

Policy Brief

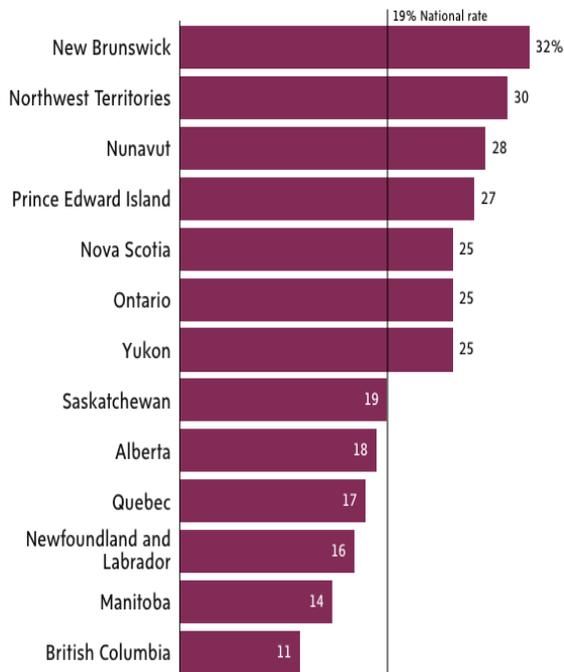
Fixing a broken system: the practice of unfounding and the Philadelphia Model



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Unfounded sexual assault rate by province and territory

Percentage of sexual assault allegations cleared as unfounded (2010-2014)



THE GLOBE AND MAIL

Source: Globe and Mail

The issue

The police code “unfounded,” according to Stats Canada, means that “the police investigation has established that **a crime did not happen or was not attempted.**” Once a police officer “unfounds” a case, further **investigation is ceased**, the possibility of **prosecution is thwarted**, the **case is closed**, and all information is **erased from the public record.**

Given the limited resources of police departments, the exercise of discretion in pursuit of different allegations may seem reasonable.

However, **sexual assault** allegations are notoriously and disproportionately likely to be deemed unfounded. The national sexual assault unfounded rate is at 19%—meaning, **out of every 100 allegations of sexual assault, 19 are dismissed as baseless.** This rate is twice that of physical assault (10%) and dramatically higher than other crimes.

This rate is particularly problematic as research has shown that only between 2%-8% of sexual assault complaints are actually fabricated.

With an unfounded rate of 18% over the past five years, **Montreal’s SPVM** fares relatively worse than the police departments of other major cities such as Toronto (7%) and Vancouver (13%).

Stakeholders

Government policymakers

The Trudeau government has committed 100\$ million dollar for addressing gender-based violence in the next five years

Federal, provincial and municipal police departments

Following the Globe’s 2017 investigation into unfounded sexual assault cases, tens of police departments across Canada have committed to audits of the sexual assaults reported to them.

Frontline services and advocates

Feminists have for years raised concerns about the practice of unfounding.

