

# A Handbook for Police Responding to Domestic Violence

Promoting Safer Communities  
by Integrating Research & Practice

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# **A Handbook for Police Responding to Domestic Violence:**

## **Promoting Safer Communities by Integrating Research & Practice**

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### **National Advisory Committee Members:**

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**Gaynell Cloney-Bowlen**, Fredericton Police Services, NB  
**Cpl. Lori Lynn Colbourne**, RCMP, ON  
**Cpl. Les Dell**, RCMP, PE  
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**S/Sgt. Dave Zukiwsky**, Edmonton Police Services, AB

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Centre for Children & Families in the Justice System  
254 Pall Mall Street, 2nd Floor  
London, ON N6A 5P6

or by calling: (519)679-7250 ext 206  
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# TABLE OF CONTENTS

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Purpose of this Handbook .....	2
Introduction .....	3
Definition of terms used in this handbook .....	4
Domestic Violence: What is it? .....	5
i) Description .....	5
ii) Core Characteristics.....	5
Understanding the Impact of Children and Adolescents Exposed to Domestic Violence .....	7
i) How are Children and Adolescents Affected .....	7
ii) Potential Impacts at Different Developmental Stages .....	10
Special Considerations for Police Officers and Promising Practices .....	12
i) Distinguishing Features of Domestic Violence Crimes.....	12
ii) Recognizing the Presence of Children at the Scene .....	12
iii) Assessing Risk in Domestic Violence Situations.....	15
iv) Assessing and Responding to Risks to Children.....	19
v) Issues Related to Dual Arrests in Domestic Violence Cases and its Impact on Children.....	23
vi) Benefiting Children and Families through Collaborations and Coordinated Community Responses .....	24
vii) Specialized Training to Promote Effective Law Enforcement Interventions.....	29
Appendix A – Resources .....	30
Appendix B – References.....	32

## Purpose of this Handbook

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Canadian police services have had to make domestic violence a priority. Given the number of calls to police for intervention and the high profile tragedies that may result, more attention has been placed on training, collaboration with other community partners, as well as updating standards and changes to legislation. This handbook is intended to complement existing police training initiatives and enhance awareness about some of the more complex issues involved in police intervention. In particular, the focus is on the special needs of children exposed to domestic violence and the challenge of conducting risk assessment and implementing risk reduction or management strategies.

Domestic violence intervention is one of the most difficult aspects of policing. Any training efforts have to begin with an appreciation of the perspectives of police officers. It is often frustrating and confusing for police officers to deal with cases of domestic violence. For a variety of reasons, some of which are described in this handbook, victims may resist the officer's efforts. Some victims may not provide the information required for making an arrest. Others may appear to minimize the extent of the violence perpetrated against them, limiting the officers' ability to substantiate serious charges. While wanting their aggressive partner to be held criminally responsible, victims may be overwhelmed by the impact of the current offence and/or accumulated abuse incidents. In these situations, victims may have difficulty providing the information needed for arresting the perpetrator on charges that reflect the seriousness of the incident. Officers may also encounter situations where victims actively co-operate with the criminal investigation, and then, at a later time, bail the defendant out of jail or appear in court requesting that charges be dropped.

Criminal justice remedies tend to be limited. Most calls for police service in domestic violence cases concern apparently "minor" offences, such as breach of peace, threatening, and simple assault. These offences do not carry significant penalties and usually do not justify lengthy pre-trial detention. It is not unusual for defendants to be released within

days, if not hours, with court orders of protection that may turn out to be ineffective remedies. In this context, officers frequently find themselves responding repeatedly to the same addresses, with little expectation that their attempts to intervene will result in any real change. Not surprisingly, many victims find their efforts to seek protection through criminal law disappointing and frustrating. Police, who are the most visible representatives of the criminal justice system, may then find themselves on the receiving end of the disappointed complainant's rage at her partner's violence and the inadequacy of the system to provide the protection she requires.

Domestic violence calls present police with highly charged emotional situations, which can be dangerous to everyone involved. The personal and emotional nature of the calls can also arouse strong feelings in the responding officers, particularly if they remind officers of similar circumstances in their own family or friendship network. It is not easy to remain neutral and professional in the face of such emotional and physical triggers, and officers may overreact to one party or the other, and/or quickly move on to the next call.

Many of the dangers and frustrations associated with police response to domestic violence are inherent in the law enforcement role. While it is not productive for officers to bemoan the thankless nature of their role, it is important to be aware of the many ways in which officers' frustration can get in the way of their effective exercise of authority. Greater knowledge about the dynamics of violence in intimate relationships may assist officers to respond in ways that are most useful and supportive to the victim. It may also help officers to understand why their best attempts to intervene are so often met with resistance, and to tolerate the reality that repetitive police interventions may be necessary. Understanding the potential benefits of intervening with children exposed to domestic violence may assist officers in feeling part of the solution and contributing to a meaningful community collaboration to reduce violence in future generations. The following information is provided with these goals in mind.

## Introduction

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Children are growing up in a violent society. They are frequently exposed to violence through media, at school, on the playground, in their neighbourhoods, and within their homes. It is very difficult to know the full extent of the violence children are exposed to because in many instances the violence remains hidden.

- *A study of six major Canadian television networks over a seven-year period, examining films, situation comedies, dramatic series, and children's programming (though not cartoons) found that between 1993 and 2001, incidents of physical violence increased by 378 per cent. TV shows in 2001 averaged 40 acts of violence per hour. (Paquette & De Guise, 2002).*

The amount of violence that children experience at school within the classroom and on the playground in the form of bullying and harassment are also significant.

- *A 1997 survey of Canadians revealed that 6% of children admitted bullying others "more than once or twice" over a six-week span and 15% of children reported that they had been victimized at the same rate (Pepler, et al., 1997).*
- *Approximately 12% of students grades 7-12 surveyed in Southwestern Ontario report being worried about being harmed or threatened at school. (Adlaf, Paglia-Boak, Beitchman, Wolfe, 2004).*
- *Among all students, 18% report fighting on school property at least once during the past year, with males more likely than females to do so (27% vs. 9% respectively). (Adlaf, Paglia-Boak, Beitchman, Wolfe, 2004).*

Of greatest concern, and least visible, is the violence children are exposed to in their homes.

- *In Canada, there were an estimated 21.52 investigations of child abuse and neglect by child welfare agencies per 1000 children in 1998. Of these, 45% were substantiated (confirmed or verified), 22% were suspected but not confirmed, and 33% were unsubstantiated. (Trocme & Wolfe, 2001).*
- *Almost 1/4 of child homicide incidents had a history of domestic violence. (Locke, Beattie & Miller, 2001)*

While many children living with violence demonstrate remarkable resilience, the development and emotional well-being of a substantial number of children are significantly compromised.

- *Long-term consequences of childhood victimization can include mental health problems, educational difficulties, alcohol and drug abuse, and employment problems. (Edleson, 1999)*
- *Emotional harm was noted in 1/4 of all child maltreatment investigations, with 15% showing symptoms requiring medical treatment. (Trocme & Wolfe, 2001).*
- *Childhood maltreatment is a significant risk factor for adolescent maladjustment. Girls with a history of maltreatment show higher emotional distress, are at greater risk of violent and non-violent delinquency, and are more likely to carry a weapon. Boys with a history of maltreatment are more likely to experience depression, posttraumatic stress, and are at greater risk of using threatening behaviours or physical abuse against their dating partners. (Wolfe, Scott, Wekerle & Pittman, 2001).*

Canadian police officers frequently encounter children during domestic violence calls. It has been estimated that in approximately a half of a million Canadian households children were exposed to violence. (Johnson & Holton, 2001).

The magnitude and potential consequences of this threat to children require that communities take action. Police officers play an important role in increasing the safety and security of children through law enforcement, community service and crime prevention.

The capacity of police officers to carry out their role is enhanced when they understand the impact of violence on children, and the ways in which crimes associated with such violence may differ from other police matters.

## **DEFINITIONS OF THE TERMS USED IN THIS HANDBOOK**

**Domestic violence** – is used to refer to the abuse and/or assault of adolescents or adults by their intimate partners. It will be used interchangeably with *intimate partner abuse* and *inter-parental violence*.

**Perpetrator** – is used to refer to individuals who are violent toward their intimate partners. It is used interchangeably with *offenders, offending parents, abusers, abusive partners* and *abusive parent figures*.

**Victim** – is used to refer to individuals who are abused by their intimate partners. It is used interchangeably with *survivor, non-offending parent, and abused partner*. Many domestic violence advocates prefer the term *survivors* as this reflects the reality that most abused individuals cope and move on with personal strength and resourcefulness.

**Children exposed to violence** – is used to refer to children seeing, hearing or being aware of violence against one parent figure that is perpetrated by another parent figure. This term is often used interchangeably with *child witnesses to domestic violence* in other resources. The latter term is not used in this Handbook in an attempt to avoid suggesting that children are only impacted when they see the violence occurring, and to avoid confusing children's exposure to domestic violence with children who are witnesses in legal matters. Children exposed to violence will be used interchangeably with *children living with violence, children experiencing violence, and children affected by violence*.

# DOMESTIC VIOLENCE: WHAT IS IT?

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## I) Description

Domestic violence is any use of physical or sexual force, actual or threatened, in an intimate relationship. Although both men and women can be victims of domestic violence, the overwhelming majority of this violence involves men abusing women.

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

Intimate relationships include those between opposite-sex and same-sex partners. These relationships vary in duration and legal formality, and include current and former dating, common-law and married couples. Criminal code offences resulting from intimate violence include, but are not limited to homicide, assault, sexual assault, threatening death or bodily harm, forcible confinement, harassment/stalking, abduction, breaches of court orders and property-related offences.

