



BC Association of
Specialized Victim
Assistance &
Counselling Programs



B.C./Yukon
Society of Transition
Houses



BC Institute
Against Family Violence

CRITICAL ELEMENTS OF AN EFFECTIVE RESPONSE TO VIOLENCE AGAINST WOMEN

BRIEFING DOCUMENT

ISSUE: High Risk Information-Sharing Protocol

A provincial information-sharing protocol for high-risk domestic violence cases is needed.

KEY POINTS

- Release of personal information in domestic violence cases is a complex issue involving offender privacy rights and victim safety needs, within a context of legislative restrictions, police practice and the nature and dynamics of domestic violence. Such a complex issue, where victims and others are at risk, requires commitment on the part of all those who are involved in developing an effective response to domestic violence to work together to develop a consistent, coordinated province-wide response to guide the sharing of information to maximize public safety.
- Risk assessment tools used in BC, such as SARA and B-SAFER, identify past criminal acts as known risk factors for further violence in domestic violence cases. If they are to help keep women safe, victim support services involved in safety planning with women need to be aware of the existence of accuseds' past convictions. Victims also need to be informed so they can take immediate steps to protect themselves and their family.
- Under the federal *Privacy Act* and provincial *Freedom of Information and Protection of Privacy Act* (FOIPPA) there are avenues for release of personal information, including information about criminal records and other risk factors for further violence. However, current interpretations and limited delegation of decision-making can make it difficult for police and Corrections to release information about someone's criminal record quickly in high-risk domestic violence situations.
- A number of recent death reviews, including the Hughes report on Sherry Charlie's death (2006) and the Coroner's inquest into the Bethell case (2006), in which four-year old Seth Thornett also died, have identified the need for greater coordination and information-sharing between sectors in high risk family violence cases. After the 2004 Martina Seymour shooting, the Federal Privacy Commissioner stressed the need for better criminal justice system understanding of privacy laws and the public interest (Lazaruk 2004, Lee 2004, Page 2004).
- Other jurisdictions already have such protocols in place. Nova Scotia's *High Risk Case Coordination Protocol Framework. Spousal/Intimate Partner Violence* could provide a model for BC.
- BC's Community Coordination for Women's Safety Program, funded by The Ministry of Community Services, and representatives from RCMP "E" Division Operations Policy Unit, BC Association of Municipal Chiefs of Police and Victim Services and Crime Prevention Division of the Ministry of Public Safety and Solicitor General (MPSSG) are working in

partnership towards a provincial information-sharing strategy to ensure that women who are at risk of domestic violence receive critical information about the accused's past violence.

- A provincial information-sharing protocol in these cases is necessary to:
 - Enable responders to share critical information relating to risks to victim safety with the victim and other relevant service providers, to ensure the development of a safety plan
 - Clarify circumstances in which information about the abuser's criminal record can be disclosed by police to the victim and victim support services (such as in high risk domestic violence cases where the abuser poses an immediate threat)
 - Identify other information related to risk factors for victims that should be shared
 - Outline the process to be followed when decisions are made to disclose

THE CONTEXT

- Complainants play a key role in developing and implementing effective safety plans.

Women must construct their own safety plan, tailored to their own circumstances, based on the resources they have access to, and each plan requires active, diligent work by her community to help keep her safe, the plan must address all known risks (Hart, 1998).
- A great deal of evidence indicates that in cases involving domestic violence, past criminality of the suspect is a risk factor for further violence (Province of Ontario 2004, Agar 2003, Statistics Canada 2002, Campbell et al 2001, Dobash, Dobash and Medina-Ariza 2000).
- In BC, the *Aid to Safety Assessment and Planning Guidelines* (ASAP) recently developed by the BC Institute Against Family Violence and MPSSG stresses the need for involved agencies and the complainant to work together and, where appropriate, share information on known risk factors.
- In the aftermath of the 2004 Martina Seymour shooting, police said that restrictions contained in privacy laws made it difficult for them to release information about criminal convictions. The Federal Privacy Commissioner, however, pointed out that broad exemptions in the *Privacy Act* allow release of information in such cases in the interest of public safety. Similar exemptions exist in the provincial FOIPPA.
- Changes to the *Victims of Crime Act* (VOCA) to locate victim service programs as part of the criminal justice response, in order to facilitate appropriate information sharing under the consistent use provisions of FOIPPA and the *Privacy Act*, would make this sharing of information easier.

SUGGESTED ACTIONS

- Support is needed from the Ministries of Attorney General and Public Safety and Solicitor General in the form of leadership, expertise and assistance from ministry staff and clear endorsement of the current initiative to develop a provincial information-sharing protocol in high-risk domestic violence cases. This initiative should include police, Corrections, Crown, victim services and Community Coordination for Women's Safety.

- Sector-specific and inter-sectoral training is needed for police, Corrections and other system personnel about privacy laws and the public interest, including victim safety, and about the provincial protocol for information sharing once it has been developed.
- Immediate steps should be taken to amend VOCA to locate victim service programs as part of the criminal justice response in order to facilitate appropriate information sharing under the consistent use provisions of FOIPPA and the federal *Privacy Act*.

CONTACT: Tracy Porteous, Executive Director
 BC Association of Specialized Victim Assistance and Counselling Programs
 Telephone: 604-633-2506
 Email: bcasvacp@endingviolence.org

Gisela Ruebsaat, Legal Analyst
 Community Coordination for Women's Safety Program
 BC Association of Specialized Victim Assistance and Counselling Programs
 Telephone: 250-592-3073
 Email: gisela2@horizon.bc.ca

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