

OUTLINE OF EVIDENCE

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1. LATE 1970's – EARLY 1980's: UNDERSTANDING, AWARENESS, TRAINING AND INVESTIGATIVE SKILLS OF POLICE OFFICERS IN RELATION TO ALLEGATIONS OF CHILD SEXUAL ABUSE

Awareness:

- There was little awareness, if any, of child sexual abuse.
- There was very little reporting of child sexual abuse, and to the extent it was known, the focus was on abuse by family members and strangers.
- When allegations of child sexual abuse were made, there was a tendency to disbelieve the child.

Training:

- Training that was completed by all new officers at the Ontario Police College did not include specific training on the investigation of sexual offences.
- In the late 70's there was no specific sexual assault training at the Ontario Police College.
- The recruits received training on facts in issue, ingredients for the offences and information on the *Child Welfare Act*, but there were no or very little materials on sexual assault investigations, victim issues, etc.
- The Youth Bureau Officers received limited training via the C.O. Bick College.
- There was very little training, if any, on key issues such as:
 - a) How to interview a youth or adult;
 - b) Historical allegations;
 - c) Importance of the first interview;
 - d) The work required to verify or disprove allegations;
 - e) When to bring in experts from other disciplines to assist.
- There was a lack of recognition of the need for increased training in the area.
- At the time, police training was based on the law and was not necessarily skills based.

Investigations:

- As a result, investigations of child sexual abuse were lacking. Officers were not equipped with necessary interview skills and were not able to effectively gather evidence.
- It was not uncommon for officers to rely on “gut feelings” without completing a proper investigation.
- There was a tendency to resolve cases without charging. Both the police and the Crown were likely to view cases of child sexual abuse as difficult to prove, and there was little likelihood of conviction.
- Viewing cases as difficult to prove was not always as a result of a lack of training. Some of the difficulties resulted from the late disclosure of the offence and therefore the impossibility for officers to be able to gather the evidence.

Prosecutions:

- The prosecuted cases had to fit the restrictions imposed by the law.
- Some of the problems encountered in the prosecution of cases included the requirement for corroboration and the prohibition against evidence of children less than 10 years of age. Prosecutions involving abuse of children of tender years and children less than 14 years of age also presented problems.
- The most difficult cases were those in which a child made an allegation against a person of authority, status and credibility in the community. These cases were particularly difficult if the child making the allegation was a troubled youth.
- The Investigators would gather evidence, however in many cases reporting was delayed and no evidence was available.
- All that would be available would be statements of victims, offenders and possibly witnesses.
- Few prosecutors were trained for these types of offences and there were no experts to speak of in this field.

Alternatives to prosecution:

- Even within larger police forces, there was no special expertise in respect of handling child sexual abuse cases.
- Police reported cases to the Children’s Aid Societies.
- Cooperation across institutions such as the police or child welfare agencies, for example, was limited. It was not until approximately 1983 that the Police and Children’s Aid Society in Toronto entered into a protocol for the investigation of child abuse.

- The Children's Aid Societies were first to become aware of the problem of child sexual abuse.
 - The Children's Aid Societies dealt mainly with familial abuse and were not necessarily prepared or trained to deal with institutional abuse.
 - Police did provide protection for Children's Aid Society workers while attending at the scene when it was necessary.
 - The relationship between Police Services and some community sectors was sometimes difficult. For example, Schools had a tendency to protect their teachers and transfer them out with a recommendation when an incident occurred.
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2. MID 1980's – EARLY 1990's: INCREASED UNDERSTANDING AND FUNDAMENTAL SYSTEMIC CHANGES

