

Sexual Assault Advisory Committee

Case Review Outcome

Executive Summary

In 2017, Robyn Doolittle, a reporter with the Globe and Mail released an article highlighting the number of “unfounded” cases of sexual assault within Canadian Police services.

Later that same year, the Halton Regional Police Service engaged in an exploratory process that was two pronged; the first was to survey victims of sexual violence requesting feedback about their investigative experience and the second, to host a forum for all police services to better understand the “*Philadelphia Model*” of case review.

The Philadelphia Model was developed when a Police Chief reached out to the Women’s Law Project and various other community agencies to review all sexual assault investigations coded as “unfounded” and then, make recommendations for change that could help restore community faith in the experience of reporting sexual assault to that Police service. Created in 2000, it was considered a bold and innovative move at the time. Due to its success, it has been replicated by a number of U.S and Canadian Police Services.

In 2018, the Halton Regional Police Service took an important step towards enhancing the Service’s Sexual Assault investigative process. A key tool in this work resulted from the development of the Sexual Assault Advisory Committee (SAAC) comprised of community partners in the field of survivor support and counselling. A key element of their work was to review “unfounded” sexual assault investigations and make recommendations to effect meaningful change.

In 2019, the Halton Regional Police Service became the first police service in Canada to introduce a novel approach to how Sexual Assault Investigations are handled. This evolution has resulted in a more holistic, victim-centred approach to these types of investigations. From the initial disclosure through to the conclusion of the investigation, the sexual assault survivor is offered support and guidance, and is thereby more empowered to have some control over the process.

“Survivors of sexual assault deserve to be fully informed of their rights and options, and to receive emotional support and compassion when they come to us for help,” says Deputy Chief Jeff Hill. *“With the assistance and guidance of the Sexual Assault Advisory Committee, our new Sexual Assault Investigative process has enhanced our ability to provide that support.”*

“The collaboration of the community agencies and partners with the Halton Regional Police Service has made tangible improvements to how we do our work,” says Chondrena Vieira-Martin, SAAC member and Executive Director of Thrive Counselling. *“We believe these changes can allow survivors to increase their confidence in the systems available to support them.”*

The Sexual Assault Advisory Committee continues to develop and support new practices, procedures and training to enhance knowledge and better support the Halton Regional Police through sexual assault investigations.

Sexual Assault Advisory Committee

In May of 2017, the Sexual Assault Advisory Committee (SAAC) was created with the intent to provide guidance, share information, identify and address gaps and promote the inclusion of survivor voices.

The SAAC recognizes the systemic and societal structures that promotes and allows sexual violence to exist and is deeply committed to changing systemic practices and conducting activities in a manner that supports inclusion, welcomes diversity and is equitable and respectful both internally and externally.

The members meet monthly and consist of the following front-line service providers:

- Elizabeth Fry Society
- Thrive Counselling
- Halton Violence Prevention Council
- Halton Regional Police
- Halton Women's Place
- Nina's Place, Joseph Brant Hospital
- Trauma Therapist - Private Practice
- Radius Child & Youth Services
- SAVIS of Halton
- Victim Services Unit (Halton Regional Police)

By 2018, the Sexual Assault Advisory Committee had created a strategic plan which included conducting Case Review as a mechanism to create system improvements such as increasing awareness of the investigative and criminal justice process, expanding and refining training for officers and increasing opportunities for support and resources for victims/survivors.

Case Review

Case Review refers to the comprehensive review of a series of sexual assault investigations in the areas of; how the initial call for service came into the Halton Regional Police, how the occurrence was recorded and shared, how interviews were conducted, what evidence was gathered, which witnesses were interviewed and finally, how the investigation was coded and closed.

In keeping with the values of the SAAC, the Review Team conducted reviews in a manner that supports inclusion, diversity and respect for survivors. For this reason, members of the Review Team were carefully selected based on their front-line service lens.

Initially taking place twice a year, each Case Review process occurred over a 3-day or 5-day block of 8 hours/day.

Each Case Review incorporated approximately 15-25 investigations that were coded as “unfounded” as well as a small sampling of other coded investigations that were not cleared by charges.

