



***Domestic Violence Victim Response
in the
Smithers Criminal Justice System
Protocol***

June 8th, 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 Justice (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.

The BVLD Domestic Violence Justice Response project was initiated in 2005, and today the Steering Committee consists of reps from Judiciary, Crown Counsel, RCMP, Community Corrections, Ministry of Children and Family Development, Defense Counsel, Victim Services, First Nations, and community reps from Hazelton, Smithers, Houston and Burns Lake.

The 'Domestic Violence Victim Response in the Smithers Criminal Justice System Protocol' is one in a series of protocols being developed by the Steering Committee, in an effort to create a chain of agreements that will a) form the foundation to a Domestic Violence Justice Response, and will b) each serve as a tool to enhancing the responsiveness and effectiveness of the criminal justice system to incidents of domestic violence.

See Appendix B for more highlights of the BVLD Domestic Violence Justice Response project.

Statement of Principle

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

1. Domestic violence is a unique crime based on patterns of violence within intimate relationships.
2. Issues of safety and risk are our highest priorities when working with victims. Rapid intervention in domestic violence incidents is key to victim safety.
3. We believe that victim participation is critical to providing a coordinated response to domestic violence.
4. Victims have the right to information and supportive services under the Victims of Crime Act.
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.
7. We each have a responsibility to be informed about the dynamics and trends around domestic violence, and to keep ourselves educated on an ongoing basis.
8. As a unified group we can effect change that will benefit victims of domestic violence, and our community as a whole.
9. To reflect the population of our area (BVLDD), we support sensitivity to First Nations beliefs, traditions and systems in all interventions with the victims of domestic violence.

Statement of Purpose

1. To develop an agreement around ‘Domestic Violence Victim Response in the Smithers Criminal Justice System’.
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 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.
4. To identify gaps and barriers, and purposefully and creatively seek to bridge them.
5. To provide comprehensive and coordinated services to all victims of, and those accused of, domestic violence.
6. 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.
7. To increase the safety of adult and child victims by having comprehensive risk assessments done that include interviews with the victim and other relevant people.

Information Sharing

The ‘Freedom of Information and Privacy Act’ (FOIPA) – applicable to the provincial public sector - and the ‘Personal Information Protection Act’ (PIPA) – applicable to the private sector - 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. Sections 33 and 34 of FOIPA say that a public body may disclose information for the purpose for which it was obtained or compiled, or for a use consistent with that purpose. A use is ‘consistent with the purpose’ if it has a reasonable and direct connection to that purpose and is necessary for performing the statutory duties of the public body.

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. This Act also contains the authority to request information from other agency files through ‘Section 96’ (see Appendix D). The RCMP, a federal body, falls under the federal *Privacy Act*.

In general, consent given by the victim for sharing of personal information will be sought on a case-by-case according to relevant privacy legislation and agency policies. 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. Protection of privacy is limited.

B.C. Laws, including FOIPA, PIPA, CFCSA and the federal Privacy Act may be found here: <http://www.bclaws.ca/default.html>

Coordinated Policies & Procedures

RCMP Victim Contact Points Only

RCMP Response to Domestic Violence Victim

- * Respond to injuries and ensure safety of victims and children
- * Transport to medical attention if required
- * Take photos of injuries
- * Take a statement; KGB possible
- * Offer Victim Services, obtain consent if VS desired
- * If children were present, determine extent and history, and notify MCF
- * Get Consent for Release of Medical Information form signed
- * Risk assessment through victim interview, etc.

RCMP Release of Accused

- * Contact victim in person or by phone and advise of release of the accused
- * Advise of Protective Conditions & file # and offer copy to victim
- * Explain breaches & reporting

RCMP Release of Accused after JJP Hearing

- * Contact victim in person or by phone and advise of release of the accused
- * Advise of Protective Conditions & file # & offer copy to victim
- * Explain breaches & reporting them to victim

RCMP National Operational Manual states that in cases of domestic violence the primary purpose of swift police intervention is to protect victims. The onus is on the RCMP to lay charges. Violence Against Women in Relationships (VAWIR) is the policy document of the Ministry of Public Safety and Solicitor General.

