

# What We Heard

*Engagement Session August 12-13, 2020: Stakeholder Insight on New Initiatives to Support Victims of Sexualized Violence in the NWT*

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Government of Northwest Territories    Gouvernement des Territoires du Nord-Ouest

If you would like this information in another official language, call us.

English

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Si vous voulez ces informations en français, contactez-nous.

French

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Kīspin ki nitawihtīn ē nīhīyawihk ōma ācimōwin, tipwāsinān.

Cree

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Tḥchḡ yatı k'èè. Dı wegodı newḡ dè, gots'o gonede.

Tḥchḡ

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ʔerihł'ís Dēne Sḡhné yatı t'a huts'elkēr xa beyáyatı theḡḡ ʔat'e, nuwe ts'ēn yółtı.

Chipewyan

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Edı gondı dehgáh got'je zhatıé k'éé edat'éh enahddhę nıde naxets'é edahłı.

South Slavey

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K'áhshó got'ıne xədə k'é hederı ʔedḥłtl'é yerııwę nıd é dú le.

North Slavey

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Jii gwandak izhii ginjık vat'atr'ıjḡhch'uu zhit yınohthan jı', diits'at ginohkhıi.

Gwich'in

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Uvanittuaq ilitchurisukupku Inuvialuktun, ququaqluta.

Inuvialuktun

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Ć'đ<ŋŋŋ<sup>ŋ</sup>Δ<sup>ŋ</sup>Λ<sup>ŋ</sup>LJΔ<sup>ŋ</sup>Δ<sup>ŋ</sup>ŋ<sup>ŋ</sup>ŋ<sup>ŋ</sup>ŋ<sup>ŋ</sup>ŋ<sup>ŋ</sup>, >ŋ<sup>ŋ</sup>ŋ<sup>ŋ</sup>ŋ<sup>ŋ</sup>ŋ<sup>ŋ</sup>ŋ<sup>ŋ</sup>ŋ<sup>ŋ</sup>.

Inuktitut

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Hapkua titiqqat pijumagupkit Inuinnaqtun, uvaptinnut hivajarlutit.

Inuinnaqtun

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# Context

Both the RCMP and the Department of Justice of the Government of the Northwest Territories (GNWT) want to increase the capacity of the justice system to respond to survivors of sexualized violence, while also increasing public confidence in the system. In June 2019, an engagement session was held with subject matter experts and providers of frontline services from all over the NWT. Input was being sought on two important initiatives regarding sexualized violence: third party reporting and advocate reviews of sexual assault investigations.

Recommendations were made in regards to the establishment of these two initiatives. After a year of intensive work, the GNWT and the RCMP invited service providers to a second engagement session. Twenty representatives of organizations with stakeholder interest in the initiatives attended the two-day session to learn of the progress to date and offer feedback on the continuation of the work.

This report presents the results of this session and what we heard from the participants.

# Introduction

Sexual assault is one of the most underreported crimes in Canada. Only 1 in 20 sexual assaults are reported to police, and therefore police-reported sexual assault data do not reflect the true extent of sexual assault and sexual violence in Canada<sup>1</sup>. Research shows the underreporting has a wide range of reasons, including the shame, guilt and stigma of sexual victimization and the perception that the violence does not warrant reporting. Sexual assault is a highly gendered crime: women are over six times more likely to be sexually assaulted than men, and nearly half of female victims are young women aged 15-24. Indigenous women are over-represented in reported sexual assaults, and Indigenous people are about three times more likely than non-Indigenous people to be sexually assaulted in Canada<sup>2</sup>.

Despite increasing levels of public awareness, victims/survivors continue to face complex barriers when reporting to police. Some are fearful of the process, some experience discrimination, some do not feel heard.

1 Cristine Rotenberg and Adam Cotter, *Police-reported sexual assaults in Canada before and after #MeToo, 2016 and 2017*, (Statistics Canada: 2018).

