

Intimate Partner  
Violence

# Police Guidelines

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**Thank You**

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# Table of Contents

<b>INTIMATE PARTNER VIOLENCE GUIDELINES FOR POLICE SERVICES.....</b>	<b>1</b>
<b>POLICY AND PROCEDURE.....</b>	<b>5</b>
1. COMMUNICATIONS AND DISPATCH .....	6
2. INITIAL RESPONSE PROCEDURES .....	7
3. CONDUCTING A COMPREHENSIVE INVESTIGATION .....	9
4. INTERVIEWING PROCEDURES .....	12
5. CRIMINAL HARASSMENT (STALKING) .....	14
6. CHOKING, STRANGULATION AND SUFFOCATION.....	15
7. CHARGE POLICY .....	16
8. DETENTION AND RELEASE FROM CUSTODY .....	18
9. CASE MANAGEMENT STRATEGIES .....	22
10. FIREARMS .....	26
11. CHILDREN EXPOSED OR AT RISK.....	27
12. SUPPORT TO VICTIMS .....	29
13. CONSIDERATIONS FOR VICTIMS .....	31
14. TRAINING .....	35
15. MONITORING AND SUPERVISION .....	36
16. OCCURRENCES INVOLVING POLICE MEMBERS .....	37
<b>Appendix A: Family Violence Investigation Report and Rationale.....</b>	<b>38</b>
<b>Appendix B: Alberta Police Services and Women’s Shelter Working Relationship Guidelines.....</b>	<b>50</b>
<b>Appendix C: Crown Bail Package and JP Bail Package Checklist .....</b>	<b>63</b>

# INTIMATE PARTNER VIOLENCE GUIDELINES FOR POLICE SERVICES

## PURPOSE OF GUIDELINES

The purpose of these Guidelines is to provide assistance to police services in developing policies and procedures for intimate partner violence (IPV) investigations. It is important for police services to consider the best practices outlined in these Guidelines.

Terms may vary among police services in Alberta and across Canada. In these Guidelines, the terms “domestic violence (DV)” and “intimate partner violence (IPV)” may be used interchangeably. These describe situations that in other contexts may be called “family violence (FV)”, “domestic conflict”, and “violence against women (VAW)”.

## DEFINITIONS

**Intimate Partner Violence/Domestic Violence** is defined as the actual or threatened use of force in an intimate relationship regardless of age. It may include a single act of violence, or a number of acts forming a pattern of abuse. The pattern of abuse may include but not be limited to:

- Physical abuse;
- Sexual abuse;
- Criminal harassment (stalking);
- Threats to harm children, other family members or pets;
- Property damage;
- Exerting control over movements, communications or finances;
- Verbal, electronic and social media harassment; and/or
- Emotional or psychological abuse.

An **Intimate Partner** includes any person in the following relationships, whether opposite-sex or same-sex:

- Current and former dating relationships;
- Current and former common-law relationships;
- Current and former married relationships; and
- Persons who are the parents of one or more children, regardless of their marital status or whether they have lived together at any time.

IPV may not only include violence towards a new or former intimate partner, but could involve children, other family members and friends. The violence may be direct or indirect and include such acts as assaults, property damage, uttering threats, or criminal harassment.

The majority of reported incidents involve violence against women; however, either gender can be a victim of IPV or family violence.

## **A TRAUMA-INFORMED LENS**

Police can improve the quality of their investigations and better support victims by utilizing a trauma-informed lens during their interactions with victims of IPV. Utilizing a trauma-informed lens during an IPV investigation will reduce misunderstandings and improve communication, along with minimizing the risk of re-traumatizing victims during an investigation.

A trauma-informed police response to IPV is:

- Being responsive to the individual's needs;
- Addressing the individual's needs in a way that is empowering and non-judgmental;
- Providing the individual with options for further support and services when the individual is ready;
- If possible, modifying the physical environment to minimize the victim's perceived level of fear or risk;
- Supporting the individual in understanding the connections between their experiences of trauma and their current coping mechanisms; and
- Avoiding re-traumatizing or replicating previous trauma dynamics.

Another important element of a trauma-informed lens is the need for police and investigators to understand the effects that trauma may have on victims. Trauma affects

the whole person, including changes in body, mind, emotions and behaviour. The brain responds by preparing the body for “flight”, “fight,” or “freeze” mode even though the actual traumatic event has ended.

Trauma may inhibit the individual’s ability to seek help, cooperate with police or to engage with service providers in the following ways:

- Victims may skip appointments and fail to follow through on commitments or agreements;
- Victims may decline necessary services and support;
- Victims may have a limited ability to concentrate and respond to instructions;
- Victims may have a limited ability to give a detailed or chronological statement; and
- Victims may become disconnected from present conversations, lose focus and have lapses in memory as their memory systems remain under stress.

Victims with mental health or physical conditions may experience trauma differently, complicating service delivery. It is important that front-line responders understand these effects and consider them when delivering services to victims.

## **NEED FOR CO-ORDINATION AND COLLABORATION**

An improved response to IPV involves coordination, collaboration and information sharing between the various agencies. Therefore, every police service is encouraged to work in partnership with the following agencies:

- Alberta Crown Prosecution Service and Public Prosecution Service of Canada;
- Probation;
- Provincial and federal corrections;
- Police, non-profit and/or Justice System based victim services;
- Community and Social Services;
- Municipalities;
- Citizenship and Immigration Canada;
- Children’s Services;
- Alberta Health Services;

- Women's shelters (See **Appendix B** for Alberta Police Services and Women's Shelters Working Relationship Guidelines);
- Community representatives responsible for issues related to IPV and elder abuse;
- Emergency Protection Order programs and other legal services; and
- Other local service providers.

Provincial and federal legislation will govern the limits on information sharing between agencies. However, many provincial and federal pieces of privacy legislation provide opportunities for information sharing when the public and/or an individual is at risk. It is important that police services provide clear guidance to their officers regarding when and how they can share sensitive personal information.

Every police service is also encouraged to participate in a multi-agency coordinating committee. A coordinating committee can assist in addressing a number of community related issues surrounding intimate partner violence such as:

- Defining roles and responsibilities of organizations involved in providing services to victims;
- Providing assistance to victims and children in cases which do not proceed to court, or where no charges have been laid;
- Establishing criteria for case and/or systems review;
- Subject to privacy requirements, sharing case specific information among relevant member organizations to provide a coordinated response;
- Monitoring and evaluating the responses by organizations;
- Reviewing the availability of services to victims;
- Risk assessment and safety planning;
- Developing local community strategies and responses to address and prevent repeat victimization, including promoting and supporting follow-up with victims of IPV; and
- Developing initiatives/programs for prevention and early intervention.



# POLICY AND PROCEDURE

## BEST PRACTICES

Police services are required to develop and maintain procedures for undertaking and managing investigations into IPV occurrences. Best practices are listed below for each of the following areas of investigation:

1. COMMUNICATIONS AND DISPATCH
2. INITIAL RESPONSE PROCEDURES
3. CONDUCTING A COMPREHENSIVE INVESTIGATION
4. INTERVIEWING PROCEDURES
5. CRIMINAL HARASSMENT (STALKING)
6. CHOKING, STRANGULATION AND SUFFOCATION
7. CHARGE POLICY
8. DETENTION AND RELEASE FROM CUSTODY
9. CASE MANAGEMENT STRATEGIES
10. FIREARMS
11. CHILDREN EXPOSED OR AT RISK
12. SUPPORT TO VICTIMS
13. CONSIDERATIONS FOR VICTIMS
14. TRAINING
15. MONITORING AND SUPERVISION
16. OCCURRENCES INVOLVING POLICE MEMBERS

# 1. COMMUNICATIONS AND DISPATCH

When responding to and/or dispatching a call involving IPV, the following are best practice:

- All communications personnel are trained in the context and risk factors associated with IPV occurrence calls for service;
- All IPV occurrence calls be given priority, including calls relating to alleged breaches of bail, probation, or protection orders;
- Police respond to the victim's location in all cases; and
- Communications personnel obtain as much information about the event from the reporter as possible, including a description of the offender and provide this information to responding officers.

## 2. INITIAL RESPONSE PROCEDURES

When initially responding to a situation involving IPV, best practice is:

- Following police service policy regarding entry into residence to check on the welfare of a person or 911 hang-up call;
- Following police service policy regarding officer safety;
- Upon arrival:
  - Separate the parties;
  - Assist any party in obtaining medical assistance, if necessary;
  - Locate children at the scene and ensure they are provided with appropriate support/assistance in compliance with the [Child, Youth and Family Enhancement Act](#);
  - Preserve and document evidence; and
  - Make detailed notes, including the actions, utterances, sobriety and injuries of all parties involved;
- Completing a detailed report for every IPV occurrence regardless of whether any charges are laid or an offence alleged, and the information entered on the police service's information system for future reference; and
- Completing the Family Violence Investigation Report (FVIR) (**mandatory**).

### Warrant Permitting Entry (WPE)

If the police officer is unable to justify immediately entering the residence to check on the welfare of a person pursuant to police service policy, the [Protection Against Family Violence Act \(PAFVA\)](#) provides the authority to obtain a warrant permit entry (WPE). Under section 10 of PAFVA, the police may obtain a warrant to enter a dwelling to check on the welfare of a person suspected to be the victim of family violence. In cases where there is reason to believe a family member has been the subject of family violence and the police have been refused access to that person, a police officer may apply to the court for a WPE.

A Justice of the Court of Queen's Bench (QB), Provincial Court Judge, or a Justice of the Peace (JP) may issue a WPE on application made by a peace officer if satisfied by information on oath that there are reasonable and probable grounds to believe:

- The family member may have been the subject of intimate partner or family violence and will be found at the place to be searched; and
- The person providing the information on oath has been refused access to the family member.

The WPE permits the police:

- To enter the place named in the warrant and any other structure or building used in connection with the place, to search for, assist or examine the family member;
- With the family member's consent, to remove the family member from the premises for the purpose of assisting or examining the family member; and
- It is important to note that the definition of a family member under [PAVFA](#) is different from the definition of "Intimate Partner" that is used in these Guidelines.

### 3. CONDUCTING A COMPREHENSIVE INVESTIGATION

The following outlines best practices and key considerations when conducting an IPV investigation.

#### 1. Victim

- Medical attention if necessary.
- Statement(s) taken.
- Photographs taken initially.
- Photographs taken 2-3 day later (bruising often does not show for a number of days after the assault).
- Evidence seized.
- Injuries detailed.
- If there is allegation of strangulation, contact EMS.
- Sexual assault examination kit if there is an allegation of sexual assault.
- Blood and urine collection kit (especially if there is a suspicion that victim was drugged).
- Consent for Release of Medical Form completed.
- Complete FVIR (**mandatory**).

