05-05 Sexual Assault

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Rationale

Compliance with this procedure will ensure a sexual assault investigation is conducted in a timely and effective manner, balancing the needs of the victim with the requirements of the investigation, and the Toronto Police Service's (Service) on–going commitment to support and assist victims of crime and members of the community.

Supervision

- Supervisory Officer attendance mandatory
- Divisional Sexual Assault Investigator attendance mandatory
- Officer in Charge notification mandatory at the scene of a sexual assault
- Divisional Sexual Assault Investigator or Divisional Investigator notification mandatory at the scene of a sexual assault
- Sex Crimes and Professional Standards notification mandatory when suspect/accused is a member of this Service

Procedure

The divisional sexual assault investigator, or in their absence, a divisional investigator shall take charge of the sexual assault investigation without delay in order to conduct a preliminary investigation. The divisional sexual assault investigator shall obtain a briefing from the attending/notified supervisory officer, or if unavailable, the initial officer on scene. They shall attend the scene, attend where the victim is located or attend any additional location deemed necessary. The divisional sexual assault investigator will assume responsibility to ensure the needs of the victim are met and ensure effective management of the crime scene, including the notification of Forensic Identification Services (FIS), for gathering of evidence and ensure a video canvas has been initiated, as applicable. The victim shall be afforded privacy and consideration.

Only the Officer in Charge, the divisional sexual assault investigator, or in their absence, a divisional investigator, may request the assistance of the Detective Operations – Sex Crimes Unit (Sex Crimes) through the Real Time Operations Centre (RTOC) once the preliminary investigation has been conducted.

➔ *A preliminary investigation shall be conducted prior to contacting Sex Crimes.*

Ontario Regulation 394/23 (*Major Case Management and Approved Software Requirements*) made under the *Community Safety and Policing Act* identifies sexual assault or attempted sexual assault, sexual interference, sexual exploitation, human trafficking, and invitation to sexual touching as major cases. The Ontario Major Case Management Manual (OMCMM) directs that a primary investigator be assigned to manage a major case. All case documents, hard–copy and electronic, shall be collected and managed in accordance with the filing system set out in the OMCMM.

Divisional Sexual Assault Investigator

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

➔ *When investigating complaints of historical sexual assault, officers are reminded to be sensitive to the possibility that the person reporting the incident may be experiencing a wide range of victim anxiety reactions including symptoms of Post-Traumatic Stress Disorder (PTSD) and other symptoms of crisis or distress. These reactions may have a significant impact on the dynamics of the investigation including the interview with the person who has experienced the sexual assault.*

As with recent sexual assault investigations, the MO field in eReport shall be completed for historical sexual assaults.

A divisional sexual assault investigator shall be assigned as the lead investigator in all sexual assault cases except

- where the victim is under 16 years of age, a child sexual abuse investigator shall conduct the investigation in compliance with Procedure 05–06
- when the incident arises out of an intimate partner violence situation as defined in Procedure 05–04, an Intimate Partner Violence Investigator (IPVI) shall be assigned as the lead investigator but shall work in conjunction with an accredited sexual assault investigator
- when the incident involves child sexual abuse and exploitation material (CSAEM) or child luring as defined in Procedure 05-24, the Internet Child Exploitation (ICE) shall be notified and will assume control over the investigation, or
- when the incident involves human trafficking for the purpose of exploiting persons or facilitating their exploitation for a sexual and/or forced labour purpose as defined in Procedure 05-31, the Human Trafficking Enforcement Team (HTET) shall be notified.

Notification of Detective Operations – Sex Crimes

Sex Crimes shall be notified of any sexual assault where, it is determined

- the offender is unknown
- there is ongoing risk to the community
- the occurrence involves an offence under s. 272 or 273 of the *Criminal Code (*CC) (sexual assault with a weapon or imitation weapon, sexual assault threatening or causing bodily harm, chokes, suffocates, or strangles, wounds, maims, disfigures or endangers life)
- there are multiple victims or multiple suspects
- the occurrence involves multiple sexual acts, the use of restraints, bondage or wearing of a disguise by the offender
- the offender records the offence in any manner
- the offender removes or keeps any personal item from the victim
- the offender uses scripting by having the victim engage in prompted dialogue
- the offender uses a con or ruse, including dating services and the internet, to lure the victim

- the sexual assault is linked to another sexual assault occurrence
- to be a criminal offence, by an unknown offender, where sexual assault appears to have been the motive.

Upon conclusion of a preliminary investigation, Sex Crimes in consultation with the preliminary investigator(s) will determine who will take charge of the investigation, which will be based on a risk assessment.

➔ *After business hours, the on-call Sex Crimes investigator can be contacted through RTOC.*

The Unit Commander – Sex Crimes may, upon conclusion of preliminary investigation, at their discretion, take charge of any sexual assault investigation.

