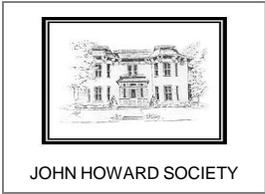




ONTARIO
OFFICE OF THE
CROWN ATTORNEY



DOMESTIC VIOLENCE RESPONSE PROTOCOL

FOR THE
PETERBOROUGH
REGION

Peterborough Domestic Abuse Network
October 2007

FUNDED BY THE MINISTRY OF COMMUNITY AND SOCIAL SERVICES



ONTARIO
PROBATION & PAROLE
SERVICES

ROC
RURAL OUTREACH
CENTRE

ONTARIO
VICTIM/WITNESS
ASSISTANCE PROGRAM



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APPENDIX A: BAIL VICTIM NOTIFICATION PROTOCOL

1.0 PROTOCOL AGENCY REPRESENTATIVES

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- ◆ **Anishinabek Police Service, Curve Lake Detachment**
1024 Mississauga Street, Curve Lake, Ontario K0L 1R0
Phone: 705-657-8892; Fax: 705-657-8429
Representative: Sergeant Kim Coppaway
E-mail: kcoppaway@apscops.org

- ◆ **Crown Attorney Office – Peterborough County**
270 George Street North, 2nd Fl., Box G, Peterborough, Ontario K9J 3H1
Phone: 705-755-5360; Fax: 705-755-5365
Representative: Brian Gilkinson, Crown Attorney
E-mail: BrianW.Gilkinson@ontario.ca

- ◆ **Hiawatha First Nation**
123 Paudash Street, R.R.2, Keene, Ontario K0L 2G0
Phone: 705-295-4423; Fax: 705-295-4424
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E-mail: derek.couchie@ontario.ca

- ◆ **John Howard Society**
305 Stewart Street, Peterborough, Ontario K9J 3N2
Phone: 705-743-8331; Fax: 705-743-8340
Representative: Barb Bird
E-mail: bbird@jhsptbo.com

- ◆ **Kawartha-Haliburton Children’s Aid Society**
1100 Chemong Road, Peterborough, Ontario K9H 7S2
Phone: 705-743-9751; Fax: 705-743-7858
Representative: Laura Quibell
E-mail: laura.quibell@khas.on.ca

- ◆ **Peterborough Lakefield Community Police Service**
500 Water Street, Box 2050, Peterborough, Ontario K9J 7Y4
Phone: 705-876-1122 (Administration); Fax: 705-743-1540
Representative: Sergeant Marilyn Gandy
E-mail: mgandy@peterborough.ca
Representative: Lesley Harries-Jones, Victim Services Co-ordinator
E-mail: lharries-jones@peterborough.ca

- ◆ **Peterborough County Detachment, Ontario Provincial Police**
 453 Lansdowne St. E., Peterborough, Ontario K9J 6Z6
 Phone: 1-888-310-1122 (Calls for service)
 Local Inquiry: 705-742-0401; Fax 705-742-9247
 Representative: Constable Anne Marie Chappell
 E-mail: annemarie.chappell@ontario.ca

- ◆ **Peterborough/Northumberland Victim Services/Support Link**
 453 Lansdowne St. E., Peterborough, Ontario K9J 6Z6
 Phone: 705-748-0324 or 1-888-822-7729; Fax 705-748-5452
 Cobourg: 905-372-2255
 Representative: Madge Ferguson
 Email: support@vcars.on.ca

- ◆ **Probation and Parole Services – Peterborough**
 223 Alymer St. N., Unit 2, Peterborough, Ontario K9J 3K3
 Phone: 705-745-1929; Fax: 705-745-1973
 Representative: Joe Woodgate
 E-mail: joe.woodgate@ontario.ca

- ◆ **Rural Outreach Centre (ROC)**
 2760 Deramore Road, R.R.1, Lakefield, Ontario K0L 2H0
 Phone: 705-657-2232; Fax: 705-657-3621
 Representative: Rev. Cathy Stone
 E-mail: roc@nexicom.net

- ◆ **Sexual Assault / Domestic Violence Treatment Program (SA/DV)**
 Peterborough Regional Health Centre
 Women’s Health Care Centre
 157 Charlotte Street, Peterborough, Ontario K9J 2T7
 Phone: 705-743-4132 or 1-800-419-3111; Fax: 705-743-6577
 Representative: Bobbi Martin-Haw
 E-mail: bmartin-@prhc.on.ca

- ◆ **Victim/Witness Assistance Program (V/WAP)**
 Ministry of the Attorney General
 311 George St. North, Peterborough, Ontario K9J 3H3
 Phone: 705-755 5150; Fax: 705-755-5155
 Representative: Janet Duke
 E-mail: janet.duke@ontario.ca

- ◆ **YWCA of Peterborough, Victoria and Haliburton**
 216 Simcoe Street, Peterborough, Ontario K9H 2H7
 Phone: 705-743-3526; Fax: 705-745-4654
 Representative: Kathryn Waugh
 E-mail: kwaugh@ywcapeterborough.org

2.0 SIGNATORIES TO THE PROTOCOL



Wanda McIvor, Executive Coordinator
Anishinaabe Kwewag Gamig Inc.



Sergeant Kim Coppaway
Anishinabek Police Service, Curve Lake Detachment



Brian Gilkinson, Crown Attorney
Crown Attorney Office: Peterborough County



Hugh Nicholson, Executive Director
Kawartha-Haliburton Children's Aid Society



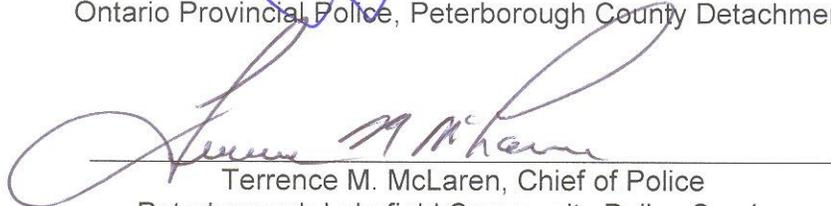
Laurie Carr, Chief
Hiawatha First Nation



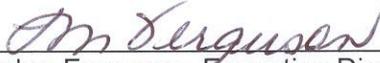
Kathy Neill, Executive Director
John Howard Society of Peterborough



Mike Johnston, Detachment Commander
Ontario Provincial Police, Peterborough County Detachment



Terrence M. McLaren, Chief of Police
Peterborough Lakefield Community Police Service



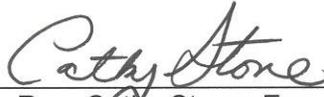
Madge Ferguson, Executive Director
Peterborough/Northumberland Victim Services & Support Link



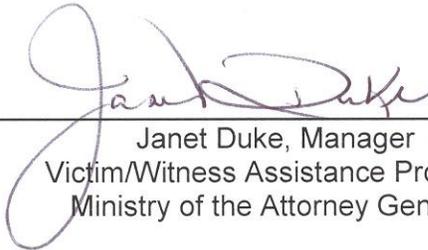
Rita McCann
Director, Women's and Children's Services
Peterborough Regional Health Centre



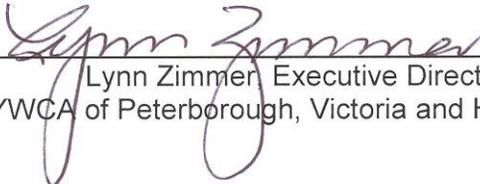
Joe Woodgate, Area Manager
Probation and Parole Services - Peterborough



Rev. Cathy Stone, Executive Director
Rural Outreach Centre



Janet Duke, Manager
Victim/Witness Assistance Program
Ministry of the Attorney General



Lynn Zimmer, Executive Director
YWCA of Peterborough, Victoria and Haliburton

Original copy signed:
Revised copy signed:

October 23, 2007

3.0 DOMESTIC VIOLENCE PROTOCOL HISTORY

3.1 History of DART/PDAN

In June of 1999, the Education Committee of the Peterborough Regional Health Centre initiated a community forum to deal with the issue of domestic violence. A committee was formed, called the “Community Response to Domestic Violence”.

In January 2000, the committee began to explore the possibility of becoming a Domestic Assault Response Team (DART). Protocols from across the province were reviewed and Maureen Ruddell (Windsor Police Service) did an ‘inservice’ training for members. Video cameras were subsequently purchased for both city and county police services and, in October of the same year, Daniel Mark (Ministry of the Attorney General) introduced the committee to the concept of Domestic Violence Courts.

In January 2001, the John Howard Society received a grant to hire a coordinator to assist the committee. Terms of Reference from various DARTs across the province were collected, and the members of the committee signed a ‘Declaration of Commitment’. An Education Committee was formed with a focus on training members of the judiciary and Justices of the Peace. In the spring of 2002, case presentations began. The following year, Crowns attended a meeting to discuss D.V. courts and the Partner Assault Response (PAR) Program. In 2004, a successful grant application enabled the group to hire a co-ordinator to oversee and carry out the committee’s work, including organizing a training event and implementing a ‘messaging’ campaign.

