



Police Release on a Promise to Appear: Violence Against Women in Relationships Cases



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PTA Partnership

- Research, development and implementation of new guidelines
- Partnership between RCMP and Municipal Police, community service providers, Crown, and Victim Services, Ministry of Public Safety and Solicitor General
- Using experts analysis of risk in spousal violence to ensure consistent and coordinated risk management strategy



Policy Directive

- Attorney General and Ministry of Public Safety Policy states:

“Police, when there are grounds to believe that an assault has taken place, should always arrest when it is in the public interest as set out in s. 495 of the Criminal Code.”



Policy Directive

- Once arrested, an accused may be released on an appearance notice or summons;
- released by a police officer on conditions;
- held for a bail hearing before a Justice of the Peace or Provincial Court Judge and released on conditions; or
- detained.



Criminal Code Amendment

- December 1999, the Canadian Criminal Code was amended:
 - to empower the police to release an accused on conditions similar to those of a justice of the peace or judge, without the necessity of taking an accused before a J.P.



High Risk Cases

- Best practice in high risk cases and when there are reasonable and probable grounds is for police to:
 - hold an accused
 - conduct a risk assessment
 - take the accused before a JP or provincial court judge so that the most appropriate conditions related to the risks identified can be imposed
 - What is the practice? Is there consistency?



Research Survey [PTA]

- PTA-related issues brought regularly to Victoria Spousal Abuse Coordination Committee
- Concerns became evident through victims' experiences
- Need to survey practices
- Timely to review impact of 1995 legislation
- Police representatives sought information, statistics and guidance in use of the PTA



Survey: What was examined?

- Review completed 'K' files for one year
- 532 cases in total – 75% held for court, 25% dealt with by police
- 140 police-released cases (PTA, Summons Requested, Appearance Notice)
- Research examined:
 - Frequency of use
 - Choice of conditions
 - Case outcome
 - Length of time to disposition
 - Contact with victim services, etc.



Police Release: Results of Study

- Increased use of PTAs
- No victim protection in 25% of cases
- UTA's contained fewer protective conditions
 - knives, firearms, bail reporting and reporting address changes
- Court completions took on average 1-2 months longer
- Lower conviction and sentencing rates



Impact on Victim Safety

- More cases with no or fewer restrictions placed on accused
- Accused more likely to retain weapons
- Longer time in court process
- less likely to result in conviction
- 12% fewer police releases have victim service support
- Reduced contact from bail supervisor
- No copy of Undertaking



Specific Concerns

- Common errors
- Link offence to risk assessment-release with conditions or show cause
- Notify victim, Protection Order Registry
- Refer to Victim services
- Practice Tips
 - Checklist for completing the PTA/UTA
 - Supervisory K-File review



Police Request: Guidelines and Training

- B-SAFER risk assessment [assists decision to hold or release]
- Appropriate and properly worded conditions
- Avoiding common errors on forms [leading to cancellation]
- Referrals to victim services, POR, and bail supervisor



BSAFER– Abuser Factors

Abuser Factors (11):

1. Abuser's Violence
2. Violent Threats, Ideation, Intent
3. Escalation of Physical/Sexual Violence
4. Violations of Civil and Criminal Court Orders



BSAFER – Abuser Factors

5. Negative Attitudes About Violence Against Women in Relationships
6. Other Criminality
7. Response to Shifts in Power and Control Dynamics



BSAFER – Abuser Factors

8. Employment or Financial Problems
9. Substance Use Problems
10. Mental Health Problems
11. Other Abuser Factors



Police Release Guidelines and Training Guide

- Consistent province-wide standard
- Effective risk assessment
- Grounds for or against release of offender
- Release conditions afford maximum protection to victims



Police Policy Changes

- Risks to be recognized and documented using BSAFER
- PTA and UTA documents must be completed correctly
- Every effort must be made to contact victim and give copy of PTA/UTA when requested



Police Policy Changes

- Referral to Victim Services as soon as possible
- If PTA is cancelled, the UTA is cancelled and a warrant should be requested so that protective conditions can be reestablished.



BC Chiefs of Police Recommendations

- Approve Police Officer's Training Guide
- Develop a training schedule
- Amend operational policy
- Direct supervisor's use of Practice Tips when preparing release documents and reviewing case files



Current Status

- Instructor Orientation in early October to develop resources to assist in local police training
- B-SAFER individual web based learning in developmental stage
- Abuser risk factors to be included in PRIME documentation