

"E" DIVISION  
OPERATIONAL MANUAL  
Part 2—Criminal Code Offenses—Persons

Amended: 2005-02-24  
Moved from IV.1: 2004-05-20

## 2.4. Violence in Relationships

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## 1. General

1. 1. Violence in Relationships (VIR) is a crime. It encompasses married, common-law and dating relationships and includes violence against:

1. 1. 1. women in heterosexual relationships,

1. 1. 2. vulnerable males in homosexual relationships,

1. 1. 3. males in heterosexual relationships, and

1. 1. 4. women in lesbian relationships.

1. 2. The language in this directive was chosen after much debate and concern was expressed over the use of gender neutral terms, which fail to recognize that the overwhelming majority of the victims of relationship violence are female.

1. 3. Violence within relationships has distinctive dynamics not found in other violent crimes. It includes:

1. 3. 1. the act or threat of physical or sexual assault of a partner of an ongoing or past intimate relationship by another, despite their marital status or living arrangement at the time of the assault or threat; and

1. 3. 2. other behaviour, such as intimidation, mental or emotional abuse, sexual abuse, neglect, deprivation, harassment and financial exploitation.

1. 4. To meet the challenges of investigations related to relationship violence, members must be conversant with the:

1. 4. 1. policy outlined in [HQ. Sec. 2.4.](#) - Domestic Violence;

1. 4. 2. policy outlined in ["E" Div. OM IV.1.P.](#) - Criminal Harassment;

1. 4. 3. [Ministry of Attorney General's Violence Against Women in Relationships policy \(VAWIR\)](#) ; an

1. 4. 4. [Criminal Code](#) provisions relating to firearms, assault, sexual assault, and criminal harassment.

1. 5. Detachments must coordinate prevention and enforcement efforts with community groups and other government agencies to reduce the incidence of VIR.

1. 5. 1. Sharing of specific case information is a sensitive issue and is subject to the provisions of the [Privacy Act](#) and the [Criminal Code](#) .

1. 6. Special sensitivity should be given to victims with cultural and/or **specific** language/communication needs. Whenever possible, members should coordinate their investigations with Victims Services personnel and interpreters.

1. 6. 1. Many cultures stress the paramount value of family togetherness and often women play the primary role in preserving the family's honour.

1. 6. 2. In extended families, a victim may be under pressure from several individuals other than her husband, if the victim decides to report abuse and pursue legal action.

1. 6. 3. Some victims do not speak English at all or with any ease; this can act as a communications barrier to knowing legal rights and services available to them. RCMP intervention will first focus on victim safety followed by prosecution of offenders, as appropriate.

1. 7. The victim's safety is of primary importance, and police intervention and action should address this concern.

1. 7. 1. In many cases, the police are the only effective means of intervention. However, the police must be aware that in many instances, victims may be in a fragile psychological state and for this reason, appear to be reluctant or uncooperative.

1. 7. 2. Victims should be encouraged to seek support from a victim services program in accordance with RCMP directives.

1. 8. Prosecution of the offender, is important and in many cases, the best means of achieving victim protection is through judicial orders. However prosecution is not the only reason for the police to investigate relationship violence. Public safety must remain paramount.

## 2. **Violence Against Women in Relationships (VAWIR)**

2. 1. VAWIR is a policy document of the B.C. Ministry of Attorney General. Relationship violence is a major concern to both the public and the Government.

2. 2. [The Ministry of Attorney General's VAWIR policy](#) provides guidelines for crown prosecutors, corrections, the police and other justice system workers. The VAWIR policy, emphasizes a proactive arrest and charge policy, where grounds exist for such action. Each Detachment/Unit has received its own copy of the Attorney General's VAWIR policy .

## 3. **The Cycle of Violence**

3. 1. All members are to ensure that they are aware of the gender dynamics involved in relationship violence and implementation of the VIR/VAWIR policies. The dynamics of relationship violence are that:

3. 1. 1. abuse is used to control their partners;

3. 1. 2. the abuser and victim usually reside within the same house, enabling the abuser to further control and abuse the victim;

3. 1. 3. there is a power imbalance between the partners;

3. 1. 4. violence often escalates and may continue or worsen if the victim leaves the relationship;

3. 1. 5. a victim is at great risk of violence after leaving the abusive partner; and

3. 1. 6. it may be difficult for the victim to leave because of love, cultural/religious values, socio-economic conditions, fear or the denial of violence in the relationship.

