



## TRANSIT POLICE

### VULNERABLE GROUPS – VIOLENCE IN RELATIONSHIPS

Effective Date: May 9, 2005

Review Date: November 17, 2017

Revised Date:

Review Frequency: 3 Years

Office of Primary Responsibility: Inspector Operations

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## POLICY

Violence within relationships is a very serious and complex criminal problem. Minimizing risk of violence, enhancing victim safety and ensuring offender accountability are priorities within these complex cases. The Provincial Government has issued a Violence against Women in Relationship policy and related guidelines to police and the Crown which emphasize a vigorous approach to police investigation and subsequent response, and the need for an integrated, multi-agency coordinated response. In accordance with that policy, where an investigation results in sufficient evidence to support an arrest and charge, Transit Police will not exercise their discretion to attempt non-criminal resolution (except in rare circumstances).

### Definitions

Charter – *Canadian Charter of Rights and Freedoms*, Constitution Act, 1982, c. 11(U.K.), Schedule B.

Criminal Code – *Criminal Code of Canada* [RSC 1985, c. C-46].

Chief Officer – Transit Police Chief Officer or delegate.

CFCS Act – *Child, Family and Community Service Act* [RSBC 1996], c.46.

CPIC – Canadian Police Information Centre.

FLA – *Family Law Act* [SBC 2011] Chapter 25.

JJP – Judicial Justice of the Peace.

JPD – Jurisdictional Police Department.

JPD-FIS – Jurisdictional Police Department - Forensic Identification Section.

MCFD – Ministry of Children and Family Development.

Member – Designated Constable, Chief Officer or a Deputy Chief Officer of the Transit Police.

OCC – Transit Police Operations Communication Centre.

Police Act – BC Police Act [RSBC 1996], c.367.

POR – Protection Order Registry.

Primary Aggressor – The primary aggressor is the party who is the most dominant, rather than the first aggressor. In conducting primary aggressor analysis, all of the circumstances are to be considered, including:

- Who has superior physical strength, ability and means for assault and/or intimidation?
- What is the history and pattern of abuse in the relationship and in previous relationships?
- Who suffered the most extensive physical injuries and/or emotional damage and who required treatment for injury or damage?
- Are there defensive wounds?

PRIME – Police Records Information Management Environment.

SIP – Special Interest to Police.

Transit Police – The South Coast British Columbia Transportation Authority Police Service.

VIR – Violence in Relationships (for the purpose of this policy, this means the same as alternate terms of domestic violence, spousal violence, spousal abuse, spousal assault, relationship violence, and violence against women in relationships) is defined as:

- Any physical or sexual assault, or the threat of physical or sexual assault against a current or former intimate partner whether or not they are legally married or living together at the time of the assault or threat; it also includes offences such as criminal harassment, threatening, or mischief, where there is a reasonable basis to conclude that the act was done to cause, or did in fact cause, fear, trauma, suffering or loss to the intimate partner. Intimate partner relationships include heterosexual, transgender and same-sex relationships; and
- Offences other than physical or sexual assault, such as criminal harassment, threatening, or mischief, where there is reasonable basis to conclude that the act was done to cause, or did in fact cause, fear, trauma, suffering or loss to the intimate partner.

## **Authority**

1. The Transit Police vulnerable persons and violence in relationship investigations will be consistent with the requirements of: *Police Act, Criminal Code, Charter, Ministry of Attorney General – Violence against Women in Relationships Policy, Family Law Act, Child, Family and Community Service Act, Youth Criminal Justice Act, Victim of Crime Act*, other applicable law, and Transit Police policy. Sharing of specific VIR case information is sensitive and subject to the aforementioned legislation as well as privacy legislation.

## General

2. VIR has distinctive dynamics not found in other crimes and likelihood of repeat violence is common and may escalate over time. The dynamics present may include power imbalances, isolation, fears, and vulnerability due to children, cultural or religious beliefs, finances, or physical/mental disabilities. It may be difficult for a victim to leave the relationship due to such power imbalances. VIR incidents require evidence-based, risk focused investigations in order to prosecute offenders and ensure safety of the victims and children. In VIR cases, interaction between the victim and the justice system can be more complex than with other crimes.

*NOTE: Cultural factors to consider are; family pressures, religious beliefs, gender inequalities, unwillingness to report, lack of financial independence, language barriers, cultural and social isolation, lack of support services, children at risk (threat to be sent away or sent back to originating country) and immigration issues.*

*Marginalization factors to consider are: being a person with a disability, immigrant or aboriginal descent; addiction, poverty, pregnancy, mental illness, history of domestic violence, physically inferior to aggressor; being gay, lesbian, bisexual or transgendered; living in isolation.*

3. Safety of victims is of primary importance; however, public safety must also remain paramount. Accordingly, police interventions and action must always take into account victim and public safety.
4. The Transit Police will coordinate with the JPD when investigating a VIR matter and request JPD specialized resources and assistance as appropriate. The Transit Police will also coordinate with other service providers and government agencies to help minimize risk of violence, enhance victim safety and ensure offender accountability in VIR cases (e.g., Ministry of Children and Family Development and Protection Order Registry).

