

Recommendations to Improve Police Response to Sexual Violence

New Brunswick Sexual Crimes Stakeholder Working Group

Acknowledgements

This work is a collective effort of the Sexual Crimes Stakeholder Working Group as represented by the following agencies:

- Chair: Assistant Deputy Minister of Law Enforcement Division, Justice and Public Safety
- Vice-chair: Director of Strategic Development, Sexual Violence New Brunswick
- Policing Standards and Contract Management, Justice and Public Safety
- Crime Prevention, Justice and Public Safety
- New Brunswick Women's Council
- Office of the Child and Youth Advocate
- Provincial Prosecution Services
- New Brunswick Police Commission
- New Brunswick Association of Chiefs of Police
- Royal Canadian Mounted Police
- Victim Services, Justice and Public Safety
- Sexual Assault Nurse Examiner Program
- Women's Equality Branch, Executive Council Office

The Chair and Vice-Chair of the Sexual Crimes Stakeholder Working Group would like to extend their appreciation to all the members of this Working Group for their participation and dedication.

I. Background

Globe and Mail's Unfounded Series

In February 2017, the Globe and Mail began publishing its *Unfounded* series, the culmination of a 20-month-long investigation into police handling of sexual assault allegations across Canada. The first article, “Why police dismiss 1 in 5 sexual assault claims as baseless,” shared that 32 per cent of all sexual assaults reported in New Brunswick were classified as unfounded¹ by law enforcement. It was the highest rate in the country and nearly double the national rate of 19 per cent. Of the New Brunswick law enforcement forces that reported their rates of classifying reports as unfounded over a five-year period, 10 had rates higher than the national average.

The Context Leading to the Sexual Crimes Review

In response to the *Unfounded* series, the Canadian Association of Chiefs of Police² requested that all police services review practices around sexual assault investigations to determine whether reported sexual crime incidents were thoroughly and adequately investigated and classified. New Brunswick’s nine municipal/regional police forces³ agreed to review their sexual crime investigations from 2010 to 2014 and submit their findings to the Minister of Justice and Public Safety. Their findings were captured in the 2017 report, [Sexual Crimes Review: Municipal Police Forces](#).

Concurrently, the National RCMP Headquarters directed commanding officers from all divisions “to review their unfounded sexual assault cases from 2016 for compliance with RCMP policy, and the reasonableness and propriety of decision-making having regard for the evidence” (MacKinnon, 2017). Following this statement, New Brunswick’s RCMP divisional headquarters, “J” Division, reviewed their sexual crime investigations from 2011 to 2016 and submitted their findings to the Minister of Justice and Public Safety.

While the reviews from the RCMP “J” Division and the municipal/regional police forces differed in methodology, they were both comprehensive, thorough, and the findings were similar. These findings were compiled and publicly released in the December 2017 report, [Sexual Crimes Review 2017](#).

At the time of the release, the [Government of New Brunswick announced](#) that a stakeholder working group had been convened to examine opportunities to improve how police forces respond to sexual crime cases, to address any barriers for victims and survivors to report sexual crimes to police, and endeavour to ensure victims and survivors of sexual violence have confidence in the justice system.

¹ An incident is unfounded if it has been determined through police investigation that the offence reported did not occur, nor was it attempted, and therefore no violations of the Criminal Code or other federal statute took place at that time or location.

² The Canadian Association of Chiefs of Police (CACP) is a professional association for law enforcement leaders in Canada, representing over 1,250 members across the country. The CACP is the leading voice in law enforcement in Canada, providing a cross-country perspective on the issues and concerns facing police services today. As a result, the CACP’s interests have relevance to police at all levels – municipal, regional, provincial, and federal. Their efforts are concentrated on providing innovative police leadership through consultation, advocacy, collaboration, and coordination. They seek to create and share initiatives, standards, strategies, policies, and programs that lead to progressive change in policing across the nation.

³ The nine police forces in New Brunswick are: Bathurst Police Force, BNPP Regional Police Force, Edmundston Police Force, Fredericton Police Force, Grand Falls Police Force, Kennebecasis Regional Police Force, Miramichi Police Force, Saint John Police Force, and Woodstock Police Force.

