

**Report:**

**Workshop on**

**Canadian Observatory on Justice System Response to  
Intimate Partner Violence**

**Presented by Muriel McQueen Fergusson  
Centre for Family Violence Research**

**June 5 & 6, 2006**

**University of New Brunswick  
Fredericton, NB**

**Prepared by:**

**Elizabeth Blaney  
Muriel McQueen Fergusson Centre for Family Violence Research**

## EXECUTIVE SUMMARY

The Canadian Observatory on the Justice System Response to Intimate Partner Violence (the *Observatory*) is an initiative of the Muriel McQueen Fergusson Centre for Family Violence Research (the *Centre*). The initiative is led by Carmen Gill, Director of the Centre, in collaboration with other members of the Alliance of Canadian Research Centres on Violence (the *Alliance*), including: Helene Berman, Centre for Research and Education on Violence Against Women and Children, University of Western Ontario; Margaret Jackson, FREDa, Simon Fraser University; Dominique Damant, CRI-VIFF, Laval Université; Leslie Tutty, RESOLVE Alberta, University of Calgary; and Jane Ursel, RESOLVE Manitoba, University of Manitoba.

The goals of a Canadian Observatory on the Justice System Response to Intimate Partner Violence, as set out in the concept paper, are to:

- Establish a national research network emphasizing bilingual dialogue and in-depth research on the justice system response to intimate partner violence;
- Lay the groundwork for standardized national data sets;
- Develop regional, national and international forums for dissemination

In 2006, with funding from the Strategic Research Clusters Interim Grants program at SSHRC and the National Crime Prevention Strategy (NCPS), the *Alliance* began the development of a national research partnership among academics, communities, and government to conduct research on the justice system response to intimate partner violence and encourage a multi-sectoral coordinated effort to reduce and eliminate intimate partner violence.

The Muriel McQueen Fergusson Centre for Family Violence Research held a two-day workshop on June 5 & 6, 2006 to look at the data collection practices of the justice system in response to intimate partner violence, explore possibilities for developing a shared method of data collection in Canada, approach new players to join the Observatory, and sustain the momentum of the team. Delegates were invited from each of the 13 provinces and territories. The event was made possible by funding from the Strategic Research Cluster Grant of SSHRC and the NCPS.

The first day of the workshop was spent exploring data collection methods on the justice system in response to intimate partner violence in each of the 13 provinces and territories. Delegates were asked to reflect on the presentations and identify emerging research priorities and elements of a shared method for data collection.

The second day began with a panel presentation by four experts involved in Domestic Violence Specialized Court evaluations in Yukon, Alberta, Manitoba, and Ontario. Through small group discussions and plenary reports, delegates explored challenges and possibilities in developing a shared method of data collection. Delegates identified three research priorities: Do specialized courts make a difference in eliminating intimate partner violence? Can we chart the flow between policies and practices within each jurisdiction? What are the experiences of victims/outcomes for victims within the justice system, and with other systems?

A draft webpage for the *Observatory* was presented to delegates for comments and feedback. The next steps for the Observatory were set out and include: Seek substantive funding to support the Observatory; develop quantitative and qualitative data collection methods; and develop further partnerships with community and governments.

## Background

The Canadian Observatory on the Justice System Response to Intimate Partner Violence (the *Observatory*) is an initiative of the Muriel McQueen Fergusson Centre for Family Violence Research. The initiative is led by Carmen Gill, Director of the Muriel McQueen Fergusson Centre for Family Violence Research, University of New Brunswick, in collaboration with other members of the Alliance of Canadian Research Centres on Violence (the *Alliance*), including:

- Helene Berman, *Centre for Research on Violence Against Women and Children (CRVAWC)*, University of Western Ontario
- Margaret Jackson, *BC Feminist Research, Education, Development & Action (FREDA)*, Simon Fraser University
- Dominique Damant, *Centre de recherche interdisciplinaire sur la violence familiale et la violence faite aux femmes (CRI-VIFF)* Université de Montréal and Université Laval
- Leslie Tutty, *Research and Education for Solutions to Violence and Abuse (RESOLVE)*, University of Calgary
- Jane Ursel, *Research and Education for Solutions to Violence and Abuse (RESOLVE)*, University of Manitoba

During 2004-5, the *Alliance* received funding from the Social Sciences and Humanities Research Council (SSHRC) to develop a strategic research cluster design on the justice system response to intimate partner violence. Members of the Alliance held regional consultations with individuals involved in the justice system response from within their specific regions and across various milieus. A subsequent meeting was held

in February 2005 in Montreal where team members met to outline research priorities.

The results were synthesized in a concept paper submitted to the Strategic Research Clusters Interim Grants program at SSHRC in April 2005. The goals of a Canadian Observatory on the Justice System Response to Intimate Partner Violence are to:

- Establish a national research network emphasizing bilingual dialogue and in-depth research on the justice system response to intimate partner violence across Canada;
- Lay the groundwork for standardized national data sets on the justice system response to intimate partner violence, with particular emphasis on civil legislation and specialized response units (e.g. police, court, prosecutions);
- Develop regional, national and international forums for the dissemination of inter-jurisdictional analyses and program/policy outcomes.

In 2006, with funding from the Strategic Research Clusters Interim Grants program at SSHRC and the National Crime Prevention Strategy, Government of Canada the *Alliance* began the development of a national research partnership among academics, communities, and government to conduct research on the justice system response to intimate partner violence and encourage a multi-sectoral coordinated effort to reduce and eliminate intimate partner violence. Strategies for dissemination and knowledge mobilization about the strategic research cluster included:

- Developing a webpage with which to strengthen the network and create a structure for sharing and discussing common issues.
- Meeting key stakeholders from different milieus, explain the goals and research priorities of the *Observatory*, and invite them to join the initiative.