[Refer to: [Attorney General Violence against Women in Relationships Policy \(VAWIR\)](#)]

## PROCEDURES

### Operations Communication Centre (OCC) Responsibilities

5. Any call for a violence against person offence is to be treated as a priority by the OCC. VIR calls, including breach of protection orders, are treated as priority due to the potential for violence to escalate quickly and risk to the victim. The communications operator plays an important role in gathering initial information and potential evidence that may assist in protecting responding Members and the victim and witnesses. The communications operator will:
  - (1) Attempt to keep the caller on the line and gain important information to assist in police response (all information obtained to be retained from the CAD call for potential seizure as evidence);

- (2) Obtain as much information as possible from the caller, including the following, to provide to responding Members:
  - a. What is the location and/or address?
  - b. Are there injuries and is medical attention required?
  - c. Is the incident in progress or just occurred?
  - d. Is the suspect present?
  - e. What is the suspect's identity and description?
  - f. If the suspect has left, what is the suspect's whereabouts and method/description/travel?
  - g. Are weapons involved (and type)?
  - h. Are weapons on the premise(s)?
  - i. Is the suspect under the influence of drugs or alcohol, or has mental health issues?
  - j. What is the relationship between the victim and suspect?
  - k. Is there a previous history of violence?
  - l. Are children present? If not present, do they reside with either party? What is their whereabouts?
  - m. Are other parties present?
  - n. Is the suspect subject to a peace bond or restraining order?
- (3) Promptly conduct applicable database searches for hazards or other relevant information (e.g., CPIC, PRIME, CFRO and POR) and advise responding Members of the information obtained; and
- (4) Notify the Watch Commander of the VIR incident occurring, so that the Watch Commander can consult with the JPD duty officer as is applicable to the incident and protocol with the JPD.

*NOTE: In the situation of strictly indictable offences, this includes determining whether the Transit Police or JPD will be the primary investigator; if the JPD assumes responsibility for the investigation, then the Transit Police will perform an assistance role (as set forth in the joint MOU with the JPDs).*

6. The OCC communications operators are not permitted to cancel a call on the basis of a follow-up call from any person requesting such a cancellation. In the event of an interrupted call for service or call for cancellation, the OCC will inform the responding Members and Watch Commander.
- (1) The Watch Commander is to ensure that cancelled or interrupted calls are thoroughly investigated, including locating the caller, determining the reasons for making the call and providing such assistance as may be required

### **Member Responsibilities**

7. Members will complete a thorough investigation of a VIR matter, with a primary focus on victim safety. Members are to be sensitive and accommodating to cultural differences, special needs or specific communication needs of the victim and, where necessary, utilize the services of JPD Victim Services Unit and/or interpreters. This includes obtaining the evidence for a substantive offence even without the cooperation of the victim.

*NOTE: Members should be aware of the following potential impediments to a victim trying to cope with a volatile situation:*

- *many cultures stress the paramount value of family togetherness and often women play the primary role in preserving the family's honor;*
- *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;*
- *for victims who speak little or no English, they may be unaware of how to access support from service providers and legal or social service agencies; and*
- *marginal economic conditions can limit the options available to a victim who wishes to leave an abusive relationship (these barriers include being unable to access affordable housing or access to legal counsel for advice regarding divorce and custody of children).*

8. When responding to and investigating a VIR incident, Members will:

- (1) Request assistance from the OCC in gathering information about the persons and potential hazards (e.g., previous incidents, weapons, alcohol, drugs or mental health believed to be involved);
- (2) Request assistance from the OCC for providing potential information and obtain available video from a transit control center if on/around transit property;
- (3) Attend (if not already on scene) and be alert, secure the scene (where forensic evidence exists) and locate the involved parties;
- (4) Identify any medical needs and administer first aid if an emergency situation, and request BC Ambulance Service;
- (5) Ensure safety of victims, children and other involved, and scan scene for anything that could be used as a potential weapon;
  - a. Where police have reasonable certainty that the ongoing safety of individuals within premises is in jeopardy, police have authority to forcibly enter a premise to ensure the safety of all parties (*R. v. Godoy*, SCC 1998). [*This would also apply in situations of a cancelled or interrupted call for service in a VIR incident; see s. 6 of this policy.*];
- (6) Update the OCC of incident status and if additional resources are required;
- (7) Conduct an evidence based and risk focused investigation, including documentation of all independent evidence (take photographs where possible), for example:
  - a. Visible injuries, swelling, bruising, wounds, cuts, scratches (consider also taking photos a few days later as extent of injury may not initially appear);
  - b. Disheveled clothing or hair;

