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Peterborough / Mississauga Victim Services & Support Line
"By Your Side"



ONTARIO
VICTIM/WITNESS
ASSISTANCE PROGRAM



SEXUAL ASSAULT RESPONSE PROTOCOL

FOR THE
PETERBOROUGH
REGION

Peterborough Domestic Abuse Network
October 2007

FUNDED BY THE MINISTRY OF COMMUNITY AND SOCIAL SERVICES

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1.0 INTRODUCTION

1.1 History of DART/PDAN

In June of 1999, the Education Committee of the Peterborough Regional Health Centre initiated a community forum to deal with the issue of domestic violence. A committee was formed, called the "Community Response to Domestic Violence".

In January 2000, the committee began to explore the possibility of becoming a Domestic Assault Response Team (DART). Protocols from across the province were reviewed, and Maureen Ruddell (Windsor Police Service) did an 'in-service' training for members. Video cameras were subsequently purchased for both city and county police services and, in October of the same year, Daniel Mark (Ministry of the Attorney General) introduced the committee to the concept of Domestic Violence Courts.

In January 2001, the John Howard Society received a grant to hire a coordinator to assist the committee. Terms of Reference from various DARTs across the province were collected, and the members of the committee signed a 'Declaration of Commitment'. An Education Committee was formed with a focus on training members of the judiciary and Justices of the Peace. In the spring of 2002, case presentations began. The following year, Crowns attended a meeting to discuss D.V. courts and the Partner Assault Response (PAR) Program. In 2004, a successful grant application enabled the group to hire a co-ordinator to oversee and carry out the committee's work, including organizing a training event and implementing a 'messaging' campaign.

Participation in a visioning exercise in 2005 led the group to adopt both a new name and a newly revised mission statement. DART became the Peterborough Domestic Abuse Network (PDAN). Its mission is "to promote healthy relationships and end domestic and relationship abuse in Peterborough City and County". It carries out its mission through various activities, including education, advocacy, training and case presentations. Membership in PDAN is open to any organization that supports its mission.

1.2 History of Local Sexual Assault Programs

In 1977 the Kawartha Sexual Assault Centre was created. It was incorporated in 1986 as the Peterborough Rape Relief Centre. In 1994 it was changed to the Sexual Violence Support and Information Centre of the Kawarthas. In 1997 it was renamed the Kawartha Sexual Assault Centre.

In January of 1992 the Sexual Assault Response Program at the Peterborough Regional Health Centre began providing emergency medical care and counseling services to victims/survivors of sexual assault. Since then the program has grown to also include emergency medical and counseling services to people experiencing domestic violence and child victims of sexual assault. The program is now called the Sexual Assault/Domestic Violence Treatment Program (SA/DV) and provides services to Peterborough, Kawartha Lakes, Haliburton and Northumberland Counties.

In October 2005, the Ontario Association of Chiefs of Police - Victims Assistance Committee in partnership with the Peterborough Lakefield Community Police Service organized a seminar entitled "Police Working with Community". At this seminar, the Niagara Regional Police Service presented a "Community Approach to Serving Victims of Sexual Assault". This presentation was well received and sparked an interest in developing a similar approach in the local community. Niagara's Sexual Assault Response Protocol was used as a template for this document.

1.3 Intent

The Sexual Assault Response Protocol is a community driven document that outlines how our community will respond to victims/survivors of sexual assault. In addition to presenting clearly defined roles and procedures for all service providers, the protocol delineates the approach and agreed upon principles and beliefs in responding to victims/survivors of sexual assault. This will result in a consistent, comprehensive and knowledgeable response from the above-mentioned services within our community to the victim/survivor. This protocol represents "the best practice approach" in responding to all victims/survivors.

2.0 PROTOCOL AGENCY REPRESENTATIVES

- ◆ **Anishinabek Police Service, Curve Lake Detachment**
1024 Mississauga Street, Curve Lake, Ontario K0L 1R0
Phone: 705-657-8892; Fax: 705-657-8429
Representative: Sergeant Kim Coppaway
E-mail: kcoppaway@apscops.org

- ◆ **Crown Attorney Office – Peterborough County**
270 George Street North, 2nd Fl. Box G, Peterborough, Ontario K9J 3H1
Phone: 705-755-5360; Fax: 705-755-5365
Representative: Brian Gilkinson, Crown Attorney
E-mail: BrianW.Gilkinson@ontario.ca

- ◆ **Hiawatha First Nation**
123 Paudash Street, R.R. 2, Keene, Ontario K0L 2G0
Phone: 705-295-4423; Fax: 705-295-4424
Representative: Constable Derek Couchie
E-mail: derek.couchie@ontario.ca

- ◆ **Kawartha Sexual Assault Centre**
411 Water St. Suite 102, Peterborough Ontario K9H 3L9
Phone: 705-748-5901; Fax: 705-741-0405
Representative: Brenda Scott
E-mail: ksac@nexicom.net

- ◆ **Peterborough County Detachment, Ontario Provincial Police**
453 Lansdowne St. E., Box 477, Peterborough, Ontario K9J 6Z6
Phone: 1-888-310-1122 (calls for service)
Local Inquiry: 705-742-0401; Fax 705-742-9247
Representative: Constable Anne Marie Chappell
E-mail: annemarie.chappell@ontario.ca

- ◆ **Peterborough Lakefield Community Police Service**
 500 Water Street, Box 2050, Peterborough, Ontario K9J 7Y4
 Phone: 705-876-1122 (Administration); Fax: 705-743-1540
 Representative: Sergeant Dan Smith
 E-mail: dsmith@peterborough.ca
 Representative: Lesley Harries-Jones, Victim Services Coordinator
 E-mail: lharries-jones@peterborough.ca

