

## POLICE SERVICES

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**Hours of Operation: 24 hours per day 7 days per week**

*Definitions of terms commonly used by law enforcement and justice personnel can be found in Appendix 5.*

### Introduction

Police services in Ontario are required to comply with the Police Services Act, Provincial Adequacy Standards, Police Orders and/or Policy and Procedures and the Child and Family Services Act. The Provincial Adequacy Standards require that police services develop a policy for investigations into partner abuse, referred to as domestic violence, domestic occurrences, or domestic incidents in police procedures. The Chief of Police is required to develop and maintain specific procedures for undertaking, coordinating and managing investigations into domestic violence occurrences.

While the specific procedures used by each police service in the Quinte Region may vary slightly the primary purpose of police intervention in partner abuse occurrences remains the same regardless of which police service is involved.

### **Mandate of Police Involvement:**

- Respond to all calls for police assistance in partner abuse occurrences;
- To ensure safety, restore order and prevent further escalation;
- To investigate thoroughly and where reasonable grounds exist to believe that a criminal offence has occurred to lay appropriate charges;
- Where charges are laid, provide information required to support the prosecution; and -
- Make referrals to community agencies as needed to support women and children caught in cycle of violence and abuse.

***Police assign the same priority to partner abuse occurrences as to any other life threatening call.***

Effective police intervention requires a team approach: **communication or dispatch personnel** must gather and input information necessary to protect the lives of victims and officers; **responding or patrol officers** shall restore order, conduct a thorough “on scene” investigation, and offer appropriate information, referrals, and practical support to the victim; and **domestic violence coordinators**<sup>8</sup> shall undertake, manage, or review the investigation, and serve as a resource to the responding officers, though their specific duties may vary for each police service.

## **Overview of Specific Procedures**

### **1. INITIAL CONTACT AND RESPONSE**

#### ***Communications Personnel***

Communications personnel receive and prioritize all incoming calls made to the police. Communications personnel will send patrol officers to the scene even when calls are received from identified and unidentified third parties, when calls are disconnected, and when the caller indicates that the police are no longer required. Communications personnel will attempt to maintain communication with the caller. Communications personnel play a pivotal role as they may represent the first point of contact in many cases of domestic violence. Efforts are made to gather as much information as possible from the caller.

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<sup>8</sup> In some police services where there are no domestic violence coordinators a domestic violence trained investigator will be identified to review the case.

### ***Responding or Patrol Officer***

Partner abuse incidents are often very unpredictable and consequently, police officers use extreme caution and follow proven safety procedures when responding to these situations; for example, ensuring that communications personnel are aware of an officer's decision to enter a domestic situation alone. It is the practice of police services that two officers will be assigned to respond to these calls; whenever possible, a supervisor will also be available to ensure policy compliance. Whenever possible, at least one of the two officers responding to a partner abuse occurrence will have received training on police response to domestic violence. Communications personnel will notify appropriate supervisory personnel that a partner abuse incident has been reported. Communications personnel will not change the heading "Domestic Occurrence" unless authorized by a supervisor or investigating officers.

When police officers arrive at the scene of the domestic incident, they shall:

- Ensure safety for all and separate the parties.
- Conduct an initial assessment of the situation to determine if anyone onsite has been injured and ensure appropriate medical assistance is provided if required.
- With the victims consent notify the Domestic Violence Sexual Assault Response program of Quinte Health Care Corporation when victim is being transported to hospital.
- Ensure that children at the scene receive appropriate support and assistance.
- Conduct a thorough investigation.

#### **When interpretation services are needed:**

The communications personnel or the responding officers will determine if interpretation services are required. If so, these may be arranged through the Central Eastern Ontario Translation and Interpretation Services of Quinte United Immigrant Services, the AT&T Language Services, or American Sign Language through the Canadian Hearing Society. The responding police officers shall not use other family members, including children, or family friends as interpreters when conducting investigative interviews. However, other family members may be asked to communicate emergency information.

