

DO POLICIES EFFECTIVELY RESPOND TO THE SAFETY NEEDS OF WOMEN IMPACTED BY VIOLENCE?

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WHAT WE NEED FROM PUBLIC
POLICIES THAT ADDRESS VIOLENCE
AGAINST WOMEN

WHAT WE NEED FROM PUBLIC POLICY

1. Gendered

“ Effective policies that take gender into account must acknowledge the structural and relational nature of gender and the multiple dimensions of power and privilege that men and women face.”

What do men have to do with it, Public Policies that Promote Gender Equality, 2011, The International Center for Research on Women and Instituto Promundo, Brazil

2. A Principled Approach

➤ **SAFETY**

➤ **ACCOUNTABILITY**

WHAT WE NEED FROM PUBLIC POLICY

3. Imbed into structure, practices that address women's safety and the notion of offender accountability

WHAT WE NEED FROM PUBLIC POLICY

“Primary job of policy is to transform the way the system is structured to respond to domestic violence.”

“Documenting and assessing for levels of danger must be built into the work routines of practitioners and seen as the collective work of all interveners.”

Pence and McDonnell, Coordinating Community Responses to DV , Lessons from Duluth and Beyond

WHAT WE NEED FROM PUBLIC POLICY

“The strategy of reform has shifted over the years from “change the attitude to change the text.” (behaviour)

If you want someone to do something put it in their policy.

WHAT WE NEED FROM PUBLIC POLICY

4. Consider unintended consequences, adjust to accommodate

- RCMP VAWIR/VIR – gender neutral aspect of policy resulted in many women victims being arrested

WHAT WE NEED FROM PUBLIC POLICY

4. Consider unintended consequences, adjust to accommodate

“Although micro-credit strengthens women’s ability to stand up to family violence, in some cases it has increased violence against women and family break-ups.’

- United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP), Economic and Social Survey for Asia and the Pacific (2007) p. 123, cited in literature review for ODE Gender Based Violence Evaluation (unpublished)
- From Microfinance, Gender and Aid Effectiveness, Australian Government, AusAID, Office of Development Effectiveness, Oct 2008

BENCHMARKS:

VAWIR

RCMP VIR

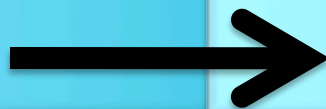
SPO 1

MCFD BEST PRACTICE APPROACHES

Adjusts to Unintended Consequences

Imbeds Best Practices into Structure

Principled



**SAFETY
ACCOUNTABILITY**

Gendered



CRIMINAL JUSTICE BRANCH, MINISTRY OF ATTORNEY GENERAL
CROWN COUNSEL POLICY MANUAL

ARCS/ORCS FILE NUMBER:	EFFECTIVE DATE:	POLICY CODE:
56680-00	March 9, 2011	SPO 1
SUBJECT:	CROSS-REFERENCE:	
Spousal Violence	ALT 1 CHA 1 CHI 1 CRI 1 REC 1 RES 1 SEX 1 VIC 1 Practice Bulletin	

POLICY

The Supreme Court of Canada has stated:

The gravity, indeed, the tragedy of domestic violence can hardly be overstated. Greater media attention to this phenomenon in recent years has revealed both its prevalence and its horrific impact on women from all walks of life. (R. v. Lavallee [1990] 1 S.C.R. 852)

Spousal violence has a distinctive dynamic which sets it apart from other crimes:

- it is prevalent in all sectors of society;
- the physical, emotional, mental and financial effects are long-lasting, and it is costly¹;
- it tends to be repetitive until the cycle of abuse is arrested by an external factor, and risk may increase upon external intervention, e.g. police or court involvement;
- a person sustaining physical abuse is often financially and emotionally connected with the offender in such a manner that any sanctions imposed upon the offender may adversely affect the complainant as well; and
- the degree of violence can be fatal: one in five homicides in Canada involves the killing of an intimate partner².

¹ Statistics Canada – Measuring Violence Against Women – Statistical Trends 2006, p. 34.

² Statistics Canada – Measuring Violence Against Women – Statistical Trends 2006, p. 21.