- Approaching new players to join the *Observatory*, with specific attention given to marginalized communities within the Canadian context.
- Sustain the momentum of the team by holding a two-day workshop with team members, including community-based organizations, provincial/territorial governments and university academics.

To meet the objectives of the *Observatory*, the Muriel McQueen Fergusson Centre for Family Violence Research held a two-day workshop on June 5 & 6, 2006 to look at the data collection practices of the justice system in response to intimate partner violence and explore possibilities for developing a shared method of data collection in Canada. Delegates were invited from each of the 13 provinces and territories. The rest of this report describes the purpose, activities, and outcomes of this successful dialogue.

### **Purpose of the Workshop**

The purpose of the workshop (see Appendix B for a copy of the agenda) was threefold:

- To share how data is collected on the justice system's response to intimate partner violence in Canada and what kinds of projects, programs, and services provincial justice systems are currently working on;
- to explore possibilities for conducting national research projects;
- to explore future directions for the Canadian Observatory.

## Data Collection on the Justice System

One of the goals of the Observatory is to lay the groundwork for standardized national data sets on the justice system response to intimate partner violence, with particular emphasis on civil legislation and specialized response units (e.g. police, court, prosecutions). From this goal emerged the first objective of the June 2006 workshop: to share what is happening in terms of data collection on the justice system to intimate partner violence across Canada. During this session each province and territory presented on what was happening in terms of data collection on the justice system in their region, followed by a question period. Delegates then reflected on each presentation in written form and these reflections were recorded (see Appendix C). Two questions guided the reflections. They were:

- Based on what you have just heard from the regional presentations, what in your view is emerging as a research priority for the Observatory?
- Based on what you have just heard from the regional presentations, what have you learned that could be considered an element of a shared method for data collection among provinces/territories?

As the summaries illustrate, reflections on the provincial and territorial presentations progressed and became more comprehensive as delegates moved throughout the day. Drawing on earlier presentation ideas and issues, identified from the different jurisdictions, brought the delegates to develop a promising inventory of research priorities and to recognize elements of a shared method for data collection.

Presentations were organized regionally in groups of three provinces and/or territories. Regrettably, delegates from Newfoundland and Labrador were unable to attend

the workshop. Please contact the MMFC for a copy of their planned presentation. A précis of each remaining group presentation follows:

### **YUKON**

**Key points:** The Yukon team briefly explained the rationale and mandate of the Yukon Domestic Violence Treatment Court. Yukon’s response is to bring members of the justice system together (courtroom professionals, e.g. judge, crown, probations, defence, treatment providers) with government and community groups working with domestic violence offenders and victims and families. The team then described each of the databases comprising the data collection and evaluation processes. They include: Spousal Abuse Program (SAP) and Management Information System (MIS), Canadian Police Information Centre System (CPIC), Police Information Referral System (PIRS), and Court Record Information System (CRIS), and the use of the Spousal Assault Risk Assessment (SARA) to evaluate case outcomes.

### **NORTHWEST TERRITORIES**

**Key points:** The Northwest Territories delegate began with an overview of the demographics impacting data collection practices and the provision of services. She reviewed initiatives where data on the justice system response to intimate partner violence is available. For example, data is available from the Canadian Centre for Justice Statistics, Federal Justice Divorce File Review Study, NWT Protection Against Family Violence Act (2005), Victim Services, and Family Mediation Services. Data collection processes have also been included in the Territorial Framework for Action (including services, service providers, and transcripts).

### **BRITISH COLUMBIA**

**Key Points:** The team from British Columbia reviewed the implementation of the “Violence against Women in Relationships” policy and how important it is for the initiative to involve players at all justice system levels. They then provided an overview and assessment of data collection sources/methods in British Columbia including: RCMP and municipal police data – by type and collection codes; the protection order registry – a computer database of protection orders; Criminal Court Data that interface between PRIME and JUSTIN databases; and data collected for purpose of court case processing, e.g. Corrections data to assist in determining risk, supervision, and program requirements, Victim Services data to determine type of victim provided assistance, type of crime, identify trends and gaps, VictimLINK – collection of data on all calls made to the 24 hour crisis line, and Victims Safety Unit which uses VISTA to determine number of victims provided with notification services. The team also noted that the purpose of data collection is about rationalizing elements of effective response to policy makers.

## **ALBERTA**

**Key Points:** The team presented a historical overview of Homefront Specialized Court which is comprised of Police, Docket Court & Court Team, Probation, Offender Treatment, and Victim Services. A Specialized Domestic Violence Court with specialized staffing, two crown prosecutors, two court probation officers, Domestic Conflict Unit officers, and four domestic court case workers, the focus of the specialized court process is on rehabilitative sentencing i.e. treatment options were put into place prior to the establishment of a DV Court. Results from evaluations indicate lower recidivism rates, improved communication and information sharing within and between systems, expedited court process with available and utilized combination of sanctions (arrest, prosecution, treatment) and appropriate follow up and supervision (probation, treatment, partner support program). Evaluations have also found that statement recant and recidivism have decreased significantly. Evaluations of the treatment component and experiences of victims are also in process.