#### **When the victim or suspect is a member of a police service:**

In those instances when the responding officers determine that one or more of the involved parties is an employee of any police service, they will immediately notify a supervisor. The supervisor will notify the appropriate commanding officer to arrange for an impartial and independent investigation as outlined in relevant Orders or Police Service Policy and Procedures and will ensure that all internal reporting and follow-up procedures are completed in accordance with said documents.

## **2. INVESTIGATION**

Responding officers shall conduct a thorough investigation to determine if reasonable grounds exist for the laying of criminal charges and/or other charges. If reasonable

grounds exist to believe that a criminal offence has occurred, the police are mandated to lay appropriate charges against the accused. The police officers will ensure that the victim and the suspect are aware that it is not the victim's responsibility or decision to lay charges; and, further, that once a charge has been laid, only the Crown Attorney has the authority to withdraw it.

Many victims do not feel safe reporting domestic violence and may minimize or even deny the violence particularly if the accused is present. Questioning the victim and the accused separately increases the likelihood that the responding officers will receive a more accurate and complete disclosure of any recent or past violence in the home.

Each Police Service has specific Orders or Policies and Procedures pertaining to partner abuse which are identified as domestic violence occurrences in said Police Service documents. These documents outline the specific requirements and responsibilities of responding officers in detail. Common practices of responding officers from Police Services in the Quinte Region include but are not limited to:

- Interviewing all parties separately (victim, suspect, and witnesses), with attention to the needs of the victim and witnesses and to the safety of the victim, witnesses and officers.
- Recording statements from the victim, suspect, and any witnesses, including children. Special care will be used to ensure that the questioning of children is completed in a developmentally appropriate manner. When practicable, and with the consent of the victim/witness, statements will be taken with the use of audio or video taping. Officers may consider taking a sworn statement from victims and witnesses.
- Gathering and preserving the crime scene and collecting evidence in accordance with relevant orders or policy and procedures, including but not limited to 911 tapes and records, answering machine tapes, torn or blood stained clothing and fingerprints.
- Sketching, photographing and/or videotaping the scene.
- With consent of the victim, photograph victim's injuries and take additional photographs with 24-48 hours of the initial occurrence, when practicable. A member of the same gender will take photographs, whenever possible.
- Providing victim with the Partner Abuse Card and safety planning information regardless if charges are laid or not.
- Making referrals for the victim to court-related and social services.
- Making referrals to the Victim/Witness Assistance Program in those instances when a charge is laid.
- Making referral to Three Oaks Foundation when the victim is in need of safe, temporary housing. If the victim chooses to go to a shelter or safe place the officer will not disclose this information to the accused.
- Completing appropriate documentation whether or not an offence is alleged and whether or not a charge is laid (this ensures accurate tracking of partner abuse incidents regardless of outcome).

- Consideration for seizing firearms, ammunition, other offensive weapons, and firearm acquisition where supported by law.
- Supplying the victim with a business card indicating the investigating officer's name, badge number, and telephone number, and the incident number for the call/investigation.

**When immigration status is an issue and/or when language is a barrier:**

As discussed above, responding officers will arrange for interpretation services when language or hearing is a barrier to completing a thorough investigative interview.

In those instances when immigration is an issue and/or when a victim expresses concern that her immigration status will be at risk if she provides a statement, the responding officers shall:

- Reassure the victim that the suspect does NOT have the authority to take or withhold her identification papers or force her deportation. Whenever possible assist her in collecting and securing identification papers and important documents for herself and her children, such as residence identification papers, landed immigrant records, birth certificate, passport, health card, and S.I.N. card;
- Provide referral information to appropriate community resources such as the Quinte United Immigrant Services, Canadian Hearing Society and/or Community Legal and Advocacy Centre.
- Keep the peace while supports are established.

**When disability is an issue:**

Responding officers will make all reasonable efforts with the victims consent to contact appropriate community resources when working with victims with a disability. For example, a victim who is a wheelchair user may require specialized transportation, attendant care, and accessible temporary shelter.

In those instances when the accused person is the primary or sole caregiver for the victim and arrest and removal of the accused will put the victim at risk, the officers shall work cooperatively with the victim to identify, contact, and arrange alternate care through family members and/or appropriate community services.

**When children are present:**

In those instances when children are present in the home the responding officers shall ensure that they are not placed at risk and that they are provided with appropriate support and assistance.

