



CCWS

for Women's Safety

Life Trumps Privacy: Disclosing Information in Woman Abuse Cases

Gisela Ruebsaat LL.B.

Michelle Novakowski

Sexual Violence, Domestic Violence /National Research Day
November 9, 2012

EVA BC
ENDING VIOLENCE ASSOCIATION

Building Partnerships

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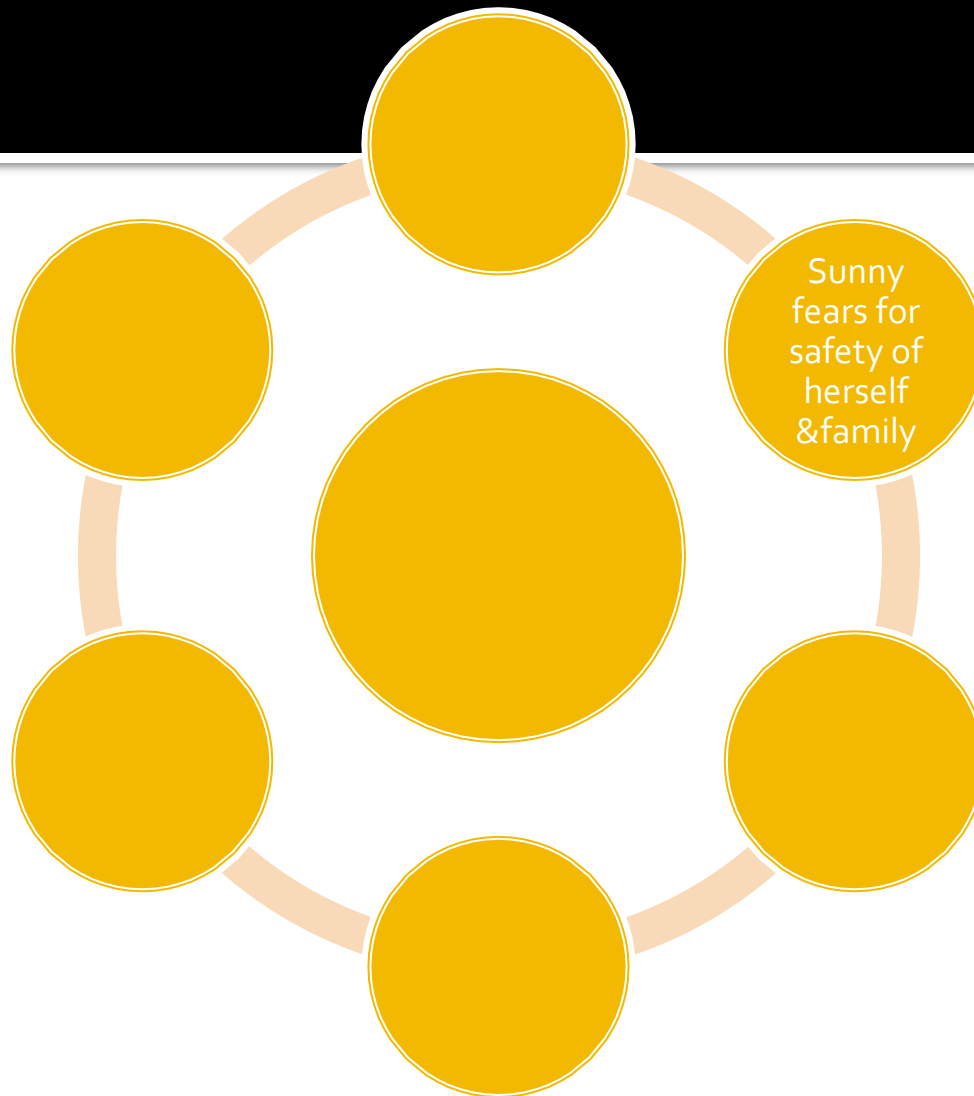
CCWS
community
development
& systemic
change