Incidents Involving a Member of a Police Service

Members shall initially consider whether the sexual assault situation being investigated may fall within the mandate of the Special Investigations Unit (SIU). If so, responding members shall comply with the relevant sections of Procedure 13–16.

All allegations arising from a sexual assault incident in which the suspect/accused is a member of another police service shall be reported in a timely manner to the Duty Officer of that police service by the Unit Commander of the Service division handling the investigation, or by the Duty Senior Officer – RTOC (Duty Senior Officer).

Sexual assault situations where the suspect/accused is a member of this Service shall be directly reported to Sex Crimes who will conduct the preliminary investigation. Upon conclusion of the preliminary investigation, the Unit Commander of Sex Crimes/Duty Senior Officer or Sex Crimes investigator, shall notify Professional Standards (PRS) who will assume the role of case manager. Sex Crimes will assist PRS as required.

PRS is designated as the Service liaison with other police services regarding Service member–involved sexual assault occurrences, and shall be responsible for submitting a TPS 901 in compliance with the relevant procedures in Chapter 13.

Child & Youth Advocacy Centre (CYAC)

The CYAC is a sub-section of Sex Crimes that promotes the protection of victims; provides advocacy, treatment and ongoing support.

The CYAC will investigate child sexual and physical abuse cases that include

- physical assaults, emotional abuse, or neglect occurrences when the victim is under the age of 16 years and the suspect is a caregiver, parent or a person in a position of trust or authority
- physical assaults when the victim is under the age of 16 years and the suspect is a known adult
- sexual offences when the victim is under the age of 18 years, the suspect is known and the offences are not within the mandate of the Sex Crimes investigative office
- occurrences entitled Child in Need of Protection or Child Left Unattended.

Police officers shall comply with Procedure 05–06 when investigating child **sexual and physical abuse** cases.

➔ *When the victim(s) is under the age of 18 years and the offender(s) is unknown, contact Sex Crimes Investigative Section.*

Victim Interview

Only an accredited sexual assault investigator shall conduct detailed interviews with the victim. Interviews shall be conducted in a private and victim appropriate environment that provides for the safety and security of the victim

The investigator may wish to delay the interview based on careful consideration of the condition of the victim and the information and evidence that is already available. Where operationally possible every effort should be made to provide an interviewer of the victim's preferred gender.

Sexual Assault/Domestic Violence Care Centres (SA/DVCC)

Prior to transporting or attending the Women's College Hospital Sexual Assault Care Centre (SA/DVCC), officers shall page the on-duty SA/DVCC nurse through Women's College Hospital switchboard at 416 323-6400 (press "0"). The operator will contact the SA/DVCC nurse, and the nurse will return the call.

➔ *If the victim requires medical treatment, they can be transported to a nearby hospital.*

➔ *Women's College Hospital SA/DVCC operates 24/7 through an on-call switchboard, and are fully mobile, providing service to multiple emergency departments in Toronto. These include Michael Garron Hospital, Mount Sinai, Toronto General Hospital, Toronto Western Hospital, St. Joseph's Health Centre, Sunnybrook Health Sciences Centre and St. Michael's Hospital. The SA/DVCC nurse can be reached by telephone and will arrange to see the victim at the above-noted hospitals.*

Women's College SA/DVCC operates under the "Acute Mandate" and shall be contacted for all sexual assault victims where the offence occurred within the previous 12 days.

Centre Name & Location

- Scarborough Health Network – Birchmount Hospital at 3030 Birchmount Road, Scarborough, ON, attends to victims 12 years of age and older
- SickKids Hospital at 555 University Avenue, Toronto, ON, attends to victims under 18 years of age
- Women's College Hospital at 76 Grenville Street, Toronto, ON, attends to victim 16 years of age and older
- Trillium Health Partners – Mississauga Hospital at 100 The Queensway W, Mississauga, ON, attends to victims of any age

➔ *Divisional Sexual Assault Investigator shall attend the scene, where the victim is located or any additional location deemed necessary and take charge of the investigation without delay.*

CFS Evidence Web-Submission System

All submissions to the Centre for Forensic Sciences (CFS) are now made through the CFS Evidence Web-Submission System. Service members will submit evidence forms online via the interactive web application, obtain submission approval, packaging labels and track submission status. The system requires all evidence to undergo an online pre-submission review, resulting in notification of which items are approved for submission to CFS.

Police Officer

The first police officer shall be responsible for the safety and wellbeing of the victim, offender management, and preservation of the evidence and crime scene while awaiting the arrival of an appropriate investigator.

