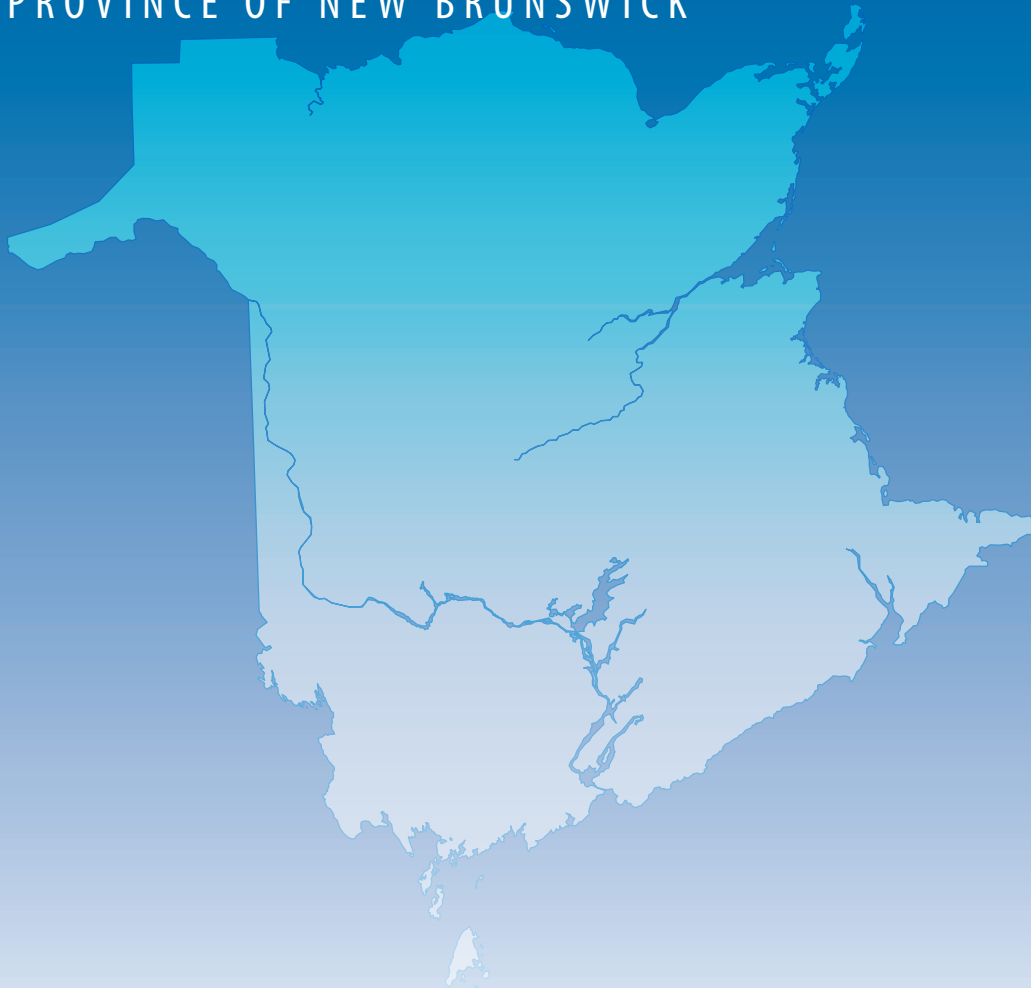


SEXUAL CRIMES

REVIEW 2017

PROVINCE OF NEW BRUNSWICK



Sexual Crimes Review, 2017

Province of New Brunswick
PO 6000, Fredericton NB E3B 5H1 CANADA

www.gnb.ca

ISBN 978-1-4605-1454-2 (PDF: English)
ISBN 978-1-4605-1455-9 (PDF: française)

11565 | 2017.12

Background

A Globe and Mail (Globe) article published in February 2017 entitled *Will the police believe you?* resulted from a 20-month investigation into sexual assault investigations conducted by police services across Canada. The Globe collected data from 870 police services across Canada for the years 2010 to 2014.

