

# Convictions remain rare for police accused of sexual assault

December 8 2022, by Danielle McNabb and Kate Puddister

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Over the past few years, social movements from [#MeToo](#) to [Black Lives Matter](#) have raised awareness of sexual violence, police brutality and systemic racism.

Police-involved sexual assault—[sexual violence](#) that is committed by [police officers](#)—sits at the intersection of these two important political movements. [Our research suggests](#) that sexual [violence](#) by [police](#) is more common than many might think.

In November 2022, [a woman of the Oneida First Nation launched a \\$6 million lawsuit against the London Police Service](#) in Ontario alleging their negligent handling of her sexual assault report. The suit asserts that three police officers sexually abused the woman for years beginning at the age of 12. She says despite making reports to the police force and to the [Special Investigations Unit \(SIU\) of Ontario](#), a police oversight agency, virtually nothing was done.

Failure to fully investigate reports of police-involved sexual assault can have a chilling effect on what is already [the most underreported violent crime in Canada](#). It also erodes the public's trust in police accountability and the police themselves, by sending the message that police officers are above the law.

## **What is the SIU?**

As a civilian police oversight agency, the SIU investigates when a police encounter with members of the public results in serious injury, death, the discharge of a firearm or sexual assault accusations against officers. The SIU does not employ active police officers and it has the power to lay [criminal charges](#) against most police officers in Ontario.

[In our recent paper](#), we traced the outcomes of 689 reports of sexual assault made to the SIU between 2005 and 2020. We found that the vast majority of allegations of sexual assault do not result in meaningful consequences for the police officers involved.

## Police-involved sexual assault

Like other forms of sexual violence, the victims of police-involved sexual assault are predominantly female, and we found the average complainant to be 32 years old.

Although the SIU did not begin publishing race-based data until June 2020, we know that [Black](#) and [Indigenous people](#) are disproportionately victims of police brutality, a finding that likely extends to sexual violence.

All police officers that were charged with sexual assault were male. And when compared to other forms of criminal conduct, [perpetrators of sexual assault had more years on the job, with many holding the rank of sergeant or higher.](#)

We also found that charged police officers were slightly more likely to have committed sexual assault while on-duty.

## What happens after a report is made?

Between 2017 and 2020, nearly 40% of all sexual assault reports made to the SIU were terminated. This means the agency decided not to launch a full investigation into the complaint.

According to [SIU policy](#), this happens either because the incident falls outside of their jurisdiction, or because they determine there is "patently nothing to investigate."

During the same period, the unfounded rate for sexual assault reported to Ontario police forces was [10.5%](#). This means that sexual assault reports made to the SIU are much less likely to have a completed investigation.

Canadian police will classify an incident as unfounded when it is ["determined through police investigation that the offense reported did not occur, nor was it attempted."](#)

For the reports that did receive a full investigation, 86.3% did not result in charges being laid. During the 15-year-period of our study, only 7.4% of investigated complaints of sexual assault led to charges.

## **What happens to charged officers?**

[Conviction rates in Canada sit at around 50-60%.](#) And [just over half of sexual assault trials result in a conviction.](#)

[While most people plead guilty when charged with criminal offenses,](#) according to our study, only 16% of charged officers pleaded guilty. Furthermore, under 13% were found guilty after a judge or jury trial, indicating a severely low conviction rate for officers.

To put it in the starkest terms, our study found that only 1.59% of reports investigated by the SIU resulted in a conviction and sentence.

## **Why it's so difficult to investigate**

Police officers are [afforded immense powers.](#) Their work is typically conducted with minimal supervision, out of public view and involves contact with vulnerable populations. It is these conditions that help to facilitate, and make hidden, sexual violence committed by police officers.

These are very challenging cases for the justice system. Like many cases of sexual assault, evidence is often lacking, and cases depend on the credibility of the complainant versus the accused. Police officers are

advantaged in assessments of credibility, and they benefit from their expert knowledge of the justice system.

There is much room for improving how we respond to police-involved sexual violence. Allegations of [sexual assault](#) made against police officers are less likely to receive a full investigation, have charges laid, and result in a conviction—creating the perception that officers do not always face meaningful consequences when accused of sexual [assault](#).

Individuals considering reporting police-involved sexual violence may lack confidence in the system's ability to investigate and hold officers accountable.

Effective police oversight is [built on public trust](#). Considering the barriers to reporting and investigating sexual violence committed by police officers, maintaining public confidence in police oversight is vital.

Police cannot be held accountable without an informed public. By shedding light on these cases, we hope our research will help us better understand how the police oversight system works so we can better advocate for change.

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