2 Shana Conroy and Adam Cotter, *Self-reported sexual assault in Canada, 2014*, (Statistics Canada: 2017).

# Advocate Review of Sexual Assault Investigations

Advocate reviews of sexual assault investigations are done to review sexual assault investigations that have been cleared without charge by police. It is an opportunity many communities in Canada have implemented to help restore public confidence that police are properly responding to victims of sexual assault.

There are two different models being implemented throughout Canada; most notably the VAW Advocate Case Review (VACR) model used by municipal services, and Case Conference Tables (CCT), used by RCMP, OPP, and Sûreté du Québec. Principles that are common to both these models are the importance of respecting the confidentiality of the information, the privacy of victims, and the well-being of the advocates.

## Special Presentation

A special presentation by Sunny Marriner, Project Lead for the VACR with over 20 years' experience advocating for victims/survivors of sexualized violence presented a case for Advocate reviews of sexual assault investigations. She also presented the CCT model.

The VACR model is like a systemic audit: a thorough examination of every file to make case-specific as well as broad systemic recommendations. A primary goal is to ensure every sexual assault report is reviewed in order to create a safety net for reporting survivors. Advocates who sit on these committees are typically representatives from non-institutional organizations who provide front-line, daily support and advocacy to sexual assault survivors. Review teams conduct the review independently, with police partners joining for the feedback portion. The VACR model has been established in 20 municipal police services across the country so far.

With the CCT model, police services decide who sits on the committee (sometimes with input from the community) and they look for a partnership between advocates and the police. Sample cases are reviewed jointly with police, and typically result in more general recommendations. This model employs more of a multidisciplinary conference model than a systemic case-by-case review.

The RCMP has implemented its own review process (SAIRC) that is most similar to the CCT model. The CCT model has been implemented in each RCMP division across the country, and looks at sample cases from across the full division as opposed to on a community-specific level.

## Sexual Assault Investigations Review Committee ('SAIRC')

In December 2019, NWT RCMP facilitated the first Advocate Review Committee for the NWT as a pilot effort, with a goal of having 4-9 advocates take part. Yellowknife-based organizations were initially invited as they are part of the largest municipality. The RCMP process includes a requirement for participating advocates to complete a basic security clearance in order to have full access to the files during the review. The clearance is required to ensure the confidentiality of the information advocates review, in support of the overall integrity of the review process. Advocates are not compensated by the RCMP or the GNWT, and are required to be employed by an organization that supports the advocate participation in the SAIRC.

SAIRC has two goals:

- 1) Reviewers make case-specific recommendations to improve specific investigations.
- 2) Reviewers make broad-based recommendations to improve overall RCMP systems and procedures.

According to nationally-established review process approved for use by the RCMP, the role of the RCMP is as an administrative support to the review process, leaving the overall review to be led by advocates. Advocates are asked to sign several documents supporting the confidentiality of the information, including non-disclosure agreements and case-by-case declarations of conflicts of interest. It is critical to the integrity and success of the review process that the confidentiality of the information shared at these meetings is respected.

Two file review meetings were held in the NWT in the previous year to the engagement: 3 files were reviewed at the first meeting in December 2019, and 7 at the second meeting in June 2020. These files, classified as not cleared by charge, were chosen at random by the advocates and represented investigations conducted all over the NWT. Advocates decided how long they would spend reviewing each file and nominated a person amongst them to lead that particular discussion. Files are reviewed as a group, using a detailed checklist provided by the process. Recommendations were both case-specific and system-wide.

The NWT RCMP reviewed the recommendations and the files advocates provided specific recommendations on were sent back to the detachment with a diary date for completion. Broad based recommendations were reviewed by the NWT RCMP Criminal Operations and messaging was sent out to the employees across the NWT to consider the recommendations when completing future investigations. When the next SAIRC is convened, the coordinator reports back to the advocates what the recommendations were, what was done with them and the results that were achieved.

