

**THE JUSTICE SYSTEM
RESPONSE TO INTIMATE
PARTNER VIOLENCE:
An annotated bibliography**

Prepared for

Canadian Observatory on the Justice System
Response to Intimate Partner Violence

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Introduction

The Canadian observatory on the justice system's response to intimate partner violence¹ (*Canadian observatory*) is a network of academics, governments, and community-based organizations from four countries including Canada, Australia, United Kingdom, and United States. The Canadian observatory broadly intends to emphasize continued bilingual dialogue and in-depth research on the justice system response to intimate partner violence among all its members. In order to conduct further research on the justice system response to IPV, Canadian observatory members decided to compile an extensive annotated bibliography of the literature on justice responses to intimate partner violence. In 2007, a subcommittee of the Canadian observatory (Dr. Helene Berman, Dr. Elizabeth Blaney, Dr. Dominique Damant, Dr. Carmen Gill, and Dr. Jane Ursel) agreed on a set of parameters for conducting the search and developed a set of guidelines for writing the annotated bibliography.

This document is comprised of an annotated bibliography of selected literature from Canadian, Québec, and international sources pertaining to the justice system response to intimate partner violence. The document benefitted from a literature review entitled *The Healing Journey*, developed by RESOLVE, and led by Dr. Jane Ursel. The purpose of the current document is to assemble an annotated bibliography which contains relevant pieces from *The Healing Journey* and incorporates new literature in the field written in English (led by co-investigator Dr. Jane Ursel), literature written in French and published in Québec (led by co-investigator Dr. Dominique Damant), literature related to the justice system response to immigrant and refugee communities (led by co-investigator Dr. Helene Berman), and relevant literature from international sources, with a particular focus on Australia, United Kingdom, and United States.

¹ The Canadian observatory is led by Dr. Carmen Gill. It is funded by the Social Sciences and Humanities Research Council, 2007-2014.

This document is organized accordingly. The first section contains work gathered from English language sources. The second section contains work gathered from French language sources. Finally, the third section contains work related to the justice system response to immigrant and refugee communities. This annotated bibliography is intended for and contributes to the efforts of academics, policy makers, researchers, graduate students, service providers, and justice system personnel.

Methodology

A literature search was conducted on articles, books, programs, master and doctoral theses, and policy documents published between 2000 and 2009. Documents published prior to the year 2000 are in the bibliography only if they were considered classics in the domain. The search was comprised of Canadian English and French sources and documents published in Australia, United Kingdom and United States. The search was limited to English and French references. Only Canadian English and French documents were annotated. Six key concepts organized the search: justice, police, prosecutor, and court responses, treatment programs, and victim perspectives. This annotated bibliography is structured according to six themes: civil and criminal justice responses to intimate partner violence; police responses (e.g., charges, arrest policies, and policing); prosecutors' responses; court responses (e.g., specialized court, regular court, and sentencing); probation and treatment programs; and, victim perspectives.

The annotations draw attention to: intended audience; methodology (e.g., stated purpose of the study, program, or policy, type of research, research methodology, target population under study, and sample selection process); and, results (e.g., key findings as reported by the author(s)).

The parameters of the search included an Internet search for books, journal articles, research reports, conference proceedings, master and doctoral theses, and agency and

government policy documents. Internet sites included academics who are working in the field, research centres, and women's studies research units. Databases and search engines included Criminal Justice Abstracts, Criminology, Google, Justice, CINAHL, Google Scholar, and PubMed, EBSCOhost, Academic Search Elite, and Academic Search Complete.

Although the annotations and references are categorized in three sections, they are not distinct and thus material located in one section can also include information relevant to the other sections. In such cases, these annotations and references are cross referenced with other sections to which the material may be relevant.

**The justice system response to intimate partner violence
(English-language documents)**

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General Information (Civil and Criminal Justice System)

Ad Hoc Federal-Provincial-Territorial Working Group. (2003). *Spousal abuse policies and legislation: Final Report of The Ad Hoc Federal-Provincial-Territorial Working Group Reviewing Spousal Abuse Policies and Legislation*. Report prepared for Federal-Provincial-Territorial Ministers Responsible for Justice. Retrieved May 5, 2008, from <http://www.canada.justice.gc.ca/eng/pi/fv-vf/publi.html>

The Working Group provides an overview of the nature and incidence of spousal abuse in Canada. **Methodology:** The Working Group summarized the background leading up to the adoption of pro-charging and prosecution policies, and reviewed the research findings relating to the implementation and effect of the policies in Canada. The Working Group also reviewed the many innovative measures, such as specialized domestic violence courts, that have been implemented by federal, provincial and territorial governments to address to domestic violence and family violence in general. **Results:** The Working Group concludes that these innovative measures and approaches have played a key role in supporting the implementation of spousal abuse policies and have strengthened the criminal justice system's response by providing new methods and tools that ensures the system's sensitivity to the unique realities of spousal abuse. Lastly, the overview discusses various support programs for victims and their children and compiles recommendations that will help to provide a better understanding of the causes of spousal abuse.

Buckingham, L. (2007). Striking back: The tort action for spousal violence. *Canadian Journal of Family Law*, 23(2), 273-313.

This article explores the emergence of what the author calls "tort action for spousal violence". **Methodology:** The author first explores the emergence of tort actions and the conditions that make such actions possible. Secondly, the author provides an analysis of reported cases to understand the function that a tort action performs. **Results:** The author illustrates how abolition of the common-law rule that prevented spouses from suing each other, changing attitudes to spousal violence and awareness about legal options have all played a role in bringing tort actions to the courts. The survey of reported cases revealed similarities and differences between spousal violence cases and other tort actions. For example, most tort actions for spousal violence arise as couples separate or divorce, and context is important. Tort provides benefits otherwise unavailable in modern family law: unequal division of marital assets and assignment of blame for relationship breakdown. Thus, the author argues, the tort action for spousal violence illustrates both the flexibility of tort and the changing nature of family law.

Busby, K., Koshan, J., & Wieggers, W. (2008). Civil domestic violence legislation in the Prairie Provinces: A comparative legal analysis. In J. Ursel, L. M. Tutty, & J. leMaistre (Eds.), *What's law got to do with it? The law, specialized courts and domestic violence in Canada* (pp. 197-227). Toronto, ON: Cormorant Books Inc.

Methodology: This chapter provides a comparative legal analysis of civil domestic violence legislation in the three Prairie Provinces. The authors compare the Victims of Domestic Violence Act (Saskatchewan VDVA), the Domestic Violence and Stalking Protection, Prevention and Compensation Act (Manitoba DVSA) and the Protection Against Family Violence Act (Alberta PVFVA), which permit victims to make applications for emergency orders prohibiting abusers from contacting the applicant and can grant the applicant possession of the family home. **Results:** Inter-provincial differences between the text of the acts and their interpretation and application are described. Data from a larger research project of which the current study is a part provides information on the different rates and patterns of usage for protection orders observed across the three provinces. Constitutional issues that arise from the legislation including whether or not it provides sufficient protections to satisfy Charter requirements and to what extent the legislation can be used in First Nations territory are also discussed. The authors conclude that changes to the legislative provisions could improve protection for victims and encourage applications.

Cameron, A. (2005). *Restorative justice: A literature review*. Vancouver: British Columbia Institute Against Family Violence. Retrieved July 10, 2008, from http://www.bcifv.org/pubs/Restorative_Justice_Lit_Review.pdf

Methodology: This literature review examines whether current research shows restorative justice to be a safe, effective criminal justice response to cases of intimate partner violence in Canada. The review focuses on adults and material analyzing intersectionalities, such as race, ethnicity, culture, (dis)ability, sexual orientation, age and poverty, where available. **Results:** Cameron concludes that the available research does little to settle the debate of the effectiveness of restorative justice in that the literature is inconclusive and contradictory and calls for more empirically-based research to ascertain whether restorative justice meets the needs of domestic violence victims. Characteristics of an effective restorative justice model are discussed and research questions are posed.

Chewter, C. L. (2003). Violence against women and children: Some legal issues. *Canadian Journal of Family Law*, 20(1), 99-178.

The focus of the article is on violence against women and children and the legal issues faced by victims of spousal abuse and their children. Using findings from relevant literature, Chewter discusses the benefits and the unintended and often harmful consequences of mandatory arrest provisions, mandatory prosecution policies, dual charging, no contact orders, lethality assessment tools, mediation, and various aspects of custody and access. Chewter provides recommendations for terms of access and advice for family law practitioners representing women who are leaving abusive relationships.

Dutton, D. (2006). *Rethinking domestic violence*. Vancouver, BC: UBC Press.

Methodology: The author presents a review of research in the area of intimate partner violence. **Results:** After 20 years of viewing intimate partner violence as generated by gender and focusing on a punitive "law and order" approach, Dutton argues that this approach must be more varied and flexible. Treatment providers, criminal justice systems personnel, lawyers, and researchers have indicated the need for a new view of the problem—one less invested in gender politics and more open to collaborative views and interdisciplinary insights.

Kanuha, V., & Ross, M. (2004). The use of temporary restraining orders (TROs) as a strategy to address intimate partner violence. *Violence & Victims, 19*(3), 343-356.

One of the most prominent interventions developed to protect victims in domestic abuse cases is the temporary restraining order, or "TRO". The purpose of a TRO is to restrain an alleged defendant from further harassment or abuse against a plaintiff. **Methodology:** This study analyzed 397 restraining order petitions, and subsequent arrest and conviction data for TRO defendants from 1996-1998. **Results:** Findings confirm that TRO petitioners report many types of abuse and, while half of TRO defendants do not re-offend, a small percent of defendants are responsible for multiple police reports, arrests, and criminal violations. Outcome data are discussed for program and policy implications.

Laurie, C. (2006). *Seeking that 'piece of paper': An examination of protection orders under "The Domestic Violence and Stalking Act" of Manitoba*. Unpublished master's thesis, University of Manitoba, Winnipeg, Manitoba, Canada.

Manitoba's 'Domestic Violence and Stalking Act' was designed to provide victims with an opportunity to seek protective relief under civil law. The aim of this exploratory study was to empirically examine the factors which influence whether or not victims of stalking are successful in their attempts to obtain relief under the legislation. **Methodology:** The dataset was comprised of the 483 protection order applications made in 2002 that contained evidence of stalking. Statistical procedures including cross tabulation and logistic regression techniques were performed on the data. **Results:** The analysis indicated that a number of factors influenced the likelihood of an order being granted. These included the sex of the applicant, evidence of threatening behaviours by the abuser, whether or not previous court orders exist between the parties, the presence of weapons, and the magistrate hearing the application.

Laurie, C. (2008). Seeking protection for victims of stalking: The domestic violence and stalking act of Manitoba. In J. Ursel, L. M. Tutty, & J. leMaistre (Eds.), *What's law got to do with it? The law, specialized courts and domestic violence in Canada* (pp. 228-253). Toronto, ON: Cormorant Books Inc.

This chapter describes the development and features of the Domestic Violence and Stalking Act of Manitoba (DVSA) which was implemented September 30, 1999 and which was designed to offer victims of domestic violence and stalking relief in the form of protection orders under civil law. Factors which influence whether or not protection orders are granted are also examined. **Methodology:** The data used in this analysis are drawn from a larger RESOLVE study and

includes quantitative and qualitative information from a sample of 389 applicants who were stalked by and seeking protection from a former intimate partner. A descriptive analysis of this data provides information on the stalker and victim characteristics and the nature of the abuse experienced by victims. Logistic regression was used to examine variables that influenced whether or not an application for a protection order was granted. **Results:** Applications were more likely to be granted when the applicant was a female, when there was evidence of threatening behaviour, when a particular magistrate conducted the hearing, when no previous orders existed, and when weapons were present. The most common reasons for dismissing an application are also described and include the decision that no immediate protection is required by the victim and insufficient evidence that violence or stalking occurred. The author concludes that it is imperative that ongoing efforts are taken to monitor protection order utilization in Manitoba.

MacRae, J. (2003). *Relationship violence and diversion: A literature review on pro-charge policies and crown discretion*. Vancouver: British Columbia Institute Against Family Violence. Retrieved July 10, 2008, from <http://www.bcif-v.org/pubs/RelationshipViolenceAndDiversion.pdf>

This literature review examines pro-charge and pro-prosecution strategies and explores the consequences of allowing Crown prosecutors the discretion to divert abusers to alternative measures prior to charge approval. The review also examines the creation of domestic violence courts in various Canadian and American jurisdictions and discusses the ways in which those courts have utilized diversion as an alternative answer to prosecution within the criminal justice system.

McLean, L. (2002). "Deserving" wives and "drunken" husbands: Wife beating, marital conduct, and the law in Ontario, 1850-1910. *Social History*, 35(69), 59-81.

By the 1870s wife abuse started to become a matter for public discussion and changing attitudes had an impact on judicial reform. Legal records and newspapers from the period between 1870 and 1910 provide evidence that helps us to assess the influence of the reform movement, and especially the role of temperance, on social and legal responses to violence by husbands against their wives. Lobbying by temperance advocates, combined with political pressure from feminists, reformers, abused women, and the press contributed to legislation in 1909 that, for the first time, recognized wife abuse as a crime separate from common assault. As the practice of the courts shows, however, legal sanctions remained largely ineffective despite the rhetoric of the day.

Mihorean, K. (2006). Factors related to reporting spousal violence to police. In L. Ogrodnik (Ed.), *Family violence in Canada: A statistical profile 2006* (Catalogue no. 85-224-XIE, pp. 19-24). Retrieved June 15, 2008, from <http://www.statcan.gc.ca/pub/85-224-x2006000-eng.pdf> (See also *Victim Perspectives*)

This section of the profile examined differences between spousal violence victims who contact the police for help and those who do not. **Methodology:** Descriptive analysis of quantitative data from the 2004 General Social Survey was used to examine these differences. **Results:** Findings

from the analyses indicated that overall, female victims were more likely to report violent incidents to the police than male victims. Reporting was more likely among both men and women who had left an abusive partner, who had experienced more serious forms of spousal violence, who experienced a higher frequency of assaults, and if the partner was drinking at the time of violence. Police reporting was more likely among women who experienced violence in the last 12 months, who were young and socially disadvantaged, who had resided in their dwelling for less than one year, who had used formal support services and informal supports, and when children witnessed the violence. About two thirds of both female and male victims said that they were somewhat or very satisfied with police actions.

Morrow, M., Hankivsky, O., & Varcoe, C. (2004). Women and violence: The effects of dismantling the welfare state. *Critical Social Policy*, 24(3), 358-384.

Drawing on research conducted in British Columbia, the authors argue that the dismantling of the social welfare state alongside policy changes that are affecting how the state responds to violence against women is significantly undermining women's equality, their safety and the feminist antiviolence movement. Strategies for resistance are discussed and the authors conclude that ending violence against women requires both local and transnational feminist activism and analyses that examine the interconnections between social and economic policies.

Ogrodnik, L. (2006). Spousal violence and repeat police contact. In L. Ogrodnik (Ed.), *Family violence in Canada: A statistical profile 2006* (Catalogue no. 85-224-XIE, pp. 11-19). Ottawa: Minister of Industry, Statistics Canada.

For the first time, the Canadian Centre for Justice Statistics reported on patterns of police-reported offending among accused spousal violence offenders over the ten-year period from 1995 to 2004. **Methodology:** The ten-year composite data file was created from the Incident-based Uniform Crime Reporting (UCR2) survey, which includes data from a subset of 64 police services from New Brunswick, Ontario, Saskatchewan, Alberta, British Columbia, and Quebec. Descriptive analysis was performed on the data. **Results:** The results provide information on patterns and frequency of spousal abuse, repeated abuse, and the police response to repeated abuse. The results of this project contribute towards addressing the recommendations arising from the report of the Ad Hoc Federal-Provincial-Territorial Working Group (2003) and improves our understanding concerning patterns of spousal violence and the response of the criminal justice system.

Rigakos, G. S. (2002). *Peace bonds and violence against women: A three-site study of the effect of Bill C-42 on process, application and enforcement*. Research report prepared for Department of Justice Canada, Research and Statistics Division. Retrieved April 6, 2009, from http://canada2.justice.gc.ca/eng/pi/rs/rep-rap/2003/rr03_1/index.html

The purpose of this study was to assess the effect of Bill C-42 amendments on the processing, availability and enforcement of peace bonds in cases of intimate partner or spousal violence. The study included an examination of statistics at the national level as well as a more detailed examination of information from Halifax, Hamilton and Winnipeg. **Methodology:** The study employed both an examination of official statistical sources and 26 key informant interviews

with criminal justice personnel in Ontario, Nova Scotia and Manitoba. Statistical sources of information included the Adult Criminal Court Survey, data produced by Statistics Canada's Canadian Centre for Justice Statistics, Hamilton Regional Police statistics, and data from the Winnipeg Family Violence Court Database. **Results:** The results of the study indicated that the national peace bond issuance rate increased substantially following the passage of Bill C-42 as did the issuance rate in the three study sites. Over 70% of domestic-violence related issuances were against a male respondent on behalf of a lone female applicant. In all three jurisdictions, obtaining a peace bond was reportedly a time consuming process wrought with delays.

Roberts, T. (2002). *Review of Provincial and Territorial domestic violence legislation and implementation strategies*. Research report prepared for Department of Justice Canada, Research and Statistics Division. Retrieved April 6, 2009, from http://canada2.justice.gc.ca/eng/pi/rs/rep-rap/2001/rr01_4/p1.html

The purpose of this study was to gather materials and undertake preliminary analyses pertaining to domestic violence legislation in the jurisdictions of Saskatchewan, Prince Edward Island, Yukon, Alberta and Manitoba in order to inform the Government of Nunavut as to whether similar legislation might be appropriate in Nunavut. **Methodology:** The study consisted of an evaluation and content analysis of existing legal documents, implementation materials and evaluation documents pertaining to domestic violence legislation in the five jurisdictions. **Results:** The analysis yielded information regarding the consultation process needed prior to domestic violence legislation, infrastructural and training requirements for legislation implementation, the use of public education and information materials, and findings from evaluation studies conducted in Saskatchewan and Prince Edward Island.

Russell, D., & Ginn, D. (2001). *Framework for action against family violence*. Review submitted to Nova Scotia Department of Justice. Retrieved July 18, 2008, from <http://www.gov.ns.ca/just/publications/docs/russell/toc.htm>

The purpose of this review was to assess the current level of support for the Framework for Action Against Family Violence, implemented in Nova Scotia in 1995. Information on justice system approaches to intimate partner violence in other Canadian provinces and territories and the results from focus groups comprised of stakeholders from Nova Scotia are presented. Specific topics discussed include police, crown prosecutors, courts, correctional services, victims' support services, training, accountability, interagency cooperation, gaps in the 1995 Framework for Action Against Family Violence, public education, and civil remedies.

Salvaggio, F. (2002). K-Court: The feminist pursuit of an interdisciplinary approach to domestic violence. *Appeal: Review of Current and Law Reform*, 8, 6-17.

In the 1970s and early 1980s, feminist theorists exposed the necessity to treat spousal abuse as a public issue and to utilize a more collaborative and integrative approach to domestic violence. The state's response was to implement an adversarial and aggressive criminalization of domestic violence, idealizing zero-tolerance policies, including mandatory charging and no-drop prosecutorial policies. This article explores many of the problematic elements of this type of criminal justice intervention. Salvaggio argues that while there are a greater number of

successful arrests and prosecutions with aggressive programs, such as Toronto's K-Court, there is a dislocation between the interests of domestic assault victims and the goals pursued by the state. Salvaggio concludes that a zero tolerance framework may aggravate rather than relieve the situation of victims, and warns that vigilance must be practiced to ensure that the very hierarchies and power imbalances that we seek to eradicate are not resituated in renewed efforts.

Tutty, L. M., Ursel, J., & leMaistre, J. (2008). The verdict on specialized justice response to domestic violence. In J. Ursel, L. M. Tutty, & J. leMaistre (Eds.), *What's law got to do with it? The law, specialized courts and domestic violence in Canada* (pp.272-278). Toronto, ON: Cormorant Books Inc.

This chapter provides a brief overview of the chapters contained within this book, highlighting the important contributions of the reviews and research contained therein. The authors suggest that while conclusions cannot yet be made about what justice system initiatives and approaches best address intimate partner violence, the chapters document improvements in the Canadian justice system. Improvements include court processes that reduce the likelihood that victims will be revictimized when their partners are prosecuted, and greater knowledge of the dynamics of abusive relationships among justice personnel that allow them to proceed with the joint goals of keeping victims safe while holding offenders accountable.

Ursel, J. (2002). "His sentence is my freedom": Processing domestic violence cases in the Winnipeg Family Violence Court. In L. M. Tutty & C. Goard (Eds.), *Reclaiming self: Issues and resources for women abused by intimate partners* (pp. 43-63). Halifax: Fernwood Publishing. (See also *Court Response*)

Methodology: Ursel utilizes data from the Winnipeg Family Violence Court Project (FVC) to demonstrate the need for the justice system response to accurately reflect the complex nature of domestic violence. Challenges that domestic violence poses for various components of the traditional criminal justice system, including policing, prosecution and the courts are reviewed. **Results:** Ursel argues that the single-dimensional focus on prosecution outcomes does not reflect the complex process of domestic violence experienced by women. The author concludes that initiatives such as the specialized FVC are needed to protect and empower women who experience domestic violence.

Ursel, J., Tutty, L. M., & leMaistre, J. (2008). The justice system response to domestic violence: Debates, discussions and dialogues. In J. Ursel, L. M. Tutty, & J. leMaistre (Eds.), *What's law got to do with it? The law, specialized courts and domestic violence in Canada* (pp. 1-17). Toronto, ON: Cormorant Books Inc.

The purpose of this chapter is to provide an introduction to the issue of domestic violence and the criminal justice system response to domestic violence within Canada. A brief overview of the Canadian context of intimate partner violence and its consequences is followed by a description of the institutional response to intimate partner violence including the development of shelters for abused women, initiatives to train health care providers to screen for abuse, and the provision of child welfare services. The authors provide a description of criminal and civil justice systems

responses (e.g., protection orders and Family Courts) to intimate partner violence and include a review of debates in the literature on the merits of such initiatives.

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Police Response

Alberta Justice Communications. (2008). *Domestic violence handbook for police and crown prosecutors in Alberta* (ISBN 0-7785-4152-5). Alberta: Canada. Retrieved August 27, 2008, from http://www.justice.gov.ab.ca/criminal_pros/Default.aspx?id=4373 (See also *Prosecutors' response*)

This handbook is a compilation of the most recent research, best practices, and knowledge of family violence toward effective response by the criminal justice system. The Alberta government created and widely distributed the handbook to demonstrate commitment to eradicating family violence. Guidelines to develop domestic violence Police and Crown Protocols will be included in an upcoming electronic version of the Handbook.

Brown, T. (2001). *Charging and prosecution policies in cases of spousal assault: A synthesis of research, academic and judicial responses*. Department of Justice Canada. Retrieved June 1, 2008, from http://www.justice.gc.ca/eng/pi/rs/rep-rap/2001/rr01_5/rr01_5.pdf (See also *Prosecutors' response, Victim Perspectives*)

This report presents a synthesis of research literature that evaluates the effectiveness of charging and prosecution policies in reducing the incidence of recidivism. It also presents research that assesses the perceptions of female victims of domestic violence, the police and prosecutors as to the effectiveness and ultimate value of these policies as implemented. Although results proved to be contradictory, inconclusive, and warranting further research, individuals were generally more supportive of charging policies than prosecution policies. Suggestions for reform are discussed.

Pacey, K. (2002). *BC's violence against women in relationships policy and criminal harassment: Police perspectives and use of discretion in investigations*. Vancouver: British Columbia Institute Against Family Violence. Retrieved July 10, 2008, from http://www.bcifv.org/pubs/VAWIR_Pacey.pdf

This study examined how police describe their practice and the application of Vancouver's Violence Against Women In Relationships Policy (VAWIR) when faced with a victim who is being criminally harassed by an intimate or formerly intimate partner. **Methodology:** This qualitative examination involved semi-structured in-depth interviews conducted with a 20 police officers from the Vancouver Police Department. **Results:** The findings demonstrated that there was a significant discrepancy between the decision-making process required by VAWIR policy and the decision-making process that these officers engaged in. Contrary to the policy's stipulations, there was a high level of discretionary decision-making reported by these officers in their criminal harassment investigations. Despite the lack of generalizability of the findings, they may signal a broader trend of non-compliance among Vancouver police officers, calling for more comprehensive research into this issue. A series of recommendations are proposed.

Russell, M., & Light, L. (2006). Police and victim perspectives on empowerment of domestic violence victims. *Police Quarterly*, 9(4), 375-396. (See also *Victim Perspectives*)

Using Stark's (1995) suggested standard of victim empowerment to determine the efficacy of police interventions, this study sought to determine from both police and victim perspectives, what dimensions of police interventions were central to victim empowerment. **Methodology:** A qualitative methodology was employed. A total of 63 victims and 28 police were interviewed either individually or in focus groups. **Results:** Results yielded three dimensions of empowerment along which police responses varied: integrated team versus isolated unit functioning, deserving versus undeserving victim perspective, and proactive versus pro-forma responses. Police attitudes, situational factors, and victim characteristics influenced the extent to which victims experienced responses as empowering or disempowering.

Wood, L. P. (2001). *Caught in the net of zero-tolerance: The effect of the criminal justice response to partner violence*. Unpublished master's thesis, University of Manitoba, Winnipeg, Manitoba, Canada. (See also *Court Response*)

This study examined the impact of the Winnipeg Police Service "Zero-Tolerance" policy in cases of partner violence. **Methodology:** Data from Winnipeg police incident reports on cases of women and men charged with criminal acts of violence were used to assess whether or not there are differences between: (a) partner and non-partner violence cases in terms of their processing by the criminal justice system (b) the processing and sentencing of partner violence cases before and after the implementation of the zero-tolerance policy, and (c) the processing and sentencing of women and men charged with partner violence. **Results:** The findings indicated that partner violence cases had a higher incidence of case attrition than non-partner violence cases and that partner violence was different from non-partner violence. While partner violence cases where charges were laid after the zero-tolerance policy had a significantly high incidence of attrition than partner violence where charges were laid before the policy, there were no significant differences between partner violence cases occurring before and after the implementation of the policy. Neither were differences found in the sentencing of cases before and after the policy. Men's and women's partner violence was found to be asymmetrical. These findings suggest some support for the position that zero-tolerance has had a "net-widening" effect.

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Prosecutors' response

Alberta Justice Communications. (2008). *Domestic violence handbook for police and crown prosecutors in Alberta* (ISBN 0-7785-4152-5). Alberta: Canada. Retrieved August 27, 2008, from http://www.justice.gov.ab.ca/criminal_pros/Default.aspx?id=4373 (See also *Police Response*)

This handbook is a compilation of the most recent research, best practices, and knowledge of family violence toward effective response by the criminal justice system. The Alberta government created and widely distributed the handbook to demonstrate commitment to eradicating family violence. Guidelines to develop domestic violence Police and Crown Protocols will be included in an upcoming electronic version of the Handbook.

Brown, T. (2001). *Charging and prosecution policies in cases of spousal assault: A synthesis of research, academic and judicial responses*. Department of Justice Canada. Retrieved June 1, 2008, from http://www.justice.gc.ca/eng/pi/rs/rep-rap/2001/rr01_5/rr01_5.pdf (See also *Police Response, Victim Perspectives*)

This report presents a synthesis of research literature that evaluates the effectiveness of charging and prosecution policies in reducing the incidence of recidivism. It also presents research that assesses the perceptions of female victims of domestic violence, the police and prosecutors as to the effectiveness and ultimate value of these policies as implemented. Although results proved to be contradictory, inconclusive, and warranting further research, individuals were generally more supportive of charging policies than prosecution policies. Suggestions for reform are discussed.

Dawson, M., & Dinovitzer, R. (2001). Victim cooperation and the prosecution of domestic violence in a specialized court. *Justice Quarterly*, 18(3), 593-622.

This study assesses the role of victim cooperation in the prosecution of domestic violence cases and examines the correlates of victim cooperation in K-Court, a specialized court in Toronto. **Methodology:** A sample of 474 K-Court cases were tracked; data was also collected from prosecutor and case files kept by the Victim/Witness Assistance Program. Sixty women from the 474 cases also participated in qualitative interviews for further insight. Quantitative logistic regression was used to analyze the court and file data. **Results:** The results indicated that even in a court designed to minimize reliance on victim cooperation through the use of other types of evidence, when the prosecution perceived a victim to be cooperative, the odds that a case would be prosecuted were seven times higher than if a victim was not perceived to be cooperative. The two most important determinants of victim cooperation were the availability of videotaped testimony and meetings between victims and victim/witness assistance workers. The implications of these findings for future research and policy are discussed.

