



## **Hamilton Police Service Board Intimate Partner Violence Policy P-040**

Effective date: September 10, 2026

Reviewed:

Amended:

### **Applicable Legislation**

*Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1 (the Act), ss. 37(1) and 38(1)*

O. Reg. 392/23 (Adequate and Effective Policing (General);

O. Reg. 395/23 (Investigations); Criminal Code (Canada);

Victims' Bill of Rights, 1995 (Ontario);

Canadian Victims Bill of Rights; Child, Youth and Family Services Act, 2017;

Ontario Human Rights Code

### **Preamble and Statement of Commitment**

Intimate partner violence (IPV) is among the most prevalent, most lethal, and most preventable forms of violence in our community. It occurs across every neighbourhood, income level, culture, and family structure in Hamilton, and it disproportionately harms women, girls, Indigenous people, newcomers, people with disabilities, and 2SLGBTQ+ community members. In 2023, the City of Hamilton formally declared intimate partner and gender-based violence an epidemic. The Hamilton Police Service Board ("the Board") adopts that declaration as the foundation of this policy and commits the full weight of its governance authority to reducing the incidence and severity of intimate partner violence, ensuring perpetrators are held accountable, and placing the safety, dignity, autonomy, and long-term well-being of survivors at the centre of every aspect of the Board's oversight of the Hamilton Police Service ("the Service").

This policy replaces, in its entirety, Board Policy LE-024 – Domestic Violence Occurrences, which was approved in 2000 under the now-repealed Police Services Act and its Adequacy and Effectiveness of Police Services Regulation. That policy served the community for over two decades, but it was written before the Community Safety and Policing Act, 2019 came into force, before the Renfrew County Inquest, before the City of Hamilton’s epidemic declaration, and before the current evidence base on coercive control, risk assessment, and survivor-centred practice had matured. This policy modernizes the Board’s framework accordingly, while remaining firmly within the Board’s governance role: it directs the objectives, standards, and accountability the Board expects of the Chief of Police, without directing the operational, case-specific, or personnel decisions that fall exclusively within the Chief’s statutory responsibility.

***Declaration: The Hamilton Police Service Board declares that intimate partner violence constitutes an epidemic within our community and we will govern accordingly — with urgency, with accountability, and in partnership with survivors and the community organizations that support them.***

### **Legislative and Policy Authority**

This policy is grounded in, and must be read together with, the following legislation and authoritative sources. Where legislation is silent or permits discretion, this policy directs the Board’s expectation of best practice.

| <b>Instrument</b>                                                 | <b>Relevance</b>                                                                                                                                                                                                                                                                                                                                                                 |
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| Community Safety and Policing Act, 2019, S.O. 2019, c.1, Sched. 1 | ss. 37(1) and 38(1) require the Board to establish policies respecting, among other things, the objectives and priorities for police services and the Board’s oversight of the Chief of Police; ss. 30–31 govern the Board’s obligation to prepare a strategic plan and to consult; provisions on required external investigation of allegations by or against members and Board |

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|                                                                             | members underpin Section 7 of this policy; the Act repealed and replaced the Police Services Act on April 1, 2024.                                                                                                                                                                                              |
| O. Reg. 392/23 – Adequate and Effective Policing (General)                  | Prescribes minimum standards for victim assistance (ss. 13–14) and other core policing functions that replaced the former Adequacy and Effectiveness of Police Services Regulation (O. Reg. 3/99) under which the predecessor policy was written.                                                               |
| O. Reg. 395/23 – Investigations                                             | Sets out the requirement that specified categories of allegation against, or made by, a member of a police service or a police service board — including intimate partner violence — be investigated by an external police service, and establishes reporting obligations to the Inspector General of Policing. |
| Criminal Code (Canada)                                                      | Includes the reverse-onus bail provisions for repeat intimate-partner offenders (s. 515(6)(b.1)), peace bond provisions (s. 810), and the offences most commonly charged in IPV occurrences (assault, criminal harassment, uttering threats, sexual assault, strangulation/choking as an aggravating factor).   |
| Victims’ Bill of Rights, 1995 (Ontario) and Canadian Victims Bill of Rights | Establish the baseline rights to information, protection, participation, and consideration that must inform the Service’s procedures on victim assistance.                                                                                                                                                      |
| Child, Youth and Family Services Act, 2017                                  | Governs the duty to report a child in need of protection, including exposure to intimate partner violence, and requires coordination with Children’s Aid Societies.                                                                                                                                             |
| Ontario Human Rights Code                                                   | Requires an intersectional, non-discriminatory approach to service delivery and to the Board’s own governance,                                                                                                                                                                                                  |