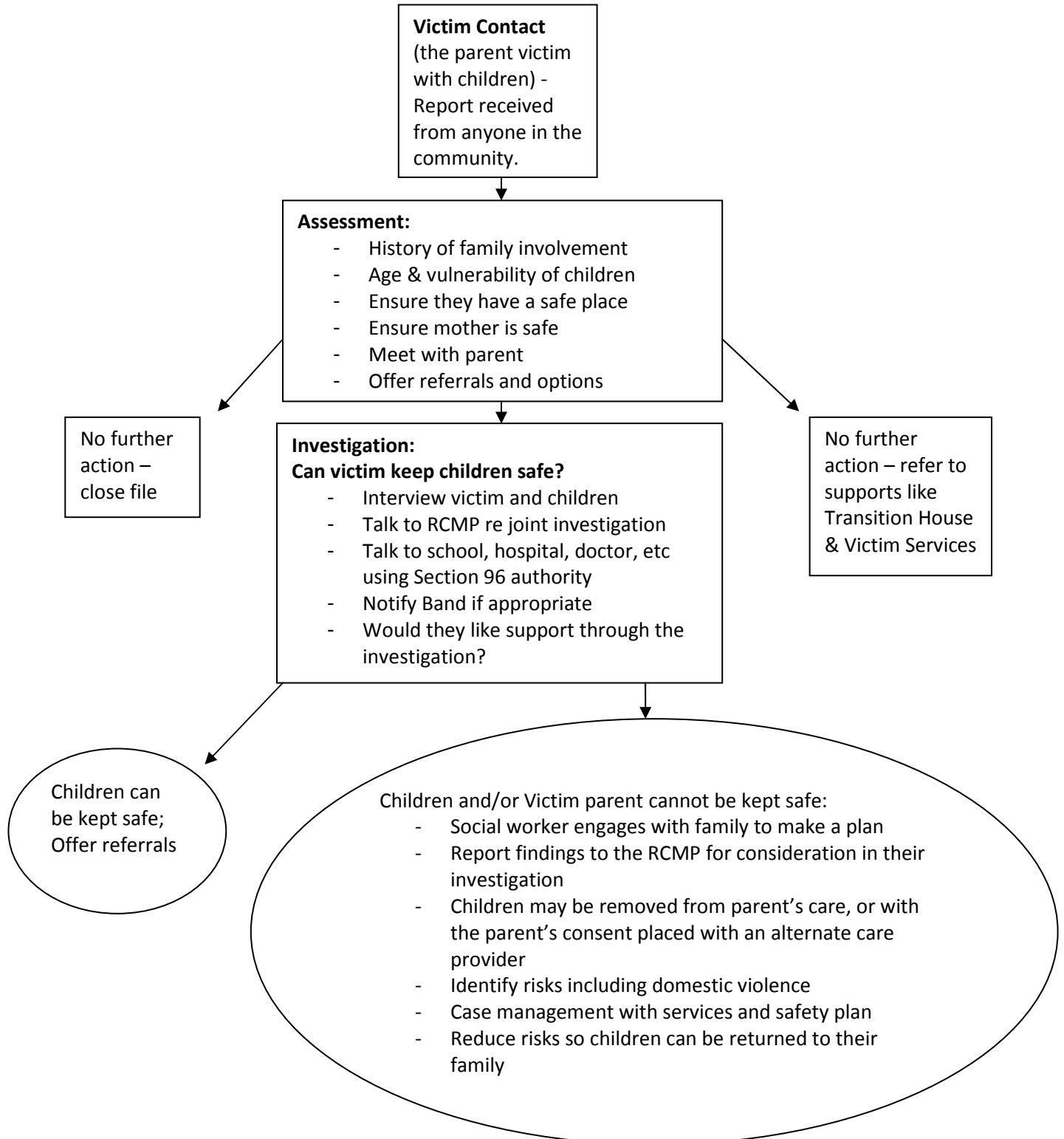
Other RCMP Contacts with Domestic Violence Victims:

- * During delivery of subpoenas
- * Officer follow up contact after Domestic Violence incident
- * Further investigation requested by Crown Counsel
- * Victim reports a Breach of No-Contact Order
- * Victim contacts officer with questions or more information
- * When charges are not recommended by RCMP (deemed a domestic dispute) VIR check occurs every month for six months.

Ministry of Children and Family Development

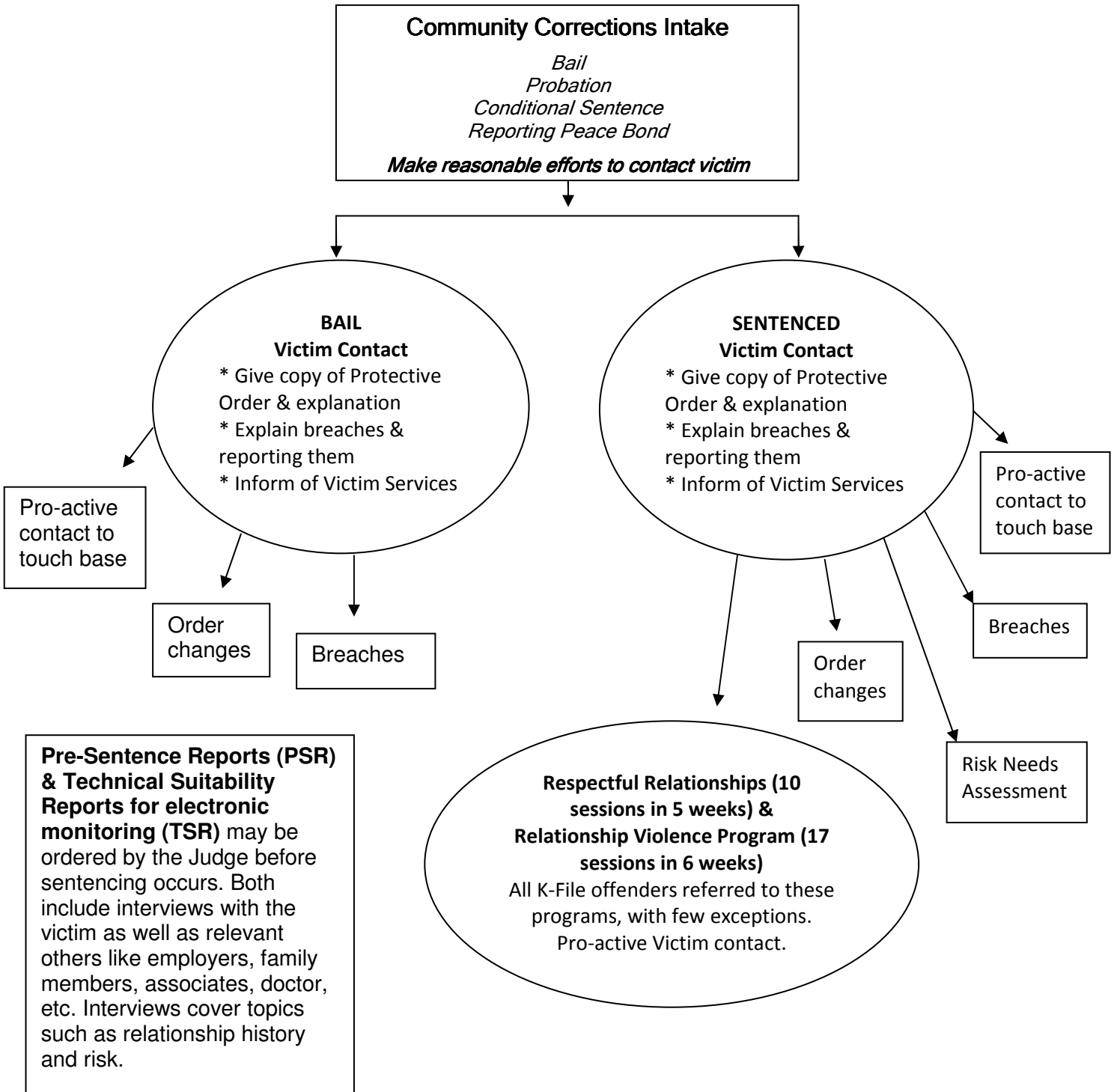
Victim Contact points only

The focus is on the safety of the children. The work is often done with the parents.



Community Corrections

Victim contact points only



Crown Counsel

Victim Contact Points Only

Crown Counsel interactions with domestic violence victims in the criminal justice trial process includes:

- Subpoena: summons to Court to testify (list of Victim Services available for support included)
- Victim Impact Statement (list of Victim Services available for support included)
- Meeting with victim before trial, which includes some Court Preparation and information about the process
- Possible Court Tour, if appropriate and possible
- Possible contact with Specialized Victim Services or Police-Based Victim Services for court support for victim
- During the trial process, eliciting the testimony of the victim
- Answer queries from victims by phone or in person regarding the process or the outcomes.

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 domestic or sex assault with emotional support, safety planning, and criminal justice system support and information about victim's rights. PBVS clients are also victims or witnesses (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 (PBVS only) to provide crisis intervention and support
- * Be called by hospital staff (SVAP only, and only during office hours) 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
- * Request a copy of the No Contact order from RCMP, to go over with the victim
- * 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 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/caregiver 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. If the worker determines that other children/youth are potentially in danger a report to RCMP or MCF will be made.

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 (or over the phone) 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. Victim Services workers will give information to a Ministry of Children and Family Development social worker who requests client information through Section 96 of the CFCSA.