Participation in a visioning exercise in 2005 led the group to adopt both a new name and a newly revised mission statement. DART became the Peterborough Domestic Abuse Network (PDAN). Its mission is “to promote healthy relationships and end domestic and relationship abuse in Peterborough City and County”. It carries out its mission through various activities, including education, advocacy, training and case presentations. Membership in PDAN is open to any organization that supports its mission.

3.2 Domestic Violence Justice Strategy

At the provincial level, a Domestic Violence Justice Strategy was created in 1999. Led by the Ministry of the Attorney General and the former Ministry of the Solicitor General (now Community Safety and Correctional Services), a comprehensive five-year strategy was developed to address domestic violence issues. Also involved were the Ministries of Correctional Services; Citizenship, Culture and Recreation, and the Ontario Women’s Directorate. This province-wide response to domestic violence provided a framework for the various Ministries to formulate standards and policies into a co-ordinated and comprehensive system. Its main goals were to intervene early and to effectively prosecute offenders while supporting victims.

3.3 Domestic Violence Action Plan

In 2004, the Government of Ontario announced the Domestic Violence Action Plan (DVAP) as a follow-up to the Justice Strategy. A four-year plan that involves 13 provincial Ministries as well as various community organizations, DVAP is intended to better protect and support women and children in the short term and reduce domestic violence over the long term. It includes better community supports, training, education

and improvements to the justice system. The Ministry of Community and Social Services is supporting several initiatives, including efforts to strengthen local community services for victims of domestic violence through increased coordination and collaboration. The establishment of Domestic Violence Community Coordination Committees are one of the specific actions being undertaken by various communities across the province as part of the DVAP.

It is apparent that the community of Peterborough currently has a strong network of service providers working with victims of domestic violence. To further enhance local collaborative efforts, the Peterborough Domestic Abuse Network agreed that it would be beneficial to develop a Domestic Violence Response Protocol for the region. The Sudbury Domestic Violence Protocol was used as a template for this document. Work on this protocol began in the fall of 2006.

4.0 PURPOSE OF THIS PROTOCOL

The purpose of this protocol is to clarify and formalize current practices among first response service providers who are dealing with domestic violence in order to ensure a consistent and co-ordinated response that enhances victim safety. This protocol is not intended to specifically address incidents of sexual assault. A separate protocol – *Sexual Assault Response Protocol for Peterborough Region, October 2007* – should be referred to for incidents involving sexual assault. It should also be noted that, beyond the first response service providers included in this document, there are various other services available to victims of domestic violence in the Peterborough community (see www.fourinfo.com).

5.0 STATEMENT OF PRINCIPLES

1. It is a basic human right for all individuals to live their lives with respect and without violence.
2. Although both men and women can be the victims of domestic violence, the overwhelming majority of this violence involves men abusing women.
3. Domestic violence is not a loss of control; it is a calculated exercise of power and control.
4. Domestic violence is a crime that without intervention can increase in severity and frequency; victims are often caught in a recurring cycle of violence.
5. All victims of domestic violence have a right to be safe, to be heard, to have choices, to be empowered and to be supported by the community.
6. All victims should be treated with courtesy, compassion and respect for their personal dignity and privacy.
7. Although domestic violence impacts on all members of the family, children are especially vulnerable and can suffer long term effects from exposure to violence.
8. Preventing domestic violence is everyone's responsibility.

9. The offender is responsible for the domestic violence, and needs to be held accountable and responsible for his behaviour.
10. Domestic violence affects the whole community.

6.0 DEFINITION OF DOMESTIC VIOLENCE

For the purposes of this protocol, we have adopted the former Office of the Solicitor General's (now the Ministry of Community Safety and Correctional Services) definition of domestic violence:

Domestic violence is any use of physical or sexual force, actual or threatened, in an intimate relationship, including emotional/psychological abuse or harassing behaviour. Although both women and men can be victims of domestic violence, the overwhelming majority of this violence involves men abusing women. Intimate relationships include those between the opposite-sex and same-sex partners. These relationships vary in duration and legal formality, and include current and former dating, common-law and married couples. Criminal Code offences include, but are not limited to homicide, assault, sexual assault, threatening death or bodily harm, forcible confinement, harassment/stalking, abduction, breaches of court orders and property-related offences.

These crimes are often committed in a context where there is a pattern of assaultive and/or controlling behaviour. This violence may include physical assault, and emotional, psychological and sexual abuse. It can include threats to harm children, other family members, pets and property. The violence is used to intimidate, humiliate or frighten victims, or to make them powerless. Domestic violence may include a single act of abuse. It may also include a number of acts that may appear minor or trivial when viewed in isolation, but collectively form a pattern that amounts to abuse.

Domestic violence puts children directly and/or indirectly at risk of physical harm. Violence in the family has a severe emotional impact on children. It severely compromises their well-being and development, and exposure to domestic violence is a form of emotional maltreatment.

7.0 CONFIDENTIALITY

Each service provider has their own policy around the issue of confidentiality to which they must strictly adhere. It is up to each service provider to be aware of their own procedures of confidentiality and disclosure obligations, and to inform victims of these practices, policies and procedures. Efforts to maintain confidentiality should be guided by the utmost respect for the victim/survivor.

The duty to report a child in need of protection is a legal obligation. If a person including a person who performs professional or official duties with respect to children, has reasonable grounds to suspect that a child is or may be in need of protection, the person must promptly report the suspicion and the information upon which it is based to a Children's Aid Society.

The professional must report that a child is or may be in need of protection even when the information is supposed to be confidential or privileged.

8.0 DOMESTIC VIOLENCE COURT PROCESS

The specialized Domestic Violence Court Process is one initiative of the Domestic Violence Justice Strategy, whose objective is to establish a more co-ordinated and integrated response to domestic violence by the justice system.

8.1 Vision

In Ontario, domestic violence is criminal and will not be viewed as a “private matter.” The safety and needs of victims are a priority from the initial contact with police to the conclusion of the case. Charges of domestic violence are prosecuted swiftly, effectively, and consistently. Specially trained personnel – police, Crown Attorneys, Victim/Witness Assistance Program staff, Probation Services staff, Partner Assault Response program staff and community agencies – work together to deliver co-ordinated services that are tailored to the needs of the victim.

8.2 Domestic Violence Court Process Model

The specialized domestic violence court process does not change or impact whatsoever the rights of the accused – including the right to be presumed innocent until proven guilty beyond a reasonable doubt. It does not alter a Crown Attorney’s discretion or obligation to assess whether there is a reasonable prospect of conviction, nor does it alter the functions, powers or impartiality of the judiciary. The Domestic Violence Court process, initiated in Peterborough in October 2003, incorporated both the early intervention and the co-ordinated prosecution components.

8.3 Early Intervention Component

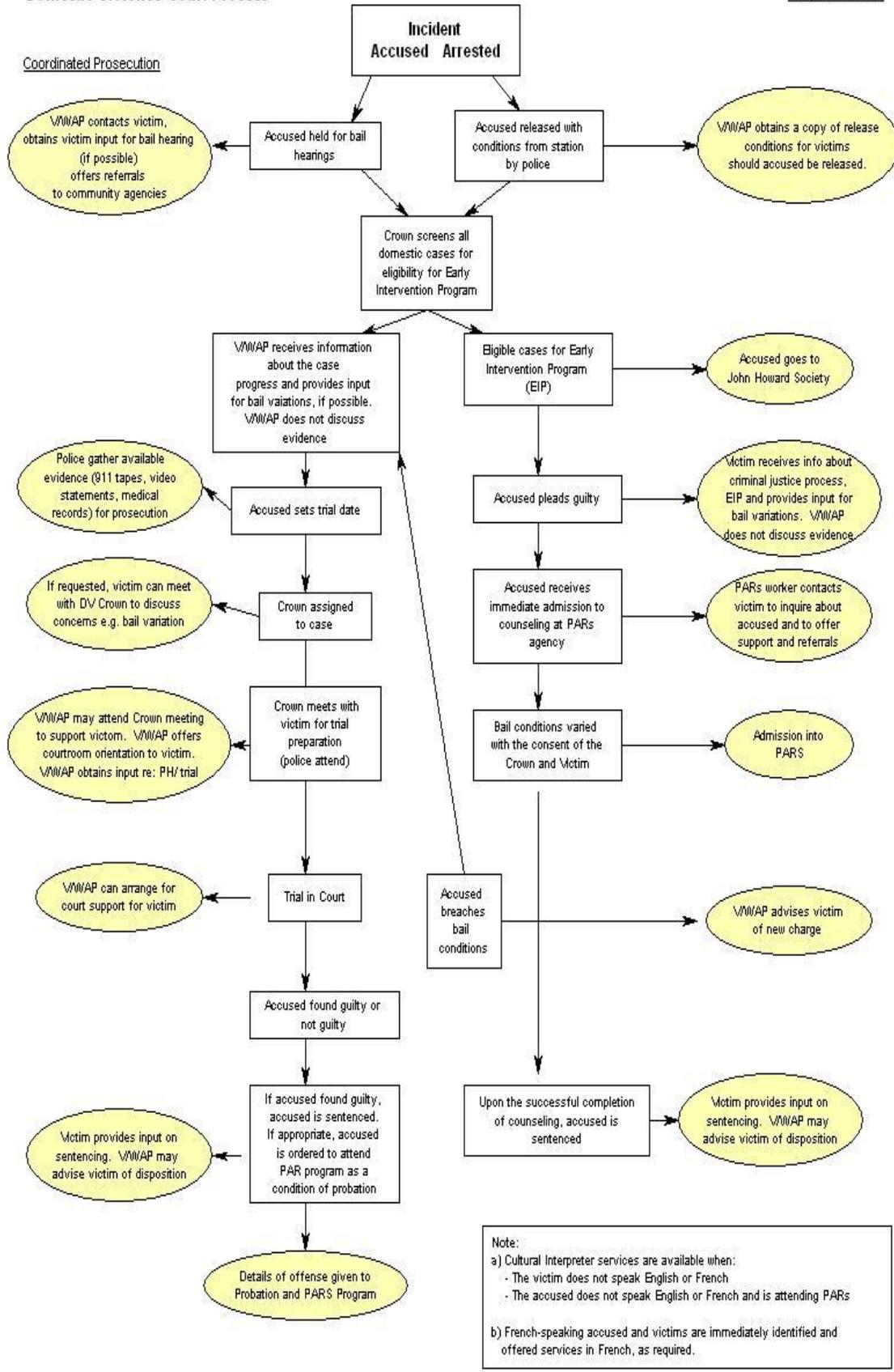
The early intervention component is designed for first-time offenders where no injury occurred, no weapon was used, and no significant harm was caused to the victim. The accused receives early attention designed to break the cycle of violence and the victim receives ongoing support and information in the following ways:

- Eligible first offenders can agree to plead guilty and receive counselling through the Partner Assault Response (PAR) program to address their abusive behaviour. Their bail conditions are varied and if the accused successfully completes the program they receive a conditional discharge.

Victims are offered ongoing information and support from the Victim/Witness Assistance Program. The partner support worker from the PAR program also contacts the victim to give ongoing support and to discuss the offender's behaviour while he/she is attending for the duration of the program.

Domestic Violence Court Process

Early Intervention



Note:

a) Cultural Interpreter services are available when:

- The victim does not speak English or French
- The accused does not speak English or French and is attending PARS

b) French-speaking accused and victims are immediately identified and offered services in French, as required.

8.4 Co-ordinated Prosecution Component

The co-ordinated prosecution component is designed for cases not meeting the criteria for the Early Intervention component. When the accused chooses to plead not guilty, the specially trained team of police and Crown counsel work together to provide accountability and consistency in dealing with these cases in the following ways:

- Crowns can be assigned to these cases early and follow them through to final disposition. This minimizes the number of Crowns with whom the victim must meet;
- When the case goes to trial all admissible evidence is presented, such as 911 tapes, photos, videotaped statements and medical records;
- Victims are offered early and ongoing information and support from VWAP staff;
- If found guilty the offender can be ordered to receive counselling through the PAR Program to address the abusive behaviour. The partner support worker from the PAR Program contacts the victim to give ongoing support, to develop a safety plan, and to provide community resources to the victim and her children. The progress of the offender's behaviour while participating in the PAR program is also monitored through contact with the victim.

8.5 Local Initiative – HART: High Risk Action Review Team

HART is a process for the relevant investigative, enforcement and prosecution agencies to provide a co-ordinated response to high-risk domestic violence cases where there exists a particularly high risk to the victim(s) or other persons. The team works collectively to enhance the safety of the victims and their children and increase offender accountability. HART is conducted via teleconference to facilitate easy and regular participation of all justice parties as well as other relevant agencies.

High Risk Inclusion Criteria:

High risk is defined as a case in which, after reviewing the facts, the offender/abuser is seen as posing a particularly high threat of causing serious bodily harm, or death to a particular victim or victims. In determining whether HART will review a particular case, the criteria will be reviewed by the Assessment Team composed of:

- the Crown Attorney;
- the manager of the Victim Witness Assistance Program;
- the police service that is involved (OPP/PLCPS).

In order for the case to be reviewed by HART, charges MUST have been laid, and:

- charges are still outstanding before the courts, or
- the case must have been recently completed by the court, or
- the sentence is currently being served, or
- the offender is about to be released from custody (either on bail or following the completion of a sentence) and the team receives information that indicates the risk remains or has become high.

Any agency working with a victim who learns of information that risk remains or has become high, may suggest the case be reviewed by HART. Referrals are directed to the Manager of the Victim Witness Assistance Program.

9.0 ROLE OF THE POLICE

The Peterborough area is served primarily by two police services. The Peterborough Lakefield Community Police Service responds to incidents within the City of Peterborough and in the Village of Lakefield. The Peterborough Detachment of the Ontario Provincial Police (OPP) is responsible for incidents occurring within the County of Peterborough. In addition to these agencies, the Curve Lake and Hiawatha First Nations have their own police services and work in close association with the OPP. The Anishinabek Police Service is responsible for incidents occurring on the Curve Lake First Nation, while the Hiawatha Police Service looks after incidents that occur on Hiawatha First Nation and Serpent Mounds Park.

The police response to domestic violence is based on the individual police policies and the regulations and guidelines of the Adequacy and Effectiveness of Police Services (Ontario Regulation 3/99, Police Services Act).

It should be noted that, on occasion, there are operational considerations that may preclude the police from following this protocol e.g. where an officer makes a decision drawing on their inherent ability to exercise their own discretion in criminal matters.

9.1 Initial Response

Generally, the first contact that a victim of domestic violence has with the police is through the Communications Centre. The Communicator taking the call will, where circumstances allow, obtain comprehensive information from the caller so that it can be relayed to responding officers in order to safeguard the victim and the officers. On occasion, it may be necessary for the Communicator to put the caller on hold while information is relayed to responding officers or other emergency services. If this occurs, an explanation will be provided to the caller.

Where circumstances warrant, officers are deployed to all complaints of domestic violence including situations where the call is disconnected or someone asks to cancel the police response. Officers are also deployed where the initial complaint is received from a third party who may or may not identify themselves. Calls are dispatched in a priority sequence depending on the circumstances of the incident.

9.2 Investigation

Upon arrival at the scene, officers try to quickly separate the parties and if necessary assist anyone in obtaining medical treatment. Officers ensure that children are provided with appropriate support and not placed at any risk. Where required, the Children's Aid Society is contacted and asked to respond immediately. In cases where there is no imminent danger, the CAS is notified as soon as practicable and before the officers go off duty.

Officers gather and preserve evidence. Depending on the circumstances, this may include the taking of written or video/audio taped statements from the victim and other

witnesses. It may also include obtaining medical reports, photographs and recorded evidence such as the 9-1-1 call. A Domestic Violence Supplementary Report is a tool used to assist officers and their supervisors in managing domestic violence investigations and identifying risk factors that may exist. The report is completed for every domestic violence incident where charges are laid, and is attached to the Show Cause/Crown Brief Report for consideration by the Crown Attorney.

Assistance may be required from other investigative bodies within the organizations for threat assessment and case review/management in response to high risk cases (i.e. “where there is a concern for victim safety and/or the repetition of the incident, and/or any history of violence”.)

Where the services of an interpreter are required, an interpreter who is independent of the victim and the accused should be utilized. Children, relatives and neighbours should not be used as interpreters unless it is to inform the parties that an interpreter will be obtained.

9.3 Charges and Arrest

Where officers have reasonable grounds to believe that a criminal offence has been committed a charge will be laid. While there are a wide variety of criminal offences that may apply, the most common include various levels of assault, threatening and harassment. In addition, there are property offences that may be applicable such as breaking and entering and mischief. Officers will lay charges where there are grounds to believe a person has breached a condition of bail, parole, probation or a peace bond in relation to a criminal offence stemming from a domestic violence occurrence.

Charges may also be laid where reasonable grounds exist that there has been a contravention of a valid order under the Family Law Act or Children’s Law Reform Act.

Where a decision has been made to lay a charge and the suspect cannot be located, an arrest warrant for the accused will be obtained as soon as practicable and every effort will be made to locate and apprehend the suspect through a continuous chain of active follow-up. In cases where there are not reasonable grounds for charges, officers may advise the victim of other avenues of assistance to them and should submit a report reflecting what occurred and referrals provided.

9.4 Post Arrest: Dealing with the Accused

Once an arrest has been made, officers should turn their attention to the issue of whether the accused should be detained in custody for the purposes of a bail hearing or released back into the community with conditions while waiting for the conclusion of the court case. Factors that may be considered are the likelihood that the accused will appear for his trial if released, the background of the accused, the circumstances of the offence, the use or possession of weapons and firearms, and any past history of violence towards the victim or others. Of course, in making this decision, the officers will refer to the Domestic Violence Supplementary Report and will have particular concern for the safety of the victim, the victim’s family, and other members of the public.

When an accused is on probation or parole, the officer should consider notifying the probation or parole officer of the new charges.