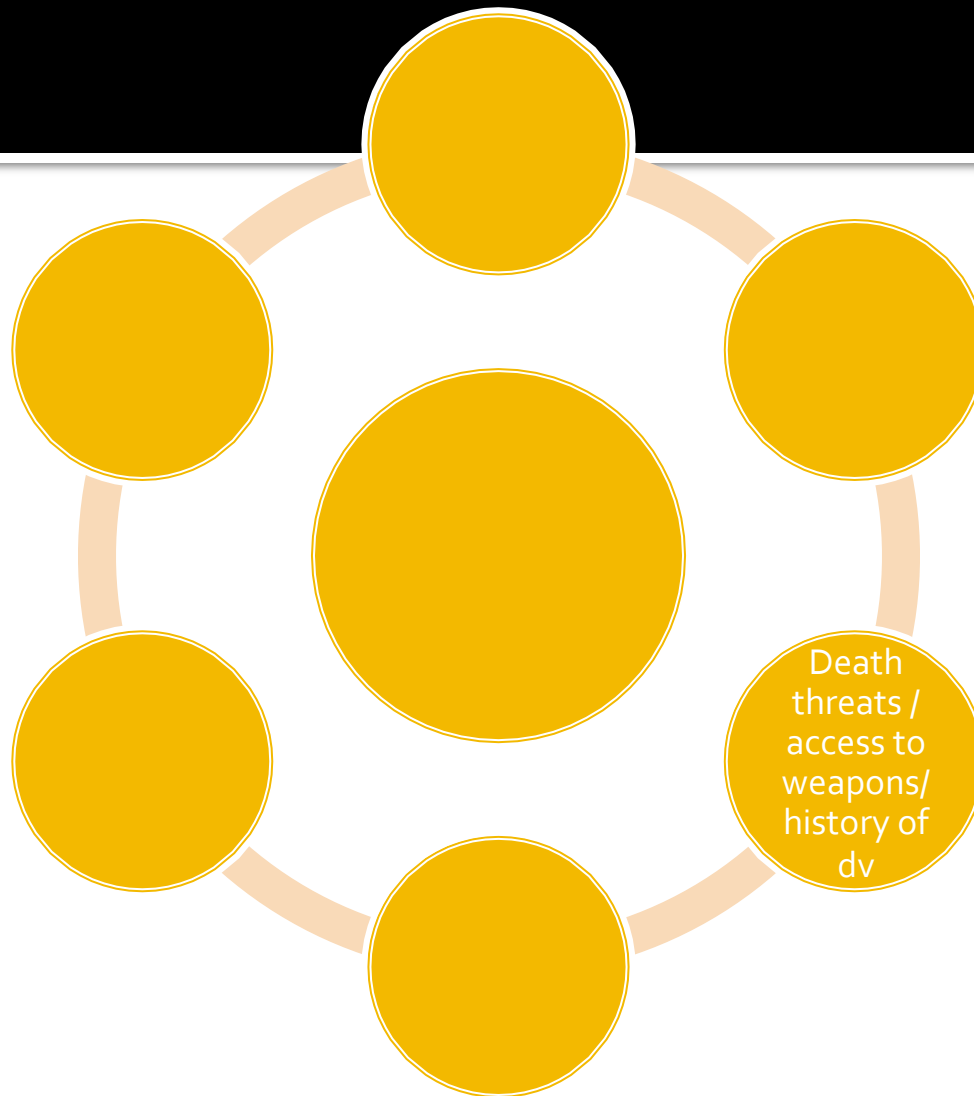
The Lee Case

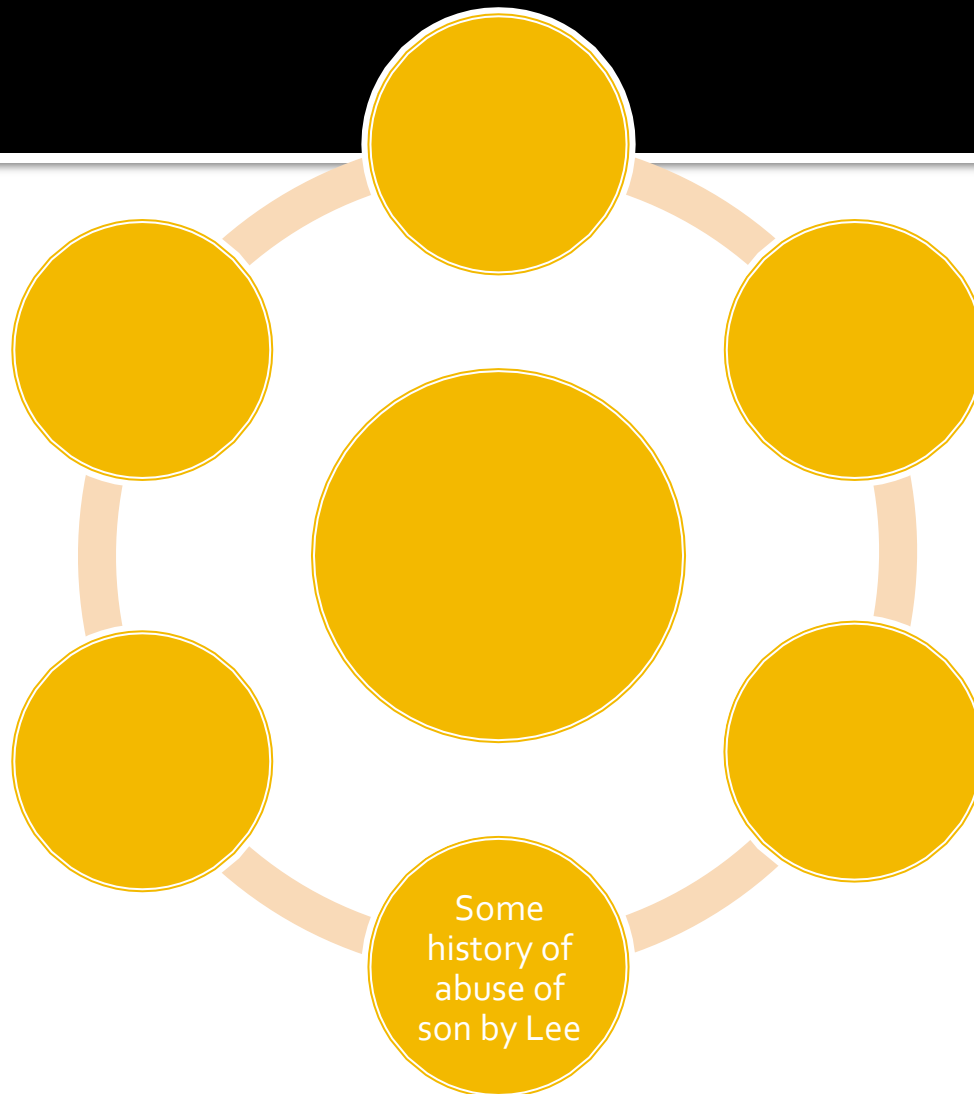


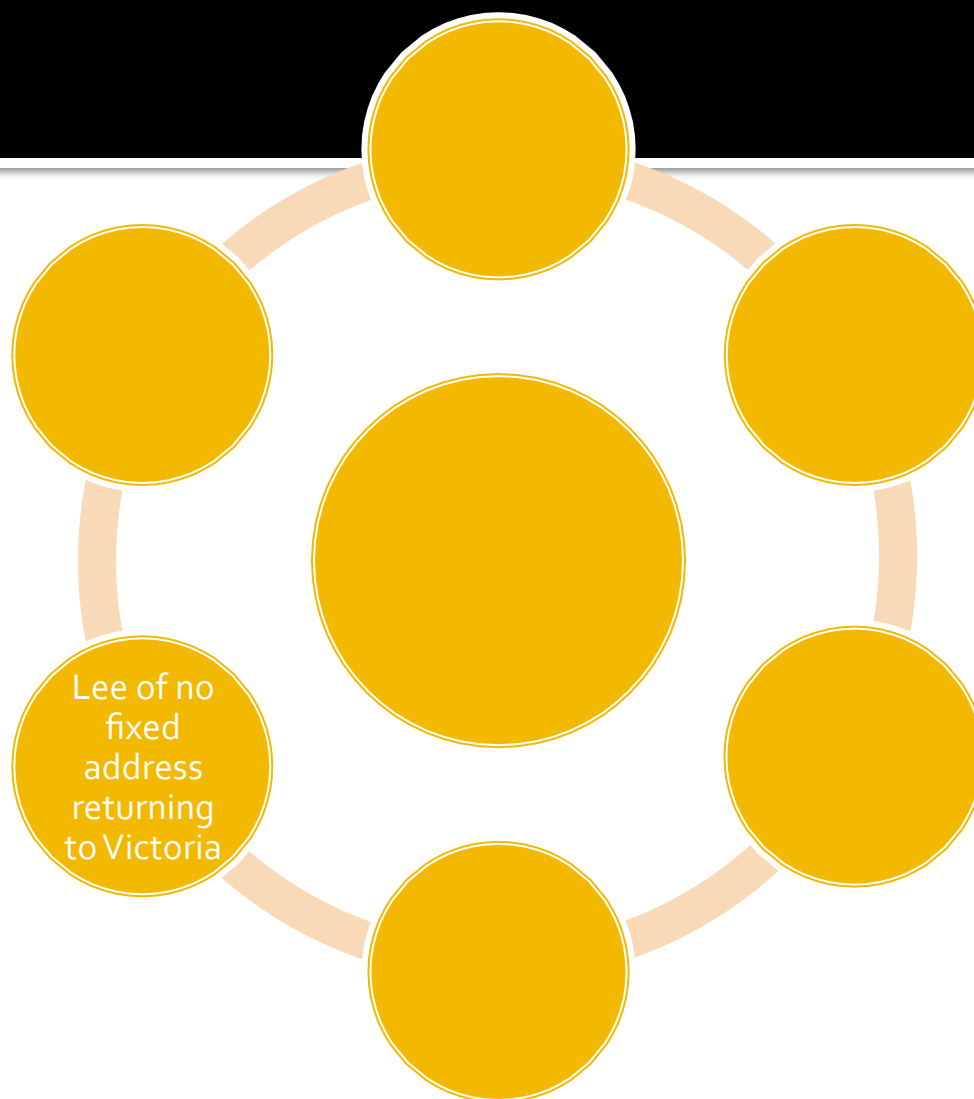
Hospital

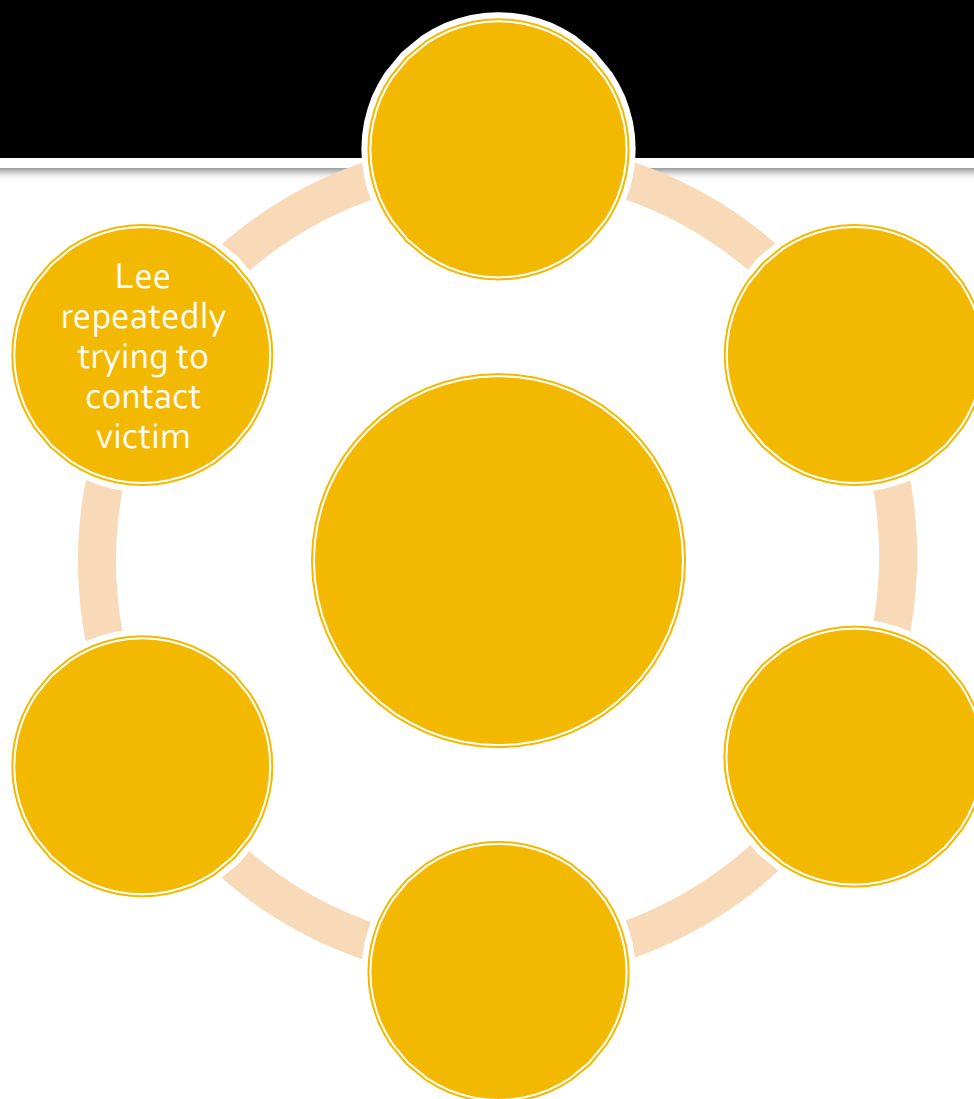


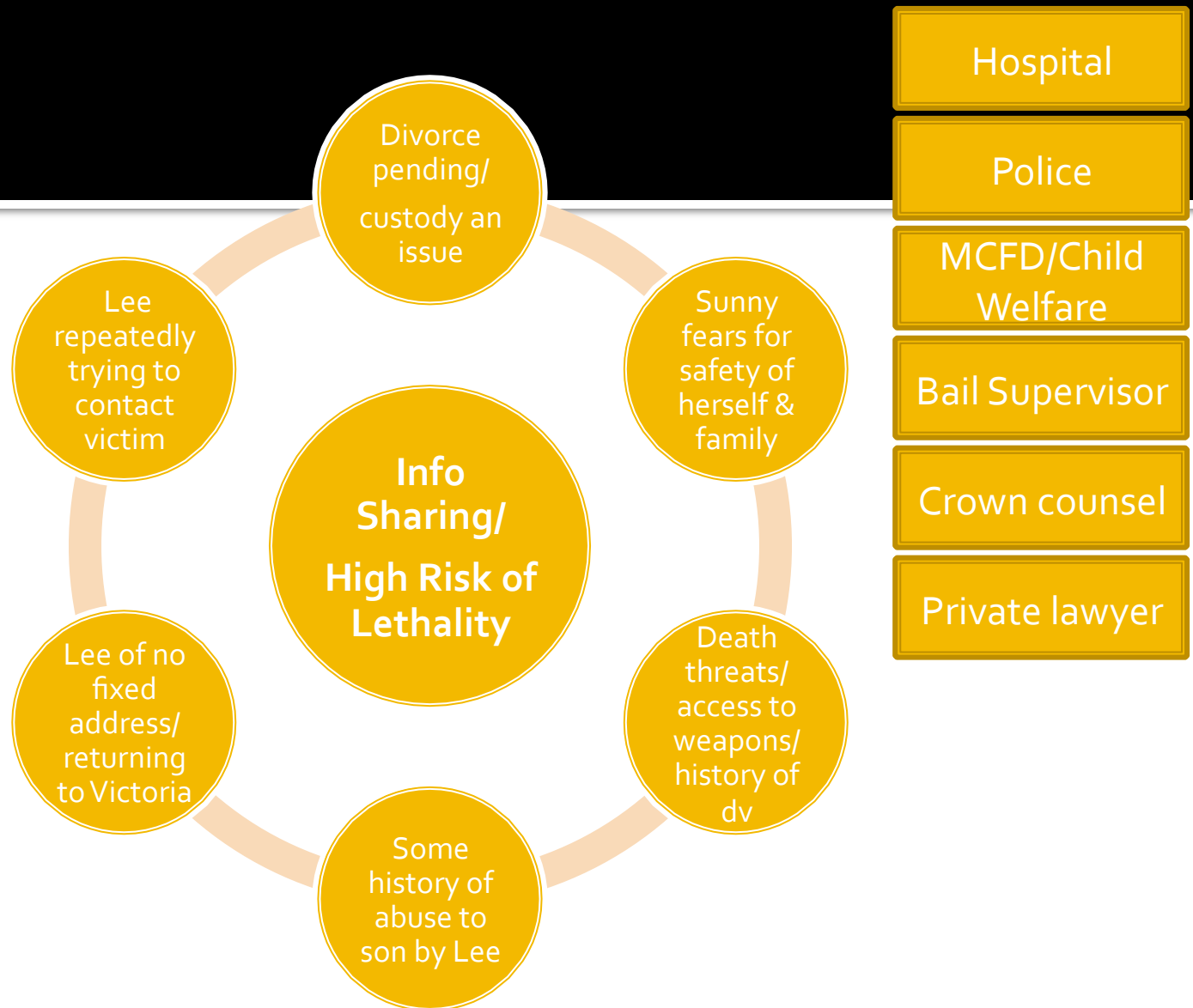
Police











INFORMATION SHARING AND SAFETY



INFORMATION SHARING AND SAFETY

- Forty percent of child welfare files have a component that involves violence against the mother

Canadian Incidence Study of Reported Child Abuse and Neglect, 2008

Systemic Change

Info
Sharing &
the New
VAWIR
Policy





Ministry of Public Safety and Solicitor General
Ministry of Attorney General
Ministry of Children and Family Development

Violence Against Women in Relationships

POLICY

December 2010

High Risk Protocol¹³

- “..authority to share information among justice and child welfare partners is found in provincial and federal legislation.”

Disclosing Information in High Risk Cases

"...life trumps privacy, and our laws reflect that reality. ...Tragedies should not occur as a result of a misunderstanding of privacy legislation."