## II) Core characteristics

Domestic violence....

- *occurs in all age, racial, socio-economic, educational, occupational, and religious groups;*
- *occurs within an intimate relationship;*
- *is learned behaviour;*
- *typically involves repetitive behaviour encompassing different types of abuse (e.g., physical assault and sexual, psychological, emotional and economical abuse, use of children – see Table 1: Power and Control Wheel);*
- *is used to intimidate, humiliate or frighten victims as a systematic way of maintaining power and control over them;*
- *is caused by the perpetrator, not by the victim or the relationship;*
- *differentially affects men and women. Women experience more violence over a lifetime, more severe forms of violence, and more serious injuries than do male victims of domestic violence (Johnson & Hotton, 2001);*
- *is likely to present increased risk to the victim and children at the time of separation from the abuser;*
- *evokes victim behaviour that is often about ensuring survival (e.g., minimizing or denying the violence, taking responsibility for the violence, protecting the perpetrator, using alcohol or drugs, self defence, seeking help remaining in the abusive relationship).*

**Table 1: Power and Control Wheel**



*Developed by the Domestic Abuse Intervention Project, 202 East Superior St., Duluth MN 55802*

### **Factors influencing victims' decisions about their relationships with abusive partners**

- *Victims make decisions about staying in or leaving their abusive relationship within the context of survival*

Evidence suggests that for many women with children, the risks associated with leaving violent men can include:

- *surviving escalations in violence that often follow separation*
- *raising children alone in poverty*
- *facing the potential loss of their children to abusive partners in custody battles.*

Leaving is often better understood as a process rather than an event.

It is a process, and often a long one, because of factors such as:

- *safety issues*
- *the impact of the abuse on the victim (e.g., loss of confidence)*

- *the complexity of the relationship with the abuser*
- *the challenge victims face when arranging to provide for themselves and their dependants*

Victims from diverse backgrounds may face additional pressures. Many women must access and navigate legal and support services in a language with which they may have limited familiarity, comfort, and skills:

- *Indirect or direct experience may cause victims to fear they and their children will be discriminated against. In some cases, abuse by authorities in other countries may prevent victims from trusting or seeking assistance from police or others in their communities. Also, experienced or perceived discrimination by authorities in their current communities will affect their willingness to request help.*

*The capacity of police officers to support victims in their efforts to protect themselves and their children increases with an awareness of the risks they face and the manner in which these risks necessarily influence their decision-making. An understanding of the realities of domestic violence should also shift our focus from "why does the victim stay?" to "why is the abuser still being violent and what needs to happen to hold the perpetrator accountable for ending the violence?"*

## **UNDERSTANDING THE IMPACTS ON CHILDREN & ADOLESCENTS EXPOSED TO DOMESTIC VIOLENCE**

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### ***1) How are children and adolescents affected?***

When children live with domestic violence, their experience is likely to be different from that of most children. Watching, hearing, or later learning of a parent being harmed threatens the stability and security typically provided by family. Children often experience sadness, fear, guilt, anger, shame and confusion. The impact of directly or indirectly witnessing one's parent being emotionally and physically injured is intensified when another parent figure is responsible for the violence. Children may experience strong ambivalence toward their offending parent. Affection often coexists with

feelings of resentment and disappointment over their parent's violent behaviour.

Between violent incidents, the emotional climate of the home may be very tense. Children may see their abused parent treated with ongoing disrespect. They may be concerned about when and how the violence will occur next. Some children describe trying hard to please or attempting to be invisible to keep the perpetrator calm. Others describe trying to influence the non-offending parent's behaviours in an effort to keep the abusive adult from being violent.

See *Protecting Children from Domestic Violence: Strategies for Community Intervention* (Jaffe, Baker & Cunningham, 2004), for more in depth discussion on domestic violence and critical issues related to intervention with children, adult survivors and perpetrators.

#### INCREASED RISK FOR CHILD MALTREATMENT\*

Children living with domestic violence face increased risks for direct victimization (National Research Council, 1993). First, they may be accidentally injured because of their close proximity to their non-offending parent during a violent incident. Young children who are physically near parents and children of all ages who intervene to stop the violence may be particularly at risk.

Second, children living in a home where domestic violence is occurring are also at greater risk of experiencing neglect, emotional abuse, sexual abuse, and physical abuse. In addition, children may experience victimization if the perpetrator uses them as part of the control tactics employed against the adult victim. While this can involve physical assaults, it is more likely to involve emotional abuse such as:

- *claiming the child's bad behaviour is the reason for the assaults on the non-offending parent;*
- *engaging the children in the abuse of the other parent;*
- *threatening violence against the children and their pets in front of the non-offending parent;*
- *holding the children hostage or abducting them in an effort to punish the adult victim or to gain compliance;*
- *talking negatively to children about the abused parent's behaviour (Schechter & Ganley, 1995).*

\*While exposure to domestic violence is considered to be maltreatment in some jurisdictions, here the term child maltreatment is being used to refer to neglect, emotional abuse (apart from exposure), sexual abuse, and physical abuse.

#### INCREASED RISK FOR PROBLEMS

Children exposed to domestic violence may experience increased psychological, behavioural, and social problems (see Table 2, page 9). These difficulties include reduced social skills, as well as withdrawn, anxious, and acting out behaviours. Some research has shown an association between children's exposure to domestic violence and subsequent aggressive behaviour. However, not all children and adolescents who display such problems have been exposed to domestic violence. In fact, some children and adolescents exposed to intimate partner abuse do not appear to experience increased problems. Accordingly, while children are at increased risk for a variety of problems, their adjustment varies widely following exposure to violence.

#### ADJUSTMENT AND RESILIENCE

Research has helped us begin to identify the factors that influence how children adjust following exposure to domestic violence. The factors are generally understood to be related to:

- *the nature of the violence (e.g., intensity, proximity, duration);*
- *the child (e.g., age, gender, temperament, developmental stage);*
- *the child's immediate and broader social context (e.g., parent-child relationships, social connections, financial resources).*

The way children make sense of their experience is strongly related to their thinking abilities, as well as their social and emotional maturity. Children's developmental stages help us understand how they might be affected by domestic violence. Factors shown to help children to cope with exposure to violence include:

- *a strong, caring relationship with an adult (e.g., parent, relative, teacher);*
- *community safe havens (e.g., community centres, churches, schools);*
- *a child's own internal resources (e.g., intelligence, personal skills).*

**Table 2: Short term effects: Potential problems associated with exposure to domestic violence in childhood**

Types of Problems	Examples for Children & Adolescents
<b>Increased externalized behaviours</b>	aggression toward others (e.g., bullying, fighting, dating violence); property destruction; antisocial behaviours (e.g., lying, stealing)
<b>Increased internalized behaviours</b>	withdrawn, fearful, reluctant to try new things, anxious
<b>Increased physical complaints</b>	increased stomachaches, headaches, tiredness; changes in appetite
<b>Lower social capabilities</b>	fewer age-appropriate social skills to initiate and sustain relationships, to seek assistance from others, and to satisfy personal needs
<b>Learned attitudes supporting violence</b>	violence is okay to teach others a lesson; "might is right"; violence enhances one's image and peer status: violence as a way to get what one wants; capitulate or be violent
<b>Less developed thinking skills</b>	less developed attention and concentration abilities; poorer understanding of social situations

*(Edleson, 1999; Rossman, Hughes & Rosenberg, 2000).*

#### TRAUMATIC STRESS REACTION

Of the children who experience increased difficulties, some experience traumatic stress reactions following exposure to violence (Graham-Berman & Levendosky, 1998). This stress can be reflected in their emotions, thoughts, and actions. Features of traumatic stress reactions include:

- *re-experiencing aspects of the violence (e.g., flashbacks, nightmares);*
- *avoidance of reminders of the violence (e.g., may avoid males who raise their voices; shy away from conflict);*
- *numbing (e.g., may seem detached from others);*
- *increased arousal (e.g., may show strong startle-response to noise or startle easily in general).*

#### DO CHILDREN LIVING WITH VIOLENCE LEARN TO BE VIOLENT?

Children and adolescents learn from what they see modelled in their environment. When intimate partner abuse occurs, they may learn that hostile aggression can be used to control others. Some learn to be aggressive, while others may learn to

accept violence in their lives. This learning can take place even though children and adolescents want the violence in their homes to end. Also, exposure to violence may de-sensitize children and adolescents to aggressive behaviour. When this occurs, aggression becomes part of the "norm" and is less likely to signal concern for the youth.

#### LONG-TERM EFFECTS

Potential adult problems associated with exposure to violence in childhood include:

- *poor social adjustment (e.g., relationship difficulties);*
- *thinking distortions (e.g., underestimating self worth and capabilities);*
- *post-traumatic stress reactions (e.g., intrusive and upsetting images);*
- *emotional difficulties (e.g., depression, anxiety);*
- *substance abuse;*
- *aggressive behaviour/criminality.*

***II) Potential impacts of children exposed to domestic violence at different developmental stages***

How young people relate and think about their experiences changes dramatically as they mature. We can better understand how they may interpret and be affected by exposure to violence when we

consider their stage of development. Development encompasses cognitive (thinking), emotional and social domains. Knowledge about child development should guide our responses and interventions with children at different ages. The following tables describe potential impacts of violence on children of different stages of development (Baker & Cunningham, 2004).

