

## **Update: Review of Sexual Assault Investigations – Toronto Police Service**

<b>Date:</b>	October 22, 2008
<b>To:</b>	Audit Committee, City of Toronto
<b>From:</b>	Alok Mukherjee, Chair, Toronto Police Services Board

### **SUMMARY**

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The purpose of this report is to provide the Audit Committee with a report on the deferral of the Follow-Up Audit on the “Review of the Investigations of Sexual Assaults – Toronto Police Service,” prepared by the Auditor General, and a report on the “Review of Sexual Assault Investigations,” prepared by William Blair, Chief of Police.

### **FINANCIAL IMPACT**

There are no financial implications with regard to the receipt of this report.

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### **ISSUE BACKGROUND**

At its meeting held on October 16, 2008, the Toronto Police Services Board was in receipt of the following:

- Report entitled “Follow-Up Audit on the Review of the Investigation of Sexual Assaults – Toronto Police Service,” from Jeff Griffiths, Auditor General, dated September 29, 2008; and
- Report entitled “Review of Sexual Assault Investigations from William Blair, Chief of Police,” dated September 11, 2008.

### **COMMENTS**

The Board received the foregoing reports and agreed to forward copies to the Audit Committee for information.

A copy of Board Minute No. P280/08, in the form attached as Appendix “A”, and a copy of Board Minute No. P281/08, in the form attached as Appendix “B” regarding these matters are provided for information.

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**SIGNATURE**

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Alok Mukherjee  
Chair, Toronto Police Services Board

**ATTACHMENT**

Appendix A – Board Minute No. 280/08  
Appendix B - Board Minute No. 281/08  
A: city report audit sexual assault.doc

## APPENDIX A

### **THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE TORONTO POLICE SERVICES BOARD HELD ON OCTOBER 16, 2008**

#### **#P280. FOLLOW-UP AUDIT ON THE REVIEW OF SEXUAL ASSAULT INVESTIGATIONS – TORONTO POLICE SERVICE**

The Board was in receipt of the following report September 29, 2008 from Jeff Griffiths, Auditor General, City of Toronto:

#### SUMMARY

The purpose of this report is to advise the Toronto Police Services Board that the Auditor General is deferring the Follow-Up Audit on the “Review of the Investigation of Sexual Assaults – Toronto Police Service.” This follow-up audit work was originally included in the Auditor General’s 2008 Audit Work Plan and was to begin in late 2008. Subsequent to discussions with Senior Management at the Police Service the Auditor General has determined that it would be more practical to defer this work until 2009.

#### FINANCIAL IMPACT

There is no financial impact resulting from the receipt of this report.

#### DECISION HISTORY

In 1999, the Auditor General issued a report entitled “Review of the Investigation of Sexual Assaults – Toronto Police Service” which contained 57 recommendations.

In 2005, the Auditor General issued a follow-up report on the recommendations made to the Toronto Police Services Board regarding the investigation of sexual assaults. The audit follow-up found the Toronto Police Service had not addressed all of the original 57 audit recommendations and included 25 additional recommendations. The Board adopted the recommendations and approved the establishment of a Steering Committee to include three senior officers from the Service and an equal number of women from the anti-violence community to provide expertise with respect to the implementation of the Auditor General’s recommendations.

The Toronto Police Services Board requested the Auditor General to conduct a further follow-up audit on this matter within three years. The Auditor General included the follow-up work on the investigation of sexual assaults by the Toronto Police Service in the 2008 audit work plan.

## COMMENTS

On May 21, 2008 the Sexual Assault Steering Committee presented their final report to the Toronto Police Services Board regarding the work accomplished by the Committee and additional action required by the Toronto Police Service.

The Toronto Police Services Board adopted a recommendation that the Chief of Police develop a process to evaluate the changes implemented to training as they relate to sexual assault and for the evaluation to be completed by the fall of 2009 subsequent to the report of the Chief.

The Auditor General has since met with Senior Police Management to discuss the timing of the police evaluation relative to the follow-up audit work planned for the fall of 2008. As a result of these discussions, the Auditor General determined that it would be more practical to postpone the follow-up audit work until 2009.

### Conclusion

The Auditor General intends to defer the follow-up audit work on the report entitled “Review of the Investigation of Sexual Assaults - Toronto Police Service.” This audit work was to begin in September 2008 and will now be included in the 2009 Audit Work Plan.