Sometimes an Officer in Charge determines an accused may be released from the police station on an undertaking with conditions that are intended to ensure court attendance and public safety. When possible, the victim's input regarding these conditions should be considered. Where appropriate, a condition may allow the accused to attend at the residence on one occasion in the company of a police officer to retrieve his personal belongings only. **When an accused has a condition prohibiting such attendance, the condition must be changed in court prior to police attending.**

If the accused is not released, officers will process the accused to bail court where the Crown Attorney is apprised of all of the circumstances. The issue of the accused's pre-trial detention or release is then addressed in court. This process is outlined more fully in the section of this protocol entitled "The Role of the Crown Attorney."

Once the issue of the accused's pre-trial detention or release has been determined, every effort is made to contact the victim to advise of the decision in accordance with the Bail Notification Protocol (see Appendix A).

9.5 Post Arrest: Assisting the Victim

Officers appreciate that most victims are unfamiliar with the criminal law process and with services that are available in our community to help them. Officers may refer the victim to appropriate community/social agencies whether charges are laid or not. Officers will advise the victim of her right to submit a victim impact statement to the Court upon a conviction.

When appropriate, the victim will be encouraged to attend the Sexual Assault/Domestic Violence Treatment Program at the Peterborough Regional Health Centre for medical attention and follow-up services. Efforts will be made to address issues surrounding the victim's safety, including safety planning and possibly arranging for transportation to a shelter or other place of safety, such as the home of a friend or relative.

When required, officers will attend the residence to ensure a peaceful entry if the victim returns to take possession of personal belongings. If peaceful entry cannot be achieved or the removal and/or ownership of property is contested, the officers may refer the parties to seek legal advice. Officers will remain as impartial observers and not assist with the physical removal of property, but will keep the peace and prevent a breach of the peace.

If the investigating officer is off duty when the victim requires information from the police, the Abuse Issues Officer (OPP) or the Victim Services Unit (PLCPS) can be contacted.

In all cases where domestic violence related charges have been laid, the Peterborough Lakefield Community Police will refer these occurrences to their Victim Services Unit who will provide the appropriate follow-up response to victims.

In all cases where domestic violence related charges have been laid, the Ontario Provincial Police will fax a copy of the crown brief synopsis and the Domestic Violence Supplementary Report (LE239) with the victim's current contact information to the Victim Witness Assistance Program manager at 755-5155, as soon as practicable.

9.6 Accountability/Complaints

Any concerns regarding an investigation conducted by the Peterborough Lakefield Community Police can be directed to the investigating officer or their supervisor (705-876-1122). Any concerns regarding an investigation conducted by the OPP can be directed to the investigating officer, the Abuse Issues Officer and/or to the Detective Sergeant (705-742-0401).

Any concerns regarding an investigation conducted by the Anishinabek Police Service can be directed to the investigating officer or their supervisor (705-657-8892). Any concerns regarding an investigation conducted by the Hiawatha Police Service can be directed to the investigating officer or their supervisor (705-295-4423). Any complaint of misconduct by an officer can be made to the officer in charge at the police service responsible for the investigation.

10.0 ROLE OF VICTIM SERVICES

The police recognize the importance of services that assist in establishing the security of persons through the provision of information, referrals and, if required, short term emotional support to victims of crime or tragic circumstances within our jurisdictions, thereby enabling them to receive further assistance from existing agencies.

The Victim Services Unit operates from within the Peterborough Lakefield Community Police Service to provide assistance to victims. The Peterborough/Northumberland Victim Services (Victim Crisis and Referral Service – VCARS) is a confidential community-based service and is used by the OPP to provide assistance to victims.

10.1 Victim Services Unit – Peterborough Lakefield Community Police Service

The Victim Services Unit Coordinator will review, assess and provide the appropriate follow up response to victims and their families, whether or not charges have been laid. The Unit may provide immediate on-scene crisis response, short term emotional support, justice system information and community resource referral within the City of Peterborough and the Village of Lakefield. While working to raise awareness as to the needs and concerns of victims, the Unit strongly recognizes the values of prevention and works within the community in order to reduce victimization.

The services of the Victim Services Unit are strictly voluntary so the victim can refuse any or all services offered to them.

10.1.1 Accountability/Complaints

Concerns about the service provided by the Victim Services Unit should be directed to the Divisional Commander of Support Services for resolution (705-876-1122).

10.2 Peterborough/Northumberland Victim Services (PNVS) and Support Link (S/L)

Peterborough/Northumberland Victim Services (PNVS) is a 24/7 crisis response service. On consent of the victim, police can call PNVS and a team of accredited crisis responders will attend, on-scene (or at another safe location), to assist the victim(s) of domestic abuse. This can include, but is not limited to:

- emotional support/de-escalation/information;
- transportation to a safe location;
- personal and environmental safety plan;
- transportation to obtain medical assistance, when it is safe for both the victim and crisis responders;
- assisting in obtaining practical needs;
- assisting with telephone calls;
- briefly explaining processes that may be taking place (duty to report to CAS, partner arrest/release, court, etc.);
- referrals to longer term community resources.

PNVS will ensure that if no one else has done so, the CAS and VWAP are notified. PNVS will follow up with the victim within 24 hours to ensure that all emotional and practical needs have been met. If for any reason the victim declines on-scene assistance, the police are requested to leave a PNVS & S/L card and advise the victim they may call 24/7 for support and/or referrals. PNVS can also provide accompaniment to legal appointments as well as criminal and civil court.

Police, community service providers, or the victim can refer to **Support Link (S/L)** for a more intensive safety plan which suits any specific needs of the victim, his/her children and their environment. As well, some victims may qualify for the use of a cellular telephone pre-programmed to dial 911 by hitting any numeric button. S/L will carry these clients as a caseload, updating safety plans as dynamics change for the victim (e.g. offender released, moved house, etc.). S/L also refers victims to longer term community resources. If for any reason the victim declines on-scene assistance, the police are requested to leave a PNVS & S/L card and advise the victim they may call for support and/or referrals. (Please note that S/L response is during business hours only. PNVS will assist with immediate/crisis needs.)

10.2.1 Accountability/Complaints

Concerns about the service provided by Peterborough/Northumberland Victim Services and/or Support Link must be directed to the Executive Director at 1-888-822-7729 for resolution.

11.0 ROLE OF THE CROWN ATTORNEY

11.1 Introduction

The responsibility for determining whether or not a criminal charge of domestic violence should be laid rests with the police. The responsibility for determining whether or not that charge should be prosecuted rests with the Crown Attorney. Charges of domestic violence will be prosecuted unless there is no reasonable prospect of conviction if it is deemed to be in the public interest. It will be in the vast majority of cases, but this needs special consideration in cases where dominant aggressor theory is relevant.

11.2 Bail Hearings

Where a person is charged with an offence of domestic violence and arrested by the police he is generally brought to Bail Court so that the question of his pretrial detention can be determined. The issue is whether he should be detained in custody or released back into the community with conditions while waiting for his trial.

The Crown Attorney is responsible for determining whether or not to seek detention or agree to a release with conditions. In exercising this discretion, the Crown will consider the circumstances of the offence, the background of the accused, the fears and concerns of the victim, the use or possession of weapons and firearms, and any past history of violence towards the victim or others. Of course, the Crown will have particular concern for the safety and protection of the victim, the victim's family, and other members of the public.

Where the Crown decides to seek pre-trial detention, the matter proceeds to a contested Bail Hearing before a Justice of the Peace where all of the relevant circumstances and concerns will be presented in evidence. The Justice of the Peace then determines whether the accused will be detained or released back into the community with conditions.

Where the Crown decides, at the outset, to agree to a release with conditions, all relevant circumstances and concerns will be explained to the Justice of the Peace together with suggested conditions of release. The Justice of the Peace then has the discretion to agree with the proposal and release the accused or disagree with the proposal and conduct a bail hearing.

Victims will be notified of the release of an offender and any associated conditions in accordance with the Bail Notification Protocol (see Appendix A). This protocol outlines the responsibility for victim notification in serious personal injury offences (which include domestics, sexual offences, child abuse) and other cases where there is a concern for the personal safety of the victim.

11.3 Screening

Once the question of bail is determined, the Crown Brief will be screened as soon after it is submitted by the police service to the Crown as is possible, generally on the day it is received. Screening refers to a general review of the Crown Brief to determine if there is a reasonable prospect of conviction and, if so, what sentence will be sought on an early plea of guilt. In determining what sentence will be sought, the Crown has three primary

sources of information; the Crown Brief, case law and the views of the victim as expressed either directly to the Office of the Crown Attorney or through the Victim Witness Assistance Program. The Crown will consider the circumstances of the offence, the background of the accused, the use or possession of weapons and firearms, any past history of violence towards the victim or others, and the fears and concerns of the victim. Again, the Crown will have particular concern for the safety and protection of the victim, the victim's family and other members of the public.

Sentencing options include:

- a discharge and probation with conditions;
- a suspended sentence and probation with conditions;
- a period of incarceration followed by probation with conditions;
- a period of incarceration alone.