**INFANTS AND TODDLERS:**

**POTENTIAL IMPACT OF EXPOSURE TO DOMESTIC VIOLENCE**

<b>Key Aspects of Development</b>	<b>Potential Impact</b>
Take in information from the world around them through their senses	Loud noises, vivid visual images associated with violence can be distressing
Form secure attachment	Parents may not be able to consistently respond to children's needs
Become more active explorers of their world and learn through play	Fear and instability may inhibit exploration and play; imitation in play may be related to witnessed aggression
Learn about social interaction and relationships from what they hear and observe in their families	Learn about aggression in observed interactions

**PRESCHOOLERS:**

**POTENTIAL IMPACT OF EXPOSURE TO DOMESTIC VIOLENCE**

<b>Key Aspects of Development</b>	<b>Potential Impact</b>
Learn how to express aggression and angry feelings, as well as other emotions, in appropriate ways	Learn unhealthy ways of expressing anger and aggression; possibly confused by conflicting messages (e.g., what I see versus what I'm told)
Think in egocentric ways	May attribute violence to something they've done
Form ideas about gender roles based on social messages	Learn gender roles associated with violence & victimization
Increased physical independence (dressing self, etc.)	Instability may inhibit independence; may see regressive behaviours

**CHILDREN AGES SIX TO ELEVEN:  
POTENTIAL IMPACT OF EXPOSURE TO DOMESTIC VIOLENCE**

<b>Key Aspects of Development</b>	<b>Potential Impact</b>
Increased emotional awareness for self and others	More aware of own reactions to violence at home; more aware of impact on others (e.g., mother's safety, concerned about father being charged)
Increased complexity in thinking about right and wrong; emphasis on fairness and intent	Possibly more susceptible to acquiring rationalizations heard to justify violence (e.g., myths of woman abuse)
Academic and social success at school has primary impact on self-concept	Accessibility for learning may be decreased because of impact of violence (e.g., distracted); may miss positives, or selectively attend to negatives, or evoke more negative feedback
Competition assumes new importance within peer group	Possibly more influenced by messages that confirm attitudes and behaviours associated with intimate partner abuse
Increased same sex identification	May learn gender roles associated with intimate partner abuse (e.g., males as perpetrators, females as victims)
Increased influence from school, peers, community and media	May use hostile aggression to compete; increased risk for bullying and/or being bullied

**ADOLESCENTS:  
POTENTIAL IMPACT OF EXPOSURE TO DOMESTIC VIOLENCE**

<b>Key Aspects of Development</b>	<b>Potential Impact</b>
Increased sense of self and autonomy from family	Family skills for respectful communication and negotiation may be poorly developed due to violence; transition of adolescence may be more difficult for youth and family
Physical changes brought on by puberty	May try to physically stop violence; may use increased size to impose will with physical intimidation or aggression
Increased peer group influence and desire for acceptance	Possibly more embarrassed by violence at home; may try to escape violence by increasing time away from home; may use maladaptive coping to avoid (e.g., drugs)
Dating raises issues of sexuality, intimacy, relationship skills	May have difficulty establishing healthy relationships; possibly at greater risk to become involved in dating violence (e.g., boys as abusers & girls as victims)
Increased influence by media	Possibly more influenced by negative media messages re: violent behaviour, gender role stereotypes

# SPECIAL CONSIDERATIONS FOR POLICE OFFICERS

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## ***I. Distinguishing Features of Domestic Violence Crimes***

While the act may behaviourally appear like types of stranger-to-stranger violence (e.g., level 1 or common assault, sexual assault), domestic violence significantly differs because of the intimate relationship in which the crime occurs. The relationship between the perpetrator and the victim gives the perpetrator greater access to, and knowledge of, the victim. This privileged position provides increased opportunities for controlling and assaultive behaviours against the victim. There is also evidence that the severity of assaults is greater within intimate relationships. The context of intimacy may intensify the effects of the victim's trauma.

### **INTIMATE CONTEXT**

Intimate relationships are complex. In addition to a sexual relationship, partners may share or have complementary roles and responsibilities related to finances, parenting, household chores and social activities. While clearly wanting the violence to stop, victims may not want their partners to be taken away for a variety of reasons (e.g., loss of necessary income, love for perpetrator, fear of reprisal violence in future). Thus, the complex relationship within which the violence occurs may create barriers to separation and lead victims to change their minds about charges being laid against their abusive partners.

### **CHILDREN'S RELATIONSHIP TO THE VICTIM AND PERPETRATOR**

Children exposed to domestic violence are also affected by its context of intimacy. They have emotional ties to and dependency on one or both of the adults involved. Because of their relationship to the non-offending parent, children are often used by the perpetrator to control the adult victim (e.g., engaging children in the abuse of the victim, holding children hostage, threatening to take or harm the children). Often times the violence occurs on a long-term basis before police become involved. Children are often threatened or coerced into keeping the abuse in the house a secret. While children want the violence to stop, they often experience ambivalent and confusing feelings toward one or both parental figures. Children's attitudes and feelings are influenced by a number of factors, including:

- *their view of who is responsible for the violence (e.g., the child blames self or blames the victim);*

- *their sense of security in relation to a number of outcomes (e.g., How will we get money to eat if they take my Dad away? Who will play with me if they take me from my parents? Who will look after my pet if we go to the shelter?);*
- *the nature of their relationships with the offending and non-offending parental figures;*
- *pressure to keep the abuse secret from friends, family, and other support persons.*

Children may also express ambivalence toward police authorities; immense relief that they stopped the violence but anger that they took the offending parent away; or, anger that they were taken away from their home after the police came. This feeling may be exacerbated if the child was a witness to the arrest. It is important to work with or talk with the child to mitigate the impact of the entire experience.

## ***II. Recognizing the Presence of Children at the Scene***

Canadian police officers frequently encounter children during domestic violence calls. It has been estimated that in approximately a half of a million Canadian households children were exposed to violence.

- *The Canadian Incidence Study of Child Abuse and Neglect found that children's exposure to family violence was the most common form of emotional maltreatment, accounting for 58% of substantiated cases (Trocme & Wolfe, 2001).*
- *In cases where children witnessed spousal violence, they were more likely to witness assaults against their mothers (70%) than against their fathers (30%), and assaults involving mothers tended to be more serious. Over half of the female victims in these cases feared for their lives. (Dauvergne & Johnson, 2001).*
- *Children may also become victims during incidences of spousal violence. The General Social Survey found that in 10% of spousal violence incidents against*

women and in 4% of spousal violence incidents against men, a child under 15 was harmed or threatened. This numbers 90,000 cases of spousal violence: 70,000 involving women and 20,000 involving men. (Dauvergne & Johnson, 2001)

- *The presence of child witnesses to violence elevates the tendency for spousal violence victims to seek help from criminal justice and social service agencies. Indeed, spousal violence cases witnessed by children were more than twice as likely as others to be reported to the police (Dauvergne & Johnson, 2001).*

These statistics highlight the presence of children in domestic violence situations, as well as the importance of understanding the implications of their presence for law enforcement professionals. For example, children may be physically harmed or emotionally distressed by the violence. Intervention by police authorities may create immense relief and/or additional worries or distress for the child (e.g., relief that the violence was stopped but concern about the non-offending parent's injuries and the offending parent's removal from the home). Either way, it is important that police officers acquire skills for and comfort in "talking" with children.

#### CONSIDERATIONS WHEN CHILDREN ARE PRESENT

##### i) Ask about children:

*Ask the non-offending parent where the children are now, where they were when the violence occurred, and if they are okay.*

##### ii) Seek out the children:

*Despite the protests from the parents police officers have authority to ensure their safety and well being.*

##### iii) Reassure children:

*Talking to them lets them know that someone outside of the family knows and cares (e.g., "That must have been scary for you. Are you okay?"). If the child was a witness to an arrest, reassure the child that the offending parent is in a safe place.*

##### iv) Determine if children are harmed or hurt:

*Ask to see the children. Many victims underestimate the extent to which the child has been a witness to the violence and the impact it may have on the child. It is important for police officers to find out if the children are physically hurt or in extreme distress. Often parents are unaware that children may be hiding in another part of the house. They may be sleeping or pretending to be asleep. Children have likely learned that what they are witnessing is a secret that should not be discussed with others. Threats may have been made to ensure their silence on this occasion and/or in the past. Many children learn that keeping quiet and out of the way are good survival strategies.*

##### v) Remember – children are affected by more than the criminal act:

*The majority of domestic violence crimes occur within an ongoing pattern of psychological and physical abuse. The abuse often involves using children to control the adult victim. By the time police arrive, children have often been exposed to violence for a substantial length of time and may be experiencing the accumulated impacts of ongoing violence.*

#### WHY POLICE OFFICERS SHOULD TALK WITH CHILDREN

The saying goes "children should be seen and not heard," but when police officers are investigating cases of spousal violence, the saying should be "children should be seen AND heard." There are many reasons why police officers should take time to talk to the children who are present at the time of the incident:

- *to build rapport with the child — make him/her feel safe and assure the child that both parents are safe as well, even when one has been arrested*
- *to help children feel part of the solution — they want to see mommy and daddy get help. Police need to be seen as allies in the situation, not as adversaries*
- *to determine the level of risk the child has been subjected to during the incident*

- ➔ *to develop a safety plan with the child*
- ➔ *to offer counselling and referral services to child-based supports*
- ➔ *to help police officers gain information to further inform decision-making (e.g., risk assessment, safety planning, arrests, charges)*

### Tips for talking with children

- ➔ *Address the child at eye level*
- ➔ *Build rapport with the child before trying to get them to talk to police officers about contentious issues. Assure the child that he/she is not in trouble because they are talking to the police*
- ➔ *Assure the child that police officers talk with lots of children about things like this. Assure the child that he/she is not alone*
- ➔ *Use simple, direct, age-appropriate language*
- ➔ *If the child does not understand the police officer's role, explain it in terms that are easily understood*
- ➔ *Discuss confidentiality and its limits*
- ➔ *Honour a child's loyalty to an abusive parent. Do not criticize or demean the abusive parent*
- ➔ *Acknowledge a child's right **not** to speak. Do not coerce a child to talk if he/she is not comfortable doing so*
- ➔ *Offer the child an opportunity to say anything else that has not been asked yet*
- ➔ *Don't make promises you can't keep*
- ➔ *Communicate your concern about safety of the child*
- ➔ *Reassure the child that the arrested parent is safe and OK.*

*Developed by the Child Witness to Violence Project, Boston Medical Center, One Boston Medical Center Place, Mat. 5, Boston, MA 02118-2393*

### "MY SAFE PLACE": WHEN TALKING LEADS TO INTERVIEWING

After an initial conversation with a child exposed to domestic violence where the officer has established rapport, developed a safety plan with the child and offered appropriate help/support referrals, the police officer may wish to have a further conversation with the child. This conversation may become more formalized and be considered an interview which could be used in future court proceedings.

