



Smithers

# Domestic Violence 'Incident Investigation' Protocol

BVLD Domestic Violence Court Response

**January 2010**



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## **Domestic Violence**

Violence in Relationships is a crime in Canada. It encompasses married, common-law and dating relationships and includes violence against males in heterosexual or homosexual relationships and violence against women in heterosexual or lesbian relationships. The overwhelming majority of the victims of relationship violence are female. Violence within relationships has distinctive dynamics not found in other violent crimes. It includes:

- The act or threat of physical assault of a partner or an ongoing or past intimate relationship by another, despite their marital status or living arrangement at the time of the assault or threat; and
- Other behaviour, such as intimidation, mental or emotional abuse, sexual abuse, neglect, deprivation, harassment and financial exploitation

Domestic violence is not a result of losing control; it is an intentional effort to control another person through patterns of behavior that may repeat more and more quickly, and which may become increasingly violent. Domestic violence can include (but is not limited to):

- assault with a weapon
- biting, pinching, burning or choking
- kicking, pushing, throwing or shaking
- slapping, hitting, tripping, grabbing or punching
- tying down or otherwise restraining or confining
- murder

## **BVLD Domestic Violence Court Response project**

Variations on Domestic Violence Courts exist across Canada and the United States. This fact acknowledges that domestic violence is different from other crimes, and deserves to be handled in a unique manner. It also acknowledges that the current criminal justice process has not proven to manage these incidents in a way that reduces their occurrence, or their extensive damage to individuals, families and communities. The criminal justice system is backed up by the preponderance of domestic violence files, and there are many challenges to achieving a successful outcome, including the reluctance of victims to testify.

In 2005, interested individuals, led by Judge William Jack, formed a Steering Committee to develop and implement a Domestic Violence Court in Hazelton, Smithers, Houston and Burns Lake. The work of the committee is included in Appendix B – The Northern Solution. More recent projects include the interdisciplinary risk/threat assessment training – B-SAFER – with Dr. Stephen Hart (see Appendix D), and the partnership with Smithers Community Police office to start a Domestic Violence Court Watch.

The Steering Committee developed a Workplan of the Domestic Violence Court model that was divided into several stages that each required further refinement. The first stage of the model was identified as the Investigative Stage, and included some of the key agencies where victims might have first contact, such as the hospital, victim services, and the transition house, as well as the two main investigative agencies – the Ministry of Children and Family Development (MCFD) and the RCMP. This protocol represents the refinement of the Investigative Stage.

The DVII Protocol is linked to existing community protocols:

- Bulkley Valley Victim Services Protocol 2008
- Smithers Vary Protective Conditions in Spousal Assault Files Protocol 2007
- Smithers Sexual Assault Protocol 2009
- BVLD Risk/Threat Assessment Training May 2009 Final Report

Highlights of the protocols noted above can be found in Appendix B and D. The documents in full can be obtained from the Specialized Victim Assistance Coordinator.

## **Statement of Principle**

As a group of practitioners and professionals working with victims of, and those accused of, domestic violence, we share the belief that:

1. The principles and purposes outlined in the BVLD Domestic Violence Court Response Steering Committee document 'The Northern Solution' (Appendix B) motivate this protocol development. This includes the concept that domestic violence is a unique crime based on patterns of violence within intimate relationships.
2. Issues of safety and risk will be the highest priority in the investigation. We believe that victim participation is critical to providing a coordinated response to domestic violence.
3. Rapid intervention in domestic violence incidents is key to both victim safety and increasing chances of the offender taking responsibility for their actions.
4. Threat and risk assessment, and their management, is a crucial component of a coordinated response to domestic violence.
5. Through collaboration, we can minimize the silo effect of our agency mandates. The decisions that we make while working with victims and offenders will be thoughtful, and will have taken into account the at-times competing interests of the agencies involved, as well as the victim's and the offender's unique context. We will seek to find the 'highest' result for the individuals involved, their families, and the goals of our agencies.
6. Children and youth who have witnessed domestic violence are impacted in a negative manner, and are vulnerable to re-victimization by the criminal justice system. In a coordinated response to domestic violence children and youth are worked with in a sensitive and supportive manner. For the purposes of the protocol we define a 'child' as up to 13 years old, a youth as ages 14 to 18, and an adult as age 19 and over.
7. We each have a responsibility to be informed about the dynamics and trends around domestic violence, and to keep our selves educated on an ongoing basis.
8. As a unified group we can effect change that will benefit all victims of, and those accused of, domestic violence, and our community as a whole.

9. To reflect the population of our area (BVL D), we support sensitivity to First Nations beliefs, traditions and systems in all interventions with the victims, offenders and families, including the option to utilize First Nations' mediating agencies (i.e. Gitksan or Wet'suwet'en Unlocking Aboriginal Justice) and healing processes.

## **Statement of Purpose**

1. To develop an agreement around 'Investigation' processes in domestic violence incidents.
2. To establish 'best practices' in how we work together, and in the agreements that we make, in a coordinated effort to reduce incidents of domestic violence and increase individual safety.
3. To create an investigative process designed to produce the evidence for effective prosecution, and which reduces the necessity for the victim's physical presence testimony in court.
4. To develop and maintain effective working relationships among the key players who are responders to domestic violence incidents. This includes sharing information and exploring one another's mandates, procedures, and limitations.
5. To identify gaps and barriers, and purposefully and creatively seek to bridge them.
6. To provide comprehensive and coordinated services to all victims of, and those accused of, domestic violence.
7. To increase the ability of the criminal justice system to manage domestic violence incidents in a way that minimizes the possibility of re-victimizing the victim and children.
8. To increase the safety of adult and child victims by having comprehensive risk assessments done throughout the coordinated response to domestic violence.

## **Information Sharing**

Consent given by the victim and/or the accused for sharing of personal information will be sought on a case-by-case according to relevant privacy legislation and agency policies. Consent will be in writing and documented on the file before information is shared. An informed consent-based approach should be used whenever possible, as it helps ensure that individuals are both informed and involved, and it satisfies requirements for information sharing. All people have the right to privacy. The minimum amount of personal information (on a need to know basis) may be shared.

The 'Freedom of Information and Privacy Act' (FOIPA) and the 'Personal Information Protection Act' (PIPA) include language around sharing information (whether or not consent has been obtained to do so) to avert or minimize imminent danger to any person or the public. Under the 'Child, Family and Community Service Act of B.C.' (CFCSA) there is a duty to report a child's (possible) need for protection to Ministry of Children and Family Development.

## Coordinated Policies & Procedures

### RCMP

#### RCMP 'Violence in Relationships' Investigation Procedures

The RCMP National Operational Manual states that in cases of violence in domestic relationships the primary purpose of swift police intervention is to protect victims. It also says that the onus is on the police to lay or recommend charges. VAWIR is the policy document of the BC Ministry of Public Safety and Solicitor General. Relationship violence is a major concern to both the public and the government. All RCMP members in BC are required to take the one day Violence in Relationships course before they leave Depot.

When RCMP receive complaints of domestic violence, they will conduct an investigation that includes Risk Assessment, before releasing the Accused, including:

1. Arrest the accused.
2. Take statements from the accused, family members and witnesses, and gather evidence. The evidence gathering will include contributions, background and history from other relevant persons.
3. Take photos of injuries.
4. Offer the victim Victim Services accompaniment (either PBVS or SVAP), then take a KGB statement by video and audio.
5. Determine whether children were present (MCF will be advised in all cases where children were present, even if they may not have heard or witnessed the incident).
6. Determine whether firearms were present and whether alcohol or drugs were a factor. Seize firearms.
7. Talk to the victim and offer a referral to Victim Services. If this file is potentially appropriate for the Domestic Violence Court option, the victim must be engaged with Victim Services for that option to be viable.
8. Do a background check on the individuals involved, including individually and as a couple.
9. Complete the Violence in Relationships Checklist which includes the items noted above and notes about photos taken, and victim services referrals.
10. Complete the Violence in Relationships Documentation Form RCMP GRC ED301-1, which is used to describe the circumstances and the investigative actions taken.
11. Fingerprint the accused.

A Risk Assessment as determined by the investigation will determine if an Accused will be released by police or held to be brought before a JJP or Judge. The JJP or Judge will determine whether the accused will be released, and if so, under which Conditions.

If the investigation leads to the Officer releasing the accused under Conditions, the Officer will:

1. Complete a Promise To Appear form which tells the accused what day he must make his First Appearance in Court (**ideally within one week**)
2. Complete an Undertaking Given to a Peace Officer form which outlines the Conditions under which the accused is being released. These conditions may include no direct or indirect contact with the victim and children, no consumption of alcohol or other intoxicating substances, relinquishment of firearms and licenses, and to report to a bail supervisor.
3. Phone the victim to advise them of the impending release and the Conditions and offer them a copy of the Undertaking.



4. Fax the Form 'Violence in Relationships – Spousal Assault: Request for Information Relevant to Release' to MCF, Correction Services and the Central Registry of Protection Orders
5. Make a Tape/Data Request to Dispatch to obtain an audio copy of the initial call
6. Submit a Consent for Release of Medical Information (signed by the victim) to the victim's doctor for disclosure of injuries suffered.

**If the RCMP officer believes that this will be a file that is appropriate for the Domestic Violence Court option, he/she will ensure that Victim Services has made a connection with the victim. The Domestic Violence Court option is only appropriate where there is victim engagement with Victim Services.**

**The officer will submit the Investigation package and Report to Crown Counsel within one week. The package will include the CD of the KGB Statement and transcripts of all Statements. If transcripts have not been able to be completed to meet the one week deadline, the officer will submit a 'Will Say' document instead, with transcripts to follow.**

The investigation is ongoing after submission of RTCC, and new information contributes to re-assessment at any time. Crown Counsel may identify gaps in the investigation, or raise concerns, asking RCMP for more information or action. If necessary, a warrant can be obtained for re-arrest.

## **Ministry of Children and Family Development** **Domestic Violence in Relationship Protocol**

1. When the Ministry of Children and Family Development (MCFD) receives a report of domestic violence in relationship<sup>1</sup> in which children are a) victims b) witness to and/or c) living in the home, the report is assessed. Several factors are considered including the child's age, alcohol and drugs, mental health and whether there has been previous involvement with MCFD.
  
2. MCFD assessments focus on the safety of children, but also assess the needs of the spousal victim in relation to children's safety and wellbeing. See Best Practice Approaches: Child Protection and Violence Against Women at [http://icw.mcf.gov.bc.ca/manuals/docs/cfdev/cfs/cp\\_vaw\\_best\\_practice\\_2004-07-22.pdf](http://icw.mcf.gov.bc.ca/manuals/docs/cfdev/cfs/cp_vaw_best_practice_2004-07-22.pdf)
  
3. In situations where
  - a) there are no children involved
  - b) the spousal victim is taking steps to protect the children and the parent is both able and willing to protect
  - c) or children have not or are unlikely to be physically<sup>2</sup> or emotionally<sup>3</sup> harmed,the spousal victim (with consent) will be referred to a victim services support program. The report will be documented in the Ministry Information System (MIS) with various options including an offer of Support Services or referral to support services or No Further Action.
  
4. It is acknowledged that the adult spousal victim must voluntarily consent to a referral to another agency including victim services. All efforts will be made however to facilitate a connection for support services.
  
5. In situations where it is assessed that children have been or are likely to be emotionally harmed<sup>4</sup>, but no physical harm or likelihood of physical harm has been determined, a social worker will commence an investigation in which:
  - a. victim child(ren) are interviewed
  - b. other children present are interviewed
  - c. alleged spousal victim is interviewed
  - d. alleged offender is interviewed
  - e. follow-up and interviews with extended family and/or community professionals including but not limited to police, school personnel and health professionals that can offer further insights into family functioning. For further information see Child Protection Standards at:  
[http://icw.mcf.gov.bc.ca/manuals/docs/cfdev/cic/cfd\\_ss\\_may08.pdf](http://icw.mcf.gov.bc.ca/manuals/docs/cfdev/cic/cfd_ss_may08.pdf)
  
6. In situations where it is assessed that there has been or there is a likelihood of physical harm to a child(ren) the matter is reported to the police for consideration of a joint investigation. The RCMP is investigating whether a criminal act has occurred against children

and the victim spouse. MCFD is investigating the likelihood of harm if the offender has access to the child(ren). Investigation involves:

- a. Child victim being medically assessed by a doctor
- b. Child victim being interviewed
- c. Other children being interviewed
- d. MCFD interview the alleged offender
- e. MCFD interview the alleged spousal victim
- f. Follow up and interviews with extended family and/or community professionals including but not limited to school personnel and health professionals that can offer further insights into family functioning. For further information see Child Protection Standards at [http://icw.mcf.gov.bc.ca/manuals/docs/cfdev/cic/cfd\\_ss\\_may08.pdf](http://icw.mcf.gov.bc.ca/manuals/docs/cfdev/cic/cfd_ss_may08.pdf)

7. A number of options are possible
  - alleged offender removed from home
  - alleged spousal victim and children leave the home
  - child removed from home
  - family remains together with a risk assessment and service plan
  - child resides with extended family/friends
  - a support person comes to live in the home
8. Offer services to one or all family members
9. If offender is under 18 years of age MCFD provides Youth Justice Services through Youth probation, with a focus on offender rehabilitation

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<sup>1</sup> 'Domestic Violence in Relationship' is a gender neutral term, although it is recognized that the overwhelming majority of victims are women in heterosexual relationships. This term does not preclude homosexual lesbian or male relationships. Relationship also encompasses common-law and dating relationships.

<sup>2</sup> Is defined in section 13(1)(a) of the child Family and Community Services (CFCS) act, if the child has been, or is likely to be, physically harmed by the child's parent; or section 13(1)(d) if the child has been, or is likely to be, physically harmed because of neglect by the child's parent.

<sup>3</sup> As defined by section 13(1)(e) of the CFCS act, if the child is emotionally harmed by the parent's conduct. Section 13(2) further defines for the purpose of subsection (1)(e), a child is emotionally harmed if the child demonstrates severe anxiety, depression, withdrawal or self-destructive or aggressive behavior.

<sup>4</sup> See section 13(1)(e) of the CFCS act.

## **Bulkley Valley District Hospital**

### **Services**

The Bulkley Valley District Hospital (BVDH) provides 24 hour emergency department care for patients experiencing symptoms of illness or who have suffered traumatic injuries. There is a physician and a registered nurse on site in the department 24 hours a day, 365 days a year. Highly trained medical and nursing staff will assess each patient who reports to the facility in need of health care. This assessment may include physical examination, use of laboratory diagnostic tools for blood and other body fluid analysis, use of radiology (x-ray) or ultrasound services, referral to Mental Health and Addictions services, counseling or consultation to other specialists with a particular expertise that may be appropriate.

Once examinations have been undertaken, a plan for treatment of symptoms or injury can be implemented. This plan can include such things as administration of medications or Intravenous fluids, cleaning, suturing and/or dressing of wounds, application of casts or tensor bandages to injured limbs, surgery, intubation, or referral and transportation to another facility for treatment.

In most cases patients are treated in the Emergency department and are discharged home following (possibly with instructions or follow up referrals to other health care providers). In some cases patients are admitted to the hospital where their treatment continues under the care and direction of a family physician.

### **Confidentiality**

All Employees of the facility sign an agreement of confidentiality prohibiting them from inappropriately discussing any information about any patients they may have come into contact with. Additionally, many health care workers are members of professional organizations that also have high standards of confidentiality and have the ability to discipline members who violate patient confidentiality. Employees who breach confidentiality of patients are subject to discipline that can include termination and/or revocation of their professional status.

In addition, staff processes are guided by The Adult Protection Services Policy & Procedures Manual. Patient consent is required before reporting domestic violence incidents, except in extraordinary circumstances or where there has been criminal activity with a weapon involved.

Where children have been assaulted, all cases will be reported to Ministry of Children and Family Development or the RCMP.

### **Referrals**

Any person can refer themselves to the Emergency department at any time and request treatment. No patient can be turned away. However, please keep in mind that the Emergency department uses a "Triage" system that prioritizes patients so that people with the most critical health care needs are seen first. This means that people who have non-life threatening conditions may be seen after the needs of more unstable patients are met. Patients are not seen in the order that they arrive at the Emergency department.

Domestic violence resource packages are given to victims who come to the ER. Brochures for community resources are available in the ER Waiting Room and the hospital Lobby.

Patients admitted to the in-patient unit must be under the care of a physician who will direct their care.

## **Passage Transition House**

### **Services**

Passage House offers 24 hour emergency/short term shelter and support to women and their children experiencing violence, abuse and/or crises in their lives. Passage house provides services such as support counseling, child care support, advocacy, information, crisis intervention, safety planning and referrals. We also provide a 24 hour crisis line.

The House has wheelchair accessibility and a ground floor bedroom with a wheelchair accessible full bathroom. Two outdoor kennels provide accommodation for pets. The House is fully secured 24 hours per day and is monitored by video cameras.

Women who access Passage House may be self-referred, referred by the RCMP, the hospital, other Transition Houses, Ministry of Children and Family Development, Northern Society for Domestic Peace and other community agencies.

The length of stay in Passage House is generally 30 days, however every case is assessed individually. The stay may be shorter or longer depending on the need and circumstances, and the overall situation at the House.

When a woman arrives at Passage House her most immediate needs and those of her children are assessed and taken care of. She may require crisis intervention or medical attention. MCFD is notified through a phone call if a woman is under the age of 19 – before Intake proceeds.

During Intake her personal information is documented and a Care Plan is started. This will include the client's plans and goals and will be updated daily by staff and reviewed weekly with the client. Emotional support, referrals and safety planning are ongoing.

Upon Discharge, ongoing support is offered through drop-in visits to the House, telephone support, and phone crisis intervention.

