

# POLICE/SHELTER MEMORANDUM OF UNDERSTANDING



## March 2008

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## **A. REFERRAL AND ADMISSION TO SHELTERS in situations where the woman wishes to go to a shelter**

### **TORONTO POLICE SERVICE**

Police ask woman if she needs/wants to go to a shelter.

Police ensures an interpreter is called before proceeding if required.

Police provide information on what a shelter is and answers any questions as necessary.

Police officer calls Central Family Intake, City of Toronto (416-397-5637) or a shelter, identifies him/herself and provides name, badge number, and division along with name of woman.

Officer explains he/she has just attended a domestic violence call. Officer briefly describes the circumstances, gender and ages of children, etc. and asks if there is space.

Dispatch or Victim Services may be directed to contact the shelter. In these cases, they may have limited information about the circumstances of the incident but the first and last name of the woman will always be provided to the shelter.

If the woman requires medical attention, police should encourage her to seek medical attention and may request an ambulance to attend. Shelter staff can offer Women's College Hospital, Scarborough Grace Hospital, and St. Joseph's Women's Health Centre as specialized resources. Women's College Hospital has an additional component to their Sexual Assault Care Center where they provide a separate interview room equipped with videotaping equipment, forensic kit, photographing and documentation of injuries, counselling and referral. Other hospitals may be able to provide similar supportive services.

Police will arrange and/or provide transportation of the woman and dependents to a health facility and/or a shelter or safe place, if necessary. (T.P.S.D.V.M.) –October 1999

### **SHELTER**

Shelter may be unable to accept a woman from a police call under special circumstances (e.g. medical issues: quarantine within shelter due to specific disease, specific medical condition of woman or children; lack of space; previous history with that particular woman; close proximity of abuser's home or where the incident happened to the shelter's location).

Shelter staff should immediately be able to determine if there is adequate space. If no space is available, the shelter will direct police officers to call Central Family Intake (CFI) and other shelters with availability. Shelter worker may ask police officer to briefly speak with the woman subject to availability of a phone at the scene.

Shelter staff will give the police officer their name and note the time of the call.

Shelter staff should immediately be able to determine if there is adequate space. If no space is available, the shelter will direct police officers to call Central Family Intake (CFI) and other shelters with availability.

## **B. CHANGE OF WOMAN'S CONTACT INFORMATION**

### **TORONTO POLICE SERVICE**

Police and Victim/Witness Assistance Program will understand that the woman may or may not be in the shelter when they need to contact her. Keeping police informed of any change in address or phone number is the responsibility of the woman and shelter staff cannot force a woman to call the police or VWAP.

### **SHELTER**

Shelter staff will strongly encourage the woman to inform Victim/Witness Assistance Program (VWAP), the case manager or the Divisional Detective in charge of Domestic/Family Violence of any change in address or phone number.

Shelter staff will cooperate to the extent possible with the police through strongly encouraging the woman to inform the police and VWAP of any change in address or phone number.

## C. RETRIEVING BELONGINGS

### **TORONTO POLICE SERVICE**

"Police officers are prepared to attend a residence to ensure a peaceful entry, if either the offender or the victim, as the case may be, returns to take possession of personal belongings and concerns for safety exist. When peaceful entry of the residence cannot be achieved or either party contest the removal of certain property, the attending officer will advise those involved of the necessity to seek a civil remedy" (T.P.S.D.V.M. page 18).

The police will attempt to accommodate the woman within a reasonable amount of time.

### **SHELTER**

Shelter will ensure that the woman understands the process including:

- She must have a key to the dwelling
- Children should not be taken to the residence
- She may only retrieve her or her children's personal belongings such as identification, medication, clothing or photographs
- There is a time limit of 5-10 minutes.
- If the partner or designate refuses entry, police will mediate but will not force the entry as this becomes a civil issue.
- If, upon arrival, they find that locks are changed, she can enter only if the partner or designate authorizes entry
- IT IS HIGHLY RECOMMENDED THAT THE WOMAN RETRIEVE HER BELONGINGS IN THE MORNING. THIS WAY, SHE MAY HAVE MORE TIME AS THE POLICE TEND TO BE LESS BUSY DURING THIS TIME PERIOD.

