

**FEDERAL STRATEGY ON GENDER-BASED VIOLENCE
BRIEFING NOTES FOR STATUS OF WOMEN CANADA AND THE DEPARTMENT
OF JUSTICE CANADA**

ISSUE: Coordination of Responses to Gender-Based Violence and Information-Sharing

The complex nature of gender-based violence and the multi-disciplinary response such violence requires means that specific attention and resources must be focused on coordination of responses, the building of collaborative partnerships, and the development of information-sharing protocols and best practices to address domestic and sexual violence.

KEY POINTS

- The response to gender-based violence is necessarily multi-disciplinary, involving police, federal and provincial justice, health and social service ministries, child protection ministries and community-based anti-violence agencies. Within each of these bodies complex legislation, policy, procedures, practices, standards and accountability mechanisms guide interventions. In order to facilitate an optimum response to best ensure safety for women and their children and justice and accountability for offenders, all players need to know the roles, responsibilities and constraints of the others, and be prepared to work collaboratively.
- Coordination, collaboration and information-sharing are key to the safety of women and their children at every stage of the process, including risk assessment, risk management, and safety planning. Particularly in high-risk cases, it is important that service providers who have contact with the victim/survivor or offender meet to share current risk and safety information about the family. No one system knows the complete picture of past violence, but when all responders work together and share information, a much more robust picture of risks and threats comes to light allowing for a more comprehensive risk assessment to be completed, a more effective victim safety plan to be created, and a more practical offender management plan put into place. Most domestic violence risk assessment tools used in Canada [e.g., Spousal Assault Risk Assessment Guide (SARA), Danger Assessment (DA), Ontario Domestic Assault Risk Assessment (ODARA); Domestic Violence Risk Appraisal Guide (DVRAG)] identify static and dynamic risk factors for further violence or lethal violence in domestic violence cases. In order to keep women and their families safe, all those who respond need to be aware of as much risk-related information as possible.
- Release of personal information in domestic violence cases is a complex issue involving victim safety needs and privacy rights for all involved. Such a complex issue, where victims and others are at risk of serious – often lethal – violence, requires commitment on the part of all to develop an effective response to domestic violence. All involved must work together to develop a consistent, coordinated response to guide the sharing of information to maximize public safety.

- The essential nature of coordination and consistent, timely information sharing in these cases has been emphasized in countless coroner's reports, death enquiries, and research reports in BC and across Canada over the past several decades.¹ *The Final Report of the Ad Hoc Federal-Provincial-Territorial Working Group Reviewing Spousal Abuse Policies and Legislation* (2003) cited the "need for comprehensive and coordinated strategies to address...spousal abuse" as the "key lesson learned" in its three-year review. 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).
- Under the federal *Privacy Act*, 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 RCMP and corrections to release information about someone's criminal record quickly in high-risk domestic violence situations. While some notable progress has been made in this area, the progress has been limited, uneven and inconsistent across Canada. Women and children still suffer injury and death as a result of an uncoordinated response to gender-based violence.
- Currently, the *National Framework for Collaborative Police Action on Intimate Partner Violence (IPV)* focuses on "developing collaborative relationships between police and community partners" which it states is "essential for an effective response to the complex issue of IPV." The *Canadian Domestic Homicide Prevention Initiative with Vulnerable Populations* serves as an information hub to create "a partnership that will foster collaborative, cross-sectoral research to identify unique individual and community-level risk factors that may increase exposure to domestic violence and homicide for particular populations." Such national efforts offer hope for improved coordination at the local, provincial/territorial and national levels and deserve the full support of the Federal Government.
- In BC, the Community Coordination for Women's Safety (CCWS) Program of the Ending Violence Association of BC (EVA BC) serves a crucial coordinating, problem-solving and training role for those responding to domestic and sexual violence province-wide. A unique function of CCWS is its key role in bringing together senior representatives from police, ministries and community-based agencies on its Provincial Working Group to identify and negotiate solutions to systemic issues and challenges facing gender-based violence interveners. Such a program could serve as a model of promising practices for other provinces and territories and at the national level. More information on CCWS is available on the EVA BC website at <http://endingviolence.org/prevention-programs/ccws-program/>
- Another BC initiative that could serve as a model for other provinces and territories is the Domestic Violence Interagency Case Assessment Teams (ICATs). ICATs are partnership groups that include criminal justice, child welfare, health and anti-violence workers, with a goal of keeping domestic violence victims and their children safer.