VIOLENCE AGAINST WOMEN IN RELATIONSHIPS

A COMPARISON OF BC POLICIES / A CCWS TOOL

- Violence Against Women in Relationships, 2010, Min of Public Safety/
Solicitor General, Min of Attorney General, Min for Children and Family
Development
 - Highest Risk Protocol
- The RCMP Operational Manual 2.4 Violence in Relationships (VIR)
(amended 2011)
- Referral Policy for Victims of Power Based Crimes (2007) (Family Violence,
Sexual Assault and Criminal Harassment)
- Crown Counsel Policy Manual. SPO 1, revised March 2011
- Best Practice Approaches: Child Protection and Violence Against Women,
2011
 - Child & Youth Safety and Family Support Policies, Chapter 3: Child Protection

VIOLENCE AGAINST WOMEN IN RELATIONSHIPS

A COMPARISON OF BC POLICIES

1. Coordination
2. Information Sharing
3. Safety planning and risk identification, assessment and management
4. Women's reluctance to participate in the criminal justice/child protection system
5. Primary aggressor analysis
6. Alternative measures
7. Designation of cases as domestic violence cases

KEY MONITORING CONCERNS

RE: GENDER

- Language is gender neutral therefore not reflecting reality and confusing understanding of the problem (victim and children, non-offending parent)
 - “While recognizing that the majority of victims of violence in relationships are women; gender bias must be avoided.” (VIR, 2011)

KEY MONITORING CONCERNS

RE: IMBEDS BEST PRACTICES INTO STRUCTURE

Not as directive as earlier iteration of VAWIR,
not enough “how to”

Some inconsistencies

- Directive to police to refer is generic and not to community based victim services

Best Practice Approaches created by Ministry
and 3 provincial orgs, now embedded into
larger MCFD policy has lost some of its
specificity and gendered language

KEY MONITORING CONCERNS:

RE: PRINCIPLES OF WOMEN'S SAFETY AND ACCOUNTABILITY

- Only small percentage of women report and many cases will not present as “Highest Risk”
- Emphasis on highest risk may take attention away from those women who don't present as HIGH risk
- Practitioners at entry points other than victim services, child protection or justice system may not be aware of what constitutes “risk”

:

KEY MONITORING CONCERNS: RE: PRINCIPLES OF WOMEN'S SAFETY AND ACCOUNTABILITY

- In the Crown Policy there is increased discretion allowed for Crown to use alternative measures “where the most important objectives of a court proceeding can be achieved without a prosecution”
 - “exceptional circumstances” has been removed
- In all policies there is little guidance about how to share information across sectors to prevent escalation of risk

KEY MONITORING CONCERNS:

RE: PRINCIPLES OF SAFETY AND ACCOUNTABILITY

- Designation of “K” files to flag VAWIR files
 - Inconsistency across policies about the designation
 - Type of files that should be designated as “K” not explicit

KEY MONITORING CONCERNS:

RE: PRINCIPLES OF SAFETY AND ACCOUNTABILITY

- Policies inconsistent in describing best practices in identifying the primary or dominant aggressor
 - Inconsistent in what to call the primary aggressor
 - Inconsistent in describing the primary aggressor
 - This area really needs to be gender specific

KEY MONITORING CONCERNS:

RE: PRINCIPLES OF SAFETY AND ACCOUNTABILITY

- Policies inconsistent in describing best practices in identifying the primary or dominant aggressor
 - Not in the Crown section of the VAWIR at all
 - MCFD Best Practices described as “the one that is the most persuasive, as opposed to the primary aggressor”

KEY MONITORING CONCERNS

RE: PRINCIPLES OF SAFETY AND ACCOUNTABILITY

- Highest Risk Protocol
 - Unclear practices regarding what information can be shared, what is relevant, who can share what
 - EVA/CCWS has developed materials to address questions regarding legislation and privacy and guide the ethical practices of information sharing among high risk teams

KEY MONITORING CONCERNS

RE: PRINCIPLES OF SAFETY AND ACCOUNTABILITY

- Highest Risk Protocol
 - No direction given regarding Crown disclosure issues

KEY MONITORING CONCERNS

RE: IMBEDS BEST PRACTICES INTO STRUCTURE

- Referral process not consistent across policies, nor as explicit as in the Referral Policy for Victims of Power Based Crimes

POLICY STRENGTHS

RE: ADJUSTS FOR UNINTENDED CONSEQUENCES

- MCFD Best Practice Approaches, Violence Against Women and Child Protection (revisions)
 - As a result of hearing from and working with anti-violence workers about the impact of social workers putting the onus on women to protect the children, a substantive shift was made in seeing the safety of the child linked to the safety of the woman

POLICY STRENGTHS

RE: ADJUSTS FOR UNINTENDED CONSEQUENCES

- RCMP VIR
 - Gender Neutral?
 - More on Primary Aggressor than previous iteration
 - In progress: research partnership with RCMP/FREDA/EVA on women being arrested
 - Retained the Safety Issues Protocol in the Policy revision

POLICIES ~ STRENGTHS

1. Solid direction to police to take the lead when risk is high
2. Provide authority for sharing information in high risk cases
3. Promote active collaboration and community coordination
4. Link the safety of the child with the safety of the mother