#### 2. Offender

- Located and arrested (if applicable) or warrant requested.
- Cautioned statement taken.
- Photographs taken regardless of whether injuries are observable.
- Evidence seized from offender.
- Previous police reports.
- JOIN checks, where access is available.

#### 3. Witnesses

- Statements taken.
- Inquire with neighbours and any other relevant individual(s) for information regarding incident

## 4. Children

- Children's Services contacted if there are any children living at the home, or under the care of either party, regardless of whether they were home at the time of the incident.
- If necessary, statements taken (Video under section 715.1 of the *Criminal Code*).
- Child custody/access or family law orders obtained.
- Confirm key information, such as the age of the children and relationship to victim and offender, including whether they are stepchildren or biological.

## 5. Scene

- Photographs of any damage.
- Photographs of location.
- Evidence seized (ripped clothing, damaged property etc.).

## 6. 911/Emergency Operational Communication Centre recording (OCC)

- Recording requested.

## 7. Firearms/Weapons

- Seize weapons/firearms if used.
- Seize licensing documents (if applicable).
- Canadian Firearms Registry Office (CFRO) check.
- Consider application for Stand Alone/Preventative Prohibition if firearms owned by accused, but not used in the offence.
- Information to obtain warrant if weapons/firearms not seized initially.

## 8. Referrals

- Victim services.
- Women's shelter.
- Elder abuse shelters.
- Integrated Threat and Risk Assessment Centre (I-TRAC).

## **9. Protection Against Family Violence Act (PAFVA)**

- Emergency Protection Order (EPO) application.
- Referral to Queen's Bench Protection Order (QBPO) application (in non-emergency situations).
- Conditions and firearms addressed in EPO/QBPO.
- Warrant Permitting Entry (See **Initial Response Procedures, Section 2**).

## **10. Judicial Interim Release (JIR) Process**

- Prepare bail package.
- Ensure a JOIN check is completed.
- Consider bail revocation.
- Remand/ Release with conditions.
- Firearms addressed.
- Conditions of release.
- Revisit victim's safety plan given any changes to status of accused.
- Victim informed of outcome and conditions.

## **11. Canadian Police Information Centre (C.P.I.C).**

- Add Warrant in first instance if applicable.
- Special Interest Police (SIP).
- Accused entry.
- EPO.
- Caution "Family Violence".
- Release conditions.
- Address of interest and vehicle information.

## **12. Family Violence Unit Coordinator/Supervisor**

- Guidance sought.

## **13. Documentation**

- Detailed notes to include actions, utterances, injuries, level of sobriety, and all observations at the scene.
- Detailed reports outlining all the action taken.

## 4. INTERVIEWING PROCEDURES

In addition to interviewing the victim(s), suspect and relevant witnesses, it is best practice to consider interviewing:

- Person(s) who reported occurrence to police communications;
- Neighbours;
- Family members;
- Emergency personnel;
- Children (where appropriate); and
- Any other person who observed or has information relevant to the investigation.

### Method of Interview

While conducting an interview during an IPV occurrence, best practice is:

- Interviewing witnesses separately from one another and directing them not to discuss the events among themselves;
- Using an interpreter or approved translation services (see **Section 13: Considerations for Language Barriers**) to obtain a full account of the incident;
- Obtain a handwritten statement from the witness, followed by Q&A recorded on the statement to obtain a full account of the witness's recollection of the events. The witness should review and sign their statement;
- In addition to a written statement, consider taking a videotaped statement (not necessarily sworn/under oath);
- If the witness is unable to provide a written statement, record the witness statement, have the witness review it, confirm it is accurate, and sign/initial it (even if it is recorded in the member's notebook); and
- In cases where a child has witnessed the incident, or is a victim of an offence, make all efforts to ensure a "child friendly" interview. Where possible, the interview should be videotaped pursuant to [Section 715.1](#) so that it can be used in evidence. Consider utilizing Children's Services and Child Advocacy Centre (CAC) workers for support and assist if available.
  - To avoid influencing or tainting the child's evidence, the child's family members and Children's Services workers who have been dealing with the child should not sit in on the interview.



## Sworn Video Witness Statements

In cases in where a victim recants, changes their evidence or becomes unavailable, a sworn video statement can be used as evidence. Because of the high number of victims who recant in IPV cases, it is recommended that police obtain sworn statements from the victim(s), especially in cases where the victim is at high risk of future violence or the accused is a particularly serious and violent offender.

The more of the following criteria that exist, the more compelling the need for a sworn statement:

- The accused has a criminal record with prior convictions for IPV or family violence;
- The accused has a criminal record with three or more convictions for violent offences;
- The accused has a criminal record which contains one or more convictions where a penitentiary sentence (two years jail or more) has been imposed;
- The current case involves one or more of the following charges against the accused:
  - Section 267 – assault with a weapon or causing bodily harm;
  - Section 268 – aggravated assault;
  - Section 239(1) – attempted murder;
  - Section 279(1) – kidnapping;
  - Section 279(2) – forcible confinement;
  - Section 271 – sexual assault;
  - Section 272 – sexual assault with a weapon or causing bodily harm;
  - Section 273 – aggravated sexual assault; and
  - Attempts to commit any of the *Criminal Code* offences listed above.
- The victim (in the case the police are investigating) has been subject to a pattern of fear and intimidation by the accused, such that he/she has recanted or become unavailable for trial in the past. This information may be available from JOIN or the police records management system;
- The accused's conduct is characterized by intimidation, degradation and control, and is not a minor act of violence during an otherwise non-abusive relationship; and/or
- If a risk assessment tool has determined the victim is at high risk for homicide or violence.

## 5. CRIMINAL HARASSMENT (STALKING)

Criminal harassment is often a form of IPV. It may include the following behaviors:

- Repeatedly following the victim or the victim's family or friends;
- Repeatedly communicating, directly or indirectly with the other person or anyone known to them;
- Watching a dwelling residence or location where the person resides or works or visits; and/or
- Engaging in threatening conduct towards another person or any member of their family, friends or work colleagues (this can be a single incident).

Police members should consider:

- Stalking creates psychological harm such as fear and loss of control over the victim's life. Victims of stalking are commonly diagnosed with Post-Traumatic Stress Disorder (PTSD). Stalking may also be a precursor to subsequent violent acts;
- Marriage or cohabitation does not prohibit a charge and conviction;
- Safety planning and intervention for victims of criminal harassment are important to reduce risk and ensure victim safety;
- Recognition of controlling behaviours/characteristics consistent with stalking;
- Methods of evidence gathering to support criminal harassment charges;
- In cases where the harassment involves use of text messaging or social media, it is important for the investigator to ensure that all forms of communication are preserved and seized as evidence; and
- In cases where repeated contact is over the phone or through social media, it is important for the investigator to review their Police Service policy or consult with colleagues about whether judicial authorization will be required to review the communication and preserve the evidence.

For additional information regarding investigating criminal harassment, please refer to: [A Handbook for Police and Crown Prosecutors on Criminal Harassment](#).

## 6. CHOKING, STRANGULATION AND SUFFOCATION

On September 19, 2019, the *Criminal Code* added two new offences:

- [Section 267\(c\)](#) makes it an offence to choke, strangle or suffocate a person in the course of committing an assault; and
- [Section 272\(1\)\(c.1\)](#) makes it an offence to choke, strangle or suffocate a person in the course of committing a sexual assault.

While these new offences are not limited to IPV cases, they should be considered in IPV investigations if there are reasonable grounds to believe that a victim was choked, strangled or suffocated in the course of an assault or sexual assault. These new offences **do not** require proof of injury.

When considering these new offences it is important to note that:

- Even if there is **no** apparent injury, an officer may charge under Section 267(c) or Section 272(1)(c.1), if there are reasonable grounds to believe that a victim was choked, strangled or suffocated in the course of an assault or sexual assault;
- Assault or sexual assault would be an included offence under Section 267(c) or Section 272(1)(c.1); and
- Depending upon the results of the investigation, in cases where there is sufficient additional evidence of an aggravated assault, attempted murder or other non-included offence, any other applicable offences may still be considered as additional charges.

If a police member suspects a victim has been strangled, choked or suffocated, they should call for an ambulance to assess the victim and treat their injuries. The police member should investigate and look for injuries consistent with strangulation, choking and suffocation, including:

- Petechiae (red spots in and around eyes, neck and face);
- Raspy or strained voice; and
- Redness, swelling and/or marks around the neck.

In addition to these injuries, police members should further investigate situations when a victim indicates:

- They “blacked out” or passed out during a struggle;
- They lost control of their bowels and/or bladder but cannot recall why;
- They indicate a ringing in their ears or difficulty hearing; and
- They describe or are having difficulty breathing.

## 7. CHARGE POLICY

When considering charging an individual in an IPV occurrence, best practice is:

- To require the laying of charges when a comprehensive investigation reveals reasonable grounds to believe that an offence has been committed;
- To note all IPV related occurrences as IPV on the police records management system and as Spousal Abuse (\*SAB\*) on JOIN;
- Make every reasonable effort to locate and apprehend the accused if reasonable grounds exist to lay a charge. Obtain a warrant for the arrest of the accused as soon as practicable if the investigator is unable to locate the accused. Once obtained, the warrant should be entered on CPIC as soon as practicable (no later than **24 hours** following the issuance of the warrant); and
- Where resources are available, locating the accused and executing the warrant should be assigned to an investigator. The warrant should not be left on the system with no follow up.

### Considerations for Mutual or Dual Charging

Best practice should include a requirement to consult with senior or specialized IPV investigators and/or potentially, a Crown prosecutor prior to charging both parties or laying a charge against a victim.

Police Service policy and procedures should include a statement regarding the importance of determining which party is the **principal** or **dominant** aggressor.

In assessing which party is the dominant aggressor, consider the following:

- Distinguishing assault from defensive self-protection;
- Recognizing abusive behaviours/characteristics;
- Recognizing victim behaviours/characteristics;
- Determining the context of relationship to assist in identifying abusive partner;
- Ascertaining injuries consistent with victim; and
- Establishing injuries consistent with abuser.

## **Criminal Proceedings Against the Victim**

Best practice should include a requirement to consult with senior or specialized IPV investigators and the local Crown prosecutor prior to considering the laying of a charge against a victim in an abusive relationship.

It is recommended that police service policy include a statement advising caution is required when considering laying charges against the victim in an abusive relationship. Charging the victim could affect the victim's ability and determination to cooperate with the investigation and increase the victim's level of risk. Potential charges against a victim may include perjury, public mischief, contempt of court, breach of probation or recognizance.