- ◆ **Peterborough/Northumberland Victim Services/Support Link**
 453 Lansdowne St. E., Box 477, Peterborough, Ontario K9J 6Z6
 Phone: 705-748-0324 or 1-888-822-7729; Fax 705-748-5452
 Cobourg: 905-372-2255
 Representative: Madge Ferguson
 Email: support@vcars.on.ca

- ◆ **Sexual Assault / Domestic Violence Treatment Program (SA/DV)**
 Peterborough Regional Health Centre
 Women's Health Care Centre
 157 Charlotte Street, Peterborough, Ontario K9J 2T7
 Phone: 705-743-4132 or 1-800-419-3111; Fax: 705-743-6577
 Representative: Bobbi Martin-Haw
 E-mail: bmartin-@prhc.on.ca

- ◆ **Victim/Witness Assistance Program (V/WAP)**
 Ministry of the Attorney General
 311 George St. North, Suite 205, Peterborough, Ontario K9J 3H3
 Phone: 705-755 5150; Fax: 705-755-5155
 Representative: Janet Duke
 E-mail: janet.duke@ontario.ca

2.1 Signatory Page

The undersigned signifies the intention of all parties to use this protocol for a coordinated response to sexual assault and to provide sensitive, respectful and appropriate service to sexual assault victims and survivors in Peterborough County.



Sergeant Kim Coppaway
Anishinabek Police Service, Curve Lake Detachment



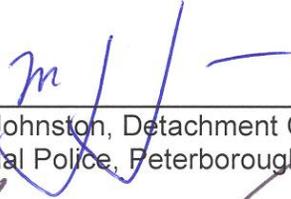
Brian Gilkinson, Crown Attorney
Crown Attorney Office: Peterborough County



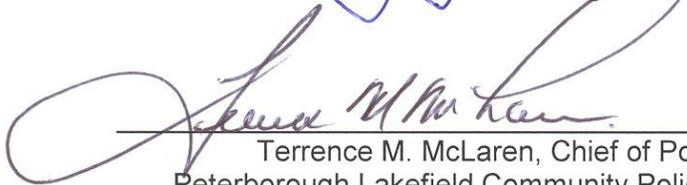
Laurie Carr, Chief
Hiawatha First Nation



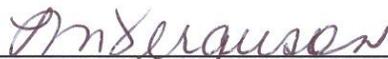
Brenda Scott, Executive Director
Kawartha Sexual Assault Centre



Mike Johnston, Detachment Commander
Ontario Provincial Police, Peterborough County Detachment



Terrence M. McLaren, Chief of Police
Peterborough Lakefield Community Police Service



Madge Ferguson, Executive Director
Peterborough/Northumberland Victim Services/Support Link

Rita McC

Rita McCann

Director, Women's and Children's Services
Peterborough Regional Health Centre

Janet Duke

Janet Duke, Manager

Victim/Witness Assistance Program
Ministry of the Attorney General

Original copy signed: *October 23, 2007*
Revised copy signed:

3.0 STATEMENT OF PRINCIPLES AND BELIEFS

Whereas an effective and humane response to sexual assault requires common principles and a co-ordinated strategy amongst those agencies empowered to act on behalf of the community, we are agreed that:

- ◆ Everyone has a right to live their life free from violence and abuse.
- ◆ All persons who have experienced sexual assault should receive sensitive, respectful, immediate and appropriate care.
- ◆ Sexual assault is an act of aggression using power and control to dominate and violate an individual. It is not an act of intimacy.
- ◆ Sexual assault is NEVER the fault or the responsibility of the victim/survivor. Offenders must be held accountable for their behaviour.
- ◆ Co-ordination in handling sexual assault cases will be best served through joint training of members of our services.
- ◆ We have an important role with respect to sexual assault. Our services will be accessible whenever possible.
- ◆ Other organizations in the community have an important role with respect to sexual assault. Our services will be accessible as a resource wherever possible.
- ◆ A coordinated community approach to service delivery is essential to providing choices and meeting the many unique needs of victims/survivors who have experienced sexual assault.
- ◆ Information will be provided to victims/survivors at every step of the process so that they can make their own decisions.

4.0 DEFINITIONS

CHILD: a person under sixteen years of age.

CONFIDENTIALITY: maintaining the privacy of the victims/survivors information.

CONSENT: the voluntary agreement of a person to engage in the sexual activity in question. There is no consent when:

- ◆ the victim/survivor expresses, by words, gestures, conduct or any other means, a lack of agreement;
- ◆ a person other than the victim/survivor expresses agreement by words or conduct;
- ◆ the victim/survivor is incapable of consenting to the activity;
- ◆ the perpetrator induces the victim/survivor to engage in the activity by abusing a position of trust, power or authority;

- ◆ the victim/survivor having consented to engage in consensual activity, expresses by words, gestures, conduct or by any other means, a lack of agreement to continue in the activity;
- ◆ the accused's belief arose from the accused self-induced intoxication, or recklessness or wilful blindness; or the accused did not take reasonable steps, in the circumstances known to the accused at the time, to ascertain that the complainant was consenting (*The Criminal Code of Canada*);
- ◆ children under the age of 14 years old are deemed incapable of consenting to sexual activity with adults.

GENERAL ORDERS: reflect the policy of the Peterborough Lakefield Community Police Service and contain procedures that shall be followed by members of that Service.

KHCAS: Kawartha Haliburton Children's Aid Society

KSAC: Kawartha Sexual Assault Centre

OPP: Ontario Provincial Police (Peterborough Detachment)

PLCPS: Peterborough Lakefield Community Police Service

PETERBOROUGH LAKEFIELD COMMUNITY POLICE VICTIM SERVICES UNIT: provides support to victim/survivors and their families following report of sexual violence to police whether charges are applicable or not.

