

---

**EVALUATION OF THE CALGARY  
SPECIALIZED DOMESTIC VIOLENCE TRIAL  
COURT & MONITORING THE FIRST  
APPEARANCE COURT: FINAL REPORT**

---



**Leslie Tutty, Ph.D., RSW, Academic Research Coordinator RESOLVE  
Alberta**

**Faculty of Social Work, University of Calgary**

**Jennifer Koshan, B.Sc. LL.B, LL.M., Associate Professor, Faculty of  
Law, University of Calgary**

**Deborah Jesso, MSW, Research Assistant, RESOLVE Alberta**

**Cindy Ogden, MSW, Research Assistant, RESOLVE Alberta**

**and**

**Jacqueline G. Warrell, M.Ed., Research Assistant, RESOLVE Alberta**

**Final Report Prepared for the Project Funders:**

**The National Crime Prevention Centre of Public Safety Canada**

**and**

**The Alberta Law Foundation**

**March 2011**

## Acknowledgements

The Evaluation Team for this project consisted of Sheena Cunningham (Crown Prosecutor's Office Calgary), Shawne Young (Chief Probation Officer, Calgary District Probation), Robbie Babins-Wagner (CEO, Calgary Counselling Centre), Carolyn Goard, Arla Liska and Cynthia Wild (YWCA of Calgary Sheriff King Home), Dr. Sue Ludwig and Aggie King-Smith (Alberta Mental Health Board), Leslie Buckle (Senior Evaluation Analyst, National Crime Prevention Centre), and Kevin McNichol (Executive Director, HomeFront). Thanks so much to the team for their time and many contributions to the project.

A special thanks to the staff of the Crown's office and HomeFront, both the domestic court case workers and the administrative support, for facilitating access to the data.

This evaluation was funded by the National Crime Prevention Centre of Public Safety Canada and the Alberta Law Foundation. We gratefully acknowledge their financial and informational support.

Swartika Nair, Amanda Dietrich, Joëlle Robichaud, Kristin Jones, Mallory Faul, Lindsay Merrifield, Kathleen Ganley and Jocey Bonneycastle were the research assistants who collected the justice data, a complex and time-consuming job. Kendra Nixon supervised the key community informant interviews. Carole Cillis, the office manager of RESOLVE Alberta also assisted in the project. Thanks also to Robbie Babins-Wagner and Christine Berry from the Calgary Counselling Centre and Cynthia Wild and Nanette Durand-Ray from the YWCA of Calgary Sheriff King for assisting in the interviews with mandated individuals and their partners.

The research was conducted by RESOLVE Alberta, one office of a tri-provincial research institute situated at the University of Calgary. The administrative office of RESOLVE is at the University of Manitoba, led by Dr. E. Jane Ursel. The functioning of RESOLVE has been greatly assisted by external funding from the Partnership Program of the National Crime Prevention Program of Justice Canada. The Faculty of Social at the University of Calgary has been generous with space and other accommodations to assist RESOLVE Alberta.

Our greatest ongoing support, for which we are extremely grateful, is from the *Prairieaction* Foundation. Their website is [www.prairieactionfoundation.ca](http://www.prairieactionfoundation.ca). The RESOLVE Alberta website is [www.ucalgary.ca/resolve](http://www.ucalgary.ca/resolve).

## Table of Contents

<b>Executive Summary .....</b>	<b>1</b>
Interviews with Key Justice and Community Stakeholders .....	2
The Evaluation of the Court Developmental Phases .....	4
Characteristics of the Accused and Victims .....	5
Criminal Background and Incident Characteristics .....	6
Court Resolutions, Dispositions and Recidivism.....	6
Estimates of New Charges/Recidivism.....	8
Interviews with Men Mandated to Treatment.....	9
Conclusions.....	13
<b>Chapter One: Introduction to the Justice Response to Domestic Violence.....</b>	<b>15</b>
Domestic Violence in Canada.....	16
The Institutional Response to Intimate Partner Violence .....	17
Overview of the Current Project.....	17
Law Enforcement Responses to Domestic Violence in Canada.....	19
Developing Specialized Domestic Violence Courts in Canada.....	19
Research on Different Models of Specialized Domestic Violence Courts.....	21
Factors influencing Court Process and Outcomes .....	23
Batterer Intervention Programs.....	24
Quantitative Evaluations of Batterer Intervention Programs.....	25
Qualitative Studies on Batterer Intervention Programs .....	26
Batterer Intervention Programs and Recidivism.....	27
Program Factors .....	30
General Conclusions on the Efficacy of Batterer Intervention Programs.....	31
How Researchers Define Recidivism .....	31
What Method and Data are used to Measure Recidivism?.....	32
Official Criminal Justice Records.....	32
Official Records Versus Self-Report .....	34
The Nature and Types of Recidivism .....	35
What Length of Recidivism Follow-up Period is Appropriate?.....	35
Other Considerations for Recidivism.....	36
Survival Analysis .....	36
Frequency and Severity of the Reassault .....	37
Victim's Perspectives.....	38
<b>Chapter Two: Calgary's Specialized Domestic Violence First Appearance Court .....</b>	<b>40</b>
The Court Team .....	41
The HomeFront Domestic Court Caseworkers.....	41
Probation Services .....	42
The Specialized Domestic Violence First Appearance Court Process .....	43
Key Points in the Court Process .....	44
Discussion and Conclusions .....	44
<b>Chapter Three: NCPC/ALF Research Activities.....</b>	<b>46</b>
Component 1: Court data entry.....	46
Component 2: Interviews with Key Justice and Community Stakeholders.....	47
Component 3: Interviews with Individuals Mandated to Treatment .....	47
Component 4: Interviews with Victims .....	48

Component 5: Data on Treatment Outcomes of Mandated Perpetrators .....	48
<b>Chapter Four: Stakeholder Perspectives on Developing Calgary’s Specialized Courts.....</b>	<b>49</b>
The Intent of Calgary’s Specialized Justice Response to Domestic Violence.....	49
Need to Train Specialized Justice Personnel .....	50
Need for a More Timely Justice Response .....	51
Need for Speedier Access to Treatment.....	52
Need for Better Victim Support.....	53
Need for Collaborative Coordination.....	55
Need to Address the Unique Nature of Domestic Violence .....	55
The Rationale for Calgary’s Full Specialized Domestic Violence Court .....	56
A More Timely Justice Response with the Specialized DV Trial Court .....	57
Need for Improved Victim Support through to Trial.....	57
Need for an Improved Continuum of Justice Supports.....	58
Need for Better Communication/Coordination.....	59
Speedier Access to Treatment.....	59
<b>Chapter Five: Challenges to the HomeFront and Specialized Trial Courts .....</b>	<b>61</b>
Domestic Violence Case Volumes.....	61
Justice Personnel Buy In.....	62
Staffing Challenges .....	62
Treatment Challenges .....	63
Numbers of Adjournments.....	64
Contentious Issues .....	67
Dual Charges.....	67
The Police Response .....	70
Coordination between Civil and Criminal Courts .....	71
The Use of Peace Bonds .....	72
Immigrant/Diverse Populations .....	75
Language Challenges for Immigrants.....	75
Cultural Challenges for Immigrants.....	77
Domestic Violence in Aboriginal Communities.....	80
Additional Special Populations.....	82
<b>Chapter Six: Strengths and Recommendations for the Specialized Justice Response.....</b>	<b>83</b>
A Timely Justice Response .....	83
Specialized Justice Response Working Well.....	84
Improved Communication .....	84
The HomeFront Court Caseworkers .....	86
The Improved Police Response .....	86
An Improved Response by Judges/Prosecutors .....	87
The Impact of the Specialized Response .....	88
Reduced Recidivism Rates .....	88
The Impact on Offenders .....	90
Improved Victim Support .....	92
Enhanced Collaboration.....	93
Less Victim Recanting.....	94
The Protection of Family Violence Act (PAFVA) .....	95
Suggested Improvements to the Specialized Justice Response .....	97

Educating Justice Personnel.....	97
Diversity Training for Justice Personnel.....	99
Education for New Immigrants and Refugees .....	100
Enhancing the Justice Response .....	100
Conclusions.....	103
<b>Chapter Seven: Analysis of Calgary’s Specialized Domestic Violence Court Cases .....</b>	<b>106</b>
Characteristics of the Accused and Victims .....	106
Criminal Background and Incident Characteristics .....	112
Resolutions and Dispositions.....	116
Resolutions and Dispositions at Trial .....	120
Estimates of New Charges/Recidivism.....	122
Summary .....	125
<b>Chapter Eight: The Perspectives of Men Mandated to Treatment.....</b>	<b>127</b>
The Incident for which Charges were Laid.....	129
The Police Response to Domestic Violence .....	131
Experiences in the DV Specialized Courts .....	133
HomeFront Court Case Workers .....	136
Probation.....	137
Perceptions of the Group Intervention Programs.....	139
The YWCA Group programs.....	140
The Responsible Choices for Men Program .....	148
Social Support.....	151
Program Material Strengths .....	152
Conclusions.....	154
<b>Chapter Nine: Summary and Concluding Thoughts.....</b>	<b>157</b>
Interviews with Key Justice and Community Stakeholders .....	158
The Evaluation of the Court Developmental Phases .....	161
Characteristics of the Accused and Victims .....	162
Criminal Background and Incident Characteristics .....	163
Court Resolutions, Dispositions and Recidivism.....	164
Estimates of New Charges/Recidivism.....	167
Interviews with Individuals Mandated to Treatment .....	169
Conclusions.....	173
<b>References.....</b>	<b>175</b>
<b>Appendix 1: Recidivism in Specialized Domestic Violence Courts.....</b>	<b>188</b>
<b>Appendix 2: Recidivism in General Research on Domestic Violence .....</b>	<b>192</b>
<b>Appendix 3: Research on the Recidivism in Batterer Intervention Programs .....</b>	<b>195</b>
<b>Appendix 4: Research on Recidivism in Other Criminal Justice Areas.....</b>	<b>197</b>
<b>Appendix 5: Justice/Community Stakeholder Interview Schedule.....</b>	<b>200</b>
<b>Appendix 6: Interview Schedule – Mandated Offenders Paths of Change .....</b>	<b>202</b>

## **Executive Summary**

The serious nature of intimate partner violence and the harm to women and their children has been acknowledged in numerous documents (Statistics Canada, 2005; Tutty & Goard, 2002). The costs to society for charging abusive partners and providing treatment in the hope of stopping domestic violence are substantial (Bowlus, McKenna, Day & Wright, 2003; Greaves, Hankivsky, & Kingston-Reichers, 1995; Healey, Smith, & O'Sullivan, 1998).

The criminal justice system is an institution that deals with a high number of cases of domestic assaults yearly. While there is no separate domestic violence offence, abusers are subject to a variety of charges, from common assault to uttering threats to murder, that would apply to anyone regardless of the relationship between the victim and the perpetrator. Nevertheless, the dynamics and the intimate relationship between the accused and the victims in domestic violence cases, has severely challenged the criminal justice response that typically deals with crimes committed by strangers.

Beginning with the development of the court in Winnipeg in 1991, specialized domestic violence courts have become increasingly available across Canada with the goal of more effectively addressing the criminal justice response to domestic violence. The extensive effort involved in creating such specialized justice responses should be acknowledged. To date, however, few evaluations have been published that assess whether these initiatives make a difference, exceptions being the work of Ursel in Winnipeg, the Yukon Domestic Violence Treatment Option (Hornick, Boyes, Tutty & White, 2005: funded by NCPC) and some courts in Ontario (Moyer, Rettinger & Hotton (2000), cited in Clarke, 2003; Dawson & Dinovitzer, 2001), and Tutty and Ursel in the Canadian prairie provinces (Ursel, Tutty, & LeMaistre, 2008).

Calgary's model developed in early 2000 with the input of key players from not only the criminal justice institutions such as police services, the Crown Prosecutor offices, probation, Legal Aid and the defence bar, but also community agencies that offer batterer intervention programs and support, shelter and advocacy for victims. The model was innovative, with the initial emphasis on a specialized domestic violence docket court with the aim of speeding up the process for those charges with domestic abuse offences to both allow low risk offenders to take responsibility for their actions and speed their entry into treatment.

Such actions were thought to better safeguard victims, both because their partners were mandated to treatment much earlier, and to prevent repercussions to victims who, if the case proceeded to court, might be required to testify. Crisis intervention theory has long posited that the sooner one receives intervention, the more likely the counselling will be effective (Roberts & Everly, 2006). Also, the safety and wishes of the victims are taken into consideration by the court team early on in the process, while the assault is still fresh in their minds and they are not influenced by the accused to the same extent as they might be later on.

After three years, the specialized domestic violence docket court was in the unique position of having strong research support (Hoffart & Clarke, 2004: funded by National Crime Prevention of Canada, the Alberta government and the Tutty/Ursel SSHRC CURA project). The court has demonstrated success with respect to speeding up the justice system and referring low risk offenders to treatment with low recidivism rates.

Following these early successes, the justice community developed a specialized domestic violence trial court that opened in March of 2005 to more adequately address high risk, repeat

offenders. The two specialized courts work in concert, yet address different needs. With low risk cases more quickly addressed in the specialized docket court, the Crown Prosecutor's office has more capacity to deal with the often more complex cases that proceed to trial.

While the Calgary model has recently been replicated in New Brunswick, a research publication from that jurisdiction has not yet been completed. As such, evaluating Calgary's complete specialized court system, with aspects that address both low-risk and high-risk offenders, should have national significance, providing a model that could be adopted by other jurisdictions and offering enhanced justice and more effective protection for victims.

The research provides a comprehensive look at Calgary's court model that attempts to substantially improve the quality and processes of the criminal justice response to domestic violence, to make accused more accountable for their actions and to better ensure the safety of those victimized through such violence and the children who are often the bystanders.

The goals of this research were to examine the outcomes of the specialized courts as compared to baseline, to capture the opinions of key community and justice stakeholders about the courts and to interview a number of accused who were mandated to batterer intervention programs after the DV specializations took place. The results of each are presented in this executive summary.

### **Interviews with Key Justice and Community Stakeholders**

Interviews with 31 key justice and community stakeholders added invaluable information about the context in which the justice system operates. The interviews were conducted in late 2007 to 2008, so the perspectives are congruent with the data reported in the court outcomes section presented later in this document.

The interviewees were asked to describe their understanding of the beginnings of Calgary's specialized approach and its goals. The stakeholders emphasized that the previous justice response to domestic violence did not seem to treat domestic violence as seriously, as reflected in the lack of accountability that offenders experienced through ineffective interventions such as fines or jail sentences. They perceived domestic violence cases as different from other crimes because of the intimate relationship between the offender and the victim and, therefore, as requiring a different approach. The stakeholders described how the new courts and HomeFront agency (providing court support for victims) were developed to provide a specialized response to domestic violence cases that was a coordinated, specialized and timely response.

The specialized trial court was seen as offering many benefits to meet these challenges. With a more streamlined, expedient process and knowledgeable/specialized justice personnel, the continuum of specialization from docket to court would fill the gaps from the previous system. Consistent knowledge, communication and continuum of services would benefit both victim and offender.

Another set of questions was about challenges in implementing the new specialized courts. The stakeholders identified a number of issues, including the high volume of cases; buy-in to the principles of the model, access to treatment, docket delays and staff turnover. Additional challenges related to the volume of community agencies to coordinate, work involved in funding proposals, the transition to the new court and the scope of HomeFront as an organization.

The stakeholders perceived the specialized docket and trial courts as experiencing some challenges in development and ongoing struggles related to volumes, adjournments, buy-in and human resources. Treatment agencies struggled with staff turnover, the appropriateness of treatment for all offenders, particularly those with mental health issues, and access to treatment for those from communities outside of Calgary.

The justice and community respondents identified other contentious issues including dual charging, police response, lack of communication between civil and criminal court systems and the use of peace bonds. The key informants mentioned the negative impacts of dual charging on women, particularly those with children. Difficulty in assessing primary aggressors, lack of police discretion in a culture of zero tolerance, inexperienced junior front line police officers made it difficult to effectively screen and appropriately respond to domestic violence cases. The complexity of domestic violence cases was further exacerbated when the two courts made conflicting decisions in isolation of each other affecting the safety of women and children.

The use of peace bonds and breaches of various orders were also identified as challenges. Accusers were seen by some as getting only a “slap on the wrist” and consequences were often not applied when the conditions of the peace bond were not met. The stakeholders emphasized that peace bonds are simply pieces of paper if the consequences were not enforced for breaches. Lastly, supports for victims, especially women, to leave their abusive partners are limited, particularly with the current lack of affordable housing and supports in civil court. Child welfare involvement further affects victim’s ability to rebuild their lives after leaving an abusive partner.

A final set of concerns was with respect to diverse populations. The key stakeholders perceive the justice system as challenged when serving immigrant populations. Language barriers in accessing translators were identified as a challenge and included availability, cost and use in counselling. Cultural barriers for immigrant women including not understanding the justice system, language and police response coupled with a lack of financial/family supports, meant she needed to stay with her abusive partner. If immigrant women engaged their families in the justice system, severe consequence were sometimes applied by her husband as well as discriminating attitudes of justice personnel.

Despite these challenges, the stakeholders praised the current efforts made to meet the needs of immigrant populations and emphasized the greater likelihood of access to interpreters with the new specialized justice response. The police, judges, crown and justice community struggled in meeting the diverse cultural needs of immigrant populations.

Limited success has been experienced with treatment for Aboriginal people. Similarly, with individuals with disabilities, challenges were identified, particularly with brain damaged individuals. Numbers to treat were so small that one-on-one counselling was the only treatment option. Similar to Aboriginal people, gay and lesbian couples have seldom been referred to counselling agencies from the specialized courts.

Despite some systemic and ongoing concerns, the majority of the key informants identified a number of strengths of the new specialized justice response, including a timelier, more specialized response where communication is enhanced and caseworkers, police and judges/prosecutors worked together and were all better informed about domestic violence. The stakeholders emphasized that greater awareness and understanding of domestic violence led to a better response to victims and offenders. The co-location of HomeFront caseworkers, case conferencing, and caseworker supports were noted as strengths. The police reportedly were



more apt to charge and judges and prosecutors could make informed decision with more understanding of the dynamics of domestic violence.

Specialized and knowledgeable justice personnel communicated and coordinated information which expedited appropriate responses to domestic violence cases. Practices such as case conferencing before court and co-location of caseworkers and Calgary Police Services' Domestic Conflict Unit facilitate information sharing and case planning. Understanding the dynamics of domestic violence, justice personnel were more responsive to the needs of victims and offenders.

Overall, the key stakeholders believe that the specialized domestic violence justice response has led to a reduction in recanting, increased collaboration among domestic violence stakeholders and victim support from HomeFront to the specialized trial court. For the offender, reduced time to court and treatment, increased guilty pleas and access to treatment were successful outcomes.

The stakeholders made a series of recommendations to further improve the justice process: identifying ongoing education with justice personnel on domestic violence and diversity, particularly with the junior staff entering the profession. Education on the Canadian justice system was identified as needed for immigrant populations, especially the specialized justice response in Calgary. Stakeholders also suggested expanding the courtrooms and a creating a communication mechanism between criminal and civil court.

In summary, the key stakeholders believe that the specialized justice response has led to a reduction in recanting, increased collaboration among domestic violence stakeholders and victim support from HomeFront to the specialized trial court. For the offender, reduced time to court and treatment, increased guilty pleas and access to treatment were successful outcomes.

### **The Evaluation of the Court Developmental Phases**

The primary goal of the current research was to evaluate the development of the specialized domestic violence docket and trial courts, comparing these to the characteristics and outcomes of cases addressed before the specialization. This applied case study research collected justice file data on all cases that proceed through Calgary's specialized domestic violence court and the specialized first appearance court for a five year period (from January 2004 until December 2008). In total, including the baseline, data will be available for a ten-year period. The current data set includes almost 800 variables including demographic information on both the accused and the complainant, police charges, what charges proceeded to first appearance court and the disposition of each. For cases that proceed to trial, similar data is collected, including the disposition of each charge and any conditions imposed.

These analyses compare data from ten years and over three time periods: baseline (before 2000 - primarily 1998 to 2000); the introduction of the specialized docket court only (2001-2004); and the introduction of the specialized trial court or "full" DV court (2005-2008). Data for 6407 cases in the city of Calgary are documented. However, although the domestic violence specialization in the trial court began in 2005, scheduling and other issues created difficulties. While the report refers to it as the "full DV court, in the opinions of justice system representatives, the fully functioning DV specialization began in late 2008 to 2009, at the end of the current data collection.

### *Characteristics of the Accused and Victims*

The first set of statistical analyses were with respect to the characteristics of the accused and victims over the three court developmental phases, including gender, age, education, employment, racial background, accused/victims relationship, parentage and whether the offence was spousal or assaults against other family members such as children or seniors. There was considerable variability in the files with respect to the demographic characteristics, especially for baseline, when many demographics were simply not noted.

- 79.4% of the cases handled in the courts are spousal assaults. Other cases included child physical abuse (4.3%), child sexual abuse (0.5%) and elder abuse (1%).
- Sex of the accused: The majority were men (85.3%), with women representing 14.7% of the total accused.
- The victims were primarily women (81.6%).
- Accused Age: The average age was 34.2 (range of 15 to 81 years): 34.8% were aged 25 to 34; 31 were between 35 and 44; and 19.2% were aged 15 to 24.
- Victim age: The average was 32.5 years (range of 0 to 86 years).
- Over four fifths of both accused (85.1%) and victims (85.2%) were under age 44.
- Victim Accused Relationship: 27.7% of the accused and victims were in common-law relationships, 23% were married; 10.4% were boyfriend/ girlfriend and 9.9% involved child/parent relationships.
- Children: Of the 4100 victims/accused for whom this information is available, 56.4% had minor children, 41.3% had no children and 2.3% had no minor children.
- With respect to only the intimate couple relationships, 61.1% still resided with their partners, whereas 18.5% involved ex-partners.
- Accused racial background: 67.3% were Caucasian/White, 21.7% were from an ethnic minority; 11% of Aboriginal or Métis backgrounds.
- Victim racial background: Very similar to the accused: about two-thirds were Caucasian, one-tenth were Aboriginal and two-tenths were from visible minority groups.
- Accused employment: 67.1% of the accused were employed full- or part-time; 24.1% were unemployed (24.1%).
- Victim employment: fewer victims than the accused were employed: 61.1% compared to 67.1% of the accused. More victims were on welfare or disability payments (5.4% compared to 2.4%).
- Accused education: 37.2% had not completed high school; 31.2% were high-school graduates; 31.6% had some post-secondary education or training.
- Victim education: 28.7% had not completed high school; 31.3% were high-school graduates; 40.0% had some post-secondary education or training.

There were no significant differences between the characteristics of the accused and victims across the three court developmental phases. This means that any differences in the

criminal justice responses presented in later are more likely attributable to the changes to the criminal justice response rather than changes to the nature of the background characteristics of the accused/victims.

### *Criminal Background and Incident Characteristics*

This next set of statistical analyses looked at criminal characteristics of the accused and the incident in which charges were laid, such as the presence of alcohol/substances, weapon use etc, as well as any prior criminal justice involvement.

- Prior convictions for any criminal charge: 53.1% of the accused (53.1% or 2336 of 4402) had such a record.
- Who reported to the police: 74.7% of incidents were reported by the victims; 3.9% by the accused and 3% by children/youth.
- Presence of Alcohol: 61% of the accused had used alcohol; 28% of victims. In 29% of cases, no alcohol or substances were identified by the police in the accused, victim or the environment.
- Weapon use: In only 13.5% of incidents. In cases where weapons were used: 10% used sharp or blunt household objects; 3.3% used knives; 0.2% used firearms.
- Most serious police charge: 66.5% was common assault; 11.5% assault with a weapon; 7.5% uttering threats.
- Dual charges: 7.1% are dually charged, such as both members of a couple.

To summarize, in comparing the criminal background and incident characteristics across the three court developmental phases there was only one important difference across the three time periods: at baseline, a higher proportion of victims reported the incidents to the police. This general lack of differences can be interpreted as meaning that any significant differences in the criminal justice responses found in the next sections can be seen as related to the court processes, not to differences in the nature of the crimes or criminal background characteristics of the accused.

### *Court Resolutions, Dispositions and Recidivism*

**Cases Concluded Before Trial:** One gross measure of whether the domestic violence specialization have resulted in changes to the criminal justice response is to simply compare how many cases were resolved early, before the need for a costly trial. The analysis shows a statistically significant difference across time such that that more cases concluded without a trial after the introduction of the specialized docket court, which was maintained with the specialized trial court.

At baseline, 43% of cases were concluded at this early stage; after the specialized docket court, 70% of cases were concluded without at trial, which was maintained with the introduction of the specialized domestic violence trial court with 68% of cases concluded before trial.

The advantages of such a speedy response are numerous and include the fact that the accused has the opportunity to show publicly that they have taken responsibility for their behaviours and are fast-tracked into treatment. This process takes considerable pressure off the victim, who, in the earlier court model at baseline, would be faced for months, sometimes for

years, with the prospect of testifying against their partner in court. During the lengthy time between first appearance and trial, couples often reconciled, with the victims recanting their testimony or being a reluctant witness.

**Use of Peace Bonds:** As would be expected by the new court model, there was a dramatic (and statistically significant) increase in the use of peace bonds at docket court after DV specialization, from 8.1% at baseline to 32.3% after the docket court was introduced; maintained with the introduction of the specialized trial court at 31.7%. In the specialized DV model, peace bonds may be offered to low risk accused who do not have a criminal record or have a minor unrelated criminal record, and have expressed a willingness to take responsibility for the incident. This disposition also takes into consideration the wishes of the victim. The conditions of the peace bond usually entail being mandated to offender treatment and/or substance abuse interventions. Probation officers monitor compliance with these conditions. **Accused taking Responsibility:** After the specialized DV courts, more cases concluded at docket court with the accused taking responsibility for their behaviours via either a guilty plea, peace bond (a community sentence order that does not carry a criminal conviction) or an early case resolution (with a guilty plea): 29.4% at baseline; 64.2% docket; 53.2% full DV.

**Peace Bond/Probation Conditions:** A unique feature of the Calgary specialized domestic violence court response is that probation officers remain involved with accused who received a peace bond at docket. In most jurisdictions, a peace bond or stay would not be monitored by probation officers unless the condition was breached. The probation involvement in Calgary's specialized courts means that the conditions of the peace bond are more closely attended to and, for example, were an individual sent to domestic violence treatment as a condition of the peace bond to stop attending, Probation would be immediately informed and the individual given consequences.

The peace bond/probation conditions from the docket court are, therefore, of interest in the current evaluation. Notably, these conditions apply also for individuals who pled guilty or entered an early case resolution process. Across court developmental phases, the most common probation/peace bond conditions for cases concluded at docket were counselling in batterer treatment programs, substance abuse treatment or other counselling (50.4%)

**Dispositions from the Specialized Trial Court:** As is common in the criminal justice system, most cases are dealt with before reaching trial: a little over one-fifth of the cases were dismissed for want of prosecution/stay of proceedings; 18% were withdrawn; 18.9% had peace bonds; 25.7% changed their plea to guilty.

- Across the three time-periods, only 13.9% (325) of the 2334 cases that proceeded from the first appearance court were actually tried in court, of which about two-thirds (60.6% or 197 of 325) were found guilty.
- Fewer cases went to trial after the specialized trial court was enacted. The three phases each entailed 3 to 4-year periods: baseline (1998-2000): 155 cases; specialized docket (2001-2004): 143 cases; Full specialized DV court (2005-2008): 28 cases.
- The proportion of cases that resulted in a finding of guilty increased with the specialized DV courts over baseline:
  - Baseline rate of guilty to not guilty is: 90/155 or 58%.

- Specialized DV docket: 90/142 or 63.3%.
- Specialized DV trial court: 18/29 or 62.1%.
- Comparing the different court developmental phases, there were no differences in the number of cases dismissed for want of prosecution, stays of proceedings and those that were withdrawn.

To summarize, what happens once cases reach the trial court did not change substantially across the court developmental phases. The major differences are that a large proportion of cases were dealt with at docket court and fewer cases proceeded to trial, meaning that the cases that were actually tried could receive more attention.

**Dispositions at Trial:** The data set captured up to eight charges for some offenders. As is the case across jurisdictions, not all charges were addressed at trial; some were dismissed, others stayed, for example. To capture the outcomes for the accused, the most serious dispositions across charges for incident 1 were examined. Note that these dispositions are only applicable to cases where the accused pled guilty, was found guilty or accepted peace bonds.

- Across the three court phases, the most common conditions were in the “other” category (26.2%). To clarify, the conditions noted in the “other” category consisted of: “other” conditions as ordered (247); not to attend residence of complainant (76); community service (35); firearms prohibitions (67); and contact only for access to children (5).
- Next most common was “other” counselling as directed (21.1%), no contact/communication orders (18.4%), batterer treatment (13.1%), alcohol/substance treatment and abstain from alcohol (10.4%). To summarize, 45.1% of cases that went to trial resulted in the accused being mandated to batterers’ treatment or other counselling.

**Victim Appearing at Trial:** Another variable of interest was the extent to which the victims appeared at trial. There was a statistically significant shift after the specialized trial court was introduced such that more victims appeared at trial: 20.3% at baseline, 25.6% with the introduction of the specialized docket court and 49.2% with the new specialized trial court. Notably, it was not until the opening of the specialized domestic violence trial court that HomeFront court case workers had the formal mandate to work with victims through to trial.

#### *Estimates of New Charges/Recidivism*

Recidivism is one of the major indicators that a specialized justice approach to domestic violence is more effective than non-specialization (Gondolf, 2002). Police records of re-arrests are the most commonly collected criminal justice data. Recidivism in the current study includes both additional criminal acts or breached court or civil orders.

Notably, though, the following recidivism rates are limited to the extent that any of the re-offences occurred in the Calgary area. The variable is more aptly referred to as recidivism that came to the attention of the Calgary police, since victims of domestic violence may choose not to report or may be threatened if they were to report the assault.

#### **New Charges/Breaches:**

The overall rate of new charges/breaches within two years across the court phases is 24.3%. However, the highest rate of new charges/breaches was at baseline (33.9%), followed by the Full DV court (26%), and with the smallest proportion of new charges/breaches during the

introduction of the specialized docket court (18.9%). This difference was statistically significant. Hoffart and Clarke's 2004 data on any new charges/breaches within two years was 38.8% at baseline to 21.1% specialized docket court; not identical but very similar.

**Type of New Incident:** The nature of the new charges/breaches changed in a statistically significant manner such that, by the specialized DV docket court phase, the most common recidivism was breaches of orders, with fewer individuals receiving new criminal charges or both new criminal charges and breaches of orders, a pattern that was maintained with the introduction of the DV specialized trial court process.

Few cases of both breaches and new charges were noted for both the specialized DV court phases as compared to baseline. At baseline, the total number of cases with new criminal charges was 21.8%; 9.9% and 12.1% respectively in the docket and trial courts DV specializations. Although Hoffart and Clarke's 2004 rate of new criminal charges (12% at DV docket as compared to 34% baseline) is not identical, the overall conclusion from the comparison is similar.

Although a slightly higher proportion of new charges/breaches were dealt with in the specialized DV trial phase, the nature of the new charges was different from baseline; breaches rather than new criminal charges. As mentioned previously in the chapter on recidivism, a more effective court system could result in a greater number of breaches, indicating that the new domestic violence court has succeeded in implementing more diligent monitoring and supervision of offenders (Newmark et al., 2001).

**Same Victim:** Another comparison of interest was whether the second set of charges was with respect to the same victim(s) as in incident 1. There was no statistically significant differences between the victim's statuses at incident 2 based on the court development phases: across all three time periods the proportion of new charges involving the same victim was around 40%.

In summary, the analyses support that the domestic violence court specializations are working as anticipated. One obvious advantage is dealing with the accused much more quickly in the specialized docket court. Utilizing peace bonds with accused who are willing to accept responsibility for their behaviours and follow-through with being mandated to treatment has the potential to have them receive counselling when more motivated to make changes than if the court process was lengthier.

### **Interviews with Men Mandated to Treatment**

Across jurisdictions, as the primary condition to which domestic violence offenders are mandated by the courts, establishing the efficacy of batterer treatment programs is critical. This is especially the case as many women stay with or return to potentially dangerous partners in the hope that they will change as a result of group treatment (Gondolf & Russell, 1986). Considerable scepticism has been expressed by victim's advocates, among others, about the effects of batterer intervention programs, especially for individuals that have been court-mandated to treatment.

Since batterer intervention is commonly mandated by both the specialized docket court and Calgary's new specialized domestic violence trial court, evaluating the effectiveness of this intervention is vital. As such, in addition to collecting the justice system data, we collaborated with the two central agencies in Calgary that provide intervention programs for court-mandated men. In total, interviews were conducted with 17 men mandated to Calgary Counselling's

Responsible Choices for Men treatment program and another 20 interviews with men mandated to treatment at the YWCA Sheriff King program. The interviews were audio-taped and transcribed in preparation for the qualitative analysis.

The group member respondents participated in semi-structured interviews of approximately an hour in length. The interview questions inquired not only about the men's views of the intervention programs, but also about their views of the specialized domestic violence criminal justice response, from the police through the courts and probation.

The Calgary Counselling Centre in Alberta, Canada has provided family violence programs and services since 1981. The Responsible Choices for Men program was developed for males who use physical or psychological violence and control tactics in intimate relationships and is based on a narrative therapy approach with a feminist perspective developed by Australian family therapist Alan Jenkins (1991), and differs substantially from anger-management models.

Prior to entering the group, clients must be engaged with a primary therapist in the agency who assesses the client's readiness for change and the degree of violence, and determines treatment goals. The Responsible Choices groups are conducted for 15-weeks, in weekly two-hour sessions. The groups typically comprise six to twelve men, both self- and court-referred and employ both an unstructured psychotherapeutic and a structured psycho-educational component.

The YWCA Sheriff King Home respondents attended the Paths of Change Men's Counselling Program. Due to program changes a few years ago, some respondents attended a Phase I/ Phase II 18-week group format while others attended a 14-week open group program. Also, a number of respondents attended the Sobering Effect group which is a specialized 14-week Paths of Change Men's Counselling Program for men referred by probation who are mandated to both domestic violence and addiction treatment. YWCA Sheriff King Home initially started groups for men using a two-step format: Phase I and Phase II. Phase I consisted of weekly open format group sessions for six weeks. After the men completed the Phase I introductory group, they carried on to Phase II for 12 weekly closed format group sessions. In total, men completing Phase I and Phase II attended programming for 18 weeks.

Several years ago, the YWCA Sheriff King Home revised the Paths of Change Program and integrated Phase I and Phase II program content into a 14 week ongoing open group format. In addition, the YWCA Sheriff King Home developed another program, Sobering Effect, in partnership with Alberta Alcohol and Drug Abuse Commission (AADAC), which is now within Alberta Health Services. Sobering Effect is a 14-week domestic violence and substance abuse group-counselling program. The men attending Sobering Effect have files opened in both agencies and make contact with the program three times a week for the 14 weeks. Whether the respondents attended the Paths of Change Phase I/Phase II format or the 14-week format depended on when the men attended; if they came before or after the program change was implemented.

Limited background information on the group participants was available. The relationships between the couples were primarily long-term, on average in the 6 to 11 year range. During the groups, sixteen of the 37 men (43%) remained with the same partners that they had been charged with abusing. The majority of the men had children (26 or 70%), at least eight of whom were adults. Four men, all attending the Responsible Choices for Men group, had abused children or a relative, not their intimate partners. Eleven men (30%) had had previous charges

related to domestic assaults, although it must be noted that some did not discuss their prior criminal histories.

In recounting the incidents that led to the police intervening and laying charges, the men tended to justify why they had responded in an abusive manner towards their partner or child/relative. Twenty eight of the men (76%) alleged that their partners were also abusive to them and often initiated the abusive behaviour, to which the men had responded by using physical force as a reflexive action, defence or to restrain and prevent further abuse. Their justifications served to minimize the abuse and blame their partners or child/relative.

It was clear that the men's definitions of abuse were primarily limited to physical abuse, not the other types in which they were engaging. The men specified that their abuse did not involve picking up an axe, using a knife, choking, beating or breaking bones but, instead, could be considered "minor" such as slapping, scaring, threatening and intimidating and verbal abuse were acceptable, reinforcing the men's stereotypical ideas of domestic abuse.

With respect to the justice system, despite the fact that they were arrested, a number of the men had positive comments about the way that the police discharged their duties. The majority of men were also positive about probation services. That any men charged by the police and entering into the complex criminal justice system process had positive comments about either the justice personnel or the ways in which they were handled, is surprising. Further, it suggests that the coordination of the criminal justice response to domestic violence and the consequential treatment services are having an impact.

Those who had negative experiences primarily attributed them to what they saw as discrimination by the criminal justice system, which, in their opinion, does not take into account all of the facts and presumes that men are always guilty in domestic disputes. The men's perceptions of the overall justice response to domestic violence were that there was a bias towards men in favour of women.

The men spoke about their experiences with the justice system as if they had been taken advantage of, or that they had been victimized. None of the comments from the participants acknowledged that their contact with the justice system was a consequence of their abusive behaviour.

The participants seemed generally confused by the judicial process; they did not understand the differences between conditional sentences, peace bonds, rules of charging and consequences of further offences. The men could benefit from education around charging in domestic violence cases and how the group is an early intervention for first time charged men. This would help men understand the change in the justice system's approach to dealing with domestic violence.

With respect to the group intervention, while the men disclosed serious incidents of assault with their intimate partners and, in several cases, children and or relatives, many reported having made important changes to their behaviours that impacted not only their relationships with partners, but with friends and work colleagues as well.

The men commented on various components of the two group programs that were working well. Even though the two programs are structured differently, the outcomes for the men were similar. Despite having taken the program several years earlier, the men remembered the program materials such as the RCM role playing exercise as eliciting empathetic feelings



about how their partner must have felt while being abused and noted that the group helped them to accept responsibility for their abusive behaviours. The men also recalled learning how hurt underlies anger and abuse.

The social support provided by the group and that each man contributed to the learning of the group was identified. The men recalled the facilitators as generally professional and good at their jobs while meeting goals of the group, namely ensuring they accepted responsibility for their abusive behaviours using a non-judgmental approach.

Suggestions regarding how the programs might improve included reviewing some of the current materials, such as using different videos and looking at the timing of exercises. Suggestions for improving the program structure included adding follow-up groups, sharing best practices, a reduced group size and a greater focus on how to repair existing relationships.

The men recommended that the facilitators focus on building rapport, taking a non-judgmental stance and lessening the focus on reinforcing guilt and instead, role model and explore appropriate behaviours and answer questions posed by the men. Also, rather than referring men to a DV group whose charges were for child abuse or assaulting an individual other than an intimate partner, several men recommended developing a group specific for child abuse.

Even though most of the men had completed their group programs, in describing the incidents that led to their arrests, many exhibited a willingness to blame their partners, mutualise the violence and minimize their own abusive behaviour. This may not be surprising, as these narratives would have been repeated numerous times to the police, courts, probation and agency personnel and have, perhaps, become rote. While some men's lack of responsibility and accountability around the precipitating incident highlights the complexities involved in changing abusive behaviour, it should not imply that the men did not change. When describing how they had improved their interpersonal behaviours in response to the groups, the words of the majority reflect important shifts.

Jennings (1990) raises the question of whether we expect too much from men who attend batterer intervention programs. Attitudes are difficult to shift permanently and interpersonal patterns often become well-entrenched. Both Calgary group programs are relatively short in length, yet a number of men reported having made important changes. The significantly lowered recidivism rates in the previous chapter support this contention.

Perhaps a better question is whether justice was served? The men were very aware that they were attending the programs because they had been mandated to do so by the criminal justice system. It did not matter to those given peace bonds that they are essentially considered not guilty. Rather, the monitoring by probation for one year and mandatory group attendance for three months or more highlighted that the criminal justice system considered their actions as serious and as needing considerable societal intervention. That the Calgary specialized court model, in conjunction with community agencies, has adopted a number of strategies to better hold domestic violence offenders accountable suggests that assaults against intimate partners are being taken much more seriously and in a way that incorporates the victim's wishes early on in the process.

## Conclusions

Collecting criminal justice data about court cases is an enormous task, entailing well-trained research assistants, a criminal justice system that is willing to provide access to the relevant files, considerable stamina and financial support. The analysis of the interviews with both stakeholders and court-mandated accused provide essential contextual details about how the court process is working.

The quantitative analysis comparing the data from the baseline period through the new docket court into the introduction of the trial court support that the domestic violence court specializations are working as anticipated. One obvious advantage is dealing with the accused much more quickly in the specialized docket court. Utilizing peace bonds with accused who are willing to admit responsibility for their behaviours and follow-through with being mandated to treatment has the potential to have them receive counselling while more motivated to make changes. Importantly, the rates of new criminal charges, at least within a two year period, have been reduced.

The key community and justice stakeholders generally supported the justice changes, although some advocates remain sceptical about the capacity of the criminal justice system to keep victims safe, given the wide-spread nature of this serious problem and the potential cost to victims of actually reporting such abuse. Nonetheless, as members of the Calgary-wide community justice response to violence, their concerns and suggestions have been taken into consideration since the inception of the project to the present. The comments and perspectives in the current report will also be digested and considered.

The interviews with the men mandated to attend either the Calgary Counselling Responsible Choices for Men program or the YWCA of Calgary's Paths of Change or Sobering Effects were intriguing. Most of the men maintained a position that their partners also behaved violently but were not charged by the police and they remained concerned about a gender bias in the criminal justice system as a whole. Nevertheless, the bulk of the comments about how they were dealt with by the police, the courts and probation services are neutral or positive. Interestingly as well, despite while initially concerned about being forced to attend these treatment programs, the majority of the 37 respondents reported having learned useful information/skills and having made significant changes in their understanding of anger, stress and their behaviours.

The current evaluation focused on not just the quantitative court demographics and outcomes, as is often the focus, but also on the qualitative views of both key justice and community representatives and the men who are facing the consequences of their behaviours by attending group treatment. As such, the information provided is comprehensive and complex.

Even with such complexity, however, the evaluation could not fully address all aspects of the wider coordinated community response to violence in the city. It is important to acknowledge the contributions of other organizations and agencies such as Calgary Police Services' Domestic Conflict Unit, the FAOS program, Strengthening the Spirit, a program specific to Aboriginal offenders, and the support to victims beyond the HomeFront court case workers as exemplified by Calgary Legal Guidance, groups for victims at the YWCA of Calgary and Calgary Counselling and the many fine shelters for abused women in the city.

These are still only a few of the central organizations that supported the creation of an innovative criminal justice process that more effectively holds offenders responsible for their actions in the hope of better safe-guarding victims and children. Changing the criminal justice response is, in itself, an enormous task; changing how an entire community responds to domestic violence is considerably more difficult.

The research presented in this report supports the efficacy of Calgary's unique specialized domestic violence courts. The credit belongs not only to the representatives of the criminal justice institution who were in the forefront of the revisions, but also to the commitment of Calgary's domestic violence serving agencies.

## **Chapter One: Introduction to the Justice Response to Domestic Violence**

The seriousness of wife assault and the cost not only to the women, but to their children as well, must not be underestimated. Every year, thousands of Canadian women are injured or murdered by current or previous intimate partners. In her review of the criminal justice response to domestic violence, Worden (2000) noted that “domestic violence is common, often chronic, and difficult to detect” (p. 220). The costs to society for charging abusive partners and providing treatment in the hope of stopping violent behaviour towards women are also substantial. Research assessing the efficacy of a variety of law enforcement, justice and community responses to domestic violence is crucial in deterring further violence and ensuring the ongoing safety of victims and their children.

As social and legal definitions of domestic violence have changed over the past quarter century, so have the social and legal sanctions. Until the mid-1970s, criminal justice policies mostly avoided dealing with domestic violence, seeing it as a private matter between two adults and treated differently from similar assaults committed by strangers (Fusco, 1989).

In the past 20 years, with the acknowledgement that victims can be at serious risk of injury or death, the trend has been to criminalize domestic violence through criminal prosecution, mandating batterer treatment and providing resources to victims such as restraining orders (Fagan, 1995). Until the past decade, these three tracks have been typically independent tactics directed towards the same end: deterrence of further domestic violence incidents. However, evaluations of arrest, protection or restraining orders, prosecution, and batterer treatment projects have generated inconsistent evidence of these as deterrents to batterer recidivism or as providing victim safety (e.g., Fagan, 1995; Worden, 2000).

Today, the criminal justice system intervenes in a substantial proportion of cases of domestic violence in Canada and the United States (Tsai, 2000; Ursel 2002; Ursel, Tutty & leMaistre, 2008). This has been the result of broad policy changes across North America over the past two decades. These policy changes have occurred at all levels of the justice system including the police, prosecutions, courts and corrections.

Entry into the criminal justice system is usually victim initiated, typically a telephone call to the police during a crisis. Yet, according to the 2004 General Social Survey, relatively high proportions of victims choose not to involve the police: only 37% of women victims and 17% of male victims made such contact (Ogrodnik, 2006). One of the frequently offered reasons for low rates of contacting the police is the view that the police and the criminal justice system are not helpful to victims. Over time, critiques of the justice system response to domestic violence have resulted in a number of policy and practice changes which put greater emphasis on the safety of victims and holding offenders accountable for their assaults. One of the consequences of these changes has been the introduction of specialized criminal courts, the subject of this section of the book.

Innovative developments in the justice system’s response to domestic violence have recently emerged, including specialized domestic violence courts, coordinated domestic violence service delivery and revisions to police and prosecutors’ policies and procedures. These innovations aim to more effectively address domestic violence with the joint goals of holding offenders more accountable and improving safety for victims.

This chapter introduces the criminal justice system response to domestic violence. We begin with a brief discussion of the face of domestic violence in Canada, how the criminal justice system works, how to understand the terminology used by our authors and what to look for in assessing different models of court specialization. We review the various rationales for developing specialized domestic violence courts and different models of specialization that exist in Canada.

### **Domestic Violence in Canada**

The serious nature of intimate partner violence and the harm to women and their children has been acknowledged in numerous documents (Statistics Canada, 2005; Tutty & Goard, 2002). The costs to society for charging abusive partners and providing treatment in the hope of stopping domestic violence are substantial (Bowlus, McKenna, Day & Wright, 2003; et al., 1995; Healey, Smith, & O'Sullivan 1998).

The 2004 General Social Survey on Victimization (Statistics Canada, 2005) estimated that 7% of Canadian women and 6% of men are the victims of an act of violence from an intimate partner over a five-year period. While the self-reported rates of abuse appear to be equal, abuse against women by male partners occurs more often and tends to result in more serious consequences, such as fear of death. In this national study, 44% of women reported being injured, compared to 19 % of men: 13% versus 2% sought medical help. Women were almost twice as likely as men to report having been beaten (27% versus 15%), and three times more likely to report having been choked (25% versus 8%). Perhaps most informative is that women fear their partners' violence to a significantly greater extent: 34% of women compared to 10% of men admitted being afraid for their lives (Statistics Canada, 2005). Nevertheless, while men are the primary perpetrators of serious violence against women partners (Johnson, 2006), women can both physically and emotionally abuse male partners and about 10% of arrests for spousal assault are against women as the sole perpetrator.

Further, lesbians and gay men can be assaulted by their intimate partners. The Canadian 2004 General Social Survey on Victimization reported that the rate of spousal violence among gays and lesbians was twice that of heterosexuals (15% as compared to 7%). Notably, however, while the rates of violence were committed against individuals who self-identified as gay or lesbian, the gender of the perpetrator was not clarified (Statistics Canada, 2005).

The ultimate act of violence for abused women is the risk of them being murdered by their partners. The spousal homicide rates for Aboriginal women are eight times the rate for non-Aboriginal women (Statistics Canada Homicide Survey, cited in Johnson, 2006).

While spousal murders are rare, they typically occur in the context of long-standing domestic violence. According to Beattie's (2005) analysis of 30 years of data from Canada's Homicide Survey, one in five solved homicides involve one partner murdering the other, whether married, common-law or boyfriends, current or ex-partners. Furthermore, over the past 30 years, Canadian women are four to five times more likely to be the victims of a spousal homicide than are men. When considering the pattern of spousal homicides-suicides, over half (57%) of Canada's familial homicide-suicides involved spouses, the majority of which were committed by males (97%) (Aston & Pottie-Bunge, 2005).

## **The Institutional Response to Intimate Partner Violence**

Since Canadian society acknowledged that domestic violence is a serious social issue, a number of institutions have created policies or special services to more adequately address the problem. This section describes common institutional responses, including the development of shelters for abused women and making it easier to access health, and child welfare services.

Emergency shelters or transition houses are the one institutional response that developed exclusively to address the safety needs of abused women. A little over 30 years ago, Canada had no shelters specific to woman abuse. Today, the latest Transition House Survey, conducted in 2005-2006 by Statistics Canada (Taylor-Butts, 2007), was sent to 553 shelters known to provide residential services for abused women. Canada's shelters are well used. In the year ending March 31, 2004, 105,700 women and children were admitted to these shelters. While a minority of these simply needed housing, most (over 74%) were leaving abusive homes. That so many women would need such services was inconceivable a mere quarter century ago.

Not all women leaving abusive relationships require shelter services. The 2004 General Social Survey (Statistics Canada, 2005) reported that while 11% of women who had experienced spousal violence in the past five years had contacted a shelter, only about 6% to 8% actually used the residential service, still a large number of women as indicated by the Transition House Survey results noted previously. Emergency shelters not only provide refuge to abused women and their children for periods ranging from three to six weeks, but many offer crisis telephone lines, outreach (to women who may never need to reside in a shelter) and follow-up (to previous shelter residents) to address the ongoing challenges entailed in leaving abusive partners (Tutty, 2006).

Since physical injuries are a frequent result of intimate partner abuse, health initiatives include training physicians, nurses and dentists to screen patients for domestic violence, whether in the emergency room or clinic (Gutmanis, Beynon, Tutty, Wathen, & MacMillan, 2007; Thurston, Tutty, Eisener, Lalonde, Belenky, & Osborne, 2007). Public health nurses, who conduct home visits as part of their jobs, similarly often screen for abuse.

In 1998, Conti estimated that although fewer than 15% of abused women ever seek medical care, about three-quarters of women that do need medical attention use hospital emergency departments, often presenting with complaints that do not indicate abuse. Varcoe (2001) suggests that only 2% to 8% of trauma patients in emergency rooms are identified as abuse victims, even though research strategies and identification protocols identify abuse in approximately 30% of the same population. Further, women using emergency departments are unlikely to disclose abuse unless asked directly (Ramsden & Bonner, 2002), reinforcing the importance of universal screening.

In summary, the community response to intimate partner violence in Canada has created a substantial number of programs and services to assist victims of domestic violence to remain safe and, if possible, to decide to leave relationships in which they and their children have been abused. However, these agencies and services are but one aspect of Canada's response to such violence. Over the past 30 years, the justice system has evolved substantially in its approach to both prosecuting accused and assisting victims.

### **Overview of the Current Project**

Two major components of the justice system are involved in domestic violence cases. The first, and perhaps the best known, is the criminal justice system that enforces and

administers the Criminal Code of Canada. There is no separate domestic violence offence: abusers are subject to a variety of charges, from common assault to uttering threats to murder, that would apply to anyone regardless of the relationship between the victim and the perpetrator. Domestic violence cases are identified by the nature of the relationship between the victim and the accused and not by a particular charge. While the Criminal Code is under federal jurisdiction, its administration is a provincial/territorial responsibility, which is why different models of court specialization have evolved in different provinces.

One factor that makes domestic violence cases so challenging for the justice system is that when a person is charged with assault against his partner, the victim is usually needed as a witness. However, the victim is often ambivalent about providing evidence against her partner in court for a number of reasons, including her own safety (Ursel, 2002). The last important distinction with respect to the criminal justice system is that the burden of proof to determine a person's guilt is very high, "beyond a reasonable doubt." This means that without strong evidence, usually provided by the victim/witness, it is extremely difficult to obtain a conviction. The next two chapters review the discussions and debates in the literature around the relative merits of these areas of criminal justice system intervention.

Specialized domestic violence courts have become relatively common across North America, yet few have been evaluated. Exceptions include the Winnipeg court (Ursel & Hagyard, 2008), the Yukon Domestic Violence Treatment Option (Hornick, Boyes, Tutty & White, 2008: funded by NCPC) and some courts in Ontario (Moyer, Rettinger & Hotton (2000, cited in Clarke, 2003; Dawson & Dinovitzer, 2001). Specialized courts have two general purposes: to hold offenders more accountable while protecting victims and to provide early intervention to low-risk or first time offenders (Tutty, Ursel, & LeMaistre, 2008). However, some models are more oriented to one goal than the other.

Calgary is in the unique position of having developed a specialized first appearance court with strong research support (Hoffart & Clarke, 2004: funded by NCPC, the Alberta government and the Tutty/Ursel SSHRC CURA project). The court has demonstrated success with respect to speeding up the justice system and referring low risk offenders to treatment with low recidivism rates. Along with these successes, the justice community developed a specialized domestic violence trial court that opened in March of 2005 to more adequately address high risk, repeat offenders. The two specialized courts work in concert, yet address different needs.

The current three year project (April 1, 2007 to March 31, 2010) has five components: 1). to collect justice data utilized to evaluate Calgary's new specialized DV trial court and the reciprocal influence on the first appearance court; 2). to conduct yearly interviews with key justice and community stakeholders; 3). to conduct interviews with victims to assess their perspectives on the efficacy of the specialized court system; 4). to conduct interviews with offenders who have gone through the system to capture their perceptions of what works; 5). to collect data on treatment outcomes of mandated perpetrators, from two partner agencies, the Calgary Counselling Centre and the YWCA Sheriff King Home.

Since this unique model has yet to be replicated elsewhere, evaluating Calgary's complete specialized court system, with aspects that address both low-risk and high-risk offenders, should have national significance, providing a model that could be adopted by other jurisdictions and offering enhanced justice and more effective protection for victims. This applied case study research will collect justice file data on all cases that proceed through the

specialized domestic violence court and the specialized domestic violence first appearance court for a five year period (from January 2004 until December 2008).

### **Law Enforcement Responses to Domestic Violence in Canada**

Police services are typically the first justice system response to domestic violence. In earlier Canadian national police reports (Pottie Bunge & Levett, 1998), a total of 19,707 police-reported spousal violent incidents were documented in 1997. More recently, in 2006, over 38,000 incidents of spousal violence were reported to police across Canada, about 15% of all violent incidents reported to the police (Bressen, 2008).

Nevertheless, a high proportion of even severely assaulted women chose not to involve the police: 45% of women who feared for their lives and 57% of women who were injured (Pottie-Bunge & Levett, 1998). This was primarily due to victims not seeing the police response as helpful. As Bressen (2008) stated:

Disclosing spousal violence is difficult for many victims. The 2004 General Social Survey (GSS) on victimization found that less than one-third (28%) of spousal violence victims reported the incident to the police, and that, before doing so, almost two-thirds (61%) had experienced more than one violent incident (Mihorean, 2005). As well, the survey found that male victims of spousal violence were less likely than female victims to contact the police (17% versus 36%) (Mihorean, 2005). (Bressen, 2008, p. 10)

Changes in law enforcement policy responses such as developing primary or dominant aggressor policies, pro-arrest or mandatory arrest protocols have been introduced in the hope of increasing the rates of reporting through increased victim confidence, and increasing the actual arrests for domestic violence. It is hoped that these would, in turn, deter further incidents of domestic assaults. The Minneapolis research from the early 1980's and the studies that replicated it focused on arrest as a deterrent and have been widely reviewed (Fagan, 1995; Stark, 1996; Worden, 2000; Zorza, 1995).

These controlled experiments used random assignment to one of several possible police responses, including arrest. This and other research (Bourg & Stock, 1994; Davis & Smith, 1995; Hirschel, Hutchison & Dean, 1992) indicated that arrests reduce recidivism for some abusers (e.g., married and employed abusers) but increase it for others (unemployed abusers and where the victim was black). Further, other innovations such as protection orders and counselling were no more effective than arrests or no-arrest procedures.

### **Developing Specialized Domestic Violence Courts in Canada**

The traditional court system presents multiple challenges to abused women. It is common for partners to attempt to coerce women to drop charges, refuse to testify or not cooperate with police. Judges may lack an understanding of the nature of domestic abuse and need specialized education. The sentences for assaulting an intimate partner have typically been lenient. Research into the deterrent effect of court disposition is rare.

Garner and Maxwell (2009) published a recent analysis of 135 reports from AUS, CAN, SWI, UK, and the US on the rates of prosecution of IPV, without regard to whether the courts were specialized or not. Across jurisdictions, one-third of IP offences reported to the police result in a prosecution and 3/5 of arrests result in charges being filed, with 1/3 of the arrests and more than half of the prosecutions resulting in convictions. When IPV was reported to the police or prosecutors, local criminal justice systems produce highly variable prosecution and conviction



rates. However, on average, these rates are notably more substantial than recognized in most previous reviews.

As one mechanism to more effectively address intimate partner violence, specialized domestic violence courts have become widespread across Canada and North America in the past decade. The need to address the unique characteristics of domestic violence is often cited as the rationale for domestic violence courts (Gover, MacDonald, & Alpert, 2003). The reasons for developing specialized domestic violence courts are many. First, without a specialized court, there are often overlapping concurrent charges relating to separate incidents with respect to the same partners. In some jurisdiction, these cases may be heard not only in criminal but also in family courts (Buzawa & Buzawa, 2003). However, this is not common in Canada where information about criminal assaults may not be admissible in family court (Jaffe, Crooks & Bala, 2008).

Another common criticism of the traditional legal approach to domestic violence is that it does not protect victims, and the offenders were seldom arrested and prosecuted. Without specialization, sentences for assaulting intimate partners have typically been lenient, not befitting the “serial” nature of the crime (Bennett, Goodman & Dutton., 1999), especially if one were to compare sentences for a similar crime committed by a stranger. To put it more bluntly, victims were often re-victimized during the justice process (Buzawa & Buzawa, 2003). One example is that victims who recant their testimony may be held in contempt of court and confined to prison, despite the fact that their reason for not testifying is because they are being threatened by the offender (The Honourable Judge Mary Ellen Turpell-Lafond, RESOLVE Research Day, Keynote Address, 2003).

Domestic violence courts fall under the larger umbrella of what are often referred to as “special courts” or “problem-solving courts”. Karan, Keilitz, and Denaro (1999) point out that there is no standardized approach to developing and operating domestic violence courts; however, they contend that there are three common challenges to the success of such courts: coordinating response within the justice system, consistent identifying and tracking cases, and collaborating with community agencies.

Two basic principles underlie specialized domestic violence courts, some of which are incorporated into separate courts (the early Ontario model) and some combined in one court (Clarke, 2003). These principles are early intervention for low risk offenders and vigorous prosecution for serious repeat offenders. The former strategy fits with what have become known as “problem-solving” courts in which those who commit crimes because they need treatment for drugs or mental health issues, are offered the opportunity to receive such assistance in the hope that they will not re-offend (Van de Veen, 2003). Vigorous prosecution, in contrast, often involves specialized police units and Crown attorneys working with offenders and victims to ensure the strongest prosecution effort possible. In a recent U.S. study (Ventura & Davis, 2005), in a court with specialized prosecutors, convictions for domestic violence or a related charge were significantly related to less recidivism.

The term “specialized court” entails more than the court system. Most involve community treatment agencies coordinating with the efforts of (sometimes) specialized police units, Crown prosecutors, and probation officers (Babcock & Steiner, 1999; Shepard, 1999). In fact, there are many different models of specialization. More important is the different processes that the specialized courts can adopt including judicial review (Gondolf, 2002) and relying less

on the victim testifying by, for example, acquiring photographs of the victim's injuries or tapes from 911 phone calls (Dawson & Dinovitzer, 2001). Others develop programs to support and advocate for victims in the hope that they will testify (Hoffart & Clarke, 2004). Two studies (Weisz, Tolman & Bennett, 1998; Barasch & Lutz, 2002) found that victims who utilized advocacy programs and protection orders were much more likely to testify or have the cases completed in court.

The processes in Canadian specialized domestic violence courts that focus on early intervention are different. Some require the accused to plead guilty before attending batterer intervention programs; others withdraw the charges but impose a peace bond. Some utilize judicial or court review in which the accused periodically return to court to review their compliance with treatment (Gondolf, 2002; Healey, Smith & O'Sullivan, 1998).

The speed with which the court facilitates the accused starting treatment also varies based on the court processes. In Gondolf's four-site evaluation of batterer interventions, the length of the program was less important than the time it took to begin the program. The men in the programs with pre-trial mechanisms were much more likely to stay in treatment (2002, p. 214).

In courts that focus on vigorous prosecution, vertical prosecution is often used, in which specialized Crown prosecutors keep the case from first appearance through trial (Ursel, 2002). The cases are often enhanced by investigations conducted by special domestic violence police teams.

Maytal (2008) conducted an extensive review of the history of the judicial response to domestic violence in the United States. The author concluded that the specialized domestic violence courts have sorted out many of the problems inherent in prosecuting under the normal criminal justice system including: (1) integrating civil protection orders and domestic violence criminal cases, resulting in increased efficiency (shortened time, and encouraging courts and prosecutors to take all domestic violence incidents seriously) (p. 219); (2) decreased judicial insensitivity with courts setting guidelines for abuse proceedings. All judges assigned to the specialized court adhere to the guidelines and routinely emphasize to the offenders that domestic violence is a serious crime (p. 220); (3) increased victims services (p. 220); (4) increased offender accountability especially being ordered to attend a treatment program, abstain from drugs and alcohol, undergo substance abuse testing, and be assigned longer terms in batterer intervention programs (p. 221), as compared to offenders in non-specialized locations.

### **Research on Different Models of Specialized Domestic Violence Courts**

The specialized domestic violence courts in Canada have been conceptualized using a number of different models. While a select few have been evaluated, most reports are not published and are difficult to access. We rely heavily on Clarke's best practices review (2003) for the evaluation findings reported in this section.

Winnipeg established the first dedicated family violence court in 1990 and appointed dedicated Crown attorneys in attempts to address these problems (Ursel, 1998; 2000; 2002). According to the Ursel's evaluation, before specialization the most common outcomes were conditional discharges and fines. After specialization it was supervised probation (most often with a condition to receive treatment) and incarceration.

Ontario developed a system of 54 specialized domestic violence courts/processes in every jurisdiction in the province by 2004 (Clarke, 2003). An evaluation by Moyer, Rettinger and

Hotton (2000, cited in Clarke, 2003) focused on the initial model where some sites utilized early interventions and other used vigorous prosecution. In Ontario's early intervention model, the accused pleads guilty as a condition to being mandated to treatment. Moyer et al. reported that case process times were significantly reduced, a higher proportion of accused entering the program pled guilty as compared to the year before the project was implemented and treatment started soon after referral. Victims in the early intervention sites were significantly more likely to be satisfied with the case outcomes than other victims.