BENCHMARKS:

VAWIR

RCMP VIR

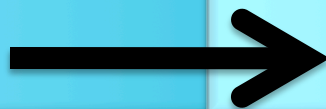
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From Advocacy to Policy ~ CCWS Model

1. Woman shares problem with Community Service Provider

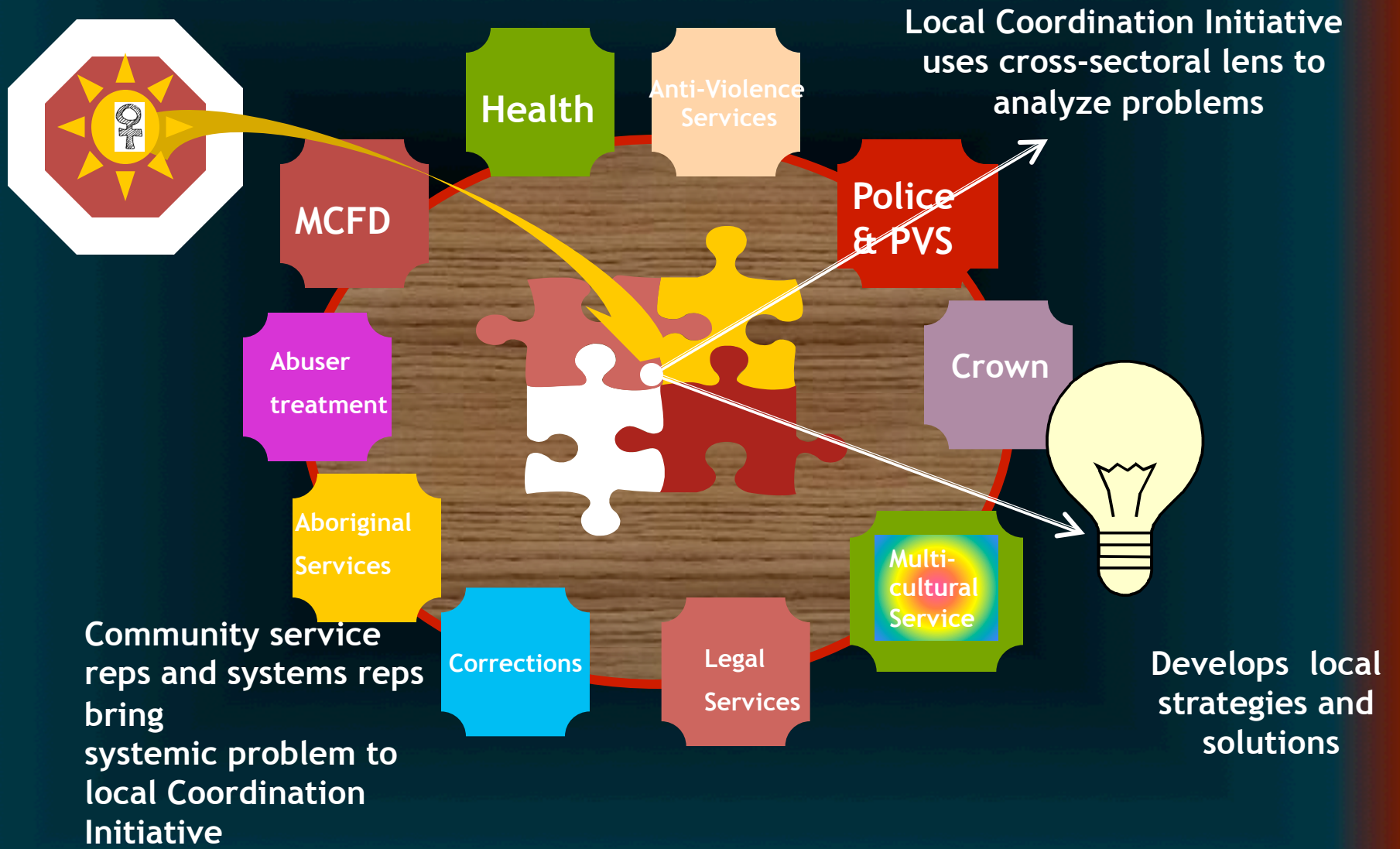
2. Community Service Provider assists woman in accessing numerous Systems in an effort to increase safety (MCFD, Police, Crown, Legal Aid, Social Assistance)



Common problems:

- No action from police, MCFD, turned down by Legal Aid, no information sharing regarding breaches, no referrals, etc.

From Advocacy to Policy~ CCWS Model



From Advocacy to Policy ~ CCWS Model



Implementation

- Funding for Implementation?
- What mechanisms are in place for data gathering, monitoring and change ?



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