Woman and/or shelter will make arrangements for transportation of woman and belongings.

Shelter will direct the woman to the police station nearest to her residence where arrangements will be made with the police in order that the woman can pick up her personal belongings.

The woman should attempt to make a list of the personal belongings that she wishes to retrieve for the police. Any property in dispute must stay at the residence.

The woman may need to wait until there are police resources available.

Shelter should call Police Dispatch prior to leaving with the woman to retrieve her belongings, in order to get a "ball park" time. This ensures that the woman does not have to wait too long for the police to arrive.

## **D. INTERVIEWING WOMEN**

### **TORONTO POLICE SERVICE**

Police will call in advance, if at all possible, to set up a mutually agreeable time.

Police will conduct the interview in a timely fashion with adequate space and resources.

Police will ensure that a certified interpreter is present for the interview.

Police will attempt to schedule the interview at a mutually agreeable and comfortable location (e.g. in a police facility, Women's College Hospital where videotape equipment is available, in the shelter, or another community resource). In most cases however, the interviews will take place at a police facility.

Police Officers are welcome to attend the shelter to interview a woman or collect evidence when this is seen as a more supportive environment for the woman.

Police will contact the woman to verify where they are and to make arrangements for the interview.

### **SHELTER**

Shelter staff requires advance notice where possible to be able to plan for scheduling the interview within the shelter facility.

Shelter will inform the woman to be interviewed as well as the staff person who will be on shift at the time of the interview.

Shelter staff will make private meeting space available.

If, under exceptional circumstances, the police are unable to speak with the woman directly, the shelter will give the information to her of the suggested time and date of interview. Shelter staff should encourage the woman to call back and confirm. In these cases, in a follow-up telephone call by the police, the location and availability of the victim will be confirmed.

Shelter staff may accompany a woman to the interview if she requests. If shelter staff attends a police interview, they must be aware that their attendance may be required at court (i.e. they could be subpoenaed as a witness). It is generally recommended however, that the Shelter worker not sit in on the interview.

## **E. POLICE PROCEDURES**

### **i. Serving Documents**

#### **TORONTO POLICE SERVICE**

A police officer or summons server may deliver or "serve" a subpoena or summons.

A police officer, or person acting on behalf of the police to serve a subpoena shall identify herself or himself in an appropriate manner when requested.

It is recommended that the police call the shelter first to determine that the woman is residing at the shelter. This is preferable because women often "panic" when a police officer arrives unannounced as they do not know what to expect.

If an interpreter is required, one will be provided by an independent source, other than the parties involved. Children, relatives, neighbours will not be used as interpreters, unless it is impractical to wait for an interpreter having regard for the circumstances. T.P.S.D.V.M. –99

#### **SHELTER**

Shelter will provide a safe haven and to support, protect and advocate, as well as assist women with appropriate services and institutions.

Role of shelter staff is *not* to serve legal documents such as subpoenas. However, shelter staff will not willfully interfere with the police serving legal documents.

The shelter staff will understand that the police officer serving documents may or may not know the details of the case.

The shelter will develop a policy for handling police contact, for informing the woman, and for advising the police about the subpoena/summons.

The shelter staff will assist in explaining the situation to the woman and how the system works.

If an officer tries to serve a subpoena or other document on a woman who is a resident but not present at the time, shelter staff can accept a subpoena on behalf of the woman. If the shelter staff accepts a subpoena, staff will call police (either the case manager or the Divisional Detective) to inform them whether the woman has been served with the subpoena as soon as practical.

If the shelter worker does not want to accept a subpoena, she will advise the woman upon her return the name and phone number of the officer trying to serve her the documents. The woman will be instructed to phone the officer to make arrangements for service. The shelter worker will then confirm with the officer that the message was relayed to the woman. A warrant may be issued (section 698 of the Criminal Code) against the victim for evading service or non-attendance once served.

If the woman is no longer at the shelter, the shelter worker must convey this information to the server of the subpoena/summons.

Shelter workers will cooperate in giving the police a forwarding address for the woman, if that address is known.

## **E. POLICE PROCEDURES (CONTINUED)**

### **ii. Laying Charges**

#### **TORONTO POLICE SERVICE**

In order to conduct a thorough investigation, officers must endeavor to collect all available evidence.

