
The Auditor General's Follow-up Review

on the October 1999 Report Entitled:

**“Review of the Investigation of Sexual Assaults
Toronto Police Service”**

October, 2004

 **TORONTO** Auditor General

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Toronto Police Service"**

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October, 2004

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EXECUTIVE SUMMARY

In 1999, the City Auditor (now the Auditor General) issued a report entitled “Review of the Investigation of Sexual Assaults – Toronto Police Service”. This report is available in its entirety on the following Internet Web site: www.toronto.ca/audit/1999/102599.pdf

The 1999 report was prepared in response to the successful civil case of Jane Doe versus the Commissioners of Police of the then Municipality of Metropolitan Toronto. Madame Justice Jean MacFarland of the Ontario Court of Justice in her judgement of the case, was critical of the way the Toronto Police Service investigated sexual assaults and indicated that “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.”

The Toronto Police Service in their defence to the civil case attempted to show that steps had been taken to improve the identified problems within the Toronto Police Service. However, Madame Justice MacFarland rejected this evidence and found 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”.

City Council, in response to the judgement of Madame Justice MacFarland, passed a number of motions, including one that directed that no action be taken to appeal Madame Justice MacFarland’s decision. City Council also passed a motion requiring that the City Auditor conduct an audit regarding the handling of sexual assault cases by the Toronto Police Service.

The report of the City Auditor issued in 1999 contained 57 recommendations. One of the more important recommendations was that:

“The City Auditor be requested to conduct a follow-up audit in regard to the status of the recommendations contained in this report, the timing of such audit to be consistent with the time frame outlined in the report of the Chief of Police. The City Auditor be required to report directly to the Toronto Police Services Board in regard to the results of the follow-up audit.”

The objectives of this follow-up review were essentially to determine the extent of the implementation of the recommendations made in the 1999 report and to recommend further action, if any, to be undertaken by the Toronto Police Service to achieve the substance of the 1999 recommendations.

This follow-up report contains detailed commentary on the status of the implementation of each one of the 1999 recommendations. In addition, Appendix 1 to this report contains the original 1999 recommendations, the final responses by the Chief of Police to the recommendations and our summarized observations in relation to the implementation of the recommendations.

This follow-up report is our independent evaluation of the extent of implementation of the 1999 audit recommendations. It represents a significant amount of independent analysis, review and evaluation by audit staff who were involved in the preparation of the original 1999 report and its conclusions are based on substantiated findings. It is clear that not all recommendations contained in the 1999 report have been implemented by the Toronto Police Service. On the other hand, it is unfair to suggest that no meaningful improvements have been made to the manner in which the Toronto Police Service conducts sexual assault investigations.

This Executive Summary does not provide commentary on each one of the recommendations but rather focuses on those issues of importance and substance.

During the preparation of the 1999 report, the general consensus of all parties familiar with the way the Toronto Police Service conducted its investigations of sexual assault was the need to change the mandate of the then Sexual Assault Squad. It was generally recognized that the 1999 mandate was too restrictive and narrow and as a result, the Sexual Assault Squad was involved in a minimal number of investigations. The belief that the seriousness of sexual assaults depended on whether or not there had been “penetration” was an outdated concept and consequently was inappropriate.

The requirement for a mandate change was also acknowledged by the Toronto Police Service and soon after the issue of the 1999 report, the mandate of the Sexual Assault Squad was changed. In 2002, the mandate was revisited and further reviewed and improved. In the same year, the Child Prostitution Section (formerly the Juvenile Task Force) and the Child Pornography Section (formerly the Sexual Exploitation Unit) were formally amalgamated with the Sexual Assault Squad. The name was changed from the Sexual Assault Squad to the Sex Crimes Unit to better reflect its expanded mandate and the amalgamation of the sub-units. The Sexual Assault Squad continues to operate as a separate entity (i.e., the Sexual Assault Section) within the newly established Sex Crimes Unit.

The Sex Crimes Unit currently uses a community risk-based approach in assigning sexual assault investigations to the Unit. It is acknowledged that some of the more serious assaults do not involve penetration. In simple terms, where a sexual assault is considered a risk to the community, responsibility for the investigation of the assault is assigned to the Sex Crimes Unit. The change in the mandate of the Sex Crimes Unit has had two significant impacts:

- it has increased the number of sexual assault investigations conducted by the Sex Crimes Unit; and
- sexual assault investigations assigned to the Sex Crimes Unit are based on criteria which are risk-based, appropriate, and relevant.

While the number of sexual assaults assigned to the Sex Crimes Unit has almost doubled since 1999, the resources available within the Sexual Assault Section of the Sex Crimes Unit has not appreciably increased since that time. In this context, it is important that a further evaluation of the resource capabilities within the Sexual Assault Section be conducted in order to ensure that the staff levels are commensurate with its workload.

While acknowledging the appropriateness of the change in mandate of the Sex Crimes Unit, the Toronto Police Service procedure entitled “Community Safety Notification” is inconsistent with the revised mandate. The need for a Community Safety Notification was issued in response to a recommendation in the 1999 report and to Madame Justice MacFarland’s statement that “the police have a positive duty to warn potential victims of a serial rapist operating in the community.”

The Community Safety Notification procedure requires that the Unit Commander of the division in which the sexual assault occurred is responsible for determining whether there is a need to issue a community alert. Presumably, this alert is issued within the community because of the potential risk to the community. In accordance with the mandate of the Sex Crimes Unit, if the sexual assault occurrence is deemed a risk to the community, the assault should be reported to and investigated by the Unit. In these circumstances, it would be appropriate and logical for the Sex Crimes Unit to assume responsibility for the Community Safety Notification. The Sex Crimes Unit is the group most familiar with sexual assault occurrences and investigations and as such, is the Unit best equipped to issue appropriate, accurate, complete and consistent Community Safety Notifications.

Certain recommendations in the 1999 report could be implemented immediately without a great deal of deliberation, for example, the recommendation to change the hours of work of the then Sexual Assault Squad. Soon after the issue of the 1999 report, the hours of work of the Squad were expanded to more accurately coincide with the general timing of sexual assaults. Similarly, the recommendation to improve the content of the Internet Web site of the Sexual Assault Squad was a recommendation, which in our view, was one that required minimal effort to implement.

Our follow-up review concluded that for the most part the Web site has not changed significantly since the issue of the 1999 report. In our opinion, one of the purposes of the site should be to provide specific information to women who have been sexually assaulted. This is not the case, as there is little information which would promote the reporting of sexual assaults to the Toronto Police Service. We have been advised that the reason for the lack of any substantive change has been due to inadequate time and resources.

In response to the 1999 report, as well as the 90-Day review initiated by the Chief of Police in mid-2000, a revised Criminal Investigations Procedure 05-05, Sexual Assault (Procedure 05-05) was issued by the Chief of Police in 2002. This Procedure is a comprehensive document which addresses a number of the 1999 recommendations, such as:

- the requirement for first-response police officers to collect only “basic information” during initial interviews;
- the requirement for first-response police officers to request a supervisor to attend the scene of a sexual assault;
- the provision for delaying detailed interviews by investigators with women who have been sexually assaulted;
- instructions for the timely submission of Violent Crime Linkage Analysis System Reports (ViCLAS);
- the need to consider the gender of the police officer when conducting interviews with women who have been sexually assaulted;
- the requirement for minimizing the number of times women have to repeat their interviews to different police officers;
- the requirement for providing to the woman who has reported a sexual assault with ongoing regular contact. This regular contact should be maintained throughout the investigative and legal process;
- the requirement that any unfounded cases are documented, based on an appropriate level of investigation and reviewed and approved by supervisors; and
- the requirement that occurrence reports are reviewed and approved by senior officers.

Each one of the above issues was identified during the 1999 review and although they were operational in nature, the Chief of Police agreed with the recommendations and took steps to ensure that the issues raised were addressed. As indicated, these recommendations were addressed in the current Procedure 05-05.

While the substance of the recommendations was incorporated in Procedure 05-05, our follow-up review has identified instances of non-compliance with Procedure 05-05 by certain police officers.

The requirement that police officers comply with Procedures is, of course, one of the fundamental and basic duties of all officers and is paramount to an effective and efficient police service. Indeed, in the Chief's response to the 1999 report, he indicated that "there is a clear expectation by the Chief that all members of the Toronto Police Service will comply with all Rules, Regulations, Procedures, Directives and Policies of the Service." The Chief further states that the failure of members to comply with directives "shall be deemed to be disobeying, omitting or neglecting to carry out a lawful order, and such members may, if they are police officers be subject of a complaint under the Police Services Act."

Fundamental to the issue of compliance with Procedures is an independent monitoring process providing assurance to the Chief that officers are in fact complying with Procedures. Instances of non-compliance should be identified through an effective supervisory process, which at the present time particularly in regard to Procedure 05-05, is deficient.

To assist the Chief of Police in addressing those areas of non-compliance, Appendix 2 contains a summary of Procedure 05-05 and our assessment of compliance. This information has been submitted to the Chief of Police so that action can be taken prior to the issue of this report. We understand that the Chief has expressed significant concerns in relation to areas of non-compliance and has ordered his senior staff to address this issue immediately.

Our follow-up review identified concerns in connection with the Violent Crime Linkage Analysis System (ViCLAS) reporting requirements. In simple terms, ViCLAS is a Canada-wide crime reporting information system database which has the ability to link criminal occurrences across Canada. There are strict timelines imposed by both the Province of Ontario and the Toronto Police Service requiring the reporting of crimes through ViCLAS. Our review identified that these timelines are not being consistently met by the Toronto Police Service. There is no allowance for less than 100 per cent compliance and concerted effort is required to ensure that the current backlog is addressed and compliance is kept current. The potential

consequences of non-compliant ViCLAS reporting are significant and could in certain circumstances result in legal liability to the Toronto Police Service. We have reported this issue directly to the Chief of Police for his immediate attention.

A significant number of recommendations in the 1999 report related to training of police officers in the area of sexual assault investigations. Training has also been a theme throughout the follow-up review. Whenever there are issues or concerns at the Toronto Police Service, the proposed solution inevitably seems to focus on the need for additional training. With ongoing budgetary restraints, this is not always possible and in any event, it is our view that different training, rather than additional training, would improve the way officers conduct sexual assault investigations.

Training of officers in the area of sexual assault investigations is primarily conducted at a relatively basic level for new recruits and at a more in-depth level through attendance at the 10-day Sexual Assault and Child Abuse Course. This course is the main avenue of training for divisional officers assigned sexual assault investigation responsibilities. In our view, the content of the course requires further evaluation, particularly in terms of its relevance to the officers participating. The course is intended for divisional officers who will assume or in fact, already have responsibility for sexual assault investigations. Such investigations, for the most part, involve “known” offenders. The course content, however, seems to focus more on “unknown” offenders even though the investigation of sexual assaults involving unknown offenders, is generally the responsibility of the Sex Crimes Unit. The use of additional external resources in the training process also needs further consideration.

Our 1999 review identified the lack of a formal complaints process available for employees of the Sexual Assault Care Centres or by members of the public for the reporting of inappropriate police conduct towards the woman who has been sexually assaulted. The Chief of Police’s response to this recommendation essentially indicated that a legislated complaints system already existed and as such, there was no need for any additional formal complaint process. While we appreciate and understand the current complaints system, it does not adequately address the concerns raised in our report. For example, the current legislation relating to complaints against police officers does not permit third-party complaints.

Consequently, in the circumstances where someone from a Sexual Assault Care Centre or a third-party wished to make a complaint against a police officer, such reporting is not permissible under current legislation. The complaints process is currently under review by the Province of Ontario and the issue of third-party complaints is one aspect of the system which is being analysed in detail.

Many of the findings in this follow-up report have been based on our review of occurrence reports prepared by police officers. Certain issues identified during our review of these reports have also been independently collaborated by individuals who agreed to be interviewed by us concerning their own experience with the Toronto Police Service following their reporting of a sexual assault. Specific information and comments provided during those interviews are summarized in Appendix 3 in this report.

While the 1999 report was an independent evaluation of police management practices, the research for the 1999 report involved communication with and input from both the Toronto Police Service as well as members of the Women's Anti-violence Community. In general terms, with one or two exceptions, both parties acknowledged and accepted the recommendations as a basis to improve the services provided by the police to women who had been sexually assaulted.

At the time the 1999 report was issued, there appeared to be a commitment that the Toronto Police Service and the members of the Women's Anti-violence Community would work together to address the implementation of the recommendations. Despite the initial commitment, this did not happen and consequently, the issue of community consultation in regard to the implementation of the 1999 recommendations has been a constant theme since the original report was issued.

While the 1999 report recommended a level of community consultation regarding the implementation of seven of the recommendations, the decision as to which should be implemented, and the process for implementation and community consultation, is very clearly the responsibility of the Chief of Police. While City Council, during its deliberation of the 1999 report, specifically recommended a formal structured involvement of the community in the implementation process, this was not endorsed by the Toronto Police Services Board. The Chief

of Police initiated an implementation process, which did not involve the extent and the type of community consultation contemplated by City Council and advocated by the anti-violence community, including many of those organizations who support women who have been sexually assaulted. The Auditor General has no authority in terms of how the recommendations are implemented and contrary to certain statements is in no position to “order” public consultation. In any event, there are usually a number of different ways in which recommendations in any audit report may be implemented. The primary concern in this follow-up review is the extent of implementation of the recommendations rather than the way they were implemented.

In this context we were unable to determine whether or not the implementation process would have been more effective, timely and complete with the involvement of the Women’s Anti-violence Community. It is clear however, that the expertise of both parties, working together, would be of significant benefit to those women who have had the misfortune to be the subject of the crime of sexual assault.

In conclusion, this follow-up report contains a number of recommendations, many of which are similar to those made in 1999. In our view, the implementation of these recommendations by the Toronto Police Service will further improve the investigative process in relation to those women who have been sexually assaulted.

THE ORIGIN OF THE 1999 REPORT – THE JANE DOE CASE

In October 1999, the City Auditor (now the Auditor General) completed a report entitled “Review of the Investigation of Sexual Assaults, Toronto Police Service”. This 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.

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.”

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.

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.

Council also requested that the audit include a review of other reports that had previously been before it, some dating back as far as the Metro Chairmanship of Paul Godfrey, who left that post in 1984.

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

Additional Recommendations of the City of Toronto Audit Committee, the Toronto Police Services Board and Toronto City Council

The City Auditor issued his report entitled "Review of the Investigation of Sexual Assaults, Toronto Police Service" in October 1999.

In considering the 1999 report from the City Auditor, the Audit Committee at its December 1999 meeting recommended to Council that:

- (1) *the recommendations contained in the report (October, 1999) from the City Auditor be adopted;*
- (2) *City Council request the Toronto Police Services Board to establish a Steering Committee, and that they consider including a professional mediator, and a least three senior officers from the Toronto Police Service and an equal number of women selected by the anti-violence community, and that the Steering Committee have appropriate resources allocated to it in accordance with the Auditor's report; and*
- (3) *the Audit Reference Group be re-established and renamed as an Implementation Advisory Committee to meet quarterly to be a reference for the Steering Committee throughout 2000 and to report to Council through the appropriate Standing Committee.*

In addition, the Audit Committee referred to the Policy and Finance Committee, the issue of an honorarium for the Implementation Advisory Committee.

The Policy and Finance Committee, at its subsequent meeting, requested the Chief Administrative Officer to submit a report directly to Council for its meeting of February 1, 2000, “respecting the issue of providing an honoraria to the proposed Implementation Advisory Committee in the amount of \$5,000.00 annually”.

