA (for example, from a hairbrush or toothbrush).

Autopsy or external examination

After someone dies on the road, there is likely to be an external examination or an autopsy.

An autopsy is a medical examination to help find the cause of death. It can include examination of the body's organs, tissues, and fluids. It will be carried out by a specialist doctor called a pathologist.

An autopsy is carried out on behalf of the Office of the Chief Medical Examiner by a licensed forensic pathologist. This will be conducted at the nearest facility, (Calgary or Edmonton).

The forensic pathologist does not need your permission to carry out an autopsy.

Sometimes the pathologist needs to open and examine inside the body, the body is then closed again. This is called an invasive autopsy. Some people have objections, for faith or other reasons, to an invasive autopsy. If you have objections, or concerns about the way it will be carried out, you should tell the medical examiner's office, or your police contact as soon as possible so they can consider your views. Alternatives to an invasive autopsy

are not widely available, but sometimes a body can be scanned instead. Scans do not physically damage the body. If you request a scan, you may be asked to pay a fee.

Usually, an autopsy includes toxicology tests. This means the forensic pathologist takes samples of blood, urine, and possibly other samples such as stomach contents, fluid from an eye, and pieces of tissue, to find out if they contain any toxic substances, such as alcohol or drugs. These tests may take place instead of, or parallel with an invasive autopsy or scan.

More information on the process:

<https://www.alberta.ca/office-of-chief-medical-examiner-overview.aspx>

Release of your loved one's body

After the medical examiner has completed the examination, your loved one will be released to a funeral home of your choosing. See the section on arranging burials and cremations for more information on page 27.

If belongings of your loved one came with them to the Office of the Chief Medical Examiner, they will be released to the funeral home at the same time, unless they are required for testing, or as part of the police investigation.

Examination results

Once the examination is complete, an investigator will call you.

An investigator will explain the preliminary findings and if additional testing has been ordered.

What do these services cost?

There is no charge for an investigation and only a small fee for reports.

The Office of the Chief Medical Examiner pays the transportation costs to the Office of the Chief Medical Examiner and to a funeral home that is of a similar distance to where the death occurred.

Please call the Office of the Chief Medical Examiner if you receive a bill for transportation.

What if my loved one died and was at work at the time?

If your loved one was at work at the time the collision occurred, and their employer has WCB coverage, you should ensure the employer has filed a claim with WCB so the incident can be investigated. If WCB agrees with the claim, you may be able to get assistance with burial, cremation, memorial services, and also receive emotional support. Use the link to learn more:

<https://www.wcb.ab.ca/claims/benefits-during-your-claim/fatality-and-survivor-benefits.html>

Section 2 – Practical issues

Informing people

In addition to informing family and friends, you will also need to notify people with whom your loved one had regular contact.

You can choose to tell these people yourself or ask someone to do it for you. These people may include:

- Your loved one's employer.
- Your employer - If you are employed, you may be entitled to immediate bereavement leave or be given permission to take time off.
- Schools, colleges, daycares, educational establishments, counsellors, teachers, etc. who can prepare and provide valuable support.
- Your loved one's doctor.
- Life insurance and pension companies (the sooner you tell them, the sooner you may be able to make a claim from any plans).
- Banks, credit unions, credit card companies or other financial institutions that your loved one had accounts with.
- Your mortgage, and any loan providers.
- A landlord or housing association.

- Utility providers (for example, gas, electricity, cable companies, cell phone or land line companies), particularly if they lived alone.
- Benefit providers.
- The Canada Revenue Agency (if a person who died paid taxes).
- The passport office from the country in which the loved one's passport was issued (if a person who died had a passport).
- Alberta registries (if they had a driver's license, or vehicles registered to them).
- Social clubs that your loved one attended.

This list is not exhaustive, and you should seek advice on who else needs to be informed of your loved one's passing.

Registering the death

Registering a death is a legal requirement to inform the government that a person has died.

When informing some organizations, any formal changes will require obtaining a death certificate. Death certificates can be obtained from any Alberta registry agent. The death must be registered before a certificate can be issued; this is usually done by the funeral home after the next of kin provides the required information.

If the death occurred in Alberta, contact an Alberta registry

agent. In some instances, a statement or certificate from the funeral home may be accepted. When a death occurs outside Alberta, you must apply to that province or country for a copy of the death certificate. Certified copies of death certificates can be obtained at: www.servicealberta.ca

Burials or cremations

The decision of how and where to bury your loved one, or whether to cremate a loved one may be an emotional, financial, and controversial one. If your deceased loved one left instructions in a will, it will be followed as much as possible. However, in lieu of a will, the next of kin will be tasked with making this choice.

The first choice that must be made is to choose a funeral home that will receive the body of your loved one once it has been released by the medical examiner. A funeral home can provide information that may help make this decision easier.