## 8. DETENTION AND RELEASE FROM CUSTODY

Deciding to detain or to grant release of an accused depends on having accurate and up-to-date information, along with considerations of victim safety, the investigation's integrity and the public interest. Police services must follow the requirements of the *Criminal Code* (see [Part XVI](#) related to bail procedures). Accused persons are entitled to reasonable bail unless just cause is shown for detention ([section 11\(e\) of the Canadian Charter of Rights and Freedoms](#)). Police services should be cognizant of *Criminal Code* requirements and prepared to explain their decisions, with victim safety in mind.

Each decision to detain or release an individual accused of IPV should be taken on a case-by-case basis after a comprehensive investigation. Police officers must be aware of the potential for increased harm in IPV cases; police should strongly consider detaining an accused for a bail hearing if necessary to ensure the safety of a victim or witness to the offence. The following steps should be taken prior to the decision:

1. Complete the FVIR (**mandatory**);
2. Obtain a criminal history of the accused;
3. Determine whether there are outstanding charges (especially whether the accused is on release for actions relating to the same victim);
4. If there has been a breach of release conditions (or about to be a breach), members will comply with the police service's procedures relating to revocation of bail. It is important to avoid conflicting release orders. If the accused is on release (especially in relation to charges against the same victim), the policy should address bringing previous charges to speak to bail in conjunction with the new charges;
5. Review current and previous court orders (EPO, Bail, Probation, Conditional Sentence Order, Peace Bonds, etc.) especially in relation to conditions regarding the same victim;
6. Determine whether there is a history of compliance with release conditions (especially in relation to contact conditions on IPV cases);
7. Inquire as to the victim's opinion on the likelihood that the suspect will obey a term of release, particularly a no contact order; and
8. Inquire as to whether the victim fears further violence and the basis of that fear. Victims may minimize, misinterpret, or deny risk factors; however, victims are also in the best position to assess the danger posed by their abuser. Their assessment of their situation is borne of experience and is worthy of consideration.

## Considerations for Detaining or Releasing an Accused

Deciding to release or detain an accused is complicated; it requires balancing the rights of an accused against other relevant factors, including a victim's rights and safety. The *Criminal Code* provides guidance on issues a police officer must consider before making a decision to detain or release.

[Section 493.1](#) of the *Criminal Code* instructs police to release an accused on conditions which are: the least onerous as appropriate to circumstances; and reasonably practicable for the accused to comply with. Furthermore, [Section 493.2](#) instructs police to give particular attention to the circumstances of accused who are Indigenous or a member of a vulnerable population overrepresented in the justice system.

Police must consider victim safety when making a decision to release an accused charged with an IPV offence. [Section 498\(1.1\)](#) instructs police to **not** release an accused if they believe, on reasonable grounds, that detaining the accused is in the public interest, including the need to:

- Establish the identity of the person;
- Secure or preserve evidence of or relating to the offence;
- Prevent the continuation or repetition of the offence or the commission of another offence;
- Ensure the safety and security of any victim of or witness to the offence; and/or
- Ensure attendance at court in order to be dealt with according to law.

[Section 515\(6\)\(b.1\)](#) contains a reverse onus at a bail hearing when the accused is charged with an offence where violence was allegedly used, threatened or attempted against their intimate partner, and the accused has been previously convicted of an offence where violence was used, threatened or attempted against any intimate partner of theirs.

If an officer decides **not** to release the accused, it is important to note that [section 503\(1\)\(a\)](#) of the *Criminal Code* requires that the accused be brought before a justice for a bail hearing within 24 hours.

## Justification for Detention in Custody

When the decision has been made to detain an accused charged with an IPV offence, [Section 515\(10\)](#) of the *Criminal Code* sets out three grounds upon which an accused may be detained:

1. Where the detention is necessary to ensure his or her attendance in court in order to be dealt with according to law;
2. Where the detention is necessary for the protection or safety of the public, including any victim of or witness to the offence, or any person under the age of 18 years, having regard to all the circumstances including any substantial likelihood that the accused will, if released from custody, commit a criminal offence or interfere with the administration of justice; and
3. If the detention is necessary to maintain confidence in the administration of justice, having regard to all the circumstances, including:
  - The apparent strength of the prosecution's case;
  - The gravity of the offence;
  - The circumstances surrounding the commission of the offence, including whether a firearm was used; and
  - The fact that the accused is liable, on conviction, for a potentially lengthy term of imprisonment or, in the case of an offence that involves, or whose subject-matter is, a firearm, a minimum punishment of imprisonment for a term of three years or more.

## Preparation of the File for Bail Hearing

When a police service detains an accused person for a bail hearing, all necessary information should be provided to the Crown Bail Office so that a prosecutor can speak to the issue before a Justice. The following should be provided as part of the Crown Bail Package:

- The rationale for detaining the accused for a bail hearing, laid out in the police report; and
- Any recommended conditions set out in police report if bail is granted.

Police services are responsible for preparation of a file for bail hearings. It is best practice that police services provide the Crown Bail Office with all relevant and supporting documentation as set out in the "*Crown Bail Package and JP Bail Package Checklist*", (this document can be found in **Appendix C**). Police services should have access to this document through the Crown Bail Office.



## Notifying the Victim

Police services are responsible for notifying the victim of the date and time of the bail hearing, and they should ensure there is a process in place for notifying the victim of the outcome of the bail hearing and first court date (whether bail adjourned, bail denied, or bail granted).

The [Canadian Victims Bill of Rights](#) grants victims the right to be informed about the status of the file. Police are encouraged to refer victims to available local police-based victim services units (VSUs) or the community based victim-serving organizations (VSOs) to provide an integrated response. This would include notifying the victim of subsequent dates and providing support in court when required. It is best practice for police to liaise with corrections and notify the victim if the accused is granted bail.

## 9. CASE MANAGEMENT STRATEGIES

### Effective Case Management

The **Family Violence Investigative Report (FVIR)** (please see **Appendix A**) is a mandatory report designed to be completed within 12 hours of the investigation of incidents involving IPV. The “Officer’s Notes” sections are to be completed where applicable and used for preparing the police report, along with identifying key risk factors for victims.

Police members should consult with supervisors, senior members, and subject matter experts in more complex investigations. Police should refer to their internal directives when deciding to contact the local Crown Prosecution Office on complex cases or a formal opinion regarding reasonable likelihood of conviction.

### Safety Planning

Police members should ensure that any victim safety issues are comprehensively addressed, including providing the victim with information on safety planning and assistance within the community.

**[Strategies for Safety: Considerations for Individuals Experiencing Family Violence](#)**, is a resource guide designed for police and frontline responders. The guide provides police services with a framework to address safety issues with the victim. The guide builds upon the questions and risk factors within the FVIR.

### High Risk and Repeat Offenders

Supports may be available to assist police services in cases determined to be high risk, or where there is a repeat offender with a history of IPV, including:

- The use of physical surveillance;
- Electronic interception;
- Video and photographic surveillance; and
- Victim/witness protection services.

The Alberta Witness Security Program may be available to assist where witnesses in an IPV case require support. Please click on the link for more information on the **[Witness Security Program](#)**.

Additionally, best practice is that investigators will:

- When available, obtain the details of previous IPV charges and convictions to be included in the Prosecution Package;
- Contact the National Flagging Coordinator, Alberta Justice and Solicitor General, at (780-427-6064) if the police officer believes an accused should be flagged or considered for a Dangerous Offender or Long Term Offender designation;
- Assist the Crown prosecutor with gathering documentation when dangerous offender, long term offender, or Section [810.1](#) or [810.2](#) applications are contemplated pursuant to the *Criminal Code*; and
- In cases involving high risk or repeat offenders, the offender should be entered into the “SIP” category on CPIC within 24 hours. Victims may also be entered into the “SIP” category on CPIC.

## **Integrated Threat and Risk Assessment Centre (I-TRAC)**

In cases where an individual is a repeat offender or the risk of violence is high, a referral may be made to the [Integrated Threat and Risk Assessment Centre \(I-TRAC\)](#); I-TRAC is the provincial, multidisciplinary threat assessment unit dedicated to reducing IPV and stalking through objective and validated risk assessment. If consultation is required, I-TRAC staff are available to provide advice.

I-TRAC services include:

- Assessing the level of risk an individual poses;
- Providing case management strategies;
- Expert testimony; and
- Facilitating access to certified threat assessors, forensic psychologists, and external agencies.

Some of the benefits of I-TRAC involvement include:

- Primary investigators are better equipped to prioritize their workload in areas such as case management, officer safety, and deployment of staff and/or other resources;
- Police, Crown, courts, victim services, corrections, and child protection workers are better informed of who they are dealing with and how they might better manage potential risk; and

- Criminal and family courts have access to known history of an individual and the level of risk they pose.

## Protection Against Family Violence Act

The [Protection Against Family Violence Act \(PAFVA\)](#) is a provincial statute intended to provide protection for victims, children and the elderly impacted by family violence by providing a procedure to obtain Protection Orders and Warrants Permitting Entry (WPEs). PAFVA is civil in nature where the legal test is based on a balance of probabilities. Victims of family violence are referred to as Claimants with offenders referred to as Respondents. Persons applying for a Protection Order on behalf of a Claimant are known as Applicants.

With the consent of the victim, police officers should consider applying for an [Emergency Protection Order \(EPO\)](#). The absence of criminal charges does not preclude the seeking of an EPO. It is important to note that criminal release conditions will only be in place until there is a disposition in the criminal matter. A protection order may remain in effect for up to a year.

Best practice is:

- In every case of IPV where the criteria is met, the police member should seek the victim's consent and apply for an EPO on their behalf. Obtaining an EPO does not preclude the use of any other tools to protect the victim such as bail under the *Criminal Code* or the *Child, Youth and Family Enhancement Act*;
- To apply for an EPO the following criteria must be met:
  - The Claimant is a family member (dating relationships do not meet the criteria);
  - Evidence of an act of family violence;
  - The Claimant has reason to believe that the Respondent will continue or resume carrying out family violence;
  - Seriousness or urgency requires an EPO to ensure the safety of a Claimant; and
  - Claimants must provide consent. In cases where the Claimant is unable to provide consent, an Applicant, with leave of the Court, may apply on behalf of the Claimant; cases involving young children or where the Claimant is incapable of communicating are examples where the Court may grant permission to apply.
- Police members are responsible for serving the Respondent with a copy of the EPO, completing an Affidavit of Service, filing the documentation in QB, and submitting the

information to CPIC (regardless of whether the application was made by police or the Claimant);

- PAFVA documents are entered onto CPIC as soon as practicable;
- Where it would not interfere with operational concerns, police members assist Claimants by serving other documents related to PAFVA (Confirming Orders, QBPO, Notice to Respondent, Amended Orders, etc.);
- All breaches of PAFVA protection orders are investigated as offences under section 13.1 of PAFVA;
- In those cases where an investigation reveals that there are criminal offences in addition to a breach offence, all charges are laid; and
- Victim services personnel should be trained to provide PAFVA information to Claimants.

