

# **Review of the Investigation of Sexual Assaults**

## **Toronto Police Service**

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## **EXECUTIVE SUMMARY**

This report contains a significant number of recommendations regarding the reporting, investigation, and disposition of sexual assaults by the Toronto Police Service.

The number of recommendations should not be viewed as a vindication of accusations of police inefficiency in regards to the investigation of sexual assaults which have been made over the past number of years. While there have been instances of police inefficiency in the investigation of sexual assaults, there have been many other cases of excellent police investigations which have resulted in the arrest and conviction of the perpetrators of sexual assaults.

This report should be viewed with the understanding that an independent audit, by virtue of its very nature, is required to identify areas of concern and make recommendations for improvement whenever they are necessary.

This report also recognizes that the Toronto Police Service, in the past dozen years, has in fact made significant changes in the way it handles sexual assaults. Some of these changes came about as the result of police initiatives such as those relating to a strategic emphasis on community policing while others were propelled forward by the Campbell report on the Paul Bernardo investigation.

Some of these already-implemented changes include the formation of the Sexual Assault Squad itself and its continued restructuring and refinement; sexual assault training of significant numbers of other officers in the field; and the formation of a Behavioural Assessment Unit within the Sexual Assault Squad, to address such problems as stalking and criminal harassment.

As well, the police have formed specialized sexual assault units in 41 and 42 Divisions, formed community response units throughout the service (particularly in the downtown divisions), and established a program of close contact with high-risk persons when they are released from federal prisons.

While these changes stand as evidence of a commitment to move forward, nonetheless, there is more to be done. The majority of recommendations in this report relate to changes that can be initiated in the short-term and do not necessitate sweeping changes to fundamental principles. Throughout this audit process, emphasis was placed on the need to improve practices and procedures in relation to the handling of sexual assault investigations, and thus contribute to a reduction of the suffering which is the inevitable experience of all women who have been sexually assaulted.

It is important to state at the outset that this report is the result of an independent audit. While advice was sought from a broad spectrum of the community including the police, the conclusions and the recommendations in this report are mine alone.

This report, then, focuses on several themes that emerged from our audit work, which are interwoven throughout the report.

While the number of recommendations does in fact total 57, they can be summarized as being a requirement that the Toronto Police Service focus on the following issues:

- a regular, structured, reporting process regarding the evaluation and putting into effect of the full number of recommendations in this report;
- an independent follow-up evaluation of the actions taken in regard to the recommendations in this report;
- a widening of the mandate of the Sexual Assault Squad, and a review of its staffing to meet that new mandate;

- a re-evaluation of current training practices, including the provision of mandatory and regular refresher courses;
- improvements to the current case management information systems;
- improved communications with women who have been sexually assaulted;
- continuity of service to women who have been sexually assaulted;
- a requirement to create formal written procedures, prepared with assistance from the overall community, in regard to the reporting of activities of sexual predators; and
- improved communications and relations both within the police service itself and with outside community agencies.

As will be seen from even a cursory reading of the full report, these requirements are not separable; they are parts of a whole. While certain of them may require further study or analysis by the police service, the majority can be put into effect very quickly. It is thus both very important, and very possible, to take genuine action without delay.

## **RECOMMENDATIONS**

The following is a complete list of recommendations matching those contained in the body of the report. After each recommendation, the number of the page on which the recommendation can be found, as well as the background information supporting the recommendation, is provided.

### **Recommendation:**

- 1. 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 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.**

**Page 31**

- 2. 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.**

**Page 32**

- 3. A regular, structured, reporting process to the 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.**

**Page 32**

**4. 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.**

**Page 32**

**5. 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.**

**Page 41**

**6. 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.**

**Page 41**

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

**Page 41**

**8. 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.**

**Page 42**

**9. 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.**

**Page 42**

**10. 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.**

**Page 43**

**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.**

**Page 44**

**12. 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 A basic**

**information@ should be clearly articulated in the form of a detailed interview check list. 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.**

**Page 49**

- 13. 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.**

**Page 50**

- 14. 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.**

**Page 50**

- 15. 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.**

**Page 51**

**16. 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.**

**Page 53**

**17. 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.**

**Page 54**

**18. 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.**

**Page 54**

**19. 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.**

**Page 55**

**20. 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.**

**Page 56**

**21. 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.**

**Page 58**

**22. 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.**

**Page 58**

**23. 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.**

**Page 59**

**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.

Page 62

25. 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.

Page 64

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

Page 66

27. 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.

Page 67

28. 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.**

**Page 68**

- 29. 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.**

**Page 69**

- 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 coordination of all such training throughout the service.**

**Page 69**

- 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.**

**Page 72**

- 32. 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.**

**Page 73**

**33. 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.**

**Page 74**

**34. 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*<sup>®</sup> 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.**

**Page 75**

**35. 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.**

**Page 76**

**36. 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 coordinated 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.**

**Page 77**

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

**Page 78**

**38. 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.**

**Page 78**

**39. 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.**

**Page 78**

**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.**

**Page 79**

**41. 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.**

**Page 80**

**42. 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.**

**Page 81**

**43. 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.**

**Page 81**

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

**Page 86**

**45. 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.**

**Page 86**

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

**Page 86**

**47. 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.**

**Page 86**

**48. All 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.**

**Page 87**

**49. 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.**

**Page 88**

**50. 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.**

**Page 89**

**51. 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.**

**Page 90**

**52. 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.**

**Page 95**

**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.**

**Page 96**

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

**Page 97**

**55. 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 ALive Link® video facilities.**

**Page 99**

**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.**

**Page 102**

**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 a place in the preparation of this directive.**

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## **INTRODUCTION**

### **The Jane Doe Case**

In order to provide a context for the audit it is important to comprehend the circumstances that precipitated the decision of Council to request an audit relating to the investigation of sexual assaults by the Toronto Police Service. The circumstances relating to the decision by Council originated from the case of Jane Doe versus the Commissioners of Police of the then-Municipality of Metropolitan Toronto.

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 the 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 rapist was known to be active.

As a result of that rape, Jane Doe successfully sued the Board of Commissioners of Police of the then-Municipality of Metropolitan Toronto. Judgment 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 women in the area had not been warned of the rapist because police believed they would become hysterical and thus somehow jeopardize the police investigation. She further 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 police in their defence attempted to show that steps had been taken to improve the identified problems within the 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 that this effort did not represent an indication of any genuine commitment for change.

The judge 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, the judge 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, the judge held.

Subsequently, on July 9 of the same year, a number of 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 significantly, and as the impetus toward the initiation of this report, 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 Police Services Board, the Scarborough Women's Centre and any other interested women's organizations . . . @

Council also requested that the audit review 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 Police Services Board supported Council's request for the preparation of this report.

### **Establishment of an Audit Reference Group**

On September 25, 1998, the Committee on the Status of Women, in a report to the City's Corporate Services Committee, discussed the context and terms of reference of the Audit Reference Group that had been recommended by Council. The Committee on the Status of Women thus proceeded with the setting up of the membership of that Audit Reference Group.

The Audit Reference Group consisted of women from agencies and services that work with women who have been sexually assaulted, as well as women from the Toronto Police Services Board. The following organizations were represented on the Audit Reference Group:

- The Anne Johnston Health Station;

- Assaulted Women's Helpline;
- Buddhist Women's Group;
- Canadian African Newcomer Aid Centre;
- Canadian Tamil Women's Community Services;
- Centre for Research in Women's Health;
- City of Toronto;
- Committee on the Status of Women;
- George Brown College;
- National Action Committee on the Status of Women;
- Nellie's Shelter for Women;
- Scarborough Women's Centre;
- Sexual Assault Centre and Treatment Centre (Women's College Hospital);
- Task Force on Community Access and Equity;
- Task Force on Community Safety;
- Toronto Police Services Board;
- Toronto Rape Crisis Centre;
- University of Toronto Sexual Assault Counselling Education Programme;
- Women's Way Self Defence;
- YWCA of Greater Toronto, and
- The Yorktown Health Centre.

The first meeting of the Audit Reference Group took place in November 1998.

### **The Role of the Audit Reference Group**

It was determined by the City's Corporate Services Committee that the Committee on the Status of Women should act as facilitator for the establishment of the Audit Reference Group. The Corporate Services Committee also adopted the following recommendations:

- (a) that the proposed audit be undertaken from the framework of gender equity which recognizes the diversity of women's backgrounds;
- (b) that the definition of gender equity be complete and include the diverse backgrounds of women, and especially recognize that women have multiple dimensions to their lives;
- (c) that the proposed audit process include hearing from victims and survivors;
- (d) that there be a relationship between the Audit Reference Group for the audit and the membership of the proposed community advisory committee on gender equality, sexual assault, family violence issues, etc.;
- (e) that the audit team include professionals who have a working background in sexual assault, violence against women, policing, community safety, and, if this expertise is not available among audit staff, that external paid professional assistance be obtained;
- (f) that honoraria be provided to organizations and persons who are on the Audit Reference Group and on the proposed community advisory committee to recognize the service and expertise provided to the City of Toronto, and the need to backfill staff absences at agencies in order not to reduce services; and
- (g) that the Audit Reference Group process be open to all wishing to attend meetings, which will include regular meetings during the audit process.

One of the initial responsibilities of the Audit Reference Group was to consult with various organizations who work in the area of violence against women to recommend consultants to assist and provide advice to the audit team during the course of the audit.

I conducted detailed interviews with prospective consultants and hired those consultants from the candidates recommended by the Audit Reference Group. The consultants augmented the skills of existing audit staff.

The Audit Reference Group met on a regular basis during the audit and provided support to the audit process by arranging presentations from organizations and individuals with knowledge and expertise of how the process of investigations into sexual assaults have impacted diverse women's communities. These presentations assisted in providing the audit team with a concrete understanding of the issues and the impact of sexual assault on women.

Presentations were given on such issues as:

- sexual harassment in the workplace;
- sexual assaults of sex trade workers;
- sexual assault of women with disabilities;
- sexual assault in the South Asian community;
- black women and sexual assault;
- forensic testing and the use of sexual assault medical kits in rape investigations; and
- search of persons policies.

Based on the information provided by the above presentations, the Audit Reference Group made a number of recommendations in relation to the audit. These recommendations were considered in relation to the audit process.

In addition, the Audit Reference Group consulted with various organizations familiar with sexual assault to assist in identifying appropriate staff, and women who had been sexually assaulted, to be interviewed for the audit.

## **The Independence of the Audit Process**

An audit, by definition, is an independent evaluation of management practices. In this context, the role of the Audit Reference Group was to act in an advisory capacity to the City Auditor. I did not report to the Audit Reference Group, nor did I take direction from it.

## **The Scope and Limitations of this Audit**

When City Council adopted its recommendations establishing this audit, it expressed concerns relating to the issues raised by Madam Justice MacFarland in her judgment relating to the Jane Doe case. Even though Madam Justice MacFarland had not specifically made recommendations, she did outline a specific number of areas of concern in relation to the police investigation of sexual assaults. While this audit, then, has focussed of necessity on the issues raised by Madam Justice MacFarland, it does also review a wider range of areas addressed by Council, the audit team, the Audit Reference Group, community agencies, sexual assault care centres, other third parties and the police service itself.

The responsibility for the adequate and appropriate treatment of women who have been sexually assaulted is not that of the police alone. It is therefore not surprising that inadequacies were found also to exist in both the judicial and medical processes. In particular, concerns were expressed over what was seen as the adversarial nature of the judicial process and its intrusive impact on women who have been sexually assaulted. While acknowledging these concerns, the scope of this audit, and indeed that of the City Auditor, does not extend beyond the practices and procedures of the Toronto Police Service.

The Council motion quoted earlier required that the audit include the handling of family violence cases as well as sexual assaults. It was recognized as we progressed through the initial stages of the review that the dimension of family violence outside the context of sexual assault would encompass a significant amount of additional work and broaden the scope of the audit to an unmanageable level. This issue was conveyed to the Audit Committee in an update report part way through the audit process and was discussed in detail

with the Audit Reference Group. Reviewing police policies and practices pertaining to domestic violence was also considered impractical at the time because the police service, at the time of this report, had not completed their response to the recommendations made by the inquest jury in the deaths of Arlene May and Randy Iles. There were over 200 recommendations, 70 of which were directed at the police or service provided by police. As well, the police Domestic Violence Policy was being revised at this time. We understand that this policy has not yet been finalized.

Sexual assault affects all members of society, including children as well as men, but is overwhelmingly a crime that affects women and is committed by men. Moreover, it is a crime of violence and control with sex as the weapon. Thus, as the impetus for this audit was the Jane Doe case, this report focuses primarily on women who have been sexually assaulted.

Although the audit was extensive, it was, as are all audits, performed on a test basis. Consequently it did not cover, say, activities at all police divisions. Nor could it interview representatives of every community agency in the City of Toronto. In addition, because the audit was conducted over a period of time, it may not take into account recent initiatives taken by other groups, particularly the police. In the latter case, we understand that some initiatives have in fact taken place in anticipation of what some of the findings of this report might be.

### **The Role of the Police Service in this Audit**

At the outset, the Chief of Police appointed a senior police officer as a liaison with the audit team. The function of this officer was to facilitate contact with other police resources, provide assistance in obtaining information, and provide guidance and advice during our review of particular areas of the audit. Our interviews with police officers were co-operative and in many cases extremely candid. All officers appeared most willing to discuss issues of concern with my audit staff.

### **The Identification of Key Audit Issues**

A number of major issues which play a significant role in the handling of sexual assaults by police were identified as this audit began. These are the issues which have been raised time and again in reports prepared for both the former Metro and for the City of Toronto, in the recommendations of inquest juries, and in court proceedings. We reviewed and validated these key issues, which are set out below, with the audit reference group, our liaison contact at the police service, and with the consultants working with us.

It became evident during the planning for this particular project that the scale of the audit had the potential to be wide-spread. With this in mind, it was important that the audit be divided into more narrowly defined manageable second level projects. However, in doing so it was recognized that it was not appropriate to compartmentalize different parts of the audit, an issue that received significant attention during the audit process.

