

## POLICE SERVICES

<b><i>City of Belleville Police Services</i></b> 93 Dundas St. E. Belleville, ON K8N 1C2	<b>Phone:</b> 613-966-0882 <b>Fax:</b> 613-966-2701 <b>TTY:</b> 613-966-3788
<b>Email:</b>	smeeks@police.belleville.ca
<b>Website:</b>	www.police.belleville.on.ca
<b><i>8 Wing Military Police,</i></b> CFB Trenton, 74 Polaris Ave P.O Box 1000 Stn Forces Astra, ON K0K 3W0	<b>Phone:</b> 613-392-2811 Ext. 4444 <b>Fax:</b> 613-965-7089
<b>Email:</b>	Blackmore.PJ@forces.gc.ca
<b><i>Ontario Provincial Police, Central Hastings</i></b> 105953 Highway #7, Madoc, ON K0K 2K0	<b>Phone:</b> 613-473-4243 <b>Fax:</b> 613-472-5029 <b>TTY:</b> 888-310-1133 <b>Communications Centre:</b> 1-888-310-1122
<b>Email:</b>	
<b><i>Ontario Provincial Police, Quinte West</i></b> 3 Dixon Drive, Box 1050 Trenton, ON K8V 6E6	<b>Phone:</b> 613-392-3561 <b>Fax:</b> 613-392-5202 <b>TTY:</b> 888-310-1133 <b>Communications Centre:</b> 1-888-310-1122
<b>Email:</b>	Brad.robson@ontario.ca
<b>Website:</b>	
<b><i>Stirling/Rawdon Police Services</i></b> 98 East Front St., Box 40 Stirling, ON K0K 3E0	<b>Phone:</b> 613-395-0844 <b>Fax:</b> 613-395-5680
<b>Email:</b>	
<b>Website:</b>	

### **Hours of Operation: 24 hours per day 7 days per week**

*Definitions of terms commonly used by law enforcement and justice personnel can be found in the appendices.*

## Introduction

With the exception of the Military Police all Police services in Ontario are required to comply with the Police Services Act, Provincial Adequacy Standards, Police Orders and/or Policy and Procedures and the Child and Family Services Act. While the specific

procedures used by each police service in the Quinte Region may vary slightly the primary purpose of police intervention in sexual violence occurrences remains the same regardless of which police service is involved. With the exception of the Military Police, all police services conduct sexual assault investigation in compliance with the procedures set out in the Ontario Major Case Management Manual and in General Order “Criminal Investigation Management Plan”. While the Military Police are not bound by the Police Service Act and the Criminal Investigation Management Plan they are required to comply with the National Defence Act, Military Police Policies and Technical Procedures Manual, and Military Police Professional Code of Conduct.

Police officers recognize that a sympathetic and supportive attitude displayed toward the victim will help to instill trust, help make her/him feel more comfortable in the process and will greatly facilitate the collection of evidence. Sexual assault can cause serious physical, psychological and emotional harm. Each victim will react differently to sexual assault and these reactions may change over time. Some reaction may include disorganization, disorientation, shock, and disbelief, accompanied by anxiety fear, and guilt. The response by the investigating Officer to the varied emotional states of the victim has a significant impact on the outcome of the investigation and can have a lasting effect upon the victim. Officers maintain sensitivity to the victims needs while providing assistance and support throughout the investigation.

## **Mandate of Police Involvement**

- To respond to all allegations of sexual assault and investigate each thoroughly.
- Where reasonable grounds exist to believe that an offence has occurred and in consultation with the victim/survivor appropriate charges can be considered under the Criminal Code of Canada. In cases where the investigator is concerned with the evidence they may consult with the Crown Attorney who can then determine whether there is a reasonable prospect of conviction or whether the prosecution would be in the public interest prior to laying a charge.
- To conduct their investigation with the least amount of trauma to the victim and with the utmost sensitivity and assistance.
- If the alleged perpetrator of the sexual assault is a spouse or a partner of the victim, the officers are to be aware of the Mandatory Charge Policy outlined by the Ministry of Community Safety and Correctional Services, Ministry of the Attorney General.
- If the victim is under the age of 16 the Children's Aid Society shall be contacted, as per the Duty to Report (see appendix 10) and comply with relevant statutes and procedures as outlined in the “Child Protection Protocol: A Coordinated Response in Eastern Ontario.”
- As proclaimed in the Victims’ Bill of Rights (see Appendix 9) victims who request to be interviewed by police officers of the same gender shall be accommodated wherever possible.