II. The Process

The Stakeholder Working Group

The *Sexual Crimes Stakeholder Working Group* began its work in early 2018 with representation from various government departments and agencies, Crown prosecutors, community-based organizations, policing organizations, and the health care system. The Assistant Deputy Minister of the Law Enforcement Division of Justice and Public Safety (JPS) served as chair with the Director of Strategic Development at Sexual Violence New Brunswick (SVNB)⁴ as the vice-chair.

Using the Globe and Mail's *Unfounded* series and the findings of the *Sexual Crimes Review 2017* as a foundation, the Working Group, at the direction of the Minister of Justice and Public Safety, developed Terms of Reference (see Appendix A) with a mandate to:

Provide accountability and oversight in the development of a comprehensive action plan and accompanying measures to improve police service delivery in the investigation of and response to sexual violence and victims and survivors of sexual violence, with the aforementioned action plan being presented to government containing recommendations for implementation.

Additionally, the Stakeholder Working Group committed to:

Critically review and assess business processes and practices, both formal and informal, within current service delivery models, in the province of New Brunswick, with a view to exerting influence as a group and individually to produce a more efficient, effective, trauma-informed⁵ and victim centred police service delivery model to victims of sexual violence.

Developing Recommendations

The Stakeholder Working Group committed to employing a victim- and survivor-centred approach from the outset.⁶ It began by developing a “blue sky,” or ideal, vision for victim- and survivor-centred responses to sexual violence in New Brunswick, which included but was not limited to current practices within the criminal justice process, from reporting to sentencing, as well as community-based responses to sexual violence.

From there, the Working Group explored pathways available to victims and survivors after experiencing sexual violence. The mapping reflected that victims and survivors who have experienced recent or historical sexual violence may or may not:

- disclose to friends, family, or coworkers;
- seek support from community-based organizations; or
- report to police.

Although the foundation of the mapping process focused on victims' and survivors' experiences, the Stakeholder Working Group members also shared information on their respective processes and services even if the information would not typically be available or known to victims and survivors. This exercise included processes around initial incident disclosures, police investigations, laying of charges, preparation for courts, etc. and helped create a more fulsome picture of current conditions.

The mapping process identified points in time where victims and survivors needed to make critical decisions and when they had to choose or be compelled to alter their path or exit the criminal justice system. The Working Group identified gaps and inconsistencies in the justice system and programs available to victims and survivors; these gaps and inconsistencies were observed in training, support services, policies and procedures, and education and awareness.

⁴ SVNB is a community-based, charitable organization and is New Brunswick's only standalone sexual violence centre. It has played a role in the development of all other sexual violence centres (all of which operate under domestic, family, and intimate partner violence shelters or other community organizations), Sexual Assault Response Teams, as well as the expansion of the Sexual Assault Nurse Examiner Program in the province. In addition to providing a variety of direct services to victims and survivors, SVNB also provides training, education, and expertise to government, counselling professionals, universities and colleges, law enforcement, and Crown Prosecutors.

⁵ Trauma-informed practice is a model that is built on knowledge of the impact of trauma on the brain and body, and which actively seeks to employ strategies to reduce or avoid compounding the impacts of trauma. Trauma-informed strategies for working with individuals coping with the impacts of traumatic experience, as well the organizations and systems who are exposed to the trauma of others, are rooted in the principles of empowerment, safety, choice, collaboration, and trust.

⁶ UN Women defines a survivor-centred approach as an approach to violence against women that “seeks to empower the survivor by prioritizing her rights, needs and wishes” (UN Women, 2013).

To facilitate a comprehensive overview of the situation, stakeholders contacted their counterparts from across Canada in order to identify best practices for responding to sexual violence issues similar to those experienced by victims and survivors in New Brunswick.

The Stakeholder Working Group also reviewed the province's framework on sexual violence, [Preventing and Responding to Sexual Violence New Brunswick: A Framework for Action](#).

The visioning and mapping process were informed by discussions of the effects of trauma (including its neurobiology, and more specifically, trauma's effect on memory) and the context of gender inequality, sexism, and misogyny as well as racism, colonialism, and ableism. This positioning was essential in ensuring that the Stakeholder Working Group examination was grounded in the reality of conditions but also engaged in anti-oppressive and evidence-based approaches.