The Domestic Violence Treatment Option (DVTO) located in Whitehorse, Yukon was evaluated by Hornick, Boyes, Tutty and White (2008). The program includes a therapeutic treatment program, the Spousal Abuse Program (SAP), and an elaborate intervention system. In the vast majority of situations, the first appearance occurs within approximately two weeks after charges are laid by the police. In addition to fast tracking the cases into the court, the DVTO system has encouraged offenders to accept responsibility earlier in the process by providing them with a viable alternative to proceeding to trial. Those who plead not guilty and proceed to trial often spend up to six months in the court system before final disposition and sentencing. Then those who are found guilty are usually required to attend SAP as a condition of their sentence.

In 2000, Calgary established a specialized domestic violence initial or docket court, which is a critical point of entry into the regular court system. In 2005, Calgary created a specialized domestic violence trial court; however, the court data presented in this report represent the first available to assess this important additional development.

In the specialized first appearance court, offenders that are considered at low risk of re-offending can have their charges withdrawn and receive a peace bond at the docket court. The Crown prosecutor reads the particulars of the offence into the record and has the accused acknowledge its accuracy, so that this information is on file in the event of a re-assault (Hoffart & Clarke, 2004). While some community stakeholders have expressed concerns about this process, Hoffart and Clarke clarified that, "those with Peace Bonds tend to make quicker linkages with treatment and are less likely to drop out than those without Peace Bonds." (p. xiii).

They also noted that the offenders with peace bonds were mandated to treatment in a timely fashion, so that they are less resistant to such intervention. Such early case resolution is a key principle of the model and refers to the ability to set court dates quickly so as to facilitate rapid referral of eligible offenders to treatment.

"About 46% of the cases were concluded within two weeks from the first appearance in the Domestic Violence Docket Court (an average of 37 and a median of 17 days). About 86% of the HomeFront cases were resolved within two adjournments or less. The length of time between first appearance and disposition in the specialized Docket Court was consistently shorter and required fewer adjournments than during the baseline period. On average, the baseline cases were resolved in about two months (a mean of four and a median of three adjournments)." (p. xiii)

Hoffart and Clarke (2004) found that accused that went through the specialized docket court were much less likely to commit new offences, compared to accused in the baseline sample prior to the inception of the specialized court: 12% as compared to 34%. Further, proportionally fewer of these accused breached conditions of recognizance (6.1%) than did the accused in the baseline sample (17.6%), suggesting the positive impact of the reduced time between the incident and appearance in docket court.

Edmonton instituted a specialized trial court in 2001, but until recently, the first appearance (docket) court was not specialized. Research comparing the Winnipeg model to Calgary and Edmonton is almost completed but results are not available for this report (Tutty & Ursel et al., in preparation). Of note, is that both Edmonton and Calgary recently changed to what more closely resembles the Winnipeg model where both docket and trial court are specialized, suggesting the importance of both components.

Evaluations of two American specialized courts in San Diego (Peterson & Thunberg, cited in Clarke, 2003) and in Brooklyn (Newmark, Rempel, Diffily & Kane, cited in Clarke, 2003) provided similarly positive findings with respect to baseline data that compared variables such as time to disposition, increased proportion of offenders being placed on probation or mandated to treatment and recidivism.

When implemented with attention to the challenges described by Karan, Keilitz and Denaro (1999) and features such as those described by MacLeod and Weber (2000), there is evidence that specialized courts are effective. In a quantitative study of a rural jurisdiction in South Carolina, Gover, MacDonald, and Alpert (2003) concluded that the implementation of a domestic violence court increased arrest rates by 10% and that defendants processed through the specialized court were 50% less likely to recidivate than those processed before the court's creation. The researchers concluded that collaboration with community agencies, centralization of services for defendants and victims, dedicated court personnel, consistent case processing, and defendant monitoring were key to the effectiveness of the court's response.

In their U.S. study of domestic violence courts, MacLeod and Weber (2000) asked court staff for their perspectives of the courts. The court process itself was perceived as having a beneficial effect insofar as the process was quicker, allowed more supports for victims, facilitated better case coordination, and, of particular importance to a number of respondents, allowed one judge to follow the case through to completion (though it is important to note that not all courts have this option). Further, enhanced knowledge among court personnel about domestic violence, increased resources as a result of community collaboration, and improved accessibility and "user-friendliness" were cited as important effects of the specialized courts.

### **Factors influencing Court Process and Outcomes**

Some researchers have investigated factors that may influence court process and case outcomes. Ursel (2002) reported that in the Winnipeg Family Violence Court, domestic violence cases involving both the spouse and child(ren) are more likely to result in conviction than cases involving a spouse alone. According to Ursel, this could be related to hesitance to stay cases involving children, higher motivation of women to testify, and an increase in witnesses if the child can testify. Further, Ursel found that spouse and child cases resulted in more severe penalties for the defendant.

In a Canadian study of judicial decision making between 1970 and 2000, Crocker (2005) concluded the intimate nature of the crime is itself a factor in determining sentence severity. In a 1996 Australian study of judges' sentencing statements, Warner found that a number of factors influenced judges' determination of an appropriate sentence. For some of the judges, the domestic nature of the crime, the victim's wishes, hardship for the family, provocation from the victim, and emotional stress or intoxication on the part of the offender were seen as mitigating factors that called for a lighter sentence. However, for some of the judges, the domestic nature of the crime, which was seen as a breach of trust, and intoxication were counted as aggravating

factors calling for a harsher sentence, while sentencing based on victim's wishes were seen as problematic insofar as the offender could manipulate the situation to his advantage.

Warner's description (1996) pointed to another factor influencing sentencing: the subjective nature of determining leniency. In one case, the trial judge viewed two years, 11 months in custody as lenient for a violent sexual assault for which he would have ordered 7 to 8 years without the victim's appeal for leniency, however, on appeal the offender was given a sentence of probation.

### **Batterer Intervention Programs**

Batterer intervention programs, almost exclusively offered in a group format, were first developed in the late 1970s based on concerns expressed by advocates for abused woman (Cranwell Schmidt et al., 2007; Feder & Wilson, 2005; Gondolf, 2002). Initially slow to evolve due to voluntary attendance and poor retention rates (Gondolf, 2002), today, batterer intervention programs are a key component of the criminal justice system's response to domestic violence (Ursel, Tutty, & LeMaistre, 2008). In the 1980s, these programs received increased attention as a result of new mandatory arrest policies for domestic violence offenders. The resulting increase in perpetrators being mandated to treatment as a part of their sentencing caused a surge in the development of new batterer intervention programs (Gondolf, 2002).

The programs vary in their approach to helping batterers acknowledge and change their abusive behaviour. A pro-feminist psychoeducational approach, known as the Duluth model (named after the Domestic Abuse Intervention Project in Duluth, Minnesota), is the most frequently used model (Feder & Wilson, 2005). The Duluth model views domestic abuse as being rooted in patriarchal societal beliefs that portray men as having the right to exert power and control over women (Babcock, Green, & Robie, 2004). Feminist principles are used to confront the men's beliefs, assist them to recognize their wrongful actions, and replace them with more appropriate behaviours that appreciate woman as equal partners in the relationships (Pence & Paymar, as cited in Babcock et al., 2004, p. 1026).

Cognitive-behavioural approaches to batterer treatment consider intimate partner violence to be a learned behaviour and require offenders to recognize their abusive behaviour as under their control (Feder & Wilson, 2005). Cognitive-behavioural treatment (CBT) focuses on changing the batterer's behaviour by providing him with tools and skills to deal with conflict and communicate more effectively (Babcock et al., 2004; Feder & Wilson, 2005). CBT includes a component on anger management, although most programs address this in at least one session. Although the Duluth model and CBT are typically seen as two different approaches to batterer treatment, many programs now incorporate both methods (Babcock et al., 2004).

Approaches using narrative therapy have increasingly been offered (Augusta-Scott, & Dankwort, 2002; McGregor, Tutty, Babins-Wagner & Gill, 2002; Babins-Wagner, Tutty & Rothery, 2009). For example, Calgary Counselling's Responsible Choices for Men program, the focus of this report, is a narrative therapy approach with a feminist perspective developed by Australian family therapist Alan Jenkins. The program invites the participants to review their beliefs about their selves in relation to the world, to challenge beliefs that are based on distorted perception, and to assist the men access their preferred or honorable selves (Jenkins, 1990).

Couples therapy is less frequently used and has been criticized for putting victims at increased risk for further victimization and for wrongfully insinuating that the woman are also

partly responsible for the abuse (Babcock et al., 2004; Bograd & Mederos, 1999; Feder & Wilson, 2005, Johansson & Tutty, 1998). Additionally, couples therapy is considered inappropriate in most court-mandated treatment cases due to the severity of the violence that is likely present (Bograd & Mederos, 1999).

Currently, batterer programs are the most prominent interventions for dealing with men who abuse their partners. The idea of mandating batterers to treatment as a part of sentencing is supported by research that finds court-mandated batterers are more likely to complete treatment over self-referred batterers (Rosenbaum, Gearan & Ondovic, 2001). The evaluation of their efficacy is essential and has received increased attention by domestic violence researchers. Ineffective interventions may not only be doing little to change batterers' abusive behaviour but may put victims at increased risk. Gondolf found that a batterer's attendance in a program is the "most influential factor in a woman's return to her abusive partner" (2002, p. 29). This research emphasizes the critical need to evaluate batterer treatment programs.

Despite the different approaches in batterer intervention programs, three common goals are to reduce re-abuse, to change the batterer's attitudes and beliefs that justify abuse, and to provide him with the skills to change his abusive behaviour (Davis, Taylor, & Maxwell, 2000). Researchers have largely relied on quantitative studies that either used recidivism rates or clinical measures of attitudes to evaluate the efficacy of batterer intervention programs.

Additionally, several researchers have employed a qualitative approach to gain greater insight into the victims and batterers experience of treatment and its outcomes. The purpose of this literature review is to provide an overview of the quantitative and qualitative research that examines the efficacy of mandated treatment for batterers. In addition, research on the efficacy of different program models is reviewed. The report concludes with suggestions for future research.

### *Quantitative Evaluations of Batterer Intervention Programs*

The research evaluating batterer intervention programs that use clinical and attitudinal measures is based on the assumption that domestic violence is linked to the batterer's belief systems. Batterers tend to hold sexist beliefs that entitle them, as a male, to use abusive behaviour to exert power and control over woman (Cranwell Schmidt et al., 2007). Therefore, clinical measure studies are aimed at uncovering any changes in the batterer's attitudes and belief systems that justify his abuse towards woman. These studies are thought to provide insight into the mechanisms of change that will later translate in a reduction of future intimate partner violence (Bowen, Gilchrist, & Beech, 2008). Most use a pretest and posttest design, with the posttests being administered either immediately following the completion of treatment or shortly thereafter.

Numerous evaluations of treatment for men that abuse intimate partners have been conducted. Canadian studies include Augusta-Scott and Dankwort (2002) in Nova Scotia; Montminy, Roy, Lindsay & Turcotte (2003) in Quebec; Palmer, Brown and Barrera (1992); Barrera, Palmer, Brown, and Kalaher, (1994), Scott and Wolfe (2000) and Tutty, Bidgood, Rothery and Bidgood (2001) in Ontario and McGregor, Tutty, Babins-Wagner and Gill (2002) in Alberta.

In 1997(a), Gondolf counted a total of 30 published single-site program evaluations, many with methodological shortcomings such as quasi-experimental and exploratory research designs. Gondolf (1997b) concluded that these methodological limitations resulted in no clear evidence of

the efficacy of treatment. He did, however, note that the “success rates” of batterer programs are comparable to others such as drunk-driving, drug and alcohol, and sex offender programs.

The quantitative studies that used clinical measures generally conclude that the programs effectively increase a batterer’s personal control and responsibility for his actions (Bowen et al., 2008; Feder & Forde, 2000; Tutty, et al., 2001), reduce perceived stress by increasing coping skills (Buttall & Pike, 2003; Tutty et al., 2001), and decrease depression and anger (Hamberger & Hastings, 1988). Additionally, batterers attending treatment programs have increased their social support network (Tutty et al., 2001). Stewart et al. (2005) also found that treatment completers decreased jealousy and negative attitudes about relationships, had more positive attitudes towards achieving program goals, and increased their use of skills to prevent re-abuse.

Motivation and treatment readiness have also been addressed by studies using clinical outcome measures. The importance of being intrinsically motivated to change has been raised as an important concern regarding batterers who are court-mandated to treatment versus self-referred (Stuart, Temple & Moore, 2007). However, Cranwell Schmidt et al. (2007) found that court-mandated batterers are initially motivated to cease their abusive behaviour by short-term consequences, such as job loss or fear of arrest, but that upon completion of treatment they are more likely to be motivated by the effects of abuse on the family or a desire to improve their family relationship. Stewart et al. (2005) also found batterers’ readiness to change increased from the beginning to the end of the treatment program. This research suggests that, in general, batterer intervention programs are meeting the goals of changing batterer’s beliefs about woman and domestic violence, and encouraging the development of vital skills for more effective conflict resolution.

It is assumed that these changes in batterers’ attitudes will translate into a reduction in violence. However, research does not necessarily support this assumption. Tutty et al. (2001) did find a significant reduction in frequency and severity of abusive behaviour in their study that also found significant attitudinal changes pre- to post-treatment. However, other researchers have cautioned that attitudinal changes are not necessarily associated with significant reductions in re-abuse and more research is needed to establish the connection between them (Cranwell Schmidt et al., 2007; Gondolf, 2000).

For this reason and issues with reliability and social desirability of batterer self reports, in their meta-analysis of court mandated treatment, Feder, Wilson, and Austin (2008) chose to exclude studies that only used attitudinal changes as an outcome measure. In response to such concerns, researchers such as Babins-Wagner, Tutty and Rothery (2005) have incorporated measures of social desirability that are used to adjust scores on the outcome measures. Such adjustments typically shift the scores into the clinical range.

Despite confounds such as those highlighted previously, pretest and posttest measures of outcomes do provide valuable information about the treatment process and batterers’ progression through it. In conjunction with those on recidivism, these studies provide a more complete picture of abusers, the efficacy of batterer intervention programs and the treatment process.

### *Qualitative Studies on Batterer Intervention Programs*

Very few studies have investigated the impact of batterer treatment programs qualitatively (Hanson, 2002). However, the value of qualitative studies should not be discounted. In addition to providing more in-depth and detailed information about, “what

batterers actually take [away] from programs” (Gondolf, 2000, p. 205), qualitative research gives a voice to both the batterers and their partners, and the opportunity to share their experiences. Two studies have examined the efficacy of batterer intervention programs through qualitative means.

Gondolf (2000) conducted interviews with both the perpetrators of domestic violence and their partners to examine the avoidance methods used by the batterers. His study provided evidence that batterers attending treatment programs developed and became more skilled at using avoidance methods to cease their abusive behaviour. Additionally, Gondolf found a greater association between particular avoidance methods, such as discussion, and a decrease in re-abuse, as reported by both the men and women. A perhaps surprising finding pointing to the overall success of the programs is that the men reported needing to use some method of avoidance less frequently in later post-treatment interviews in comparison to those conducted earlier on.

Scott and Wolfe (2000) conducted interviews with nine batterers who had successfully ceased their abusive behaviour after attending a domestic violence treatment program. The semi-structured interviews gave the men the opportunity to explain how the groups had assisted them in changing their abusive behaviours. At least three-quarters of the men identified the following as being important aspects of treatment: (1) taking responsibility for past behaviour, (2) gaining greater empathy for their partners and the effects of their behaviour on the family members, (3) recognizing that they are responsible for their choices and actions, (4) acknowledging their partner as autonomous individuals with a right to her own feelings and thoughts, (5) developing better communication skills that allowed them to resolve conflicts more effectively and without violence.

### *Batterer Intervention Programs and Recidivism*

Whether offenders re-abuse their partners has been the focus of a large body of research on batterer intervention programs, finding that the programs generally have a small but significant effect on reducing recidivism (Babcock, Green, & Robie, 2004). In their meta-analysis of 22 mostly quasi-experimental evaluations of domestic violence treatment, Babcock and colleagues found no differences between treatment models (Duluth compared to cognitive behavioural, etc.) but that treatment had a significant but small effect on recidivism in addition to the effect of being arrested.

The findings from these studies are overwhelming positive. Stewart, Gabora, Kropp and Lee (2005) concluded that domestic violence offenders who failed to complete mandated treatment recidivated at a rate 3.76 times more than those who attended treatment programs. Babcock and Steiner (1999) reported that only 8% of treatment completers reoffended in comparison to 23% of non-completers, a statistically significant difference. These recidivism rates are similar to those in Cairn’s 2005 study of three Calgary, Alberta treatment programs (6% versus 23.7%) and of Coulter and VandeWeerd’s 2006 study of multi-level batterer treatment programs (8% versus 21%).

Another key question about batterer treatment programs is whether court-mandated offenders benefit in comparison to those who self-refer. Edleson and Syer (1991) compared six treatment conditions finding, that, at 18 month follow-up, men involved with the courts had lower levels of violence than “voluntary” group members. Similarly, Rosenbaum, Gearan and Ondovic



(2001) found that court-referred men who completed treatment had significantly lower recidivism rates than self-referred men.

Other researchers have reported overall higher rates of re-abuse but showed the same significant reduction in recidivism based on treatment completion. Bennett, Stoops, Call, and Fleet's (2007) study had a recidivism rate of 14.3% for batterers who completed the program, which compares favourably with the 34.6% recidivism rate for non-completers.

Other studies suggest that batterer intervention programs are associated with a greater reduction of re-abuse than incarceration for domestic violence offences. Using a quasi-experimental design, Babcock and Steiner (1999) and Ursel and Gorkoff (1996) found that batterers who attended treatment were significantly less likely to recidivate than those who were sentenced to jail. Babcock and Steiner (1999) found a remarkable 55% difference in recidivism between treatment completers (8%) and incarcerated batterers (63%).

Ursel and Gorkoff examined the recidivism rates of incarcerated individuals who received treatment in a minimum security jail with those in high security facility and no established treatment program. They confirmed that batterers who attended the established treatment program were less likely to recidivate. Caution may be needed in interpreting these findings as batterers who were sentenced to jail time versus those who were mandated to treatment may differ on other characteristics, such as criminal history or the severity of the offence, which may make them more likely to recidivate. Similarly, batterers completing jail time in a high security facility may represent more high-risk offenders that are more likely to reoffend regardless of treatment. In another quasi-experimental study, Labriola, Rempel and Davis (2008) compared attendance in a batterer intervention program to rigorous monitoring by probation and found no significant difference in reoffending between the two groups.

While these studies appear to provide strong evidence for the effectiveness of batterer intervention programs in reducing recidivism, their findings must be interpreted with caution. All utilized quasi-experimental designs. Therefore, the possibility exists that other variables may explain the difference in recidivism rates between treatment completers and non-completers. While it is promising that researchers who did control for differences in individual variables still found a significant reduction in recidivism (Babcock & Steiner, 1999 & Bennett et al., 2007), the effect of differences between completers and non-completers cannot be ruled out (Bennett et al., 2007; Coulter & VandeWeerd, 2006; Feder & Dugan, 2004; Feder & Wilson, 2005).

In fact, researchers have suggested that there are significant differences between batterers who follow through with completing their mandated treatment and those who fail to attend or drop-out. In comparison to non-completers, batterers who complete treatment are less likely to have criminal histories (Babcock & Steiner, 1999; Ursel & Gorkoff, 1996), have greater incomes (Babcock & Steiner, 1999), higher education levels (Babcock & Steiner, 1999), are more likely to be employed (Bennett et al., 2007; Cairns, 2005), married (Bennett et al., 2007; Cairns, 2005), and be younger (Bennett et al., 2007). Additionally, Cairns (2005) found that completers show fewer signs of anti-social behaviour, mental health problems, or substance abuse.

Several researchers established support for the stake in conformity theory (Bennett et al., 2007; Feder & Dugan, 2004). Stake in conformity has been found to predict both likelihood of following through with treatment and re-offending. Feder and Dugan (2004) concluded that, "Men who are unlikely to be deterred by the consequences of missing their court-mandated SAAP sessions are also less likely to be deterred by the consequences of reoffending" (p. 8).

To avoid the affect of confounding variables, theoretically, the ideal method for evaluating the efficacy of batterer intervention programs is using a true experimental design that randomly assigns convicted batterers to treatment and control conditions. However, given the nature of domestic violence and the societal belief that some treatment is better than no treatment, for ethical reasons, the criminal justice systems may be reluctant to agree to an experimental design that assigns some batterers to a no-treatment condition. Consequently, only four studies were identified that randomly assigned batterers to receive treatment or to receive an alternative criminal justice intervention, most commonly probation. The results of these studies are mixed.

Two studies found that attending batterer intervention programs significantly reduced recidivism in comparison to only receiving probation (Davis et al., 2000; Palmer, Brown, & Barrera, 1992). It should be noted that in the Davis et al. study significant findings were based on official records of re-arrest. Victim reports of re-abuse showed the same general trend but the differences in recidivism rates were not significant.

In contrast to these studies, Feder and Forde (2000) found no significant difference in recidivism between groups of batterers randomly assigned to mandated treatment or probation only. Recidivism in this study was based both on self-reports from the batterer and the victim, and on official records of probation violations.

The fourth study using an experimental design, compared batterers who received treatment with those who were rigorously monitored by a case manager. Dunford (2000) again found no significant difference in recidivism. However, Dunford's experiment was conducted in a military setting and may lack generalizability to other populations in addition to also focusing on participants with a greater stake in conformity.

The randomized clinical trials in Broward County, Florida and Brooklyn, NY (Jackson, Feder, Forde, Davis, Maxwell & Taylor (2003), raised serious questions about batterer intervention programs when neither found statistically significant differences between violations of probation or re-arrests in men randomly assigned to either treatment or a control condition. These conclusions, using the "gold-standard" of experimental research designs, created significant concerns about such treatment.

Gondolf (2002) responded with critiques of the implementation of the last two studies. In at least some instances, random assignment did not occur, the groups were characterized by high drop-out rates and it was difficult to access victims for follow-up reports, casting doubt on the interpretation of the findings. In his multi-site evaluation of four batterer treatment systems, with variation on whether referrals were pretrial or after trial, length (from 3 months to 9 months) and whether addition services were offered, Gondolf (1999) found no significant differences across programs in re-assaults, portion of men making threats and the quality of the victims' lives. A subgroup of about 20% of the referrals was identified as dangerous men who continued to assault their partners despite intervention. Such offenders need a different treatment approach, however are difficult to identify. Further, Gondolf recommends screening for severe substance abuse and psychological problems that are associated with dropping out (2002).

Rather than the cessation of violence, Gondolf (2002) refers to "de-escalation of assault", finding that, while nearly half of the men in the four treatment sites re-assaulted their partners at some time in the nine months following program intake, two and a half years later, more than 80 percent had not assaulted their partner in the past year (based on partner reports) and the severity of

the assaults were reduced. This fits with the points raised by Jennings (1990) who has questioned whether the absolute cessation of violence during treatment was a fair standard, when in treatments for other problems such as alcoholism, clients are expected to relapse, but learn from these experiences to help them resist in future.

Gondolf's final recommendation is to provide programs as early as possible and to shift the focus from program length to program intensity (2002, p. 214). For example, as soon as possible after charges and during the crisis when motivation tends to be the highest, offenders could attend counselling three or four times per week for the first four to six weeks.

### *Program Factors*

Most comparisons of different models of batterer intervention programs conclude that no one model is better than others (Babcock et al., 2004; Bennett & Williams, 2001). Hanson and Wallace-Capretta (2000) compared four different treatment models and concluded that what is more important than program approach is that they are implemented soundly. In a study that seems to support this contention, Ursel and Gorkoff (1996) found that batterers who received treatment from an established program had the highest reduction in recidivism as compared to individuals who received treatment from a new and less experienced program facilitators.

Research on the effects of program length is inconclusive. Bennett and Williams (2001) found no difference based on length of program. Similarly, Gondolf (1999) found little evidence of the importance of program length, however there was a general trend in his study that the longer, more comprehensive program resulted in a greater reduction of severity and frequency of repeat abuse. Davis et al. (2000) found that only the longer 26-week batterer intervention programs significantly reduced recidivism, with no difference in reoffending between the batterers who attended a 8-week program or received only probation. A plausible explanation is that a certain number of weeks or sessions may be required for treatment to be beneficial but beyond that, no further gains are made.

Some researchers have suggested that batterers' individual characteristics have a considerable impact on what type of batterer intervention program will be most successful for them (Bennett & Williams, 2001; Lohr et al., 2006; Medros, 1999). Much research has identified characteristics of batterers that make them more likely to recidivate, including a prior criminal history (Hanson & Wallace-Capretta, 2000; Shepard, 1992; Ursel & Gorkoff, 1996), the duration of abuse (Shepard, 1992), substance abuse (Fals-Stewart, 2003; Shepard, 1992), and witnessing or experiencing abuse as a child (Shepard, 1992).

High-risk offenders are typically thought to be some of the hardest to treat. Hendricks, Werner, Shipway, and Turinetti (2006) evaluated a program for high-risk domestic violence offenders. They found that batterer treatment is beneficial for even high-risk offenders, who recidivated significantly less after attending a combined psychoeducational and cognitive skills training program, 23.5% recidivism as opposed to 41.2% for program dropouts.

Therefore, the efficacy of batterer intervention programs may depend on the ability of the program to address the varied needs of batterers. Domestic violence researchers have speculated that additional interventions, in particular substance abuse treatment, may notably increase the effectiveness of batterer treatment programs (Cairns, 2005; Easton, Mandel, Babuscio, Rounsaville, & Carroll, 2007; Gondolf, 2002; Stuart, 2005; Stuart et al., 2007).

### *General Conclusions on the Efficacy of Batterer Intervention Programs*

Despite the mixed results on the efficacy of batterer intervention programs, generally domestic violence researchers agree that batterer intervention programs have at least a small effect at reducing re-abuse (Babcock et al., 2004; Feder & Wilson, 2006; Feder et al., Wilson, 2008; Lohr et al., 2008; Stuart et al., 2007). Bennett and Williams (2001) concluded that the effect of these programs should not necessarily solely be measured in terms of statistical significance but in regards to practical significance. Research using clinical measures and qualitative studies to examine changes in batterer's attitudes, beliefs and behaviours suggest that the efficacy of the programs is practically significant.

Batterer interventions are perhaps best thought of "not themselves as a cure but a reinforcing component of a coordinated community response to domestic violence, wherein a program's success reflects on the effectiveness of the overall system in addressing domestic violence" (Gondolf, as cited in Hanson, 2002, p. 437). Batterer intervention programs need to be a part of a *coordinated* community response in which the criminal justice system, batterer intervention programs, victim services and advocates work together and inform each other, and where the evaluation of these domestic violence interventions is ongoing.

In summary, while there has been considerable scepticism expressed by victim's advocates about the effects of batterer intervention programs for court-mandated clients, the research supports their utility for a relatively large proportion of those charged with assaulting intimate partners. The proviso that some repeat offenders and others with co-occurring problems such as substance misuse and psychological problems are not amenable to the models currently in use suggests the need to conduct further research on identifying these subgroups and developing appropriate interventions.

### **How Researchers Define Recidivism**

Debate about how we measure the success of criminal justice and treatment interventions is not new. It has been repeatedly asked in literature dating back to 1937 (Mead, 2005) and may be the one of the most troubling methodological issues for researchers of domestic violence (Gondolf, 2002). The goals of domestic violence interventions are multi-faceted and, therefore, a single method for measuring program success is inadequate. Instead, the effectiveness of domestic violence initiatives has been investigated through clinical self-report measures of batterer's behavioural attitudinal changes, quantitative data on the offender recidivism and qualitative studies of victim's and batterer's experiences, interviews with practitioners and criminal justice personnel. As decisions about the development, improvement or termination of interventions are made based on evaluation of their effectiveness, it is essential that outcome measures chosen are linked to both the goals of the program and the evaluation (Maltz, 1984).

An overarching goal of domestic violence interventions is reducing future domestic violence assaults (Moore, 2009). Therefore, researchers have used recidivism as an outcome variable to study various elements of the specialized domestic violence courts, including case processing time, judicial monitoring, predictors of re-assault, and treatment programs (Moore, 2009). In other domestic violence research, recidivism has been used to establish the efficacy of coordinated community responses and case management practices, and to examine patterns of re-offending. Other criminal justice research has also used re-offending rates to determine the effectiveness of specialized mental health court programs, drug courts and the treatment for sex offenders. Despite its widespread use, researchers lack a shared definition or common standard for measuring recidivism.

Although the focus of the current research is primarily specialized domestic courts and the associated mandated batterer intervention programs, looking beyond this focus to see how other researchers define recidivism is logical at this point in time. Given the diverse ways in which recidivism has been defined and the number of researchers who have voiced their struggles to determine how to most effectively measure it (Nouwens, Moliuk, & Boe, 1993), this report reviews research on criminal justice with respect to specialized domestic violence courts (see Appendix 1), other more general research on domestic violence (see Appendix 2), and on the efficacy of batterer intervention programs (see Appendix 3). More recent research on interventions in other areas of the criminal justice system (see Appendix 4) is also explored. The purpose of the review is to gain an understanding of how recidivism has been defined in the literature and to inform future research practices that use recidivism as an outcome variable.

Bonta, Rugge, and Dauvergne (2003) suggest that the following four primary areas be considered when determining how to measure recidivism, (a) what data will be used to determine re-offending, (b) the nature and types of recidivism to be measured, and (c) the length of the follow-up period. These three considerations, among others, are considered in an attempt to address the questions: How is recidivism best defined to measure the success of specialized domestic violence courts?

### **What Method and Data are used to Measure Recidivism?**

Recidivism can be measured in several different ways. Data can be collected from official criminal justice records, victim's reports, or batterer's self-reports. Criminal justice records can be searched to identify subsequent incidents of domestic violence based on records of arrest, convictions, breaches or the issuance of new protection orders. There are advantages and disadvantages of using any one of these measures of recidivism. What is important to recognize is that the measurement selected will affect the study's results (Bynum, Carter, Matson, & Onley, 2001). For example, research using official records typically finds much lower recidivism rates than that using victims' reports of re-abuse (Buzawa, Hotaling, Klein, & Byrne, 1999; Dunford, 1992; Harrell, Newmark, Visher, & Castro, 2007).

#### *Official Criminal Justice Records*

Most researchers who assess criminal justice interventions use official police and court records to measure recidivism (Maltz, 1984; Tutty, McNichol & Christensen, 2008; Ursel & Hagyard, 2008). This is the case across evaluations of the efficacy of domestic violence courts, batterer intervention programs, and other areas of criminal justice research, such as studies on sex offenders or drug courts.

Police records of re-arrests are the most commonly collected criminal justice data. Of the research reviewed on specialized domestic violence courts, the majority used re-arrest records to determine recidivism rates, regardless of whether the offender was convicted of the offence or not (Buzawa et al., 1999; Davis, Smith, & Rabbit, 2001; Gover, MacDonald, & Alpert, 2003; Harrell et al., 2007; Hoffart & Clarke, 2004; Hornick, Boyes, Tutty, & White, 2005; Newmark, Rempel, Diffily, & Kane, 2001; Tutty et al., 2008; Ursel & Hagyard, 2008; Visher, Harrell, Newmark, & Yahner, 2008).

One concern with using arrest data is the potential to include unsubstantiated claims or false positives, since the disposition of the charges will not have been decided. For this reason, Hendricks, Werner, Shipway, and Turinetti (2006) suggest that researchers restrict their

definition of recidivism to reconvictions. However, in this review, only one study of domestic violence courts required that the offender be convicted of the subsequent offence (Quann, 2006). Other criminal justice research also rarely relies solely on records of reconvictions. The reluctance of researchers to restrict recidivism to reconvictions is likely because not all offences, even if they did occur, result in convictions and so convictions likely to underreport the rate of re-offending.

Official records, in general, are thought to underestimate recidivism since they require contact with the criminal justice system, generally through the police, but also by contacting probation officers (Newmark et al., 2001; Shepard, 1992). For that reason, most researchers are less concerned about including unsubstantiated claims and choose not to limit their use of official records to reconvictions alone (Toffelson, Webb, Shumway, Block, & Nakamura, 2009). Instead, other records of police and court involvement, such as incident reports, arrests, official complaints, and probation violations are included in the recidivism data regardless of whether a conviction was obtained. Hendricks et al. (2006) suggest following the lead of Shepard, Falk and Elliot (2002) who used investigations, charges and convictions to measure recidivism (p. 704).

Several of the specialized domestic violence court studies reviewed extended their definitions beyond re-arrest data to include any police or court record, report or complaint (Hoffart & Clark, 2004; Ursel & Hagyard, 2008). The research of Buzawa et al., (1999) was the one study that also included the issuance of a new restraining order. Definitions of recidivism that include new restraining orders or any official complaint are more common in studies on batterer intervention programs and more general research on domestic violence research.

Although less common in other areas of domestic violence research, five studies on domestic violence courts also included breaches as indicators of recidivism (Hoffart & Clarke, 2004; Newmark et al. 2001; Tutty, et al., 2008; Ursel & Hagyard, 2008; Visher et al., 2008). Caution needs to be exercised when measuring recidivism with violations or breaches as they may be insignificant or unrelated to domestic violence (Nouwens et al., 1993). For example, one could question if an offender who receives a technical violation for failing to attend a scheduled probation appointment or failing to abstain from alcohol should be labelled as a recidivist? Neither of these violations indicates that the batterer has re-assaulted his partner.

In their analysis of probation violations, Newmark et al. (2001), differentiated between technical violations due to a domestic violence offence and other non-domestic violence related breaches. Therefore, one way to provide a more accurate picture of recidivism using violations is to distinguish between the various types of breaches. Although, technical violations are not an ideal measure of recidivism, they are useful indicators of offender compliance (Nouwens et al., 1993) that may predict the likelihood of a re-assault.

An additional problem with using breaches and violations to evaluate the success of specialized domestic violence courts is the difficulty of interpreting the findings. Should the implementation of a domestic violence court increase or decrease violations? A decrease in violations may be an indication of the court's positive effect on offenders to comply with conditions of probation orders, peace bonds, supervision orders, etc. On the other hand, a more effective court system could result in a greater number of breaches, indicating that the new domestic violence court has succeeded in implementing more diligent monitoring and supervision of offenders (Newmark et al., 2001).

Based on research of specialized domestic violence courts, it is difficult to draw any conclusions about the violation patterns of batterers after the specialized court has been implemented. Hoffart and Clarke (2004) and Visher et al. (2008) found that violations increased after the domestic violence court was put into operation. Newmark et al. (2001) found no change and the two other studies provided no comparison of breaches prior to and after implementing the specialized domestic violence court (Tutty et al., 2008; Ussel & Hagyard, 2008). Without more research it is difficult to identify the pattern of violations researchers should expect after the implementation of specialized domestic violence courts.

### *Official Records Versus Self-Report*

Despite the fact that the majority of researchers rely on official records to measure recidivism, the likelihood that these underestimate re-abuse remains problematic (Shepard, 1992). Formal measures typically reflect a lower recidivism rate than do victim reports (Buzawa, Hotaling, Klein, & Byrne, 1999; Dunford, 1992; Harrell, Newmark, Visher, & Castro, 2007). In order for an official record of re-assault to exist, the criminal justice system must have intervened. However, victims of domestic violence are often reluctant to contact the police out of fear that their partner may be re-arrested and their remaining treatment stopped, or simply because of a lack of trust of the criminal justice system (Buzawa et al., 1999; Feder & Wilson, 2006; Tutty, George, Nixon, & Gill, 2008). Therefore, an alternative method of data collection is self-reports; collected from the victim, the perpetrator, or both.

In a study conducted by Labriola, Rempel and Davis (2008), victim reports of physical abuse closely matched official measures of recidivism for perpetrators who attended a batterer intervention program (15% versus 16% respectively). However, 46% of the victims indicated experiencing some form of re-abuse. In other words, 31% of victims experienced other non-physical forms of abuse that could not be captured by police and court records. Visher et al. (2008) also found that victim reports of threats and intimidation were approximately 21% to 25% higher than reports of physical assault. These findings suggest that official records alone provide too narrow a view of re-assaults to accurately assess the efficacy of specialized domestic violence courts.

Researchers rarely use batterers' reports of violence as the sole measure of recidivism, as since the offenders are considerably more likely to underreport and downplay abuse (Harrell et al., 2007; Heckert & Gondolf, 2000; Nouwens et al., 1993). In comparison to victim reports and official records, Visher et al. (2008) found that one third to one half of batterers underreported incidents of physical abuse. Batterers' denial of violence also tends to increase from treatment intake to program completion (Heckert & Gondolf, 2000). Consequently, the use of victim reports is preferred.

Even though victim reports have the advantage of capturing both physical and non-physical abuse, researchers tend not to rely on them as the sole measure of recidivism, due to ordinarily low victim response, concerns about victim safety and high attrition rates (Bennett & Williams, 2001; Feder & Wilson, 2006; Hornick et al., 2005). However, four domestic violence court evaluations used a combination of both official records and self-report measures. Two used both victim and batterer reports (Harrell et al., 2007; Visher et al., 2008) and two included victim reports only (Buzawa et al., 1999; Davis et al., 2001). The research reviewed on batterer intervention programs and other more general research on domestic violence also rarely relied only on self-report data and the majority collected victim reports of re-abuse.

## **The Nature and Types of Recidivism**

Recidivism in its most traditional form refers to any return to criminal activity (National Institute of Justice, 2008). However, researchers often restrict their definition to include only certain crimes or offences that are specific to the population being studied.

The types of offences included in recidivism rates vary widely. On one end of the spectrum are all-inclusive definitions that include almost any encounter with the criminal justice system. An example is Kindness, Kim, Alder, Edwards, Parekh, and Olson's (2009) definition, which included sexual assault, robbery, assault, burglary, larceny, auto theft, fraud, damaged property, drugs, sexual offences, family offences, liquor violations, obstructing police, flight/escape warrants, weapons offences, public peace, traffic offences (excluding minor offences), invasion of privacy, and public order crimes.

At the other extreme, are definitions that restrict recidivism to only subsequent offences involving spousal assault (Beldin, 2008; Gover, MacDonald, & Alpert, 2003; Hendricks et al., 2006; Hilton & Harris, 2004; Hornick et al. 2005; Huss & Ralston, 2008; Ménard, Anderson, & Godboldt, 2009; Toffelson et al., 2009). With the exception of research on batterer intervention programs, most domestic violence studies, including those on specialized courts, used a broader definition of recidivism that included records of any re-offence or any *violent* re-offence. Even if data was collected on all subsequent offences, a number of researchers categorized and reported their findings based on recidivism of domestic violence offences and non-domestic violence offences (Babcock & Steiner, 1999; Bennett, Stoops, Call, & Flet, 2007; Bouffard & Muftić, 2007; Coulter & VandeWeerd, 2009; Dutton, Bodnarchuk, Kropp, Hart, & Ogloff, 1997; Eckberg & Podkopacz, 2002; Klein & Crowe, 2008; Klein & Tobin, 2008; Labriola et al., 2008; Quann, 2006; Roehl, O'Sullivan, Webster, & Campbell, 2005; Visher et al., 2008).

Although none of the domestic violence court researchers explicitly stated the reason for using a broader definition of recidivism, one could speculate about why it might be advantageous to do so. In general, the mandate of most courts is a reduction in criminal activity, therefore, evaluators of any court system, specialized or not, may wish to consider reductions in general criminal activity. Additionally, a broader definition can capture information about batterers who have ceased their abuse towards an intimate partner but instead have found other inappropriate means for asserting their power and control or for managing their aggression. For example, an offender may have less spousal assault charges but increased general assault charges.

Researchers wanting to provide information on both overall criminal recidivism and recidivism specific to domestic violence may consider using a similar approach to Klein and Crowe (2008), who provided information about both a reduction in overall criminal activity and domestic violence specifically by differentiating between the terms, 're-abuse' and 'recidivism.' They used the former to describe any record of a new domestic violence offence, and the latter to refer to any new non-domestic violence charge. Differentiating between the terms re-abuse and recidivism may be a good alternative for researchers wanting to assess both an offender's return to domestic violence behaviour and return to crime in general.

### **What Length of Recidivism Follow-up Period is Appropriate?**

The length of follow-up period is another area for debate with respect to measuring recidivism and one that also lacks consensus among researchers. The lengths of time for which batterers are followed after their initial assault or post-treatment clearly impacts study results.



Dunford's 1992 study highlighted the importance of the length of follow-up period. He compared recidivism rates between batterers assigned to receive mediation or issued a no-contact order versus those who were arrested only. He analyzed recidivism data at two different time periods for both groups of batterers, six months and one year.

Statistically significant differences between the recidivism rates of the two groups were only found after the longer follow-up period. Dunford noted that the difference between the number of batterers who recidivated during the second six months versus the first six months was relatively small. A large number of offenders still recidivated for the first time during the second follow-up interval. These findings suggest that a longer tracking period may be required to adequately evaluate and compare the outcomes of various domestic violence interventions.

Klein and Tobin (2008) found a similar pattern in their study examining domestic violence offenders' characteristics, criminal history and patterns of re-abuse over a nine-year period. While the majority of re-abuse occurred during the first year of follow-up, some batterers did not recidivate for the first time until seven, eight or nine years later. The average time to first arrest was 769 days and just over 13% of the sample re-abused for the first time after three years of their initial assault, and almost 7% did not re-abuse for the first time until at least five years later. Therefore, the authors caution that short-term measures may not adequately capture long-term patterns of recidivism.

Nouwens et al. (1993) defined 'short-term recidivism' as anything up to three years of follow-up and 'long-term recidivism' as at least seven years of follow-up. All of the studies on specialized domestic violence courts used measures of short-term recidivism and had follow-up periods of three years or less. The majority of the studies reported data tracking batterers for only one year to 18 months. Ursel and Hagyard, (2008) collected recidivism data over a 10-year period, however, as offenders entered the study on a continuous and ongoing basis, the length of follow-up from one offender to another ranged greatly. Therefore, in an effort to standardize the measure of recidivism, Ursel and Hagyard restricted their analysis of re-offences to a three-year period. Although the inclusion recidivism data from the whole 10-year period may have provided some interesting insight into long-term patterns of re-abuse, Bynum et al. (2001) also advocate that offenders should ideally be tracked for the same length of time.

Although, domestic violence court studies have used short-term measures of recidivism, other domestic violence research has tracked batterer for five or more years. The use of longer follow-up periods is also supported in other criminal justice research which tends to have lengthier tracking times. The majority of the studies outside the area of domestic violence tracked offenders for five to ten years, and only one used a follow-up time of one year or less. Based on this and the lack of research addressing the long-term effects of specialized domestic violence courts on recidivism, there is reason to suggest that future studies use a longer follow-up period. After their review of the literature, Sartin, Hansen and Huss (2006) also concluded that more longitudinal studies of domestic violence are necessary.

## **Other Considerations for Recidivism**

### *Survival Analysis*

Some other key types of analysis are used to study domestic violence recidivism rates. One of these is survival analysis or analysis of the time to the first re-assault. A number of studies both in and outside of domestic violence research included some form of survival

analysis (Dunford, 2000b, Dutton et al., 1997; Ferguson, 2009; Hendricks et al., 2006; Huebner & Cobbina, in press; Klein & Crowe, 2008; Krebs, Strom, Koetse, & Lattimore, 2009; Johnson Listwan, Koetzle Shaffer, & Hartman, 2009; Labriola et al., 2008, Olver, Wong & Nicholaichuck, 2009; Quann, 2006; Zgoba & Levenson, 2008).

Collecting data on the batterers' length of time to first re-assault can be useful for comparing the efficacy of different batterer intervention models and programs. Additionally, it may help identify critical periods of time when batterers are most likely to recidivate (Duwe & Goldman, 2009; Klein & Crowe, 2008). By identifying the time frames in which batterers are more likely to re-offend, specialized court systems can target interventions to provide needed assistance during those times to reduce the likelihood that the batterer will recidivate.

### *Frequency and Severity of the Reassault*

Another consideration for measuring recidivism is the frequency and severity of re-assault. Although most data sets include the number of re-offences, according to Tutty et al., (2001), a number of domestic violence researchers define recidivism as a dichotomous variable especially in batterer intervention programs when access to police reports is not possible; offenders either recidivate or not. Other researchers analyze the frequency and severity of the re-assaults (Ferguson, 2009; Harrell et al., 2007; Jobe, 2007; Visher, Harrell, Newmark, Yahner, 2008).

Information on the frequency of re-offending gives further insight into the offenders' patterns of recidivism and the progression of their rehabilitation. Specifically it may help identify batterers who are on the road to recovery during early follow-up periods but labelled as recidivists under a dichotomous measurement of re-abuse; as Gondolf's (2002) queries, "What if a man is violent once, shortly after the program, but then is not violent for years after that?" (p. 37). As Maltz (1984) and Jennings (1990) point out, setting the expectation that batterers can suddenly stop a lifetime pattern of abusive behaviour after some intervention may be unrealistic. Therefore, recidivism defined as a dichotomous variable, with no consideration given to a reduction in frequency or severity of re-abuse may be too harsh a criterion for judging the success of domestic violence interventions.

In conclusion, recidivism remains the primary measure of batterer intervention program efficacy, and there are advantages and disadvantages to the varying ways in which it can be defined. Re-arrest data from official criminal justice records is the most common form of data collection. However, the fact that official records often underreport recidivism justifies the inclusion of official reports or complaints made to the police or courts and should be considered in future definitions of recidivism.

Official records produce a limited view of recidivism that is restricted to physical abuse that has come to the attention of the authorities (Bennett & Williams, 2001; Bonta et al., 2003; Bynum et al., 2001; Maltz, 1984). Self-report from victims and batterers are not considered a sufficient measure of recidivism on their own, but when combined with official records, provide more-detailed information that is not otherwise captured. Specifically, self-report data can be used to examine other forms of re-abuse (i.e. verbal, emotional, and sexual). Despite difficulties with high attrition and low response, researchers should attempt to include both methods for measuring recidivism.

Past researchers on domestic violence have leaned towards tracking batterers for shorter time periods of one to two years. However, several authors suggest that longer follow-up periods of five or more years are warranted in future research (Bynum et al., 2001; Klein & Tobin, 2008; Sartin, Hansen & Huss; 2006; Shepard, 1992). This is essential for studies intending to examine the long-term effects of BIPs and batterers' patterns of re-abuse. Additionally, tracking offenders for a longer period of time is likely to increase the robustness of the evaluation (Zgoba & Levenson, 2008).

Other data collection and analysis will provide a more complete picture of domestic violence intervention and treatment programs. Viewing recidivism as more than simply a dichotomous variable, allows for the inclusion of data on the length of time between assaults, the frequency of re-abuse and the severity of the offences; all of which can be used to inform future treatment and intervention practices.

Overall, domestic violence research should strive to include multiple measures of recidivism in an effort to gain a more comprehensive picture of domestic violence interventions and their outcomes (Bouffard & Muftić, 2007; Harrell et al., 2007; Sartin et al., 2006).

### **Victim's Perspectives**

The justice system response to domestic violence has been of long-standing concern to women victims and those who provide them with services. Women's safety has been a prime justification for specialized courts, yet relatively few aspects of the justice system have been evaluated to assess whether victim safety is an outcome.

As previously noted it is common for partners to attempt to coerce women to drop charges or not cooperate with police. Rebovich (1998) provides statistics indicating that between 41% and 55% of domestic violence cases are hampered by a lack of victim cooperation. Understanding this phenomenon has been the focus of several studies. Victims indicate that the slow and often confusing criminal process, fear for safety, and conflicted feelings over abuser incarceration are common obstacles (Bennett, et al., 1999). Substance abuse problems and lack of social support from family and friends of the victim significantly decreased the probability of completing the criminal process (Bennett, et al., 1999).

Many domestic violence cases do not proceed to court and, when they do, defense lawyers and others may treat women witnesses poorly. Court preparation programs have been developed in some communities to prepare and support women through the difficult process. Victims who received support from victim assistance programs in the Canadian Domestic Violence Court system reported increased satisfaction with having received sufficient information, compared with victims who did not receive such support (DVC: 52% - 64%; no DVC: 39%). Importantly, the DVC victims met with Crown prosecutors and advocate staff sooner and more frequently (Moyer & Associates, 1998).

In a study of women's responses to the specialized domestic violence first appearance court in Calgary, the results were mixed, as might be expected (Tutty & Nixon, 2004). Some women were pleased that their partner was mandated to treatment and commented on changes that they perceived. Others were sceptical that batterer treatment is effective. It appears that specialized approaches make a difference for many women whose partners are charged, however, some still fall through the cracks and specialized advocacy services are not always available or accessible.

To conclude, in comprehensive reviews of the justice system response to domestic violence, Fagan (1995) and Worden (2000) have concluded that, although we have evidence of some effects of specialized programs, many problematic questions remain. Fagan suggested that the lack of conclusive deterrent or protective effects of the criminalization and treatment of domestic violence offences are due to three factors: 1) the complexity of social and individual contexts of domestic violence; 2) weak research designs and the limits imposed on policy experiments (e.g., absence of continuous measures of intervention; random assignment not practical or justifiable); and 3) theoretical issues in male violence (e.g., different types of battering; differentiating between interpersonal and domestic violence).

Most authors concur that evaluation of the efficacy of both the current responses to domestic abuse and specialized programs is needed in all areas of the criminal justice response to domestic violence. While many innovative projects have been developed, we still lack adequate knowledge of best practices in these areas. Worden has commented that “What we have learned about our criminal justice response to domestic violence is sobering. Despite public attention and the tireless efforts of victim advocates, there is little empirical reason to believe that most communities respond to these cases in ways much different from past practices of indifference”(p. 252, 2000).

In summary, few evaluations of specialized courts have been conducted and most focus on only one model. Such research is complex, however. The context of the communities in which the courts are established is critical and must be documented and captured in any evaluation. Nevertheless, further research is essential in understanding which components of specialization make the most difference in holding offenders accountable and safeguarding victims.

## **Chapter Two: Calgary's Specialized Domestic Violence First Appearance Court**

Because of its unique nature, this section describes Calgary's specialized domestic violence first appearance court process. This material is taken from a chapter written by Tutty, McNichol and Christensen (2008) in a book, *What's Law Got to Do with It: The Law, Specialized Courts and Domestic Violence in Canada*, edited by Ursel, Tutty and LeMaistre (2008) published in Canada by Cormorant Press.

In 1999, the dedicated domestic violence first appearance court process in Calgary came into operation. This unique specialization was originally only in the "docket" or "first appearance" court<sup>1</sup> in which the accused make their first court appearance following charges related to domestic violence. The court can perform all functions up to but excluding trial. Those functions include bail hearings, acceptance of pleas and sentencing. The specialized court hears all domestic violence-related cases charged in the City of Calgary, including violence by persons in heterosexual or same-sex couples who are in either cohabitating or non-cohabitating relationships, interfamilial violence, child abuse or elder abuse. The most common offences seen in the court include assault, uttering threats and breach of court orders, and can include attempted murder and homicide.

As noted previously, what makes the Calgary model unique is its focus on the first appearance court in which low-risk accused can have their charges withdrawn with a peace bond if they acknowledge responsibility for their behaviour and are willing to participate in court-mandated domestic violence counselling and other mandated treatments. Its goals are to hold offenders accountable within the justice system and increase the likelihood that a meaningful intervention will be imposed on the offender through treatment. It is based on the premise that a more efficient court process can take advantage of the low risk accused's guilt and shame that is usually present close in time to the offence. It is hoped that the speedy access to treatment and tight monitoring of offenders will increase compliance with court orders and maximize the effects of treatment programs.

Additionally, victim safety is prioritized in the specialized court. Risk assessments and the victim's wishes are presented to the court team prior to docket court and are used to support and refine submissions made to the court by the Crown and defence attorneys. The addition of "real time" information improves the quality of submissions made in court and, ultimately, the decisions improve the response of the justice system to victims' safety and needs. Further, the more efficient process minimizes factors related to the dynamic of abuse and violence that impede or impair court processes, such as victims recanting their testimony or being reluctant witnesses.

Calgary is a city of one million citizens and is home to many specialized domestic violence agencies including a specialized police unit (Domestic Conflict Unit or DCU), specialized probation officers and a community co-ordinating body (the Alliance to End Violence, formerly the Action Committee Against Violence). An extensive protocol network promotes collaboration and the sharing of information across agencies, including the police, Crown prosecutors, Legal Aid, victim advocates, shelters, probation, and treatment programs.

Additionally, victims are supported by a non-profit law office (Calgary Legal Guidance), which provides the joint services of a lawyer and social worker and specializes in restraining and emergency protection orders along with various other matters related to family law. Victims and their children have access to a range of counselling and treatment options and a safe visitation

and access centre. Further, while their partners are under community supervision through probation, victims are contacted and offered support through the Partner Support Program, a partnership between a volunteer victim support staff and probation services.

The accused have the benefit of a fast-tracked Legal Aid appointment process and a dedicated Legal Aid lawyer attached to the specialized court. Calgary Police Services follow a mandatory charge policy and undergo extensive training on dominant aggressors and domestic violence investigations. Dominant or primary aggressor policies are guidelines for the police in deciding who to charge in circumstances in which it is difficult to determine who is the victim because of ambiguity, such as when both parties are injured or accuse the other of assault. The dominant aggressor is the individual who has been the most significant aggressor throughout the relationship (Strack, n.d.).

### **The Court Team**

This section describes the critical elements of the specialized domestic violence first appearance court, including the court team that consists of domestic court caseworkers, specialized Crown attorneys, police, probation and duty counsel officers.

One of the key elements of the process is the court “team,” perceived by many as the “backbone” of the process. The team includes specialists from the Crown prosecutor’s office and probation office, a member of the Domestic Conflict Unit of Calgary Police Services and domestic court caseworkers from HomeFront, the non-profit agency that supports the court processes with domestic court case workers and other initiatives.

Currently, four Crown prosecutors are specialized in domestic violence and appear in the court on a rotating basis. Two representatives from the specialized probation office rotate daily in the docket court, while their seven other colleagues manage the majority of domestic violence offenders at a central location. Likewise, one member of the Domestic Conflict Unit sits in the court. The Domestic Conflict Unit consists of 10 investigators, a sergeant and staff sergeant. The Unit reviews all domestic violence calls responded to by the Calgary Police Service and directly handles approximately 400 high-risk and/or chronic files per year, while offering support to frontline police officers. Four court caseworkers from HomeFront cover the docket court on a rotating basis.

A major undertaking of the court team is to assess risk in order to attain or maintain the safety of victims and their children. The specialized domestic violence team exists to bring to the justice system a greater understanding of the nature of domestic violence and to bring about the best and most expedient response. The Crown prosecutors assess risk and recommend to the judge and defence counsel the directions that they consider most appropriate in each case. Their recommendations are based upon information and assessments provided to them during “pre-court conferences” that occur prior to case resolutions or bail hearings each day and for every file. The pre-court conferences involve all the court team members to ensure that relevant information is provided or confirmed regarding victim concerns/wishes and the conditions requested. For example, the accused may be given no contact orders, orders not to drink, orders to attend counselling within a specified time period, and may have their weapons confiscated.

#### *The HomeFront Domestic Court Caseworkers*

The HomeFront court caseworkers provide two essential services. The first is victim support. Each morning, they review the police 24-hour incident reports to collect new offence

information and begin contacting the victims in those cases within a day of the police laying charges. Further, they review each case before every court appearance and ensure that victims' wishes are up to date and that victims are aware of the status of the case against their partners. The workers typically inquire about a past history of abuse, current relationship status with the accused, perceived level of danger, as well as the victims' wishes with respect to what they would like to happen at court. In addition, the clinical interview is supplemented with standardized risk assessment tools such as the Danger Assessment (Campbell, Sharps & Glass, 2001).

Safety planning for victims is an essential component of the court caseworker's role. Safety is ensured by connecting the victim to other community or legal resources: counselling programs for victims or children exposed to domestic violence, immigrant serving agencies, shelters and the Court Preparation and Restraining Order programs at Calgary Legal Guidance. The court caseworkers also keep victims updated about the progress of their partner/ex-partner's case within the justice system, including such information as the date of the next court appearance and the plea entered. Court caseworkers, by necessity, may also liaise with other agency representatives in the City of Calgary, including the Child and Family Services Authority (child welfare).

The second essential service is conducting risk assessments and providing the victim's wishes to the court team. This information is often vital in supporting and guiding the decisions of the court and supplementing/balancing information provided by other sources, including the police and defence representatives.

### *Probation Services*

Probation officers are key stakeholders in the specialized court process as they can provide considerable information about an accused's past history of criminal offences. Further, the court probation officer acts as an information conduit between the court and the accused's supervising probation officer.

In addition to case conferencing, probation officers are officers of the court and may answer questions posed by counsel, the accused or the court. The information requested often includes past involvement with probation, current orders against the accused (including pre-trial), compliance history, as well as possible treatment options and suggested conditions. To prepare for court, the probation officers preview the docket list to assess what information might be needed during the daily docket, including checking databases and talking to any assigned probation officers about whether the accused is complying with community supervision.

An advantage of having a probation officer in court is that the accused makes immediate contact with the probation officer and is directly referred to treatment services from court. This significantly decreases the delay of an offender entering into treatment. The probation offices are located on the ground floor of the provincial court building and are easily accessible. Once an accused has been sentenced, he/she meets with the probation officer to review the court order with the officer, signs it to signify compliance and receives reporting instructions about when he/she must reconnect with the supervising probation officer.

Common probation conditions include immediate monitoring of the accused and ensuring that the accused follow court orders. At this time, probation officers also complete a preliminary

intake with the accused to screen for any mental health, medical or treatment related issues such as language fluency to better direct accused into appropriate programming.

Within the specialized domestic violence first appearance court, the accused are given a shorter timeframe to contact their probation officer and treatment agencies than if they were to appear in a non-specialized court. The accused are generally given seven to ten days to contact their supervising probation officer in a non-specialized court, whereas in the specialized setting, they are given, on average, four days.

### **The Specialized Domestic Violence First Appearance Court Process**

Until recently, the specialized docket court was in session from 9 a.m., Monday to Friday, and ran until the cases on the docket were heard that day, usually ending at noon or 1 p.m. (this changed to three full days a week in 2008). The judiciary was initially specialized in domestic violence, though now all Calgary provincial criminal court judges rotate into the specialized court.

The court team meets before court is in session each day and again during breaks. The team reviews the particulars of each case with the defence or duty counsel and determines what course they will pursue. At this time, new information from any team member can be introduced. As well, members have the opportunity to request additional information they may need from other members before meeting again. Examples of information shared include: letters from victims asking that no contact orders be lifted or that the victim is fearful and pursuing a restraining order; address and employment updates from probation and police officers; verification of treatment attendance and compliance; or any changes in the perceived level of risk for the accused or the victim. The goal is to provide the court with as much information as possible in order to allow it to make appropriate and efficient decisions.

Docket court is the first opportunity for an accused to enter a plea; however, many other steps and procedures often need to take place before a plea is accepted. These procedures can include adjournments to allow an accused to make application for legal aid coverage and retain a lawyer; to allow information or paperwork to catch up to the court; or until an interpreter can be made available. Some adjournments are made for tactical reasons such as if other charges or court decisions are pending for an accused. Duty counsel, the defence or the Crown may request that the case be heard at a later time because they do not yet have all the necessary information.

In about one-third of all cases, when the accused accepts responsibility for his actions, the charges are withdrawn and the accused is given a peace bond whereby he enters into an agreement with the court to abide by conditions to keep the peace, report to a probation officer, attend and complete mandated treatment for either domestic violence or substance abuse, or attend a parenting course. Often peace bonds include conditions of no contact, geographic restrictions and abstinence from drugs and/or alcohol. In all cases, the accused are required to acknowledge before the court the substance of their actions that led to the criminal charges being laid and express a willingness to participate in domestic violence or other appropriate treatment programs.

The bulk of cases seen by the court and mandated to treatment are referred to the Calgary Counselling Centre, YWCA Sheriff King Home, and the Alberta Alcohol and Drug Abuse Commission, with a smaller percentage going to Forensic Assessment Outpatient Services at the Peter Lougheed Hospital. Additional referrals would also be given, depending on case



circumstances, to immigrant serving agencies or first-language counsellors that can address cultural and settlement issues, First Nations counselling or culturally based services, mental health resources, brain injury resources, and others.

### **Key Points in the Court Process**

Fast and efficient resolution of domestic violence cases is considered a central goal in the co-ordinated justice response. This is because the longer the delay until the court intervenes, the greater the likelihood that the evidence, usually hinging on victims' willingness to testify, will be lost. Further, offenders' remorse and willingness to acknowledge a problem in their lives wanes the more time passes between intervention and the original offence. Delays also play significantly into the cycle of violence and can exacerbate victims' feelings of helplessness.

Treatment is an integral and effective response to domestic violence and every effort is made to direct the accused into treatment as soon as possible following police charges and fast-tracked court dispositions. Being fast-tracked into counselling, which is monitored by probation, is believed to be an effective means of maintaining the safety of victims and families and breaking the cycle of violence. Holding offenders accountable is essential to an effective domestic violence intervention because offenders need to know that there are consequences unless they better regulate their behaviour. Monitoring helps ensure the victim's safety and reassures victims that they are not solely responsible for supervising the offenders' behaviour.

Immediate screening and regular contact with victims throughout the justice process is a further means of checking on safety and offering needed support to victims of violence, thereby increasing the likelihood that they will seek support in the future.

### **Discussion and Conclusions**

With its emphasis on the docket court, Calgary's specialized response is a unique model, different from other specialized domestic violence courts across Canada (Tutty, Ursel & Douglas, 2008). Much of the emphasis has been on creating a speedier response to assaults in domestic violence cases: seeing the accused in a specialized docket court more quickly than previously, and having treatment available much more quickly than before. Further, crisis intervention theory has long posited that the sooner one receives intervention, the more likely the counselling will be effective (Roberts & Everly, 2006). Also, the safety and wishes of the victims are taken into consideration by the court team early on in the process, while the assault is still fresh in their minds and they are not influenced by the accused to the same extent as they might be later on.

The data from the specialized domestic violence first appearance court validate that accused receiving the option of having their charges withdrawn and given a peace bond (typically mandating them to treatment such as intervention for batterers or substance abuse) are less likely to have previous criminal records. This is not surprising since those who plead not guilty and proceed to trial are often more knowledgeable about the justice system and understand that long delays often result in dismissals. Further, pre-custody time is counted as double time and therefore substantially reduces the amount of actual jail time served in cases in which a long jail sentence may be imposed.

Even so, some advocates for victims and others have expressed concern about utilizing the outcome of stays with a peace bond (Hoffart & Clarke, 2004); since it gives the appearance of letting the accused off without a criminal record. While this remains a philosophical concern,

results from the HomeFront evaluation indicate that accused who receive a peace bond reoffend at a much lower rate than those who receive other dispositions. Further, an evaluation of the batterer treatment programs in Calgary (Cairns, 2005) concluded that those with peace bonds who attended and completed counselling had significantly lower new charge rates (6.1%) than those who did not show or complete treatment (23.7%). The lower recidivism rates for all cases concluded at the first appearance court, whether stayed with a peace bond or entering a guilty plea, provide additional support for dealing with these cases in this manner.

