

Policy Name:	INTIMATE PARTNER VIOLENCE		
Policy #:	OP 4.17	Last Updated:	2021-08-11
Issued By:	COMMUNITY POLICING BUREAU	Approved By:	SURREY POLICE BOARD
		Review Frequency:	AS REQUIRED

RELATED POLICIES

- OP 4.13 Crime Scene Management
- OP 4.34.9 Sexual Assault Investigations
- OP 4.34.2 Assault Investigations – Children

1. PURPOSE

- 1.1. To ensure Surrey Police Service (SPS) Members understand the inherent risks in responding to incidents of Intimate Partner Violence.
- 1.2. For knowledge and awareness of SPS obligations in relation to the province of British Columbia’s (BC) *Violence Against Women in Relationships* (VAWIR) policy.
- 1.3. To conduct a risk-based assessment of Intimate Partner Violence and create a safety plan.
- 1.4. To create awareness of power imbalances (e.g., financial, cultural, physical disability, educational or language skills) which can create barriers to reporting.
- 1.5. To recognize trauma and use trauma-informed approaches to assist those most affected by Intimate Partner Violence.

2. SCOPE

- 2.1. This policy applies to all SPS Members.

3. POLICY

- 3.1. The SPS considers all complaints of Intimate Partner Violence within previous or current intimate partner relationships to be a priority. Arrest and criminal prosecution of offenders is the objective for all investigations where allegations of physical, sexual, or other forms of abuse are substantiated.
- 3.2. This policy applies regardless of the gender sex, gender identity, expression or sexual orientation of the offender or victim. This policy is intended to stop violence in all intimate relationships, same sex relationships, men in heterosexual relationships, and those in LGBTQ2S+ relationships.
- 3.3. Incidents of Intimate Partner Violence are potential life-threatening situations for police, the suspect and victim. Intimate Partner Violence calls and complaints to police, including breach of release or protection orders, shall be treated as a high priority, regardless of requests to cancel prior to police arrival.
- 3.4. Members attending all incidents must use the *BC Summary of Intimate Partner Violence Risk Factors* to conduct an evidence-based risk assessment to determine the threat level for the victim and create a safety plan based on those risks.
- 3.5. The VAWIR policy applies equally in all Intimate Partner Violence relationships. The policy provides a framework for intervention and encourages collaboration for a supportive response to violent situations.
- 3.6. The safety of victims and public safety are important considerations. Accordingly, police interventions and action must always consider both the safety of the victim, family members and the general public.
- 3.7. Members should arrest the primary aggressor (see section 4.17 below) when allegations or evidence of physical or sexual assault or other criminal charges are supported, and appropriate charges recommended to Crown Counsel, despite the actual or potential reluctance of the victim to proceed with charges.
- 3.8. The police may be the only chance for effective intervention when a victim is elderly and abuse has been long term, or when cultural, religious, community or family values, sexual orientation or disability (physical or mental) make it difficult or impossible to seek assistance to stop the violence. In such situations, respectful and dignified treatment of the victims and an understanding of the dynamics of Intimate Partner Violence are critical. Members must be sensitive and accommodating when dealing with victims/witnesses who have special needs due to isolation, mobility restrictions, and language or communication abilities. It may be necessary to alter investigative procedures for victims with special needs.

4. PROCEDURE

Priority Response

- 4.1. When the Operational Communications Centre (OCC) receives information of an in-progress “Domestic Disturbance” or “Intimate Partner Violence” is occurring or will likely occur, the OCC will obtain as much information as possible including:
- i. location of the suspect and victim;
 - ii. potential access to weapons and firearms;
 - iii. injuries;
 - iv. location of potential witnesses; and
 - v. others present in the premises.
- 4.2. Where practicable, a two Member police unit, or at least two Members, will be dispatched to respond to an in-progress incident of Intimate Partner Violence. It is the responsibility of the on-duty Supervisor and/or the Duty Officer to assess and balance the need to respond urgently with adequate resources.
- 4.3. If a complainant attends the SPS police station in person to allege an incident of Intimate Partner Violence, the complainant shall not be sent home to call the police and a Member will be assigned to take the report from the complainant at the station. If the alleged incident occurred in another jurisdiction, the assigned Member will ensure that a referral is made to the appropriate police agency.