### **Confidentiality**

Clients will be informed that it is our policy to protect her privacy to the best of our abilities. The limitations to our confidentiality includes:

- We are required by law to report all forms of child abuse
- If we are compelled by a court order to release information, we must
- It is our policy to report those who are a danger to self or others

Staff will explain the details of our House policies and procedures and the client is required to sign the 'Informed Consent for Services' form. If the client is willing to authorize Passage House staff to consult with other agencies or members of the community she must sign a 'Consent to Obtain/Release Information' form.

### **Referrals**

Staff will make referrals to community resources, including Northern Society for Domestic Peace programs, Ministry of Human Resources, Ministry of Children and Family Development, Dze L K'ant Friendship Center, Smithers Community Services, and other community agencies.

## Victim Services

### *Program Policies and Procedures in domestic violence cases:*

#### **Specialized Victim Assistance Program (SVAP):**

SVAP, located in Northern Society for Domestic Peace, offers confidential support and information for people of all ages, both male and female, who have been victimized by sexual assault, domestic violence, or criminal harassment. Clients may or may not choose to report to the RCMP. Emotional support, victim's rights and criminal justice system information are provided during one-to-one client-centered meetings. Liaison and advocacy, court orientation and accompaniment, safety planning, referrals and assistance with forms such as Victim Impact Statements and Crime Victim Assistance Program applications are offered. The service area includes Moricetown, Smithers, Telkwa, Houston, and outlying areas. SVAP may attend the hospital at the request of hospital staff during regular work hours Monday through Thursday.

#### **Police Based Victim Services (PBVS)**

PBVS, located in the Smithers RCMP office offers crisis intervention and support services to all client groups, and refers victims of sexual assault, domestic violence and criminal harassment to SVAP and other community resources for long term support. We occasionally assist victims of sex assault with emotional support, safety planning, and criminal justice system support and information about victim's rights. PBVS clients are also victims (or family members of victims) of common assault, crime or trauma, sudden death, and missing persons. The service area includes Moricetown, Smithers, Telkwa, Houston, and outlying areas. PBVS provides crisis support to victims only at the request of the RCMP and may attend at the hospital for those clients 24 hours per day, 7 days per week. If the client or guardian consents to referrals to Specialized Victim Services and community resources, there is no further action by PBVS unless there is a request for service. Ie: court accompaniment, UTA's sent to client, or completion of Bail Variation Interviews.

#### **Victim Service Worker's Role:**

Both SVAP and PBVS programs are available in Smithers. The 2 programs are closely connected and the workers are able to cover for each other.

In domestic violence cases, victim service workers may:

- \* Be called by the police or hospital staff to provide crisis intervention and support
- \* Provide information, emotional support, and practical assistance throughout the criminal justice process
- \* Provide information on the Priority Response Partnership Silent Alarm program when appropriate
- \* Obtain the Complainant's signature on a 'Consent to Release of the Undertaking to Appear in Violence in Relationship Cases' form and fax to RCMP in order to receive a copy of the No-Contact order, to go over with the Complainant.
- \* Assist with the development of safety plans and prevention strategies
- \* Prepare survivors for the court experience
- \* Assist survivors with Crime Victim Assistance Program applications and Victim Impact Statements
- \* Provide accompaniment to appointments and to court wherever possible and appropriate

- \* Address the needs of diverse survivors, such as language interpretation, other culturally specific services, and access and communication assistance for survivors with disabilities
- \* Provide Varying Protective Conditions interviews with victims at the request of the Crown Counsel
- \* Ensure that Bill C-2 testimonial aids have been considered by the Crown Counsel when appropriate for vulnerable witnesses.
- \* Wherever possible, provide additional assistance to victims who require it, such as transportation or childcare
- \* Communicate and liaise with other community-based and system-based service providers, as necessary and appropriate
- \* Refer survivors and family members to other services that may help them to move through the justice system, to address any special needs that victim service workers are not able to assist with, and to deal with the emotional and physical aftermath of sexual assault
- \* Wherever possible and appropriate, provide follow-up after the formal process is complete.

### **REFERRALS:**

**\*Refer to RCMP** – When the adult domestic violence victim wishes the SVAP worker to accompany them to report to the RCMP, SVAP will call the RCMP to determine an appropriate time to come in with the client. They will determine whether the client wishes the worker to be present during the Statement, and if so, have that discussion with the RCMP officer. SVAP will explain the limitations of their involvement during the statement that will be taken. SVAP respects the right of the adult victim to choose to report, or not.

**\*Refer to the BV District Hospital** - When the victim has not seen a doctor after an incident, the SVAP worker will encourage them to do so. If the client wishes, the SVAP worker will call a doctor's office for an appointment, or accompany the client to the hospital or the doctor's office.

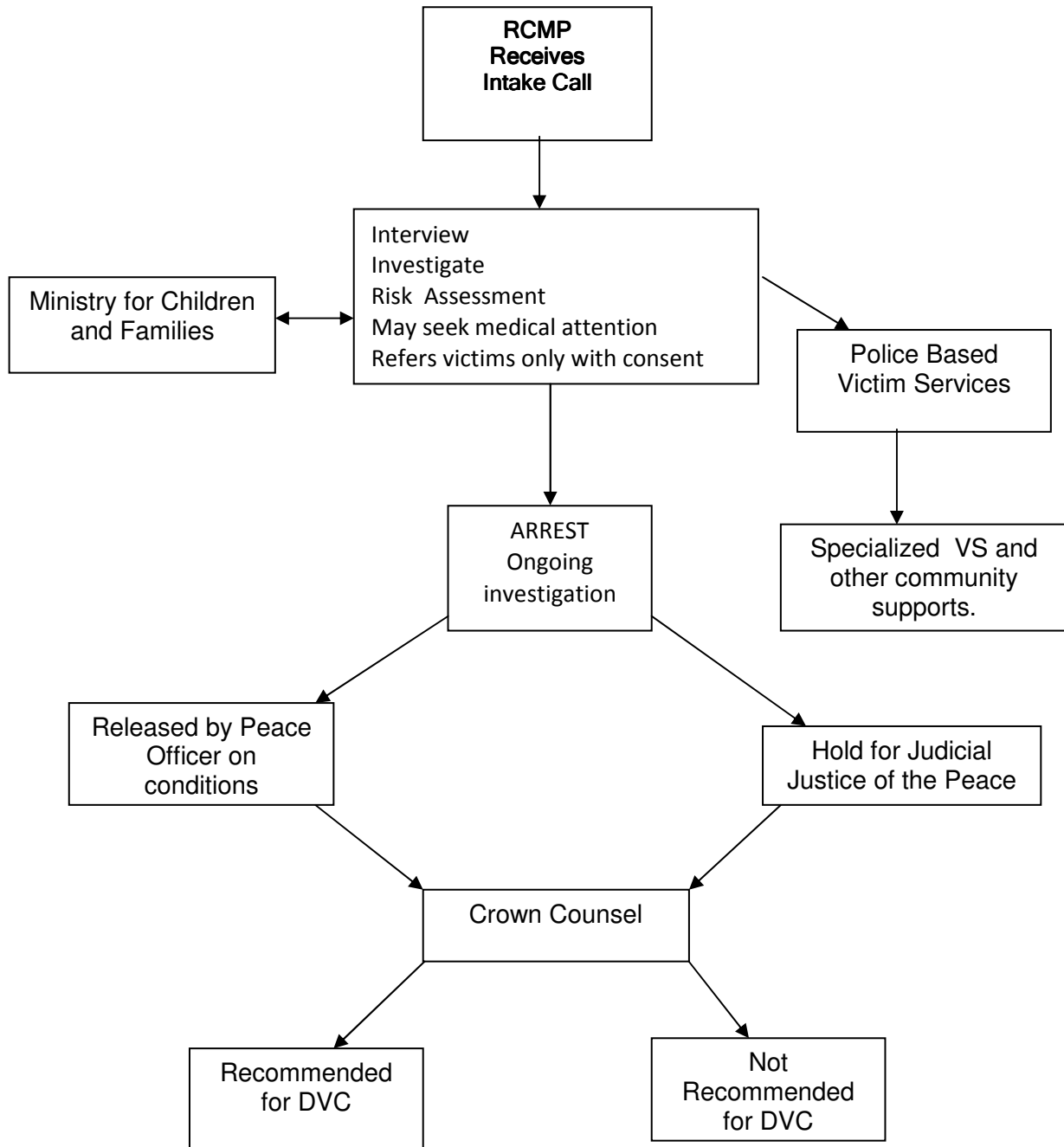
**\*Refer to the Ministry of Children and Family Development** – When it becomes apparent to the SVAP worker that a child under the age of 14 has been assaulted in a domestic violence incident or may be in danger, the worker will consult with the Executive Director of Northern Society for Domestic Peace to determine the best route to follow. This will be to either report to the RCMP or MCF, or encourage the (safe) parent to do so with SVAP support. When it becomes apparent to the SVAP worker that a youth between the ages of 14 and 18 has been assaulted in a domestic violence incident or may be in danger, the worker will consult with the Executive Director of Northern Society for Domestic Peace to determine the best route to follow. Mature youth who are not in immediate danger may choose to not report.

**\*Refer to Passage Transition House** – All clients will be informed of the services available at the Transition House. Those clients in need of emergency shelter will be referred immediately.

**CONFIDENTIALITY** – All file notes will be made with the knowledge that files can be subpoenaed to court. No personal judgments or comments will be noted. Permission to consult with others will always be obtained in writing from the victim, except in the case of child abuse or in the case of assault against a youth where it is determined a report must be made without the youth's permission. The Northern Society for Domestic Peace Confidentiality Agreement will be explained to, and signed off by, the client. Clients will be advised of the limits of confidentiality.

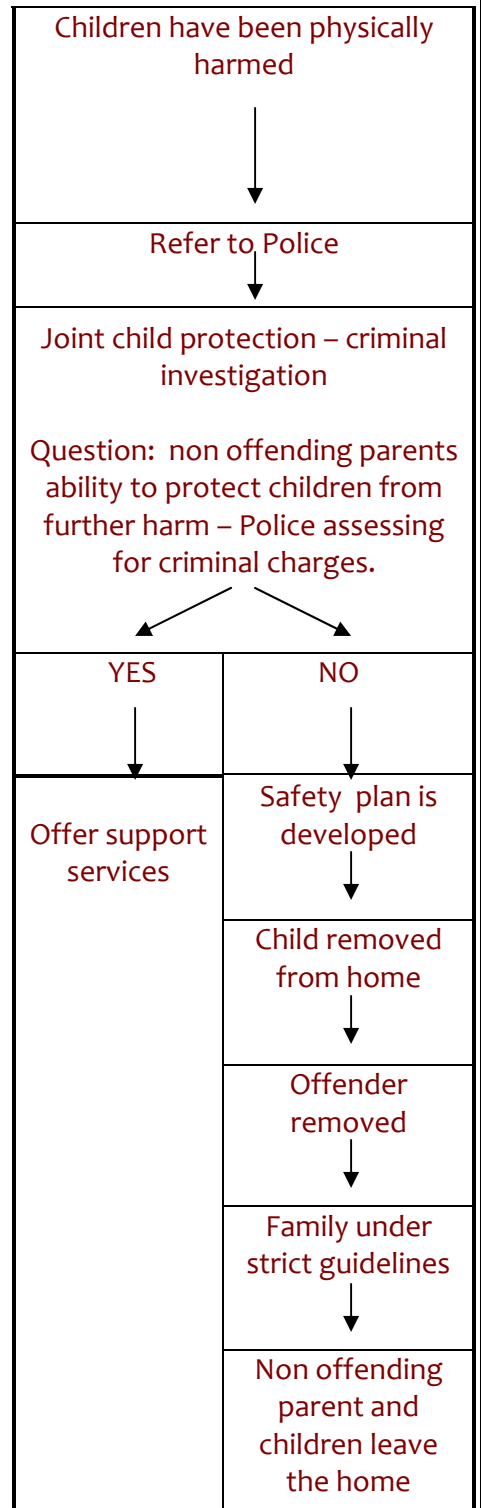
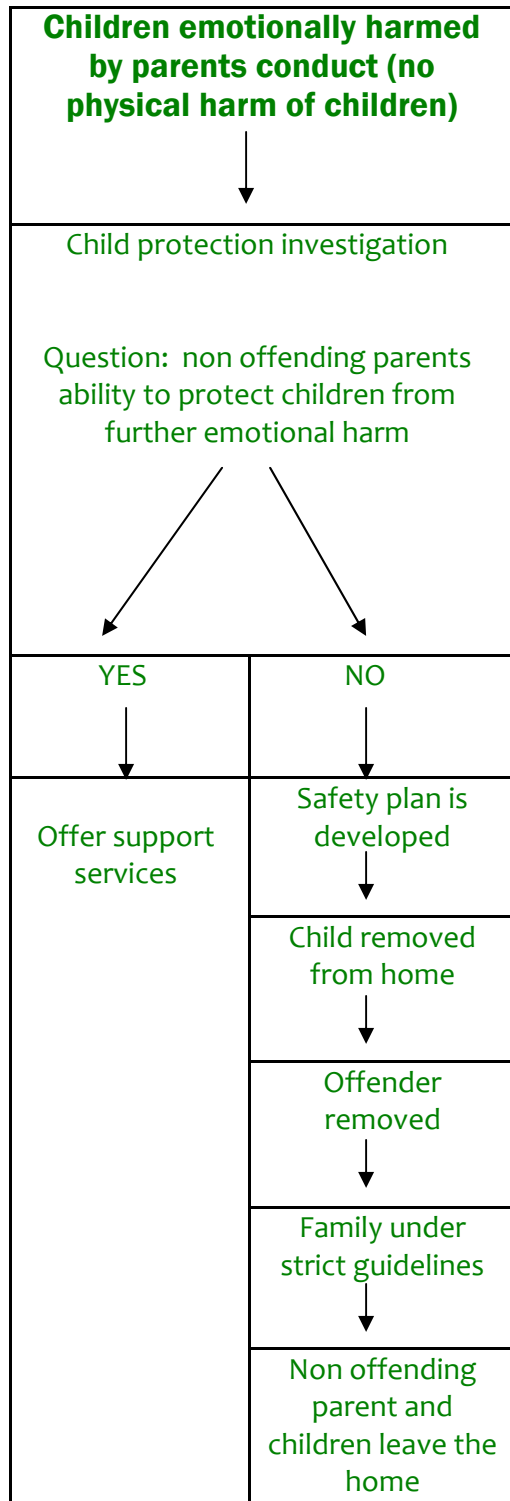
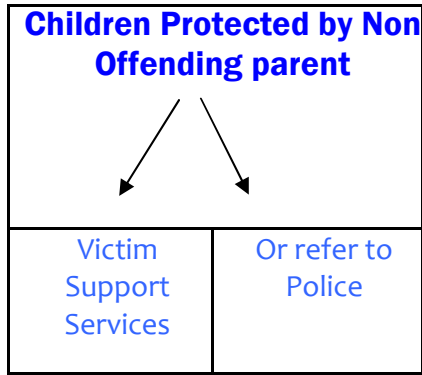
# APPENDIX A: Flowcharts