Although a discharge and probation with conditions is viewed as an aggravating factor for any subsequent criminal behaviour that is dealt with by a Court, it is not strictly speaking a criminal record for other purposes such as employment. The same is not true of any other sentencing option where the Court's Order is viewed as a criminal record for all purposes.

It is to be noted that in most cases where the Crown is seeking a sentence that involves some form of a probation order, an effort is made to address rehabilitation of the accused through seeking a condition that requires him to attend the Partner Assault Response Program. Of particular interest in this regard, is the opportunity now being offered to the accused to enter an early plea of guilt and adjourn sentencing for several months while the accused attends the Partner Assault Response Program. If the Program is successfully completed, the Crown will recommend a conditional discharge and probation with whatever conditions are appropriate at that time. This option is only considered in cases where the offender has no previous conviction for violence, has not caused any significant injury or harm, and has not used a weapon.

11.4 Preparing for Trial

In cases where the accused wishes to contest the allegations, a date for trial is set and an individual Crown is assigned to prosecute the case. While it would be impossible to provide an exhaustive list of what is involved in preparing for trial, it would, at a minimum, involve being familiar with the case and meeting with the complainant and other witnesses.

11.5 Conducting the Trial

Once at trial the Crown will present all relevant and admissible evidence. The Trial Judge then has the responsibility of determining if the accused is guilty or not guilty. If there is a finding of guilt, the Crown will then determine what sentence to seek. If a victim impact statement has been prepared, it will be filed with the Court. Considerations that would have been looked at on an early plea of guilt will be reviewed again, together with the fact that the accused has now put the victim through the ordeal of a trial, and therefore does not enjoy the mitigating effect of a plea of guilty.

11.6 Accountability/Complaints

Concerns regarding the services of the Crown Attorney can be addressed to the Regional Director of the Ministry of the Attorney General (905-836-5624).

12.0 ROLE OF THE VICTIM WITNESS ASSISTANCE PROGRAM

12.1 Referral Sources

Victim/Witness Assistance Program staff receive referrals from the Crown's Office, police, and community agencies after charges have been laid. Victims may also refer themselves.

Victims/witnesses may be directed to the Victim/Witness Assistance Program through the police or Crown's Office.

Assistance to victims/witnesses who are also charged by the police e.g. dual charges or a privately laid information, may be offered services at the discretion of the VWAP Manager.

12.2 Contacting the Victim

VWAP staff will attempt to make telephone contact with victims as soon as possible following the arrest of the accused, recognizing the need for sensitivity with issues of confidentiality and the victim's safety.

In situations where the victim has not been contacted by telephone, VWAP staff will send a letter of introduction to the victim.

When appropriate, VWAP staff will arrange for cultural interpreters and translated letters of introduction will be used to facilitate contact with clients.

12.3 Providing Assistance to Clients

When providing assistance to clients, Victim/Witness Assistance Program staff will:

- inform the victim at the earliest opportunity of the Program's limitations regarding confidentiality, the Crown Policy concerning disclosure, and other reporting requirements as required by law;
- explain the role of the Victim/Witness Assistance Program;
- address the victim's immediate safety needs; undertake further discussion about safety according to the Program policy or refer the victim to an appropriate community agency to devise a comprehensive personal safety plan;
- assess the victim's needs for referral to community agencies or other support services and provide appropriate referrals; victims are provided/referred to the Victim Support Line and to the Criminal Injuries Compensation Board;

- provide the victim with information on the criminal justice process and case specific information;
- provide emotional support;
- refer the victim to the Investigating Officer or the Crown Attorney for inquiries regarding evidence;
- advocate on behalf of the victim with the Crown Attorney and police within the limits of the Ministry of the Attorney General policies;
- will endeavor to obtain input from victims regarding the accused's participating in the Early Intervention Program and input regarding bail conditions or variation of bail conditions;
- obtain a copy of the recognizance for the victim or advise the victim where to obtain a copy of the order;
- discuss options to maximize safety in the event of a breach or subsequent offences;
- discuss the seriousness of domestic violence, its dynamics and its effects on children, as appropriate;
- where possible, advise the victim of the outcome of the accused's request to have a bail review or a bail variation; if there is a variation, provide the victim with a copy of the new recognizance or advise her where to obtain a copy of the new order;
- upon receiving notification of a potential guilty plea, will try to contact the victim to advise her of the possible plea and seek input regarding safety concerns and other suggested conditions; VWAP staff will provide this input to the Crown Attorney;
- prior to Preliminary Hearing or a Trial, support victims by providing them with information about court, tips on testifying, and arrange for meeting with the Crown and victim;
- arrange for court accompaniment if required and may on some occasions provide court support, particularly when children have to testify;
- provide a link between the Crown Attorney's office, the victim and the criminal court system;
- advise the victim of her right to provide the court with a Victim Impact Statement as well as providing the actual document to the victim.

12.4 Accountability/Complaints

Complaints or concerns regarding the policies of VWAP, the services provided by VWAP, or the conduct of an employee(s) can be submitted to the Manager (705-755-5150). In the event that the victim/witness is not satisfied with the action taken or the resolution suggested by the Manager, she may contact the Central Regional Office of the Ontario Victim Services Secretariat (905-853-4852).

13.0 ROLE OF PROBATION AND PAROLE SERVICES

13.1 Introduction

Probation & Parole Services in Ontario are mandated and funded by the Ministry of Community Safety and Correctional Services, and must comply with the *Ministry of Correctional Services Act*, the *Provincial Offences Act*, and relevant Federal and Provincial legislation such as the *Young Offenders Act* and the *Family & Children's Services Act*. Probation and Parole works primarily with offenders providing the following services and supports:

- supervision and case management services to adult offenders who have been sentenced by the Court to a period of community supervision, such as probation or a conditional release;
- supervision of ex-inmates of provincial correctional facilities who are serving part of their sentence on parole in accordance with conditions and requirements identified by the Ontario Parole & Earned Release Board;
- preparation of Pre-sentence Reports to assist judges in determining sentences;
- pre-Parole Reports to assist the Ontario Parole & Earned Release Board with their decisions regarding parole releases.

Probation and Parole Services' involvement in partner abuse cases is guided and informed by a Ministry mandated, internal **Partner Abuse Protocol** designed to support an effective, accountable and consistent response to the issue of partner abuse by Probation & Parole Officers (PPOs) and area managers. More specifically, the two-pronged protocol addresses the supervision of perpetrators of partner abuse by PPOs and strategies for engaging with victims of partner abuse, and for supporting an integrated, coordinated approach to partner abuse among police services, the justice sector and community-based counselling programs and supports.

It is especially important that victims of partner abuse understand the following in relation to their involvement with Probation & Parole Services:

1. Probation & Parole Officers can NOT commit to protecting the confidentiality of any information the victim provides about the offender of the offence. Information shared for a court-ordered report, such as a Pre-sentencing Report, or a pre-parole report may be disclosed to the offender.
2. Probation & Parole Officers can NOT share any information about the offender's participation or progress in counselling programs, such as the Partner Assault Response Program (PAR Program), administered by the John Howard Society of Victoria & Haliburton, with the victim.

13.2 Overview of Specific Procedures and Services

The following is a brief overview of the specific procedures and responsibilities of Probation & Parole Services relevant to victims of partner abuse.

1. Contact and Communication with Victims
Probation & Parole Officers have three primary responsibilities in relation to victims:

- a) to provide information to the victim about the offender in accordance with policy and the law.
- b) to obtain information from the victim about the offender and the offence in accordance with policy.
- c) to provide appropriate referrals to the victim in response to identified needs.

More specifically, engagement with the victims of partner abuse is considered essential for the assessment, management and supervision of the offender and for effective report writing. Regular contact between Probation & Parole Services and victims gives the PPOs the opportunity to:

- corroborate offence information to assist with the assessment of risk;
- corroborate information provided by the offender during case supervision;
- develop a link with the victim for enforcement purposes in the event of subsequent incidents of violence; and
- facilitate the creation of a link between Corrections and the victim so that she can readily access information about the offender which will help her make more informed decisions relating to her personal safety.

Probation & Parole Officers CAN provide the following information about adult offenders to the victim:

- whether or not the offender is in custody and if so, the release date;
- whether or not the offender is on probation/parole or conditional sentence;
- the offender's parole eligibility date;
- standard conditions of probation/parole/conditional sentence order;
- additional condition(s) which specifically name the victim, such as a non-association condition; and
- the general geographic area in which the offender will reside after release from custody.

Probation & Parole Officers can NOT share any information about the offender's participation or progress in counselling programs, such as the Partner Assault Response Program, with the victim.

Probation & Parole Officers will REQUEST information from the victim when:

- gathering information for risk assessment and risk management purposes;
- preparing Pre-sentence Reports and Pre-Parole Reports; and
- when monitoring the offender for any indication of subsequent abusive behaviour or non-compliance with conditions specific to partner abuse issues.

Offenders are advised that the Probation & Parole Services maintain contact with the victim, the offender's current partner, and any other potential victims throughout the period of supervision.

