



IM31

INTIMATE PARTNER VIOLENCE

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POLICY

1. The Delta Police Department (Department) shall consider all complaints and reports of intimate partner violence a priority, including reported breaches of no-contact conditions of criminal orders, recognizances, and protection orders.
2. The Chief Constable shall provide procedures, pursuant to this Policy, regarding responding to and investigating intimate partner violence.

REASON FOR POLICY

3. To seek to ensure the safety of complainants, children, and others in cases of intimate partner violence.
4. To outline the responsibilities and necessary considerations of members regarding intimate partner violence cases.



RELATED POLICIES

- CS10 – Unbiased Policing & Vulnerable Persons
- CS30 – Victim Services
- CS32 – Protection of Children
- IM32 – Sexual Assault Investigations
- IM53 – Firearms Investigations
- IM54 – Court (Family & Civil) Orders

DEFINITIONS

5. For the purpose of this Policy, the following definitions will apply:

Intimate Partner: persons who are married, in a domestic partnership, or in a romantic or dating relationship; have a child in common; or have been intimately involved in some way.

Intimate Partner Violence: includes:

- a) physical or sexual assault against a current or former intimate partner; and
- b) criminal harassment, threats, coercion, 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.

PROCEDURES

Required Training

6. The Deputy Chief, Administration Bureau, shall ensure members complete all training required by British Columbia *Provincial Policing Standards* regarding intimate partner violence, including advanced training for specialty section members.

Receiving Reports of Intimate Partner Violence

7. In response to a report, made in-person or by phone, alleging intimate partner violence:
- a) a member is to be assigned to investigate;



- b) the complainant is not to be directed to return at another time, or to complete a written statement and return it later;
 - c) the timeliness of the complainant's report (e.g., several days after the event) does not lessen the severity of the incident and must not affect the police response; and
 - d) if the incident occurred in another police jurisdiction, the employee receiving the complaint shall ensure a referral to the correct police agency, as soon as practicable.
8. The Department E-Comm Liaison officer is to ensure that E-Comm SOPs reflect the need for call-takers, dispatchers, or other staff who take reports, to prioritize the safety of complainants.
9. Members shall attend all calls involving reports of intimate partner disputes or violence, including:
- a) calls that are disconnected;
 - b) situations where the caller indicates police are no longer required, as the dispute has been resolved while on the phone; and
 - c) situations where the caller requests to cancel the complaint in a follow-up call, prior to police attendance.
10. Victim Services shall be contacted at the earliest opportunity, and victims shall also be advised that they can expect a Victim Services Support Worker to contact them.
11. All employees shall seek to ensure the dignity and safety of the victim and recognize the sensitive nature of their reported incident.

Investigation

12. The investigation process shall not be biased against the complainant based on the following factors:
- a) relationship status, gender identity, sexual orientation, socioeconomic status, ethnicity, or race of the suspect/victim;
 - b) co-habitation of suspect and victim at the same premises;



- c) denial by either party that the violence occurred or assurances that the violence will cease;
 - d) preference by the complainant that no arrest be made or that they will not proceed to prosecution;
 - e) history and nature of past calls for service and complaints made by the complainant;
 - f) lack of visible injuries; and
 - g) intoxication or drug use by the complainant.
13. Investigating members are responsible for:
- a) considering the following risk factors:
 - i) relationship history – current status of relationship, escalation of abuse, children exposed, threats, sexual assault, strangling/choking/biting, stalking, marginalization and cultural factors,
 - ii) complainant's perceptions of risk – perception of personal safety or future violence,
 - iii) suspect history – previous intimate/criminal violence history, court order, drugs/alcohol, mental illness, employment instability, suicidal ideation, or
 - iv) access to weapons/firearms – used/threatened or access to;
 - b) contacting their supervisor or the Vulnerable Sector Unit in high risk situations;
 - c) taking detailed notes, obtaining 911 audio, conducting interviews, taking photographs, and conducting video canvas of the scene, otherwise documenting injuries, and seeking to obtain medical records;
 - d) completing the required template ('Domestic Violence Risk Assessment') and Safety Plan in PRIME;
 - e) marking the file with the 'K' Study Flag;



- f) providing a report to Crown Counsel with a complete written record, even if the victim is reluctant to cooperate; and
 - g) providing the complainant with the member's name, the investigation case number, and follow-up services contact numbers.
14. Supervisors are responsible for:
- a) reviewing each reported incident of intimate partner violence prior to disposition of the accused by remand or release, and regardless of whether an arrest was made;
 - b) reviewing member's decision when charges are or are not recommended; and
 - c) completing the required supervisor's checklist in PRIME.
15. Members shall consider requesting British Columbia Ambulance Services to attend the scene and examine a complainant who has been subjected to physical abuse.
16. The primary aggressor is the person who is the most dominant, and in determining who this is, members shall consider the following:
- a) who has superior physical strength, ability and means for assault and/or intimidation;
 - b) what is the history and pattern of abuse in the relationship and in previous relationships;
 - c) who suffered the most extensive physical injuries and/or emotional damage and who required treatment for injury or damage; and
 - d) are there defensive wounds?
17. When the persons allege mutual aggression, members shall:
- a) fully investigate to determine what happened, who is most vulnerable, and who, if anyone, should be arrested;
 - b) recognize that allegation of mutual aggression may be raised by the primary aggressor as a defense with respect to an assault against their partner; and



- c) attempt to determine the primary aggressor and seek to only arrest the primary aggressor.

