

Policy Name:	FAMILY LAW ACT AND CIVIL COURT FAMILY ORDERS		
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RELATED POLICIES

OP 4.1 *AMBER Alerts*

OP 4.17 *Intimate Partner Violence*

OP 4.49.6 *Walk-through Warrants*

OP 4.51.3 *Protection and Removal of a Child*

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1. PURPOSE

- 1.1 To ensure Surrey Police Service (SPS) Members understand their limited role in civil disputes, as well as their roles and responsibilities while dealing with incidents under the *Family Law Act* and Child Custody Orders.

2. SCOPE

2.1 This policy applies to all SPS sworn Members.

3. POLICY

3.1 In most cases, SPS Members will restrict their involvement in civil matters to keeping the peace. Exceptions occur in family matters when a Court has made a Protection Order under the *Family Law Act* (FLA) or a Restraining Order or Protective Intervention Order under the *Child, Family and Community Service Act* (CFCSA).

3.2 Under the *Family Law Act*, police **may** enforce the following:

- i. civil Protection Orders - from British Columbia (BC) and from the rest of Canada without the requirement to have the Orders backed in British Columbia;
- ii. child apprehension Orders made in BC, under FLA s. 231(1); and
- iii. Restraining Orders with existing conditions made previously under the *Family Relations Act* (now repealed), sections 37, 38, 124 and 126 (see CFCSA, s. 255 for the continuation of these FRA Orders).

3.3 Police do not enforce:

- i. contact with a child and parenting time;

Note: Domestic disturbances associated to contact with a child and parenting time arrangements must be properly investigated and resolved. Police must determine if any aspect of the interaction would initiate a Violence/Abuse in Relationship Investigation and proceed accordingly. For other related conflicts, the parties may seek legal advice and return to Court for revisions to the child access and visitation requirements in the custody and/or access Order.

- ii. verbal or written agreements between family members from Family Dispute Resolution; and
- iii. civil Conduct Orders.

3.4 Violation of an Order is a dual offence under the *Criminal Code*, s. 127.

3.5 Members will limit their involvement in enforcing civil Court Orders to prevent a breach of the peace, except where an Order contains an arrest clause, police enforcement clause or where circumstances require further police action.

4. PROCEDURE

- 4.1 The FLA creates a new type of civil Order. There now is a division between civil Orders for safety (civil Protection Orders) and non-safety concerns (civil Conduct Orders) to promote more effective enforcement appropriate to the situation. Both types of civil Orders are made by a Judge and go into effect immediately when the Judge makes the Order.
- 4.2 The *Family Relations Act* (FRA) was repealed on March 18, 2013. Orders made pursuant to the FRA continue to be enforceable or under the provincial *Offence Act* by a Report to Crown Counsel requesting a summons or warrant.
- 4.3 Civil Court Orders made under the FRA and CFCSA prior to March 18, 2013, remain in effect under their terms, and are to be enforced in the same manner regardless of whether the breach offence occurred before, on, or after March 18, 2013.
- 4.4 The *Family Law Act* came into force on March 18, 2013 and allows for the making of “Protection Orders” under FLA s. 183. If a Member has reasonable and probable grounds to believe that a person has breached a condition of a Protection Order under the FLA, they may enforce the Order under FLA s. 188(2) using reasonable force, and may charge the person under the *Criminal Code*, s. 127.
- 4.5 Where a person disobeys a “Protective Intervention Order” under CFCSA s. 28 or a “Restraining Order” under CFCSA s. 98, this may be an offence under the *Criminal Code*, s. 127.
- 4.6 When a Court Order in any of the above categories is produced, a Member will:
 - i. notify a Supervisor to attend; and
 - ii. establish reasonable and probable grounds to believe that the Order is both valid and enforceable by contacting the British Columbia Protection Order Registry (BCPOR) by telephone, 1-800-990-9888 (24 hours). Not all Orders are available via the BCPOR - see section 4.14 below.
- 4.7 If the Order is from the BC Supreme Court, the Order will have the following markings:
 - i. a stamp mark showing the British Columbia Coat of Arms and the words “Supreme Court of British Columbia”;
 - ii. a British Columbia Court Registry stamp showing the date and Court Registry number;
 - iii. an original (not photocopy) stamp mark certifying the document as a true document; the date of certification and an original signature must be present; and
 - iv. a signature of a Judge or Deputy District Registrar.
- 4.8 If the Order is from the Provincial Court (Family Court), the Order will have the following markings:

- i. a Stamp mark showing the words “Provincial Court of British Columbia, Entered”;
- ii. a Court Registry file number and date;
- iii. an original (not photocopy) stamp mark certifying the copy as a true copy; and an original signature must be present; and
- iv. a signature of a Judge.

Conflict Between Orders

4.9 FLA s. 189 provides that where there is a conflict between Orders, priority will be given to any safety-related civil or criminal Order, including:

- i. FLA Protection Orders;
- ii. CFCSA Protection Orders;
- iii. *Criminal Code* peace bonds or bail conditions; and
- iv. safety-related Orders from another province or territory.

4.10 If there is a conflict between Orders, the conflicting Order is suspended only to the extent of the conflict. For example, if a parent has parenting time but later bail conditions prohibit contact with the child, the safety-related bail conditions prevail and there is to be no contact with the child until the inconsistency between the Orders is resolved. The remainder of conditions on the Order stay in effect until the Order is varied or terminated.

4.11 If the bail conditions only prohibit contact or communication with the other parent, then the situation is more complex. In that situation, if there is no risk of harm to the child, the FLA provides the Court with the option of limiting or specifying the means of communication for the purposes of facilitating parenting time or contact. This would be done through the terms of the FLA civil Order. For example, parties could drop off and pick up a child at a relative’s house or they could go through a family justice counselor.

Enforcement Procedure

4.12 When enforcing a Court Order, the Member will:

- i. request a Supervisor’s attendance;
- ii. make detailed notes of:
 - a. the date of the Order;
 - b. the jurisdiction of the Court registry, the date registered; and
 - c. other relevant Court markings on the Order to establish the Order is valid and enforceable in British Columbia;
- iii. confirm with the complainant that the Order produced is the most recent and valid Order;
- iv. ask the complainant if it is known whether the subject of the Order is aware of the Order;
- v. take the Court Order in hand and present it to the subject of the Order;
- vi. explain to the subject of the Order that the police have a duty to carry out the directives in the Order;

- vii. allow the subject of the Order an opportunity to produce any amended Orders; and
 - viii. establish whether reasonable and probable grounds exist to believe that the Order is valid, the most recent, and enforceable by contacting the BCPOR by telephone, **S. 15** (police only line, 24/7).
- 4.13 The attending Supervisor will ensure that the actions of the Member comply with this policy. In the event of controversial or unusual incidents, the Supervisor must consult the Duty Officer.
- 4.14 When a non-certified copy of a Court Order is produced, the Member may confirm the validity by contacting the BCPOR (which is only for Protection type of Orders; other family law Orders are not included in the POR registry) or the appropriate Court Registry.
- 4.15 If the situation has any aspect which would initiate a Violence/Abuse in Relationship investigation (examples: threats, harassment, assault), proceed per OP 4.17 *Intimate Partner Violence*. If elements of a criminal offence exist, proceed with a *Criminal Code* charge.
- 4.16 The Member must update the file **immediately** to document notice given by police to a subject of the Order where the civil Protection Order has been issued without notice to the subject of the Order.
- 4.17 Civil FLA Protection Orders issued by the Court when both parties are not present will be served upon the absent party by a process server contracted by the BC Ministry of Attorney General, Court Services Branch.
- 4.18 SPS Members will assist the process server if requested to "Stand by and Keep the Peace". Members may take enforcement action against the subject of the Order or other parties if there are outstanding arrest warrants, or offences appear to have been committed by those parties (e.g., breach of peace in a public place, causing a disturbance in a public place, assaults, threats, mischief to property).
- 4.19 If a Member is not able to confirm the validity of the Order by visual examination or through the BCPOR, barring any safety concerns, the Member should consult their Supervisor, not enforce the Order, and tell the holder of the Order the circumstances that prevent enforcement and tell the complainant they may pursue the matter through their legal counsel. The Member will complete a PRIME General Occurrence (GO) report detailing their actions.
- 4.20 When the subject of the Order is confronted by Members and more than one apparently valid Order is produced, the Order registered on the latest date, bearing any safety concerns, will take precedence; however, in some situations a subsequent Order will only vary part of the previous Order. In these cases, the portions of the first Order that have not been amended are still valid.
- 4.21 Where there is no Court Order for lawful apprehension, but there are reasons to believe the child's health or safety is in immediate danger; and Members are denied access to the child or no