More specifically, responding officers shall:

- inquire about and determine the child/ren's involvement in the domestic violence incident, either as witnesses, victims, or some other form of direct involvement such as calling 9-1-1 or attempting to break up the dispute, and,

- when there is suspicion that the child/ren are at risk of harm, contact the Hastings County Children's Aid Society, in accordance with the Child and Family Services Act, to ensure the child/ren's safety.<sup>9</sup>
- in all instances where charges have been laid, contact the Hastings Children's Aid Society.
- Joint investigations with the Hastings Children's Aid Society will be conducted as per the Child Protection Protocol: A Coordinated Response in Eastern Ontario (see Appendix 10).

Responding officers shall contact the Hastings Children's Aid Society immediately in those instances when the pattern and degree of violence in the home suggests that the children may be at imminent risk of harm or injury, or when the victim is unable to provide adequate care for her children due to her emotional or physical condition and no one other than the accused is available to provide care. In those instances where the police officer believes the child/ren are not at imminent risk but may be at risk of harm, the officers will share pertinent information with the CAS in a timely manner. Upon receipt of a referral the Children's Aid Society will make the determination if a protection investigation is warranted. Witnessing partner abuse is not solely indicative of child abuse.

**When children are not present but will be returning to the home:**

In those instances when children are not present during an incident of partner abuse but reside in the home permanently or periodically, the responding officers shall:

- inquire about and determine the child/ren's current whereabouts and their involvement in any prior incidents of domestic violence, and
- when there is suspicion that the child/ren are at risk of harm, contact the Hastings Children's Aid Society, in accordance with the Child and Family Services Act, to ensure their safety.
- in all instances where charges have been laid, contact the Hastings Children's Aid Society.

**When there is an allegation or possibility that both parties have been violent:**

In some instances, responding officers may have reason to believe that both parties have been violent toward one another. Observation and independent evidence may suggest this or, alternately, the officers may be told by the accused that the victim initiated the violence, participated in mutual violence, and/or assaulted the accused. It is a common tactic used by offenders to defuse or avoid responsibility for their violence. The responding officers will thoroughly assess the situation and determine whether reasonable grounds exist to lay charges against one or both parties with special attention to the historical context of the violence in the relationship and the law's intent to protect victims of partner abuse.

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<sup>9</sup> Duty to Report – Section 72 of the Child and Family Services Act makes the reporting of suspected child abuse and neglect mandatory. (See Appendix 10.)

Specifically, responding officers shall:

- attempt to determine who is the “dominant aggressor”;
- consider the history, control, isolation, and safety issues pertaining to the relationship; and
- consider whether self-defense provisions within the Criminal Code of Canada apply; for example, such things as the relative size and strength of the involved parties; whether one of the parties feared the actions or threatened actions of the other; and whether reasonable force was applied in self-defense.

**When the accused is not present:**

In those instances when the suspect is not present when the responding officers arrive, the officers shall complete a thorough investigation with priority attention to any safety threat to the victim, public, and police. The police officers may determine that reasonable grounds exist to lay a charge against the suspect even when he is not present or available to be interviewed. Under these circumstances, the police officers shall make every effort to locate and arrest the suspect. In the event that they are not able to locate the suspect, the officers shall obtain a warrant for the accused as soon as possible following their first contact with the victim and ensure that the warrant is added to CPIC. Should there be a delay in obtaining a warrant consideration will be given to using other means of internal and external communications to assist in the apprehension of the suspect.

### **3. LAYING CHARGES**

In those instances when reasonable grounds exist to believe that an offence has occurred, police officers will lay a charge - this may happen at any stage of the of the investigative process. Charges that may be laid include, but are not limited to: attempted murder; assault; sexual assault; assault with a weapon; assault causing bodily harm; aggravated assault; choking; uttering threats; criminal harassment (stalking), and breaches of Criminal Code or Family Court Orders.

Officers shall request that the victim provide a sworn video statement to assist with the investigation. The investigating officers appreciate that there may be many reasons why a victim does not want to provide a statement. The officers shall encourage the victim to voice her concerns and shall attempt to alleviate these concerns through the provision of information and support; for example, as discussed in relation to immigrant women and women with disabilities. When a sworn video statement is not possible other forms of statements shall be taken.