Victim Notification Chart

SITUATION	PAPER FLOW LINKS	"K" FILE CLIENT NOTIFIED BY	ROUTE OF DOCS TO CPIC/POR; NOTIFICATION PROCEDURES
<p>Person is arrested by Police and released on UTA/PTA at Detachment</p> <p>All K file releases contain a 'report to Bail Supervisor' condition.</p>	<p>Releasing Police Officer</p> <p>CPIC Operator</p> <p>RCMP Sprvsr</p> <p>Probation</p> <p>POR</p> <p>Crown Counsel</p>	<p>Releasing Police Officer</p> <p>Probation Officer</p> <p>Specialized Victim Assistance Program (SVAP)</p>	<p>Docs Member passes to CPIC Operator; Member faxes to POR & to Probation</p> <p>Notify DV Victim notification done by releasing police officer; if unable to contact by end of shift, passed to next shift: Member will advise victim of release/conditions.</p> <p>Probation will make reasonable efforts to contact victim, and if unsuccessful will fax information to SVAP to try.</p>
<p>Person is arrested by Police and released via a JJP Hearing conducted by Police Officer at Detachment</p> <p>On all K files, JJP releases with a 'report to Bail Supervisor' condition.</p>	<p>Releasing Police Officer</p> <p>CPIC Operator</p> <p>RCMP Sprvsr</p> <p>Crt Liaison(CLO)</p> <p>POR</p> <p>Crown Counsel</p>	<p>Releasing Police Officer</p> <p>Probation Officer</p> <p>Specialized Victim Assistance Program (SVAP)</p>	<p>Docs Member passes to CPIC Operator; JJP faxes to POR</p> <p>Notify DV Victim notification done by releasing police officer; if unable to contact by end of shift, passed on to next shift. Member will advise victim of release/conditions.</p> <p>Probation will make reasonable efforts to contact victim, and if unsuccessful will fax information to SVAP to try.</p>
<p>Person is held over in Cells, then taken to courthouse for court, and is released by Judge with conditions (could be Bail Order, Probation Order or Conditional Sentence Order). Crown is present.</p> <p>On all K files, Judge releases with a 'report to Bail Supervisor' condition.</p>	<p>Smithers Court Services</p> <p>Sheriff's Office</p> <p>Crt Liaison(CLO)</p> <p>CPIC Operator</p> <p>POR</p> <p>Crown Counsel</p>	<p>Probation Officer</p> <p>Specialized Victim Assistance Program (SVAP)</p>	<p>Docs Court Services receives court docs and sends info to POR & Probation; RCMP Court Liaison picks up court docs and delivers to CPIC Operator.</p> <p>Notify DV Victim notification done by Probation Officer.</p> <p>Probation will make reasonable efforts to contact victim and if unsuccessful, will fax information to SVAP to try.</p>

