



**SOUTH COAST BRITISH COLUMBIA  
TRANSPORTATION AUTHORITY  
POLICE SERVICE**

**VULNERABLE GROUPS  
(VIOLENCE IN RELATIONSHIPS)**

Effective Date: May 9, 2005

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**POLICY**

1. The South Coast British Columbia Transportation Authority Police Service (SCBCTAPS) investigation of crimes against vulnerable groups will be conducted using the applicable general criteria required for all investigations and established criteria for this particular type of crime.
2. The SCBCTAPS will ensure that persons in vulnerable circumstances, whether environmental or due to their age or physical condition, who are victims of crime receive effective police services. As needed, the SCBCTAPS will alter investigative procedures for victims with special needs. Notwithstanding that successful prosecution may be difficult, police intervention to provide protection and to end the violence or abuse is essential.
3. Violence in Relationships (VIR) is a crime. It encompasses married, common-law and dating relationships and includes violence against:
  1. women in heterosexual relationships,
  2. males in heterosexual relationships,
  3. men in homosexual relationships, and
  4. women in lesbian relationships.
4. Gender-neutral language is used in this policy, however, it is recognized that the overwhelming majority of the victims of relationship violence are female.
5. Violence within relationships has distinctive dynamics not found in other violent crimes. It includes:
  1. the act or threat of physical or sexual assault of a partner or an ongoing or past intimate relationship by another, despite their marital status or living relationship at the time of the assault or threat, and
  2. other behaviour, such as intimidation, mental or emotional abuse, sexual abuse, neglect, deprivation, harassment and financial exploitation.
6. To meet the challenges of investigations related to relationship violence, Members must be conversant with the Ministry of Attorney General's Violence Against Women in Relationship Policy (VAWIR) and the Criminal Code of Canada (CCC) provisions relating to firearms, assault, sexual assault, threatening and criminal harassment. Relationship violence is a major concern to both the public and the government

7. Sharing of specific case information is a sensitive issue and is subject to the provisions of the Freedom of Information and Protection of Privacy Act (FOIPPA) and the CCC.
8. Special sensitivity should be given to victims with cultural and/or specific language/communication needs. Whenever possible, members should coordinate their investigations with Victim Services personnel and interpreters, and as appropriate, specialized units in the Jurisdictional Police Departments (JPDs).
  1. Many cultures stress the paramount value of family togetherness and often women play the primary role in preserving the family's honor.
  2. In extended families, a victim may be under pressure from several individuals other than the spouse, if the victim decides to report abuse and pursue legal action.
  3. Some victims do not speak English at all or with any ease; this can act as a communications barrier to knowing legal rights and services available to them. SCBCTAPS intervention will first focus on victim safety followed by prosecution of offenders, as appropriate.
9. The victim's safety is of primary importance, and police intervention and action should address this concern.
  1. In many cases, the police are the only effective means of intervention. However, the police must be aware that in many instances, victims may be in a fragile psychological state and for this reason, appear to be reluctant or uncooperative.
  2. Victims should be encouraged to seek support from a victim services program.
10. Prosecution of the offender is important and, in many cases, the best means of achieving victim protection is through judicial orders. However, prosecution is not the only reason for the police to investigate relationship violence. Public safety must remain paramount.

## **REASON FOR POLICY**

11. To provide for and facilitate the effective investigation of crimes against vulnerable groups which includes, but not limited to, persons in relationships, children, seniors and persons with disabilities.
12. To comply with directives from the BC Attorney General's office regarding violence in relationship policy.

## **PROCEDURES**

### **VIOLENCE IN RELATIONSHIPS/VIOLENCE AGAINST WOMEN IN RELATIONSHIPS**

13. The Attorney General's VAWIR policy provides guidelines for crown prosecutors, corrections, the police and other justice system workers. The VAWIR policy emphasizes a proactive arrest and charge policy, where grounds exist for such action.