The funeral home will take care of transportation for your loved one's body, allow for viewings, look after the body prior to burial or cremation, help facilitate the funeral, provide options for coffins, urns, embalming, cremation, and liaising with a cemetery. For suggestions on funeral homes, ask a friend, family, spiritual leader or the links:

<https://canadianfunerals.com/provinces/alberta/#.ZFGZYnbMKUK>

<https://www.afsa.ca/>

Burial

If a burial is chosen, the funeral home can help find a suitable cemetery. Cemeteries are owned and managed by municipalities, churches, mosques, or private businesses. Burial plots and services can be purchased from the cemetery. Most burials will require a casket which will be lowered into the earth. Other options include a green or natural burial (available only at certain cemeteries), above ground tombs or mausoleums. Fees will vary based on cemetery and style of burial chosen.

Cremation

If cremation is chosen, it will require approval from the medical examiner (called a form 4). A funeral home or crematorium will burn the body, leaving about two to three kilograms of ashes. The family will be given the ashes which can be kept, interred in a columbarium, buried in a small burial plot, or scattered in accordance with local laws.

More information on burial and cremation: <https://afsrab.ca/site/old/boc>

Legal and financial issues

Navigating the legal and financial difficulties that arise following a fatal collision can be complex and overwhelming. It is important to work with experienced professionals, such as lawyers and financial advisors, to ensure you understand your rights and options, and can make informed decisions at every stage of the process.

Insurance claims: If your deceased loved one was covered by an auto insurance policy, you may be entitled to certain benefits such as death benefits, funeral expenses, and survivor benefits. These benefits are covered under no-fault benefits, and payable to surviving family members of a fatal collision regardless of fault. It is important to contact the deceased individual's insurance provider as soon as possible to find out coverage allowances, and to initiate the claims process.

Civil lawsuits: In some cases, your family may choose to pursue a civil lawsuit against the driver who caused the collision or other responsible parties. This may include seeking compensation for damages such as loss of income, pain and suffering, and other expenses related to the accident. This claim, in which legal representation may be required, is called third-party liability benefits. Contact the Alberta Funeral Service Association (AFSA) to learn more about fatal accident claims and insurance law:

<https://www.afsa.ca/fatal-accident-information-alberta>

Criminal charges: If the driver who caused the collision was found to be driving under the influence, speeding, or engaging in other reckless or negligent behaviours, they may face criminal charges. The family may choose to participate in the criminal proceedings as a victim or witness. Your police contact should inform you if charges are going to be laid. Your local victim services unit can support you through this process: <https://www.alberta.ca/victim-services-units.aspx>

Estate matters: If the deceased had a will or estate plan in place, you would need to work with an estate lawyer to manage the distribution of assets and settle any outstanding debts or liabilities. If there is no will, the estate will be distributed according to Alberta's laws of intestacy: <https://www.alberta.ca/wills-in-alberta.aspx#>

Taxes: The family may be responsible for paying taxes on any income earned by the deceased prior to their passing, as well as on any assets or property that are transferred to them as part of the estate settlement. Seek the advice of an estate lawyer to help guide you through this process.

No insurance claims: If the at-fault driver did not have insurance or cannot otherwise be sued, the Motor Vehicle Accident Claims Program (MVAC) protects victims by ensuring they have recourse to sue uninsured and unidentified motorists for their personal injuries.

<https://www.alberta.ca/injured-by-an-uninsured-or-unknown-driver.aspx>

The media and social media

The media

A fatal motor vehicle accident may become headline news. You may be contacted by news outlets to make a comment or be asked for details. Only you know what is right for you. You are not obligated to speak with journalists or reporters, although you may be approached at any time. Some traffic fatalities become high-profile, while others do not.

Greater media attention may come from unusual circumstances, the identity of the victim or accused, or the manner of the collision. You may feel like your loved one is getting too much media attention, or not enough. Either way, it is not a reflection on the importance of the loss of your loved one.

There are both advantages and disadvantages to speaking with the media, but if you do choose to speak to the media, it is important to keep in mind that what you say may be printed, broadcast, or

shared publicly. If you decide you want to share your loved one's story, have the following considerations in mind when speaking with the media:

Be prepared: Think about what you want to say before the interview. You may want to write down key points or practice your answers with a trusted friend or family member. Consider the media may not tell the whole side of your story.

Be honest: Tell the truth, even if it is difficult. Avoid making up details or speculating about the cause of the collision.

Stay focused: Stick to the message you want to communicate. Do not let the reporter distract you with irrelevant questions or comments.

Set boundaries: Let the reporter know if there are any topics that are off-limits. If you do not want to answer a question, politely say so and redirect the conversation to a topic you are comfortable discussing.

Control the interview: You can ask the reporter to repeat a question or to clarify a point if you do not understand. You can also ask to take a break if you need time to collect your thoughts or emotions.

