

## Return to Written Question

THE HONOURABLE LOUIS SEBERT  
MINISTER OF JUSTICE

### **Complaints of Sexual Assault Classified by RCMP as Unfounded**

Mr. Speaker, I have a Return to the Written Question asked by Ms. Green on February 23, 2017 regarding complaints of sexual assault classified by RCMP as unfounded.

Mr. Speaker, in order to address the specific questions, I provide the House with the following detailed information related to the overall effort of the RCMP to address these concerns.

#### RCMP Training on Sexual Assault Investigations

RCMP officers receive in-depth investigative instruction as part of their 24-week cadet training program, or CTP in Regina, Saskatchewan. There are 36 classes of instruction in the CTP dedicated to investigating sexual assault. There are a further four classes specifically related to child sexual abuse. The curriculum takes an integrated approach, but some of the topics relevant to sexual assault investigation include:

- Ethics in sexual assault investigations
- Victim services
- Assault investigation
- Five stage role play involving a sexual assault investigation
- Major crime scenario exercise ie. sexual assault investigation
- Practical aspects of obtaining bodily substances from suspects for DNA analysis
- Sexual Assault Investigation Kit usage
- Completing Violent Crime Linkage Analysis System reports
- Suspect interviews
- Scenario-based exercises
- Using the media to assist in major investigations
- Processing exhibits to be sent to the forensic laboratory

- Conducting a structured interview
- Preparing for court
- Presenting testimony at trial

The RCMP provides additional training for members to improve their interviewing skills as investigators. This additional training includes topics such as: establishing a rapport with the victim and/or witness, steps in obtaining a pure version statement, ethical and legal considerations, and professionalism. Pure version statements, in particular, are considered key in complex investigations such as sexual assault complaints. This technique has the benefit of being considerate to a witness' experience by allowing them to answer open-ended questions without interruption, but also providing investigators the best information from the witness. Of the approximately 186 RCMP members staffed as of April 2017 in G Division, 119 officers have completed the specialized investigative interview training. Priority for this training is given to front-line officers who are responsible for these investigations, and who work directly with victims of crime.

Within G Division, 24 members have completed additional training specific to child sexual abuse investigation, with 18 completing this training as recently as January 2017. Many of the skills and investigative steps used in child sexual abuse investigations are applicable to sexual assault investigations involving adult victims. Part of this training is focused on recognizing and responding to drug facilitated sexual assaults. This training was provided by Mr. Craig Smith, a private consultant with years of experience as a sexual assault and homicide investigator. G Division provides specialized child sexual assault investigation training each year through Mr. Smith or other similarly qualified instructors.

Analysis of G Division Complaints Classified as Unfounded, 2010 to 2016

Mr. Speaker, in order to discuss the analysis and review of complaints coded as unfounded by G Division RCMP, it is important to explain the basic data collection requirements. The Uniform Crime Reporting Survey's national data standards require that police services code all reportable incidents in order to measure the incidence of crime in Canadian society, and the characteristics of crime. According to the Canadian Centre for Justice Statistics, incidents are to be coded as unsubstantiated or equivalent, founded or unfounded, and statistical information about incidents coded as 'founded' are sent to Statistics Canada. The definitions of these classifications are:

1. **Unsubstantiated or equivalent internal code:** After investigation, it cannot be determined whether or not a violation of the *Criminal Code* or other federal statute took place at that time or location.
2. **Unfounded:** It has been determined through police investigation that the offence reported did not occur, nor was it attempted and therefore no violations of the *Criminal Code* or other federal statute took place at that time or location.
3. **Founded:** After police investigation it has been determined that a *Criminal Code* or other federal statute violation has occurred even if the charged/suspect chargeable is unknown.

Mr. Speaker, it was deeply concerning that the Globe and Mail investigative report revealed that such a high percentage of sexual assault complaints were deemed to be unfounded by police. The Commanding Officer of G Division, Chief Superintendent Jamie Zettler, was equally concerned when I spoke with him. As a result of the report, he immediately initiated an in-depth review of every complaint classified as unfounded in the Northwest Territories between 2010 and 2016.

The Globe and Mail report indicated that 30% of sexual assault complaints in the NWT during that time period were closed as unfounded. The RCMP's detailed review and analysis adjusted the unfounded number of sexual assault complaints to 18.7%. This was because they found that a number of cases classified as unfounded were done so in error due to a coding issue, and not an investigative conclusion. Of the 18.7% unfounded cases, 42% were third-party complaints that were not reported by the victim, but by someone else who had seen or been told something which led them to believe a sexual assault has occurred. The third party then reports it to the RCMP so an investigation can be completed to determine whether or not there has been a sexual assault. It's important to know that a complaint classified as unfounded does not mean that a thorough investigation did not take place, but rather after an investigation, the police were able to determine that the offence reported did not actually occur.

Chief Superintendent Zettler has assured me that they have taken steps to ensure RCMP members are provided with everything they need to investigate allegations of sexual assault thoroughly, while remaining considerate and sensitive to the experience of the person coming forward. This includes appropriate training available for members to support current sexual assault investigation techniques, and the supervision of each of these matters by a senior RCMP member.

#### Sexual Assault Specialized Unit

Mr. Speaker, some provinces or municipalities have established sexual assault units within their police services to investigate all sexual assault complaints in their jurisdiction, as they have determined that this operational model is the best fit for police to provide this service for communities.

Yukon, for example, established a specialized unit in 2013 to investigate domestic violence, sexual assault, and child welfare matters. This model for police operations makes sense in the Yukon where over 75% of the population resides in Whitehorse, and all but one of the 17 communities are accessible by road. A specialized unit is a better fit for a predominantly urban population like that of Yukon.

In the NWT, the geographic reality of having 33 communities, most of which do not have all season road access, makes a specialized investigation model less appropriate. More than half the population of the NWT is spread among communities outside of Yellowknife, and an investigator's responsiveness to complainants would potentially depend on the weather and available travel options for some of our remote communities. The RCMP advises that these communities are best served by ensuring the general duty RCMP officers stationed at their local detachment have all of the tools available to them to investigate allegations of sexual assault thoroughly, remaining sensitive to the experience of the person coming forward.

Thank you, Mr. Speaker.