Attending Member’s / Members’ Responsibility

- 4.4. Where Members have reasonable grounds to suspect that the ongoing safety of individuals within a premises is in immediate jeopardy, Members may forcibly enter a premises if necessary to ensure the safety of all parties. Except in exigent circumstances, Members should consult the Duty Officer before using force to enter private premises without a Feeney warrant or Court order.
- 4.5. If a criminal offence has occurred and a suspect has left the premises or area prior to police arrival, Members shall assess the likelihood of the suspect’s return and take steps to ensure victim safety. Members shall make immediate efforts to locate and arrest the suspect where there are grounds. Members must complete a Report to Crown Counsel with a request for an arrest warrant as soon as practicable. When appropriate, enter the suspect on CPIC as arrestable.
- 4.6. Members must be sensitive to cultural differences, potential power imbalances, marginalized and traumatized victims when approaching these potentially volatile situations. Examples include but are not limited to: mental health or physical disability, family value or pressures, religious beliefs, gender inequalities, unwillingness to report, lack of financial independence, language barriers, cultural and social isolation, sexual or emotional abuse, lack of support services, children at risk, immigration status, and Indigenous background.

4.7. If practicable, attending Members shall attempt to determine whether civil or criminal protection orders and / or restraining orders are in effect by querying CPIC, PRIME and the BC Protection Order Registry **S. 15** prior to arrival on scene.

4.8. Members attending an incident of Intimate Partner Violence shall:

- i. make critical observations of the scene on their arrival;
- ii. ensure the safety of the victim;
- iii. attend to the victim's medical needs and call BC Ambulance Service if the victim is injured;
- iv. arrest the suspect if the Member has reasonable grounds to believe an assault or other serious criminal offence has occurred;
- v. gather and secure evidence;
- vi. ensure photos of the victim's injuries and the crime scene has occurred;
- vii. interview and obtain audio or video statements from the individuals involved, neighbours or witnesses; and
- viii. complete a detailed PRIME General Occurrence Report regardless of an arrest being made (see OP 4.13 Crime Scene Management).

4.9. To ensure physical evidence is captured Members shall request written consent from the victim to release medical information records.

4.10. In all incidents Members must conduct a Risk Assessment to determine the level of threat for the victim and create a Safety Plan based on the risks identify by using the BC Summary of Intimate Partner Violence Risk Factors Identification Card. See Appendix A.

4.11. Members responding to an incident of Intimate Partner Violence must assess risk factors, which include:

- i. relationship history, status of relationship, escalation of abuse, children, threats, forced sex, choking or strangulation, biting, stalking, social control, marginalization, and cultural implications;
- ii. the complainant's perceptions of risk, perception of personal safety and future violence;
- iii. suspect's history: previous domestic/criminal violence history; court orders and any violation of court orders; alcohol and illegal drugs and substances abuse; history of mental illness; employment instability; suicidal ideation; and
- iv. access to weapons and/or firearms, and whether previously used and/or threatened.

4.12. When Members have concerns, based on their preliminary investigation, that an Intimate Partner Violence case may pose the highest safety risks (as defined in the [provincial VAWIR policy](#)), Members shall contact their Supervisor and the Supervisor shall consult the NCO in charge of a Special Investigations Team. If the incident occurs on weekends or during evening hours, the on-call Special Investigations Team NCO shall be contacted by the Duty Officer for guidance, potential assignment, and the assistance of a Victim Support Worker.