one is available to provide access, Members may, by force if necessary, enter any premises or vehicle or board any vessel to Take Charge of the child pursuant to CFCSA s. 27(2). The matter must then be reported to the Ministry of Children and Family Development (MCFD) as soon as practicable (see OP 4.51.3 *Protection and Removal of a Child*).

- i. Having an existing Restraining Order does not prevent a party from seeking a civil Protection Order. Where there is a continuing safety concern, the party may seek a new civil Protection Order.
- ii. There does not need to be family law litigation or legal process already underway for the FLA civil Protection Order application to be made. The fact that criminal charges may be pending against the subject of the Order does not prevent the making of the new FLA civil Protection Order.

4.22 Applications for FLA civil Protection Orders can be made without notice to the subject of the Order and the Orders are enforceable whether or not service has been proven to the subject of the Order.

4.23 If an FLA civil Protection Order was made without notice to the subject of the Order, and a Member is called to enforce a FLA civil Protection Order where the person did not know about the Order, the Member can tell the subject of the Order about the civil Protection Order, the conditions within it and that the person has the right to apply to Family Court to have the Order varied or set aside. Once the Member has given notice to the subject of the Order, the Member must assess the situation, considering each person's history, state of mind, emotional, financial and psychological stressors, and level of cooperation, etc. in deciding what is appropriate. The Member has discretion to arrest or not, keeping in mind that civil Protection Orders have been issued by the Court based upon assessed risk and for the prevention of violence.

4.24 If an FLA civil Protection Order was made without notice to the subject of the Order, he or she has the right to apply to have the Order set aside or varied. As well, either party may apply to vary the terms of the FLA civil Protection Order.

FLA Civil Protection Orders

4.25 Courts issue civil Protection Orders only where family members are in conflict and there is concern about safety. Where such an Order has been made it means that there are complex family dynamics at play, potential risks have been identified and the subjects are most likely in the process of separation or divorce. For these reasons, the enforcement of civil Protection Orders should be viewed in the context of a thorough evidence-based, risk-focused intimate partner violence investigation.

4.26 Civil Protection Orders:

- i. restrict communication and contact for the purpose of preventing violence;

- ii. establish area restrictions requiring persons not to go to addresses of residence, employment, or school;
- iii. require persons to not possess firearms or weapons;
- iv. direct police to:
 - a. remove a person from a residence;
 - b. accompany a person to a residence to supervise the removal of belongings;
 - c. seize from a person any weapons, firearms, and related documents;
- v. may be applied for by an at-risk family member, or someone on behalf of the at-risk family member, or on the Court's own initiative;
- vi. are enforced through criminal law remedies. This means that breaches of conditions may be enforced only by police under the *Criminal Code*, s. 127; and
- vii. remains in force for one year after the date that it is made unless the Court Orders otherwise.

4.27 Police authority to act on a breach of FLA civil Protection Order is in FLA s. 188(2) which states that if a Member has reasonable and probable grounds to believe that a person has contravened a term of a civil Protection Order, police **may** take action to enforce the Order, whether or not there is proof that the Order has been served on the person, and if necessary, use reasonable force.

