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Prince Edward Island - Review of Unfounded Sexual Assault Case Data

The Government of Prince Edward Island and Island police agencies are continually improving our response to sexual violence in the province.

In early 2017, the Government of Prince Edward Island asked Prince Edward Island police agencies for a retrospective review examining the classification of unfounded sexual assault cases.

The goal of the review was to:

- obtain a better understanding of local unfounded sexual assault case findings
- ensure consistent and accurate reporting of sexual assault cases
- make sure the necessary resources are in place to support victims reporting sexual assaults
- inform where changes in policy and practice are required
- ensure supports for victims are closely aligned across agencies including police, victim services and community-based supports

Government asked police to review the classification of cases over the past three years (2014-16) and government has asked for agencies to report back by the end of March 2017.

All Island police forces had already undertaken some sort of review these files before the request was made by government and all Island police forces reported back with their review data.

Definitions

National standards in uniform crime reporting lay out the following definitions, according to the Canadian Centre for Justice Statistics, Statistics Canada (*more details attached in appendix 1*)

A case is deemed **founded** if, after investigation, it has been determined that the law has been broken. Founded cases must then be coded as '**cleared by charge**' if the suspect is charged, '**not cleared**' if the suspect cannot or is yet to be identified by police, or '**cleared otherwise**' if there was sufficient evidence to lay a charge but the individual was not charged for a specific reason.

A case is deemed **unsubstantiated** if, after investigation, it cannot be determined if a crime took place.

An incident is **unfounded** if, after investigation, the police determine the event did not occur, therefore no violations of the law took place.

Findings

A significant factor has been an unclear definition of the term “unfounded” in statistical reporting across police agencies and across jurisdictions.

PEI police agencies undertook a review of all unfounded sexual assault files. Charlottetown Police Services (CPS) and Kensington Police Service (KPS) reported data covering a period of three years (2014-16). RCMP and Summerside Police Services reported data covering a period of six years (2010-16).

The data provided below reflects statistics after file reviews were completed.

Time period	Police Service	Reported	Unfounded cases after file review	Comment
2014-16	CPS	107	54	Unfounded files were reviewed by CPS and determined to be scored accurately
2014-16	KPS	11	3	Unfounded files were reviewed by KPS and determined to be scored accurately
2010-16	SPS	149	14	Unfounded files were reviewed by SPS and 14 files required rescoring to "unsolved - unsubstantiated"
2010-16	RCMP	428	199	Unfounded files were reviewed by RCMP and 31 required rescoring. <ul style="list-style-type: none"> • 29 files were rescored to "unsolved - unsubstantiated" • 1 file was an assist file • 1 file required two scores: "unsolved - unsubstantiated" and “unfounded”

Actions Taken

Reviewing Cases

During the course of the review, PEI police forces identified cases where further review was required, and undertook to review those specific cases to confirm if the case was indeed unfounded.

Reporting

The Canadian Association of Chiefs of Police is working with Statistics Canada, other partners and independent experts to implement changes to how statistical information is gathered and reported. They are also developing an enhanced statistical reporting training material with training to be provided to police agencies in Canada in the spring of 2018.

Improving Investigations

A working group composed of PEI police chiefs, Crown Attorneys, Victim Services, justice policy and other officials is actively pursuing refinements in the current methodology for investigating sexual assaults in the province. This includes researching and assessing best practices in other jurisdictions, including various investigative oversight models.

Public Safety Canada has issued a publication “Investigations of Sexual Assaults in the Canadian Context” which has been shared with all police services in the province.

The Coordinating Committee Senior Officials (CCSO) Working Group (National) on Access to Justice for Adult Victims of Sexual Assaults is expected to develop a Handbook on sexual assault by Fall 2018. The Handbook is intended to serve as a tool for victim services, police and prosecutors and would include information about the impact of trauma on victims of sexual assaults

Training and Responsiveness to Victims

In March, representatives from the Crown, Victim Services and the PEI Rape and Sexual Assault Crisis Center attended the "Knowledge Exchange: The Criminal Justice System's responses to sexual assault against adults" conference.

In November, justice officials took part in a full day training entitled - *Neurobiology of Trauma, and Forensic Analysis: Obtaining the Best Evidence from a Complainant and Presenting that Evidence Before a Court.*

The training was presented by Dr. Lori Haskell and RCMP Forensic Laboratory specialists. This workshop was organized by the Sexual Assault Response Committee of the Premier's Action Committee on Family Violence Prevention, with funding from the Department of Justice Canada.

Dr. Lori Haskell's Workshop included training on the neurobiology of traumatic experience, best practices in interviewing victims, exploring assumptions and biases and other topics. The RCMP Forensic Laboratory workshop included information on the new Sexual Assault Evidence Kits, information on gathering/preserving evidence for forensic analysis, and an overview of the process used by the RCMP forensic laboratory.

There were 42 participants including representation from the Crown, Victim Services, two police instructors and 21 police officers from all Island police forces.

RCMP

National RCMP Headquarters has created a Sexual Assault Review Team (SART) with the mandate - analyze divisional file reviews, consult internal and external subject matter experts (SME), including non-government organizations (NGO) and specialty groups. Its objective is to develop a RCMP National Sexual Assault Investigations training standard, with supporting national policy.

A report is expected by mid-December 2017 and is expected to include:

- More rigor in the sexual assault investigation procedures;
- Increasing understanding of victim trauma;
- Enhanced supervisory oversight of investigations;
- Discussion of best practices.

To address the issues related to coding of "unfounded" files in databases and statistical documentation, RCMP "L" Division is bringing a subject matter expert to the province to provide in service training to police services in the subject area.

Next steps - Enhancing supports and services

Government is committed to treating victims of sexual violence with care, respect and compassion. In enhancing supports and services to victims, the following principles will be held front of mind:

- evidenced-based jurisdictional best practices in investigation and response
- consistent investigations held to the highest possible standard
- accountability
- public trust in police sexual assault response

Government brought police agencies, justice partners and department staff together in November 2017 to discuss the findings and to identify opportunities to enhance supports and services to victims of sexual assault in PEI. This collaborative work will continue in January.

Areas for further discussion will include:

- Potential creation of a sex offence review committee representing police agencies, crown and victim services
- Oversight mechanisms to ensure accountability
- Exploration of alternative victim interviewing models that are sensitive to the neurobiology of victims of trauma
- Implementing more and regular training in trauma-informed interviewing
- Exploration of tiered investigation mechanisms to assure basic level awareness for all front line officers, with more intensive training for major crime type investigation and possibly an integrated investigative model to respond to serious or serial cases

In the Crime Prevention and Police Services Model Review, one recommendation for policing in this province was to enable integrated police teams across jurisdictions. The work on integrated teams is just beginning but one of the priorities will be to establish an integrated policing approach to responding to sexually motivated crimes.