

# **Domestic Violence Police Guidelines**

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## TABLE OF CONTENTS

PURPOSE .....	2
DEFINITIONS.....	2
COORDINATION AND COLLABORATION .....	3
COMMUNICATIONS AND DISPATCH.....	5
INITIAL RESPONSE PROCEDURES .....	5
WARRANT PERMITTING ENTRY.....	5
CONDUCTING A COMPREHENSIVE INVESTIGATION .....	6
INTERVIEWING PROCEDURES.....	8
PARTIES TO INTERVIEW .....	8
METHODS OF INTERVIEW .....	8
SWORN VIDEO RECORDED WITNESS STATEMENTS.....	9
CRIMINAL HARRASSMENT (STALKING) .....	10
CHARGE POLICY .....	
MUTUAL OR DUAL CHARGING .....	11
CRIMINAL PROCEEDINGS AGAINST THE VICTIM .....	11
BAIL PROCEDURES .....	12
PRIOR TO CONSIDERING RELEASE .....	12
BAIL HEARING .....	13
RELEASE FROM CUSTODY .....	13
PREPARING FOR CROWN AND COURT .....	14
CASE MANAGEMENT STRATEGIES.....	14
EFFECTIVE CASE MANAGEMENT .....	
FAMILY VIOLENCE INVESTIGATION REPORT .....	14
STRATEGIES FOR SAFETY .....	14
A. SAFETY PLANNING .....	15
B. HIGH RISK AND REPEAT OFFENDERS .....	16
C. I-TRAC .....	16
D. <i>PROTECTION AGAINST FAMILY VIOLENCE ACT (PAFVA)</i> .....	17
FIREARMS .....	18
CHILDREN EXPOSED OR AT RISK .....	19
CHILD, YOUTH AND FAMILY ENHANCEMENT ACT (2004) .....	19
SUPPORT TO VICTIMS .....	19
SPECIALIZED VICTIMS .....	21
ABORIGINAL VICTIMS .....	21
HONOUR BASED VIOLENCE CONSIDERATIONS .....	21
IMMIGRATION STATUS .....	22
LANGUAGE BARRIERS .....	22
VICTIMS WITH DISABILITIES .....	23
SEXUAL AND GENDER MINORITIES (LGBTQ)...	23
TRAINING .....	24

MONITORING AND SUPERVISION .....	24
OCCURRENCES INVOLVING POLICE MEMBERS.....	25
APPENDIX A: FAMILY VIOLENCE INVESTIGATION REPORT AND RATIONALE .....	27
RATIONALE OF FAMILY VIOLENCE INVESTIGATION REPORT QUESTIONS .....	30
SAFETY PLANNING .....	34
APPENDIX B: ALBERTA POLICE SERVICES AND WOMEN'S SHELTERS WORKING RELATIONSHIP GUIDELINES .....	35

## **DOMESTIC VIOLENCE INVESTIGATION GUIDELINES FOR POLICE SERVICES**

These Guidelines are to be used in conjunction with the [\*Domestic Violence Handbook for Police and Crown Prosecutors in Alberta\*](#) (DV Handbook).

### **PURPOSE OF GUIDELINES**

The purpose of these Guidelines is to provide assistance to police services in developing policy and procedure relating to the investigation of domestic violence. It is important for police services to consider the best practices outlined in the Guidelines.

It is recognized that terms may vary amongst police services in Alberta and across the country, and includes terms such as domestic violence (DV), intimate partner violence (IPV), family violence (FV), domestic conflict, and violence against women (VAW).

### **DEFINITIONS**

**INTIMATE PARTNER VIOLENCE (IPV)/Domestic Violence (DV)** is defined as any use of physical or sexual force, actual or threatened, in an intimate relationship. It may include a single act of violence, or a number of acts forming a pattern of abuse through the use of assaultive and controlling behaviour. The pattern of abuse may include:

- Physical assault or abuse;
- Sexual assault or abuse;
- Criminal harassment (stalking);
- Threats to harm children, other family members or pets;
- Property damage;
- Verbal intimidation or conflict; and/or
- Emotional abuse/psychological abuse.

**INTIMATE RELATIONSHIP** is defined as a relationship between opposite-sex or same-sex partners regardless of age. These relationships vary in duration and legal formality, and include:

- 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.

Domestic violence or intimate partner violence may also include violence towards a new or former intimate partner, their children, friends or family. This violence may be direct or indirect and include such acts as assaults, mischief, uttering threats, or criminal harassment.

Either gender can be the victim of domestic violence/intimate partner violence; the majority of reported incidents involve violence against women.

#### NEED FOR CO-ORDINATION AND COLLABORATION

Police and Human Services are able to share information under provincial and federal legislation when investigating and safety planning. RCMP should be familiar with the requirements of federal privacy legislation. It is beneficial when all parties (Human Services, prosecutions, probation, community agencies) work in partnership.

As such, every police service is encouraged to work in partnership with the following community service providers, systems and agencies:

- Crown Prosecutors' Office;
- Probation;
- Victim Services;
- Alberta Human Services;
- Municipalities;
- Women's shelters (See Appendix B for Alberta Police Services and Women's Shelters Working Relationship Guidelines ;
- Community representatives responsible for issues related to domestic violence; and
- Other local service providers.

