

## **Ministry of the Attorney General Criminal Law Division Crown Attorney**

*“The Crown Attorney for each division should participate in ... the Domestic Assault Review Team. It is important for Crowns to work in conjunction with the police service and other community agencies in order to ensure a coordinated strategy at the local level. The goal of this approach is to identify gaps in the systemic response to domestic violence and to develop effective means to address them.”*

<b>Address:</b>	51 Zina Street, 2 <sup>nd</sup> Floor Orangeville, ON L9W 1E5
<b>Area served:</b>	County of Dufferin and Town of Caledon
<b>Accessibility:</b>	Accessible to wheelchairs.
<b>Hours:</b>	Business hours: 8:30 am – 5:00 pm M-F
<b>Telephone:</b>	(519) 941-4471

### **Services Domestic Violence Court Program**

The Office of the Crown Attorney is responsible for the criminal prosecution of offenders charged with crimes resulting from domestic violence.

The Domestic Violence Court Program (DVC) was established to respond to the needs of victims of domestic violence. The DVC seeks to intervene early in domestic violence situations, provide better support to victims and increase offender accountability.

#### **The Crown Attorney’s Office will provide the following measure for complaint resolution:**

Concerns regarding the quality or nature of service can be directed to the Crown Attorney in writing. In the event that the victim is not satisfied with the action taken or resolution suggested by the Crown Attorney, the victim may direct concerns to the Regional Director of Crown Operations.

### **Responsibilities Re: DART Agencies Domestic Violence Court Program**

#### **1. Bail Hearing**

Whenever an accused is arrested and taken before a Justice of the Peace for a bail hearing, Crown Counsel will review the complete bail brief provided by the police prior to commencing the bail hearing.

Protection of the victim, the victim’s family, witnesses and the community will be the paramount concern in any bail decision made by Crown Counsel.

In order to exercise its discretion to release or to seek the detention of the accused, it is essential that Crown Counsel receive a complete bail brief from the police containing all relevant information, including but not necessarily limited to the follow (if applicable):

- A clear and concise synopsis of the offence(s), including the nature and a precise description of the injury or injuries and the level of violence
- Victim's statement in full (or a summary of video)
- Summary of information obtained in the 911 call
- Description of damage to scent of incident
- Statements of witnesses, including children
- A completed LE239
- Background of the accused including criminal record, related occurrences, outstanding charges, drug/alcohol history, medical and/or psychiatric history
- Statement of the offender
- Information on use, possession and/or access to firearms or weapons
- Any safety concerns for the victim and/or any other persons
- Any concerns as expressed by the police and recommendations as to conditions should the accused be released

Crown counsel will ensure that victims will be notified of the results of the bail hearing, date of release (if any) and bail conditions according to the bail notification protocol.

## **2. Charge screening**

Crown Counsel will screen every charge in accordance with the charge screening standards of the Ministry of the Attorney General.

During the screening, Crown Counsel will determine whether the accused is eligible for the Early Intervention Program (EIP) and notify the accused of eligibility, usually, at the first court appearance.

In order to approve an accused for the EIP, Crown Counsel and Victim Witness Assistance Program (VWAP) will meet with the victim to explain the EIP. If approved for the EIP, the accused will be notified at the next court appearance.

## **3. Case assignment and scheduling**

Domestic violence cases will be identified and flagged by the Crown Attorney's Office.

In most instances the victim's first contact from the Crown Attorney's office will be with the designated Domestic Violence Crown Counsel. The case may then be assigned to specific Crown Counsel for prosecution or may be scheduled for trial. Whenever possible and appropriate the same Crown Counsel will remain with the case until its final disposition, in particular when dealing with complex cases involving a significant degree of trauma or especially vulnerable victims.

#### 4. Case preparation

For cases that proceed to trial, a coordinated prosecution model will be followed to support the victim and hold the offender accountable.

The coordinated prosecution will include the following whenever possible:

- Crown Counsel will encourage the Police to gather enhanced evidence:
  - Copies of 911 tapes.
  - Medical reports.
  - Photographs of injuries.
  - Photographs of the scene of crime.
  - Interviews with family, neighbours, and any other witnesses.
  - Audio and/or videotaped victim statements.
  - Previous relevant convictions and related occurrence reports.
  - Statement of the accused.
  - Police report to the CAS, if any.
  - Medical records and relevant waivers, when required.
  - Expert reports, when relevant.
- Crown Counsel will meet with the victim whenever possible prior to the day of trial or preliminary hearing, with the purpose of reviewing the evidence and preparing the victim to testify in coordination with VWAP.
- The DVC Crown Counsel will receive appropriate training to present the enhanced evidence in court.
- The Office of the Crown Attorney will provide information and proper documentation to Probation and PAR in order to inform and educate the accused.

#### 5. Provision of information and services

- Crown Counsel will refer victims and witnesses to VWAP and assist VWAP to explain the justice system, provide current case information, facilitate communication with the Office of the Crown Attorney and provide additional trial preparation.
- Should the victim wish to withdraw charges, Crown Counsel will explain that the discretion to continue or withdraw from prosecution considers the victim's concerns but rests solely with the Crown and the Crown's legal obligations.
- When appropriate and possible, Crown Counsel will explain to the victim the rules regarding disclosure.
- In most instances Crown Counsel will advise the victim of a resolution. In some cases Crown Counsel will accept a guilty plea to a lesser offence or a single offence or terminate the proceedings without a trial. Whenever possible Crown counsel will advise the victim of the decision.
- Crown Counsel will ensure whenever possible that the victim is made aware of and assisted to prepare a Victim Impact Statement and will inform the victim that the statement is considered in the sentencing process.
- Crown Counsel will ensure that full submissions are made at the sentencing, including a Victim Impact Statement.

- Throughout the process, Crown Counsel will display sensitivity, fairness and compassion in their interactions with the victim.
- Crown Counsel will ensure that individuals will have access to interpreters, special equipment, testimonial aids, support personnel, etc., as needed.

**We are committed to collaboration within the  
Domestic Assault Review Team.**