- During this period, there was much more awareness of child sexual abuse. The release of the *Report of the Committee on Sexual Offences Against Children and Youths* ("Badgley Report") in 1984 contributed to greater awareness of the problem of child sexual abuse.
- The significant findings/recommendations on police investigations were set out in the Badgely Report.
- The law reforms of this period (for e.g. Bill C-15) and the publicity surrounding the abuse at Mount Cashel also contributed to increased awareness and understanding of child sexual abuse.
- The law reforms significantly contributed to changes to the police investigations of sexual offences.
- The development of training with a particular emphasis on child sexual abuse began during this period.
- For example, in approximately 1985, the Institute for the Prevention of Child Abuse began to offer interdisciplinary training that officers could attend.
- Some specialization in the area of child sexual abuse was beginning in larger communities.
- For example, in 1989, the *Sex Crimes Unit* was created in the Toronto Police Service. This Unit was established as a result of several predatory serial sex offender investigations and input from women's groups.

- In 1991, C.O. Bick College began to offer the *Sexual Assault and Child Abuse* (“SACA”) course. This was a two-week course of which one week was dedicated to issues surrounding the investigation of child abuse.
- The SACA course was restricted to experienced police officers and the objectives of it were to:
 - Provide specialized training for investigators of sexual assault and child abuse;
 - Increase awareness of sexual assault and child abuse;
 - Define the roles and responsibilities of community service providers;
 - Improve the coordination, cooperation and communication between police and community service providers; and
 - Improve decision-making
- Despite this, there was still not enough training on how to investigate child sexual abuse. Nor was there enough training on how to interview children or adults who alleged historical child sexual abuse.
- The SACA course was not sufficient to permit the officers to acquire the necessary skills and it was a requirement that they train with an experienced officer in the field.
- During this period, there was an increased tendency to charge and to move cases to the courts for resolution.
- Police and other agencies began to have improved cooperation. This improved cooperation was based more on relationships than protocols. There was an increase, however, in the number of interagency protocols during this time.
- Smaller communities were not as well resourced, not as well trained, and had no real opportunity to specialize.
- In smaller communities, in particular, the challenges in dealing with allegations against persons in authority or trust remained.

3. MID 1990’s TO PRESENT: MORE CHANGES

- There was a more sophisticated understanding of sexual assault and child sexual abuse in the mid 1990’s.

- Large forces had special units to deal with these types of cases. The Sex Crimes Unit in the Toronto Police Force expanded and gained expertise.
- In 2004, sections were added to the unit to deal specifically with Child Exploitation. A Behavioral Assessment Section was also added.
- The mandate of the Sex Crimes Unit is to investigate sexual offences when the perpetrator is unknown. The definition of unknown has broadened over time from a complete stranger to situations where there is no established relationship.
- More training on child sexual abuse was provided to professionals such as police, social workers and nurses.
- New courses such as Victim Management, False Allegations and Pedophile Investigation were being developed and offered at C.O. Bick.
- There began to be a better understanding of the investigative work necessary to determine the validity of allegations.
- In December 1995, the Solicitor General and Minister of Correctional Services commissioned a report on the Paul Bernardo investigation. Mr. Justice Archie Campbell was appointed to conduct the review, and wrote in his report that the problems in the Bernardo case were not primarily problems with the investigations, but with the systems for the support and management of their work.
- A number of recommendations came out of the "*Bernardo Investigation Review*," which included, but were not limited to, the following:
 - The development of a major case management system;
 - Sexual assault investigation training;
 - Sensitivity to the special concerns of sexual assault survivors and the potential for re-victimization through the investigative, prosecutorial and judicial processes;
 - Continuity of contact between investigator and victim;
 - Availability of victim support services;
 - Interview techniques that encourage full disclosure of the assault and its circumstances;
 - Keeping victims informed of the progress of the investigation;
 - The early recognition and linkage of serial predators; and