1. Upon arrival at the scene of a sexual assault shall
   - advise the communications operator of relevant information for broadcast such as the description of the suspect (if available), direction of travel, etc.
   - notify a divisional sexual assault investigator, or in their absence, a divisional investigator
   - preserve the crime scene for physical and trace evidence and await the arrival of a divisional sexual assault investigator or FIS officer to take charge of the scene
   - conduct a video canvas, as applicable
   - conduct a preliminary investigation by obtaining from the victim
     - the name, address and other necessary particulars of the victim
     - the date, time and location of the incident
     - suspect identification and/or description
     - brief overview and/or description of occurrence
   - if the victim is under the age of 18 years comply with Procedure 05–06
   - where the victim has special needs (e.g. interpretation, sign language, physical and other disabilities, or cultural differences) ensure the appropriate individual or agency is contacted for assistance
   - utilize a trauma informed approach, maintaining respect of the victim during the interview
   - when equipped with and utilizing a body worn camera (BWC), comply with 15-20 regarding recording requests

     ➔ *It is not recommended that BWC or the In-Car Camera System (ICCS) be used to take statements regarding sexual assault incidents.*

   - notify an accredited sexual assault trained investigator and/or supervisor to obtain approval ahead of utilizing BWC or ICCS to obtain a statement regarding an incident

     ➔ *Only an accredited sexual assault investigator shall conduct detailed interviews with the victim.*

   - document the approving investigator/supervisor's badge as per Procedure 13-17
   - when interpreting services are required, contact Multilingual Community Interpreter Services (MCIS) and note the applicable details in the eReport
   - comply with Procedure 04–09 where MCIS is unable to assist

     ➔ *MCIS will provide free interpretation services to the Service during the investigation of all sexual, intimate partner violence and human trafficking related occurrences, irrespective of the age of the victim or the suspect/accused. MCIS interpreters will provide their services to all involved parties, including the accused up until the time that a formal charge has been laid (Information has been sworn before a Justice).*

   - advise the victim that a detailed statement will be obtained by a sexual assault investigator

- request that a supervisory officer attend the scene
- notify the Officer in Charge of all pertinent details
- complete notification section in eReport
- except where physical injuries warrant immediate transfer to the nearest hospital, consult with the divisional sexual assault investigator, or in their absence, a divisional investigator to determine whether the circumstances of the sexual assault dictate that the victim be transported to a SA/DVCC

    ➔ *An oral swab from the victim's mouth and swabs from any area touched by the offender should be considered.*

- be guided by the Centre for Forensic Sciences (CFS) Police Submission Guidelines for the Sexual Assault Examination Kit (SAEK) (Appendix B)
- where a report is made within 72 hours to 12 days of the incident, shall advise the victim of the importance of attending a hospital with a SA/DVCC for the purposes of a medical evaluation, as well as the gathering of potential forensic evidence

    ➔ *Consider potential to gather forensic evidence up to 12 days of the incident, if suspected penile penetration of vagina.*

- where a report is made after 12 days of the incident, encourage the victim to seek medical attention for the purpose of personal safety and security
- if transportation by ambulance is not necessary, consider the use of an unmarked vehicle when transporting the victim to a SA/DVCC
- to reduce the necessity for the victim to recount the incident, accompany the victim to the treatment facility, and where operationally possible, wait for the victim until the completion of the medical examination at the SA/DVCC
- request the victim postpone voiding whenever possible until after the medical examination, but if voiding is necessary, advise the victim to avoid wiping the genital area or to save the tissue for later submission with the SAEK
- advise the victim not to bathe or change their clothes until after the medical examination. If clothes are to be changed, ensure clothes are seized for later submission with the SAEK
- arrange for the victim to obtain a change of clothing

    ➔ *Consider penile swab, incident to arrest, in consultation with divisional sexual assault investigator.*

- comply with Procedure 17–01 at the direction of the assigned investigator

2. Upon receiving sufficient information shall
    - if known, conduct a Person Query, including a Canadian Police Information Centre (CPIC) and Canadian Firearms Registry On-Line (CFRO) check
    - determine if the suspect/accused owns, possesses or has access to weapons, firearms, ammunition, explosives or the related authorizations, licences, certificates or permits and comply with Procedure 05–21
    - consider using the search and seizure provisions contained in s. 117 CC to minimize any subsequent risk to the victim
    - obtain the type of information contained in Chapter 5, Appendix A to help determine whether reasonable grounds exist to believe there is a threat to safety
    - complete the applicable eReports, including
        - the applicable MO Detail page
        - applicable details of the victim interview
        - the attendance or reason for non–attendance of the supervisory officer
        - the information contained in Chapter 5, Appendix A
        - not make any comments in the report on the validity or truth of the complaint

- notification of supervisors and divisional sexual assault investigators

➔ *A Firearms Interest Police (FIP) entry will be auto generated from the eReport entry and uploaded to CPIC. The FIP database in CPIC flags an individual applying for a firearms licence who has committed, or threatened to commit, an act of violence. Such a flag is not an automatic refusal to issue a licence but assists in the initial screening process or subsequent review by a Chief Firearms Officer.*

