



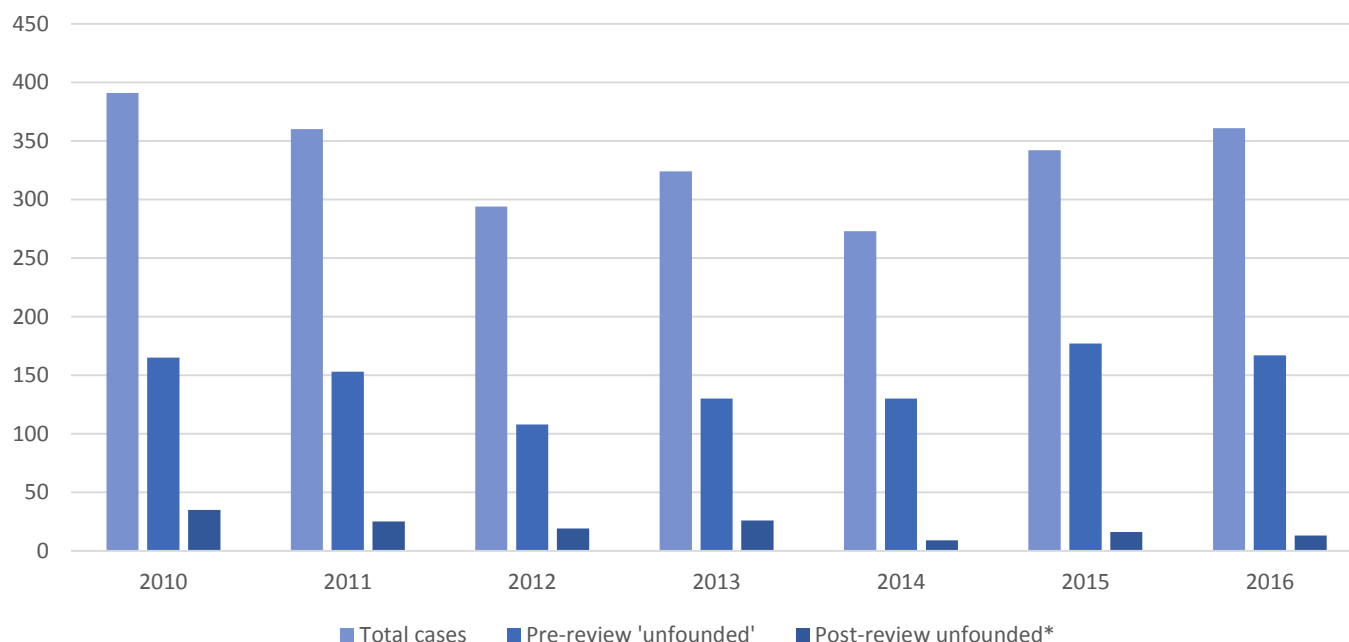
The findings and the future

A review of 'unfounded' sexual assault investigations

The London Police Service (LPS) is committed to providing the best possible victim-centred response to crimes of sexual violence. As part of this commitment, a review of the 1,030 cases coded 'unfounded' between 2010 and 2016 was conducted to determine if each was appropriately coded. The review also examined how training can continuously be enhanced and it explored ways to better respond to the needs of victims and engage with community partners.

The review determined that six percent of cases during the time period were unfounded.

Pre- and post-review 'unfounded'



The purpose was not to reinvestigate any individual case but to conduct an analysis of the outcome of the investigation and how those incidents had been coded and cleared.

The review has been concluded and this report serves to provide clarity on how the LPS has been using Statistics Canada clearance codes and our commitment to move forward to ensure victims of sexual violence have confidence in reporting these crimes to police, knowing they will be treated with dignity and compassion.

The Findings: Founded or unfounded

All sexual assault investigations between 2010 and 2016 coded as 'unfounded' were analyzed to determine if it was an appropriate classification. As a result of the review, the LPS has changed the manner in which sexual assault cases are classified to be more reflective of a victim-centred approach.

Prior to this review, sexual assault investigations were coded based on the following parameters:

Founded

- Investigation has led to reasonable grounds to believe an offence occurred and the matter has either been cleared by charge or cleared otherwise
- The matter is still under investigation or a suspect cannot be identified or is unknown, but there are reasonable grounds to believe an offence occurred

Unfounded

- Investigation does not reach the threshold of reasonable grounds required to lay a criminal charge
- Incident is reported to police but the complainant/victim does not want to participate in an investigation or does not want to proceed further in the investigation
- A false allegation that is proven to be false with corroborating evidence other than from the accused, or the complainant admits to making a false complaint

The core of this review was an assessment of each individual 'unfounded' case to determine why it was coded as such.