Every police service is encouraged to participate in a domestic violence coordinating committee with the above community service providers, systems and agencies. A

coordinating committee can assist in addressing a number of community related issues surrounding family 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 domestic violence; and
- Developing initiatives/programs for prevention and early intervention.

## **POLICY AND PROCEDURE**

**Police Services are required to develop and maintain procedures for undertaking and managing investigations into domestic violence occurrences. Best practice is outlined in each of the areas of investigation below:**

1. Communications and Dispatch
2. Initial Response Procedures
3. Conducting a Comprehensive Investigation
4. Interviewing Procedures
5. Criminal Harassment
6. Charge Policy
7. Mutual or Dual Charges
8. Criminal Proceedings Against Victims
9. Bail Procedures
10. Case Management Strategies
11. Firearms
12. Children Exposed or at Risk
13. Support to Victims
14. Specialized Victims
15. Training
16. Monitoring and Supervision
17. Occurrences Involving Police Members

### **1. Communications and Dispatch**

Best practice is:

- That persons who provide communications functions are trained with respect to context and risk factors associated with domestic violence occurrence calls for service;
- That all domestic violence occurrence calls be given priority even if the call is withdrawn, including calls relating to alleged breaches of bail, probation, or protection orders;
- Police respond to the victim's location in all cases; and
- That Communications personnel obtain as much information about the event from the reporter as is possible, and provide this information to responding officers.

## **2. Initial Response Procedures**

Best practice includes the following:

- Follow Police Service policy regarding entry into residence to check on the welfare of a person or 911 hang-up call;
- Follow 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 evidence; and
  - Make detailed notes, including the actions, utterances and injuries of all parties involved;
- A detailed occurrence report is to be completed for every Intimate Partner Violence (IPV) or domestic violence 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
- All officers responding to an IPV or DV occurrence complete the Family Violence Investigation Report (FVIR) (mandatory).

### ***Warrant Permitting Entry (WPE)***

If the police member 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 to enter. Under s.10 of PAFVA, the police may obtain a warrant to enter a dwelling house 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 Warrant Permitting Entry (WPE).

A Justice of the Court of Queen's Bench, Provincial Court Judge, or a Justice of the Peace 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 person providing the information on oath has been refused access to a family member; and
- The family member may have been the subject of family violence and will be found at the place to be searched.

The warrant 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; and
- With the family member's consent, to remove the family member from the premises for the purpose of assisting or examining the family member.

### **3. Conducting a Comprehensive Investigation**

#### **1. Victim**

- Statement taken.
- Photographs taken initially.
- Photographs taken 2-3 day later.
- Evidence seized.
- Injuries detailed (If strangulation, immediate EMS is required/Sexual assault examination kit).
- Consent for Release of Medical Form completed.
- Complete FVIR (mandatory).

#### **2. Offender**

- Located and arrested (if applicable) or request warrant.
- Cautioned statement taken.
- Photographs taken.
- Evidence seized from offender.
- Previous domestic violence police reports.

#### **3. Witnesses**

- Statements taken.
- Neighborhood inquiries.

#### **4. Children**

- Human Services contacted if there are any children stemming from the relationship, living at the home, or under the care of either party.
- Statements taken (if applicable)(Video under s. 715.1).
- Child custody/access orders obtained.
- Age of the children; biological or step.
- Family Law orders/actions.

#### **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.
- 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 ([DV Handbook Chapter 22](#)).
- Consider bail revocation.
- Remand/ Release with conditions.
- Firearms addressed.
- Conditions of release.
- Victim informed of results.

#### **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.

#### **12. Specialized Team, Family Violence Unit Coordinator/Supervisor**

- Guidance sought

#### **13. Documentation**

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

### **4. Interviewing Procedures**

Best practice is to address the interviewing of the victim(s), suspect, and witnesses, including:

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

#### **Method of Interview**

Best practice is:

- Witnesses be interviewed separately from one another and directed not to discuss the events among themselves;
- An interpreter (non-family member) is utilized when necessary to obtain a full account of the incident;
- Members obtain a handwritten statement (pure version) 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, with adult victims consider taking a KGB statement;
- If the witness is unable to provide a written statement, the member may record the statement of the witness, have the witness review the statement, confirm it is accurate, and sign/initial the statement (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, all efforts to ensure a “child friendly” interview must be taken. Where possible, the interview should be videotaped pursuant to s.715.1 so that it can be used in evidence.

### **Sworn Video Recorded Witness Statements**

The Police Service procedures should address obtaining sworn video recorded witness statements, in accordance with the KGB ([R v B. \(K.G.\), \[1993\] 1 S.C.R. 740](#)) guidelines, from the victims(s) in all cases and especially in those cases involving victims at high risk for future violence, and abusers who are the most serious, violent offenders.

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

- The accused has a criminal record with prior convictions for family violence;
- The accused has a criminal record which contains 3 or more convictions for offences of violence;
- The accused has a criminal record which contains 1 or more convictions where a penitentiary sentence (2 years jail or more) has been imposed;
- The current case involves one or more of the following charges against the accused:
  - s. 267 – assault with a weapon or causing bodily harm;
  - s. 268 – aggravated assault;
  - s. 239(1) – attempted murder;
  - s. 279(1) – kidnapping;
  - s. 279(2) – forcible confinement;
  - s. 271 – sexual assault;
  - s. 272 – sexual assault with a weapon or causing bodily harm;
  - s. 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 type of information may be available from JOIN or the police records management system;
- The accused’s conduct is characterized by domination, intimidation, degradation and control, and is not a minor act of violence during conflict in an otherwise non-abusive relationship; and/or
- The victim is identified through risk assessment tools to be at high risk for homicide.