## RCMP

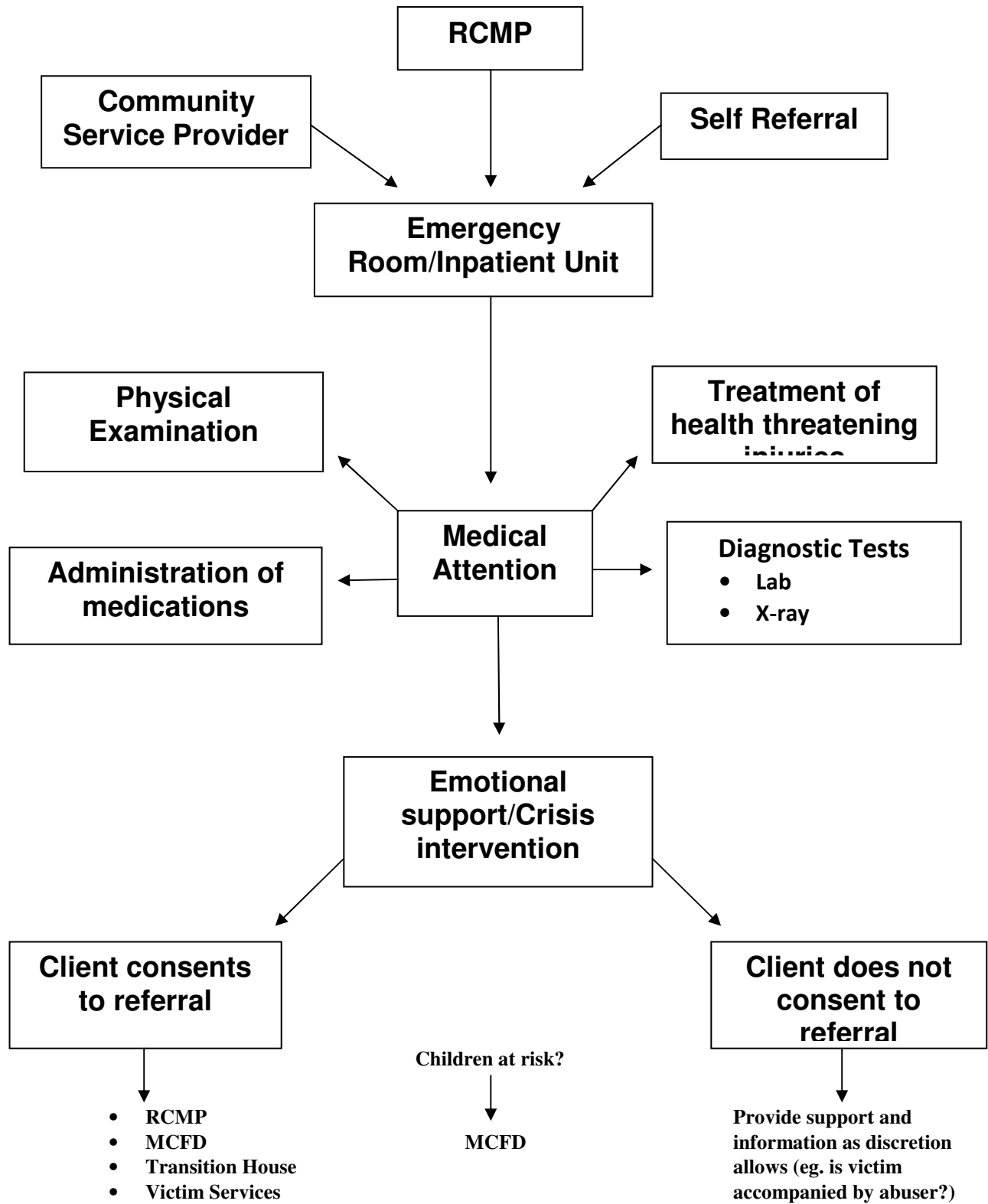




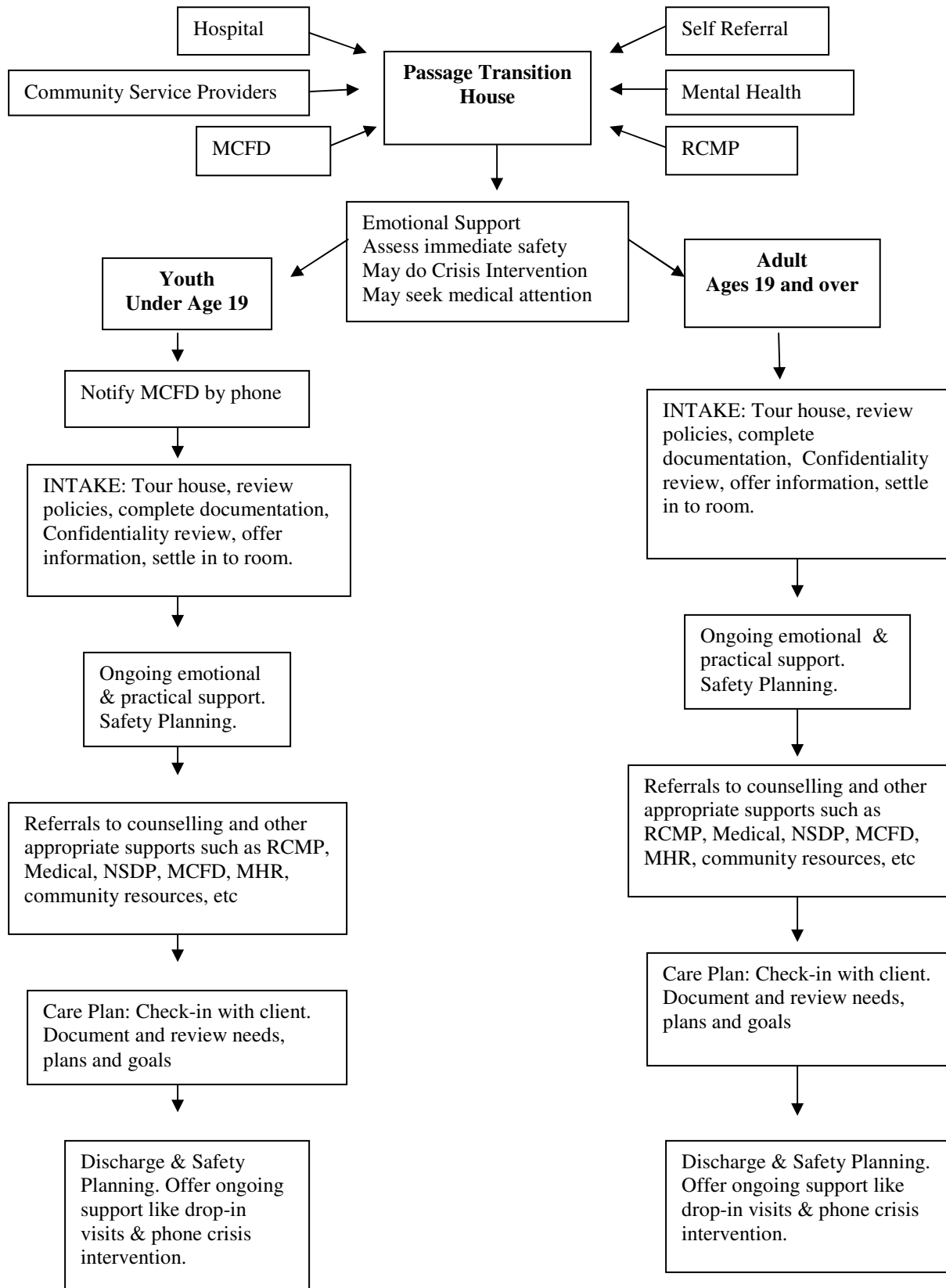
# Ministry of Children and Family Development



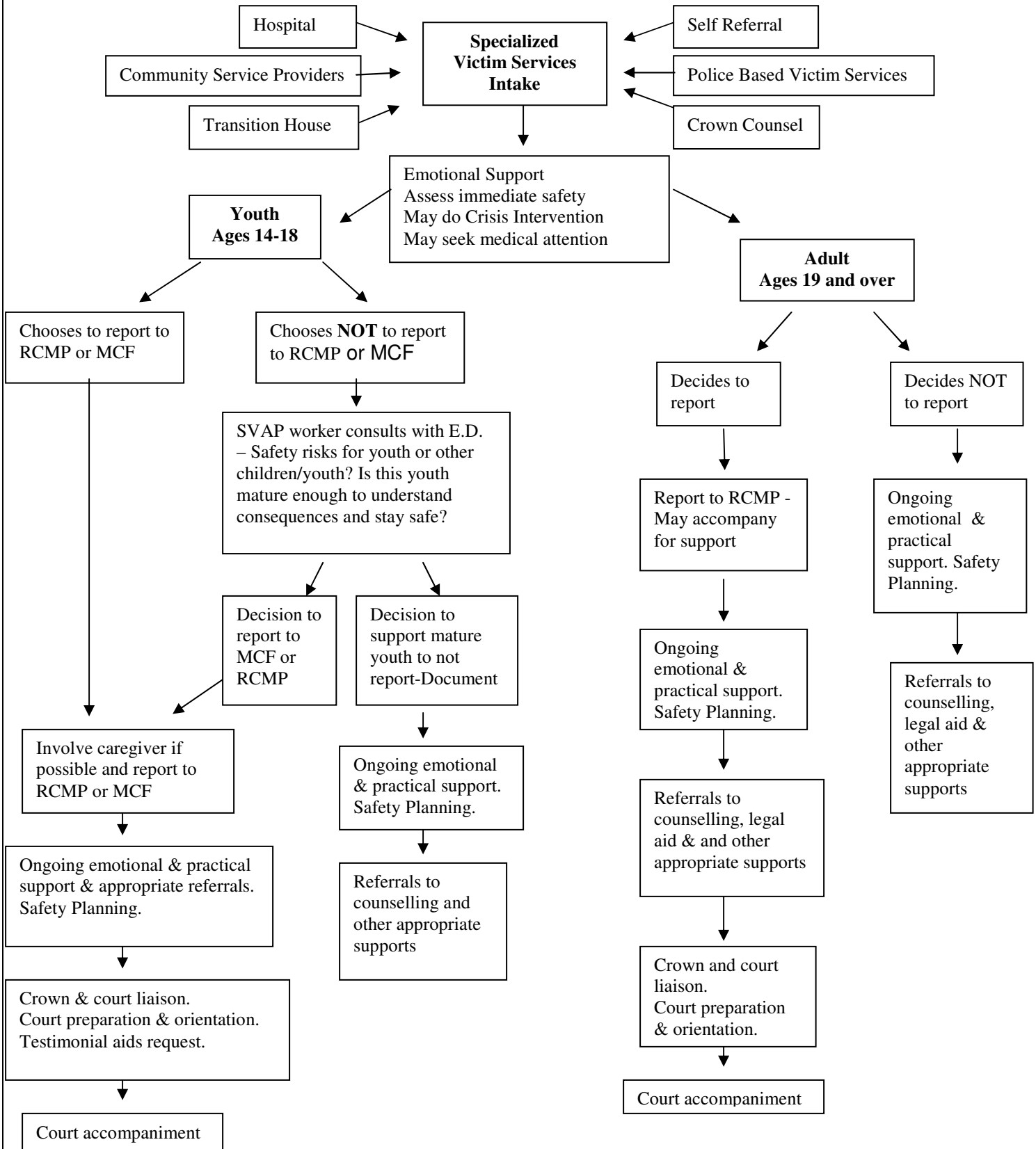
# Bulkley Valley District Hospital



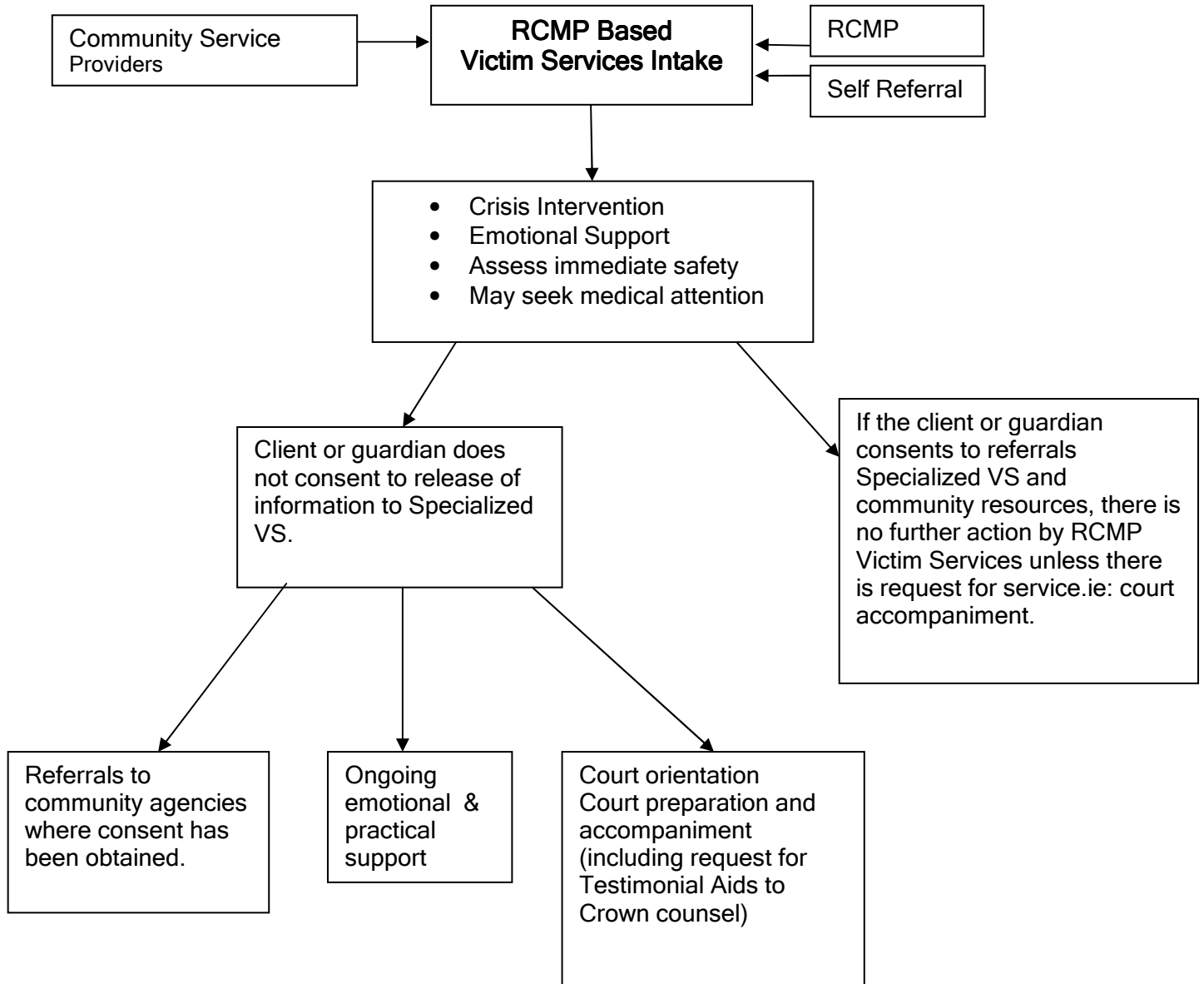
# Passage Transition House



# Specialized Victim Assistance



## RCMP Based Victim Services



## **APPENDIX B: Legislation & Other Guiding Documents**

### **1. PRIVACY**

<b>Program Type</b>	<b>Privacy Legislation</b>	<b>Client File Ownership</b>
RCMP	Freedom of Information and Privacy Act	Royal Canadian Mounted Police
Ministry of Children and Family Development	Freedom of Information and Privacy Act	Ministry of Children & Family Development
B.V. District Hospital	Freedom of Information and Privacy Act	B.V. District Hospital
Passage Transition House	Northern Society for Domestic Peace Policies Privacy and Information Protection Act	Northern Society for Domestic Peace
Specialized Victim Assistance Program	Northern Society for Domestic Peace Policies Privacy and Information Protection Act	Northern Society for Domestic Peace
RCMP Based Victim Services	Freedom of Information and Privacy Act	Royal Canadian Mounted Police

## **2. Northern Solution: Overview and Goals of the BVLD DVCR project (Draft dated August 2008)**

### **Overview of the BVLD Domestic Violence Court Project**

The Bulkley Valley Lakes District (BVLD) Domestic Violence Court project began in late 2004 when Judge Bill Jack, after reading the Yukon Initiative document, invited interested community members to come together. Since then, a Steering Committee comprised of key stakeholders in the four communities of Hazelton, Smithers, Houston and Burns Lake, has been formed and has met monthly. Each community has representatives on the Steering Committee, and community reps belong to Local Steering Committees in each community.

Highlights of the past three years include:

- a trip to Whitehorse to view the Yukon Initiative in action,
- a presentation by Jane Coombe, Policy Analyst with Ministry of Public Safety
- receipt of \$7,000 from Victim Services Policy Division, Ministry of Public Safety
- a weekend Visioning Workshop with a facilitator,
- receipt of \$40,000 from the Law Foundation to hire a project coordinator,
- hiring a project Coordinator,
- holding a day long planning workshop,
- AFCC conference attended by Coordinator
- attending a presentation by Jocelyn Coupal, the Crown Counsel associated with the Domestic Violence Unit in the Lower Mainland
- attending a Gitksan Feast in the community of Hazelton
- applying for a B-SAFER Pilot Project for 4 RCMP detachments
- development of protocols
- preparation of a Proposal

Over the past year there has been more focus given to developing a model for the Domestic Violence Court. During that process we identified 8 main stages. This led into discussion about protocols that will be needed between various agencies and participants, and what the treatment program could look like.

Some challenges we have faced: In our efforts to keep each of the four communities equally tied into the project, we have held monthly Steering Committee meetings alternately in the four towns. This has presented traveling concerns. Our geographic challenges are not insignificant. For example, for Steering Committee members in Burns Lake to attend the meeting in Hazelton, means driving for 2.5 hours one way. In the winter this can take longer and present risks. For those with inflexible work schedules like the Judge and Crown Counsel, phoning in to meetings has often been the only option. We have grappled with different ways of meeting, such as by video-conference. This issue continues to challenge us, as does the issue of finding time to devote to the work of the project, and the issue of Steering Committee members changing.

## **Goals of the BVLD Domestic Violence Steering Committee**

- improve the safety of women and children;
- create and support a community involved response process;
- encourage more disclosures of domestic violence;
- provide for timely intervention including fast tracking of all DVC cases;
- provide a non-adversarial, effective court-based alternative to formal criminal court as a means of responding to domestic violence;
- reduce the high collapse rate for domestic violence charges;
- hold offenders accountable in a meaningful way;
- provide an appropriate sentencing option to offenders under the close supervision of the court and treatment professionals;
- reduce recidivism
- encourage early acceptance of responsibility and early guilty pleas by perpetrators of domestic violence; and
- provide protection, information and support for victims.

### **VALUES of the DOMESTIC VIOLENCE COURT as identified by the BVLD DVC STEERING COMMITTEE:**

- Integrated — all community resources working together/cooperative/coordinated/collaborative and systemic/big picture/holistic/context
- Safety — we believe that all people have the right to live free from domestic violence
- Respect — - For all people, their communities, history, culture and tradition/and in particular the unique heritage, culture and tradition of Aboriginal People
- Collaboration — We believe that the participants in the Domestic Violence Court process are best served by an inclusive approach.
- Effectiveness — We believe that the Domestic Violence Court process must have positive and measurable results.

### **FOR THE PURPOSES OF OUR PROJECT, THE STEERING COMMITTEE AGREES:**

Domestic Violence includes/is:

- Violence in relationships
- Violence in family -like relationships
- Violence in a familial or dating relationship
- Can be both current and historical



### **3. RCMP Operational Manual (Federal) – 2.4 Violence in Relationships: pages 1-3**

#### **1. General**

1. 1. Violence in domestic relationships is violence against women or men in heterosexual or homosexual relationships, including:

1. 1. 1. currently or previously married;

1. 1. 2. common-law; and,

1. 1. 3. dating relationships.

1. 2. The primary purpose of swift intervention is to protect victims of VIR.

1. 2. 1. Police may enter private dwellings in response to distress calls to protect life.

1. 3. Members should exercise extreme caution as these situations are often volatile and life threatening to the victims, their families, and the police.