(*Practice Tool for Exercising Discretion*, Cavoukian and Loukidelis, 2008)



Disclosing Information in High Risk Cases

In cases identified as potentially high risk, it may be necessary to proactively share case information in order to keep the victim, her children or other involved people safe.

Risk Assessment Tools: Some Examples

- SARA: Spousal Assault Risk Assessment Guide:
- Family Violence Investigation Report, Alberta Solicitor General and Public Security,
- Danger Assessment,
- Ontario Domestic Violence Death Review Committee Risk Factor Coding Form
- Vancouver Police Department, Domestic Violence Patrol Guide
- B-Safer: Brief Spousal Assault Form for the Evaluation of Risk

Risk Assessment

- “Asking victims if they fear re-assault or severe re-assaults provides one of the best ways to predict re-abuse or potential lethality — and requires the least resources and time commitment— but cannot be relied on exclusively as a predictor. Although women are unlikely to exaggerate their risk, they often underestimate it.”
 - Special Report / June 09, *Practical Implications Of Current Domestic Violence Research*, U.S. Department of Justice

Risk Factors Identified by Majority of Experts

- Access to/ownership of guns
- Use of weapon in prior abusive incidents
- Threats with weapon (gun, knife)
- Threats to kill
- Serious injury in prior abusive incidents
- Threats of suicide
- Drug or alcohol abuse
- Forced sex of female partner
- Possessiveness/extreme jealousy/extreme dominance

- *Assessing Dangerousness*, Campbell, J.C.
2007

Disclosing Information in High Risk Cases

Generally, consent is required before personal information can be disclosed.

Federal and provincial privacy laws allow personal information to be shared without consent in certain situations.

Disclosing Information in High Risk Cases/ Privacy Laws

*Freedom of Information and Protection of
Privacy Act* (Municipal Police, Crown Counsel,
Community Corrections, Local Health Authority):

if the head of the public body determines
that **compelling circumstances exist that
affect anyone's health or safety**. [s. 33.1(1)
(m)(i)]

Disclosing Information in High Risk Cases/ Privacy Laws

New ability to disclose personal information if purpose is for:

- reducing the risk that an individual will be a victim of domestic violence
- if domestic violence is reasonably likely to occur

FIPPA s. 33.1(1)(m.1)

Disclosing Information in High Risk Cases/ Privacy Laws

Personal Information Protection Act (most community based anti-violence Programs):
if there are reasonable grounds to believe that **compelling circumstances exist that affect the health or safety of any individual.** [s. 18(1)(k)]

Disclosing Information in High Risk Cases/ Privacy Laws

Personal Information Protection Act (most community based anti-violence Programs):
may disclose to a public body or law enforcement agency to assist in an investigation or in making a decision about an investigation. [s. 18(1)(j)]

Info on PIPA and FIPPA at: <http://www.oipc.bc.ca>

Disclosing Information in High Risk Cases/CFCSA

- Under CFCSA section 79 (a), (a.1), child welfare workers may disclose information without consent if it pertains to the safety and well-being of children or the safety of a person other than a child.
- For more info on laws: <http://www.bclaws.ca>

Disclosing Information in High Risk Cases/ Privacy Laws

Privacy Act (RCMP, Parole):
**where head of the institution
determines public interest in disclosure
outweighs invasion of privacy or
disclosure of benefit to person involved.**

s. 8(2)(m)(i)

