

68 Church St.,  
St. Catharines  
Ontario, Canada  
L2R 3C6



Tel. (905) 688-4111  
Fax. (905) 685-5081  
www.nrps.com  
nrps@nrps.com

# Niagara Regional Police Service 131.

Chief of Police Wendy E. Southall

## REPORT OF THE POLICE SERVICE

TO

THE REGIONAL MUNICIPALITY OF NIAGARA POLICE SERVICES BOARD

**Board Report Number:**

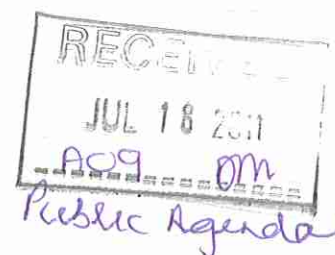
166/2011

**Date of Report:**

July 01, 2011

**Date of Board Meeting:**

July 28, 2011



**Acting Chairperson Todd Shoalts and Members of the Regional Municipality of Niagara Police Services Board**

**Reference:**

**Reporting Requirements of Regional Municipality of Niagara Police Services Board By-Law 226-2000, Sexual Assault Investigation**

**Recommendation:**

**Receive for information**

**Background:**

On 2000.11.20, a number of Regional Municipality of Niagara Police Services Board by-laws were enacted in response to the Provincial Adequacy Standards Regulations. These by-laws contain provisions requiring the Chief of Police to



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report specific information in order to ensure compliance with the legislative guidelines.

This report is submitted to provide the Board with necessary and required information, pursuant to the by-law 226-2000, relating to investigations into sexual assault investigations. Subsequent reports will follow annually to continue with this reporting process.

### **By-Law No. 226-2000 Sexual Assault Investigation**

By-Law #226-2000, a by-law respecting Sexual Assault Investigations, was enacted as a result of Provincial Adequacy Standard Regulation. This by-law details specific requirements that are reported as follows:

The Chief will make a written report to the Board on or before August 30 of each year in respect of the investigation of sexual assault occurrences. This report will contain:

- a. a summary of the written procedures concerning sexual assault investigations, including changes since the date of the last report;
- b. confirmation that the procedures are in compliance with the Ministry's designated Ontario Major Case Management manual;
- c. the status of Service compliance with the said procedures;
- d. a summary of the training given to Members with respect to sexual assault;
- e. a summary of the steps taken by the Service to monitor and evaluate response to sexual assault occurrences; and
- f. a summary of the issues dealt with by the Sexual Assault Committee.

The following is a detailed response to each of the above noted requirements:

**(a) "...a summary of the written procedures concerning sexual assault investigations, including changes since the date of the last report..."**

In April 1998, the Niagara Regional Police Service entered into a Protocol with the Niagara Region Sexual Assault Centre, the Sexual Assault Domestic Violence Treatment Centre – Niagara Health Systems, and the Crown Attorney – Ministry of Attorney General. This Protocol was endorsed and signed by the Chief of the Niagara Regional Police Service. The Protocol has since been updated and reviewed by W. B. McKaig of Sullivan Mahoney and the resulting changes should be completed by the fall of this year. A Board Report will be prepared seeking the Board's permission for the Chief to sign the Protocol once it is completed.

The Sexual Assault Response Protocol is a community driven document that outlines how our community will respond to victims/survivors of sexual assault. In addition to presenting clearly defined roles and responsibilities for all service providers, the protocol delineates the approach and agreed upon principles of responding to victims/survivors of sexual assault. This results in a consistent, comprehensive and knowledgeable response from the above-mentioned service providers within our community to the victim/survivors. This Protocol represents "the best practice approach", in responding to victims/survivors.

The Niagara Regional Police Service General Order – 020.06, Sexual Assault Investigations is reviewed on an annual basis and changes are made as required. This Order has been reviewed and submitted without change.

**(b) *"...confirmation that the procedures are in compliance with the Ministry's designated Ontario Major Case Management manual..."***

In May 2000, representatives of the above named agencies, along with a representative from the Victim Witness Assistance Program – Ministry of Attorney General formed a committee to review the present Protocol. The Protocol was revised to reflect the recommendations and these revisions brought the Niagara Regional Police Service in line with the Provincial Adequacy Standards for investigating Sexual Assaults.

The Supervisor in the Investigative Analysis Unit and the Supervisor in the Sexual Assault Unit review all cases to ensure that the procedure set out in the Ontario Major Case Management Manual are utilized in threshold cases.

**(c) *"...the status of Service compliance with the said procedures..."***

In February 2001, the Niagara Regional Police Service General Order – 020.02, Sexual Assault Unit, was revised to include the guidelines as detailed in the Adequacy Standards and in accordance with the Ministry's designated Ontario Major Case Management manual. The General Order is reviewed on an annual basis and changes are made as required. This Order was last reviewed in June of 2011 and no revisions were made, it is now General Order – 020.06.

The Protocol and General Order – 020.06 have brought the Niagara Regional Police Service into compliance with the Ministry's Adequacy Standards Guidelines LE034.

The Niagara Regional Police Service has previously undergone a review of Adequacy Standards by the Ministry of Public Safety & Security and was found to be in compliance with the standards.