The Chief Administrative Officer reported to City Council on this matter and recommended that:

- (1) *the Access and Equity Unit facilitate the provision of required expertise through purchase of service agreements;*
- (2) *December 31, 2000 be set as the sunset date for the Sexual Assault Implementation Advisory Committee.*

The recommendations of the Audit Committee, the Policy and Finance Committee and the Chief Administrative Officer were approved by City Council at its meeting of February 1, 2, and 3, 2000.

Further, during its meeting of January 26, 2000 the Toronto Police Services Board approved the following:

1. *That the Board concur with the Auditor’s recommendations that community consultation should be incorporated in the review of the Sexual Assault Squad;*
2. *That the Board endorse the Auditor’s Recommendations number 24, 31, 40, 52, 53, 56 (pertaining to community input) of the Auditor’s report and recommend the Chief commence implementation;*
3. *That the Board receive the deputations regarding the Steering Committee and refer the written submissions to the Chief for his consideration as part of his implementation of the Auditor’s recommendations cited above.*
4. *That the Board support the enhanced mandate of the sexual assault Squad as proposed by the Chief at the October Board meeting.*

THE IMPLEMENTATION OF THE RECOMMENDATIONS

Implementation of the 1999 Recommendations – Responsibilities

It is important to appreciate that the majority of major reviews such as the one conducted in 1999 will generally contain a significant number of recommendations. In this context, even though recommendations are based on a detailed review and evaluation of policies, procedures, as well as interviews with a wide range of individuals and organizations, there may be circumstances where the Chief of Police for operational or other reasons may determine not to implement certain recommendations. In particular, and in the context of the recommendations and in accordance with section 31 (4) of the Police Services Act, the Toronto Police Services Board “shall not direct the Chief of Police with respect to specific operational decisions or with respect to the day to day operation of the police force.” Ultimately, under the Police Services Act, the Chief of Police is responsible for the day to day operations of the Toronto Police Service and it is within his mandate and authority to determine which recommendations are to be implemented and the manner and extent of their implementation.

Response of the Toronto Police Service to the October 1999 Report

The Toronto Police Services Board received the October 1999 report entitled “Review of the Investigation of Sexual Assaults – Toronto Police Service” at its meeting of November 2, 1999. The Board deferred the report to the January 2000 meeting so that it could hear deputations from members of the public.

At its meeting of January 26, 2000, the Toronto Police Services Board heard a number of public deputations including those made by the Co-chair of the Audit Reference Group and Jane Doe herself. Additional deputants were representatives from the Metropolitan Action Committee on Violence Against Women and Children (METRAC), the Toronto Rape Crisis Centre and the YWCA of Greater Toronto. The deputants were supportive of the recommendations contained in the report and the implementation plan proposed by the City’s Audit Committee and approved by City Council. The report was referred to the Chief of Police for a detailed response.

The Chief of Police responded in detail to the 1999 report at the Toronto Police Services Board meeting of November 23, 2000 in a report dated October 3, 2000.

The response of the Chief of Police indicated an agreement in full or in part with 54 of the 57 recommendations. The Chief of Police indicated a disagreement with two of the recommendations (numbers 30 and 53) while one recommendation (number 54) was directed to the Toronto Police Services Board. Recommendation numbers 30, 53 and 54 are as follows:

30. *The Sexual Assault Squad assume responsibility for the development of training activities relating to the investigation of sexual assaults. In addition, the squad assume responsibility for the co-ordination of all such training throughout the Service.*
53. *A formal written protocol be developed between the police service and the sexual assault care centres which provides for the reporting of inappropriate police behaviour. The protocol include a provision that such behaviour be reported to the Sexual Assault Squad for action which may involve additional training and/or discipline. The protocol should include a process for the communication of the action taken by senior police staff to address the concerns identified by the centres.*
54. *The Police Services Board notify the Province of the need to expedite its review of the Sexual Assault Medical Kit (Evidence Kit).*

Commentary on each one of these recommendations is in the body of this follow-up report.

Complete responses to the 1999 report are contained in the report of October 3, 2000 by the Chief of Police. Further semi-annual follow-up reports by the Chief of Police were submitted to the Toronto Police Services Board as follows:

<u>Date of Report</u>	<u>Title of Report</u>
March 12, 2001	Interim Update: Response to the “Review of the Investigation of Sexual Assaults – Toronto Police Service”
September 12, 2001	Semi-annual Report: Update on the Implementation of the City Auditor’s Recommendations Regarding Sexual Assault Investigations
April 25, 2002	Semi-annual Report Update on the Implementation of the City Auditor’s Recommendations.

October 28, 2002	Semi-annual Report Update on the Implementation of the City Auditor's Recommendations
April 30, 2003	Semi-annual Report Update on the Implementation of the Auditor's Recommendations
November 13, 2003	Semi-annual Report Update on the Implementation of the Auditor's Recommendations
May 4, 2004	Semi-annual Report: November 2003 to April 2004: Update on the Implementation of the City Auditor's Recommendation Regarding Sexual Assault Investigations

Appendix 1 to this report contains the original 1999 recommendations, the latest response by the Chief of Police (including the date of the latest response) to the recommendations, and our summarized comments in relation to the implementation of the recommendations.

Of particular relevance to this follow-up review is the contents of the latest report (May 4, 2004) from the Chief of Police. The May 4, 2004 report indicates that the "Service has addressed all of the recommendations from the City Auditor's report and has provided the Board with regular status updates." It further states that "On November 13, 2003, the Board reviewed the most recent report on the status of the recommendations indicating that all recommendations have been implemented with the exception of Recommendation 4." (Recommendation number 4 is the requirement for a follow-up audit).

Community Consultation Regarding the Implementation of Recommendations

The issue of community consultation or lack thereof has been repeatedly raised by certain groups and individuals throughout the course of our follow-up review.

The 1999 report did not contain any specific directive in terms of how the recommendations in the report were to be implemented. The City Auditor has no authority over the Chief of Police and consequently as previously indicated, the responsibility for the implementation of the recommendations was that of the Chief of Police. However, the 1999 report did contain a number of recommendations which specifically identified the need for community consultation.

These recommendations were as follows:

11. *The Sexual Assault Squad give consideration to the establishment of a Sexual Assault Hot Line. The establishment of such a hot line be set up after consultations with key stakeholders who work in the area of sexual assault. The availability of such a hot line be widely communicated to women in the community.*
24. *The Sexual Assault Squad initiate a consultation process with those agencies who deal with sex trade workers, homeless women, women of colour and women with disabilities in order to identify and address areas of concern. The Sexual Assault Squad develop, in consultation with these agencies, an effective complaints process independent of divisional officers. Community agencies be compensated for their work.*
31. *A re-evaluation of the content of the Sexual Assault and Child Abuse (SACA) course be undertaken. Particular emphasis be placed on course content and its relevance to practical day-to-day experiences. Course content not directly relevant to the work of divisional sexual assault investigations be eliminated. The course be designed in a structured, methodical manner. Community input be sought in the restructuring of the course content.*
40. *Consideration be given to the use of external community resources in the training of sexual assault investigators. External community resources be compensated for their work.*
53. *A formal written protocol be developed between the police service and the sexual assault care centres which provides for the reporting of inappropriate police behaviour. The protocol include a provision that such behaviour be reported to the Sexual Assault Squad for action which may involve training and/or discipline. The protocol should include a process for the communication of the action taken by senior staff to address the concerns identified by the centres.*

56. *The Sexual Assault Squad be required to form relationships with community groups, share information and concerns and work together to meet common objectives. In addition, consideration be given to the establishment of a formal succession planning process in order to ensure that the transfer of police officers to other responsibilities does not disrupt relationships with community organizations.*
57. *The Chief of Police develop a written protocol detailing the circumstances in which a general warning should be given to the public that a suspected serial sexual predator is active. Community consultations should take place in the preparation of this directive.*

Comments on each of the above recommendations is contained in the body of this report. In addition and as previously stated, the City's Audit Committee recommended a formal process in relation to the implementation of the recommendations. This process was subsequently approved by Council and was as follows:

“City Council request the Toronto Police Services Board to establish a Steering Committee, and that they consider including a professional mediator, and a least three senior officers from the Toronto Police Service and an equal number of women selected by the anti-violence community, and that the Steering Committee have appropriate resources allocated to it in accordance with the Auditor's report; and

The Audit Reference Group be re-established and renamed as an Implementation Advisory Committee to meet quarterly to be a reference for the Steering Committee throughout 2000 and to report to Council through the appropriate Standing Committee.”

While the recommendations of the City's Audit Committee were formally approved by City Council, they were not forwarded to the Toronto Police Services Board and as a result, were not considered or approved by the Board. In any event, even if they had been approved by the Board, the Chief of Police was not specifically required to follow these Council endorsed recommendations or in fact, any of the original 1999 recommendations, as the majority of them related to operational issues over which the Chief legislatively has sole authority.

In a report dated May 20, 2000 to the Toronto Police Services Board, the Chief of Police outlined his response to the issue of community involvement relating to the implementation of the recommendations.

The May 20, 2000 report indicated that:

“The Toronto Police Service created a group, the Social Audit – Internal Police Reference Group, to review and implement the recommendations and report to the Chief. Staff Inspector Roy Pilkington was given the responsibility of managing this group. There are representatives from the Sexual Assault Squad, Corporate Planning, Training and Education, the Field and Victim Services on the committee.”

The report further states that:

“On February 16, 2000, Staff Inspector Pilkington received a letter from former Chief David Boothby giving him direction regarding the Audit Report. The former Chief outlined his expectations pertaining to the response to the Audit:

- *develop strategies to implement the appropriate recommendations*
- *provide time lines and target reporting dates*
- *consult with Board Members Sandy Adelson and Olivia Chow*
- *ensure community consultation, especially from the anti-violence community*
- *explore the possibility of a Community Police Liaison Committee (CPLC)*

The former Chief also addressed the issue of a “Steering Committee”. He stated, “This [the development of a CPLC and other options] would facilitate the wishes of the Audit Reference Group to have women’s representative have a meaningful contribution in the process, rather than by way of a ‘steering committee’, on issues which I perceive as operational in nature and which may in fact impede the timely implementation of the appropriate Recommendations.”

The report further states that:

“Members of the Sexual Assault Squad attempted to discuss the establishment of a group similar to a Community Police Liaison Committee at a meeting on March 31, 2000, with members of the anti-violence community and Jane Doe. Councillor McConnell had facilitated the meeting. The suggestion and the position of former Chief Boothby on an Implementation Committee was not well received and talks broke off with the anti-violence community.”

We understand that Staff Inspector Roy Pilkington met with Board Member Olivia Chow on May 4, 2000, for the purpose of discussing community involvement in the implementation process. As a result of this meeting, it was agreed that Councillor Chow would facilitate a workshop in July 2000, at which representative community stakeholders, including the anti-violence community, and police would be invited to discuss appropriate implementation strategies to meet the needs of the community and the Toronto Police Service. It is our understanding that this meeting did not take place.

The involvement of the women from the anti-violence community in the implementation of the recommendations of the 1999 report was not significant. We have not determined the extent to which this involvement would have impacted the effectiveness of the implementation process. Rather our focus during this review has been on the evaluation of the implementation of the recommendations, not on the method by which they were implemented.

THE FOLLOW-UP REVIEW

The Contents of this Report

This report has been prepared in response to Recommendation number 4 contained in the October 1999 report prepared by the then City Auditor (now the Auditor General) entitled “Review of the Investigation of Sexual Assaults – Toronto Police Service”. The recommendation was as follows:

“The City Auditor be requested to conduct a follow-up audit in regard to the status of the recommendations contained in this report, the timing of such audit to be consistent with the time frame outlined in the report of the Chief of Police. The City Auditor be required to report directly to the Toronto Police Services Board in regard to the results of the follow-up audit.”

This follow-up report includes a number of recommendations. In certain cases, the recommendations made in this report are new, while in others they represent a restatement of the recommendations made in 1999. These recommendations are included throughout the body of the report and are also itemized, for ease of reference, in Appendix 4.

The terms of reference of this follow-up report were submitted to the Toronto Police Services Board for their information and is provided as Appendix 5 to this report. The objectives of the follow-up review as outlined in the terms of reference were as follows:

- to determine the extent of the implementation of recommendations contained in the 1999 report; and
- to recommend further action, if any, to be undertaken by the Toronto Police Service to achieve the substance of recommendations made in the 1999 report.

Independence of the Audit Process

All audits, including any follow-up work, by definition is an independent process and includes an evaluation of management practices, policies and procedures. In conducting this follow-up audit, we have solicited and considered input from the Toronto Police Service, members of the former Audit Reference Group, women who have been sexually assaulted, nurses and counsellors of Sexual Assault Care Centres, and representatives from a wide range of community organizations. We have considered and evaluated this input and where appropriate, have incorporated this input into the report. Nevertheless, the conclusions in this follow-up report are those of the Auditor General.

Audit Work Conducted in Follow-up Review

The audit work conducted for the follow-up review included the following:

- A review of 98 sexual assault investigation case files from 2000, 2001, 2002, and 2003;
- Interviews with 24 individuals who had reported a sexual assault to the Toronto Police Service in recent years. The investigative files relating to these cases were also reviewed or discussed with the Sexual Assault Co-ordinator of the Sex Crimes Unit. Participation in the interview process was solicited through various news media. Participation was also solicited on the City's Web site;
- Interviews with police officers, including front-line officers, divisional investigators, members of the Sex Crimes Unit, and a number of staff sergeants and unit commanders from different police divisions throughout the City;
- Interviews with civilians and police officers from the C.O. Bick College; and
- Discussions with representatives from nine community agencies (who provide services to women who have been sexually assaulted) at two focus group meetings through personal interviews.

A total of 52 agencies (itemized in Appendix 6) were invited to participate in this process, of which 35 indicated an interest. A formal invitation, along with an agenda, was then forwarded to each one of the agencies. The agenda contained specific information in relation to the 1999 report and is included in Appendix 7 in this report.

The community agencies who participated in the focus group sessions were as follows:

- Sistering – A Woman’s Place
- Parkdale Community Legal Services
- Women’s Residence
- Red Door Abused Women’s Shelter
- YWCA Breakthrough Program
- Barbra Schlifer Commemorative Clinic
- Toronto Rape Crisis Centre

In addition, we also interviewed representatives of the following agencies:

- Toronto Aboriginal Legal Clinic
- University of Toronto Counselling and Learning Skills Service

The above organizations represent those major entities who have significant contact with women who have been sexually assaulted.

- Meetings with certain members of the former Audit Reference Group;
- Interviews with counsellors and sexual assault nurses of the Sexual Assault Care Centres at Women’s College Hospital and Scarborough Grace Hospital;
- Attendance at relevant parts of the 10-day Sexual Assault and Child Abuse training course;

- A review of correspondence maintained by the Sexual Assault Co-ordinator assigned to the Sex Crimes Unit relating to outreach efforts to community groups. Minutes of meetings held with these groups were also reviewed;
- A review of various written deputations to the Toronto Police Service in relation to the original 1999 report, as well as deputations relating to the Chief of Police's response to the 1999 report;
- A review of other relevant reports, correspondence and documents including reports by the Chief of Police relating to the status of the implementation of the City Auditor's recommendations; and
- A review of survey statistics on violence against women in Canada and other relevant literature.

The Scope of the Audit Work Conducted in this Review

Our review has focussed on the follow-up of the 1999 recommendations and for the most part has been restricted to those areas identified in our 1999 review.

Structure of the 2004 Report

For each specific recommendation contained in the 1999 report, summarized background information on the issues which led to the recommendation is provided followed by the original recommendation. Following the specific 1999 recommendations are comments on the status of the implementation. Where appropriate, additional recommendations have been made.