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|                                                                                | particularly for survivors who face compounding forms of discrimination.                                                                                                                                                                                                                                                                                                         |
| Renfrew County Inquest (2022) — 86 jury recommendations                        | Arising from the 2015 murders of Carol Culleton, Anastasia Kuzyk, and Nathalie Warmerdam, the inquest's recommendations — including the declaration of IPV as an epidemic (Recommendation 1) and integration of IPV into municipal Community Safety and Well-Being Plans (Recommendation 10) — inform this policy even though many recommendations are directed at the Province. |
| Ontario Domestic Violence Death Review Committee (Office of the Chief Coroner) | Annual reports and case-specific recommendations inform the Board's ongoing review obligations under Section 12 of this policy.                                                                                                                                                                                                                                                  |

Nothing in this section limits the application of any other statute, regulation, collective agreement, or Service procedure that may also apply.

## Definitions

**Intimate Partner Violence (IPV):** any pattern of physical, sexual, psychological, emotional, financial, or technology-facilitated abuse, or coercive and controlling behaviour, committed by a person against a current or former spouse, common-law partner, or dating partner, regardless of the duration of the relationship, whether the parties cohabit or have ever cohabited, and regardless of the sex, gender identity, gender expression, or sexual orientation of either party.

**Coercive and Controlling Behaviour:** a pattern of acts including intimidation, isolation, degradation, surveillance, financial control, and threats, which may occur in the absence of a single physical assault but which research and lived experience consistently identify as a strong predictor of escalation and lethality.

**High-Risk Case:** an occurrence identified through a validated risk-assessment instrument, investigator judgement, or victim-reported concern as carrying an elevated likelihood of serious injury or death.

**Survivor / Victim:** a person who has experienced intimate partner violence. This policy uses “survivor” and “victim” interchangeably and without preference, recognizing that individuals may identify with either or neither term.

**Family Violence:** a broader category encompassing IPV as well as child abuse and elder or dependent adult abuse; this policy addresses IPV specifically and is to be read alongside the Board’s policies addressing child abuse and neglect and elder and vulnerable adult abuse.

**Member:** has the meaning given in the Community Safety and Policing Act, 2019, and includes police officers and other employees of the Service.

### **Scope and the Board’s Governance Role**

This policy sets the Board’s expectations for outcomes, standards, and accountability. Consistent with the statutory division of responsibility between a police service board and a chief of police, the Board does not, and will not, direct:

- the conduct of a specific investigation or the charging decision in an individual case;
- the operational deployment of officers, specialized units, or equipment;
- individual personnel, discipline, or performance-management decisions, except where they fall to the Board by statute (e.g., matters concerning the Chief of Police).

Within that boundary, the Board directs the Chief of Police to develop, implement, resource, monitor, and report on the procedures and, and holds the Chief accountable to the Board for doing so.

## **Policy Application**

It is the policy of the Hamilton Police Service Board that:

### **Investigation and Enforcement Standards:**

The Chief of Police will develop and maintain written procedures for the investigation and management of intimate partner violence occurrences that address, at minimum:

1. communications, dispatch, and initial response, treating IPV calls for service with the same priority as other calls involving a threat to life;
2. a pro-charge approach requiring that charges be laid wherever there are reasonable grounds to believe an offence has been committed, including where there is a breach of a release condition, probation order, parole condition, peace bond, or restraining order, and including a documented, evidence-based rationale in any case where charges are not laid despite reasonable grounds appearing to exist;
3. mandatory use, at first contact and at every subsequent contact, of a validated, empirically supported risk-assessment instrument such as the Ontario Domestic Assault Risk Assessment (ODARA) or a successor tool identified by the Ministry, with results forming part of the occurrence record and informing bail position, safety planning, and referral;
4. a primary-aggressor determination protocol, informed by the risk assessment and the full relationship history, designed to reduce inappropriate dual or “mutual” charging of victims who have acted defensively;
5. enhanced investigative procedures for strangulation and choking (recognized as one of the strongest predictors of subsequent lethality), sexual violence occurring within an intimate relationship, coercive and controlling behaviour, and technology-facilitated abuse, including unauthorized tracking, surveillance, and image-based abuse;

6. identification and safe removal of firearms, and pursuit of weapons prohibition orders, in every occurrence where risk indicators are present;
7. opposition to bail on secondary and tertiary grounds in high-risk cases, consistent with the reverse-onus provisions of the Criminal Code and the Ministry's guideline on Bail and Violent Crime;
8. timely notification of victims regarding the accused's custody status, including release, escape, transfer, or upcoming parole eligibility;
9. post-arrest procedures, victim assistance, and safety planning; and
10. the use of a documented risk-informed lens throughout, so that repeat calls to the same address or involving the same parties trigger escalated review rather than routine handling.

The Chief of Police will ensure that the Service maintains access to trained intimate partner violence investigators and will implement one or more of the investigative models identified in current Ministry guidelines.

### **High-Risk Case Management and Coordinating Committees:**

The Chief of Police will, in partnership with the local Crown Attorney's office, Probation and Parole Services, the Victim/Witness Assistance Program, Victim Services of Hamilton, local Children's Aid Societies, Hamilton's sexual assault and domestic violence treatment services, women's shelters, and other community agencies serving survivors of intimate partner violence, establish and maintain one or more intimate partner violence coordinating committee(s) covering the City of Hamilton, including a dedicated high-risk case coordination mechanism consistent with the model recommended by the Renfrew County Inquest and the Ontario Domestic Violence Death Review Committee. Such a mechanism must include clear referral thresholds, an information-sharing protocol compliant with the Municipal Freedom of Information and Protection of Privacy Act and the Personal Health Information Protection Act, and a defined process for coordinated, multi-sector safety planning in the highest-risk cases.

The Chief of Police will report to the Board, at minimum annually, on the number of cases referred into high-risk case coordination and on system-level, non-identifying outcomes.

### **Survivor-Centred Support and Safety Planning:**

The Chief of Police will ensure that the Service's response to survivors is trauma-informed, culturally responsive, and centred on the survivor's own assessment of risk and expressed wishes wherever consistent with the safety of any children involved and the Service's duty to investigate. Procedures on victim assistance must:

- ensure survivors, regardless of immigration or citizenship status, can report intimate partner violence and receive protection without fear that doing so will trigger immigration enforcement action against them;
- include safety planning that addresses the safety of dependants, including children and, where relevant, pets, recognizing that threats to pets and other dependants are a recognized barrier to survivors leaving unsafe situations;
- ensure 24-hour access to the Service's Victim Services Branch and timely referral to shelters, legal clinics, Independent Legal Advice programs, and other community supports;
- protect the confidentiality and privacy of survivors' personal and location information; and
- be available in multiple languages and accessible formats.

The Board directs that survivor and community-partner feedback on the Service's response be sought not less than every two years, through the Service's community engagement mechanisms, or an independent survey or through a Board-led Advisory Committee, and that the results be reported to the Board.

### **Children and Dependants Exposed to Intimate Partner Violence:**

The Chief of Police will develop and maintain procedures, consistent with the *Child, Youth and Family Services Act, 2017* and in partnership with local Children's Aid Societies, that address the safety and needs of children exposed to intimate partner violence. These procedures must recognize that a child's exposure to IPV is, in itself, a child-protection concern, while avoiding practices that inappropriately penalize, blame, or separate a non-offending parent solely because they were victimized.