SITUATION	PAPER FLOW LINKS	"K" FILE CLIENT NOTIFIED BY	ROUTE OF DOCS TO CPIC/POR; NOTIFICATION PROCEDURES
<p>Bail Variations (or variation of Probation Orders or Conditional Sentence Orders).</p> <p>All K files have a report to Community Corrections condition.</p>	<p>Crown Counsel</p> <p>Court Registry</p> <p>Smithers Court Liaison (CLO)</p> <p>CPIC Operator</p> <p>Probation</p> <p>POR</p>	<p>Probation Officer</p> <p>Specialized Victim Assistance Program (SVAP)</p>	<p>Docs Court Services receives court docs and sends info to POR & Probation; RCMP Court Liaison picks up court docs and delivers to CPIC Operator.</p> <p>Notify DV Victims will be notified of changes to Conditions & Orders by Probation Officer, who will make reasonable efforts to contact victim. If unsuccessful will fax information to SVAP to try.</p> <p><i>Notes - Where Crown does not consent to changes supported by the DV victim, Crown will contact the victim or SVAP.</i></p> <p><i>Where Crown consents to changes opposed by the DV victim, Crown will delay consent until they have advised the victim or SVAP.</i></p>
<p>Letters of Permission</p> <p>Probation Officers can be given authority as part of an order condition to grant permission for certain things. Letters of Permission do not change existing conditions.</p>	<p>Probation</p>	<p>Probation Officer</p>	<p>Docs LoP kept on Probation file. Copies sent to RCMP in Houston and Hazelton but not Smithers at their request.</p> <p>Notify DV Victims are consulted/notified by Probation Officer if the requested permission is relevant to the victim.</p>

SITUATION	PAPER FLOW LINKS	"K" FILE CLIENT NOTIFIED BY	ROUTE OF DOCS TO CPIC/POR; NOTIFICATION PROCEDURES
<p>DV Trial Outcomes</p> <p>All K files have a report to Community Corrections condition.</p>	<p>Court Services</p> <p>Crown Counsel</p> <p>Probation</p> <p>Smithers Court Liaison (CLO)</p> <p>CPIC Operator</p> <p>POR</p>	<p>Probation Officer</p> <p>Specialized Victim Assistance Program (SVAP)</p>	<p>Docs Court Services receives court docs and sends info to POR & Probation; RCMP Court Liaison picks up court docs and delivers to CPIC Operator.</p> <p>Notify DV Victims are notified by Probation Officer of trial outcomes. Probation will make reasonable efforts to contact victim, and if unsuccessful will fax information to SVAP to try.</p> <p>NOTE: In the case of Acquittal, Absolute Discharge or Stay of Proceedings, Probation will <u>not</u> notify DV victims of outcome as the Probation file has closed.</p> <p>SVAP, where they have been notified, or are in a position to know the trial outcome, will attempt to contact the DV victim to notify them.</p>

