

PARTNER ABUSE PROTOCOL

for

THE CITY OF KINGSTON & FRONTENAC COUNTY

**Best Practice Guidelines for a Collaborative Response
to Victims of Partner Abuse**

Developed by the Coordinating Committee Against Domestic Assault on Women

2003

Revised by the Kingston Frontenac Anti-Violence Coordinating Team

2008

Revised by the Kingston Frontenac Anti-Violence Coordinating Committee

2014

Service providers are welcome to copy and distribute pages or sections of this Protocol with reference to the source.

Individuals interested in copying portions of this Protocol should be aware that the document is updated regularly by CCADAOW.

Permission must be obtained from KFACC for reproduction of the entire Protocol.

KFACC would like to thank the Ministry of the Attorney General's Victim/Witness Assistance Program for the financial support of the 2014 Partner Abuse Protocol and Sexual Assault Protocol revision.

KFACT thanks the Ministry of Community and Social Services for the financial support it provided for the Protocol evaluation and revision project.

The Coordinating Committee Against Domestic Assault on Women extends its thanks and appreciation to the Trillium Foundation of Ontario for the financial support it provided for this project.

Acknowledgements

The initial 2003 Protocol was developed under the direction of the Partner Abuse Protocol Steering Committee of the Coordinating Committee Against Domestic Assault on Women (CCADAOW).

In 2005, CCADAOW expanded its mandate to include sexual violence and changed its name to Kingston Frontenac Domestic and Sexual Violence Council. The following year, the Council obtained funding to evaluate and revise the Protocol. As part of that project, the Council changed its name again to the Kingston Frontenac Anti-Violence Coordinating Team (KFACT). In subsequent years, "Committee" was adopted in place of "Team" (KFACC).

The work to develop the original Protocol and to make the revisions that have resulted in this edition could not have been done without the commitment and efforts of the area service providers who provided input through surveys, interviews and meetings and of the various shelters and coordinating committees throughout the province who shared their work with us.

The Steering Committee of CCADAOW and of the Council took responsibility for providing the vision, direction and guidance various phases of the Protocol project required.

KFACC wishes to extend thanks and appreciation to consultants Judith Moses of Collective Wisdom Consulting for her work in the development stage of the Protocol and Pamela Cross for her work in the evaluation and revision of the Protocol. Both brought a strong commitment to anti-violence services to their work with the Council and both were a pleasure to work with.

KFACC also wishes to extend a special thank you to Janet Lee, Manager of the Victim/Witness Assistance Program and to Lisa Fox, Women's Community Counsellor at Kingston Interval House for their unwavering commitment to a community-based approach to ending domestic violence and to the Protocol, which is integral to the success of this work.

Lastly, we wish to honour the many women and children who have endured, suffered and been lost to partner violence. Their courage, resourcefulness and strength serve to inspire and energize us in our continuing efforts to eradicate violence against women and children.

Declaration of Commitment

We, the signatory partners of this Protocol, affirm our commitment to and accountability for the implementation and monitoring of the best practice guidelines for a collaborative response to Victims of partner abuse outlined in this document.

We believe that our individual and collective responses to partner abuse are enhanced and strengthened by a shared understanding of the issue and a commitment to work collaboratively and cooperatively to meet the many different needs of victims of partner abuse and their children. To this end, we have participated in the development of this Protocol and we agree to comply with the procedures and guidelines contained herein.

Signatory Partners:

Listed in alphabetical order by agency name

Crown Attorney's Office,
Kingston & Frontenac County



Ross Drummond, Crown Attorney

Family and Childrens Services of
Frontenac, Lennox and Addington

Steve Woodman, Executive Director

K3C Kingston Community Counselling
Centres

Ron Tulloch, Executive Director

Kingston General Hospital Sexual
Assault/Domestic Violence Program

Donna Joyce, Manager

Kingston Interval House

Pam Havery, Executive Director

Kingston Police

Gille Larochelle, Chief

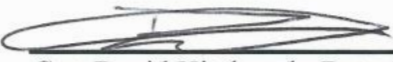
Kingston Probation & Parole Services

Kelly Rathwell, Area Manager

Land O' Lakes Community Services

Susan Andrew—Allen, Director of Programs

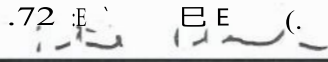
Military Police, Canadian Forces Base,
Kingston


Cpt. David Hitchcock, Detachment
Commander

Ontario Provincial Police,
Frontenac Detachment


Sergeant Scott Bleecker

Ontario Works, City of Kingston


Katie Clarke, Manager, Program Delivery


Sexual Assault Centre Kingston


Executive Director

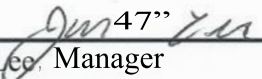
The Salvation Army Supervised Access
Program


Bonita McCourt, Community and Family
Services Director

Victim Services of Kingston and Frontenac


Executive Director

Victim/Witness Assistance Program


Janet Lee, Manager

Date of signing: May 5, 2014

Associated Agencies & Organizations

Victims of partner abuse and/or their children may enter the service delivery system in a multitude of ways. Many different health, social service and/or legal agencies and organizations in Frontenac County provide various services to individuals who have experienced partner abuse despite the fact that they are not specifically or exclusively mandated to provide specialized services to this population. A wide range of these service providers were invited to provide brief descriptions of their mandate, programs, and services with special attention to any internal procedures staff are required to follow in the event that they become aware that their client has been or is being abused in an intimate relationship.

The following agencies and organizations provided service descriptions for inclusion in this Protocol:

- Dawn House Women's Shelter
- HIV/AIDS Regional Services
- Kingston Community Legal Clinic
- Kingston Frontenac Housing Corporation
- Kingston Military Family Resource Centre
- Legal Aid Ontario
- Limestone Mediation
- Kingston Community Health Centres
- Frontenac Community Mental Health and Addictions Services
- Pathways for Children and Youth
- Queen's University Human Rights Office
- MCIS Language Services

Service descriptions from associated agencies and organizations can be found in Appendix Four of this Protocol.

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PROTOCOL FRAMEWORK

Development and Purpose

HISTORY

The Kingston Frontenac Anti-Violence Coordinating Committee (KFACC) was originally established in 1983 as the Coordinating Committee Against Domestic Assault on Women (CCADAOW). It was renamed Kingston Frontenac Domestic and Sexual Violence Council in 2005 and renamed KFACT in 2007. In subsequent years, "Committee" was adopted in place of "Team" (KFACC).

KFACC works to facilitate and support a coordinated community response to domestic violence. More specifically, it promotes the development and implementation of a collaborative plan for a comprehensive intervention and service delivery system for victims of partner abuse and their children. In addition, KFACC endeavours to contribute to the eradication of violence against women and children by assuming a leadership role in the areas of violence prevention, education, and advocacy.

In keeping with this two-pronged mandate, CCADAOW, as it then was named, initiated work on a Partner Abuse Protocol for service providers in 2000-01. The Committee applied for and secured funds to support this project in 2002 and a consultant was hired to assist with Protocol development in January 2003.

In 2006, KFACC applied for and received funding to support an evaluation of the Protocol, including an examination of violence against women services in Kingston and Frontenac County.

The Protocol was revised to ensure accuracy of information about agencies and services and to include more resource material on violence against women. The revised Protocol has been produced in electronic as well as print formats to increase accessibility and to make ongoing revisions an easier undertaking.

This phase of the Protocol project also included strategic planning for KFACC and training for team members.

PURPOSE

This Protocol is designed to:

- promote a collaborative and cooperative response to victims of partner abuse and their children with attention to best practice guidelines and the most effective use of existing community resources
- facilitate and support effective communication between service providers involved with victims of partner abuse, including but not limited to the police, the Crown Attorney's office, shelter personnel, and community-based social service, justice, counselling, and health care professionals

- recognize the particular and specialized areas of expertise of the police, the Crown Attorney, shelter personnel, and social service, justice, counselling, and health care professionals, and
- clarify the respective roles, responsibilities, and practices of various service providers involved with victims of partner abuse and/or their children, including the police, the Crown Attorney, shelter personnel, and community-based social service, counselling, and health care professionals.

This Protocol has been written to support and facilitate the efforts of **service providers** working with victims of partner abuse. Service providers are welcome to share relevant sections of the Protocol, the entire document, and/or the accompanying pamphlet with clients in those instances when they believe the information would be beneficial to their clients in this format.

This Protocol recognizes that **partner abuse includes a broad continuum of coercive, threatening, and violent behaviours**, some of which are currently identified as criminal offences in the *Criminal Code of Canada*. Despite the wide range of abusive and violent behaviours demonstrated by perpetrators of partner abuse, this Protocol recognizes that all forms of partner abuse share several **common and distinctive features**, such as:

- a dynamic of power and control
- a tendency for victims to feel and/or assume responsibility for the violence and abuse directed towards them
- significant and often debilitating physical, emotional, and economic effects on both the victims of partner abuse and their children, and
- recurring and inter-generational cycles of violence.

Partner abuse is a social issue that demands a comprehensive response from governments, institutions, organizations, and individuals designed to identify and eliminate the underlying causal factors of domestic violence.

Partner abuse is a legal/criminal issue that demands interventions and strategies designed to hold individual offenders responsible for their choices and behaviour.

Partner abuse is a community issue that demands a coordinated, collaborative response designed to support and assist victims and their children in their efforts to recover from the negative effects of violence and abuse, and to live a life free from violence.

Service providers are welcome to copy and distribute pages or sections of this Protocol with reference to the source. Interested individuals should be aware that the document is updated regularly. Permission must be obtained from KFACC for reproduction of the entire Protocol.

Definitions of Terms

For the purpose of this Protocol, and at the agencies represented by the signatory partners of the Protocol, we have adopted the following common definitions of key terms used throughout the Protocol.

A more comprehensive list of terms and terminology can be found in Appendix Eight.

PARTNER ABUSE

Includes a broad continuum of coercive, threatening, and violent behaviours, including but not necessarily limited to emotional and psychological abuse, financial control and abuse, physical violence up to and including murder, sexual violence, and stalking/harassment, within a current or previous intimate relationship. Such behaviours may occur as a one-time incident causing physical and/or emotional injury to the victim and her family; however, in most instances, partner abuse involves repeated episodes of coercive, threatening, and violent behaviour which escalate in severity over time.

The predominant form of partner abuse in our society today is male violence against women. The victims of partner abuse are primarily, though not exclusively, women; the perpetrators are primarily, though not exclusively, men. The use of the term “partner abuse” throughout this Protocol recognizes that coercive and violent behaviours occur in both heterosexual and same-sex relationships; it further recognizes that there are female perpetrators and male victims of violence. However, in keeping with our current understanding of the causal factors, dynamics, and incidence of partner abuse, victims are referred to as “she” and perpetrators as “he” throughout this Protocol.

Detailed definitions of various types of partner abuse and related terms can be found in Appendix Eight.

LAW ENFORCEMENT, JUSTICE & MANDATED SERVICES

Includes voluntary and mandated services designed to promote community and individual safety, ensure and enforce compliance with the law, and protect the rights of individuals including but not limited to:

- police services (City of Kingston; O.P.P.; Military Police)
- legal and court-related services, such as the Crown Attorney’s office and Victim/Witness Assistance Program

- mandated services, such as child welfare/child protection services and Probation and Parole, and
- various provincial services, such as the Criminal Injuries Compensation Board and the Victim Support Line (Victim and Vulnerable Persons Division, Ministry of the Attorney General)

SHELTER SERVICES

Includes voluntary, community-based services mandated to provide emergency, transitional shelter to victims of partner abuse and their children.

CRISIS RESPONSE SERVICES

Includes voluntary, community-based services designed to provide crisis intervention, information, referral, short-term support and counselling, and critical safety planning services, 24 hours a day, seven days a week, to individuals experiencing violence.

COMMUNITY SUPPORT SERVICES

Includes a broad range of social service, counselling, and mental health services designed to meet ongoing, long-term, and/or specialized needs of individuals and/or specific populations in accordance with the mandate of the organization, including but not limited to:

- counselling, mental health, and addictions services
- population-specific services, such as services for Aboriginal communities, persons with disabilities and services for immigrants, refugees, and new Canadians
- housing services
- income support services, and
- educational services

Detailed descriptions of the services provided by signatory partner agencies can be found within the body of the Protocol in the appropriate sections as outlined above; brief service descriptions of other agencies and organizations who work with victims of partner abuse and/or their children in some capacity can be found in Appendix Four.

As noted above, a more comprehensive list of terms relating to partner abuse, including terms commonly used by law enforcement personnel, can be found in Appendix Eight.

Belief Statements

WE BELIEVE THAT:

1. All people have the right to lives free from violence and the threat or fear of violence.

WHAT IS PARTNER ABUSE?

2. Partner abuse includes any form of coercion, abuse, or violence that occurs within the broad continuum of intimate relationships between persons, from first-date situations to situations in which former partners are now estranged. Victims of partner abuse are entitled to intervention and support regardless of where or when the abuse occurred, and regardless of the nature or duration of the relationship between the victim and the offender.
3. Partner abuse can be a criminal issue. Many types of abuse and violence within intimate relationships are currently recognized as criminal offences, and perpetrators of these offences should be held accountable for their actions to the full extent of the law.

WHY ARE SOME PARTNERS ABUSIVE AND VIOLENT?

4. Partner abuse is a complex issue with many contributing factors. It occurs regardless of socio-economic status, class, age, sexual orientation/preference, occupation, mental health status, citizenship status, ability, spiritual beliefs, language, race, culture, or ethnicity.
5. The primary dynamic of partner abuse is power and control: the offender uses threats, intimidation, and pain to control the thoughts, feelings, and actions of his partner. This may occur on one occasion, causing physical and emotional injury that is detrimental to the victim's well-being and/or that of her family; or may involve repeated episodes of violence that escalate in severity over time. This dynamic of power and control makes it difficult for some victims to disclose the abuse, reach out for help, and/or end the relationship.

PROMOTING EFFECTIVE INTERVENTION

6. The development and implementation of a coordinated plan for a comprehensive community-based service delivery system is one of the most effective approaches to partner abuse. No single organization has the resources or mandate necessary to address the multiple needs of victims of partner abuse, their children, and offenders; and victims of partner abuse benefit from a broad base of community support.
7. Victims of partner abuse should be active participants in the development and delivery of any safety and/or service plan. A participatory approach to service delivery empowers clients, ensures that the client's priority needs are addressed, and promotes cooperation and collaboration between service users and service providers.
8. The unique experiences and needs of children who have witnessed partner abuse must be given due consideration and attention during the development and implementation of any safety plan and/or collaborative service delivery strategy.
9. Coordinated community and law enforcement response systems are one aspect of the

multi-pronged, long-term solution to ending partner abuse. Education, advocacy, social action, and other preventative measures are essential components of any collaborative strategy to eradicate partner abuse and other related forms of violence.

Guiding Principles for Service Delivery

We will:

APPROACH TO SERVICE DELIVERY

1. Support and assist victims in a sensitive manner with the goal of empowering them to make the best decisions and choices possible for themselves, their children, and non-offending/vulnerable family members.
2. Provide services, in accordance with our individual mandates, in a manner which reflects and reinforces our belief that offenders must be held accountable for their actions and that victims are not responsible for the violence or abuse they have experienced regardless of the various coping strategies they may have employed in the relationship and/or the circumstances in which the violence occurred.
3. Direct priority attention to and make decisions in consideration of the safety and health needs of the victim, her children, and non-offending/vulnerable family members in all instances.

COOPERATION AND COLLABORATION

4. Work with victims, supportive family members, and other service providers as necessary to ensure that a network of support and assistance is readily accessible to victims of partner abuse 24 hours a day, 7 days a week. We will make every effort to address critical safety issues, such as the need for emergency shelter, within a maximum time period of 24 hours following first contact.
5. Work cooperatively and collaboratively to ensure that victims of partner abuse are given appropriate referrals to address their unique and changing needs in a prompt and timely manner and as necessary during our involvement with the victim and her children.

ACCESSIBILITY

6. Make every effort to ensure that victims of partner abuse are not denied access to critical and life-saving services – such as life saving medical interventions and emergency shelter, for financial reasons – i.e., based on their ability to pay.
7. Make every effort to ensure that our services are barrier-free and fully accessible to everyone with attention to financial, physical, linguistic, cultural, and geographic barriers. This includes and implies the provision of linguistic, cultural, and ASL and Deaf interpreters as necessary during interventions and service delivery.

Accountability

To VICTIMS OF PARTNER ABUSE

Signatory partners will ensure that:

- services for victims of partner abuse provided by their organization are compatible with the Belief Statements, Guiding Principles for Service Delivery, and service descriptions found in this Protocol
- fair and objective client complaint procedures are readily accessible and available to the victims of partner abuse who access and use their services
- care and attention will be directed towards the common and distinctive features of partner abuse (as outlined on page 2 of this Protocol) in order to ensure that clients are not re-victimized by the complaint process
- clients are not treated in a punitive or dismissive manner by staff members during or subsequent to their involvement in any complaint procedures.

INTER-AGENCY ACCOUNTABILITY

Participation and compliance with this Protocol is voluntary; however, signatory partners formally confirm their commitment to and accountability for the implementation and monitoring of the best practice guidelines outlined in the Protocol as evidenced by the signature of the senior administrative staff for each organization on the Declaration of Commitment. This commitment may include but is not necessarily limited to:

- ensuring that services for victims of partner abuse provided by their organization are developed and delivered in accordance with the Protocol with special attention to the Protocol Framework
- serving on KFACC
- serving on any monitoring and/or evaluation committees relating to ongoing use and application of the Protocol
- organizing, providing, and/or participating in in-house training and professional development opportunities for employees in relation to partner abuse
- organizing, providing, and/or participating in inter-agency, community-based training and professional development opportunities relating to partner abuse, and
- organizing and/or participating in community awareness, public education, and/or prevention initiatives designed to help eradicate violence against women and children.

A copy of the **Partner Abuse Protocol Revision Request Form** can be found in appendix seven.

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**LAW ENFORCEMENT, JUSTICE
& MANDATED SERVICES**

CONTACT INFORMATION

Kingston Police	613-549-4660
Military Police, CFB Kingston	613-541-5330 x5648
Ontario Provincial Police, Frontenac	613-372-1932
Victim Witness Assistance Program	613-545-2455
Crown Attorney's Office	613-548-6220
Probation & Parole Services	613-536-7200
MCIS Language Services	888-990-0914
Family and Children's Services of Frontenac, Lennox and Addington	613-545-3227
The Salvation Army Supervised Access Centre Kingston/Napanee	613-542-8533

Police Services and Programs

In relation to:

Kingston Police

Military Police, CFB Kingston

Ontario Provincial Police, Frontenac

A copy of the Domestic Violence Incident Order (Kingston Police) can be found in Appendix Three.¹

Members of the Ontario Provincial Police are accountable to their internal Policies in relation to Domestic Violence investigations.

Definitions of terms commonly used by law enforcement and legal personnel, and used throughout this section in relation to police services and programs, can be found in Appendix Eight.

INTRODUCTION

Adequacy standards for police services require that police services boards have a policy on investigations into partner abuse, more commonly referred to as domestic violence, domestic occurrences, or domestic incidents in police procedures; and the Chief of Police is required to develop and maintain specific procedures and processes for undertaking and managing investigations into domestic violence occurrences. These policies, procedures, and processes are designed to:

- establish a standardized approach for police response to domestic violence which includes but is not limited to “on scene” investigations, determination of reasonable grounds to lay charges, and monitoring;
- prevent further violence within a domestic environment, and
- ensure the safety of victims caught within the cycle of domestic violence and abuse.

Effective police intervention requires a team approach: **communication or dispatch personnel** must gather and input information necessary to protect the lives of officers and victims; **responding or patrol officers** must restore order, conduct a thorough “on scene” investigation, and offer appropriate information, referrals, and practical support to the victim; and **domestic violence investigators** must undertake, manage, or review the investigation, and serve as a resource to the responding officers.

Police assign the same priority to domestic incident calls as to any other life-threatening call. If information on file confirms there is a history of domestic incidents involving the identified parties and police have been called on multiple occasions to provide assistance to these individuals, the police will continue to respond to each call with the same priority and response time as the first time call.

¹The Order is subject to revision as deemed necessary. Any questions regarding the most up-to-date version of the Order should be directed to the Kingston Police.

OVERVIEW OF SPECIFIC PROCEDURES

1. Initial Contact and Response

Communications personnel receive and prioritize all emergency calls made to the police; as mentioned above, domestic violence incidents are considered to be priority calls for service. Communications personnel will send patrol officers to the scene even when calls are received from identified and unidentified third parties, when calls are disconnected, and when the caller indicates that the police are no longer required. Whenever possible, communications personnel will make the caller aware of the anticipated time of arrival of the responding officers. Communications personnel are aware that the police may represent the first point of contact in many cases of domestic violence. For this reason, and to ensure the safety of the responding officers, they try to gather as much information as possible from the caller, including but not limited to the caller's name and particulars, extent of injuries, individuals present onsite, weapons onsite, drug or alcohol use, and previous history of violence. This also helps to ensure that the responding officers are adequately prepared to provide the appropriate services when they respond to the call.

In some instances, it may not be possible for the caller to provide detailed information; for example, if the offender remains onsite.

Domestic violence incidents are often very unpredictable and, consequently, police officers use extreme caution and follow proven safety procedures when responding to these situations; for example, ensuring that communications personnel are aware of an officer's decision to enter a domestic situation alone. In most instances, two officers will be assigned to respond to these calls; whenever possible, a supervisor will also attend onsite. Communications personnel will notify appropriate supervisory personnel, such as the watch commander, that a domestic incident has been reported.

When police officers arrive at the scene of the domestic incident, they will quickly conduct an initial assessment of the situation to determine if anyone onsite requires immediate medical attention, if there is a need for an ambulance to be called, and, in those instances when there are children onsite, if they have been harmed in any way. After dealing with these critical issues, the responding officers will separate all the parties involved in order to conduct a thorough onsite investigation.

Prior to beginning the investigation, the responding officers will determine if interpretation services are required. If so, these will be arranged through MCIS Language Services. The responding police officers will not use other family members, including children, or family friends as interpreters when conducting investigative interviews; however, other family members may be asked to communicate emergency information or inform the involved parties that interpretation services are being arranged.

²Ontario Provincial Police, Frontenac, are mandated to assign two officers to respond to all domestic disturbance calls. A supervisor will be advised and will determine whether there is a need to attend.

When the suspect is a member of Police Service:

In those instances when the responding officers determine that the suspect is a member of a Police Service, they will immediately notify a supervisor who will attend at the scene and assume responsibility as the Officer-in-Charge. The supervisor will complete the investigation as outlined in relevant Orders and will ensure that all internal reporting and follow-up procedures are completed in accordance with said Orders.

2. Initial Investigation: Interviewing Each Person Separately

Responding officers will conduct a thorough investigation to determine if reasonable grounds exist for the laying of criminal charges and/or other charges. If reasonable grounds exist to believe that a criminal offence has occurred, the police are mandated to lay appropriate charges against the accused. The police officers will ensure that the victim and the suspect are aware that it is not the victim's responsibility or decision to lay charges; and, further, that once a charge has been laid, only the Crown Attorney has the authority to withdraw it.

Responding officers are required to comply with detailed orders pertaining to investigations when completing domestic incident investigations, including but not limited to:

- interviewing all parties separately (victim, suspect, and witnesses), with attention to officer and victim safety
- recording statements from the victim, suspect, and any witnesses, including children
- preserving the crime scene and collecting evidence in accordance with relevant orders
- supplying the victim with a business card indicating the investigating officer's name, badge number, and telephone number, and the incident number for the call/investigation
- providing appropriate information and referrals to court-related and social services, such as Victim Services, Victim/Witness Assistance Program in those instances when a charge is laid and Kingston Interval House when the victim is in need of safe, temporary housing, and
- completing appropriate documentation whether or not an offence is alleged and whether or not a charge is laid (this ensures accurate tracking of domestic incidents regardless of outcome).

As noted above, the responding officers interview the victim, the accused, and any witnesses separately. This helps to prevent the reoccurrence or escalation of violence at the site. It also helps to ensure that the officers obtain an accurate account of what occurred prior to their arrival. Many victims do not feel safe reporting domestic violence if the accused is present in the same room or within earshot; in some instances when the accused remains present, victims may minimize or even deny the violence in an effort to appease their offender. Questioning the victim and the accused separately increases the likelihood that the responding officers will receive a more accurate and complete disclosure of any recent or past violence in the home.

When immigration status is an issue and/or when language is a barrier:

Responding officers may arrange for interpretation services through MCIS Language Services when language is a barrier to completing a thorough investigative interview.

In those instances when immigration is an issue and/or when a victim expresses concern that her immigration status will be at risk if she provides a statement, the responding officers will:

- explain that if she is not a Canadian citizen but is in the country legally, then her status in Canada will not change in any way as a result of participation in the judicial process, as a victim of an offence, as a result of giving a statement to the police, or as a result of charges being laid against the accused, even in those instances when the accused is the victim's sponsor
- advise the victim to obtain independent legal advice regarding her immigration status, and
- assist her in collecting and securing identification papers and important documents for herself and her children, such as residence identification papers, landed immigrant records, birth certificate, passport, health card, and S.I.N. card.

When disability is an issue:

Responding officers will make all reasonable efforts to contact appropriate community resources when working with victims with a disability. For example, a victim who is a wheelchair user may require specialized transportation, attendant care, and accessible temporary shelter; a victim who is Deaf may require ASL interpretation services.

In those instances when the accused person is the primary or sole caregiver for the victim and arrest and removal of the accused will put the victim at risk, the officers will work cooperatively with the victim to identify, contact, and arrange alternate care through family members and/or appropriate community services.

When children are present:

In those instances when children reside in the household, the responding officers will ensure that they are not placed at risk and are provided with appropriate support and assistance.

More specifically, responding officers will:

- inquire about and determine the child/ren's involvement in the domestic violence incident, either as witnesses, victims, or some other form of direct involvement such as calling 9-1-1 or attempting to break up the dispute, and
- contact FACSFLA, in accordance with their obligations in terms of a Child in need of protection under the *Child and Family Services Act*, to ensure the children's safety.

Responding officers may contact FACSFLA immediately; for example, in those instances when the pattern and degree of violence in the home suggests that the children may be at risk of harm or injury, or when the victim is unable to provide adequate care for her children due to her emotional or physical condition.

In those instances when children are present or when children reside in the home, the officers will forward a copy of their incident report to FACSFLA, and FACSFLA will make the determination as to how they will follow up with the family.

Members of the Ontario Provincial Police shall make notification to FACSFLA by telephone, and shall not forward occurrence reports under any circumstances.

When there is an allegation or possibility that both parties have been violent:

In some instances, responding officers may have reason to believe that both parties have been violent toward one another. Observation and independent evidence may suggest this or, alternately, the officers may be told by the accused that the victim initiated the violence, participated in mutual violence, and/or assaulted the accused. While it is understood that this is a common tactic used by offenders to defuse or avoid responsibility for their violence, the responding officers will thoroughly assess the situation and determine whether reasonable grounds exist to lay charges against one or both parties with special attention to the law's intent to protect victims of domestic violence.

Specifically, responding officers will:

- attempt to determine who is the primary aggressor
- consider the history, control, isolation, and safety issues pertaining to the relationship, and
- consider whether self-defence provisions within the *Criminal Code* apply, including the relative size and strength of the involved parties; whether one of the parties feared the actions or threatened actions of the other; and whether reasonable force was applied in self-defence.