THE EVALUATION OF THE IMPLEMENTATION OF THE 1999 RECOMMENDATIONS

Administrative Related Recommendations

Recommendations: (1) (2) (3) (4)

Among the 57 recommendations contained in the October 1999 audit report, four recommendations were made for the purpose of ensuring that the Toronto Police Service establish a structured and managed approach to implementing the audit recommendations.

1999 Recommendations:

City Council forward this report to the Toronto Police Services Board. The Chief of Police be requested to provide a written response within six months to the Toronto Police Services Board with regard to the recommendations contained in this report. The report prepared by the Chief of Police include a specific workplan and timetable for the implementation of the recommendations.(1)

The Chief of Police appoint a senior officer to assume responsibility and be accountable for the implementation of the recommendations. This officer should be familiar with the conduct of sexual assault investigations and preferably have served in an investigative or policy role in this area.(2)

A regular, structured, reporting process to the Toronto Police Services Board be initiated in regard to the implementation of the recommendations. Reports should be prepared for submission to the board on a quarterly basis.(3)

The City Auditor be requested to conduct a follow-up audit in regard to the status of the recommendations contained in this report, the timing of such audit to be consistent with the time frame outlined in the report of the Chief of Police. The City Auditor be required to report directly to the Toronto Police Services Board in regard to the results of the follow-up audit.(4)

The 1999 Audit Report was issued to the City of Toronto Audit Committee in December 1999 and was approved by City Council in early 2000. The report was forwarded to the Toronto Police Services Board during the same time period.

A written response to the 1999 recommendations was issued by the Chief of Police in October 2000. Seven semi-annual reports, the latest issued in May 2004, have since been provided by the Chief of Police to the Toronto Police Services Board on the progress of the implementation of the recommendations.

The May 2004 report indicates that the “service has addressed all of the recommendations from the City Auditor’s report and has provided the Board with regular updates.” The May 2004 report further states “that on November 13 2003, the Board reviewed the most recent report on the status of the recommendations indicating that all recommendations have been implemented with the exception of Recommendation 4” (Recommendation number 4 is the requirement for a follow-up audit).

The former Chief of Police assigned Staff Inspector Roy Pilkington, the Unit Commander of the then Sexual Assault Squad with the responsibility for implementing the 1999 audit recommendations. Staff Inspector Pilkington left his position as Commander of the Sexual Assault Squad in 2001. Since that time, there have been two other Unit Commanders responsible for the Sexual Assault Squad.

This current report is in response to Recommendation number 4 of the original 1999 report.

The Sexual Assault Squad and its 1999 Mandate

Recommendations: (5) (6) (7)

At the time of the October 1999 review, the mandate of the then Sexual Assault Squad was as follows:

“Leading, conducting or supporting the investigation of all sexual assaults within Metropolitan Toronto where the offence:

- (a) involves penetration and,
 - (i) the offender is unknown to the victim prior to the assault or,*
 - (ii) the offender is identified as a serial sexual predator or suspected serial sexual predator;**
- (b) involves predatory (seductive and sadistic) paedophiles who direct their interest toward prepubescent children. This would not normally include offences that are inter-familial; and*
- (c) requires the unit’s expertise.*

Other responsibilities of the Sexual Assault Squad in October 1999 included:

- coordinating the Violent Crime Linkage Analysis System (ViCLAS) reports for the Toronto Police Service and forwarding the reports to the Provincial ViCLAS Centre at Ontario Provincial Police Headquarters in Orillia;*
- working with community groups including sexual assault care centres, victim support groups, women’s advocacy groups and Children’s Aid Societies in all aspects of sexual assault investigations and the treatment of victims and support for released offenders;*
- maintaining liaison with the Ministry of the Solicitor General for program and policy and procedure development regarding sexual assault investigations;*
- providing specialized investigative assistance to other units in all areas of sexual assault investigation, including search warrants and the collection of forensic evidence;*

- *providing educational resources and instruction on all aspects of sexual assault investigations to law enforcement, other agencies, social workers and community members;*
- *providing assistance in the management of those occurrences that have a potential for violence toward an individual that involves harassing, stalking, threatening behaviour and domestic violence. This assistance is provided through the assessment section of the Squad's Behavioural Assessment Unit; and*
- *performing such other duties as directed by the Chief of Police.*

Our 1999 review of the mandate indicated that due to its nature, the Sexual Assault Squad only investigated those assaults that involved penetration and the offender was unknown to the woman prior to the assault or the offender was identified as a sexual predator or suspected serial predator. The restrictive nature of the mandate meant that the Sexual Assault Squad investigated only four per cent of the total number of sexual assaults reported in 1998, leaving 96 per cent of investigations to individual police divisions. In actual fact in 1998 out of a total of 1,570 sexual assault offences, the Sexual Assault Squad investigated 70 cases.

1999 Recommendations:

The Chief of Police undertake a review of the mandate of the Sexual Assault Squad. Consideration be given to expanding the mandate of the squad to include those cases where the offender is known and where penetration has taken place or has been attempted.(5)

The Chief of Police conduct an evaluation of the additional staffing requirements of the Sexual Assault Squad. Staff resources, in relation to the increase in responsibilities of the squad, be redeployed from other areas within the Service.(6)

The Chief of Police ensure that any revision to the mandate of the Sexual Assault Squad be clearly communicated to all police officers.(7)

The Sex Crimes Unit and its Current Mandate

The 1999 mandate of the Sexual Assault Squad was amended in 2000, subsequent to, and in response to the review by the City Auditor. The mandate was further amended in 2002.

In 2002, the Toronto Police Service changed the name “Sexual Assault Squad” to the “Sex Crimes Unit” and at the same time, the Unit’s responsibilities were expanded to include the following:

- A Behavioural Assessment Section
- A Child Exploitation Section

The Sexual Assault Squad continues to operate as a separate entity (Sexual Assault Section), within the Sex Crimes Unit. The mandate of the Sex Crimes Unit was revised such that the determination of whether a report of sexual assault should be investigated by the Unit is based on the “risk” to the community, instead of using the criteria “penetration” and “unknown offender.”

The current mandate of the Sex Crimes Unit is as follows:

“The purpose of the Sex Crimes Unit is to contribute to the achievement of the Toronto Police Service’s missions, goals and objectives by:

- *Enforcing laws dealing with sex crimes*
- *Preventing sex crimes*
- *Enhancing public safety*
- *Providing assistance to victims*

Accordingly, in addition to compliance with the Police Services Act of Ontario and the Toronto Police Service’s rules, directives and policies, the Support Command, is responsible for:

Providing support, advice, or taking the lead in investigations into sexual assaults in the City of Toronto.

The determination of whether or not the Sex Crimes Unit will take charge of an investigation will be based on a risk assessment. The Sex Crimes Unit shall be notified of any sexual assault where:

There is ongoing risk to the community when the offender is unknown and the investigation to determine the identification of the offender is beyond the resources available at the divisional level, and/or:

The offence is of a particular heinous nature and includes one or more of the following criteria:

- The occurrence involved an offence under Section 272 or 273 of the Criminal Code (Sexual assault with a Weapon, Sexual Assault Causing Bodily Hard, Wounds, Maims, Disfigures or Endangers Life);*
- The offender is known to have been or is suspected to have been previously involved in a similar offence;*
- In any case involving multiple victims;*
- In any case involving multiple sexual acts, the use of restraints, bondage, or wearing of a disguise by the offender;*
- In any case where the offender records the offence in any manner;*
- When in the commission of a sexual assault, the administration of a noxious substance or drug is used to incapacitate the victim;*
- When the offender removes and keeps any personal item from the victim;*

- *When the offender uses scripting by having the victim engage in prompted dialogue;*
- *When the offender uses a con or ruse, including dating services and the internet, to lure the victim;*
- *Any sexual assault linked to another sexual assault within the same or any other jurisdiction;*
- *Any criminal offence, by an unknown offender, where sexual assault appears to have been the motive; and*

Furthermore, the Unit Commander of the Sex Crimes Unit may, at his or her discretion, take charge of any sexual assault investigation.

Divisional Sexual Assault Investigators will be responsible for investigations that do not fall within the mandate of the Sex Crimes Unit. Historical familial sexual assaults and those where the suspect is known will generally be handled by the divisional sexual assault investigators.

In addition to the above, the Sex Crimes Unit will also be responsible for:

- *Conducting all sexual assault investigations according to the Major Case Management Model;*
- *The review of unsolved cases in connection with the Centre for Forensic Sciences;*
- *Analyzing all sexual assault cases in Toronto and assist in both investigations and crime prevention initiatives;*
- *Recording, co-ordinating and maintaining the Violent Crime Linkage Analysis System (ViCLAS);*

- *Working with community groups including sexual assault care centres, victim support groups, women's advocacy groups, and Children's Aid Societies in all aspects of sexual assault investigations and the treatment of victims;*
- *Maintaining liaison with the Ministry of the Solicitor General for program and policy and procedure development regarding sexual assault investigations;*
- *Providing specialized investigative assistance to other units in all areas of sexual assault investigations including search warrants and the collection of DNA evidence;*
- *Providing educational resources on all aspects of sexual assault investigations to law enforcement, other agencies, workers and the community;*
- *Liaison with Court Services for the monitoring the Sex Offender Registry;*
- *Perform such duties as directed by the Chief of Police."*

The amended mandate is included in Criminal Investigations Procedure 05-05, Sexual Assault, (Procedure 05-05) issued by the Chief of Police in late 2002.

Major Changes to the Mandate of the Sex Crimes Unit Between 1999 and 2004

The mandate of the Sex Crimes Unit has been amended and improved since the 1999 review. As indicated previously, the 1999 mandate was generally restricted to those assaults where the offender was unknown to the woman prior to the assault and the assault involved penetration. The belief that the seriousness of sexual assaults depended on whether or not there had been penetration was an outdated concept and was inappropriate

The current mandate is based on a community-based risk analysis. This approach is consistent with the need to direct specialized resources to those areas of greatest risk. Under the previous mandate, certain serious offences were not being investigated by the Sex Crimes Unit because “penetration” was not involved.

In connection with the change in the mandate, the Unit Commander of the then Sexual Assault Squad indicated in an internal memo dated March 18, 2002, that “Under the old mandate some of our most serious offenders were not being investigated by this Unit because, “penetration” was not achieved. A good example would be a break and enter at night where sexual assault was clearly the motive. If the victim was successful in fighting off the offender, or the offender was interrupted during the attack, this case would be assigned to a divisional sexual assault investigator. Under the new mandate, based on a “risk assessment” of the offender behaviour, this case would be assigned to the Sexual Assault Squad.”

The new mandate was developed in consultation with a group of people including:

- The Unit Commander of the then Sexual Assault Squad
- Members of the Sexual Assault Squad
- Staff from the Police Training and Education Unit
- The Deputy Chiefs of Police
- Field Staff Superintendents and all Unit Commanders
- The Ontario Office for Victims of Crime (an advisory Committee to the Attorney General. This Committee provides advice on how to ensure that principles set out in the Victims’ Bill of Rights are respected.)
- The Sexual Assault Squad Community Advisory Committee

The Sexual Assault Squad Community Advisory Committee was an informal group of various community agencies and individuals established by the Sexual Assault Co-ordinator, Sex Crimes Unit.

The review of the mandate, however, did not include those women’s anti-violence organizations who work with women who have been sexually assaulted.

The Sexual Assault Squad in 1998 was responsible for the investigation of 70 cases out of a total of 1,570 reported cases of sexual assaults (4 per cent). In 2003, the Sex Crimes Unit – Sexual Assault Section investigated 153 cases, or an estimated 8 per cent of the total number of sexual assaults reported to the Toronto Police Service in that year.

The total staff resources allocated to the Sexual Assault Squad in 1999 was 20 (19 investigators and one Detective Sergeant). In 2004, the number of staff allocated to the Sex Crimes Unit – Sexual Assault Section was 21 (20 investigators and one Detective Sergeant).

In regard to the mandate of the then Sexual Assault Squad, our 1999 report further recommended that the “Chief of Police conduct an evaluation of the additional staffing requirements of the Sexual Assault Squad” in order to ensure that the staffing levels were commensurate with the mandate change.

The response from the Chief of Police to the 1999 recommendation in this regard was as follows:

“An evaluation of the staffing requirements for the Sexual Assault Squad was conducted. The evaluation indicated that additional personnel were required to support any change in the mandate. Eleven officers (1 Detective Sergeant, 5 Detectives and 5 Detective Constables) were re-deployed from other areas of the Service. This redeployment increased the personnel strength of the Sexual Assault Squad to 45 individuals (this includes 40 officers, 2 officers seconded to ViCLAS and 3 civilian support).”

The staffing complement referred to in the above response related to the total staffing of the Sex Crimes Unit and not the Sexual Assault Section itself.

In spite of the increased workload of the Sexual Assault Section, the number of investigators has remained relatively constant since 1999. We have been advised that, due to budgetary concerns, many of the other specialist units within the Toronto Police Service are likewise experiencing staff shortages. A significant amount of the increased workload is probably being addressed through additional police officer overtime. As the staff complement has remained relatively constant and the number of cases has almost doubled since 1999, a further re-evaluation of the level of staff required in the Unit is warranted.

Recommendation 2004:

- 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.**

Communicating the Mandate to the Members of the Toronto Police Service

Staff of the Sex Crimes Unit are currently providing ongoing training to divisional investigators on the revised mandate of the Unit. The training has been developed to ensure that:

- there is a complete understanding, knowledge and familiarity with the revised mandate of the Sex Crimes Unit;
- only those cases that meet the risk criteria contained within the mandate are referred to the Sex Crimes Unit; and
- there is an understanding as to why the mandate required revision.

The new mandate has also been communicated to all members of the Toronto Police Service via the internal Intranet and it is also included in Procedure 05-05, issued by the Chief of Police in late 2002.

Change in the Name to the Sex Crimes Unit

The change in the name of the Sexual Assault Squad to the Sex Crimes Unit and its expanded responsibilities have caused a certain level of concern with a number of women in the women's anti-violence community. We understand that these women are generally concerned that the change in name may result in a lessening of focus towards the crime of sexual assault, as well as a potential loss of resources specifically related to sexual assault investigations. Specifically, to quote a newspaper article authored by Jane Doe, she indicated that "to piggyback or combine crimes of sexual violence against adults and children minimizes the horror and reality of both.

They require different methods of investigation, service and prevention. The specificity and impact of each should not be compromised by reductive one-stop shopping agendas.”

While cognisant of these concerns, it is important however, to understand that the Sex Crimes Unit – Sexual Assault Section, along with its resources, continues to exist as a separate investigative entity within the Sex Crimes Unit. The Unit continues to have carriage of those sexual assaults which fall within its mandate. In addition, when additional responsibilities were added to the Sex Crimes Unit, the existing budgets and resources pertaining to those responsibilities were also transferred to the Unit. Furthermore, additional staff are available from other Sections of the Unit if circumstances dictate a need for additional resources to the Sexual Assault Section.

Recruitment to the Sexual Assault Squad – Sex Crimes Unit

Recommendation: (8)

During our 1999 review we noted that the recruitment of certain officers to the Sexual Assault Squad had been conducted on an informal ad hoc basis, primarily using an internal referral process. Vacancies in the Sexual Assault Squad were on occasions filled by surplus staff from other units within the Toronto Police Service, with little regard for specific required competencies, interest, previous training, experience and aptitudes.

