Record of Proceedings

Workshop on the Intersections between Vulnerabilities and Criminal Justice Processing of Intimate Partner Violence

Chair
Holly Johnson
Associate Professor
Department of Criminology
University of Ottawa

Sponsored by
Canadian Observatory on the Justice System Response to Intimate Partner Violence

May 8, 2008

Table of Contents

Background

Victims and perpetrators of intimate partner violence (IPV) often present before the criminal justice system with a range of issues but the justice system is unable to address non-criminal matters that extend beyond its jurisdiction. If these vulnerabilities are unresolved, they can exacerbate the impact of the violence and increase the risk of repeat victimization (Bufkin & Bray, 1998). Improved recognition of the intersections among the various vulnerabilities that affect victims and perpetrators of IPV is important for improving the response of the justice system and reducing the violence and its impacts. Without inter-agency coordination, vulnerabilities are not well addressed and victims of violence are often thrown into poverty, homelessness, poor mental health and their children suffer as well. The needs of perpetrators with respect to mental health, substance abuse and other issues are also not well addressed through the tools available to the criminal justice system.

On May 8, 2008, a workshop held at the University of Ottawa aimed to identify intersections between specific vulnerabilities and criminal justice processing of intimate partner violence. This workshop brought together federal government researchers and policy makers, recognized experts working in universities and non-governmental organizations, and community representatives. By bringing together diverse intellectual, cultural and policy perspectives, it provided a forum for sharing elements of effective policies and practices and lessons learned. Participants are listed in Appendix 1 and a copy of the agenda is available in Appendix 2.

This workshop was undertaken as part of a series of activities underway through the Canadian Observatory on the Justice System Response to Intimate Partner Violence. In 2007, the Canadian Observatory received funding from the Social Science and Humanities Research Council to establish a research network on the justice system response to intimate partner violence. It is comprised of academics, government and community partners from across Canada as well as international partners in Australia, the United Kingdom, and the United States. By conducting research and disseminating results, the Observatory aims to contribute to a coordinated effort to reduce and eliminate IPV, establish effective justice system responses, and reduce the impacts of IPV for victims and society.

The main aims of the Observatory are to: (1) develop and maintain a research network emphasizing bilingual dialogue and in-depth research on the justice system response to intimate partner violence; (2) create standardized data sets on the justice system response to intimate partner violence, including specialized responses (police, prosecutions, sentencing) and civil legislation; and, (3) develop regional, national and international forums for dissemination of research results.

The justification for the Observatory is the need to:
- Continually work to improve the criminal and civil justice responses to the widespread problem of IPV, and to reduce the consequences for victims and the costs to society

- Encourage a coordinated effort to reduce and eliminate IPV and help establish effective justice system responses
- Address current issues in the justice system as they apply to IPV such as:
    - timelines of court proceedings
    - appropriateness of sentencing
    - managing risk and protection of victims
    - broadening understanding of critical issues facing victims
    - monitoring and improving the responsiveness of systems to encourage and support offender accountability.

Many benefits are expected from the Canadian Observatory. It will provide stakeholders with an enhanced understanding of how diverse justice system responses operate and the critical ingredients of success, provide data to support clear and consistent policies, and develop an integrated data collection system that will help police, courts, corrections, probation, and victim services improve their own monitoring capabilities.

Main project activities of the Observatory in 2007-2009 include:
- A pilot study in courts in Calgary, Winnipeg, Guelph, Toronto and Fredericton to create standardized data sets (2007-08). Similar pilot studies are also being developed in Canberra and Wagga Wagga in Australia, London in the United Kingdom, and New York in the United States (2008-09). Data collection on all domestic violence cases will start in the fall 2008 in Calgary, Winnipeg, Guelph, Toronto, Whitehorse and Fredericton.
    - A standardized grid is being developed that will collect information on domestic violence cases from crown prosecutors' files to determine the best way to gather similar and comparable information from different jurisdictions.
    - The goal is to examine the impact of specialized courts in Canada, Australia, United Kingdom and the United States as well as the effectiveness of specialized domestic violence court processes compared with non-specialized court processes.
    - Data collection starting at the Crown level will exclude offenders and victims who reported to police but whose case did not proceed to prosecution. This may be adjusted in the future to examine cases reported to police.
- Engaging federal, territorial and provincial governments through various activities
- A literature review on existing research in the field of IPV and the justice system
- A policy audit on IPV and the justice system in federal, provincial and territorial jurisdictions.

The Canadian Observatory is also considering developing other instruments such as a quantitative data collection tool for victims of IPV which will complement data collection on offenders, a qualitative instrument for collecting comparable information from victims and offenders about their experiences and perceptions of the justice system, and a qualitative instrument for capturing stakeholders' experience in specialized courts.

The aim of this workshop was to begin to engage the federal government in the work of the Observatory by bringing brought together federal government researchers and policy makers, recognized experts and community representatives to explore interconnections and possible collaborations. This document summarizes the proceedings and outcomes of that meeting.

Intersections between Vulnerabilities and Criminal Justice Processing of IPV

If IPV is to be prevented and the impacts reduced, more must be done to identify and address risk factors and vulnerabilities. Decades of research in Canada and elsewhere have identified a number of risk factors – certain characteristics of women, their partners and the larger community – that are associated with higher rates of intimate partner violence. These include: the youth of the couple; low family income and male unemployment; alcohol and drug abuse on the part of male partners; exposure to violence in childhood as either victims or witnesses, by both women and their partners; emotional abuse, dominance and control by male partners; traditional gender-role ideology in the family and wider community; community support for marital violence and for using violence as a way to solve problems more generally (Heise 1998; Stith et al. 2004).

Vulnerabilities are conceptually distinct from risk factors, although there is an overlap between the two. They can be considered individual- or family-level concerns that, if left unresolved, can exacerbate the short- and long-term impacts of IPV and increase the likelihood of repeat victimization. Vulnerabilities can include, but are not limited to, mental health problems, insufficient support services, discrimination and racism, and a lack of adequate and affordable housing. They are broadly considered forms of social exclusion and many are justiciable problems. There is a growing recognition of the need to understand how these vulnerabilities can contribute to or exacerbate the impacts of IPV and how appropriate policies and agencies can collaborate with justice system responses to effectively alleviate these problems.