In those instances when the officers determine that reasonable grounds do not exist to lay charges against one or both parties, they may explain the process for laying an Information before the Justice of the Peace to the complainant(s). The officers will explain the implications of this option to the victim - i.e., they will tell her that the accused may try to lay a charge against her privately.

When the accused is not present:

In those instances when the suspect is not present when the responding officers arrive, the officers will still complete a thorough investigation with priority attention to any safety threat to the victim, public, and police. The police officers may determine that reasonable grounds exist to lay a charge against the suspect even when he is not present or available to be interviewed.

Under these circumstances, the police officers will obtain a warrant for the accused as soon as possible following their first contact with the victim; and they will initiate appropriate action to locate and apprehend the suspect.

3. Laying Charges

In those instances when reasonable grounds exist to believe that an offence has occurred, police officers are mandated through Provincial policy to lay a charge. The officers consider a variety of factors or types of evidence when determining reasonable grounds, including verbal statements made by the victim and/or witnesses, physical injuries sustained by the victim, and other physical evidence of violence such as broken furniture or a room in disarray.

Officers will encourage the victim to provide a formal written or video statement to assist with the investigation. The responding officers appreciate that there may be many reasons why a victim does not want to provide a formal statement. The officers will encourage the victim to voice her concerns and will attempt to alleviate these concerns through the provision of information and support; for example, as discussed in relation to immigrant women and women with disabilities.

The absence of a statement does not preclude the laying of a criminal charge.

When taking a statement from a victim, the officers will explore a wide variety of issues relative to the specific domestic incident and to the pattern of control and power that exists in abusive relationships, including but not limited to:

- history of abuse and violence, both previously reported and unreported
- history of criminal harassment
- access to, presence of, and/or use of weapons
- degree of isolation experienced by the victim, and
- level of fear the victim feels in relation to the offender.

When reasonable grounds exist to believe an offence has occurred and when the offender is present, the responding officers will arrest and remove the accused. In those instances when the accused is not present, the officers will secure a warrant and will attempt to locate and arrest the accused as noted above. Under some circumstances, officers may exercise other options to bring the accused before the court, such as a summons.

If further time is required for the investigation for any reason or if the offender cannot be located, the responding officers will inform the victim of possible risks to her safety, confirm her right to leave the residence, and offer her assistance in temporarily relocating to a place of safety, such as Kingston Interval House.

When charges are not laid:

When the responding officers determine that there are insufficient grounds to believe an offence has occurred and, consequently, charges will not be laid, they are required to review the situation with a supervisor with attention to specific reasons for not laying charges. Any such decision must be approved and documented by a supervisor.

The responding officers will also:

- review their reasons for not laying charges with the alleged victim
- confirm that an incident report will be completed and other precautions on police resource systems may be taken, such as flagging the location of the alleged abuser should police get a call to that address in the future
- explain the alleged victim's right to lay an Information before the Justice of the Peace
- leave a card with their names, badge numbers, and the incident number with the alleged victim
- confirm the alleged victim's right to leave the residence and temporarily relocate to a safe location such as Kingston Interval House if she fears for her safety now or at any time in the future, and
- will offer information and referrals to appropriate community services such as Victim Services of Kingston and Frontenac.

In all instances, regardless of whether charges are laid, the responding officers will:

- remain at the scene until they are satisfied that there is no further threat or danger to the victim and her children
- provide information regarding safety planning, community services, and options for safe, temporary alternative housing, including contact numbers and addresses
- arrange for transportation of the victim and her children to a safe location such as Kingston Interval House if requested, and
- give the victim a card with their names, badge numbers, and incident number.

4. Monitoring and Follow-Up

Police officers will provide a variety of ongoing and follow-up services to victims of domestic violence following the initial investigation, arrest, and charging of the offender including:

- ensuring crucial information regarding the status of their case is provided to victims of domestic violence upon request
- inviting victims to assist the officer in determining the extent and type of conditions of release that will be requested at any bail hearings
- updating the victim on the outcome of any bail hearings, with special attention to confirming any conditions of release in those instances when bail is granted, and
- attending at a residence as impartial observers to ensure peaceful entry and exit when a victim returns to get her personal property.

Specific procedures may vary slightly between Kingston Police, the Ontario Provincial Police, and the Military Police at CFB Kingston. For example, there is not a women's shelter at CFB Kingston; however, Military Police have the option to arrange alternate, separate housing on the Base for victims of partner abuse and their children following disclosure of violence or abuse.

Victim/Witness Assistance Program

INTRODUCTION

The mandate of the Victim/Witness Assistance Program (V/WAP) is to provide information, assistance, and support to victims and witnesses of crime throughout the criminal justice process in order to increase their understanding of, and participation in, the criminal justice process. V/WAP services include needs assessments, referrals to community agencies, emotional support, case specific information (court dates, bail hearings) and court preparation and orientation. These services are available to adult and child victims and witnesses of crime, **after charges have been laid**.

In addition to these direct client services, V/WAP staff provide training for Crown Attorneys with respect to the issues of sexual assault and domestic violence. V/WAP staff also participate in public education activities and engage in community coordination initiatives such as the development of this Protocol.

V/WAP services are available Monday to Friday, 8:30 a.m. to 5:00 p.m. In some instances, interviews may be scheduled “after hours” if necessary.

V/WAP has a stated commitment to inclusivity and the provision of equal treatment of all persons.

OVERVIEW OF SPECIFIC PROCEDURES AND SERVICES

1. Referral Process and Bail Safety Project

Referrals to the Victim/Witness Assistance Program are accepted from police officers, Crown Attorneys, shelters, and other community-based social service providers after charges have been laid. V/WAP also accepts self-referrals.

Under the Bail Safety Project, when an accused is arrested and being held for a bail hearing, V/WAP will contact the victim by phone the following morning (Monday to Friday). Whenever possible, a meeting or telephone meeting with V/WAP and the Bail Safety Police Officer will be arranged for that day before the bail hearing or as soon as possible. Victims will be provided with information about domestic violence, safety planning, the criminal justice system, community referrals and emotional support. V/WAP and the Bail Safety Police Officer will obtain more complete information from the victim to assist the Bail Safety Crown in making better informed decisions regarding bail issues.

When the accused is not held for a bail hearing and upon receipt of a referral, V/WAP staff will initiate written and/or telephone contact with the victim inviting her to access the services available through the program. In this initial contact, and in all future contacts, priority attention will be directed toward safety issues for the victim and her children.

2. Pretrial Considerations

V/WAP staff will meet with the victim as soon as possible through the Bail Safety Project or following confirmation of her interest in the program to provide her with information, support, and referrals as outlined below. Meetings or contacts will be scheduled as necessary prior to trial, including a meeting between the victim and a full-time Crown if requested.

V/WAP staff will discuss and address a variety of key issues during pretrial meetings with the victim including:

- the information shared by the responding police officers regarding the laying and withdrawal of charges; specifically, that the police are responsible for laying charges and that only the Crown Attorney has the authority to withdraw any charges once they have been laid
- clarification that V/WAP staff will not discuss any evidence with the victim, including “what happened” between her and the accused, in order to avoid any suggestion that V/WAP staff have influenced or tampered with the victim’s evidence in any way; any questions or discussion of evidence will be redirected to the police or the Crown Attorney
- confirmation that any information shared with the **police**, including her original statement, or the Crown Attorney is not confidential with the exception of her address and telephone number which will remain confidential out of consideration for the victim’s safety; any information relevant to her case must be shared with the accused’s lawyer (defence counsel)
- confirmation that any information shared with **V/WAP staff** is not confidential. Any updated address and telephone number will be provided only to justice partners out of consideration for the victim’s safety. Specifically, V/WAP staff will inform the victim that should she disclose any information to V/WAP staff that may be relevant to the case, they are bound by legal obligation to disclose this information to the Crown Attorney who, in turn, may have to share the information with the accused’s defence counsel
- information about the justice system generally, such as explaining the role of the Crown Attorney and the Defence Counsel; and on the victim’s specific case, including updates on the status of her case
- preparation of the victim to testify in court and explanation of the court process and legal concepts relevant to the victim, such as preliminary hearing, “beyond a reasonable doubt”, exclusion of witnesses, truth-telling, and oath-taking
- courtroom orientation including a tour of the courtroom if requested.
- information about domestic violence, safety planning, the availability of a two-hour Legal Aid Certificate, and counselling and support services available in the community, and
- provision of copies of release orders such as recognizances and undertakings.

V/WAP staff will ensure that specific or general concerns identified by the victim are forwarded to the Crown Attorney, with special attention to sentencing conditions and concerns.

3. Trial Issues

As the trial approaches and proceeds, V/WAP staff will:

- ensure that the Crown Attorney is aware of any issues causing undue stress for the victim and work cooperatively with the Crown, the victim, and other support personnel to address and resolve these issues as much as possible
- facilitate contact between the Crown Attorney and victim in preparation for trial
- maintain contact with the victim throughout the criminal proceedings
- liaise with the police, the Crown Attorney, shelter staff, and any other service providers as necessary and as requested by the victim, and
- provide ongoing emotional support and provide court accompaniment, upon request and availability of resources.

V/WAP staff will offer victims access to a separate waiting area at court whenever possible given the physical constraints of court facilities. V/WAP staff will work cooperatively with the court police officer, Crown Attorney, and investigating officer to address any safety concerns relating to court appearances identified by the victim.

4. Post-Trial Issues

V/WAP staff continue to support victims following trial, primarily through the provision of information and support. Specifically, V/WAP staff will:

- inform the victim of her right to complete a Victim Impact Statement (VIS) prior to sentencing, provide her with an Information Guide outlining the procedure for completion and submission of such a Statement, and ensure that she is aware that VIS are considered to be public documents and, as such, might be used in other forums such as family court
- update and advise the victim regarding any appeal and in which Court it has been filed. Superior Court of Ontario appeals are handled locally and the V/WAP office will advise and update the victim of the appeal. In the case of an Ontario Court of Appeal matter, a referral will be made to the Court of Appeal V/WAP office with the Crown Law office in Toronto
- provide information about the Criminal Injuries Compensation Board and a referral to Queen's Legal Aid for those victims who qualify and are interested in proceeding with an application
- provide copies of probation orders and a contact name and number for probation services
- provide information about the Victim Support Line in those instances when the offender receives a sentence of less than two years and the victim is interested in being updated about potential release dates, Ontario Parole Board eligibility dates, and the right to make representation to the Ontario Parole Board
- provide information about the Parole Board of Canada and Correctional Services Canada, including her right to register for notification and attend parole hearings when the offender receives a sentence of two years or more, and
- provide information and referrals to community-based counselling and support services if necessary and as requested.

ACCOUNTABILITY

Complaints or concerns regarding the quality or nature of services received or not received through V/WAP can be directed to the Manager of the Program. In the event that the victim is not satisfied with action taken or resolution suggested by the Manager, she may direct her concerns to the Regional Manager of the East Region, Victims and Vulnerable Persons Division.

Crown Attorney's Office

INTRODUCTION

The Crown Attorney prosecutes criminal offences on behalf of the public, thereby promoting the public interest in the administration of justice. The Crown does not act on behalf of the victims of crime or provide legal representation to individual victims of partner abuse. However, in order to fulfil the Crown's role as prosecutor, the Crown Attorney must consider the circumstances and concerns of the victim, make him/herself reasonably available to the victim to obtain information necessary for effective prosecution, and ensure that the victim is prepared for trial.

The Crown Attorney's office works independently of, but in cooperation with, the police. After the police have investigated an allegation of partner abuse and in the event that a charge is laid, the matter is then forwarded to the Crown Attorney's office for prosecution. In some instances, the Crown may decide to withdraw the charges; any such decision will be made in accordance with policy established by the Attorney General of Ontario and within the limits of the law.

The Crown Attorney's office is open Monday to Friday, 8:30 a.m. to 4:30 p.m.

The Crown Attorney's office has a stated commitment to inclusivity, equal access, and respecting the dignity of all victims.

OVERVIEW OF SPECIFIC PROCEDURES AND SERVICES

1. Pretrial Issues

The Crown Attorney has several specific responsibilities that must be addressed and fulfilled prior to trial as outlined below:

a) Bail Hearing/Show Cause Hearing

After an accused is arrested and taken into police custody, s/he may be brought before a Justice of the Peace for a Bail Hearing.⁴ The Crown may seek a detention order, in which case s/he must show that there is cause to keep the accused in custody; alternatively, the Crown may suggest appropriate conditions for release.

³Victims of partner abuse rarely require or arrange independent legal representation for themselves in relation to criminal proceedings against their offender. Victims may wish to discuss this issue with V/WAP staff in order to ensure that they fully understand the roles of the Crown Attorney vs independent legal representation for the victim vs defence counsel for the accused.

⁴ Bail Hearings do not always occur. In some instances, police officers may release the accused, with or without conditions, with instructions to appear in court.

One of the most significant factors considered during the bail process is the protection of the victim, her or his family, witnesses, any other potential victims and the community at large. The onus is on the Crown to prove that it is in the public interest to detain a person who has not yet been found guilty of an offence.

If there is insufficient cause for detention and the accused is to be released, the Crown will typically suggest appropriate conditions for release, including orders:

- to prohibit the accused from communicating either directly or indirectly with the victim;
- to prohibit the accused from attending at or near the victim's residence, workplace and other places of importance to the victim, and/or
- to prohibit the accused from possessing weapons.

The victim may be required to appear as a witness at the bail hearing.

The Crown will make every effort to ensure that the victim is kept up-to-date regarding the Crown's plan for the bail hearing, the outcome of the bail hearing and any conditions of release. In most instances, the Police or V/WAP will update the victim in relation to these matters.

b) Bail Safety Project

The Crown Attorney's Office, in partnership with V/WAP and the Kingston Police, has implemented a Bail Safety Project as of December 11, 2006. The Project affects all domestic violence cases in the City of Kingston where the accused has been held for a bail hearing.

Where an accused has been held for a bail hearing, on the next business day following the arrest of an accused, V/WAP will contact the victim and ask her or him to attend at the Provincial Court House located at 279 Wellington Street in Kingston for the purposes of a Bail Safety Interview. The purpose of the interview is to obtain more detailed information from the victim that would be of assistance to the Crown in making decisions on the issue of bail for the accused, including:

- what position to take with respect to the release or detention of an accused in court;
- if the decision is to release the accused, what Orders the Crown should seek to protect the safety of the victim and reduce the prospect of intimidation of the victim by the accused, once the accused is out of custody.

In the interview, the victim will be asked questions about a number of subjects including:

- the specific history of violence in the relationship;
- whether the accused has access to firearms or other weapons;
- whether the accused has issues with substance abuse;
- whether the accused has mental health issues, and
- other fears and concerns of the victim.

⁵ At this time, the Bail Safety Pilot Project has not been implemented on weekends and statutory holidays.

The bulk of the interview is conducted by V/WAP and the Police. Where feasible, however, the Crown will meet with the victim briefly to discuss any specific concerns s/he may have and answer any questions s/he may have concerning the bail process and the court process.

The Crown may seek an adjournment of the Bail Hearing in exceptional cases where there has not been sufficient time to conduct the Bail Safety Interview. Absent exceptional circumstances, however, the law presumes that a person charged with an offence is entitled to be released from custody before trial. The Crown may therefore be compelled to proceed in the absence of the Bail Safety Interview, in which case the Crown will rely on information collected by the Police at the scene.

c) Interviews and Communication

The Crown will work cooperatively with V/WAP and the Police to ensure that the victim is kept up-to-date on the development and plans for the case.

Interviews with the Crown provide the victim with an opportunity to familiarize herself or himself with the Crown, provide information relevant to the issue of bail, ask any questions that s/he might have regarding the court process, and prepare for trial. They provide the Crown with the opportunity to obtain necessary information from the victim for effective prosecution, to review the victim's evidence, and to ensure that the victim is informed of and prepared for the court process. Reasonable efforts will be made to accommodate the victim when scheduling these interviews.

Crown counsel may interview the victim at various points as the case progresses. More than one interview can take place. Bail Safety Interviews should take place as soon as possible after the accused has been arrested and before the Bail Hearing. Other interviews may be scheduled, including:

- trial or preliminary inquiry preparation interviews;
- interviews to address specific concerns or requests of the victims;
- interviews to discuss requests by defence counsel and issues raised in plea negotiations;
- interviews to obtain the victim's input regarding plea negotiations and/or sentencing submissions

Interviews may be conducted at any time. They may take place several weeks before scheduled court appearances or as late as the morning of the trial.

In most instances, the Crown will meet with the victim in the presence of V/WAP staff, the investigating officer and/or a court officer. Victims and any non-witness support person(s) in attendance at these meetings will be informed that anyone present during the discussion of evidence may be called as a witness.

d) Assignment of the Case

Where the accused has been held for bail, the victim's first contact with the Crown Attorney's

office will be with the Bail Safety Crown. Once the bail process is complete, or if the accused was released by the Police without being held for bail, the victim will likely have contact with the designated Domestic Violence Crown. The case may also be assigned to a specific Crown for prosecution or may be scheduled into a regular trial court. Whenever possible and appropriate, once the issue of bail has been dealt with, one Crown will remain with the case until its final disposition, particularly when dealing with complex cases involving significant degrees of trauma or especially vulnerable victims.

e) Resolution of Charges

In some instances, the Crown may consider accepting a guilty plea to a lesser offence or terminating proceedings without a trial. Whenever possible, the Crown will consult with the victim regarding any such proposed resolutions; however, the Crown does not require the victim's approval to accept a plea bargain or terminate proceedings. Priority consideration will be given to any weaknesses in the case during any decision-making processes relating to plea bargains or terminations.

f) Decision to Proceed to Trial

In some instances, victims may become reluctant to proceed to trial; however, the public interest in prosecuting partner abuse is generally perceived to outweigh a victim's reluctance to testify. It is not in the public interest to terminate a prosecution on the basis that the accused has directly or indirectly pressured the victim to either recant their statement or become a reluctant witness. It will be made clear to victims, as often as is necessary, that control of prosecution rests with the Crown, who may vigorously prosecute the charges even if the victim does not wish to go to trial.

2. Trial Issues

Various issues may arise during the trial process that demand ongoing attention on the part of the Crown including:

- failure of the victim/witness, who has been subpoenaed, to appear for trial which may result in a warrant being issued for the victim's arrest at the discretion of the Crown
- specific evidentiary issues of interest to the victim, such as the admissibility/inadmissibility of evidence in those instances when the partner abuse involves sexual assault; in these instances, the Crown will advise the victim of her right to claim a privacy interest in relation to counselling records, personal diaries, etc. and direct her to seek independent legal advice, and
- the need and option for a publication ban.

3. Post-Trial Issues

a) Sentencing

The Crown will make submissions to the Court on sentencing; victims may be required to appear at a sentencing hearing. The Crown may request various reports prior to making sentencing

submissions, including pre-sentence reports and Victim Impact Statements.

The Crown will consider and address the effect of the crime on the victim, the victim's opinion of an appropriate sentence, and the requirements for counselling for the offender as part of any probation order during any sentencing submissions to the Court.

In most instances where significant bodily harm was inflicted, Crown counsel will seek a term of incarceration, the length of which will be determined in consideration of the nature, duration, and severity of the assault. The Crown also has the right to initiate proceedings to have the offender declared a dangerous offender or a long-term offender in cases involving high-risk and repeat offenders.

b) Victim Impact Statements

The Crown and/or the investigating officer will ensure that V/WAP personnel have informed the victim of her right to make a voluntary Victim Impact Statement (VIS) and provided her with an Information Guide outlining the procedure for completion and submission of such a Statement. Victims will be reminded that the VIS will be disclosed to the offender and will become a public document once it is filed with the Court; as such, it may be used in other forums such as family court. For this reason, unless specifically requested by the Crown Attorney, Victim Impact Statements should not be submitted until the accused has been found guilty; otherwise, the Statement can be used by the defence counsel at trial to cross-examine the victim.

c) Firearms Prohibition/Forfeiture

The Crown will determine if a firearms prohibition order should be requested in those instances when such an order is not mandatory. If so, the Crown will ensure that relevant information is presented to the Court.

The Crown may also choose to remind the Court of the provision for forfeiture of weapons in the ***Criminal Code*** under appropriate circumstances.

d) Appeals

In the event that the accused's appeal is granted and a new trial ordered, Crown counsel will consult with the victim and consider her position when deciding whether to proceed with a second trial. The Crown will advise the victim of his/her decision regarding a second trial.

The victim will receive updates through V/WAP and/or the police regarding the appeal process, including hearing dates, the outcome of any bail pending appeal hearings and conditions of release, and the outcome of the appeal process.

ACCOUNTABILITY

Complaints or concerns regarding the quality or nature of services received or not received through the Crown Attorney's office can be directed to the Crown Attorney. In the event that the victim is not satisfied with action taken or resolution suggested by the Crown Attorney, she may direct her concerns to the Regional Director of Crown Attorneys, East Region.

Probation and Parole Services

INTRODUCTION

Probation and Parole Services provide supervision and case management services to adult offenders 18 years and older who have been sentenced by the court to a period of community supervision, including probation or a conditional sentence. Probation and Parole Services also supervise 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 Board (OPB). In addition, Probation and Parole Officers (PPOs) prepare pre-sentence reports to assist judges in determining sentences and pre-parole reports to assist the Ontario Parole Board with their decisions about parole releases.

The Kingston Area office serves offenders in the greater Kingston area including a reporting centre in Sharbot Lake; in the Napanee area which includes reporting centres in Amherstview and Kaladar; and in the Brockville area which includes reporting centres in Gananoque and Prescott. Office hours are Monday to Friday, 8:30 a.m. to 5:00 p.m.

In an effort to ensure that accurate and comprehensive information is available when completing risk assessments, preparing reports, and working with partner abuse offenders, Probation and Parole Services addresses the following items in all instances when working with these individuals:

- past criminal convictions for assault of family members, strangers, and/or acquaintances, and past violations of conditional release or community supervision orders
- psycho-social adjustment difficulties in relationships, employment, substance abuse, and psychological/psychiatric disturbances including suicidal and/or homicidal tendencies
- access to firearms
- motivation for treatment
- identification of domestic related risk factors
- completion of the ODARA risk assessment tool on relative offences

OVERVIEW OF SPECIFIC PROCEDURES AND SERVICES

(IN RELATION TO VICTIMS)

1. Court Ordered Reports and Pre-Parole Reports

When preparing pre-sentence or pre-parole reports, PPOs collect and present comprehensive information about the offender in order to recommend focused, supportable and enforceable conditions. In addition, PPOs clearly indicate if the offender resides with or plans to resume living with the victim of a partner abuse offence (may be in relation to current offence or another recent offence).

Every reasonable attempt is made to contact victims of partner abuse to solicit their input into these reports.

2. Case Supervision

Probation and Parole Officers are required to comply with the Domestic Violence Policy created by the Ministry of Community Safety & Correctional Services. They maintain detailed records of all offender contacts when supervising convicted perpetrators of partner abuse living in the community. In addition, officers monitor and document:

- any contact with victims of partner abuse with attention to the victim's stated interest in ongoing contact with Probation and Parole Services, and
- referrals to the Partner Assault Response Program or other counselling services for perpetrators of partner abuse.

In those instances when an offender does not have a condition requiring attendance at counselling for perpetrators of partner abuse, PPOs encourage the offender to self-refer to the Partner Assault Response Program (as described in the Community Support Services section of this Protocol⁶).

3. Enforcement

Probation and Parole Officers recognize the serious and often ongoing nature of partner abuse. In keeping with this recognition, officers are extremely vigilant with respect to any indication of subsequent violent or abusive behaviour and/or any other form of non-compliance with conditions outlined in the order/certificate, including but not limited to failure to attend the Partner Assault Response (PAR) Program as a mandated participant. (PAR personnel provide weekly updates to P&P regarding mandated participants' attendance and involvement with the PAR program.)

In the event that officers become aware of new allegations of abuse or violence by the offender, they immediately notify the police and Ontario Parole Board if applicable.

ACCOUNTABILITY

Complaints or concerns regarding the quality or nature of services received or not received through Probation and Parole Services can be addressed with the Probation and Parole Officer involved. In the event that the person remains dissatisfied with the resolution offered at this level, s/he may direct their concern to the area manager.

⁶ An overview of the Partner Assault Response (PAR) program can be found on pages 63, 64 and 65 of this Protocol. While many participants in the program are mandated to attend the program by the Domestic Violence Court, the program also accepts self-referrals. Placement of the program description in the Community Support Services section of this Protocol reflects K3C's hope that area service providers will encourage and support self-referrals when working with clients who are violent, abusive, and/or demonstrate coercive behaviours in relation to their intimate partner.

Child Protection Services

In relation to:

Family & Children's Services of Frontenac, Lennox and Addington

INTRODUCTION

Family & Children's Services of Frontenac, Lennox and Addington is a Children's Aid Society (CAS). It is mandated to provide professional child protection services which safeguard children, support nurturing environments, and strengthen families as legislated by and in accordance with the *Child and Family Services Act* (CFSA). The purpose of the CFSA is to promote the best interests, protection, and wellbeing of children.

More specifically, Family & Children's Services:

- investigates allegations or evidence that children under the age of sixteen years or children in the Society's care or under its supervision may be in need of protection and when necessary, protects these children
- provides guidance, counselling and other services to families designed to ensure the protection of children and/or prevent circumstances resulting in the need to protect children
- provides care for and supervises children assigned to its supervision under the CFSA
- and places children for adoption.

Services are available 24 hours a day, 7 days a week; office hours are Monday to Friday, 8:30 a.m. to 4:30 p.m. Emergency After Hours Services are available when the offices are closed.

COMMUNITY AND PROFESSIONAL DUTY TO REPORT

Section 72 of the CFSA clearly outlines the duty of public and professional to report if a child is or may be in need of protection and describes in detail what must be reported.

A professional must report reasonable grounds to suspect the following to Family and Children's Services **directly** and on an **ongoing basis**, meaning they cannot rely on anyone else within their organization to report and they must continue to report additional or new concerns in relation to any given child even if they have made a previous report with respect to the same child:

- physical harm, or risk child is likely to suffer physical harm
- sexual molestation or sexual exploitation, or risk child is likely to suffer sexual molestation or sexual exploitation
- failure to provide required medical treatment
- emotional harm as demonstrated by anxiety, depression, withdrawal, self-destructive or aggressive behaviour, or delayed development, or risk of same
- failure to provide treatment required to remedy a mental, emotional, or developmental condition that could seriously impair the child's development

- abandonment
- encouragement given by parent or legal guardian to a child less than twelve years old to commit violent crimes against persons or property, and
- failure to provide appropriate services or treatment to a child less than twelve years old who has committed violent crimes against persons or property.

The duty to report applies to exposure to or witnessing partner abuse which, in some instances, may result in and/or create the risk of physical injury or emotional harm for some children. However, admission to Kingston Interval House or involvement with other services and programs for victims of partner abuse does not automatically require that a report be made to Family and Children's Services. Professionals are expected to use their judgment when evaluating any given situation in relation to the CFSA. In keeping with directives from the Ministry of Children and Youth Services, Family and Children's Services and area VAW agencies have participated in a joint protocol development project and joint training initiatives. The protocol development and training initiatives were designed to promote effective and cooperative inter-agency relations and ensure consistent reporting practices. Duty to report in relation to children who have been exposed to partner abuse is a relatively new legal requirement, though Family and Children's Services workers and anti-violence service providers have been struggling with this issue for several years. Organizations and professionals are encouraged to stay apprised of new developments, precedents, and procedures relating to this aspect of duty to report by maintaining regular contact with Family and Children's Services.