PNVS/SL: Peterborough/Northumberland Victim Services/Support Link

PETERBOROUGH/NORTHUMBERLAND VICTIM SERVICES: can provide on-scene, telephone support, referrals, court accompaniment and assistance with victim related documents to the victim and their families following the report of sexual violence to police whether charges are applicable or not.

SUPPORT LINK can provide two safety tools for victims: an intensive safety plan which is adapted as dynamics change for the victim and (where qualified) cellular telephones pre-programmed to dial 911 by hitting any numeric key.

PRHC: Peterborough Regional Health Centre

SA/DV: Sexual Assault/Domestic Violence Treatment Program

SAE KIT: Sexual Assault Evidence Kit is the medical means used for the collection of physical evidence for the purpose of use in court. The kit is provided by the Centre of Forensic Science to ensure the standardization of the collection of physical evidence by a doctor or nurse. The police and the SA/DV program (see above) have control over the Kit. Evidence is best gathered within 72 hours of the assault utilizing the SAE Kit.

SANE: Sexual Assault Nurse Examiner

SEXUAL ASSAULT: any unwanted act of touching or threat of touching, directly or indirectly that violates the sexual integrity of any person. It is sexual assault regardless of the relationship of the victim to the perpetrator.

SEXUAL ASSAULT SURVIVOR: a positive term recognizing the strength required to live with an experience of sexual assault. Although survivors had no control over the assault, they do have options in their response and are actively involved in the process of reclaiming their personal power.

SEXUAL ASSAULT VICTIM: anyone who has experienced sexual violence.

SEXUAL INTEGRITY: in the legal context and for the purpose of the above definitions, sexual integrity refers to the inviolable nature of a person's sexuality, which is compromised by a sexual offence. It does not, in any way, make reference to the morality of a person.

SEXUAL VIOLENCE: an act of violence, hatred and aggression characterised by an attempt to threaten, intimidate, coerce or engage in any unwanted behaviour of a sexual nature, which involves a violation of one's sexual integrity. Examples include, but are not limited to, pornography, sexual harassment, exploitation, stalking or voyeurism. Sexual violence includes, but is not limited to sexual assault and other sexual offences included in the *Criminal Code of Canada*.

ViCLAS: Violent Crime Linkage Analysis System, an international database that is used to link serial offenders and the offences they commit. Designed to capture, collate, and compare crimes of violence through the analysis of victimology, offender's description, methods of operation (M.O.), forensic and behavioural data.

V/WAP: Victim/Witness Assistance Program - Ministry of the Attorney General. Offers support to the victim/survivor of sexual violence after criminal charges are laid up until the final disposition of the case.

5.0 COMMITMENTS

WE WILL, WITHIN THE MANDATE OF OUR SERVICES:

Be inclusive and equitable to all people accessing our services, while being sensitive to the issues related to race, ethnicity, gender, age, sexual orientation, socio-economic status, and/or abilities of individuals.

It is understood and acknowledged that all services have different responsibilities in responding to a sexual assault. It is imperative that each agency has a working understanding of other agencies' policies. In order to clarify the respective service positions and to avoid misunderstanding, the following areas of accountability/accountability factors are acknowledged.

6.0 ROLES

6.1 Police

Peterborough Lakefield Community Police Service responds to all sexual assaults that occur within the City of Peterborough or the Village of Lakefield. Peterborough County OPP Detachment respond to all sexual assaults that occur elsewhere in Peterborough County. The Curve Lake and Hiawatha First Nations have their own police services and work in close association with the OPP. The Anishinabek Police Service is responsible for incidents occurring on the Curve Lake First Nation, while the Hiawatha Police Service looks after incidents that occur on the Hiawatha First Nation and Serpent Mounds Park.

The police will:

- ◆ undertake pro-active and reactive enforcement of the law;
- ◆ initiate the prosecution of offences;
- ◆ offer crisis assistance through Victim Services; the police can provide access to Victim Services whether or not charges are laid;
- ◆ conduct a co-ordinated response and investigation to reported cases of sexual assault;
- ◆ lay criminal charges;
- ◆ coordinate prosecution of offences with the Office of the Crown Attorney.

6.2 Victim Services

Victim Services will:

- ◆ provide ongoing emotional support and practical assistance following police intervention whether charges are laid or not to victims/survivors and their families;
- ◆ ensure that victims are aware of all options available, including reporting to police;
- ◆ provide information and referral to community agencies;
- ◆ continue follow up contact with victims/survivors to:
 - ◆ determine if all of their needs are being met;
 - ◆ provide emotional support to victims and family;
 - ◆ provide ongoing advocacy for the victim/survivor;
 - ◆ encourage the victim to contact community agencies better able to meet the ongoing needs of the victim;
 - ◆ provide 24 hour crisis intervention when requested by police.

6.3 Kawartha Sexual Assault Centre

KSAC will:

- ◆ provide counselling to victims/survivors of sexual violence;
- ◆ provide counselling to childhood sexual abuse survivors who are 16 years of age and older;
- ◆ ensure that victims/survivors are aware of all options in order to make informed decisions;

- ◆ ensure client confidentiality, except in cases where there is a threat of harm to the client or to another person, or where child abuse is suspected or disclosed;
- ◆ ensure a sexual assault accompaniment volunteer is in attendance at the hospital;
- ◆ provide client advocacy;
- ◆ provide accompaniment to legal and medical appointments;
- ◆ provide free, confidential, 24 hour crisis line;
- ◆ provide free, emergency transportation to the hospital when required;
- ◆ assist with application to Criminal Injuries Compensation Board.