1. The patrol supervisor's office maintains a copy of the VAWIR policy for the reference of Members.

### Cycle of Violence

14. All Members are to ensure that they are aware of the gender dynamics involved in relationship violence and implementation of the VIR/VAWIR policies. The dynamics of relationship violence are that:

1. abuse is used to control their partners,
2. the abuser and victim usually reside within the same house, enabling the abuser to further control and abuse the victim,
3. there is a power imbalance between the partners,
4. violence often escalates and may continue or worsen if the victim leaves the relationship,
5. a victim is at great risk after leaving the abusive partner, and
6. it may be difficult for the victim to leave because of love, cultural/religious values, socio-economic conditions, or fear of the denial of violence in the relationship.

15. Relationship violence is generally indicative of an imbalance in the "power and control" each partner has in a relationship.

16. Any threat or actual incidents of physical violence within a relationship is a warning that a recurring cycle of violence may occur. Although not all abusive relationships fit this pattern, the dynamics of a cycle of violence may include:

1. **Tension Building Stage** – The victim senses the aggressor becoming edgy and more prone to react negatively to any trivial frustration. Many victims learn to anticipate violent outburst and try to avoid it by becoming nurturing, compliant or by staying out of the way.
2. **Acute Battering Stage** – The aggressor appears to lose control physically and/or emotionally. Many aggressors report they do not start out wanting to hurt the victim, but want only to teach the victim a lesson. The violence may involve pushing, shoving, shaking or hair pulling. It may involve hitting with an open hand, a closed fist or a weapon. This is the stage where the victim, the aggressor or the police may be physically injured or killed.
3. **Aftermath** – "The 'Loving Respite' or 'Honeymoon' Stage" – The aggressor appears genuinely sorry for what has happened. Their worst fear is that the partner will leave them as a result of what has happened and they try to make up for their behaviour. The victim wants to believe that the abuse will not occur again. Often the victim feels responsible for the conduct that led to the beating. Both feel guilty about the event and both resolve to never let it happen again. Part of the cycle of violence can include the aggressor sending gifts, flowers, apologies or making promises to the victim that the assaultive behaviour will never occur again.

### Primary Aggressor

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

### Victims of Crime Act

22. Members have an obligation under the Victims of Crime Act to advise victims of their rights, including the right to information about the status of the police investigation.
1. A handout card has been developed for police use, which meets this obligation. These cards are available from:  
Ministry of Attorney General  
Communications Branch  
PO Box 9282 Stn Prov Govt  
Victoria, BC, V8W 9JR  
Fax 250-387-1753

### Operations Communication Centre (OCC) Personnel

23. VIR/VAWIR calls are to be treated as a priority as the victim may be at great risk.
24. VIR/VAWIR calls constitute a high risk to the responding Member. Whenever possible, check for previous police involvement with the subject or location, and provide the Member with all relevant information, including the possibility the suspect may have access to firearms and any record of violence.
1. Determine if there have been any injuries and if medical attention is required.
  2. Determine if the suspect is present and description of the suspect.

3. If the suspect has left, obtain any information as to possible whereabouts, and method/description/direction of travel.
4. Determine if weapons are involved.
5. Determine if children are present.
6. Determine if the victim/subject of complaint has a current Surety to Keep the Peace (Peace Bond) or a restraining Order.
7. Immediately conduct applicable database searches (e.g., CPIC, PRIME, PIRS, and Protection Order Registry (POR)) and advise the Members of the information.
  - a. If there is any information suggesting that within the previous seven years, the suspect has resided in the jurisdiction of Victoria or Vancouver Police Departments, request an immediate file search from that agency. (These historical records are not available through PRIME or PIRS.)
8. Dispatchers cannot cancel a police response based on a follow-up call from any person requesting such a cancellation.
  - a. Advise the Members responding of any requests for cancellation.
9. Cancelled or interrupted 911 calls shall be thoroughly investigated.
  - a. Police have the authority to enter private dwellings in response to interrupted telephone calls to the 911 emergency system, although the intrusion is limited to the protection of life and safety.
  - b. As articulated *in R. vs. Godoy* [SCC, 1998], peace officers can investigate 911 calls and, in particular, locate the caller and determine his or her reasons for making the call and provide such assistance as may be required.

