



## Hamilton Police Services Board

Thursday, November 22, 2018, 2:00 P.M.  
Council Chambers, Hamilton City Hall  
71 Main Street West

---

Pages

### 1. Call to Order

#### 1.1 Changes to the Agenda

(added Items, if applicable, will be noted with \*)

### 2. Presentations & Deputations

#### 2.1 Members of the Month

#### 2.2 PRIDE Award

#### 2.3 Chief's Commendation Award

#### 2.4 Sex Assault Review (See Consent Item 4.4b Sexual Assault Review PSB 18-103 below)

### 3. General

#### 3.1 Declarations of Interest

### 4. Consent Items

#### 4.1 Approval of Consent Items

That the Board approve and receive the consent items as distributed.

4.2 Adoption of the Minutes - October 11, 2018 5

The minutes of the meeting held Thursday, October 11, 2018, be adopted as printed.

4.3 Auction Account Fund 9

Support / Upcoming Events

**RECOMMENDATION(S)**

That the Board approve the purchase of tickets to attend the Week of Child and Youth 39<sup>th</sup> Annual Community Awards Luncheon, scheduled for Thursday, November 15, Waterfront Banquet & Conference Centre, at a cost of \$30 per ticket, to be paid from the auction account.

That the Board approve the purchase of tickets to attend the Catholic Children's Aid Society of Hamilton Serendipity Auction, scheduled for Thursday, November 15, Carmen's Banquet Centre, at a cost of \$100 per ticket, to be paid from the auction account.

That the Board approve the purchase of tickets to attend the Good Shepherd Women's Luncheon, scheduled for Wednesday, November 28, Carmen's Banquet Centre, at a cost of \$50 per ticket, to be paid from the auction account.

4.4 For the Information of the Board:

- |       |   |    |
|-------|---|----|
| 4.4.a | Budget Variance Report as at September 30, 2018 (PSB 18-107)  | 10 |
| 4.4.b | Sexual Assault Review (PSB 18-103)  | 12 |
| 4.4.c | Board Member Travel and Expense Reimbursement Report (PSB 18-090c)  | 74 |
| 4.4.d | Correspondence from Patrick J. Daly, Chairperson, and David Hansen, Director, Hamilton-Wentworth Catholic District School Board, thanking the Hamilton Police Service for the excellent service and assistance. | 77 |
| 4.4.e | Memorandum from Lori Colman, Director of Operations, Safety, Licensing Appeals and Standards Tribunals Ontario (SLASTO) with respect to SLASTO's Public Hearing Rooms.  | 78 |
| 4.4.f | Email from Mr. Shekar Chandrashekar with respect to Hamilton Police Service Budget(s).  | 80 |

## 5. Discussion Items

- 5.1 Lease Amendment and Renewal 7 Innovation Drive (PSB 11-112b) (See also PSB 11-112 and PSB 11-112a Community Policing Centre / Patrol Officer Office Relocation to the Hamilton Technology Centre in Flamborough) 84

a) That the Hamilton Police Services Board approve the renewal of the Lease Agreement between the City of Hamilton (Tenant) and 2563789 Ontario Inc. Hamilton Technology Centre (HTC), (Landlord) for the purposes of providing a location for the Hamilton Police Service (HPS) to operate a Patrol Officer office located at 7 Innovation Drive, Flamborough, Suite 235;

b) That the Hamilton Police Services Board request that the Mayor and the City Clerk, of the City of Hamilton, execute a Lease Agreement renewal between the City of Hamilton (Tenant) and 2563789 Ontario Inc. Hamilton Technology Centre (HTC), (Landlord) in a form satisfactory to the City of Hamilton Legal Services, for the premises located at 7 Innovation Drive, Flamborough, Suite 235.

**Area:** Approximately 278 square feet of space for use as a Patrol Officers' report writing office and lunch room

**Term:** A period commencing on December 1, 2018 and expiring November 30, 2019 with two (2) one year options to renew.

**Rental Rate:** \$7,182.00 per annum plus H.S.T. The payments will be made from Account #55358-376614.

- 5.2 Reward for Information - Ongoing Homicide Investigation - Angelo Musitano (PSB 18-104) 87

a) That the Board authorizes a Reward in the amount of \$50,000.00 for information leading to the arrest and/or conviction of persons both known and unknown, who were responsible for the death of Angelo Musitano.

b) That 20% of the reward money offered be transferred to Police Reward Reserve Account #11225, for a total of \$10,000.00.

- 5.3 2019 - 2021 Business Plan (PSB 18-106) 89

That the Board adopts the 2019-2021 Business Plan as presented, so implementation can begin on January 1, 2019.

5.4 HPS Projected Capital Expenditures: 2019 - 2028 (PSB 18-108) (See also PSB 15-002; PSB 15-002a; PSB 15-002x, PSB 16-113, PSB 17-122)

94

1. That the Hamilton Police Service Board approves the list of 2019-2028 Projected Police Capital Expenditures.
2. That the Hamilton Police Service Board approves Items 2 and 3 to be considered by the City of Hamilton for funding in 2019.
3. That the Hamilton Police Service Board forward the approved plan to the City of Hamilton for inclusion in the 2019-2028 Capital Budget Plan.

6. **New Business**

7. **Adjournment**

**THE POLICE SERVICES BOARD WILL ADJOURN THE PUBLIC PORTION OF THE MEETING AND RECONVENE IN CAMERA FOR CONSIDERATION OF PRIVATE AND CONFIDENTIAL MATTERS.**

**MINUTES OF THE HAMILTON  
POLICE SERVICES BOARD**

Thursday, October 11, 2018  
2:15 pm  
Hamilton City Hall  
Council Chambers

The Police Services Board met.

There were present: Lloyd Ferguson, Chair  
Donald MacVicar, Vice Chair  
Madeleine Levy  
Patricia Mandy

Absent: Fred Eisenberger  
Walt Juchniewicz  
Terry Whitehead  
Chief Eric Girt

Also Present: Acting Chief Dan Kinsella  
Deputy Chief Frank Bergen  
Anna Filice, Chief Administrative Officer  
Acting Deputy Chief Ryan Diodati  
Superintendent Greg Huss  
Superintendent Will Mason  
Inspector Robin Abbott  
Inspector Shawn Blaj  
Inspector Wendy Valesi  
Marco Visentini, Legal Counsel  
Victoria Choe, Labour Relations  
Jackie Penman, Corporate Communicator  
John Randazzo, Manager, Finance  
Lois Morin, Administrator

Chair Ferguson called the meeting to order.

- Additions/Changes to Agenda
  - Consent Item 4.3: Auction Account Fund: Support / Upcoming Events - That the Board approve the purchase of tickets to attend the Proaction Cops & Kids 10<sup>th</sup> Anniversary Celebration, scheduled for Wednesday, November 7, Hamilton Club, at a cost of \$75 per ticket, to be paid from the auction account.
  - Consent Item 4.4(b) Board Member Travel and Expense Reimbursement Report (PSB 18-090b) Appendix "A"

After discussion, the Board approved the following:

Moved by: Vice Chair MacVicar  
Seconded by: Member Mandy

That the Agenda for the Hamilton Police Services Board Public meeting be adopted, as amended.

**Carried.**

**Presentations**

**2.1 Member of the Month**

Chair Ferguson and Chief Girt presented the Member of the Month Award for August 2018 to Constable Gregory Kalmats, Constable Ognjen Laka and Constable Rob Taits. Constable Kalmats, Constable Laka and Constable Taits were commended for their prompt response, immediate actions and teamwork displayed during a highly stressful situation which ultimately resulted in saving a man's life.

**2.2 International Association of Women Police – Civilian Achievement Award, 2018**

The Hamilton Police Service recognized and congratulated Sandra Kurdziel on being recognized internationally for the important work as the Social Navigator Program Coordinator. Sandra recently won the International Association of Women Police Civilian Achievement Award.

**General**

**3.1 Declarations of Interest**

None

**Consent  
Agenda**

**4.1 Approval of Consent Items**

Moved by: Vice Chair MacVicar  
Seconded by: Member Mandy

That the Board approve and receive the consent items as amended.

**Carried**

**4.2 Adoption of Minutes – September 13, 2018**

The minutes of the meeting held Thursday, September 13, 2018, be adopted as printed.

**4.3 Auction Account Fund**

Support / Upcoming Events

**RECOMMENDATION(S)**

- That the Board approve the purchase of tickets to attend the 8<sup>th</sup> Annual Bridge to Hope Dinner and Fundraising Gala, scheduled for Thursday, November 1, Michelangelo Banquet Centre, at a cost of \$70 per ticket, to be paid from the auction account.
- That the Board approve the purchase of tickets to attend the 14<sup>th</sup> Annual Power of a Changed Life Gala scheduled for Wednesday, November 7, Carmen's Banquet Centre, at a cost of \$50 per ticket, to be paid from the auction account.

- That the Board approve the purchase of tickets to attend the Native Women's Centre 3<sup>rd</sup> Annual Gala, A Mystery Dinner, scheduled for Wednesday, November 14, Carmen's Banquet Centre, at a cost of \$175 per ticket, to be paid from the auction account.
- That the Board provide support to the Youth Team from the John Howard Society of Hamilton, Burlington & Area in the amount of \$500, to be paid from the auction account.
- That the Board provide support to the Wesley Urban Ministries Gala in the amount of \$500, to be paid from the auction account.
- That the Board approve the purchase of tickets to attend the Proaction Cops & Kids 10<sup>th</sup> Anniversary Celebration, scheduled for Wednesday, November 7, Hamilton Club, at a cost of \$75 per ticket, to be paid from the auction account.

#### **4.4 For the Information of the Board:**

- a) Auction Account Expenditures – For Board Approval – July – September 2018 (PSB 18-097)
- b) Board Member Travel and Expense Reimbursement Report (PSB 18-090b)
- c) Correspondence from Brian McMullen, Acting General Manager, Finance and Corporate Services, City of Hamilton with respect to the 2019 Budget Submission for Hamilton Police Services Board.
- d) Outstanding Issues as of October 11, 2018

### **Discussion Agenda**

#### **5.1 2019 Police Services Board Meeting Schedule (PSB 18-101)**

As recommended by Lois Morin, Administrator in PSB 18-101 dated October 11, 2018, the Board approved the following:

Moved by: Vice Chair MacVicar  
Seconded by: Member Levy

That the Board consider the following meeting schedule which provides for the regular public meetings of the Board to be held at 2:00pm on a Thursday of each month for 2019 (January and August excepted). All meetings will be held at Hamilton City Hall, Council Chambers, 71 Main Street West.

Tuesday, January 15, 2019 (Hamilton Police Service Budget Deliberations to be held in Room 264 if required)  
Thursday, February 14, 2019  
Thursday, March 7, 2019  
Thursday, April 11, 2019  
Thursday, May 9, 2019  
Thursday, June 13, 2019  
Thursday, July 18, 2019  
Thursday, September 12, 2019  
Thursday, October 10, 2019  
Thursday, November 14, 2019  
Thursday, December 12, 2019

**New Business**

**6.1 Cannabis Legislation, Illegal Dispensaries, Specialized Training for New Cannabis Legislation and Policy Development**

Board Members requested information with respect to the current illegal dispensaries, specialized training provided to members of the service and policy development.

Acting Chief provided information on the new legislation with respect to the legalization of Cannabis, information with respect to a Hamilton Police Service policy and the specialized training provided to Hamilton Police Service Staff.