4.28 Breaches of civil Protection Orders are prosecuted by Provincial Crown Counsel.

4.29 In a significant percentage of child protection cases, intimate partner violence is present. Protective Intervention Orders are available under CFCSA to protect children by limiting contact and communication between another person and the child. To ensure a consistent approach to enforcement of safety related Orders, breaches of CFCSA Orders to protect children (Protective Intervention Orders under CFCSA s. 28 and Restraining Orders under CFCSA s. 98) have the option for a charge under the *Criminal Code*, s. 127.

4.30 Members, in consultation with Provincial Crown Counsel, must ensure that if a child is at risk, the child is included in any bail "no contact" conditions.

FLA Civil Conduct Orders

4.31 Civil Conduct Orders:

- i. manage the misbehaviour of parties relating to non-safety related concerns;
- ii. are enforced through family law remedies in civil Court; and
- iii. are not used alone to manage risk where there is a safety risk due to family violence.

4.32 If a civil Conduct Order or any other Order under the FLA is made at the same time as a civil Protection Order, the two Orders will not be recorded on the same document. Separate Orders will be issued by the Court.

- 4.33 If a person tells a Member that a condition of a **civil Conduct Order** has been breached by a subject of the Order, the Member must tell the person that they must go to Family Court to obtain a remedy.
- 4.34 If the subject of the Order breaches a restriction on communications with the other party, a Family Law Court may issue a civil Protection Order if the Court determines that there is a safety concern.
- 4.35 FLA s. 231 provides that if parenting time or contact with a child has been wrongfully denied or withheld, a Court may make an Order requiring a Member to apprehend the child and take the child to the person from whom it has been wrongfully withheld. For the purpose of locating and taking the child, the Court may Order that a Member enter and search any place where the Member has reasonable and probable grounds to believe the child is.

Extra-Provincial Matters Respecting Civil Protection Orders and Parenting Arrangements

- 4.36 As part of the Protection Order regime, consequential amendments have been made to the *Enforcement of Canadian Judgments and Decrees Act* which adopt the Uniform Law Conference of Canada's recommendations. These amendments allow civil Protection Orders made by Judges elsewhere in Canada to be enforced like civil Protection Orders from British Columbia without the need to register the out of province Order.
- 4.37 FLA s. 75 addresses when a Court must recognize an Order made in another jurisdiction regarding the care of a child and the effect of recognition. It provides that an Extra-Provincial Order must be recognized in BC if certain criteria are met, and if recognized, the Order has the same effect and may be enforced in the same manner as one made under the FLA.
- 4.38 When a party presents SPS with a child custody Order from another province, territory or foreign jurisdiction, the party asking for police enforcement must visit either the BC Supreme Court or the Provincial Court of BC to have the Extra-Provincial Order registered or “backed”. After a Court in BC has registered the Extra-Provincial Order, police may be required to assist by standing by to keep the peace while the child is apprehended by the custodial parent. If the Extra-Provincial Order has not been registered in a BC Court but there is a child in need of Protection (CFCSA s. 13 and s. 14), Members have authority under CFCSA s. 27(2) to apprehend the child (see OP 4.51.3 *Protection and Removal of a Child*).
- 4.39 When a substantiated *Criminal Code* offence relating to child custody (examples: sections 280, 281, 282 or 283) is being investigated, Members may proceed under the *Criminal Code* without waiting for the custodial parent to register the extra-provincial Order. This also applies to **out-of-country** child custody Orders, except for investigations pursuant to the *Criminal Code*, s. 282.
- 4.40 Some foreign Court Orders may be enforceable under the *Criminal Code*, s. 282 (Abduction in Contravention of Custody Order) and/or s. 127 (violating a Court Order). In addition, provisions of the *Convention on the Civil Aspects of International Child Abduction*, The Hague, are in force in

British Columbia. This agreement, ratified by several nations, including Canada, provides a formal procedure for the prompt return of children abducted from their country.

- i. Members must notify their Supervisor in these situations. The Supervisor must notify the Duty Officer, who will contact the appropriate Provincial Crown Counsel, if necessary.

