

Victim of Unfounded Sexual Assault Complaint Sues the London Police Service for Violation of her *Charter* Rights

Ava Williams, the central figure in [The Globe and Mail's recent investigative report](#) on unfounded sex assaults, has today launched a constitutional challenge against the London Police Service ("LPS"). The Claim alleges the manner in which the LPS treats sexual assault complainants and the dismissal of those complaints as "unfounded", a classification effectively meaning that the complainant was not believed, constitutes sex discrimination. In addition, Ms. Williams seeks damages under the *Charter of Rights and Freedoms* for her treatment by the force and its detectives when she brought a complaint of having been raped when she was a student in 2010.

It wasn't until the publication of The Globe and Mail report that Ms. Williams realized that her treatment at the hands of the LPS was not unique, and that she, like many others across the country, was a victim of systemic discrimination. Ms. Williams says, "I am bringing the claim to achieve justice for all sexual assault victims who have been discriminated by the LPS, and to ensure that the LPS and other police agencies enact meaningful policies to combat systemic discrimination."

Ms. Williams is being represented by Vancouver lawyers Joseph Arvay Q.C., Luciana Brasil and David Wu. These lawyers say that while there has been greater attention in the last year paid to the use of discriminatory rape myths by various players in the criminal justice system, this will be the first case of its kind designed to prove that victims of such discriminatory conduct by the police are entitled to be awarded damages under the *Charter of Rights and Freedoms*. Her lawyers emphasize that "a claim for damages is one way not only to compensate Ava for the harm she suffered, but to also vindicate her rights and to provide some measure of assurance that those violations will not occur in the future."

Ms. Williams brings the claim in the interest of all sexual assault complainants from 2010 to present although the claim is not, at the present time, a traditional class action and as such the claim for damages is presently only brought on behalf of Ava. Ava encourages all women who believe they may have been treated in a similar fashion by the LPS or any other police force in Canada to contact counsel at: syee@farris.com. A class action for monetary compensation for all victims may be pursued at a later stage.

Ava has established a crowd funding site at: http://fnd.us/d1DjJ4?ref=sh_36XPX5. She hopes to obtain the support of all members of the public to contribute in any way they can to help her offset the various legal fees and expenses in taking on this case.

A copy of the filed Statement of Claim is attached.

For further information, please contact legal counsel:

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Court File No. 782-17

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

AVA WILLIAMS

Plaintiff

- and -

**LONDON POLICE SERVICES BOARD, PAUL GAMBRIEL and
JOHN DOE POLICE OFFICERS**

Defendants

STATEMENT OF CLAIM

TO THE DEFENDANTS

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the plaintiff. The claim made against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or an Ontario lawyer acting for you must prepare a statement of defence in Form 18A prescribed by the Rules of Civil Procedure, serve it on the plaintiff's lawyer or, where the plaintiff does not have a lawyer, serve it on the plaintiff, and file it, with proof of service, in this court office, WITHIN TWENTY DAYS after this statement of claim is served on you, if you are served in Ontario.

If you are served in another province or territory of Canada or in the United States of America, the period for serving and filing your statement of defence is forty days. If you are served outside Canada and the United States of America, the period is sixty days.

Instead of serving and filing a statement of defence, you may serve and file a notice of intent to defend in Form 18B prescribed by the Rules of Civil Procedure. This will entitle you to ten more days within which to serve and file your statement of defence.

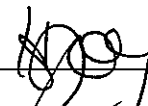
IF YOU FAIL TO DEFEND THIS PROCEEDING, JUDGMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO DEFEND THIS PROCEEDING BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

IF YOU PAY THE PLAINTIFF'S CLAIM, and \$5,000.00 for costs, within the time for serving and filing your statement of defence, you may move to have this

proceeding dismissed by the court. If you believe the amount claimed for costs is excessive, you may pay the plaintiff's claim and \$400.00 for costs and have the costs assessed by the court.

TAKE NOTICE: THIS ACTION WILL AUTOMATICALLY BE DISMISSED if it has not been set down for trial or terminated by any means within five years after the action was commenced unless otherwise ordered by the court.