3. 2. Relationship violence is generally indicative of an imbalance in the "power and control" each partner has in the relationship.

3. 3. Any threat or actual incidents of physical violence, within a relationship is a warning that a recurring cycle of violence may occur. Although not all abusive relationships fit this pattern, the dynamics of a cycle of violence may include:

3. 3. 1. Tension Building Stage

3. 3. 1. 1. The victim senses the aggressor becoming edgy and more prone to react negatively to any trivial frustration. Many victims learn to anticipate violent outbursts and try to avoid it by becoming nurturing, compliant or by staying out of the way.

3. 3. 2. Acute Battering Stage - "The Explosion"

3. 3. 2. 1. The aggressor appears to lose control physically and/or emotionally. Many aggressors report they do not start out wanting to hurt the victim, but want only to teach the victim a lesson.

3. 3. 2. 2. The violence may involve pushing, shoving, shaking or hair-pulling. It may involve hitting with an open hand, a closed fist or a weapon.

3. 3. 2. 3. This is the stage where the victim, the aggressor or the police may be physically injured or killed.

3. 3. 3. Aftermath - "The 'Loving Respite' or 'Honeymoon' Stage"

3. 3. 3. 1. The aggressor appears genuinely sorry for what has happened. Their worst fear is that the partner will leave them as a result of what has happened and they try to make up for their behaviour.

3. 3. 3. 2. The victim wants to believe that the abuse will not occur again. Often the victim will feel responsible for the conduct that led to the beating.

3. Both feel guilty about the event and both resolve to never let it happen again. Part of the cycle of violence can include the aggressor sending gifts, flowers, apologies or making promises to the victim that the assaultive behaviour will never occur again.

#### 4. Primary Aggressor

4. 1. For the purposes of this policy, "Primary Aggressor" means the person in the relationship **who is the most compelling, rather than the first, aggressor.**

4. 2. An allegation of mutual aggression is often raised by the Primary Aggressor as a defence with respect to an assault against their partner.

4. 3. Members are cautioned against accepting an argument of mutual aggression. Each case should be fully investigated to determine what happened, who is most vulnerable, and who, if anyone, should be arrested.

4. 4. Members should identify, arrest and charge the Primary Aggressor where reasonable and probable grounds exist, in accordance with the [Criminal Code](#) .

4. 5. Members must be prepared to support their identification of the Primary Aggressor with observations and reasons. In making their determination, members should consider all the circumstances, including the following:

4. 5. 1. The intent behind the law and policy designed to protect victims of relationship violence;

4. 5. 2. Who has suffered the most extensive physical and/or emotional damage and who received treatment for that injury;

4. 5. 3. Who has superior physical strength and skills for effective assault;

4. 5. 4. What is the history and pattern of abuse in this relationship?

5. [Victims of Crime Act](#)

5. 1. Members have an obligation under the Victims of Crime Act to advise victims of their rights, including the right to information about the status of the police investigation.

A handout card has been developed for police use, which meets this obligation. These cards are available from:

5. 1. 1. Ministry of Attorney General Communications Branch P.O. Box 9282 Stn Prov. Govt.  
Victoria, British Columbia, V8W 9J7 Fax (250) 387-1753

6. **Telecommunications/OCC/Dispatch Personnel**

6. 1. VIR/VAWIR calls are to be treated as a priority as the victim may be at great risk.

6. 2. VIR/VAWIR calls constitute a high risk to the responding member. Wherever possible, check for previous police involvement with the subject or location and provide the member with all relevant information, including the possibility the suspect may have access to firearms and any record of violence.

6. 3. Determine if there have been any injuries and if medical attention is required;

6. 4. Determine if the suspect is present and a description of the suspect.

6. 4. 1. If the suspect has left, obtain any information as to possible whereabouts, and method/description/direction of travel.