## **SASKATCHEWAN**

**Key Points:** Team members described the collaborative efforts of RESOLVE Saskatchewan. They then briefly described each of the three specialized courts in Saskatchewan and their models of implementation. For example, a specialized court is under development in Regina, the Saskatoon specialized court process draws on a trial court model, and the North Battleford specialized court process is a treatment option, that came about as a result of a provincial policy change to allow providing treatment after first appearance. Evaluations indicate the North Battleford process has resulted in some overload issues for mental health treatment providers. In terms of data collection, information is collected from the Court, Mental Health Centres, Family Services/Kanawayimik Program. Data collection is incomplete in terms of recidivism rates, time of processing, risk assessment

## **MANITOBA**

**Key Points:** The team presented the evolution of the Manitoba justice system response to intimate partner violence. The team provided a description of the specialized court data, and includes: court cases by type of abuse, number of spousal assaults before and after specialized domestic violence court; characteristics of suspects, prior records, person who called the police, counter charging incidents, court outcomes, sentencing patterns, and protection orders followed. The team then described some of the outcomes, e.g. stays, recidivism rates, and type of sentences, as a result of specialized domestic violence court processes. Findings show that domestic homicide rates are below Canadian average, spousal conviction rates by single and repeat accused have increased, and case processing time has decreased.



## **ONTARIO**

**Key Points:** Team members provided an overview of three current projects that are collecting data on intimate partner violence. 1. Domestic Violence Death Review Committee collects data on: the context of the incident, including history, circumstances & conduct of abusers, history & circumstances of the victims & their families. 2. Criminal Justice Outcomes in Intimate Partner Homicides research project collects comparative data on those accused of killing intimate partners those accused of killing victims they share more distant relationships. Initial findings identified differential treatment. 3. Specialized Domestic Violence Courts study. No final results.

## **QUEBEC**

**Key Points:** The team presented an overview of studies of domestic violence and data collection practices in Quebec. Quebec collects prevalence data in the form of victimization surveys, programs and services for victims, resorting to police services, Quebec's health insurance authority holds data on hospital requests, the Victims of Crime Compensation Act (IVAC) collects data related to victims' profiles, types of crimes, percentage of victims who press charges, Uniform Crime Reporting Survey (UCR) collects data on domestic violence, statistics from Quebec's Coroner's Office, and numerous surveys related to courts and correctional services.

## **NUNAVUT**

**Key Points:** The presenter talked about the lack of reliable data for the north, for example, Nunavut is often excluded from national studies. The inability to access data on domestic violence for Nunavut is shared by health, justice and social service professionals. The presenter then talked about the court-directed spousal assault program in Rankin Inlet that provides a culturally appropriate and community based approach to domestic violence. Recent participatory action research on Inuit women showed that more cultural sensitivity needs to be incorporated into service provision.

## **PRINCE EDWARD ISLAND**

**Key Points:** The presenter provided an overview of the historical context and background of the provincial Family Violence Prevention Action Plan. Data collection practices include the Police File Review. Data collected on 25 variables including: victim information, offender information, relationship information, children involved, injuries, weapons, treatment, previous record, type of offence, charges, criminal code applications, victim referral, etc. Other sources of data collection include Victim Services, Child Protection, Victims of Family Violence Act, Transition & Support Outreach Services, Anderson House, Turning Point Program, and the Sentencing Patterns Project.

## **NOVA SCOTIA**

**Key points:** The team presented on methodology and data availability in the Nova Scotia Family Violence Tracking Project. Drawing from the cases which come to the attention of the police and are tracked through courts and public prosecutions office, the project tracks cases of spousal/intimate partner violence through the criminal justice system, evaluates the implementation of policies and programs, and informs decision-making for development and implementation of new initiatives. Other provincial data sources include: the Justice Enterprise Information Network, referral data from men's intervention programs, transition homes, victim services, and domestic violence coordinators. Data gaps exist at the level of legal aid, corrections, Sheriffs office, military police, and on individuals who are not referred to a support agency.

## **NEW BRUNSWICK**

**Key Points:** The presenters provided a historical overview of New Brunswick "A Better World for Women" Action Plan. The presenters drew attention to the commitment of the second action plan's provision for two specialized domestic violence courts. Data collection sources include: 1. Justice Information System Data collection includes data from court files. Here, the presenters drew attention to what data is not in the system, e.g. victim impact statements, pre-sentence reports, and breach charges. 2. Crown Prosecutor Files that include police investigation files, trial material, pre-sentence report & victim impact statement, and handwritten file notation with respect to sentence imposed. 3. Victim Service Files. 4. 2004 Annual Report/Public Safety. Data collection from DV specialized court will include: prosecution, sentencing, court processes, case characteristics, victim involvement, treatment, and recidivism. 5. Research of the MMFC. 6. Domestic death research also being conducted by the province for last 5 years.

For more information on the presentations, please contact the Muriel McQueen

Fergusson Centre for Family Violence Research.

## **Femicide Research Project Update**

Jane Ursel provided an update of the femicide research project that is on-going in Saskatchewan. She explained the idea of a national femicide study and suggested that this research should be the first attempt of the Observatory to develop national data collection practices. Jane Ursel's next step is to prepare a funding application.

## DAY TWO: Developing a Shared Method of Data Collection in Canada on the Justice System Response to Intimate Partner Violence

The purpose the second day was to lay the ground work for standardized national data sets on the justice system's response to intimate partner violence, with particular emphasis on civil legislation and specialized response units (e.g. police, court, prosecutions). Although intimate partner violence is a recognized crime by the criminal justice system, the justice response is connected to specificities within provincial and territorial jurisdictions. This impacts the justice response and differences between civil and criminal justice legislation complicate responses.

The day opened with a panel presentation by experts involved in specialized domestic violence court evaluations in Yukon, Alberta, Manitoba, and Ontario. Specifically, the panel identified the commonalities and differences in data collection methods and variables to evaluate the justice system response to intimate partner violence, as they relate to specialized domestic violence court processes. A précis of each presentation follows.