Social exclusion is defined as the inability of certain groups or individuals to participate fully in the normal activities of society because of structural inequalities in their access to social, economic, political and cultural resources (Currie, 2007). Social inclusion and exclusion are the result of structured processes which operate at the micro level (characteristics of an individual) and at the macro level (characteristics of a society, including cultural, social and economic dimensions) (Social Development Canada, 2005). Both social exclusion and inclusion are multi-dimensional and involve circumstances of multiple disadvantage (leading to exclusion) and preventive factors (fostering inclusion). For instance, social inclusion depends on having a bundle of conditions in place, such as employment, adequate income, and a capacity for civic participation, while social exclusion can result from a single or multiple disadvantages, such as poverty, inadequate housing, problems with access to education, and racism or discrimination.

Only a small proportion of victims of IPV seek out criminal justice or social services for help. Many more turn to informal supports such as friends and family (AuCoin, 2005). Lack of resources and social support has been shown to influence a

woman's decision to leave an abusive relationship (Larance & Porter, 2004). Studies have shown that victims of IPV often have low levels of social capital because they have been isolated from informal supportive networks, either purposely by the perpetrator or due to their own shame and embarrassment. *Social capital* refers to the networks of social relations that provide individuals and groups with access to resources and supports (Policy Research Initiative, 2005). Resources and supports can include material goods and services, information, emotional support, reinforcement of positive behaviour, cooperation and coordination. Social capital enables individuals to build trusting networks of support, and has been shown to be beneficial to victims of IPV in terms of deterring further abuse and making long-lasting and positive changes, including acquiring independence outside an abusive relationship (Larance & Porter, 2004).

Justiciable problems are problems for which there is a possible legal remedy but other courses of action may be possible or preferable (Currie, 2006). Examples include problems related to debt, income assistance, immigration, family law, and personal injury. Experiencing justiciable problems may partly define the dynamics that create and perpetuate social exclusion. A survey conducted in 2004 by the Department of Justice Canada found that respondents who were single parents, disabled, unemployed, or receiving social assistance were most likely to experience at least one justiciable problem, which suggests a link between justiciable problems and social exclusion (Currie, 2005). Aside from this survey, there has been little research on how justiciable problems contribute to social exclusion or exacerbate IPV, and how legal assistance and other forms of access to justice may help to alleviate social exclusion and the impacts of IPV, including re-victimization.

It is clear that vulnerabilities and stressors for IPV are exacerbated for certain populations. For some women and men, these vulnerabilities and stressors are compounded in a way that presents particular complexities for the justice system when it is called on to respond to IPV. Participants to the workshop were asked to consider the following risk factors and vulnerabilities for IPV:

- homeless and inadequate housing
- mental health and substance abuse
- vulnerabilities associated with living in rural and remote communities
- elderly persons
- immigrants and visible minorities
- the multiple vulnerabilities and challenges faced by Aboriginal people.

Homelessness and inadequate housing

Cutbacks in social programs have led to shortages in affordable housing, longer waiting lists for subsidized housing, and inadequate support services (Levan, Bopp, McNaughton & Hache, 2007; Novac, Brown & Bourbonnais, 1996). Homeless people in Canada include a growing number of women and children, many of whom experience housing vulnerabilities as a direct consequence of IPV (Bufkin & Bray, 1998; Novac, 2006). Homelessness amongst women tends to be hidden to a greater extent than

homelessness experienced by men: where emergency housing is not available, temporarily staying with friends and family is the primary form of homelessness for women and as a result often remains hidden from view and from official counts (Novac, Brown & Gallant, 1999).

IPV is a common risk factor for homelessness since women may lose their source of income and housing when their partner is charged by police, or when they leave an abusive partner. The reverse is also true: housing vulnerability places women at risk of IPV when they cohabitate with men who are physically, sexually, and emotionally abusive in order to avoid living in a shelter. Child custody concerns can also create serious dilemmas for women wanting to leave abusive relationships. A woman living in a shelter or other unstable environment risks losing custody of her children (Bopp, 2007; Novac et al., 1996). In addition, shelters often lack necessary services for children and maximum stay times at some shelters may force victims of IPV to leave before adequate housing has been secured (Lambertus, 2007; Novac, 2006).

Studies have demonstrated that safe and adequate shelter is critical for those escaping violent relationships, and a lack of affordable housing is a factor that keeps many victims from leaving or contributes to their decision to return to abusive partners (Lambertus 2007; Novac, 2006). The Alberta Council of Women's Shelters indicates that, in 2006, 15% of women staying in Alberta shelters returned to the abusive relationship, and 72% of these cited a lack of affordable housing as the reason for their return (Lambertus, 2007). This represents an increase of nearly 50% over the previous year. A program in the United States to reduce re-victimization in cases of IPV found that safe and adequate housing was the factor most strongly associated with women's long-term safety compared to other services offered (such as education, legal support or job training) and was found to be more effective than criminal justice remedies in reducing re-victimization (Novac, 2006). Of the women who obtained independent permanent housing, 98% reported no further victimization.

Mental health and substance abuse problems

Mental health and substance abuse problems commonly result from the impact and traumas associated with violent victimization in intimate relationships. Mental health and substance abuse problems are also commonly associated with perpetration of violence against intimate partners and can interfere with the effectiveness of police action, court orders and community responses (Cerulli, et al. 2004). These represent additional vulnerabilities for IPV that frequently affect victims and offenders who present to the criminal justice system.