6. 5. Determine if weapons are involved, and their nature, e.g.: gun, knife.



6. 6. Determine if the suspect may be under the influence of drugs or alcohol.

6. 7. Determine if children are present.

6. 8. Determine if the victim/subject of complaint has a current Surety to Keep the Peace (Peace Bond) or a restraining order.

6. 9. Immediately conduct applicable database, e.g.: CPIC, PIRS, LEIP, PROS/PRIME and [Protection Order Registry](#) searches and advise the attending members of the information found.

6. 9. 1. If there is any information suggesting that within the previous seven years, the suspect or victim has resided in the jurisdiction of either Victoria or Vancouver Police Departments, request an immediate file search from that agency.

6. 9. 1. 1. *NOTE:*PIRS is not utilized by these departments, and LEIP is unable to access these historic records.

6. 10. OCC dispatchers cannot cancel a police response based on a follow up call from any person requesting such a cancellation.

6. 10. 1. Advise the members responding of any requests for cancellation.

6. 11. Canceled or interrupted 9-1-1 calls shall be thoroughly investigated.

6. 11. 1. Police have the authority to enter private dwellings in response to interrupted telephone calls to the 9-1-1 emergency system, although the intrusion is limited to the protection of life and safety.

- As articulated in **R. vs. Godoy [SCC, 1998]**, Peace Officers can investigate a 9-1-1 call and, in particular, locate the caller and determine his or her reasons for making the call and provide such assistance as may be required.
6. 11. 2.

## 7. Member

7. 1. Conduct a complete and thorough investigation even when the victim may not agree to cooperate.

7. 1. 1. You may use form ED-301-1 (WordPerfect Template) to record the circumstances and the results of your investigation.

7. 2. Determine from the victim if the victim has a current Surety to Keep the Peace (Peace Bond) or restraining order and immediately conduct CPIC, PIRS and [Protection Order Registry](#) searches.

7. 2. 1. Ensure all searches are dated and recorded in the investigational file.

7. 2. 2. If not already on file, conduct CPIC, PIRS, POR checks

7. 2. 2. 1. If there is any information suggesting that within the previous seven years, the suspect or victim has resided in a jurisdiction of either the Victoria, Vancouver or Esquimalt Police Departments, request an immediate file search for any information by these agencies, as they are **NOT** on PIRS.

7. 3. In the event a complete investigation cannot be conducted, see [sec. 8.](#)

7. 3. 1. Fully document in the investigation file, any relevant information supplied from the complainant, including any reasons why the police should not complete a full investigation.
7. 3. 1. 1. Advise the victim that the decision to proceed with charges does not rest with them.
7. 4. Consider videotaping the victim's statement using the "K.G.B. statements" procedure.
  7. 4. 1. Make every effort to obtain full statements from victim(s) and witnesses. Victim's statements should be obtained during first response, if practicable.
7. 5. Provide your name, phone number and any case reference to the victim and ensure that the victim is kept informed about the status of the case, including all release conditions.
  7. 5. 1. Refer victims, with their consent, to the community-based or police-based victim assistance program, as appropriate.
    7. 5. 1. 1. Document the victim's decision on file.
    7. 5. 2. Wherever possible provide the victims with a list of support agencies in the community.
    7. 5. 3. If no victim services programs are available, investigators must provide appropriate assistance to victims, to the best of their abilities.
7. 6. In the circumstances where the victim must leave the home, ensure the victim is referred to a transition house and provided with safe transportation to a transition house or other safe location.