- scan and attach all memorandum book notes and hardcopy reports to the original eReport
- where violence or injury has occurred, the suspect can be identified, or an accurate suspect description is available, select Yes for the BOLO option when completing the suspect Entities page

➔ *Records Management Services – Operations will create and post a BOLO.*

3. Details of the preliminary investigation shall be recorded in the memorandum book, including
   - results of the preliminary interview of the victim including
     - description of the suspect(s)
     - complaints of injury
     - any visible injuries
   - results of the preliminary contact with the suspect including
     - all spontaneous statements (comply with Procedure 04–32)
     - condition of clothing
     - signs of a struggle (injuries)
     - signs of drug or alcohol use

4. Where the suspect is apprehended shall comply with the applicable procedures in Chapter 1 and Chapter 12.

5. When directed by a divisional sexual assault investigator or Sex Crimes sexual assault investigator shall collect the SAEK.

Supervisory Officer

The first supervisory officer shall be responsible for the quality and thoroughness of the uniform response.

6. Upon being notified of a sexual assault shall
   - attend at the scene of the offence, where the victim is located or any additional location deemed necessary

➔ *If victim attends the hospital, ensure first responding officer accompanies the victim.*

   - ensure sufficient resources are assigned and all necessary action has been taken by responding uniform officers
   - record their attendance or reason for non–attendance in their memorandum book and the original eReport
   - ensure the applicable eReports are completed
   - ensure all memorandum book notes and hardcopy reports are scanned and attached to the original eReport

7. When the victim is a member of the Service shall

- attend the scene
- conduct a preliminary investigation to determine whether the suspect/accused is a member of the Service or another police service
- conduct the interview in a private and appropriate environment for safety and security of the victim
- document the circumstances in the memorandum book, including if no arrest was made, why no arrest was made/charge laid, when applicable
- ensure the victim is offered the assistance of the Employee Family Assistance Program (EFAP), Victim Services Toronto in accordance with Procedure 04-31, the Wellness Unit – Mental Health and Wellbeing, and other community support agencies
- maintain the privacy of the member

8. When the suspect/accused is a member of the Service shall
   - attend the scene
   - advise the Officer in Charge of the circumstances
   - notify
     - Sex Crimes
     - Duty Senior Officer
   - document the circumstances in the memorandum book, including if no arrest was made, why no arrest was made/charge laid, when applicable
   - ensure the victim is offered the assistance of the Employee Family Assistance Program (EFAP), as applicable, Victim Services Toronto in accordance with Procedure 04-31, the Wellness Unit – Mental Health and Wellbeing, and other community agencies
   - advise the victim that they will be contacted by PRS

9. When the suspect/accused is a member of another police service shall
   - attend the scene
   - advise the Officer in Charge of the circumstances
   - notify Duty Senior Officer
   - document all the circumstances in the memorandum book, including if no arrest was made, why no arrest was made/charge laid, when applicable
   - ensure that the victim is offered the assistance of Victim Services Toronto in accordance with Procedure 04-31, and other community agencies

Divisional Sexual Assault Investigator

The divisional sexual assault investigator, or in their absence, a divisional investigator shall be responsible for ensuring the needs of the victim are met and effective management of the crime scene. This includes the gathering of evidence and ensuring a thorough and comprehensive preliminary investigation is conducted prior to contacting Sex Crimes.

10. Upon being notified of a sexual assault shall
    - attend at the scene, where the victim is located or any additional location deemed necessary and take charge of the investigation without delay
    - consult with the supervisory officer and/or police officer conducting the preliminary investigation to determine whether the circumstances of the sexual assault dictate that the victim be transported to a SA/DVCC, and be guided by the reporting directives in items 1, 2, and 3

      ➔ *The investigator may still consider encouraging the victim to attend the SA/DVCC for the purposes of medical treatment even if beyond 12 days of the incident.*

    - request the attendance of an investigator from FIS
    - ensure a video canvas has been initiated, as applicable

- comply with Procedure 04–21 in the gathering and preserving of evidence
- offer the victim the option of having a person of their choice or a member of Victim Services present for support
  - document the offering of Victim Services and the victim's response
- advise both the victim and any support person present that the latter
  - may be asked to leave if the victim so desires
  - must not interfere in the investigation
  - may be required to testify in court
- consult with the attending doctor or SA/DVCC nurse
- prior to the seizure of a SAEK, ensure the victim is advised and fully understands the legal implications of signing the Consent to Release Forensic Evidence to Police Form, and record in their memorandum or case book and eReport the date, time and location this explanation was provided to the victim
- ensure all appropriate forensic evidence is collected and forms completed, including the Sexual Assault History Form, Forensic Evidence Form and the General Examination Form
- when a victim attends a SA/DVCC to have an examination but chooses not to report the assault to police or proceed with charges, determine and note the present SA/DVCC policy on storage duration of the SAEK in order to fully inform the victim of the length of time the SAEK will be stored
- ensure the SAEK and all related documents are collected from the SA/DVCC as soon as possible after the Consent to Release Forensic Evidence to Police Form has been signed by the victim
- complete and comply with the instructions on the back of the TPS 212 if the specific medical or treatment records of a victim (resulting from the sexual assault being reported) will assist the investigation
- refer to Appendix A if other medical/personal records (Third Party Records) of the victim may exist and may be subject to disclosure/subpoena
- conduct a detailed electronically recorded interview with the victim/witness in compliance with Procedure 04–32. When deemed appropriate an investigator may consider administering a sworn statement