**Chair Ferguson made the following comments:**

- On behalf of the Board I would like to highlight the upcoming Hamilton Police Service 2018 Graffiti Prevention Poster Contest. Students in grades 4 – 6 have been asked to prepare a poster on how to prevent graffiti or the negative impact of graffiti. Gift Cards will be presented to the top three winners during Crime Prevention Week which takes place November 4 - 10. We look forward to viewing the great work that will be submitted. Well Done!!
- On behalf of the Board I would like to recognize all of the Hamilton Police Service personnel who took part in the Ride and Run to Remember. I understand that there were 19 members riding, 3 support members and 19 running. The purpose it to raise awareness of the annual Canadian Police and Peace Officers' National Memorial Service, where they pay tribute to more than 860 fallen officers.  
-Congratulations!!

**Next Meeting of the Board**

Chair Ferguson announced that the next meeting of the Board is scheduled for Thursday, November 8, 2018, 2:00pm, at Hamilton City Hall, Council Chambers.

**Adjournment**

Moved by: Vice Chair MacVicar  
Seconded by: Member Mandy

There being no further business, the public portion of the meeting then adjourned at 2:37pm.

**Carried.**

\* \* \* \* \*

The Board then met in camera to discuss matters of a private and confidential nature.

Taken as read and approved

---

Lois Morin  
Administrator

---

Lloyd Ferguson, Chair  
Police Services Board

October 11, 2018  
lem:



# 4.3

## **Auction Account Fund**

Support / Upcoming Events

### **RECOMMENDATION(S)**

- That the Board approve the purchase of tickets to attend the Week of Child and Youth 39<sup>th</sup> Annual Community Awards Luncheon, scheduled for Thursday, November 15, Waterfront Banquet & Conference Centre, at a cost of \$30 per ticket, to be paid from the auction account.
- That the Board approve the purchase of tickets to attend the Catholic Children's Aid Society of Hamilton Serendipity Auction, scheduled for Thursday, November 15, Carmen's Banquet Centre, at a cost of \$100 per ticket, to be paid from the auction account.
- That the Board approve the purchase of tickets to attend the Good Shepherd Women's Luncheon, scheduled for Wednesday, November 28, Carmen's Banquet Centre, at a cost of \$50 per ticket, to be paid from the auction account.

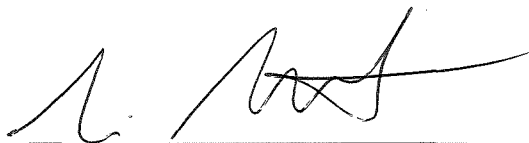
## HAMILTON POLICE SERVICES BOARD

### - INFORMATION -

**DATE:** November 8, 2018  
**REPORT TO:** Chair and Members  
Hamilton Police Services Board  
**FROM:** Eric Girt  
Chief of Police  
**SUBJECT:** *Budget Variance Report as at September 30, 2018*  
*PSB 18-107*

### **BACKGROUND:**

As at September 30, 2018, net expenditures are \$115,402,246 or 71.60% of the 2018 Operating Budget of \$161,187,106. The budget variance summary is provided in the attached Appendix. Overall, revenues and expenditures are on budget.



Eric Girt  
Chief of Police

EG/J. Randazzo

Attachment: *Appendix A*

# Hamilton Police Service

## Budget Variance Report

Period Ended September 30, 2018

Appendix A

YTD Budget % : 75.00%

	Annual Budget	YTD Budget	YTD Actual	Available Balance	% Spent	Comments
<b>Revenues</b>						
Grants and subsidies	\$ 8,212,530	\$ 6,159,396	\$ 6,230,570	\$ 1,981,960	75.87%	In line with budget.
Fees and general revenues	2,667,350	2,000,510	2,065,147	602,203	77.42%	Revenue is greater than anticipated due to increase in Police Fees/Clearance Revenues, Sale of Accident Reports and ProAction Cop and Kids event. This is offset by less than anticipated revenue in Special Duty and Gen Occur/Photo ID Sales due to cyclical demand as well as timing of collection.
Reserves/Capital recoveries	1,985,700	1,489,275	1,489,275	496,425	75.00%	In line with budget.
<b>Total revenues</b>	<b>12,865,580</b>	<b>9,649,181</b>	<b>9,784,992</b>	<b>3,080,588</b>	<b>76.06%</b>	
<b>Expenses</b>						
Employee Related Costs	154,485,712	115,864,113	113,148,187	41,337,525	73.24%	The YTD Budget includes a potential Collective Agreement budgeted % increase as the current Collective Agreement has expired.
Materials and supplies	7,050,230	5,287,655	3,198,204	3,852,026	45.36%	Some expenditures are less than YTD Budget. Though they are expected to be incurred over remaining months, they are anticipated to be within Budget.
Vehicle expenses	1,977,000	1,482,747	1,433,911	543,089	72.53%	
Buildings and grounds	2,661,870	1,996,401	1,530,019	1,131,851	57.48%	
Consulting expenses	58,600	43,951	41,714	16,886	71.18%	
Contractual expenses	783,790	587,842	472,426	311,364	60.27%	
Agencies and support payments	42,300	31,725	31,725	10,575	75.00%	
Reserves/Recoveries	5,012,820	3,759,615	3,759,615	1,253,205	75.00%	
Cost allocation	660,250	495,187	495,187	165,063	75.00%	
Capital Financing	1,027,204	770,404	770,404	256,800	75.00%	
Financial/Legal Charges	292,910	219,671	305,846	(12,936)	104.42%	
<b>Total expenses</b>	<b>174,052,686</b>	<b>130,539,311</b>	<b>125,187,238</b>	<b>48,865,448</b>	<b>71.92%</b>	<b>Overall, expenditures are within Budget.</b>
<b>Total Net Expenditure</b>	<b>\$ 161,187,106</b>	<b>\$ 120,890,130</b>	<b>\$ 115,402,246</b>	<b>\$ 45,784,860</b>	<b>71.60%</b>	<b>Net Budget is on target for the year.</b>

# 4.4(b)

## HAMILTON POLICE SERVICES BOARD

### - INFORMATION -

**DATE:** 2018 November 8

**REPORT TO:** Chair and Members  
Hamilton Police Services Board

**FROM:** Eric Girt  
Chief of Police

**SUBJECT:** *Sex Assault Review*  
*PSB 18-103*

#### **BACKGROUND:**

Over the course of the past 18 months, the Hamilton Police Service (HPS) has worked closely with community and justice experts to identify and close gaps in the delivery of policing services as they relate to victims of sexual violence.

It was through the review of the Services' records management practices, training, policy and procedure and both an internal review of all unfounded investigations (2010-2014) and external review involving community and justice partners (2010-2016), that gaps in service delivery were identified and recommendations formed through the knowledge gained by this review process.

#### **RECORDS MANAGEMENT:**

On July 12, 2018, the Canadian Centre for Justice Statistics (CCJS) and the Police Information and Statistics Committee (POLIS) of the Canadian Association of Chiefs of Police released their recommendations related to statistical classifications and standard definitions that would address inconsistencies in reporting crime statistics. It is expected that with these revisions, the use of "Unfounded" as a classification will decline. In August, 2018, the HPS fully implemented these recommendations. Additionally, training will be provided to all sworn and selected civilian members on UCR coding via CPKN in 2019 and an enhancement or upgrade to the NICHE Records Management System will be required.

#### **TRAINING:**

From September, 2017 to May, 2018, HPS provided all sworn members with Dr. Rebecca Campbell's training on Trauma Informed Responses to Sexual Assault (Neurobiology of

Trauma). Susan Double, HPS Victim Services Administrator, and Detective Sergeant David Dunbar, Sexual Assault Unit Supervisor, facilitated this training. This training ensured that all HPS sworn members have an understanding of how an individual's memory encoding and recall is different under traumatic conditions versus conditions of no stress. To ensure that this valuable training is continued with all sworn members, the Victim Services Branch will continue to deliver this training during all future recruit orientation sessions.

#### ***POLICY AND PROCEDURE:***

Throughout this review process, the HPS has examined its Sexual Assault and related investigative policies and practices. As a result, the following changes to policy/practice are being made:

1. That only a confirmed Detective Sergeant, or an Acting Detective Sergeant with the required training, will be permitted to clear and conclude a sexual assault or related offence occurrence as "Unfounded".
2. That Detective Sergeants assigned to the Victims of Crime Unit will conduct periodic random reviews of all interviews associated with investigations they are reviewing and approving, in order to identify if Detectives are relying on rape myths in their investigations.
3. Beginning in September, 2018, a six-month pilot was initiated with the Sexual Assault Unit (SAU) and the Victim Services Branch during business hours (Monday to Friday 8:30am to 4:30pm). The pilot includes mandatory involvement of a Victim Services Branch staff member who will meet with the victim/survivor, prior to their appointment with their assigned Detective. The goal will be to provide emotional support and options available to them regarding interview accompaniment, counselling, resources and financial programs. The pilot will include an evaluation tool for victim/survivor feedback.

The HPS SAU will also continue to review the HPS - Sexual Assault Policy to ensure that it is current and reflective of best practice.

#### ***INTERNAL REVIEW FINDINGS:***

The HPS internal review revealed that 75.1% of the unfounded sexual assault investigations were determined to have been cleared correctly and that 24.9% of reports were identified as having the potential to be cleared using another UCR classification.

The internal review highlighted that third party reporting to police for matters involving children largely contributed to unfounded occurrences arising out of the Child Abuse Branch. Further, numerous SAU Unit "Unfounded" investigations revealed that the victim was, or had been, suffering from a mental illness at the time their matter was reported to police. The review highlighted the need to ensure supports were being offered to victims who suffer from mental health concerns and who have been sexually assaulted. It has been identified that this may be an area for future partnership between police and mental health professionals.

While the internal review was instrumental in identifying coding errors, it was limited in providing a fulsome understanding as to why cases were being concluded as "Unfounded". This was partially due to the overwhelming number of cases that each member was reviewing and the fact that the members completing the review were limited to what was written down on police reports and seized medical documents, as opposed to being able to do a full file review (including viewing video witness statements, accused interviews, CAD data, 911 calls, etc.).

#### ***SEXUAL ASSAULT COMMUNITY REVIEW TEAM (SACRT) FINDINGS:***

The SACRT identified that 70% of the codes applied to the external review between 2010 and 2016 were determined to be coded incorrectly as "Unfounded", while only 25% were determined to be correctly coded. Two percent were removed from consideration, while 3% were identified as "Cannot Determine" based on insufficient information.

The high rate of incorrect classification of "Unfounded" cases can be attributed to a range of factors including, but not limited to:

- Detectives not correctly applying Reasonable Grounds (RG)
- All relevant witnesses not being interviewed
- All forensic testing not being requested and results returned
- Disproportionate weight given to the accused version of events
- Reliance on rape myths
- Use of investigative interviewing and interrogation techniques with victims
- Reliance on corroboration being required
- Predetermining outcomes prior to a full investigation

As a result of their collective efforts, the SACRT has provided the following five key recommendations. The overarching objective of these recommendations is to first do no harm when supporting victims.

Category	Recommendations
1. Sexual Assault Community Review Team (SACRT) Model	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 codes. It is suggested that all cases with a disposition that does not result in charges laid, be also subject to review.
2. Staffing and Resources	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.
3. Education and Training	Ongoing continuous education and training around neurobiology of trauma and the dynamics of sexual violence (rape culture, myths and unconscious bias).
4. Police, Procedure and Oversight	Update and create new policies, procedures and practices to ensure that HPS is structurally embedding trauma-informed knowledge throughout the investigative process.
5. Special Considerations for Vulnerable Populations	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.).

