

RCMP



ROYAL CANADIAN MOUNTED POLICE

THE WAY FORWARD:

The RCMP's sexual assault review
and victim support action plan

December 2017



Royal Canadian
Mounted Police

Gendarmerie royale
du Canada

Canada

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SUMMARY

Sexual assault is a devastating crime that has traumatic and long-lasting effects on victims. A negative experience with police investigators can bring more trauma to victims, and discourage others from reporting these crimes.

Earlier this year, RCMP Divisions¹ conducted a review of all unfounded sexual assault files from 2016. The RCMP created a team in Ottawa to review the divisional reports, assess all aspects of sexual assault investigations, consult with external stakeholders, partners and experts, and provide direction on how to improve RCMP investigations into these serious crimes.

The RCMP is committed to ensuring investigative excellence and support for victims of sexual assault in Canada. Our objectives are clear:

- treat victims of sexual assault with compassion, care and respect, informed by established evidence-based best practices;
- conduct sexual assault investigations across Canada consistently and to the highest professional standards, with oversight practices established to ensure the greatest level of accountability and stewardship of investigations; and,
- increase public awareness and trust of RCMP sexual assault investigations and encourage greater levels of reporting.

The RCMP is taking action to strengthen **police training and awareness, investigative accountability, victim support, and public education and communication.**

¹ Divisions are provinces and territories that contract policing services to the RCMP.

BACKGROUND

According to a 2015 Statistics Canada report, an estimated 635,000 incidents of sexual assault occurred in Canada in 2014, of which an estimated 90 per cent were not reported to police. Women were victims in 87 per cent of these incidents. These statistics have remained virtually unchanged since 2004, while the rates of all other types of crime decreased.

In the same survey, victims of sexual assault reported having lower confidence in police. Victims who did not report the incident to the police most commonly indicated that they felt the crime was minor and not worth the time to report.

In February 2017, *The Globe and Mail* published an investigative series on how police handle sexual assault reporting, highlighting that police classify, on average, one in five reported sexual assaults as unfounded. The reporting also uncovered stories that raise questions about how some investigators may treat victims of sexual assaults.

“UNFOUNDED”

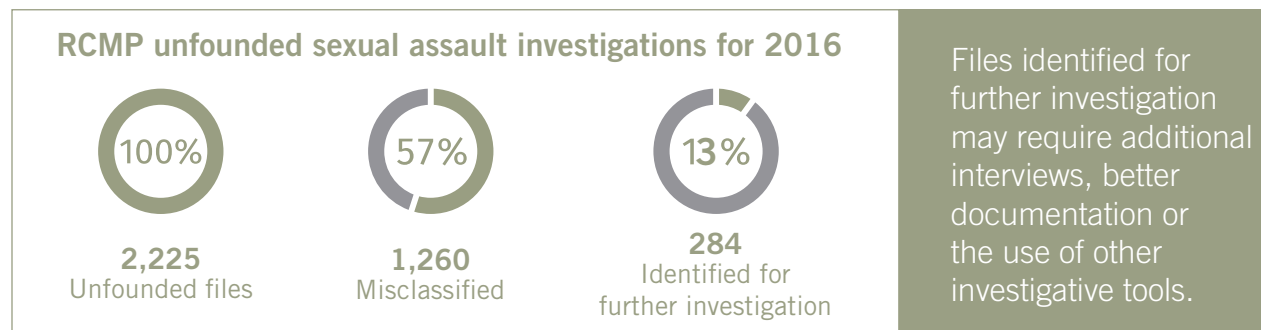
The Royal Canadian Mounted Police uses the Uniform Crime Reporting (UCR) Survey definition of unfounded when, **“after a police investigation it is concluded that no violation of the law took place or was attempted.”** This is consistent with all Canadian police services.

2016 FILE REVIEW

The RCMP examined all sexual assault files classified as unfounded from 2016 to ensure that investigations followed RCMP operational policy, all viable investigative avenues were pursued, and cases were accurately classified based on available information. The results made it clear that changes are necessary.

- The RCMP responded to **10,038 reported sexual assault** cases across Canada.
- Divisions reviewed **2,225 sexual assault** cases classified as unfounded.
- Divisions determined that **1,260 unfounded cases were misclassified**.
- Divisions and National Headquarters identified **284 files for further investigation**.
- Following the file review, the RCMP's 2016 **national average unfounded rate is actually 9.6 per cent, down from 22 per cent prior to the review**.

* All numbers in this report are current up to October 30, 2017



The review team also found qualitative issues with some investigations, including:

- insufficient documentation of how a case was pursued or why it was classified as unfounded;
- inconsistent oversight to ensure investigations were conducted, documented and classified properly; and,
- little knowledge of consent law by investigators.

The RCMP also conducted a sample review of 93 sexual assault cases from 2015. Reviewers found that investigators consistently misinterpreted the unfounded category.

ACTION:

- **The RCMP's file review has been expanded to include all sexual assault investigations not cleared by charge for calendar years 2015, 2016 and 2017. This work will be completed by the National Headquarters review team.**
- **The RCMP created a Best Practices Guide for Sexual Assault Investigations that complements RCMP policy and provides investigators with a reference guide and checklist to assist them in conducting comprehensive investigations.**

STAKEHOLDER CONSULTATIONS

The RCMP consulted with national and international law enforcement agencies and met with non-governmental organizations (NGOs) and government partners to discuss sexual assault investigational practices, policy, training and public engagement.

The NGOs included victim services professionals and victim/community advocates across Canada. These groups advised the RCMP on sexual assault investigation best practices, as well as challenges faced by victims, their families and victim support services when reporting sexual assault cases to police.

