

SEXUAL ASSAULT PROTOCOL

for

The City of Kingston & Frontenac County

**Best Practice Guidelines for a Collaborative Response to
Victim/Survivors of Sexual Assault**

**Developed by the Sexual Assault Emergency Response Protocol Committee
2008**

**Revised by the Kingston Frontenac Anti-Violence Coordinating Committee
2014**

ACKNOWLEDGEMENTS

The Sexual Assault Protocol for Kingston and Frontenac County has been a work in progress through many years of collaborative, volunteer effort by its Signatory Partners.

We are grateful to the Ontario Victim Services Secretariat funding, making the completion of the Sexual Assault Protocol a reality.

The Sexual Assault Protocol Committee, a sub-committee of KFACT (Kingston and Frontenac Anti-Violence Coordinating Team), was responsible for providing vision and direction the development of the Protocol required. The Sexual Assault Centre Kingston provided administration of the Project.

The Sexual Assault Protocol Committee extends thanks and appreciation to consultants Heather Morrison and Cristin McCormick for the compilation and coordination of the Protocol.

Lastly, we wish to honour the many women, men and children who have endured, suffered and been lost to sexual violence. Their courage and strength stand as inspiration in our continued efforts to eliminate sexual violence.

PROTOCOL SIGNATORY PAGE

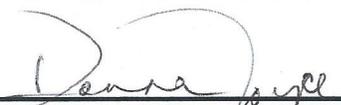
We, the undersigned, undertake to carry out our respective roles and commitments in accordance with the Sexual Assault Emergency Response Protocol for Kingston and Frontenac County.

Kingston Crown Attorney's Office



Ross Drummond, Crown Attorney

Kingston General Hospital Sexual Assault /Domestic Violence Program



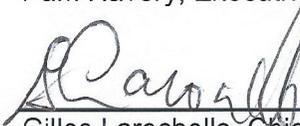
Donna Joyce, Program Manager

Kingston Interval House



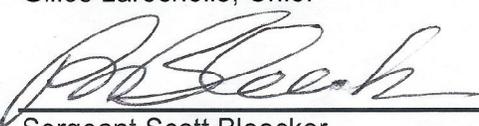
Pam Havery, Executive Director

Kingston Police



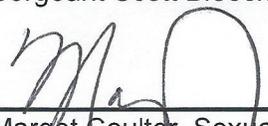
Gilles Larochelle, Chief

Ontario Provincial Police, Frontenac Detachment



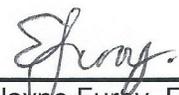
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Queens University Human Rights Office



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SEXUAL ASSAULT EMERGENCY RESPONSE PROTOCOL FOR KINGSTON AND FRONTENAC COUNTY

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PART I FOUNDATIONAL INFORMATION

WHAT IS THE PURPOSE OF THIS PROTOCOL?

The Sexual Assault Emergency Response Committee is comprised of individuals representing various social services, police, prosecutorial, medical, and educational organizations throughout Kingston and Frontenac County. This committee was created out of a desire to develop a comprehensive, predicable and standardized community response to sexual violence, with the aim of improving services accessed by victims/survivors and improving working relationships between those organizations that provide such services.

This protocol is intended to provide service providers and community agencies with a comprehensive document that sets out the roles, commitments and the nature of the services provided by several community agencies that address the harm done by sexual assault.

Further, it is an effort to encourage the reporting of sexual assaults and to reassure victims of sexual assault, through service providers, that victims have viable options and that quality help is available.

WHAT IS “SEXUAL ASSAULT”?

Persons have an inherent right to exercise full control over their own bodies, and to engage only in sexual activity that they wish, of their own free will, to engage in.

It is a criminal offence in Canada to touch anyone anywhere on their body, in a manner that is sexual in nature, without their direct, conscious and freely given consent. Touching is sexual in nature when it violates the sexual integrity of a person. Generally speaking, if a person feels sexually violated by the touching of another, then in all likelihood they have been sexually assaulted.

WHY IS A PROTOCOL NECESSARY?

Sadly, sexual assault is a common occurrence in Canada. Kingston and Frontenac County are no exception.

Sexual assault is a painful reality for countless women and men in our community regardless of their race, national or ethnic origin, colour, religion, sexual orientation, age or mental or physical disability.

Sexual assault is a crime of violence rooted in power and control. It is an offence against human dignity and integrity. It is violation of human spirit and of basic human rights. Sexual assault affects a person’s emotional, physical, psychological and spiritual wellbeing.

Statistics indicate that one in three women and one in seven men will be sexually assaulted or abused at some point in their lifetimes¹. Most of these sexual offences are never reported to the police². Many victims do not report sexual assaults to the police for a variety of complex and interrelated reasons. These reasons may include fear of further harm by the perpetrator, intimidation, fear of social stigma, embarrassment, humiliation, fear of losing even more control over their lives, wanting to forget and move on, conflicting loyalties within families or amongst friends, fear of the consequences of a family breakdown, self-blaming, wanting to deal with it on their own and not wanting the further trauma of a police investigation and a public prosecution. Many fear being blamed or not being believed or not being supported by their families, community agencies, social services and the criminal justice system.

Because sexual assault is so pervasive and inflicts such great harm, there is a public interest in encouraging victims of sexual assault to report or to “tell” and to reach out for help and guidance from the various community agencies that can offer assistance. “Telling” can be limited to speaking confidentially to a counsellor, but can include telling police and possibly a judge in a courtroom.

Society has an interest in victims “telling” because it helps the victim to cope, survive, and to heal. It also helps to hold perpetrators accountable for what they have done, to deter them and other likeminded individuals from committing similar crimes in the future, to denounce their conduct, to separate them from society where necessary, and to help rehabilitate them.

Reporting sexual assault can be the first step to recovery and healing. It serves to make our community a safer place by holding perpetrators accountable and sending a message to the community that sexual assault is an evil that will not be tolerated.

This protocol recognizes the importance of understanding and cooperation among police, prosecutors, the Victim/Witness Assistance Program, sexual assault services and other providers to victims/survivors of sexual assault. It is anticipated that such a formal and coordinated response on behalf of service providers and justice system will facilitate disclosures of sexual assault, thereby enhancing prevention, education and healing from sexual violence.

The protocol will remain open to the suggestions and perspectives of other organizations and agencies whose services are relevant to the protocol.

WHO DOES THIS PROTOCOL APPLY TO?

This protocol applies to all victims/survivors of sexual assault who are sixteen years of age or older at the time of disclosure. For victims under the age of sixteen at the time of disclosure, a separate protocol will apply and Family and Children’s Services of Frontenac, Lennox and Addington will be notified and its protocol will be put into effect.

¹ Statistics Canada, 1993

² Statistics Canada, 1996, reports that less than 6 % of these incidents are reported.

This protocol addresses sexual assault, which may or may not include physical assault. Victims/survivors of partner non-sexual physical violence³ should refer to the Kingston Frontenac Anti-Violence Coordinating Team's Partner Abuse Protocol.

This protocol does not apply to incidents of sexual harassment that do not include a component of sexual assault. Sexual harassment may be defined as conduct or comment of a sexual nature that is known, or reasonably known to be, unwelcome. It includes, but is not limited to: sexual solicitation, advances, gestures, inappropriate display of sexually explicit materials and other behaviour that threatens an individual's dignity and privacy.

This protocol uses gender-inclusive language to reflect the reality that both women and men may be victims/survivors of sexual assault. It is recognized, however, that the majority of sexual assaults are perpetrated against women and children. The statistics demonstrate that 99 percent of the offenders in sexual assault cases are men and 90 percent of the victims are women. [see R. v. Ewanchuk [1999] S.C.J. No. 10 (Supreme Court of Canada) at para. 68

GOALS AND OBJECTIVES

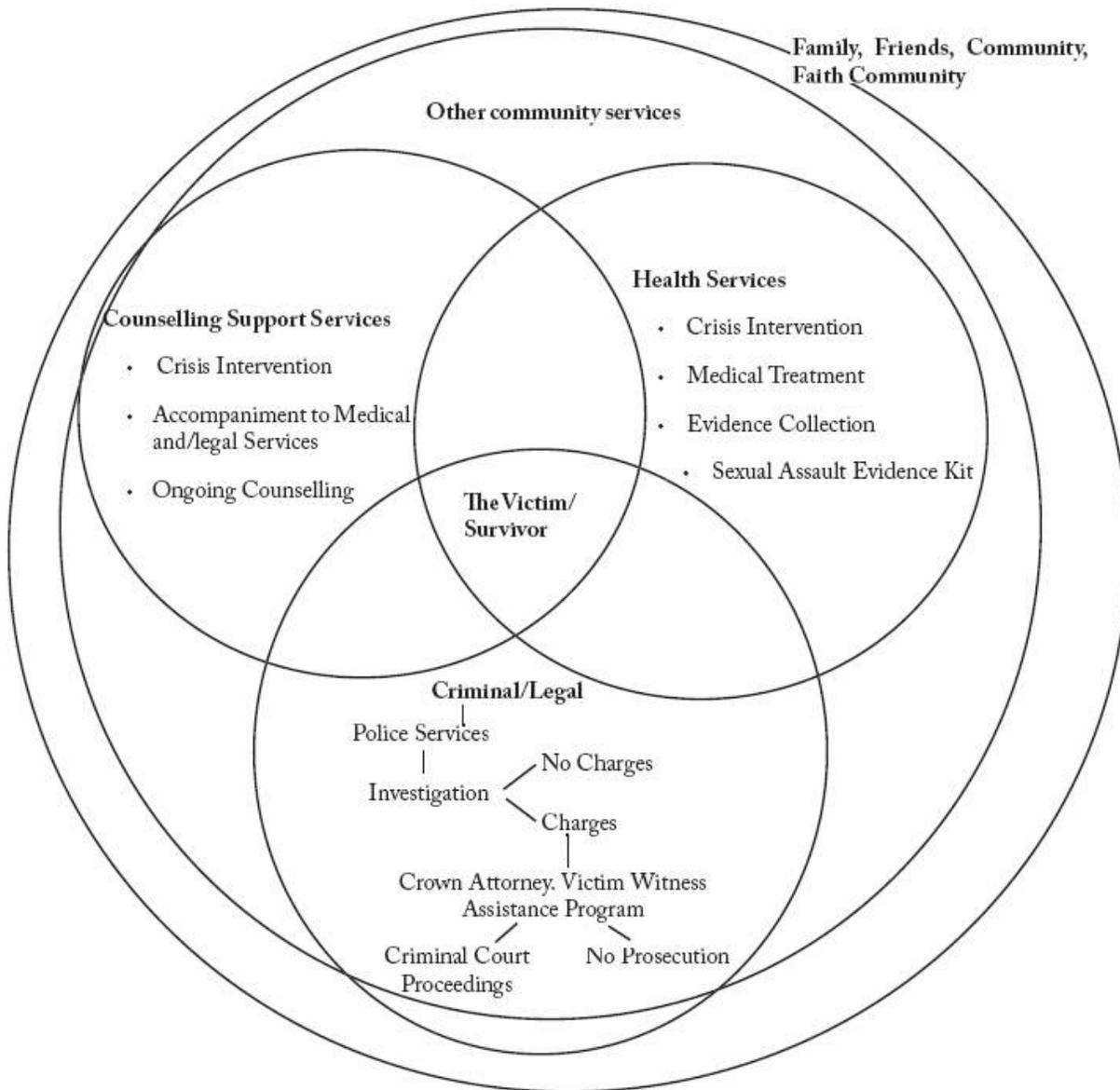
The goals and objectives of the Sexual Assault Response Protocol for Kingston and Frontenac County are to:

- promote self-care and recovery and to enable victims/survivors to make informed decisions for themselves.
- minimize re-victimization by establishing a procedure which responds appropriately to the physical, medical, emotional and legal needs of the victims/survivors of sexual assault;
- develop a consistent and coordinated response for all police and service providers in the county of Frontenac;
- provide assistance that recognizes and is sensitive to the vulnerabilities and barriers encountered by each particular victim of sexual abuse;
- define and explain inter-agency procedures and responses;
- promote greater understanding and appreciation of the role of service providers, and to improve the working relationship between them;
- encourage education of police and service providers in the area of sexual assault;

³ For further information regarding physically assaulted individuals, please refer to the Kingston Frontenac Anti-Violence Coordinating Committee Partner Abuse Protocol.