6.4 Sexual Assault/Domestic Violence Treatment Program (SA/DV), Peterborough Regional Health Centre

6.4.1 24 hour Emergency Response (Initial Visit)

This service will:

- ◆ provide medical care through the Emergency Department for males and females of any age who have been sexually assaulted;
- ◆ provide emotional support during emergency care;
- ◆ assess and treat physical injuries;
- ◆ provide prophylactic treatment of sexually transmitted infections, including HIV;
- ◆ provide emergency contraception;
- ◆ collect physical evidence and provide court testimony;
- ◆ store forensic evidence for up to 6 months;
- ◆ photograph injuries.

6.4.2 Medical Follow-up Visit (in person or by telephone)

The medical follow-up visit will:

- ◆ review medical and counselling needs and provide further medical treatment or documentation if necessary;
- ◆ offer SA/DV counselling services;
- ◆ provide client advocacy;
- ◆ assist or direct victims/survivors to the appropriate service.

6.4.3 Counselling Services

Counselling services will:

- ◆ provide counselling to anyone who has been sexually assaulted whether they received the SA/DV Treatment Program medical response or not (adolescents and adults);
- ◆ provide counselling to parents of pre-adolescent victims and facilitate a referral to Children's Mental Health Services for the child victims/survivors;
- ◆ provide counselling to adult victims/survivors of childhood sexual abuse;
- ◆ assist with application to Criminal Injuries Compensation Board.

6.5 Crown Attorney

The Crown Attorney will:

- ◆ prosecute charges where there is a reasonable prospect of conviction.

6.6 Victim/Witness Assistance Program

The Victim/Witness Assistance Program will:

- ◆ offer support to the victim/survivor of sexual violence after criminal charges are laid up until final disposition of the case;
- ◆ offer information and assistance throughout the court process;
- ◆ provide case specific information (tracking court dates; bail and probation conditions, etc.);
- ◆ provide courtroom orientation and accompaniment as needed;
- ◆ liaise with police and Crown Attorney;
- ◆ assist in completing Victim Impact Statements;
- ◆ provide information regarding the Criminal Injuries Compensation Board.

7.0 GENERAL INTERVENTION PRINCIPLES

7.1 Victim Rights

The underlying goal is to **empower victims/survivors** by providing them with support, services and information which optimize their choices and allow them to regain some control over the situation. Each agency will work in a coordinated manner to ensure that an effective response and support network is available to victims/survivors and their families. Should a case conference be required, victim consent will be obtained.

7.2 Confidentiality

Each service provider has their own policy around the issue of confidentiality to which they must adhere. It is up to each service provider to be aware of their own procedures of confidentiality and disclosure obligations, and inform victims/survivors of these practices, policies and procedures:

- ◆ Discuss what is meant by the word “confidentiality” and its limitations.
- ◆ Efforts to maintain confidentiality should be guided by the utmost respect for the victims/survivors and their wishes and applicable legal principles.
- ◆ Take steps to address victim/survivor confidentiality except in cases where there is a threat of harm to the victim/survivor or to another person.

7.3 Community Resource Referrals

All service providers have an obligation to stay informed about appropriate resources and to let victims/survivors know about the range of resources and information available, and how they can access community services.

7.4 Response to Child Sexual Assault

In dealing with children as defined in this protocol, the parties will be guided by the requirements of the “Child and Family Services Act of Ontario”. Consideration should also be given to the existing Child Abuse Protocol between KHCAS and the police. All agencies should be guided by their respective policies and procedures, when reporting to KHCAS.

8.0 PROCEDURES

The police response to sexual assault is based on the individual police policies and the regulations and guidelines of the Adequacy and Effectiveness of Police Services (Ontario Regulation 3/99, Police Services Act).

It should be noted that, on occasion, there are operational considerations that may preclude the police from following this protocol e.g. where an officer makes a decision drawing on their inherent ability to exercise their own discretion in criminal matters.

8.1 Police

The police:

- ◆ investigate all reports of sexual offences;
- ◆ assist and support all victims/survivors of sexual assault in a sensitive manner;
- ◆ recognize that sexual assault is a crime that can have serious traumatic effects on victims/survivors, and make every effort to minimize additional trauma;
- ◆ when possible, assign a Sexual Assault Investigator to respond to complaints of sexual assault, pursuant to the mandate of the Sexual Assault Unit;
- ◆ offer crisis assistance through Victim Services and lay charges when appropriate, as per Provincial Policing Standards;
- ◆ inform victims/survivors, when no charges are laid, of the reason for the decision and document the reasons in a General Incident Report;
- ◆ keep victims/survivors informed of bail and release conditions of the offender and progress of the investigation;
- ◆ at all times treat victims/survivors with compassion, courtesy and respect for their personal dignity and privacy.

Initial Response

For an incident occurring within the City of Peterborough or the Village of Lakefield – PLCPS 705-876-1122.

For an incident occurring within the County of Peterborough – Peterborough County OPP 1-888-310-1122.

For an incident occurring on the Curve Lake First Nation –
Anishinabek Police Service 705-657-8892

For an incident occurring on the Hiawatha First Nation or Serpent Mounds Park –
Hiawatha Police Service 705-295-4423

Communications Centre Personnel

Upon receiving a call for a sexual offence, Communications Centre Personnel:

- ◆ assess the nature of the complaint; ascertain when and where the incident occurred, the immediate condition of the victim/survivor and if known the location of the offender;
- ◆ when an emergency situation exists or the victim/survivor is at risk, immediately dispatch an officer to respond; if medical attention is required, dispatch an ambulance as well;
- ◆ try to obtain as much information from the victim/survivor as possible including suspect information that may assist responding officers;
- ◆ consider advising the victims/survivors, if the incident has just occurred, of precautions necessary to preserve physical evidence; these precautions should include but not be limited to:
 - **not** showering or bathing;
 - **not** cleaning up the crime scene;
 - **not** washing or destroying clothing.