  ➔ *When conducting an interview with the victim/witness, use MCIS when required.*

- offer the victim their option of gender of the sexual assault investigator for the purposes of the interview where operationally possible
- ensure the victim has transportation from the hospital to their home, a place of safety or a police facility
- arrange for photographs of the victim at the appropriate time
- advise FIS prior to the victim's attendance of the preferred gender of the photographer, as required
- consider and exercise all powers of search and seizure, with and without warrant, relating to weapons, firearms, ammunition, explosives or related authorizations, licences, certificates or permits
- consider contacting all persons known to police who may provide the accused access to firearms or related authorizations, licences, certificates or permits
- notify Organized Crime Enforcement – Integrated Gun & Gang Task Force when firearms are or may be a factor
- comply with Procedure 05–21, if applicable
- consider contacting the Polygraph Section of Sex Crimes for the purposes of conducting a forensic polygraph test on all persons-of-interest or suspects involved in the sexual assault investigation (comply with Procedure 04–22)

11. Where any evidence, not including the SAEK, is seized shall
    - comply with Procedure 04–21 and ensure

  - an entry is made on the original eReport
  - the applicable property report is completed and submitted
  - the eReport number is noted on the TPS 400
- ensure it is properly packaged and labelled in compliance with the applicable procedures in Chapter 9
- comply with Procedures 08–06 and 08–07 when dealing with evidence that poses a biohazard

    ➔ *FIS is available to advise investigators on the handling, drying and storage of evidence that poses a biohazard.*

- ensure property submitted to FIS is retrieved in a timely fashion, if necessary

12. Where a SAEK is seized shall
    - ensure the officer transporting the SAEK delivers to FIS for triage and drying in accordance with the CFS Guidelines contained in the Handbook of Forensic Evidence for the Investigator and the FIS unit specific policies

        ➔ *Members of FIS will assist in the completion of the CFS submission using the CFS Evidence Web-Submission System and deliver any SAEK to CFS after appropriate air-drying of samples.*

    - consult with the CFS Sexual Assault Advisor for any submissions outside of those contained in a SAEK
    - ensure the results of the analysis by CFS are recorded as supplementary information to the original eReport
    - ensure samples from the SAEK and other appropriate forensic evidence are not destroyed prior to the conclusion of the case and appeal period

13. Where it is determined that the victim recently had consensual sexual intercourse shall arrange to obtain saliva or blood samples from the partner for the purpose of direct comparisons.

14. Where a warning to a community or an individual is deemed necessary shall ensure the release of information is in compliance with Procedures 17–01 and 17–04.

15. Complete and submit a Violent Crime Linkage Analysis System (ViCLAS) report in compliance with Procedure 05–19. Consider a ViCLAS submission for 'Potential Sex Offender' occurrences where sufficient information has been obtained.

16. Shall consider the use of the Sex Crimes – Behavioural Assessment Section for investigative support.

17. When charges are laid as a result of an investigation shall

        ➔ *The Supreme Court of Canada has ruled obtaining a penile swab incident to arrest, where reasonable grounds exist and if conducted in a reasonable manner, would not constitute a charter breach, and would therefore be lawful as a search incident to arrest. When an arrest is made consider contacting FIS to obtain a penile swab from accused.*

    - comply with the applicable procedures in Chapter 12
    - complete and serve the accused with a copy of the OSOR Form 5
    - complete and swear to the Affidavit of Service on the reverse of the OSOR Form 5, place a copy in the crown envelope and forward the original to the Sex Offender Registry Enforcement Unit (SOREU) via interdepartmental mail

- conduct inquiries into the offender, family members, or any other person who may reasonably provide information whether firearms, ammunition or related licences, authorizations, certificates, permits are available to the offender
- consider applying for a prohibition order or seeking a revocation where reasonable grounds exist to believe it is not desirable in the interests of safety for the accused to possess weapons
- notify the victim of the accused's release conditions and court date, note actions in the eReport via a TPS 483

18. Through investigation, where the complaint is determined to be unfounded shall
    - consult with the detective sergeant and note the date and time of the consultation in their memorandum or case book
    - add all relevant details of the consultation as supplementary information to the original eReport
    - ensure the eReport is completed and status updated to unfounded

