

**The Auditor General's Second Follow-up Review
on the Police Investigation of Sexual Assaults**

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Auditor General's Office

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TABLE OF CONTENTS

EXECUTIVE SUMMARY	1
BACKGROUND	5
What is a Sexual Assault?	5
The Origin of the 1999 Audit Report – The Jane Doe Case	5
The Auditor General’s Three Independent Reviews	7
Community Consultation	9
OBJECTIVE, SCOPE AND METHODOLOGY	10
IMPLEMENTATION STATUS OF 2004 AUDIT RECOMMENDATIONS	12
Structure of Report	12
Our Findings and Conclusions	12
NEXT STEPS	43
CONCLUSION	43
EXHIBIT 1: 2004 Audit Recommendations Assessed as Fully Implemented and Summary of 2010 Audit Findings	44
EXHIBIT 2: 2004 Audit Recommendations Assessed as Partially Implemented, Summary of 2010 Audit Findings, and Responses from the Chief of Police	50
EXHIBIT 3: Summary of Audit Findings, New 2010 Audit Recommendations, and Responses from the Chief of Police	56

EXECUTIVE SUMMARY

In 1999, the Auditor General issued 57 recommendations to improve police investigation of sexual assaults

In 1999, the Auditor General issued a report entitled “Review of the Investigation of Sexual Assaults – Toronto Police Service”. The review was conducted at the request of City Council in response to the successful civil case of Jane Doe versus the Commissioners of Police of the then Municipality of Metropolitan Toronto. The report contained 57 recommendations.

In 2004 the Auditor General issued 25 recommendations after assessing the implementation status of the 1999 recommendations

The Auditor General conducted a follow-up review in 2004 to determine whether the 1999 recommendations had been implemented by the Toronto Police Service. The review found that not all of the 57 recommendations had been fully implemented. As a result, the Auditor General provided 25 recommendations in the 2004 follow-up review report, many of which pertained to similar issues identified in the 1999 review.

A further follow-up review was requested by the Toronto Police Services Board in 2005

In adopting the recommendations contained in the Auditor General’s 2004 follow-up report, the Toronto Police Services Board in February 2005 requested the Auditor General to conduct a further follow-up review within three years. The Auditor General originally scheduled the review in the 2008 Audit Work Plan. However, subsequent to discussions with the Chair of the Board and senior management at the Police Service, the Auditor General determined that it would be more practical to defer the review until 2009. The Police Services Board was advised of the deferral of the review in writing by the Auditor General in September 2008.

The Auditor General completed the second follow-up review in early 2010

The Auditor General commenced the follow up review in late 2009 and completed the work in early 2010. The purpose of the review was to determine the extent to which the 2004 recommendations have been implemented by the Toronto Police Service. The results of the 2010 follow-up review are presented in this report.

Overall Assessment

19 of the 25 recommendations from 2004 have been fully implemented

The 2010 review determined that 19 of the 25 recommendations contained in the 2004 report have been fully addressed and implemented. In most cases, work is in progress to address the remaining six recommendations.

Overall, it is very clear that the Toronto Police Service has made significant strides in its implementation of the 2004 recommendations. While the current review identified a few remaining areas of work, the review findings by and large attest to the many improvements to police investigations of sexual assault since the original 1999 audit. These improvements have been significant. To highlight the changes over the past 10 years, a separate report has been prepared entitled “The Review of the Investigation of Sexual Assaults – A Decade Later, Toronto Police Service”. This report has also been submitted to the Toronto Police Services Board.

The current review provides 3 new recommendations

During this review, as is the case with most audits, we identified additional areas requiring attention by the Police Service. In this context, this report contains three new recommendations which were discussed with the Chief of Police. Two of the three recommendations pertain to the existing internal review process for sexual assault occurrence reports and one to the need for adequate tracking of supervisory review records.

Finally, it is important to emphasize that our review represents a “snap shot” of activities at one point in time. Our conclusions are also based on a relatively small sample. Nevertheless, the work we have done is appropriate to support the conclusions in our report. We conducted the current review in accordance with generally accepted auditing standards and the review conclusions are substantiated by sufficient and appropriate evidence.

Comments on the 2004 Recommendations Which We Have Determined to Be Partially Implemented

6 of the 2004 recommendations were assessed as partially implemented

Detailed commentary on the six recommendations assessed as partially implemented is outlined in the body of this report. These recommendations relate to:

- Documentation supporting the supervisory review of sexual assault occurrences is in certain cases missing or inadequate. In other cases, documentation substantiating the Service's unfounded conclusions for a sexual assault report or supervisory approval is missing. Finally, documentation of police officers maintaining ongoing contact with women who have been sexually assaulted requires improvement.

Directives issued by the Chief of Police pertaining to the above are clearly outlined in the Police Service Criminal Investigations Procedure 05-05, Sexual Assault. Consequently, there is a need to ensure that Procedure 05-05 is complied with.

- The costs pertaining to the training of sexual assault investigators are not accounted for separately. Consequently, it is not possible to determine the total costs relating to training of sexual assault investigators. As well, it is not possible to benchmark costs with other police services in order to determine the appropriateness of the amount expended on sexual assault investigative training.
- The electronic transmission of the Violent Crime Linkage Analysis System (ViCLAS) data to the provincial ViCLAS data centre in Orillia continues to be outstanding. This requires the co-operation of the provincial ViCLAS Centre.
- In certain instances, investigators did not attend the Sexual Assault Care Centres where the women underwent the forensic examination. Consequently, it would not be possible for the investigators to ensure the women fully understood the legal implications of signing the consent form to release the forensic evidence to police. The requirement for sexual assault investigators to ensure women fully understand the legal implications of signing the consent form is outlined in Procedure 05-05.

The 2010 Report – Additional Recommendations

The 3 new recommendations relate to the existing internal review process for sexual assault reports and the tracking of supervisory review records

This report contains three new recommendations addressing the following issues:

- While the Service has implemented a divisional internal review process for sexual assault occurrence reports, we could find no evidence that areas showing low compliance levels were regularly reported to and addressed by senior management.
- At the present time, the internal review process does not apply to sexual assault occurrences investigated by the Sex Crimes Unit.
- The existing information system is not adequately designed to accurately and efficiently track records of supervisory review of occurrence reports.

Conclusion

The Toronto Police Service in 1999 and prior was the subject of significant criticism both as a result of the 1999 audit by the Auditor General as well as in the judgement in the Jane Doe legal case by Madame Justice MacFarland. This criticism was well founded particularly when the Auditor General was able to identify and articulate 57 recommendations in the 1999 audit report. Further, Madame Justice MacFarland was especially blunt and direct in her views on how the Police Service treated women who had been sexually assaulted. The one comment that received significant attention was the fact that the Police Service had engaged in “*impression management*”. In view of the fact that the 2004 follow-up report identified issues and recommendations which had not been dealt with, the term “*impression management*” continued to have relevance at that time.

The Toronto Police Service has made significant improvements to the investigation of sexual assaults

Since 2004, for the most part, the major recommendations have been addressed. Work continues on those recommendations which remain outstanding. The Police Service, after a decade of criticism, should be recognized for its work and commitment in the way it has improved the investigation of sexual assaults. It is also important to acknowledge, as far as we know, that no other police service in North America has devoted the extent of resources and attention to sexual assault investigations as the Toronto Police Service.

BACKGROUND

What is a Sexual Assault?

Sexual assault is a legal term used in Canada referring to any type of sexual contact that occurs without the voluntary consent of both parties. Kissing, touching and sexual intercourse are all examples of sexual assault if they occur without voluntary consent of both parties.

The Origin of the 1999 Audit Report – The Jane Doe Case

The 1999 audit was conducted at the request of City Council

In October 1999, the City Auditor (now the Auditor General) completed a report entitled “Review of the Investigation of Sexual Assaults, Toronto Police Service”. The review was conducted in response to the civil case of Jane Doe versus the Commissioners of Police of the then Municipality of Metropolitan Toronto and at the request of the City of Toronto Council.

In the summer of 1986, police knew that a rapist was at large in a downtown Toronto neighbourhood. While the then Metro Police were aware that there were many similarities in the mode of attacks, and had concluded that in fact the crimes were those of a serial rapist, they made a deliberate decision to not warn women in the neighbourhood, nor to take any other steps to protect them.

In August of that year, Jane Doe (whose pseudonym used to protect her privacy became her public identity) was raped in her bedroom in the neighbourhood where the assailant was known to be active.

Jane Doe successfully sued the Board of Commissioners of Police in 1998

As a result of that assault, Jane Doe successfully sued the Board of Commissioners of Police of the Municipality of Metropolitan Toronto. Judgement in the case by Madam Justice Jean MacFarland of the Ontario Court of Justice was released on July 3, 1998.

Madam Justice MacFarland found that had Jane Doe been aware of the serial rapist in her neighbourhood, she would have taken steps to protect herself, and that those steps most probably would have prevented her from being raped.

“Although the police say they took the crime of sexual assault seriously in 1985-1986, I must conclude, on the evidence before me, that they did not.” Madam Justice MacFarland concluded, detailing many longstanding problems in the investigation of sexual assaults. In particular, she accepted Jane Doe’s allegation that she and other women had been used as *“bait”* and that the police investigation in the case was motivated by *“serial rape mythology and discriminatory sexual stereotypes.”*

Madam Justice MacFarland found that the police investigation was “irresponsible and grossly negligent” and that the police had failed “utterly” in their duty to protect women

While the Toronto Police Service, in their defence, attempted to show that steps had been taken to improve the identified problems within the Toronto Police Service, Madam Justice MacFarland rejected this evidence and found that the status quo had remained. She said that the police had engaged in *“impression management”* to attempt to improve their public image, but this effort did not represent an *“indication of any genuine commitment for change”*.

Madam Justice MacFarland found that the police investigation was *“irresponsible and grossly negligent”* and that the police had failed *“utterly”* in their duty to protect women.

In addition to finding the police liable for negligence, Madam Justice MacFarland also held that they had breached sections 7 and 15 of the Canadian Charter of Rights and Freedoms. She held that, *“as a public institution with a crucial role to play in the protection of all members of society, the police must act without discrimination in carrying out its duties and responsibilities and must ensure that its actions do not deprive individuals of their rights to security.”* Women’s rights to equality and security had been violated, Madam Justice MacFarland held.

Subsequent to Madam Justice MacFarland’s judgement, on July 9, 1998 several notices of motion were put forward for debate at a meeting of the City of Toronto Council. Council passed a number of motions, including one that directed that action be taken so that an appeal of Madam Justice MacFarland’s decision should not proceed.

Council adopted a motion requiring an audit be completed regarding the handling of sexual assault and family violence cases by the Police

Equally significant, Council adopted a motion requiring that:

“an audit be completed regarding the handling of sexual assault and family violence cases by the Police, and (a) this review be completed by the Auditor within six months and (b) a reference group be established for the audit, whose membership shall include representatives from the Committee on the Status of Women, the Safe City Committee, the Metro Action Committee on Violence Against Women, the Toronto Rape Crisis Centre, the Task Force on Community Safety, the Task Force on Community Access and Equity, as well as a citizen member of the Toronto Police Services Board, the Scarborough Women’s Centre and any other interested women’s organizations...”

The Audit Reference Group consisted of women from agencies and services that work with women who have been sexually assaulted. The major responsibilities of the Audit Reference Group was to consult with various organizations who work in the area of violence against women and provide advice to the Audit team during the course of the audit.

Five days later, the Toronto Police Services Board supported Council’s request for the audit.

The Auditor General’s Three Independent Reviews

Since 1999 three independent reviews have been conducted by the Auditor General

The 1999 report contained 57 recommendations

Since 1999, the City’s Auditor General has now conducted three independent reviews on the police investigation of sexual assaults.