## **5. Criminal Harassment (Stalking)**

Criminal harassment is a form of domestic violence, the motivation for which primarily relates to a desire to control a current or former partner. It may include the following:

- Repeatedly following from place to place the other person or anyone known to them;
- Repeatedly communicating, directly or indirectly with the other person or anyone known to them;
- Watching a dwelling house or location where the person resides or works; or
- Engaging in threatening conduct towards another person or any member of their family.

Police members should consider:

- That stalking creates *psychological harm* such as fear and loss of control over the victim's life. Victims of stalking are most commonly diagnosed with Post-Traumatic Stress Disorder. It may also be a precursor to subsequent violent acts;
- That marriage or cohabitation does *not* prohibit a charge and conviction;
- The importance of safety planning and intervention for victims of criminal harassment;
- 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, the investigator should consider obtaining phone records.

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

## 6. Charge Policy

Best practice is:

- Police Service policy include a statement regarding the requirement to lay charges when a comprehensive investigation reveals reasonable grounds to believe that an offence has been committed.

In addition, best practice includes:

- All domestic conflict/violence related occurrences are noted as DV on the police records management system and as Spousal Abuse (\*SAB\*) on JOIN;

- If reasonable grounds exist to lay a charge, every reasonable effort is made to locate and apprehend the suspect if the suspect is not present when the police arrive;
- If the investigator is unable to locate the suspect, a warrant for the arrest of the suspect is obtained as soon as practicable. 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.

## **7. Mutual or Dual Charging**

It is recommended that Police Service policy and procedures include a statement regarding the importance of determining which party is the principal or dominant aggressor and lay charges against that individual when a comprehensive investigation reveals reasonable grounds to believe that an offence has been committed. [See Chapter 19 in the DV Handbook](#) for information regarding this assessment, which considers the following:

- Distinguishing assault from defensive self-protection;
- Recognizing abusive behaviors/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.

It is a best practice for Police Service policy to include a requirement to consult with the local Crown prosecutor prior to charging both parties or laying a charge against a victim in an abusive relationship.

## **8. Criminal Proceedings Against the Victim**

It is recommended that Police Service policy include a statement advising caution when considering laying charges against the victim in an abusive relationship as charges against a victim can be considered as revictimizing the victim. Potential charges against a victim include perjury, public mischief, contempt of court, breach of probation/recognizance, etc.

Best practice is:

Police Service policy includes a requirement to consult with senior or specialized DV investigators and the local Crown prosecutor prior to laying a charge against a victim in an abusive relationship.

## 9. Bail Procedures

Each Police Service is required to have a separate policy or procedure in relation to the release of an accused in IPV/DV cases.

Best practice is:

### *Prior to Considering Release*

- Complete the FVIR (mandatory);
- Obtain a criminal history of the accused;
- Determine whether there are outstanding charges (especially whether the accused is on release for actions relating to the same victim);
- Where 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 the situation of conflicting orders of release. If the accused is on release (especially in relation to charges against the same complainant), the policy and procedures should address the method of bringing the previous charges before the court to speak to bail in conjunction with the new charges;
- Review current and previous court orders (EPO, Bail, Probation, Conditional Sentence Order, Peace Bonds, etc.) especially in relation to conditions regarding the same victim;
- Determine whether there is a history of compliance with release conditions (especially in relation to contact conditions on domestic cases);
- 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
- 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. 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 behavior including aggression and stress response.

Best practice also includes:

- Obtaining information regarding whether the accused has a history of alcohol or drug problems or mental illness (especially previous suicide ideation); and
- Gathering details of previous domestic violence charges and convictions (especially in relation to previous incidents involving the same victim).

### *Bail Hearing*

When the investigator has determined that a denial of release is appropriate, best practice is:

- Members speaking to bail in DV/IPV cases should be familiar with the FVIR rationale in order to provide appropriate submissions to the JP;
- Notify the victim of the date and time of the bail hearing;
- Member speaking to bail has all the material referred to above prior to speaking to bail;
- Obtain a s. 516(2) order of no contact if the bail hearing is adjourned;
- Obtain a s. 515(12) order if bail denied;
- Rationale for denial of bail clearly set out in police report; and
- Recommended conditions clearly set out in police report should bail be granted.

Police are responsible for notifying the victim of the outcome of the bail hearing and first court date (whether bail adjourned, bail denied, or bail granted). Amendments to the *Corrections Act* (2007), provides that victims of crime are entitled to receive information regarding an offender who caused them harm. Best practice for police is to advise correctional centers of the need to contact the victim upon the offender's release when bail is granted.

