

ROLES AND RESPONSIBILITIES IN A SPECIALIZED DOMESTIC VIOLENCE COURT

Table of Contents

INTRODUCTION

- Background
- Definitions
- Guiding Principles

COORDINATED JUSTICE UNIT

- Calgary Police Service, Domestic Conflict Unit
- Victim Advocate
- Probation Officer in the Specialized Domestic Violence Court
- Probation Officer in the Specialized Probation Unit
- Legal Aid Society
- Legal Aid Society, Legal Aid Officer
- Legal Aid Society, Specialized Duty Counsel
- Crown Prosecutors' Office, Screening Crown Prosecutor
- Crown Prosecutors' Office, The Specialized Crown Prosecutor
- Clerk's Office
- CAPS/Court Security
- Partner Support Coordinator
- Judges in a Specialized Domestic Violence Court

COMMUNITY CONTEXT

- Calgary Police Service, Victim Assistance Unit
- Shelters
- Calgary Legal Guidance (CLG) - Court Preparation and Restraining Order Program (CP/RO)
- Rocky View Child and Family Services - Child Welfare
- Treatment Agencies – Victim/Child Contact
- Treatment Agencies – Offender Treatment

APPENDICES

- Appendix A Safety Planning
- Leaving an Abusive Situation
 - Safety Planning When Choosing to Stay in an Abusive Situation
 - Safety Planning for Youth
 - Safety In Your Home
 - Planning for Safe Contact with Clients
 - Safety Plan for Staff
- Appendix B Risk Factors: Threat Assessment Questions for Field Personnel, Calgary Police Service
- Appendix C Accessibility Factors for People with Disabilities
- Appendix D Accessibility Checklist – Recognizing the Needs of Immigrants and Refugees
- Appendix E A Checklist to Ensure Services Are Accessible for Gay, Lesbian, Bisexual and Transgendered Persons
- Appendix F A Shared Response - Guidelines for Domestic Violence Treatment
- Appendix G Domestic Violence in Aboriginal Communities (under development)
- Appendix H Standardized Documentation
1. Probation - Summary Sheet
Domestic Violence Court
 2. Victim Advocate – Summary Sheet
Domestic Violence Court
 3. Probation Referral for Domestic Violence Offender Treatment Services
 4. Domestic Violence Offender Treatment Service Report on Initial Client Contact
 5. Partner Support Contact Form

INTRODUCTION

Background

Calgary domestic violence agencies have a long history of working together. The Calgary Justice Working Project was achieved through extensive community consultation and discussion. With the support and assistance of the Action Committee Against Violence, The Calgary Justice Working Committee initiated the process that began with an open community forum on violence on February 6, 1998 at which Dr. Stephen Toope, Dean of Law at McGill presented. The forum was followed by a one-day workshop with representatives from law enforcement, probation, Crown, members of the judiciary, family and criminal bar, and community agencies involved with domestic violence services. This conference provided a common framework of understanding and garnered support for a two-day working conference where the framework for the project was developed. Funding for the Calgary Justice Working Project was announced in November 1999 and the Specialized Domestic Violence Court opened on May 29, 2000.

The Roles and Responsibilities document is an initial attempt to clarify the responsibilities of the Coordinated Justice Unit and the community with the goal of providing a justice system that is cohesive, specialized and integrated with community services.

Guiding Principles

The following principles reflect the values of the agencies and organizations involved in the Justice Working Project. These principles serve as a guide to actions and decisions made as through this project.

- It is the right of all persons to live a life free from violence.
- All community members and its institutions and agencies share responsibility for taking action to eliminate violence.
- Safety for the victim, the offender and the community is paramount at all points of justice and treatment intervention.

Definitions¹

- **Domestic Violence**

The Calgary Domestic Violence Committee (CDVC) defines domestic violence as:

... the attempt, act or intent of someone within a relationship, where the relationship is characterized by intimacy, dependency or trust, to intimidate either by threat or by the use of physical force on another person or property. The purpose of the abuse is to control and/or exploit through neglect, intimidation, inducement of fear or by inflicting pain. Abusive behaviour can take many forms including: verbal, physical, sexual, psychological, emotional, spiritual, economic and the violation of rights. All forms of abusive behaviour are ways in which one human being is trying to have control and/or exploit or have power over another.

This definition of domestic violence has been widely accepted in the community. The definition recognizes a life span perspective of domestic violence that includes the abuse of the youngest to the most senior members of our society, in relationships including dating, cohabitating, marital, parent-child, and grandparent-grandchild. The terms domestic violence, domestic abuse and family violence are used interchangeably in this document.

- **Victim, Survivor, Individuals Who Have Experienced Abuse in Domestic Relationships**

The term “victim” recognizes the victimization that occurs in domestic violence and acknowledges the pain that is inflicted by domestic violence. The term “survivor” is used to describe a person who has survived a past relationship where domestic violence was a dynamic. Survivor recognizes the strength required to live through and recover from domestic violence². “Individual who has experienced abuse in domestic relationships” is an alternative to both victim and survivor.

- **Offender, Perpetrator, Aggressor or Individual Who Uses or Chooses Abusive Behaviour**

Different terms are associated with different sectors of service delivery. Justice agencies frequently refer to “offenders”, while many community agencies use the term “perpetrator”. “Individual with abusive behaviour” or

¹ The Calgary Domestic Violence Committee (CDVC) for the CDVC Protocol Project developed the definitions used for the Justice Working Project.

² Adapted from the definition of survivor used by the Health Department of Western Australia, 1998.

“individual who uses or chooses abusive behaviour” is an increasingly popular term that underscores the aspect of responsibility and choice in violent behaviour and reinforces that the abusive behaviour can change. All of the above terms will be found within the following document.

- **Senior, Older Person or Elder**
These terms may be used interchangeably, however senior is used most commonly to respect the term 'Aboriginal Elder'.
- **Client, Consumer**
These terms are used interchangeably.
- **Domestic Violence, Family Violence**
These terms are used interchangeably.

JUSTICE COORDINATION UNIT (JCU)

Calgary Police Service, Domestic Conflict Unit (DCU)

The role of the DCU is to ensure that the Crown has access to a complete and thorough investigation including a criminal background check on the accused and information on risk collected from both the accused and the victim. All paperwork concerning domestic violence matters should be clearly designated as such before being transferred from the Calgary Police Service (CPS) to the Crown Prosecutors' Office.

The DCU will prioritize those cases where the accused is in custody awaiting a Show Cause Hearing. The Domestic Conflict Unit will review the pre-docket each day and the court docket each morning for the specialized domestic violence court and for each case:

- Review the arrest report.
- When risk information from the Calgary Police Service (CPS) Threat Assessment is not complete, contact the victim for risk information.
- Provide to the Victim Advocate:
 - Name and birth date of the accused.
 - Docket and case number.
 - Case synopsis including risk factors identified from the CPS Threat Assessment.
 - Name and contact information of the victim and any children or other dependants residing or present at the time of the incident.
 - Criminal records check on the accused.
 - Other Court Orders (i.e. Protection Orders)
- Request 911 tapes for court.
- Ensure that pictures of injuries sustained by the victim are available for the Show Cause Hearing.