- help service providers understand that individuals who have experienced sexual assault may display a variety of behaviours that may not be understood or considered appropriate by service providers. It is essential that behaviours of victims/survivors which may seem inappropriate to service providers be understood as coping strategies, and that the victims/survivors respond in a way they believe is necessary for their survival.
- enhance sexual assault victims'/survivors' confidence levels as well as the community's ability to respond effectively to their needs, thereby facilitating disclosures and reports.
- instill in victims, service providers and the community, that every sexual assault victim/survivor **deserves to:**
 - be considered a victim/survivor of sexual assault when ANY unwanted sexual contact occurs.
 - be believed, regardless of the choices that were made to ensure their survival at the time of the assault.
 - be considered a victim/survivor of sexual assault regardless of the relationship to the assailant (including marriage, kinship and long-term partnerships).
 - have as much credibility as a victim/survivor of any other crime.
 - be treated in a manner that does not take control away, but that empowers the victim/survivor to determine their own needs, and how to best meet those needs.
 - be provided with information about all possible options related to legal and medical expenses.
 - receive medical and mental health treatment or participate in legal procedures only after giving one's informed consent.
 - be asked only those questions that are relevant to a court case or to medical treatment.
 - NOT to be asked questions about prior sexual experience.
 - NOT to be exposed to prejudice on the basis of race, class, age, lifestyle, experience, or occupation.
 - NOT be judged based on antiquated rape stereotypes and myths.
 - be provided with information about her/his rights.
 - NOT to report a sexual assault to the police.
 - be protected from future assault.

DIAGRAM OF SYSTEM ACCESS POINTS AND SERVICE OPTIONS



The diagram reflects the different services and access points that a victim/survivor can choose when looking for services in Kingston and Frontenac County. ⁴

⁴ The Sexual Assault Emergency Response Protocol committee of Kingston and Frontenac County thanks the Sexual Assault Network (SAN) of Ottawa for allowing the use of the above diagram.



CONTACT INFORMATION

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HOURS OF OPERATION

24 hours a day/seven
days a week, 365
days a year

THE KINGSTON GENERAL HOSPITAL SEXUAL ASSAULT/DOMESTIC VIOLENCE PROGRAM

ROLE OF ORGANIZATION

The Kingston General Hospital Sexual Assault/Domestic Violence Program offers a high standard of comprehensive care to persons who have experienced a recent sexual assault (within 7 days) or domestic violence assault. The emergency medical, forensic, emotional and social needs of the victims are met through a 24/7 response and coupled with extensive follow-up services by a follow-up nurse and social worker.

All services are accessible, tailored to meet individual need, confidential and at no cost to the client.

COMMITMENTS

We will, within the mandate of our service:

We are committed to promoting choice, respect and empowerment in a specialized, professional and compassionate manner.

We will:

- Provide a comprehensive range of emergency medical and nursing care to victims of recent sexual assault (within 7 days)
- Test & treat sexually transmitted infections, pregnancy & HIV
- Collect & document forensic evidence in the form of the Sexual Assault Evidence Kit and photo-documentation
- Offer crisis support, counselling and safety planning
- Offer extensive nursing and social work follow-up
- Co-ordinate with and refer to community resources

OVERVIEW OF SPECIFIC PROCEDURES AND SERVICES**Initial Response of Emergency Department at Kingston General Hospital**

When a victim of sexual assault presents at the Emergency Department, the triage nurse will perform the initial assessment, including vital signs and determine if medical care is necessary and arrange accordingly with the emergency physician.

The victim is treated consistent with Emergency Department policy and procedures.

Medical concerns are addressed by the emergency physician while awaiting arrival of SA/DV¹ nurse.

Eligibility Criteria

- Adult is 16 years of age or over
- Sexual assault occurred within a 7 day period
- Domestic assault occurred within past 7 days or physical injuries are still present

The dedicated, timely and specialized services of the SA/DV Program are explained and offered to the client.

The triage nurse will immediately contact Switchboard, who in turn, will contact the SA/DV nurse on call.

Should client not meet above criteria or does not wish to be seen by the SA/DV team at this time, the triage nurse may provide a prepared information resource package with SA/DV follow-up services and a variety of community resources and contacts.

KGH SA/DV/SANE² Nurse**Contact**

- SA/DV nurse arrives within 30-45 minutes of being contacted by Switchboard
- Assumes responsibility for client
- Reviews chart
- Escorts client and anyone accompanying them (client consent required), to the designated, exclusive and confidential SA/DV Treatment Room

Initial Interview and Assessment

- Identifies any emergent needs
- Explains services/supports – various options provided by the SA/DV Program
- Provides safety and comfort

¹ SA/DV is Sexual Assault/Domestic Violence Program

² SANE is Sexual Assault Nurse Examiner

Service Options

- Physical assessment
- Sexual Assault Evidence Kit
- Freeze Sexual Assault Evidence Kit for up to 6 months – allowing the victim time to discuss their options with family, friends and community contacts
- Forensic photo-documentation
- Police involvement
- Third party report
- Testing and treatment for injury, sexually transmitted infections, pregnancy, HIV
- Bill 105

Forensic Evidence for Storage or Immediate Release to Police

- Includes Sexual Assault Evidence Kit and written/photo-documentation of injuries
- Head to toe physical exam, body maps
- If client decides to involve police, written consent required for immediate release
- If client decides to freeze evidence, Sexual Assault Evidence Kit is sealed by SA/DV/SANE nurse and placed in designated locked freezer on the premises. Client may contact the SA/DV Program to have Sexual Assault Evidence Kit released at a later point. Written consent required.

Crisis Intervention

- Trauma reactions discussed
- Crisis counselling and emotional support provided
- Outstanding issues such as, safety, housing, self-harm/risks are identified
- Client provided with options and information to increase support and coping skills

Physical Exam

- Head to toe assessment noting any injuries and collection of specimens for forensic or lab testing
- Consultation or referral to physician as may be required

Testing

- Sexually transmitted infections
- Pregnancy
- HIV

Treatment

- Emergency contraception pill
 - Antibiotics for the prevention of sexually transmitted infections
 - Tetanus for skin breaks
 - Hepatitis B and vaccination
 - HIV Post-Exposure Prophylaxis – 28 day drug regime universally offered for “at-risk” victims of sexual assault
-

Discharge Planning

- Summary of care provided in writing through follow-up brochure
- Information and resources provided
- Safety plan discussed
- Contact/referral with community agencies
- Appointment with SA/DV follow-up nurse and SA/DV social worker

Follow-Up

- Opportunity for follow-up by SA/DV nurse and social worker
- **Follow-up Nurse:** will address resistant infections, document late developing bruising through forensic photography and body mapping, re-evaluate injuries, secure further tests/cultures, provide test results to client, assess medication issues, provide information/health teaching. Follow-up visits are offered within 2-4 days, one month period, three month period and six month period.
- **Social Worker:** will assess support network, risk assessment and discuss coping mechanisms, review safety plan, refer and ensure access to appropriate community services. Social work services are provided in victim's 'environment of choice', home, community or hospital. Social worker will act as the level of connectivity from the point of crisis to any longer term therapeutic intervention that may be requested.

In an effort to ensure consistent and rapid access from partner hospitals throughout Frontenac and Lennox and Addington Counties:

Hotel Dieu Hospital:

When a victim presents to Hotel Dieu Hospital, she/he will be triaged and medically cleared. SA/DV/SANE nurse will meet client at Hotel Dieu Hospital and travel together to Kingston General Hospital, where the service options will be provided.

Lennox and Addington County General Hospital:

When a victim presents at Lennox and Addington County General Hospital, she/he will be triaged and medically cleared. SA/DV/SANE nurse will travel to Lennox and Addington County General Hospital where the SA/DV service options will be provided in the victim's home community hospital.

Additionally, victims may have direct access to any of the 34 Sexual Assault/Domestic Violence Treatment Centres across the province for crisis or follow-up support.

ACCESSIBILITY

All hospital sites within Frontenac and Lennox and Addington Counties are wheelchair accessible. Interpreting services are available, in addition to interpreting services for the deaf, hard of hearing or hearing impaired.

ACCOUNTABILITY

Concerns regarding quality or nature of services can be directed to Manager, Kingston General Hospital SA/DV Program.



**MINISTRY OF THE
ATTORNEY GENERAL**

**CONTACT
INFORMATION**

Crown Attorney's
Office:

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5 Court Street
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**HOURS OF
OPERATION**

Monday - Friday
8:30a.m. – 4:30p.m.
(closed statutory
holidays)

CROWN ATTORNEY'S OFFICE

ROLE OF ORGANIZATION

Crown counsel play a pivotal role in the administration of criminal justice. Crown counsel are to be strong and effective advocates for the prosecution, ensuring that all available legal proof of the facts is presented firmly and pressed to its legitimate strength. The role of prosecutor excludes any notion of winning or losing. His or her function is to act as a Minister of Justice with a duty to ensure that the criminal justice system operates fairly to all; the public, the victims of crime and the accused.

Crown counsel owe special duties of candour and respect to all victims. Crown counsel is not and can never function as the victim's lawyer. Although a criminal prosecution will frequently parallel the victim's interests, a prosecution's primary focus is to promote the public interest in the administration of justice. However, to properly administer justice, the victim's circumstances and concerns must be taken into consideration. In circumstances where the fair and impartial exercise of prosecutorial discretion is at odds with the victim's desires, Crown counsel will be sensitive but realistic and candid with victims.

The Crown Attorney's office works independently of, but in cooperation with, the police. Police investigate complaints of sexual assault. If police have reasonable and probable grounds to believe that an offence has been committed, they will usually "lay a charge". The matter is then forwarded to the Crown Attorney's office for prosecution. In exercising their duties, Crown counsel are guided by policy set by the Attorney General of Ontario, and by what the law requires.

The decision to lay a charge is a decision of the investigating police officer and is not a decision of Crown counsel.

COMMITMENTS**We will, within the mandate of our Services:**

Crown counsel will vigorously prosecute provable sexual offences with diligence and professionalism. Crown counsel will prosecute these offences firmly but fairly, according to the highest tradition of the Office of the Crown. Crown counsel will be strong and effective advocates for the prosecution, ensuring that all available legal proof of the facts is presented firmly and pressed to its legitimate strength while at the same time, working to ensure that the criminal justice system operates fairly to all; the public, the victims and the accused.

Crown counsel will be sensitive to the perspective of sexual assault victims, their vulnerability, the power imbalance, their privacy interests and, in particular, the deeply personal and degrading nature of their victimization.

Crown counsel will be reasonably available to a victim to provide and obtain information necessary for the effective prosecution of the case.

Crown Counsel will work to overcome the long-entrenched myths and stereotypes that have unfairly distorted the truth seeking function of the criminal justice system.

Crown counsel will be sensitive but realistic and candid with victims.

OVERVIEW OF SPECIFIC PROCEDURES AND SERVICES**Trial Process****Pre-Trial Issues (After a charge is laid but before the trial commences)*****Bail Hearings / Show Cause***

Once a complaint is made to police, police will conduct an investigation. If the investigation gives a police officer reasonable and probable grounds to believe that a sexual assault has occurred, police will usually arrest and charge the accused person. A person arrested for sexual assault can be processed in different ways depending on the risk that they pose. In rare cases, a person arrested for sexual assault can be released by a police officer with a promise from that person that they will attend court on a certain date to answer to the charge. The most common process for a person arrested for sexual assault is that they are taken into police custody, and either released by an officer in charge with certain restrictions or held for a bail hearing in front of a Justice of the Peace who will determine whether or not the accused should be released. The bail hearing may be adjourned at the request of the Crown or the accused.

The Crown's primary considerations at the bail hearing are ensuring that the accused will attend for court proceedings and the protection of the victim, witnesses, and other potential victims. To determine whether or not to seek an order to have the accused detained while the charge is before the courts, Crown counsel will consider the facts of the offence, the background of the accused, his or her criminal history and the concerns of the victim and the investigating police officer. If appropriate, Crown counsel will seek a detention order. To obtain a detention order, in most cases, Crown counsel must show to the presiding Justice of the Peace that there is cause to keep the accused in custody. It is the Justice of the Peace who determines whether or not the accused person will be released pending his/her trial or guilty plea.

If there is insufficient cause for detention and the accused is to be released, Crown counsel will suggest appropriate conditions of release. The primary focus of the release conditions is the safety and protection of the complainant and other potential victims.