In 1999, the Auditor General issued a report entitled “Review of the Investigation of Sexual Assaults – Toronto Police Service”. The report contained 57 recommendations highlighting issues in investigative procedures, training, information systems, sexual assault care centers, victim services, and community warnings. The report and its recommendations were adopted by City Council in February 2000. The report and recommendations are available at: http://www.toronto.ca/audit/reports1999_sub1.htm

***The 1999 report
required follow-up***

One of the 1999 recommendations was that the Auditor General conduct a follow-up audit in regard to the implementation status of the recommendations. Accordingly, the Auditor General conducted a follow-up review in 2004 to determine the extent to which the 1999 recommendations had been implemented. The 2004 report and recommendations are available at:

http://www.toronto.ca/audit/reports2004_sub4.htm

***The 2004 follow-up
report contained 25
recommendations***

The 2004 follow-up review identified a total of 25 recommendations, many of which related to similar issues identified in the 1999 review. The Auditor General was requested by the Toronto Police Services Board to undertake a further follow-up review of the 2004 recommendations within three years. The Auditor General subsequently included the follow-up audit work in its 2008 Audit Work Plan.

***The Auditor
General was
requested to
conduct a further
follow-up review***

However, in May 2008 the Toronto Police Services Board adopted a recommendation that the Chief of Police develop a process to evaluate the changes implemented to the training of sexual assault investigators and that the evaluation be completed by the fall of 2009.

In view of this Board recommendation and subsequent discussions with the Chair of the Board and senior police management staff, the Auditor General determined that it would be more practical to postpone the follow-up review until late 2009. This would allow the Chief to complete his evaluation of the changes to the training of sexual assault investigators. The Toronto Police Services Board was advised of the deferral of the follow-up review in writing by the Auditor General in September 2008.

***A second follow-up
review was
completed in early
2010***

The Auditor General completed the audit work in early 2010. The review results are provided in the current report.

Community Consultation

An Audit Reference Group was established in 1998

An Audit Reference Group was established in 1998 as directed by City Council. The Reference Group consisted of women from agencies and services working with women who have been sexually assaulted. The Audit Reference Group met on a regular basis during the audit and provided support to the audit process by arranging presentations from organizations and individuals with knowledge and expertise of how the process of investigations into sexual assaults have impacted diverse women's communities. These presentations assisted in providing the audit team with a concrete understanding of the issues and the impact of sexual assault on women.

The role of the Audit Reference Group was to act in an advisory capacity to the Auditor General. There was no reporting or accountability relationship between the Auditor General and the Reference Group.

In 2004, the Auditor General assessed the implementation status of the 57 recommendations from the 1999 audit, and provided 25 new recommendations in the 2004 follow-up review report.

A Sexual Assault Audit Steering Committee was established in 2005

In adopting the recommendations from the Auditor General's 2004 follow-up review, the Toronto Police Services Board at its February 2005 meeting approved the establishment of a Sexual Assault Audit Steering Committee. The Committee comprised of senior police officers and women from the anti-violence community to provide expertise with respect to the implementation of the 2004 audit recommendations.

Since its inception in 2005 through to 2007, the Steering Committee conducted work on sexual assault investigator training, issuance of community warnings, and the Violent Crimes Linkage Analysis System (ViCLAS). The Committee provided a summary report to the Police Services Board in 2008 highlighting the work accomplished by the Committee. The report also includes the Committee's recommended changes to the sexual assault investigator training and ViCLAS. The Steering Committee summary report was presented to the Police Services Board at its May 2008 meeting.

A Sexual Assault Advisory Committee was established in 2008

At the same May 2008 meeting, the Board also approved the establishment of a Sexual Assault Advisory Committee consisting of community practitioners, Police Service representatives and experts in the issues associated with the sexual assault of women. The Advisory Committee held regular meetings throughout 2009, and assisted the Service in identifying and addressing pertinent and emerging issues relating to sexual assaults.

OBJECTIVE, SCOPE AND METHODOLOGY

Objective of 2010 review

The objective of the 2010 follow-up review was to determine the extent to which the 2004 audit recommendations have been implemented by the Toronto Police Service. The review was conducted between December 2009 and April 2010.

The scope of the current review does not include an assessment of recommendations made by the Sexual Assault Audit Steering Committee in relation to the 1999 and 2004 audit recommendations.

With the exception of one recommendation, the Service reported all other 2004 audit recommendations were either implemented or “ongoing”

In response to the Police Services Board request in May 2008, the Chief of Police provided semi-annual reports to the Board in 2009 on the progress of implementing the Auditor General’s 2004 recommendations. In the November 2009 semi-annual report to the Board, the Chief of Police indicated that, with the exception of Recommendation 13, all of the other 2004 audit recommendations were either implemented or “ongoing”.

2004 audit Recommendation 13 relates to involvement of the Sex Crimes Unit in the training of sexual assault investigators. The Chief of Police indicated in the November 2009 report that “*The Service does not agree that training oversight should be the responsibility of the Sex Crimes Unit ...*”

The Chief of Police, of course, has the final determination of the relevance of all audit recommendations.

In 2009, the Service also provided the Auditor General information detailing the action undertaken in relation to the implementation of all audit recommendations. Audit staff reviewed the information provided by the Service and conducted necessary work to determine whether the intent and substance of the audit recommendations have been met.

The audit work included:

- Interviews with members of the Toronto Police Service including staff of the Sex Crimes Unit and the Training and Education Unit.
- A review of related Toronto Police Service policies and procedures, reports to the Toronto Police Services Board, and other relevant reports and documents.
- A detailed review of 22 sexual assault occurrence reports that were received by the Toronto Police Service in 2009:
 - The 22 reports comprise of one report from each of the 17 police divisions and 5 reports from the Sex Crimes Unit
 - The reports were selected to include different conclusion status i.e., “unfounded”, “solved”, “unsolved”, and “arrested”
 - For each report selected for review, the related occurrence information, arrest document, system record, officer memorandum book, and notes to file were reviewed
 - Preliminary audit findings were discussed with staff throughout the review process.

Audit work included reviewing information from the Service and relevant policies and procedures, staff interviews, and a review of 2009 occurrence reports

Compliance with generally accepted government auditing standards

We conducted the current review in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence that provides a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

IMPLEMENTATION STATUS OF 2004 AUDIT RECOMMENDATIONS

Structure of Report

The following section provides our 2010 follow-up review findings in relation to the 25 recommendations from the 2004 review. The structure of our report is as follows:

- Each individual recommendation from our 2004 report is restated at the outset.
- Immediately following the recommendation is our 2010 assessment of the implementation status of each recommendation.
- After each recommendation, commentary is provided in support of our assessment.
- Included in the body of the report are three additional recommendations which require consideration by the Chief of Police.

Exhibit 1 attached provides a list of the 2004 audit recommendations that were assessed as fully implemented and a summary of audit findings in support of our assessment.

Exhibit 2 attached provides a list of the 2004 recommendations that were assessed as partially implemented, a summary of audit findings, and responses from the Chief of Police.

Exhibit 3 attached lists a summary of audit findings necessitating additional recommendations, the new recommendations from the current review, and responses from the Chief of Police.

Our Findings and Conclusions

<i>2004 Audit Recommendation 1</i>
<i>The Chief of Police re-evaluate the staffing complement in the Sexual Assault Section of the Sex Crimes Unit in order to ensure that the level of staff is commensurate with the increase in workload experienced since 1999.</i>
2010 Audit Conclusion – Addressed and implemented

The Sex Crimes Unit specializes in the investigation of sexual assaults

The Sex Crimes Unit within the Toronto Police Service specializes in the investigation of sexual assaults. Initially established as the Sexual Assault Squad in 1989, its name was changed to the Sex Crimes Unit in 2002. The Unit currently consists of four sections:

- Sexual Assault Squad
- Behavioral Assessment Section
- Child Exploitation Section
- Special Victims Section

The initial mandate of the then Sexual Assault Squad was restricted to those assaults where the offender was unknown to the woman prior to the assault and the assault involved “penetration”. Consequently certain serious offences were not investigated by the Squad because “penetration” was not involved.

Since 1999 the mandate and workload of the Sex Crimes Unit have been expanded

Following the 1999 audit, the Toronto Police Service adopted a risk-based approach to determine whether an incident of sexual assault should be investigated by the Sex Crimes Unit. This resulted in the Unit being responsible for a larger number of cases. For instance, the former Sexual Assault Squad was responsible for investigating 70 cases in 1998, compared to 153 cases by the Sex Crimes Unit in 2003.

Despite the workload increase, the total number of investigators allocated to the Unit increased only from 19 in 1999 to 20 in 2004. As the staffing complement remained relatively constant and the workload more than doubled since 1999, it was recommended in the 2004 report that the Chief of Police re-evaluate the staffing complement of the Sex Crimes Unit.

An internal review of the Unit’s staffing level was conducted by the Service in 2005

In response to the 2004 audit recommendation, the Service conducted an internal review of the staffing complement of the Sex Crimes Unit in 2005. The internal review concluded that the staffing level of the Unit was commensurate with the increased workload. However, the internal review also recognized the importance of ensuring flexibility in staffing such that the Unit had the capacity to respond to complex cases when needed. The internal review further recommended introducing an apprenticeship/internship program to improve staffing flexibility. However, this proposal was not implemented by the Service due to budget constraints.

The Sex Crimes Unit is responsible for investigating eight per cent of sexual assault reports

Between 2004 and 2009, the annual number of sexual assaults reported to the Toronto Police Service remained relatively stable ranging from 1,600 to 1,750 cases per year. The Sex Crimes Unit was responsible for investigating approximately eight per cent of the total reported sexual assaults, averaging 138 cases each year. The number of investigators within the Unit increased from 20 in 2004 to 21 in 2009.

The current team approach allows flexibility in allocating investigative resources

In 2008, The investigative team within the Sex Crimes Unit changed from a “partner” concept (i.e., two officers working together) to a “team” approach. According to the Unit Commander, the “team” approach allows for flexibility in allocating resources. Furthermore, in instances where a large pool of staff resources was needed, the Unit Commander was able to draw temporary resources from other units within the Service.

The Chief of Police has evaluated the staffing requirements of the Sex Crimes Unit and consequently, based on our review, Recommendation 1 has been fully addressed.

2004 Audit Recommendation 2

The Chief of Police, in consultation with the City’s Internet Web site administrators, consider enhancing the Internet Web Page of the Sex Crimes Unit to include information relevant to those women who have been sexually assaulted. In particular, the Internet Web site include information on:

- ***the roles and responsibilities of the first-response police officer;***
- ***the roles and responsibilities of the divisional investigating police officer;***
- ***the roles and responsibilities of the Sexual Assault Section within the Sex Crimes Unit;***
- ***the availability of police officers of either gender in the interview and investigative process of a sexual assault;***
- ***the availability of translation services to women reporting a sexual assault;***
- ***the roles of the Sexual Assault Care Centres, the Victim Services Program and various other community support services; and***
- ***the ensuing legal process pertaining to a sexual assault.***

2010 Audit Conclusion – Addressed and implemented

The Sex Crimes Unit's Web Page has been substantially improved since 2004

The Toronto Police Service Internet Web site consists of a separate Web Page for the Sex Crimes Unit. The need to enhance information on the Unit's Web Page was raised in our 1999 audit and reiterated in 2004.

As part of the current review, we assessed the Web site information in December 2009 and verified that the specific improvements suggested in our 2004 review have been incorporated into the Sex Crimes Unit Web Page.

Recommendation 2 has consequently been fully implemented.

2004 Audit Recommendation 3

The Chief of Police direct all first-response officers immediately that policies and procedures must be complied with. Consideration be given to the re-issue of Criminal Investigations Procedure 05-05, Sexual Assault. In particular, first-response officers attending incidents of sexual assault be immediately directed that:

- (a) officers collect only basic information concerning the assault from the woman who has been sexually assaulted;*
- (b) only those officers with specific training in sexual assault investigations be allowed to conduct detailed interviews with the woman who has been sexually assaulted; and*
- (c) interpretation services be provided by the Multilingual Community Interpreter Services or other police officers.*

2010 Audit Conclusion – Addressed and implemented

A Routine Order relating to Recommendation 3 was issued by the Service in 2005

The Toronto Police Service issued a Routine Order in 2005 highlighting police procedures pertaining to the issues identified in audit Recommendation 3. The investigation of sexual assault is governed by Criminal Investigations Procedure 05-05, Sexual Assault, initially issued in 1998.

