



CHILD PORNOGRAPHY (Internet Child Exploitation) LE-036

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Policy Statement

It is the policy of the Regional Municipality of Peel Police Services Board that the requirements set out in this document shall form part of the Board Policies and the Chief of Police is hereby directed to comply with these requirements in the administration and operation of the Peel Regional Police.

1. Subject

The guiding principles under which the Chief of Police is to establish procedures and processes relating to the undertaking and managing of investigations into child pornography, child luring and internet child exploitation, in accordance with Section 29 of the Adequacy and Effectiveness of Police Services Regulations made under the Police Services Act.

2. Specific Definitions

Child pornography

In section 163.1 of the Criminal Code, means:

- a) a photographic, film, video or other visual representation, whether or not it was made by electronic or mechanical means:
 - a. that shows a person who is or is depicted as being under the age of eighteen years and is engaged in or depicted as engaged in explicit sexual activity; or
 - b. the dominant characteristic of which is the depiction, for the sexual purpose, of a sexual organ or the anal region of a person under the age of eighteen years; or
- b) any written material or visual representation that advocates or counsels sexual activity with a person under the age of eighteen years that would be an offence under this Act; or
- c) any written material whose dominant characteristic is the description, for sexual purpose, of sexual activity with a person under the aged of eighteen years that would be an offence under this Act; or
- d) any audio recording that has as its dominant characteristic the description, presentation or representation, for a sexual purpose, of sexual activity with a person under the age of eighteen years that would be an offence under this Act.

Child Luring

In section 172.1 of the Criminal code prohibits the use of telecommunications systems to communicate with an underage person or a person whom the accused believes to be underage for the purpose of facilitating the commission, with respect to that person, of the specified sexual offences.

3. Policy Requirements

It is the policy of the Board that with respect to the undertaking and managing of investigations into child pornography (Internet child exploitation) that the Chief of Police shall:

- (a) Develop and maintain procedures on and processes for undertaking and managing investigations into child pornography ;
- (b) Develop and maintain procedures that require investigations be undertaken in accordance with the police service's criminal investigation management plan;
- (c) Ensure complete compliance with legislative and constitutional requirements, and recognized legal principles;
- (d) Ensure members act with full respect for human dignity and according to professional standards of skill, integrity and accountability;
- (e) Ensure that both officer and public safety as a priority;
- (f) Ensure that members involved in investigations into child pornography have the knowledge, skills and abilities to perform this function;
- (g) Ensure members are provided with the necessary training, tools and equipment to perform this function;
- (h) Ensure support is provided to manage the psychological well-being of members to acknowledge risks associated with long-term effects from exposure to Internet child exploitation investigation-related activities;
- (i) Ensure the resources required for child pornography investigations are within budgetary requirements;
- (j) Maintain relationships with other police agencies, Criminal Justice agencies, Boards of Education, social agencies and the community in dealing with the issues relating to child pornography;
- (k) Regularly review procedures on investigations into child pornography to remain current with case law, inquests, inquiry findings, and amendments to related legislation; and
- (l) Notify the Provincial Strategy to Protect Children from Sexual Abuse and Exploitation on the Internet (Provincial Strategy) in all cases of suspected child pornography (Internet child exploitation).

4. Measurement Methods/Systems

The Chief of Police shall conduct ongoing statistical analysis, qualitative and quantitative review of all child pornography investigations to ensure the integrity of investigative practices and procedures and compliance with this policy, police services directives, and legislative requirements.

5. Reporting

Every two years, the Chief of Police shall provide the Board with a report identifying the effectiveness of existing protocols, community partnerships, training, and education with respect to investigations of child pornography (internet exploitation) cases.

As part of a separate Annual Report on Adequacy Regulation, the Chief of Police shall report on compliance with this section of the policy.

The Chief of Police shall also report on an exception basis. This applies to those circumstances where an investigation into child pornography has resulted in an “exceptional” circumstance, or a circumstance, which may be detrimental to the police service; and/or has significant issues of potential liability to the Board and the police service.

6. Authority/Legislative Reference

Section 29 of the Adequacy and Effectiveness of Police Services Regulation under the *Police Services Act*

Ontario Regulation 03/99, Section 12(1)(b) and 29

Board Minute #191/00

Board Minutes #60/15

7. Linkage to Appropriate Police Service Procedure/Directive

I-B-723(F) Child Pornography Investigations