Dawson, M., & Dinovitzer, R. (2008). Specialized justice: From prosecution to sentencing in a Toronto domestic violence court. In J. Ursel, L. M. Tutty, & J. leMaistre (Eds.), *What's law got to do with it? The law, specialized courts and domestic violence in Canada* (pp. 120-151). Toronto, ON: Cormorant Books Inc. (See also *Court Response*)

In 1996 the first two domestic violence courts were established in Toronto at Old City Hall and North York. This chapter begins with a detailed description of the structure, process, and primary objectives of these two specialized courts. This description is followed by an examination of the factors that influence the prosecution of domestic violence cases. **Methodology:** The study used data from 474 Old City Hall cases collected over a one year period. This data was comprised of information from police reports, prosecutor files, Victim Witness Assistance Program (VWAP) files, and interviews with 60 victims. Descriptive statistics were used to present information on the characteristics of the victims and accused and criminal justice outcomes. **Results:** Logistic regression analysis was also performed on the data. The results from the regression analysis indicated that the odds of prosecution in domestic violence cases were more than seven times higher when a victim cooperated with prosecutors than when a victim did not co-operate; the most important determinants of victim cooperation were meetings between the victim and VWAP workers and the availability of videotaped testimony. These results demonstrate the importance of VWAPs and suggest the need for continued and increased use of videotaped victim testimony. Suggestions for future research include focusing on victims' perceptions of how the justice system response to their experiences of domestic violence can be improved.

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Court Response

Crocker, D. (2005). Regulating intimacy: Judicial discourse in cases of wife assault (1970 to 2000). *Violence Against Women, 11*(2), 197-226.

This article reviews the findings of research on judicial decision making in Ontario courts in cases of intimate partner violence against women. **Methodology:** The author collected and analyzed judicial decisions from Ontario criminal cases involving intimate violence against women from 1970 to 2000. **Results:** The analysis reveals that judges are condemning the violence, issuing relatively harsh sentences, and arguing that the intimate context of the violence is an aggravating factor. It also shows that judges often rely on stereotypes and traditional notions of marriage, family, and femininity. Records of decisions suggest a high level of understanding that wife abuse is a crime. The author's analysis of judicial discourse reveals how the justice system regulates intimate relationships and how traditional ideologies persist despite the harsh sentences. Crocker concludes that only when our efforts go beyond policy and push towards broader social change, will judicial discourse and decision making contribute to, or at least not undermine, the continued emancipation of women.

Dawson, M. (2004). Rethinking the boundaries of intimacy at the end of the century: The role of victim-defendant relationship in criminal justice decision making over time. *Law & Society Review, 38*(1), 105-138.

The purpose of this study was to examine the extent to which the degree of intimacy that exists between victims and defendants may affect criminal justice responses to violent crime and to determine if the association between intimacy and the law has changed since the introduction of more rigorous spousal assault policies during the 1980s. **Methodology:** Using data retrieved from summary police files, prosecutors' files, and a variety of other official and unofficial sources on homicides that occurred in Toronto between 1974 and 1996, court outcomes in more than 1,000 cases were examined. Data were analyzed with logistic and ordinary least-squares regression procedures. **Results:** The results showed that intimacy matters at three criminal justice stages: charging, mode of conviction, and sentencing. Defendants who kill intimates were less likely to be charged with first degree murder, less likely to be sent to trial, and more likely to receive lighter sentences than defendants who killed non-intimates. However, defendants who kill intimates do not always receive the same treatment, nor are all defendants who kill non-intimates treated similarly. The analysis also reveals that criminal justice leniency toward intimate violence is less evident in recent years.

Dawson, M., & Dinovitzer, R. (2008). Specialized justice: From prosecution to sentencing in a Toronto domestic violence court. In J. Ursel, L. M. Tutty, & J. leMaistre (Eds.), *What's law got to do with it? The law, specialized courts and domestic violence in Canada* (pp. 120-151). Toronto, ON: Cormorant Books Inc. (See also *Prosecutors' response*)

In 1996 the first two domestic violence courts were established in Toronto at Old City Hall and North York. This chapter begins with a detailed description of the structure, process, and primary objectives of these two specialized courts. This description is followed by an examination of the factors that influence the prosecution of domestic violence cases. **Methodology:** The study used data from 474 Old City Hall cases collected over a one year period. This data was comprised of information from police reports, prosecutor files, Victim Witness Assistance Program (VWAP) files, and interviews with 60 victims. Descriptive statistics were used to present information on the characteristics of the victims and accused and criminal justice outcomes. **Results:** Logistic regression analysis was also performed on the data. The results from the regression analysis indicated that the odds of prosecution in domestic violence cases were more than seven times higher when a victim cooperated with prosecutors than when a victim did not co-operate; the most important determinants of victim cooperation were meetings between the victim and VWAP workers and the availability of videotaped testimony. These results demonstrate the importance of VWAPs and suggest the need for continued and increased use of videotaped victim testimony. Suggestions for future research include focusing on victims' perceptions of how the justice system response to their experiences of domestic violence can be improved.

Eley, S. (2005). Changing practices: The specialised domestic violence court process. *Howard Journal of Criminal Justice*, 44(2), 113-124.

The author attempts to demonstrate how the specialized domestic violence court process contributes to changing practices within the criminal justice system. **Methodology:** Using documentary evidence, direct observations, and interviews with key informants, this study presents an in-depth case study of K-Court in Toronto. **Results:** Eley argues that the specialized domestic violence court process includes changing the practices of some key stakeholders and suggests that learning lessons from abroad can offer jurisdictions insights that can steer implementation of appropriate practices in the field.

Gannon, M., & Brzozowski, J. (2004). Sentencing in cases of family violence. In J. Brzozowski (Eds.), *Family violence in Canada: A statistical profile 2004* (Catalogue no 85-224-XIE, pp. 53-67). Ottawa: Minister of Industry, Statistics Canada.

This section of the profile examines various sentencing outcomes in domestic violence cases. **Methodology:** Data from the Uniform Crime Reporting Survey (UCR2) and the Adult Criminal Court Survey (ACCS) from 18 urban were utilized and descriptively analyzed. **Results:** This analysis revealed patterns across three topics, (1) sentencing in cases of family violence, (2) sentencing in cases of family violence against children and youth, and (3) sentencing in cases of violence against older adults. Data suggests that offenders convicted of spousal violence were less likely than other violent offenders to receive prison sentences. However, family members convicted of child sexual abuse were more likely to receive prison sentences than those convicted of physical violence.

Gannon, M., & Mihorean, K. (2005). Sentencing outcomes: A comparison of family violence and non-family violence cases. *JustResearch*, 12, 42-51. Retrieved March 2, 2009, from <http://www.justice.gc.ca/eng/pi/rs/rep-rap/jr/jr12/jr12.pdf>

The primary purpose of this demonstration study was to identify the role of the victim-offender relationship on sentencing outcomes. Three forms of family violence including spousal violence, child abuse, and senior abuse were explored. In addition, the impact of other offender and victim characteristics on sentencing decisions was also examined. **Methodology:** Data from the Adult Criminal Court Survey (ACSS) and data from the Uniform Crime Reporting Survey (UCR2) were linked and used in this study. Data for the years 1997 and 2002 from 18 urban areas was analyzed using descriptive statistics. **Results:** The findings indicated that offenders convicted of violence against their spouses were less likely to receive prison sentences than other violent offenders. Incarceration rates were higher for spouses who were male, young (18 to 24 years), and estranged from their partner. Family members convicted of child sexual abuse were more likely to receive prison sentences than those convicted of physical violence and offenders convicted of family-related child abuse against girls and very young children were more likely to be incarcerated. Although the most frequent sentence given to offenders convicted of senior abuse was probation, adult children of seniors were the most likely offenders to receive prison sentences in these cases.

Hornick, J. P., Boyes, M., Tutty, L., & White, L. (2005). *The Domestic Violence Treatment Option (DVTO), Whitehorse, Yukon: Final Evaluation Report*. Research Report to the National Crime Prevention Centre by the Canadian Research Institute for Law and the Family. Retrieved June 24, 2008, from http://www.ucalgary.ca/~crilf/publications/Final_Outcome_Analysis_Report.pdf (See also *Probation and Treatment Programs*)

The purpose of this study was to monitor and evaluate the effectiveness of the Domestic Violence Treatment Option (DVTO). The DVTO consists of a therapeutic treatment program called the Spousal Abuse Program (SAP), as well as an elaborate intervention system. The four specified objectives were to (1) identify whether the DVTO program has been implemented as planned; (2) determine the effectiveness of both the DVTO system and the SAP in achieving their objectives; (3) conduct a cost analysis of the DVTO program; and (4) document the DVTO model so that it can be replicated elsewhere in the country. **Methodology:** A quasi-experimental pre-test post-test group design was employed in this study. **Results:** The results indicated that the DVTO program was implemented as planned and that the DVTO system and SAP can be considered as very effective models for spousal assault and abuse. Detailed process analysis and protocols are outlined so that a replication of the DVTO model is possible. Recommendations for the DVTO, SAP, and further research are also discussed.

Hornick, J. P., Boyes, M., Tutty, L. M., & White, L. (2008). The Yukon's Domestic Violence Treatment Option: An evaluation. In J. Ursel, L. M. Tutty, & J. leMaistre (Eds.), *What's law got to do with it? The law, specialized courts and domestic violence in Canada* (pp. 172-193). Toronto, ON: Cormorant Books Inc. (See also *Probation and Treatment Programs*)

This chapter reports on the results of a process and outcome evaluation designed to monitor and test the effectiveness of the Domestic Violence Treatment Option (DVTO) in Whitehorse, Yukon. The DVTO includes a treatment program, an elaborate justice intervention system, and provides domestic violence offenders with an opportunity to choose a therapeutic treatment alternative to traditional sentencing in criminal court. **Methodology:** Data collected from victims and offenders and police information systems for 318 DVTO cases during the period from June 2002 to November 2004 was used for the evaluation. **Results:** The results of the study indicated that for most part, the DVTO had been implemented as planned, and that the majority of the objectives of the DVTO had been achieved. For example, the DVTO system decreased the collapse rate of cases, increased the acceptance of responsibility of offenders early in the justice system process, and is associated with a reduced number of reassaults among offenders. The authors conclude that DVTO system is effective, at least in the short term and that the DVTO model provides a promising model for dealing with spousal abuse.

Jaffe, P. G., Crooks, C. V., & Bala, N. (2008). Domestic violence and child custody disputes: The need for a new framework for family court. In J. Ursel, L. M. Tutty, & J. leMaistre (Eds.), *What's law got to do with it? The law, specialized courts and domestic violence in Canada* (pp. 254-271). Toronto, ON: Cormorant Books Inc.

Although there has been improvement in the criminal justice system response to the issue of domestic violence in Canada, victims of domestic violence may face a less responsive system when they deal with the Family Court in disputes over child custody and access during separation and divorce. **Methodology:** This literature review describes the disjuncture between the recognition of the seriousness of domestic violence and the growing support for co-parenting within the Family Court system. **Results:** Arguing the need for legislative, policy and program changes regarding post-separation parenting arrangements in Canada, the authors describe the potential risks to victims and their children that must be considered in decisions regarding custody and parenting arrangements. A model for specialized assessment in child custody cases where allegations of domestic violence exist is presented and the need for specialized intervention in these cases is discussed. Suggestions for addressing the current gap between theory and practice are made and include the need for improved legislation, the development of effective policy and resources, and education for Family Court professionals. Implications for future research are also discussed.

Jensen, M. S. (2000). *An analysis of Manitoba Court of Appeal decisions in cases heard in the Winnipeg Family Violence Court, 1990-1992*. Unpublished master's thesis, University of Manitoba, Winnipeg, Manitoba, Canada.

The author analyzed legal decisions of a superior court, specifically, 46 Manitoba Court of Appeal decisions in cases heard in the Winnipeg Family Violence Court, 1990-1992, to

determine whether reforms contributed to justice for victims of family violence. **Methodology:** Using the methodology of theoretically oriented content analysis, 18 sentencing goals and factors commonly used in sentencing decisions in criminal cases were quantitatively and qualitatively assessed. **Results:** The seriousness of the crime as defined by its impact on the victim was mentioned only 6 times in 34 sentencing decisions. By failing, in the vast majority of cases, to acknowledge the seriousness of the crime, the Court of Appeal reinforced and legitimized the minimization of family violence offences. The examination of conviction issues revealed that bias against finding the testimony of women and children to be credible, particularly in sexual assault cases, has persisted despite amendments enacted to remedy this bias.

McNichol, K. (2003). HomeFront: Calgary's coordinated community response to domestic violence. In H. Johnson & K. Au Coin (Eds.), *Family violence in Canada: A statistical profile 2003* (Catalogue no. 85-224-XIE, pp. 56-58). Ottawa: Minister of Industry, Statistics Canada.

This section of the profile discusses the HomeFront specialization project in Calgary. McNichol presents information on the demographic characteristics of offenders, offences, court processes, docket court resolutions, and trial court resolutions. Numerous unique responses to domestic violence that HomeFront has been capable of implementing due to the financial support of all three levels of government and significant contributions from community and private donors are also discussed.

Mark, D. (2003). Ontario domestic violence courts program. In H. Johnson & K. Au Coin (Eds.), *Family violence in Canada: A statistical profile 2003* (Catalogue no. 85-224- XIE, pp. 52-54). Ottawa: Minister of Industry, Statistics Canada.

Providing an overview of the Ontario Domestic Violence Courts Program (DVC), Mark discusses the three objectives that the DVC strives to achieve: (1) to intervene early in domestic abuse situations, (2) to provide better support to victims of domestic abuse throughout the criminal justice process, and (3) to hold offenders accountable for their behaviour if they are found guilty of a domestic violence-related offence. Also discussed are the two approaches that the DVC assumes, (1) early intervention and (2) coordinated prosecution. Lastly, the components of the DVC program and the training that Domestic Violence Investigators undertake are examined.

Ontario Ministry of the Attorney General. (2001). *Implementing the domestic violence court program*. Toronto: Ministry of the Attorney General.

This document reviews the domestic violence court program in Ontario. It begins by defining domestic violence, summarizing the *Victim's Bill of Rights*, and stating the vision that Ontario has for how domestic violence is to be perceived and handled by the justice system. An overview of the domestic violence court program, including its origins, goals, intended functioning and implementation strategies is provided. Roles of various justice stakeholders and a range of resources are discussed.

Tutty, L. M., McNichol, K., & Christensen, J. (2008). Calgary's HomeFront specialized domestic violence court. In J. Ursel, L. M. Tutty, & J. leMaistre (Eds.), *What's law got to do with it? The law, specialized courts and domestic violence in Canada* (pp. 152-171). Toronto, ON: Cormorant Books Inc.

This chapter describes the critical elements of Calgary's specialized domestic violence court, the HomeFront first appearance court that began operation in 1999. Within the HomeFront model, low-risk accused can have their charges stayed with a peace bond if they acknowledge responsibility for their behaviour and are willing to participate in court-mandated domestic violence counselling. The court team consists of domestic violence court caseworkers, specialized crown prosecutors, police, and probation and duty counsel officers. **Methodology:** Following the description of the court, information from a descriptive analysis of data on spousal assault cases during the first three years of HomeFront's operation (2001-2003) is presented. The characteristics of the accused and victims, the domestic violence incident and police charges are described. In addition, the outcomes of the court processes, including sentencing and recidivism among offenders is presented. **Results:** The authors suggest that one indicator of HomeFront's success is the lower rate of recidivism among accused who have gone through the HomeFront court compared with those who were charged in the years preceding HomeFront's implementation.

Tutty, L. M., Ursel, J., & Douglas, F. (2008). Specialized domestic violence courts: A comparison of models. In J. Ursel, L. M. Tutty, & J. leMaistre (Eds.), *What's law got to do with it? The law, specialized courts and domestic violence in Canada* (pp.69-94). Toronto, ON: Cormorant Books Inc.

Following a review of the literature on specialized domestic violence courts in Canada, this chapter presents a comparative study of the models of specialization used in the prairie cities of Winnipeg, Regina, Calgary, and Edmonton. **Methodology:** Court data collected in 2002 from a total 5,205 accused individuals across these cities was examined. The analysis consisted of a comparison of the characteristics of the accused, court outcomes, conviction rates, and sentences for convicted offenders. **Results:** This comparison revealed differences in each of these areas. The authors cautioned that the descriptive analysis utilized in this study does not necessarily explain the differences found and noted the complexities of this type of comparative research due to the different levels and models of specialization in each jurisdiction. However, as the first comparative court study of its kind in Canada, this study informs future research on the importance of having sufficiently comparable court processes to facilitate meaningful comparisons.

Ursel, J. (2000). Family violence courts. In V. P. Bunge & D. Locke (Eds.), *Family violence in Canada: A statistical profile 2000* (Catalogue no. 85-224-XIE, pp. 45-48). Ottawa: Minister of Industry, Statistics Canada.

Changes in legislation, policies and programs on the part of both federal and provincial/territorial governments have occurred as part of a response to the problem of family violence. This section of the profile highlights innovative court responses to the problem of family violence in two provinces that currently have specialized courts to deal with family violence cases: Manitoba and

Ontario, specifically the Winnipeg Family Violence Court and the Ontario Domestic Violence Courts initiatives.

Ursel, J. (2002). "His sentence is my freedom": Processing domestic violence cases in the Winnipeg Family Violence Court. In L. M. Tutty & C. Goard (Eds.), *Reclaiming self: Issues and resources for women abused by intimate partners* (pp. 43-63). Halifax: Fernwood Publishing. (See also *General Information*)

Methodology: Ursel utilizes data from the Winnipeg Family Violence Court Project (FVC) to demonstrate the need for the justice system response to accurately reflect the complex nature of domestic violence. Challenges that domestic violence poses for various components of the traditional criminal justice system, including policing, prosecution and the courts are reviewed. **Results:** Ursel argues that the single-dimensional focus on prosecution outcomes does not reflect the complex process of domestic violence experienced by women. The author concludes that initiatives such as the specialized FVC are needed to protect and empower women who experience domestic violence.

Ursel, J. (2003). Using the justice system in Winnipeg. In H. Johnson & K. Au Coin (Eds.), *Family violence in Canada: A statistical profile 2003* (Catalogue no. 85-224-XIE, pp. 54-56). Ottawa: Minister of Industry, Statistics Canada.

In this section of the profile, Ursel provides an update on the progress of specialization in the criminal justice system in Winnipeg and explores the impact of the introduction of civil protection orders on the utilization of the criminal courts. **Methodology:** This study uses data collected through the Family Violence Court Project and from Statistics Canada's Transition Home Survey. These data were descriptively analyzed. **Results:** Ursel concludes that a large number of victims of spousal violence in Manitoba are calling on the justice system for assistance in domestic violence cases. Women in shelters in Manitoba were more likely to call police than women in any jurisdiction in Canada and the police were more likely to arrest when called. The introduction of civil protection legislation does not appear to have altered this pattern.

Ursel, J., & Hagyard, C. (2008). The Winnipeg family violence court. In J. Ursel, L. M. Tutty, & J. leMaistre (Eds.), *What's law got to do with it? The law, specialized courts and domestic violence in Canada* (pp. 95-119). Toronto, ON: Cormorant Books Inc.

The Winnipeg Family Violence Court (FVC), the first specialized family violence court in Canada, came into operation in September, 1990. This chapter begins with information on the history of the FVC and an outline of the major components of this specialization. **Methodology:** A descriptive analysis of FVC data collected through the court docket and crown prosecutors' files for over 30,000 cases during the decade 1992 to 2002 is presented. **Results:** In addition to providing information on accused and victim characteristics, the types of charges laid in family violence cases, and recidivism among offenders, this analysis demonstrates the influence of criminal justice system policies and the FVC on number of arrests, dual arrests, court outcomes, and sentences. The authors conclude that in Winnipeg, the specialized system has encouraged greater support for victims and has placed more emphasis on the treatment of abusers.

White, L. (2003). Domestic violence treatment option court (DVTO): A Yukon perspective on domestic violence and the courts. In H. Johnson & K. Au Coin (Eds.), *Family violence in Canada: A statistical profile 2003* (Catalogue no. 85-224-XIE, pp. 58-59). Ottawa: Minister of Industry, Statistics Canada.

In order to improve the response to victims and offenders of family violence in the Yukon, a specialized court entitled the Domestic Violence Treatment Option Court (DVTO) was developed. White summarizes the DVTO's principles as well as what the DVTO offers both offenders and victims, such as safety planning, assistance with court attendance and the preparation of victim impact statements, and counsellors from the Spousal Abuse Program.

Wood, L. P. (2001). *Caught in the net of zero-tolerance: The effect of the criminal justice response to partner violence*. Unpublished master's thesis, University of Manitoba, Winnipeg, Manitoba, Canada. (See also *Police Response*)

This study examined the impact of the Winnipeg Police Service "Zero-Tolerance" policy in cases of partner violence. **Methodology:** Data from Winnipeg police incident reports on cases of women and men charged with criminal acts of violence were used to assess whether or not there are differences between: (a) partner and non-partner violence cases in terms of their processing by the criminal justice system (b) the processing and sentencing of partner violence cases before and after the implementation of the zero-tolerance policy, and (c) the processing and sentencing of women and men charged with partner violence. **Results:** The findings indicated that partner violence cases have a higher incidence of case attrition than non-partner violence cases and that partner violence is different from non-partner violence. While partner violence cases where charges were laid after the zero-tolerance policy had a significantly high incidence of attrition than partner violence where charges were laid before the policy, there were no significant differences between partner violence cases occurring before and after the implementation of the policy and no differences were found in the sentencing of cases before and after the policy. Men's and women's partner violence was found to be asymmetrical. These findings suggest some support for the position that zero-tolerance has had a "net-widening" effect.

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http://www.ncjrs.gov/pdffiles1/nij/199701.pdf?bcsi_scan_15D00938B02C-633E=0&bcsi_scan_filename=199701.pdf

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Probation and Treatment Programs

Hendrickson-Gracie, A. E. (2001). *The Partner Abuse Short Term (PAST) group program: An intervention for men who batter*. Unpublished master's thesis, University of Manitoba, Winnipeg, Manitoba, Canada.

Hendrickson-Gracie presents on the results of participation in a practicum to evaluate the Partner Abuse Short Term (PAST) group program. The PAST program, a psycho-educational group treatment program for men who have been charged and convicted of a domestic violence crime, consisted of twelve sessions in two practicum groups. **Methodology:** Twenty-five clients mandated to attend, participate, and complete domestic violence programming as part of their court deposition were drawn from the caseloads of Manitoba Probation Services and were interviewed. Fourteen of the 25 men who started the groups completed all twelve sessions. **Results:** Men reported that the most valuable part of the program was being taught about the “warning signs” that they are escalating towards violence and how to use “time-outs” as a means to avoid a violence episode. They also reported that while physical abuse towards their partner decreased during treatment, the incidence of emotional and psychological abuse increased. The author concludes that further research into the effectiveness of short-term treatment for batterers is required.

Hornick, J. P., Boyes, M., Tutty, L., & White, L. (2005). *The Domestic Violence Treatment Option (DVTO), Whitehorse, Yukon: Final evaluation report*. Research Report to the National Crime Prevention Centre by the Canadian Research Institute for Law and the Family. Retrieved June 24, 2008, from http://www.ucalgary.ca/~crilf/publications/Final_Outcome_Analysis_Report.pdf (See also *Court Response*)

The purpose of this study was to monitor and evaluate the effectiveness of the Domestic Violence Treatment Option (DVTO). The DVTO consists of a therapeutic treatment program called the Spousal Abuse Program (SAP), as well as an elaborate intervention system. The four specified objectives were to (1) identify whether the DVTO program has been implemented as planned; (2) determine the effectiveness of both the DVTO system and the SAP in achieving their objectives; (3) conduct a cost analysis of the DVTO program; and (4) document the DVTO model so that it can be replicated elsewhere in the country. **Methodology:** A quasi-experimental pre-test post-test group design was employed in this study. **Results:** The results indicated that the DVTO program was implemented as planned and that the DVTO system and SAP can be considered as very effective models for spousal assault and abuse. Detailed process analysis and protocols are outlined so that a replication of the DVTO model is possible. Recommendations for the DVTO, SAP, and further research are also discussed.

Hornick, J. P., Boyes, M., Tutty, L. M., & White, L. (2008). The Yukon's Domestic Violence Treatment Option: An evaluation. In J. Ursel, L. M. Tutty, & J. leMaistre (Eds.), *What's law got to do with it? The law, specialized courts and domestic violence in Canada* (pp. 172-193). Toronto, ON: Cormorant Books Inc. (See also *Court Response*)

This chapter reports on the results of a process and outcome evaluation designed to monitor and test the effectiveness of the Domestic Violence Treatment Option (DVTO) in Whitehorse, Yukon. The DVTO includes a treatment program, an elaborate justice intervention system, and provides domestic violence offenders with an opportunity to choose a therapeutic treatment alternative to traditional sentencing in criminal court. **Methodology:** Data collected from victims and offenders and police information systems for 318 DVTO cases during the period from June 2002 to November 2004 was used for the evaluation. **Results:** The results of the study indicated that for most part, the DVTO had been implemented as planned, and that the majority of the objectives of the DVTO had been achieved. For example, the DVTO system decreased the collapse rate of cases, increased the acceptance of responsibility of offenders early in the justice system process, and is associated with a reduced number of reassaults among offenders. The authors conclude that DVTO system is effective, at least in the short term, and that the model provides a promising model for dealing with spousal abuse.

Tutty, L. M., Bidgood, B. A., Rothery, M. A., & Bidgood, P. (2001). An evaluation of men's batterer treatment groups: A component of a co-ordinated community response. *Research on Social Work Practice, 11*(6), 645-670.

The purpose of this study was to evaluate a feminist model of group treatment for men who have abused their intimate partner. **Methodology:** 104 group participants were selected from three agencies within Kitchener-Waterloo, Cambridge, and Guelph, Ontario. Each man completed an assessment at three points (pre-test, post-test, and six month follow-up) to estimate change over time. In addition, group leaders rated each group participant on Likert-type scales that corresponded to the self-reported outcome measures at the beginning and completion of the group (pre-test and post-test) to provide additional evidence to validate the men's self-reports of change. **Results:** Group completion (n = 71) was associated with significant improvements on the adjusted variables of appraisal social support, self-esteem, perceived stress, attitudes toward marriage and the family, locus of control, and the marital relationship functions of roles, affective expression, and communication. Adjusted scores on both the Physical and Non-Physical Abuse subscales of the Index of Spouse Abuse were significantly reduced, the latter to below the clinical cut-off. No differences were found between court-mandated and non-court-mandated group completers.

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Victim Perspectives

Barata, P. C. (2007). Abused women's perspectives on the criminal justice system's response to domestic violence. *Psychology of Women's Quarterly*, 31(2), 202-215.

This study used Q methodology to explore abused women's perspectives about the Criminal Justice System (CJS), highlighting commonalities and differences. **Methodology:** Fifty-eight ethnically diverse women from two Canadian cities who had experienced emotional and/or physical abuse by a current or past male partner were recruited from community agencies and organizations and through the placement of posters in various public locations. Participants sorted 72 statements extracted from existing literature related to women's perspectives on the CJS. A subset of six women was interviewed to clarify the reasoning used during the sorting process. Factor analysis was used to compare participant's Q sorts. **Results:** Five perspectives of the CJS were identified: (1) the CJS can be trusted; (2) the CJS has potential, but is ultimately disappointing to victims; (3) victims should have input into the CJS and be sure they want to use it; (4) the CJS cannot protect women and can make matters worse; and (5) the CJS should be used for her safety, for his rehabilitation, and for justice despite its problems.

Barata, P. C., & Schneider, F. (2004). Battered women add their voices to the debate about the merits of mandatory arrest. *Women's Studies Quarterly*, 32(3/4), 148-163.

The objective of this study was to describe victims'/survivors' views and degree of support for mandatory arrest policies. **Methodology:** Thirty-nine women residing in emergency shelters completed a questionnaire designed to correspond with the concerns and issues expressed in the literature on mandatory arrest. The questionnaire contained both specific and open-ended items. **Results:** The results indicated that the majority of women felt positive about mandatory arrest, did not believe that mandatory arrest was disempowering, and felt that domestic violence should be treated as a crime and not as a family problem.

Brown, T. (2001). *Charging and prosecution policies in cases of spousal assault: A synthesis of research, academic and judicial responses*. Department of Justice Canada. Retrieved June 1, 2008, from http://www.justice.gc.ca/eng/pi/rs/rep-rap/2001/rr01_5/rr01_5.pdf (See also *Police Response, Prosecutors' response*)

This report presents a synthesis of research literature that evaluates the effectiveness of charging and prosecution policies in reducing the incidence of recidivism. It also presents research that assesses the perceptions of female victims of domestic violence, the police and prosecutors as to the effectiveness and ultimate value of these policies as implemented. Although results proved to be contradictory, inconclusive, and warranting further research, individuals were generally more supportive of charging policies than prosecution policies. Suggestions for reform are discussed.