During our audit, we reviewed a sample of 22 sexual assaults reported to the Toronto Police Service in 2009. Our findings relating to Recommendation 3 are as follows:

Re: Recommendation 3(a)

The requirement for first-response officers to collect only basic information is specified in Criminal Investigations Procedure 05-05, Sexual Assault, respecting “Victim Interview” and procedures for “Police Officer”.

Among the 22 sampled occurrences, six included officer notations that only basic information was sought from the women during initial contacts. In a number of other sampled reports, a detailed description of the incident was noted in the report by the first-response officer. However, these were either reports of a historical sexual assault or reports of a minor incident (e.g., involving touching) where the detailed information was likely voluntarily provided to the first-response officers by the women.

Re: Recommendation 3(b)

Procedure 05-05 specifies that only an accredited sexual assault investigator shall conduct detailed interviews with the victim. In all of the 22 sampled occurrences, the detailed interview was conducted by an accredited sexual assault investigator.

In all of the 22 sampled occurrences, the detailed victim interview was conducted by an accredited sexual assault investigator

Re: Recommendation 3(c)

Procedure 05-05 directs officers to contact Multilingual Community Interpreter Services when interpretation services are required. Procedure 05-05 also states that family members shall not be used as interpreters. Of the 22 reports reviewed, one involved a woman who was not fluent in English. Interpretation was provided by the police officer who was fluent in the language spoken by the woman.

Our review of 22 occurrence reports did not identify any instance of non-compliance with police directives relating to audit Recommendation 3.

Recommendation 3 has been fully implemented.

2004 Audit Recommendation 4

The Chief of Police give consideration to amending Criminal Investigations Procedure 05-05, Sexual Assault, to clarify the circumstances during which officers in charge are required to attend the scene of a sexual assault. The amendment outline specific criteria and circumstances in terms of when attendance at the scene of a sexual assault is required. Reasons for non-attendance at any scene where a sexual assault has occurred should be documented in writing and approved by appropriate supervisory staff.

2010 Audit Conclusion – Addressed and implemented

2004 audit noted that supervisory staff did not always attend at the scene of a sexual assault

Our 2004 audit noted that, contrary to the police directive, supervisory officers did not always attend at the scene of a sexual assault and their reasons for not attending were not noted in reports.

Police procedures have since been amended to require supervisory officers attending the scene of the offence

Since 2004, Procedure 05-05 has been amended to require:

“the first supervisory officer, upon being notified of a sexual assault shall:

- Attend at the scene of the offence, where the victim is located or any additional location deemed necessary*
- Ensure their attendance or reason for non attendance is recorded in their memorandum book and the report.”*

Our review of 2009 occurrence reports found that in most cases supervisory officers attended the scene

In certain circumstances, such as a historical sexual assault or an offence occurring in an unknown location, supervisory attendance at the scene is likely not relevant. Of the 22 occurrences reviewed, 15 required supervisory attendance. Among these 15 occurrences, 14 were attended by supervisory officers. In one occurrence, divisional supervisory staff did not attend at the scene. In responding to our enquiry as to why this occurred, staff explained that the non-attendance was due to a high volume of calls received by the division at the time. This however was not noted in the occurrence report.

In spite of the one issue noted in our review, we consider Recommendation 4 as fully addressed. The requirements for supervisory attendance and documentation of reasons for non-attendance are outlined in the current Procedure 05-05.

In regard to the absence of supporting documentation in the one case where a supervisor did not attend the scene of a sexual assault, we have addressed this issue in our evaluation of the implementation of Recommendation 7 in this report.

2004 Audit Recommendation 5

The Chief of Police ensure that whenever possible, only those officers with specific training in sexual assault investigations be allowed to conduct sexual assault investigations.

2010 Audit Conclusion – Addressed and implemented

In reviewing a sample of occurrences in 2004, we noted that nearly 25 per cent of the investigations were led by a divisional investigator who had not received the specific sexual assault investigator training.

Current Procedure 05-05, Sexual Assault, specifies that all sexual assault investigations are to be conducted by accredited sexual assault investigators. In addition, the Unit Commander is responsible for ensuring that a sufficient number of properly trained and accredited officers are deployed to effectively deal with reports of sexual assault.

All of the 2009 occurrences reviewed were conducted by accredited sexual assault investigators

In our review of 2009 occurrences, all of the investigations were conducted by a divisional or Sex Crimes Unit investigator who has received training in sexual assault investigations.

Recommendation 5 has been fully implemented.

2004 Audit Recommendation 6

The Chief of Police give consideration to the implementation of a supervisory/ monitoring/ reporting process to identify areas of non-compliance with published procedures. Instances of non-compliance be appropriately dealt with including the imposition of necessary discipline.

2010 Audit Conclusion – Addressed and implemented

Our 2004 review noted that in certain cases, requirements outlined in Procedure 05-05 were not being complied with by police officers. Consequently, we recommended the implementation of an ongoing monitoring process to identify areas of non-compliance.

An internal monitoring process for sexual assault reports has been implemented since 2005

In our current review, staff advised that the Service has implemented an internal monitoring process for sexual assault reports since 2005. This internal monitoring process is part of the “Statcom” program implemented across all 17 police divisions. The Statcom program is an information management tool that systematically tracks data relating to crime management, staffing, and crime prevention initiatives at the divisional level.

Based on our discussions with staff, the internal monitoring process consists of the following:

Each month two sexual assault reports are randomly selected from each division for internal review

- The system randomly selects two sexual assault cases from each division each month.
- For each selected case, a divisional officer reviews the occurrence information and completes an assessment questionnaire comprised of 10 questions. These questions are derived from the specific police directives for sexual assault investigations.
- The reviewing officer is trained to conduct the review and is familiar with sexual assault investigations.
- The Unit Commander is able to review the assessment results through the Statcom system. The results are also discussed at regular meetings held between the Staff Superintendent and the Unit Commander.
- A program coordinator periodically reviews the completed questionnaire with the related occurrence reports in order to validate the accuracy of the internal assessment.

We requested, on a number of occasions, information pertaining to the results of the internal review process. It seems that the reluctance and the delay in providing us with this information was likely due to the inordinately high level of non-compliance identified as a result of this process. For example, in 2009 there were instances of non-compliance in regard to the following questions.

2009 internal review results showed a number of areas with low compliance level

Internal review question	Compliance level
Did the Divisional Sexual Assault investigator, or in their absence, a Divisional Investigator, attend at the scene, attend where the victim is located or attend any additional location deemed necessary and take charge of the investigation without delay in order to conduct a preliminary investigation?	51%
Did the Detective Sergeant review the case and concur with the classification of “unfounded”?	39%

The Service compliance results should be reviewed and addressed by senior officers

Even though instances of non-compliance are addressed at the divisional level, for the internal monitoring process to be effective, the overall Service compliance results should be periodically provided to and reviewed by senior officers.

The process was not consistently implemented at divisions

Furthermore, it was noted that not all divisions complied with the requirement to review two reports each month. Also not all relevant questions on the assessment questionnaire were consistently completed by the designated review staff. Efforts should be made to ensure divisions comply with requirements in a consistent manner.

Recommendation 6 from 2004 review is considered implemented

As the Service has introduced an internal monitoring process for sexual assault reports, Recommendation 6 from the 2004 review is considered implemented. While we are satisfied that the 2004 recommendation has in fact been implemented, the process in our view can be improved. Consequently, we have provided the following recommendation.

New Recommendation from the 2010 Follow-up Review

Recommendation:

- 1. The Chief of Police ensure the internal monitoring process for sexual assault reports is implemented consistently and effectively. In particular:**
 - a. The Service compliance results should be regularly provided to and reviewed by senior officers in charge of Divisional Policing Command, the Sex Crimes Unit, and the Training and Education Unit. Areas showing below expected compliance level should be identified and adequately addressed through measures including training and disciplinary action.**
 - b. Divisions should adhere to the internal monitoring requirements, and the case assessment completion rates are monitored and reported to senior officers.**

Cases investigated by the Sex Crimes Unit are excluded from the internal monitoring process

As the “Statcom” program is operational only at the divisional level, sexual assaults investigated by the Sex Crimes Unit are not subject to the internal monitoring process.

The Sex Crimes Unit is responsible for investigating approximately eight per cent of all sexual assault reports, and the cases assigned to the Unit are usually the high-risk offences. In view of this, the internal monitoring process should include cases investigated by the Unit.

New Recommendation from the 2010 Follow-up Review

Recommendation:

- 2. The Chief of Police give consideration to the inclusion of sexual assault reports investigated by the Sex Crimes Unit in the internal monitoring process for sexual assault reports.**

2004 Audit Recommendation 7

The Chief of Police direct that all occurrence reports relating to sexual assault be reviewed by supervisory staff at the divisional level upon receipt of the initial reports and at the completion of the investigation. Evidence of the review be appropriately documented in the information system. Incomplete or inappropriate occurrence reports be discussed with the officer concerned and amendments made where necessary. Continued deficiencies in the preparation of occurrence reports be dealt with through existing training, and if necessary, discipline. Occurrence reports prepared by members of the Sex Crimes Unit be reviewed and approved by supervisory staff within the Unit.

2010 Audit Conclusion – Partially implemented

Current Procedure 05-05 states that:

“an Officer in Charge, upon receiving a sexual assault report or any other report that appears to be sexually motivated, shall:

- Review the report and any related property reports for completeness, accuracy and appropriate language*
- Ensure incorrect, incomplete or inappropriate occurrences or reports are corrected by the author*
- Approve and complete appropriate occurrences or reports.”*

The Enterprise Case and Occurrence Processing System (eCOPS) used by the Service enables supervisors to electronically review and approve occurrence reports. After an officer creates an eCOPS report or enters new information to an existing report, the system routes the report to the designated supervisors for review and records the date and time of the supervisory review and approval.

Our current review found the same issue continued to exist

However, our current review found that issues relating to supervisory review of occurrence reports continue to exist. In many of the 2009 occurrences which we reviewed, there was evidence of supervisory review of the initial police response to a sexual assault, but there was no record of supervisory review of subsequent investigative activities.

Furthermore, investigators did not always record their subsequent investigative activities in the occurrence reports. Eleven of the twenty-two sampled occurrence reports did not contain complete investigative information.

The current police information system does not facilitate adequate supervisory review of occurrence reports

There appear to be certain gaps in the design of the supervisory review function within the eCOPS system. For example:

- There is no built-in measure to track or alert supervisors of reports that remain incomplete for an extended period
- Supervisory review records did not always match officer entries into the system, i.e., certain supervisory review records could not be linked to specific officer reports
- The system allows an officer to review and approve his/her own report.

The number of information systems to record investigative information make it difficult for supervisors to perform adequate review of police reports

In addition, the Service currently uses a number of different information systems, including:

- eCOPS for recording occurrence information
- Criminal Information Processing System (CIPS) for recording arrest information
- “Unit Commander’s Morning Report” for recording daily incoming cases.

Officers also record daily activities and related information in memorandum books and notes to file. In addition, for sexual assaults and other serious crimes, officers are required to record detailed investigative steps in the Major Case Files.

As a result, police information relating to a sexual assault investigation is frequently captured in different information systems, reports or files, making it difficult for supervisors to perform a thorough and adequate review.

We understand that the Service is currently in the process of procuring a new integrated information management system to replace the existing record management systems. Staff should ensure that the supervisory review function in the new information system is appropriately designed to facilitate the supervisory review of occurrence reports.