- Review arrest report for information collected on the history of abuse. Ensure the Show Cause is accurately completed.
- Review the arrest report for indications of who was present at the time of the arrest, their relationship to the victim and/or accused and whether they witnessed the abuse.
- Identification of accessibility issues in the arrest report (e.g. cultural issues, disability issues, interpreter, communication devices, transportation needs).
- Complete a Criminal Record Check.
- If there are previous assaults on record, determine if they are domestic violence related (may require contact with outside police departments in other jurisdictions). Request assistance from the Probation Officer to access existing or closed probation files as required.
- Determine if other Court Orders exist. If other orders exist, determine conditions of orders.
- Complete a background check to determine if the police have been to the residence previously. If they have, the Domestic Conflict Unit will locate the reports and review them.
- Ensure that if there are children under the age of eighteen residing with an adult involved in a domestic dispute that this information will be forwarded to Calgary Rocky View Child and Family Services via the Child At Risk Response Team (CARRT). Whenever possible, information forwarded to Calgary Rocky View Child and Family Services should include:
 - Risk factors (threat assessment) identified in the show cause.
 - Whether children witnessed, were present or were directly abused during the current incident.
 - When children were abused or assaulted during the incident, has there been a charge?
 - Role of the children in the abuse, i.e. were children present, has access to the children or the abuse of children been used as a threat in the abuse.
 - Indicate if the children attempted to intervene in the incident.

- Participate in pre-court conference and review Threat Assessment as well as other relevant information.
- Provide required documents to the Probation Officer in the Specialized Domestic Violence Court:
 - Police report.
 - Criminal record.
 - Other relevant background information gathered during the course of their investigation.
- Ensure that parole is notified of any new contact CPS has had with their clients.

In the event that the victim is unwilling or unable to provide information to the CPS or the DCU, it will then be necessary for the DCU to collect independent evidence that will assist the Crown in prosecution. Independent evidence will also be of assistance when the case is scheduled for trial. The evidence may include any or all of the following information.

- Injuries observed by a person other than the victim.
- Medical reports that indicate injuries have been requested or obtained, with the consent of the victim.
- Eyewitnesses to the crime(s).
- Statements from witnesses who heard noises indicating that a domestic violence incident was occurring, i.e., screams, furniture being thrown, etc. or who witnessed the abuse.
- Presence of physical evidence, i.e., weapon, broken furniture, disarray, torn clothes, etc.
- Any and all photographic evidence gathered at the scene or subsequently.
- A complete criminal history of the accused.
- 911 audiotape.
- Reports of prior incidents of family violence by the same defendant.

Victim Advocate

The Victim Advocate will prioritize those cases where the accused is in custody awaiting a Show Cause Hearing. The role of the Victim Advocate is to provide necessary supports to assist victims through the criminal justice system by: helping victims to understand the court process, ensuring victims have the opportunity to provide information to the Crown Prosecutors' Office, identifying how information can be accessed regarding the status of the offender, assisting with safety planning, assessing risk, and providing information and referrals as required.

The Victim Advocate will review the pre-docket each day and the court docket each morning for specialized domestic violence court, and for every case:

- Review the arrest report and any other information collected by the Domestic Conflict Unit. This information will include:
 - Name and birth date of the accused.
 - Docket and case number.
 - Case synopsis.
 - Name and contact information of the victim and any children or other dependants residing or present at the time of the incident.
 - Criminal records check on the accused.
 - Other Court Orders (e.g. Protection Orders)
- Contact the adult victim.
 - The Victim Advocate will introduce themselves. The victim may choose to confirm the identity of the Victim Advocate by taking their telephone number, checking that number with an emergency shelter, the Calgary Police Service Victim Assistance Unit, or Calgary Legal Guidance and calling the Victim Advocate back.
 - When victims are residing in a shelter or are patients in a hospital, the Victim Advocate will:

- Contact the shelter supervisor or the Calgary Regional Health Authority (CRHA) Social Work Department Manager or the CRHA On-Call staff person.
 - Confirm identity by following internal procedure.
- Confirm that the victim has signed a Release of Information form. If the victim has not given permission for the shelter/CRHA staff person to communicate with the Victim Advocate, no information can be communicated.
- When a Release of Information has been completed, the shelter/CRHA staff person will collaborate with the Victim Advocate in providing information to the victim and making appropriate referrals for legal support, financial assistance, advocacy, and treatment.
- When the location of victims is not known, the Victim Advocate will:
 - Contact the Calgary Police Service, Domestic Conflict Unit for a forwarding address.
 - Contact emergency shelter staff supervisors.
- The Victim Advocate will review information on the following with the victim:
 - Role of the Victim Advocate.
 - The advocate is neither a police investigator nor a child welfare worker.
 - Upon a plea or verdict of guilty, the Victim Advocate should explain to the victim what the parameters are of the defendant's sentence.
 - Role of the Specialized Domestic Violence Court.
 - The victim will be informed that they may choose to be present in court. If they choose not to be present the Victim Advocate will communicate information to the Crown Prosecutor and contact the victim regarding the outcome of the Hearing.
 - Limits of confidentiality and the requirements of duty to warn (e.g. risk to children, harm to self and others).

- Caution the victim about discussing the circumstances of the offence. If information is disclosed the Victim Advocate will ask if the information was provided to the police. When information has been disclosed that the police are not aware of, the Victim Advocate will request that this information be provided to the police and will facilitate this process.
- Role of Calgary Rocky View Child and Family Services, who will be notified by the Calgary Police Service when they are aware that a child has been exposed to domestic violence.
- Role of the CPS, Victim Assistance Unit.
- Establish safe contact procedures including alternative contact person.
- Develop a personalized safety plan. For examples of safety plans see Appendix A.
- Assess risk factors as related to present victim (adult and child) safety, see Appendix B.
 - Ask the victim about their concerns and perceptions of risk and safety.
 - Custody Status/Custody Disputes – Check with the Court of Queen’s Bench and Family Court to determine if there are outstanding custody/access issues or access/custody agreements.
 - Determine risk based upon information provided by the victim, victim perceptions, and the information collected by the police since victims of domestic violence do not always accurately assess their own level of risk, the Victim Advocate will share their assessment with the victim and update the safety plan as required.
- Assess risk to children and refer as required.
 - Role of children in the abuse.
 - Children present during the abuse.
 - Children abused or assaulted (sexually, physically or emotionally).

