

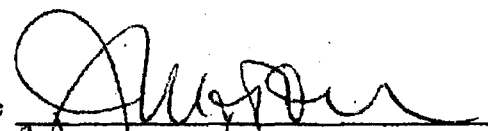
Protocol Between
The London Police Service
And
The Children's Aid Society of London and Middlesex

Brian Collins
Chief of Police
London City Police Service

Signature 

Date 2002-11-01

John Liston
Executive Director
Children's Aid Society of London and Middlesex

Signature 

Date November 26, 2002

Protocol Between the London Police Service And the Children's Aid Society of London and Middlesex

GENERAL PRINCIPLES

- Children have a right to be protected from abuse.
- Child abuse is a crime and is to be investigated as such.
- All members of a family are affected by child abuse and must be treated by professionals in a manner that is sensitive to their needs.
- Every effort will be made to eliminate further victimization of the child by the process of the investigation and the criminal justice system.
- For the protection and the well being of the child, the abuser, rather than the child, shall be removed from the home whenever possible.
- Child abuse investigations shall be investigated jointly and handled with sensitivity, consistency, collaboration, and co-ordination by skilled and trained personnel of the Children's Aid Society (CAS) and the London Police Service (L.P.S.).
- The L.P.S. and the CAS will work together co-operatively, share openly all information relevant to the investigation and conduct joint investigations.
- Children who are victims of Multi Victim and/or Multi Offender investigations may be children who may be in need of protection due to either acts of omission or commission by their parents; therefore, the investigation is to be conducted in a manner that reflects the mandate of both the CAS and the L.P.S. Recognizing that Multi Child Victim and Multi Offender investigations pose unique difficulties and challenges, the L.P.S. and the CAS will conduct such investigations jointly, work together co-operatively, and share all information that is relevant to the investigation.
- Children, who suffered from parental maltreatment and are in the care of the CAS, are children who have already experienced the realities of living away from their home and this must be taken into consideration when conducting child sensitive investigations.

1. STAFFING

(a) CAS

A majority of investigations are done by staff in the Intake Department. From time to time, other CAS protection workers may be involved in investigations when they have responsibility for the case. The CAS will ensure that the social workers that investigate child abuse are qualified and trained in child abuse investigations.

(b) Police

The L.P.S. will make available the Sexual Assault Section for the investigation of child abuse. The L.P.S. will ensure that the police officers that investigate child abuse and are in the Sexual Assault Section are qualified and trained in child abuse investigations.

2. RESPONSIBILITIES

- Both the CAS and the L.P.S. have responsibility to ensure the safety and protection of children.
- The CAS has specific responsibilities for taking the necessary steps for ensuring the immediate protection and safety of the child.
- The L.P.S. are responsible for gathering the necessary evidence for presentation in Criminal Code Proceedings.
- The CAS is responsible for the gathering of all of the necessary evidence for presentation in Child Protection Proceedings.
- The L.P.S. and the CAS will work together as a team in the investigation of child abuse cases including Multi-victim/Multi-offender cases.

3. DUTY TO REPORT

Under the Child and Family Services Act, (Sec. 72) (C.F.S.A.) any person who has reasonable grounds to suspect that a child is or may be in need of protection must promptly report the information upon which the suspicion is based to the local CAS. "Reasonable grounds" are what an average person given his or her training background and experience, exercising normal and honest judgment would suspect.

However, the C.F.S.A. places increased responsibility upon professionals working with children and their families. The C.F.S.A specifically defines these responsibilities as follows: where a person who in the course of his or her professional or official duties has reasonable grounds to suspect that a child is or may be in need of protection, shall forthwith report the suspicion and the information on which it is based to a society" (sec. 72).

The duty to report is an ongoing responsibility. If a person who made a previous report about a child and has additional grounds to suspect the child is or may be in need of protection, that person must make a further report to the CAS.

Under Part III of the C.F.S.A. a "child" is defined as a person actually or apparently under the age of 16 years or any child who is subject to an order under C.F.S.A. Part III.

4. INITIATING THE REFERRAL PROCESS

The L.P.S. Receive the Referral

Upon receipt of the information that a child may be in need of protection (CFSA) Sec. 37(2), the police officer will obtain all of the relevant information from the referral source and will refer to the CAS immediately. The CAS worker and the police officer will develop a joint strategy of response.

All initial reports of a child in need of protection due to serious child abuse or neglect that are responded to by the Uniform Division will be referred to the Sexual Assault Section.

Upon receipt of the report the Sexual Assault Section will:

- Clarify that the uniformed officer has referred the allegation to the CAS.
- Co-ordinate the investigation with the social worker, and,
- Give all reasonable assistance to the CAS to ensure the protection of the child (ren).