In general terms, these key issues, which formed the foundation for this audit, are:

- the mandate and effectiveness of the Sexual Assault Squad and its influence on the practices and procedures of divisional investigations;
- the nature and format of training of police officers, including the evaluation of various training programs;
- the community-based agencies and their relationship with the police service;
- the sexual assault care centres and their relationship with the police service;
- the role of the Victim Services Program;
- the progress made by the police service in addressing the issues raised by Madam Justice MacFarland in her judgment in the Jane Doe case;
- the progress made in addressing recommendations of the Campbell report and the May- Iles inquest jury;
- the effectiveness of the Violent Crime Linkage Analysis System (ViCLAS);
- the evaluation of sexual assault occurrence reports, including those classified as unfounded;

- the evaluation of police attitudes around such issues as occupation, race, gender, sexual orientation, class, and physical appearance, and their impact on sexual assault investigations;
- the policies and procedures relating to the handling of sexual assault cases and the adherence to these policies and procedures;
- personnel practices in the hiring of sexual assault investigators;
- the complaints process; and
- an evaluation of the search of persons (strip search) practices, policies and procedures.

Individual audit programs and specific tailored audit questionnaires were designed to elicit information and gather evidence in respect to the performance of the police in relation to the investigation of sexual assaults. These audit programs and questionnaires were used in interviews and meetings with various individuals, groups and organizations.

Questionnaires and audit programs have not been re-produced here in their entirety, although a summary of the information contained in these questionnaires is provided in Appendix 2.

### **The Interview Process**

The audit involved the interviewing of the following groups and organizations:

- police trainers;
- police officers who have attended various training programs;
- members of the Sexual Assault Squad;
- divisional police officers;
- the woman known as Jane Doe;
- various agency personnel serving women who report sexual assault;
- women who have been sexually assaulted who report to the police;

- women who have been sexually assaulted who do not report to the police and those who report to the police but discontinue proceedings soon after reporting;
- staff at Women's College Hospital Sexual Assault Care Centre, including the program director, a social worker and nurses;
- staff at Scarborough Grace Hospital Sexual Assault Care Centre, including the program director, a social worker, nurses and a doctor; and
- the program director at the Victim Services Program.

Discussions have also taken place with police officers in other jurisdictions throughout Canada and the United States. The extent of the interview process was deemed adequate to formulate conclusions.

While the emphasis of this audit thus concerns the relationship between the police and women who have been sexually assaulted it is important to recognize that the investigation of any crime, particularly one so personal as sexual assault, depends for its success on many factors other than that relationship. The fact that this audit focuses on the relationship between the police and the women who has been sexually assaulted is a limitation on the scope of the work and does not imply that other skills -- most importantly those involved in interviewing and apprehending a suspect -- are not of vital significance.

### **The Audit Process**

I must stress that an audit of the investigation of sexual assaults by a police service has never been conducted elsewhere in North America nor, to my knowledge, anywhere in the world. There is simply no precedent for it. In addition, we discovered that while there is a large amount of research available on the impact of sexual assault on women, there was very little information relating to the handling of sexual assaults by police organizations. The simple fact of having no precedents to guide us, led us to take perhaps longer than we might have to complete this work. We were, however, sailing in largely uncharted waters.

Nonetheless, as Auditor for the City of Toronto, appointed by and accountable to Council, I am also the auditor of the Toronto Police Services Board. Consequently, both my staff and I were already familiar with the structure and processes of the Toronto Police Service.

This knowledge was supplemented by the use of consultants who are experts in the field of violence against women. They reported directly to me, and provided assistance in analysis and background information and a context for understanding and developing a sound audit process. The consultants were involved in the development of audit questionnaires, interviews with community organizations representing women who have been sexually assaulted, and interviews with those women themselves. My staff also participated in the majority of interviews conducted by the consultants. The consultants also provided advice and guidance in other areas of the audit process.

Other groups within the city government, particularly the Strategic and Corporate Policy Division of the Chief Administrative Officers Department, also provided staffing and consultative services.

### **Difficulties Encountered**

It was a critical component of this audit that we be able to interview women who have been sexually assaulted, in order to determine their views on the various issues we had been charged with investigating.

We did contact women through the various community agencies involved in the process. However, we did find, totally understandably, that many women were reluctant to come forward solely to restate what had plainly been an extremely emotional and painful experience. In addition, many agency representatives were reluctant to ask women to restate such difficult experiences, particularly when many of them had expressed a need to maintain their privacy. Many women were also hesitant to come forward because of a concern that their identity would be revealed to the police, the person who assaulted them or to family members.

We acknowledge that women who have had negative experiences with the police or with the judicial process may be the most likely to relate their experience, and there is thus the possibility that the results of the interview process will be skewed. Nevertheless, the fact that there are women who have had these negative experiences is one of the principal reasons why this audit was requested in the first place.

In an attempt to locate women to interview, we requested assistance from the Sexual Assault Squad, but the squad was unable to provide us with information.

### **Future Audits of this Nature**

One of the unforeseen results of this particular audit has been the impact it has had on those of my staff who were assigned to it. They were exposed to circumstances and situations they had not been trained to deal with, particularly during interviews with women who have been sexually assaulted and with medical staff who had treated, and in many cases, comforted those women.

The auditors, including myself, who were assigned to this project are qualified professional accountants trained generally to review financial matters, with literally no specific expertise in the field that they were instructed to examine.

It is a tribute to them, and to those who worked with them, that social audits of this nature can indeed be successfully undertaken, with a framework of internal staff and their disciplined analytical skills complemented by the external resources of the broader community that are uniquely vital in any project of this nature.

### **The Need for Change**

This audit 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. Any audit, whether it be a strictly financial one or a prototype social audit such as this one, cannot be effective if it is not acted upon. Any audit requires a follow-up process to evaluate the recommendations and their implementation. This is a normal part of any audit process.

While the responsibility for this follow-up process is that of management, there is a need for an independent third-party evaluation of this work in order to assure senior management, elected officials and other interested parties that change is indeed taking place.

It is important that this report be viewed as a catalyst for that change, and for the improvements that are necessary. We have been informed, as mentioned above, that certain of the recommendations made in this report are in the process of implementation, or have in fact already been put into place. We are, however, reminded of the words of Madam Justice MacFarland, who stated that the police engaged in what she called *‘impression management’* to attempt to improve their public image. But this, she said, did not represent an indication of any genuine commitment for change.

It is important to dispel this concern. Prior to turning to the real substance of this report, then, it is important that the following recommendations be acted upon as soon as possible.

**Recommendation:**

- 1. 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 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.**

**Recommendation:**

- 2. 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.**

**Recommendation:**

- 3. A regular, structured, reporting process to the 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.**

**Recommendation:**

- 4. 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.**

## **SEXUAL ASSAULT - A LEGAL DEFINITION**

Sexual assault is an act of aggression and violence motivated primarily by power or anger rather than by sexual gratification.

In January 1987, when Bill C-27 was enacted, the specific crimes of rape, attempted rape and indecent assault were redefined. These were replaced by three other categories (or levels) of sexual assault that placed emphasis on the assaultive nature of the offences. Specifics contained in the Act are outlined in the following paragraphs.

Sexual assault is any unwanted act of a sexual nature including touching, fondling, oral or anal sex, intercourse or other forms of penetration that is imposed on another person. This includes, but is not limited to, forced sexual intercourse, previously called rape.

As is the case with all assaults, sexual assault occurs without the consent of the victim and is accompanied by force or the threat of force by act or gesture. No consent is obtained if the victim submits or does not resist the assault by reason of the application of force to the victim or to another person such as a child or parent, or threats or fear applied to the victim or another person, or fraud (misrepresenting the nature of the act) or by the exercise of authority such as may be applied by an employer.

The first level of Criminal Code sexual assault addresses possible consequences of a wide range of unsolicited sexual activity ranging from touching to attempted penetration or penetration. Offences such as unsolicited touching would generally be treated as summary conviction offences and dealt within the lower courts. The maximum sentence is a \$2,000 fine and/or up to six months imprisonment. Offences where there is penetration and attempted penetration are generally treated as indictable offences, dealt within the higher courts, and the maximum sentence is up to 10 years imprisonment.

The Criminal Code amendments also addressed sexual activity focused toward a person under the age of 14 years.

The second level of sexual assault under the Code addresses sexual assault where a weapon is used. This section is also used if the complainant suffers bodily harm that is significant enough to require medical attention or where threats are made to a person (known as a third person) other than the complainant. The maximum sentence for this type of offence is 14 years imprisonment.

The third level of sexual assault addresses unsolicited sexual activity that is classified as aggravated. This occurs when the accused wounds, maims, disfigures or endangers the life of the complainant. This type of offence carries a maximum sentence of life imprisonment.

The majority of sexual assaults reported in Toronto in 1998, the last year for which figures are available, were classified as falling within the first category of offences. Specifically, the police classified 1,520 of the total 1,570 sexual offences reported in 1998 as first-level offences. Of these, 1,029 were classified as unwanted touching offences, punishable by summary conviction. The remaining 491 involved penetration or attempted penetration, punishable by indictment.

Also, in 1998 there were 39 reported sexual assaults involving a weapon. Of these, 16 were classified as unwanted touching offences, and the remaining 23 involved penetration or attempted penetration.

In the same year, there were 11 aggravated sexual assaults reported. All of these were categorized as penetration or attempted penetration cases.

## **THE SEXUAL ASSAULT SQUAD**

### **Background**

During 1987 and 1988, a number of sexual assaults occurred in Scarborough, Ontario, all committed by the same offender, who became known as the **AScarborough Rapist@**. (This rapist was in fact Paul Bernardo, later convicted of the murders of Kristen French and Leslie Mahaffey.) In 1988, a task force was assembled to investigate this series of sexual assaults.

The Sexual Assault Squad evolved from the Scarborough Rapist Task Force and became a permanent unit within the then-Metropolitan Toronto Police Service in 1989.

### **Mandate of the Sexual Assault Squad**

The mandate of the Sexual Assault Squad, in 1989, was to continue the investigation of the Scarborough Rapist case and to investigate all **Astranger@**type sexual assaults within Toronto.

Since that time the mandate of the Sexual Assault Squad has been amended a number of times and has now been formalized, so that the mandate of the squad is:

**A**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**

Other responsibilities of the Sexual Assault Squad include:

- 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.

## **The Resources of the Sexual Assault Squad**

The Sexual Assault Squad is under the direction of the Deputy Chief, Detective Support Command, and is headed by a staff inspector. The squad consists of a detective sergeant, eight detectives, eleven detective constables and six civilian support staff. All police members of the Sexual Assault Squad have received specific sexual assault training.

## **An Evaluation of the Mandate of the Sexual Assault Squad**

The current mandate of the Sexual Assault Squad is restricted to those sexual assaults which involve penetration and the offender is unknown to the women prior to the assault or the offender is identified as a serial sexual predator or suspected serial predator.

A detailed breakdown by type of sexual assault offences for the twelve-month period ended December 1998, was as follows:

<u>Offence</u>	<u>Penetration</u>	<u>Attempted Penetration</u>	<u>Touching</u>	<u>Total</u>
Sexual assault (level 1)	447	44	1029	1520
Sexual assault with a weapon (level 2)	21	2	16	39
Aggravated sexual assault (level 3)	<u>10</u>	<u>1</u>	<u>0</u>	<u>11</u>
	<u>478</u>	<u>47</u>	<u>1045</u>	<u>1570</u>

In view of the fact that the mandate of the Sexual Assault Squad is restricted to occurrences where penetration has taken place, the squad potentially would be required to investigate 478 sexual assaults in 1998. However, the mandate also requires that the squad be involved in ~~A~~stranger sexual assaults only.

So in actual fact, of the 478 sexual assaults involving penetration, only 70 of them were perpetrated by strangers and consequently the squad was responsible for only 70 investigations during 1998. The squad was involved in only 15 percent of cases involving penetration, real or attempted. Thus, at the end of the day, the squad was involved in investigating only 4 percent of the sexual assaults reported in 1998.

Based on our research, and as evidenced by the above statistics, sexual assault is the least likely offence, other than homicide, to be committed by a stranger. Like murder, sexual assault is most frequently perpetrated by someone acquainted with the victim. Given this fact, it seems inappropriate that a well-trained professional unit such as the Sexual Assault Squad would restrict its investigation capabilities to such a small percentage of sexual assault occurrences.

We have discussed the current mandate of the squad with a wide range of individuals and organizations. In actual fact the mandate of the Sexual Assault Squad has been a concern of many of the individuals and organizations interviewed by us during the course of the audit. For instance, in a deputation to the Police Services Board on July 16, 1998, on behalf of Jane Doe and a coalition of women's groups, a number of comments were made in relation to the mandate of the squad. These comments were in response to the apology by the Chief of Police to Jane Doe immediately after Madam Justice MacFarland's decision.

Yes, we now have a Sexual Assault Squad, the deputant said. It exists, however, only to investigate second- and third-level sexual assaults -- that is the 25 percent of reported rapes committed by a stranger, a serial rapist, or when a weapon is involved. The remaining 75 percent are investigated by rank and file officers who catch the 911 calls.

While the statistics quoted are not accurate, and as indicated above, the percentage of sexual assaults investigated by the Sexual Assault Squad is far less than 25 percent, the statement does indicate the ongoing community concern in relation to the activities and, in particular, the limited mandate of the Sexual Assault Squad.

During our interviews with divisional police staff, a number of officers also expressed similar concerns. Individual officers criticized the mandate for its narrowness, its inconsistent application, and a commonly held view that specific cases were accepted or rejected by the squad depending on which sexual assault investigator happens to answer the telephone. We were also informed on a number of occasions that the Sexual Assault Squad was perceived as an elitist unit located at Headquarters, a unit which is underutilized and which selects cases based on their potential profile.

In addition, we found a surprising variation in the level of familiarity with the mandate of the Sexual Assault Squad by many police officers.