- Behavioural/emotional indicators of a child witnessing or abused.
 - Resources presently involved.
- Assess risk to others in the home and refer as required.
 - If there are seniors or dependent persons in the home assess risk for and refer as required.
- Assess immigration status and facilitate referral.
 - Gather information regarding the victim's immigration status and the status of any sponsorship agreements. Be available to speak on behalf of the victim with Canada Immigration.
- Assess accessibility requirements. For information on assessing accessibility see Appendices C, D, and E.
 - Access interpreters or equipment through the Court Administrator that will allow the victim to communicate effectively throughout the justice process.
 - Disseminate information to the Justice Coordination Unit on specific disabilities, conditions or circumstances, which may impede a victim's ability to participate in the justice proceedings and impact the speedy resolution.
 - Assist members of the Justice Coordination Unit, working with diverse populations, to facilitate their involvement in the legal proceedings and to assist in establishing a network of agencies able to provide culturally appropriate advice, information, and support for victims.
 - Access culturally sensitive legal information and advice.
 - Access culturally sensitive professional and peer support.
 - Explain how the police and other justice representatives can assist victims of domestic violence.
 - Explain that the laws in Alberta require the police to charge the primary aggressor in domestic violence.

- Refer to community services where the service providers understand and can effectively communicate information about the laws and legal consequences of domestic violence for both victims and offenders and can refer to specialized services as required.
- Inform the victim regarding their rights under Canadian law.
- Access support from service providers who understand the dynamics of abuse and the barriers experienced by people with disabilities.
- Assist in locating a caregiver that can provide personal support and assistance to facilitate involvement in the legal process, as required.
- Access information and support, which can be provided to victims in their homes.
- Access plain language resources for people with developmental disabilities and/or low literacy levels.
- Support network. Facilitate assessment and referral.
 - Basic needs assessment
 - Housing (e.g. Emergency Social Services, shelter, housing authority)
 - Financial (e.g. Supports for Independence)
 - Food (e.g. Interfaith Food Bank)
 - Clothing (e.g. Women in Need)
 - Family and community support
 - Legal support
 - Calgary Legal Guidance
 - Court Preparation and Restraining Order Program
 - Legal Consultation
 - Court accompaniment

- Social Benefits Advocate
- Legal Aid Society
- Custody issues
- Calgary Communities Against Sexual Abuse (CCASA)
 - Counselling, Court Preparation and accompaniment for sexual abuse victims.
 - Child Witness Court Preparation Program
- Counselling/Treatment. Facilitate assessment and referral.
 - Information will be provided on counselling programs available and the Advocate will facilitate contact with a treatment agency as required. Consideration will be given to the nature and circumstances of the offence, client choice, program availability, cultural sensitivity, accessibility, and any fees associated with services. Special counselling considerations include:
 - Needs of the children
 - Issues of sexual abuse
 - Alcohol and drug impairment
 - Mental health issues
 - Cultural appropriateness
- For victims who choose to recant their testimony, the Victim Advocate will provide access to information and resources that may support the victim in testifying.
- Prepare a one-page summary of information and participate in pre-court conference to ensure that the Prosecutor, the designated Duty Counsel, and the Probation Officer are aware of information provided by the victim.
- Attend Court and be prepared to respond to questions from the Judge. Information to be provided will include information on victim access to safe housing, resources available to the victim and other information as requested.

- When the victim chooses to attend court, the Victim Advocate will ensure that the victim is accompanied by themselves, a volunteer from the CPS, Victim Assistance Unit, Court and Prisoner Security (CAPS), or Court Security, dependent upon the level of risk to the victim.
- CAPS and/or Court Security will be notified when the victim is present in court and there has been risk factors identified.
- Ensure that the victim is aware of all court proceedings.
 - Assist the victim in understanding what orders have been granted, how they are enforced, and how to inform the justice system of any violations.
 - Encourage victim to contact the Victim Assistance Unit for assistance in completing a Victim Impact Statement.
 - Inform victim that they can contact the Victim Assistance Unit for updated information on the offender's status.
- Following first appearance, contact victim to review the following:
 - Outcome of first court appearance for offender.
 - Safety planning, including safe contact procedures.
 - Referrals and follow-up contact.
- When regular victim contact is a component of mandated offender treatment programs, and with victim consent, the Victim Advocate will provide information on a contact number for the victim to the Probation Officer in the Specialized Domestic Violence Court. When appropriate, the Probation Officer in the Specialized Domestic Violence Court will provide this information to the treatment agency that is providing service to the offender.
- When the offender enters a not guilty plea, the Victim Advocate will:
 - Facilitate referral for the victim to Calgary Legal Guidance Court Preparation and Restraining Order program or the Court Preparation program available through CCASA, depending on the nature of the offence.

- Facilitate a referral for the victim to counselling services for longer-term support, if this has not already been done.
- Victim Advocate will follow-up with each victim within ten working days of the initial contact.

Probation Officer in the Specialized Domestic Violence Court

The Probation Officer is a key player in ensuring that the information flows between the Court and the community.

Review the pre-docket each day and the court docket each morning for the specialized domestic violence court, and for every case:

- Complete a COMIS check to determine if any of the cases currently have status (e.g. bail, probation, pre-trial, conditional sentence or temporary absence).
- If client is currently on supervision the Probation Officer will, where possible:
 - Contact the supervising Probation Officer and determine the category of the current criminal code offence, response to supervision, whether there are any breaches before the Court, if the offender has been involved in counselling and what their response to counselling has been.
 - The Probation Officer will contact the treatment agency and obtain a treatment update and recommendations.
- If the accused was previously on probation or parole, obtain background information. If the accused has an existing or closed probation file from another province, the Domestic Conflict Unit may request assistance in accessing that information.
- Be prepared to provide a verbal summary on each offender, currently under supervision, to the court.
- Participate in the pre-court meeting and present information on relevant cases; refer to Appendix H-1, Probation – Summary Sheet. Make appropriate sentencing recommendations regarding suitability for probation and suggest conditions based on the information collected.
- Attend hearing to respond to questions from the Court.
- In those cases where there is a guilty plea, the Probation Officer may be required to complete a Pre-Sentence Report, which at minimum will include:

- An interview with the client to assess their attitude towards the offence, obtain basic background information and assess motivation to attend counselling. Assess need for ancillary services including communication needs, such as interpreters or equipment.
- Assess need for treatment for addictions based upon circumstances of the offence(s), prior record or information collected during an initial interview.
- Review of the information provided by the Domestic Conflict Unit, Victim Advocate and Duty Counsel, and review risk factors, see Appendix B.
- Recommended conditions of probation.
 - A treatment condition, to commence immediately, should normally be recommended for any domestic assault.³
 - Conditions on contact with the victim(s) should normally be recommended for any domestic assault.
 - As required, conditions relating to treatment for alcohol/drug abuse or abstaining from their use should normally be recommended for any domestic assault.
- Gather the information obtained from the Domestic Conflict Unit, including the risk factors (Threat Assessment/Show Cause), arrest report, and the Victim Advocate's report, and ensure that they are forwarded to supervising Probation Officer. Information will have to be forwarded to appropriate Correctional Centre or Correctional Services Canada if an institutional sentence is imposed.
- After sentencing, the Probation Officer in the Specialized Domestic Violence Court will:
 - Review the Order with the offender, including reporting instructions, special conditions, consequences of non-compliance with any of the conditions, and have the offender sign the acknowledgement stamp to signify their understanding.