Speak from the heart: Share your personal story and feelings. This can help the media and the public better understand the impact of the collision on you and your family.

Self-care: Speaking with the media can be emotionally taxing. It is important to take breaks and seek support from loved ones during this time.

Social media

Social media is a communication tool used by billions of people worldwide. It is available to anyone and is everywhere. Sometimes social media is a great tool for disseminating information quickly, but it has little to no control by the user. Information posted on social media does not need to be checked for accuracy or truth. Social media can be instantaneous and photographs from cell phones can be uploaded instantly and be within the public domain quickly after a collision has occurred.

Details of your loved one's collision, including photographs could be on the internet before you have been told what has happened. Online comments can be hurtful. It is recommended you create boundaries and consider having support available when you are ready to look at social media channels. You should never take what is published as the truth unless you know its source. Your police contact can advise you on how to deal with social media. You may be contacted on social media to make comment. Be aware of the same advice for dealing with journalists or reporters.

Roadside memorials / memorialization resources

Flower memorials, stuffed animals and photos along our roadways are oftentimes sad indicators that someone has lost their life in a collision. Unfortunately, because of the safety challenges these memorials pose to pedestrians and motorists, they must eventually be taken down. There are a series of alternative resources designed to help families honour and remember their loved ones in meaningful ways following a loss. Some of the below options can aide in creating personalized memorials and finding ways to honor the memory of your loved one.

The Roadside Memorial Program: Is a partnership between the Alberta government and the Alberta Motor Association that allows family members to request the placement of a memorial marker at the site of a fatal collision. The markers are installed and maintained by the Alberta government and include the name of the deceased and the date of the collision. Contact 311 and The City will work with you in memorializing your loved one, both in a meaningful and safe way.

Cemetery and crematory services: Alberta has a range of cemetery and crematory services available for families to honour and remember their loved ones. These services include burial, cremation, and memorialization options such as columbaria, mausoleums, and memorial benches.

Funeral homes: Can provide a range of services to help families plan and carry out memorialization services that include cremation and burial arrangements, memorial services, and support for creating personalized memorials such as photo collages or memory books.

Online memorials: Allow families to create virtual memorials that can include photos, videos, and messages of condolence from friends and family members.

Charitable donations: Families may choose to honour the memory of their loved one by making a charitable donation to one of several organizations and charities.

What if the collision happened out-of-province or in another country?

If a loved one died outside Alberta, there may be many added complications, such as different legal procedures or a language barrier. Your police contact should be able to advise on how to contact the investigators so you can learn more.

If the person who died had travel insurance, you should contact the insurer as soon as possible, to assess the possibility of making a claim.

Section 3 – The police investigation and charging someone

The police investigation

Whenever there is a serious collision resulting in a fatality, the police agency of jurisdiction is dictated, by law, to investigate the incident. The purpose of this investigation is to accurately gather and record all relevant facts and data pertaining to the collision, and to aid in determining the exact cause of the collision. This investigation takes a non-biased approach while ensuring every aspect of the investigation is carefully considered.

Often a collision has one or more causes that can be identified, and sometimes these causes are identified criminal.

Sometimes the cause or causes are not considered criminal. It is not the purpose of the police investigation to identify those other causes.

If someone has died, but there is not sufficient evidence that a criminal offence has been committed, then no one will be charged. Criminal charges require evidence of criminal behaviour.

Even if a driver is suspected of committing a criminal offence, they may not be arrested. A driver will only be arrested if there

are reasonable grounds to believe they have committed an offence punishable by law. Depending on the circumstances of the investigation, a person may be arrested at the scene or at a later time.

These types of investigations take time to complete. They are complex and technical in nature. Your police contact should be able to give you regular updates on how the investigation is proceeding. There may be long periods of time when you do not hear anything, this is normal. Unlike on TV, investigations might drag out, while waiting on the completion of forensic results, lab tests, etc.

The officers involved are conducting a thorough investigation to ensure they know what happened, and to confirm the right cause of the collision.

Once police have completed their investigation, they may seek the advice of the Alberta Crown Prosecution Office to determine which, if any offences, have been committed and who, if anybody, should be charged with those offences.

Gathering evidence from people

Police officers will, when necessary, speak to and investigate people who were involved in a fatal collision. Drivers may be tested for alcohol or drugs if the attending police officers suspect that someone may have been under the influence at the time of the collision. The Criminal Code of Canada allows for

various provisions through which the collection of evidence is allowed in collision cases where alcohol or drug consumption are considered factors.

For example, drivers who are taken to hospital can be requested to undertake screening for drugs and or alcohol. If they are not conscious, these same Criminal Code provisions can allow for blood to be drawn from them without their consent, to check for the presence of alcohol or drugs.

The police may seek other medical evidence as well to help show what happened in a collision. Evidence may be provided by medical staff who tended to the deceased by a driver's doctor, or by a pathologist.