Gillis, J. R., Diamond, S. L., Jebely, P., Orekhovsky, V., Ostovich, E. M., Macisaac, K., Sagrati, S., & Mandell, D. (2006). Systemic obstacles to battered women's participation in the judicial system: When will the status quo change? *Violence Against Women, 12*(12), 1150-1168.

With the intention of increasing our understanding of the legal-judicial system from the victim or survivor perspective, this study highlights the systemic barriers women face in dealing with the police, the judicial system, and social service agencies. **Methodology:** Twenty women were recruited from one victim services location in Ontario to participate in six qualitative focus groups. The semi-structured discussion was guided to reveal participant's knowledge of, and feelings towards mandatory charging policies and participants' experiences with the entire judicial system, from the initial decision to contact the police to the period following prosecution. **Results:** The authors reported that only a small minority of participants expressed positive experiences with police officers and other criminal justice officials. Despite various government initiatives, many felt further traumatized by ambivalent or discriminatory attitudes and practices within the system. By exposing this perspective, this study identifies some ways in which these institutions could change to better serve diverse groups in Canada.

Landau, T. C. (2000). Women's experiences with mandatory charging for wife assault in Ontario, Canada: A case against the prosecution. *International Review of Victimology, 7*, 141-157.

The author utilizes a two-fold study to provide an examination of women's experiences with the Canadian criminalization strategy for wife assault, which includes mandatory charging and the prosecution system. **Methodology:** Data was collected and analyzed from a random sample of 661 files from four communities in Ontario in which domestic violence charges were laid. In addition, 94 women were interviewed, either in person or over the telephone, with specific and open-ended questions. **Results:** Findings indicate complex views of mandatory charging and support the proposition that women often experience additional anxiety, frustration and disempowerment as a direct result of the criminalization strategy. Recommendations for reforming the strategy emphasize the evidentiary needs of the police and Crown, while the needs and interests of women are seen as barriers to the smooth prosecution of wife assault cases. It is suggested that the voices of women are not, and cannot be, integrated into the current strategy, as it prioritizes the bureaucratic, professional and structural imperatives of the administering of justice and/or its agents.

Mihorean, K. (2006). Factors related to reporting spousal violence to police. In L. Ogrodnik (Ed.), *Family violence in Canada: A statistical profile 2006* (Catalogue no. 85-224-XIE, pp. 19-24). Retrieved June 15, 2008, from <http://www.statcan.gc.ca/pub/85-224-x2006000-eng.pdf> (See also *General Information*)

This section of the profile examined differences between spousal violence victims who contact the police for help and those who do not. **Methodology:** Descriptive analysis of quantitative data from the 2004 General Social Survey was used to examine these differences. **Results:** Findings from the analyses indicated that overall, female victims were more likely to report violent incidents to the police than male victims. Reporting was more likely among both men and

women who had left an abusive partner, who had experienced more serious forms of spousal violence, who experienced a higher frequency of assaults, and if the partner was drinking at the time of violence. Police reporting was more likely among women who experienced violence in the last 12 months, who were young and socially disadvantaged, who had resided in their dwelling for less than one year, who had used formal support services and informal supports, and when children witnessed the violence. About two thirds of both female and male victims said that they were somewhat or very satisfied with police actions.

Minaker, J. C. (2001). Evaluating criminal justice responses to intimate abuse through the lens of women's needs. *Canadian Journal of Women and the Law*, 13(1), 74-106.

This study examined the perceptions of women who experienced abuse within their intimate partner relationships with regard to the extent to which they felt the criminal justice system successfully responded to their needs. **Methodology:** In-depth, semi-structured, qualitative interviews were conducted with fifteen women in Winnipeg, Manitoba who had sought support from the criminal justice system regarding their experiences of abuse by an intimate partner. The author relied on standpoint feminism throughout the data collection and analysis. **Results:** Seven dominant themes emerged from the interviews, including, understanding, reprieve, survival, children, means, remedies and rebuilding. Minaker found that not only was the system inadequate in meeting women's needs, but, at times, it also produced significant and negative consequences for the women. The women in this study indicated that what women need may have more to do with amelioration than it does with punishment, law and order, and criminal intervention. A reconsideration of the justice system's strategies was discussed and a need to re-conceptualize the notion of 'choice' emerged.

Russell, M., & Light, L. (2006). Police and victim perspectives on empowerment of domestic violence victims. *Police Quarterly*, 9(4), 375-396. (See also *Police Response*)

Using Stark's (1995) suggested standard of victim empowerment to determine the efficacy of police interventions, this study sought to determine from both police and victim perspectives, what dimensions of police interventions were central to victim empowerment. **Methodology:** A qualitative methodology was employed. A total of 63 victims and 28 police were interviewed either individually or in focus groups. **Results:** Results yielded three dimensions of empowerment along which police responses varied: integrated team versus isolated unit functioning, deserving versus undeserving victim perspective, and proactive versus pro-forma responses. Police attitudes, situational factors, and victim characteristics influenced the extent to which victims experienced responses as empowering or disempowering.

Tutty, L. M., George, D., Nixon, K., & Gill, C. (2008). Women's views of programs to assist them with the justice system. In J. Ursel, L. M. Tutty, & J. leMaistre (Eds.), *What's law got to do with it? The law, specialized courts and domestic violence in Canada* (pp. 21-45). Toronto, ON: Cormorant Books Inc.

The purpose of the research reported in this chapter was to examine women's perceptions of two programs developed to assist women after police have laid charges against their partners in a domestic assault: Calgary's HomeFront specialized domestic violence court and the Domestic

Violence Program offered through Family Services Regina. **Methodology:** The analysis was based on semi-structured interviews with 72 women, a subset of a larger sample of women interviewed for a larger study. Forty two of the women had received service from the HomeFront court caseworkers and 30 of the women had received service from Family Service Regina's Domestic Violence Program staff. Women were asked to describe their experiences of intimate partner violence including the nature of the abuse, police involvement, and contact with the specialized services under study. **Results:** The findings of the study indicated that the majority of the women interviewed reported that their contact with staff from both HomeFront and Family Service Regina's Domestic Violence Program was helpful. The most helpful aspects of these programs described by women included the provision of information and emotional support and court preparation and support.

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General Information (Civil and Criminal Justice System)

Bilodeau, A., Allard, D., Lefèbre, C., Cadrin, H., & Pineault, M.-J. (2007). Le protocole sociojudiciaire en matière de violence conjugale : Une mobilisation ciblée pour une innovation limitée dans un champ fortement conflictuel. *Revue canadienne de criminologie et de justice pénale*, 49(3), 403-422.

This **qualitative study** evaluated the planning efforts underlying the development, implementation and maintenance of socio-legal procedures in cases of intimate partner violence in the Lower-Saint-Lawrence region of Quebec. The authors conducted a **longitudinal and interpretational case study**. They analysed the documentary data on the development, implementation, evaluation and sustainability of the procedures. Two interviews of 120 minutes each were carried out with two participants from the Department of Public Health, Planning and Evaluation (known in Quebec as the DSPPÉ). The objective of the study was to examine innovative practices and the data were interpreted based on the theory of translation. **Results:** The DSPPÉ takes the initiative in the procedures, defining the participants' objective and roles, which helps target potential contentious issues and set up a network to work together in overcoming them. The objective of the procedures is thus to provide accompaniment to women victims of intimate partner violence in legal proceedings in the criminal courts by means of a pragmatic solution: systematic referral of intimate partner violence cases by police officers. In particular, the DSPPÉ has helped police officers to navigate the procedures – officers are the nerve centre of the network, which is further consolidated by collaborations. However, it is also weakened by personnel turnover (especially in the police force) and organisational constraints. Additionally, the procedures were not fully implemented in the pilot phase and the DSPPÉ gradually became disconnected from its role as promoter during the sustainability phase. There was a resulting slowdown in the anticipated changes with regard to police practices. It is important that innovative practices continue to be sustained, evaluated and undergo constant improvement by promoters in order to ensure continuity.

Cipriani, L. (2000). *Quantifier l'inqualifiable : La judiciarisation de la violence conjugale*. Thèse de doctorat, Faculté de droit, Université Laval. (*See also Prosecutors' Response*)

The author presents a **critical feminist analysis** of the standards and practices in judicial procedures for intimate partner violence in the judicial district of Quebec City. In conducting the analysis, she studied all the cases of intimate partner violence on record at the judicial district of Quebec City in January 1996 (n=84). **Results:** The author concluded that standards on criminal law do not take into account the specific characteristics of women victims of intimate partner violence, in particular the psychological scars that result from the types of assault they have experienced. The rules surrounding 1) the judicial process itself, 2) collection of evidence and 3) evaluation of credibility are thus incompatible with manifestations of the psychological consequences [of the assault]. As well, the standard profile of a "reliable witness" is based on the way men typically present themselves. As regards the judicial procedures, 46.5% of women victims of intimate partner violence in this sample did not testify at any stage of the criminal proceedings and only 33.5% of the cases were even subjected to a judicial process, depending on the reported severity [of the assault.] In comparing the number of charges that could have been made with the ones that actually were brought to court, the author concludes that police officers

and the attorney general engage in denial and attempts to minimise the gravity of the assaults reported by the victims. In addition, the judicial process does not take into account the intimate partner assaults that took place prior to the one for which proceedings were initiated. **Recommendations:** The author therefore recommends changing 1) the state-imposed waiting period with regard to the informed choice of the victim and 2) the rules of the judicial process in order to take into consideration the psychological scars caused by the assault. Knowledge of post-traumatic stress could serve as a guide in this issue. The author also recommends a study on constriction in victims [of intimate partner violence].

Côté, A. (2002). Violence conjugale : Une violence familiale ou une violence faite aux femmes? Et les enjeux autour de la judiciarisation. In A. Côté, S. Léveillé, C. McAll, D. Côté & L. Lamarche (Eds), *Violence conjugale : luttres de femmes et modernité*. Montréal : Escale pour Elle. (See also *Police Response, Court Response, Probation and Treatment Programs*)

In this article, the author shares her thoughts on the judicialisation of intimate partner violence. Her central thesis is that “defence of provocation”, commonly used in the defence of the accused, trivialises the murder of women and highlights the persistent patriarchal bias within the legal system. She also notes that zero tolerance policies in the context of intimate partner violence do not take into account the fact that depending on the community where they live, women do not always have an equal relationship with the legal apparatus, and are therefore reticent to call the police in certain situations. Counter-accusations may be made, and the victim may find herself becoming the accused. And yet, [even] with the flexible approach adopted in the Quebec policy allowing legal proceedings to be abandoned if the accused signs an agreement to keep the peace and accept a plea bargain of a guilty plea, the majority of victims do not want charges to be pressed. The incarceration of a violent spouse is useful in protecting the safety of others, but this procedure is not adapted to treating and rehabilitating the accused. In the author’s opinion, feminist alternatives to incarceration should be found, but mediation should not be among them. In summary, the author emphasises that judicialisation is important, but a fair amount of flexibility is required in the process. **Recommendations:** The author recommends that guidelines be developed for police work, and that prior case histories not resulting in a conviction be conserved. As an alternative to incarceration, she suggests that aggressors be taken into community-based programs and undergo long-term monitoring. For the victims, she proposes that independent support services be developed during the judicial process, in both criminal and civil proceedings.

Damant, D., Bélanger, J., & Paquet, J. (2000). Analyse du processus d’empowerment dans des trajectoires de femmes victimes de violence conjugale. *Criminologie*, 33(1), 73-95. (See also *Victim Perspectives*)

This **qualitative study** examines the empowerment process in women victims of intimate partner violence who decide to use the judicial system. The authors’ aim is to validate the empowerment model developed in the study of how women navigate the system. The model divides the empowerment process into three stages: 1) the power deficit, 2) awareness and 3) acquisition of power. The data was collected by means of **semi-structured interviews** (n=29). The **study population** was composed of women victims of intimate partner violence. A **purposive**

sampling method was used and potential participants were identified by professionals and agents in the various organisations. **Results:** Empowerment was a relevant model in the study of how women victims of intimate partner violence navigate the system. Any step in the process appeared to enable the women to engage in a process of empowerment. The factors facilitating this process are emotional and informational support as well as concrete gestures to help and accompany the women through the process; these services are provided by the professionals and workers in the judicial system. In terms of obstacles, the respondents cited: a lack of information; the impression that they were to blame for their own situation; the possibility of initiating the proceedings only in the case of severe physical assault; and the difficulty of having to prove the ex-spouse's guilt. No facilitating aspect specific to the judicial system as a social institution was raised. **Discussion:** The authors suggest that the very act of completing the steps in the judicial process is an indicator of empowerment. They recommend that the decisions made by the women be granted respect, at each step of the process. As well, the empowerment model enables the victim's needs to be identified and responded to, in terms of providing help and information. It is therefore useful to propose judicial proceedings when the women are likely to want to press the case in that direction.

Desmarais, A. (2002). *La violence conjugale homosexuelle : portrait des réactions sociale et judiciaires*. Mémoire de maîtrise, École de criminologie, Université de Montréal. (See also *Prosecutors' Response*)

This **qualitative study** explores social and judicial perceptions of same-sex intimate partner violence, from the point of view of professionals and agents in the system. In particular, the author explores the attitudes toward victims of the different professionals and agents in the judicial system. The data were collected by means of **semi-structured interviews**. The study **sample** was composed of mental health and related professionals and agents with an awareness of the problem of same-sex intimate partner violence (n=8; 1 psychologist, 1 sexologist, 6 social workers) and professionals and agents in the judicial system (n=4; 1 police officers, 2 crown prosecutors, 1 judge). The **sample** was conducted using the **snowball** technique. Judicial files on same-sex intimate partner violence were also studied (n=12). **Results:** In judicial proceedings, cases of same-sex intimate partner violence are treated in the same way as heterosexual cases. The author nevertheless raises the issue of judicial system agents' discomfort when faced with gay/lesbian victims; their discomfort may be related to prejudice against the sexual orientation of the persons involved, or to the fact that they rarely encounter gay/lesbian victims and thus have a poor understanding of their situation. However, this issue does not appear to affect how intimate partner violence cases are processed when the persons involved happen to be gay/lesbian.

Regarding social perceptions of same-sex intimate partner violence, this form of violence appears to resemble many aspects of the situation with heterosexual couples. Among the weighty aspects of intimate partner violence among same-sex couples is the threat of divulging an individual's sexual orientation and the lack of resources adapted to their specific needs. As well, the gay/lesbian population does not admit to the presence of violence in its community, or would prefer to remain silent on the subject to avoid tarnishing its image. The repercussions of these social and legal reactions create a situation where gay/lesbian victims rarely denounce intimate partner violence and seldom seek out social and/or legal assistance. According to the persons

interviewed, it is important to uncover this issue and to ensure that more adequate and adapted resources are provided in dealing with these situations.

Drouin, C. (2002). *Intervenir dans les situations de violence conjugale à haut risque de létalité : Le point de vue des acteurs pénaux et des victimes*. Mémoire de maîtrise, École de criminologie, Université de Montréal. (See also *Police Response, Prosecutors' Response, Probation and Treatment Programs, Victim Perspectives*)

The objective of this **qualitative study** is to create a profile of intimate partner violence situations wherein the victim is in imminent danger of physical harm or even death. The author has sought to achieve a better understanding of 1) penal system interventions with the goal of preventing intimate partner homicide and 2) the stakes involved in these interventions, both for professionals and agents in the penal system as well as for victims. Study participants included women (n=10) and penal system professionals and agents (police officers, crown prosecutors, personnel in correctional institutions; n=19) who have experienced or intervened in situations where there is a high risk of potentially lethal intimate partner violence. Data collection was carried out using the **critical incidents** technique, reported by **semi-structured interviews**. **Purposive sampling** was used. **Results:** Based on several indicators that can be related to specific contexts, aggressors or couples, or to the danger reported by the victim or a third party, the incidents reported by the professionals and agents are classified according to the perceived level of threat: immediate danger, imminent danger, or long-term danger. Interventions are carried out in three stages: evaluation of the threat level, arrest of the violent partner and protection of the victim. Penal system agents use the system to avoid intimate partner homicide. As for the women, when they resort to this system it is mainly because a third party alerts them to the fact they are in danger; they need to protect the lives of their family members; and/or hope to make the partner understand that his behaviour is dangerous and ensure he receives help. The obstacles are: the fear of wronging the partner; compulsory victim involvement in the penal proceedings; doubts regarding the effectiveness of the judicial system; a prior negative experience; and the need to consider their own safety. Penal system agents evaluate interventions in a positive light when the risk of homicide is eliminated, whereas victims tend to judge the system according to their level of appreciation for the agents. Overall, their evaluation of the judicial system is a negative one.

Flores, J., Bouchard, A., & Maurice, P. (2000). *Rapport d'intervention : Mise en place et évaluation des protocoles d'entente intersectoriels concernant la violence faite aux femmes en milieu familial*. Québec : Direction de la santé publique du Québec.

This intervention report presents the inter-sector agreement protocols set up in Quebec City between September 1998 and December 1999. An evaluation procedure is also presented herein. Of the seven recommendations made by the authors, one applies specifically to the judicialisation of intimate partner violence. In this region [of Quebec], the agreements especially target the links developed between the police and psychosocial services. The authors noted that support and counselling services on legal and judicial aspects of violence cases are poorly or not at all covered by the agreement protocols. They recommend that the most important links be created with agencies that can offer these kinds of services to victims. This would facilitate the

decision by women victims of intimate partner violence as to whether or not they will be involved in judicial proceedings.

Frigon, S. & Viau, L. (2000). Les femmes condamnées pour homicide et l'Examen de la légitime défense (Rapport Ratushny) : Portée juridique et sociale. *Criminologie*, 3(1), 97-119. (See also *Court Response, Victim Perspectives*)

This article is an **analysis of the Examination of Legitimate Defence (ELD)** conducted by Judge Ratushny. This study examines the files of women sentenced for homicide before and after the Lavallée judgment. The authors compiled a report on intimate partner homicide in Canada, and discussed the impact of the Lavallée judgment, an important judicial transition in the area of legitimate defence. The Crown now acknowledges the situation of homicidal women who have previously been victims of abuse and violence. Expert testimony pertaining to battered woman syndrome is admissible and the accused can invoke legitimate defence, a plea that leads to acquittal.

After the Lavallée judgment, the files of women sentenced for homicide were submitted for review; this mandate was returned to Judge Ratushny. Of the 236 women who were contacted, 98 files were retained for ELD. Analysis was based on court and correctional services files as well as institutional archives. Fourteen petitioners were interviewed. Two types of recommendations emerged: first, case review recommendations for seven litigators; and second, suggestions for reform. Judge Ratushny recommended a definition for legitimate defence with a clearer definition of the word "reasonable". As well, in light of the systemic problems identified during ELD (i.e. in terms of sentencing it can sometimes be more advantageous for a person accused of homicide to plead guilty instead of attempting and losing a plea of legitimate defence), the judge suggested a reform of the law and prosecution regarding murder. She suggested a legislative amendment to remove automatic life-sentencing in the case of second degree murder. Therefore, in spite of the expectations raised by the ELD, the authors believe it was useful in correcting certain injustices and raising substantial questions regarding the justice system.

Gaudreault, A. (2002). La judiciarisation de la violence conjugale : regard sur l'expérience québécoise. In R. Cario & D. Salas (Eds), *Œuvre de justice et victimes*, vol. 2. Paris : l'Harmattan. (See also *Police Response*)

This is a report on the judicialisation of intimate partner violence in Quebec. Following her presentation of a brief history of this issue in the public sphere, the author explains the different elements of the social and historical context that led to judicialisation. It wasn't until the 1980s that spousal violence was considered a crime. Awareness-raising campaigns encouraged victims and witnesses to speak out against spousal violence, and the training social and legal advocates received helped them in the progress of judicialisation. Socially, the trend is toward a more firm application of penal law, state intervention in the private sphere and criminalisation of deviance. In 1982, a motion was adopted at the federal level, which provided more specific directives to police forces. The 1986 *Politique d'intervention en matière de violence conjugale* [Policy on intervention in spousal violence] resulted in many changes to the way cases were regarded socially and in the courts. The justice system was "humanised", victims were encouraged to

press charges and they were to receive support in the process. The aim of the system was to stop violence with a sentencing policy that considered the needs of both victims and violent spouses. The results were mixed: in spite of the progress, half of all cases stalled in the courts, with the victim dropping out of the judicial proceedings. With the *Politique d'intervention en matière de violence conjugale, Prévenir, dépister, contrer la violence conjugale* [Policy on intervention in spousal violence: Preventing, detecting, stopping spousal violence] adopted in 1995, more flexibility was introduced to penal action: the policy of automatic laying of charges was abandoned and victims were henceforth offered more understanding when they dropped charges or withdrew from the proceedings. Judicial action must be combined with aid to victims and aggressors. The author concludes her report with a reminder of the complexity of the problem. Bringing intimate partner violence to the attention of the courts may very well be an important way of making the aggressor realise the gravity of his actions, but it is also associated with negative effects for both the aggressor and the victim.

Gauthier, S. (2001). À propos d'un traitement judiciaire préférentiel des affaires de violence conjugale. *Revue canadienne de criminologie*, 43(4), 467-496.

This article presents the results of a **quantitative comparative study** to verify the hypothesis according to which penal system professionals and agents offer the accused partner preferential treatment in cases of intimate partner violence. More specifically, the study seeks to find out if there is preferential treatment regarding the status of the accused during the proceedings, in the results of the proceedings and in decisions on sentencing. The **study population** was composed of men accused of intimate partner violence and **sampling** was systematic. The criminal records of men accused of intimate partner violence (n=284) were compared to those of men accused on other types of charges (n=1374). **Results:** The men accused of intimate partner violence had minor criminal records compared to the men accused of other crimes. As well, they were released more often during proceedings than were the other accused men. However, in both groups, the factors behind this decision were mainly legal and correctional ones. The most frequent result of the proceedings for those accused of intimate partner violence was that the accusations were dropped - a decision made at the preliminary investigation when the evidence was deemed to be insufficient in order for the accused to undergo a trial. As well, men accused of intimate partner violence plead guilty less often, are acquitted more often, and their proceedings are halted more often. Spousal violence offenders are sentenced to incarceration less often than other men, and when they are incarcerated, the sentence is shorter. In both groups, the factors related to a prison sentence result from the same judicial and correctional variables as the decision regarding their status during the proceedings. Therefore, nothing in the data allows us to affirm that the persons accused of intimate partner violence benefit from preferential treatment. In both groups, the decisions are apparently related to current and prior criminal records. **Recommendations:** The author recommends further studies to better understand the basis of sentencing for men who are found guilty of intimate partner violence.

Gauthier, S. & Laberge, D. (2000). Entre les attentes face à la judiciarisation et l'issue des procédures : Réflexion à partir d'une étude sur le traitement judiciaire des causes de violence conjugale. *Criminologie*, 33(2), 31-53. (See also *Police Response*)

This **comparative quantitative study** deals with the gap in expectations concerning the judicialisation of cases of spousal violence and the outcome of legal proceedings with regard to the proportion of partners found guilty and the sentences they receive. The study **population** is composed of men accused of intimate partner violence. **Sampling** by the authors was systematic. The files of 262 men accused of intimate partner violence were compared to 369 files of men accused of an offence against the person, but in a different context. **Results:** At the end of the proceedings, 31.6% of the partners were found guilty, compared to 68.6% of the men in the control group. Among the partners found not guilty, the most common outcome was dropped charges (39.7%), a decision made during the preliminary investigation when it was deemed that there was insufficient proof to proceed with a trial. Acquittals, halted proceedings and charges withdrawn were more frequent outcomes for men accused of intimate partner violence than for men in the control group. Factors unique to the judicialisation of intimate partner violence can explain these outcomes, including the obligation for police officers to press charges and the fact that the victim often bears the entire weight of testimony. Men accused of intimate partner violence seldom receive a sentence involving incarceration (36% compared to 75.7% for other men) and when they do, the sentence is lighter. When found guilty of intimate partner violence, the accused are most often sentenced to probation (44.1%). **Discussion:** The authors suggest a new protocol that can be applied when processing cases of intimate partner violence. Instead of automatic charges being laid, an evaluation of the accused could be conducted by a specialised team, and the victim could be provided with the support of a case worker. At that point, a decision on whether or not to submit the case to judicial proceedings could be made.

Harper, E., Desmarais, S., Rondeau, G. & Poupart, L. (2005). Synthèse des consultations sur les réponses judiciaires à la violence conjugale, familiale et à caractère sexuel. *Info CRI-VIFF*, 9(1), 5-6.

This document provides a synthesis of the consultations organised by the Quebec research centres who are partners of the *Alliance of Canadian Research Centres on Violence*. The objective of these consultations with key agents and professionals in the field of family and spousal violence was to address the concerns regarding the judicial system's response to intimate partner violence and the research needs in the field. Thirteen groups from social and judicial communities were consulted by means of a **telephone or in-person interview**. **Results:** Regarding the current state of research, few studies have examined the perceptions, realities and needs of women victims of spousal violence with regard to the judicial system; the same is true regarding the outcomes of the judicial process. There is a lack of knowledge transfer between the health and social services networks and the judicial system. To address this problem, a suggestion was made regarding action on these cases: it is important to evaluate the organisation and proper functioning of the judicial system in order to set up improved file management procedures, and ensure the safety of women victims. Some participants questioned the frequent use of Article 810 (the obligation to keep the peace) and the move to set up alternatives to judicialisation. The social services network would like the judicial system to pay more attention to the specific needs of women victims of spousal violence. Intervening in situations of spousal

violence in cultural communities is perceived as a major challenge. The authors conclude that the policy of intervention in matters of intimate partner violence is adequate, but its application is difficult. They propose setting up a Family Court to address the challenges identified in the article, which concludes with a theme-based list of research priorities.

Langevin, L. (2004). Le recours au civil pour les victimes de violence sexuelle et conjugale : Les avantages et les inconvénients. In M. Rinfret-Raynor & S. Thibault (Eds), *Le système pénal et la violence faite aux femmes : Quand la protection est un enjeu*. Actes du séminaire annuel du CRI-VIFF (Drummondville, Qc, 11 avril 2003). Montréal : CRI-VIFF. (See also *Court Response*)

In this report, the author takes a look at what happens when victims of intimate partner violence apply to the civil courts, with a discussion of the advantages and disadvantages. In seeking a civil court remedy, fault must be proven, and it must be shown that damages were suffered; a link between the two must also be established, which can often prove difficult. A few **damaging effects of civil proceedings** are identified: stress, protection of privacy, trauma due to a rejected application for remedy, and for women who have pressed charges in the criminal system, the civil proceedings e.g. trial are an additional difficulty to face. Others have mentioned **economic arguments**: the high cost of the proceedings and the possible insolvency of the aggressor. Others have brought up some more **basic arguments**: re-victimization of the complainants, the smaller financial compensation awarded to women in the best of cases, the courts' lack of receptivity to claims made by women and finally, reducing spousal violence to a personal rather than a social problem. For those who hold that it is a social problem, compensation must come from the state, and trials must take place in the criminal courts. The author presents arguments in favour of this type of action. Regarding the **economic arguments**, she suggests that a portion of the amounts awarded by the Crime Victims Compensation Act could finance the procedures and that conditional fees could be negotiated with lawyers. She points out that **harming the victim through the trial process** could also occur during criminal proceedings, as the plaintiff is also required to be present during the criminal trial. The plaintiff must therefore be prepared as a consequence and be able to rely on available support and assistance. Among the **beneficial effects** of civil action, the author mentions: public acknowledgment of wrongdoing, and denunciation of the aggressor. As well, more powers are accorded to the victim and weight of proof is less onerous. As for the courts' unfavourable attitude regarding the claims made by women, it is important that women victims not be prevented from pursuing their claims, if only to develop jurisprudence that properly addresses the issue.

Laroche, D. (2003). *La violence conjugale envers les hommes et les femmes, au Québec et au Canada, 1999*. Institut de la statistique du Québec, Conditions de vie. (See also *Victim Perspectives*)

This report provides **descriptive statistics** on intimate partner violence suffered by men and women in Quebec and Canada. The data are from the General Social Survey (GSS) carried out by Statistics Canada in 1999 on a **stratified random sample**, in which 25,867 people 15 years and older participated (11,607 men and 14,269 women). The results were weighted to represent approximately 24,260,000 persons 15 years and older in the Canadian population and not residing in an institution. In this report, the **study populations** were men and women victims of

intimate partner violence. The data were collected by computer-assisted telephone interviews. **Relevant results:** Women alerted police more often in cases of spousal violence incidents than did men. The majority of intimate partner violence episodes reported to police were cases involving severe violence. However, the incidents of violence involving a former partner were more likely to be reported to the police than those committed by the current partner. In the majority of cases of intimate partner violence, the police were not alerted. The reason for not alerting the police most often cited by men was that it was a personal affair that did not call for police action, whereas the women's main reason was that the problem was solved in another way. For the victims of violence who did alert the police, the motive most often cited to justify the complaint was to stop the violence or to ensure the victim's protection. Regarding the effects of police intervention, 43% of men said that the violence decreased or stopped, and in 23% of cases it remained the same. In women, 13% said that it increased, 38% said it decreased or ceased, and 24% said that it remained the same.