While noting difficulties in comparing recidivism studies because of differing definitions of recidivism and time periods, recidivism rates of 7.9% for police charges for new offences and 10.9% of charges for breaches of court orders over an average of one to two years following the first offence (a total of 18.8 %) appear relatively low when compared with other research (in fact, this percentage is likely inflated because a number of accused both breach and are charged with new offences). In terms of official reports in which the police laid subsequent charges, three studies from the United States (Maxwell, Garner & Fagan, 2001; Thistlewaite, Wooldredge & Gibbs, 1998; Tolman & Weisz, 1995) reported recidivism rates of 30% (six months to three years), 17% (one year) and 23.6% (18 months) respectively. Further, the lower recidivism rates since the inception of the HomeFront court as compared with the baseline data conducted by Hoffart and Clarke (2004) provide additional support to the premise that specialization has contributed significant improvements in the justice system response to domestic violence in Calgary.

Following the early successes of the specialized domestic violence first appearance court, the Calgary justice community instituted a specialized domestic violence trial court in 2004. One rationale for this was the recognition that the HomeFront domestic court caseworkers were not available to support victims in cases going to trial. The high number of cases withdrawn or dismissed for want of prosecution at trial is often because victims recant their testimony (Ursel, 2002), and providing ongoing support could decrease the number of withdrawals and possibly increase the number of cases found guilty or concluded with intervention conditions at trial.

If accused know that the trial court is also specialized, with Crown prosecutors and other staff that have a strong understanding of the serious nature and dynamics of intimate partner violence, some accused could be encouraged to plead guilty at first appearance or take the offer of a peace bond.

In conclusion, a significant advantage of the Calgary specialized first appearance court model is the extent to which the police and court systems are perceived by the general public, by accused persons and by victims as mobilizing significant resources to address family violence. The hope is that this specialized response will signal that these offences are taken seriously and will not be tolerated, thereby serving as a deterrent and preventing offences from occurring in the future.

### **Chapter Three: NCPC/ALF Research Activities**

As mentioned previously, this three year project was funded to continue examining the domestic violence specialized courts in Calgary, for a developmental look at the base-line period, the impact of adding the specialized first appearance court and adding the specialized trial court in 2004/2005. The project would also enable the continued monitoring of the outcomes of the domestic violence first appearance court. It is hoped that the study will have national significance, providing a model that could be adopted by other jurisdictions and offering enhanced justice and more effective protection for victims.

Calgary's specialized domestic violence first appearance court represents a unique model that has demonstrated success with respect to speeding up the justice system and referring low risk offenders to treatment with low recidivism rates. While the new specialized domestic violence trial court, set up to more adequately address high risk, repeat offenders, works in concert with the first appearance court, it addresses different needs. This applied case study research is collecting justice file data on all cases that proceed through the specialized domestic violence trial court and the specialized domestic violence first appearance court for a five year period. With the addition of the baseline information, the data base will contain ten years of domestic violence cases.

The research project has five components: 1. to collect justice data utilized to evaluate Calgary's new specialized domestic violence trial court and the reciprocal influence on the HomeFront first appearance court; 2. to conduct interviews with key justice and community stakeholders; 3. to conduct interviews with offenders who have gone through the system to capture their perceptions of what works; 4. to conduct interviews with victims to assess their perspectives on the efficacy of the specialized court system; 5. to collect data on treatment outcomes of mandated perpetrators, from two partner agencies, the Calgary Counselling Centre and the YWCA Sheriff King Home. This chapter details the progress made on each of these components to date.

#### **Component 1: Court data entry**

The major activity for this project is to continue collecting data on case files from both the specialized domestic violence first appearance and trial courts in Calgary. This applied case study research is collecting justice file data on all cases that proceed through Calgary's specialized domestic violence court and the specialized first appearance court for a five year period (from January 2004 until December 2008). In total, including the baseline, data will be available for a ten-year period. The current data set includes almost 800 variables including demographic information on both the accused and the complainant, police charges, what charges proceeded to first appearance court and the disposition of each. For cases that proceed to trial, similar data is collected, including the disposition of each charge and any conditions imposed.

As noted, we built on the original data set created by Synergy (Hoffart & Clarke, 2004) for the evaluation of the specialized domestic violence docket court. This data set consisted of 2874 cases. It has taken considerable effort to revise and enhance the data set to make it usable. The following represents some of that work:

- A number of data entry errors only became known when comparing duplicate data from the specialized docket court and the trial court (such as the gender, ethnicity and relationship to the offender). These have been corrected.
- The baseline data was originally collected in a separate Excel file. As such, the information (which was rather scanty and needed to be enhanced (a number of the variables were conceptualized differently from the first appearance court data set) needed to be recoded, and the initial files re-ordered from Edmonton to access all of the data required for the current data set.
- Some demographic and background information was collected only for cases that proceeded to trial court, not for cases seen only in the docket court. This additional information needed to be collected.

The project research assistants have continued inputting data into SPSS; which is now at a total of 6400 cases. As well, there are over 1000 additional incidents (recidivism). To date, 489 have been entered as incident # 2, 69 have been entered in as incident # 3, 15 have been entered in as incident #4 and lastly 8 have been entered in as incident # 5. .

### **Component 2: Interviews with Key Justice and Community Stakeholders**

The interviews with key justice and community stakeholders add invaluable information about the context in which the justice system operates. Court systems are not static, and change as personnel move on, or heads of departments of services change their focus. The interviews will assist us in documenting the major shifts in the system that have subtle or not-so-subtle impacts on how the courts respond to cases. As just one example, in 2003 legal aid became less available, resulting in more accused representing themselves, pleading not guilty and delaying their access to treatment. Documenting the process through the key stakeholders' experiences and perceptions is, therefore, critical in interpreting the statistics with respect to the disposition of cases.

The key community and justice stakeholder interviews are completed with 31 key criminal justice and community representatives having participated. These results are presented in Chapters Four through Six.

### **Component 3: Interviews with Individuals Mandated to Treatment**

Across jurisdictions, as the primary condition to which domestic violence offenders are mandated by the courts, establishing the efficacy of batterer treatment programs is critical. This is especially the case as many women stay or return to potentially dangerous partners in the hope that they will change as a result of group treatment (Gondolf & Russell, 1986). Considerable scepticism has been expressed by victim's advocates, among others, about the effects of batterer intervention programs, especially for individuals that have been court-mandated to treatment.

Since batterer intervention is commonly mandated by both the HomeFront docket court and Calgary's new specialized domestic violence trial court, evaluating the effectiveness of this intervention is vital. As such, in addition to collecting the justice system data, we collaborated with the two central agencies in Calgary that provide intervention programs for court-mandated men. Calgary Counselling and the YWCA Sheriff King Home provided the names and contact information of men and mandated to their groups to enable

RESOLVE Alberta to contact them to propose a research interview with respect to their perceptions of the treatment process.

Interviews were conducted with 17 men mandated to Calgary Counselling's Responsible Choices for Men treatment program and another 20 men mandated to treatment at the YWCA Sheriff King Home Paths of Change program. The interviews were audio-taped, and transcribed in preparation for the qualitative analysis.

#### **Component 4: Interviews with Victims**

While we had originally hoped to conduct and interview partners of the mandated individuals to solicit their views of any changes in their partners, whether current or previous and to assess their perspectives on the efficacy of the specialized court system, we were able to engage only four partners of abusive men to be interviewed. With the time and monetary expenditures needed to analyze the in-depth 37 offender interviews, it was not feasible to analyze such a small number of victim interviews until a larger sample size is collected.

#### **Component 5: Data on Treatment Outcomes of Mandated Perpetrators**

Both the Calgary Counselling Centre and the YWCA Sheriff King Home have agreed to collaborate by providing their attendance records, pretest and posttest outcome data with respect to clients that are court-mandated, as well as the results of the partner checks.

Most research with respect to batterer programs use only justice data (recidivism, breaches) or clinical data (changes in self-reported assaultive behaviour, improvements in self-esteem, stress and depression). One of the few data sets that incorporated both important features was the previous HomeFront collaboration with Alberta Mental Health (Cairns, 2005). This proposed initiative would build on that study. Since the YWCA Sheriff King Home and Calgary Counselling Centre groups have well-established clinical research protocols, adding in the pretest and posttest treatment outcomes into the justice data set would be both innovative and could benefit our understanding of who responds best to treatment and who might be better screened out because they are at serious risk of re-offending.

At this point, the two agencies have several measures in common: The Partner Abuse Scale (Physical), Partner Abuse Scale (Non-physical), the Index of Clinical Stress and the Personality Assessment Screener (PAS). Further, they have a common partner check protocol utilized to contact partners during the group process for more objective information as to whether the offender is re-offending.

In summary, the research process is generally being completed as proposed. The research components provide a comprehensive look at Calgary's specialized criminal justice response to domestic violence; one that will provide considerable information for those considering developing a similar model.

## **Chapter Four: Stakeholder Perspectives on Developing Calgary’s Specialized Courts**

Twenty-eight interviews were conducted with thirty-one stakeholders from the justice/legal community, counselling/treatment, advocacy and other community agencies (See Appendix 1 for the interview schedule). Twelve interviews were with justice representatives, including individuals from HomeFront, the Crown’s office and the defence bar, police services, probation and others. Sixteen interviewees were working in community agencies that serve the victims and perpetrators of intimate partner violence, including shelters and shelter programs, agencies that offer treatment groups for mandated perpetrators, general counselling agencies, and agencies with special focuses on lesbian, gay, bisexual and transgendered issues and diverse cultural backgrounds.

The interviews were conducted in late 2007 to 2008, so the perspectives are congruent with the latest data collected from the Crown files and included in the quantitative data analysis of the specialized court process presented later in this document.

The stakeholders were asked about their perspectives with respect to the development of Calgary’s first appearance and the specialized trial court as well as challenges, strengths and suggestions for improvements. Comparisons between the justice system before and after the development of the specialized justice response are presented throughout. The key stakeholders commented about contentious issues such as dual charging, diversity and police response, as well as *The Protection against Family Violence Act* and its interaction with the specialized justice response.

Notably, not every individual interviewed commented about each of the issues in the interview guide. As such, the proportion of these respondents who addressed each issue is presented. Direct quotations that reflect the majority of comments are presented and whether the key stakeholder was from the justice sector or community agencies is noted.

The key informants often refer to the docket and trial courts as “HomeFront.” While this was the initial title of Calgary’s new justice response to domestic violence, the name “HomeFront” is now reserved for the agency that offers court-case worker support and other early intervention programs. HomeFront caseworkers function as a key part of the court team that informs decisions at the docket court.

The major themes that arose from the interviews are presented in the next sections, often exemplified with direct quotes from the stakeholders, whose identities are anonymized.

### **The Intent of Calgary’s Specialized Justice Response to Domestic Violence**

The stakeholders quoted below commented that it was more than appropriate to begin to treat domestic violence as a crime rather than as a private affair between intimate partners, and further that it was a crime that needed to be treated differently from other crimes.

*Historically, domestic violence has not been a concern. Domestic violence was classified as an in-house problem. The relationship between a man and his wife had the same privilege as a man and a defence lawyer and there were great difficulties having complainants testify against their spouse. In the 1990s, things began to change. For the first time, legislation addressed the issue of domestic violence. The initial response of the courts was to send the offenders to jail. When released from jail, the offenders were often more hostile towards the complainants. Incarceration meant a disruption in the family, loss of employment and spin-off effects such as the*

*loss of house and income. That response created more difficulties than it solved.* (Justice respondent)

*It was really time to look at domestic violence as a serious crime rather than as a domestic issue and we'll just forget about it and it doesn't have a designated court system. That was huge for a lot of people,* (Community respondent)

The interviewees were asked to describe their understanding of the beginnings of Calgary's specialized approach and its goals. All of the stakeholders from both justice and community backgrounds commented about the rationale for its development. The themes that emerged were about the need to develop specialized knowledge among justice personnel, from police to individuals working within the court system; the need for a more timely criminal justice response; timely access to treatment resources for offenders; victim support; a more coordinated and collaborative response to domestic violence cases; and, because violence cases are unlike other crimes, the need to legally process them differently.

### *Need to Train Specialized Justice Personnel*

Almost half of the stakeholders (43% or 12) endorsed the idea that a specialized justice response is needed to adequately address domestic violence cases. Understanding the dynamics of abuse allows justice personnel to respond with more appropriate sentencing and consequences for offenders.

*HomeFront developed as a community response, saying the justice system can do better. There are some shining examples around the world of specialty systems. There's a reason for specialty: There's a reason that doctors do it. It's done within justice and lawyers do it in their practice. The community said basically, "We want to do better and we need a focused approach" and there certainly seemed to be global community support for going in that direction. That's what drove it: It was really ground up.* (Justice respondent)

*There was a need for judges and lawyers who are familiar with domestic violence. We are working with the police to ensure there's knowledge about walking into a domestic violence situation.* (Community respondent)

*It's allowed for the justice team involved with the prosecution and the judges to have greater insight, expertise in the area of domestic violence and ramifications of decisions made around charging and sentencing.* (Community respondent)

*We're trying to take advantage of that remorse period and get them into treatment, and a dedicated judiciary that would know more broadly about issues involving domestic violence. Everyone is working on the same page, dedicated lawyers, caseworkers, and assisted responses as opposed to just one system. It's systems within systems responding collaboratively.* (Community respondent)

*The original belief was that justice was a revolving door. We put people in and sanction them, but for the most part, the sanctions don't really offer any learning or demonstrate change in the individuals that go through the court. The specialized court is designed to help the court understand and craft orders that make sense for relationships, that will keep people safe, have the law be respected and seen as accountable and consequences for people effectively applied. There's a real*

*recognition that the court was making many decisions in a vacuum. The police report would be a clinical analysis of the events in that particular timeframe and didn't necessarily take into consideration the context. You might have a very minor assault, the guy pitches a cell phone across the room, it shatters and you have this hysterical complainant phoning police and very upset. The police say, "What is the big deal;" meanwhile the complainant is not telling the police of a past history of assaultive behaviour. (Justice respondent)*

#### *Need for a More Timely Justice Response*

Secondly, the stakeholders commented that the legal response times to processing domestic violence cases from first appearance to sentencing needed to be timelier. Forty-three per cent (12) of the stakeholders suggested that the system needed to respond more quickly to domestic violence cases and reduce time from charge to sentence. Several stakeholders commented above that prior to the new specialization, decisions at first appearance were often made without adequate information from the victim and the time to trial was longer. One of them was expedient processing and referring accused into treatment more quickly, which also may result in fewer victims recanting.

*The difficulty in prosecuting domestic violence cases prior to HomeFront and the specialized court was that very often it would be treated like any other criminal case. The accused would appear, either it would be resolved or a trial date would be set and nothing would happen until the trial date. As anyone who works in that area knows, that's not the way to keep your complainant on side and get any services to resolve any problems they have. HomeFront has made a huge difference in the connection with the complainant. (Justice respondent)*

*Before HomeFront, it was a much longer waiting process. First appearance would happen in a typical criminal court without a lot of knowledge of the ramifications of decisions made. From there everything just seems to drag on. This is a much more streamlined process. (Community respondent)*

A more appropriate and timelier response was seen as being needed to address the uniqueness of domestic violence cases.

*The system wasn't working favourably for either party. It would be dragged out and very cumbersome as far as whom to see and when and how to go about it. We were hoping that it would be a little more streamlined, a little quicker and the people involved, everyone from the police officers to the Crown, lawyers, and the judge, would all understand the deeper issues in regards to family violence and [that] it wasn't just about physical assaults. There were a lot of emotional and psychological aspects that needed to be taken into account, especially in regards to the children, but also in making the process more efficient both for the person being charged and the person charging. (Community respondent)*

*The original intent of HomeFront was to have the offender come to court, have the team gather as much information about the offender, the offence and also to provide information from the complainant. The idea was to gather information efficiently and resolve the case expediently and get a resolution in court and have that person get into treatment as quickly as possible. (Justice respondent)*



### *Need for Speedier Access to Treatment*

Third, timely access to treatment resources for offenders was identified as being needed especially after criminal charges were laid. Eleven stakeholders (39%) identified the need for more timely access to counselling. As mentioned above, with long, drawn-out trials, the ability to treat effectively is diminished.

Exacerbating the problem was the paucity of mandated counselling services and long waiting lists. A number of the stakeholders commented that counselling needs to be offered as close to the incident when charges were laid as possible and this earlier and faster access to treatment should result in more effective outcomes and reduce recidivism. Treatment supports would also reduce ineffective jail sentences for domestic violence cases.

*Offenders were not being held accountable. The guy who was charged two years ago is now going to counselling saying, "Oh please help me." We know in terms of making a difference, offenders need to be charged, sent to court immediately and into treatment immediately. (Community respondent)*

*HomeFront was developed to effectively deal with domestic violence offenders instead of having them sent to jail; to resolve things in a better way. People are generally on probation for half a year. The counsellors work together as probation officers and they are sent for counselling, drug addiction counselling, alcohol addiction counselling, anger management counselling, so hopefully they can resolve their psychological issues instead of winding up behind bars. (Community respondent)*

*There was quite a time lag between when the person went to court and when they were mandated to counselling and HomeFront could really reduce those times. You could have a more timely response so that the person who had committed the offence would more quickly be in treatment. They'd be more motivated if they could see a treatment counsellor within a week than a year. We're trying to take advantage of that honeymoon, that remorse period and get them into treatment. (Community respondent)*

*The ability to get offenders into counselling. Practically any offender that needed counselling was looking at a wait list of two, four, six months before they could get in to any kind of a treatment. (Justice respondent)*

Three stakeholders were of the opinion that treatment can reduce recidivism if offered soon after the incident.

*The research supports [that] when people are charged or convicted with partner abuse, then back to the intervention after the initial arrest, the more likely the success for intervention. Those who are more likely to re-offend are people who have stretched out pleas for one, two or three years and haven't actually completed the initial charges or have the case continued. The interventions in terms of both conviction and a plea arrangement and counselling are more effective if it's done very soon after the event. The relationship is still intact at that point and that works best. (Community respondent)*

*Treatment would reduce recidivism if assistance could be offered, not only to the victim through the victim services group, but also the perpetrator. That would have better long-term outcomes. The model was very good because people were all*

*onboard and we could make better long-term outcomes by working together.* (Community respondent)

One stakeholder stated that before HomeFront developed, treatment for mandated men was insufficient due to funding deficiencies.

*The other issue was around the lack of counselling for mandated men. There was a year's waiting list for court mandated counselling programs and no funding. It was all funded by donation or by community funders like the United Way.* (Community respondent)

### *Need for Better Victim Support*

Fourth, victim support was seen as needed throughout the process to reduce recanting and support victims throughout the legal process. Somewhat more than one-third of the stakeholders (10 or 36%) commented that the new specialized justice response was intended to support victims in the court processes.

*Prior to HomeFront, victims had little or no say in court. Now there is legislation putting victim impact statements, victims' concerns more up-front with the court. HomeFront has acted like an amplifier to obtaining information from the complainant, representing the complainant's wishes and having that represented before the court in a professional manner. That is the most significant change I have seen.* (Justice respondent)

The justice stakeholder cited previously commented that the domestic violence court specialization has ensured that the victim's voice is heard in the criminal justice system. Due to the intimate relationship between partners in domestic violence cases, oftentimes victims are pressured to recant or the couple might reunite before the trial date. The stakeholders reiterated that the specialized court was created because domestic violence cases are different from other crimes and that the system did not address the needs of victims appropriately, which resulted in recanting and reluctant witnesses.

*The court really has come together on victim safety. One of the goals of HomeFront was to give victims a voice, which is a long standing complaint in the entire justice system. In domestic violence cases, if you handle them in the usual way, you totally dismissed the victim except in dealing with the "smoking gun" in terms of saying this happened or this didn't happen. But in a domestic violence case, given all the complications, that's not effective. You need the victim to feel supported, to feel a part of the process to help the courts decisions be effective. If this couple comes back together, you need that complainant to be the one coming back to the system and saying, "I need more help." If the system has dismissed, minimized and generally pissed the complainants off, they're not likely to come back and ask for further assistance.* (Justice respondent)

*They recognized that victims were recanting and a lot of these guys were falling through the cracks. There was a lot of fear for the women; they recognized that if someone could represent the victim, it would make a huge difference.* (Community respondent)

*A consistent criminal justice system response was important so that victims had support throughout the process. Because it took eighteen months to get the cases through, the victims didn't have support and they were being pressured or giving up hope and they didn't go to court. (Community respondent)*

*The time between charges being laid and first appearance was so long that all kinds of things would prohibit follow-through for women. By then, they had been coerced into not going to court or things were so long ago that the seriousness had diminished. The wait period was just too long. A lot of these women were reconciling by that time; they were back together by six to eight months. (Community respondent)*

*When HomeFront formed there was a lack of reporting because people didn't think there was a lot of teeth in it. Even if a charge was laid, it got dropped between the laying and the court. It was swept under the rug, which is part of the abuse cycle. With the advent of HomeFront, the research showed that more charges went to docket court with less recanting. I can remember having the lawyer for the perpetrator call me and he had the poor woman in his office and he wanted her to recant on the phone and I said, "Why doesn't she get independent counsel?" and he says, "Oh, it's just a misunderstanding." I thought, "God, if that's what those poor people were subject to, talk about intimidation." With situations like that you see the need for something independent, if not independent counsel to help the person see the bigger context. (Community respondent)*

*Having cases before the court within five days was the big priority. Because of the dynamics of domestic violence, the victims a week later, a month later, wouldn't be onboard anymore. Getting them into the courtroom in a timely fashion was the big push for HomeFront. (Justice respondent)*

*The original intent was, if you have somebody involved in domestic violence, you want to bring that person into a specialized courtroom with a team of professionals who provide the Crown or the court with a lot of information. Before HomeFront, trials could delay a case anywhere from six months to a couple of years depending on the number of adjournments. Often the complainant refused to show and refused to testify. You have a reluctant witness who, because of the emotions or affections they feel towards the offender, just do not want to tell the court what occurred. (Justice respondent)*

Victims are seen as needing support to navigate the justice system, particularly with the time that it took to go through the court system.

*Women needed support to manoeuvre through the system; knowing what sort of legal support was available, for instance, if they had no income. To support them through the court proceedings, information such as where to go, who to speak to... At that time, one had to do all that in different arenas. Sometimes it would take two years or more to get through that process because so many people were involved. They would have to consult with the police, do the police reports and perhaps victim assistance and then they would have to wait a long time. The people involved wouldn't necessarily be familiar with trauma and the impact on the children. (Community respondent)*

### *Need for Collaborative Coordination*

Fifth, the stakeholders emphasized that the specialized domestic violence court was developed to create a coordinated and collaborative response to domestic violence cases.

*All of the key decision makers of the systems around docket court, police, the Crown, probation, all who were involved in what happened after docket court and during docket court were on board and had come together to develop a more collaborative approach. (Community respondent)*

Eight stakeholders commented that HomeFront arose from collaborative community efforts. One stakeholder sums up the coordinating role of HomeFront:

*HomeFront started as a coordinating body to pull together all the players because domestic violence is both multi-faceted and an interagency concern. No one agency is able to resolve the difficulty that domestic violence poses in our society. It started off as a special project but HomeFront has now moved to a permanent agency status. (Justice respondent)*

Several individuals were identified as key supporters in the development of HomeFront.

*There were a number of domestic deaths and domestics were on the rise. We were looking at a coordinated justice response with police, Crown and probation. People like Deputy Peter Davison were behind the development of this model. He was part of the HomeFront board that looked at this. (Justice respondent)*

*Jerry Selinger, the Chief Crown Prosecutor during the time, that's what he wanted. There were questions about whether we should do a first appearance court, a trial court. One is different than Winnipeg, which was the only fully-functioning court at the time. Jerry really felt strongly that we needed a first appearance court. (Community respondent)*

### *Need to Address the Unique Nature of Domestic Violence*

Lastly, two stakeholders claimed that since domestic violence cases are unlike other crimes, they need to be legally processed differently.

*At times the partners provoke and assault each other. If a perpetrator is harmed in the act of self-defence or defending a child, we need police and a court system to hear that. If a partner is assaulting a child and a woman attacks to defend her child, that shouldn't be an assaultable charge because she's defending the child. HomeFront brought forward people who are familiar with domestic violence; knew that it looked different going before a judge and prosecutors that are not familiar. We have a case right now where the woman has MS and (her partner) has been very abusive through the years. Finally she just pushed back, he fell and went down the stairs and she got charged with the assault. You have to look at the history of what's been going on. (Community respondent)*

*In domestics, the charges don't fully encompass the complications involved in these cases. For example, the no-contact order... In a typical bar assault in a city the size of Calgary, it's pretty reasonable to have an expectation that two individuals would never see each other again, but in a domestic case, you cannot assume this and the*

*success rates of no contact orders are not going to be very good. The no-contacts are complicated because they often wind up sharing property, even if it's just exchanging underwear from each other's homes. But more often, they own property or have children together or they divorce so there's going to be ongoing contact. Also, they came together for a reason. In the beginning of the relationship there's some attraction, one or both parties often wants to continue that connection whether we deem it healthy or not. A no-contact order isn't as easy as saying, "Don't talk to each other." (Justice respondent)*

In summary, the stakeholders emphasized that they did not view the previous justice response to domestic violence as treating domestic violence as seriously, which was reflected in the lack of accountability that offenders experienced through ineffective interventions such as fines or jail sentences. Also, domestic violence cases are perceived as different from other crimes due to the relationship between the offender and the victim and, therefore, these require a different approach. Overall, the stakeholders described how the new court and HomeFront were developed to provide a specialized response to domestic violence cases that would result in a coordinated, specialized and timely response.

Moreover, having specialized, educated and informed justice personnel coupled with a timely reflective response would hopefully result in more appropriate, effective outcomes for offenders. Offenders who have access to treatment shortly after being charged, particularly those charged for the first time, are anticipated to have reduced recidivism rates. Additionally, with victim supports, recanting would be reduced, resulting in increased guilty pleas and more appropriate sentencing by knowledgeable justice personnel.

### **The Rationale for Calgary's Full Specialized Domestic Violence Court**

The interviewees were asked, "In your view, what was the rationale for developing the specialized domestic violence trial court in 2005?" Twenty-one (75%) key justice and community stakeholders commented about the emergence of the specialized domestic violence trial court. As indicated below, the stakeholders suggested that the front-end specialized response in the specialized docket court was needed through to the trial court.

*There was a recognition that we're doing all this front-end work at the docket level and it seems to be going out the window once it gets to trial. The defence counsel has found that hole and, "I don't want to deal with this court, set it down for trial so I get a Crown who's indifferent or don't know anything about domestic violence and I'll get a peace bond without any conditions. (Justice respondent)*

*Although domestic assault is a criminal act, the typical type of sentencing or resolution to that criminal act is very different and needs to be handled in a very different way than stranger violence. (Community respondent)*

The stakeholders identified five reasons that the specialized trial court was developed, each of which will be expanded upon later in this section. First, offenders would circumvent the HomeFront process, plead not guilty at docket court and end up in a general court where expertise in domestic violence cases was lacking. Second, continuation of supports from HomeFront for victim was identified as important. Third, a continuum of specialization from docket court to trial would create a more streamlined, timely and effective response to

domestic violence cases. The benefits of enhanced communication and coordination of cases and access to treatment was also reviewed.

#### *A More Timely Justice Response with the Specialized DV Trial Court*

Fourteen (50%) of the stakeholders asserted that the response to domestic violence cases needs to occur in a timelier manner. The stakeholders below reiterated their opinions that men were not held accountable for their behaviour by the previous justice response. First, eight stakeholders declared that better success occurred if intervention was faster because with trial delays, the situation diffused and opportunities for manipulation of the system increased.

*The reason for the trial court was, first, you have other players who attempt to manipulate the system. You have lawyers who would like to take their case out of the domestic violence court, perhaps get a sweeter resolution from another Crown in a different courtroom, what we call, “judge shopping.” Basically, you’re rolling your dice, taking your chances. Or you took it out of court in hopes that the witnesses wouldn’t show up and your client would go free. (Justice respondent)*

*There needed to be a specialized service because things were being backed up in the court; people were not being served as well as they could be. In particular, abusers were not being charged and/or convicted and/or handled justice-wise in a way that was useful. They were getting bogged down, lost in either family court issues or just general court issues and not handled very expediently. (Community respondent)*

*Offenders were pleading not guilty. I called them the “system exhausters” who were playing the system. In [the specialized] court, there’d be judges that understand it, the probation officers understand it and that way, we close the loophole. In working together with the trial and docket court, we have a complete system. (Community respondent)*

*We were seeing a third of the cases going to trial and a majority of those were being dismissed. (Community respondent)*

Several stakeholders commented on the reduced time from first appearance to trial court.

*Most significant was to reduce the trial time because ideally a trial is within ninety days of the incident occurring or a “not guilty” plea is more apt to strike while the irons hot, when the complainant is still upset and angry, they have not had time to reconcile. The offender hasn’t had time to work on the mind and emotions of the complainant. The biggest advantage was to provide continuity and shorten the time frame and still try to get things resolved in a quick and efficient manner before the courts. It has shortened up from six to eight months setting trial times to within four months. (Justice respondent)*

#### *Need for Improved Victim Support through to Trial*

Eight stakeholders (28.5%) commented that one major reason for the specialized trial court was to support victims of domestic violence from docket to trial court. As suggested above, attending court is often intimidating for victims. The stakeholders emphasized that continuous support from docket court to trial was needed for victims.

*The domestic violence police and HomeFront people are getting to the victim prior to trial and saying, "Look we can give you what you want, which is to reconcile this family. But we can make it healthier and happier if we get your assistance and if he buys in." Ultimately, that is the purpose of this court. If you simply have a gap where no one talks to this woman and then you send her a subpoena and she's supposed to show for trial, that misses the point. Hopefully, extending this to a trial court will mean that they won't fall through the cracks on the way to trial. (Justice respondent)*

*The specialized court is set up to give attention to victim because a lot of the attention goes to the offender and the victim is sometimes forgotten. They do help the victim; they go through the court process with them. It was extremely helpful for her because it's a very nerve-wracking, intimidating, scary thing to go to court. (Community respondent)*

*It's allowed us to streamline and let the victims feel as if they have a part in this process. If it's working here, let's move it forward into the trial part because we know that it will probably create more success in the outcomes that we see. (Community respondent)*

#### *Need for an Improved Continuum of Justice Supports*

Five stakeholders were of the opinion that only half of the needs were being met by providing specialization in the first appearance court but not the trial court.

*One of the ways to simply opt out of HomeFront and the treatment was to plead not guilty and set a trial. You showed up at the trial and you had a Crown who had four or five trials that day and this was a low priority. If you'd get a robbery and a common assault, common assault takes second level and there weren't specific assets being put into preparation for trial. There weren't necessarily interviews with the accused, with the victim or incentives to make sure that the complainant came to court. A lot of it fell through the cracks at the trial level as it had pre-HomeFront because she didn't want the conviction for whatever reason. The trial court is good in that it extends the particular interest in the accused and the complainant right through to the trial stage. You can't opt out of the HomeFront program simply by pleading not guilty. (Justice respondent)*

*We were seeing the first appearance, but losing large numbers that are probably more dangerous who know enough to plead not guilty and take it to trial and all the expertise was gone. The [new] trial court is able to step in and look at a more specialized response. (Community respondent)*

*The first appearance court was only meeting half the need. That they did it in incremental stages was probably pretty smart. When you develop something, you have to do it bite-size pieces. If we're assisting people with a specialized service to this point and tossing them back into the other system, it's unfair. It must be pretty confusing to people to try and keep it all straight. It's a lot of complexities with regard to how the process works, so there was strong justification for eventually moving to that. (Justice respondent)*

*Once you go through first appearance, you get shoved back into the regular criminal justice system, which, in essence, is pretty backed-up. There's not a tremendous amount of expertise around domestic violence issues. You've started with a knowledgeable Crown and judge dealing with the issue and now you are going back to someone who may not be knowledgeable, depends on who the Crown and the judge are. (Community respondent)*

#### *Need for Better Communication/Coordination*

Four stakeholders (14%) commented that knowledgeable justice personnel have created a more responsive system where information was communicated in a timely and coordinated way.

*Domestic violence court provided continuity of the same players, the same information in docket court because of the collaboration. The trial Crown prosecutors would also have access to the probation office, the HomeFront caseworkers, the police officers or the Domestic Conflict Unit; you would work with the same information. (Justice respondent)*

*They're specializing so that they can expedite the services instead of going through a mix-matching of all cases, that way it's about domestic violence. They can expedite the cases with more understanding because if you were specialized in domestic violence trial court, you understand the issues and know how to make the right decision. (Community respondent)*

Two community stakeholders stated that vertical prosecution (the same Crown prosecutor at both docket and trial) reduced opportunities for offenders to manipulate the system, decreased fragmentation and provided better supports to victims, especially with high risk offenders.

*Having vertical prosecution created a fuller system; it allows for a better response to those persistent, chronic offenders that have multiple problems in addition to domestic violence. (Community respondent)*

*One of the things that often happened is that accused will "judge shop," "prosecutor shop," move cases back and forth between courtrooms until they are happy with the judge. Cases going to trial were at the very far end of the spectrum in terms of risk and danger. We absolutely needed to start extending supports to victims because now they're going into the trial court. We know that this model works, let's extend it. We were able to negotiate the expansion of those resources, Crowns and judges, for a dedicated trial court. The literature certainly supports a vertical prosecution model where you have the same judge and the same prosecutor at all levels from docket court on up. It reduces the fragmentation and reduces the re-victimization of the victim because they don't have to go in and tell their stories at different times. (Community respondent)*

#### *Speedier Access to Treatment*

Three stakeholders (10.7%) described the new specialized process as more responsive to domestic violence cases with its focus on rehabilitation for accused who had no or little previous criminal justice system involvement.



*One of the critical issues for creating the trial court in the first place was to ensure that those who elected to go to trial would have quicker access to treatment if there was a finding of guilt. (Justice respondent)*

*More treatment options and having caseworkers in court who are more aware of the treatment options. We now have a specialized Crown there; we become more aware too. This whole approach has been rehabilitative rather than punishment, where it's appropriate. Obviously we have serious cases as well where, from a legal point of view, we have to look at punishment. Generally, first time offenders particularly are given the option of rehabilitation, sometimes depending on the facts of a waiting criminal record, if they participate in the treatment. That's the whole crux of the project; it's that upfront intervention to avoid them coming back. (Justice respondent)*

*To have a specific courtroom dedicated to domestic violence that could be handled more effectively by saying, "We're going to put you on probation, you get a chance to improve yourself. You're going to go for counselling, to AADAC if there's a drug problem, to anger management group or one-on-one counselling. People who are mandated have to fulfill these requirements and report to their probation officer every once in a while. To get a more effective slightly different way of dealing with this than for instance just saying, "You're going to have a criminal record and you're going to go to jail or get a fine." It's more a focus on psychological help. (Community respondent)*

In summary, the stakeholders noted that the specialized trial court was developed to provide a continuum of specialization supports from HomeFront docket court to trial aimed at reducing time from charge to sentence, reduced time to treatment, reduced manipulation of the justice system by the offender, and reduce victim recanting through continuation of supports.

The specialized trial court was seen as offering many benefits to meet these challenges. With a more streamlined, expedient process and knowledgeable/specialized justice personnel, the continuum of specialization from docket to court would fill the gaps from the previous system. Consistent knowledge, communication and continuum of services would benefit both victim and offender.

## Chapter Five: Challenges to the HomeFront and Specialized Trial Courts

Twenty-three stakeholders (82%) commented on challenges encountered by the specialized domestic violence courts. Several stakeholders cautioned that the courts may be overwhelmed by its own success due to volumes and the scope of the organization. The key justice and community stakeholders identified challenges relating to the courts including volume of cases; buy-in to the principles of the model, access to treatment, docket delays and staff turnover.

*The only concern I have is whether it's going to be overwhelmed by its own success - that the numbers will start to overwhelm the assets more and more. If you start getting six-month trial dates because there aren't enough trial times, that defeats the purpose. You need immediate consequences. I'm quite impressed by them. (Justice respondent)*

*HomeFront has struggled in some ways to define themselves. Are they a direct service provider? Do they just provide support to victims going through court? How big should they be? How broad should their reach be in their work with victims, in mandating the abusers into treatment groups? It's been a "Create it as you go process." (Community respondent)*

### Domestic Violence Case Volumes

A little over one-third of the stakeholders (10 or 36%) commented that the volume of cases coming through the specialized court is challenging and has exceeded the resources initially dedicated to it.

*The single biggest problem with HomeFront is the number of people coming through that court; they are overwhelmed. Lots of people made really good in-kind donations for resources, probation, police, victim's advocates and other people in court. I still think that the resources are being virtually overwhelmed in that court. (Justice respondent)*

*When they start realizing that there are alternatives other than jail, that we are interested in actually changing behaviour rather than breaking up a relationship, that's what has led to higher volumes. We never did set aside enough resources when it comes to court time so it's always in competition with other needs. (Justice respondent)*

One stakeholder noted that the increased volumes of domestic violence cases did not leave sufficient time for case conferences and stretched the justice personnel resources, while some cases ended up in general court.

*Our trial courtroom, we've handled an awful lot of cases through there, but we have limited time. We just have afternoons from our morning docket and we triple book it but we still can't deal with anything near the number of matters that are set for trial. They're going elsewhere and being dealt with outside of the court... (The) volume was such that they could not case conference every case on the docket and spend quality time conferencing it and having input from the whole team; time simply wouldn't permit doing that anymore because the dockets are just too long. We can't do it. (Justice respondent)*

### *Justice Personnel Buy In*

Ten stakeholders (36%) commented that, especially in the beginning, getting buy-in from justice personnel was challenging.

*Judges and crowns had difficulty at first buying into the specialized justice response to domestic violence cases. (Community respondent)*

*Defence lawyers struggled with whether this was in their client's best interest. Some folks at the outset were very opposed to what we were doing. (Community respondent)*

*Calling the caseworkers, victim assistance or victim counsellors. Remember the guy's been charged and not convicted; you're already convicting him because you are saying this woman is the victim and, therefore, he is the abuser. There was an assumption of responsibility and defence counsel almost automatically reacted against that. There were assumptions in the program early on that were resented and the assumption was that there was a victim; the assumption was that the abuser was a man and if he was a man in that courtroom, he probably was guilty. The assumption that defence counsel weren't really buying into the program and, therefore, had to be force-fed it. Those were all mistaken assumptions that created conflict where it didn't need to be. (Justice respondent)*

Two stakeholders identified challenges with multidisciplinary decision-making.

*Crowns weren't that comfortable with decision by committee. They are used to calling the shots and they still do make the decisions, but they draw together all the parties and use the information. That's a big change for most lawyers. Prosecutors, particularly, because they don't take instructions, they make their own decisions. There's always some adjustment to that for every prosecutor who comes in. Generally speaking, they do buy in and make it work but there's always a transition period. (Justice respondent)*

*We moved the envelope in terms of how the court traditionally functioned. Insisting that the court accept a team of professionals housed directly in the court and interacting in a quite invasive way with that court is innovative and unique. The legal purists really struggled with that. (Justice respondent)*

### *Staffing Challenges*

More than one-third of the key informants (10 or 36%) commented on the turnover in staff, with six identifying difficulties retaining HomeFront Executive Directors. Four stakeholders mentioned struggles with staff turnover in all areas that dealt with domestic violence cases.

*(HomeFront had) three or four directors in the first three years. (Community respondent)*

*There was a scarcity of Crown prosecutors and difficulty recruiting people initially into the domestic violence unit because of a negative connotation. (Community respondent)*

*The Domestic Conflict Unit (police) is improving things and does very well, but just like many agencies, the whole police service is suffering from lack of experience and a very junior force. (Justice respondent)*

*The human resource challenges takes away from any significant change that might have occurred. I don't only mean in the justice system, I mean the shelter system as well, because shelters have challenges training workers, the staff is turning over to a significant degree. The police and the justice system experience those same challenges. We're often starting at ground level; even HomeFront itself has gone through staff changes - that's the reality. (Community respondent)*

*All social service systems are in transition with staff, particularly given the booming economy in Calgary. There's a continual need to orient and maintain. It's hard to keep the long-term vision when you're constantly trying to get the nuts and bolts to screw together properly, let alone have them understand that we're doing all this hard work right now because, long term, this is where we're going. (Justice respondent)*

One stakeholder explained that a project manager was needed in the development of HomeFront.

*One of the challenges organizationally as the project opened was a lack of project manager. Kevin [McNichol] took that on in his position as trainer, but there was nobody to oversee the process, makes sure it was working. We had hoped for fundamental structural changes in the way the justice system responded, but we had all the same players and they were just transplanted into a courtroom. We didn't see the fundamental structural changes we had hoped for early on. We should have hired a project manager first. (Community representative)*

### *Treatment Challenges*

Five stakeholders (18%) identified challenges with treatment, including the volume of referrals, inappropriate referrals, difficulty treating offenders with mental health issues and access to treatment for people living outside of Calgary. Four stakeholders stated that the treatment resources could not meet service demands.

*Demand is exceeding the resources and the wait times have been prolonged a bit. But it's still a lot better than what it was and the support is there. (Community respondent)*

*We're getting more and more referrals, more than we have the resources to deal with. (Community respondent)*

Two stakeholders pointed out that not all referred clients are appropriate for counselling, especially those with mental health and substance abuse difficulties.

*When there are mental health issues or severe violence, these clients are not a fit for group counselling in domestic violence. We end up seeing them individually and we struggle to make referrals to Forensic Assessment and Outpatient Services at the Peter Lougheed Hospital, where they are often shipped back to us. There are just too many clients; some of them not appropriate. (Community respondent)*

*There are issues around substance abuse and mental health. That's why we developed this high risk, high-conflict group; to think about how we're going to work with people who have psychiatric symptoms, multiple problems and resist treatment. We're increasingly finding it very hard. Some clients are very dangerous and sometimes we can't treat them. We haven't figured out what we're going to do with them. (Community respondent)*

One stakeholder noted that access to treatment was challenging for individuals living outside of Calgary.

*We still have issues with the rural folks who live an hour and a half out of Calgary and the group only happens every Thursday night when they're working. (Community respondent)*

### *Numbers of Adjournments*

Five key informants (18%) commented about the extent to which adjournments cause difficulties in processing cases expeditiously. Delays between charging and sentencing are seen as compromising the initial goals of the specialized response and adding further stress to the victim.

*We're sitting roughly within fifty days for first appearance to conclude in docket court. With trial days, you're still a hundred and eighty days to trial, one hundred and ninety days to non-trials. We're probably getting longer than we were in the early stages because of the increased workload and population. (Justice respondent)*

*Sometimes it's discouraging. With the court, the idea is faster processing, yet I see an awful lot of time people going into court over and over again. They just keep going back and it's not settled. It's the same charge but it's not being settled. Sometimes things drag on for months when it's a simple assault charge. "Oh, my lawyer's not here today and it just goes on and on. (Community respondent)*

*I'm worried about the delays in the courts now that weren't there a couple years ago; the delay between charging and sentencing. There are more adjournments, which affects us practically in that we could tell when the guys were coming through quickly. I worry about that now. (Community respondent)*

*When they started the trial court they had capacity but not now. The docket court runs late and their case doesn't get called. So they arrive at 1:30, they're sitting there and their case doesn't get called till 3:45. That's really an added stress. Specialized court (should) recognize the trauma people are dealing with and the stress of going to court and be more empathetic to the issues and then they have to sit for two plus hour- that's problematic. (Justice respondent)*

One justice stakeholder mentioned several reasons why adjournments occur, including a change in the Crown coverage of docket to include docket and trial court, triple and quadruple trial bookings and implementation of an early case resolution process, all of which led to delays. The Crown was not spending more time on trials at the expense of docket court and overbooking cases to meet specialized courtroom timelines.

*The introduction of the trial court shifted things quite dramatically because that increased and brought the Crowns into the fold; it decreased their ability to focus on*

*the docket court. They have to spend more time prepping for trials than they do for docket. They're not prepared when they come to docket, which is leading to more adjournments. In order to meet the timeframe, the Crown started triple, quadruple booking cases into the court, which isn't abnormal, many courts are doing that. But the presumption is if you quadruple or triple book, you have one to two cases just naturally fall apart and you wind up running one or two trials in a given time frame, which is do-able. Two trials are do-able, two an hour and a half is generally do-able. But if you have all three, you're hooped. Inevitably that builds in adjournments and three to eight months down the road, you're not much better off. Early literature showed that if there was an adjournment in a trial and a complainant had to come back and testify, they almost never came back. It really speaks to the power of that delay, how effective that delay is. The Crown introduced an early case resolution (ECR) process, which is different than the case conferencing and that's where the defence will meet with Crown in the Crown's office or submit a letter outlining what they think would be a reasonable disposition. There's supposed to be discussions back and forth. For defence and the Crown, this takes the court team out of the loop. Decisions sometimes are made at those ECR meetings without necessarily having full consultations with the team, the caseworker's not necessarily is fully involved in bringing the victims piece into those, that's a circumvention thing. With the new court, we're sitting longer so, when it's quarter to two and the trial court is supposed to start at two, it's pretty easy for everyone to say, "Let's just adjourn this". You have this extra adjournment, it's lengthened the number of days in court because, in the early days, two weeks was a rare adjournment length; a week was pretty standard. We got to a period where the Crown didn't enforce that and now we're two weeks is a standard adjournment. It's not unheard of for defence to push that to three and no one really makes a big stink about it. (Justice respondent)*

Another justice stakeholder expressed concern that specialized personnel led to delays in the processing of domestic violence cases.

*You get such a vast mixture of judges, Crown prosecutors... Often the Crown has not been able to look at their files or doesn't do any preparatory work, or somebody comes in and everything is new. Like you have to reinvent the wheel, go through the same information and make a decision or postpone it. As soon as the Crown prosecutors went from two to six, they have Crowns who do docket, some do trial or some do both, depends on the day, the judge, readiness of the accused and information that's gathered. The more players, the more apt you are for delay. Also, with the change-over from people who were experienced to new people who are trying to figure out how things work, any variety of things slow it down. (Justice respondent)*

One key justice stakeholder noted that the courts were insisting that child welfare information be part of the information needed in the proceedings, which causes delays.

*We're experiencing delays with Child and Family Services now because the court is insisting on having child welfare information in the court as part of their decisions. It often takes child welfare three or four weeks to assign a file, if they are even going to assign a file and we end up having adjournments as a result. (Justice respondent)*

Two stakeholders commented that the broadening definition of domestic violence has led to volume increases in the specialized courtrooms.

*Over the years, the definition of domestic violence and what goes into the specialized courtroom has broadened. It gets to the point of ridiculousness; the accused stole his wife's cousin's wallet. That's not a domestic. We have children on parents, parents on children, brother on brother. Our definition has really expanded. (Justice respondent)*

*Where there's domestic assault, we can have fathers who've assaulted their children, teenagers, adolescent males who've assaulted their fathers, partner abuse, sibling abuse, grandchild abuse, we have all of that. Currently, we don't really focus on the big picture; we just focus on the more standard male abuse to female. It's too narrow and yet it's too broad. You end up with everybody. Sometimes you think, "How did you end up in court"?' (Community respondent)*

Another challenge identified was collaborating with different professional languages, mandates and specialization/legislation.

*The not-for-profit sectors, domestic violence sectors and the criminal justice system speak different languages and, previously, didn't have a working relationship. It took a long time to understand each other and how they could work together. It's like a relationship, trying to build bridges between two. At one point we had a program in probation called Partner Support (PSP). We were trying to connect that program into this coordinated response. The judges were looking at me and saying PSP? In their mind, that was possession of stolen property and they couldn't understand the lingo. There was no common language. (Community respondent)*

*We've come a long way towards a coordinated collaborated response between justice and mental health and the treatment providers, but there are still sometimes difficulties with information-sharing because we work in silos. For information-sharing, we've come a long way, but we still have our own specialized areas. It takes a lot of effort to collaborate effectively. (Justice respondent)*

Other challenges for the specialized trial court that were identified by the key informants included rotating the specialized Crowns every 3 to 4 years, which means constant reorientation and training. One stakeholder raised a concern that cases only stayed in the specialized domestic violence trial court if they can be resolved within a half a day or less; otherwise, it went through the general court system, which defeated the purpose of the specialized response.

Additional challenges related to HomeFront included the volume of community agencies to coordinate, work involved in the developing funding proposals, the transition to the new court and the scope of HomeFront as an organization. The key stakeholders also indicated that space, money and staff challenged start-up activities.

In summary, the specialized docket and trial courts were perceived as experiencing challenges in development and ongoing struggles related to volumes, adjournments, buy-in and human resources. Treatment agencies struggled with staff turnover, the appropriateness of treatment for all offenders, particularly those with mental health issues and access to treatment for those from communities outside of Calgary.

## Contentious Issues

The majority of the stakeholders (27 or 96%) identified dual charging, police response, lack of communication between civil and criminal court and peace bonds as contentious issues that impacted the application and success of a specialized justice system response. Housing challenges were also discussed.

### *Dual Charges*

Twenty-one stakeholders (75%) expressed diverse perspectives on the practice of dual charging. Even in cases of mutual abuse, women are the primary victims of homicide in domestic violence cases, not men. Of those who responded, nine (32%) identified dual charging as an area of concern, six (21%) asserted the practice was sometimes warranted, three reported that the police may have difficulty determining the primary aggressor and a further three had no problem with dual charging.

First, nine stakeholders stated that dual charging continues to be an issue.

*Sometimes it's difficult for police to determine who to charge so they'll charge dually and the victims feel victimized again. That's one of the reasons we changed the Protection against Family Violence Act so that victims could not be told they needed to seek treatment because it's re-victimizing them. There are times that dual charges are applied because you're just not sure who should be charged. In some cases, the courts and the police are seeing that treatment's effective so let's just charge them and get them all treated. That's not necessarily the best answer. (Community respondent)*

*It's women who are killed, women who are hurt for the most part and even when there is mutual abuse, the woman is the underdog. You wouldn't bet on her in a fight and, hence, sometimes there's more retaliatory violence for police having been involved. You really have to look at what's been going on. They have to be careful in those cases, very careful. (Community respondent)*

*There's been an increase in dual charges and arrests. I don't know if that's a HomeFront issue, it might be a police issue. The more educated the Crown prosecutors are around domestic violence, the less likely that, if there's a dual arrest, they follow through on the arrest. (Community respondent)*

*Dual charging is something I've been greatly concerned about for a long time. One study revealed the woman was charged with more serious offence than the man often because of the power differential. She would have to grab something, defend herself, almost every single one of them was self defence. There was no understanding that sometimes women do need to grab objects because of that power differential, because they have to defend themselves. She often will stay with the much more serious charge than the man has; the man was more likely to have his case withdrawn and the woman was far more likely to go to jail. It sent a pretty powerful message to women about what would happen, pretty scary. Dual charging continues to rear its ugly head. I don't think we've really dealt with that issue. (Community respondent)*

One stakeholder commented that when dual charges are applied, these have had devastating effects on women reporting abuse to the police again in the future.



*I'm not sure if that's changed but it used to happen a fair amount. The women put up with the crap for a long time, finally retaliated and the police came and they were both charged and the kids were taken away; it was a huge problem. Dual charging is a problem because the woman could end up with a criminal record. The population of women who have been involved with the criminal justice system, there is a real hesitancy to report because all the facts are not being believed. (Community respondent)*

Another community stakeholder commented that women fight back, at times in self defence, and dual charges were applied, particularly in a culture of zero tolerance. In a zero tolerance environment, the police may let the courts decide who the primary aggressor is and charge both partners.

*Even if she hits back, there's a very big difference between mutual combat and self-defence. If he has a scratch on his face and she has a black eye, we're not talking about the same thing. The charges are laid but not followed through because dual charges against the victim are quickly dropped. People are beginning to recognize this is not mutual combat. It was a problem back then because women were thinking, "Why am I going to call?" He would say, "We'll both be charged". Then she would call and she'd be charged. It's like, "Why am I doing this? There were unintended implications of zero tolerance, these dual charges where women, because it was mostly women, were also being charged. Dual charges were reactionary based on the police services. It may not be politically correct but it was a way to say, "Fine we'll just charge everybody and let the courts decide it all out. (Community respondent)*

One stakeholder stated that dual charging among same-sex couples is an issue.

*I'm still hearing that same sex couples are wrongly perceived as being of the same gender, therefore, the same physical capabilities or two women would not harm each other. The issue around dual charges is still happening. (Community respondent)*

Six stakeholders stated that, in some cases, dual charges are appropriately applied, which is contrary to the opinion of many with respect to the dynamics of domestic violence and policies regarding primary aggressors.

*In some ways, charging both is a good idea, in part because, if you have joint contribution to this fight, if you were only taking one person and getting them into the program and getting them individualized domestic violence counselling, then if they get back together any change will be resisted by the other party. The fact that he won the fight because he overwhelmed her with his strength doesn't mean that she's not guilty of assault. Men are powerful, so women pick up a frying pan and smack him with that or hold a knife saying, "Get away from me." But by and large, dual charging is good. It opens the Crown to an in-depth investigation after the fact. Place both into a peace bond and we'll get them both domestic violence counselling individually and maybe together, anger management. A year down the road, this is a much healthier family if they're together than if only one side had gone through. (Justice respondent)*

*You see dual charges, but it's probably appropriate that dual charges were laid. (Justice respondent)*

*We have clients come in and it's a, "he said, she said" situation. I honestly don't know what the police would do. There was this concern that when there's a dual charge that there's an innocent being charged. Perhaps not, perhaps there are situations where there are mutual kinds of violence occurring and dual charges are appropriate. (Community respondent)*

*We're seeing fewer dual charges and when we do see it, it's often warranted. Sometimes even when it seems really out of whack or out of balance, it's the one thing that gets this woman's attention as in, if I'm in a relationship where I have to assault someone, this is not good, other people get involved and change seems to happen. (Community respondent)*

Four stakeholders noted how difficult it often is for the police to determine who instigated the aggression in domestic violence cases where both parties accused the other of assault, particularly in an environment of zero tolerance.

*Within our laws and the parameters of what the police have to work with, the police are not mind-readers so that if there is any question of who was instigating and who was defending, that's very difficult to determine sometimes. There is pressure to charge. If there are unknowns, there will be dual charges because they're not psychic and they're only humans asking questions, trying to determine what happened on the scene. (Community respondent)*

*The Domestic Conflict Unit has the message that (dual charging) it's not necessarily a good thing. There are situations where that would be the outcome of the investigation. It's not something you see very often, because if there isn't a primary aggressor, you're in trouble on both charges anyway. If it's muddy enough that the police can't figure out who is the primary aggressor, it's unlikely you're going to end up with a conviction unless one person responded with excessive force. I don't think we're seeing huge numbers; they are still problematic. I had one prosecutor say, "If the police were at the scene and can't figure out who's the bad guy, how are the Crown and judge supposed to two months later in the courtroom?" (Justice respondent)*

Two stakeholders commented that did not see dual charging as an issue for the most part, although women are still seen as abusive.

*Sometimes women are charged when they shouldn't be. If there are charges, in court they would be looked at carefully. A lot of times with dual charges, the charges against women are dropped. Awareness of self-defending and long-term abuse is important. There are women who are abusive. Most women who end up in treatment are referred because they've been charged; most have been at least abusive. Some of them are self-defending victims but they actually have been abusive as well. The number of dual charges is not really high. (Community respondent)*

## *The Police Response*

A second contentious issue identified by the key informants was the general police response to domestic violence cases. Several stakeholders commented on the lack of experience and training of police staff in responding to domestic violence cases. Eleven stakeholders (39%) expressed diverse views on the police response to domestic violence cases. Two stakeholders were of the opinion that the police have improved their response to domestic violence cases.

*The police respond quite effectively. We're all pretty quick to get down on the police when they do something wrong. For the most part, they respond well and they've become better at dealing with domestic violence. (Community respondent)*

One stakeholder was of another opinion, believing that generally the police have little understanding of the dynamics of domestic violence.

*It's understanding that she's back again because she loves this person and has hopes and dreams. She believes in his ability to change. The police understand that, yes you've pulled her out three times and you're back again; not approaching that with frustration or, "This is the life you want, then live it. But don't call us anymore." If everybody doesn't understand that this is a journey and takes a long time to get to that point where it is safer to leave than it is to stay, financially, you've got to do safety planning, if there are children you're talking about day care, moving the kids, is she going to get a job? (Community respondent)*

Six stakeholders pointed out those junior, less-experienced police officers may not have the necessary knowledge to respond to domestic violence calls.

*When you've got most of your cases being looked at by street constables, some of them very junior, you're always going to have this problem. It's a very specialized area and until you have a police service that has built up an experience level, because they've got some stability in terms of numbers, you're always going to have this problem. (Justice respondent)*

*If it's a street cop that gets the call, I don't know if they have the training they need. At some level, it goes to the Domestic Conflict Unit, but if they're rushing over for safety's sake, they focus mostly on safety and they're out of there, it's not in-depth enough. (Community respondent)*

Two stakeholders commented about the extent to which the Domestic Conflict Unit has always struggled with having adequate resources.

*The Domestic Conflict Unit was supposed to have a complement of eight investigators and I can count on my hands the number of days there was a total of eight actually working in that unit. They're always being raided and seconded to the latest public outcry like gangs or drugs. The latest homicide and domestic violence cases tend to get short shrift in terms of the dedication of resources. (Justice respondent)*

*The Domestic Conflict Unit has gotten better with time. What weakens the strength of the police response, both in DCU and in general, is their internal system of promotions, meaning, just as somebody becomes seasoned, they're gone. In this unit, we need to have people that are more experienced or not move out half the unit at any*

*one time. The people are always changing and just as you form relationships, you've got the next group in who are starting over. (Community respondent)*

### *Coordination between Civil and Criminal Courts*

A third contentious issue raised by the key informants involves a lack of coordination between civil and criminal court. Contradictory orders arise because both courts have equal power, impact the same clients but have no mechanism to communicate or make collaborative decisions. When children are involved, the specialized justice process is not seen as effectively responding and maximizing the safety of women and children.

Ten stakeholders (36%) stated that a lack of communication/coordination between civil and criminal court has created significant problems in the specialized justice response. One stakeholder relayed a case example of a victim whose safety was compromised due to lack of communication between the two courts and the rights of her abuser.

*An offender asked for permission to go out of town and work. It was all checked out. The probation officer got a call from the HomeFront Partner Support saying they'd talked to the victim who was concerned and that he was calling and threatening her. The probation officer contacted the victim and the victim had called the police and there wasn't enough evidence to charge him. There wasn't much more the probation officer could do but safety planning. The next day, the victim contacted her and wanted the offender's address to serve him with papers, to which the probation officer stated, "I'm sorry, I can't give you that information". The victim hung up and went to family court and got an order ordering the probation officer to serve him. It's the probation officer's job to work with him and to move him to change. Now he's afraid that they're going to have the police arrest or serve him. We need sharing of communication with the family courts, an entity like HomeFront that can look after these. The police, HomeFront and probation won't serve them, so how are we supposed to help the victim? It's a catch 22. It's that bridging, we've got families and children involved, and we need to include family court. (Justice respondent)*

Additionally, because there is typically no communication between civil and criminal courts, access to kids and civil court orders may be contradicted by a conflicting criminal court order. Three stakeholders commented that Alberta's three levels of court in the province of Alberta do not communicate with one another and have conflicting goals. In criminal court, several stakeholders noted that judges often minimize the impact of children's exposure to family violence by allowing access when the partner had been charged and convicted.

*In custody and access issues, the ones that take up most of the court time are when family violence is involved. Judges will order unsupervised visitation, even though it's being reported by the complainant that their partners' been charged in criminal court. The rationale of the judge is, "Well that's against you, but that doesn't mean that there will be violence against the children". The three levels of court, Queen's Bench criminal, provincial criminal and family court don't talk to one another, don't share information. Women are in shelters and if she is not supported in getting to family court before her partner, who has been charged in criminal court, to get a temporary custody order, the police are at the shelter's door with the assailant to*

*apprehend the children into his care, even though he has a charge against him, because the judge in family court doesn't know what's happening in criminal court. (Community respondent)*

*The criminal court is going to make an order, and the independence of the judiciary is an absolute in our justice system. They want to know about other orders, but they rule under very strict legislation. When there are kids, family court is going to say, "The relationship with blood relatives is important and so, regardless of other issues, kids should have access to both parents." They're looking at things from a completely different prospective and they're making their orders accordingly. The judges don't sit down together and say, "I'm going to do this, what are you going to do"? The victim in the criminal court is a witness. How do you manage your communications when there are orders in place directing you not to communicate? When there are kids, how do you manage the care of your children when orders conflict? But they just don't seem to pick up where one leaves off and if we are seeking a system that coordinates that, it's not the system we have now, which is siloed. (Justice respondent)*

One justice stakeholder commented that the police were limited in their ability to deal with conflicting court orders given the divergent goals of the civil and criminal courts.

*With custody orders, which are civil orders, you often see conflicts. I got custody papers that say, "I'm allowed to be on the street corner to pick up my kids," while I've got a criminal no-contact order, a geographical decision that says you've got to be two blocks away from my home. The cops come and get told to sort this out. From a power perspective, these court orders have equal weight, this one gives you the right and this one says you don't have the right. I'm not a lawyer and I can't sort this out. Was there an assault? Did he threaten you? If the answer is no to that, "I'm done, you've got to take these back to court and figure it out". (Justice respondent)*

### *The Use of Peace Bonds*

Ten stakeholders identified offering peace bonds to low risk accused as a disposition in docket court as contentious. The frequency of the use and breaches of the orders were noted as challenging to the specialized justice response. Four stakeholders are of the opinion that peace bonds are used too frequently and inappropriately.

*We have clients where, even weeks apart, there's been two peace bonds issued. When somebody has a peace bond, re-offends and actually gets another one, that's appalling! There are too many peace bonds being issued. Part of the rationale for peace bonds was to attach something to this person when they don't think other means are going to work. Sometimes, the advantage might be they do get counselling. The danger is the person ends up without a record. A peace bond is different than guilty. It's just acknowledging responsibility not actually pleading guilty. (Community respondent)*

*If a woman calls and says, "He just breached," or, "hasn't kept the peace and has been violent", we have to follow that up with severe charges, not bringing someone in adjourning, adjourning, adjourning and then saying, "I'll give you another chance". Those chances are what cost women their lives. We all know that by the time a guy*

*gets charged anyways, there have been multiple assaults or there's been stuff going on for a long time. (Community respondent)*

*The bad cases are when the person has four different arrests, then they come in with a peace bond that they took out in October and then they pled to another deal where they had a peace bond in November and now they're looking for another peace bond on a third charge in December. That seems to be a violation of the spirit of the peace bond. [For] people who are more chronic, it seems like peace bonds are a way of escaping consequences. It's used too liberally. (Community respondent)*

Five stakeholders identified following up on breaches to peace bonds as challenging. One stakeholder stated that peace bonds are only as effective as offenders' respect for them and that consequences needed to be in place for breaches.

*It's only as good as the people involved. It's no different than restraining or no-contact orders. You've got to have people who buy into that process. If a partner thinks, "It's not going to make a difference, I'm going to find her the minute I'm out of here", then we're not addressing safety. That piece of paper only works for people who respect the law around it. If it's just a piece of paper, sometimes people say, "I guess what I did wasn't that bad because all I got was a piece of paper, not jail time." It's got to be handed out with the understanding of what it means, the options if it's not honoured and making sure we follow-up. (Community respondent)*

Two stakeholders were concerned because they knew of instances when mandated clients received no consequences for not completing treatment.