³ When sentencing recommendations include a referral for treatment services at Provincial Forensic Services/FAOS, the Probation Officer may need to recommend an extension to the ten day period allowed for the offender to report and to be seen by the service.

- Instruct the offender to establish telephone contact with probation within two working days and to report in person to probation within five working days.
- Instruct the offender to establish telephone contact with treatment agency within two working days with the requirement that the offender will have a scheduled appointment within five working days. In discussion with the offender, match offenders with appropriate treatment options. Consideration will be given to the nature and circumstances of the offence, client choice, program availability, cultural sensitivity and accessibility.
- Offenders referred for treatment services at Provincial Forensic Services/FAOS, may require an extension to the five working days allowed for the offender to be seen by the service.
- Safety/responsibility planning with the offender (i.e. provide a 24 hour help card).
- Complete a written referral to appropriate treatment agency including a summary of information collected for the pre-sentence report. A copy of the written referral form is included as Appendix H-3, Probation Referral for Domestic Violence Offender Treatment Services.
- Provide information on the offender to the supervising Probation Officer. Information obtained by the Probation Officer, Victim Advocate and Domestic Conflict Unit will be forwarded to the supervising probation office within 1 working day.
- Forward the probation order to the CPIC clerk to ensure that the information is entered.

Special Procedures for a Breach of a Domestic Violence Court Order

- If the offender reappears in Court for a breach of a domestic violence Court Order, the Probation Officer in the Specialized Domestic Violence Court will initiate contact with the Crown Prosecutor, Victim Advocate and the offender's Probation Officer, track the progress of the breach, and provide the information necessary for prosecution. To the degree possible, all domestic violence breaches will be heard in the dedicated domestic violence courtroom.

Supervising Probation Officer in the Specialized Probation Unit

Procedures for Collaboration with the Partner Support Program

- The supervising Probation Officer will complete the referral information regarding the victim and forward to the Partner Support Coordinator, within two working days.
 - When victims have not provided consent for a partner contact through the treatment program for the offender, the supervising Probation Officer will notify the Partner Support Coordinator that the Partner Support Program is the primary contact with the victim.
- The supervising Probation Officer will notify the Partner Support Coordinator of any case management decisions (e.g. breaches) that may escalate the risk to victims(s) and/or new partners.
- The supervising Probation Officer will meet with the Partner Support Coordinator monthly to review all Partner Support cases.

Procedures for Collaboration with Treatment Agencies

- Offenders are expected to follow through with the identified treatment agency.
 - The supervising Probation Officer will not consider any requests from the offender to change the designated treatment agency until after the initial assessment is completed or unless information is received from the treatment agency that the offender is not appropriate for services available at the agency. Any exception requires a consultation between the Director of the Treatment Agency and the Chief Probation Officer or designate.
 - Offenders who miss two consecutive appointments at the designated treatment agency will be breached unless there are some mitigating circumstances and approval to defer breach action is granted by the Chief Probation Officer or designate.
- Probation authorities will inform the treatment agency in a timely fashion as to who the assigned Probation Officer is.
 - The treatment agency will advise the Chief Probation Officer by fax, of any offender who fails to make contact or schedule an appointment within a week of their referral or fail to make the first two appointments

scheduled with them or who miss two scheduled appointments in a row. The Chief Probation Officer will advise respective Probation Officers.

- The treatment agencies will provide a short written report to the Chief Probation Officer on each offender at each month end noting appointment dates attended/missed.
- The above communication may be augmented by direct contact between Probation Officers and counsellors/treatment specialists.

Procedures for a Breach of a Domestic Violence Court Order

- Offenders who miss two consecutive appointments at the designated treatment agency will be breached unless there are some mitigating circumstances, and approval to defer breach action is granted by the Chief Probation Officer or designate.
- Probation will submit detailed breaches to ensure that the prosecutors have adequate information on which to base their decisions.
- The supervising Probation Officer will complete a breach report in a timely fashion whenever a violation occurs. Probation Officers will request 'warrants in the public interest' so that charges can be heard as quickly as possible.
- The supervising Probation Officer will case conference with their supervisor if there is a new conviction during the term of probation. Based upon the offender's participation in treatment, response to probation and risk to victim(s) and/or new partner, breach action requesting revocation of the order will be considered.

Escalating Risk

- The supervising Probation Officer will be notified by treatment agencies when escalating risk factors are identified. The supervising Probation Officer will endeavour to ensure that the victim and appropriate agencies working with the victim or offender have been notified of risk identified by the treatment agency. This includes police, the Partner Support Coordinator, shelters or counselling staff that may be working with the victim, Calgary Rocky View Child and Family Services, and other agencies as required.

Legal Aid Society

- Legal Aid will attempt to assign counsel within 48 hours when a client is deemed to be eligible for full coverage.

Legal Aid Society, Specialized Legal Aid Officer

- Complete and fast track all applications for legal aid pertaining to Family Violence Court so that a client will be advised within 48 hours if he/she is either denied coverage or assessed to be eligible for Legal Aid.

Legal Aid Society, Specialized Duty Counsel

- Be available to provide information, advice and representation for the accused, which will expedite justice proceedings.
- Participate in the pre-court conference on behalf of the accused.
- When the accused chooses to represent themselves, Duty Counsel will attend the pre-court conference on behalf of the accused and relay information to the accused.
- Provide information to the accused regarding the impact any conviction may have on the offender's immigration status.

Crown Prosecutors' Office, Screening Crown Prosecutor

If the screening Crown Prosecutor determines a case is domestic violence related, it will be identified as such and referred to the specialized Crown Prosecutor.

Crown Prosecutors' Office, The Specialized Crown Prosecutor

The Calgary Crown Prosecutors' Office participates in the goal of promoting safe communities by the prosecution or resolution of criminal cases so as to obtain outcomes that both deter the offender and encourage rehabilitation. Prosecutors attempt to work with victims to ensure results that reflect their concerns and needs.⁴

Violent behaviour in the home or in domestic relationships is criminal behaviour and it will not be tolerated, minimized, or mediated solely because of its characterization as a "domestic matter."⁵

The following are general statements of the procedures, which will be utilized to facilitate this basic philosophy regarding domestic violence cases:

- The victim in a domestic violence case cannot withdraw charges. The decision whether or not to proceed with prosecution of the case is made by the specialized Crown Prosecutor.
- Charges will be prosecuted if it is determined that there is sufficient evidence to prove the elements of the crime(s) with or without the victim's full involvement.
- The Crown Prosecutor will not offer or agree to reduce a domestic violence charge to a lesser offence unless a thorough investigation determines that the ends of justice are served thereby. This policy recognizes the seriousness of this type of crime, and communicates that criminal behaviour in domestic relationships will not be tolerated.