To further explain recommendations made in each of the above categories, the SACRT has provided the following further explanation and rationale:

1. **Sexual Assault Community Review Team (SACRT) Model** – Reviews should continue to be conducted by the interdisciplinary group on a regular basis (proposing every three months) to ensure the ongoing analysis of “Unfounded” and other cases wherein no charges are laid. The team has developed requirements for the group members in order that there is consistency of participation. With regularly scheduled, timely reviews, there is opportunity to potentially re-open cases where the team finds deficiencies.

2. **Staffing and Resources** – Sexual assault is one of the most violent offences in the Criminal Code. These offences exist in a society that is embedded in rape culture which makes it tremendously difficult for victims to come forward, for charges to be laid and prosecuted, and for convictions to be obtained. In order for more thorough and fulsome investigations, additional SAU Detectives are required. These investigations are some of the most time consuming, both during the initial investigation as well as follow-up, and require significant Officer involvement in the prosecution.
3. **Education and Training** – The review revealed, at times, that Detectives commenced the process with the position of doubt and utilized criminal investigation interrogation techniques with victims. Adopting a trauma informed approach will ensure that each sexual assault investigation begins with believing the victim and treating all reported sexual offences as legitimate unless determined otherwise after a thorough investigation.
4. **Policy, Procedure and Oversight** – The team recommends embedding trauma informed knowledge throughout investigations. This includes changes to policy such as; include mandatory involvement of Victim Services at the onset of each sexual assault investigation; waiting 72 hours, when safety of the victim or community are not negatively impacted, from the time of an offence to taking a formal statement/interview and requiring a complete supervisory review by the Detective Sergeant including all statements, video for all “Unfounded” and cases where charges are not proceeding.
5. **Special Considerations for Vulnerable Populations** – The review revealed that Detectives and Investigators would benefit from a specialized support person when working with vulnerable populations, as they may be able to provide guidance and suggestions on how to best support the unique needs of individuals.

#### **STAFFING:**

The SACRT has provided SAU staffing increases as one of their recommendations.

Since 2008, Detectives in the SAU have seen a dramatic increase in their workload, with an average of 59.6 cases per member per year to a high of 90.8 cases per member per year in 2016. The average numbers of cases per member in years 2017 and projected for 2018 are approximately 80 investigations per Detective per year.

With tighter timeline requirements identified in *R. v. Jordan* and increased court requirements as a result of *R. v. Marakah*, Detectives are under greater pressure to complete their work in an expedient manner and now have to complete search warrants



to gather evidence that was once obtained without warrant. Procedural demands and adequacy requirements required by Major Case Management and ViCLAS also add to the work associated with each criminal investigation. Further to this, advancements in DNA capabilities/technology require careful handling and processing of exhibits and in-depth search warrants require involvement from a member of the Crown's office and approvals from a Judge.

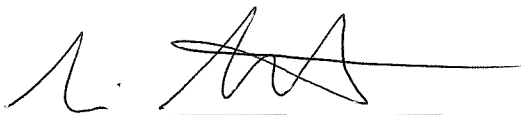
To ensure that the HPS SAU can provide the best possible service to members of the Hamilton community who have been sexually assaulted, it is being recommended that two additional Detective Constables be hired to supplement the staffing already assigned to SAU. This would ensure that Detectives are provided with a manageable workload, a workload that ensures HPS members have the necessary time to dedicate to each victim and supporting families and friends. With two additional Detective Constables, the SAU would be comprised of 9 members (6 Detectives and 3 Detective Constables). Each person assigned to SAU would then be responsible for an average of 53.9 major cases per calendar year.

#### **SUMMARY:**

It was through both the internal and external review and the review of the Services' records management practices, training and policies and procedures that gaps in service delivery for victims of sexual violence were identified.

The members of both the internal and external review teams have dedicated themselves to completing this review and have demonstrated the highest level of commitment to victims of sexual violence. Thanks to their collective efforts, HPS has worked to close some of the identified gaps and has committed to further adopting all recommendations made by the external review team.

The members of the HPS look forward to working with our community and justice partners to ensure that when members of the HPS are engaged, victims of sexual violence receive the best possible service and support.



Eric Girt  
Chief of Police

EG/D.Hennick

Attachment: Sexual Assault Review and Recommendations Report

cc: Dan Kinsella, Deputy Chief – Operations  
Ryan Diodati, Superintendent – Investigative Services Division

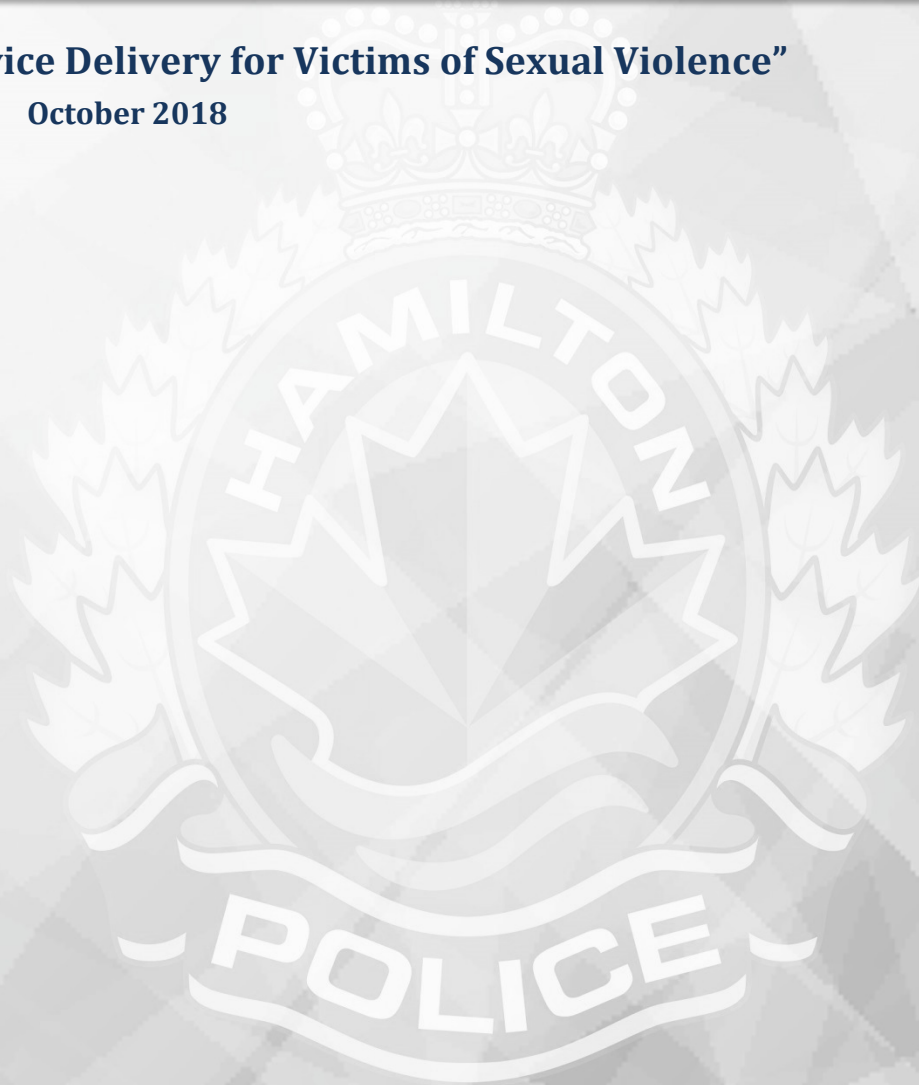


**HAMILTON POLICE SERVICE**

# **SEXUAL ASSAULT REVIEW & RECOMMENDATIONS REPORT**

**“A Pathway to Improved Service Delivery for Victims of Sexual Violence”**

**October 2018**



## EXECUTIVE SUMMARY

In early 2017, the Globe and Mail released an article that drew national attention on how Police Services across the country were clearing Sexual Assault cases. Specifically, the article drew comparisons on how police services were using a code called *unfounded*. The term *founded* and *unfounded* were created by the Canadian Centre for Justice Statistics. The Canadian Centre for Justice Statistics (CCJS), in co-operation with the policing community, collects police-reported crime statistics through the Uniform Crime Reporting Survey (UCR). The UCR Survey was designed to measure the incidence of crime in Canadian society and its characteristics.

The Globe and Mail's article used a statistical analysis of Sexual Assault cases between 2010 and 2014 that were cleared using the UCR code *unfounded*. The Globe's findings determined there were inconsistencies across the country on how police services were utilizing the *unfounded* code as well as the severity of the code being used by police services. The National average suggested a 19.4% *unfounded* rate, while the Province had a 25% rate and the Hamilton Police Service had a 30% *unfounded* rate. In response to the article, the Hamilton Police Services Board directed Chief Eric Girt to complete a review of sexual assault cases deemed to be *unfounded*.

Under the direction of Chief Eric Girt, the scope of the Board's request was expanded to provide a comprehensive review and assessment beyond the information reviewed by the Globe and Mail (2010-2014) to include the Hamilton Police Service's records management practices, how the Service provides training to the members, an internal review of investigations between 2010-2014, and external review of investigations between 2010 and 2016, as well as a full review of the Services Sexual Assault Policy. To meet the objectives as defined, the Sexual Assault Community Review Team was constructed of HPS members and experts in the community.

This report will outline the work conducted during the 18 months spent on the project and includes a background on how the team was selected, along with a review of data compiled through the use of the Records Management System, a review of statements made by the President of the Canadian Association of Chiefs of Police, as well as an in-depth analysis of a Juristat article prepared by the Canadian Centre for Justice Statistics.

The Hamilton Police Service is committed to implementing the five recommendations made by the SACRT team with an emphasis on keeping the team together and expanding their mandate to meet at least four times a year. Requesting that additional detectives be added to the Sexual Assault Unit, providing ongoing education and training around neurobiology of trauma for investigators, updating and creating new policies, procedures, and practices to ensure the Service is embedding trauma informed knowledge throughout the investigation process.