### **Panel Presentation by Provinces/Territories with Domestic Violence Courts**

#### **Commonalities/Winnipeg**

**Jane Ursel** presented the provincial/territorial commonalities in the data / evaluation schedules. Her analysis shows that specialized court processes are most similar in Winnipeg and Calgary, followed by Ontario. Yukon is more unique. The latter is outcome focused as opposed to a front-end focused intervention like the others. Common variables, held in common by at least two sites, but vary by province/territory include: court of first appearance, charges, who reported, gender of victim and perpetrator, ethnicity, education and occupation, weapons, if any, use of drugs/alcohol, bail/no bail, date of disposition/entry, Crown, Judge, breach of order, who reported the breach, stay/reason for stay, and final outcome.

## **Yukon Domestic Violence Treatment Option**

Joseph Hornick presented on the evaluation of the Yukon Domestic Violence Treatment Option and the four databases accessed for the collection of basic data in Yukon. These include the Spousal Abuse Program (SAP) / Management information system (MIS), Canadian Police Information System (CPIC), Police Information Referral system (PIRS), and the Court Record Information System (CRIS). To date, victim information is not accessible. He also identified the issue that for larger data analysis, a more front end evaluation may be more feasible than the outcome approach. He also identified the need to look at the “flagging” point, as domestic violence case, is an important issue. He found in Winnipeg the flag is applied at the 911 call stage and some RCMP detachments flag cases. In terms of police information, he stated that CPIC is the only national tracking process.

## **Homefront - Alberta**

Robbie Babins Wagner presented on Homefront. Homefront is a specialized first appearance court in Alberta which sees accused very early after charging. 84% of those who plead guilty/stayed with a peace bond are fast-tracked into treatment. Recidivism rates for domestic violence assaults at 15 months have decreased to 7%. The initial comparison of court data cases found that racial characteristics of the accused are significantly different across the different locations and prior record of the accused also yielded significant differences. Research has also found that with the implementation of domestic violence courts complainant involvement has improved and recidivism rates are down by two-thirds. In conclusion, Homefront finds that specialized courts held in holding offenders accountable by stays with peace bonds and treatment or other consequences, a feminist approach by Crown Prosecutors can help keep victims safer whether they testify or recant, and alternatives to trial not only are less costly for everyone, but should result in a better sense of justice for the crime.

## **Ontario**

Myrna Dawson reported on the evaluation of specialized domestic violence courts in Ontario. The first two specialized domestic violence courts began operation in Toronto in 1997; an enhanced prosecution model and an early intervention model. Six new specialized domestic violence court processes have been implemented. The emphasis is on hybrid models, i.e., early intervention and enhanced prosecution streams. In terms of research, data has been collected from an evaluation of first two courts. Currently, a 3-year federally funded project examines the changing organizational context of courts in Canada, focusing on specialized domestic violence courts Toronto and Guelph. The Challenge has been gaining access for a two-year process. Three types of data are being collected from Crown Prosecutor files, interviews with key participants, and a survey of provincial Crowns.

After the panel presentation, one of the delegates asked the panel “Are your courts successful”?

- Winnipeg: cautious yes. Conviction is not the only measure of success. Victim safety is. The court gets a lot of support from the community, and the atmosphere has changed positively.
- Ontario: on the fence – because the implementation has been very quick. There is potential there. It has been an institutionally driven process.
- Calgary: it has made a huge difference in their community, far fewer women are called to testify at trial and their court experience has changed.
- Yukon: very successful, largely as a result of the combination of the programs and the court.

## Elements of a National Tracking System

After the presentations from the provinces and territories with specialized domestic violence courts break, delegates were asked to reflect on the question:

**What might the core elements / key indicators be in building a national tracking system? How might this be approached?**

To facilitate sharing data across the county, a short list of variables to consider in the data collection process was suggested.

Collect data at two levels (police / court)

- Police level: # of reports (arrest , no arrest, other), gender of accused/victim, outcome of arrest
- Court Level: charges, outcome, sentence, conditions
- Compare across type of court – specialization (court model: pre-treatment, post treatment, sentencing) versus non-specialization

Other considerations include:

- Who owns data / data security (needs to be considered up front when approaching agencies)
- Provincial specialized processes and municipal specialized court process: The group suggested our research initiative start where the data exist

## **Showcase: Canadian Observatory Website**

During lunch, we showcased the proposed website for the Canadian Observatory (see Attachment D – Observatory Website). Delegates were asked to comment and provide feedback.

## **Research priorities of the Canadian Observatory**

The purpose of the Canadian Observatory is to contribute to our knowledge about provincial and territorial jurisdictional responses to intimate partner violence. The focus of research priorities of the Canadian Observatory, as described at the 2005 Montreal meeting, respond to three issues: policies and strategies currently in place to resolve intimate partner violence, the operation of the justice system across Canada, and the targeted priorities (different/similar) among provinces and territories. For a fuller description of each of these themes see Appendix E – Research Priorities. A number of research priorities also emerged from this workshop and can be summarized in three themes. They are:

1. Do specialized domestic violence courts make a difference and are they an effective response to eliminating intimate partner violence versus traditional courts?
2. To lay the foundation for the observatory we need to map policies and practices in order to build a national picture, e.g. chart the flow between policies and practices within each jurisdiction, identify “best” practices that reflect and are sensitive and responsive to regional variation and identify barriers to the development and implementation of research based on best practices in treatment models in jurisdictions.
3. What are the experiences of victims/outcomes for victims with the justice system, with other systems such as child welfare, mediation/arbitration processes?

