



STAFF REPORT INFORMATION ONLY

Toronto Police Service: Semi-Annual Report – Review of Sexual Assault Investigations: August to December 2008

Date:	June 3, 2009
To:	Audit Committee, City of Toronto
From:	Alok Mukherjee, Chair, Toronto Police Services Board

SUMMARY

The purpose of this report is to provide the Audit Committee with the Toronto Police Service's semi-annual report on the review of sexual assault investigations for the period August to December 2008.

Financial Impact

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

ISSUE BACKGROUND

At its meeting held on April 16, 2009, the Toronto Police Services Board was in receipt of a report dated February 25, 2009, from Chief of Police William Blair, regarding the Toronto Police Service's semi-annual report on the review of sexual assault investigations.

COMMENTS

Ms. Jane Doe was in attendance and delivered a deputation to the Board. Ms. Doe also provided a written submission; copy on file in the Board office.

Prior to Ms. Doe delivering her deputation, Acting Chair Pam McConnell requested that Ms. Doe not be filmed, taped, photographed or identified by name pursuant to court order.

Ms. Doe indicated that her deputation was also presented on behalf of Ms. Beverly Bain and the following organizations:

- The Assaulted Women's Helpline
- The Assaulted Women's and Children's Counsellor Advocate Programme at George Brown College
- Adobe Consulting
- Ernestine's Women's Shelter
- Maggies: The Prostitutes Advocacy Group
- The Native Youth Sexual Health Network
- Parkdale Community Legal Services
- Sistering
- The Toronto Police Accountability Coalition
- Voices of Positive Women
- The YWCA of Toronto

Acting Chair Pam McConnell agreed to meet with me to discuss the issues that Ms. Doe raised in her deputation.

Chief Blair advised the Board that a second meeting of the Sexual Assault Advisory Committee had taken place and that a third meeting is scheduled to take place in the near future. Chief Blair also advised that the mandate for the Committee is in the process of being developed.

Detective Sergeant Tom Lynch and Detective Sue Kernohan, Toronto Police Service, Sex Crimes Unit, were in attendance and responded to questions about this report.

The Board was in receipt of the following Motions:

1. THAT the mandate and membership of the Advisory Committee be forwarded to the groups identified in the deputation;
2. THAT the meeting schedules and agendas, together with the membership of the Advisory Committee, be made available on the Board's website; and
3. THAT the process by which agenda items can be forwarded to the Advisory Committee and the process outlining how to become a member of the Advisory Committee also be posted on the Board's website.

Following a discussion, the Board agreed to refer the foregoing Motions to me for consideration in consultation with Chief Blair.

The Board received the foregoing report and Ms. Doe's deputation and written submission. The Board also agreed to forward a copy of this report to the City of Toronto – Audit Committee for information.

CONCLUSION

A copy of Board Minute No. P98/09, in the form attached as Appendix “A”, regarding this matter is provided for information.

CONTACT

Chief of Police William Blair
Toronto Police Service
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SIGNATURE

Alok Mukherjee
Chair, Toronto Police Services Board

ATTACHMENT

Appendix A – Board Minute No. P98/09

A: city report sexual assault .doc

APPENDIX A

THIS IS AN EXTRACT FROM THE MINUTES OF THE PUBLIC MEETING OF THE TORONTO POLICE SERVICES BOARD HELD ON APRIL 16, 2009

#P98. SEMI-ANNUAL REPORT: REVIEW OF SEXUAL ASSAULT INVESTIGATIONS: AUGUST TO DECEMBER 2008

The Board was in receipt of the following report February 25, 2009 from William Blair, Chief of Police:

Subject: SEMI-ANNUAL REPORT – REVIEW OF SEXUAL ASSAULT INVESTIGATIONS: AUGUST 1 TO DECEMBER 31, 2008.

Recommendations:

It is recommended that:

- (1) the Board receive the following report for information; and,
- (2) 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 a semi-annual report to the Board on the progress of the implementation of Mr. Jeff Griffiths, Auditor General's follow-up report and improvements in training on sexual assault investigations. (Min. No. P126/08 refers).

This semi-annual report outlines the progress of the implementations of the Auditor General's recommendations for the Board's information.