Laroche, D. (2004). *Aspect du contexte et des conséquences de la violence conjugale : violence situationnelle et terrorisme conjugal au Canada en 1999*. Québec : Institut de la statistique du Québec. (See also *Victim Perspectives*)

In this study, the author employed **descriptive statistics** to categorise intimate partner violence using elements of Johnson typology: situational violence and spousal terrorism. The data are from the 1999 General Social Survey (GSS) by Statistics Canada on a **stratified random sample** composed of 25,867 persons 15 years and older (11,607 men and 14,269 women). Their responses were weighted to represent approximately 24,260,000 people 15 years and up living outside of institutions in the Canadian population. In this report, the **study population** was comprised of men and women victims of intimate partner violence. The data were collected by means of computer-assisted telephone interviews. **Relevant results:** Among the male victims in situations of spousal terrorism who suffered severe injury, the police were alerted in 64% of cases. This rate is 60 % for female victims. When the violence is committed by an ex-partner, the rate rises to 76% for male victims and 71% for female victims.

Laroche, D. (2007). *Contexte et conséquences de la violence conjugale envers les hommes et les femmes au Canada en 2004*. Québec : Institut de la statistique du Québec. (See also *Victim Perspectives*)

The **descriptive statistics** used in this article are provided by the 2004 General Social Survey on criminal victimization carried out by Statistics Canada on a random sample (n=23,766; 10,600 men and 13,166 women). In this report, the **study population** was comprised of men and women victims of intimate partner violence. **Relevant results:** The police were alerted in 43% of cases when males were the victims in situations of spousal terrorism and when they suffered severe injury. This rate was 58% when the victims were women. When the violence was committed by an ex-spouse, the rate went up to 78% for male victims and 69% for female victims.

Larose, L., & Rousseau, J. (2002). *Évaluation de l'implantation des protocoles sociojudiciaires et données sur la violence conjugale et familiale*. Sainte-Marie : Régie Régionale de la Santé et des Services sociaux. (See also *Police Response*)

The purpose of this **study** was to determine the level of implementation and application of social and judicial protocols for family violence in the Chaudière-Appalaches region of Quebec. The strong and weak points were identified along with the difficulties encountered by the various participants who signed on to the protocols. The data were collected using objective **questionnaires** and **group interviews** with members of the Consulting committees for action on spousal violence in the region (n=40). **Results:** The implementation of protocols and related practices varied greatly among the regional municipal counties (RMCs). Referrals from the police force took place in only 7 out of 11 RMCs. Among the difficulties mentioned by the police officers are: neglect of proper procedure; problems related to carrying out interventions in crisis situations; and women's reticence to sign the required form. In some areas where levels of collaboration and informal referral are satisfactory, the use of the form is questioned. In other areas, it is always presented and accepted by the women. In areas where the form is seldom used, the information kit appears to be presented in a compensatory fashion. Information on support resources is rarely provided to violent partners, as the context of authority and arrest are not conducive to this action. With regard to the statistics, the types of situations documented were not the same in all territories, and only a few police services collect data specific to the protocols.

Ministère de la Sécurité Publique. (2007). *Statistiques 2006 : La criminalité commise dans un contexte conjugal au Québec*. Sainte-Foy : Ministère de la sécurité publique.

This report presents **descriptive statistics** on the offences committed in the context of intimate partner relationships that were reported to police services in 2006. The **data** are from the database of the Incident-Based Uniform Crime Reporting Program (UCR 2), wherein all criminal incidents reported to Canadian police forces are registered. The report provides partial information on criminal offences in spousal situations for reported incidents. **Results:** In 2006, 17,843 offences against the person were registered in Quebec. The majority of the cases involved charges pressed against the spouse (66%), whereas a non-negligible proportion of the cases (22%) were concluded without charges being pressed. The primary reason for this was the victim's refusal to press charges. The second reason is independent of police action and is usually due to the crown prosecutors' office deeming the evidence insufficient to continue the proceedings. The report also shows that the majority of offences against the person in the context of a spousal relationship are level one assault (54%), followed by threats (17%), criminal harassment (12%) and level two assault (12%).

Morier, Y., Bluteau, C., Bruneau, G. & al. (1991). *Intervention sociojudiciaire en violence conjugale*. Montréal : Wilson & Lafleur.

This book provides a **descriptive analysis** of the socio-judicial model for intervention in intimate partner violence that has been adopted in Quebec; it is now considered an essential study in the field. A guide to understanding the book is provided through various tables in the Appendices, including one on the different judicial options depending on the type of charge. The first chapter deals with the issue of intimate partner violence. A brief historical survey is

provided, along with the state of knowledge on intimate partner violence: definition, types of violence, profile of the persons involved, cycles of violence, etc. The second chapter is on the social and judicial context of spousal violence. The different laws and obligations of the persons involved and the application of the judicial process are explained. As well, the policies of aid and intervention are described along with the roles of the different individuals and agencies. The third chapter is on the socio-judicial intervention itself and is divided into different fields of intervention: police force, judicial services, and social and community agencies. The last chapter is on the effectiveness of the socio-judicial intervention, evaluated by the compilation of statistics by the different networks involved and by changes in mentality toward spousal violence.

Nicol, R. (2005). La médiation familiale : Révélateur du contrat social entre la famille et l'État. *Intervention*, 122, 42-50.

This article tracks the changes to the family mediation program in Quebec beginning in the 1970s. The author provides information on many aspects, including the significance of using family mediation services in cases of spousal violence. Some authors, as well as the *Provincial Coalition of Shelter and Transition Homes for Women Victims of Spousal Violence*, do not agree with the use of this service in cases of intimate partner violence. According to them, spousal and intimate partner violence should be criminalised and fought in the courts. Other authors believe that family mediation services are important in dealing with cases of spousal violence, but only if certain fundamental criteria at the basis of mediation are present. These criteria are: the desire to find viable and mutually acceptable solutions; an emphasis on cooperation; availability of all necessary information; a view toward the future rather than the past; and equal powers in negotiation skills and knowledge. The mediator must therefore have adequate training, particularly in the ability to detect intimate partner violence. With this purpose in mind, a pilot project was jointly set up in 2004 by the Committee for accrediting organisations in family mediation and the Quebec family mediation association. The recommendations that emerged from this project will be submitted to the Justice Ministry.

Parent, C. (2004). Le système judiciaire dans la lutte contre la violence exercée contre les conjointes : Une mesure incontournable mais piégée. In A. Boas & J. Lambert (Eds), *La violence conjugale = Partnergeweld*. Bruxelles : Nemesis. (See also *Victim Perspectives*)

In this chapter, the author briefly exposes different political and judicial measures set up in Canada since the 1970s. She then discusses the idea that judicial intervention, although promising at the start, halted progress in the women's movement against spousal violence. In the 1980s, the emphasis was placed on judicial intervention, and the level of mobilisation very quickly led to the impression that the battle was being won. But towards the end of that decade, different authors acknowledged the complexity of the problem and concluded that the movement against spousal violence had failed. Failure was attributed to the institutionalisation of the problem, whereas from the movement's point of view, the solution was supposed to emerge from structural changes. In this sense, the author questions the effectiveness of judicial intervention in protecting women victims of intimate partner violence. Judicial intervention underlines the fact that intimate partner violence is a crime like any other and that victims must be protected and aggressors dissuaded. However, the results are mixed: judicial intervention does not respond to

expectations with regard to reducing repeat offences and producing dissuasive effects, and can in certain cases create counteractive ones. As well, only a small percentage of victims call upon police help, and when they do, it is to stop the violence and assure their own safety. Many women do not wish to file a complaint; a policy of automatic charges is a problem for these women and can even cause an additional threat to their safety. In addition, judicialization does not promote women's autonomy: they lose control over the proceedings and lose sight of a solution to their problem. As well, incarcerating the spouse can have negative impacts, such as job loss that results in a loss of family income. Therefore, for many women victims of intimate partner violence, judicial recourse is not a process that provides autonomy, and is a limited solution in responding to their needs. Finally, the objective of prevention by means of denouncing spousal violence as a crime can be reached by other means (such as campaigns to raise awareness on the issue).

Parent, C. (2004). Le système pénal et la violence faite aux femmes : Se mettre à l'écoute des témoignages des femmes. In M. Rinfret-Raynor & S. Thibault (Eds), *Le système pénal et la violence faite aux femmes : Quand la protection est un enjeu*. Actes du séminaire annuel du CRI-VIFF (Drummondville, Qc, 11 avril 2003). Montréal : CRI-VIFF. (*See also Police Response*)

In these seminar proceedings, the author exposes the limits of policy in situations of spousal violence, specifically those that relate to automatic laying of charges and non-withdrawal from proceedings. First, their dissuasive effect is present in the short term, but in the long term, violence starts up again and can be even more severe. As well, dissuasion is usually effective only with aggressors who are employed. The policy therefore has negative effects in disadvantaged communities. An increase in violence is observed when the judicial system intervenes in "ethnic" communities. Therefore, as it is mainly women from disadvantaged and cultural communities who call upon the police, the ability of the policy to protect women victims of spousal violence is questionable. Second, negative effects of the policy are observed with regard to the police officers themselves. Many believe that interventions with women victims of intimate partner violence are useless. In fact, many women refuse to press charges or wish to withdraw the charges very early in the proceedings. However, it is possible that calls are filtered or some arrests are averted. It is also possible that some women who are aware of the policy do not call the police, knowing that this will result in a loss of control over the situation.

A state intervention should protect women victims of intimate partner violence in their status as citizens, but also as autonomous individuals within a family. Furthermore, this intervention should not deprive women of their personal space or hinder the exercise of their personal freedom. In summary, a policy on intimate partner violence should allow women to take control over their lives. The solution therefore does not come from an automatic and compulsory judicial intervention; rather, it should include clinical support for spouses, couples' therapy, shelter services, openings to the job market, etc.

Roberts, J. V. (2001). Évolution et conséquence de la réforme de la sentence au Canada.
Sociologie et sociétés, 33(1), 67-83.

This article is an **analysis of the reform of the 1996 Criminal Code (Bill C-41)**. The author provides an analysis of the consequences of this reform with regard to sentencing in Canada. **Relevant points:** Four aggravating factors are now considered by judges in establishing sentences; two of these factors can apply to cases of spousal violence. The first one considers that the offence committed is a form of spousal abuse and that this is an aggravating factor. The underlying reason appears to be a breach of trust. However, the breach of the trust relationship is clearly part of the definition of the second aggravating factor commented on by the author, who notes that there is redundancy in the law. The author questions the fact that the other aggravating factors already used by the courts are not found in the Criminal Code; he highlights the absence of attenuating circumstances. He also notes that the revision of sentencing should not be entrusted to Parliament; he instead suggests that a permanent commission be established.

POLICE RESPONSE

Beaulieu, C. (2007). Référencer les victimes de violence conjugale aux ressources psychosociales dans le cadre du protocole d'entente en matière de violence conjugale : Point de vue des policiers et des victimes. In *La peine, ça vaut la peine d'en parler*. Actes du 33^e congrès de la société de criminologie du Québec (Québec, 23-24-25 mai 2007). Récupéré le 23 juillet 2008 à partir de http://www.societecrimino.qc.ca/actescongres/bloc_a_atelier_5.html (*See also Victim Perspectives*)

This **mixed-content study** evaluates the state of police referrals (level of protocol application by police officers, description of the victims who accept or refuse it) as part of the protocol from the inter-sector agreement on spousal violence in Gatineau, and establishes, from the point of view of both police officers and victims, the global needs with regard to referrals. The **data** were collected by means of 1) police files involving women victims of spousal violence (n=1159; descriptive qualitative analysis); 2) semi-structured interviews with women victims of spousal violence (n=10; inferential quantitative and mixed-content qualitative analyses); and 3) semi-structured interviews with police officers (n=30; mixed-content qualitative analyses). **Results:** Police file analysis shows that the referral form in the agreement protocol is used in 48% of cases of injury to physical integrity, in 21% of cases of injury to personal safety, and in 33% of cases of injury to personal freedom. Of the files where the protocol was applied (n=453), 62% of women accept the proposed referral, and most often chose to accept assistance offered by the CLSC (77%). The police officers identified the following elements as creating obstacles for the victims in accepting the referral form: the condition of the victim; the diverse clientele; issues other than domination and control in the couple relationship; the period of the year and personnel turnover; the source of the call and the clientele's perception of the police. As for the responders, they noted that the police use different means to obtain information regarding their safety. The police recommend more support and cohesion with regard to referrals, better information on services offered by the resources listed in the protocol, referral cards to give to victims and a common understanding of the inter-sector protocol agreement. The victims requested the following items: 1) that available resources be presented to them; 2) coordinated efforts among the available resources; 3) a single outlet with a sole person assigned to the file; 4) help in treating post-traumatic stress; 5) continuous follow-up services; and 6) support when they write up their declaration.

Côté, A. (2002). Violence conjugale : Une violence familiale ou une violence faite aux femmes? Et les enjeux autour de la judiciarisation. In A. Côté, S. Léveillé, C. McAll, D. Côté & L. Lamarche (Eds), *Violence conjugale : luttes de femmes et modernité*. Montréal : Escale pour Elle. (*See also General Information, Court Response, Probation and Treatment Programs*)

In this article, the author shares her thoughts on the judicialisation of intimate partner violence. Her central thesis is that “defence of provocation”, commonly used in the defence of the accused, trivialises the murder of women and highlights the persistent patriarchal bias within the legal system. She also notes that zero tolerance policies in the context of intimate partner violence do not take into account the fact that depending on the community where they live, women do not

always have an equal relationship with the legal apparatus, and are therefore reticent to call the police in certain situations. Counter-accusations may be made, and the victim may find herself becoming the accused. And yet, [even] with the flexible approach adopted in the Quebec policy allowing legal proceedings to be abandoned if the accused signs an agreement to keep the peace and accept a plea bargain of a guilty plea, the majority of victims do not want charges to be pressed. The incarceration of a violent spouse is useful in protecting the safety of others, but this procedure is not adapted to treating and rehabilitating the accused. In the author's opinion, feminist alternatives to incarceration should be found, but mediation should not be among them. In summary, the author emphasises that judicialisation is important, but a fair amount of flexibility is required in the process. **Recommendations:** The author recommends that guidelines be developed for police work, and that prior case histories not resulting in a conviction be conserved. As an alternative to incarceration, she suggests that aggressors be taken into community-based programs and undergo long-term monitoring. For the victims, she proposes that independent support services be developed during the judicial process, in both criminal and civil proceedings.

Côté, M. (2000). *L'application des protocoles de collaboration en matière de violence conjugale et intrafamiliale convenus entre les CLSC et les PDQ. Rapport d'évaluation*. Montréal : Division planification, orientations stratégique et budgétaire et recherche et développement, direction de la gendarmerie du SPCUM.

This Montreal-area **study** evaluated the protocols for collaboration between the SPCUM and CLSCs in spousal violence cases to see if they facilitate problem solving, and if they improve the efficiency and effectiveness of the interventions. The data analysed are from: 1) various official documents (i.e. internal reports, previous evaluation reports, statistical data, etc; **quantitative analyses**); 2) observations of participants in the field of police operations; 3) semi-structured interviews with police officers, CLSCs, legal services and community agencies. **Results:** Two elements with an impact on the application of the protocol emerge from observations in the field. First of all, the diversity of cases and urban sub-cultures shows that spousal violence is expressed in different ways depending on the socio-economic class and the urban sub-culture of a given neighbourhood. Moreover, relationships between police officers and the local population are not the same in all neighbourhoods. Second, observations in the field show the impact of coping strategies of individuals involved in episodes of spousal violence on police work. Three main strategies have been identified: 1) cooperation/adaptation, where the victim allows the police officer to help resolve her problem and she cooperates with the officer(s); 2) denial of submission/domination, where the victim declares there is nothing to report and refuses to sign the assistance protocol; and 3) mixed manipulation/violence, where the police officer is included in the couple's relationship dynamics and the assistance protocol is often refused. With regard to the interviews, the officers spoke about the motives behind refusal of offers of assistance: the victim needs the spouse, is afraid of reprisals and/or anything that is "governmental"; the victim may have something to be ashamed of or another problem she does not wish to address (alcohol or drug addiction for example); she may even have difficulty admitting she is living in a situation of spousal violence. As well, given that the police intervention often takes place in a crisis situation, the protocol cannot always be applied. The police officers have therefore developed new strategies, such as assuring follow-up and attempting to obtain consent at a later date.

Recommendations: The author has provided a series of recommendations, of which the majority (5/8) would be supported by the creation of a multi-sector Police/Health/Justice committee that would ensure better coordination among the different entities in addressing the issue of intimate partner violence.

Drouin, C. (2002). *Intervenir dans les situations de violence conjugale à haut risque de létalité : Le point de vue des acteurs pénaux et des victimes*. Mémoire de maîtrise, École de criminologie, Université de Montréal. (See also *General Information, Prosecutors' Response, Probation and Treatment Programs, Victim Perspectives*)

The objective of this **qualitative study** is to create a profile of intimate partner violence situations wherein the victim is in imminent danger of physical harm or even death. The author has sought to achieve a better understanding of 1) penal system interventions with the goal of preventing intimate partner homicide and 2) the stakes involved in these interventions, both for professionals and agents in the penal system as well as for victims. Study participants included women (n=10) and penal system professionals and agents (police officers, crown prosecutors, personnel in correctional institutions; n=19) who have experienced or intervened in situations where there is a high risk of potentially lethal intimate partner violence. Data collection was carried out using the **critical incidents** technique, reported by **semi-structured interviews**. **Purposive sampling** was used. **Results:** Based on several indicators that can be related to specific contexts, aggressors or couples, or to the danger reported by the victim or a third party, the incidents reported by the professionals and agents are classified according to the perceived level of threat: immediate danger, imminent danger, or long-term danger. Interventions are carried out in three stages: evaluation of the threat level, arrest of the violent partner and protection of the victim. Penal system agents use the system to avoid intimate partner homicide. As for the women, when they resort to this system it is mainly because a third party alerts them to the fact they are in danger; they need to protect the lives of their family members; and hope to make the partner understand that his behaviour is dangerous and ensure he receives help. The obstacles are: the fear of wronging the partner; compulsory victim involvement in the penal proceedings; doubts regarding the effectiveness of the judicial system; a prior negative experience; and the need to consider their own safety. Penal system agents evaluate interventions in a positive light when the risk of homicide is eliminated, whereas victims tend to judge the system according to their level of appreciation for the agents. Overall, their evaluation of the judicial system is a negative one.

Dubé, M., Rinfret-Raynor, M., & Drouin, C. (2005). Étude exploratoire du point de vue des femmes et des hommes sur les services utilisés en matière de violence conjugale. *Santé mentale au Québec*, 30(2), 301-320. (See also *Probation and Treatment Programs, Victim Perspectives*)

This **qualitative investigative study** was conducted to determine 1) the perceptions of women victims of intimate partner violence, and men perpetrators of the violence, on the interventions carried out on their behalf 2) the impact of these interventions on the violence and on themselves and 3) the impact of the coordination among the different resources used. The data were collected by means of **semi-structured interviews** using **purposive sampling**. The **study populations** were women victims of spousal violence (n=18) and men perpetrators of spousal

violence (n=18) who used support services, whether or not they were willing to do so. **Results:** Public safety and legal services were used by nearly all the women in the study (94%). Of the two services, the persons most often consulted by participants were lawyers (100%), police officers (89%) and judges (50%). The men also consulted persons from both types of services, but in a smaller proportion: police officers (61%), lawyers (61%) and judges (50%). The opinion of the women on the role and appreciation of the police services was mixed. Some stated that the police provided safety and support, while others (n=2) mentioned negative impacts: delays in conducting spousal arrests and the presence of women police officers who increased the spouse's level of aggressiveness. Two men reported that police intervention did not have the anticipated effect on their violent behaviour, as neither respected the conditions of their release. **Discussion:** The participants, and especially the women, used many support services from the different networks involved in managing cases of intimate partner violence. However, the authors recommend that there be better coordination within and among the sectors involved in order to alleviate the process.

Gaudreault, A. (2002). La judiciarisation de la violence conjugale : regard sur l'expérience québécoise. In R. Cario & D. Salas (Eds), *Œuvre de justice et victimes, vol. 2*. Paris : l'Harmattan. (See also *General Information, Court Response*)

This is a report on the judicialisation of intimate partner violence in Quebec. Following her presentation of a brief history of this issue in the public sphere, the author explains the different elements of the social and historical context that led to judicialisation. It wasn't until the 1980s that spousal violence was considered a crime. Awareness-raising campaigns encouraged victims and witnesses to speak out against spousal violence, and the training social and legal advocates received helped them in the progress of judicialisation. Socially, the trend is toward a more firm application of penal law, state intervention in the private sphere and criminalisation of deviance. In 1982, a motion was adopted at the federal level, which provided more specific directives to police forces. The 1986 *Politique d'intervention en matière de violence conjugale* [Policy on intervention in spousal violence] resulted in many changes to the way cases were regarded socially and in the courts. The justice system was "humanised", victims were encouraged to press charges and they were to receive support in the process. The aim of the system was to stop violence with a sentencing policy that considered the needs of both victims and violent spouses. The results were mixed: in spite of the progress, half of all cases stalled in the courts, with the victim dropping out of the judicial proceedings. With the *Politique d'intervention en matière de violence conjugale, Prévenir, dépister, contrer la violence conjugale* [Policy on intervention in spousal violence: Preventing, detecting, stopping spousal violence] adopted in 1995, more flexibility was introduced to penal action: the policy of automatic laying of charges was abandoned and victims were henceforth offered more understanding when they dropped charges or withdrew from the proceedings. Judicial action must be combined with aid to victims and aggressors. The author concludes her report with a reminder of the complexity of the problem. Bringing intimate partner violence to the attention of the courts may very well be an important way of making the aggressor realise the gravity of his actions, but it is also associated with negative effects for both the aggressor and the victim.

Gauthier, S. (2003). La remise en liberté sous conditions par les policiers dans des événements de violence conjugale. *Revue canadienne de criminologie et de justice pénale*, 45(3), 187-209.

This aim of this **study** is to evaluate how police officers use conditional release of accused persons in situations of intimate partner violence. Specifically, the author seeks to elucidate the factors behind the decision to use conditional release and how each condition of release is used. Given the paucity of studies on the subject, the author opted to conduct an **investigational qualitative study** and used **semi-structured interviews**. The **study population** was composed of detectives (sergeants) with the Montreal Urban Community police force. **Purposive sampling** was used, with the participants (n=14) recruited by their immediate superior. **Results:** The study participants used conditional release for the accused in 35% to 90% of cases of spousal violence. They grant conditional release when they deem that the accused is not at risk of re-offending; this evaluation is based on the severity of the offence, the accused person's record for violence and on information provided by the victim and witnesses. The most important condition of release according to study participants was that the accused not seek contact with the victim; this was nearly always a prescribed condition. **Discussion:** To avoid abuse of the situation, the author reminds us that the accused must know his rights regarding conditional release, i.e. the possibility of having the conditions of release modified by court order. She recommends that officers and detectives assigned to spousal violence cases receive specific training on this situation in order to guide them in making decisions. She also encourages detectives to impose only the conditions that are necessary and relevant to the conditional release of the accused. Finally, she recommends that police forces provide further training on conditional release to interveners who use it in the course of their duties.

Gauthier, S. & Laberge, D. (2000). Entre les attentes face à la judiciarisation et l'issue des procédures : Réflexion à partir d'une étude sur le traitement judiciaire des causes de violence conjugale. *Criminologie*, 33(2), 31-53. (See also *General Information, Court Response*)

This **comparative quantitative study** deals with the gap in expectations concerning the judicialisation of cases of spousal violence and the outcome of legal proceedings with regard to the proportion of partners found guilty and the sentences they receive. The study **population** is comprised of men accused of intimate partner violence. **Sampling** by the authors was systematic. The files of 262 men accused of intimate partner violence were compared to 369 files of men accused of an offence against the person, but in a different context. **Results:** At the end of the proceedings, 31.6% of the partners were found guilty, compared to 68.6% of the men in the control group. Among the partners found not guilty, the most common outcome was dropped charges (39.7%), a decision made during the preliminary investigation when it was deemed that there was insufficient proof to proceed with a trial. Acquittals, halted proceedings and charges withdrawn were more frequent outcomes for men accused of intimate partner violence than for men in the control group. Factors unique to the judicialisation of intimate partner violence can explain these outcomes, including the obligation for police officers to press charges and the fact that the victim often bears the entire weight of testimony. Men accused of intimate partner violence seldom receive a sentence involving incarceration (36% compared to 75.7% for other men) and when they do, the sentence is lighter. When found guilty of intimate partner violence,

the accused are most often sentenced to probation (44.1%). **Discussion:** The authors suggest a new protocol that can be applied when processing cases of intimate partner violence. Instead of automatic charges being laid, an evaluation of the accused could be conducted by a specialised team, and the victim could be provided with the support of a case worker. At that point, a decision on whether or not to submit the case to judicial proceedings could be made.

Gauthier, S. & Landreville, P. (2003). Le point de vue des policiers sur la remise en liberté sous conditions de suspects dans les affaires de violence conjugale. *Revue internationale de criminologie et de police technique et scientifique*, 56(4), 467-482.

This **qualitative investigative study** examines police officer perceptions of their power in using conditional release of accused persons in cases of intimate partner violence. The study investigates such perceptions as the advantages, disadvantages and risks associated with this practice. The **study populations** were detectives (sergeants, n=14; and lieutenants, n=4) from the Montreal Urban Community police force. **Purposive sampling** was used, with the participating detectives recruited by their immediate superiors. The data were collected by means of **semi-structured interviews**. **Results:** Even though they had a favourable view of conditional release, police officers find this a difficult decision to make. The risk most often mentioned is that conditional release could result in the accused re-assaulting his victim. Others mentioned the absence of guarantees that the conditions would be respected and the lack of resources in monitoring the situation. Several participants stated that in cases where there was a doubt, they kept the accused in detention and deferred the decision to the judge. In spite of this, police officers considered that conditional release has various advantages for 1) the victim, because this reassures and protects her; 2) the accused, because it allows him to avoid suffering undue damage; 3) the judicial system, because it eases the overall burden and reduces costs; 4) the detectives themselves, because it enhances their decision-making power. In summary, this measure is a good alternative to both detention and unconditional release. **Recommendations:** The authors recommend monitoring for cases of spousal violence where the accused has been conditionally released; monitoring must be provided by the police. As well, these cases must be entrusted solely to willing detectives who have training in the field. Moreover, training should be compulsory for all police officers.

Groulx, J. (2002). Protocole de collaboration en violence conjugale pour l'aide psychosociale et l'accompagnement sociojudiciaire : synthèse de l'évaluation du protocole dans dix secteurs de la Montérégie. *Régie régionale de la santé et des services sociaux de la Montérégie*, (39), 7-32. (See also *Court Response, Victim Perspectives*)

This **study to evaluate collaboration protocol implementation** in cases of spousal violence in the Montérégie area describes how the protocol is used and assesses the coordinated efforts among the various partners involved. A **mixed** approach was used: 1) a questionnaire to assess coordinated efforts (n=?; quantitative analyses); 2) a group interview on the results from the questionnaires (n=?; qualitative analyses); 3) a follow-up form filled out by the women who accepted the services (n=313; quantitative analyses); and 4) documentary analysis. **Results:** In all the sectors, the regional and local approach, training on protocol application as well as information and awareness-raising activities on spousal violence were part of the strategies to implement the protocol. With regard to protocol application, it emerged that the offer of services

could not always be proposed by police officers. The reasons mentioned for this were: the fact that the interventions were taking place in a crisis situation; personnel turnover; a lack of training on protocol application. In spite of all this, many victims were informed of the offer and accepted it (n=313). Moreover, a minority of victims (27.1%) went beyond the needs evaluation to obtain even more support; this can be explained by the specific features of spousal violence cases. Nonetheless, the author observes that victim referrals to psychosocial services are generally respected. However, following the needs evaluation, there is a lack of coordination to ensure referral to psychosocial *follow-up* assistance and/or accompaniment in the social and judicial process. As well, the psychosocial follow-up is generally a short-term offer (i.e. less than 4 weeks).