- c. Personal effects laying around;
  - d. Demeanor of all parties;
  - e. Statements made about violence history of the relationship;
  - f. Independent witness accounts;
  - g. Medical or mental disabilities, and any medications taken;
  - h. Use of legal or illegal drugs or alcohol; and
  - i. Conditions at the scene;
- (8) Locate and speak with any children present and provide any assistance (refer to ss. 21 - 23 below on actions to take if children present and potential removal);
- (9) Conduct a primary aggressor analysis<sup>1</sup> and use caution accepting an allegation of mutual aggression. If the investigation presents a dual charge situation, complete a thorough investigation, and when reasonable and probable grounds exist, charge the primary aggressor in accordance with the *Criminal Code* (the practice of arresting both parties is strongly discouraged). Members will involve their Supervisor in the approval process for any circumstances where arrest and recommendation to charge both parties is considered;
- (10) Determine if the victim has a protection order in effect by querying CPIC, PRIME and the Protection Order Registry (POR);
- (11) Where language is an issue, provide victims and accused with interpreters so that proper statements can be obtained (the accused, young children, family of the accused or victim should never be used as interpreters);
- (12) Obtain statements from victims and witnesses (including family members), where possible. Members interviews of victims, child witnesses or family members should not occur in presence of the accused;
- a. Although a charge is not necessarily dependent on the ability or willingness of the victim to provide a statement, an attempt is to be made to obtain one. A video/audio recording is preferred; however, an oral statement taken in a notebook is considered a written statement if it is confirmed as accurate with the victim and the victim signs the police notebook.
  - b. Family members should be identified as soon as possible and be formally interviewed and statements obtained if it is determined that they have information relevant to either the background of the incident or circumstances of the alleged abuse or other related incidents.
  - c. It may be necessary to alter investigative procedures for victims and witnesses with special needs, including allowing for support to be present during interviews.

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<sup>1</sup> Refer to definitions section for “Primary Aggressor”.

- (13) When the victim does not agree to cooperate, advise the victim that the decision to proceed with the investigation does not rest with them, including that VIR cases are treated very seriously and it is the responsibility of police and Crown to lay and pursue criminal charges;
- (14) Gather current and complete addresses, phone numbers and email addresses for the victim, accused and witnesses;
  - a. Consider seeking alternate contact persons and telephone numbers of persons who could reliably and quickly pass on a notification message to the victim to assist with prompt notification.
  - b. The victim contact information and alternate contact information is to be placed on a Miscellaneous Notes (MN) page in the RTCC to ensure that the information is not inadvertently released, thereby possibly compromising the victim's safety. [Members to note the relationship of the alternate contact to the victim and ensure that this contact is not directly linked to the investigation. If a person is directly linked to the incident (e.g., witness), then they are to be entered as an entity.]
- (15) Provide the victim with the Member's name, badge number, case number and a contact phone numbers;
- (16) Obtain a copy of the CAD call recording, medical records (have the victim sign a medical record release form) and available video/audio recordings.

#### Violence Risk Factors

9. Members will need to consider Violence Risk Factors and document in relation to safety planning for suspect/offender management and supported victim management, including:
  - (1) Current relationship status (history of separation);
  - (2) Escalation of abuse, children exposed, threats or forced sexual contact, strangling/biting/choking, stalking, relative social powerlessness;
  - (3) Victim perception of personal safety or perception of future violence;
  - (4) Accused criminal history, previous VIR history, court orders, alcohol or drug use, mental illness, suicidal ideation, employment instability; and
  - (5) Weapons/firearms used (or threatened) or has access to firearms.
10. In cases that may be high risk, Members will follow the VIR protocol for High Risk Cases and consult with their Supervisor.

[Refer to [Appendix A: BC Summary of Domestic Violence Risk Factors](#)]

11. Where the accused has access to a firearm or other offensive weapon and legal authority and grounds exist (refer to ss. 117.02 or 117.04 of the *Criminal Code*),

Members will seize the firearms or offensive weapons and take appropriate action to revoke any firearm-related certificates, licenses, permits, or authorization. Warrants obtained by Members for these purposes may include Sealing Orders to protect witnesses.

#### Evidence Handling

12. Proper evidence handling is imperative to a successful investigation. Members will follow Transit Police policy in the proper collection, receipt, recording, storing, handling, and disposition of seized property for evidentiary purposes. Assistance of the JPD-FIS will be requested, when appropriate, and in accordance with protocols with the JPD.

[Refer to [Transit Police policy chapter: OF020 – Exhibit and Property Control](#)]

#### Locating the Accused

13. If the accused is not on scene at the time of police attendance, Members will obtain all descriptive information (including name, gender, height, weight, clothing description, direction of travel) and provide to the OCC (if such information has not already been provided directly to the OCC by the victim).
14. Where the accused poses imminent risk of harm to themselves or others, Members will inform the Supervisor so that the JPD duty officer or watch commander can be advised.
15. The OCC will:
  - (1) Promptly disseminate the description of the accused to Transit Police and JPD(s) via a CPIC BOLF (Be On Lookout For);
  - (2) Conduct queries on CPIC/PRIME and update Members and the JPD(s), including if the accused is a person of interest or arrestable; and
  - (3) If the accused remains un-located and is determined to be arrestable, place Special Interest to Police (SIP) on CPIC.