### Member – Investigation and Arrest

25. Members will conduct a complete and thorough investigation even when the victim may not agree to cooperate.
26. Determine from the victim if the victim has a current Surety to Keep the Peace (Peace Bond) or restraining order and immediately conduct CPIC, PRIME, PIRS and Protection Order Registry searches.
  1. Ensure all searches are dated and recorded in the investigational file.
    - a. If not already on file, conduct CPIC, PRIME, PIRS, POR checks, and if there is any information suggesting that within the previous seven years, the suspect has resided in the jurisdiction of Victoria or Vancouver Police Departments, request an immediate file search from that agency. (These historical records are **NOT** available through PRIME or PIRS.)
27. In the event a complete investigation cannot be conducted, the Member should refer to the section provided on “Incomplete Investigations”.
  1. Fully document in the investigation file, any relevant information supplied from the complainant, including why the police should not complete a full investigation.
    - a. Advise the victim that the decision to proceed with charges does not rest with them.

28. Considering videotaping the victim's statement using a JPD "K.G.B. statements" recording facility.
1. Make every effort to obtain full statements from victim(s) and witnesses. Victim's statements should be obtained during first response, if practicable.
29. The Member will provide the name, phone number and any case reference to the victim and ensure that the victim is kept informed about the status of the case, including a copy of the release conditions.
1. Refer victims, with their consent, to a community based or police-based victim assistance program, as appropriate.
    - a. Document the victim's decision on file.
  2. Wherever possible, provide the victim with a list of support agencies in the community.
  3. If no victim services programs are available, investigators must provide appropriate assistance to the victims, to the best of their abilities.
30. In the circumstances where the victim must leave the home, ensure the victim is referred to a transition house and provided with safe transportation to a transition house or other safe location.
31. Members must be aware of the potential danger posed to the victim's extended family.
1. Identify and formally interview other family members, where the facts determine they have information relevant to either the background of the complaint or the circumstances of the alleged abuse or other related incidents.
32. Determine whether the assailant has access to firearms or other offensive weapons. Where the Member is within legal authority and grounds exist, seize any offensive weapons in the first instance.
1. Ensure any weapons seized are processed in accordance with the CCC and, where applicable, seek a Destruction Order.
33. As applicable, take the appropriate action to revoke any firearms related certificate, licence, permit or authorization, and to apply for a hearing to obtain a prohibition order.
- [See also: OD120 – Search, OD130 - Seizure]**
34. Subject to the CCC, the Member may arrest a subject where reasonable grounds exist and it is in the public interest. If practical, interview the suspect with the objective of obtaining a statement.
1. The suspect should be fingerprinted in accordance with the provisions of the Identification of Criminals Act. The form to indicate the offence is "Violence in Relationships."
  2. Consider and comply with the provisions of ss. 497, 498, 499, 503(2) and 503(2.1) CCC as applicable.

- a. Where there are “public interest” considerations (i.e. prevent the continuation or repetition of the offence or the commission of another offence) and the release conditions found in s. 503 CCC are insufficient, have the accused appear before a Justice.
  - b. As a condition of release under s. 503(2.1) CCC, consider recommending whether the offending should be prohibited from any contact with the victim, any witness or any other person, bearing in the mind the circumstances of the case and the safety of the victim, and others as appropriate.
  - c. The conditions should include the use of words such as “have no contact, directly or indirectly with” and “not to attend within a two block radius of the 8700 Anywhere Street”.
  - d. As a condition of release under s. 503(2.1)(e) CCC, consider the importance of a firearm prohibition.
  - e. Members should consider what protective conditions should be taken including those required to protect other persons who have been threatened, harassed or are at risk as a result of the dispute.
  - f. Whenever an assailant or accused is released from SCBCTAPS custody, every effort should be made to notify the victim **IN ADVANCE** of the release, in accordance with local JPD protocols, to ensure that safety issues are addressed.
3. Ensure the victim is:
- a. contacted upon release of the accused and told of the release conditions,
  - b. provided with a copy of the Undertaking To Appear (UTA), vetting any third party information contained in the conditions,
  - c. advised of VictimLINK a 24-hour, toll-free, confidential help and information line, and
  - d. notified if the PTA or UTA are cancelled. In situations where the PTA is cancelled, the accompanying UTA conditions are no longer valid.
    - i. Efforts must be made to have a warrant issued for the accused in order to ensure the safety of the victim by having the protective conditions reinstated upon arrest.

