

# LONDON POLICE SERVICES BOARD POLICY

## **LPSB Policy: 037**

**Title:** Sexual Assault Investigation

**Procedure:** Part 3 Chapter M

**Approved:** May 25, 2000

**Amended:** January 17, 2019

## **PREAMBLE**

1. This policy was developed through consultation with community members, police services, the Chief of Police and London Police Services Board Members. The policy is consistent with the role of Police Services Boards in Ontario, Canada under the *Police Services Act* and its regulations.
2. Where possible, the terms *victim* and *survivor* are used interchangeably in this policy to reflect language in legislation and policy documents pertaining to sexual assault investigation. The inclusion and emphasis on Indigenous people is to reflect the disproportionately high proliferation of violence, inclusive of sexual violence, homicide, and sexual trafficking/exploitation that occurs and is underreported towards Indigenous women, girls and 2SLGBTQQIA peoples in Canada.

## **DEFINITIONS**

3. In this policy:
  - a. **2SLGBTQQIA** - LGBTQIA is an inclusive acronym that includes most all Sexual, and Gender identities. Also commonly used: LGBTQIA+. 2S stands for 2-Spirited.

- b. Indigenous** - is used to refer to all groups of First Nations/Indian, Inuit and Métis people collectively, regardless of status or location of residence within Canada (Allan & Smylie, 2015).
- c. Trauma Informed** – is a service provision approach that understands and appreciates the impact of trauma, emphasizing physical, psychological and emotional safety for both service providers and victims/survivors of trauma, creating opportunities to rebuild a mutual sense of control.
- d. Victim/Survivor Centred** – is a victim/survivor centred approach which seeks to minimize re-traumatization and re-victimization associated with criminal justice processes by providing the support of victim/survivor advocates and service providers, empowering victims/survivors as authentically engaged participants in the process.
- e. Sexual Offense** – is a criminal offense that is either sexual in nature or committed with the intent to commit an act or acts that are sexual in nature.
- f. Sexual Violence** – is any sexual act or act targeting a person's sexuality, gender identity or gender expression, whether the act that is committed is physical or psychological in nature, threatened or attempted against a person without the person's consent.

## **POLICY**

4. It is the policy of the London Police Services Board that:

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- a. All sexual assault investigations be undertaken in accordance with appropriate adequacy standards, the Criminal Investigation Management Plan, and in compliance with appropriate Case Management Manuals as directed by Legislation.
  - b. This policy will apply as a whole rather than in its constituent parts.
  - c. All sections of this policy will consider the needs of diverse and vulnerable populations including but not limited to individuals who are: Indigenous (self-identified), intellectually or developmentally disabled, sexual minorities and racialized.
  - d. With respect to sexual offences, the Chief of Police shall establish procedures for the reporting, disclosure and follow-up for victims/survivors of sexual violence, which are trauma informed, sensitive and do not result in re-victimization intentionally or unintentionally.
5. To support this policy, the Chief of Police shall:
- a. Develop and maintain trauma informed and victim/survivor centred procedures for undertaking and managing investigations into sexual offences that address:
    - i. Communications and dispatch.
    - ii. Initial response, including attention to victim/survivor choice, privacy, and location of initial investigative interview.
    - iii. Role of supervisors.

- iv. Enhanced investigative procedures.
  - v. Laying of charges.
  - vi. Occurrences regarding members of a police service.
  - vii. Post-arrest procedures, including appropriate and trauma informed follow up with sexual assault victims/survivors.
  - viii. Victim/survivor assistance.
  - ix. Safety planning.
- b. Ensure the provision of ongoing training and skills development for all London Police Service members that may have contact with victims/survivors of sexual assault that include the following topics:
- i. Sexual violence and consent.
  - ii. Gender-based violence, privilege and power.
  - iii. Trauma-informed approaches to police services and investigations.
  - iv. Gender bias and rape myths related to sexual assault.
  - v. Understanding the intersectionality of sexual violence in vulnerable and marginalized communities.
  - vi. Indigenous cultural safety, as determined by the Indigenous communities within and surrounding London, with respect to how historical and ongoing contemporary colonial and oppressive practices and systems impact Indigenous people in the context of

