

OB INCIDENT RESPONSE

OB 40 INTIMATE PARTNER VIOLENCE AND ABUSE

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1.0 STATEMENT OF PRINCIPLES:

The primary mandate of police is to reduce harm and victimization, and to prevent crime. Incidents of intimate partner violence and abuse (IPV) are considered as a high priority for response and comprehensive investigation by police services.

Responding to IPV is a shared responsibility across police, public health, social service and community agencies. Community safety is promoted through inter-agency collaboration.

Responses to IPV should seek to mitigate the trauma and other impacts on victims, offenders, families, responders and communities. Effective case management includes collaboration among service providers to support both victims and offenders by addressing the factors that create risk in order to prevent further harm.

2.0 DEFINITIONS:

In this policy:

“intimate partner” means:

- persons who reside together or have previously resided together in a family, spousal or intimate relationship;
- persons who are or have previously been engaged in a dating relationship regardless of whether they have resided together at any time;
- persons who are the parents of one or more children regardless of their marital status or whether they have resided together at any time; or
- persons who are in an ongoing caregiving relationship regardless of whether they have resided together at any time.

“intimate partner violence and abuse” and **“IPV”** means behaviour by an intimate partner that causes physical, sexual or psychological harm, including physical aggression, sexual coercion, psychological abuse or controlling behaviours and includes:

- any intentional or reckless act or omission that causes bodily or psychological harm or damage to property;
- any act or threatened act that causes a reasonable fear of bodily or psychological harm or damage to property;
- unlawful confinement;
- sexual abuse;
- harassment; or
- deprivation of necessities.

“victim” means an intimate partner who has been subjected to IPV by another intimate partner.

3.0 INVESTIGATION

The Chief of Police will ensure that local policies and procedures related to the investigation of IPV incidents are developed, implemented and utilized in a consistent manner in accordance with the investigative guidelines set out below and that all members and relevant staff of the police service are aware of this policy and its requirements.

3.01 Communications and Dispatch

- All persons who provide communications/dispatch functions will receive training in the risk factors associated with IPV calls for service.
- IPV calls for service will be given priority even if the call is withdrawn and members will respond to the victim's location in all cases

3.02 Initial Response

- Upon arrival responding members will ensure their own safety and that of all of the parties. The parties to the incident will be separated, all children at the scene will be located and provided with appropriate support/assistance, and medical assistance will be obtained if required.
- Evidence at the scene will be seized and preserved, the scene and any injuries and property damage will be photographed, and the responding members will make detailed notes of the actions and utterances of all parties involved and will complete the provincial risk/threat assessment report attached to this policy as Appendix “A”.
- Where injuries are observed or any of the parties to the incident complains of injuries, responding members will complete and have signed a Consent for Release of Medical Records.
- Responding members will ensure that every IPV occurrence regardless of whether charges are laid or an offence alleged is documented and entered in the police service RMS system for future reference.
- Consideration will be given to the use of peace bonds or other available civil protection orders in cases where charges are not laid.
- Any services specific to the needs of the victim including victims' services, women's shelters, etc. will be contacted and put in communication with the victims. Members will undertake every effort to ensure the safety of victims.

- Responding members will inform their supervisor and the police service IPV coordinator, if there is one, of the occurrence.
- The responding member who has lead on the file will provide the victim with their name, phone number and the police file number as well as the name and phone number of the police service IPV coordinator, if there is one, and will provide the victim with a list of victim services agencies in the community.
- Where services are available, victim support will be provided in a safe environment as soon as possible.

3.03 Ongoing Investigation

- If applicable, the offender will be located and arrested or a warrant requested.
- Once located and arrested, members will make every effort to obtain a warned statement, photograph and seize evidence from the offender and search previous IPV reports.
- All witnesses will be interviewed and detailed statements obtained.
- If children were involved or have been exposed to violence, Child and Family Programs Branch of the Ministry of Social Services will be contacted in regard to the welfare of the children.
- Obtain background information concerning any custody and access arrangements and the relationship of the children to the victim and the offender.
- Where relevant, copies of any recorded communications with 911 or the communications centre will be obtained and exhibited.
- If weapons/firearms were used or threats of use were made in relation to the occurrence, the weapons and any licensing documents will be seized and the Canadian Firearms Centre will be advised and requested to flag the offender. Consideration will be given to the appropriateness of application for a firearms prohibition.
- Consideration will be given to the need for remand or appropriate release conditions including any conditions necessary to address firearms/weapons. The victim will be advised of the results of any bail proceedings. (*see section 4.0 of this policy*)

- The file will be entered on CPIC including any warrants outstanding, release conditions, any Special Interest Police (SIP) cautions, an IPV caution and the terms of any applicable probation or family court orders.

