



05-34 Serious Assaults

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Rationale

The purpose of this procedure is to provide members with direction regarding the processes for undertaking and managing aggravated assaults and attempted homicide investigations, in accordance with Section LE-039 of the Policing Standards Manual.

Supervision

- Supervisory Officer mandatory attendance
- Divisional Detective mandatory attendance
- OCE Detective or Investigator mandatory notification where shooting has occurred
- Officer in Charge mandatory notification

Procedure

As set out in their mandate, Divisional Detectives shall lead the investigation of all aggravated assaults and attempted homicides that occur within the City of Toronto with the exception:

- of shootings, where Organized Crime Enforcement (OCE) shall lead; and
- when the victim is under the age of 16 and the suspect is a caregiver, parent or a person in a position of trust or authority where an investigator from the Child and Youth Advocacy Centre (CYAC) shall lead.

Investigations, where a charge of attempted murder is appropriate will be conducted in accordance with the Ontario Major Case Management Manual (OMCMM).

First Police Officer

The first police officer to arrive at the scene of an aggravated assault and/or attempted homicide shall be responsible for the safety and wellbeing of the victim, offender management as well as preservation of the evidence and crime scene while awaiting the arrival of an appropriate investigator.

1. Upon arrival at the scene of an aggravated assault and/or attempt homicide shall
 - provide assistance to the victim

- if the victim is under the age of 16 years comply with Procedure 05-06
 - offer the assistance of Victim Services Toronto in compliance with Procedure 04-31
 - advise the communications operator of relevant information for broadcast such as the description of the suspect (if available), direction of travel and any other relevant information
 - take charge of the scene until relieved by a supervisory officer
 - request additional assistance, as required
 - request the attendance of
 - a supervisory officer
 - a divisional detective
 - a detective/investigator from OCE, if a shooting has occurred
 - an investigator from CYAC, if the victim is under the age of 16 and the suspect is a caregiver, parent or a person in a position of trust or authority
 - an investigator from Detective Operations – Forensic Identification Services (FIS)
 - pending the arrival of a supervisory officer, assign officers to complete necessary tasks
 - ensure nothing at the scene is touched or used, including the telephones and bathrooms
 - under the direction of FIS, collect and preserve all physical evidence in compliance with Procedures 04-21 and 09-01
 - ensure the communications operator and the Officer in Charge are frequently apprised of all pertinent details
 - obtain the name, address, email address, other means of contact and telephone number(s) of every person present at the scene or sufficient information, including descriptions, to assist in locating these persons at a later time
 - remove all persons to an area away from the immediate scene
 - encourage all persons present to remain available for questioning
 - preserve the integrity of evidence of witnesses by ensuring they don't discuss their observations with each other
 - do not offer anonymity to witnesses
 - ensure only personnel involved in the investigation are permitted to enter the crime scene
 - comply with Procedure 13–17 by making notations in the memorandum book, including such information as
 - sketching a diagram of the scene
 - any weapons
 - the location and position of the victim where medical intervention was being conducted
 - blood stains
 - items of evidence
 - room furnishings (indoor scene) or weather conditions (outdoor scene)
 - physical characteristics of the scene
 - conversations with witnesses
 - any other information pertinent to the investigation
2. If the suspect is present shall
- where reasonable grounds exist, arrest the suspect in compliance with Procedure 01–01
 - if there are multiple suspects, separate them from each other as soon as practicable
 - isolate the suspect from witnesses as soon as possible
 - isolate the suspect from the victim as soon as possible
 - avoid cross-contamination of potential evidence by limiting contact to either the suspect or victim wherever possible
 - this should be observed specifically when trace evidence may be collected
 - note all conversation with the suspect in the memorandum book
 - note the condition of the suspect in the memorandum book, particularly
 - clothing
 - injuries
 - manner of speaking, movements and general behaviour
 - refrain from unauthorized questioning of the suspect

- conduct a Person Query, including a CPIC check and Canadian Firearms Registry On-line (CFRO) check
3. If the suspect has left the scene shall
- 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
 - obtain and broadcast all relevant information including a description, whether the suspect is armed, and the mode and direction of travel
 - select Yes for the BOLO option when completing the suspect Entities page
- ➔ *Records Management Services – Operations will create and post a BOLO.*
4. When collecting or seizing evidence shall
- ensure it remains protected and undisturbed until examined by a detective or investigator from FIS
 - if the evidence must be disturbed, seize it for protection, and mark and note its original location
 - comply with Procedure 04–21
5. Upon completion of the initial investigation shall
- follow the instructions of the attending detective pertaining to the completion of the applicable eReports and any related reports
 - submit all seized evidence in compliance with Procedure 04–21 and the applicable procedures in Chapter 9
 - complete the memorandum book notes in compliance with Procedure 13–17
 - complete the TPS 303 and TPS 466, as applicable
 - scan and attach the memorandum notes and any hardcopy reports to the original eReport
 - provide the original eReport number to the
 - other attending officers who may need to add supplementary information
 - Officer in Charge
 - divisional detective or OCE detective/investigator where a victim(s) has been shot or shots have been discharged
 - investigator – FIS
 - Major Case Manager - Divisional Detective in the event that an attempted murder investigation is launched (in the case of a shooting where a victim has been wounded or shots have been fired, an OCE detective/investigator shall be assigned)
 - investigator – CYAC, as applicable
 - obtain permission from the Major Case Manager/Divisional Detective prior to reporting off duty