4.41 FLA s. 80 ensures the continued application of the *Convention on the Civil Aspects of International Child Abduction in British Columbia*. It deals with appointing a "Central Authority" which is the office that assists parents and guardians with locating children in other jurisdictions. It is also responsible for communication and coordination with other jurisdictions to ensure the return of children to British Columbia.

- i. The Attorney General is the "Central Authority" for British Columbia. The Attorney General delegates the role of Central Authority to a lawyer working for the Ministry of Attorney General
- ii. The delegated Central Authority for B.C is Jillian Stewart **S. 22(1)**
S. 22(1)

Extraordinary Remedies - Imprisonment

4.42 Under FLA s. 231(2), subject to FLA s. 188, the Court may make an Order that a subject of the Order be imprisoned for no more than 30 days if the subject fails to comply with an FLA Order and there is no other FLA Order that the Court can make that will secure the subject's compliance. This section does not apply to FLA civil Protection Orders.

4.43 Prior to an Order of imprisonment being made by the Court, the subject of the Order must be given a reasonable opportunity to explain why an imprisonment Order should not be made.

Court Ordered Apprehension of a Child

4.44 The FLA allows the Court to Order police to apprehend a child when:

- i. *persons who are not the child's guardian* - under FLA s. 231(4), the Court is satisfied that a person has been wrongfully denied parenting time or contact with a child by the child's guardian. Members are required to apprehend the child from the guardian and take the child to the person;
- ii. *persons who are the child 's guardian* - under FLA s. 231(5), the Court is satisfied that a person having contact with a child has wrongfully withheld the child from a guardian of the child. Members are required to apprehend the child from the person and take the child to the guardian;
- iii. FLA s. 231(6) authorizes a Member to enter and search any place, including a private dwelling, where the Member has reasonable and probable grounds to believe the child (ordered apprehended pursuant to FLA s. 231(4) or s. 231(5)) may be; and
- iv. plain view evidence of criminal offences can be seized without a search warrant when a Member is Conducting a search pursuant to FLA s. 231(6). However, if reasonable grounds of an offence exist in an area of the private premises that is beyond the scope of plain view,

(e.g., strong smell of marihuana coming from elsewhere in the premises indicating a grow op), then a search warrant must be obtained.

Apprehension Orders

4.45 When a person requests SPS to apprehend a child, Members must confirm the person has a Court Order for police to apprehend a child pursuant to FLA s. 231(4) or s. 231(5). Members must:

- i. obtain the approval of their Supervisor before executing the Court Order;
- ii. apprehend the child as soon as is operationally feasible; and
- iii. ensure that the safety of the child, public, complainant, and Member are appropriately taken into consideration.

4.46 When there is no Court Order for the lawful apprehension of a child by a Member, the Member must:

- i. tell the person requesting the apprehension to apply to civil Court under the FLA for an Apprehension Order and to contact police when the Order has been obtained to assist; or
- ii. if the Member has reasonable and probable grounds to believe that a child is in need of Protection (e.g., the child is being abused or is in danger), apprehend the child and immediately report the matter to Ministry of Children and Family Development under CFCSA s. 13 and s. 14. See also CFCSA s. 27.

4.47 Members should contact the General Counsel, Legal Services at 236-474-3210 (24/7 service) for legal advice on how to proceed when:

- i. an FLA s. 231(4) or (5) apprehension Order has been issued and the parenting and guardian responsibility roles assigned by the Court Order are complex; and/or
- ii. if both parents are guardians with parental responsibilities (“joint custody”) and they require police assistance to resolve a dispute.

4.48 If a Member has reasonable and probable grounds to believe that a person has breached a condition of a valid CFCSA Order or FLA Order, the Member may enforce the Order and pursue charges for breaching a Protection Order under the *Criminal Code*, s. 127. A copy of the Order will accompany the Report to Crown Counsel (RTCC) as an attachment. A copy of the Affidavit of Certificate of Service must also accompany the RTCC as an attachment if this is the evidence to establish the subject’s knowledge of the Order.