Uniformed Officers

Once dispatched to a complaint of a recent sexual assault, the officer:

- ◆ upon arriving at the location of the victim/survivor, assesses their physical and emotional condition and requests attendance of ambulance personnel if required;
- ◆ does not make a determination as to whether the complaint is founded or unfounded until the investigation is complete;
- ◆ is mindful of the need to minimize the unnecessary repetition of the facts of the offence by the victim of a sexual assault; members shall not be judgmental, blame the victim or make any inappropriate comments;
- ◆ secures the crime scene and preserves and protects all physical evidence until relieved or advised otherwise by the Sexual Assault Investigator;
- ◆ conducts a brief interview with the victim/survivor to ascertain basic details about the incident; consideration should be made to conduct this interview in a private environment by only one officer;
- ◆ provides the supervisor with all details so that a decision can be made in regards to calling out additional personnel, such as: Sexual Assault Investigators, Forensic Services personnel, and other additional officers;
- ◆ if grounds exist, arrests the suspect and ensures the clothing that suspect is wearing is not changed; notifies appropriate personnel for seizure of the clothing;
- ◆ discourages the victim/survivor from destroying physical evidence by not showering, bathing, defecating, urinating, cleaning up the crime scene or washing clothing worn at the time of the assault; provides the victim/survivor with information about the Sexual Assault Evidence Kit (SAEK), as to its importance in the investigation, as well as receiving medical attention;

- ◆ transports the victim/survivor to a hospital for a Sexual Assault Evidence Kit, if the victim/survivor agrees to attend;
- ◆ advises the victim/survivor of the option of having someone present for support such as a representative of the Kawartha Sexual Assault Centre, a Victim Services representative, a family member, a friend or another support person of their choice;
- ◆ is not present in the examination room; they await the arrival of a Sexual Assault Investigator or other personnel outside of the examination room;
- ◆ offers crisis assistance through Victim Services and leaves a business card with the victim.

When responding to a historical sexual assault, the officer:

- ◆ gathers pertinent facts for the purpose of completing a General Incident Report;
- ◆ explains that the case may be reassigned for further investigation;
- ◆ where appropriate, offers crisis assistance through Victim Services and leaves a business card with the victim;
- ◆ refers the incident report to the Detective Sergeant for reassignment and further investigation.

Forensic Identification Officer

When receiving information of a sexual assault, the Forensic Officer:

- ◆ liaises with the Sexual Assault Investigator to determine what evidence may be present or necessary to obtain and, where necessary, attends the scene and collects evidence;
- ◆ seizes the Sexual Assault Evidence Kit if appropriate and where applicable forwards the Kit to the Centre of Forensic Science for testing;
- ◆ when instructed by the Sexual Assault Investigator, attends and photographs any visible injuries of the victim/survivor.

Sexual Assault Investigator

When assigned, the Sexual Assault Investigator:

- ◆ at all times treats the victim/survivor with respect, compassion and is supportive throughout the entire process;
- ◆ is the officer in charge for the duration of the case where operationally feasible;
- ◆ ensures that any crime scene related to the offence is being preserved, and if possible attends at the crime scene and consults Forensic Identification Officer and if required, requests their attendance at the scene;
- ◆ investigates the incident fully;
- ◆ lays charges when appropriate;
- ◆ ensures that any medical needs of the victim/survivor are met;
- ◆ ensures the victim is afforded privacy and re-affirms that the offer of a support person and a change of clothing are offered;
- ◆ ensures that the collection of a SAEK is done when necessary and obtains the release authorization from the victim;

- ◆ ensures that the safety and security of the victim upon completion of any medical procedure or forensic examination is addressed;
- ◆ assesses and discusses with the victim/survivor where and when an in-depth interview will take place;
- ◆ advises victims/survivors of their option, subject to operational issues/concerns, to have a support person of their choice present throughout the investigation;
- ◆ keeps the victim/survivor informed of the progress of the investigation;
- ◆ if charges are laid, advises/solicits input re: safety concerns from the victim/survivor as to possible conditions of release at a bail hearing;
- ◆ advises victim/survivor that the VWAP will be contacting them to assist them with court preparation and to keep them informed of the court progress of the accused;
- ◆ if there is any potential risk to members of the community, takes steps to address the risk including notifying the Officer in charge and/or the Detective Sergeant in charge of the Sexual Assault Unit so that appropriate action can be taken;
- ◆ where appropriate, offers crisis assistance through Victim Services;
- ◆ advises that PLCP Victim Services will be contacting them to offer support.

Detective Sergeant in Charge of the Sexual Assault Investigation

The Detective Sergeant in charge of the Sexual Assault Investigation:

- ◆ assigns an investigator where a sexual assault meets the threshold for assignment to a designated Sexual Assault Investigator;
- ◆ assesses all inquiries from uniform supervisors attending sexual assault scenes, to determine if a Sexual Assault Investigator should be called out to continue the investigation;
- ◆ ensures that there is a co-ordinated and consistent response to all sexual assault investigations;
- ◆ maintains and acts as liaison to other police agencies, criminal justice agencies, hospitals, boards of education and community agencies dealing with sexual assault issues.