1. 4. Violence in relationships often results in criminal acts or threats of physical or sexual assault, intimidation, or harassment.

1. 4. 1. Violence in relationships may also involve financial exploitation, verbal, mental, emotional or sexual abuse, neglect, or deprivation.

1. 5. All complaints of violence in relationships must be investigated and documented.

1. 6. In determining the appropriate course of action, consider all the circumstances, including allegations of mutual aggression, history, and pattern of abuse in a relationship.

1. 6. 1. The onus is on the police to lay or recommend charges if a CC offence has been committed under provincial or territorial legislation.

#### **2. Member**

2. 1. Prior to arrival on the scene, except in exigent circumstances:

2. 1. 1. request backup;

2. 1. 2. request or conduct CPIC, local indices, and firearms possession checks; and

2. 1. 3. obtain as much information as possible from the OCC and/or other sources.

2. 2. Upon arrival at the scene:

2. 2. 1. ensure member safety;
2. 2. 2. assess the situation and respond accordingly;
2. 2. 3. locate and separate the disputants;
2. 2. 4. if practicable, obtain victim and witness statements; and
2. 2. 5. if sufficient grounds exist attempt to locate or arrest the suspect.
2. 2. 6. Where evidence exists, notify the victim that charges will be laid or recommended, according to provincial or territorial legislation.
2. 2. 7. If there are reasonable and probable grounds to believe that it is not in the interests of public safety, including the safety of the individual, determine whether he/she has legal access to firearms or other weapons. If applicable, seize firearms and other regulated items, pursuant to section 117.04 (1), CC (with warrant) or pursuant to section 117.04 (2) CC (without a warrant in exigent circumstances).
  2. 2. 7. 1. Recommend in writing to the Crown that a discretionary firearms prohibition order be sought, pursuant to section 117.05 (4) (b) CC. See ch. [4.13.](#) .
2. 2. 8. In consultation with the victim, consider making an application to obtain a Peace Bond (section 810 CC), and/or associated discretionary prohibition order, section 810 (3.1) CC, according to division policy. See ch. [4.13.](#)
  2. 2. 8. 1. If applicable, and a discretionary firearms prohibition order was not sought, apply to obtain a preventative firearms prohibition order. See ch. [4.13.3.1.1.](#)
2. 2. 9. Provide the victim with your name, phone number and file number (if known), and a list of applicable victim services agencies in the community.
2. 2. 10. Encourage victims to receive support and document their decision. If support is requested and victim services are not available, provide the appropriate assistance.
2. 2. 11. Ensure that a victim who decides to leave a dwelling is transported to a safe place by friends, family, or the police.
  2. 2. 11. 1. If requested, arrange to accompany the victim, or his/her representative, to the dwelling to prevent any breach of the peace.
2. 2. 12. If a child has been exposed to an incidence of violence in a relationship, notify the appropriate provincial or territorial child welfare services agency.
2. 3. Request that a non-contact condition with the victim and any other persons as appropriate, e.g. children, relatives, be added to judicial release conditions.

2. 3. 1. When a suspect is released from custody by judicial order that includes non-contact provisions, ensure that the order is entered immediately on CPIC.

2. 4. When an accused or suspect is to be released from custody, every effort must be made to notify the victim in advance of the release and of the conditions.

2. 5. When a suspect is released from custody by judicial order that includes non-contact and if the suspect requires access to the dwelling occupied by the victim, notify the victim of the time and date of the access and ensure that the suspect is escorted to prevent any breach of the peace.

2. 6. Complete Spousal/Partner Abuse, Assault Court Package Supplement (form 3753) or similar form, as directed by division policy.

2. 7. Ensure victim is informed of progress of investigation in regular and timely manner.

### **3. Supervisor**

3. 1. Closely and actively review all violence in relationship complaints by ensuring that:

3. 1. 1. all investigative procedures are completed, including, assistance from Identification Services, PDS;

3. 1. 2. investigative files are reviewed after the initial 24 hours, and then again after seven days, and then every 14 days thereafter; and,

3. 1. 3. all members are familiar with this chapter and associated division violence in relationships policy and the applicable provincial or territorial legislation and directive.

3. 2. Recommend or approve the laying of charges against suspects, unless it is not in the public interest to do so.

3. 2. 1. If charges are not recommended or approved, document it in writing, outlining the date, time, name and position of member or Crown making the decision, as well as all factors considered in making the decision not to charge.

### **4. Commander**

4. 1. Ensure that all violence in relationships complaints are investigated and supervised and that appropriate action is taken.

4. 2. Participate in multi-agency coordinated community-based initiatives or programs to reduce the incidence of violence in relationships and to improve public awareness.

### **5. Division**

5. 1. Ensure RCMP units join with participating agencies in developing protocols and identifying responsibilities to respond to violence in relationships.

## **4. RCMP “E” Division Provincial Manual (Provincial) – 2.4**

### **Violence in Relationships: pages 1-11**

#### 1. **General**

1. 1. Violence in Relationships (VIR) is a crime. It encompasses married, common-law and dating relationships and includes violence against:
  1. 1. 1. males in heterosexual relationships;
  1. 1. 2. males in homosexual relationships;
  1. 1. 3. women in heterosexual relationships; and
  1. 1. 4. women in lesbian relationships.
1. 2. The language in this directive was chosen after much debate and concern was expressed over the use of gender neutral terms, which fail to recognize that the overwhelming majority of the victims of relationship violence are female.
1. 3. Violence within relationships has distinctive dynamics not found in other violent crimes. It includes:
  1. 3. 1. the act or threat of physical or sexual assault of a partner of an ongoing or past intimate relationship by another, despite their marital status or living arrangement at the time of the assault or threat; and
  1. 3. 2. other behaviour, such as intimidation, mental or emotional abuse, sexual abuse, neglect, deprivation, harassment and financial exploitation.
1. 4. To meet the challenges of investigations related to relationship violence, members must be conversant with the:
  1. 4. 1. policy outlined in [HQ. OM Sec. 2.4. - Domestic Violence](#);
  1. 4. 2. policy outlined in ["E" Div. OM IV.1.P. - Criminal Harassment](#);
  1. 4. 3. [policy outlined in "E" Div OM 37.6. Victim Services](#);
  1. 4. 4. [The B.C. Ministry of Public Safety and Solicitor General's Violence Against Women in Relationships policy \(VAWIR\)](#) ; and
  1. 4. 5. [Criminal Code](#) provisions relating to firearms, assault, sexual assault, and criminal harassment.
1. 5. Detachments must coordinate prevention and enforcement efforts with community groups and other government agencies to reduce the incidence of VIR.
  1. 5. 1. Sharing of specific case information is a sensitive issue and is subject to the provisions of the [Privacy Act](#) and the [Criminal Code](#).
1. 6. Special sensitivity should be given to victims with cultural and/or **specific** language/communication needs. Whenever possible, members should coordinate their investigations with Victims Services personnel and interpreters.
  1. 6. 1. Many cultures stress the paramount value of family togetherness and often women play the primary role in preserving the family's honour.
  1. 6. 2. In extended families, a victim may be under pressure from several individuals other than her husband, if the victim decides to report abuse and pursue legal action.
  1. 6. 3. Some victims do not speak English at all or with ease; this can act as a communications barrier to knowing legal rights and services available to them. RCMP intervention will first focus on victim safety followed by prosecution of offenders, as appropriate.

1. 7. The victim's safety is of primary importance and police intervention and action should address this concern.
1. 7. 1. In many cases, the police are the only effective means of intervention. However, the police must be aware that in many instances, victims may be in a fragile psychological state and for this reason, appear to be reluctant or uncooperative.
1. 7. 2. Victims should be encouraged to seek support from a Victim Services Program in accordance with RCMP directives.
1. 8. Prosecution of the offender is important and in many cases, the best means of achieving victim protection is through judicial orders. However prosecution is not the only reason for the police to investigate relationship violence. Public safety must remain paramount.

## 2. **Violence Against Women in Relationships (VAWIR)**

2. 1. VAWIR is a policy document of the B.C. Ministry of Public Safety and Solicitor General (BCMPSSG). Relationship violence is a major concern to both the public and the government.
2. 2. [The B.C. Ministry of Public Safety and Solicitor General's VAWIR policy](#) provides guidelines for Crown Prosecutors, corrections, the police and other justice system workers. The VAWIR policy emphasizes a pro-active arrest and charge policy, where grounds exist for such action. Each detachment/unit has received its own copy of the BCMPSSG VAWIR policy.

## 3. **The Cycle of Violence**

3. 1. All members are to ensure that they are aware of the gender dynamics involved in relationship violence and implementation of the VIR/VAWIR policies. The dynamics of relationship violence are that:
  3. 1. 1. abuse is used to control their partners;
  3. 1. 2. the abuser and victim usually reside within the same house, enabling the abuser to further control and abuse the victim;
  3. 1. 3. there is a power imbalance between the partners;
  3. 1. 4. violence often escalates and may continue or worsen if the victim leaves the relationship;
  3. 1. 5. a victim is at great risk of violence after leaving the abusive partner; and
  3. 1. 6. it may be difficult for the victim to leave because of love, cultural/religious values, socio-economic conditions, fear or the denial of violence in the relationship.
3. 2. Relationship violence is generally indicative of an imbalance in the "power and control" each partner has in the relationship.
3. 3. Any threat or actual incidents of physical violence, within a relationship is a warning that a recurring cycle of violence may occur. Although not all abusive relationships fit this pattern, the dynamics of a cycle of violence may include:
  3. 3. 1. Tension Building Stage
    3. 3. 1. 1. The victim senses the aggressor becoming edgy and more prone to react negatively to any trivial frustration. Many victims learn to anticipate violent outbursts and try to avoid it by becoming nurturing, compliant or by staying out of the way.
  3. 3. 2. Acute Battering Stage - "The Explosion"
    3. 3. 2. 1. The aggressor appears to lose control physically and/or emotionally. Many aggressors report they do not start out wanting to hurt the victim, but want only to teach the victim a lesson.
    3. 3. 2. 2. The violence may involve pushing, shoving, shaking or hair-pulling. It may involve hitting with an open hand, a closed fist or a weapon.
    3. 3. 2. 3. This is the stage where the victim, the aggressor or the police may be physically injured or killed.
  3. 3. 3. Aftermath - "The 'Loving Respite' or 'Honeymoon' Stage"

- 3. 3. 3. 1. The aggressor appears genuinely sorry for what has happened. Their worst fear is that the partner will leave them as a result of what has happened and they try to make up for their behaviour.
- 3. 3. 3. 2. The victim wants to believe that the abuse will not occur again. Often the victim will feel responsible for the conduct that led to the beating.
- 3. 3. 3. 3. Both feel guilty about the event and both resolve to never let it happen again. Part of the cycle of violence can include the aggressor sending gifts, flowers, apologies or making promises to the victim that the assaultive behaviour will never occur again.

4. **Primary Aggressor**

- 4. 1. For the purposes of this policy, "Primary Aggressor" means the person in the relationship **who is the most compelling, rather than the first, aggressor.**
- 4. 2. An allegation of mutual aggression is often raised by the Primary Aggressor as a defence with respect to an assault against their partner.
- 4. 3. Members are cautioned against accepting an argument of mutual aggression. Each case should be fully investigated to determine what happened, who is most vulnerable, and who, if anyone, should be arrested.
- 4. 4. Members should identify, arrest and charge the Primary Aggressor where reasonable and probable grounds exist, in accordance with the [Criminal Code](#).
- 4. 5. Members must be prepared to support their identification of the Primary Aggressor with observations and reasons. In making their determination, members should consider all the circumstances, including the following:
  - 4. 5. 1. The intent behind the law and policy designed to protect victims of relationship violence;
  - 4. 5. 2. Who has suffered the most extensive physical and/or emotional damage and who received treatment for that injury;
  - 4. 5. 3. Who has superior physical strength and skills for effective assault;
  - 4. 5. 4. What is the history and pattern of abuse in this relationship?

5. **Victims of Crime Act**

- 5. 1. Members have an obligation under the Victims of Crime Act to advise victims of their rights, including the right to information about the status of the police investigation.
- 5. 1. 1. A handout card has been developed for police use, which meets this obligation. These cards are available from:

The B.C. Ministry of Public Safety and Solicitor General  
 Communications Branch  
 P.O. Box 9282 Stn Prov. Govt.  
 Victoria, British Columbia, V8W 9J7  
 Fax: (250) 387-1753

6. **Telecommunications/OCC/Dispatch Personnel**

- 6. 1. VIR/VAWIR calls are to be treated as a priority as the victim may be at great risk.
- 6. 2. VIR/VAWIR calls constitute a high risk to the responding member. Wherever possible, check for previous police involvement with the subject or location and provide the member with all relevant information, including the possibility the suspect may have access to firearms and any record of violence.
- 6. 3. Determine if there have been any injuries and if medical attention is required;
- 6. 4. Determine if the suspect is present and a description of the suspect.
- 6. 4. 1. If the suspect has left, obtain any information as to possible whereabouts, and method/description/direction of travel.

- 6. 5. Determine if weapons are involved, and their nature, e.g.: gun, knife.
- 6. 6. Determine if the suspect may be under the influence of drugs or alcohol.
- 6. 7. Determine if children are present.
- 6. 8. Determine if the victim/subject of complaint has a current Surety to Keep the Peace (Peace Bond) or a Restraining Order.
- 6. 9. Immediately conduct applicable database, e.g.: CPIC, PIRS, LEIP, PROS/PRIME and [Protection Order Registry](#) searches and advise the attending members of the information found.
- 6. 9. 1. If there is any information suggesting that within the previous seven years, the suspect or victim has resided in the jurisdiction of either Victoria or Vancouver Police Departments, request an immediate file search from that agency.
- 6. 9. 1. 1. *NOTE:* PIRS is not utilized by these departments, and LEIP is unable to access these historic records.
- 6. 10. OCC dispatchers cannot cancel a police response based on a follow up call from any person requesting such a cancellation.
- 6. 10. 1. Advise the members responding of any requests for cancellation.
- 6. 11. Canceled or interrupted 9-1-1 calls shall be thoroughly investigated.
- 6. 11. 1. Police have the authority to enter private dwellings in response to interrupted telephone calls to the 9-1-1 emergency system, although the intrusion is limited to the protection of life and safety.
- 6. 11. 2. As articulated in *Regina v. Godoy*[SCC, 1998], Peace Officers can investigate a 9-1-1 call and, in particular, locate the caller and determine his or her reasons for making the call and provide such assistance as may be required.

7. **Member**

- 7. 1. Conduct a complete and thorough investigation even when the victim does not agree to cooperate.
- 7. 1. 1. You will use [Violence in Relationships Documentation - ICS Form ED 301-1](#) to record the circumstances and the results of your investigation.
- 7. 2. Determine from the victim if the victim has a current Surety to Keep the Peace (Peace Bond) or Restraining Order and immediately conduct CPIC, PIRS and [Protection Order Registry](#) searches.
- 7. 2. 1. Ensure all searches are dated and recorded in the investigational file.
- 7. 2. 2. If not already on file, conduct CPIC, PIRS, POR checks.
- 7. 2. 2. 1. If there is any information suggesting that within the previous seven years, the suspect or victim has resided in a jurisdiction of either the Victoria or Vancouver Police Departments, request an immediate file search for any information by these agencies, as they are **NOT** on PIRS.
- 7. 3. In the event a complete investigation cannot be conducted, see [sec.8](#).
- 7. 3. 1. Fully document in the investigation file, any relevant information supplied from the complainant, including any reasons why the police should not complete a full investigation.
- 7. 3. 1. 1. Advise the victim that the decision to proceed with charges does not rest with them.
- 7. 4. Consider videotaping the victim's statement using the "K.G.B. Statement" procedure. See ["E" Div. OM 24.1.4. Witness Statements \('K.G.B.' and other\)](#).
- 7. 4. 1. Make every effort to obtain full statements from victim(s) and witnesses. Victim's statements should be obtained during first response, if practicable.
- 7. 5. Provide your name, phone number and any case reference to the victim and ensure that the victim is kept informed about the

status of the case, including all release conditions.

7. 5. 1. Refer victims, with their consent, to the community-based or police-based victim assistance program, as appropriate.
7. 5. 1. 1. Document the victim's decision on file.
7. 5. 2. Wherever possible provide the victims with a list of support agencies in the community.
7. 5. 3. If no victim services programs are available, investigators must provide appropriate assistance to victims, to the best of their abilities.
7. 6. In the circumstances where the victim must leave the home, ensure the victim is referred to a transition house and provided with safe transportation to a transition house or other safe location.
7. 7. Members must be aware of the potential danger posed to the victim's extended family.
7. 7. 1. Identify and formally interview other family members, where the facts determine they have information relevant to either the background of the complaint or the circumstances of the alleged abuse or other related incidents.
7. 8. Determine whether the assailant has access to firearms or other offensive weapons.
7. 8. 1. Where you are within your legal authority and grounds exist, seize any offensive weapons in the first instance.
7. 8. 1. 1. Ensure any weapons seized are processed in accordance with the [Criminal Code](#).
7. 8. 1. 1. 1. Where applicable, seek a Destruction Order.
7. 8. 2. As applicable, take the appropriate action to revoke any firearms related certificate, licence, permit or authorization, and to apply for a hearing to obtain a Prohibition Order.
7. 8. 3. See [HQ OM 21.8. Search and Seizure—Firearms, Prohibited Weapons, Munitions and Explosives](#).
7. 9. Subject to the [Criminal Code](#), you may arrest a suspect where reasonable grounds exist and it is in the public interest. If practical, interview the suspect with the objective of obtaining a statement.
7. 9. 1. The suspect should be fingerprinted in accordance with the provisions of the [Identification of Criminals Act](#). Forms C-216 must indicate the offence is "Violence in Relationships."
7. 9. 2. Consider and comply with the provisions of Sections 497, 498, 499, 503(2) and 503(2.1) of the [Criminal Code](#) as applicable.
7. 9. 2. 1. Where there are "public interest" considerations (i.e. prevent the continuation or repetition of the offence or the commission of another offence) and the release conditions found in Section 503 of the [Criminal Code](#) are insufficient, have the accused appear before a Justice.
7. 9. 2. 2. As a condition of release, under Section 503 (2.1) of the [Criminal Code](#), consider recommending whether the offender should be prohibited from any contact with the victim, any witness or any other person, bearing in mind the circumstances of the case and the safety of the victim, and others as appropriate.
7. 9. 2. 3. The conditions should include the use of words such as "have no contact, directly or indirectly with" and "not to attend within a two block radius of the 8700 Anywhere Street".
7. 9. 2. 4. As a condition of release under Sections 503 (2.1) (e) of the [Criminal Code](#), consider the importance of a firearm prohibition.
7. 9. 2. 5. Police should consider what protective conditions should be taken including those required to protect other persons who have been threatened, harassed or are at risk as a result of the dispute.
7. 9. 2. 6. Whenever an assailant or accused is released from RCMP custody, every effort should be made to notify the victim **IN ADVANCE** of the release, in accordance with local protocols, to ensure that safety issues are addressed.