The police and the CAS will agree upon the necessary strategies and steps to be taken in cases where a joint investigation is appropriate.

The L.P.S. in making decisions about laying charges and terms of release will give consideration to the preferred practice, that it is better to remove the alleged offender from the home rather than remove the child victim.

CAS receives the referral

Upon receiving the allegation of a child in need of protection, the protection worker will obtain all relevant information from the referral source and possibly from other appropriate sources, so sufficient information is available to make a determination of:

- (i) The urgency of the investigation;
- (ii) If there is a single victim; or multi victims, if this can be determined.
- (iii) The jurisdiction where the abuse or neglect occurred.
- (iv) Whether or not a joint L.P.S./CAS investigation is warranted.

5. JOINT CAS/LONDON POLICE SERVICE INVESTIGATIONS

The Children's Aid Society of London will refer to the Police all allegations of serious child abuse and neglect. This includes all sexual abuse allegations, all serious physical injuries, all unexplained injuries and all serious harm due to neglect. Serious physical injuries include but are not limited to fractures, welts or bruises, burns, cuts, black eyes etc.

When the CAS believes that a joint CAS/L.P.S. investigation is warranted, the CAS will:

- Refer the allegation immediately to the Sexual Assault Section through the Detective Sergeant (661-5674).
- Discuss with the Police the investigation strategies and steps to be taken to address the urgency of the situation. A mutually agreed upon plan will be developed.
- Complete a written referral on the prescribed form (attached) containing all of the pertinent data and forward it to the Sexual Assault Section.
- Assess the risks to the child and other potential child victims and develop a plan to ensure the safety of the child; and,
- Co-ordinate the investigation with the police and jointly with police, gather all of the necessary information.

The L.P.S. will, in most cases, be available to commence the investigation within a reasonable period of time. In urgent situations, the police will be available as quickly as possible. The most urgent investigations are those where the child is at imminent risk of harm, the alleged abuser is the present caregiver or the custodial parent, there is evidence to suggest that the parent is unable to protect the child immediately, or the child presently has injuries requiring medical attention and documentation.

At the point of referral, the police and the CAS protection worker will share all information about the situation, and agree upon how to proceed with the investigation in a manner that ensures the protection of the child from further victimization, ensures that the necessary evidence is obtained and maintains the integrity of the investigation. The investigators will clarify roles and decide on responsibilities in the investigation. Every effort will be made to avoid unnecessary delays and duplication of efforts.

The investigators will clarify roles for the interview with the child such as who will take the lead in the interview and who will take notes, if applicable. The interview with the child victim will be video taped whenever possible. One set of notes of the interview will be completed. Both parties will have copies of the notes.

The CAS will delay contacting the alleged abuser, in most situations, until police can conduct the interview. In some emergency situations where the child's safety may be at risk, this might not be possible. The CAS should proceed to an extent necessary to determine the immediate risks for the child (ren). On occasion, when appropriate as deemed by the police, the social worker may attend the interview with the alleged abuser with police.

6. RESPONDING TO MULTI VICTIM AND/OR MULTI OFFENDER CASES

The Nature of Multi Child Victim and/or Multi Offender Cases

Multi Victim/Multi Offender Cases:

- Are often not identified as being multi victim until the investigation is well underway.
- Often strain the resources of investigating authorities.
- Require great organization and skill of the investigating authorities.
- Require well-organized, highly co-operative joint investigations by the CAS and the police.
- Traumatize the entire community including laypersons and the treatment providers.

- Attract significant media attention, which can cause considerable trauma to victims and complicate the investigation. Relationships with the media must be organized and controlled.
- Often involve offenders who are highly visible and/or respected members of a community.

Receipt of the Referral

When it has been determined that the investigation is a multi child victim case, the CAS will report this belief and all of the supporting information to the Detective Sergeant of the Sexual Assault Section and to a CAS Intake Supervisor.

When the police receive information that a child may be a victim of a multi victim case, the police will report this belief and all of the information to a CAS Intake Supervisor.

At the point of receiving the referral, the CAS Intake Supervisor and the Detective Sergeant will agree upon a plan for investigation that takes into consideration the challenges of a multi victim and/or a multi offender case. The CAS Intake Supervisor and the Detective Sergeant will address issues such as estimates for staffing necessary to conduct the investigation, record keeping and joint interview strategies.

The Intake Supervisor and the Detective Sergeant will inform the Senior Managers of each agency of the Multi Child Victim investigation. The Chief of Police and the Executive Director of the CAS, or their designates, will communicate regarding the joint investigation of Multi Child Victim and Multi offender cases and address issues of staffing and media contacts. Depending on the anticipated size of the investigation, there will be designated people assigned to have media contact responsibilities.