## **Where Do We Go From Here? Next steps**

Workshop delegates identified the next steps that need to be taken for the

Canadian Observatory. Next steps include seeking additional funding to support the research priorities of the Observatory, build partnerships with community partners, and seek partnerships with federal agencies and government departments.

**APPENDIX A – DELEGATE LIST**  
Canadian Observatory on the Justice System Response  
June 5 & 6, 2006

**Yukon**

**The Honourable Judge Heino Lilles, M.S.M.,**  
Territorial Court of Yukon

**Dr. Joseph P. Hornick**

Executive Director  
Canadian Research Institute for Law and the Family  
University of Calgary

**Northwest Territories**

**Margaret Cissell**

Senior Policy Advisor, Family Law  
Policy and Planning  
Department of Justice

**British Columbia**

**Margaret Jackson**

FREDA  
Simon Fraser University

**Jane Coombe**

Policy and Program Analyst/Manager  
Victim Services and Community Programs Division  
Ministry of Public Safety and Solicitor General

**Alberta**

**Leslie M. Tutty**

Faculty of Social Work  
Academic Research Coordinator  
RESOLVE Alberta  
University of Calgary

**Robbie Babins Wagner**

Chief Executive Officer  
Calgary Counselling Centre

**Saskatchewan**

**Sheila Carr-Stewart**

College of Education  
RESOLVE Saskatchewan  
University of Saskatchewan

**Rod McKendrick**

Manager Victim Services Training Initiative  
Interpersonal Violence Specialist  
Saskatchewan Justice

**Mary Hampton**

Professor of Psychology  
Luther College, University of Regina

**Manitoba**

**Jane Ursel**



RESOLVE

University of Manitoba

**Anna Pazdzierski**

President, Manitoba Association of Women's Shelters

Executive Director, Nova House Inc.

**Ontario**

**Helene Berman**

Associate Professor

School of Nursing and Scotiabank Chair

Centre for Research and Education on Violence Against Women and Children University of Western Ontario

**Myrna Dawson**

Department of Sociology and Anthropology

University of Guelph

**Quebec**

**Dominique Damant**

École de service social,

Université Laval

Directrice du CRI-VIFF

**Vicki Zorbas**

Service Côté Cour

**Mireille Faucher**

Master's Student

Université Laval

**Nunavut**

**Maureen Doherty**

Senior Program Specialist - Women's Initiatives

Health and Social Services

Government of Nunavut

**New Brunswick**

**Norma Dubé**

Assistant Deputy Minister

Women's Issues Branch and Performance Improvement Branch

Executive Council Office

**Carmen Gill**

Director/Directrice

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**Rina Arseneault**

Associate Director / Directrice adjointe

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**Elizabeth Blaney**

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**Valerie Pottie-Bunge**

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Rona Brown

Family Violence Consultant

Department of Social Services & Seniors

**Ottawa**

**Lucie Ogrodnik**

Research Analyst

Integration & Analysis Program

Canadian Centre for Justice Statistics

Statistics Canada

**Cecilia Van Egmond**

Manager/Gestionnaire

Family Violence Prevention Unit/

Unité de la prévention de la violence familiale

Public Health Agency of Canada/

Agence de santé publique du Canada

## **APPENDIX B**

### **Canadian Observatory on the Justice System Response to Intimate Partner Violence June 5 & 6, 2006**

#### **DAY ONE: Data Collection on the Justice System**

8:30: Welcome and Introductions: Carmen Gill

8:45 Review of Canadian Observatory/Purpose of Workshop: Carmen Gill

9:00 Data Collection  
Yukon  
Northwest Territories  
British Columbia

10:30 Nutrition Break

10:45 Data Collection  
Alberta  
Saskatchewan  
Manitoba

12:15 LUNCH

1:30 Data Collection  
Ontario  
Quebec  
Nunavut

3:00 Nutrition Break

3:15 Data Collection  
Newfoundland & Labrador  
Prince Edward Island  
Nova Scotia  
New Brunswick

5:15 The Femicide Research Project: Jane Ursel

6:30 Dinner

## DAY TWO: Developing a Shared Method of Data Collection in Canada on the Justice System Response to Intimate Partner Violence

8:30 Data Collection for Research Purposes: Framing data collection research:  
Carmen Gill

8:45 Panel presentation by the four provinces with Domestic Violence Courts  
(Yukon, Alberta, Manitoba, Ontario)

10:15 Nutrition Break

10:30 Facilitated Discussion and Question Period

### Small Group Discussion

- Challenges in developing a shared method of data collection?
- Common ground for the development of a shared method of data collection?

### Plenary Reports

12:00 Lunch

### Showcase: Canadian Observatory Website

1:00 What are the research priorities of the Canadian Observatory?

2:00 Where Do We Go From Here? Next steps

2:45 Closing/Commitment

Have a pleasant trip home!

