

## HIGH-RISK ACTION REVIEW TEAM (HART) CENTER AND SOUTH HASTINGS COUNTY MARCH 2008

### Terms of Reference

HART provides a mechanism for risk assessment, review and coordinated response by the relevant investigative, enforcement and prosecution agencies to high-risk domestic violence cases<sup>15</sup>, where there exists a particularly high risk to the victim(s) or other persons.

The team works collectively to enhance the safety of victims and their children, and will support innovative approaches to provision of services, involving other agencies as required.

Reviews are conducted via teleconference to facilitate easy and regular participation by agencies that are located throughout the geographic area of Center and South Hastings County.

In order to be reviewed by HART, charges must have been laid, and

- Charges are still outstanding before the courts, or
- The case must have been recently completed by the court, or
- The sentence is currently being served, or
- The offender is being released from custody (either on bail or following the completion of sentence) and the team receives new information regarding ongoing risk, or the team had previously flagged the matter for follow-up review.

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<sup>15</sup> Domestic Violence is any use of physical or sexual force, actual or threatened, in an intimate relationship. Intimate relationships include those between the opposite-sex and same-sex partners. These relationships vary in duration and legal formality, include current and former dating, common-law and married couples. Although both women and men can be victims of domestic violence, the overwhelming majority of this violence involves men abusing women. These crimes are often committed in a context where there is a pattern of assaultive and controlling behavior. The violence may include physical assault, and emotional, psychological and sexual abuse. It can include threats to harm children, other family members, pets and property. The violence is used to intimidate, humiliate or frighten victims, or to make them powerless. Domestic Violence may include a single act of abuse. It may also include a number of acts which may appear minor or trivial when viewed in isolation, but collectively form a pattern that amounts to abuse. Criminal Code offences include, but are not limited to homicide, assault, sexual assault, threatening death or bodily harm, forcible confinement, harassment/stalking, abduction, breaches of court orders and property-related offences. (*Working Towards a Seamless Community and Justice Response to Domestic Violence: A Five-Year Plan for Ontario-Joint Committee on Domestic violence, Aug 1999*).

Reviews always include:

- The designated Domestic Violence Court (DVC) Assistant Crown Attorney
- Staff representative of the Victim/Witness Assistance Program, and
- The Domestic Violence Coordinator, or delegate, of the police service(s) connected with the case.

The following are also included:

- Staff representative of the Children's Aid Society, where children are affected
- Staff representative for Probation Services, where there is a current or prior supervision of the accused person, or when HART Team specifically requests participation
- Staff representative of PAR services, when requested by HART
- Staff representative of community service agencies where the agency has the written and specific consent of the victim, participating in the portion of the review that encompasses safety needs and plans.

The team members will work together to implement a coordinated and inclusive service response.

## **HART Coordinator**

The Victim/Witness Assistance Program will coordinate the scheduling and notices of reviews. Hard copies of review lists are kept by VWAP and can provide a source for statistical and trend analysis.

## **Risk Assessment and Referral**

During the course of investigations, police gather evidence, including responses to the *Domestic Violence Supplementary Response* form (Appendix A in Appendix 15) 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 in Appendix 15). The completed form is faxed to VWAP with the *Police Referral to VWAP* (Appendix B in Appendix 15) 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 in Appendix 15) 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 in appendix #15).

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 in Appendix 15) 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 in Appendix 15) 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 in Appendix 15).

## **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.

***Appendices for HART A-I can be found in Appendix 15.***

- A. *Domestic Violence Supplementary Response*
- B. *Police Referral and HART Risk Assessment Tool*
- C. *HART - Consent to Release Information*
- D. *HART Teleconference Form*
- E. *Working Agreement (QDVF and HART)*
- F. *Procedures re: Safety Funds*
- G. *HART Referral to Three Oaks Foundation and Police*
- H. *Request for Funds for Safety Enhancements*
- I. *Guidelines for HART Recommended Safety Funds*