There are also multiple intersections between IPV, mental health problems, substance abuse and housing vulnerability: women with mental health problems or substance abuse problems often live in poverty and are at high risk of being abused and being homeless. Being abused, coupled with facing homelessness, exacerbates mental health and substance use problems (Novac, 2006). Substance abuse is the most common and clinically significant co-morbidity, or dual disorder, among people with severe

mental illness (Brunette, Mueser & Drake, 2004). For example, of those treated for alcohol-related disorders, 70% to 80% may have a mental disorder; alcohol dependence is 21 times more likely to occur among people with antisocial personality disorder; and alcohol dependence is four times more likely to occur among people with schizophrenia (Health Canada, 2002a). An Ontario survey found that those with a history of alcohol abuse or dependence had higher lifetime odds of experiencing a mental health disorder, and co-morbidity was more common among women than among men (Ross, 1995).

Deinstitutionalization and cuts in funding for mental health services have created a vicious cycle, placing women with mental health problems at greater risk of homelessness, violence, substance abuse, and further mental health problems. With respect to the perpetrators of IPV, mental health and substance abuse problems that go unresolved can increase the likelihood that the violence will be repeated once criminal sanctions have been fulfilled. Police and courts are frequently confronted with this complex mix of vulnerabilities that exacerbate the impact of IPV and raise the likelihood of re-victimization, yet they are able to respond only to the criminal matters before them.

Most shelters for abused women cannot accommodate persons with mental health or substance abuse problems because of the danger they may pose to themselves, staff, and other clients (Lambertus, 2007). As a result, these clients are often sent to hospitals or detox facilities as a temporary solution which does not address their mental health or substance abuse problems or the violence over the long term. There have been discussions about increasing the availability of 'wet' shelters so that victims of IPV who have substance abuse problems can have a safe place to stay and where these intersecting vulnerabilities can be addressed effectively (Lambertus, 2007).

Rural and remote communities

There are particular challenges for women and families facing IPV in rural and remote areas. Services are less likely to be available and are more difficult to access than in urban areas, even though IPV and homelessness due to IPV are prevalent (Novac, 2006). Victims of IPV in rural and remote communities experience longer wait times when they call the police, which may put them in danger of repeated and escalating violence (Lambertus, 2007). Distance to support services, problems with transportation, and limited telephone service have also been identified as barriers to leaving abusive relationships for women living in rural and remote communities (Lambertus, 2007; Lane, Bopp & Bopp, 2003). As well, victims moving from rural and remote communities to urban centres to access essential programs and services may encounter difficulties adapting to their new surroundings and may have difficulty obtaining housing and other supports (Lambertus, 2007).

In small and remote communities, privacy and anonymity may be barriers to accessing programs and services (Lambertus, 2007). For example, the location of shelters and other services may be well known to all members of small communities, including perpetrators of violence, which presents problems to victims in terms of being able to access services safety. As well, victims of IPV may be reluctant to access services and

programs if they personally know the service providers or believe their privacy cannot be protected.

Elderly persons

Elderly persons also experience IPV but it often remains hidden and unreported. In some cases, victims are identified and treated under a generic category of elder abuse as opposed to IPV which can result in referral to treatment and services that fail to address vulnerabilities that led to the violence (Vinton, 1998). As well, generational differences in gender role socialization and the aging process may affect how older victims of IPV perceive their situation and the services available to them.

Studies have found that older victims of IPV are often reluctant to report to police or other services because of fears they may be placed in a senior's home or similar accommodation (Novac, 2006). A study in Toronto found that only 15% of those who used shelters were aged 45 or older, and only 2% were 65 or older. Providing adequate services for the elderly that address their particular vulnerabilities will become increasingly important with a growing elderly population.

Immigrants and visible minorities

Immigration status can create vulnerabilities for those experiencing IPV. A sponsorship agreement or other immigration processes can be used by abusive partners to control victims, and to prevent them from leaving, seeking help, or calling the police. Women may be reluctant to report abuse for fear this may jeopardize their partner's immigration status. Abusive partners will sometimes deliberately withhold information or give their partner inaccurate information about their sponsorship and their rights, leading some immigrant women to believe they must stay with abusive partners in order to remain in Canada (Canadian Council on Social Development, 2006).

Cultural beliefs about the role of women in the family and strong taboos against separation or divorce can contribute to immigrant women's decision not to seek help or to report the abuse. In some immigrant and ethnic minority communities, women who move out of the marital home to escape IPV risk being ostracized and socially isolated by their communities. The experiences of immigrant women also intersect with vulnerabilities for social exclusion which include poverty, social isolation, discrimination and racism, language barriers, lack of culturally appropriate services, and a lack of safe and affordable housing (Canadian Council on Social Development, 2006). These women face particular barriers to reporting IPV, accessing support services, and obtaining responses that meet their needs.

Discrimination in labour and housing markets for immigrant and visible minority women can affect their ability to leave abusive relationships if they are unable to find work and unable to secure affordable housing for themselves and their children (Novac, 2006). Lack of foreign credential recognition for skills and education can also create employment barriers for these women.

Aboriginal people

Aboriginal people are among the most disadvantaged of all Canadians. As a group, they experience higher rates of IPV, homelessness, and other forms of social exclusion. They also experience lower life expectancy, higher levels of illness and health problems, lower educational attainment, and higher rates of unemployment compared to other Canadians (Lambertus 2007; Novac, 2006; Indian and Northern Affairs Canada, 1996). Aboriginal people are three times more likely to be victims of IPV than non-Aboriginals (21% versus 7%), and Aboriginal women are more likely to report experiencing severe and potentially life threatening violence (54% compared with 37% of non-Aboriginal women) and spousal homicide (Johnson, 2006).

Approximately 5% of Canadian shelters are located on Aboriginal reserves (Taylor-Butts, 2007). As a result, Aboriginal women, like women living in rural areas, may have to travel long distances to access shelters. Shelters on reserves are typically emergency-type shelters as opposed to longer-term facilities, a situation which fails to address the long-term housing needs of women who wish to separate from abusive partners (Lambertus, 2007).