**The Board received the foregoing report.**

## APPENDIX B

### THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE TORONTO POLICE SERVICES BOARD HELD ON OCTOBER 16, 2008

#### #P281. REVIEW OF SEXUAL ASSAULT INVESTIGATIONS

The Board was in receipt of the following report September 11, 2008 from William Blair, Chief of Police:

Subject: REVIEW OF SEXUAL ASSAULT INVESTIGATIONS

#### Recommendations:

It is recommended that:

- (1) the Board receive this report for information; and,
- (2) the Board forward a copy of this report to the Auditor General, City of Toronto.

#### Financial Implications:

There are no financial implications relating to the recommendations contained within this report.

#### Background/Purpose:

At its meeting on May 21, 2008, the Board requested that the Chief of Police provide information on a process that evaluates the changes to training as it relates to sexual assault investigations (Min. No. P126/08 refers). This report will outline the proposed evaluation process for the Board's information.

#### Discussion:

The Toronto Police Service's Training and Education Unit (T&E) is committed to implementing the recommendations from the City Auditor (1999 and 2004) and the Sexual Assault Steering Committee. The ongoing evaluation of training provided, and its impact within the community, is an important responsibility to the Service. It is important to note that issues raised by the City Auditor and the Steering Committee recommendations pertaining to training in regards to sexual assault investigations have already been implemented to improve investigative training.

Measuring the effectiveness of training is a complex and challenging process. Many variables, both external and internal, affect the performance of any organization. While

inferences may be drawn that performance improvement is due to training, it is often difficult to substantiate. In order to effectively address this issue, the T&E Unit applies a four-level hierarchy of evaluation, commonly referred to as Kirkpatrick's Model of Evaluation, when assessing its programs. This form of assessment is described in detail in the Skills Development Learning Plan (Min. No. P330/08 refers). The levels include:

- **Reaction:** Did participants find the program positive and worthwhile? This question has many sub-parts relating to course content including: format, the approach taken by the facilitator, physical facilities and audio-visual aids. This assessment occurs during and immediately after the program. Concerns on the learning processes – for example, the adult educational approaches, or lack thereof used, in class often surface during this level of evaluation.
- **Learning:** Did participants learn? Training focuses on increasing knowledge, enhancing skills, and changing attitudes. To answer the question of whether participants learned involves measuring skill, knowledge and attitude on entry and again on exit in order to determine changes. This assessment occurs prior to, during, and at the end of a training program. For example, pre-testing provides baseline data of learner knowledge and skill levels which can be assessed against post-course tests. With respect to the sexual assault investigation training, the City Auditor's report and a subsequent in-class audit by external parties helped provide baseline data.
- **Transfer of Learning:** Did the learning translate into changed behaviours in the workplace? This question asks if learners have been able to transfer their new skills back to the workplace or community. Often it is in this area of transfer that problems occur. There may not be opportunity or support to use what was learned. This may reflect on the course itself, but it may also be due to other variables. The typical methods used to measure transfer may include: participant course surveys several months following training; interviews with training co-ordinators and supervisors; and, in-field training session observance of students by co-ordinators. This assessment occurs after the learner has returned to his or her workplace. The standard used by the T&E Unit is to allow at least six weeks to elapse after the course to provide more probability that opportunities have arisen for the learner to apply the new learning as well as to measure learning retention.
- **Impact of Learning:** Did the program have the desired impact? Assuming that the training program was intended to solve an organizational problem, this question asks, "Was the problem or issue resolved?" This level of evaluation cannot be measured for at least six months and may not occur for considerable time after the delivery of a program. Many impacts must be pre-determined for evaluators to properly assess whether the training met its ultimate goal. The City Auditor's report helps provide 'impact data' foci for this level.

Courses are generally evaluated on Reaction by the use of course evaluations. Learning is evaluated by testing, instructor observation and peer feedback. Transfer and Impact evaluations are much more time consuming and complex. They are part of long-term in-

depth analysis. The Sexual Assault Investigators' Course (SAIC) and the Child Abuse Investigators' Course (CAIC) will be assessed using all four phases of evaluation. Notably, these are two separate training programs that evolved out of the former Sexual Assault and Child Abuse Investigators' Course (SACA).

To facilitate the training evaluation process T&E has established the Learning Development and Standards Section. This allows for an expansion of evaluation strategies and an active audit process for all Service training. The new section is responsible for quality assurance, instructor accreditation, adult education, coordination of field training supervisors, e-learning, record coordination, amongst other duties. Furthermore, this section has specialized software, hardware and training that allows for much of the quantitative data collection to be automated.

### Changes Specific to the Sexual Assault Investigators Course (SAIC)

In 2008, the SACA course was discontinued. It was replaced by the SAIC and the CAIC. Initially both of these courses were 5 days in length; however, the SAIC has been expanded to 10 days. The recommendations from the Auditor's report (2004) and the report from the subcommittee to the Sexual Assault Audit Steering Committee have played a significant role in the changes to both courses. The following changes have been made in response to City Auditor's report and subsequent work of the Sexual Assault Investigation Steering Committee.