Accountability/Complaints

Any concerns in regards to an investigation, can be directed to the officer in charge and or to the Detective Sergeant in charge of the Sexual Assault Unit of the appropriate police agency (PLCPS – 705-876-1122; OPP – 705-742-0401; APS – 705-657-8892; HFNPS – 705-295-4423). Any complaint of misconduct by an officer can be made to the officer in charge at the police service responsible for the investigation.

8.2 Victim Services

The police recognize the importance of services that assist in establishing the security of persons through the provision of information, referrals and, if required, short term emotional support to victims of crime or tragic circumstances within our jurisdictions, thereby enabling them to receive further assistance from existing agencies.

The Victim Services Unit operates from within the Peterborough Lakefield Community Police Service to provide assistance to victims. The Peterborough/Northumberland

Victim Services (Victim Crisis and Referral Service – VCARS) is a confidential community-based service and is used by the OPP to provide assistance to victims.

8.2.1 Peterborough/Northumberland Victim Services

Initial Response

Police can dispatch crisis response teams or contact a Peterborough/Northumberland Victim Services Team Leader by calling 1-888-822-7729

The Team Leader will:

- ◆ in conjunction with the police officer, determine if the request for service meets the PNVS mandate and that the victim has consented to PNVS assistance;
- ◆ enquire if the victim prefers a female/female crisis team or a female/male crisis team;
- ◆ depending on the wishes of the victim, dispatch a crisis team immediately to the location requested, speak directly to the victim by telephone, or have someone follow-up with the victim at another date.

The PNVS Crisis Team will:

- ◆ provide emotional support and practical assistance;
- ◆ review options with the victim, per PNVS guidelines;
- ◆ ask if the victim would like to have KSAC or SA/DV contacted;
- ◆ provide information about and referrals to KSAC, SA/DV and VWAP;
- ◆ liaise with police and direct questions from the victim regarding the investigation to the investigating officer;
- ◆ advocate for the victim with other service providers;
- ◆ inform the victim about Support Link and establish a safety plan;
- ◆ provide support and information to the victim's significant others.

PNVS staff will:

- ◆ ensure that the victim is contacted for a follow up call;
- ◆ determine if the victim has a network of support;
- ◆ review the referrals made by the crisis team with the victim;
- ◆ encourage the victim to contact appropriate community agencies for ongoing support;
- ◆ enquire if the victim is satisfied with the services provided by PNVS.

Accountability/Complaints

Concerns about the service provided by Peterborough/Northumberland Victim Services and/or Support Link must be directed to the Executive Director at 1-888-822-7729 for resolution.

8.2.2 Peterborough Lakefield Community Police Victim Services Unit

Initial Response

Should the immediate assistance of Victim Services be required, the investigating officer will notify the officer in charge who will activate Victim Services if appropriate. Following initial investigation an assignment will be sent to Victim Services as per policy.

Services Available

- ◆ Ongoing emotional support available to the victim/survivor and/or their family support system;
- ◆ Information on the justice system;
- ◆ Advocacy as required;
- ◆ Information and referral on available community resources;
- ◆ Information and assistance with criminal injuries applications;
- ◆ Liaison services between police and community organizations when required.

Accountability/Complaints

Concerns about the service provided by the Victim Services Unit must be directed to the Divisional Commander of Support Services for resolution (705-876-1122).

8.3 ViCLAS

ViCLAS is responsible for mandatory submissions:

- ◆ all sexual assaults and attempts, solved or unsolved (including false allegations of sexual assault);
- ◆ all homicides and attempts solved or unsolved;
- ◆ all non parental abductions and attempts;
- ◆ missing persons where foul play is suspected;
- ◆ unidentified body or found human remains where foul play is suspected.

8.4 Kawartha Sexual Assault Centre

Initial Response

The Crisis Intervention Volunteer will:

- ◆ provide support and information to the client;
- ◆ explain all options, including the option of contacting the appropriate police service and the option of going to the Peterborough Regional Health Centre for medical care and forensic evidence collection;
- ◆ offer accompaniment support to the Peterborough Regional Health Centre or police service; if the client chooses accompaniment, the Crisis Line Volunteer will contact the on-call Sexual Assault Accompaniment Volunteer;

- ◆ offer to arrange transportation to the Peterborough Regional Health Centre or police service.

The Sexual Assault Accompaniment Volunteer will:

- ◆ respond to the Peterborough Regional Health Centre within 45 minutes;
- ◆ provide support and take direction from the Sexual Assault Nurse Examiner;
- ◆ provide emotional support and information to males and females 16 years of age and older;
- ◆ provide support and information to secondary victims/survivors (e.g. spouses, parents, friends);
- ◆ ensure the victim/survivor is comfortable;
- ◆ where appropriate, re-state or rephrase information pertaining to available options;
- ◆ provide information on Kawartha Sexual Assault Centre's services;
- ◆ offer transportation home or to other location.

Reporting a Recent or Historical Sexual Abuse/Assault

The Kawartha Sexual Assault Centre will:

- ◆ accompany the client to police station but not be present during questioning by police;
- ◆ will make the KSAC office available to the police services to take a statement whether or not a KSAC worker is involved;
- ◆ provide court support and emotional preparation prior to court dates, and attend court appearances to provide support.

Accountability/Complaints

Concerns regarding agency services can be addressed to the Executive Director of the Kawartha Sexual Assault Centre (705-748-5901). All complaints will be responded to in accordance with the complaint policy.

8.5 The Sexual Assault/Domestic Violence Treatment Program (SA/DV), Peterborough Regional Health Centre – Women's Health Care Centre

Initial Response

The PRHC Emergency Department Staff will:

- ◆ provide immediate medical attention to victims/survivors requiring treatment in accordance with standard Emergency Department policies and procedures;
- ◆ receive clients from all hospitals in the Four County Region of Peterborough, Kawartha Lakes, Haliburton and Northumberland;
- ◆ when client is medically stable, accompany victims/survivors to a quiet room, and encourage them to contact a support person (family or friends) while awaiting the nurse;
- ◆ notify switchboard to page the on-call nurse only when victim/survivor is stable.