The following observations from the Stakeholder Working Group's work are useful to help provide context and background for the recommendations presented in section IV:

- It was immediately clear that members were often not aware, or fully aware, of the work of or services provided by other members concerning sexual violence. This finding affirmed significant issues with information sharing and coordination between stakeholders who address sexual violence and/or serve victims and survivors of violence.
- There is a heavy reliance on the community sector to support victims and survivors of sexual violence, and to support institutions in improving their response to sexual violence. Unlike most other provinces, New Brunswick does not provide core funding for direct services to those impacted by sexual violence. Therefore, the few services that do exist in New Brunswick are precariously funded, under-resourced, and unsustainable.
- In some instances, New Brunswick police agencies are implementing promising emerging practices around sexual violence, including Violence Against Women Victim Advocate Case Review (VACR)⁷ and trauma-informed policing. There remains, however, policies and practices that are outdated and need to be reviewed.

⁷ The VACR model is an oversight mechanism that involves a [community-policing partnership](#). A review team, comprised of experts from community-based organizations that serve survivors and victims and does not include police representation, perform quarterly reviews of all reported sexual crimes that are not cleared by charge. After each review, the team works with police to look at any gaps in procedures, required policy changes, deviations from standards, etc. The collaboration and increased transparency enhance the public's trust in police response to sexual violence. This model has been endorsed by both the CACP and the NBACP and it is currently being implemented in some agencies in New Brunswick.

III. Moving Towards Implementation

The New Brunswick Sexual Crimes Stakeholder Working Group was committed to creating recommendations which would improve police service delivery in the investigation of and response to sexual violence. While the examination recognized the important work and support mechanisms that currently exist in New Brunswick to respond to survivors and victims of sexual violence, it also confirmed that more can be done. The Stakeholder Group identified several recommendations pertaining to various organizations to fill the multiple gaps that have been identified when survivors and victims of sexual violence report to police and engage with the justice system. The present report, with its proposed recommendations and way forward, will be presented to the Minister of Justice and Public Safety for endorsement.

The Working Group has identified the New Brunswick Roundtable on Crime and Public Safety as the appropriate forum to oversee the development of an action plan and implementation of the recommendations. The Roundtable is well poised to ensure evaluation and monitoring mechanisms are developed and implemented to measure progress and future impacts of recommendations and ensure stakeholder accountability. The Roundtable brings together over 55 organizations to address the root causes of crimes and optimize human and financial resources to build safer, more secure New Brunswick communities.

To ensure that the implementation of recommendations to address the issue of sexual violence in New Brunswick is properly aligned with initiatives already underway in the province, the sexual crimes action plan should also consider the *Preventing and Responding to Sexual Violence in New Brunswick: Framework for Action* (2018), co-authored by the Government of New Brunswick and SVNB. Additionally, the action plan should also consider sexual harm experienced by children by reviewing and aligning with recommendations outlined in the Child Sexual Harm Advisory Committee's report, [Needs Analysis and Best Practices Review for the Increased Prevention and Intervention of Child Sexual Harm in New Brunswick](#) (2019) commissioned by the Roundtable Crime and Public Safety.

IV. Recommendations

RECOMMENDATION 1: That Sexual Violence New Brunswick (SVNB) be recognized as the New Brunswick Provincial Center of Excellence on sexual violence.

- That as the Centre of Excellence, SVNB is recognized for its leadership and expertise in interventions (support, counselling, accompaniment); professional education and training; policy, research, and evaluation; prevention and awareness; and community mobilization.
- That government, police, and the justice system engage and/or consult with SVNB on initiatives, policies, protocols, training development and delivery, campaigns, etc., related to sexual violence.
- That SVNB receive increased and sustained government financial support in response to its mandate to serve as the New Brunswick Provincial Center of Excellence on sexual violence.

RECOMMENDATION 2: That specialized training on trauma-informed responses to sexual violence be mandatory for municipal police and RCMP members and that this training requirement be added to the New Brunswick Policing Standards. That specialized training on trauma-informed responses to sexual violence be mandatory for judiciaries, prosecution services, and victim services (municipal, provincial, and RCMP), and that training be customized and standardized for each of these areas.