Date March 31 2017

Issued by  Local registrar

Address of court office 80 Dundas Street
London ON N6A 6B3

TO: **London Police Services Board**
601 Dundas Street
London ON N6B 1X1

Paul Gambriel
601 Dundas Street
London ON N6B 1X1

CLAIM

1. The plaintiff claims:
 - a. a declaration that the manner in which the defendants investigated sexual assault allegations and the resulting dismissal of such allegations as “unfounded” between 2010 and 2017 (the “**Impugned Action**”) unjustifiably infringes s. 15 of the *Canadian Charter of Rights and Freedoms* (the “**Charter**”), Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982 (U.K.)*, 1982, c. 11;
 - b. a declaration that the manner in which the defendants investigated the plaintiff’s sexual assault allegations and the resulting dismissal of her allegation as “unfounded” unjustifiably infringed s. 15 of the *Charter*;
 - c. damages pursuant to s. 24(1) of the *Charter*;
 - d. an order requiring the London Police Service on a yearly basis to allow an external review by a Court-appointed review panel composed of independent experts in sexual assault, including frontline service providers and women’s legal advocates, to review all London Police Service sexual assault cases closed in that year as “unfounded” and a random sample of those closed under other codes;
 - e. an order directing the said panel to assess whether the London Police Service are investigating the crime of sexual assault in accordance with

the law and the judgment of this Court and to report its findings to the Court;

- f. an order allowing the Court to retain jurisdiction to make such further and continuing orders as it deems just and appropriate;
- g. costs, including full indemnity costs and applicable taxes on those costs; and
- h. such further and other relief as this Honourable Court deems just.

The Parties

- 2. The plaintiff is Ava Williams, a university student.
- 3. The defendant, the London Police Services Board, is responsible for overseeing the London Police Service (the “**LPS**”), which serves the City of London, in the Province of Ontario.
- 4. The defendant Paul Gambriel was a detective of the LPS and was the lead investigator in the plaintiff’s sexual assault file. He is now a staff sergeant with the LPS.
- 5. The defendants John Doe Police Officers are officers that were involved in the plaintiff’s file.
- 6. The defendants Paul Gambriel and the John Doe Police Officers are known as the “**Police Officers**”.

Public Interest Standing

7. The plaintiff has private interest standing but also public interest standing to seek the relief sought on behalf of all women who had their sexual assault claims dismissed as unfounded by the defendants between 2010 and 2017, in that:
 - a. the claim raises a serious constitutional challenge relating to how the defendants rely on rape myths in their treatment of sexual assault victims in assessing claims of sexual assault;
 - b. as a victim of the defendants' actions, the plaintiff has a serious and genuine interest in the subject matter of the litigation;
 - c. the subject matter of the litigation is of interest to all women who have been subject to the Impugned Action, and is of interest to all sexual assault complainants across the country and to the general public;
 - d. the claim raises matters of public interest that transcend the interest of the plaintiff;
 - e. most women who have been subjected to the Impugned Action do not know their complaint was classified as "unfounded" or that they have been victimized by the systemic discrimination as plead herein; and
 - f. the claim is a reasonable and effective means to bring the matter before the court.

The Plaintiff's Sexual Assault Complaint

8. On October 16, 2010, a man (the “**Assailant**”) unknown to the plaintiff raped the plaintiff at a location in London, Ontario after a party.
9. The plaintiff was 18 years old at the time. She attended a “keg party” at a house where she brought her own mix drink containing approximately 10 shots of vodka. She was intoxicated by the time she got to the party.
10. Ms. Williams remembers attending the party with some friends and watching people play drinking games.
11. At some point that night she was separated from her friends. Ms. Williams recalls going to the washroom in the house and finishing her drink.
12. At some point that night the plaintiff met the Assailant. She remembers that they engaged in consensual kissing outside the house. She does not recall how they got outside. There is then a period of time that the plaintiff cannot recall the details as she was so intoxicated.
13. However, Ms. Williams does recall that the Assailant attempted to push her head down forcing her to perform oral sex. She refused. The plaintiff recalls the Assailant grabbing and spreading her legs and engaging in vaginal intercourse. She was on the ground and he was on top. Ms. Williams clearly recalls saying “no” multiple times and telling him that he was hurting her. She recalls him saying that he did not want to hurt her, but the Assailant did not stop the assault.