19. In order to ensure ongoing communication with the victim shall
    - fill out a TPS 496 and provide the victim with a copy, note actions in the eReport
    - provide the victim with the case manager's name, rank, badge number and contact information
    - in the absence of the case manager, advise the victim to contact the detective sergeant
    - ensure consistent and regular contact is maintained with the victim throughout the investigative and legal process
    - ensure the victim is aware of the court's expectations of a witness and the services available through victim/witness support agencies
    - ensure the victim is advised in a timely manner of developments or changes of status including bail conditions, court dates or dispositions
    - encourage the victim to complete a Victim Impact Statement at the appropriate stage of the court process in compliance with Procedure 04–24
    - maintain a chronological record of contacts with the victim in the eReport via a TPS 262
    - maintain the primary case manager/investigator for carriage of the case until the conclusion of the case

20. Once property is no longer required for evidentiary or investigative reasons, the case manager shall update the Property Disposition Inquiry (PDI) application on the TPS Network.

21. Wherever possible, the case manager will continue the investigation to its conclusion or will ensure an orderly transition for the victim between investigators due to transfer or reassignment.

➔ *The divisional sexual assault investigator shall complete a TPS 309 Divisional Sexual Assault Audit for their Detective Sergeant and scan the TPS 309 into the eReport – Administrative Not for Disclosure.*

➔ *In cases involving child abuse ensure compliance with Procedure 05-06 and:*

Where an arrest occurs from a joint investigation, in addition to notification responsibilities to the complainant or victim, shall provide the Children's Aid Society (CAS) counterpart with a scanned copy of the Undertaking to an Officer in Charge (OIC), Recognizance of Bail or Probation Order which outlines the bail status and conditions. Also, advise the CAS counterpart to be aware that conditions can be varied at subsequent court appearances.

The only exception to providing a copy to CAS would be in the case of the accused being a young person. That youth record shall not be shared.

Investigator – Detective Operations – Sex Crimes

22. When notified of a sexual assault shall consult with the divisional sexual assault investigator, or in their absence, a divisional investigator, and shall determine whether Sex Crimes will take charge of the investigation.

23. Upon determining that Sex Crimes will take carriage of the investigation, in addition to the duties outlined for the divisional sexual assault investigator shall
    - liaise with the OIC or Unit Commander to ensure adequate resources have been deployed
    - offer advice, assistance and follow-up investigation, as required

24. Upon becoming aware of occurrences produced by divisional members that are incomplete or inappropriate in their content shall notify the Unit Commander – Sex Crimes or designate.

Major Case Manager – Detective Operations – Sex Crimes

An officer from Sex Crimes shall be designated the Major Case Manager to undertake the functions and responsibilities directed by the OMCMM.

25. When a sexual assault investigation is designated as a major case shall
    - take charge of the investigation and comply with the OMCMM
    - designate a Primary Investigator, if necessary

26. When a sexual assault case identifies as a linked major case, shall ensure
    - the Serial Predator Crime Investigator Coordinator (SPCIC) is notified within seven (7) days after the link is identified
    - to consult the SPCIC and other major case managers of the linked investigations
    - to action the investigation further, as required

Officer in Charge

The OIC is responsible for ensuring an appropriate uniform response, and in the absence of the detective sergeant, an appropriate investigative response.

27. Upon receiving information concerning a sexual assault shall
    - ensure the attendance of a
        - divisional sexual assault investigator from the unit, or if unavailable
        - divisional sexual assault investigator from another unit, or if unavailable
        - divisional investigator from the unit or another unit
    - ensure a supervisory officer attends at the scene of the offence, where the victim is located or any additional location deemed necessary
    - ensure a preliminary investigation has been commenced by a divisional sexual assault investigator or a divisional investigator before contacting Sex Crimes
    - ensure the particulars are recorded in the Unit Commander Morning Report (UCMR), as required

28. Upon receiving a sexual assault report or any other report that appears to be sexually motivated shall
    - review the report and any related property reports for completeness, accuracy and appropriate language
    - ensure incorrect, incomplete or inappropriate occurrences or reports are corrected by the author
    - ensure all memorandum book notes and hardcopy reports are scanned and attached to the original eReport
    - ensure Sex Crimes is notified

29. At the time of booking a person in custody, and before considering release, shall ensure
    - all reasonable inquiries have been made into the possession by an accused of weapons, firearms, ammunition, explosives, authorizations, licences, permits, certificates, Firearms Acquisition Certificate, etc.
    - such items are surrendered before release to enhance the safety of the victim

30. Where a Service member is a suspect/accused shall
    - notify the Unit Commander of Sex Crimes, or if absent, the Duty Senior Officer of the circumstances surrounding the incident
    - comply with Procedure 13–08 or 13–10 when considering suspending the member
    - ensure the assistance of the EFAP, Victim Services Toronto and other community agencies are offered to the victim

31. Where a member of another police service is a suspect/accused shall notify their Unit Commander, or if absent, the Duty Senior Officer of the circumstances.

