



# INFORMATION BULLETIN



## POLICE RELEASE: On A Promise to Appear With an Undertaking in Violence against Women in Relationships Cases

### Update

New guidelines to provide police release procedures in violence against women in relationships cases came into effect February, 2005. Kevin Begg, Assistant Deputy Minister, Policing and Community Safety Branch distributed the *Police Release on a Promise to Appear Guidelines and a Supervisory Checklist* to all police department and Detachment Commanders. The RCMP has subsequently amended their Violence in Relationships/ Violence Against Women in Relationships/Criminal Harassment Policy.

### Background

The Ministry of Attorney General and Ministry of Public Safety and Solicitor General Policy, *Violence Against Women in Relationships*, states: "Police, when there are grounds to believe that an offence has occurred, should always arrest when it is in the public interest as set out in s.495 of the *Criminal Code*...Once arrested an accused may be released on an appearance notice; later summonsed; 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."

The 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 and when warranted **take the accused before a JP or provincial court judge** so that the most appropriate conditions related to the risks identified can be imposed. In December 1999 the 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 JP.

The new guidelines will help ensure that victim safety is maximized, consistent and effective risk assessment is undertaken, appropriate release conditions are imposed, and the integrity of the court process is assured. The guidelines are based on research conducted by the Victoria Coordination Committee on *Violence Against Women in Relationships – A Review of Police Practices, July 1999-June 2000*.

### Recommendations to Police

The ADM recommended that operational policies regarding violence in relationships and criminal harassment be amended to reflect the intent of the new guidelines; copies of the training bulletin be made available to all officers; and a training schedule be developed to ensure that officers are able to conduct viable assessments of the risks involved in these cases and ensure appropriate release conditions.

## Key recommendations include:

- 1. Risk assessment:** Risks inherent in the release of suspects must be recognized and documented. Police will be encouraged to use a new risk assessment tool, B SAFER [Brief Spousal Assault Form for Evaluating Risk], developed by Drs Randy Kropp and Steve Hart
- 2. Documentation:** PTA and UTA Documents must be completed correctly. To ensure charge approval, the release document must be confirmed by provincial court judge or JP. This means, the conditions will be enforceable, and should the accused fail to attend, the court can issue a warrant for the accused's arrest.
- 3. Victim Notification:** Before the accused is released, every effort must be made to contact the victim to ensure that safety issues are addressed. When requested, the victim must be provided with a copy of the PTA/UTA, which sets out the conditions, as soon as possible.
- 4. Referral to Victim Services:** Victims should be referred as soon as possible to allow the victim to receive emotional support, information about the criminal justice system, assistance in safety planning and appropriate referral to other social agencies.
- 5. Cancellation of the PTA/UTA:** If the PTA is cancelled, the UTA is presumed to be cancelled and a warrant should be requested so that protective conditions can be re established.
  - If the charge has been approved and the PTA cancelled, the police officer should consult with Crown Counsel immediately to determine whether a warrant should be sought.
  - The decision to issue a warrant will require the police or Crown Counsel to persuade the justice of the peace or judge that a summons is not appropriate. There must be grounds to prove the warrant is necessary to ensure the attendance of the accused, and/or the protection of the public and the victim.

## Action to Date

The RCMP amended their Violence in Relationships policy in February 2005. The 11 municipal police departments are currently in the process of amending their policies.

- A one day training course has been developed in partnership with RCMP Pacific Region Training Centre, BC Justice Institute's Police Academy and Centre for Learning and Community Leadership. This training will be offered through the Police Academy at the Justice Institute for new recruits and through scheduled police training days for departments and detachments.
- Copies of the Guidelines, Supervisor's Checklist and Police Release Training Bulletin have been distributed to all detachments and departments. Copies will be distributed to victim service programs.

## Acknowledgements

Valuable input was provided by the:

- ADM of Policing and Community Safety Branch's working group of senior representatives from municipal police forces, the RCMP, community-based victim services.
- Community Coordination for Women's Safety Project.

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