



Community
Coordination
For Women's Safety

A Coordinated Response to Protection Orders Enforcement 2008 Annual Training Forum Workshop Richmond, BC

Case study

Victim reports to police that she is being threatened by her estranged husband but she is so upset that she cannot provide concrete examples of the nature of the threats. She is physically disabled and can only walk with the aid of crutches. She and her estranged husband are currently living apart. She speaks to a younger relatively inexperienced officer who refers her to a family law lawyer. No other referrals are made and the officer does not make inquiries to determine whether the husband had access to legally authorized weapons.

The couple has two children. The victim has been awarded custody and the estranged husband has access rights.

The victim goes to a family lawyer who has her swear an affidavit providing details of the threats and fears for her personal safety. The affidavit indicates that the estranged husband has access to firearms. The matter is heard in family court and a section 37 *Family Relations Act* restraining order is granted which provides for no further communication with the victim. The victim believes she is protected and returns home.

The victim reports to police that the accused is calling her at home wanting to speak to their children and to exercise his access rights. The victim's sister reports that the accused has been in contact with her and threatening her if she interferes in any way with the care of their children or his access to them.

The victim then has a flair-up of her physical symptoms and is admitted to hospital for treatment. The children are left in the care of her sister who lives nearby. By this time the husband has been served with the restraining order and becomes enraged. He goes to the hospital, and is able to locate the victim's room number. He enters the victim's room, threatens her and attempts to assault her but is subdued by hospital security. The police are called in and the victim gives a statement but appears somewhat hesitant or reluctant to disclose what happened. The woman speaks briefly with a hospital social worker. The woman is discharged from hospital. The estranged husband is arrested and taken into custody.

The estranged husband is charged with assault. He has no prior convictions and is released on bail with no contact and reporting conditions and a requirement to remain within the jurisdiction and provide his current residential address to the bail supervisor and not to change addresses without prior notification to the bail supervisor and/or police department. The accused reports to the bail supervisor but is unable to provide a permanent address. He says he is "couch surfing" since the separation and is very anxious to see his children.

The accused fails to show up for his second meeting with the bail supervisor. The bail supervisor attempts to contact the accused but has trouble locating him.

Questions for discussion

- Ideally, what kind of protection order(s) and protective conditions could be used in this case?
- Who might be included as a protected party in the protection orders in this case?
- How would the safety issues for this woman and her sister be addressed by the different sectors?
- How might this woman's apparent hesitation or reluctance be dealt with?
- Where were the opportunities for interagency collaboration in this case?