Aboriginal, immigrant and visible minority women share concerns of racism and discrimination when faced with a situation that requires contacting the criminal justice system. They often face concerns about discriminatory treatment against their partner, themselves or their community (Lambertus, 2007). A reluctance to involve the justice system or other services can have negative long-term impacts on the ability of these women to stop the violence and obtain the help they need.

Like immigrant and visible minority women, Aboriginal women face discrimination in labour and housing markets which can affect their ability to leave abusive relationships (Bopp, 2007; Elliott, van Bruggen & Bopp, 2007; Hrenchuk & Bopp, 2007; Lambertus, 2007). Lack of education also creates employment barriers for Aboriginal women.

Workshop proceedings

Results from the 2004 and 2006 Canadian Surveys of Justiciable Problems

Presented by: Ab Currie, Department of Justice Canada

Ab Currie presented the results of the 2004 and 2006 Canadian Surveys of Justiciable Problems related to:
- The prevalence of justiciable problems in Canada
- Vulnerability and social exclusion
- Relationship breakdown and other family law problems
- Experiences of violence.

To measure the incidence of justiciable problems, survey respondents were asked:

During the past three years have you (or your partner) experienced a problem or dispute involving any of the following with respect to [problem type] that was serious and difficult to resolve?

Results showed that:
- 45% of adults (18+) reported one or more justiciable problems within the last 3 years
- 20% reported one or more problems within a 12 month period; 48% of low-moderate income adults

In order to assess interconnections among judiciable problems, respondents were asked:

Do you feel that one of these problems caused or contributed to another of the problems?

Overall, 30% of respondents with two or more problems identified one problem as a direct cause of another. Thirty-eight percent said one or more of these problems were triggered by a legal problem.

Responses clustered around three themes:
- Relationship breakdown, other family law problems, consumer, debt, and threat of legal action
- Personal injury, debt, and employment
- Consumer, debt, and legal action

Implications of the results:
- IPV is related to every type of problem
- Legal problems trigger both legal and non-legal problems

- The justice system recognizes only the more serious legal problems as opposed to everyday issues and problems. Legal aid and access to justice services are needed to recognize and address this gap.
- Areas of future research include exploring how justiciable and non-justiciable problems are interconnected.
- Surveys focusing on justiciable problems may exclude those who are most affected by these problems, such as those with housing issues, immigrants (if they cannot speak one of the official languages), those with mental health issues. However, a similar survey conducted with Downtown Eastside residents and Together Against Poverty found similar results as studies of the general population.
- Further research on justiciable problems needs to more fully understand the problems from the perspective of those who experience them.

Feedback from workshop participants

- More detailed analysis by gender would be useful in terms of understanding the differential effects of violence on women and men.
- Participants were very interested in seeing the results published in an accessible format.

Home Safe: Women and Housing, Homelessness, and Domestic Violence

Presented by: Sylvia Novac, Toronto Community Housing

A number of OECD countries spend a higher percentage of GDP on social expenditures than does Canada. With the exception of the United State, these countries have lower levels of homelessness.

Links between women's homelessness and domestic violence:
- Research on homelessness and on IPV are largely separate, except for noting high prevalence of histories of abuse among homeless women, and a lack of alternative housing for women fleeing violence.
- Research on homelessness has focused on visibility – those who sleep rough and in shelters – and ignores relative or hidden homelessness.
- Longitudinal studies are needed to track housing trajectories in relation to household formation/family relations and domestic violence.
- The relationship between homelessness and domestic violence is bi-lateral.
- A recent study in California found that women who experienced intimate partner violence within the previous year were almost four times more likely than other women to report housing instability (i.e., arrears, homelessness, risk of eviction), after adjusting for covariates (Pavao et al. 2007).

Housing Barriers:

- Cost of housing is a major issue. Difficulty of obtaining alternative, affordable, safe housing is a deterrent to women's ability to leave and to live apart from an abusive partner.
- Discrimination is a barrier for women trying to find housing, especially for Aboriginal women who have been abused:
    - Research finds that landlords often refuse housing for women who disclosed they were coming from a shelter for abused women.
    - Some landlords cite concerns about rent payment, the dangers or problems that may result from renting to a victim of IPV, while some blame the victim suggesting she brought the abuse upon herself.

There has been a recent push in Ontario to train frontline workers on the services available, the dynamics of homelessness, and ways to support those who need it. Toronto Community Housing is developing policy and protocols and is implementing a mental health pilot project to explore support needed by domestic violence victims in order to maintain tenancy.

The Special Priority Policy (SPP) was initiated by the Ministry of Housing in 1986 to give victims of domestic violence precedence over other applicants for social housing. Since then, the need for social housing has increased significantly and applicants are waiting up to twelve years. Additional facts about the SPP include:
- During a 2005 review of SPP, tension was evident between violence against women advocates and government/social housing agencies, suggesting ongoing dissatisfaction with the policy on the part of VAW advocates
- In Toronto, priority categories also include overcrowding and terminal illness; in addition, partial priority is accorded disadvantaged households (i.e., homeless, newcomers, 16-17 year olds, separated families).
- Among Toronto Community Housing applicants, SPP households are housed faster than non-priority households (6 months compared to 4 years), but the waiting period is getting longer each year.
- SPP households are somewhat concentrated in certain neighborhoods with few available services.

Feedback from workshop participants
- It is important to include questions about IPV in surveys about homelessness but how can this be done?
    - Use standardized questions such as those developed by Statistics Canada
    - Follow up on the SSHRC-funded longitudinal study underway in the Prairie provinces (PI Jane Ursel) which interviews women who have used shelters for abused women.
    - There may be a possibility of adding questions to the Panel Study on Homelessness in Ottawa
- How can federal housing policy better take into account IPV?
- Violence against women needs to be understood in the broadest sense so that it includes sexual harassment

- Evaluations of civil legislation that allows for the removal of abusers from the home are needed
- More research is needed on women's transitions from housing to homelessness and the connections to IPV

Intimate Partner Violence and Aboriginal Women

Presented by: Sandra Lambertus, Project Lifeline Alberta

Sandra Lambertus provided an overview of the research project *Intimate Partner Violence and Aboriginal Women: Fears and Vulnerabilities that Prevent them from Achieving Justice* which was funded by the Alberta Solicitor General. The results are available both electronically and in hard copy. For this research, 262 persons were interviewed including Aboriginal women, police officers, practitioners, Aboriginal community leaders, and others.