[Refer to [Transit Police policy chapter: OD020 – General Investigations](#)]

#### **Arrest and Interviewing of Accused**

16. When considering charges for VIR incidents, Members are not limited to assaults and are to consider:
  - (1) *Criminal Code* sections:
    - Choking/strangulation [s. 246]
    - Uttering Threats [s. 264.1]
    - Criminal Harassment [s. 264(1)]
    - Assault [s. 266]
    - Assault w/ Weapon or Causing Bodily Harm [s. 267]



- Aggravated Assault [s. 268(1)]
  - Sexual Assault [s. 271(1)]
  - Intimidation [s.423(1)]
  - Firearms [s.117.01]
  - Forcible confinement [s. 279 (1)]
  - Breach of (any court orders) [ss. 145(3) or 733.1]
  - Recognizance to Keep the Peace [s. 810]
  - Peace Bond, Fear of a Sexual Offence [s. 810.1]; and
- (2) Restraining orders under s. 183 of the *FLA* and/or Take Charge of Child under s. 24 of the *CFCS Act*.
17. The investigating Members will consider the evidence presented and upon reasonable and probable grounds, arrest the accused (primary aggressor, where applicable), consistent with Transit Police policy chapter [OD080 – Arrests](#) and the *Criminal Code*.
18. Members must:
- (1) Advise the accused of their *Charter* 10(a) and 10(b) rights and the Official Warning;
  - (2) Document all contact and communication/conversations with the accused prior to the interview;
  - (3) Provide the accused an opportunity to consult with counsel in private as soon as practicable;
  - (4) Facilitate access to counsel for the accused prior to the interview (unless the right to counsel is waived);
  - (5) Provide the accused with the appropriate warnings, i.e., the secondary warning (where police officers other than the interviewing officer have had contact with the accused) and/or the supplementary warning (where the accused originally invoked his right to counsel and subsequently waived it); and
  - (6) Take steps to ensure that the accused understands their rights and the warning(s) provided to them to help ensure admissibility (e.g., by having the suspect explain their rights in their own words).
- [Refer to Transit Police policy chapter: [OD170 – Police Warnings](#)]
19. Investigating Members will attempt to obtain a warned statement from the accused.
20. Investigating Members will conduct any interviews consistent with the provisions of Transit Police policy chapter [OD240 – Suspect Interviewing - Patrol Based Investigations](#).

## Children

21. In VIR cases, Members will need to determine: if there are children present in the relationship, if they were present during the domestic violence, and if they have been victims of violence. Children are to be dealt with in a sensitive manner, in particular if they have witnessed the offence.
22. As required by s. 13 of the *CFCS Act* and child protection requirements, it is mandatory for Members to report to Ministry of Children and Family Development (MCFD) all cases of VIR incidents where there are child witnesses, child victims, or children living in the residence.

- (1) If the situation is not high risk, the report of the incident to MCFD is to occur on the same day; however, if children are in immediate danger or a criminal offence against a child is suspected, immediate contact needs to be made by Members to a social worker or the 'after hours' helpline to request attendance.

*NOTE: Reporting of the incident to a social worker is required even if the parent fears that the children may be taken away.*

- (2) If there is immediate serious danger and a social worker is not available, Members will take charge of the children pursuant to s. 27 of the *CFCS Act* (parental consent is not required).
- (3) If children are out of the home, Members will take steps to locate the children and ensure their safety, working with the social worker.
- (4) Where an order under the *CFCS Act* or the *Family Law Act (FLA)* is breached, Members are to immediately notify the child welfare worker.

*NOTE: The CFCS Act order is paramount where the terms of an order under the CFCS Act conflict with the Family Court order. If the terms of an order under the CFCS Act or the FLA conflict with those of a criminal court order, the more restrictive terms of the criminal court order are paramount.*

23. All Member notifications to MCFD are to be documented (including name of contact, date and time).
  - (1) Conduct interviews of the children, if applicable to the case, and obtain video recorded statements (using officers trained in this field and, where applicable, experience interviewing children under the age of 12);
  - (2) Consider the children's safety when setting bail/undertaking conditions and inform the MCFD of conditions;
  - (3) Advise the MCFD when the accused is released;
  - (4) Advise the MCFD of who was identified as the primary aggressor; and
  - (5) Take action in accordance to the *CFSA Act*.

### Victim Rights and Services

24. VIR 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 may be mitigated by affording the victim access to victim assistance programs. Members will be sensitive and responsive to victim needs.
25. Members have an obligation under the *Victims of Crime Act* ([VOCA](#)) to advise victims of their rights, including the right to information about the status of the police investigation and victim services. This obligation includes providing information to the victim of the available crisis intervention and follow up support that is available through the JPD Victim Assistance Unit and other community/provincial resources.
  - (1) The victim is to be informed that a victim support worker or advocate is allowed to be present for police interviews of the victim, if requested by the victim; and that victim services programs may assist the victim with the preparation of a Victim Impact Statement.
26. Members will document the efforts made in regards to providing victim assistance and provide a referral to victim services as soon as possible. Civilian workers from the JPD can be requested to immediately attend to an event via the OCC. Refer to [Appendix C](#) of this policy for available provincial victim service resources that complement the police based victim assistance programs.
27. Members are to pro-actively assist the victim and children by arranging safe transportation to a transition house, safe home or other safe shelter; and work with the victim (and Victim Link as applicable) to develop and implement a safety plan, if required.
28. Victim assistance/support is to be prioritized and maintained by the investigating Members throughout the investigation and court process, in coordination with the JPD and justice system.

### Access to Property

29. Upon the request of either victim or accused, Members are to stand by to keep the peace where the person wishes to return home to collect personal effects.
30. Where that person is denied access to the home or where there is a dispute over ownership of the property, Members are not to take further action and advise the person to seek independent legal advice and/or obtain a court order.