- 7. 9. 3. Ensure the victim is:
  - 7. 9. 3. 1. contacted upon release of the accused and told of the release conditions;
  - 7. 9. 3. 2. provided with a copy of the conditions within the UTA, vetting any third party information contained in the conditions;
  - 7. 9. 3. 2. 1. a copy of the conditions within the UTA can be released to a Community Based Service Provider (ie Community Based Victim Service Worker or Transition House Worker) if the victim provides signed consent. See Appendix 2-4-1 for [sample victim consent to release form](#).
  - 7. 9. 3. 3. advised of VictimLINK, a 24 hour, toll-free, confidential help and information line (1-800-563-0808); and
  - 7. 9. 3. 4. notified if the PTA or UTA are cancelled. In situations where the PTA is cancelled the accompanying UTA conditions are no longer valid.
  
- 7. 9. 4. Once completed and signed, send a legible copy of the PTA and UTA to:
  - 7. 9. 4. 1. The Protection Order Registry (POR) - [E Div Ops Man 2.100](#), by fax, 250-952-4872 and
  - 7. 9. 4. 2. The bail supervisor/probation officer, if reporting conditions have been imposed. Request that they monitor the accused/suspect on these reporting conditions.
  
- 7. 10. Complete a Report to Crown Counsel (RTCC) as soon as possible.
  - 7. 10. 1. Investigate and obtain sufficient evidence with or without the cooperation of the victim.
    - 7. 10. 1. 1. The evidence could include an admission by the accused, independent witnesses or evidence of physical injury (photographs of injuries, medical evidence, physical evidence) or a written statement by the victim.
    - 7. 10. 1. 2. Given the inherent difficulties with prosecuting cases where the victim's direct evidence is not available, consultation with Crown Counsel may be necessary throughout the investigation to ensure the best attainable evidence is presented.
  - 7. 10. 2. In circumstances where the offender has left the location of the offence prior to police attendance and immediate efforts to locate the offender are not successful, request **URGENT** priority processing of the RTCC in hopes of obtaining a warrant for arrest or summons.
  
- 7. 10. 3. Ensure the following are included in the RTCC:
  - 7. 10. 3. 1. the criminal record of the accused;
  - 7. 10. 3. 2. details of any previous violence in a relationship complaint (including any information from the Victoria and Vancouver Police Departments, as appropriate.)
  - 7. 10. 3. 3. the letter "K" after the police file number (e.g. YY - 12345 K);
  - 7. 10. 3. 3. 1. The B.C. Ministry of Public Safety and Solicitor General has requested the "K" flagging system to better identify VIR/VAWIR cases; and
  - 7. 10. 3. 4. known risk factors that indicate a likelihood of future violence. These may include but are not limited to the following:
    - 7. 10. 3. 4. 1. past actual or attempted assault of family members;
    - 7. 10. 3. 4. 2. past actual or attempted assault of strangers or acquaintances;
    - 7. 10. 3. 4. 3. past arrest for violating the terms of a conditional release or community supervision;
    - 7. 10. 3. 4. 4. separation from partner or extreme conflict regarding relationship status within the past year;

- 7. 10 3. 4. 5. serious substance abuse or dependency;
- 7. 10 3. 4. 6. serious homicidal or suicidal ideation/intent, psychotic or manic symptoms;
- 7. 10 3. 4. 7. past physical assault of current intimate partner;
- 7. 10 3. 4. 8. past use of weapons/credible threats of harm; and
- 7. 10 3. 4. 9. recent escalation of frequency or severity of assault.
- 7. 11. Do not refer VIR/VAWIR cases directly to community programs for resolution.
- 7. 11. 1. Crown Counsel have authority under the Criminal Code (refer to Section 717 of the [Criminal Code](#)) to approve "alternative measures" in exceptional circumstances. Police should clearly outline such rare or exceptional circumstances in the RTCC.
- 7. 12. In addition to the factors listed in [sec. 8.4](#), an investigator's decision not to conduct a complete investigation should not be solely based on a Crown Counsel's reluctance to proceed without a victim's statement.
- 7. 12. 1. Where a charge is recommended and **not** supported by Crown Counsel, fully document the reason and maintain all relevant correspondence on file.
- 7. 13. All documents received from a victim or other person in respect to a relationship violence investigation are to be date stamped and initialed by the person receiving the document, and immediately brought to the attention of either the investigating officer or the on-duty supervisor.
- 7. 14. 7.14. Complete a [Violence In Relationships Checklist - ICS Form 301](#) **in every case** and retain that form on the file.
- 7. 15. Upon the request of either spouse, stand by to keep the peace where that person wishes to return to the matrimonial home to collect personal effects.
- 7. 15. 1. Where that person is denied access to the matrimonial home or where there is a dispute over ownership of property, do not take any further action. Advise the person requesting police assistance to seek independent legal advice and/or obtain a court order.
- 7. 16. Thoroughly investigate any allegations relating to the abuse of children.
- 7. 16. 1. If during an investigation, there is reason to believe that a child has been or is likely to be physically harmed, sexually abused, exploited, or needs protection, report the matter to a B.C. Ministry of Children and Family Development child protection worker. ([Sec. 13 Child, Family and Community Service Act](#))
- 7. 16. 2. Be aware that the offender may have threatened the victim with removal of the children as a method of control and intimidation.
- 7. 16. 3. Should it be necessary to remove the victim and children from the home make every effort to keep them together.
- 7. 16. 4. Where children may have been exposed to relationship violence in any form, consult with the B.C. Ministry of Children and Family Development.

## 8. "Incomplete" Investigations

- 8. 1. There is a very narrow discretion for not conducting a complete investigation.
- 8. 2. Depending on the circumstances, and after a thorough risk assessment, a member may decide not to contact or interview the suspect or anyone likely to inform the suspect that a complaint has been made.
- 8. 2. 1. All other components of a complete investigation must be completed.
- 8. 3. The following circumstances **CANNOT** form the basis for exercising a discretion not to complete a full investigation or not forwarding a Report to Crown Counsel:
  - 8. 3. 1. the consumption of alcohol or the use of drugs by the victim or suspect (Refer to Section 33.1 of the [Criminal Code](#)) or;

- 8. 3. 2. the lack of independent corroborating evidence.
- 8. 4. Before you decide not to conduct a complete investigation, consider each of the following:
  - 8. 4. 1. Is there evidence of the alleged offence other than the victim's complaint;
  - 8. 4. 2. Is there reason to believe that the suspect is unaware that the victim has made a complaint to the police;
  - 8. 4. 3. Has the complainant/victim requested that the complaint be kept confidential and that no investigation be conducted because s/he is fearful that if the suspect is contacted by the police, further victimization will occur;
  - 8. 4. 3. 1. Notwithstanding the victim's feelings, if the investigating member has a reasonable basis for believing the risk to the victim would be increased by confronting the suspect with the fact that a complaint has been made:
    - 8. 4. 3. 1. 1. all known risk factors should be considered and assessed before determining any subsequent police action.
    - 8. 4. 3. 2. The presence of such factors may indicate the risk of future violence to the victim is so great that all reasonable efforts to intervene should be made.
  - 8. 4. 4. Is there an indication the suspect has possession of any firearms, a Firearms Licence, or any access to firearms, or other offensive weapons;
  - 8. 4. 5. Has the complainant/victim refused to cooperate with any investigation and, have attempts at persuasion to cooperate been unsuccessful;
- 8. 5. The decision not to conduct a full investigation must be authorized by a supervisor. The investigative file must:
  - 8. 5. 1. contain the reason for not completing a full investigation;
  - 8. 5. 2. remain open for a period of at least 6 months during which time, the investigating officer shall follow up to determine if the complainant is able/willing to cooperate with the investigation.
    - 8. 5. 2. 1. This is an **investigative** responsibility which must not be delegated to a Victim Services program worker.
    - 8. 5. 2. 2. The 6 month "open period" is in keeping with "limitation of action" stated in Section 786 of the [Criminal Code](#).
    - 8. 5. 2. 3. In the event subsequent complaints are received after the 6 month limitation of action has elapsed, the original incident may be considered for prosecution. Consultation with Crown Counsel will be required.
    - 8. 5. 2. 4. Prior to closing a file, conduct a further PIRS check to determine if there have been any subsequent related complaints reported in the interim.
      - 8. 5. 2. 4. 1. If appropriate, include a direct check with Vancouver and Victoria Police Departments as well.
  - 8. 5. 3. If, despite the available evidence, it is insufficient to pursue criminal charges, consider using the "Special Interest Police" (SIP) category on CPIC to record information on either the victim, or alleged offender, as appropriate, see "[E Ops Man 36.7.4. CPIC—Special Interest Police](#)."
  - 8. 5. 3. 1. Forward your recommendation to use the "SIP" category through your supervisor to the Detachment Commander, who must authorize it.

9. **Supervisor**

- 9. 1. VIR/VAWIR matters require a high degree of supervision and guidance. Supervisors must be familiar with policy and the requirements placed upon the members under their supervision. Supervisors are accountable for the strict compliance with this policy.
- 9. 2. Review an investigator's decision not to submit a Report to Crown Counsel.

9. 2. 1. Document your approval of that decision on the file.
9. 3. Complete the Supervisor's portion of the [Violence In Relationships Checklist - ICS Form ED 301](#) and retain on file.
9. 4. Ensure investigations where the victim has been uncooperative are diary dated to ensure regular investigative follow-up is conducted.
10. **Detachment Commander**
10. 1. Participate directly in any multi-agency coordinated community based efforts to reduce the incidence of VIR/VAWIR and to improve public awareness.
- 10 1. 1. If necessary, delegate to a senior NCO.
- 10 2. Where resources exist and duties permit, ensure pro-active participation at local Violence Against Women in Relationships committees or related local committees.
10. 2. 1. Feedback from these meetings should be distributed to all members under your command through ROSS or by local memorandum.
10. 2. 1. 1. Specific case histories should not be disclosed except in accordance with the [Privacy Act](#).
10. 3. As part of the detachment's pro-active participation, make available to local VIR/VAWIR committees any statistics on relationship violence requested.
10. 4. Invite local VIR/VAWIR committee representatives to utilize detachment training days or detachment meetings so that members are fully aware of VIR/VAWIR issues.
10. 5. Ensure that a high level of supervision is maintained. You are accountable for the strict compliance by all members with VIR/VAWIR policy.
10. 6. Ensure members of your detachment utilize [Violence in Relationships Documentation - Form ICS ED 301-1](#) to record the circumstances and the results of the investigation.
10. 7. Ensure that the following OSR classification scoring codes are used, as applicable:
  10. 7. 1. Code DK85 - offence by male offender.
  10. 7. 2. Code DK86 - offence by female offender.
  10. 7. 3. Code DK90 - alcohol was a factor.
  10. 7. 4. Code DQ19 - Domestic Dispute - No Assault.
10. 8. VIR/VAWIR should be considered for the Quality Assurance process. Monitor the results to ensure compliance with the law and policies of the RCMP and the Province of BC.
10. 9. Develop Unit Supplements to ensure that each member reviews the B.C. Ministry of Public Safety and Solicitor General's VAWIR policy annually; and
  10. 9. 1. all investigators and supervisors are conversant with their responsibilities as they apply to VIR/VAWIR cases.
  10. 9. 2. Retain your detachment's copy of the B.C. Ministry of Public Safety and Solicitor General's VAWIR policy and any related Information Bulletins on Operations Record #2880.
10. 10. In the event that you are unable to resolve any difficulties with Crown Counsel or Corrections in respect to the provincial Violence Against Women in Relationships Policy, consult your District Officer.
10. 11. Ensure all members under your command are aware of policy requirements respecting victim services referrals.
11. **Victim Services**

- 11. 1. See also:
- 11. 1. 1. ["E" Div OM 37.6. Victim Services](#)
- 11. 2. VIR/VAWIR victims may be subjected to severe emotional and physical intimidation to decide not to cooperate with the criminal charge process or not to testify in court or both. The degree of intimidation can be mitigated by affording the victim access to victim assistance programs.
- 11. 3. Member
- 11. 4. When investigating a VIR/VAWIR incident, ask the victim(s) if they want a Victim Services worker at the scene, if one is available.
- 11. 4. 1. Where they exist, specialized community based Victim Services should normally be the primary service provider in VIR/VAWIR cases.
- 11. 4. 1. 1. In the event there is no community based program, or there is an immediate need for after hours victim assistance, contact the police-based Victim Assistance Program.
- 11. 4. 2. All VS Workers must be aware that their presence may require their subsequent attendance in court to address issues relating to witness recall, and scene investigation.
- 11. 4. 3. Ensure that the victim is provided with the opportunity to prepare a Victim Impact Statement in accordance with ["E" Div OM 37.6. Victim Impact Statement](#).
- 11. 4. 3. 1. Victims Assistance sections may assist in the preparation of this statement.
- 12. **Sureties To Keep The Peace: Sec. 810 [Criminal Code](#) Recognizance (i.e. "Peace Bond")**
- 12. 1. General
- 12. 1. 1. A victim who fears personal injury or property damage, may make application before a Justice for an Order under the authority of Section 810 of the [Criminal Code](#), Surety to Keep The Peace (Peace Bond). The applicant should swear the Information.
- 12. 1. 2. Section 810 of the [Criminal Code](#) permits an information to be sworn by or on behalf of the complainant. The amendment requires the justice to consider whether or not:
  - 12. 1. 2. 1. a firearms order; and
  - 12. 1. 2. 2. a "no go" or "no contact order";

...are appropriate conditions of a Recognizance.
- 12. 1. 3. Section 810.1 of the [Criminal Code](#) provides that a person who fears, on reasonable grounds, that another person will commit a specified sexual offence in respect of children under 14 years of age, can lay an Information for the purpose of having that person enter into a Recognizance with conditions.
- 12. 1. 3. 1. Report all such cases to the Ministry of Children and Family Development.
- 12. 1. 4. Section 810.2 of the [Criminal Code](#) addresses concerns with respect to serious bodily harm.
- 12. 1. 5. Complaints of breaches of the Recognizance in Section 810 of the [Criminal Code](#) are a critical safety issue and must be actively investigated. Refer to Section 811 of the Criminal Code.
- 12. 1. 6. Police must attend any complaint of a breach of these Recognizance because the risk of violence is high.
- 12. 2. Member

- 12. 2. 1. In circumstances where a Surety to Keep the Peace (Peace Bond) could assist a victim, inform that person about the process and its abilities and limitations.
- 12. 2. 2. As appropriate, prepare an RTCC with the necessary documents and forward them to Crown Counsel.
- 12. 2. 2. 1. When there is a reasonable likelihood that an offence may occur, be prepared to expedite this process to prevent the **victimization** of a spouse or family members.
- 12. 2. 3. If a Surety to Keep The Peace (Peace Bond) is granted, ensure the details are entered on CPIC and PIRS.
- 12. 2. 4. A person who breaches a Surety to Keep the Peace (Peace Bond) granted under section 810 of the [Criminal Code](#) commits a summary conviction offence under section 811 of the Criminal Code, and may be arrested under section 495(1)(b) of the Criminal Code.

13. **Probation Orders**

- 13. 1. Where a breach of a Probation Order occurs, members should coordinate their efforts with the Probation Officer and Crown Counsel to prosecute, according to the Attorney General guidelines.

14. [Family Relations Act](#)

- 14. 1. To most police agencies, the Family Relations Act applies to child custody orders. However, it can also be used to provide a victim with some protections. On an *ex parte* application, a Court Order can be issued to:
  - 14. 1. 1. grant temporary exclusive occupancy of the matrimonial home;
  - 14. 1. 2. provide restricted contact; or
  - 14. 1. 3. restrain any person from molesting, annoying, harassing, communicating or attempting to do any of those things to the victim or a child in that person's custody.
- 14. 1. 3. 1. Certain Family Relations Act Orders can be entered on CPIC and/or the Protection Order Registry (POR).
- 14. 2. Some B.C. Probation Officers also function as Family Court Counsellors and can provide victim assistance in relation to the Family Relations Act.