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- sexual violence, including the proliferation of murdered and missing Indigenous women, girls and 2SLGBTQQIA populations.
- vii. Those in the Domestic Violence Unit shall receive additional training, as appropriate, on sexual violence in a domestic context.
- c. Work, where possible, with hospitals and agencies which provide services to victims of sexual assault, including Sexual Assault Treatment Centres, Sexual Assault/Rape Crisis Centres and Victim Services, Indigenous/ First Nations-specific organizations, as well as the local Crown, to ensure a coordinated and effective response to victims/survivors of sexual assaults, and to ensure that all victims/survivors of sexual assault are provided access to information related to available community supports, including crisis numbers, counselling services and oversight agencies, at the earliest possible opportunity.
- d. Ensure the establishment of a Sexual Assault Advisory Committee, in addition to an Indigenous-specific sub-committee, comprised of community-based stakeholders including victim/survivor advocacy agencies, police and other direct service providers to those affected by sexual offences, as well as survivors of sexual violence, whose purpose shall be:
- i. To oversee the implementation of the Victim Advocate Case Review.

- ii. To develop strategies to improve experience for victims/survivors of sexual offences.
  - iii. To advise regarding classification systems for sexual offences.
  - iv. To advise regarding policy, procedures and training regarding sexual assault investigations.
  - v. To provide expert support and knowledge around education, training and the development and implementation of emerging/best practices.
- e. Ensure the establishment of a Victim Advocate Case Review Program that provides for independent review by community partners of all sexual assault cases classified pertaining to adults classified as unfounded and founded, not cleared occurrences in order to:
  - i. Ensure best practice responses to sexual offence investigations involving adult complainants and subjects.
  - ii. Improve the effectiveness of the investigative process.
  - iii. Assist with the apprehension of offenders.
  - iv. Provide the proper level of service and respect to sexual assault complainants and enhance their trust in the investigative process.
  - v. Improve transparency of LPS' sexual assault investigations.
  - vi. Apply a diversity and inclusion lens, including but not limited to, the case review program being adapted to support the needs of

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Indigenous (women, girls and 2SLGBTQQIA) populations in London.

f. Ensure that LPS' responses to sexual offences are monitored and evaluated by:

- i. Providing an annual report that includes recommendations of the Victim Advocate Case Review Program, numbers of sexual assault cases reported and numbers of cases independently reviewed through the Victim Advocate Case Review Program.
  - ii. When possible, conducting community consultation and soliciting input from the public regarding the annual report.
  - iii. Enhancing data collection through the collection of demographic data including the self-identification of Indigenous peoples living in Canada and creating a local database to monitor missing women, girls and 2SLGBTQQIA peoples based on current best practices in the area.
- f. Ensure a coordinated response between the Domestic Violence Unit, the Sexual Assault and Child Abuse Section and the Human Trafficking Unit, as needed, when investigating allegations of domestic violence that involve sexual assault.
- g. Work with agencies that specifically support and advocate for individuals in the sex trade, inclusive of Indigenous specific organizations, to ensure their unique perspectives are being heard.

- h. Explore the possibility of establishing third party reporting systems in collaboration with local victim/survivor services and community organizations, ensuring that Indigenous organizational representation is prioritized.

## **PRIVACY**

- 6. In the application of their discretion under the *Police Services Act*, the Chief of Police shall consider the requests of victims/survivors of sexual offences in determining whether to disclose the name of an accused. In such circumstances where the Chief of Police determines not to disclose the name of the accused, they shall explain to the victim/survivor, where possible, and to the extent possible, the reasons why the name of an accused is not being released. In these cases, the Chief shall provide to the Board the reasons why the name of an accused is not being released.

## **ACCESSIBILITY**

- 7. This policy shall be made accessible to members of the public and for agencies to distribute. Accessible formats of this policy shall be provided in a timely manner upon request.

## **UPDATES**

- 8. This policy shall be updated every five (5) years to ensure it remains up to date with current and emerging practices in the field.

## **Reference(s):**

- a) Adequacy Standards Guideline: **LE - 034**