Inspection of the Thunder Bay Police Service - Major Case Management

September 2018

Public Safety Division
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Ministry of Community Safety and Correctional Services

Acknowledgments

The ministry thanks members of the Thunder Bay Police Services Board and the Police Service for their assistance and cooperation during this inspection process.

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INSPECTION OVERVIEW

Legislative Responsibilities

Ministry of Community Safety and Correctional Services

The *Police Services Act* (PSA) sets out the statutory responsibilities of the Minister of Community Safety and Correctional Services under section 3. Included are requirements that the Minister shall:

- conduct a system of inspection and review of police forces across Ontario;
- monitor police forces to ensure that adequate and effective police services are provided at the municipal and provincial levels;
- monitor boards and police forces to ensure that they comply with prescribed standards of service;
- provide to boards and municipal chiefs of police information and advice respecting the management and operation of police forces, techniques in handling special problems and other information calculated to assist; and
- develop and promote programs to enhance professional police practices, standards and training.

Police Services Board

Police services boards overseeing municipal police services are responsible for the provision of adequate and effective policing in the municipality, including the determination of the objectives and priorities respecting police services. The board fulfills one of its governance responsibilities by establishing policies for the effective management of the police service.

Chief of Police

Municipal chiefs of police are responsible for the administration and operation of their respective police services and overseeing their operation in accordance with the objectives, priorities, and policies established by boards. The OPP Commissioner is responsible for providing adequate and effective policing to all municipalities that are not policed by a municipal police service.

The duties of chiefs of police include:

- establishing procedures for operational and administrative direction;
- ensuring that members of the police service carry out their duties in accordance with the PSA and the regulations and in a manner that reflects the community; and,
- maintaining discipline in the police force.

Inspection Program

The ministry conducts inspections and monitors compliance with legislative and regulatory requirements. Inspections are based on relevant legislation, regulations, and guidelines contained within the ministry's Policing Standards Manual.

Policing Standards Manual guidelines are one of the mechanisms used by the ministry to meet the statutory requirements set out in section 3 of the PSA. The guidelines are also one of the primary tools to assist boards and chiefs of police with their understanding and implementation of the PSA and its regulations.

Ministry guideline content which does not address statutory or regulatory requirements is advisory in nature. Boards and chiefs of police may also consider comparable equivalents when addressing compliance with the PSA and its regulations. No recommendations will be made if policy, procedures or practices achieve compliance with statutory or regulatory requirements or they have equivalent outcomes to discretionary guideline content.

Response to Inspection Recommendations

The Board and the Chief of Police are requested to provide the ministry with a coordinated response within 90 days of receipt of the inspection report. The response to the recommendations may be captured in the Service Improvement Plan (SIP) template provided by the ministry.

The Inspection Team lead and your Police Services Advisor are available to meet with the Board and the Chief of Police to discuss the findings and recommendations and to assist with a response.

Focused Inspection – Major Case Management

Major Case Management System

A province-wide Major Case Management (MCM) system has been established to fulfill the recommendations of Mr. Justice A.G. Campbell's 1996 review of the Bernardo investigations.

The MCM system methodology uses a multi-disciplinary approach to the investigation of designated serious crimes. It is comprised of a central coordinating body, investigative standards, standardized training, and case management database software for use by police throughout Ontario. The MCM software provides investigators with tools to organize, manage, retrieve and analyze large volumes of data collected during major case investigations. The system facilitates the identification of serial and predatory crime and the coordination of law enforcement agencies involved in multi-jurisdictional cases.

In 2004, the use of the MCM system by all Ontario police services was made mandatory by *Police Services Act* Regulation 354/04. The Regulation designated specific serious crimes as "major cases" and required their investigation be conducted in accordance with the Ontario Major Case Management (OMCM) Manual. The use of the Ministry-approved software is also required.

Inspection Scope

Requirements of the Regulation and key elements of the OMCM Manual have been identified for inspection regarding the following major case categories:

- homicides within the meaning of subsection 222 (4) of the Criminal Code (Canada) and attempted homicides,
- sexual assaults, including sexual interference, and attempted sexual assaults, sexual exploitation and invitation to sexual touching,
- criminal harassment where the harasser is not known to the victim.