1999 Recommendation:

The recruitment of staff to the Sexual Assault Squad be restricted to staff who are trained and experienced in the investigation of sexual assaults and have demonstrated an interest and an aptitude in the investigation of such cases. Potential candidates to the squad be evaluated against the core competencies required for positions in the squad.(8)

Since the release of the 1999 report, recruitment to the Sex Crimes Unit, and the Sexual Assault Section within the Unit, has been formalized. Officers are recruited to the Unit based on recommendations from their supervisors and consideration is restricted to those officers with specific related training and work experience. Interviews for candidates to the Unit are conducted using standardized selection criteria. These selection criteria are:

- Basic technical knowledge and skills;
- Clear understanding of law and procedures;
- Case management knowledge skills;
- Knowledge and use of investigative resources and experts;
- Understanding and application of victim support;
- Knowledge of victim focused interviewing skills;
- Knowledge of procedures relating to Sexual Assault Evidence;
- Understanding and application of crime scene analysis;
- Knowledge of interviewing skills for sexual assault suspects; and
- Knowledge and application of effective communications skills.

Based on our review, we are satisfied that recruitment to the Sex Crimes Unit is now more structured and is restricted to those officers who have investigative experience and training and who have demonstrated an aptitude for such work.

Hours of Work of the Sexual Assault Squad – Sex Crimes Unit

Recommendation: (9)

Our 1999 review indicated that the hours of operation of the then Sexual Assault Squad members (from 8 a.m. to 4 p.m.) did not align with the period of time in which most sexual assaults took place (i.e., from 4 p.m. to 4 a.m.). It was recommended that the Chief of Police give consideration to changing the hours of work of the Squad to be more closely aligned to the documented timing of sexual assault occurrences.

1999 Recommendation:

The Chief of Police give consideration to a revision of the duty scheduling for members of the Sexual Assault Squad. The current hours of operation of the squad do not appear to best serve the needs of either the public or other police officers who rely on the advice and direction of the Sexual Assault Squad. Duty time should be more in line with the documented timing of sexual assault occurrences.(9)

Since the October 1999 review, the operating hours of the Sex Crimes Unit has been reviewed and evaluated in relation to sexual assault occurrences in order to ensure that they are appropriate and best meet the needs of the community. The operating hours of the Sex Crimes Unit have been amended to provide full coverage from 6 a.m. to 12 p.m. (midnight) by five teams each consisting of four investigators. These teams operate 7 days a week. In addition, a team of two investigators are on call twenty-four hours a day, seven days a week.

Communicating the Role of the Sex Crimes Unit to the Community

Recommendation: (10)

The Sexual Assault Squad has operated its own Internet Web page on the Toronto Police Service Internet Site for a number of years. In 1999, we noted that “details relating to the roles of the Sexual Assault Section are limited and, in particular, information on the services available to women who have been sexually assaulted is almost non-existent.”

We also noted in 1999 that “the Web page is concentrated to a great extent on the profile of the Sexual Assault Squad and appears to be more of a public relations exercise rather than a vehicle to assist a woman who has been sexually assaulted. While there is some information concerning Sexual Assault Care Centres, there is almost no information regarding available medical services, as well as non-medical services such as counselling, crisis intervention and peer support. A brief outline on the investigative and legal process may help to minimize the anxiety of the woman who cannot decide whether or not she should report the assault.”

1999 Recommendation:

The Sexual Assault Squad Internet Web site be expanded to include information directed to the rights of women who have been sexually assaulted. In particular, the site include the following information for the benefit of women who have been sexually assaulted:

- Information relating to the roles and responsibilities of the investigating officers;
- Information relating to the roles of the Sexual Assault Care Centres and the Victim Services Program; and
- Information relating to various support services in the community and in particular, the Toronto Rape Crisis Centre.(10)

While certain enhancements and additions to the Toronto Police Service's sexual assault Web site have been made, for the most part, these enhancements have not addressed the substance of this particular 1999 recommendation. For example, the current Web site provides little information on the investigative and legal process in relation to a sexual assault, information that would be most needed by a woman contemplating the reporting of a sexual assault. The Web site should include easily accessible information on what constitutes a sexual assault, the steps involved in the investigative and legal process following a report of sexual assault, and information on the health, legal and counselling services available. In our view, the Web site continues to be primarily directed to members of the Toronto Police Service rather than those individuals who would benefit most from its content, i.e., the woman who has been sexually assaulted.

Within the Web page of the Sex Crimes Unit, a number of links to government and community agencies are available. These agencies provide information relating to services for women who have been sexually assaulted. These links however should be direct and current. For example, the link to the Toronto Rape Crisis Centre is simply a link to www.gaycanda.com providing only limited contact information for the Crisis Centre. A direct link to the Crisis Centre using www.trccmwar.ca is more appropriate. Further, although a link to the Sexual Assault Information page appears, the site is no longer available and the link should therefore be updated

or removed. Additional links to agencies such as the Sexual Assault Care Centres (www.sacc.to) and the Metropolitan Action Committee on Violence Against Women and Children (www.metrac.org) should be added as these sites also contain relevant and important information on sexual assault.

The Web site is an extremely valuable informational tool and should be used to provide relevant and current information to women who have been sexually assaulted. We have been advised that the reason for the lack of any substantive change in the Web site since 1999 has generally been due to inadequate time and resources.

Recommendation 2004:

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.**

Sexual Assault Hot Line

Recommendation: (11)

During our 1999 review, we concluded that “the development of a sexual assault hot line may be a further method of improving communications within the community. Such a vehicle would allow women to anonymously report and discuss incidents of sexual assaults with experienced professional police officers. Information in relation to the investigation and legal process could be available to the caller.”

1999 Recommendation:

The Sexual Assault Squad give consideration to the establishment of a Sexual Assault Hot Line. The establishment of such a hot line be set up after consultations with key stakeholders who work in the area of sexual assault. The availability of such a hot line be widely communicated to women in the community.(11)

A dedicated telephone hot line on sexual assault has not been established by the Toronto Police Service. The Chief of Police, in his 2002 semi-annual report on the implementation of the audit recommendations stated that “The Sexual Assault Squad has given consideration to the development of an information line. At this time the financial and personnel resources to support such an initiative are not available.”

The Chief also indicated in his response that reporting mechanisms are available through the 911 service, the general police contact number, Crimestoppers, as well as the availability of the Sex Crimes Unit which operates 24 hours a day, seven days a week.

The Toronto Police Service, however, is in the process of setting up a specific dedicated hotline for women involved in the sex trade industry. It is anticipated that this hotline will serve as a vehicle to report men who have committed sexual assaults against sex trade workers. It is further anticipated that the information provided will form the basis of a data bank which will assist police officers in future investigations.

Compliance with Directives Issued by the Chief of Police

Recommendations: (12) (13) (14) (15)

When a sexual assault is reported to a police communications operator, the closest police officer to the incident is dispatched to the scene. This officer, in most cases, is a front-line officer who has had victim sensitivity training as part of his original recruit training. However, it is highly unlikely that he has received specific training in sexual assault investigations. As the woman who has been sexually assaulted is generally under a great deal of stress, the first-response police officer has a high degree of responsibility to ensure that this first contact is appropriate.

To assist officers in discharging their responsibilities, specific policies and procedures which govern the investigation of sexual assault were developed by the Toronto Police Service and outlined in Procedures issued by the Chief of Police. The Procedure in effect in 1998 provided guidance in regard to responsibilities of first-response officers, responsibilities of those officers in charge, responsibilities of Divisional Investigators and responsibilities of Investigators from the Sexual Assault Squad.

Our 1999 review found that directives contained in the Procedure, as a general rule, were not being followed. Instances of non-compliance for example were as follows:

- detailed interviews of woman who had been sexually assaulted were conducted by first-response officers who were not specifically trained in sexual assault investigations;
- officers in charge did not always attend the scene of a sexual assault;
- the need to ensure that certain women who had been sexually assaulted were referred to those agencies best equipped to accommodate their needs; and
- women who had been sexually assaulted were asked to provide lengthy and detailed statements soon after the assaults or immediately following medical examinations.

1999 Recommendations:

The Chief of Police direct all first-response officers immediately that policies and procedures be complied with. First officers responding to sexual assault incidents be specifically directed that they collect only basic information concerning the assault from the woman who has been sexually assaulted. The extent of what constitutes “basic information” should be clearly articulated in the form of a detailed interview checklist. The Sexual Assault Squad be required to develop a detailed interview checklist in order to assist officers during the initial interview. Only officers with specific training in sexual assault investigations be allowed to conduct detailed interviews with women who have been sexually assaulted. The Sexual Assault Squad be charged with the responsibility of ensuring that directives are complied with.(12)

The Chief of Police immediately direct all officers in charge that policies and procedures be complied with. Existing policies require that officers in charge are required to attend the scene of a sexual assault in order to ensure that the preliminary investigation is conducted appropriately. The Sexual Assault Squad be charged with the responsibility of ensuring that directives are complied with.(13)

The Chief of Police amend existing directives to include specific policies and procedures in relation to the interview of women with special needs. The amended directive require that officers obtain specific assistance from appropriate professionals such as those available in the Victim Services Program.(14)

The practice of taking lengthy and detailed statements immediately after the initial interview from a woman who has been sexually assaulted be reconsidered. Consideration be given to deferring the taking of detailed statements for at least 24 hours.(15)

Police policies and procedures were revised in 2000 and again in 2002 to address changes in Service policy “resulting from recommendations in the 1999 audit report by the City of Toronto entitled “Review of the Investigation of Sexual Assaults – Toronto Police Service”, the Police Services Act, Ontario Regulations 03/99, Adequacy and Effectiveness of Police Services, and the Chief of Police 90 Day Review.”

Instructions attached to Procedure 05-05, at the time it was issued in 2002 stated that “Unit Commanders shall ensure that all members under their command are made aware of and comply with the contents of the order.” Procedure 05-05 includes:

- a requirement for first-response officers to request a supervisor to attend the scene of a sexual assault;
- instructions for first-response officers to seek only basic information during an initial interview with a woman who has been sexually assaulted;
- a provision for investigators to delay the detailed interview with the woman who has been sexually assaulted after considering the condition of the woman;
- instructions for contacting appropriate agencies for assistance when interviewing women with special needs;
- instructions for the submission of ViCLAS reports; and
- where operationally possible, the woman be provided the option of being interviewed by either a male or a female officer.

Procedure 05-05 is a comprehensive document which specifically addresses many of the recommendations in the 1999 report.

In order to evaluate the extent of compliance by officers with Procedure 05-05, we conducted audit work which included the following:

- interviews with a number of police officers;
- interviews with women who had been sexually assaulted;
- interviews with nurses and counsellors from the Sexual Assault Care Centres; and
- a review of a sample of occurrence reports prepared by police officers relating to sexual assaults.

Our interviews confirmed that front-line police officers were aware of the contents of Criminal Investigations Procedure 05-05, in regard to the directive to gather only “basic information” from women who had been sexually assaulted. It was also evident that these officers had a clear understanding of what constitutes “basic information” and more importantly, they understood the reasons for this particular directive. In addition, the majority of the women interviewed during the course of our review also indicated that they were not required to provide detailed information by front-line police officers during initial interviews and were generally appreciative of the quality of services provided by first-response officers. Nurses from the Sexual Assault Care Centres also indicated to us that police attitudes in general had improved since 1999 “particularly the attitudes of the younger officers”.

However, our review of a sample of 98 occurrence reports did indicate that in 23 of these reports detailed interviews appeared to have been conducted by first-response officers. However, we also appreciate that such information could have been provided to the first-response officer voluntarily without solicitation or request.

Occurrence reports prepared by first-response officers which contain detailed information should be identified and questioned by supervisory staff. This did not appear to have occurred in the files we reviewed. It appears therefore that supervisory reviews of occurrence reports are not being regularly conducted.

The preparation of an interview checklist which would assist first-response officers during the interview process was recommended in 1999. This matter was considered by the Chief of Police and not pursued. The Chief stated that “each investigation has unique characteristics that could potentially make using a checklist too confining or too intrusive depending on the situation.”

It was not the intent that the use of a checklist would be a substitute for common sense and professional judgement. However, we also recognize that Procedure 05-05 is a comprehensive document, which in itself serves as a checklist. Consequently, we have no issue with the fact that this recommendation was not followed.

During our review of 98 occurrence reports, we noted that investigations, 25 cases were led by a divisional investigator who had not taken the Sexual Assault and Child Abuse Course at the time of the investigation. This practice is contrary to the directive of the Chief of Police.

Procedure 05-05 clearly articulates the role of the first officer on the scene, the supervisory officer, the Divisional Investigator and the Sexual Assault Investigator. Our review of occurrence reports confirmed that supervisory officers are routinely notified of a sexual assault by the first-response officers upon their arrival at the scene. However, approximately 50 per cent of the occurrence reports that we reviewed did not indicate that supervisory staff were in attendance at the scene. This is contrary to the directive of the Chief of Police. For instance our review of one occurrence report in particular indicated that a woman who was on medication was “taken advantage of” by her friends. In view of concerns relating to “date rape” drugs, we would have expected that this particular incident was one that required the attendance of supervisory staff. Our review of the occurrence report concerning this particular incident indicated that the Supervisor was notified of the assault but he did not attend the scene during the initial investigation.

We were advised by senior staff as well as senior divisional officers, that under certain circumstances, immediate supervisory attendance at the scene of a sexual assault is not warranted. For instance, police may receive a report of an individual “touching” a woman a number of days after the assault occurred. Obviously, in such circumstances there is no logical reason for a supervisor to attend the scene of the assault.

Even though there may be circumstances in which supervisory attendance at the scene of a sexual assault may not be justified, Procedure 05-05 does not provide for any discretion. We would suggest that Procedure 05-05 be amended to include specific criteria and requirements relating to supervisory attendance at the scene of a sexual assault.

Procedure 05-05 requires that police officers contact the Multilingual Community Interpreter Services when interpreting services are required for women reporting a sexual assault. We appreciate however, that this service is not always available on a 24 hour a day basis and circumstances may dictate other alternatives. In practice, we found that most officers, when requiring translation services during an interview, rely on another police officer or a civilian

employee to act as interpreters. Interpreting services for reports of sexual assault should only be provided by police officers or by professionally trained interpreters from the Multilingual Community Interpreter Services.

When a sexual assault is reported by a person with special needs, police officers as a general rule, contact the Victim Services Program for specific assistance.

Current police procedures allow for delaying the taking of a detailed statement “based on careful consideration of the condition of the victim/complainant and the information and evidence that is already available”. However, divisional investigators indicated that the deferral of an interview occurred only when requested by the woman or in circumstances where the assaulted woman may be under the influence of drugs or alcohol. While none of the women we interviewed indicated that they were provided a choice as to the timing of the detailed interview, no concerns were expressed by them in relation to the timing of the interview.

As stated previously, Procedure 05-05 is a comprehensive document and addresses several important recommendations in the 1999 report. Our review, however, concluded that certain sections of Procedure 05-05 are not being complied with. In his response to the 1999 audit, the Chief of Police indicated that:

“There is a clear expectation by the Chief of the Toronto Police Service that all members will comply with all Rules, Regulations, Procedures, Directives and Policies of the Service. This expectation is expressed in Rule 7.1.2: “Failure of members without lawful excuse to comply with any of the provisions of this By-law shall be deemed to be disobeying, omitting or neglecting to carry out a lawful order, and such members may, if they are police officers be subject of a complaint under the Police Services Act.” Rule 3.1.1 outlines a member’s general responsibilities that states in part: “Members shall familiarise themselves and conduct themselves in accordance with: all sections of this bylaw, the contents of the Policy and Procedure Manual, all Routine Orders...”

We agree that there is an expectation that procedures be followed. Nevertheless, it has been apparent throughout our follow-up review that in certain cases, procedures are in fact not being followed.

The response by the Chief of Police continued as follows:

“It is, however, useful to periodically republish procedures, using Routine Orders, to raise the awareness of members about various issues and/or changes. Criminal Investigations Procedure 05-05, Sexual Assault, has been revised to include recommendations from the audit. It will be published through Routine Orders once compliance with the Provincial Adequacy and Effectiveness Standards has been ensured.

