



<b>Policy Name:</b>	<b>INTIMATE PARTNER VIOLENCE – BREACH OF AN ORDER</b>		
<b>Policy #:</b>	OP 4.17.1	<b>Last Updated:</b>	2022-05-12
<b>Issued By:</b>	COMMUNITY POLICING BUREAU	<b>Approved By:</b>	SURREY POLICE BOARD
		<b>Review Frequency:</b>	AS REQUIRED

**RELATED POLICIES**

- OP 4.17 *Intimate Partner Violence*
- OP 4.22 *Family Law Act and Child Custody Orders*
- OP 4.49.6 *Walk Through Warrants*
- OP 4.52.1 *Vulnerable Persons – Trauma-Informed Practices*
- OP 4.52.4 *Vulnerable Persons – Victims of Crime*

**1. PURPOSE**

- 1.1. To guide Surrey Police Service (SPS) processes regarding Breaches of Orders containing protective conditions which were issued by the police or the courts and which relate to Intimate Partner Violence (IPV).
- 1.2. To ensure that SPS policy regarding IPV-related Breaches is consistent with the British Columbia *Violence Against Women in Relationships* (VAWIR) policy.

**2. SCOPE**

- 2.1. This policy applies to all SPS Employees.
- 2.2. This policy addresses Breaches of Orders made pursuant to the *Criminal Code*, and which are related to IPV. For *Family Law Act* (FLA) Protection Orders or FLA Conduct Order Breaches, see OP 4.22 - *Family Law Act and Child Custody Orders*.

### 3. POLICY

- 3.1. Members must give priority assessment to reports of Breaches of Orders containing protective conditions, no matter how minor, including Breaches reported by bail supervisors and/or probation officers.
- 3.2. A Breach of an Order represents a significant risk to the physical and emotional safety of an IPV victim. Members must investigate reports of Breaches of Orders thoroughly. If sufficient evidence exists, a criminal charge should be recommended, the suspect arrested, and if necessary to ensure victim safety, the detention of the suspect sought.
- 3.3. Where reasonable grounds exist for a criminal charge, Members can use discretion to not recommend criminal charges for Breaches of Orders but only if authorized by a Supervisor or an NCO in Special Investigations Unit.

### 4. PROCEDURE

#### **Operational Communications Centre**

- 4.1. Members must treat a reported Breach of an Order in progress involving direct contact, or which involves threats of violence, as a priority call.
- 4.2. All other reported Breaches of Orders will be dispatched to a Member as soon as practicable.

#### **Member**

- 4.3. Upon being dispatched to a report of a Breach of an Order, the Member will make the appropriate database checks (e.g., CPIC, Protection Order Registry) to confirm that the Order's conditions are valid and active.
- 4.4. The assigned Member(s) must attend the incident in person unless there is specific information to suggest that doing so would create a safety concern for the victim, or if there are other extenuating circumstances.
- 4.5. The safety of the victim is the highest priority. Members must use trauma-informed practices when communicating with the victim and if they believe their safety is compromised, liaise with Victim Services Unit and/or other resources as needed to develop and implement an appropriate safety plan.
- 4.6. The assigned Member must:
  - i. obtain a recorded statement from the complainant in the first instance, whether the complainant is the victim of the substantive offence or another party;
  - ii. obtain statements from anyone who witnessed the Breach incident.
  - iii. conduct a neighbourhood and/or video canvass if applicable; and

- iv. conduct a risk assessment with the victim using the *BC Summary of Intimate Partner Violence Risk Factors* (BC-SIPVR). Make note of any new or escalating risk factors along with indicators of coercive control. **Note:** If the substantive offence occurred very recently and a BC-SIPVR was conducted at that time, a new risk assessment is not necessary unless there is new information that should be considered.
- 4.7. Breaches which occur via telecommunications (e.g., text, email, cellphone) must be thoroughly investigated. The context and content of the message(s) is an important consideration when determining if sufficient evidence exists to support a criminal charge. The Member should try to establish why the victim believes that the communication(s) originated from, or on behalf of, the suspect, if the origin of the communication is unclear.
- 4.8. If the Breach incident involved another criminal offence such as threats or mischief and the evidence exists to support a charge, the Member must submit a Report to Crown Counsel (RTCC) recommending those charges in addition to a Breach charge.
- 4.9. If the Breach involves contact or communication that is repetitive or harassing in nature or otherwise satisfies the elements of s. 264(2) of the *Criminal Code* and is such that it would reasonably cause the victim to fear for their safety or the safety of anyone known to them, the Member must submit an RTCC recommending a charge of Criminal Harassment in addition to a Breach charge, if supported by the evidence.
- 4.10. If the grounds exist for an arrest, Members must immediately attempt to locate and arrest the suspect. If the suspect is located:
- i. hold the suspect in custody for an appearance before a Judge or Justice and immediately complete an RTCC;
  - ii. if the suspect is on a court-ordered release (Release Order, Recognizance, Probation, Peace Bond, etc.), or if the suspect has a prior conviction for an IPV-related offence, the suspect may be in a reverse-onus position for bail. Members must ensure that Crown Counsel is aware and include a copy of the Order with the RTCC; and
  - iii. if there are safety concerns identified in the risk assessment which cannot be mitigated, document this in the RTCC and request Crown Counsel to seek the suspect's detention.
- 4.11. If the Breach is related to a Bail Order or Probation Order and if the Order contains a Reporting Condition, notify the suspect's Bail Supervisor or Probation Officer of the Breach.
- 4.12. If there are children in the relationship, whether they were present or not at the time of the offence, make a report to the Ministry of Children and Family Development (MCFD), under the *Child, Family, and Community Service Act*.
- 4.13. Members must ask the victim if they would like a referral to Police-based Victim Services. If the victim declines the referral but does not appear to have support, consider a proactive referral to