The SA/DV Nurse will:

- ◆ assume the primary care of the sexual assault victim/survivor;
- ◆ encourage the victim/survivor to contact a support person or offer to contact a sexual assault accompaniment volunteer from the Kawartha Sexual Assault Centre;
- ◆ provide physical care and emotional support to the sexual assault victim/survivor;
- ◆ provide information regarding medical and legal procedures in order to help victims/survivors make an informed choice about how they wish to proceed;
- ◆ offer the options outlined below to the victim/survivor.

These options may be performed by a team comprised of a SA/DV nurse and a physician or by a Sexual Assault Nurse Examiner (SANE) alone. All options include medical treatment and prophylactic treatment of sexually transmitted infections, including HIV and emergency contraception.

Options:

1. If victims/survivors present **within 72 hours of the assault and wish to file a police report**, a SAE Kit will be offered. Informed consent for the collection of evidence will be obtained from the victim/survivor. The victim/survivor or SA/DV staff will report the incident to the appropriate police service, if the police are not already present at the hospital. The completed Kit will be turned over by the nurse to the Investigating officer. If a police officer is not available, the Kit will be temporarily stored in the SA/DV program's locked freezer and the investigating officer will be contacted to pick up the Kit.
2. If victims/survivors present **within 72 hours of the assault and express ambivalence about filing a police report**, they may be given the option of having a SAE Kit completed and frozen for a maximum of six months. The Kit will be sealed by the SA/DV nurse and dated. It will then be placed in the designated locked freezer. No police involvement will be required. It will be the responsibility of victims /survivors to either contact the police or to contact the SA/DV office within the six month period if they wish to file a report. If not, the Kit will be destroyed. When a report is being filed, the Kit is released to police after proper consent has been signed by the victim/survivor. The same procedure as the releasing of a regular Kit will be followed at that time.
3. If victims/survivors present **after 72 hours of the assault**, they will be seen as an emergency client. All appropriate medical care and follow-up services from the SA/DV team will be offered to the victim/survivor regardless of the fact that Forensic Evidence Collection is not an option.

The SA/DV Nurse will:

- ◆ explain the process of the SAE Kit and obtain a signed consent prior to starting the Kit;
- ◆ inform victims/survivors that they may stop the collection of evidence at any time during the exam or may decline any part of it;
- ◆ obtain the forensic specimens and document as prescribed in the SAEK;

- ◆ ensure that specimens or the Kit are not left unattended after the seal on the Kit has been broken;
- ◆ ensure accurate separation and distribution of the Kit's documents;
- ◆ complete Emergency Department chart, Sexual Assault Record, SAE kit forms and diagrams;
- ◆ perform a complete head to toe examination excluding the internal examination. A SA/DV Nurse who is not a trained Sexual Assault Nurse Examiner (SANE) is required to bring in Emergency Room Physician or SANE for the internal examination and to review all treatment and tests ordered;
- ◆ a SANE is specially trained and works under Medical Directives which allows her to work independently from a physician;
- ◆ provide the victim/survivor with clothing, if clothing was taken for evidence purposes;
- ◆ give the victim/survivor verbal and written information about common trauma reactions and provide initial support;
- ◆ explain the importance of a follow up appointment where medical needs will be discussed, referral to social worker can be completed, additional information about community services can be provided. Get the victim/survivor consent for the Follow-up SA/DV Nurse to contact her. If this is not possible give out the Follow-up Nurse's card and encourage the victim/survivor to call;
- ◆ ensure that the victim/survivor has a safe place to stay upon discharge from Emergency Department.

The ED Physician will:

- ◆ medically clear all clients and will respond to any urgent medical concerns that may arise during the SA/DV treatment process;
- ◆ if the SA/DV nurse is not SANE trained, and there is no SANE on call, the ED physician will conduct the internal genital examination and review all medical testing and treatment;
- ◆ conduct the examination in the presence of a SA/DV nurse, in an examination room with the least disturbances possible;
- ◆ be consulted for victims/survivors 12 years of age and under.

Accountability/Complaints

Concerns regarding the quality of the services can be directed to the Coordinator of the Sexual Assault/Domestic Violence Treatment Program (SA/DV) and/or the Manager of the Women's Health Care Centre (705-743-4132). All complaints will be responded to in accordance with the Peterborough Regional Health Centre's (PRHC), Policies and Procedures.

8.6 Crown Attorney

There will be, within the Crown Attorney's Office, a designated Crown to act as liaison between their office and interested parties in the area of sexual assault.

The assigned Crown Attorney will:

- ◆ once criminal charges are laid, process the accused through bail court, and consider all appropriate bail conditions; the protection of the victim through this process is of utmost importance;
- ◆ assign a Crown to handle the prosecution as soon as practical;
- ◆ be responsible to contact the investigating officer and/or the victim/survivor, when a guilty plea is entered prior to sentence in order to ensure all relevant information is placed before the court;
- ◆ contact the police investigator in arranging an appointment(s) with the victim/survivor and other interested parties where appropriate;
- ◆ advise the investigating officer and the victim/survivor of plea discussions where appropriate;
- ◆ advise the victims/survivors or the investigating officer of all dates set for sentencing.

Accountability/Complaints

Concerns regarding the services of the Crown Attorney can be addressed to the Regional Director of the Ministry of the Attorney General (905-836-5624).

