



## **INFORMATION REPORT**

**TO:** The Halifax Board of Police Commissioners

**FROM:** Supt. Andrew Matthews, Officer in Charge, Integrated Criminal Investigation Division

**DATE:** July 5, 2023

**SUBJECT:** **Options for implementation of the Violence Against Women Advocate Case Reviews (VACR) Model**

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### **Background:**

The Halifax Board of Police Commissioners (BoPC) have requested an update on potential options for the implementation of Violence Against Women Advocate Case Reviews (VACR) Model within Halifax Regional Municipality. This update follows a presentation by Ms. Sunny Marriner, who is a leading voice and proponent of the VACR model nationally, and who presented to the Board of Police Commissioners in June 2022. Subsequent to her presentation, senior representatives of Halifax Regional Police and Halifax District RCMP and staff with Integrated Criminal Investigation Division (CID) have met with Ms. Marriner to hold related consultations. This update is intended to provide key details of the consultations and potential pathways towards the implementation of such a model within HRM.

Ms. Marriner has played a significant role in bringing attention to the issue of advocate case reviews in Canada and in advocating for changes to the way sexual assault investigations are conducted. A number of municipalities have adopted the VACR model. Her work is helping to improve the experiences of survivors of sexual assault and to promote greater transparency and accountability in the criminal justice system.

### **What is VACR Model?**

VACR identifies and addresses root causes in case attrition in sexual assault reports to police. It enables independent, arms-length review of sexual assault investigations that did not proceed to charges. An independent third-party, often an advocate for victims of sexual assault, reviews a police investigation into a sexual assault case.

*As described on the website [vacr.ca](http://vacr.ca): Local sexual assault support centre advocates conduct reviews. Their independent expertise is critical to the model. Advocates conducting reviews ensures reviews are informed by survivor experience of reporting to local police. VACR creates a new link in the investigative chain: report >> investigation >> clearance >> review. Advocates can identify cases requiring further investigation by police.*

The VACR model has been endorsed by the Canadian Association of Chiefs of Police as a Collaborative framework for Police Response in Sexual Violence. The model offers many recognized benefits, notably:

- Improved Victim Satisfaction
- Increased Transparency and Accountability
- Improved Quality of Investigations
- Increased Public Trust

#### **Integrated HRP/RCMP Sexual Assault Investigation Team (SAIT):**

The Integrated SAIT located within the Criminal Investigation Division (CID) is responsible for investigating sexual assaults and related offences (Sexual Interference, Incest, Sexual Assault with a Weapon) across all areas of HRM. These offences may be coded as Sexual Assault, Incest, Aggravated Sexual Assault, Sexual Interference, Assist Other Police Agency (where the Sexual Assault Survivor resides in Halifax, but the offence took place in another jurisdiction).

#### **Trauma Informed Response:**

Over the years, police response to sexualized violence has evolved to adopt a trauma-informed response, which is an approach that recognizes and responds to the impact of trauma on individuals who have experienced sexual violence. It aims to prioritize the well-being of the victim and provides support and empowerment throughout the investigative process. A trauma-informed approach recognizes the unique needs and experiences of each victim and prioritizes their safety and privacy. A keystone of delivering trauma-informed response policing services is the empowerment of the victim of sexual assault to determine the direction of the file. Within a trauma-informed agency, the victim can determine when a file is closed, or if they wish to be contacted by investigators in the future. This stems from the belief that contact from police is a reminder of the trauma experienced in the first instance and this contact can interrupt proper healing and refresh wounds.

#### **Intersection of proposed VACR Model and Trauma Informed Response:**

Trauma-informed response and third-party advocate case review are two important elements of sexual assault investigations. This will outline how these two practices intersect, particularly in cases where the victim does not want further police action.

In cases where the victim does not want further police action, we believe that a trauma-informed response should be the primary approach. The victim's safety and well-being should be the main priority, and the police should respect the victim's wishes. However, third-party advocate case review can still be beneficial in these cases. Survivors frequently tell advocates they feel actively discouraged by police in pursuing charges through the courts. The advocate can also provide feedback to the police on how they handled the case and identify areas for improvement.

