Challenging assumptions and improving response to the issue of domestic violence through the Canadian justice system

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Justice intervention in domestic violence

- Canadian observatory on the justice system response to intimate partner violence

- Domestic violence specialized justice response in Canada
  - Specialized courts
  - Police intervention
Professional Involvement on Justice Response to Domestic violence

- Process for involvement with government
  - Domestic violence specialized court
  - Domestic Violence Death Review Committee
  - Police intervention strategies
  - Data collection on offenders of IPV cases and victims of domestic homicides
  - Police perception of IPV and risk assessment
  - National guidelines for IPV police intervention
  - Participation to provincial strategy
Terminology

- Conjugal violence, domestic violence, family violence, intimate partner violence, spousal abuse, women abuse
- Domestic violence and intimate partner violence
- Provincial definition in New Brunswick
New Brunswick Definition of Domestic/ Intimate Partner Violence

“When a person who is currently or previously in an intimate personal relationship uses abusive, threatening, harassing or violent behaviour as a means to psychologically, physically, sexually or financially coerce, dominate and control the other member of the relationship”.
Definition of D/IPV

Individuals who were previously or who are currently involved in an intimate/romantic relationship with each other, regardless of whether this relationship was between same-sex or different-sex couples or whether the couple cohabited. (Province of New Brunswick, 2012: 10)
The Canadian observatory of the justice system response to intimate partner violence

A growing network of academics, governments, and community-based organizations

- Emphasizing in-depth research on the justice system response to IPV

- Creating standardized data sets on the justice system response to IPV, including specialized responses to offenders, victims and legislation
The Canadian Observatory - Continued -

- Developing regional, national and international forums for dissemination of research results

- International in scope with partners from Canada, Australia, the United Kingdom, and the United States

Funded by Social Sciences and Humanities Research Council of Canada (2007-15)
Why the Canadian observatory?

- To improve the criminal and civil justice responses to IPV
- To encourage a coordinated effort to reduce and eliminate IPV
- To address current issues in the justice system as they apply to IPV (e.g. case management, sentencing, risk and victim protection, professional challenges, accountability, confidence in the criminal justice system, knowledge gaps, etc.)
Activities 2013-15

- Pilot grid on victim information
- Policy library (guidelines and updates)
- Workshop: Risk Assessment & Risk Management in IPV Situations (October 30, 2013)
- Survey on police interventions and perceptions of IPV (Fall 2013-14)
- Exploring police forces responses to IPV (2014-15)
- National conference focusing on police response to IPV (October 20-22, 2014)
Justice intervention in domestic violence

- Domestic violence specialized courts and specialized processes
- Police intervention strategies and possibilities
Domestic violence specialized courts

- Developed to address challenges faced through traditional procedures in domestic violence situations.
- The term “specialized court” is used for a broad range of specialized processes such as:
  - investigation,
  - charging,
  - prosecution,
  - and court process.
- It encompasses various related services (community programs, services for victims, and treatment agencies for offenders) that support and work with courts (Busby, Koshan & Wiegers, 2008).
Traditional versus specialized processes

- Specialized processes have a more holistic approach that can help respond to domestic violence situations.
  - Trained professionals who understand the issue
  - Monitor sentencing conditions
  - Support for victims
  - Responsive system that encourages and supports offender accountability
Domestic violence specialized courts

- Under provincial and territorial jurisdictions in Canada
  - One Criminal Code: various offences
- Diverse models in place across the country
  - First in place in Manitoba in 1990
Domestic violence specialized court

- The Moncton provincial court-domestic violence pilot project held its first session on April 12 2007.

- Shortened court referral process;
- Refer to Victim Services;
- Conduct offender risk assessments;
- Enhancement of DV intervention programs to respond to the needs of low, moderate and high risk offenders;
- Offender accountability by court monitoring process.
Efficiency of specialized courts

- Few evaluation of specialized courts have been conducted, and
- Few comparative studies of domestic violence cases under specialization and non-specialization have been conducted.
- What we know is that under specialization:
  - Every possible offence related to domestic violence is processed as a domestic violence crime. It is possible to capture all forms of violent crimes and other Criminal Code offences.
Effects of specialization

- More appropriate sentencing for domestic violence crime
- Increase court mandated specialized treatment for first time offenders
- Higher incarceration rates for recurrent offenders
- Recidivism has been shown to decrease under specialized court systems
Effects of specialization – cont.

- Specialization has been shown to contribute to a more expedient court process in DV cases in both Winnipeg, Ontario and Moncton courts.

- Timely and appropriate court process is seen to increase the safety of the victim, and

- Decrease the likelihood of victim statement recants.
Police response to domestic violence situations

- Community Police Response to Intimate Partner Violence (IPV): Sharing Best Practices
- 35 ranking police officers and several academics
- Collaboration of CACP, Fredericton Police, Saint John Police and RCMP
- Goal was to discuss various best practices developed and implemented by police forces
- Sponsored by Canadian Observatory and Muriel McQueen Fergusson Centre for Family Violence
Community Police Response

- IPV requires collaboration on many levels to adequately intervene in this complex issue that is rooted in homes and relationships.

- Think Tank allowed officers to share their best practices and challenges from their respective regions while also creating a “knowledge building community”.

Community of Practice (CoP)

- Beginning of a larger conversation around the establishment of a community of practice (CoP) on police response to IPV in Canada.

- A CoP is developed through a group of people
  - sharing an interest on a particular issue,
  - and engaging with others to expand knowledge,
  - with an aim toward improvement.

- Seeking to improve intervention and outcomes for IPV cases through the principles of contemporary community policing.
Unified Response

- Think Tank participants agreed that a unified police response to IPV in Canada is critical to moving the agenda forward.
  - A shared understanding,
  - Consistent terminology and
  - common application of the law through a community of practice
- would take our work to a whole new level.
- Holistic intervention
Next Steps

- Creating a community of practice and establishing national guidelines to respond to IPV.

  This will provide:
  - Foundation for policy development,
  - Better intervention,
  - Services and prevention,
  - Measurable impact on IPV, high risk cases and domestic homicides.
Advocacy Strategy

- Canadian Association of Chiefs of Police to play a key role

- Mirror a successful model

- Develop a national framework of common understanding, shared language, and best practices around prevention, intervention and response to IPV
Grazie!
Thank you!
Merci!