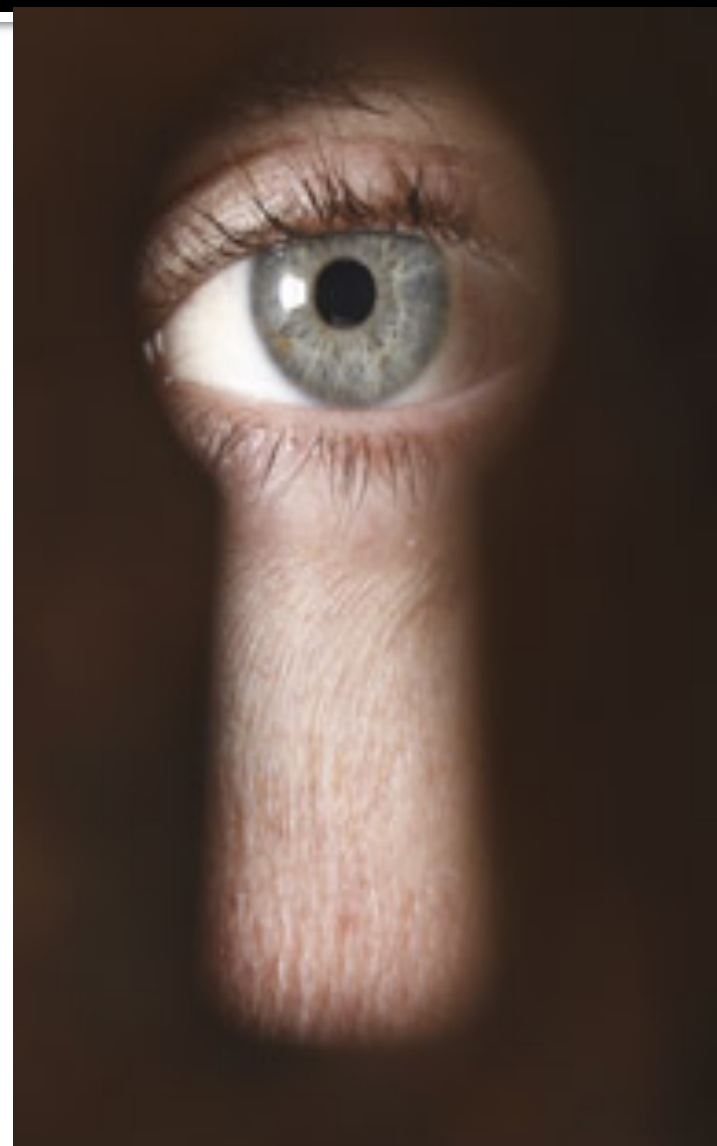
Disclosing Information in High Risk Cases: Guiding Principles

Compelling circumstances are present.
What procedures should we follow?



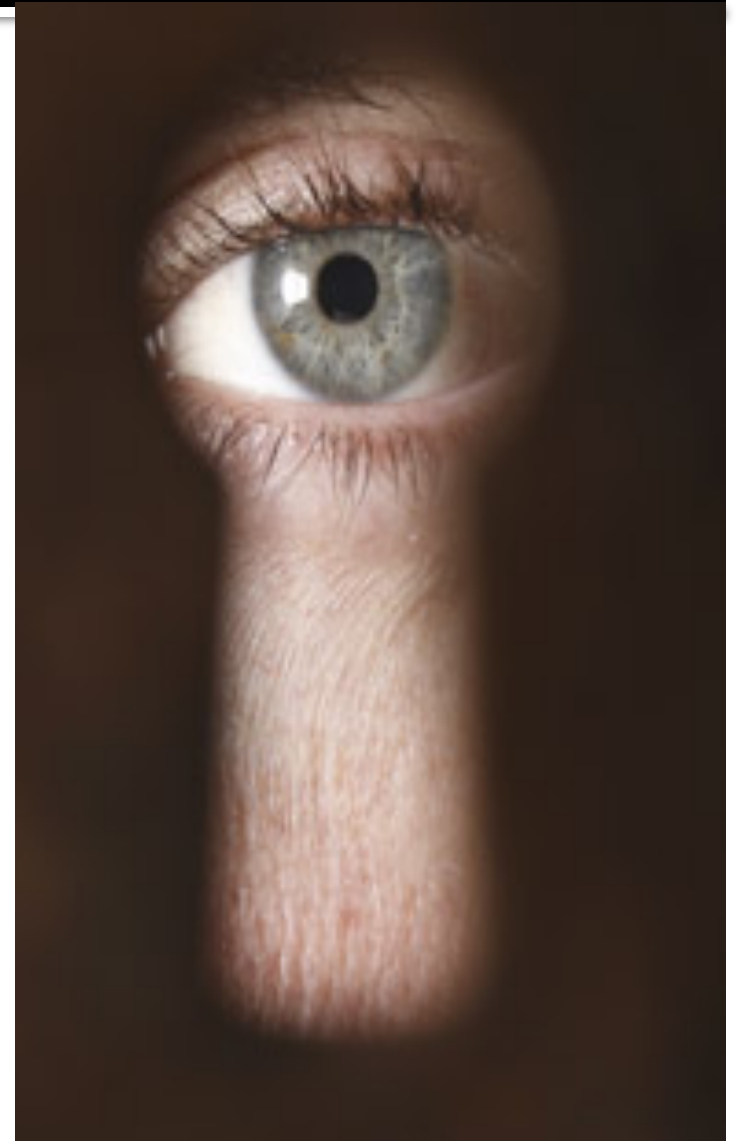
Disclosing Information in High Risk Cases: Steps We Can Take

- Decide on a case-by-case basis
- Only release relevant information
- Determine who decides about release