## TABLE OF CONTENTS

Executive Summary .....	2
Background .....	5
Mandate and Vision of the Team .....	6
Records Management Practices .....	7
Changes to How Sexual Assaults are Concluded .....	8
Sexual Assault Investigation Training .....	10
Internal Review of Unfounded Sexual Assault Offences (2010-2014) .....	11
External Review of Unfounded Sexual Assault Offences (2010-2016) .....	18
Sexual Assault Community Review Team .....	18
Sexual Assault Community Review Team Recommendations .....	20
Conclusion .....	25
Contributions By.....	25
Appendix A (CACP President's Statement on Sexual Assault Investigations) .....	27
Appendix B (CACP President's Recommendations Regarding the Collection of "Unfounded" Incidents via the Uniform Crime Reporting Survey) .....	30
Appendix C (CCJS Revising the Classification of Founded and Unfounded Criminal Incidents in the Uniform Crime Reporting Survey) .....	35
Appendix D (UCR Incident Clearance Code Status Options as Decided by POLIS) .....	46
Appendix E (New Standards for Reporting Founded and Unfounded Incidents) .....	48



## FIGURES AND TABLES

Figure 1. Sexual Assault Community Review Team .....	6
Figure 2. Modifications to the Uniform Crime Reporting Survey Incident clearance status options.....	8
Figure 3. A Comparison of Sexual Assault and Child Abuse Investigations Pre and Post Unfounded data by year (2010-2014) .....	13
Figure 4. The Number of Sexual Assault and Child Abuse Investigations Cleared Correctly in Comparison to the Potential Number of Cases Using Another Classification .....	13
Figure 5. Sexual Assault Unit Total Investigations Compared to Pre and Post Review Investigations Concluded as Unfounded .....	15
Figure 6. The Number of Sexual Assault Investigations Cleared Correctly in Comparison to the Potential Number of Cases Using Another Classification.....	15
Figure 7. Child Abuse Unit Total Investigations Compared to Pre and Post Review Investigations Concluded as Unfounded .....	16
Figure 8. The Number of Child Abuse Investigations Cleared Correctly in Comparison to the Potential Number of Cases Using Another Classification .....	17
Figure 9. External Review of Sexual Assault Investigations Coded as Unfounded between 2010-2016.....	22
Table 1 Hamilton Police Service Comparison of Founded and Unfounded Statistics for Child Abuse and Sexual Assault Units Between 2010-2014.....	12
Table 2 Hamilton Police Service Unfounded Statistics for Sexual Assault Unit between 2010-2014.....	14
Table 3 Hamilton Police Service Unfounded Statistics for Child Abuse Unit between 2010-2014.....	16



## BACKGROUND

On February 3, 2017, the Globe and Mail published an article titled, “Unfounded, Why Police Dismiss 1 in 5 Sexual Assault Claims as Baseless”.<sup>i</sup> In this article, the unfounded rates of sexual assault investigations were published for policing agencies across Canada. This article garnered national attention, listing several policing agencies with high unfounded rates of sexual assault investigations, including statistics showing that the Hamilton Police Service had an unfounded rate of 30%; higher than the Provincial average of 25% and the National average of 19.39%.<sup>ii</sup> These findings were discussed in the media and came to the attention of the Hamilton Police Services Board. Shortly after the article was published, the Board directed Chief Eric Girt to complete a review of sexual assault cases deemed to be unfounded as outlined in the Globe and Mail’s article.

Criminal offences that are of a sexual nature require a sensitive, professional and thorough response. Recognizing this, the Hamilton Police Service has dedicated fourteen Detectives to investigate sexual violence offences. Emergency calls for service of these offence types are usually first responded to by members of Uniform Patrol Divisions. Additionally, members of the public may also report sexual offences, in non-emergency situations, over the telephone, by attending a Patrol Division in person or by reporting on-line.

Prior to the conclusion of all sexual violence investigations, every investigation is reviewed by a supervising Detective Sergeant from the Victims of Crime Branch. Hamilton Police Service recognizes the importance of having specially trained sexual assault Detectives when investigating sexual offences. Seven of the 14 Detectives are assigned to investigate sexual violence which has occurred against children 15 years of age and under at the time of reporting. The remaining seven members are assigned to the Sexual Assault Unit, who investigate sexual violence to victims who are 16 years of age and older at the time of reporting.

The Hamilton Police Service is committed to providing excellence in sexual assault and related investigations and has expanded the direction given by the Hamilton Police Services Board to include a review and assessment of the following five areas:

1. [Hamilton Police Service - Records Management Practices](#)
2. [Hamilton Police Service - Training](#)
3. [Internal Review - Unfounded Sexual Assault Investigations \(2010-2014\)](#)
4. [External Review - Unfounded Sexual Assault Investigations \(2010-2016\)](#)
5. [Hamilton Police Service - Sexual Assault Policy](#)

A meeting was held with the Women’s Advisory Committee to the Chief in February 2017. In this meeting and with the assistance of community partners, several community professionals with extensive experience working with survivors of sexual violence were identified to form part of an external review committee.

Discussions of the external committee focused on improving service delivery and the ways in which a survivor’s experiences and outcomes can be enhanced when engaging the Hamilton Police Service. A plan was designed to build a Committee of experienced individuals including; Sexual Assault Service Providers, a Crown Attorney, Victim Services workers and Sworn Police Officers.





## MANDATE AND VISION OF THE TEAM

The external review committee: the Sexual Assault Community Review Team (SACRT) developed a mandate to review randomized samples of past-unfounded sexual assault investigations, where the victim was 16 years of age and older, reported to the Hamilton Police Service between the years 2010-2016.

On March 6, 2017, a media release was disseminated to the Hamilton community announcing this collaborative partnership between Hamilton Police Service and the Violence Against Women (VAW) Women's Services Group and included the fact that a review of Unfounded Sexual Assault Investigations would be completed.

On April 13, 2017, the external review committee met for the first time. The committee developed their own Vision, which states, ***"We are all committed to undertaking this review, with the end goal of improved service delivery to victims of sexual assault. It is our hope the review will help identify concrete strategies to inform ongoing collaborative work with the Hamilton Police Service to ensure everyone who experiences sexual assault in Hamilton get the best possible response, service and care"***.

The following individuals were identified in forming the SACRT:

Lenore Lukasik-Foss  
Cindilee Ecker-Flagg  
Diana Tikasz  
David Dunbar  
Susan Double  
Monica McKenzie

Director  
Executive Director  
Program Coordinator  
Detective Sergeant  
Administrator  
Regional Crown

Sexual Assault Centre of Hamilton and Area  
Native Women's Centre  
Sexual Assault/Domestic Violence Centre (HHS)  
Hamilton Police Service – Investigative Services  
Hamilton Police Service – Victim Services  
Ministry of the Attorney General



**Figure 1.** Sexual Assault Community Review Team

The following sections of this document will assist in providing an overview of the efforts the Hamilton Police Service has undertaken to ensure that the review was forward looking, designed with a made in Hamilton approach to enhancing the delivery of policing services to Victims of Sexual assault.

## RECORDS MANAGEMENT PRACTICES

Hamilton Police Service has reviewed its Records Management Practices, which include how offences are reported to Statistics Canada utilizing Uniformed Crime Reporting (UCR Coding) of sexual violence offences and determined changes could be made.

The term *founded* and *unfounded* were created by the Canadian Centre for Justice Statistics. The Canadian Centre for Justice Statistics (CCJS), in co-operation with the policing community, collects police-reported crime statistics through the Uniform Crime Reporting Survey (UCR). The UCR Survey was designed to measure the incidence of crime in Canadian society and its characteristics.

On February 10, 2017, the Canadian Association of Chiefs of Police (CACP) President Mario Harel issued a public statement on Sexual Assault Investigations. This statement was completed, in part, to assure Canadians that Canadian Police Services treat sexual assault investigations seriously and that policing members are continually striving to provide the best service to victims of crime. In addition to making the above statements, he requested that, "...The Police Information and Statistics Committee examine how statistics are recorded and reported to Statistics Canada and make recommendations on how reliable and consistent statistical information may best be collected".<sup>iii</sup> (See Appendix A)

On April 26, 2017, President Mario Harel issued a second public statement titled, "Recommendations Regarding the Collection of "Unfounded" Incidents via the Uniform Crime Reporting Survey".<sup>iv</sup> In this statement, President Harel outlined that all of the recommendations made by Police Information and Statistics Committee (POLIS) to the Canadian Association of Chiefs of Police. President Harel then advised publicly that each of the recommendations were unanimously accepted.<sup>v</sup> (See Appendix B)

On July 12, 2018, CCJS, a Division of Statistics Canada, released a Juristat article titled, "Revising the classification of founded and unfounded criminal incidents in the Uniform Crime Reporting Survey".<sup>vi</sup> The article outlined that, "CCJS and POLIS made a number of recommendations related to statistical classifications and standard definitions that would address inconsistencies in reporting crime statistics", and, that, "It is expected that with these revisions, the use of unfounded as a classification will decline as it will be clearer to police how to classify incidents based on the information from investigations". These recommendations were later endorsed by the CACP Board of Directors and experts who responded to the CCJS consultation on the matter.<sup>vii</sup> (See Appendix C)

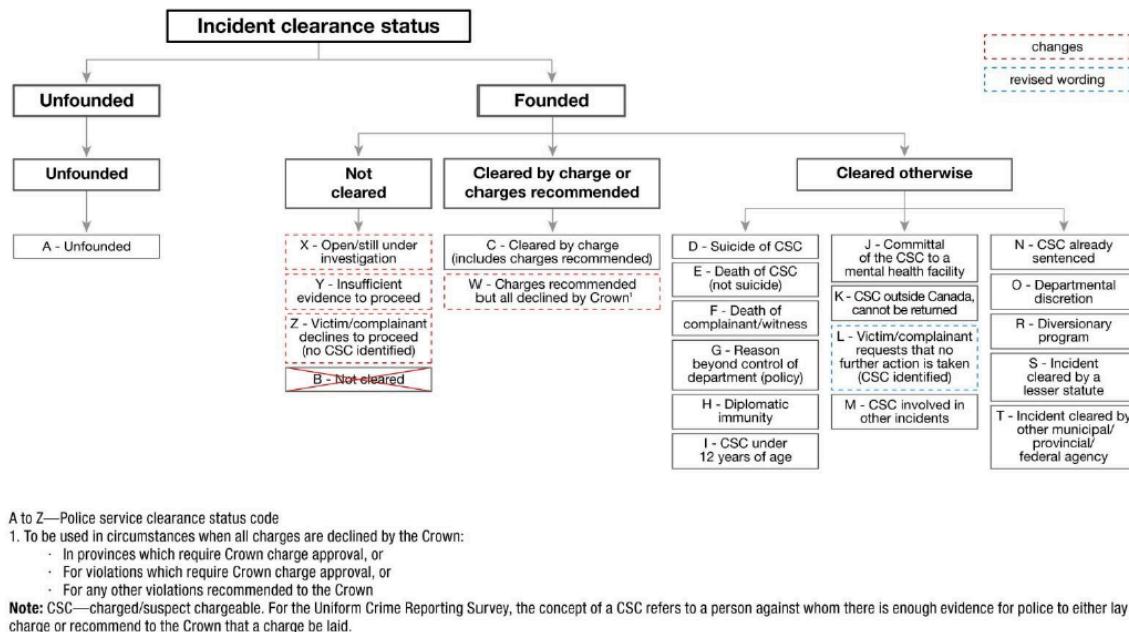
In this Juristat article, the definition of **Founded** was updated to be defined as, "*An incident is founded if, after police investigation, it has been determined that the reported offences did occur or was attempted (even if the charged / suspect chargeable (CSC) is unknown) or there is no credible evidence to confirm that the reported incident did not take place. This includes third party reports that fit these criteria*"<sup>viii</sup> (Statistics Canada. 2018. pg 5-6).





Further, the definition of **Unfounded** is defined as, “An incident is “unfounded” if it has been determined through police investigation that the offence reported did not occur, nor was attempted”.<sup>ix</sup> The article provided a new flow chart which outlines options to classify founded incidents that are not cleared (see figure 2).

The changes are highlighted in the chart below:



**Figure 2. Modifications to the Uniform Crime Reporting Survey Incident clearance status options.** (See Appendix D)

## CHANGES TO HOW SEXUAL ASSAULTS ARE CONCLUDED

Police in Ontario were previously limited on how they conclude criminal investigations, including sexual assaults. The CCJS stated that, “...The lack of specificity in reasons for not clearing an incident may have contributed to varying rates of unfounded. It became evident that more options were needed in order for police to report more accurately and to produce a better statistical understanding of the reason why founded incidents may not be cleared”<sup>x</sup> (Statistics Canada. 2018 pg.6). With the changes recommended by CCJS and POLIS and now adopted by the Canadian Centre for Justice Statistics, Police in Ontario can now conclude investigations as *Founded* where previously they could not.