APPENDIX A: Legislation & Other Guiding Documents

1. PRIVACY

Program Type	Privacy Legislation	Client File Ownership
RCMP	Privacy Act (federal)	Royal Canadian Mounted Police
Ministry of Children and Family Development	Freedom of Information and Privacy Act	Ministry of Children & Family Development
Community Corrections	Freedom of Information and Privacy Act	Community corrections
Crown Counsel	Freedom of Information and Privacy Act	Crown Counsel
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. Overview and Goals of the BVLV Domestic Violence Justice (Court) Response project

Overview of the BVLV Domestic Violence Justice (Court) Response Project

The ultimate goal of the BVLV DVC Response Steering Committee is to develop and support a Domestic Violence Court in our four communities. This court would be based on fast-tracked process that would encourage offenders to take responsibility for their actions early in the process, and go quickly into an ongoing counseling program. Their family would also be offered supports. After completion of counseling criteria, the offender would be sentenced.

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
- presenting B-SAFER Risk Assessment training for 4 RCMP detachments and others
- development of community protocols

Goals:

- improve the safety of domestic violence victims 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.

3. Smithers Varying Protective Conditions Protocol 2009

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/his 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.

4. Bulkley Valley Victim Services Protocol 2009

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.

5. Smithers Sexual Assault Protocol 2009

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. Signers of the protocol are 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.

6. Domestic Violence Incident Investigation Protocol 2010

The signers of the DVII protocol are representatives of the BV District Hospital, Passage Transition House, RCMP, MCFD, Specialized Victim Assistance, and RCMP Based Victim Services. These agencies were identified as key frontline responders to domestic violence.

Principles in the DVII protocol include making safety, risk and victim participation the highest priorities in the investigation process; promoting rapid interventions in domestic violence incidents; that thoughtful collaboration around issues of unique context and the sometimes competing interests of involved agencies will be worked through; that children and youth who witness domestic violence are negatively impacted and vulnerable to re-victimization by the criminal justice system and will be worked with in a sensitive and supportive manner; that all protocol signers have a responsibility to be informed about the dynamics and trends around domestic violence and to seek ongoing education; and that as a unified group we can effect positive change for individuals and our community as a whole.

The Statement of Purpose in the DVII protocol includes developing an agreement around investigation in domestic violence incidents; establishing 'best practices' in how we work together and in the agreements that we make; to develop a process that produces evidence for effective prosecution; to develop and maintain effective working relationships among frontline responders to domestic violence; to identify gaps and barriers and creatively seek to bridge them; to provide coordinated services to victims and accused persons; to increase the ability of the criminal justice system to manage domestic violence in a way that minimizes the possibility of

re-victimizing the victim and children; and to increase the safety of victims by having comprehensive risk assessments done.

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

7. Victims of Crime Act (Highlights)

According to the Victims of Crime Act, all victims have

- The right to be given information about the victim services available
- The right to be given information about the criminal justice system
- The right to information about the status of the police investigation, the prosecution, the court case and administration of the offender's sentence
- The right to apply for compensation for injury and loss
- The right to provide the court with information about how the crime affected you and your life (Victim Impact Statement)
- The right to not be penalized by your employer if you must be away from work to attend court
- The right to request copies of court orders that are important to your safety, such as 'no contact' orders

For more details, go to:

http://www.bclaws.ca/Recon/document/freeside/--%20V%20--/Victims%20of%20Crime%20Act%20%20RSBC%201996%20%20c.%20478/00_96478_01.xml

8. CrimeVictim Assistance Act (Highlights)

Under the Crime Victim Assistance Act, victims injured as a result of certain crimes, immediate family members of an injured or deceased victim, and some witnesses may be eligible for financial assistance or benefits from the Crime Victim Assistance Program.

Ministry of Public Safety and Solicitor General, Victim Services and Crime Prevention Division, administers the Crime Victim Assistance Program in accordance with the Crime Victim Assistance Act and regulations.