After each Case Review was conducted, a detailed tracking sheet was created and provided to the Halton Regional Police Service. Within 30 days, the members of the Case Review Committee met with Senior Command of the Halton Regional Police to discuss the findings and then, a formalized report was drafted and presented to the Police Services Board.

It should be noted that where possible, HRPS provided prompt and attentive responses to recommendations arising from Case Review. However, the nature of some recommendations required on-going or longitudinal responses which require tracking over a period of time.

As a result of these investigative Case Reviews, the Review Team made recommendations in the following areas;

1. *The Victim Services Unit of the Halton Regional Police*
2. *Vulnerable Populations*
3. *Investigations*
4. *Cautioning Suspects*
5. *Documentation*
6. *Training*
7. *Other*

1. *Victim Services Unit of the Halton Regional Police*

The Halton Regional Police Victim Services Unit provides outreach and support to over 4,000 victims of crime and trauma each year. In an effort to reduce the impact of trauma and ensure that all affected persons receive support, they offer a number of different programs, two of which directly relate to survivors of sexual violence.

The first program is the Victim Quick Response Program that offers limited financial assistance to survivors of sexual violence and the second, the Facility Dog Program that provides the option of having a certified Facility Dog available for added survivor support. For these reasons as well as the trends identified through the victim survey conducted in 2017, it was a natural progression to see the Victim Services Unit (VSU) become more involved with survivors.

Two fundamental changes were implemented within the Halton Regional Police:

✓ ***Sexual Assault Information Guide***

A collaborative effort among all front-line service providers, the guide highlights the sexual assault process from the initial disclosure all the way through to the conclusion of the investigation.

Recognizing the empowering role of knowledge and that everyone has differing levels of information, the guide defines critical terms such as sexual assault and consent and identifies various options for reporting. In addition, the guide highlights specifics about the investigative and criminal justice process, identifies coping strategies, available financial assistance and available resources for support. While this guide is a comprehensive and informative tool for survivors, it could not fully ensure that survivors were able to integrate all needed information.

✓ ***Victim Services as First Point of Contact***

In 2018, a recommendation was made by the Victim Services Unit to reverse engineer the process for reporting sexual assault. This would see Victim Services as the first point of contact with the goal to review the contents of the Sexual Assault Information Guide before moving forward with disclosure. This bold departure was supported by the SAAC and immediately embraced by the Halton Regional Police Service who implemented this as a pilot later that same year.

With Victim Services as the first point of contact, the Halton Regional Police feel confident in the knowledge that survivors receive a consistent level of support and care that includes a review of the Sexual Assault Information Guide, access to the Victim Quick Response Program and access to the Facility Dog.

In 2019, Halton Regional Police adopted into policy that Victim Services is the first point of contact for all survivors of sexual violence wishing to report to the Halton Regional Police.

2. Vulnerable Populations

Individuals with vulnerabilities were regularly identified within the Case Review process and represent an additional complexity for law enforcement. Such individuals are at high risk for unintended negative bias in investigations. As bias is unavoidable, training that improves officer's ability to understand their own bias and learn strategies to reduce its negative impact is critical.

The following recommendations were presented to the Halton Regional Police;

- ✓ Ensuring that investigations being conducted into occurrences that have taken place within a facility such as a group home, correctional facility, long term care, etc. are conducted in an independent manner
- ✓ Bias awareness for past unfounded cases within a group home setting

- ✓ Training on the Neurobiology of trauma
- ✓ Increase knowledge around sexual assault during incarceration
- ✓ Training on concurrent disorders
- ✓ Use of appropriate and consistent language when referring to disabilities
- ✓ Younger victims have the opportunity to speak privately without parental presence
- ✓ Enhanced awareness by interviewers regarding parental influence during interview
- ✓ Ensure young victims understand what constitutes legal consent

3. Investigations

It was noted that the CASA Unit has some very skilled officers who demonstrated their knowledge and commitment to engage carefully and skillfully with victims. To that end, it was recommended that these officers set the standard and their interviews be used as a training tool for newer less experienced officers who are very keen to learn.