35. Once completed and signed, send a legible copy of the PTA and UTA to:

1. The POR by fax and the bail supervisor/probation officer, if reporting conditions have been imposed. Request that they monitor the accused/suspect on these reporting conditions.

36. Complete a Report to Crown Counsel (RTCC) as soon as possible.

1. Members shall pursue the investigation with a view to obtaining sufficient evidence with or without the cooperation of the victim.
  - a. The evidence could include an admission by the accused, independent witnesses or evidence of physical injury (photographs of injuries, medical evidence, and physical evidence) or a written statement by the victim.
  - b. Given the inherent difficulties with prosecuting cases where the victim’s direct evidence is not available, consultation with Crown Counsel may be necessary throughout the investigation to ensure the best attainable evidence is presented.

37. In circumstances where the offender has left the location of the offence prior to police attendance and immediate efforts to locate the offender are not successful, request URGENT priority processing of the RTCC in hopes of obtaining a warrant for arrest.
38. Ensure the following are included in the RTCC:
1. the criminal record of the accused,
  2. details of any previous violence in a relationship complaint (including any information from other JPDs, as appropriate),
  3. the letter “K” after the police file number (the Ministry of Attorney General has requested the “K” flagging system to better identify VAWIR cases), and
  4. known risk factors that indicate a likelihood of future violence. These may include, but are not limited to the following:
    - a. past actual or attempted assault of family members,
    - b. past actual or attempted assault of strangers or acquaintances,
    - c. past arrest for violating the terms of conditional release or community supervision,
    - d. separation from partner or extreme conflict regarding relationship status within the past year,
    - e. serious substance abuse or dependency,
    - f. serious homicidal or suicidal ideation/intent, psychotic or manic symptoms,
    - g. past physical assault of current intimate partner,
    - h. past use of weapons/credible threats of harm, and
    - i. recent escalation of frequency of severity of assault.
39. Do not refer VIR/VAWIR cases directly to community groups for resolution.
1. Crown Counsel have authority under s. 717 CCC to approve “alternate measures” in exceptional circumstances. Members should clearly outline such rare or exceptional circumstances in the RTCC.
40. In addition to the factors listed under s. 52 of this policy, an investigator’s decision not to conduct a complete investigation should not be solely based on a Crown Counsel’s reluctance to proceed without a victim’s statement.
1. Where a charge is recommended and not supported by Crown Counsel, fully document the reason and maintain all relevant correspondence on file.
41. All documents received from a victim or other person in respect to a relationship violence investigation are to be date stamped and initialed by the person receiving the document, and immediately brought to the attention of either the investigating officer or the on-duty supervisor.
42. Upon the request of either spouse, stand by to keep the peace where that person wishes to return to the matrimonial home to collect personal effects.
1. Where that person is denied access to the matrimonial home or where there is a dispute over ownership of property, do not take any further action. Advise the person requesting police assistance to see independent legal advice and/or obtain a court order.

## Children

43. When children have witnessed an offence, they must be dealt with in a sensitive manner.
44. The Member will thoroughly investigate any allegations relating to the abuse of children.
45. If during an investigation, there is reason to believe that a child has been or is likely to be physically harmed, sexually abused, exploited, or needs protection, the attending Member may either:
  1. take charge of the child under the *Child, Family, and Community Service Act*, and/or
  2. report the incident to the Ministry of Children and Family Development. (Refer to s. 13 Child, Family and Community Service Act.)
46. Be aware that the offender may have threatened the victim with removal of the children as a method of control and intimidation.
47. Should it be necessary to remove the victim and children from the home, make every effort to keep them together.
48. The Ministry of Children and Family Development should be contacted only when circumstances clearly warrant, so that women are not discouraged from reporting crimes committed against them because they fear the unjustified loss of their children.