Under the Crime Victim Assistance Act, a victim is a person who is injured physically or psychologically as a result of certain crimes committed in B.C. As a victim of crime, they may be eligible for the following: medical or dental services/expenses; prescription drug expenses; disability aids; vocational services/expenses; income support; lost earning capacity; counselling; protective measures; repair or replacement costs of damaged or destroyed personal property; home modification, maintenance or moving expenses; maintenance for a child born as a result of the prescribed offence; vehicle modification or acquisition; homemaker, childcare or personal care services/expenses; and transportation and related expenses.

For more details, go to:

http://www.pssg.gov.bc.ca/victim_services/cva/index.htm

9. Criminal Code 2010 Section 486 Testimonial Aids (Highlights)

Sections 486.1, 486.2 and 486.3 of the Criminal Code of Canada all refer to testimonial aids that can be applied for, for vulnerable witnesses.

Witnesses under the age of eighteen years, or a witness who has a mental or physical disability, may have an application to a judge made for testimonial aids such as a support person while testifying, a screen barring their view of the accused while testifying, or testifying by closed circuit TV from another room. Other witnesses who may be vulnerable can also have similar applications made on their behalf by the Crown Counsel, if an argument can be made for the witness being unable to give a full and clear account in court unless an aid is used.

For more details, go to:

<http://laws.justice.gc.ca/eng/C-46/page-10.html>

APPENDIX B: Victim Services Hazelton to Burns Lake

HANDOUT developed by Specialized Victim Assistance for distribution by:

- Smithers Court Services office
- Smithers Community Corrections office
- Smithers Crown Counsel's office (to be enclosed with subpoenas and Victim Impact Statements)

Victim Assistance Services 2010

Hazelton, Moricetown, Smithers, Houston, Burns Lake and areas

(Free confidential services with just a phone call or a drop-in)

HAZELTON:

Specialized Victim Assistance: Judy – 842-5713 extension 21

Office Location: Gitxsan Unlocking Aboriginal Justice office, Hazelton

Clients – victims of violent crimes including domestic abuse, sexual assault, historical sexual abuse, property crime, homicide, etc: male or female, any age

Area covered – the Hazelton and 7 outlying communities

Services offered – emotional support, safety planning, criminal justice system information, court orientation and accompaniment, Crime Victim Assistance applications, Victim Impact Statements, referrals

MORICETOWN:

Native Court worker: Louise – 847-2133 extension 260

Office Location: Moricetown Band Office

Clients – First Nations accused or victimized persons involved in the criminal court system

Area Covered – Moricetown, Smithers and outlying areas

Services offered – emotional support, criminal justice system information and liaison, court accompaniment, advocating for fair and equal treatment for First Nations people, speaking to sentences, referrals

SMITHERS:

RCMP Based Victim Services: Deb – 847-9374

Office Location: Smithers RCMP Office

Clients – victims of property crime, assault, sudden death, homicide: male or female, any age

Area Covered – Smithers, Moricetown and outlying areas

Services offered – 24 hour callout with RCMP, emotional support, safety planning, criminal justice system information, court orientation and accompaniment, Crime Victim Assistance applications, Victim Impact Statements, referrals

Specialized Victim Assistance: Wanda - 847-9000

Office Location: Northern Society for Domestic Peace office (www.domesticpeace.ca), Smithers

Clients – victims of sexual assault, domestic abuse, and criminal harassment - all of whom may or may not have chosen to report to the RCMP: male or female, any age

Area covered – Smithers, Houston, Moricetown and outlying areas

Services offered – emotional support, safety planning, criminal justice system information, court orientation and accompaniment, advocacy, Crime Victim Assistance applications, Victim Impact Statements, referrals

Wet'suwet'en Unlocking Aboriginal Justice Youth & Victim Justice Worker: Andrew – 847-3630

Office Location: Office of the Wet'suwet'en, Smithers

Clients – Wet'suwet'en victims who give permission (or agree to) the accused/offender also receiving services.

Area Covered – traditional Wet'suwet'en territories

Services offered – emotional support, court orientation, criminal justice system information, development of healthy support networks, Wet'suwet'en laws and traditions.