## 10. FIREARMS

When dealing with an IPV occurrence where firearms may be involved or a potential risk factor, best practice is:

- Follow police service procedures responding to occurrences involving firearms, regardless of whether any charges are laid;
- When responding to IPV calls, officers shall determine if firearms are located in the residence or are accessible to the party making the threats;
- Where firearms are present or accessible, determine whether there is compliance with the sections of the *Criminal Code* and the *Firearms Act* relating to safe storage of firearms;
- Where appropriate, seize firearms and related documents with a warrant in compliance with the *Criminal Code*;
- Providing grounds exist, perform seizure without a warrant in compliance with the *Criminal Code*. If exigent circumstances such as possible danger to the safety of any person make obtaining a warrant impracticable, the responding member may conduct a warrantless search;
- Where appropriate, obtain preventative prohibition orders in compliance with the *Criminal Code*;
- Obtain prohibition as a condition of bail in compliance with section [515\(4.1\)](#) of the *Criminal Code*; and
- Obtain a prohibition order for use and possession of regulated weapons if such person lives with or associates with a suspect who is the subject of prohibition order.

## 11. CHILDREN EXPOSED OR AT RISK

Children's Services should be contacted in cases where children have been exposed to or witnessed IPV.

Children exposed to IPV may require intervention and supports. ***Children do not have to directly witness the violence or be present in the home at the time of the incident to be negatively impacted.***

Children can be exposed to family violence (including IPV) in a variety of ways, including:

- Witnessing the violent act directly;
- Hearing a violent event;
- Being assaulted physically, either directly or indirectly;
- Physically intervening in a violent event;
- Experiencing the aftermath of a violent episode;
- Being forced to participate in the abuse; (i.e., physically assault or taunt the non-offending parent); or
- Being used as a "spy" or pawn.

The impact may be immediate and visible or delayed and subtle. Exposure to IPV can affect children in several ways including, but not limited to:

- Altered brain development;
- Increased anxiety and stress;
- PTSD; mimicking anti-social behaviours;
- Difficulty developing emotional connections;
- Future addictions issues; and
- Low self-esteem.

Children's Services can help provide access to intervention services to support children and families. Children's Services receives referrals from a variety of sources including police, other professionals, and community members. A variety of services and supports are available to children and families under the [Child, Youth and Family Enhancement Act \(CYFEA\)](#).

Another option to support child victims of IPV is collaboration with [Child Advocacy Centres](#) (CACs). CACs utilize innovative approaches, specialized services and multi-disciplinary teams to provide support to youth/child victims and their families. Police can contact their nearest CAC to develop procedures for referrals.

For more information on how to support children involved in IPV situations, please see the document: [Responding to Child Abuse in Alberta: A Handbook](#).



## 12. SUPPORT TO VICTIMS

Victims of IPV may experience severe trauma, particularly when the abuse has continued for an extended period; they may experience depression and stress, which along with the perceived emotional and financial loss due to the arrest of the accused, could result in suicidal ideation or increased risk of harm. It is important for police members to be aware of these risk factors.

Victims of IPV are entitled to outreach services and/or proactive referrals; however, due to the potentially serious and violent nature of the offence they are not always in a position to provide informed consent for referral at the time of the incident. Professionals within the criminal justice system, including police and victim services, can take the initiative to provide services to victims of IPV, even if the victim has not requested it or a decision has been made not to pursue a criminal complaint.

The *Canadian Victims Bill of Rights* (CVBR) has created statutory rights at the federal level for victims of crime for the first time in Canadian history. The legislation gives victims new rights to information, protection, participation and restitution, and creates a remedial process for breaches of these rights. The guidelines contained in the [\(CVBR\)](#), the [Victims of Crime Protocol](#), and the companion [Roles and Responsibilities](#) document, make reference to specific procedures for police when dealing with victims, including those affected by IPV.

Police may **delegate** their responsibility to provide victims of crime with more detailed information about support and referrals to Victim Service Units (VSUs). Police and/or VSUs are responsible for:

- 24hr crisis response, as well as information about the criminal justice process, practical emotional support, and referrals to community agencies based on need (i.e. shelter, counseling);
- Providing, on request, the victim with information about the status of the investigation and when charges are laid;
- Advising the victim of what options are available to address their safety, if there are any safety concerns, including:
  - Status of the accused (in custody or not); and
  - Accused release conditions.

- Providing a [Victims of Crime Protocol](#) booklet, forms and information about how to prepare and submit:
  - Victim impact statements<sup>\*</sup>; and
  - Restitution requests<sup>\*</sup>.
- Offering immediate support through either a police-based VSU, or a community-based VSO. Where available, police should contact a VSO that can provide an integrated justice response and wrap-around services. VSOs may be able to assist with the following:
  - Addressing any special victim needs (i.e. dealing with communication barriers);
  - Providing localized information on IPV resources to assist victims;
  - If charges are laid, providing updates regarding the criminal justice process; and
  - Referrals for medical, mental health, emotional services and supports; and
  - Providing court information, support and orientation as well as accompaniment to court.

Effective collaboration between police and community agencies is essential to a victim-centered approach; this collaboration allows victims to fully participate in the criminal justice process while supporting their long-term wellbeing. Police services are encouraged to work in partnership with community service providers, systems and agencies.

To support victims of IPV, it is best practice for police members to:

- Attend to the residence of the victim, if resources allow, to ensure peaceful entry when the victim or suspect to take possession of personal belongings. If either party contests property removal, the member should advise the parties of the need to seek a civil remedy; and
- Arrange for transportation to a shelter or place of safety, if necessary, with the location remaining confidential and not released to the suspect and third parties.

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<sup>\*</sup> Note in the Crown disclosure package if a victim impact statement has been completed. Police may delegate these responsibilities to VSUs, but it must be noted in the disclosure package.

## 13. CONSIDERATIONS FOR VICTIMS

Certain groups may be particularly vulnerable to IPV. It should be noted that, in addition to police-based Victim Service Units (VSUs), community-based Victim Serving Organizations (VSOs) exist which provide support and services tailored to different communities. The following are best practices when dealing with individuals from different communities who experience IPV.

### Considerations for Indigenous Victims

Best practice when working with Indigenous victims of IPV includes recognizing the special history and circumstances that Indigenous people have faced to ensure trauma informed culturally safe services.

Considerations may include the following:

- Resources and support services may be very limited for the victim and the community;
- The accused could be an important member of the community;
- The makeup of the community and availability of support systems are variable. Be aware of the availability of support networks for victims in your area;
- The accused may have possession of the house or the house may be on family land that belongs to the accused;
- Suspicion about the criminal justice system may discourage many Indigenous people from seeking police intervention as an option; and
- Many victims fear that the police or Children's Services will take their children.

To learn more about current and historical issues affecting family violence within Indigenous communities, please visit the [Truth and Reconciliation Commission](#) and the [National Inquiry into Missing and Murdered Indigenous Women](#).

## Considerations for Older Adult Victims

Older adult victims of IPV may experience severe trauma, particularly when the abuse has continued for an extended period of time and/or involves their close family members.

A number of factors may make older adult victims hesitant to identify the accused, including the fear of loss of financial and/or social supports from family and the fear of identifying a close family member as an abuser. Physical and cognitive decline can limit the victim's ability to recollect facts or recognize the extent of their victimization.

For more information on best practices when working with an older adult victim, please see the [Elder Abuse Police Guidelines](#).

## Considerations for “Honour-Based” Violence\*

Police have extensive experience responding to incidents of intimate partner and family violence; however, they may be less familiar with the specific context of incidents involving “honour-based” violence (HBV) or forced marriage (FM). HBV is defined as criminal conduct that has been motivated because the perpetrator perceived the crime was necessary or acceptable to protect and/or defend the honour of the family or the community.

Understanding the context and the unique characteristics of HBV crimes will assist police members in effective interventions, assessing the risks associated, responding to victims and identifying patterns that may expand the scope of their investigation. For more information on HBV and associated offences, please see the RCMP's [website](#) and the [Indo-Canadian Women's Association](#).

## Considerations for Newcomers

When engaging newcomer or recent immigrant victims of IPV, best practice includes the following:

- Police may need to explain the role of the police in Canada as many newcomers may be fearful of law enforcement based on experiences in their country of origin;
- Members should explain that police will arrest an abusive partner if an offence has occurred and there are reasonable grounds to do so;

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\* It should be noted that while for the purposes of clarity and consistency we are using the term “honour-based” violence in these guidelines, the term is not meant to convey that these offences are acceptable or in any way associated with honour.

- Informing the victim they cannot be deported for leaving an abusive situation if they are a **permanent resident**;
- If the victim does not know whether or not he/she is a Canadian citizen, they may call their local citizenship office; and
- Victims should obtain legal advice regarding their immigration status particularly if the alleged abuser has confiscated the victim's documents.

Further information is available at [Citizenship and Immigration Canada](#).

## Considerations for Language Barriers

When a language barrier is apparent, police members **should not** rely on a family member to interpret during interviews. Police members should check their policies with respect to translation services available.

Justice and Solicitor General's Victims Services has contracted a language translation service to provide a phone based translation service for all police-based VSUs and a number of community-based VSOs. This program is designed to provide victim service advocates the ability to communicate with victims when language is a challenge.

The service provider is [CanTalk \(Canada\) Inc.](#), a global service company that provides a number of communication services including immediate interpretation and translation services in over 200 languages, twenty-four hours a day, seven days a week. Police services can access this service by calling a toll free number and providing a unique identifier number. Please note that [CanTalk](#) is only available for VSUs and that various police services will also have translation services available.

## Considerations for Victims with Disabilities

Some victims of IPV may have limited physical or cognitive abilities. These factors increase their vulnerability and make it extremely difficult for them to report victimization, call for assistance and/or in some cases participate fully in the investigation and prosecution of their case.

When working with victims of IPV with disabilities, best practice is to consider:

- Victims with special needs should be referred to specialized support services, where available, to ensure they receive protection, physical assistance, medical treatment, or other services as needed;
- Victims have the right to receive information about the justice system, and about the victim services and programs available to them. Victims should receive specific information on the progress of the cases including information on the investigation,

prosecution and sentencing of the person who harmed them. It may require additional time and effort for special needs victims to fully comprehend the information they are provided; and

- Ensure that victims are in a safe environment before leaving the scene. Under the *Canadian Victim Bill of Rights*, victims have the right to have their security and privacy considered at all stages of the criminal justice process and to have reasonable and necessary protection from intimidation and retaliation.

## **Sexual and Gender Minorities (LGTBQ2S+)**

Sexual and gender minorities encompass a range of identities, including lesbian, gay, bisexual, transgendered, questioning, intersexual, non-binary and two-spirited individuals; LGBTQ2S+ is a common acronym used to represent these identities. The concerns of sexual and gender minority victims of intimate partner violence may be unique.