According to the Globe's findings, Canada's national average of unfounded complaints was 19.39 per cent with New Brunswick having the highest rate at 32 per cent. In its findings, the Globe also noted there are some regions in the country where sexual assault victims are more likely to be believed and that in fact, police dismiss one out of five complaints as unfounded, meaning that in those cases police believe the crime didn't happen.

The national standards according to the Uniform Crime Reporting (UCR) Survey issued February 14, 2017 by Canadian Centre for Justice Statistics (CCJS), Statistics Canada, indicate that the criteria for clearing incidents as **unfounded** is as follows:

*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.***

Following the release of results from the Globe's article, the Canadian Association of Chiefs of Police (CACP) issued a statement dated February 10, 2017 requesting that all police services review practices around sexual assault investigations. All 10 police agencies¹ in New Brunswick committed to review their sexual crime investigations for a five-year period. The Minister of Justice and Public Safety also requested that the agencies involved submit their findings to government.

The purpose of the review was to determine whether reported sexual crime incidents were thoroughly and adequately investigated and scored according to the UCR Survey, a mandatory reporting survey submitted by Canadian police services to the CCJS on a monthly basis.

Following the province wide review, the RCMP and municipal/regional police forces produced review reports containing findings, identifying gaps, and presenting recommendations that would improve police service delivery in the investigation of sexual crime and those finding themselves victim to such crimes.

Through the review process it was clarified that "unfounded" is not only applied as a code in instances where an investigation has determined no criminal code offense occurred. It also applied to cases where false allegations were made, incidents were reported by a third party that are later found to have been baseless and incidents that did occur but were not criminal in nature.

¹ New Brunswick's 10 police agencies are Bathurst City Police, BNPP Regional Police Force, Edmundston Police Force; Fredericton Police Force; Grand Falls Police Force; Miramichi Police Force; the Royal Canadian Mounted Police (RCMP); Kennebecasis Regional Police Force; Saint John Police Force and Woodstock Police Force.

Summary of Findings

Data for the reporting period of 2010 to 2014 was collected from all nine municipal/regional police forces which were responsible for the investigation of one-third of all sexual crimes in New Brunswick, with the RCMP responsible for the remaining two-thirds of these cases.

While methodology varied slightly between the RCMP and municipal/regional police forces in their respective reviews, the reviews were comprehensive and thorough, and the findings were similar.

New Brunswick's nine municipal/regional police forces reviewed all sexual crimes from the complete 1300 Uniform Crime Reporting (UCR) series (1310 to 1390) for the reporting period of 2010 to 2014 and reported their results using a quality assurance guide and matrix developed by the Department of Justice and Public Safety. Municipal/regional police forces examined all unfounded complaints to verify scoring and incident clearance status. Once this was completed, all complaints were reviewed using the matrix and quality assurance guide. A random sample of all founded sexual crime complaints was also selected and reviewed.

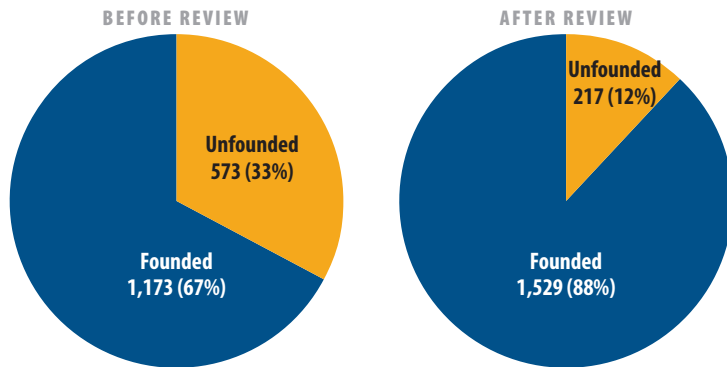
RCMP J Division conducted comprehensive reviews of the unfounded sexual assault occurrences for 2011 through 2015, as well as 2016 using a National Quality Assurance guide. Occurrences that were deemed to have deficiencies in the investigations were flagged and a detailed review was administered using a quality assurance guide for sexual assault complaints prepared by J Division Criminal Operations – Core Policing. Reported sexual assault occurrences from two time periods — January 1, 2011 to January 1, 2016 and January 1, 2016 to January 1, 2017 — were filtered by UCR codes 1310 to 1356.