Results of this study show that IPV and other forms of violence against Aboriginal women in Alberta may worsen because of the widening gap between rich and poor, gang involvement, substance use and abuse, and housing issues resulting from the economic boom. Barriers to achieving justice include fear of the justice system, as well as concerns about a series of losses: fear of losing children, home and family, economic well-being, social network, and the familiar. Aboriginal women who are abused also face barriers finding housing, due in part to discriminatory housing policies.

Aboriginal women who are abused face many vulnerabilities:
- Within the justice system, victims often have no voice and little influence on criminal justice outcomes, despite having the most at stake
- With respect to police policies and practices:
  - Zero-tolerance policy is over-utilized, creating new problems for victims of IPV
  - There are questions about the ability of police to adequately protect victims
  - The over-reliance on KGB[1] statements instead of other forms of evidence can re-victimize women in court
  - Double charging results in some women being unable to access victim services because they are charged as well
- With respect to court practices and outcomes:
  - A court process that re-victimizes the victim.
  - Little consideration for the needs of victim (eg., counseling, safety)
  - Delays before trial

---

[1] KGB statements are videotaped statements. In domestic violence cases, KGB statements are sometimes taken from the victim soon after the she is brought to a police station to ensure that she will not later recant during testimony (Lambertus, 2007, p. 56).

- No deposit bail/quick release policies put victims at risk because they reduce the amount of time that victims are able to consider or develop safety plans and make decisions.
  - Minor sentences for perpetrators signals a lack of perceived seriousness of the crime
  - Criminal Court and Family Court often do not share information or show consistency.
- There is a need for asset-building and capacity-building among Aboriginal communities
- Freedom of Information and privacy considerations can be barriers to service as it requires victims to tell their story repeatedly

IPV among Aboriginal women cannot be effectively addressed by oversimplifying the situation and administering quick fixes to what amounts to a social failure. The three most powerful sources for stopping the violence are families, communities and the courts. The report makes 99 recommendations focusing on the reform of court processes and outcomes to protect victims, and improving police policy, practices and training to improve understanding of the realities of Aboriginal people.

Feedback from workshop participants

- This type of cross-cutting research helps to highlight the many intersections between various vulnerabilities and IPV and should continue to be undertaken among Aboriginal people and more generally

Intimate Partner Violence and Substance Abuse Issues

Presented by: Colleen Dell, University of Saskatchewan

The connection between substance abuse and IPV is complicated and is not necessarily causally connected. At its very core, substance abuse speaks to the intersecting stressors and vulnerabilities in individuals' lives – housing, mental health, poverty, and social exclusion – as contributors and/or consequences.

Personal and financial costs of substance abuse are high. According to the Canadian Centre on Substance Abuse (Rehm et al., 2006):
- Health care is the largest single direct cost and enforcement (policing, courts and corrections) is the second largest.
- The *Canadian Addiction Survey 2004* found that:
  - 33% of respondents report being harmed at least once in the past year because of someone's drinking.
  - About 1 in 20 Canadians report a cannabis-related concern.
  - The most commonly reported harm from illicit drugs other than cannabis involve physical health, reported by 30.3% of lifetime and 23.9% of past-year users, and 15.1% of lifetime and 10.1% of past-year users of any drug (including cannabis).

More research and discussion is needed on the specific issues related to women's substance abuse, such as:
- Childcare for women accessing treatment
- Attention to women's role as mothers
- Stigma associated with substance abuse by women
- Lack of funding and recognition of women-centered responses
- Lack of support for harm reduction approaches.

There is a need to address specific issues for women and girls, such as:
- The way in which social attitudes about women and girls affect their substance use
- How pathways to substance use and health consequences of substance use differ for girls and women in comparison to males
- Specific challenges faced by pregnant women and mothers who are substance users
- How trauma, violence and abuse are linked to substance use for girls and women

Challenges include:
- Breaking down silos among IPV, mental health, substance abuse and child abuse services
- Stigma and discrimination toward women substance abusers
- Promoting evidence-based decision making

Greater emphasis is needed to bring those most affected by substance abuse and IPV into the discussion and to break down the silos between substance abuse and other vulnerabilities such as mental health issues.

Feedback from workshop participants

- Silos need to be broken down and more effective ways to deliver services in an integrated fashion need to be developed. We and our organizations can be barriers to working collaboratively and across disciplines.

Criminal Justice Response to Intimate Partner Violence among Visible Minorities

Presented by: Mohammed Baobaid, Muslim Family Safety Project

IPV is a complex phenomenon that requires comprehensive, diverse and culturally competent intervention strategies. Culture shapes an individual's experience of IPV, their response to interventions, and acceptance of responsibility. This presentation focused on the complexity of dealing with and responding to IPV in ethno-cultural communities while keeping in mind that, while it is important to consider ethno-cultural factors, they   must not be used as an excuse for IPV. The basis for this presentation was the Muslim Family Safety Project, a collaborative project between local Muslim communities and the London Coordinating Committee to End Woman Abuse.

Gender and family/kinship bonds are key in Muslim communities and therefore need to be considered in programs to address IPV

- At a time of instability and crisis, a family's reputation and honour tend to take precedence over other considerations
- Self-image, self-esteem, security and identity are evaluated on the basis of relationship with family and should be taken into account in IPV interventions

Fear among many immigrants and minorities of losing cultural and religious values, and fear of losing the male figure, must be considered in intervention programs. These factors are essential for building trust between Muslim communities and mainstream service providers. Interviews with Muslim women in London found that they often view existing social services as 'outsiders' and were concerned that service providers would not understand their unique needs. A cycle of stereotypes and negative feelings between the Muslim community and mainstream service providers serves to further isolate them and prevents them from accessing services and obtaining help.