14. The plaintiff recalls several people pointed cellphones at her during the incident. The Assailant then ran away, leaving his wallet behind.
15. Two women found Ms. Williams naked, crying, covered in dirt, near a pine tree at the north corner of the house where the party was.
16. The plaintiff was taken to the hospital for a sexual assault examination. An initial statement was taken by a constable of the LPS at approximately 4:15 a.m.
17. A full interview began at 12:38 p.m. at LPS's headquarters. The interview lasted approximately 35 minutes. Det. Paul Gambriel was the interviewer.
18. During the interview, Det. Paul Gambriel relied on sexual stereotypes and stereotypical myths about sexual assault and sexual assault complainants that have been explicitly rejected by courts and legislation, such as the stereotype that women who consume alcohol are likely to consent to sex, that women often lie about rape as a consequence of post-sex regret, and that women who engage in consensual kissing are more likely to consent to oral sex or sexual intercourse with men they just met. For example, Det. Gambriel said during the interview, which is recorded on video:
 - a. "While you were downstairs though, you were making out with this guy before you went outside... is there any reason you did not tell the police officer that?"
 - b. "The kissing was consensual?"

- c. “If you don’t recall so much of what is occurring outside, how do you recall the fact that you told him ‘no’?”
- d. “So you black out and you don’t remember anything, but then you suddenly come to and you are able to tell him to stop and that you don’t want this to occur?”
- e. “We have the clothing and it’s not torn or anything.”
- f. “Sometimes what actually occurred and what got reported sometimes gets blurred a little bit. And even when you are telling me this, you are able to tell me, despite going through quite a night, keeping your composure. But it’s at the point where everyone is taking your pictures and standing around that you become very, very upset. Which leads me to wonder was it consensual up until that point. And it’s not so much the sex that’s the issue. It’s the voyeurism on everybody else’s part with the cameras. Do you see what I am saying?”
- g. “One of the things I need to clarify is how you can [*sic*] remember most of what’s going on in the party, important factors such as: what was said between you and this guy, how you got outside, how your clothes were removed. All of that is blacked out, and then suddenly you recall telling him to stop it. Whether people are intoxicated or whether it is drug or whether it’s a combination of both, it is not a sudden loss of memory and then a sudden regaining of memory, it’s a gradual - and it’s a gradual. I

don't know how you can block out one specific aspect of the night but remember the rest."

- h. "You get very emotional when you tell me about everyone standing around with the cameras and the cell phones... I'm wondering if that's the crux of the matter, if that's the main focal point of this investigation?"
- i. "Maybe the sex was consensual, and it wasn't until everyone shows up and interrupts and has these cameras out, that now it has become a significant issue for you and for this other party involved."
- j. "You have been very forthright with regards to the amount of alcohol, and that's going to impair your judgment."
- k. "And we did come across people at the party that really don't know you and don't know him, but, like I said, saw you in the basement with him making out, and what appeared to be on the side of the house, consensual sex, until it was discovered that all these cameras are around, all these people are around."
- l. "Is it possible, given the scenario, that it started off consensual?"
- m. "Is it possible, he did not realize at some point that it stopped being consensual?"
- n. "We did locate your underwear. And it appeared there was some discharge in it... is it a possibility that it is lubricant?"

19. Despite the clear and unequivocal evidence of the plaintiff that she told the assailant “no” and to stop as he continued to sexually assault her, and the fact that the plaintiff was too intoxicated to be capable of consent, Det. Gambriel repeatedly and insistently reframed the situation as one that was consensual.
20. On November 13, 2010, the LPS closed the plaintiff’s file as “unfounded”. The file notes the suspect was given a warning, which indicates the LPS was able to identify the Assailant.
21. More recently, after an investigation by the Globe and Mail about the statistics and prevalence of unfounded sexual assault claims including statistics from the LPS (the results of which were published February 3, 2017), the LPS reclassified the plaintiff’s claim as a founded allegation, and the investigation is ongoing.
22. The LPS has however cleared Det. Gambriel of any professional misconduct in his handling of the plaintiff’s complaint.

Victims of Sexual Assault

23. The vast majority of sexual assault victims are females. The vast majority of sexual offenders are male.
24. Further, women possessing certain enumerated or analogous grounds protected by s. 15 of the *Charter* are more likely to be victims of sexual assault:
 - a. girls and younger women are more likely to be victims of sexual assault;

- b. women who have drug addiction are more likely to be victims of sexual assault;
 - c. Indigenous women are more likely to be victims of sexual assault; and
 - d. women who are homeless are more likely to be victims of sexual assault, and women who are homeless are disproportionately more likely to be Indigenous or have a mental or physical disability.
25. Victims of sexual assaults are significantly more likely to be sexually assaulted by someone known to the victim than by strangers.