New Recommendation from the 2010 Follow-up Review

Recommendation:

- 3. The Chief of Police ensure that the new information system acquired by the Toronto Police Service to replace the existing information systems is properly designed to accurately and efficiently track records of supervisory review.**

Although Procedure 05-05 clearly states the requirements for adequate supervisory review of occurrence reports, our review of a sample of occurrence reports found a lack of supervisory review after the initial police response and incomplete reports.

Audit Recommendation 7 therefore is not fully implemented and warrants further actions by the Service.

2004 Audit Recommendation 8

The Chief of Police direct that all sexual assault occurrence reports be promptly forwarded to the Sex Crimes Unit for review and analysis. The Sex Crimes Unit be responsible for the tracking and detailed analysis of all sexual assault occurrences on a City-wide basis.

2010 Audit Conclusion – Addressed and implemented

Sexual assault reports are transmitted to the Sex Crimes Unit

Procedure 05-05 requires that the Officer in Charge, upon receiving a sexual assault report, ensure that the Sex Crimes Unit is notified. Currently the Police Service information system automatically transmits incoming sexual assault reports to the Sex Crimes Unit.

In 2004, the Sex Crimes Unit reviewed the incoming sexual assault reports primarily for the purpose of ensuring high-risk cases were appropriately assigned to the Unit. Our current review confirmed that the Unit's Crime Analyst routinely reviews and analyses sexual assault reports on a City-wide basis.

Recommendation 8 has been fully implemented.

2004 Audit Recommendation 9

The Chief of Police ensure that under no circumstances should a first-response officer make a determination as to whether a sexual assault is unfounded. The determination of this matter be reviewed and approved by a sexual assault investigator. The Chief of Police further ensure that all occurrence reports contain an appropriate level of information to substantiate conclusions and that all such reports be approved in writing by supervisory officers.

2010 Audit Conclusion – Partially implemented

When a sexual assault report is classified as “unfounded”, no further police action is undertaken

When a sexual assault report is classified as “unfounded”, no further police action is undertaken. Officers in charge must therefore ensure all “unfounded” conclusions are thoroughly documented, reviewed, and approved in writing.

In our 2004 review, we noted that reports determined to be “unfounded” by divisional officers did not contain any written concurrence by Detective Sergeants.

Current police procedures explicitly require investigators to consult their detective sergeants and to document the consultation in reports regarding the “unfounded” decision

Since 2004 Procedure 05-05 has been amended to require that:

“Where the complaint is believed to be unfounded, the Divisional Sexual Assault Investigator, shall

- *Consult with the detective sergeant and note*
 - *the date and time of the consultation in their memorandum or case book, and*
- *Add all relevant details of the consultation as supplementary information to the original report.”*

“Where the complaint is believed to be unfounded, the Detective Sergeant shall consult with the case manager and ensure

- *All pertinent details are entered in the memorandum or casebook*
- *All relevant details of the consultation are entered as supplementary information to the original report.”*

In certain instances, investigators did not provide sufficient information or evidence of supervisory approval in occurrence reports

Four of the 22 sampled occurrences in 2009 were classified as “unfounded”. In each case, the determination of the “unfounded” status was made by an accredited sexual assault investigator.

However, in certain instances, information substantiating the “unfounded” conclusion or evidence of supervisory approval was not provided in the occurrence report as required by Procedure 05-05.

In one occurrence, the divisional Detective Sergeant discussed the “unfounded” classification with the investigator through internal correspondence soon after the report was filed. The approval of the “unfounded” status and the rationale were not documented in the occurrence report.

In another occurrence, information pertaining to withdrawing the sexual assault charge and the related supervisory review was entered into the occurrence report two months after the conclusion of the investigation. As such, an adequate supervisory review of evidence supporting the “unfounded” conclusion did not take place at the time when the conclusion was made.

Our review findings are consistent with the Service internal review results

Our review findings are consistent with results from the Service internal monitoring process. The Service compliance level for this particular police directive was at 39 per cent in 2009, according to the internal review results provided by staff.

Recommendation 9 has not been fully implemented.

2004 Audit Recommendation 10

The Chief of Police ensure that divisional investigators are in compliance with Criminal Investigations Procedure 05-05, Sexual Assault, as it applies to maintaining consistent and regular contact with women who have been sexually assaulted. Such contact be maintained throughout the investigative and legal process and be appropriately documented.

2010 Audit Conclusion – Partially implemented

The lack of consistent contact with women reporting a sexual assault was noted in 1999 and 2004

In the 1999 audit, we highlighted concerns expressed by women about the lack of consistent police contact or periodic updates after reporting a sexual assault. Again in 2004 a number of women we interviewed indicated that they received no follow-up contact from police officers. In approximately 30 per cent of occurrence reports reviewed in 2004, we did not find any evidence of officers maintaining regular contact with the women.

Investigators are directed to ensure consistent and regular contact with women reporting a sexual assault and to document such contact

Current Procedure 05-05 specifically directs that a sexual assault investigator:

“In order to ensure ongoing communication with the victim shall

- Provide the victim with the name, rank and badge number of the case manager*
- Advise the victim to contact the detective sergeant in the absence of the case manager*
- Ensure consistent and regular contact is maintained with the victim throughout the investigative and legal process, and document all contacts with the victim as supplementary information to the original report.”*

Officers were able to provide evidence to attest to their follow-up contact

We noted in our current occurrence review that many reports did not contain information indicating investigator contact with the women following the initial police response or arrest. In response to our enquiries as to why this did not take place, police officers subsequently provided supplementary information such as officer memorandum books and notes to file to attest to their follow-up contact with women reporting a sexual assault.

The lack of documentation of maintaining contact was not questioned by supervisors in reviewing the occurrence reports

Current Procedure 05-05 requires all sexual assault reports to be reviewed by Officers in Charge to ensure that reports are complete and written in appropriate language. The lack of documentation of maintaining contact with women should therefore have been noted during the supervisory review of reports. None of the reports we reviewed contained supervisory comments or questions about missing officer notes on maintaining contact with women reporting a sexual assault.

In our current review of a sample of 2009 occurrences, officers provided evidence of maintaining contact with women reporting a sexual assault. Nonetheless, the information relating to the contact was not consistently documented in occurrence reports and the lack of such information was not noted during the supervisory review process.

Recommendation 10 has not been fully implemented.

2004 Audit Recommendation 11

The Chief of Police revise the internal administrative accounting structure in order to accurately account for all costs relating to sexual assault investigative training activities throughout the Toronto Police Service. The accounting for these costs include training expenditures incurred at the C. O. Bick College, expenditures incurred by the Sex Crimes Unit, including all costs relating to attendance at outside training courses and conferences, and any expenditures incurred relating to decentralised training at the divisions.

2010 Audit Conclusion – Partially implemented

The Service in 2004 did not have a comprehensive structure to track all training costs

We noted in 2004 that the Service did not have a comprehensive accounting structure to track all costs relating to training of sexual assault investigators. Without an accurate account of all training costs, the Service could not assess the adequacy and effectiveness of training expenses incurred.

A similar issue was identified by the Auditor General’s 2006 police training review

A similar issue was identified in the Auditor General’s 2006 police training review. Recommendation 3 in the Auditor General’s report entitled “Review of Police Training, Opportunities for Improvement” reads:

“The Chief of Police ensure that the total costs of all training are summarized, accounted and budgeted for and disclosed separately. The training costs should include all training provided by the Toronto Police Service including training provided by the specialized units, training provided by divisional training sergeants and costs relating to the organization of various conferences and seminars. Such training costs should be benchmarked against other major police services within Canada, the US and the UK.”

To date procedures to systematically track all training related costs have not been developed

Since 2004, the Service has improved the tracking of training activities by introducing a new information system. However, information relating to training activities and costs are currently captured in different systems, making it difficult and time-consuming to compile all training related costs for any type of police training, including the training for sexual assault investigators.

The Service has not developed specific procedures to systematically account for all costs relating to the training of sexual assault investigators.

Recommendation 11 from the 2004 follow-up review has not been fully implemented.

2004 Audit Recommendation 12

The Chief of Police be requested to conduct an evaluation in regard to the projected long-term requirements for police officers trained in the investigation of sexual assaults. This analysis take into account potential retirees over the next number of years, as well as the anticipated demands for officers trained in sexual assault investigations. This analysis be used to determine the adequacy or otherwise of the current training schedule and, if appropriate, the training program be amended. Information relating to those officers who have attended the Sexual Assault and Child Abuse Course be brought up to date and maintained.

2010 Audit Conclusion – Addressed and implemented

No formal long-term plan in 2004 to train an appropriate number of sexual assault investigators

In our 2004 review, a significant number of cases were led by a divisional investigator who had not received the sexual assault investigator training. We also noted that the Service at the time did not have a formal long-term plan or objectives to train an appropriate number of sexual assault investigators to meet future demands.

Similar issue was identified in the Auditor General’s 2006 police training review

The lack of a long-term training plan was also highlighted in the Auditor General’s 2006 report entitled “Review of Police Training, Opportunities for Improvement”. Recommendation 13 in the police training review report reads:

“The Chief of Police be required to develop a long term strategic plan to address the number of police officers required to be trained for various specialized units within the Toronto Police Service.”

Specialized Policing Function project undertaken

Since 2006, under the direction of the Staff Superintendent of Staff Planning and Community Mobilization, the police have undertaken a Specialized Policing Functions project to identify specialized police functions. A significant amount of specialized policing functions were identified along with the mandatory qualifications required for the placement of a member into each of these specialized positions.

Included in this review is a determination of the number of officers requiring training for each of these specialized positions. Recommendation 12 is therefore fully implemented.

2004 Audit Recommendation 13

The Chief of Police give consideration to amending the mandate of the Sex Crimes Unit to include a general consultative and oversight role relating to the training of sexual assault investigators. The Training and Education Unit, in designing and delivering training activities relating to sexual assault investigations, consult with the Sex Crimes Unit to ensure that the course content is relevant and practical.

2010 Audit Conclusion – Addressed and implemented

A number of course training issues were noted in 1999

During the 1999 audit we noted a number of issues pertaining to the content and delivery of the sexual assault investigator training. We recommended that the then Sexual Assault Squad assume a general consultative and oversight role in the training of sexual assault investigators.

The Toronto Police Service, in its response to the 1999 recommendation, indicated that all corporate training was the responsibility of the Training and Education Unit and as such, this responsibility should not be delegated to the Sexual Crimes Unit.

Limited involvement of the Sex Crimes Unit in training design in 2004

While the Sex Crimes Unit's primary responsibility is sexual assault investigation, the Unit's involvement in training design would help ensure that the course content is relevant and practical. During our 2004 review, staff of the Sex Crimes Unit indicated that their involvement was limited to certain segments of the course and not the overall course content or structure.

The Sex Crimes Unit currently plays an active role in the design and delivery of sexual assault investigator training

Our current review confirmed that the Sex Crimes Unit plays an active role in the design and delivery of sexual assault investigator training. The Unit Staff Inspector was involved in the 2010 annual review of the sexual assault investigator course to ensure course content was accurate and up-to-date. Furthermore, the course training standard was authorized by the Unit Staff Inspector.

While the mandate of the Sex Crimes Unit was not formally amended to include an oversight role in the training of sexual assault investigators, the intent of Recommendation 13 has been substantially met and the recommendation is assessed as fully implemented.

2004 Audit Recommendation 14

The Chief of Police, in consultation with the Sex Crimes Unit and the Training and Education Unit, review the current structure, content, and delivery of the Sexual Assault and Child Abuse Course with a view to:

- ***increasing its relevance to course participation; and***
- ***involving community organizations who work with women who have been sexually assaulted in the design and delivery of the training program.***

2010 Audit Conclusion – Addressed and implemented

Since 2004 significant changes have been made to sexual assault investigator training

A number of significant changes have been made to the training of sexual assault investigators in response to the 2004 follow-up review. As indicated by the Chief of Police in his report to the Police Services Board in October 2008, the recommendations from the Auditor General’s 2004 report and the report from the subcommittee to the Sexual Assault Audit Steering Committee have played a significant role in improving the sexual assault investigator training.