If the accused is released, whether with or without conditions, the complainant should be advised of the release, and of any conditions imposed. This will usually be done through the police or the Victim/Witness office. To assist with timely communication, it is advisable that a complainant make an initial contact with the Victim/Witness office to ensure that the Victim/Witness office has accurate and up-to-date contact information.

Charge Screening

In most cases, police conduct an investigation and gather evidence relating to the complaint. If the investigation results in reasonable and probable grounds to believe that a sexual assault has occurred, then the accused can be arrested and either released or detained in custody to await their trial. After police have laid a charge, police collect all of the evidence that they have gathered and present it to the Crown in a "Crown brief". The Crown then reviews the "Crown brief" to determine whether the correct charges have been laid. The screening Crown counsel may provide a legal opinion to police but the discretion as to which charges to lay remains solely with the police.

The screening Crown counsel must assess the Crown brief to determine whether there is a reasonable prospect of conviction. If there is not, then the Crown counsel must stop the prosecution on that charge. The Crown also determines whether it is in the public interest to proceed with the prosecution. It would be a rare case where it was not in the public interest to proceed with a sexual assault prosecution.

Some sexual offences mandate that the Crown proceed only by indictment but most allow for the Crown to make an election to proceed by summary procedure or by indictment. The Crown must proceed by indictment on any charge that is laid later than 6 months after the events that gave rise to the charge.

If the Crown proceeds summarily, depending on the offence charged, the maximum sentence is either 6 or 18 months jail and a \$5000.00 fine and 3 years probation. If the Crown proceeds summarily, there is only one court proceeding, which is a trial in front of a judge in the Ontario Court of Justice.

If the Crown proceeds by indictment, the maximum penalties vary up to fourteen years in a penitentiary. If the Crown elects to proceed by indictment, the accused is entitled to choose to have a preliminary inquiry in front of a judge of the Ontario Court of Justice

and then a trial in front of a Superior Court of Justice judge with or without a jury. If the Crown elects to proceed by “indictment”, then the victim and some of the witnesses may have to testify and be cross-examined twice, once at the preliminary inquiry and again at the trial. The purpose of a preliminary inquiry is to ensure that there is enough evidence to justify putting the accused on trial for the offence.

An accused person may at any time enter a plea of guilty, which would spare the victims and witnesses from having to testify and generally is seen as a mitigating circumstance that justifies a reduced sentence.

At the charge screening stage the Crown will determine whether to proceed “summarily” or by “indictment”. This determination is based on a number of factors including the magnitude of the offence, the strength of the Crown’s case, the impact on the victim from having to testify two times, and the sentence that the Crown would seek if there were a conviction.

A sexual assault charge that proceeds by summary process, and proceeds to trial, should be completed in about 6-12 months. A charge that proceeds by the indictment process should be completed in about 9 - 18 months. A number of factors, beyond the control of Crown counsel, may result in significantly longer delays from charge to final disposition.

Disclosure

It is a fundamental principle of our justice system that an accused person is presumed to be innocent until proven guilty beyond a reasonable doubt. An accused person is entitled to make a full answer and defence to the allegations made against them. The law mandates that an accused person has the right to know all of the relevant evidence that police have gathered against him or her.

The Crown is obligated to disclose all information and evidence in its possession, or in the possession of police, that might be relevant to the accused to enable them to make a full answer and defence to the charges. All statements from all witnesses, videotaped interviews, physical evidence, photographs, forensic evidence, police officer statements and notes and anything else that police obtain or is provided to them must be disclosed to defence. Relevant information or evidence that is provided to the Crown by a victim or witness must be disclosed to the accused.

With very limited exception, police and the Crown are not permitted to keep anything secret or withhold any evidence or information from the accused. The limited exceptions relate to information that is not relevant, information that may reveal a confidential informant, and, information that may put a witness’s safety at risk. There are special rules that restrict the accused’s access to records that contain personal information for which there is a reasonable expectation of privacy such as medical, psychiatric, therapeutic, counselling, education, employment, and child welfare records and diaries.

Victim Interviews / Communication

A Crown counsel will be reasonably available to a victim or the victim's family to provide information and respond to inquiries. All reasonable efforts will be made to accommodate the victim when scheduling interviews.

Crown counsel will meet with and, where appropriate, interview the victim before the preliminary hearing (if there is one) and/or before the trial. Depending on the case requirements, the meeting and interview date may be weeks in advance of trial or may be on the day of the trial.

The victim should be advised that any new information relating to the offence that they provide during an interview with the Crown, must be disclosed to the accused. If, at any point in the case, the victim has new information or evidence to report, or if they wish to clarify or modify previous information provided, they should do so by contacting the investigating police officer.

Interviews will generally be conducted in the presence of a third person - usually the investigating police officer and/or a Victim/Witness Assistance Program worker. If the victim wishes, and where it is appropriate and feasible, a non-witness support person of their choice may be present during the interview. However, if that support person is present for a discussion of evidence, that person may become a witness in the proceedings.

The purpose of an initial interview is for Crown counsel to obtain information from the victim for the effective prosecution of the case, to review the victim's evidence, and to ensure that the victim is informed of, and prepared for, the trial process. It is also an opportunity for the Crown Counsel to inform the victim and answer their questions related to the prosecution.

During an initial interview or in subsequent communications, Crown counsel, and/or the Victim/Witness Assistance Program worker, may explain the court process and arrange to show the victim the courtroom in advance of trial. Crown counsel may also discuss the status of the case or any resolution negotiations, or may obtain the victim's input with respect to resolution negotiations and/or sentencing submissions. If Crown counsel becomes aware that it would be appropriate for the victim to obtain independent legal advice or counselling/support services, then Crown counsel will refer the victim to the Victim/Witness Assistance Program for the appropriate referral information.

The victim should be notified of significant developments throughout the case. This will usually be done through the Victim/Witness office or the police.

Assignment of the Case

In particularly complex sexual assault cases such as cases involving significant physical, emotional or psychological trauma, or particularly vulnerable victims, a Crown counsel will be assigned, well in advance of trial, and will remain with the case until its final disposition. There may be situations where it is unavoidable that a case be re-assigned to an alternate Crown who will familiarize his/herself with the brief and assume carriage of the prosecution.

Resolution of Charges

Whenever possible, Crown counsel will consult the victim regarding any proposed resolutions (plea bargains). While Crown counsel do not require the victim's approval for any proposed resolution, they will place considerable weight upon the victim's views when arriving at a just resolution.

Any weaknesses in the case must be considered in negotiating a resolution. Although it is unusual for a sexual assault case to be resolved by way of a guilty plea to a lesser or non-sexual offence, in such situations, Crown counsel will consider the possible effect upon the complainant and the community of accepting such a resolution.

In a complex sexual assault case, Crown counsel will usually require the approval of the Crown Attorney to terminate proceedings without a guilty plea or a trial.

Decision to Proceed to Trial

Before a charge can be prosecuted, Crown counsel must be of the opinion that there is a reasonable prospect of conviction. If there is a reasonable prospect of conviction, the Crown is committed to vigorously prosecuting sexual assault charges, and may do so even where the victim does not wish to go to trial. The public interest in prosecuting sexual assaults will generally outweigh a victim's reluctance to testify.

It is not in the public interest to terminate a prosecution on the basis that the accused has directly or indirectly pressured the victim to either recant their statement to the police, or become a reluctant witness. In rare situations, where continuing with the prosecution would cause serious and lasting physical or emotional harm to the victim, the Crown may decide that the harm to the victim outweighs the benefit of continuing with the prosecution.

Trial Issues

Evidence

Crown counsel should inform the victim of any evidentiary issues that may affect the privacy and equality interests of the victim. Where applicable, Crown counsel should discuss the law relating to the relevance and admissibility of the complainant's prior sexual history. Crown counsel should also discuss the possibility that the accused may seek to obtain certain personal records (medical, psychiatric, therapeutic, counselling, education, employment, child welfare, adoption and social services records, personal journals and diaries, etc.) relating to the victim. Crown counsel should advise the victim of their right to claim a privacy and equality interest in these records. However, since Crown counsel cannot give legal advice to victims, victims may be directed to seek independent legal advice for such issues.

Publicity

As a general rule, Crown counsel will apply for an order banning publication of the name of the victim or any information that may tend to identify the victim. There may be situations where the complainant does not want a publication ban. The complainant's wishes will generally be respected unless there are multiple complainants with differing wishes or other overriding concerns. Where appropriate, Crown counsel can try to minimize the number of people present in the courtroom, however, a courtroom is a public place, and members of the public are entitled to be present.

Post-Trial Issues***Sentencing***

Crown counsel will make submissions to the Court on sentencing. Where appropriate, Crown counsel will request pre-sentence reports and assessments of the offender. This information will assist the Crown in making appropriate sentencing submissions.

In rare cases involving high risk or repeat offenders, proceedings to have the offender declared a Dangerous Offender, or a Long Term Offender, may be initiated by Crown counsel.

In addition to the general principles of sentencing, in sexual offence cases, Crown counsel will also consider the following issues:

- protection of the public from sexual offenders, particularly vulnerable members such as children, women, the elderly, and persons with disabilities;
- the extreme violation of personal privacy and bodily integrity felt by victims of sexual offences
- the psychological harm caused by sexual assault
- the prevalence of sexual assault in our society
- society's revulsion for sexual offences
- the impact that this offence had on this victim

Victim Impact Statement

Crown counsel, and/or the Victim/Witness Assistance Program, should advise the complainant of their right to make a Victim Impact Statement, how to make it, when to make it, and the possible consequences of making it.

The Victim Impact Statement is a voluntary procedure. The purpose of the statement is to provide information to the Court so that the sentence may reflect the harm inflicted upon the victim. It is the victim's opportunity to be heard. The statement may include information about physical harm, emotional harm, psychological harm, loss of sense of security, impact on self esteem, personality changes, disruption to family relations, changes in living arrangements, changes in lifestyle, counselling, treatment, and the prognosis for coping and recovery. Victims must remember that the Victim Impact Statement will be disclosed to the accused who may challenge portions of it. The

statement becomes a public document once it is filed with the court.

Victim impact statements are very influential and are usually accorded considerable weight by the judge in imposing a just sentence.

Firearms Prohibitions / Forfeiture

In certain situations firearm prohibition is mandatory. In other situations, if appropriate, a judge has discretion to make firearms prohibition order. Crown counsel will determine if such an order should be requested, and if so, ensure that the relevant information about the offence is before the Court.

In appropriate circumstances, Crown counsel should remind the Court that the *Criminal Code* provides for the forfeiture of weapons used in the commission of the offence.

National and Provincial Sex Offender Registries

Offenders convicted of sexual assault or other Criminal Code offences where there was a sexual context or component, are subject to an application by the Crown for an order requiring them to register with the National Sex Offender Registry. It is expected that such an order will be made in all but exceptional cases.

There is also a concurrent Ontario Sex offender registry that provides for automatic registration requirements for offenders convicted of specified sex crimes.

The purpose of the Sex Offender Registries is to help police services investigate crimes of a sexual nature by requiring the registration of certain information relating to sex offenders.

The duration of the registry requirement varies from 10 years to life depending on the offence for which the offender was convicted.

The offender's reporting obligations include providing up to date information relating to main or secondary residence, address of employment or volunteer activities, address of any educational institution, telephone numbers, physical description, any change in name and, any absences of more than 15 days from their main residence and where they will be during that absence.

DNA Database

Sexual Assault and most of the other Criminal Code sex offences are "primary designated offences" under the DNA databank provisions of the Criminal Code. If there is a conviction the judge must, in all but exceptional cases, make an order authorizing the taking of a DNA sample from the offender for the purpose of forensic DNA analysis. These DNA samples can then be analyzed and compared to DNA left at crime scenes. These DNA profiles are kept in a national databank (much like fingerprint databanks). The databank has two indexes: the "crime scene index" which contains DNA profiles from unsolved crime scenes (including "cold cases") and the "convicted offenders index" which contains DNA profiles taken from certain convicted offenders. A comparison of

DNA profiles from the crime scene index, to the convicted offenders index, is useful in detecting offences committed by repeat offenders.

Appeals

The offender, and in more limited situations, the Crown, may initiate an appeal of conviction, acquittal or sentence. In the event of an appeal, Crown counsel conducting the appeal (who may not be the same Crown counsel who conducted the trial) should ensure that the victim and/or victim's family is advised of the appeal, the appeal process, the hearing date, and the outcome. If bail pending appeal is granted, the victim should be advised of the offender's release as well as any conditions of release. If the accused's appeal is granted and a new trial is ordered, when deciding whether or not to proceed with a second trial, the local Crown counsel will consult the victim, consider the victim's position, and advise the victim of the decision.