The mandate of the Sexual Assault Squad to a great extent operates in isolation from other police investigative activities relating to violence against women. The squad's role essentially is specific to the investigation of predefined occurrences of sexual assaults. One of the issues raised by Madam Justice MacFarland in the Jane Doe case relates to the absence of a coordinated approach to all instances of violence against women and not just sexual assaults. The circumstances around the arrest of Paul Callow (the Balcony Rapist) outlined by Madam Justice MacFarland in her judgment demonstrates this fundamental issue as follows:

Paul Callow was arrested on June 6, 1986 for assaulting his wife. Not being a sexual assault, the Sexual Assault Coordinator's office was not aware of this information. To me it is indicated that the MTPF as a whole did not understand the fundamental -- that sexual assault is not about sex, it is about anger and violence against women. Had the force coordinated efforts to keep track of any and all acts of violence against women, they may have been aware of Callow's existence much sooner than they were.

While we are not suggesting that all instances of domestic violence ultimately lead to sexual assault, it is important that a process be in place which links such occurrences. We have addressed the issue of improved management information systems to meet this objective elsewhere in the report.

While the current mandate of the squad now includes a Behavioural Assessment Unit to address certain of the concerns outlined by Madam Justice MacFarland, additional emphasis on this important responsibility is required.

### **A Suggested Mandate**

A logical extension to the mandate of the squad would be to eliminate the requirement that the Sexual Assault Squad be involved only in sexual assaults by strangers. The removal of this restriction would result in the squad being involved in all sexual assault investigations involving penetration and attempted penetration. Based on the statistics above, this would translate into a case workload of approximately 525. The balance of sexual assault investigations, which generally involve touching and fondling, would continue to be the responsibility of experienced divisional staff.

With this expanded mandate, members of the Sexual Assault Squad would be required to assume a higher number of sexual assault cases from divisional officers. We recognize there will be human resource issues to address in terms of staffing the Sexual Assault Squad to accommodate this increased workload. However, the total police workload will not increase; rather, there will be some reallocation of responsibilities between the Sexual Assault Squad and the divisions.

The focus of major sexual assault investigations in one place will ensure a higher level of consistency and quality in the investigation of such cases, particularly in view of the fact that sexual assault investigators will be devoting 100 percent of their time to sexual assault investigations. It will also assist the squad in improving its capability to link sexual assault occurrences throughout the service.

**Recommendation:**

- 5. 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.**

**Recommendation:**

- 6. 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.**

**Recommendation:**

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

**Recruitment to the Sexual Assault Squad**

The recruitment of qualified sexual assault investigators to a Sexual Assault Squad with an expanded mandate will be a critical component in its effective operation. In prior years, the recruitment of certain officers to the Sexual Assault Squad has been conducted on an informal basis, primarily using an internal referral process. Vacancies in the squad have sometimes been filled by surplus staff from other areas, with little regard for specific required competencies and aptitudes. Competency requirements have recently been developed for the recruitment of staff to the squad.

With the proposed expanded mandate of the squad, it is of extreme importance that the core competency requirements be complied with in relation to the hiring and retention of qualified sexual assault investigators.

**Recommendation:**

- 8. 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.**

**Duty Scheduling of Sexual Assault Squad Members**

The Sexual Assault Squad currently works an eight-hour day from 8 a.m. to 4 p.m., five days a week, Monday to Friday, although its members are on call 24 hours a day.

The incidence of sexual assault in the City of Toronto does not coincide with the hours when the Sexual Assault Squad is on duty. In fact, most sexual assaults take place between the hours of 4 p.m. and 4 a.m. In addition, sexual assaults are generally more frequent during the weekend than during the balance of the week. Again, this is a time period when the Sexual Assault Squad is not on duty.

While we appreciate that officers are on call 24 hours a day it is only logical that the duty hours of the squad be more aligned with the actual timing of the incidence of sexual assaults.

**Recommendation:**

- 9. 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.**

### **Communicating the Role of the Sexual Assault Squad**

The Sexual Assault Squad has developed its own Internet web page on the Toronto Police Service Internet site. Details relating to the roles of the Sexual Assault Squad are limited and, in particular, information on the services available to women who have been sexually assaulted is almost non-existent.

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.

The Internet is an extremely useful communications tool, and using it to provide specific information to women who have been sexually assaulted would provide an invaluable resource.

### **Recommendation:**

**10. 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.**

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 investigative and legal process could be available to the caller.

**Recommendation:**

- 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.**

## THE INVESTIGATIVE PROCESS RELATING TO SEXUAL ASSAULTS

### Background

A police officer is usually the first official person who comes into contact with a woman who has been sexually assaulted. As the woman who has been sexually assaulted is under a great deal of stress, the police officer has a high degree of responsibility to ensure that this first contact is appropriate. To assist the officer in discharging this responsibility, specific policies and procedures which govern the investigation of sexual assaults have been developed by the Toronto Police, and are outlined in directives issued by the Chief of Police. The investigation of a sexual assault is governed by a particular directive, issued in 1998, and included as Appendix 3 in this report. The directive requires that various staff levels within the police service have specific responsibilities once a sexual assault has been reported.

Under the existing policy, a divisional investigator is responsible for the investigation of all sexual assaults unless the assault falls within the mandate of the Sexual Assault Squad.

Regardless of whether a sexual assault falls within the mandate of the Sexual Assault Squad, the squad must be contacted when investigating:

- sexual assaults with a weapon, threats to a third person or the causing of bodily harm (Level 2 Assaults);
- aggravated sexual assaults (Level 3 Assaults); and
- an assault where the offender was known to the victim prior to the assault and the suspect has a criminal history suggesting repetitive behaviour.

Specific police responsibilities regarding sexual assault investigations are as follows:

## **First-Officer Responsibilities**

A primary response officer is usually the first official contact with a woman who has been sexually assaulted. When a sexual assault is reported to a communications operator, the closest police officer is dispatched to the scene. This officer, in the majority of cases, has not had specific training in the conduct of sexual assault investigations.

The first officer, in accordance with the directive, is required to interview the victim briefly and ascertain the basic details of the sexual assault, obtain a description of the suspect and gather any other relevant information. First-officer responsibilities also include arrangement for medical care and the transportation of the assaulted woman, if she so wishes, to the sexual assault care centre nearest to her residence. Two sexual assault care centres exist in Toronto, one at Women's College Hospital, the other at Scarborough Grace Hospital.

The first officer is also responsible for notifying the Police Corporate Information Services - Operations if violence or injury has occurred or if the suspect can be identified, or if an accurate description is available. The officer is also required to notify a divisional or Sexual Assault Squad investigator and confirm this with the officer in charge.

This officer is also required to complete a General Occurrence Report documenting the information gathered at the scene.

## **Sergeant Responsibilities**

An officer in charge, almost always a sergeant at the division, is required to attend the scene in order to ensure that the preliminary investigation is conducted appropriately. The sergeant will not necessarily have had specific training relating to the investigation of sexual assaults.

## **Divisional Investigator Responsibilities**

If the assault does not fall within the mandate of the Sexual Assault Squad, a divisional investigator is required to take charge of the case. Training related to sexual assault investigations is required of any divisional investigator responsible for the investigation of sexual assaults.

The detailed interview of the woman, conducted by the divisional investigator, may take place at the woman's home or at the sexual assault care centre. In addition, the women may be asked to visit the division to provide further information. The divisional investigator is the person responsible for maintaining contact with the victim throughout the investigation.

## **Sexual Assault Squad Investigator Responsibilities**

If the nature of the assault falls within the current criteria mandated for the Sexual Assault Squad, the divisional investigator is required to contact the squad. The Sexual Assault Squad in these circumstances will assume responsibility for the investigation.

## **The Police Interview Process**

A successful sexual assault investigation requires the collection of sufficient appropriate evidence to support the laying of a charge under the Criminal Code. This objective has to be balanced with an investigative process which should minimize any further trauma to the woman who has been sexually assaulted, as well as to her family. The relationship of the police to the woman in meeting both objectives is a critical component in the success of the investigation, and can in fact be a cornerstone to any investigation.

## **The Initial Interview**

Our research has demonstrated that it is the woman's initial contact with official institutions that is likely to have the most effect on her well-being after the sexual assault. As the initial interview is the centre of any sexual assault investigation, and is conducted by the first officer arriving at the scene, it is, of course, essential that it be conducted in a professional and non-judgmental manner. It is also critical that the interviewer understand the nature of rape trauma and is aware of the possibly inconsistent and inaccurate memory recall of women in crisis.

Women who have been sexually assaulted may have a significant number of varied needs during this initial period. They may include the need to:

- be heard and understood;
- feel safe;
- be believed;
- be assured that she handled the assault in the best possible way;
- be accepted;
- have her needs met whether they be medical, legal or emotional;
- feel in control and regain personal power; and
- be provided with enough information to make individual choices concerning medical care, police intervention and counselling.

It is important during the initial interview process that the police officer ensure, wherever possible, that these needs are met, if not by the officer then through appropriate referral, while at the same time sufficient evidence is collected to proceed with the investigation.

While the responsibility of the first officer in interviewing the women is considerable, this interview is almost invariably conducted by an officer with little or no training in relation to sexual assault investigations. It is therefore vitally important that all police officers be given clearly articulated guidelines in terms of the collection of information at this initial interview and the relationship with the woman, as well as firm instructions on the requirement to comply with the directive.

The directive in relation to particular responsibilities relating to the investigation of sexual assault indicates that the first officers shall interview the victim briefly and ascertain the basic details of the assault.<sup>6</sup> But, our review of occurrence reports found instances where officers had gone much further. In a number of cases certain officers, with no sexual assault training, have documented evidence of detailed interviews with women. This situation may be the result of the fact that there are no guidelines as to what constitute basic details<sup>6</sup> and as a result, some police officers far exceed the taking of basic information contemplated in the directive.

While we appreciate the fact that all investigations and interviews are unique to some degree, the use of an interview checklist may be of use as a guide in conducting initial interviews with victims. While the introduction of a checklist may seem restrictive, it does at least provide assistance in ensuring that the needs of the victims as well as those of the investigators are met and that some sort of consistency is achieved.

As indicated previously, the directive requires that a sergeant attend the scene of a sexual assault in order to determine that the preliminary investigation is being conducted appropriately. The specific wording of the directive requires that the officer in charge who is more often than not a sergeant, should upon being notified of a sexual assault shall attend at the scene and ensure that all the necessary action is taken.<sup>6</sup> Even though our review of occurrence reports was conducted on a limited test basis, we did identify a number of instances where this is not being done.

**Recommendation:**

- 12. 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 A basic information@ should be clearly articulated in the form of a detailed interview check list. 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.**

**Recommendation:**

- 13. 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.**

Present policies do not contain information or guidance relating to the interviewing of women with special needs. These special needs for instance may include requirements for language and sign language interpretation, support for women with physical and other forms of disabilities and women with cultural differences.

**Recommendation:**

- 14. 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.**

### **The Timing of the Interview**

The timing of a detailed interview between the investigative officer and the woman who has been sexually assaulted was a concern raised by staff from the sexual assault care centres, a number of community agencies, and certain of the women we interviewed. Detailed interviews are generally conducted soon after the sexual assault has taken place. Based on our review, as well as research with other police agencies, there does not appear to be any compelling reason to require women to make an immediate and lengthy statement soon after the assault and immediately subsequent to her medical examination. We are of the view that after a medical examination and an initial interview of sufficient length to establish that an offence has occurred and the identity, whereabouts and description of the suspect has been established, the woman should be allowed privacy. After rest and appropriate medical treatment, the woman is usually better able to make a comprehensive and coherent statement. Research clearly indicates that in complete contrast to most crime investigations when prompt interviewing increases the opportunity for accuracy of memory recall, in the case of sexual assault clear recall comes in stages, some time after the event.

We do appreciate, however, that the timing of interviews must remain an operational decision and is a matter of professional judgment most often best left to the experience of the investigating officer.

### **Recommendation:**

- 15. 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.**

## **Review of Occurrence Reports Relating to Sexual Assaults**

Our audit included a review 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 contain evidence that interviews with women who had been sexually assaulted were conducted in an appropriate manner and whether interviews were conducted in accordance with directives.

We requested and were given access to a random selection of occurrence reports from two large divisions and two small divisions, as well as occurrence reports completed by the Sexual Assault Squad. We also requested and were given occurrence reports which classified certain sexual assaults as being unfounded.

Our comments are based on information contained in these reports and relate to the interaction between the police and the women, and not to the quality of the investigation itself, which is a separate, although related, issue.

Even though our review of occurrence reports was conducted on a limited test basis, our audit work identified a number of concerns that require attention by senior supervisory staff of the police.

Our review of occurrence reports clearly indicated that in some cases interviews had not been conducted appropriately. Certain of these reports were incomplete and contained conclusions that appeared to have no basis. Some reports also contained language that was not appropriate. Particularly disconcerting is the fact that a number of these reports were completed by members of the Sexual Assault Squad.

There is also evidence that occurrence reports which appear to be incomplete or contain inappropriate language are not reviewed, nor discussed, with the officer responsible for their preparation. Consequently, as there is no mechanism to address inappropriate reports, they continue to be prepared.

Occurrence reports are 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 are approved by the originator. There is 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. Concerns identified in the content of occurrence reports are a fairly clear indication that the interview was also not conducted appropriately. A failure to correct these issues may lead to the same mistakes occurring in subsequent interviews.

In 1986, an internal report by a senior police officer in relation to research on the formation of a specialized Sexual Assault Squad identified many instances of inappropriate language in the analysis of occurrence reports. The report makes reference to instances in which the motives of the offender are described as Asexual gratification@. As pointed out by Madam Justice MacFarland, AThere is nothing sexual about rape; it is an act of violence. Rape is not primarily a sexual act. Rape is primarily an act of violence with sex as the weapon.@

Our audit indicated that many of the same inappropriate comments and in particular the phrase Asexual gratification@ continue to be used in occurrence reports. It is particularly disconcerting that 13 years after the 1986 report there continues to be a basic lack of understanding on the part of some officers in regard to the crime of sexual assault.