## APPENDIX C

### Reflections on Regional Presentations

*Research priorities for the Observatory from the perspective of:*

#### **Yukon-Northwest Territories-British Columbia**

- Standardized data instruments needed
- Centralized information bank on research being done across Canada
- Definitions across Canada is an important issue
- Need to speak the same language on the data collection
- Collection of overall data with consistent definitions
- Links between all data collection is a must
- Evaluation of specialized D.V. court important
- Find some beginning data collection across all regions
- Develop overall methodology that looks at impact of justice system – its component parts
- What elements are key?
- Punishment (incarceration) role in ending domestic violence?
- Would be very interested in victim perspective
- Abuser vs. victim perspective
- Court in large vs. very small communities
- The variety of variables being collected will pose a serious challenge for a standardized system
- The information on data is much broader than just the criminal justice system
- Getting consensus on focus will be interesting
- Baseline stats collected across provinces/territories would be a start
- Collect data on issues that are relevant to particular jurisdictions
- Trying to get a data collection throughout Canada that is similar (common indicators)
- Compare and evaluate the results of different types of courts
- Domestic violence court using the Yukon as a model
- The development of protocols for data collection
- How to address the issue of data collection in remote areas
- “Best practice” models sharing models & resources – i.e. B-SAFER for assessing risk
- Effective programs for victim servicing – development of standards of use
- Raising profile of FV so that more resources/funding will be available
- On-going training police to identify/record family violence incidents
- Highlight problems inherent in the “silos” of data related to family violence
- Solutions need to be devised – i.e., person identifiers/case identifiers that can help link data sets
- Report annually on operation of domestic violence courts in Canada – and how they are operating to help convince governments and courts to implement DV

courts

- Identify best practices – police, victim services, etc. dealing with DV cases to publish and share information.
- Linking various data sets is a huge issue often involving provincial and federal FOIA issues as well as technical issues
- Elements of an effective response
- Identify what needs to be done in terms of implementation
- What training in DV agencies is being used and how effective in changing attitudes and behaviors regarding DV in the criminal justice system
- Implementation – effective justice system – data dissemination or effective change
- What type of data with what goals we want as national data
- Training at all levels
- Identification of provincial data systems
- Identify how each system interacts within the province
- Looking at different courts specialized and non-specialized
- Elements of effectiveness – use of criminal and civil protective measures
- Recidivism rates – effectiveness of specialized courts
- Number of incidents reported – tracked through the system
- Comparisons on pro-arrest policy / mandatory arrest policy & no policy

### **Alberta-Saskatchewan-Manitoba**

- Standardized instrument to collect data between departments between provinces/territories
- Standardized definition of domestic or family or intimate partner violence
- Links between variables should be looked at
- Need to determine if we are tracking individual offenders or charges or both
- Who/what are we tracking?
- To identify important relationships in the system who can assist in the creation of collaborative efforts in establishing the research agenda
- A need to address some sort of standards for data collection across all government agencies, service agencies, etc.
- The costs of not developing a specialized response
- How much these initiatives cost - e.g., providing treatment for all offenders is costly & will be seen as prohibitive by some provinces yet the long-term costs save lives
- Data on ethnicity
- Reliability of data/confidence in data
- Is specialization makes a difference in domestic violence - comparing specialization & non-specialization
- One focus should look at ethnicities and DV re: intersectional - many jurisdictions are precluded from checking this variable
- Victim non-shelter satisfaction with services & what not to report
- Ethnicity of specialized court utilization

- Define priority goals/context/best model for a justice response - i.e., is a treatment approach best?
- Elapsed time - from call to charge to treatment
- Involvement of victims in court process
- Recidivism/re-offending rates
- Looking at predictive variables (alcohol use, young couples, common-law relationships), child abuse
- More data from victims who don't use shelter system
- Different data collection procedures but there may be common variables collected
- Consistency of data collection/collected
- Reliability of data collected
- Costs to access data
- Standardized information/definition
- Recidivism
- DV courts best practices for diverse populations
- Timely evaluation of data on domestic violence courts
- 900 variables - how to get these data more common
- How to reach victims when doing research in the criminal justice system?
- Where & how to find data (as mentioned by Alberta)
- How to get judiciary on board
- Expediting case processing time (MB)
- Correlation between immediacy of treatment & its effectiveness
- "Fast track" - what needs to be in place
- Risk factors re: treatment options (DVTO)
- Development of protocols prior to police getting involved (SK)
- Effective treatment program for Aboriginal population

### **Ontario-Quebec-Nunavut**

- We must dialogue about the common issues
- Differences in incarceration or DV deaths by region/province
- How many DV deaths had prior police/social service involvement
- Make a link between data collection and prevention
- Should there be regional differences in data collection in court treatment
- Need for an "intersectional analysis" regarding the justice system response to family violence
- Taking into account race, class, gender, sexual orientation, geography (rural/urban/remote)
- Look at dual arrests - has this increased with pro-charging practices?
- Identify number of offenders who agreed to and completed treatment
- Track re-offending
- Number of families receiving counseling - accessibility to counseling & treatment
- Data sources should have commonality so that we can correlate on data
- Link between criminal & civil court

- Find common ground between provinces so that we can work together
- Definitions of DV and Criminal Code terminology
- Linkages between family courts, criminal courts, civil legislation
- To look at death review at a national level with similar criteria & standards
- Look at mapping IPV and justice response in urban & rural areas
- Regional variation of criminal justice response
- Importance of data collection cross-reference
- Regional disparities in lethality factors (?) or cluster of lethality factors
- Ontario, Quebec & Nunavut presentation show the diversity of Canada & the diversity of services, situations & one wonders how there can be a common ground of data reporting
- Femicide
- Shades of grey re: dual arrest
- Regional differences - especially rural/remote
- What elements politically, structurally etc. enable DVRC
- How to get DVRC established under Coroner's Act
- How to get copies of Myrna Dawson's PowerPoint research & research
- Seems valuable to encourage justice/academic partnerships so that the level of academic rigour presented by Myrna & Jane are integrated into the strategy
- What is the person power in each province - responding, researching, spousal abuse: what are the budgets?
- Differential treatment of perpetrator in under-served areas (ON).
- How to support data collection in the north (Nunavut) while respecting cultural values of aboriginal groups.
- Share information from jurisdictions where there has been success in sharing information.