The police may also seek or invite witnesses to come forward through the media, social media or notices at the scene.

Giving a statement

Police may take statements from different people. If you were involved in the collision, you saw the collision, or you saw vehicles before or after the collision, you may be asked to make a statement. Even if you were not involved in the collision but knew the movements of a loved one on the day they died, you may also be asked to give a statement.

If you give a statement, police will write down and may record what you say to use in their investigation, and that may be used later to help you if you are required to attend court.

It may be possible for a relative or friend to attend an interview with you to offer support. If you want to be accompanied, ask if this is possible. You may also be entitled to assistance from an interpreter or intermediary (someone who helps communicate questions and responses).

Police may also offer you the opportunity to make a victim impact statement.

Can I get a copy of the police report?

If the matter involving your loved one results in a criminal or provincial prosecution, you will not be able to get a copy of most of the investigation information until the matter is resolved in court. However, under the provisions of the Freedom of Information and Protection of Privacy Act (FOIP), surviving family (next of kin) of a deceased individual, can request a copy of the police collision investigation and report. Different police services may have different processes to facilitate this. Discuss this with your police contact, or victim support liaison on how to obtain any information that may be available.

What happens to a vehicle involved in the collision?

If a person who died was in a vehicle, on a motorcycle or bicycle, it should be taken away for examination by the police along with any other vehicles involved in the collision. The police examine vehicles involved in fatal collisions to find out if they were mechanically defective, and to get more information about what happened in the collision.

Vehicles can be kept until the end of the police investigation, and any resulting criminal prosecution; however, most are released after police have completed their investigation of the vehicle.

Sometimes police must take vehicles apart to find out what happened. Your police contact can tell you where vehicles are being stored and what is needed to investigate the vehicle.

Many vehicles involved in collisions can be badly damaged. Ask your police contact to tell you in advance what a vehicle will look like if you wish to view it.

You can ask your police contact questions at any time during the police investigation. They may not be able to share much information until the investigation is complete, but should tell you as much as they can.

You can pay for an independent examination of a vehicle if you or your lawyer thinks it is necessary.

The crown's office and prosecutions

Charging someone

Upon the completion of an investigation it must be determined if any offences have taken place, and considerations for laying charges are addressed accordingly.

With the understanding that different policing jurisdictions throughout Alberta may have slightly different charge approval/consultation policies in place, generally once the investigation is complete, the police (and at times in consultation with the Crown Prosecutor) will determine whether charges will be laid. If charges are laid, the Crown Prosecutor will review the file and determine whether there is a reasonable likelihood of conviction and if prosecution is in the public interest

It is important to note, the decision to charge is not merely as simple as laying the charge. Charges are laid based on facts and evidence, not on opinions or emotions.

Within Canada, there are two levels of charges that can be laid on individuals; 1) Provincial level offences, and 2) Criminal Code offences.

Charges – Provincial offences

A provincial offence deals with charges regarding breaches of provincial laws such as the Alberta Traffic Safety Act. These

include offenses such as speeding, distracted driving, failing to obey traffic control device, etc. These types of charges are laid in the form of police issuing a violation ticket, or a long form summons to charge the individual.

The “statute of limitation” surrounding these types of offences means the charge must be laid within six months of the offence date.

Charges – Criminal Code offences

Criminal Code offences are federal statutes, which outline certain behaviours that are dealt with more severely or are considered to be sufficiently dangerous or objectionable and are dealt with under the Criminal Code of Canada.

Some examples of Criminal Code driving offences include:

- Impaired driving causing death
- Dangerous driving causing death
- Hit-and-run causing death

These types of charges are usually laid following an arrest of the individual and then charges are laid in the form of sworn information, summoning the charged individual to answer to the charges in court.

Criminal Code: <https://laws-lois.justice.gc.ca/eng/acts/c-46/>

Traffic Safety Act: <https://www.qp.alberta.ca/documents/Acts/t06.pdf>

What is a public fatality inquiry?

The Fatality Review Board reviews specific deaths across the province.

The board may recommend a fatality inquiry into a death.

A fatality inquiry is a legal proceeding before a justice of the Alberta Court of Justice, that helps clarify the circumstances of a death. The justice can also make recommendations to prevent similar deaths. A fatality inquiry cannot make any findings of legal responsibility.

Not all deaths are reviewed by the Fatality Review Board and not all deaths are recommended for a fatality inquiry.

More information: www.alberta.ca/fatality-inquiries.aspx.

Victim impact statements

A victim impact statement is a written statement by you, about the impact of the collision on you and your family. These statements are typically sealed until the time they are read in court, which will be after conviction and before sentencing. In court, the clerk will open the sealed envelope and provide copies of the statement to the judge, the Crown Prosecutor, and the defense counsel. If there is nothing in the statement that

needs to be omitted, then it will be read in court.

In your statement you can explain how the collision has affected your life and others' lives, for example physically, emotionally, and financially.