## “Incomplete” Investigations

49. There is a very narrow discretion for not conducting a complete investigation.
50. Depending on the circumstances, and after a thorough risk assessment, a Member may decide not to contact or interview the suspect or anyone likely to inform the suspect that a complaint has been made.
  1. All other components of a complete investigation must be completed.
51. The following circumstance **CANNOT** form the basis for exercising a discretion not to complete a full investigation or not forwarding a RTCC:
  1. the consumption of alcohol or the use of drugs by the victim or suspect (refer to s. 33.1 CCC), or
  2. the lack of independent corroborating evidence.
52. Before you decide not to conduct a complete investigation, consider each of the following:
  1. Is there evidence of the alleged offence other than the victim’s complaint;
  2. Is there reason to believe that the suspect is unaware that the victim has made a complaint to the police;

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

### **Supervisor**

54. VIR/VAWIR matters require a high degree of supervision and guidance. Supervisors must be familiar with policy and the requirements placed upon the Members under their supervision. Supervisors are accountable for the strict compliance with this policy.
55. Review an investigator's decision not to submit a RTCC.
  1. Document your approval of that decision on the file.

56. Ensure investigations where the victim has been uncooperative are diary dated to ensure regular investigative follow-up is conducted.

### **Deputy Chief Officer**

57. Participate directly in any multi-agency coordinated community based efforts to reduce the incident of VIR/VAWIR and to improve public awareness. If necessary, delegate this role to a senior NCO.
58. Where resources exist and duties permit, ensure pro-active participation at local VIR/VAWIR committees or related community committees. Feedback from those meetings should be distributed to Members. However, specific case histories should not be disclosed except in accordance with the FOIPPA.
59. As part of the SCBCTAPS proactive participation, make available to VIR/VAWIR committees any statistics on relationships violence requested.
60. Invite local VIR/VAWIR committee representatives to utilize SCBCTAPS training days or meetings so that Members are fully aware of VIR/VAWIR issues.
61. Ensure that a high level of supervision is maintained. The Deputy Chief Officer is accountable for the strict compliance by all Members with VIR/VAWIR policy.
62. VIR/VAWIR results should be reviewed to ensure compliance with the law and policies of the SCBCTAPS and the Province of BC.
63. Develop training supplements to ensure that each Member reviews the Attorney General's VAWIR policy annually; and make sure all investigators and supervisors are conversant with their responsibilities as they apply to VIR/VAWIR cases.
64. Ensure that all Members are aware of policy requirements respecting victim assistance referrals.

### **Victim Assistance**

65. VIR/VAWIR victims may be subjected to severe emotional and physical intimidation and decide not to cooperate with the criminal charge process and not to testify in court or both. The degree of intimidation can be mitigated by affording the victim access to victim assistance programs. The SCBCTAPS is dedicated to providing necessary assistance to the victims of violence and being responsive to their needs.
66. The attending Member will inform the victim of the available crisis intervention and follow up support that is provided by the Victim Assistance Unit of the Jurisdictional Police Department (JPD).
67. The Member, with the Victim Assistance Unit, will assist the victim by arranging safe transportation to a transition home or other safe shelter, when requested.
68. The victim should be informed that a victim support worker or advocate will be allowed to be present for police interviews of the victim, if requested by the victim.

69. Members must be sensitive and accommodating when dealing with victims and an understanding of the dynamics of violence against women in relationships is especially critical.
70. All victim service workers must be made aware that their presence may require their subsequent attendance at Court to address issues relating to witness recall, and scene investigation.
71. The Member will ensure that the victim is provided with the opportunity to prepare a Victim Impact Statement.