7. 7. Members must be aware of the potential danger posed to the victim's extended family.
  7. 7. 1. Identify and formally interview other family members, where the facts determine they have information relevant to either the background of the complaint or the circumstances of the alleged abuse or other related incidents.
7. 8. Determine whether the assailant has access to firearms or other offensive weapons.
  7. 8. 1. Where you are within your legal authority and grounds exist, seize any offensive weapons in the first instance.
    7. 8. 1. 1. Ensure any weapons seized are processed in accordance with the [Criminal Code](#) .
    7. 8. 1. 1. 1. Where applicable, seek a Destruction Order.
    7. 8. 2. As applicable, take the appropriate action to revoke any firearms related certificate, licence, permit or authorization, and to apply for a hearing to obtain a prohibition order.
    7. 8. 3. See also: ["E" Div. Ops. Man. II.12](#) . - Search and Seizure.
  7. 9. Subject to the [Criminal Code](#) , you may arrest a suspect where reasonable grounds exist and it is in the public interest. If practical, interview the suspect with the objective of obtaining a statement.
    7. 9. 1. The suspect should be fingerprinted in accordance with the provisions of the [Identification of Criminals Act](#) . Forms C-216 must indicate the offence is "Violence in Relationships."

7. 9. 2. Consider and comply with the provisions of Sections 497, 498, 499, 503(2) and 503(2.1) of the [Criminal Code](#) as applicable.

7. 9. 2. 1. Where there are "public interest" considerations (i.e. prevent the continuation or repetition of the offence or the commission of another offence) and the release conditions found in Section 503 of the [Criminal Code](#) are insufficient, have the accused appear before a Justice.

7. 9. 2. 2. As a condition of release, under Section 503 (2.1) of the [Criminal Code](#) , consider recommending whether the offender should be prohibited from any contact with the victim, any witness or any other person, bearing in mind the circumstances of the case and the safety of the victim, and others as appropriate.

7. 9. 2. 3. The conditions should include the use of words such as "have no contact, directly or indirectly with" and "not to attend within a two block radius of the 8700 Anywhere Street".

7. 9. 2. 4. As a condition of release under Sections 503(2.1) (e) of the [Criminal Code](#) , consider the importance of a firearm prohibition.

7. 9. 2. 5. Police should consider what protective conditions should be taken including those required to protect other persons who have been threatened, harassed or are at risk as a result of the dispute.

7. 9. 2. 6. Whenever an assailant or accused is released from RCMP custody, every effort should be made to notify the victim **IN ADVANCE** of the release, in accordance with local protocols, to ensure that safety issues are addressed.

7. 9. 3. Ensure the victim is:

7. 9. 3. 1. contacted upon release of the accused and told of the release conditions;

7. 9. 3. 2. provided with a copy of the UTA, vetting any third party information contained in the conditions;

7. 9. 3. 3. advised of VictimLINK, a 24 hour, toll-free, confidential help and information line (1-800-56-0808); and

7. 9. 3. 4. notified if the PTA or UTA are cancelled. In situations where the PTA is cancelled the accompanying UTA conditions are no longer valid.

7. 9. 3. 4. 1. Efforts must be made to have a warrant issued for the accused in order to ensure the safety of the victim by having the protective conditions reinstated upon arrest.

7. 9. 4. Once completed and signed, send a legible copy of the PTA and UTA to:

7. 9. 4. 1. The Protection Order Registry (POR) - [E Div Ops Man II.4.H](#) by fax, 250-952-4872 and

7. 9. 4. 2. The bail supervisor/probation officer, if reporting conditions have been imposed. Request that they monitor the accused/suspect on these reporting conditions.

7. 10. Complete a Report to Crown Counsel (RTCC) as soon as possible.

7. 10. 1. Members shall pursue the investigation with a view to obtaining sufficient evidence with or without the cooperation of the victim.

7. 10. 1. 1. The evidence could include an admission by the accused, independent witnesses or evidence of physical injury (photographs of injuries, medical evidence, physical evidence) or a written statement by the victim.

7. 10. 1. 2. Given the inherent difficulties with prosecuting cases where the victim's direct evidence is not available, consultation with Crown Counsel may be necessary throughout the investigation to ensure the best attainable evidence is presented.

7. 10. 2. In circumstances where the offender has left the location of the offence prior to police attendance and immediate efforts to locate the offender are not successful, request **URGENT** priority processing of the RCC in hopes of obtaining a warrant for arrest or

summons.

7. 10 3. Ensure the following are included in the RCC:

7. 10 3. 1. the criminal record of the accused;

7. 10 3. 2. details of any previous violence in a relationship complaint (including any information from the Victoria, Vancouver or Esquimalt Police Departments, as appropriate.)