### **Prince Edward Island-Nova Scotia-New Brunswick**

- Method of data collection which can ensure a level of accuracy
- What research is currently available on domestic violence in each province to collect a list of available info would be very informative
- How to access data as occurrences (PEI) "manual screening"
- What programs are available for treatment options for abusers
- What training models are available for various police forces
- Consistent data collection tool
- Creation of domestic violence courts and the documentation of this in provinces that do not have them, in order to facilitate DV cases.
- To become a clearinghouse on: instruments, research, data collection, policies in place in provinces
- Need consistency in coding
- Important to have the # of children recorded (all forms)
- Need a national level investigation checklist
- To focus on success in the smaller provinces



- Can we highlight how people have partnered over the last 5 years?
- To give focus to “success” in smallest provinces
- Investigation check list needs to be at a national level

*Shared method for data collection from the perspective of:*

### **Yukon-Northwest Territories-British Columbia**

- Examine instruments used in different jurisdictions to see how a standardized instrument could evolve
- Extracting data from records/files – paper or electronic
- Need for data collection between governmental and non-governmental agencies
- RCMP data only similar
- No idea at this point
- Consistent definition for a shared system
- Too early
- There are very different sources of data but no coordination
- Maybe we could reduce the sources and increase a number of common indicators.
- One issue is the vast disparity of resources for data collection in various jurisdictions, depending on “political will,” financial resources, size of jurisdiction
- Need for common indicators across jurisdictions
- System will vary considerably by jurisdiction
- Standardized instruments
- Common indicators between databases
- A goal of having all agencies, regardless of sector, to collect similar types of data that can be analyzed
- CPIC system/common definition development
- Agreement on basic data requirements
- Type of data – i.e., police occurrence data such as children involved, etc.
- Need for common systems of data collection
- Shared database

### **Alberta-Saskatchewan-Manitoba**

- Look at difference between zero tolerance policy and non-zero tolerance policy
- Follow individuals over time
- Continued dialogue about similarities and differences in the research
- Map out key initiatives in each province (based on Ursel presentation)
- Knowing what are significant points
- Standardize responses to the dilemma of women being violent
- Need for standard language & determine what the critical elements are for data collection
- Ways data collected

- Needs to be more data collection on non-criminal services, i.e. shelters, programs based in community available to victims
- Data source and reliability of the information - concern regarding cost of research time in data collection
- Observatory should attempt to define core elements of responding to domestic violence, encourage jurisdictions to adopt these core elements for tracking purposes to enable sharing & comparison of data across Canada
- Prediction of "success" - what is "success"?
- Need advocates for FV in court system: police, judges, defence, prosecution
- DV court
- FV court
- DV courts case processing times
- DV courts victim satisfaction
- DV courts volume of cases
- Where / how to find data rather than hand inputting individual files
- Data collection for shelter (Manitoba) national focus

### **Ontario-Quebec-Nunavut**

- Unified model for collection of data/stats
- Consistent definitions
- Adopt a universal language for terms
- Attention to how "to act positively, proactively, and with hope"
- Maybe start on one aspect (homicide) instead of all types of DV
- Challenge is collecting data in northern regions
- Feminist research related to the increase in women offenders
  - to challenge the backlash among those claiming that girls/women are as violent as boys/men
  - need to go beyond the numbers of victims & perpetrators to understand the context in which female "acts of violence occur"
- Need to look at how data is gathered in rural/northern/urban centres & their commonalities
- Death review
- Non-Aboriginal justice vs. Aboriginal government/justice system-First Nations-Inuit-Metis-Non-status
  - 2 separate systems -- with Aboriginal becoming stronger
- Raise this issue with FPT Ministers of Justice again - those that work in the "trenches" need endorsement from the top to make this a national priority, a provincial priority, etc.
- How to identify critical data elements -- what are they? What does each province have to encourage to get to a common place?
- Advocacy seems to be a critical element -- having dedicated individuals who challenge the process & advocate on behalf of the victim/survivor all the way (yet advocacy is often a hidden component of the success)
- Need for key elements in policies -- across country for example dominant

aggressor policies

- We have a national Criminal Code - why not a national policy that reflects proactive response from all sectors (police, crown, probation, etc.)
- One of the key challenges is that justice personnel say that separate DV courts are not cost effective -- so in each jurisdiction are there dedicated days? or separate court facilities? -- What is the range of specialized court response from low cost (i.e., number of resources required)
- Community associations, etc, need to support the research
- Develop common tracking data through the courts

### **Prince Edward Island-Nova Scotia-New Brunswick**

- Perhaps a committee in each province to work on unified data collection once criteria for baseline stats are determined
- Data relation to children -- policy development
- "Take research & thread it back into policy" PEI
- How to establish electronic data management system for court cases
- Find the best data management program & apply to a national funding body to purchase it for all provinces
- Create a shared method of collection, with standardization/
- Training for people who are using the tools
- Deliberate partnering with Stats Canada in Order to give cooperation of the justice system in the provision of data.
- PEI has a police tracking sheet.
- NS – talked about Stat Can. & police/homicide may be something to investigate.
- Distribution of basic reporting forms used in each province to other province.
- What are the top five or ten strategies we need across the country

## Attachment D – Observatory Website



**CANADIAN OBSERVATORY ON THE JUSTICE SYSTEM'S  
RESPONSE TO INTIMATE PARTNER VIOLENCE**

**OBSERVATOIRE CANADIEN DES MESURES JUDICIAIRES  
PRISES POUR CONTRER LA VIOLENCE CONJUGALE**

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## **Appendix E – Research Priorities<sup>1</sup>**

(Please refer to concept paper from page 12 to 16)

### **Introduction**

The purpose of this observatory is to look at the justice system response from the perspective of those who are entering in the justice system and those who avoid the system altogether to intimate partner violence. Both types of victim experiences can inform what works and what doesn't in the provinces/territories. The observatory will make a unique contribution to knowledge, as there is little integrative analysis of the entire provincial/territorial jurisdictions responses. It will give priority to the comparisons among provinces/territories, the intersectoral coordinated intervention, and the women's experience while investigating the justice system response to intimate partner violence. The focus will be on three major questions to be studied:

1. What policies and strategies are in place to resolve intimate partner violence?
2. How does the justice system operate across Canada?
3. What are the targeted priorities (different/similar) among provinces/territories?

