

INFORMATION BULLETIN

February 2007

ISSUE: Victim Service Workers Experiencing Difficulty Acquiring Copies of UTA/PTA's on Behalf of Clients

Under the Victims Of Crime Act (VOCA) Section 6 (2):

“Subject to the *Youth Criminal Justice Act* (Canada), justice system personnel must arrange, on request, for a victim to obtain copies of orders and permits setting conditions for the accused or offender that are relevant to the safety of the victim.”

Background:

After a concern was forwarded to us through the **Safety Issues Protocol**¹, we consulted with RCMP “E” Division, who sent a memo to all detachments stating that a copy of the Undertaking to Appear or Promise to Appear (UTA/PTA) be given to victims who are named in the release conditions. At the same time the RCMP amended their Violence in Relationships Policy to include the provision of victims of violence in relationships with copies of the UTA/PTA. (See Appendix A “E Division Operational Policy” attached).

Community Based Victim Service Workers Accessing Copies of Release Conditions on Behalf of Client:

While we are pleased that women are now able to access copies of release conditions from the detachment, we also know there are many reasons why women are hesitant to go to a police station to request information. They may be in hiding, they may be mistrustful of police, they may find it difficult to navigate the complicated system, or they may not even know that they are entitled to a copy of the conditions. After receiving feedback from Community-Based Victim Service Workers around the province we found that workers were experiencing difficulty in accessing copies of protective release conditions on behalf of their clients. Again, we contacted “E” Division and worked together to overcome this barrier to women’s safety.

¹ A protocol developed between RCMP “E” Division and CCWS as a way to provide a more direct means for possible intervention in situations that pertain to safety and that need to be addressed in a timely manner. This new protocol involves assistance from the CCWS Regional Coordinators to address the concerns at the district (regional) level.

We are pleased to announce that as of November 2006, RCMP “E” Division has adopted a policy change whereby a victim service worker can receive, with a signed release from the victim, a copy of the UTA/PTA on her behalf.

How to Get Copies of UTA/PTA on Behalf of Your Client:

Attached is a release form that has been approved by RCMP “E” Division. CBVS workers may have their client sign this release, add their name and the name of their agency, have it witnessed and fax it to their local detachment.

We would also like to remind you that all UTA and PTA’s go to the Protection Order Registry and are available through the Victim Safety Unit. If for any reason you are having trouble receiving a copy of the protective release conditions you may request a copy of the UTA/PTA through the Victim Safety Unit.

<p>Victim Safety Unit 604-660-0316 Toll Free: 1-877-315-8822</p>

The VSU manager has advised us that if the order is not yet in the registry, they will attempt to get a copy as quickly as possible and will then provide it to the victim service worker.

If you or your program is having difficulty receiving copies of the protective conditions, or for more information, contact:

Community Coordination for Women’s Safety:

Call our Vancouver office at 604-633-2506 ext. 15 or go to www.endingviolence.org and click on Community Coordination for Women’s Safety.

<p><i>Practice and Policies are subject to change. We make every effort to update CCWS documents accordingly. Please check our website on a regular basis to obtain the most up to date version of our materials.</i></p>

www.endingviolence.org

APPENDIX A

The following amendment was made to "E" Division policy in February of 2005 in response to CCWS bringing the issue of UTA's to the CCWS Working Group table:

**"E" DIVISION
OPERATIONAL MANUAL
Part 2—Criminal Code Offenses—Persons**

Amended: 2005-02-24

2.4. Violence in Relationships

7. Member

7. 9. 3. Ensure the victim is:

7. 9. 3. 1. contacted upon release of the accused and told of the release conditions;

7. 9. 3. 2. provided with a copy of the UTA, vetting any third party information contained in the conditions;

7. 9. 3. 3. advised of VictimLINK, a 24 hour, toll-free, confidential help and information line (1-800-56-0808); and

7. 9. 3. 4. notified if the PTA or UTA are cancelled. In situations where the PTA is cancelled the accompanying UTA conditions are no longer valid.

The following addition was made in November of 2006:

Member

"A copy of the conditions within the UTA can be released to a Community Based Service Provider (i.e. Community Based Victim Service Worker) if the victim provides signed consent."

(Received from "E" Division, February 7, 2007)

Release Form

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)