A victim impact statement cannot be used to express thoughts on who caused a collision or punishment they should be given.

A victim impact statement is an important document because it:

- Will be read out in court by you, a friend or the Crown Prosecutor to the trial judge when considering the impact the collision had on you, your family, etc.
- Can help the public understand the effect of collisions and the importance of road safety if it is read in court and reported in the media.
- Will be heard by the person who committed a crime, if read out in court, but usually not before they have pleaded guilty or have been found guilty.

If the police have not already offered the opportunity to make a victim impact statement, ask your police contact. If you think of something later, that you want to add, you can make another statement.

You do not have to make a victim impact statement if you do not want to. It will not damage the case in any way or affect whether the accused is found guilty or not guilty.

Help writing your victim impact statement

You can write your own statement or someone else can write down what you say. You may wish to seek help with your statement, to ensure you:

- Comply with the rules about what can be said.
- Say everything you want to say, with accuracy.
- Say everything that may be useful to be heard in various circumstances.
- Express your thoughts in ways that reflect your views and values.

You may want to seek help from:

- A charity that supports victims of crime.
- A spiritual or community leader.
- Other people you know in your family or community.
- Your police contact or victim services can advise but should not be involved in writing the statement.

More information on victim impact statements: <https://>

www.alberta.ca/victim-impact-statement.aspx

Section 4 – Court cases

Attending court

Most criminal cases and appeals are held in courtrooms that are open to the public. This means you can attend, although you don't have to unless you are called as a witness.

The information in this section can help you decide if you want to attend and help prepare you if you do decide to go.

If you were involved in the collision and were a witness, you may receive a summons to appear in court. This will require you to attend court on a specific time and date. The summons to appear will likely be served to you by a police officer or representative of the court. If you receive a summons to appear, you must appear at the court. Your police contact, or the lawyer's office that wishes you to give evidence should tell you the date, location, and if you wish to know, the outcome of any criminal court hearing.

If you decide to attend a court hearing when you are not a witness, it may help to have support. Your police contact may be able to come with you, and can also bring friends and family. The court will try to find places for everyone to sit, although the number of seats available may be limited.

More information on appearing as a witness can be found at the following website address:

<https://albertacourts.ca/docs/default-source/pc/witnesses-publication>

Seeing the accused or their family/friends around the courthouse

If you were not in the collision, court may be the first place you see an accused person and their family/friends. If the accused is on bail, they will be able to use the public areas of the court.

You may want to avoid being in the same space as the accused. Some courts can provide a quiet room for victims to sit and wait for the court hearing.

Where you can sit in the courtroom?

In the courtroom, you and anyone supporting you, as well as friends of the accused and any journalists, can sit in the public gallery. The Crown Prosecutor may ask to meet with you prior to the trial date to see who will be attending, from there you will be able to seek guidance from the crown and court support services. If you are a witness, you will not be able to sit in the gallery until you have given evidence.

It may be possible for you to be seated away from the accused's associates in court, you can ask court staff for help on seating arrangements.

In court, the accused person may be sat in the dock, this is an area at the front of the court. They will not be sat in the public gallery.

The accused person will be referred to as the “accused.” This is because they are defending the case against them.

What you may see and hear, and how you may feel

Evidence is presented in court for the benefit of the Justice of the Peace in traffic court, or a judge in provincial court. If the matter is being heard in the Court of King's Bench, the trier of fact could be a judge or a jury. A jury is a group of 12 people who are chosen by the court to hear the evidence and decide on the accused individual's guilt.

During the trial, you may not be able to see evidence being discussed (such as diagrams, photographs, or videos). If you can see evidence, some of it may be particularly upsetting. You may also strongly disagree with one or more things said in court by the lawyer for the accused, or by a witness.

If you think you may get upset and need to leave the courtroom, you can. You are allowed to leave and re-enter a courtroom quietly. While you are in court, you are required to sit quietly and not talk. People who disturb court proceedings can be asked to leave or removed.

You are usually allowed to take notes in court, but sometimes there are legal reasons that prevent this. You should check with court staff first. You are not allowed to take photos or make sound recordings. You should remove headwear, unless it is worn for religious reasons, and should not bring food or drink into the

courtroom. Switch off your phone or other devices before you enter the courtroom.

If you are asked to be a witness in court

If you are a witness, you will already have given a written statement. Typically, this statement cannot be used as your evidence in court, and if your evidence is necessary for the trial you will have to testify.

In the case you are required to give evidence in court, it may help to have support present.

Support for vulnerable or intimidated witnesses

Witnesses who are vulnerable or feel intimidated may be able to give evidence with the assistance of special measures such as:

- Screening (so you do not have to see the accused).
- Live television links.
- Hearings in private.
- Use of an intermediary such as a translator, (someone who helps communicate to you questions you are being asked by the court, and communicate back your answers).
- Allowing a video recorded statement to act as evidence at trial.