Crown Policy Manual

The Crown Policy Manual is now publicly available. It includes several policies that relate to the prosecution of sexual offences. An electronic version of the manual is available to the public at the following website:

<http://www.attorneygeneral.jus.gov.on.ca/english/crim/cpm/>

ACCESSIBILITY

All Crown counsel's offices are wheelchair accessible. Persons whose first language is other than French or English, or persons who are hearing or vision impaired, will be accommodated.

ACCOUNTABILITY

Complaints or concerns regarding the quality or nature of the services provided by the Crown Attorney's office should be directed to the Crown Attorney, who is accountable to the Attorney General.



CONTACT INFORMATION

Sexual Assault Unit

Sergeant Pat Benoit
(613) 549-4660
Extension 6178

HOURS OF OPERATION

24 hours a
day/seven days a
week, 365 days a
year

KINGSTON POLICE

ROLE OF ORGANIZATION

The mission statement of the Kingston Police is to enhance and protect the quality of life of all who live, work and visit the City of Kingston.

COMMITMENTS

We will, within the mandate of our service:

be inclusive and provide equal treatment for all people accessing our services, while being sensitive to issues related to race, language, ethnicity, gender, age, sexual orientation, socio-economic status, and/or abilities of individuals.

We will:

- thoroughly investigate all reports of sexual offences.
- assist and support all victims/survivors of sexual assault in a sensitive manner and recognizing that sexual assault is a crime that can have serious traumatic effects on the victim/survivor, make every effort to minimize additional trauma.
- when possible, dispatch a sexual assault investigator as the initial officer to respond to a complaint of a sexual assault that has just occurred.
- in consultation with victims/survivors, when appropriate, lay charges.
- at the conclusion of the investigation, where no Charges are laid, the investigator must inform victims/survivors of the reason for the decision as soon as practicable.

- treat victims/survivors with courtesy, compassion, respect for their personal dignity and privacy.
- keep victims/survivors informed of the progress of their investigation.
- make every effort to accommodate a victim's/ survivor's request to be interviewed by an investigator of the same gender.
- adhere to the act respecting victims of crime- Victims' Bill of Rights, 1995.

General Order

| | | | |
|--|--|---------------------------|--|
| Type: | Policing and Enforcement | Related Standards: | Guideline LE-034 under O.Reg. 3/99, Adequacy Standards |
| Subject: | Sexual Assault Investigation | | |
| Number: | Vol. I-B-13 | Replaces: | Vol. I-B-13R3 |
| Revision: | 4 | | |
| Effective Date: | 2013-05-07 | Revised Sections: | Extensive revisions; review entire document. |
| Re-evaluation: | OIC Investigative Services | Originator: | OIC Investigative Services |
| Special Instructions: | Allied to General Orders Vol. I-B-10 , "Domestic Violence Incidents," Vol. I-B-59 , "Bail and Violent Crime," and Vol. I-C-13 , "Victims' Assistance." | | |
| Violations of this order will be reviewed on a case-by-case basis. Any violation of this policy may result in disciplinary action or sanctions, up to and including termination of employment and/or criminal charges. | | | |

A. Purpose

1. The purpose of this order is to establish clear direction and understanding as to the duties and responsibilities of members of the Kingston Police when responding to reports of adult victim sexual assault or sexual assault involving a person under the age of 16 years.

B. Policy

1. It is the policy of the Kingston Police that:
 - (a) all members recognize that sexual assault is a crime that can have serious traumatic effects on victims, such that the physical, psychological, and emotional impact should not be underestimated;
 - (b) all members must be sensitive to the needs of victims while providing assistance and support during investigations of sexual assault;
 - (c) all members recognize that each victim will react differently to assaults and that these reactions may change through time. Some reactions may include disorganization, disorientation, shock, and disbelief, accompanied by anxiety, fear, and guilt. Members who come in contact with victims must be aware of these changes and use knowledge and good judgment during interviews; and
 - (d) sexual assault investigations be conducted in compliance with the procedures set out in the Ontario Major Case Management Manual and in General Order [Vol. I-B-71](#), “Criminal Investigation Management Plan.”

Note: Historical sexual assault/abuse cases shall be governed by the same set of investigative standards as recent sexual assault/abuse cases.

C. Definitions

1. “Adult” means a person of the age of 16 years and over.
 2. “Historical sexual assault” means an offence reported more than a year after having been committed.
 3. “Kingston Frontenac Anti-Violence Coordinating Committee (KFACC)” is comprised of a group of organizations committed to eliminating violence by raising awareness of issues relating to domestic and sexual violence. It promotes a coordinated community approach to developing and delivering services for victims of partner abuse and sexual violence, as well as their families. KFACC includes agencies from such sectors as justice and law enforcement (including the Kingston Police), shelter, housing, health, and counselling support. It was formerly called the Kingston Frontenac Anti-Violence Coordinating Team (KFACT).
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4. “Sergeant in charge of the Sexual Assault Unit” means the officer-in-charge of the Sexual Assault Unit within Criminal Investigations.
5. “Sexual assault” means an assault that is committed in circumstances that violate the sexual integrity of the victim.
6. “Protocol Committee” is the KFAACC subcommittee responsible for providing vision and direction with respect to the KFACT Sexual Assault Protocol outlined in Section E.
7. “Sexual Assault Evidence Kit” (SAEK) means a self-contained kit maintained at hospitals to assist medical personnel in securing physical evidence from the victim of a sexual assault.
8. “Sexual Assault Investigator” means a Criminal Investigator who has received specialized training in conducting interviews with sexual assault victims and in the utilization of investigative techniques in sexual assault investigations.
9. The “Sexual Assault / Domestic Violence (SADV) Program” means the program administered at the sexual assault examination centre located at Kingston General Hospital.
10. “SADV nurse” means a nurse with specialized training who works in the SADV Program.

D. General

1. As proclaimed in the *Victims’ Bill of Rights, 1995 (Act Respecting Victims of Crime)*, victims who request to be interviewed by police officers of the same gender shall be accommodated where possible. In addition, when resources and circumstances permit, victims of sexual assault should be interviewed in a private and victim-appropriate environment that provides for their safety and security.
 2. General Order [Vol. I-B-31](#), “Child Abuse and Neglect,” establishes the procedure to be followed when the victim is under the age of 16 years. Family and Children’s Services of Frontenac, Lennox and Addington shall be notified when the victim of a sexual offence is a child, as defined in the *Child and Family Services Act* Part III, and the alleged offender is in a care-giving role to the victim or has access in a care-giving capacity to any child.
 3. Members shall remain cognizant of relevant programs available in the investigation and prevention of sexual offences, including the participation of the Kingston Police in the Provincial Strategy to Protect Children from Sexual Abuse and Exploitation on the Internet.
 4. General Order [Vol. I-B-10](#), “Domestic Violence Incidents,” establishes the procedure to be followed when the sexual assault occurs within the definition of an intimate relationship.
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5. Supervisors shall:
 - (a) monitor sexual assault investigations to ensure compliance with this order; and
 - (b) ensure that officers involved in sexual assault cases continue to receive in-service support and supervision.
6. During sexual assault investigations members shall also adhere to direction outlined in General Order [Vol. I-C-13](#), “Victims’ Assistance.”

E. Sexual Assault Protocol

1. The Sexual Assault Protocol was launched in 2008 by the KFACT Sexual Assault Emergency Protocol Committee. The protocol helps to establish a coordinated community response to sexual violence by setting out guidelines and best practices for providing services to victims and facilitating strengthened communication and cooperation among service providers.
2. In cases involving sexual assault, in addition to procedures outlined herein, officers shall provide assistance to victims in accordance with the KFACT Sexual Assault Protocol (located in Common Files\Protocols with External Agencies).
3. The Sergeant in charge of the Sexual Assault Unit shall represent the Kingston Police on the current KFACC Protocol Committee with respect to the Sexual Assault Protocol.

F. Procedures—Communications Personnel

1. When receiving a call for a sexual offence, Communications personnel shall:
 - (a) ascertain the type of assault (e.g., sexual assault/offence on a child or spouse, or other type of sexual offence);
 - (b) determine the extent of the injuries to the victim and/or risk to the victim and whether the offender(s) is/are currently present;
 - (c) if an emergency situation exists, immediately dispatch a minimum of two officers and ambulance personnel, if necessary;
 - (d) obtain brief particulars of the offence, including suspect information;
 - (e) advise the complainant of precautions that should be taken to preserve physical evidence, as follows:
 - (i) do not shower, bathe, or use the washroom prior to being examined at the hospital;

- (ii) do not eat or drink anything prior to going to the hospital;
- (iii) do not clean up the crime scene; and
- (iv) do not change, wash, or destroy clothing;
- (f) if the report is made by a third party or someone requesting anonymity, obtain particulars and dispatch a uniformed officer to attend; and
- (g) notify the Watch Commander of the details of the complaint, for a decision as to the response of the Sexual Assault Investigator.

2. If the complaint is one of a sexual assault that is historical in nature, Communications personnel shall dispatch a uniformed officer to take a written Incident Report. The responding officer is not required to obtain any statement from the victim in this case.

G. Procedures—Responding Officers

1. Upon being dispatched to a complaint of a recent sexual assault, officers shall:
 - (a) establish contact with the victim and assess the victim’s physical and emotional condition;
 - (b) request the attendance of ambulance personnel, if required;
 - (c) secure the crime scene and preserve and protect all physical evidence;
 - (d) ascertain basic information about the incident from the victim in a professional and sensitive manner, while ensuring suitable privacy;
 - (e) ensure that only one officer conducts the questioning during the initial interview;
 - (f) if the assault is reported within seven days (as per the requirements of the Centre of Forensic Sciences), explain to the victim the need to attend the hospital so as to retrieve medical/forensic evidence and/or to receive medical treatment, to identify and treat any disease or injury, or to provide reassurance that no physical harm was inflicted;
 - (g) if the complaint is received more than seven days after the assault, recommend that, at some point during or following the investigation, the victim seek medical treatment;
 - (h) ensure that appropriate personnel are requested through the Watch Commander (e.g., Identification Unit, additional officers);
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- (i) ensure that the victim does not inadvertently destroy physical evidence (e.g., shower/bathe, clean up crime scene, wash/destroy clothing worn at time of offence) and, where possible, consult with the responding Identification Officer or Sexual Assault Investigator;
 - (j) in the absence of an Identification Officer, and when clothing that was worn by the victim of the offence has been removed, locate and seize the clothing lawfully, ensuring that each item is packaged separately, **preferably in a paper bag**;
 - (k) should the suspect be on the scene and there are sufficient grounds to arrest:
 - (i) search, caution, and note all conversation; and
 - (ii) ensure that the suspect's clothing is not changed and/or that evidence is not destroyed;
 - (l) if the victim is a child, adhere to General Order [Vol. I-B-31](#), "Child Abuse and Neglect";
 - (m) where clothing worn by the victim at the time of the offence is still being worn and the victim will be attending the SADV Program at Kingston General Hospital, ensure that a change of clothing is taken where possible;
 - (n) accommodate any request by the victim for a support person of the victim's choice and make the victim aware of the availability of an advocate from the Sexual Assault Crisis Centre and/or Victim Services of Kingston and Frontenac;
 - (o) liaise with the assigned investigator to ascertain where the victim should be escorted subsequent to completion of the sexual assault examination;
 - (p) identify any witnesses involved and, where possible, obtain written statements in relation to the incident;
 - (q) interview the victim in a sensitive manner, obtaining the circumstances and nature of the assault, without obtaining a written statement from the victim if a Sexual Assault Investigator has carriage of the case;
 - (r) not make any determination as to whether the complaint is unfounded without consultation with a Sexual Assault Investigator; and
 - (s) upon return to Kingston Police Headquarters, ensure that the sealed Sexual Assault Evidence Kit and the bagged clothing are turned over to an Identification Officer or, if there is none available, ensure that the sealed SAEK is placed in the Identification Unit fridge and the bagged clothing is placed in an Identification Unit locker.
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2. Upon being dispatched to a complaint of an historical sexual assault, an officer shall obtain a brief description of the situation, ensure that the victim is safe, and file an Incident Report without obtaining a written statement. Since DNA exists on unlaundered clothing, an officer dispatched to a complaint of an historical sexual assault shall also ask the victim about clothing that was worn during the assault and whether the clothing was laundered. If the clothing is found to be unlaundered, the officer shall, in the absence of an Identification Officer:

- (a) locate and seize the clothing lawfully, ensuring that each item is packaged separately, **preferably in a paper bag**; and
- (b) upon return to Kingston Police Headquarters, turn the bagged clothing over to an Identification Officer or, if there is none available, place the bagged clothing in an Identification Unit locker.