The absence of visible external injury does not mean that the victim has not been assaulted (More detail on police role is available in the Domestic Violence Manual, pp. 14 & 15).

"Officers will arrest/charge when reasonable grounds exist that an offence has been committed or attempted by one family member against another family member." T.P.S.D.V.M. October 1999  
Further detailed information about laying charges is available in the Manual p.15

Reasonable grounds is defined within the criminal code as "a set of facts or circumstances which would satisfy an ordinary, cautious, prudent person that there is reason to believe and goes beyond mere suspicion" T.P.S.D.V.M. -99

### **iii. Photographing Victims**

#### **TORONTO POLICE SERVICE**

"The use of visual evidence is extremely beneficial in presenting a matter before the courts. The Toronto Police have specially trained officers who take photographs." T.P.S.D.V.M. -99

If the injuries of the victim are under clothing and in or near a sensitive area, it is recognized by the Toronto Police Service that photos need to be taken by an officer of the same gender as the victim. (The victim can also express their gender preference.) Such an officer should be available to take photos within a day or two.

The special domestic violence project with the Sexual Assault Treatment Center at Women's College Hospital is approved and available to take photos for police records.

#### **SHELTER**

Shelter will document and/or photograph any visible injuries, as well as track and record these and any other injuries over a period of 48 hours. If the police are involved, shelter staff will ask the woman if she has been photographed already.

For any photos taken of the victim's injuries, Shelter staff should record who photographed the victim; the date, time and location of the photograph; and any other notes of importance [a written statement may be required by the police].

## F. MISSING PERSON REPORTS

### **TORONTO POLICE SERVICE**

Priority for the police is to follow up on a missing persons report and confirm that the individual is safe. Suggested wording for police response on supplementary report should be wording to the effect that:

"...missing person is a victim of domestic violence, was located in a shelter and is safe."

If the police report has to include the specific location or name of the shelter, the report will be vetted by the Freedom Of Information (FOI) department to ensure that the information is kept confidential

Police will call the shelter or Central Family Intake (supervisor) and explain that they are following up on a missing persons report. The officer will leave a phone number where they can be reached for follow up by the victim or the shelter staff (to confirm that this is a legitimate phone call).

Face-to-face contact with the woman is required by the police in order to verify that she is safe.

### **SHELTER**

Priority for shelter staff is safety, confidentiality, and providing a safe haven for victims of abuse.

Shelter will notify woman if they receive a missing persons report on her from the police.

Shelter or the woman will call the police officer back as soon as possible to respond to the request.

Shelter or the woman will confirm over the phone that the call is regarding a domestic violence victim in the shelter.

## **G. SHELTER INCIDENTS**

### **i. If a Woman Does Not Return to the Shelter**

Concern for woman's safety is paramount.

Where there is an immediate threat to her safety, staff should call 911 and explain the situation.

For non-emergency situations, shelter staff should contact the Toronto Police non-emergency number (416-808-2222), giving her home address, explaining the situation and the safety concern.

When shelter staff have any concerns that a woman may be in danger or if the woman goes missing from shelter, the staff will work with police to assist in locating the victim by giving as much information as possible to the police.

If shelter staff know of her home address and have reason to suspect that she might be there, the shelter staff will call the police non-emergency number (416-808-2222) to request an address check. This means that the police will attend the dwelling to investigate and ensure her safety. Staff should inform police that this is a domestic violence situation and that the victim may be in danger.

A woman does not necessarily need to be missing for a certain length of time before the filing of a missing person report in some circumstances.

### **ii. In-Shelter Theft**

In the event that a resident is reporting a theft either the resident herself or the shelter staff will contact the local police division. A report would likely be taken over the telephone and followed up as per normal procedures.

Generally, such a report would not lead to officers requiring a search of the facility.

### **iii. Allegation of Violence Within Shelter**

For emergencies, call 911 and police will respond as per their procedures.

For non-emergencies in Toronto, call 416-808-2222 or the local division.

If police are called to the shelter for an allegation of abuse, the officer will attend the location and begin an investigation. A detective may further investigate the matter.