An interview can be held at a different time and place than at the initial response to the domestic violence incident. The child may not feel safe to divulge information within their own home, and may be afraid that someone will overhear what they have to say. In addition, he/she may be too tired (middle of the night) and overwhelmed by the incident to be able to provide meaningful answers to questions asked.

In some circumstances consideration may be given to videotaping the interview with the child. Videotaping of interviews may be helpful to the Crown in determining the strength of the evidence to pursue criminal proceedings as well as convincing some perpetrators that they should seek treatment for the sake of their children.

Children may be concerned about the videotaping process. It is important to assure the child that the major purpose of the videotape is to keep the child safe.

### INTERVIEWING CHILDREN

Interviews can be stressful and intimidating situations for children. Children who witness a violent event or who are victims of abuse may be frightened, upset and anxious. When children feel reassured and comfortable, they are more likely to be more confident and competent in their ability to communicate. By developing skills for interviewing children of different ages, police officers can increase their comfort and enhance the evidence gathered.

### KEY FACTORS IN INTERVIEWING CHILDREN

- ➔ *Before meeting with the child, if possible, obtain information about the child's family situation, abilities, activities, and special needs.*

- *Select a non-threatening location to interview the child (e.g., a soft room). If possible, also wear soft clothes (e.g., business casual vs. suit and tie or uniform).*
- *Consider using two interviewers together keeping in mind a gender balance.*
- *Introduce yourself and describe your role in simple terms.*
- *Encourage the child to talk about non-contentious material. Use this as an opportunity to get the child warmed up to speak in a free narrative fashion. Note the child's language and cognitive abilities. Look for barriers to disclosing fears, threats, etc.*
- *Explain the purpose of the interview.*
- *Sit at the child's physical level.*
- *Use the child's name.*
- *Explain that you were not present and need help to understand what happened.*
- *Give the child permission to tell when he/she does not know the answer or does not understand a word or question.*
- *Make no assumptions about a child's knowledge base or abilities.*
- *Use simple words and short sentences.*
- *Ask one question at a time.*
- *Avoid double negatives.*
- *Ensure the child understands your question (e.g., "I need to make sure you understand my question. What am I asking you?"). Give child permission to say "I don't understand that word(s)."*
- *Listen to what the child is saying and don't assume that you understand the child's language. Continually clarify your understanding of the child's responses (e.g., "What did you mean when you said...?; Would you explain...?; Tell me more?").*
- *Avoid rushing the child. Wait for him/her to listen to your question, to think about it, and to respond to it.*

- *Ask open-ended questions (e.g., "Tell me about...; What happened when ...?; How did that make you feel?").*
- *Avoid using "why" questions. "Why" questions may imply blame.*
- *Observe a child's non-verbal communication.*
- *Limit the use of questions that require a yes/no answer.*
- *Ask how the child is feeling at the end of the interview and be prepared to deal with what you find out.*

#### TALKING WITH ADULTS AND CHILDREN WHOSE FIRST LANGUAGE IS NOT ENGLISH

In the case where both adults in the domestic violence situation do not speak English, it may be tempting to use the child as an interpreter. This should be avoided for the following reasons:

- *police officers may be putting the child in danger if he/she becomes a translator for the victim. He/She may be considered by the aggressor as being a traitor or picking sides.*
- *the child may feel that he/she is being put in the middle of the situation, is being pitted against one parent, or is being pressured to pick a side.*
- *the officer may compromise rapport and trust with the child, which in turn, may negatively impact future contacts.*

#### **III) Assessing Risk in Domestic Violence Situations**

Evaluating risk is part of the ongoing work of police officers. In domestic violence situations, children's safety is strongly linked to the safety and well being of the victimized parent. The safety of both children and adult victims is increased through effective risk assessment, risk reduction, and safety planning. Accordingly, risk assessment, risk reduction, and safety planning are of critical importance in domestic violence situations and should be modified from evaluations carried out in other areas of crime prevention. However well intended and executed, criminal justice interventions are limited in their ability to keep victims and children safe. The following considerations are necessary for evaluating risk in domestic violence situations:

i) Broaden the concept of risk to include the complexity of risks within the intimate relationship (Office of the Chief Coroner, 2003):

➤ *The multifaceted and complex relationship between the victim and perpetrator in domestic violence is the host to a range of risks that do not typically characterize stranger violence. The perpetrator's increased access to, knowledge of and relationship with the victim enables dimensions of their intimacy to be used to control and harm the victim (e.g., sexual relationship, children). As a result, assessment of risk must look beyond assaultive behaviour to include analysis of physical, legal, economic, familial, social, cultural and emotional risks faced by the victim, and the perpetrator who the victim may feel compelled to protect.*

ii) Identify and use the context within which the violent incident occurred to facilitate decision-making (Frederick & Tilley, 2001):

➤ *The risk to adult victims and their children and the strategies needed to reduce risk are influenced by the general context in which the act of domestic violence occurred. Accordingly, the criminal justice system must go beyond the incident and understand the general context in which a given act occurs to determine level of risk and possible intervention strategies. The context for a given domestic violence act is determined by the intent of the offender, the meaning of the act to the victim, the effect of the violence on the victim as well as other relevant factors (e.g., how much violence, coercion or intimidation surrounded the criminal act).*

Frederick and Tilley of the *Battered Women's Justice Program* in Minnesota identified general contexts for domestic violence. *Physical abuse* is the most frequently occurring context, and is described as a pattern of violence, intimidation and control. Others include an *isolated act*, a *history of general violence*, e.g., a *fighter*, and *mental impairment and incapacity*. There may be many complex, co-occurring problems that require assistance from multiple agencies (e.g., need for psychiatric intervention and abusers' program).

Irrespective of the context in which domestic violence occurs, there is always a need to consider safety and accountability issues.

iii) Carry out the assessment of risk, risk reduction and safety planning in collaboration with the victim:

➤ *However well intended and executed, criminal justice interventions are limited in their ability to keep victims and children safe. Victims manage the daily burden of attending to their safety and that of their children. Effective risk assessment, risk reduction and safety planning must therefore be a collaborative, ongoing process to which the victim is central.*

iv) Give priority to the victim's understanding of past, present and future risks for self and children in the analysis of the totality of risk:

➤ *On average, victims engage in survival strategies for some time before law enforcement authorities are involved (Jaffe & Burris, 1981). They have lived with the risk and are in a position to appreciate how the current situation compares to previous situations. They can also provide pertinent information on less evident risks related to their complex relationship with the perpetrator (e.g., economics, children). The safety of victims and children, however, requires that this view be considered within the context of the victim's direct experience and understanding of all risks. The trained, external view provided by police officers is very important too, especially when risk may be underestimated by the victim.*

v) Consider the possible strategies for safety planning and risk reduction in collaboration with the victim. Evaluate the potentially serious risks or costs that may occur within the safety plan in addition to expected benefits:

➤ *The complexity of the relationship factors, and the related dynamics of domestic violence, necessitate that each risk reduction strategy and safety plan be evaluated in a holistic manner and that the evaluation include the victim's perception. Risk reduction that targets one factor in an isolated way may not be effective.*

## COMPONENTS OF RISK ASSESSMENT

Police services may have their own protocols for risk assessment that may or may not include the use of specific assessment tools. Assessment instruments assist officers to identify and focus on critical elements of a particular case and compare it to known cases that resulted in serious injury or death. While these tools do not enable the behaviour of a given individual to be predicted, they are helpful in evaluating comparative risk and guiding plans to safeguard victims and children against identified dangers.

The Domestic Violence Death Review Committee, in their examination of all cases of death due to domestic violence in Ontario in 2002, found that all of these cases had multiple risk factors present. A Risk Assessment, if acted upon properly, may have been helpful in assessing lethality in these instances (Office of the Chief Coroner, 2003).

There are several risk assessment instruments available which have been empirically validated or standardized through use, including: Danger Assessment Scale, Spousal Assault Risk Assessment (SARA), Ontario Domestic Assault Risk Assessment (ODARA). For a review of risk assessment instruments see Dutton & Kropp, 2000 and Office of the Chief Coroner, 2003. Ontario will be collecting data using the Domestic Violence Supplementary Report Form (DVSR) as part of its Domestic Violence Justice Strategy (Federal-Provincial-Territorial Working Group).