### ***Release from Custody***

Where release is appropriate, and the investigator is considering a method of release of an accused, the following release options are **INAPPROPRIATE** *in most situations* due to an absence of conditions to protect victims:

- Summons (to Court).
- Appearance Notice.
- Promise to Appear, *alone, unless accompanied by an Undertaking with appropriate safety conditions.*

When the accused is being released from custody, best practice is to consider the following as conditions on release:

- No contact, directly or indirectly, with the victim, children, or other specified person(s);
- Geographical area restrictions from going within 200, 500 or 1000 meters of any specified places such as the victim's residence, place of work, children's schools;
- Abstaining from consuming alcohol or other intoxicating substances or drugs, except in accordance with a medical prescription;
- Prohibition from possessing firearms, and surrendering any license, registration certificate or authorization for firearms;
- Reporting at specified times to probation, a peace officer, or other designated person; and
- Other conditions as appropriate to the individual case (consult the victim).

In addition:

- Procedures should include that the accused be required to attend court within 7 days of the initial occurrence, wherever operationally possible;
- Include a copy of the release with the Prosecution Package; and

If the accused is released by police, police are responsible for notifying and informing the victim as soon as possible of the conditions of release of the accused.

### ***Preparing For Crown and Court***

Best practice is:

- Prepare a complete package for the prosecution (including photos);
- Ensure personal information (addresses/contact info) is highlighted to be redacted by the Crown or if police prepare defence disclosure, redact all personal information that might allow the accused to find the victim;
- Advise victim of release conditions/bail status;
- Advise the victim of the first appearance date;
- Advise victim of right to submit a Victim Impact Statement and Request for Restitution, if appropriate;
- Offer support services including court preparation – Victim Services Unit (VSU); and
- Provide victim with contact information for the local Crown Prosecutors’ Office.

## **10. Case Management Strategies**

### **Effective Case Management**

The **Family Violence Investigative Report (“FVIR”)** (Appendix A) is a mandatory report designed to be completed within 12 hours of the investigation of incidents involving DV or intimate partner violence. The “Officer’s Notes” sections are to be completed where applicable and used for preparing the police report.

Safety considerations are an important follow-up to the FVIR, which may identify specific areas of risk for the victim. [Strategies for Safety: Considerations for Individuals Experiencing Family Violence](#) was designed to provide safety planning information to professional and front line responders who are working with individuals impacted by family violence. It provides information and questions that assist in beginning the conversations around the issues of victim safety and engaging other community partners as required and appropriate.

Victim Service Units are a collaborative team of professionals who operate out of police services across the province. Victim Service Units assist in safety planning in partnership with police and in collaboration with the victim. It is important that police lead the process as they identify areas of risk through the investigation which guides the development of strategies for safety. Victim Service workers will work closely with the victim to understand and support their needs.

A referral may be made to the [Integrated Threat and Risk Assessment Centre \(I-TRAC\)](#), the provincial, multidisciplinary threat assessment unit dedicated to reducing domestic violence, non-domestic violence and stalking. If consultation is required, I-TRAC staff members are available to provide timely advice on risk management in the service of protecting victims. Consultation can occur and referrals can be made by calling (780) 509-3415.

In every case of Domestic Violence (DV) or Intimate Partner Violence (IPV), police officers, with the consent of the victim, should consider applying for an Emergency Protection Order (EPO) under PAFVA. The fact that criminal charges have been or may be laid against the accused/respondent 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.

In every case where a child is the victim, is exposed to, or has witnessed IPV/DV, the police shall contact Human Services. (See Section 14: Children Exposed or at Risk)

In addition to the above, police members should consult with supervisors, senior members, and subject matter experts in more complex investigations. Further, police members should consider contacting the local Crown Prosecutors' Office for either informal advice on the investigation or a formal opinion regarding reasonable likelihood of conviction.

### **A. Safety Planning**

Police members should ensure that issues surrounding the victim's safety are thoroughly addressed, including providing the victim with information on safety planning and assistance within the community. The [Strategies for Safety: Considerations for Individuals Experiencing Family Violence](#) booklet is available by clicking on the link. It is a resource booklet designed to assist police and frontline responders in providing safety information to victims of family violence. The booklet will provide police with a starting framework to ensure that, following the completion of the FVIR, issues of safety are addressed with the victim. Where there is a risk of repeat victimization, the member should warn the victim about the potential risk to the victim or any children, and assist them with completing a safety plan. Local Victim Services Units are also able to assist with safety planning and community referrals.

### **B. High Risk and Repeat Offenders**

Best practice should address the investigative supports that may be available to assist in cases determined to be high risk, or where there is a repeat offender with a history of domestic violence with the same or multiple victims, 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. The Witness Security Coordinator can be reached at 780-638-3974 or at [jeff.w.anderson@gov.ab.ca](mailto:jeff.w.anderson@gov.ab.ca).

Additionally, best practice is that investigators will:

- When available, obtain the details of previous domestic violence charges and convictions to be included in the Prosecution Package;
- Conduct safety planning;
- 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 where there is a repeat offender, the offender should be entered into the "SIP" category on CPIC as soon as possible, and no later than within 24 hours. Victims may also be entered into the "SIP" category on CPIC.

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

Threat assessment is performed by I-TRAC to offer assistance, to all law enforcement and criminal justice agencies; including prosecutors and corrections, in the management of high risk non-domestic, domestic violence, criminal harassment and stalking occurrences. The head office is located at ALERT West Campus, 18807-Stony Plain Road, T5S 0C1 Edmonton, Alberta.