- Where charges are laid to, provide information to support the prosecution.
- To promote safety for the victim.
- To make referrals to community agencies to support the victim.

## Overview of Specific Procedures

### COMMUNICATIONS PERSONNEL

Communications personnel receive and prioritize all incoming calls made to the police. They recognize that when a person reports that they have been sexually assaulted they have been traumatized and they may still be in danger. Communications personnel will determine if the allegations are regarding a recent sexual assault (within 72 hours) or a historical sexual assault and dispatch according. Sexual assault is a priority for dispatch.

#### *Communication personnel shall:*

#### **Recent Sexual Assault**

- Obtain information that is required in order to begin response, including: Name, date of birth, address, phone number, current location and current number they are calling from. In cases in which the caller is not the victim, the victim's information will be obtained from the caller.
- Determine if an Emergency Medical Response is required, communications personnel will dispatch.
- Obtain the name, physical description and location of the suspect (if know). If the suspect used a weapon and if the suspect still has the weapon. If the suspect has departed the scene the mode of transportation and direction of travel.
- Advise the responding police officer of all available information with specific attention to victim safety.
- Refer the victim to the appropriate police service if the assault took place outside the jurisdiction contacted.
- Advise the victim of the precautions necessary to preserve physical evidence. Such as do not bath, shower or use the washroom prior to attendance at hospital; do not eat or drink anything before going to the hospital; do not clean up the crime scene; and do not change, wash or destroy clothing. Suggest that the victim bring a change of clothing to the hospital as their clothes may be kept for evidence.
- Advise the caller of the responding officer's name and estimated time of arrival.
- Communication personnel will stay on the line until the responding officer arrives if the caller so wishes.

**Historical Sexual Assault:**

- Obtain the necessary information in order to begin a response. Name, date of birth, address, phone number, current location and current number they are calling from. In cases in which the caller is not the victim, the victim's information will be obtained from the caller.
- Determine if there is an immediate crisis such as threats or concerns for children either as potential victims or witnesses to the assault.
- Dispatch an officer to take an incident report. The responding officer is not required to take a statement at that time.
- Inform the victim of the responding officer names and estimated time of arrival
- Inform the victim that there are support services in Central and South Hastings and if they request a Sexual Assault Worker (SAW) from the Sexual Assault Centre for Quinte & District( SACQD) or staff of volunteer from Victim Services to be called to speak to them.

**When interpretation services are needed:**

The communications personnel or the responding officers will determine if interpretation services are required. If so, these may be arranged through the Central Eastern Ontario Translation and Interpretation Services of Quinte United Immigrant Services, the AT&T Language Services, or American Sign Language through the Canadian Hearing Society and the police service will pay for the cost of these services. It is preferable that the interpreter be of the same gender. Some cultures do not allow discussion of anything sexual to the opposite gender. The responding police officers shall not use other family members, including children, or family friends as interpreters when conducting investigative interviews. However, other family members may be asked to communicate emergency information.

**When the victim or suspect is a member of a police service:**

In those instances when the responding officers determine that one or more of the involved parties is an employee of any police service, they will immediately notify a supervisor. The supervisor will notify the appropriate commanding officer to arrange for an impartial and independent investigation as outlined in relevant Orders or Police Service Policy and Procedures and will ensure that all internal reporting and follow-up procedures are completed in accordance with said documents.

**When the victim has a physical or mental disability:**

If the victim has a physical or mental disability and there is a communication barrier, officers shall contact appropriate community services for assistance. Please refer to appendix 4 for information on associate agencies. The police officer shall first discuss with the victim whether they are comfortable contacting a particular service agency as there may be reasons why this is not appropriate (i.e. abuse by a family member, by agency staff or a connection to someone the victim knows). If the officer is arranging for transportation, it should be appropriate to the person's need. In cases where the victim is

under the care of the perpetrator, police officers should make all attempts to find alternative and suitable arrangements for the victim while protecting confidentiality.

### **RESPONDING AND/OR INVESTIGATING OFFICER**

In some police services, the responding officer may also be the investigating officer and supervised by an accredited major case management investigator. In larger police services, whenever possible the responding officer will provide information to an officer from their criminal investigations unit, with specialized training in sexual assault investigation, who will conduct the investigation.