A. Improving training relevance to course participants

Starting 2008 the training was expanded from a 5-day to a 10-day course

Beginning September 2008, the training for sexual assault investigators was expanded from a 5-day combined course with child abuse investigator training to a 10-day stand alone course. In addition, to increase the training relevance to course participants who are mostly divisional officers, the course places more emphasis on sexual assaults of adult women and sexual assaults committed by known offenders.

Content of the current 10-day course was comparable to the provincial course

We also compared the course content of the current 10-day sexual assault investigator training offered by the Toronto Police Service to the 9-day sexual assault investigation course offered by the Ontario Police College. Certain additional topics have been included in the Service's training to address unique policing issues encountered in the City of Toronto.

89% of 2008 course attendees surveyed have applied course knowledge to investigations

To determine the effectiveness of the sexual assault investigator training, in 2009 the Training and Education Unit conducted a survey of 2008 course attendees. Eighty-nine per cent of those responding to the survey indicated that they have applied the knowledge gained from the course to a sexual assault investigation.

B. Increasing involvement of community organizations

Efforts made by the Service to include external organizations in training delivery

Although the course is primarily facilitated by staff of the Training and Education Unit, representatives from external agencies such as the Sexual Assault Care Center and the Multilingual Community Interpreter Services assist in the delivery of specific course topics. A video interview with a woman who has been sexually assaulted is also included to provide a victim perspective in the training.

The Sexual Assault Advisory Committee provides a venue for police to seek community input on training related matters

In 2008, the Toronto Police Service established a Sexual Assault Advisory Committee consisting of police staff and representatives of community groups working with women who have been sexually assaulted (e.g. Metropolitan Action Committee on Violence Against Women and Children, and Toronto Rape Crisis Centre). The purpose of the Committee is to help the Service identify and address pertinent and emerging issues relating to sexual assaults in the City. The existing Sexual Assault Advisory Committee provides a venue for the Training and Education Unit to regularly seek input from community groups on training related matters.

Recommendation 14 is determined to be fully implemented.

2004 Audit Recommendation 15

The Chief of Police direct that a written evaluation of the Annual Sex Crimes Investigations Conference be conducted in order to determine its effectiveness, relevance and costs. Such an evaluation be reviewed by senior staff.

2010 Audit Conclusion – Addressed and implemented

An evaluation of the effectiveness of the conference was not conducted in 1999

The annual Sexual Assault Investigators Conference in Toronto is viewed by the Sex Crimes Unit as an important training activity for the Toronto Police Service. It requires significant resources to develop and organize. There was however no formal evaluation in 1999 to assess the effectiveness of the conference; nor were the costs associated with the conference separately accounted for. In 2004, we were advised that a conference evaluation had been conducted, but we were unable to locate any documentation in support of such an evaluation or information on conference costs.

An evaluation of the 2009 conference was conducted by the Training and Education Unit

As of 2010 the Sex Crimes Unit continues to organize the Sex Crimes Conference. According to staff, the Unit will host future conferences on a bi-annual basis.

An evaluation of the latest 2009 conference was conducted by the Training and Education Unit and the evaluation report was submitted to the Training Unit Manager and the Staff Inspector of the Sex Crimes Unit. The 2009 conference evaluation report summarizes the session evaluation results and comments by conference attendees. The report also includes a summary of the number of staff hours and costs.

Recommendation 15 has been fully implemented.

2004 Audit Recommendation 16

The Chief of Police evaluate the training resources available for the Sexual Assault and Child Abuse Course. Such an evaluation determine whether the effectiveness of the course could be improved by integrating into the training process the expertise of those community organizations who support women who have been sexually assaulted. Compensation to these organizations be provided on the same basis as the compensation provided to other third parties. Participants from the community be required to possess an appropriate level of presentation skills.

2010 Audit Conclusion – Addressed and implemented

In 1999 training of sexual assault investigators was conducted mostly by police officers

We noted in 1999 that the training of sexual assault investigators was for the most part conducted by police officers. We suggested that a combination of police trainers and outside experts might further improve training effectiveness. Our 2004 review of the training course found that approximately one-third of the training sessions were provided by external resources on such topics as forensic analysis and legal issues.

Increased involvement of external organizations in sexual assault investigator training since 2004

In response to the 2004 recommendation, the Training and Education Unit has made efforts to integrate the expertise of community organizations into the training.

Although the current sexual assault investigator training continues to be primarily facilitated by staff of the Training and Education Unit, representatives from external agencies such as the Sexual Assault Care Center and the Multilingual Community Interpreter Services assist in the delivery of specific course topics. The time allotted to these topics has been increased since 2008 to allow for more classroom discussions. A video interview with a woman who has been sexually assaulted is also included in the course to provide a victim perspective.

Recommendation 16 has been fully implemented.

2004 Audit Recommendation 17

The Chief of Police ensure that detailed staffing objectives and projections are developed prior to the expenditure of significant funds on external courses. Such a process take into account individual staffing requirements and longer term officer commitment to the Unit. Staff attending such courses be required to remain with their Unit for a reasonable period of time in order to take advantage of the training received.

2010 Audit Conclusion – Addressed and implemented

High staff turnover rate at the Training and Education Unit could potentially increase training costs

During the 2004 audit, we noted the relatively high staff turnover rate at the Training and Education Unit. This could potentially increase training costs as staff who had attended fairly costly external training were transferred to other police units soon after the training. For instance, the Training and Education Unit spent approximately \$10,000 in 2002 to send two staff persons to San Diego for training in interviewing children who had been abused. Soon after the completion of the training, these two individuals left the Unit, necessitating a further \$10,000 in 2003 to train two other staff.

The Service has improved controls over expenditure of significant funds for external training

The Toronto Police Service policies and procedures governing training authorization were amended in 2008 to improve controls over expenditure of significant funds on external training. Current Procedure 18-14, Authorization and Expense Reimbursement for Service Training, requires a Unit Commander to submit an internal correspondence when approving more than one member to attend the same Service-related training.

In addition, a new set of authorization limits and required signatures is appended to Procedure 18-14. For instance, attendance at training outside of Ontario requires authorization by the Unit Commander, Staff Superintendent, and Deputy/CAO for amounts up to \$5,000. Training cost over \$5,000, either within or outside of the province, require authorization by senior management staff and the Chief of Police.

Since the Service has improved controls over expenditure of significant funds for external training, the intent of Recommendation 17 has been met.

2004 Audit Recommendation 18

The Chief of Police and the City's Commissioner of Corporate Services develop an ongoing protocol and working relationship in order to ensure that:

- technology developments do not occur in isolation from each other;***
- technology developments are in accordance with the long term objectives of both organizations; and***
- the purchase of any computer hardware and software is co-ordinated.***

2010 Audit Conclusion – Addressed and implemented

In light of the significant technology development undertaken by the Toronto Police Service, in our 2004 review we indicated the importance of coordinating information technology projects between the Service and the City Information and Technology Division (formerly Corporate Services).

Meetings were held and resulted in joint ventures

We were advised by staff in 2010 that the Service's Director of Information Technology Services maintains frequent and regular contact with the Chief Information Officer, City of Toronto, and the Chief Information Officer, Toronto Transit Commission. Joint meetings were held in both 2008 and 2009. These meetings have resulted in a number of joint endeavours between the Service and the City including the replacement of telecommunication infrastructure and voice mail provider.

Recommendation 18 has been fully implemented.

2004 Audit Recommendation 19

The Chief of Police take immediate action to ensure that the Violent Crime Linkage Analysis System (ViCLAS) reports relating to sexual assaults are completed and submitted within the prescribed time limits of the Toronto Police Service (21 days) and the Police Services Act (30 days). The responsibility for ensuring compliance be clearly defined. Monthly status reports on the extent of compliance by division be prepared and submitted to the Chief of Police and appropriate action be taken for instances of non-compliance.

2010 Audit Conclusion – Addressed and implemented

ViCLAS is designed to identify linkages between crimes

The Violent Crime Analysis System (ViCLAS) is a computer system operated by the Royal Canadian Mounted Police for the purpose of identifying linkages between crimes at a local, provincial, and national basis. When a serious crime occurs, such as a homicide or a sexual assault, a police investigator completes a ViCLAS questionnaire detailing various characteristics of the incidence.

Ontario Regulation 550/96 requires mandatory submission of reports meeting the ViCLAS criteria. Further, each ViCLAS report must be submitted within 21 days of the start of the investigation to the Toronto Police Service, and within 30 days to the Ontario Provincial Police ViCLAS Center in Orillia.

Compliance with ViCLAS submission has improved significantly since 2004

In 2004, only between 60 and 70 per cent of sexual assault reports were in compliance with the 21-day submission requirement. However, the Service's compliance with ViCLAS submission has since improved significantly. Staff reported that the 2008 and 2009 compliance rate was 98.7 per cent and 99.8 per cent respectively. Instances of non-compliance with submission requirements were addressed through internal disciplinary process.

All of the reports reviewed in 2009 met the ViCLAS submission timeframes

Of the 22 occurrence reports reviewed in the current audit, 18 required completion of a ViCLAS report, all of which were submitted within the prescribed timeframes.

The Service has developed procedures for monitoring ViCLAS compliance status on a regular basis

Procedure 05-19, Violent Crime Linkage Analysis System, defines the roles and responsibilities of staff in ViCLAS reporting. The Service ViCLAS coordinator is responsible for providing weekly updates to divisional detective sergeants and monthly reports to Unit Commanders. The coordinator is also responsible for filing an annual ViCLAS report to the Ministry of Community Safety and Corrective Services.

Timely submission of ViCLAS reports can aid police agencies in solving violent crimes and apprehension of the assailants. For instance, 45 potential linkages were identified from the ViCLAS reports submitted by the Toronto Police Service in 2008. Of the 45 potential linkages, four confirmed by the Service to be committed by the same offender as identified by the ViCLAS analysis.

Recommendation 19 has been fully implemented.

2004 Audit Recommendation 20

The Chief of Police ensure that the project pertaining to the electronic transmission of ViCLAS data to the Provincial ViCLAS Centre in Orillia is expedited as quickly as possible. Staff responsible for this project be required to provide specific deadlines for completion. Periodic updates regarding the progress of the project be reported to the Chief of Police.

2010 Audit Conclusion – Partially implemented

The Toronto Police Service and other Ontario police services have not been able to successfully implement an electronic version of ViCLAS

An electronic ViCLAS version enabling direct transmission of reports to the provincial centre was being tested by the Toronto Police Service in 2004. However, to date the Service continues to use hard copies of the ViCLAS booklet. Staff reported that the Toronto Police Service, as well as other police services in Ontario, have not been able to successfully implement the previous electronic version provided by the Royal Canadian Mounted Police. According to staff, the Service is currently testing a Web-based system for electronic transmission of ViCLAS reports.

Not only will electronic transmission of ViCLAS data expedite the reporting process, it will also improve work efficiency as certain case information can be automatically uploaded by the system to ViCLAS reports. It is important that staff continue to work with the Provincial ViCLAS Center to successfully implement electronic transmission of ViCLAS data.

Recommendation 20 remains to be partially implemented as an electronic ViCLAS version has not been successfully implemented by the Service.

2004 Audit Recommendation 21

The Chief of Police, in consultation with the Sex Crimes Unit, ensure that all police officers have a clear understanding of the revised consent procedures relating to the sexual assault medical evidence kit. In particular, women who have been sexually assaulted be provided with detailed explanations pertaining to the consent form by divisional Sexual Assault Investigators only.