**Recommendation:**

- 16. 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.**

**Recommendation:**

- 17. 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.**

Our review of occurrence reports also on a number of occasions indicated that sexual assaults were classified as unfounded. Certain occurrence reports did not contain sufficient information to substantiate such a conclusion although we appreciate that the circumstances of the case may have warranted such a conclusion. Nevertheless, decisions relating to whether a case should be dismissed or not should not be taken by the first officer on the scene. Decisions of this nature should be made by qualified sexual assault investigators.

**Recommendation:**

- 18. 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.**

Our review found in some cases an incorrect classification of certain occurrences. For example, in a number of cases in which women did not wish to proceed with the laying of charges, these cases were classified as unfounded. The refusal of women to proceed with the laying of charges does not indicate that a sexual assault did not take place.

**Recommendation:**

- 19. 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.**

## **THE INVESTIGATE PROCESS - VIEWS OF WOMEN WHO HAVE BEEN SEXUALLY ASSAULTED**

Our audit included interviews with a significant number of women who have been sexually assaulted. As one might expect, the responses to our questions and other concerns and issues raised were varied. Our audit attempted to interview as wide a diverse population of women as possible and included interviews with middle class white women, working class white women, sex trade workers, homeless women, Aboriginal women, immigrant women and women of colour. The interviews included women who had reported sexual assault to the police as well as those who had decided not to report.

### **The Gender of the Police Officer**

A number of women indicated that their experience with male police officers were excellent. In contrast, certain women indicated that their experience with female police officers left much to be desired. Women who have been sexually assaulted generally expected that a female officer would be easier to relate to and expressed disappointment where this was not the case. However, for some women, in spite of the difficulties that they may have experienced with a female officer, still considered having a female officer during an investigation to be a preferred option, particularly when describing potentially embarrassing details of the sexual assault. Our review indicated that the gender of the investigator is less important than his or her sensitivity, professionalism and experience.

### **Recommendation:**

- 20. 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.**

### **Police Officer Continuity**

A common concern echoed throughout our interview process, as well as one identified by both Madam Justice MacFarland in the Jane Doe judgment 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 has been a concern expressed by the women we interviewed, community agencies who deal 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 women were often asked to deal 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 and a replacement officer was introduced into the process to avoid the payment of overtime. It should be clear that the well-being of a woman who has been sexually assaulted should take precedence over the avoidance of overtime pay.

In addition, in many cases officers in charge of investigations have been 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 service.

We recognize that changes in investigative officers could also present of a problem in the continuity and quality of documentation prevalent throughout the case. This was an issue also raised during the interview process. Nonetheless, we feel that an effort be made to provide better continuity than now exists.

**Recommendation:**

- 21. 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.**

**Recommendation:**

- 22. 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.**

**Lack of Information Provided to Women Who Have Been Sexually Assaulted**

Women who have been sexually assaulted consistently spoke about the lack of information available to them from both the investigative officer and the legal process. This concern was also raised by Madam Justice MacFarland. Women indicated that police officers in many cases were extremely difficult to contact and were not forthcoming with information on the progress of the investigation. Women generally felt left out of the loop and expressed significant frustration in being omitted from a process in which they had already experienced profound powerlessness as a result of the assault.

Sandra Nuttall, Ph.D., as far back as 1989, in a research study entitled, *A Toronto Sexual Assault Research Study*, raised the same issue. The Nuttall study found a need for information flowing back from the investigating officer in the form of a telephone call to take place soon after the initial investigation. In the opinion of women, the purpose of these calls should be to inform them of developments in their case, even if only to say nothing further can be done at that time. The contact by the officer would serve to inform the

woman about the bail status of the accused, it would provide the woman the opportunity to ask questions regarding police or court procedures, and it would enable her to add further information if she wished.

Women we interviewed generally felt that because they did not receive regular contact were left with questions about the investigative priority of their sexual assault and the resources devoted to it. Inadvertently, police practices in this area are experienced as a re-traumatization because the original powerlessness and lack of control present in the sexual assault are mirrored in the investigative process. Being empowered with knowledge about the proceedings -- even when this is by necessity limited -- would go a long way to hasten the healing process for women who have been sexually assaulted.

### **Recommendation:**

- 23. 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.**

### **Lack of Sensitivity Toward Women from Minority Groups**

The issue of the attitude of some police officers toward specific groups of women was raised by many of the women we interviewed, and was reinforced in a number of presentations arranged by the Audit Reference Group and made by agencies representing sex trade workers and women of colour, as well as those women with physical and emotional difficulties.

We were informed on a number of occasions that complaints by sex trade workers were met with a certain skepticism, and that some police officers had voiced the view that sex trade workers could not be sexually

assaulted.<sup>6</sup> It was a common view that police do not treat sex trade workers who have been sexually assaulted in the same way that they treat other women in the same circumstances.

Interviews with sex trade workers and the agencies representing them left little doubt that there is widespread and strongly felt distrust of the police. Nonetheless, complaints regarding the actions or attitudes of the police toward these women are rarely formalized, as our review of complaints against the police found.

Interviews with police officers, particularly members of the Sexual Assault Squad, clearly demonstrated an understanding that sex trade workers should not be treated differently than any other woman who had been sexually assaulted. Police generally held the view that sex trade workers deserved the same level of consideration and attention as other women. While these views may have been the consensus among the police officers we interviewed, they do not manifest themselves when one considers the many contradictory concerns expressed by sex trade workers and the community agencies. The reality of how police deal with sex trade workers is likely to be somewhere between the views of the two parties. Even if this is the case, there are of course deficiencies which have to be addressed by the police in how sex trade workers are treated.

Our discussions with various community agency staff and with women from minority cultural backgrounds indicated that they believe language barriers generally act as deterrents to the reporting of sexual assaults to the police. In addition, we were advised that front-line officers generally have little experience in dealing with communities which are non-traditional.<sup>7</sup>

We were informed that reports of sexual assault by women who are homeless are minimized by the police because these women live on the streets. A kind of "what do you expect" attitude is said to prevail. Some homeless women we spoke to acknowledged that they were living in a dangerous situation and that violence is a possible consequence. Obviously they believe that they have a right to be free from being violated and that their report of rape deserves the same serious legal attention as any other woman's.

Women with disabilities informed us about specific police behaviour that implied disbelief when they reported sexual assaults.

Interviews with representatives from communities of colour indicated that they, and particularly those from immigrant communities, are hesitant to report sexual assault especially if the rapist is known and from the same community. Most women fear that they will not be believed, mainly because of a general mistrust of police officers.

In all the above cases the lack of sensitivity on the part of the police officer was evident if only to those with whom we spoke. It should go without saying that all women, regardless of race, colour, social status, disability, sexual orientation or occupation have a right to be treated with respect and belief when reporting a sexual assault.

Meaningful community consultation is 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 is required. 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;

- an attitude toward sex trade workers and the homeless conveyed by disbelief and insensitivity;
- a lack of understanding 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.

During our review we also solicited the views of women and community agencies to seek suggested recommendations. These included the following:

- availability of women police officers;
- the recruitment of sexual assault investigators be restricted to those officers with a background in community relations and prior training in sexual assault investigations;
- police officers should provide more information on the legal process and the status of court cases at regular intervals;
- the complaint process should be visible, independent and easily available; and
- inappropriate behaviour by police officers should result in significant disciplinary action.

**Recommendation:**

**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.**

## MANAGEMENT INFORMATION SYSTEMS

The police service, over the past number of years, has expended significant funds on information systems. These initiatives have resulted in the replacement of much of the service's outdated technology. Our review, however, identified areas where management information systems are not being used to their full potential. There appears to be:

- a lack of a major case management computer and information system to ensure that information critical to an investigation can be located, consolidated, recognized and shared;
- a lack of an effective system to recognize links between crimes early enough in order to pool information and converge investigation reports onto the same target. The technology to accomplish this currently exists, but based on our discussions and observations, it is underutilized; and
- a lack of an effective data management system in relation to the identification of training attended by officers as well as training requirements themselves.

A major case management system is presently being developed by the Province in response to the Campbell report and is currently being used on a pilot basis with the Toronto Police Homicide and Sexual Assault units, the Peel Regional Police Homicide and Sexual Assault units and three detachments within the Ontario Provincial Police Central Region (Orillia, Barrie and Bracebridge). The test sites were chosen to cover a wide spectrum of policing in Ontario and to provide insight into the impact, if any, the software will have on existing local and wide area networks.

The pilot was scheduled to run until September 15, 1999. The software will be evaluated through end-user questionnaires and focus groups from the involved police services. Subject to a favourable evaluation, determination of a viable network architecture, finalization of a cost sharing agreement, and resolution of

outstanding integration and security issues, the Ministry must then decide whether to proceed with Phase 2.

We understand that this particular computer software program was successfully used in the recent Scarborough bedroom rapist case.

A system to recognize linkages between crimes exists in the form of the ViCLAS system (information relating to ViCLAS is provided elsewhere in this report), but this essentially is a Province-wide system which takes an inordinate amount of time to identify linkages. An effective internal system with capabilities similar to ViCLAS would be invaluable in terms of identifying linkages, not only relating to sexual assaults but also other incidents of violence against women. Based on our discussion with staff at the Sexual Assault Squad, the identification of linkages is conducted manually on an ad hoc basis.

The issue in relation to the maintenance of a data bank of all training attended by officers has been discussed elsewhere in this report.

**Recommendation:**

- 25. 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.**

## **TRAINING**

### **Background**

A recurring theme throughout the audit process was the issue of police training, including its adequacy and effectiveness in relation to the investigation of sexual assaults. Concern relating to training was also a constant during our discussions with the Audit Reference Group, community agencies and women who have been sexually assaulted.

Our review generally focussed on the Training and Education Unit of the Toronto Police Service located at C. O. Bick College. We did, however, review the training programs at the Canadian Police College and the Ontario Police College.

The Training and Education Unit at C. O. Bick is headed by a Superintendent. The service has recently hired, on a pilot basis, a civilian second in command (Manager of Development) at the unit. The impetus for this latter hiring was the 1992 report, *A Strategic Review of Training Education and Development in the Metropolitan Toronto Police Force*, also known as the Lowy Report.

The College has a budget of approximately \$10 million, 80 percent of which is salaries and benefits. It operates with a staff of 77 full-time instructors and six clerical staff.

We interviewed senior staff at C. O. Bick, as well as course instructors and course attendees. We also visited a number of police divisions to discuss the impact and effectiveness of training with supervisory and front-line officers. In addition, we reviewed the decentralized training provided at the divisional level.

We also attended a number of courses related to sexual assault training and had access to course programs, training objectives, and course standards. In addition, we had discussions with training officers in a number of other police organizations across North America.

During the course of our audit we reviewed a broad spectrum of training issues. By necessity, many of these were primarily focussed on training related to sexual assault investigations. A detailed review of police training as a whole would require significant time and staffing resources and is outside the scope of this audit. However, certain of the issues identified during our review of training related to sexual assault investigations have relevance to the training program in general.

We understand that the police service is currently developing a comprehensive integrated systematic learning system which is intended to replace the existing collection of mandated courses and unit-driven initiatives. This learning system will include a service-wide training needs assessment, a training design and approval system to ensure that training needs are addressed, a comprehensive and consistent evaluation system for training programs, and a reporting system to allow management to assess the value of training. The development of this learning system is in response to the 1992 Lowy Report.

Many of the issues which we have identified in the area of sexual assault training are the same issues being addressed above. These relate to the value, effectiveness, training needs, trainer qualifications, and the evaluation of trainers and courses. It is anticipated that these issues will be addressed during the response to the Lowy Report.

**Recommendation:**

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

As a part of the review of the training process it is important that the service be able to determine the full extent of its total training expenditures. While the training budget of the C. O. Bick College is in the \$10 million range, there are additional training costs spread across other areas of the police service including the Sexual Assault Squad. There is no system in place to accumulate the total costs incurred by the service for its overall training activities. In order to be in a position to evaluate the effectiveness of training activities in

relation to the expenditures incurred, the total costs of training throughout the police service must be determined.

**Recommendation:**

- 27. 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.**

**Training Related to Sexual Assault Investigations**

The training of sexual assault investigators has to be viewed in the context of the suggested expanded mandate of the Sexual Assault Squad as well as the proposed reduction in responsibilities of divisional investigators.

The majority of training related to sexual assault is provided by the College and for the most part consists of a 10-day course entitled, **Sexual Assault and Child Abuse (SACA)**. This particular course, for the most part, is directed to experienced divisional investigators.

The content of the course and, in particular, the number of sexual assault investigators required by the service has to be viewed in the context of the responsibilities of the divisional officers, as well as the responsibilities of the Sexual Assault Squad.

Of particular relevance in this regard is the number of specialized sexual assault investigators required to fulfill the mandate. As a starting point in this process it is obviously important that the service be aware of the number of officers who are currently trained in sexual assault investigations.

It was extremely difficult to locate this particular information due to the fact that neither the College nor the Sexual Assault Squad maintained such data. In order to assemble this information we reviewed directives dated back to 1989 which included the names of police officers who were due to attend such courses. Based on this analysis we were able to determine that approximately 700 officers appeared to have attended sexual assault training.

This number, while perhaps valid, has little relevance since there is no accounting for how many of that number may have retired, resigned, or gone on to other duties in the service. There is no solid information as to how many trained investigators are handling sexual assaults.

As a result, it is impossible to forecast training needs, determine the adequacy of officer training, or determine whether officers are appropriately deployed.

**Recommendation:**

**28. 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.**

The SACA course is currently held three times a year with a course capacity of 24 officers at each session. Consequently, some 72 officers are trained annually. There is no information available to indicate as to whether this amount is adequate to meet current or future deployment requirements.

If the training of 72 police officers each year is in excess of projected requirements, training resources should be directed elsewhere. Alternatively, if the 72 police officers does not meet current and future staffing needs, it is imperative that funding for additional training be found from other sources within the service.