Police members may initially not recognize that an incident occurred in the context of IPV, as the victim and/or perpetrator may downplay their relationship for fear of being “outed” to family, friends or the community. Sexual and gender minorities may fear being “re-victimized” by encountering homophobia, transphobia or gender bias by law enforcement based on past experiences or stories they may have heard from others in the LGBTQ2S+ community.

When engaging victims of IPV from the LGBTQ+ community best practice is:

- Understand the victims may be reluctant to come forward given prior negative experiences; and
- The threat of physical danger involved in same-sex IPV should not be underestimated, especially when a physically smaller partner may be the perpetrator.

## 14. TRAINING

All police members should receive training on IPV and family violence. Furthermore, every police service should ensure that it has trained IPV investigators to address complex cases and to act as subject matter experts.

Training should cover the following:

- The dynamics of relationships with IPV including the effects of physical assault and psychological abuse including strategies for addressing repeat victimization, high-risk cases, along with risk factors for further violence and homicide;
- IPV investigations including:
  - The initial police response to IPV occurrences, including officer safety;
  - The need to complete the FVIR in all IPV incidents;
  - Interviewing, including interviewing child witnesses and vulnerable witnesses ;
  - Collection, care and handling of evidence;
  - Search, seizure (including firearms) and warrants; and
  - Strangulation, suffocation and choking investigations.
- Charge, dual charges and dominant aggressor policy;
- Court orders and legislation; (i.e. Restraining orders, peace bonds, Emergency Protection Orders, judicial interim release orders and probation orders);
- Victim support, including:
  - Victim assistance and VSUs/VSOs,
  - Specialized support for victims with special needs (Indigenous, disabilities, elderly, immigrants, LGBTQ2S+);
  - How to work with and participate in IPV working groups and collaborate with the community including women's shelters; and
  - Safety planning.
- Criminal harassment and stalking; and
- Issues relating to children who witness and/or experience violence.

## 15. MONITORING AND SUPERVISION

With respect to how IPV investigations are monitored within individual police services, best practice is to:

- Require supervisors to monitor and ensure compliance with the police service's procedures related to IPV occurrences, such as compliance with FVIR and victim support;
- Designation of an IPV coordinator who will be responsible for:
  - Monitoring the response to, and investigation of, IPV occurrences, including compliance with the police service's procedures by supervisors, officers and other members;
  - Monitoring and evaluating the follow-up to IPV cases;
  - Liaising with the Crown prosecutor, Probation, Parole Services, Victim Services, Children's Services, shelters, and other local services responsible for responding to issues related to IPV occurrences; and
  - Informing the public and media about the police service's IPV occurrence procedures.



## 16. OCCURRENCES INVOLVING POLICE MEMBERS

When a police member has been accused of IPV or family violence, best practice is:

- A procedure that sets out the steps to be followed when a IPV occurrence involves a member of its own police service or another police service;
- In addition to the general procedures involved in non-member incidents, best practice is to reflect on the following considerations:
  - Victim safety;
  - Objectivity;
  - Accountability;
  - Confidentiality; and
  - Lack of bias towards the member.
- Each agency should consider the involvement, whether it be as primary or supportive, of their respective Professional Standards Branch when investigating member involvement in an IPV incident; and
- A protocol for contacting ASIRT in appropriate circumstances. The [Alberta Serious Incident Response Team \(ASIRT\)](#) is an independent investigative agency whose mandate is to investigate police misconduct and incidents that come within the scope of [section 46.1](#) of the *Police Act*. Specifically, ASIRT investigates incidents where the actions of a member officer cause serious injury or death or, incidents of a serious or sensitive nature.

Victims of IPV involving a police member must be afforded the same level of information, support and referral as other victims. ASIRT and/or the responding police service should refer the victim to a VSU/VSO outside the offending police member's detachment or service area.

# Appendix A: Family Violence Investigation Report and Rationale

## Family Violence Investigation Report

Instructions: Obtain information within first 12 hours of investigation from CPIC, Complainant, Witness, etc.

Use the additional details for preparing police report.

\*\*\* INFORMATION REQUIRED FOR BAIL HEARING

<b>Agency:</b>		<b>File #:</b>
<b>Complainant:</b>		<b>Suspect:</b>
<b>1. Suspect's Criminal History</b>  Does the suspect have a history of investigations, charges or convictions for violence and/or sex assaults?	<b>NO</b>  <input type="checkbox"/>	<b>YES</b>  <input type="checkbox"/>
<b>*** If YES, explain:</b>		
<b>2. Suspect's Previous Domestic Violence History</b>  Is there a history of violence or abusive behaviour in the relationship or with a previous intimate partner?	<b>NO</b>  <input type="checkbox"/>	<b>YES</b>  <input type="checkbox"/>
<b>*** If YES, explain:</b>		
<b>3. Complainant's Perception of Compliance</b>  Does the complainant believe the suspect will disobey terms of release (eg. no contact conditions)?	<b>NO</b>  <input type="checkbox"/>	<b>YES</b>  <input type="checkbox"/>
<b>*** If YES, explain:</b>		

<p><b>4. Complainant's Perception of Safety</b></p> <p>Does the complainant fear for their safety or further violence to themselves, their children or others?</p>	<p><b>NO</b></p> <input type="checkbox"/>	<p><b>YES</b></p> <input type="checkbox"/>	<p><b>*** If YES, who and what is the basis of their fear?</b></p>
<p><b>5. Alcohol/ Drugs</b></p> <p>Does the suspect have a history of drug or alcohol abuse?</p>	<p><b>NO</b></p> <input type="checkbox"/>	<p><b>YES</b></p> <input type="checkbox"/>	<p><b>*** If YES, explain:</b></p>
<p><b>6. Mental Health</b></p> <p>Does the suspect have history of mental issues or illness, personality disorders, types of depression, or mental health concerns?</p>	<p><b>NO</b></p> <input type="checkbox"/>	<p><b>YES</b></p> <input type="checkbox"/>	<p><b>*** If YES, please describe and list any medication and/or diagnosis if known</b></p>
<p><b>7. Suicidal Ideation</b></p> <p>Has the suspect threatened or attempted suicide?</p>	<p><b>NO</b></p> <input type="checkbox"/>	<p><b>YES</b></p> <input type="checkbox"/>	<p><b>*** If YES, when and how?</b></p>
<p><b>8. Current Status of Relationship</b></p> <p>Is there past, recent, or pending separation in the relationship? What is the current status?</p>	<p><b>NO</b></p> <input type="checkbox"/>	<p><b>YES</b></p> <input type="checkbox"/>	<p><b>If YES, explain:</b></p> <p><b>Current status of relationship:</b></p>
<p><b>9. Escalation in Abuse</b></p> <p>Is there escalation in the frequency/severity of violence or abuse towards the complainant, children, family members, others persons, or animal(s)?</p>	<p><b>NO</b></p> <input type="checkbox"/>	<p><b>YES</b></p> <input type="checkbox"/>	<p><b>If YES, when and explain</b></p>

<p><b>10. Children</b></p> <p>Are there children from the relationship, or from the complainant, or perpetrator only?</p> <p>If YES, was Children’s Services Notified? YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p><b>** Provide details of children at right**</b></p>	<p><b>NO</b></p> <p><input type="checkbox"/></p>	<p><b>YES</b></p> <p><input type="checkbox"/></p>	<p><b>Child 1 NAME:</b></p> <p><b>Date of Birth/Age:</b></p> <p><b>Parents/Guardian: (Bio/Step/Other)</b></p> <p><b>Custody/Access:</b></p>
<p><b>11. Threats</b></p> <p>Has the suspect ever threatened to kill or harm the complainant, a family member, children, another person, or animal(s)?</p>	<p><b>NO</b></p> <p><input type="checkbox"/></p>	<p><b>YES</b></p> <p><input type="checkbox"/></p>	<p><b>If YES, explain:</b></p>
<p><b>12. Firearms</b></p> <p>Does the suspect have access to firearms?</p>	<p><b>NO</b></p> <p><input type="checkbox"/></p>	<p><b>YES</b></p> <p><input type="checkbox"/></p>	<p><b>If YES, provide details:</b></p>
<p><b>Child 2 NAME:</b></p> <p><b>Date of Birth/Age:</b></p> <p><b>Parents/Guardian: (Bio/Step/Other)</b></p> <p><b>Custody/ Access:</b></p>			<p><b>Child 3 NAME:</b></p> <p><b>Date of Birth/Age:</b></p> <p><b>Parents/Guardian: (Bio/Step/Other)</b></p> <p><b>Custody/ Access:</b></p>

<p><b>13. Use of Firearms and Other Weapons</b></p> <p>Has the suspect used or threatened to use a firearm or any other weapon against the complainant, family member, children, other person, or animal?</p>	<p><b>NO</b></p> <p><input type="checkbox"/></p>	<p><b>YES</b></p> <p><input type="checkbox"/></p>	<p><b>If YES, explain:</b></p>
<p><b>14. Court Orders</b></p> <p>Are there any court orders in place? (CRIMINAL, FAMILY, and CIVIL) Has suspect ever violated a court order(s) in the past?</p>	<p><b>NO</b></p> <p><input type="checkbox"/></p>	<p><b>YES</b></p> <p><input type="checkbox"/></p>	<p><b>If YES, list any court order(s) and past violation(s):</b></p>
<p><b>15. Employment</b></p> <p>Is the suspect unemployed or experiencing employment or financial difficulties?</p>	<p><b>NO</b></p> <p><input type="checkbox"/></p>	<p><b>YES</b></p> <p><input type="checkbox"/></p>	<p><b>If YES, explain:</b></p>
<p><b>16. Forced Sex Acts or Activity</b></p> <p>Has the suspect ever forced any sexual act or activity on the complainant?</p>	<p><b>NO</b></p> <p><input type="checkbox"/></p>	<p><b>YES</b></p> <p><input type="checkbox"/></p>	<p><b>If YES, explain:</b></p>
<p><b>17. Infliction of Pain or Incapacitation</b></p> <p>Has the suspect ever strangled, choked, suffocated, or inflicted other pain towards the complainant against their will? (eg. biting) Has the suspect ever drugged the complainant?</p>	<p><b>NO</b></p> <p><input type="checkbox"/></p>	<p><b>YES</b></p> <p><input type="checkbox"/></p>	<p><b>If YES, provide details:</b></p>