The court must follow legal guidelines regarding who is eligible for special measures. If you want to find out if you can use any special measures, talk to your police contact or witness care officer.

The Crown Prosecutor's office must apply for use of special measures and the court decides whether they will allow you to use them. You may be able to practice using special measures during a court visit before the trial.

Court procedures

Courtroom changes and delays

Often a court building consists of many courtrooms. Sometimes the courtroom, in which your case will be heard, changes. Sometimes the start time of a hearing is delayed, or a hearing is postponed to another day.

Your police contact or the crown's office should be able to keep you up to date on changes.

Preliminary hearings and length of trials

Before the main trial goes ahead, a prosecution may start with one or more pre-trial hearings. These pre-trial hearings give lawyers an opportunity to talk about any legal issues that may affect the case and discuss the availability of witnesses.

The aim of these hearings is to help a trial proceed smoothly without unnecessary delays. The lawyers will discuss the length of time a trial will take, and which witnesses they will need to call. Witnesses are often called at these hearings.

Cases can take a long time to come to court. This may be due to the courts having several trials scheduled, the accused's lawyer will need time to look at the evidence against their client and form a defence, witnesses may need to be traced or documents need to be obtained, or for other reasons. Court hearings may also start late, be cut short or be postponed.

Adult court hearings and trials

Before a case is heard at provincial court or the Court of King's Bench, the accused must appear at least once in a case management court, where the charge or charges are read out. At this time or at a later hearing, the matter may be set for trial. Depending on the offences the accused is charged with, the case could be sent to a higher court for trial.

At Court of King's Bench trials, the evidence for the prosecution is presented by a Crown Prosecutor. Defence counsel are lawyers who represent and speak for the accused.

The lawyers present evidence to the judge or jury to support their cases.

The lawyers representing either side, and the judge, can ask any witness questions. The accused can choose not to give evidence.

After the evidence has been presented, the lawyers make closing arguments. Depending on if the matter is heard by a judge or a jury, they will then retire to consider their verdict.

Sometimes, before, and even during a trial, the accused changes their plea. They might decide to plead guilty after previously pleading not guilty, or they might decide to plead guilty to a lesser offence.

Youth court hearing and trials

In Canada, there is a separate youth justice system for young people aged 12 to 17 that are accused of committing a crime. The Youth Criminal Justice Act (YCJA) contains rules and procedures that apply to young people.

The YCJA was created to ensure the consequences for young people who break the law are balanced. One of the principles of the YCJA is that while young people must be held accountable for their actions, they should not be treated the same as adults. The YCJA emphasizes rehabilitation, the opportunity for youth to mature, learn from mistakes, accept consequences and make amends.

Penalties for convicted youth

If a young person pleads or is found guilty of a criminal offence, the court has different options for them. More information on options for youth:

https://albertacourts.ca/docs/default-source/pc/youth-penalties-pamphlet-11-2017.pdf?sfvrsn=5134d980_6

Verdicts and sentencing

At trial, there are three possible verdicts: guilty, not guilty, and in some cases, guilty of a lesser offence. In some cases where a jury is involved, and no verdict can be reached, and a retrial may happen.

If the verdict is not guilty, they are acquitted of the charge and are free to go, except for those found not guilty on account of a mental disorder.

If an accused person pleads guilty or is found guilty at trial, the court must then determine a sentence that is fair considering the circumstances, the seriousness of the offence, and the offender's degree of responsibility.

An offender's sentence is decided by the judge or Justice of the Peace. The Crown Prosecutor and the accused's defense lawyer can make submissions on sentence. They can also make a joint

submission on sentence. The judge can then accept the submission or impose their own sentence.

Prior to making their decision on sentence, the court will hear the victim impact statements.

Considerations before sentencing

When sentencing, various things may be considered, including:

- Any 'pleas in mitigation' or the findings of background reports.
- Victim impact statements.
- Whether the offender pleaded guilty or not. If the offender pleaded guilty, then the sentence can be reduced, as it is considered a mitigating factor.
- Guidelines on sentencing.
- The level of sentences in similar cases in the past. This is called 'case law'.
- The powers of the court. Provincial or Court of King's Bench can impose much tougher penalties than at traffic court.
- Whether a fine or community sentence is appropriate rather than prison.

Types of sentences

A person who is found guilty of committing a crime is called an offender. There are many types of sentences or combinations of penalties the court can impose, such as:

- Absolute or conditional discharge.
- Suspended sentence and probation or restitution.
- Monetary fine and/or license suspension.
- Conditional sentence.
- Imprisonment or intermittent sentence.
- Some offences have minimum or maximum sentences that can be imposed.