7. 10 3. 3. the letter "K" after the police file number (e.g. YY - 12345 K);

7. 10 3. 3. 1. The Ministry of Attorney General has requested the "K" flagging system to better identify VIR/VAWIR cases; and,

7. 10 3. 4. known risk factors that indicate a likelihood of future violence. These may include but are not limited to the following:

7. 10 3. 4. 1. past actual or attempted assault of family members;

7. 10 3. 4. 2. past actual or attempted assault of strangers or acquaintances;

7. 10 3. 4. 3. past arrest for violating the terms of a conditional release or community supervision;

7. 10 3. 4. 4. separation from partner or extreme conflict regarding relationship status within the past year;

- 7. 10 3. 4. 5. serious substance abuse or dependency;
- 7. 10 3. 4. 6. serious homicidal or suicidal ideation/intent, psychotic or manic symptoms;
- 7. 10 3. 4. 7. past physical assault of current intimate partner;
- 7. 10 3. 4. 8. past use of weapons/credible threats of harm; and
- 7. 10 3. 4. 9. recent escalation of frequency or severity of assault.

- 7. 11. Do not refer VIR/VAWIR cases directly to community programs for resolution.

- 7. 11. 1. Crown Counsel have authority under the Criminal Code (refer to Section 717 of the [Criminal Code](#) ) to approve "alternative measures" in exceptional circumstances. Police should clearly outline such rare or exceptional circumstances in the RCC.

- 7. 12. In addition to the factors listed in [sec. 8.4](#) , an investigator's decision not to conduct a complete investigation should not be solely based on a Crown Counsel's reluctance to proceed without a Victim's statement

- 7. 12. 1. Where a charge is recommended and **not** supported by Crown Counsel, fully document the reason and maintain all relevant correspondence on file.

- 7. 13. All documents received from a victim or other person in respect to a relationship violence investigation are to be date stamped and initialed by the person receiving the document, and immediately brought to the attention of either the investigating officer or the on-duty supervisor.



7. 14. Complete a Violence In Relationships Check Sheet Form "ed-301" (FLO) **in every case** and retain that form on the file.

7. 15. Upon the request of either spouse, stand by to keep the peace where that person wishes to return to the matrimonial home to collect personal effects.

7. 15. 1. Where that person is denied access to the matrimonial home or where there is a dispute over ownership of property, do not take any further action. Advise the person requesting police assistance to seek independent legal advice and/or obtain a court order.

7. 16. Thoroughly investigate any allegations relating to the abuse of children.

7. 16. 1. If during an investigation, there is reason to believe that a child has been or is likely to be physically harmed, sexually abused, exploited, or needs protection, report the matter to a Ministry for Children and Families child protection worker. ([Sec. 13 Child, Family and Community Service Act refers](#) )

7. 16. 2. Be aware that the offender may have threatened the victim with removal of the children as a method of control and intimidation.

7. 16. 3. Should it be necessary to remove the victim and children from the home make every effort to keep them together.

7. 16. 4. Where children may have been exposed to relationship violence in any form, consult with the Ministry for Children and Families.

## 8. "Incomplete" Investigations

8. 1. There is a very narrow discretion for not conducting a complete investigation.

- Depending on the circumstances, and after a thorough risk assessment, a member may decide not to contact or interview the suspect or anyone likely to inform the suspect that a complaint has been made.
8. 2. 1. All other components of a complete investigation must be completed.
  8. 3. The following circumstances **CANNOT** form the basis for exercising a discretion not to complete a full investigation or not forwarding a Report to Crown Counsel:
    8. 3. 1. the consumption of alcohol or the use of drugs by the victim or suspect (Refer to Section 33.1 of the [Criminal Code](#)) or;
    8. 3. 2. the lack of independent corroborating evidence.
  8. 4. Before you decide not to conduct a complete investigation, consider each of the following:
    8. 4. 1. Is there evidence of the alleged offence other than the victim's complaint;
    8. 4. 2. Is there reason to believe that the suspect is unaware that the victim has made a complaint to the police;
    8. 4. 3. Has the complainant/victim requested that the complaint be kept confidential and that no investigation be conducted because s/he is fearful that if the suspect is contacted by the police, further victimization will occur;
    8. 4. 3. 1. Notwithstanding the victim's feelings, if the investigating member has a reasonable basis for believing the risk to the victim would be increased by confronting the

suspect with the fact that a complaint has been made:

8. 4. 3. 1. 1. all known risk factors should be considered and assessed before determining any subsequent police action.
8. 4. 3. 2. The presence of such factors may indicate the risk of future violence to the victim is so great that all reasonable efforts to intervene should be made.
8. 4. 4. Is there an indication the suspect has possession of any firearms, a Firearms Licence, or any access to firearms, or other offensive weapons;
8. 4. 5. Has the complainant/victim refused to cooperate with any investigation and, have attempts at persuasion to cooperate been unsuccessful;
8. 5. The decision not to conduct a full investigation must be authorized by a supervisor. The investigative file must:
  8. 5. 1. contain the reason for not completing a full investigation;
  8. 5. 2. remain open for a period of at least 6 months during which time, the investigating officer shall follow up to determine if the complainant is able/willing to cooperate with the investigation.
  8. 5. 2. 1. This is an **investigative** responsibility and should not be delegated to a victim services program worker.
  8. 5. 2. 2. The 6 month "open period" is in keeping with "limitation of action" stated in Section 786 of the [Criminal Code](#) .

8. 5. 2. 3. In the event subsequent complaints are received after the 6 month limitation of action has elapsed, the original incident may be considered for prosecution. Consultation with Crown Counsel will be required.
8. 5. 2. 4. Prior to closing a file, conduct a further PIRS check to determine if there have been any subsequent related complaints reported in the interim
8. 5. 2. 4. 1. If appropriate, include a direct check with Vancouver, Victoria and Esquimalt Police Departments as well.
8. 5. 3. If, despite the available evidence, it is insufficient to pursue criminal charges, consider using the "Special Interest Police" (SIP) category on CPIC to record information on either the Victim, or alleged Offender, as appropriate. CPIC Man. III.4. refers.
8. 5. 3. 1. Forward your recommendation to use the "SIP" category through your supervisor to the Detachment Commander, who must authorize it.

## 9. **Supervisor**

9. 1. VIR/VAWIR matters require a high degree of supervision and guidance. Supervisors must be familiar with policy and the requirements placed upon the members under their supervision. Supervisors are accountable for the strict compliance with this policy.
9. 2. Review an investigator's decision not to submit a Report to Crown Counsel.
9. 2. 1. Document your approval of that decision on the file.
9. 3. Complete the Supervisor's portion of the Violence In Relationships Check Sheet, Form ed-301 (FLO) and retain on file.

9. 4. Ensure investigations where the victim has been uncooperative are diary dated to ensure regular investigative follow-up is conducted.

## 10. Detachment Commander

10. 1. Participate **directly** in any multi-agency coordinated community based efforts to reduce the incidence of VIR/VAWIR and to improve public awareness.

10. 1. 1. **If necessary, delegate to a senior NCO.**

10. 2. Where resources exist and duties permit, ensure pro-active participation at local Violence Against Women in Relationships committees or related local committees.

10. 2. 1. Feedback from these meetings should be distributed to all members under **your** command through ROSS or by local memorandum.

10. 2. 1. 1. Specific case histories should not be disclosed except in accordance with the **Privacy Act** .

10. 3. .As part of the detachment's pro-active participation, make available to local VIR/VAWIR committees any statistics on relationship violence requested.

10. 4. Invite local VIR/VAWIR committee representatives to utilize detachment training days or detachment meetings so that members are fully aware of VIR/VAWIR issues.

10. 5. Ensure that a high level of supervision is maintained. You are accountable for the strict compliance by all members with VIR/VAWIR policy.

10. 6. Ensure that the following OSR classification scoring codes are used, as applicable

10. 6. 1. Code DK85 - offence by male offender

10. 6. 2. Code DK86 - offence by female offender

10. 6. 3. Code DK90 - alcohol was a factor

10. 6. 4. Code DQ19 - Domestic Dispute - No Assault

10. 7. VIR/VAWIR should be considered for the Quality Assurance process. Monitor the results to ensure compliance with the law and policies of the RCMP and the Province of BC.