Langlois, C. (2005). *Les mesures de rechange et le système pénal : Opinions des acteurs pénaux, jeux et enjeux*. Thèse de doctorat, École de Criminologie, Université de Montréal. (See also *Prosecutors' Response, Court Response, Probation and Treatment Programs*)

The goal of this **mixed study** is to find out if the nature of justice system professions has an influence on the attitudes cultivated by professionals regarding certain types of offences, decriminalisation and de-judicialisation, as well as on redrafting measures in the justice system. Justice system professionals and agents (police officers-detectives, crown prosecutors, defence lawyers, judges, correctional service agents, and probation agents) were the **study population**. The data came from the study entitled "*Le recours au droit pénal et au système pénal pour régler les problèmes sociaux*" [The use of criminal law and the judicial system in solving social problems] (Lemire et al., 1998). The data were collected from members of the judicial system using questionnaires (n=850; quantitative analyses) and semi-structured interviews (n=36; qualitative analyses). In the quantitative section, sampling was generally random, but in some cases, all representative professionals were asked to participate. In the qualitative section, participants were selected at random from among willing professionals and agents by means of the questionnaire. **Results:** We find both common and specific representations of judicial system professions. In the judicial system, some members prefer a more traditional approach (police officers-detectives, Crown prosecutors) while others lean toward more innovative approaches (defence lawyers and probation agents). However, depending on the type of offence, the differences are less clearly defined. Members of the judicial system therefore support social orientations and policies that are adopted by public institutions when it comes to cases of spousal violence.

Larose, L., & Rousseau, J. (2002). *Évaluation de l'implantation des protocoles sociojudiciaires et données sur la violence conjugale et familiale*. Sainte-Marie : Régie Régionale de la Santé et des Services sociaux. (See also *General Information*)

The purpose of this **study** was to determine the level of implementation and application of social and judicial protocols for family violence in the Chaudière-Appalaches region of Quebec. The strong and weak points were identified along with the difficulties encountered by the various participants who signed on to the protocols. The data were collected using objective **questionnaires** and **group interviews** with members of the Consulting committees for action on spousal violence in the region (n=40). **Results:** The implementation of protocols and related practices varied greatly among the regional municipal counties (RMCs). Referrals from the

police force took place in only 7 out of 11 RMCs. Among the difficulties mentioned by the police officers are: neglect of proper procedure; problems related to carrying out interventions in crisis situations; and women's reticence to sign the required form. In some areas where levels of collaboration and informal referral are satisfactory, the use of the form is questioned. In other areas, it is always presented and accepted by the women. In areas where the form is seldom used, the information kit appears to be presented in a compensatory fashion. Information on support resources is rarely provided to violent partners, as the context of authority and arrest are not conducive to this action. With regard to the statistics, the types of situations documented were not the same in all territories, and only a few police services collect data specific to the protocols.

Parent, C. (2004). Le système pénal et la violence faite aux femmes : Se mettre à l'écoute des témoignages des femmes. In M. Rinfret-Raynor & S. Thibault (Eds), *Le système pénal et la violence faite aux femmes : Quand la protection est un enjeu*. Actes du séminaire annuel du CRI-VIFF (Drummondville, Qc, 11 avril 2003). Montréal : CRI-VIFF. (See also *General Information, Victim Perspectives*)

In these seminar proceedings, the author exposes the limits of policy in situations of spousal violence, specifically those that relate to automatic laying of charges and non-withdrawal from proceedings. First, their dissuasive effect is present in the short term, but in the long term, violence starts up again and can be even more severe. As well, dissuasion is usually effective only with aggressors who are employed. The policy therefore has negative effects in disadvantaged communities. An increase in violence is observed when the judicial system intervenes in "ethnic" communities. Therefore, as it is mainly women from disadvantaged and cultural communities who call upon the police, the ability of the policy to protect women victims of spousal violence is questionable. Second, negative effects of the policy are observed with regard to the police officers themselves. Many believe that interventions with women victims of intimate partner violence are useless. In fact, many women refuse to press charges or wish to withdraw the charges very early in the proceedings. However, it is possible that calls are filtered or some arrests are averted. It is also possible that some women who are aware of the policy do not call the police, knowing that this will result in a loss of control over the situation.

A state intervention should protect women victims of intimate partner violence in their status as citizens, but also as autonomous individuals within a family. Furthermore, this intervention should not deprive women of their personal space or hinder the exercise of their personal freedom. In summary, a policy on intimate partner violence should allow women to take control over their lives. The solution therefore does not come from an automatic and compulsory judicial intervention; rather, it should include clinical support for spouses, couples' therapy, shelter services, openings to the job market, etc.

Randall Kropp, P., Hart, S. D., & Belfrage, H. (2005). Structurer les décisions relatives au risque de violence conjugale et au danger de mort: un outil d'aide à la décision à l'intention des professionnels de la justice pénale. *Juste Recherche*, 13, 25-30.

This study is a **validation of a tool** (B-SAFER) that could help judicial system professionals in their evaluation of the risk of severe violence or death in cases of spousal violence. Based on SARA, B-SAFER is a set of guidelines for use with professional and well-structured decisions

and judgements. It outlines 10 risk factors related to prior histories of spousal violence and psychosocial and social function. Users are able to identify the risk factors, among other items, that relate specifically to the case under evaluation. The tool has been tested with a sample of police officers in Canada and Sweden. In total, 333 cases of spousal violence were evaluated. **Results:** According to the statistical analyses, B-SAFER is a useful and relevant tool in evaluating the risks associated with cases of spousal violence. Police officers found it easy to use in their work: it enabled them to evaluate the risks, and assisted them in decision-making and risk management. **Discussion:** The authors recommend developing a software program that would increase the probability of using B-SAFER. Moreover, they recommend the development of training programs in using this tool, along with more studies on its use in Canada.

Rondeau, G., Boisvert, R., & Forney, A. (2002). *L'aide aux conjoints violents lors de l'arrestation et de la situation de crise : recension des écrits*. Études et analyses, No 26, Centre de recherche interdisciplinaire sur la violence familiale et la violence faite aux femmes. Montréal : CRI-VIFF. (See also *Court Response*)

This documentary review provides a status report for Canada and the United States, with a special focus on the factors behind arrests, social and judicial preferential treatment of accused spouses, the dissuasive effect of arrest and its impacts. The second section addresses interventions in crisis situations in cases of spousal violence. Also documented are restorative justice interventions, used particularly in First Nations. Concerning the factors behind arrests, the potential for risk of further violence appears to be the decisive factor in the arrest of an aggressor. The situations considered to be the most at risk involve armed aggression (including punches and kicks) and cohabitation of the persons involved. Arrest has a dissuasive effect on educated and employed men, whereas with marginalised persons (chronically unemployed, drug abusers, or mentally ill), arrests only have a very slight impact and can even cause violence to escalate.

International References

Fremiot, L. (2004). L'expérience pilote pluridisciplinaire du parquet de Douai en matière de violences conjugales. In A. Boas & J. Lambert (Eds), *La violence conjugale = Partnergeweld*. Bruxelles : Nemesis. (See also *Probation and Treatment Programs, Victim Perspectives*)

The author examines a multidisciplinary **pilot project** in zero tolerance policies toward spousal violence set up in the public prosecutor's office in Douai (France). The goal of this program was to help aggressors become aware of the gravity of their actions by removing them from their domicile. The project is based on dual management of 1) the aggressor, who is removed from the family residence and placed in police custody and 2) the victim, who remains at home and receives psychological and legal support. Two types of situations are considered: 1) cases of material violence, abuse and threats that lead to the procedure of alert and 2) cases of proven physical violence. When the police are alerted they draw up a report of events with an evaluation of the potential for violence of the accused. The accused is then brought before the judge for reprimand, citation of the law and eventual referral to support services. In the case of proven

physical violence, the accused is presented at the public prosecutor's office after 24 to 48 hours in custody. In more serious cases, the accused receives a judgement combined with a prison sentence. In other cases, it is proposed that he be placed in a transitional house for men. The average length of stay is two weeks and the accused is taken care of by a judicial proceedings organisation and, depending on the situation, he must consult with a physician or a psychologist specialising in alcohol abuse. In milder cases of violence, proceedings can be terminated if the accused has fulfilled his obligations by the end of his stay. In more serious cases, the accused must go to criminal trial where a file is presented on his offence. **Results:** The program was initiated in May 2003; in the December 2003 report, a single case of re-offence had been recorded. Seventeen cases resulted in immediate trial (severe offence), 16 were cases of procedural alert, 26 accused were remanded to a men's shelter and 5 others were sent to an alternative housing arrangement, due to a lack of shelter space. According to the author, the process set up in Douai is a positive one, as the time spent in a shelter provides time for reflection. Twenty percent of the cases treated resulted in divorce proceedings.

Hornberger, J. (2003). Maman bat papa : La loi sur la violence domestique à Sophiatown, Johannesburg. *Politique africaine*, no.91, 83-99. (See also *Victim Perspectives*)

This **anthropological** study analyses the relationships between the population and the police in Westbury Township in South Africa following the implementation of a new domestic violence law. The data were collected by means of **participatory observation**. The **study populations** were police officers and residents of Westbury involved in cases of family violence. **Results:** One of the new aspects of the domestic violence law is to include casual relationships and other family bonds. As well, the police are now obliged to intervene as soon as a complaint is made. For the residents of Westbury, one of the most disadvantaged neighbourhoods in Johannesburg, the new law is seen as a gateway to renegotiating its position within the rest of society. By lodging a complaint, police officers are obliged to provide a service that the residents were not able to rely on prior to the change. By withdrawing a complaint, residents use the law to their advantage (for example, punishing a violent husband for one night) and dictating the actions of the police. However, the police feel they cannot execute their duties to the fullest and perceive these situations as being a reversal of power, which throws the social and racial order into disarray. They resent the victims who withdraw complaints. As well, they consider that violence between intimate partners is a necessary and private matter. With regard to workplace organisation, police officers are asked to close as many cases as possible as early as possible, whether or not the work has been thoroughly carried out. Everyone complains of being overworked and of the sanctions that can be taken against them if delays are not respected. Therefore, police officers do not take kindly to the lodging of a new complaint.

PROSECUTORS' RESPONSE

Baril, M. (2002). *L'envers du crime*. Montréal : L'Harmattan. (See also *Court Response, Victim Perspectives*)

The objectives of this **qualitative study** are 1) to study criminal behaviour and social control from the victim's point of view and 2) to better understand the goals, role and function of the penal judicial system. The data were collected by means of 1) unstructured interviews with victims of violent offences and burglaries (n=65, including 5 women victims of intimate partner violence), 2) unstructured interviews with persons carrying out interventions (n=15; 7 police officers, 1 judge, 2 crown prosecutors, 2 social workers with women victims of spousal violence, 1 employee of the I.V.A.C and 2 conciliation project coordinators) and 3) observations at the Palais de justice in Montreal and Paris. To recruit victims, **purposive sampling** was used. **Relevant results:** A distinction can be made between the chronic victimization that takes place in an oppressive relationship, and victimization by strangers. The chronic form takes place in a power-based relationship and is even more likely to occur when domination by the stronger person is socially acceptable. Regarding the response of the judicial system to the crime committed, the initial response of the police is often viewed as satisfactory by the victims. However, the degree to which they advance in the judicial proceedings correlates with an increased sense of frustration. They gradually lose control of the situation and feel used by the justice system, which recognises their obligations, but not their rights.

Cipriani, L. (2000). *Quantifier l'inqualifiable : La judiciarisation de la violence conjugale*. Thèse de doctorat, Faculté de droit, Université Laval. (See also *General Information, Court Response*)

The author presents a **critical feminist analysis** of the standards and practices in judicial procedures for intimate partner violence in the judicial district of Quebec City. In conducting the analysis, she studied all the cases of intimate partner violence on record at the judicial district of Quebec City in January 1996 (n=84). **Results:** The author concluded that standards on criminal law do not take into account the specific characteristics of women victims of intimate partner violence, in particular the psychological scars that result from the types of assault they have experienced. The rules surrounding 1) the judicial process itself, 2) collection of evidence and 3) evaluation of credibility are thus incompatible with manifestations of the psychological consequences [of the assault]. As well, the standard profile of a "reliable witness" is based on the way men typically present themselves. As regards the judicial procedures, 46.5% of women victims of intimate partner violence in this sample did not testify at any stage of the criminal proceedings and only 33.5% of the cases were even subjected to a judicial process, depending on the reported severity [of the assault.] In comparing the number of charges that could have been made with the ones that actually were brought to court, the author concludes that police officers and the attorney general engage in denial and attempts to minimise the gravity of the assaults reported by the victims. In addition, the judicial process does not take into account the intimate partner assaults that took place prior to the one for which proceedings were initiated. **Recommendations:** The author therefore recommends changing 1) the state-imposed waiting period with regard to the informed choice of the victim and 2) the rules of the judicial process in

order to take into consideration the psychological scars caused by the assault. Knowledge of post-traumatic stress could serve as a guide in this issue. The author also recommends a study on constriction in victims [of intimate partner violence].

Desmarais, A. (2002). *La violence conjugale homosexuelle : portrait des réactions sociale et judiciaires*. Mémoire de maîtrise, École de criminologie, Université de Montréal. (See also *General Information, Court Response*)

This **qualitative study** explores social and judicial perceptions of same-sex intimate partner violence, from the point of view of professionals and agents in the system. In particular, the author explores the attitudes toward victims of the different professionals and agents in the judicial system. The data were collected by means of **semi-structured interviews**. The study **sample** was composed of mental health and related professionals and agents with an awareness of the problem of same-sex intimate partner violence (n=8; 1 psychologist, 1 sexologist, 6 social workers) and professionals and agents in the judicial system (n=4; 1 police officers, 2 crown prosecutors, 1 judge). The **sample** was conducted using the **snowball** technique. Judicial files on same-sex intimate partner violence were also studied (n=12). **Results:** In judicial proceedings, cases of same-sex intimate partner violence are treated in the same way as heterosexual cases. The author nevertheless raises the issue of judicial system agents' discomfort when faced with gay/lesbia victims; their discomfort may be related to prejudice against the sexual orientation of the persons involved, or to the fact that they rarely encounter gay/lesbian victims and thus have a poor understanding of their situation. However, this issue does not appear to affect how intimate partner violence cases are processed when the persons involved happen to be gay/lesbian.

Regarding social perceptions of same-sex intimate partner violence, this form of violence appears to resemble many aspects of the situation with heterosexual couples. Among the weighty aspects of intimate partner violence among same-sex couples is the threat of divulging an individual's sexual orientation and the lack of resources adapted to their specific needs. As well, the gay/lesbian population does not admit to the presence of violence in its community, or would prefer to remain silent on the subject to avoid tarnishing its image. The repercussions of these social and legal reactions create a situation where gay/lesbian victims rarely denounce intimate partner violence and seldom seek out social and/or legal assistance. According to the persons interviewed, it is important to uncover this issue and to ensure that more adequate and adapted resources are provided in dealing with these situations.

Drouin, C. (2002). *Intervenir dans les situations de violence conjugale à haut risque de létalité : Le point de vue des acteurs pénaux et des victimes*. Mémoire de maîtrise, École de criminologie, Université de Montréal. (See also *General Information, Police Response, Probation and Treatment Programs, Victim Perspectives*)

The objective of this **qualitative study** is to create a profile of intimate partner violence situations wherein the victim is in imminent danger of physical harm or even death. The author has sought to achieve a better understanding of 1) penal system interventions with the goal of preventing intimate partner homicide and 2) the stakes involved in these interventions, both for professionals and agents in the penal system as well as for victims. Study participants included women (n=10) and penal system professionals and agents (police officers, crown prosecutors,

personnel in correctional institutions; n=19) who have experienced or intervened in situations where there is a high risk of potentially lethal intimate partner violence. Data collection was carried out using the **critical incidents** technique, reported by **semi-structured interviews**. **Purposive sampling** was used. **Results:** Based on several indicators that can be related to specific contexts, aggressors or couples, or to the danger reported by the victim or a third party, the incidents reported by the professionals and agents are classified according to the perceived level of threat: immediate danger, imminent danger, or long-term danger. Interventions are carried out in three stages: evaluation of the threat level, arrest of the violent partner and protection of the victim. Penal system agents use the system to avoid intimate partner homicide. As for the women, when they resort to this system it is mainly because a third party alerts them to the fact they are in danger; they need to protect the lives of their family members; and hope to make the partner understand that his behaviour is dangerous and ensure he receives help. The obstacles are: the fear of wronging the partner; compulsory victim involvement in the penal proceedings; doubts regarding the effectiveness of the judicial system; a prior negative experience; and the need to consider their own safety. Penal system agents evaluate interventions in a positive light when the risk of homicide is eliminated, whereas victims tend to judge the system according to their level of appreciation for the agents. Overall, their evaluation of the judicial system is a negative one.

Gauthier, S., Rondeau, G. & Landreville, P. (2004). Les conséquences de l'abandon des poursuites judiciaires criminelles dans les causes de violence conjugale. In M. Rinfret-Raynor & S. Thibault (Eds), *Le système pénal et la violence faite aux femmes : Quand la protection est un enjeu*. Actes du séminaire annuel du CRI-VIFF (Drummondville, Qc, 11 avril 2003). Montréal : CRI-VIFF. (See also *Court Response, Victim Perspectives*)

The aim of this **qualitative study** was to identify the reasons and consequences of withdrawing from judicial proceedings in cases of spousal violence. The data are from semi-structured interviews carried out with members of judicial professions (n=22; 6 judges, 4 defence lawyers, 7 crown prosecutors, 5 persons from the Côté Cour program). **Sampling** was based on volunteer participation. **Results:** The reasons mentioned by the victims were 1) fear of the consequences of judicialisation (particularly for the spouse: a criminal record or prison sentence [would result in] job loss that would place the couple in a precarious financial situation), and fear of the judicial system itself (anxiety at the prospect of testifying, fear of being unfairly manipulated by the crown prosecutor or defence lawyer, risk of not being taken seriously). A change in life circumstances could also explain the attrition rate: the spouse's return to the home, improvement in the situation or break-up, along with a desire to turn the page. Among the motives for attrition relating to the accused, there is pressure and threats made to the victim. Finally, a reason that frequently emerges can be attributed to the crown prosecutors: if the evidence they possess is weak, the risk of acquittal is increased. They would therefore prefer to apply article 810, i.e. the obligation to keep the peace. For the victims, the principal advantage of withdrawing from the proceedings is to avoid having to testify. For the accused, the principal advantage is to avoid having a criminal record. The majority of the professionals in the judicial system do not view attrition as a failure. Their main concern is that the persons involved in the judicial proceedings emerge with a positive outcome.

Langlois, C. (2005). *Les mesures de rechange et le système pénal : Opinions des acteurs pénaux, jeux et enjeux*. Thèse de doctorat, École de Criminologie, Université de Montréal. (See also *Police Response, Court Response*)

The goal of this **mixed study** is to find out if the nature of justice system professions has an influence on the attitudes cultivated by professionals regarding certain types of offences, decriminalisation and de-judicialisation, as well as on redrafting measures in the justice system. Justice system professionals and agents (police officers-detectives, crown prosecutors, defence lawyers, judges, correctional service agents, and probation agents) were the **study population**. The data came from the study entitled “*Le recours au droit pénal et au système pénal pour régler les problèmes sociaux*” [The use of criminal law and the judicial system in solving social problems] (Lemire et al., 1998). The data were collected from members of the judicial system using questionnaires (n=850; quantitative analyses) and semi-structured interviews (n=36; qualitative analyses). In the quantitative section, sampling was generally random, but in some cases, all representative professionals were asked to participate. In the qualitative section, participants were selected at random from among willing professionals and agents by means of the questionnaire. **Results:** We find both common and specific representations of judicial system professions. In the judicial system, some members prefer a more traditional approach (police officers-detectives, Crown prosecutors) while others lean toward more innovative approaches (defence lawyers and probation agents). However, depending on the type of offence, the differences are less clearly defined. Members of the judicial system therefore support social orientations and policies that are adopted by public institutions when it comes to cases of spousal violence.

COURT RESPONSE

Baril, M. (2002). *L'envers du crime*. Montréal : L'Harmattan. (See also *Prosecutors' Response, Victim Perspectives*)

The objectives of this **qualitative study** are 1) to study criminal behaviour and social control from the victim's point of view and 2) to better understand the goals, role and function of the penal judicial system. The data were collected by means of 1) unstructured interviews with victims of violent offences and burglaries (n=65, including 5 women victims of intimate partner violence), 2) unstructured interviews with persons carrying out interventions (n=15; 7 police officers, 1 judge, 2 crown prosecutors, 2 social workers with women victims of spousal violence, 1 employee of the I.V.A.C and 2 conciliation project coordinators) and 3) observations at the Palais de justice in Montreal and Paris. To recruit victims, **purposive sampling** was used. **Relevant results:** A distinction can be made between the chronic victimization that takes place in an oppressive relationship, and victimization by strangers. The chronic form takes place in a power-based relationship and is even more likely to occur when domination by the stronger person is socially acceptable. Regarding the response of the judicial system to the crime committed, the initial response of the police is often viewed as satisfactory by the victims. However, the degree to which they advance in the judicial proceedings correlates with an increased sense of frustration. They gradually lose control of the situation and feel used by the justice system, which recognises their obligations, but not their rights.

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The author presents a **critical feminist analysis** of the standards and practices in judicial procedures for intimate partner violence in the judicial district of Quebec City. In conducting the analysis, she studied all the cases of intimate partner violence on record at the judicial district of Quebec City in January 1996 (n=84). **Results:** The author concluded that standards on criminal law do not take into account the specific characteristics of women victims of intimate partner violence, in particular the psychological scars that result from the types of assault they have experienced. The rules surrounding 1) the judicial process itself, 2) collection of evidence and 3) evaluation of credibility are thus incompatible with manifestations of the psychological consequences [of the assault]. As well, the standard profile of a "reliable witness" is based on the way men typically present themselves. As regards the judicial procedures, 46.5% of women victims of intimate partner violence in this sample did not testify at any stage of the criminal proceedings and only 33.5% of the cases were even subjected to a judicial process, depending on the reported severity [of the assault.] In comparing the number of charges that could have been made with the ones that actually were brought to court, the author concludes that police officers and the attorney general engage in denial and attempts to minimise the gravity of the assaults reported by the victims. In addition, the judicial process does not take into account the intimate partner assaults that took place prior to the one for which proceedings were initiated. **Recommendations:** The author therefore recommends changing 1) the state-imposed waiting period with regard to the informed choice of the victim and 2) the rules of the judicial process in

order to take into consideration the psychological scars caused by the assault. Knowledge of post-traumatic stress could serve as a guide in this issue. The author also recommends a study on constriction in victims [of intimate partner violence].

Côté, A. (2002). Violence conjugale : Une violence familiale ou une violence faite aux femmes? Et les enjeux autour de la judiciarisation. In A. Côté, S. Léveillé, C. McAll, D. Côté & L. Lamarche (Eds), *Violence conjugale : luttres de femmes et modernité*. Montréal : Escale pour Elle. (See also *General Information, Police Response, Probation and Treatment Programs*)

In this article, the author shares her thoughts on the judicialisation of intimate partner violence. Her central thesis is that “defence of provocation”, commonly used in the defence of the accused, trivialises the murder of women and highlights the persistent patriarchal bias within the legal system. She also notes that zero tolerance policies in the context of intimate partner violence do not take into account the fact that depending on the community where they live, women do not always have an equal relationship with the legal apparatus, and are therefore reticent to call the police in certain situations. Counter-accusations may be made, and the victim may find herself becoming the accused. And yet, [even] with the flexible approach adopted in the Quebec policy allowing legal proceedings to be abandoned if the accused signs an agreement to keep the peace and accept a plea bargain of a guilty plea, the majority of victims do not want charges to be pressed. The incarceration of a violent spouse is useful in protecting the safety of others, but this procedure is not adapted to treating and rehabilitating the accused. In the author’s opinion, feminist alternatives to incarceration should be found, but mediation should not be among them. In summary, the author emphasises that judicialisation is important, but a fair amount of flexibility is required in the process. **Recommendations:** The author recommends that guidelines be developed for police work, and that prior case histories not resulting in a conviction be conserved. As an alternative to incarceration, she suggests that aggressors be taken into community-based programs and undergo long-term monitoring. For the victims, she proposes that independent support services be developed during the judicial process, in both criminal and civil proceedings.

Desmarais, A. (2002). *La violence conjugale homosexuelle : portrait des réactions sociale et judiciaires*. Mémoire de maîtrise, École de criminologie, Université de Montréal. (See also *General Information, Prosecutors’ Response*)

This **qualitative study** explores social and judicial perceptions of same-sex intimate partner violence, from the point of view of professionals and agents in the system. In particular, the author explores the attitudes toward victims of the different professionals and agents in the judicial system. The data were collected by means of **semi-structured interviews**. The study **sample** was composed of mental health and related professionals and agents with an awareness of the problem of same-sex intimate partner violence (n=8; 1 psychologist, 1 sexologist, 6 social workers) and professionals and agents in the judicial system (n=4; 1 police officers, 2 crown prosecutors, 1 judge). The **sample** was conducted using the **snowball** technique. Judicial files on same-sex intimate partner violence were also studied (n=12). **Results:** In judicial proceedings, cases of same-sex intimate partner violence are treated in the same way as heterosexual cases. The author nevertheless raises the issue of judicial system agents’ discomfort when faced with

gay/lesbian victims; their discomfort may be related to prejudice against the sexual orientation of the persons involved, or to the fact that they rarely encounter gay/lesbian victims and thus have a poor understanding of their situation. However, this issue does not appear to affect how intimate partner violence cases are processed when the persons involved happen to be gay/lesbian.

Regarding social perceptions of same-sex intimate partner violence, this form of violence appears to resemble many aspects of the situation with heterosexual couples. Among the weighty aspects of intimate partner violence among same-sex couples is the threat of divulging an individual's sexual orientation and the lack of resources adapted to their specific needs. As well, the gay/lesbian population does not admit to the presence of violence in its community, or would prefer to remain silent on the subject to avoid tarnishing its image. The repercussions of these social and legal reactions create a situation where gay/lesbian victims rarely denounce intimate partner violence and seldom seek out social and/or legal assistance. According to the persons interviewed, it is important to uncover this issue and to ensure that more adequate and adapted resources are provided in dealing with these situations.

Frigon, S. & Viau, L. (2000). Les femmes condamnées pour homicide et l'Examen de la légitime défense (Rapport Ratushny) : Portée juridique et sociale. *Criminologie*, 3(1), 97-119. (See also *General Information, Victim Perspectives*)

This article is an **analysis of Examination of Legitimate Defence** (ELD) conducted by Judge Ratushny. This study examines the files of women sentenced for homicide before and after the Lavallée judgment. The authors compiled a report on intimate partner homicide in Canada, and discussed the impact of the Lavallée judgment, an important judicial transition in the area of legitimate defence. The Crown now acknowledges the situation of homicidal women who have previously been victims of abuse and violence. Expert testimony pertaining to battered woman syndrome is admissible and the accused can invoke legitimate defence, a plea that leads to acquittal.

After the Lavallée judgment, the files of women sentenced for homicide were submitted for review; this mandate was returned to Judge Ratushny. Of the 236 women who were contacted, 98 files were retained for ELD. Analysis was based on court and correctional services files as well as institutional archives. Fourteen petitioners were interviewed. Two types of recommendations emerged: first, case review recommendations for seven litigators; and second, suggestions for reform. Judge Ratushny recommended a definition for legitimate defence with a clearer definition of the word "reasonable". As well, in light of the systemic problems identified during ELD (i.e. in terms of sentencing it can sometimes be more advantageous for a person accused of homicide to plead guilty instead of attempting and losing a plea of legitimate defence), the judge suggested a reform of the law and prosecution regarding murder. She suggested a legislative amendment to remove automatic life-sentencing in the case of second degree murder. Therefore, in spite of the outsized expectations raised by the ELD, the authors believe it was useful in correcting certain injustices and raising substantial questions regarding the justice system.

Gaudreault, A. (2002). La judiciarisation de la violence conjugale : regard sur l'expérience québécoise. In R. Cario & D. Salas (Eds), *Œuvre de justice et victimes, vol. 2*. Paris : l'Harmattan. (See also *General Information, Police Response*)

This is a report on the judicialisation of intimate partner violence in Quebec. Following her presentation of a brief history of this issue in the public sphere, the author explains the different elements of the social and historical context that led to judicialisation. It wasn't until the 1980s that spousal violence was considered a crime. Awareness-raising campaigns encouraged victims and witnesses to speak out against spousal violence, and the training social and legal advocates received helped them in the progress of judicialisation. Socially, the trend is toward a more firm application of penal law, state intervention in the private sphere and criminalisation of deviance. In 1982, a motion was adopted at the federal level, which provided more specific directives to police forces. The 1986 *Politique d'intervention en matière de violence conjugale* [Policy on intervention in spousal violence] resulted in many changes to the way cases were regarded socially and in the courts. The justice system was "humanised", victims were encouraged to press charges and they were to receive support in the process. The aim of the system was to stop violence with a sentencing policy that considered the needs of both victims and violent spouses. The results were mixed: in spite of the progress, half of all cases stalled in the courts, with the victim dropping out of the judicial proceedings. With the *Politique d'intervention en matière de violence conjugale, Prévenir, dépister, contrer la violence conjugale* [Policy on intervention in spousal violence: Preventing, detecting, stopping spousal violence] adopted in 1995, more flexibility was introduced to penal action: the policy of automatic laying of charges was abandoned and victims were henceforth offered more understanding when they dropped charges or withdrew from the proceedings. Judicial action must be combined with aid to victims and aggressors. The author concludes her report with a reminder of the complexity of the problem. Bringing intimate partner violence to the attention of the courts may very well be an important way of making the aggressor realise the gravity of his actions, but it is also associated with negative effects for both the aggressor and the victim.