The inspection event data review has been limited to events reported to the police in 2016 and cleared prior to January 30, 2018. Events cleared with charges which were still before the courts on January 30, 2018, were excluded from the review.

Thunder Bay Police Service

The inspection of the Thunder Bay Police Service commenced July 23rd, 2018. The on-site phase was conducted between August 17th and 21st, 2018. The Service assigned A/Deputy Don Lewis as liaison.

Police Services Board:	Jackie Dojack, Chair
Chief of Police:	Chief Sylvie Hauth
Police Officers:	224
Total Staff:	326
Population Policed:	115,740

INSPECTION FINDINGS

Police Services Board - Policy

O.Regulation 354/04 subsection 1(1) requires boards to establish policies with respect to major cases in accordance with the OMCM Manual.

Ministry Policing Standards Manual guidelines LE-039 (Homicides), LE-028 (Sexual Assault Investigation) and LE-028 (Criminal Harassment) provide assistance to boards regarding policy within the scope of the inspection.

Findings

The Thunder Bay Police Services Board (TBPSB) has policies on the investigations into homicides (LE-039), criminal harassment (LE-028) and sexual assaults (LE-034). TBPSB policies were validated as in-force by referencing board bylaw PC10-2001: *A By-law to adopt Adequacy Standards Policies for the Thunder Bay Police Service*.

Policies were reviewed by the inspection team and found to be in compliance with the standards for the criteria offenses in the scope of this inspection.

As part of the ministry's inspection cycle in 2005, it was recommended that the TBPSB include in-force and effective dates on their policy documents. The inspection team had similar difficulty validating in-force and effective dates on the board's policies for the purpose of this inspection.

Requirements and Recommendations

Legislative and/or Regulatory:

Nil.

Advisory/Good Practice:

1. The board should consider adding effective and in-force dates to their policy documents

Chief of Police - Procedures

Findings

O.Regulation 3/99 (Adequacy and Effectiveness of Police Services) subsection 12(1) requires chiefs of police to develop and maintain procedures on and processes for undertaking and managing investigations into homicides and attempts, sexual assault and criminal harassment. O.Regulation 354/04 subsection 1(2) requires chiefs of police, when developing these procedures and processes, to also develop and maintain procedures on and processes for undertaking and managing investigations into major cases in accordance with the OMCM Manual.

The Chief of Police has established the following procedures for investigations within the inspection scope as required by O.Regulation 3/99:

Criteria Offence	Procedure Document # and Title	Effective Date
Sexual Assault	Part 6, Chapter 54	Dec. 28, 1996
Criminal Harassment	Part 6, Chapter 10	Dec. 28, 1996

The TBPS has also established a procedure for Sudden Deaths. This procedure intends to comply with O.Reg 03/99 for the purpose of outlining a procedure on homicides and attempts. However, the procedure is not compliant with the regulation because it does not address attempted homicides. Attempted homicides are listed in the service's procedures part 6, chapter12: Sudden Death Investigation. The TBPS sudden death procedure also does not comply with TBPSB policy LE-039 Homicides and Attempts, wherein the Chief is directed to have a specific procedure on the investigation of Homicides and Attempts.

The inspection team reviewed procedures for Major Case / Major Crime Investigations and the service's Criminal Investigations Management Plan to confirm that they are consistent with the standards for managing major cases. Both procedures made reference to the OMCM manual and were generally found to be consistent with the manual and regulation 354/04 for the purpose of investigating major cases. One internal inconsistency was found in the procedure for Major Case / Major Crime Investigations. The procedure lists the criteria offences found in the OMCM manual in its preamble; however, it lists different criteria in the specific procedures for establishing the mandated investigative approach to a major case investigation. The criteria are an incomplete list of offences that would qualify for a major case investigation.