2010 Audit Conclusion – Partially implemented

Women who wish to lay charges against the assailants are required to undergo a sexual assault evidence examination if needed

Women who have been sexually assaulted and wish to proceed with the laying of charges against the assailants are required to undergo a sexual assault evidence examination if needed. The examination is performed by a nurse or physician at a Sexual Assault Care Centre. The examination involves collection of forensic evidence such as tissue and fluid samples from the women. A special medical kit is used to store the forensic evidence.

The sexual assault evidence kit includes two consent forms for the women to sign. The first one is for the women to authorize the medical staff to proceed with the physical examination and collection of forensic evidence. The second form is for the women to consent to the release of the forensic evidence to police. A woman may proceed with the medical examination but delay a decision in regard to releasing the forensic evidence to police until a later time. In these circumstances, the forensic evidence is stored at the Sexual Assault Care Center for up to six months.

Women should be provided with detailed explanation about the consent form and ensuing legal process

During our 2004 review, we noted that the first response officers were generally not in a position to explain to the women in detail the investigative process and ensuing legal procedures. This information is important to women before deciding whether they would consent to the release of the forensic evidence to police. We therefore recommended that women be provided with detailed explanations of the consent form by sexual assault investigators only.

In response to the 2004 audit recommendation, the Toronto Police Service has enhanced its procedures accordingly. Under the current Procedure 05-05, a divisional sexual assault investigator:

Police procedures specify an investigator's duties with respect to the consent form

“Upon being notified of a sexual assault shall

- *Consult with the attending doctor or Sexual Assault Care Center nurse*
- *Prior to the seizure of a sexual assault evidence kit, ensure the victim is advised and fully understands the legal implications of signing the Consent to Release Forensic Evidence to Police Form, and*
 - *record in their memorandum or case book the date, time and location this explanation was provided to the victim*
 - *document the date, time and location this explanation was provided to the victim in the report.”*

Among the 22 reports reviewed, five involved obtaining a sexual assault evidence kit. Contrary to the police directives, none of the sexual assault investigators involved in the five occurrences documented in their reports that they had advised the women the legal implications of signing the consent form to release the evidence to police.

Instances of non-compliance with police directives relating to the consent form were noted in our current review

In addition, in three occurrences the sexual assault investigators did not attend the Sexual Assault Care Centers where the women underwent the medical examination. It would therefore not be possible for the sexual assault investigator to consult with the attending doctor or nurse, or to ensure the woman fully understood the legal implications of signing the consent form. For the other two occurrences, the sexual assault investigators did attend the Sexual Assault Care Centers but the investigators did not document whether they had discussed the consent form with the women.

Our review findings are consistent with results from the Service internal monitoring process respecting the police directive for “*investigators to attend at the scene, where the victim is located or any additional location deemed necessary*”. The Service compliance level for this particular directive was at 51 per cent in 2009.

We verified that Procedure 05-05 has been amended to require sexual assault investigators to advise women of the legal implications associated with signing the consent form. Our review of 2009 occurrence reports, however, noted instances of non-compliance with police directives respecting the consent form.

Recommendation 21 is therefore assessed as partially implemented.

2004 Audit Recommendation 22

The Chief of Police ensure that when the required consent forms have been signed by the woman who has been sexually assaulted, medical evidence kits be collected from the Sexual Assault Care Centres immediately.

2010 Audit Conclusion – Addressed and implemented

Police delay in collecting the evidence kits were noted in 2004

In 2004, we were advised by staff at the Sexual Assault Care Centres that where consent had been given, the evidence kits were not always collected by police officers on a timely basis. Any delay in the review and analysis of forensic evidence may have significant consequences and as such the evidence kit should be collected as soon as the consent is given.

Current Procedure 05-05 directs a divisional sexual assault investigator:

“Upon being notified of a sexual assault shall

- Ensure the sexual assault evidence kit and all related documents are collected from the Sexual Assault Care Centre as soon as possible after the Consent to Release Forensic Evidence to Police Form has been signed by the victim.”*

No instance of delay was noted in 2010 review

Among the 22 reports reviewed, five involved obtaining a sexual assault evidence kit. For each of these five occurrences, the first-response police officer documented that the evidence kit was collected immediately after obtaining the signed consent form.

Recommendation 22 has been fully implemented.

Recommendation 23

The Chief of Police review the protocol in connection with the issue of general community warnings contained in the Procedure entitled “Community Safety Notification”. Such a review take into account that such warnings by their nature are meant for the community at large and as a result, and in accordance with the mandate of the Sex Crimes Unit, the development and subsequent issue of such warnings be the responsibility of the Sex Crimes Unit. Such a process would ensure that warnings are consistent, appropriate, accurate and complete and should be issued in consultation with Divisional Unit Commanders.

2010 Audit Conclusion – Addressed and implemented

Procedure 17-04 outlines the protocol in issuing a community warning

Police Procedure 17-04, Community Safety Notifications, outlines the protocol for notifying the public in the event of a potential sexual predator in the community.

According to the Procedure, the Unit Commander of the division in which a sexual assault is committed is responsible for determining whether there is a need to issue a community warning. This in our view was inconsistent with the role and mandate of the Sex Crimes Unit.

Divisional Unit Commanders are responsible for issuing a community warning

As noted in our 2004 report, presumably a general warning was issued because of community-wide concerns. In accordance with the mandate of the Sex Crimes Unit, if a sexual assault occurrence was deemed to pose a risk to the community then the occurrence should be referred to the Sex Crimes Unit. In these circumstances, the Unit should be responsible for issuing the community warning, not the divisional Unit Commander.

Public Information coordinates the issuance of all community notifications

Since the issuance of the 2004 recommendation, police protocol respecting community notifications has been amended. The current protocol requires that the Public Information Unit coordinates all Community Safety Notifications to ensure appropriate release of information and language.

158 sexual assault public warnings were issued by the Service in 2009

In 2009, the Service released 158 sexual assault community notifications or public warnings, of which 86 were issued by the Sex Crimes Unit. According to the Sex Crimes Unit Commander, certain community warnings should be issued by a divisional Unit Commander. For instance, a warning pertaining to a potential sex offender is issued by a divisional Unit Commander as the offence has not been confirmed and the responsibility for investigation resides with the division.

The intent of Recommendation 23 has therefore been met and addressed.

2004 Audit Recommendation 24

The Chief of Police assign responsibility for the review and evaluation of the recommendations in this report to a Senior Officer within the Sex Crimes Unit. The Chief of Police report to the Toronto Police Services Board on an action plan, along with a specific timetable for the implementation of the recommendations.

2010 Audit Conclusion – Addressed and implemented

In 2009 the Chief of Police provided two reports to the Board on implementation of 2004 audit recommendations

The responsibility for review and evaluation of the 2004 audit recommendations was assigned to the Staff Inspector of the Sex Crimes Unit.

At its May 2008 meeting, the Police Services Board requested the Chief of Police to provide a semi-annual report to the Board on the progress of the implementation of the Auditor General’s follow-up report and improvements in training of sexual assault investigators. The Chief of Police provided two semi-annual reports to the Police Services Board in 2009. Recommendation 24 has been fully implemented.

2004 Audit Recommendation 25

The Toronto Police Service Board be required to forward this follow-up report to the City’s Audit Committee for information purposes.

2010 Audit Conclusion – Addressed and implemented

The Auditor General’s 2004 follow-up review report was forwarded to the Audit Committee in March 2005. The Audit Committee received the report at its meeting on April 5, 2005.

Recommendation 25 has been fully implemented.

NEXT STEPS

The Auditor General implements an annual recommendation follow-up process

In 2007, the Auditor General introduced an annual recommendation follow-up process for the City's Agencies, Boards and Commissions. Recommendations contained in audit reports issued to the respective Agency, Board or Commission are reviewed by audit staff annually to determine the extent to which these recommendations have been implemented. Results of the audit follow-up process are reported back to the respective Agency, Board or Commission.

Audit recommendations pertaining to the investigation of sexual assaults will be assessed as part of the annual follow-up process

Six of the 25 recommendations in the Auditor General's 2004 follow-up report on the investigation of sexual assaults remain not fully implemented. The implementation status of these six recommendations and the new recommendations from the current review will be assessed in 2012 as part of the Auditor General's annual recommendation follow-up process.

CONCLUSION

The Service has made significant strides to address issues raised in the 2004 review

It was evident that the Toronto Police Service has made significant strides to address issues raised in our 2004 review. The current review identified a number of remaining areas of work, as well as opportunities to enhance the existing internal monitoring process and supervisory review of occurrence reports. The implementation status of the remaining 2004 recommendations and the recommendations from the current review will be assessed in 2012 as part of the Auditor General's annual follow-up process.

**2004 Audit Recommendations Assessed as Fully Implemented
and Summary of 2010 Audit Findings**

2004 Audit Recommendations	2010 Audit Findings
<p>1. The Chief of Police re-evaluate the staffing complement in the Sexual Assault Section of the Sex Crimes Unit in order to ensure that the level of staff is commensurate with the increase in workload experienced since 1999.</p>	<p>Addressed and implemented</p> <p>The Toronto Police Service has undertaken an internal review of the staffing complement of the Sexual Assault Section. Over the past years, management staff have undertaken measures to improve flexibility in allocating staff resources. These included changing from a “partner” to a more fluid “team” approach, and drawing resources from other police units when needed.</p>
<p>2. The Chief of Police, in consultation with the City’s Internet Web site administrators, consider enhancing the Internet Web Page of the Sex Crimes Unit to include information relevant to those women who have been sexually assaulted. In particular, the Internet Web site include information on:</p> <ul style="list-style-type: none"> - the roles and responsibilities of the first-response police officer; - the roles and responsibilities of the divisional investigating police officer; - the roles and responsibilities of the Sexual Assault Section within the Sex Crimes Unit; - the availability of police officers of either gender in the interview and investigative process of a sexual assault; - the availability of translation services to women reporting a sexual assault; - the roles of the Sexual Assault Care Centres, the Victim Services Program and various other community support services; and - the ensuing legal process pertaining to a sexual assault. 	<p>Addressed and implemented</p> <p>Based on website information assessed on December 14, 2009, relevant information has been added to the Internet Web Page of the Sex Crimes Unit. The seven information enhancements outlined in Recommendation 2 have been incorporated into the relevant Web Pages.</p>

**2004 Audit Recommendations Assessed as Fully Implemented
and Summary of 2010 Audit Findings**

2004 Audit Recommendations	2010 Audit Findings
<p>3. The Chief of Police direct all first-response officers immediately that policies and procedures must be complied with. Consideration be given to the re-issue of Criminal Investigations Procedure 05-05, Sexual Assault. In particular, first-response officers attending incidents of sexual assault be immediately directed that:</p> <p>(a) officers collect only basic information concerning the assault from the woman who has been sexually assaulted;</p> <p>(b) only those officers with specific training in sexual assault investigations be allowed to conduct detailed interviews with the woman who has been sexually assaulted; and</p> <p>(c) interpretation services be provided by the Multilingual Community Interpreter Services or other police officers.</p>	<p>Addressed and implemented</p> <p>The Service issued a Routine Order in 2005 highlighting police procedures pertaining to issues identified in audit Recommendation 3. Current Procedure 05-05, Sexual Assault, contains specific requirements for first-response officers to collect only basic information, only officers trained in sexual assault investigation to conduct detailed interviews, and interpretation to be provided by the Multilingual Community Interpreter Services or police officers. Our review of 2009 occurrence reports did not identify any instance of non-compliance with the related police directives.</p>
<p>4. The Chief of Police give consideration to amending Criminal Investigations Procedure 05-05, Sexual Assault, to clarify the circumstances during which officers in charge are required to attend the scene of a sexual assault. The amendment outline specific criteria and circumstances in terms of when attendance at the scene of a sexual assault is required. Reasons for non-attendance at any scene where a sexual assault has occurred should be documented in writing and approved by appropriate supervisory staff.</p>	<p>Addressed and implemented</p> <p>The requirements for supervisory attendance and documentation of reasons for non-attendance are outlined in the current Procedure 05-05. Our review of 2009 occurrence reports found that in most cases a supervisory officer attended at the scene as directed by the Procedure.</p>
<p>5. The Chief of Police ensure that whenever possible, only those officers with specific training in sexual assault investigations be allowed to conduct sexual assault investigations.</p>	<p>Addressed and implemented</p> <p>Current Procedure 05-05, Sexual Assault, requires that all sexual assault investigations are to be conducted by accredited sexual assault investigators. The Procedure also specifies management responsibilities in ensuring compliance with this requirement. Our review of 2009 occurrence reports did not find any instance of non-compliance with police directives.</p>