OVERVIEW OF SPECIFIC PROCEDURES AND SERVICES

1. Response to Reports and Allegations of Abuse

All referrals to Family and Children's Services are screened for the presence of domestic violence. A referral in which the only allegation is exposure to domestic violence does not in itself meet the definition of a child in need of protection under the CFSA. When receiving a report where there is information that describes domestic violence, the child protection worker gathers and assesses information as to how the violence has resulted in, or is raising the risk of abuse or neglect of a child. All initial referrals are universally screened for domestic violence occurrences. The caller is asked to provide basic information as well as information about the child and family's functioning to assist the child protection worker in assessing the most appropriate response that will meet the child and family's needs and ensure the child's safety and wellbeing. Additionally the child protection worker will be asking the person making the referral to describe supports that may be available already to the family. The decision-maker will consider the information, child's vulnerability, child's and family's needs and protective supports, consideration of the Eligibility Spectrum and recommend a response to the information which may include:

- initiating a child protection investigation with a response time in keeping with the level of threat to the safety of a child
- reaching out to the family through telephone contact to assist in making a "community link" to another service within the community that will assist the family

- documenting the information but not initiating any direct contact with the family.

The response and provision of child protection services will include:

Eligibility spectrum review: this tool is used to determine how the situations as described might be considered in terms of eligibility for service. Exposure to domestic violence is a risk factor for children especially if it co-occurs with other forms of child maltreatment. Child protection intervention is required when the risk factors present an immediate safety threat or longer term risk of maltreatment or harm. Risk of maltreatment exists on a continuum, from low to high risk. The determination that a child may be in need of protection as a result of exposure to domestic violence is made based on judgment as to risk arising from the adult conflict or exposure to domestic violence. When risk is not assessed as high the child protection worker will usually offer children and their families assistance in contacting voluntary community-based assessments and services.

A safety assessment: a brief assessment to determine the level of immediate danger to a child. This process leads to a safety decision which includes the identification of interventions currently needed to protect the child. This is completed as part of the first contact with the child and family.

Risk assessment: considers the likelihood of future maltreatment of a child. This assessment begins at the first contact with a family. The assessment is a tool to organize the information to support decision-making about future risk to a child. The information assists the child protection worker in decision-making about further services to the family.

Assessment of family's strengths and needs: is a tool that reflects the strengths and resources of each parent and child as well as identifying the needs of each family member. This information supports the development of a service plan that can utilize family strengths and target the areas of need. Information is gathered from the family, those they identify as immediate and extended family members, members of cultural communities such as Band and aboriginal representatives with the objective to gather a full understanding of strengths, needs and supports available to families to reduce the risk to a child and to reduce the need for child protection interventions to address the risk.

2. Police Accompaniment

Family and Children's Services and local police departments have developed and approved protocols relating to the investigation of allegations of physical and sexual abuse of children. Family and Children's Services notifies police services of all such allegations; police officers notify Family and Children's Services of any reports or allegations brought to their attention. The police may conduct a joint investigation with Family and Children's Services workers or they may complete an independent investigation at their discretion.

In those instances when a Family and Children's Services worker is concerned for his/her personal safety, police services will be requested to provide accompaniment.

3. Ongoing and Follow-up Services

Decisions as to need for ongoing child protection service are made based on analysis of the assessments and identification of needs for service or referral to another service in the community. Where service is going to be provided by Family and Children's Services, a service plan is developed along with the family and community service providers through a case conference or "family centered conference". The child protection worker will invite community members, service providers and extended family, as all may be available to provide support to the family.

Reassessment following service delivery will occur on a continuing basis and particularly at any time there are significant changes in the family functioning and at least every six months.

ACCOUNTABILITY

The CFSA provides for clients to have their complaints about the services they have received from a CAS heard by an internal complaints panel or responded to directly by the Child and Family Services Review Board. Clients are encouraged to talk with their worker or their worker's manager about their complaints however this is not required. The client may choose to write directly to the Executive Director requesting that their complaint be heard. In some situations the client may elect to request this review occur directly by the Child and Family Services Review Board.

Supervised Access Services

In relation to:

The Salvation Army Supervised Access Centre- Kingston/Napanee

INTRODUCTION

The Salvation Army provides a variety of community and family services to residents in the Greater Kingston area including, but not limited to, emergency provision of food and clothing, emergency disaster services, housing outreach programs, summer camps and a supervised access program. Childcare is available for most of the structured programs provided by the Salvation Army.

The Salvation Army Supervised Access Centre – Kingston/Napanee

The Supervised Access Centre is a program funded by the Ministry of the Attorney General which operates through The Salvation Army whose mission is to provide a safe, neutral, child-focused setting where parents who are involved in custody and access disputes, can visit with their children. The Centre has a stated commitment to providing a setting where visits and exchanges can take place under the supervision of trained staff and volunteers while parents work through their custody and access matters.

In most instances, families are ordered by the court to attend the Supervised Access Centre; however, referrals are accepted from legal representatives, the Office of the Children's Lawyer, and self-referrals in those instances when both parties consent to the service provided.

More specifically, the Centre:

- Provides a safe, neutral, child-focused and non-stigmatized setting for visits and exchanges, between a child and non-residential parent or other family member;
- Ensures the safety of all participants, staff and volunteers;
- Offers children the opportunity to have their special needs met and experience more positive, enhanced relationships with their parents and/or family members;
- Provides trained staff and volunteers who are sensitive to the needs of the parents and children;
- Provides constant supervision during visits and supervision at the point of an exchange
- Provides the court or legal representatives with factual observations about the participants use of the service; and
- Provides suitable, accessible sites throughout the counties of Frontenac and Lennox and Addington.
- Services are offered in French and English

Office hours are Tuesday to Friday 9:00 a.m. to 5:00 p.m. Direct service hours may vary from site to site and include weekday and weekend, daytime and early evening hours. Telephone messages may be left after hours; messages will be answered in consideration of the urgency of the matter.

OVERVIEW OF SPECIFIC PROCEDURES AND SERVICES

1. Intake Interviews

Upon referral to the program, both parties are required to contact the Coordinator to set up an intake interview prior to any exchanges or visitations. Parents will be given specific instructions about documentation required for the intake process. In those instances when the Coordinator is aware one of the parties has been a victim of partner abuse, additional detailed information will be solicited with priority attention to safety and risk assessment. Similarly, if partner abuse is disclosed during the intake interview, the Coordinator will collect additional relevant information. Intake interviews are conducted separately with each party.

The terms of the exchanges and/or visits are determined along with acceptance into the program during the intake process. Residential parents will be asked to confirm any specific conditions or limitations needing to be applied to visits with the non-residential parent, including but not limited to permission for the child/ren to receive gifts, permission for photographs to be taken during visits, and permission for other family members or friends to participate in scheduled visits. Accessibility plans are developed at intake with participants when needed.

To facilitate the comfort of the child/ren, the residential parent and child/ren attend a child orientation at the designated visit site prior to the first visit or exchange.

2. Exchanges and Visits

Supervised Exchanges: Each centre provides a place where child/ren and parent exchanges can take place for off-site visits. Parents arrive at staggered times and do not have contact with one another. Supervision is provided only at the time the child/ren is/are being exchanged. Exchanges may be cancelled if staff suspects either party is under the influence of drugs or alcohol, or there is concern an individual's safety may be at risk.

Supervised Visits: Each site provides a safe, comfortable, child-focused environment for on-site supervised visits with non-residential parents/family members. Staff provide constant supervision throughout the entire visit. Visiting parents/family members are required to comply with a variety of program guidelines during visits, such as refraining from discussing the residential parent and/or any legal procedures involving the family, refraining from whispering and refraining from the use of physical discipline. Visits may be cancelled if staff suspects either party is under the influence of drugs or alcohol, there is a violation of the Agreement for Service, or there is concern an individual's safety may be at risk.

Safety overrides neutrality; staff will intervene in cases of safety concerns or violations of the Service Agreement. The Supervised Access Centre reserves the right to terminate services in the event there is a violation of the Agreement for Service or an individual's safety is at risk; whether or not there is a court order for access.

The following procedures and requirements apply to both exchanges and visits:

- parents are required to provide their own transportation to and from the designated site
- arrival and departure times for each parent are staggered
- the non-residential or visiting parent is required to arrive up to 15 minutes prior to the exchange or visit and remain on-site up to 15 minutes following the exchange or visit
- parties are not to communicate while at the Supervised Access Centre at any time; unless indirectly through the use of a communication log as previously arranged with the Centre

Agreements or court orders will be followed as closely as possibly based on the Centre's availability of staff and space.

Centre staff make every reasonable effort to respect and protect children while fulfilling the requirements of any exchange/visitation order. For example, staff do not force visits on children who refuse to meet with a parent and parents may not force physical contact of any kind on their child/ren during exchanges or visits. In accordance with the law, Family and Children's Services of Frontenac, Lennox and Addington is contacted whenever staff suspect abuse of either parent.

All exchanges and visits are monitored and documented through observation notes. Parents or their legal representation may request a summary report of these observation notes for an additional fee. Additional documentation such as letters and event logs may be requested for an additional fee.

3) Accessibility

Customer Service Standard

The Salvation Army Supervised Access Centre of Kingston is committed to providing persons with disabilities with equal opportunities and standards of goods and services in accordance with the Accessibility for Ontarians with Disabilities Act, 2005. These goods and services will be provided in a manner that respects dignity, independence, integration and equal opportunity.

Assistive Devices

The Supervised Access Centre supports the use of assistive devices at no additional cost to user. ie. Wheelchairs, service animals, support workers, TTY, forms documents in accessible formats

Service Disruptions

Service disruptions affecting the Supervised Access Centre will be listed on the Centre's voicemail and website. Dependent on the situation, participants may be contacted directly.

Accessibility for Ontarians with Disabilities Feedback

Accessibility Feedback forms are available at each site in various accessible formats and on the website, www.kfla-supervisedaccess.com. Feedback forms can be forwarded to the Coordinator for review or anonymously through a client feedback system.

ACCOUNTABILITY

Complaints or concerns regarding the quality or nature of services received or not received through the Supervised Access Centre-Kingston/Napanee can be directed to the Supervised Access Centre Coordinator. If necessary, the concern may be directed to the Director and ultimately to the funding body for the program, the Office of the Ministry of the Attorney General. A pamphlet, indicating the Supervised Access Centre's complaint process, is provided to each participant at the intake appointment.

The Supervised Access Centre participates in a Peer Review facilitated by the Ministry of Attorney General, an accreditation process through The Salvation Army, and a yearly internal program review.

SHELTER SERVICES

CONTACT INFORMATION

Kingston Interval House

Business Lines: 613-546-1833; 613-546-4136

Crisis Line: 613-546-1777
1-800-267-9445

Shelter Services

In relation to:

Kingston Interval House

INTRODUCTION

Kingston Interval House (KIH) is a 25-bed shelter mandated to provide emergency, transitional shelter, supportive counselling, information and resources, referrals, and practical support to abused women and their children. All services are confidential, are accessed on a voluntary basis, and are provided at no cost. KIH is committed to inclusivity, equity, and respecting the broad diversity among women who have experienced violence.

More specifically, Kingston Interval House provides:

- telephone crisis support, information, and referrals to women living with and/or recovering from partner abuse (local: 613-546-1777; and 1-800-267-9445)
- safe, temporary shelter
- practical assistance to women, such as transportation to the shelter, assistance organizing school enrolment and transportation, and safety alarms for women living in the community in high-risk situations
- emotional support, information, advocacy, and referrals to appropriate services for women and children with priority attention to supporting women in their efforts to understand and clarify their options and to increasing women's understanding of issues relating to their children such as parenting, non-violent discipline, custody and access, and impact issues for children exposed to partner abuse
- access to legal information and counselling through two-hour legal forms, Legal Aid, and the Danielle Duchesneau Fund ⁸
- individual and group counselling to women living at the shelter and in the community
- accompaniment to legal or medical appointments, court, or social services in accordance with available resources, and
- emotional support, age-appropriate recreational and educational activities, and individual and group counselling for children exposed to partner abuse living at the shelter and in the community.

Crisis intervention and shelter services are available 24 hours a day, 7 days a week; children's

⁷KIH has safety alarm units available for use by women at risk living in the community; this service is available to women on a first-come, first-served basis.

⁸Women who have experienced violence are eligible to receive a designated amount of money to assist with costs relating to legal and/or safety issues. Applications for funds are available at KIH.

services and community-based outreach services are available at designated times.

Kingston Interval House accepts self-referrals as well as referrals from other organizations. In those instances when an agency contacts KIH on behalf of a woman, it is common practice for shelter staff to ask to speak directly to the abused woman in order to obtain and provide information firsthand and to reinforce the voluntary nature of services provided by the shelter. Women may seek shelter and/or use the other services available through KIH, such as the crisis line, as often as necessary. There are no restrictions on the number of times a woman may call or stay at KIH.

KIH staff also organizes and/or participate in a wide variety of prevention and public education initiatives designed to increase public awareness and understanding of issues relating to violence against women and children.

OVERVIEW OF SPECIFIC PROCEDURES AND SERVICES

1. Crisis Response Services

When a woman contacts KIH, the counsellor directs priority attention to her safety and any immediate medical needs.

Questions pertaining to the woman's location, the assailant's location, possible physical injuries, and the need for immediate medical and/or police intervention are used to determine if emergency assistance is required. If so, the woman is encouraged to call 911 or, alternately, the counsellor will contact 911 on behalf of the woman.

If there is no immediate emergency, the counsellor will offer emotional support, information, and referrals in accordance with the concerns and needs of the woman and with attention to the range of options and choices available to her, including but not limited to the option to come to KIH for additional information and support and/or to stay. If the woman expresses an interest in coming to the shelter, any necessary transportation arrangements will be made.

2. Shelter Services

KIH provides secure, temporary shelter to abused women and their children; length of stay may range from less than 24 hours to eight (8) weeks or longer depending on the specific needs of the woman and her children. KIH currently has **two** wheelchair accessible bedrooms. The first floor is accessible and the basement and second floor can be accessed by stair lifts.

In the event that KIH is unable to accommodate a woman who has been abused for any reason, such as lack of space, every effort will be made to arrange for alternate secure shelter at another organization, such as Lennox & Addington Interval House (Napanee). KIH will arrange and pay for transportation to the alternate shelter if necessary.

Women living at KIH are expected to comply with a variety of house rules and guidelines designed to support non-violent cooperative living; these rules and guidelines are explained

during the intake process and as necessary throughout the woman's stay.

While residing at KIH, women have access to crisis intervention, supportive counselling, and information services 24 hours a day, 7 days a week. Counsellors work cooperatively with residents to help them identify, understand, and address their specific needs with priority attention to their safety and to recognizing their strengths, skills, and internal resources. KIH has a protocol agreement with the Kingston Humane Society for the provision of free temporary shelter for a family's pets for the duration of the woman's stay at KIH.

Women who have lived at the shelter and who, upon leaving, remain in a high-risk situation may be eligible for a Bell Mobility cell phone program.

Children's Services Workers provide emotional support and information to children living at KIH. Children may participate in a variety of age-appropriate recreational and educational activities during their stay.

Shelter staff work cooperatively with other emergency personnel and service providers involved with a woman and her children within the constraints of their commitment to confidentiality and in accordance with the policies and procedures of the organization. For example, KIH and the Limestone District School Board have developed and adopted a protocol for the transportation and education of children residing at the shelter.

3. Follow-Up and Outreach Services

Individual and group counselling is available to women and children exposed to violence with priority attention to safety planning, dynamics of power and control and other issues relating to partner abuse, and transition to a violence-free life.

An outreach program specific to the needs of Aboriginal women is also available; this program provides all the same outreach services in keeping with Aboriginal teachings.

We also provide resources and outreach services in the French language.

Outreach services **also** include support, information and resources, referrals, advocacy and accompaniments to family and criminal court proceedings.

Robin's Hope

Kingston Interval House provides transitional supportive housing through Robin's Hope. The building is able to accommodate women and their children who are ready to leave the emergency shelter but not able to find suitable housing. Apartment units are affordable, with rents geared to women's incomes. They are able to reside at Robins Hope for a maximum of 364 days or until regular housing is secured in the community. While residing at Robins Hope women are provided counseling, advocacy and peer support in a safe and welcoming environment.

ACCOUNTABILITY

Complaints or concerns regarding the quality or nature of services received or not received through Kingston Interval House are addressed by the Executive Director; any complaints involving the Executive Director are addressed by the Board of Directors. Any such complaints are addressed in compliance with the written policies and procedures of the organization.

Additional Shelter Services for Victims

Brief descriptions of other non-secure shelter services administered by organizations who are not signatory agencies, such as Dawn House Women's Shelter, can be found in Appendix Four.

CRISIS RESPONSE SERVICES

CONTACT INFORMATION

Victim Services of Kingston and Frontenac 613-548-4834

Land O' Lakes Community Services – 613-336-8934, business line
Land O' Lakes Women's Program 613-336-8937, crisis line
1-877-679-6636, toll-free crisis line

KGH Sexual Assault/Domestic Violence Program 613-549-6666 ext.4880
Crisis – Present to hospital emergency department and ask to see "SA/DV nurse on call."

Sexual Assault Centre Kingston Office: 613-545-0762
Crisis line: 613-544-6424
1-877-544-6424

Crisis Response and Referral Services

In relation to:

***Victim Services of Kingston and Frontenac
Land O' Lakes Community Services
Kingston General Hospital Sexual Assault/Domestic Violence Program
Sexual Assault Centre Kingston***

INTRODUCTION

There are a variety of crisis response, information, and referral services available to victims of partner abuse in Kingston and Frontenac County. Services provided by signatory partner agencies are described in this section of the Protocol; brief descriptions of other crisis intervention and support services available to victims of partner abuse in Kingston and area can be found in Appendix Four.

Victim Services of Kingston and Frontenac

Victim Services of Kingston and Frontenac is a Program funded through the Victims' Justice Fund from surcharges on fines imposed by the courts. These funds are administered by the Victims and Vulnerable Persons Division of the Ministry of the Attorney General.

Victim Services is mandated to provide immediate on-scene service to victims of crime, tragic circumstance, or disaster and many of these calls involve victims of Partner Abuse. Victim Services of Kingston and Frontenac accepts referrals 24 hours a day, seven days a week from Emergency Service Personnel (Police, Fire & Rescue, Paramedics, Campus Security Staff) and can respond to self-referrals and referrals from other Community Agencies during office hours, Monday to Friday, 8:30am to 4:30pm. Emergency Service Personnel call on Victim Services of Kingston and Frontenac Staff and/or Volunteer Crisis Workers to provide on-scene, short-term assistance to victims and make referrals to community agencies for long term support should this be necessary.

All services provided through Victim Services of Kingston and Frontenac are accessible to victims on a voluntary basis and at no cost. All services are confidential.

More specifically, Victim Services:

- Provides immediate crisis intervention through emotional support, practical assistance and referral to victims of crime, tragic circumstance and disaster.
- Provides information and advocacy as per the needs of the victim.
- Administers the Victim Quick Response Program (VQRP), which provides financial

assistance to those victims who meet the criteria of the Program. Coverage can include, but is not limited to, coverage for Crime Scene Clean-up, Emergency Home Safety Expenses, Emergency Transportation, Counselling, and other services as approved.

- Provides ongoing support and information to victims involved in Investigative and/or Court Processes, in consultation and cooperation with Victim/Witness Assistance.

OVERVIEW OF SPECIFIC PROCEDURES AND SERVICES

1. Crisis Response Services

When a victim of Partner Abuse is referred to, or contacts Victim Services of Kingston and Frontenac, the responding Staff or Volunteer Crisis Worker(s) directs priority attention to the immediate physical safety of the caller.

Questions pertaining to the caller's location, the assailant's location, possible physical injuries, and the need for immediate medical and/or Police intervention are used to determine if emergency assistance is required. If so, the caller will be encouraged to call 911 or, alternately, Victim Services Personnel will contact 911 on behalf of the caller.

Should medical or Police services be required, Victim Services Personnel will offer transportation and/or accompaniment services to the hospital or to a Police Headquarters / Detachment. If there is no immediate medical emergency and the caller wishes to leave her residence, Victim Services Personnel will offer transportation and/or accompaniment to Kingston Interval House or Lennox & Addington Interval House.

If there is no immediate emergency or risk and the caller does not wish to leave her residence, Victim Services Personnel will offer emotional support, practical assistance and referral with priority attention to exploring issues relating to the cycle of violence, the dynamics of power and control within an abusive relationship, the impact of violence on victims and their children, and appropriate safety planning. Referrals to Kingston Interval House, community-based counselling, and, in those instances when charges have been laid, Victim/Witness Assistance will be given; however, Victim Services Personnel will make every effort to respond to the immediate needs and concerns of the caller in addition to offering options for additional support and assistance.

2. On-site Visits and Accompaniments

In those instances when **Police respond to a domestic incident** and determine that the victim might benefit from immediate, on-scene assistance, the responding Officers will request permission from the victim to contact Victim Services and arrange for Victim Services to attend. Victim Services Staff or Volunteer Crisis Workers will meet with a victim at the residence, a Police Headquarters / Detachment, the hospital, or any other location that is identified by the responding Officers as appropriate and safe.

Victim Services Staff and Volunteer Crisis Workers will attend at a victim's residence only in

those instances when the responding Officers confirm that:

- the suspect is in custody
- the suspect is not an imminent risk to the safety of the Staff and/or Volunteer Crisis Workers, and/or
- the Officer(s) will be remaining on-site.

In the event that the accused returns home while Victim Services' Personnel are visiting on-site, the Staff and/or Volunteer Crisis Workers will immediately leave the residence regardless of the behaviour or actions of the accused and with or without the victim.

In the event that the victim remains in the home and Victim Services Personnel have reason to believe she may be in any danger, they will contact 911 upon leaving the home and request Police assistance.

In the event that the victim remains in the home and the accused is not threatening and/or expresses a desire to "talk" or seek counselling, Victim Services' Personnel will provide appropriate referral information to the accused prior to leaving the residence and will notify the Police of the accused's stated interest.

In the event that the victim leaves with Victim Services Personnel, the victim will be offered transportation to a safe location, such as Kingston Interval House.

Victim Services' Personnel will not provide on-site mediation services to victims and their partners or on-site supportive counselling to abusive partners.

Victim Services Staff and/or Volunteer Crisis Workers will provide Court accompaniment services to victims of Partner Abuse when asked to do so by, and with, the approval of the Victim/Witness Assistance Program.

3. Follow-Up Services

After the initial crisis intervention, Victim Services of Kingston and Frontenac will provide additional support, information, and referrals to victims of Partner Abuse at their request. Priority attention will be directed toward providing appropriate referrals for longer term support during any follow-up contact with victims.

ACCOUNTABILITY

Complaints or concerns regarding the quality or nature of services received or not received through Victim Services of Kingston and Frontenac are addressed by the Executive Director; any complaints involving the Executive Director are addressed by the Chair of the Board of Directors. Complaints are addressed in compliance with the written policies and procedures of the organization.

Land O' Lakes Community Services – Land O' Lakes Women's Program

Land O' Lakes Community Services (LOLCS) in Northbrook is a multi-service organization ensuring an array of coordinated community-based social services to the rural residents of northern Lennox and Addington County and parts of northern Frontenac County. More specifically, LOLCS administers the Land O' Lakes Women's Program.

The Land O' Lakes Women's Program provides mobile outreach for victims of woman abuse who are 16 years of age or more. Services are available in northern Frontenac County from Verona to Plevna; and in northern Lennox and Addington County from Tamworth to Denbigh. Office space is maintained in Northbrook at LOLCS with a satellite office in Sharbot Lake at Northern Frontenac Community Services. Services may also be provided in a variety of safe locations throughout the extensive catchment area of the program.

More specifically, the Land O' Lakes Women's Program:

- provides telephone crisis support, emotional support, information, and referrals to victims of current or past partner abuse (613-336-8937/ 1-877-679-6636) during office hours
- provides practical assistance, such as transportation and accompaniments to hospitals, shelters, and police stations
- accompanies and assists victims through legal processes including but not limited to interviews with police officers for the purpose of giving a statement and criminal and family court appearances
- provides safety planning services to victims of woman abuse, and
- provides ongoing individual and group counselling services to victims of woman abuse.

Office hours are Monday to Friday, 9:00 a.m. to 4:30 p.m. Efforts are made to accommodate individuals requiring appointments after regular office hours. Crisis line intervention and support services provided by staff are available during regular office hours; after hours crisis calls are redirected to the women's shelters in the area.

Presentations on the program and early intervention education strategies are provided to community groups and area schools by Land O' Lakes Women's Program staff.

OVERVIEW OF SPECIFIC PROCEDURES AND SERVICES

1. Crisis Response Services

When a victim of partner abuse contacts the Land O' Lakes Women's Program on the crisis line during office hours, the responding staff member directs priority attention to the immediate physical safety of the caller. In the event that the caller identifies a need for emergency medical or police intervention, she will be encouraged to call the appropriate emergency service or, alternately, Land O' Lakes personnel will contact the necessary service on her behalf and with the permission of the

caller.

In the event that medical or police services are required, Land O' Lakes Women's Program personnel will offer transportation and/or accompaniment services to the hospital or police station. If there is no immediate medical emergency and the woman wishes to leave her residence, she will be offered transportation and accompaniment services to Kingston Interval House, Lennox and Addington Interval House or alternate safe shelter.

If there is no immediate emergency or risk and the caller does not wish to leave her residence, Land O' Lakes Women's Program personnel will offer emotional support and information with priority attention to safety planning, options, and choices available to the caller for ongoing support and assistance. Referrals to appropriate social services for economic assistance, housing, and counselling will be given. Land O' Lakes Women's Program personnel, however, will first make every effort to respond to the immediate needs and concerns of the caller in addition to offering options for additional support and assistance.

2. Accompaniments

Land O' Lakes Women's Program personnel will not go to the caller's home or the scene of an assault without police accompaniment.

Land O' Lakes Women's Program personnel will meet a caller at a neutral, safe location, such as one of the offices maintained by the agency or the OPP station, and provide transportation and accompaniment services to hospitals, police stations, or area shelters.

3. Follow-Up Services

After the initial crisis intervention, Land O' Lakes Women's Program personnel will provide additional support, information and referrals to victims of woman abuse at their request, including but not necessarily limited to the individual and group counselling services available through Land O' Lakes Women's Program in Northbrook and/or Sharbot Lake; and the other programs available at Land O' Lakes Community Services (as described in the following section of this Protocol) and Northern Frontenac Community Services (as described in the following section of this Protocol).

ACCOUNTABILITY

Complaints or concerns regarding the quality or nature of services received or not received through Land O' Lakes Community Services are addressed by the Director of Programs. Any such complaints are addressed in compliance with the written policies and procedures of the organization.

Additional Crisis Line Services for Victims

Brief descriptions of other crisis response and referral services administered by organizations who are not signatory agencies, such as the Sexual Assault Crisis Line, are found in Appendix Four.

Kingston General Hospital Sexual Assault/Domestic Violence Program

INTRODUCTION

The Kingston General Hospital Sexual Assault/Domestic Violence Program (SADV) Program provides 24-hour, 7-day-a-week emergency medical and nursing care, testing and treatment for sexually transmitted infections, pregnancy and HIV, forensic evidence collection and documentation, crisis counselling, safety planning, medical and social work follow-up to individuals who have recently been sexually assaulted or assaulted by an intimate partner.