Statistics on Unfounded Sexual Assault Complaints

26. From 2010-2014, the LPS dismissed 690 out of 2,278 complaints of sexual assault as unfounded. The unfounded rate during this period is 30% (the “**Unfounded Rate**”).
27. A claim classified as “unfounded” is a category that the LPS and many law enforcement agencies use to conclude that no crime occurred, which usually means that the complainant was simply not believed. The determination is often based on stereotypical conceptions about women and about sexual assault victims.
28. The Unfounded Rate of the LPS is significantly higher than the average unfounded rate of sexual assault allegations in law enforcement agencies across the country.

29. The Unfounded Rate of the LPS is significantly higher than unfounded rates of physical assault allegations made to the LPS during the same time period.
30. The Unfounded Rate of the LPS is significantly higher than false report rates of sexual assault found by researchers on the issue.
31. The Unfounded Rate reflects systemic sex discrimination against the plaintiff and other women who have made complaints of sexual assault during this same time period.
32. Until the Globe and Mail published its reports in February and March 2017, the plaintiff was not aware nor could she have been aware that she was a victim of this systemic discrimination.

The Finding that the Plaintiff's Complaint was Unfounded

33. Ten common sexual assault stereotypes are listed by L'Heureux-Dubé J., dissenting in part, in *R. v. Seaboyer; R. v. Gayme*, [1991] 2 S.C.R. 577 at 651-53.
34. The act of classifying Ms. Williams' claim as unfounded was based on a number of stereotypes listed by L'Heureux-Dubé J., including but not limited to:
 - a. *"Struggle and Force: Woman As Defender of Her Honor.* There is a myth that a woman cannot be raped against her will, that if she really wants to prevent a rape she can."
 - Det. Gambriel emphasized to the plaintiff that her clothing was not torn and that she did not remember how her clothes came off, implying that she did not struggle and therefore consented.

- b. *“General Character: Anything Not 100 Percent Proper and Respectable....* Being on welfare or drinking or drug use could be used to discredit anyone, but where women are involved, these issues are used to imply that the woman consented to sex with the defendant or that she contracted to have sex for money.”
- Det. Gambriel, while commending the plaintiff for being forthright in telling him that she was intoxicated, throughout the interview reminded her about the amount of alcohol she had consumed. There is an implication that the plaintiff brought this on herself due to her intoxication, and may have led the Assailant on only to then forget that she did in fact consent. He also relies on “twin myths” reasoning that promiscuous women (in this case, the intoxicated plaintiff who consented to kissing with a stranger) are more likely to consent to sex and in any event are less worthy of belief.
- c. *“Emotionality of Females.* Females are assumed to be ‘more emotional’ than males. The expectation is that if a woman is raped, she will get hysterical during the event and she will be visibly upset afterward. If she is able to ‘retain her cool,’ then people assume that ‘nothing happened’”
- Det. Gambriel distorted the plaintiff’s evidence in suggesting that it was the voyeurism that was the crux of the complaint. He improperly relied on the fact she was able to calmly tell him about the incident, but suggested to her that she got emotional when she started to talk about the people taking pictures of her.
- d. *“The Female Under Surveillance: Is the Victim Trying to Escape Punishment?...* It is assumed that the female’s sexual behavior, depending on her age, is under the surveillance of her parents or her husband, and also more generally of the community. Thus, the defense argues, if a woman says she was raped it must be because she consented to sex that she was not

supposed to have. She got caught, and now she wants to get back in the good graces of whomever's surveillance she is under."

- Again, Det. Gambriel believed or implied that it was the voyeurism that was the crux of the matter, and that the plaintiff got "caught" doing something she should not have been doing.

e. "*Sexual Reputation: The Madonna-Whore Complex...* women... are categorized into one-dimensional types. They are maternal or they are sexy. They are good or they are bad. They are madonnas or they are whores."

- The fact that he commented on the discharge found in the plaintiff's underwear reinforces the idea that he believed that the plaintiff had been aroused and had therefore consented to the assault.

35. The interview displayed Det. Gambriel's ignorance of the law of consent. He allowed stereotypical rape myths to overwhelm the fact that:

- a. the plaintiff clearly remembered saying "no";
- b. he failed to consider her capacity to consent and that there could be no consent if she was intoxicated to the point of not being capable of giving consent; and
- c. even if there was consent at the start of the incident, that consent was clearly revoked when the plaintiff said "no".

