



# Toronto Police Service

## Procedure Information Sheet

### Domestic Violence

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The Toronto Police Service recognizes that domestic violence is a serious social problem, and is not limited or restricted by marital status, sexual orientation, occupation, vulnerability, age or gender.

It is the goal of the Toronto Police Service to:

- reduce the incidence of domestic violence and homicide in the community through education and enforcement;
- thoroughly investigate all occurrences and bring offenders to justice, wherever possible;
- enhance the safety of victims through prompt action including referrals to other community partners.

Unless there are bona fide reasons to do so, victims and witnesses of crime will not be asked their immigration status.

### Definitions

#### **Bona Fide Reasons**

means

- a victim or witness who may possibly require or may seek admission into the Provincial Witness Protection Program
- a Crown Attorney is requesting information for disclosure purposes
- the information is necessary to prove essential elements of an offence
- investigations where the circumstances make it clear that it is essential to public or officer safety and security to ascertain the immigration status of a victim or witness

#### **Domestic Incident**

means any incident between persons involved in an “intimate relationship” where, although no criminal offence has occurred, police have been called to the scene.

#### **Domestic Violence**

means any physical, sexual or psychological harm caused, or attempted, between persons involved in an “intimate relationship” including

- assault
- murder
- sexual assault
- threatening
- harassment
- intimidation
- unlawful interference with personal liberty
- any other criminal offence
- offences under other statutes (e.g. *Family Law Act*, *Children’s Law Reform Act*, etc.)

but **does not** include child abuse investigations.

**Domestic Violence Investigator (DVI)** means an investigator qualified in the investigations of domestic violence.

**Intimate Relationship** includes current or former relationships between opposite sex and same sex partners and include persons who

- are legally married to one another
- were previously married to one another
- are not married, but are currently in a family-type relationship
- are not married, but were formerly in a family-type relationship
- have a child in common regardless of whether such persons have been married or lived together at one time
- are (or have ever been) involved in a dating relationship

Domestic violence calls for service are treated with the same priority as other life threatening calls. To ensure the safety of the victim and dependents, police officers will respond to all domestic incidents, even when the original call for service has been cancelled.

Charges are laid in all cases where reasonable grounds exist, and the decision to lay charges shall not be influenced by factors such as

- marital status of the parties
- disposition of previous calls for police service
- victim's unwillingness to attend court
- likelihood of obtaining a conviction
- denials of violence despite contrary evidence
- fear of reprisals by the accused
- occupation of the victim/accused
- immigration status of the parties.

1. When attending or upon discovering a domestic situation, the police officer will

- ensure the safety of all persons at the scene
- ensure medical attention is offered to all injured parties, as required
- make every effort to provide an interpreter to a person who does not speak English or, who is having difficulty communicating due to a medical disability
- determine if the suspect/accused owns or has access to firearms, other weapons or any licence, permit, authorization or Firearms Acquisition Certificate
- conduct a thorough investigation
- ensure that the victim is offered the assistance of the Victim Services Program and other community agencies
- make every attempt to meet the special needs of the elderly or persons with disabilities, particularly when the offender is the sole caregiver
- arrange for, or provide transportation to the victim and dependents to a shelter or safe place, if necessary
- remain at the scene until satisfied that the safety risk to the victim is minimised

2. When attending a domestic situation where children are involved, the police officer will

- obtain the names, dates of birth and current school of all children present, or who normally reside in the home
- ensure the appropriate Children's Aid Society is notified when there are reasonable grounds to suspect a child is at risk from physical or emotional harm
- apprehend any child in need of protection

3. Where reasonable grounds exist to lay a charge, the police officer will
  - arrest and/or charge the suspect, taking into consideration all the circumstances when deciding to continue the arrest, including the
    - safety of the victim and dependents
    - any previous history of domestic violence
    - threats made by the accused
    - protection of the community
  - where the accused wishes to swear to an independent counter charge, advise the accused that an Information may be sworn before a Justice of the Peace
  
4. When investigating a person who is in custody for an offence resulting from a domestic situation, the domestic violence investigator will
  - if the accused is granted bail, ensure that the conditions of release, or any change in conditions of release are communicated to the victim as soon as possible
  - encourage the victim to complete a Victim Impact Statement at the appropriate stage of the court process
  - where possible, notify the victim
    - of any known court dates, with a follow-up call prior to the court appearance
    - once final disposition of the case has been obtained

Visit the [Community Mobilization Unit](#) website for more information on domestic violence.