Stakeholder input, often validated by the sexual assault file review, focussed on four areas: police training and awareness, investigative accountability, victim support, and public education and communication.

The RCMP consulted with **30 NGOs** and **44 government partners**, including **victim advocates, Crown prosecutors and health care workers** in every RCMP contract policing Division.

POLICE TRAINING AND AWARENESS

Stakeholders indicated that police-held stereotypes about how victims of sexual violence should act, including expectations around victims' ability to consistently recount their stories, have led to sexual assault files being concluded too quickly or deemed unfounded.

The RCMP's file review supported these claims. Reviewers noted that some members equated inconsistencies in victims' statements with dishonesty, and demonstrated a general lack of awareness regarding how trauma might affect a victim's ability to recount events, or how instinctual and unconscious coping strategies may change or mask emotions.

While young women are the most vulnerable to sexual assault, they are not the only victims. Male victim support groups indicated that some men do not report sexual assaults because they feel they will be perceived as homosexual or un-masculine. Moreover, LGBTQ2+ victim support groups said that perceptions of police attitudes towards the community, as well as inconsistencies in how police identify intimate partner violence among same sex couples, were barriers to LGBTQ2+ individuals reporting.

Stakeholders also highlighted that police investigators were not always aware of recent consent case law. Victim advocates cited situations where investigations were closed once it was determined that the victim did not say 'no,' but had indicated through other means that the sexual act was not wanted.

Sexual assault investigations are complex and stressful for victims, witnesses and investigators. Police investigators must have trauma-informed, victim-centric investigative training, as well as easy access to the latest case law, legislation and science concerning sexual violence.

ACTION:

- **The RCMP will develop a sexual assault training curriculum that addresses existing legislation and consent law; focusses on trauma-informed investigative tools and approaches, and gender-based violence; highlights common myths and stereotypes; reinforces victim rights and support services; and, bolsters supervisory oversight and review. This training will be inclusive of vulnerable populations including but not limited to: Indigenous people, senior citizens, persons with disabilities, sex trade workers, children and youth under 18. It will also be reflective of the diverse cultures and communities the RCMP serves.**
- **RCMP Divisions will share components of the RCMP training curriculum with all employees who may interact with sexual assault victims and/or support investigations.**

INVESTIGATIVE ACCOUNTABILITY

Classifying a sexual assault file as unfounded is accurate in some cases. However, stakeholders stressed that incorrectly classifying a file as unfounded negatively impacts public perceptions of how police investigators handle sexual assault reports, and could discourage victims from reporting these crimes to police. Victims may be at further risk if perpetrators are not pursued because a file is incorrectly closed, and perpetrators may be emboldened if they believe they are unlikely to get caught.

In 2000, the Philadelphia Police Department was criticized for how it investigated and classified sexual assault cases. This led to the establishment of an external oversight committee (the Philadelphia Model) made up of police, relevant government departments and NGOs to annually examine all sexual assault cases classified as unfounded. The rate of unfounded cases in Philadelphia dropped to four per cent; lower than the American national average of seven per cent.

ACTION:

- **The RCMP will form a national unit to provide training, guidance and oversight for sexual assault investigations, and to work with Divisions to establish external advisory committees, where appropriate, to provide advice and guidance on sexual assault files where the RCMP is the police of jurisdiction.**
- **The RCMP will update its policies and procedures to direct that investigators must provide clear justification for classifying a file as unfounded, and the classification must be approved by the immediate supervisor.**
- **The RCMP will continue to work with partners and stakeholders, including NGOs, to consult on the development of training, public awareness and internal policies associated with sexual assault.**
- **Each RCMP Division will put in place a process to ensure appropriate supervisory oversight of sexual assault files.**

VICTIM SUPPORT

Victim support advocates highlighted that victims of sexual violence who report to police are seeking a welcoming, secure and private environment that encourages trust and empathy. They also stressed that victim services programming is critical to reducing the effects of victimization and re-victimization, and stated that police officers must be aware of available victim services in their jurisdictions.

Stakeholders across the country also highlighted how important it is for police and victim services providers to forge strong partnerships. Several stakeholders shared examples of existing police-victim services partnerships that work well, but others noted that more could be done in some jurisdictions.

Stakeholders also cautioned that, because of physical or emotional trauma, some victims may not be able to give informed consent to a victim services referral. In these cases, stakeholders supported respectful proactive referrals, where police contact victim services on behalf of the victim. Victim services then contacts the victim to offer services. The RCMP's Victim Assistance policy instructs members to conduct an assessment of each situation to determine if conditions exist for a proactive referral.

ACTION:

- **RCMP Divisions will establish protocols for providing safe, secure and private environments for victims to report sexual assault.**
- **Employees that interact with victims of sexual assault will be given a list of available victim services programs, and clear procedures for referring victims.**
- **Investigators, supervisors and detachment commanders will strengthen relationships with victim services partners, and hold regular meetings to share information, identify concerns and work collaboratively to support victims.**
- **The RCMP will continue to explore alternative options for victims to report sexual assaults, such as third party reporting.**

PUBLIC EDUCATION AND COMMUNICATIONS

Statistics Canada annual crime reporting is clear: the overwhelming majority of sexual assault victims do not report the incident to the police because they feel the crime is minor and not worth the time to report. Victims of sexual assault also report having lower confidence in police.

Stakeholder consultations consistently raised that victims may also avoid reporting sexual assaults for fear of the unknown. Victim support advocates stated that law enforcement should provide the public with accessible information about what victims can expect when reporting sexual assaults, and how police can help identify victim support services.

ACTION:

- **The RCMP will develop public awareness products that encourage victims to report allegations to police, and explain what victims may expect when reporting a sexual assault.**

SUMMARY OF RCMP ACTIONS

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