3. Upon being dispatched to a complaint of a sexual offence that is reported anonymously or by a third party, an officer shall:

- (a) attend promptly and ascertain the facts;
- (b) determine if there is an emergency situation and, if so, notify the Watch Commander, who shall take appropriate action and notify the Sergeant in charge of the Sexual Assault Unit or, if not available, the Officer-in-Charge of Criminal Investigations;
- (c) advise the party that a SAEK can be stored for up to six months when a victim chooses to attend the SADV Program to have the examination completed but chooses not to report the assault to police at this time;
- (d) give the party a referral to the Sexual Assault Crisis Centre and the availability of Victim Services of Kingston and Frontenac; and
- (e) if there is no emergent risk, comply with this order and submit an Incident Report detailing the incident.

4. Some victims of sexual assaults are reluctant to come forward and report the crime to police; however, they should be encouraged to have a sexual assault examination performed as soon as possible but no later than seven days after the assault, and the importance of this examination should be explained with respect to retrieving medical/forensic evidence and/or identifying and treating any disease or injury or providing reassurance that no enduring physical harm was inflicted. This examination would assist in the event that they wish to have the incident investigated at a later date. Where the victim wishes to remain anonymous, to accommodate this request and not compromise the case, members investigating such incidents shall:

- (a) have the victim attend the SADV Program for a sexual assault examination; and
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- (b) ensure that the SADV nurse advises the victim of the options to:
 - (i) have an immediate police investigation; or
 - (ii) defer immediate police involvement. The victim must be advised, however, that the sexual assault kit will be destroyed after six months from the examination date.
5. When a victim has completed a Sexual Assault Evidence Kit and wishes to defer the police investigation, the SADV Program shall retain all evidence.
6. In the event that a victim has completed a Sexual Assault Evidence Kit and has deferred police involvement, the following shall apply when the victim wishes to proceed with a police investigation:
- (a) the SADV Program will call the Kingston Police to request an officer's attendance;
 - (b) an officer shall attend the SADV Program to retrieve the sealed Sexual Assault Evidence Kit;
 - (c) the officer shall transport the sealed Sexual Assault Evidence Kit to Kingston Police Headquarters and turn it over to an Identification Officer or, if there is none available, place the sealed SAEK in the Identification Unit refrigerator; and
 - (d) the officer shall submit an Incident Report detailing the incident.
7. In the event that the SADV Program calls the Kingston Police to turn over a third-party sexual assault report, an officer shall:
- (a) attend the SADV Program and retrieve the third-party sexual assault report; and
 - (b) submit an Incident Report detailing the incident.
8. In all cases of reported sexual assaults, officers shall record all pertinent information in their notebook, including but not limited to the demeanour of the victim, observations of any injury to the victim, the condition of clothing worn by the victim, and potential witnesses to be interviewed, including persons to whom the victim first complained about the offence.

H. Procedures—Uniformed Patrol Supervisors

1. Patrol Supervisors shall:
 - (a) be made aware by Communications personnel of all sexual assault occurrences that occur during their tour of duty, as per General Order [Vol. I-B-2](#), “Patrol Procedures,” to ensure that the appropriate action was taken;
 - (b) attend all incidents of major sexual assaults; and
 - (c) ensure that proper reports containing all pertinent information are submitted.

I. Procedures—Sergeant in Charge of the Sexual Assault Unit

1. The Sergeant in charge of the Sexual Assault Unit shall:
 - (a) identify personnel deployment and training requirements for Sexual Assault Investigators;
 - (b) ensure, whenever possible, that a Sexual Assault Investigator is available to respond to complaints of sexual assaults;
 - (c) ensure that sexual assault occurrences are identified and reviewed to determine:
 - (i) whether policy has been followed;
 - (ii) the effectiveness of an officer’s response; and
 - (iii) whether appropriate services were provided;
 - (d) ensure that there is a coordinated and consistent response to all sexual assault investigations;
 - (e) establish and maintain a liaison with other police agencies, criminal justice agencies, hospitals, boards of education, and community and social agencies dealing with sexual assault issues;
 - (f) assist the Training Unit in coordinating training programs, conducting lectures, and disseminating information to members concerning the response to sexual assault occurrences, including victims’ assistance; and
 - (g) determine policies and investigative practices for Sexual Assault Investigators, as per provincial guidelines.
-

2. Upon receipt of a complaint of a sexual assault, the Sergeant in charge of the Sexual Assault Unit shall:
 - (a) determine if the incident meets the mandate of the Sexual Assault Unit as set out in the Ontario Major Case Management Manual and in General Order [Vol. I-B-71](#), “Criminal Investigation Management Plan”;
 - (b) where the incident meets the mandate, assign a member of the Sexual Assault Unit to conduct further investigation;
 - (c) ensure that investigations of sexual assaults are undertaken promptly and monitor the progress of the investigations; and
 - (d) upon completion of investigations, review all reports.
3. When the primary investigator is unavailable, the Sergeant in charge of the Sexual Assault Unit shall answer any victim enquiries.

J. Procedures—Sexual Assault Investigators

1. Sexual Assault Investigators will be a resource for uniformed personnel. When assigned, the Sexual Assault Investigator shall:
 - (a) conduct and/or assist in the investigation;
 - (b) ensure that any crime scene related to the offence is preserved and, if possible, attend at the crime scene, consult with an Identification Officer, and, if required, request the attendance of an Identification Officer at the scene;
 - (c) if the incident has occurred in the previous seven days, ensure that the victim is examined by the SADV Program as soon as possible;
 - (d) if possible, accompany the victim to the SADV Program or, if the victim is already there, attend as soon as possible thereafter;
 - (e) ensure that the victim is afforded privacy and reaffirm that the assistance of a support person and a change of clothing were offered; and
 - (f) ensure that the Identification Officer takes possession of all forensic evidence collected by the SADV nurse.
 2. As soon as practicable, Sexual Assault Investigators shall:
 - (a) whenever possible, meet personally and conduct an in-depth interview with the victim in a private setting and obtain a pure version statement, ensuring that the statement is signed by the victim and adopted on videotape before a Commissioner of Oaths. If the victim suffers from a
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developmental disability, all efforts should be made to videotape the statement;

Note: Care shall be taken to minimize the unnecessary repetition of the facts by the victim of a sexual assault to different police officers.

- (b) ensure that the victim is transported to a safe location following the interview/
investigation and/or upon completion of any medical/forensic examination;
- (c) provide the victim with their name, rank, and badge number and the telephone number at which they can be contacted to answer enquiries and to provide updates as to the status of the investigation;
- (d) ensure that victims are made aware of the court process and the expectations that will be required of them as witnesses in court;
- (e) obtain victim input as to possible conditions of release at a bail hearing;
- (f) advise the victim of possible options pertaining to compensation under the *Compensation for Victims of Crime Act*, civil remedy, and/or recovery under *Criminal Code* provisions;
- (g) direct the Identification Officer regarding the submission of the SAEK;
- (h) interview all accused persons on videotape whenever possible, with the intent to obtain an inculpatory statement;
- (i) when charges are laid, ensure notification of the Victim Witness and Assistance Program and adherence to General Order [Vol. I-B-59](#), “Bail and Violent Crime”;
- (j) where an investigation involves criminal harassment, adhere to General Order [Vol. I-B-69](#), “Criminal Harassment”;
- (k) where an investigation involves firearms, adhere to General Order [Vol. I-B-54](#), “Preventing or Responding to Incidents Involving Firearms”; and
- (l) where it is deemed appropriate, share information with patrol officers with respect to the investigation, including suspect descriptions, where available.

3. The Sexual Assault Investigator shall arrange to obtain blood and saliva samples from any person(s) with whom the victim has had sexual contact and/or prepare appropriate warrants to obtain these samples.

4. If the offender is arrested, the Sexual Assault Investigator shall attempt to obtain from the accused, by way of warrant when required, any relevant evidence to be used as comparison samples.

5. The Sexual Assault Investigator shall submit a ViCLAS submission within 21 days, in accordance with General Order [Vol. I-C-8](#), “ViCLAS Policy and Submissions.”

6. The Sexual Assault Investigator shall provide victim assistance in accordance with General Order [Vol. I-C-13](#), “Victims’ Assistance.”

K. Community Notification

1. The Officer-in-Charge of Criminal Investigations shall coordinate the notification of the community, or members of the community who may be at particular risk, in the event that sexual assault offences are taking place within the community (e.g., in cases involving suspected sexual predators, serial offenders, etc.). Upon receiving the approval of the Chief of Police or designate, the Officer-in-Charge of Criminal Investigations will forward the information to the media in the form of a press release.

L. Third-Party Records

1. The following stipulations apply to third-party records.

- (a) Officers will consult with the Crown Attorney before obtaining any third-party records on consent or otherwise.
 - (b) If documents are provided voluntarily to the police to assist in the furtherance of the investigation, they must be disclosed (informed consent, which may include legal advice from a lawyer) to the defence.
 - (c) Documents that are not provided voluntarily by the complainant to the police will not be disclosed to the defence. The applicant must apply to the courts for production of the records. The records may be ordered to be produced by the courts. The judge may order the records produced, at which time the records will be reviewed by the judge. The judge will decide whether the documents will be disclosed to the applicant after review and in consideration of the following points:
 - (1) the extent to which the record is necessary for the accused to make full answer and defence;
 - (2) the probative value of the record in question;
 - (3) the nature and extent of the reasonable expectation of privacy vested in the record;
 - (4) whether production of the record would be premised upon any discriminatory belief or bias;
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- (5) the potential prejudice to the complainant's dignity, privacy, or security of the person that would be occasioned by production of the record in question; and
- (6) the extent to which records of this nature would frustrate society's interest in encouraging the reporting of sexual offences and the acquisition of treatment by victims.

A. McNeely
Acting Chief of Police



**CONTACT
INFORMATION**

Frontenac OPP
613-372-1932
1-888-310-1122

**HOURS OF
OPERATION**

24/7

ONTARIO PROVINCIAL POLICE FRONTENAC DETACHMENT

ROLE OF ORGANIZATION

Our vision is “Safe Communities...A Secure Ontario”.

COMMITMENTS

We will, within the mandate of our Services:

Provide policing excellence through our people, our work and our relationships.

We will:

Adhere to a standardized method of investigating occurrences of sexual assault so that all victims are treated appropriately while ensuring that the best case possible is presented to the Judicial System.

OVERVIEW OF SPECIFIC PROCEDURES AND SERVICES

Initial Complaint

- Upon receipt of the complaint of sexual assault, Communication Personnel will classify the occurrence and determine priority for dispatch.
- Communication Personnel will record the following information from the complainant: name, date of birth, address, phone number, current location and number that they are currently calling from.
 - In cases where the incident is reported by someone other than the victim, the victim's information will be obtained from the caller.

- If EMS response is required, Communication Personnel will dispatch same
- Communication Personnel will obtain the name (if known), physical description and location of the suspect. If the suspect has departed the scene, the mode of transportation and direction of travel will be obtained.
- Communication Personnel will pass on all information to the Responding Officer responding to the complaint.
- Communication Personnel will inform the caller of the Responding Officer's name and estimated time of arrival.
- Communication Personnel will stay on the line with the caller if they so desire.