Ensuring compliance with Rules, Regulations and Procedures is the shared responsibility of all supervisors within the Toronto Police Service including those in the field units and in this case the Sexual Assault Squad. Members of the Sexual Assault Squad will address issues of non-compliance as outlined in procedure.

The operational Detective Sergeant reviews all sexual assault occurrences to ensure compliance with established procedures. If there are any non-compliance issues, they are addressed. Supervisors in the field are responsible to ensure their officers comply with Rules, Regulations and Procedures. Each Sexual Assault Squad team has a supervisor who has responsibilities for ensuring compliance with Rules, Regulations and Procedures.”

Recommendations 2004:

- 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.
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.
 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.
 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.

Supervisory Review of Occurrence Files Relating to Sexual Assaults

Recommendations: (16) (17)

Our 1999 review included an analysis of a significant number of occurrence reports prepared by first-response officers, divisional investigative officers, as well as members of the Sexual Assault Squad. The objective of our review was to determine whether these reports contained evidence that interviews with women who had been sexually assaulted were conducted in an appropriate manner and whether interviews were conducted in accordance with specific Toronto Police Service directives.

Our findings in 1999 were based on information contained in occurrence reports and related to the interaction between the police and women who had been sexually assaulted, and not to the quality of the investigation itself, which was a separate, although related, issue.

Even though our review of occurrence reports in 1999 was conducted on a limited test basis, our work identified a number of concerns that required attention by senior supervisory staff. Our review of occurrence reports clearly indicated that in some cases interviews had not been conducted appropriately. Certain occurrence reports were incomplete and contained conclusions that appeared to have no basis. Some reports also contained language that was not appropriate. Particularly disconcerting was the fact that a number of these reports were completed by members of the Sexual Assault Squad.

There was also evidence that occurrence reports which appeared to be incomplete or contained inappropriate language were not reviewed, nor discussed with the officer responsible for their preparation.

Occurrence reports in accordance with Procedures were required to be approved by supervisory staff at the divisional level prior to submission to the Sexual Assault Squad for review and analysis. In some cases, reports were approved by the originator. There was no process in place for either the divisional supervisory officer or the Sexual Assault Squad investigator to report deficiencies in the preparation of such reports to the officer who initiated the report.

1999 Recommendations:

All occurrence reports relating to sexual assault be reviewed by supervisory staff at the divisional level prior to submission to the Sexual Assault Squad. Evidence of the review be appropriately documented. Incomplete or inappropriate occurrence reports be discussed with the officer concerned and changes made where necessary. Continued problems relating to the preparation of occurrence reports be dealt with through training and finally, if necessary, discipline. Occurrence reports prepared by members of the Sexual Assault Squad be reviewed and approved by supervisory staff.(16)

Any concerns identified during the review of occurrence reports by the Sexual Assault Squad be communicated to the officer who approved the report. Inappropriate or incomplete reports be returned to the originator for resubmission. Continued problems relating to the preparation of occurrence reports be dealt with through training and finally, if necessary, discipline.(17)

Following the release of our audit report in 1999, Procedure 05-05, Sexual Assault, was amended to address the recommendations regarding supervisory review of files. Procedure 05-05 requires that the officer in charge review occurrence reports for completeness and appropriate language, return incomplete occurrences to the officer for correction, sign the approved occurrence reports and ensure that a copy of the reports are forwarded to the Sex Crimes Unit.

The current review of occurrence reports by the divisional officers in charge is to ensure completeness and appropriate language in the initial police report and to assign the case to the appropriate officer within the division for further investigation. Procedure 05-05 does not include any requirement for supervisory review of an occurrence report upon completion of the investigation.

Since there is no specific police directive requiring supervisory review of occurrences after the investigations have been completed, the practice of supervisory review varies from division to division. For instance, in one division, the Detective Sergeant in charge routinely reviews all completed occurrences before they are closed. In another division, the review is conducted informally and the approval is usually verbal.

In our review of a number of occurrence reports, we identified a number of inappropriate police practices such as:

- prolonged delays in taking detailed statements;
- questionable classification of certain cases as “unfounded”; and
- delays in the closing of investigations.

These issues would have been identified if occurrence reports were systematically reviewed by supervisory staff prior to being filed.

While the new eCOPS information system does contain a designated approval field to record the review of initial response reports by divisional Officers in Charge, it does not have a similar field to record the supervisory review of completed occurrences.

Procedure 05-05 requires that a copy of the occurrence report be forwarded to the Sex Crimes Unit after the report has been reviewed and approved by the divisional officer in charge. The Chief of Police in his October 2000 report indicated that “the Administrative Detective Sergeant within the Sexual Assault Squad reviews and monitors all sexual assault occurrences to ensure compliance with mandates, policies and procedures.”

We understand that the initial reports of sexual assault to divisions (usually completed by first-response officers) are routinely reviewed by the Sex Crimes Unit. However, the main purpose of this review, as advised by the Operational Detective Sergeant of the Unit, is to ensure that the high-risk cases are appropriately assigned to the Sex Crimes Unit.

Under its mandate, the Sex Crimes Unit is responsible for “analyzing all sexual assault cases in Toronto and assisting in both investigations and crime prevention initiatives.” In order to fulfill this part of its mandate, the daily review of occurrence reports by the Unit must consist of a detailed analysis of sexual assaults occurring throughout the City, regardless of their degree of severity. While we appreciate the resources in such an analysis, it is critical that there be a centralized resource responsible for identifying, tracking and analyzing occurrences across the City and adjacent areas as soon as these assaults are reported. Although ViCLAS is designed to link violent crimes, a report of sexual assault can take up to 30 days to be submitted to the ViCLAS reporting centre.

Recommendations 2004:

- 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.**

- 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.**

Unfounded Occurrences

Recommendations: (18) (19)

Our 1999 review identified circumstances where certain occurrence reports were being classified as “unfounded” by first-response officers even though these reports did not contain enough information to substantiate such a conclusion.

1999 Recommendations:

Under no circumstances should a first-response officer make a determination as to whether a sexual assault incident is classified as unfounded. The determination of this matter be reviewed and approved by a qualified trained sexual assault investigator. All occurrence reports contain information sufficient to substantiate conclusions.(18)

The definition of what constitutes an unfounded sexual assault occurrence be reviewed. Incidents in which a woman decides not to proceed with the laying of charges should not be automatically classified as unfounded.(19)

Procedure 05-05 defines an “unfounded” occurrence as “... *the conclusion made following a thorough police investigation that a matter is concluded because no violation of the law took place or was attempted.*” Incidents in which a woman decides not to proceed with the laying of charges are classified as “no charges laid – complainant declines to lay charges”.

The current Procedure states that, where a complaint is believed to be “unfounded” by a divisional sexual assault investigator, he/she “*shall consult with the Detective Sergeant who may submit a report to the file concurring with that conclusion or require additional investigation to continue.*” Our review of occurrences that were determined to be “unfounded” by divisional officers did not contain any written concurrence by Detective Sergeants. We were advised that

“unfounded” cases were routinely discussed with Detective Sergeants who, while in agreement with the final decision, however do not approve such decisions in writing.

When a case is classified as “unfounded”, no further police action is undertaken and a ViCLAS report is not required. Supervisory officers must therefore ensure that all “unfounded” conclusions are thoroughly documented, reviewed, and approved in writing.

Recommendation 2004:

- 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.**

The Gender of the Police Officer

Recommendation: (20)

In 1999, certain women indicated that they would have preferred to be interviewed by a woman police officer.

1999 Recommendation:

Wherever operationally possible, sexual assault investigative teams be comprised of officers of both sexes, and the woman who has been sexually assaulted be offered a choice with respect to the gender of the qualified investigator to conduct the interview.(20)

While the current police Procedures state that “*where operationally possible every effort should be made to provide an interviewer of the victim/complainant’s preferred gender*”, our discussions with women who have been sexually assaulted indicated that they were not aware of this option and were not offered the choice.

At the time of our follow-up review, all teams of investigators in the Sex Crimes Unit consisted of at least a male and a female investigator. This is not necessarily the case at police divisions, generally, because of an inadequate number of trained female officers. However, the number of female divisional officers qualified to conduct sexual assault investigations has increased since our initial review in 1999.

Continuity of Service Provided by Police Officers to Women Who Have Been Sexually Assaulted

Recommendations: (21) (22)

A common concern in 1999 noted throughout our interview process, as well as one identified by both Madam Justice MacFarland in the Jane Doe judgement and Mr. Justice Archie Campbell during his review of the Paul Bernardo investigation, was the lack of continuity of the police officer in the investigative process. This was a concern expressed by the women we interviewed, community agencies who work with women who have been sexually assaulted and staff we interviewed at the Sexual Assault Care Centres, as well as of some police officers. Women said that on many occasions they were required to repeat their statements to a number of different police officers.

Staff at the Sexual Assault Care Centres, as well as the women who have been sexually assaulted complained that they were often asked to communicate with different police officers before and after the medical examination. In some cases, the first officer was replaced due to the fact that his shift had ended.

In addition, in many cases officers in charge of investigations were changed part way through the investigative process; as a result, women have informed us that they felt abandoned even though new officers had been assigned to the case. A change in officers' responsibilities is usually the result of a transfer to a new division or to a different responsibility within the Toronto Police Service.

1999 Recommendations:

Whenever possible, the officer responsible for the initial interview be required to remain with the woman who has been sexually assaulted until the completion of the medical examination at the Sexual Assault Care Centres. Procedures be in place to minimize the unnecessary repetition of the facts of the sexual assault to different police officers.(21)

The continuity of police officers assigned to sexual assault investigations be given priority. If during an investigation an officer is transferred or assigned different responsibilities within the Service, the officer be required to continue the investigation of the assault to its conclusion.(22)

Our interviews with staff of the Sexual Assault Care Centres indicated that since 1999 police practices have improved significantly in relation to officer continuity at each Care Centre. We were advised that almost without exception first-response officers remain at Sexual Assault Care Centres with the woman who has been sexually assaulted usually until the completion of the medical examination at the Centre.

Care continuity, on the other hand, is rarely maintained when a sexual assault investigator is transferred or promoted. However, having said this, most divisional investigators work in partnership with another detective. In such circumstances, there is a measure of police continuity if a lead investigator is transferred or retires.

Ongoing Police Contact and Communication with Women Who Have Been Sexually Assaulted

Recommendation: (23)

Women we interviewed in 1999 consistently spoke about the lack of information available to them from both the investigative officer and representatives involved in the legal process. Madam Justice MacFarland also raised this concern. Women indicated that police officers in many cases were extremely difficult to contact and in many cases failed to provide them with ongoing information on the progress of the investigation. Women generally felt “left out of the loop” and expressed significant frustration in being omitted from the process.

1999 Recommendation:

Policies and procedures relating to the investigation of sexual assaults be amended to require that the officer in charge of an investigation maintain consistent regular contact with the woman who has been sexually assaulted throughout the investigative and legal process. Wherever possible, the investigative officer should provide regular updates on the progress of the investigation.(23)

Procedure 05-05 addresses this particular recommendation and specifically directs divisional sexual assault investigators to ensure consistent and regular contact with women throughout the investigative and legal process.

A number of the women we interviewed indicated that they received no follow-up contact from police officers to keep them informed of the progress of their investigations. In approximately 30 per cent of the occurrence reports we reviewed, we did not find any evidence of officers maintaining regular contact with the women. However, Procedure 05-05 requires 100 per cent compliance. Consequently, there is a need to address this matter to ensure that full compliance with Procedure 05-05 is attained.

Recommendation 2004:

- 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.**

Police Relationships with Women from Minority Groups

Recommendation: (24)

The conduct of certain police officers toward specific groups of women was raised by many of the women we interviewed in 1999, and was further confirmed at that time in a number of presentations arranged by the Audit Reference Group for the benefit of the audit team. These presentations were made by various community agencies representing sex trade workers, women of colour, as well as women with physical and emotional limitations.

We were informed on a number of occasions in 1999 that complaints of sexual assaults by a number of sex trade workers were generally met with scepticism and disbelief by certain police officers. These particular officers had expressed the view that sex trade workers “could not be sexually assaulted.” The community agencies who work with sex trade workers, as well as sex trade workers themselves were all of the view that police officers did not treat sex trade workers who had been sexually assaulted in the same manner as other women in similar circumstances. Interviews with sex trade workers and the agencies representing them left little doubt that there was a widespread and strongly felt distrust of the police. Nonetheless, formal complaints regarding the actions or attitudes of the police toward these women were rarely made by these women.

Our interviews with police officers in 1999, particularly members of the Sexual Assault Squad, clearly demonstrated an understanding by them that sex trade workers should not be treated differently than any other woman who had been sexually assaulted. Police officers from the Squad held the view that sex trade workers were entitled to the same level of consideration and attention as other women.

Our discussions in 1999 with staff from a number of community agencies who served women from minority cultural backgrounds indicated that they believed language barriers were a major problem to the reporting of sexual assaults to the police. In addition, women who were disabled recounted experiences with police officers which generally left the impression that statements provided to the police were viewed by them as not credible.

Interviews with representatives from communities of colour indicated that they, and particularly those from immigrant communities, were reluctant to report sexual assault especially if the assailant is known and from the same community.

Our 1999 report stressed that meaningful community consultation was an important component in addressing each of the above concerns. Additional emphasis on working with agencies who serve the needs of sex trade workers, the homeless, women of colour, and women with disabilities was identified. Our 1999 review identified the fact that the Sexual Assault Squad should take carriage of this particular issue and in particular, develop a complaints process which is independent from the divisions.

In an attempt to get a broad overview of the level of the quality of interaction by police officers to women who have been sexually assaulted, we visited a number of community support agencies in the City of Toronto. The views offered by agencies were generally similar to those offered by women who have been sexually assaulted. In general terms, comments were as follows:

- a lack of a formal follow-up reporting process by police officers;
- an attitude by police officers of disbelief and insensitivity toward sex trade workers and the homeless;
- a lack of understanding by police officers of communities of colour, cross-cultural communities, immigrants and refugees, and the impact of sexual assault on women from these communities; and
- a lack of understanding and respect in relation to mental health issues, and to women with disabilities.

1999 Recommendation:

The Sexual Assault Squad initiates a consultation process with those agencies who deal with sex trade workers, homeless women, women of colour and women with disabilities in order to identify and address areas of concern. The Sexual Assault Squad develop, in consultation with these agencies, an effective complaints process independent of divisional officers. Community agencies be compensated for their work (24)

The response of the Chief of Police to this particular recommendation has been the subject of a certain level of disagreement with the women in the anti-violence community including those organizations who support women who have been sexually assaulted. At its Board meeting of November 23, 2000, the Chief indicated that in order to facilitate communication with the community “the role of a Sexual Assault Squad Co-ordinator has been re-instituted.” In addition, the Co-ordinator indicated she had met with 50 community groups and agencies to discuss a wide range of issues including the change in the mandate of the Sexual Assault Squad.

In response to the Chief’s report, a deputation dated November 23, 2000 was made at the same Board meeting. This deputation indicated that “the police response to Recommendation 24 which calls for the initiation of a consultation process is in fact fallacious. Many of the Agencies listed were never contacted by the Police. The majority declined to be involved.” The deputation was endorsed by a number of agencies, including two who apparently had been contacted by the Sexual Assault Squad Co-ordinator (The Toronto Rape Crisis Centre and the Assaulted Women’s Hotline (sic)).