I-TRAC services include:

- Assessing the level of risk an individual poses;
- Providing case management strategies;
- Training;
- Safety planning;
- Expert testimony;
- Facilitation of new identities in conjunction with Confidential Services for Victims of Abuse, (CSVA) Program; and
- Facilitating access to certified threat assessors, forensic psychologist, and external agencies including: mental health and specialized law-enforcement and criminal justice units.

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, courts, corrections, and child protection workers are better informed of whom 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 he or she poses.

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

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. 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. See [Chapter 24 in the DV Handbook](#) and the [PAFVA Guide](#) for an in-depth description of PAFVA Protection Orders and Warrants Permitting Entry.

Best practice is:

- In every case of domestic violence or conflict where the criteria is met, the police member seeks the victim's consent and applies for an EPO on behalf of the victim. Obtaining an EPO does not preclude the use of any other tools such as bail under the *Criminal Code* or the *Child, Youth and Family Enhancement Act*;
- 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
  - Claimant's 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 very young children or where the Claimant has been rendered 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 s.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 on one Information; and
- Victim Services personnel be trained to provide information to Claimants about PAFVA.

## 11. Firearms

Best practice includes the following:

- Follow the Police Service procedures on responding to occurrences involving firearms, regardless of whether any charges are laid;
- When responding to IPV or DV 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 *Firearms Act* relating to safe storage of firearms (See [Chapter 25](#) on Firearms in the DV Handbook);
- 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*;
- Where appropriate, obtain prohibition as a condition of bail in compliance with 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.

## 12. Children Exposed or at Risk

The procedures should include a direction that Human Services is to be contacted in every case where children are involved in the relationship, have been exposed to, or witnessed domestic violence. Domestic violence is highlighted in the [Child, Youth and Family Enhancement Act](#), as emotional injury which is defined as exposure to domestic (family) violence.

Children exposed to domestic violence are affected and may require intervention and supports. *Children do not have to directly witness the violence to be negatively impacted*, they may not be in the home at the time of the incident, but are affected. Children can be exposed to family violence in a variety of ways, including:

- Witnessing the violent act directly;
- Hearing a violent event;
- Being directly involved physically (i.e., assaulted accidentally, or used as a shield);
- 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); and/or
- Being used as a “spy” or pawn.

The impact may be immediate and visible or delayed and subtle. Exposure to domestic violence can impact children in several ways including, but not limited to, brain development being altered, increased difficulty dealing with anxiety and stress, mimicking anti-social behaviours, developing healthy emotional intimacy, addictions issues, and low self-esteem.

Intervention services can be provided by Human Services to support children and families. Human Services receive referrals from a variety of sources including police, other professionals, and community members. Trained caseworkers assess allegations of child abuse to ensure the well-being of children. A variety of services and supports are available to children and families under the CYFEA.

The document: [\*Responding to Child Abuse in Alberta: A Handbook\*](#), outlines the protocols on reporting and investigating child abuse.

### **13. Support to Victims**

Victims of IPV or DV may experience severe trauma, particularly when the abuse has continued for an extended period of time. Victims may have experienced years of cumulative stress and depression resulting from abuse. Hopelessness, combined with what they may perceive as catastrophic loss with the arrest of the perpetrator, or loss of financial support could result in suicidal ideation. It is important for police members to be aware of these risk factors.

The guidelines contained in the [\*Victims of Crime Protocol\*](#), and the companion Roles and Responsibilities document, make reference to specific procedures for police officers when dealing with victims, such as those affected by domestic violence. These victims are entitled to “outreach” services due to the serious and violent nature of the offence. The procedures should note police are responsible for:

- Notifying victims that they can access a Victim Services program;

- Providing information to the victim on services that are available, and offering immediate contact with Victim Services who may be able to assist with the following:
  - Addressing any special needs of the victim (i.e. dealing with communication barriers);
  - Providing a localized pamphlet on domestic violence that includes information on local resources to assist victims; and
  - If charges are laid, providing updates regarding the criminal justice process to the victim;
- 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);
- Court orientation and support; and
- Police may delegate to Victim Services Units (VSU) their responsibility to provide victims of crime with more detailed information about how to prepare and submit a victim impact statement, how to apply for financial benefits, how to request restitution, and other assistance and programs.

For detailed responsibilities of police when assisting victims through the investigation and criminal justice processes, please refer to page 72 of the Victims of Crime, Roles and Responsibilities document which provides a chart showing when police and/or Victim Services is responsible for assisting victims with notification about the investigation and criminal justice processes. To request copies of this document, contact the Victims Programs Office at 780 427-3460 or link to: [Victims of Crime Protocol](#).

In addition to completing a comprehensive investigation, best practice for police members responding to domestic violence occurrences includes:

- Attending the residence of the victim to ensure peaceful entry when the victim or suspect returns to take possession of personal belongings if concerns for the victim's safety exist. If either party contests property removal, the member should advise the parties of the need to seek a civil remedy; and
- Arranging 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.