15. **Enforcement Of Supreme Court Restraining Orders In Family Matters**

- 15. 1. This is the standard wording which will be found in a Restraining Order:
  - 15. 1. 1. THIS COURT FURTHER ORDERS that any peace officer, including any RCMP officer having jurisdiction in the Province of British Columbia, who on reasonable grounds believes that (name of person restrained) is in breach of the terms of this order shall immediately arrest that person and bring him/her before this court on the next court day following the arrest, to be dealt with on an inquiry to determine whether he/she has committed a breach of the Order.
- 15. 2. The power to arrest in circumstances where grounds exist to believe that a breach of the conditions of the Order occurred, is mandatory.
  - 15. 2. 1. If circumstances exist which would prevent immediate enforcement of the Court Order, contact "E" Division DOJ/RCMP Legal Advisory Section for legal advice by calling "E" Division Federal OCC at (604) 264-2470.
  - 15. 2. 2. The power to arrest is derived from the existence of the mandatory peace officer clause in the Order itself, the form which is dictated by the Supreme Court Rules.
  - 15. 2. 3. This clause does not give police the power to release someone they have arrested for being in breach of the Order, but requires that the person be brought before the Supreme Court.
  - 15. 2. 4. This is problematic in many regions where the Supreme Court does not sit regularly.
  - 15. 2. 4. 1. Although not provided for under the Supreme Court Rules, a **practice** has developed over the years in British Columbia whereby the Attorney General of B.C. and the Courts have accepted that the police may release a person arrested for violating such an Order on a Promise to Appear.

15. 2. 4. 2. Members may choose to bring the arrested person before the courts or release them depending on the circumstances ensuring that the appearance date is the next Supreme Court sitting day following the arrest.
15. 3. Members shall ensure that the victim is advised of the arrest and instruct the victim to advise their legal counsel of the arrest and the circumstances that lead up to the arrest.
15. 3. 1. If the subject is released, advise of the appearance date.
15. 4. The form of Provincial Court Restraining Orders also includes a peace officer clause that indicates "the police **MAY** arrest".
15. 4. 1. The extent of the arrest powers are outlined in the Restraining Order form itself.
15. 5. Section 81 of the [Family Relations Act](#) makes it an offence to breach a Restraining Order under the *Act*.
15. 5. 1. The B.C. [Offence Act](#) provides that an offence created under an enactment is punishable on summary conviction and incorporates the arrest provisions in the [Criminal Code](#).

## **5. Child, Family and Community Service Act B.C. (Child Protection and Duty to Report):**

### **Part 3 — Child Protection**

#### **Division 1 — Responding to Reports**

##### **When protection is needed**

**13** (1) A child needs protection in the following circumstances:

- (a) if the child has been, or is likely to be, physically harmed by the child's parent;
- (b) if the child has been, or is likely to be, sexually abused or exploited by the child's parent;
- © if the child has been, or is likely to be, physically harmed, sexually abused or sexually exploited by another person and if the child's parent is unwilling or unable to protect the child;
- (d) if the child has been, or is likely to be, physically harmed because of neglect by the child's parent;
- (e) if the child is emotionally harmed by the parent's conduct;
- (f) if the child is deprived of necessary health care;
- (g) if the child's development is likely to be seriously impaired by a treatable condition and the child's parent refuses to provide or consent to treatment;
- (h) if the child's parent is unable or unwilling to care for the child and has not made adequate provision for the child's care;
- (i) if the child is or has been absent from home in circumstances that endanger the child's safety or well-being;
- (j) if the child's parent is dead and adequate provision has not been made for the child's care;
- (k) if the child has been abandoned and adequate provision has not been made for the child's care;
- (l) if the child is in the care of a director or another person by agreement and the child's parent is unwilling or unable to resume care when the agreement is no longer in force.

(1.1) For the purpose of subsection (1) (b) and (c) and section 14 (1) (a) but without limiting the meaning of "sexually abused" or "sexually exploited", a child has been or is likely to be sexually abused or sexually exploited if the child has been, or is likely to be,



- (a) encouraged or helped to engage in prostitution, or
  - (b) coerced or inveigled into engaging in prostitution.
- (2) For the purpose of subsection (1) (e), a child is emotionally harmed if the child demonstrates severe
- (a) anxiety,
  - (b) depression,
  - (c) withdrawal, or
  - (d) self-destructive or aggressive behaviour.

**Duty to report need for protection**

- 14** (1) A person who has reason to believe that a child needs protection under section 13 must promptly report the matter to a director or a person designated by a director.
- (2) Subsection (1) applies even if the information on which the belief is based
- (a) is privileged, except as a result of a solicitor-client relationship, or
  - (b) is confidential and its disclosure is prohibited under another Act.
- (3) A person who contravenes subsection (1) commits an offence.
- (4) A person who knowingly reports to a director, or a person designated by a director, false information that a child needs protection commits an offence.
- (5) No action for damages may be brought against a person for reporting information under this section unless the person knowingly reported false information.
- (6) A person who commits an offence under this section is liable to a fine of up to \$10 000 or to imprisonment for up to 6 months, or to both.
- (7) The limitation period governing the commencement of a proceeding under the *Offence Act* does not apply to a proceeding relating to an offence under this section.

*TAKEN FROM The Act.*

## 6. MCF Child Protection Best Practices 2004 – Appendix 1

### **Appendix 1: Linking the Safety of Women and their Children: An Integrated Approach to Woman Abuse and Child Protection Introduction to the Resource Paper**

A major focus of the *Best Practice Approaches: Child Protection and Violence Against Women* is to recognize the reality that the safety of the mother is linked to the safety of the child and that wherever possible, supportive services should be provided to the mother in order to enhance her ability to care safely for her child(ren). Child protection workers will best be able to accomplish this if they understand the overlap between woman abuse and child protection, dynamics of woman abuse, women's experience of being abused, the impact of this abuse for women and mothering in the context of abuse. In addition, this document describes an integrated approach for meeting the safety needs of children while providing supportive services to women so that women's safety remains a parallel consideration throughout child protection involvement. In order for child protection workers to respond to women experiencing abuse in relationship and their children in a helpful and supportive manner, this document includes the following information about violence against women in relationships:

- overlap between child protection and violence against women and the importance of providing a coordinated, women-centred response in these situations
- challenges of mothering in the context of woman abuse
- the social context of abuse and the further effects of woman abuse upon marginalized women
- the dynamics of violence against women, the impact upon women and upon children who are exposed to it
- barriers to accessing supports and considerations for leaving an abusive relationship
- best practice approaches in situations of violence against women in relationships

#### **Why this Document was Developed**

In June 2000, a partnership of provincial organizations representing community and hospital based agencies that provide services to adults, adolescents and children who are survivors of violence, submitted a discussion paper to the former Ministries for Children and Families, Attorney General, Health and Women's Equality. The paper outlined critical issues relating to the service provision for women, youth and children who were/are exposed to violent relationships.

Of note were situations in which children who were exposed to abuse were considered to be in need of protection. Clarification about the interpretation of the need for protection was requested in these cases where children were witnesses to the abuse of their mothers, but not themselves abused.

Secondly, an interpretation of the previous section 14 of the Child, Family and Community Service Act meant that an adolescent who was sexually assaulted by a peer had to be reported to the MCFD as a child in need of protection. The report stated that as a result of these two situations, mothers, children and youth were not accessing needed safety, counselling and medical resources due to their fear of ministry involvement. Service providers expressed concern that some ministry intervention was unintentionally compromising women's and children's safety rather than ensuring it.

As a result of consultation between representatives from the provincial organizations and the involved ministries, a decision was made to develop best practice approaches for child protection intervention in situations of violence against women. The document has been written in cooperation and extensive consultation with representatives from agencies that provide health care, counselling and support programs and services to women, adolescents and children.

## **Integrating Child Protection and Women-Centred Approaches**

Because of the significant overlap between the child's safety and the safety of the mother in the context of violence against women, it is more complex for child protection workers to assess and intervene.

Historically, the development of independent services for women and children has separated the safety needs of women and their children. This document encourages an approach that links the safety of children with their mothers wherever possible and attempts to build on the strengths between women's and children's services.

*A significant obstacle to collaboration has been the tension caused by the different historical developments and missions of the domestic violence and child welfare movements. The domestic violence movement began less than 30 years ago in order to provide safety to battered women because public institutions were not doing so. Some women involved in violent relationships and their advocates viewed child protection services as yet another public institution that overlooked domestic violence and the needs of abused women, or blamed the women for the harm their abusive partners caused to their children.*

*Because of child protection's focus on the safety of the child, child protection workers did not consider the identification of domestic violence to be important to accomplishing child protection goals. When domestic violence was identified, child protection workers have often misunderstood its dynamics and held mothers responsible for ending it.*

*Furthermore, as the domestic violence movement has focused primarily on the needs of women in abusive relationships, and been slower to directly address the needs of these women's children, child protection workers have not viewed transition house workers as potential allies in their efforts to protect children."*

(Child Protective Services and Domestic Violence; Jane E. Findlater, Susan Kelly: The Future of Children DOMESTIC VIOLENCE AND CHILDREN Vol. 9. No3 – Winter 1999)

A child's safety and well-being are, in fact, often dependent on the mother's safety. Transition house workers have recognized this and have provided women and their children with a safe place to go to escape the violence. While the political focus of transition house workers may have emphasized the rights of women, their efforts have always been to provide safety for both women and their children and should be seen as allies in this work.

Creating safety for children requires communities to respond to eliminate the risks which children and their mothers face. In order to ensure the safety and well-being of children and the non-abusing woman, all relevant services must work together for a coordinated, collaborative response -- ministry child protection workers, women's transition house workers, stopping the violence counsellors, specialized victim assistance workers, multicultural support workers and aboriginal/metis family support workers. A mutual understanding and respect of roles, responsibilities and areas of expertise as well as clear on-going communication throughout our involvement will assist in establishing a co-operative working relationship which in turn, will help to support and ensure the safety of women and their children.

### **What is woman-centred service?**

Providing woman-centred service is fundamental to women's empowerment and safety. This approach is not in conflict with a child protection approach but recognizes women's safety can be an important factor in the safety and protection of their children.

The purpose of this document is to understand the overlap between child protection and woman-centred approaches. Understanding women's experience of abuse in relationships is fundamental to providing appropriate, supportive and safe responses for women and their children. Some other key aspects of a woman-centred approach include:

- recognizing and building on a woman's existing strengths
- recognizing that women use many strategies to keep themselves and their children safe
- developing a trusting and respectful relationship
- respecting women's ability to make choices within legal limits

- empowering women through collaborative decision making, respecting choices, sharing knowledge and information
- providing services that are accessible from the perspective of the woman
- respecting cultural diversity and recognizing that all forms of marginalization affect women's experiences and may limit options
- countering stereotypes about violence and specific groups
- providing interpretation services that allow safe discussion about her experiences
- supporting 'solutions' that respect and account for women's cultural and religious values
- building resources with women and the larger community
- engaging in a collaborative approach with anti-violence women's organizations and other systems to ensure a coordinated community response to end violence against women and their children.

(Adapted from "Alternatives to Apprehension: Education, Action and Advocacy" [Buchwitz, 2001] report) Anti-violence women's organizations have always considered it to be their mandate to develop relationships with women (clients) that are free from coercion, inequality, power dynamics or punitive consequences so that women may experience relationships of trust, mutuality and respect. It is believed that it is the workers' role to earn that trust. As well as building a partnership with the woman, a woman-centred approach encourages relationship building, respect and collaboration between child protection services, women (clients) and needed services (Callahan, 1993) to achieve safety for women and their children.

It is important to understand how a woman's past may influence the way she interacts with child protection services. Recognizing the impact of her past will help to meet the goals of woman-centred service. Some women, as children, may have been removed from their families and placed in the care of child protection services, residential schools or foster care and experienced further abuse. Some groups - immigrant and refugee women, aboriginal women, poor women, women who use alcohol or drugs and women involved in the sex trade - have experienced state harassment, police brutality, investigation and interrogation in their lives. These experiences can contribute to mistrust and fear of people in positions of power and authority such as child protection workers, counsellors, police, health care providers, etc. This distrust should be understood in the context of women's lives and social history. Rather than labelling her as uncooperative, non-compliant or difficult, she could be viewed as using her experience to guide her decisions and protect her from further harm.

Despite efforts to keep a woman and her children together, a child protection worker's intervention may lead to the decision that the non-abusing woman is not able to protect her children from the abuser. However, a woman-centred approach can still apply. Woman-centred practice in this context could mean understanding a woman's reasons for returning to or remaining with an abusive partner, not blaming a woman if it appears that she has "chosen" her partner over her children, not punishing the woman by withholding access to her children, ensuring that the woman has developed a safety plan and she has been given referrals to antiviolence women's organizations for support in a non-coercive manner. It also means continuing to work with the woman to help her understand how she can create a safe environment for herself and her children, develop a service plan independent of her partner and ensure that she is not treated as the perpetrator. A woman should be offered anti-violence community services, but these should not be offered in a way that is coercive or punitive (for example, a woman will be allowed access to her children if she attends mandatory counselling sessions).

### **Mothering in the Context of Woman Abuse**

A woman in an abusive relationship who has children faces two sets of painful challenges. First, she has to calculate how to protect herself and her children from physical dangers created by her partner. However, abused mothers also confront a second set of risks, sometimes more frightening than the first. If, for example, a woman considers a separation from her partner to protect herself and her children, where will she find housing and money to feed her family? What will she do if her partner reports her to child protection services as he has threatened to do? Who will baby-sit for the children when she has to go to work and her partner is no longer there? Will he try to kidnap the children? This second set of factors, or life-generated risks, enters into each abused woman's calculation of her children's safety. Deciding to leave her relationship does not guarantee the elimination of these risks; in fact, it may bring them to the fore.

Most women care deeply about their children's safety and go to great lengths to protect them from physical assaults, other risks and from the systemic harms of poverty, racism and isolation. Women who have experienced abuse have developed an enormous capacity for creative problem-solving, safety strategies, crisis management. They are often very resourceful and have usually attempted to find support for themselves and their children. Unfortunately, the systems are not always in place to support women and their children, and women report that sometimes these services add to the harms that women have experienced in their lives. Women have experienced disempowerment and loss of autonomy in abusive relationships and they bring this experience into their encounters with well-intentioned service providers. It is the role of all service providers to create support services that are empowering for women by exemplifying respectful, collaborative working relationships between providers and clients. Service providers report that many women leave their abusive partner when they perceive that their children are at risk. Despite this, many people frequently ask, "Why do battered women stay when this places them and their children in jeopardy?" This question misses the way abused women calculate their risks and make decisions about leaving. The questions an abused woman may ask herself are more complex, such as: "If I leave, will the violence be worse?" "Should I leave and place myself and my children in poverty?" "If I leave and live on less money, my children will have to live in a more dangerous neighbourhood, and should I do this to them?" "Should I leave and risk losing my children in a custody battle with their abusive father?" Being aware of the risks and difficulties that a woman and her children face in leaving an abusive relationship can help child protection workers develop service plans that include the complexity of her situation. These service plans must reflect an appreciation of the obstacles women face when trying to fulfil the expectations of the service plan.

### **Social Context of Violence Against Women in Relationships**

Abuse of women has been condoned throughout history and in many different parts of the world. Woman abuse is a social problem, although it is often characterized as a personal problem that can lead to woman-blaming will finding excuses for men's violence. For example, women are blamed for "choosing" an abusive partner while men's abuse is described as a problem with anger management. Societal beliefs and institutions can contribute to violence against women (Ministry of AG Violence Against Women in Relationship Handbook, 1993).

### **Myths and Realities of Violence Against Women in Relationships**

While women's experience of abuse are complex and vary across culture, class, ethnicity, age, ability and sexual orientation, there are some common myths and social stereotypes about women and abuse in relationships.

#### **MYTHS ABOUT ABUSED WOMEN'S REALITY:**

- Each partner is equally responsible for the abuse
- Men can't control the abuse
- Women are attracted to abusive men
- Abusive incidents are random and isolated
- Women can be as abusive as their partners
- Women can provoke abuse or control abusive partners
- Women are viewed as having deficits
- Abuse is measured by severity and frequency or acts of physical violence
- Abusive men are behaving in socially acceptable ways
- Abused women believe that abusive behaviour is normal
- Abused women have low expectations of relationships

#### **DISPELLING THE MYTHS:**

- Abusive men are 100% responsible for their violence against the woman
- Abusive men are in control and makes choices about who he abuses and where he is abusive
- Abusive men initially conceal the abuse from a new partner
- Abuse is patterned and intentional
- Distinguish between motives and intentions – women act to protect themselves and abusive men act to dominate and control their partners
- Women are not responsible for the abuse
- Women have developed safety and coping strategies
- Abuse is measured by the impact – fear, health problems, mental health issues

- Standards of parenting and relationship behaviour are lower for men than women
- Women seek support and try to talk about the abuse and it is minimized, dismissed and ignored.
- Relationship expectations have been eroded by the abuse.

There are also extremely powerful and harmful myths and stereotypes that contribute to the further social marginalization of and increased violence towards women of colour, aboriginal women, low income women, immigrant and refugee women, young and older women, lesbians/bisexuals and transgendered women, sex trade workers and women with disabilities. These myths are based on ideas of what a 'normal' family is (ie. Nuclear family), who can/should be a mother (heterosexual, able-bodied, mature) and how to care for children (i.e woman is the primary caregiver, not extended family). Understanding our biases can help to alleviate the additional burden that women sometimes feel when they have contact with child protection and other services.

### **Dynamics of Violence Against Women in Relationships**

Understanding women's experience of abuse will assist child protection workers to remain sensitive to the issues faced by clients which can lead to more positive outcomes for children and their mothers. Power and control are at the centre of abusive relationships. The abuser uses abusive tactics to maintain his power and control over the victim. A pattern of assaultive and coercive behaviours, often including physical, sexual, and psychological attacks, as well as economic coercion are tactics that adults and adolescents use against their intimate partners. (source: Effective Intervention in Domestic Violence & Child Maltreatment Cases: Guidelines for Policy and Practice).

