



NIAGARA REGIONAL POLICE SERVICE

Police Service Board Report

PUBLIC AGENDA

Subject: Annual Report – Sexual Assault Investigations
January 1 to December 31, 2023

Report To: Chair and Members, Niagara Police Service Board

Report Date: 2024-05-16

Recommendation(s)

That the Niagara Police Service Board (Board) receive this report for information.

Key Facts

- The purpose of this report is to advise the Board that the Niagara Regional Police Service (Service) is in compliance with Board By-Law 499-2024 – Sexual Assault Investigation.
- By-Law 499-2024 contains provisions requiring the Chief of Police to report specific information in order to ensure compliance with the legislative guidelines.
- This report is submitted to provide the Board with the necessary and required information pursuant to the operation of sexual assault investigations.

Financial Considerations

There are no financial implications relating to the recommendations contained within this report.

Analysis

In accordance with By-Law 499-2024, the Chief shall make a written report to the Board on or before August 30 of each year in respect of the investigation of sexual assault occurrences. The 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 (OMCM) manual and O. Reg 394/23: Major Case management and Approved Software Requirements;
- 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...”*

The Service has a Sexual Assault Response Protocol (Protocol) with the following community partners: Family and Children’s Services, Birchway Niagara, Centre De Sante Communautaire Du Niagara, Niagara Region Sexual Assault Centre, the Sexual Assault Domestic Violence Treatment Centre – Niagara Health, Victim Services, and the Victim Witness Assistance Program (VWAP), as well as the Crown Attorney – Ministry of the Attorney General (MAG). In 2023, Bethesda, Niagara College, and Brock University were added as community partners.

This Protocol is a community-driven document that outlines how the community will make a coordinated effort to effectively respond to victims/survivors of sexual assault. In addition to defining roles and responsibilities for all service providers, the document defines the approach and agreed upon principles of responding to victims/survivors of sexual assault, resulting in a consistent, comprehensive, and knowledgeable response from service providers to victims and survivors. Police and partner agencies conduct regular meetings to review and update the Protocol.

General Order (GO) – 020.14, Sexual Assault Investigations was created in response to Adequacy and Effective Policing LE-034 and By-Law 499-2024. GO 020.14 defines the policy, procedures and duties governing sexual assault investigations. The GO was updated in 2021 and was re-evaluated in early 2024 and is currently pending approval.

- b) *“...confirmation that the procedures are in compliance with the Ministry’s designated Ontario Major Case Management manual and O. Reg 394/23: Major Case management and Approved Software Requirements...”*

In May 2009, representatives from each agency named in the Protocol, along with a representative from the VWAP – MAG, formed a committee to review the Protocol. The Protocol was revised to reflect recommendations, and as such these revisions brought the Service in line with Adequacy and Effective Policing for investigating sexual assaults.

The supervisor of the Sexual Assault Unit (SAU) reviews all cases of sexual assault to ensure that the procedures set out in the OMCM manual are utilized in threshold cases.

- c) *“...the status of Service compliance with the said procedures...”*

GO 020.14 includes the guidelines as detailed in Adequacy and Effective Policing and in accordance with the Ministry's designated OMCM manual.

Both the Protocol and GO 020.14 ensure the Service is in compliance with the Ministry's Adequacy and Effective Policing Guidelines LE-034.

- d) *"...a summary of the training given to members with respect to sexual assault..."*

The majority of the SAU have completed the following courses as required by the Ministry's Adequacy and Effective Policing Guidelines LE-034:

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

There is 1 investigator who is scheduled to complete the Sexual Assault Investigations Course in 2024.

The unit is in compliance with the Ministry's Adequacy and Effective Policing 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 Service has several procedures in place to monitor and evaluate responses to sexual assault occurrences. All sexual assault complaints within the Region are submitted to the SAU and reviewed by the detective sergeant. Complaints are then assigned accordingly to the investigators and monitored by the detective sergeant as investigations unfold.

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. Further, all related cases are assessed and entered on the Violent Crime Linkage Analysis System (ViCLAS) database by the Violent Crime Analysts. These entries are then submitted to the Provincial ViCLAS Centre for analysis.

The Violent Crime Analysts also enter data from sexual assault investigations into the Major Case Management System according to OMCM policies/procedures. When a serial sexual predator is identified, SAU members liaise with the Provincial Serial Predator Crime Investigations Coordinator and provide documentation pertaining to the circumstances surrounding the identified offender.

- f) *"...a summary of the issues dealt with by the Sexual Assault Committee..."*

The SAU is currently involved with the Sexual Assault Provincial Working Group and has established an advocate case review program.

Currently, the 'Niagara Region Sexual Violence Advocate Case Review Program' (Review Program) is comprised of the Service, Niagara Regional Sexual Assault Centre, Gillian's Place, Women's Place, and the Centre de Sante Communautaire. The team received training and commenced the first review on May 17, 2021. The review committee has been meeting quarterly since its inception.

The purpose of the Review Program is to analyze reported cases of sexual assault where charges were not laid, identify systematic problems that may have arisen, and jointly make proactive changes to the investigative process. Additionally, the Review Program will identify positive practices within investigations so they can be utilized in other matters going forward. Furthermore, the Review Program will ensure joint training needs are identified and take steps to ensure that recommended training is provided to all members.

Sexual Assault Reports – 2021 - 2023

| Year | Total Reports | Charges | *Otherwise | Unfounded | Suspended |
|------|---------------|---------|------------|-----------|-----------|
| 2023 | 398 | 53 | 0 | 0 | 291 |
| 2022 | 357 | 28 | 0 | 1 | 304 |
| 2021 | 367 | 41 | 8 | 9 | 238 |

The Clearance Type "Otherwise" refers to investigations in which a victim may have chosen not to continue to the point of charges and prosecution.

Sexual assault statistics will fluctuate year to year due to the length of time required in some investigations. Figures are also impacted by the reporting of historical sexual assaults. With respect to the 2023 statistics, there are 54 cases that have yet to be concluded and remain under investigation at this time.

Alternatives Reviewed

Not applicable.

Relationship to Police Service/Board Strategic Priorities

To comply with the provisions of Board By-Laws and to maintain compliance with Adequacy and Effective Policing.

Relevant Policy Considerations

Board By-Law 499-2024 - Sexual Assault Investigation
GO 020.14 - Sexual Assault Investigations

Other Pertinent Reports

8.14-2023.06.22 - Annual Report – Sexual Assault Investigations - January 1 to December 31, 2022

This report was prepared by Derek Gandza, Detective Sergeant, Sexual Assault Unit, in consultation with Jesse Miller, Staff Sergeant, Special Victims Unit, reviewed by Steve Magistrale, Inspector, Investigative Support Services and Dave Masotti, Superintendent, Emergency and Investigative Services. Recommended by Todd Waselovich, Deputy Chief, Operational Services.



Submitted by:

Bill Fordy, O.O.M. #9615
Chief of Police

Appendices

Not applicable.