36. In any of these three scenarios, the allegation should have been founded and charges against the Assailant should have been laid.

37. The interview was clearly slanted towards disbelieving the plaintiff.
38. The LPS did not properly investigate plaintiff's complaint because she did not fit the ideal rape victim and the ideal rape case, with such ideals being based on outdated and improper stereotypical myths about sexual assault and sexual assault complainants.

Systemic Failures in Training and Policy and Culture

39. In addition to the stereotypes discussed above, the defendants in assessing sexual assault complaints relied on discredited sexual assault stereotypes in Canadian law, including in the cases of *Doe v. Metropolitan Toronto (Municipality) Commissioners of Police* (1998), 39 O.R. (3d) 487 (ONSC); *R. v. Ewanchuk*, [1999] 1 S.C.R. 330; and *R. v. Esau*, [1997] 2 S.C.R. 777. These stereotypes include but are not limited to:
 - a. women lie about being raped;
 - b. women are not reliable reporters of events;
 - c. women are prone to exaggerate;
 - d. women falsely report rape to get attention;
 - e. women who resist or say "no" may in fact be consenting;
 - f. women fantasize about being rape victims;

- g. women are consenting when they are passive or incapable of communicating;
 - h. women consent when they are not modestly dressed;
 - i. drunken women are likely to consent, but are likely to forget they did consent;
 - j. women invite or provoke rape; and
 - k. women who have been truly raped would be hysterical.
40. The LPS has not provided any, or any adequate, training, policies, supervision, or oversight to its Police Officers regarding the use of sexual stereotypes and stereotypical myths about sexual assault and sexual assault complainants.
41. The LPS has not provided any, or any adequate, training, policies, supervision, or oversight to its Police Officers regarding how to appropriately interview victims of sexual assault.
42. The LPS's failures in providing training, policy guidance, supervision, or oversight include but are not limited to failures to ensure that officers, in their investigatory functions:
- a. identify and set aside unconscious bias;
 - b. attend to the psychological and neurobiological effects of trauma on perception and memory;

- c. respond appropriately to sexual assaults committed against women who have mental disabilities;
 - d. attend to the psychological and neurobiological effects of drug and alcohol use on perception and memory;
 - e. attend to the psychological and neurobiological effects of mental illness on perception and memory;
 - f. respond appropriately to sexual assault committed against women who are homeless;
 - g. attend to the psychological effects of homelessness on perception and memory;
 - h. attend to the psychological and neurobiological effects of sleep deprivation on perception and memory; and
 - i. respond appropriately to the victimization of Indigenous women in Canadian society.
43. The LPS has not provided any or any adequate training to its Police Officers about the law of sexual assault and the law of consent.
44. Due to the failure of the LPS in providing any or any adequate training and policies, supervision, or oversight, or, in the alternative, in light of the training it provides and the culture or ethos in the LPS that exists, its Police Officers are not properly equipped to assess the credibility of sexual assault victims, resulting in

continued systemic discrimination against sexual assault victims in general and against the plaintiff in particular.

Section 15 of the *Charter*

45. The manner in which the defendants investigated sexual assault allegations and the resulting dismissal of such allegations as “unfounded” between 2010 and 2017, including the investigation and dismissal of the plaintiff’s allegation, unjustifiably infringes s. 15(1) of the *Charter*, which states:

Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical ability.

46. The defendants’ actions created a distinction on the basis of enumerated grounds, namely, sex, age, and in respect of some women race, mental and physical disability and the intersection of these grounds.

47. The defendants’ actions caused the plaintiff, and all sexual assault complainants between 2010 and 2017, disadvantage as they were not believed and their complaints were categorized as unfounded. The defendants’ actions caused the plaintiff to experience further disadvantage and harms (as defined below).

48. The distinction perpetuated prejudice and stereotyping on the basis of enumerated grounds. The defendants’ actions were both a result of, and perpetuate, outdated and discredited sexual stereotypes and stereotypical myths about sexual assault and sexual assault complainants.

