



INFORMATION BULLETIN FOR VICTIM SERVICE WORKERS

PROTOCOL FOR HIGHEST RISK DOMESTIC VIOLENCE CASES (VAWIR POLICY)

What is the Protocol for Highest Risk Cases?

The *Protocol for Highest Risk Cases* forms part of the *Violence Against Women in Relationships (VAWIR)* policy. The VAWIR policy sets out the roles and responsibilities of service providers across the justice and child welfare systems who respond to domestic violence.

The *Protocol for Highest Risk Cases* is new and supplements other sections of the VAWIR policy. The protocol outlines the responsibilities of justice and child welfare partners for the delivery of a coordinated response to cases designated by police as at highest risk for serious bodily harm or death.

A key objective of this protocol is enhanced case coordination and information sharing among justice and child welfare partners and the key responsibilities in this regard are highlighted in this bulletin. For complete details, please refer to the full *Protocol for Highest Risk Cases* contained in the VAWIR policy.

Why was a Protocol for Highest Risk Cases developed?

While all domestic violence incidents are concerning, certain cases pose a greater risk of violence resulting in serious bodily harm or death. Over the years numerous reports, inquests and inquiries into domestic violence incidents have outlined the need to enhance coordination, safety planning and risk management strategies in these cases. The protocol was developed in recognition of the need for increased collaborative action among justice and child welfare partners in domestic violence cases of the highest risk.

Information sharing is integral to enhanced coordination and collaboration in highest risk cases. The protocol was designed to facilitate the flow of critical information to support informed and effective decision making in highest risk cases. For example, identification and communication of relevant information regarding risk factors and safety concerns can:

- assist Crown counsel in identifying the appropriate conditions to seek on a bail order;
- aid victim service workers in developing suitable safety plans;
- inform Corrections staff's supervision and monitoring strategies; and
- assist child welfare workers in their safety assessments and planning for children exposed to violence.

Ensuring that relevant and critical information is available to justice and child welfare partners involved in highest risk cases is essential to facilitating an effective response and protecting the victim and others at risk for violence or death.

Who are the justice and child welfare partners in this protocol?

Partners in this coordinated response to highest risk cases include:

- Police
- Crown counsel
- Corrections staff (bail supervisors and probation officers)
- Victim service workers
- Child welfare workers

The protocol also acknowledges that it is important for these identified partners to work collaboratively with other allied service providers (e.g. transition house programs, stopping the violence counselling and outreach programs, health services, immigrant and settlement services) in order to ensure a comprehensive response.

What are the responsibilities of justice and child welfare partners in this protocol?

Police

For the purpose of this protocol, the designation of highest risk is assigned by the police when they believe there is significant potential for serious bodily harm or death.

The highest risk designation is assigned by police on a case by case basis according to their professional judgment, training (including the course “Evidence- based, Risk-focused Domestic Violence Investigations”) and experience. Police officers may use a tool such as the *Summary of Domestic Violence Risk Factors* (see Appendix) to analyze the risk factors present. Where it is determined that a case may be highest risk, the police officer will refer the case to a supervisor or specialized investigator for further review. A formal B-SAFER risk assessment is strongly encouraged for cases that may be highest risk; however, if not undertaken an analysis of relevant risk factors is still important to promote consistency in risk assessment and the identification of highest risk cases at the earliest opportunity.

Once a case is identified as highest risk, police ensure that the other partners in the protocol are notified of the designation and that enhanced provisions for information sharing and case management are required in accordance with the protocol.

Where children are involved (whether present at the time of the incident or not), police are responsible for reporting the incident to a child welfare worker. Police are also to proactively refer victims in highest risk cases to victim services and ensure they are contacted to canvas safety concerns, and to be advised of the status of the investigation and highest risk designation.

Throughout the course of a case designated as highest risk police are responsible for ensuring that Crown counsel, victim service workers, child protection workers, and Corrections staff involved in the case are provided with contact information for each other and updated on information concerning the incident, the highest risk designation, identified risk factors, detention or release of an accused including conditions of release, breaches, new charges and court dispositions.

Crown Counsel

In all cases where the file has been identified as highest risk by police, domestic violence charges are assessed on a priority basis and a heightened response should be implemented in recognition of the inherent danger and risk of future harm that is often associated with these cases.