#### **14. Specialized Victims**

In addition to the assistance outlined above, best practices include direction that, certain victims require information specific to their situation. It should be noted that, in addition to police-based Victim Service Units, some communities have specialized community-based Victim Services Agencies that focus their support on one or more "specialized" groups of victims such as the following:

### *Aboriginal Victims*

Best practice includes the recognition of the special history and circumstances of Aboriginal people to ensure culturally sensitive services. Considerations may include the following:

- Resources may be very limited for the victim and the community;
- The perpetrator could be an important member of the community;
- The makeup of the community and availability of support systems are unique and vary between communities. Be aware of the availability of support networks for victims in your area;
- The perpetrator may have possession of the house or the house may be on family land that belongs to the perpetrator;
- Suspicion about the criminal justice system may discourage many Aboriginal people from seeing police intervention as an option;
- Many victims in cases of family violence fear police will take their children; and
- In some communities culturally appropriate services may be limited or not exist at all. In many instances there are no culturally appropriate services.

Further information at the [National Aboriginal Circle Against Family Violence](#), the [National Family Violence Prevention Program \(Aboriginal Affairs and Northern Development Canada\)](#), and also at the [Aboriginal Families](#) webpage on the Human Services site.

### *Honour-Based Violence Considerations*

Police have experience responding to incidents of family violence; however they may be less familiar with the specific context within which an incident of family violence involving Honour Based Violence (HBV) or Forced Marriage (FM) may occur.

Understanding the context and the unique characteristics of crimes committed in the name of honour will assist police members in effective interventions, assessing the risks associated with threats of HBV and FM, responding to the unique victim vulnerabilities present, and identifying patterns that may expand the scope of their investigation. Further information is available at: [Forced Marriage & Honour-based Violence](#).

### *Immigration Status*

Best practice includes the following considerations:

- Police may need to explain the role of the police in Canada as many new immigrants 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 and probable grounds to do so;
- If the victim is a **Canadian citizen or a permanent resident** they cannot be deported for leaving an abusive situation;
- 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 may be obtained at [Citizenship and Immigration Canada](#) or by calling 1-888-242-2100.

### *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 Service policies with respect to translation services available.

Victims Programs has contracted a language translation service to provide a phone based translation service for all Victim Service programs which receive funding through the Victims of Crime Fund. This translation program is designed to provide Victim Services advocates an 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 110 languages, twenty-four hours a day, seven days a week. Victim Services programs access this service by calling a toll free number and providing a unique identifier number. Please note that [CanTalk](#) is only available for Victim Services Units and that various police agencies will also have translation services available, through their Police Service. For more information about [CanTalk](#) services and a list of languages available please visit: [www.cantalk.com](http://www.cantalk.com)

Additional information regarding specialized victims may be obtained from the following websites:

- General victims of crime information: [www.victims.alberta.ca](http://www.victims.alberta.ca)
- [Victims of Crime Protocol](#)
- [Alberta Victim Services Programs Directory](#)

### *Victims with disabilities*

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

Best practice is:

- 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; and
- Ensure that victims are in a safe environment before leaving the scene. It is important to recognize that the people (family members or service providers) the



victim is dependent on to meet their needs could be the offender and that an alternate caregiver for the victim may be needed.

### ***Sexual and Gender Minorities (Lesbian Gay, Bisexual, Transgender, Queer) (LGBTQ)***

Sexual and gender minorities encompass a constellation of identities, including lesbian, gay, bisexual, transgender, transsexual, intersexual, and queer individuals. LGBTQ is a common initialism used to represent these identities. The concerns of sexual and gender minority victims of domestic violence may be unique. In Canada, sexual minorities are one of the three most targeted groups for hate crimes. Of all the hate crimes committed, those targeting sexual minorities (or those perceived as such) are the most violent in nature, often requiring medical attention.

Police members may not recognize initially that an incident occurred in the context of intimate partner violence as victim and perpetrator may downplay their relationship for fear of being “outed” to family, friends or the community. It is only upon further investigation that the relationship becomes apparent. Sexual and gender minorities may fear being “re-victimized” by encountering homophobia, transphobia, heterosexual or gender bias by law enforcement based on past negative experiences or may anticipate it based on personal stories they may have heard by other in the LGBTQ community.

In addition, the abuse suffered by sexual and gender minority victims may be qualitatively different than that experienced by a heterosexual or a cisgender (when an individual's self-perception of their gender matches the sex they were assigned at birth) victim. Internalized homophobia may also be a factor for victims who feel that “no one else will love them” so they cannot leave an abusive partner.

Best practice is:

- Consultation with a recognized LGBTQ community organization should be considered; and
- Caution must be taken to ensure that the physical danger involved in same-sex intimate partner violence is not underestimated, especially when a physically smaller partner may be the perpetrator.

## **15. Training**

Best practice includes ensuring that IPV or domestic violence training is available to all police members.

Every Police Service should ensure that it has trained domestic violence investigators. Training should be approved by Alberta Justice and Solicitor General and satisfy the key elements outlined in the curriculum described below:



- The dynamics of abusive relationships including the effects of physical assault and psychological abuse;
- The initial police response to domestic violence occurrences, including officer safety;
- The need to complete the FVIR in all IPV incidents of domestic violence;
- Interviewing, including interviewing child witnesses;
- Collection, care and handling of evidence;
- Search, seizure and warrants;
- Firearms seizures and legislation;
- Charge, dual charges and dominant aggressor policy;
- Strangulation investigations;
- Court orders; (i.e. Restraining orders, peace bonds, Emergency Protection Orders, judicial interim release orders, other relevant legislation and probation orders);
- Victim assistance and local Victim Services;
- Victims with special needs (disabilities, cultural, e.g. honour based);
- Risk factors for further violence and homicide;
- Procedures relating to post-arrest;
- Strategies for addressing repeat victimization and high-risk cases;
- Safety planning;
- Issues relating to children who are exposed to, witness, or experience violence;
- How to establish domestic violence working groups and collaborate with the community including women's shelters;
- Encourage first responders to participate in cross-sector training; and
- Cultural considerations.