While the scope of the review varied between J Division and the municipal/regional police forces, all 10 police agencies included files on the following type of offences in their respective reviews:

- Aggravated sexual assault with restricted/prohibited firearm for criminal organization
- Aggravated sexual assault with firearm
- Aggravated sexual assault without firearm
- Sexual assault with restricted/prohibited firearm for criminal organization
- Sexual assault with a firearm
- Sexual assault with other weapon/cause bodily harm/threats to a third party/with accomplice
- Sexual assault
- Sexual interference
- Invitation to sexual touching
- Sexual exploitation of young person
- Sexual exploitation of person with disability

Municipal/regional police forces reviewed the files involving 1746 sexual crime occurrences from the 2010-2014 period. Among these files, 573 were scored as unfounded and underwent a further review. At the conclusion of the review, 217 files remained scored as unfounded. Every municipal/regional police force saw a reduction in the percentage rate of its unfounded files for that time period once the review was complete.

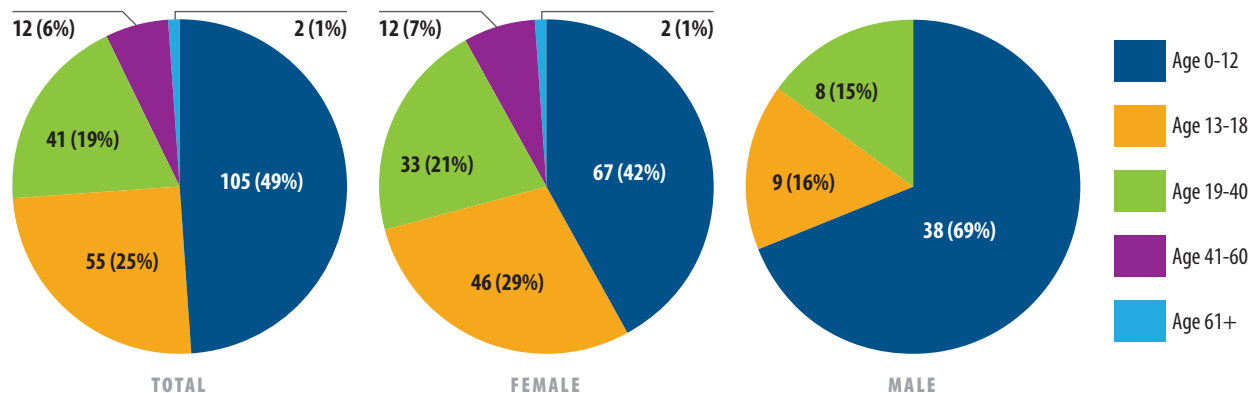
Municipal police files involving sexual offences, 2010-2014 (1,746 files)



The review revealed that all municipal/regional police forces, to varying degrees, incorrectly applied the unfounded code. In some cases the primary offence was mistakenly classified (for example, a sexual interference investigation classified as a sexual assault.) Statements were taken or attempted in most but not all of the files. Another observation noted a lack of written direction by supervisors in some cases.