### Release of Accused

31. In VIR incidents, Members are to be cognizant that there are particular concerns surrounding repetition, continuation, or commission of another offence. Upon arrest, Members will ensure that the public interest has been met prior to release. When considering release of the accused, it is imperative to consider the safety of the victim and any children, and witnesses. When determining what conditions should be imposed on the accused, Members must be able to justify the conditions sought

and determine what form of release is appropriate. Members have a number of options available:

(1) Release on PTA/UTA with conditions.

a. *Criminal Code* ss. 497-499 and 503 permits Members to release the accused on undertakings or recognizances with special conditions (Form 11.1). In relation to a VIR file, it may include the following available conditions:

- i. Abstain from communicating, directly or indirectly, with any victim and children, witness (including children) or other person identified in the undertaking;
- ii. Identify all persons, including all children. Names are used where possible. If the names unknown, an identifying description is reported such as “the family of Jane Doe/John Smith, including their mother, father, brother and sister”;
- iii. Consider including names of the victim’s children and other family members, or any other person who may be subject to intimidation or undue pressure;
- iv. Do not attend the family residence, victim’s place of work, children’s school/daycare, or other place where the accused knows that people named in the non-communication order could be found (*Note: places are specified to a specific address. Caution is to be used to avoid providing the accused with unknown information regarding the whereabouts of a victim/witness*);
- v. Report to a bail supervisor at a designated location at specified times and as directed thereafter by a bail supervisor (*Note: This condition should always be applied in VIR cases*);
- vi. Abstain from possessing firearms, surrender firearms in their possession, and surrender authorizations, licenses, and registration certificates to acquire or possess firearms (*Note: where a suspect on bail with a firearms prohibition is released, Members are to ensure conditions are upheld that require that the accused surrender firearms immediately and not at a later date*);
- vii. Abstain from consuming alcohol and drugs;
- viii. Comply with other condition that the police consider necessary to ensure the safety and security of the victim or witnesses.

b. The Supervisor is to review the proposed conditions prior to release by the Member and document on PRIME (add text page to GO) regarding the Supervisor’s review.

(2) Held for Bail Hearing before JJP or Provincial Court Judge and Release with Conditions.

a. In all cases where investigating Members determine there is a significant risk of violence, the accused should be held for bail or adjournment hearing, unless the Investigating Members have a high degree of confidence that the risk factors can be effectively managed through UTA/PTA, conditions appropriate for victim safety planning and in accordance with the *Criminal Code* ss. 497-499.

- b. Members will complete the bail brief and provide to the JPD in accordance with the Memorandum of Understanding between the Transit Police and the Jurisdictional Police, and any additional protocols.

(3) Request for Court Order Detention.

- a. If the accused is deemed high risk for harm or reoffending toward the victim it would be appropriate to seek a remand in custody and complete a show/cause brief to remand.
- b. If the accused is currently on any form of bail and has breached the current bail condition (refer to *Criminal Code* s. 524), a remand should be sought pursuant to *Criminal Code* s. 516(1).
- c. If the accused has additional offences, they should be held for a bail hearing and remand sought.

32. For reason of victim safety, investigating Members will coordinate with the officer in charge of the JPD detention facility or Court when an accused is released in order to confirm respective responsibility for victim notifications (document actions taken on PRIME).

### Reporting

33. Members will complete a General Occurrence (GO) report for all VIR incidents, regardless if charges are being recommended. Members will promptly complete the GO or RTCC, including the following actions:

- (1) [REDACTED]
- (2) [REDACTED];
- (3) Include the criminal record of the accused and details of any previous VIR complaints in the RTCC;
- (4) Clearly indicate in the RTCC witness pages if the victim has special needs (and if no victim or support service is available to meet the victim's needs, this should also be communicated to Crown);
- (5) Complete the "domestic violence risk summary bail comments" page and BC Domestic Violence Risk Summary (this articulates the potential risk to the victim on the background of the accused to assist Crown with the charge approval process);
- (6) Seize a copy of the CAD call(s) for the VIR incident and attach to the RTCC.

[Refer to MOU for [Disclosure between Crown and Police](#)]

34. In circumstances where the accused left the location of the offence prior to police attendance and immediate efforts to locate the accused were unsuccessful, Members will request URGENT priority processing of the RTCC with the goal of obtaining a warrant for arrest.

## **Supervisor Responsibility**

### High Risk Situations

35. In VIR high risk situations, the Supervisor will assess whether specialized trained Members or external resources are needed to assist the investigating Members. This includes considering if the General Investigation Unit (GIU) on-duty sergeant needs to be consulted.