Gauthier, S. (2001). À propos d'un traitement judiciaire préférentiel des affaires de violence conjugale. *Revue canadienne de criminologie*, 43(4), 467-496. (See also *General Information*)

This article presents the results of a **quantitative comparative study** to verify the hypothesis according to which penal system professionals and agents offer the accused partner preferential treatment in cases of intimate partner violence. More specifically, the study seeks to find out if there is preferential treatment regarding the status of the accused during the proceedings, in the results of the proceedings and in decisions on sentencing. The **study population** was composed of men accused of intimate partner violence and **sampling** was systematic. The criminal records of men accused of intimate partner violence (n=284) were compared to those of men accused on other types of charges (n=1374). **Results:** The men accused of intimate partner violence had minor criminal records compared to the men accused of other crimes. As well, they were released more often during proceedings than were the other accused men. However, in both groups, the factors behind this decision were mainly legal and correctional ones. The most frequent result of the proceedings for those accused of intimate partner violence was that the accusations were dropped - a decision made at the preliminary investigation when the evidence

was deemed to be insufficient in order for the accused to undergo a trial. As well, men accused of intimate partner violence plead guilty less often, are acquitted more often, and their proceedings are halted more often. Spousal violence offenders are sentenced to incarceration less often than other men, and when they are incarcerated, the sentence is shorter. In both groups, the factors related to a prison sentence result from the same judicial and correctional variables as the decision regarding their status during the proceedings. Therefore, nothing in the data allows us to affirm that the persons accused of intimate partner violence benefit from preferential treatment. In both groups, the decisions are apparently related to current and prior criminal records. **Recommendations:** The author recommends further studies to better understand the basis of sentencing for men who are found guilty of intimate partner violence.

Gauthier, S. & Laberge, D. (2000). Entre les attentes face à la judiciarisation et l'issue des procédures : Réflexion à partir d'une étude sur le traitement judiciaire des causes de violence conjugale. *Criminologie*, 33(2), 31-53. (See also *General Information, Police Response*)

This **comparative quantitative study** deals with the gap in expectations concerning the judicialisation of cases of spousal violence and the outcome of legal proceedings with regard to the proportion of partners found guilty and the sentences they receive. The study **population** is composed of men accused of intimate partner violence. **Sampling** by the authors was systematic. The files of 262 men accused of intimate partner violence were compared to 369 files of men accused of an offence against the person, but in a different context. **Results:** At the end of the proceedings, 31.6% of the partners were found guilty, compared to 68.6% of the men in the control group. Among the partners found not guilty, the most common outcome was dropped charges (39.7%), a decision made during the preliminary investigation when it was deemed that there was insufficient proof to proceed with a trial. Acquittals, halted proceedings and charges withdrawn were more frequent outcomes for men accused of intimate partner violence than for men in the control group. Factors unique to the judicialisation of intimate partner violence can explain these outcomes, including the obligation for police officers to press charges and the fact that the victim often bears the entire weight of testimony. Men accused of intimate partner violence seldom receive a sentence involving incarceration (36% compared to 75.7% for other men) and when they do, the sentence is lighter. When found guilty of intimate partner violence, the accused are most often sentenced to probation (44.1%). **Discussion:** The authors suggest a new protocol that can be applied when processing cases of intimate partner violence. Instead of automatic charges being laid, an evaluation of the accused could be conducted by a specialised team, and the victim could be provided with the support of a case worker. At that point, a decision on whether or not to submit the case to judicial proceedings could be made.

Gauthier, S., Rondeau, G. & Landreville, P. (2004). Les conséquences de l'abandon des poursuites judiciaires criminelles dans les causes de violence conjugale. In M. Rinfret-Raynor & S. Thibault (Eds), *Le système pénal et la violence faite aux femmes : Quand la protection est un enjeu*. Actes du séminaire annuel du CRI-VIFF (Drummondville, Qc, 11 avril 2003). Montréal : CRI-VIFF. (See also *Prosecutors' Response, Victim Perspectives*)

The aim of this **qualitative study** was to identify the reasons and consequences of withdrawing from judicial proceedings in cases of spousal violence. The data are from semi-structured

interviews carried out with members of judicial professions (n=22; 6 judges, 4 defence lawyers, 7 crown prosecutors, 5 persons from the Côté Cour program). **Sampling** was based on volunteer participation. **Results:** The reasons mentioned by the victims were 1) fear of the consequences of judicialisation (particularly for the spouse: a criminal record or prison sentence [would result in] job loss that would place the couple in a precarious financial situation), and fear of the judicial system itself (anxiety at the prospect of testifying, fear of being unfairly manipulated by the crown prosecutor or defence lawyer, risk of not being taken seriously). A change in life circumstances could also explain the attrition rate: the spouse's return to the home, improvement in the situation or break-up, along with a desire to turn the page. Among the motives for attrition relating to the accused, there is pressure and threats made to the victim. Finally, a reason that frequently emerges can be attributed to the crown prosecutors: if the evidence they possess is weak, the risk of acquittal is increased. They would therefore prefer to apply article 810, i.e. the obligation to keep the peace. For the victims, the principal advantage of withdrawing from the proceedings is to avoid having to testify. For the accused, the principal advantage is to avoid having a criminal record. The majority of the professionals in the judicial system do not view attrition as a failure. Their main concern is that the persons involved in the judicial proceedings emerge with a positive outcome.

Groulx, J. (2002). Protocole de collaboration en violence conjugale pour l'aide psychosociale et l'accompagnement sociojudiciaire : synthèse de l'évaluation du protocole dans dix secteurs de la Montérégie. *Régie régionale de la santé et des services sociaux de la Montérégie*, (39), 7-32. (See also *Police Response, Victim Perspectives*)

This **study to evaluate collaboration protocol implementation** in cases of spousal violence in the Montérégie area describes how the protocol is used and assesses the coordinated efforts among the various partners involved. A **mixed** approach was used: 1) a questionnaire to assess coordinated efforts (n=?; quantitative analyses); 2) a group interview on the results from the questionnaires (n=?; qualitative analyses); 3) a follow-up form filled out by the women who accepted the services (n=313; quantitative analyses); and 4) documentary analysis. **Results:** In all the sectors, the regional and local approach, training on protocol application as well as information and awareness-raising activities on spousal violence were part of the strategies to implement the protocol. With regard to protocol application, it emerged that the offer of services could not always be proposed by police officers. The reasons mentioned for this were: the fact that the interventions were taking place in a crisis situation; personnel turnover; a lack of training on protocol application. In spite of all this, many victims were informed of the offer and accepted it (n=313). Moreover, a minority of victims (27.1%) went beyond the needs evaluation to obtain even more support; this can be explained by the specific features of spousal violence cases. Nonetheless, the author observes that victim referrals to psychosocial services are generally respected. However, following the needs evaluation, there is a lack of coordination to ensure referral to psychosocial *follow-up* assistance and/or accompaniment in the social and judicial process. As well, the psychosocial follow-up is generally a short-term offer (i.e. less than 4 weeks).

Langevin, L. (2004). Le recours au civil pour les victimes de violence sexuelle et conjugale : Les avantages et les inconvénients. In M. Rinfret-Raynor & S. Thibault (Eds), *Le système pénal et la violence faite aux femmes : Quand la protection est un enjeu*. Actes du séminaire annuel du CRI-VIFF (Drummondville, Qc, 11 avril 2003). Montréal : CRI-VIFF. (See also *General Information*)

In this report, the author takes a look at what happens when victims of intimate partner violence apply to the civil courts, with a discussion of the advantages and disadvantages. In seeking a civil court remedy, fault must be proven, and it must be shown that damages were suffered; a link between the two must also be established, which can often prove difficult. A few **damaging effects of civil proceedings** are identified: stress, protection of privacy, trauma due to a rejected application for remedy, and for women who have pressed charges in the criminal system, the civil proceedings are an additional difficult trial to face. Others have mentioned **economic arguments**: the high cost of the proceedings and the possible insolvency of the aggressor. Others have brought up some more **basic arguments**: re-victimization of the complainants, the smaller financial compensation awarded to women in the best of cases, the courts' lack of receptivity to claims made by women and finally, reducing spousal violence to a personal rather than a social problem. For those who hold that it is a social problem, compensation must come from the state, and trials must take place in the criminal courts. The author presents arguments in favour of this type of action. Regarding the **economic arguments**, she suggests that a portion of the amounts awarded by the Crime Victims Compensation Act could finance the procedures and that conditional fees could be negotiated with lawyers. She points out that **harming the victim through the trial process** could also occur during criminal proceedings, as the plaintiff is also required to be present during the criminal trial. The plaintiff must therefore be prepared as a consequence and be able to rely on available support and assistance. Among the **beneficial effects** of civil action, the author mentions: public acknowledgment of wrongdoing, and denunciation of the aggressor. As well, more powers are accorded to the victim and weight of proof is less onerous. As for the courts' unfavourable attitude regarding the claims made by women, it is important that women victims not be prevented from pursuing their claims, if only to develop jurisprudence that properly addresses the issue.

Langlois, C. (2005). *Les mesures de rechange et le système pénal : Opinions des acteurs pénaux, jeux et enjeux*. Thèse de doctorat, École de Criminologie, Université de Montréal. (See also *Police Response, Prosecutors' Response, Probation and Treatment Programs*)

The goal of this **mixed study** is to find out if the nature of justice system professions has an influence on the attitudes cultivated by professionals regarding certain types of offences, decriminalisation and de-judicialisation, as well as on redrafting measures in the justice system. Justice system professionals and agents (police officers-detectives, crown prosecutors, defence lawyers, judges, correctional service agents, and probation agents) were the **study population**. The data came from the study entitled "*Le recours au droit pénal et au système pénal pour régler les problèmes sociaux*" [The use of criminal law and the judicial system in solving social problems] (Lemire et al., 1998). The data were collected from members of the judicial system using questionnaires (n=850; quantitative analyses) and semi-structured interviews (n=36; qualitative analyses). In the quantitative section, sampling was generally random, but in some cases, all representative professionals were asked to participate. In the qualitative section,

participants were selected at random from among willing professionals and agents by means of the questionnaire. **Results:** We find both common and specific representations of judicial system professions. In the judicial system, some members prefer a more traditional approach (police officers-detectives, Crown prosecutors) while others lean toward more innovative approaches (defence lawyers and probation agents). However, depending on the type of offence, the differences are less clearly defined. Members of the judicial system therefore support social orientations and policies that are adopted by public institutions when it comes to cases of spousal violence.

Rondeau, G., Boisvert, R., & Forney, A. (2002). *L'aide aux conjoints violents lors de l'arrestation et de la situation de crise : recension des écrits*. Études et analyses, No 26, Centre de recherche interdisciplinaire sur la violence familiale et la violence faite aux femmes. Montréal : CRI-VIFF. (See also *Police Response*)

This documentary review provides a status report for Canada and the United States, with a special focus on the factors behind arrests, social and judicial preferential treatment of accused spouses, the dissuasive effect of arrest and its impacts. The second section addresses interventions in crisis situations in cases of spousal violence. Also documented are restorative justice interventions, used particularly in aboriginal communities. Concerning the factors behind arrests, the potential for risk appears to be the decisive factor in the arrest of an aggressor. The situations considered to be the most at risk involve armed aggression (including punches and kicks) and cohabitation of the persons involved. Arrest has a dissuasive effect on educated and employed men, whereas with marginalised persons (chronically unemployed, drug abusers, or mentally ill), arrests only have a very slight impact and can even cause violence to escalate.

PROBATION AND TREATMENT PROGRAMS

Côté, A. (2002). Violence conjugale : Une violence familiale ou une violence faite aux femmes? Et les enjeux autour de la judiciarisation. In A. Côté, S. Léveillé, C. McAll, D. Côté & L. Lamarche (Eds), *Violence conjugale : luttes de femmes et modernité*. Montréal : Escale pour Elle. (See also *General Information, Police Response, Court Response*)

In this article, the author shares her thoughts on the judicialisation of intimate partner violence. Her central thesis is that “defence of provocation”, commonly used in the defence of the accused, trivialises the murder of women and highlights the persistent patriarchal bias within the legal system. She also notes that zero tolerance policies in the context of intimate partner violence do not take into account the fact that depending on the community where they live, women do not always have an equal relationship with the legal apparatus, and are therefore reticent to call the police in certain situations. Counter-accusations may be made, and the victim may find herself becoming the accused. And yet, [even] with the flexible approach adopted in the Quebec policy allowing legal proceedings to be abandoned if the accused signs an agreement to keep the peace and accept a plea bargain of a guilty plea, the majority of victims do not want charges to be pressed. The incarceration of a violent spouse is useful in protecting the safety of others, but this procedure is not adapted to treating and rehabilitating the accused. In the author’s opinion, feminist alternatives to incarceration should be found, but mediation should not be among them. In summary, the author emphasises that judicialisation is important, but a fair amount of flexibility is required in the process. **Recommendations:** The author recommends that guidelines be developed for police work, and that prior case histories not resulting in a conviction be conserved. As an alternative to incarceration, she suggests that aggressors be taken into community-based programs and undergo long-term monitoring. For the victims, she proposes that independent support services be developed during the judicial process, in both criminal and civil proceedings.

Drouin, C. (2002). *Intervenir dans les situations de violence conjugale à haut risque de létalité : Le point de vue des acteurs pénaux et des victimes*. Mémoire de maîtrise, École de criminologie, Université de Montréal. (See also *General Information, Police Response, Prosecutors’ Response, Victim Perspectives*)

The objective of this **qualitative study** is to create a profile of intimate partner violence situations wherein the victim is in imminent danger of physical harm or even death. The author has sought to achieve a better understanding of 1) penal system interventions with the goal of preventing intimate partner homicide and 2) the stakes involved in these interventions, both for professionals and agents in the penal system as well as for victims. Study participants included women (n=10) and penal system professionals and agents (police officers, crown prosecutors, personnel in correctional institutions; n=19) who have experienced or intervened in situations where there is a high risk of potentially lethal intimate partner violence. Data collection was carried out using the **critical incidents** technique, reported by **semi-structured interviews**. **Purposive sampling** was used. **Results:** Based on several indicators that can be related to specific contexts, aggressors or couples, or to the danger reported by the victim or a third party, the incidents reported by the professionals and agents are classified according to the perceived

level of threat: immediate danger, imminent danger, or long-term danger. Interventions are carried out in three stages: evaluation of the threat level, arrest of the violent partner and protection of the victim. Penal system agents use the system to avoid intimate partner homicide. As for the women, when they resort to this system it is mainly because a third party alerts them to the fact they are in danger; they need to protect the lives of their family members; and hope to make the partner understand that his behaviour is dangerous and ensure he receives help. The obstacles are: the fear of wronging the partner; compulsory victim involvement in the penal proceedings; doubts regarding the effectiveness of the judicial system; a prior negative experience; and the need to consider their own safety. Penal system agents evaluate interventions in a positive light when the risk of homicide is eliminated, whereas victims tend to judge the system according to their level of appreciation for the agents. Overall, their evaluation of the judicial system is a negative one.

Dubé, M., Rinfret-Raynor, M., & Drouin, C. (2005). Étude exploratoire du point de vue des femmes et des hommes sur les services utilisés en matière de violence conjugale. *Santé mentale au Québec*, 30(2), 301-320. (See also *Police Response, Victim Perspectives*)

This **qualitative investigative study** was conducted to determine 1) the perceptions of women victims of intimate partner violence, and men perpetrators of the violence, on the interventions carried out on their behalf 2) the impact of these interventions on the violence and on themselves and 3) the impact of the coordination among the different resources used. The data were collected by means of **semi-structured interviews** using **purposive sampling**. The **study populations** were women victims of spousal violence (n=18) and men perpetrators of spousal violence (n=18) who used support services, whether or not they were willing to do so. **Results:** Public safety and legal services were used by nearly all the women in the study (94%). Of the two services, the persons most often consulted by participants were lawyers (100%), police officers (89%) and judges (50%). The men also consulted persons from both types of services, but in a smaller proportion: police officers (61%), lawyers (61%) and judges (50%). The opinion of the women on the role and appreciation of the police services was mixed. Some stated that the police provided safety and support, while others (n=2) mentioned negative impacts: delays in conducting spousal arrests and the presence of women police officers who increased the spouse's level of aggressiveness. Two men reported that police intervention did not have the anticipated effect on their violent behaviour, as neither respected the conditions of their release. **Discussion:** The participants, and especially the women, use many support services from the different networks involved in managing cases of intimate partner violence. However, the authors recommend that there be better coordination within and among the sectors involved in order to alleviate the process.

Langlois, C. (2005). *Les mesures de rechange et le système pénal : Opinions des acteurs pénaux, jeux et enjeux*. Thèse de doctorat, École de Criminologie, Université de Montréal. (See also *Police Response, Prosecutors' Response, Court Response*)

The goal of this **mixed study** is to find out if the nature of justice system professions has an influence on the attitudes cultivated by professionals regarding certain types of offences, decriminalisation and de-judicialisation, as well as on redrafting measures in the justice system. Justice system professionals and agents (police officers-detectives, crown prosecutors, defence

lawyers, judges, correctional service agents, and probation agents) were the **study population**. The data came from the study entitled “*Le recours au droit pénal et au système pénal pour régler les problèmes sociaux*” [The use of criminal law and the judicial system in solving social problems] (Lemire et al., 1998). The data were collected from members of the judicial system using questionnaires (n=850; quantitative analyses) and semi-structured interviews (n=36; qualitative analyses). In the quantitative section, sampling was generally random, but in some cases, all representative professionals were asked to participate. In the qualitative section, participants were selected at random from among willing professionals and agents by means of the questionnaire. **Results:** We find both common and specific representations of judicial system professions. In the judicial system, some members prefer a more traditional approach (police officers-detectives, Crown prosecutors) while others lean toward more innovative approaches (defence lawyers and probation agents). However, depending on the type of offence, the differences are less clearly defined. Members of the judicial system therefore support social orientations and policies that are adopted by public institutions when it comes to cases of spousal violence.

International References

Fremiot, L. (2004). L’expérience pilote pluridisciplinaire du parquet de Douai en matière de violences conjugales. In A. Boas & J. Lambert (Eds), *La violence conjugale = Partnergeweld*. Bruxelles : Nemesis. (See also *Police Response, Victim Perspectives*)

The author examines a multidisciplinary **pilot project** in zero tolerance policies toward spousal violence set up in the public prosecutor’s office in Douai (France). The goal of this program was to help aggressors become aware of the gravity of their actions by removing them from their domicile. The project is based on dual management of 1) the aggressor, who is removed from the family residence and placed in police custody and 2) the victim, who remains at home and receives psychological and legal support. Two types of situations are considered: 1) cases of material violence, abuse and threats that lead to the procedure of alert and 2) cases of proven physical violence. When the police are alerted they draw up a report of events with an evaluation of the potential for violence of the accused. The accused is then brought before the judge for reprimand, citation of the law and eventual referral to support services. In the case of proven physical violence, the accused is presented at the public prosecutor’s office after 24 to 48 hours in custody. In more serious cases, the accused receives a judgement combined with a prison sentence. In other cases, it is proposed that he be placed in a transitional house for men. The average length of stay is two weeks and the accused is taken care of by a judicial proceedings organisation and, depending on the situation, he must consult with a physician or a psychologist specialising in alcohol abuse. In milder cases of violence, proceedings can be terminated if the accused has fulfilled his obligations by the end of his stay. In more serious cases, the accused must go to criminal trial where a file is presented on his offence. **Results:** The program was initiated in May 2003; in the December 2003 report, a single case of re-offence had been recorded. Seventeen cases resulted in immediate trial (severe offence), 16 were cases of procedural alert, 26 accused were remanded to a men’s shelter and 5 others were sent to an alternative housing arrangement, due to a lack of shelter space. According to the author, the process set up in Douai is a positive one, as the time spent in a shelter provides time for reflection. Twenty percent of the cases treated resulted in divorce proceedings.

VICTIM PERSPECTIVES

Baril, M. (2002). *L'envers du crime*. Montréal : L'Harmattan. (See also *Prosecutors' Response, Court Response*)

The objectives of this **qualitative study** are 1) to study criminal behaviour and social control from the victim's point of view and 2) to better understand the goals, role and function of the penal judicial system. The data were collected by means of 1) unstructured interviews with victims of violent offences and burglaries (n=65, including 5 women victims of intimate partner violence), 2) unstructured interviews with persons carrying out interventions (n=15; 7 police officers, 1 judge, 2 prosecutors, 2 social workers with women victims of spousal violence, 1 employee of the I.V.A.C and 2 conciliation project coordinators) and 3) observations at the Palais de justice in Montreal and Paris. To recruit victims, **purposive sampling** was used. **Relevant results:** A distinction can be made between the chronic victimization that takes place in an oppressive relationship, and victimization by strangers. The chronic form takes place in a power-based relationship and is even more likely to occur when domination by the stronger person is socially acceptable. Regarding the response of the judicial system to the crime committed, the initial response of the police is often viewed as satisfactory by the victims. However, the degree to which they advance in the judicial proceedings correlates with an increased sense of frustration. They gradually lose control of the situation and feel used by the justice system, which recognises their obligations, but not their rights.

Beaulieu, C. (2007). Référencer les victimes de violence conjugale aux ressources psychosociales dans le cadre du protocole d'entente en matière de violence conjugale : Point de vue des policiers et des victimes. In *La peine, ça vaut la peine d'en parler*. Actes du 33^e congrès de la société de criminologie du Québec (Québec, 23-24-25 mai 2007). Récupéré le 23 juillet 2008 à partir de http://www.societecrimino.qc.ca/actescongres/bloc_a_atelier_5.html (See also *Police Response*)

This **mixed-content study** evaluates the state of police referrals (level of protocol application by police officers, description of the victims who accept or refuse it) as part of the protocol from the inter-sector agreement on spousal violence in Gatineau, and establishes, from the point of view of both police officers and victims, the global needs with regard to referrals. The **data** were collected by means of 1) police files involving women victims of spousal violence (n=1159; descriptive qualitative analysis); 2) semi-structured interviews with women victims of spousal violence (n=10; inferential quantitative and mixed-content qualitative analyses); and 3) semi-structured interviews with police officers (n=30; mixed-content qualitative analyses). **Results:** Police file analysis shows that the referral form in the agreement protocol is used in 48% of cases of injury to physical integrity, in 21% of cases of injury to personal safety, and in 33% of cases of injury to personal freedom. Of the files where the protocol was applied (n=453), 62% of women accept the proposed referral, and most often chose to accept assistance offered by the CLSC (77%). The police officers identified the following elements as creating obstacles for the victims in accepting the referral form: the condition of the victim; the diverse clientele; issues other than domination and control in the couple; the period of the year and personnel turnover; the source of the call and the clientele's perception of the police. As for the responders, they noted that the police use different means to obtain information regarding their safety. The police

recommend more support and cohesion with regard to referrals, better information on services offered by the resources listed in the protocol, referral cards to give to victims and a common understanding of the inter-sector protocol agreement. The victims requested the following items: 1) that available resources be presented to them; 2) combined efforts among the available resources; 3) a single outlet with a sole person assigned to the file; 4) help in treating post-traumatic stress; 5) continuous follow-up services; and 6) support when they write up their declaration.

Damant, D., Bélanger, J., & Paquet, J. (2000). Analyse du processus d'empowerment dans des trajectoires de femmes victimes de violence conjugale. *Criminologie*, 33(1), 73-95. (See also *General Information*)

This **qualitative study** examines the empowerment process in women victims of intimate partner violence who decide to use the judicial system. The authors' aim is to validate the empowerment model developed in the study of how women navigate the system. The model divides the empowerment process into three stages: 1) the power deficit, 2) awareness and 3) acquisition of power. The data was collected by means of **semi-structured interviews** (n=29). The **study population** was composed of women victims of intimate partner violence. A **purposive sampling method** was used and potential participants were identified by professionals and agents in the various organisations. **Results:** Empowerment was a relevant model in the study of how women victims of intimate partner violence navigate the system. Any step in the process appeared to enable the women to engage in a process of empowerment. The factors facilitating this process are emotional and informational support as well as concrete gestures to help and accompany the women through the process; these services are provided by the professionals and workers in the judicial system. In terms of obstacles, the respondents cited: a lack of information; the impression that they were to blame for their own situation; the possibility of initiating the proceedings only in the case of severe physical assault; and the difficulty of having to prove the ex-spouse's guilt. No facilitating aspect specific to the judicial system as a social institution was raised. **Discussion:** The authors suggest that the very act of completing the steps in the judicial process is an indicator of empowerment. They recommend that the decisions made by the women be granted respect, at each step of the process. As well, the empowerment model enables the victim's needs to be identified and responded to, in terms of providing help and information. It is therefore useful to propose judicial proceedings when the women are likely to want to press the case in that direction.

Drouin, C. (2002). *Intervenir dans les situations de violence conjugale à haut risque de létalité : Le point de vue des acteurs pénaux et des victimes*. Mémoire de maîtrise, École de criminologie, Université de Montréal. (See also *General Information, Police Response, Prosecutors' Response, Probation and Treatment Programs*)

The objective of this **qualitative study** is to create a profile of intimate partner violence situations wherein the victim is in imminent danger of physical harm or even death. The author has sought to achieve a better understanding of 1) penal system interventions with the goal of preventing intimate partner homicide and 2) the stakes involved in these interventions, both for professionals and agents in the penal system as well as for victims. Study participants included women (n=10) and penal system professionals and agents (police officers, crown prosecutors,

personnel in correctional institutions; n=19) who have experienced or intervened in situations where there is a high risk of potentially lethal intimate partner violence. Data collection was carried out using the **critical incidents** technique, reported by **semi-structured interviews**. **Purposive sampling** was used. **Results:** Based on several indicators that can be related to specific contexts, aggressors or couples, or to the danger reported by the victim or a third party, the incidents reported by the professionals and agents are classified according to the perceived level of threat: immediate danger, imminent danger, or long-term danger. Interventions are carried out in three stages: evaluation of the threat level, arrest of the violent partner and protection of the victim. Penal system agents use the system to avoid intimate partner homicide. As for the women, when they resort to this system it is mainly because a third party alerts them to the fact they are in danger; they need to protect the lives of their family members; and hope to make the partner understand that his behaviour is dangerous and ensure he receives help. The obstacles are: the fear of wronging the partner; compulsory victim involvement in the penal proceedings; doubts regarding the effectiveness of the judicial system; a prior negative experience; and the need to consider their own safety. Penal system agents evaluate interventions in a positive light when the risk of homicide is eliminated, whereas victims tend to judge the system according to their level of appreciation for the agents. Overall, their evaluation of the judicial system is a negative one.

Dubé, M., Rinfret-Raynor, M., & Drouin, C. (2005). Étude exploratoire du point de vue des femmes et des hommes sur les services utilisés en matière de violence conjugale. *Santé mentale au Québec*, 30(2), 301-320. (See also *Police Response, Probation and Treatment Programs*)

This **qualitative investigative study** was conducted to determine 1) the perceptions of women victims of intimate partner violence, and men perpetrators of the violence, on the interventions carried out on their behalf 2) the impact of these interventions on the violence and on themselves and 3) the impact of the coordination among the different resources used. The data were collected by means of **semi-structured interviews** using **purposive sampling**. The **study populations** were women victims of spousal violence (n=18) and men perpetrators of spousal violence (n=18) who used support services, whether or not they were willing to do so. **Results:** Public safety and legal services were used by nearly all the women in the study (94%). Of the two services, the persons most often consulted by participants were lawyers (100%), police officers (89%) and judges (50%). The men also consulted persons from both types of services, but in a smaller proportion: police officers (61%), lawyers (61%) and judges (50%). The opinion of the women on the role and appreciation of the police services was mixed. Some stated that the police provided safety and support, while others (n=2) mentioned negative impacts: delays in conducting spousal arrests and the presence of women police officers who increased the spouse's level of aggressiveness. Two men reported that police intervention did not have the anticipated effect on their violent behaviour, as neither respected the conditions of their release. **Discussion:** The participants, and especially the women, use many support services from the different networks involved in managing cases of intimate partner violence. However, the authors recommend that there be better coordination within and among the sectors involved in order to alleviate the process.