Second Police Officer

The second police officer to arrive at the scene of an aggravated assault and/or attempted homicide shall be responsible for preserving the crime scene, if necessary, and noting any pertinent details in their memorandum book.

6. Upon arrival at the scene of an aggravated assault and/or an attempted homicide shall
- in the absence of a supervisory officer take direction from the first police officer
 - take up a position at the entrance to secure the scene
 - record the names of all personnel attending, and the times they enter or leave, using a TPS 243 whenever possible or, if not available, the memorandum book
7. Upon completion of the initial investigation shall
- complete the memorandum book notes in compliance with Procedure 13–17
 - add supplementary information to the original eReport, if applicable
 - scan and attach the memorandum notes and any hardcopy reports to the original eReport

- obtain permission from the Major Case Manager/Divisional Detective or OCE detective/ investigator prior to reporting off duty

Additional Police Officers

Police officers involved in all stages of an aggravated assault and/or attempted homicide investigation shall ensure that the crime scene and all evidence are protected from disturbance or contamination.

8. Upon arrival at the scene of an aggravated assault and/or attempted homicide shall
 - in the absence of a supervisory officer take direction from the first police officer
 - perform duties as assigned by the first police officer or supervisory officer, including but not limited to
 - guarding and preserving the scene and any evidence as required
 - searching the area for suspects, weapons or other evidence
 - canvassing the neighbourhood for information

→ *Do no offer anonymity to witnesses*
9. When collecting or seizing evidence shall comply with item 4.
10. When performing a door-to-door canvass shall
 - carry a sufficient quantity of the TPS 233 and TPS 234
 - complete a TPS 233 for every premises attended
 - leave a TPS 234 at every residence where there is no answer
11. Upon completion of the initial investigation shall comply with item 7.

Supervisory Officer

The first supervisory officer to arrive at the scene of an aggravated assault and/or attempted homicide shall be responsible for the quality and thoroughness of the uniform response.

12. When advised of an aggravated assault and/or attempted homicide shall
 - attend the scene promptly
 - ensure sufficient personnel are dispatched to the scene
 - take charge of all uniformed police officers
 - provide assistance and direction to the police officers at the scene
 - ensure the attendance of
 - a divisional detective and where a shooting has occurred where no injuries are sustained or a victim(s) has been wounded, contact the OCE to ensure attendance of a detective or an investigator to take control of the investigation
 - an investigator from CYAC if the victim is under the age of 16 and the suspect is a caregiver, parent or a person in a position of trust or authority
 - an investigator from FIS

→ *A Scenes of Crime Officer (SOCO) shall **not** be deployed to examine any scene of an aggravated assault and/or an attempted homicide without consulting with FIS*

 - notify the Officer in Charge
 - ensure only essential personnel are allowed to enter/remain at the scene
 - ensure the communications operator and the Officer in Charge are frequently apprised of all pertinent details
 - ensure the TPS 243 is used by officers assigned to guard the entry to the scene

- ensure personnel are detailed to
 - search the area for suspects, weapons or other evidence
 - commence a systematic, door-to-door canvass at the earliest opportunity
 - ensure the results of all searches and canvassing are submitted to the Major Case Manager/Divisional Detective
 - ensure that officers involved in the investigation are mindful of cross-contamination between suspect(s), witness(es) and victim(s)
 - complete and submit a TPS 466, along with the eReport number to the Major Case Manager/Divisional Detective prior to reporting off duty
 - scan and attach the memorandum notes and any hardcopy reports to the original eReport
13. When assigning members to perform a door-to-door canvass shall ensure
- members are
 - briefed and properly instructed
 - given a sufficient quantity of the TPS 233 and the TPS 234
 - assigned to a specific area/address
 - directed that witnesses are not to be offered anonymity and this is recorded in notes
 - compliance with item 10
 - the results are submitted to the Major Case Manager/Divisional Detective/OCE Detective or Investigator where applicable

Detective – Division

The divisional detective or MCU detective shall be responsible for ensuring effective management of the crime scene and that the appropriate notifications are made whether or not the victim(s) has/have been struck by gunfire. The notification of an detective/ investigator from the OCE is based on the discharge of a firearm with the intent to wound a person(s).