**[See also: OM050 – Victim Assistance]**

**Sureties To Keep The Peace**

72. A victim who fears personal injury or property damage, may make application before a Justice for an Order under the authority of s. 810 CCC, Surety to Keep The Peace (Peace Bond). The applicant should swear the Information.
73. S. 810 CCC permits an Information to be sworn by or on behalf of the complainant. The amendment requires the Justice to consider whether or not a firearms order; and a “no go” or “no contact order,” are appropriate conditions or a recognizance.
74. S. 810.1 CCC provides that a person who fears, on reasonable grounds, that another person will commit a specified sexual offence in respect of children under 14 years of age, can lay an information for the purpose of having that person enter into a recognizance with conditions. The Member will report all such cases to the Ministry of Children and Family Development.
75. S. 810.2 CCC addresses concerns with respect to serious bodily harm. Complaints of breaches of the recognizance of s. 810 CCC are a critical safety issue and must be actively investigated. (Refer to s. 811 CCC.) Police must attend any complaint of a breach of these recognizance because the risk of violence is high.
76. In circumstances where a Surety to Keep the Peace could assist a victim, the Member will inform that person about the process and its abilities and limitations.
77. As appropriate, the Member will:
1. prepare a RTCC with the necessary documents and forward them to Crown Counsel,
  2. when there is reasonable likelihood that an offence may occur, be prepared to expedite this process to prevent the **victimization** of the a spouse or family members, and
  3. if a Surety to Keep the Peace is granted, ensure the details are entered into CPIC and PRIME.
78. A person who breaches a Surety to Keep The Peace granted under s. 810 CCC, commits a summary conviction offence under s. 811 CCC, and may be arrested by the Member under s. 495(b) CCC.

## Probation Orders

79. Where a breach of a probation order occurs, Members should coordinate their efforts with the Probation Officer and Crown Counsel to prosecute, according to the Attorney General guidelines.

## Family Relations Act

80. To most police agencies, the Family Relations Act applies to child custody orders. However, it can also be used to provide a victim with some protections. On an *ex parte* application, a Court Order can be issued to:

1. grant temporary exclusive occupancy of the matrimonial home,
2. provide restricted contact, or
3. restrain any person from molesting annoying, harassing, communicating or attempting to do any of those things to the victim or a child in that person's custody.

81. Some BC Probation Officers also function as Family Court Counsellors and can provide victim assistance in relation to the Family Relations Act.

82. Certain Family Relations Act Orders can be entered on CPIC and/or the POR.

## Enforcement Of Supreme Court Restraining Orders In Family Matters

83. The power to arrest in circumstances where grounds exist to believe that a breach of the conditions of the Order occurred is mandatory (check POR).

1. The power to arrest is derived from the existence of the mandatory peace officer clause in the Order itself, the form that is dictated by the Supreme Court Rules.
2. This clause does not give police the power to release someone they have arrested for being in breach of the Order, but requires that the person be brought before the Supreme Court. This clause should read as the example cited:

**THIS COURT FURTHER ORDERS that any peace officer, including any RCMP officer having jurisdiction in the Province of British Columbia, who on reasonable and probable grounds believes that (name of person restrained) is in breach of the terms of this order shall immediately arrest that person and bring him/her before this court on the next court day following the arrest, to be dealt with on an inquiry to determine where he/she has committed a breach of the order.**

84. Members will ensure that the victim is advised of the arrest and instruct the victim to advise their legal counsel of the arrest and the circumstances that lead up to the arrest. The Member will, if the subject is released, advise of the appearance date.

85. The form of Provincial Court restraining Orders also includes a peace officer clause that indicates, "the police MAY arrest". The extent of the arrest powers are outlined in the restraining Order form itself.

86. S. 81 of the Family Relations Act makes it an offence to breach a restraining Order under the Act.
87. The BC Offence Act provides that an offence created under an enactment is punishable on summary conviction and incorporates the arrest provisions in the CCC.

### **SPECIAL NEEDS VICTIMS**

88. It may be necessary to alter investigative procedures for victims with special needs.
89. Support persons for a victim or witness with special needs should be permitted to be present during interviews, whether or not an interpreter is also present.
90. The spouse or children of special needs victims should not be used as interpreters.
91. The name of the interpreter used, as well as the relationship to the parties involved, should be recorded on file.
92. Members must clearly indicate on the RTCC that the victim has special needs because of mental or physical disability or by virtue of age, religion or cultural values.

### **CHILDREN IN DANGEROUS SITUATIONS**

93. When children have witnessed an offence, they must be dealt with in a sensitive manner.
94. The Member will thoroughly investigate any allegations relating to the abuse of children.
95. If during an investigation, there is reason to believe that a child has been or is likely to be physically harmed, sexually abused, exploited, or needs protection, the attending Member may either:
1. take charge of the child under the Child, Family, and Community Service Act, and/or
  2. report the incident to the Ministry of Children and Family Development. (Refer to s. 13 Child, Family and Community Service Act.)