**2004 Audit Recommendations Assessed as Fully Implemented
and Summary of 2010 Audit Findings**

2004 Audit Recommendations	2010 Audit Findings
<p>6. The Chief of Police give consideration to the implementation of a supervisory/ monitoring/reporting process to identify areas of non-compliance with published procedures. Instances of non-compliance be appropriately dealt with including the imposition of necessary discipline.</p>	<p>Addressed and implemented</p> <p>The Service has implemented an internal monitoring process for sexual assault reports since 2005. Recommendation 6 from the 2004 review is therefore considered fully implemented. However, the internal monitoring process can be enhanced to improve its effectiveness.</p>
<p>8. The Chief of Police direct that all sexual assault occurrence reports be promptly forwarded to the Sex Crimes Unit for review and analysis. The Sex Crimes Unit be responsible for the tracking and detailed analysis of all sexual assault occurrences on a City-wide basis.</p>	<p>Addressed and implemented</p> <p>The Service’s information system automatically transmits incoming sexual assault reports to the Sex Crimes Unit. Also its Crime Analyst routinely reviews and analyses sexual assault reports on a City-wide basis.</p>
<p>12. The Chief of Police be requested to conduct an evaluation in regard to the projected long-term requirements for police officers trained in the investigation of sexual assaults. This analysis take into account potential retirees over the next number of years, as well as the anticipated demands for officers trained in sexual assault investigations. This analysis be used to determine the adequacy or otherwise of the current training schedule and, if appropriate, the training program be amended. Information relating to those officers who have attended the Sexual Assault and Child Abuse Course be brought up to date and maintained.</p>	<p>Addressed and implemented</p> <p>Since 2006, under the direction of the Staff Superintendent of Staff Planning and Community Mobilization, the police have undertaken a Specialized Policing Functions project to identify specialized police functions. A significant amount of specialized policing functions were identified along with the mandatory qualifications required for the placement of a member into each of these specialized positions.</p> <p>Included in this review is a determination of the number of officers requiring training for each of these specialized positions.</p>
<p>13. The Chief of Police give consideration to amending the mandate of the Sex Crimes Unit to include a general consultative and oversight role relating to the training of sexual assault investigators. The Training and Education Unit, in designing and delivering training activities relating to sexual assault investigations, consult with the Sex Crimes Unit to ensure that the course content is relevant and practical.</p>	<p>Addressed and implemented</p> <p>Although the Sex Crimes Unit does not have an oversight role in the training of sexual assault investigators, the Unit is consulted in the design and delivery of the training through the annual course review and the Sexual Assault Advisory Committee.</p>

**2004 Audit Recommendations Assessed as Fully Implemented
and Summary of 2010 Audit Findings**

2004 Audit Recommendations	2010 Audit Findings
<p>14. The Chief of Police, in consultation with the Sex Crimes Unit and the Training and Education Unit, review the current structure, content, and delivery of the Sexual Assault and Child Abuse Course with a view to:</p> <ul style="list-style-type: none"> - increasing its relevance to course participation; and - involving community organizations who work with women who have been sexually assaulted in the design and delivery of the training program. 	<p>Addressed and implemented</p> <p>Since the release of our 2004 review, a number of significant changes have been made to improve the relevance of the sexual assault investigator training, one of which was the expansion of the training to a 10-day stand alone course focusing on sexual assaults of adult women. Considerable efforts have also been made to include external organizations in the delivery of training. In addition, the Sexual Assault Advisory Committee consists of representatives from community organizations working with women who have been sexually assaulted. This provides a venue for the Service to seek input from the community organizations on training related matters.</p>
<p>15. The Chief of Police direct that a written evaluation of the Annual Sex Crimes Investigations Conference be conducted in order to determine its effectiveness, relevance and costs. Such an evaluation be reviewed by senior staff.</p>	<p>Addressed and implemented</p> <p>For the latest 2009 conference, a written evaluation report was prepared by staff of the Training and Education Unit. The report includes session evaluation results and cost information. The report was submitted to the Manager of the Training and Education Unit and the Staff Inspector of the Sex Crimes Unit.</p>
<p>16. The Chief of Police evaluate the training resources available for the Sexual Assault and Child Abuse Course. Such an evaluation determine whether the effectiveness of the course could be improved by integrating into the training process the expertise of those community organizations who support women who have been sexually assaulted. Compensation to these organizations be provided on the same basis as the compensation provided to other third parties. Participants from the community be required to possess an appropriate level of presentation skills.</p>	<p>Addressed and implemented</p> <p>External organizations such as the Sexual Assault Care Center and the Multilingual Community Interpreter Services are currently involved in the delivery of specific training topics. A video interview with a woman who had been sexually assaulted is also included to provide a victim perspective. In addition, the Training and Education Unit can seek input from the Sexual Assault Advisory Committee which is comprised of representatives from community organizations working with women who have been sexually assaulted.</p>

**2004 Audit Recommendations Assessed as Fully Implemented
and Summary of 2010 Audit Findings**

2004 Audit Recommendations	2010 Audit Findings
<p>17. The Chief of Police ensure that detailed staffing objectives and projections are developed prior to the expenditure of significant funds on external courses. Such a process take into account individual staffing requirements and longer term officer commitment to the Unit. Staff attending such courses be required to remain with their Unit for a reasonable period of time in order to take advantage of the training received.</p>	<p>Addressed and implemented</p> <p>Police policy and procedures governing training authorization were amended in 2008 to improve controls over expenditure of significant funds on external courses. The current procedures include a new set of authorization limits and required approvals, as well as the requirement for a Unit Commander to provide rationale when approving more than one member to attend the same training.</p>
<p>18. The Chief of Police and the City's Commissioner of Corporate Services develop an ongoing protocol and working relationship in order to ensure that:</p> <ul style="list-style-type: none"> - technology developments do not occur in isolation from each other; - technology developments are in accordance with the long term objectives of both organizations; and - the purchase of any computer hardware and software is co-ordinated. 	<p>Addressed and implemented</p> <p>The Service's Director of Information Technology Services maintains frequent and regular contact with the Chief Information Officer, City of Toronto, and the Acting Chief Information Officer, Toronto Transit Commission. Joint meetings were held in 2008 and 2009. These meetings have resulted in a number of joint endeavours between the Service and the City including the replacement of telecommunication infrastructure and voice mail provider.</p>
<p>19. The Chief of Police take immediate action to ensure that the Violent Crime Linkage Analysis System (ViCLAS) reports relating to sexual assaults are completed and submitted within the prescribed time limits of the Toronto Police Service (21 days) and the Police Services Act (30 days). The responsibility for ensuring compliance be clearly defined. Monthly status reports on the extent of compliance by division be prepared and submitted to the Chief of Police and appropriate action be taken for instances of non-compliance.</p>	<p>Addressed and implemented</p> <p>Since our 2004 audit report, TPS compliance with ViCLAS submission has improved significantly. Staff reported that the 2008 and 2009 compliance rate was 98.7% and 99.8% respectively for filing sexual assault reports within the required 21-day timeframe. Instances of non-compliance with submission requirements were addressed through internal disciplinary process.</p> <p>All of the 2009 reports reviewed were submitted within the prescribed timeframe.</p>
<p>22. The Chief of Police ensure that when the required consent forms have been signed by the woman who has been sexually assaulted, medical evidence kits be collected from the Sexual Assault Care Centres immediately.</p>	<p>Addressed and implemented</p> <p>The requirement for police officers to collect the forensic evidence kits on a timely manner has been included in Procedure 05-05. Our review of 2009 occurrence reports did not find any instances of non-compliance with this directive.</p>

**2004 Audit Recommendations Assessed as Fully Implemented
and Summary of 2010 Audit Findings**

2004 Audit Recommendations	2010 Audit Findings
<p>23. The Chief of Police review the protocol in connection with the issue of general community warnings contained in the Procedure entitled “Community Safety Notification”. Such a review take into account that such warnings by their nature are meant for the community at large and as a result, and in accordance with the mandate of the Sex Crimes Unit, the development and subsequent issue of such warnings be the responsibility of the Sex Crimes Unit. Such a process would ensure that warnings are consistent, appropriate, accurate and complete and should be issued in consultation with Divisional Unit Commanders.</p>	<p>Addressed and implemented</p> <p>The involvement of the Public Information Unit in the issuance of all community notifications helps ensure effective use of community safety notifications. The intent of recommendation 23 has therefore been met.</p>
<p>24. The Chief of Police assign responsibility for the review and evaluation of the recommendations in this report to a Senior Officer within the Sex Crimes Unit. The Chief of Police report to the Toronto Police Services Board on an action plan, along with a specific timetable for the implementation of the recommendations.</p>	<p>Addressed and implemented</p> <p>The responsibility for review and evaluation of the 2004 audit recommendations was assigned to the Staff Inspector of the Sex Crimes Unit. Two semi-annual reports were issued by the Chief of Police to the Police Services Board in 2009.</p>
<p>25. The Toronto Police Service Board be required to forward this follow-up report to the City’s Audit Committee for information purposes.</p>	<p>Addressed and implemented</p> <p>The Auditor General’s 2004 follow-up review report was forwarded to the Audit Committee in early 2005.</p>

**2004 Audit Recommendations Assessed as Partially Implemented,
Summary of 2010 Audit Findings, and Responses From the Chief of Police**

2004 Audit Recommendations	2010 Audit Findings	Responses from the Chief of Police Action Plan/Time Frame
<p>7. The Chief of Police direct that all occurrence reports relating to sexual assault be reviewed by supervisory staff at the divisional level upon receipt of the initial reports and at the completion of the investigation. Evidence of the review be appropriately documented in the information system. Incomplete or inappropriate occurrence reports be discussed with the officer concerned and amendments made where necessary. Continued deficiencies in the preparation of occurrence reports be dealt with through existing training, and if necessary, discipline. Occurrence reports prepared by members of the Sex Crimes Unit be reviewed and approved by supervisory staff within the Unit.</p>	<p>Partially implemented</p> <p>Although Procedure 05-05 clearly states the requirements for adequate supervisory review of occurrence reports, our review of 2009 reports found a lack of supervisory review after the initial police response and incomplete reports.</p>	<p>The business process that dictates supervisory approval of “reports” is driven by Service Governance and is captured under Part III - Duties and General Responsibilities 2.8.3 (Staff Sergeant and Detective Sergeants). This responsibility has been delegated to both Detectives and Sergeants as part of their evaluation of personnel.</p> <p>The Toronto Police Service will reemphasize the importance of full compliance to this risk management process by way of a Routine Order that encompasses this business process – particular to the submission of a report under Procedure 05-05 (Sexual Assaults).</p> <p>Lastly, this requirement for supervisory approval will be included in the self audit tool being implemented in Phase I and Phase II of the Action Plan captured in Audit Recommendations # 1 – 2010.</p>

**2004 Audit Recommendations Assessed as Partially Implemented,
Summary of 2010 Audit Findings, and Responses From the Chief of Police**