1. Upon being dispatched to a complaint of a recent sexual assault, officers shall:
  - Assess the victim's physical and emotional condition;
  - Request the attendance of ambulance personnel, if required;
  - Secure the crime scene and preserve and protect all physical evidence.
  - Establish a safe and private environment for the victim and conduct a brief interview to ascertain basic details of the offence;
  - If the assault is reported within 72 hours, and subject to the victims consent, arrange for immediate transportation to Belleville General or Trenton Memorial Hospitals for medical follow-up, the collection of forensic evidence, the identification and treatment of any injury or disease. Notify the hospital that a sexual assault victim is on route with estimated time of arrival to alert the Domestic Violence Sexual Assault Response Program (DVSARP). Instruct the victim to bring a change of clothing with them.
  - Ensure that the victim does not inadvertently destroy physical evidence (e.g., shower/bathe, clean up crime scene, wash/destroy clothing worn at the time of offence).
  - Reassure the victim that immediately following the examination, they will be able to wash and change their clothes.
  - If the complaint is received 72 hours after the assault, recommend that, at some point during or following the investigation, the victim seek medical treatment.
  - Should the suspect be on the scene and there are sufficient grounds to arrest:
    - search caution, and record all conversation;
    - ensure that the suspect's clothing is not changed and/or that evidence is not destroyed.
  - Offer the victim the option of having someone of their choice present for support. The support person may attend the scene or meet the victim at the hospital. Advise the victim and the support person that:
    - The support person may be asked to leave during the examination if the victim desires.
    - The support person must not interfere in the investigation.
    - The support person may be required to testify in court.

- Make the victim aware of the availability of a sexual assault worker from the Sexual Assault Centre of Quinte and District (SACQD), and/or the Victims Services - Crisis Response Program.
  - Stay with the victim and assist them while being registered at hospital.
  - Place the victim in the care of the DVSARP nurse. Provide numbers and be available at hospital when victim has completed the forensic examination.
  - A more in-depth interview will be carried out at a later time by a member of the criminal investigation division.
  - The victim should be offered the choice of being interviewed by an officer of the same gender, if possible, as recommended under the Victim's Bill of Rights.
  - The officer shall apprehend the suspect if located at the scene or obtain a suspect description to assist with the early apprehension of the offender.
  - The victim shall be given a list of available services appropriate to their situation and the officer will assist the victim, where necessary, to make the appropriate contacts.
2. Upon being dispatched to a complaint of a historical sexual assault, an officer shall:
- Obtain a brief description of the situation, ensure that the victims safe, and file an Incident Report without obtaining a written statement.
  - Since DNA exists on unlaundered clothing an officer dispatched to a complaint of historical sexual assault shall also ask the victim about clothing that was worn during the assault and secure any unlaundered clothing.
  - Advise the victim that an interview can be carried out at the victims convenience or determine if an in-depth interview will be carried out at a later time by themselves or a trained sexual assault investigator. This determination most often occurs in consultation with their crime unit supervisory personnel.
  - Provide victim with officers card and incident number.
  - Provide victim with information and referral to appropriate services such as SACQD- crisis line, Victim Services, DVSARP, Three Oaks- crisis line, CAS, etc.
3. Upon being dispatched to a complaint of sexual assault that is reported anonymously or by a third party, an officer shall:
- Attend promptly and ascertain the facts.
  - Proceed as outlined in either of the above noted circumstances.
  - Some victims of sexual assaults are reluctant to come forward and report the crime to police; however, they should be encouraged to have a sexual assault examination performed within 72 hours, and the importance of this examination should be explained with respect to retrieving medical/forensic evidence and/or identifying and treating any disease or injury or providing reassurance that no enduring physical harm was inflicted. This examination

would assist in the event that they wish to have the incident investigated at a later date.

- Advise the victim that a Sexual Assault Evidence Kit (SEAK) can be stored up to six months when a victim chooses to attend DVSARP to have a forensic examination completed.
- When a victim has completed a SEAK and wishes to defer the police investigation, DVSARP shall retain all evidence or if police have been involved may turn in over to police for safe keeping.
- Provide victim with information and referral to appropriate services such as SACQD- crisis line, Victim Services, DVSARP, Three Oaks crisis line, and CAS.