### General

36. VIR matters require a high degree of supervision and guidance. The Supervisor is responsible for:
- (1) Monitoring of incident response and confirming that there is a complete and thorough investigation consistent with the law and provincial VIR policy and guidelines, including:
    - a. All incidents of dual arrest and/or charge reviewed and document why this course of act taken;
    - b. Violence risk factors identified and documented;
    - c. Victim and witness information is completed on PRIME and flagged appropriately (including “K” file special flag);
    - d. PTA/UTA completed correctly, added to CPIC;
    - e. Diary date of investigation completion within 14 days;
    - f. History checks documented to file (CPIC, PRIME, CFRO, PIRS, MCFD, POR, and CFIS);
    - g. PTA/UTA faxed to protection order registry (POR);
    - h. *Identification of Criminals Act* (ICA) requirements fulfilled and documented;
    - i. Copy of PTA/UTA given to victim;
    - j. Victim services referral made;
    - k. Copy of PTA/UTA faxed to bail supervisor; and
    - l. Show cause brief, risk assessment completed;
  - (2) Ensuring the investigating Member’s completion of the PRIME report, and completing Supervisor review and approval of the OZ0630 - [Report to Crown Counsel Checklist](#) and attachments for accuracy;
  - (3) Ensuring that a proper safety plan has been developed for victim safety [refer to [Appendix A](#) and ss. 9 and 31 of this policy];
  - (4) Completing on PRIME the Supervisor’s Domestic Violence Quality Assurance Template [refer to [Appendix B](#) of this policy for sample] and

- (5) Notifying the Watch Commander so that they can notify the JPD duty officer or watch commander of the VIR incident (include PRIME file number) for informing of the JPD VIR coordinator or unit.

#### “No Charge” Recommendation

37. Supervisors must be cognizant that Members do not have discretion to not recommend charges where there are reasonable and probable grounds to believe an offence was committed. This does NOT mean that an arrest must be made and charges recommended whenever an *allegation* is made, only that when there IS sufficient evidence for a charge, the discretion not to charge should only be exercised in extraordinary circumstances, e.g., where it is believed arresting the offender will increase the risk to the victim. In such cases, the Supervisor is required to review the evidence prior to a Member not recommending charges. The Supervisor will be required to document and affirm the rationale and evidence on file for “no charge”, and obtain authorization by the Watch Commander.
  - (1) In the event of a “no charge” recommendation being confirmed by the Watch Commander, the investigation will remain open and be given a 4 month diary dated for file review (to ensure the matter is reviewed before time expires to proceed summarily, consistent with limitation for action pursuant to *Criminal Code* s. 786). Prior to file closure, the investigating Members will follow up to determine if the victim is willing to cooperate with the investigation and conduct further PRIME and CPIC checks to determine if there is any new evidence or new acts of violence reported.
  - (2) If, despite the available evidence, it is insufficient to pursue criminal charges, consider using the “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.

#### **Breaches of Bail or Probation/Restraining Orders**

38. Safety of the victim and children are paramount. All alleged breaches of the conditions of criminal and civil orders (no matter how minor), require assessment including those reported to police for investigation by community corrections. Accordingly, Members will treat breaches of criminal and civil orders as crimes and fully investigate, including determining if immediate response required. Members are to consider the following:
  - (1) Breaches of protective conditions may result from either direct or indirect contact (e.g., phone calls, text messages, emails, etc.) depending on the wording of the condition. Charges should always be considered where a breach leads to a concern about victim safety;
  - (2) A suspect should be arrested if it is believed they are about to contravene a summons, appearance notice, promise to appear, undertaking or recognizance (authority under the *Criminal Code* s. 524);

- (3) For a breach of a protection order under the *Family Law Act*, there is no offence provision. Members will need to rely on s. 127 of the *Criminal Code* for arrest of breaches of its protection order conditions. In order to prove an offence under s. 127, the Crown must prove, beyond a reasonable doubt, that the accused had knowledge of the order. As police officers, this means:

*NOTE: As a police officer, this means before making an arrest under s. 127, ensure that the accused had knowledge of the order. For example, was the accused present in court when the order was made? If so, his or her name should be listed under “persons appearing” on the order. If the accused was not present when the order was made, does proof of service exist? Does the Affidavit of Service demonstrate that the accused received a copy of the order?*

- (4) In incidents of civil order breaches, victims should be informed of the arrest and instructed to advise their legal counsel of the arrest and the circumstances that led to the arrest;
- (5) A Provincial Court restraining order states that police may arrest, with the extent of the arrest powers are outlined in the restraining order.

### **VIR Coordination**

39. The Transit Police does not maintain a VIR unit. The GIU Sergeants will fulfill the function of Transit Police VIR Coordinator, unless otherwise so determined by the Deputy Chief Officer Operations.
40. For all “K” files, the GIU Sergeant is to be automatically notified of the PRIME file, via the PRIME “HCRU” handle, to enable file review for quality assurance and determining if any additional follow-up assistance is needed on the file.
41. The GIU Sergeants will act as a resource to Members and may conduct quality assurance reviews/audits on high risk VIR files and policy compliance, and will report to the Deputy Chief Officer Operations of the results and arising issues.
42. The Deputy Chief Officer Operations will oversee Transit Police participation in any multi-agency coordinated community based efforts to reduce the incident of VIR and to improve public awareness.

### **Training**

43. The Deputy Chief Officer Administrative Services Division will ensure that Members complete mandatory provincial crisis de-escalation and VIR training requirements as so determined by the Ministry of Public Safety and Solicitor General. Members will also be required to take other VIR training as so determined by the Chief Officer.
44. Members will be responsible for being familiar with and complying with the Transit Police VIR policy, as amended from time to time.