Initial Investigation

- Upon arrival at the scene the Responding Officer will ensure the safety of the victim and any witnesses.
 - Preserve the scene. Maintain the chain of evidence.
 - Notify immediate supervisor and area crime supervisor.
 - Interview the complainant and victim briefly. Ascertain the basic details of the offence, description of the suspect and any other pertinent information. Ensure local units are notified where practicable
 - Ensure privacy and sensitivity during the interview process.
 - Explain to the victim what is going to happen.
 - If required, the victim will be transported by ambulance to Kingston General Hospital. Stretcher sheets should be seized (consider trace evidence recovery e.g. fibres, etc.). If ambulance not required, the police will transport victim. Notify Kingston General Hospital that sexual assault victim enroute with estimated time of arrival.
 - Reassure the victim that they will be able to wash and change clothes immediately following the Forensic Medical Examination.
 - Offer the victim the option of having someone of their choice present for support. (Friend, relative, member of victim services).
 - Advise the complainant and the support person that the support person:
 - May be asked to leave if the complainant so desires.
 - Must not interfere in the investigation.
-

- May be required to testify in court.
- Stay with victim and assist them while being registered at hospital.
- Place them in the care of the Sexual Assault Team. Ensure a contact number is provided so officer will be at hospital when victim completes procedure with the Sexual Assault Team Member.
- After victim has sought medical treatment and the victim is willing and able to proceed; in-depth interviews will be carried out by trained sexual assault investigators.
- Update supervisor and designated sexual assault investigator.
- Ensure all notes are detailed, including: physical and emotional condition of victim.
- Supply victim with investigators business card and incident number.
- Provide referral information for the appropriate victim services to the incident, ie. VWAP, VSKF, Victim Support Line, Sexual Assault Crisis Line, Shelters and FACSFLA.

When Children Present

- Ensure the safety of the children.
- Where there are concerns under the Child and Family Services Act, FACSFLA shall be contacted .
- If children are witnesses then, if practicable, OPP and FACSFLA will conduct joint interviews of the child witnesses.

Laying Charges

- Notify victim of arrest.
 - Advise victim if accused held in custody or released
 - Ensure victim involved in conditions of release and court date of accused.
 - Notify VWAP before end of shift via e-mail.
 - Provide Crown Attorney's Office with Crown Brief.
-

FOLLOW-UP

Maintain contact with victim. Ensure they are aware that they can contact investigating member to ask any questions.

ACCESSIBILITY

The Ontario Provincial Police is available seven days a week, 24 hours a day. Contact number: 1-888-310-1122.

ACCOUNTABILITY

All concerns or complaints can be directed to the Detachment Commander of Frontenac OPP at 613-371-1932.



CONTACT INFORMATION

308 Wellington Street,
Unit 101
Kingston, Ontario
(613) 545-2455

HOURS OF OPERATION

Monday to
Friday 8:30a.m.
to 5:00p.m.

Interviews may
be made after
hours.

VICTIM/WITNESS ASSISTANCE PROGRAM

ROLE OF ORGANIZATION

Our mandate is to provide information, assistance and support to victims of crime throughout the criminal justice process in order to improve their understanding of, and participation in, the criminal justice process.

COMMITMENTS

We will, within the mandate of our service:

Be inclusive and provide equal treatment for all people accessing our services, while being sensitive to the challenges of race, ethnicity, gender, age, sexual orientation, socio-economic status and/or abilities of individuals.

We will – after charges have been laid:

- Provide court preparation and orientation prior to the preliminary inquiry and/or trial.
- Provide information on the justice system generally and on the specific case with which the victim/witness is involved.
- Provide emotional support for the victim/witness, and arrange for court accompaniment as required.
- Enable victims and witnesses to put issues of concern to the Crown Attorney prosecuting the case.
- Provide information about Victim Impact Statements to victims/witnesses.
- Refer victims and witnesses to appropriate counselling and support service.

Note: The Victim/Witness Assistance Program will not discuss evidence with a victim and witness. Any information shared by the victim or witness may be subject to 'disclosure to the Crown Attorney and Defence counsel'

OVERVIEW OF SPECIFIC PROCEDURES AND SERVICE**Pre-Trial Considerations*****Assignment of the case***

- a) Victim/Witness Assistance Program (VWAP) staff will support the Crown Attorney in ensuring that a full-time assistant Crown Attorney is assigned at the earliest opportunity for the victim to discuss concerns or questions and remains with the case until final disposition at trial.
- b) VWAP staff will support the Crown Attorney in giving high priority to the scheduling of sexual assault cases in the courts.

First Appearance/Bail Hearing/Police Referral

Following the first court appearance/bail hearing/police referral, VWAP staff will initiate written contact by letter inviting the victim to access the services of the program. Depending on the circumstances, telephone contact will be initiated.

Interviews

- a) VWAP staff will support the Crown Attorney in ensuring that victims/survivors will be interviewed by the assigned Crown Attorney in advance of the preliminary inquiry and trial.
- b) VWAP staff will explain the court process, prepare the victim/survivor to testify in court and arrange for a courtroom orientation. The interview can be conducted with a support person of the victim/survivor's choice.
- c) Victim/survivor is entitled to information regarding the status of his/her court case.
- d) VWAP staff will refer the victim/survivor to appropriate counselling and support services.
- e) The victim/survivor will be advised that disclosure of her evidence will be made to the defence. In addition, there are limits to confidentiality should the victim share information with the VWAP staff or Crown Attorney. Both are bound by legal obligations to disclose information that may be relevant to the defence.
- f) VWAP staff is not permitted to discuss the evidence/'what happened' with the victim/survivor. Discussion regarding evidence will be directed back to the police or Crown Attorney.

Trial Issues

1. VWAP staff will ensure the Crown Attorney is aware of issues causing undue stress on the victim/survivor and effort will be made to address the issues.
2. VWAP staff will ensure the victim/survivor is aware of the Publication Ban provision. Should the victim/survivor not want a publication ban, the VWAP will advise the Crown Attorney.
3. Court accompaniment and support will be arranged, upon request.
4. A separate and secure waiting area will be provided.
5. In the event that the defence makes an O'Connor/Mills application to seek access to the victim/survivor's third party records, the VWAP staff will provide a referral to the Regional Special Panel if appropriate and refer to Legal Aid Ontario. Should the victim/survivor not qualify for Legal Aid, VWAP will refer the victim/survivor to the Crown to make arrangements for legal representation.

Post Trial Issues***Victim Impact Statements***

VWAP staff will ensure that the victim/survivor knows that a Victim Impact Statement may be made at sentencing and the possible consequences of making it. Staff may assist the victim/survivor in making his/her statement.

Appeals

In the event of an appeal of a Superior Court decision, VWAP staff will advise the victim/survivor of the appeal being filed. Staff will make a referral to the Court of Appeal Victim/Witness Program office in Toronto. They will liaise with the Crown Law office in Toronto that will advise the victim/survivor of the hearing dates and the outcome of the appeal. If bail pending appeal is granted, the victim/survivor will be informed of this and the terms of the bail order.

In the event of an appeal of an Ontario Court of Justice decision, the Kingston Crown's office and Kingston Victim/Witness Assistance Program will continue to provide information and services regarding the appeal.

Criminal Injuries Compensation Board

VWAP staff will inform the victim/survivor about the CICB and the application process including the website, www.cicb.gov.on.ca

Victim Support Line

In the event that a sentence is under 2 years, the victim/survivor will be advised of his/her option to register with VSL to be advised of potential release dates, Ontario Parole Board eligibility dates and right to make representation.

Probation

In the event of the accused being placed under probation, the victim/survivor will be provided with a copy of the probation order and the probation telephone number, upon request.

Parole Board of Canada /Correctional Services Canada

In the event that a sentence is 2 years and over, VWAP staff will notify the victim/survivor of his/her right to register with the PBC/CSC.

ACCESSIBILITY

VWAP offices are wheelchair accessible. Interpreter services are also available.

ACCOUNTABILITY

Complaints or concerns regarding the quality or nature of services can be directed to the Manager of the Victim/Witness Assistance Program. The Manager is accountable to the Regional Manager of the East Region, Victims and Vulnerable Persons Division.



CONTACT INFORMATION

Victim Services
of Kingston and
Frontenac
c/o Kingston Police
705 Division Street
Kingston, Ontario
K7K 4C2

Phone:
613-548-4834

HOURS OF OPERATION

24 hours a day, 7
days a week,
through
Emergency
Services (911)

Monday to
Friday, 8:30a.m.
to 4:30p.m.

VICTIM SERVICES OF KINGSTON AND FRONTENAC

ROLE OF ORGANIZATION

Victim Services of Kingston and Frontenac is a community-based service which assists Emergency Services, (Police, Fire, Paramedic and Campus Security Personnel) in providing short term emotional support, practical assistance and referral to victims of crime, tragic circumstance and disaster in the City of Kingston and the County of Frontenac. The service is 24/7, confidential and there are no fees. Victim Services also provides access to the Victim Quick Response Program (VQRP) which can provide financial assistance for victims of crime who meet the criteria of the Program.

COMMITMENTS

We will, within the mandate of our Services:

Be inclusive and provide equal treatment in a cost-free, confidential manner (within the parameters of law) for all people accessing our services, while being sensitive to the challenges of race, ethnicity, gender, age, sexual orientation, socio-economic status and/or abilities of individuals.

We will:

Wherever possible, refer the caller to the Sexual Assault/Domestic Violence Treatment Centre (referred to from here forward as the SA/DV Program) and the Sexual Assault Centre recognizing that, in a time of crisis, the caller may not wish to call another agency, but prefer to talk to the person with whom contact was first made.

If she/he declines the referral, Victim Services will:

- Provide crisis support over the telephone to the victim/survivor during office hours without a police referral and/or provide 24 hour crisis support over the telephone or on scene if referred by Emergency Services.

In Addition, Victim Services will:

- Provide accompaniments and transportation for victims/survivors to hospitals and Police Headquarters / Detachments in the region.
- Provide information about medical, police and Victim//Witness Assistance and what the victim/survivor can expect from a specific action.
- Provide support, information and advocacy where and when a need is identified for a victim/survivor throughout the process.
- Refer victim/survivor to appropriate counselling and support services.
- Keep all documentation minimal, primarily for re-contact purposes.
- Assess the victims needs with regard to a referral to the Victim Services of Kingston and Frontenac Victim Quick Response Program (VQRP) for any needs that fit within the VQRP Criteria for Coverage including but not limited to Emergency Crime Scene Clean-up, Emergency Home Safety Expenses, Counselling, and Transportation and offer the victim the opportunity to submit an application.

OVERVIEW OF SPECIFIC PROCEDURES AND SERVICE**Crisis Response: Victim Services Staff and/or Volunteer**

Upon receiving a call from a victim/survivor or a referral from Emergency Service Personnel, the Victim Services staff and/or Volunteer will:

1. Refer the caller to the SA/DV Program and the Sexual Assault Centre recognizing that, in a time of crisis the caller may not wish to call another agency but prefer to talk to the person with whom contact was first made. If the caller declines the referral, Victim Services will respond to the concerns and needs identified by the caller.
2. If the caller is contacting about a recent sexual assault, first and foremost, Victim Services will ascertain the immediate physical safety of the caller including:
 - Where she/he is at the time.
 - The location of the perpetrator(s).
 - Any physical injuries she/he can identify.
 - The need for immediate medical or police intervention
3. If the caller identifies being in need of emergency medical or police intervention, Victim Services will encourage her/him to call 911 or the SA/DV Program or offer to call on their behalf in order to access emergency assistance.
4. If there is no immediate emergency or risk, Victim Services will discuss the range of options and choices available to the caller and the potential outcomes and consequences of specific choices.
5. If a woman has been sexually assaulted by her intimate partner, Victim Services will discuss with her the cycle of violence and issues of power and control as they impact on her relationship.

6. If the caller chooses to seek medical attention or to make a report to the police, Victim Services will offer accompaniment services. If necessary, arrangements can be made for emergency transportation to the hospital or to a Police Headquarters / Detachment.
7. Victim Services will offer other referrals, as appropriate.

Types of Accompaniments

Accompaniments by Victim Services Staff and/or Volunteer

1. If Police have received the client's permission and requested Victim Services' assistance, Victim Services' staff and/or Volunteers will:
 - Meet a client at a police building, hospital, courthouse, or any other public location.
 - Attend the client's residence or the scene of a sexual assault, if it is safe to do so.
 - Remain at the client's residence or at the scene, if it is safe to do so.
2. Victim Services' staff and/or Volunteers have the authority to transport a client in their own vehicle, or travel in a taxi or police cruiser with a client.
3. Victim Services' staff and/or Volunteers can also provide support to a client's partner, family members and friends with any disclosure dependent upon client's consent.

Medical Accompaniment

1. Victim Services will arrange to meet the client at the hospital
 - Arrange for transportation for the client if necessary.
 - Clarify which hospital the client wishes to attend, with attention given to the benefits of attending the SA/DV Unit.
 - Identify the location within the hospital to meet.
 - Identify some means for the client to recognize them.
 - Ascertain if the client needs clothing.
2. Ensure that the client is aware of their reporting options and their options with regard to examination so that they can make informed choices.
3. If the client has chosen to make a report to the police and wants to have a Sexual Assault Evidence Kit done, the client will be advised to:
 - Not take a shower or bathe.
 - Not go to the washroom, unless necessary.
 - Not eat or drink anything.
 - Bring a complete change of clothes, including shoes, to the hospital.
 - Remain in the clothing worn at the time of the assault, if there has not been a change of clothes since the attack and otherwise to bring any clothing that was worn at the time of the attack, as well as any bedding that might have been affected during the attack.