13.3 Risk Assessment and Management

When working with offenders on probation, parole or conditional sentence for partner abuse offences and offenders on probation, parole or conditional sentence for offences

not related to partner abuse who present a risk for partner abuse, PPOs complete a comprehensive risk assessment with particular attention to the following:

- past criminal convictions for assault of family members, strangers, and/or acquaintances and past violations of conditional release or community supervision orders;
- detailed history of partner abuse including recent escalation in frequency or severity of violence, use of weapons during past assault against partner, and attitudes that support or condone partner abuse;
- psycho-social adjustment difficulties in relationships, employment, substance abuse, and psychological/psychiatric disturbances including suicidal and homicidal tendencies;
- access to firearms; and
- motivation for treatment.

This information is incorporated into Court-Ordered Reports and Pre-Parole Reports, and is updated as necessary during supervision.

13.4 Court-Ordered Reports and Pre-Parole Reports

When preparing Court-Ordered Reports and Pre-Parole Reports, PPOs collect and present comprehensive information about the offender in order to recommend focused, supportable and enforceable conditions. Probation & Parole Officers work cooperatively with court officials to ensure that the wording of these conditions is appropriate in consideration of area resources and practices. When preparing Pre-Parole Reports, PPOs clearly indicate if the offender resides with or plans to resume living with the victim of the current partner abuse offence or another recent partner abuse offence.

13.5 Case Supervision

PPOs maintain detailed records of all contacts with the offender during the period of supervision. In addition, PPOs monitor and document any contact with the victim, current partner or collateral contacts such as the offender's employer; referrals to the Partner Assault Response Program or other community-based counselling services, and any contact with or referrals to the Kawartha Haliburton Children's Aid Society made during the period of supervision.

13.6 Enforcement

In keeping with their understanding of the serious and often ongoing nature of partner abuse, PPOs are extremely vigilant with respect to any indication of subsequent violence or abusive behaviour and/or any other form of non-compliance with conditions relating to partner abuse issues, such as failure to attend the Partner Assault Response Program as a mandated participant (PAR staff provide weekly updates to Probation & Parole Services regarding mandated participants' attendance and participation in the Program). In the event that a Probation & Parole Officer becomes aware of new allegations of abuse or violence by the offender, they immediately notify the appropriate police service and the Ontario or National Parole Board if applicable.

13.7 Accessibility – Services are wheelchair accessible.

13.8 Accountability/Complaints

Complaints or concerns regarding the policies of Probation & Parole Services should be addressed with the Probation & Parole Officer involved in the situation. In the event that the victim is not satisfied with the action taken or resolution suggested by the PPO, or she wishes to register a complaint about the conduct of the PPO working with the offender, she may direct her concerns to the Area Manager (705-745-1929).

14.0 ROLE OF THE CHILDREN'S AID SOCIETY

Kawartha Haliburton Children's Aid Society provides child protection, foster care and adoption services. The CAS investigates allegations of child maltreatment, including physical, sexual, and emotional abuse, and neglect. Intervention with families takes place either on a voluntary basis or through the courts.

The Children's Aid Society's primary obligation and client is always the children. Any intervention needs to provide adequate protection to the children, while providing support in a way that is least restrictive or disruptive to the children and family. Services are provided to all members of the family.

Adult conflict/domestic violence can involve any combination of adults within the home, regardless of the nature of their relationship. Family violence is not only a physical act, but can include concerns relating to power and control and emotional abuse; children can be directly and indirectly at risk of physical and emotional harm. Violence in the family can have a serious emotional impact on children; it can seriously compromise their well being and development, and exposure to family violence is a form of emotional maltreatment (Section 37, 2, a), b), f), g), The Child and Family Services Act as amended).

14.1 Duty to Report

Section 72 (1), (2), (3), (4) of the Child and Family Services Act creates a single duty to report for the public and professionals any suspicion that a child may be in need of protection to a Children's Aid Society. It clarifies that the duty to report is an ongoing obligation that cannot be delegated to another person.

Responsibility to Report a Child in Need of Protection

If a person has reasonable grounds to suspect that a child is or may be in need of protection, the person must promptly report the suspicion and the information upon which it is based to a Children's Aid Society.

Ongoing Duty to Report

The duty to report is an ongoing obligation. If a person has made a previous report about a child, and has additional grounds to suspect that a child is or may be in need of protection, that person must make a further report to a Children's Aid Society.

Persons Must Report Directly

The person who has the reasonable grounds to suspect that a child is or may be in need of protection must make the report directly to a Children's Aid Society. The person must not rely on anyone else to report on his or her behalf.

14.2 When to Call the CAS if Family Violence is Suspected

(not to be considered as an all inclusive list, rather a guideline of possible scenarios that require a referral to CAS; information is adapted from the Toronto Child Abuse Centre)

If faced with the knowledge or suspicion of any of the following indicators of family violence, a call to a child protection agency is necessary when:

- a child has been physically harmed or is at risk of being physically harmed, or is present, or aware of the confrontation, due to the adult conflict in the home;
- a child has been accidentally hurt when caught in the cross-fire of objects thrown during a violent episode, or injured in any way because of the situation (e.g. the child has cut his/her foot stepping on broken glass);
- a child has been physically harmed while trying to protect his/her mother, sibling(s) or other family members;
- child(ren) have either witnessed the assault or were in the home when the assault took place, regardless of whether or not the children were sleeping;
- a child believes that s/he is responsible for precipitating or stopping the abuse;
- conditions of bail, probation or parole, or restraining order with respect to the abusive partner not having access to the child(ren) have been violated, and the woman or anyone else has not reported this to authorities;
- the mother requires hospitalization and there is no suitable alternate arrangement for the safe care and supervision of the child(ren);
- the child is denied the necessities of life because the abusive partner does not allow the mother access to financial resources and/or isolates her;
- one or both parents are substance abusers or have mental health issues that impair their capacity to adequately care for their child(ren);
- there is an awareness or suspicion that the alleged abuser is in a situation with access to other children;
- a child has been threatened with physical harm or death, or an abusive partner who tells the mother that he will harm the child(ren);
- the abusive partner has assaulted or thrown objects at the mother while she was holding the child;

- a child is likely to suffer physical harm as a result of his/her presence when there are violent episodes;
- a child is exhibiting serious symptoms of emotional distress because of exposure to family violence, or is likely to suffer emotional harm (e.g. by observing/listening to the assault, expressing fear for his/her own safety or the safety of other family members);
- the mother returns to an abusive partner who is believed to pose a threat to the child(ren).

In a situation where harm to the child has occurred or is imminent, or there is a possible risk of harm to a child, CAS must be contacted immediately. The report to the Children's Aid Society shall include the following information when possible :

- the full names, dates of birth, and current whereabouts of all individuals involved, including the children;
- identifying information of the person alleged to have caused the need for protection, if not a family member covered in the above;
- the date and time of the incident;
- the police incident number;
- full descriptions of the incident, including whether or not the children were present in the home;
- names and contact information for other witnesses;
- if anyone involved in the incident was under the influence of alcohol and/or drugs;
- a history of domestic violence in the family;
- information about the family's past involvement with CAS;
- the family's primary language;
- information about the functioning of the family and its individual members, particularly the child who is the subject of the concern, including possible strengths and resources available to the family;
- if the children are being cared for by an alternate caregiver as a result of the incident, the report shall include the name, address and phone number of the alternate caregiver;
- whether or not charges have been laid, and a list of release conditions;
- any known cautions/risks to the safety of the Child Protection Worker and the nature of the cautions.

If the assigned CAS worker requires clarification of the information in the report, the referral source may be contacted for further information. If the referral was received from the police, **the investigating officer or the Staff Sergeant may need to be re-contacted for further clarification.**

14.3 Failure to Report

Professional persons and officials have the same duty as any member of the public to report a suspicion that a child is in need of protection. The CFSA (Child and Family Services Act) recognizes, however, that persons working closely with children have a special awareness of the signs of child abuse and neglect, and a particular responsibility to report their suspicions and so makes it an offence to fail to report.

FINE: *Any professional or official who fails to report a suspicion that a child is or may be in need of protection, where the information on which that suspicion is based was obtained in the course of his or her professional or official duties, is liable on conviction to a fine of up to \$1,000.*

Persons who perform professional or official duties with respect to children include the following:

- health care professionals, including physicians, nurses, dentists, pharmacists and psychologists;
- teachers and school principals;
- social workers and family counselors;
- priests, rabbis and other members of the clergy;
- operators or employees of day nurseries;
- youth and recreation workers;
- peace officers and coroners;
- solicitors;
- service providers and employees of service providers;
- any other person who performs professional or official duties with respect to a child.

The professional's duty to report overrides the provisions of any other provincial statute, specifically, those provisions that would otherwise prohibit disclosure by the professional or official. That is, the professional must report that a child is or may be in need of protection even when the information is supposed to be confidential or privileged.

14.4 Disclosure of Information

CAS may request information from the police as part of the investigative process and/or for the purpose of identifying any possible threat to a child protection worker. Information may be shared between the CAS and police in the case of a joint protection investigation to ensure that all information to complete the investigation is available. Police may provide CAS with information that is necessary and relevant to those situations where a child or a CAS worker may be at risk. CAS shall contact the Uniform Staff Sergeant or the investigating officer.