**Key References**

*BC Police Act* [RSBC 1996], c.367

*BC Child Family Community Service Act* [RSBC 1996], c.46

*BC Crime Victim Assistance Act* [SBC 2001], c. 38

*BC Family Law Act* [SBC 2011] Chapter 25,

*BC Offence Act* [RSBC 1996], c.338

BC Violence against Women in Relationships Policy [December 2010]

BC Police Release Guidelines [December 2010]

*Canadian Charter of Rights and Freedoms*, Constitution Act, 1982, c. 11(U.K.), Sch. B

Canadian Police Knowledge Network courses: “Evidence-based, Risk-focused Domestic Violence Investigations course, Introduction to Domestic Violence Risk Assessment and Safety Planning Course, and “Risk for Intimate Partner Violence: Threat Assessment and Management Using the B-SAFER”

*Criminal Code of Canada* [RSC 1985, c. C-46]

Crown Counsel Spousal Assault Policy (SPO-1) and Charge Assessment Guidelines (CHA-1) [2015]

Ministry of Public Safety and Solicitor General Referral Policy for Victims of Power-Based Crimes

Policing and Securities Programs Branch - Model Domestic Violence Policy, including Summary of Domestic Violence Risk Factors [2011]

*R. v. Godoy* [SCC 1998]

*R. v. Oickle* [SCC 2000]

*R. v. Singh* [SCC 2007]

*Youth Criminal Justice Act*

## APPENDIX A – BC Summary of Domestic Violence Risk Factors








*This is a summary of some of the risk factors that have been associated with an increased likelihood of future violence in relationships. This document is intended to assist police with conducting Evidence-based, Risk-focused Domestic Violence Investigations.*

### Recommended Uses for the Summary of Domestic Violence Risk Factors:

- Focus an investigation on identifying the risk factors,
- Plan and guide interviews (during an interview you should examine the factors present under each of the four main headings),
- Organize notes, police reports and RCC's (use the four headings in your RCC),
- Assist police in justifying release or detention of the Accused,
- Organize and document information for Bail Hearings.

Legend	
	Indicates a risk factor associated with increased severity (escalation) of future violence.
	Indicates a risk factor that must always be included in a Bail Hearing or Show Cause Summary Page.

1. Relationship History		
 	<b>Current Status of the Relationship</b>	<ul style="list-style-type: none"> <li>• Is there past, recent or pending separation in the relationship?</li> </ul> <p><b>Note:</b> Social science experts say that where there are controlling coercive behaviours, the intensity and lethality of violence often escalates after the victim leaves the relationship.</p>
	<b>Escalation in Abuse</b>	<ul style="list-style-type: none"> <li>• Is there escalation in the frequency/intensity of violence or abuse towards the complainant, family members, a pet or another person?</li> </ul>
	<b>Children Exposed</b>	<ul style="list-style-type: none"> <li>• Are there children, under 19 years of age, in the family who are living in the home?</li> <li>• Who are the parents and is there a custody dispute? (<b>Note:</b> Contact the Ministry of Children and Family Development.)</li> </ul>
	<b>Threats</b>	<ul style="list-style-type: none"> <li>• Has the Suspect ever threatened to kill or harm the complainant, a family member, another person, children or a pet?</li> </ul>
	<b>Forced Sex</b>	<ul style="list-style-type: none"> <li>• Has the Suspect ever forced sex on the complainant?</li> </ul>
	<b>Strangling, Choking or Biting</b>	<ul style="list-style-type: none"> <li>• Has the Suspect ever strangled, choked or bit the complainant?</li> </ul>
	<b>Stalking</b>	<ul style="list-style-type: none"> <li>• Has the Suspect displayed jealous behaviours, stalked or harassed the complainant or a previous intimate partner?</li> </ul>
	<b>Information on Relative Social Powerlessness</b>	<ul style="list-style-type: none"> <li>• Are marginalization factors present (i.e. disability, immigrant or Aboriginal background, addiction, poverty, pregnancy, lack of transportation, literacy issues, mental illness, elderly etc.)?</li> <li>• Are cultural factors present (i.e. family pressures/shame, religious beliefs, unwillingness to report, language barriers, isolation etc.)?</li> </ul>
2. Complainant's Perceptions of Risk		
	<b>Complainant's Perception of Personal Safety</b>	<ul style="list-style-type: none"> <li>• Does the complainant believe the Suspect will disobey terms of release particularly a no contact order?</li> </ul>
	<b>Complainant's Perception of Future Violence</b>	<ul style="list-style-type: none"> <li>• Does the complainant fear further violence if the Suspect should be released from custody?</li> <li>• What access is there to the Victim and what is the basis of the Victim's</li> </ul>

