

CRIMINAL INVESTIGATIONS

05 - 06 Child Sexual Abuse

Definitions

CHILD

Any person under the age of 16 years as defined by the Child and Family Services Act (1984).

CHILD SEXUAL ABUSE

Child Sexual Abuse refers to the use of a child by an adult for sexual purposes whether or not consent is alleged to have been given. It includes: acts of exposure; sexual touching; oral, anal or vaginal penetration; and the exposing of a child to, or involving a child in, pornography or prostitution.

Any form of direct or indirect sexual contact between a child and an adult is abusive since it is motivated purely by adult needs and involves a child who by virtue of age and position in life is unable to give consent.

Sexual activity between children constitutes sexual abuse when it is clear, by differences in developmental levels, coercion and/or lack of mutuality, that one child is taking advantage of the other. This same criteria must be applied when the children involved are siblings.

DESIGNATED CHILD SEXUAL ABUSE INVESTIGATOR

(Designated investigator) is a specially trained police officer who is responsible for the criminal investigation of child sexual abuse cases.

DESIGNATED CHILDREN'S AID SOCIETY WORKER

Designated (CAS worker) is a trained specialist who is responsible for the child protection investigation and the protection of the child.

THE TEAM

Includes a designated investigator and a CAS worker, who shall conduct interviews together and communicate at every stage of the investigation.

CHILD ABUSE CO-ORDINATOR

An officer in the Community Policing Support Unit (CPSU), Family Services section, who has been designated to monitor all child abuse occurrences, assist investigative personnel, and liaise with external agencies.

Further information and clarification of this procedure can be found in the publication entitled "Child Sexual Abuse Protocol: Guidelines and Procedures for a Coordinated Response to Child Sexual Abuse in Metropolitan Toronto" (third edition, March 1995), available through the Child Abuse Co-ordinator.

A Team response shall be required for all allegations of child sexual abuse where the circumstances could include a violation of the Criminal Code and render the child in need of protection under the Child and

Family Services Act (1984); and, when the alleged offender (whether adult or child) has some element of charge over the child victim.

In instances of child abuse, such as physical harm, emotional harm and malnutrition, the appropriate children's aid society shall be notified; however, joint investigations may not be necessary.

Investigations on School Premises

If it is determined by the Team that it is in the best interest of the child, investigations may take place on school premises, without prior knowledge* and in the absence of parents when;

- the abuse is disclosed at school, and reported immediately by school personnel to the CAS
- the abuse is disclosed outside the school and the Team wishes to interview the child at school
- the abuse disclosure involves school personnel as an alleged offender
- the abuse disclosure involves another child (student) as an alleged offender
- subsequent to the initial investigation, police or child care protection worker(s) need access to the child at school or child care setting as a continuation of this process

* The parents shall be informed of the interview as soon as reasonably possible.

The Team shall be responsible for informing the school principal, as soon as practicable, of the following:

- if the investigation is delayed, indicating when the interview is expected to occur
- when parent(s) have been informed of an interview conducted without their previous knowledge
- the appropriate time that school personnel may resume contact with one or both parents;
- if the child is placed in the care of a children's aid society
- whether or not child protection proceedings will be commenced
- whether or not a criminal charge will be laid (excluding young offender cases)
- the existence and terms of any court orders regarding access or contact with the child
- any other information deemed necessary

NOTE: *If the offender is a school employee, the respective Director of Education or designate must be contacted immediately. School officials shall be advised not to interview or advise the alleged offender prior to the police interview.*

RESPONSIBILITY FOR INVESTIGATIONS

<u>Where Abuse Took Place</u>	<u>Where Child Resides</u>	<u>Unit Responsible For Investigation</u>
Inside the City of Toronto	Inside the City of Toronto	Division where the child resides
Inside the City of Toronto	Outside the City of Toronto	Division receiving the complaint
Outside the City of Toronto	Inside the City of Toronto	Initial investigation by Division receiving the complaint and forward the information to the Police Service concerned

Police Officer

1. Upon receiving a complaint of a suspected child sexual abuse shall

- interview the complainant briefly
- ensure the victim receives medical attention, if necessary