A risk assessment should not be limited to a checklist of items. If an initial risk assessment by a police officer indicates concern, then a more comprehensive risk assessment may be warranted. A comprehensive risk assessment will incorporate multiple methods of assessment and multiple sources for data collection, including the following:

- *interviews with victims, abuser, and any neighbours or family friends who may have information regarding the abuse*
- *measures of physical and emotional abuse; drug and alcohol abuse*
- *review of records; e.g., police reports, victim statements, criminal record, psychological or psychiatric reports*
- *contextually based information concerning threat or actual violence (Dutton & Kropp, 2000)*

## RISK ASSESSMENT WITH CHILDREN AND ADOLESCENTS

A risk assessment with children may be conducted to determine level of risk to the children themselves. Consideration should be given to:

- *custody and access agreements*
- *abusive or neglectful parenting styles*
- *irresponsible parenting styles*
- *threats made directly to the children regarding themselves or their mother*
- *threat of abduction*
- *risk of physical or sexual abuse of the child by the abuser*
- *relationship to the abuser (biological or non-biological child)*
- *potential to become an unintended victim of physical violence if the child tries to intervene*
- *presence or absence of social supports*

When considering the long-term safety, health and well-being of children and adolescents exposed to family violence, it is important to consider the impact that any current or previous exposure has had on the children. One might also consider a risk assessment with children in terms of their health and well-being, including the impact that continued exposure to family violence may have on them psychologically, socially and behaviourally.

## WHY CONDUCT A RISK ASSESSMENT?

Conducting a comprehensive risk assessment can fulfill a number of purposes including:

- *helpful in all phases of the justice system response including pretrial assessments, sentencing conditions, correctional intake, and correctional discharge*
- *making recommendations to other agencies and service providers regarding the best interests of the victim and her children including referrals to programs and services*
- *inform the courts regarding custody and access decisions*

- *warning third parties of potential danger or threat*
- *limiting the perpetrator's access to the victim and monitoring conditions that reduce or elevate risk (drug or alcohol abuse, access to weapons, untreated health concerns).*

Effectively used, risk assessment can serve as a paradigm for effective case management of spousal assault.

#### SAFETY PLANNING

Safety planning is a process that requires a victim to continually evaluate and re-evaluate her situation over time. Victim advocates within the police service or community often play important roles in risk assessment and safety planning. The role of victim advocates is likely to depend on the characteristics of the specific situation, and/or the policies and procedures within a given police department. The areas covered in brief risk assessment and safety planning are outlined below. The elements contained in safety planning and comprehensive domestic violence risk assessments are presented in Table 3 and Table 4, respectively. Victim advocates can assist the woman in the ongoing monitoring and development of her safety plan.

Each safety plan is specific to a particular individual and her circumstances, and is also dependant on whether she is planning on returning to her partner or leaving.

#### BRIEF RISK ASSESSMENT AND SAFETY PLANNING

- *Ask a woman if she feels safe right now and if there is somewhere she can go or someone else she can call in order to feel safer.*
- *Ask the victims of violence about risks to their safety, including history of assaults/threats, recent escalation in violence, and planned or recent separation.*
- *Ask if her children know how to call for help and to go to a safe place in the house if they are afraid.*
- *Discuss signs of danger that may have been noticed (e.g., locks broken, weapons present or accessible, etc.).*

- *Talk with the children and ensure that they know it's not safe to try and stop the violence.*
- *Provide contact information for the local shelter, counselling services, victim services, etc.*

#### **Table 3: Main Components in Domestic Violence Safety Plans**

- How to leave safely (e.g., safe exits from the house for self and children).
- Where to go to be safe (e.g., shelter, alternative place).
- Where to keep important papers and documents.
- Which neighbours to tell about the violence so they can call police if necessary.
- Teach children how to call the police.
- How to protect self and children in dangerous situations.
- Local telephone numbers for shelter, crisis centre, police, child protection agency.
- Importance of practising and reviewing safety plan regularly with children.
- Possible safety measures at home (e.g., locks, lights, rope ladders, smoke detectors and fire extinguishers, code words for children to be picked up by another adult, to call police or to get out of the house quickly, obtain a cell phone).
- Inform school of pick-up permission for children if necessary.
- Inform employer and co-workers of risk.
- Other friends, neighbours, family members who can look after children, support non-offending parent when stress / depression/anxiety levels are high.

**Table 4: Main Components included in Domestic Violence Risk Assessments**

**Assessing threats**

- threats to harm/kill the victim or children
- victim fears serious injury or death for self or children

**History of violence/use of force**

- victims' perceptions about risks to their safety including history of assaults/threats and recent escalation in violence
- prior injuries to the victim/children
- any breach of court order by abuser
- abuse of animals including family pets

**The role of weapons**

- access to firearms/weapons
- trained in use of weapons
- use of weapons in past violence

**Centrality**

- extent to which abuser's sense of self depends on the relationship
- possessiveness of the victim
- material and emotional "overlaps" between abuser and victim

**Stalking**

- extent to monitoring and checking up on the victim
- engagement in stalking behaviours
- persistent efforts to communicate with the victim when communication is unwanted

**Coercive control**

- degree and extent of control over the victim
- belief of entitlement to control by abuser
- level of verbal, psychological, financial control/abuse
- use of children to control the victim

**Significant events/changes**

- recent or anticipated separation
- recent changes in custody and access arrangements or abuser's time with children
- experiences of loss by abuser (e.g., loss of a job)
- flashpoints such as significant anniversaries, holidays

**Substance or alcohol abuse**

- extent and pattern of usage
- recent escalation

**Medical history/mental health**

- depression, suicide attempts/ideation, psychiatric history, medications

**IV) Assessing and Responding to Risks to Children**

Children living with domestic violence face increased risks. First, some violence directed at the adult victim poses threats to children's physical safety. In such situations, children may experience physical harm in a deliberate manner or by accident due to their presence. For example, children's presence in the middle of a violent situation where weapons are used, creates a serious or compelling risk. Second, children living in families where domestic violence occurs are at increased risk of experiencing neglect, and emotional, sexual, or physical abuse. Evidence shows that these experiences may influence victims' lives well into their teen and adult years. Accordingly, officers should be aware that:

- ➡ *a subset of domestic violence situations poses serious and imminent risk to children;*
- ➡ *when there is concern that children are being maltreated, the possibility of intimate partner abuse should also be investigated;*
- ➡ *when intimate partner abuse is occurring, the possibility that children are being maltreated should be assessed.*

**LEGISLATION, POLICY AND PROCEDURES**

Police actions are governed by legislation and by the policies and procedures set down in respective police services. The legislation related to children exposed to domestic violence differs across the provinces and territories in Canada. Police have little discretion about possible actions in the provinces/territories where children's exposure to domestic violence requires mandatory reporting to Child Protection Services (CPS) or is dictated by the policies and procedures within a given police service. Child protection legislation in some jurisdictions contains provisions that specifically recognize exposure to domestic violence as one of the grounds for finding a child in need of protection. Legislation in other jurisdictions contains more general "child in need of protection" provisions that may apply in cases where children have been exposed to domestic violence. See Table 5 on the next page.

**Table 5: Child Protection Legislation regarding exposure to violence in the Provinces and Territories**

**Alberta**

*Child Welfare Act s. 1(2) and (3)*

1. (2) For the purposes of this Act, a child is in need of protective services if there are reasonable and probable grounds to believe that the survival, security or development of the child is endangered because of any of the following:
  - (f) the child has been emotionally injured by the guardian of the child;
  - (g) the guardian of the child is unable or unwilling to protect the child from emotional injury;
1. (3) For the purposes of this Act,
  - (a) a child is emotionally injured
    - (i) if there is substantial and observable impairment of the child's mental or emotional functioning that is evidenced by a mental or behavioural disorder, including anxiety, depression, withdrawal, aggression or delayed development, and
    - (ii) if there are reasonable and probable grounds to believe that the emotional injury is the result of (c) exposure to domestic violence or severe domestic disharmony,

**British Columbia**

*Child, Family and Community Services Act s. 13 (1) and (2)*

13. (1) A child needs protection in the following circumstances...
  - (e) if the child is emotionally harmed by the parent's conduct;
13. (2) For the purpose of subsection (1) (e), a child is emotionally harmed if the child demonstrates severe
  - (a) anxiety,
  - (b) depression,
  - (c) withdrawal, or
  - (d) self-destructive or aggressive behaviour.