We have not come to any conclusions as to the accuracy of either viewpoint because quite frankly, who is right and who is wrong is not important. What is important is the fact that there are certain organizations who provide support to women who have been sexually assaulted, who have chosen not to be part of the police consultation process. Certain of these organizations are important and influential and their involvement in this process is important. In order to improve the way sexual assault investigations are conducted it is important that the Toronto Police Service and these specific organizations meet to discuss concerns and issues. There has been little meaningful dialogue for a significant period of time. The Women’s Anti-violence Community have much to offer in the consultation process with the Toronto Police Service and any advice, assistance or guidance provided by these organizations can only benefit the women who have been sexually assaulted.

It is also important to set aside past differences particularly in regard to the involvement of the Women’s Anti-violence Community in the implementation of the 1999 recommendations. A significant period of time has elapsed since the issue of the original report. Further improvements to the investigative process for sexual assaults is possible if there is meaningful constructive community consultation by both parties.

Our 1999 review identified the lack of a complaints process for the reporting of inappropriate police conduct by either the woman who has been sexually assaulted, employees at the Sexual Assault Care Centres or by members of the public. The response to this recommendation essentially indicated that a legislated complaints system existed and as such, there was no need for any additional formal complaints process. While we appreciate and understand the current complaints system, it does not adequately address the concerns raised in our report.

For example, the current legislation relating to complaints against police officers does not permit third-party complaints. Consequently, in the circumstances where someone from a Sexual Assault Care Centre or any other member of the public wished to make a complaint against a police officer, such reporting is not permissible under current legislation. As the current complaints system does not permit third-party complaints, in the case of a sexual assault investigation, only the woman who has been sexually assaulted can file a complaint of inappropriate police conduct. It is not reasonable to expect a woman who has just been sexually assaulted to initiate a complaint against a police officer, particularly at a time when she needs to rely on the police to resolve the case.

The issue concerning third-party complaints was identified in a performance audit conducted by my office in August 2002. Subsequent to the audit, the complaints process was referred to the Province of Ontario for further review. The results of this study will likely be available in early 2005.

Management Information Systems

Recommendation: (25)

Our 1999 review identified a number of areas where management information systems at the Toronto Police Service were not being used to their full potential.

1999 Recommendation:

The Sexual Assault Squad evaluate its management information needs in consultation with the Information and Technology Divisions of both the Toronto Police Service and the City of Toronto. These needs be addressed through the budget process on a priority basis.(25)

Our follow-up findings in connection with this recommendation have been grouped with the section of the report relating to “The Use of Technology in the Investigation of Sexual Assaults” (Recommendations 44 to 51 inclusive).

Police Training in Relation to Sexual Assault Investigations

Recommendations: (26) (27) (28) (29)

At the time of the 1999 review, the Toronto Police Service was in the process of conducting an internal review and evaluation of its training programs. The objective of this internal review was to develop a new comprehensive “learning system” program to replace or supplement the existing training courses. One of the recommendations made in 1999 was the requirement that this internal review take into consideration the issues raised in the 1999 audit report.

A number of administrative issues relating to the training of police officers were also identified in our 1999 review, including the requirement to accurately account for all costs relating to police training activities. In addition, our 1999 review noted that there was no comprehensive data management information system identifying those officers who had received training in the area of sexual assault.

To the best of our knowledge and based on the limited information available at that time we estimated that approximately 700 police officers had received training in sexual assault investigations by mid to late 1999. Our review also indicated that there was no reliable information available as to how many trained investigators were handling sexual assault investigations.

The lack of reliable information made it extremely difficult to identify training needs, determine the adequacy of officer training or determine whether or not officers were appropriately deployed.

1999 Recommendations:

The Chief of Police ensure that the comprehensive internal review of training currently underway take into consideration the recommendations contained in this report.(26)

The present accounting structure be revised in order to accurately account for all costs relating to training activities throughout the Service. These costs to include expenditures incurred at the C. O. Bick College, expenditures incurred at the Sexual Assault Squad, including all costs relating to attendance at outside training courses, including conferences and any expenditures incurred relating to decentralized training at the divisional level.(27)

The Sexual Assault Squad be required to maintain an accurate up-to-date listing of police officers who have received sexual assault training. This listing also contain information concerning the date of attendance. This information be used as a basis to:

- ensure compliance with police directives that only those police officers who have received sexual assault training be allowed to conduct sexual assault investigations;
- forecast training needs throughout the Service; and
- appropriately deploy police officers to those areas where the need is the greatest.(28)

The Sexual Assault Squad be required to conduct a long-term analysis in regard to the projected 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 such trained officers. This analysis be used to determine the adequacy or otherwise of the current training schedule and, where appropriate, the training schedule be amended.(29)

The importance of an effective training program for police officers in relation to sexual assault investigations is emphasised by the significant number of recommendations (18 of 57) contained in the 1999 Report relating to training requirements. In addition, it is also significant that training issues have been a theme raised during interviews with a wide range of individuals and organizations during this follow-up review. Training concerns were also raised by staff from Sexual Assault Care Centres and by those organizations who support women who have been sexually assaulted.

Certain recommendations in connection with the training of police officers contained in the 1999 report have been implemented. Other recommendations, in our view, have not been satisfactorily addressed.

The work conducted in regard to this follow-up report included a review of documentation and interviews with a wide range of individuals and organizations in connection with police training. We also attended certain parts of the 10-day course entitled Sexual Assault and Child Abuse, presented by the Police Training and Education Unit at the C. O. Bick Police Training College. This course is the cornerstone of sexual assault training for police officers responsible for the investigation of sexual assaults.

The Chief of Police's response to the 1999 report indicated that the Training and Education Unit was conducting a "comprehensive internal review of training due to requirements outlined in section 33 of the Adequacy and Effectiveness Regulation. And as a result of the audit report, particular attention will be put on training on sexual assault issues." Although this review was initiated, we were advised that it was not fully implemented due to operational demands. No final report was available for our review and evaluation.

While the budget of the Training and Education Unit is available and readily identifiable in the accounting records of the police, it remains difficult to track costs associated with all training activities. Certain training activities are provided through several units within the Toronto Police Service and the costs relating to these activities are difficult to identify.

The Toronto Police Service has indicated that the “accounting structure to track costs associated to training expenditures throughout the Service is being reviewed by the Training and Education Unit. A new system known as TRMS will be put into use by the end of December 2002.” To the best of our knowledge, this system is not yet operational and as a result, there is still no comprehensive accounting for all training costs relating to sexual assault investigations at the Toronto Police Service. The compilation of all costs incurred on sexual assault training is important and in particular serves as a measurement of the adequacy and effectiveness of the funds spent on such training activities.

A current listing of police officers who have received training in sexual assault investigations is maintained by the Training and Education Unit. Divisional supervisory staff have access to this information through which they can identify specific training courses completed by officers in their division as well as ongoing training needs. As of the date of our follow-up review, Toronto Police Service records indicate that approximately 1,100 officers have attended the Sexual Assault and Child Abuse Course. However, included in these records is a number of officers who may have subsequently retired and as a result, the listing of officers who have attended the Sexual Assault and Child Abuse Course is not up to date.

The Toronto Police Service response to Recommendation number 28 indicates that the “Training and Education Unit is now recording all course attendance on the HRMS system and this information is available to Commanders to ensure they are equipped to make informed decisions when selecting personnel for training.” The HRMS system is a service-wide human resource management information system, which is currently in the final stages of development. Once the system is finalized, it is anticipated that information relating to course attendance will be available at that time.

The 10-day Sexual Assault and Child Abuse Course offered at C. O. Bick College was held three times in 1999 and has subsequently been increased to four times a year in 2003 due to increasing demand from officers. Approximately 120 police officers are trained on an annual basis. In spite of the increased frequency of the courses, the number of trained sexual assault investigators either is inadequate to provide sufficient number of trained investigators in all police divisions throughout the City or police resources are not appropriately deployed.

For instance, of the 98 occurrence files reviewed as a part of this follow-up review, 25 cases were led by a divisional investigator who had not taken the Sexual Assault and Child Abuse Course at the time of the investigation. This practice is contrary to the directive of the Chief of Police.

In addition, we are not aware of any formal long-term planning with specific goals or objectives in terms of forecasting the appropriate number of police officers who require training in the area of sexual assault investigations.

Recommendations 2004:

- 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.**

- 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.**

Training Provided to Divisional Investigators – The Sexual Assault and Child Abuse Course

Recommendation: (30) (31) (32)

The Sexual Assault and Child Abuse Course offered at the C. O. Bick College, for the most part, is directed to experienced divisional investigators. It includes topics such as victim sensitivity, victim/survivor management, interviewing skills, ViCLAS reporting and false allegations.

The Sex Crimes Unit and police divisions also independently organize or participate in other training initiatives regarding sexual assault investigations. In 1999, one of the issues we identified was a general lack of co-ordination of training activities among staff from the Sexual Assault Squad, C. O. Bick College and various police divisions. This lack of co-ordination in some cases resulted in a duplication of training content and the unnecessary expenditure of funds relating to training. In order to ensure that training activities were co-ordinated throughout the Toronto Police Service, it was recommended in our 1999 report that the appropriate responsibility for such co-ordination should be the Sexual Assault Squad.

A number of issues pertaining to the content and delivery of the Sexual Assault and Child Abuse Course were also identified as follows, the lack of:

- relevance of certain course topics to the majority of attendees;
- any “refresher/update” course to officers who had previously completed Sexual Assault and Child Abuse training;
- involvement of community workers in the design and delivery of courses.
- active participation of attendees in the course; and
- any formalized process or criteria to select officers who attended Sexual Assault and Child Abuse training.

1999 Recommendations:

The Sexual Assault Squad assume responsibility for the development of training activities relating to the investigation of sexual assaults. In addition, the Squad assume responsibility for the co-ordination of all such training throughout the Service.(30)

A re-evaluation of the content of the Sexual Assault and Child Abuse (SACA) course be undertaken. Particular emphasis be placed on course content and its relevance to practical day-to-day experiences. Course content not directly relevant to the work of divisional sexual assault investigations be eliminated. The course be designed in a structured, methodical manner. Community input be sought in the restructuring of the course content.(31)

The process by which officers are selected to attend sexual assault and child abuse training be formalized. Supervisors be held accountable for the selection of appropriate course attendees.(32)

The Toronto Police Service, in its response to Recommendation number 30 indicated that they were not in agreement with this recommendation. The Toronto Police Service 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 Sex Crimes Unit.

We appreciate that the Sex Crimes Unit is primarily responsible for the investigation of sexual assaults and as such, it does not have the resources to co-ordinate and plan the various courses related to sexual assault investigation. Nevertheless, their involvement in the design of the course would ensure that the course content is relevant and practical. In this context, we were advised by staff of the Training and Education Unit that the Sex Crimes Unit played a significant role in the development and delivery of the Sexual Assault and Child Abuse Course. However, staff of the Sex Crimes Unit indicated that their involvement was limited to certain individual segments of the course and not to the overall course content or structure.

Recommendation 2004:

- 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.**

In regard to the recommendation that an evaluation of the content of the Sexual Assault and Child Abuse Course be undertaken, the Toronto Police Service indicated in their response that the “SACA course was evaluated and the course content was determined to be appropriate and delivered in an effective manner.”

While the evaluation was completed, it did not fully consider our concerns identified in 1999. These concerns have been itemized in previous paragraphs and for the most part, consensus was received from senior officers that such concerns were valid. In our view, if these concerns had been considered during the evaluation it is difficult to conceive how the “course content was determined to be appropriate and delivered in an effective manner.”

While a number of our concerns have been addressed since the 1999 review, our current follow-up review identified certain issues which should be considered with respect to any future re-design and delivery of the Sexual Assault and Child Abuse Course.

Much of the focus of the Sexual Assault and Child Abuse Course continues to be on assaults committed by “unknown” offenders although this type of case is usually assigned to the Sex Crimes Unit. By comparison, investigations of sexual assaults committed by “known” offenders, historical sexual assaults and “date rapes”, were minimally covered in the course. Not only do these types of cases represent the majority of sexual assaults reported to police, they are also mostly handled by divisional investigators who are the primary Sexual Assault and Child Abuse Course attendees. The emphasis on unknown sexual assault offenders is not particularly relevant to divisional investigators. The course should incorporate discussions of cases involving “known” offenders by experienced investigators from divisions.

Currently, half of the 10-day Sexual Assault and Child Abuse Course is dedicated to issues specific to sexual assault involving adult women, and the other half relates to child abuse. These two categories of assaults are handled by two separate units within a division (i.e., the Criminal Investigation Bureau deals with cases of adult sexual assaults and the Youth Bureau handles all child abuse cases). Combining these two components into a single course means that officers who investigate only adult sexual assaults are required to attend five additional days learning material that does not have any immediate relevance to their current duties.

The response to our 1999 report in regard to community involvement in the training process indicated that “course design and review will include information from people with expertise inside and outside policing.” To the best of our knowledge, there has been no input provided by community organizations who work with women who have been sexually assaulted in the design of the training course relating to sexual assault investigations.

The selection of police officers who are to attend the Sexual Assault and Child Abuse Course is the responsibility of divisional Detectives Sergeants who usually give training priority to officers assigned to the Criminal Investigation Bureau (which is responsible for investigating sexual assaults). In practice, most officers who indicate an interest in the Sexual Assault and Child Abuse Course are given an opportunity to attend as long as space is available.

Recommendation 2004:

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

Training Provided to Recruits

Recommendations: (33) (34)

We noted in 1999 that training provided to police recruits and front-line officers included very little in-depth coverage of investigations of sexual assault. We recommended that the Toronto Police Service consider incorporating certain components of the SACA course and the RCMP publication, “An Investigative Guide to Sexual Assaults” into the training provided to recruits.

1999 Recommendations:

As a part of the evaluation of the SACA course consideration be given to incorporating certain components of the SACA course into the training programs provided to recruits and first-response officers.(33)

Training provided to recruits and front-line officers in relation to the investigation of sexual assaults be re-evaluated. In addition, an evaluation of the RCMP publication, “An Investigative Guide to Sexual Assaults” be conducted by senior staff at C. O. Bick College in conjunction with members of the Sexual Assault Squad and the community. A determination should be made as to whether or not this particular document would be useful in the training of police officers.(34)

Certain components of the Sexual Assault and Child Abuse Course have been incorporated into recruit training. In addition, we have also been advised that the RCMP publication was reviewed by the Toronto Police Service who determined that the publication is primarily designed for training of officers operating in rural areas and particularly, it is not relevant to the Toronto Police Service.

The Requirement for Regular Refresher Courses

Recommendation: (35)

Our 1999 review identified a need for police officers to attend regular refresher courses relating to the investigation of sexual assaults. This was recognised as an important issue as new situations, circumstances policies and procedures occur on a regular basis.

1999 Recommendation:

An evaluation be conducted by the Sexual Assault Squad in relation to the need for an ongoing update training process in regard to police officers who have previously attended the SACA course.(35)

The Toronto Police Service Training and Education Unit currently provides a three-day “refresher/update” course for investigators who have previously completed the Sexual Assault and Child Abuse training. At the time of our follow-up review, the Unit was in the process of evaluating the need for ongoing professional training in relation to sexual assault investigations. The main purpose of this training is to ensure that officers are aware of the latest changes to investigative practices and legal process.

Training Provided to Investigators of the Sex Crimes Unit

Recommendation: (36)

Training for investigators of the Sex Crimes Unit is in the form of continuing professional development through attendance at conferences, seminars and workshops. Members of the then Sexual Assault Squad attended a large number of courses and presentations in 1998. However, a structured training program identifying training needs and evaluating the effectiveness of the training activities had not been conducted.