1. *Material has been redesigned within a gendered anti-racist framework regarding the sexual assault of adult women. The content of the Jane Doe audit as well as recommendations in the Campbell Report form a basis for training material.*

Speakers have been advised of the concerns of the subcommittee of the Sexual Assault Audit Steering Committee and they have adjusted their presentations, case examples and language, which focuses on the sexual assault of adult women.

The recommendations from the Sexual Assault Audit reports and Justice Archie Campbell's Review of the Bernardo Investigation have been incorporated into the course both as a specific topic and as an emphasis in the course content. More time on the first day has been allocated to allow for more information on the Audit recommendations, procedures, myths, stereotypes and barriers to reporting.

Material will be continually adjusted and revised to reflect the gendered anti-racist framework standard.

2. *Adult education training methodologies are being utilized.*

Several initiatives have been commenced to provide training to T&E staff on adult education techniques and methods. The facilitators for the SAIC attended 'Train-the-Trainer' instruction provided by the Children's Aid Society to its trainers, and studied

various adult education techniques. Several facilitators from the Investigative Section of T&E have completed the adult education training provided through Humber College, which is mandatory for all instructors. As new officers arrive for instructional duties at T&E, they are scheduled for training in adult education methodologies.

Based on the training received, facilitators are encouraging presenters to use various and appropriate adult education techniques during their presentations.

- 3. The module on the Sexual Assault Evidence Kit (SAEK) has been redesigned to better represent the medico-legal requirements of the kit and women's negative experience of the kit process as reflected in current research and writing.*

The module on the SAEK has been revised to reflect the medico-legal requirements of the kit and includes information about the negative impact of the process. Officers are encouraged to assess the actual benefits for having the woman that has experienced a sexual assault to go through the SAEK process in the context of that investigation.

- 4. Research continues and gendered, anti-racist, anti-oppression handouts, research and literature are being used as teaching tools.*

Information has been provided by the sub-committee to the Sexual Assault Audit Steering Committee that has been incorporated into the curriculum and available in the resource material for the course. As trainers continue to become aware of, and have access to, gendered, anti-racist, anti-oppression handouts, research and literature, it is incorporated into discussion and made available in the resource material. These materials will also be reviewed by external experts.

- 5. Gendered anti-racism issues for language interpretation that would include Sign Language and harm reduction culture and practices for dealing with psychiatrized and substance using women and immigrant women from countries engaged in torture and war are being incorporated into the SAIC.*

The issues raised in this initial recommendation (Sign Language and harm reduction culture and practices for dealing with psychiatrized and substance using women and immigrant women from countries engaged in torture and war) have been incorporated into the training. The language used by facilitators and presenters is scrutinized for words or phrases that perpetuate myths and/or stereotypes. The addition of a section on 'Human Trafficking' has added significantly to the understanding of woman from countries engaged in torture and war.

- 6. Categories in ViCLAS have been reviewed.*

Although the Service recognizes that some of the questions in the ViCLAS book may need to be reviewed for their content, it has to be recognized that the ViCLAS book and its contents are the responsibility of the Royal Canadian Mounted Police and it is not within the authority of the Service to make changes. That said, emphasis during training



is on the offender's behaviour toward the person being assaulted to help avoid reinforcement of rape myths and other stereotypes about women.

7. *It was recommended that the physical environment be improved and updated as equipment and use of space in the current location are not conducive to focussed learning or training.*

The Service has recognized the limitations of the T&E facility located at 4620 Finch Ave East and is currently involved in building a new training facility at 70 Birmingham Street in the former City of Etobicoke. Resources are being focused on the new College and an assessment of the effectiveness and efficiency of those resources will be completed once training operations have transferred there.

8. *Adult education theories are being implemented with respect to the layout and dynamic interaction in the classroom.*

Facilitators are being taught adult education theories and techniques, which includes classroom configuration, group process dynamics amongst many others. Further enhancement of the course by using adult education theories promoting dynamic interaction will be enhanced by the layout of the new T&E facility. Students will have access to break out rooms to encourage discussion, practical exercises and role plays. As previously noted, a more comprehensive evaluation of the physical training resources and how these support the learning environment will take place after the transfer of operations to the new training facility.

9. *Training now focuses on the sexual assault of adult women.*

The SACA Course has been discontinued. It was replaced by the SAIC and the CAIC. Initially both of these courses were 5 days in length; however, the SAIC has been expanded to 10 days. The recommendations from the City Auditor's report (2004) and the report from the subcommittee to the Sexual Assault Audit Steering Committee have played a significant role in the changes to both courses. The restructure and implementation of the new SAIC course will be assessed at all levels of the evaluation hierarchy and compared to the data and results of the former SACA Course.