10. 8. Develop Unit Supplements to ensure that each member reviews the Attorney General's VAWIR policy annually; and

10. 8. 1. all investigators and supervisors are conversant with their responsibilities as they apply to VIR/VAWIR cases.

10. 8. 2. Retain your detachment's copy of the AGBC's VAWIR policy and any related Information Bulletins (AGBC) on Operations Record #2880.

10. 9. In the event that you are unable to resolve any difficulties with Crown Counsel or Corrections in respect to the provincial Violence Against Women in Relationships Policy, consult your District Officer.

10. 10. Ensure all members under your command are aware of policy requirements respecting victim services referrals.

## 11. Victim Services

11. 1. See also:

11. 1. 1. ["E" Div. OM I.1.F.](#) (Victim Service Program)

11. 1. 2. ["E" Div. OM II.1.O.](#) (Victim Assistance)

11. 2. VIR/VAWIR victims may be subjected to severe emotional and physical intimidation to decide not to cooperate with the criminal charge process or not to testify in court or both. The degree of intimidation can be mitigated by affording the victim access to victim assistance programs.

11. 3. Member

11. 4. When investigating a VIR/VAWIR incident, ask the victim(s) if they want a Victim Services worker at the scene, if one is available.

11. 4. 1. Where they exist, specialized community based victim services should normally be the primary service provider in VIR/VAWIR cases.

11. 4. 1. 1. In the event there is no community based program, or there is an immediate need for after hours victim assistance, contact the police-based victim assistance program.

11. 4. 2. All VS Workers must be aware that their presence may require their subsequent attendance in Court to address issues relating to witness recall, and scene investigation.

11. 4. 3. Ensure that the Victim is provided with the opportunity to prepare a Victim Impact Statement in accordance with ["E" Div. OM II.1.P.](#) (Victim Impact Statement)

11. 4. 3. 1. Victims Assistance sections may assist in the preparation of this statement.

12. **Sureties To Keep The Peace. Sec. 810 [Criminal Code](#)** Recognizance, i.e."Peace Bond")

12. 1. General

12. 1. 1. A victim who fears personal injury or property damage, may make application before a Justice for an Order under the authority of Section 810 of the [Criminal Code](#) , Surety to Keep The Peace (Peace Bond). The applicant should swear the Information.

12. 1. 2. Section 810 of the [Criminal Code](#) permits an information to be sworn by or on behalf of the complainant. The amendment requires the justice to consider whether or not:

12. 1. 2. 1. a firearms order; and

12. 1. 2. 2. a "no go" or "no contact order";

...are appropriate conditions of a recognizance.

12. 1. 3. Section 810.1of the [Criminal Code](#) provides that a person who fears, on reasonable grounds, that another person will commit a specified sexual offence in respect of children



under 14 years of age, can lay an Information for the purpose of having that person enter into a recognizance with conditions.

12. 1. 3. 1. Report all such cases to the Ministry for Children and Families.

12. 1. 4. Sect. 810.2 of the [Criminal Code](#) addresses concerns with respect to serious bodily harm.

12. 1. 5. Complaints of breaches of the recognizance in Section 810 of the [Criminal Code](#) are a critical safety issue and must be actively investigated. Refer to Section 811 of the Criminal Code .

12. 1. 6. Police must attend any complaint of a breach of these recognizance because the risk of violence is high.

12. 2. Member

12. 2. 1. In circumstances where a Surety to Keep the Peace (Peace Bond) could assist a victim, inform that person about the process and its abilities and limitations.

12. 2. 2. As appropriate, prepare an RCC with the necessary documents and forward them to Crown Counsel.

12. 2. 2. 1. When there is a reasonable likelihood that an offence may occur, be prepared to expedite this process to prevent the **victimization** of a spouse or family members.

12. 2. 3. If a Surety to Keep The Peace (Peace Bond) is granted, ensure the details are entered on CPIC and PIRS.

