

ARRESTED for DOMESTIC VIOLENCE?



Commonly Asked Questions After Being Arrested for Domestic Violence

What is Domestic Violence or Relationship Violence?

Domestic Violence is violence perpetrated on someone whom you are or have been in an intimate relationship with. Relationship violence can include assault, threats, criminal harassment and stalking, mischief, unlawful confinement, and breaching an existing restraining or no contact order.

When I am released by the police, may I contact my spouse/partner?

Probably not. You should carefully read the documents you were given by the police. Typically there is a condition that you have no contact with your spouse/partner. This is intended to protect your spouse/partner for the time being. Direct contact is when you call, mail, email or speak to the protected person. Indirect contact is when you tell someone else what to tell the protected person.

If the bail order, or release document states that you are to have no contact with a person or persons, directly or indirectly, then:

- You must not contact them in person (you cannot see them, gesture to them, talk to them, or phone them);
- You must not write them a letter or send them a message;
- You must not ask another person to contact them or give them a message;
- Even if the protected party wants you to contact them, you have signed a release order promising to not contact that party and you could be charged with breach of that order by doing so.

If you do not obey these conditions, you run a real risk of further criminal charges and possibly going to jail.

How do I get legal advice?

You can apply for legal assistance from the Legal Services Society. The reality is that if the Crown is not looking for jail or if you earn over a certain limit, Legal Services will not assist you. If you apply, you should bring your copy of the charge and police report with you (if you have it). In any event, their web site is

worth a look (<http://www.lss.bc.ca>) and has many features that can help you obtain the name and contact information of a lawyer and a variety of self-help products at no cost.

The Legal Services Society has a toll-free number: **1-866-577-2525**.

There is also a local agent to whom you can apply for assistance:

Address: 200 – 113 Baker St., Cranbrook, BC V1C 1A7, Phone: **250-426-4066**

No matter what your income, you can speak with a lawyer for 30 minutes for a nominal fee (typically \$25) through the Law Foundation of B.C. During this time you can discuss what a lawyer might charge and what to expect in court. (See Yellow Pages at the end of the lawyer listings. There is an ad for Public Legal Services. Included are toll free telephone number **(1-800-663-1919)** and web site: **www.lss.bc.ca**.

You can hire your own lawyer. The Yellow Pages list most of the local lawyers.

If you have a lawyer's name, you can contact the British Columbia Law Society for contact information at <http://www.lawsociety.bc.ca/>.

A lawyer is assigned to be Duty Counsel during criminal court appearances. If you do not have a lawyer when you go to court, ask the Judge if you may speak with Duty Counsel prior to making a decision in the direction of your case in court. There is no charge for this service.

Can I see my children?

You will have to carefully read the papers the police gave you. Children in a home with violence are in danger of that violence. If there is a no-contact condition that refers to your children, you can apply to a judge to request a change in the order of no contact to permit you to visit with your children. The judge may grant you access to your children. Access may or may not be ordered to be supervised. **This can be done either in criminal or family court.** The Court Registry can provide you with the paperwork.

Where children are exposed to violence in the family, police will report this to the Ministry of Children and Family Development (MCFD) or if you or your family are First Nation; the Ktunaxa Kinbasket Child and Family Services at the

Akisqnuk Health Centre. A Child Protection Social Worker may contact you. Child protection workers may take the position that the children may not stay in the home if you are there, at least not until the issues that underlie the domestic violence have been successfully addressed. You can contact Invermere Ministry of Children and Family Development at 250-342-4367 or the Akisqnuk Health Centre at 250-342-6379.

How do I support my family if I can't have contact?

You can ask the Crown Prosecutor for permission to send money to your family. Sometimes this can be organized using a mutually agreeable third party, such as a mutual friend or a relative. You may also ask the Crown if you can be permitted to deposit money into an active family bank account or mail a cheque to your partner or wife. The Crown may grant you permission or may ask you to apply to speak to a judge about your request. Crown can be reached at: **1-250-426-1525 or 1-888-249-9111**

What if my spouse/partner and I want to attend marriage counselling?

That is possible. You would let the Crown Prosecutor or the Judge know about your interest. Your spouse/partner would be consulted.

How do I arrange to have contact with my spouse?

Only the accused may apply to change the order of "No Contact" since the accused has been placed on the order of no contact. The accused can get the form from Court Registry or go online (<http://www.ag.gov.bc.ca/courts/>) to complete the form. A copy of the bail conditions **MUST** be attached to the Application to Vary Bail by Consent. The accused must indicate on the form which number on the bail conditions they would like changed and the reason on which the application is based.

The accused takes the form to the Crown Counsel (Prosecutor) office and if Crown approves the change, the form is signed and the client must pick up the

form at the Crown office and bring it to Court Registry for Court Services to type the paperwork. The Crown office is in Cranbrook at # 202 Access Centre, 100 Cranbrook St, Cranbrook BC, V1C 3P9 – 1-250-426-1525 or 1-888-249-9111. The Court Registry is in Cranbrook and can be reached at 1-250-426-1234.