When assessing the Crown's position on bail for an accused, Crown counsel should have particular regard for the safety of victims and other family members, especially children, and must consider all available, reliable information regarding the risk presented by the accused. When Crown counsel has reason to believe that additional relevant information is available, they request it from the police before making submissions on a bail hearing and ask for a remand under s. 516(1) if necessary.

If Crown counsel determines that a detention order is not necessary or that the conditions of bail recommended by the police are not necessary, they should consult with police before making the final decision on the Crown's position at the bail hearing and should ask police whether there is any further relevant information or evidence to consider.

In a highest risk case, if a bail hearing is held and the accused is released from custody Crown counsel (or designated Crown personnel) are to notify the victim and police of the release and conditions of release as soon as possible. Police will then notify the other partners.

When such a case has been concluded, Crown counsel (or designated Crown personnel) will notify the victim and police of the court disposition (e.g. conviction, stay, acquittal) and police will notify the other partners.

Corrections staff

Upon receipt of notification that a case has been designated highest risk, bail supervisors/probation officers make efforts to contact the victim and others protected by a bail order or community supervision order to explain the conditions, the process to report breaches and reinforce the need to develop a safety plan.

Adherence of the accused to court imposed conditions of bail or sentenced orders are monitored and enforced by bail supervisors/probation officers. Where there is information concerning breaches of orders that are relevant to victim safety in a highest risk case (e.g. breaches of protective conditions, failure to report), Corrections staff share this information with the other partners and the victim.

Victim Service Workers

When notified by police that a case is highest risk, victim service workers will immediately prioritize the case to ensure a heightened response. They are to connect with the victim on a priority basis to provide relevant supports including safety planning and emotional support.

In a highest risk case, victim service workers will inform identified justice and child welfare partners of any additional support needs a victim requires to address specific language, cultural or immigration factors. Victim service workers will work with police and the victim to ensure copies of protection orders related to children are provided to the child's school and/or daycare.

Where appropriate, victim service workers will forward an application for benefits on behalf of the victim to the Crime Victim Assistance Program (CVAP), indicating that the case has been designated as highest risk by the police, and follow-up with CVAP management.

Child Welfare Workers

In all cases designated as highest risk, the child welfare safety assessment, planning and intervention process is to begin right away to ensure that the child is safe.

Once notified of the designation, the child welfare worker will immediately contact the police to review relevant information.

Child welfare workers will provide information concerning the results of child welfare involvement to the police for dissemination to the other partners.

How can these responsibilities be achieved?

Utilizing standardized forms may be an effective way to facilitate case coordination and information sharing in highest risk domestic violence cases. The provincial government has developed two optional notification forms – a *Designation Form* and a *Case Update Form* – which are available at: www.pssg.gov.bc.ca/victimservices/publications. You may wish to use these forms or adapt them to best meet the needs of your community.

- The ***Designation Form – Highest Risk Domestic Violence Cases*** serves to notify Crown counsel, Corrections, Victim Services and Child Welfare that a case has been designated highest risk and provides partners in the protocol with relevant case information including the identified risk factors. When an agency receives this form, they should contact the police officer who sent the form and confirm or provide contact information for the staff member who is assigned to the case. This will assist in initiating coordination and ensuring that all partner agencies can be made aware of the appropriate contacts involved.

- The ***Case Update Form – Highest Risk Domestic Violence Cases*** can be utilized by any one of the identified justice and child welfare partners assigned to a case to provide important case updates. Updates may include such things as: information regarding a breach, the setting of a trial date or another significant circumstance such as relocation of the victim or accused. This form can serve as a formal mechanism for facilitating case management among justice and child welfare partners.

When significant events in a highest risk case occur (e.g. breach or new charges) consider coordinating either an in person meeting or conference call with identified justice and child welfare partners to support case coordination efforts to mitigate risk and identify safety strategies.

Consider meeting with justice and child welfare partners in your community to review the protocol. It may be helpful to agree to a standard format to facilitate case coordination and information sharing in designated highest risk domestic violence cases.

Links

The *Violence Against Women in Relationships* (VAWIR) policy, including the *Protocol for Highest Risk Cases*, and the optional notification forms can be found at:


www.pssg.gov.bc.ca/victimservices/publications/index.htm#domesticviolence.