**Recommendation:**

- 29. 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.**

Training in relation to sexual assault investigations is not coordinated among the Sexual Assault Squad, C. O. Bick College and the divisions. In some cases there is a duplication of training content and a lack of awareness of each other's activities. In addition, decentralized training appears to take place in isolation from other courses offered. The head of the Investigative Training Unit at the College, who is responsible for the administration of the Sexual Assault and Child Abuse course, is generally unaware of the decentralized efforts relating to sexual assault training taking place in the divisions as well as training being conducted independently by the Sexual Assault Squad.

**Recommendation:**

- 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 coordination of all such training throughout the service.**

## **The Sexual Assault and Child Abuse Training Course**

As indicated earlier, the basis for the training of sexual assault investigations is the Sexual Assault and Child Abuse course (SACA). The C. O. Bick College course calendar states the objectives of the SACA course as follows:

- provide specialized training for investigators of sexual assault and child abuse;
- increase awareness of sexual assault and child abuse;
- define the roles and responsibilities of community service providers;
- improve the coordination, cooperation and communication between police and community service providers; and
- improve decision making.

The SACA course is restricted to experienced police officers. The 10-day course includes the following topics:

- victim sensitivity issues
- victim/survivor management
- the role of sexual assault care centres
- information relating to the sexual assault medical kit
- false allegations
- interviewing skills
- child sexual assaults
- Violent Crime Linkage Analysis System (ViCLAS)
- stress management
- DNA evidence

As part of our audit we attended the majority of presentations included in the SACA course and have the following observations.

The primary teaching method used in the SACA course is one of lectures given by experienced police officers. At the course we attended, two separate sessions were given by guest speakers; one was a woman who had been sexually assaulted, and the other was a representative of a sexual assault care centre. These two presentations were the only participants external to the police service.

Based on our review, the content of certain of the sessions appeared to be fairly elementary and did not appear to acknowledge the experience and skill level of the participants, especially in view of the fact that the required attendees at the course are relatively experienced officers.

In some cases, the amount of time allotted to certain subjects appeared to be inappropriate and inconsistent with the duties of a divisional sexual assault investigator. For instance, one of the half-day sessions was spent on a case study relating to a serial rapist. The amount of time allotted to this subject seemed excessive, especially in view of the fact that the investigation of serial rapists falls within the mandate of the Sexual Assault Squad and the likelihood of one of the course participants becoming involved in the investigation of a serial rapist is remote.

It is of critical importance that training in relation to sexual assault investigations be directed to practical day-to-day experiences which officers are likely to encounter. For example, while focus should be directed to areas such as the development of skills related to the interviewing of women from different cultures and the unique challenges they present, this type of training is not included in the SACA course.

One of the issues we reviewed in relation to training related to whether or not training was conducted in a logical structured way. Our review of the SACA course indicated that this was not the case. For example, we found that the session being conducted on interview techniques was presented on the final day of the course. While the session was well presented, its context in relation to the balance of the SACA course was inappropriate. This particular session should have been presented early on in the course to enable

participants to practice their interview skills throughout the balance of the course, to enable trainers to identify and address areas of deficiency, and to stress the importance of the interview process to attendees.

When we discussed this matter with College staff, we were informed that the session on interview techniques was originally scheduled on the initial day of the course but purposely left to the last day because the presenter was not available until that time. The SACA course is of significant importance to the professional development of police officers and its integrity and usefulness should not be compromised by a lack of qualified presenters.

In view of the proposed reduced responsibilities for the investigation of sexual assaults at the divisional level, the current course content for divisional investigators may not be appropriate. There may be opportunities to reduce the duration of the course and increase the number of attendees.

**Recommendation:**

- 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**

There appears to be no structured process to select those officers required to attend the SACA course. Based on our observations and discussions with course attendees and other police officers, selection is generally based on officer availability rather than being geared toward deployment requirements or to those who had demonstrated an interest or were suited to work in the area of sexual assaults. In some cases, police officers who have attended SACA courses may not be involved in the investigation of sexual assault.

Supervisors should be held accountable for the selection of appropriate attendees, and be responsible for outlining performance expectations.

**Recommendation:**

- 32. 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.**

**Training Provided to Front-Line Officers and Recruits**

Training provided to front-line officers and recruits consists of:

- C. O. Bick College - Introduction to Policing
- Ontario Police College - Specific Knowledge Relating to Policing
- C. O. Bick College - Urban Community Policing

The course **Introduction to Policing** is given to new recruits immediately prior to attendance at the Ontario Police College. On completion of the Ontario Police College course, additional training is again provided at C. O. Bick.

The Ontario Police College does little in-depth coverage in relation to sexual assault investigations in its recruit officer training, while the recruit training at C. O. Bick includes a segment on crime scene management relating to sexual assault which is led by a member of the Sexual Assault Squad. We have been advised that training in victim sensitivity is incorporated into all applicable courses at C. O. Bick.

This sensitivity training appears, on the surface, to have been successful, based on comments we have heard that younger officers appear to be better equipped to handle interviews with women who have been sexually assaulted.

In view of the significant impact that the first-response officer will have on both the woman who has been sexually assaulted, and the conduct of the investigation itself, it is critical that all front-line officers have the necessary tools to enable them to conduct an effective and appropriate interview with the woman who has been sexually assaulted. In this context there are certain components of the existing SACA course which would be particularly useful for front-line officers and recruits.

**Recommendation:**

- 33. 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.**

As a part of our audit we contacted police organizations throughout North America to determine the training resources available to front-line officers in the investigation of sexual assaults. While such information generally has been difficult to obtain, we did obtain an RCMP publication, *An Investigative Guide for Sexual Offences*, published in 1996. The objective of the guide was outlined in a foreword by the Commissioner of the RCMP who wrote that the guide will provide police officers with a resource tool that will offer direction when investigating sexual assaults. I am committed to providing police officers with opportunities that will help raise awareness, increase knowledge and provide assistance to investigations. It is my hope that *An Investigative Guide for Sexual Offences* will provide such an opportunity.

This guide is aimed at front-line officers. Although each sexual offence is unique and should be investigated on its own set of facts and circumstances, the adoption of such a guide would nevertheless be a useful complement to current training resources for front-line officers.

We have been advised that this publication has received no consideration by the Toronto police nor has it been evaluated in terms of its applicability to the service's training programs.

## **Recommendation:**

- 34. 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*<sup>®</sup> 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.**

## **Sexual Assault Training Provided to the Divisional Investigator**

The Sexual Assault and Child Abuse course is designed for officers who investigate sexual assaults and child abuse. A prerequisite for attendance is the successful completion of an approved general investigator course that covers topics such as arrests and release powers, search laws, search warrant preparation and execution, rules of evidence, statement taking, interviewing, criminal law and victim issues.

Participants at the SACA course include officers from the divisional youth and central investigation bureaus, the juvenile task force, morality, internal affairs, and the complaints bureau as well as members from the Sexual Assault Squad. Officers from Peel, Durham, York, the Ontario Provincial Police, Guelph, and Hamilton-Wentworth have also attended. The course was recommended in 1992 by the Jonathan Yeo inquest jury as the standard to which all sexual assault investigators in the Province of Ontario should be trained.

As indicated earlier, approximately 700 officers are said to have attended this course, however, there is no structured process which requires officers to attend update refresher courses. This is an important issue as new situations, circumstances, policies and procedures surface on a regular basis. For example, over

the past few years, comments contained in the MacFarland decision and the Campbell report have required changes in police practice.

**Recommendation:**

- 35. 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.**

**Training Provided to the Sexual Assault Squad**

Training at the Sexual Assault Squad is generally done independently from training provided by the College and consists of participation in conferences, seminars and workshops.

During 1998 a total of 24 members of the Sexual Assault Squad attended 144 different courses and presentations. While we recognize the importance of continuing professional development, there does not appear to be any structure to the training program.

The effectiveness of training taken by the Sexual Assault Squad has not been evaluated. Specific individual training needs have not been identified nor have training objectives been articulated. Consequently, it is not possible to determine whether or not these training programs are effective, both from a cost and an operational perspective, in meeting the goals and objectives of either the service, the squad, or the individual officer.

In addition, there does not appear to be any correlation between the courses taken during the year with efforts made to disseminate the knowledge gained in those courses, either to other members of the squad, or to the police service in general.

The attendance at courses and the presentation at various seminars represents a significant time commitment for members of the squad, particularly when it is recognized that many of the presentations are made to outside organizations. We also question the relevance of certain training to the mandate of the squad. During 1998, Sexual Assault Squad members attended two seminars which had no relevance to their duties as sexual assault investigators.

**Recommendation:**

- 36. 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 coordinated 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.**

**The Annual Sexual Assault Investigators Conference**

The Sexual Assault Squad is responsible for the design and marketing of the Sexual Assault Investigators Conference held each year in Toronto over a five-day period. Significant resources are used in organizing this conference, attended by some 300 police officers from across Canada. Included in the number of attendees are approximately 100 officers from the Toronto Police Service.

Thirteen members of the Sexual Assault Squad attended this conference in 1998. The attendance of such a significant number of officers is costly, especially in terms of salary costs, and causes the diversion of resources from operational requirements.

Many of the Toronto Police Service officers attending this conference had not received SACA training and may not be involved in the investigation of sexual assaults.

The costs associated with the conference are not separately accounted for by the service and it is thus difficult to determine if the seminar is beneficial from a value for money perspective. There has also been no formal evaluation conducted in terms of the effectiveness of the conference in assisting the objectives of the squad and the service.

While we did not attend this particular conference, we were informed by officers who were present that in a number of instances, material was not screened for inappropriate content and that certain practices and procedures presented and advocated by external speakers were contrary to those of the service.

In addition, we noted that portions of the conference replicated courses already being presented in the police services training program.

**Recommendation:**

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

**Recommendation:**

- 38. 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.**

**Recommendation:**

- 39. 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.**

### **Trainers**

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 use of police officers to provide training to other police officers has been addressed as a key component by the service and other police organizations throughout Canada in establishing credibility with students. The generally held view is that uniformed officers are better equipped to conduct training because they understand operational policing. However, it should be appreciated that police officers for the most part are not qualified professional adult educators.

A combination of police trainers plus the use of outside experts in the field of sexual assault may be a more effective training resource. The participation of external community organizations, for instance, would foster improved relations and serve as a mechanism to secure input from those community-based agencies who deal with women who have been sexually assaulted on a far more regular basis than the police. Community agencies could 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.

### **Recommendation:**

**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.**

There does not appear to be clearly defined criteria applied to the selection of training staff. Most recruitment appears to be based on personal knowledge of staff at the College or personal recommendations as to the suitability of candidates. In addition, the service's rank-based hierarchy hinders more senior officers from being assigned as trainers. The use of more senior and experienced officers in this role would, in all likelihood, have more impact on those being trained.

**Recommendation:**

**41. 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.**

In order to compensate for the lack of professional training expertise, police trainers at C. O. Bick College are required to attend an adult education training program offered by St. Francis Xavier University. The training program content includes assessing training needs, setting learning objectives, evaluation strategies, designing learning activities, and instructional techniques.

We have reviewed the information relating to each of the components of the St. Francis Xavier training program. However, it was evident during our attendance at the SACA course that the training received by C. O. Bick College instructors at St. Francis Xavier was not reflected in the design or delivery of programs or in the training methods used. For example, one of the St. Francis Xavier training modules, related to evaluation strategies, outlined the objectives of an effective evaluation strategy to include:

- did the program participants demonstrate what they learned?

- did the program participants retain and use in the real world what they learned?
- did the training program achieve its overall goals?

We were not able to determine that any of these issues had been addressed during our review of the SACA course. There is no effectiveness evaluation to answer any of the above questions.

We questioned whether an evaluation of the effectiveness of the St. Francis Xavier University course had been conducted and were advised that one had not been undertaken. It is thus not possible to determine whether the service is receiving value for the money spent.

**Recommendation:**

- 42. 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.**

The ongoing evaluation of trainers needs considerable improvement. We were informed that evaluation of trainers is based on the evaluations prepared by course participants. As we requested, but were not given, formal evaluation documentation relating to the evaluation of trainers, we can only conclude that this evaluation is not, in fact, being done. Specific course evaluation forms completed by students do not request information or feedback on the effectiveness of trainers or of facilitators.

**Recommendation:**

43. **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.**

## **A KEY ELEMENT IN THE APPREHENSION OF SERIAL OFFENDERS**

### **Violent Crime Linkage Analysis System - ViCLAS**

An important component in the police investigation of all sexual assaults is the effective utilization of the Violent Crime Linkage Analysis System (ViCLAS). Mr. Justice Archie Campbell, in his report relating to the Paul Bernardo investigation, wrote, "It is highly likely that Bernardo would have been apprehended much sooner had ViCLAS been in place at the time and fully operational through centrally mandated reporting requirements." Mr. Justice Campbell also recommended that "ViCLAS reporting by all Ontario police forces of crimes that fit the ViCLAS submission criteria should be mandated by way of regulation under the Police Services Act."

In 1996, under Ontario Regulation 550/96 of the Police Services Act, the submission of ViCLAS crime analysis reports was made mandatory for all investigations in Ontario meeting specified submission criteria.

### **What Is ViCLAS?**

ViCLAS is a national computer database program designed and operated by the RCMP for the collection of information on:

- all solved or unsolved homicides and attempted homicides;
- solved or unsolved sexual assaults;
- missing persons, where the circumstances indicate a strong possibility of foul play and the victim is still missing;
- unidentified bodies, where the manner of death is known or suspected to be homicide; and
- all non-parental abductions and attempted abductions.

The system's objectives are:

- the creation of a database for the collection of data on all homicides, sexual offences, abductions, and all related attempts;
- the comparison of cases leading to the identification of serial rapes and murders;
- the monitoring of missing persons and the providing of potential identities for found human remains; and
- the examination of reported false allegation cases to identify any serial reports of this nature, or to identify reports which are believed to be false but are in fact genuine complaints.

In the mid 1980s, following several complex, multi-jurisdictional serial homicide investigations, such as the Clifford Olsen case, Canadian law enforcement officers recognized the need for a central system to identify and track serial violent crime and criminals across multi-jurisdictional boundaries.

In response to this need, the Canadian police community developed a linkage product called Major Crimes Files (MCF). By 1990, even though MCF had approximately 800 cases on its database, no definitive linkages had been identified. In order to address the shortcomings of MCF, research was conducted on linkage systems in the United States.