### **Equity and Populations Facing Disproportionate Risk:**

The Chief of Police will ensure investigative and support practices are delivered without discrimination and do not replicate systemic bias, with particular attention to the elevated risk faced by Indigenous women, girls, and 2SLGBTQIA+ people; racialized and newcomer women; people with disabilities; older adults; rural or isolated residents; and male and 2SLGBTQ+ survivors, who are often under-identified as victims of intimate partner violence. Consistent with the Board's policy on the collection of race- and identity-based data, the Chief of Police will explore the responsible, privacy-protective collection and analysis of disaggregated data on intimate partner violence occurrences to identify and address disparities in service delivery and outcomes.

### **Occurrences Involving Members of the Service or the Board:**

The Board treats allegations of intimate partner violence involving a member of the Service or a member of the Board — whether as the person alleged to have used violence or the person harmed — with the highest degree of seriousness and the strictest standard of independence. The Chief of Police will:

- ensure any such allegation is referred immediately to an external police service for investigation, with no internal investigation permitted, consistent with O. Reg. 395/23 and the requirements of the *Community Safety and Policing Act, 2019*, and that the matter is reported to the Inspector General of Policing and, where applicable, the Law Enforcement Complaints Agency;

- maintain one or more standing mutual aid or service agreements with external police services (which may include other Big 12 or neighbouring services) so an external investigator can be engaged without delay at any hour;
- ensure any victim connected to such an occurrence receives an immediate, independent risk assessment and safety plan, developed without the involvement of the member's colleagues or chain of command; and
- report annually to the Board, in aggregate and non-identifying form, on the number of member-involved intimate partner violence allegations and their referral to external investigation, consistent with applicable privacy and employment law.

The Board will maintain a reporting channel, independent of the Chief of Police and the Service's chain of command, through which an employee, member of the public, or Board member may raise an allegation of intimate partner violence involving a Board member, for referral to the Law Enforcement Complaints Agency or other appropriate external body.

### **Training and Professional Development:**

The Chief of Police will ensure all frontline officers, communicators and dispatchers, supervisors, and investigators receive Ministry-accredited, trauma-informed, and culturally competent training on intimate partner violence, including on coercive control, risk assessment, and primary-aggressor determination, refreshed on a periodic basis and evaluated for effectiveness.

Board members will complete training on intimate partner violence and coercive control as part of the human-rights and diversity training required of Board members under the *Community Safety and Policing Act, 2019*, in recognition that informed governance requires informed governors.

## **Data, Transparency, and Public Accountability**

The Chief of Police will include in the Service's Annual Report, and in a standalone public report published not less than annually, statistics and trends on intimate partner violence occurrences — including charge rates, case outcomes, and repeat-victimization rates — together with evidence of the effectiveness of the Service's response, presented in a form that protects the identity and safety of survivors. The Board will receive a presentation on intimate partner violence trends, resourcing, and outcomes not less than semi-annually, in open session to the extent consistent with privacy and safety considerations, and will publish this policy and any amendments on its public website.

## **Resourcing and Budgetary Prioritization**

Within its governance and budget-approval role, and without directing the Chief's operational deployment of resources, the Board will treat adequately staffed, specialized intimate partner violence investigative and survivor-support capacity as a budgetary priority, and will require the Chief of Police to report annually on staffing levels, caseloads, and wait times affecting the Service's intimate partner violence response.

## **Community Safety and Well-Being Plan Integration and Advocacy**

The Board will work with the City of Hamilton to ensure intimate partner violence is identified as a priority risk factor in the City's Community Safety and Well-Being Plan, consistent with the *Community Safety and Policing Act, 2019* and Recommendation 10 of the Renfrew County Inquest. The Board will use its public voice to advocate to the provincial and federal governments for: legislative recognition of coercive and controlling conduct as a criminal offence; a right-to-know intimate partner violence disclosure scheme for Ontario; sustained funding for high-risk case coordinating committees and specialized courts; and continued implementation of outstanding Renfrew County Inquest recommendations relevant to policing.