- 4.13. As per the provincial VAWIR policy, Members should arrest and recommend charges when a Member has reasonable grounds to believe a criminal offence has occurred regardless of:
- i. evidence of injury;
 - ii. witness observations;
 - iii. the victim is unwilling or unable to provide a statement or does not want to proceed with charges; or
 - iv. the victim and/ or the suspect is under the influence of drugs and or alcohol.
- 4.14. Members will assess the reasonable grounds prior to making an arrest and or recommending charges. All sources of evidence shall be considered: victim and suspect statements, witness statements, 9-1-1 calls, physical evidence, history of abuse and escalation of violence.
- 4.15. When children are involved, and parental custody of children is an issue, Members may confirm custody orders by contacting by contacting the provincial Protection Order Registry **S. 15** [REDACTED].
- 4.16. Members shall attempt to obtain an audio/video recorded statement from the victim for the purposes of securing charge approval. Members shall obtain as much information and details as possible by way of their SPS-issued digital recording equipment if unable to transport to an SPS facility to conduct an interview. Only when other options are not practicable shall Members rely solely on a thorough and detailed written statement.
- 4.17. Members must identify, and may arrest and recommend charges against the primary aggressor. When both parties present injury, Members shall document their reasons for determining the primary aggressor which may include:
- i. relationship history and pattern of violent behaviour and/or abuse;
 - ii. the nature and extent of physical injuries and/or emotional trauma;
 - iii. defensive wounds; and
 - iv. circumstances, physical ability, and skills to commit the assault.
- 4.18. Arresting both the primary aggressor and the victim is not recommended. If this is necessary in the circumstances, approval must be obtained from a Member's Supervisor.
- 4.19. If bail conditions are recommended, Members must consider risk factors to ensure the safety of the victim and children, if applicable.
- 4.20. If the victim has sustained injuries, and has received medical attention or treatment, Members shall notify the victim where and when to report to have injuries photographed. If necessary to capture photographic evidence and if the Forensic Identification Unit is not available, Members

must ensure photographs are captured and saved on file in accordance with evidence handling procedures.

Children Involved

4.21. When children are involved, and a Member determines that a child is in need of protection under sections 13 and 14 of the *Child, Family and Community Service Act* or a criminal offence against a child is suspected, the Member shall notify the Ministry of Children and Family Development (MCFD) to request their attendance.

4.22. If a MCFD Child Welfare Worker attends a scene to ensure that a child is safe, the Child Welfare Worker may return the child to the victim parent at a safe location, or take the child to a safe place identified by the victim parent, or take the child to another safe place.

4.23. If a situation affecting a child is of an immediate serious nature and a MCFD Child Welfare Worker is not readily available, Members can “take charge” of the child under s. 27 of the *Child, Family and Community Service Act* (parental consent is not required) and then deliver the child to the MCFD Child Welfare Worker as soon as practicable.

Reporting

4.24. Members must complete a General Occurrence (GO) for all incidents related to Intimate Partner Violence and must:

- i. complete the BC Provincial Risk Assessment template;
- ii. flag appropriate value for family violence in the GO;
- iii. “K” file designation must be marked on the front page of the GO for all Intimate Partner Violence and criminal harassment cases to highlight victim risk;
- iv. obtain a copy of 9-1-1 recording from the OCC when charges are recommended;
- v. detail a safety plan for the victim, children and the victim’s family if required; and
- vi. notify the Duty Officer when the accused poses imminent harm to themselves or others.

Firearms and Weapons

4.25. Members must assess the situation regarding a suspect’s access to firearms or other offensive weapons. Members are to determine if the suspect owns or has access to firearms and check the Canadian Firearms Registry. If a criminal offence has occurred and firearms are present, Members may seize the firearms under s. 117.04 *Criminal Code* (with or without warrant, including firearms-related certificates, licenses, permits and authorizations) and do so regardless of whether the suspect has used/threatened to use them.

4.26. Members must determine whether the circumstances provide authority under s. 487 *Criminal Code* to search for firearms and/or offensive weapons to support a criminal charge, or whether seizure under s. 117.04 *Criminal Code* to safely secure firearms is appropriate.

4.27. When there is insufficient evidence to warrant charge or Crown Counsel does not approve charges, Members must consider a Preventative Prohibition Order under s. 111 *Criminal Code*.

Supervisors

4.28. Members have limited discretion to not recommend charges if reasonable grounds exist to arrest. Where there is evidence that violence or threats have occurred, the circumstances of the incident must be reviewed by a Supervisor prior to a Member not recommending charges. A Supervisor shall document on a PRIME Police Statement (PS) page, the reasons why an arrest was not made, or arrest and/or charges not recommended.