**(d) “...a summary of the training given to Members with respect to sexual assault...”**

All members of the Sexual Assault Unit have completed the following courses as required by the Ministry’s Adequacy Standards Guidelines LE034:

General Investigative Techniques;  
Ontario Major Case Management; and  
Sexual Assault Investigations;

The unit is in compliance with the Ministry’s Adequacy Standards Guidelines contained in LE-034.

**(e) “...a summary of the steps taken by the Service to monitor and evaluate response to sexual assault occurrences...”**

The Niagara Regional Police have several methods in place to monitor and evaluate responses to sexual assault occurrences, in that all sexual assault complaints within the Region are submitted to the Sexual Assault Unit. Once at the Unit they are reviewed by the Officer in Charge. The complaints are then assigned accordingly to the investigators.

Cases are processed through a peer review as they are investigated and often have input from the Crown Attorney’s Office. All historical sexual assault files are reviewed with the Crown Attorney, prior to the laying of criminal charges as per the existing Protocol. Further to this, the members of the Investigative Analysis Unit review all related calls for service and provide input to the Sexual Assault Unit, and all cases are assessed and entered on the ViCLAS database. These entries are then submitted to the Provincial ViCLAS Centre for analysis.

**(f) “...a summary of the issues dealt with by the Sexual Assault Committee...”**

During 2010, the Sexual Assault Unit received 211 complaints that fell within the mandate of the unit. Fifteen (15) cases were pending as of January 1<sup>st</sup>, 2011. The following is a summary of the 2010, investigations that were concluded. On average the unit has averaged 182 complaints over the previous five (5) years.

Cleared by Charge	44
Cleared Otherwise	40
Cleared Unfounded	33
Investigation Suspended – (case closed)	79
Total	211

The fourth category, "Investigation Suspended", deals with a situation where an investigation has been exhausted and little potential exists for solving it, or the victim of the crime has elected to have the investigation terminated. Pending new evidence, this category only ends an investigation, but does not prohibit it from being re-opened in the future.

The personnel costs associated with providing support and compliance with Adequacy Standards and the Board by-law is \$551,475.00. This cost is based on the salary of one (1) Detective Sergeant and four (4) Detective Constables.

Currently the Sexual Assault Committee is comprised of the Niagara Regional Police Services, the Victim/Witness Assistance Program, Niagara Regional Sexual Assault Centre, Niagara Victim Crisis Support Service and the Sexual Assault /Domestic Violence Treatment Program. This Committee sits the last Wednesday in each month.

The purpose of the Committee is to review reported cases of sexual assault, identify systematic problems that may have arisen and jointly, make proactive changes to the investigative process. Positive practices are identified so as to be maintained.

Joint training needs are identified and as a coalition and provided to all members. The Committee has two members on a national advisory board, and participated in the formation of a national strategy designed to improve sexual assault victims rights within the judicial system, while providing training to all disciplines involved in this field.

Some of the issues dealt with by the Sexual Assault Committee, this past year, include:

- ◆ collection of sexual assault evidence versus personal rights of the victim and how to maintain this balance without adversely effecting the investigative process;
- ◆ providing public education at the high school, college and university level;
- ◆ data collection to identify emergent trends;
- ◆ the committee continued in its role in the national "Making a Difference" Project dealing with passive language issues in sexual assault investigations and stereotypical responses to sexual violence by the justice system;
- ◆ the role of victim support staff in the court process;
- ◆ changes to the sexual assault examination kit;
- ◆ continuing difficulties with staffing of the Sexual Assault Treatment Centre; and
- ◆ general maintenance of the progressive relationship of all parties involved.

**Conclusion:**

This report is submitted to the Board for review and consideration of information relating to Sexual Assault Investigation.

**Relevant Policy Considerations:** Police Services Board By-Law 226-2000, Sexual Assault Investigation.

General Order 020.06, Sexual Assault Unit.

**Cost of Recommendations:** There is no cost associated to this recommendation.

**Alternative Options:** To not accept this report.

**Reasons for Recommendation:** To comply with the provisions of the Police Services Board By-Laws and to maintain compliance with the Provincial Adequacy Standards – Regulations.

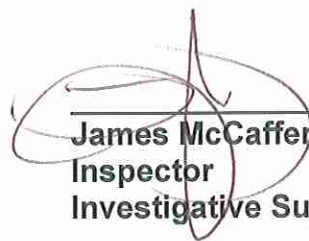
Prepared by:



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**Paul Bevan**  
**Sergeant**  
**Investigative Support Services**

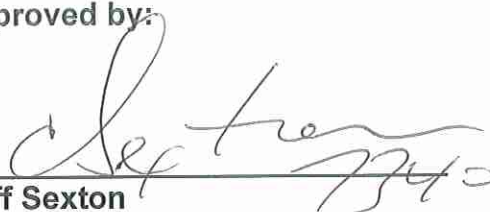
Reviewed by:



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**James McCaffery**  
**Inspector**  
**Investigative Support Services**

Approved by:



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**Cliff Sexton**  
**Superintendent**  
**Emergency and Investigative**  
**Support Services**

Recommended by:



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**Joe Matthews**  
**Deputy Chief of Police**

Respectfully submitted by:



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**Wendy Southall**  
**Chief of Police**