As a member of the Ontario Network of Sexual Assault/ Domestic Violence Treatment Centres, the Program is committed to the following values: collaboration, advocacy, respect, accountability, equality, diversity and awareness.

OVERVIEW OF SPECIFIC PROCEDURES AND SERVICES

Service is tailored to meet individual need, is at no cost to the client, is confidential, and has no waiting list.

Clients are encouraged to present to the KGH Emergency Department or their nearest hospital emergency department and ask for the "SA/DV nurse on call".

Individuals are triaged and medically cleared, then escorted by the SA/DV nurse to a confidential and distinct treatment room for the exclusive use of this Program.

Service options include:

- medical and nursing care
- medical treatment of injuries
- testing and treatment of sexually transmitted infections/pregnancy/HIV
- toxicological testing
- Bill 28
- forensic evidence collection and documentation in the form of the Sexual Assault Evidence Kit and forensic photography
- crisis support/safety planning
- social work follow-up services
- follow-up nurse services
- coordination with and referrals to community partners
- public education

A specialized SA/DV nurse will respond to calls 24 hours a day, 7 days a week, in a timely manner.

The adult eligibility criteria includes:

Ages 16 and older:

Sexual assault within the past 7 days

Intimate partner assault within the past 7 days

The paediatric eligibility criteria includes:

Ages 0-15 years

Sexual assault with no time frame

In addition to the 24-hour-a-day, 7-day-a-week access to a SA/DV nurse, a Paediatric Clinic is hosted on a weekly basis to address chronic, suspected, or historic sexual abuse through a multi-disciplinary team consisting of a Paediatrician, SA/DV nurse, and SA/DV social worker.

Follow-Up Services

The KGH SA/DV Program offers an extensive follow-up opportunity through the availability of a follow-up nurse and social worker.

The follow-up nurse will:

- re-evaluate injuries
- document late-developing bruising
- address further tests/cultures to assess for resistant infections
- offer support, information and education regarding medications
- facilitate the HIV Post Exposure Prophylaxis

The social worker will:

- offer services in the “environment of choice”: home, community, hospital setting
- offer counselling/emotional support
- assess support network and develop safety plan
- identify coping strategies/coping mechanisms
- refer and co-ordinate service with community partners

Hours of operation are 24 hours a day, 7 days a week

The SA/DV nurse will travel to Lennox and Addington County Hospital so that clients are not asked to leave their home community. This feature applies to adult victims only (16+).

Those who meet eligibility criteria should go to the Kingston General Hospital Emergency Department and request the SA/DV nurse on call.

In order to ensure rapid and consistent service, memorandums of understanding have been developed with Hotel Dieu, Providence Continuing Care Centre, Lennox and Addington County General Hospital, and a number of community partners.

ACCOUNTABILITY

Feedback is always welcomed and may be directed to the Manager of the Sexual Assault/Domestic Violence Program.

Sexual Assault Centre Kingston

INTRODUCTION

The Sexual Assault Centre Kingston (SACK) is mandated to:

- provide individual and group counselling, information, referral, and advocacy services to survivors of sexual violence
- organize, participate in, and/or support public education initiatives and community events designed to increase individual and community awareness of issues relating to violence against women and children, and
- advocate for social change which will contribute to the eradication of violence against women and children.

OVERVIEW OF SPECIFIC PROCEDURES AND SERVICES

SACK staff recognize that many victims of partner abuse experience sexual violence within their intimate relationships. Crisis intervention and counselling services are available to victims of partner abuse who have experienced sexual violence.

Staff members and volunteers direct priority attention to a woman's safety when providing crisis intervention services. Referrals and transportation to Kingston Interval House, the hospital, and the police station will be offered when appropriate and necessary. Accompaniment services are available to women who have experienced a recent sexual assault, regardless of the identity of their assailant.

SACK also provides a variety of information packages to community agencies and individuals, including packages on partner abuse, relationship violence, and violence in lesbian relationships. These packages can be picked up at the Centre or mailed to interested women upon request. A variety of books and videos on violence against women and children are available for loan from the resource library at the Centre.

Office hours are Monday to Friday 9:00 a.m. to 4:00 p.m., with evening hours available. The Sexual Assault Centre provides a 24-hour-a-day, 7-day-a-week crisis line service to victims and survivors of sexual violence.

Services provided are confidential and available free of charge.

ACCOUNTABILITY

Complaints or concerns about the quality or nature of services received or not received at SACK are dealt with in accordance with a written client complaint procedure. Formal complaints are directed to the Executive Director for investigation.

COMMUNITY SUPPORT SERVICES

CONTACT INFORMATION

K3C Community Counselling Centres	613-549-7850
Land O' Lakes Community Services – Land O' Lakes Program	613-336-8934, business line 613-336-8937, crisis line 1-877-679-6636, toll-free crisis line
Northern Frontenac Community Services	613-279-3151
Social Housing Registry of Kingston and Frontenac	613-546-2695
Ontario Works, City of Kingston	613-546-2695

Counselling and Support Services

In relation to:

***K3C Community Counselling Centres
Land O' Lakes Community Services***

INTRODUCTION

There are a variety of community-based counselling and support services available to victims of partner abuse in Kingston and Frontenac County. Services provided by signatory partner agencies are described in this section of the Protocol; brief descriptions of other counselling and support services available to victims of partner abuse and their children in Kingston and area can be found in Appendix Four.

The services described in this section of the Protocol are part of a broad-based service net for victims of partner abuse and their children; they serve to complement and supplement the law enforcement, justice, crisis response, and shelter services described elsewhere in this Protocol. The services described below are available to victims of partner abuse on a voluntary basis and, unless otherwise noted, at no cost to the victim.

K3C Community Counselling Centres

K3C Community Counselling Centres (K3C) is an accredited Family Service Agency which provides an array of culturally-sensitive social services, counselling, and support to residents living in Kingston, Frontenac County, and Lennox & Addington County, including but not limited to individual and group counselling, safety planning, and advocacy to women who have been involved in abusive domestic relationships, and accountability and education services to perpetrators of partner abuse. Office space for agency staff is maintained in Kingston, Sydenham and Verona.

More specifically, the **Women's Program** administered by K3C:

- provides supportive, short-term individual and group counselling services to women who are dealing with issues relating to past or current abuse experienced within their intimate relationship(s)
- provides safety-planning services to women who have experienced partner abuse, with priority ranking given to women assessed to be in immediate danger or high-risk situations

- offers information, referral, and individual advocacy services to women who have experienced partner abuse with priority attention to clarifying options and choices and supporting women in their efforts to re/discover their strengths and re/gain control over their lives, and
- accompanies women to court or legal appointments as schedules allow.

More specifically, the **Partner Assault Response (PAR) Program** administered by K3C:

- provides safety planning, information, individual advocacy, and support services to victims of partner abuse following the court-referral or self-referral of their perpetrators to the PAR program, and
- promotes accountability and education for perpetrators of partner abuse through group intervention with priority attention to myths and misconceptions about partner abuse, issues of power and control, and de-constructing perpetrators' self rationalizations for violence.

Staff involved in Intake Services, the Women's Counselling Program, and the Partner Assault Response Program work together to ensure that victims of partner abuse are aware of the various services available through K3C with priority attention to confidentiality and safety planning.

Office hours are Monday to Friday, 9:00 a.m. to 5:00 p.m.; evening appointments are available as negotiated between counsellors and clients.

Staff involved in the Women's and PAR Programs provide public education presentations and workshops on topics related to partner abuse and healthy relationships; in addition, they work cooperatively with other anti-violence organizations to help end violence against women.

OVERVIEW OF SPECIFIC PROCEDURES AND SERVICES

Women's Program

1. Intake Services

Intake workers speak with women when they first contact the agency to identify and respond to the specific concerns and needs of the caller with priority attention to an assessment of her immediate risk and safety planning. Information and referrals to a variety of possible and appropriate community services will be offered, including the option to meet with a counsellor from the Women's Program. As noted above, priority ranking for contact with a counsellor from the Women's Program is given to women assessed to be in immediate danger or in high-risk situations.

2. Individual Counselling Services

Short-term individual counselling, approximately six to eight sessions, is available to women who are or who have been victims of partner abuse. Ongoing priority attention to safety planning is maintained throughout the counselling process.

Counsellors provide support, encouragement, validation, and information to women in an effort to:

- challenge any beliefs, messages, or learning that condone or perpetuate the victimization of women and increase understanding of the dynamics of abuse and violence in intimate/domestic relationships
- decrease isolation
- increase awareness and understanding of rights, options, and choices
- increase awareness and understanding of impact issues for children exposed to partner abuse
- broaden the supports available to women living with violence, and
- support women in their efforts to identify, understand, and effectively deal with their concerns, thoughts, and feelings.

Referrals to other services available through K3C, such as group counselling for victims of partner abuse, and other community services, such as Kingston Interval House, are offered as necessary throughout the counselling relationship.

3. Group Counselling Services

A variety of group counselling services are available to women who are or who have experienced partner abuse, including:

- initial intervention groups designed to decrease isolation, provide women with an opportunity to share their experiences and feelings with other women, and provide information about partner abuse and healthy relationships, and
- second stage groups designed to address specific issues in more depth, such as developing self esteem, learning to live without violence, and dealing with change.

Partner Assault Response Program

1. Services to Perpetrators

Perpetrators of partner abuse involved in same-sex or heterosexual relationships may be referred to the PAR Program by the Domestic Violence Court or, alternately, perpetrators may self-refer to the Program. Perpetrators must sign a release form to allow contact with their partners/victims in order to participate in the program. Voluntary clients can also participate in the program, as space permits. These are individuals who are not currently involved with the police or criminal court but who are seeking support and assistance before the abuse begins or escalates.

A twelve-week group, co-facilitated by a male and female facilitator, is available to perpetrators. The group is designed to promote accountability and education through group discussion and exploration of several “key topics” including but not limited to:

- causal factors of abuse and violence
- challenging myths about partner abuse
- the dynamics of power and control in abusive relationships
- behaviour management strategies, and
- de-constructing offenders’ self rationalizations for violence and abuse.

The PAR Program adopts a feminist analysis of violence against women. Efforts are made to ensure that all practices and procedures reflect and reinforce this analysis, including maintaining a priority commitment to victims’ safety and directing care and attention to language used when discussing partner abuse.

In keeping with the program’s priority commitment to victim’s safety, PAR program staff maintain regular contact with Probation & Parole Services in relation to all program participants who have been mandated to attend the program by the Domestic Violence Court.

2. Partner Contact Program

As noted above, perpetrators involved with the PAR Program are required to sign a release to allow contact with their partners/victims. Partners/victims receive an information package by mail and a follow-up telephone contact from Partner Contact Program staff after their perpetrator has been enrolled in the PAR Program.

Partner Contact Program staff explore each victim’s interest in voluntary participation in the Women’s Program as described above - i.e., short-term individual and/or group counselling services.

PAR Program facilitators and Partner Contact Program staff direct care and attention to issues of confidentiality and victim safety during all service planning discussions.

ACCOUNTABILITY

Complaints or concerns regarding the quality or nature of services received or not received through K3C are addressed initially with the staff person involved; in the event that the client is dissatisfied with any resolution offered during her conversation with the staff member, she may meet with the Program Coordinator or the Executive Director, or, alternately, she may submit a written complaint to the Executive Director. The Executive Director works cooperatively with the client and involved personnel to resolve the issue in accordance with agency policies and procedures. In some instances, the complaint may be forwarded to the Board of Directors, appropriate professional associations, and/or the police depending on the severity and nature of the complaint.

Land O' Lakes Community Services

Refer to Crisis Response & Referral Services section, pages 52 to 54, for an overview of Land O' Lakes Community Services – Land O' Lakes Women's Program and a description of the crisis response, accompaniment, and follow-up services available through this organization.

OVERVIEW OF SPECIFIC PROCEDURES AND SERVICES

1. Individual and Group Counselling Services

The Land O' Lakes Women's Program offers supportive individual and group counselling services to women survivors of violence. Interventions are designed to assist survivors in their efforts to clarify and understand their options and choices, to encourage survivors to re/discover their strengths, and to help women re/gain control over their lives. Priority attention to safety issues and safety planning is maintained throughout individual or group counselling processes.

ACCOUNTABILITY

Complaints or concerns regarding the quality or nature of services received or not received through Land O' Lakes Community Services are addressed by the Director of Programs. Any such complaints are addressed in compliance with the written policies and procedures of the organization.

Northern Frontenac Community Services

Northern Frontenac Community Services (NFCS) in Sharbot Lake is a multi-service agency ensuring a range of coordinated community-based social services to the rural residents of Central and North Frontenac Townships.

NFCS provides counselling, transportation, community drop-ins, and mobile outreach services for adults, families, children, seniors, and developmentally challenged individuals. NFCS also provides office space for other co-located agencies and programs such as Ontario Works, Ontario Disability Program, FACSFLA, Kairos, and the Land O' Lakes Women's Program.

OVERVIEW OF SPECIFIC PROCEDURES AND SERVICES

1. Individual and Group Counselling Services

More specifically, the Land O' Lakes Women's Program maintains a satellite office at NFCS (refer to Crisis Response and Referral section for an overview of this service) and provides crisis intervention, supportive counselling, advocacy, referrals, legal accompaniment and mobile outreach to women survivors of violence. Interventions are designed to assist survivors in their efforts to clarify and understand their options, to re/discover their strengths, and re/gain control over their lives. Priority attention to safety issues and safety planning is maintained throughout

individual and/or group counselling processes.

2. Individual and Group Counselling Services

More specifically, the Aboriginal Outreach Program of Kingston Interval House provides a healing circle and individual counselling to women of Aboriginal descent on Mondays at NFCS. The Aboriginal Community Counsellor will help women to identify and access supports and housing, as well as providing liaison with other community support agencies to coordinate services. Priority attention to safety issues and safety planning is maintained throughout.

ACCOUNTABILITY

Complaints or concerns regarding the quality or nature of services may be directed to the Executive Director of NFCS.

Additional Counselling and Support Services for Victims

Brief descriptions of other counselling and support services administered by organizations who are not signatory agencies, such as HIV/AIDS Regional Services, can be found in Appendix Four.

Housing

In relation to:

Social Housing Registry Program, City of Kingston

INTRODUCTION

The Social Housing Registry is a program managed by the Housing Department, City of Kingston. In October 2001, social housing was downloaded from the Province to the City of Kingston as Service Manager for social housing and pursuant to the Social Housing Reform Act, 2000 and corresponding regulations. Under the legislation, within one year from date of transfer of social housing to municipalities, a centralized waiting list had to be established. The Registry has been operational since October 1, 2002.

The Social Housing Registry Program is now governed by The Housing Services Act, 2011 which replaced the Social Housing Reform Act. In accordance with the Act and local policies, The Registry manages the centralized waiting list for rent-geared-to-income assistance (subsidized housing) for 16 housing providers managing over 2000 housing units in Kingston and Frontenac. Not all providers transferred under the legislation are required to participate in the centralized waiting list, some do so voluntarily.

The waiting list works on a chronological basis with a legislated priority called Special Priority which is reserved for victims of abuse. Applicants eligible for special priority status are ranked at the top of the waiting list. Further details on the eligibility criteria for this policy are included in the overview following.

The Registry does not make offers of accommodation to eligible applicants. Housing Providers manage their own vacancies and make their own offers to applicants as per legislation and local policy. The wait for housing is dependent on many things including bedroom size required, area of preference and vacancy turn-over. It is difficult to estimate how long it may take to be housed. Waits can vary from two months to more than eight years.

In addition to the Registry, there are three Access Points where applications can be obtained and dropped off and will be processed in the same timelines as if they were received at The Registry. The addresses for these locations are as follows:

Social Housing Registry Program
362 Montreal Street,
Kingston, ON K7K 3H5
Ph. 613-546-2695
Office hours listed below

Urban Access Point, Housing Help Centre
540 Montreal Street,
Kingston, ON K7K 3H5
Ph. 613-531-3779
Open 8:30 to 4:00 p.m. – Mon – Fri.

Rural Access Point
Loughborough Housing Corporation
4377 William Street, Box 400

Rural Access Point
North Frontenac Non-Profit Housing Corp
1096 B Clement Road,

Sydenham, ON K0H 2T0
Ph. 613-376-3686
Open 9:00 – 4:00 p.m. Mon – Thurs.

Sharbot Lake, ON K0H 2P0
Ph. 613-279-3322
Open Tues to Thurs 8:30 – 4:30 p.m.

Office hours of the Registry are Monday, Wednesday, Thursday and Friday, 8:30 a.m. to 4:30 p.m., and open 8:30 to 5:30 on Tuesday. There are no services or supports available after hours as the Housing Registry manages a wait list only and does not offer emergency services. Forms and further information are available on the Registry's website at www.socialhousingregistry.ca

OVERVIEW OF SPECIFIC PROCEDURES AND SERVICES

1. Priority Ranking for Victims of Abuse

Under the ***Housing Services Act, 2011*** and corresponding regulations, victims of abuse may qualify for special priority status on the waiting list for rent-g geared-to-income housing assistance. The special priority status is reserved for individuals who are or have been abused by another household member. For the purpose of this special priority status, abuse is defined as one or more of the following activities which occurred to the victim or a member of the victim's household: physical injury, application of force to engage in sexual activity against his or her will, attempts to kill, use of a weapon, threatening to kill or use a weapon; threatening to physically harm, destroy or injure the victim or threatening to destroy or injure the victim's property, intentionally killing or injuring pets or threatening to kill or injure pets, threatening to harm or remove the victim's children from the household, threatening to prevent the victim from having access to his or her children, forcing the victim to perform degrading or humiliating acts, terrorizing the victim, enforcing social isolation upon the victim, failing to provide or withholding the necessities of life, threatening to withdraw from sponsoring the member as an immigrant (in the case of a sponsor), threatening to take action that might lead to the member being deported (in the case of a sponsor), other words, actions, or gestures that threaten the victim or lead the victim to fear for his or her safety, undue or unwarranted control by the abusing individual over the victim's personal or financial activities, one or more incidents of stalking or harassing behaviour against the victim.

Special priority status entitles applicants to receive a ranking date above all chronological applicants on the waiting lists for which they are qualified and/or have indicated a preference. Wait lists are updated daily. Some Housing Providers have electronic access to the centralized waiting list and can check waiting lists regularly. To those without electronic access, the lists are distributed monthly, and these Providers must obtain an updated copy before offering a vacant unit. Housing Providers are aware that an applicant has been granted special priority status when they receive the wait list; however, the specific details of the applicant's situation are never disclosed to the Housing Provider.

2. Application Process

Victims of abuse must complete several tasks specific to their application for special priority

status. First, prior to determining eligibility for special priority, the Housing Registry must determine if the household is eligible for rent-g geared-to-income (RGI) assistance.

Applicants for Special Priority status must complete and submit a Request for Special Priority Status form available from the Housing Registry or any Access Point or on the Registry's website.

The application form includes a statement confirming:

- status as a victim of abuse or that the perpetrator is/was sponsoring the victim as an immigrant, if relevant
- that the identified perpetrator resides with or previously resided with the victim; in the event that the victim and perpetrator no longer reside in the same location, the victim must submit the Application for Special Priority Status within three (3) months of their most recent co-habitation or offer a detailed explanation of the extenuating circumstances that resulted in a delayed application
- confirmation of intention to live permanently apart from the identified perpetrator
- confirmation of preferred method of contact with attention to any safety issues.

The priority ranking is to assist persons whose personal safety or whose family's safety is at risk because of abuse by an individual with whom they currently live or recently lived with, or who is sponsoring the victim as an immigrant. The special priority policy is in place to enable victims to separate permanently from the abuser and not to assist those who want to move because a relationship is not working. As legislated, The Registry seeks confirmation of the situation from one of the professionals listed in the Housing Services Act. The "Confirmation of Abuse" form must be completed by one of the following service providers in their professional capacity only,– i.e. doctor, registered nurse or a registered practical nurse, lawyer, law enforcement officer, minister of religion authorized under provincial law to perform marriages, teacher, guidance counsellor, an individual in a managerial or administrative position with a housing provider, an individual employed by an agency or organization to provide social support services in the community, including: an individual employed by a community health centre, an individual who performs the role of social worker within the meaning of section 2 of Ontario Regulation 383/00 (Registration) made under the Social Work and Social Service Work Act, 1998, an individual employed to provide support initiatives for victims of crime and disaster, an individual employed to assist individuals coming to Ontario to settle in, adapt to and be integrated into the community, an individual employed by an agency or organization to assist individuals for whom the agency or organization provides accommodation in an emergency or transitional shelter because of homelessness or abuse, and an individual employed by a community legal clinic that provides legal aid services in the area of clinic law, within the meaning of section 2 of the Legal Aid Services Act, 1998.

The victim may request a face-to-face meeting with Housing Registry staff following submission and review of the written application and supporting documentation. This meeting will be scheduled in a private interview room, and Housing Registry staff will make every reasonable effort to ensure that the victim feels safe and comfortable throughout the meeting.

The face-to-face meeting would allow the Housing Registry staff to:

- reconfirm the safest and most appropriate way to contact the victim in the future regarding housing options, and
- offer information and referrals to other agencies that provide counselling, support, and

secure, temporary shelter to victims of partner abuse.

In the event that an individual discloses that she is a victim of partner abuse after she has submitted an initial Part A application for rent-geared-to-income (RGI) housing, Housing Registry staff will provide the applicant with the option of and requirements for special priority status, including the need for supporting documentation from an approved service provider. Tenants in receipt of RGI assistance (social housing tenants) who are victims of abuse, may also complete a Request for Special Priority Status form and submit it to the Registry with the "Confirmation of Abuse" form.

Housing Registry staff have the option of conducting an in-depth interview as an alternative to the application process outlined above if the victim expresses concern that the application requirements for special priority status might compromise their safety in any way or they are unable to provide the confirmation form completed by an authorized individual.

3. Approval Process

Applicants for Special Priority (SP) status must be eligible for rent-geared-to-income assistance. Special Priority applications will be reviewed for completeness upon receipt and once complete will be reviewed for eligibility within 14 days as opposed to 30 days for those RGI applications received without an SP request.

In the event that the applicant is deemed eligible for rent-geared-to-income assistance and special priority status, they will be notified of the decision within seven days following the eligibility determination

In the event that the applicant is considered to be ineligible for rent-geared-to-income assistance and/or special priority status, they will be provided with an Opportunity to Comment within fourteen (14) days and will be given 30 days to comment. If the applicant does not respond within the 30-day period, a written Notice of Decision will be sent to the applicant. In addition, the applicant will receive confirmation of her right to request an Internal Review of the decision within 30 days. Any such Internal Review is conducted by staff who were not involved in the original decision-making process in relation to the applicant.

ACCOUNTABILITY

Complaints or concerns regarding the quality or nature of services received or not received by the Social Housing Registry Program will be addressed through the Customer Inquiry Protocol in place for the Housing Department, City of Kingston.

Income Support

In relation to:

Ontario Works Program, City of Kingston

INTRODUCTION

Ontario Works administers social assistance programs and services for residents of Kingston and the County of Frontenac, including but not limited to, income support, individuals in need of emergency assistance, and employment supports. Ontario Works is mandated to provide temporary financial assistance to eligible residents in financial need and to aid them in finding the shortest route to employment.

Ontario Works has a stated commitment to equitable treatment for all clients. Personnel are committed to creating a welcoming environment for clients; they will not show any bias or preference in relation to clients and will excuse themselves from any service relationship where there is a real or perceived conflict of interest as identified by the staff person or client. Services are available in English and French; interpretation services for other languages must be arranged at least 48 hours in advance.

Ontario Works employees maintain strict confidentiality; they will not disclose any information about clients unless required to do so by law or with written permission from all parties involved.

More specifically, Ontario Works will:

- Provide emergency financial assistance and temporary financial support to eligible persons in need
- Provide emotional support, information, and referrals to appropriate crisis services and community-based agencies
- Assist clients in their efforts to learn about various options available in relation to employment, support, temporary shelter, long term housing, etc., and
- Liaise with other agencies on behalf of clients as needed.

Hours of operation are Monday to Friday, 8:30 a.m. to 4:30 p.m., with extended hours until 5:30 p.m. on Tuesdays. A message can be left for Case Managers when the office is closed.

In order to help applicants or recipients disclose or to assist if not ready and willing to disclose domestic abuse, the Ontario Work's offices in Kingston shall provide brochures in public waiting areas of local shelters/crisis centres for women and Assaulted Women's Helpline.

OVERVIEW OF SPECIFIC PROCEDURES AND SERVICES

1. When Victims of Partner Abuse Apply for Assistance

Intake clerks shall use scripted questions at the first point of contact for all applicants to determine if a client is a victim of domestic violence. This can then expedite the process and help

determine an appropriate case manager.

When a person comes to Ontario Works for assistance to leave a violent situation or immediately after leaving a violent situation, an assessment with respect to his/her need for **emergency financial assistance** is completed.

Emergency assistance is granted by a Case Manager when:

- the Case Manager is satisfied that the applicant has no money or assets to provide basic needs and shelter for him/herself and his/her child/ren
- all other options and sources of financial assistance or support have been exhausted and emergency assistance is identified as the “last resort” for the client
- the person’s physical health is at risk or in danger, and
- the applicant does not otherwise qualify for Ontario Works assistance.

In those instances when the request for emergency assistance is approved, the applicant may be granted up to a maximum of one half of one month of assistance. The Case Manager will also provide the client with referrals to appropriate community agencies, such as Kingston Interval House, the food bank, and counselling programs. Clients must apply in person for emergency assistance and cannot apply online.

When a client indicates an ongoing need for **continuing financial assistance**, s/he must go through the regular financial eligibility determination for all applicants; however, victims of partner abuse may be:

- granted a temporary deferral on the participation agreement re: seeking employment, up to a maximum of three (3) months unless otherwise authorized by an Ontario Works Supervisor, and/or
- granted a temporary waiver from pursuing support from her ex-partner up to a maximum of three (3) months unless otherwise authorized by a Supervisor.

ONTARIO WORKS BENEFITS

In the event that an approved applicant **seeks temporary shelter at Kingston Interval House** or a transitional home for victims of family violence and is not retaining community accommodation, she may be eligible to receive \$136 for each member of the benefit unit residing in the shelter each month, unless other income exceeds this amount.

In situations where an applicant or recipient enters an interval or transition home for victims of family violence, retains community accommodation, and has financial commitments related to that accommodation, the full amount of Ontario Works Basic Financial and Shelter Assistance is issued for the first three full calendar months of residence in the interval or transition home. If, during the stay in the interval or transition home, the recipient changes community accommodation (e.g. gives up accommodation, changes from a renter to boarder and lodger, etc.) the shelter allowance provided to the participant will reflect the change and

an amount for basic needs will continue to be provided.

After three months in an interval house or transitional house, the amount of assistance is reduced to \$136 per month.

There is no reduction in the amount of assistance provided for the month in which an applicant or recipient enters an interval or transition home.

Residents of interval and transition homes are not eligible for the Transition Child Benefit (TCB) if they are not maintaining their community accommodation or if their budgetary requirements have been reduced after staying in the home for more than three months, as their needs are met by the home.

If an approved applicant seeks temporary shelter at an emergency hostel (i.e. Dawn House, Lily's Place, Ryandale, Kingston Youth Shelter, In FromThe Cold), s/he is entitled to Basic Needs from Ontario Works while she remains a resident of the hostel. As a result, Hostel residents are also eligible to receive Special Diet Allowance, Pregnancy/Breast-feeding Nutritional Allowance, Advanced Age Allowance, and Transitional Child Benefit while they are residents of the hostel.