It was further recommended that the classification of “Not cleared” be separated into three new types of categories:

- Clearance status code X – **Open/still under investigation:** This clearance option is to be used for all open investigations and for those where action has yet to be taken on the reported incident. It includes incidents that cannot be classified as “Insufficient evidence to proceed” or “Victim/complainant declines to proceed (no charged/suspect chargeable (CSC) identified).”



- Clearance status code Y – **Insufficient evidence to proceed:** This clearance option is to be used for incidents where there is insufficient or conflicting evidence for the police service to substantiate laying a charge or recommending a charge to the Crown. This clearance category not only responds to the challenges in some investigations but also complements the new definition of founded incidents.
- Clearance status code Z – **Victim/complainant declines to proceed (no charged/suspect chargeable (CSC) identified):** This clearance option is to be used for incidents where an accused cannot be identified either because the victim/complainant or other witnesses do not want to identify the CSC or they do not want to actively participate in the investigation. This category addresses some of the challenges in investigations where a victim wants the incident to be reported, but may not be ready to identify the accused. It also responds to the need for police to at times explain relatively low clearance rates for incidents related to gangs and organized crime groups where victims and witnesses can be reluctant to cooperate.

<sup>xi</sup> (Statistics Canada. 2018 pg.6)

Providing investigators with additional options on how to conclude their criminal investigations will more closely mirror the complexities of sexual violence investigations.

The Hamilton Police Service has fully implemented all recommendations as put forth by the POLIS committee and supported by the CCJS Division of Statistics Canada. The recommendations were initially implemented throughout the Investigative Services Division in January 2018 and then service wide in August 2018.

### Implemented Training

To ensure that all members of the Hamilton Police Service have a greater understanding of the changes implemented by POLIS, and the impacts the changes will have on victims and statistical reporting, further service wide training will be completed through the Canadian Police Knowledge Network (CPKN).

CPKN is Canada's leading provider of online training solutions for police and law enforcement personnel. Working with subject matter experts from the Canadian policing community, CPKN develops and delivers highly effective, economical, and engaging e-learning courses to meet the needs of frontline officers. Public Safety Canada in collaboration with the Canadian Centre for Justice Statistics sponsored free access to an online course titled, “Standards for Reporting Founded and Unfounded Incidents”. This course, which has been designed for all Canadian sworn and civilian police members, instructed on the proper input of data into the UCR Survey, ensuring that it can be effectively used in Statistics Canada's crime data statistics. In addition to detailing how to complete specific fields within the survey, the course also included a module specific to Hate Crime Awareness reporting and Organized Crime reporting.

The Hamilton Police Service understands the importance of providing timely accurate data to Statistics Canada and the impact of inaccurate data on police legitimacy. HPS welcomes the changes to UCR coding and the improved definitions created which more accurately reflect the variances in how sexual violence investigations are concluded.



An enhancement or upgrade to the NICHE records management systems will be required to fully ensure Hamilton Police Service is accurately reporting the conclusion of criminal incidents to Statistics Canada. A date for this upgrade has yet to be identified.

## **SEXUAL ASSAULT INVESTIGATION TRAINING**

HPS recognizes that ongoing training assists in providing improved service delivery to victims and HPS continues to seek out training opportunities to educate our members.

Every member of the HPS - Sexual Assault and Child Abuse Unit attends the Ontario Police College to receive specialized training on how to complete Sexual Assault Investigations. Members of these units may also receive additional training on courses such as Major Case Management (MCM), Search Warrant Writing, Managing Investigations Using Powercase, Forensic Child Interviewing and Investigating Offences Against Children.

In addition to the above training, in June of 2015, the Hamilton Police Service partnered with Diana Tikasz (MSW, RSW), the Program Coordinator of Hamilton Health Sciences Sexual Assault and Domestic Violence Care Centre, to educate HPS and external policing/community agencies on the Neurobiology of Trauma and Compassion Fatigue (Occupational Stress). In this training, Sexual Assault Unit (SAU) and Child Abuse Detectives (CAB) obtained an increased knowledge of brain science and how this science helps to better understand how victims of sexual assault present and recall information. This training assisted in educating HPS members on how the body and brain respond to stress and threats. The occupational stress literature provided validation and strategies for recognizing the impact on professionals of doing work that is trauma exposed and how it affects the overall wellbeing of staff if not recognized and addressed.

As a result of the knowledge gained in the above training, in March 2016 HPS contacted and subsequently received permission from Dr. Rebecca Campbell to utilize her training material on Trauma Informed Responses to Sexual Assault (Neurobiology of Trauma). Dr. Rebecca Campbell is a Professor of Psychology at Michigan State University and for the past 25 years has been conducting community-based, participatory research and evaluation on violence against women and children, with an emphasis on sexual assault.<sup>xii</sup>

From September 2017 – May 2018, HPS trained all sworn HPS members in this area of Dr. Campbell's work. HPS Victim Services Administrator - Susan Double and Sexual Assault Unit Supervisor – Detective Sergeant David Dunbar facilitated this training. This training ensured that all HPS sworn members have an understanding of how an individual's memory encoding and recall is different under traumatic conditions versus conditions of no stress. To ensure that this valuable training is continued with all sworn members, the Victims Services Branch will continue to deliver this training during all future recruit orientation sessions.

Upon its release, the Hamilton Police Service will also review and consider any recommendations made by the CACP's Victims of Crime Committee and the Crime Prevention – Community Safety and Wellbeing Committee, who on February 10<sup>th</sup>, 2017, were tasked by CACP's previous President, Mario Harel, "...To recommend standards



for training (including trauma – informed investigation), procedures and policies based on best practices and share them throughout the policing community<sup>xxiii</sup>

The Hamilton Police Service understands the complex and difficult work being completed by members of its Child Abuse and Sexual Assault Units and the impact this work can have on its members. The Hamilton Police Service is committed to providing a psychologically healthy and safe work environment, which promotes member wellbeing. The HPS also actively works to prevent harm to members' psychological health, build resiliency and offer assistance where there may be an identified psychological wellness issue and will work with its members to build resiliency and to help prevent Post Traumatic Stress Disorder.

In addition, in May 2018 the Hamilton Police Service began mandatory annual Safeguard testing for members of identified sections within the Investigative Services Division, including those members assigned to the Sexual Assault and Child Abuse Units.

The Hamilton Police Service recognizes the contributions of each of our members and the difficult work our members have to undertake. It is believed that the implementation of mandatory annual Safeguard testing will help to assist our members by acting as an early intervention tool to identify and recognize when members may require support. In June of 2018, the service began offering Safeguard testing by Dr. Annette Lorenz and it has been met with a very positive response.

In addition to the above training and Safeguard testing, HPS will continue to look for educational opportunities and programs which support its members in completing this difficult work.

## **INTERNAL REVIEW OF UNFOUNDED SEXUAL ASSAULT OFFENCES (2010-2014)**

The Hamilton Police Service has undertaken an internal review of all unfounded sexual assault investigations that were reported to the Service during 2010 – 2014. Total investigations reviewed were 758 (461 from SAU and 297 from CAU).

The review differentiates the investigations managed by the Child Abuse Unit (15 years of age and under at the time of reporting) and the Sexual Assault Unit (16 years of age and older at the time of reporting). The internal review was completed by members who have experience working in these areas, but were not assigned to these sections at the time the offences were investigated. Detective Michelle Moore was assigned the review of investigations determined unfounded by the Child Abuse Unit, while Staff Sergeant Chris Kiriakopoulos was assigned to review investigations determined unfounded by the Sexual Assault Unit.

Using the expertise of member Ryan Rakoczy of the HPS Crime Information and Analysis Unit (CIAU), the internal review team differentiated unfounded, third party



reporting and false reporting statistics to better understand the breakdown of how investigators had concluded their investigations.

The internal review team reviewed unfounded reports, written statements where necessary and ensured investigations were concluded utilizing the appropriate NICHE codes. The team also determined if evidence was collected where appropriate and that members adhered to policy and followed proper investigative techniques.

Table 1 identifies the total number of Sexual Assault Unit and Child Abuse Unit Investigations over a five year period (2010-2014) as well as the number of pre-review and post-review investigations that were identified as unfounded. The data shows that had the correct criteria been used, the numbers reported using the UCR code as unfounded between 2010 and 2014 would have been significantly lower. The new number would bring HPS in alignment with the National average of 19% compared to the previous 30% reported by the Globe and Mail. Table 1 further breaks down the UCR coding post-review.

Table 1

Hamilton Police Service Comparison of Founded and Unfounded Statistics for Child Abuse and Sexual Assault Units between 2010-2014

Review of Unfounded Sexual Assault Investigations SAU and CAB 2010 - 2014					
	2010	2011	2012	2013	2014
<b>Total Sexual Assault Investigations</b>	500	573	612	587	696
<b>Pre-Review 'Unfounded'</b>	125 (25%)	142 (25%)	163 (27%)	151 (26%)	177 (25%)
<b>Post-Review 'Unfounded'</b>	96 (19%)	103 (18%)	133 (22%)	106 (18%)	131 (19%)
Detailed Coding Of Post Review Unfounded Cases					
Cleared By Charge	1	2	1	0	1
Cleared Otherwise - Departmental Discretion	0	0	0	1	0
Cleared Otherwise - Victim Declines To Lay Charges	0	0	0	4	0
Cleared Otherwise - Suspect Is Less Than 12 Years Old	0	0	0	1	0
Complete Solved - Non-Criminal	0	1	1	0	0
Complete Unsolved	17	22	17	30	30
False Allegation - Unfounded	11	14	11	9	15
Investigations Reopened	0	0	0	0	0
<b>Unfounded</b>	<b>96</b>	<b>103</b>	<b>133</b>	<b>106</b>	<b>131</b>

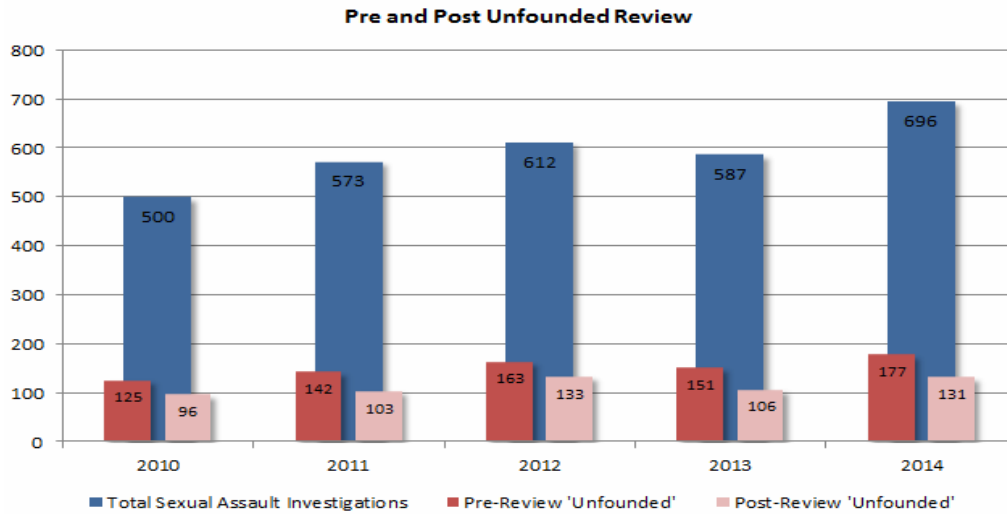
Source: Hamilton Police Records Management System prepared by Crime Information and Analysis Unit (CIAU) Analyst Ryan Rakoczy 2018.

