



HAMILTON POLICE SERVICE

Sexual Assault Community Review Updated Report

December 2020



In 2017, the Globe and Mail released an article outlining how Police Services across Canada concluded Sexual Assault Cases as unfounded between 2010 and 2014. The national average was reported at a 19.4% unfounded rate, the provincial average was 25%, and the Hamilton Police Service's average was 30%. In response to the article, the Hamilton Police Services Board directed Chief Girt to complete a review of the sexual assault cases concluded as unfounded between 2010-2014 and report back on the findings.

In 2018, the Sexual Assault Community Review Team (SACRT) formed and included members from SACHA (Sexual Assault Care Centre Hamilton), the HHS/DVCC (Hamilton Health Sciences, Domestic Violence Care Centre), Native Women's Centre, Victim Services, HPS Sexual Assault Unit (SAU), and the Crown's office.

The team came together on 21 occasions over the course of eight months to prepare for, review and finalize their findings. The review expanded to include cases concluded between 2010 and 2016 and the team reviewed a total of 63 cases.

The SACRT determined that 70% of the cases examined were incorrectly coded as "Unfounded". As a result of their collective efforts, the SACRT made five recommendations to improve service delivery to victims of sexual assault. The overarching objective of those recommendations was to first do no harm when supporting victims.

In 2019, implementation of the recommendations began with the following results:

1. Sexual Assault Community Review Team (SACRT) Model

Recommendation-Implement the SACRT on a permanent basis to allow for the ongoing comprehensive review team comprised of law enforcement, Crown and community advocates. Try to meet four (4) times per year including a review of all unfounded cases along with some samples of other code. It is suggested that all cases with a disposition that does not result in charges laid, be also subject to review.

Results

The SACRT was identified and comprised of representatives from; the Domestic Violence Sexual Assault Care Centre (Hamilton Health Sciences), the Executive Director of SACHA, the Executive Director of the Native Women's Centre, the HPS Victim Services Manager, and the HPS Detective Sergeant of the Sexual Assault Unit. Consultation occurred with the Crown Attorney and the Regional Sexual Assault Crown Attorney, and a request was made for legal representation to sit at the table during the reviews. It was determined that the legal representatives would be available for consultative assistance via phone should a question arise.*

The SACRT met 3 times in 2019 where new members were trained on the review process, and parameters were set for the review model. Determination was made that all unfounded cases would be reviewed and the parameters were expanded to include a sampling of cases concluded "Insufficient Evidence".



In 2019 a total of 9 Unfounded cases and 11 Insufficient Evidence cases were reviewed. **The team determined that all 20 cases were investigated and concluded correctly.** **Further recommendations;** With reference to report writing, the review team made notes regarding the inappropriate use of language which relied upon rape myths. Ongoing training was recommended and a 90-minute block training session is scheduled for the 2020-2021 training year. This training session will include a component specific to report writing and the use of language, which is free of rape myths.

Participating members;

- Anna Gualtieri/Dianna Tikkas (former), Sexual Assault/Domestic Violence Care Centre
- Jessica Bonilla Dampney- Director SACHA
- Susan Double-Victim Services manager (former)
- Juanita Parent Executive Director (former) Native women's Centre
- Tammi Ewart D/Sgt HPS Sexual Assault Unit

*The crown was not needed for consultation during these reviews.

2. Staffing and Resources

***Recommendation-**It was acknowledged that the sexual assault unit detective's workload was too substantial to manage. Additional Detectives should be placed in the Sexual Assault Unit. The Detectives should have the ability to use resources from other areas in order to ensure MCM standards are met on every case*

Results

- a) Utilized modified persons to assist with tasks such as warrants
- b) Provided mentoring opportunities for uniform officers to ensure succession planning and assist with investigative tasks
- c) Cadets have been assigned to SAU
- d) **Additional Detectives-**As part of the 2018 SACRT review, a caseload analysis determined that on average each detective had 80 cases per year, which was considered too substantial. The Police Services Board approved the addition of two Detective Constables. One position commenced in September 2019 and another was deferred until 2020 and deferred a second time to 2021. It was noted that the average number of days to complete an investigation in 2018 was 100 days. In 2019, the average time was 76 days. The reduction in time to complete a file can be attributed to the additional detective and decrease in detective individual workload. The result is a better service to victims of crime.
- e) **Schedule Efficiency Analysis-** the Crime Analyst was able to identify when Sexual Assault Unit Detectives are most required to effectively assist victims. Considerations were given to a trauma informed approach and it was determined Detectives were most required from Monday to Friday from 0900-1500hrs with an emphasis on Mondays. In March 2020, the scheduled changed to provide optimal



coverage permitting a full complement of resources to be available when they are required the most.