***The absence of a statement does not preclude the laying of a criminal charge.***

When taking a statement from a victim, the officer shall ask for a detailed description of what happened during the incident. Using the Domestic Violence Supplementary Report (DVSR) (see Appendix 13), the Investigating Officer also explores any history of violence in the relationship, any pattern of power and control that exists and other known

risk factors. The completed DVSR is included with the Crown Brief and the information is used throughout the prosecution as case decisions are made.

If additional time is required to complete the investigation or if the accused cannot be located, the responding officers will keep the victim informed of the process, review options and, if necessary, offer her assistance in temporarily relocating to a place of safety, such as Three Oaks Foundation, a women's shelter.

### **Risk Assessment**

When charges are laid or are going to be laid, the investigating officers shall:

- Complete the Domestic Violence Risk Assessment form, (see Appendix 14) completed in consultation with the victim. (This form is submitted to the Crown Attorney for consideration in regards to potential prosecution or possible detention.)
- Provide safety planning information;
- Be guided by the principles of the Criminal Code of Canada pertaining to the arrest and/or possible continued detention or release of the accused. These principles for consideration by the officer are things such as:
  - Repetition of the offence by the accused
  - Identity of the accused
  - Court attendance on the part of the accused
  - Evidentiary issues such as the potential loss of evidence
- When the suspect is determined to be a high risk or repeat offender, officers will alert their domestic violence coordinator to ensure that the case is processed through High Risk Action Review Team (HART);
- Shall on consent of the victim, contact Victim Services of Hastings, Prince Edward, and Lennox and Addington Counties for on scene support, safety planning, transportation and/or referral service;
- Ensure that the victim is informed of the procedures that follow the arrest of the accused;
- Advise the victim of her right to prepare a Victim Impact Statement. VWAP is available to provide more information and assistance; however, each police service has Victim Impact Statement packages, including details on how to file the VIS;
- When an Order restricting publication under section 486.4(2) is available to the Crown, the Investigating Officer shall consider asking for the ban when the Information is sworn. Doing so ensures that information identifying the victims cannot be published or broadcast from the outset. The Crown shall ensure that the order is in place at the First and subsequent appearances. Section 486.4(2) indicates the presiding Judge or Justice shall make the order on application by the complainant, prosecutor or any such witness in the following offences: 151, 152, 153, 153.1, 155, 159, 160, 162, 163.1, 170, 171, 172, 172.1, 173, 210, 211, 213, 271, 272, 273, 279.01, 279.02, 279.03, 346 or 347, as well as the following

sections of older criminal codes (previously defined sexual offences): 144, 145, 149, 156, 245, 246(1), 146(2), 151, 153, 155, 157, 167 and Chapter C-34 of the Revised Statutes of Canada 1970. Under Section 486.5 a restriction of publication of identifying information may be ordered on other offences, by application of the prosecutor, victim or witness where a Justice or Judge is satisfied that the order is necessary for the proper administration of justice. The Investigating Officer can advise the victim of the right to make such an application in such cases and refer to VWAP for more information and assistance.

- Provide notification to the victim of the conditions of release of the accused and the outcome of every appearance for bail as per the Bail Notification Protocol (see Appendix 12).<sup>10</sup> The Court Officer or designate will be responsible for notification to the victim about the release of the accused, time and location of bail hearing, and bail condition. The Court Officer or designate will make contact with the victim as soon as this information is available. The Court Officer or designate will also add this information to the CPIC system and notify Victim/Witness Assistance Program. While victims shall be encouraged to call to receive this information, notification remains the responsibility of police services. Notification to the victim for any changes from a review of the initial conditions of release or bail hearing shall be the responsibility of the Crown Attorney.

**When charges are not laid:**

When the investigating officers determine that there are insufficient grounds to believe an offence has occurred and, consequently, charges will not be laid, they are required to document in their report the reasons why charges were not laid. All reports are reviewed by the Domestic Violence Coordinator or trained Domestic Violence Investigator.