Detective Sergeant

Detective sergeants are responsible for ensuring an appropriate investigative response and are accountable for ensuring that a thorough and comprehensive investigation is conducted by accredited sexual assault investigators.

32. When in charge of a divisional detective office shall
    - ensure all sexual assault investigations are conducted by accredited sexual assault investigators
    - wherever possible, ensure sexual assault case managers who are transferred or assigned to different duties within the Service retain control of the investigations to its conclusion, including contact with the victim or will ensure an orderly transition of the victim between investigators
    - ensure sexual assault investigators are deployed in a manner which maximizes their availability
    - ensure the follow–up investigation of a sexual assault is thorough and undertaken promptly
    - answer any victim inquiries when the case manager is unavailable
    - ensure a periodic review is conducted of the chronological record of contacts with the victim as recorded on the TPS 262 by the assigned sexual assault investigator
    - review the report for completeness and ensure all incorrect, incomplete or inappropriate occurrences or reports are corrected by the submitting officer

        ➔ *Shall complete a TPS 309 Divisional Sexual Assault Audit for the Unit Commander.*

33. Through investigation, where the complaint is determined to be unfounded shall consult with the case manager and ensure
    - all pertinent details are entered in the memorandum or case book
    - all relevant details of the consultation are entered as supplementary information to the original eReport
    - the eReport is completed and status updated to unfounded
    - continuing reviews are conducted on all sexual assault investigations for completeness and appropriate language and the details of this review are entered as supplementary information to the original eReport, and
    - any deficiencies are promptly dealt with, and an appropriate notation is made in their memorandum book
    - a ViCLAS submission is completed as prescribed by Procedure 05–19

Unit Commander

The Unit Commander shall be responsible for ensuring that a sufficient number of investigators receive accreditation as sexual assault investigators and major case managers.

34. When in charge of a unit or division that conducts sexual assault investigations shall ensure a sufficient number of properly trained and accredited officers are deployed to effectively deal with that unit's sexual assault investigations.

    ➔ *Ensure that a TPS 309 Divisional Sexual Assault Audit has been completed and stored according to unit specific policy.*

Unit Commander/Duty Senior Officer – Real Time Operations Centre

The Unit Commander, or in their absence, the Duty Senior Officer shall be responsible for ensuring all proper notifications are made when a member of a police service is a suspect or an accused.

35. When notified a member of this Service is a suspect/accused shall
    - immediately advise Sex Crimes and PRS of the circumstances
    - for a matter involving a police officer, ensure compliance with Chapter 13 regarding conduct complaints
    - for all members, comply with Procedure 13–08 or 13–10 when considering suspension
    - ensure the assistance of the EFAP, Victim Services Toronto and other community agencies are offered to the victim
    - where appropriate or requested, ensure appropriate arrangements are made in the workplace to ensure there is no direct contact between the victim and the suspect/accused

36. When notified a member of another police service is a suspect/accused shall ensure
    - the Duty Officer of their service is contacted as soon as practicable
    - information is provided about the matter including
      - details of the incident
      - condition and status of the victim
      - charges laid, if applicable
      - whether bail is being opposed
      - date, time and location of the first court appearance, if applicable

Appendices

Appendix A – Third Party Records
Appendix B – Centre for Forensic Sciences – Police Submission Guidelines

Supplementary Information

Governing Authorities

Federal:

- Canada Evidence Act
- Criminal Code
- DNA Identification Act
- Sex Offender Information Registration Act (SOIRA)

Provincial:

- Christopher's Law (Sex Offender Registry)
- Community Safety and Policing Act
- Community Safety and Policing Act Ontario Regulations
  - O. Reg. 392/23 Adequate and Effective Policing
  - O. Reg. 412/23 Disclosure of Personal Information
  - O. Reg. 395/23 Investigations
  - O. Reg. 394/23 Major Case Management and Approved Software Requirements
- Municipal Freedom of Information and Protection of Privacy Act

Other:

- Ontario Major Case Management Manual
- Policing Standards Manual.

Associated Governance

Toronto Police Service Board:

- Adequacy Policies
  - Part 5 XXXIII LE-006 Criminal Investigation Management
  - Part 5 LIV LE-027 Physical and Sexual Abuse of Children
  - Part 5 LXI LE-034 Sexual Assault Investigations (also Appendix A)
  - Part 5 LXXIII LE-046 Sex Offender Registry
  - Part 7 LXXXVIII VA-001 Victims' Assistance.