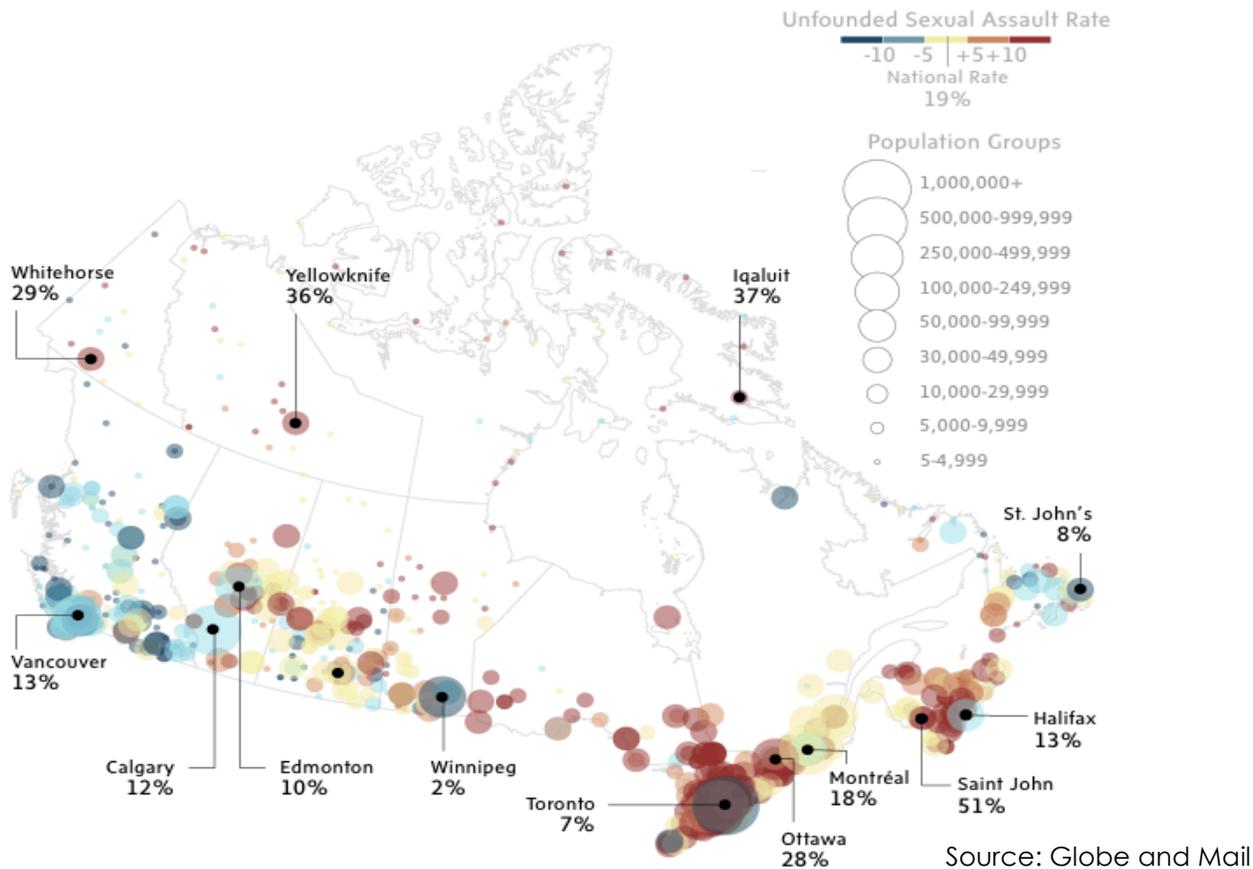
Women

Women are at a disproportionate risk of experiencing sexual violence.

The police practice of unfounding:

A case being “unfounded” means that “the police investigation has established that a crime did not happen or was not attempted.”

Why it matters?



Vast discrepancies between jurisdictions

The vast discrepancies between unfounded rates across the country or even between relatively close geographic regions (consider Gatineau's 16% vs. Ottawa's 28%, or Toronto's 7% vs. York Region's 31%) means that victims are believed differentially in different parts of the country.

Disappearance from the public record

Unfounding such a large number of cases creates the impression that less sexual assaults are being reported and more cases are being investigated. As well, exclusion of unfounded cases from information gathered by Statistics Canada has implications for resource allocation to sexual assault support units.

Lack of police accountability

Unfounding grants too much discretion to the police without much transparency and accountability in return.

Lack of justice

In an already rigged legal system for victims of sexual assault, unfounding makes it further unlikely that complainants see a day in court.

Recommendations

**The
Philadelphia
Model is a
proven and
effective
method
addressing
the police
practice of
unfounding.**

The adoption of the Philadelphia Model

For almost two decades, **third party** (as opposed to internal) review of unfounded cases in Philadelphia has proved successful and **dropped the unfounded rate** in the city to 4%. The Philadelphia model ensures that all cases remain in the public record and as such improves transparency.

Police reform

Police departments in Canada are not trained for sexual assault cases, and many do not have special **sexual assault units**.

In addition to **proper training** with focus on dispelling rape myths, there is a need for **appropriate interview techniques**.

As well, since there is a positive correlation between having above-average **female police officers** with lower unfounded numbers, it is recommended that addressing sexual assault cases fall primarily under the purview of female officers.