The investigation officers shall also:

- review their reasons for not laying charges with the alleged victim;
- confirm that an incident report will be completed;
- leave a card with their names, badge numbers, and the incident number with the alleged victim as well as the partner abuse card;
- confirm the alleged victim's right to leave the residence and temporarily relocate to a safe location such as Three Oaks Foundation she fears for her safety now or at any time in the future; and
- shall offer information and referrals to appropriate community services such as Victim Service for Hastings, Prince Edward and Lennox and Addington Counties.

In all instances, regardless of whether charges are laid, the responding officers shall:

- remain at the scene until they are satisfied that there is no further threat or danger to the victim and her children;

<sup>10</sup> While police personnel will make efforts to contact victims regarding bail proceedings, timely notification is not always feasible, therefore victims shall be invited to call the investigating or court officer to obtain information regarding bail conditions throughout the proceedings.

- provide information regarding safety planning, community services, and options for safe, temporary alternative housing, including contact numbers and addresses;
- arrange for transportation of the victim and her children to a safe location such as Three Oaks Foundation if requested; and
- give the victim a card with their names, badge numbers, and incident number.

#### 4. MONITORING AND FOLLOW-UP

Police officers will provide a variety of ongoing and follow-up services to victims of domestic violence following the initial investigation, arrest, and charging of the offender including:

- ensuring crucial information regarding the status of their case is provided to victims of domestic violence upon request;
- inviting victims to assist the officer in determining the extent and type of conditions of release that will be requested at any bail hearings;
- updating the victim on the outcome of any bail hearings, with special attention to confirming any conditions of release in those instances when bail is granted;
- attending at a residence as impartial observers to ensure peaceful entry and exit when a victim returns to get her personal property, when practicable;
- In the event that peaceful entry into the residence can not be achieved or the removal of certain property is contested by the accused, the police shall advise the involved parties to seek a civil remedy to the situation. The police officers will NOT arbitrate any such disputes or help women remove any items against the accused wishes.

### Accessibility

Belleville City Police Service, located at 93 Dundas St. East in Belleville, is partially accessible to both electric and manual wheelchair users, including accessible main entrance with automatic door opener and designated wheelchair parking. The Belleville Police Service has a designated TTY for the deaf. 613-966-3788. In addition, they employ personnel who are bilingual and multilingual.

Ontario Provincial Police, Central Hastings, located at 105953 Highway #7 in Madoc, is fully accessible to both electric and manual wheelchair users, including accessible main entrance with automatic door opener, accessible washroom facilities and designated wheelchair parking. A designated TTY is available for the deaf through central dispatch. 1-888-310-1133

Ontario Provincial Police, Quinte West, located at Dixon Drive in Trenton, is partially accessible to both electric and manual wheelchair users, including accessible main entrance with automatic door open, accessible washroom facilities and designated wheelchair parking.

8 Wing Military Police, located at the main entrance gate to CFB Trenton (southside), is accessible to both electric and manual wheelchair users via the West door, which includes designated handicap parking, an automatic door opener, a wheelchair stair-lift to the Police Operations Section and has accessible washroom facilities.

Stirling/Rawdon Police Service, located at 98 East Front St. in Stirling, has limited accessibility. Wheelchair users should call ahead.

## **Accountability and Complaints**

Complaints or concerns regarding the policies, practices, or standards of conduct of Police Services or the services provided by one or more specific police officer within the Quinte Region, can be submitted in writing to the involved Police Service or detachment. Written complaints must be signed by the complainant and can be mailed, faxed or hand delivered to the appropriate location.

Each Police Service has detailed in-house procedures that outline the steps to be taken when responding to written complaints, including options to informally address the issue through meetings and conversation with the involved parties and procedures for formal resolution up to and including appeal processes.

Each Police Service will have a Domestic Violence Coordinator or trained Domestic Violence Investigator who will participate on the Quinte Coordinating Committee Against Violence (QCCAV) and the Dedicated Domestic Violence Court Advisory Committee. As well, each Police Service will participate in HART.

Each Police Service will ensure statistical data in keeping with Ministry of the Solicitor General guidelines is provided to the QCCAV as requested.