Figure 3 compares the number of Sexual Assault and Child Abuse Cases investigated to the number of pre and post review that were concluded as unfounded between 2010 and 2014. Over the five-year period, the number of investigations has increased by 39%. However, the investigations deemed unfounded have stayed relatively consistent. The post review revealed that had the appropriate UCR code been used, those cases



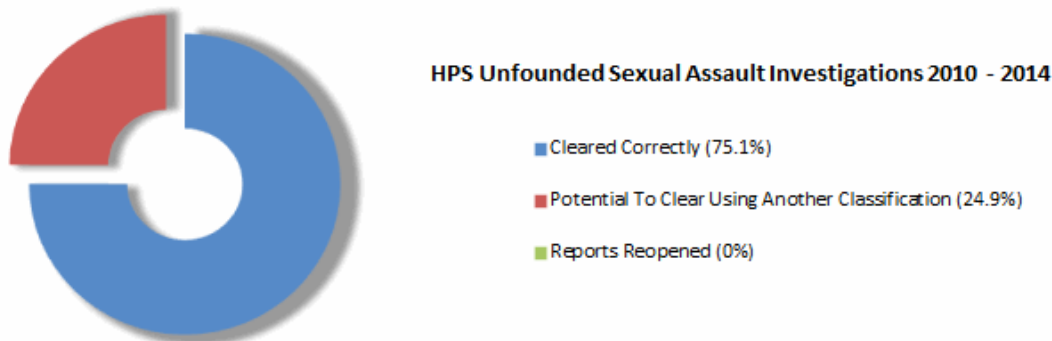


determined to be unfounded would have decreased by 23% in 2010, 27% in 2011, 18% in 2012, 29% in 2013, and 25% in 2014.



**Figure 3.** A Comparison of Sexual Assault and Child Abuse Investigations Pre and Post Unfounded data by year (2010-2014)

Figure 4 shows the number of investigations that were cleared correctly as unfounded (75.1%), and suggests the remaining 24.9% of investigations could have been cleared using another classification.



**Figure 4.** The Number of Sexual Assault and Child Abuse Investigations Cleared Correctly in Comparison to the Potential Number of Cases Using Another Classification.

Table 2 identifies the total number of Sexual Assault Investigations over a five year period (2010-2014) as well as the number of pre-review and post-review investigations that were identified as unfounded. The data shows that had the appropriate UCR code been applied, the numbers reported using the unfounded UCR code between 2010 and 2014 would have been significantly lower than not just the Globe and Mail's reported 30%, or the Provincial average of 25%, but significantly lower. This would have put HPS significantly lower than the National 19% average, with a five year average of 12%.



Table 2 identifies the total number of Sexual Assault Investigations between 2010 and 2014 comparing the investigations that were cleared as unfounded pre review to investigations that could have been cleared differently post review (see table 2).

Table 2

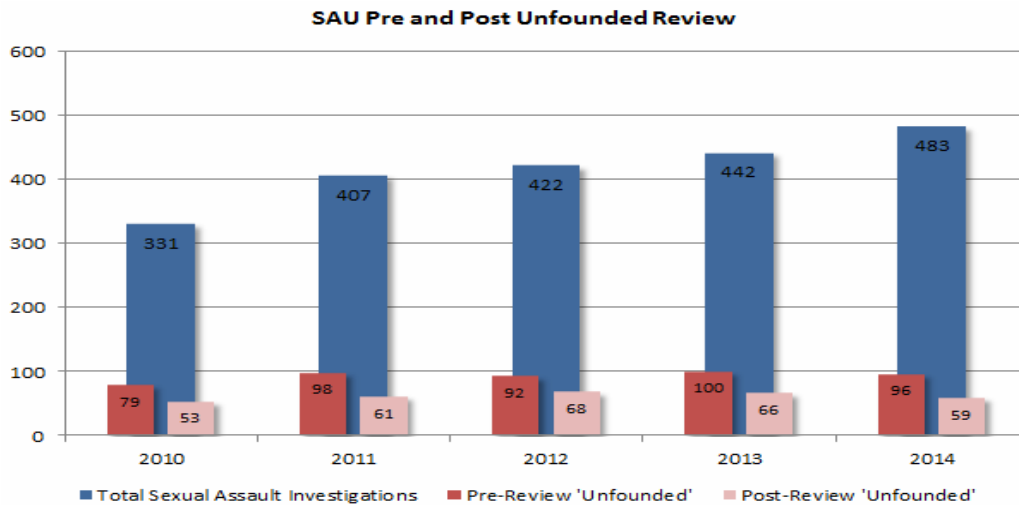
Hamilton Police Service Unfounded Statistics for Sexual Assault Unit between 2010-2014

Review of Unfounded Sexual Assault Investigations SAU 2010 - 2014					
	2010	2011	2012	2013	2014
<b>Total Sexual Assault Investigations</b>	331	407	422	442	483
<b>Pre-Review 'Unfounded'</b>	79 (24%)	98 (24%)	92 (22%)	100 (23%)	96 (20%)
<b>Post-Review 'Unfounded'</b>	53 (16%)	61 (15%)	68 (16%)	66 (15%)	59 (12%)
Detailed Coding Of Post Review Unfounded Cases					
Cleared By Charge	1	1	1	0	1
Cleared Otherwise - Departmental Discretion	0	0	0	1	0
Cleared Otherwise - Victim Declines To Lay Charges	0	0	0	4	0
Complete Solved - Non-Criminal	0	1	0	0	0
Complete Unsolved	14	21	12	20	21
False Allegation - Unfounded	11	14	11	9	15
Investigations Reopened	0	0	0	0	0
Unfounded	53	61	68	66	59

Source: Hamilton Police Records Management System prepared by Crime Information and Analysis Unit (CIAU) Analyst Ryan Rakoczy 2018.

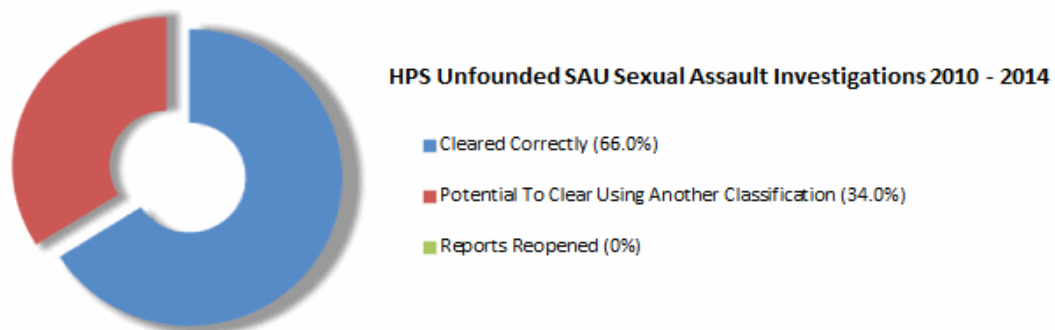
Figure 5 is a comparison for all Sexual Assault Investigations between 2010 and 2014 identified by total cases, pre-review unfounded and post review unfounded. Similar to Table 1, Sexual Assault investigations have increased from 2010 to 2014 by 26 % however the percentage of investigations cleared as unfounded remained relatively the same. Had the appropriate codes been utilized during those years, unfounded investigations would have decreased by 32% in 2010, 37% in 2011, 26% in 2012, 34% in 2013, and 38% in 2014 (see figure 5).





**Figure 5.** Sexual Assault Unit Total Investigations Compared to Pre and Post Review Investigations Concluded as Unfounded

Figure 6 shows the number of investigations that were cleared correctly as unfounded (66%), and suggests the remaining 34% of investigations could have been cleared using another classification (see figure 6).



**Figure 6.** The Number of Sexual Assault Investigations Cleared Correctly in Comparison to the Potential Number of Cases Using Another Classification.

Table 3 identifies the total number of Child Abuse Unit Investigations over a five-year period (2010-2014) as well as the number of pre-review and post-review investigations that were identified as unfounded. Table 3 further breaks down the UCR coding post review. (See table 3)





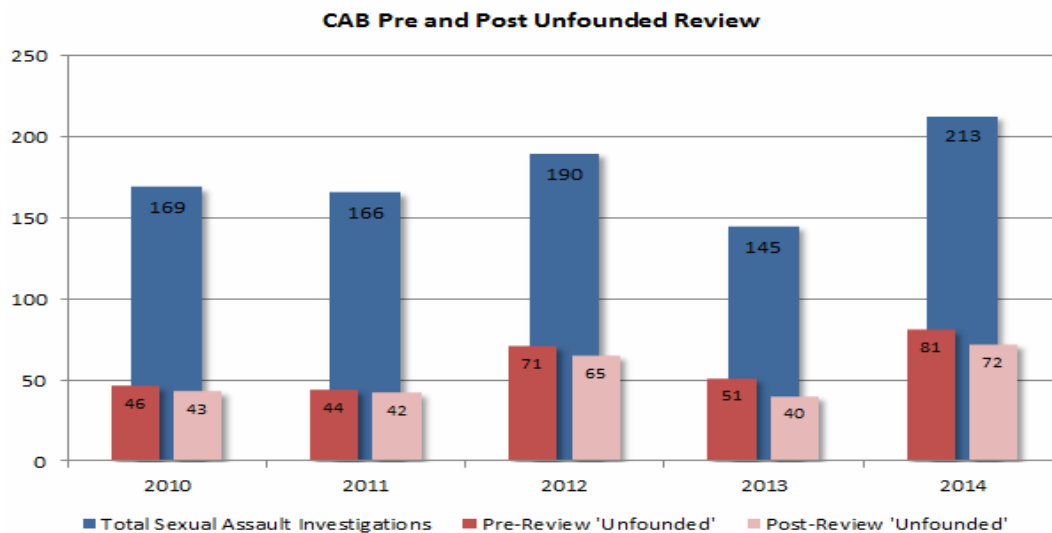
Table 3

Hamilton Police Service Unfounded Statistics for Child Abuse Unit between 2010-2014

Review of Unfounded Sexual Assault Investigations CAB 2010 - 2014					
	2010	2011	2012	2013	2014
Total Sexual Assault Investigations	169	166	190	145	213
Pre-Review 'Unfounded'	46 (27%)	44 (27%)	71 (37%)	51 (35%)	81 (38%)
Post-Review 'Unfounded'	43 (25%)	42 (25%)	65 (34%)	40 (28%)	72 (34%)
Detailed Coding Of Post Review Unfounded Cases					
Cleared By Charge	0	1	0	0	0
Cleared Otherwise - Suspect Is Less Than 12 Years Old	0	0	0	1	0
Complete Solved - Non-Criminal	0	0	1	0	0
Complete Unsolved	3	1	5	10	9
Investigations Reopened	0	0	0	0	0
Unfounded	43	42	65	40	72

Source: Hamilton Police Records Management System prepared by Crime Information and Analysis Unit (CIAU) Analyst Ryan Rakoczy 2018.