4. If the client has chosen to pursue police action and wants to have a Sexual Assault Evidence Kit done, they will be informed that they have a right to:
 - Attend at the SA/DV Unit at KGH directly, via HDH or at L&A Hospital.
 - Have a support person from Victim Services present, or waiting outside of the Examination room when the SA/DV medical staff does the evidence kit.

The SA/DV Unit medical staff will ensure that the client can:

- Have all procedures explained before they are performed.
 - Ask for a break at any time during the exam.
 - Refuse the collection of any specific piece of evidence.
 - Have the procedure stopped at any time.
5. The client will be informed that they may attend any hospital they choose; however if they choose to go to a hospital outside of Frontenac County, (other than L & A Hospital), that we will not be able to provide accompaniment but will refer to local services in the area of choice.
 6. Clients will be advised by Victim Services' staff and/or Volunteers of the benefits of evidence collection and testing for STD's and/or HIV at the hospital and that this evidence could be brought into the court process at a later date. Should the client decline at this time, the client will again be strongly encouraged to seek STD and/or HIV testing as soon as possible. Alternate referral options for this purpose will be provided if necessary.

Police Accompaniment

1. Victim Services will arrange to meet the client at the appropriate Police Headquarters / Detachments. If necessary:
 - Arrange for transportation.
 - Clarify in which location the crime occurred and therefore to where the report should be taken.
 - Identify a specific location to meet the client.
 - Identify some means for the client to recognize them.
2. Victim Services will ensure that the client is aware of their reporting options so that they can make informed choices.

Victim Services will provide emotional support for the client and may:

- Reinforce to the client, prior to the interview, that a support person is not to intervene in the interview process in any way but that as the client, they can choose to advise the Officer of their wish to stop the interview at any time.
- Ask for discussions to take place in a more private location.
- Indicate a need for a break in questioning.

Victim Services do **Not**:

- Speak for the client and/or the Officer.

- Determine or comment on the client's credibility.
- Disclose any information about the client and/or the situation.
- Be responsible for ensuring that statements are written or completed.
- Question the Officer's role.

NOTE: Any request for Victim Services' accompaniment to court must originate from, or be approved by, Victim/Witness Assistance Program Staff.

Follow-Up

After the initial crisis intervention, the Victim Services' staff will (as appropriate):

1. Encourage the client to call Victim Services for additional support and information/referral as needed.
2. Ensure that the client has a safe place to stay and safe transportation.
3. Inform the client that support throughout the court proceedings is available and reconfirm the Victim/Witness Assistance Program contact number, encouraging the client to make contact as soon as possible.
4. Discuss the benefits of contacting and/or remaining in contact with the SA/DV Unit, the need for prompt testing for STD's and/or HIV if they have declined to do so thus far and give the client alternate referral options for access to such services if necessary.
5. Make referrals to suitable counselling agencies, support groups and/or community resources.

ACCESSIBILITY

Victim Services can attend on scene if required and requested by Emergency Service Personnel. Victim Services' offices are located at Kingston Police Headquarters and the building is accessible. Clients do not have to be pursuing an occurrence through Kingston Police to have access to the Victim Services' office. Should a client not want to attend the office due to it's location at Headquarters, an alternate meeting location can be arranged. Victim Services covers the City of Kingston and the County of Frontenac and can link a client to another Victim Services' Program in the Province if necessary.

ACCOUNTABILITY

Concerns regarding the quality or nature of services provided can be addressed to the Victim Services' Executive Director. A grievance against the Executive Director can be addressed to the Chair of the Board of Directors. All complaints or concerns will be investigated and responded to according to the Personnel and Volunteer Policies and Procedures.



CONTACT INFORMATION

613-546-1833
P. O. Box 21042
Kingston, Ontario
K7L 5P5

HOURS OF OPERATION

Crisis Intervention and Residential Services:

24 hours a day, 7
days a week, 365
days a year

Children's Services
and Community
Outreach Services
available at
designated times

Monday to Friday,
9:00a.m. to
5:00p.m.

KINGSTON INTERVAL HOUSE

ROLE OF ORGANIZATION

Kingston Interval House (KIH) is a 25-bed shelter mandated to provide emergency, transitional shelter, supportive counselling, information and resources, referrals, and practical support to abused women and their children. All services are confidential, are accessed on a voluntary basis, and are provided at no cost. KIH is committed to inclusivity, equity, and respecting the broad diversity among women who have experienced violence.

COMMITMENTS

We will, within the mandate of our services:

KIH is committed to supporting women and children experiencing violence and working collaboratively with the community to end violence against women and children.

We will provide:

- 24 hr telephone crisis support, support, information, and referrals to women living with and/or recovering from violence (local: 546-1777; and 1-800-267-9445)
- safe, temporary shelter
- practical assistance to women, such as transportation to the shelter, assistance organizing school enrolment and transportation, and safety alarms¹ for women living in the community in high risk situations
- access to legal information and counselling through two-hour legal forms, Legal Aid, and the Danielle Duchesneau² Fund
- understanding of issues relating to their children such as parenting, non-violent discipline, custody and access, and impact issues for children exposed to violence

- emotional support, information, advocacy, and referrals to appropriate services for women and children with priority attention to supporting women in their efforts to understand and clarify their options
- access to legal information and counselling through two-hour legal forms, Legal Aid, and the Danielle Duchesneau Fund
- individual and group counselling to women living at the shelter and in the community
- accompaniment to legal or medical appointments, court, or social services in accordance with available resources
- emotional support, age-appropriate recreational and educational activities, and individual and group counselling for children exposed to partner abuse living at the shelter and in the community.

Crisis intervention and shelter services are available 24/7; children's services and community-based outreach services are available at designated times.

Kingston Interval House accepts self-referrals as well as referrals from other organizations. In those instances when an agency contacts KIH on behalf of a woman, it is common practice for shelter staff to ask to speak directly to the abused woman in order to obtain and provide information firsthand and to reinforce the voluntary nature of services provided by the shelter. Women may seek shelter and/use the other services available through KIH, such as the crisis line, as often as necessary. There are no restrictions on the number of times a woman may call or stay at KIH. KIH staff also organizes and/or participate in a wide variety of prevention and public education initiatives designed to increase public awareness and understanding of issues relating to violence against women and children.

OVERVIEW OF SPECIFIC PROCEDURES AND SERVICES

Crisis Response Services

When a woman contacts KIH, the counsellor directs priority attention to her safety and any immediate medical needs.

Questions pertaining to the woman's location, the assailant's location, possible physical injuries, and the need for immediate medical and/or police intervention are used to determine if emergency assistance is required. If so, the woman is encouraged to call 911 or alternately, the counsellor will contact 911 on behalf of the woman.

If there is no immediate emergency, the counsellor will offer emotional support, information, and referrals in accordance with the concerns and needs of the woman and with attention to the range of options and choices available to her, including but not limited to the option to come to KIH for additional information and support and/or to stay. If the woman expresses an interest in coming to the shelter, transportation arrangements will be made if necessary.

Shelter Services

KIH provides secure, temporary shelter to abused women and their children; length of stay may range from less than 24 hours to eight (8) weeks or longer depending on the specific needs of the woman and her children.

In the event that KIH is unable to accommodate a woman who has been abused for whatever reason, such as lack of space, every effort will be made to arrange for alternate secure shelter at another organization, such as Lennox & Addington Interval House (Napanee). KIH will arrange and pay for transportation to the alternate shelter if necessary.

Women living at KIH are expected to comply with a variety of house rules and guidelines designed to support non-violent cooperative living; these rules and guidelines are explained during the intake process and as necessary throughout the woman's stay. While residing at KIH, women have access to crisis intervention, supportive counselling, and information services 24/7. Counsellors work cooperatively with residents to help them identify, understand, and address their specific needs with priority attention to their safety and to recognizing their strengths, skills, and internal resources. KIH has a protocol agreement with the Kingston Humane Society for the provision of free temporary shelter for a family's pets for the duration of the woman's stay at KIH.

Women who have lived at the shelter and upon leaving remain in a high-risk situation may be eligible for a Bell Mobility cell phone program

Children's Services Workers provide emotional support and information to children living at KIH. Children may participate in a variety of age appropriate recreational and educational activities during their stay at the shelter.

Shelter staff work cooperatively with other emergency personnel and service providers involved with a woman and her children within the constraints of their commitment to confidentiality and in accordance with the policies and procedures of the organization. For example, KIH and the Limestone District School Board have developed and adopted a protocol for the transportation and education of children residing at the shelter.

Follow-Up and Outreach Services

Individual and group counselling is available to women and children exposed to violence with priority attention to safety planning, dynamics of power and control and other issues relating to partner abuse, and transition to a violence-free life.

An Outreach program specific to the needs of aboriginal women is also available: this program provides all the same outreach services in keeping with aboriginal teaching. We also provide an Outreach program for French-speaking women.

Outreach services **also** include support, information and resources, referrals, advocacy and accompaniments to family and criminal court proceedings.

ACCESSIBILITY

KIH currently has two wheelchair accessible bedrooms. The first floor is accessible and the basement and second floor can be accessed by stair lifts.

ACCOUNTABILITY

Concerns regarding the quality or nature of the service provided by the Frontline Workers can be directed to the Residential Supervisor. Concerns regarding the quality or nature of service provided by other staff can be directed to the Executive Director. All complaints or concerns will be investigated and responded to according to Kingston Interval House's Policy and Procedures manuals.

¹KIH has safety alarm units available for use by women at risk living in the community; this service is available to women and on a first come, first served basis.

² Women who have experienced violence are eligible to receive a designated amount of money to assist with costs relating to legal and/or safety issues. Applications for funds are available at KIH.



CONTACT

INFORMATION

Human Rights Office
Margot Coulter
613-533-6886
TTY 613-533-2755
coulterm@queensu.ca

HOURS OF

OPERATION

Monday to Friday
9:00a.m. to 5:00p.m,
regular University days
of operation.

QUEEN'S UNIVERSITY HUMAN RIGHTS OFFICE

ROLE OF ORGANIZATION

Queen's Human Rights Office (HRO) acts as a resource for persons facing harassment or discrimination, and administers the Harassment/Discrimination Complaint Policy and Procedure. As such, we handle sexual assault issues only under very particular circumstances because of the overlap in the definitions of sexual harassment and that of sexual assault. We strive in such cases to protect a person's rights while ensuring their safety. The following is a generic synopsis of the procedures the HRO follows when a complainant seeks our assistance.

COMMITMENTS

We will, within the mandate of our services:

be inclusive and provide equitable treatment for all people accessing our services, while being sensitive to the issues of race, ethnicity, gender, age, sexual orientation, socio-economic status, and abilities of individuals.

We will:

- make victims/survivors aware of medical, legal and counselling options available to them
- provide advice and assistance to victims/survivors concerning their rights under the Queen's Harassment and Discrimination procedures
- make every effort to ensure victim/survivor safety on Queen's campus

- assist in making referrals and accompanying survivors to medical, legal or counselling appointments as requested
- attempt to ensure that any internal actions taken in addressing a complaint will not jeopardize any actions a person wishes to pursue through civil or criminal proceeding

OVERVIEW OF SPECIFIC PROCEDURES AND SERVICES

The Queen's Human Rights Office (HRO) is a confidential, university-based service provider that administers the University's Harassment and Discrimination Complaint Policy and Procedure. As well as providing education and training on equity related issues, the Office has advisors who assist in the resolution of harassment/discrimination complaints. The policy and procedures apply to all students, staff and faculty of the University. In addition, non-community members (e.g. volunteers, contractors) may also make a complaint against a member of the Queen's community when the alleged conduct occurred on the Queen's campus, or at any Queen's university-sanctioned event, whether this event takes place on or off-campus.

The Human Rights Office works from a legal definition of human rights. Our policies have been modelled after Ontario human rights legislation. The Ontario Human Rights Code explicitly states that no one should be discriminated against or harassed on the grounds of...

“...race, ancestry, citizenship, colour, creed, place of origin, ethnic origin, sex, sexual orientation, age, disability, marital status, family status . . .”