Entry

18. Members may enter a dwelling without permission or judicial authority, and use necessary force to do so:
 - a) to locate a complainant or the caller of a disconnected 911 call, determine their reasons for making the call, ensure their safety within the dwelling or provide assistance as may be required (*R. v. Godoy*, S.C.C. 1999); or
 - b) if having reasonable grounds to suspect that entry is necessary to prevent imminent bodily harm or death to any person (*Criminal Code* s. 529.3(2)).
19. Ensuring the safety of a person possibly at risk may not in every case require entry into a dwelling, and members are to consider the adequacy and effectiveness of alternatives, such as engaging with the person outside of the dwelling.
20. A member entering a dwelling without permission, to ensure the safety of a person possibly at risk:
 - a) may only remain in the dwelling as long as is necessary to assure themselves of the person's safety;
 - b) may only search the dwelling if, and to the extent necessary to ensure the person's safety; and
 - c) will be expected to be able to articulate why entry into or a search of a dwelling was justified, and safety could not otherwise be ensured.

Suspect Departed Scene

21. When a suspect has departed the scene prior to police arrival, members shall assess the likelihood of the suspect's return and take steps to ensure the complainant's safety.
22. The responding member is to:
 - a) make, or request their supervisor to direct, immediate efforts to locate and arrest the suspect; and



- b) as soon as practicable, complete a Report to Crown Counsel requesting an arrest warrant and enter the suspect on CPIC as arrestable.

Children

- 23. As part of the initial investigation, the responding member shall determine whether there are children in the relationship, and if so:
 - a) determine if they were present during any of the reported incidents;
 - b) determine if they have been the victim of violence;
 - c) determine if a child is in immediate danger or a criminal offence against a child is suspected;
 - d) seek to determine if the suspect threatened to remove or harm the children as a tactic of control/intimidation;
 - e) contact the Ministry of Child and Family Development (MCFD) at 604-501-3237 (or after hours at 604-660-8180) to request their attendance; and
 - f) indicate (in the PRIME file) whether MCFD was contacted and the Report to Crown Counsel, including the date, time, and name of the MCFD social worker assigned to the case.
- 24. The investigating member is to ask the MCFD social worker to speak with the parent(s) and child, where practicable, and members shall make arrangements with the social worker regarding the child's safety, including, for example, returning the child to the complainant parent at a safe location, taking the child to a safe place identified by the complainant parent, or taking the child to another safe place.
- 25. If a situation affecting children is of an immediate serious nature and a MCFD social worker is not readily available, members may "take charge" of the children in accordance with the *Child, Family and Community Service Act*.
- 26. If children are out of the home when a police response occurs, the member, in consultation with the MCFD social worker, shall take steps to locate the children and ensure their safety.



27. When a criminal offence related to child abuse or neglect may have occurred, members shall ensure a thorough investigation into the allegations and the potential for charges, in collaboration with a MCFD social worker.

Firearms

28. The investigating member shall seek to determine if the suspect owns or has access to firearms and check the Canadian Firearms Registry, and, if firearms are present, shall seize the firearms (with or without warrant, including firearms-related certificates, licenses, permits and authorizations), regardless of whether the suspect has used/threatened to use them.
29. The member shall contact the Chief Firearms Officer of BC through the RCMP Firearms Unit – E Division at 1-800-731-4000 following any firearms seizures related to intimate partner violence investigations.
30. The member must consider taking each of the following actions if the suspect has or may have access to firearms, and take those actions that will most effectively restrict access to any firearms:
 - a) apply for parallel (to the substantive offence) *Criminal Code* Section 111 applications for firearms prohibitions, making a note on the substantive file that such an application is being made;
 - b) personally accompany the accused to seize firearms and all possession and acquisition licenses in cases when the term of a Form 11.1: Undertaking Given to a Peace Officer or Officer in Charge (*Criminal Code*) is to surrender such items;
 - c) release the suspect on recognizance with a firearms prohibition and certificate surrendering condition;
 - d) if releasing a suspect on bail with a firearms prohibition, ensure conditions require the accused to immediately surrender any firearms to police; and
 - e) forward information regarding the seized firearms to Crown counsel on an urgent basis. There is a 30-day time limit for commencing proceedings after which it is mandatory to return the firearms.