## **Monitoring, Evaluation, and Policy Review**

The Board will review this policy not less than once every three years, and sooner following the release of a Domestic Violence Death Review Committee report concerning the Hamilton Police Service, a coroner's inquest recommendation directed at the Service, or a material change in relevant legislation, whichever occurs first. Any review will include consultation with survivor representatives and community partners.

## **Reporting**

The Chief of Police shall report to the Board:

- annually, in aggregate and non-identifying form, on the number of member-involved intimate partner violence allegations and their referral to external investigation, consistent with applicable privacy and employment law.
- annually, on staffing levels, caseloads, and wait times affecting the Service's intimate partner violence response.
- annually, and include in the Service's Annual Report, and in a standalone public report published not less than annually, statistics and trends on intimate partner violence occurrences — including charge rates, case outcomes, and repeat-victimization rates — together with evidence of the effectiveness of the Service's response, presented in a form that protects the identity and safety of survivors.
- at minimum annually, on the number of cases referred into high-risk case coordination and on system-level, non-identifying outcomes.
- survivor and community-partner feedback on the Service's response be sought not less than every two years, through the Service's community engagement mechanisms, or an independent survey or through a Board-led Advisory Committee, and that the results be reported to the Board.

## Appendix ‘B’ to Report PSB 26-023

- The Board’s current policy addressing this subject, LE-024, was approved on December 18, 2000 under the Police Services Act, R.S.O. 1990, c. P.15, and the Adequacy and Effectiveness of Police Services Regulation, O. Reg. 3/99. It was last reviewed — not substantively revised — on May 9, 2019.
- In 2023, the City of Hamilton formally declared intimate partner violence and gender-based violence an epidemic.
- Provincially, the 2022 Coroner’s Inquest into the deaths of Carol Culleton, Anastasia Kuzyk, and Nathalie Warmerdam (the “[Renfrew County Inquest](#)”) issued 86 recommendations directed at all levels of government and the policing sector, including that intimate partner violence be formally declared an epidemic and that municipalities integrate intimate partner violence into their Community Safety and Well-Being Plans.
- Given the City’s epidemic declaration, and the provincial evidence base and inquest record, the Executive Director undertook a review of LE-024 and a scan of comparable Big 12 and Hamilton Police Board policies.

### What Has Been Removed from Policy LE-024 and Replaced in Policy P-040

| Removed / Replaced                                                                                                                                                                                                               | Replacement / Rationale                                                                                                                                                                                                                                                                                                   |
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| Reliance on the repealed Police Services Act / O. Reg. 3/99 as the governing authority                                                                                                                                           | Replaced with the Community Safety and Policing Act, 2019 and its regulations, which came into force April 1, 2024 and govern the Service today.                                                                                                                                                                          |
| The undifferentiated term “domestic violence,” which in common usage can obscure that intimate partner violence is a distinct category from child or elder abuse and can under-include dating relationships without cohabitation | Replaced with “intimate partner violence,” with a definition that is explicit about scope (current/former, cohabiting or not, any gender), while retaining a cross-reference to the Board’s separate policies on child abuse and neglect and on elder and vulnerable adult abuse for the broader family-violence context. |
| An unnamed, generic “risk indicators tool” left to be defined entirely at the Service’s discretion                                                                                                                               | Replaced with a requirement to use a validated, empirically supported instrument, named for clarity, while preserving the Chief’s discretion to adopt a Ministry-identified successor tool.                                                                                                                               |

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| <p>A single, brief reference to procedures addressing “occurrences involving members of a police service,” without specifying an external-investigation requirement or a Board-level channel for allegations against Board members</p> | <p>Replaced with a detailed external-investigation mandate, standing mutual-aid arrangements, independent victim risk assessment, and a Board-level reporting channel, reflecting requirements that did not exist in comparable form under the former Act.</p> |
| <p>Monitoring and evaluation confined to internal Service processes with no public-facing reporting obligation</p>                                                                                                                     | <p>Replaced with mandatory public reporting and regular Board reporting, so that the community can see whether the Service’s response to intimate partner violence is improving over time.</p>                                                                 |