## Stakeholder Recommendations

We heard an overarching concern around the issues of transparency and accountability. As it stands, the RCMP have developed the process for advocate review at a national level, have decided what the principles and most policies and procedures of the committee are and have determined who is invited and which files comprise the original list for review. The participants indicated that they are hoping for a more balanced sharing of power regarding this initiative which would help to build trust within the communities.

Everyone agreed that the RCMP representatives involved in the development of this review want to ensure the advocates are central to the process; however the fear is that this could change with a change in RCMP members and leadership. Suggestions were made to ensure RCMP members who work with SAIRC receive training on the functions and person-centred culture of the committee as well as on cultural competency, in addition to having the right skill set.

It was raised that is also important to use the correct language when naming this committee so as to better inform community, stakeholders and future reviewers. It was recommended that further discussions be held to discuss the specifics of the NWT model: review model (VARC), CCT, or a hybrid?

Also, as a principle, the metrics of success of the Committee should be on quality of recommendations made to the system and individual cases, not on the number of files reviewed.

Stakeholders also discussed the importance of openly addressing any preconceptions about the overall role and reputation of police forces. Current events in the summer of 2020 relating to the responsibility of police forces to address systemic racism highlighted for the group the importance of providing space at the beginning of reviews to air those concerns and start with a balanced perspective of community policing in the NWT.

Going forward, stakeholders also had the following recommendations:

- Recruiting advocates from outside of Yellowknife is critical to building trust. Although the initial reviews were smaller in scope and only included Yellowknife organizations, it was strongly felt that they cannot fully represent to the realities of living and working in a small community. There should be a balance between representatives from the capital and from smaller communities.
- Continuing to ensure advocates have experience and training in trauma-informed approaches.
- Increasing measures to become more victim-centered (which also ties into recruiting advocates from the communities).
- Ensure the well-being of advocates through training and debriefs at the end of each review meeting. It was noted that the Department of Justice does offer funding for counselling for Victim Services Providers that can be available to reviewers.
- Ensuring that reviewers have real knowledge of their community. For example, a community nurse who is on a rotating locum cannot be a reviewer.
- Ensuring that succession planning is done amongst reviewers.
- Ensuring continued training is offered to advocates.
- As it relates to the basic criminal records check, the system needs to establish safeguards and processes to protect the privacy of reviewers.
- Look into the possibility of offering a salary or honorarium to reviewers rather than simply requiring they are gainfully employed by the organization that supports the advocate participation in the review. As it stands, some organizations are disproportionately under-resourced and could not afford to send staff to participate.
- Research the possibilities of having “non-salaried” individuals on committee such as Elders who would meet all other criteria (skill-set, security check). For example, maybe an organization can “sponsor” them.
- Time should be taken to carefully on-board new reviewers and making sure that people who are invited really understand what their role and responsibilities entail prior to a first meeting, and that they are aware of the likelihood of being strongly impacted by the review process.
- Meetings should be organized to finish on a Friday, so that reviewers have the weekend to rest and settle.
- As it stands, the committee lacks gender representation – efforts should be made to recruit at least one male reviewer.



# Third-Party Reports (TPR)

Third Party Reporting is an option that allows a victim/survivor of a sexualized assault who is over the age of majority, to report the assault to an intermediary party without having to go to a police detachment or without having to provide identifying information. Details of the crime, and not the victim, would be shared with the police so the information can be compiled for public safety purposes.

Stakeholders reviewed the known challenges and benefits of this option:

## Benefits:

- Survivors feeling empowered and heard
- Ease survivors into the reporting process, allowing time to decide next steps
- Build trust in RCMP and encourage official reporting
- Improvement in data and service connection
- Pertinent information about the offender and the crime is provided to the police

## Challenges:

- Organizational/staff capacity, burnout, vicarious trauma
- Lack of appropriate training
- Evidence collection
- Potential volume of reports

In 2017, Yukon established a Third-Party reporting process through a chosen facilitator; the Women's Transition Home. Although there are significant differences in the two territories, the main one being geography, populations are similar. In 2017, 4 reports were shared with police, 1 in 2018, and 3 in 2019. None so far have been reported in 2020. None of these files have been investigated.