*Abusive tactics include but are not limited to:*

- verbal abuse: insults, put-downs, degrading language, "silent treatment"
- emotional abuse: threats (e.g., threats to take away the children, threats to harm or kill the woman and/or the children, and/or relatives, parents, pets, or threats of suicide or murder-suicide, threats of deportation, threats of removal from an Aboriginal band, unpredictable behaviour, denying partner an opportunity to sleep.
- psychological abuse: undermining self-esteem, undermining the woman's parenting decisions, accusing the woman of unfaithfulness and being excessively suspicious of the woman's actions, keeping weapons/fire-arms in the house, stalking
- controlling financial resources of the family to dis-empower the woman, spending money on gambling, alcohol or drugs rather than on family expenses, forcing woman to commit welfare fraud, not paying child support, refusing to allow a woman to work or have her own bank account • isolating the woman from extended family, friends, and social connections in the community (e.g., deciding to move to a community where the woman knows no one, refusing to allow the woman to go out with friends, discouraging or forbidding contact with the woman's family, refusing to allow the woman to attend language or job training, work, medical/health care facilities)
- physical abuse: hitting, slapping, pushing, beating, choking, assault with a weapon, locking woman out of the house
- threats of physical abuse including driving recklessly and using weapons to threaten
- sexual abuse: any form of sexual activity that is non-consensual including use of pornography, affairs, extreme jealousy
- using culture to legitimize abuse, refusing to allow partner to learn Canadian language and culture, forcing her to adopt his cultural practices, isolating her spiritual/religious beliefs and community
- withholding or forcing the use of medication and/or forcing other inappropriate medical care, withholding care to an older woman or woman with disabilities
- harming or destroying family pets or property

### **Woman Abuse and Social Marginalization**

While violence affects all women regardless of culture, class, ethnicity, age, ability, occupation or sexual orientation, the impact of violence can be compounded by any of these forms of social marginalization.

### **Impact of Woman Abuse**

Many negative societal beliefs and stereotypes exist about women who are being abused. Abused women are often judged harshly and characterized by such descriptions as: dysfunctional, depressed or mentally unstable, passive, weak, slut, dependent, low self-esteem, irresponsible, co-dependent, selfish

or aggressive. An understanding of the impact of abuse can help to reframe these negative judgements into women's strengths, safety strategies and impact of abuse. For example, a woman may appear passive and nervous and thought to be unable to care for herself, make decisions or even that she is trying to conceal something from the worker.

The reality may be that she is fearful because her partner has threatened that if she reveals anything to the worker she will be 'punished'. Furthermore, she may have learned that appearing passive is a strategy in her relationship that keeps her somewhat safe - this is strength. Words such as co-dependent, low self-esteem or dysfunctional imply that a woman's character is deficient, rather than understanding these as the effects of living with an abusive partner in a relationship where she has little personal power or control. Rather than focussing on how many times a woman returns to her abusive partner, identifying the times that she has left under duress to keep her children safe would positively reframe her actions.

The focus for a woman being abused by her partner is to reduce the risk of abuse for herself and her child(ren). To accomplish this, she must remain constantly vigilant and attentive to her partner's moods, needs and demands. On the surface, a woman experiencing abuse may appear to be neglecting her own needs in order to try to stay safe. In fact, she is showing extremely good judgement by attending to her partner's every demand in an effort to keep herself and her children safe. Whenever possible, a child protection worker should try to identify and build on these strengths.

The biases about abused women are intensified when women are mothers, and can result in blaming mothers for risks or harms to their children. When children witness the abuse of their mothers, rather than holding the perpetrator responsible, women are often blamed for the harm to their children. Furthermore, women are then subject to intense scrutiny as bad mothers, and held up to much higher standards in order to prove their ability to protect and parent their children.

Abused women are often very isolated. Some women sever relationships with friends and family because they fear they will be judged. They may feel like they are going crazy and are reluctant to tell friend or professionals about their experiences. Some women may have told a family member, friend or professional about her partner's abuse and may have been given unsafe advice, been judged or blamed for the abuse. Some men may move their families frequently whenever detection becomes likely, while other families may live in the same neighbourhood for years, with no one in the community taking action to assist the victims. (Source: A Handbook for Health and Social Service Providers and Educators on Children Exposed to Woman Abuse/Family Violence; Minister of Public Works and Government Services Canada, 1999).

Women in rural communities may be isolated far from support and safety services and are even more vulnerable. In small communities, women fear that their privacy will not be maintained if they seek help from a professional. Other impacts for women include:

- Being economically and emotionally dependent upon the abusive partner
- Being brainwashed by partner's tactics which may create unrealistic hope that he will change
- Being afraid that if she leaves she will lose her ability to monitor and determine her partner's moods. Actions and thus her ability to be in control of her own and her children's safety
- Being contained or confined/restricted by partner that may be mistakenly interpreted as a sign that partner "cares for the woman as well as family and helping professionals"
- Being unable to convince partner of her loyalty, futilely guarding against accusations of "seductive" behaviour towards others
- Feeling powerless in custody issues, living in fear children will be kidnapped, struggling to maintain rights of children.

### **Obstacles to Leaving an Abusive Relationship**

Women face difficult, sometime life-threatening decisions about staying or leaving their relationships. The goal is to develop services that could be a support for women and their children and not to add to the pressures and obstacles women face. Obstacles that women describe include:

- Pressure from friends, family, society to make relationship work
- Social stigma of being a 'battered woman' - having no value
- Feeling embarrassed and responsible about being abused
- Worried about not managing financially or practically on her own
- Worried that the abuser would become more violent if she left

- Worried that she couldn't protect her children if they had visitation alone with her partner
- Abuser has threatened to abduct or gain custody of the children
- Fear of being killed or her children being harmed or killed

For Aboriginal women, immigrant and refugee women, women with disabilities and lesbian, gay, bisexual and transgendered women, the obstacles they encounter are even greater:

Legal and other institutions have an historic role in maintaining an imbalance of power based on race, economic status, gender, sexual orientation, national origin, and age. For example, the sanctity of the home (private) is institutionally defended against the intervention of state (public) protection agencies. Men's authority in the family as disciplinarians, final words, and breadwinners is commonly upheld by religious and cultural institutions. Legal institutions (e.g., police, courts) are viewed not as avenues of help by many people but as obstacles to justice particularly for marginalized groups such as Aboriginal women, women of colour, gay/lesbian persons.

**Aboriginal Women** experiencing abuse identify particular obstacles:

A 1989 study by the Ontario Native Women's Association found that eight out of 10 Aboriginal women in Ontario had personally experienced family violence. Of those women, 87% had been injured physically and 57% had been sexually assaulted.

- the history of residential school abuse and separation from their families and communities by mainstream culture creates a legacy of mistrust
- their fear of disclosing the family secret violence because of their feelings of guilt and shame, as well as the fear of increased violence.
- their fear of shame and judgement from Family members
- the fact that their assaultive partner may have a position of esteem and power within the community
- their fear of having their children removed as well as the children's fear of discussing violence due to the possibility of being removed from their home, family and community



## 7. SHE Framework from B.C. Women's Hospital (Chapter 1: Intro)

### Chapter 1: Introduction

The evidence presented in the SHE Framework suggests that our focus must take us beyond an individual woman's experience in clinical encounters and look at solutions and opportunities from a broader institutional and social change perspective. This approach must include an integrated multi-sector approach to reduce and eventually eliminate violence against women and be guided by sound research and women's voices and experiences. The SHE Framework aims to achieve this goal. It is guided by a women-centred care approach, a model of care that recognizes that trauma is a central aspect of many girls' and women's lives and focuses on empowering women impacted by abuse through respect and support of their decisions. A growing number of programs are moving towards providing women-centred care [2-9]. This approach ensures that women will not have their experiences of abuse echoed or compounded in their encounters with health care providers.

### **A. The Components of the SHE Framework**

The Safety and Health Enhancement (SHE) Framework is comprised of three parts: two models, an evidence paper and a toolkit. The SHE Framework introduces two contrasting models, the *Compounding Harms* and the *Safety and Health Enhancement (SHE) Models*, which illustrate factors which contribute to a woman's experiences within the health care system. The models are supported by the *SHE Evidence Paper* which presents relevant research and women's narratives about their experiences of abuse and their contact with the health system. The accompanying *SHE Toolkit* guides health care practitioners, planners, and community partners to identify potential risks embedded within health care practices and policies for women impacted by abuse. The *Toolkit* enables users to build on strategies and promising practices for increasing safety and improving health and health care for all women.

### **1. Compounding Harms and Safety and Health Enhancement (SHE) Models**

The contrasting models may provide new information or shed further light on the potential risks that women experience in health care encounters, as well as outline evidence-based strategies to reduce these risks.

**Compounding Harms Model:** The *Compounding Harms Model* describes the potential harms experienced by women within the context of health and health care, beginning with the abuse itself which is then intensified by interactions with the different levels of the health care system. The *Compounding Harms Model* is depicted as an inverted triangle pressing against women who are impacted by abuse, with the additional burden of multiple tiers within the health sector compounding or echoing the dynamics of the abuse. All five tiers in the triangle threaten to topple onto the woman who is trying to negotiate the health system and advocate for her own safety and health.

**Safety and Health Enhancement Model:** The *Safety and Health Enhancement (SHE) Model* is a righted triangle and illustrates safety measures that reduce the harms and health impacts of the abuse for women. This model illustrates that, by addressing the systemic risks documented in the *Compounding Harms Models*, women can be shielded from further harm and their safety and health enhanced. The *SHE Model* places equality-seeking policy and research at the base of the triangle as a stable foundation and depicts each ascending tier as a potential source of strength within health care that could mitigate the harms of abuse by a woman's partner. Rather than being weighed down by the tiers, the woman is now supported by them. Inverting the model can help conceptualize how health services can be reorganized to offer safety and health enhancing measures for women experiencing abuse.

There are five tiers in each model.

## **8. Ministry of Housing and Social Development – Contract for Passage Transition House**

Contract# C08STVS0000037

### **SCHEDULE A TRANSITION HOUSE PROGRAM Passage Transition House**

**TERM:** July 1, 2007-June 30, 2010

At the sole discretion of the Province, the Agreement may be renewed for an additional two one-year Terms, subject to satisfactory Contractor performance and budget availability.

#### **PROGRAM DESCRIPTION**

1. The Transition House Program provides temporary safe shelter and support for adult women and their dependant children, if any- who have experienced, or are at risk of, abuse, threats or violence (“Women”).
2. The Program is not intended for Women with problems related exclusively to their mental health or to alcohol or drug use.

#### **SERVICES**

3. The Contractor will deliver the Transition House Services (the “Services”) specified in this Schedule during the period July 1, 2007 to June 30, 2010. In accordance with the Service Principles and Service Guidelines described in this Schedule, the Contractor will provide the following Services:
  - (a) 10 beds for Women in Smithers and the surrounding area and, as determined by the Contractor, serve Women from outside this area;
  - (b) a safe and supportive living environment consisting of activities associated with daily maintenance, an accepting and protective atmosphere, provision of resource information to enable Women to explore their options and define their goals, and access to:
    - (i) crisis intervention and referral support;
    - (ii) three nutritious meals per day;
    - (iii) bedding, towels, essential toiletries;
    - (iv) use of laundry facilities;

AND when resources permit:

  - (v) local transportation as required, such as for medical emergencies, legal, or social services appointments; and
  - (vi) accompaniment and advocacy support services;- (c) provide the following additional services:
  - (i) child support worker to provide the following services:
    - crisis intervention and support;
    - individual and/or group support to assist resident parents and children in understanding and coping with the effects of abusive cycles and family violence;
    - structured play and educational programs for resident children;
    - individual and/or group support to assist resident parents in developing effective parenting skills;
    - referral to other community supports as deemed necessary; and
    - respite services for resident parents; and
  - (ii) provide a child support worker for 44 hours per week.

#### **ONE TIME PROVISIONS**

4. The Province shall pay to the Contractor a one-time payment for the following provision(s):

- (a) One-time payment for service maintenance increase April 1-June 30, 2008;
- (b) One-time payment provides for the service maintenance increase for the period April 1, 2006 to October 31, 2007; and
- (c) One-time payment provides 24 hour access to the facility and on-site staffing at the facility 24 hours per day 7 days per week effective April 1, 2007 to October 31, 2007.

#### **LENGTH OF STAY**

5. The Contractor will provide the Services for a period that typically will not exceed 30 days.

#### **HOURS OF ACCESS**

6. The Contractor will provide 24 hour access to the facility and on-site staffing at the facility 24 hours per day, 7 days per week.

#### **FACILITIES**

7. Where the facility used to provide the Services is not owned by the Province, the Contractor will provide the facility used to provide the Services.

#### **SERVICE PRINCIPLES**

8. When providing the Services, the Contractor will consider as primary the following principles:
- (a) Women's safety;
  - (b) Respect for the right of Women to make choices based on their own understanding of their options, needs, and goals; and
  - (c) Respect for the individual situation, perspective, and needs of Women.

#### **SERVICE GUIDELINES**

9. When providing the Services, the Contractor will apply the knowledge:
- (a) of power imbalances in our society that lead to women and children being exposed to abuse or violence;
  - (b) of the impact and dynamics of abuse or violence; and
  - (c) that perpetrators are responsible for their actions.
10. When providing the Services, the Contractor will:
- (a) in consultation with the local office of the Ministry of Children and Family Development, establish a service protocol regarding persons under 19 years of age requesting or receiving the Services who may be in need of protection. The Contractor will provide a copy of this services protocol to the Province upon request;
  - (b) comply with the aim of accessibility for Women regardless of race, religion, culture, sexual orientation, social/economic condition, or, where resources permit, level of physical ability;
  - (c) establish and maintain intake and operational policies that are intended to:
    - (i) provide for the safety and well being of Women in the facility and the Contractor's employees and volunteers; and
    - (ii) protect Women in the facility and the Contractor's employees and volunteers from sexual and racial harassment during the provision of the Services;
  - (d) ensure that every person involved with the provision of the Services under this Agreement, including all persons employed by it in connection with the provision of the Services, are competent to perform the services, adequately trained, fully instructed and supervised;

- (e) upon request from the Province from time to time, provide evidence satisfactory to the Province that the Contractor, its employees, and all personnel engaged by the Contractor, hold or have been issued all required licenses, certificates and memberships and are valid and subsisting and in good standing;
- that they
- (f) the Contractor will at all times maintain a standard of care, skill and diligence in performance of the Services exercised and observed by persons engaged in the provision of services similar to the Services;
- (g) ensure the Women are entitled to independence from religious, political, social beliefs or affiliations of the Contractor, its employees and volunteers; and
- (h) sign a confidentiality agreement in a form and content satisfactory to the Province with each board member, employee, sub-contractor, service provider, volunteer, student, trainee or work placement. The Contractor will provide a copy of this confidentiality agreement to the Province upon request.

## REPORTS

11. The Contractor will submit to the Province:

- (a) monthly data collection form on the Services (the "Report Template") in a form specified by the Province. The form must be postmarked or submitted online no later than the 10<sup>th</sup> of the month following the month that is being reported.
- (b) annually upon request by the Province, a budget projection for the Services (the "Annual Budget") for the Contractor's fiscal year in a form specified by the Province.
- (c) annually upon request by the Province, an expenditure report for the services (the "Actual Spending Summary") for the Contractor's previous fiscal year in a form specified by the Province.

The Province may amend all or any part of the Report Template from time to time. The Province will give the Contractor reasonable notice of any amendments made. An amendment is effective and becomes part of this Agreement when the Province gives notice of the amendment to the Contractor.

## **9. Ministry of Public Safety and Solicitor General: Victim Services** **Contract Appendix A**

### **Ministry of Public Safety and Solicitor General** **Contract APPENDIX A – 2008/2009** **MANDATED SERVICES FOR DELIVERY OF A** **VICTIM SERVICE PROGRAM**

The Ministry of Public Safety and Solicitor General has established both community-based and police-based victim service programs throughout BC to provide services to victims of crime and their families. These victim service programs provide services to victims of crime who may or may not have reported the crime to police or be involved with the criminal justice system. The objectives of a victim service program are:

- a) To lessen the impact of crime and trauma on victims and their families and to assist in their recovery;
- b) To increase victim safety and to help reduce the risk of further victimization;
- c) To increase the level of participation and sense of empowerment for victims throughout their participation in the criminal justice system; and
- d) To increase the effectiveness of a victim while acting as a witness in court proceedings.