<p><b>18. Stalking</b></p> <p>Has the suspect displayed jealous behaviours, stalked or harassed the complainant or any other person?</p>	<p><b>NO</b></p> <p><input type="checkbox"/></p>	<p><b>YES</b></p> <p><input type="checkbox"/></p>	<p><b>If YES, explain:</b></p>
<p><b>19. Barriers</b></p> <p>Are there any immigration, cultural or language barriers, medical health concerns, or special needs affecting the complainant, children, or suspect?</p>	<p><b>NO</b></p> <p><input type="checkbox"/></p>	<p><b>YES</b></p> <p><input type="checkbox"/></p>	<p><b>If YES, explain:</b></p>
<p><b>20. Any Other Relevant Information</b></p> <p>(eg. complainant socially/physically isolated; unwilling to leave the home; problems caring for dependants, etc...)</p>	<p><b>NO</b></p> <p><input type="checkbox"/></p>	<p><b>YES</b></p> <p><input type="checkbox"/></p>	<p><b>PLEASE explain:</b></p>
<p><b>IF: SAFETY OF COMPLAINANT AND/OR CHILDREN IS A CONCERN, ALSO CONSIDER AN “EMERGENCY PROTECTION ORDER”</b></p> <p><b>PROVIDED FOR IN THE PROTECTION AGAINST FAMILY VIOLENCE ACT.</b></p> <p><b>ALSO, HAVE YOU MADE A REFERRAL TO VICTIM SERVICES?</b></p>			

## **Rationale of Family Violence Investigation Report Questions**

### **1. Suspect's Criminal Violence History**

#### **Rationale:**

- Individuals having a history of violence are at a significantly greater risk to engage in future violence than those individuals with no prior history. Individuals who are violent both in and out of the home engage in more frequent and more severe spousal violence than do other spouse assaulters. (Kropp et al., 2008)
- The best reliable predictor of future violent behaviour continues to be past violence and the probability of future violence rises sharply with each previous violent offence.

### **2. Suspect's Previous Domestic Violence History:**

#### **Rationale:**

- While an incident of domestic violence may be described as isolated by victim and abuser, a victim's initial contact with the criminal justice system rarely occurs after the first or second incident of violence or abuse. Typically, the criminal justice system does not become involved until the pattern of abuse is well established and the level of violence has increased.
- Individuals who have demonstrated assaultive behavior in either past or current relationships are at risk to commit future acts of violence towards their spouse. (Kropp et al., 2008)

### **3. Complainant's Perception of Personal Safety**

#### **Rationale:**

- Victims may minimize, misinterpret, or deny risk factors. However, victims are also in the best position to assess the danger posed by their abuser. (Agar, S., 2003)

### **4. Complainant's Perception of Future Violence**

#### **Rationale:**

- Victims are keenly attuned to the signals that indicate violence is about to occur. Their assessment of their situation is borne of experience and is worthy of consideration with respect to implications for behaviour including aggression and stress response.

## 5. Alcohol/Drugs

### Rationale:

- These chemicals depress the inhibitive mechanism in the brain and increase the likelihood that violence will escalate by the abuser and that the victim will be more seriously injured at the time of the assault. The highest incidence of substance abuse by abusers was documented in a population of victims most severely injured during the abusive episode. Substance abuse is related to criminality and recidivism in general. Alcohol abuse is considered one of the prominent risk factors for domestic violence. (Kropp et al., 2008)
- The combinations of anger, impulsiveness, and alcohol abuse are predictive of an elevated risk for violent criminal behavior. (Kropp et al., 2008)

## 6. Mental Illness

### Rationale:

- The Ontario Domestic Violence Death Review Committee has found that mental illness is a very important indicator of risk.
- Persons experiencing severe or prolonged depression often feel hopeless. This increases risk of suicide as well as homicide.
- Persons with other severe mental illnesses such as schizophrenia or paranoia who are untreated or non-compliant with treatment may respond to delusions or hallucinations.
- Individuals with Major Mental Illnesses may have an increased probability and likelihood for committing violence. (Kropp et al., 2007)

## 7. Suicidal Ideation

### Rationale:

- Threats of suicide indicate a high risk as the abuser may feel there is nothing to lose by taking others with him/her.
- Suicidality may be indicative of a desperate crisis situation for an offender. It has been noted that offenders often report experiencing suicidal intent prior to committing murder. (Kropp et al., 2008)
- Suicidal risk is high if the abuser has made an attempt or has access to lethal means.



## 8. Current Status of the Relationship:

### Rationale:

- The risk of violence and murder is more likely to occur in the context of a separation or divorce, and, with respect to males who assault their spouse, one of the highest periods of risk is when the male is separated from his intimate partner but wants to renew the relationship. (Kropp et al., 2008)
- The abuser may increase the number and severity of the assaults because he/she fears abandonment or anticipates separation even before the victim reaches such a decision. Another situation that increases the risk of violence is when the victim is separated from the partner but the abuser wants to renew the relationship. It is also clear that the decision to leave a relationship usually precedes physical separation. Once the decision to leave is communicated to the partner the victim also faces an elevated risk of lethal violence while they live together prior to separation.
- Offenders may escalate their violence to coerce a victim into reconciliation or to retaliate for the victim's perceived rejection or abandonment of the offender. The offender sees this betrayal as a means of justifying the escalation of abuse.
- Offenders that are faced with any change in access to the "children in common" could perceive this as an infringement of their rights and are more likely to engage in more severe spousal violence in order to try to regain control of the situation.

## 9. Escalation in Abuse

### Rationale:

- An increase in the intensity or frequency of domestic violence suggests that, as in the rationale for Question #1, the abuser's perceived loss of control for any number of reasons, prompts further violence in efforts to regain that power and control. "A pattern of recent escalation in the frequency or severity of assault is associated with imminent risk for violent recidivism." (Kropp et al., 2008)

## 10. Children Exposed

### Rationale:

- Children living with domestic violence, whether they experience the violent incident or are exposed to violence simply by being in the environment, are at increased risk of experiencing neglect as well as emotional, sexual or physical

abuse. Evidence shows that these experiences may influence victims' lives well into their teen and adult years.

- Recent research has revealed that brain development may be compromised when children are exposed to traumatic stimulation – the neural pathways that control the brain's response and what is being sensed is affected. There are implications for behaviour including aggression and stress response.

## 11. Threats

### Rationale:

- Homicidal ideation may be indicative of the imminence, likelihood, and severity of future violence. (Kropp et. al. 1995) The use of threats of death that cause fear in victims is associated with increased risk for future violence. (Kropp et. al. 2008)

## 12. Firearms and other weapons

### Rationale:

- Use of firearms and the threat to use these firearms within the context of domestic violence is an indicator for future violence.
- It is important to note that “weapons” includes knives, baseball bats, and other household objects that are used to injure victims.
- Victims of domestic violence are often knowledgeable about the existence of the weapons and where they are located.
- Having easy access to weapons is a strong concern for high risk especially if the individual has indicated suicidal or homicidal ideation.
- The use of weapons and threats of death that cause fear in victims are associated with increased risk for future violence. (Kropp et. al. 2008)
- The past use of weapons is associated with more severe future violence.
- The danger of firearm possession in relation to threats involving weapons is an important safety consideration.

## 13. Court Orders

### Rationale:

- Violation of court orders is a strong indicator that the suspect has poor judgment and little regard for externally imposed controls, thus presenting as a serious threat to the victim's safety.
- Individuals who violate the terms of conditional release or community supervision are more likely to recidivate and are at an increased risk for future violent acts than other offenders. (Kropp, et. al. 2008)
- Studies show that individuals who violate conditions of "no contact" orders may be at an increased risk for criminality and violence. (Kropp, et. al. 2008)

## 14. Employment Instability

### Rationale:

- Unemployment is associated with an increased risk for general recidivism and unemployed offenders are more likely to recidivate violently. (Kropp et. al. 2008)
- One 1993 study showed that men who recidivated violently during the course of the 7 year study had spans of employment 50% shorter than their matched counterparts. (Harris et al., 1993)

## 15. Forced Sex

### Rationale:

- Sexual assault is perhaps the most powerful way to exert control over a partner. Having this little regard for one's partner presents obvious concerns for risk of future violence.
- Men who have sexually assaulted are at greater risk for violent recidivism. (Kropp et al. 2008)
- This information is rarely volunteered by the victim so it is an important question to ask. Difficult as the question may be to ask, it gives the victim permission and an opportunity to disclose this information.

## 16. Strangling, Choking or Biting

### Rationale:

- These are singular precursors of potential for a lethal and imminent escalation in violence.

## 17. Stalking

### Rationale:

- Stalking/criminal harassment behaviours such as making harassing phone calls, watching, following, sending repeated unwanted letters or gifts, are all red flags and important considerations when assessing risk.
- Typically, the rejected partner begins to stalk after their partner has attempted to end the relationship, or indicated that they intend to end the relationship. The overt aim of the stalking is either to attain reconciliation or to exact revenge for the rejection. In practice, the stalker may frequently entertain a mixture of both of these goals, with the dominant motivation shifting with circumstances and the ex-partner's responses. The rejected stalker can be among the most persistent and intrusive of stalkers. For those stalkers who cannot abandon the hope of restoring the relationship the harassment at least provides some semblance of a connectedness to the lost partner. (Mullen et al. 2000).

## 18. Barriers and Other relevant information

### Rationale:

- Enforcing control over the victim's social life, occupation and finances are risk factors. The suspect may be an important member of a close-knit community, have possession of the house, provide income for the family, etc.
- Attitudes that support or condone violence towards an intimate partner include male prerogative (chauvinistic, patriarchal attitudes), misogynistic attitudes (hatred or dislike of women/girls) and/or the use of violence to resolve conflict. These attitudes often co-exist with the minimization/denial of wife assault and are associated to an increased risk for both violent recidivism and the lethality of the violence. (Kropp et al. 2008)
- Jealous and obsessive controlling behaviours are consistent with the personality common to many domestic abusers. Men who have demonstrated sexual jealousy are at greater risk for violent recidivism. (Kropp et al. 2008)

- Pregnancy is a very high-risk time.
- Cultural beliefs that place a high value on family honour, male status/privilege, extended family and community acting on behalf of the perpetrator and/or a sub cultural/religious environment may not support victims coming forward about domestic violence.
- The victim may have serious problems with the availability, appropriateness, or affordability of advocacy, health care, legal, or social services that could enhance the victim's safety or security. (Kropp et al. 2008)
- The victim may have serious problems providing for the safety and well-being of vulnerable people, regardless of age, for whom the victim has, or shares, primary caretaking responsibility. (Kropp et al. Appendix B: Alberta Police Services and Women's Shelters Working Relationship Guidelines).

# Appendix B: Alberta Police Services and Women's Shelter Working Relationship Guidelines

**A shared reference that provides information (*guidelines/best practices*) on the roles and responsibilities of Alberta Police Services and Women's Shelter staff when working with individuals and families requiring the services of a women's emergency shelter.**

**September 2013**

A joint initiative of Alberta Royal Canadian Mounted Police, Municipal and First Nations Police Services, Alberta Council of Women's Shelters, Alberta Human Services and Alberta Justice and Solicitor General.