49. The defendants' actions constitute discrimination including systemic sex discrimination.
50. Systemic discrimination claims concern the operation and impact of policies, practices and systems over time, often a long period of time, and involve the interwoven amalgam of conduct, actions, inaction, policies, practices, systems and attitudes that together result in differential treatment and discriminatory impact.
51. The LPS unfounded 690 incidents of sexual assault over a four year period.
52. The statistics reveal that the Unfounded Rate of the LPS is significantly higher than both the average rate of unfounded sexual assaults in law enforcement agencies across the country, and is significantly higher than valid false report rates of sexual assault. Critically, the Unfounded Rate is almost 19 times higher than the physical assault unfounded rate. These statistics are a clear sign of the operation of discriminatory practices, based on rape myths, in determining whether sexual assault cases are worthy of further attention.
53. The LPS handling of sexual assault claims reveals a pattern of discriminatory conduct and attitudes against victims of sexual assault.
54. The LPS has failed to provide any, or any adequate, training, policies, supervision, or oversight to its officers in relation to discrediting sexual stereotypes and stereotypical myths about sexual assault and sexual assault complainants.

55. This systemic discrimination has resulted in differential and disadvantaged treatment of sexual complainants like the plaintiff, who are disproportionately young and vulnerable women.
56. The interview with the plaintiff displays the detective's use of and reliance on stereotypical rape myths, all of which have been explicitly rejected by the courts, and which are a product of this systemic discrimination.
57. The actions of the LPS therefore constitute a breach of s. 15, in that they create a disadvantage for women, including the plaintiff, and perpetuate prejudices and stereotypes about sexual assault victims like the plaintiff.
58. The infringement of s. 15 cannot be justified pursuant to s. 1 of the *Charter* for reason that it is not prescribed by law and, in any event, would not be in compliance with the balance of s. 1, the onus of which lies on the defendants.

Section 24(1) of the *Charter*

59. Section 24(1) provides a personal remedy against unconstitutional government action.
60. The plaintiff's s. 15 *Charter* rights have been infringed.
61. As a result of the infringement, the plaintiff has suffered from a wide variety of adverse effects, including but not limited to:
 - a. psychological and emotional injury;
 - b. a loss of self-worth or self-esteem;

- c. embarrassment and humiliation;
- d. a loss of trust in law enforcement officers and agencies;
- e. a loss of credibility in the eyes of the LPS;
- f. fear for her future well being and security of person;
- g. a loss of belief in the administration of justice; and
- h. out of pocket expenses to be particularized,

(the “Harms”).

- 62. The purpose of awarding damages pursuant to s. 24(1) of the *Charter* is to compensate the plaintiff for loss, to vindicate *Charter* rights, and to deter future *Charter* breaches.
- 63. Damages are appropriate and just in this case given the harm to the plaintiff, the systemic nature of the *Charter* breaches, and the pervasiveness of the stereotypical and discriminatory acts that occur in law enforcement agencies nationwide. Continuing *Charter* breaches by the defendants due to systemic discrimination against victims of sexual assault deter victims from reporting crimes to law enforcement agencies and permit perpetrators to continue to commit sexual violence with impunity.
- 64. The problem of unfounded sexual assaults, and the use of and reliance on rape myths by law enforcement agencies, has been known to experts in sexual assault and by courts for decades.

65. Despite calls for reform in Ontario and across Canada, statistics show that fewer women are reporting sexual assaults and that unfounded rates remain vastly disproportionate and erratically reported and applied across police services.
66. Experts in the area of sexual assault advocate for a case review model first established in Philadelphia, which requires police forces to invite an independent and external review team of frontline service providers and women's legal advocates to review all unfounded sexual assault cases and ensure accountability and transparency in how police deal with sexual assault complaints and complainants (the "**Philadelphia Model**").
67. The LPS has not implemented the Philadelphia Model. The LPS has not attempted to provide additional oversight by experts in the area of sexual violence in regards to how sexual assault files are classified and the impact of rape myths.
68. The plaintiff therefore seeks the remedies set out in paragraphs 1(d), (e) and (f) above as the just and appropriate relief required to ensure that the systemic discrimination is addressed in a meaningful way.
69. The plaintiff also seeks the declaratory relief set out above in paragraph 1(a) pursuant to both ss. 24 and 52 of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982 (U.K.)*, 1982, c. 11, to vindicate the s. 15 rights of those who have been subjected to the Impugned Action.

Place of Trial

70. The plaintiff proposes that this action be heard in London, Ontario.

March 31, 2017

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AVA WILLIAMS
Plaintiff

-and-

**LONDON POLICE SERVICES BOARD,
PAUL GAMBRIEL and JOHN DOE
POLICE OFFICERS**
Defendants

Court File No: _____

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at LONDON

STATEMENT OF CLAIM

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