¹ The report *Violence Against Women and Their Children in BC. 33 Years of Recommendations* highlights a continuing focus on the need for a coordinated response to gender-based violence over the period 1979-2012.

This goal is achieved by legally and ethically sharing risk-related information; building a safety net for victims, their children and the community; initiating interventions, and monitoring suspects. More information on ICATs is available on the EVA BC website at http://endingviolence.org/wp-content/uploads/2014/05/What-are-ICATs_CCWS-Info-Bulletin_May-20_2014.pdf

- Information-sharing protocols in high-risk domestic violence cases are already in place in several jurisdictions (see, for example, Nova Scotia's *High-Risk Case Coordination Protocol Framework: Spousal/Intimate Partner Violence* and BC's *Interagency Case Assessment Team (ICAT) Best Practices: Working Together to Reduce the Risk of Domestic Violence*). Such information-sharing protocols are necessary to:

- Enable responders to share critical information relating to risks to victim safety with the victim and other relevant service providers, and to ensure the development of an effective risk assessment and safety plan.
- Clarify circumstances in which information about the perpetrator's criminal record can be disclosed by police to the victim and victim support services (e.g., 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.

- Survivors 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 & Medina-Ariza, 2000). Yet in many jurisdictions past criminality on the part of the offender is rarely shared with the victim of current domestic violence. The *Canadian Victims Bill of Rights* outlines victims' rights to information, protection, participation, and restitution. These rights include the right to information about reviews of the offender's conditional release under the *Corrections and Conditional Release Act*, as well as the timing and conditions of release, and hearings and dispositions for accused found *Not Criminally Responsible on Account of Mental Disorder* or *Unfit to Stand Trial* under the mental health provisions of the *Criminal Code*.

- At the national level, the Ending Violence Association of Canada (EVA CAN) was established in 2014 in response to the need to foster a national voice to bring together all of the sectors involved in the array of anti-violence issues for national dialogue and action. EVA CAN's goal is to facilitate collaboration across provinces and territories to develop comprehensive and coordinated responses, develop and share information and best practices, promote safety of workers in the field, and create more effective gateways to services.

SUGGESTED ACTIONS

- If provinces and territories are not supporting communities and systems to work collaboratively, this is an area where the federal government could step in and support them. The Federal Government, in collaboration with provinces and territories, should:
 - Provide leadership at the national level aimed at developing a comprehensive, effective, and coordinated response to gender-based violence across Canada.
 - Wherever appropriate, develop and promote national policy that will ensure an effective, coordinated response to gender-based violence by all personnel under federal jurisdiction.
 - Develop and promote awareness and skills training on cross-sectoral and cross-jurisdictional coordination for those sectors for whom federal departments and organizations have responsibility – including RCMP, judiciary, federal correctional services, immigration and refugee personnel and those under the jurisdiction of Indigenous and Northern Affairs Canada.
 - Highlight promising and innovative practices and approaches at the local and provincial/territorial level and develop ways to encourage other jurisdictions to adapt these to their particular circumstances.
 - Conduct and/or fund pilot projects and other initiatives to test promising and innovative practices and approaches to gender-based violence, including information-sharing protocols for high-risk domestic violence cases.
 - Conduct and/or fund research to provide data for evidence-based approaches to responding to gender-based violence.
 - Support appropriate record-keeping and data collection processes at the provincial/territorial and national levels in order to facilitate consistency and accountability of gender-based violence responders across the country².
 - Promote and facilitate cross-sectoral and cross-jurisdictional information-sharing and collaboration among provinces and territories through such mechanisms as conferences, workshops, and training.
 - Direct/encourage senior management in all appropriate departments and in the RCMP to provide leadership by ensuring staff participation in relevant coordination initiatives on gender-based violence, and to share information with other parts of the response system as a key step in creating a “culture of coordination” at local, provincial/territorial and national levels.