Toronto Police Service Procedures:

- Chapter 1 Arrest & Release
- 04–09 American Sign Language and Language Interpreters
- 04–18 Crime and Disorder Management
- 04–21 Gathering/Preserving Evidence
- 04–22 Polygraph Examinations
- 04–24 Victim Impact Statements
- 04–31 Victim Services Toronto
- 04–32 Electronically Recorded Statements
- Chapter 5, Appendix A Excerpt from Guideline LE–029 – Preventing or Responding to Occurrences Involving Firearms
- 05–04 Intimate Partner Violence
- 05–06 Child Abuse
- 05–19 Violent Crime Linkage Analysis System
- 05–21 Firearms
- 05–24 Child Exploitation
- 05–29 Sex Offender Registries
- 05-31 Human Trafficking
- 08–06 Hazardous Materials, Decontamination and De–infestation
- 08–07 Communicable Diseases
- Chapter 9 Property
- Chapter 12 Courts
- 13–02 Police Officer External Complaint Intake/Management

- 13–08 Police Officer Suspension from Duty
- 13–10 Civilian Suspension from Duty
- 13–17 Notes and Reports
- 17–01 News Media
- 17–03 Requests for Information Made Under the Municipal Freedom of Information and Protection of Privacy Act
- 17–04 Community/Public Safety Notifications
- 17–07 BOLOs and FYIs

Other:

- Toronto Police Service Criminal Investigation Management Plan

Forms:

- eReports
- Consent to Release Forensic Evidence to Police Form
- Forensic Evidence Form
- General Examination Form
- Centre of Forensic Sciences Sexual Assault Case Submission Questionnaire
- Property Forms Wizard
- CFS Evidence Web-Submission System
- TPS 212 Authorization for Release of Records
- TPS 240 Forensic Identification Services Exhibit Submission Form
- TPS 262 Victim Contact Sheet
- TPS 309 Divisional Sexual Assault Audit Form
- TPS 400 Property Report – General
- TPS 405 Property Receipt
- TPS 483 Victim Notification Form
- TPS 496 Complainant/Victim/Witness: Information Sheet
- CA 0142 Victim Impact Statement Child–Youth Victim Impact Statement (for older children & youths)
- CA 0142–B Child Victim Impact Statement (for children)
- CA 0142–C Victim Impact Statement (An Information Guide)
- CA 0142-D Notice to Victims of Crime
- OSOR Form 5 OSOR Notification of Duty to Register
- Violent Crime Linkage Analysis System (ViCLAS eBooklet)

➔ *The TPS 240, TPS 400 and TPS 405 are now available via the Property Forms Wizard.*

➔ *The TPS 262 is available as a text template.*

➔ *The TPS 483 is available as a text template.*

Definitions

For the purposes of this Procedure, the following definitions will apply:

Divisional Investigator means an officer assigned to a divisional detective office.
In reference to sexual assault investigations, means an officer assigned to a divisional investigative unit who is not accredited to investigate complaints of sexual assault.

Divisional Sexual Assault Investigator means an officer assigned to a divisional investigative unit who is accredited to investigate complaints of sexual assault.

Major Case Manager means a police officer responsible for the overall management and administration of a major case investigation. The Major Case Manager shall

- have the necessary competence and experience to fulfill the role in accordance with CSPA, O. Reg. 394/23
- have successfully completed the Ontario Major Case Management Course
- ensure any member(s) assisting with assignment of cases have completed the Ontario Major Case Management Course
- ensure any member assigned to a role in the investigation have the necessary training, competence and experience to fulfil the role in accordance with the regulation
- ensure resources are available to manage investigations through approved software such as PowerCase and TPS TRACKER.

Primary Investigator means a police officer responsible for leading a threshold investigation. The primary investigator shall have the necessary competence and experience to fulfil the role in accordance with O. Reg. 394/23 and have successfully completed the Ontario Major Case Management Course delivered by the Ontario Police College or by a certified trainer in respect of the course.

Sex Crimes Investigator means an accredited sexual assault investigator assigned to Detective Operations – Sex Crimes (Sex Crimes).

Sexual Assault means the offence as defined by the *Criminal Code*.

Sexual Assault/Domestic Violence Care Centre (SA/DVCC) means a medical care centre designated for the treatment and examination of victims/survivors of domestic/ intimate partner violence as well as sexual assault.

Supervisory Officer means a police officer assigned to oversee other members, either temporarily or permanently.

Trafficking in Persons means the offence committed by a person who recruits, transports, transfers, receives, holds, conceals or harbours a person, or exercises control, direction or influence over the movements of a person, for the purpose of exploiting them or facilitating their exploitation (also known as Human Trafficking).
[Source: *Criminal Code* ss 279.01(1)]

Violent Crime Linkage Analysis System (ViCLAS) means the national database operated by the Royal Canadian Mounted Police (RCMP) for the purpose of linking occurrences of designated offences across Canada.

We are dedicated to delivering police services, in partnership with our communities, to keep Toronto the best and safest place to be.

Learn more about our Service **Core Values** and **Competencies** here