It was determined that while each of the American systems were valuable investigative tools and a significant improvement over MCF, none of them met the needs of the Canadian police agencies. Consequently, a decision was made to develop a new Canadian system which would incorporate the best practices from each of the U.S. systems.

In addition to examining software, research was also conducted into the type of information and questions required to effectively utilize a crime linkage analysis system. Advice was provided by experts in behavioural science, and with their assistance a list of 262 questions was designed. These cover details of all aspects of an incident including modus operandi, forensic evidence, identity, and behavioural information. The intent of ViCLAS, once the answers to all such questions are inputted, is to provide investigators with the ability to link offences based on the behaviour of the offender.

There now is a ViCLAS centre in every province in Canada except for Prince Edward Island, which is served by Nova Scotia. Seven sites are maintained by the Royal Canadian Mounted Police and one each by the Ontario Provincial Police, the Surete du Quebec, and the Montreal Urban Community Police. Alberta handles cases from the Northwest, Yukon and Nunavut Territories. The largest centre is run in Orillia by the Ontario Provincial Police who provide service to the police in Toronto.

### **How ViCLAS Works**

When a serious crime occurs, and qualifies as a ViCLAS reportable case, an investigator completes a detailed questionnaire booklet, which is sent to the ViCLAS centre responsible for the area. The booklet then undergoes a quality assurance review and if it passes, its information is entered into the ViCLAS computer system. If the booklet does not pass the quality review, the investigator may be contacted directly to clear up minor points or the booklet may be returned to be resubmitted when completed correctly.

Once the information has been entered into the system, the ViCLAS specialist begins an analytical process.

There is no need here to go into the inner workings of ViCLAS. Just one example of its efficacy, cited by Mr. Justice Campbell, will suffice to demonstrate both its intrinsic worth, and the immeasurable value of timely reporting to it.

Mr. Justice Campbell described the attack and sexual assault on a young girl and its investigation by the Surrey, British Columbia, detachment of the RCMP. After three months of investigation, at the cost of significant amounts of police resources, and only after all leads had been exhausted, the detachment submitted a ViCLAS report on the crime. Within an hour of that submission being filed, ViCLAS reported striking similarities to a case in Prince Rupert, some 800 kilometres away, and to two cases in neighbouring Richmond and one in neighbouring Burnaby.

The three police jurisdictions immediately began sharing information, and a photograph of a suspect was shown to the young girl in Surrey. The suspect was arrested and subsequently convicted.

### **The Toronto Police Service ViCLAS Process**

The Toronto Police Service Sexual Assault Squad is responsible for coordinating submissions of the ViCLAS crime analysis reports to the Provincial 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 ViCLAS coordinator within 21 days of the start of the investigation. In spite of this clear order, our interviews with senior officers at a number of the divisions showed inconsistency and uncertainty over the ViCLAS filing requirements. Our review demonstrated that there were a number of instances of non-compliance. They are set out in the chart below.

**ViCLAS Compliance**  
January 1, 1998 - October 31, 1998

Command	Incidents Reported	ViCLAS Responses	No Response or Past Due	Percent Compliance
North West	509	430	79	94.3
East Field	456	396	60	86.8
Central Field	794	705	89	88.8

Detective Support	118	111	7	94.1
Total	1877	1642	235	87.5

(Since our initial review of ViCLAS, we have been informed that the submission of ViCLAS reports are being conducted within statutory time frames.) As Mr. Justice Campbell so clearly pointed out, compliance with time requirements is vital.

**Recommendation:**

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

**Recommendation:**

- 45. 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.**

**Recommendation:**

- 46. All police officers be informed of the reporting requirements of ViCLAS.**

**Recommendation:**

- 47. 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.**

### **The Submission of ViCLAS Reports**

ViCLAS reports are, we are told, reviewed by the Sexual Assault Squad for obvious errors and omissions prior to submission to the ViCLAS reporting centre in Orillia. There is no written evidence of a review of these reports and neither is there any available documentation as to whether inaccuracies or deficiencies are communicated to the originator of the report. Any deficiencies in the completion of ViCLAS reports will result in delays in submission of such reports, which are usually forwarded weekly, to Orillia.

### **Recommendation:**

- 48. All 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.**

ViCLAS reports are prepared manually by each investigating officer, a process that usually takes some two to three hours. One of the current ViCLAS problems identified by the RCMP is investigator resistance mainly because of the time commitment. In a recent news release the RCMP indicated that many investigators are resistant to investing the time and effort it takes to complete the booklet. Most, as you would expect, would rather be out knocking on doors or making arrests.® The RCMP's response to this particular issue was to launch an extensive marketing campaign to explain the benefits of submitting these booklets.

While a marketing campaign may be useful, it would appear more beneficial to streamline the preparation of the process and reduce the time to complete the booklets. If the booklets were easier to prepare, it is likely that officer resistance would be reduced.

In order to deal with the increased strain on the ViCLAS system at the national level and to take advantage of current technology, the RCMP is initiating a re-engineering of the system. This process should include the automation of the preparation of reports, with an emphasis on reducing the significant user time involved in their preparation. A further benefit of the automation of user preparation would be the ability to electronically transfer secured reports to Orillia immediately after completion.

The preparation, review, submission and return of ViCLAS reports at the present time is inordinately time consuming. In simplistic terms this time frame is as follows:

Submission of ViCLAS reports to Sexual Assault Squad		21 days
Review and submission of ViCLAS report to Orillia	up to	9 days
Return of Alinkage@report to Sexual Assault Squad		30 days
Forwarding of Alinkage@reports to divisional investigators	up to	<u>2 days</u>
		<u>62 days</u>

Crime linkage analysis is important. This time frame is unacceptable and compromises the effectiveness of the system.

**Recommendation:**

- 49. 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.**

One of the current deficiencies in ViCLAS is that the system is Canadian and does not easily interface with linkage systems in the United States. Consequently, the effective comparison of crimes in Canada is not possible with similar crimes which might occur in the United States. Complicating this issue is the existence of an overabundance of crime linkage systems in the U.S., many of which are not interconnected. We understand, however, that the ViCAP system in use by the FBI is the most prevalent system currently in that country.

**Recommendation:**

- 50. 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.**

**Training Relating to ViCLAS**

During the course of the audit we attended the ViCLAS component of the Toronto Police Service Sexual Assault and Child Abuse course held at the C. O. Bick College. This session was scheduled to be conducted by the Sexual Assault Squad's ViCLAS coordinator, and was to take an hour and a half.

At the outset of the session it was announced that the ViCLAS coordinator was unavailable and that the course would be conducted by the facilitator, who was ill-prepared, did not have specific information relating to ViCLAS and was not able to respond to questions. The training was conducted in a half-hour. No attempt has been made to provide further training to the course attendees. There appears to be a lack of commitment to ViCLAS training. The course was rushed, incomplete and did not emphasize the significance and importance of ViCLAS. The facilitator was not familiar with ViCLAS and should not have been put in the position of having to teach the course.

**Recommendation:**

**51. 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.**

ViCLAS is recognized internationally as one of the most effective automated violent crime linkage analysis systems now available. It is currently being introduced or considered for use in a number of countries including Belgium, Austria, Holland and the United Kingdom as well as the states of Tennessee and Indiana in the U.S.

Dr. David Cavanaugh of Harvard University, a consultant to the FBI's ViCAP system, commenting on ViCLAS, wrote that Canadians have Adone to automated case linkage what the Japanese did with assembly line auto production. They have taken a good American idea and transformed it into the best in the world.@

But for ViCLAS to achieve its full potential, the issues raised in this report must be addressed by the police service. In particular, additional emphasis is required by senior staff to ensure the time limits for submission of ViCLAS reports are met. Every effort should be made to ensure that the re-engineered ViCLAS system takes into account the present unacceptable time lines between the date of a sexual assault and the

identification of linkages. The need for greater coordination with U.S. law agencies is of almost equal importance.

## **SEXUAL ASSAULT CARE CENTRES**

### **Background**

For many years, hospital emergency rooms provided treatment and forensic evidence examinations for women who have been sexually assaulted. Women often experienced long waits, inexperienced or untrained medical staff and insensitive treatment. In 1979, in response to the need for more responsive and timely sexual assault care, the Ontario Provincial Secretariat for the Justice Consultation Group (composed of the Ministry of the Attorney General, the Ministry of the Solicitor General, the Ministry of Health, and the Ontario Women's Directorate) recommended that specialized hospital programs for the 24-hour collection of forensic evidence and the treatment of sexual assault be established. Five years later, the Ministry of Health provided funding for the opening of the Ontario's first sexual assault care centre at Women's College Hospital (now called Sunnybrook and Women's College Health Sciences Centre). Since then, a network of sexual assault treatment centres has been established throughout Ontario, and a second sexual assault care centre was established at Scarborough Grace Hospital.

### **Mandate and Role of the Sexual Assault Care Centres**

The mandate of the sexual assault care centres is to provide comprehensive care to women who have been sexually assaulted. They offer emergency medical care, crisis counselling, follow-up medical care, provision of or referral to community agencies for long-term counselling, assistance with issues of safety and court support and community consultation and education. The centres also collect forensic evidence, if requested, by the client. Emergency medical care includes the testing and treatment for sexually transmitted disease and pregnancy prevention, where appropriate. Crisis counselling includes emotional support and explanations of treatment and forensic options.

Emergency services are available 24 hours a day for up to 72 hours after a sexual assault by a team of specially trained medical staff. The woman is first assessed in the hospital emergency department where

physical injuries are treated. Contact is then made with the sexual assault care centre on-call medical staff, which includes registered nurses, sexual assault nurse examiners and physicians, all of whom have received extensive training specific to sexual assault.

Sexual assault nurse examiners are registered nurses who have completed a comprehensive program related to the treatment of sexual assault including training in crisis counselling, options for the victim/survivor, the role of the police, the collection of forensic evidence, sensitivity to cultural diversity issues and testifying in court. In addition, they are qualified to conduct a medical examination, including the collection of forensic evidence, without a physician.

During the medical examination, a sexual assault evidence kit may be employed. This medical kit is used to collect specimens, such as hair or semen, which may provide evidence in court. The centres encourage clients to make decisions about their own care, including whether or not to report the sexual assault to the police. The centres provide both medical and psychological care with or without police involvement. If a client decides to contact the police, the forensic evidence kit must be completed if the sexual assault has occurred within the last 72 hours. Clients may also decide to complete the medical kit but delay the decision to proceed with legal action. Forensic evidence can be frozen up to six months. Clients may also decide to complete a Third Party Report for submission to the police. This report provides details of the sexual assault to the police but does not identify the woman.

If the woman calls the police following a sexual assault, a police officer from a local division will usually transport her to the hospital. The woman could also go directly to the hospital and later decide to involve the police. Staff at the sexual assault care centre would then contact the police on behalf of the woman.

If the woman decides to pursue legal action, the first officer to assist her would contact either an investigative officer at the division or the Sexual Assault Squad if a sexual assault by a stranger has taken place.

Our primary audit objective was to determine the level of support received by the victims of sexual assault from City of Toronto police officers at the sexual assault care centres and to determine whether there were means to improve the service provided by both. From an audit perspective we have no authority to conduct any audit work at the sexual assault care centres and accordingly, have not done so. We have, however, visited both sexual assault care centres within the City of Toronto and interviewed the professional staff who work there including the coordinator of the program at each centre and a selection of physicians, nurses and social workers. The responses received from these individuals were forthright and candid. We have also had discussions with the Ontario coordinator for sexual assault care centres.

### **Police Contact with Sexual Assault Care Centres**

The hospital staff at the sexual assault care centres do not normally observe either the initial or later questioning of the woman by the police.

The first officer from the division normally waits at the sexual assault care centre while the woman is undergoing the medical examination and completion of the forensic evidence kit, a process which may take up to four hours. The woman will usually go to the division for the completion of a detailed statement and questioning. Sexual assault care centre staff are exposed to a somewhat limited interaction between the police and the woman.

### **General Comments Made by Care Centre Staff**

The interviews with the medical staff at both sexual assault care centres were generally positive in regard to the role of the police, particularly those officers assigned to the Sexual Assault Squad. We were informed by those interviewed that the Sexual Assault Squad is an extremely professional unit which understand the needs of women who have been sexually assaulted. Comments included:

- AThe sex of the police officer is not regarded as an important factor. Many male police investigators are excellent.@
- AThe best investigative team usually consists of one male and one female.@
- AThe police have made big progress since the early 1980s. The majority of police officers understand the ramifications of sexual assault and are better at keeping the victim informed.@
- AImpressed with young police officers. There has been a big improvement.@
- AThere has been a change in officers over time. Officers are more sensitive ... moving in a positive direction.@
- AYounger officers are really good with victims....older cops are not as effective.@
- ASome very positive comments from victims about how they were treated by the police.@

Even though most of the comments were positive, medical and social work staff we interviewed did raise concerns that they viewed as being important to the well-being of the women who have been sexually assaulted. One comment which was made more than once related to the perception that the police need to be more knowledgeable about the sexual assault care centres and their role. This, of course, is critical in addressing the needs of women who have been sexually assaulted. Other concerns raised were:

- AContinuity is important. Police should not abandon the victim just because their shift ends.@
- AThe police should have a list of standard questions to use in their investigation. They should be trained not to ask leading questions and stop making judgments.@

- A Front-line officers do not have to ask intimate details. This is the role of the investigative officer.@
- AI have done training at C. O. Bick College. We try and debunk the myths around sexual assault and usually bring a victim where the [investigative] experience was good and who can articulate a positive approach to delivering the message. This type of training should be done early in the officer=s career. Police officers should understand why the victim=s story may be inconsistent and that people react differently to trauma. Certain types of training should be mandatory ... anti-sexist, anti-racist and violence sensitivity training. Continue to do training at every level and the earlier the better.@
- A Police find it difficult to be supportive of young people who have previously been in trouble with the law.@

During our interviews, we also enquired as to the steps taken by staff when they or the women who have been sexually assaulted are subjected to behaviour from a police officer which is inappropriate. We were advised that in many cases there is no follow-up because of the lack of a formal written protocol relating to such matters.