#### **H. SAFETY CONCERNS AT COURT APPEARANCES**

If there are safety concerns for a family court appearance, the woman and/or the shelter staff should speak to the Victim/Witness Assistance Program staff to discuss concerns and possible strategies.

In the case of safety concerns in the criminal court the woman and/or shelter staff should speak to the Toronto Police Services at the court to discuss concerns and possible strategies.

## I. CUSTODY AND ACCESS ISSUES: APPREHENSION OF CHILDREN

### **TORONTO POLICE SERVICE**

To fulfill the orders of the court through working in coordination with the shelter staff in order to cause as little disruption as possible to the mother, child(ren) and other residents.

Police need to see a certified copy of the original custody order in order to be able to enforce the order.

Under no circumstances should the police allow the partner to accompany them to the shelter.

Certain court orders may give the police and the Children's Aid Society permission to enter and search for the children.

If police have such an order, they will inform the shelter staff that they must gain access to the children and have the legal right to use force if necessary.

### **SHELTER**

In cases where shelter residents must relinquish custody of children, the shelter staff will attempt to make the process as smooth as possible and to limit the trauma and disruption experienced by the mother, the child(ren) and other residents.

The officers will attempt to call the shelter first to let them know the situation. Upon arriving at the shelter, the officer will meet with the director or person in charge, to explain their presence and make arrangements for safe transfer.

If there is a language barrier, the shelter staff will work with police to have an interpreter from provided.

## **J. SHELTER AND POLICE DESIGNATED CONTACTS**

### **TORONTO POLICE SERVICE**

In non-emergency situations, the police will maintain contact with the Program Manager in each shelter to facilitate communication as issues, problems, and questions arise.

Police will provide the name of the Divisional Detective to each shelter as the designated contact for domestic violence cases and issues.

Mutual attempts will be made by each sector to increase familiarity with each others' staff, encourage visits at staff meetings, exchange information on issues, etc.

### **SHELTER**

In non-emergency situations, shelters will maintain a contact within their local police division (Domestic Violence Team members) who they consult with on problems, issues and questions.

In an emergency situation, the shelter staff on shift will contact police by calling 911 with specific issues

Shelters will identify 1 or 2 designated police contacts to act as a liaison around ongoing issues.

Mutual attempts will be made by each sector to increase familiarity with each others' staff, encourage visits at staff meetings, exchange information on issues, etc.

#### **i. Shift Work Constraints**

If the shelter staff needs to contact a special officer (i.e. Domestic Violence Liaison Officer), they should contact the police division's Detective Office, and if the officer is not available they can ask when he/she will next be on duty. It is also possible to leave messages for that individual.

If it is necessary to provide information to the police on a specific case or obtain information when the case manager is NOT available, the shelter staff should speak with the Domestic Violence Liaison Officer.

If the police need information, contact the program manager of the shelter or the staff on shift. If the shelter staff does not know about the information being sought, the police can request contact with the shift supervisor.

## **K. PROBLEM-SOLVING**

### **i. Case Specific Situations**

In situations where there are problems or serious concerns, it is important to attempt to utilize all other avenues to come to some negotiated resolution. Shelter workers should contact the divisional detective at the local division.

To make a formal complaint against a shelter's staff, the appropriate Officer should contact the shelter to determine the appropriate procedures.

The Toronto Police have a formal complaints procedure that should be followed. This can be done at any division or police headquarters or through public complaints commission.

### **ii. On-going Problem-Solving**

#### **TORONTO POLICE SERVICE**

Police will attempt to participate actively on the Shelter-Police Liaison Committee.

#### **SHELTER**

Shelters will attempt to participate actively on the Shelter-Police Liaison Committee.

Shelters will attempt to participate actively with the Woman Abuse Council of Toronto's Shelter Committee and will bring forward any concerns or issues to this group.

Shelters will attempt to utilize the "Documenting Experiences With Police" manual created by the Woman Abuse Council of Toronto to document both challenging and positive experiences with Toronto Police.

Create a Shelter-Police Liaison Committee consisting of shelter and police members to not only continue discussions around the agreement but to also address other matters relevant to coordinated response.

Once there is organizational commitment, the Memorandum will be revisited and revised on an annual basis.