14.5 The Investigative Process

Once a referral is received by the Children's Aid Society, a decision is made as to whether or not an investigation is required. In situations where no investigation is required, there may still be some phone or letter contact with the family. During this phone/letter contact, the family will be cautioned about the effects of family violence on children. The family will also be referred to community services, as appropriate. In situations where an investigation is required, the following steps may be taken as part of the investigation process:

- local and provincial record checks, and a review of any previous CAS involvement;
- a visit to the home;
- interviews with the children, an assessment of their safety, and any action necessary to ensure their safety;
- interviews with the parents;
- interviews with any other potential victims;
- interviews with the referral source, witnesses, professionals, and/or collateral;
- medical examination of the child, if appropriate;
- a risk assessment is completed on all cases prior to a verification decision;
- a decision about whether or not the concerns are verified;
- a decision about whether or not ongoing child protection involvement is necessary, either voluntarily or through the court process.

At the conclusion of the investigation, the file is either closed, or it is transferred from an Intake Worker to a Family Services Worker. If the children have been admitted to the care of the CAS, a Child Care Worker is assigned. The risk to the children is continually assessed during the time the CAS is providing services.

14.6 Differential Response and the Use of Community Collateral Supports

The Kawartha Haliburton Children's Aid Society, has since the Spring 2006, participated in a program relating to a differential response to Domestic Violence referrals. An advisory committee comprised of representatives of the Peterborough Lakefield Community Police Services, Victim Witness Assistance Program, John Howard Society, YWCA as well as Community Counselling Resource Centre have worked together to inform the designation of a full time Domestic Violence Worker position within the Children's Aid Society. The Committee also provides ongoing support to the Agency to evaluate the effectiveness of this program and recommend any changes.

Associated with this program has been the designation of Community Capacity Dollars from the Ministry of Child and Family Services which have enabled the CAS and key community partners to work together to ensure a collaborative and more rapid response by service providers for those clients referred by the CAS through the Differential Response Program. This program has increased all service providers' understanding of each other's role in responding to domestic violence, as well as ensuring that families receive the most comprehensive and appropriate service available.

14.7 Accountability/Complaints

Every CAS in the province of Ontario is mandated under the Child and Family Services Act to have in place a formal process to handle complaints relating to service sought or received by a person from the Society in accordance with regulations. Complaints received by the Society are dealt with in accordance with a complaint review procedure.

Considering the nature of the Society's mandate, it realizes that there will always be differences of opinion and disagreements between the Society and the people it serves. In order to make a decision that is in the best interest of the child the Society encourages people to express their opinions and disagreements. The Society also endeavors to do this in a way that establishes a climate of mutual trust and respect.

The Society's complaint process embodies these principles. There exists a simple and straightforward process where a complaint is addressed as quickly as possible and receives the level of attention it requires. There are two processes for handling complaints: one for people who are not receiving services, and one for people who are receiving services. The Kawartha Haliburton Children's Aid Society has information available to the public about the procedure for the review of service complaints and would be happy to provide this to the public as requested (705-743-9751).

15.0 ROLE OF THE JOHN HOWARD SOCIETY

15.1 Partner Assault Response Program (PAR)

This 16 week therapeutic program is for men/women who have been found guilty of a domestic violence offence. All charges have to be dealt with in court before men/women can access our services and all group participants are expected to pay a fee for the services. The program also accommodates other referrals eg. self, CAS, etc. The goals of the PAR Program are:

- to increase women's/men's safety;
- to confront and change beliefs and attitudes that support abusive behaviours;
- to increase men's/women's awareness of the dynamics of abuse and power;
- to provide new, non abusive and non controlling alternatives to abuse;
- to encourage men/women to take full responsibility for their behaviour and to become accountable ;
- to improve healthy relationship skills to aid them to function better as a partner and as a parent;
- to support the group member's partner.

It is important to note that a judge may order an offender to attend the PAR Program after a plea of guilt but before a sentence is imposed (***Early Intervention Stream***). If this is the nature of the referral, PAR staff will provide the judge with a report prior to the sentencing outlining the offender's progress in the Program.

The second, and perhaps most common, way to be referred to the Program is through a judge. At the time of sentencing, the judge may impose a condition of probation that the offender attends the PAR Program (***Co-ordinated Prosecution Stream***). If this is the nature of the referral, PAR staff will provide the assigned probation officer with information about the offender's progress in the Program.

The third way to enter the PAR Program is by self-referral. There are a few spots reserved in each group for men who participate voluntarily *and where no charges are pending*.

Once an offender is in the Program, the Partner Contact Worker will contact the victim and/or the current partner. If the offender doesn't want us to contact the victim, he/she will not be admitted to the Program.

The Family Violence Program was funded by various resources from 1985 to 2000 and the PAR program by the Ministry of the Attorney General since September 2000.

15.2 Partner Contact Services

The victim and current partner are contacted once we have received the offender's paperwork from court and have his/her written consent. She/he is offered an initial session where she/he can have the opportunity to talk about her/his experiences and to learn about the PAR Program. Throughout the 16 weeks of the offender's attendance in the PAR Program, the victim and/or current partner will be contacted a minimum of four (4) times. The Partner Contact Services are not counselling services. If she wishes counselling, she will be referred to a community agency. The Partner Contact Worker offers the following services:

- safety planning;
- referral service to the woman/man and their children;
- obtains her/his feedback on offender's progress and make concerns known to the facilitators;
- information on offender's attendance, start-up and completion dates, whether he's/she's been dismissed from group or if he/she quits the Program;
- reporting any threats from the offender;
- advocacy to the Domestic Violence Best Practices Committee;
- providing an information package.

Partner Contact Services are funded by the Ministry of the Attorney General and this service has been offered since September 2000.

15.3 Accountability/Complaints

Concerns regarding the quality of the services can be directed to the Co-ordinator of the Partner Assault Response Program and/or the Executive Director of the John Howard Society of Peterborough (705-743-8331). All complaints will be answered in accordance with policies and procedures of the John Howard Society.

16.0 ROLE OF THE PETERBOROUGH REGIONAL HEALTH CENTRE

16.1 The Sexual Assault/Domestic Violence Treatment Program Women's Health Care Centre

The Sexual Assault/Domestic Violence Treatment Program (SA/DV) of the Peterborough Regional Health Centre is a 24-hour response program for the survivors of domestic violence and sexual assault. While police often refer survivors to the program, it is important to note that referrals are welcome from other community agencies as well. In fact, many survivors end up in the program as the result of simply walking into the emergency room and identifying themselves as the survivor of domestic violence or sexual assault. Survivors can also contact the Women's Health Care Centre to set up counseling services without going through the Emergency Department. The program provides emergency medical care and follow-up services to the Counties of Peterborough, Northumberland, Kawartha Lakes and Haliburton.

The program employs specially trained SA/DV nurses and social workers that work as a team. The SA/DV nurses provide options of medical care, documentation of injuries and abuse history, the collection and/or preservation of evidence, photography and police involvement in the event that the client wishes to report the assault/abuse. Documentation and photography from the examination will only be disclosed to the police through a signed consent or court order. SA/DV nurses will work through a risk assessment with the client and will endeavor to provide a safe discharge plan along with transportation to a safe place.

After the initial contact, the survivor is contacted by a member of the team for medical follow-up, emergency counseling, and/or referrals to other community services. The program can also provide advocacy and on-going safety planning for the survivor.

16.2 Accountability/Complaints

Concerns regarding the quality of the services can be directed to the Co-ordinator of the Sexual Assault/Domestic Violence Treatment Program (SA/DV) and/or the Manager of the Women's Health Care Centre (705-743-4132). All Complaints will be responded to in accordance with the Peterborough Regional Health Centre's (PRHC) Policies and Procedures.

17.0 ROLE OF THE YWCA OF PETERBOROUGH, VICTORIA AND HALIBURTON

17.1 Emergency Services

The YWCA offers the following Peterborough City and County emergency services to women living in and/or leaving abusive or controlling relationships:

24 Hour Crisis and Support Line --- 1- 800- 461- 7656

The crisis line is staffed 24/7 by crisis and support counsellors who are able to assist women with encouragement and support; information and referrals; safety planning; emergency transportation to safety. Our 1-800-461-7656 is toll free and won't appear on your phone bill.

Crossroads Shelters --- (705) 743-8922 or 743-4135 or 1-800-461-7656

Crossroads Shelters serve women and their families who are leaving an abusive situation, 24 hours a day, 365 days a year. Women may access shelter services by calling the shelter numbers (as above) any time of the day or night. Immediate safety planning and emergency transportation is provided to ensure women and their children arrive safely at the shelter. Residents of the shelter are provided with basic necessities and personal need items. Once in the shelter, crisis and support workers assist women with safety planning, assistance in planning for the future, referrals to community resources, legal and court support, information about women's rights, 2 hour free legal aid advice, priority letters for housing. A Children's Worker is on staff to assist women to formulate safety plans for children, to register for school and day-care, and to provide advice and referrals to other community resources. Length of stay in the shelter is determined by the unique circumstances of each woman. Women may arrange a tour of the shelter and/or speak with a shelter worker prior to making a decision about coming into the shelter. For more detailed information, please telephone Crossroads.