*Clients will only benefit if they actually come to therapy. We don't really know how many guys drop out of treatment and there are no consequences. We have a court that says, "Here's what you have to do", but if it's not done, then what? You can't send the guy back through HomeFront. (Community respondent)*

*Mandated clients have been forced to come to counselling. It's a good idea to give people a chance to resolve their problems, but you get a lot of unwilling clients. It requires them to admit there's a problem. I know of one case where somebody was extremely unwilling; they were terminated after a while. When probation was contacted, there wasn't a consequence. Whether a client really is "done" is a completely different question. You can sit in a group for many weeks and still not admit you have a problem. These people come to counselling, fulfill their probation requirements but there's not necessarily any change. It very much depends on the individual. There has to be follow through on the part of the court, "If you don't open up to counselling help then there's going to be serious consequences." (Community respondent)*

One stakeholder suggested that closer follow up and supervision is needed with respect to court orders, especially for high-risk offenders.

*Probation officers feel very frustrated when they send breaches to court and the breaches aren't taken seriously. The other area of frustration is what happens when these cases go to warrant and just stood on that system forever. If they're warrants on a summary conviction offence, they expire in two years and the guy is Scott-free. Especially in high-risk cases, they need to do a better job of monitoring offenders and*

*enforcing breaches of court orders. When we identify a person at high risk, who is going to monitor the offender, support the victim and their family to make sure they're safe? HomeFront could take the leadership role. (Community respondent)*

One stakeholder stated that resource issues with police and probation have impacted their ability to follow up on breaches.

*Issues are around when the guys dropped out of treatment to go and follow up on breaches from the police. There are resource issues in probation to insure that breaches are followed through on; a lot of it is funding. (Community respondent)*

Another community representative highlighted that out-of-province offenders are difficult to deal with due to jurisdictional differences.

*We have a huge influx of people from out-of-province that may or may not be appropriate for what it was originally intended. The client is sent to treatment and may or may not comply, then what? You can't breach that client. We need some follow-up; we're seeing a lot of problem clients, family violence, but they're not HomeFront clients. Is that system helpful for those clients? (Community respondent)*

A justice respondent suggested that peace bonds can be used in a positive way to increase the surveillance of offenders and to get offenders in treatment as soon as possible.

*No one else in Canada uses peace bonds as deliberately. The fear is that it decriminalizes the criminal code. Other jurisdictions went with conditional discharges. The difficulty with that route is that it requires a guilty plea and leads to a criminal record that's a real barrier for some. Resolving these cases early when acknowledgement of what happened wasn't ok, when the level of the offence was very low and that it was common assault with no injury was of benefit. Most critical was that the accused was interested in accepting responsibility for the behaviours that they were alleged to have done and they're willing to go to counselling. As part of the peace bond, they get supervised by a probation officer for at least a year; they're expected to complete their counselling. With peace bonds there can be a whole range of conditions that might be imposed simultaneously like no contact orders. Peace bonds, at least in the initial evaluation, are highly effective and those who accept the peace bond and complete their counselling have the lowest rates of re-offence compared to any of the other categories. We're the only jurisdiction in Canada that supervises the probation. (Justice respondent)*

Other concerns identified by the justice and community key informants included affordable housing, which impacts women's ability to leave their abusive partners, particularly if they have children and child welfare is involved.

*Especially with housing the way it is in Calgary right now, are (women) going to go forward with charges when you could pull them back and go home? Homelessness is looming in front of so many women and their children. That brings in the dynamic of child welfare. If child welfare is saying to a woman, "You can't go back to your partner", but she's got nowhere else to go, then she may lose her children because she is homeless anyway. It's a real battle that pushes women not to flee when they would normally. (Community respondent)*

*A number of women don't leave their partner or return to their partner because of lack of resources, not only in the justice system, a lack of supports like housing, for instance. The specialized court is just one piece of that. (Community respondent)*

One key community stakeholder noted that women were not provided with supports to navigate the family court system, in the way that these are provided in the specialized criminal courts.

*Where children are removed, you have to move to the family court system, where you are part of the rest of the people who have had their kids taken away. The woman moves from an understanding system to being placed into a mix. (Community respondent)*

In summary, the justice and community respondents identified several contentious issues including dual charging, police response, lack of communication between civil and criminal court systems and use of peace bonds. The key informants mentioned the negative impacts of dual charging on women, particularly those with children. Difficulty in assessing primary aggressors, lack of police discretion in a culture of zero tolerance, inexperienced junior front line police officers made it difficult to effectively screen and appropriately respond to domestic violence cases. The complexity of domestic violence cases was further exacerbated when the two courts made conflicting decisions in isolation of each other, thus impacting the safety of women and children.

The use of peace bonds and breaches of various orders were also identified as challenges. Men were essentially getting a “slap on the wrist” and consequences were often not applied when the conditions of the peace bond were not met. The stakeholders emphasized that peace bonds are simply pieces of paper if the consequences were not enforced for breaches. Lastly, supports for women to leave their abusive partners are limited, particularly with the current lack of affordable housing and supports in civil court. Child welfare involvement further impacts women’s ability to rebuild their lives after leaving an abusive partner.

### **Immigrant/Diverse Populations**

Twenty-five (89%) stakeholders identified special issues for diverse populations including people of Aboriginal origin, immigrants, and special populations such as hard of hearing and gay and lesbian. Language, cultural and gender challenges experienced by immigrant women were identified. Limited success in treating aboriginal people was observed by several stakeholders. Special populations, including individuals living with disabilities, experienced challenges related to access to appropriate treatment resources. According to stakeholders, gay and lesbian populations have not been widely seen in the specialized justice courts.

#### *Language Challenges for Immigrants*

Twelve stakeholders (43%) identified difficulties in accessing translator services with respect to costs and access to culturally diverse human resources. Language barriers exist for immigrant populations in court, particularly given the specialized justice response to domestic violence. Two stakeholders reiterated that interpreter services are expensive and limited supports are available to immigrant populations in court.



*The difficulty of any language barrier plus what happens at court, is it understood? You put a complicated process on top of that; it will lead to problems. We have tons of clients that don't speak the language. We do the best we can with them, but I don't know how the court would do much. (Community respondent)*

*We've tried many things. What seems to work best is first language service. There are huge challenges to that, the biggest one being cost with the human resources issues. All agencies in town are struggling financially; we're not given enough funding to hire the folks who can provide some of the service. The languages are available but we often don't have the money to do it. (Community respondent)*

Eight stakeholders commented that interpreters are difficult to access.

*It is a continual issue with different ethnicities and languages and cultures. We are continually trying to get interpreters. This became very obvious during a recent fatality inquiry. Clearly, there are people not understanding what went on. HomeFront is certainly alive to that issue; the courts are making every attempt to be alive to those issues. How well we do, I don't know, because people tend to say, "I understand whatever language is spoken in the courtroom," walk out the door and not get it at all. I don't know how we solve that, if they won't tell us they aren't getting it. (Justice respondent)*

*That's a real challenge for the court system. It's not only very costly but often finding people trained in interpreting appropriately is a real challenge. There is the YTT phone service and different pockets of resources, but it's still a challenge, just the availability of interpreters. (Community respondent)*

A justice stakeholder stated that interpreters for counselling were difficult to find.

*Counselling agencies are very limited culturally and language barrier-wise and both of those play a significant role. Look at how multi-cultural Canada is and look at the growth and demographics of Calgary. We're dealing with many language barriers and only have so many qualified domestic violence counsellors. (Justice respondent)*

A community representative commented that even if interpreters were available, the client may not be open to using their services in treatment.

*Is the client willing to use an interpreter during counselling? Sometimes clients are agreeable but it's not easy if you're going to spill your guts through an interpreter. It's tough. This is a challenge that HomeFront and the court system are going to see more and more. Last week Alberta announced that 25% of Calgary's population is now a visible minority and that's going to increase. What do we do when the person doesn't speak the language? We would love to have counsellors that speak every single language. HomeFront, the court system and organizations really need to come together and say, "How are we going to assist these people?" (Community respondent)*

Four stakeholders identified concerns that the person assisting with the interpreting may be known to the person.

*Special dialects are more difficult to find. An interpreter might be a friend of one of the parties involved, that's not always appropriate. The actual translation of*

*meetings is challenging because people need to sign waivers and understand legal contracts. That's very important and that's still very much a real challenge for HomeFront because it's a challenge for everyone else. (Community respondent)*

Six stakeholders stated their awareness that attempts were being made and resources found to meet the culturally diverse language needs of clients.

*The community does so much talking about how poor the response is with diverse populations and yet, with the specialized court, it's probably better than elsewhere. I work with many people who make a concentrated effort to find culturally appropriate services, interpreters. People have, since this court, really paid more attention to the issue. It's not adequately addressed because Calgary's a growing city with many different populations, but at least we are trying. (Community respondent)*

*With [HomeFront] caseworkers, there's a greater likelihood that interpreters will be called. We're not going to experience a delay with an interpreter because people are on top of it. In each individual case we are more aware of the particular issues involved with a client. With the caseworkers particularly, the court is tolerant of a delay to collect information. (Justice respondent)*

*HomeFront has been extremely sensitive to these different clients needs. It has a bank of about thirty-three different languages and has provided funding for interpreters so that the complainant does not have to come with the offender to the meetings at the probation office or they do not have to provide interpretation services in meeting counsellors. They've been extremely adept and sensitive to the whole issue. (Justice respondent)*

*We have a number of different dialects, people that don't speak English and I can only think of one dialect we couldn't find an interpreter for. As far as interpreters go, we have done really well. HomeFront caseworkers are educated in working with diverse communities. Some ethnic groups are reluctant to admit that their husband has assaulted them, so there has been training around that. We have had to find support from different ethnic communities for women, but definitely there is support not only for the victim but for the accused as well in diverse communities. (Justice respondent)*

### *Cultural Challenges for Immigrants*

Nine key informants (32%) commented about the ways in which immigrants from patriarchal cultures challenge the specialized justice response.

*We've got a long ways to go with some ethnic cultures coming into Canada. Some don't speak English or understand the word "guilty." We've got to understand their cultures, how it affects what they do and why the victim might call or not call police. (Community respondent)*

*In some cultures, hitting is the norm. In Canada, they're realizing it's not OK and assault is assault. If you hit your wife and your kids, you are going to be charged because that's not the norm. The onus is not just on Canada to educate people when they arrive about what is right and wrong, but on anyone who's arriving in Canada to take responsibility for understanding. Women coming here are far more afraid of the*

*police than of their partners because they come from countries where the legal system and the police were patriarchal. The men and the police were often the perpetrators of violence. So if we don't understand, we're not going to help these people. If you don't explain to a man and his family and the entire community why this is wrong, this just looks like a rebellious woman. She's going to be dealt with even more severely. (Community respondent)*

*People from different cultures have very different systems. With domestic violence court, let's say child welfare is involved, they're just completely lost. They don't get it because in their culture, nobody comes to the house to arrest you or to take your children away and nobody comes to the defence of the woman. The woman must have done something to deserve that, it's always the women. If a woman goes to her religious leader and he believes the same thing, he's going to send her back to her aggressor, or if the woman goes to the police and the police believes in that system, they're going to send her back to her aggressor. That woman has nowhere to turn and nobody supports her. (Community respondent)*

Immigrant women who have been abused by their intimate partners often encounter educational, cultural, financial, language and gender barriers when they came to Canada.

*In some cultures, women are nothing; their education is not promoted or encouraged. They don't even understand why women should receive support and if there's violence against them, "Why should I not, it's my wife. I can correct her if I want, I'm her master." We don't change a culture that easily. If a man comes from a culture that's been doing that for hundreds of years, the only thing we can do is try to protect the woman. But the women are being taught that they're not worth it. The women don't have the self esteem to get themselves out of it. (Community respondent)*

A justice stakeholder relayed the story of a woman who questioned the efficacy of the North American justice response to domestic violence.

*I work with a woman from (country) and she said, "Your justice system doesn't work. In my country, my husband knew that if he hit me, my brother and dad would beat him up and say," If you don't want our sister, send her home". She says that never happened because it was an immediate consequence. Here he goes to trial and gets probation and he comes back and does the same thing. This doesn't work. In her mind, she's thinking, "Why would I bother with this"? People just keep being abusive. (Community respondent)*

The same community stakeholder reported family issues impacting women's ability to leave her abusive partner.

*With a trial ongoing in that community, that may play itself out in pressures on the woman, it may play itself out with threats. A lot of these families become ostracized from their community especially if a perpetrator is respected. The impact of diversity on these processes is not fully understood. I don't think we're serving that population well in trial court or in the justice system period. (Community respondent)*

Immigrant women are in a unique position, such that cultural barriers impact their ability to leave their abusive partners.

*We're not addressing culturally what clients bring to us. The police respond and quite often the woman doesn't speak any English but the partner might because he's working. He was the first to come here; he has the skills so she can look hysterical, out of control and can't tell her story. That piece isn't addressed well by any of us because many of these women are not just losing their home and their partner. If they're coming from a culture where you do not leave your husband, they're not safe to return to their community. When women get taken to shelters, the partners say things like, "They're taking you away because you're the one who's bad. You're wrong. You'll be locked up." There are bars on the windows [of shelters], they don't understand that's to keep people out, not to keep them in. That's huge for them.*  
(Community respondent)

Abusive men in some cultures blame the women when they are charged with domestic violence.

*More and more immigrants come to this country. They're not necessarily at the same level of understanding or society or cultural beliefs that we are. Some believe still it's the woman's fault. Ongoing education needs to take place to bring these people on board; especially men and the women have not done anything to provoke that.*  
(Community respondent)

A community stakeholder commented on the financial barriers that many immigrant women face.

*If their partners sponsored them to be here, immigrant women do not qualify for anything. If they have a sponsor, we cannot get them income support, they do not qualify for Calgary housing because they've got a sponsor who's suppose to pay for everything. They're forced to rely on a sponsor who's their abuser for everything. Calgary Housing will not budge on it. We can't get them any kind of income.*  
(Community respondent)

One justice stakeholder commented that immigrant women often face worst consequences when the man returned home after being charged, from her abuser and her family.

*Culturally, some women have fewer rights and are treated as property. It's one thing to say, "We're going to take away the man, but unless that woman has a very strong supportive family in the community, you've really isolated her. She may be on welfare if he doesn't have the money. It becomes a shame for her and the family. I don't think that HomeFront or the police are attuned to exactly what kind of shame that brings. If you end up essentially shunned in the community, and your English skills are poor and your kids are alienated at school, you are very isolated. Now what have you done? You've visited consequences on the victim when she came to this court for redress. The wife's own family starts saying, "You have to drop these charges; you're bringing shame on the family". Police service and HomeFront either through ignorance or through lack of staff, are not sensitive to the extraordinary pressure levied on this woman. And then she does not show up for trial. He's probably not changed and they are now reconciled and he will still blame her for having been arrested, fingerprinted and led away, flashing lights at eight o'clock at night with all the neighbours looking out the window. He's going to come back and*

*lay a licking on her and she will say nothing because the last time she called for help, it got worse. (Justice respondent)*

Four stakeholders are of the opinion that the police and judges struggle with meeting the needs of diverse cultures.

*There's a better response, but there are still gaps and discrimination and racism. I'm still hearing of those things happening when police respond. When it comes to the immigrant population, there are still issues around either discrimination or lack of knowledge in how to interview people in order to get the information they need. I'm still hearing comments that judges are minimizing domestic violence in particular immigrant populations. There are still comments about domestic violence being OK in an immigrant population; that they shouldn't be worried about it. (Community respondent)*

*What I've heard from clients regarding police is that, in some cases, they do a really good job and use culturally sensitive help and, in other cases, not at all. A client went to the police seeking help, but her husband wound up getting charged and these people got sucked into this system. This client was in great despair, "I'm going to the police who's a respected elder, please help me just talk to my husband." In their country, that's how they do it. And the next thing, they are charging the husband. To my knowledge there's no help called in from people who understand these cultures and that's unfortunate. (Community respondent)*

This same stakeholder provided another example when the police had been sensitive to meeting the needs of immigrant women.

*I was impressed. I received a phone call from a police officer who called me because they were concerned with the abused woman who did not speak English, only Spanish. They wanted to know if we could provide information on translators because there's a restraining order, where the father couldn't come near the family for fourteen days. They really wanted to make sure that in those fourteen days the client would get the support she needed. That police officer was really good and the fact that she took the time to talk to me speaks a lot. (Community respondent)*

### *Domestic Violence in Aboriginal Communities*

Eight key informants (29%) commented on domestic violence involving people of Aboriginal origin. A number mentioned the treatment successes in the specialized programs for Aboriginal peoples. Barriers to Aboriginal treatment programming are discussed as well as comments with respect to reasons that more people of Aboriginal background are not often seen in the specialized domestic violence courts.

*We're seeing inroads in the Aboriginal community, particularly the Strength and Spirit community and the development of treatment programming. HomeFront has been advocating provincially for treatment dollars for Aboriginal offenders. You're fighting a number of barriers, mainstream trying to integrate itself and its services into the Aboriginal population. Trying to be more open, more tolerant, offering programming that's more appropriate. (Justice respondent)*

*HomeFront was involved in the pilot on the Morley reserve. The initial evaluation qualitative comments by the offenders were positive. They've started to show how we can improve treatment, particularly to the Aboriginal centres in the future. (Community respondent)*

*In a couple of initiatives, we've done Aboriginal programming. We hope to develop the Aboriginal manual with culture-specific material and we've been running groups at the Calgary Correctional Centre. We've also supported a group out in Morley. There's been a real attempt to provide services to that underserved Aboriginal population. It's been pretty successful. (Community respondent)*

*The Aboriginal men's domestic violence treatment group was developed. It is the same as the other treatment group; the difference is the cultural content. That group has been running for four or five years, counting the group that was run through probation officers on two reserves. A number of groups are actually at Calgary Correctional Centre. That has really expanded in the Aboriginal community and that all started from the court. Native Counselling Services works very closely with domestic violence court in representing the accused in court. They've been fully educated and know the system well and what options their clients have in the court, either the treatment or going to trial. Then they help them get lawyers for the trial. (Justice respondent)*

One justice stakeholder questioned how to better individuals of Aboriginal origin in treatment.

*For Aboriginal communities, we only have two counselling agencies. More work is being done through Tsuu T'ina in conjunction with Okotoks and High River. How do we get them to come to us? How do we get them to engage their cultural philosophies that are different than ours? (Justice respondent)*

A justice representative cited some of the initial HomeFront outcome data that suggested success with Aboriginal programming but over time, co-related issues of alcohol may have impacted their ability to deal with domestic violence issues.

*Perpetrators were disproportionately Aboriginal, based on early research outcomes. The HomeFront process did not offer anything original. However, that thinking led to the development of the Aboriginal treatment program developed by the YWCA Sheriff King. The first few rounds of the program were highly successful. This program was not exclusively attended by Aboriginal people because there were not enough uptakes. It was opened to people who did not go through docket court with issues of domestic violence. Uptake may have been low due to co-related issues of addictions and [people] may not be ready to tackle violence issues until sober. (Community respondent)*

*We never did see many Aboriginal people going through that court. (Community respondent)*

In summary, a number of attempts have been made to develop culturally appropriate treatment for Aboriginal people, although this population does not currently appear in significant numbers in the specialized court.

### *Additional Special Populations*

A small number of the key informants (4) commented about special populations including individuals with disabilities and gay, lesbian and transgendered populations. The stakeholders indicated it is difficult to provide effective group treatment for domestic violence involving disabled persons.

*We can just do one-to-one counselling which isn't the most effective for domestic violence offenders. But we need numbers, we need funding, we need research, we need specialized background training in how to approach these specialized populations just like the ethnic ones. We're just starting.* (Community respondent)

*In terms of disabled people, we work one-on-one. I've done individual counselling with people who are disabled physically or disabled by brain damage or brain trauma. We have people all the time who have repeated concussions and/or brain damage; we have two or three in our program right now just doing our mainstream groups. I worry about them. I'm not sure they do as well. Not saying that we have the resources to pull them out to specialized treatment, but there is increased risks for people who have repeated brain trauma and violent behaviour.* (Community respondent)

Three stakeholders commented that gay and lesbian populations have not been referred from court.

*We've had one person who's self identified as gay in the last year.* (Community respondent)

Overall, the key stakeholders perceive the justice system as challenged when serving immigrant populations. Language barriers in accessing translators were identified as a challenge and included availability, cost and use in counselling. Cultural barriers for immigrant women including not understanding the justice system, language and police response coupled with a lack of financial/family supports, meant she needed to stay with her abusive partner. If immigrant women engaged their families in the justice system, severe consequence were sometimes applied by her husband as well as discriminating attitudes of justice personnel.

Despite these challenges, the stakeholders praised the efforts made to meet the needs of immigrant populations and emphasized the greater likelihood of access to interpreters with the new specialized justice response. Immigrant populations coming from countries where the justice system was different encountered a "culture shock" when their behaviour was "criminalized" and they were charged with domestic violence assault. Immigrant women experiencing domestic violence may be financially dependent upon their husband and family, which impacted their livelihood of limited supports. The police, judges, crown and justice community struggled in meeting the diverse cultural needs of immigrant populations.

Limited success has been experienced with treatment for Aboriginal people. Similarly, with individuals with disabilities, challenges were identified, particularly with brain damaged individuals. Numbers to treat were so small that one on one counselling was the only treatment option. Similar to Aboriginal people, gay and lesbian couples have not been referred to counselling agencies from the specialized courts.

## Chapter Six: Strengths and Recommendations for the Specialized Justice Response

The majority of the key informants (25 or 89%) identified strengths of the new specialized justice response, many congruent with the original goals of creating the courts. First, stakeholders emphasized the faster response time in processing domestic violence cases. Second, specialized justice personnel with an understanding of domestic violence were more responsive to the needs of victims and offenders. Third, enhanced communication between justice personnel facilitated expedient processing of domestic violence cases. Fourth, the stakeholders commented on what was working well with the response from caseworkers, police and judges/prosecutors.

*There's a certain level of criminalization of this behaviour that has been formalized. This is not just social, it is a legal issue. The recognition and implementation of these systems certainly recognize it as a societal problem.* (Community respondent)

*It's made the judges and Crown and defence involved with the process more aware of domestic violence as a societal problem. There's an understanding of the implications of sentencing; understanding that if someone is found guilty and sent to jail, they are not going to be able to keep working and providing alimony and child support.* (Community respondent)

### *A Timely Justice Response*

Sixteen stakeholders (57%) categorically agreed that the specialized response to domestic violence has resulted in cases being processed faster. The informants perceive justice personnel as better understanding domestic violence and, overall, having a more holistic approach to dealing with domestic violence cases.

*A dedicated courtroom ensures that matters are heard in a more timely fashion rather than getting in the queue with everything else.* (Community respondent)

*We don't have to get on a docket and wade our way through eight million C-train tickets before we get someone in. Now there is a court they can go to that is specialized and faster than before.* (Community respondent)

*There's faster processing of cases and offenders are being handled in a way that expedites their charges and process better.* (Community respondent)

*We have a well-coordinated, leading-edge response to domestic violence and we're responsive to victims and offenders. We hold offenders accountable and we provide treatment and support services very quickly, which are key factors for a positive outcome for clients. The biggest difference is that folks are now accessing treatment within days or weeks of a charge as opposed to after eighteen months, which is what used to happen. I'm very happy with that.* (Community respondent)

*I have a high respect and esteem for the issue that HomeFront's taken on, with the barriers they've attempted to break down, which would include legislation, the judge's attitude in sentencing and the vast number of players working collaboratively together. In the end, we hope that some families, through treatment, will remain intact. Some families will fall apart, but the ultimate goal is for the violence to stop, for the offender to be held accountable for his actions and for the complainants to feel*



*safe in their community. They've done that, I applaud them, they've done commendably. (Justice respondent)*

*This is a much more streamlined process. A meeting happens between the defence, the Crown, and the police - that makes a huge difference. Most defence bars have a tendency to plead their client not guilty and then wait because they want to see what the police and Crown actually have on their client. Because of those pre-court conferences, most of that information is made available to the defence lawyer, they are able to make decisions more quickly about how to plead their client and then everything is much quicker. (Community respondent)*

### *Specialized Justice Response Working Well*

Eleven of the key informants (29%) asserted that they perceive the specialized justice personnel in HomeFront as working well. The stakeholders mentioned that the specialized personnel have greater empathy and understanding of domestic violence and are more organized and responsive to the needs of victims and offenders.

*Understanding the issues has helped tremendously. People feel less like they're being herded through with little understanding. There is that deeper empathy and, as more cases go through that system, more learning's taking place for everyone. (Community respondent)*

*Having judges, lawyers and Crown all familiar with domestic violence and understanding the need for speeding this process is working well, because you're talking about lives here. Making sure that it happens as soon as it possibly can make a big difference. (Community respondent)*

*Specializing means you become better at it because you do it consistently. As far as a dedicated court, people concur that there are better-informed personnel related to the court, that the clients have a consistency of service. That was never the case previously. There's greater empathy and understanding domestic violence and caring with regard to domestic violence as an issue and not just a criminal activity. To commit to the broader issue is a huge improvement. (Justice respondent)*

*Specialized personnel, the Domestic Conflict Unit, the dedicated HomeFront courts, they've become more specialized and experts in what they do. The unit has grown because the need has grown. The Crown prosecutors and the judges have a greater sensitivity than they ever would have before and have more of an investment in a good outcome. The court caseworkers that work with the victims through HomeFront are invaluable. (Community respondent)*

### *Improved Communication*

Eight key stakeholders (29%) stated that communication between justice personnel in HomeFront has facilitated more expedient processing of domestic violence cases. Co-location of caseworkers and the Domestic Conflict Unit brings them together and expedites information sharing and case planning.

*The fact that we all talk to each other, probation, counsellors and police, we're able to share concerns. Probation can make the referral right there and that helps*

*decrease the length. We have caseworkers that go face to face with the victims. (Community respondent)*

*We have a specialized response to domestic violence in the city, which is amazing. We have a really good flow of information between treatment agencies, probation in particular and even including the police. We're able to get police reports and can work with all the different systems involved. We can really work together to provide the most effective response. Communication is really good and so many professionals know what they're doing with domestic violence more and more. (Community respondent)*

One community stakeholder commented that the relationship between HomeFront and the Calgary Police Services' Domestic Conflict Unit was working well.

*Because of the relationship of Domestic Conflict Unit with HomeFront, the response is better. There's real discussion and sharing of ideas, which means that the Domestic Conflict Unit is really responsive to concerns and suggestions as they come forward. (Community respondent)*

Another community stakeholder asserted that communication is also better with community agencies.

*There's simply more communication in the community. There's more awareness of what the other professional does and HomeFront leads that. The Action Committee against Violence (ACAV), there's a more informed community. We've developed protocols, how to do partner checks, there's lots of conversation about risk assessment. (Community respondent)*

A justice stakeholder stated that the case conferences in specialized court were good practices.

*There's more case conferencing, so you have Crown, defence or the HomeFront caseworker and the police. The defence could say, "My client's gone to alcohol counselling or anger management" and because HomeFront's working with the victim were able to rebut it; they may nudge the Crown, "We've got conflicting information. He was drunk yesterday and did not show up for court," we're able to give timely information to the courts. (Justice respondent)*

One justice stakeholder provided a case example of how communication had enhanced the safety of women in cases of domestic violence.

*An elderly person was fearful to have her son in her home. The Crown did an excellent job of questioning, "Do you want your son back?" The elderly woman said, "I need him for caregiving." But the Crown rephrased the question, "If we could get you caregiving, would you want him back?" She said, "No, I'm afraid of him." The judge can make the decision on a no-contact order. Because we have a police person and a caseworker from HomeFront [who] work at the same office, the police contact the district where the victim lives and make sure officers were checking her on an ongoing basis because they thought he was going to go there. (Justice respondent)*

### *The HomeFront Court Caseworkers*

Seven stakeholders (25%) described the court caseworkers as a good resource for victims.

*The court workers from HomeFront are definitely trying to keep on top of all the domestic violence issues. They are making an effort to respond more rapidly and educate the people within the justice system. (Community respondent)*

*They provide support and know the options that may work in a certain situation. How they support the victim, how they can help maintain a family, all of those are pretty positive. (Community respondent)*

*Caseworkers are helping alleviate some of the time for police. As policing becomes busier and more demanding, it's a huge resource. It's an incredible model that (we're) proud to be part of. That integration is the way to go with policing for future. (Justice respondent)*

*One of the greatest things is that the women do not have to represent themselves in court and have someone they can talk to and find out what is going on. Has he been charged? Has he been released? Is the no-contact [order] in place? What are my rights? It's really important to have one contact person to find out what is going on, whereas before, nobody knew. You could call the police and try to find out. Who are you? They're not going to give you anything. Just having that one worker, that's really good. The fact that they don't have to appear in court, that someone represents them and the workers make referrals for the women. (Community respondent)*

### *The Improved Police Response*

Seven stakeholders (25%) commented positively about the police response to domestic violence cases. One stakeholder noted that the police have valuable assessment tools and resources that they could access to help victims and offenders.

*The police are pretty good; that has improved. Their willingness, they are certainly out there and want people to call if there are problems and people know that. Just their receptiveness and understanding of the issue. (Community respondent)*

*The police response in the Domestic Violence Unit is excellent. (Community respondent)*

*We've got the high risk case offender unit that police can refer to and check with and get some feedback. There's also ARTAMI, an assessment tool that police can use to help them ask the right questions to assess the risk and assess the victims and the offenders needs to have a better understanding of offenders. (Community respondent)*

Two community stakeholders were of the opinion that, because there were resources available for offenders, the police were more apt to lay charges.

*Knowing that there's resources to help them like HomeFront and treatment programs, they're more likely to charge or lay charges and get people to treatment so these families can get back together. (Community respondent)*

*The big thing is sensitivity for police officers. It used to be that you responded to a domestic violence and you made peace and had everybody sit down. If the partner's drunk, you make him coffee and then you walk away. Then you're back the next month and you do the same thing. The police respond to the same homes a lot. Now we have the Domestic Conflict Unit. Instead of responding to the same house every month and the kids are crying and there's stuff flying around, they go in and look at the bigger picture and make appropriate referrals and assessments. (Community respondent)*

One justice stakeholder described the police as doing a good job with threat assessments.

*They did a pilot project in District Four where everybody was trained to do a proper assessment. That was a huge difference in the police reports coming back. On the police reports you would get almost a complete threat assessment with the victim right at the time. That is being implemented in other areas of the city and their response is they do training with their police, domestic violence with their recruits. (Justice respondent)*

A community key informant commented about the results of a study from the Alberta Women's Shelters, indicating that women were satisfied with police response.

*Alberta Council of Women's Shelters did a study about a year ago. When women come into the shelter they were more satisfied with the response of police officers. It gave me hope that we're making progress. (Community respondent)*

One stakeholder perceived same-sex couples as being treated more appropriately by the police.

*When HomeFront began, when two women in a relationship had a domestic violence incident, it was automatically coded as an assault, period- the end. Over a period, what's happened for people in same-sex domestic violence situations that involve the police, there's more of an understanding on behalf of the police how to deal with it. It's being looked at as a domestic violence issue; their needs are beginning to be met. (Community respondent)*

#### *An Improved Response by Judges/Prosecutors*

Six stakeholders (21%) saw judges and Crown prosecutors as more knowledgeable about domestic violence issues and able to make more informed decisions with respect to sentencing.

*The judges and the prosecutors in the court are very committed and well trained. (Community respondent)*

*The judges have more awareness about domestic violence and that makes a huge difference for when a woman goes before a judge and says, "This is what's going on." That awareness piece is so important. (Community respondent)*

*Judges who make those ultimate decisions are more informed as to the larger systems and the different challenges that people fleeing domestic violence might experience. It often is a cycle of violence that continues through the generations. That awareness*

*assists in appropriate sentencing. If people are convicted and appropriate supports are mandated, that is a great success. (Community respondent)*

*The prosecutors must have just thrown up their hands when people would come to court and change their stories or say, "It didn't happen." It must have made them nuts. They now understand the dynamics around why people would do that, the manipulation that happens in domestic violence with partners and the perpetrator's ability to manipulate a situation. Knowledge helps in prosecution and in working with victims; they understand why she may not want to testify. If he goes to jail, who's going to pay the rent? What are you going to tell the kids that happened to dad? They have better knowledge of that before they can work with both victim and perpetrator. (Community respondent)*

In summary, the identified strengths of the specialized justice response include a timely response, specialized response where communication is enhanced and caseworkers, police and judges/prosecutors worked together and were all better informed about domestic violence. Stakeholders emphasized that greater awareness and understanding of domestic violence led to a better response to victims and offenders. The co-location of HomeFront caseworkers, case conferencing, and caseworker supports were noted as strengths. Police reportedly were more apt to charge and judges and prosecutors could make informed decision with more understanding of the dynamics of domestic violence.

### **The Impact of the Specialized Response**

The majority of the key informants (25 or 89%) identified several positive outcomes as a result of the specialized justice response on the offender including reduced recidivism rates, reduced time to treatment and due to the rehabilitative focus; charges had no impact on their criminal record. For victims, the process allowed their voice to emerge and affect the court proceedings, which were timelier and reduced recanting. Collaboration was also identified as a positive outcome of the specialized response. Lastly, the stakeholders discussed the PAFVA legislation.

*Consistency within and by the court personnel is absolutely better. To be involved with the same person, the person has familiarity with your file; you're not being tossed back and forth. With regard to criminal trial, that's a huge improvement. When things are moving to trial, there seems from our perspective, to be a better assessment of other community needs. (Justice respondent)*

#### *Reduced Recidivism Rates*

More than half of the key informants (16 or 57%) commented on the question regarding whether the specialized justice response to domestic violence had affected recidivism rates. Stakeholders had mixed views on whether the specialized process reduced recidivism rates in domestic violence cases. Of those who responded, 11 stakeholders were of the opinion that recidivism rates have declined or that the specialized justice response has increased the likelihood of reduced recidivism while five stated that the, "jury" is still out and it was too soon to tell.

First, eleven stakeholders claimed that recidivism rates for accused convicted of domestic violence were decreasing.

*When anybody comes in contact with the criminal justice system for the first time, a certain percent never come back. It's hard to say which ones but if the provision of treatment service is quicker, it has a much better chance of a good outcome than years ago. An accused might have just been fined or, if it was more serious, he might have just gone straight to jail and no following up with regards to treatment. The potential for the intervention, which has success, is much greater. (Justice respondent)*

*The studies to date reflect that it has gone down. Some detractors would say that recidivism rates are always complicated because sometimes people don't call the police again. I believe recidivism rates have gone down, but you always have to look at recidivism rates with caution. (Community respondent)*

*The fact that the guys are not recidivating as much shows their treatments are having some effect. Follow-up stories from women support that treatment does have a positive effect and they're going back home. (Community respondent)*

*Mostly men who are first-charged or making their first appearance, it's been helpful in getting them into some program that may interfere with their willingness and ability to carry on. There's hope that because there are alternatives there may be a lessening of the number of the charges made or the number of incidents. (Community respondent)*

*The evaluation data indicate that if men actually finish treatment, they have good outcomes. That we've got more men going through with better outcomes is positive. These guys see themselves as victims and as being treated badly by the court. Through the treatment process, they confront beliefs about why their use of violence is OK in their intimate relationships. I've seen men make remarkable transformations and some know that they can't salvage their relationship where they were abusive, but go on to a new relationship where they can be different. (Community respondent)*

*The evaluation by Kathy [Cairns] and Irene [Hoffart] showed, for people who complete, the re-arrest rate is very low, only about 7% versus 22 or 23% of people who didn't complete. Our preliminary evaluation of the process is that it's effective. (Community respondent)*

*People were going before a justice pretty quickly and the seriousness of what had happened would be in the forefront and they'd be sentenced to things that were going to make a difference, not just going to jail. When you go to jail an abuser, you come out an abuser. Things like mandatory counselling, mandatory drug and alcohol treatment make a difference in whether or not somebody is going to abuse again, not just sending them into jail. Mandatory psychological help is helpful in reducing recidivism. (Community respondent)*

Three stakeholders noted that, even if we cannot determine the recidivism rate, the specialized system has increased the chances of reduced recidivism.

*When people are mandated and there's a system response, which is what I've seen with HomeFront, there's a substantially greater probability that someone will be less likely to abuse again. (Community respondent)*

Five stakeholders were of the opinion that it was too soon to tell and that recidivism rates are difficult to assess.

*We have guesses about it, but it's still too soon for me to feel comfortable. We need to understand the variables that may be contributing to that and continue to work towards both supporting and maintaining that. (Community respondent)*

*I've seen the stats around the offenders groups, recidivism rates are lower. In my mind, the jury is still out, it's premature. There are a lot more abusers in counselling than probably ever before. That has made a difference. The groups have changed the attitudes of abusers. (Community respondent)*

One justice stakeholder raised the need for caution in interpreting low recidivism rates.

*HomeFront needs to take a step back and really validate the data they're giving as far as successes for case resolutions because of the coordinating court response. They are celebrating low recidivism rate. I ask, "How can you state that when you're only accessing cases through court? What are they doing for those non-offence ones?" We're looking at strategies, at chronic repeat calls and maybe those could be cases referred to the Early Intervention Outreach Program because there aren't criminal code charges because it appears low risk. (Justice respondent)*

### *The Impact on Offenders*

Half of the key informants (14 or 50%) commented on the impact of the specialized justice response on the offender. For the offender, outcomes included reduced time to treatment, funding for mandated treatment and offenders are held accountable without incurring a criminal record.

*I've noticed a tremendous amount of difference as a result of first hand referring offenders for treatment. Having offender's complete treatment and give feedback to me with respect to what they got out of treatment, I've noticed a tremendous change in attitude, a change of outlook towards the relationship with a partner. (Justice respondent)*

Five stakeholders are of the opinion that offenders are getting into treatment sooner now than before specialized justice response.

*Now it's so fast. The process is so quick that offenders are appearing in court days after the offence. They are given opportunity at that time to either enter a plea or look at what treatment is available and are surprised there is treatment for this. (Justice respondent)*

*When somebody's ordered to treatment they are actually accessing treatment. There's a consistent approach that shouldn't be underscored. That's a major achievement, having the consistent approach in the first place. (Justice respondent)*

*When someone had been mandated for treatment, often that charge had happened quite some time in the past. By the time he or she became available for treatment (there) could be a completely different partner involved. There was quite a time lag between when the person went to court and were mandated to counselling. HomeFront is a dedicated court so we could really reduce those times, so you have a*

*more timely response so that the person who had committed the offence would be in treatment more quickly. (Community respondent)*

*The response rate at the beginning is very quick and as far the perpetrator understanding the process and perhaps having that anxiety reduced; it's not stretched out for a lengthy period. That has a positive impact in that there's less time for a situation to escalate, to create even bigger crisis because people are being tended to. They're going to understand the process and reduce anxiety. (Community response)*

A community stakeholder perceives HomeFront as having impacted the availability of treatment for offenders.

*We didn't have funding for mandated men's treatment before this project. This project put that issue on the agenda. It resulted in a funding framework for the province. There's men's treatment funded in five areas across the province. (Community respondent)*

Two stakeholders are of the opinion that offenders are now more likely to plead guilty to police charges.

*We're seeing more guilty pleas now (at specialized docket court) because people realize they can't go to the trial court and it's not a crap shoot. (Community respondent)*

*He's changing his plea at trial. If he's not pleading guilty at docket, a lot of cases he comes in, sees the victim, and changes his plea there to guilty. (Justice respondent)*

Two justice stakeholders commented about the way in which the new specialized justice process has a rehabilitative rather than a punishment focus in response to domestic violence cases.

*It wasn't serving the big purpose because a whole pile [of charges] had already been dropped. Going to as soon after the charge as you can holds the promise of supporting the person and to see it not as a punishment but rather as a way to get help for both of you through the systems. That is totally different, outside our view of the justice system really. To say that, instead of a punishment model, let's look at a helping model as well as holding accountable. It's accountability plus the support. (Justice respondent)*

*This whole approach has been rehabilitative rather than punishment, where it's appropriate. Obviously we have serious cases as well where, from a legal point of view, we have to look at punishment. Generally, offenders who come in for the first time are given the option of rehabilitation, sometimes depending on the facts. If they participate in treatment, that's a whole crux of the project really, is upfront intervention to avoid them coming back. (Justice respondent)*

One justice representative relayed the story of a father who had experienced the justice system both before and after the advent of HomeFront and the specialized trial court.

*We had a father with two daughters; he had a second marriage so had a much older daughter and a much younger daughter. The older daughter went through the system long before. The younger daughter came through and got the full treatment from the caseworkers and everybody else. The father said, "This is night and day compared to*



*what my daughter experienced back then.” From the police response through to the end and caseworkers sitting with them and giving them updates and working with him. They wouldn’t talk to him before and we were talking with him. He couldn’t get over it. They weren’t happy with the outcome of the case so they were disappointed in the system as a whole, but one of the few people who could actually articulate the differences between then and now, was able to say, “I see the tremendous difference.”* (Justice respondent)

For the system as a whole, the stakeholders perceived the specialized justice response as increasing the awareness of domestic violence as a crime. They saw the social and justice systems collaborating to deal with domestic violence cases and inspiring the development of safe visitation and Aboriginal treatment programs.

### *Improved Victim Support*

Eight stakeholders emphasized that the new specialized justice response enabled a voice for victims to be heard in the criminal justice system.

*HomeFront is a tremendous asset. Regardless of the challenges and the realities of non-profits and high demand and the crisis in our city around homelessness, they have one of the largest impacts because it’s at such a significant level. It makes a lot of the rest of the work that we do worthwhile in a sense that the women can see resolution whether it’s favourable or not, at least that process can be completed. With perseverance and patience, they’re being served better than they ever have through those systems.* (Community respondent)

*Victims are empowered because they feel that they have a voice. Once they get a feel for it, they realize that they are being listened to and are being respected.* (Justice respondent)

*It has made a difference. Victims get a fair amount of support through the process. They’ve taken away the feeling of isolation, so that’s good.* (Community respondent)

*Victims are being supported and that’s huge! HomeFront really plays an active role with victim advocacy and the Partner Support Program. They were a separate entity, but a couple of years ago we moved it under HomeFront. It is a good fit because the advocacy at the beginning and then the sentencing and community supervision and counselling and the partner support for the follow up contact with the victims.* (Justice respondent)

*It’s always good to have the victim’s voice, that’s a good thing for people who can’t adequately represent themselves. Victims are actually heard in that, in the general population, it’s all about the criminal and their rights. So suddenly what she has to say is important. Also, caseworkers are good because oftentimes these women don’t have a voice and to have someone there on their behalf is very helpful.* (Community respondent)

One community stakeholder commented about the fact that domestic violence cases are handled very different than stranger assaults.

*Victims previously reported feeling detached from the process. The victims don’t really have a voice in the justice system. This has allowed them to understand the*

*process and the supports that are available. Everything happens in a much quicker way and recognizes that, although domestic assault is a criminal act, the typical resolution is handled in a very different way from stranger violence. There's a recognition that people may stay in a relationship and the abuser may be the breadwinner and may need to just serve weekend jail. (Community respondent)*

Another community stakeholder suggested that the specialized justice response may prevent re-traumatization of women by expediently dealing with the issues.

*For women, being able to heal and resolve some things sooner than later decreases any subsequent trauma and being re-victimized. (Community respondent)*

A final community respondent noted that women were being helped in understanding the different types of abuse.

*Certainly starting to challenge women to identify that domestic violence isn't being hit. Recognizing that there's numerous ways that it can come into a family without you being aware because it's not just about that physical assault. It's recognition of domestic violence in all the faces that it wears, not just the physical. (Community respondent)*

With respect to supporting victims, several stakeholders also noted that the new specialized justice response had sustainable financial dollars to support and encouraged victims to be part of the process and they were in turn, more willing to testify at trial. The new system takes into account safety issues of victims and families when making decisions. With caseworker supports, women did not feel alone and they had someone that represented their best interests in court. A specialized, formal response to domestic violence sent a message to offenders and society in general that domestic violence was a serious criminal manner.

*People are aware that it's a specialized issue not a private matter anymore. That has a real macro trickledown effect into the intricacies of the justice system to Victim Assistance, to the police officers on the street. Just a general public understanding that this an issue and we're dealing with it appropriately. (Community respondent)*

### *Enhanced Collaboration*

Collaboration of the various players in the justice and community was working well, according to eight stakeholders.

*We're leaps ahead of anyone else. HomeFront and the individuals involved in bringing it to this point, need to stand up and take a bow. I have nothing but the utmost respect for HomeFront and what it's done in Calgary for the justice system. (Justice respondent)*

*It's one of best things that has happened to the domestic violence community in terms of the protective services it offers and the way it's brought together the folks who work in the justice system. Of all the collaborations I'm involved in, this has been the most productive and the most responsive. (Community respondent)*

*Sectors have been very keen on trying to make sure that that sentencing and court appearance and court process is handled well. Everyone has been onboard. It's*

*given a common cause for the sectors to work well together. (Community respondent)*

*They were very successful in HomeFront working inter-agency, staff morale, opportunities for training. There haven't been as much recently, but any time HomeFront has offered training or retreats with staff, there is a tremendous boost of morale and enthusiasm, the desire to work harder and do better. (Justice respondent)*

One community stakeholder commented that collaboration has impacted the workload of all agencies.

*It certainly helps organizations who can't always provide that voice for the victim. We do what we do well, but justice is not what we do well. It's really helped lighten the load of organizations to allow someone to do that part well for our clients because we're all serving the same clients in one way or the other. (Community respondent)*

### *Less Victim Recanting*

Six stakeholders were of the view that the specialized response had resulted in reduced recanting/reluctance of women in testifying, particularly the caseworker supports.

*The time between the docket court and the trial court and a guilty plea has decreased and more victims are not recanting their stories. It's been effective that way. (Community respondent)*

*We're seeing more where a complainant was actually coming to court because the trial caseworker is working with them. We [Crown] are better tied into the victims, there's more connection with the caseworker and we're not losing them because they have moved on and we can't locate them. We're able to contact the complainant and get them into court much sooner in instances where in the normal system of serving a subpoena has failed, which is actually either an endorsement of the caseworker assistance or a condemnation of the way in which the police serve subpoenas in the first place. We are seeing a better percentage of victims coming into court for trial than otherwise would occur without that caseworker. (Justice respondent)*

*(HomeFront) caseworkers are very good. Having someone there on his or her behalf is very helpful. Just how quickly this happens has been a benefit because the dynamics of domestic violence change so rapidly that people are back together and they don't want to testify. The support from the caseworkers makes a difference for victims because they're in court before the honeymoon gets going and the wrongness of what has happened is still there, the bruises may still be there. I've been to first appearance court with him saying, "She fell down the stairs" and her being able to say, "What stairs could I have fallen down looking like this?" It's fresh in their minds and there's more confidence and sometimes a lot more anger, which could be a good thing for the victims. (Community respondent)*

*There are reluctant witnesses and recanting witnesses. They aren't necessarily the same. They may be reluctant but they may not be actually recanting and say, "It didn't happen". So, get them there, maybe you can work something out and can convince them to tell their story. Sometimes half the battle is actually getting them there. I noticed a difference because there's some you can't keep in touch with*

*because they simply won't cooperate, but it makes a difference in trial court. HomeFront does some follow up files that go to other courtrooms. I still see similar things happen to what used to happen [here]. Some still are recanting or don't show up, but our chances of that not happening have improved simply because HomeFront follows those complainants. (Justice respondent)*

### *The Protection of Family Violence Act (PAFVA)*

Eight key stakeholders commented on the interaction between the *Protection of Family Violence Act* (PAFVA) and HomeFront and the specialized domestic violence court. This question was the least answered despite the reported extensive training on the legislation provided across the province.

*HomeFront is in a really good position in that they are part of the justice system, but they can also be critics of the justice system. That's a really good place to be, they are inside but outside. It's like having a critic from within. (Community respondent)*

One community stakeholder identified difficulties with accessing emergency protection orders to help women stay in their homes.

*In the ten-year plan in Calgary, the two top things that people identified was the lack of affordable housing options and their inability to access protective legislation that would allow them to stay at home. There were high hopes that access to that protective legislation would give women another tool for staying safely at home - it failed miserably. It was poorly implemented; it was never used in Calgary, there wasn't a lot of training. A lot of police officers across the province didn't even know the piece of legislation existed and didn't know how to use it. (Community respondent)*

Another stakeholder was of a contrary opinion, stating:

*Emergency protection orders have made a huge difference because now women can stay in their homes as opposed to leaving. (Community respondent)*

One stakeholder commented that they do not see emergency protection orders were not an effective way to maintain women and children in their homes, especially if the man was the primary breadwinner of the family.

*Emergency protection orders are great: remove the man from the house and he can't come back. But maybe he's the breadwinner. He's sure not going to pay the bill when he's booted out. When they enact legislation, they have to think this through. It would be good to consult with people on the front lines because there are lots of fallouts. The theory is good but women are saying it doesn't work. (Community respondent)*

One stakeholder commented that the PAFVA legislation is not being used extensively.

*I don't think PAFVA is used as much as it should be. There's still an issue with the police not using it; it may need to be refined again. There needs to be a lot more education and HomeFront could be a leader in that, educating the general public about differences between peace bonds, restraining orders and the PAFVA Act, so*

*that they're aware of what's available and where they can get assistance in filing.*  
(Community respondent)

A justice stakeholder queried whether the PAFVA legislation was needed with the advent of HomeFront.

*Some people think if you've done criminal charges and there's been an undertaking of conditions through the courts, do you need an emergency protection order under the Protection against Family Violence Act?* (Justice respondent)

Another justice stakeholder praised the legislation and stated that caseworkers helped victims with obtaining an emergency protection order.

*It's nice for Child Welfare workers to obtain Emergency Protection Orders (EPO's) for victims. There's been an increase in EPO's since the new legislation. That's an added resource for victims; caseworkers can educate the victims on that. Within our court itself they have, not just for victims, for family members, if the accused is not quite threatening family members but, if it reaches a point they have that security.*  
(Justice respondent)

One justice stakeholder stated that sanctions worked better in civil court because there was the benefit of double protection, but the challenge was that both courts have equal weight and the police direct to civil because it is far easier to achieve standards of balance of probabilities.

*I don't see a huge connection between the two. Its civil legislation, so it has no practical application in the criminal court directly. The Crown had a policy that the criminal remedies attached to emergency protection orders would not be prosecuted criminally. The police originally were trained don't charge criminally; charge civilly because the balance of probabilities is far easier to achieve than the criminal standard. The sanctions out of the civil court for the violation are probably more severe that you'd see out of criminal court. That's a pretty compelling argument for the Crown to say, "We don't want to touch these because chances are we're not going to do a very good job of it." Go where you're going to get better odds of a good sanction and that sanction is going to have some teeth. It's good to layer the criminal and civil orders; it's a double layer of protection. It's not something that's necessarily embraced here.* (Justice respondent)

Interestingly, the police have been provided with the training on PAFVA but, according to our key informants, fail to use the legislation in their work, even though the civil orders provide heavy sanctions if breached.

In summary, according to our key justice and community stakeholders, the specialized justice response has resulted in domestic violence cases being dealt with in a more timely and coordinated manner. Specialized and knowledgeable justice personnel communicated and coordinated information which expedited appropriate responses to domestic violence cases. Practices such as case conferencing before court and co-location of caseworkers and the Domestic Conflict Unit served to facilitate information sharing and case planning. Having an understanding of the dynamics of domestic violence, justice personnel were more responsive to the needs of victims and offenders. Lastly, caseworkers provided support to victims and offenders.

Overall, they perceive that the specialized domestic violence justice response has led to a reduction in recanting, increased collaboration among domestic violence stakeholders and victim support from HomeFront to the specialized trial court. For the offender, reduced time to court and treatment, increased guilty pleas and access to treatment were successful outcomes. The PAFVA legislation could be used as a tool to further enhance safety of women and children.

### **Suggested Improvements to the Specialized Justice Response**

Twenty-one stakeholders (75%) suggested improvements with respect to the specialized justice response in the areas of education, expansion of the specialized response and enhanced justice supports. Eleven stakeholders recommended the need for ongoing and consistent education with police, probation, prosecutors, judges as well as child welfare, health care and social service agencies, five indicated that diversity training is needed for justice personnel, five noted that education is also needed with immigrant and diverse populations on how the system responds to domestic violence cases and seven proposed other justice system improvements.

#### *Educating Justice Personnel*

While one community stakeholder noted the effectiveness of education, seven stakeholders saw the need for ongoing education in domestic violence for police officers both new and seasoned.

*Education has been big in areas as well as the prosecutors and police and the task force that worked with the police to learn more about Aboriginal or immigrant populations or the gay, lesbian, bi-sexual and transgendered communities. Education has really helped, understanding the differences in a diverse or immigrant population that would warrant handling that differently. Education is a key in some differences in how things are investigated so that charges that are laid are clearly put out with that kind of a lens to make sense of what's going on within the relationship. (Community respondent)*

*The new recruits and the current uniformed officers need better training. (Community respondent)*

*It diminishes three months after training. Getting eight hours of domestic violence training when you start and you're working seventeen years; you've forgotten everything. New younger ones (police officers) coming on, it's the ones that we haven't been able to impact or those at the far end of the spectrum who've been at this for thirty years. (Community respondent)*

*More training at that frontline would certainly help. If they (police officers) are aware of the dynamics of domestic violence at a deeper level, they might better understand when they come into a situation. (Community respondent)*

*Education is absolutely key in how police respond. Police operate under a very clear policy structure. When they're called into a domestic violence situation, there's a bigger infrastructure discussion point. The best way to address that is education, giving people tools to do their job. People who are well resourced and committed*

*deliver services more effectively. City police are under-resourced and that affects everything. (Justice respondent)*

*One of the trainings included that when you show up to a domestic this woman might be hysterical. This guy going to say she's drunk. Police need to understand that the woman now feels safe to be hysterical and to scream and all those things that come when you're in crisis. Education on the police side needs to be upped; they're often the first responder. (Community respondent)*

Two community stakeholders identified the importance of ongoing education and training given the number of junior police entering the profession.

*It's the young officers on the street who are new that need ongoing training. (Community respondent)*

*We're probably seeing different issues because of turnover and a very young new force that hasn't had the luxury of the training that the older folks got. That's a potential vulnerability. The issue of who's going to do the training of these folks is up for discussion because the police are wondering if it's their job, other people are wondering if it's their job. I'm not sure whose job it is. Historically, HomeFront owns it because nobody else is doing it. It's the police responsibility or a collaborative responsibility; the police should be bringing some of the experts on this, the treatment agencies and service agencies because there's a role for everybody. I suspect people would be pleased to participate collaboratively. (Community respondent)*

Two stakeholders stated the need to more effectively educate judges and Crown prosecutors.

*We need to work on educating the judges. We've had some training and there are some very keen judges that are interested. (Justice respondent)*

One community stakeholder suggested that 911 operators also need training in responding to domestic violence calls.

*Domestic violence training is not just for the police officers, it's also for the people answering the phone lines, because research will tell you that about forty percent of the domestic violence calls needs to be rooted out by the communication people so they're really a critical piece of that. A friend of mine was looking after an older person for their family who's out of town and the woman died. She phoned the police to say, "I've just found a dead person" and they said, "It's not our problem, call the city". They didn't even ask where or how they died, which you would have thought 911 would have been interested in. It just shows that the communication people are a critical link into the service, they are the access point into the service. (Community respondent)*

A justice stakeholder was of the opinion that HomeFront was the appropriate service provider to coordinate training on domestic violence.

*Training is not ongoing. HomeFront has provided training and their attempts have not been as regular or as good as a person would hope. For example, you have training at each department, which would attempt to provide their staff members but*

*on the other hand, HomeFront is more effective in terms of collaboration, in bringing in probation, police, and others. HomeFront is the best coordinating body for all of that. I haven't seen ongoing collaborative training. HomeFront itself has turned over with respect to staff. They've undergone a period themselves where their frontline workers are seeking other opportunities. They need to recruit and train; therefore they are in the best position. (Justice respondent)*

#### *Diversity Training for Justice Personnel*

Five community stakeholders suggested the need for enhanced education supports for justice personnel on diverse populations was required with justice personnel.

*There are still poor comments about any kind of domestic violence being OK'ed within an immigrant population; that they shouldn't be worried about it or it's minimized or discriminated against in some way. There's a need for a lot more education. (Community respondent)*

*Maybe the judge or lawyer is not aware of the culture. If there was a representative of that culture that can help the judge and the lawyers understand; that might make a difference as to how to help that family. (Community respondent)*

*We need numbers, funding, research, and specialized background training in how to approach these specialized populations just like the ethnic ones. We're just starting, I don't know how we go about it, I guess time and research. (Community respondent)*

*More money needs to be put into cultural diversity, whether for translators and training the police and other parts of the justice system around cultural sensitivity and cultural diversity. HomeFront had staff that mirrored the diversity of the people that are going through the court. I don't know if they still do, but that's vital. (Community respondent)*

*If a police officer is called into a domestic violence maybe the first question they need to ask is, is that (family) from another culture? What language is being spoken? They have a pool of volunteers in the community, a worker that the police can call, "We have a situation here. They need that language can you come?" I'm not a police officer and I wouldn't want to do their job because it's a tough job, but maybe that's an area that we could look into. Then we can go with somebody who speaks the language and that interpreter can relay what's going on to the police officer. (Community respondent)*

*The police need more training. They need to have diverse groups both academic and personnel that have gone into these things, and do training within the Calgary Police Services as a whole, very basic stuff, having more understanding of domestic violence. The same thing happens over and over again because this person just doesn't get it or assumptions are made. I would like the police to get more training; it can't just always be a reactive (response), let them "put out the fire" kind of response. It's not the police that necessarily do that but they're trained about what might work, have some back up referral system or something that covers those kinds of issues. (Community respondent)*



### *Education for New Immigrants and Refugees*

Five stakeholders suggested that education about the Canadian justice system was needed for immigrants and refugees who move to Canada.

*There should be mandatory education when an immigrant comes to Canada. They have to attend these workshops, each and every immigrant has to go to all these legal workshops and they should be informed this is the law here. (Community respondent)*

*Systems of justice operate entirely differently around the world. They knew the law there and [when] they come to Alberta it's entirely different. In another country, there may be a complete distrust of police. Those things don't go away. Broader education is required often within diverse communities and extends well beyond the court system. But what happens is when those people go to court they come with knowledge that doesn't relate to Alberta law or Canadian law. (Justice respondent)*

*Education is needed about how the laws work here. We're not asking you to change religion, we're not disrespecting your religion, we're just saying, "This is the Canadian law and it's based on civil law, separation of the church and the state." Refugee claimants who have been living in camps for most of their lives; it's not their fault and they've not received the proper parental skills because maybe their parents have been killed. These people have seen wars and they're here and we expect them to become good parents. They need the skills and a lot of education. (Community respondent)*

A community stakeholder suggested that immigrant women need more supports before going to court.

*More places for women to get this dealt with. If we had some place that women could go and have that cultural piece understood before they arrive in the courtroom. Sometimes the partners are willing to stop the behaviour, they just needed to be told it was no longer acceptable. That understanding isn't always given to people when they arrive. Some of this work can be done before it hits the courtroom and that would certainly save time in trying to figure out what's going on. (Community respondent)*

Another community stakeholder identified the need for education and awareness with diverse and immigrant groups on how domestic violence cases are handled in Calgary.

*Diverse populations still have difficulties manoeuvring through that court. The court system is very complicated even for people familiar with it; people who may not be minorities or immigrants. A lot of work can be done for diverse populations, not just around the specialized court but the whole justice system. Lots of people come from countries where the police are corrupt and the justice system and everybody's corrupt. Sometimes it's been narrowly focused on the process without any acknowledgement that they think the whole thing is corrupt. (Community respondent)*

### *Enhancing the Justice Response*

Seven stakeholders identified the need to expand the courtrooms to accommodate increased volumes.

*In an ideal world we'd like to see more court time for domestic violence cases. (Justice respondent)*

*We've got a good handle on coordinated, collaborated responses in some of the bigger cities in Alberta and we will with all the cities soon. We haven't got this confirmed yet but we'll be moving up to other cities with domestic violence courts. A lot of rural areas don't have access to specialized courts and specialized treatment personal across the province. We need to do more there. (Community respondent)*

Two stakeholders suggested that the criminal and civil courts needed a mechanism for improved communication.

*There isn't a shared computer system between the provincial court criminal division and the family division and the Court of Queen's Bench so that they could all have the same information related to these cases. We are getting competing orders, decisions are being made when not all of the information is available so decisions are being made that are poor decisions because they don't have access to all the information. We need to look at restructuring that whole family court, Court of Queens's bench response that we're sharing information and people should make decisions based on all the best information available. (Community respondent)*

Several stakeholders identified additional improvements with respect to the justice response. The police were seen as needing to conduct better assessments, along with an expanded history, to incorporate threat assessments into their work, adopt a primary aggressor policy and enhance first responses by incorporating a mental health worker when attending domestic violence calls. Additionally, the stakeholders suggested that child welfare representation was needed on the court team, specialized justice resources for older adults and special populations were needed as well as more intense monitoring for high risk offenders.

*They have to do a better assessment on the scene. The police make the arrest and the justice system figures out who's guilty and who's not. Taking the time to actually assess what's really going on... I know that can be very difficult to do at the time, but really looking at their jobs more broadly. It's not just to lay a charge but to actually figure out what's really happening. (Community respondent)*

*In a perfect world, we would get together with the police and the police would use a threat assessment tool that works with what probation's using, with what we're using. Different organizations, the police, probation, the judges, treatment agencies, all have different ways of looking at risk, and it's complicated. (Community respondent)*

*They could look at a primary aggressor policy where you don't look at who did what to whom; you look at who started it. Most of the US States now have a primary aggressor policy so formally adopting that would very helpful. (Community respondent)*

*One case today, they're looking at a peace bond and this lady was reluctant to talk to police. (It) looked like a low risk case. HomeFront got the historical information, she'd suffered broken ribs, beatings, been locked in the home under house alarm that if she moves or uses the phone or anything it's activated and he knows. She's never*

*allowed to close the door to go to the washroom - it's unbelievable. (Justice respondent)*

*A domestic violence worker on a crisis call can be there for the victims and it may relieve some of the pressures for the police to charge. It's kind of an innovative response. It's hard when you're out there in the streets and you're busy and you do want people to get help so their intentions might be right but the result maybe the wrong one. More police and social work support would help. (Community respondent)*

Three stakeholders suggested that child welfare representatives needed to be on the court team.

*It would be useful to have Child Welfare on the court team; that would be a huge advantage. Having them here would reduce some duplication of service and allow a quicker response to kids and families. (Community respondent)*

*Child and Family Services need to be involved in this process because they're involved in family court and guardianship and custody. We get a lot of difficult referrals from Child and Family Services. (Community respondent)*

Two stakeholders suggested that higher risk domestic violence offenders needed more intensive monitoring and structured living.