Requirements and Recommendations

Legislative and/or Regulatory:

2. The Chief of Police establish a procedure on homicides and attempts.

Advisory/Good Practice:

3. The Chief of police should ensure consistency between the criteria offences found in the OMCM manual and service procedures.

Police Service - Practices

Findings

The inspection team examined cases in the local records management system (RMS) and PowerCase to determine compliance with the MCM regulation. The inspection team reviewed the RMS data to identify events within the scope of the inspection, and a total of 97 cases were identified. The events were reviewed to determine their classification (threshold vs non-threshold) in accordance with the OMCM Manual. The totals and classification for events follow:

Criteria Offence	Total	Threshold	Non-threshold
Homicide	**4**	4	0
- Attempt Homicide			
Sexual Assault *Classification for 37 cases could not be determined.	**88***	26	25
- Attempt sexual assault			

- Sexual exploitation			
- Invitation to sexual touching			
Criminal Harassment	**5**	0	5

When conducting the case review, two incidents were identified by the inspection team as requiring immediate follow-up. Chief Hauth (then Acting Chief) was provided information regarding both cases immediately after they were identified. As required by the circumstances of the cases, the inspection team provided information to the Ontario Provincial Police and the Special Investigations Unit respectively, in order to ensure appropriate follow up both those agencies.

Sections 1 and 4 of Ontario Regulation 354/04 and section 1 of the OMCM manual outline the criteria and steps required for service practices to result in the identification of major cases. The inspection team determined that the practices of the TBPS do not always result in the identification and classification of major cases. It was found that there is an incomplete understanding about what types of cases constitute a major case, and the investigative response mandated by the MCM regulation. While the TBPS has initially identified 64 cases for review within the scope of this inspection, review of the RMS by the inspection team identified an additional 33 cases that fit the MCM criteria.

In interviews with staff, the inspection team learned that the TBPS relies heavily on civilian staff to determine which investigations should be entered onto PowerCase. In some cases, civilian staff query the local RMS to identify cases with a PowerCase component and enter that data on PowerCase without oversight by a qualified person. These practices circumvent triage by a qualified person who would otherwise determine whether any case is a major case, identify the data entry standard and ensure that an investigator with the knowledge, skills and abilities is assigned to the investigation.

The TBPS investigates major cases using its own members. The function is primarily delivered through the General Investigations Unit of the Criminal Investigation Branch. Current staffing is nine Detective Constables (10 positions) and three Sergeants (4 positions). The Unit reports to the CIB Detective Sergeant. No mutual aid agreement exists with the OPP in Thunder Bay even though staff reported that they request help from the OPP regularly. The inspection team concluded that the TBPS is capable of conducting concurrent, full function major case investigations using its own members.

The inspection team observed TBPS practices to identify if major cases are being classified as threshold or non-threshold in accordance with the definitions provided in the OMCM manual. It was found that there was an inconsistent understanding of the difference between threshold and non-threshold investigations and the administrative obligations for entering information and data on PowerCase. The inspection team found 16 cases that should have been classified as a threshold major case and 21 incidents should have been classified as non-threshold major cases. Thirty-seven threshold and non-threshold major cases were not entered onto PowerCase at all.

The OMCM manual sets out specific duties for the investigation of threshold major cases, including the duties of the Major Case Manager, Primary Investigator, and File Coordinator to form a command triangle. Upon examination of the 2016 data, it was found that there was no formal method for assigning members to roles in the command triangle and entering information on PowerCase lacked coherence. As a result, specific duties for members assigned to roles in a major case were unknown by members assigned to those roles, and entries on PowerCase were generally non-compliant because of limited oversight by a major case manager. For example, the inspection team found that civilian members were being assigned to the role of the file coordinator.

However, the inspection team was advised that the assignment of roles in the command triangle had changed significantly between 2016 and 2018. The Service provided examples of 2018 major cases

that were entered and managed on PowerCase to demonstrate their adherence to the MCM methodology and use of PowerCase. After an examination of current practices, it was found that the assignment of roles in the MCM triangle now reflects the standards in the OMCM manual. Adherence to the MCM methodology and the use of PowerCase as an investigative tool by investigators is becoming a regular practice at the TBPS.