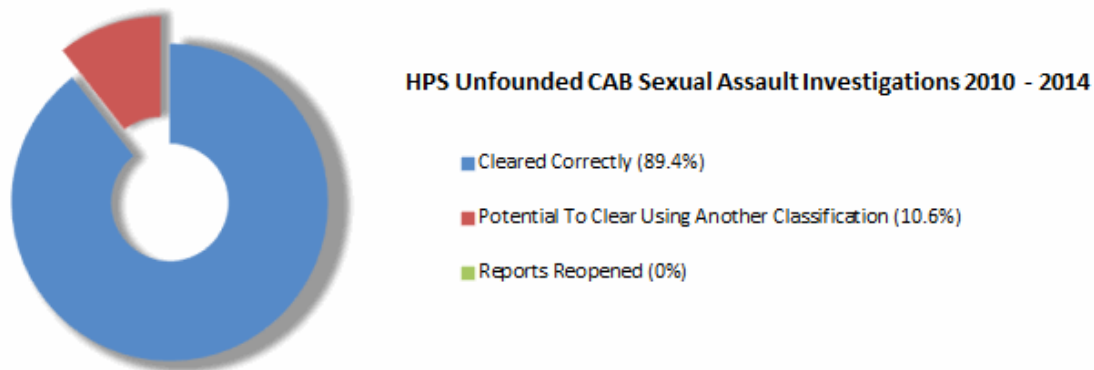
Figure 7 is a comparison for all Child Abuse investigations between 2010 and 2014 identified by total cases, pre-review unfounded and post review unfounded. Similar to Table 1, Child Abuse investigations have increased from 2010 to 2014 by 26 percent however the percentage of investigations cleared as unfounded remained relatively the same. Had the appropriate codes been used during those years unfounded investigations would have decreased slightly by 6% in 2010, 4% in 2011, 8% in 2012, 21% in 2013, and 11% in 2014 (see figure 7).



**Figure 7.** Child Abuse Unit Total Investigations Compared to Pre and Post Review Investigations Concluded as Unfounded



Figure 8 identifies the number of investigations that were cleared correctly as unfounded (89.4%), and suggests the remaining 10.6% of investigations could have been cleared using another classification (see figure 8).



**Figure 8.** The Number of Child Abuse Investigations Cleared Correctly in Comparison to the Potential Number of Cases Using Another Classification.

The HPS internal review examined sexual assault investigations reported to HPS during the calendar years 2010 – 2014 as outlined in the Globe and Mail article.

While the internal review was instrumental in identifying coding errors, it was limited in providing a fulsome understanding as to why cases were being concluded as unfounded. This was partially due to the overwhelming number of cases that each member was reviewing and the fact that the members completing the review were limited to what was captured within police reports and seized medical documents, as opposed to being able to do a full file review (including viewing video witness statements, accused interviews, CAD data, 911 calls, etc.)

The internal review highlighted that third party reporting to police for matters involving children largely contributed to unfounded occurrences arising out of the Child Abuse Branch. Further, the internal review highlighted that numerous SAU Unit unfounded investigations revealed that the victim was or had been suffering from a mental illness at the time their matter was reported to police. The review highlighted the need to ensure supports were being offered to victims who suffer from mental health concerns and who have been sexually assaulted. It has been identified that this may be an area for future partnership between police and mental health professionals.

In addition for the need to provide supports to individuals with mental health concerns, the internal review was beneficial in identifying and correcting coding errors. At the conclusion of the internal review, 75.1 % of the unfounded sexual assault investigation were determined to have been cleared correctly with 24.9% of reports were identified as having the potential to be cleared using another UCR classification.



## **EXTERNAL REVIEW OF UNFOUNDED SEXUAL ASSAULT OFFENCES (2010-2016)**

At the request of our community partners, the SACRT reviewed cases deemed to be unfounded between the years 2010-2016 and focused on investigations conducted by the Sexual Assault Unit (16 and over at the time of reporting). The decision to extend the review outside of years reported on in the Globe and Mail (2010-2014) was made in part to determine if the training provided on the Neurobiology of Trauma in mid-2015 had impacted the statistics in years 2015-2016.

A systematic interval sampling was determined using parameters outlined by the Royal Canadian Mounted Police. (Total population size 626 Sexual Assault Investigations between 2010-2016 that were concluded as unfounded- sample size required for a 95% accuracy,  $\pm 5\% = 65$ ). To achieve a systematic interval sampling, a software tool called Research Randomizer was used. The program generated 65 unique numbers ranging from 1 to 626. Using an excel printout of the 626 Incident Case File numbers; an audit sheet was produced utilizing the 65 numbers generated. The list of 626 was generated using the Records Management System (NICHE) prepared by Crime Information and Analysis Unit Analyst Ryan Rakoczy.

During the review of the 65 cases, two of the cases were excluded. By completing the review, the SACRT hoped to achieve a better understanding of how sexual violence investigations can be improved to better meet the needs of survivor's when engaging the Hamilton Police Service by including best practices, policy, and training.

## **SEXUAL ASSAULT COMMUNITY REVIEW TEAM**

The SACRT included Regional Crown Attorney, Monica MacKenzie. Monica is one of six Ministry of the Attorney General (MAG) - Regional Sexual Violence Action Crowns appointed by Former Premier Kathleen Wynne. Monica provided input into the law surrounding sexual violence offences, as well as an objective Crown's viewpoint in those cases where officers consulted with a Crown prior to the officer concluding an investigation.

The Hamilton Police Service worked with the Information and Privacy Commission of Ontario, the Ottawa Police Service and the Kingston Police Service to develop a Memorandum of Understanding (MOU) that would allow community partners to be exposed to this highly sensitive material. The MOU, in essence, made the community partners agents of the Hamilton Police Service, by creating a role for them to assist the Hamilton Police. (See Appendix E)

In May 2017, all community members involved in this review completed and swore to an, "Oath or Affirmation of Confidentiality" and a Memorandum of Understanding (MOU) before the Hamilton Police Service In-House Legal Counsel – Marco Visentini.

The external review began on Monday November 6, 2017 under the direction and guidance of Sunny Marriner. Marriner is the Executive Director of the Ottawa Rape Crisis Centre and has over 20 years of experience assisting survivors of sexual assault. Sunny was chosen to lead training, as she is nationally recognized for having spent the past 10 years researching best practice on sexual assault investigations, including the Philadelphia model. Marriner has



focused the past three years identifying best practices from the model and developing a Canadian Framework. This Canadian Framework is being called the, “VAW Advocate Case Review Model”.

The VAW Advocate Case Review calls for community members and or experts in the field of sexual assault to review cases independently and or in teams of advocate committees. These individuals would then report on the thoroughness of each police investigation. This would include any identified concerns in how police managed the investigation and or interacted with the victims. The VAW review follows a process of “report, investigation, clearance and review”. It includes a review of unfounded cases and a random sample of founded investigations. It is important to note that the VAW model, in its original form, does not include the involvement of police, victim service professionals and or representatives from the Ministry of the Attorney General (Crown Attorneys) in the review process.

Hamilton’s SACRT, while different in the intended design of the VAW Advocate Case Review model, chose to complete the review as a group. This “Made in Hamilton” approach was chosen to ensure that the different perspectives provided by each professional were shared with each committee member. This enabled all members who formed part of the committee to gain insight into how others arrive at their decision-making. This process of learning was invaluable and helped enhance the already positive relationships that exist between HPS and our community and justice partners and to build relationships where they did not already exist.

To ensure that all SACRT members had a sufficient understanding of HPS Practices, joint training was held to review arrest authorities, UCR coding, Major Case Management principles, Case Conferences, Case Law and the inner workings of the HPS NICHE database. Additionally, Diana Tikasz, the Program Coordinator at Hamilton Health Sciences Sexual Assault and Domestic Violence Care Centre, provided training to all SACRT members on trauma exposure, its impacts, and how to navigate these impacts individually and as a group. This included a presentation, a workbook and continual practice throughout all review meetings. Finally, the two day orientation training included one and a half days of instruction on how to complete a Victim Advocate Case Review, using a form specially designed for this process; the **Advocate Case Review Core Criteria Tool**. To conclude the training, Sunny led the SACRT committee through a review of one of the identified unfounded cases.

The Sexual Assault Community Review Team was always cognizant of trauma exposure and the impact of this trauma on the members of the review committee. As a result, prior to beginning the review, Diana Tikasz led the team to ensure that the group includes self-assessments to help recognize how one is personally impacted by completing this work. Diana developed a workbook titled, “**Indirect Trauma Exposure – Strategies to Maintain Resilience**”. (See Appendix F) This guide was developed to help committee members continuously self-monitor, check in and debrief with each other and direct efforts towards remaining resilient and supportive as the SACRT committee progressed through the review period. Diana provided training to the SACRT team, prior to the review taking place, on the fundamentals of trauma.



## SEXUAL ASSAULT COMMUNITY REVIEW TEAM RECOMMENDATIONS

The Sexual Assault Community Review Team came together on 21 occasions over the course of eight months to prepare for, review and finalize their findings.

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 these recommendations is to first do no harm when supporting victims. The recommendations are as follows:

	Category	Recommendations
1.	<b>Sexual Assault Community Review Team (SACRT) Model</b>	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 codes. It is suggested that all cases with a disposition that does not result in charges laid, be also subject to review.
2.	<b>Staffing and Resources</b>	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.
3.	<b>Education and Training</b>	Ongoing continuous education and training around neurobiology of trauma and the dynamics of sexual violence (rape culture, myths and unconscious bias).
4.	<b>Policy, Procedure and Oversight</b>	Update and create new policies, procedures and practices to ensure that HPS is structurally embedding trauma informed knowledge throughout the investigative process.
5.	<b>Special Considerations for Vulnerable Populations</b>	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.).

To further explain recommendations made in each of the above categories, the SACRT offers the following further explanation and rationale:

1. **Sexual Assault Community Review Team (SACRT) Model** – Reviews should continue to be conducted by the interdisciplinary group on a regular basis (proposing every three months) to ensure the ongoing analysis of unfounded and other cases wherein no charges are laid. The team has developed requirements for the group members in order that there is consistency of participation. With regularly scheduled, timely reviews, there is opportunity to potentially re-open cases where the team finds deficiencies.





2. **Staffing and Resources** – Sexual assault is one of the most violent offences in the Criminal Code. These offences exist in a society that is embedded in rape culture which makes it tremendously difficult for victims to come forward, for charges to be laid and prosecuted and for convictions to be obtained. In order for more thorough and fulsome investigations, additional SAU Detectives are required. These investigations are some of the most time consuming, both during the initial investigation as well as follow up, and require significant Officer involvement in the prosecution.
3. **Education and Training** – The review revealed, at times, that Detectives commenced the process with the position of doubt and utilized criminal investigation interrogation techniques with victims. Adopting a trauma informed approach will ensure that each sexual assault investigation begins with believing the victim and treating all reported sexual offences as legitimate unless determined otherwise after a thorough investigation.
4. **Policy, Procedure and Oversight** – The team recommends embedding trauma informed knowledge throughout investigations. This includes changes to policy such as; include mandatory involvement of Victim Services at the onset of each sexual assault investigation; waiting 72 hours, when safety of the victim or community are not negatively impacted, from the time of an offence to taking a formal statement/interview and requiring a complete supervisory review by the Detective Sergeant including all statements, video for all unfounded and cases where charges are not proceeding.
5. **Special Considerations for Vulnerable Populations** – The review revealed that Detectives and Investigators would benefit from a specialized support person when working with vulnerable populations, as they may be able to provide guidance and suggestions on how to best support the unique needs individual.

The SACRT has determined that 70% of the cases examined were incorrectly coded as “Unfounded”. The SACRT external review members followed an Advocate Case Review Core Criteria Tool developed by Sunny Marriner from the Ottawa Rape Crisis Centre. This review tool included core review criteria as part of each assessment and involved a more robust assessment of each unfounded case including the viewing of every video or written statements taken from the victims, witnesses, suspects and accused persons involved and 911 calls.