Discussion:

The Toronto Police Service is committed to the recommendations from the Auditor General, City of Toronto, Follow-Up Review on the October 1999 Report entitled: "Review of the Investigation of Sexual Assaults – Toronto Police Service". The ongoing implementation of the recommendations with regard to sexual assault investigations and the impact within the community is an important responsibility to the Service. To that end, it is important to note the efforts undertaken to implement the recommendations made by the Auditor General pertaining to sexual assaults.

Furthermore, the Service has established a Sexual Assault Advisory Committee composed of community practitioners, Service representatives and experts in the issues associated with the sexual assault of women. The newly formed Advisory Committee has met once with a second meeting scheduled in February, 2009.

Progress update of the implementation of the Auditor General's follow-up report recommendations:

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:

Response:

The Staffing Audit was completed in 2005 by the Staff Planning Unit in consultation with the Unit Commander of the Sex Crimes Unit. It was determined that staffing levels are sufficient in general but consideration should be given to implementing a training constable program of six officers from the field to allow flexibility to address cases as needed.

Status: Ongoing. The Sex Crimes Unit is currently providing training opportunities for Divisional police constables.

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.

Response:

Recommendations were made by the Sexual Assault Steering Committee (Min. No P34/2005 refers) in 2005 and 2006 for changes to be made. The Sexual Assault Coordinator has ensured the content of the Web Page is consistent with recommendations/input from the Steering Committee and is reflected in amended content. The Sex Crimes Unit Web Page has

been enhanced and implemented by the Webmaster and is available to the public. The Sexual Assault coordinator will ensure the content of the Web page is properly maintained.

Status: Implemented.

- 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 are provided by the Multilingual Community Interpreter Services or other police officers.**

Response:

All officers have been directed by a Routine Order 2005.01.19-0060, with regard to compliance of policies and procedures. Corporate Planning republished Criminal Investigations Procedure 05-05, Sexual Assault, on May 27, 2008 with particular direction to first-response officers. Further direction with regard to first-response officers attending incidents of sexual assault is also included in the Sexual Assault course. To further ensure compliance of policies and procedures by officers attending incidents of sexual assault, the Unit Commander and the Detective Sergeant of the Sex Crimes Unit provided training to all field Detective Sergeants or designate with regard to monitoring compliance of policies and procedures in September 2008.

Status: Implemented.

- 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 outlines 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.**

Response:

Toronto Police Governance sets out requirements for the mandatory notification and/or attendance of supervisors as a risk management element in the response of this Service to the wide variety of incidents and occurrences faced on a daily basis. Accordingly, Criminal Investigations Procedure 05-05, Sexual Assault, was amended and republished on May 27,

2008 to clarify circumstances during which supervisors are required to attend the scene of a sexual assault. The clarification content is also included in the Sexual Assault Course. Training has been provided to Detective Sergeants and designates with regard to quality control, and this process is now in place within divisions to raise issues/concerns to the Unit Commander level. The Toronto Police Service believes Sergeants should attend all sexual assault reports unless exceptional circumstances exist and such circumstances should be noted.

Status: Implemented.

- 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.**

Response:

Criminal Investigations Procedure 05-05, Sexual Assault, was amended and published on May 27, 2008. The amendment directs only those officers with specific training in sexual assault occurrences be allowed to conduct sexual assault investigations. This direction is also included in the Sexual Assault course. Training has been provided to Detective Sergeants and designates with regard to quality control. This process is now in place within the divisions to raise issues/concerns to the Unit Commander level.

Status: Implemented.

- 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.**

Response:

On September 19, 2008, the Unit Commander and Detective Sergeant of the Sex Crimes Unit provided training to Detective Sergeants and designates with regard to a quality control/monitoring process of published procedures. This process is in place for supervisors to identify areas of non compliance within the divisions as are guidelines for appropriate discipline.

Status: Ongoing monitoring by supervisors.

- 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.**

Response:

This is part of the review function in the current Records Management System where reports are reviewed by immediate supervisors. The Sex Crimes Unit receives copies of occurrence reports related to sexual assault automatically via email and can also locate new occurrences through Analyst searches. All occurrences are reviewed by a supervisor and are electronically signed by the person reviewing them.

Status: Ongoing monitoring by supervisors.