		fear?
<b>3. Suspect History</b>		
	<b>Suspect's Criminal Violence History</b>	<ul style="list-style-type: none"> <li>Does the Suspect have a history of threats, violence, sex assaults, and criminal harassment?</li> </ul> <p><b>Note:</b> One of the most common research findings is that Offenders with a history of violence are much more likely to engage in future violence.</p>
	<b>Previous Domestic Violence History</b>	<ul style="list-style-type: none"> <li>Is there a history of stalking, violence or abusive behaviour in a previous Intimate Partner Relationship?</li> <li>Is there any history of threats or actual violence or abusive behaviour against children, other family members, friends, co-workers or family pets?</li> <li>Is there any history of stalking, threats or violence from the suspect, against other intimate partners of the complainant?</li> </ul>
	<b>Court Orders</b>	<ul style="list-style-type: none"> <li>Has the Suspect ever violated a Court Order?</li> <li>Is the Suspect presently bound by any Court Orders?</li> <li>Is the Suspect in a reverse onus situation for bail?</li> </ul>
	<b>Alcohol/Drugs</b>	<ul style="list-style-type: none"> <li>Does the Suspect have a history of drug or alcohol abuse?</li> </ul>
	<b>Employment Instability</b>	<ul style="list-style-type: none"> <li>Is the Suspect unemployed or experiencing financial problems?</li> </ul>
	<b>Mental Illness</b>	<ul style="list-style-type: none"> <li>Does the Suspect have a history of mental illness (e.g. Depression or paranoia)?</li> </ul>
	<b>Suicidal Ideation</b>	<ul style="list-style-type: none"> <li>Has the Suspect threatened or attempted suicide? (If <b>YES</b>, when and how?)</li> </ul>
<b>4. Access to Weapons/Firearms</b>		
	<b>Weapons/Firearms (Used or Threatened?)</b>	<ul style="list-style-type: none"> <li>Has the Suspect used or threatened to use a firearm or weapon against the complainant, family member, children or an animal?</li> </ul>
	<b>Access to Weapons/Firearms</b>	<ul style="list-style-type: none"> <li>Does the Suspect have access to weapons/firearms?</li> </ul>

## APPENDIX B – Domestic Violence Supervisor Quality Assurance

1. Were all steps taken and documented as outlined in the domestic violence investigation guide?
  - If certain steps were not taken document the reasons why.
2. Was a proper safety plan established given the risk factors?
3. If responding officer had concerns a case may be highest risk, did they contact their supervisor or specialized investigator?
  - If no, document the reasons why.

Was a B-SAFER risk assessment completed?

Was RCC provided to Crown counsel prior to the bail hearing?

- If no, document the reasons why.

If case was designated as highest risk, were partner agencies notified by police per VAWIR Protocol for Highest Risk Cases?

- If not, document the reasons why.

4. Checks done and documented:

CPIC

PRIME

POR

CFRO

If children involved, MCFD contacted in person.

5. Was a referral made to Victim Services in accordance with policy?
  - If no, document the reasons why.
6. Was a referral made to MCFD in accordance with policy?
  - If no, document the reasons why.
7. Was the primary aggressor analysis conducted appropriately?
8. Did a dual arrest/charge occur?
  - If yes, was a supervisor consulted?
  - If yes, document the reasons why.
9. Document that you have reviewed the file and are confident that the investigation is complete.

**If not complete, document any deficiencies, that necessary follow up has been assigned, or that the file has been passed on to a specialized unit.**

## APPENDIX C – Province-wide Domestic Violence Resources

For additional information on available victim supports and services visit [www.domesticviolencebc.ca](http://www.domesticviolencebc.ca) or [www.pssg.gov.bc.ca/victimservices](http://www.pssg.gov.bc.ca/victimservices) or email [victimservices@gov.bc.ca](mailto:victimservices@gov.bc.ca).

### **VictimLink BC Toll-Free Helpline (1-800-563-0808)**

Web: [www.victimlinkbc.ca](http://www.victimlinkbc.ca)

*VictimLink BC is a toll-free, province-wide, multilingual help and information line that operates 24 hours a day, seven days a week. The helpline provides information and referral services to victims of crime and immediate crisis support for victims of family and sexual violence in more than 110 languages, including 17 aboriginal languages in North America.*

### **Victim Safety Unit (VSU)**

Unit 302 - 815 Hornby St. Vancouver, BC, V6Z 2E6

Local Phone: 604-660-0316; Toll Free Phone, from anywhere in Canada: 1-877-315-8822

Fax: 604-660-0335; Email: [vsusg@gov.bc.ca](mailto:vsusg@gov.bc.ca)

Web: <http://www.pssg.gov.bc.ca/victimservices/victim-safety/index.htm>

<http://www.pssg.gov.bc.ca/victimservices/publications/index.htm#helpstartshere>

*The VSU provides information to victims about the status of the accused or offender when the person is supervised by community corrections. Victims must register for this service. Information and application forms are available on the website.*

### **Crime Victim Assistance Program (CVAP)**

PO Box 5550 Stn. Terminal, Vancouver, BC, V6B 1H1

Local Phone: 604-660-3888; Toll Free Phone, from anywhere in BC: 1-866-660-3888

Email: [SGCrimeVictimAssistanceProgram@gov.bc.ca](mailto:SGCrimeVictimAssistanceProgram@gov.bc.ca)

Web: <http://www.pssg.gov.bc.ca/victimservices/financial/index.htm>

*CVAP is a financial benefits program to assist victims, immediate family members and witnesses in dealing with the effects of violent crime. CVAP helps to offset financial loss and assist in recovery from injury. There are separate application forms for victims, immediate family members and witnesses. Information and forms are available on the website.*



*Please be aware that some information has been withheld under s. 15(1) of the Freedom of Information and Protection of Privacy Act.*