1999 Recommendation:

An evaluation of all training courses and conferences attended by members of the Sexual Assault Squad be conducted. Individual squad members be required to document their training requirements and align such requirements with the objectives of the squad. These requirements be reviewed by the staff inspector for approval. In order to minimize duplication and to reduce costs, attendance at courses and conferences be co-ordinated with other members of the squad. Attendance at courses and conferences which have no relevance to the professional development requirements of the squad should not be approved.(36)

Due to budget constraints, ongoing training provided to members of the Sex Crimes Unit is not significant. The major course attended is the Annual Sexual Assault Investigators Conference.

The Annual Sexual Assault Investigators Conference

Recommendations: (37) (38) (39)

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. We were also made aware that some of the materials presented by external speakers at the conference were contrary to the practices and procedures of the Toronto Police Service.

1999 Recommendations:

An evaluation of the Sexual Assault Investigators Conference be conducted to determine its effectiveness, relevance and costs.(37)

The Sexual Assault Squad review the content of any conference presentations made by external participants prior to their being made, to ensure that the content is appropriate and consistent with the policies and practices of the Toronto Police Service.(38)

An evaluation of the benefits of sending a significant number of members of the squad to the Annual Sexual Assault Investigators Conference be reviewed particularly as members are already trained in many of the topics discussed. In addition, the necessity and appropriateness of sending significant numbers of Toronto police officers to this conference be re-evaluated. A formal process be established to determine that attendees at the conference be restricted to those officers who have been SACA trained.(39)

The Chief of Police has advised that “an evaluation of the Sexual Assault Investigators Seminar was conducted” and that the “Seminar was found to be a cost effective means to supplement the training of investigators.” While such an evaluation may have been conducted, we have not been able to locate any documentation in support of the evaluation nor have we been able to locate any documentation supporting the complete costs of the conference.

The 2004 Annual Sex Crimes Investigations Conference, a five-day event that took place in October 2004, was attended by a total of 297 people, including:

- a total of 62 attendees from the Sex Crimes Unit of the Toronto Police Service;
- a total of 69 attendees from various divisions, squads, and training units of the Toronto Police Service; and
- a total 166 attendees from outside of the Toronto Police Service.

We have been advised that the attendees from the Sex Crimes Unit did not attend the Conference on a full-time basis mainly because of operational demands. In addition, included in the 69 attendees from divisions and squads were 20 police constables who normally function as first-response officers to reports of sexual assault. As the conference primarily consisted of discussions of several high profile sexual assault cases in different countries, the extent to which first-response officers might have benefited from the contents of the conference is questionable.

Based on the attendance, it appears as if the conference is designed for those individuals external to the Toronto Police Service. In this context, one could question the value of such a conference to the Toronto Police Service, particularly in view of the time and effort required to organize such an event.

2004 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.**

External Community Resources in the Training of Sexual Assault Investigators

Recommendation: (40)

We noted in 1999 that the training of police officers is for the most part conducted by other police officers, although in the case of training related to sexual assault investigations, presentations are sometimes given by third parties such as staff from the Sexual Assault Care Centres. The generally held view is that uniformed officers are better equipped to conduct training because they understand operational policing. However, police officers for the most part are not professional adult educators.

In 1999, we indicated that a combination of police trainers plus the use of outside experts in the field of sexual assault may be a more effective resource in training police officers. The participation of external community organizations would foster improved relations and serve as a mechanism to secure input from those community-based agencies whose core business is to support women who have been sexually assaulted. These community agencies be requested to provide training specific to their mandate and could include such issues as the needs of disabled women and the needs of women from diverse cultures.

1999 Recommendation:

Consideration be given to the use of external community resources in the training of sexual assault investigators. External community resources be compensated for their work.(40)

The response to the recommendation by the Chief of Police indicates that a wide range of organizations have provided training resources for sexual assault investigators. During our review of the Sexual Assault and Child Abuse Course, approximately one-third of the training sessions relating to sexual assault were provided by external resources on such topics as forensic analysis of evidence and legal issues. While we appreciate the relevance of such issues, nevertheless the integration into the training process of the expertise of those community organizations who provide support services for women who have been sexually assaulted would be beneficial. Such expertise will provide course participants with a better understanding and appreciation of their interaction with women who have been sexually assaulted, particularly in

relation to how important the police officers' interaction with women who have been sexually assaulted. In this context, however, there should be a requirement that external participants have an adequate level of presentation skills in order to ensure that the participation of these organizations is as effective as possible.

Recommendation 2004:

- 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.**

Selection and Evaluation of Police Trainers

Recommendations: (41) (42) (43)

We noted in our October 1999 report the lack of clearly defined criteria for selecting police officers as trainers at C. O. Bick College, and the lack of regular evaluations of the effectiveness of these police trainers.

In order to compensate for the lack of professional training expertise, police trainers were required to attend an adult education course offered by St. Francis Xavier University. As a result of our review of the contents of this program, we questioned the effectiveness of the training program provided by St. Francis Xavier University.

Our 1999 review also indicated a lack of a formal evaluation process of trainers by course attendees.

1999 Recommendations:

The recruitment and appointment of trainers to C. O. Bick College be formalized. The skills and qualifications necessary to become a trainer be explicitly identified and used in the appointment of all training staff.(41)

An evaluation of the effectiveness of the courses in relation to Adult Education Training offered by St. Francis Xavier University be conducted. Once this evaluation has been done, a determination be made as to whether the Service should continue to participate in the program. A comparison should be made with material delivered in other existing academic programs.(42)

The evaluation of trainers be conducted on a regular basis with the input of course attendees as well as senior instructors. The results of such evaluations be considered in relation to future training assignments and responsibilities.(43)

The recruitment, appointment and evaluation of trainers at C. O. Bick College has been formalized since our October 1999 review. Specific job descriptions and evaluation requirements for various levels of officers have been established as a part of the overall performance appraisal system of the Toronto Police Service.

The Chief of Police in his report responding to the 1999 recommendations, indicated that the Adult Education Training offered by St. Francis Xavier University was reviewed and determined to be inappropriate in meeting the training needs of its members. A new five-stage trainer development and accreditation system has been implemented to replace the St. Francis Xavier University course.

Evaluations are now being conducted of all trainers and courses. These evaluations are being conducted by course participants as well as supervisory staff.

Additional Concern and Recommendation

A concern identified in our follow-up review related to the relatively high staff turnover rate at the Training and Education Unit in recent years. Any significant staff turnover has the potential to affect the consistency and quality of training. The potential also exists for an increase in costs, particularly when staff who have attended fairly costly external training seminars are subsequently transferred to other Units. For example, the Training Unit spent approximately \$10,000 in 2002 to send two staff persons to San Diego for training in interviewing children who have 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.

Recommendation 2004:

- 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.**

The Use of Technology in the Investigation of Sexual Assaults

Recommendations: (25) (44) (45) (46) (47) (48) (49) (50) (51)

The recommendations in the 1999 report relating to the use and development of technology have received a significant degree of criticism by certain numbers of the women's community, including members of the former Audit Reference Group. In general terms, the criticism has evolved because the members of the Womens Group and the former Audit Reference Group are of the view that such technology does not assist the "75 per cent of women who are raped at home by men they know." This criticism was contained in a deputation made on April 19, 2001 to the Toronto Police Services Board endorsed by the following:

- National Action Committee on the Status of Women;
- Canadian Association of Sexual Assault Centres;
- Ontario Coalition of Rape Crises Centres;
- Toronto Rape Crisis Centre/Multi-cultural Women Against Rape;
- Ontario Coalition of Interval and Transition Houses;
- Metropolitan Action Committee on Violence Against Women & Children;
- The Assaulted Women's Helpline;
- The YWCA of Greater Toronto;
- The Women's Cross-Sectoral Anti-violence Group;
- The University of Toronto Sexual Assault Counselling-Education Centre;
- Beverley Bain, Consultant to the Audit Team; and
- Jane Doe.

In our view, the increased use of technology in the investigation process is critical, particularly in the context of increasing communication and cooperation for criminal occurrences that cross jurisdictions. Technology is an important investigative and co-ordinating tool in all aspects of police work and to ignore its benefits and not make recommendations which contribute to improving the effectiveness of investigations, would have been completely irresponsible. It is worth noting that the 1999 report had its origin in a sexual assault committed by an unknown assailant.

The report of Mr. Justice Archie Campbell in the Bernardo Investigation Review contains a significant number of important recommendations relating to the use of technology. In actual fact, the key areas in the Campbell Report relating to technology have changed the way sexual assault investigations are conducted in Ontario.

Our 1999 review identified areas where management information systems were not being used to their full potential and in many cases our findings paralleled those contained in the Campbell Report.

Our 1999 review concluded that there was a lack of:

- a formal co-ordination between the City and the Toronto Police Service in terms of information technology development;
- a major case management information system to ensure that information critical to an investigation is easily located, consolidated and shared;
- an effective system to recognize links between crimes early enough in order to co-ordinate information. The technology to accomplish this currently exists, but based on our review, it was underutilized; and
- an effective data management system in relation to the identification of training attended by officers as well as training requirements.

The Violent Crime Linkage Analysis System (ViCLAS)

A system to provide linkages between crimes exists in the form of the Violent Crime Linkage Analysis System (ViCLAS), designed and operated by the Royal Canadian Mounted Police. ViCLAS is recognized as one of the most effective automated systems and is capable of comparing cases across police jurisdictions at a local, provincial, and national basis. In simple terms, when a serious crime occurs, an investigator completes a ViCLAS questionnaire booklet. This booklet is sent to the ViCLAS Centre based in Orillia and is entered into the ViCLAS computer system by a trained data entry person. Once entered into the system, a ViCLAS specialist conducts an analytical review.

Our 1999 review found that ViCLAS was not used to its full potential by the Toronto Police Service due to the lack of:

- a process to ensure timely and accurate reporting to the provincial ViCLAS Centre;
- linkages with the U.S. systems; and
- an effective ViCLAS training program.

ViCLAS is an effective and useful tool in all investigations and the ability to use ViCLAS to its maximum potential is of paramount importance.

1999 Recommendations:

The Sexual Assault Squad evaluate its management information needs in consultation with the Information and Technology Divisions of both the Toronto Police Service and the City of Toronto. These needs be addressed through the budget process on a priority basis.(25)

Violent Crime Linkage Analysis System (ViCLAS) reports must be completed and submitted to the Toronto Police Service Sexual Assault Squad Co-ordinator within the prescribed time limit (21 days) as demanded in the Toronto Police Service Directive 05-19, Violent Crime Linkage Analysis System.(44)

ViCLAS reports must be completed and submitted to the Ontario Provincial Police ViCLAS Centre in Orillia by the Toronto Police Service Sexual Assault Squad within the prescribed time limit (a further nine days) as required by Ontario Regulation 550/96 of the Police Services Act.(45)

All police officers be informed of the reporting requirements of ViCLAS.(46)

A regular reporting process be initiated in regard to ViCLAS submissions. All instances of non-compliance with the regulation and the Directive 05-19 should be reported immediately to the appropriate Deputy Chief of Police for action.(47)

In addition, any deficiencies noted during this review should be communicated to the originator of the ViCLAS reports reviewed by the Sexual Assault Squad include evidence of such review. In addition, any deficiencies noted during this review should be communicated to the originator of the report as well as to the division. Such a process would reduce future deficiencies and accelerate the submission of reports to Orillia.(48)

The Chief of Police request that any re-engineering of ViCLAS by the RCMP be conducted in consultation with its major user, the Toronto Police Service. The re-engineering of ViCLAS should include the following:

- the elimination, if possible, of redundant information required in the ViCLAS booklet;
- the automation of the preparation of the ViCLAS booklet;
- the electronic submission of ViCLAS reports to the various ViCLAS reporting centres;
and
- the reduction of the significant time from the crime occurrence to the potential identification of linkages.(49)

The City of Toronto Police Service ensure, if possible, that any re-engineering of the ViCLAS system by the RCMP should take into account the potential to link with U.S. cities' linkage systems, with a particular emphasis on the ViCAP system currently used by the FBI.(50)

A re-evaluation be conducted of the ViCLAS training process. Training should be conducted only by appropriate personnel. Consideration should be given to retaining staff from the OPP ViCLAS Centre in Orillia to provide such training.(51)

In regard to Recommendation number 25, the Toronto Police Service is in the final stages of its eCOPS technology initiative. The eCOPS project is a service-wide initiative, which will benefit all operations within the Toronto Police Service including the Sex Crimes Unit. One of the immediate advantages of eCOPS will be the “real time” reporting of occurrences, as well as immediate access to other such reports issued by officers across the City. In regard to co-ordinating technology requirements with the City, we have been advised that the Toronto Police Service consulted with the Executive Director of the Information and Technology Division of the City of Toronto “to discuss information management concerns”. The Toronto Police Service was advised that the Executive Director was “supportive of the Sexual Assault Squad’s endeavours but could offer no immediate support.”

While the Sex Crimes Unit has had initial contact with the City, there is still a need to co-ordinate all information technology projects initiated by the Toronto Police Service with the City. Such a co-ordination is not possible through a one-time meeting but rather through a regular structured ongoing protocol. One meeting during a four to five year period does not meet the intent of the recommendation made in the 1999 report.

However, in retrospect, particularly, in the context of City-wide initiatives at the City, it is more efficient and productive if a protocol relating to closer co-ordination between the City and the Toronto Police Service is developed at the corporate level rather than by the Sex Crimes Unit itself. Such a protocol should consider and co-ordinate the technology requirements of both organizations. Any new technology developments including software purchases should not be initiated in isolation from each other.

We have not received any information pertaining to an evaluation of the ViCLAS training process. Nonetheless, given that police officers are made aware of ViCLAS requirements through the Sexual Assault and Child Abuse Course and a monthly ViCLAS newsletters, we have no further concern with this particular recommendation.

Recommendation 2004:

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.**

Concerns Relating to ViCLAS Reporting

The Sexual Assault Squad is responsible for co-ordinating submissions of ViCLAS reports relating to sexual assaults to the ViCLAS Centre in Orillia. The Toronto Police Service Directive No 05-19, "Violent Crime Linkage Analysis System" requires that occurrences which meet the ViCLAS criteria must be submitted to the Sexual Assault Squad Co-ordinator within 21 days of the start of the investigation. In addition, ViCLAS reports must be completed and submitted to the Ontario Provincial Police ViCLAS Centre in Orillia within 30 days as required by Ontario Regulation 550/96 of the Police Services Act.

Based on our discussions with the ViCLAS Co-ordinator at the Toronto Police Service, approximately 80 per cent of all ViCLAS reports, including those relating to sexual assaults, met the 21 days submission requirement, and 99 per cent met the Provincial 30 days submission requirement.

However, based on our review of a sample of sexual assault occurrence reports in 2002 and the police analysis of 2004 ViCLAS reporting, an average between 60 and 70 per cent of sexual assault reports were in compliance with the 21 days Toronto Police Service submission requirements. According to the police analysis, approximately 80 per cent of 2004 sexual assault reports were in compliance with the Provincially prescribed 30 days time limit.

The timely submission of ViCLAS reports is critical in ensuring that investigations are conducted as efficiently and effectively as possible. The consequences of any delay in the submission of reports can be significant if it results in any delay in the apprehension of an individual who has committed a sexual assault. Compliance without exception should be 100 per cent.

Each ViCLAS report is in the form of a booklet. A regular reporting and monitoring process has been implemented for ViCLAS reporting. All ViCLAS booklets are reviewed by staff reporting to the ViCLAS Co-ordinator in order to ensure that basic reporting requirements are included in each submission. We are advised that a review of the contents of the entire ViCLAS submission is not possible due to staffing constraints. If a report is found to be incomplete, it is returned to the divisional Detective Sergeant with a directive that it be completed as soon as possible. Each ViCLAS report, which has been returned to the division, is tracked. ViCLAS reports, which are deficient, are discussed with the preparer in order to ensure that future deficiencies are minimized.