The inspection team reviewed PowerCase to confirm that the information entered was consistent with the standards for threshold data entry in the OMCM manual. The OMCM manual states that all threshold major cases shall follow a procedure where information is entered, indexed, researched and cross-referenced into PowerCase. Data must also be entered within 30 days of the incident. The TBPS does not consistently meet the standard for data entry for threshold major cases. Inconsistencies in case triage and oversight result in misclassification of threshold cases. In 2016, only one full function, threshold major case was entered on PowerCase. Twenty-three additional major cases should have been entered as full function major cases but were not. As a result of not being entered onto PowerCase, the 30-day standard for entering data was not met for those major case investigations.

The inspection team also made observations about the data entry in PowerCase for non-threshold major cases. Like threshold major cases, information must be entered, indexed, researched and cross-referenced into PowerCase. The date, time, location and circumstances must be entered onto PowerCase, as well as victim, accused and any other relevant information, within 30 days of the incident report. The TBPS did not meet the standard for data entry in 71 cases examined by the inspection team. Thirty-eight non-threshold major cases were not entered or were entered late on PowerCase in 2016 and an additional 33 were missing information. The inspection team had trouble determining whether cases were threshold or non-threshold in their review of the PowerCase data. It will be recommended that the Chief of Police consider a practice for delineating threshold and non-threshold major cases in PowerCase and the local RMS.

The OMCM manual states that the major case manager shall ensure linkages between major cases are investigated and notify the Serial Predator Crime Investigations Coordinator (SPCIC) within seven days when there is a reasonable likelihood that the same person has committed crime(s) within a single or multi-jurisdiction. The inspection team found 24 linkages where the response was undetermined. One linkage was not followed up on when there was an obligation to do so. There is no consistent practice for notifying the major case manager when a linkage is generated because the data-input function of major case management is largely removed from the investigative functions. There is also an inconsistent understanding by staff about who would notify the SPCIC or when it is required.

The OMCM manual mandates specific training for major case investigators. The inspection team was provided with training records for members of the Service that have completed the PowerCase course and the Major Case Management training. Training records for 12 of 13 members assigned to CIB were verified through the production of a reliable record of successful completion, OPC certificate or OPC Director letter to the Chief. In the remaining case, CIB is aware that the member has yet to receive training. In addition, training records indicate an additional 29 officers working in positions other than CIB have completed MCM training and are qualified to investigate major cases if additional resources are required.

Patrol personnel respond to sexual assault and criminal harassment calls for service and in some cases complete investigations, based on event severity and complexity. Interviews indicate patrol supervisors are generally notified of these events and make decisions to retain investigations or transfer to CIB. Some investigations are subsequently approved by patrol supervisors who are not major case managers as required by the OMCM manual. There is an increased risk that threshold major cases will not be transferred to CIB and investigated by officers who are qualified. The Inspection

Team identified 49 non-threshold major case events within scope – 45 sexual assault and 4 criminal harassment. Of these, 18 were approved by supervisors who have not completed major case management training. The inspection team also found that some of the functions performed by civilian data-entry clerks were outside the scope of their qualifications. Data-entry staff demonstrate a high level of proficiency with PowerCase and actively assist investigators when required. However, some of the functions being performed require direct oversight by a primary investigator or major case manager, which was not consistently found for the major case events reviewed from 2016. Primary investigators or managers should independently verify the quality and completeness of the information on PowerCase for all major cases.

Requirements and Recommendations

Legislative and/or Regulatory:

4. The Chief of Police ensure that Service practices result in the identification of major cases to be investigated in accordance with the OMCM manual.
5. The Chief of Police ensure that major cases are properly classified in accordance with Definitions standard - OMCM Manual.
6. The Chief of Police ensure that roles are appropriately assigned to investigators who have the required training in accordance with the Major Case Investigative Functions and Responsibilities standard - OMCM Manual.
7. The Chief of Police ensure that major case investigative data is entered into PowerCase, in accordance with the Data Entry standard - OMCM Manual.
8. The Chief of Police ensure that the Serial Predator Crime Investigations Coordinator is notified if there is a reasonable likelihood that the same person(s) has committed the crime(s) within a single or multi-jurisdiction within seven days as per the OMCM Manual.