*Especially in the high risk cases; they need to do a better job of monitoring the offenders and enforcing breaches of court orders. (Community respondent)*

*High risk people need intensive monitoring and structured living environments. Some of them need to have intensive monitoring, probably have them come in more than probation, more than once a week or once a week at least. Even in counselling, work towards a structured living situation; try to encourage them to be involved with mental health outreach. Supports might be needed: stabilization, medications, supported through to sobriety, all that requires either a different kind of housing or more intensive programming. (Community respondent)*

A community stakeholder was of the opinion that more work was needed with respect to special populations experiencing domestic violence, particularly the older adult.

*In our new work around older adults over the age of sixty-five and domestic violence, there are the designated Seniors Liaison Officer located in the Cultural Resources Unit that do not have investigative powers. We need to be looking at older adults and persons with disabilities, broadening the concept of normal persons and having a specialized unit that provides expertise to the domestic cop. They don't have those skills yet, so when they get older victims, victims with disabilities, they've got the expertise to work with them. We certainly haven't addressed the needs of persons with disabilities. (Community respondent)*

Several stakeholders also recommended tighter timelines for court appearances as well as more time for Crown prosecutors to prepare for cases. One justice stakeholder suggested that a domestic violence expert could be a subject matter expert witness in domestic violence cases.

*Having a subject matter expert who provides expert testimony on the dynamics of domestic violence. If the police are dual charging, this person could explain why the victim lashed out on the stand. The person was the victim for the last six years and this was them reacting. (Justice respondent)*

In summary, the stakeholders recommended ongoing education with justice personnel on domestic violence and diversity was identified, particularly with the junior staff entering the profession. Education on the Canadian justice system was identified as needed for immigrant populations, especially the specialized justice response in Calgary. Stakeholders also suggested an expansion of courtrooms and a communication mechanism between criminal and civil court. Other suggestions included police needed to complete better assessments and an expanded history, incorporate threat assessments, adoption of a primary aggressor policy and implement a first response using a mental health worker. Additionally, stakeholders suggested child welfare was needed on the court team, specialized justice resources for older adults and special populations were needed as well as more intense monitoring for high risk offenders.

Other areas of improvement identified included the need for more supports for mental health and addictions, probation, supports for women navigating civil court and mental health supports for children.

*Children need a voice in this process. There's a small pilot around children having a legal advocate [the Speaking for Themselves Project] that proved very effective at resolving these high conflict custody and access cases. They disappeared because dad knows he can't use it to manipulate. The need for children's mental health court because apparently what's happening is children experiencing significant mental health issues because of their childhood exposure to domestic violence or bullying and harassment are not getting access to the mental health system. We need to make sure that these kids are able to access different services that are available to their mom and dad now through the criminal trial and docket court. One thing HomeFront has not been successful with: we thought there'd be a significant increase in the number of children being referred to children's treatment programs and that just didn't happen. We're still trying to figure out why. (Community representative)*

## **Conclusions**

In summary, across the interview questions, the stakeholders noted that Calgary's specialized domestic violence courts and HomeFront arose from the collaborative efforts of local justice and community agencies. These stakeholders advocated and worked towards a justice response that was more appropriate to the unique dynamics of domestic violence that would result in a coordinated, appropriate and timelier response. Having specialised educated and informed justice personnel coupled with a timely reflective response would result in more appropriate and effective outcomes for offenders. Offenders who have access to treatment shortly after being charged, particularly first time charged, would have reduced recidivism rates. Additionally, with victim supports, recanting would be reduced and manipulation of the justice system by offenders eliminated.

Barriers to the specialized justice response included ongoing struggles related to volumes, treatment, adjournments, justice personnel buy in and human resources. Stakeholders suggested definitions of abuse were too broadly utilized contributing to

inappropriate use of specialized resources. Treatment agencies have struggled with staff turnover, appropriateness of treatment for all offenders and access for those from communities outside of Calgary.

The stakeholders identified several contentious issues including dual charging, recidivism, police response, lack of communication between civil and criminal court systems and peace bond use. The negative impacts of dual charging on women, particularly those with children were identified. Difficulty in assessing primary aggressors, lack of police discretion in a culture of zero tolerance, inexperienced junior front line police officers made it difficult to effectively screen and appropriately respond to domestic violence cases. The complexity of domestic violence cases was further exacerbated when the family and criminal courts made conflicting decisions in isolation of each other impacting the safety of women and children. Stakeholders emphasized that peace bonds were used too frequently and inappropriately and breaches were not handled appropriately. Lastly, supports for women to leave were limited, particularly with a lack of affordable housing and transitional supports.

The specialized justice response was challenged in meeting the needs of diverse populations including immigrants, aboriginal people and special populations such as hard of hearing and gay and lesbian. Language, cultural and gender challenges experienced by immigrant women were identified. Language barriers emerged such as access to interpreters, which was pivotal to supporting victims and the offender. Challenges with interpretation included availability, cost, and use in counselling. Immigrant women experiencing domestic violence may be financially dependent upon their husband and family, which impacted their livelihood because few supports existed. Recommendations based upon these findings are as follows:

Despite these challenges, the stakeholders praised the efforts made to meet the needs of immigrant populations and emphasized the greater likelihood of access to interpreters with the new specialized justice response. Immigrant populations coming from countries where the justice system was different encountered a “culture shock” when their behaviour was “criminalized” and they were charged with domestic violence assault. According to stakeholders, the police, judges, crown and justice community struggled to meet the diverse cultural needs of immigrant populations.

The stakeholders commented on domestic violence involving Aboriginal people. Limited treatment success has been seen in responding to aboriginal people. Stakeholders stated programming for aboriginal people was being developed. Similar to Aboriginal people, gay and lesbian couples have not been seen in the specialized courts. Treatment providers noted it was difficult to provide effective group treatment for domestic violence involving disabled persons, particularly brain injured clients. Numbers to treat were so small that one on one counselling was the only treatment option.

Strengths of the specialized justice response from the perspectives of the key stakeholders included that the justice response was more timely, with communication enhanced and caseworkers, police and judges/prosecutors working together and being better informed about domestic violence cases. The key informants reported a more streamlined approach, consistency of personnel throughout one case file, reduced recanting and recidivism rates, enhanced victim supports and decreased time in the system for offenders and victims as positive outcomes of the specialized justice response.

With a specialized justice response, more information was known about the offender upfront, communication was enhanced between docket court and trial and more charges were processed through docket court due to increased guilty pleas. Overall, better outcomes for men as well as follow up with offenders and the ability to track referral outcomes were noted as positive outcomes of the specialized justice response.

Ongoing education with justice personnel on domestic violence and diversity was identified as needed, particularly with the junior staff entering the profession. Education on the Canadian justice system was identified as needed for immigrant populations, especially the specialized justice response in Calgary. Stakeholders also suggested an expansion of courtrooms and a communication mechanism between criminal and civil court.

The stakeholders recommended that the police conduct better assessments and an expanded history, incorporate threat assessments, adopt a primary aggressor policy and adopt an enhanced first response model using a mental health worker when attending domestic violence calls.

The stakeholders also suggested that child welfare was needed on the court team, specialized justice resources for older adults and special populations were needed as well as more intense monitoring for high risk offenders. Recommendations based upon these findings are as follows:

The need for more supports for mental health and addictions, probation, supports for women navigating civil court and mental health supports for children were identified as needed. The *Protection against Family Violence Act* could also be used as a tool to further enhance safety of women and children.

In summary, the specialized justice response has resulted in domestic violence cases being dealt with in a more timely and coordinated manner. Specialized and knowledgeable justice personnel communicated and coordinated information which expedited appropriate responses to domestic violence cases. Practices such as case conference before court and co-location of caseworkers and the Domestic Conflict Unit served to facilitate information sharing and case planning. Understanding the dynamics of domestic violence, justice personnel were more responsive to the needs of victims and offenders. Lastly, caseworkers provided support to victims and offender.

Overall, the response has led to a reduction in recanting, increased collaboration among domestic violence stakeholders and victim support from HomeFront to the specialized trial court. For the offender, reduced time to court and treatment, increased guilty pleas and access to treatment were successful outcomes.

## Chapter Seven: Analysis of Calgary’s Specialized Domestic Violence Court Cases

This chapter provides a statistical analysis of the domestic violence data and outcomes from the specialized domestic violence courts. This analysis compares data from three time periods: baseline (before 2000 - primarily 1998 to 2000); the introduction of the specialized docket court only (2001-2004); and introduction of the specialized trial court or “full” DV court (2005-2008). Data on 6407 cases in the city of Calgary are documented.

However, in reality, changes to systems such as the criminal justice response are not so clear-cut. As can be seen in Table 1, the year 2000 can, most accurately, be seen as a transition to the specialized domestic violence docket court, while the year 2004 was a transition from specialized docket only to specialized trial. Further, although the domestic violence specialization in the trial court in addition to the docket court began in 2005, scheduling and other issues created difficulties. In the opinion of Sheena Cunningham, specialized Crown Prosecutor and member of the evaluation committee for this project, the fully functioning DV specialization began in late 2008 to 2009.

Table 1: Number of Individuals Charged by Court Development Phase

Court Developmental Phase	# Individuals Charged
Baseline 2000 and before	1663 (26.0%)
DV Docket (2001-2004)	3319 (51.8%)
DV Full Court (2005-2008)	1425 (22.2%)
Totals	6407

The statistical comparisons of data across the three court development phases primarily entail Pearson chi-square analyses. Notably, Pearson’s chi-square works best with a small number of categories within variables. As such, some of the more complex analyses of interest in the current study were too complicated to utilize statistical tests. Where relevant and appropriate, some data were collapsed across conditions. In each case, this has been noted.

Because of the large number of cases, which often results in statistically significant chi-square tests, a further statistic, Cramer’s V, was added. Cramer's V calculates correlation in tables with more than 2x2 rows and columns. After the chi-square has determined significance, the Cramer’s V statistic is used as a post-test to determine the strength of the association. This statistic interprets the proportion of the effect size that can be attributed to the comparisons across the court phases (Craft, 1990). This more conservative method of interpreting data leads to identifying fewer significant differences. Notably however, what is labelled a “small” effect by the Cramer’s V may still reflect an important difference.

### Characteristics of the Accused and Victims

This section documents the results of analysis of the court processes, first presenting information on the characteristics of the accused and victims, then the characteristics of the incident and police charges. The final segment presents the outcomes of the court processes, including sentencing and recidivism. Note that in some tables the totals do not add up to 100% due to rounding errors.

One would not necessarily expect differences in the characteristics of the accused and victims over time, unless there were significant changes in the community. As such, the expectation is that such characteristics will be maintained across time.

As is evident in Table 2, while the bulk of the cases handled in the DV specialized courts are spousal assaults (almost 80%), cases with respect to different forms of abuse were also dealt with.

When looking at the proportions of spousal assaults compared to no spouse assaults (see Table 3), no differences were identified across the court developmental phases (Pearson's chi square = 4.7,  $p = .10$ , n.s.).

Table 2: Type of Offence by Court Development Phase

	Baseline	DV Docket	Full DV Court	Totals
Spousal assault	1314 (79.5%)	2551 (78.2%)	1140 (81.8%)	5005 (79.4%)
Child Sexual abuse	21 (1.3%)	10 (0.3%)	2 (0.1%)	33 (0.5%)
Child Physical abuse	88 (5.3%)	121 (3.7%)	62 (4.5%)	271 (4.3%)
Spouse/child abuse	7 (0.4%)	44 (1.3%)	6 (0.4%)	57 (0.9%)
Elder Abuse	24 (1.5%)	21 (0.6%)	16 (1.1%)	61 (1.0%)
Other abuse	190 (11.5%)	496 (15.2%)	151 (10.8%)	837 (13.3%)
Child Endangerment	9 (0.5%)	4 (0.1%)	8 (0.6%)	21 (0.3%)
Breach of recognizance or probation	0 (0%)	14 (0.4%)	8 (0.6%)	22 (0.3%)
Totals	1653	3261	1393	6307

Table 3: Spousal versus No Spousal by Court Development Phase

	Baseline	DV Docket	Full DV Court	Totals
Spousal assault	1321 (79.9%)	2601 (79.8%)	1148 (82.4%)	5070 (80.4%)
No spousal assault	332 (20.1%)	660 (20.2%)	245 (17.6%)	1237 (19.6%)
Totals	1653	3261	1393	6307

With respect to the sex of the accused (see Table 4), the majority of those charged were men, while women represented less than 15% of the total. A Pearson's chi-square analysis was not significant with respect to differences in the sex of the accused across the court development phases ( $\chi = 5.8$ ,  $p = .06$ , n.s.).

Table 4: Sex of the Accused by Court Development Phase

	Baseline	DV Docket	Full DV Court	Total
Men	1440 (86.6%)	2792 (84.3%)	1226 (86.0%)	5458 (85.3%)
Women	222 (13.4%)	521 (15.7%)	199 (14.0%)	942 (14.7%)
Totals	1662	3313	1425	6400

Table 5: Sex of the Victim by Court Development Phase

	Baseline	DV Docket	Full DV Court	Total
Men	301 (18.2%)	607 (18.4%)	265 (18.7%)	1173 (18.4%)
Women	1355 (81.8%)	2684 (81.6%)	1151 (81.3%)	5190 (81.6%)
Totals	1656	3291	1416	6363

As can be seen in Table 5, the victims were primarily women. Two victims were identified as transsexual during the introduction of the specialized docket court, but these were removed from the analysis as the numbers were too small to include. There were no differences



in the sex of the victims across the court developmental phases (Pearson's chi-square = .15,  $p = .93$ , n.s.).

The accused were an average age of 34.2 years of age when first charged (range of 15 to 81 years,  $SD = 10$  years;  $N = 6374$ ). The data in Table 6 are with respect to the ages of the accused at the point of charges being laid. A Pearson chi-square comparison found a significant difference in ages across the different court development phases ( $\chi = 18.5$ ,  $p = .001$ ,  $df = 10$ ). However, the Cramer's  $V^1$  coefficient is .05, which indicates a negligible effect.

Table 6: Ages of Accused by Court Development Phase

Age Category	Baseline	DV Docket	Full DV Court	Total
15 to 24 years	310 (18.7%)	621 (18.8%)	292 (20.7%)	1223(19.2%)
25 to 34 years	625 (37.7%)	1125 (34%)	469 (33.2%)	2219 (34.8%)
35 to 44 years	524 (31.6%)	1062 (32.1%)	407 (28.8%)	1993 (31.2%)
45 to 54 years	157 (9.5%)	385 (11.6%)	199 (14.1%)	741 (11.6%)
55 to 64 years	31 (1.9%)	89 (2.7%)	35 (2.5%)	155 (2.4%)
65 years and above	12 (0.7%)	26 (0.8%)	12 (0.8%)	50 (0.8%)
Total	1659	3308	1414	6381

The average age of victims at the time of the first incident when charges were laid (see Table 7) was 32.5 years with a range of from 0 to 86 years ( $SD = 12$  years;  $N = 5826$ ). The Pearson's chi-square analysis indicated statistically significant differences across the different court developmental phases ( $\chi = 56.8$ ,  $p < .000$ ,  $df = 10$ ); however, the Cramer's  $V$  coefficient of .099 indicates a negligible effect.

Table 7: Ages of Victims by Court Development Phase

Age Category	Baseline	DV Docket	Full DV Court	Total
0 to 5	23 (1.4%)	19 (0.7%)	20 (1.5%)	62 (1.1%)
6 to 14 years	67 (4.2%)	43 (1.5%)	33 (2.5%)	143 (2.5%)
15 to 24 years	371 (23.1%)	744 (25.8%)	346 (26.0%)	1461 (25.1%)
25 to 34 years	467 (29.1%)	854 (29.6%)	384 (28.8%)	1705 (29.3%)
35 to 44 years	454 (28.3%)	779 (27.0%)	319 (23.9%)	1552 (26.7%)
45 to 54 years	165 (10.3%)	341 (11.8%)	171 (12.8%)	677 (11.6%)
55 to 64 years	35 (2.2%)	69 (2.4%)	43 (3.2%)	147 (2.5%)
65 years and above	23 (1.4%)	33 (1.1%)	16 (1.2%)	72 (1.2%)
Total	1605	2882	1332	5819

As is apparent in Tables 6 and 7, over four fifths of both accused (85.1%) and victims (85.2%) are under age 44. A relatively high proportion are young adults aged 24 or younger, consistent with Canada's General Social Survey report on family violence (Statistics Canada, 2004).

The relationship between the accused and the victim is presented in Table 8. In terms of the intimate couple relationships, the majority (61.1%) were still in the relationships, whereas

<sup>1</sup> The Cramer's  $V$  adds important context to a statistically significant chi-square, noting whether the effect is small, moderate or large.

18.5% involved ex-partners. The high proportion of common-law relationships (27.7%) is interesting, given that these make up only 12% of the spousal population in Canada, much smaller than the proportion of married couples (74%) (Johnson, 2006, p. 38). That 18.5% of the assaults involved past partners reminds us that abuse often continues past the point of couple separation and, according to several researchers, the risk of homicide post-separation rises (Campbell, 2001; Ellis, 1992).

Table 8: Accused Victim Relationships by Court Developmental Phase

Type of Relationship	Baseline	DV Docket	Full DV	Total
Married	363 (22.4%)	746 (23.2%)	323 (23.4%)	1432 (23.0%)
Common law husband or wife	455 (28.1%)	878 (27.3%)	392 (28.4%)	1725 (27.7%)
Boyfriend/Girlfriend	141 (8.7%)	334 (10.4%)	169 (12.2%)	644 (10.4%)
Ex-Spouse/Legally Separated/Divorced	50 (3.1%)	143 (4.4%)	52 (3.8%)	245 (3.9%)
Ex Common law partners	106 (6.5%)	147 (4.6%)	64 (4.6%)	317 (5.1%)
Ex Boyfriend/Girlfriend	150 (9.3%)	260 (8.1%)	120 (8.7%)	530 (8.5%)
Other Family members	154 (9.5%)	158 (4.9%)	61 (4.4%)	373 (6.0%)
Child/Parent/step-parent etc.	170 (10.5%)	305 (9.5%)	140 (10.1%)	615 (9.9%)
Same sex/ex-same sex relationship	6 (0.4%)	17 (0.5%)	8 (0.6%)	31 (0.5%)
Other non-family (caregiver, friend)	25 (1.5%)	228 (7.1%)	53 (3.8%)	306 (4.9%)
Total	1620	3216	1382	6218

The comparison of the relationships of the accused and victims across court developmental process resulted in a statistically significant Pearson's chi-square of 144.7 ( $p = .000$ ), however the Cramer's V of .11 indicates that any relationship is negligible.

Table 9: Racial Background of Accused by Court Developmental Process

Racial Group	Baseline	DV Docket	Full DV Court	Total
White/European origins	381 (70.0%)	2134 (67.9%)	845 (64.6%)	3360 (67.2%)
Aboriginal	62 (11.4%)	352 (11.2%)	132 (10.1%)	546 (10.9%)
South Asian	26 (4.8%)	173 (5.5%)	73 (5.6%)	272 (5.4%)
East and Southeast Asian	22 (4.0%)	143 (4.5%)	76 (5.8%)	241 (4.8%)
African origins	24 (4.4%)	103 (3.3%)	76 (5.8%)	203 (4.1%)
Latin, Central & South America	7 (1.3%)	78 (2.5%)	32 (2.4%)	117 (2.3%)
Arab	11 (2.0%)	85 (2.7%)	45 (3.4%)	141 (2.8%)
Caribbean origins	8 (1.5%)	36 (1.1%)	15 (1.1%)	59 (1.2%)
West Asian	1 (0.2%)	11 (0.3%)	4 (0.3%)	16 (0.3%)
Pacific Islands	0 (0%)	8 (0.3%)	5 (0.4%)	13 (0.3%)
Non-White Other	2 (0.4%)	22 (0.7%)	6 (0.5%)	30 (0.6%)
TOTAL	544	3145	1309	4998

The categories of racial background are those used by Statistics Canada in the national census. However, information on this variable was often not recorded in the criminal justice files. Of the 4998 accused files that specified racial background, the majority were of Caucasian background, one-tenth were Aboriginal and two-tenths were from visible minority groups (see Table 9).

The difference in racial background collapsed across the court developmental phases (see Table 10) was statistically significant (Pearson's chi = 76.1, p = .000, df = 4), however the Cramer's V coefficient of .09 indicates that this is a negligible relationship.

Table 10: Racial Background of Accused Collapsed by Court Developmental Phase

Racial Group	Baseline	DV Docket	Full DV Court	Total
White/European origins	381 (70.6%)	2135 (67.8%)	849 (64.8%)	3365 (67.3%)
Aboriginal	65 (12.0%)	352 (11.2%)	132 (10.1%)	549 (11.0%)
Ethnic Minority	94 (17.4%)	661 (21.0%)	329 (25.1%)	1084 (21.7%)
TOTAL	540	3148	1310	4998

The almost 22% of accused from visible minority groups is slightly higher than the estimate for Calgary from the 2002 Canada Census (21%). The proportion of accused from an Aboriginal background was higher than the approximately 3% among the city of Calgary population, indicating that they were overrepresented in the justice system with respect to spousal abuse.

Table 11: Racial Background of Victims by Court Developmental Phase

Racial Group	Baseline	DV Docket	Full DV Court	Total
White/European origins	1160 (75.5%)	1459 (67.8%)	758 (66.0%)	3377 (69.8%)
Aboriginal	140 (9.1%)	253 (11.8%)	120 (10.5%)	513 (10.6%)
South Asian	70 (4.6%)	133 (6.2%)	61 (5.3%)	264 (5.5%)
East and Southeast Asian	74 (4.8%)	115 (5.3%)	78 (6.8%)	267 (5.5%)
African origins	43 (2.8%)	54 (2.5%)	53 (4.6%)	150 (3.1%)
Latin, Central & South America	24 (1.6%)	39 (1.8%)	28 (2.4%)	91 (1.9%)
Arab	22 (1.4%)	46 (2.1%)	30 (2.6%)	98 (2.0%)
Caribbean origins	3 (0.2%)	19 (0.9%)	7 (0.6%)	29 (0.6%)
West Asian	0 (0%)	9 (0.4%)	3 (0.3%)	12 (0.2%)
Pacific Islands	0 (0%)	7 (0.3%)	6 (0.5%)	13 (0.3%)
Non-White Other	1 (0.1%)	17 (0.8%)	4 (0.3%)	22 (0.5%)
TOTAL	1537	2151	1148	4836

The racial backgrounds of the 4836 victim files that included that information were very similar to that of the accused: about two-thirds were Caucasian, one-tenth were Aboriginal and two-tenths were from visible minority groups.

In Table 12, there was a statistically significant difference in the racial background of victims (collapsed over court phases) (Pearson's chi = 38.2, p = .000, df = 4), such that there was a small recent increase in the number of victims with ethnic minority backgrounds charged. However the Cramer's V coefficient of .063 indicates that this is a negligible effect.

Table 12: Racial Background of Victim Collapsed by Court Developmental Process

Racial Group	Baseline	DV Docket	Full DV Court	Total
White/European origins	1162 (75.6%)	1463 (68.0%)	764 (66.4%)	3389 (70.0%)
Aboriginal	139 (9.0%)	253 (11.8%)	120 (10.4%)	512 (10.6%)
Ethnic Minority	237 (15.4%)	437 (20.3%)	266 (23.1%)	940 (19.4%)
TOTAL	1538	2153	1150	4841

There is less complete information available with respect to the education levels of the accused and victims (see Tables 13 and 14), especially with cases from the baseline period of 2000 and earlier. Of the accused, slightly more than one third (37.2%) had not completed high school, another about one-third (31.2%) were high-school graduates, and a final 31.6% had some post-secondary education or training from technical schools to college or university. In Table 13, with so little information about the education of the accused during the baseline time period, it was not deemed appropriate to conduct statistical tests.

Table 13: Education Levels of Accused by Court Developmental Phase

	Baseline	Docket Court	Full Court	Total
Not completed highschool	24 (25.8%)	634 (38.6%)	133 (30.2%)	791 (36.4%)
Completed highschool	6 (6.5%)	521 (31.7%)	139 (31.6%)	666 (30.6%)
Some Postsecondary Education	63 (67.7%)	486 (29.6%)	168 (38.2%)	717 (33.0%)
Total	93	1641	440	2174

With respect to the education levels of the victims, there was very little information with respect this variable in the files during the baseline period, so no statistical analysis was conducted. Of the victims (see Table 14), slightly fewer than one third (28.7%) had not completed high school, another about one-third (31.3%) were high-school graduates, and a final 40.0% had some post-secondary education or training from technical schools to college or university. Notably, the education levels of victims were generally higher than those of the accused, consistent with other research on abused women and their partners (Tutty, 2006).

Table 14: Education Levels of Victims by Court Developmental Phase

	Baseline	Docket Court	Full Court	Total
Not completed highschool	10 (43.5%)	476 (30.0%)	102 (23.3%)	588 (28.7%)
Completed highschool	7 (30.4%)	473 (29.8%)	160 (36.5%)	640 (31.3%)
Some post-secondary	6 (26.1%)	637 (40.2%)	176 (40.2%)	819 (40.0%)
Total	23	1586	438	2047

Table 15: Employment of Accused by Court Development Phase

	Baseline	Docket	Full Court	Total
Employed	701 (68.3%)	1505 (63.6%)	882 (73.1%)	3088 (67.1%)
Unemployed	259 (25.2%)	615 (26.0%)	236 (19.6%)	1110 (24.1%)
Welfare/Disability	0 (0%)	94 (4%)	17 (1.4%)	111 (2.4%)
Other	48 (4.7%)	154 (6.5%)	66 (5.5%)	268 (5.8%)
Illegal activities	19 (1.9%)	0 (0%)	5 (0.4%)	24 (0.5%)
Total	1027	2368	1206	4601

With respect to current employment status (see Table 15), slightly over two-thirds of the accused were employed in some manner (67.1% were employed full- or part-time), almost one-quarter were unemployed (24.1%). The “other” category includes students and retirees. The Pearson chi-square statistic of 130.8 ( $p < .000$ ;  $df = 8$ ) indicates statistically significant differences across the court developmental phases, however, the Cramer’s V coefficient of .12 indicates that this is a negligible effect.

Table 16: Employment of Victim by Court Development Phase

	Baseline	Docket	Full Court	Total
Employed Full Time	117 (57.1%)	1154 (61.8%)	513 (60.4%)	1784 (61.1%)
Unemployed	55 (26.8%)	347 (18.6%)	192 (22.6%)	594 (20.3%)
Welfare/Disability	3 (1.5%)	131 (7.0%)	25 (2.9%)	159 (5.4%)
Other	30 (14.6%)	236 (12.6%)	119 (14.0%)	385 (13.2%)
Total	205	1868	849	2922

As can be seen in Table 16, slightly fewer of the victims were employed (61.1% compared to 67.1% of the accused) and somewhat more of the victims were on welfare or disability payments (5.4% compared to 2.4%). Two victims who were listed as being employed through illegal activities during the baseline period were added to the “other” category as the original category was too small to include. The Pearson chi-square statistic of 35.3 ( $p < .000$ ;  $df = 6$ ) indicates statistically significant differences across the court developmental phases; however, the Cramer’s V coefficient of .08 suggests that this effect is negligible.

As can be seen in Table 17, of the 4100 victims/accused for whom this information is available, 56.4% had minor children, 41.3% had no children and 2.3% had no minor children. Across the court developmental phases, the Pearson’s chi-square coefficient of 38.1 ( $p < .000$ ) indicated a statistically significant change, with the Cramer’s V coefficient of .07 indicating that this effect is negligible.

Table 17: Number of Minor Children by Court Development Phase

	Baseline	Docket	Full Court	Total
No minor children	3 (1.4%)	50 (1.9%)	43 (3.6%)	96 (2.3%)
One minor child	78 (37.1%)	662 (24.6%)	335 (27.9%)	1075 (26.2%)
Two minor children	36 (17.1%)	492 (18.3%)	233 (19.4%)	761 (18.6%)
Three minor children	12 (5.7%)	209 (7.8%)	94 (7.8%)	315 (7.7%)
Four or more minor children	5 (2.4%)	105 (3.9%)	50 (4.2%)	160 (3.9%)
No children	76 (36.2%)	1172 (43.6%)	445 (37.1%)	1693 (41.3%)
Total	210	2690	1200	4100

In summary, as predicted, there were no important differences between the characteristics of the accused and victims across the three court developmental phases. This means that any differences in the criminal justice responses presented in the next sections are more likely attributable to the changes to the criminal justice response rather than changes to the nature of the background characteristics of the accused/victims.

### **Criminal Background and Incident Characteristics**

This section documents that characteristics of the first incident recorded in the data base, such as the presence of alcohol/substances, weapon use etc, as well as any prior criminal justice involvement.

With respect to any prior convictions for any criminal charge in the justice system (see Table 18), there was limited data on the accused in the baseline time-period and so the Pearson’s chi-square will not be used to compare developmental court phases. Nevertheless, more than half of the accused (53.1% or 2336 of 4402) had such a record, whereas a little fewer than half did not. Interestingly, by inspection, there is a difference in the proportion of cases with prior convictions during the docket court-only specialization compared to the full DV court such that

fewer cases later had prior convictions. One might question whether this reflects a difference in the specialized court phases with fewer repeat offences. The data on new charges (to be presented later) will provide more information on whether this is the case.

Table 18: Any Prior Convictions

	Baseline	Docket	Full Court	Total
No prior convictions	45 (22.5%)	1372 (44.5%)	649 (57.9%)	2066 (46.9%)
Any prior convictions	155 (77.5%)	1710 (55.5%)	471 (42.1%)	2336 (53.1%)
Total	200	3082	1120	4402

Table 19: Prior Criminal Convictions of Accused (Incident 1) by Court Development Phase

Prior Criminal Convictions	Baseline	Docket Court	Full Court	Total
Assault convictions	56 (42.5%)	340 (20.1%)	169 (37.0%)	565 (24.8%)
Domestic assaults	12 (9.1%)	115 (6.8%)	39 (8.5%)	166 (7.3%)
General assaults	43 (32.6%)	210 (12.4%)	121 (26.5%)	374 (16.4%)
Sexual Assault	1 (0.8%)	14 (0.8%)	9 (2.0%)	24 (1.1%)
Child Abuse	0 (0%)	1 (0.1%)	0 (0%)	1 (0.0%)
Charges other than assault	71 (53.8%)	1185 (70.2%)	253 (55.4%)	1509 (66.2%)
Prior record but no specifics	5 (3.8%)	164 (9.7%)	35 (7.7%)	204 (9.0%)
Total	132	1689	457	2278

The data in Table 19 represent the type of prior conviction (when known) for any other criminal offences. Again, because of the limited data collected in baseline with respect to this variable, the Pearson chi-square would not be meaningful. Notably, however, only about one-quarter of the prior convictions across developmental phases were with respect to assault convictions of any type.

In the next set of tables, the characteristics of the first incident for each accused are provided to portray the nature of the situations to which the police responded by laying criminal charges.

Table 20: Who Reported Incident #1 to the Police by Court Developmental Phase

Who Reported	Baseline	Docket DV	Full DV Court	Totals
Victim	1033 (92.3%)	1862 (69.3%)	725 (69.6%)	3620 (74.7%)
Accused	30 (5.3%)	122 (4.5%)	38 (3.6%)	190 (3.9%)
Relative/Parent of child over 18	0 (0%)	87 (3.2%)	47 (4.5%)	134 (2.8%)
Child under 18	7 (0.6%)	92 (3.4%)	32 (3.1%)	131 (2.7%)
Parent of a child under 18	12 (1.1%)	39 (1.5%)	13 (1.2%)	64 (1.3%)
Other	37 (3.3%)	486 (18.1%)	187 (17.9%)	710 (14.6%)
Total	1119	2688	1042	4849

Table 20 identifies who reported the incident to the police. The vast majority of incidents were reported by the victims. Interestingly, the accused reported in 3.9% of cases and children/youth called for assistance about 3% of the time.

The Pearson's chi-square of 264.7,  $p = .000$  suggests some differences in who reported over the court development phases; the Cramer's V of .165 indicates that this is a "small" effect. The most obvious difference is that the victim reported more often in the baseline period. This

could reflect that with the media attention to domestic violence that accompanied the implementation of the specialised courts, the general public may have become more aware of the serious nature of the issue and the importance of reporting concerns to the police.

Table 21: Alcohol Present at Incident #1 by Court Development Phase

Alcohol/drugs Present	Baseline	DV Docket	Full DV Court	Total
Not present in either	525 (34.2%)	419 (22.6%)	381 (34.4%)	1325 (29.5%)
Present in both victim and accused	360 (23.5%)	493 (26.6%)	279 (25.2%)	1132 (25.2%)
Present in accused but not victim	391 (25.5%)	480 (25.9%)	285 (25.8%)	1156 (25.7%)
Present in accused but no information re. victim	47 (3.1%)	341 (18.4%)	66 (6.0%)	454 (10.1%)
Present in victim but no information re. accused	8 (0.5%)	39 (2.1%)	8 (0.7%)	55 (1.2%)
Present in victim but not accused	33 (2.2%)	27 (1.5%)	20 (1.8%)	80 (1.8%)
Not present in victim & accused unknown	158 (10.3%)	25 (1.3%)	61 (5.5%)	244 (5.4%)
Not present in suspect & victim unknown	8 (0.5%)	0	1 (0.1%)	9 (0.2%)
Present in environment	3 (0.2%)	30 (1.6%)	5 (0.5%)	38 (0.8%)
Total	1533	1854	1106	4493

Table 21 presents data on the presence of alcohol in the accused or the victim when the police attended the domestic violence incident #1. In cases for which this information is available across variables, almost two-thirds of accused persons (61.0%) had used substances in comparison to 28.2% of victims.

When the alcohol variables are simplified (see Table 22), while the Pearson's chi square indicated a significant difference ( $\chi = 114, p > .000$ ), the Cramer's V of .11 indicates a negligible effect over the court development phases.

Table 22: Alcohol present (Short) by Court development Phase

Alcohol/drugs Present	Baseline	DV Docket	Full DV Court	Total
Not present in either	525 (34.2%)	419 (22.6%)	381 (34.4%)	1325 (29.5%)
Present in both victim and accused	360 (23.5%)	493 (26.6%)	279 (25.2%)	1132 (25.2%)
Present in accused but not victim	391 (25.5%)	480 (25.9%)	285 (25.8%)	1156 (25.7%)
Present in victim but not accused	33 (2.2%)	27 (1.5%)	20 (1.8%)	80 (1.8%)
Other	224 (14.6%)	435 (23.5%)	141 (12.7%)	800 (17.82%)
Total	1533	1854	1106	4493

Table 23: Weapons used in Incident #1 by Court Development Phase

Type of Weapon Used	Baseline	DV Docket	Full Court	Total
No weapon used to injure	1394 (90.5%)	2766 (86.3%)	1003 (81.8%)	5163 (86.5%)
Used Knife	52 (3.4%)	93 (2.9%)	53 (4.3%)	198 (3.3%)
Used Handgun	1 (0.1%)	1 (0.0%)	0 (0.0%)	2 (0.0%)
Used Rifle	4 (0.3%)	3 (0.1%)	2 (0.2%)	9 (0.2%)
Used Blunt object	6 (0.4%)	73 (2.3%)	41 (3.3%)	120 (2.0%)
Used Sharp object	6 (0.4%)	46 (1.4%)	19 (1.5%)	71 (1.2%)

Used Household object	50 (3.2%)	172 (5.4%)	67 (5.5%)	289 (4.8%)
Used Other/more than 1	28 (1.9%)	50 (1.6%)	41 (3.4%)	119 (2%)
Total	1541	3204	1226	5971

In Table 23, the use of weapons is documented. Notably, weapons were used in a relatively small proportion of cases (13.5% overall). However, because of small numbers in some categories, some variables were combined to make a statistical comparison more meaningful (see Table 24).

Table 24: Weapon Use in Incident #1 Collapsed by Court Development Phase

Type of Weapon Used	Baseline	DV Docket	Full Court	Total
No weapon used to injure	1394 (90.5%)	2766 (86.3%)	1003 (81.9%)	5163 (86.5%)
Used Knife	52 (3.4%)	93 (2.9%)	53 (4.3%)	198 (3.3%)
Used Firearm	5 (0.3%)	4 (0.1%)	2 (0.2%)	11 (0.2%)
Used other object	90 (5.8%)	341 (10.6%)	168 (13.7%)	599 (10%)
Total	1541	3204	1226	5971

The Pearson's chi-square of 58.3 ( $p = .000$ ,  $df = 6$ ) suggests statistically significant differences in weapon use across court development phase, however the Cramer's V of .07 shows that this is a negligible effect.

Although not statistically significant, interestingly, proportionally more weapons were used to injure as time progressed as accounted for by higher rates of the use of knives, blunt objects, sharp objects and household objects. However, this could also be as a result of improved reporting and the acknowledgement that other objects besides weapons can be used to harm in domestic violence incidents.

Table 25 displays the most serious police charges with respect to incident #1 by court developmental phase. The most frequently occurring charge by police officers was common assault in about two-thirds of the charges. Considering common assaults, assaults with a weapon and aggravated assaults takes in 78.6% of charges. The Pearson's chi-square of 141.7 ( $p < .000$ ) indicates statistically significant differences across the court development phases, however, the Cramer's V coefficient of .105 shows that this is a negligible effect.

Table 25: Most Serious Police Charge in Incident #1 by Court Developmental Phase

Charge	Baseline	DV Docket	Full DV Court	Total
Common Assault	1070 (64.5%)	2217 (67.1%)	952 (67.3%)	4239 (66.5%)
Assault with a weapon	189 (11.4%)	359 (10.9%)	184 (13.0%)	732 (11.5%)
Aggravated Assault/ Assault causing bodily harm	7 (0.4%)	22 (0.7%)	7 (0.5%)	36 (0.6%)
Uttering Threats	125 (7.5%)	254 (7.7%)	102 (7.2%)	481 (7.5%)
Mischief/causing disturbance	59 (3.6%)	128 (3.9%)	50 (3.5%)	237 (3.7%)
Criminal Harassment/harassing calls	23 (1.4%)	84 (2.5%)	16 (1.1%)	123 (1.9%)
Breaches of court orders/Probation	11 (0.7%)	55 (1.7%)	18 (1.3%)	84 (1.3%)
Sexual Assaults/aggravated/threats	33 (2.0%)	23 (0.7%)	4 (0.3%)	60 (0.9%)
Weapons offences	5 (0.3%)	23 (0.7%)	11 (0.8%)	39 (0.6%)
Break & Enter/related	24 (1.4%)	66 (2.0%)	26 (1.8%)	116 (1.8%)



Murder/first or second degree	5 (0.3%)	0 (0%)	0 (0%)	5 (0.1%)
Attempted Murder	1 (0.1%)	0 (0%)	3 (0.2%)	4 (0.1%)
Other	107 (6.4%)	74 (2.2%)	42 (3.0%)	223 (3.5%)
Total	1659	3305	1415	6379

As can be seen in Table 26, of the total cases, 7.1% represent dual charges in which more than one suspect was charged, including both members of a couple in cases of domestic assault. Although the proportion of dual charges in the Full DV court phase is reduced, with a statistically significant Pearson's chi-square of 22.5 ( $p < .000$ ), the Cramer's V of .06 indicates a negligible effect.

Table 26: Dual Charges for Incident #1 by Court Development Phase

	Baseline	DV Docket Court	Full DV Court	Total
No dual charges	1536 (93.7%)	3021 (91.5%)	1355 (95.2%)	5912 (92.9%)
Dual charges	103 (6.3%)	279 (8.5%)	68 (4.8%)	450 (7.1%)
Total	1639	3300	1423	6362

With respect to bail conditions (see Table 27), the Pearson's chi square could not be interpreted because of too many cells had counts less than 5. Notably, by inspection of the data in Table 27, after specialization a much smaller proportion of accused were released on the scene by the police; Many more were brought into the station and then released.

Table 27: Bail Conditions for Incident#1 by Court Development Phase

	Baseline	DV Docket	Full DV	Total
Released on Scene by Police Officer (App. notice No Cond.)	55 (8.6%)	508 (18.2%)	103 (7.5%)	666 (13.9%)
Released on scene by Police	203 (31.8%)	154 (5.5%)	100 (7.3%)	457 (9.5%)
Brought to APU & released by Police	30 (4.7%)	844 (30.3%)	418 (30.6%)	1292 (26.9%)
Brought to APU and released by JP	245 (38.3%)	134 (4.8%)	480 (35.1%)	859 (17.9%)
Released by Judicial Officer	38 (5.9%)	712 (25.5%)	66 (4.8%)	816 (17.0%)
Detained	67 (10.5%)	435 (15.6%)	194 (14.2%)	696 (14.5%)
Released on Appeal (Queens Bench)	0 (0%)	3 (0.1%)	5 (0.4%)	8 (0.2%)
Summons from court	1 (0.2%)	0	0	1 (0.0%)
Total	639	2790	1366	4795

To summarize this section comparing the criminal background and incident characteristics across the three court developmental phases, similar to the comparison of demographics, there was only important difference across the three time periods: at baseline, a higher proportion of victims reported the incidents to the police. The general lack of difference, however, can be interpreted as meaning that any significant differences in the criminal justice responses presented in the next sections can be seen as related to the court processes, not to differences in the nature of the crimes or criminal background characteristics of the accused.

## Resolutions and Dispositions

This section presents the resolutions of the cases in the criminal courts and information about special circumstances such as whether victims appeared at trials and the conditions of the sentences. One gross measure of whether the specialization have resulted in changes to the

criminal justice response to domestic is simply a comparison of how many cases were resolved without the need for a costly trial. This data is presented in Table 28. The category “concluded at docket” includes all cases resolved with a guilty plea, peace bond and early case resolution in addition to cases withdrawn at docket. Similarly, the category “concluded at trial” includes cases with guilty or not guilty resolutions, guilty pleas, withdrawn and dismissed for want of prosecution. The “other” category includes variables such as accused deceased, warrant status at time of entry.

Table 28: Comparison of Cases Resolved at Docket versus Trial for Incident 1 Across Court Developmental Phase

	Baseline	Docket DV	Full DV Court	Total
Concluded at docket	706 (42.6%)	2303 (70.2%)	966 (67.9%)	3975 (62.5%)
Concluded at trial	944 (56.9%)	962 (29.3%)	454 (31.9%)	2360 (37.1%)
Other	9 (0.5%)	14 (0.4%)	2 (0.1%)	25 (0.4%)
Total	1659	3279	1422	6360

The analysis shows that more cases concluded without a trial after the introduction of the specialized docket court, which was maintained with the specialized trial court. At baseline, less than half (43%) of cases were concluded at this early stage, after the introduction of the specialized docket court 70% of cases were concluded without at trial, a proportion that was maintained with the introduction of the specialized domestic violence trial court with two thirds (68%) concluded.

Next, the summary of all of the domestic violence cases that were seen in the ten year period is presented in Table 29.

Table 29: Detailed Summary of Resolutions of Incident 1 by Court Development Phase

	Baseline	Docket DV	Full DV Court	Total
<b>Cases Concluded before Trial</b>				
Withdrawn at Docket	165 (9.9%)	169 (5.2%)	202 (14.2%)	536 (8.4%)
Stay of proceedings Docket	55 (3.3%)	29 (0.9%)	8 (0.6%)	92 (1.4%)
Guilty plea Docket	341 (20.6%)	675 (20.6%)	293 (20.6%)	1309 (20.6%)
Peace Bond Docket	134 (8.1%)	1059 (32.3%)	451 (31.7%)	1644 (25.8%)
Early case resolution (no Trial)	11 (0.7%)	371 (11.3%)	12 (0.9%)	394 (6.2%)
Total cases w/o Trial	706 (42.6%)	2303 (70.3%)	966 (67.9%)	3975 (62.4%)
<b>Cases proceeding to Trial</b>				
Withdrawn at Trial	155 (9.3%)	108 (3.3%)	163 (11.5%)	426 (6.7%)
Stay of proceedings Trial	125 (7.5%)	72 (2.2%)	30 (2.1%)	227 (3.6%)
Dismissed for want of prosecution (Trial only)	82 (4.9%)	224 (6.8%)	14 (1.0%)	320 (5.0%)
Guilty plea Trial	259 (15.6%)	226 (6.9%)	130 (9.1%)	615 (9.7%)
Peace Bond Trial	168 (10.1%)	190 (5.8%)	86 (6.0%)	444 (7.0%)
Trial found not guilty	65 (3.9%)	52 (1.6%)	11 (0.8%)	128 (2.0%)
Trial found guilty	90 (5.4%)	90 (2.7%)	18 (1.3%)	198 (3.1%)
Accused deceased	1 (0.1%)	6 (0.2%)	1 (0.1%)	8 (0.1%)
Other (stay for counselling;	4 (0.2%)	8 (0.2%)	3 (0.2%)	15 (0.2%)

warrant status etc.)				
Total cases	1659	3279	1422	6360

Table 29 provides a summary of the resolutions in both the docket and trial courts and across court developmental phases. This table is too complex to interpret which variables are different across the court developmental phases using a Pearson's chi-square. These will be conducted in the sections following in looking at docket court and trial court resolutions separately. By inspection from Table 27, the resolutions that appear most different across time periods are:

- Dramatic increase in the use of peace bonds at docket court after DV specialization (as would be expected by the model), which was maintained with the introduction of the specialized trial court.
- More cases concluded at docket court with the accused taking responsibility for their behaviours via either a guilty plea, peace bond (a community sentence order that does not carry a criminal conviction) or an early case resolution (with a guilty plea): 29.4% at baseline; 64.2% docket; 53.2% full DV.
- Fewer cases were actually tried after the specialized trial court was enacted. The three phases each entailed 3 to 4-year periods: baseline (1998-2000): 155 cases; specialized docket (2001-2004): 143 cases; Full specialized DV court (2005-2008): 28 cases.
- The proportion of trial cases that resulted in a finding of guilty increased over baseline:
  - baseline rate of guilty to not guilty is: 90/155 or 58%.
  - specialized DV docket: 90/142 or 63.3%.
  - specialized DV trial court: 18/29 or 62.1%.
- Fewer stays of proceeding at trial after the docket court DV specialization.

Table 30: Resolution for Incident #1 in Docket Court by Court Developmental Phase

	Baseline	Docket DV	Full DV Court	Total
Guilty Plea	341 (20.5%)	676 (20.6%)	293 (20.6%)	1310 (20.6%)
Peace Bond	134 (8.1%)	1059 (32.3%)	451 (31.7%)	1644 (25.8%)
Not Guilty Plea	952 (57.3%)	1236 (37.7%)	455 (32.0%)	2643 (41.5%)
Withdrawn	165 (9.9%)	169 (5.1%)	202 (14.2%)	536 (8.4%)
Stay of Proceedings/Dismissed for Want of Prosecution	55 (3.3%)	28 (0.9%)	8 (0.6%)	91 (1.4%)
Other	13 (0.8%)	114 (3.4%)	13 (0.9%)	140 (2.2%)
Total	1660	3282	1422	6364

With respect to the outcomes of those appearing in the first appearance (docket) court (see Table 30), the most common dispositions across court development phases were a not guilty plea (41.5%) and a peace bond (25.8% or a little more than one-quarter of cases). As mentioned previously, peace bonds may be offered to low risk accused who do not have a criminal record or have a minor unrelated criminal record, and have expressed a willingness to take responsibility for the incident. This disposition also takes into consideration the wishes of the victim. The conditions of the peace bond usually entail being mandated to offender treatment and/or substance abuse interventions. Probation officers monitor compliance with these conditions.

Other dispositions or circumstances in docket court include withdrawals, stays of proceedings, and dismissed for want of prosecution. Occurrences such as the accused being deceased, stays for counselling and warrants are included in the “other” category. A further almost one-fifth (20.6%) of the docket court cases are concluded with a guilty plea across court developmental phases.

However the statistical analysis identified significant differences in the dispositions in docket court based on the court developmental phase (chi-square = 626.4;  $p < .000$ ; Cramer’s V coefficient = .22, indicating a “moderate” effect). The major differences are in the number of peace bonds (with the baseline cases being much lower) and the number of not guilty pleas (being much higher at baseline). The number of guilty pleas stayed approximately the same over time. These differences are congruent with the introduction of the specialized DV docket court and also identify that this shift has been maintained with the addition of the DV trial court.

Another unique feature of the Calgary specialized domestic violence court response is that probation officers remain involved with accused who received a peace bond at docket. In most jurisdictions, a peace bond or stay would not be monitored by probation officers unless the condition was breached. The probation involvement in Calgary’s specialized courts, means that the conditions of the peace bond are more closely attended to and, for example, were an individual sent to domestic violence treatment as a condition of the peace bond to stop attending, probation would be immediately informed and the individual given consequences.

The peace bond/probation conditions from the docket court are, therefore, of interest in the current evaluation. Notably, these conditions apply also for individuals who pled guilty or entered an early case resolution process.

We captured up to six probation conditions in the current data set: Of a total of 2325 accused, 220 individuals had six conditions; 282 had five conditions; 447 had four conditions; 561 had three conditions; 522 had three conditions and 293 had one condition. The total types of conditions across individuals are presented in Table 31.

Table 31: Total Probation/Peace Bond Conditions from Docket Court for Incident 1

Condition	Baseline	DV Docket	Full Court	Total
Batterer Treatment	26 (19.1%)	1184 (23.9%)	316 (13.0%)	1526 (20.4%)
Alcohol/Substance abuse assessment/ treatment	12 (8.8%)	820 (16.6%)	261 (10.8%)	1093 (14.6%)
Other counselling as directed	19 (14%)	548 (11%)	478 (19.8%)	1045 (13.9%)
Attend FAOS for counselling	1 (0.7%)	57 (1.1%)	18 (0.7%)	76 (1.0%)
Sex offender treatment	0 (0%)	2 (0%)	1 (0%)	3 (0%)
Gambling Treatment/abstain	0 (0%)	27 (0.5%)	8 (0.3%)	35 (0.5%)
<b>ALL COUNSELLING</b>	<b>58 (42.6%)</b>	<b>2638 (53.1%)</b>	<b>1082 (44.6%)</b>	<b>3778 (50.4%)</b>
Abstain from alcohol	12 (8.8%)	612 (12.4%)	233 (9.7%)	857 (11.4%)
No contact/communication with complainant	19 (14%)	539 (10.9%)	205 (8.5%)	763 (10.2%)
Not attend residence of complainant	4 (0.3%)	255 (5.2%)	125 (5.2%)	384 (5.1%)
Other conditions as ordered	24 (17.6%)	538 (10.9%)	607 (25.1%)	1169 (15.5%)
Order prohibition / condition firearms	10 (7.4%)	164 (0.3%)	73 (3%)	247 (3.3%)

Attend FAOS <sup>2</sup> for assessment	3 (0.2%)	131 (2.6%)	35 (1.4%)	169 (2.3%)
Restitution	4 (0.3%)	30 (0.6%)	21 (0.8%)	55 (0.7%)
No Contact w. children under 18	2 (0.1%)	22 (0.4%)	20 (0.8%)	44 (0.5%)
Contact only for the purposes of access/ children	0 (0%)	11 (0.2%)	8 (0.3%)	19 (0.3%)
Not to co-habit/ reside together	0 (0%)	2 (0%)	1 (0%)	3 (0%)
Total Conditions	136	4942	2410	7488

The percentages are with respect to the total number of conditions, not by the offender, and were added across conditions. Because it was difficult to collect information about the probation conditions from docket court during the baseline period, no statistics comparing the three court developmental phases are presented. Indeed, prior to the specialized docket court development, probation/peace bonds were likely restricted to those accused who pled guilty.

Across court developmental phases the most common probation/peace bond conditions for cases concluded at docket were counselling in either batterer treatment programs, substance abuse treatment or other counselling. While conditions related to counselling (including batterer treatment, substance abuse treatment, sex offender treatment, treatment for gambling and other counselling as directed), made up about half of the conditions across time periods, by inspection referrals to batterer treatment declined recently, with the introduction of the specialized domestic violence trial court, while being mandated to “other counselling” increased.

### Resolutions and Dispositions at Trial

This section documents the details of the outcomes of cases that were not resolved at docket court.

Table 32: Resolutions for Incident 1 in Trial Court by Court Development Phase

Resolution	Baseline	DV Docket	Full DV Court	Total
Guilty Plea	254 (27.2%)	217 (22.7%)	129 (28.9%)	600 (25.7%)
Peace Bond	166 (17.8%)	193 (20.2%)	83 (18.6%)	442 (18.9%)
Trial Found Guilty	89 (9.5%)	90 (9.4%)	18 (4.0%)	197 (8.4%)
Trial Found Not Guilty	65 (7.0%)	52 (5.5%)	11 (2.5%)	128 (5.5%)
Dismissed for Want of Prosecution/ Stay of Proceeding	202 (21.7%)	293 (30.7%)	44 (9.8%)	539 (23.1%)
Withdrawn	152 (16.3%)	106 (11.1%)	162 (36.2%)	420 (18.0%)
Other	5 (0.5%)	3 (0.3%)	0 (0%)	8 (0.3%)
Total	933	954	447	2334

The data in Table 32 are with respect to the dispositions of those cases that proceeded to trial. Across the three time-periods, only 13.9% (325) of the 2334 cases that proceeded from the first appearance court were actually tried in court, of which about two-thirds (60.6% or 197 of 325) were found guilty. As is common in the criminal justice system, most cases were dealt with before reaching trial: a little over one-fifth of the cases were dismissed for want of prosecution/stay of proceedings and an almost equal number (slightly less than one-fifth) were

<sup>2</sup> FAOS is the Forensic Assessment & Outpatient Service of the Calgary Health Region provides court-mandated and court requested assessment and treatment to persons with mental health issues who are in trouble with the law.

withdrawn (18.0%). Another just less than one-fifth had peace bonds applied (18.9%). A final quarter of the total changed their plea to guilty (25.7%).

Comparing the different court developmental phases, some differences appear with respect to the number of cases dismissed for want of prosecution, stays of proceedings and those that were withdrawn. The data analysis was repeated collapsing these three categories. There was a statistically significant differences between the resolutions (collapsed) across court development phases with the categories of withdrawn/dismissed for want of prosecution/stay of proceedings combined (Pearson’s chi-square = 38.9, p = .000). However, the Cramer’s V of .09 indicates that this effect is negligible.

To summarize, what happened once cases reached the trial court did not change substantially across the court developmental phases. The major differences are that a large proportion of cases were dealt with at docket court and fewer cases proceeded to trial, meaning that the cases that were actually tried could receive more attention. It is important to note again, that what is being called the full DV court could perhaps better be termed the transition to a fully specialized trial court. As such, it will be important to continue to monitor the trial court dispositions from 2008 on, as this is when the key players see the trial court as more accurately described as specialized.

The data set captured up to eight charges for some offenders. As is the case across jurisdictions, not all charges were addressed at trial; some were dismissed, others stayed, for example. To capture the outcomes for the accused, the most serious dispositions across charges for incident 1 are provided in Table 33. Note that these dispositions are only applicable to cases where the accused pled guilty, was found guilty or accepted peace bonds. The proportion of cases that were withdrawn is noted in the final line of the table for interest.

Table 33: Most Serious Disposition for Incident #1 from Trial by Court Phase

Disposition	Baseline	Docket DV	Full DV	Total
Peace Bond	160 (32.4%)	192 (39.8%)	84 (37.5%)	436 (36.3%)
Suspended Sentence	111 (22.5%)	54 (11.2%)	55 (24.6%)	220 (18.3%)
Supervised Probation	50 (10.1%)	112 (23.2%)	26 (11.6%)	188 (15.7%)
Incarceration	78 (15.8%)	36 (7.5%)	37 (16.5%)	151 (12.6%)
Fine	60 (12.1%)	33 (6.8%)	13 (5.8%)	106 (8.8%)
Conditional Discharge	20 (4.0%)	23 (4.8%)	7 (3.1%)	50 (4.2%)
Intermittent Sentence	1 (0.2%)	5 (1%)	0 (0%)	6 (0.5%)
Absolute Discharge	8 (1.6%)	2 (0.4%)	0 (0%)	10 (0.8%)
Time in custody	1 (0.2%)	18 (3.7%)	0 (0%)	19 (1.6%)
Firearms prohibitions	3 (0.6%)	2 (0.4%)	1 (0.4%)	6 (0.5%)
Intermittent sentences	1 (0.2%)	5 (1.0%)	0 (0%)	6 (0.5%)
Restitution	2 (0.4%)	4 (0.8%)	0 (0%)	6 (0.5%)
Unsupervised probation	0 (0%)	1 (0.2%)	1 (0.4%)	2 (0.2%)
Total	494	482	224	1200
Withdrawn/Stay/Dismissed for Want (not included in total)	358/852 cases (42%)	395/877 cases (45%)	205/429 cases (37.8%)	958/2158 cases (44.4%)

The most common conditions attached to the dispositions for the 900 cases for which these are documented are presented in Table 34. The data set captured up to three conditions and the table notes whether the condition was one of the three.

The conditions are simplified for ease of interpretation. No statistical comparisons were conducted because of the complexity of the variables. Across the three court phases, the most common conditions were in the “other” category (26.2%). To clarify, the conditions noted in the “other” category consisted of: “other” conditions as ordered (247); not to attend residence of complainant (76); community service (35); firearms prohibitions (67); and contact only for access to children (5). Next most common was “other counselling as directed (21.1%), no contact/communication orders (18.4%), batterer treatment (13.1%), alcohol/substance treatment and abstain from alcohol (10.4%).

Table 34: Conditions from Trial Court for Incident 1 by Court Developmental Phase

Condition	Baseline	DV Docket	Full Court	Total
Any Batterer Treatment	10 (12%)	141 (15.5%)	48 (9.0%)	199 (13.1%)
Any Other counselling as directed	15 (17.5%)	189 (20.8%)	121 (22.7%)	325 (21.3%)
Any Alcohol/Substance abuse treatment	6 (7.1%)	88 (9.7%)	69 (13.0%)	163 (10.7%)
ANY COUNSELLING	31 (36.6%)	418 (46.0%)	238 (44.4%)	687 (45.1%)
Any No contact/communication with complainant	13 (15.5%)	183 (20.1%)	85 (16.0%)	281 (18.4%)
Any Abstain from alcohol	9 (10.7%)	90 (9.9%)	59 (11.1%)	158 (10.4%)
Any “Other” conditions	31 (36.9%)	218 (24.0%)	150 (28.4%)	399 (26.2%)
Total Conditions	84	909	532	1525

Also it can be seen from the data in Table 34, that a high proportion of cases that went to trial, just less than one-half (45.1%) resulted in the accused being mandated to batterers’ treatment or other counselling.

Table 35: Did Victim Appear at Trial by Court Developmental Phase

	Baseline	Docket DV	Full DV	Total
No	59 (79.7%)	407 (74.4%)	180 (50.8%)	646 (66.3%)
Yes	15 (20.3%)	140 (25.6%)	174 (49.2%)	329 (33.7%)
Total	74	547	354	975

Another variable of interest was the extent to which the victims appeared at trial. As can be seen in Table 35, there was a statistically significant shift after the specialized trial court was introduced such that more victims appeared at trial (Pearson’s chi-square = 59.9,  $p < .000$ ). The Cramer’s V of .25 indicates that this constitutes a moderately strong effect. Notably, it was not until the opening of the specialized domestic violence trial court that HomeFront court case workers had the formal mandate to work with victims through to trial.

### Estimates of New Charges/Recidivism

Recidivism is one of the major indicators that a specialized justice approach to domestic violence is more effective than non-specialization (Gondolf, 2002). As noted previously in the chapter on recidivism, police records of re-arrests are the most commonly collected criminal justice data. However, as Hoffart and Clarke assert:

In strict legal terms, a recidivism rate can only be applied to those instances in which an accused person was charged and convicted in relation to a breach of supervision order or a new domestic violence offence, following a conviction on similar charges. However, information about all cases – including those where the cases were investigated and the accused was not charged and where the accused was charged but not convicted of a criminal offence – is valuable, as it describes the frequency with which these individuals come to the attention of law enforcement (2004, p. 63).

Of the research reviewed on specialized domestic violence courts, the majority used re-arrest records to determine recidivism rates, regardless of whether the offender was convicted of the offence or not (Buzawa et al., 1999; Davis, Smith, & Rabbit, 2001; Gover, MacDonald, & Alpert, 2003; Harrell et al., 2007; Hoffart & Clarke, 2004; Hornick, Boyes, Tutty, & White, 2005; Newmark, Rempel, Diffily, & Kane, 2001; Tutty et al., 2008; Ursel & Hagyard, 2008; Visher, Harrell, Newmark, & Yahner, 2008).

Typically, recidivism in the published research is calculated from the date of conviction until the date of the next incident when charges are laid. Recidivism in the current study includes both additional criminal acts or breached court or civil orders.

Notably, though, the following recidivism rates are limited to the extent that any of the re-offences occurred in the Calgary area. The variable is more aptly referred to as recidivism that came to the attention of the Calgary police, since victims of domestic violence may choose not to report or may be threatened if they were to report the assault.

Table 36: Time of New Charges/breaches After Incident 1

	Baseline	Docket DV Court	Full DV Court	Total
Within 6 months	141 (45.8%)	360 (54.1%)	246 (67%)	747 (55.7%)
6 months to 1 year	46 (14.9%)	147 (22.1%)	75 (20.4%)	268 (20%)
1 to 2 years	35 (11.4%)	98 (14.7%)	39 (10.6%)	172 (12.8%)
2 to 5 years	43 (14.0%)	56 (8.4%)	7 (1.9%)	106 (7.9%)
After 5 years	43 (14.0%)	4 (0.6%)	0 (0%)	47 (3.5%)
Total	308	665	367	1340

The statistical analysis of whether any new charges or breaches of orders (from the date of incident #1) over court development phases resulted in a statistically significant Pearson’s chi-square of 132.2 ( $p < .000$ ), with the Cramer’s V of .15 indicating a “small” effect. As can be seen in Table 37, the overall new charges/breaches rate across the court phases is 24.3%. However, the highest rate of new charges/breaches within two years was at baseline (33.9%), followed by the Full DV court (26%), and with the smallest proportion of new charges/breaches during the introduction of the specialized docket court (18.9%).

Table 37: Any New Charges/breaches within 2 years of Incident 1 by Court Development Phase

	Baseline	Docket DV Court	Full DV Court	Total
Any New Charges/Breaches	534 (33.9%)	616 (18.9%)	368 (26.0%)	1598 (24.3%)
No New Charges/Breaches	1043 (66.1%)	2643 (81.1%)	1050 (74.0%)	4736 (75.7%)
Total	1577	3259	1418	6254



Hoffart and Clarke’s 2004 evaluation compared their larger baseline sample (with over 2000 cases from January 1998 to April, 1999) to a slightly smaller time period for the docket Court cases (from between May 1, 2001 and December 31, 2003) whereas the current evaluation used cases from 2001 to 2004. With these considerations in mind, any differing rates are not surprising. Their data on any new charges/breaches within 2 years was 38.8% at baseline to 21.1% specialized docket court; not identical but similar. The current data analysis on new charges/breaches showed rates of 33.9% at baseline, 18.9% with the new docket and 26% with the specialized trial introduction.

The type of new incident (where documented) is presented in Table 38. The Pearson’s chi-square of 65 is statistically significant ( $p < .000$ ) and the Cramer’s V of .15 indicates a “small” effect such that more recidivism was in the form of breaches of orders in the court DV specialization phases (both docket DV and full DV). At baseline, more had been were charged with new criminal charges and fewer were charged with both breaches and criminal charges.