⁴ Taken from the Domestic Violence Protocol for the Crown Prosecutors' Office, November 1998 developed as a part of the Calgary Domestic Violence Committee (CDVC) Domestic Violence Protocol Project.

⁵ Adapted from: "A Model Judicial Protocol for Family Violence Incidents" for Georgia's Court System, adapted from the 1990 Recommendations from the Family Violence Project of the National Council of Juvenile and Family Court Judges.

- Liaise with existing legal advocacy programs to prepare witnesses to testify in court.
- Immediately and rigorously prosecute all violations of court orders.
- Ensure that the impact of the abuse on the victim or the victim and children is considered in the justice response to the offender.
- Attempt an early resolution of files by negotiated settlements, with a range of possible dispositions, including, guilty pleas, peace bonds, conditional discharges, and conditional sentences which include appropriate conditions.
- Participate in the pre-court conference.
- Conduct bail hearings. Communicate identified risk factors to the Court.
- Communicate information obtained during the pre-court conference to the Court with appropriate release and/or sentencing recommendations, which include victim safety.
- Ensure that any previous Crown file on the accused, containing information on previous convictions, is available for the Court. This may include transcripts of prior hearings.
- In consultation with the Victim Advocate, ensure that the victim is provided with all equipment, interpreters and cultural support required to facilitate their testimony as a witness.
- Crown Prosecutors will not disclose information that will jeopardize the safety of the victim.
- Be resource persons for other Crown Prosecutors who have been assigned to prosecute the case at trial.

Sentencing Recommendations

Every sentence in a domestic violence case should hold the offender accountable, and:

- In appropriate cases, order domestic violence treatment.
- Require an alcohol and drug evaluation where appropriate, and mandate successful completion of treatment.

- Provide for supervision and monitoring of compliance of all conditions through the Specialized Probation Unit.

All repeat violations of domestic violence should result in substantial additional sanctions or penalties for the offender.

- Review all orders to ensure that conditions are appropriate. In those cases where conditions are not considered appropriate, steps will be taken to refer the matter back to the Court for review.
- Prosecutors will request a term of probation to follow incarceration on all breaches to ensure that there is a means of mandating the client to treatment and exerting some controls over the client upon release.

Procedures for a Breach of a Domestic Violence Court Order

- Crown Prosecutors will not allow breaches of Court orders to be continually remanded.

Pre-Trial Procedures

Clerk's Office

- The Courtroom Clerk will ensure the docket for the specialized domestic violence court will be faxed to the Victim Advocate, the CPS Domestic Conflict Unit and Probation two days prior to the court date. Fax numbers have been provided by both agencies.
- Courtroom Clerk will ensure that domestic violence files, identified by the Crown Prosecutors' Office, are pulled from other courtrooms.
- Courtroom Clerk will perform all required duties in the courtroom as per current procedures.
- Clerk's Office will ensure that the add-on docket is available for pick-up by the Victim Advocate and Probation by 8:00 AM daily or as soon as possible. Pick-up will be at the 5th floor Clerk's counter.
- Clerk's Office will ensure all court orders are entered into the CAP computer system daily. This will allow the information to be transmitted to the CJIS computer system each night and allow for retrieval of information by those agencies that currently have access to the CJIS system.
- The Clerk's Office will type Orders from specialized domestic violence court as a priority each day. Probation will be notified when these orders are available for pick-up.

Court and Prisoner Security (CAPS)/Court Security

- When the victim chooses to attend court, the Victim Advocate will ensure that the victim is accompanied by themselves, a volunteer from the CPS, Victim Assistance Unit, Court and Prisoner Security (CAPS), or Court Security, dependent upon the level of risk to the victim.
- CAPS and/or Court Security will be notified when the victim is present in court and there has been risk factors identified.

Partner Support Coordinator

The goal of the Partner Support Program is to increase safety and empowerment for domestic violence victim(s) and for new partners of offenders presently under supervision through Alberta Justice. Increased safety and empowerment will be accomplished through validation, providing information on abusive behaviour, assisting with ongoing safety planning, and providing support to the victim(s) and/or new partner.

- The Partner Support Coordinator will obtain a copy of all new intakes each day and for each intake will:
 - Complete the Partner Support Contact Form (see Appendix H-5).
 - Review the summary completed by the Victim Advocate including risk factors, issues identified and referrals completed.
 - Initiate contact with the victim(s) and/or new partner as soon as possible.
 - Maintain contact with the victim(s) and/or new partner for the duration of the supervision.
- The Partner Support Coordinator will meet with the supervising Probation Officer monthly to review cases.

Escalating Risk

- When the Partner Support Coordinator/volunteer identifies an escalating risk of violence, the following steps will be taken:
 - The victim(s) will be notified of any risk factors identified and their safety plan modified as required.
 - The supervising Probation Officer will be notified of any risk factors identified by the Partner Support volunteer/Coordinator.

Judges in a Specialized Domestic Violence Court

Judges provide leadership in their courts and in their communities to ensure that domestic violence cases are effectively managed. In their leadership role, Judges advocate protection of victims and children from violence, strict accountability and treatment for offenders and provision of resources to families affected by domestic violence⁶.

Information on domestic violence is important for Judges to understand the dynamics of abuse and to become more aware of the barriers facing victims including gender and cultural bias.

Judges will ensure that the victim is provided with all equipment, interpreters and cultural support required to facilitate their testimony as a witness.

Judges should have the Threat Assessment (see Appendix B) information available to them for consideration in sentencing or disposition, as well as:

- Victim impact and input
- Drug, alcohol and mental health evaluations where appropriate
- Information about children and others living in the home who may be affected by abuse

Judges may wish to set cases for periodic review whether or not a violation has been reported. Ultimately, accountability requires that each infraction be noted in the record and responded to appropriately by the Judge.⁷

⁶ Adapted from: "A Model Judicial Protocol for Family Violence Incidents" for Georgia's Court System, adapted from the 1990 Recommendations from the Family Violence Project of the National Council of Juvenile and Family Court Judges.

⁷ Adapted from: "A Model Judicial Protocol for Family Violence Incidents" for Georgia's Court System, adapted from the 1990 Recommendations from the Family Violence Project of the National Council of Juvenile and Family Court Judges.

COMMUNITY CONTEXT

Calgary Police Service, Victim Assistance Unit

There is a need for consistent information and messages to be given to victims of domestic violence therefore the first contact with a victim will include the following:

- Support the victim.
 - Abuse is the responsibility of the abuser, allow the victim the opportunity to tell their story, respect the uniqueness of the situation and the victim's right to self-determination.
- Assist with safety planning.
 - Both adult and child victims will require assistance in developing individualized safety plans.
 - With the consent of the victim, assist in contacting a shelter crisis counsellor for assistance with a safety plan. Contact the shelter, identify that you are a VAST volunteer, request that the shelter assist with safety planning.
- Refer victims to Calgary Legal Guidance Court Preparation and Restraining Order Program.
- Provide victims with the 24-Hour Help for Everyone card (or the utility insert, Abuse Hurts) if you are seeing the victim in person. This card provides a brief safety plan and emergency numbers.
- Advise the victim that the Victim Advocate from the Justice Project will contact them and provide them with the Victim Advocate information card.
- Identify accessibility issues (language, communication, requires caregiver/ attendant, mobility, cultural issues) and notify the Victim Advocate.
- When the victim requires medical attention, the victim may choose to use an alias for the ambulance and/or while at the hospital because of safety considerations.
 - The Victim Assistance Unit will inform the Victim Advocate of the alias.