**Manitoba**

*Child and Family Services Act s. 17 (2)*

17. (2) [A] child is in need of protection the child
  - e) is likely to suffer harm or injury due to the behaviour, condition, domestic environment or associations of the child or of a person having care, custody, control or charge of the child;

**New Brunswick**

*Family Services Act s. 31(1) and s.32 (1)*

31. (1) The security or development of a child may be in danger when
  - f) the child is living in a situation where there is domestic violence;
32. (1) The Minister shall place a child under protective care in any of the following circumstances if the Minister has reasonable and probable grounds to believe that the security or development of the child can not be protected adequately other than by placing the child under protective care:

**Northwest Territories**

*Child Youth and Family Services Act s. 7 (3)(j) and (k)*

7. (3) A child needs protection where
  - (j) the child has suffered physical or emotional harm caused by being exposed to repeated domestic violence by or towards a parent of the child and the child's parent fails or refuses to obtain services, treatment or healing processes to remedy or alleviate the harm;
  - (k) the child has been exposed to repeated domestic violence by or towards a parent of the child and there is substantial risk that the exposure will result in physical or emotional harm to the child and the child's parent fails or refuses to obtain services, treatment or healing processes to prevent the harm;

**Nova Scotia**

*Child and Family Services Act s. 22 (2)*

22. (2) A child is in need of protective services where
  - (i) the child has suffered physical or emotional harm caused by being exposed to repeated domestic violence by or towards a parent or guardian of the child, and the child's parent or guardian fails or refuses to obtain services or treatment to remedy or alleviate the violence;

## **Nunavut**

### *Child and Family Services Act (Nunavut)*

#### *s. 7 (3)(e) and (f)*

7. (3) A child needs protection where
- (e) the child has demonstrated severe anxiety, depression, withdrawal, self-destructive behaviour, or aggressive behaviour towards others, or any other severe behaviour that is consistent with the child having suffered emotional harm, and the child's parent does not provide, or refuses or is unavailable or unable to consent to the provision of, services, treatment or healing processes to remedy or alleviate the harm;
  - (f) there is substantial risk that the child will suffer emotional harm of the kind described in paragraph (e) and the child's parent does not provide, or refuses or is unavailable or unable to consent to the provision of, services, treatment or healing processes to prevent the harm;

## **Ontario**

### *Child and Family Services Act s. 37 (2)*

37. (2) A child is in need of protection where,
- (f) the child has suffered emotional harm, demonstrated by serious,
    - (i) anxiety,
    - (ii) depression,
    - (iii) withdrawal,
    - (iv) self-destructive or aggressive behaviour, or
    - (v) delayed development,

and there are reasonable grounds to believe that the emotional harm suffered by the child results from the actions, failure to act or pattern of neglect on the part of the child's parent or the person having charge of the child;

- (f.1) the child has suffered emotional harm of the kind described in subclause (f) (i), (ii), (iii), (iv) or (v) and the child's parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, services or treatment to remedy or alleviate the harm;
- (g) there is a risk that the child is likely to suffer emotional harm of the kind described in subclause (f) (i), (ii), (iii), (iv) or (v) resulting from the actions, failure to act or pattern of neglect on the part of the child's parent or the person having the charge of the child;

- (g.1) there is a risk that the child is likely to suffer emotional harm of the kind described in subclause (f) (i), (ii), (iii), (iv) or (v) and that the child's parent or the person having charge of the child does not provide, or refuses or is unavailable or unable to consent to, services or treatment to prevent the harm;

## **Prince Edward Island**

### *Child Protection Act s. 3 (f)*

3. A child is in need of protection where
- (f) the child has suffered physical or emotional harm caused by being exposed to domestic violence by or towards a parent;

## **Quebec**

### *Youth Protection Act/Loi sur la protection de la jeunesse. 2 and 38*

2. This Act applies to any child whose security or development is or may be considered to be in danger.
38. For the purposes of this Act, the security or development of a child is considered to be in danger where
- (e) he is in the custody of a person whose behaviour or way of life creates a risk of moral or physical danger for the child;

## **Saskatchewan**

### *Child and Family Services Act s.11 (a)*

11. A child is in need of protection where:
- (a) as a result of action or omission by the child's parent:
    - (vi) the child has been exposed to domestic violence or severe domestic disharmony that is likely to result in physical or emotional harm to the child.

## **Yukon Territories**

### *Children's Act s.118 (1)*

118. (1) A child is in need of protection when
- (a) the child is in probably danger of physical or psychological harm;
  - (b) the parent or other person in whose care the child is fails to provide the child with reasonable protection from physical or psychological harm;

Currently, a debate exists amongst police services, child protection agencies, academics, and policy analysts regarding whether referral to Child Protection Services (CPS) for exposure to domestic violence should be mandatory or discretionary. Some of the pros and cons in this debate are listed below.

#### PROS OF MANDATORY REPORTING

- *provides help for children in need*
- *offers a public statement – sends a message to the perpetrator*
- *promotes consistency in the handling of cases*
- *police are not trained to assess the effects of domestic violence on children*

#### CONS OF MANDATORY REPORTING

- *CPS cannot handle the increased caseload (due to volume and lack of training resources)*
- *abused parents may become afraid to report abuse to police*
- *not all children have problems*
- *risk of revictimizing the abused parent*

#### PERCEPTIONS REGARDING CHILD PROTECTION SERVICES

Child Protection Services are not always viewed in a positive light by parents and children. Parents may fear that the child will be taken away, or that the non-offending parent will be blamed for not having adequately cared for or protected the child. There is a perception on behalf of Canadians that Child Protection Services may be ineffective due to inadequate staffing and funding (*EKOS Research Associates, 2002*)

In addition, frustration is experienced by some police officers and other professionals when it is not known whether referrals to Child Protection Services are being acted upon. Often police officers are acting on faith that the child or family being referred will get the help they need. Tensions also exist within Aboriginal communities between the native and non-native Child Protection Service agencies. Compromised communication and cooperation may prevent referrals from being made, leaving the child open to continued risk.

Even though it is not mandatory that children exposed to domestic violence be reported to Child Protection Services in all jurisdictions, it may be strongly recommended for the following reasons:

- *Child Protection Services need this information – A report of a child witnessing violence may initiate a file for an individual. CPS may not necessarily act on this information initially, but it is important information to have, in the event that other reports or investigations are made (in some cases a file may already be opened by CPS and the information updates the level of concern present);*
- *For the safety and well-being of the child – A referral and assessment provides an opportunity for another social service agency to have contact with the child and to identify other possible needs or issues (e.g., neglect, lack of food, clothing, etc.);*
- *Education and prevention – provides an opportunity for police to inform the public and professionals of their obligation to children.*

#### WHEN REPORTING TO CHILD PROTECTION SERVICES (CPS) IS NOT LEGALLY MANDATED NOR AUTOMATICALLY REQUIRED BY POLICY AND PROCEDURES

In many jurisdictions and situations, police have increased discretion over what action to take in regard to child protection. In some jurisdictions police automatically report cases of domestic violence to CPS and let them decide what action to take. In jurisdictions where discretion is utilized regarding referral to Child Protection Services, the following points are presented for consideration.

i) Assess for child abuse:

- *Many of the domestic violence calls police officers respond to will not involve child abuse. In these situations, children's ongoing safety depends primarily on the criminal justice system holding perpetrators accountable and supporting non-offending parents in looking after their children. Police play an important, front-end role in their decisions to remove the perpetrator, lay charges, and make referrals (e.g., victim services).*

ii) Consider the safety of victims and their children:

- *The welfare of children, on average, is strongly linked to their non-offending parent's safety and emotional well-being.*

iii) Document the effects of domestic violence on children:

- *Ensure that the police occurrence report documents information regarding the presence of children and their reactions to the violence.*

iv) Refer and provide information:

- *Where available, the support of a police victim crisis service should be offered. Police officers should provide the non-offending parent with the names and telephone numbers of services that deal with violence against intimates and with children's mental health services within the community.*

v) Report to CPS when the situation poses a serious risk to children:

- *There is agreement across jurisdictions that police officers have a duty to report to local child protection agencies when children are at serious risk due to domestic violence. These situations must be recognized and responses taken to ensure the safety of children and their non-offending parents. For example, significant substance abuse by adult victims and/or their abusive partners may create situations of extreme risk for children. In these situations, officers may feel that non-offending parents are unable to protect their children. It is important in these instances to advise the non-offending parent of a decision to report to CPS and to explain the potential benefits and services that will become available to them. In addition, it is important that when advising a parent of a referral that it is done in a respectful and non-punitive manner; that the referral is being made in the best interest of the child.*

vi) Do not blame the victim:

- *It is important that non-offending parents are not blamed for their partners' abusive behaviour, nor for situations that they do not have control over.*

## **V) Issues Related to Dual Arrests and its Impact on Children**

Over the past decade, police services have begun to fine tune their arrest policies to account for the fact that a significant minority of the incidents to which they respond involve the use of violence by both parties. Examination of these cases shows that the use of violence by women can differ dramatically from that used by men. For example, many women use violence against their abusers in attempts to protect themselves from their attackers. Mutual arrests are common in many jurisdictions and the results are problematic for the following reasons:

- *Children of abused women are placed in foster care even though their mothers have histories of strong parenting and loving, supportive relationships with their children. In these cases, separation from the mother may heighten children's sense of insecurity and worry following the violent incident.*
- *Abused women refrain from seeking police protection because they fear that they, themselves, might end up being arrested and, where children are present, being separated from them.*
- *Charges against the most violent and dangerous abusers are routinely dropped because their victims are also accused. This outcome poses risk to adult victims and may further expose children to domestic violence.*

*For more information about dual arrest and protocol for police and prosecutors on self-defence, review Crager, Cousin and Hardy, 2003 available at: <http://www.mincava.umn.edu/documents/victimdefendant/victimdefendant.pdf>*

As a result of these unfortunate and dangerous developments, which many characterize as unintended consequences of the use of the criminal justice system to stop battering, police services are increasingly training their officers to investigate such cases for self defense and to refrain from arresting the party whose use of violence was legitimate in the eyes of the law. Furthermore, police are being asked to investigate which party, if either, is the *dominant aggressor*, and to avoid arresting both

## DUAL ARRESTS IN DOMESTIC VIOLENCE CASES: PROBLEMS AND IMPACTS ON CHILDREN

### Problem

Children of abused women with histories of adequate or strong parenting are placed "in care"

Abused women refrain from seeking police protection for fear they may be arrested themselves and separated from their children

Charges against the most violent and dangerous abusers are routinely dropped because victims are also accused

### Potential Impact

Separation from their mother may heighten children's sense of insecurity and worry following the violent incident

Children and adult victims less likely to access and benefit from intervention by the police and the justice system

Increased probability that children will continue to be exposed to violence and the risks associated with such exposure (e.g., direct physical abuse, escalating violence)

parties where one is clearly more dangerous, more controlling in the incident, and more in need of government intervention. The goal is to reduce the risk of serious harm to others in the family.