Advisory/Good Practice:

9. The Chief of Police should consider the use of tasking in Niche RMS to formally manage major case triage, investigation oversight and PowerCase data entry.

February 19, 2019

Chair and Members
Thunder Bay Police Services Board
500 Donald Street East
Thunder Bay, ON
P7E 5V3

Re: MCM Inspection Compliance Report

In response to the requirements and recommendations outlined in the Major Case Management Inspection Report dated January 2, 2019, please see below:

Requirements and Recommendations:

1. The Board should consider adding effective and in-force dates to their policy documents.
   – The Service is not required to take any action on this recommendation.

2. The Chief of Police should establish a procedure on homicides and attempts.
   – The Service is in the process of preparing a revised Sudden Death Policy. The Service will specifically develop a separate policy and procedure on attempted homicides and homicides.

3. The Chief of Police should ensure consistency between the criteria offences found in the OMCM manual and service procedures.
   –The Service's procedures have been, or are currently being amended, to ensure consistency.

4. The Chief of Police should ensure that Service practices result in the identification of major cases to be investigated in accordance with the OMCM manual.
   - The Service has created a Major Crime Unit that will investigate all Threshold Major Cases. Additionally, training will be provided to all NCO's and Actors on how to identify a major case. Training will begin in March 2019 during the scheduled academic training days.

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5. The Chief of Police should ensure that major cases are properly classified in accordance with Definitions Standard – OMCM Manual.
– All Uniform NCO's will be trained, beginning in March 2019, on tasking to the Criminal Investigations Branch all Criteria Major Cases listed in the OMCM Manual. Additionally, audits of calls for service are conducted daily Monday to Friday by the MCM Coordinator. All Criteria Major Cases will be overseen by a Detective.

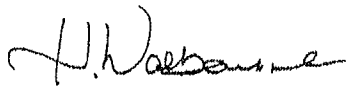
6. The Chief of Police should ensure that roles are appropriately assigned to investigators who have the required training in accordance with the Major Case Investigative Functions and Responsibilities Standards – OMCM Manual.
– Beginning in 2017, all Major Cases are assigned roles by the Detectives or Detective Sergeant in the Criminal Investigations Branch to ensure compliance with training requirements.

7. The Chief of Police should ensure that major case investigative data is entered into PowerCase, in accordance with the Data Entry Standard – OMCM Manual.
– At this time, PowerCase is being uploaded onto every investigative computer terminal. PowerCase training will be conducted through the year to ensure compliance. Additionally, the Service is preparing to begin investigating all Major Cases using PowerCase and to use PowerCase Live with all Threshold offences. The Service has recently created and posted an Administrative Detective position who will oversee PowerCase and the MCM Coordinator.

8. The Chief of Police should ensure the Serial Predator Crime Investigations Coordinator is notified if there is a reasonable likelihood that the same person(s) has committed the crime(s) within a single or multi-jurisdiction within seven days as per the OMCM Manual.
– Training of all Criminal Investigations Branch Detectives is being conducted to ensure notifications are provided to the Serial Predator Crime Coordinator.

9. The Chief of Police should consider the use of tasking in Niche RMS to formally manage major case triage, investigation oversight and PowerCase data entry.
– The Service is currently looking at using PowerCase, without the Niche RMS, for all Threshold Major Cases. With the potential upcoming migration to OPTIC, further Niche tasking will be explored to manage major case triage at the NCO level.

Prepared by,



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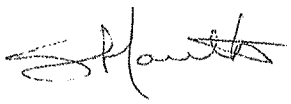
Respectfully submitted,



Chief Sylvie Hauth
MAC, CMM III Police Executive
Thunder Bay Police Service