- Support is needed from the federal government in the form of leadership, expertise, and a clear endorsement of existing initiatives to develop information-sharing protocols in high-risk domestic violence cases. These initiatives should involve police, corrections, Crown, and community-based anti-violence programs. Information sharing should no longer be left to the discretion of individuals especially where women’s lives are at stake. High-risk teams can work very efficiently, and cross-sectoral collaboration leads to a

² For example, in 2006, it was reported in a study on police classification of sexual assault cases as unfounded that Statistics Canada no longer requests unfounded data from police services because of data quality issues (Light and Ruebsaat, 2006). The lack of such data makes research into unfounded classifications impossible, with serious implications for police accountability in gender-based crimes.

better use of existing resources, which can serve as a model for small and mid-sized communities with limited resources.

- Sector-specific and cross-sectoral training about privacy laws and the public interest, including victim safety and protocols for information-sharing in high-risk domestic violence cases, is needed for police, corrections and other system personnel.
- The Federal Government should strike a high-level national committee of senior staff in all relevant federal departments, the RCMP, and national anti-violence organizations to identify issues within federal jurisdiction pertaining to gender-based violence to seek solutions to problems. Such a national committee could be modelled on the BC Provincial Working Group of CCWS, which has proven over many years to be a highly effective mechanism to identify and resolve provincial issues pertaining to domestic and sexual violence in BC.

CONTACT:

Tracy Porteous, Co-Chair
Ending Violence Association of Canada
porteous@endingviolence.org
604-633-2506, ext. 11

Debra Tomlinson, Co-Chair
Ending Violence Association of Canada
DTomlinson@aasas.ca
403-237-6905, ext. 255

EVA Canada Board of Directors:

Atlantic Canada Region

Georgia Barnwell, Women's Centres Connects
Verona Singer, Halifax, Regional Police Victim Services

Central Canada Region

Debbie Zeep, Ontario Association of Interval and Transition Houses
Michelle Smith, Women's Support Network of York Region
Nicole Pietsch, Ontario Coalition of Rape Crisis Centres
Bonnie Bryton, DAWN Canada, Special Advisor

Western Canada Region

Rosemarie Gjerek, Klinik Community Health
Kerrie Isaac, Sexual Assault Services of Saskatchewan
Deb Tomlinson, Association of Alberta Sexual Assault Services
Tracy Porteous, Ending Violence Association of BC

REFERENCES

Ad Hoc Federal-Provincial-Territorial Working Group Reviewing Spousal Abuse Policies and Legislation. 2003. *Final Report of the Ad Hoc Federal-Provincial-Territorial Working Group Reviewing Spousal Abuse Policies and Legislation, Prepared for Federal-Provincial-Territorial Ministers Responsible for Justice*. Ottawa: Department of Justice Canada.

Canadian Domestic Homicide Prevention Initiative. Document retrieved October 8, 2016 from <http://cdhpi.ca/SSHRC/about-sshrc>

Ending Violence Association of BC. *Information Bulletin May 2014. What Are Domestic Violence Interagency Case Assessment Teams and What Do They Do?* Document retrieved October 8, 2016 from <http://endingviolence.org/?s=Information+Bulletin+May+2014&submit=Go>

Light, Linda. 2012. *Violence Against Women and Their Children in BC. 33 Years of Recommendations*. Vancouver, BC: Ending Violence Association of BC.

Light, Linda and Gisela Ruebsaat. 2006. *Police Classification of Sexual Assault Cases as Unfounded*. An Exploratory Study. Vancouver, BC: Justice Institute of British Columbia.

National Framework for Collaborative Police Action on Intimate Partner Violence (IPV). Document retrieved October 8, 2016 from https://cacp.ca/index.html?asst_id=1200