If it cannot be determined immediately who the dominant aggressor is, remove the biggest threat in that instance, and proceed with further investigation. Later determination can often be made by careful record searches, witness interviews and follow-up investigation.

In cases where both parents are arrested, where practical, victim services should be contacted to assist the woman in making plans for the children's care.

The Federal-Provincial-Territorial Working Group on Spousal Abuse Policies and Legislation recommends that the current pro-charging policies be retained; that a charge be laid where there are reasonable grounds to believe that an offence has been committed and, in jurisdictions with Crown pre-charge approval, when it is in the public interest to lay a charge. However, when the facts of a case initially suggest dual charges, police should apply a "dominant aggressor" screening model, seeking Crown review and approval of proposed dual charges (Ad Hoc Federal-Provincial-Territorial Working Group on Spousal Abuse Policies, 2003).

### ***VI) Benefiting Children and Families through Collaborations and Coordinated Community Responses***

Collaboration is essential when it comes to responding to children living with domestic violence. Hester, Pearson & Harwin, 2000 described collaboration as a range of joint endeavours among individuals, organizations and agencies. Examples include joint training, consultation, and various approaches to coordinating activities among disciplines, services and agencies.

Collaborative practice is promoted and reinforced by collaborative leadership at multiple levels and in multiple domains (e.g., intergovernmental bodies, interdisciplinary bodies). At a general level, meaningful collaboration creates a network of supports and protections for families in their communities. Such a network facilitates access to and navigation of services by a given individual, family or service provider (e.g., police officer). Lack of effective community collaboration places the burden of attempting to access and coordinate services on victims and their families. This challenge can be further complicated by the different philosophies and lack of understanding between different disciplines and services.

## WHAT ARE THE BENEFITS OF COLLABORATION AND COORDINATION?

Some of the benefits children and their families experience as a result of collaborations and better coordination among community partners include:

- i) Increasing early identification of, and intervention with, vulnerable children and their non-offending parents to reduce trauma and enhance healing:
  - *For example, collaborations between police and mental health providers to obtain immediate assistance and intervention for children experiencing traumatic reactions from exposure to violence.*
- ii) Reducing risks of re-traumatization of children and families by systems:
  - *For example, collaborations between criminal justice professionals, victim services and mental health professionals to reduce the number of interviews a child undergoes, to minimize the number of individuals involved in a case, and to provide court preparation for child witnesses.*
- iii) Enhancing the quality of discovered evidence:
  - *For example, collaborations between law enforcement, prosecutors and child development specialists to aid with forensic interviewing of children.*
- iv) Supporting intervention and prevention by holding perpetrators accountable:
  - *For example, collaborations between various partners within the criminal justice system to increase training in the area of domestic violence and to ensure monitoring of offenders and enforcement of protection orders.*
- v) Reducing the risk that victims and their children, or perpetrators, fall through the cracks within the community service network:
  - *For example, community coordinating bodies made up of service partners working to end domestic violence develop a seamless, multipoint access for all involved.*

## WHO SHOULD TAKE PART IN COMMUNITY COLLABORATION TO INTERVENE AND PREVENT DOMESTIC VIOLENCE?

Collaborations will differ according to the characteristics and make-up of a given community.

Generally, community responses to domestic violence benefit from coordination between key stakeholders: survivors and their families, law enforcement authorities, child protection service professionals, domestic violence advocates and service providers, mental health and health care professionals.

There has been an increased awareness of the essential role of survivors of different ages in working with community partners to create services and support systems that meet the needs of domestic violence victims and their children. This vital dimension is relatively new. It is also important to expand the network through training initiatives, consultation and resource development, to include educators, early childhood care providers, clergy, employers and others who play significant roles in the lives of children and their families. These partners are in positions to assist in the early identification of children exposed to domestic violence and adult victims.

## STRATEGIES TO FACILITATE COLLABORATIONS

i) Make the benefits known:

- *Law enforcement professionals and other community partners against domestic violence are more likely to invest in collaborations when they know the benefits experienced by affected children and their families. Collaboration becomes an easy sell if it makes some aspects of one's own job easier to carry out. In addition to discover through direct experience, benefits can be identified from different perspectives through joint training, as well as interdisciplinary or inter-agency meetings.*

ii) Support community policing:

- *Community policing provides a foundation for relationship building and problem-solving partnerships between communities and law enforcement. This strategy emphasizes crime prevention and community service along with law enforcement. For example, police officers are more visible and known in the communities where they serve and play active roles in schools. This model is highly compatible with and complementary to collaborations and coordination to intervene in and prevent domestic violence.*

iii) Develop inter-agency protocols:

- *To facilitate collaboration and a coordinated response at a community level, it is useful to have inter-agency protocols in place. These protocols can specify:*
- *when and how to make linkages and referrals;*
- *how to share information following referral when more than one agency is working with a child or family;*
- *who to include in ongoing consultation re: safety planning, discharge planning and follow-up support;*
- *how to handle potential sources of conflict or concern.*

The following are examples of groups that might be included in inter-agency protocols with police services: school boards, child protection agencies, children's and adults' mental health agencies, violence against women prevention services, women's shelters, violence against intimate partner services, crisis telephone and counselling services, health practitioners, family service agencies, probation and parole services.

iv) Provide opportunities for cross training:

- *Opportunities to participate in training with other disciplines and services promote mutual understanding, cross fertilization of ideas, and better ways of working together. Police officers are likely to benefit from domestic violence training initiatives with mental health professionals, domestic violence advocates, child protection workers, victim services professionals, and other groups within the criminal justice sector. Training on establishing and sustaining meaningful collaborations may be of particular benefit.*

The Federal-Provincial-Territorial Working Group on Spousal Abuse Policies and Legislation offers the following recommendation regarding an effective strategy to respond to domestic violence:

A coordinated community response to family violence can be developed through the following:

- i. creating a common philosophical approach that centralizes victim safety
- ii. establishing consistent protocols and policies for intervening agencies
- iii. enhancing networking among service providers
- iv. building monitoring and tracking systems that strengthen accountability
- v. speaking out for battered women within the criminal justice system and within the broader community to ensure a supporting infrastructure
- vi. providing sanctions and rehabilitation opportunities for offenders
- vii. undoing the harm violence to women does to children
- viii. evaluating the coordinated community response for victim safety and offender accountability

#### ELEMENTS OF AN EFFECTIVE COORDINATED STRATEGY FOR RESPONDING TO DOMESTIC VIOLENCE

The elements of an effective response to domestic violence are common to each initiative undertaken and each focus of intervention and include the following:

- 1) shared goals and objectives (ensuring victims safety and holding offenders accountable) among all participants from a variety of disciplines
- 2) sound procedural framework with clear protocols for intervention and information-sharing for each component, sector, and discipline
- 3) commitment to coordination, collaboration and cooperation among all partners
- 4) training that emphasizes individual roles and responsibilities and links with other components
- 5) consistent policies that underscore commitment to goals at all levels of the organization
- 6) appropriate resources to provide services
- 7) accountability mechanisms (for offenders, justice system personnel, and for professionals of other systems and disciplines)

*(Federal-Provincial-Territorial Working Group Reviewing Spousal Abuse Policies and Legislation)*

## EXAMPLES OF COLLABORATION

The following examples describe exciting collaborations between law enforcement services and community partners.

### **Justice Learning Centre**

#### **- Nova Scotia**

The Justice Learning Centre is a partnership between the Department of Justice of Nova Scotia and Nova Scotia Community College. It was formed in 2002 as part of the government response to the Dean Dawn Russell report which was commissioned to look at the justice response to family violence. The mission of the Justice Learning Centre is to deliver accessible, affordable, sustainable training and development and to support the exchange of ideas for people involved in the justice system.

Since its inception, the Justice Learning Centre has offered a number of training and education workshops for justice workers (including policing and victim services, court services, correctional services), legal aid, emergency measures, community and social services, as well as shelter staff. Training has also been provided regarding a High Risk Case Coordination Protocol Framework.

*For more information, view the website:*  
[www.jlc.nsc.ca](http://www.jlc.nsc.ca)

### **Zebra Child Protection Centre**

#### **- Edmonton, Alberta**

The Zebra Centre provides child friendly, community-based facilities that are integrated with the police investigative process. The centre has teams of Child Protection Investigators and Child At Risk Response Teams who work together with other agencies to improve the experiences for child victims and witnesses.

*For more information contact:*  
[www.zebracentre.ca](http://www.zebracentre.ca)  
email: [barbara.spencer@zebracentre.ca](mailto:barbara.spencer@zebracentre.ca)  
Tel: 780-421-2359

### **Choices for Positive Youth Relationships - Mississauga, ON**

Choices for Positive Youth Relationships combines the award-winning National Film Board documentary *A Love That Kills* with a six-lesson, curriculum-based Instructional Guide. Choices for Positive Youth Relationships recognizes that abuse is not gender specific and broadens the definition of relationship to include friendships, family, team-mates, and co-workers.

Through a variety of discussions and activities, youth have the opportunity to identify warning signs symptomatic to abusive relationships, develop skills and strategies to sustain positive relationships, and connect to supportive community resources.

Choices for Positive Youth Relationships has been successfully implemented in secondary and senior elementary classrooms, or within community organizations. The Choices for Positive Youth Relationship Instructional Guide includes information on: Implementation Models, Community Collaboration, Creating a Comfort Zone, Effective Support When Disclosure Occurs, Alternative and Extension Activities, Assessment and Evaluation, and Resources.