**Recommendation:**

- 52. 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.**

## **Recommendation:**

- 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.**

## **The Sexual Assault Medical Kit (Evidence Kit)**

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 many women have found this examination to be long, humiliating, and almost as traumatic as the sexual assault itself. Women are told by investigating officers that they must participate in such an examination and are sometimes not informed of the process and the reasons as to why they are required to participate in such an examination. While this is the responsibility of the sexual assault care centres, officers should be in a position to provide certain information in regard to this.

Criticisms of the intrusive nature of the kit have resulted in the establishment of a provincial committee whose responsibility is to review the necessity of collecting all such medical data. We understand that this review has been ongoing for a period of time and that there is no specific timetable for the completion of the review.

**Recommendation:**

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

## **VICTIM SERVICES PROGRAM**

### **Background**

The Victim Services Program was developed by the Metropolitan Toronto Police in 1990 to enhance the services provided by police officers and to assist citizens who may be victims of crime. Funded by the Ministry of the Solicitor General and the City of Toronto, the program operates on a non-profit basis, with direction being provided by an advisory board representing various community interests.

### **What the Program Does**

The program is a crisis intervention and referral program operating out of Police Headquarters. The services of the program are provided by a team of community workers and a large roster of trained volunteers, and are available to officers seven days a week, 24 hours a day. The program is able to provide assistance to different ethno-cultural communities.

The program is not accessible to the general public. All cases must be screened and assessed by police officers before Victim Services is contacted to ensure the safety of staff and volunteers.

Victims of crime are provided with support, mediation and immediate crisis counselling. All victims are provided with referrals to agencies in their local community for ongoing assistance and counselling. Victim Services also assists police officers by providing them with interpreting services in over 25 languages.

Based on our discussions with staff and our own audit observations, the Victim Services Program is underutilized by the police. A number of police officers are unfamiliar with its purpose.

### **Recommendation:**

**55. 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 ALive Link® video facilities.**

## **COMMUNITY RELATIONS**

Women who have been sexually assaulted have many and varied needs as a result of the assault, and may be faced with many different community resources, each designed to address a specific issue or problem.

Women may choose to seek help from a variety of sources such as the police, sexual assault care centres, and community-based agencies. In a community such as Toronto with a wide range of available services, inadequate communication between service providers, poorly informed referrals, or contradictory policies and procedures are problematic and confusing, and in certain instances may lead to a reluctance by women to report the sexual assault to authorities.

In 1994, the U.S. Department of Justice studied the various community systems that respond to sexual assault including law enforcement personnel, the criminal justice system, medical practitioners and victim advocates. They 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 has 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, the sexual assault care centre representatives participate actively in the sexual assault and child abuse training and other decentralized training efforts undertaken by the police.

The responses by the Toronto Police Service to the recommendations in this report will encourage a closer working relationship between the police and the community agencies.

Police relations, particularly those of the Sexual Assault Squad, with medical service providers such as the sexual assault care centres are for the most part very good. However, our interviews have indicated that relations with the majority of other agencies that serve women who have been assaulted generally appear to be lacking in trust, cooperation and coordination.

The establishment of an enhanced Sexual Assault Squad should now provide a specific focus for improved relationships between the police and community agencies. Uncertainties on the part of community agencies concerning relative responsibilities at the Sexual Assault Squad and divisional level should now be minimized.

Community relations fostered by the police should not be viewed as a public relations exercise but rather a process which will result in improvements to the way sexual assault investigations are handled.

Developing a closer relationship 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. It would appear prudent that there be a group of officers whose responsibilities would include this function.

**Recommendation:**

- 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.**

## **OTHER MATTERS CONSIDERED IN THIS AUDIT**

City Council, as set out in the introduction of this report, requested that I give consideration to the specific findings contained in various judicial reports including a review of the Bernardo case by Mr. Justice Campbell, and the Jane Doe case by Madam Justice MacFarland.

Each of these reports contained certain comments or suggestions directed to the Toronto Police Service, as well as to the Ontario Provincial Police, the Royal Canadian Mounted Police, and the Office of the Attorney General for Ontario. Given the far-reaching nature of these particular proceedings, many of the areas covered by them are, while valuable and helpful, not of direct relevance to the specifics of this audit.

I have thus referred to them below in some small detail, and made comments and recommendations that in my view related to the matter at hand.

### **Jane Doe vs. the Board of Police Commissioners of Metropolitan Toronto et al**

The comments of Madam Justice Jean MacFarland in this matter have been set out at some length above. It is not necessary to repeat all of them here, but there are two particular points that are raised in her judgment that bear some brief further examination.

After identifying a series of concerns (including all those listed in the body of this report) Madam Justice MacFarland made the point that the police had been aware since at least 1975 that problems existed in the investigation of sexual assaults. Indeed in that year a Report of the Police Committee on Rape, prepared for the Chief of Police, pointed out issues that bear a striking resemblance to those still before us. Women, the report told the Chief of Police, were concerned about their privacy, were concerned about the number of police officers involved in their cases, felt that they were kept uninformed, were embarrassed at the course of the investigation, wished that one investigator could be in charge of the entire case, and wanted police to be reminded that the women were not victims by choice.

It is particularly disconcerting that many of the concerns raised in 1975 are the concerns being raised almost a quarter-century later. And they are genuine concerns. For instance, while waiting to conduct an interview at one of the sexual assault care centres, we were very clearly able to hear in an adjoining area a police interview with a woman who had been sexually assaulted. This is clearly in contravention of policy, and identified the actions of the police officer as those of a person with no regard for the dignity and well-being of the woman involved. It also identified the officer as a person who didn't know, or didn't care, what he was supposed to do. That this interview happened the way it did indicated to us that his supervisors didn't know or didn't care either.

In the words of Madam Justice MacFarland, "The [police] force has conceded in public documents at least since 1975 that it has difficulties in these areas, that it will take immediate steps to remedy these shortcomings -- yet the problems continued . . ."

Perhaps no other words are needed to remind Council of the necessity for the monitoring of progress in this area that I recommended at the outset of this report.

### **The Police Duty to Warn**

Madam Justice MacFarland held in *Jane Doe* 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." Although the recent events in Scarborough, culminating in an arrest, would indicate that the police have taken her admonition seriously, there is still no written protocol in existence which establishes the circumstances in which police should issue a warning that a sexual predator is active in the community. In addition, the approach used by the police in warning residents was viewed by many as creating fear and panic among women and lacking in appropriate information for women to protect themselves. While there is an "understanding" of what the protocol in these cases are, they should be committed to writing, for the benefit of both the general community and the police.

**Recommendation:**

- 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 a place in the preparation of this directive.**

**The Report of Mr. Justice Archie Campbell - The Bernardo Investigation Review**

In December 1995, the Solicitor General and Minister of Correctional Services commissioned a report on the Paul Bernardo investigation. Mr. Justice Archie Campbell was appointed to conduct the review, the mandate of which was:

- to review the role of the Green Ribbon Task Force and its investigation into the death of the victims, and the Metropolitan Toronto Police Service investigation into the Scarborough sexual assaults;
- to review the involvement of the Centre of Forensic Sciences, and the analysis of samples submitted for DNA testing regarding the Scarborough sexual assaults;
- to review the issues concerning the autopsies performed on Tammy Homolka, and the police and coroner=s investigation into her death;
- to review the role of the Provincial government in the provision of funding for the Green Ribbon Task Force;
- to provide a written report to the Solicitor General and Minister of Correctional Services=by March 31, 1996, comprised of an identification of issues and recommended policies or procedures that would improve the responses of the police, the Centre of Forensic Sciences and the Coroner=s Office to effectively and efficiently deal with crimes of this nature.

Mr. Justice Campbell issued his report in June 1996. The Campbell report was voluminous, containing over 670 pages, and 28 individual recommendations. A number of these recommendations were inter-jurisdictional in nature, but certain of them were specific to the Toronto Police. A summary of the 28 recommendations is included as Appendix 4 to this report.

Mr. Justice Campbell wrote in his report that the problems in the Bernardo case were not primarily problems with the investigations, but with the systems for the support and management of their work.®

The major issues included in the recommendations were as follows:

- the requirement for a Major Case Management System;
- concerns relating to the Centre of Forensic Sciences, particularly the turnaround time for DNA testing, as well as an improved coordination between the work of forensic scientists and police investigators;
- mandatory ViCLAS reporting to ensure early recognition of links between sexual predator attacks;
- sexual assault investigation training;
- sensitivity to the special concerns of sexual assault survivors and the potential for re-victimization through the investigative, prosecutorial and judicial processes;
- continuity of contact between investigator and victim;
- availability of victim support services;
- interview techniques that encourage full disclosure of the assault and its circumstances;

- the increase of awareness and training to ensure that stalking is recognized as a serious problem and a potential hallmark of the serial predator;
- keeping victims informed of the progress of the investigation;
- the early recognition and linkage of serial predators;
- the identification of a centrally supported organizational structure among individual police forces that combines unified leadership across police jurisdictions with organized case management procedures; and
- specific funding issues.

### **The Province's Response to the Campbell Recommendations**

The Campbell report was initiated by the Province, and the Province has played a leading and active role in the establishment of a wide range of implementation committees including the following:

- Major Case Management Committee
- Standards Committee
- The Coroners and Forensic Committee
- The Training Committee
- Governance Committee
- Transition Steering Committee

The objective of these committees has been to plan and coordinate the implementation of the Campbell recommendations on a province-wide basis.

Each of these committees was established to address individual components of the Campbell report. We have had a number of discussions with the Program Director of the Campbell Report Implementation Project in order to determine the status of such recommendations. We have not of course conducted any audit work relating to the Province's response to the recommendations. Our audit terms of reference do not extend this far, and in any event, I do not have the authority to conduct audits beyond my role as City Auditor. However, it is important to be aware of the Province's responses insofar as they have an impact on the steps undertaken by the police in Toronto to address those recommendations which are specific to the police. The Program Director of the Campbell Report Implementation Project has informed us of the matters set out below.

### **Status of Provincial Committees**

The Major Case Management Committee, the Governance Committee and the Transition Steering Committee continue to function. The Coroners and Forensic Committee have been split into two separate committees, one of which is the Coroners Information System Committee, and the other the Centre of Forensic Services Laboratory Information Management System Committee. The work of developing police investigative standards, which was originally the responsibility of the Standards Committee, has been assumed by the Major Case Management Committee. The Major Case Management Committee consists of senior police investigators from across Ontario, Ministry personnel and a representative from the Crown Attorney's Office.

Specific work in the area of training, such as the development of course training standards for a Major Case Management course, is being performed by a number of sub-committees and workgroups.

### **Major Case Management System**

A major component of many of the Campbell recommendations relating to the Bernardo case revolved around the need for the development of a major case management system. The Province, in December 1998, signed a contract with Harlequin Inc. for the acquisition of their case management system Powercase. The terms of the contract provided for a two-phased approach with Phase 1 being a limited pilot release of the software, and Phase 2 consisting of a full Provincial roll-out.

We have reviewed in general terms the documentation relating to Powercase and are satisfied that this software addresses the needs identified in the Campbell report relating to implementation of an effective case management system.

The information management system called Powercase is designed specifically for investigations. It helps investigators to structure, research and analyze information for all types of inquiries. It ensures that the method and practice implemented at the start of an investigation is maintained through to the end. It helps investigators work bear up under the scrutiny of examination, where every detail is important. It also allows investigators to maintain discipline without compromising their intuition. It delivers consistent, thorough case management without slowing the investigation team.

### **The Centre of Forensic Sciences and DNA Testing**

We have been advised that the average turnaround time for DNA testing of a single DNA sample is approximately 14 days. In emergency circumstances, where public safety is a factor, a single sample can be processed in as little as two days. We have also been advised that it may take a full six months, or longer, to process complex cases with a high number of exhibits requiring analysis. The timely analysis of DNA was an important component in the recent apprehension of the person suspected of being the Scarborough bedroom rapist.

### **ViCLAS Reporting**

The use of ViCLAS as a crime linkage tool has been made mandatory since the issue of the Campbell report. Information relating to our review of ViCLAS is provided elsewhere in this report.

## **Training**

We have received correspondence from the Project Director of the Campbell Report Implementation Project in relation to the training components of the Campbell report. The correspondence indicates that the Ontario Major Case Management Course adequately fulfills the requirements of the Campbell report recommendations.<sup>9</sup> This particular course is presented at both the Ontario Police College and C. O. Bick College. While we did not attend the particular course, its contents appear to satisfy the concerns raised by Mr. Justice Campbell.

There are, however, other training issues raised by Mr. Justice Campbell in addition to the Case Management Course that were not identified in the correspondence from the Project Director. These are:

- training is required to ensure that stalking is recognized as a serious problem and a potential hallmark of the serial predator;
- training is required to emphasize:
  - sensitivity to the special concerns of sexual assault survivors and the potential for re-victimization through the investigative, prosecution, and judicial process;
  - continuity of contact between investigators and victim;
  - availability of victim support services;
  - interview techniques that encourage full disclosure of the assault and its circumstances; and
  - keeping victims informed of the progress of the investigation and the case.

- specialized training is required as one of the foundations of a new defence against serial predators, particularly in the following areas:
  - specialized training for criminal investigators in homicide and sexual assault investigations and crime scene identification;
  - major case management and inter-jurisdictional investigation training for specially selected senior officers in command, senior investigators, and members of interdisciplinary support teams, to include topics such as:
    - special problems of serial predator investigations;
    - special problems of inter-jurisdictional investigations;
    - medial liaison;
    - victim support;
    - stress management; and
    - information management.

Our detailed comments in relation to training are provided in the body of the report. It is evident that many of the training issues identified in the Campbell report are being addressed. It is also evident, however, particularly in relation to the training of the Sexual Assault Squad that the focus of training continues to be uncoordinated and in need of re-evaluation.

