

CRIMINAL INVESTIGATIONS

05 - 05 Sexual assault

A divisional sexual assault investigator (divisional investigator) is responsible for the investigation of all sexual assaults.

The Sexual Assault unit must be contacted when investigating:

- aggravated sexual assaults;
- sexual assaults involving bodily harm, weapons or threats to a third person; or
- where the offender was known to the victim prior to the assault and the suspect has a criminal history suggesting repetitive behaviour.

Furthermore, the Unit Commander, Sexual Assault unit, may take charge of any sexual assault investigation.

Whenever it is necessary for a detective, who is not designated as a divisional investigator, to investigate a sexual assault, the member shall contact a divisional investigator or Sexual Assault unit investigator, as soon as practicable, for assistance. During days off, the Sexual Assault unit is available by contacting the Duty Desk.

In cases where the victim is under sixteen (16) years of age, a child sexual abuse investigator shall conduct the investigation in accordance with the directive entitled 'Child sexual abuse' (05-06).

Police Officer

1. Upon arrival at the scene of a sexual assault shall
 - notify the communications operator
 - interview the victim briefly and ascertain the basic details of the assault, the description of the suspect and any other relevant information

NOTE: *The interviewing officer shall ensure suitable privacy and conduct the interview in a tactful and sensitive manner.*

- preserve the scene for physical and trace evidence and permit only those persons designated by the divisional investigator/Sexual Assault unit investigator to enter the crime scene
- advise the victim to postpone voiding until after the medical examination

NOTE: *If voiding is necessary before the medical examination, the victim shall be advised to avoid wiping the genital area or to save the tissue for later submission with the sexual assault kit.*

- advise the victim that he/she will be able to bathe and change clothing as soon as a medical examination is completed
- arrange for the victim to obtain a change of clothing

- ensure the victim is transported to Women's College Hospital or Scarborough Grace Hospital, unless injuries sustained in the assault are life threatening
 - accompany the victim to a medical facility
2. Upon receiving sufficient information shall
- notify the communications operator, as soon as possible
 - notify C.P.I.C., Records and Information Security (R.I.S.), to generate a C.P.I.C. Alert Message if violence or injury has occurred and/or the suspect can be identified, or an accurate description is available
 - confirm with the officer in charge that a divisional investigator, or a Sexual Assault unit investigator has been notified
 - request additional assistance, if required
3. When making entries in the memorandum book shall
- consider the victim's physical and emotional condition
- NOTE:** The initial reaction to sexual assault will vary. It is not unusual for a victim to appear calm and composed.*
- consider the condition of the suspect, particularly
 - clothing worn during the assault
 - signs of a violent struggle, or
 - signs of drug or alcohol use
4. If the suspect is not arrested shall
- complete a General Occurrence (MTP 201) and Supplementary Report (MTP 205)
 - comply with the directive entitled 'Major news reports'

Sergeant

5. Upon being notified of a sexual assault shall attend at the scene and ensure that all necessary action is taken

Divisional Investigator

6. Upon being notified of a sexual assault shall
- attend at the scene without delay

- take charge of the investigation
- upon determining that the assault meets the criteria, immediately notify a Sexual Assault unit investigator
- request the attendance of an officer from Forensic Identification Services
- accompany the victim to the medical facility, or attend at the facility if the victim is already there

NOTE: *Sexual Assault Kits are stocked by Women's College Hospital and Scarborough Grace Hospital. If the victim is treated at another facility, a kit shall be supplied by the divisional investigator.*

- consult with the attending doctor
- offer the victim the option of having a person of his/her choice or a member of Victim Services, present for support
- advise the victim and the support person that the latter
 - may be asked to leave if the complainant so desires
 - must not interfere in the investigation and
 - may be required to testify in court
- ensure the complainant is afforded privacy and consideration
- take possession of all forensic evidence collected by the medical staff
- obtain from the attending physician a copy of the Sexual Assault History Form, Forensic Evidence Form, and the General Examination Form
- conduct a thorough interview with the victim/witness as soon as possible, and obtain either a tape recorded or written statement signed by the victim

NOTE: *A copy of each statement shall be forwarded to the Sexual Assault unit.*

- ensure the victim has transportation from the hospital or police facility
- arrange for photographs of the victim at the appropriate time

NOTE: *Forensic Identification Services shall be advised prior to the victim's attendance if a photographer of the same gender is required.*

7. Where any relevant evidence is seized shall

- ensure it is properly packaged and labelled in accordance with the appropriate directive entitled 'Property - general'

- ensure samples from the Sexual Assault Kit and other appropriate forensic evidence are submitted to the Centre of Forensic Sciences (C.F.S.) for examination
- ensure the results of the C.F.S. analysis are recorded on a MTP 205
- ensure samples from the Sexual Assault Kit and other appropriate forensic evidence are not destroyed prior to the conclusion of the case and appeal period

NOTE: *Where no suspect is developed, it is the policy of the C.F.S. to hold exhibits for one year. After this period, if a request from the investigating officer is not received, the exhibits will be destroyed.*

8. If it is determined that the victim recently had sexual intercourse, shall arrange to obtain blood and saliva samples from the partner
 9. If the suspect is arrested shall attempt to obtain control samples from the suspect to be used for comparison
 10. In order to ensure an ongoing communication with the complainant shall
 - provide the complainant with the name, rank and badge number of the principal investigator
 - advise the complainant to contact the detective sergeant in the absence of the principal investigator
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- ensure the complainant is advised of any developments or changes of status in the investigation
 - ensure the complainant is aware of the court's expectations of a victim/witness
 - invite the victim to complete a Victim Impact Statement (CAO 142.1)

Sexual Assault Unit Investigator

11. When notified of a sexual assault shall, in addition to complying with unit specific guidelines
 - respond to and take charge of the investigation, if necessary
 - offer advice, assistance and follow-up investigation, as required

12. Upon receiving requests for voice identification line-ups shall ensure requests are properly co-ordinated

Officer in Charge

13. Upon receiving information of a sexual assault shall
- request the attendance of a
 - divisional investigator from the unit, or if unavailable
 - divisional investigator from another unit, or if unavailable
 - detective from the unit or another unit

NOTE: *A Sexual Assault unit investigator may attend as a last resort*

14. When a victim of a sexual assault is interviewed in a police facility shall ensure reasonable privacy is afforded the person
15. Upon receiving a MTP 201 and MTP 205 for a sexual assault, or for any other occurrence that appears to be sexually motivated, shall forward a photocopy of the forms to the Sexual Assault unit
16. Upon receiving a person in custody for an offence resulting from a sexual assault shall forward a photocopy of the Record of Arrest (MTP 100) and Supplementary Record of Arrest (MTP 101) to the Sexual Assault unit

Detective Sergeant

17. When in charge of a divisional detective office shall
- ensure divisional investigators are deployed in a manner which maximize their availability on each shift
 - ensure the follow-up investigation of a sexual assault is thorough and undertaken promptly
 - answer any complainant inquiries when the principal investigator is unavailable