- f) **Workload analysis**-A more comprehensive workload analysis was required to capture what the average daily caseload per detective was, recognizing that if a Sexual Assault Unit Detective had all 80 cases at one time, the workload would be too substantial.

It has been concluded that the implementation of the SACRT recommendations, which includes education and training, has resulted in an increase in charges. Detectives are better educated on issues related to sexual violence than they were in previous years, and thus are conducting more thorough investigations, many of which are resulting in charges. The following outlines the increase in charges.

Year	Total Cases	Total concluded*	Charges	%
2014	500	410	65	16
2015	469	430	94	22
2016	545	495	124	25
2017	472	425	90	21
2018	573	513	165	32
2019	480	433	135	36

**Total concluded reflects cases that remained in the carriage of HPS (not transferred to other agencies) and have been concluded in full.*

SAU has laid charges in 36% of the 2019 concluded cases ¹ compared to five years ago where only 16% resulted in charges.

Any case where charges are commenced, there is an increase in case workload. SAU detective’s daily caseload was analyzed and it was determined that on average, each SAU Detective had 21 active cases at any given time.

It was concluded that in order to create a manageable caseload for the SAU detectives it would require the reduction of cases combined with an increase in detectives.

¹ 480 Cases were reported to police in 2019. 23 cases are still under investigation and 24 cases were transferred to other jurisdictions. Of 433 cases, 154 resulted in charges.



2018 Sexual Assault Case statistics

Year	Total SAU Cases	Number of SAU Det	Average Annual Cases/SAU Detective	Average Length of investigation	Total DV Cases	Average Annual Caseload Excluding Domestic Investigations
2018	573	7	82	99.6 days	117	65 (-17)
2019	480	7(8-1 PAT leave)	68	75.97	114	52 (-16)
2020	506*	7(8-1 PAT leave)	72	n/a	115**	56 (-16)
2021 (projected)	506*	9	56	n/a	115**	43 (-13)

*6 year average

** 2018/2019 average

The increase in number of detectives and a decrease of 16 domestic related cases per detective per year would create a more manageable caseload. As a result, a proposal was approved for a policy change with respect to investigating domestic sexual assaults, redirecting the responsibility for investigating domestic sexual assaults from the Sexual Assault Unit to the divisional Criminal Investigations Detectives (CID).

Conclusion-The utilization of cadets, modified persons and mentoring officers has assisted in workload and provided training to members of the HPS. A schedule change has resulted in a detective being available when they are required. The elimination of domestic related cases from detective's caseload and the increase in two detective constables will reduce annual caseload from 80 in 2018 to a projected 43 in 2021.

3. Education and Training

Recommendation-ongoing continuous education and training around neurobiology of trauma and the dynamics of sexual violence (rape culture, myths and unconscious bias).

Results

- Monthly training sessions were completed in 2019 (suspension of training due to COVID-19 in 2020)
- The HPS will be hosting the Investigative Phased Interview Course which focusing on interviewing from a trauma informed approached with attention to interviewing vulnerable persons.
- The HPS DISK (Developing Investigative Skills and knowledge) Program was developed and implemented in 2019. The program included an on-line component



focusing on Gender Based Violence and three presentations focused on the Neurobiology of Trauma, a Victim Centered Approach to Investigations and Investigating Crimes Against Seniors.

- d) The DVO course was restructured and updated with current topics.

4. Policy and Procedure

***Recommendation**-Update and create new policies, procedures and practices to ensure that HPS is structurally embedding trauma informed knowledge throughout the investigative process*

Results

- a) **Domestic Sexual Assault Policy review**-a comprehensive review of the policy surrounding the investigation into intimate partner sexual assault investigation revealed that the policy was not clear and did not support the best practices of investigating sexual assaults. A policy revision would allow for better service to victims of intimate partner violence by having the divisional detectives investigate all incidents of Intimate partner violence. This policy revision includes a provision for all divisional Criminal Investigation detectives to receive enhanced training on sexual assault investigations that further supports the recommendation for further training.
- b) **The Sexual Assault Support Person (SASP)**-In 2019, a pilot program was developed and implemented. Victims of sexual assaults were provided access to a member of Victim Services at the onset of interactions with SAU detectives and were available during the investigative process. The results of the evaluation of the pilot program reaffirm the resounding need for this program. Victims were asked the following day of their interview if the Sexual Assault Response Program was helpful. Fifty-two victims engaged in the feedback process and 100% of them indicated that the program was helpful to them.