## **NWT Model**

Inspired by the recommendations of the 2019 engagement session, the Department of Justice and RCMP spent the last year further researching third-party reporting (TPR) options for the NWT. A template of what TPR could look like was presented for discussion. The process proposed would be victim-led and trauma informed. Everyone agrees that healing and recovery must be central to TRP.

## Initial process:

- Victim goes to or calls facilitator
- Explanation of supports for victim
- Discussion about reporting options

- Informed decision made: TPR/Police/Defer

The Third-Party or facilitator would ensure the victim understands the TPR option. Facilitators would complete a cover-sheet with victim contact information which would remain with the facilitator organization and would not be shared with the police. Each report would be given a number for in-house tracking system.

The victim would then complete the TPR with the information they are comfortable sharing. The original TPR is attached to the cover sheet and kept at the facilitator space, in confidence. A copy of the TPR (less the cover sheet) is sent to a specified office in the RCMP. RCMP could then create a Police Reporting and Occurrence System (PROS) file for retention. The RCMP would hold the file until the victim chooses to come forward. The RCMP may discover information about the crime or the offender that would lead them to want to talk to the victim. In this case, the RCMP would contact the facilitator to inquire about making contact with the victim. The RCMP would respect the decision of the victim to participate or not.

A challenge remains around evidence collection, due in large part to the lack of a road system in the NWT. Despite many meetings with the Department of Health and Social Services, the RCMP and the Department of Justice, no clear solutions have been found. These meetings will continue.

## Stakeholder Recommendations

We heard many recommendations that will help to improve the proposed NWT TPR model. These will be used to inform the next steps.

## Guiding Principles

- 1) Victim-centered, trauma informed
- 2) Confidentiality of information
- 3) Privacy
- 4) Connecting victims to services
- 5) Empowering victims through choices
- 6) Gender equality in accessing TPR

## Issues

- Planning discussions should be held with the Crown to ensure the TPR's are completed in a way that will give best chances of prosecuting if the victim chooses that route.
- Ensure the language and words on the TPR are less-policing. Trauma informed. Contacting health experts within the Department of Health and Social Services might be useful.
- Look into the confidential storage of the TPRs within the facilitators' offices. A secure on-line storage option managed by the Department of Justice may be the best solution.
- Victims should have the choice to make a TPR in person or by phone. Whichever, option is chosen, the priority remains on connecting the victim to services. A 1-800 line could be set-

up and managed by an agency.

- Look to other jurisdictions to determine an average amount of time it can take to complete a TPR. This information will help agencies determine if they want to be a facilitator.

## Facilitators

Like all victim support workers, facilitators of the TPR process play a crucial role in the healing journeys of victims. Careful consideration has to be given to their specialized training and their support. Victim services workers presently employed in the NWT as well as workers in women's shelters are one option to take on this extra responsibility.

However careful monitoring would have to be made to ensure these workers are not being overworked and overburdened with this new task. Highly specialized training would need to happen. The Department of Justice may have to provide extra resources and support would be provided in the case of an upsurge in reporting.

It was made very clear that more support is required for workers. Self-care needs to be promoted and encouraged by the employer, as well as the existing resources for counselling, spiritual guidance, etc. Training should also be offered to the facilitator(s) (trauma centered approach, cultural competency, etc.) and continual support/after-care to facilitators.

# Conclusion

These discussions and engagement sessions are welcomed by all participants, as they help to reinforce systems and services for victims who are struggling. We need to do a better job in supporting our victims on their journey of healing and recovery. The participants are looking forward to another engagement session to further explore these initiatives, but also to celebrate our successes.