Sexual assault is included in the University's definition of sexual harassment as: “...physical contact of a sexual nature (including sexual assault under the Criminal Code) ...”

Depending on the situation, there may be a wide range of options for handling a human rights complaint. In seeking a resolution, the HRO's main priority is to ensure complainant safety and to see that the harassing/discriminatory behaviours or practices stop.

While the HRO's role is to advise a person about their options, the complainant retains control over how the complaint is handled. Internally, how the case proceeds will, largely, depend on whether a person chooses to have the matter resolved **INFORMALLY** or **FORMALLY**.

At the **informal** level, any reasonable steps may be taken to resolve a complaint. Examples of informal resolutions may include: a “no contact” undertaking or letter stating explicitly that the complainant wishes to have no contact with the respondent; a conversation between the complainant's advisor, the respondent and his/her advisor; a facilitated settlement under which a respondent agrees not to further engage in harassing or discriminatory activity, and assisting with academic adjustments when necessary (e.g., switching the respondent's or complainant's class schedule to avoid contact between them).

Should the situation warrant it, or should informal routes of resolution not be successful, a **formal** complaint may be lodged. A formal complaint involves requesting that the Secretary of the University assemble a three-person Complaint Board to make an official ruling on the complaint. The Complaint Board selects the appropriate **remedial** measures to be taken based on evidence of the probability that the alleged harassment/discrimination took place. Complainants and respondents may, at any time, bring a support person of their choice to the hearing.

Human Rights Office advisors will recommend what they feel is a reasonable course of action in any particular situation. Any decisions about how to proceed with a case ultimately rest with the complainant. **However, whether a person chooses an informal or formal route, we would attempt to ensure that when a complaint involves sexual assault, any internal actions taken will not jeopardize any action a person may wish to pursue through civil or criminal procedures.**

HRO staff is aware of how emotionally difficult it can be to be the target of harassment or discrimination, even more so when sexual assault is involved; experiencing feelings of guilt is perfectly natural for complainants, in addition to confusion, pain, anger, powerlessness, and/or fear. Complainants do not often want to “talk things out” with people who have hurt them or who hold positions of power over them. HRO advisors are available to act as third parties in any negotiations between a complainant and a respondent, and refer the complainant to counselling services as appropriate.

Anyone who makes a complaint under the HRO’s Harassment/Discrimination Complaint Procedure is protected against reprisal. However, if a person is still concerned about how she/he may be treated in a given workplace or classroom, that person may wish to *postpone* action on the complaint until all threat of reprisal has gone or until she/he has left that threatening environment. In our procedure, this is known as *holding a complaint in abeyance*. When the issue involves sexual assault, timelines may be more critical (e.g., having a thorough medical exam) and we would advise a person accordingly.

While the Policy sometimes recognizes exceptional circumstances that may prevent individuals from filing complaints within a reasonable time, complaints must generally be brought to the Office within one year of the last incident of harassment or discrimination. However, support and informal assistance, including academic adjustment, is available to complainants or survivors at any time.

When complaints are brought to the HRO, every effort is made to maintain confidentiality. Complainants should be aware that the Human Rights Office is obliged, by law, to disclose information that reveals physical/sexual abuse of children or threats to the safety of other member of the Queen’s community.

*If, after consulting with an HRO advisor, the situation described clearly falls outside our jurisdiction, we will do our best to make a referral to a service better suited to meet the needs of the individual. **Sexual assault, being a criminal offence, is largely outside the mandate of the Human Rights Office.** However, if someone does not wish to file a complaint with the police but has particular concerns they wish to address internally (e.g., safety issues on campus) and thus address the sexual assault through our complaint procedure; it would be handled in the same manner as is a sexual harassment complaint. Remedial actions would be restricted to those outlined in the Procedure.*

A survivor of sexual assault is always made aware of the services available to them from the Sexual Assault Centre Kingston, the KGH Sexual Assault Domestic Violence Programme, as well as the police, and other community services as appropriate. Complainants are informed of their right to file a complaint with the police and the procedure for doing so is explained and resource material about the process is provided. Should a complainant want to access the Sexual Assault Centre Kingston, the Kingston police, or any other Queen's or community service, assistance is provided in making and attending appointments as requested. In addition, the HRO has publications available on the topic of sexual assault, how to help a survivor, and a guide for women survivors of assault or harassment.

ACCESSIBILITY

For community members with mobility challenges, elevator access to the Human Rights Offices will be via the elevator located in the F-200 wing of Macintosh-Corry Hall. Our Offices are located to the right just off the elevator. You will see the Reception sign beside Room B-506, our administrative office.

Community members concerned about confidentiality/safety/accessibility are encouraged to contact the office in advance, to discuss routes to the office, or the possibility of meeting off-site.

We can provide print materials in alternate formats. We will make every effort to accommodate special needs as requested.

ACCOUNTABILITY

The Queen's Human Rights Office reports to the University Senate. Concerns regarding the quality or nature of the services can be directed to the University Secretariat's Office at (613) 533-6095



CONTACT INFORMATION

Elayne Furoy
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 ext.101
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HOURS OF OPERATION

Crisis Line: 24 hours a day, 7 days a week, 365 days a year

Monday to Friday,
 9:00a.m. to
 4:00p.m.

Appointments outside of business hours are available

SEXUAL ASSAULT CENTRE KINGSTON

ROLE OF ORGANIZATION

We are a not-for-profit charitable organization that is mandated to provide services primarily to women, aged 12 years and older, who have experienced sexual violence.

We will, within the mandate of our Services:

Be inclusive and treat everyone who accesses our services equitably while being sensitive to barriers and issues related to race, ethnicity, gender, age, sexual orientation, socio-economic status and or abilities.

In the office, we serve:

Female survivors (age 12 or older), of recent and/or past sexualized violence, including, but not limited to sexual assault, childhood sexual abuse, sexual harassment. We also serve family, friends, partners/spouses of women who have experienced sexual violence.

On the Crisis Line, we serve:

All survivors of recent and/or past sexualized violence, including, but not limited to sexual assault, childhood sexual abuse, sexual harassment. We also serve family, friends, partners/spouses of women and men who have been sexually assaulted or abused

We will:

- Provide a 24-hour crisis support line, through a local phone line and an 800 line, for female and male survivors of recent or past sexual violence and for families and friends of survivors
- Assist survivors to clarify their choices regarding medical treatment, reporting to police and other issues they identify

- Provide advocacy where survivors identify the need for such support
- Provide emergency accompaniment to hospital for female and male survivors of recent sexual assault, offering information and support throughout medical/forensic examinations, where survivors identify the need for such support
- Provide accompaniment to the police station or court and support and advocacy for female and male survivors who seek legal intervention, where survivors identify the need for such support
- Provide individual and group counselling for female survivors of recent and/or past sexualized violence
- Offer referrals to community agencies, services, or professionals
- Provide in-service training to support workers/volunteers
- Provide public education in the form of pamphlets, press releases, billboards, speaking at schools, colleges, universities, and community groups, to aid in informing about and preventing sexual violence

OVERVIEW OF SPECIFIC PROCEDURES AND SERVICES

Initial Response by Front Line Workers

Upon receiving a call on the crisis line, the Front Line worker will:

1. Respond to the caller's identified concerns and needs.
 2. If the caller discloses that he/she is under the age of sixteen, we have a duty to report the particulars of the call to Child & Family Services.
 3. If the caller is using the crisis line for support around a recent sexual assault, ascertain the caller's immediate physical safety.
 4. If the caller identifies a need for emergency medical or police intervention, the frontline worker will encourage the caller to call 911, or will offer to call on the caller's behalf.
 5. If there is no immediate emergency, the support worker will discuss the caller's range of options and the potential consequences of the caller's specific choices.
 6. If the caller chooses not to seek medical attention or not to report the assault to police, the frontline worker will continue to provide crisis intervention and emotional support for the caller.
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7. If the caller chooses to seek medical attention or to report the assault to police, the frontline worker will continue to provide crisis intervention and emotional support for the caller and will offer to arrange accompaniment services for that individual, should she/he wish. Accompaniment will be arranged once the survivor confirms the request, not by a third party caller.
8. Should the caller choose to seek medical attention, but does not wish an accompaniment, the frontline worker will inform the survivor about the Sexual Assault/Domestic Violence Program at the Kingston General Hospital.
9. The support worker must ensure that the survivor makes these (above mentioned) important decisions for herself/himself, offering no opinion, nor attempts to bias the caller's choices.

Accompaniments by SACK Front Line and Support Workers

Front Line Worker Accompaniment

When an individual over 12 years of age identifies a need for an accompaniment, frontline workers will either provide the accompaniment or find another front line worker who will do the accompaniment.

Frontline workers will only meet a survivor, who has requested accompaniment services, at the police station, hospital, Victim Services, courthouse, or the Sexual Assault Centre Kingston office (during business hours).

Frontline Workers will not go to the:

- Scene of a sexual assault
- Residence of the caller, or any other location that does not include the police station, hospital, medical office, court house, or Sexual Assault Centre Kingston office

Support Worker Accompaniment

Support workers, for their protection and safety, will not:

- Accept a ride from a caller
- Give a ride to a caller
- Travel in a taxi or police cruiser with a caller

Types of Accompaniments

Medical Accompaniment

Upon receiving a request from a caller over 16 years of age for an accompaniment to the hospital following a recent sexual assault, the front line worker will:

1. Inform that person that s/he has the right to:
 - Have a support person from the Sexual Assault Centre Kingston present
 - Have a support person who is not from the Sexual Assault Centre Kingston with them
2. Arrange to meet the caller at the hospital. In so doing, the support worker will:
 - Identify the location within the hospital where they will meet
 - Identify means by which the survivor can recognize the support worker
3. Arrange transportation if needed (taxi).
4. If the survivor chooses to have a Sexual Assault Evidence Kit done, the front line worker will advise her/him:
 - **Not** to take a shower
 - **Not** to smoke
 - **Not** to chew gum
 - **Not** to go to the bathroom, if possible
 - **Not** to eat or drink anything, if possible
 - **Not** to change out of the clothes that s/he was wearing at the time of the assault, if possible
 - That the SA/DV program at the hospital will provide clothing for survivors to wear home (including clothing and underwear), however, if they wish to bring a complete change of clothes to the hospital they may do so.
5. The frontline worker will confirm that the survivor has a safe place where she can return to and a safe way in which to get there.

Police Accompaniment

Upon receiving a request from a survivor over 16 years of age for an accompaniment to the police station following a recent sexual assault, the frontline worker will:

1. Arrange to meet the survivor at the police station. The support worker will:
 - Clarify the address of the police station
 - Identify the location in the station where she will meet the survivor
 - Identify means by which the caller can recognize the frontline worker
 - Offer to provide transportation to the station.

2. Provide emotional support for the survivor who is filing a complaint and advocate on her/his behalf, should the survivor request such.

An advocate should not:

- Speak for the survivor and/or the officer
 - Determine or comment on the survivor's credibility
 - Be responsible for ensuring that statements are written or completed
 - Sit in on the interview process with the police officer and the survivor
3. If asked, the only identifying information that the support worker will give a police officer while on an accompaniment is the following:
 - Her first and last name
 - The phone number of the Sexual Assault Centre Kingston for further information
 - The address of the Sexual Assault Centre Kingston

FOLLOW-UP

After the initial crisis intervention, the frontline worker will (as appropriate):

1. Discuss services available at the Sexual Assault Centre Kingston, including the crisis line.
2. Inform the survivor that frontline workers at the Centre also do accompaniments to court, when possible. If the survivor is interested in such a service, she/he can call the Centre to make the arrangements.
3. Discuss anonymous testing of HIV and other Sexually Transmitted Diseases and give the caller information about how to access such services.
4. Offer the survivor information about other community programs and services available.

ACCESSIBILITY

The Sexual Assault Centre Kingston strives to provide services that are accessible. SAC Kingston is located in a wheelchair accessible building with an elevator. We offer enhanced hearing devices for our individual counselling when necessary and have TTY services for those who require it.

Through our volunteer base, we are able to provide services and support in various languages. Counsellors will provide counselling services outside our centre for women who are uncomfortable or unable to come to the centre.

ACCOUNTABILITY

Concerns regarding the quality or nature of service provided by staff, students or volunteers can be directed to the Executive Director. All complaints or concerns will be investigated and responded to according to the Sexual Assault Centre Kingston's Policies and Procedures manual.