RECOMMENDATION 3: That police, victim services, prosecution services, and Sexual Assault Nurse Examiner (SANE) programs have protocols for responding to sexual violence that are trauma-informed, victim- and survivor-centred, and entrench inter-agency alignment and collaboration.

- That a requirement for a policy/protocol outlining the response and investigation of sexual violence be added to the New Brunswick Policing Standards.
- Encourage communities to create local inter-agency groups that provide a coordinated response to cases of sexual violence (e.g., Sexual Assault Response Teams⁸).

RECOMMENDATION 4: That New Brunswick implement the Violence Against Women Victim Advocate Case Review (VACR) model as an independent oversight mechanism to review police handling of reports of sexual violence. Review teams under this model are comprised of subject matter experts in sexual violence that are external to policing and exclude policing members.

- That SVNB, Women's Equality Branch, Justice and Public Safety, the New Brunswick Police Commission, and police representatives will collaborate to implement the VACR model.

RECOMMENDATION 5: That a working group examine best practices and legal precedent across Canada on KGB statements⁹ in sexual violence cases and make recommendations on KGB usage that meet the needs of the justice system while being trauma-informed and victim-centered.

RECOMMENDATION 6: That the Departments of Health and Justice and Public Safety increase support for the Sexual Assault Nurse Examiner (SANE) program as a provider of both medical care and forensic services to the justice system. That planning and implementation of regional expansion and scaling up of existing programs be done in collaboration with the provincial SANE coordinator and the Health Authorities.

⁸ Sexual Assault Response Teams (SART) are coalitions of agencies that serve sexual assault victims. Core membership usually includes victim advocates, law enforcement officers, forensic medical examiners, forensic scientists, and prosecutors. Multidisciplinary SARTs work together to formalize interagency guidelines that prioritize victims' needs, hold offenders accountable, and promote public safety.

⁹ A KGB statement is a videotaped sworn statement from a victim or witness that is taken during an investigation and can be played in court as evidence if the victim/witness cannot or will not testify. A warning is provided to the person providing the statement that outlines potential charges they could face if it should be found that they have provided a false statement. This practice is not trauma-informed, nor does it account for the fact that victims and survivors have rational fears of not being believed by law enforcement. This warning can result in victims and survivors changing or altering their stories in order to avoid judgement or suspicion; they may provide inconsistent statements over time due to neurobiological responses to trauma that can affect their memory and recall.

RECOMMENDATION 7: That a working group explore the feasibility of Third Party Agency Reporting¹⁰ of sexual violence in New Brunswick and make recommendations.

RECOMMENDATION 8: That specialized, community-based support programs for victims and survivors of sexual violence be developed and implemented throughout New Brunswick.

- That support programs include therapeutic services (24/7 crisis interventions, short- and long-term counselling, support groups, etc.), accompaniment to medical and police services, and independent victim support in the justice system.

RECOMMENDATION 9: That improvements in police and justice system responses to sexual violence be communicated to the public.

- That up-to-date information on reporting options and process; victims' rights during reporting, investigations, and prosecutions; and supports available (government and community-based) be provided to the public.
- That information provided to the public be designed to meet the needs of victims and survivors as opposed to centring the needs of government, police, and the justice system.

¹⁰ Third Party Agency Reporting is a community-policing partnership in which victims and survivors of sexual violence can report crimes to a community partner; the community partner then provides information about the crime to the police without any information that could identify the victim or survivor. It may also contribute to investigations; if police identify a pattern of reports about the same perpetrator, they may ask the community partner to inform the survivor in case this changes their decision of whether to identify themselves to the police and participate in an investigation.

APPENDIX A

Sexual Crimes Stakeholder Working Group | 2018 Terms of Reference

Mandate

To provide accountability and oversight in the development of a comprehensive action plan and accompanying measures to improve police service delivery in the investigation of and response to sexual violence and victims and survivors of sexual violence, with the aforementioned action plan being presented to government containing recommendations for implementation.