Theoretically, it is important to employ an intersectional and contextual approach to understanding the lived realities and worldviews of ethno-cultural communities. In practice, it is important to create spaces for participation, open discussion and listening to allow for non-stigmatizing dialogue to occur. It is also important to develop approaches that are culturally appropriate and responsive, meaning that they take into consideration the values, experiences, perspectives of visible minorities. There can be an entrenchment and isolation due to negative stereotypes on both sides

A stronger focus on integration and prevention of IPV is needed (post-migration), including:

- Early identification of risk factors for IPV related to pre-and post migration experiences
- Integration of public education programs for new immigrants within settlement and integration programs
- Building more comprehensive and responsive integration strategies by including representative of minority groups in the process of planning and implementing
- Developing culturally competent training programs for immigration officers and settlement and integration workers to help them identify warning signs of risk factors associated with IPV
- Putting more effort into prevention and early identification and intervention in order to address risk factors related to pre and post-migration experiences.

The dominant culture often fails to consider their own 'culture' and needs to consider its own biases in how IPV is approached in minority communities.

Feedback from workshop participants
- There is a need to think about differentiating the criminal justice response to take account of cultural differences, to question the one-size-fits-all approach

- There are good examples of creative responses that have been developed by mainstream services and ethno-cultural groups, good bridge building
- What is the meaning of 'culturally appropriate' and who defines it?

Overview of the Mandate of the Federal Ombudsman for Victims of Crime

Presented by: Rachelle Laurin, Office of the Federal Ombudsman for Victims of Crime

The Office of the Federal Ombudsman for Victims of Crime was established in 2007 by the Minister of Justice and the Minister of Public Safety. The mandate of the office is to:

- Facilitate access of victims to existing federal programs and services by providing them with information and referrals
- Address complaints of victims about compliance with the provisions of the *Corrections and Conditional Release Act* that apply to victims of offenders under federal supervision and provide an independent resource for those victims
- Enhance awareness among criminal justice personnel and policy makers of the needs and concerns of victims and of laws that benefits victims of crime, and promote the principles set out in the *Canadian Statement of Basic Principles of Justice for Victims of Crime*
- Identify emerging issues and explore systemic issues that impact negatively on victims of crime.

While some provinces also have an ombudsman for victims of crime, some do not. The Federal Ombudsman's office cannot address issues of provincial responsibility, but welcomes issues or concerns from the provincial level that impact negatively on victims of crime. This could allow a broader response to issues affecting victims.

Feedback from workshop participants

- The Ombudsman has a mandate to protect the interests of victims but victims must be aware of the services available to them, such as registering to obtain updates regarding release from custody. To better inform victims of their rights and the services available to them, there may be other ways to share information, such as having police notify the victim of the registry instead of only victims services since many do not access these services.
- Is there a role for the federal ombudsman to address issues that their provincial counterparts cannot or where there is overlapping jurisdiction such as housing?.

Where to from here – General discussion

There was agreement among participants that the workshop provided a good opportunity for networking and following up on issues of mutual interest, both among

government and researchers, and among government departments. Developing these connections represents progress and it is important to continue to communicate, to share evidence and knowledge.

There is scope for disseminating knowledge more widely through:
- Discussions between government, researchers and academics
- Including the Canadian Observatory in federal and provincial government meetings
- Building relationships with specific communities to help in the production and dissemination of knowledge.

Gaps often exist between research and implementation of research findings at the government level. It was suggested that more funding and long term planning is needed to sustain successful innovations once the research has been conducted and the pilot projects have been implemented. Funding for research should be tied to funding for putting recommendations into practice.

The need to break down silos and develop horizontal partnerships is well-recognized, as is the need for balance and greater recognition of intersectionality when responding to IPV. However, there are many challenges to working horizontally when priorities and agendas of departments are established well in advance. Mandate, political will and available funding affect what each department is able to do in terms of working cross-sectionally.

Other specific observations included:
- There needs to be greater sharing of information between criminal and family courts than is occurring now. Justice Canada is considering hosting a symposium on the intersections between criminal and family courts.
- There needs to be greater recognition of the importance of culture with respect to IPV, the development of culturally-appropriate services, and prevention programs. More research and recognition is also needed regarding how pre-migration issues may affect and exacerbate IPV.
- There is a need to include the voice of those most affected by IPV, to provide opportunities to share their views and understand their needs.
- The justice system is just one entry point into IPV. The focus of the Observatory presently is on the CJS because that is where much of the funding and attention is focused. Are there opportunities to broaden the scope of the Observatory to reach out beyond the criminal justice system? With respect to the standardized data collection grid, a suggestion was made to expand data collection to victim services.
- There are inherent challenges in defining effectiveness of the justice system: it may be measured by case processing time, services offered, or whether the offender is held accountable, amongst other possible measures, and will have a different meaning depending on the perceived aims of the justice response. Qualitative research is needed to add context to the quantitative data being collected.

- Existing partnerships in some areas can be used to discuss other risks and vulnerabilities, such as substance abuse and mental health leading to discussions about housing.
- Poverty and housing vulnerabilities are not typically included in IPV risk assessment tools, but should be.

References

AuCoin, K. (ed.) (2005). *Family Violence in Canada: A Statistical Profile 2005*. Catalogue 85-224-XIE. Ottawa: Statistics Canada

Berman, H., Hardesty, J. & Humphreys, J. (2004). Children of Abused Women. In Humphreys, J. & Campbell, J. (eds.) *Family Violence and Nursing Practice*. New York: Lippincott Williams & Wilkins

Bopp, J. (2007). *You Just Blink and It Can Happen: A Study of Women's Homelessness North of 60*. Four Worlds Centre for Development Learning.

Bufkin, J. & Bray, J. 1998. Domestic violence, criminal justice responses and homelessness: Finding the connection and addressing the problem. *Journal of Social Distress and the Homeless.* 7(4): 227-240.