When moving from an interval or transitional shelter to a permanent residence, an Ontario Works or ODSP client may be eligible for the Municipal Discretionary Residency Benefit, administered by the Ontario Works Program, to assist with his or her transition to a violence-free home.

2. When Clients Disclose Abuse

When a client of Ontario Works discloses that he or she is currently experiencing or fleeing domestic violence, the Case Manager will offer emotional support, information, and referrals to suitable community agencies, such as Kingston Interval House and the Women's Program at K3C.

Ontario Works personnel recognize that the amount and type of assistance available through Ontario Works may not be sufficient to meet the needs of abused women who are either living in a shelter or who are trying to build a violence-free life for themselves and their child/ren. For example, when a woman leaves Kingston Interval House to set up her independent home, she may require first and last month's rent or she may need monies to purchase a refrigerator or stove. The Case Managers and Supervisors will make every effort to provide the woman with referrals and information about other options for donations or support that will not compromise her eligibility for assistance.

3. Documentation

Clients who disclose violence and abuse, either during their initial interview or at any time during their involvement with Ontario Works must provide proof of violence within four to six

weeks of their initial disclosure in order to warrant the aforementioned deferrals and waivers. Confirmation of abuse from a doctor, counsellor, or health care provider is considered to be acceptable proof of violence.

All clients of Ontario Works are required to inform their Case Manager of any change of information, such as change of address and/or change in financial situation.

ACCOUNTABILITY

Complaints or concerns about the quality or nature of services received or not received through Ontario Works can be directed to any Ontario Works Supervisor or Manager. Any such complaints will be dealt with in accordance with the **Ontario Works Act** and the policies and procedures of the Kingston office.

In the event that the client is not satisfied with any resolution offered by the Supervisor or Manager, she may contact the Director of Community and Family Services.

APPENDICES

Appendix One: Kingston Frontenac Anti-Violence Coordinating Committee

CFB Kingston Military Police
Correctional Services Canada Victims Services
Kingston Military Family Resource Centre
Crown Attorney's Office
Family and Children's Services of Frontenac, Lennox and Addington
Family Court
Human Rights Office, Queen's University
Independent Living Centre Kingston
Kingston Anti-Violence Survivors' Advisory Council
KCHC Immigrant Services of Kingston and Area
Kingston & Frontenac Housing Corporation
K3C Partner Abuse Response Program
Women's Program
Kingston General Hospital Sexual Assault/Domestic Violence Program
Kingston Interval House
Kingston Police
Land O' Lakes Community Services
MCIS Language Services
Limestone District School Board
Limestone Mediation
Ontario Disability Support Program
Ontario Provincial Police, Frontenac
Ontario Works, City of Kingston
Pathways for Children and Youth
Kingston Probation & Parole
Salvation Army Supervised Access Centre Kingston/Napanee
Sexual Assault Centre Kingston
Social Housing Registry
Southern Frontenac Community Services
Victim Services of Kingston and Frontenac
Victim/Witness Assistance Program
Frontenac Mental Health and Addictions Services

Membership lists, with contact names, are distributed to KFACC members and are available upon request.
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***Kingston Frontenac Anti-Violence Coordinating Committee:
Who We Are and What We Do***

The Frontenac Domestic and Sexual Violence Council, now named the Kingston Frontenac Anti-Violence Coordinating Committee (KFACC), was established in 2005 to continue and expand the work of the Coordinating Committee Against Domestic Assault on Women (CCADAOW). In particular, KFACC's mandate was broadened to incorporate not just partner abuse but also sexual violence.

Vision Statement

The City of Kingston and all of Frontenac County will become a community where each and every person will live safely, free from domestic and sexual violence.

Mandate

Kingston Frontenac Anti-Violence Coordinating Committee contributes to the eradication of violence by promoting individual and community awareness of issues relating to domestic and sexual violence and supporting a coordinated community response.

Guiding Principles

Each agency involved provides quality services to victims of domestic violence and/or sexual violence according to policies, procedures, and mandates of their respective agencies.

It is not the responsibility of KFACC members to dictate or challenge the operations of the individual agencies but to mutually respect the mandates of the participating organizations at the table.

Statement of Principles

Respect and Dignity

KFACC expects that each individual will be treated with dignity, compassion and respect. We acknowledge the intrinsic worth of the victim/survivor.

Inclusiveness

KFACC expects services to be inclusive, equitable and sensitive to gender, race, ability, sexual orientation, culture, socio-economic and religious diversity.

Community Awareness and Education

KFACC expects to promote education and awareness of domestic and sexual violence and work towards its prevention and eradication. We help those in power to realize that these issues exist in our community and have a great impact on health and wellbeing.

Safety

The safety of the victim/survivor of domestic and/or sexual violence, and their children or family, should be the primary focus of any intervention.

Confidentiality

All services will endeavour to protect the confidentiality of the victim/survivor and family.

Statement of Values

- Abuse is a misuse of power. Domestic and/or sexual violence is a serious social problem connected to all forms of oppression.
- While anyone can be a victim of partner abuse, KFACC recognizes that the predominant form of partner abuse in our society is male violence against women, and KFACC's work builds on this reality.
- It is recognized that KFACC is inclusive and equitable and sensitive to gender, race, ability, sexual orientation, culture, socio-economic and religious diversity.
- Domestic and/or sexual violence isolates, diminishes, weakens and destroys.
- Domestic and/or sexual violence affects the individual, the entire family, and the entire community.
- The victim/survivor must be treated with sensitivity, dignity, openness, care, comfort and respect in order to minimize the possibility of re-victimization. It is recognized that each person reacts differently as a victim of domestic and/or sexual violence. Some individuals may display behaviours that may not be understood or considered appropriate. These behaviours must be recognized as coping strategies and the victim/survivor must be seen as responding in a way she believes necessary for her survival.
- Perpetrators must be held accountable for their behaviours. The community is responsible for ensuring that there are programs for perpetrators that challenge the beliefs and attitudes that support domestically and/or sexually violent behaviour and that endeavour to eliminate this behaviour.
- Public education, awareness, accountability and advocacy can decrease and eliminate incidents of domestic and/or sexual violence.

KINGSTON FRONTENAC ANTI-VIOLENCE COORDINATING COMMITTEE STRUCTURE

Mandate: The Kingston Frontenac Anti-Violence Coordinating Committee (KFACC) contributes to the eradication of violence by promoting individual and community awareness of issues relating to domestic and sexual violence and supporting a coordinated community response. KFACC works in both the urban and rural communities of Frontenac County.

Structure: The Coordinating Committee consists of both organizational and individual members as set out below. It operates primarily through three committees – Steering, Membership, and Protocol – which bring issues and questions back to the Committee for discussion and final decision-making.

The Committee is chaired by a representative from one of the community agency members.

Meetings: The Coordinating Committee meets at least four times a year.

Membership: Committee membership is open to any health, social service or legal agency/organization in the City of Kingston and the County of Frontenac that provides services and supports to victims/survivors of domestic and sexual violence and any interested individuals.

Membership expectations:

- To accept and adhere to the purpose, belief statements, guiding principles and accountability mechanisms as outlined in the Protocols concerning partner abuse and sexual assault;
- To attend meetings on a regular basis and participate meaningfully in various tasks;
- To contribute to the agenda by bringing relevant and recent issues to the attention of the group;
- To assume responsibility for distributing information to their home agency/service/community;
- To actively participate in a working committee
- To assume responsibility for any costs related to their participation.

Membership Approval Process:

Potential members would first attend at least one Coordinating Committee meeting as observers. If they were still interested, they would complete the application form and submit it to the Membership Committee. The Membership Committee would meet 4 times a year to review applications. If the applicants meet the criteria (commitment to the guiding principles etc.) and if their agency's mandate (or, if an individual, their interests) meet the criteria set out above, they would be approved for membership. The Membership Committee would be responsible for following up with the new member as well as with all members to ensure they attend meetings etc.

Committees and Mandates

Steering Committee: The Steering Committee is responsible for generally coordinating and overseeing the work of KFACC and for responding to matters that require immediate attention. This includes responsibility for any special projects in which KFACC may decide to become involved. Depending on the nature of the special project, the Committee may strike an ad hoc committee to manage it.

The KFAC Chair and at least 3 other Team members representing diverse organizations/agencies will sit on the Steering Committee. The Committee will meet monthly, or as determined by the Chair.

Membership Committee: This committee is responsible for directing and coordinating membership of KFACC. In particular, it will

- develop a membership package and application form for distribution to potential members
- oversee the membership process and decide on applications for membership as per the Membership Approval Process set out earlier in this document
- follow up with new members and provide them with orientation
- identify and implement outreach strategies to ensure marginalized communities are aware of KFACT's work

At least 4 Committee members representing diverse organizations/agencies will sit on the Membership Committee. The Committee will meet as needed.

4. Protocol Committee: This Committee is responsible for the oversight of both the Partner Abuse and Sexual Assault protocols. This oversight includes:

- regular evaluations of both Protocols
- development of ongoing revisions/updates to the Protocol, as needed
- review of any concerns, issues, complaints etc that may arise on the part of Protocol partners, Team members, service users or members of the public about either Protocol
- working with KFACC to develop Protocol training as needed
- responding to requests for copies of the Protocol
- keeping KFACC informed of issues relating to both Protocols
- organize yearly meetings of the Protocol Signatories

The Committee will meet as needed.

Committee Structure: Each committee will select its chair who is responsible for:

- ensuring the committee follows its mandate and addresses its tasks within the specified time frames
- setting and circulating meeting agendas
- chairing meetings
- ensuring minutes are kept
- reporting on the committee's work to the larger Coordinating Committee

Committee members are expected to:

- attend meetings regularly
- contact the committee chair if they have to miss a meeting
- take on tasks relating to the work of the committee

Appendix Two: Protocol Development and Evaluation Steering Committees

Protocol Development Steering Committee

Lisa Fox	Kingston Interval House
Joan Gillespie	Community member
Antje McNeely	Kingston Police
Rosemary Thoms	Kingston Community Counselling Centre
Judith Moses	Consultant, Collective Wisdom Consulting

Protocol Evaluation Steering Committee

Lisa Fox	Kingston Interval House
Janet Lee	Victim/Witness Assistance Program
Tyler Moon	Kingston Frontenac and Lennox & Addington Public Health
Bette Moreton	Community Volunteer
Pamela Cross	Consultant

Appendix Three: Kingston Police Domestic Violence Incident Order

This Order is subject to revision as deemed necessary. While every effort will be made to ensure that significant revisions or changes to police procedures are incorporated into the Protocol, the Protocol may not contain the most current version of the Domestic Violence Incident Order. Any questions regarding the most up-to-date version of the Order should be directed to the Kingston Police.



General Order

Type:	Policing and Enforcement	Related Standards:	Guideline LE-034 under O.Reg. 3/99, Adequacy Standards
Subject:	Sexual Assault Investigation		
Number:	Vol. I-B-13	Replaces:	Vol. I-B-13R3
Revision:	4		
Effective Date:	2013-05-07	Revised Sections:	Extensive revisions; review entire document.
Re-evaluation:	OIC Investigative Services	Originator:	OIC Investigative Services
Special Instructions:	Allied to General Orders Vol. I-B-10 , "Domestic Violence Incidents," Vol. I-B-59 , "Bail and Violent Crime," and Vol. I-C-13 , "Victims' Assistance."		
Violations of this order will be reviewed on a case-by-case basis. Any violation of this policy may result in disciplinary action or sanctions, up to and including termination of employment and/or criminal charges.			

A. Purpose

1. The purpose of this order is to establish clear direction and understanding as to the duties and responsibilities of members of the Kingston Police when responding to reports of adult victim sexual assault or sexual assault involving a person under the age of 16 years.

B. Policy

1. It is the policy of the Kingston Police that:
 - (a) all members recognize that sexual assault is a crime that can have serious traumatic effects on victims, such that the physical, psychological, and emotional impact should not be underestimated;
 - (b) all members must be sensitive to the needs of victims while providing assistance and support during investigations of sexual assault;
 - (c) all members recognize that each victim will react differently to assaults and that these reactions may change through time. Some reactions may include disorganization, disorientation, shock, and disbelief, accompanied by anxiety, fear, and guilt. Members who come in contact with victims must be aware of these changes and use knowledge and good judgment during interviews; and
 - (d) sexual assault investigations be conducted in compliance with the procedures set out in the Ontario Major Case Management Manual and in General Order [Vol. I-B-71](#), "Criminal Investigation Management Plan."

Note: Historical sexual assault/abuse cases shall be governed by the same set of investigative standards as recent sexual assault/abuse cases.

C. Definitions

1. "Adult" means a person of the age of 16 years and over.
2. "Historical sexual assault" means an offence reported more than a year after having been committed.
3. "Kingston Frontenac Anti-Violence Coordinating Committee (KFACC)" is comprised of a group of organizations committed to eliminating violence by raising awareness of issues relating to domestic and sexual violence. It promotes a coordinated community approach to developing and delivering services for victims of partner abuse and sexual violence, as well as their families. KFACC includes agencies from such sectors as justice and law enforcement (including the Kingston Police), shelter, housing, health, and counselling support. It was formerly called the Kingston Frontenac Anti-Violence Coordinating Team (KFACT).
4. "Sergeant in charge of the Sexual Assault Unit" means the officer-in-charge of the Sexual Assault Unit within Criminal Investigations.
5. "Sexual assault" means an assault that is committed in circumstances that violate the sexual integrity of the victim.

6. “Protocol Committee” is the KFACC subcommittee responsible for providing vision and direction with respect to the KFACT Sexual Assault Protocol outlined in Section E.
7. “Sexual Assault Evidence Kit” (SAEK) means a self-contained kit maintained at hospitals to assist medical personnel in securing physical evidence from the victim of a sexual assault.
8. “Sexual Assault Investigator” means a Criminal Investigator who has received specialized training in conducting interviews with sexual assault victims and in the utilization of investigative techniques in sexual assault investigations.
9. The “Sexual Assault / Domestic Violence (SADV) Program” means the program administered at the sexual assault examination centre located at Kingston General Hospital.
10. “SADV nurse” means a nurse with specialized training who works in the SADV Program.

D. General

1. As proclaimed in the *Victims’ Bill of Rights, 1995 (Act Respecting Victims of Crime)*, victims who request to be interviewed by police officers of the same gender shall be accommodated where possible. In addition, when resources and circumstances permit, victims of sexual assault should be interviewed in a private and victim-appropriate environment that provides for their safety and security.
2. General Order [Vol. I-B-31](#), “Child Abuse and Neglect,” establishes the procedure to be followed when the victim is under the age of 16 years. Family and Children’s Services of Frontenac, Lennox and Addington shall be notified when the victim of a sexual offence is a child, as defined in the *Child and Family Services Act* Part III, and the alleged offender is in a care-giving role to the victim or has access in a care-giving capacity to any child.
3. Members shall remain cognizant of relevant programs available in the investigation and prevention of sexual offences, including the participation of the Kingston Police in the Provincial Strategy to Protect Children from Sexual Abuse and Exploitation on the Internet.
4. General Order [Vol. I-B-10](#), “Domestic Violence Incidents,” establishes the procedure to be followed when the sexual assault occurs within the definition of an intimate relationship.
5. Supervisors shall:
 - (a) monitor sexual assault investigations to ensure compliance with this order; and
 - (b) ensure that officers involved in sexual assault cases continue to receive in-service support and supervision.

6. During sexual assault investigations members shall also adhere to direction outlined in General Order [Vol. I-C-13](#), "Victims' Assistance."

E. Sexual Assault Protocol

1. The Sexual Assault Protocol was launched in 2008 by the KFACT Sexual Assault Emergency Protocol Committee. The protocol helps to establish a coordinated community response to sexual violence by setting out guidelines and best practices for providing services to victims and facilitating strengthened communication and cooperation among service providers.

2. In cases involving sexual assault, in addition to procedures outlined herein, officers shall provide assistance to victims in accordance with the KFACT Sexual Assault Protocol (located in Common Files\Protocols with External Agencies).

3. The Sergeant in charge of the Sexual Assault Unit shall represent the Kingston Police on the current KFACT Protocol Committee with respect to the Sexual Assault Protocol.

F. Procedures—Communications Personnel

1. When receiving a call for a sexual offence, Communications personnel shall:
 - (a) ascertain the type of assault (e.g., sexual assault/offence on a child or spouse, or other type of sexual offence);
 - (b) determine the extent of the injuries to the victim and/or risk to the victim and whether the offender(s) is/are currently present;
 - (c) if an emergency situation exists, immediately dispatch a minimum of two officers and ambulance personnel, if necessary;
 - (d) obtain brief particulars of the offence, including suspect information;
 - (e) advise the complainant of precautions that should be taken to preserve physical evidence, as follows:
 - (i) do not shower, bathe, or use the washroom prior to being examined at the hospital;
 - (ii) do not eat or drink anything prior to going to the hospital;
 - (iii) do not clean up the crime scene; and
 - (iv) do not change, wash, or destroy clothing;
 - (f) if the report is made by a third party or someone requesting anonymity, obtain particulars and dispatch a uniformed officer to attend; and

- (g) notify the Watch Commander of the details of the complaint, for a decision as to the response of the Sexual Assault Investigator.

2. If the complaint is one of a sexual assault that is historical in nature, Communications personnel shall dispatch a uniformed officer to take a written Incident Report. The responding officer is not required to obtain any statement from the victim in this case.

G. Procedures—Responding Officers

1. Upon being dispatched to a complaint of a recent sexual assault, officers shall:
 - (a) establish contact with the victim and assess the victim's physical and emotional condition;
 - (b) request the attendance of ambulance personnel, if required;
 - (c) secure the crime scene and preserve and protect all physical evidence;
 - (d) ascertain basic information about the incident from the victim in a professional and sensitive manner, while ensuring suitable privacy;
 - (e) ensure that only one officer conducts the questioning during the initial interview;
 - (f) if the assault is reported within seven days (as per the requirements of the Centre of Forensic Sciences), explain to the victim the need to attend the hospital so as to retrieve medical/forensic evidence and/or to receive medical treatment, to identify and treat any disease or injury, or to provide reassurance that no physical harm was inflicted;
 - (g) if the complaint is received more than seven days after the assault, recommend that, at some point during or following the investigation, the victim seek medical treatment;
 - (h) ensure that appropriate personnel are requested through the Watch Commander (e.g., Identification Unit, additional officers);
 - (i) ensure that the victim does not inadvertently destroy physical evidence (e.g., shower/bathe, clean up crime scene, wash/destroy clothing worn at time of offence) and, where possible, consult with the responding Identification Officer or Sexual Assault Investigator;
 - (j) in the absence of an Identification Officer, and when clothing that was worn by the victim of the offence has been removed, locate and seize the clothing lawfully, ensuring that each item is packaged separately, **preferably in a paper bag**;

- (k) should the suspect be on the scene and there are sufficient grounds to arrest:
 - (i) search, caution, and note all conversation; and
 - (ii) ensure that the suspect's clothing is not changed and/or that evidence is not destroyed;
- (l) if the victim is a child, adhere to General Order [Vol. I-B-31](#), "Child Abuse and Neglect";
- (m) where clothing worn by the victim at the time of the offence is still being worn and the victim will be attending the SADV Program at Kingston General Hospital, ensure that a change of clothing is taken where possible;
- (n) accommodate any request by the victim for a support person of the victim's choice and make the victim aware of the availability of an advocate from the Sexual Assault Crisis Centre and/or Victim Services of Kingston and Frontenac;
- (o) liaise with the assigned investigator to ascertain where the victim should be escorted subsequent to completion of the sexual assault examination;
- (p) identify any witnesses involved and, where possible, obtain written statements in relation to the incident;
- (q) interview the victim in a sensitive manner, obtaining the circumstances and nature of the assault, without obtaining a written statement from the victim if a Sexual Assault Investigator has carriage of the case;
- (r) not make any determination as to whether the complaint is unfounded without consultation with a Sexual Assault Investigator; and
- (s) upon return to Kingston Police Headquarters, ensure that the sealed Sexual Assault Evidence Kit and the bagged clothing are turned over to an Identification Officer or, if there is none available, ensure that the sealed SAEK is placed in the Identification Unit fridge and the bagged clothing is placed in an Identification Unit locker.

2. Upon being dispatched to a complaint of an historical sexual assault, an officer shall obtain a brief description of the situation, ensure that the victim is safe, and file an Incident Report without obtaining a written statement. Since DNA exists on unlaundered clothing, an officer dispatched to a complaint of an historical sexual assault shall also ask the victim about clothing that was worn during the assault and whether the clothing was laundered. If the clothing is found to be unlaundered, the officer shall, in the absence of an Identification Officer:

- (a) locate and seize the clothing lawfully, ensuring that each item is packaged separately, **preferably in a paper bag**; and
 - (b) upon return to Kingston Police Headquarters, turn the bagged clothing over to an Identification Officer or, if there is none available, place the bagged clothing in an Identification Unit locker.
3. Upon being dispatched to a complaint of a sexual offence that is reported anonymously or by a third party, an officer shall:
 - (a) attend promptly and ascertain the facts;
 - (b) determine if there is an emergency situation and, if so, notify the Watch Commander, who shall take appropriate action and notify the Sergeant in charge of the Sexual Assault Unit or, if not available, the Officer-in-Charge of Criminal Investigations;
 - (c) advise the party that a SAEK can be stored for up to six months when a victim chooses to attend the SADV Program to have the examination completed but chooses not to report the assault to police at this time;
 - (d) give the party a referral to the Sexual Assault Crisis Centre and the availability of Victim Services of Kingston and Frontenac; and
 - (e) if there is no emergent risk, comply with this order and submit an Incident Report detailing the incident.
4. Some victims of sexual assaults are reluctant to come forward and report the crime to police; however, they should be encouraged to have a sexual assault examination performed as soon as possible but no later than seven days after the assault, and the importance of this examination should be explained with respect to retrieving medical/forensic evidence and/or identifying and treating any disease or injury or providing reassurance that no enduring physical harm was inflicted. This examination would assist in the event that they wish to have the incident investigated at a later date. Where the victim wishes to remain anonymous, to accommodate this request and not compromise the case, members investigating such incidents shall:
 - (a) have the victim attend the SADV Program for a sexual assault examination; and
 - (b) ensure that the SADV nurse advises the victim of the options to:
 - (i) have an immediate police investigation; or

- (ii) defer immediate police involvement. The victim must be advised, however, that the sexual assault kit will be destroyed after six months from the examination date.
5. When a victim has completed a Sexual Assault Evidence Kit and wishes to defer the police investigation, the SADV Program shall retain all evidence.
6. In the event that a victim has completed a Sexual Assault Evidence Kit and has deferred police involvement, the following shall apply when the victim wishes to proceed with a police investigation:
 - (a) the SADV Program will call the Kingston Police to request an officer's attendance;
 - (b) an officer shall attend the SADV Program to retrieve the sealed Sexual Assault Evidence Kit;
 - (c) the officer shall transport the sealed Sexual Assault Evidence Kit to Kingston Police Headquarters and turn it over to an Identification Officer or, if there is none available, place the sealed SAEK in the Identification Unit refrigerator; and
 - (d) the officer shall submit an Incident Report detailing the incident.
7. In the event that the SADV Program calls the Kingston Police to turn over a third-party sexual assault report, an officer shall:
 - (a) attend the SADV Program and retrieve the third-party sexual assault report; and
 - (b) submit an Incident Report detailing the incident.
8. In all cases of reported sexual assaults, officers shall record all pertinent information in their notebook, including but not limited to the demeanour of the victim, observations of any injury to the victim, the condition of clothing worn by the victim, and potential witnesses to be interviewed, including persons to whom the victim first complained about the offence.

H. Procedures—Uniformed Patrol Supervisors

1. Patrol Supervisors shall:
 - (a) be made aware by Communications personnel of all sexual assault occurrences that occur during their tour of duty, as per General Order [Vol. I-B-2](#), "Patrol Procedures," to ensure that the appropriate action was taken;
 - (b) attend all incidents of major sexual assaults; and
 - (c) ensure that proper reports containing all pertinent information are submitted.

I. Procedures—Sergeant in Charge of the Sexual Assault Unit

1. The Sergeant in charge of the Sexual Assault Unit shall:
 - (a) identify personnel deployment and training requirements for Sexual Assault Investigators;
 - (b) ensure, whenever possible, that a Sexual Assault Investigator is available to respond to complaints of sexual assaults;
 - (c) ensure that sexual assault occurrences are identified and reviewed to determine:
 - (i) whether policy has been followed;
 - (ii) the effectiveness of an officer's response; and
 - (iii) whether appropriate services were provided;
 - (d) ensure that there is a coordinated and consistent response to all sexual assault investigations;
 - (e) establish and maintain a liaison with other police agencies, criminal justice agencies, hospitals, boards of education, and community and social agencies dealing with sexual assault issues;
 - (f) assist the Training Unit in coordinating training programs, conducting lectures, and disseminating information to members concerning the response to sexual assault occurrences, including victims' assistance; and
 - (g) determine policies and investigative practices for Sexual Assault Investigators, as per provincial guidelines.
2. Upon receipt of a complaint of a sexual assault, the Sergeant in charge of the Sexual Assault Unit shall:
 - (a) determine if the incident meets the mandate of the Sexual Assault Unit as set out in the Ontario Major Case Management Manual and in General Order [Vol. I-B-71](#), "Criminal Investigation Management Plan";
 - (b) where the incident meets the mandate, assign a member of the Sexual Assault Unit to conduct further investigation;
 - (c) ensure that investigations of sexual assaults are undertaken promptly and monitor the progress of the investigations; and
 - (d) upon completion of investigations, review all reports.

3. When the primary investigator is unavailable, the Sergeant in charge of the Sexual Assault Unit shall answer any victim enquiries.

J. Procedures—Sexual Assault Investigators

1. Sexual Assault Investigators will be a resource for uniformed personnel. When assigned, the Sexual Assault Investigator shall:

- (a) conduct and/or assist in the investigation;
- (b) ensure that any crime scene related to the offence is preserved and, if possible, attend at the crime scene, consult with an Identification Officer, and, if required, request the attendance of an Identification Officer at the scene;
- (c) if the incident has occurred in the previous seven days, ensure that the victim is examined by the SADV Program as soon as possible;
- (d) if possible, accompany the victim to the SADV Program or, if the victim is already there, attend as soon as possible thereafter;
- (e) ensure that the victim is afforded privacy and reaffirm that the assistance of a support person and a change of clothing were offered; and
- (f) ensure that the Identification Officer takes possession of all forensic evidence collected by the SADV nurse.

2. As soon as practicable, Sexual Assault Investigators shall:

- (a) whenever possible, meet personally and conduct an in-depth interview with the victim in a private setting and obtain a pure version statement, ensuring that the statement is signed by the victim and adopted on videotape before a Commissioner of Oaths. If the victim suffers from a developmental disability, all efforts should be made to videotape the statement;

Note: Care shall be taken to minimize the unnecessary repetition of the facts by the victim of a sexual assault to different police officers.