Frigon, S. & Viau, L. (2000). Les femmes condamnées pour homicide et l'Examen de la légitime défense (Rapport Ratushny) : Portée juridique et sociale. *Criminologie*, 3(1), 97-119. (See also *General Information, Court Response*)

This article is an **analysis of Examination of Legitimate Defence (ELD)** conducted by Judge Ratushny. This study examines the files of women sentenced for homicide before and after the Lavallée judgment. The authors compiled a report on intimate partner homicide in Canada, and discussed the impact of the Lavallée judgment, an important judicial transition in the area of legitimate defence. The Crown now acknowledges the situation of homicidal women who have previously been victims of abuse and violence. Expert testimony pertaining to battered woman syndrome is admissible and the accused can invoke legitimate defence, a plea that leads to acquittal.

After the Lavallée judgment, the files of women sentenced for homicide were submitted for review; this mandate was returned to Judge Ratushny. Of the 236 women who were contacted, 98 files were retained for ELD. Analysis was based on court and correctional services files as well as institutional archives. Fourteen petitioners were interviewed. Two types of recommendations emerged: first, case review recommendations for seven litigators; and second, suggestions for reform. Judge Ratushny recommended a definition for legitimate defence with a clearer definition of the word "reasonable". As well, in light of the systemic problems identified during ELD (i.e. in terms of sentencing it can sometimes be more advantageous for a person accused of homicide to plead guilty instead of attempting and losing a plea of legitimate defence), the judge suggested a reform of the law and prosecution regarding murder. She suggested a legislative amendment to remove automatic life-sentencing in the case of second degree murder. Therefore, in spite of the outsized expectations raised by the ELD, the authors believe it was useful in correcting certain injustices and raising substantial questions regarding the justice system.

Gauthier, S., Rondeau, G. & Landreville, P. (2004). Les conséquences de l'abandon des poursuites judiciaires criminelles dans les causes de violence conjugale. In M. Rinfret-Raynor & S. Thibault (Eds), *Le système pénal et la violence faite aux femmes : Quand la protection est un enjeu*. Actes du séminaire annuel du CRI-VIFF (Drummondville, Qc, 11 avril 2003). Montréal : CRI-VIFF. (See also *Prosecutors' Response, Court Response*)

The aim of this **qualitative study** was to identify the reasons and consequences of withdrawing from judicial proceedings in cases of spousal violence. The data are from semi-structured interviews carried out with members of judicial professions (n=22; 6 judges, 4 defence lawyers, 7 attorneys, 5 persons from the Côté Cour program). **Sampling** was based on volunteer participation. **Results:** The reasons mentioned by the victims were 1) fear of the consequences of judicialisation (particularly for the spouse: a criminal record or prison sentence [would result in] job loss that would place the couple in a precarious financial situation), and fear of the judicial system itself (anxiety at the prospect of testifying, fear of being unfairly manipulated by the crown prosecutor or defence lawyer, risk of not being taken seriously). A change in life circumstances could also explain the attrition rate: the spouse's return to the home, improvement in the situation or break-up, along with a desire to turn the page. Among the motives for attrition relating to the accused, there is pressure and threats made to the victim. Finally, a reason that

frequently emerges can be attributed to the crown prosecutors: if the evidence they possess is weak, the risk of acquittal is increased. They would therefore prefer to apply article 810, i.e. the obligation to keep the peace. For the victims, the principal advantage of withdrawing from the proceedings is to avoid having to testify. For the accused, the principal advantage is to avoid having a criminal record. The majority of the professionals in the judicial system do not view attrition as a failure. Their main concern is that the persons involved in the judicial proceedings emerge with a positive outcome.

Groulx, J. (2002). Protocole de collaboration en violence conjugale pour l'aide psychosociale et l'accompagnement sociojudiciaire : synthèse de l'évaluation du protocole dans dix secteurs de la Montérégie. *Régie régionale de la santé et des services sociaux de la Montérégie*, (39), 7-32. (See also *Police Response, Court Response*)

This **study to evaluate collaboration protocol implementation** in cases of spousal violence in the Montérégie area describes how the protocol is used and assesses the coordinated efforts among the various partners involved. A **mixed** approach was used: 1) a questionnaire to assess coordinated efforts (n=?; quantitative analyses); 2) a group interview on the results from the questionnaires (n=?; qualitative analyses); 3) a follow-up form filled out by the women who accepted the services (n=313; quantitative analyses); and 4) documentary analysis. **Results:** In all the sectors, the regional and local approach, training on protocol application as well as information and awareness-raising activities on spousal violence were part of the strategies to implement the protocol. With regard to protocol application, it emerged that the offer of services could not always be proposed by police officers. The reasons mentioned for this were: the fact that the interventions were taking place in a crisis situation; personnel turnover; a lack of training on protocol application. In spite of all this, many victims were informed of the offer and accepted it (n=313). Moreover, a minority of victims (27.1%) went beyond the needs evaluation to obtain even more support; this can be explained by the specific features of spousal violence cases. Nonetheless, the author observes that victim referrals to psychosocial services are generally respected. However, following the needs evaluation, there is a lack of coordination to ensure referral to psychosocial *follow-up* assistance and/or accompaniment in the social and judicial process. As well, the psychosocial follow-up is generally a short-term offer (i.e. less than 4 weeks).

Laroche, D. (2003). *La violence conjugale envers les hommes et les femmes, au Québec et au Canada, 1999*. Institut de la statistique du Québec, Conditions de vie. (See also *General Information*)

This report provides **descriptive statistics** on intimate partner violence suffered by men and women in Quebec and Canada. The data are from the General Social Survey (GSS) carried out by Statistics Canada in 1999 on a **stratified random sample**, in which 25,867 people 15 years and older participated (11,607 men and 14,269 women). The results were weighted to represent approximately 24,260,000 persons 15 years and older in the Canadian population and not residing in an institution. In this report, the **study populations** were men and women victims of intimate partner violence. The data were collected by computer-assisted telephone interviews. **Relevant results:** The women alerted police more often in cases of spousal violence incidents than did men. The majority of intimate partner violence episodes reported to police were cases

involving severe violence. However, the incidents of violence involving a former partner were more likely to be reported to the police than those committed by the current partner. In the majority of cases of intimate partner violence, the police were not alerted. The reason for not alerting the police most often cited by men was that it was a personal affair that did not call for police action, whereas the women's main reason was that the problem was solved in another way. For the victims of violence who did alert the police, the motive most often cited to justify the complaint was to stop the violence or to ensure the victim's protection. Regarding the effects of police intervention, 43% of men said that the violence decreased or stopped, and in 23% of cases it remained the same. In women, 13% said that it increased, 38% said it decreased or ceased, and 24% said that it remained the same.

Laroche, D. (2004). *Aspect du contexte et des conséquences de la violence conjugale : violence situationnelle et terrorisme conjugal au Canada en 1999*. Québec : Institut de la statistique du Québec. (See also *General Information*)

In this study, the author used **descriptive statistics** to categorise intimate partner violence using elements of Johnson typology: situational violence and spousal terrorism. The data are from the 1999 General Social Survey (GSS) by Statistics Canada on a **stratified random sample** composed of 25,867 persons 15 years and older (11,607 men and 14,269 women). Their responses were weighted to represent approximately 24,260,000 people 15 years and up living outside of institutions in the Canadian population. In this report, the **study population** was comprised of men and women victims of intimate partner violence. The data were collected by means of computer-assisted telephone interviews. **Relevant results:** Among the male victims in situations of spousal terrorism who suffered severe injury, the police were alerted in 64% of cases. This rate is 60 % for female victims. When the violence is committed by an ex-partner, the rate rises to 76% for male victims and 71% for female victims.

Laroche, D. (2007). *Contexte et conséquences de la violence conjugale envers les hommes et les femmes au Canada en 2004*. Québec : Institut de la statistique du Québec. (See also *General Information*)

The **descriptive statistics** used in this article are provided by the 2004 General Social Survey on criminal victimization carried out by Statistics Canada on a random sample (n=23,766; 10,600 men and 13,166 women). In this report, the **study population** was comprised of men and women victims of intimate partner violence. **Relevant results:** The police were alerted in 43% of cases when males were the victims in situations of spousal terrorism and when they suffered severe injury. This same rate was 58% when the victims were women. When the violence was committed by an ex-spouse, the rate went up to 78% for male victims and 69% for female victims.

Lebel, J. (2005). *L'intervention intégrale en violence conjugale au Pérou : perceptions des femmes victimes et des intervenants*. Mémoire de maîtrise, École de criminologie, Université de Montréal.

The aim of this **qualitative study** was to identify the strengths and weaknesses of the "Women's Emergency" centres (CEM) in Peru, as perceived by the women victims of spousal violence and

the professionals in the system. Women victims (n=21) participated in a **semi-structured interview**. **Sampling** in this group was purposive and recruitment was conducted by the professionals. Professionals (n=25) were chosen on the basis of interest in the study; they participated in **group interviews**. Based on a multi- and interdisciplinary approach, the CEMs offer complete interventions. They provide an emergency response to spousal violence situations, encourage the victim to talk about her problem, and allow her to reflect on the procedures she wants to undertake (denouncing the aggressor, ensuring her own protection or choosing to withdraw from the proceedings). The CEM does not bring the case before the courts, but can offer accompaniment during the court proceedings. The professionals in the program are from different backgrounds: the judicial system, social and psychological aid services, police force, and when possible, the public ministry and the Legal medicine institute. **Results:** The majority of the women victims of spousal violence had negative experiences with the police, the judicial system and the medical examiner. However, when the professionals from these different services are encountered through the CEM, the women form a positive opinion of the services offered. The participants are in general very satisfied with the services at the CEM; they especially appreciate finding all the services under the same roof, which facilitates accessibility and guarantees their access to justice. They believe that other resources should be included, such as the presence of the attorney or the judge. **Discussion:** The author concludes that complete intervention in spousal violence is an avenue to be considered, given the level of satisfaction perceived by the victims and professionals.

Matteau, N. (2004). *Analyse d'un groupe de soutien et d'information pour les femmes victimes de violence conjugale dans le cadre de la judiciarisation*. Rapport d'analyse de maîtrise, École de Service Social, Université Montréal.

This is a study of the Côté Cour program, an aid service for victims of spousal and domestic violence in the criminal judicial system. The author reports on various aspects, including the points of view of women victims of spousal violence on judicial system function, as well as the negative and positive consequences of judicialisation on their lives. The study population was composed of women victims of spousal violence participating in a support and information group set up by Côté Cour (n=6). The analysis is based on the data from the four group meetings and on the telephone survey carried out with 4 participants at the end of the judicial proceedings. **Results:** The majority of the comments that emerged were negative: a sense of injustice when faced with the rights of the accused, and the impression that the women victims had to prove their innocence in the situation. The crown prosecutors and professionals at Côté Cour are perceived as being in favour of the victims, while the judges and defence lawyers received negative criticism. The judicial system is perceived favourably, particularly when the women's expectations regarding the proceedings are fulfilled. As well, those who took on an active role in fulfilling their own expectations had a positive experience, and this was the case regardless of the result of the proceedings. Among the negative impacts identified, anxiety was the most common emotional consequence experienced throughout the proceedings. Among the positive consequences, the author mentions the feeling of pride, the increased self esteem, as well as a perceived feeling of safety. The gains they experienced facilitated their progress through the judicial system. The women who considered testifying in court reported a sense of empowerment.

Parent, C. (2004). Le système judiciaire dans la lutte contre la violence exercée contre les conjointes : Une mesure incontournable mais piégée. In A. Boas & J. Lambert (Eds), *La violence conjugale = Partnergeweld*. Bruxelles : Nemesis. (See also *General Information, Police Response*)

In this chapter, the author briefly exposes different political and judicial measures set up in Canada since the 1970s. She then discusses the idea that judicial intervention, although promising at the start, halted progress in the women's movement against spousal violence. In the 1980s, the emphasis was placed on judicial intervention, and the level of mobilisation very quickly led to the impression that the battle was being won. But towards the end of that decade, different authors acknowledged the complexity of the problem and concluded that the movement against spousal violence had failed. Failure was attributed to the institutionalisation of the problem, whereas from the movement's point of view, the solution was supposed to emerge from structural changes. In this sense, the author questions the effectiveness of judicial intervention in protecting women victims of intimate partner violence. Judicial intervention underlines the fact that intimate partner violence is a crime like any other and that victims must be protected and aggressors dissuaded. However, the results are mixed: judicial intervention does not respond to expectations with regard to reducing repeat offences and producing dissuasive effects, and can in certain cases create counteractive ones. As well, only a small percentage of victims call upon police help, and when they do, it is to stop the violence and assure their own safety. Many women do not wish to file a complaint; a policy of automatic charges is a problem for these women and can even cause an additional threat to their safety. In addition, judicialization does not promote women's autonomy: they lose control over the proceedings and lose sight of a solution to their problem. As well, incarcerating the spouse can have negative impacts, such as job loss that results in a loss of family income. Therefore, for many women victims of intimate partner violence, judicial recourse is not a process that provides autonomy, and is a limited solution in responding to their needs. Finally, the objective of prevention by means of denouncing spousal violence as a crime can be reached by other means (such as campaigns to raise awareness on the issue).

Rondeau, G., Lindsay, J., Lemire, G., Brochu, S., Brodeur, N. & Drouin, C. (2002). *Les situations de violence conjugale comportant un haut risque de létalité : Synthèse des résultats de recherche*. Montréal : CRI-VIFF.

The objective of this **qualitative study** is to develop a greater understanding of social and judicial interventions in spousal violence cases that contain a significant threat of becoming lethal, particularly in the cases where homicide is averted. Judicial and social professionals (n=44) and women victims of spousal violence under significant threat of being murdered (n=10) participated in the study. Data collection was conducted using the **critical incidents technique**, reported through **semi-structured interviews**. In total, 74 critical incidents were reported by the professionals. **Results:** The critical incidents were classified according to the imminence of the threat of lethality: imminent danger (aggression taking place or about to occur, 41.9%), short and intermediate term threat (identified threat of homicide, but the time or means remain non-specific, 44.6%) and persistent threats (high level of threat over a long term period, despite professionals' efforts to set up preventive measures, 13.5%). Evaluation of the danger for the victim is done by taking into account the context, known risk factors and past history of the

couple. As well, the possession of a firearm is perceived as an important indicator of a high-level threat of homicide. The judicial professionals consider themselves satisfied with their interventions when: homicide is averted; the victim has completed the judicial process; the victim ends the relationship with the violent spouse; the accused is imprisoned. The psychosocial professionals have identified different obstacles to the success of their intervention: criminality and opposition of the aggressors, the level of fear they are able to generate in the accused, some women's refusal to see the danger they are in (or their choice to ignore it), insufficient resources, refusal to collaborate, and limits to confidentiality. However, factors facilitating the intervention have also been identified: the man's openness to change, a woman's decision to take the measures seriously, group support, trust-based relationship, support and collaboration. Decisions to intervene and the choice of actions to take are based on the following elements: the principles of the organisation and those of the professional, evaluation of level of threat in the situation, the objectives of the intervention and the collaboration offered.

Verdière, B. (2004). L'accès des femmes à l'aide juridique : Une réforme s'impose! *Canadian Journal of Women and the Law*, 15(1), 282-304.

This **qualitative study** takes a look at access to legal aid by women for matrimonial issues. Specifically, the type of demands and difficulty of access are examined in determining the point of view of the lawyers involved and their constraints, and finally, solutions are proposed in order to facilitate access to judicial assistance by women. The author has used **questionnaires, interviews and individual and group consultations**. The study **populations** are women clients of legal assistance for matrimonial affairs (n=20), lawyers in legal aid offices (n=3) and lawyers in private practice (n=4). **Relevant results**: Women reported two types of needs regarding legal aid: 1) objective needs regarding the improvement of the legal aid system through better accessibility, improved access to information and [knowledge of] their rights; 2) subjective needs aiming toward better comprehension of their material and psychological situation, especially in situations of spousal violence: listening, respect, support, comfort and a full assessment of their needs. They underline the fact that they lack knowledge of their rights throughout the process, and point out the onerous bureaucracy. **Recommendations**: All the professionals in the judicial and legal system should be trained in feminist theory on spousal violence. The themes of the training should include manifestations of violence, the different forms it can take and the cycle of violence. Feminist theoretical training should be compulsory and present in basic training as well as continuing education.

Wemmers, J.-A., Cousineau, M.-M., & Demers, J. (2004). *Les besoins des victimes de violence conjugale en matière de justice : Résultats d'une étude exploratoire qualitative auprès de victimes et d'intervenantes en maisons d'hébergement*. Montréal : Université de Montréal, CRI-VIFF.

This **investigative qualitative study** examined the needs of women victims of spousal violence in regards to judicial treatment. Specifically, the authors examine what victims are looking for when they call upon the services of legal and judicial systems. The data were collected by **discussion groups** (n=3) composed of professionals working with women victims of spousal violence in shelters (n=10) and **semi-structured interviews** with women victims of spousal violence (n=3). The **study population** was composed of women victims of spousal violence.

Sampling was random in recruiting professionals and purposive in recruiting victims. **Results:** The women victims of spousal violence initially called upon state services to meet their need for protection. They wanted to improve their situation, change their spouse's behaviour and end the violence; they also hoped to receive support in the process. Along with these needs, they hoped to find a place in the judicial system where they would be listened to, informed, and consulted. Judicial proceedings often turn out to be long and difficult, and many victims are not equipped to make it through this trying process. As well, the judicial system appears to have damaging effects on the victims (creating feelings of incomprehension and incompetence, fear, and stress); effects that add to the experience of violence and which represent a secondary form of victimization. **Discussion:** The judicial system does not provide the hoped-for response and does not succeed in halting the consequences of the violence experienced. The authors propose a change to this paradigm by allowing more active participation of victims in the processing of their case. The judicial procedures would thus contribute to restoring the victim's integrity rather than creating additional victimization.

International References

Fremiot, L. (2004). L'expérience pilote pluridisciplinaire du parquet de Douai en matière de violences conjugales. In A. Boas & J. Lambert (Eds), *La violence conjugale = Partnergeweld*. Bruxelles : Nemesis. (See also *Police Response, Probation and Treatment Programs*)

The author examines a multidisciplinary **pilot project** in zero tolerance policies toward spousal violence set up in the public prosecutor's office in Douai (France). The goal of this program was to help aggressors become aware of the gravity of their actions by removing them from their domicile. The project is based on dual management of 1) the aggressor, who is removed from the family residence and placed in police custody and 2) the victim, who remains at home and receives psychological and legal support. Two types of situations are considered: 1) cases of material violence, abuse and threats that lead to the procedure of alert and 2) cases of proven physical violence. When the police are alerted they draw up a report of events with an evaluation of the potential for violence of the accused. The accused is then brought before the judge for reprimand, citation of the law and eventual referral to support services. In the case of proven physical violence, the accused is presented at the public prosecutor's office after 24 to 48 hours in custody. In more serious cases, the accused receives a judgement combined with a prison sentence. In other cases, it is proposed that he be placed in a transitional house for men. The average length of stay is two weeks and the accused is taken care of by a judicial proceedings organisation and, depending on the situation, he must consult with a physician or a psychologist specialising in alcohol abuse. In milder cases of violence, proceedings can be terminated if the accused has fulfilled his obligations by the end of his stay. In more serious cases, the accused must go to criminal trial where a file is presented on his offence. **Results:** The program was initiated in May 2003; in the December 2003 report, a single case of re-offence had been recorded. Seventeen cases resulted in immediate trial (severe offence), 16 were cases of procedural alert, 26 accused were remanded to a men's shelter and 5 others were sent to an alternative housing arrangement, due to a lack of shelter space. According to the author, the process set up in Douai is a positive one, as the time spent in a shelter provides time for reflection. Twenty percent of the cases treated resulted in divorce proceedings.

Hornberger, J. (2003). Maman bat papa : La loi sur la violence domestique à Sophiatown, Johannesburg. *Politique africaine*, no.91, 83-99. (See also *Police Response*)

This **anthropological** study analyses the relationships between the population and the police in Westbury Township in South Africa following the implementation of a new domestic violence law. The data were collected by means of **participatory observation**. The **study populations** were police officers and residents of Westbury involved in cases of family violence. **Results:** One of the new aspects of the domestic violence law is to include casual relationships and other family bonds. As well, the police are now obliged to intervene as soon as a complaint is made. For the residents of Westbury, one of the most disadvantaged neighbourhoods in Johannesburg, the new law is seen as a gateway to renegotiating its position within the rest of society. By lodging a complaint, police officers are obliged to provide a service that the residents were not able to rely on prior to the change. By withdrawing a complaint, residents use the law to their advantage (for example, punishing a violent husband for one night) and dictating the actions of the police. However, the police feel they cannot execute their duties to the fullest and perceive these situations as being a reversal of power, which throws the social and racial order into disarray. They resent the victims who withdraw complaints. As well, they consider that violence between intimate partners is a necessary and private matter. With regard to workplace organisation, police officers are asked to close as many cases as possible as early as possible, whether or not the work has been thoroughly carried out. Everyone complains of being overworked and of the sanctions that can be taken against them if delays are not respected. Therefore, police officers do not take kindly to the lodging of a new complaint.

**The justice system response to intimate partner violence
among immigrants and refugees
(English-language documents)**

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Current Policies of Violence against Immigrant and Refugee Women

Government of Canada (2005). Canada's submission to the UN's in depth study on all forms of violence against women. Retrieved March 10, 2009 from <http://www.un.org/womenwatch/daw/vaw/responses/CANADAweb.pdf>

Intended Audience. UN, Government of Canada, all sectors interested in violence against women. **Methodology.** This is the Government of Canada's response to the United Nations Division for the Advancement of Women, requesting information from Member States for an In-depth Study on All Forms of Violence against Women (as requested in resolution 58/185). This response included legal and policy framework, the prevalence of violence against women, cause and consequences, good practices in addressing violence against women, constitutional and legislative provision, policies and active plan, advocacy and outreach efforts, and implementation and enforcement issues. **Results and Recommendations.** In the response, Canada condemns violence against women and gives priority to both of domestic and foreign policies that promote women's rights and gender equality. The federal government provides information to immigrants and refugees both prior to their immigrating and upon their arrival in Canada emphasizing that there are laws in place to protect women from violence and abuse. Funding is available to immigrant and refugee services providing agencies for referral to existing social and health services in the community. The regulations supporting the Immigration and Refugee Protection Act (IRPA) address important issues to better protect immigrant women from violence. A sponsorship bar against sponsors in the Family Classes exists where they have been found guilty of criminal convictions for family violence. A sponsorship bar also exists for those with criminal convictions related to crimes of a sexual nature, or an attempt or threat to commit such an offence against anyone. On the other hand, Citizenship and Immigration Canada has recently initiated a review of the prevalence of this bar as a reason for refusal on sponsorship cases. In 2002, through IRPA and the Refugee and Humanitarian Resettlement Program, Canada made a legislative commitment to recognize the need for refugees' protection. In addition, the Immigration and Refugee Protection Regulations now include a definition of "vulnerable" which applies to persons with a greater need of protection than others because of particular circumstances which give rise to a heightened risk of their physical safety. This allows Canada to recognize the unique protection needs of refugee women by exempting them from the resettlement requirement.

International References

Adelman, M., Erez, E., Salhoub-Kevirkian, N. (2003). Policing violence against minority women in multicultural societies: Community and the politics of exclusion, *Police & Society*, 7, 103-131.

Intended Audience. This study has no specific audience. **Methodology.** This review examined the gendered meaning of "community" in community policing, and links the new emphasis in policing on local values, multiculturalism, diversity, and cultural sensitivity with the invisibility of gender differences within these minority communities. Based on the literature on policing violence against women in Israel, the authors argue that gendered racism and racialized sexism

shape victims' and police responses to abuse leading to under policing and culturalization of violence in these communities. The author used policing violence against women as a case study to explore tensions between two approaches of multiculturalism: the politics of recognition (Taylor, 1994) and the politics of rights (Habermas, 1994) to argue that policing approaches result in a politics of exclusion in multicultural societies. **Results and Recommendations.** The analysis produced a number of themes related to the culturalization of violence. These themes are: multiculturalism and feminism, community boundaries and gendered social control, and culturalization of violence against women. The author concluded that multiculturalism and feminism played important role in community policing of violence against women and offered directions for rethinking current police approaches or practices for minority communities.

Bhuyan, R. (2008). The production of the "battered immigrant" in public policy and domestic violence advocacy, *Journal of Interpersonal Violence*, 23(2), 153-170.

Intended Audience. This study is directed to immigrant women, public policy and domestic violence advocates in the U.S. **Methodology.** This article examined how the differences in signification has direct social and political consequences with regard to who may access the benefits and protection offered to victims of domestic violence in the United States. Ethnographic methods were used to explore how economic, political, and cultural processes impact domestic violence advocacy with immigrants. To collect data, the author conducted a discourse analysis of immigration policy and immigrant provisions in federal violence against women legislation, 6 months of participant observation at Chaya (a community-based domestic violence organization serving South Asian women in Seattle), 14 semi structured interviews with domestic violence advocates and immigration lawyers who work with South Asian women in Seattle, and analysis of community organizing and advocacy texts. **Results and Recommendations.** The results revealed that there is a potential dangers faced by immigrants who were trapped by abusive spouses. A successful application for the battered spouse waver, the VAWA self-petition, and VAWA cancellation of removal, although intended to help survivors of domestic violence, perpetuate practices of the state toward producing complaint and productive citizen subjects. In addition, this study calls attention to the problems facing immigrants who are ineligible for public benefits related to domestic violence.

Burman, E., & Chantler, K.(2005). Domestic violence and minoritisation: Legal and policy barriers facing minoritized women leaving violent relationships, *International Journal of Law and Psychiatry*, 28, 59-74.

Intended Audience. This study has no specific intended audience. **Methodology.** This article offers an analysis of the complex and intersecting connections between domestic violence, law, mental health provision, entitlement to welfare services, cultural identifications, structures of racism, class, and gendered oppression in Manshester, UK among women of African, African Caribbean, Irish, Jewish and South Asian backgrounds. A qualitative study, semi-structured interviews were carried out with thirteen primary organizations offering domestic violence services. Telephone contact was made with twenty-six organizations. Twenty-three survivors of violence against women were interviewed. **Results and Recommendations.** Results indicated that in the wider context, little policy development has occurred related to minoritized women. Little access to relevant and appropriate information for immigrant women of where to go for

advice, and the threat of being deported also affect women decisions of reporting. Refugees in the UK have historically and currently been underfunded and women's control of finance has been very limited.

Erwin, P., & Vidales, G. *Domestic violence, people of color and the criminal justice system a case for prevention*. Paper presented for the Domestic Violence Research for Racial Justice Project, Family Violence Prevention Fund, California, December, 11, 2001.

Intended Audience. This paper has no specific audience. **Methodology.** This paper discusses the issues of domestic violence, race, ethnicity, class and sexuality, and how those identities intersected with the criminal justice system. The first section reviews the prevalence rates of intimate partner violence generally and in communities of color based on national data resources, self report data from African American, Latino, Asian American/Pacific Islander, Native American/Alaskan Native, and other evidence. Section two discusses the intersection of domestic violence among communities of color with justice system. Reporting to police, police response, arrest policies, prosecution, and batterer's treatment program were reviewed. The last section discusses the gaps in literature related to the prevalence of domestic violence and justice system response to communities of color.

Murillo, M. (2008). *Violence against women and department of justice reauthorization act of 2005: A policy analysis*. Retrieved from ProQuest Dissertations and Theses: Full Text Database. (AAT 1452552)

Intended Audience. This thesis has no specific audience. **Methodology.** The purpose of this study was to analyse the Violence Against Women Act 2005 (VAWA) in response to violence Against women in the U.S. The emphasis was on the legislation's protection for battered immigrant women. Gil's (1992) policy analysis framework was used to critically examine the effectiveness in addressing/alleviating battered immigrant women's issues. Data was collected by using primary sources (VAWA text, government documents, and non profit organizations' publications) and secondary sources (journal articles and books). **Results and Recommendations.** The reauthorized VAWA law increased funding for programs to improve collaboration and service delivery between social service agencies, law enforcement, and justice system. The law has served to bring about public awareness about violence against women and has helped in promoting the view that it is wrong and illegal for immigrants. Significant progress toward safety and security of abused immigrant women has been made. In addition, this act has improved and expanded immigration protections, resources, and legislations for immigrant battered women. Lack of linguistic and cultural competent care were cited as accessibility barrier for Latina women. Fear of deportation and losing custody of children were cited as barriers to this act as well. Social workers must be updated regarding the current issues and policies to better serve immigrant battered women.