The Crown Prosecutor, also known as Crown Counsel, may not be likely to consent to vary or change bail conditions until the RCMP have made their report to Crown Counsel (RTCC). The RTCC provides information about the incident which assists the Crown is making a decision about your request. The prosecutor is unlikely to agree to any change if your spouse/partner does not want contact or the Prosecutor is concerned that there could be further violence.

If the Crown does not agree to change the order then you will then need to file your application at the court registry to get a date to speak to a Judge. If so, the judge will want to know what the case is about and will ask the Crown Prosecutor's opinion.

Even if the judge refuses your request, you can apply again later if circumstances change.

What happens when I go to court the first time?

Court lists are posted outside the courtroom. If your name is not on the court list, go to the counter in the courthouse, or the prosecutor's office and ask. There will be a Deputy Sheriff in the courtroom and that person may also be able to give you assistance in finding out why your name is not on the list. **This is important. If you do not appear in the courtroom when you are called, there will likely be a warrant for your arrest.**

At your First Appearance, the Judge will want to know if you understand the charges, if you have received a copy of the police report (you will get this from the Crown Prosecutor), if you intend to hire a lawyer and if you know whether your plea will be "guilty" or "not guilty."

If you want to plead "guilty," the Judge may sentence you that day, but may also set another day for sentencing. If you want an adjournment to get a lawyer or to think about your plea, or for any other good reason, the Judge will give you a date to return to court.

Am I going to jail?

Perhaps not. Even if the Crown prosecutor asks the judge to send you to jail, the judge may not do so, especially if you have done something constructive about the violence that brought you to court. Example: start domestic violence counselling, with or without your spouse/partner or learn how to manage your anger through counselling. You may want to start substance abuse counselling if that has been a factor.

NOTE: This document is a general guideline and not meant to replace proper legal advice. You may want to consult with a lawyer about all your options and the likely outcome.

If I go to jail, will I lose my job?

With a jail sentence up to 90 days, you can ask a judge to serve it on weekends (or if you have irregular shifts, you can construct your own schedule).

Are there alternatives to jail?

Other possible sentences include:

- conditional discharge (no jail or no criminal record, but usually some probation with conditions for better behaviour);
- suspended sentence with probation (like a conditional discharge but gives you a criminal record); and
- conditional sentence (a jail sentence but one that permits you to be at home together with conditions for better behaviour, but also gives you a criminal record).



Community Contact Numbers

What local counselling is available?

Inquiry BC 1-800-663-7867
No charge for long distance to put you through to BC Government Offices

Crisis Line, 24 hours 1-800-667-8407

Family Resource Centre of Invermere	250-342-5566	Fees may apply
Adult Mental Health	250-342-2363	
Youth Mental Health	250-342-4367	
Adult and Youth Addictions Counselling	250-342- 3868	

Private Practitioners: Fee for Service - or free assistance may be available through an Employee Assistance Program with some employers.

Assiniboine Family Therapy	250-342-0743
Bradford Counselling	250-688-0612
Woodlands Family Counselling	250-341-1777
Freedom From Anger - online program	1-778-316-2391 1-604-537-3050

Support for First Nation / Metis

Native Court Worker	1-877-811-1190 Ext. 365
Akisknuk Health Centre	250-342-6379

Food and Shelter

Salvation Army, Men's Shelter Cranbrook	250-426-3612
Food Bank, Invermere	250-342-0850

Community Services and Clubs

Rotary Club Invermere	250-341-3302
Rotary Club Radium	250-347-6512
Lions Club	250-341-6166
Kinsmen Club	250-342-6934
Library Invermere	250-342-6416

Recreation

Invermere Curling Club	250-342-3315
Valley Fitness Centre	250-342-2131
Rockies Hockey Club	250-342-0582
Valley Alley Bowling	250-342-2695
Windermere Valley Ski Club	250-342-7383

Faith Community

Alliance Church	250-342-9535
Christ Church Trinity	250-342-6644
Catholic Church Of Canadian Martyrs	250-342-6167
St. Peter's Lutheran Church	1-866- 426-7564
Radium Christian Fellowship	250-342-6633
Church of Jesus Christ of Latter Day Saints	250-341-5792
Valley Christian Assembly	250-342-9511

Reading (For Men)

Choosing to Change: A handbook for men concerned about their abusive behaviours towards those they love

To find this booklet, go to:

<http://www.calgarywomensshelter.com/>

Click PROGRAMS on top bar

Click on PROGRAM BROCHURES on left of page

- Scroll down to CLIENT BOOKLETS [Choosing to Change: A handbook for men concerned about their abusive behaviours towards those they love](#)

This booklet has been prepared by the Community Coordination for Safety in Relationships Team in Invermere BC. We are grateful for the work previously done by a team in Williams Lake and have revised their work in preparing our own booklet.



Community Coordination for Safety in Relationships

***If you want to speak to a CCSR team member,
contact the RCMP/CCSR Liaison at 250-342-9292***

Notes