Breach of Conditions

31. All alleged breaches of conditions of criminal and civil orders require assessment, including those reported to police for investigation by bail supervisors/probation officers, and may result from direct or indirect contact with the complainant or others with whom contact is restricted.
32. When a breach relates to an existing order in an intimate partner violence case, members shall hold the accused for court and notify the complainant.
33. Members shall share all relevant information regarding the breach (including risk assessment information) with bail supervisors/probation officers and appropriate contacts at MCFD.
34. If the accused is on bail and has breached any associated conditions, or if there are reasonable grounds to believe the accused will commit an indictable offence, the accused is to be arrested and remand sought (with the onus then being on the accused to justify their release (*Criminal Code* s. 524 or 516(1))).
35. If the terms of an order under the *Child, Family and Community Service Act* or the *Family Law Act* conflict with those of a criminal court order, the more restrictive terms of the criminal court order are paramount.
36. The *Child, Family and Community Service Act* or the *Family Law Act* order terms are not superseded by the criminal court order, but continue to be in effect, and any no contact provisions regarding the children remain in effect.

Arrest, Charges & Notification

37. After arresting a suspect, a member may take the following actions:
 - a) release on appearance notice or summons, if the member is satisfied the accused poses no risk of violence or intimidation to the complainant or witnesses; and
 - b) release on conditions, which may include:
 - i) no communication, directly or indirectly, with any complainant, children, witnesses, or other person identified,
 - ii) no attendance at the complainant's residence, place of work, the children's school/daycare, or other place where the accused knows that people named in any non-communication



- order could be found (caution shall be exercised to avoid providing the accused with unknown information regarding the whereabouts of a victim/witness),
- iii) reporting to a bail supervisor at a designated location at specified times and as directed thereafter by the bail supervisor;
 - iv) no firearms, surrender firearms in their possession, and surrender authorizations, licenses, and registration certificates to acquire or possess firearms,
 - v) abstain from consuming alcohol and drugs, and
 - vi) comply with other conditions that the member considers necessary to ensure the safety and security of the complainant or witnesses.
38. When a member determines that an arrested suspect is to be released, the member must complete *Criminal Code* Form 10: Undertaking and:
- a) enter the form into PRIME/CPIC, and update any changes to conditions;
 - b) share the form with the bail supervisor, if applicable;
 - c) complete and submit a Report to Crown counsel; and
 - d) forward the same to the Protection Order Registry.
39. Prior to the release of an accused by a member, the member or their Sergeant shall notify the complainant of the release and explain the conditions, and if the accused appears before a judge or Justice of the Peace and is released with or without conditions, the complainant shall be notified by the on-duty Staff Sergeant or Victim Services.
40. A hard copy of the Undertaking to Appear (UTA) is to be provided to the complainant as soon as practicable, and if the UTA is cancelled, the complainant shall be notified.
41. When evidence indicates that an offence occurred, members shall:
- a) submit a report to Crown counsel recommending a charge, regardless of present injuries or a complainant's desire to lay charges and/or



- testify in a criminal prosecution;
- b) complete a report even if the complainant does not provide a statement, but shall attempt a follow-up at a later date; and
 - c) submit all recommendations for charges, as soon as practicable and within 24 hours for warrant requests.
42. When evidence does not support charges, but a complainant reasonably fears for their safety or the safety of their children, the investigating member shall:
- a) submit a Report to Crown counsel recommending that an application be made for a recognizance (Peace Bond);
 - b) immediately inform the complainant that police are required to complete a Report to Crown counsel and will swear information on the complainant's behalf; and
 - c) seek a warrant for the arrest of the suspect when the danger to the complainant is immediate, but grounds for charges do not exist.
43. The investigating member shall, if practicable, monitor future safety concerns about the complainant, including:
- a) seeking to ensure the suspect's compliance with conditions;
 - b) confirming and evaluating the status of safety planning;
 - c) reassess the risk and new or changing circumstances, where applicable, and communicate the same to MCFD and corrections staff; and
 - d) confer with the Vulnerable Sector Unit on all matters associated to significant incidents of violence or threats of violence.

Show Cause Hearing

44. In all cases where the member determines there is a significant risk of violence, they shall hold the accused for a bail or adjournment hearing, unless the member believes the risk factors can be otherwise effectively managed.
45. If a member releases an accused on conditions, the member shall:



- a) seek to ensure the conditions include that the person report to a bail supervisor upon release;
 - b) immediately provide the B.C. Protection Order Registry with relevant documentation; and
 - c) in cases where children are present, notify the MCFD social worker of the release and conditions.
46. If a member determines more time is required to investigate and determine whether a suspect needs to be detained for the safety of the complainant or the public:
- a) Crown Counsel may apply to the court to adjourn the show cause hearing for up to three days (*Criminal Code* s. 516);
 - b) the member shall clearly articulate the investigative steps already taken to assess safety concerns; and
 - c) the member may be required to explain the necessary steps to obtain the required information, should the adjournment be granted.

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