More information on sentences:

<https://www.justice.gc.ca/eng/cj-jp/victims-victimes/sentencing-peine/imposed-imposees.html>

Indigenous Court

The Province of Alberta has several Indigenous Courts that provide a culturally relevant, restorative, and holistic system of justice for Indigenous individuals, including offenders, victims and the community harmed by an offender's actions. These courts respond to the unique challenges and circumstances of Indigenous people. It seeks to address the issue of over-representation of Indigenous people in the justice system.

Indigenous Court focuses on a restorative justice approach to crime through peacemaking and connecting accused people to their cultures and communities. It deals primarily with bail and sentencing hearings and is open to any Indigenous offender who chooses to have matters addressed in the court.

When an offender is sentenced to probation, a healing plan specific to the offender may be included in the probation order. Healing plans use identified Indigenous community support agencies to assist in reintegrating offenders into the community, and, where appropriate, also encourage offenders to learn about and reconnect with their Indigenous heritage. A ceremony may be held in court to acknowledge the successful completion of a probation order and the healing plan.

More information on Indigenous Courts:

<https://albertacourts.ca/cj/areas-of-law/criminal/special-courts/ICIC>

Restorative justice

Restorative justice provides an opportunity to meet or communicate with an offender to explain the impact of their crime on you. It also aims to help offenders take responsibility and make amends. The offender must have admitted to the crime and must be willing to participate.

Restorative justice often involves a meeting with an offender, guided by a trained facilitator.

It's your decision whether you choose to become involved with restorative justice and is not an expectation. If it is offered, you can talk to the facilitator about whether to want to participate.

Information on restorative justice:

<https://open.alberta.ca/publications/9780778563747>

Appeals by an offender

Following a criminal case, a convicted person may appeal against their conviction or sentence, or both. If in custody, they can apply for bail and in some cases may be released while waiting for their appeal.

The convicted person does not have an automatic right to appeal in all matters. When making an appeal, the convicted person must show the previous decision-maker made a factual or legal error that affected the outcome of their case.

There are time limits for filing an appeal. You must speak with the Crown Prosecutor assigned to your file, as these time frames vary depending on the nature of the offence.

Release of the offender

If an offender is sent to prison, you can apply to either the Parole Board of Canada or Correctional Services of Canada to be registered as a victim. If the offender receives a sentence of two years or more, they will be sent to a federal prison. To receive ongoing information about the offender, you must register with the [Correctional Service of Canada](#).

If the offender receives a sentence of less than two years, they will be sent to the provincial corrections system. To receive ongoing information about the offender, you must fill out the [Victim request for information and disclosure form](#).

Once you have registered, you will receive a confirmation letter and information about the offender including the offender's name, start and end dates of their sentence, eligibility dates for reviews and parole, etc.

Section 5 - Civil court claims and compensation

Can I claim compensation?

There is no automatic compensation for people bereaved by a road collision in the criminal court system. However, compensation can often be awarded through a legal process using civil law in the civil court system. This would be pursued by a solicitor who you instruct.

To award compensation, civil law requires someone (usually a driver in the case of collisions), to be found at least partly responsible for a death. However, sometimes this is possible even if no one was charged with or convicted of a criminal offence.

The responsible person's auto insurance company usually pays compensation. If they were not insured, or cannot be found, then an organization called the Alberta Motor Vehicle Accident Claims Program may be able to help.

<https://www.alberta.ca/motor-vehicle-accident-claims-program.aspx>

Compensation can be awarded for different things, the amount of compensation awarded for these things is usually decided through negotiation, but sometimes by a court.

A qualified and experienced lawyer can advise whether you have a claim for compensation, pursue the claim on your behalf, and work to ensure you are awarded the compensation you are entitled to.

How do I hire a lawyer?

The Law Society of Alberta has a website that can assist in finding a lawyer. The police contact or victim services will not be able to advise you on who to hire. Use this resource or other resources to find the best lawyer for you:

<https://www.lawsociety.ab.ca/public/lawyer-referral/>

Here are some questions to ask to help decide on which lawyer to use:

- Do you think I have a strong claim and are you willing to take on my case?
- Are you qualified to practice within the jurisdiction of where the collision occurred?
- What experience do you have in handling similar cases? Can you give me examples with outcomes?
- How many similar cases have you handled in the past five years?
- What expertise do you have relevant to my case?
- What fees do you charge?
- What arrangements can you put in place for payment of these fees?

- Will any compensation I receive be reduced to cover legal fees?
- Will I have to pay legal costs if I lose, and if so, how much will I have to pay?
- Will I have to pay a success fee if I win my case, and if so, how much will I have to pay?
- Will you handle my case yourself entirely, or involve colleagues?
- If you plan to involve colleagues, how much will they be involved, and if a lot, can I meet them?
- How will we communicate during the process? Will you be available to explain things to me and answer my questions regularly through meetings, emails or over the phone?