10. *A code of conduct for the classroom has been implemented that uses an educational approach to inappropriate comments and dynamics. This code of conduct has been placed into existing T&E Unit Specific Policies.*

A 'Classroom Code of Conduct' has been drafted that incorporates the recommendations of this review, as well as existing standards of behaviour as outlined in Governance documents. This 'Classroom Code of Conduct' forms part of the T&E's Unit Specific Policies (USP) - 'Student Conduct at Charles O. Bick College (USP #34), which includes (as examples):

- Guidelines for appropriate and inappropriate behaviour, responses / participation should be discussed at the beginning of the course.
- Prohibition on inappropriate joking about sexual assault, sexist, racist, homophobic jokes / comments including media or printed material.
- All beepers, phones turned off during sessions.
- T&E trainers remain in the classroom for each training module to monitor dynamics, to ensure continuity of the learning process and to clarify or address issues both in terms of content and process

The issue of conduct / behaviour is addressed verbally during the introduction (first class) of every course which is the introduction to the course. Copies of the USP are available both electronically and in paper.

*11. Trainers provide orientation to the training package.*

The contents of the orientation package have been reviewed and updated to ensure that it is relevant especially in terms of gendered and anti-racist content. During the introductory session (first class), the contents of the orientation package are reviewed with the students. The content of the orientation package will be updated as material changes or new material becomes necessary.

*12. Modules have continuity and others have been deleted or amended to reduce duplication.*

Substantial changes have been made to the syllabus to reflect continuity and reduce duplication. Discussion and examples are now focused on adults who have experienced sexual assault. The modules on forensics and drug facilitated sexual assaults have been changed to reflect the focus on adult women. The module “Investigating a Drug Facilitated Sexual Assault” has been removed.

*13. There is a reduction on the reliance on false allegations as an underpinning of the training.*

The initial recommendation was to make this content no more than 10 minutes of the presentation on ‘Interviewing the Victim.’ Further review has led to the removal of the module on ‘False Allegations’. The emphasis on false reports has been reduced and replaced with a discussion of issues of truthfulness and honest mistake, which may affect witness statements, emphasizing the need for investigative objectivity and a balanced professional approach to reconciling investigative inconsistencies.

The use of a role play exercise that addresses interviewing the woman has also been incorporated into the training for the SAIC. The role play is based upon the scenario used for practical exercises throughout the course.

*14. The nature of the “victim presenter” is being shifted.*

The Victim presenter has been removed from the course. A video that involves women who have been sexually assaulted is being developed.

*15. Presenters from the Sexual Assault Care Centre (SACC) focus on the sexual assault of adult women, utilizing the gendered, anti-racist resources and material from their agency.*

The SACC module has been given more time and now has a more interactive component in their presentation. SACC presenters utilize the gendered, anti-racist resources of their agency.

### Evaluation of the Changes

The training provided to officers on sexual assault investigations has undergone substantial revisions, with every change made to the course based on the recommendations from the City Auditor and the Steering Committee. These substantial changes will be assessed using the previously noted framework of measuring the training in four contexts – learner reaction, learning gain, transfer of learning to the workplace and impact of the learning. The evaluation will comprise both quantitative and qualitative methodologies. For example, preliminary plans are to have a transfer-level questionnaire applied to all candidates who have taken the newly structured course.

The Service has also implemented a Sexual Assault Steering Committee, on which members of T&E participate. This committee, which has broad community representation, will be a source of information to properly evaluate the training.

All evaluative data collected will be collated and analyzed. The results will be included in the Service's annual report to the Board on the evaluation of training programs.

### Conclusion:

The training provided to officers on sexual assault investigations is being enhanced, with every change made to the course based on the recommendations from the City Auditor and the Steering Committee. Training within the Service is an activity that supports identified needs, policies and statutes. It is recognized that courses will evolve and change to address issues surrounding community and organizational needs. The use of standard methodological processes in training evaluation helps ensure that these needs are satisfied.

Deputy Chief Keith Forde, Human Resources Command, will be in attendance to answer any questions that the Board may have regarding this report.

**The Board asked for a clarification of the name of the sub-committee identified in the response to point no. 4 under the heading “Changes Specific to the Sexual Assault Investigators Course”. The Board was advised that the correct name of the sub-committee is the Sexual Assault Advisory Committee and not the Sexual Assault Audit Steering Committee as noted in the report.**

**The Board received the foregoing report and agreed to forward a copy to the Auditor General for information.**