## **16. Monitoring and Supervision**

Best practice includes:

- Requirements for supervisors to monitor and ensure, compliance with the Police Service's procedures related to domestic violence occurrences;
- Designation of a domestic violence coordinator who will be responsible for:
  - Monitoring the response to, and investigation of, domestic violence occurrences, including compliance with the Police Service's procedures by supervisors, officers and other members;
  - Monitoring and evaluating follow-up to domestic violence cases;
  - Liaising with the Crown prosecutor, Probation, Parole Services, Victim Services, Human Services, Shelters, and other local services and community representatives responsible for responding to issues related to domestic violence occurrences; and
  - Informing the public and media about the Police Service's domestic violence occurrences procedures.

## 17. Occurrences Involving Police Members

Best practice includes:

- A procedure that sets out the steps to be followed when a domestic violence 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 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 the respective Professional Standards Branch when investigating member involved domestic violence incidents; 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 s. 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.

# **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 “Officer’s Notes” for preparing police report. \*\*\* INFORMATION REQUIRED FOR BAIL HEARING**



## 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

Date completed:		Investigating Officer:	
Agency:		File #:	
Complainant:		Suspect:	
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 <input type="checkbox"/>	YES <input type="checkbox"/>	*** If YES, explain:
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 <input type="checkbox"/>	YES <input type="checkbox"/>	*** If YES, explain:
3. Complainant's Perception of Compliance <b>Does the complainant believe the suspect will disobey terms of release (eg. no contact conditions)?</b>	NO <input type="checkbox"/>	YES <input type="checkbox"/>	*** If YES, explain:
4. Complainant's Perception of Safety <b>Does the complainant fear for their safety or further violence to themselves, their children or others?</b>	NO <input type="checkbox"/>	YES <input type="checkbox"/>	*** If YES, who and what is the basis of their fear?
5. Alcohol/ Drugs <b>Does the suspect have a history of drug or alcohol abuse?</b>	NO <input type="checkbox"/>	YES <input type="checkbox"/>	*** If YES, explain:
6. Mental Health <b>Does the suspect have history of mental issues or illness, personality disorders, types of depression, or mental health concerns?</b>	NO <input type="checkbox"/>	YES <input type="checkbox"/>	*** If YES, please describe and list any medication and/or diagnosis if known
7. Suicidal Ideation <b>Has the suspect threatened or attempted suicide?</b>	NO <input type="checkbox"/>	YES <input type="checkbox"/>	*** If YES, when and how?
8. Current Status of Relationship <b>Is there past, recent, or pending separation in the relationship? What is the current status?</b>	NO <input type="checkbox"/>	YES <input type="checkbox"/>	If YES, explain:  Current status of relationship:
9. Escalation in Abuse <b>Is there escalation in the frequency/severity of violence or abuse towards the complainant, children, family members, others persons, or animal(s)?</b>	NO <input type="checkbox"/>	YES <input type="checkbox"/>	If YES, when and explain
10. Children <b>Are there children from the relationship, or from the</b>	NO <input type="checkbox"/>	YES <input type="checkbox"/>	Child 1 NAME: Date of Birth/Age: Parents/Guardian: (Bio/Step/Other)