NOTE: *Victims under 12 years shall be taken to the Hospital for Sick Children if penetration has been alleged. Forensic evidence should be collected within 24 hours.*

- secure the crime scene and preserve all physical evidence in accordance with the procedure entitled, "Gathering/preserving evidence" (04-21)
- advise the officer in charge to notify a designated investigator
- await further instruction from the designated investigator
- complete a General Occurrence (TPS 201), a Modus Operandi Sheet (TPS 210) and a Supplementary Report (TPS 205) in consultation with the designated investigator

Officer in Charge

2. Upon receiving notification of a suspected child sexual abuse, shall contact a designated investigator from the division in which the child resides, or if unavailable, a designated investigator from another division within the same command area

NOTE: *The division where the child resides will be responsible for case management.*

3. Upon receipt of a TPS 201, TPS 210 and TPS 205 shall

- distribute as indicated on the forms, except for part 3 which is to be forwarded to the designated investigator
- forward a photocopy to the divisional detective office where the offence took place, if applicable

Designated Investigator

4. Upon receiving notification of a suspected child sexual abuse shall

- notify the appropriate children's aid society
- confer with the CAS worker and proceed to the scene
- consult with the Child Abuse Co-ordinator, if necessary

5. Upon arriving at the scene shall

- take charge of the investigation
- provide advice to the police officer completing the TPS 201, TPS 210 and TPS 205

- conduct a Team (Police/CAS) interview with the victim
6. If the victim requires medical attention shall
- ensure the victim is examined by a doctor, as soon as possible, if there is alleged recent penetration or other medical concerns
 - advise the attending doctor of the offence
 - take possession of the forensic evidence from medical staff
 - ensure evidence is properly packaged and labelled in accordance with the appropriate procedures in the Chapter entitled 'PROPERTY'
 - ensure the appropriate items are taken to the Centre of Forensic Sciences for analysis
7. When conducting an interview of the victim shall
- ensure a neutral setting
 - videotape or audiotape where circumstances permit and document reasons for the course of action
 - ensure tapes are stored, copied or transcribed in accordance with the procedure entitled, "Disclosure, duplication and transcription" (12-08)
 - offer to have a support person outside or inside the room during the interview, but ensure the support person is advised that there is a possibility that he/she may be subpoenaed as a witness.
 - a summons must be issued when the original tape is required for a child protection or expunction hearing
 - invite the victim and/or allied parent(s) to complete a Victim Impact Statement (CAO 142.1)
- NOTE:** *Members shall refer to the procedure entitled, "Violent crime linkage analysis system" (05-19) to consider the appropriateness of entry on the ViCLAS system.*
8. When there is an additional/potential victim or witness to be interviewed, shall ensure each is interviewed separately and in private
9. After interviewing the alleged offender shall
- disclose the results of the interview to the CAS worker as soon as possible
 - inform the CAS worker whether criminal charges have been laid
 - caution the CAS worker not to release the information to any other person

10. If the interview of the alleged offender is delayed shall inform the CAS worker of the investigation's status
11. Upon the Team determining that the victim is in need of immediate protection shall
 - take the appropriate action in circumstances where leaving the child, or other siblings, in the home may leave them at risk of further abuse
 - make every effort to remove the offender, rather than the child from the home
12. When laying a criminal charge, shall consider including a term of "No contact with the victim" and any other child(ren) potentially at risk, if recommending release conditions
13. Refer the victim to the Child Victim Witness Support Program for court preparation and where available, to the Victim/Witness Assistance Program for court support
14. Prior to the first court appearance shall
 - ensure the Crown Attorney is apprised of the facts of the case including the child's capacity to testify
 - arrange a meeting between the child witness(es) and the Crown Attorney
 - ensure that the child, allied parent(s) and the CAS worker are kept apprised of any conditions of bail, civil order or any other pertinent information relating to the case

Unit Commander - Corporate Information Systems - Operations

15. Upon receipt of any documents pertaining to child sexual abuse shall in addition to ensuring that unit specific guidelines are followed, forward a copy of such forms to the Child Abuse Co-ordinator.