*For more information contact:*

Speers Society  
PO Box 47010  
2223 Erin Mills Parkway  
Mississauga Ontario L5K 1T9  
Tel: 905-855-7067  
Fax: 905-855-4903  
website: [www.speerssociety.org](http://www.speerssociety.org)

### **Family Consultants & Victim Services Unit - London, ON**

The Family Consultant & Victim Services Unit with the London Police began operation in January, 1973. The Family Consultant Service is the Victim Assistance unit within the London Police force. The Consultant provides sufficient counselling to begin the crisis-resolution process, and then makes arrangements for ongoing support from

community agencies, extended family, and other resources as appropriate. The Consultants provide officers with feedback and interventions. The process of building support, or further counselling for the family usually continues during office hours the following day, with team members following up with agencies, clients and officers.

*For more information contact:*

<http://police.london.ca/Organization/Uniformed/UDfamcons.htm>

### **Protocole de Collaboration Intersectorielle Pour Les Enfants Exposes a la Violence Conjugale, Ile de Montreal**

A Roundtable group on domestic violence (Table de concertation en violence conjugale de Montreal) in Montreal has developed a protocol where all member agencies and organizations which focus on domestic violence work together to focus on the needs of children exposed to domestic violence. Protocols have been developed which determine how each agency becomes involved with children exposed to domestic violence, and how communication and referrals by agencies are made to each other. The protocol outlines conditions for implementation, (including a firm commitment from collaborating agencies, assignment of contact persons or persons responsible for implementation in each agency, and presence of a regional structure), roles and responsibilities of collaborating agencies and steps of implementation.

*For more information contact:*

Table de concertation en violence conjugale de Montréal

110, rue Sainte-Thérèse, bureau 305  
Montréal (Qc) H2Y 1E6  
Tél : 514 396-2612

### **The Yukon Domestic Violence Treatment Option (DVTO) Court**

The DVTO Court was created as an innovative response to domestic violence combining the court system, offender

treatment and victim related support and services. The DVTO Court is a therapeutic alternative to more traditional court procedures. It is not a diversion program.<sup>1</sup> The DVTO court operates as a special sitting of the Yukon Territorial Court and requires offenders to take responsibility for their actions by way of a guilty plea. Key components of the program are early intervention, and a less adversarial, and more therapeutic court system. DVTO court is designed to encourage disclosure of domestic violence by victims and to reduce the high collapse rate of domestic violence charges that occurs in the traditional court stream.

Cases are fast tracked to the earliest possible appearance by the RCMP who release offenders, if appropriate, with conditions to report to a bail supervisor upon their release. RCMP make use of a Spousal Abuse Risk Assessment (SARA) tool as a guide to determine if the offender should be released or held for a show cause hearing. Through interagency collaboration the offender and victim are offered case managed multi-agency support from such agencies as the police, designated crown and defense lawyers. Counsellors from the Spousal Abuse Program, Victim Services and probation officers are included in the process. Judges who preside in this court are provided with training in domestic violence issues. Offenders who choose this court process are required to attend assessments and counselling. They will be sentenced upon the completion of that counselling and their ultimate sentence will reflect their progress in addressing their behavior and risk factors

<sup>1</sup> See The Domestic Violence Treatment Option: A Yukon Initiative, 2004, Heino Lilles Chief Judge Territorial Court of the Yukon, Sandra Bryce Manager Family Violence Prevention Unit Yukon Dept. of Justice and Tracy McPhee, Barrister and Solicitor and Coordinator of the Yukon Domestic Violence Court.

## **VII) Specialized Training to Promote Effective Law Enforcement Interventions**

Training is a means of imparting knowledge and skills to new recruits, as well as providing refreshers and updates for experienced staff. While recognizing the competing demands for limited training hours, we strongly advocate that training in the area of domestic violence and children's exposure to violence be included in professional development courses. Reasons for making this area a core component of law enforcement training programs are:

- the volume of police calls related to domestic disputes;
- the significant number of children encountered by police at domestic violence situations;
- the fact that these domestic violence crimes differ from stranger violence and that understanding the distinctions can assist officers to carry out their roles;
- the serious consequences of domestic violence on children and adult victims;
- the importance of participation by law enforcement officers in cross training initiatives to enhance coordinated community interventions.

### **RECOMMENDED TOPICS FOR TRAINING**

The following topics are offered for consideration in training on domestic violence and children's exposure to violence:

- ➔ *Domestic violence – how these crimes differ from others*
- ➔ *Child development and impacts of exposure to violence at different stages*
- ➔ *Assessing risk; risk reduction and safety planning*
- ➔ *Talking with children and forensic interviewing of children*
- ➔ *Identification of abuse-related injuries*

- ➔ *Legal issues related to child victims and witnesses*
- ➔ *Establishing and maintaining effective collaborations with community partners*

### **TRAINING CONSIDERATIONS**

Training is best situated within clear agency policy and practice. It should increase knowledge and understanding, as well as target particular needs. The following issues about training are important to consider:

i) Provide ongoing training:

- ➔ *Training that is provided on an ongoing basis (e.g., once a year) and over time helps to address potential gaps (in knowledge and practice) created by staff turnover.*

ii) Integrate theory into practice:

- ➔ *It is important to link theory and practice by including practical implications and applications during training.*

iii) Use peer models:

- ➔ *Peer training models encourage investment in the topic and the training.*

iv) Integrate ethno-cultural issues:

- ➔ *Opportunities to promote awareness of and sensitivity to ethno-cultural communities should be integrated into all training courses.*

v) Promote cross-training:

- ➔ *Cross-training – where members of different disciplines and services attend training initiatives – provides excellent opportunities for promoting mutual understanding between participating groups. Participants learn more about the issues, mandates, practices and strengths of each group. This inclusive approach also enhances collaborative practice.*

## Appendix A: Resources

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### NATIONAL CLEARINGHOUSE ON FAMILY VIOLENCE

The National Clearinghouse on Family Violence (NCFV) is a national resource centre for all Canadians seeking information about violence within the family and looking for new resources being used to address it. By sharing the latest research findings and information on all aspects of prevention, protection and treatment, the Clearinghouse seeks to help Canadian communities work toward the eventual elimination of all forms of family violence.

*Contact:*

National Clearinghouse on Family Violence  
Healthy Communities Division  
Centre for Healthy Human Development  
Health Canada  
Address Locator: 1907D1  
Jeanne Mance Building  
Tunney's Pasture  
Ottawa, ON  
K1A 1B4  
Telephone : 1-800-267-1291 or (613) 957-2938  
Facsimile : (613) 941-8930  
Website: <http://www.hc-sc.gc.ca/hppb/familyviolence/>

### FAMILY VIOLENCE IN CANADA: A STATISTICAL PROFILE

Each year the Canadian Centre for Justice Statistics, under the Federal Family Violence Initiative produces a report regarding family violence in Canada, using police report data, the Incident-Based Uniform Crime Reporting Survey (UCR2) and data from national and other surveys. This annual report provides the most current data on the nature and extent of family violence in Canada, as well as trends over time, as part of this ongoing initiative to inform policy makers and the public about family violence issues.

*These reports can be found at:*

<http://www.statcan.ca:8096/bsolc/english/bsolc?catno=85-224-XIE>

### SHELTERNET

Shelternet provides information regarding locations of shelters across Canada for women who are seeking a way to flee the violence they are experiencing at home. The website provides a clickable map of Canada with links to shelters, safety plans, and questions and answers about shelters and violence.

website: [www.shelternet.ca](http://www.shelternet.ca)

## EDUCATION WIFE ASSAULT

This Toronto-based site contains a lot of useful information about different kinds of abuse. Subsections on woman abuse, sexual assault, same-sex relationships, elder abuse and women with disabilities. Provides links to provincial, national and international organizations involved in those fields.

### *Contact:*

Education Wife Assault  
Suite 220, 215 Spadina Avenue  
Toronto, Ontario, Canada M5T 2C7  
Phone: (416) 968-3422  
TTY: (416) 968-7335  
Fax: (416) 968-2026  
Email: [info@womanabuseprevention.com](mailto:info@womanabuseprevention.com)  
Website: <http://www.womanabuseprevention.co>

## HOT PEACH PAGES

This website provides a searchable inventory of abuse hotlines, shelters, refuges, crisis centres and women's organizations, plus index of domestic violence resources in over 70 languages.

### *Website:*

<http://www.hotpeachpages.net/canada>

## DEPARTMENT OF JUSTICE CANADA

The Department of Justice under the Federal Family Violence Initiative provides information and fact sheets regarding family violence, spousal abuse, abuse of older adults, dating violence, and child abuse.

### *Website:*

<http://canada.justice.gc.ca/en/ps/fm/familyvfs.html>

## CENTRE FOR CHILDREN AND FAMILIES IN THE JUSTICE SYSTEM

The Centre offers training and resource material for professionals who work with children exposed to domestic violence with a special focus on the role of the justice system in criminal and family law proceedings, and interventions for children and adult survivors, including support for parenting. Many resources can be downloaded or ordered through the website.

### *For more information contact:*

Centre for Children and Families in the Justice System  
254 Pall Mall St., Suite 200  
London, ON N6A 5P6  
Phone: (519) 679-7250  
[www.lfcc.on.ca](http://www.lfcc.on.ca)

## Appendix B: References

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254 Pall Mall Street, Suite 200, London, ON N6A 5P6  
info@lfcc.on.ca www.lfcc.on.ca