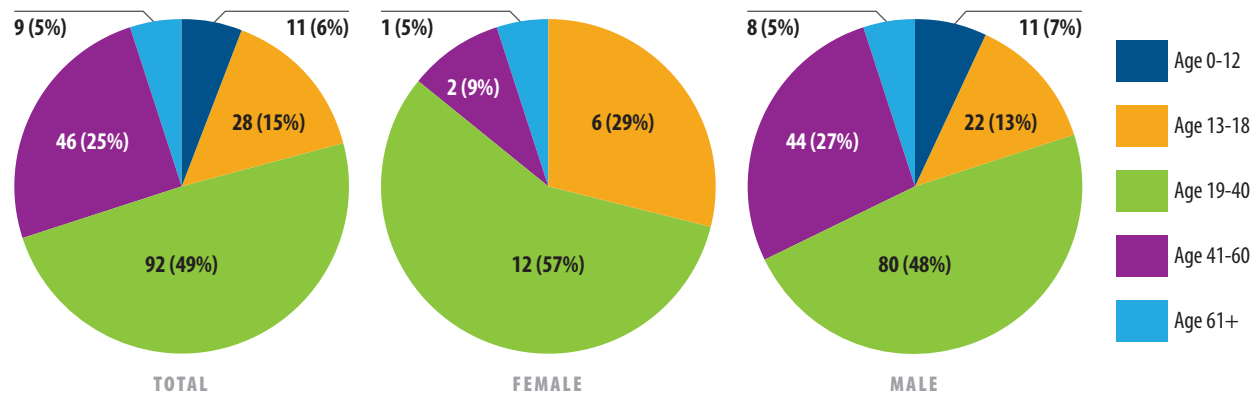
The review further revealed a unique and disproportionate number of victims of unfounded crimes as being youth, up to and including those of age 18 years. Of those victims, almost half were from 0-12 years in age with three times the total number being female. Suspected perpetrators of the offence were predominantly male, between the ages of 19 and 60.

Age range of reported victims



* Two reported victims' age was unknown.

Age range of reported suspects



* 31 reported suspects' age and/or gender was unknown

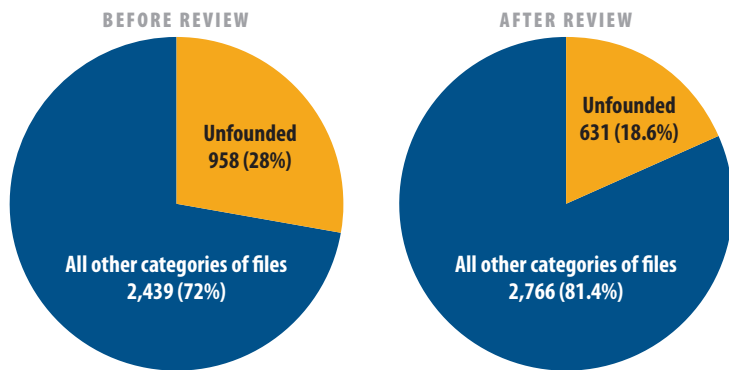
Category of Data	Unfounded (all unfounded files reviewed)		Founded (from random sample)	
	Number	Per cent	Number	Per cent
Victims				
1. Child under 18 or Adult at time of incident	168	73.4	270	58.4
2. Intimate Partner Violence	2	0.9	23	5.0
3. Victim statement obtained or attempted	202	88.2	424	92.0
4. Medical attention required	12	5.2	39	8.4
5. Victim Service and/or Social Development referrals	165	72.1	299	64.7
6. Complainant/Victim kept updated	205	89.5	385	83.3
Investigations				
7. Investigator has specialized training for complex cases	198	86.5	343	74.2
8. Exhibit handling	78	34.0	176	38.1
9. Relevant medical records obtained	14	6.1	33	7.1
10. Crime scene examined; evidence seized	11	4.8	37	8.0
11. All witness statement(s) obtained or attempted	133	58.1	262	56.7
12. Other avenues of investigation pursued	80	34.9	257	55.6
13. ViCLAS booklet submitted	36	15.7	214	46.3
Suspects				
14. Suspect arrested	18	7.9	105	22.7
15. Suspect statement obtained or attempted	88	38.4	306	66.2
16. Victim notified of suspect release and any conditions	7	3.1	75	16.2
17. Charges recommended to Crown	5	2.2	112	24.2

J Division identified 3,397 files involving sexual offences from the 2011-2015 period. Among these files, 958 (28 percent) were scored as unfounded and underwent a further review.

It was noted that the majority of 958 occurrences reviewed for the years 2011 to 2015 were deemed to have some deficiencies. Common deficiencies noted include a lack of documentation and consistency in the investigation; delays in the investigation and a lack of follow up; and a lack of interviews from victims, witnesses and subjects of complaint.