Police-based Victim Services. Ensure the victim is kept informed and supported throughout the investigative process. For referrals by consent of the victim to Community-based Victim Services, see the consent process in OP 4.52.4 *Vulnerable Persons – Victim Services*.

- 4.14. If the suspect cannot be located prior to the end of the shift in which the Breach of an Order report was received, but the suspect is arrestable for an offence, Members must:
- i. complete the RTCC including transcribed statements, copy of 9-1-1 recording if available, copy or photograph of text message, email, or transcribed voice mail message, if applicable, and immediately obtain a warrant for the suspect's arrest (see OP 4.49.6 *Walk Through Warrant*);
  - ii. complete a "pass on" request for the oncoming shift to continue efforts to locate and arrest the suspect; and
  - iii. tell the victim that the suspect has not yet been apprehended. Review the safety plan. If necessary, assist the victim to make appropriate safety arrangements.

**Supervisor**

- 4.15. The assigned Member's Supervisor must review all Breach of Order reports in the first instance and ensure they are being appropriately resourced and investigated.
- 4.16. If the suspect is located and arrested, ensure that the Member is recommending that the suspect be held in custody for an appearance before a Justice or Judge.
- 4.17. The Supervisor must approve all circumstances where the Member does not recommend the suspect be held in custody and provide the reasons for the release in PRIME-BC report.

## **APPENDIX A: DEFINITIONS**

“Breach of an Order” means when the person named in an Order intentionally disregards or disobeys one or more of the conditions in the Order.

"CPIC" means the Canadian Police Information Centre, the computerized national information repository and retrieval system operated by the RCMP on behalf of the nation's policing community that facilitates the sharing of information among authorized agencies.

“Employee” means a sworn Member or Civilian Employee appointed by the Surrey Police Board.

“NCO” means non-commissioned officer and includes the rank of Sergeant and Staff Sergeant or a Member acting in that role.

“Order” means a written or printed legally enforceable document issued by either a police officer or by a Judicial Justice or Judge which contains conditions that the party named in the Order has agreed to obey. This may include the following types of Orders: Undertaking; Release Order; Recognizance; Recognizance of Bail; Probation Order; Recognizance After Allegation (Peace Bond); or any other similar type of order not named here.

“Reporting Condition” means a condition contained in an Order requiring the person named in the Order to report as directed to a Bail Supervisor, Probation Officer, or other party identified in the Order.

"RTCC" means an investigational file with multiple reports, pages and notes sent through Police Crown Liaison to Crown Counsel for charge assessment.

“Trauma-Informed Practice” - means understanding the prevalence and effects of trauma in all aspects of service delivery and prioritizing the individual’s sense of safety, choice, empowerment, and connection. It is grounded in an understanding of and responsiveness to the impact of trauma and emphasises physical, psychological, and emotional safety. Trauma-Informed Practice means making sure that people feel safe around police and are not re-traumatized by their contact with police.

## **APPENDIX B: REFERENCES**

British Columbia *Provincial Policing Standards*, s.6.1.1. Promoting Unbiased Policing.

*Child, Family and Community Service Act*, R.S.B.C. 1996, c. 46

*Criminal Code*, R.S.C. 1985, c. C-46

*Surrey Vulnerable Women and Girls Working Group* - Public Safety for Vulnerable Women and Girls 2020 Forum (Briefing document, January 2021)

*Violence Against Women in Relationships Policy* – December 2010 – BC Ministry of Public Safety and Solicitor General, Ministry of Attorney General, Ministry of Children and Family Development.