Based on the file review it was determined that the cases fell into one of the following categories:

1. Complainant withdrew from investigative process: it is LPS practice to respect the request of the complainant and not proceed with an investigation if the complainant opts to not proceed
2. No reasonable grounds exist: the investigation did not meet the threshold of reasonable grounds to proceed with criminal charges
3. Third-party reported: in these cases, the sexual assault was reported by someone other than the victim and the victim was unwilling to proceed, unknown or not located
4. Incorrectly coded as unfounded: These incidents were found to have had reasonable grounds but no charges were laid for a variety of reasons, including that the victim did not want to proceed with charges
5. False complaint: These are reports that have been proven to be false based on tangible evidence beyond exculpatory statements by suspects, such as video evidence or admission by the complainant

Statistics Canada coding options

Statistics Canada's Uniformed Crime Reporting Survey (UCR) collects incident-based data on the nature and extent of crime that has been substantiated by police in Canada. The information collected includes the number of criminal incidents, clearance status and persons charged information.

Statistics Canada only has two categories of clearance codes – founded and unfounded. Although it allows police to use internal codes such as "inactive" or "unsubstantiated," it is only the criminal incidents that fall in the founded category that are reported to Statistics Canada.

6. Other: These cases did not fit any other category and include incidents where there is no criminal offence, duplicate occurrence or the incident did not occur in LPS police jurisdiction

Review of Unfounded Sexual Assault case coding 2010-2016								
	2010	2011	2012	2013	2014	2015	2016	TOTAL
Total sexual assault investigations	391	360	294	324	273	342	361	2345
Pre-review 'unfounded'	165 (42%)	153 (43%)	108 (37%)	130 (40%)	130 (48%)	177 (52%)	167 (46%)	1030 (44%)
Post-review 'unfounded' *	35 (9%)	25 (7%)	19 (6%)	26 (8%)	9 (3%)	16 (5%)	13 (4%)	143 (6%)
Detailed re-coding of previously unfounded cases								
1. Complainant withdrew from process/refused to participate	37	41	19	34	48	73	76	328
2. No reasonable grounds/unsubstantiated	70	71	48	53	59	75	72	448
3. Third-party reported	3	2	3	3	6	8	1	26
4. Incorrectly coded as unfounded	20	14	19	14	8	5	5	85
5. False complaint*	31	23	16	24	6	13	13	126
6. Other*	4	2	3	2	3	3	0	17

* Post-review 'unfounded' includes false complaints and other. For example, in 2010 there were 31 false complaints and four other coded as unfounded for a total of 35.

Moving forward, LPS reporting of crime data will be in a manner that is more victim-centred and correctly conveys belief in the victim. The use of the clearance code 'unfounded' will only be used in those cases where it has been determined through credible evidence that the offence did not occur or there was no violation of the *Criminal Code* or other federal statute.

Statistics Canada and the Police Information and Statistics Committee (POLIS) have been working to finalize and implement recommended changes to Statistics Canada's Uniformed Crime Reporting Survey. It is expected changes will be in place and training for police and records management personnel will begin by the fall/winter of 2017/2018.

The Future: Moving to a more victim-centred approach

The LPS is committed to providing the best service possible in response to victims. Investigators and senior leaders have been working collaboratively with community and justice partners to develop best practices and evidenced-based, trauma-informed investigations to provide an improved response and more support for victims of sexual violence.

In consultations with partners, several areas requiring an investment and enhancement in training have been identified. Additional training is being developed and will be provided to sexual assault investigators in the areas of:

- The law of consent
- Consent and capacity
- Defences
- Neurobiology of trauma
- Myths and stereotypes
- Trends, cases and developments in law

In addition, discussions with the Regional Sexual Assault Crown Attorney regarding topics such as sexual assault prosecutions and trauma-informed investigations are underway. Investigators also meet regularly with the Middlesex County's Crown Attorney's Office for advice and discussion about investigations and ongoing prosecutions.

"Unfortunately, categorizing investigations in which there was inadequate evidence to support a charge or the complainant decided to not participate, as unfounded left the incorrect impression that victims were not believed by investigators. This is categorically incorrect."

Chief John Pare

Anova and the London Police Service hosted a seminar called *Minimizing Trauma for Survivors of Sexual Violence* for police officers from across the province in June 2017. The seminar included subject-matter experts as well as a survivor panel.

Discussions with the Regional Sexual Assault and Domestic Violence Treatment Centre at St. Joseph's Health Care London about how to better serve victims of sexual violence during the early stages of the investigation are ongoing. This includes efforts to mitigate multiple interviews with victims by assigning sexual assault investigators at the time an incident is reported.

LPS is also working with community partners to update and improve an information pamphlet for victims of sexual violence.

Advisory committee and community case reviews

An advisory committee is being created, with the support and advice of Jane McGregor, Anova's Director of Community Programs and the former Executive Director of Sexual Assault Centre London. It will be comprised of community representatives and LPS members.

This committee will work with the LPS to develop the terms of reference for a community-based case review process. While the LPS supports the creation of a made-in-Ontario model, this initiative is informed by the "Philadelphia Model" which enables an outside, expert review to ensure cases are properly and thoroughly investigated.