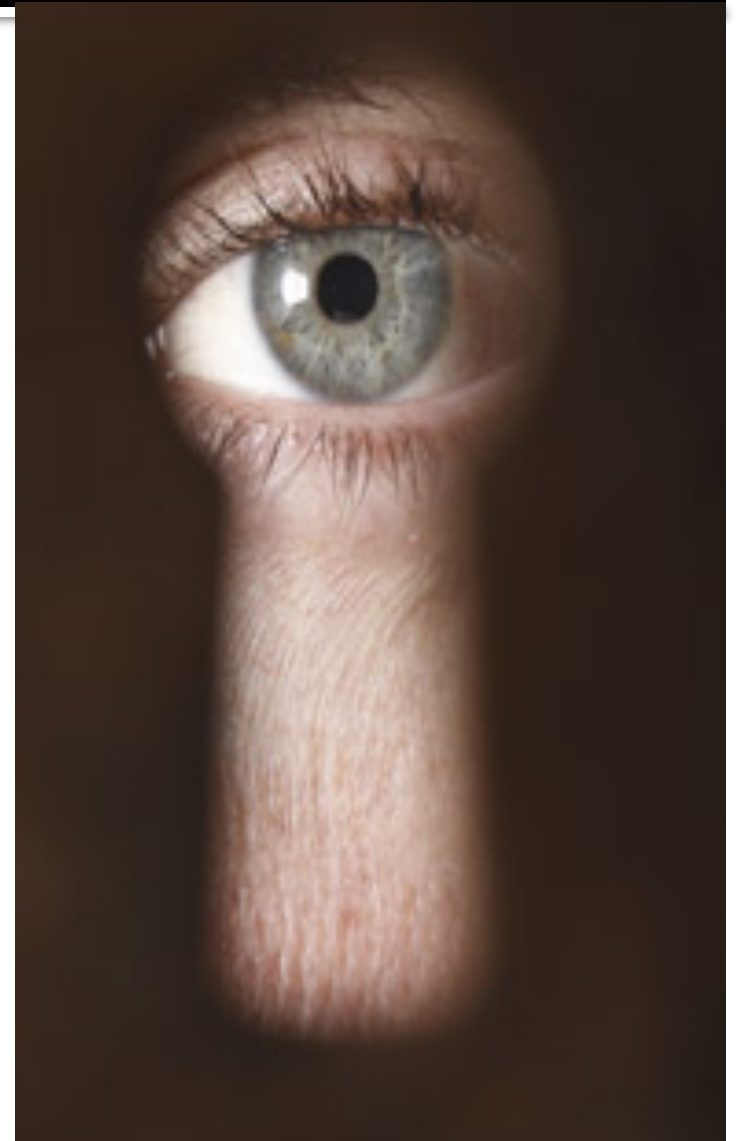
Disclosing Information in High Risk Cases: Steps We Can Take

- Consult with a supervisor first if possible
- Keep a record of the decision
- Develop an information sharing agreement with the other agencies outlining restrictions on use and disposal of the data



Disclosing Information in High Risk Cases: Steps We Can Take

- Refer to the information sharing agreement when transmitting the information
- Find a safe way to keep the survivor informed



Building Relationships and Information Sharing

- Wherever possible make every effort to obtain the consent of the victim/survivor to share information
- Decision to disclose without consent should be rare

Information Sharing: High Risk Teams



Initiating Dialogue

Decide
on risk
tools that
will be
used



North Okanagan Integrated Case Assessment Team

Members of the ICAT

- Vernon RCMP
- Vernon Women's Transition House Society (includes Specialized Victim Assistance, Women's Outreach, Transition House, etc.)
- MCFD
- MSD Outreach
- RCMP Base Victim Assistance
- Community Corrections
- Vernon Parole
- Vernon Jubilee Hospital

Interior Health Mental Health and Addictions

Okanagan Indian Band
First Nations Friendship Centre

Crown Counsel

John Howard Society of North Okanagan

Vernon and District Immigrant Services Society

Other agencies are invited to participate, as the case arises

North Okanagan Integrated Case Assessment Team

Findings

- Handled 19 cases over a 10 month period (2010)
- 18 gave consent
- 17 cases involved women with children
- 3 cases involved women who were of South Asian descent, 2 of those cases involved in-laws as co accused
- Despite some of the offenders being particularly persistent before the review, no breaches since

North Okanagan Integrated Case Assessment Team

Findings

- To date, all offenders have entered a guilty plea
- MCFD has not had to remove any children but has been able to provide supportive services to women and children
- Services such as mental health, shelter and transportation provided to offenders to lower the risk to the women and children.

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www.endingviolence.org