### **1. Policies and strategies to resolve intimate partner violence**

The observatory will conduct a national audit of different policies, programs and services (mapping the services and programs in the provinces and territories and inventorying policies under provincial/territorial jurisdictions). The observatory will also monitor policy development at the provincial, territorial and national levels and the impact on provincial jurisdictions and communities.

### **2. How the justice system operates across Canada**

From the Montreal meeting we came to the conclusion that there is a lack of information on how the justice system works within provinces/territories, and how information is collected in various regions. Moreover, the interface between criminal and civil courts raises numerous research questions to be tackled by the observatory:

- How can we bridge the gaps between criminal and civil court matters?
- Is there a historic attitude towards intimate partner violence that is still active in the justice system?
- What happens to families after they have been involved in the courts because of intimate partner violence? What is the impact of the court process on women?
- How can we reach women at risk of lethality with no justice involvement?
- How can we make perpetrators more accountable and get the courts to take breaches seriously?
- Does the justice system collude and repress resistance to violence? Can mandatory reporting to child welfare by police make women reluctant to report violence?
- What are the differential experiences of people entering the justice system from mandatory and voluntary points?

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<sup>1</sup> This is based on the brief summaries of the regional consultations as well as on the national meeting.

- How do we prevent women from being re-victimized when they are involved with the justice system? Does a history of abuse cause further withdrawal and reluctance to access the legal system?
- What are the Effects of Specialized Justice/Policy Initiatives to address intimate partner violence?
- What are best practices and the effects of specialized domestic violence police teams? How do different models of domestic violence teams affect outcomes such as recanting?
- How effective is the provincial civil legislation that provides emergency protection orders? Do they protect claimants? How are breaches handled?
- What is the effect of mediation/arbitration when domestic violence is present? How do processes, that assume equal power between parties, affect women?
- How is restorative justice working? How is it working in cases of sexual violence, in Aboriginal and minority communities, with youth crime?
- Do new laws and policies differentially affect Aboriginal and minority communities?

### **3. Targeted priorities (different/similar) among provinces**

The demographic characteristics are very diverse across Canada. This fact partially accounts for regional variations in the justice system response to intimate partner violence. Regional consultations raised the meaningfulness of conducting research that responds to local and provincial needs. The observatory will recognize distinct community issues across the country and distinct targeted priorities among regions. Depending on the region and province/territory, the justice system's response to intimate partner violence has to address specific population needs and diversity. Recognizing that there are distinct community issues, and that one response/treatment to address intimate partner violence does not fit all, the Canadian observatory will tackle a vast number of questions including:

- How many women return to their partners for financial reasons or to protect their children (in the case of unsupervised access of children because of court orders)?
- What programs assist women in leaving abusive relationships (such as provincial financial resources) and how effective are they?
- Who takes over after the justice system response? What happens to women/victims after the justice door closes?
- There is a need to extend research on the justice system in cases of domestic violence into rural and remote regions. What impact does proximity to services have on the assessment of seriousness and the justice system's response? These regions often cannot offer the full array of services available in the city and the impact of some orders can be quite different in a rural or remote area, for example, if a woman's partner is subject to a no contact no communication order on a reserve this may mean that the woman has to move out because the house belongs to the man.
- Are there effective models of domestic violence programs for rural/remote and northern Canada?
- What is an appropriate model for rural response to intimate partner violence?

- Is there differential treatment of victims or perpetrators from minority populations in the justice system? Does actual or perceived differential treatment deter women from entering the justice system?
- Unique dynamics are being created in Saskatchewan and Manitoba due to an increasing Aboriginal population – how will these impact current systems? How will services adapt?
- Are treatment programs for Aboriginal and minority populations effective?
- What cultural pressures affect Aboriginal and minority women to resolve their domestic violence in their traditional cultural way? When Aboriginal women withdraw from justice responses to intimate partner violence, how does this perpetuate stereotypes about them?

New immigrant women can be particularly vulnerable under the sponsorship program. If a spouse sponsors them, and he becomes abusive, the fear of deportation may keep the woman in the relationship. As well, depending on what the woman may be eligible for applying, she may have concerns about safe housing (e.g., if federal, which is better, as opposed to provincial assistance). A possible research project might address the impact of the Immigration Act on abused women, their experiences with the justice system, and factors that influence their choices to report abuse or not.

- How do immigration and sponsorship laws impact women in violent situations? How are sponsorship programs breaking down in intimate partner violence cases? How do abusers manipulate sponsorship system? What are the special circumstances for immigrant women who leave their abuser?
- There is a need to increase cultural sensitivity and work collaboratively with people who live in the community. Areas have distinct and different needs, which need to be addressed (rural, urban, north). What are the different issues facing these regions and how can we best coordinate efforts for solutions?
- How can we better engage abused women and inform them of the available resources earlier?