8.7 Victim/Witness Assistance Program

The Victim/Witness Assistance staff will:

- ◆ establish contact with the victim/survivor via letter, telephone or office visit to provide information about the Program and their voluntary participation in it;
- ◆ provide information to the victim re:
 - the charges laid with respect to the crime;
 - the victim's role in the prosecution;
 - the dates and places of all significant proceedings that relate to the prosecution;
 - the outcome of all significant proceedings on appeal;
 - any pretrial arrangements that are made that relate to a plea that may be entered by the accused;
 - the interim release and, in the event of conviction, the sentence of the accused (including any conditions of probation);
 - sources to obtain release dates of offenders and representation to parole authorities;
 - community resources and make referrals on behalf of the victim;
 - Victim Impact Statements;
 - Victim's Bill of Rights Ontario and the Criminal Injuries Compensation Board;
 - courtroom orientation, explanation of legal terminology, court procedures and court tours as necessary.
- ◆ provide on-going emotional support as needed;
- ◆ act as a liaison on behalf of the victim/survivor with the police, Crown Attorney and community agencies;
- ◆ arrange interviews with the Crown prior to a preliminary hearing/trial;
- ◆ provide assistance/support to the victim/survivor during Crown Attorney interviews on a case by case basis;

- ◆ explore appropriate support person(s) to the victim/survivor and provide court accompaniment on a case by case basis;
- ◆ provide needs assessment, crisis intervention, referrals to community service providers;
- ◆ provide follow-up and/or debriefing services;
- ◆ access all available resources for victims/survivors who have special needs;
- ◆ inform the Crown Attorney and the PLCPS officer-in-charge of the case of circumstances where the victim/survivor refuses VWAP's assistance.

Accountability/Complaints

Concerns regarding the agency services can be addressed to the Manager of the Victim/Witness Assistance Program (705-755-5150). All complaints will be responded to in accordance with the Victim/Witness Assistance Program policy.

9.0 PROTOCOL REVIEW AND EVALUATION

With the completion of this document the members of this committee agree that their organizations have an ongoing commitment to improving response services to victims/survivors of sexual assault in the Peterborough area.

The implementation of this protocol will include training and orientation sessions for partner agencies and other relevant community organizations to ensure that all key staff/volunteers are aware of and familiar with its contents.

The Peterborough Domestic Abuse Network (PDAN) will undertake an annual review of this Sexual Assault Response Protocol in order to evaluate its ongoing effectiveness in achieving greater victim safety through a consistent and co-ordinated first response. Annual updates will also ensure that the Protocol remains current and accurately reflects the Peterborough Community. It will remain the responsibility of the individual services to monitor and evaluate their performance in regards to the commitments agreed to as part of this document.

Each participating member of PDAN will receive a print and electronic copy of this document.

APPENDIX A: BAIL VICTIM NOTIFICATION PROTOCOL

OFFICE OF THE CROWN ATTORNEY- PETERBOROUGH
CENTRAL EAST REGION
DATE: January 26, 2005

This bail victim notification protocol applies to serious personal injury offences (which includes domestics, sexual offences, child abuse) and other cases where there is a concern for the personal safety of the victim:

Notification of the victim when the accused has been released after a bail hearing:

Every attempt will be made to notify the victim the same day of release. The victim, where possible, will be given a copy of the recognizance, or portions relevant to them.

Victims will be notified by the staff of the police court office located at 70 Simcoe Street, Peterborough of the terms of release as soon as possible after the release of the accused, preferably within the same business day. Notifying staff will inform the Crown as soon as this is accomplished.

Notification of the victim after the accused has been released after a bail hearing that took place on a weekend:

Every attempt will be made to notify the victim the same day of release. The victim, where possible, will be given a copy of the recognizance.

The police service responsible for the charges laid against the accused is responsible for notifying the victim of the release terms as soon as possible, preferably by the end of the shift during which the accused was released. Release documents as well as the brief used for the WASH court appearance are forwarded to the Crown from the jurisdiction in which the accused was released.

Notification of the victim after the accused has been released after a bail review:

Every attempt will be made to notify the victim the same day of release. The victim, where possible, will be given a copy of the recognizance.

It is the responsibility of the Crown counsel appearing on the bail review to notify the victim of any terms of release as soon as possible, preferably by the close of the same business day.

Notification of the victim when terms of release have been varied:

Every attempt will be made to notify the victim of the bail variation as soon as possible. In most cases it will be desirable to notify the victim ahead of the bail variation. If the bail variation occurs in the Ontario Court of Justice the staff of the police court office will notify the victim of the variation as soon as possible, preferably by the close of the same business day. The staff will communicate the fact of that notification to the Crown promptly.

If the variation occurs in the Superior Court of Justice the Crown counsel appearing on the variation will notify the victim as soon as possible, preferably by the end of the business day.

Notification of the victim when the offender has been released on bail pending his appeal:

If the offender is appealing to the Court of Appeal, Counsel from the Crown Law Office-Criminal will notify the trial Crown of the bail application and if the offender has been released. The trial Crown will then take steps to have the victim informed of the release and the terms of release. In some cases Counsel from the Crown Law Office-Criminal may inform the officer in charge of the offender's release and may have the officer contact the victim.

If the offender is appealing to the Superior Court of Justice Crown Counsel will notify the victim of the application and terms of release as soon as possible, preferably by the end of the same business day.

The Crown brief will indicate whether the victim has been notified of the bail and any reviews or variations.

This protocol involves and has been signed by the following parties:

Brian Gilkinson,
Crown Attorney for the County of Peterborough

Terrence McLaren,
Chief of the Peterborough Lakefield Community Police Service

Ed Robertson,
Inspector, Ontario Provincial Police, Peterborough Detachment