2004 Audit Recommendations	2010 Audit Findings	Responses from the Chief of Police Action Plan/Time Frame
<p>9. The Chief of Police ensure that under no circumstances should a first-response officer make a determination as to whether a sexual assault is unfounded. The determination of this matter be reviewed and approved by a sexual assault investigator. The Chief of Police further ensure that all occurrence reports contain an appropriate level of information to substantiate conclusions and that all such reports be approved in writing by supervisory officers.</p>	<p>Partially implemented</p> <p>Of the 2009 reports reviewed, the determination of the “unfounded” status was made by a sexual assault investigator. However, in certain instances, information substantiating the “unfounded” conclusion or evidence of supervisory approval was not provided in the occurrence report.</p>	<p>This requirement is clearly defined in Toronto Police Service Procedure 05-05 Sexual Assaults – under responsibilities of the Detective Sergeant.</p> <p>The Toronto Police Service undertakes to reemphasize the importance of full compliance to this risk management process by way of a Routine Order that encompasses this business process – particular to the submission of an “unfounded” report under Procedure 05-05 (Sexual Assaults).</p> <p>This requirement for Detective Sergeant approval will be included in the self audit tool being implemented in Phase II of the Action Plan captured in Audit Recommendations # 1 – 2010.</p>

**2004 Audit Recommendations Assessed as Partially Implemented,
Summary of 2010 Audit Findings, and Responses From the Chief of Police**

2004 Audit Recommendations	2010 Audit Findings	Responses from the Chief of Police Action Plan/Time Frame
<p>10. The Chief of Police ensure that divisional investigators are in compliance with Criminal Investigations Procedure 05-05, Sexual Assault, as it applies to maintaining consistent and regular contact with women who have been sexually assaulted. Such contact be maintained throughout the investigative and legal process and be appropriately documented.</p>	<p>Partially implemented</p> <p>Of the 2009 reports reviewed, officers provided memorandum books and notes to file to attest to their follow-up contact with women. Nonetheless, the information relating to the contact was not consistently documented in occurrence reports as directed by Procedure 05-05, and the lack of such information was not noted during the supervisory review process.</p>	<p>The Toronto Police Service, as noted by the Auditor, is satisfied that regular and consistent follow-up contact with women occurs and that such contact is documented by officers. The challenge is consistent documentation of a variety of communication forms utilized by both investigator and sexual assault complainant.</p> <p>To ensure consistent documentation of follow-up contact with women, the Toronto Police Service undertakes to review the possibility of amending Procedure 05-05 to remove the requirement for eCOPS to be updated and replace it with the specific requirement to utilize Major Case management (MCM) folder number 53 labeled as "Victim Contact". This folder, whether electronic or hard copy, will provide details in chronological order of victim contact. This information will be readily available for review and will be included in the self audit tool being implemented in Phase II of the Action Plan, captured in Audit Recommendations # 1 – 2010.</p>

**2004 Audit Recommendations Assessed as Partially Implemented,
Summary of 2010 Audit Findings, and Responses From the Chief of Police**

2004 Audit Recommendations	2010 Audit Findings	Responses from the Chief of Police Action Plan/Time Frame
<p>11. The Chief of Police revise the internal administrative accounting structure in order to accurately account for all costs relating to sexual assault investigative training activities throughout the Toronto Police Service. The accounting for these costs include training expenditures incurred at the C. O. Bick College, expenditures incurred by the Sex Crimes Unit, including all costs relating to attendance at outside training courses and conferences, and any expenditures incurred relating to decentralised training at the divisions.</p>	<p>Partially implemented</p> <p>Since 2004, the Service has improved tracking of training activities by introducing a new information system. However, information relating to training activities and costs are currently captured in different systems, making it difficult and time-consuming to compile all training related costs for any type of police training, including the training for sexual assault investigators.</p>	<p>The Toronto Police Service is satisfied with the internal process for approval and accounting structure in place to accurately account for all costs relating to sexual assault investigative training activities.</p> <p>The Service does not believe there is sufficient benefit in alteration of the existing systems in order to retrieve selected training for sexual assault investigators. Rather, it is more important to ensure the appropriate approvals are in place to determine the cost/benefit value of training; these processes are currently in place.</p> <p>The accounting for costs of training occurs in a multi-fold process. The Financial Management Unit has a global budget for all training costs inclusive of individual unit training budgets, Training and Education Unit and centralized accounts. External learning opportunities require prior approvals and costs are tracked through the use of Travel / External Training and Cost Estimate Forms (TPS 620) and a Travel / Training Expense Report (TPS 6222).</p> <p>The Time and Management Resource System (TRMS) allows for the measurement of time spent in training activities, which can be monetized if required.</p> <p>No further work is contemplated with respect to this recommendation.</p>

**2004 Audit Recommendations Assessed as Partially Implemented,
Summary of 2010 Audit Findings, and Responses From the Chief of Police**

2004 Audit Recommendations	2010 Audit Findings	Responses from the Chief of Police Action Plan/Time Frame
<p>20. The Chief of Police ensure that the project pertaining to the electronic transmission of ViCLAS data to the Provincial ViCLAS Centre in Orillia is expedited as quickly as possible. Staff responsible for this project be required to provide specific deadlines for completion. Periodic updates regarding the progress of the project be reported to the Chief of Police.</p>	<p>Partially implemented</p> <p>According to staff, the Toronto Police Service as well as other police services within Ontario, have not been able to successfully implement the electronic version provided by the Royal Canadian Mounted Police. Staff are currently testing a Web-based system for electronic transmission of ViCLAS reports.</p>	<p>Implementation of this recommendation is outside the control of the Toronto Police Service.</p> <p>A web-base ViCLAS book application has been written by the OPP ViCLAS Centre in Orillia. It is currently being tested in Ontario by the ViCLAS Centre with some of the smaller police agencies and OPP detachments. The testing is slated to be completed August 2010.</p> <p>It should be noted that the new “IRIS” RMS for the TPS, will have a ViCLAS component integrated within its architecture that will be linked to the secure Web ViCLAS. The Vendor has had meetings with the RCMP National ViCLAS Centre in Ottawa to insure that the RMS will be compliant with the ViCLAS database structure.</p> <p>While the Service continues to work with the O.P.P and the R.C.M.P., it must noted that deadlines for the completion are outside of the Toronto Police Service.</p>

**2004 Audit Recommendations Assessed as Partially Implemented,
Summary of 2010 Audit Findings, and Responses From the Chief of Police**

2004 Audit Recommendations	2010 Audit Findings	Responses from the Chief of Police Action Plan/Time Frame
<p>21. The Chief of Police, in consultation with the Sex Crimes Unit, ensure that all police officers have a clear understanding of the revised consent procedures relating to the sexual assault medical evidence kit. In particular, women who have been sexually assaulted be provided with detailed explanations pertaining to the consent form by divisional Sexual Assault Investigators only.</p>	<p>Partially implemented</p> <p>Our review of 2009 occurrence reports noted that in certain instances investigators did not attend the Sexual Assault Care Centres where the women underwent the forensic examination. It would therefore not be possible for the investigators to ensure the women fully understood the legal implications of signing the consent form.</p>	<p>This requirement is clearly defined in Toronto Police Service Procedure 05-05 Sexual Assaults – under responsibilities of the Divisional Sexual Assault Investigator.</p> <p>The Toronto Police Service will reemphasize the importance of full compliance to this risk management process by way of a Routine Order that addresses the requirement of the Detective to ensure women fully understand the legal implications of signing the consent form, pursuant to Procedure 05-05 (Sexual Assaults).</p> <p>This requirement stipulating that Detectives will ensure the victim is advised and fully understands the legal implications of signing the Consent to Release Forensic Evidence to Police form will be included in the self audit tool being implemented in Phase I and II of the Action Plan, captured in Audit Recommendations # 1 – 2010.</p>

**Summary of Audit Findings, New 2010 Audit Recommendations,
and Responses From the Chief of Police**

2010 Audit Findings	2010 Audit Recommendations	Responses from the Chief of Police Action Plan/Time Frame
<p>Although the Service has implemented an internal monitoring process for sexual assault reports, the process can be enhanced to improve its effectiveness. Our review noted that:</p> <ul style="list-style-type: none"> - Based on the 2009 results provided by staff, a number of areas showed low level of officer compliance with police directives. - The process was not consistently implemented at divisions. 	<p>1. The Chief of Police ensure the internal monitoring process for sexual assault reports is implemented consistently and effectively. In particular:</p> <ul style="list-style-type: none"> a. The Service compliance results should be regularly provided to and reviewed by senior officers in charge of Divisional Policing Command, the Sex Crimes Unit, and the Training and Education Unit. Areas showing below expected compliance level should be identified and adequately addressed through measures including training and disciplinary action. b. Divisions should adhere to the internal monitoring requirements, and the case assessment completion rates are monitored and reported to senior officers. 	<p>The Toronto Police Service will enhance the internal monitoring process for sexual assault reports across the City through the implementation of a two Phase initiative:</p> <p>Phase I: Immediate</p> <p>Divisional Policing Command Planners to audit compliance by ensuring all Sexual Assaults are recorded on the Unit Commander Morning Report (UCMR) to facilitate daily quality assurance and internal monitoring efforts across the city.</p> <p>In 2010, the UCMR will be updated to include a self audit tool reflecting heightened risk management items. Non-compliance will be reported to the applicable Staff Superintendent for appropriate action.</p> <p>Phase II: 4-6 months</p> <p>In 2010 all Sexual Assaults will be subjected to an internal review by quality assurance personnel at the divisional unit. Occurrences will be classified as compliant, non-compliant, and in-progress. Issues of non-compliance will be reported to the applicable Staff Superintendent for appropriate action.</p>

**Summary of Audit Findings, New 2010 Audit Recommendations,
and Responses From the Chief of Police**

2010 Audit Findings	2010 Audit Recommendations	Responses from the Chief of Police Action Plan/Time Frame
<p>Currently sexual assaults investigated by the Sex Crimes Unit are not subject to the internal monitoring process. Since the Unit is responsible for investigating the high-risk cases, they should be included in the internal monitoring process.</p>	<p>2. The Chief of Police give consideration to the inclusion of sexual assault reports investigated by the Sex Crimes Unit in the internal monitoring process for sexual assault reports.</p>	<p>The Toronto Police Service will enhance the internal monitoring process for sexual assault reports investigated by the Sex Crimes Unit through the implementation of a two Phase initiative:</p> <p>Phase I: Immediate</p> <p>Sex Crimes Unit Detective Sergeant to audit compliance by ensuring all Sexual Assaults are recorded on the Unit Commander Morning Report (UCMR) to facilitate daily quality assurance and internal monitoring efforts across the city .</p> <p>In 2010, the UCMR will be updated to include a self audit tool reflecting heightened risk management items. Non-compliance will be reported to the applicable Staff Superintendent for appropriate action.</p> <p>Phase II: 4-6 months</p> <p>In 2010 all Sexual Assaults investigated by the Sex Crimes Unit will be subjected to an internal review by a Detective Sergeant of that unit. Occurrences will be classified as compliant, non-compliant, and in-progress. Issues of non-compliance will be reported to the applicable Staff Superintendent for appropriate action. This will mirror the process developed in Divisional Policing Command.</p>

**Summary of Audit Findings, New 2010 Audit Recommendations,
and Responses From the Chief of Police**

2010 Audit Findings	2010 Audit Recommendations	Responses from the Chief of Police Action Plan/Time Frame
<p>There appear to be certain gaps in the design of the supervisory review function within the Enterprise Case and Occurrence Processing System (eCOPS). In addition, the Service currently uses a number of different information systems to record police information relating to sexual assault investigations. Since the Service is in the process of procuring an integrated information system to replace the existing systems, staff should ensure that the supervisory review function in the new system is properly designed and can be operated in an efficient manner.</p>	<p>3. The Chief of Police ensure that the new information system acquired by the Toronto Police Service to replace the existing information systems is properly designed to accurately and efficiently track records of supervisory review.</p>	<p>The Toronto Police Service has just selected the vendor to partner with to provide the new Records Management System. The Service is about to embark on the Statement of Work (SOW) phase with the vendor.</p> <p>The SOW will define the scope of the project such as requirements, enhancements, interfacing detailing, training etc. The new system will address the need for the supervisory review function with proper design and efficient operation.</p>