3.04 Interview Procedures

- Recognizing the particular traumatic nature of an IPV incident on the victims and witnesses, every effort is to be made to ensure interviews are conducted in a manner which avoids further traumatizing the persons being interviewed.
- When conducting a criminal investigation, witness statements will be video recorded whenever possible and will be in the format of sworn statements in accordance with *R. v. B. (K. G.)* (KGB statements).

3.05 Charge Policy

- Where a comprehensive investigation reveals reasonable grounds to believe that an IPV offence has been committed charges will be laid. Every reasonable effort will be made to locate and, where appropriate, arrest the offender and, if the issuance of a warrant is required, the warrant once issued will be entered on CPIC as soon as practicable and, in any case, not later than 24 hours following issuance.
- Members investigating IPV occurrences will make every effort to determine which party is the principal or dominant aggressor and will charge that person when a comprehensive investigation reveals reasonable grounds to believe that an offence has been committed. The practice of dual charging is to be avoided whenever possible. Prior to laying charges against a victim or dual charges a supervisor and a local Crown Prosecutor will be consulted.
- Only in egregious cases or complaints that have been made with malicious or vexatious intent should charges such as public mischief be considered. Prior to laying such charges against a victim a supervisor and a local Crown Prosecutor will be consulted.

4.0 INTERIM RELEASE

The Chief of Police will ensure that local policies and procedures related to the interim release of an IPV accused are developed, implemented and utilized in a consistent manner in accordance with the guidelines set out below and that all members and relevant staff of the police service are aware of this policy and its requirements.

4.01 Risk Assessment

- The primary goal of risk assessment is the prevention of further violence by managing and minimizing any risks posed by an accused.

- The provincial risk/threat assessment report should therefore inform all consideration of remand applications and interim release conditions including the requirements to enable effective monitoring, management, supervision and treatment of accused and safety planning for victims and families.

4.02 Bail Procedures

- Prior to considering release members will:
 - Complete the provincial risk/threat assessment report;
 - Obtain a criminal history, substance use history and mental health history of the accused;
 - Determine whether there are other outstanding charges;
 - Review previous and current court orders, if any;
 - Determine if there is a history of compliance/non-compliance with release conditions; and
 - Engage the victim in the process and inquire whether they believe the accused is likely to obey release conditions, whether they fear further violence and, if so, the basis of that fear.
- Where opposing release the member speaking to bail should be familiar with the relationship dynamics of IPV to enable them to make appropriate submissions to the Justice of the Peace. Where the police service has an IPV coordinator or a specialized IPV unit, they should be consulted and consideration should be given to having them speak to the matter of release.
- When an accused is being granted release on charges related to an IPV incident the release option utilized should be one that enables the imposition of conditions to monitor and manage the accused and protect the victim and family. Release on a Summons, Appearance Notice, or Promise to Appear without an accompanying Undertaking are therefore generally not appropriate.
- When an accused is being released, the following conditions should be considered:
 - No contact, directly or indirectly or through any form of electronic communication, with the victim, children or other specified persons;
 - Geographical area restrictions to any place such as the victim's residence, place of work, children's schools, day care or child care providers;
 - Abstaining from alcohol or other intoxicants or drugs except in accordance with medical prescription;
 - Prohibition from possession of firearms and the surrender of any license, registration certificate or authorization for firearms;

- Reporting at specified times to a peace officer, probation or other specified person;
 - A fixed residential location and a curfew; and
 - Any other conditions appropriate to the individual case determined in consultation with the victim.
- When an accused has been released the member will ensure that the victim is fully informed of all release conditions and is provided with contact information for a 24/7 contact in the case of the accused violating any of the conditions.
- Members, in partnership with government agencies (probation services, etc.), will ensure that release conditions of an accused charged in relation to an IPV incident are complied with and that breaches of conditions are dealt with immediately. This will include conducting random curfew checks and in the case of a very high risk offender and where resources are available, surveillance.

5.0 PROACTIVE INTERVENTION

The Chief of Police will ensure that local policies and procedures related to the proactive management of IPV incidents are developed, implemented and utilized in a consistent manner in accordance with the guidelines set out below and that all members and relevant staff of the police service are aware of this policy and its requirements.