- (b) ensure that the victim is transported to a safe location following the interview/ investigation and/or upon completion of any medical/forensic examination;
- (c) provide the victim with their name, rank, and badge number and the telephone number at which they can be contacted to answer enquiries and to provide updates as to the status of the investigation;

- (d) ensure that victims are made aware of the court process and the expectations that will be required of them as witnesses in court;
- (e) obtain victim input as to possible conditions of release at a bail hearing;
- (f) advise the victim of possible options pertaining to compensation under the *Compensation for Victims of Crime Act*, civil remedy, and/or recovery under *Criminal Code* provisions;
- (g) direct the Identification Officer regarding the submission of the SAEK;
- (h) interview all accused persons on videotape whenever possible, with the intent to obtain an inculpatory statement;
- (i) when charges are laid, ensure notification of the Victim Witness and Assistance Program and adherence to General Order [Vol. I-B-59](#), "Bail and Violent Crime";
- (j) where an investigation involves criminal harassment, adhere to General Order [Vol. I-B-69](#), "Criminal Harassment";
- (k) where an investigation involves firearms, adhere to General Order [Vol. I-B-54](#), "Preventing or Responding to Incidents Involving Firearms"; and
- (l) where it is deemed appropriate, share information with patrol officers with respect to the investigation, including suspect descriptions, where available.

3. The Sexual Assault Investigator shall arrange to obtain blood and saliva samples from any person(s) with whom the victim has had sexual contact and/or prepare appropriate warrants to obtain these samples.

4. If the offender is arrested, the Sexual Assault Investigator shall attempt to obtain from the accused, by way of warrant when required, any relevant evidence to be used as comparison samples.

5. The Sexual Assault Investigator shall submit a ViCLAS submission within 21 days, in accordance with General Order [Vol. I-C-8](#), "ViCLAS Policy and Submissions."

6. The Sexual Assault Investigator shall provide victim assistance in accordance with General Order [Vol. I-C-13](#), "Victims' Assistance."

K. Community Notification

1. The Officer-in-Charge of Criminal Investigations shall coordinate the notification of the community, or members of the community who may be at particular risk, in the event that sexual assault offences are taking place within the community (e.g., in cases involving suspected sexual

predators, serial offenders, etc.). Upon receiving the approval of the Chief of Police or designate, the Officer-in-Charge of Criminal Investigations will forward the information to the media in the form of a press release.

L. Third-Party Records

1. The following stipulations apply to third-party records.
 - (a) Officers will consult with the Crown Attorney before obtaining any third-party records on consent or otherwise.
 - (b) If documents are provided voluntarily to the police to assist in the furtherance of the investigation, they must be disclosed (informed consent, which may include legal advice from a lawyer) to the defence.
 - (c) Documents that are not provided voluntarily by the complainant to the police will not be disclosed to the defence. The applicant must apply to the courts for production of the records. The records may be ordered to be produced by the courts. The judge may order the records produced, at which time the records will be reviewed by the judge. The judge will decide whether the documents will be disclosed to the applicant after review and in consideration of the following points:
 - (1) the extent to which the record is necessary for the accused to make full answer and defence;
 - (2) the probative value of the record in question;
 - (3) the nature and extent of the reasonable expectation of privacy vested in the record;
 - (4) whether production of the record would be premised upon any discriminatory belief or bias;
 - (5) the potential prejudice to the complainant's dignity, privacy, or security of the person that would be occasioned by production of the record in question; and
 - (6) the extent to which records of this nature would frustrate society's interest in encouraging the reporting of sexual offences and the acquisition of treatment by victims.

A. McNeely
Acting Chief of Police

Appendix Four: Associated Agencies and Organizations

Victims of partner abuse and/or their children may enter the service delivery system in a multitude of ways. Many different health, social service and/or legal agencies and organizations in Frontenac County provide various services to individuals who have experienced partner abuse despite the fact that they are not specifically or exclusively mandated to provide specialized services to this population.

A wide range of these service providers were invited to provide brief descriptions of their mandate, programs, and services with special attention to any internal procedures staff are required to follow in the event that they become aware that their client has been or is being abused in an intimate relationship.

These agencies are not signatory partner agencies to the Partner Abuse Protocol.

Dawn House Women's Shelter

Business: 613-545-9640
Crisis: 613-545-1379

Dawn House Women's Shelter is a 10-bed facility mandated to provide temporary shelter for **homeless women** aged 16 years or older and their children. Dawn House has a stated commitment to offering shelter to all women and their children in an atmosphere of acceptance and respect. Services are confidential; fees are based on income.

In addition, Dawn House:

- provides crisis intervention, information, referrals, and support via a 24-hour-a-day, 7-day-a-week crisis line
- provides basic necessities, information, and referrals to residents within a comfortable, supportive environment
- provides assistance with housing searches, and
- works cooperatively with a variety of community groups committed to empowering and supporting women and children, and to the development and provision of adequate, affordable, accessible housing.

Women in need of housing are able to contact Dawn House at any time using the crisis line.

Dawn House is not considered a “safe” or “secure” shelter. For example, the address of the shelter is not kept confidential; and security procedures and levels are significantly different from those maintained by interval and transition houses for abused women. Consequently, **it may *not* be appropriate to refer an abused woman to Dawn House for temporary shelter, especially if she is at any risk or in any danger.**

Also, Dawn House clearly states that it does not provide in-house counselling or support services to abused women; advocacy, information, and referrals are made to outside supports in those instances when women disclose abuse while staying at Dawn House.

Complaints or concerns about the quality or nature of services received or not received at Dawn House Women's Shelter can be directed to the frontline staff and/or Executive Director. In the event that the client remains dissatisfied with any resolution offered at this level, she may address her concerns to the Board of Directors in accordance with the procedures of the organization.

HIV/AIDS Regional Services

613-545-3698

HIV/AIDS Regional Services (HARS) provides comprehensive HIV/AIDS education and support programs and limited Hepatitis C services in accordance with health promotion and community development principles. Services are available to individuals, agencies, institutions, correctional facilities, or groups in the Greater Kingston area, Belleville/Quinte West, Brockville, Smiths Falls, and Sharbot Lake areas. HARS has a stated commitment to inclusivity, diversity, and a client-directed, holistic approach to service development and delivery. Services are confidential and available free of charge.

Office hours are Monday to Friday, 9:00 a.m. to 5:00 p.m., closed for lunch daily from 12:00-1:00 p.m.

HARS is *not* mandated to provide any specialized services to victims of partner abuse. However, a variety of internal procedures and guidelines have been developed to support persons who are infected, affected, or at risk of HIV and/or Hepatitis C.

- Individual meetings are arranged for all first-time clients to explore needs and expectations, even in those instances when couples approach HARS for support services around HIV and related issues. This approach allows for victims of partner abuse to disclose abuse or control issues and to request ongoing individual support, referral, or other related services.
- In the event that a staff member is working with a couple and becomes aware that one of the service users is being abused in the relationship, either during the intake process or at any point during counselling, the staff member will recommend transferring one partner to a different/second staff member for ongoing service. The reason given to the abusing partner for this recommendation would not compromise the safety of the victim in any way.
- Partners within a couple are treated as individuals seeking service, not as a unit. Consequently, confidentiality is respected within the organization, and information about other service users, including a service user's partner, is not shared or disclosed by staff without explicit consent.
- Staff members complete risk assessments with service users who have disclosed partner abuse, provide information and referrals to appropriate services, such as shelters for abused women in the region or the PAR program at K3C, and provide financial assistance within program guidelines to assist with the implementation of a safety plan.
- HARS will provide practical assistance, such as transportation, for victims of partner abuse seeking safety in accordance with available resources.
- In the event that staff have reasonable grounds to believe that a service user has seriously harmed or has plans to seriously harm another individual, HARS retains the right to disclose confidential information to the proper authorities.

Complaints or concerns about the quality or nature of services received or not received through HARS are addressed initially by frontline staff. If the client remains dissatisfied with the resolution offered by the frontline staff member, s/he can request a meeting with the Executive Director and if necessary, a meeting with the Complaints Committee of the Board of Directors.

Kingston Community Legal Clinic

345 Bagot Street
Kingston, ON K7K 6T8
613-541-0777
www.kclc.ca

Kingston Community Legal Clinic promotes justice, equality, rights and independence for low-income people by:

- providing legal services in matters relating to poverty, housing, income support, human rights, health, employment and education
- pursuing law reform activities
- providing community legal education
- engaging in community development

Kingston Community Legal Clinic is not mandated to provide any specialized services to victims of partner abuse. However, clients of the Legal Clinic are typically vulnerable members of our society and as such some have experienced various forms of violence.

When working with a client who is also a victim of partner abuse, Legal Clinic staff:

- issue a Legal Aid Ontario Two-Hour Domestic Violence Certificate and provide a list of lawyers who may accept the certificate
- provide assistance, referrals, and support in relation to various issues that must be addressed by a separated person with limited or no income
- provide support and assistance to clients who are having problems with Ontario Works or the Ontario Disability Support Program
- assist clients in their efforts to secure low-income housing, including but not limited to filing appeals in those instances when a client is denied Special Priority Status as a victim of abuse or is denied housing.

Office hours are Monday to Thursday, 8:30 am to 4:30 pm and Friday, 1:00 pm to 4:30 pm.

Kingston Military Family Resource Centre

613-541-5010 x5195

The Kingston Military Family Resource Centre (KMFRC) is a registered non-profit, charitable organization that supports and enhances the health and well-being of the military community. KMFRC is mandated to provide crisis intervention, short-term counselling, information and referral services, and prevention programs to families of military members posted to CFB Kingston. The full spectrum of services provided by KMFRC is available to the entire military family; assessment and referral services and short term counselling are available to military family members in the context of couple and/or family counselling only .⁹

Office hours are Monday to Friday, 8:00 a.m. to 4:30 p.m.

In the event that military personnel become aware that a member of a military family is a victim of partner abuse, she will be referred to a social worker at KMFRC for short term counselling and/or referral to appropriate community-based services.

In the event that a social worker at KMFRC becomes aware that a client has been or is being abused in her intimate relationship, information and referrals to appropriate community-based services will be provided. Short-term counselling with clients may continue post-disclosure at the request of the client and in consideration of wait lists for community-based services.

The chaplains at CFB Kingston provide after-hours emergency services to military families, including crisis intervention services for victims or perpetrators of partner abuse.

Services provided by KMFRC personnel are confidential; however, staff retain the right to release certain information to the appropriate authorities if they have reason to believe the client may be of danger to herself or others, in the event that the staff member suspects child abuse, or in accordance with subpoenas.

Complaints or concerns about the quality or nature of services received or not received at KMFRC are directed to the staff person involved and if necessary, through the internal "communication line" identified by KMFRC - i.e., staff to supervisor to Executive Director to Board of Directors.

⁹ Military family members have access to individual counselling and support through a separate department/service at the Base.

Legal Aid Ontario

613-546-1179

The Ontario Legal Aid Plan provides financial assistance for legal fees under the guidelines of the *Ontario Legal Services Act* to individuals with limited or no financial resources who reside in Kingston and Frontenac County. Eligible individuals are approved to receive legal assistance, information and advice on family law matters concerning child welfare (such as child access, support, and custody disputes), division of assets, and Children's Aid Society matters.

Office hours are Monday to Friday, 8:30 a.m. to 4:00 p.m.

K3C (Women's Program), Kingston Interval House and Victim/Witness Assistance Program are mandated to provide victims of partner abuse with a certificate entitling them to two hours of legal advice, paid for by Legal Aid Ontario. Women may contact any lawyer who accepts legal aid clients and arrange for this two-hour consultation.

In some instances, Victim/Witness Assistance Program personnel may refer a victim of partner abuse to duty counsel during a court appearance for information or advice.

Complaints or concerns about the quality or nature of services received or not received from Legal Aid Ontario are addressed in accordance with a standardized internal complaint process.

Limestone Mediation Ltd.

613.546.2548. 613.546.2549
1.800.269.9730

Limestone Mediation Ltd has a contract with the Ministry of the Attorney General to provide comprehensive family mediation services, parent education, information about issues related to separation and referral to appropriate community resources.

Limestone delivers the Mandatory Information Program which is required for clients of the family court to attend.

Mediation is not a legal process and it is very important for clients of mediation to have independent legal advice.

Limestone also offers child protection mediation and elder mediation services exclusive to the Ministry contract.

Information and referral services are available in the Family Law Information Centre (FLIC), located in the Family Court Monday to Thursday from 9:00 a.m. to 3:00 p.m.

Onsite mediation is available Tuesday, Wednesday and Thursday in the Family court from 9am to 3pm. Onsite mediation is available to family court clients to settle narrow issues on the day of their court appearance.

There is no fee for these services.

Offsite mediation services are available at our office at 354 Montreal St.

Referrals for mediation come from lawyers, judges, social workers, former clients and the community. Clients can also self-refer. Fees for offsite mediation are on a sliding scale based upon gross income and number of dependent children. Appointment times can be flexible to accommodate various work or childcare schedules.

Clients are seen individually for intake appointments. There is no fee for these sessions. At this time, the screening tool is administered. If abuse is indicated, it may be that mediation is not appropriate or mediation may occur with the institution of appropriate safety measures. Screening is ongoing; the mediators continuously monitor for signs of abuse, control, safety, etc. and take necessary steps to ensure that the process is working for both parties.

Clients may be referred for counselling, legal advice, legal aid, to shelters, or other appropriate community resources. In situations where there may be immediate risk, safety planning is implemented.

Complaints or concerns about the nature of services received or not received from Limestone Mediation should be addressed directly with the staff person involved and then forwarded to the supervisory mediator if necessary

Kingston Community Health Centres

613-542-2949

North Kingston Community Health Centre, Better Beginnings for Kingston Children, Street Health Centre and the Immigrant Service of Kingston and Area (ISKA) together form the Kingston Community Health Centres (KCHCs). All four programs share a common philosophical premise and mission statement. We care for individuals and families, respond to their neighborhood and community concerns to improve their health and to build healthy communities.

We value our community members and believe that they are in the best position to know what they need in order to achieve and maintain the health of themselves and their community. We therefore encourage community engagement in all activities of the organization, including at the Board level through a community governance process.

KCHC has a stated commitment to diversity, inclusivity, and equality for all persons.

KCHC does *not* currently provide any specialized services to victims of partner abuse; however, all staff:

- provide support, information, and referrals to appropriate community-based services, such as Kingston Interval House, as necessary
- provide a safe, comfortable environment for disclosure in all groups and individual sessions/appointments regardless of the reason for their involvement with the client
- are trained to respond to individuals who may disclose experience with partner abuse

North Kingston Community Health Centre offers primary health care, individual support, programs/groups and services to the north Kingston community whose borders are Princess Street, Highway 401, Leroy Grant Drive and the Cataraqui River.

Medical and individual support services are provided by appointment. Programs/groups are offered on an ongoing basis and anyone living in north Kingston is welcome to attend.

Our community development team works with individuals and groups to promote the strengths and take action on the challenges identified by the community working on issues such as housing, poverty and its impacts, and community events.

The services provided by NKCHC are confidential and available free of charge.

Office hours are Monday to Friday, 8:30a.m. – 4:30p.m. Evening clinic appointments are available.

In the event that a client discloses that he or she has been or is being abused in his or her intimate relationship, he/she will be referred internally to one of the social workers employed at the Centre. The social worker will meet individually with the client and offer support, information, and referrals to other appropriate services.

Better Beginnings for Kingston Children offers programs and supports for families with children from 0-5 years living in north Kingston. Programs include prenatal education and support, home visiting, parent-child support groups, parenting programs, and school readiness programs.

All of our services are free; assistance with transportation and childcare are provided when needed.

Our services are available to any family living in north Kingston, the area bounded by Princess Street, Highway 401, Leroy Grant Drive and the Cataraqui River.

The **Street Health Centre** is a harm reduction health centre. We specialize in providing accessible, responsive health services to communities that are often marginalized from mainstream health services.

Street Health began as a needle exchange program in 1992 and has since evolved into a “one-stop shopping” model, providing multiple health, disease prevention, primary care and treatment services.

Street Health has several priority populations including:

- people who use injection and illicit drugs
- people involved in the sex trade
- high-risk youth
- people who are homeless
- people recently released from incarceration

We are open 365 days a year and our staff consists of nurse practitioners, registered nurses, doctors, counsellors and administrative personnel. Outreach and extended hours are also offered at regular times through the week.

Immigrant Services of Kingston and Area (ISKA) began to operate in November 2006 with a goal of helping people new to Canada get settled and feel at home in their new community.

The **Settlement Program** provides help with a wide range of practical issues faced by new immigrants such as immigration documents, assistance with sponsorship and/or referrals to other community services. We provide information about housing, language studies, educational programs and employment services. The Settlement Services Workers are available to assist new immigrants to solve problems and link to resources that will help them settle successfully in the

local community. We work closely with KEYS Employment Services who provide a dedicated Employment Counsellor to work with new immigrants.

The **HOST Program** is designed to match new immigrants and their families with a volunteer Kingston host, either an individual or a family. The hosts organize social and recreational activities that can be enjoyed together. Sometimes we have several host and newcomer families gather for a potluck meal and other fun activities.

Addiction Services – Frontenac Community Mental Health and Addiction Services

613-544-1356 ext. 4200

Addiction Services provides assessment, community-based treatment, referrals for treatment to adults who are concerned about their substance use and/or who have a gambling problem. Services are available to residents of Kingston and Frontenac County.

The Motherwise program assists substance-involved women who are pregnant or parenting children between the ages of 0-6 years. This program provides addiction treatment and education, trauma counselling, outreach services and practical support in all areas regarding the social determinants of health.

Office hours are Monday 8:30am-8:00pm and Tuesday- Friday, 8:30 a.m. to 4:30 p.m.

Addiction Services does not provide any specialized services for individuals with substance use or gambling concerns who are also victims of partner abuse; however, both victims and perpetrators participate in the various programs and services available through the organization. Separate groups for women are available; issues relating to partner abuse are discussed as necessary depending on client composition and need. Staff is able to offer information and referrals to victims and perpetrators of partner abuse as necessary during their involvement with Addiction Services.

Pathways for Children and Youth

613-546-8535

Pathways for Children and Youth is a community-based, multi-site organization mandated to provide a comprehensive range of mental health services to children, from birth to 18 years of age, residing in Kingston, Frontenac and Lennox & Addington Counties. Pathways has offices in Kingston, Amherstview, Napanee, Sydenham, Sharbot Lake, and Northbrook.

Services available to children and their families include but are not limited to:

- assessment and consultation
- individual, family, and group counselling
- parent support
- intensive in-home support
- out-of-home service (treatment foster care)
- day treatment programs
- intensive behaviour intervention for children under 6 years of age diagnosed with autism, and
- specialized services targeted at pre-schoolers diagnosed with autism
- Trauma Treatment Program (I.T.T.M.)

Services are confidential.

Office hours are Monday to Friday, 8:30 a.m. to 4:30 p.m., however, staff work flexible hours in order to accommodate the needs and schedules of their clients. For example, evening appointments may be scheduled for parents/families who are unable to meet with staff during regular office hours. In addition, Pathways provides an after-hours crisis intervention service in collaboration with Frontenac Community Mental Health Services.

Pathways has a stated commitment to client-driven, accessible services in both English and French. Value statements for the organization confirm the agency's support for respectful relationships and its intolerance for abuse and discrimination of any kind.

Pathways is not mandated to provide specialized services to victims of partner abuse or to children with mental health problems who have been exposed to partner abuse; however, it is committed to working collaboratively with other agencies to ensure that clients' self-identified needs are addressed in a comprehensive and appropriate manner. To this end, **Pathways personnel have co-facilitated groups with staff from Kingston Interval House for children who witness or who have been exposed to partner abuse.**

In addition, victims of partner abuse and their children:

- have access to the full range of services available through Pathways
- are given support, information, and referrals to appropriate agencies and services following disclosure of partner abuse as necessary and in consideration of the clients' stated wishes, and
- will be offered concrete support to facilitate contact with other agencies such as Kingston Interval House, including but not limited to accompaniments.

Pathways staff develop crisis management and safety plans with many of their clients in relation to a variety of issues, including partner abuse.

Pathways staff work in partnership with other agencies and organizations to develop an individualized, collaborative treatment or intervention plan for clients living with or recovering from violence with attention to the mandates of each agency and in consideration of clients' stated wishes.

Complaints or concerns about the quality or nature of the services received or not received through Pathways for Children and Youth can be addressed directly with the staff person involved. In the event that the client remains dissatisfied with the resolution offered at this level, s/he may forward the complaint to the appropriate manager and on to the Executive Director and Board of Directors, if necessary. The written complaint process for Pathways is available in brochure format at all sites.

Queen's University Human Rights Office

613-533-6886

Queen's University Human Rights Office (HRO) acts as a resource for students, staff, and faculty facing harassment or discrimination and administers the Harassment/Discrimination Complaint Policy and Procedure. In addition to services provided to students, staff, and faculty, HRO staff may act as a resource to a general community member who wishes to lay a complaint against a member of the Queen's community under some circumstances; for example, when the alleged conduct occurred on the Queen's campus or at a university-sanctioned event.

Office hours are Monday to Friday, 9:00 a.m. to 5:00 p.m. on regular days of operation for the University.

Complaints may be addressed formally or informally in accordance with the Harassment/Discrimination Complaint Policy and Procedure. Complaints must be filed within one year of the last incident of harassment or discrimination; however, the Policy recognizes exceptional circumstances that may prevent individuals from filing complaints within this timeframe.

Partner abuse issues may be addressed through the Harassment/Discrimination Complaint Policy and Procedure in those instances when the abuse experienced includes elements of sexually harassing behaviours.

When working with victims of partner abuse, HRO staff will:

- ensure that victims are aware of the various University-based and community-based medical, legal, and counselling options available to them
- assist in making referrals and/or accompany victims to medical, legal, or counselling appointments as requested by the victim
- provide information, assistance, and advice concerning their rights under the Harassment/Discrimination Complaint Policy and Procedure
- attempt to ensure that any internal actions taken in addressing a complaint will not jeopardize any actions the victim may wish to pursue through criminal, civil, or family court.

HRO also provides information and resources on partner abuse, sexual assault, and helping survivors of violence to victims and members of the Queen's community.

Complaints or concerns about the quality or nature of services received, or not received, from the HRO may be directed to the Director of the Human Rights Office or to the University Senate.

MCIS Language Services

(416) 467-3097/888 990 9014

789 Don Mills Road, Suite #608, Toronto, ON M3C 1T5

www.mcislanguages.com

“Creating a world without language barriers”

MCIS is a non-profit organization that provides services in language interpretation, translation, skills-testing and training under grant and fee-based programs. Its earned income helps it improve the efficiency and effectiveness of its services, provide value addition and social benefits, for overall best value to its customers.

MCIS uses earned income strategies to bring about social changes aligned with its vision, mission and objectives, as set out in the bylaws of the corporation:

- Improve access to services for non-English speaking victims of domestic violence, sexual assault, human trafficking and homeless persons
- Influence streamlined access to all public sector services for non-English speaking newcomers
- Educate eligible newcomers in community interpreting and thereby enable their integration in Canadian society
- Educate public service providers on the importance of using professional community interpreters when serving their non-English speaking clients
- Advocate for changes to legislation to ensure continued and enhanced public sector funding for language access when using public services

Free language services for victims of domestic violence, sexual assault, elder abuse and human trafficking

Please direct all service feedback to:

Main Line: (416) 467-3097, press “9”

Online: <http://www.mcislanguages.com/feedback/>

Appendix Five: Provincial Agencies and Organizations

Criminal Injuries Compensation Board

1-800-372-7463

The Criminal Injuries Compensation Board (CICB) is an independent agency that awards compensation to victims of violent crime that resulted in personal injury or death as defined by the *Compensation for Victims of Crime Act*. Compensation may be awarded in those instances when a *Criminal Code* offence has been committed; however, conviction in relation to said offence is not required for application to the Board.

Victims of partner abuse or their surviving family members may make an application for compensation for a variety of expenses including:

- medical expenses resulting from injury or death
- counselling expenses
- loss of wages as a consequence of total or partial disability affecting the victim's capacity to work
- pain and suffering
- funeral expenses, and
- financial loss to dependents of a deceased victim.

Applications must be made within two years of the crime and in accordance with standardized procedures developed by CICB; victims may apply for an extension in those instances when more than two years have elapsed since the crime occurred. Victims may be required to attend a formal hearing to present their application; victims of partner abuse are encouraged to attend the hearing if possible as this provides an excellent opportunity to demonstrate the impact of the abuse on their lives. While not as formal as court proceedings, Board hearings follow a standardized "court-like" format. Victims are entitled to bring a designated support person to their application hearing and to arrange for written or verbal submissions to be made by professionals or service providers who have information relevant to expenses incurred by the victim. For example, it may be helpful and appropriate for a counsellor to make a presentation regarding the negative impacts experienced by the victim as a result of the abuse she has suffered.

Area service providers, including the Victim/Witness Assistance Program and Kingston Interval House, will ensure that victims of partner abuse are aware of their right to make an application to the CICB. Queen's Legal Aid will provide assistance to victims interested in making an application.

Ontario Parole & Earned Release Board

705-324-6615

The Ontario Parole & Earned Release Board has legislated authority to grant supervised conditional release to adult offenders sentenced to serve less than two years in Ontario provincial correctional institutions. Its primary goal is to protect the public by releasing only those offenders considered to be a manageable risk.

Victims of partner abuse have the right to receive updates regarding parole hearing dates, decision to release on parole or deny parole, temporary absences, changes to scheduled release date, re-admission to a provincial institution, transfer to another jurisdiction, and/or escapes or failure to return from leave in relation to their offender. This information can be obtained through the Victim Notification System (VNS), a service available through the Victim Support Line (see below).

Victims of partner abuse also have the right to speak with Board members directly regarding specific concerns and to make a written application to attend hearings. Board Case Officers will provide victims with application forms, information, support, and assistance to facilitate their attendance and participation at the hearing; monies are available to cover transportation and/or accommodation costs for victims. Victims approved to attend hearings are entitled to make a verbal statement to the Board; victims may choose to make their statement in the presence of their offender or alternately, they may request that the offender be removed from the hearing prior to their presentation. Under some circumstances, arrangements may be made for victims to meet with the Board off-site to make a statement; for example, when a victim is particularly vulnerable. Board Case Officers offer victims assistance and guidance in the preparation of their statement in order to ensure it meets the needs of the Board. Specific protocols and procedures developed by the Ontario Parole & Earned Release Board provide additional detailed information relating to victims' rights and participation at hearings.

The **Victim Support Line (VSL)** (1-888-579-2888) is a province wide toll-free information line providing a variety of services to victims of crime as outlined below.

Victim Notification System

The VNS keeps victims informed about the status and scheduled release date of **provincially sentenced offenders**. Victims may leave a message, name and telephone number, and they will be contacted within one business day by staff from the Ministry of Public Safety and Security and given available information about the present status of their offender. Alternately, victims may register with the VNS, in which case they will receive an automated voice message by telephone any time there is a change in status of their offender.

Information available through the VNS includes: parole eligibility and hearing dates; decision to release on parole or deny parole; temporary absences; terms and conditions of the probation order, conditional sentence order, parole certificate, or Temporary Absence Program agreement; changes to scheduled release date; whether parole has been suspended, terminated, revoked, or

continued; re-admission to a provincial institution; transfer to another jurisdiction; final warrant expiry date; the general geographic area of release; and/or escapes or failure to return from leave. In those instances when the offender is under a form of community supervision, the victim will be given the name and phone number of the supervising Probation & Parole Officer.

Supports and Services Referrals

Connects victims directly to the Kingston District Community Information Centre for referrals to appropriate counselling and community support services.

Information on the Justice System

Provides access to recorded information on how the criminal justice system works. This service lets victims review information at their own pace and may help victims familiarize themselves with the criminal system. It may be especially useful in those instances when a victim has urgent questions about the system and is unable to speak directly with an appropriate community service provider, such as a V/WAP staff member.

