

APPENDIX 14



Domestic Violence Risk Assessment

RISK ASSESSMENT AND REFERRAL

During the course of investigations, police gather evidence, including responses to the *Domestic Violence Supplementary Response* form (Appendix A) used throughout the province in Ontario.

When an officer forms the grounds and lays a charge, he or she completes a final risk assessment by completing the *HART-Risk Assessment Tool* (Appendix B). The completed form is faxed to VWAP with the *Police Referral To VWAP* (Appendix B) and accompanying documentation. The Investigating Officer forwards case information to the police service's DV Coordinator or designated Sgt. for review.

When a case meets the threshold for high risk, the matter is automatically added to the next available HART review.

Other justice partners also use the *HART Risk Assessment Tool* (Appendix B) to assess risk and make referrals to HART. It is important for the Victim/Witness Assistance Program, Crown Attorney and Probation Services to re-visit the initial assessment when new information is made available that affects the safety of those involved.

Community agencies may also use the *HART Risk Assessment Tool*, but may use other tools to assess risk and safety needs. Upon receipt of a referral from an agency, the HART Coordinator will ensure that the case meets the criteria outlined in this document, consulting as necessary, and schedule the review accordingly. Should a matter not meet the criteria, the HART Coordinator will speak with the referring agency and determine if any further action is recommended or required.

Consent, Information Sharing and Privacy

Justice-based agencies do not require the consent of the victim in order to participate in HART. For the purposes of HART, PARs (CRCS) is regarded as a direct extension of the criminal justice system, where offenders have been ordered into the program by the court. Generally, Probation officers will have access to any existing reports from prior or current PAR on hand for the HART conference. If HART decides that more information from PAR is needed, the matter will be scheduled for a follow-up review and PAR service provider will be invited to participate using the normal invitation procedure.

It is understood that the police service(s) and other agency(ies) are only expected to participate in reviews of cases in which they are or should be directly involved. Where a review involves or potentially involves justice agencies from other jurisdictions, the HART Coordinator will extend an invitation to those agencies to participate in the review. All team members will work in good faith within professional and ethical standards to ensure personal privacy and confidentiality.

A consent form signed by the client of an agency outside the criminal justice system must be faxed to the HART Coordinator (VWAP) prior to the commencement of an agency's involvement in HART. Community agencies refer to HART by completing *HART-Consent to Release Information* (Appendix C).

Where a community agency is involved in the review, the review will begin with justice partners so that all information can be thoroughly shared. Community agencies are invited for a specified time, generally about half way through the review. When community agencies are involved, the discussion remains focused on safety needs and plans and any other needs or information relating directly to the victim or children. Justice agencies may not be able to divulge information regarding the accused person to community agency personnel.

Review Schedules and Practice

Reviews are scheduled every second Tuesday, generally beginning at 9:30AM. VWAP compiles the list from cases referred up to the Monday of the intervening week. Emergency reviews can also be called and arranged according to participant availability where particularly grave concerns for immediate safety exist.

Each agency that normally participates in HART designates a contact person to receive the bi-weekly list of cases for review. The contact person is responsible for participating in the review or arranging for a delegate participant. Each agency takes responsibility for ensuring that a representative will be made available for each review date.

VWAP completes the list using the *HART Teleconference Form* (Appendix D) and forwards to agency contacts on the Tuesday before the review is to occur. VWAP ensures that non-justice agencies receive only the names of the reviews that pertain to them.

Reviews are generally scheduled for 15 minutes each. Review teams remain conscious of the need to keep to the time frame and ensure that others phoning in for the next review on the schedule do not overhear identifying details.

Each team member shall be prepared to discuss:

- Why the case is high risk;
- What action has been taken by their organization;
- Concerns that the team should be aware of;
- Recommendations regarding action for follow up.

Police services will ensure the file is available for the review.

Each team member maintains his/her own notes and follows internal procedures regarding records retention and destruction

Funds for Safety Enhancements

The Quinte District Victim's Fund Committee has entered into a *Working Agreement* (Appendix E) with HART in order to make funds available to assist victims with certain necessary safety enhancements. Generally, these enhancements are used to enhance the physical security of the victim's residence. The *Working Agreement* outlines the process of exchanging funds between the QDVF and HART Committees.

When funds for safety enhancements may be required on HART cases, the team works together as outlined in *Procedures re Safety Funds* (Appendix F).

Follow Up

Participants collectively plan to maximize safety, reduce risk and coordinate services to victims. The review may also determine further investigation that is required by police and/or additional tasks for the Crown Attorney in preparation of the case. It is expected that each participating member will fulfill all obligations to their clients and/or to the criminal process and will follow through on any tasks agreed upon as a result of their participation in HART.

If any agency becomes aware that an agreed upon task or service has not been completed or offered to a victim, the person receiving that information will contact the HART participant assigned with that task to make inquiries and ensure appropriate follow-up.

The Review Team may decide that a particular case requires a further or follow up review. Each time this decision is reached, the HART Coordinator will ensure the case is added to the review list for a future date. If a person is serving a provincial custodial sentence at the time of review, the HART Coordinator or delegate may register with the Victim Support Line to be advised of scheduled release and parole dates. If a Probation Officer is involved in the review, that information may be at his or her disposal. A similar process can be followed where federal sentences are being served by contacting the National Parole Board.