### **THIRD PARTY REPORTS**

Third party reports are those that are made to police services by a person/organization where the victim does not want to be identified or does not want charges laid. Basic information about the occurrence is given to the police for future reference.

Third party reports can be very important: information is collected that may help identify a serial offender; may help in the prosecution of an offender if there is more than one victim willing to come forward; and they may help other police services.

Police officers will take reports about sexual assault from any third party including, but not limited to, friends, family members, service providers, sexual assault counsellors and hospital staff. These reports may also be made anonymously.

Police officers shall obtain as much information as possible about the assault and alleged offender. The police officer receiving the report shall make a report on the RMS/niche reporting system and depending upon the information and in consideration of reporting criteria to make a report under the Violent Crime Linkage Analysis System (ViCLAS).

If circumstances arise where the police officer needs to pursue the third party report, they will contact the person whose name and/or phone number was provided in order to get a message to the victim.

### **LAYING CHARGES**

In those instances when reasonable grounds exist to believe that an offence has occurred, police officers may lay a charge - this may happen at any stage of the of the investigative process. Charges that may be laid include but are not limited to attempted murder; assault; sexual assault; assault with a weapon; assault causing bodily harm; aggravated sexual assault; choking; uttering threats; criminal harassment (stalking).

If additional time is required to complete the investigation or if the accused cannot be located, the responding officers will keep the victim informed of the process, review

options and if necessary offer her assistance in temporarily relocation to a place of safety, such as Three Oaks Foundation a women's shelter.

Officers shall obtain appropriate information from the victim which pertains to possible conditions of release of the accused, if not held in custody. Officers shall ensure the victim is involved in conditions of release of the accused if not held in custody. Advise the victim if accused is held in custody or released. Provide victim with release conditions and court date of accused. In cases where it is know that the Children's Aid Society is involved, release conditions will be forwarded to the Society.

At the time a decision is made to lay a charge the officer will notify the Victim Witness Assistance Program of the case.

When an Order restricting publication under section 486.4(2) is available to the Crown, the Investigating Officer shall consider asking for the ban when the Information is sworn. Doing so ensures that information identifying the victims cannot be published or broadcast from the outset. The Crown shall ensure that the order is in place at the First and subsequent appearances. Section 486.4(2) indicates the presiding Judge or Justice shall make the order on application by the complainant, prosecutor or any such witness in the following offences: 151, 152, 153, 153.1, 155, 159, 160, 162, 163.1, 170, 171, 172, 172.1, 173, 210, 211, 213, 271, 272, 273, 279.01, 279.02, 279.03, 346 or 347, as well as the following sections of older criminal codes (previously defined sexual offences): 144, 145, 149, 156, 245, 246(1), 146(2), 151, 153, 155, 157, 167 and Chapter C-34 of the Revised Statutes of Canada 1970.

#### **WHEN CHARGES ARE NOT LAID**

When the investigating officers determine that there are insufficient grounds to lay a charge, they are required to document in their report the reasons why charges were not laid. Investigating officers have the opportunity to review the matter with the Crown Attorney's office.

The investigation officers shall also:

- review their reasons for not laying charges with the alleged victim;
- confirm that an incident report will be completed;
- leave a card with their names, badge numbers, and the incident number with the alleged victim;
- confirm the alleged victim's safety and assist with temporarily relocating to a safe location such as Three Oaks Foundation she fears for her safety now or at any time in the future; and
- shall offer information and referrals to appropriate community services such as SACQD, Victim Service, Three Oaks, CAS. etc.

**CONFIDENTIAL RECORDS AND INFORMED CONSENT AND RELEASES**

The investigating police officer will **not** attempt to obtain confidential records (counseling, C.A.S., psychiatric, school and personal diaries) of the victim. In exceptional circumstances the investigating officer may consult with the Crown Attorney.

The police officer must ensure that the victim is giving informed consent to releases of information regarding medical treatment for the incident being investigated. Officers should clearly explain that ALL the records or files will be used for the purposes of investigation and will be disclosed to the Crown Attorney, the defence lawyer and the accused.

**CRIMINAL INJURIES COMPENSATION BOARD**

The officer should provide the victim with number of the Criminal Injuries Compensation Board and the victim should be informed that information regarding the CICB is available from the Community Advocacy and Legal Centre and the Victim/Witness Assistance Program (VWAP).