Since our review in 1999, the Toronto Police Service had discussions and communicated with the Royal Canadian Mounted Police in connection with the possible re-engineering of ViCLAS. Two revisions to specific ViCLAS reporting requirements have since been made by the Royal Canadian Mounted Police. The current ViCLAS reporting requirement contains 168 questions, a reduction of approximately 90 from the version used in 1999.

To further streamline the process, an electronic version of ViCLAS which would allow the direct transmission of data to Orillia was being tested at the Sex Crimes Unit at the time of our review. However, we have been advised that due to a recent change to the computer program used by the Royal Canadian Mounted Police, the electronic transmission of data from the Toronto Police Service directly to the ViCLAS Centre in Orillia has been postponed to 2005.

Recommendations 2004:

- 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.**

- 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.**

With respect to establishing linkages with the U.S. ViCAP system as recommended in 1999, the RCMP have indicated in writing that they have “worked closely with the FBI since their ViCAP system has been re-engineered. Although from a technological perspective it would be a relatively easy task to integrate our two systems, unfortunately local and state access to information legislation prevents the electronic exchange of data between ViCAP and ViCLAS. However, a protocol for the manual sharing of information has been established, and is being used on an ongoing basis by both agencies.”

Training in relation to ViCLAS is included as a separate and distinct component of the Sexual Assault and Child Abuse Course. In addition, monthly newsletters on the latest ViCLAS issues and developments are produced and communicated to all police divisions.

Sexual Assault Care Centres

Recommendations: (52) (53)

Our interviews with staff from the Sexual Assault Care Centres in 1999 indicated that their working relationship with staff from the Sexual Assault Squad was excellent. Even though most of the comments made by staff from the Centres were positive, certain criticisms were levelled at first-response officers, particularly in regard to their lack of knowledge of the role of the Care Centres.

To provide women who have been sexually assaulted with accurate and timely information, police officers must have a clear understanding of the mandate and functions of a Sexual Assault Care Centre.

During our 1999 review, we noted the lack of a formal protocol for staff in the centres to report inappropriate police behaviour to the Toronto Police Service.

1999 Recommendations:

Police officers be specifically educated on the roles and responsibilities of the Sexual Assault Care Centres. It is important that police officers understand fully the roles of the centres in order to ensure that the officer is able to provide assistance and convey accurate information to women who have been sexually assaulted.(52)

A formal written protocol be developed between the Toronto Police Service and the Sexual Assault Care Centres, which provides for the reporting of inappropriate police behaviour. The protocol include a provision that such behaviour be reported to the Sexual Assault Squad for action which may involve additional training and/or discipline. The protocol should include a process for the communication of the action taken by senior police staff to address the concerns identified by the centres.(53)

The City of Toronto currently has two adult Sexual Assault Care Centres, located at Women's College Hospital and Scarborough Grace Hospital, providing medical care and counselling services to adults who have been sexually assaulted. The Hospital for Sick Children also has a Sexual Assault Care Centre, although the focus of this Centre is children. Staff of both adult Centres indicated to us that front-line officers are aware of the general roles of a Sexual Assault Care Centre and are cognisant of the need to accurately communicate this information to women who have been sexually assaulted. The roles of Sexual Assault Care Centres have been incorporated into all training related to sexual assault investigations.

In regard to the absence of a formal complaint protocol, the Chief of Police indicated that he was not in agreement with the 1999 Recommendation. The response to this recommendation by the Chief of Police was as follows:

“Procedures for reporting complaints are governed by the Police Services Act. Follow-up communication is included in the provisions of the legislation.

This recommendation has been reviewed by Toronto Police Service Professional Standards. The Police Services Act: Section V outlines the responsibilities of all policing agencies in Ontario pertaining to the taking of complaints. The Toronto Police Service Procedures – Section 13: Conduct outlines the processes by which we meet these requirements.

Information on the complaint process is available to the public on the Internet by attending the Toronto Police Service Web site at www.torontopolice.on.ca and selecting the “Professional Standards” icon. Compliments and concerns regarding the conduct of members of the Toronto Police Service can be communicated through this Web site via e-mail.

Divisional Complaints co-ordinators and/or professional standards unit will address complaint regarding conduct of divisional officers. The Administrative Detective Sergeant of the Sexual Assault Squad has been designated as the complaint co-ordinator for the Sexual Assault Squad. Specific Sexual Assault Squad investigators are assigned to liaise with each of the Care Centres to field questions, assists with information and resolve minor concerns.”

As a consequence of the above response, a formal protocol has not been developed between the Toronto Police Service and the Sexual Assault Care Centres to facilitate the reporting of inappropriate police behaviour. Currently when an issue of inappropriate police behaviour occurs, management staff of the Sexual Assault Care Centres report the incident informally to the Police Sexual Assault Co-ordinator. This complaint is generally not in writing.

While we agree that there is a legislated formal complaint process available for the reporting of inappropriate behaviour by police officers, it does not apply in the circumstances described. Legislation does not allow formal complaints by third parties who were not directly involved in the inappropriate action.

We continue to hold the view that there is a need for a complaint process different than the one that exists now. However, we appreciate the fact that this process is currently under provincial review with a report due in early 2005. We also understand that one of the concerns being specified relates to the issue of third-party complaints.

Sexual Assault Medical Evidence Kit

Recommendation: (54)

Women who have been sexually assaulted and wish to proceed with the laying of charges against the assailant are required to undergo a sexual assault evidence examination using a special medical kit designed to collect forensic evidence. The kit requires a medical examination and the gathering of tissue and fluid samples. The length of this examination is usually in the range of three to four hours. Based on our interviews in 1999, many women found this examination to be long, intrusive, humiliating and almost as traumatic as the sexual assault itself. Women were told by investigating officers that they were required to participate in such an examination and were often not advised of the reason and importance in participating in such an examination. While the responsibility for communicating information regarding the sexual assault medical kit is that of the Sexual Assault Care Centres, police officers should be in a position to provide certain basic information in regard to this.

Criticisms of the intrusive nature of the kit resulted in the establishment of a provincial committee whose responsibility was to review the necessity of collecting all such medical data.

1999 Recommendation:

The Toronto Police Services Board notify the Province of the need to expedite its review of the Sexual Assault Medical Kit (Evidence Kit).(54)

A number of changes to the medical examination procedures were introduced as a result of the review of this process by the Province. These changes included a more streamlined questionnaire and a requirement that the nurses administer only those procedures that are relevant to the incident. The change in procedures resulted in an average reduction of approximately 30 minutes to the medical examination, according to nurses at the Centres. Irrespective of the reduction in time to administer the sexual assault kit, women will inevitably continue to find the nature of the examination to be intrusive.

Another important change to the Procedures relating to the medical evidence kit is the matter of consent by the woman who has been sexually assaulted. Procedures relating to the application of the revised medical kit require the signing of two separate consent forms by the woman who has been sexually assaulted. The first form is required by the Sexual Assault Care Centre and is required in order to proceed with the medical examination. The second consent form is required by the Toronto Police Service and its purpose is to obtain approval to access all information collected by the medical kit procedure.

Under the revised consent procedures, a woman may proceed with the medical examination but delay a decision in regard to releasing the medical evidence to a police officer until a later time. In these circumstances, the medical evidence is frozen and stored at a Sexual Assault Care Centre for up to six months.

Front-line officers generally are not in a position to provide an appropriate level of information in regard to the next consent requirements including the steps in an investigative process and as such, women may not be fully informed of what future steps are required. Consequently, it would be more appropriate that experienced divisional investigators discuss the implications of signing consent forms.

We have also been advised by staff at the Sexual Assault Care Centres that where consent has been given, evidence is not, in certain circumstances, collected by police officers on a timely basis. The delay in the review and analysis of medical evidence may have significant consequences and as such all evidence should be collected as soon as the consent is given.

Recommendations 2004:

- 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.**

- 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.**

Services Provided by the Victim Services Program

Recommendation: (55)

Based on our discussions with staff and our own observations, the Victim Services Program in 1998 was underutilized by the Toronto Police Service. A number of police officers are unfamiliar with its purpose.

1999 Recommendation:

The role and responsibilities of the Victim Services Program be communicated and explained to all officers. The communication program be initiated via the Toronto Police Service's "Livelihood" video facilities.(55)

We were informed by staff of the Victim Services Program in 2003 that there has been an improved awareness of the Program among police officers. This was further supported by police statistics which show a steady increase in the total numbers of incidents referred to the Program by police in the past few years.

Since their participation in a “Livelihood” video presentation in 1998, the Victim Services Program has not participated in any further video presentation. However, police officers are made aware of the program through various training courses at C. O. Bick College and the Toronto Police Service Internet. There is also a “check box” in the police general occurrence report where officers are required to indicate whether the Victim Services Program has been contacted.

Community Relations

Recommendation: (56)

Our research in connection with our 1999 review identified a recent U.S. Department of Justice study regarding the inter-relationship of various organizations, including the police in sexual assault investigations. The study very clearly concluded that "cooperation and close coordination among law enforcement officials, prosecutors, rape crisis counsellors and medical service providers can result in more swift and effective response to rape. In order to best serve the needs of women who have been sexually assaulted, effective interdisciplinary cooperation is essential at every stage of the intervention process. Communication is an important aspect in the creation of a cooperative relationship between the police and community social service providers. This is enhanced by the commonality of purpose shared by each group. To ensure effective service response, a sense of trust and respect must exist.”

The Sexual Assault Squad at the time of our 1999 report attempted to initiate this communication process by inviting community agencies and medical service providers to regular meetings to advise them of police initiatives in the area of sexual assault. In addition, Sexual Assault Care Centre representatives participated in the sexual assault and child abuse training undertaken by the police.

Police relations in 1999, particularly those of the Sexual Assault Squad, with medical service providers such as the Sexual Assault Care Centres were for the most part very good. However, our interviews indicated that relations with certain other agencies that serve women who have been assaulted generally were lacking in trust, cooperation and co-ordination.

We indicated in 1999 that developing closer relationships with community organizations would:

- provide assurance to the community that there is a genuine interest and a serious commitment on the part of the police to listen to concerns;
- share knowledge with members of the community;
- demonstrate to the community that their advice is valued;
- bridge the gap between cultural groups and the police;
- build trust between community groups and the police;
- provide a forum for the discussion of police and community issues before they reach a crisis stage;
- serve as a channel of communication between the police and community groups; and
- assist the community and police in the areas of outreach, such as workshops and networking.

At the time of our review, community outreach conducted at the Sexual Assault Squad centred mostly on one police officer. We recommended in 1999 that it would be prudent that there be a group of officers whose responsibilities would include this function.

1999 Recommendation:

The Sexual Assault Squad be required to form relationships with community groups, share information and concerns and work together to meet common objectives. In addition, consideration be given to the establishment of a formal succession planning process in order to ensure that the transfer of police officers to other responsibilities does not disrupt relationships with community organizations.(56)

The responsibility for community outreach activities has been assigned to a Detective within the Sex Crimes Unit. While there is no formal succession planning process in place in regard to this role, certain initiatives have been undertaken to facilitate the development of community outreach and liaison expertise among other officers within the Toronto Police Service.

The Sex Crimes Unit, as part of its mandate, has made concerted efforts to reach out to a wide range of community organizations in an attempt to form an ongoing working relationship. Various presentations have been made to a number of organizations in an effort to provide them with a wide range of information, such as:

- the roles and responsibilities of all police officers in the interview and investigative process;
- the roles and responsibilities of the Sex Crimes Unit;
- information relating to the Sexual Assault medical evidence kit; and
- information relating to the Victim Services Program.

According to police records, the following is a list of community agencies who attended various public meetings with the Sex Crimes Unit during 2003:

1. Big Brothers and Sisters of Toronto
2. Barbara Schlifer Clinic Staff
3. Bell Canada – Human Resources
4. Canadian Chiropractic College of Canada
5. Canadian Military – Investigators Course – Borden, Ontario

6. Canadian Tamil Women's Canadian Association
7. College of Physician and Surgeons
8. College of Nurses
9. Covenant House
10. Evergreen Youth Centre
11. Evangel Hall
12. 519 Church Street Community Centre
13. George Brown College
14. Centennial College
15. Central Neighbourhood House
16. University of Toronto
17. Upper Canada College
18. York University
19. Humber College
20. International Association of Administrative Assistants
21. Ryerson University
22. Mennonite Central Committee
23. Multilingual Community Interpreter Services
24. Native Women's Resource Centre
25. Ontario Teachers' Association
26. Toronto Association of Community Living
27. Streetlight
28. Street Outreach Services
29. Women's College Hospital – SACC
30. Scarborough Grace Hospital – SACC
31. Tropicana Youth Centre
32. Women With Disabilities
33. Sex Professionals of Canada
34. Department of Immigration

Our specific comments in relation to community consultation are included in the Executive Summary and elsewhere in this report.

The Police Duty to Warn

Recommendation: (57)

Madame Justice MacFarland held in the Jane Doe case that the police have a positive duty to warn potential victims of a serial rapist operating in the community. Expert, experienced witnesses in the Jane Doe case agreed that “The police have a duty to release a balanced volume of information to protect the community.” At the time of our 1999 report, there was no written protocol in existence which dictated the circumstances in which the police should issue a warning that a sexual predator was active in the community.

1999 Recommendation:

The Chief of Police develop a written protocol detailing the circumstances in which a general warning should be given to the public that a suspected serial sexual predator is active. Community consultations should take a place in the preparation of this directive.(57)

A protocol for notifying the public in the event of a potential sexual predator operating in the community is outlined in the police directive entitled “Community Safety Notification”. This directive was issued immediately prior to the issue of the 1999 report.

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 alert. The decision is made on a case by case basis by the Unit Commander using criteria outlined in the police directive.

While directives are prepared and issued by Divisional Unit Commanders, such a process is inconsistent with the role and mandate of the Sex Crimes Unit. Presumably, a general warning is issued within the community because of community-wide concerns. In accordance with the mandate of the Sex Crimes Unit, if a sexual assault occurrence is deemed to pose a risk to the

community then the occurrence should be referred to the Sex Crimes Unit. In these circumstances, it would be more appropriate for the Sex Crimes Unit to issue the community warning rather than the Divisional Unit Commander. The Sex Crimes Unit is the Unit most familiar with sexual assault occurrences and investigations and as such is best equipped to issue accurate, appropriate, complete and consistent Community Safety Notifications throughout the City. Community Safety Notifications should, however, be issued in consultation with the Divisional Unit Commanders.

Recommendation 2004:

- 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.**

CONCLUSION

The Executive Summary provides an abbreviated analysis of our comments in regard to the implementation of the recommendations in the 1999 report entitled “Review of the Investigation of Sexual Assaults – Toronto Police Service”. This follow-up review, much like the original 1999 report, is a one-time snapshot of police practices relating to sexual assault investigations. As such, it presents conclusions and recommendations based on observations taken, if not at a single point in time, then certainly over a short period of time.

While certain recommendations from the original 1999 report have been implemented, it is apparent that there are others which have not been addressed or implemented satisfactorily. Of significant concern is the fact that even though specific recommendations have been addressed in directives issued by the Chief of Police, police officers, in certain cases are not complying with these directives. This is an issue which has been discussed with the Chief of Police and action has already taken place to address this matter.

This follow-up review contains a number of recommendations, many of them similar to the recommendations contained in the 1999 report. Several of the recommendations in the 2004 follow-up review identify new issues in the police investigation of sexual assaults. All of the recommendations in the 2004 report should be given due consideration by the Chief of Police. The responsibility for the review of the recommendations be assigned to senior staff and a reporting back process to the Toronto Police Services Board be initiated.

Recommendations 2004:

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