### **Other Recommendations Made by Mr. Justice Campbell**

Other recommendations made by Mr. Justice Campbell are addressed elsewhere in this report. Certain of these recommendations have been addressed while others continue to be of concern. Those recommendations which have not been fully addressed are repeated in the report, and should be dealt with by the police and include the following:

- continuity of contact between investigator and victim;
- keeping victims informed of the progress of the investigation;
- early recognition and linkage of serial predators; and
- interview skills that encourage full disclosure of the assault and its circumstances.

A positive response to the recommendations in this report will ensure that these issues are addressed.

### **The Search of Persons (Strip Search) Policies**

During the course of our audit, concerns were raised in connection with the search of persons policies in existence at the police. In response to these concerns, the Toronto Police Services Board requested that existing policies be reviewed. A board member was charged with the responsibility of leading this review.

The matter was researched extensively. The board also engaged in broad-based community consultation. The Audit Reference Group was one of the community groups that participated in this consultation process.

The board adopted a new policy at its meeting on July 22, 1999. The revised policy is based upon:

Recognizing the importance of safeguarding fundamental rights guaranteed by the Charter ... and the need for sensitivity to the pluralistic, multi-racial and multi-cultural character of Ontario society. This policy shall be applied without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or handicap.@

It is possible that in the future minor adjustments may be made to the policy in order to comply with new provincial guidelines.



## **STAFFING FOR THE AUDIT**

**APPENDIX 1**

### **City of Toronto**

Jeffrey Griffiths, C.A.	City Auditor
Ruvani Shaubel, C.A.	Senior Audit Project Manager
Carolyn Baird, C.A.	Audit Project Manager
Anne Cheung, C.M.A.	Audit Project Manager
Pierre Sauvageot, C.G.A.	Auditor
Sylvia Searles	Chief Administrator's Office

### **Consultants**

Beverley Bain, M.A.	Assaulted Women and Children Counsellor, George Brown College
Amanda Dale, M.A.	Manager, St. Joseph's Women's Health Centre
Sally Gaikezheyongai	Program Coordinator, Native Women's Resource Centre

<b>Topic of Enquiry</b>	<b>Areas Addressed</b>
1. Training	Course Content Course Delivery Course Duration Course Frequency Course Relevance Course Target Effectiveness of Training Evaluation of Training Qualifications of Trainers Support Given to Training Training Resources
2. Community Agencies	Role and Function Structure and Support Women and Reporting Support
3. Women Who Report Sexual Assaults and Women Who Do Not Report Sexual Assaults	Reporting Process Reasons for Reporting/Not Reporting Relationship with Police The Investigation Process Other Concerns
4. Sexual Assault Care Centres	Mandate and Role of Centres Attitudes of Police Centres' Observation of Behaviour Toward Women Who Have Been Sexually Assaulted
5. Victim Services Program	Relationships with Women Who Have Been Sexually Assaulted Involvement of Centre Staff in Training Suggestions to Improve Police and Centre Support to Victims
6. Violent Crime Linkage Analysis System (ViCLAS)	Operational Effectiveness Compliance with Statute

- |    |                          |  |
|----|--------------------------|--|
| 7. | Sexual Assault Squad     | Mandate and Appropriateness<br>Training<br>Duty Scheduling<br>Recruitment  |
| 8. | Police Service Divisions | Structure<br>Workload (front-line officers/investigators) <ul style="list-style-type: none"><li>- diversity</li><li>- demands</li><li>- assignments</li></ul> Selection for Training<br>Practices and Policies Relating to Handling<br>Sexual Assaults |

The areas addressed are not intended to be all inclusive, but provided in order to demonstrate the extent of the interview process conducted during the audit.

**DIRECTIVE 05-05**

**APPENDIX 3**

## **SUMMARY OF RECOMMENDATIONS**

### **Introduction**

1. A major case management system is required for major and inter-jurisdictional serial predator investigations, based on:
  - co-operation rather than rivalry;
  - specialized training for senior officers in charge, senior investigators, and interdisciplinary support teams;
  - early recognition of linked offences;
  - coordination of interdisciplinary and forensic resources; and
  - simple mechanisms to ensure unified management, accountability and coordination among police forces and law enforcement agencies.
2. A commitment for change is required from the police and law enforcement communities, the Ontario government, and from the community at large.

### **Metropolitan Toronto Police Investigation**

3. A major case management system for the investigation of serial predators is required to ensure:
  - unified direction under one single person in overall charge of, and accountable for, related investigations;
  - supervision of time lines and systematic follow-up of crucial investigative steps such as forensic testing;
  - a standard computerized case management system the recording, organization, management, analysis, and follow-up of tips and investigative leads;
  - the consistent, and organized classification and elimination of suspects;

- the systematic use of relevant information from other forces such as CPIC zone alerts; and
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- co-operative provincial oversight and intervention when a serial predator investigation is not pursued vigorously when it becomes a low priority for a local police force.

### **The Centre of Forensic Sciences**

5. A reasonable turnaround time for DNA testing is required, in the range of 30 days.
6. A continuing commitment of resources is required to achieve and maintain this turnaround time in face of technological change and rising workload.
7. A system is required to better coordinate the work of forensic scientists and police investigators.

### **The Secret Killing of Tammy Homolka**

8. Continuation and support is required for the work of the Chief Coroner's Office in developing, for unexplained or suspicious deaths, an interdisciplinary approach to integrate the work of the police, coroners, forensic scientists, and forensic pathologists.

### **The Henley Island Attack**

9. A case management system is required to ensure that investigations of sexual predators widen their scope once local leads are exhausted.
10. Mandatory ViCLAS reporting is required to ensure early recognition of links between sexual predator attacks.

### **Stalking**

11. Increasing awareness and training are required to ensure that stalking is recognized as a serious problem and a potential hallmark of the serial predator and that reported incidents are responded to and documented in accordance with approved procedures.

### **The Green Ribbon Task Force**

12. A major case management system is required to ensure that all relevant resources and techniques and information sources are applied to the investigation.

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13. A standard computerized case management information system is required for major sexual assault and homicide investigations that have the potential to involve inter-jurisdictional investigation.

14. A major case management system is required to ensure:

- standardization of interview and statement techniques and consistent criteria for suspect classification and elimination;
- better communication between police forces about common suspects;
- strategic analysis of the benefits of major initiatives and the capacity of the investigation to use the resulting information effectively;
- a high degree of mutual understanding and agreement between police investigators and forensic pathologists on the steps to be taken at a body site and during a post mortem investigation; and
- effective media relations policies directed in major cases by a specially trained full- time media relations officer.

### **Identification, Arrest, Questioning**

15. A major case management system is required to ensure:

- that one single specially trained officer is in clearly in charge of, and accountable for, the planning, strategy, and execution of the arrest and interview as well as all other aspects of the investigation;
- that a detailed running synopsis of the investigation be maintained in a form that can be quickly adapted as a core document as a basis for the preparation of search warrant and other legal documentation;
- that all officers involved in the arrest and questioning of a suspect, from the most senior to the most junior, are aware of the legal requirements for a valid arrest and questioning and the legal consequences of failing to comply with those requirements; and

- that the officer in charge be responsible for the coordination of all advice and direction given to the arresting and interviewing officers.

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### **The Search of 57 Bayview Drive**

16. The officers who conduct major searches should be selected based on their experience and expertise and there should be an effort to combine officers from different areas to ensure the best results. A second team of searchers should be sent in after the first group has exhausted all apparent possibilities.

### **Sexual Assault Victim Concerns**

17. Sexual assault case management systems and sexual assault investigation training are required to emphasize:
  - sensitivity to the special concerns of sexual assault survivors and the potential for re-victimization through the investigative, prosecution, and judicial processes;
  - continuity of contact between investigator and victim;
  - availability of victim support services;
  - interview techniques that encourage full disclosure of the assault and its circumstances; and
  - keeping victims informed of the progress of the investigation and the case.

### **CISO: The Criminal Intelligence Service of Ontario**

18. A province-wide coordinated response to serial predators is required, based on the CISO model of a centrally supported police co-operative with additional interdisciplinary advice and support, but without the creation of a new agency or the attraction of any bureaucratic baggage.

### **A Strategic Defence Against Serial Predators**

19. A coordinated case management system is required that transcends any localized mind set, discourages tunnel vision, recognizes that the capture of a serial predator involves a provincial

public interest wider than the interest of any single community or police force, and encourages unified investigations with clearly defined leadership and accountability.

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20. A coordinated early recognition system is required to recognize links between crimes early enough to pool information and converge the separate investigations onto the same target, a system based on:
- more effective utilization of CPIC zone alerts and CPIC off-line searches;
  - mandatory ViCLAS reporting by all Ontario police forces, by regulation under the Police Services Act, supported by training, reinforcement, and any resources necessary to support expanded ViCLAS reporting;
  - the use of the Chief Coroner's records of unidentified human remains, homicides, and coroners' death investigations organized on a systematic data base;
  - systematic use of other potential linkage indicators such as composite drawings, forensic tests conducted by CFS, and profiling;
  - training for major case managers and senior investigators to use all potential linkage indicators; and
  - case management systems that heighten the awareness, of uniformed officers and investigators throughout a police force, to linkage indicators.
21. A centrally supported organizational structure is required, based on co-operation among individual police forces, that combines unified leadership across police jurisdictions with organized case management procedures and interdisciplinary support from forensic scientists and other agencies. The recommended structure proposes two levels of coordination, including a board of directors and an executive committee.

The board of director is based on the CISO police co-operative model;

- composed of twelve police chiefs chosen by the OACP and/or the CISO governing body, the chief coroner, the director of the CFS, the assistant deputy solicitor general for policing services and public safety;

- supported by existing structures without the creation of any new bureaucratic agency or the attraction of bureaucratic baggage;
- to implement the policies and maintain the framework that will ensure the smooth operation of the recommended major case management system for multi-jurisdictional investigations of serial predators;
- to resolve any conflicts that cannot be resolved by the officer in charge;

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- to be directly accountable to the solicitor general for all financial issues but independent in relation to police operations and investigations;
- to operate on the basis of standard memoranda of agreement entered into voluntarily by all police forces in Ontario;
- to be administratively supported by a small staff group similar or identical to the present CISO structure;

The executive committee is a small group of board members accountable to the board of directors:

- responsible for the triggering mechanism, based on the ViCLAS definition, which launches the coordinated investigation in a particular case;
- all abductions, homicides, sexual assaults and attempts or attempts that appear to be sadistic or sexual or predatory in nature, apparently random, motiveless or are known or suspected of being part of a series, particularly where more than one police jurisdiction is involved and where the circumstances suggest a public safety interest beyond the community or communities directly involved;
- responsible for the resource decisions, financial accountability and general oversight of specific investigations, leaving the actual investigation itself to the officer in charge;
- to include as ad hoc members, when dealing with a specific investigation, the chiefs or their designates of the individual forces involved and the chief of the senior officer in command, if he does not come from one of the involved forces;
- responsible for selecting and, in the case of irreconcilable differences the removal, of the senior officer in charge and for major resource and policy decisions, but not to interfere with the investigative authority or accountability of the senior officer in charge;

- one single senior case manager or officer clearly in charge and accountable, drawn from a cadre of approximately 12 senior and experienced criminal investigators pre-selected by the board;
- specially trained in major case management and inter-jurisdictional investigations;
- accountable to the board and the executive committee for financial issues and the ultimate success or failure of the investigation, but personally and directly in charge of the investigation at all times;

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- an interdisciplinary advisory committee to ensure a consistently high level of continuing technical, legal and forensic advice; selected jointly by the senior case manager and the executive committee, to advise the senior officer in charge but not to manage the investigation;
  - a support team composed of a full-time media officer, crime analysts, profilers, computer technicians, an officer manager, clerical staff including data entry staff and a budget officer; and
  - lead investigators for the individual cases who will have received essentially the same training package as the senior case manager.
22. Standard case management procedures are required of the kind described in the Major Case Management Manual developed by the Canadian Police College, customized to the Ontario police, legal and forensic environments.
23. Early approval of one single uniform computerized case management system for mandatory use in all serial predator investigations and all major sexual assault and homicide cases that could potentially fit the ViCLAS definition or the triggering definition and turn into a serial predator investigation;
- with capabilities similar to the CASEFILE system;
  - agreed upon quickly by the Ontario police community as the one single preferred uniform package;
  - updated regularly under the direction of the board and the executive committee;
  - with its uniformity and ability to share information guaranteed by a strong prohibition against "improvements" or tinkering by individual forces that might improve it 10 percent and destroy 90 percent of its value as a common, uniform, system for information sharing; and

- supported by basic computer training for all investigators who will use the programme and advanced training for those at the centre of the investigation.
24. Eventual standardization is desirable of other police information and record systems, information standards, and mainframes, of the kind recommended at the Fire College conference, such work not to interfere with the immediate approval of a single common computerized case management information system of the kind represented by CASEFILE
25. Specialized training is required as one of the foundations of a new defence against serial predators, particularly in the following areas:

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- major case management and inter-jurisdictional investigation training for specially selected senior officers in command, senior investigators, and members of interdisciplinary support teams, to include topics such as:
    - special problems of serial predator investigations;
    - special problems of inter-jurisdictional investigations;
    - media liaison;
    - victim support;
    - stress management; and
    - information management.
  - Specialized training for criminal investigators in homicide and sexual assault investigations and crime scene identification.
26. An organized system is required under the direction of the proposed board of directors to ensure that our law enforcement agencies learn from the mistakes of the past not only in the Bernardo and other serial predator investigations but also the problems and solutions identified by Ontario coroners' juries.
27. Funding and support for serial predator investigations is required under section 9 of the Treasury Act, administered through the proposed board of directors and executive committee through machinery based on the present CISO funding model. This funding cannot be used simply for the purpose of cost relief for investigations that should be funded locally.
28. Funding is required for the training packages, the establishment and maintenance of a reasonable turnaround time for DNA testing, and the start-up and maintenance of the proposed system. The necessary funds are modest compared with the human and financial costs of failing to increase, to a more reasonable level, the systems of public protection against serial predators. It would be institutionally reckless to fail to do so.



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