Working Group Commitment

In recognition of the fact that the members of this working group are leaders in their fields of expertise and service delivery and are influential decision makers in their respective departments, agencies and community-based organizations, the members of this working group collectively undertake to critically review and assess business processes and practices, both formal and informal, within current service delivery models, in the province of New Brunswick, with a view to exerting influence as a group and individually to produce a more efficient, effective, trauma-informed and victim-centred police service delivery model to victims of sexual violence.

Working Group Composition

The Working Group will include representatives of the following:

- New Brunswick Women's Council
- Sexual Violence New Brunswick
- Women's Equality Branch
- Office of the Child and Youth Advocate
- Department of Justice and Public Safety
- New Brunswick Police Commission
- New Brunswick Association of Chiefs of Police
- Royal Canadian Mounted Police
- Office of the Premier for New Brunswick

Other groups/individuals may be invited to attend as resource persons related to individual agenda items; however, they will not be involved in the formal decision-making process contributing to recommendation development.

Chair

The Working Group will be chaired by the Assistant Deputy Minister (ADM), Law Enforcement and Inspections Division, Justice and Public Safety with the support of the Director of Strategic Development of Sexual Violence New Brunswick as the Vice-Chair.

Authority, Structure and Reporting

The Working Group will report through its chair to the Minister of Justice and Public Safety.

Note: Working Group members will also report to their respective agencies, groups and oversight mechanisms.

Implementation of approved plans, protocols or measures developed through this Working Group will be the responsibility of implicated organizations / agencies.

Ad hoc members may be invited as required to support Working Group activities. Working Group sub-task groups will also be established as required.

Recommendations will be made by consensus. The group commits in moving forward together by taking the necessary steps to ensure all members are comfortable in advancing the recommendation.

Role of the Chair

- ensure that the interest and/or participation of all necessary stakeholders as represented in this working group;
- ensure open dialogue and collaboration among all members;
- maintain at all times the focus on the agreed mandate, outcomes and deliverables;
- guide the meeting according to the agenda and the time available; and
- ensure all discussion items end with a decision, action or defined outcome.

Role of the Vice-Chair

- assist the Chair in carrying out his/her functions.
- in the absence of the Chair, assume the role of the Chair in its entirety during such absence.

Role of the Membership

- participate in all scheduled working group meetings or when unable to participate, arranging participation, if feasible, by another representative from their respective department/organization/agency;
- review all relevant meeting documents in advance and be prepared to discuss;
- make timely decisions and take action so as to not impede the Working Group activities;
- notify members of the Working Group, as soon as practicable, should any matter arise which may be deemed to adversely affect the Working Group's activities; and
- commit to action steps and implementation plans aligned with Working Group priorities, the progress of which will be reported upon at successive Working Group meetings.

Working Group Meeting Procedures

The Chair will provide administrative support to ensure the following duties are performed:

- scheduling meetings;
- preparing agendas and distributing them to the Working Group members in advance of any meeting;
- preparing the minutes of all meetings; and
- submitting the minutes to the Working Group for adoption.

Working Group Meeting Frequency

Meetings will be held monthly, in person and/or via teleconference.

Sub-committees

The Working Group may create sub-task groups to advance specific deliverables. The sub-task group will report to the Working Group as and when required.

Amendments

The Terms of Reference may be amended at any time following quorum of the Sexual Crimes Stakeholder Working Group.

Collectively Approved by the Sexual Crimes Stakeholder Working Group on:

February 27th, 2018

Note: Working Group participants shall keep confidential, at all times, any information and/or documents that are classified and/or confidential and/or contain personal information disclosed resulting from the activities of the Working Group. Participants shall not disclose such information and/or documents to any person, group or organization outside of the Working Group, except with the express prior written consent of the Working Group, or unless required by law.

References

- Child Sexual Harm Advisory Committee. (2019). *Needs analysis and best practices review for the increased prevention and intervention of child sexual harm in New Brunswick*. Submitted to the Roundtable on Crime and Public Safety. <https://www2.gnb.ca/content/dam/gnb/Departments/ps-sp/pdf/Publications/review-child-sexual-harm-nb.pdf>
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