## REASONS FOR INCORRECT CLASSIFICATION

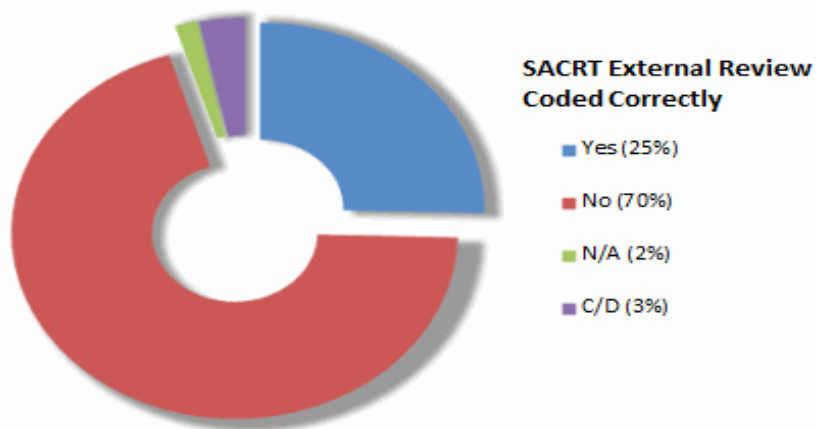
The high rate of incorrect classification of unfounded cases can be attributed to a range of factors including, but not limited to:

- Detectives not correctly applying “Reasonable Grounds” (RG)
- All relevant witnesses not being interviewed
- All forensic testing not being requested and results returned
- Disproportionate weight given to the accused version of events



- Reliance on rape myths
- Use of investigative interviewing and interrogation techniques with victims
- Reliance on corroboration being required
- Predetermining outcomes prior to a full investigation

Figure 9 identifies that 70% of the codes applied to the external review between 2010 and 2016 were determined to be coded incorrectly as unfounded, while only 25% were determined to be correctly coded. Two percent were removed from consideration while 3% were identified as Cannot Determine based on insufficient information.



**Figure 9.** External Review of Sexual Assault Investigations Coded as Unfounded between 2010-2016

What became evident in the external review was that any demonstrated bias held by the Investigator was continued and maintained throughout the criminal investigation and with all of the subsequent documents created and findings made supporting the investigator's bias. It was only through the external review and the review of actual video interviews that independent observers could identify a bias in an investigator and note that the bias continued throughout the Detective's report of the incident.

Much like a researcher selecting evidence, findings or related theories to support their research, Investigators would document or highlight those aspects of the video interview that supported their beliefs. It was only through observing the video interviews could the observer identify that the Investigator's summary did not necessarily reflect all of the information contained in the video interview.

## HPS - SEXUAL ASSAULT POLICY AND PROCEDURE

The Hamilton Police Service, throughout this review process, has examined its Sexual Assault and related investigative policies / practices. As result, the following changes to policy / practice will be made:



1. Only a confirmed Detective Sergeant, or an Acting Detective Sergeant with the required training, will be permitted to clear and conclude a sexual assault or related offence occurrence as unfounded.
2. Detective Sergeants assigned to the Victims of Crime Unit will conduct periodic random reviews of all interviews associated with investigations they are reviewing and approving to identify if Detectives are relying on rape myths in their investigations.
3. Beginning in September 2018, a six month pilot will be initiated with the SAU and the Victim Services Branch during business hours (Mon-Fri 8:30am - 4:30pm). The pilot will include mandatory involvement of a Victim Services Branch staff member who will meet with the victim/survivor, prior to their appointment, with their assigned Detective. The goal will be to provide emotional support and options of interview accompaniment, counselling, resources and financial programs available to them. The pilot will include an evaluation tool for victim/survivor feedback.

The HPS Sexual Assault Unit will continue to review the HPS - Sexual Assault Policy to ensure that it is current and reflective of best practice.

## STAFFING

While increasing the staffing complement of the SAU was not initially projected to form part of this report, it was highlighted by the SACRT as one of their recommendations. As a result, it was determined that providing statistical data on the workload associated with Sexual Assault Unit Detectives would be necessary so that individuals evaluating this report and the Team's recommendations have a better understanding as to the increased systemic pressures faced by investigators working in this area.

Since 2008, Detectives in the Sexual Assault Unit have seen a dramatic increase in their workload. In 2008, Detectives handled an average of 59.6 cases per member per year. This increased to 90.8 cases annually in 2016. The average numbers of cases per member in years 2017 and projected for 2018 are approximately 80 investigations per Detective per year.

With tighter timeline requirements identified in *R. v. Jordan*, 2016 SCC 27, [2016] 1 S.C.R. 631<sup>xiv</sup> and increased court requirements as a result of *R. v. Marakah*, 2017 SCC 59, [2017] 2 S.C.R. 608<sup>xv</sup>, Detectives are under greater pressure to complete their work in a expedient manner and now have to complete search warrants to gather evidence that was once obtained without warrant. Procedural demands and adequacy requirements required by Major Case Management and Violent Crime Linkage System (ViCLAS) also add to the work associated with each criminal investigation. Furthermore, advancements in DNA capabilities / technology require careful handling and processing of exhibits and in-depth search warrants requiring involvement from a member of the Crown's office and approvals from a Judge, which all take additional time to complete.

Due to public safety concerns in stranger sexual assaults like those which have been made public in the Westdale Community near McMaster University, the Hamilton Rail Trail and or complex sexual assault investigations such as Project Links, John Leek and



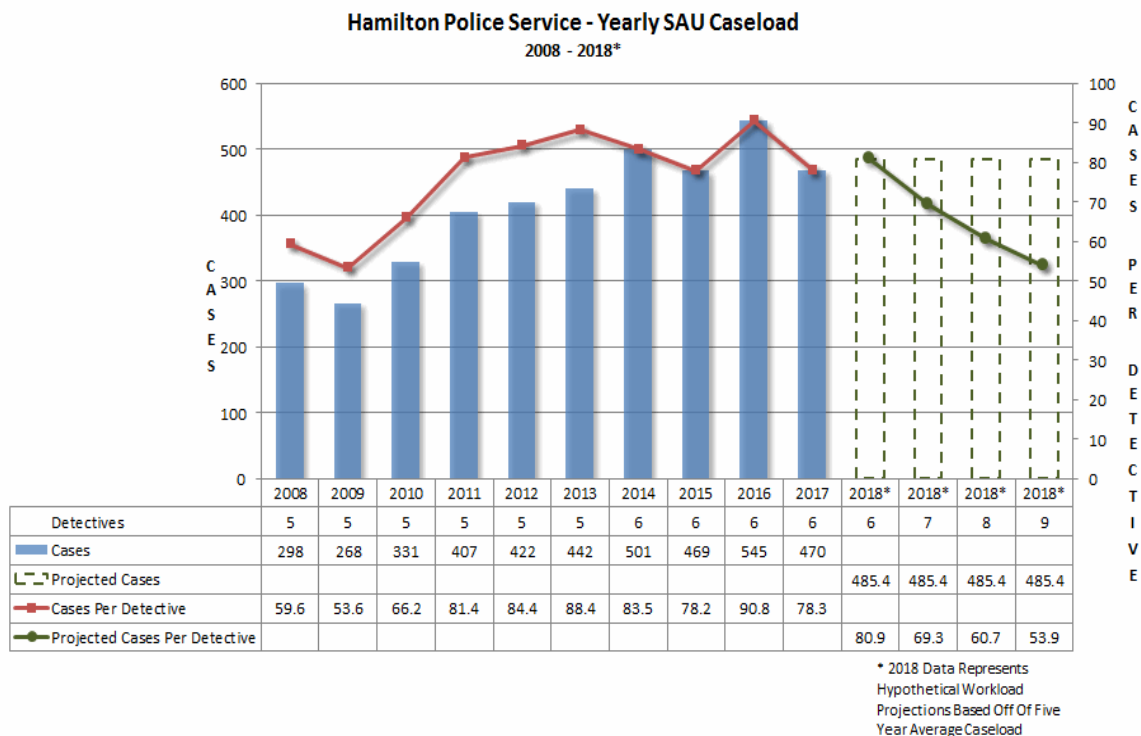


Grant Litt, investigators must focus on these single investigations which results in previously assigned cases being put on hold.

To ensure that the HPS Sexual Assault Unit can provide the best possible service to members of the Hamilton community who have been sexually assaulted, it is recommended that two additional Detectives Constables be hired to supplement the staffing already assigned to the SAU. This would ensure that Detectives are provided with a manageable workload, a workload that ensures HPS members have the necessary time to dedicate to each victim and supporting families and friends. With two additional Detective Constables, the SAU unit would be comprised of nine members (Six Detectives and three Detective Constables). Each person assigned to the SAU would then be responsible for an average of 53.9 major cases per calendar year.

In Summary, reducing workload in high stress/high trauma exposed environments such as the SAU has been shown in the literature to reduce rates of secondary traumatic stress, vicarious trauma and burnout. Officers who are struggling with these occupational stressors are less likely to be able to engage with victims in a compassionate manner. Reducing workload and trauma exposure on this unit not only safe guards the officers' wellbeing but fosters the ability for staff to be victim centered thus improving services to the public.

Figure 10 depicts Hypothetical workload predictions for 2018 utilizing the average of the past five years of Hamilton Police Service Sexual Assault Investigations to determine a workload of 53.9 investigations per Detective.



**Figure 10.** Hamilton Police Service predicted caseload from 2008 through 2018



## CONCLUSION

Over the past 18 months, the Hamilton Police Service has worked closely with community partners to identify and close gaps in the delivery of policing services as they relate to victims of sexual assault.

It was through the review of the HPS Records Management Practices, Training, Policy and Procedure, an Internal Review of all Unfounded Investigations (2010-2014) and a detailed external review involving community and justice partners that gaps in service delivery identified and recommendations formed through the knowledge gained by this review process.

Members of both the Internal and External review teams have dedicated themselves to completing this review and have demonstrated the highest level of commitment to victims of sexual assault.

Hamilton Police Service will move forward with all recommendations provided by the SACRT and we look forward to working with our community partners to ensure that victims of sexual assault receive the best possible service and support from the Hamilton Police Service.

## CONTRIBUTIONS BY:

<b>Susan Double</b>	<b>Administrator</b>	<b>Hamilton Police Service – Victim Services</b>
<b>David Dunbar</b>	<b>Detective Sergeant</b>	<b>Hamilton Police Service</b>
<b>Cindilee Ecker-Flagg</b>	<b>Executive Director</b>	<b>Native Women’s Centre</b>
<b>Jennifer Froates</b>	<b>Graphics</b>	<b>Hamilton Police Service</b>
<b>Chris Kiriakopoulos</b>	<b>Staff Sergeant</b>	<b>Hamilton Police Service</b>
<b>Lenore Lukasik-Foss</b>	<b>Director</b>	<b>Sexual Assault Centre of Hamilton and Area</b>
<b>Monica McKenzie</b>	<b>Regional Crown</b>	<b>Ministry of the Attorney General</b>
<b>Michelle Moore</b>	<b>Detective</b>	<b>Hamilton Police Service</b>
<b>Ryan Rakoczy</b>	<b>Technical Analyst</b>	<b>Hamilton Police Service</b>
<b>Jo-Ann Savoie</b>	<b>Staff Sergeant</b>	<b>Hamilton Police Service</b>
<b>Diana Tikasz</b>	<b>Program Coordinator</b>	<b>Sexual Assault/Domestic Violence Centre (HHS)</b>
<b>Marco Visentini</b>	<b>Legal Counsel</b>	<b>Hamilton Police Service</b>

Respectfully,

*David Hennick*

Inspector  
Investigative Services Division  
Chair - Sexual Assault Community Review Team  
Hamilton Police Service