Table 38: Type of New Incident within 2 years by Court Development Phase

	Baseline	Docket DV Court	Full DV Court	Total
Breaches of orders	185 (11.8%)	294 (9%)	193 (13.6%)	672 (10.8%)
New criminal charges	86 (5.5%)	149 (4.6%)	64 (4.5%)	299 (4.8%)
Both	255 (16.3%)	173 (5.3%)	108 (7.6%)	536 (8.6%)
No recidivism	1043 (66.5%)	2643 (81.1%)	1050 (74.2%)	4736 (75.9%)
Total	1569	3259	1415	6243

As can be seen in Table 38, the nature of the proportions of new charges/breaches changed such that, by the specialized DV docket court phase, the most common recidivism was breaches of order, with fewer individuals receiving new criminal charges or both new criminal charges and breaches of orders, a pattern that was maintained with the introduction of the DV specialized trial court process.

Further, fewer cases of both breaches and new charges were noted for both the specialized DV court phases as compared to baseline. At baseline, the total number of cases with new criminal charges (including the both category) was 21.8% and was 9.9% and 12.1% respectively in the docket and trial courts DV specializations. Although Hoffart and Clarke’s 2004 rate of new criminal charges (12% at DV docket as compared to 34% baseline) is not identical, the overall conclusion from the comparison is similar.

Although a slightly higher proportion of new charges/breaches were dealt with in the specialized DV trial phase, the nature of the new charges was different from baseline; breaches rather than new criminal charges. As mentioned previously in the chapter on recidivism, a more effective court system could result in a greater number of breaches, indicating that the new domestic violence court has succeeded in implementing more diligent monitoring and supervision of offenders (Newmark et al., 2001).

Table 39: Victim Status of New Charges/Breaches Incident 2 by Court Development Phase

	Baseline	Docket DV Court	Full DV Court	Total
Same Victim	53 (38.1%)	121 (43.8%)	142 (40.6%)	316 (41.3%)
Different Victim	20 (14.4%)	47 (17.0%)	43 (12.3%)	110 (14.4%)
Breach of order - no victim	66 (47.5%)	108 (39.1%)	165 (47.1%)	339 (44.3%)

Total	139	276	350	765
-------	-----	-----	-----	-----

Another comparison of interest was whether the second set of charges was with respect to the same victim(s) as in incident 1 (see Table 39). There was no statistically significant differences between the victim status at incident 2 based on the court development phases: across all three time periods the proportion of new charges involving the same victim was around 40%. (Pearson’s chi = 5.8; p = .21).

### Summary

Collecting data for court cases is an enormous task, entailing well-trained research assistants, a criminal justice system that is willing to provide access to the relevant files and stamina. The analysis of the interviews with both stakeholders and court-mandated accused provide essential contextual details about how the court process is working. This section summarizes the core results across the court developmental phases: baseline (before 2000 - primarily 1998 to 2000); the introduction of the specialized docket court only (2001-2004); and the introduction of the specialized trial court or full DV court (2005-2008).

Firstly, the characteristics of the victims and the accused were relatively stable across the three time periods. The only significant comparison of the criminal justice background and incident characteristics is that a higher proportion of victims contacted the police during the baseline period. With respect to dispositions from the docket court, significantly more peace bonds were issued in the specialized docket, a process that was maintained in the full DV court, with the number of baseline cases receiving peace bonds being much lower. Also, the number of “not guilty” pleas was much higher at baseline, resulting in more cases proceeding to trial. Both conclusions are congruent with the intent of the DV specializations.

More cases concluded without a trial after the introduction of the specialized docket court, which was maintained with the specialized trial court. At baseline, less than half (43%) of cases were concluded at this early stage, after the introduction of the specialized docket court 70% of cases were concluded without at trial, a proportion that was maintained with the introduction of the specialized domestic violence trial court with two thirds (68%) concluded.

Interestingly, after the specialized trial court was introduced more victims appeared at trial. This important shift is likely the result of the HomeFront court case workers extending their support to victim witnesses through to the trial.

The summary table of the resolutions across the docket and trial courts and across court developmental phases allows the identification of several resolutions that appear different across time periods, although these are by inspection only because of the complexity of the table:

- Fewer stays of proceeding at trial after DV specialization
- Fewer cases withdrawn at trial after DV specialization
- Fewer cases proceeded to trial after specialization

Regarding recidivism, significantly more breaches were documented for cases that proceeded to the specialized DV courts compared to baseline. However, fewer cases of both breaches and new charges were noted for the specialized DV courts phases. The highest rate of new charges/breaches within two years was at baseline (33.9%), followed by the Full DV court (26%), and with the smallest proportion of new charges/breaches during the introduction of the specialized docket court (18.9%). As noted, however, dealing with more breaches may indicate

that the courts now have more capacity to address these important occurrences, especially as fewer cases are being tried.

Further, fewer cases of both breaches and new charges were noted for both the specialized DV court phases as compared to baseline. While it is not possible to know for certain why these differences resulted, one interpretation is that accused have become aware that the criminal justice system, including the courts, perceive spousal assaults as more serious and, as a result, they are not re-offending to the same extent as previously.

The analyses support that the domestic violence court specializations are working as anticipated. One obvious advantage is dealing with the accused much more quickly in the specialized docket court. Utilizing peace bonds with accused who are willing to admit responsibility for their behaviours and follow-through with being mandated to treatment has the potential to have them receive counselling when more motivated to make changes.

## **Chapter Eight: The Perspectives of Men Mandated to Treatment**

As noted previously, across jurisdictions, the primary condition to which domestic violence offenders are mandated by the courts is batterer treatment programs. It is critical to assess how well these decrease any recidivism, especially as many women victims stay or return to potentially dangerous partners in the hope that they will change as a result of group treatment (Gondolf & Russell, 1986). Considerable scepticism has been expressed by victim's advocates, among others, about the effects of batterer intervention programs, especially for individuals that have been court-mandated to treatment.

Since batterer intervention is commonly mandated by both the Calgary's specialized docket court and the specialized domestic violence trial court, assessing the perspectives of those mandated to this intervention is vital. This chapter documents the themes that emerged from interviews with 37 men mandated to either Calgary Counselling's Responsible Choices for Men's Groups or the YWCA Sheriff King Home Paths of Change.

Twenty men mandated by the court system to attend YWCA Sheriff King Home men's domestic violence prevention groups and 17 men from Calgary Counselling's Responsible Choices for Men groups agreed to be interviewed regarding their experiences. The respondents participated in semi-structured interviews of approximately an hour in length. The interview schedules (see Appendix 6) inquired not only about the men's views of the intervention programs, but also about their views of the specialized domestic violence criminal justice response, from the police through the courts and probation. Notably however, while the interview questions for each program were similar, different individuals conducted the interviews and another two research assistants conducted the analysis. As a result, while the topics were similar, the focus of the major themes sometimes has a somewhat different perspective. This can be seen in sections where the comments are exclusively from respondents from only one of the groups.

The Calgary Counselling Centre in Alberta, Canada has provided family violence programs and services since 1981. The agency also offers groups for women and men who have been abused by intimate partners and groups for women who behave aggressively with male partners (Tutty, Babins-Wagner & Rothery, 2009). The Responsible Choices for Men program was developed for males who use physical or psychological violence and control tactics in intimate relationships and is based on a narrative therapy approach with a feminist perspective developed by Australian family therapist Alan Jenkins (1991), and differs substantially from anger-management models.

The primary goal of Responsible Choices for Men is to assist men who are abusive in intimate relationships to become violent free. The major objectives include: decreasing all forms of abusive behavior; accepting responsibility for one's behavior; increasing self esteem; increasing assertive behavior; improving family relations; decreasing stress; increasing empathy towards those who have been impacted by abusive behavior; and assisting parents to cease physically abusing their children. Prior to entering the group, clients must be engaged with a primary therapist in the agency who assesses the client's readiness for change and the degree of violence, and determines treatment goals. The Responsible Choices groups are conducted for 15-weeks, in weekly two-hour sessions. The groups typically comprise six to twelve men, both self- and court-referred and employ both an unstructured psychotherapeutic and a structured psycho-educational component.

Covering the key themes is considered crucial, however the facilitators have the flexibility to focus on an alternate issue should one emerge, allowing group members input into the agenda.

The YWCA Sheriff King Home Paths of Change Men's Counselling Program was established in 1991 and is a process oriented, psycho- educational group program for men who have acted abusively with their intimate partners. The theoretical orientation of the program is a creative integration of ideas from feminist, biological, system, and social-learning theories. A foundational principle of the program is that men's abuse of their intimate partners is a choice, guided by gendered beliefs around power, control and entitlement. The program also promotes a perspective that men who accept responsibility for their abusive behaviour and stop trying to control or blame their intimate partners, can begin to focus on self-care and recovery from a destructive developmental model. This path to positive change, growth, and recovery can lead to a much more healthy emotional, physical, and relational life for men who complete the program.

The YWCA Sheriff King Home respondents attended the Paths of Change Men's Counselling Program. Due to program changes a few years ago, some respondents attended a Phase I/ Phase II 18-week group format while others attended a 14-week open group program. Also, a number of respondents attended the Sobering Effect group, a specialized 14-week Paths of Change Men's Counselling Program for men referred by probation who are mandated to both domestic violence and addiction treatment. YWCA Sheriff King Home initially started groups for men using a two-step format: Phase I and Phase II. Phase I consisted of weekly open format group sessions for six weeks. After the men completed the Phase I introductory group, they carried on to Phase II for 12 weekly closed format group sessions. In total, men completing Phase I and Phase II attended programming for 18 weeks.

Several years ago, the YWCA Sheriff King Home revised the Paths of Change Program and integrated Phase I and Phase II program content into a 14 week ongoing open group format. In addition, the YWCA Sheriff King Home developed another program, Sobering Effect in partnership with Alberta Alcohol and Drug Abuse Commission (AADAC), which is now within Alberta Health Services. Sobering Effect is a 14-week domestic violence and substance abuse group-counselling program. The men attending Sobering Effect have files opened in both agencies and make contact with the program three times a week for the 14 weeks. Whether the respondents attended the Paths of Change Phase I/Phase II format or the 14-week format depended on when the men attended; if they came before or after the program change was implemented.

Limited background information on the group participants was available. The relationships between the couples were primarily long-term, on average in the 6 to 11 year range. During the groups, sixteen of the 37 men (43%) remained with the same the partners that they had been charged with abusing. The majority of the men had children (26 or 70%), at least eight of whom were adults. Four men, all attending the Responsible Choices for Men group, had abused children or a relative, not their intimate partners. Eleven men (30%) related previous charges related to domestic assaults, although it must be noted that some did not discuss their prior criminal histories.

The following sections provide information about how the men perceived the criminal justice response. Several quotations are provided in each section to give a sense of

the nature and context of these experiences. Where the men reported similar comments, the two group programs will not be compared. However, where any differences emerged because of the nature of the program, these will be highlighted.

### **The Incident for which Charges were Laid**

In the interviews, the 37 participants were given the opportunity to discuss the abusive incident or incidents that led to their charges. One respondent declined to speak of his abusive behaviour, stating, *“It’s a long story; I don’t want to get into that”* (Y1). However, the other men described their abusive behaviour against their partners that had led to their arrests, which subsequently brought them into the mandated groups.

*Our communication was the main cause but the way I used to deal with my anger wasn’t proper. I made some pretty bad choices; during a heated argument I’d become violent. It wasn’t super bad, not to minimize it, but it wasn’t like I broke bones or sent her to the hospital. But violence is violence and it’s not right. My partner and I were drinking; that seemed to be a big part. We were living together downtown. We were drunk and she had taken off to the neighbour’s house. I got pissed off about it and locked the doors and wouldn’t let her in. I eventually did open the door and she was mad because I had her sitting in the hallway for an hour or two. She was pissed off so she attacked me when she got in and I slapped her a couple of times. She took off running to the neighbours again and called the police. That was the incident in which I got charged with domestic abuse. (RCM)*

*We got into an argument and to the point where she went into the bathroom. I pushed the door in, and grabbed onto her wrists to take the phone away. At the time, I didn’t really believe, and I know differently now, that it wasn’t that I really physically hurt her. It was more just sort of bumping. She had absolutely no marks on her. I just scared her because I was seeing red. I ended up breaking the bottom part of the cell phone off from trying to take it from her. I grabbed some things and ended up outside. Then I realized that I didn’t have my wallet or my keys. At this point she was on the phone with 911 and I guess operator was saying not to let me in. I got even more mad. I remember sort of pushing my shoulder against the door and the door didn’t go in. I went up to the deck where the bay window was and at this point I was extremely mad and I ended up putting my fist through the kitchen window. (YW)*

*I came home between midnight and one in the morning and my wife was upset. Things did not go well. She was quite upset and we’d both been drinking. She started screaming at me, we got into an altercation. I hung a licking on her. She phoned the police and I left. That was the last I ever saw of her. I may not know how much damage I did. I’m pretty sure I didn’t break anything but I think I bruised her quite badly. She kept fighting; as long as she was fighting I wasn’t going to let her... You have to understand she’s just as big as I am. That might not sound typical but this is the case. I got the best of her because she was drunker than I was. I just left. I wanted to get out of there before I did anymore damage. (RCM)*

*We were listening to music. I turned the music down and then [wife] comes in. “Turn that shit off.” Okay so [I] just had attitude, you know, drinking can set a person off. That was about it. I started yelling and she gets her cousin to call the cops. I ended*

*up leaving the first time but I guess I was yelling some bad stuff. I don't remember saying that I'm going to kill you all. (YW)*

In recounting the incidents that led to the police intervening and laying charges, the men tended to justify why they had responded in an abusive manner towards their partner or child/relative. Twenty eight of the men (76%) alleged that their partners were also abusive to them and often initiated the abusive behaviour, to which the men had responded by using physical force as a reflexive action, defence or to restrain and prevent further abuse. Their justifications served to minimize the abuse and to blame their partners or child/relative.

*I kicked her in the bum. She was throwing beer cans at my head and I was like, "What are you doing?" She turned to walk away, so I kicked her in the bum, not hard. That was it. (RCM)*

*I was drinking and my wife wanted me out of the house. Initially she grabbed me and I removed her hand off mine. But, I left handprints on her wrist. (YW)*

*It started off with the car, about dings on the door. Silly little things, it just escalated. We were in the car going home with our son sleeping in the back. She was saying hurtful things to me. I reached over and do a backhand, hit her on the chin like that. Then we're in the garage, struggling to grab the ignition key. I say, "You're not going to drive this car anymore" and she started pulling my hair really hard. I hit her so she let go of my hair. I started going in the laundry room, on the way into the house. She came after me and hit me. I hit her back. That was it. (RCM)*

*The worst part is always bringing up things of the past. She always did it to me and those really just tick you off. Let it go, like that was eight or nine months ago. (YW)*

In their narratives, a number of the men minimized their abusive behaviour, including the extent of the injuries that they inflicted on their partners and/or children.

*The paramedics responded with the police and checked her out and there wasn't a mark on her because I was careful to not hurt her. (YW)*

*There was only two occasions that I struck her. The first time, 1981, when my dad passed away. I couldn't find her. There was a big wake at the house, everybody was drinking. I caught her in the backyard with my dad's stepbrother doing the nasty... I grabbed her by the arm and I was hollering. She was clawing at my face and she struck me in the head with one of her boots. Out of reflex, I backhanded her. It wasn't like I held her down and choked her. It was just reflexes. She was the one being violent that particular time. (RCM)*

*I overreacted a little bit and pushed her through the kitchen wall. It's not like I hauled off and was beating the hell out of her or anything. (YW)*

*I pinned him [son] up against the wall and scolded him. There was not one mark on him. I didn't throw him against a wall, I just pinned him there. On the way downtown to be booked after I was arrested, the police officer acknowledged there were no marks on the boy but called it "un-permitted touch," which was to me really quite frustrating. It was just an effort to shock my son into paying attention to me. Like I say, no injury, no abuse. I was not in any fit of rage. I thought, "My God, enough is enough. I have to shock this boy." That was my whole intention. (RCM)*

*They [RCMP] showed me some pictures they had taken of her and asked me questions like, “What is this?” and “What is that?” There was something like acne I guess, on the side of her face, a little bit. I don’t know what it was from but it looked like she’d been rubbing it or something. Then it was kind of red. She had a couple bruises on her knees from when I pushed her out of the car. I guess that was good enough evidence for them that I was a woman abuser. (YW)*

In summary, while describing the abusive incidents, the men provided justifications for why they responded in an abusive way to their partners or child/relative. Their descriptions illustrated minimization and denial of the abuse, blaming the woman or child/relative for being equally or more abusive or simply provoking the abuse that they had received. It was clear that the men’s definitions of abuse were limited to physical abuse, not the other types in which they were engaging. The men specified that the abuse did not involve picking up an axe, using a knife, choking, beating or breaking bones but, instead, could be considered “minor” such as slapping, scaring, threatening and intimidating and verbal abuse were acceptable, reinforcing the men’s stereotypical ideas of domestic abuse.

### **The Police Response to Domestic Violence**

Since the study respondents all went through the court system, it is a given that the police had been involved. Several men stated that the police had intervened on previous occasions regarding domestic violence but had not necessarily laid charges.

*They were there several times before. I would leave the residence on my own, how do you say it, recognizance or on my own will for the night. (YW)*

*One time we got into an argument and she closed the bedroom door. I pushed the door in to the point where the moulding broke. The police did come. They said, “Go cool off and spend the night somewhere.” Then, she told [me] that everything was over. Anytime I started getting upset she would threaten to phone the police and a couple of times they did come. One time, I was halfway out the alley and they let me go and told me not to come back for a few hours. It wasn’t even like 24 hours. I honestly thought that I was just going to be told the same thing as: “Go sleep it off and come back the next day.” I was a little surprised I was charged. (YW)*

A small number of the men claimed that the police had been verbally and in several cases had been physically aggressive with them.

*One police officer had racist comments and he looked at me with hate in his eyes, his veins were almost popping, his face was red. He had this hateful look. (YW)*

*I was very frustrated about that police process. As soon as the police got involved, they draw a conclusion by asking which part of the world I came from. As soon as I say, “Southeast Asia” they treated me as a guilty partner because these kinds of things are common in these countries. I didn’t like that. So that is why this is happening and automatically they assume. There were other facts that the police intentionally ignored at the beginning of the process. (RCM)*

*They were really rough with me. When I woke up in the drunk tank my arm was all blue; I guess I was fighting with them. (YW)*



*The police escorted me into the house. I went to phone my lawyer, went to grab the phone. They bounced me off the fridge, threw me on the floor, handcuffed me and said they were charging me with assault. I said, "What about her?" The police officer said, "There are no charges to be laid there." I had blood coming down out of my eye where she had cut me with the ring. They took me downtown and pulled me out of the car and kicked the crap out of me down there. I got seven stitches under my left eye from being punched six times and kicked five and charged. They had to take me for stitches before they could book me. (RCM)*

In contrast, thirteen men (35%), a little more than one-third of the respondents, commented that the Calgary police had responded professionally or fairly.

*The police were great. I was going to go sleep downstairs and she had the door shut. I pushed the door open and that frightened her, so she called 911 because I was ranting, raving, and screaming something. I went outside. The police came. I came back to the house and they saw that I was drunk and screaming and wanted sex or something. They said "All right, let's go. You'll have to turn around so we can put the cuffs on you," and I resisted, "You don't have to do that." So they did. I sobered up about 2 in the morning, they brought me coffee, let me go at 4:00. I took a taxi home. It was like watching it on a movie because I was kind of numb when it was happening, but now I relate it, those are the consequences of poor choices. (The police were) sensitive and gentle and understanding, encouraging. (RCM)*

*We were interviewed so I was put under arrest. I must say that the two policemen were very good, very professional. But they were doing their job. (YW)*

*The guy called me up and I was smart. Well, initially I wasn't. I called my wife and said I was going to disappear. She said, "No you're not. You turn yourself in." The guy he appreciated that, "Well, thanks. We didn't have to chase you down." He took me downtown, we had a good talk, he said, "Look, I do this all the time, this is my area, domestic violence." He said, "You get a peace bond. It's a first offence." I mean, this is the police talking to me. (RCM)*

*(The police) were very nice, believe it or not! I got along great with them. They didn't put handcuffs on. I was cordial with them. They didn't interrupt my (special event). They could've walked right into the middle of (special event) and hauled me out of there but they said they would wait until I got home. They picked me up at my parents' house and we had a nice chat on the way downtown. (RCM)*

*The last incidence with the stalking and the harassing, they were really easygoing. They were probably the most professional officers I've ever seen. They're not here to be the bad guys. They've got a job to do like everybody else. A lot of people think they just hide behind that little piece of tin. A lot of people just see them as officers, not many people see them as human beings. (YW)*

Nevertheless, even when treated fairly, the majority of the men perceived the police intervention as biased towards the women.

*The police were pretty cooperative overall. This zero tolerance thing really makes it hard for the police to make any justice. (RCM)*

*They maybe take sides, probably a woman's side. (YW)*

*The police assumed I was guilty right off the bat because I was a male and drinking. They didn't ask any questions. The second time they assumed that I was guilty even though I had cuts on my face from where punched me with her rings. But they weren't willing to question her about her hitting me. It was, "You're guilty. You're going to jail, you're being charged." They shouldn't assume that because he is drunk, he is automatically guilty. That's a really sore spot for me. What I did both times was restrain her and I was charged with assault both times. I think they should get both sides of the story whether the man is drunk or not. When I asked the police officer, "So what about her hitting me, can I charge her too?" He said, "There's not going to be any charges; I didn't see any marks on your face." (RCM)*

*I was feeling at the time that this was unfair. I did not do anything wrong. I was the one that got hurt. I was the victim. After the time I thought that it was excessive, too much enforcement of the law. (YW)*

*That was the third time I'd phoned the police with the butcher knife thing. They walk in the door, it's never the woman that's the abuser, it's always the man. They're right away in my face and I'm holding my face, black and blue. They don't look at it like, "That's not possible. You been drinking?" "No, I haven't been drinking." But they still want to even though I had phoned. It's the way society is; I'm the one that did it, right? (RCM)*

*I lost faith in the police department of Calgary. I did some wrong that night and she did wrong. But she got off scot-free. They should've charged both people, not just the male like they normally do. I got the feeling that the police just go in there, take the male out, blame it on him and that way they can go on with their nights. (YW)*

*If I had done what she had said I had, you'd have thought there would have been some injuries. So that said to me that there's a hole in the system somewhere. I guess it's for the safety of all women but it puts the men on the downside of things, guilty until proven innocent. The pendulum swings both ways and eventually it settles in the middle. So right now, it's way over on the other side because it used to be the women that had to prove everything. (YW)*

### **Experiences in the DV Specialized Courts**

Since Calgary has created specialized domestic violence courts, those being charged with offences related to domestic violence begin the process through the specialized docket court. However, when the men talked about the court process, it seemed that they did not understand that Calgary has a coordinated community justice response to domestic violence. While they noticed that most of the other men at docket court were also there for matters related to domestic violence, they did not seem to realize that they were in a specialized domestic violence courtroom.

Several respondents commented on their experiences in Calgary's first appearance or docket court.

*I had duty counsel the first time. Because I had no information, I was trying to do everything myself. She asked for the peace bond and the prosecutor asked for two weeks to check some facts and she never called me. Do you not want to get both sides*

*of the story and see what adds up? She [duty counsel] didn't really present my side of the story. I'm not sure why but I wound up with a one-year peace bond. (YW)*

*My wife came with me. We were scared; we didn't know what to expect. I thought we were going to have like a half an hour to explain what happened and the judge will look at it and my wife will make a statement. I'll make our statement and things will be over. But it didn't happen. It was just the appearance. The first session in the court, you basically confirm your name, your address, who you are. (YW)*

*They lost my files. They told me to go to the court; they had no record or anything. So they ended up re-charging me with the same thing. I had to go back downtown, spent an hour and a half down there. (YW)*

Overall, with respect to the court process, 20 men (54%) perceived the justice response to domestic violence as biased towards men in favour of women. Several claimed that they did not get fair treatment in court because they were declared guilty without the assumption of innocence, as any other criminal charged with an offence.

*The judicial system, the enforcement system, tend to believe the female over a man, regardless of how crazy the situation is. (YW)*

*The system sucks because it's totally against men. If there's a woman involved they arrest the man. It doesn't matter. A lawyer told me once, if she's hitting you and you hit her, you're both going to get arrested. If the woman hit you and you did nothing, you still both get arrested. That's the way the system works. I think that the system sucks! I don't have a record because I did the, what's it called, the peace bond. I did my one year with the probation officer and I took that course, so it got struck. But it's still in their system. Anytime you have anything to do with them, they've got little notes on you. The quality of justice is just a crock. It doesn't make sense. (RCM)*

*When you take everything into context, I find it a little unfair, one-sided. It was fairly one-sided. Basically, they took rights away from my children [to see me], which they had no business doing. (YW)*

*(The justice system treated me) very poorly. It was one-sided. Nothing against females but the females are always right. That's the way the system is set up today, which is wrong because the abuse happens both ways as I found out in my last anger management class. It comes down to who had the better lawyer. As far as I'm concerned the system let me down. I played by the rules. (RCM)*

*I've lost faith in the law system. It's definitely focused on the male. You could see it in the courts. Every day I went to the court, it is populated with males. That creates a sense of false belief in the female part; or they just don't realize that it took two. What I'd like to see changed is a little more equality in the whole thing. In my personal situation, if both parties had to go through the system then it probably would've made a lot better future for everybody. (YW)*

*The way they handled it, they just went from the information in police reports and my partner's testimony. I didn't really get up and say nothing. I gave my statement to the police and that was what the judge read, my statement to the police. I didn't actually stand up and testify myself because I pled out. (RCM)*

In contrast, other men perceived that they were treated fairly by the courts and the sentences reflected the severity of the abuse.

*I just pled guilty and got probation. (YW)*

*I think it was fair. They can't charge me with hitting (my partner) because they didn't find a bruise. She was embarrassed; she didn't want to go to court because she didn't have anything against me. That's why the judge made me a peace bond order. Peace bond order means they can't charge you but you have to take the program. I can't go near (partner) for 100 yards for until one year. (RCM)*

*I got a year of probation. I'm being punished for what I did and I'm trying to fix it. (YW)*

*Number one was entering a plea, get there and make sure you have the right judge. Try to make the lawyer make proper arrangements, started a peace bond. The Crown wants a form for that, so we had to play the game and please the judge and the prosecutor. My lawyer was able to negotiate a conditional sentence. To me that fit what I was charged with. The punishment certainly fit the crime. (RCM)*

*Duty Counsel was pretty good. I went in and explained what had occurred and she asked me questions and took a couple of pages of notes and explained to the judge who I was and what I was doing and that I was willing to accept a peace bond. (YW)*

*I was treated really well. I use this terminology; I was given a good swift kick in the ass. The judge was good, he made sure that I understood, "Look pal, follow through with this or you and I will be meeting again." That was good; I wish more young people would pay attention. (RCM)*

One man was of the opinion that he was treated leniently by the justice system.

*I was treated fairly leniently. I don't know exactly what my wife told the prosecutor or what she wanted. So I don't know all the details. But I was prepared to plead guilty and the sentence that I received was about as minimal as you could possibly get under that circumstance. I don't see how they could have a lesser sentence. A \$35.00 fine and a year's probation was not unusual. The restraining order was initiated by my wife; she had the option to make it a permanent restraining order. So she was looked after too. Maybe there were circumstances that I don't know about, because if it was me looking in from the outside, I would say that I was treated very leniently. (RCM)*

Two men stated that the court process went well. One expressed surprise that Calgary's specialized DV first appearance court was so efficient.

*In years past, I was amazed that when I was released on recognizance and it'd be two to three months before you had to make an appearance. So HomeFront and domestic violence courts: the process now is very smooth and efficient, probably the only part of the court system that is. The efficiency is very good. The way this matter was completely dealt with by court appearance, remand etc. Don't leave it dragging on. The fact that you were in court in very short order to make an appearance, makes you get your affairs in order right away. (RCM)*

One man who went through the specialized docket court stated that the judge's comments deterred him from further partner abuse.

*The judge heard what everybody had to say and he wasn't impressed. He told me that if I ever appeared again in that courtroom, I was looking at five to seven years. It scared me a little bit. I was a little scared that I was going [to jail] the first time because I was just doing weekends. I'm never going to get involved in a situation again where I'm charged. (RCM)*

### **HomeFront Court Case Workers**

When the men spoke about the court processes, most did not seem to understand that Calgary has a coordinated community justice response to domestic violence. Among other confusions, only four men were aware that HomeFront court case workers were involved with their partners to provide support, safety planning, ensuring that the women's concerns were brought forward to court and were taken into account in the outcome. One man stated that he learned of HomeFront from his lawyer, one man learned of the agency from his wife, the other two men gave no details on how they initially learned of HomeFront:

*The lawyer said that, "Okay, there is this organization called HomeFront involved." That was the first time that I was told. (YW)*

*All I know is my wife goes, "HomeFront wants me to go against you on this. They're telling me to do this." I said, "I'm not understanding any of it. Who are these people?" [She said], "Well, they're there to protect me. I'm the victim." That's how she always put it. It was just unbelievable. (YW)*

These men shared their perceptions of HomeFront and the role of the organization.

*They talked to my wife quite a bit to find out how she was feeling. She just wanted it to be over and done with, right. It was too bad that it did happen and she had nothing but good things to say about me. I look after my family, my kids. It was just a misfortune that the initial night took place. (YW)*

*I don't know what they do; they never spoke to me. I have no idea what their part is in this. It makes no sense to me. I have no idea what they do except for what my wife tells me. They'd call her to tell her what was going on with me. (YW)*

The men seemed to view HomeFront's involvement as a delay to the court proceedings and as a service that was against them.

*We were waiting for HomeFront to contact my ex-wife. It just got put off. I was trying to explain, "All you need to do is come down to court and be there in attendance. The people from HomeFront are there. They will talk to you. You don't even need to see me" but she continually refused to do that. I guess that's why it took so long and why I had to keep going back to court. I was getting a little upset about that. HomeFront finally got a hold of her. It was that morning where I received my peace bond. The whole thing took about six weeks. (YW)*

*The courts didn't care; all they wanted her to do was to charge me and convict me. That's HomeFront. All they did was just push things. I've never heard from them. HomeFront is telling her she's a victim and that none of this is her fault. You got the*

*police pretty much doing the same thing. I'm trying to get help and I'm trying to make sure this doesn't happen again. (YW)*

One man dealt with HomeFront's involvement by ensuring that he was with his wife when she initially talked with HomeFront staff, some communication was put in writing, signed by both he and his wife, and then faxed to his lawyer and HomeFront.

*HomeFront communicated with my wife. We went together to HomeFront I remember. We sent a fax to my lawyer twice and we always copied HomeFront. Both of us were signing what was going to a lawyer because we knew the lawyer was on our side. But HomeFront, we didn't know. So my wife signed it and I'm signing the fax to make sure we are in agreement to the statement. (YW)*

Two men commented on the support that HomeFront staff provided their partners.

*They provided supports definitely. Did my wife need supports in the long term? Maybe for a limited time. She knew that somebody was representing in her in the court proceedings. But there was never an attempt by the court to look and say, "Okay you guys come and look at this. Is it worth the court's time? Is it worth HomeFront's time?" (YW)*

*The biggest problem is that she didn't have to go [to court]. She didn't have to do anything. It's not her fault. That's where some of their programs like HomeFront, I think they're a bunch of shit, a waste of my taxpaying dollars. (YW)*

In summary, although the men had gone through the justice system from charge to conviction, several did not necessarily understand the judicial process, what their options were, or what their disposition meant.

*I don't even know what happens after a year's probation. Does everything just get dropped? I have no idea. (YW)*

*Everything was stayed. I don't know what you call me, lucky or what, I don't know. I understand what not-guilty means. But the word "stayed", it's always got to linger in my record somewhere. But it's not guilty. It's stayed, whatever that means. To me, it was the way I had to go through it, even the peace bond. I'm still guilty, somehow, in their eyes, because you have to report to somebody in your conditions. I think it's saying that you're guilty. (YW)*

## **Probation**

Many of the men commented on their experiences with probation services. The majority reported positive interactions with their probation officers, while several recalled negative experiences. The men were not impressed with their probation officers and offered these explanations.

*He was quite judging. Even after the fourth week, he's like, "I'll be seeing you again." I was like, "Thanks for giving me a little faith there, my man (laughs)." I had a couple of things when younger and he saw a couple of things that made it seem like that nobody changes. I don't blame him. I would judge a guy too, if I saw that. I understand how people look at it that way, but it makes me super embarrassed. This is how everybody looks at you. He was being hard on me. (YW)*

*I didn't realize [with] a peace bond, I had one-year with a parole officer. That was the worst punishment possible. That was the worst guy I've ever dealt with. Maybe that's why I got him. He had the personality of a soggy cauliflower. I hated going. I would just sit there and wouldn't say anything. He would say, "Did you move?" [I'd say,] "No." [He'd say], "So did you?" I'd say, "No. No. No. No." Then I'd be out of there. I did not see the benefit of talking to him once a month. It didn't mean anything, absolutely nothing. (RCM)*

*The young lady was the most unprofessional angry person I've ever dealt with in a professional position. Very angry, dressed like she was at a night club; very tight clothes, low cut top. When she walked down the hall, she wouldn't talk to me; she would lead me into the room and out the back door and there was never a single word, never a 'hello, how are you' or anything. (YW)*

*She didn't give a shit. She was the one that believed my ex when my ex told her I was manipulating the system, "Don't believe a blood test because he'll manipulate that too." The probation officer's supervisor took control after I was breached and I was assigned a new officer. The one I had from then on, for six or seven months, had a completely different attitude about me, my situation and my ex. (RCM)*

However, the majority of the men reported positive experiences with their probation officers.

*I had two probation officers and they were really good to me. I was always on time; I always made my appointments. I did everything I had to do through them like AADAC and Sheriff King. Considering what I was charged with, I had women both times and they didn't treat me any differently. They didn't look down on me or say anything to the effect, "You're a woman beater." There was no judgment. It was like, "you're on probation, it's my job, and I don't care what you did. Show up, do this and we'll be fine." So that's what I did. (RCM)*

*I had a probation officer. When I met her the first time I hated it. I thought that she hated me. I felt that she was the same as the police officers. She felt that I was useless, alcoholic, woman beating, whatever labels I had gotten from the court system. I had lost my job and everything. I felt that she was the same way, that she was against me. But she also helped me realize that I was against myself. I really appreciate her help. (YW)*

*I found her supportive. I honestly think she had my interest at heart. I think she was somewhat disappointed in me. I think she was used to dealing with a lot tougher cases. But she was very professional and was interested in my well being and me not going to jail, which is what she's paid to do. (RCM)*

*She was excellent, always kind to me. She was kind of like my second counsellor. I'd go in talk to her for about an hour and a half on what I was doing. (YW)*

*They were pretty good. The guy more or less understood, he didn't treat me like some hardened criminal or, "Yeah, you screwed up. What are you going to do from here to make it better?" As long as you are honest with them and show up when you are supposed to, they treat you a lot better than the police do. (RCM)*

*I got an excellent probation officer. She's said she's proud of me. I did good. I'm proud of myself. Like when I go in there, "Hi, how you doing? Are you drinking?"*

*She's just so supportive. I talk to her when I go in. I get to see her one more time and my probation's over. (YW)*

Several men mentioned that their probation officers offered them a level of support that was beyond their expectations. They reported that their probation officers listened to them, offered them resources, support and advocacy as needed.

*You never get your say in court, or to your lawyer. At the probation office, a little bit. It's not until you get to probation that you can actually tell your story. (YW)*

*He knew something was biting me that day because I got fired from my job. The firing wasn't my fault. I was really depressed. He saw that I was down, so he goes, "Cancel my next two appointments. Re-schedule them." So we talked. He even tried to get my job back. He's that kind of a person, not a judging person. (YW)*

In two cases, the respondents' probation officers found resources that could offer the men additional support: one probation officer helped the respondent find additional anger management counselling; the other probation officer helped the participant access additional counselling that was not part of the participant's court mandated conditions.

*This probation officer had me see a psychologist [at] the FAOS (Forensic Assessment Outpatient Service) program. I learned a lot from her. That's one of the best things he did because if I didn't understand something that was going on in the group, she could explain it. (YW)*

In conclusion, the men generally believed that the justice response was a bias towards men in favour of women. Men claimed that domestic violence crimes were treated differently than other crimes in that they are presumed guilty with no burden of proof. The men expected a "trial" to establish who was telling the truth and did not understand that the police had sufficient evidence to lay a charge.

Importantly, several men mentioned that they perceived the police and the courts had treated them fairly and the sentence fit their crimes. A number reported positive experience with the police and probation services. Of concern, however, was the alleged assault of the police towards one of the men interviewed.

### **Perceptions of the Group Intervention Programs**

All but one of the 37 respondents had successfully completed their groups for domestic violence perpetrators. One man did not complete the YWCA Sheriff King Home program. He attended a number of sessions before he was asked to leave. At that point, he decided to attend another treatment program for abusive men.

The men discussed their experiences of the groups, including whether being mandated to attend affected their involvement in the group, the significance of other group members, as well as identifying the topics or exercises that were particularly noteworthy or helpful. This section also explores the individual changes that the men perceived in themselves as a result of attending the programs, their suggestions for changes to the groups are included and the overall impact of their experiences.

Because entry into the two sets of programs is quite different (Paths of Change through intake and Responsible Choice for Men through connecting with an individual



counsellor), and because the group process and materials differ substantially, the feedback on the groups is presented in separate sections.

*The YWCA Group programs:*

Interviewers asked the 20 men in the YWCA Sheriff King Home groups to discuss whether being mandated by the court system to attend for abusive men affected their involvement in the group. Three men debated this issue and were not able to come to a conclusion, while five men were unable to overcome the view that they were forced to attend.

*I was pretty resistant to it. In a lot of ways it felt like going back to jail. (YW)*

*I went there with the wrong attitude, 'I'm not guilty.' I brought a feeling that I had been wrongfully accused and that's a mistake. When you go into one of those programs you have to say "Okay whatever you say, I'll agree with." They [facilitators] felt that I was disturbing the class. The program manager called me upstairs and was telling me that I was going to be breached. After that, I just told them whatever they wanted. (YW)*

The other 13 participants stated that, while they had initially resented that they were required to attend, they were able to find ideas and information that were personally beneficial to them.

*When I first went in, I wasn't even going to give it a chance: this sucks. But I gave it a chance after a bit. The third week the topic hit home. I was like, "Yes, I can relate to that." Then everything was good. (YW)*

*At first, I didn't want to; I felt that I was not guilty of anything and was being forced to go. It was a pain in the butt that I had to do that every Thursday. But after two sessions, I felt comfortable. The groups were so small; generally the same people. I felt more and more comfortable going and sharing my feelings. (YW)*

*You were brought by the court but I wanted to be there, to better myself; to see why I did this, where it came from so I wouldn't have this problem again. (YW)*

*I thought, I'm going to do it. I don't want to lose my partner, that's why I went to the YWCA Sober Effect Program. She's a great person. I'm glad she gave me a chance. She didn't have to. She cares enough to give me a chance. I think I owe her that much and that's why I did the program. (YW)*

After being mandated to attend, the next step in the process is for men to attend an intake session. The men complete some paperwork and participate in an interview with a counsellor. A total of 12 men commented on their experiences at intake; ten participants stated that it simply seemed like a formality, they had no strong feelings or judgements about the intake night.

*I couldn't really make any judgement. Basically they tell you what is going on and ask you a few general questions. (YW)*

*The paperwork part wasn't too bad because it's basically the same as with my probation officer. When I met with the lady, it didn't take long because they have all the legal paperwork. They have a lot of information already. (YW)*

However, two respondents found the intake night difficult.

*I went to an intake and walked out early because they make you sign things. I didn't know that I had to pay for this; that was a shock. Then I read further and I have to admit my guilt. So I said, "This isn't for me" and walked out. Then, thoughts set in that by doing this I could go to jail, so I went back the next week. (YW)*

*The intro could be more personal. It made me feel like a piece of the system. You show up and there's a room full of guys with clipboards. I recognized people from junior high and elementary school. None of them said nothing to me. But I knew that they knew that I knew. I'm thinking, "What the hell am I doing here if that guy's here?" That was tough; very emotional. Then waiting for that personal interview. If they've got this much information from so many people then I'm going to get grilled. Once I had the clipboard filled out he asked how much money I make. I just felt I don't need to be here. For me that would definitely be the part that was tough. (YW)*

The men discussed their group experiences including their interactions with the group facilitators; what they found helpful including the ideas, exercises and social support; their reactions to group completion and to partner checks. Lastly, the men provided details about what they found less useful for them in group and provided suggestions for change.

Thirteen respondents shared their views on the group facilitators. Six men described the facilitation as good.

*The whole program was very good. The facilitators allowed you some freedom and they try to make it as best as possible for the people who are there, for all people. They really did a good job with everything. (YW)*

*The facilitators were good. (YW)*

Nine respondents made further comments about the quality of the facilitation and the counsellors' abilities to pay attention to group members' attitudes and viewpoints, and to manage the needs of the group.

*They have a copy of the police reports and the court orders, at least that's what I was told by one of the counsellors. So they know who's bullshitting and who's telling the truth in the rooms down there. (YW)*

*A lot of guys hadn't accepted what was going on. A lot said, "I am here because my probation officer and the court told me I had to be here, period." The counsellors are very good and they are able to pick that out right away, people's attitudes. (YW)*

*I have a high respect for those counsellors because they have deal with whole range of people. It's not people like me only. They have to work with good people and bad people and not speaking English people. (YW)*

*The facilitator did a great job to get to know us. She was really paying attention. But I do understand that there's so many people. (YW)*

*They force you to talk, so that's a good thing. (YW)*

*You need to be able to fit in, not be the outcast. I've even had the group leader say, "You've got to give somebody else time to talk because if you're overpowering everybody else they're not going to be able to say what's bothering them." (YW)*

Two men commented on differences in the counsellors' abilities.

*Some counsellors are better than others. (YW)*

*She is capable of doing a good job but she might have been burnt out. It was a lecture; very little interaction between participants. When the instructor was on holidays, they brought somebody else in who broke us into groups of three and four and had us do interactive exercises. That's the way it should be. But, for the remainder, it was more of a lecture. I think she was just trying to keep control of the group because once you let people talk maybe they get out of hand. (YW)*

The men were asked to comment about what they had learned in the group. Several men mentioned that had this interview been conducted sooner after group completion, they would have been able to remember more details of the exercises and ideas presented in group. Although a number of ideas and exercises remained meaningful to the men over time, there was little consensus among the 14 men about what they remembered; different men remembered different ideas.

The strategies that most men remembered were related to time outs. Six men stated that they have continued to use ideas related to defusing situations, using time outs and techniques to calm themselves.

*If things get too heated up, you should take a break, leave, take a breather. (YW)*

*Know what is bugging you instead of holding it in. I go for a walk. Just tell them and take a couple of minutes, just talk about it and then go for a walk. At least they'd know, and you would be able to talk about it more reasonably. Once you start yapping there, there's no talking, a communication breakdown. I just get out of there and go for a walk instead of letting her get me all worked up. I won't allow it to happen. (YW)*

Learning about different forms of abuse was helpful to three men.

*I learned a lot about the types of abuse from verbal abuse to physical. It really reminded me of the different types of abuse I can inflict on someone. (YW)*

Other ideas that were meaningful to respondents included discussions on their families of origin, assertiveness, and communication, however, they gave few other details about these ideas. One man noted he is now more careful about his wording.

*I found myself trying to change a lot of words and watch how, just word it different so that somebody's not hurt. (YW)*

There were some ideas and exercises that six men did not find helpful. One man mentioned that likening abusive behaviour to an erupting volcano was not helpful to him but gave no further explanation. Another four men objected to certain exercises or how material was presented.

*I went to the first session and they put on a movie showing some husband beating his wife and it was gross, sickening. I expected counselling to be a positive atmosphere, focusing on positive change. To sit through however long that movie was... it was most of the session watching this guy beat his wife. I didn't want to be there and I*

*was surrounded by a bunch of other women beaters. I didn't want to be associated with women beaters at all. It sickens me to think of it. (YW)*

*I'm not being rude or boorish, but a lot of the programs were quite childish with crayons and pictures and that sort of thing. But if that's what it takes for people to think then that sort of visual aid is fine. (YW)*

*The facilitator brought a basket with slips of paper in it with words written on them. We were supposed to pick something out and talk about it. The fellow next to me was the first and he got the word humiliated. She smiled at him and goes "Can I ask when you were humiliated?" My jaw hit the floor. A group of strangers and you are supposed to tell how you were humiliated. I tried to speak about that and say, "People need to feel safe to be able to express." (YW)*

One man did not like the way that gender roles were presented; he thought it was too stereotypical and ethnocentric. He stated that other group members supported his views:

*It was pretty much the 1960's version of what a woman is and a guy is. You could define a male this way and a female that way but that's not who we are or what they are. It's not even culturally synonymous. We had to jump in and disagree. (YW)*

The social support that the group members offered to one another was an aspect discussed by 16 of the study participants. They noticed how they were different from other group members, how they were similar, the opportunities they had to learn from one another, and the support they offered one another.

Coming into group, the study participants indicated that they were curious about the other group members; six men were struck by the differences between themselves and other group members..

*There's a lot of defensive guys there. They're putting blame on whoever they hurt. I didn't like being in the room like that. (YW)*

*I found it rather enlightening [that] each person has a different experience and a lot worse than me. A guy there killed people and a guy just got out of prison. Oh my God, what am I doing here? When I first started I thought what a waste this is going to be. Interacting with other group members and seeing what they've been through and just, 'I recognize that' or 'I've haven't been there.' You get as much out of that sometimes as from the information the counsellors are trying to get across. (YW)*

Yet at the same time, 11 men noticed the similarities between themselves and other group members.

*I started going and I'm not the only guy. It has happened to the other twelve people that are sitting in the room. (YW)*

*It was good to go there once a week and talk about the problem. I didn't have a lot of people that I could talk about it with, so it was good in that way. (YW)*

Additionally, seven men perceived part of the value of group was the sharing with the other group members and hearing about their experiences. The men often helped one another explore situations that were occurring in their lives and search for alternatives in dealing with that situation.

*You want to explain the situation and maybe you realize that there are steps that escalate to an incident. If you identify these, even talking about them will make you realize stuff that you didn't realize when it was happening. (YW)*

*I'm totally different from when I started, everything from seeing other people in my predicament. You hear other's stories; they hear your story. You could ask each other questions. Anybody could go, "Was it because of this or did this happen? What made this progress to this?" So everybody had different ways of coming across and saying something that would impact what was being said. (YW)*

When one individual reported that the group facilitator misunderstood a comment that he had made, he seemed to think that he could not pursue the matter with the facilitator, but was able to process his feelings with other group members.

*One of the facilitators took something I said wrong; that I made a racist remark. It was all how they translated it. I was angry, wanted to leave, but that would have meant getting kicked out of group. I didn't want to do that so I processed it with the guys on coffee break. (YW)*

As the men went through group together, three respondents mentioned that they started forming friendships with other group members. However, for two participants, the friendships did not survive beyond the group.

*It is a pretty intimate group. The last day of the course everybody would like to maintain ties but you don't. (YW)*

Yet, one man remained in contact with former group members.

*There's a couple of guys that I still keep in contact with once in a while. Just, "How's life? How are you?" (YW)*

Since Paths of Change is an open group, men enter and leave the group at different points from one another. Two men commented about how a man's final night is treated. When men are attending their final group, the usual procedure is that men will talk about what the process was like for them. Two men commented on their experiences in the final group.

*I almost cried the night I left. You got to give a speech. I laid my cards all out on the table because there's lots of guys that walked in there, charging, "I didn't do anything." I used to just tell everyone, "I'm the only one in here that's guilty." Nobody else ever hit anybody. It was only me. When I gave my speech and everybody gets up and gave me this big standing ovation, I was kind of flattered. In giving that speech, I had seen where things had started in the relationship and where things were at now that it's time to leave the program. It was a drastic difference in everything. It was so different for me. I was pretty emotional that I had to leave. [Interviewer: Were you ready to leave?] I don't know. You get used to it. It's like getting up for work. After so long it just seems like a part of life. Maybe next winter I might come back and do it again. (YW)*

*When people graduate, there is no ceremony, no sense of accomplishment. I told the facilitator it was my last week and she didn't believe me. Normally in a last week the person gets to say something about what they learned to the group. I told them the*

*week before I had one more week left. The facilitator didn't believe me so everyone left and they had to spend 20 minutes looking through the records to say, "Yeah, this is your last week." So I never got to say anything to the group. From that, there is no sense of achievement or accomplishment. I had to do this and it's done. (YW)*

The men were also asked what it was like for them when the group ended; seven men commented on this process. Six men stated that they were relieved it was over.

*Good I guess. I didn't enjoy like having to rush off to there. (YW)*

*It was good. You can get a lot more constructive things done. (YW)*

*Happy because it was long and the charges were dropped. I was happy it was over. (YW)*

*It was a good accomplishment. It's not a feather in your cap or anything. But when you're in a situation where you have been labelled, it's nice to be labelled as someone who has achieved something, even if you just go there just because you been told to. And you did go there. That is in itself is an accomplishment. So it gave me good confidence. (YW)*

One man was sad when group ended.

*I still remember my first Monday after I was done and I didn't have to come here. I was lost, completely lost. I met a lot of good guys here and the facilitators were great. I had no idea what I was going to do. It actually sucked. I almost came back the next week and did it again just because I needed to fill my time. (YW)*

Fifteen respondents provided their overall impressions of the YWCA Sheriff King Home groups for abusive men.

*I think all men that have anger problems should take a course and take it serious not just take it because they have to. There is hope out there for everybody that wants it. There is help out there. (YW)*

*If they offered this to people on their own instead of having to be sent by the courts, that would be great, although it would probably overload the system. (YW)*

By attending the group, six men mentioned that they had the opportunity to learn about themselves, how they treated their partners, and how to change their abusive behaviours.

*If I didn't go to the Sheriff King I would never of been able to kind of heal that part of myself. That, for me, was a big part of it. (YW)*

*Overall, it is a pretty good process. I learned a lot of things that I should have been doing. I wasn't aware, I wasn't thinking. I'm glad I was able to come because it makes you realize a lot about yourself; your faults or shortcomings. Sometimes it takes that to bring it out. (YW)*

*There was a lot of things I actually learned. They teach you more than just about women beating. There was a whole lot of things: how to not get worked up, morale, basic lifestyle and management type situations. (YW)*

*I really didn't think I had a problem. But I realized that maybe I did. I'm not saying that I have completely changed or anything like that. I'm happy that somebody could make you realize that we're not all bad. You're not lost forever just because of one thing; it's not who you're going to be forever. (YW)*

Two men commented that it would be helpful if they could repeat the group or have a follow-up or check-in group created for those who had already completed.

*Sometimes I think I should come back because after a while you start to forget some things. I noticed the other day when I was talking, I was pointing the finger, instead of stopping and thinking. I was kind of being a bully to one of the guys I work with; it was like, "Fuck you, you're doing it wrong." That's not the person I'm trying to be anymore. I don't think I need to come back and do fourteen more weeks; come back for a week or two, get everything put back in. (YW)*

*If people were offered the opportunity to get together, like twelve-step programs, and see how everybody was doing. Or the people that aren't doing so well might be able to do another course. I'd never even thought of it until [my partner] suggested another course. Not even a course, just a check-in, pop in say hi have a coffee and see how your fellow group-mates are doing. We can utilize each other. After you've shared of yourself with all of those other people, getting back together would almost seem mandatory. I think it would be successful. (YW)*

The study participants were also asked if anything could have been done differently so that their group experience could be more helpful; six men presented various issues that had created barriers in their group experience and presented ideas for improvement.

For various reasons, four men did not believe that they could be honest about what was happening in their lives in group. In part, the men were concerned about the possibility of legal sanctions, such as being charged with breaches, being placed against them.

*They want you to take responsibility for your actions. There was lots of things I was dealing with that I couldn't get help with because they don't want to talk about the other person. (YW)*

Another man stated that while he was attending group he was again abusive to his wife to the point that she again called the police; he stated that he did not feel that he could talk about this in group, nor did he feel that he could admit that they were no longer together.

*The police were involved but I wasn't charged again. I b.s.'d my way through group where we share our thoughts and the truth. I was shy to share the truth. I realized that my partner and I were irresolvable and I wanted us to break up. (YW)*

As previously mentioned, at the time of the interviews, six participants reported the differences between group members, two men commented further stating that they thought it would be helpful to complete more in-depth assessments so that more similar men could be grouped together.

*You've got to do more of an assessment before you just lump them into whatever kind of family violence curriculum they have. Assessments are big and it takes manpower and wages to do that. But, if you could get guys together that are in similar situations it would be much better. I didn't feel like I was in my element when I was surrounded*

*by these guys that go home and beat their wives. Certain people you don't want to be associated with. If more thought was put into who you are putting in these groups, that would be really beneficial. (YW)*

Two men thought that smaller groups would be helpful.

*There were 18 people in the room and I said, "How can you do anything with that many people?" My sister has a degree in adult education and she told me, "Groups have to be six or less." My experience has been groups of five or six are very functional. Adults learn from each other. (YW)*

Another respondent thought it would be helpful to either offer individual counselling concurrently or as an alternative to group.

*I would have preferred one-on-one stuff. Groups are not helpful to me—or maybe a mix because I'm not really able to speak in a group. If they forced me I would say something, but I don't know how many people there are like that. I go to groups and I hear lots and get some ideas but I think it is important to speak too. To really learn things, communication has to be more than one way. It would have been better for me to have even one or two individual sessions. (YW)*

Including opportunities in the curriculum for group members to relate their story and to discuss their anger with the justice system was suggested by another respondent.

*One thing that was never really addressed was dealing with the [justice] system. The system creates anxiety and a lot of the anger and that issue was always skirted. There should be some way for people to understand the system, which is just not addressed in this course. That should be dealt with right from the beginning. There is no opportunity to tell your story. What we've just done [in qualitative interview] is probably the most in depth that I've been able to speak. No one has time. People are too busy and too full of assumptions. (YW)*

Three men seemed to maintain their stance of blaming partners' behaviour as the cause for men's abusive behaviour. They commented that it would be helpful if the YWCA Sheriff King Home program made greater efforts to correct their partners' behaviour.

*I know my part in all this crap that happened. I know that I caused grief too. But I also know that it wasn't all me. I'm in a bad relationship. Things got out of hand. I don't blame her. I don't blame me. It was between the two of us. We had a shitty way of communicating and that seemed to be how it came down in the end. There's no point me sitting back and saying, "If I wouldn't have done that, if I wouldn't have done this." It would've happened sooner or later at the rate things were going. I mean, if the guy's got to take it, why not fix both people? In the worst case scenario, you're both going to learn something. It doesn't mean the relationship's going to be any better or any worse. But at least their eyes are open; they can see some of their wrongs as we have. I believe that both people in the relationship should be forced to do it. It shouldn't be just one sided. (YW)*

*If you really want to highlight something about group, all the talks about both people going really stood out. It's not just me. A lot of people believe if you don't fix both people then you're just going to end up back. Nothing's done. No sense patting yourself on the back because you really haven't done anything. (YW)*



### *The Responsible Choices for Men Program*

Thirteen of the 17 men from the Responsible Choices for Men program commented about the impact of the group on their abusive behaviours and anger problems. The men stated they learned to leave, were more able to control their anger, and were less confrontational and more calm and sensitive. First, eight men stated that they had learned to leave the situation before the abuse began.

*When I get to the point where it's going to get scary, I just leave, get in the car and drive. After the episode there were a couple of other incidences. One of them, she lost it and started attacking me and hitting me and jumping on me. I thought, "Oh my God. I'm getting all this stuff. I really want to clock her one." So I backed off and got in the car and drove off. She jumped on the car when I was driving. I talked to some friends about it. I was the one who wanted change and I got my change. The end result was very positive. I did learn from that course. (RCM)*

*I go for a walk, watch TV, go to a happy spot. Try to think out of the cycle. Something they did teach me, the triangle [Karpman's]. I get out of the triangle and I go to a different place. I shouldn't say I do every time. I try to. Time out. If you want to rant and rave and carry on, go ahead. Does that make somebody mad? Sometimes. You don't have to pay attention. I choose not to argue or play the game. I'm not going to be verbally abusive or physically abusive. I'm still mad. I just try to do something else to take my mind off it. I don't dwell on it. I try not to. (RCM)*

*I don't push issues as far as I used to. I'm not saying I don't argue anymore, but once I realize that we're both hurt; we're both angry, it's time to stop. If we can get our bearings, come back at it again, we're more relaxed and issues are solved almost immediately. (RCM)*

*I tried time-outs; I tried talking with her more instead of arguing. Many occasions, I asked her, "Just quit, that's enough, stop." But it helped me identify some of the signs of my anger. I even told her a couple of times, "You're pushing it too far, leave me alone." Usually I ended up leaving because she wouldn't leave it alone. But I knew where my pressure points were. Enough was enough and I had to get out of the situation because she wouldn't quit. The group helped me realize that because this last time we were together, she was throwing lighters at me and I didn't react to it. I didn't let it piss me off to that point where I was throwing stuff back at her. It's hard to say what exactly made me stop. Some of the experiences of the group, the stuff that I'd heard, made me stop and think about things. When the lighter was thrown at me my first instinct was to pick it up and throw it back at her. Then I stopped and thought no, remember what that guy said and you know that's going to lead to that and that and you played out the scenario of what was going to happen if you did throw that back. So I didn't bother. It helped me think ahead, kind of like playing chess, two or three moves ahead. (RCM)*

*(The group taught us) how to calm yourself. Now, if I get angry, I walk away, get calm for a bit. It's hard to control but when you're used to it, it's not that hard. The first time I got out and see my sister, she kept talking, "Why you did this, that to our mom." I said, "You know what I can do?" I was angry at her so bad I just walked away, and I come back and talked to her a bit. It works...They help. (RCM)*

*The biggest thing about the group was teaching patience. I've certainly lost it a couple times but never anything faster but group taught me the ability to deal with the frustrating situation. Before, I would just have gone back; it's my way or nothing. Now I step back, look at it and say, "I've been down this road before". Whether I have to step away for a half hour or half a minute, it was just a stop. Stop, this isn't working. What do we need to do? You don't have a solution right away ... separate. You don't have to talk. It took away the instant reaction. (RCM)*

*That was something I did before group. But it wasn't something I really practiced because my fiancée wants to confront the situation head on. I have to sit down and think about what I am saying. I just can't talk out of the bottom of my heart. So for me it was really important that I came to a conclusion in my mind before I came to that conclusion in my heart. Sometimes, I just walk away. Sometimes I try to deal with it as best as I can while she's there because sometimes I'm able to deal with things straight away, it creates less friction. Sometimes, I have to think about things before I talk to her or redo the thinking beforehand. Not saying going overtly but you've done a little bit of thinking beforehand. Then when I go and I talk to her there's an understanding. (RCM)*

Five men learned to better control their anger and abusive behaviours and used a more deliberate calm approach to resolving conflict.

*I'd actually take the time to think about what I was going to say to her before I said it. Maybe write her a note, what I was feeling at the time, and see how it looks on paper and if there is anything that needs to be changed. Then I can change it before I talk to her. Keep a calm voice, and don't be in somebody's face. It's pretty easy actually. Don't get all excited, don't get jumpy, and don't get the big voice going. I'm a better person as far as that goes, more cool headed, calmer, I handle situations a little better, I handle bad news better. I don't have to think back on the group all the time. Now it's becoming more natural. I haven't had any real confrontations in a long time. Maybe when I'm just having a discussion with someone, we might be talking and I just have to stop myself from saying a word that might be hurtful to them. You stop in mid-sentence and go, "I shouldn't say that". (RCM)*

*If some guy cut me off in traffic, before it would've been the finger and me swearing at him. I got to a point where I was realizing, "Who is actually getting the brunt of the yelling and the blood pressure and the angst and taking your attention off what you're supposed to be doing to let somebody else know you are pissed off." I withstand the worst of it. I constrict my blood vessels. I put stress on my heart; my blood pressure goes up. So taking your attention off what the importance of this present moment. So it's okay to be angry. It's like, "I'm angry, that's interesting. What happened"? But now it's all contained within this flow and tapping into the energy of now, let's direct that energy. So in the past, absolutely, I had a problem with anger. Like every other human being on the planet. (RCM)*

*Sometimes I still get loud or express frustration. But I won't let it escalate to a point where we have to get physical. I put a stop to that. My wife and I still get into arguments. We can't be perfect. One thing that's always bothered me about my wife is sometimes when she gets mad she slams the door on me. She knows I don't like*

*that and that's how things can get going. But I just won't let it go further. I put my foot down, and refuse to go there. So far it is working. Overall it's helped me to control myself. It definitely helped me to come out and talk instead of fight or get loud. It's helped me to admit when I do things wrong, to apologize because in the past, long back, I've been labelled as well, "You never admit you're wrong. You never apologize." (RCM)*

*How to understand anger. Everybody has anger; I deal with it every day. I mean all you have to do is drive down Deerfoot and you see anger all the time. Do I still get angry? I always will. That's what I learned. It's okay to be angry; it's how you deal with your anger. That's what I got out of it and if that's what I was supposed to get out of it, the class worked for me. (RCM)*

*I've changed quite a bit. I think in a different way. I notice things a little more than I used to, the signs. I think I'm a bit better person, I have a better understanding of what's going on around me, of myself and how I'm going to react in certain situations. I have the ability to stave them off instead of run right into them like I used to; a little better control of my anger now. (RCM)*

Two men stated they have become more sensitive as a result of the RCM program.

*I'm being careful about what I say and do. I'm more sensitive to the other person's feelings. I used to walk away, "It's not going the way I want it to go" and just drop the whole thing and no resolution. The bad thing is that the issue is still there. Nothing will be resolved. Now if I do that to situations to ease the tension, I come back and restart in a different tone. I did not realize before that in a way that raising my voice was abuse. It sounds horrible but I did not know that before. Now I do and because of that I try not to do that. (RCM)*

*I don't take it personally anymore. That helped. What goes on at home helps me at work, it helps me deal with other people better; helps with my road rage. People cut you off not because they're trying to cut you off; they're just not watching what they're doing. They didn't mean it. They're just bad drivers. So getting angry at them just makes them angrier at you because they didn't know what they did. Like all people, they don't realize what they're doing. Just like me when I was angry with my family. I didn't know what I was doing. I thought I was doing something right but I was doing it for another reason that I didn't even realize. (RCM)*

One man stated he learned to better communicate with his intimate partner as a result of the program.

