

## INFORMATION BULLETIN August 2005

### RCMP Amend Policy to Enhance Victim Safety

When police arrest a person accused of violence in relationships and then release him subject to conditions designed to protect the victim, the conditions form part of his Undertaking to Appear (UTA). The RCMP Violence in Relationships/Violence Against Women in Relationships (VIR/VAWIR) Policy was amended in February 2005 and now directs officers to provide victims with a copy of the UTA.

#### *Why is this important?*

***Safety planning experts recommend that victims keep a copy of the release conditions with them at all times.*** For the victim, a copy of the document listing conditions meant to protect her is an important safety planning tool. She can share this information with her victim service worker, advocate or with other involved agencies. If the accused then threatens or intimidates the victim, this can be reported to police along with the fact that the accused is violating a protective condition. It is then possible for the situation to be flagged as high risk.

If police are called in to enforce a breach of protective conditions, the victim can provide them with a copy of the Undertaking. This can make it easier to enforce specific conditions on the spot. Of course police are not dependent on the victim for information about protective conditions. They must verify the information on key databases such as the Canadian Police Information Centre (CPIC) and the BC Protection Order Registry (POR). All UTAs that contain protective conditions must be entered on the POR. In some cases though, there may be a glitch and providing the police with a hard copy can be an important strategy for the victim.

In VIR/VAWIR cases, ***Undertakings To Appear*** will generally include conditions requiring the accused:

- ***To keep the peace and be of good behaviour***
- ***To report to police***
- ***To reside at a particular address***
- ***To abstain from alcohol or drugs***
- ***To deposit his passport***
- ***Not to have direct or indirect communication with the victim***
- ***Not to possess weapons***
- ***Not to be within a particular area (a “no go” condition).***

**What exactly does the VIR/VAWIR policy say about releasing UTAs?**

Section 7.9.3. provides that when an assailant is released from custody the RCMP are to:

*Ensure the victim is:*

- *contacted upon release of the accused and told of the release conditions;*
- *provided with a copy of the UTA, vetting any third party information contained in the conditions.*

**What does the victim have to do in order to get a copy of the UTA?**

She should ask the police for an up to date copy of the UTA. Even though the VIR/VAWIR policy does not state that the victim has to make the request, it will usually be a request from the victim that activates the policy requirement to release the UTA. The victim can also call Victim Link at 1 800 563-0808 to make sure the UTA is registered on the Protection Order Registry database.

**Can a victim service worker or advocate get a copy of the UTA on the victim's behalf?**

Yes, provided the victim consents to this. A sample consent form for this purpose is attached to this Information Bulletin.

**What if the case involves Municipal Police?**

The VIR/VAWIR Policy only applies to RCMP. Municipal police will have their own individual operational policies that must be followed. Municipal police departments have been directed that copies of UTA's are to be provided to the victims, and that their individual policies must reflect this. For more information on these policies, the victim or her victim service worker or advocate can contact the local municipal police force directly.

**What other procedural safeguards apply to release of UTAs?**

Police practice in this area, both RCMP and Municipal, is guided by the *Police Release on a Promise to Appear with an Undertaking* Guidelines. These are often referred to as the "*Police Release Guidelines*". These guidelines also state that the victim has the right to receive a copy of the UTA upon request.

In addition to the *VIR/VAWIR Policy* and *Police Release Guidelines*, laws such as the provincial *Freedom of Information and Protection of Privacy Act* (FOIPPA), and the *Victims of Crime Act* (VOCA) and the federal *Privacy Act* must also be considered by police, the victim and victim service workers. These laws attempt to strike a balance between the victim's right to information that can help protect her from further harm, and the need to protect the privacy of third parties, including the accused.

***Where can I find more information on the VIR/VAWIR Policy and the Police Release Guidelines?***

The amended VIR/VAWIR Policy can be accessed from the BCASVACP website at [www.endingviolence.org](http://www.endingviolence.org). The BCASVACP website also has a profile for the Community Coordination for Women's Safety project, which has Backgrounders, Cross Regional Discussion Group Summaries and other materials on Restraining Orders, Peace Bonds, Bail Variance and other topics related to releasing the accused with protective conditions.

For more information about the *Police Release Guidelines* contact Jane Coombe, Policy and Program Analyst with Victim Services and Community Programs Division, Ministry of Public Safety and Solicitor General at 250 356-6567 or [Jane.Coombe@gov.bc.ca](mailto:Jane.Coombe@gov.bc.ca). The Guidelines can also be obtained from the following government web sites:

Police Services Internet

[http://www.pssg.gov.bc.ca/police\\_services/publications/index.htm](http://www.pssg.gov.bc.ca/police_services/publications/index.htm)

Victim Services and Community Programs Division Internet

[http://www.pssg.gov.bc.ca/victim\\_services/publications/index.htm](http://www.pssg.gov.bc.ca/victim_services/publications/index.htm)

***Keeping her safe: The importance of risk assessment, coordinated safety planning and rigorous enforcement***

Sharing of information with the victim can be critical. Knowing about the protective conditions in the UTA and having an up to date copy of the document can help empower the victim and can help her work with service providers and justice system personnel to increase her safety. In order to be truly effective though, providing information to the victim must be combined with adequate risk assessment, coordinated safety planning and rigorous enforcement of the law.

**Acknowledgements**

*The following people helped make this policy change a reality: Coordination committee members and victim service workers and advocates across the province identified this issue through their day to day practice and brought it forward to be corrected; Elaine Morton and Wendy Walsh of the Victoria Coordination Committee on Violence Against Women in Relationships did a groundbreaking study on police release; Jane Coombe of MPSSG, Deputy Chief Mike Chadwick of the Saanich Municipal Police, Cpl. Robin Bridge and other members of the Police Release Working Group shepherded through the Police Release Guidelines; CCWS Working Group members Cpl. Robin Bridge and Chief Superintendent Al Macintyre of the RCMP amended the VIR/VAWIR Policy.*

**Contact Community Coordination For Women's Safety:**

Call our Vancouver office at 604-633-2506 ext. 15 or go to [www.endingviolence.org](http://www.endingviolence.org) and click on Community Coordination for Women's Safety.

## APPENDIX

### **Sample Victim Consent to Release of the Undertaking to Appear in Violence in Relationships Cases**

I, \_\_\_\_\_, consent to having the  
(Complainant)

\_\_\_\_\_ disclose a copy of the Undertaking to Appear to  
(RCMP detachment)

\_\_\_\_\_ of the \_\_\_\_\_.  
(Victim Services worker) (Agency)

\_\_\_\_\_  
(Signature of complainant)

\_\_\_\_\_  
(Date)

#### **Witness**

\_\_\_\_\_  
(Name of witness)

\_\_\_\_\_  
(Signature of witness)

\_\_\_\_\_  
(Date)