Given the responses from the victims and Detectives and the recommendations from the 2018 *Sexual Assault Review and Recommendations* report, it was imperative that this program continue in order to provide a trauma-informed approach to support victims and survivors of sexual assault. The Police Service Board supported the position that commenced in July of 2020.

The SASP Coordinator, hired in Sept 2020, is primarily responsible for providing support to those impacted by sexual violence throughout the investigative process. In addition, they provide safety planning and offer community resources for long-term supports. The SASP Coordinator provides public education and collaborates with community partners to ensure the best supports are available to survivors of sexual violence.



5. Special Considerations for Vulnerable Populations

***Recommendation**-A model be implemented that includes community consultation and special consideration for vulnerable populations (e.g. people with mental health challenges, substance use concerns, intellectual developmental disabilities, Indigenous people, youth who are street involved/homeless, etc.).*

Results

- a) Training by community groups including SACHA, FASD Hamilton, PTSD Dr. McKinnon
- b) The Canadian Police College Investigative Phased Interview course that focuses 1 week on interviewing victims of crime and incorporates special attention to vulnerable populations that were listed above. The course will be offered in house to 16 members in January 2021.
- c) DISK training-Detectives Beck and Barron collaborated with the training branch to offer an advanced training in a victim centered approached to investigations. This included a presentation by Diana Tikkas, and Det/Sgt Ewart.

6. Review of Unfounded cases

In 2018 a media release was disseminated which called to anyone who had a case concluded as “unfounded” who wished for the investigation to be reopened to contact the SAU. As a result, six cases were asked to be reopened.

Results

- 2 cases were eliminated immediately as they did not apply.
- 2 cases were 3rd party requests for the file to be reopened however, the victims in the matters did not consent to reopen the file.
- 1 case resulted in charges.
- 1 victim withdrew participation.



Conclusion

All recommendations made by the 2018 SACRT have been implemented. The result is an overwhelming improvement in the service to victims of sexual violence, which was the intent of the 2018 SACRT review and recommendations.

Updating training in the areas of investigating reports of sexual violence has created an opportunity to provide current knowledge to all members of the Hamilton Police Service including front line officers and senior investigators. The HPS has invested in extensive training in the area of sexual assault and gender based violence, which has led to an increase in charges. By decreasing the number of cases wrongfully concluded as “Unfounded” and increasing the cases where charges were appropriate, service to victims of crime is ultimately improved.

The development of the Sexual Assault Support Person is inventive and forward thinking and the Hamilton Police Service is currently the only service offering this program. Victims are offered the care and service that is required to navigate the extremely difficult process of reporting a crime of sexual violence.

By restructuring the area of responsibility for domestic sexual assault cases, and changing SAU schedules, the Sexual Assault Unit is becoming better equipped to manage the higher caseload. Detectives have worked hard and have been dedicated to make meaningful improvements where needed. With the anticipated addition of an additional detective in 2021, the caseload is projected to be reduced to a manner that will allow detectives to maintain this high level of work and dedication to complete thorough investigations, in a timely manner in accordance with legislative requirements. The ultimate result will be a direct positive impact on victims of sexual violence.



Highlights

- The SACRT continued their review into 2019 and included cases concluded as Unfounded and Insufficient Evidence. Of the 9 cases reviewed as unfounded and 11 other cases, reviewed 100 % of the cases were concluded correctly.
- In 2019 the Sexual Assault Unit has laid charges in 36% of all cases which is a 19% increase since 2014.
- The average length of time to complete a case decreased by 33 days in 2019 from 2018.
- A caseload analysis and a policy review was completed. Domestic related sexual assaults will be investigated in the division in which they occurred by CID detectives. The result is a better service to victims of domestic sexual assaults, an expansion of sexual assault training to all members of CID and a projected reduction of SAU detective's caseload from 80 annually in 2018 to 43 annually in 2021.
- A schedule change was made to have resources available when they are needed most in considering a trauma informed approach.
- The DISK program focused on a more in depth training on the neurobiology of trauma and a Victim Centered approach to investigating. The success of the training has led to training of all members on Block training.
- The Investigative Phased Interview course focuses on vulnerable persons and interviewing victims from a trauma informed approach has been scheduled.
- The SASP pilot program was completed and resulted in the Police Service Board's approval of a permanent position in Victim Services.
- Six unfounded cases were requested to be reopened and all investigations have been concluded.
- The SACRT review was scheduled to continue in 2020 when the COVID restrictions were lifted however, remains on hold until the team is able to meet in person. The 2020 cases will be included in the future review.
- The Hamilton Police Service's sexual assault "Unfounded" conclusion rate in 2018 was reported at 30% compared to 2019 where it was 3%.