- 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 will be responsible for the tracking and detailed analysis of all sexual assault occurrences on a City-wide basis.**

Response:

As previously mentioned, sexual assault occurrence reports arrive automatically to the Sex Crimes Unit via email. The Sex Crimes Analyst and Sexual Assault Coordinator analyze all sexual assault occurrence reports received from divisional units across the Toronto Police Service.

Status: Implemented.

- 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 will 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.**

Response:

Criminal Investigations Procedure 05-05, Sexual Assault has been amended and includes this content with regard to first responders. This section is highlighted directing first-response officers not to report on validity or truth. The case manager and Detective Sergeant are to consult on unfounded complaints. The Detective Sergeant will ensure proper documentation of relevant details substantiating conclusions including consultation. This direction is also included in the Sexual Assault Course. Divisional Policing Planners have implemented a quality control monitoring process within the divisions to ensure this.

Status: Ongoing monitoring by supervisors.

- 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.**

Response:

Criminal Investigations Procedure 05-05, Sexual Assault has been amended and makes clear that consistent and regular contact be maintained throughout the investigative and legal process with women who have been sexually assaulted. Furthermore, eCops has been amended to include documentation of victim follow up and contact.

Status: Ongoing monitoring by supervisors.

- 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 Division.**

Response:

Since 2003, the Toronto Police Service (TPS) has improved corporate time and attendance recording and employee records software systems. The costs for all training delivered to members of the TPS can be derived from these systems but it is fairly time consuming. System Applications and Products in Data Processing (SAP) provides costing for external training. Training and Education will work with Human Resources, Finance and Administration, and Corporate Planning to improve procedures and forms to simplify records keeping better track these expenditures.

Status: Implemented.

- 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 takes 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.**

Response:

Training and Education conducts demand analysis to determine the number of courses each year. Information is provided by the training coordinator from each unit and is based on unit needs and predictions of those needs.

Status: Implemented.

- 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.**

Response:

Sexual Assault investigations and training for these investigations is a very complex issue, governed by Provincial Adequacy legislation. The Service does not agree that training oversight should be the responsibility of the Sex Crimes Unit, though the unit can and should be involved in consultation, as should community representation. The newly formed Sexual Assault Advisory Committee will facilitate such consultation between T&E, The Sex Crimes Unit and community representatives.

Status: 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.

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 the course participants; and
- involving community organizations who work with women who have been sexually assaulted in the design and delivery of the training program.

Response:

The Sexual Assault Steering Committee had a key role in identifying training issues that needed to be addressed. The Steering Committee is no longer meeting; therefore Training and Education will address this issue. A new, ten day Sexual Assault Investigators Course (SAIC) is now in place and has been since May, 2008, based, in part, on recommendations of the Steering Committee. Training and Education have a plan in place for on going evaluation of this course (Min. No. P281/08 refers).

Status: As previously reported in recommendation number 13, 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.

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.

Response:

A review of the 2005 Annual Sex Crimes Investigations Conference was undertaken by Training and Education. This review determined that the conference was effective and relevant but to minimize disruptions to operations, the Sex Crimes Unit will deliver conferences every second year, and only if necessary. Preparation time and costs will be monitored.

Status: Implemented.

- 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 in 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.**

Response:

The Steering Committee has had a key role in identifying issues that needed to be addressed, including these areas. A new, ten day Sexual Assault Investigators Course (SAIC) is now in place and has been since May, 2008, based, in part, on recommendations of the Steering Committee. Information has been incorporated into the curriculum and available in the resource material for the course.

Status: The revised Sexual Assault Investigator's Course has increased the time available to the presenters from the Sexual Assault Care Centre. Representatives from Multilingual Community Interpreter Services (MCIS) also provide information to investigators about their services. The representatives from both of these agencies provide professional, prepared and informative presentations to investigators.

- 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.**

Response:

Staffing objectives and projections are improved to ensure proper return on investment for all training. This includes revised procedures and forms to identify the goals of the courses and conferences and the necessity to attend. These improvements are now implemented within Detective Services.

Status: Implemented.

- 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.

Response:

The Director of Information Technology Services (ITS) maintains frequent and regular contact with the City of Toronto's Executive Director, Corporate Information and Technology. The issues related to technology are discussed, including development, joint projects and purchasing.