20. Upon being notified of an aggravated assault and/or attempted homicide shall
- attend the scene promptly
 - advise the communication operator upon arrival
 - ensure the Officer in Charge is notified
 - add supplementary information to the original eReport
 - complete the memorandum book, TPS 303 and TPS 466, as applicable
 - scan and attach the memorandum notes and any hardcopy reports to the original eReport
21. If an OCE detective/investigator is not attending the scene shall lead the overall investigation
- scan and attach the memorandum notes and any hardcopy reports to the original eReport

Officer in Charge

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

22. Upon being notified of an aggravated assault and/or attempted homicide shall
- ensure divisional detective personnel attend the scene
 - ensure an OCE detective/investigator attends the scene where a person has been wounded by gunfire or a firearm has been discharged at a person(s)
 - seek the assistance of other divisions to provide response to calls for service, if required
 - ensure FIS is notified
 - ensure the CYAC is notified of-an aggravated assault and/or attempt homicide of a child under 16
 - notify the

- Unit Commander, if on duty
- the Officer in Charge – TPOC
- ensure all officers assigned to duties related to the aggravated assault and/or attempt homicide
 - complete their memorandum book and a TPS 466
 - scan and attach their memorandum notes and hardcopy reports to the original eReport prior to reporting off duty
- ensure the applicable eReports are completed, as applicable

Investigator – Detective Operations – Forensic Identification Services

The FIS investigator shall take charge of the scene in the absence of a divisional detective or an OCE detective/investigator.

23. Upon arrival at the scene of aggravated assault and/or an attempted homicide, in addition to complying with unit specific guidelines, shall co-ordinate the collection of evidence in consultation with the attending OCE detective/investigator, or divisional detective.

Investigator – Detective Operations – Homicide

The Homicide investigator shall be responsible for ensuring the thoroughness of an investigation where death may be imminent based on consultation with a physician.

24. When notified of an attempted homicide where the injuries are such that death is likely and where consultation with a medical physician has taken place shall
- consult with either the divisional detective, OCE detective/investigator or CYAC investigator at the scene
 - gather sufficient information to determine whether the attendance of a Homicide investigator is required and advise the above officer of the determination
 - provide the necessary support and guidance

Major Case Management – Divisional Detective or OCE Detective/Investigator or CYAC Investigator

An officer who is a Divisional/MCU/OCE/CYAC investigator or a member holding the rank of Detective Sergeant where appropriate shall be designated as the Major Case Manager to undertake the functions and responsibilities as directed by the OMCMM.

25. Upon notification and/or arrival at the scene of an attempted homicide, in addition to complying with unit-specific guidelines shall
- take charge of the investigation and comply with the OMCMM
 - designate a Primary Investigator, if necessary
 - ensure an BOLO is generated in compliance with Procedure 17-07
 - determine whether any of the individuals involved in the occurrence own, possess or have access to a firearm, ammunition, weapons, firearms certificate, registration certificate, permit, licence or authorization and comply with Procedure 05-21
 - consider and exercise if necessary, all powers of search and seizure, with and without warrant, relating to weapons, firearms, ammunition, explosives and the related licences, certificates or permits

➔ *The search and seizure provisions contained in S. 117 of the Criminal Code must be carefully considered in all cases. Officer and public safety is compromised when*

firearms are left in a dwelling and may come into the possession of an unlicensed person and/or person untrained to properly handle firearms.

- notify Organized Crime Enforcement – Integrated Gun & Gang Task Force when firearms are or may be a factor
 - consider contacting all persons known to police who may provide the suspect access to firearms or related licences, certificates or permits
 - consider applying for a prohibition order or seeking a revocation where there are reasonable grounds to believe it is not desirable in the interests of safety for the suspect to possess weapons
26. In co-operation with the Children’s Aid Society, ensure an assessment of the risk to other children is completed in all cases where foul play is suspected and
- ➔ *Decisions regarding the safe placement of siblings or other children who may be at risk are time sensitive. Collaborative information sharing facilitates timely decisions that will safeguard children who may potentially be at risk, while preserving the integrity of the criminal investigation.*
- ensure an investigator from FIS attends and photographs/videotapes the scene, as required,
 - ensure the applicable reports and eReports are completed.
27. When preparing for an investigative canvass shall ensure the applicable sections of the TPS 233 are completed.

Officer in Charge – Toronto Police Operations Centre

In addition to unit-specific requirements, the Officer in Charge – TPOC is responsible for ensuring that a divisional detective or an OCE detective/investigator or CYAC investigator and Victim Services Toronto have been notified.