In addition, third-party advocate case reviews can promote transparency and accountability even if the victim does not want further police action, as well as identify possible issues or barriers that may cause complainants to withdraw from a police response. By involving an independent third-party, police can demonstrate their commitment to fair and unbiased investigations. This can improve public perception of the police and the justice system. By promoting transparency and accountability, third-party advocate case reviews can improve public trust in the police and the justice system. It is important to carefully consider the needs and wishes of the victim in all sexual assault investigations, and to prioritize their safety and well-being throughout the investigative process.

#### **Update on status of VACR Model consultation and proposed steps:**

Members of CID most recently met with Ms. Marriner in late March and discussed the possibility of implementing her vision of Advocate Case Reviews onto SAIT's file load. During this meeting officers were given an outline of the mechanics of how the VACR Model can be implemented. This version of Advocate Case Review Model would include the following steps:

- A formalized agreement would be struck between the involved parties to detail responsibilities, expectations and other considerations.
- Advocates would be selected according to VACR criteria and screened for privacy/security.
- The Case Advocates would be granted access to all closed sexual assault investigations
- The Case Advocates would meet every quarter to review files
- The Case Advocates would work from a queue
- The Case Advocates would work independently and review files
- The Case Advocates would identify and conflicts of interests or other barriers to their reviews
- Once every closed file is reviewed a report with findings would be delivered to HRP for review.
- The Superintendent i/c of Integrated Criminal Investigations Division would identify files to be followed up on with their team.

#### **Requirements and considerations for the adoption of VACR model:**

Based on consultations so far, the following considerations have been identified that require further work and follow up:

- **Additional resource requirements:** Advocate case reviews can require additional resources, such as funding and personnel. Police agencies may need to allocate resources to support the advocate case review process.
- **Potential for conflicts of interest:** There is a potential for conflicts of interest to arise in advocate case reviews when advocates may become aware of reports of people they have knowledge of. In the HRM context there is a relatively small community of eligible candidates to participate in case reviews, which may create the potential to introduce conflicts. There are mechanisms held within VACR to manage these conflicts and processes

are contained within the MOU/privacy agreements to minimize and mitigate these occurrences.

- **Volume:** Dependent on eligibility for review, the volume of files to be reviewed within the HRM context can be upwards of 300 a calendar year.

### **Options for implementation:**

#### **Option 1 (VACR Model as proposed):**

- Continue future meetings to secure stakeholder participation and roll out program.
- Cost implication: Using established civilian and sworn employees the coordination, collection, and preparation of eligible files would take place quarterly and span across all eligible files. An estimated 40 to 80 hours of analytical preparation would be required per quarter along with administrative and processing expenses such video reproduction.
- Other risks: As described above, the volume of files may prove to be challenging. As well, given a relatively small qualified stakeholder group and a well-connected HRM community, there is a risk for potential conflicts arising, as described above.

#### **Option 2 (Case Conference Model):**

- Create a hybrid customized Case Conference review model, utilizing identified community partners and stakeholders representing a wider population of HRM. These stakeholders would be from the sphere who serve sexual assault survivors within HRM.
- Participants would be appropriately qualified members from diverse communities reflecting the diversity of needs and lived experiences.
- Files would not be reviewed if they are closed at the request of the survivor.
- Additional resource requirements would include analytical work as well as administrative workload either comparative or lower than Option 1.

#### **Option 3 Status Quo:**

- Continue to operate SAIT investigations within HRP in its current form
- Continued risk of non-transparency
- Continued risk of not receiving valuable input from community stake holders.
- Cost implication: Zero

### **Next Steps:**

Based on discussions with HRP, RCMP and Ms. Marriner, while we continue to explore the proposed VACR Model, there is a growing recognition for a need to put a program in place guided by these principles. As next steps, the team will meet for another round of consultation with Ms. Marriner and other identified stakeholders and it is recommended that an update be provided to BoPC on the way forward.