4.49 When there is no Court Order for the lawful apprehension of a child, and a Member has reasonable grounds to believe the child’s health or safety is in immediate danger, the Member may by force if necessary, enter any premises or vehicle or board any vessel for the purpose of taking charge of the child under CFCSA s. 27(2) (see OP 4.51.3 *Protection and Removal of a Child*).

Enforcement of Civil Court Order – No “Arrest Clause” or Police Enforcement Clause

4.50 When a Member has reasonable grounds to believe that a Court Order is valid and has been breached, but the Order does not contain an arrest clause or police enforcement clause, the Member must:

- i. consider proceeding with a new criminal charge if there is evidence to support the charge; and
- ii. seek appropriate bail conditions including a No Contact Order, if applicable.

4.51 If there is no evidence to support a new criminal charge, the Member must confirm if either of the following conditions exist:

- i. the breach was not inadvertent and was more than merely technical in nature, and the subject of the Order has failed to provide the investigating Member with a justifiable and/or lawful excuse for the breach; or
- ii. the circumstances surrounding the incident imply that the complainant appears to be at risk of physical harm from the subject of the Order and/or there is a history of violence in the relationship.

4.52 If either of the conditions in section 4.51(i) and (ii) above exist, and the subject of the Order was not found committing, the Member must submit an RTCC requesting an arrest warrant under the *Criminal Code*, s. 127 when applicable (see OP 4.49.6 *Walk-Through Warrants*).

4.53 If either of the conditions in section 4.51(i) or (ii) above exist, and the subject of the Order was found committing, the Member may:

- i. arrest the subject of the Order for committing an offence under the *Criminal Code*, s. 127, where appropriate;
- ii. the reason for the arrest must be to prevent the continuation or repetition of the offence or, there must be reasonable grounds to believe the subject of the Order will fail to attend Court under the *Criminal Code*, s. 495(2); and
- iii. if the Member is satisfied or there are no concerns regarding the continuation or repetition of the offence or Court appearance, the Member must then proceed by issuing an Appearance Notice.

4.54 If either of the conditions in section 4.51(i) and (ii) above do not apply, the Member must tell the complainant that no police action will be taken, and that they may pursue the matter on their own or through their legal counsel.

Enforcement of Civil Court Order – With “Arrest Clause” or Police Enforcement Clause

4.55 When a Member has reasonable grounds to believe a Court Order with an arrest clause is valid, and the Order has been breached, the Member must:

- i. if the subject of the Order is found committing, arrest the subject of the Order under the arrest clause in the Order;
 - ii. ensure the accused is lodged at Surrey Cell Block;
 - iii. provide a copy of the Court Order to the Cell Block Supervisor; and
 - iv. if no new charges are being pursued submit the applicable PRIME reports after consultation with a Supervisor.
- 4.56 In all investigations where a breach has occurred and the investigating Member is unable to locate the subject of the Order, the Member must consider whether a charge under the *Criminal Code*, s. 127 is appropriate.
- 4.57 If the Member determines considering all the circumstances that charges are appropriate, the Member must:
- i. submit a RTCC requesting charge assessment under the *Criminal Code*, s. 127 and a warrant to be issued under the *Offence Act*, s. 34; and/or
 - ii. consider a peace bond under *Criminal Code*, s. 810.
- 4.58 Where there is no risk to the complainant and the address of the subject of the Order is known, the investigating Member must request charge assessment by Provincial Crown Counsel under the *Criminal Code*, s. 127 and a Summons to be issued under the *Offence Act*, s. 27.
- 4.59 If during the investigation it was determined the incident does not involve an FRA matter, the Member must tell the complainant to consult their legal counsel and to apply to the Court for a warrant to be issued for the suspect.

Technical, Inadvertent or Minor Breaches

- 4.60 A Member must submit the applicable PRIME reports, but not request charges, in circumstances where:
- i. there are no reasonable and probable grounds to believe that the accused was aware of the Order prior to committing the offence;
 - ii. an Order is produced and determined not to be valid and/or enforceable; or
 - iii. the violation of the Order appears to be inadvertent, unintentional, or minor in nature and these findings are reviewed by a Member's Supervisor.
- 4.61 If the breach is technical in nature (e.g., returning a child to a parent ten minutes late), and there are no other aggravating circumstances, the Member will tell the complainant there will be no further action taken by the police for this incident. The Member must obtain authorization from a Supervisor and submit all applicable PRIME reports outlining the circumstances and documenting the reasons for not proceeding with charges.