Status: Implemented.

- 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 noncompliance.**

Response:

Routine Order 2005.01.18-0050 was published with regard to the compliance rate for ViCLAS and that it be monitored in the Executive Dashboard process; action has been undertaken for non-compliance. More recently, the Homicide's Major Case Management Section held a ViCLAS and Major Case Management information session on November 26, 2008. Invited participants included members of the Homicide Squad, the Sex Crimes Unit and Detective Sergeants from across the Service.

Status: Implemented.

- 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.**

Response:

The RCMP did provide an electronic version of ViCLAS which was tested by TPS in the Sex Crimes Unit. The RCMP has not provided a current version of the electronic ViCLAS for use by police agencies.

Status: Ongoing, awaiting a current version of the electronic ViCLAS for use by police agencies.

- 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.**

Response:

Criminal Investigations Procedure 05-05, Sexual Assault, has been amended to clarify process of obtaining consent regarding the sexual assault medical evidence kit. Training processes also amended to focus on this area.

Status: Implemented.

- 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.**

Response:

Amendment of Criminal Investigations Procedure 05-05 indicates the importance of seizing these kits at the earliest opportunity. Amended training on the current Sexual Assault Investigators Course (SAIC) reinforces the procedure. Part of the Provincial Audit recommendations includes development of written relationship guidelines with the Sexual Assault Care Centres; these guidelines will also address this issue.

Status: Ongoing. The Sexual Assault Coordinator to finalize written relationship guidelines with the Sexual Assault Care Centres.

- 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.**

Response:

The Committee has had a key role in identifying issues that need to be addressed in this area and Public Information have learned a great deal about the content and delivery of these releases. The Service has identified over 400 agencies now receiving warnings directly. The

Service will ensure that a release is done when a stranger sexual assault occurs and investigation is undertaken by Sex Crimes. The Service does not agree that the Sex Crimes Unit has responsibility for this; this responsibility belongs to Public Information Unit.

Status: Ongoing. This issue will be further reviewed in discussions with the Sexual Assault Advisory Committee at a future date.

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.

Status: This responsibility is assigned to the Staff Superintendent, Detective Services.

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

Conclusion:

The Toronto Police Service is committed to improving the police response to victims of sexual assault with the implementation of the recommendations from the City Auditor (1999 and 2004). Improvements have been made with every change made to policy and procedures, training, staffing, and technology, recognizing the impact on victims and the community. Many of these are ongoing and require further review as issues are identified and addressed with regard to sexual assault investigations. Consultation with the Sexual Assault Advisory Committee will assist to ensure that progress continues.

Deputy Chief A.J. Warr, Specialized Operations Command, will be in attendance to answer any questions that the Board may have regarding this report.

Ms. Jane Doe was in attendance and delivered a deputation to the Board. Ms. Doe also provided a written submission; copy on file in the Board office.

Prior to Ms. Doe delivering her deputation, Acting Chair Pam McConnell requested that Ms. Doe not be filmed, taped, photographed or identified by name pursuant to court order.

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Acting Chair McConnell agreed to meet with Chair Mukherjee to discuss the issues that Ms. Doe raised in her deputation.

Chief Blair advised the Board that a second meeting of the Sexual Assault Advisory Committee had taken place and that a third meeting is scheduled to take place in the near future. Chief Blair also advised that the mandate for the Committee is in the process of being developed.

Detective Sergeant Tom Lynch and Detective Sue Kernohan, Sex Crimes Unit, were in attendance and responded to questions about this report.

The Board was in receipt of the following Motions:

- 4. THAT the mandate and membership of the Advisory Committee be forwarded to the groups identified in the deputation;**
- 5. THAT the meeting schedules and agendas, together with the membership of the Advisory Committee, be made available on the Board’s website; and**
- 6. THAT the process by which agenda items can be forwarded to the Advisory Committee and the process outlining how to become a member of the Advisory Committee also be posted on the Board’s website.**

Following a discussion, the Board agreed to refer the foregoing Motions to Chair Mukherjee for consideration in consultation with Chief Blair.

The Board received the foregoing report and Ms. Doe’s deputation and written submission. The Board also agreed to forward a copy of this report to the City of Toronto – Audit Committee for information.