#### **REQUIRED SERVICES**

The Program will provide the following services:

- a) **EMOTIONAL SUPPORT.** Victim service workers will provide victims with emotional support to assist them in their recovery from the effects of crime and trauma. The program does not provide counselling services to a victim; however, victim service workers will refer a victim to an appropriate resource for those services. Under the terms of this Agreement, victim service workers must not refer to themselves as counsellors or therapists.
- b) **GENERAL INFORMATION.** Victim service workers will provide victims with information including, but not limited to: the justice system, relevant federal and provincial legislation and programs pertaining to victims of crime; crime prevention; safety planning; and community, government, justice, health and other resources available.
- c) **JUSTICE-RELATED INFORMATION.** Victim service workers will provide, or facilitate victim access to, case-specific information which may include, but is not limited to:
  - a. The status of the police investigation, charges laid against the offender, protective orders, outcome of court appearances, the custodial status of the convicted offender, and length of sentence/parole information; and
  - b. Witness orientation, courtroom etiquette and procedures. Under the terms of this Agreement victim service workers will not provide legal advice to victims.
- d) **PRACTICAL ASSISTANCE AND SUPPORT.** Victim service workers will:

- a. Assess the needs of victims for additional supports and/or services and make appropriate referrals to community, government, justice, health and other resources;
  - b. Assist victims in completing applications for the Crime Victim Assistance Program and victim impact statements;
  - c. Facilitate/coordinate safety planning including liaison with justice system personnel, the Ministry's Victim Safety Unit, and/or local community partnerships (where they exist) established to provide safety assessment and protective devices including cell phones and home alarms for high-risk victims; and
  - d. Provide other types of practical support and assistance as appropriate. Under the terms of this Agreement, victim service workers do not provide crime scene clean-up.
- e) **ACCOMPANIMENT.** In cases of serious crime and/or where the victims are particularly vulnerable, victim service workers will, at the request of the victim, provide or facilitate their accompaniment to police, Crown Counsel, or court.
- f) **COMMUNITY RELATIONS.** In providing services to victims as outlined above, the Program must establish and maintain working relationships with local community, government, justice, health and other service providers to facilitate coordination, minimize service duplication, and maximize effective referrals across agencies.
- g) **REFERRAL BETWEEN VICTIM SERVICE PROGRAMS.** All victim service workers, when assessing an appropriate referral, will take into consideration : the individual circumstances of the victim such as age, gender, ability, and cultural needs; the necessity of the timeliness of an effective referral; and local protocol referral procedures. In communities with both community-based and police-based victim service programs:
- a. Police-based service workers will refer victims identified as victims of violence in relationships (adult, youth, or child), victims of sexual assault, victims of criminal harassment, victims of child abuse/assault (both physical and sexual), adult survivors of childhood abuse (both physical and sexual), and child witnesses of family and sexual violence to the appropriate community-based victim service program.
  - b. Community-based service workers will refer victims that are identified other than victims of violence in relationships (adult, youth or child), victims of sexual assault, victims of criminal harassment, victims of child abuse/assault (both physical and sexual), adult survivors of childhood abuse (both physical and sexual), and child witnesses of family or sexual violence to the police-based victim service program.
  - c. In exceptional cases, where a victim service worker determines that the procedure outlined in (a) or (b) above is not appropriate, the rationale must be documented in the file.
  - d. In situations where the involvement of both police-based and community-based victim service programs is identified, the programs should coordinate an approach to service delivery and jointly develop victim-centered support plans.

- h) **COORDINATION AND PROTOCOL.** In communities with both community-based and police-based victim service programs, programs shall develop and adhere to a local victim service program protocol which must contain the following provisions:
  - a. Regular meetings with other local victim service programs
  - b. Consistent referral procedures; and
  - c. Detailed procedures for handling disputes/grievances.

### **OPTIONAL SERVICES**

The victim service program may provide the following services if resources permit:

- a) **POLICE CALL-OUTS.** Response to requests by police for assistance at crime/accident scenes or other locations identified by police or accompaniment to assist police with next of kin accident or death notifications.
- b) **TRANSPORTATION.** Transportation services including, but not limited to, the transport of a victim and/or family members to hospital, court, police, transition house, and/or shelters.
- c) **CELL PHONE/HOME ALARM PROGRAM.** Victim service workers may coordinate and/or participate in community partnerships established to provide safety assessments and protective devices including cell phones and home alarms for high-risk victims.
- d) **PUBLIC EDUCATION.** Public awareness and education programs in the local community on victimization, victim services, and crime prevention.
- e) **AFTER HOURS SERVICES.** Required or optional services as described above may be provided after regular program hours.

## **10. Smithers Vary Protective Conditions Protocol 2009 – Highlights**

### **PURPOSE**

- To develop a coordinated community response to violence in relationships when varying protective orders.
- To ensure that victims and victim service agencies are involved in applications to vary protective orders.
- To raise community awareness of the necessity to keep families safe in when varying conditions.
- To provide information and education to victims of violence.

This protocol is signed by RCMP, Crown Counsel, Court Services, Police-Based Victim Services and Specialized Victim Services. The effect of the protocol process is that victims of domestic violence meet with a Victim Service Worker and complete an interview that is educational and self-reflecting. Through this interview the victim has a ‘voice’ in the application process, although the final decision will still be made by the Crown Counsel and Judge.

Recent amendments to this protocol (in 2008) include the addition of wording to ensure that all people accused of domestic assault are released from RCMP custody with a reporting condition. As well, wording was added to ensure that when a no-contact order is varied, Crown will request it be replaced with wording to the effect that “must leave the presence of \_\_\_\_\_ upon her request, and not return unless invited to do so.” Also, stronger process was put in place to ensure that when conditions are successfully varied, the victim promptly receives a copy of the amended document.

A complete copy of this document is available from the Specialized Victim Assistance Coordinator, or the Police Based Victim Services Coordinator.

## **11. Bulkley Valley Victim Services Protocol 2009 - Highlights**

This protocol is renewed annually through the Specialized Victim Assistance Coordinator, as a requirement of the work contract. This protocol is signed by the Smithers Police-Based Victim Services Coordinator, the Houston Police-Based Victim Services Coordinator, the Office of the Wet’suwet’en Victim Worker, and the Smithers Specialized Victim Assistance Coordinator.

The purpose of the protocol is to document respective responsibilities, share information, and outline strategies for collaboration and client-centered services. One of the highlights is the description of the process for referring between RCMP Based and Specialized Victim Services, as well as illustrating the commitment between the positions to work collaboratively and supportively.

A complete copy of this document is available from the Specialized Victim Assistance Coordinator.



## **12. Smithers Sexual Assault Protocol 2009 - Highlights**

The purpose of the Smithers Sexual Assault Protocol is to identify gaps in services and seek ways to bridge them. This protocol is a project that was initiated by Deb Chatfield (Police-Based Victim Services Coordinator), a member of the Smithers Community Coordination for Women's Safety committee, and encompasses 3 major parts:

- The development of a protocol document with signers from BV District Hospital, RCMP, MCF, Police-Based Victim Services, Specialized Victim Assistance. This protocol is focused on outlining the various services each agency offers, creating procedures for best practices, addressing referrals to supportive services, offering education to victims and the agencies involved, and identifying and addressing gaps in services.

Some of the highlights of this document include the BV hospital and Passage Transition House documenting the 24 hour availability of crisis intervention by phone or if the client is able/willing to go to the House, documenting the processes followed by hospital staff when decisions must be made around sexual assault, establishing an agreed on hospital evidence storage system for one year from the time the evidence is gathered with the agreement of the RCMP, and documentation of the process for Third Party Reporting which is facilitated by the Specialized Victim Assistance Coordinator when an adult sexual assault victim wants the RCMP to have information but want their identity to remain confidential. Another highlight is the clarification of the services available through OPT.

A complete copy of this document is available from the Specialized Victim Assistance Coordinator.

- Supporting the BV District Hospital to organize sexual assault training from the BC Women's Hospital, for hospital staff and local physicians. This training would include issues like gathering of forensic evidence (Rape Kits).
- Supporting and organizing the RCMP and staff of MCF to participate in training around questioning of vulnerable witnesses, such as child and adult victims of sexual assault.

## **13. Criminal Code of Canada-Bill C-2 (Testimonial Aids excerpt)**

### **2. FACILITATING TESTIMONY:**

A major objective of Bill C-2 is to provide measures to facilitate young persons under age 18 or other vulnerable witnesses testifying in court. Before this legislation, the onus was on Crown Counsel and-or the witness to demonstrate the need for aids to testimony. Now s. 486 of the Code articulates a presumption in favour of witnesses under 18 having the aids made available to them upon application. The onus shifts to the defense to demonstrate that the aids should not be used because they would interfere with the administration of justice.

#### **2.1 Closed circuit television and other devices:**

The following examples of “accommodation” are provided for in the Bill:

The Witness may testify:

- Behind a screen
- From a different room (closed circuit TV)
- From behind another device that protects the witness from seeing the accused

The criteria for determining to whom these aids are available is outlined in the Code s.486.2(1):

“a witness who is under the age of eighteen years or a witness who is able to communicate evidence but may have difficulty doing so by reason of a mental or physical disability...”

And Code s. 486.2(2): If a witness is 18 or over the aid may be permitted if “...the order is necessary to obtain a full and candid account from the witness.”

For witnesses under 18, or those with a disability, the law states that a judge ‘shall’ on application order that the witness testify outside the courtroom or behind a screen or other device. However, with witnesses over 18 and without a disability that affects their ability to testify, the judge ‘may’ order an accommodation if it is needed. The court will look at the age of the witness, whether there is a disability, the nature of the offence, the nature of the relationship with the accused, and other relevant circumstances in deciding whether the aid is necessary.

#### **Judge Shall Order:**

It is presumed that the accommodation is necessary to obtain a full and candid account from the witness:

- Witnesses under age 18, any offense
- Witnesses with mental or physical disabilities that affect the witness’ ability to testify

#### **Judge May Order:**

The Crown must show that the accommodation is necessary to obtain a full and candid account from the witness:

- Witnesses age 18 and over, any offence
- Cases where there is a high risk to the witness or a high level of fear exists

#### **2.2 Support Person Present**

Under Section 486.1(1) witnesses may be able to testify with a support person of their own choice. Previously this option was only available to witnesses under age 14 where specific

charges were being tried and where the court felt it was necessary for the proper administration of justice.

It's important to note that for witnesses under 18, or with a disability, the law states that the judge 'shall' on application order that they have a support person present and close to them. However, with applications for other witnesses the judge 'may' order that they have a support person present and close by if it is required to receive a full and candid account. Again, it is important that workers discuss this with the Crown Counsel when supporting clients.

### **2.3 Previously Recorded Statement (Code s. 715.1(1)(2))**

A victim or witness under the age of 18 or who has a physical or mental disability which affects their ability to communicate, may be able to use a previously recorded video statement as part of their evidence when they testify. This has been the case since 1988 but was specific to certain crimes. It is now available in any criminal court proceedings.

This does not mean the young person would not have to testify. They would still have to take the stand (with a screen, etc if requested) and 'adopt' their videotaped statement. They may also be cross-examined upon their videotaped statement. However it may prevent them from having to tell their entire story once again on the witness stand.

### **2.4 Procedure for Applying for Accommodations**

The Crown prosecutor needs to apply to the judge for an order to allow the witness to use aids to testimony. Workers and counselors can assist by communicating with Crown when they see the need for the use of aids and by providing information on the witness' disability or level of fear. Witnesses can also apply to the judge on their own behalf.

In some cases, the presumption is in favor of the witness being able to use the aid. This means that the onus is on the defense to prove that the use of aids to testimony would 'interfere with the proper administration of justice' rather than the Crown needing to prove that they are necessary.

*TAKEN FROM: BCASVACP – A Quick Reference Guide to Bill C-2 Amendments to the Criminal Code – An Act for the Protection of Children and Other Vulnerable Witnesses 2006.*

[www.endingviolence.org](http://www.endingviolence.org)

## **APPENDIX C: RCMP Forms**

- **Violence In Relationships Checklist**
- **Violence In Relationships Documentation**
- **Promise to Appear**
- **Undertaking Given to a Peace Officer**
- **Violence In Relationships Spousal Assault Request for Information Relevant to Release**
- **K.G.B Warning**
- **Tape/Data Request – North District O.C.C (Dispatch)**
- **Consent for Release of Medical Information**
- **Consent to Release of the ‘Undertaking to Appear’ in Violence in Relationship Cases**

## **APPENDIX D: Risk/Threat Assessment – B-SAFER**

### **B-SAFER Risk Assessment Tool**

The B-SAFER is a guide for the assessment and management of risk for intimate partner violence. It was designed for use by police and other justice professionals. It is considered to be evidence-based, empirically guided practice. Its development took into consideration existing standards of practice, ethical codes and relevant law.

The B-SAFER helps users to exercise their best judgement; it is not a replacement for professional discretion. Its purpose is to introduce a systematic, standardized, and practical framework for gathering and considering information when making decisions about spousal assault risk. It draws directly from the scientific and professional literatures on spousal assault, including perpetrator risk factors and victim safety planning.

There are 10 risk factors in the B-SAFER. They comprise the basic elements of a comprehensive spousal assault risk assessment, and are associated with the risk of future intimate partner violence among individuals who are already known or suspected to have committed intimate partner violence. The risk factors are divided into two sections. Section I includes 5 risk factors related to the perpetrator's history of intimate partner violence, and Section II includes 5 risk factors related to the perpetrator's history of psychological and social functioning. Users also have the ability to document 'other considerations,' that is, rare or unusual risk factors that are relevant to the case at hand.

#### **Risk Factors in the B-SAFER**

##### ***Section I: Intimate Partner Violence***

- 1) Violent acts
- 2) Violent threats or thoughts
- 3) Escalation
- 4) Violation of court orders
- 5) Violent attitudes

##### ***Section II: Psychosocial Adjustment***

- 1) General criminality
- 2) Intimate relationship problems
- 3) Employment problems
- 4) Substance use problems
- 5) Mental health problems

## ***Other Considerations***

***Intended Use:*** The B-SAFER is intended for use with people aged 18 and older, by law enforcement and other justice professionals in a number of contexts where potential violence is identified. In the criminal justice system, risk assessment is relevant at a number of junctures: during police investigation, prior to trial, prior to sentencing of the offender, and prior to release of the offender. Risk assessment is also useful for those who contact shelters or victim counselling services. Whenever safety planning, including during civil justice system processes, risk assessment can be valuable. Many separations are precipitated by spousal violence and that estrangement increases the risk for repeated and possibly escalated violence.

Risk assessment is not a static process. Risk level will fluctuate and change over time in concert with life circumstances. Therefore, it is recommended that repeated assessment be conducted at a minimum of every six months. There are also critical situations that can arise in which there could be an increased likelihood of violence.

### **Critical Situations That Should Trigger Re-Assessment of Risk**

- 1) Victim initiates dissolution of the intimate relationship (e.g. separation, divorce) contrary to the wishes of the perpetrator.
- 2) Victim enters a new intimate relationship contrary to the wishes of the perpetrator.
- 3) Dispute arises between victim and perpetrator regarding custody of or access to their children.
- 4) The perpetrator is being released into the community following incarceration for spousal assault.

***Limitations:*** The B-SAFER **cannot** be used....

- 1) to determine whether someone has committed an act of intimate partner violence in the past;
- 2) to determine whether someone 'fits the profile of a wife assaulter' (as no such profile exists);
- 3) to determine risks posed to a specific victim, because its focus is on the person being evaluated – the perpetrator. (Victim focused risk assessments may be considered Safety Planning, and would include consideration of psychological, social and environmental factors that may increase the victim's vulnerability to intimate partner violence.);
- 4) to assess risk for other forms of violence, such as child abuse and neglect or sexual violence, or risk for non-violent criminal conduct. (If there is any evidence that the individual being evaluated may be at risk of antisocial behaviour other than intimate partner violence, users should document their opinions and consider expanding the scope of their risk assessments accordingly.);
- 5) to estimate the specific likelihood or absolute probability that an individual person will commit intimate partner violence in the future. (Making estimates of this sort with any reasonable degree of certainty lies beyond the current ability of science.).

Any set of practice guidelines can reflect current views only for a limited time. Accordingly, the B-SAFER will be revised or replaced by the year 2015.

***B-SAFER User Qualifications and Training:*** Users are responsible for ensuring that their evaluation conforms to relevant laws, regulations and policies. Users should meet the following minimal qualifications:

- 1) Expertise in individual assessment (eg formal training or work-related experience with perpetrators and victims of spousal assault); and,
- 2) Expertise in the area of intimate partner violence (eg formal coursework, knowledge of the relevant literature, work-related experience).

Two B-SAFER risk factors, #9 (Substance use problems) and #10 (Mental health problems) reflect characteristics that may be associated with mental disorder. Coding these risk factors does not require the evaluator to make a diagnosis. They can be coded based on diagnoses made by others in the course of psychiatric or psychological evaluations, or coded based on the person's self-reports or the observations of the evaluator or collateral informants.

Training to use the B-SAFER can be done in a number of different ways, and does not require completion of a specific training program.

#### **Summary of Recommended Content for B-SAFER Training Curricula**

- 1) Review of the B-SAFER manual, with particular emphasis on basic information and administration issues.
- 2) Review of any critical advances in knowledge regarding intimate partner violence or risk assessment subsequent to publication of the B-SAFER manual.
- 3) Completion of practice cases based on file review.
- 4) Completion of actual cases under supervision of or in consultation with experienced colleagues.

## **APPENDIX E: Community Education & Resources**

**Included in the BV District Hospital handout package for victims of domestic violence:**

- Brochures:
  - You Are Not Alone – Passage Transition House
  - Specialized Victim Assistance Program
  - RCMP Based Victim Services
  - Children Who Witness Abuse Program
  - Pregnancy Outreach Program
  - Stopping the Violence counseling
  - Stopping the Violence outreach
  - Northern Society for Domestic Peace
  - Do You Need Help? (Smithers & Area Resources card)
  - Stop the Violence Against You
  - Talk to Someone You Trust
  - Planning for Your Safety
  - Power and Control Wheel
  - Cycle of Violence
  - Stages in the Battered Woman's Experience
  - Why Do Women Stay in Abusive Relationships?
  - What Children Living in Violent Homes Learn
  - From Assault to Trial in Domestic Violence – flowchart
  - Suggestions for Survivors of a Traumatic Event



## Protocol Signatures

\_\_\_\_\_  
Sheila White, Staff Sergeant  
RCMP

\_\_\_\_\_  
Date

\_\_\_\_\_  
Gillian Mullins/Gretchen Woodman  
Ministry of Children and Family Development

\_\_\_\_\_  
Date

\_\_\_\_\_  
Jerry Causier, Director of Care  
BV District Hospital

\_\_\_\_\_  
Date

\_\_\_\_\_  
Jennifer Henderson  
Passage Transition House

\_\_\_\_\_  
Date

\_\_\_\_\_  
Wanda Watts, Program Coordinator  
Specialized Victim Services

\_\_\_\_\_  
Date

\_\_\_\_\_  
Debora Chatfield, Program Coordinator  
Police Based Victim Services

\_\_\_\_\_  
Date