<b>complainant, or perpetrator only?</b>  <b>If YES, was Human Services Notified? YES <input type="checkbox"/> NO <input type="checkbox"/></b>  <i>** Provide details of children at right**</i>			Custody/Access:
			Child 2 NAME: Date of Birth/Age: Parents/Guardian: (Bio/Step/Other) Custody/ Access:
			Child 3 NAME: Date of Birth/Age: Parents/Guardian: (Bio/Step/Other) Custody/ Access:
<b>11. Threats</b> <b>Has the suspect ever threatened to kill or harm the complainant, a family member, children, another person, or animal(s)?</b>	NO <input type="checkbox"/>	YES <input type="checkbox"/>	If YES, explain:
<b>12. Firearms</b> <b>Does the suspect have access to firearms?</b>	NO <input type="checkbox"/>	YES <input type="checkbox"/>	If YES, provide details:
<b>13. Use of Firearms and Other Weapons</b> <b>Has the suspect used or threatened to use a firearm or any other weapon against the complainant, family member, children, other person, or animal?</b>	NO <input type="checkbox"/>	YES <input type="checkbox"/>	If YES, explain:
<b>14. Court Orders</b> <b>Are there any court orders in place? (CRIMINAL, FAMILY, and CIVIL) Has suspect ever violated a court order(s) in the past?</b>	NO <input type="checkbox"/>	YES <input type="checkbox"/>	If YES, list any court order(s) and past violation(s):
<b>15. Employment</b> <b>Is the suspect unemployed or experiencing employment or financial difficulties?</b>	NO <input type="checkbox"/>	YES <input type="checkbox"/>	If YES, explain:
<b>16. Forced Sex Acts or Activity</b> <b>Has the suspect ever forced any sexual act or activity on the complainant?</b>	NO <input type="checkbox"/>	YES <input type="checkbox"/>	If YES, explain:
<b>17. Infliction of Pain or Incapacitation</b> <b>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?</b>	NO <input type="checkbox"/>	YES <input type="checkbox"/>	If YES, provide details:
<b>18. Stalking</b> <b>Has the suspect displayed jealous behaviours, stalked or harassed the complainant or any other person?</b>	NO <input type="checkbox"/>	YES <input type="checkbox"/>	If YES, explain:
<b>19. Barriers</b> <b>Are there any immigration, cultural or language barriers, medical health concerns, or special needs affecting the complainant, children, or suspect?</b>	NO <input type="checkbox"/>	YES <input type="checkbox"/>	If YES, explain:
<b>20. Any Other Relevant Information</b> <b>(eg. complainant socially/physically isolated; unwilling to leave the home; problems caring for dependants, etc...)</b>	NO <input type="checkbox"/>	YES <input type="checkbox"/>	PLEASE explain:
<b>IF: SAFETY OF COMPLAINANT AND/OR CHILDREN IS A CONCERN, ALSO CONSIDER AN "EMERGENCY PROTECTION ORDER" PROVIDED FOR IN THE PROTECTION AGAINST FAMILY VIOLENCE ACT.</b> <b>ALSO, HAVE YOU MADE A REFERRAL TO VICTIM SERVICES?</b>			

## 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:** Is there a history of violence or abusive behaviour in the relationship?

**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:** Is there past, recent or pending separation in 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 & #13: Firearms and use of 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.

## **#14: 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)

#### **#15: 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)

#### **#16: 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.

#### **#17: Strangling, Choking or Biting**

##### **Rationale:**

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

#### **#18: 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)

## **#19 and #20: 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. 2008)

## Safety Planning

- **Victim safety planning**  
Are there strategies or processes that could be utilized to increase the safety of the victim, and strengthen abilities to monitor and evaluate situations of risk?
- **Risk Monitoring**  
Re-evaluation will enable police member to continually assess any changes in risk, eg: interviews with suspect, interviews with victim, home visits, warning signs, major life events, etc.
- **Limitations on suspect**  
Supervision or surveillance strategies necessary, as well as restrictions on activity, association, or communication, ie- no contact, no weapons, no alcohol/drugs, reside as directed, Emergency Protection Order, remand, etc.
- **Immediate Action**  
Does the person pose imminent risk, and/or are there preventive steps to be taken? Eg: Arrest, hospitalization, counseling, etc.?

# **Appendix B: ALBERTA POLICE SERVICES AND WOMEN'S SHELTERS WORKING RELATIONSHIP GUIDELINES**

# Alberta Police Services and Women's Shelters Working Relationship Guidelines

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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.*

# Table of Contents

<u>PREAMBLE</u> .....	3
<i>Vision:</i> .....	3
<i>Purpose:</i> .....	3
<i>Principles:</i> .....	3
<i>History:</i> .....	3
<i>Definitions:</i> .....	4
<i>Players and Description of Services:</i> .....	4
<u>A. REFERRAL AND ADMISSION TO SHELTERS</u> .....	5
<u>B. CHANGE OF CONTACT INFORMATION</u> .....	6
<u>C. RETRIEVING BELONGINGS</u> .....	6
<u>D. INTERVIEWING</u> .....	7
<u>E. POLICE PROCEDURES</u> .....	7
<i>i. Serving Documents</i> .....	7
<i>ii. Laying Charges</i> .....	8
<i>iii. Photographing Victims</i> .....	8
<u>F. MISSING PERSONS REPORTS</u> .....	9
<u>G. SHELTER INCIDENTS</u> .....	10
<i>i. If a Client/Victim Does Not Return to the Shelter</i> .....	10
<i>ii. Critical Incidents while at the Shelter</i> .....	10
<u>H. SAFETY CONCERNS AT COURT APPEARANCES</u> .....	10
<u>I. CUSTODY AND ACCESS ISSUES: APPREHENSION OF CHILDREN</u> .....	10
<u>J. INCIDENTS INVOLVING POLICE OFFICERS</u> .....	11
<u>K. SHELTER AND POLICE ONGOING RELATIONSHIPS AND COLLABORATION</u> .....	11

Note: This document is in a format that recognizes women as the individuals primarily served by women's emergency shelters. In those situations and communities where services are made available to male clients, the language in the template may be adjusted to best reflect the services offered and population served in that community.

## **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<sup>2</sup> 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>3</sup>

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 were 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

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

<sup>2</sup> This department is now known as Human Services.

<sup>3</sup> From the Purpose and Objective of the MOU.

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.  
[http://www.employment.alberta.ca/documents/RRM/RRM-PUB\\_fs\\_supports\\_fleeing\\_abuse.pdf](http://www.employment.alberta.ca/documents/RRM/RRM-PUB_fs_supports_fleeing_abuse.pdf)
- **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 court room 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 the 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 period.

## **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 initiate contact to 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.