**VICTIM IMPACT STATEMENT**

The officer shall advise the victim of her/his right to prepare a Victim Impact Statement. VWAP is available to provide more information and assistance; however, each police service has Victim Impact Statement packages, including details on how to file the VIS.

**ViCLAS SUBMISSION**

Officers must complete a ViCLAS submission for every reported sexual assault, in accordance with ViCLAS submission criteria.

**CONTACT WITH PROBATION AND PAROLE**

If the accused is currently on probation, the Investigating Officer should notify the accused's Probation and Parole Officer. If the accused is on a Conditional Sentence he/she will be held for a bail hearing and the Probation and Parole Officer will be notified. If the accused is on Parole, he/she will be held and the Probation and Parole Officer will be notified.

**VICTIM WITHDRAWALS FROM PROCEEDINGS**

At some point in this process, the victim may wish not to participate in criminal justice proceedings. If a criminal charge has not been laid, a decision will be made regarding the continuance of the investigation. If the investigation does not continue, the officer should inform the victim they can re-initiate criminal proceedings at another time. However the victim should be aware of the complications that withdrawing from the process can have on laying charges at a later date.

If charges have been laid, the officer should refer the victim to the VWAP and explain to the victim that the charges may or may not be dropped as this is a decision of the Crown Attorney.

### **MONITORING AND FOLLOW-UP**

Police officers will provide a variety of ongoing and follow-up services to victims of sexual assault following the initial investigation, arrest, and charging of the offender including:

- ensuring crucial information regarding the status of their case is provided to victims of sexual assault upon request;
- inviting victims to assist the officer in determining the extent and type of conditions of release that will be requested at any bail hearings;
- updating the victim on the outcome of any bail hearings, with special attention to confirming any conditions of release in those instances when bail is granted;

### **COMMUNITY NOTIFICATION**

In cases of suspected sexual predators or serial offenders, the officer in charge of the criminal investigation shall consult with appropriate supervisory personnel who are empowered to consider the notification of the community, or members of the community who might be at particular risk, in the event that sexual offences are taking place in the community

### **Accessibility**

Belleville City Police Service, located at 93 Dundas St. East in Belleville, is partially accessible to both electric and manual wheelchairs users, including accessible main entrance with automatic door opener and designated wheelchair parking. The Belleville Police Service have a designated TTY for the deaf 613-966-3788. In addition, they employ personnel who are bilingual and multilingual.

Ontario Provincial Police, Central Hastings, located at 105953 Highway #7 in Madoc, is fully accessible to both electric and manual wheelchair users, including accessible main entrance with automatic door opener, accessible washroom facilities and designated wheelchair parking. A designated TTY is available for the deaf through central dispatch. 1-888-310-1133

Ontario Provincial Police, Quinte West, located at Dixon Drive in Trenton, is partially accessible to both electric and manual wheelchair users, including accessible main entrance with automatic door open, accessible washroom facilities and designated wheelchair parking.

8 Wing Military Police, located at the main entrance gate to CFB Trenton (southside), is accessible to both electric and manual wheelchair users via the west door, which includes designated handicap parking, an automatic door opener, a wheelchair stair-lift to the Police Operations Section and has accessible washroom facilities.

Stirling/Rawdon Police Service, located at 98 East Front St. in Stirling, has limited accessibility, wheelchair users should call ahead.

## **Accountability and Complaints**

Complaints or concerns regarding the policies, practices, or standards of conduct of Police Services or the services provided by one or more specific police officer within the Quinte Region, can be submitted in writing to the involved Police Service or detachment. Written complaints must be signed by the complainant and can be mailed, faxed or hand delivered to the appropriate location.

Each Police Service has detailed in-house procedures that outline the steps to be taken when responding to written complaints, including options to informally address the issue through meetings and conversation with the involved parties and procedures for formal resolution up to and including appeal processes.

Each Police Service will have a Domestic Violence Coordinator or trained Domestic Violence Investigator who will participate on the Quinte Coordinating Committee Against Violence (QCCAV) and the Dedicated Domestic Violence Court Advisory Committee. As well, each Police Service will participate in HART.

Each Police Service will ensure statistical data in keeping with Ministry of the Solicitor General guidelines is provided to the QCCAV as requested.