28. Upon being notified of an aggravated assault and/or attempted homicide shall ensure
- a divisional detective or an OCE detective/investigator or CYAC investigator have been notified
 - Victim Services Toronto has been notified, or during non-office hours, notify the On-Call Victim Services personnel

Supplementary Information

Governing Authorities

Federal: Criminal Code.

Provincial: Child, Youth and Family Services Act; Coroners Act; Police Services Act, O. Reg. 3/99, Adequacy and Effectiveness of Police Services; Police Services Act, O. Reg. 354/04, Major Case Management.

Other: Child Abuse Protocol: Guidelines and Procedures for a Coordinated Response to Child Abuse in Toronto (May 2006); Ontario Major Case Management Manual; Policing Standards Manual.

Associated Governance

TPSB Policies: TPSB ER-007 Ground Search; TPSB LE-006 Criminal Investigation Management; TPSB LE-039 Homicide and Attempted Homicides Investigations.

TPS Procedures:

- 01–01 Arrest;
- 03–06 Guarding Persons in Hospital;
- 04–01 Investigations at Hospitals;
- 04–02 Death Investigations;
- 04–16 Death in Police Custody;
- 04–21 Gathering/Preserving Evidence;
- 04-30 Scenes of Crime Officer
- Chapter 5, Appendix A Excerpt from Guideline LE–029 – Preventing or Responding to Occurrences Involving Firearms;
- 05-01 Preliminary Homicide Investigation
- 05-01 Appendix A Investigation Questionnaire: Pediatric Injury
- 05-02 Robberies/Hold-Ups
- 05–04 Intimate Partner Violence;
- 05-05 Sexual Assault
- 05–06 Child Abuse;
- 05–19 Violent Crime Linkage Analysis System;
- 05-21 Firearms
- 05-28 Gang Related Investigations
- Chapter 9 Property;
- 13–17 Notes and Reports;
- 17–07 BOLOs and FYIs.

Other: 2.1.1(o) Standards of Conduct – Part III – Members – General Responsibilities; Toronto Police Service Criminal Investigation Management Plan.

Forms:

- eReports;
- TPS 214 Police Seal;
- TPS 233 Canvass Interview Form;
- TPS 234 Not at Home Notice;
- TPS 243 Major Crime Scene Log;
- TPS 303 Interview Summary;
- TPS 466 Copied Original Notes Cover Sheet;
- ViCLAS Crime Analysis Report (ViCLAS eBooklet);
- 05-01 Appendix A Investigation Questionnaire: Pediatric Injury

Definitions

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

Aggravated Assault every one commits an aggravated assault who wounds, maims, disfigures or endangers the life of the complainant.

[Source: Criminal Code S.268(1)]

Attempt Homicide/Attempt to Commit Murder every person who attempts by any means to commit murder is guilty of an indictable offence and liable

(a) in any other case, to imprisonment for life.

[Source: Criminal Code S.239]

Intimate Partner means a partner from a current or former intimate relationship.

Intimate Relationship includes current or former relationships between opposite sex and same sex partners and include persons who:

- are legally married to one another;
- were previously married to one another;
- are not married, but are currently in a family–type relationship;
- are not married, but were formerly in a family–type relationship;
- have a child in common regardless of whether such persons have been married or lived together at one time; or,
- are (or have ever been) involved in a dating relationship.

Major Case Manager means the investigator responsible for the effective governance and management of every threshold major case investigation and possesses the knowledge, skills, and abilities to perform the functions of Major Case Management. The Major Case Manager shall have successfully completed the Ontario Major Case Management Course or equivalent as defined by the Ontario Police College, and; shall have the resources to manage investigations through the minister–approved software, currently known as PowerCase.

(Source: Ontario Major Case Management Manual)

For the purposes of an attempt homicide investigation, the Major Case Manager shall be an investigator from Detective Operations - Homicide.

For the purposes of a sexual assault investigation, the Major Case Manager shall be an investigator from Detective Operations – Sex Crimes.

For the purposes of a Human Trafficking investigation, the Major Case Manager shall be an investigator from Detective Operations - Sex Crimes-Human Trafficking Enforcement Team.

For the purposes of a kidnapping investigation, the Major Case Manager shall be an investigator from Detective Operations - Organized Crime Enforcement.

Primary Investigator means the investigator assigned by the Major Case Manager in every threshold major case investigation to perform the functions and responsibilities of the primary investigation function. The Primary Investigator shall have the knowledge, skills, and abilities to perform the function; shall have successfully completed the Ontario Major Case Management Course or equivalent, as defined by the Ontario Police College.

(Source: Ontario Major Case Management Manual)

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