Brunette, M. F., Mueser, K. T. & Drake, R. E. (2004). A Review of Research on Residential Programs for People with Severe Mental Illness and Co-occurring Substance Use Disorders. *Drug and Alcohol Review* 23: 471-481

Campbell, J. & Lewandowski, L. (1997). Mental and Physical Health Effects of Intimate Partner Violence on Women and Children. *Psychiatric Clinics of North America* 20(2): 353–374

Canadian Council on Social Development (2006). *Domestic Violence in Sponsor Relationships among Immigrant and Refugee Women and its Links to Homelessness: Implications for Service Delivery.* Housing and Homelessness Branch Human Resources and Social Development Canada

Cerulli, C., Conner, K.R., Weisman, R. (2004). Bridging healthcare, police, and court responses to intimate partner violence perpetrated by individuals with severe and persistent mental illness. *Psychiatric Quarterly* 75(2): 139-150.

Currie, A. (2005). *A National Survey of the Civil Justice Problems of Low and Moderate Income Canadians: Incidence and Patterns*. Department of Justice Canada

Currie, A. (2006). *Justiciable Problems and Social Exclusion*. Paper presented at the Meeting of the International Working Group on the Legal Professions

Currie, A. (2007). Civil Justice Problems and the Disability and Health Status of Canadians. In Pleasence, P., Buck, A. and Balmer, N. J. (eds.) *Transforming Lives: Law and Social Process.* Norwich: TSO

Elliott, S., van Bruggen, R. & Bopp, J. (2007). *The Little Voices of Nunavut: A Study of Women's Homelessness North of 60*. Qulliit Nunavut Status of Women Council

Greaves, L. (1995). *Selected Estimates of the Costs of Violence Against Women*. London, ON: Centre for Research on Violence Against Women and Children

Health Canada (2002a). *Summary Report of the Workshop on Best Practices for Concurrent Mental Health and Substance Use Disorders*. February 21-22, 2002. Ottawa, Ontario

Health Canada (2002b). *Best Practices: Concurrent Mental Health and Substance Use Disorders.* Catalogue H39-599/2001-2E

Heise, L. (1998). Violence against women: An integrated, ecological framework. *Violence Against Women* 4(3):262–290.

Hrenchuk, C. & Bopp, J. (2007). *A Little Kindness Would Go a Long Way: A Study of Women's Homelessness in the Yukon*. Yukon Status of Women Council

Indian and Northern Affairs Canada (1996). *Highlights from the Report of the Royal Commission on Aboriginal Peoples 1996*. Catalogue Z1-1991/1-6E

Johnson, H. (2006). *Measuring Violence Against Women in Canada: Statistical Trends 2006*. Catalogue 85-570-XIE. Ottawa: Statistics Canada

Lambertus, S. (2007). *Addressing Violence Perpetrated Against Aboriginal Women in Alberta: Project Lifeline*. Catalogue: 978-0-9784912-2-2. Alberta Solicitor General and Public Security Department

Lane, P. Jr., Bopp, J., & Bopp, M. (2003). *Aboriginal Domestic Violence in Canada*. The Aboriginal Healing Foundation

Larance, L. Y. & Porter, M. L. (2004). Observations from Practice: Support group membership as a process of social capital formation among female survivors of domestic violence. *Journal of Interpersonal Violence* 19(6): 676-690

Levan, M. B., Bopp, J., McNaughton, G. & Hache, M. (2007). *Being Homeless is Getting to be Normal: A Study of Women's Homelessness in the Northwest Territories*. YWCA Yellowknife and The Yellowknife Women's Society

Lilles, H. & Hornick, J. (2006). *Domestic Violence: A Critical Challenge for the Justice System*. Paper presented at meeting of The Canadian Observatory on the Justice System Response to Intimate Partner Violence, Muriel McQueen Fergusson Centre for Family Violence Research, June 5 & 6, 2006. Fredericton: University of New Brunswick

Novac, S., Brown, J., & Bourbonnais, C. (1996). *No Room of Her Own: A Literature Review on Women and Homelessness.* Canada Mortgage and Housing Corporation

Novac, S., Brown, J., & Gallant, G. (1999). *Women on the Rough Edge: A Decade of Change for Long-Term Homeless Women.* Canada Mortgage and Housing Corporation

Novac, S. (2006). *Family Violence and Homelessness: A Review of the Literature.* Catalogue 978-0-662-45154-9. Government of Canada

Ogrodnik, L. (2007). *Family Violence in Canada: A Statistical Profile 2007*. Catalogue 85-224-XIE. Ottawa: Statistics Canada.

Policy Research Initiative (2005). *Social Capital as a Public Policy Tool.* Policy Research Initiative, Government of Canada.

Rehm, J., Baliunas, D., Brochu, S., Fischer, B., Gnam, W., Patra, J., Popova, S., Sarnocinska-Hart, A., Taylor, T. (2006) The Costs of Substance Abuse in Canada 2002. From internet http://www.ccsa.ca/NR/rdonlyres/18F3415E-2CAC-4D21-86E2-CEE549EC47A9/0/ccsa0113322006.pdf

Ross, H. E. (1995). DSM-III-R Alcohol Abuse and Dependence and Psychiatric Comorbidity in Ontario: Results from the Mental Health Supplement to the Ontario Health Survey. *Drug and Alcohol Dependence* 39: 111-128

Social Development Canada (2005). *A Report on the Expert Roundtable on Social and Economic Inclusion Ottawa,* 9-10 November 2005

Stith, S., Smith, D., Penn, C., Ward, D. & Tritt, D. 2004. Intimate partner physical abuse perpetration and victimization risk factors: A meta-analytic review. *Aggression and ViolenceBehavior* 10:65–98.