- Advise Victim Advocate of specific actions, if other than above and of accessibility issues specific to the victim.

Shelters

Crisis counsellors will maintain a current phone number for the Victim Advocate to assist victims attempting to verify the phone number of the advocate. When victims enter the shelter and it is determined that there will likely be contact with the Specialized Domestic Violence Court, the following actions will be taken:

- Information will be provided on the Specialized Domestic Violence Court.
- Information will be provided on the role of the Victim Advocate.
- Shelter staff will request that victims sign a Release of Information that allows staff to disclose to the Victim Advocate the following:
 - Location and/or contact number of the victim.
 - Referrals made by the treatment agency for services for the victim and/or the child victim.
- Victim wishes regarding interagency information sharing will be respected.

Calgary Legal Guidance (CLG) - Court Preparation and Restraining Order Program (CP/RO)

Calgary Legal Guidance presently provides legal services, advocacy, safety planning and support for victims of domestic violence. This role will not change with the Specialized Domestic Violence Court; rather the Victim Advocate will facilitate referrals to ensure that those victims requiring legal services, advocacy and support beyond the first appearance are connected to services at CLG.

- With the verbal consent for the release of information, the advocate will contact CLG or CP/RO Program with the victim referral information.
- The CP/RO Program social worker will contact the victim to make an appointment to meet with the lawyer and the social worker.
- Appointments are face-to-face with the victim, lawyer and social worker at CLG. Follow-up will continue with the victim throughout the court process. The appointment with the social worker/lawyer team will provide:
 - Legal advice (lawyer), information on legal process, expectations, rights
 - Victim information, assessment and support
 - Safety planning (social worker)
 - Basic needs assessment and assistance, i.e. taxi food and clothing vouchers, etc.
 - CP/RO Program social worker will facilitate referrals, if needed to: Protection Orders (CP/RO Lawyer), CLG social benefits advocacy program (CLG staff advocate); legal services (CLG staff lawyer), facilitate other referrals if needed or requested.
- CP/RO Program social worker and lawyer provide ongoing information, safety planning and support to the victim through out the court process.
- CP/RO Program social worker or CPP volunteers provide court accompaniment when the victim is subpoenaed to court.
- CP/RO Program lawyer and social worker will facilitate court information sessions for victims if the accused enters a not guilty plea.

- CLG or CP/RO Program social worker or lawyer will confirm the telephone number of the Victim Advocate if the victim calls for confirmation of the number.
- When CP/RO Program or CLG cannot contact a referral, this information will be given back to the Victim Advocate for follow-up.
- A signed release of information will be requested of the victim before any information is to be disclosed.

Rocky View Child and Family Services

Calgary Rocky View Child and Family Services is committed to ensuring the safety and well being of children and recognizes that the majority of child abuse occurs in the context of domestic relationships and the high correlation between spousal abuse and child abuse.

- Contact the Victim Advocate regarding referrals from the Calgary Police Service where there have been domestic assault charges. The Child at Risk Response Team (CARRT) will notify Calgary Rocky View Child and Family Services of all domestic incidents that the police attend where children under the age of eighteen are exposed to domestic violence.
- Calgary Rocky View Child and Family Services will contact the Victim Advocate when Calgary Rocky View Child and Family Services has determined that children are at risk and that an investigation will occur and/or a Calgary Rocky View Child and Family Services worker is presently involved with a child. The Victim Advocate will provide an update on the following:
 - Safety plan.
 - Offender plea.
 - Sentence, conditions and agency supervising the conditions.
 - Referrals made by the Victim Advocate.

Treatment Agencies⁸ – Victim/Child Contact

When victims contact family violence treatment agencies and it is determined that there will likely be contact with the Specialized Domestic Violence Court, the following actions will be taken:

- Information will be provided on the Specialized Domestic Violence Court.
- Information will be provided on the role of the Victim Advocate.
- Treatment agency staff will request that victims sign a Release of Information that allows staff to disclose to the Victim Advocate the following:
 - Contact number of the victim.
 - Referrals made by the treatment agency for services for the victim and/or the child victim.
- Victim wishes regarding interagency information sharing will be respected.

⁸ Family violence serving agencies address the issues of violence and abuse directly and not as a peripheral issue.

Treatment Agencies⁹ – Offender Treatment

Treatment agencies will identify the client population they treat most effectively and will update the Probation Officer, located at the Specialized Domestic Violence Court, of program availability. This information will facilitate treatment referrals by probation. Considerations for referring offenders to specific treatment agencies will be given to the nature and circumstances of the offence, client choice, program availability, cultural sensitivity and accessibility. Mandated offenders will not be referred to educational programs for the primary component of mandated treatment. Ongoing partner contact is a required element of domestic violence treatment for offenders.

- Offenders will be instructed by the Probation Officer at the Specialized Domestic Violence Court to establish telephone contact with treatment agency within two working days with the requirement that the offender will have a scheduled appointment within five working days.
- The treatment agency will be informed by the Probation authorities in a timely fashion as to who the assigned Probation Officer is. Treatment agencies will complete the Domestic Violence Offender Treatment Service Report on Initial Contact, Appendix H-4, and fax to the Probation Officer.
- The treatment agency will advise the Chief Probation Officer by fax, of any offender who fails to make contact or schedule an appointment within a week of their referral or fail to make the first two appointments scheduled with them or who miss two scheduled appointments in a row. The Chief Probation Officer will advise respective Probation Officers.
 - The treatment agencies will provide a short written report to the Chief Probation Officer on each offender at each month end noting appointment dates attended/missed.
 - The above communication may be augmented by direct contact between Probation Officers and counsellors/treatment specialists.
- Treatment agencies will receive the referral from the Probation Officer at the Specialized Domestic Violence Court. The referral (Appendix H-3) will include a summary of the following information, whenever possible:
 - Risk assessment information as completed by the Probation Officer in the Specialized Domestic Violence Court.

⁹ Family violence serving agencies address the issues of violence and abuse directly and not as a peripheral issue.