7. WHEN AN ALLEGED VICTIM OF A JOINT INVESTIGATION IS A CHILD IN THE CARE OF THE CAS

When one or more alleged victims are in the care of the CAS and living in either a CAS Residential Facility or a foster home, an Intake Supervisor of the CAS will be informed of the investigation. The investigating social worker may be an intake social worker assigned or may be a Family Services social worker assigned to the case. The investigator will be assigned based on the person best suited for a child-centered investigation.

When an alleged victim is a child living in a CAS Residential Group Facility, the Residential Resources Manager, the Intake Supervisor, the Family Services Supervisor assigned to the child, and the Detective Sergeant will discuss the strategies necessary to conduct an investigation and address issues pertaining to the roles of each of the professionals; i.e. the investigating police officer, the investigating social worker, the Family Services social worker and the Residential Staff.

8. WHEN THE ALLEGED VICTIM REQUIRES MEDICAL EXAMINATION OR TREATMENT

When a child presents at hospital with allegations of abuse or there is belief that a child may be in need of protection, then the hospital will refer the child to the CAS. In some situations, the police

may receive the report before the CAS. The first party who receives the referral from the hospital will ensure that the other party is informed of the investigation as per this protocol.

If the CAS is first to receive the allegation, consultation with the L.P.S. will occur to determine whether police need to be in attendance at the hospital immediately in order:

- To conduct interviews with the child, parent(s) and alleged offender;
- To collect evidence and exhibits (i.e. clothing, etc.);
- To arrange for photographs to be taken by police personnel if deemed necessary in cases of physical abuse or neglect; and
- To determine if a Sexual Assault Forensic Examination Kit should be performed.

9. CAS CHILD PROTECTION WORKER NEEDS PROTECTION

When the CAS protection worker, in the process of executing his/her child protection mandate, requires police assistance for personal protection, the CAS will in the case of an immediate emergency, call 911 or otherwise call the Uniformed Division (661-5670) and give a brief description of the case, the present situation and request police assistance. Whenever possible, the CAS and the police will arrange to meet at a safe and neutral setting before proceeding with a meeting with the family. The police will provide to the protection worker any information about the family that is deemed to be necessary for the protection worker's safety and/or the safety of the child and/or others.

10. VIDEOTAPED INTERVIEWS OF CHILD VICTIMS

The police and the investigating protection worker will assess each case to determine if a videotaped statement would be appropriate given the nature of the investigation. Special attention shall be given to the needs and the best interests of the child. The need of the video interview shall also be assessed in light of the provisions of the Criminal Code.

The videotaped interview should be conducted with either the police officer or the protection worker as the primary interviewer, depending on who has established the greatest rapport with the child. In light of the probable use of the videotapes in criminal proceedings, the police officer will lead the interview in most cases unless otherwise indicated.

Each agency has the capacity to conduct a videotaped interview, which can be conducted at either location based on the circumstances of the investigation. The Police are responsible for the continuity of evidence in the investigation and will maintain possession of any recordings made as a result of the interview regardless of the location of the interview. It is understood that the CAS may have these recordings for their files as may be necessary from time to time.

11. COMMUNICATION AND RECORD SHARING.

In Joint Investigations

Lines of communication are to remain open and all information relevant to the joint investigation will be shared. The CAS and the L.P.S. will have access to view the videotaped statements and any other record keeping methods. New information will be shared as soon as possible.

CAS and L.P.S. shall continue to share all necessary information during and following the investigation. Where either party is uncertain as to what action to take, each party shall feel free to consult with the other.

The CAS and the Sexual Assault Section shall meet as agreed upon and when required to discuss cases, participate in training and promote a positive joint working relationship.

In Other Cases

It is acknowledged by both parties that Police records are provided to the CAS pursuant to reporting requirements under s. 72 of the CFSA and that under the CFSA; there is protection from liability for such disclosure so long as the records are not released maliciously or without reasonable grounds. It is recognized by both parties that once the CAS is in receipt of Police files, these files become part of the CAS record and are subject to disclosure pursuant to disclosure process of the CAS.

Police may request information from a file that is not the subject of a joint investigation or a child protection matter. They are requested to obtain a warrant for the release of that information.

12. MATTERS OF CONTENTION

Both parties are encouraged to discuss matters directly with one another. Matters that cannot be agreed upon shall be brought to the attention of supervising personnel and dealt with by the Detective Sergeant of the Sexual Assault Section and the Society supervisor. The CAS liaison with the Police may be a resource in resolving any issues.