- The identification of a centrally supported organizational structure among individual police forces that combines unified leadership across police jurisdictions with organized case management procedures.
- The report and its recommendations had a significant impact on child sexual abuse investigations.
- In Toronto, a directive issued in 1998 governs the investigation of a sexual assault. The directive requires that various staff levels within the police service have specific responsibilities once a sexual assault has been reported.
- In 1999, the Toronto Police Service completed a "*Review of the Investigation of Sexual Assaults*." This review was precipitated by the case of Jane Doe versus the Commissioners of Police of the then-Municipality of Metropolitan Toronto. The review contained a significant number of recommendations regarding the reporting, investigation, and disposition of sexual assaults by the Toronto Police Service.
- While the review acknowledged that the Toronto Police Service has made significant changes in the way it handles sexual assaults, it noted that there is still more to be done.
- In summary form, some of the recommendations from the review included a need for the following:
 - A widening of the mandate of the Sexual Assault Squad, and a review of its staffing to meet that new mandate;
 - A re-evaluation of current training practices, including the provision of mandatory and regular refresher courses;
 - Improvements to the current case management information systems;
 - Improved communications with women who have been sexually assaulted;
 - Continuity of service to women who have been sexually assaulted;
 - A requirement to create formal written procedures, prepared with assistance from the overall community, in regard to the reporting of activities of sexual predators; and
 - Improved communications and relations both within the police service itself and with outside community agencies.
- In 2004, the Auditor General completed a follow-up Report of the 1999 "*Review of the Investigation of Sexual Assaults*." The review contained a number of additional recommendations made to the Toronto Police Service.

- In summary form, some of the recommendations from the review included the need for the following:
 - A need for compliance with the directives for first-response officers;
 - Special training to conduct sexual assault investigations;
 - A non-compliance monitoring process;
 - An increase in the tracking of sexual assault occurrences by the Sex Crimes Unit;
 - Continued compliance with Criminal investigations Procedure 05-05;
 - An accounting and evaluation of the training courses and required resources;
 - Timely compliance with the Violent Crime Linkage Analysis System (ViCLAS);
 - The audits and publications of other reports and recommendations have led to the adoption and/or amendments to policies and procedures involving the investigations of sexual offences by Toronto Police Services.
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4. MOVING FORWARD

- Some improvements are still needed in terms of training to address the effective investigation of cases of child sexual abuse. Improved training is required in the areas of child development, working with children, interviewing young and developmentally challenged children, and the use of experts to assist in the investigations.
- Challenges continue to exist in respect of investigating new cases involving allegations against persons in positions of trust or authority.
- Joint training initiatives, which would include prosecutors, are required, as are the development of cross-agency relationships, and the use of a cross-functional investigative team approach.
- Furthermore, increased training is required on legal developments applicable to cases of child sexual abuse. For example, Bill C-15 provided for the use of screens in the courtroom to facilitate the testimony of children in court. This tool, however, remains underutilized.
- There is still a need for more resources and interagency collaboration in dealing with child sexual abuse, as well as a more human approach to guidelines and protocols.

- With respect to the prosecution of child sexual abuse cases, improvements are still needed. The J Court in Toronto, a court that is intended to be more child-friendly, is a step in the right direction, but such a set-up is not available in all regions. It is important that cases proceed quickly, that all members of the team (prosecutors, officers, judges, clerks, etc.) are appropriately trained, and that the same prosecutor handles individual cases at all stages.
- The Toronto Police Service is presently in talks with the four Children's Aid Societies in Toronto in relation to the development of a Child Advocacy Centre. Such a Centre would provide experts to perform the forensic interviews of children, and would be staffed by protection workers, police investigators and prosecutors who would work as a team. The Centre would also provide on-going counseling upon the conclusion of a case. The Centre would not be connected to a police station, but would be an entity all its own. These types of centers are in existence in the United States and provide a safe haven for a child to tell his or her story.
- The Circle of Support program of the Mennonite Central Committee is a project that seeks to reduce the risk of pedophiles from re-offending. They embrace the principle of partnership between Police and the Community, promote victim safety, help decrease recidivism rates and permit the controlled re-integration of sex offenders.