**APPENDIX:
SUMMARY OF DOMESTIC VIOLENCE RISK FACTORS**

SUMMARY OF DOMESTIC VIOLENCE RISK FACTORS



This is a summary of some of the risk factors that have been associated with an increased likelihood of future violence in relationships. This document is intended to assist police with conducting evidence-based, risk-focused domestic violence investigations.

Legend	
	Indicates a risk factor associated with increased severity (escalation) of future violence.

1. Relationship History		
	Current Status of the Relationship	<ul style="list-style-type: none"> Is there past, recent or pending separation in the relationship? <p>Note: Social science experts say that where there are controlling coercive behaviours, the intensity and lethality of violence often escalates after the victim leaves the relationship.</p>
	Escalation in Abuse	<ul style="list-style-type: none"> Is there escalation in the frequency/intensity of violence or abuse towards the complainant, family members, a pet or another person?
	Children Exposed	<ul style="list-style-type: none"> Are there children, under 19 years of age, in the family who are living in the home? Who are the parents and is there a custody dispute? (Note: Contact the Ministry of Children and Family Development.)
	Threats	<ul style="list-style-type: none"> Has the Suspect ever threatened to kill or harm the complainant, a family member, another person, children or a pet?
	Forced Sex	<ul style="list-style-type: none"> Has the Suspect ever forced sex on the complainant?
	Strangling, Choking or Biting	<ul style="list-style-type: none"> Has the Suspect ever strangled, choked or bit the complainant?
	Stalking	<ul style="list-style-type: none"> Has the Suspect displayed jealous behaviours, stalked or harassed the complainant or a previous intimate partner?
	Information on Relative Social Powerlessness	<ul style="list-style-type: none"> Are marginalization factors present (i.e. disability, immigrant or Aboriginal background, addiction, poverty, pregnancy, lack of transportation, literacy issues, mental illness, elderly etc.)? Are cultural factors present (i.e. family pressures/shame, religious beliefs, unwillingness to report, language barriers, isolation etc.)?
2. Complainant's Perceptions of Risk		
	Complainant's Perception of Personal Safety	<ul style="list-style-type: none"> Does the complainant believe the Suspect will disobey terms of release particularly a no contact order?
	Complainant's Perception of Future Violence	<ul style="list-style-type: none"> Does the complainant fear further violence if the Suspect should be released from custody? What access is there to the Victim and what is the basis of the Victim's fear?

SUMMARY OF DOMESTIC VIOLENCE RISK FACTORS

3. Suspect History		
	Suspect's Criminal Violence History	<ul style="list-style-type: none"> Does the Suspect have a history of threats, violence, sex assaults, and criminal harassment? <p>Note: One of the most common research findings is that Offenders with a history of violence are much more likely to engage in future violence.</p>
	Previous Domestic Violence History	<ul style="list-style-type: none"> Is there a history of stalking, violence or abusive behaviour in a previous Intimate Partner Relationship? Is there any history of threats or actual violence or abusive behaviour against children, other family members, friends, co-workers or family pets? Is there any history of stalking, threats or violence from the suspect, against other intimate partners of the complainant?
	Court Orders	<ul style="list-style-type: none"> Has the Suspect ever violated a Court Order? Is the Suspect presently bound by any Court Orders? Is the Suspect in a reverse onus situation for bail?
	Alcohol/Drugs	<ul style="list-style-type: none"> Does the Suspect have a history of drug or alcohol abuse?
	Employment Instability	<ul style="list-style-type: none"> Is the Suspect unemployed or experiencing financial problems?
	Mental Illness	<ul style="list-style-type: none"> Does the Suspect have a history of mental illness (e.g. depression or paranoia)?
	Suicidal Ideation	<ul style="list-style-type: none"> Has the Suspect threatened or attempted suicide? (If YES, when and how?)
4. Access to Weapons/Firearms		
	Weapons/Firearms (Used or Threatened?)	<ul style="list-style-type: none"> Has the Suspect used or threatened to use a firearm or weapon against the complainant, family member, children or an animal?
	Access to Weapons/Firearms	<ul style="list-style-type: none"> Does the Suspect have access to weapons/firearms?