The following recommendations were presented to the Halton Regional Police:

- ✓ All victim interviews be conducted in soft interview rooms, regardless of gender
- ✓ Interviews are conducted in a manner that challenges rape myths and victim blaming
- ✓ Reduce expectations on the immediacy of victim interviews so survivors can rest after experiencing trauma and be better able to participate in interview
- ✓ Support person or Facility Dog offered for survivors during police interviews
- ✓ Regular check ins with survivors during interviews to ask if they would like a break versus waiting for the survivor to identify the need
- ✓ Interview rooms contains a blanket, Kleenex, resources and water to promote a more supportive space
- ✓ Investigators that demonstrate strong interview skills to be used to help build skills in other investigators
- ✓ Advise survivors about the reason for specific line of questioning during interview
- ✓ Amended Sexual Assault Information Guide to reflect line of questioning
- ✓ Investigator to normalize the impact of trauma on memory of events
- ✓ Interviews are conducted in victim's preferred location
- ✓ Close of investigation letters are provided to consenting survivors that identify critical information about their investigation including; the occurrence number, the current status of the investigation, the officer in charge of the investigation and community services available for support.
- ✓ First responders receive additional structured training on their role that determines how far they proceed with the investigation

4. Cautioning Suspects

In an effort to create consistency in terms of cautions, both for the suspect and the survivor, it was recommended that HRPS consider a protocol to follow when cautioning a suspect to ensure

consistent language is being used with the suspect and with the victim. This is necessary to ensure consistency and create awareness for cautions and their role.

The following was implemented within Halton Regional Police:

- ✓ Sexual Assault Information Guide updated to include information about “Cautions” that is presented to a survivor before the interview is conducted
- ✓ CASA investigators endeavor to conduct cautions on video whenever possible.
- ✓ Consistent language is used for each caution provided

5. Documentation

The following recommendations were presented to Halton Regional Police:

- ✓ Eliminate where possible the use of the term “alleged”
- ✓ If a video or audio statement was not taken, document the reasons why
- ✓ Understand the impact of trauma and use language consistent with that view
- ✓ Training for first responders on appropriate documentation

6. Training

The Case Review recommended training opportunities for all levels of staff, including specific training for the CASA team to support them in their role. Training was to include external community partners with topics such as;

- Myths regarding sexual assault and older adults
- Consent
- Safety planning
- Cautions
- Neurobiology of trauma and its impact on investigations
- Reinforcing the use of language that does not support victim blaming
- Interviewing individuals with developmental delays or disabilities, specifically creating safety, use of appropriate language, impact of unconscious bias

As a result, the following was implemented within Halton Regional Police:

- ✓ In-service training delivered in 2018 to all front-line officers within the Halton Regional Police as well as all investigators within the Child Abuse and Sexual Assault Unit or CASA.
- ✓ Targeted training for First responders
- ✓ Enhanced level II style in service training delivered in 2019 that focused on how trauma has the ability to change perception that focused on the Neurobiology of Trauma and reviewed Consent
- ✓ E-training currently being developed (result of the covid-19 pandemic)

7. Other Considerations

Anonymous Reporting

It was recommended that HRPS consider implementing anonymous and/or 3rd Person reporting in an effort to help community members, services, and survivors report an incident of sexual assault without the report initiating the police/legal process. This topic continues to be an Agenda item within the SAAC.

Conclusion

The Sexual Assault Advisory Committee is appreciative and encouraged by the opportunity to provide feedback on Halton Regional Police Sexual Assault Investigations. The SAAC would like to acknowledge that the Halton Regional Police Service was highly open, accommodating, and collaborative in both aiding the development of, and in the physical execution of the review. The SAAC applaud the commitment of the Halton Regional Police to improving the experiences of sexual assault survivors who engage with the criminal justice system.

The HRPS recognizes the integral collaboration facilitated by the SAAC and community services to implement positive, effective, and meaningful change. Halton Police has demonstrated a commitment to utilize learnings garnered from the review and the SAAC is committed to supporting these activities and recommendations. Since embarking on the HRPS Sexual Assault Investigative review process, other police services are mirroring this process in their own jurisdictions.

Today, the SAAC continues to work collaboratively with the HRPS to review cases, recommend refinements to procedures and ultimately, support the continued improvement of how the Halton Regional Police Service supports sexual assault survivors. The advisory remains dedicated to pursuing meaningful change in the response to sexual violence in our community.