Pendleton, G. (2003). Ensuring fairness and justice for Noncitizen survivors of domestic violence, *Juvenile and Family Court Journal*, 54, 69-85.

Intended Audience. This work is directed to immigrant survivors of domestic violence and to the legal justice system in the U.S. **Methodology.** This paper was written by the associate

director of the National Immigration Project specializing in immigration relief for victims of violence and the impact of the post 9/11 political environment on immigrants' rights in the US. The author reviewed the Congressional mandate, the real and apparent obstacles that face survivors and affect their full participation in the legal processes, and proposed suggestions for what the court can do to enhance access to the legal system and how court can help non-citizens and consider all consequences before rendering a decision. In addition, the author has explained special routes to status that can be used by non-citizens seeking status as victims of domestic violence such as self-petitioning, VAWA cancellation, battered spouse waiver, gendered based asylum, and U-visa. **Results and Recommendations.** This paper concluded that judges will not ensure that all victims of domestic violence receive justice unless they implement and enforce the immigration laws. By ensuring that immigrants are receiving proper information to make educated choices judges will ensure appropriate legal protection.

Rosalva Silva, G. (2007). Domestic violence among immigrant women: A policy analysis of the Violence Against Women Act of 2000 (VAWA). Retrieved from ProQuest Dissertations and Theses: Full Text Database.(AAT 1448993).

Intended Audience. This study could be directed to Immigrant women, policy makers, community organizations, social workers, cultural and educational services. **Methodology.** The purpose of this study was to present an analysis of the Violence Against Women Act of 2000 (VAWA) which is a federal legislation in regard to domestic violence against immigrant women. The policy analysis framework by Gil (1976) was used to analyse major federal policy of violence against women. VAWA (2000) was used as a primary source for data analysis. Journal articles, governmental documents and non-profit organizations' publications were used as secondary data sources. **Results and Recommendations.** It was found that domestic violence against immigrant women remains to be an area with discrepancies in protections and legislation policies. Lack of community resources, cultural, and educational services challenge the efforts to stop domestic violence against immigrant women. This analysis indicated that social workers need to take an active role in leading reform policy for several services that will protect immigrant women who experience domestic violence. Social workers should also collaborate with various professionals in health and justice system and community organizations to increase the awareness of domestic violence against immigrant women and work toward its elimination.

The Adequacy and Sensitivity of Policies to Immigrants and Refugees' Needs

Smith, E. (2004). *Nowhere to turn? Responding to partner violence against immigrant and visible minority women*. Canadian Council on Social Development.

Intended Audience. This project could be directed to policy makers, justice system, community organizations, and service providers in Canada. **Methodology.** The purpose of this project was to study partner violence against immigrant and visible minority women and develop recommendations for appropriate actions, policies, and ongoing relationships among minority communities, the justice system and the voluntary sector. The project incorporated both quantitative and qualitative methodologies, including a review of relevant literature, analysis of a national survey, focus group discussions, key informant interviews, and organization of a national forum. Focus groups with frontline workers from community organizations in seven cities across Canada (Vancouver, Calgary, Winnipeg, Toronto, Ottawa, Montreal and Halifax), a two-day National Forum, key informant interviews, and a review of relevant literature and available data were conducted to collect data. **Results and Recommendations.** The results indicated that immigrant women faced many obstacles in dealing with partner violence. These obstacles could be social, cultural, financial, linguistic, legal or immigration concerns, and these issues can be further compounded by systemic barriers like cultural stereotyping, racial discrimination, and economic marginalization. This study emphasized the importance of providing information on Canadian laws, rights and services to immigrants in their own language and increasing the availability of professional interpretation services for police, courts, crisis centres, and other services. In addition, the study calls for ensuring that services for abused immigrant and visible minority women are sensitive to and respectful of diverse cultural practices, histories and life experiences. Stabilizing funding for immigrant settlement and ethno-cultural service agencies, and encouraging more collaboration among mainstream and culturally specific service providers is also recommended. Furthermore, improving and coordinating access to crisis programs (e.g. shelters, counselling) and longer term interventions (e.g. housing, training) tailored to the needs of this population is recommended as well.

International References

Bui, H.N.(2004). *In the adopted land: abused immigrant women and the criminal justice system*. Westport, CT: Greenwood.

Intended Audience. The author addressed this book to academia, researchers, policy experts and services providers. **Methodology.** This book is focused on the experiences of Vietnamese immigrant women who are battered and interfacing with the U.S criminal justice system and how useful or problematic the system was for helping them create safe lives. The book has provided critical analysis of the injustices for immigrant women who face battering. The introduction focused on the history of the U.S criminal justice system, the social impact of sexism on immigrant women's ability to negotiate and use criminal system, and the importance of qualitative research in raising issues of gender inequities that are generated by race, color, difficulties in language and immigration processes. The content of the book focused on

Vietnamese immigrant women experiences and the author research findings on these women, providing information on on the general context of Vietnamese community, the history, cultural, and religious perspectives of Vietnamese women and their families, and why these women may not ask for help, the knowledge of and experiences of Vietnamese immigrant women with the U.S criminal justice system and why justice system responses might be problematic for immigrant women, how policies of mandatory arrest and prosecution resulted in the imprisonment of women who are battered, how the batterers can use justice system against the victims, and describes women experiences after the prosecution and their experiences of empowerment and control their own lives. **Results and Recommendations.** The author concluded that understanding the specific needs of immigrant Vietnamese women is the primary foundation for any success of the justice system level to protect immigrant women.

Goel, R. (2005). Sita's Trousseau: Restorative justice, domestic violence, and South Asian culture. *Violence Against Women*, 11(5), 639-665.

Intended Audience. No specific audience. **Methodology.** This article focused on the particular cultural factors that affect South Asian women who are abused and immigrant South Asian women who are abused, in particular, in the restorative justice process. Restorative justice is defined as “a systematic response to wrongdoing that emphasizes healing the wounds of victims, offenders and communities caused or revealed by crime” (Restorative Justice Online, 2004). Methods and values of restorative justice, the current state of domestic violence in South Asian communities, a story of women called Sita, and the reasons why restorative justice should not be applied to domestic violence cases in immigrant South Asian families were discussed. By exploring cultural practices, this article demonstrated how the South Asian ideals of being women and wives helped to create a mind-set whereby South Asian women are reluctant to advocate for themselves and are reluctant to leave abusive relationship. **Results and Recommendations.** The author concluded that restorative justice options are ill-suited to application among immigrant South Asian communities for domestic violence cases.

Huisman, K., Martinez, J., & Wilson, C. (2005). Training police officers on domestic violence and racism, *Violence Against Women*, 11(6), 792-821.

Intended Audience. This study is directed to police officers and domestic violence advocates in the U.S. **Methodology.** The purpose of this article was to identify challenges in training police officers about the barriers faced by battered women of color and immigrant women and to propose training strategies and to initiate dialogue. The results of this study are drawn from one day police training in a small northeastern city in the US. The literature and authors' collective experiences in teaching about these issues were used also in this study. **Results and Recommendations.** Institutional discrimination, the individualistic orientation of both police and work and the larger culture, and the lack of trust between advocates and police officers were identified as the main challenges. The authors suggested building bridges for battered women, and diversify police departments and advocacy programs.

Barriers to Accessing the Justice System

Miedema, B., & Wachholz, S. (1998). *Access to the justice system for abused immigrant women in New Brunswick*, Status of Women Canada's Policy Research Fund.

Intended Audience. The results of this study could be directed to immigrant women and criminal justice system in Canada. **Methodology.** The purpose of this study was to identify barriers to the criminal justice system and justice-related services for abused immigrant women residing in New Brunswick. Six focus group interviews with 48 immigrant women in New Brunswick were conducted to in 1997 in different locations to generate data. The participants were from very diverse cultural backgrounds and approximately one third identified themselves as abused. **Results and Recommendations.** The review of research findings revealed that cultural norms and forms of structural oppression identified by the women act as barriers to access the justice system. Lack of legal information available to immigrant women on woman abuse and their legal rights, and dependency on the abuser for financial support were explored as vital barriers. Structural constraints, such as language barriers, perceived racism in the criminal justice system and social service agencies, and a lack of adequate ethno-cultural services and representation were also identified as disincentives to seeking help in cases of abuse. Policy recommendations proposed improving abused immigrant women's access to the criminal justice system and justice-related services

Shirwadkar, S.(2004). Canadian domestic violence policy and Indian immigrant women, *Violence Against Women*, 10(8), 860-879.

Intended Audience. The results of this study could be directed to Indian immigrant women in Canada. **Methodology.** This study examined the problems of Indian Immigrant Women who face cultural constraints in accessing the benefits of Canadian policies for domestic violence victims. An exploratory design was used to study abused immigrant women and social workers in Ontario, Canada. Official documents and manuals were reviewed to describe Canadian domestic violence policy. Eight domestic violence victims from the immigrant community in Toronto were interviewed. Small set of observation was done in formal and informal community and social activities. **Results and Recommendations.** The results exposed the cultural pressure, economical dependency, and social and family ties that prevent Indian immigrant women from accessing legal and social services in Canada. Also it revealed that the Canadian policies need to create more awareness of domestic violence within immigrant communities and establish network of culturally specific institutions to support immigrant women during their crises.

International References

Davis, R.C., & Erez, E. (1998). Immigrant populations as victims: toward a multicultural criminal justice system. National Institute of Justice. Department of Justice, Washington, D.C.

Intended Audience. This work was directed to state and local policymakers, prosecutors, court administrators, community leaders, and law enforcement supervisors and officers. **Methodology.** The purpose of this survey was to provide a broad picture of the barriers and problems that face immigrants when dealing with criminal justice services, explain their difficulties in accessing justice, and the ways to improve the criminal justice responses to their needs. A survey questionnaire was filled by 37 police chiefs, 32 prosecutors, and 23 court administrators from the 50 largest U.S. cities. In addition, authors interviewed sample of victims in two cities, 87 victims from New York and 26 victims from Philadelphia because both cities have the large numbers of recent immigrants from different countries. Multivariate analysis was used to analyze data.

Results and Recommendations. Results revealed that 67% of the officials agreed that recent immigrants report crimes less frequently than other victims, and that sexual assault and gang violence were more likely to be underreported. Approximately 31% of the officials interviewed believed that underreporting of crimes prevented adequate use of law enforcement resources in immigrant's communities. A number of barriers were identified by the participants such as language, cultural differences and ignorance of the U.S justice system. Many participants expressed more trust in the U.S system than systems in their home countries. The author recommends more research in this area.

Davis, R.C., Frez, E., & Avitabile, N. (2001). Access to justice for immigrants who are victimized: the perspectives of police and prosecutors, *Criminal Justice Policy Review*, 12(3), 183-196.

Intended Audience. The authors are addressing their work to criminal justice system in the U.S. **Methodology.** The purpose of this study was to describe barriers that the US immigrant abused women encounter in accessing justice system from the police chiefs and prosecutors point views. Survey questionnaires were mailed to 100 district attorneys and chiefs of police of the 50 largest US cities in metropolitan area. Sixty nine questionnaires were completed. **Results and Recommendations.** Data revealed that district attorneys and police chiefs believe that failure to report crimes and to cooperate in their prosecution present special problems for the criminal justice system. Language, cultural differences, and ignorance of the justice system were seen as the most common barriers to full participation. The results suggest that more needs to be done to ensure access to justice for immigrants in the American society.

Erez, E., & Hartly, C.C.(2003). Battered immigrant women and legal system: A therapeutic jurisprudence perspective, *Western Criminology Review*, 4(2), 151-169.

Intended Audience. The authors addressed this work to the legal system and immigrants in the U.S. **Methodology.** This paper discussed the way justice officials, in the course of enforcing the law, can provide valuable therapeutic benefit to battered immigrant women and reduce anti-therapeutic effects of the law. This paper used examples from Violence Against Immigrant Women and Systematic Responses grant from the National Institute of Justice in the US. The authors discussed the immigration context, effects on immigrant's lives, reporting domestic violence, and using interpreters in justice system. In addition, they proposed a series of policy recommendations and interaction strategies for working with battered immigrant women in culturally appropriate and empowering ways by using a therapeutic jurisprudence framework.

Results and Recommendations. It was concluded that battered immigrant women facing multifaceted obstacles that create anti-therapeutic effects for these women and reducing their usage of the legal system. The recommendations called for improving informal community support, changing criminal justice procedures at all system levels, and providing culturally competent police response.

Immigrant and Refugee Women's Perspectives

Barata, P.C.(2007). Abused women's perspectives on the criminal justice system's response to domestic violence, *Psychology of Women Quarterly*, 31, 202-215.

Intended Audience. This study is directed to criminal justice system and immigrant abused women in Canada. **Methodology.** This study examined battered women's views from diverse ethnic backgrounds about the criminal justice system (CJS) in two cities in Canada. Q methodology was used to study fifty eight abused and formerly abused women from diverse ethnic backgrounds. The author developed 72 statements about the police, judges and court room experiences, prosecution and mandatory prosecution, and reasons for using justice system. These statements were selected by using the balanced block design to ensure equal numbers of both positive and negative statements. Participants were provided with an enlarged Likert-type scale that ranged from -5(strongly disagree) to +5(strongly agree) to choose the statements that represent their views. Thirty women participated in this study were European, Seven were Caribbean, four South Asian, four East or South East Asian, and nine from other ethnic minority. Six women were interviewed to expand their reasoning and illuminate the emerging perspectives. **Results and Recommendations.** Five perspectives were identified: 1) The criminal justice system (CJS) can be trusted with twenty one women loaded on this factor; 2) The CJS has potential, but ultimately disappointing to victims with twenty women loaded for this factor; 3) Victims should have input into the CJS and be sure they want to use it with five women loaded for this factor; 4) The CJS cannot protect women and can make matters worse with five women loaded for this factor; 5) The CJS should be used for her safety, for his rehabilitation, and for justice despite its problem with five women loaded for this factor.

Gillis, J.R., Diamond, S.L., Jebely, P., Orekhovsky, V., Ostovich, E.M., MacIssac, K., Sagrati, S., Mandell, D. (2006). Systemic obstacles to battered women's participation in the Judicial System, *Violence Against Women*, 12(12), 1150-1168.

Intended Audience. The results of this study could be directed to battered women and judicial system in Canada. **Methodology.** The purpose of this study was to examine the experiences of Canadian women survivors of domestic abuse and the systematic barriers women face in dealing with the police, the judicial system, and social services. A grounded theory approach was used to interpret women experiences. Six focus groups were conducted to collect information about women's experiences of domestic violence cases within the Canadian legal-justice system. Twenty women from diverse backgrounds were recruited from one victim services location in Ontario. Data was analysed by using software program (Nu* Dist) for qualitative data analysis. **Results and Recommendations.** A variety of themes emerged from focus groups indicated that many battered women had little knowledge about the legal-judicial system, feel further trauma because of ambivalent or discriminatory attitudes and practices of the system, and often disappointed with court outcomes after prosecution.

International References

Shim, W.S., & Jin Hwang, M. (2005). Implications of an arrest in domestic violence cases: Learning from Korean social workers' experiences in the U.S. *Journal of Family Violence*, 20(5), 313-328.

Intended Audience. Korean immigrants, social workers and policy makers. **Methodology.** The purpose of this study was to examine the effect of arrest in deterring domestic violence in minority communities and to explore and gain understanding of cultural barriers faced by domestic violence victims of Korean immigrants in the U.S. A phenomenological exploratory study was conducted with Korean American social workers providing services to Korean domestic violence victims in the New York metropolitan area. Semistructured interviews were conducted over the telephone with four full-time staff (40 h a week) and two part-time staff (32 h a week). Thematic analysis was done to analyze data. **Results and Recommendations.** Main themes from the data showed both negative and positive results from arrests as Korean women perceived. Conflict of goals, inconsistency leads to loss of trust in service providers were identified as negative consequences. An arrest being a turning point for clients, anonymity and absolute necessity of arrest were identified as positive consequences. Participants perceived arrest as an ultimately necessary tool for deterring domestic violence in the Korean community in the U.S. Lack of information, fear of unknown, and victim blaming community were identified as barriers to seek help from the police. Participants suggested some changes in the criminal justice system to better respond to immigrant victims of domestic violence. Practice and policy implications are discussed.

Shoham, E. (2000). The Battered Wife's perception of the characteristics of her encounter with the police, *International Journal of Offender Therapy and Comparative Criminology*, 44(2), 242-257

Intended Audience. The results of this study could be directed to police officers and battered women in Israel. **Methodology.** The purpose of this study was to consider how women who seek police help when being attacked by their husbands perceive the attitude of policemen during their encounter at the police station. A sample of 90 abused women in Israel filled a questionnaire with partly open ended questions and partly of questions which required the participants to answer these questions on a Likert-type scale of 1 to 5. Most from Sephardi communities with 60%, 16% were recent immigrants from former U.S.S.R. or Ethiopia, 13% were of Ashkenazi origin, and 11% were born in Israel. The encounter with the law enforcement system was studied by using qualitative approach. Inferential and descriptive statistics were used to analyze data. **Results and Recommendations.** Results revealed that 78% of women felt tremendous fear when they approach the police. Half of the women thought that the police officers who received their complaints sided more with their husbands and tended to be suspicious of their motives. Only 37% believed that the police officers understood their situation. A third of the women thought that the police did not relate to their complaints seriously, and described the police approach as professional or business like but not as understanding.

General Information

Ahmad, F., Riaz, S., Barata, P., & Stewart, D.E. (2004). Patriarchal beliefs and perceptions of abuse among South Asian immigrant women, *Violence Against Women*, 10(3), 262-282.

Intended Audience. The author addressed this study to South Asian immigrant community in Canada. **Methodology.** This study examined the relationship between South Asian immigrant women's patriarchal beliefs and their perceptions of spousal abuse, and how this may assist to develop interventions to facilitate women help. Cross sectional survey consisted of a 20-minute anonymous telephone interviews were conducted with 47 women. The survey gathered information about demographics, patriarchal beliefs, ethnic identity and abuse status. The target population was women born in South Asia, could speak English, Urdu, or Hindi, were 18 years of age or older, and were currently or previously with intimate relationship. A stratified sample of 600 phone numbers was generated from the East and West Connections Telephone Directory. Descriptive statistics, ANCOVA, and logistic regression were used to analyze the study findings. **Results and Recommendations.** Results revealed that higher agreement with the patriarchal social norms predicted a decreased likelihood of identifying woman as a victim of spousal abuse, and that women who accept patriarchal norms may be less likely to seek help through formal organizations such as justice system. In addition, this study emphasized the role of awareness and education about patriarchy and women empowerment. Socio-culturally sensitive education and information about the existing resources are needed for the South Asian immigrant women on violence against women.

Community Coordination for Women's Safety. (2007). Immigrant, refugee and non-status women and violence against women in relationships. Retrieved April 11, 2009, from <http://www.vcn.bc.ca/bcasvacp/publications/303/Imm%20Ref%20Women%20Violence%20PART%201.pdf>.

Intended Audience. This program could be used by immigrant and refugee women and service providers in Canada. **Methodology.** This program focuses on improving intersectoral coordinated responses to violence against women at the local, regional and provincial levels; the priorities are rural and isolated communities, and women who face particular discrimination. Community Coordination for Women's Safety (CCWS) is a program of the BC Association of Specialized Victim Assistance and Counselling Programs. This program provides information and training for local coordination initiatives to help them address violence against immigrant, refugee and visitor women. Meetings, focus groups and coordination were conducted with frontline service providers to improve the response of provincial and federal justice officials, major provincial non-profit organizations that represent women's services and members of the civil and criminal bar. **Results and Recommendations.** There is some interest from Immigration Canada to collaborate and are exploring some possibilities such as a process for coordination between the Immigration Board, Criminal Justice Branch and others.

Ollek, M.O. The role of nongovernmental organizations in preventing partner violence against immigrant and refugee women in Canada. Paper presentation at the Fourth Forced Migration Student Conference. March 18-19, 2006. London, United Kingdom.

Intended Audience. This paper could be directed to nongovernmental organizations, and immigrant and refugee women in Canada. **Methodology.** The purpose of this presentation is to summarize the work of in-progress thesis that aimed to identify the role of the Canadian nongovernmental organization (NGO) community in addressing partner violence against immigrant and refugee women in Canada and to identify the existing policies by the government and non state actors which seek to prevent and protect immigrant and refugee women from domestic abuse. Mixed method design will be conducted to obtain the required data. Statistics on immigrant and refugee women, women shelters and support groups in Canada and the scope of NGO community concerned will be studied using a quantitative approach. Literature review with interdisciplinary nature will form the basis of the qualitative research. Qualitative interviews will be conducted with policy makers, social workers, NGOs, and immigrant and refugee women themselves. **Results and Recommendations.** The research conducted so far concluded that there is little known about the experience of immigrant and refugee women who are victims of domestic violence, and that the lack of an existing theoretical framework and literature in political science encourage to elaborate a set of proposals to address these women needs. The outcomes of this study will include recommendations dealing with coordination of services, protection, advocacy, crisis intervention, and treatment of offenders.

Raj, A., & Sliverman, J. (2002). Violence against immigrant women: The role of culture, context, and legal immigration status on IPV, *Violence Against Women*, 8 (3), 367-398.

Intended Audience. The author addressed this work to immigrant communities in the areas of policy, research, and practice. **Methodology.** The purpose of this study was to review the legal, medical, and social science research literature on violence against immigrant women. The author critically reviewed number of articles from 1988 to 2000. The number of articles, methodology used for this review, and data analysis method were not reported. Future directions for research, practice, and policy to assist immigrant women were discussed. **Results and Recommendations.** It was concluded that little knowledge exists on how immigrant women cultures, context, and legal status increase their vulnerability for abuse, used by batterer to control victims, and create barriers to women when seeking and receiving help from community services. Culture of origin, immigration context, immigration legal status were consistently seen among the reviewed studies as related to violence against immigrant women and their decisions of seeking help. More research is needed to address how immigrant women culture and context offer resiliency factors to violence against them, and on how programs and policy can be used to better response to these women.

Sharma, A. (2001). Healing the wounds of domestic violence, *Violence Against Women*, 7(12), 1405-1428.

Intended Audience. This study is directed to immigrant and racially visible abused women in Canada. **Methodology.** The purpose of this study was to examine the effectiveness of feminist therapy and its limitations when it is used for counseling immigrant and racially visible women

who have been abused. The author reviewed studies that used feminist therapy as a mean of helping abused women, described the guidelines for feminist therapy and its limitations when used by community agencies including legal and social system, and explored the reality of domestic violence among immigrant and racially visible women. **Results and Recommendations.** Feminist therapy was found to be a powerful means of helping women because of its focus on systematic sources of oppression and hegemony, and could be used as alternative to existing modes of assessment and practice. A number of social, economical, and linguistic barriers that faced immigrant women are identified.

International References

Easter, M., & Refki, D. (2004). *Building bridges to prevent violence against immigrant women: Effective strategies and promising models for reaching and serving immigrant women.* Voices for Change: Immigrant Women & State Policy program. The Centre for Women In Government and Civil Policy. U.S. Department of Justice.

Intended Audience. This project is directed to immigrant women and nonprofit agencies, state and local government, and academia in New York. **Methodology.** This project was conducted by The Centre for Women in Government and Civil Policy which is an institute at the State University of New York. It aims to link the government, civil society and the university efforts to face immigrant women problems in the state of New York. The purpose of this project was to enhance protection and services to immigrant victims of domestic violence. This project is a part of a program called “Voices for Change: Immigrant Women & State Policy” which is multi-year initiative designed by the center aimed to understand the needs and solve the problems of immigrant women in New York. **Results and Recommendations.** This program created the linkages between immigrant women and nonprofit agencies, academia, and local and state government to make the state programs accessible, acceptable, and culturally competent. The program has created a network of over 300 immigrant women service providers and community leaders across New York from different urban and rural areas. Women shared their voices and knowledge regarding the needs of immigrant women who came from diverse ethnic and economical back grounds, and facilitate sharing resources, capacity building, and policy analysis. A series of regional workshops were conducted to provide the immigrant women the opportunity to share their knowledge with victim service providers, criminal justice personal, and policy makers. The report of this project has been developed to communicate knowledge with wider audience, service providers who were not able to attend the workshops, and different agencies to expand their understanding of the barriers faced immigrant women in accessing their services.

Grossman, S.F., & Lundy, M. 2007. Domestic violence across race and ethnicity; implications for social work, practice and policy, *Violence Against Women*, 13(10), 1029-1052.

Intended Audience. This study is directed to social work, practices, and policies that are concerned of domestic violence against women from ethnic minorities. **Methodology.** This study examined the experiences and service needs of African, Hispanic, American Indians, and Asian American who received services from domestic violence programs in a Midwestern State during a 5 year period. The data were obtained from Illinois Coalition Against Domestic Violence

(ICADV) a not for profit organization that assist and advocate service providers with domestic violence policy issues and education and training at local, program, and state levels. A sample of 100,020 clients was used to collect data. The analysis presented was focused on describing the demographic characteristics, circumstances of abuse, referral resources, and special and social service needs of clients for each of the selected racial and ethnic groups. **Results and Recommendations.** Results indicated that victims who seek services are fairly similar in terms of their demographic profiles and experiences of abuse. However, the path into services and the services needs of groups tend to differ somewhat depending on demographic characteristics. American Indians had the greatest number of services needs, but Hispanic Americans, who had the greatest rate of poverty, had the lowest number. Data on referral sources suggest that police were the most common referral source among all groups with 32.1% for White clients, 43.1% for African American, 36.8% for Hispanic American, 33.3 % for American Indian, and 27.8% for Asian American. The authors recommend an awareness of differences in larger epidemiological studies to avoid the trap of combining diverse and district racial and ethnic groups.

Moe. A.M (2007). Silenced voices and structured survival: Battered women's help seeking. *Violence Against Women, 13*(7), 676-699.

Intended Audience. This study could be directed to service providers and justice system. **Methodology.** This study examined the various aspects of help seeking for battered women from diverse ethnic backgrounds, and the social and institutional responses to women's help seeking. Feminist qualitative, semi-structured interviews were conducted with 19 shelter residents. Of the women, 9 (47%) identified themselves as White, 4 (21%) as African American, 2 (11%) as American Indian, 2 (11%) as Latina, and 2 (11%) as biracial (American Indian and White, African American and White). **Results and Recommendations.** The findings are discussed with reference to Ptacek's social entrapment perspective and Gondolf and Fisher's survivor hypothesis, illustrating the socioeconomic and political context of the control tactics utilized by abusers and the structural impediments to battered women's successful help seeking. Results revealed that women involved justice system to seek help when they attempted to leave the abusers. Of the women, 13 (68%) reported taking such actions as calling the police, requesting that their partner be arrested, and cooperating with investigators and district attorneys to bring criminal charges against their abusers, and 11 women (58%) reported filing for restraining orders, seeking divorces, and attempting to maintain full custody of their children on separation. Although no women in this study reported that their abuse completely stopped after their partners were arrested, the arrest did serve other purposes such as giving women some time to move out of a shared residence.

Stover, C.S., Rainey, A.M., Berkman, M., & Marans, S. (2008). Factors associated with engagement in a Police-Advocacy Home-Visit Intervention to prevent domestic violence. *Violence Against Women, 14*(12), 1430-1450.

Intended Audience. This study is directed to all sectors interested in violence against women from multiethnic backgrounds. **Methodology.** The purpose of this study was to examine factors related to engagement in the services offered by police officer-advocate teams on the basis of police and clinical records for 301 female victims referred to the Domestic Violence Home Visit Intervention (DVHVI) program. The data were gathered from police reports and intervention

records related by DVHVI advocates. The vast majority of victims in this sample were of African American (56.5%) or Hispanic (35.2%). Chi-square and *t* tests were conducted to determine bivariate differences in victims with DVHVI team contact and those without on the independent variables of interest. These variables included victim age, ethnicity, relationship with the perpetrator (married vs. unmarried), victim's number of children, severity of charges, whether the victim sustained any injuries at the time of the incident (binary variable), use of a weapon at the time of the incident (binary), and substance abuse at the time of the incident (binary variable that may include use of alcohol, drugs, or both by either party at the time of the incident). Multivariate multiple regression analyses were also used to examine the subset of cases with victim contact. In addition, a subsequent multivariate multiple regression was used to look at factors that may have predicted engagement in those components of the DVHVI. **Results and Recommendations.** The results revealed that the severity of intimate partner violence charges and ethnicity of the victim, advocate, and police officer are all significantly related to engagement in the DVHVI, with Hispanic women served by Hispanic advocate–officer teams more engaged in services than African American or Caucasian women. The data suggested that this intervention model may be particularly beneficial for Hispanic victims of intimate partner violence when implemented by a Spanish-speaking officer–advocate team. Ethnicity had the strongest relationship to service engagement, with an ethnic match between the victims and advocate accounting for the most significant variance in time spent with victim. Ethnic match with the police officer was non-significant for time with victim but was associated with increased follow-up.