*National Parole Board***613-634-3587**

The National Parole Board (NPB) is an agency within the Ministry of the Solicitor General of Canada. The Board is an independent administrative tribunal that has exclusive authority under the **Corrections and Conditional Release Act** to grant, deny, cancel, terminate or revoke day parole and full parole for offenders sentenced to two or more years' incarceration. The NPB also has the authority to: order detention during the period of statutory release which means the offender in question will be held in prison until the end of his sentence and to grant, deny, and revoke formal pardons.

Victims of partner abuse must submit written requests to obtain information from the NPB about their offender; the NPB has developed a specific Information Request Form for this purpose. Following submission of the Request Form, victims may request information through the **Victim Information Services (1-800-518-8817)** about the starting date and length of sentence, the eligibility and review dates for various forms of conditional release, the date on which the offender is to be released, the date of any hearing or review, and information about any conditions imposed on the offender by the Board in any release.

Victims of partner abuse also have the right to provide information to the NPB. Victims may send copies of their written Victim Information Statements to the Board; in addition, they may submit written updates to their Statement prior to any scheduled release hearings. Any such information will be shared with the offender with the exception of personal information which may compromise the safety of the victim, such as her address and telephone number.

Victims of partner abuse can apply to attend and speak at NPB hearings at their own expense; alternately, they may apply to submit an audio or video statement to the Board prior to a specific hearing date. An application can also be made for a support person to accompany the victim as an "observer". Any such requests must be submitted in writing using the appropriate application forms developed by the Board. The Board has clear procedural guidelines relating to the presentation of statements and information at hearings; victims may request copies of Fact Sheets relating to these guidelines by contacting the Ontario Regional Office of the National Parole Board located in Kingston. NPB staff will provide victims with assistance in making applications to attend or speak at hearings and/or in preparing written statements for submission to the Board.

Other Ontario Partner Abuse Resources

This limited resource listing is intended to give service providers who do not have extensive knowledge of the violence against women/partner abuse/family violence field some suggestions about where to turn for more information or for services in other parts of the province. Unless noted otherwise, services are free of charge.

The Assaulted Women's Helpline

1-866-863-0511 (toll free)

1-866-863-7868

www.awhl.org

This province-wide helpline is available 24 hours a day, 7 days a week, offering crisis counselling and referrals in more than 100 languages for women needing legal services, shelter, counselling or other services.

Shelternet

www.shelternet.ca

This website provides information about shelters for abused women and their children across Canada as well as information about abuse, how to identify it, how to support an abused woman, how to make a safety plan and links to other resources for women experiencing violence.

Ontario Association of Interval and Transition Houses (OAITH)

416-977-6619

www.oaith.org

This is the umbrella and advocacy organization for battered women's shelters in Ontario. It has information about shelters across Ontario as well as research and materials on the issue of violence against women, law reform, inquests into the murders of women in Ontario and other related topics.

Ontario Coalition of Rape Crisis Centres

www.ocrcc.ca

This is the umbrella and advocacy organization for community-based rape crisis centres in Ontario. Its website offers information about centres across the province as well as about its ongoing projects and campaigns.

Ontario Network of Sexual Assault and Domestic Violence Care and Treatment Centres

www.satontario.com

This is the umbrella organization for hospital-based sexual assault and domestic violence centres in Ontario. Its website provides information about where centres are located, what services they offer and other related topics.

Action ontarienne contre la violence faite aux femmes (AOcVF)

www.francofemmes.org/aocvf

This is the umbrella and advocacy organization for services for French speaking women in Ontario. The website contains information about services throughout the province as well as other related topics.

Ontario Women's Justice Network

www.owjn.org

This website provides detailed information about the law as related to violence against women, as well as step-by-step guides for women who need to navigate the legal system.

Woman Abuse Council of Toronto (WACT)

www.womanabuse.ca

WACT is the central body for community coordinating committees in Ontario, with the mandate to improve the community response to woman abuse. It oversees the Provincial Coordinators Committee and organizes regular conferences and meetings for coordinating committees, as well as works on policy development and planning.

Partial List of Other Community Coordinating Committees in Ontario

Durham Violence Prevention Coordinating Council

www.vpcc.ca

905-728-4968

Guelph Wellington Woman Abuse Coordinating Committee

www.gwwomenincrisis.org

519-836-1110 x 26

Kawartha Haliburton Domestic Violence Coordinating Committee

1-800-565-5350

Leeds Grenville Domestic Violence Advisory Committee

info@victiminfo.ca

London Coordinating Committee to End Woman Abuse

519-432-2204

slcoutler@lawc.on.ca

Muskoka Domestic Assault Review Team

800-461-1740

mih.support@cogeco.ca

Peel Committee Against Women Abuse

www.pcawa.org

905-282-9792

Quinte Coordinating Committee Against Violence

613-967-1416

pattypark@sympatico.ca

Regional Coordinating Committee to End Violence Against Women (Ottawa)

613-725-3601 x 105

Sudbury Coalition to End Violence Against Women

715-524-9629

Thunder Bay Coordinating Committee to End Woman Abuse

www.committeetoendwomanabuse.ca

807-345-0450

York Region Violence Against Women Coordinating Committee

yrvawcc@sympatico.ca

905-751-9971

Building A Bigger Wave – Provincial VAW Network

www.buildingabiggerwave.org

info@buildingabiggerwave.org

Appendix Six: Safety Planning

The repetitive and often escalating nature of partner abuse demands that all service providers who work with victims of partner abuse in whatever capacity have a basic understanding of safety planning, including but not limited to police officers and emergency personnel at the hospital. Service providers who work extensively or exclusively with victims of partner abuse, such as shelter staff and community-based counsellors who work with abused women, often have considerable, specialized expertise relating to safety planning which they are willing to share with other service providers. Contact Kingston Interval House for more information on safety planning for and with abused women and their children.

Victims of partner abuse may need to develop and revise various safety plans during and subsequent to their involvement with an abusive partner, depending on their specific circumstances, needs, and decisions regarding continuation or termination of the relationship. For example, a victim may benefit, initially, from the development of an emergency safety plan outlining strategies for emotional and physical safety during and immediately following an explosive, violent incident. In the event that she leaves her abusive partner, the victim may need help revising her safety plan with attention to safety while living apart from her abuser, safety at work, and safety in the neighborhood.

It is essential that careful consideration be given to any safety implications that may relate to the development of the plan itself. For example, it may be dangerous for some victims to maintain a written safety plan at their home residence. Service providers must help victims determine what kind of safety plan will best meet their needs, whether the plan should be a written plan or a verbal “working plan” and, if written, where the plan itself should be maintained - i.e., at home, at work, at a friend’s.

Regardless of the specific purpose or format of a victim’s safety plan, **all safety plans** should include:

- a clear reminder that partner abuse is a crime
- contact information for emergency services including crisis lines and local shelters
- contact information for emergency transportation, such as a taxi company’s number or the work and home telephone numbers of a friend who has agreed to provide emergency transportation
- confirmation of “safe locations” for the victim and her children, such as shelters, or a specific friend, co-worker, neighbour, or family member’s home, and
- identification of emergency exit information, telephone locations, and fire alarm locations for relevant buildings, such as the victim’s home and/or place of work.

Other information that may be important or relevant to incorporate into safety plans, depending on the victim's specific circumstances and needs, includes:

- a reminder that risk often increases for victims and their children after they leave the abuser
- a reminder that children may be used as pawns by offenders and, therefore, should be included in the safety planning process and given specific instructions on what to do and where to go when they see the abuser and/or when a violent episode occurs
- a list of important documents, cards, and information that should be compiled and ready for easy transport if necessary including but not necessarily limited to birth certificates, health cards, passports, immigration papers, work permits, financial records, bank cards and bank books, driver's licence, S.I.N. card, work ID or any other picture identification cards, charge cards, property deeds/leases, loan agreements, and mortgage papers
- a suggestion that she make photocopies of as many of the documents, cards, and information listed above as possible and that she secure these copies in a location separate from the originals
- a suggestion that important keys be readily accessible and/or duplicated and hidden for quick access including but not limited to house keys, work keys, car keys, and safety deposit box keys
- a suggestion that she open a bank account, at a bank and branch other than the one used by her offender, and make an effort to save some independent financial resources
- a suggestion that she hide small amounts of cash in multiple, readily accessible locations
- a suggestion that she prepare and hide a suitcase with essential, important, and comforting items for herself and her children; it may be appropriate and necessary to hide the suitcase at work or at one of the victim's other "safe locations"
- a reminder that police officers will escort her to her residence to collect her belongings, including important and essential documents, if she and her children are forced to leave on an emergency basis, and
- encouragement for the victim to tell trustworthy friends, family members, co-workers, and neighbours about the violence and abuse so that they might respond effectively in the event that she requires emergency assistance and/or "goes missing".

Appendix Eight: Glossary of Terms

TYPES OF VIOLENCE & ABUSE

Partner Abuse

Includes a broad continuum of coercive, threatening, and violent behaviours designed to control the thoughts, feelings, and actions of another person through the use of fear, intimidation, humiliation, and pain, including but not limited to emotional and psychological abuse, financial control and abuse, physical violence up to and including murder, sexual violence, and stalking/harassment, within a current or previous intimate relationship. Such behaviours may occur as a one-time incident causing physical and/or emotional injury to the victim and her family; however, in most instances, partner abuse involves repeated episodes of coercive, threatening, and violent behaviour which escalate in severity over time.

The victims of partner abuse are primarily, though not exclusively, women; the perpetrators of partner abuse are primarily, though not exclusively, men. The use of the term partner abuse throughout this Protocol recognizes that coercive and violent behaviours occur in both heterosexual and same-sex relationships; it further recognizes that there are female perpetrators of violence and male victims of violence. However, in keeping with our current understanding of the causal factors, dynamics, and incidence of partner abuse, victims are referred to as “she” and perpetrators as “he” throughout this Protocol.

Emotional and Psychological Abuse

Includes a wide range of actions and behaviours intended to hurt, demean, criticize, humiliate, threaten, and/or control another person through the inducement of fear, anxiety, confusion, and dependence, including but not limited to:

- § ongoing and intense criticism
- § name-calling and other forms of verbal abuse designed to hurt, embarrass, and humiliate
- § threats to harm self
- § threats and violence towards others, including family members, friends, and co-workers
- § threats and violence towards pets and personal property
- § threats associated with immigration status, marital status, and custody and access
- § reckless and dangerous behaviour, such as running red lights and dangerous driving
- § inappropriate and excessive expressions of jealousy and possessiveness
- § excessive interest in and control over daily activities, and
- § imposed social isolation.

Financial Control and Abuse

Includes a wide range of behaviours designed to reinforce the power and control of the offender, increase the victim’s dependence, and decrease the options for independent decision-making available to the victim, including but not limited to:

- § withholding, restricting, and controlling money required for the necessities of life and/or

- the comfort and well being of the victim, dependents, and/or the family
- § disproportionate and irresponsible spending in relation to the offender's personal needs, wants, and interests to the detriment of the victim and/or family
- § withholding information about the financial resources of the couple/family and/or household financial matters
- § denying access to bank accounts and financial records, and
- § coercion to sign financial documents.

Physical Violence

Includes a wide range of violent, hurtful, and aggressive behaviours including but not limited to:

- § hitting, punching, and slapping
- § kicking
- § shoving, pushing, dragging, and hair pulling
- § restraining, confining, and binding
- § spitting and biting
- § choking
- § burning with fire or chemicals, such as acid
- § withholding food, medications, and other necessities of life
- § using objects and weapons to injure or maim, and
- § and murder

Sexual Violence

Includes a wide range of sexually intrusive, abusive, and controlling behaviours designed to meet the needs of the offender with callous disregard for the needs or well being of the victim, including but not limited to:

- § any unwanted or forced sexual contact with partner or others
- § any unwanted or forced use of objects during sexual contact
- § any unwanted or forced modifications to a person's body, such as shaving pubic hair
- § withholding sexual, physical, or intimate contact
- § exposure to and/or forced participation in pornography
- § exposure to and/or transmission of sexually transmitted diseases by denying use of protection and/or denying possibility of transmission, and
- § sexually humiliating and demeaning comments, jokes, and accusations.

Stalking and Harassment

Includes a wide range of behaviours designed to maintain unwanted or forced contact between an offender and his victim, generate fear, and/or to allow the offender to observe, monitor, and control his partner's movements and activities.

Some forms of stalking and harassment are against the law. Section 264 of the *Criminal Code of Canada* prohibits **criminal harassment** as defined below:

No person shall, without lawful authority, engage in the listed conduct that causes the other person to reasonably fear for his/her safety or the safety of others:

- a) Repeatedly following from place to place the other person or anyone known to them
- b) Repeatedly communicating with, either directly or indirectly, the other person or anyone known to them
- c) Besetting or watching the dwelling, house or place, where the other person or anyone known to them resides, works, carries on business or happens to be - or -
- d) Engaging in threatening conduct directed at the other person or any member of their family.

GLOSSARY OF COMMON LEGAL WORDS

The following is a list of some of the words that are used frequently in both criminal and family court. This resource is not intended to replace legal advice or representation, but rather to provide basic definitions to assist the reader with a general understanding of the word or topic.

This glossary has three parts – general words, criminal charges and words specific to family court.

GENERAL TERMS

Absolute discharge: This means that even though the accused was found guilty, the court does not register a conviction against him, with the result that he does not have a criminal record.

Accused: This is the word used to identify the person who has been charged with committing a criminal offence. Before he is charged, he may be known as the “suspect.” During the trial proceedings, the accused is commonly called the “defendant.” If he is found guilty, he may then be called the “perpetrator.”

Acquittal: When the accused is found not guilty of the charges against him, he is given an “acquittal.”

Adjournment: Court cases are often postponed to a later date – this is an adjournment. In criminal court, either the Crown or the accused can request an adjournment and in family court anyone who is a party can request one. People often ask for an adjournment to give them time to find a lawyer or to prepare their case.

Arrest: This is when the police detain someone, telling them they are not free to leave until further notice. Often, an arrest will take place at the same time as a person is charged with an offence, but not necessarily. The police can arrest someone and keep him in police custody for some time while conducting an investigation and deciding whether or not to lay a charge. If the police decide not to lay a charge, the person will be released.

The right to speak to a lawyer only exists from the time a person is charged. A person would not be fingerprinted or photographed until a charge is laid.

Bail: When someone is charged with a criminal offence, he can be released by the police directly from the police station if he promises to appear in court on a specified date. When the charge is more serious, the person will only be released after there has been a bail hearing in court. At this time, the accused person's lawyer will tell the court why the accused person should be released from custody and the Crown Attorney will tell the court if there are any concerns about releasing the person.

Usually, the person will be "granted bail," which means he can be released. There will probably be some conditions on the person's behaviour and actions – they may have to abide by a curfew, live in a certain place, report to the police, hand their firearms over to the police, not drink, etc. In cases of partner assault and sexual assault, the accused will not be allowed to have any contact with the victim. Sometimes, he will have to have a person stand up in court and agree to take responsibility for his behaviour. This person is called a "surety" and may have to promise the court to pay money if the accused person breaks his bail conditions.

Bail is sometimes called "judicial interim release."

Beyond a reasonable doubt: Different standards of proof are required by different courts. Criminal courts demand the highest standard of proof of any court. This is because a finding of guilt can result in the accused losing his or her liberty by going to jail. In order for an accused to be found guilty, the evidence must establish "beyond a reasonable doubt" that he or she is guilty. In other words, there must be no reasonable explanation for what happened other than that the accused did it. If there is any other reasonable explanation, the accused will not be found guilty.

Breach of Probation: When a person does not follow the terms and conditions of his probation order, he has committed a breach. A new charge can be laid against someone for this.

Breach of Undertaking/Recognizance: When a person fails to comply with the terms and conditions of his undertaking or recognizance, he has committed a breach. It is a criminal offence to breach an undertaking or recognizance.

Complainant: In the language used by police, lawyers and other criminal court officials, the victim of a crime has different names at different stages of the process. First, she is the victim. She becomes a "complainant" when she goes to the police and gives a statement about that has happened. Once a charge is laid and the case is passed to the Crown Attorney, she will become known as the "witness."

Many women who have been the victims of violence reject this formalized language that describes them as victims or complainants, and prefer to use the word "survivor" to describe their initial experience at the hands of the accused person but also of the legal system.

Conditional discharge: Sometimes, when someone is found guilty, they are required to fulfill certain conditions as part of their penalty. This could include such things as completing a drug rehabilitation program or participating in a male batterers' program. If the person is successful in

completing the conditions, he is “discharged” or let go and will have no criminal record for this offence. If he is not successful, the judge can withdraw the discharge and enter a criminal conviction against him.

Court: This is the place where trials take place and court-related services have their offices.

Criminal trials take place in the criminal court, which is a provincial court. The criminal court also has offices for the Crown Attorney, Justices of the Peace, judges, duty counsel and the Victim/Witness Assistance Program, as well as an office where fines can be paid. There are usually also holding cells in the building, where people who are in custody are kept when they are not in the courtroom.

Family trials take place in the family court, which may be federal or provincial. This courthouse also contains the Family Law Information Centre, offices for duty counsel, meeting rooms and waiting areas.

Criminal Code: The *Criminal Code* is a very large book that lists, defines and describes everything that is a crime in Canada. It applies in every province and territory in the country. Anyone found guilty of an offence that is listed in the *Criminal Code* has committed a criminal act. Other statutes that regulate the behaviour of people in Canada include the *Youth Justice Act*, *Narcotics Control Act* and the *Firearms Control Act*.

There are many illegal acts that do not fall within the scope of the *Criminal Code*. These activities are often governed by provincial legislation and will vary from province to province. People can be found guilty of them and be sentenced to penalties that include jail time.

The offences that fall within provincial authority tend to be of a less serious nature than those that fall under the authority of the federal *Criminal Code*.

Criminal trial: When someone is charged with a criminal or provincial offence, the case immediately begins proceeding towards a trial.

Along the way, there are many opportunities for a non-trial resolution. For instance, the accused person might plead guilty in which case there would not be a trial. The Crown might withdraw the charges. The defence lawyer and the Crown might work out a plea bargain.

However, if there is no such resolution, the case will eventually go to a trial, at the end of which the accused will either be found guilty or not guilty. Following this phase, if the accused has been found guilty, a hearing is held to determine the appropriate penalty.

Cross-examination: This is one of the kinds of questioning for a witness in a trial. It is done by the lawyer on the other side of the case. In a criminal trial, the accused is cross-examined by the Crown and the victim is cross-examined by the defence lawyer. In a family trial, the mother and any of her witnesses are cross-examined by the father’s lawyer and he and his witnesses by the

mother's lawyer. The main purpose of cross-examination is to test the credibility of the witness. It is very difficult to be cross-examined, as the lawyer can often make the witness feel as though she is stupid or lying.

Crown Attorney: The Crown Attorney is the lawyer who represents the state in a criminal trial. Crown Attorneys prosecute criminal cases; they argue against the defence. Crown Attorneys are public employees and are responsible to the government. They do not represent the victims of the offence. This can be confusing to a victim who may feel that the Crown Attorney is her own lawyer. While the Crown Attorney will respect the wishes and concerns of the victim as much as possible, her/his first priority is to represent the interests of the community/state.

Each geographic district has one Crown Attorney and any number of Assistant Crown Attorneys, who handle most of the criminal cases.

Defence lawyer: This is the lawyer who represents the accused person in a criminal trial.

Duty counsel: This is a lawyer provided by the state to assist people at no cost who do not have their own lawyer and who qualify financially. For instance, in criminal court, an accused who does not have a lawyer can use duty counsel to assist with a bail hearing, a guilty plea or an adjournment. In family court, any party to a proceeding can get basic legal advice and assistance from duty counsel. Duty counsel cannot conduct a trial for someone.

Election: In a criminal case, some charges are indictable, some are summary and some are hybrid. Each of these terms is defined elsewhere in this glossary. If a charge is hybrid, the Crown Attorney chooses whether to proceed by way of indictment or by way of summary conviction. This is called the election of proceedings.

Examination in chief: This is one of the kinds of questioning for a witness in a trial. It is done by the lawyer on the same side as the witness. In a criminal trial, the accused and any of his witnesses are examined in chief by the defence lawyer and the victim and any witnesses on her side by the Crown Attorney. In family court, each person and their witnesses are examined in chief by that person's lawyer (for example, the mother and her witnesses are examined in chief by the mother's lawyer). This examination provides the witnesses to give their detailed story of what has happened.

Guilty: In a criminal case, the accused may decide to plead guilty, which is admitting he is responsible for the act. If he does not, there will be a trial, at the end of which, depending on the evidence, he may be found guilty.

Hybrid offence: Some criminal charges can be tried as either a summary or an indictable offence. These charges are called hybrid offences. The Crown Attorney makes the choice as to how to proceed, which is called an election.

Incarceration: When a person has been convicted of a criminal offence, there are a number of

possible penalties that can be imposed by the judge. Incarceration, which means the person must spend a period of time in either a provincial jail (if the period of time is less than two years) or a federal prison (if the time is two years or more) is the most severe. Frequently, individuals found guilty are punished by being placed on probation, by having to pay a fine and/or by having to serve what is called a conditional sentence. This means that they are under a form of “house arrest” – while they are not in jail, their movements are limited and other conditions may be placed on their activities.

Indictable offence: Charges that are considered more serious are called “indictable.” The maximum penalties are higher. The accused has more options available to him in terms of how the case proceeds, including the right to a trial by jury.

Intermittent sentence: When someone convicted of a criminal offence receives a jail sentence of 90 days or less, he may be allowed to serve it on weekends, which is an intermittent sentence.

Judge: A judge may be either federally or provincially appointed. Judges, who must be lawyers, have the authority to hear criminal cases and decide on the outcomes – in criminal court, judges decide whether or not the accused person is guilty and what penalties are appropriate for people who are found guilty. Criminal court judges also may rule on bail, although most bail is handled by Justices of the Peace. In family court, judges make decisions on custody and access, restraining orders, support, division of property, adoption and child protection cases.

Justice of the Peace: These people, who do not have to have had legal training, are provincially appointed and have fewer areas of responsibility than do judges. In addition to handling most bail cases, JPs issue warrants and hear provincial offences cases and decide on the outcomes.

No contact order: This is an order of the court, either criminal or family, that prevents one person from having any contact with another. Often, this is a condition of a bail order. Other kinds of no contact orders include probation orders, peace bonds and, in family court, restraining orders.

No publication order: In some kinds of criminal trials, including any involving children or sexual assault, the judge can make an order preventing the media from printing information that could identify the victim. These orders are also known as “publication bans.”

Own recognizance: At a bail hearing, the accused may be released “on his own recognizance” which means he does not have to post any bail money or provide a surety to be released from custody. There may, however, be conditions on his behaviour.

Parole: Someone who has been given a prison sentence of two or more years can apply to be released from prison after serving only part of his sentence. If successful, he will be released “on parole.” A parole officer will be assigned to that person, who may have conditions similar to bail conditions imposed on him. In other words, he will not be in prison, but will not be completely free either. The conditions may lessen over time if there are no problems, but if he breaches any

of the conditions, he can be re-arrested and returned to prison for the rest of his sentence. His parole, and the conditions on his behaviour, continue until the end date of his sentence.

Peace bond: This is an order obtained in criminal court that can require one person to stay away from another, as well as to keep the peace and be of good behaviour. Peace bonds can last a maximum of 12 months. Breaching a peace bond can lead to a jail sentence of up to 12 months.

Plea bargaining: In criminal cases, the Crown Attorney and the defence lawyer meet several times to discuss what should happen. Sometimes, the Crown Attorney will agree to reduce the charge(s) to a less serious one or to reduce the penalty if the accused person agrees to plead guilty. This process is called plea bargaining.

Pre-sentence report: Once an accused has been found guilty, the judge may order a pre-sentence report (PSR). A probation officer meets with the person and others to write a report that describes his personal situation to help the judge decide on an appropriate penalty. The report may make recommendations; for example, that the person get counseling for a drug problem or that he not live with his family for a period of time.

Probation: When a person convicted of a criminal offence is released into the community without going to jail, he is on probation. Sometimes, people first serve a short jail sentence and then are released, but are still on probation. During this time, the person will likely have to follow conditions similar to bail conditions. If he breaches them, he can be arrested and sent or returned to jail.

Subpoena: This is an order from the court requiring the person to whom it is given to appear in either criminal or family court to testify in a trial. If the person fails to go to court on the date stated in the subpoena, a police officer may come to get her right away so the trial can proceed or a warrant may be issued for the person's arrest.

Summary offence: A summary offence is a crime that is considered less serious and for which the maximum penalties are lighter. The accused has his trial in front of a provincial court judge, with no option to have a trial by jury. Generally, if convicted, the accused can receive a fine of not more than \$2,000 and/or a jail sentence of no more than 6 months. However, if the conviction is for criminal harassment or sexual assault, the maximum penalty is 18 months incarceration.

Summons: This is a legal document requiring an accused person to appear in court on a specified date.

Surety: This is a person who agrees to be responsible for the behaviour of the accused while he is out of custody on bail.

Suspended sentence: Sometimes, a judge will order a jail sentence and then suspend it, which means the person does not actually have to go to jail, as long as he follows certain

conditions. If he does not follow the conditions, the judge can send him to jail to complete the original sentence.

Testify: This is when someone, in court, gives evidence under oath; that is, tells her story about what she has seen and/or heard.

Victim: This is the person who has been harmed by the accused.

Victim Impact Statement: This is a written statement that the victim can prepare after the accused has been found guilty. In it, she talks about the effects on her of what the accused has done.

Victim/Witness Assistance Program: This is a program in the criminal court to support and assist victims and witnesses. The workers meet with victims to explain how the court process works, keep them informed of the progress of their case and accompany them to court if this is what the victim wants.

Warrant: This is an order from the court that gives the police the authority to arrest someone or, in the case of a search warrant, to search a person or a place.

SOME COMMON CRIMINAL CHARGES IN VIOLENCE AGAINST WOMEN CASES

Assault: When someone touches another person, directly or indirectly, without that person's consent or when the person attempts or threatens, by an act or gesture, to touch another person, if the person has or can make the other person believe he has the ability to carry out his threat, an assault has occurred. This is a criminal offence, whether or not the victim has any injuries.

Assault with a weapon or causing bodily harm: This is assault when the person carries, uses or threatens to use a weapon or an imitation of a weapon or causes physical harm that interferes with the health or comfort of the victim. This is a criminal offence.

Aggravated assault: This is assault that involves wounding, maiming, disfiguring or endangering the life of the victim. This is a criminal offence.

Criminal harassment: This is the legal term for stalking. It is illegal for someone to repeatedly follow someone from place to place, repeatedly communicate with that person, spend time outside that person's house or workplace or make threats against the person, if it causes that other person to be fearful for her safety.

Forcible confinement: No person can legally force another person to remain somewhere or interfere with (block) the person from leaving a place. Anyone who does this can be charged with forcible confinement.

Sexual assault: Any unwanted touching of a sexual nature is sexual assault. This can range from touching of sexual parts of the body to vaginal or anal penetration. As with other assaults, if weapons are involved or there is serious physical injury, the charge can become either sexual

assault with a weapon or aggravated sexual assault.

Uttering threats: It is a criminal offence to utter a threat to kill or seriously harm another person, to destroy another person's property or to injure or kill an animal or bird belonging to another person.