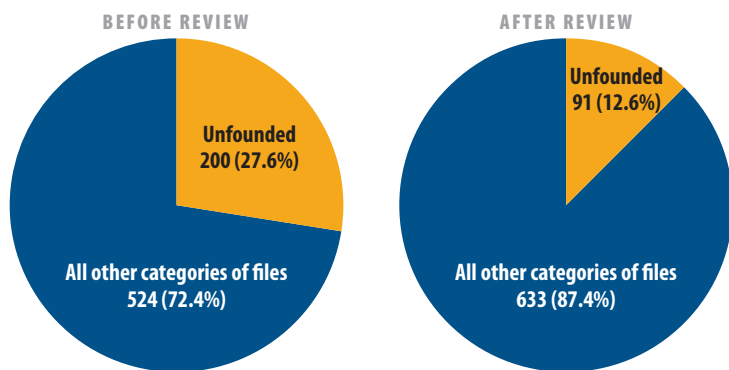
Following the review 631 (18.6 percent) of the 3397 files involving sexual offences for the years 2011-2015 remained scored as unfounded.

RCMP J Division files involving sexual offences, 2011-2015 (3,397 files)



For the 2016 review period, there were 724 files involving sexual offences. 200 (27.6 percent) were scored as unfounded and underwent a further review. Following the review of the 2016 files involving sexual offences, 91 remained scored as *unfounded*. The review of these files noted deficiencies in interview techniques from investigators and insufficient oversight by supervisors. As well, 52 files were flagged in the initial review as having an incorrect clearance status (UCR scoring) as the only issue.

Files involving sexual offences, 2016 review period (724 files)



The analysis of the files for all review periods by all police agencies revealed common observations:

- The needs of the victims must be prioritized: access to Victim Services should be offered on each complaint. In some instances, referrals are either not occurring or not being articulated. There is a need for investigations to be trauma informed and victim centric.
- Incorrect UCR scoring was noted across all review years.
- Officers are not included or involved in key parts of the investigation, namely obtaining statements, relying on information obtained by third parties to conduct the investigation.
- Thorough and well documented investigation reports under the appropriate direction and guidance of supervisors are required.

Additionally, the review revealed:

- To a great extent, sexual offences in New Brunswick are crimes of violence perpetrated by men on women which is identified as a barrier to achieving equality for women. As a result, further work to address sexual offences effectively must be mindful of the significantly gendered nature of the problem.
- To a greater extent than many appreciate, sexual offences in New Brunswick are also crimes perpetrated by adults on children and youth. In this regard, additional analysis is required to assess the extent to which sexual violence against children and youth required different approaches to that against women.

The reviews identified common opportunities for improvement for J Division and the municipal/regional police forces, including increased supervisor review and oversight; continued collaboration and coordination with partner agencies; and increased training.

Next Steps

It is unclear whether the Globe's investigative series examined sexual crimes outside of sexual assaults (UCR 1330). Nevertheless, the series triggered an important dialogue for police agencies, advocates, service providers and others across the country on how to ensure confidence and integrity in the system for victims of sexual crimes.

Complaints of sexual offences being closed as "unfounded" can exacerbate an already significant problem of sexual crimes being under-reported. It is essential not only that improvements be implemented but that they be seen to be implemented. The tragedy of under-reporting cannot be addressed until those who experience sexual offences are confident a report will achieve a response that is not only professional and effective but also respectful and validating.

The reviews conducted by all 10 police agencies in New Brunswick provide valuable insight in how sexual crimes are investigated. To this end, the Government of New Brunswick, through the Department of Justice and Public Safety, has engaged a stakeholder group consisting of the New Brunswick Police Commission, the New Brunswick Women's Council, the Fredericton Sexual Assault Crisis Centre, the Office of the Child, Youth and Seniors' Advocate, the Government of New Brunswick's Women's Equality Branch, the New Brunswick Association of Chiefs of Police and the Royal Canadian Mounted Police "J" Division to examine opportunities for improvement based on the data and develop recommendations.

There are many reasons why a victim will not report to police. A sexual crime is not like other crimes — its profound effects can last a lifetime. We have a responsibility to address the barriers victims face and ensure they are supported along the entirety of the criminal justice system.