## **PREAMBLE**

In the interest of victim safety, police and shelters should consider the following details contained in these guidelines.

### **Vision:**

Client-centred services that meet the needs of those requiring services from a women's or seniors' shelter.

### **Purpose:**

To create a template communities can use to build and enhance collaboration between police services and shelters for abused women and seniors.<sup>1</sup>

### **Principles:**

- Consistency (Province-wide)
- Safety and Security
- Accountability
- Trust
- Partnerships
- Mutual Respect
- Communication
- Flexibility (creativity) – adaptable

### **History:**

In 2002, a number of widespread issues were identified in regards to the relationship of women's shelters in the province with the Royal Canadian Mounted Police (RCMP). As a result, a Memorandum of Understanding (MOU) between the RCMP, the Alberta Council of Women's Shelters (ACWS) and Alberta Children's Services was developed. The MOU was designed to "promote a positive, co-operative working relationship, to clarify roles and expectations and to facilitate communication in order to better meet the needs of victims of family violence."<sup>2</sup>

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<sup>1</sup> ACWS is comprised of 43 member organizations; two provide residential services to abused seniors (male and female), 40 provide residential services to abused women, and one which provides residential services to abused women and men.

<sup>2</sup> From the Purpose and Objective of the MOU.

This framework encouraged the creation of local committees, stronger working relationships and resulted in creative local solutions and initiatives. Many shelters and detachments established Local Working Agreements. “One on one” local relationships have been built with increased open communication and clear expectations of each partner. The MOU did not include municipal or other police services, some of which had developed protocols with their local shelter(s).

The MOU expired in March 2009 and a series of discussions occurred with respect to how to best support strong working relationships between all police services and members of the Alberta Council of Women’s Shelters. This document is the result of a collaborative effort to develop guidelines for police services and shelters in order to understand the roles, working relationships and expectations within each of those roles

#### **Definitions:**

- *Victim/Client: These terms, used interchangeably throughout this document, refers to those harmed by family violence (including children). Other words that police services and shelters use may include woman, survivor, shelter resident, etc.*

#### **Players and Description of Services:**

- **Alberta Supports:** refers to supports for Albertans fleeing abuse. Albertans can receive help 24 hours a day, 7 days per week through Alberta Works, if the program’s eligibility criteria are met, more information can be found [here](#).
- **Policing Services:** refers to RCMP, First Nations’ Police and Municipal Police services, in Alberta.
- **Victim Services:** refers to fully trained local coordinators and volunteer victim advocates who provide frontline service to victims of crime. Victim Services Units (co-located within police services across Alberta) provide practical emotional support, information about a victim’s case and criminal justice proceedings, information about medical, legal and social services available, referrals to other community agencies, as well as courtroom orientation and accompaniment. These programs also provide victims with information about the Victims of Crime Protocol, the Victim Impact Statements Program, the Request for Restitution Program, and applying for the Victims of Crime Financial Benefits Program.
- **Women’s Shelter:** refers to any shelter (including emergency, second-stage and seniors) in Alberta that offers a safe and supportive place for people to stay when fleeing domestic violence. Each shelter is unique and offers a wide range of services, such as safety planning, risk assessment, crisis lines, outreach, advocacy, children’s programming, court support, and community referrals. Women do not have to stay in the shelter to receive shelter services. A directory of Women’s



Shelters in the province and the services they offer can be found at <http://www.acws.ca/shelters>.

**Note:** No one in need is turned away from a women’s shelter without help, and there are other resources that may be available for those who are unable to, or choose not to, stay in a shelter.

## A. REFERRAL AND ADMISSION TO SHELTERS

### POLICE SERVICE

- Is medical attention required? If so, police should encourage the individual to seek medical attention and may request an ambulance, if required.
- Ask “Do you want support from a shelter?”
- Provide information on what a shelter is and answer any questions, as necessary. Encourage contact with a shelter to determine desired support. Police may reference the information sheet provided by the local women’s shelter, the ACWS web-based map of shelters in Alberta <http://www.acws.ca/shelters>, or the ACWS Compendium of Services, which can be provided to police by the shelter.
- Is an interpreter required?
- Police member will call the shelter, identify him/herself and provide their name, badge number, and Division, along with name of the victim. Police member may ask shelter staff to speak briefly with victim, subject to the availability of a phone at the scene.
- Police member explains he/she has just attended a domestic violence call; briefly describes the circumstances, gender and ages of children, etc., and asks if there is space.
  - Information that is helpful to the shelter regarding the circumstances include:
    - Any elevated risk factors (firearms, current status of abuser, level of impairment, if the person is the victim or the abuser, etc.);
    - Health-related factors; and
    - Provide information on any conflict of interest (*small town/potential of relationships*).
- Police shall offer Victim Services (using the Victims of Crime Protocol: Roles and Responsibilities, section A).

- Police Dispatch or Victim Services may be directed to contact the shelter. In these cases, they may have limited information about the circumstances of the incident, but the first and last names will always be provided to the shelter.
- Police identify need for transportation and work with community resources to address it.

## **SHELTER**

- Shelter provides information to the police (information sheet) of services provided to assist police in explaining supports available through a women's shelter.
- Shelter staff should immediately be able to determine if there is adequate space. If no space is available, the shelter will work with police to identify other options and community services (Alberta Works 1-866-644-5135 may be an option). There may be special circumstances/reasons to deny entry.
- Develop a local protocol to address admitting process to the shelter when there is police involvement.

Shelter staff will work with police to keep accurate records, providing the police member their name and note the time of the call.

- There are situations in which a shelter may be unable to accept an individual. These situations include, but are not limited to:
  - Medical issues: quarantine within shelter due to specific disease or, specific medical condition of individual or children;
  - Lack of space;
  - Previous history with that particular individual;
  - Close proximity of abuser's home;
  - Compromised safety of existing client; or
  - Proximity of incident to shelter's location.

## **B. CHANGE OF CONTACT INFORMATION**

### **POLICE SERVICE**

- Understand that the victim may or may not be in the shelter when they need to contact them. Keeping police informed of any change in address or phone number is the responsibility of the victim and shelter staff cannot force a victim to call the police.

## **SHELTER**

- Strongly encourage the victim to inform the police of any change in address or phone number.
- Cooperate to the extent possible in assisting the police to contact the victim.

## **C. RETRIEVING BELONGINGS**

### **POLICE SERVICE**

- Be prepared to attend a residence to ensure a peaceful entry, if either the offender or the victim returns to take possession of personal belongings and concerns for safety exist. When peaceful entry of the residence cannot be achieved or either party contests the removal of certain property, the attending officer will advise those involved of the necessity to seek a civil remedy.
- Attempt to accommodate the request within a reasonable amount of time.

## **SHELTER**

- Explain the process, including:
  - A key to the dwelling is beneficial;
  - Children will not be taken to the residence. The shelter will assist with arranging childcare;
  - Only personal belongings such as identification, medication, clothing or photographs will be retrieved;
  - A list of belongings can expedite the process;
  - There may be a delay until there are police resources available; and
  - If the partner or designate refuses entry, police will mediate as part of keeping peace, but will not force entry, as this becomes a civil issue.
- Whenever possible, shelter and/or client will make arrangements for transportation of woman and belongings.
- Shelter to advise of the address to the police station nearest to the residence. Arrangements can then be made regarding retrieval.
- Shelter staff should call Police Dispatch prior to leaving in order to get an approximate time before police arrive.

- It is recommended the retrieval of belongings be done in the morning, as police tend to be less busy during this time.

## **D. INTERVIEWING**

### **POLICE SERVICE**

- Ensure that an unbiased interpreter is present for the interview, when required.
- Attempt to schedule the interview, at a mutually agreeable and comfortable location (e.g., in a police facility, in the shelter, or another community resource). In most cases; however, the interviews will take place at a police facility.
- Police will make arrangements for the interview.

### **SHELTER**

- Shelter staff requires advance notice, when possible, to plan for the interview within the shelter facility.
- Shelter staff will inform client of the interview, as well as the staff person who will be on shift at the time of the interview.
- Make private meeting space available.
- If, under exceptional circumstances, the police are unable to speak with the client directly, the shelter will relay the suggested time and date of interview. Shelter staff should encourage the client to call back and confirm. In these cases, in a follow-up telephone call by the police, the location and availability of the client will be confirmed.
- Shelter staff may accompany the client to the interview, if requested. If shelter staff attends a police interview, they must be aware that their attendance may be required at court (i.e., they could be subpoenaed as a witness). It is generally recommended that shelter staff do not sit in on the interview.

## **E. POLICE PROCEDURES**

### ***i. Serving Documents***

#### **POLICE SERVICE**

- A Police Officer/Peace Officer may be required to deliver or "serve" a subpoena or summons to someone in a shelter.
- A Police Officer/Peace Officer shall identify herself/himself in an appropriate manner when requested.

- Not all Peace Officers will necessarily have badges; however, all Police Officers/Peace Officers will have identification cards, confirming their position and employer, which can be provided upon request.
- It is recommended that the police call the shelter first (stating the process, ID/badge number, Station number and file number) to determine that the individual(s) named in the document is residing at the shelter. This is preferable as a Police Officer/Peace Officer arriving unannounced can cause panic as the clients do not know what to expect.
- If an interpreter is required, one will be provided by an independent source, other than the parties involved. Children, relatives or neighbours will not be used as interpreters.

## **SHELTER**

- While shelter staff may not be able to confirm the location of a client, they will not willfully interfere with police serving a legal document.
- The shelter will provide a safe haven to support, protect and advocate, as well as assist women with appropriate services and institutions.
- The shelter staff will understand that the police member serving documents may or may not know the details of the case.
- The shelter develops a policy for handling police contact and for advising the woman about the subpoena/summons.
- Shelter staff assist in explaining the documents and work with Victim Services to explain how the Criminal Justice System works.
- Advise client of the name and phone number of the police member trying to serve documents. The client will be instructed to phone the police member to make arrangements for service. The shelter staff will then confirm with the police member that the message was relayed. A warrant may be issued (Section 698, Criminal Code of Canada) for evading service or non-attendance, once served.
- Shelter staff will encourage the woman to provide a forwarding address to the police.

## ***ii. Laying Charges***

### **POLICE SERVICE**

- In order to conduct a thorough investigation, police should endeavor to collect all available evidence.

- The absence of visible external injury does not mean that the victim has not been assaulted (more detail on police role is available in the Alberta Domestic Violence Police Guidelines).
- Police will arrest/charge when sufficient evidence exists to indicate that an offence has been committed and should proceed according to the Alberta Domestic Violence Police Guidelines.