Section 6 – Useful organizations

Grief Resources

Alberta Victim Services

<https://www.victimservicesalberta.com/>

Alberta Health Services – Grief Support Program – 403 955 8011

www.albertahelathservices.ca/4072.asp

Distress Centre 24-hr counselling line - 403 266 4357 (HELP)

Teen line (24-hr) – 403 264 8336 (TEEN)

www.distresscentre.com

Kids Help Phone (24 hr) – 1 800 688 6868

MADD Canada – 1 800 665 6233

www.madd.ca

Dealing with the media

'If the media calls: A guide for crime victims and survivors'

<http://crcvc.ca/ublications/if-the-media-calls/>

Investigation resources

The Office of the Chief Medical Examiner – 403 297 8123

www.justice.alberta.ca/programs_services/fatality/ocme/Pages/

Financial Resources

Canada Pension Plan (CPP) – 1 800 277 9914

Death Benefit: is a one-time payment to, or on behalf of, the estate of a deceased CPP contributor.

The survivor's pension: is a monthly pension paid to the surviving spouse or common law partner of a deceased contributor.

The children's benefit: is a monthly benefit for dependant children. You must complete an application form.

Allowance for the survivor :is a monthly, non-taxable benefit, to low-income widowed spouses who are not eligible for the old age security pension.

Alberta Family and Social Services – Toll Free 310-0000

Funeral Expenses in Alberta no one is ever denied the dignity of a funeral. If a family is unable to pay, the Government of Alberta can aid with basic funeral services, a casket and cemetery or cremation fees.

Aboriginal Affairs and Northern Development Canada

This organization manages the estate of a deceased First Nation individual who lived on a reserve prior to their death.

www.aboriginalandnorthernaffairsdevelopmentcanada/decendentstatesprogram

Calgary and area resources

Victim Assistance Support Team (VAST)

<https://www.calgary.ca/cps/community-programs-and-resources/victims-of-crime/victim-resources-traffic-fatalities.html>

Peer-support resources

Alive Alone – Support group for bereaved parents who do not have surviving children. www.alivealone.org

The Compassionate Friends – 1 866-823 0141

Calgary@tcfcanada.net or tfcalgary@outlook.com

Children’s Grief Centre - 403-263-4525

<https://www.hospicecalgary.ca/childrensgriefcentre/>

Edmonton and are resources

Motor Vehicle Accident Claims Program (MVAC)

Website: <https://www.alberta.ca/motor-vehicle-accident-claims-program.aspx>

Phone: 780-422-5458

Toll free: 310-0000 before the phone number (in Alberta)

Email: alberta.mvar@gov.ab.ca

Memorialization and commemorative programs

Website:

https://www.edmonton.ca/programs_services/programs-tribute-honour

Phone: In Edmonton: 311

Outside Edmonton: 780-442-5311

Email: legacy@edmonton.ca

Drop-In Counselling

Drop-In Counselling offers free drop-in or walk-in single session counselling.

Website: <https://www.dropinyeg.ca/> | 780-423-2831

Islamic Family & Social Services Association

The Islamic Family & Social Services Association provides free counselling for low-income individuals and families.

Subsidized options for other community members seeking culturally appropriate counselling. Translation services are also available.

Website: www.ifssa.ca/counselling | 780-900-2777

Jewish Family Services Edmonton

Jewish Family Services offers various grief and loss support resources including non-denominational counselling for individuals, couples, children, and families (cost for services on a sliding scale). www.jfse.org | [780-454-1194](tel:780-454-1194)

Pilgrims Hospice

Healing Hearts: Drop-in program

Free, drop-in group for adults (18+) grieving the death of a loved one from any cause.

Trained facilitators lead this group in conversations about the grief experience and ensure a respectful, caring, and non-judgmental setting.

<https://pilgrimshospice.com/> | 780-413-9801

Victims of Homicide (VOH)

Victims of Homicide provides a safe meeting place where bereaved persons can meet monthly to share their grief and recovery journeys. VOH supports victims through sharing of like experiences in a safe environment with hopes of helping them understand the impact of homicide.

<http://www.victimsofhomicide.org/> | (780) 915-0060

Canadian Mental Health Association (CMHA) Distress Line
(24/7)

Confidential, non-judgmental, and short-term crisis intervention, emotional support, and resources for people in crisis or distress as well as family, friends, and caregivers of people in crisis.

Phone: 780-482-HELP (4357)

Crime and Trauma-Informed Support Services (CTSS) a victim support unit within the Edmonton Police Service (EPS) provides information, support, and referrals to individuals, families and communities affected by crime, trauma, and tragedy.

Phone: 780-421-2217

Email: CTSS@edmontonpolice.ca

Grieving Parents Society

The Grieving Parents Society provides peer support to parents who have experienced the death of a child.

<http://grievingparents.ca/> | 780-451-5381

Rural Alberta

Refer to the following website address to find victim support services in your local area:

<https://www.alberta.ca/victim-services-units.aspx>