5.01 Coordination

- Where appropriate to size and resource levels, police services will establish an IPV coordinator who will be the point of contact for members, government agencies and community service providers engaged in intervention, management, rehabilitation, treatment and restoration activities related to IPV incidents.
- The coordinator will maintain a current inventory of government and community based service providers in the area who are engaged in the provision of supports for victims, families and offenders.

5.02 Collaboration

- Police services will work with government and community service providers to establish a mechanism for ongoing dialogue among all partner agencies providing services in relation to IPV incidents in the area and to establish information sharing agreements among all partners to facilitate collaborative intervention and management of IPV incidents.
- Police services will work with government and community partners to develop strategies and action plans that recognize local needs and resource availability and to plan and implement responses to individual

cases together through case conferencing. Individual case responses should consider the need for the development of safety plans for victims of IPV incidents and their family members and management plans for offenders and should link each to necessary government and community supports.

- Where appropriate to size and resource levels, police services will work with government and community partners to establish a specialized, multi-disciplinary unit for the handling of IPV incidents.

6.0 TRAINING

- Consistent with resource levels, the Chief shall ensure that training opportunities are made available to the IPV Coordinator and to police members of specialized IPV units and that such training will include mentorship opportunities with non-police partners.

AUTHORITIES:

Commission policy OI 10 Witness and Victim Support

The Victims of Interpersonal Violence Act

The Family Property Act

The Child and Family Services Act

Criminal Code

The Emergency Protection for Victims of Child Sexual Abuse and Exploitation Act

Saskatchewan Child Abuse Protocol

Appendix "A" Domestic Violence Risk Indicator Checklist

Suspect:		D.O.B.:	Police File Number:
Complainant:		D.O.B.:	
Completion Date:	Completion Location:	Police Officer:	
		Police Agency:	
When completing this Checklist, questions to the complainant must be asked out of ears but not in eyesight of the suspect.			
Yes	No	Domestic Violence Risk Indicator Checklist questions:	
<input type="checkbox"/>	<input type="checkbox"/>	1. Does the suspect have a history of intimate partner violence in this or any previous relationship? If yes, has there been a recent escalation in the frequency or severity of the violence?	
<input type="checkbox"/>	<input type="checkbox"/>	2. Does the suspect use coercive tactics to control the complainant? <small>Because complainants may not understand what "coercive control" means, it is advisable to simply ask if the suspect is controlling. Coercive control tactics may include acute jealousy, degradation, micro-regulation of daily life, social isolation, disallowing independent opinion or decision-making, deprivation, surveillance, forced sex, sexual exploitation, shaming, adherence to a belief system that condones intimate partner violence, intimidation, threats, etc.</small>	
<input type="checkbox"/>	<input type="checkbox"/>	3. Has the suspect ever used a weapon or object to harm the complainant, or threatened the complainant with a weapon or object?	
<input type="checkbox"/>	<input type="checkbox"/>	4. Has the suspect ever tried to strangle or choke the complainant or any previous intimate partner? <small>Because "strangulation" is often referred to as "choking", the two are interchangeable for the purposes of this Checklist.</small>	
<input type="checkbox"/>	<input type="checkbox"/>	5. Have the suspect and complainant separated within the past year, or is the suspect aware of a pending separation?	
<input type="checkbox"/>	<input type="checkbox"/>	6. Is the suspect stalking the complainant?	
<input type="checkbox"/>	<input type="checkbox"/>	7. a) Does the suspect have a problem with drug or alcohol abuse? b) Does the suspect suffer from depression, suicidal thoughts or mental illness? If yes to a) and/or b), is the suspect currently receiving treatment or attending programming? <input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/>	<input type="checkbox"/>	8. Does the complainant fear or believe the suspect will commit future violence?	
The complainant is <input type="checkbox"/> unwilling or <input type="checkbox"/> unable to answer the questions due to:			
<input type="checkbox"/> influence of alcohol and/or drugs <input type="checkbox"/> fear of the suspect/reprisal <input type="checkbox"/> language/communication barrier <input type="checkbox"/> injury			

Note: When assessing risk, a move away from the stereotypical understanding of domestic violence as isolated incidents of physical violence is necessary. Awareness of the inherent high-risk posed by non-physical coercive controlling behaviours is paramount to ensuring that potentially dangerous situations meet the threshold for intervention. In addition, the clustering of risk factors is significant in determining the level of risk.