YWCA Outreach Services: Include the Women's Safety Network and Transitional Support Program ----- (705) 743-3526 or TTY (705) 743-4015

Both programs provide crisis and support counselling services for women who are in an abusive relationship or have recently left one. The YWCA responds to each woman according to her needs. The services provided are confidential, respectful and free. The services are available by telephone or in person with flexible meeting arrangements. Types of services include: emergency transportation to safety; information and referrals; safety planning; accompaniment to appointments; court support; information about family and criminal court processes and how to access lawyers; and information on finding and maintaining housing. Most of our facilities are wheelchair accessible; cultural and language interpreters can be accessed when necessary.

17.2 Accountability/Complaints

Concerns about the quality of our services may be referred to the Executive Director at (705) 743-3526 or TTY (705) 743-4015.

18.0 ROLE OF THE RURAL OUTREACH CENTRE

The mission of the Rural Outreach Centre (ROC) is to develop prevention and intervention strategies to decrease violence and oppression against rural women, men and their families. ROC emphasizes prevention by removing the potential for an instance of domestic violence before it occurs by:

- facilitating the timely removal of the potential victim(s) from the domicile to a temporary safe haven (Emergency Transition Centre);
- protecting the above-mentioned victim(s) from further (or potential) harm by providing safe overnight accommodation until a more permanent safe haven can be provided through "partner" organizations.

Notwithstanding the above emphasis, the "centre" may provide services to any individuals who are in crisis (e.g. hungry, homeless, abused, financially stressed, or victims of natural disasters etc.) It serves the areas within the County of Peterborough and the Township of Galway-Cavendish & Harvey and the surrounding townships within 50 kilometres of Buckhorn.

ROC (Rural Outreach Centre) provides emergency transition shelter for rural victims of violence and natural disaster. The Centre operates a 24/7 crisis line, provides free shelter, counselling, food, clothing, transportation and referral services. ROC assists clients with obtaining legal information and accompanies clients to court and lawyer appearances. Referrals to the Centre are made through individuals, police and social service agencies. ROC often maintains long term relationships with our clients to assist them with the long climb back from physical and mental abuse. In fact, we tell them that we will assist them as long as they need us.

Initial contact to access ROC is made through the 1-866-844-7622 crisis line answered by ROC volunteers or Cameron House staff. The Centre staff will assess the client's situation and safety before offering the use of the Rural Outreach Centre. A risk assessment must be done for each situation.

ROC clients are treated with respect, optimism and compassion at all times. Over the years, ROC has received many complimentary letters from clients as well as agencies ROC has partnered with in assisting clients.

18.1 Accountability/Complaints

Concerns regarding procedures or the quality service should be directed to the Executive Director, ROC (705-657-2232).

19.0 ROLE OF ANISHNAABE KWEWAG GAMIG INC./ALDERVILLE WOMEN'S SHELTER

19.1 Services

Anishnaabe Kewag Gamig Inc. is an emergency regional shelter who services Aboriginal and non-Aboriginal women and their children who are victims of domestic violence. The shelter provides a safe, short-term residence for women who are seeking

safety from partners, families or selves. The shelter operates 24-hours a day and allows women to stay up to 8 weeks. External agencies such as police, CAS, and even self-referrals from women may refer to the shelter.

If the police call regarding a woman, they can access immediate assistance by calling 1-800-388-5171 to make the initial contact with shelter staff, then AKG staff will ask the officer to speak to the woman. She **must** call and/or speak for an initial telephone assessment and if or when the decision for admission will be granted, it will be determined on a thorough eligibility and needs assessment based on our agency's mandate. In the event that the police accompanied a woman without prior assessment to the shelter and arrived at the gate arm, the staff will ask the officer to wait in the main entrance area until AKG staff has determined whether or not the woman is granted admission by completing an assessment. If a woman is granted admission, she will adhere to our agencies guidelines and policies. Furthermore, if bed space is at full capacity, AKG staff will give appropriate referrals for other shelters or agencies.

While in the shelter the women are provided with the basic necessities of life and are given a blend of traditional and conventional forms of counselling, safety planning, advocacy and referral services. Anishinaabe Kwewag Gamig Inc is committed to a holistic approach to service delivery based on the Seven Grandfather teachings: humility, respect, courage, love, honesty, truth and wisdom. When women discharge, they are given the opportunity to access the Outreach Services. As well, we will provide transportation if women need to seek medical attention at local hospital.

The outreach services also provide services for women and children who have never entered the shelter, but the individuals have equal access to counselling, safety planning, advocacy and referral services. In addition, the shelter operates a toll-free crisis/support line across Ontario for non-residences 24-hours a day.

The shelter staff encourages women to contact the police for their involvement in the event that charges have not been laid or any other relevant investigations that may occur. AKG staff would acquire the woman to sign a consent/release form necessary for information to the police. We also provide such transportation to the police station for any investigation involvement i.e. video statements, charges being laid etc.

19.2 Accountability/Complaints

If any complaints occur regarding services provided by Anishnaabe Kwewag Gamig, they should be addressed consecutively with the Residential Counsellor, Program Coordinator and Executive Coordinator (905-352-3898). With any formal complaints, a written report will be submitted to the Boards of Directors.

20.0 PROTOCOL REVIEW AND EVALUATION

With the completion of this document the members of this committee agree that their organizations have an ongoing commitment to improving response services to victims/survivors of domestic violence in the Peterborough area.

The implementation of this protocol will include training and orientation sessions for partner agencies and other relevant community organizations to ensure that all key staff/volunteers are aware of and familiar with its contents.

The Peterborough Domestic Abuse Network (PDAN) will undertake an annual review of this Domestic Violence Response Protocol in order to evaluate its ongoing effectiveness in achieving greater victim safety through a consistent and co-ordinated first response. Annual updates will also ensure that the Protocol remains current and accurately reflects the Peterborough community. It will remain the responsibility of the individual services to monitor and evaluate their performance in regards to the commitments agreed to as part of this document.

Each participating member of PDAN will receive a print and electronic copy of this document.

APPENDIX A: BAIL VICTIM NOTIFICATION PROTOCOL

OFFICE OF THE CROWN ATTORNEY- PETERBOROUGH
CENTRAL EAST REGION
DATE: January 26, 2005

This bail victim notification protocol applies to serious personal injury offences (which includes domestics, sexual offences, child abuse) and other cases where there is a concern for the personal safety of the victim:

Notification of the victim when the accused has been released after a bail hearing:

Every attempt will be made to notify the victim the same day of release. The victim, where possible, will be given a copy of the recognizance, or portions relevant to them.

Victims will be notified by the staff of the police court office located at 70 Simcoe Street, Peterborough of the terms of release as soon as possible after the release of the accused, preferably within the same business day. Notifying staff will inform the Crown as soon as this is accomplished.

Notification of the victim after the accused has been released after a bail hearing that took place on a weekend:

Every attempt will be made to notify the victim the same day of release. The victim, where possible, will be given a copy of the recognizance.

The police service responsible for the charges laid against the accused is responsible for notifying the victim of the release terms as soon as possible, preferably by the end of the shift during which the accused was released. Release documents as well as the brief used for the WASH court appearance are forwarded to the Crown from the jurisdiction in which the accused was released.

Notification of the victim after the accused has been released after a bail review:

Every attempt will be made to notify the victim the same day of release. The victim, where possible, will be given a copy of the recognizance.

It is the responsibility of the Crown counsel appearing on the bail review to notify the victim of any terms of release as soon as possible, preferably by the close of the same business day.

Notification of the victim when terms of release have been varied:

Every attempt will be made to notify the victim of the bail variation as soon as possible. In most cases it will be desirable to notify the victim ahead of the bail variation. If the bail variation occurs in the Ontario Court of Justice the staff of the police court office will notify the victim of the variation as soon as possible, preferably by the close of the same business day. The staff will communicate the fact of that notification to the Crown promptly.

If the variation occurs in the Superior Court of Justice the Crown counsel appearing on the variation will notify the victim as soon as possible, preferably by the end of the business day.

Notification of the victim when the offender has been released on bail pending his appeal:

If the offender is appealing to the Court of Appeal, Counsel from the Crown Law Office-Criminal will notify the trial Crown of the bail application and if the offender has been released. The trial Crown will then take steps to have the victim informed of the release and the terms of release. In some cases Counsel from the Crown Law Office-Criminal may inform the officer in charge of the offender's release and may have the officer contact the victim.

If the offender is appealing to the Superior Court of Justice, Crown Counsel will notify the victim of the application and terms of release as soon as possible, preferably by the end of the same business day.

The Crown brief will indicate whether the victim has been notified of the bail and any reviews or variations.

This protocol involves and has been signed by the following parties:

Brian Gilkinson,
Crown Attorney for the County of Peterborough

Terrence McLaren,
Chief of the Peterborough Lakefield Community Police Service

Ed Robertson,
Inspector, Ontario Provincial Police, Peterborough Detachment