- History of probation including other victim offences (e.g. impaired driving, fraud, violent offences), history of mandated treatment and outcome, history of breaches.
- The Probation Officer in the Specialized Domestic Violence Court will provide information on a contact number for the victim to the treatment agency with the consent of the victim. When victim consent is not forthcoming, notify the Partner Support Coordinator that they will be the primary contact with the victim.
- A copy of the Court Order, including conditions.
- AADAC does not require all the above information to work effectively with mandated offenders. AADAC requires an AADAC Release of Information signed by the offender, authorizing contact between the AADAC counsellor and the Probation Officer. Probation Officers have copies of the release for offenders to sign. This will be faxed to AADAC prior to contacting the agency for information.
- Treatment agencies receiving any information about partners/victims will maintain that information separately, as required by agency protocol, for partner contacts/safety checks.¹⁰
- When an offender is assessed by the designated treatment agency as not appropriate for services, the treatment agency will immediately contact the Probation Officer with this information.
- Treatment agencies require that the client provide consent for partner contact and for collaboration with other agencies as required to enhance the safety of the victim(s) as a condition of participation in domestic violence treatment for offenders. If the client refuses to consent or withdraws their consent during the period of treatment, the Probation Officer will be notified that the offender is no longer participating in domestic violence treatment.^{11 12}

¹⁰ Domestic violence assessment and treatment programs through the Provincial Forensic Services/FAOS and other Calgary Regional Health Authority (CRHA) programs are not able to maintain separate files for partner contact unless the partner is being seen through the same program and has an existing file/chart. However, if the offender requested to see their chart the Freedom of Information and Protection of Privacy Act (FOIPPA) ensures that any information recorded in the chart that does not directly concern the chart owner will be severed from the chart before the chart is released.

¹¹ Provincial Forensic Services/FAOS does not require the consent of the client when ordered by the Court to prepare a court report. If the client refuses to give permission to contact collaterals, especially

- Treatment agencies will advise the Chief Probation Officer by fax, of any offenders who missed two scheduled appointments in a row or where a pattern of missed appointments is apparent. The Chief Probation Officer will advise respective Probation Officers. Treatment will be terminated for offenders missing two consecutive appointments.
- When the treatment agency working with an offender identifies an increased risk of violence, the following steps will be taken:
 - The victim(s) will be notified of any risk factors identified by the treatment agency and their safety plan modified as required.
 - The supervising Probation Officer will be notified of any risk factors identified by the treatment agency.
 - Whenever possible and appropriate, the treatment agency will develop a safety plan with the offender to assist the offender in monitoring their own behaviour.

the victim, then Provincial Forensic Services/FAOS will contact the specialized Crown Prosecutor for permission.

¹² Provincial Forensic Services/FAOS requires a signed consent from the client in order to release information to other agencies, unless the release is consistent with the purpose for which the information was collected.

Appendices

Appendix A	Safety Planning <ul style="list-style-type: none">• Leaving an Abusive Situation• Safety Planning When Choosing to Stay in an Abusive Situation• Safety Planning for Youth• Safety In Your Home• Planning for Safe Contact with Clients• Safety Plan for Staff
Appendix B	Risk Factors: Threat Assessment Questions for Field Personnel, Calgary Police Service
Appendix C	Accessibility Factors for People with Disabilities
Appendix D	Accessibility Checklist – Recognizing the Needs of Immigrants and Refugees
Appendix E	A Checklist to Ensure Services Are Accessible for Gay, Lesbian, Bisexual and Transgender Persons
Appendix F	A Shared Response -Guidelines for Domestic Violence Treatment
Appendix G	Domestic Violence in Aboriginal Communities
Appendix H	Standardized Documentation <ul style="list-style-type: none">• Probation - Summary Sheet Domestic Violence Court• Victim Advocate – Summary Sheet Domestic Violence Court• Probation Referral for Domestic Violence Offender Treatment Services• Domestic Violence Offender Treatment Service Report on Initial Client Contact

Appendix A

Safety Planning

Safety planning must take into account the specific circumstances and abilities of each individual. All or some of the information may be helpful in planning for safety. For a personalized safety plan, please contact an emergency shelter for assistance.

Leaving an Abusive Situation¹³

1. If possible, pre-program emergency numbers into your phone (i.e. 911).
2. Keep a phone in a room you can lock from the inside.
3. Plan an escape route out of your home; teach it to your children.
4. Try to put away a little money at every opportunity, even enough for a phone call. If possible, an extra key to a vehicle should be hidden.
5. Gather important papers (both your own and your children's) birth certificates, social insurance numbers, citizenship and/or immigration papers, Alberta Health Care, immunization records, etc. Put these in a safe place, preferably outside your home, such as a safety deposit box or with a trusted friend.
6. Put together a suitcase of essential items such as clothing and medicines and store them in a safe place. Make plans for any pets that you have that you are unable to take and that you cannot leave behind. If you have no place to leave your pets and this will prevent you from leaving, mention this to the shelter when you call.
7. Have a list of shelters and phone/TTY numbers accessible but hidden. If you are ready to leave, keep checking to see if there is space for you and your children. If possible, check to see if the shelters are barrier free, for your needs.
8. Ensure that some form of emergency transportation is available upon request. This may be through a friend or through community supports.
9. Work out a code word that can be used on the phone with a person that is trusted. The code could mean to contact the police or to inform them that you are leaving.
10. Look at options for safe places (a friend, neighbour, a relative, motel, emergency shelter). If you can do so safely, contact the people in advance to let them know you are coming. This allows them to watch for you and call for help if needed. Do **not** go to a friend or relatives house if your partner is likely to try to find you there. This can be dangerous for you and those trying to assist you.
11. Whenever calling a shelter or other resources, phone another number or press several numbers randomly immediately afterwards, so that your partner/caregiver cannot press the redial button and find out whom you've been speaking with.
12. If you have a support person that your partner/caregiver is not aware of, keep that person's name and address confidential.

¹³ Adapted by the CDVC Protocol Project with permission from the Partner Contact Volunteer Training Manual, by Karen Walroth, MSW, Alberta Justice. Adaptations for people with disabilities provided by Mark Iantkow, Independent Living Resource Centre of Calgary.

The abused may wonder whether to tell their partner/caregiver they are leaving. In cases where there has been physical abusive or extremely controlling behaviour, telling the abuser can seriously endanger the abused. Many abusers become increasingly violent when they fear their partner is leaving or they are losing their control over them. Violence may escalate as victims attempt to leave their abusive partner.

Safety Planning When Choosing to Stay in an Abusive Situation

If you choose to stay, there are some steps that can be taken to increase your safety if an abusive incident occurs. Even if all of these precautions are followed, your safety cannot be guaranteed. Remember you do not deserve to be hurt or threatened.