Investigations Team Members

4.29. Conducting investigations of Intimate Partner Violence can be challenging for Members given the power structure and imbalance that often exists in these relationships. Recognizing repetitive trauma, cultural differences, and personal biases is an important aspect of developing rapport and facilitating trust with victims.

4.30. When conducting investigations, a digitally recorded statement is best practice. Members will take all reasonable measures to facilitate an audio/video recorded interview in a timely manner.

4.31. An assessment by investigators in relation to victim trauma shall be taken into consideration when arranging interviews.

4.32. Investigations Team Members shall coordinate efforts with Victim Services workers and any other needed victim support network.

4.33. If the situation is warranted and the risk of continued or escalation of violence is high, the Investigations Team Members should consider contacting the BC Provincial Protection Measures Unit to assist with victim/family relocation.

Services to Victims with Special Needs

4.34. The police may be the only chance for effective intervention in cases when a victim is elderly and abuse has been long term, or when cultural, religious, community or family values, sexual orientation or disability (physical or mental) make it difficult or impossible to seek assistance to stop the violence. In such situations, respectful and dignified treatment of the victims and an understanding of the dynamics of Intimate Partner Violence are critical. Members must be sensitive and accommodating when dealing with victims/witnesses who have special needs due to isolation, mobility restrictions, and language or communication abilities. It may be necessary to alter investigative procedures for victims with special needs.

Cell Block Supervisor

4.35. The Surrey Cell Block NCO or delegate shall adhere to “K” File designated incidents mandatory Victim Notification when a suspect is released from custody.

4.36. The Surrey Cell Block NCO shall ensure that documentation of Victim Notification of the suspect's release is placed in the original PRIME RTCC in a Miscellaneous Notes (MN) page.

Duty Officer

4.37. In high-risk incidents of Intimate Partner Violence the Duty Officer shall:

- i. contact the Special Investigations Unit on-call NCO during weekend and evening hours and coordinate resources in circumstances where specialized Intimate Partner Violence skills may be required to manage the investigation;
- ii. oversee Crime Scene Management in serious incidents; and
- iii. ensure adequate resources are allocated to the investigation.

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APPENDIX B: DEFINITIONS

“Domestic Violence” is also referred to as: “violence against women in relationships”; “interpersonal relationship violence”; “violence against men in relationships”; “spousal violence”; “spousal abuse”; “spousal assault”; “intimate partner violence”; “relationship violence”; and other alternative terms.

“Duty Officer” means the Frontline Policing Inspector on duty at any given time.

“GO” means a General Occurrence Report submitted in the PRIME records management system.

“Intimate Partner Violence” or “Domestic Violence” means physical or sexual assault, or threat of violence, against a current or former intimate partner, spouse, regardless of being legally married or living together at the time of the assault or threat. It also includes criminal harassment, threats, or mischief, where there is a reasonable basis to conclude that the act was done to cause, or did in fact cause, fear, trauma, suffering or loss to the intimate partner. These terms apply to all intimate relationships, same sex relationships, men in heterosexual relationships, and those in LGBTQ2S+ relationships.

“MCFD” means the Ministry of Children and Family Development.

“Member” means a sworn Police Officer appointed by the Surrey Police Board.

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

“OCC” means the Operational Communications Centre.

“PRIME” means the Police Records Information Management Environment – the designated police records management system for police agencies in BC.

“Supervisor” means a Team Leader, Manager, Staff Sergeant, Sergeant, Inspector, Superintendent, Deputy Chief Constable, Chief Constable, and any other person acting in a Supervisory capacity who is accountable for a particular area or shift on behalf of the SPS.

APPENDIX C: REFERENCES

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

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

Firearms Act, S.C. 1995, c. 39

Ministry of Public Safety and Solicitor General (2014) *Summary of Intimate Partner Violence Risk Factors*

Ministry of Public Safety and Solicitor General (2010) *Violence Against Women in Relationships (VAWIR) Policy*

Regina v. Godoy, [1999] S.C.R. 311