- A person who breaches a Surety to Keep the Peace (Peace Bond) granted under section 810 of the [Criminal Code](#) commits a summary conviction offence under section 811 of the Criminal Code, and may be arrested under section 495(1)(b) of the Criminal Code .
12. 2. 4.

### 13. Probation Orders

- Where a breach of a probation order occurs, members should coordinate their efforts with the Probation Officer and Crown Counsel to prosecute, according to the Attorney General guidelines.
13. 1.

### 14. [Family Relations Act](#)

- To most police agencies, the Family Relations Act applies to child custody orders. However, it can also be used to provide a victim with some protections. On an *ex parte* application, a Court Order can be issued to:
14. 1.

14. 1. 1. grant temporary exclusive occupancy of the matrimonial home;

14. 1. 2. provide restricted contact; or

14. 1. 3. restrain any person from molesting, annoying, harassing, communicating or attempting to do any of those things to the victim or a child in that person's custody.

14. 1. 3. 1. Certain Family Relations Act Orders can be entered on CPIC and/or the Protection Order Registry (POR).

- Some BC Probation Officers also function as Family Court Counsellors and can provide victim assistance in relation to the Family Relations Act.
14. 2.

## 15. Enforcement Of Supreme Court Restraining Orders In Family Matters

- THIS COURT FURTHER ORDERS that any peace officer, including any RCMP officer having jurisdiction in the Province of British Columbia, who on reasonable and probable grounds believes that (name of person restrained) is in breach of the terms of this order shall immediately arrest that person and bring him/her before this court on the next court day following the arrest, to be dealt with on an inquiry to determine whether he/she has committed a breach of the order.
15. 1.
- The power to arrest in circumstances where grounds exist to believe that a breach of the conditions of the Order occurred, is mandatory.
15. 2.
- The power to arrest is derived from the existence of the mandatory peace officer clause in the Order itself, the form which is dictated by the Supreme Court Rules.
15. 2. 1.
- This clause does not give police the power to release someone they have arrested for being in breach of the Order, but requires that the person be brought before the Supreme Court.
15. 2. 2.
- This is problematic in many regions where the Supreme Court does not sit regularly.
15. 2. 3.
- Although not provided for under the Supreme Court Rules, a **practice** has developed over the years in British Columbia whereby the Attorney General of B.C. and the Courts have accepted that the police may release a person arrested for violating such an Order on a Promise to Appear.
15. 2. 3. 1.
- Members may choose to bring the arrested person before the courts or release them depending on the circumstances ensuring that the appearance date is the next Supreme Court sitting day following the arrest.
15. 2. 3. 2.

15. 3. Members shall ensure that the victim is advised of the arrest and instruct the victim to advise their legal counsel of the arrest and the circumstances that lead up to the arrest.

15. 3. 1. If the subject is released, advise of the appearance date.

The form of Provincial Court restraining Orders also includes a peace officer clause that indicates "the police **MAY** arrest". Please see (WordPerfect Template - PFA 098) for example of Provincial Court Restraining Order.

15. 4.

15. 4. 1. The extent of the arrest powers are outlined in the restraining Order form itself.

Section 81 of the [Family Relations Act](#) makes it an offence to breach a restraining Order under the Act.

15. 5.

The B.C. [Offence Act](#) provides that an offence created under an enactment is punishable on summary conviction and incorporates the arrest provisions in the [Criminal Code](#) .

15. 5. 1.

Amended: 2004-08-26 Moved from IV.1: 2004-05-20

#### Related Links:

["E" Div. OM I.1.F. Victim Service Program](#) ["E" Div. OM II.1. Victim Assistance](#) ["E" Div. II.1.P. Victim Impact Statement](#) ["E" Div. OM IV.1.P. Criminal Harassment](#) ["E" Div. OM II.4.H. Protection Order Registry](#) ["E" Div. Ops. Man. II.12. Search and Seizure](#)

#### References:

[Attorney General's VAWIR policy](#) [Child, Family and Community Service Act](#) [Criminal Code](#) [Family Relations Act](#) [Identification of Criminals Act](#) [Offence Act](#) [Privacy Act](#) [Victims of Crime Act](#)