*I try not to get angry at all. It's not worth it. I've quit drinking in the meantime so there have been many positive changes. (My partner) and I communicate at a completely new level. That was the whole problem. If you can't get across to people, it is easy to get frustrated. If something is bothering me I'll tell you right away before it gets out of hand. Before I'd be just miserable to everybody but now I can communicate that, especially to (my partner). Like, "I'm pissed off because of this and it has nothing to do with you." There is an understanding there. I didn't do that before, I just kept everything inside. We don't fight as often and if we do it's normal*

*argument stuff, nothing abnormal that can get you in trouble or that hurts (my partner). We are happy, I guess you can say. (RCM)*

### *Social Support*

All seventeen men identified components of their group experience that had worked well including the social support that men gained from being with men in similar circumstances. Program material and exercises identified as working well included role playing, triangle, family tree, iceberg and social roles theories. Lastly, the skills of the facilitators conducting the group and counsellors in individual counselling were identified as positively affecting the men's experiences.

Ten men commented on the social support provided by the RCM group and how each man contributed to the group learning. The men commented that they learned about different types of abuse and self awareness of their abusive behaviours through sharing and listening to experiences of others. Overall, the men felt less alone in their experiences.

*Going through the program [Responsible Choices] definitely helped me change. I had the chance to see not just myself or what I come up with, but what other people go through and problems they face. It could be a lot worse than it is. (RCM)*

*Listening to different people's problems, seeing how they were dealing with it or what they had done in the past. Different ways of dealing with things, how you've dealt with things, maybe things I could avoid. I'm sure it was vice versa. Some people were talking about psychological abuse, maybe those are things you do without even knowing. It made me think about times that I've possibly done that. (RCM)*

*It helped to sit around with a bunch of strangers. You were able to share your feelings that way. I think that's beneficial. Looking back, it was probably easier to express yourself when you don't know somebody. For me it's easier. (RCM)*

*We helped each other; that's the dynamics of a group. We each helped ourselves. When you're sitting around the circle and you're yakking and then one guy says something and another guy kind of interjects and says, well. We couldn't swear in that [group] but he would say, "You're full of shit." But we'd say, "No. It's not like that." And they'd go, "O-oh!" or they'd think about it and come up to you at break and, "You said something right on there." So that really worked. (RCM)*

*Talking with the guys and listening to their experience. I always knew that the signs were there before, I just didn't pay attention. The group was kind of a wakeup call; the little lights are flashing, time to stop, and do something. Most of us knew when the point was when we should have got out or done something different but didn't, which is what put us in the position we were in. (RCM)*

*When it comes to looking at other men and saying, "I can see that I'm not the only guy who's found himself in this set of circumstances." Maybe that has some value. But as far as the group is concerned, it's good for one thing; for men to realize that they're not the only ones in that particular predicament. (RCM)*

*I mean some things in my opinion were still way too personal. But I still was able to talk about certain things I guess some of us; I mean group was helpful in itself like all the experiences other people had gone through. You could see some of the changes in*

*the men had gone through while we were at group. I learned to be a little more open with my thoughts. (RCM)*

*Probably the best thing I've done for a long, long time. You find out a lot about yourself when you're a little more mature. There were quite a number of younger fellows in this course. You're able to share without saying, "You shouldn't do that!" By sharing your experiences they pick things up and see where they're headed, like, "Do you want to be here when you're fifty years old? Smarten up now and get fixed." The diversity of group, it just wasn't ethnic, it was age, too. That was interesting, the diversity was really important. If you've got a whole bunch of young guys, they're going to go outside and smoke ha, ha, ha and carry on. That is my take on it. What's the point of having some old guys, we're all going to sob and, we know we did wrong, but you need these young guys to, what the hell are you still doing that for? What's wrong with your head? You work off each other. (RCM)*

*It was kind of a chore at the beginning but I bonded with the group and it wasn't such a chore anymore. It felt sort of therapeutic; I actually looked forward to it some weeks. The best thing was to get things off your chest. It provided me a forum to do that. I shared a lot of the things they were saying about the justice system, the police, how they were treated. I related to all that and court. We all had to do the same thing. (RCM)*

Several men found that the group was helpful because they realized that they were not alone and it provided the opportunity for self analysis through listening to other's experiences.

*It was a learning experience that you are not alone. I realized that I'm not that bad. I'm just saying that no matter how bad I am there's always someone worse or someone better than me. (RCM)*

*It's easy to analyze someone else's life compared to your own. When you're by yourself, you don't realize that there are people out there with the same situation and you can't analyze yourself very well. It's human nature to look down on other people. So if you look down on other people, you go, "Wait a minute. That's like me. Why am I looking down? Is that me?" and it might put a twist on how you think of yourself next time it happens, next time you get angry. (RCM)*

### *Program Material Strengths*

Sixty five per cent (11) of the men remembered specific program material that had an impact upon them. Sixty four per cent (7) of these men remembered the role playing exercise as eliciting empathetic feelings about how their partner must have felt while experiencing the abuse.

*(I learned) how to deal with my anger, how to communicate, compromise. I learned a lot on the other side of the boat too; on (my partner) must have been feeling. Putting her through all that wasn't fair to her. I was able to have an insight on her emotions because it wasn't something me and her were talking about. (RCM)*

*It was pretty good, quite informative. It's more or less understanding the feeling of the other person and certain things that it's okay to get into and how it can affect*

*their partner. The thing I found quite informative and very interesting was the different situations. It was somewhat neat. (RCM)*

*They had a session where you would act out what was happening, what made you angry. Everybody's story was similar, getting to that anger point and wanting to control the situation and make it stop. No matter what everybody was thinking, all they wanted was to make it stop. I didn't realize I was losing a battle. My wife helped too. She would say, "You can't yell at me." She wasn't trying to win a battle, but she was scared. I can understand that, I'm bigger and stronger. Being put on the opposite end of that is an experience that I never thought that I would have. I didn't realize that I was being a bully. As much as I was trying to defuse a situation, even if I'm right, it doesn't matter. If I do it that way, it's wrong! I can't win because they won't believe me. If I can do it kindly then my wife is more receptive. If I am right she will believe me, not necessarily right away. (RCM)*

*There was one exercise where you had to pretend there was two of you. There was another guy and you had to pretend that was your ex. I learned a lot from that. I learned a lot from the guys who were there. It made me understand where she was coming from because the other person's role was to pretend that they were the spouse. They started you off with you shouldn't have been doing this or you should have been doing that or it led into kids. It made me feel a little bit of what she was feeling; it gave me a better understanding of what she was saying to me. I got a perspective of some of the stuff I was saying to her. It wasn't her sitting there but some of the stuff that was being said clicked in my brain and kind of reversed it. It was like it was being said to me. (RCM)*

*I can't remember the young fellow or the lady's name but they were good. Sitting in the chairs, where you had to act yourself and then sit in the other chair and act as the abused person was fantastic. One fellow in class could not do it, he wasn't ready. You sit there as the one that's being abused, like holy crap. You can really see what you've done, it's amazing. You got tears running down, everybody did. Tears running down your face and most of those young men were really honest. You could see the ones who were being evasive. Just a couple of them. Most of them were so forthright. (RCM)*

*I remember the chair exercise. That was a good release. Even though it would have been good to actually have my (victim) in that empty chair I got to say a lot of the things that I want to say to her. It was kind of a release for me. Most of the guys would say the same thing. Just about everybody had to participate. I wish we would have done this earlier because there are other exercises that I found really useful but I can't remember anymore, But that stood out; the empty chair. (RCM)*

Three men also mentioned that the group helped them to accept responsibility for their abusive behaviours.

*Her whole mandate was to say we're the ones with the problem. Because in every group, it would be so funny, but we'd always be blaming the other party. It's always their fault. They taught us to take responsibility for our own actions no matter what someone else did. It's not like an action, reaction. I found that kind of helpful. Some of the guys broke down and cried, which somewhat made others uncomfortable. It*

*doesn't bother me to see anyone cry. That was a turning point because they were kind of admitting what they did was wrong. (RCM)*

*I'm right and the other person is wrong and it has to be my way. We all seem to think that we're all right and the other person is wrong. The people who conducted the class always pointed out, "What if the other person is right?" or "What is your partner's opinion? Are you going to take that into consideration?" I can't really put my finger on a particular issue but it would always come to that point of, "No, I was right." They'd think the partner was wrong because we are right in the first place. It was a simple thing but those kinds of things should come to us automatically. They are really basic but because of the emotions there are certain issues that are rather obscured. Now, I think of those things (RCM)*

*When you go to counselling they point out, "You can't blame someone else for your anger." That's important because you can calm a serious situation just by controlling your own temper. Then your partner calms down too and that's what you wanted. So you are taking control. Rather than force; you're leading by example. (RCM)*

In summary, the majority of the men claimed that the both of the group programs to which they had been mandated had a significant impact upon their abusive behaviours. They claimed that they learned how to identify their triggers, communicate their frustrations, when to walk away when they are losing control and, generally, were more insightful into the sources of their anger and how to control it.

## **Conclusions**

As a qualitative study, these results cannot be generalized. Nevertheless, some common themes are worth highlighting. First, with respect to the justice system, a number of the men had positive experiences with the police. The majority of men were also positive about probation services. One man commented that it was not until he met with his probation officer that he was able to tell his story. This respondent further suggested that the YWCA change the curriculum to provide men with opportunities to discuss their anger with the justice system and to tell their stories. Providing the men a place to talk and to explore their experience with the justice system, as well as to expand on the circumstances that brought them to group, could give opportunities for the men examine their responsibility and accountability. Indeed, Waldman (1999) contends that when men blame systems it impedes their ability to examine their own responsibility. His stand is that, by creating the opportunity for men to explore these issues, they are more likely to examine their own behaviour and take responsibility for their abusive behaviours.

Notably though, that any men charged by the police and who had entered into the complex criminal justice system process had positive comments about either the justice personnel or the ways in which they were handled, is surprising and suggests that the coordination of the criminal justice response to domestic violence and the consequential treatment services are having an impact. Those who had negative experiences primarily attributed them to what they saw as the criminal justice system discrimination, that, in their opinion, does not take into account all of the facts and presumes that men are always guilty in domestic disputes. The men's perceptions of the overall justice response to domestic violence were that there was a bias towards men in favour of women.

The men spoke about their experiences with the justice system as if they had been taken advantage of, or that they had been victimized. None of the comments from the participants acknowledged that their contact with the justice system was a consequence of their abusive behaviour.

The participants seemed generally confused by the judicial process. While it is reasonable that men with no previous contact with the judicial system would be unfamiliar with the process, the participants with conviction histories did not seem to be any better informed. In the descriptions of court experience from the men, it was clear they did not understand the differences between conditional sentences, peace bonds, rules of charging and consequences of further offences. The men could benefit from education around charging in domestic violence cases and how the group is an early intervention for first time charged men. This would help men understand the change in the justice system's approach to dealing with domestic violence. Basic fact sheets explaining terminology, and providing practical information about the court process and community services that might be of use to them could be useful.

The study participants were mandated to attend the groups. The men who got the most out of group were those who were able to shift their thinking from viewing the group as a punishment to seeing it as something that could enhance their personal lives. It may be useful to explore how such shifts in viewpoint could be encouraged.

With respect to the group intervention, although the men disclosed serious incidents of assault with their intimate partners and, in several cases, children and or relatives, many reported having made important changes to their behaviours that impacted not only their relationships with partners, but with friends and work colleagues as well.

The men commented on various components of the two group programs that were working well. Even though the two programs are structured differently, the outcomes for the men were similar. Despite having taken the program several years earlier, the men remembered the program materials such as the RCM role playing exercise as eliciting empathetic feelings about how their partner must have felt while being abused and noted that the group helped them to accept responsibility for their abusive behaviours. The men also recalled learning how hurt underlies anger and abuse. Additionally, the social support provided by the group and that each man contributed to the learning of the group was identified. Lastly, the men recalled the facilitators as generally professional and good at their jobs while meeting goals of the group, namely ensuring they accepted responsibility for their abusive behaviours using a non-judgmental approach.

Suggestions regarding how the programs might improve included reviewing some of the current materials, such as using a different video and looking at the timing of exercises. Suggestions for improving the program structure included adding follow-up groups, sharing best practices, a reduced group size and a greater focus on how to repair existing relationships.

The men also recommended that the facilitators focus on building rapport, taking a non-judgmental stance and lessening the focus on reinforcing guilt and instead, role model and explore appropriate behaviours and answer questions posed by the men. Also, rather than referring men to DV groups whose charges were for child abuse or assaulting an



individual other than an intimate partner, several men recommended developing a group specific for child abuse.

It might also be helpful to increase the men's access to treatment and support. One individual suggested offering individual counselling for those who could benefit from that type of support. Two men suggested follow-up groups, or drop-in group opportunities to help men who had already completed the program maintain their focus. It may be useful to implement these options.

Even though most of the men had completed their group programs, in describing the incidents that led to their arrests, many exhibited a willingness to blame their partners, mutualise the violence and minimize their own abusive behaviour. This may not be surprising, as these narratives would have been repeated numerous times to the police, courts, probation and agency personnel and have, perhaps, become rote. While some men's lack of responsibility and accountability around the precipitating incident highlights the complexities involved in changing abusive behaviour, it should not imply that the men did not change. When describing how they had improved their interpersonal behaviours in response to the groups, the words of the majority reflect important shifts.

Jennings (1990) raises the question of whether we expect too much from men who attend batterer intervention programs. Attitudes are difficult to shift permanently and interpersonal patterns often become well-entrenched. Both Calgary group programs are relatively short in length, yet a number of men reported having made important changes. The significantly lowered recidivism rates in the previous chapter support this contention.

Perhaps a better question is whether justice was served? The men were very aware that they were attending the programs because they had been mandated to do so by the criminal justice system. It did not matter to those given peace bonds that they are essentially considered not guilty. Rather, the monitoring by probation for one year and mandatory group attendance for three months or more highlighted that the criminal justice system considered their actions as serious and as needing considerable societal intervention. That the Calgary specialized court model, in conjunction with community agencies, has adopted a number of strategies to better hold domestic violence offenders accountable suggests that assaults against intimate partners are being taken much more seriously and in a way that incorporates the victim's wishes early on in the process.

## Chapter Nine: Summary and Concluding Thoughts

The research presented in this report provides a comprehensive look at one community's attempts to substantially improve the quality and processes of the criminal justice response to domestic violence, to make accused more accountable for their actions and to better ensure the safety of those victimized through such violence and the children who are often the bystanders.

The serious nature of intimate partner violence and the harm to women and their children has been acknowledged in numerous documents (Statistics Canada, 2005; Tutty & Goard, 2002). The costs to society for charging abusive partners and providing treatment in the hope of stopping domestic violence are substantial (Bowlus, et al., 2003; Greaves, et al., 1995; Healey, Smith, & O'Sullivan 1998).

The criminal justice system enforces and administers the Criminal Code of Canada. There is no separate domestic violence offence: abusers are subject to a variety of charges, from common assault to uttering threats to murder, that would apply to anyone regardless of the relationship between the victim and the perpetrator. Domestic violence cases are identified by the nature of the relationship between the victim and the accused and not by a particular charge. While the Criminal Code is under federal jurisdiction, its administration is a provincial/territorial responsibility, which is why different models of court specialization have evolved in different provinces.

One factor that makes domestic violence cases so challenging for the justice system is that when a person is charged with assault against his partner, the victim is usually needed as a witness. However, the victim is often ambivalent about providing evidence against her partner in court for a number of reasons, including her own safety (Ursel, 2002). The last important distinction with respect to the criminal justice system is that the burden of proof to determine a person's guilt is very high, "beyond a reasonable doubt." This means that without strong evidence, usually provided by the victim/witness, it is extremely difficult to obtain a conviction.

Beginning with the development of the court in Winnipeg in 1991, specialized domestic violence courts have become increasingly available across Canada with the goal of more effectively addressing the criminal justice response to domestic violence. The extensive effort involved in creating such specialized justice responses should be acknowledged. To date, however, few evaluations have been published that assess whether these initiatives make a difference, exceptions being the work of Ursel in Winnipeg, the Yukon Domestic Violence Treatment Option (Hornick, Boyes, Tutty & White, 2005: funded by NCPC) and some courts in Ontario (Moyer, Rettinger and Hotton (2000, cited in Clarke, 2003; Dawson & Dinovitzer, 2001). and Tutty and Ursel in the Canadian prairie provinces (Ursel, Tutty, & LeMaistre, 2008).

Calgary's model developed in early 2000 with the input of key players from not only the criminal justice institutions such as police services, the Crown Prosecutor offices, probation, Legal Aid and the defence bar, but also community agencies that offer batterer intervention programs and support, shelter and advocacy for victims. The model was innovative, with the initial emphasis on a specialized domestic violence docket court with the

aim of speeding up the process for those charges with domestic abuse offences to both allow low risk offenders to take responsibility for their actions and speed their entry into treatment.

Such actions were thought to better safeguard victims, both because their partners were mandated to treatment much earlier, and to prevent repercussions to victims who, if the case proceeded to court, might be required to testify. Crisis intervention theory has long posited that the sooner one receives intervention, the more likely the counselling will be effective (Roberts & Everly, 2006). Also, the safety and wishes of the victims are taken into consideration by the court team early on in the process, while the assault is still fresh in their minds and they are not influenced by the accused to the same extent as they might be later on.

After three years, the specialized domestic violence docket court was in the unique position of having strong research support (Hoffart & Clarke, 2004: funded by National Crime Prevention of Canada, the Alberta government and the Tutty/Ursel SSHRC CURA project). The court has demonstrated success with respect to speeding up the justice system and referring low risk offenders to treatment with low recidivism rates.

Following these early successes, the justice community developed a specialized domestic violence trial court that opened in March of 2005 to more adequately address high risk, repeat offenders. The two specialized courts work in concert, yet address different needs. With low risk cases more quickly addressed in the specialized docket court, the Crown Prosecutor's office has more capacity to deal with the often more complex cases that proceed to trial.

While the Calgary model has recently been replicated in New Brunswick, a research publication from that jurisdiction has not yet been completed. As such, evaluating Calgary's complete specialized court system, with aspects that address both low-risk and high-risk offenders, should have national significance, providing a model that could be adopted by other jurisdictions and offering enhanced justice and more effective protection for victims.

The overall goals of this research were to examine the outcomes of the specialized courts as compared to baseline, to capture the opinions of key community and justice stakeholders about the courts and to interview a number of accused who were mandated to batterer intervention programs after the DV specializations took place. The results of each will be summarized in the following sections.

### **Interviews with Key Justice and Community Stakeholders**

Interviews with key justice and community stakeholders add invaluable information about the context in which the justice system operates. Court systems are not static, and change as personnel move on, or heads of departments of services change their focus. In the current study, in-depth interviews were completed with 31 key criminal justice and community representatives. The interviews were conducted in late 2007 to 2008, so the perspectives are congruent with the latest data collected from the Crown files and included in the quantitative data analysis of the specialized court process presented later in this document.

The stakeholders were asked about their views with respect to the development of Calgary's first appearance and the specialized trial court as well as challenges, strengths and suggestions for improvements. Comparisons between the justice system before and after the

development of the specialized justice response are presented throughout. The key stakeholders commented about contentious issues such as dual charging, diversity and police response, as well as Alberta's *Protection against Family Violence Act* and its interaction with the specialized justice response.

The interviewees were asked to describe their understanding of the beginnings of Calgary's specialized approach and its goals. The stakeholders emphasized that the previous justice response to domestic violence did not seem to treat domestic violence as seriously, as reflected in the lack of accountability that offenders experienced through ineffective interventions such as fines or jail sentences. They perceived domestic violence cases as different from other crimes because of the intimate relationship between the offender and the victim and, therefore, as requiring a different approach. Overall, the stakeholders described how the new court and HomeFront were developed to provide a specialized response to domestic violence cases that would result in a coordinated, specialized and timely response.

Moreover, having specialized, educated and informed justice personnel coupled with a timely reflective response would hopefully result in more appropriate, effective outcomes for offenders. Offenders who have access to treatment shortly after being charged, particularly those charged for the first time, are anticipated to have reduced recidivism rates. Additionally, with victim supports, recanting would be reduced, resulting in increased guilty pleas and more appropriate sentencing by knowledgeable justice personnel. The specialized trial court was seen as offering many benefits to meet these challenges. With a more streamlined, expedient process and knowledgeable/specialized justice personnel, the continuum of specialization from docket to court would fill the gaps from the previous system. Consistent knowledge, communication and continuum of services would benefit both victim and offender.

Another set of questions was with respect to challenges in implementing the new specialized courts. The key justice and community stakeholders identified a number of issues relating to the courts, including the high volume of cases; buy-in to the principles of the model, access to treatment, docket delays and staff turnover. Additional challenges related to the volume of community agencies to coordinate, work involved in the developing funding proposals, the transition to the new court and the scope of HomeFront as an organization. The key stakeholders also indicated that space, money and staff challenged start-up activities.

The stakeholders perceived the specialized docket and trial courts as experiencing some challenges in development and ongoing struggles related to volumes, adjournments, buy-in and human resources. Treatment agencies struggled with staff turnover, the appropriateness of treatment for all offenders, particularly those with mental health issues, and access to treatment for those from communities outside of Calgary.

The justice and community respondents identified other contentious issues including dual charging, police response, lack of communication between civil and criminal court systems and the use of peace bonds. The key informants mentioned the negative impacts of dual charging on women, particularly those with children. Difficulty in assessing primary aggressors, lack of police discretion in a culture of zero tolerance, inexperienced junior front line police officers made it difficult to effectively screen and appropriately respond to domestic violence cases. The complexity of domestic violence cases was further exacerbated

when the two courts made conflicting decisions in isolation of each other affecting the safety of women and children.

The use of peace bonds and breaches of various orders were also identified as challenges. Men were seen by some as essentially getting a “slap on the wrist” and consequences were often not applied when the conditions of the peace bond were not met. The stakeholders emphasized that peace bonds are simply pieces of paper if the consequences were not enforced for breaches. Lastly, supports for women to leave their abusive partners are limited, particularly with the current lack of affordable housing and supports in civil court. Child welfare involvement further impacts women’s ability to rebuild their lives after leaving an abusive partner.

A final set of concerns was with respect to diverse populations. Overall, the key stakeholders perceive the justice system as challenged when serving immigrant populations. Language barriers in accessing translators were identified as a challenge and included availability, cost and use in counselling. Cultural barriers for immigrant women including not understanding the justice system, language and police response coupled with a lack of financial/family supports, meant she needed to stay with her abusive partner. If immigrant women engaged their families in the justice system, severe consequences were sometimes applied by her husband as well as discriminating attitudes of justice personnel.

Despite these challenges, the stakeholders praised the current efforts made to meet the needs of immigrant populations and emphasized the greater likelihood of access to interpreters with the new specialized justice response. Immigrant populations coming from countries where the justice system was different encountered a “culture shock” when their behaviour was “criminalized” and they were charged with domestic violence assault. Immigrant women experiencing domestic violence may be financially dependent upon their husband and family, which affected their livelihood of limited supports. The police, judges, crown and justice community struggled in meeting the diverse cultural needs of immigrant populations.

Limited success has been experienced with treatment for Aboriginal people. Similarly, with individuals with disabilities, challenges were identified, particularly with brain damaged individuals. Numbers to treat were so small that one on one counselling was the only treatment option. Similar to Aboriginal people, gay and lesbian couples have not been referred to counselling agencies from the specialized courts.

Despite some systemic and ongoing concerns, the majority of the key informants identified a number of strengths of the new specialized justice response, many congruent with the original goals of creating the courts. These strengths include a timely response, specialized response where communication is enhanced and caseworkers, police and judges/prosecutors worked together and were all better informed about domestic violence. The stakeholders emphasized that greater awareness and understanding of domestic violence led to a better response to victims and offenders. The co-location of HomeFront caseworkers, case conferencing, and caseworker supports were noted as strengths. The police reportedly were more apt to charge and judges and prosecutors could make informed decision with more understanding of the dynamics of domestic violence.

Specialized and knowledgeable justice personnel communicated and coordinated information which expedited appropriate responses to domestic violence cases. Practices

such as case conferencing before court and co-location of caseworkers and Calgary Police Services' Domestic Conflict Unit facilitate information sharing and case planning. Having an understanding of the dynamics of domestic violence, justice personnel were more responsive to the needs of victims and offenders. Lastly, caseworkers provided support to victims and offenders.

Overall, the key stakeholders believe that the specialized domestic violence justice response has led to a reduction in recanting, increased collaboration among domestic violence stakeholders and victim support from HomeFront to the specialized trial court. For the offender, reduced time to court and treatment, increased guilty pleas and access to treatment were successful outcomes. The PAFVA legislation could be used as a tool to further enhance safety of women and children.

The stakeholders made a series of recommendations to further improve the justice process: identifying ongoing education with justice personnel on domestic violence and diversity, particularly with the junior staff entering the profession. Education on the Canadian justice system was identified as needed for immigrant populations, especially the specialized justice response in Calgary. Stakeholders also suggested an expansion of courtrooms and a communication mechanism between criminal and civil court. Other suggestions included police needed to complete better assessments and an expanded history, incorporate threat assessments, adoption of a primary aggressor policy and implement a first response using a mental health worker. Additionally, stakeholders suggested child welfare was needed on the court team, specialized justice resources for older adults and special populations were needed as well as more intense monitoring for high risk offenders. Other areas of improvement identified included the need for more supports for mental health and addictions, probation, supports for women navigating civil court and mental health supports for children.

In summary, the key stakeholders believe that the specialized justice response has led to a reduction in recanting, increased collaboration among domestic violence stakeholders and victim support from HomeFront to the specialized trial court. For the offender, reduced time to court and treatment, increased guilty pleas and access to treatment were successful outcomes.

### **The Evaluation of the Court Developmental Phases**

The primary goal of the current research was to evaluate the development of the specialized domestic violence docket and trial courts, comparing these to the characteristics and outcomes of cases addressed before the specialization. This applied case study research is collecting justice file data on all cases that proceed through Calgary's specialized domestic violence court and the specialized first appearance court for a five year period (from January 2004 until December 2008). In total, including the baseline, data will be available for a ten-year period. The current data set includes almost 800 variables including demographic information on both the accused and the complainant, police charges, what charges proceeded to first appearance court and the disposition of each. For cases that proceed to trial, similar data is collected, including the disposition of each charge and any conditions imposed.

These analyses compare data from ten years and over three time periods: baseline (before 2000 - primarily 1998 to 2000); the introduction of the specialized docket court only

(2001-2004); and the introduction of the specialized trial court or “full” DV court (2005-2008). Data for 6407 cases in the city of Calgary are documented. However, although the domestic violence specialization in the trial court began in 2005, scheduling and other issues created difficulties. While the report refers to it as the “full DV court, in the opinions of justice system representatives, the fully functioning DV specialization began in late 2008 to 2009, at the end of the current data collection.

### *Characteristics of the Accused and Victims*

The first set of statistical analyses were with respect to the characteristics of the accused and victims over the three court developmental phases, including gender, age, education, employment, racial background, accused/victims relationship, parentage and whether the offence was spousal or assaults against other family members such as children or seniors.

It is important to note that there was considerable variability in the files with respect to whether demographic characteristics were remarked upon. This was particularly the case for the baseline period; in instituting the evaluation of the specialized domestic violent courts, criminal justice personnel were asked to document more background information and the HomeFront court caseworkers collected considerable information about the victims they served.

While the bulk of the cases handled in the DV specialized courts are spousal assaults (almost 80%), cases with respect to different forms of abuse were also dealt with including child physical abuse, child sexual abuse and elder abuse—each in only small proportions. The majority of those charged were men, while women represented less than 15% of the total. The victims were primarily women.

The accused were an average age of 34.2 years of age when first charged (range of 15 to 81 years, SD = 10 years). A little more than one third of the accused (34.8%) were aged 25 to 34, while another about a third (31%) were between 35 and 44. Notably, almost one-fifth of the accused (19.2%) were aged from 15 to 24.

The average age of the victims at the time of the first incident when charges were laid was 32.5 years with a range of from 0 to 86 years. Over four fifths of both accused (85.1%) and victims (85.2%) are under age 44. A relatively high proportion are young adults aged 24 or younger, consistent with Canada’s General Social Survey report on family violence (Statistics Canada, 2004).

In terms of the relationship between the accused and the victim, about one-quarter (27.7%) were in common-law relationships, another almost a quarter were married (23%), and one-tenth (10.4%) were boyfriend/ girlfriend. Another one-tenth (9.9%) involved child/parent relationships. Of the 4100 victims/accused for whom this information is available, 56.4% had minor children, 41.3% had no children and 2.3% had no minor children.

With respect to only the intimate couple relationships, the majority (61.1%) were still in the relationships, whereas 18.5% involved ex-partners. The high proportion of common-law relationships (27.7%) is interesting, given that these make up only 12% of the spousal population in Canada, much smaller than the proportion of married couples (74%) (Johnson, 2006, p. 38). That 18.5% of the assaults involved past partners reminds us that abuse often

continues past the point of couple separation and, according to several researchers, the risk of homicide post-separation rises (Campbell, 2001; Ellis, 1992).

Regarding the racial background of the accused, two thirds (67.3%) were Caucasian/White, 21.7% were from an ethnic minority and 11% were of Aboriginal or Métis backgrounds. The almost 22% of accused from visible minority groups is slightly higher than the estimate for Calgary from the 2002 Canada Census (21%). The proportion of accused from an Aboriginal background was higher than the approximately 3% among the city of Calgary population, indicating that they were overrepresented in the justice system with respect to spousal abuse. With respect to current employment status, slightly over two-thirds of the accused were employed in some manner (67.1% were employed full- or part-time), almost one-quarter were unemployed (24.1%). There is less complete information available with respect to the education levels of the accused and victims, especially with cases from the baseline period of 2000 and earlier. Of the accused, slightly more than one third (37.2%) had not completed high school, another about one-third (31.2%) were high-school graduates, and a final 31.6% had some post-secondary education or training from technical schools to college or university.

The racial backgrounds of the 4836 victim files that included that information were very similar to that of the accused: about two-thirds were Caucasian, one-tenth were Aboriginal and two-tenths were from visible minority groups.

Slightly fewer of the victims than the accused were employed (61.1% compared to 67.1% of the accused) and somewhat more of the victims were on welfare or disability payments (5.4% compared to 2.4%). Of the education levels of the victims, slightly fewer than one third (28.7%) had not completed high school, another about one-third (31.3%) were high-school graduates, and a final 40.0% had some post-secondary education or training from technical schools to college or university. Notably, the education levels of victims were generally higher than those of the accused, consistent with other research on abused women and their partners (Tutty, 2006).

As predicted, there were no significant differences between the characteristics of the accused and victims across the three court developmental phases. This means that any differences in the criminal justice responses presented in later are more likely attributable to the changes to the criminal justice response rather than changes to the nature of the background characteristics of the accused/victims.

### *Criminal Background and Incident Characteristics*

This next set of statistical analyses looked at criminal characteristics of the accused and the incident in which charges were laid, such as the presence of alcohol/substances, weapon use etc, as well as any prior criminal justice involvement.

With respect to any prior convictions for any criminal charge in the justice system, there was limited data on the accused in the baseline time-period. Across court developmental phases, more than half of the accused (53.1% or 2336 of 4402) had such a record, whereas a little fewer than half did not. Interestingly, by inspection, there is a difference in the proportion of cases with prior convictions during the docket court-only specialization compared to the full DV court such that fewer cases later had prior convictions.



In terms of who reported the incident to the police, the vast majority of incidents were reported by the victims. Interestingly, the accused reported in 3.9% of cases and children/youth called for assistance about 3% of the time. In comparing the three time periods, the victim reported more often in the baseline period to a statistically significant degree. This could reflect that with the media attention to domestic violence that accompanied the implementation of the specialised courts, the general public may have become more aware of the serious nature of the issue and the importance of reporting concerns to the police.

The general public often assumes that domestic violence typically occurs in relationships in which couples abuse alcohol or substances. The data on the presence of either alcohol or other substances present in the accused or the victim when the police attended the domestic violence incident #1 show that almost two-thirds of the accused persons (61%) had used substances in comparison to 28% of victims. However in almost one third of the cases (29%), no alcohol or substances were identified by the police in either the accused, victim or in the environment.

Notably, weapons were used in a relatively small proportion of cases (13.5% overall). Of cases in which weapons were used, the largest proportion (10%) were sharp or blunt household objects; 3.3% documented the use of knives and less than one percent (0.2%) used firearms.

Regarding the most serious police charges laid by the police with respect to incident #1, the most frequently occurring charge by police officers was common assault in about two-thirds of the charges (66.5%), followed by assault with a weapon (11.5%); and uttering threats (7.5%). Of the total cases, 7.1% represent dual charges in which more than one suspect was charged, including both members of a couple in cases of domestic assault.

To summarize, in comparing the criminal background and incident characteristics across the three court developmental phases there was only important difference across the three time periods: at baseline, a higher proportion of victims reported the incidents to the police. This general lack of difference, however, can be interpreted as meaning that any significant differences in the criminal justice responses that are found in the next sections can be seen as related to the court processes, not to differences in the nature of the crimes or criminal background characteristics of the accused.

### *Court Resolutions, Dispositions and Recidivism*

This section presents the resolutions of the cases in the criminal courts and information about special circumstances such as whether victims appeared at trials and the conditions of the sentences.

One gross measure of whether the domestic violence specialization have resulted in changes to the criminal justice response is to simply compare how many cases were resolved without the need for a costly trial. The category “concluded at docket” includes all cases resolved with a guilty plea, peace bond and early case resolution in addition to cases withdrawn at docket. Similarly, the category “concluded at trial” includes cases with guilty or not guilty resolutions, guilty pleas, withdrawn and dismissed for want of prosecution.

The analysis shows a statistically significant difference across time such that that more cases concluded without a trial after the introduction of the specialized docket court,

which was maintained with the specialized trial court. At baseline, less than half (43%) of cases were concluded at this early stage, after the introduction of the specialized docket court 70% of cases were concluded without at trial, a proportion that was maintained with the introduction of the specialized domestic violence trial court with two thirds (68%) concluded.

The advantages of such a speedy response are numerous and include the fact that the accused has the opportunity to show publicly that they have taken responsibility for their behaviours and are fast-tracked into treatment. This process takes considerable pressure off the victim, who, in the earlier court model, would be faced for months, sometimes for years, with the prospect of testifying against their partner in court. During the lengthy time between first appearance and trial, couples often reconciled, with the victims recanting their testimony or being a reluctant witness.

As would be expected by the new court model, there was a dramatic (and statistically significant) increase in the use of peace bonds at docket court after DV specialization, from 8.1% at baseline to 32.3% after the docket court was introduced; a pattern that was maintained with the introduction of the specialized trial court (31.7%).

With respect to the outcomes of those appearing only in the first appearance (docket) court, the most common dispositions across court development phases were a not guilty plea (41.5%) and a peace bond (25.8% or a little more than one-quarter of cases). As mentioned previously, peace bonds may be offered to low risk accused who do not have a criminal record or have a minor unrelated criminal record, and have expressed a willingness to take responsibility for the incident. This disposition also takes into consideration the wishes of the victim. The conditions of the peace bond usually entail being mandated to offender treatment and/or substance abuse interventions. Probation officers monitor compliance with these conditions.

Other dispositions or circumstances in docket court include withdrawals, stays of proceedings, and dismissed for want of prosecution. Occurrences such as the accused being deceased, stays for counselling and warrants are included in the “other” category. A further almost one-fifth (20.6%) of the docket court cases are concluded with a guilty plea across court developmental phases.

However the statistical analysis identified significant differences in the dispositions in docket court based on the court developmental phase (chi-square = 626.4;  $p < .000$ ; Cramer’s V coefficient = .22, indicating a “moderate” effect). The major differences are in the number of peace bonds (with the baseline cases being much lower) and the number of not guilty pleas (being much higher at baseline). The number of guilty pleas stayed approximately the same over time. These differences are congruent with the introduction of the specialized DV docket court and also identify that this shift has been maintained with the addition of the DV trial court.

Further, more cases concluded at docket court with the accused taking responsibility for their behaviours via either a guilty plea, peace bond (a community sentence order that does not carry a criminal conviction) or an early case resolution (with a guilty plea): 29.4% at baseline; 64.2% docket; 53.2% full DV.

Another unique feature of the Calgary specialized domestic violence court response is that probation officers remain involved with accused who received a peace bond at docket.

In most jurisdictions, a peace bond or stay would not be monitored by probation officers unless the condition was breached. The probation involvement in Calgary's specialized courts means that the conditions of the peace bond are more closely attended to and, for example, were an individual sent to domestic violence treatment as a condition of the peace bond to stop attending, Probation would be immediately informed and the individual given consequences.

The peace bond/probation conditions from the docket court are, therefore, of interest in the current evaluation. Notably, these conditions apply also for individuals who pled guilty or entered an early case resolution process.

We captured up to six probation conditions in the current data set: Of a total of 2325 accused, 220 individuals had six conditions; 282 had five conditions; 447 had four conditions; 561 had three conditions; 522 had three conditions and 293 had one condition. Across court developmental phases the most common probation/peace bond conditions for cases concluded at docket were counselling in either batterer treatment programs, substance abuse treatment or other counselling. While conditions related to counselling (including batterer treatment, substance abuse treatment, sex offender treatment, treatment for gambling and other counselling as directed), made up about half of the conditions across time periods, by inspection referrals to batterer treatment declined recently, with the introduction of the specialized domestic violence trial court, while being mandated to "other counselling" increased.

The next set of statistical comparisons was with respect to the dispositions of only those cases that proceeded to trial. As is common in the criminal justice system, most cases were dealt with before reaching trial: a little over one-fifth of the cases were dismissed for want of prosecution/stay of proceedings and an almost equal number (slightly less than one-fifth) were withdrawn (18.0%). Another just less than one-fifth had peace bonds applied (18.9%). A final quarter of the total changed their plea to guilty (25.7%).

Across the three time-periods, only 13.9% (325) of the 2334 cases that proceeded from the first appearance court were actually tried in court, of which about two-thirds (60.6% or 197 of 325) were found guilty. Fewer cases were actually tried after the specialized trial court was enacted. The three phases each entailed 3 to 4-year periods: baseline (1998-2000): 155 cases; specialized docket (2001-2004): 143 cases; Full specialized DV court (2005-2008): 28 cases.

Comparing the different court developmental phases, some differences appear with respect to the number of cases dismissed for want of prosecution, stays of proceedings and those that were withdrawn. However, when the data analysis was repeated collapsing these three categories there was no difference across court developmental phases.

To summarize, what happens once cases reach the trial court did not change substantially across the court developmental phases. The major differences are that a large proportion of cases were dealt with at docket court and fewer cases proceeded to trial, meaning that the cases that were actually tried could receive more attention. It is important to note, again, that what is being called the full DV court could perhaps better be termed the transition to a fully specialized trial court. As such, it will be important to continue to monitor the trial court dispositions from 2008 on, as this is when the key players see the trial court as more accurately described as specialized.

The data set captured up to eight charges for some offenders. As is the case across jurisdictions, not all charges were addressed at trial; some were dismissed, others stayed, for example. To capture the outcomes for the accused, the most serious dispositions across charges for incident 1 was examined across time. Note that these dispositions are only applicable to cases where the accused pled guilty, was found guilty or accepted peace bonds.

The most common conditions attached to the dispositions for the 900 cases for which there is information. The data set captured up to three conditions which are simplified for ease of interpretation. No statistical comparisons were conducted because of the complexity of the variables. Across the three court phases, the most common conditions were in the “other” category (26.2%). To clarify, the conditions noted in the “other” category consisted of: “other” conditions as ordered (247); not to attend residence of complainant (76); community service (35); firearms prohibitions (67); and contact only for access to children (5). Next most common was “other counselling as directed (21.1%), no contact/communication orders (18.4%), batterer treatment (13.1%), alcohol/substance treatment and abstain from alcohol (10.4%). Also, a high proportion of cases that went to trial, just less than one-half (45.1%), resulted in the accused being mandated to batterers’ treatment or other counselling.

Another variable of interest was the extent to which the victims appeared at trial. There was a statistically significant shift after the specialized trial court was introduced such that more victims appeared at trial: 20.3% at baseline, 25.6% with the introduction of the specialized docket court and 49.2% with the new specialized trial court. Notably, it was not until the opening of the specialized domestic violence trial court that HomeFront court case workers had the formal mandate to work with victims through to trial.

#### *Estimates of New Charges/Recidivism*

Recidivism is one of the major indicators that a specialized justice approach to domestic violence is more effective than non-specialization (Gondolf, 2002). Police records of re-arrests are the most commonly collected criminal justice data.

Of the research reviewed on specialized domestic violence courts, the majority used re-arrest records to determine recidivism rates, regardless of whether the offender was convicted of the offence or not (Buzawa et al., 1999; Davis, Smith, & Rabbit, 2001; Gover, MacDonald, & Alpert, 2003; Harrell et al., 2007; Hoffart & Clarke, 2004; Hornick, Boyes, Tutty, & White, 2005; Newmark, Rempel, Diffily, & Kane, 2001; Tutty et al., 2008; Ursel & Hagyard, 2008; Visher, Harrell, Newmark, & Yahner, 2008).

Typically, recidivism in the published research is calculated from the date of conviction until the date of the next incident when charges are laid. Recidivism in the current study includes both additional criminal acts or breached court or civil orders.

Notably, though, the following recidivism rates are limited to the extent that any of the re-offences occurred in the Calgary area. The variable is more aptly referred to as recidivism that came to the attention of the Calgary police, since victims of domestic violence may choose not to report or may be threatened if they were to report the assault.

The statistical analysis of whether any new charges or breaches of orders (from the date of incident #1) over court development phases resulted in a statistically significant differences. The overall new charges/breaches rate across the court phases is 24.3%. However, the highest rate of new charges/breaches within two years was at baseline (33.9%), followed by the Full DV court (26%), and with the smallest proportion of new charges/breaches during the introduction of the specialized docket court (18.9%).

Hoffart and Clarke's 2004 evaluation compared their larger baseline sample (with over 2000 cases from January 1998 to April, 1999) to a slightly smaller time period for the docket Court cases (from between May 1, 2001 and December 31, 2003), whereas the current evaluation used cases from 2001 to 2004. With these considerations, any differing rates are not surprising. Their data on any new charges/breaches within two years was 38.8% at baseline to 21.1% specialized docket court; not identical but similar. The current data analysis on new charges/breaches showed rates of 33.9% at baseline, 18.9% with the new docket and 26% with the specialized trial introduction.

The type of new incident is statistically different across court developmental phases. The nature of the proportions of new charges/breaches changed such that, by the specialized DV docket court phase, the most common recidivism was breaches of order, with fewer individuals receiving new criminal charges or both new criminal charges and breaches of orders, a pattern that was maintained with the introduction of the DV specialized trial court process.

Further, few cases of both breaches and new charges were noted for both the specialized DV court phases as compared to baseline. At baseline, the total number of cases with new criminal charges (including the both category) was 21.8% and was 9.9% and 12.1% respectively in the docket and trial courts DV specializations. Although Hoffart and Clarke's 2004 rate of new criminal charges (12% at DV docket as compared to 34% baseline) is not identical, the overall conclusion from the comparison is similar.

Although a slightly higher proportion of new charges/breaches were dealt with in the specialized DV trial phase, the nature of the new charges was different from baseline; breaches rather than new criminal charges. As mentioned previously in the chapter on recidivism, a more effective court system could result in a greater number of breaches, indicating that the new domestic violence court has succeeded in implementing more diligent monitoring and supervision of offenders (Newmark et al., 2001).

Another comparison of interest was whether the second set of charges was with respect to the same victim(s) as in incident 1. There was no statistically significant differences between the victim status at incident 2 based on the court development phases: across all three time periods the proportion of new charges involving the same victim was around 40%.

In summary, the analyses support that the domestic violence court specializations are working as anticipated. One obvious advantage is dealing with the accused much more quickly in the specialized docket court. Utilizing peace bonds with accused who are willing to admit responsibility for their behaviours and follow-through with being mandated to treatment has the potential to have them receive counselling when more motivated to make changes.

## **Interviews with Individuals Mandated to Treatment**

Across jurisdictions, as the primary condition to which domestic violence offenders are mandated by the courts, establishing the efficacy of batterer treatment programs is critical. This is especially the case as many women stay with or return to potentially dangerous partners in the hope that they will change as a result of group treatment (Gondolf & Russell, 1986). Considerable scepticism has been expressed by victim's advocates, among others, about the effects of batterer intervention programs, especially for individuals that have been court-mandated to treatment.

Since batterer intervention is commonly mandated by both the specialized DV docket court and Calgary's new specialized domestic violence trial court, evaluating the effectiveness of this intervention is vital. As such, in addition to collecting the justice system data, we collaborated with the two central agencies in Calgary that provide intervention programs for court-mandated men. The Calgary Counselling Centre and the YWCA Sheriff King Home provided the names and contact information of men mandated to their groups to enable RESOLVE Alberta to contact them to propose a research interview with respect to their perceptions of the treatment process.

Interviews were conducted with 17 men mandated to Calgary Counselling's Responsible Choices for Men treatment program and another 20 men mandated to treatment at the YWCA Sheriff King Home Paths of Change Men's Counselling program. The interviews were audio-taped and transcribed in preparation for the qualitative analysis.

While we had originally hoped to conduct and interview a number of partners of the mandated individuals, to solicit their views of any changes in their partners, whether current or previous and to assess their perspectives on the efficacy of the specialized court system, we were able to engage only four victims who agreed to be interviewed. With the time and monetary expenditures needed to analyze the 37 offender interviews, it was not feasible to analyze such a small number of victim interviews until a larger sample size is collected.

The group member respondents participated in semi-structured interviews of approximately an hour in length. The interview questions inquired not only about the men's views of the intervention programs, but also about their views of the specialized domestic violence criminal justice response, from the police through the courts and probation.

The Calgary Counselling Centre in Alberta, Canada has provided family violence programs and services since 1981. The Responsible Choices for Men program was developed for males who use physical or psychological violence and control tactics in intimate relationships and is based on a narrative therapy approach with a feminist perspective developed by Australian family therapist Alan Jenkins (1991), and differs substantially from anger-management models.

Prior to entering the group, clients must be engaged with a primary therapist in the agency who assesses the client's readiness for change and the degree of violence, and determines treatment goals. The Responsible Choices groups are conducted for 15-weeks, in weekly two-hour sessions. The groups typically comprise six to twelve men, both self- and court-referred and employ both an unstructured psychotherapeutic and a structured psycho-educational component.

The YWCA Sheriff King Home respondents attended the Paths of Change Men's Counselling Program. Due to program changes a few years ago, some respondents attended a Phase I/ Phase II 18-week group format while others attended a 14-week open group program. Also, a number of respondents attended the Sobering Effect group which is a specialized 14-week Paths of Change Men's Counselling Program for men referred by probation who are mandated to both domestic violence and addiction treatment. YWCA Sheriff King Home initially started groups for men using a two-step format: Phase I and Phase II. Phase I consisted of weekly open format group sessions for six weeks. After the men completed the Phase I introductory group, they carried on to Phase II for 12 weekly closed format group sessions. In total, men completing Phase I and Phase II attended programming for 18 weeks.

Several years ago, the YWCA Sheriff King Home revised the Paths of Change Program and integrated Phase I and Phase II program content into a 14 week ongoing open group format. In addition, the YWCA Sheriff King Home developed another program, Sobering Effect in partnership with Alberta Alcohol and Drug Abuse Commission (AADAC), which is now within Alberta Health Services. Sobering Effect is a 14-week domestic violence and substance abuse group-counselling program. The men attending Sobering Effect have files opened in both agencies and make contact with the program three times a week for the 14 weeks. Whether the respondents attended the Paths of Change Phase I/Phase II format or the 14-week format depended on when the men attended; if they came before or after the program change was implemented.

Limited background information on the group participants was available. The relationships between the couples were primarily long-term, on average in the 6 to 11 year range. During the groups, sixteen of the 37 men (43%) remained with the same the partners that they had been charged with abusing. The majority of the men had children (26 or 70%), at least eight of whom were adults. Four men, all attending the Responsible Choices for Men group, had abused children or a relative, not their intimate partners. Eleven men (30%) had had previous charges related to domestic assaults, although it must be noted that some did not discuss their prior criminal histories.

In recounting the incidents that led to the police intervening and laying charges, the men tended to justify why they had responded in an abusive manner towards their partner or child/relative. Twenty eight of the men (76%) alleged that their partners were also abusive to them and often initiated the abusive behaviour, to which the men had responded by using physical force as a reflexive action, defence or to restrain and prevent further abuse. Their justifications served to minimize the abuse and blame their partners or child/relative.

It was clear that the men's definitions of abuse were primarily limited to physical abuse, not the other types in which they were engaging. The men specified that their abuse did not involve picking up an axe, using a knife, choking, beating or breaking bones but, instead, could be considered "minor" such as slapping, scaring, threatening and intimidating and verbal abuse were acceptable, reinforcing the men's stereotypical ideas of domestic abuse.

With respect to the justice system, despite the fact that they were arrested, a number of the men had positive comments about the way that the police discharged their duties. The majority of men were also positive about probation services. One man commented that it

was not until he met with his probation officer that he was able to tell his story. This respondent further suggested that the YWCA change the curriculum to provide men with opportunities to discuss their anger with the justice system and to tell their stories. Providing the men a place to talk and to explore their experience with the justice system, as well as to expand on the circumstances that brought them to group, could give opportunities for the men to examine their responsibility and accountability. Indeed, Waldman (1999) contends that when men blame systems it impedes their ability to examine their own responsibility. His stand is that, by creating the opportunity for men to explore these issues, they are more likely to examine their own behaviour and take responsibility for their abusive behaviours.

Notably though, that any men charged by the police and had entered into the complex criminal justice system process had positive comments about either the justice personnel or the ways in which they were handled, is surprising. Further, it suggests that the coordination of the criminal justice response to domestic violence and the consequential treatment services are having an impact.

Those who had negative experiences primarily attributed them to what they saw as the criminal justice system discrimination, that, in their opinion, does not take into account all of the facts and presumes that men are always guilty in domestic disputes. The men's perceptions of the overall justice response to domestic violence were that there was a bias towards men in favour of women.

The men spoke about their experiences with the justice system as if they had been taken advantage of, or that they had been victimized. None of the comments from the participants acknowledged that their contact with the justice system was a consequence of their abusive behaviour.

The participants seemed generally confused by the judicial process. While it is reasonable that men with no previous contact with the judicial system would be unfamiliar with the process, the participants with conviction histories did not seem to be any better informed. In the descriptions of court experience from the men, it was clear they did not understand the differences between conditional sentences, peace bonds, rules of charging and consequences of further offences. The men could benefit from education around charging in domestic violence cases and how the group is an early intervention for first time charged men. This would help men understand the change in the justice system's approach to dealing with domestic violence. Basic fact sheets explaining terminology, and providing practical information about the court process and community services that might be of use to them could be useful.

With respect to the group intervention, although the men disclosed serious incidents of assault with their intimate partners and, in several cases, children and or relatives, many reported having made important changes to their behaviours that impacted not only their relationships with partners, but with friends and work colleagues as well.

The men commented on various components of the two group programs that were working well. Even though the two programs are structured differently, the outcomes for the men were similar. The study participants were mandated to attend the groups. The men who got the most out of group were those who were able to shift their thinking from viewing the group as a punishment to seeing it as something that could enhance their personal lives. It may be useful to explore how such shifts in viewpoint could be encouraged.



Despite having taken the program several years earlier, the men remembered the program materials such as the RCM role playing exercise as eliciting empathetic feelings about how their partner must have felt while being abused and noted that the group helped them to accept responsibility for their abusive behaviours. The men also recalled learning how hurt underlies anger and abuse. Additionally, the social support provided by the group and that each man contributed to the learning of the group was identified. Lastly, the men recalled the facilitators as generally professional and good at their jobs while meeting goals of the group, namely ensuring they accepted responsibility for their abusive behaviours using a non-judgmental approach.

Suggestions regarding how the programs might improve included reviewing some of the current materials, such as using a different video and looking at the timing of exercises. Suggestions for improving the program structure included adding follow-up groups, sharing best practices, a reduced group size and a greater focus on how to repair existing relationships.

The men also recommended that the facilitators focus on building rapport, taking a non-judgemental stance and lessening the focus on reinforcing guilt and instead, role model and explore appropriate behaviours and answer questions posed by the men. Also, rather than referring men to DV groups whose charges were for child abuse or assaulting an individual other than an intimate partner, several men recommended developing a group specific for child abuse.

It might also be helpful to increase the men's access to treatment and support. One individual suggested offering individual counselling for those who could benefit from that type of support. Two men suggested follow-up groups, or drop-in group opportunities to help men who had already completed the program maintain their focus. It may be useful to implement these options.

Even though most of the men had completed their group programs, in describing the incidents that led to their arrests, many exhibited a willingness to blame their partners, mutualise the violence and minimize their own abusive behaviour. This may not be surprising, as these narratives would have been repeated numerous times to the police, courts, probation and agency personnel and have, perhaps, become rote. While some men's lack of responsibility and accountability around the precipitating incident highlights the complexities involved in changing abusive behaviour, it should not imply that the men did not change. When describing how they had improved their interpersonal behaviours in response to the groups, the words of the majority reflect important shifts.

Jennings (1990) raises the question of whether we expect too much from men who attend batterer intervention programs. Attitudes are difficult to shift permanently and interpersonal patterns often become well-entrenched. Both Calgary group programs are relatively short in length, yet a number of men reported having made important changes. The significantly lowered recidivism rates in the previous chapter support this contention.

Perhaps a better question is whether justice was served? The men were very aware that they were attending the programs because they had been mandated to do so by the criminal justice system. It did not matter to those given peace bonds that they are essentially considered not guilty. Rather, the monitoring by probation for one year and mandatory group attendance for three months or more highlighted that the criminal justice system considered

their actions as serious and as needing considerable societal intervention. That the Calgary specialized court model, in conjunction with community agencies, has adopted a number of strategies to better hold domestic violence offenders accountable suggests that assaults against intimate partners are being taken much more seriously and in a way that incorporates the victim's wishes early on in the process.

## **Conclusions**

To conclude, collecting criminal justice data about court cases is an enormous task, entailing well-trained research assistants, a criminal justice system that is willing to provide access to the relevant files, considerable stamina and financial support. The analysis of the interviews with both stakeholders and court-mandated accused provide essential contextual details about how the court process is working.

The quantitative analysis comparing the data from the baseline period through the new docket court into the introduction of the trial court support that the domestic violence court specializations are working as anticipated. One obvious advantage is dealing with the accused much more quickly in the specialized docket court. Utilizing peace bonds with accused who are willing to admit responsibility for their behaviours and follow-through with being mandated to treatment has the potential to have them receive counselling while more motivated to make changes. Importantly, the rates of new criminal charges, at least within a two year period, have been reduced.

The key community and justice stakeholders generally supported the justice changes, although some advocates remain sceptical about the capacity of the criminal justice system to keep victims safe, given the wide-spread nature of this serious problem and the potential cost to victims of actually reporting such abuse. Nonetheless, as members of the Calgary-wide community justice response to violence, their concerns and suggestions have been taken into consideration since the inception of the project to the present. The comments and perspectives in the current report will also be digested and considered.

The interviews with the men mandated to attend either the Calgary Counselling Responsible Choices for Men program or the YWCA of Calgary's Paths of Change or Sobering Effects were intriguing. Most of the men maintained a position that their partners also behaved violently but were not charged by the police and they remained concerned about a gender bias in the criminal justice system as a whole. Nevertheless, the bulk of the comments about how they were dealt with by the police, the courts and probation services are neutral or positive. Interestingly as well, despite while initially concerned about being forced to attend these treatment programs, the majority of the 37 respondents reported having learned useful information/skills and having made significant changes in their understanding of anger, stress and their behaviours.

The current evaluation focused on not just the quantitative court demographics and outcomes, as is often the focus, but also on the qualitative views of both key justice and community representatives and the men who are facing the consequences of their behaviours by attending group treatment. As such, the information provided is comprehensive and complex.

Even with such complexity, however, the evaluation could not fully address all aspects of the wider coordinated community response to violence in the city. It is important

to acknowledge the contributions of other organizations and agencies such as Calgary Police Services' Domestic Conflict Unit, the FAOS program, Strengthening the Spirit, a program specific to Aboriginal offenders, and the support to victims beyond the HomeFront court case workers as exemplified by Calgary Legal Guidance, groups for victims at The YWCA Calgary and Calgary Counselling and the many fine shelters for abused women in the city.

These are still only a few of the central organizations that supported the creation of an innovative criminal justice process that more effectively holds offenders responsible for their actions in the hope of better safe-guarding victims and children. Changing the criminal justice response is, in itself, an enormous task; changing how an entire community responds to domestic violence is considerably more difficult.

The research presented in this report supports the efficacy of Calgary's unique specialized domestic violence courts. The credit belongs not only to the representatives of the criminal justice institution who were in the forefront of the revisions, but also to the commitment of Calgary's domestic violence serving agencies.

## References

- Aston, C., & Pottie-Bunge, V. (2005). Family homicide-suicides. *Family violence in Canada: A statistical profile 2005* (pp. 60-67). Ottawa, CA: Minister of Industry.
- Augusta-Scott, T., & Dankwort, J. (2002). Partner abuse group intervention: Lessons from education and narrative therapy approaches. *Journal of Interpersonal Violence, 17*(7), 783-805.
- Babcock, J. C. & Steiner, R. (1999). The relationship between treatment, incarceration and, recidivism of battering. A program evaluation of Seattle's coordinated community response to domestic violence. *Journal of Family Psychology, 13*(1), 46-59.
- Babcock, J. C., Green, C., & Robie, C. (2004). Does batterers' treatment work? A meta-analytic review of domestic violence treatment. *Clinical Psychology Review, 23*(4), 1023-1053.
- Babins-Wagner, R., Tutty, L., & Rothery, M. (July, 2005). *A comparison of mandated to non-mandated men for the Responsible Choices for Men groups*. 9<sup>th</sup> International Family Violence Research Conference. Portsmouth, NH.
- Babins-Wagner, R., Tutty, L., & Rothery, M. (2009, September). The response of court mandated participants to the Responsible Choices for Men Program. *14<sup>th</sup> International Conference in Violence, Abuse and Trauma*, San Diego, CA.
- Barasch, A. P., & Lutz, V. L. (2002). Innovations in the legal system's response to domestic violence: Thinking outside the box for the silent majority of battered women. In A. R. Robert (Ed.), *Handbook of domestic violence: Policies, programs and legal remedies* (pp. 173-201). New York: Oxford University Press.
- Barrera, M., Palmer, S., Brown, R., & Kalaher, S. (1994). Characteristics of court-involved men and non-court-involved men who abuse their wives. *Journal of Family Violence, 9*, 333-345.
- Beattie, K. (2005). Spousal homicides. In Statistics Canada, *Family violence in Canada: A statistical profile 2005* (pp. 48-50). Ottawa, CA: Minister of Industry.
- Beldin, K. L. (2008). *Social information processing, program completion and recidivism: One court's referral to a batterer intervention program*. PhD Dissertation, Mandel School of Applied Social Sciences, Case Western Reserve University, Cleveland, Ohio. Retrieved from: [http://etd.ohiolink.edu/send-pdf.cgi/Beldin%20Kerry%20Lynne.pdf?acc\\_num=case1207177110](http://etd.ohiolink.edu/send-pdf.cgi/Beldin%20Kerry%20Lynne.pdf?acc_num=case1207177110)
- Bennett, L., & Williams, O. (2001). *Controversies and recent studies of batterer intervention program effectiveness*. Harrisburg, PA: VAWnet. Retrieved December 17, 2009 from [http://www.vawnet.org/category/Documents.php?docid=373&category\\_id=482](http://www.vawnet.org/category/Documents.php?docid=373&category_id=482)
- Bennett, L., Goodman, L., & Dutton, M. A. (1999). Systemic obstacles to the criminal prosecution of a battering partner: A victim perspective. *Journal-of-Interpersonal-Violence, 14*, 7, 761-772.
- Bennett, L. W., Stoops, C., Call, C., & Flett, H. (2007). Program completion and re-arrest in batterer intervention system. *Research on Social Work Practice, 17*(1), 42-54.
- Bennett Cattaneo, L., Bell, M. E., Goodman, L. A., & Dutton, M. A. (2007). Intimate partner violence victims' accuracy in assessing their risk of re-abuse. *Journal of Family Violence, 22*, 429-440.
- Bograd, M., & Mederos, F. (1999). Battering and couples therapy: Universal screening and selection of treatment modality. *Journal of Marital and Family Therapy, 25*(3), 291-312.

- Bonta, J., Rugge, T., & Dauvergne, M. (2003). *The reconviction rate of federal offenders*. Retrieved December 4, 2009 from <http://www.publicsafety.gc.ca/res/cor/rep/fl/2003-02-rec-rte-eng.pdf>
- Bouffard, J.A., & Muftić, L.R. (2007). An examination of the outcomes of various components of a coordinated community response to domestic violence by male offenders. *Journal of Family Violence*, 22, 353-366.
- Bourg, S. & Stock, H. V. (1994). A review of domestic violence arrest statistics in a police department using a pro-arrest policy: are pro-arrest policies enough? *Journal of Family Violence*, 9, 177-89.
- Bowen, E., Gilchrist, E., & Beech, A. R. (2008). Change in treatment has no relationship with subsequent re-offending in U.K. domestic violence sample. *International Journal of Offender Therapy and Comparative Criminology*, 52(5), 598-614.
- Bowlus, A., McKenna, K., Day, T. & Wright, D. (2003). The economic costs and consequences of child abuse in Canada. Report to the Law Commission of Canada. Online at: <http://hdl.handle.net/10222/10274>
- Bressen, A. (2008). Spousal violence in Canada's provinces and territories. In L. Ogrodnik (Ed.). *Family violence in Canada: A statistical profile 2008*. Ottawa: ON. Canadian Centre for Justice Statistics
- Buttall, F. P., & Pike, C. K. (2003). Investigating the differential effectiveness of a batterer treatment program on outcomes for African American and Caucasian batterers. *Research on Social Work Practice*, 13(6), 675-692.
- Buzawa, E.S. & Buzawa, C.G. (2003). *Domestic violence: The criminal justice response (Third edition)*. Thousand Oaks, CA: Sage.
- Buzawa, E., Hotaling, G. T., Klein, A., & Byrne, J. (1999). *Response to domestic violence in a proactive court setting: Final report* (NJC Document No. 181427). Washington, DC: US Department of Justice, National Institute of Justice. Retrieved January 27, 2010 from <http://www.ncjrs.gov/pdffiles/nij/grants/181427.pdf>
- Bynum, T., Carter, M., Matson, S., & Onley, C. (2001). *Recidivism of sex offenders*. Silver Spring, MD: Center for Offender Management. Retrieved January 27, 2010 from <http://www.csom.org/pubs/recidsexof.html>
- Cairns, K. (2005). The domestic violence treatment effectiveness study: Highlights of the final report. In *Family violence: Community resource guide* (pp. 58-59). Edmonton, AB: Ministry of Children's Services. Available on-line at: <http://www.child.gov.ab.ca/whatwedo/familyviolence/pdf/FVPMguidelinks.pdf>
- Campbell, J. C. (2001). Safety planning based on lethality assessment for partners of batterers in intervention programs. *Journal of Aggression, Maltreatment & Trauma*, 5(2), 129-143.
- Campbell, J. C., Sharps, P. & Glass, N. (2001). Risk assessment for intimate partner homicide. In G.F. Pinard & L. Pagani (Eds.), *Clinical assessment of dangerousness: Empirical contributions* (pp. 136-157). New York, NY: Cambridge University Press.
- Clarke, M. (2003). *HomeFront evaluation: Best practices review*. Calgary, AB: Synergy Research Group. Calgary. Retrieved: <http://www.homefrontcalgary.com/newsletter/Best%20Practices%20Review%202003.pdf>
- Conti, C.T., Sr. (1998). Emergency departments and abuse: Policy issues, practice barriers, and recommendations. *Journal of the Association for Academic Minority Physicians*; 9, 35-39.