Suderman, M. & Jaffe, P. (1999). *A Handbook for Health and Social Service Providers and Educators on Children Exposed to Women Abuse/Family Violence*. Ottawa: Health Canada

Taylor-Butts, A. (2007). *Canada's Shelters for Abused Women, 2005/2006*. Catalogue 85-002-XIE, Vol. 27, no. 4. Ottawa: Statistics Canada

Vinton, L. (1998). A Nationwide Survey of Domestic Violence Shelter's Programming for Older Women. *Violence Against Women* 4(5): 559-571

Appendix 1: List of Participants

Name	Organization/Affiliation	Contact Information
Carmen Gill	Director, Muriel McQueen Fergusson Centre for Family Violence Research Associate Professor Department of Sociology University of New Brunswick	(506) 452-6367 cgill@unb.ca
Ab Currie	Principal Researcher Department of Justice Research and Statistics Division	(613) 957-3184 ab.currie@justice.gc.ca
Sylvia Novac	Research Manager Corporate Planning & Performance Toronto Community Housing	(416) 981-4208 sylvia.novac@ torontohousing.ca
Sandra Lambertus	Researcher - Policing and Community Safety Branch Solicitor General and Public Security Government of Alberta	(780) 427-3457 Sandra.Lambertus@ gov.ab.ca
Colleen Dell	Research Chair in Substance Abuse Associate Professor Department of Sociology University of Saskatchewan	(306) 966-5912 colleen.dell@usask.ca
Mohammed Baobaid	Muslim Family Safety Project London, Ontario	519-438-9869 ex:225 mohammedb@ changingways.on.ca
Rachelle Laurin	Complaints Review Officer Office of the Federal Ombudsman for Victims of Crime	(613) 957-6554 rachelle.laurin@ ombudsman.gc.ca
Holly Johnson	Associate Professor Department of Criminology Institute for the Prevention of Crime University of Ottawa	(613) 562-5800 ext. 1805 hjohnson@uottawa.ca
Myrna Dawson	Associate Professor Department of Sociology and Anthropology University of Guelph	(519) 824-4120 ext. 56028 mdawson@ uoguelph.ca
Fran Klodawsky	Associate Professor Geography and Environmental Studies Carleton University	(613) 520-2600 ext. 8689 fran_klodawsky@ carleton.ca
Erin Williams	Executive Director Ottawa Coalition to End Violence Against Women	(613) 725-3601 ext. 105 octevaw@rogers.com

Mallory Whiteduck	Research Coordinator Native Women's Association of Canada	(613) 722-3033 ext. 245 mwhiteduck@ nwac-hq.org
Isabelle Grauby	RCMP Constable National Community Policing Services Branch	(613) 949-2693 isabelle.grauby@ rcmp-grc.gc.ca
Thomas Huang	Research Analyst Community Planning and Results Reporting HRSDC	(819) 956-6863 thomas.huang@ hrsdc-rhdsc.gc.ca
John Rietschlin	Senior Research Analyst Aging and Lifecourse HRSDC	(613) 946-3192 john.rietschlin@hrsdc-rhdsc.gc.ca
Lucie Ogrodnik	Senior Research Analyst Integration, Analysis and Research Section Canadian Centre for Justice Statistics Statistics Canada	(613) 951-6648 lucie.ogrodnik@ statcan.ca
Shannon Davis-Ermuth	Counsel Children's Law and Family Violence Policy Justice Canada	(613) 941-9975 sdavis@justice.gc.ca
Nathalie Quann	Senior Research Officer Research and Statistics Division Justice Canada	(613) 941-4191 nathalie.quann@justice.gc.ca
Nahid Roboubi	A/Manager Program Development Unit Justice Canada	(613) 954-8017 nahid.roboubi@justice.gc.ca
Jocelyn Sigouin	Counsel Policy Centre for Victim Issues Justice Canada	(613) 952-1105 jocelyn.sigouin@justice.gc.ca
Shelley Trevethan	Director Policy, Planning & Operations National Parole Board	(613) 954-1153 trevethansh@npb-cnlc.gc.ca
Valerie Lavergne	A/Policy Analyst Policy Directorate Status of Women Canada	(613) 947-0932 valerie.lavergne@swc-cfc.gc.ca
Helen Doyon	A/Senior Policy Officer Family Violence Prevention Unit Public Health Agency of Canada	(613) 954-7849 helen_doyon@hc-sc.gc.ca
Derek Janhevich	Senior Research Associate Institute for the Prevention of Crime University of Ottawa	(613) 562-5800 ext. 1798 djanhevi@uottawa.ca
Catherine Lemelin-Simard	Research Assistant Institute for the Prevention of Crime University of Ottawa	(613) 562-5800 ext. 1798 clemelin@uottawa.ca

Cathy Huth	Research Assistant Institute for the Prevention of Crime University of Ottawa	(613) 562-5800 ext. 1798 chuth035@uottawa.ca
Stephanie Ehret	PhD Candidate Department of Criminology University of Ottawa	(613) 562-5800 ext. 1798 slong046@uottawa.ca

Appendix 2: Agenda

**Workshop on Vulnerabilities and
Criminal Justice Processing of Intimate Partner Violence**

Thursday, May 8, 2008	
8:30 am	Coffee and muffins
9:00	Overview of the Agenda and Introductions Overview of the Observatory on Criminal Justice Responses to Intimate Partner Violence – Carmen Gill, University of New Brunswick

9:30- 10:45	**Plenary I**
	    Judiciable Problems and IPV – Ab Currie, Dept of Justice
	    Housing Vulnerabilities – Sylvia Novac, Toronto Community Housing

10:45 – 11:15	Coffee break

11:15 – 12:30	**Plenary II**
	    IPV and Aboriginal Women – Sandra Lambertus, Project Lifeline Alberta
	    IPV and Substance Abuse Issues – Colleen Dell, University of Saskatchewan

12:30 – 1:15	Lunch

1:15 – 2:45	**Plenary III**
	    Issues for Ethnic Minority Groups – Mohammed Baobaid, Muslim Family Safety Project
	    Overview of the mandate of the Federal Ombudsman for Victims of Crime – Steve Sullivan

2:45 – 3:00	Coffee Break
3:00 – 4:00	Open Discussion – Future Directions for Policy and Research
4:00 – 5:30	Reception