HOUSTON:

RCMP Based Victim Services: Myrna – 845-3699

Office Location: Houston Community Services office

Clients – victims of property crime, assault, sudden death, homicide, sexual assault, domestic violence, criminal harassment, etc: male or female, any age

Area covered – Houston, Topley, Granisle and outlying areas

Services offered – 24 hour callout with RCMP, emotional support, criminal justice system information, court orientation and accompaniment, Crime Victim Assistance applications, Victim Impact Statements, referrals

BURNS LAKE:

RCMP Based Victim Services: Cindy – 692-3010

Office Location: Burns Lake RCMP Office

Clients – victims (and witnesses) of all crime including domestic abuse, sexual assault, sudden death, criminal harassment, property crime, homicide: male or female, any age

Area covered – Burns Lake, Southside, and outlying areas

Services offered – 24 hour callout with RCMP, emotional support, safety planning, criminal justice system information, court orientation and accompaniment, Crime Victim Assistance applications, Victim Impact Statements, referrals

APPENDIX C: Court Preparation

Court Preparation Handout packages from Victim Services include:

- Information and Tips for Witnesses Testifying in Court handout
- Quick Tips for Witnesses
- The Role of Crown Counsel brochure
- My Court Prep Guide folded booklet
- Specialized Victim Assistance brochure
- Police Based Victim Assistance brochure
- What's My Job in Court Activity Book page
- Cory's Courthouse – www.coryscourthouse.ca
- Testifying in Court: Choices for Youth in BC – www.courtchoices.ca
- Preparation for Attending Court – www.courtprep.ca
- From Arrest to Trial in Domestic Violence flowchart
- Stop the Violence Against You – safety planning
- Suggestions for the Survivor of a Traumatic Event – 2-sided handout
- Victim Impact Statement
- Victim Impact Statement Information Guide
- Crime Victim Assistance Program – Help Starts Here: Financial Assistance for Victims of Violence
- If You Have Received a Subpoena to Testify in Criminal Court (you may need to call the Crown Counsel's office) handout
- Northern Society for Domestic Peace website – www.domesticpeace.ca

APPENDIX D: Section 96

Child, Family & Community Services Act

Ministry of Children and Family Development uses this letter to request client information from community agencies:

Date
Name
Address

Via Fax: (250) *-******

Dear Sir or Madam:

I, (Insert Name), have delegated authority as Director under Section 96 of the *Child, Family and Community Service Act*. Proof of my identity will be provided upon request. Section 96 reads:

“Director’s right to information

96 (1) *A director has the right to any information that*

(a) is in the custody or control of a public body as defined in the Freedom of Information and Protection of Privacy Act, and

(b) is necessary to enable the director to exercise his or her powers or perform his or her duties or functions under this Act.

(2) A public body that has custody or control of information to which a director is entitled under subsection (1) must disclose that information to the director.

(2.1) A director may collect from a person any information that is necessary to enable the director to exercise his or her powers or perform his or her duties or functions under this Act.

(3) This section applies despite the Freedom of Information and Protection of Privacy Act or any other enactment but is subject to a claim of privilege based on a solicitor-client relationship.”

I am requesting any information (Insert agency) may have relating to violence or drinking related offences, for the following individual:

- DOE, John - DOB Month/Day/Year

This information is necessary for me to exercise my powers and perform my duties because I am investigating a report that a child (children) may need protection.

Thank you in advance for your assistance.

Sincerely,

Name
Title

Protocol Signatures

Sheila White, Staff Sergeant
Smithers RCMP

Date

Gretchen Woodman, Team Leader
Ministry of Children and Family Development

Date

Brett Webber, Admin Crown
Smithers Crown Counsel

Date

John Rei, Manager
Smithers Community Corrections

Date

Wanda Watts, Program Coordinator
Smithers Specialized Victim Assistance

Date

Debora Chatfield, Program Coordinator
Smithers Police Based Victim Services

Date