### ***iii. Photographing Victims***

#### **POLICE SERVICE**

- It is the responsibility of police to obtain initial photos in a timely manner. For follow-up on injuries, shelter staff will encourage the client to contact police.
- If the injuries of the victim are under clothing, and in or near a sensitive area, it is recognized by the police service that photos should be taken by a police member of the same gender as the victim. The victim can also express their gender preference.

#### **SHELTER**

- Shelter staff should, if at all possible, call police to take photographs of injuries. In the event that police are not immediately available and shelter staff choose to take pictures of the victim's injuries, please consider the following:
  - A record should be kept of who took the photograph;
  - The date, time and location of the photograph should be noted;
  - As soon as is possible, shelter staff should obtain consent from the victim to turn photographs directly over to police. Staff should ensure that any information that is extraneous to the investigation, or which would provide the offender with information about the victim, is vetted to ensure safety; and
  - Although rare, there may be instances where the shelter staff is required to testify as to the identity of the victim.

## **F. MISSING PERSONS REPORTS**

#### **POLICE SERVICE**

- Priority for the police is to follow up on a missing persons report and confirm that the individual is safe.

- Suggested wording for police response on supplementary reports should be wording to the effect that the "...missing person is a victim of domestic violence, was found and is safe."
- If the police report has to include the specific location or name of the shelter, the report will be vetted by the Freedom of Information and Protection of Privacy Act (FOIP) department to ensure that the information is kept confidential.
- Police will call the shelter and explain that they are following up on a missing persons report. The officer will leave a phone number where they can be reached for follow-up by the victim or the shelter staff (to confirm that this is a legitimate phone call).

## **SHELTER**

- Priority for shelter staff is safety, confidentiality and providing a safe haven for victims of abuse.
- Shelter will notify the client if they receive a related missing persons report from the police.
- Shelter and/or the client will call the police member back as soon as possible to respond to the report.
- Shelter and/or the client may confirm over the phone that the call is regarding a domestic violence victim in the shelter.
- Face-to-face contact with the client may be required by the police in order to verify that they are safe.
- In cases where provincial fan out of information is required, the shelter director may contact ACWS for assistance.

## **G. SHELTER INCIDENTS**

### ***i. If a Client/Victim Does Not Return to the Shelter***

- Concern for safety is paramount.
- Shelter may attempt to first make contact with the emergency contact person, provided on admission by the client, prior to calling the police.
- Where there is an immediate threat to the client's safety, staff should call 911 and explain the situation.

- For non-emergency situations, shelter staff should contact the local police service non-emergency number, giving the home address, explaining the situation and the safety concern.
- An individual does not need to be missing for a certain length of time before the filing of a missing person report.
- Staff should inform police that this is a domestic violence situation and that the victim may be in danger.

#### ***ii. Critical Incidents while at the Shelter***

- Shelter to call 911 if there is an immediate threat to client or other resident's safety.
- Police and shelter are encouraged to discuss the different types of critical incidents that may occur and are of particular concern as well as the response that can be expected. Collaborative development of protocols in terms of a critical incident response may be of value in coordinating these responses.

### **H. SAFETY CONCERNS AT COURT APPEARANCES**

If there are safety concerns in advance of a court appearance, the victim and/or the shelter staff and police will discuss concerns and possible strategies.

If there are safety concerns at the court on the day of appearance, the victim or shelter staff should notify the Sheriff in the Court Room.

### **I. CUSTODY AND ACCESS ISSUES: APPREHENSION OF CHILDREN**

#### **Police/Shelter Collaboration:**

- When enforcing Court Orders, police and shelter staff work together in order to cause as little disruption as possible to the mother, child(ren) and other residents.
- If there is a language barrier, have an objective interpreter available.

#### **POLICE SERVICE**

- Must see a certified copy of the original Custody Order in order to be able to enforce it.
- Attempt to notify the shelter of the need for apprehension.
- Under no circumstance should the police allow the partner to accompany them to the shelter.



## **SHELTER**

- Certain court orders may give the police and the Child Intervention Worker permission to enter and search for the children. If police have such an order, they will inform the shelter staff that they must gain access to the children and have the legal right to use force, if necessary.
- The shelter, upon receiving notice of the need for apprehension, should hold the apprehension confidential and not disclose to the client. The shelter will make the necessary arrangements for an appropriate space to facilitate the apprehension.

## **J. INCIDENTS INVOLVING POLICE OFFICERS**

In developing the procedures and steps to be followed when a domestic violence occurrence involves a member of a police service, any procedure should, in addition to the general procedures involved in non-member incidents, reflect:

- Victim safety;
- Objectivity;
- Accountability;
- Confidentiality; and
- Lack of bias towards the member.

Each agency should consider the involvement, whether it be as primary or supportive, of the respective Professional Standards Branch when investigating police members involved domestic violence incidents.

Investigations into domestic violence incidents involving members of a police service should restrict access to information about the investigation to appropriate upper police management on a “need to know” basis to protect the privacy of the victim.

The Alberta Serious Incident Response Team (ASIRT) is an independent investigative agency whose mandate is to investigate police misconduct and incidents that come within the scope of Section 46.1, *Police Act* – specifically incidents where the actions of a Police Officer cause serious injury or death or incidents of a serious or sensitive nature.

## **K. SHELTER AND POLICE ONGOING RELATIONSHIPS AND COLLABORATION**

Police and shelter staff are encouraged to identify designated contacts to facilitate the development of area specific protocols and ongoing relationship building. These designated contacts can also be the point of contact for non-emergency situations, information gathering, complaints and invitations to meetings that support collaboration.

This document will be reviewed through the Family Violence Police Advisory Committee on an annual basis to ensure it continues to meet the needs of Police Services and shelters, in determining responses for victims with high needs and who may be at high-risk. Ongoing issues will be reviewed on a continual basis. A provincial meeting with shelter staff and police representatives is encouraged every two years. It is recognized that often, when strong relationships are in place, less formal approaches may be taken.

The following suggestions/actions may be helpful to consider in ongoing discussions:

- Increase familiarity with each other's staff, encourage visits at staff meetings, exchange of information on issues, etc.
- Meet semi-annually to review and enhance agreements and provide further opportunities for collaboration.
- Establish a process where shelter staff and police meet informally to discuss emerging issues, successes and challenges.
- Develop a straightforward process to bring forward situations where there are problems or serious concerns. It is important to attempt to utilize all avenues to come to a negotiated resolution.
- In the event that more formality is required to address an issue or concern, consideration of the following should be given:
  - To make a formal complaint against a shelter staff member, the appropriate police members should contact the shelter staff to determine the appropriate procedures.
  - To make a formal complaint against a police member, a formal complaints procedure is in place and can be initiated at any division or police headquarters or through the Public Complaints Commission.

# Appendix C: Crown Bail Package and JP Bail Package Checklist

Law enforcement agencies are required to prepare **TWO** bail packages for the Crown Bail Office (CBO). The Crown Bail Package is for the Crown (and Duty Counsel) to review to make a decision regarding detention or release. The JP Bail Package is for Hearing Office use. Packages that do not comply with the checklist **will be** rejected. **BOTH** bail packages should be emailed as two separate PDFs to: **JSG-ACPS-Bail@gov.ab.ca** or submitted through Criminal eFile, where used.

Emails (or folder name for DatAnywhere users) should contain the following information in the **Subject line**:

- JOIN docket number
- Accused's Name
- Date AND Time of Arrest

## FORMAT

- PDF** (non-fillable) – separate PDFs for Part 1 and Part 2
- PDF's **must** be named: **FirstName LastName CROWN bail.pdf** and **FirstName LastName JP bail.pdf**
- Legal** sized paper for legal documents
- No headers, footers, logos, or crests** (except the Provincial Court crest) on the Information or Summary of Outstanding Warrants (SOW)

## Part 1) JP BAIL PACKAGE CONTENTS

The JP Bail Package contains only the following documents, in this order:

- Request for Service Cover Page** (Fax Cover Sheet – Request for Justice of the Peace Services or as revised)
- Where accused arrested on Form 21 warrant, ensure appropriate box checked on Request for Services Coversheet (**Do not** include Form 21 warrants)
- JOIN generated Information** (in compliance with s. 508.1), signed, dated, containing all generated pages, without any unnecessary mark up and in a pdf form printable in legal document size format (must print in the original 8.5 x 14 format without modification)
- Current Criminal Record**, even if there are no convictions
- Summary of Outstanding Warrants** (SOW), signed and dated, in compliance with CBO guidelines (established by the Hearing Office), including Out-of-Province warrants (Six-Day Remands). Wherever possible, **Copies of all warrants in the SOW**. CPIC messages/"hold slip" forms are acceptable only as a last resort. SOW's must be separated into the following:
  - For each offence location court point (e.g. Edmonton & Airdrie)
  - For Provincial/Municipal (Traffic) charges IF on a different court sitting than criminal charges at the same location
  - For youth charges (Y-files) from adult charges (P-files) or Queen's Bench warrants (Q-files)
- Copies of active Release Orders, Recognizances and Undertakings**. Where the documents are readily available, provide copies, where not readily available, the text from JOIN is acceptable for Alberta Orders. Out of province active orders to be provided unless unavailable within a reasonable time frame.

- Copies of original of any active Probation Orders, Conditional Sentence Orders, Emergency Protection Orders or Prohibition Orders** if the accused is being breached on them. Where no charges arising, JOIN printout is acceptable. Include warrant of committal for youth serving youth sentences.
- YCJA Parent / Guardian Notification and Contact Information.
  - On “Y” files only, notice is necessary until the age of 20 less a day. On any “P” file the notice is not required regardless of charge.

## **Part 2) CROWN BAIL PACKAGE CONTENTS**

Includes **all of the above** in the JP Bail Package, as well as the following, in this order:

- Summary of the Offence** (Prosecutor’s Information Sheet, Report to Prosecutor etc.) for new and outstanding warrant charges
- Arrest Report, Show Cause Report and/or Criteria for Detention** (Details of accused personal circumstances that are relevant to the issue of release or detention - e.g., residence, employment; factual basis for recommendation of conditions or detention, as well as a summary of details of any out-of-province orders for which no charges arise)
- Circumstances of arrest** (if not already included in either of the above) include in Crown Bail Package email
- HROP, SHOP, PPOP and POET (or equivalent) reports**, if they exist; **Domestic Violence History (FVIR)**, if charges are domestic violence related; and **JOIN tracking sheet** (if not provided, advise as to why)

## **IMPORTANT NOTES**

**The bail packages are not vetted before they are provided to Duty Counsel or Defence Counsel. Information that is confidential and cannot be disclosed should not be included in the bail package.**

There may be times when additional information is requested in exceptional circumstances.

**Questions? Contact Alberta Crown Bail Office: 1-855-432-8828**