- Coulter, M., & VandeWeerd, C. (2009). Reducing domestic violence and other criminal recidivism: Effectiveness of a multilevel batterer's intervention program. *Violence and Victims, 24*(2), 139-152.
- Craft, J. (1990). *Statistics and data analysis for social workers*. Itasca, IL: F.E. Peacock.
- Craissati, J., South, R., & Bierer, K. (2009). Exploring the effectiveness of community sex offender treatment in relation to risk and offending. *Journal of Forensic Psychiatry and Psychology, 20*(6), 769-784.
- Cranwell Schmidt, M., Kolodinsky, J. M., Carsten, G., Schmidt, F. E., Larson, M., & MacLachlan, C. (2007). Short term change in attitude and motivating factors to change abusive behavior of male batterers after participating in a group intervention program based on the pro-feminist and cognitive behavioural approach. *Journal of Family Violence, 22*(2), 91-100.
- Crocker, D. (2005). Regulating intimacy: Judicial discourse in cases of wife assault (1970 to 2000). *Violence Against Women, 11*(2), 197-226.
- Davis, R. C. & Smith, B. (1995). Domestic violence reforms: Empty promises or fulfilled expectations? *Crime-and-Delinquency, 41*, 541-552.
- Davis, R. C., Smith, B. E., & Rabbit, C. (2001). Increasing convictions in domestic violence cases: A field test in Milwaukee. *The Justice System Journal, 22*, 61-72.
- Davis, R. C., Taylor, B. G., & Maxwell, C. D. (2000). *Does batterer treatment reduce violence? A randomized experiment in Brooklyn* (NCJ Document No. 180772). New York, NY: US Department of Justice. Retrieved from <http://www.ncjrs.gov/pdffiles1/nij/grants/180772.pdf>
- Dawson, M., & Dinovitzer, R. (2001). Victim cooperation and the prosecution of domestic violence in a specialized court. *Justice Quarterly, 15*(3), 593-622.
- Dunford, F. W. (1992). The measurement of recidivism in cases of spouse assault. *The Journal of Criminal Law and Criminology, 83*(1), 120-136.
- Dunford, F. W. (2000). The San Diego Navy experiment: An assessment of interventions for men who assault their wives. *Journal of Consulting and Clinical Psychology, 68*, 468-434.
- Dutton, D. G., Bodnarchuk, M., Kropp, R., Hart, S. D., & Ogloff, J. R. P. (1997). Wife assault treatment and criminal recidivism: An 11-year follow-up. *International Journal of Offender Therapy and Comparative Criminology, 41*(1), 9-23.
- Duwe, G., & Goldman, R. A. (2009). The impact of prison-based treatment on sex offender recidivism: Evidence from Minnesota. *Sexual Abuse: A Journal of Research and Treatment, 21*(3), 279-307.
- Easton, C. J., Mandel, D., Babuscio, T., Rounsaville, B. J., & Carroll, K. M. (2007). Differences in treatment outcome between male alcohol dependent offenders of domestic violence with and without positive drug screens. *Addictive Behaviors, 32*, 2151-2163.
- Eckberg, D. A., & Podkopacz, M. R. (2002). *Domestic violence court: Case processing update and recidivism analysis*. Minneapolis, MN: Hennepin County District Court Research Division. Retrieved from: [http://www.courts.mn.gov/documents/4/Public/Research/DV\\_Case.pdf](http://www.courts.mn.gov/documents/4/Public/Research/DV_Case.pdf)
- Eckhardt, C., Holtzworth-Munroe, A., Norlander, B., & Sibley, A. (2008). Readiness to change, partner violence, subtypes, and treatment outcomes among men in treatment for partner assault. *Violence and Victims, 23*(4), 446-475.

- Ellis, D. (1992). Woman abuse among separated and divorced women: The relevance of social support. In E.C. Viano (Ed.), *Intimate violence: Interdisciplinary perspectives* (pp. 177-189). Washington DC: Hemisphere.
- Fagan, J. (1995). *The criminalization of domestic violence*. Washington, DC: National Institute of Justice.
- Fals-Stewart, W. (2003). The occurrence of partner physical aggression on days of alcohol consumption: A longitudinal diary study. *Journal of Consulting Psychology, 71*(1), 41-52.
- Feder, L., & Dugan, L. (2004). *Testing a court-mandated treatment program for domestic violence offenders: The Broward experiment*. (NCJ Document #199729). Retrieved December 17, 2009 from <http://www.ncjrs.gov/pdffiles1/nij/199729.pdf>
- Feder, L., & Forde, D. (2000). *A test of the efficacy of court-mandated counselling for domestic violence offenders: The Boward Experiment* (NCJ Document No. 184631). Washington, DC: National Institute of Justice, U.S. Department of Justice. Retrieved January 5, 2010 from <http://www.ncjrs.gov/pdffiles1/nij/grants/184631.pdf>
- Feder, L., & Wilson, D. B. (2005). A meta-analytic review of court-mandated batterer intervention programs: Can courts affect abusers' behaviour? *Journal of Experimental Criminology, 1*, 239-262.
- Feder, L., & Wilson, D. B. (2006). Mandated batterer intervention programs to reduce domestic violence. In B. C. Welsh & D. P. Farrington (Eds.), *Preventing crime: What works for children, offenders, victims, and places* (pp. 131-145). London, Great Britain: Springer.
- Feder, L., Wilson, D. B., & Austin S. (2008). Court-mandated interventions for individuals convicted of domestic violence. *Campbell Systematic Reviews, 12*. Oslo, Norway: The Campbell Corporation. Retrieved from <http://www.campbellcollaboration.org/lib/download/218/>
- Ferguson, M. K. (2009). *Recidivism among treated sexual offenders and a matched comparison of untreated sexual offenders*. M.A. Thesis, Department of Adult Education and Counselling Psychology, University of Toronto, Toronto, Ontario. Retrieved from [https://tspace.library.utoronto.ca/bitstream/1807/18117/6/Ferguson\\_Meaghan\\_K\\_200911\\_M\\_A\\_Thesis.pdf](https://tspace.library.utoronto.ca/bitstream/1807/18117/6/Ferguson_Meaghan_K_200911_M_A_Thesis.pdf)
- Fusco, L.J. (1989). Integrating systems: Police, courts, and assaulted women. In B. Pressman, G. Cameron & M. Rothery (Eds.), *Intervening with assaulted women: Current theory, research and practice* (pp. 125-136). Hillsdale, NJ: Erlbaum.
- Garner, J. H. & Maxwell, C.D. (2009). Prosecution and conviction rates for intimate partner violence. *Criminal Justice Review, 34*(1), 44.
- Gobeil, R., & Robeson Barrett, M. (2007). *Rates of recidivism for female offenders* (Report no. R-192). Ottawa, ON: Correctional Service Canada. Retrieved January 7, 2010 from <http://www.csc-scc.gc.ca/text/rsrch/reports/r192/r192-eng.pdf>
- Gondolf, E. W. (1997a). Expanding batterer program evaluation. In G. Kaufman Kantor, & J. L. Jasinski (Eds.), *Out of the darkness: Contemporary perspectives in family violence* (pp. 208-218). Thousand Oaks, CA: Sage.
- Gondolf, E. W. (1997b). Batterer programs: What we know and need to know. *Journal of Interpersonal Violence, 12*, 83-98.
- Gondolf, E. W. (1999). A comparison of four batterer intervention systems: Do court referral, program length and service matter? *Journal of Interpersonal Violence, 14*(1), 41-61.

- Gondolf, E. W. (2000). How batterer program participants avoid re-assaults. *Violence Against Women*, 6, 1204-1222.
- Gondolf, E.W. (2002). *Batterer intervention systems: Issues, outcomes, and recommendations*. Thousand Oaks, CA: Sage.
- Gondolf, E. & Russell, D. (1986). The case against anger control treatment programs for batterers. *Response to the Victimization of Women and Children*, 9, 2-5.
- Goodman, L. A., Dutton, M. A., & Bennett, L. (2000). Predicting repeat abuse among arrested batterers: Use of the Danger Assessment Scale in the criminal justice system. *Journal of Interpersonal Violence*, 15(1), 63-74.
- Gover, A. R., MacDonald, J. M., & Alpert, G. P. (2003). Combating domestic violence: Findings from an evaluation of a local domestic violence court. *Criminology and Public Policy*, 3(1), 109-132.
- Greaves, L., Hankivsky, O., & Kingston-Reichers, J. (1995). *Selected estimates of the costs of violence against women*. London, Canada: Centre for Research on Violence against Women and Children.
- Gravetter, F. J., & Wallnau, L. B. (2006). *Statistics for the behavioral sciences (7<sup>th</sup> ed.)*. New York, NY: Wadsworth.
- Gutmanis, I., Beynon, C., Tutty, L., Wathen, C. N. & MacMillan, H. L. (2007). Factors influencing identification of and response to intimate partner violence: A survey of physicians and nurses. *Biomed Central: Public Health* (7)12. Available on-line at: <http://www.biomedcentral.com/1471-2458/7/12>
- Greaves, L., Hankivsky, O., & Kingston-Reichers, J. (1995). *Selected estimates of the costs of violence against women*. London, Canada: Centre for Research on Violence against Women and Children.
- Hamberger, L. K., & Hastings, J. E. (1988). Skills training of spouse abusers: An outcome study. *Journal of Family Violence*, 3(2), 121-130.
- Hanson, B. (2002). Interventions for batterers: Program approaches, program tensions. In A. R. Roberts (Ed.), *Handbook of domestic violence intervention strategies: Policies, programs and legal remedies* (pp. 419-448). Cary, NC: Oxford University Press.
- Hanson, R. K., & Wallace-Capretta, S. (2000). *A multi-site study of treatment for abusive men* (Report No. 2000-05). Ottawa, ON: Department of the Solicitor General of Canada. Retrieved January 5, 2010 from [http://ww2.ps-sp.gc.ca/publications/corrections/pdf/200005\\_e.pdf](http://ww2.ps-sp.gc.ca/publications/corrections/pdf/200005_e.pdf)
- Hanson, R. K., & Wallace-Capretta, S. (2004). Predictors of criminal recidivism among male batterers. *Psychology, Crime & Law*, 10(4), 413-427.
- Hanson, R. K., Helmus, L., & Bourgan, G. (2007). *The validity of risk assessments for intimate partner violence: A meta-analysis* (Report No. 2007-07). Ottawa, ON: Public Service Canada. Retrieved from: [http://www.publicsafety.gc.ca/res/cor/rep/fl/vra\\_ipv\\_200707\\_e.pdf](http://www.publicsafety.gc.ca/res/cor/rep/fl/vra_ipv_200707_e.pdf)
- Hanson, R. K., & Wallace-Capretta, S. (2000). *A multi-site study of treatment for abusive men* (Report No. 2000-05). Ottawa, ON: Department of the Solicitor General of Canada. Retrieved from: [http://ww2.ps-sp.gc.ca/publications/corrections/pdf/200005\\_e.pdf](http://ww2.ps-sp.gc.ca/publications/corrections/pdf/200005_e.pdf)
- Harrell, A., Newmark, L., Visher, C., & Castro, J. (2007). *Final report on the evaluation of the Judicial Oversight Demonstration, volume 1: The impact of JOD in Dorchester and*



- Washtenaw County (NCJ Document No. 219382). Washington, DC: US Department of Justice. Retrieved February 1, 2010 from <http://www.ncjrs.gov/pdffiles/nij/219382.pdf>
- Healey, K. M., Smith, C. & O'Sullivan (1998). *Batterer intervention: Program approaches and criminal justice strategies*. Available [on-line] from National Criminal Justice Reference Service: <http://ojp.usdoj.gov/nij>
- Heckert, D. A. & Gondolf, E. W. (2000). Predictors of underreporting of male violence by batterer program participants and their partners. *Journal of Family Violence, 15*(4), 423-443.
- Hendricks, B., Werner, T., Shipway, L., & Turinetti, G. J. (2006). Recidivism among spousal abusers: Predictions and Program Evaluation. *Journal of Interpersonal Violence, 21*(6), 703-716.
- Henning, K., Martinsson, R., & Holdford, R. (2009). Gender differences in risk factors for intimate partner violence recidivism. *Journal of Aggression, Maltreatment and Trauma, 18*(6), 623-645.
- Hilton, N. Z., & Harris, G. T. (2004). A brief actuarial assessment for the prediction of wife assault recidivism: The Ontario Domestic Assault Risk Assessment. *Psychological Assessment, 16*(3), 267-275.
- Hilton, N. Z., Harris, G. T., & Rice, M. (2001). Predicting violence by serious wife assaulters. *Journal of Interpersonal Violence, 16*(5), 408-423.
- Hirschel, J. D., Hutchison, I. W., III, & Dean, C. W. (1992). The failure of arrest to deter spouse abuse. *Journal-of-Research-in-Crime-and-Delinquency, 29*, 7-33.
- Hirschel, J. D., Hutchison, I. W., & Shaw, M. (2010). The interrelationship between substance abuse and the likelihood of arrest, conviction and re-offending in cases of intimate partner violence. *Journal of Family Violence, 25*, 81-90.
- Hoffart, I., & Clarke, M. (2004). *HomeFront evaluation: Final report*. Calgary, AB: HomeFront Evaluation Committee. Available [on-line] at <http://www.homefrontcalgary.com/research.htm>
- Hornick, J. P., Boyes, M., Tutty, L. M. & White, L. (2008). The Yukon's Domestic Violence Treatment Option: An Evaluation. In J. Ursel, L. Tutty & J. LeMaistre (Eds.), *What's law got to do with it? The law, specialized courts and domestic violence in Canada*. Toronto, ON: Cormorant Press.
- Hornick, J. P., Boyes, M., Tutty, L., & White, L. (2005). *The Domestic Violence Treatment Option (DVTO), Whitehorse, Yukon: Final evaluation report*. Retrieved January 27, 2010 from [http://people.ucalgary.ca/~crilf/publications/Final\\_Outcome\\_Analysis\\_Report.pdf](http://people.ucalgary.ca/~crilf/publications/Final_Outcome_Analysis_Report.pdf)
- Hubbard, D. J. (2007). Getting the most out of correctional treatment: Testing the responsivity principle on male and female offenders. *Federal Probation, 71*(1), 2-8.
- Huebner, B. M. & Cobbina, J. (in press). The effect of drug use, drug treatment participation, and treatment completion on probationer recidivism. *Journal of Drug Issues*. Retrieved from [http://www.umsl.edu/~ccj/pdfs/Huebner\\_Cobbina\\_JDI.pdf](http://www.umsl.edu/~ccj/pdfs/Huebner_Cobbina_JDI.pdf)
- Huss, M. T., & Ralston, A. (2008). Do batterer subtypes actually matter? Treatment completion, treatment response, and recidivism across a batterer typology. *Criminal Justice and Behavior, 35*(6), 710-724.
- Jaffe, P. J., Crooks, C. V., & Bala, N. (2008). Domestic violence and child custody disputes: The need for a new framework for the family court. In J. Ursel, L. Tutty & J. LeMaistre (Eds.), *What's law got to do with it? The law, specialized courts and domestic violence in Canada*. Toronto, ON: Cormorant Press.

- Jenkins, A. (1991). Intervention with violence and abuse in families: The inadvertent perpetuation of irresponsible behaviour. *The Australian and New Zealand Journal of Family Therapy*, 12 (4), 186-195.
- Jenkins, A. (1990). *Invitations to responsibility: The therapeutic engagement of men who are violent and abusive*. Adelaide, Australia: Dulwich Centre Publications.
- Jennings, J. (1990). Preventing relapse versus “stopping” domestic violence: Do we expect too much too soon from battering men? *Journal of Family Violence*, 5, 43-60.
- Jobe, A. L. (2007). *The Douglas County adult drug court: Using recidivism rates as an indicator of long-term effectiveness*. M.A. Thesis, Graduate College, University of Nebraska, Omaha, Nebraska. Retrieved from: <http://www.dc4dc.com/drugcourt/UsingRecidivismRatesasanIndicatorofLong-termEffectiveness.pdf>
- Johansson, M., & Tutty, L. (1998). An evaluation of after-treatment couple’s groups for wife abuse. *Family Relations*, 47, 27-35.
- Johnson, H. (2006). *Measuring violence against women: Statistical trends 2006*. Ottawa, CA: Minister of Industry. Available [on-line] at [www.statcan.ca/Daily/English/061002/d061002a.htm](http://www.statcan.ca/Daily/English/061002/d061002a.htm)
- Johnson, R. R. (2008). Correlates of re-arrest among felony domestic violence probationers. *Federal Probation*, 72(3), 42-47.
- Johnson Listwan, S., Koetzle Shaffer, D., & Hartman, J L. (2009). Combating methamphetamine use in the community: The efficacy of the drug court model. *Crime and Delinquency*, 55(4), 627-644.
- Karan, A., Keilitz, S., & Denaro, S. (1999). Domestic violence courts: What are they and how should we manage them? *Juvenile and Family Court Journal*, 55(12), 75-86.
- Kindness, A., Kim, H., Alder, S., Edwards, A., Parekh, A., & Olson, L. M. (2009). Court compliance as a predictor of postadjudication recidivism for domestic violence offenders. *Journal of Interpersonal Violence*, 24(7), 1222-1238.
- Klein, A. R., & Crowe, A. (2008). Findings from an outcome examination of Rhode Island’s Specialized Domestic Violence Probation Supervision Program. *Violence Against Women*, 14(2), 226-246.
- Klein, A. R. & Tobin, T. (2008). A longitudinal study of arrested batterers, 1995-2005: Career criminals. *Violence Against Women*, 14(2), 136-157.
- Krebs, C. P., Lindquist, C. H., Koetse, W., & Lattimore, P. K. (2007). Assessing the long-term impact of drug court participation on recidivism with generalized estimating equations. *Drug and Alcohol Dependence*, 91(1), 57-68.
- Krebs, C. P., Strom, K. J., Koetse, W. H., Lattimore, P. K. (2009). The impact of residential and non-residential drug treatment on recidivism among drug-involved probationers: A survival analysis. *Crime and Delinquency*, 55(3), 442-471.
- Labriola, M., Rempel, M., & Davis, R. C. (2008). Do batterer programs reduce recidivism? Results from a randomized trial in the Bronx. *Justice Quarterly*, 25(2), 252-282.
- Lohr, J. M., Hamberger, L. K., White, T. H., & Parker, L. M. (2006). Scientific evidence for domestic violence treatment. In J. E. Fisher & O’Donahue, W. T. (Eds.), *Practitioners guide to evidence-based psychotherapy* (pp. 258-265). New York, NY: Springer.

- Lovins, B., Lowenkamp, C. T., & Latessa, E. J. (2009). Applying the risk principle to sex offenders: Can treatment make some sex offenders worse? *The Prison Journal*, 89(3), 344-357.
- MacLeod, D. & Weber, J. F. (2000). Domestic violence courts: A descriptive study. *Judicial Council of California, Administrative Office of the Courts*.
- Maltz, M. D. (1984). *Recidivism*. New York, NY: Academic Press.
- Maxwell, C. D., Garner, J. H. & Fagan, J. A. (July, 2001). The effects of arrest on intimate partner violence: New evidence from the Spouse Assault Replication Program. In National Institute of Justice, *Research in Brief*. Washington: U.S. Department of Justice. [www.ncjrs.org/txtfiles1/nij/188199.txt](http://www.ncjrs.org/txtfiles1/nij/188199.txt).
- Maytal, A. (2008). Specialized domestic violence courts: Are they worth the trouble in Massachusetts? *Boston University Public Interest Law Journal*, 18(1), 197-235.
- McGregor, M., Tutty, L., Babins-Wagner, R., & Gill, M. (2002). The long term impact of group treatment for partner abuse. *Canadian Journal of Community Mental Health*, 21, 67-84.
- McMurran, M., & Theodosi, E. (2007). Is treatment non-completion associated with increased reconviction over no treatment? *Psychology, Crime and Law*, 13, 333-343.
- McNeil, D. E., & Binder, R. L. (2007). Effectiveness of a mental health court in reducing criminal recidivism and violence. *The American Journal of Psychiatry*, 164(9), 1395-1403.
- Mead, B. (2005). Is there a measure of probation success? *Federal Probation*, 69(2), 3-5.
- Medros, F. (1999). Batterer intervention programs: The past, present, and future prospects. In M. F. Shepard & E. L. Pence (Eds.), *Coordinating community responses to domestic violence: Lessons from Duluth and beyond* (pp. 127-150). Thousand Oaks, CA: Sage.
- Ménard, K. S., Anderson, A. L., & Godboldt, S. M. (2009). Gender differences in intimate partner recidivism: A 5-year follow-up. *Criminal Justice and Behavior*, 36(1), 61-76.
- Montminy, L., Roy, V., Lindsay, J., & Turcotte, D. (July, 2003). Therapeutic factors in groups for abusive men: Quantitative results and qualitative description. *Presentation to the 8<sup>th</sup> International Family Violence Research Conference*. Portsmouth, NH.
- Moore, S. (2009). *Two decades of specialized domestic violence courts: A review of the literature*. Retrieved from: [www.courtinnovation.org/uploads/documents/DV\\_Court\\_Lit\\_Review.pdf](http://www.courtinnovation.org/uploads/documents/DV_Court_Lit_Review.pdf)
- Moyer, S. & Associates (1998). *An evaluation of the DVC process in six sites: overview and preliminary results*. Toronto, ON.
- National Institute of Justice. (20 Feb, 2008). *Measuring recidivism*. Retrieved December 4, 2009, from <http://www.ojp.usdoj.gov/nij/topics/corrections/recidivism/measuring.htm>
- Newmark, L., Rempel, M., Diffily, K., & Kane, K. M. (2001). *Specialized felony domestic violence courts: Lessons on implementation and impacts from the Kings County experience* (NCJ Document No. 191861). Washington, DC: US Department of Justice. Retrieved January 28, 2010 from <http://www.ncjrs.gov/pdffiles1/nij/grants/191861.pdf>
- Nouwens, T., Moliuk, L., & Boe, R. (1993). So you want to know the recidivism rate. *FORUM On Corrections Research*, 5(3). Retrieved on December 4, 2009 from [http://www.csc-scc.gc.ca/text/pblct/forum/e053/053h\\_e.pdf](http://www.csc-scc.gc.ca/text/pblct/forum/e053/053h_e.pdf)
- Nunes, K. L., Firestone, P., Wexler, A. F., Jensen, T. L., Bradford, J. M. (2007). *Law and Human Behavior*, 31, 305-318.

- Ogrodnik, L. (2006). Spousal violence and repeat police contact. In L. Ogrodnik (Ed.), *Family violence in Canada: A statistical profile 2006* (pp. 11-19). Ottawa, CA: Ministry of Industry.
- Olver, M., Wong, S., & Nicholaichuck, N. (2009). Outcome evaluation of high-intensity inpatient sex offender treatment program. *Journal of Interpersonal Violence: Special Section: Research Methodology*, 24(3), 522-536.
- Palmer, S. E., Brown, R. A., & Barrera, M. E. (1992). Group treatment program for abusive husbands: Long-term evaluation. *American Journal of Orthopsychiatry*, 62(2), 276-283.
- Peterson, R. R. (2003). *The impact of case processing on re-arrests among domestic violence offenders in New York City*. New York, NY: New York Criminal Justice Agency. Retrieved January 27, 2010 from <http://www.cjareports.org/reports/recidrev7.pdf>
- Pottie Bunge, V., & Levett, A. (1998). *Family violence in Canada: A statistical profile*. Ottawa, Canada: Statistics Canada.
- Puffett, N. K., & Gavin, C. (2004). *Predictors of program outcomes and recidivism at the Bronx misdemeanour domestic violence court*. New York, NY: Center for Court Innovation. Retrieved from [http://www.courtinnovation.org/pdf/predictors\\_bronx\\_dv.pdf](http://www.courtinnovation.org/pdf/predictors_bronx_dv.pdf)
- Quann, N. (2006). *Offender profile and recidivism among domestic violence offenders in Ontario*. Retrieved December 4, 2009 from [http://www.justice.gc.ca/eng/pi/rs/rep-rap/2006/rro6\\_fv3\\_rro6\\_vf3/r06\\_fv3.pdf](http://www.justice.gc.ca/eng/pi/rs/rep-rap/2006/rro6_fv3_rro6_vf3/r06_fv3.pdf)
- Ramsden, C. & Bonner, M. (2002). A realistic view of domestic violence screening in an emergency department. *Accident and Emergency Nursing*, 10, 31-39.
- Rebovich, D. J. (1998). Prosecution response to domestic violence: results of a survey of large jurisdictions. In American Bar Association (Eds.), *Legal interventions in family violence: research findings and policy implications* (pp.59-62). Washington, DC: U.S. Department of Justice. Available [on-line] at: <http://www.ojp.usdoj.gov>
- Roberts, A. R., & Everly, G. S. (2006). A meta-analysis of 36 crisis intervention studies. *Brief Treatment & Crisis Intervention*, 6(1), 10-21.
- Roehl, J., O'Sullivan, C., Webster, D., & Campbell, J. C. (2005). *Intimate partner violence risk assessment validation study: Final report* (NCJ Document No. 209731). Washington, DC: US Department of Justice. Retrieved January 27, 2010 from <http://www.ncjrs.gov/pdffiles1/nij/grants/209731.pdf>
- Rosenbaum, A., Gearan, P. J., & Ondovic, C. (2001). Completion and recidivism among court referred and self-referred batterers in a psychoeducational group treatment program: Implications for intervention and public policy. *Journal of Aggression, Maltreatment and Trauma*, 5(2), 199-220.
- Rosenfeld, B. D. (1992). Court-ordered treatment of spouse abuse. *Clinical Psychology Review*, 12, 205-226.
- Sandler, J. C., Freeman, N. J. (2009). Female sex offender recidivism. A large-scale empirical analysis. *Sexual Abuse: A Journal of Research and Treatment*, 21(4), 455-473.
- Sartin, R. M., Hansen, D. J., Huss, M. T. (2006). Domestic violence treatment response and recidivism: A review and implications for the study of family violence. *Aggression and Violent Behavior*, 11(5), 425-440.

- Saum, C. A., & Hiller, M. L. (2008). Should violent offenders be excluded from drug court participation? An examination of the recidivism of violent and nonviolent drug court participants. *Criminal Justice Review*, 33(3), 291-307.
- Scott, K. L. & Wolfe, D. A. (2000). Change among batterers: Examining men's stories. *Journal of Interpersonal Violence*, 15(8), 827-842.
- Shepard, M. (1992). Predicting batterer recidivism five years after intervention. *Journal of Family Violence*, 7, 167-178.
- Shepard, M. F. (1999). Evaluating coordinated community response. In M. F. Shepard & E. Pence (Eds.), *Coordinating community responses to domestic violence: lessons from Duluth and beyond* (pp. 169-191). Thousand Oaks, CA: Sage.
- Shepard, M. F., Falk, D. R., & Elliott, B. A. (2002). Enhancing coordinated community responses to reduce recidivism in cases of domestic violence. *Journal of Interpersonal Violence*, 17, 551-569.
- Stark, E. (1996). Mandatory arrest of batterers: A reply to its critics. In E. S. Buzawa & C. G. Buzawa (Eds.), *Do arrests and restraining orders work?* (pp.115-149). California: Sage.
- Strack, G. (n.d.). She hit me too: Identifying the primary aggressor: A prosecutor's perspective. *National Centre on Domestic and Sexual Violence*. Retrieved July 14, 2005, from [http://www.ncdsv.org/images/She\\_hit\\_me.pdf](http://www.ncdsv.org/images/She_hit_me.pdf)
- Statistics Canada (2005). *Domestic violence in Canada: A statistical profile 2005*. Ottawa: Minister of Industry.
- Statistics Canada (2004). *Domestic violence in Canada: A statistical profile 2004*. Ottawa: Minister of Industry.
- Stewart, L., Gabora, N., Kropp, R., & Lee, Z. (2005). *Family violence programming: Treatment outcome for Canadian federally sentenced offenders* (Report No. R-174). Ottawa, ON: Correctional Service of Canada. Retrieved January 7, 2010 from <http://www.csc-scc.gc.ca/text/rsrch/reports/r174/r174-eng.shtml>
- Stuart, G. L. (2005). Improving violence intervention outcomes by integrating alcohol treatment. *Journal of Interpersonal Violence*, 20(4), 388-393.
- Stuart, G. L., Temple, J. R., Moore, T. M. (2007). Improving batterer intervention programs through theory-based research. *Journal of the American Medical Association*, 298(5), 560-562.
- Taylor-Butts, A. (2007). Canada's shelters for abused women, 2005–2006. *Juristat: Canadian Centre for Justice Statistics*, 27, 1–20. Available online at [www.statcan.ca/english/freepub/85-002-XIE/85-002-XIE2007004.pdf](http://www.statcan.ca/english/freepub/85-002-XIE/85-002-XIE2007004.pdf).
- Thistlewaite, A., Wooldredge, J. & Gibbs, D. (1998). Severity of dispositions and domestic violence recidivism. *Crime & Delinquency*, 44(3), 388-398.
- Thurston, W.E., Tutty, L.M., Eisener, A.E., Lalonde, L., Belenky, C., & Osborne, B. (2007). Domestic violence screening rates in a community health urgent care clinic. *Research in Nursing and Health*, 30, 611-619.
- Toffelson, D. R., Webb, K., Shumway, D., Block, S. H., & Nakamura, Y. (2009). A mind-body approach to domestic violence perpetrator treatment: Program overview. *Journal of Aggression, Maltreatment & Trauma*, 18(1), 17-45.

- Tolman, R. M. & Weisz, A. (1995). Coordinated community intervention for domestic violence: The effects of arrest and prosecution on recidivism of woman abuse perpetrators. *Crime & Delinquency*, 41(4), 481-495.
- Tsai, B. (2000). The trend toward specialized domestic violence court: Improvements on an effective innovation. *The Fordham Review*, 68, 1285-1327.
- Tutty, L. (2006). *Effective practices in sheltering women leaving violence in intimate relationships: Phase II*. Final report to the YWCA Canada. Available [online] [http://www.ywca.ca/public\\_eng/advocacy/Shelter/YWCA\\_ShelterReport\\_EN.pdf](http://www.ywca.ca/public_eng/advocacy/Shelter/YWCA_ShelterReport_EN.pdf)
- Tutty, L. & Goard, C. (Eds.). (2002). *Reclaiming self: Issues and resources for women abused by intimate partners*. Halifax, NS: Fernwood.
- Tutty, L. & Goard, C. (Eds.). (2002). *Reclaiming self: Issues and resources for women abused by intimate partners*. Halifax, NS: Fernwood.
- Tutty, L.M., Babins-Wagner, R., & Rothery, M. (2009). A comparison of women who were mandated and non-mandated to the “Responsible Choices for Women” Group. *Journal of Aggression, Maltreatment and Trauma*, 18(7), 770-793.
- Tutty, L. M., Bidgood, B. A., Rothery, M. A., & Bidgood, P. (2001). An evaluation of men’s batterer treatment groups. *Research on Social Work Practice*, 11, 645-670.
- Tutty, L. M., Koshan, J., Jesso, J., Ogden, C., & Warrell, J. G. (March, 2011). *Evaluation of the Calgary Specialized Domestic Violence Trial Court & Monitoring the First Appearance Court: Final Report to National Crime Prevention and the Alberta Law Foundation*. Calgary, AB: RESOLVE Alberta.
- Tutty, L. M. & Nixon, K. (2004). *How domestic assault victims perceive Calgary’s HomeFront Court. Final report to the HomeFront Evaluation Committee*. Available [online] at <http://www.homefrontcalgary.com/statistics/index.htm>
- Tutty, L.M., Babins-Wagner, R., & Rothery, M. (2009). A comparison of women who were mandated and non-mandated to the “Responsible Choices for Women” Group. *Journal of Aggression, Maltreatment and Trauma*, 18(7), 770-793.
- Tutty, L. M., Bidgood, B. A., Rothery, M. A., & Bidgood, P. (2001). An evaluation of men’s batterer treatment groups. *Research on Social Work Practice*, 11, 645-670.
- Tutty, L. M., McNichol, K., & Christensen, J. (2008). Calgary’s HomeFront specialized domestic violence court. In J. Ursel, L. Tutty & J. LeMaistre (Eds.), *What’s law got to do with it? The law, specialized courts and domestic violence in Canada*. Toronto, ON: Cormorant Press.
- Tutty, L. M., Ursel, E. J., & Douglas, F. (2008). Specialized domestic violence courts: A comparison of models. In J. Ursel, L. Tutty, & J. LeMaistre (Eds.), *What’s law got to do with it? The law, specialized courts and domestic violence in Canada*. Toronto, ON: Cormorant Press.
- Tutty, L. M., George, D., Nixon, K. & Gill, C. (2008). Women’s views of programs to assist them with the justice system. In J. Ursel, L. Tutty & J. LeMaistre (Eds.), *What’s law got to do with it? The law, specialized courts and domestic violence in Canada* (pp. 21-45). Toronto, ON: Cormorant Press.
- Tutty, L., Ursel, J., & LeMaistre, J. (2008). The verdict on specialized justice responses to domestic violence. In J. Ursel, L. Tutty & J. LeMaistre (Eds.), *What’s law got to do with it? The law, specialized courts and domestic violence in Canada*. Toronto, ON: Cormorant Press.
- Tutty, L., Ursel, J. et al. (forthcoming). *Evaluating the justice and community responses to family violence in the Canadian prairie provinces*. Calgary, AB: RESOLVE Alberta.

- Ursel, J. (2002). "His sentence is my freedom": Processing domestic violence cases in the Winnipeg Family Violence Court. In L. Tutty & C. Goard (Eds.), *Reclaiming self: Issues and resources for women abused by intimate partners* (pp.43-63). Halifax, NS: Fernwood.
- Ursel, J. (2000). Winnipeg Family Violence Court report. In *Family Violence in Canada: A Statistical Profile 2000*. Canadian Centre for Justice Statistics. Statistics Canada.
- Ursel, J. (1998). Eliminating violence against women: Reform or co-optation in state institutions. In L. Samuelson & W. Antony (Eds.), *Social problems: Thinking critically*, Garamond Press, Halifax. Revised.
- Ursel, J., & Gorkoff, K. (1996). *The impact of Manitoba Corrections Partner Abuse Treatment Program on recidivism*. Report prepared for Manitoba Department of Justice, Winnipeg, MB: RESOLVE Manitoba.
- Ursel, J., Tutty, L., & LeMaistre, J. (2008a). The justice system response to domestic violence: Debates, discussions and dialogues. In J. Ursel, L. Tutty & J. LeMaistre (Eds.), *What's law got to do with it? The law, specialized courts and domestic violence in Canada* (pp. 1-17). Toronto, ON: Cormorant Press.
- Ursel, E. J. & Hagyard, C. (2008b). The Winnipeg Family Violence Court. In J. Ursel, L. Tutty & J. LeMaistre (Eds.), *What's law got to do with it? The law, specialized courts and domestic violence in Canada*. Toronto, ON: Cormorant Press.
- Ursel, J. Tutty, L. & LeMaistre, J. (Eds.) (2008). *What's law got to do with it? The law, specialized courts and domestic violence in Canada*. Toronto, ON: Cormorant Press.
- Van de Veen, S. (September, 2003). *Some Canadian problem solving court processes*. Canadian Association of Provincial Court Judges National Judicial Institute, St. John's Newfoundland.
- Varcoe, C. (2001). Abuse obscured: An ethnographic account of emergency nursing in relation to violence against women. *Canadian Journal of Nursing Research*, 32, 95-115.
- Ventura, L.A., & Davis, G. (2005). Domestic violence: Court case conviction and recidivism. *Violence Against Women*, 11(2), 255-277.
- Visher, C. A., Harrell, A., Newmark, L., Yahner, J. (2008). Reducing intimate partner violence: An evaluation of a comprehensive justice system-community collaboration. *Criminology and Public Policy*, 7(4), 495-523.
- Waldman, F. (1999). Violence or discipline? Working with multicultural court-ordered clients. *Journal of Marital and Family Therapy*, 25(4), 503-515.
- Warner, K. (1996). Sentencing the violent spouse. *Psychiatry, Psychology and Law*, 3(2), 107-117.
- Weisz, A. N., Tolman, R. M., & Bennett, L. (1998). An ecological study of nonresidential battered women within a comprehensive community protocol for domestic violence. *Journal of Family Violence*, 13, 395-415.
- William, K. R., & Houghton, A. B. (2004). Assessing the risk of domestic violence reoffending: A validation study. *Law and Human Behavior*, 28(4), 437-455.
- Worden, A. P. (2000). The changing boundaries of the criminal justice system: Redefining the problem and the response in domestic violence. *Criminal Justice*, 2. U.S. Department of Justice. Retrieved from: [www.22.ojp.usdoj.gov/nij/criminal\\_justice2000/vol2\\_200.html](http://www.22.ojp.usdoj.gov/nij/criminal_justice2000/vol2_200.html)
- Zgoba, K. M., & Levenson, J. (2008). Variations in the recidivism of treated and nontreated sexual offenders in New Jersey: An examination of three time frames. *Victims and Offenders*, 3(1), 279-307.

Zorza, J. (1995). How abused women can use the law to help protect their children. In E. Peled, P.G. Jaffe, & J.L. Edleson (Eds.), *Ending the cycle of violence: Community responses to children of battered women* (pp. 147-169). Thousand Oaks, CA: Sage.



**Appendix 1: Recidivism in Specialized Domestic Violence Courts**

<b>Study Author(s)</b>	<b>Study Description</b>	<b>Recidivism Measures</b>	<b>Length of Follow-up Period</b>	<b>Recidivism Rates</b>
Buzawa et al. (1999)	Evaluates a comprehensive domestic violence intervention strategy within the Quincy district courts.	Official records of: 1) arrests for any new offence and/or restraining order 2) issuances of new restraining orders Victim self-reports	1 year post-adjudication for official records  12-13 months post-arraignment for self-reports	Official records: 1) Overall - 47.9 % Same victim – 22.1% Different victim – 10.8% Personal crime arrest 15.6%, Non-personal crime arrest – 15% 2) 5.9% Victim self-reports: 49.2%
Davis, Smith, & Rabbit (2001)	Compared cases processed pre- and post-implementation of a specialized domestic violence court	Official records of re-arrest for: 1) any new felony 2) any new misdemeanour Victim reports of threats or physical harm	6 months post-disposition	Recidivism rates based on official records not reported for either new felonies or misdemeanours. Victim reports of harm/threats: Pre-DVC – 30% Post-DVC – 16%
Eckberg & Podkopacz (2002)	Evaluated case outcomes and recidivism of offenders from the Minneapolis domestic violence court.	Official records charges and convictions for: 1) any new offences 2) and new domestic violence offence	9 months post-disposition  Pre-trial recidivism was also reported from first appearance to time of disposition	Charges post-disposition: 1) Prior to DVC – 33.1% After DVC – 35.5% 2) Prior to DVC – 13.8% After DVC – 17.7% Convictions post-disposition: 1) Prior to DVC – 17.8% After DVC – 15% 2) Prior to DVC – 4.9% After DVC – 4.7%

Gover, MacDonald, & Alpert (2003)	Investigated a domestic violence court in Lexington, South Carolina by comparing arrest data pre- and post-court implementation	Official records of re-arrests for domestic violence or assaults against an intimate partner	18 months	Prior to DVC: 19% After DVC: 11.6%
Harrell et al. (2007)  Also see Visher et al. (2008)	Evaluated the Judicial Oversight Demonstration (JOD) in Dorchester and Washtenaw, MI which included a specialized domestic violence court	Official records of any new arrest Self-reports from: 1) victims of any violence, threats or intimidation 2) offenders of any physical assault	Official reports collected 1 year after disposition  Self-report data collected at 2 months and 11 months post-disposition	Official records; JOD – 22% Comparison – 25% Self-reports 11 months post-disposition: 1) Any physical violence: JOD – 28% Comparison – 35% Any threats or intimidation: JOD – 53% Comparison – 56% 2) JOD – 17% Comparison – 13%
Hoffart & Clarke (2004)	Evaluation of a specialized domestic violence court (HomeFront project) including comparison of recidivism rates between baseline period and post-implementation of the new court process	1) any complaint 2) breach of recognizance 3) breach of peace bonds 4) breach of supervision orders 5) any new charges	24 months	Overall: Baseline – 57.9% HomeFront – 43.1% 1) Baseline – 48.1% HomeFront – 31.4% 2) Baseline – 17.6% HomeFront – 6.1% 3) Baseline – 2.1% HomeFront – 4.5% 4) Baseline – 6.3% HomeFront – 7.7% 5) Prior to DVC – 34.1% After DVC – 12.2%

Hornick et al. (2005)	The Domestic Violence Treatment Option, including a DV court in Yukon, Canada	Re-arrest or new charges for spousal assault	15 months post-intake and 12 months after court case closed or treatment completed	15 months post-intake: 18% 12 months after case closed: 9.2%
Newmark et al. (2001)	Evaluated the impact of specialized felony domestic violence courts (FDVC) in Brooklyn, NY	Re-arrest records of: 1) any arrest 2) violent felonies 3) criminal contempt  Probation violations (for those with probation conditions) classified by type: 1) technical violation 2) domestic violence offences 3) non-domestic violence offences	12 months and 18 months post-disposition  Pre-disposition recidivism data also collected	Re-arrest records (18 months): 1) Pre-sample DVC – 26% FDVC – 43% 2) Pre-sample – 9% FDVC – 6% 3) Pre-sample – 9% FDVC – 15%  Probation violations: Overall pre-sample: 38% Overall FDVC: 29% 1) Pre-sample – 9.3% FDVC – 8.8% 2) Pre-sample – 12.5% FDVC – 11.8% 3) Pre-sample – 9.3% FDVC – 5.9%
Quann (2006)	Examined offender characteristics, criminal history and recidivism between batterers in a specialized domestic violence court (DVC) and those in the regular court system (other court)	Reconvictions of criminal offences categorized by seriousness and the following types: 1) spousal violence 2) other violence 3) administrative (i.e. breaches) 4) property offences (i.e. break and enter) 5) other offences 6) drug related offences	3 years after initial conviction	Overall DVC – 33% Overall other court – 32% 1) DVC – 4% Other court – 6% 2) DVC – 11% Other court – 13% 3) DVC – 13% Other court – 9% 4) DVC – 1% Other court – 1% 5) DVC – 1% Other court – 2% 6) DVC – less than 1% Other court – 1%

Tutty, McNichol, & Christensen (2008)	Reviews data from the first three years of the HomeFront, a specialized domestic violence court in Calgary, Alberta	Official records of: 1) criminal charges 2) any breach	12-36 months	Overall official records: 18.8% 1) 7.9% 2) 10.9%
Ursel & Hagyard (2008)	Changes in court process, offender & victim profiles and outcomes of the a specialized DV court in Winnipeg, Manitoba	Official records of: 1) any re-offences excluding breaches 2) any breach	Data collected for 10-year period Used a 3-year period to give a standardized recidivism rate	Overall official records: 40% 1) 29% 2) 10.9%
Visher et al. (2008)  Also see Harrell et al. (2007)	The Judicial Oversight Demonstration (JOD), a coordinated community response at reducing domestic violence in Massachusetts (MA), Michigan (MI), and Milwaukee (MW)	Self-reports from: 1) victims of treats or intimidation and physical assault 2) batterers of physical assault  Official records of: 1) Re-arrest for domestic violence offence 2) Re-arrest for non-domestic violence offence 3) Revocation of probation	Self-report data was collected 9 months post-sentencing  Follow-up period for official records was 12 months post-sentencing	Self-reports from: 1) Threats/intimidation: JOD – 53% Comparison – 56% Physical assault: JOD – 28% Comparison – 35% 2) JOD – 17% Comparison – 13% Official records of: 1) JOD – 22% - 25% Comparison – 25% - 30% 2) JOD – 4.2% (MW) Comparison – 8% (MW) 3) JOD – 1% (MI), 12% (MA), 27 % (MW) Comparison – 2% (MW)

## Appendix 2: Recidivism in General Research on Domestic Violence

<b>Study Authors</b>	<b>Study Description</b>	<b>Measure of Recidivism</b>	<b>Follow-Up length</b>
Bennett Cattaneo, Bell, Goodman, & Dutton (2007)	Assessed the predictive accuracy of the Danger Assessment scale to predict future domestic violence reoffending	Victim reports of physical harm, assault or attempts on life	18 months
Bouffard & Muftić (2007)	Examined a community coordinated response and the effectiveness of its various interventions at reducing recidivism	Re-arrest records for: 1) Domestic violence offences 2) Non-domestic violence offences	Average of 7 months post-sentencing
Goodman, Dutton, & Bennett (2000)	Examined the ability of the Danger Assessment Scale to predict short-term recidivism	Victim reports of threats or re-abuse based on a set of generic questions	3 months
Henning, Martinsson, & Holdford (2009)	Investigated the gender differences of risk factors that increase likelihood of re-offending among domestic violence offenders	Any domestic violence incident/complaint reported to police	54 – 207 weeks
Hilton & Harris (2004)	Studied the predictive accuracy of the Ontario Domestic Assault Risk Assessment on wife assault recidivism	Official records of new assaults on an intimate partner	Average of 4.8 years
Hilton, Harris, & Rice (2001)	Using the Violence Risk Appraisal Guide, investigated psychopathy and other predictors of violent recidivism among batterers	New charge for violent crimes or admission to a psychiatric facility for violent behaviour	Average of 7 years
Hirschel, Hutchison, & Shaw (2010)	Looked at the links between batterer's substance use and initial arrest, conviction and likelihood of re-offending	Re-arrest records	3 – 5 years after initial arrest

Huss & Ralston (2008)	Examined the possible links between batterer characteristics and treatment completion, treatment response and recidivism.	Conviction of any domestic violence-related offence	24 – 54 months post-treatment
Johnson (2008)	Studied relationship between batterer characteristics & recidivism with domestic violence offenders on probation	Re-arrest for any violent crimes	24 months post-sentencing
Kindness et al. (2009)	Examined the relationship between recidivism rates and non-compliance of domestic violence offenders prior to adjudication	Any official complaint made to police for criminal or harassing behaviour	1 year post-adjudication
Klein & Crowe (2008)	Investigated the outcomes of using two different case management approaches with batterers	1) Re-abuse – any new domestic violence offence 2) Recidivism – any non-domestic violence charge	14 months – 26 months (2 months – 14 months post-supervision)
Klein & Tobin (2008)	Examined offender characteristics, criminal activity and patterns of re-abuse	1) Arrest of domestic violence offences 2) Arrest for non-domestic violence offences 3) Civil restraining orders	9 years after initial incident
Ménard, Anderson, & Godboldt (2009)	Investigated differences between male and female domestic violence offenders	Any offence with a domestic violence indicator including protection order violations (breaches)	5 years after initial assault
Roehl et al. (2005)	Assessed the predictive accuracy of several different risk assessment scales	Re-arrest data for: 1) domestic violence offences 2) any offence Victim reports of reports of re-abuse categorized by severity	6 months – 1 year (average of 9 months) from time of baseline interviews with victims
Toffelson et al. (2009)	Investigated the use of mind/body therapeutic approaches to treat domestic violence offenders	Any official domestic violence complaint or incident reported to police or court system	9 months – 27 months (average 18 months) post-program completion or dropout

Williams & Houghton (2004)	Evaluated the reliability and validity of the Domestic Violence Screening Instrument to assess the risk of recidivism	Official records for new domestic violence offences Victim reports of physically and non-physically abusive behaviour	18-month follow-up period for official records post-disposition Interview data from victims collected 6 months after court disposition
-------------------------------	---	--	---

### Appendix 3: Research on the Recidivism in Batterer Intervention Programs

Study Authors	Study Description	Measure of Recidivism	Follow-up Period
Babcock & Steiner (1999)	Compared recidivism rates of batterers who completed a treatment program, those who did not complete treatment and those who were incarcerated	Incident reports, re-arrests and reconvictions for: 1) Domestic violence offences 2) Non-domestic violence offences	2 years post initial arrest
Beldin (2008)	Investigated the relationships between offender characteristics, treatment program completion and recidivism	Any domestic violence charge.	9 months post-program intake
Bennett et al. (2007)	Examined the relationship between individual variables and program completion, and between program completion and recidivism	1) Re-arrest for domestic violence offences 2) Re-arrest for interpersonal violence 3) Re-arrest for drugs/alcohol 4) Other crimes 5) Any re-arrest	Average of 2.4 years post-intake with social services
Coulter & VandeWeerd (2006)	Compared treatment completers and non-completers of three BIPs with varying intensity levels	1) Re-arrest for domestic violence offences 2) Re-arrest for non-domestic violence offences	Range from 1 year to 10 years post-program enrolment
Dunford (2000b)	Looked at the effect of different batterer treatment programs on recidivism in a military setting	1) Victim reports 2) Offender reports 3) Re-arrest records	1 year (6 months post-treatment completion)
Dutton et al. (1997)	Investigated recidivism patterns of batterers who were court-mandated versus self-referred to treatment and those who completed the program versus dropped-out	Charges and convictions for: 1) Any crimes 2) Violent crimes 3) Assault 4) Domestic violence assault	Up to 11 years with an average of 5.2 years post-treatment completion
Eckhardt et al. (2008)	Examined relationship between pre-BIP readiness for change and individual variable of offenders, and BIP completion and recidivism	1) Re-arrest data of assault arrests versus non-assault arrests 2) Offender reports 3) Victim reports	13 months total (6 months post-BIP)



Feder & Dugan (2004)	Examined effects of a spouse abuse abatement program (SAAP) on recidivism rates of domestic violence offenders	1) Victim reports 2) Batterer reports 3) Re-arrest records	1 year post-adjudication (approximately 6 months after program completion)
Gondolf (2000)	<i>Qualitative</i> study that examined effects of batterer intervention programs on changes in offenders attitudes and behaviour	1) Victim reports 2) Batterer reports	30 months
Hanson & Wallace-Capretta (2004)	Studied recidivism of offenders attending four BIPs with different treatment models	Re-arrest and re-conviction records for 1) assault charge 2) any violent 3) any offence (non-violent)	39-73 months
Hendricks et al. (2006)	Investigated that effectiveness of two batterer intervention programs at reducing recidivism	Re-arrest rates for domestic violence offences	18 months post-treatment completion
Labriola, Rempel & Davis (2008)	Studied the relationship between BIPs, type of monitoring (graduated versus regular and recidivism rates).	1) Re-arrest for any crime 2) Re-arrest for domestic violence crimes 3) Re-arrest for criminal contempt 4) Victim reports	1 year to 18 months post-sentencing for official records. 1 year post-sentencing for victim self-reports
Palmer et al. (1992)	Investigated the effects of treatment versus no treatment on recidivism rates	1) Police records of physical abuse or serious threats	12 to 24 months post-treatment
Puffett & Gavin (2004)	Examined program completion and re-arrest rates of domestic violence offenders mandated to treatment versus those who sentences did not required attendance in a BIP	Official records of any new arrest or conviction classified by severity and type (not restricted to incidents of domestic violence)	1-year and 2-years post-program completion Recidivism data also collected pre-program (from time of initial charge to program start) and during the BIP

#### Appendix 4: Research on Recidivism in Other Criminal Justice Areas

Study Author(s)	Study Description	Recidivism Measures	Follow-up Period
Craissati, South, & Bierer (2009)	Researched the effects of cognitive-behavioural treatment on sexual offenders' likelihood to re-offend	Re-convictions for: 1) violent offences 2) sexual offences 3) any offence 4) breaches	Average of 7 – 9 years after initial conviction or post-release if incarcerated
Duwe & Goldman (2009)	Examined effectiveness of prison-based treatment for sexual offenders by comparing treated versus untreated offenders	Re-arrest, reconviction, and re-incarceration records for: 1) sexual offences 2) violent offences 3) any offences	Average of 9.3 years post-release
Ferguson (2009)	Examined recidivism rates of treated versus untreated sexual violence offenders	New charges and convictions for: 1) sexual offences 2) violent offences 3) general offences	Average follow-up between 9 – 11 years
Gobeil & Robeson Barrett (2007)	Reviewed recidivism rates of female offenders in Canada	1) Revocation of conditional release 2) Any new conviction 3) New conviction of a violent offence	2 years post-release
Huebner & Cobbina (in press)	Investigated the effects of drug use on substance abuse treatment and recidivism	1) Any re-arrest 2) Any re-arrest for drug-related charges	4 years after completion of probation and treatment
Hubbard (2007)	Looked at offender characteristics as predictors of completion of cognitive-behavioural treatment and recidivism	Re-arrest or reconviction	Average of 20 months
Jobe (2007)	Studied drug court participation and recidivism	Re-arrest or reconviction of: 1) drug related offences 2) other felonies	1-, 2-, and 5- years following drug court program
Johnson Listwan, Koetzle Shaffer, & Hartman (2009)	Investigated differences in recidivism rates between methamphetamine drug user and non-methamphetamine drug users who attended drug court	1) Re-arrest for any new charge 2) Re-arrest for any new drug-related charge	Average of 2.4 years

Krebs et al. (2007)	Examined the relationship between recidivism and participation in a drug court program versus regular probation	1) Self-report 2) Official police records	30 months
Krebs et al. (2009)	Examined recidivism rates of offenders receiving residential versus non-residential drug treatment	Re-arrest for any felony charge	15 – 75 months
Lovins, Lowenkamp, & Latessa (2009)	Looked at the level of program intensity and recidivism rates for sexual offenders	Re-incarceration for any new offence	2 years (noted that it may have limited that study and suggested 5 year follow-up research should be done)
McNeil & Binder (2007)	Compared recidivism rates of those attending a specialized mental health court versus regular court	1) New charges for any offence 2) New charges for a violent offence	At least 6 months
Nunes et al. (2007)	Relationship between sex offender incarceration (including length of incarceration) and recidivism	Arrest, conviction or incarceration for: 1) Sexually violent crimes 2) Non-sexual offences	Average of 8.1 years post-release
Olver, Wong, & Nicholaichuck (2009)	Compared recidivism rates of treated sex offenders and untreated sex offenders	Reconviction of a sexual offence	2-, 3-, 5- and 10- years post-release
Peterson (2003)	Examined the impact of case screening, case outcomes, and failure to prosecute on recidivism	Official records of re-arrest for: 1) any new offence 2) any new domestic violence offence	18 months post-disposition
Sandler & Freeman (2009).	Examined re-offending rates of female sexual offenders and predictors of recidivism	Re-arrest records for: 1) sexual offences 2) violent offences 3) any felony 4) any crime	1-, 3-, and 5-year follow-up periods

Saum & Hiller (2008)	Relationship between the criminal histories (violent and non-violent) of offenders participating in drug court	Re-arrest for: 1) felonies 2) violent crimes 3) property offences 4) drug-related offences	3 years post drug court discharge
Zgoba & Levenson (2008)	Recidivism rates among sexual offenders in those who received or did not receive treatment	Re-arrest, reconviction and re-incarcerations for: 1) Sexual offences 2) Non-sexual offences	Average of 7 years

## Appendix 5: Justice/Community Stakeholder Interview Schedule

RESOLVE Alberta has contracted with the National Crime Prevention Centre and the Alberta Law Foundation to evaluate the Calgary specialized Domestic Violence Trial Court and monitor the HomeFront First Appearance Court. We are asking a number of key Calgary justice and community stakeholders to share their perspectives on and experiences with HomeFront.

- 1.) Describe your agency and/or organization and what services you provide for those affected by domestic abuse.
- 2.) How is your agency connected/affiliated with HomeFront and/or the justice response to DV?
- 3.) In your view, why initially did the HomeFront specialized first appearance court develop? Prompts:
  - What problems was it developed to address?;
  - What challenges (if any) did it face in getting up and running?;
  - Have there been any ongoing challenges or problems?
  - What has been working well?
- 4.) In general, how would you compare the performance of the justice system before and after the creation of the HomeFront domestic violence first appearance court (started in 2000)?
- 5.) How has it made a difference? *Prompts: Did it make a difference in:*
  - *identifying domestic violence as a societal problem*
  - *faster processing of domestic violence cases*
  - *case outcomes (i.e., recidivism)*
  - *victims*
  - *offenders*
  - *special or diverse populations*
  - *sector collaboration*
- 6.) In your view, what was the rationale for developing the specialized domestic violence trial court in 2005?  
Prompts:
  - What problems was it developed to address?
  - What challenges (if any) did it face in getting up and running?
  - Have there been any ongoing challenges or problems?
  - What has been working well?
- 7.) In general, how would you compare the performance of the justice system since the creation of specialized domestic violence trial court?
  - How has it made a difference?  
*Prompts: Did it make a difference in:*
    - *identifying domestic violence as a societal problem*

- *faster processing of domestic violence cases*
- *case outcomes (i.e., recidivism)*
- *victims*
- *offenders*
- *special or diverse populations*
- *sector collaboration*

8.) Do you have suggestions about how the specialized DV trial court could improve its response to domestic abuse?

9.) When we evaluated the overall justice response to domestic violence and conducted community interviews in 2003/2004, several stakeholders indicated the following as contentious issues. Are these a concern for you today?

Dual charges: has there been a change in the prevalence of dual charges/arrests? (*allow participant to respond*). If yes, to what do you attribute this change? Are there ways in which the justice system could better respond to situations that result in *dual charges/arrests*? If yes, please Explain.

Diversity issues: Are the special needs of clients from diverse backgrounds (*prompts: Aboriginal, immigrant, same-sex, persons with disabilities*) being adequately addressed in the specialized domestic violence courts? Please explain. (*prompts: If not, how can this be improved?*)

**Police** response to domestic violence: Since the specialized court began, have there been changes in the police response? Please explain.

Are the police responding appropriately and effectively in domestic violence cases? How might the police response to domestic violence be improved?

10.) Do you have other comments or concerns about HomeFront and/or the specialized courts (i.e., first appearance and trial)?

11.) Do you have any additional comments or concerns about the broader justice system response to domestic violence?

Thank you for your time.

## Appendix 6: Interview Schedule – Mandated Offenders Paths of Change

### Demographic Data (from file):

Participant ID: \_\_\_\_\_

Age: \_\_\_\_\_

Sex: Male Female

Marital status at the start of group: Single  
Married (living together/apart)  
Common Law (living together)  
Common-Law (living apart)  
Separated  
Divorced

Number of group sessions attended: \_\_\_\_\_

SK: Type of Group: Phase I \_\_\_\_\_; Phase II \_\_\_\_\_; 14 week ongoing

1. Are you currently with the same partner (i.e., incident that led to original charge):  
Yes\_\_\_ No\_\_\_
2. What was/is the length of your relationship with that partner (incident that led to charge?)  
\_\_\_\_\_
3. What is your current marital status? Single  
Married (living together/apart)  
Common Law (living together/apart)  
Separated  
Divorced
4. If in a new relationship, how long have you been together? \_\_\_\_\_
5. Do you have children? No\_\_\_ Yes\_\_\_  
Ages: \_\_\_\_\_  
Primary residence of children: \_\_\_\_\_

### Group Involvement:

6. How did you become involved in the YWCA Paths of Change Men's Group Counselling Program?
7. Did being mandated affect your involvement in the group?
8. Did being mandated affect the impact of the group?
9. Was the group helpful to you?
10. If so, what was helpful about your experience in the group? Prompts:  
What was meaningful? What did you change? What impacted your thoughts / feelings / behaviours about abuse? Did you talk about male and female roles?
11. Was there any aspect of the group that was NOT helpful? If yes, please explain.
12. Did any other factors affect your experience in the group?

13. Could anything have been done differently so that your group experience was more helpful?
14. Did the partner checks affect you in any way?
15. What was it like for you when the group ended?
16. After group, were you involved in any other counselling?
17. Was your partner involved in any other counselling?

**Impact on Behaviour:**

18. Did you continue with a relationship with your partner during group? If yes, what happened in your relationship with your partner during the group? Prompts:  
Did you change your behaviour toward your partner because of the group? What contributed to these changes? What else could have been helpful to changing your behaviour?
19. How have you managed conflict with your partner since being in group?
20. Since the start of group, have you been abusive towards your partner (or new partners?) in any way? If yes, what happened?
21. Has your life changed since the beginning of your group experience? If yes, in what way? What caused these changes? Prompts:
22. Would you say your life is generally better or worse since you started the group?
23. (If still with original partner) Has your partner's life changed since the beginning of your group experience? If yes, in what way? What caused these changes? Prompts: Would you say her/his life is generally better or worse?
24. Have your children noticed any changes in you as a result of being in group? If yes, please describe.

**Comments on Court Process (Old Courtroom 412; New Courtroom 508)**

**Police Intervention:**

25. How did the police become involved? (Prompt: Who called the police?)
26. What happened as a result of the police responding? Prompts: Were you charged? Were you taken away? Were you arrested? Did they refer you to any services?
  - a. Was your partner charged? Was she/he taken away? Was she/he arrested? Did they refer her/him to any services?
27. How did the police treat you? Your partner?
28. Had the police been involved before because of domestic violence? Please explain.
29. What is your opinion of the police response to domestic violence?

**Specialized DV Court (Old Courtroom 412; New Courtroom 508):**

30. What happened at First Appearance or Docket court (e.g., where you enter your plea of guilty or not-guilty or "domestic violence" court or Courtroom 412 or Courtroom 508)? How did you plea?



31. What was the outcome of the first appearance court?
32. Did your case proceed to trial? If so, what happened?
33. What is your opinion of the justice (e.g., Judge, Crown, Defense) response to domestic violence?

Probation:

34. What were the terms of your probation?
35. How was your contact with probation services?
36. What is your opinion of probation in cases of domestic violence?
37. Is there any more that you would like to add with respect to the justice response to domestic abuse?

Addictions Information:

38. When you were charged, were any of the following involved in the incident?  
Alcohol  
Drugs,  
Prescription drugs
39. Is this the only time you've had trouble because of alcohol/drugs/prescription drugs?  
Prompts: Have any of these been factors in other incidents?
40. Are you concerned about your use of the above?
41. If yes, what have you done to address this issue? What kind of progress do you think you're making?
42. If you think you're making progress, why do you think that you're not using as much?  
Did attending the group counselling program help you in dealing with those issues?
43. If no, what makes it clear to you that this is not an issue?
44. Since completing the group, has your use of alcohol or drugs increased, decreased or stayed the same?
45. Have you identified drugs or alcohol use as a problem in your life?
46. If yes, on a scale from 1-5, how much of a problem would you say drug or alcohol use is in your life? (1 being mildly problematic and 5 being extremely problematic)
47. Have either the following affected your relationship with your partner?  
Gambling  
Pornography
48. Was your partner involved with any of these behaviours?
49. Is there anything else you would like to add?
50. If you could give advice to other individuals that have gone through Calgary's specialized domestic violence courts, what would you tell them? Prompt: What do wish you knew back then about the court the court process?

Thank you for your time.