Peace Bonds / Sureties to Keep the Peace

- 4.62 A Peace Bond may be issued by a Judge under the *Criminal Code*, s. 810 and s. 810.1 to restrict the activities of one person to prevent harm to another person. A Peace Bond may also include conditions to protect children and/or property (see OP 4.17 *Intimate Partner Violence*).
- 4.63 Peace Bonds, which are normally associated with the protection of a vulnerable person in an intimate partner relationship, may also be imposed by a Court in other situations, such as neighbour or co-worker disputes, to prevent violence or damage to property.
- 4.64 Members who find a person breaching the conditions of a Peace Bond may arrest the person and charge under the *Criminal Code*, s. 811 for *Breach of Recognizance*.

Documentation

- 4.65 Members investigating incidents where there are no grounds to arrest or charge a person will complete a detailed PRIME report documenting their actions in all instances where:
- i. there are no reasonable grounds to believe that the accused was aware of the Order prior to an offence occurring;
 - ii. an Order is produced and the Member does not consider it to be valid and enforceable; or
 - iii. the violation of the Order appears to be inadvertent or unintentional and the complainant agrees that charges are not warranted.
- 4.66 When submitting an RTCC requesting charges, the Member must include the following information, but not limited to:
- i. relevant information on the history of the relationship;
 - ii. evidence of past violence, threats of violence, or potential for violence and a determination if any domestic violence risk factors are present (see OP 4.17 *Intimate Partner Violence*);
 - iii. any other risks to the complainant, in Order to assist the Crown in the charge approval process;
 - iv. if applicable, the subject of the Order's account of events;
 - v. a copy of the Court Order; and
 - vi. evidence of the accused person's knowledge of the Order. If available, a copy of the affidavit or certificate of service must accompany the RTCC as an attachment if this is the evidence to establish the accused person's knowledge of the Order.

APPENDIX A: DEFINITIONS

“Child” means a person under 19 years of age and includes a youth (under the *Child, Family and Community Service Act*).

“Complainant” means a person who makes and registers a complaint under the *Police Act*, s. 78 or, a person acting on behalf of the complainant, a third-party complainant, or an appointed representative.

“Conduct Order” means an Order made under various sections of the *Family Law Act*.

“Court Order” means an Order made by the Provincial Court or the Supreme Court.

“Duty Officer” means the Frontline Policing Inspector.

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

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

“Peace Bond” means a surety to keep the peace under the *Criminal Code*, s. 810.

“Protective Intervention Order” means an Order made under the *Child, Family and Community Service Act*, s. 28.

“Protection Order” means an Order made under various sections of the *Family Law Act*.

“PRIME” means the Police Records Information Management Environment, the provincial police records management system.

“Reasonable and Probable Grounds” under provincial laws (CFCSA, FLA) includes both subjective and an objective component and means that the officer must personally believe that the decision or action is necessary. In addition, the decision or action must be able to stand the test of whether an objective third person, who is acting reasonably – and is aware of the officer’s training, experience and the factual circumstances at the time - would also reach the same conclusion.

“Restraining Order” means an Order made under the *Child, Family and Community Service Act*, s. 98.

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

“SPS” means the Surrey Police Service.

“Supervisor” means a Sergeant, Staff 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 SPS.

“Temporary Custody Order” means an Order made under various sections of the *Child, Family and Community Service Act*.

APPENDIX B: REFERENCES

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

Convention on the Civil Aspects of International Child Abduction, Convention of 25 October 1980 on the Civil Aspects of International Child Abduction, The Hague

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

Family Law Act, S.B.C. 2011, c. 25

Family Relations Act, R.S.B.C. 1996, c. 128 (repealed in 2013)

Offence Act, R.S.B.C. 1996, c. 338