SOME COMMON FAMILY LAW TERMS

Application: A proceeding in family court begins when one person brings an application, in which she lists what she is seeking – for instance, custody of the children, child support and so on.

Arbitration: Some couples decide to use an arbitrator rather than going to court to resolve their issues after separation. Arbitrators, who may or may not have legal training, provide a binding decision just as judges do. They must follow Canadian law in reaching their decisions, which can be appealed.

Balance of probabilities: Different standards of proof are required by different courts in order to establish guilt/liability. In family court, the standard of proof is on a balance of probabilities, which means the judge has to believe that one person's story is more likely than not to be true as compared to the other person's story. This is a much lower standard of proof than that required in criminal court, which is beyond a reasonable doubt.

Best interests of the child test: This is the test used to determine appropriate custody and access arrangements for children after the parents separate. Judges must consider such criteria as which parent can offer the child the greatest stability, which parent will maintain contact with the child's extended family, which parent has the greater ability to meet the child's needs and so on. The wishes of the child will be considered if the child is old enough to communicate them.

Child and Family Services Act: This is the legislation in Ontario that governs child protection and the operation of the Children's Aid Society across the province.

Child support: This is the money that is paid by the parent with whom the children spend less time to the other parent to help with the financial support of the children. It is determined by examining the income of the person who will be paying the support.

Children's Law Reform Act: This is the legislation in Ontario that governs child custody and access. Section 24 sets out the best interests of the child test.

Custody and access: After parents separate, or if they have never lived together, it is necessary to make legal arrangements for how the children spend time with each parent. Custody refers to the parent who has the primary responsibilities for the children; access to the time the other parent spends with them. There can be sole custody, in which one parent has all the legal responsibilities or joint custody, in which these responsibilities are shared. Access can be supervised where there are concerns about the safety of the children or unsupervised. Custody and access orders are extremely varied and reflect the needs of each family.

Division of property: When married people separate, they must divide up all of their belongings. The law requires that any property they accumulated while they were married be shared equally between them, regardless of who paid for it. If the two people cannot agree on this, they can go to court to get an “equalization of net family property.” Property includes physical things like houses, cottages, trailers, cars, boats and furniture but also includes pensions, RRSPs and other financial investments. It also includes debts, for which both people are responsible.

Divorce Act: This is the federal law that applies to people seeking a divorce. It also sets out how custody, access, support and property division are to be handled. It is a law that applies to people everywhere in Canada.

Family Law Act: This is an Ontario law that governs division of family property, support and restraining orders.

Family Law Information Centre: These offices in family courts are a center for information about family law. People can speak with an advice lawyer and other staff to assist them in obtaining basic family law information as well as information about how to start a family court proceeding. The services are free.

Matrimonial home: This is the home where the couple lived, whether it was owned or rented by them. It can be a house, an apartment, a trailer, a boat – anywhere they lived as a couple. It is possible to apply to the family court for an order for exclusive possession of the matrimonial home. Whichever person is successful in this can then change the locks on the home, and the other person is not allowed on the property. This does not affect the ownership of the home – just who can live there.

Mediation: This is a process in which the separating couple can meet with a third party to try to come to a compromise on issues of disagreement. The mediator cannot force the people to agree to something but can make suggestions and help them work towards a common position.

Motion: Motions are court proceedings brought on interim matters, while the case is moving towards a final trial. They are commonly used in family court to establish interim custody, access and child support arrangements and to obtain restraining orders.

Restraining order: This is an order from the family court that keeps one person away from another.

Settlement conference: Most family cases involve a settlement conference, when the people, their lawyers and the judge meet outside the courtroom to try to resolve the case or at least some of the issues.

Spousal support: This is support paid by the spouse with the higher income to the other spouse in order to address any financial differences that are the result of the marriage (for example, the woman who stays home for 20 years to raise the children is likely to receive spousal support from her husband, if he continued working through those years).

Appendix Nine: Resources

Setting the Context

Violence against women, often called domestic violence, family violence or partner abuse, remains a serious and entrenched social problem in Kingston, Frontenac County, Ontario, Canada and the world.

It's the world's most pervasive human rights violation. It's the violation most often ignored. Every minute of every day, women and girls around the world are assaulted, threatened, raped, mutilated, killed. (Amnesty International Canada Stop Violence Against Women Campaign)

While great strides have been made to increase services to victims of woman abuse and their children, the sad reality is that levels of male violence against women remain as high as ever. Indeed, the numbers of women and children killed by men who say they love them are shockingly high.

Between 1995 and 2006 in Ontario, 240 women and 36 children were killed in incidents of violence against women.

These fatality numbers are serious and cause for much concern. However, the numbers of women and children who use the services of battered women's shelters and the even higher numbers of women and children who simply remain in abusive homes is perhaps of even greater concern.

Here are some of the numbers:

- globally, at least one of every three women reports being beaten, coerced into sex or otherwise abused in her lifetime, usually by a member of her family or someone known to her (Amnesty International)
- the Council of Europe has stated that domestic violence is the major cause of death and disability for women between the ages of 16 and 44 (Amnesty International)
- only 79 countries have laws against domestic violence and only 16 have laws against sexual assault (Amnesty International) and, even in those countries, appropriate charging and prosecution remain a challenge for many women, especially those marginalized by race, immigration status, class, disability or age
- in Canada, in 1998, approximately 80% of victims in reported cases of sexual assault were women and 98% of the accuseds were men (Juristat, Canadian Crime Statistics)
- women constitute 88% of all reported spousal violence victims in Canada (Family Violence in Canada: Statistical Profile, 1999)
- violence often escalates after separation (Canadian Social Trends, Statistics Canada)
- young women under 25 years of age are at greatest risk of spousal homicide in Canada (Family Violence in Canada)
- there are 543 shelters providing services to battered women and their children in Canada

- in 2003/04, 58,486 women and 36,840 dependent children spent time in battered women's shelters in Ontario. Of these, 40% had been in a shelter in the previous year and 38% had used a shelter two to four times previously. One-third of the women using shelters were between the ages of 24 and 35. (Juristat: Canada's Shelters for Abused Women, reported in Statistics Canada's publication, *The Daily* on June 15, 2005)
- in 2005, Kingston Interval House provided residential services to 355 women and children and outreach services to 222 women and children. 2506 crisis calls were handled by the shelter
- Kingston Police took 911 domestic violence related calls in 2005 – more than two a day
- since 1997, 5 women have been killed by their partner or former partner in Kingston and Frontenac County
- only approximately 28% of women report spousal assault to the police

It is also worthy of note that, according to Amnesty International, violence against women in Canada costs approximately \$4.2 billion/year, including the costs of police and government services, medical care and lost productivity.

Getting from There to Here

In 1967, as Canada celebrated its Centennial year, Prime Minister Lester Pearson established the Royal Commission on the Status of Women to

"inquire into and report upon the status of women in Canada, and to recommend what steps might be taken by the Federal Government to ensure for women equal opportunities with men in all aspects of Canadian society, having regard for distribution of legislative powers under the constitution of Canada, particularly with reference to federal statutes, regulations and policies that concern or affect the rights and activities of women. . . ."

Despite the many important recommendations made by the Commission, the issue of violence against women was not even mentioned in either its report or its recommendations. There is no doubt that we have accomplished a great deal in the almost 40 years since; there is also no doubt that much remains to be done.

The following material is intended to provide some general information about initiatives undertaken in Ontario and Canada to address the issue of violence against women and challenges that have arisen with some of these initiatives.

Past Law Reform Initiatives

Over the past 20 years, Canada and Ontario have instituted a number of important measures intended to improve the response to violence against women, including:

- mandatory charging policies in cases of spousal violence, introduced across Canada in the early to mid 1980s, took the responsibility of deciding whether or not to lay charges

away from the victim and gave it to the police. As a result, the rate of charging increased significantly;

- specialized Domestic Violence Courts were introduced in many parts of the province;
- the creation of the Victim/Witness Assistance Program provided important support for victims of domestic and sexual violence who are involved with the criminal court process;
- amendments to many of the sexual assault provisions in the *Criminal Code* made it illegal for men to rape their wives, clarified the issue of consent, limited the accused's access to the private records of the victim and eliminated the defence of intoxication.

Unfortunately, in some cases, the outcomes of these well-intentioned measures have proven to be negative. For instance, despite the very positive intentions of policymakers, mandatory charging policies have not helped all women. Many women do not want their partner charged criminally – they may depend on him financially, may want to try to effect a reconciliation or may fear increased violence if he is charged. Immigrant women may be concerned their spouse will be deported if he is charged with a criminal offence.

For some women, mandatory charging policies have led to *them* being charged if the police officer has not taken the time to conduct a thorough investigation to determine who is the primary aggressor over the life of the relationship.

One of the most challenging and controversial legislative changes in the area of violence against women has been the amendments to child protection provisions across the country. They have led to a significant increase in the reporting of woman abuse to child protection authorities. While there is little or no argument with the contention that children who witness violence in the home are affected negatively as a result, there is considerable disagreement about what to do about it. Many women's advocates and increasing numbers of children's advocates believe that the present approach of treating this as a child protection issue is not effective, as women who fear involvement by the authorities have become less inclined to seek assistance and support lest they be reported. Indeed, the 2006 Statistics Canada report on use of shelters makes note of the fact that the numbers of women with children using battered women's shelters has decreased.

Findings of the Coroner of Ontario's Domestic Violence Death Review Committee

As the result of one of the recommendations made by the jury in the inquest into the murder of Gillian Hadley by her estranged husband, Ralph Hadley, the Office of the Coroner of Ontario established the Domestic Violence Death Review Committee (DVDR) ¹⁰. The Committee's mandate is to contribute to the reduction in domestic violence generally and domestic homicides in particular by:

- thoroughly reviewing all intimate partner and ex-partner homicides;

¹⁰ All three reports of the Domestic Violence Death Review Committee can be found on the website for the Office of the Coroner of Ontario.

- identifying systemic issues, problems, gaps or shortcomings of each case and making recommendations to address these concerns;
- creating and maintaining a comprehensive database about the perpetrators and victims of domestic violence fatalities and their circumstances;
- helping identify trends, risk factors and patterns from the cases reviewed in order to make recommendations for effective intervention and prevention strategies;
- reporting annually on domestic homicides to enhance public understanding and awareness of the issues; and
- conducting and promoting research where appropriate.

To date, the Committee has reviewed 34 cases involving 88 fatalities and issued three reports.

Women are the predominant victims in the cases reviewed by the DVDRC, although children are increasingly the targets of abusive men, who kill them in retaliation against their wife or ex-wife. Women are the victims in 93% and men the perpetrators in 94% of the cases.

While each report is unique and reflects the realities of the deaths it has reviewed, all three reports note a common and disturbing reality, which is summarized in the opening pages of the 2004 Report:

An important concern to the DVDRC as a result of our review is the extent to which these homicides appear both predictable and preventable based on an analysis of well-known risk factors. . . . In the majority of cases reviewed, ten or more risk factors associated with potentially lethal violence were present in the circumstances. ¹¹

For the three years that the DVDRC has been in place, 65% of the cases it has reviewed had at least seven or more known domestic violence risk factors associated with lethal violence, and yet appropriate safety planning mechanisms were not put in place. ¹²

The DVDRC consistently identifies key trends or factors present in the homicides it reviews:

- actual or pending separation (80%)
- prior history of domestic violence (60%)
- perpetrator who had made threats to harm himself or his partner in the past (45%)
- custody and access disputes (present in 44% of the 2004 cases)

Increasingly, the DVDRC is identifying mental health issues in the domestic violence-related homicides it reviews.

¹¹ Domestic Violence Death Review Committee: Annual Report to the Chief Coroner 2004

¹² Domestic Violence Death Review Committee Annual Report to the Chief Coroner 2005, page 6

As well as analyzing each homicide in detail and identifying trends and factors, the reports include a number of recommendations grouped into three categories:

- suggestions to improve awareness about violence against women through training for professionals and public education campaigns
- strategies to improve on assessment and intervention. The 2004 report focuses very specifically on the need to make changes to the bail process, especially the use of sureties
- the need for increased resources

The DVDRC has provided many important recommendations for change, as have the three inquests held into the murders of women by their intimate partners.¹³ In particular, the reports speak to the importance of collaborative community-based approaches to ensure early identification and intervention in cases of woman abuse, especially high risk cases.

It is important to be aware that the Committee does not review cases that are before the courts, so there is a preponderance of homicide/suicide cases analyzed in their reports, which may affect some of the trends and issues identified.

Domestic Violence Action Plan for Ontario

In December 2004, Premier Dalton McGuinty announced his government's Domestic Violence Action Plan (DVAP), which he described as a "long-term, comprehensive and collaborative approach" to preventing violence against women and improving supports for women and children when it does happen.

The DVAP, a four-year plan, is an important piece of public policy for a number of reasons. First, it shows leadership at the highest provincial level. Second, the Premier clearly identifies the issue as one of violence against women and makes the connection between this violence and women's inequality. Third, the plan encourages a community-based, collaborative approach to both ending violence against women and providing support to women and children who have experienced violence.

The Plan is based on a number of principles:

- the right to safety on the part of all women
- working for women's equality
- the role of public leadership
- sharing responsibility to address violence against women

¹³ Public inquests have been held into the 1996 murder of Arlene May, and the 2000 murders of Gillian Hadley and Bohimila Luft. In all three cases, their partners/former partners also killed themselves. In the case of Ms Luft, her husband killed their four children as well. Each inquest resulted in numerous recommendations for changes to the criminal and family court systems, the delivery of frontline services, police services and public awareness about the issue of violence against women.

- holding abusers accountable for their actions
- providing a holistic response
- bringing a balanced approach
- monitoring progress

The DVAP focuses on five areas where it is committed to making change.

- 1. Community-based supports for victims:** This includes increasing funding to community counselling services, transitional housing for women, social housing, interpretation services, community coordinating committees and community-based sexual assault centres.
- 2. Early identification and intervention:** This includes training for professionals and service-providers, the development of expert training advisory panels, a provincial conference on domestic violence held in the fall of 2005 and development of a clearinghouse of resources and programs.
- 3. Violence Prevention:** A four-year, public education and prevention campaign will target young people as well as the public at large in an effort to end violence against women and girls.
- 4. Legal Response:** There are a number of initiatives aimed at making both the criminal and family law responses to violence against women more effective. These include amendments to provincial custody and access legislation (see below for details), increased funding to Partner Assault Response (PAR) Programs, changes to the present family court restraining order system, increasing coordination between the family and criminal court systems, expanding the bail safety pilot programs (see below for details) and instituting domestic violence training for judges.
- 5. Access to French Language Services:** A French-language services strategic plan is to be developed, which will include increased funding for French language sexual assault centres, development of a French-language component of the public education campaign and training for French-language professionals.

One of the strongest threads running through the entire Domestic Violence Action Plan is a commitment at the provincial government level to supporting and expanding community-based, collaborative approaches to both ending violence against women and providing supports and services to those who experience it. This commitment provides a strong foundation on which communities can build their strategies for addressing this issue.

Bail Safety Pilot Program

This program brings the victim, Victim/Witness Assistance Program (V/WAP), the police and the Crown together to work collaboratively at the bail stage of a criminal case where there has been partner abuse.

It began as a pilot in three Ontario communities and was recently expanded to six more locations, including Kingston. The program recognizes that the way in which bail has been handled in partner abuse cases in the past has often left the victim exposed to ongoing, high risk of more serious harm or even death. It is committed to allowing victim input at the bail hearing

as well as to offering victims access to support immediately upon charges being laid.

V/WAP's role in the program is to have immediate contact with the victim and to conduct an in-depth interview to gather her input with respect to appropriate bail arrangements. The V/WAP worker also discusses safety planning with the victim, introduces her to the court process and provides referrals to community agencies for counselling and support.

The role of the police is to participate in the in-depth interview with the victim and to complete a "risk factor checklist" which will support making appropriate bail recommendations. The police will obtain past occurrence reports, prior charges, prepare a complete Crown package and lay additional charges when required, as well as liaise with relevant community partners.

The Crown's role is to review and screen the Crown package and, if available, conduct the bail hearing using information gathered during the in-depth interview conducted with the victim by V/WAP and the police.

Evaluation of the first three pilot projects is positive and a report is expected in the near future.

Kingston's bail safety pilot program launched with V/WAP staff, a designated Kingston City police officer and part-time designated Crown working as a team with victims.

Neighbours, Friends and Families

In June 2006, the provincial government launched a province-wide campaign to help the public recognize the early signs of woman abuse and know how to help. The Neighbours, Friends and Families campaign (NFF) provides information in pamphlet form, a series of public service announcements, posters, wallet cards and a website.¹⁴ The campaign is intended to provide communities with information about how to:

- recognize the warning signs of woman abuse
- support women and other members of the community who are affected by woman abuse
- find supportive resources in the community
- look for opportunities to promote and work collaboratively on the Aboriginal and Francophone communities' campaigns.

¹⁴ www.neighboursfriendsandfamilies.on.ca

As stated on the NFF website:

The Neighbours, Friends and Families campaign is based on principles of community organization and recognizes that communities have the assets, strengths, natural leaders and untapped talent to greatly impact change, growth and restoration in their communities.

Recent Law Reform Initiatives

In February 2006, the provincial government passed two important amendments to existing legislation, both of which will have an immediate and significant positive impact on women who are leaving abusive relationships.

i. *Children's Law Reform Act*

Custody and access decisions in Ontario, as well as in the rest of Canada, are made using the "best interests of the child test." The factors to be considered are listed in the *Children's Law Reform Act (CLRA)*, a provincial law. Until 2006, there was no requirement that woman abuse be considered in custody and access cases. Women who wished to raise the issue of their abuse within the context of a custody and access case had to make the explicit argument that the abuse they were experiencing was having a direct, demonstrable and negative impact on the children, which often was difficult to do.

Amendments to the *CLRA* in February, 2006, changed this. Judges are now required to consider acts of violence or abuse by anyone seeking custody of a child. Importantly, the amendments also identify that acts taken in self-defence or to protect another are not to be considered acts of violence or abuse.

While there has to be evidence of the abuse or violence, it does not have to meet the criminal standard (beyond a reasonable doubt), but rather the civil standard (on a balance of probabilities). For example, criminal charges would not have to have been laid for a woman to argue successfully in a custody case in family court that her husband's abuse of her was a factor to be considered. She would, however, have to have some evidence beyond a simple statement that she had been abused.

Coupled with a 2005 Ontario Court of Appeal ruling¹⁵ that joint custody is not appropriate in cases where the parents cannot communicate, these amendments to the *CLRA* will help ensure more appropriate outcomes for women and children who leave abusive situations.

ii. *Arbitration Act*

Private arbitration of legal disputes, including family law disputes, has been permitted for many years in Ontario. Such arbitrations have been governed by the *Arbitration Act*. In 2003, concerns were raised about the use of religious laws in the arbitration of family law, particularly the impact on women's equality rights.

¹⁵ *Kaplanis v Kaplanis*

The *Arbitration Act* was amended in 2006 to prohibit the use of religious or any other private system of law in the arbitration of family law disputes. Only Canadian law can be used, if the arbitration is to be legally binding and enforceable. Ontarians are free to consult with and get support and guidance from their religious leaders, if they choose to do so, but any legal agreement must be based only on Canadian public law (*Family Law Act*, *Children's Law Reform Act*, etc.)

Regulations to govern arbitration in Ontario under this new regime have been passed and the new law is now in force. A community outreach and education campaign is underway so women know what Canadian law offers them and what their rights are under Canadian law.

Warning Signs

There is no one set of signs that a woman is being abused, just as there is no quick test to confirm that she is not. There are, however, clusters of indicators, often called “red flags” or “warning signs” that mean attention should be paid – by the woman, but also by her family, friends, coworkers and anyone else who has contact with the family. The following list of questions is provided to indicate some of the common indicators that abuse may be present in a relationship.

(Please note: This is not a definitive list – abuse can exist even if none of these indicators is apparent to the woman or other people involved in her life.)

- Does the woman seem frightened by her partner's moods?
- Does she make excuses not to spend time with her family or friends?
- Has she stopped participating in her own activities?
- Does she make excuses for her partner's bad behaviour, especially his treatment of her or the children?
- Does she always agree with her partner in his presence, even if you know she has a different opinion when he is not around?
- Does she seem to “walk on eggshells” around him?
- Does she describe his jealous behaviour as proof of his true love for her?
- Does she seem to believe her partner's criticisms of her and talk about how she needs to improve herself to make the relationship work better?
- Does she think she is responsible for her partner's happiness?
- Has she admitted to any kind of physical violence by her partner, even if just once or twice?
- Does she say things like: “Well, at least he does not hit me” or “But he is good with the kids” or “He is under a lot of stress at work right now” as excuses for his treatment of her?
- Is she exhibiting signs of insomnia, anxiety, stress, eating disorders, low self-esteem, depression, self-destructive behaviour or anger?
- Has she started using alcohol or drugs in an unhealthy way?

Any combination of these indicators **can** mean a woman is in an abusive relationship or is at risk of her relationship becoming abusive. The best way to offer support at this time is to:

- let the woman know you are concerned about her
- let her know she can talk to you anytime in confidence
- let her know what resources are available for her in the community
- let her take the lead in what she chooses to share with you
- let her know you will support the choices she makes

Of course, if you have concerns about the safety of children – either directly or because of exposure to abuse – you may need to take steps whether or not the woman wants you to, and you should let her know this before it happens.

Kinds of Abuse

Abuse can take many different forms, which often occur in combination. ***There do not have to be physical injuries for abuse to be present.*** In fact, many people consider emotional abuse to be the most serious kind of abuse because it can be so invisible.

Abuse can be:

Physical:

- punching, kicking, shoving, dragging, slapping, biting, hair-pulling
- harming pets
- abusing other family members
- using a weapon as a threat or to cause injury
- murder or attempted murder
- forcible confinement
- property destruction

Emotional:

- uttering repeated threats – against her, her children, other family members, friends, pets
- threatening to take the children away from her
- threatening to turn her into the authorities – immigration, criminal, child protection
- threatening to kill himself
- stalking behaviours (called criminal harassment) such as following, watching, constantly calling, or otherwise harassing
- controlling her activities, her contacts with family and friends, how she dresses
- verbal abuse such as putting her down, insulting her, calling her names (especially when done in front of the children)

- jealous behaviours such as saying she is having an affair
- socially isolating her from family or friends by limiting her access to the phone, not letting her drive, not letting her go out alone
- financial abuse such as controlling her access to money, taking all the money she earns, not letting her work, misspending the family money, running up debt

Sexual:

- sexual assault or abuse
- forcing her to engage in sexual activities against her wishes
- use of pornography
- withholding sex
- having a sexual relationship with someone else

Why Women Stay

Understanding why women stay is often the most challenging aspect of working with women who are being or who have been abused by their intimate partner.

Women remain with or return to abusers for a host of important and valid reasons. Unfortunately, these reasons are often not understood by family, friends, the court systems or the public at large. As a result, women are sometimes seen to be responsible for the violence that they experience: “after all, if she didn’t like it, she could have left.”

Some common reasons women remain in an abusive relationship or return to it are:

1. **Fear of increased violence:** Many women fear their partner will kill them if they leave – because he has threatened to do so or because they hear the news stories about women who are killed after leaving. Staying with the violence they know and know how to manage can be less of a risk than leaving to face unknown and possibly increased violence.
2. **Fear of losing the children:** One of the most common threats made by abusive men to their partners if there are children is that he will take them if she leaves. These threats are believable, especially if he has access to the financial resources to mount a vigorous custody fight or has parents who will support him or if he is better situated in the community, especially if the woman’s self-esteem is low as a result of the abuse. She may also fear that, even if he does not take the children, he will mistreat them during access visits.
3. **Pressure to stay:** Many women experience pressure from their families, or their religious, cultural or social communities to stay in the relationship and “try to make it work.” The fear of becoming isolated from her family or community can keep her from getting out of the abusive relationship.

4. **Financial reality:** The lack of social supports (social assistance, affordable housing, childcare, etc.) is a significant factor in keeping women from leaving. This is especially so for women with children, who often feel they have no right to deprive them of a decent lifestyle.
5. **Denial:** Abuse seldom happens every day. It is easy to deny the long-term impact it is having and try to focus on the “good” days, even if they become fewer and farther between. Women often underestimate the seriousness of emotional abuse, thinking that if their partner is not hitting them, they are not being abused. Women also believe the partner’s promises to change, and convince themselves that this time will be the last time.
6. **Guilt/responsibility:** Abusers are very effective at convincing their victims that *they* are the ones to blame. “I would not have had to hit you if you had had dinner on the table on time.” “If you can’t keep those kids quiet, you know what is going to happen to you.” As a woman’s self-esteem and self-confidence diminishes, her tendency to take responsibility for the abuser’s actions increases.
7. **Shame:** It is very difficult to admit – to yourself, let alone to anyone else – that you are being abused by someone who says he loves you. Despite all the public education and awareness about violence against women in the past 25 years, there is still enormous shame in admitting to being a victim.
8. **Fear of not being believed:** Most women, but especially those who have kept the abuse a secret, fear no one will believe them. If the abuser is charming and outgoing in public, her fears about not being believed will increase, just as they will if he is a person with some prominence in the community or is involved in the criminal or family court systems in some way.
9. **Learned helplessness:** This reality, called by many names, is experienced by many abused women. They have tried again and again, without success, to change themselves, their partner, their children or the relationship. After a time, they expect to fail and then stop even trying.
10. **Love:** Women do not stop loving their partners just because they are abusive. There are often long periods of tranquility or even real happiness between bouts of violence. Most women simply want the abuse to stop – they do not stop loving their partners.

For many women, leaving the abusive relationship is a process – it is the evolution of separation. It may take several attempts before she is able to stay away. Other women will leave and return forever – their times away give them the respite they need to be able to return and deal with the abuse again. Other women stay until a pivotal event occurs – immigration status is confirmed, the youngest child starts school, she gets a job, and so on. Still others never leave, but find ways to keep themselves and their children as safe as possible while living with an abuser.

Whichever choices a woman makes, she needs to know she has the support of her family and friends.

What to Say

Knowing what to say to a friend, family member or colleague – whether you believe she is being abused because of your own observations or whether she has told you herself – is very difficult.

Perhaps the two most important things to make sure she knows are that:

- you believe her, and
- she needs to make sure she (and the children, if there are any) is (are) safe

For more information about helping a woman make a safety plan, please see Appendix Six of this Protocol.

Some suggestions about how to offer support are:

- try not to give advice if it is not asked for
- let her talk through whatever she needs to, even if it seems repetitive and as though she is not making progress
- remember that she may be experiencing great sadness at the loss of her hopes for her relationship
- raise the issue of safety as often as you think it is a concern
- be ready with information about community resources and services, so you can provide it when she needs it
- offer practical help such as watching the children while she meets with a lawyer, providing transportation, feeding or caring for pets if she is worried about leaving them with the abuser
- let her know as often as possible that you are there to support her, whatever choices she makes
- let her know she can trust you
- make fun dates with her – go to the movies or get a pedicure together
- remind her of family and friends she can call on for support
- don't make promises you can't keep

Self-care

It is easy to lose track of ourselves when we are offering support to someone in crisis, but it is important to remember that being a primary support person for a woman experiencing violence can be very difficult. Many professionals working in this field experience what is called “vicarious trauma,” meaning they begin to experience some of the symptoms of abuse.

Watch for this, and put your own support system in place – your role as support person could be a long one. Don't offer to do more than you can handle. Find your own places to blow off steam, vent or grieve for what is happening to your friend --you will stay healthier and be able to offer better support.