1. If an abusive situation seems likely, try to avoid rooms with access to weapons (knives, heavy objects), and with only one exit. Avoid the kitchen and bathroom areas.
2. Don't run to where the children are or your abuser may hurt them as well.
3. Talk to a neighbour or friend that you can trust and arrange a signal or code for when you need help.
4. Teach your children not to intervene in the violence. Teach them a code for when you need them to get help.
5. Have an emergency bag packed and hidden in an accessible location. Have the numbers of the shelters and police, identification, a few items of clothing and money for the phone and/or transportation. Have an extra set of car keys or enough money for a taxi or bus fare. Keep your important papers for you and your children including Alberta Health Care numbers, birth certificates, custody agreements and passports. Practice getting out of the house with your children.
6. Children should be told that violence is not okay, even when the abuser is someone that they love. Tell your children that the targets of violence are not at fault. Neither you nor they are at caused the violence. The most important thing is for children to be protected and to protect themselves.

Safety Planning for Youth

If you are in a violent relationship or someone you trust is being abusive to you, the following are some steps that you can take to increase your safety.

1. If there is an emergency, call 911.
2. Decide whom you are best able to talk to about the abuse. It may be a teacher, counsellor, police officer, parent or relative.
3. If you are unable to approach an adult on your own, you might find it more comfortable to bring a trusted friend with you.
4. If you would like to talk to someone anonymously, you can call the Distress Centre Teen Line (266-8336).
5. If have been in a violent dating relationship ask your counsellor about the Non-Abusive Futures Group. These groups are for youth that have witnessed violence,

been abused or who have been abusive towards others. Groups are run in many schools and in the community.

6. Calgary Communities Against Sexual Abuse (237-5888) is available if you have been sexually abused in any way.
7. If you are under the age of eighteen and you are living with your abuser, call one of the emergency shelters and talk to them about a safety plan.
8. Rocky View Child and Family Services (270-5335) can help you if you are under the age of eighteen, you are being abused, you have nowhere to go and you are frightened.

Safety in Your Home ¹⁴

Emergency shelters have trained staff available 24-hours to talk to you about protecting yourself and your family. Crisis staff can direct you to resources for assistance in accessing protection orders. They can also help you to develop a personalized safety plan.

1. Get a protection order from the court:
 - Keep it with you at all times;
 - Inform friends, neighbours and employers that you have a protection order in effect;
 - When there are provisions on the order regarding contact with children, give a copy of the order to the school and/or daycare providers;
 - Always call the police to enforce the order even for the slightest violation;
 - Develop a safety plan with your children; and
 - Plan alternative ways to keep safe if the police do not respond right away.
2. If your abuser is leaving:
 - Change your locks on your home and add dead bolts;
 - If you are in an apartment, do not have a room on the ground floor;
 - Change your phone number;
 - Change your routine and schedule (grocery shopping, medical or dental appointments, children's lessons);
 - Change your work hours and the route you take to work;
 - Change the route you take your children to school;
 - Teach your children not to open the door to the abuser;
 - Talk to the emergency shelter about the availability of an alarm system;
 - Keep a telephone in a room in your home that locks from the inside; and
 - If possible, have cellular phone that is pre-programmed to 911 or to the number of a friend or relative, the Victim Assistance Unit with the Calgary Police Service has cellular phones for victims of domestic violence.
3. If you leave:

¹⁴ Adapted from: *Domestic Violence Safety Plan*, New Hope for Women, Rockland, ME. The National Victim Center (1995). *Safety Strategies for Domestic Violence Victims* and from *Safety Planning for Lawyers*, American Bar Association Commission on Domestic Violence (www.abanet.org/domviol/safelaw.html).

- Consider renting a post office box for your mail or using the address of a friend;
 - Addresses may be listed on legal orders and police reports and can be accessed by your abuser, request that addresses and phone numbers be kept confidential;
 - Be careful to whom you give your new address and phone number;
 - Change any appointments your abuser was aware of (medical or dental appointments);
 - Shop at different stores and frequent different social spots so that your abuser will be less likely to find you;
 - Change work hours if possible; and
 - Change the car you are driving, or switch cars with a friend or relative.
4. Alert school authorities of the situation, and that there is a protection order. The shelters can also provide a referral to the school-shelter liaison to assist your children's teachers in understanding the needs of children who have witnessed abuse.
 5. Consider changing your children's school.
 6. Alert neighbours of the situation, and request that they call the police if they feel you may be in danger. Show neighbours a picture of the abuser and the car the abuser may be driving in order to alert you or the police.
 7. Replace doors with solid-core wood, steel or metal doors. Install security systems, if possible.
 8. Install motion sensitive lights that light up when a person is coming close to the house.
 9. Tell your co-workers about the situation and if possible, ask them to assist you in screening all calls you receive during working hours.
 10. Explicitly inform your children's caretakers about who is allowed to pick up the children, who are not, and what to do if someone, who does not have permission, attempts to pick up the children.
 11. Call the telephone company and ask about "Caller ID", so that you can identify the telephone number of anyone attempting to call you. Ask that your phone be blocked, so that if you make the phone call, no one will be able to get your new, unlisted phone number.

Planning for Safe Contact with Clients¹⁵

Contacting clients by telephone:

- Block identification of your number by dialling *67 before dialling the client's telephone number;
- Ask for the client;
- Speak only to the client;
- Do not leave messages for the client with other members of the household, on answering machines, voice mail, or Email unless directed to do so by the client;

¹⁵ Adapted from *Safety Planning for Lawyers*, American Bar Association Commission on Domestic Violence (www.abanet.org/domviol/safelaw.html).

- If questioned by someone other than the client, do not indicate who you are or which agency you are calling from.

Speaking with clients on the telephone:

- Ask if it is a safe time to talk;
- Ask if you should call the police.

Contacting clients through the mail:

- Do not send mail to clients without information from the client that it is safe to do so;
- For new clients, when practices for safe communication have not been established, write the client a letter requesting a response without identifying who you are or which agency you are employed by (do not use letterhead).

Accompanying clients to court:

- Arrive early so that the client is not alone with the abuser;
- Position yourself between the client and the abuser when speaking to the client;
- Do not permit the abuser or friends or family members of the abuser to speak to the client, request that contact occur through legal representatives for both parties;
- When the client is exiting the building be aware that the abuser may attempt to follow.

Safety Plan for Staff

Be aware of your safety. Staff should always take precautions to ensure their own safety. If you are concerned about meeting with a client, for whatever reason, take the following steps:

- Talk to a supervisor or co-worker about your concerns;
- See the client with another staff person;
- Meet with the client in a space that can be seen by others or leave the door to your office slightly ajar so that any signs of distress can be heard by other staff;
- Sit close to the door so that the client cannot block your exit;
- Make arrangements for another staff person to call you at pre-arranged intervals to ensure your safety;
- Have a signal or code to use if you require help;
- Do not meet with the client outside of your office or after hours; and
- Have another staff person or the security guard walk you to your car if you are concerned that the client may attempt to speak with you outside of the office.

If you feel you are being harassed or are frightened of your client, contact the police to discuss your concerns.

Appendix B

Risk Factors¹⁶

Threat Assessment Questions for Field Personnel, Calgary Police Service

1. **Current** status of the relationship? **History** of separations? During past separations, has the offender **stalked** or **harassed** the victim?
2. **History** of **violence or abuse** in the relationship - physical, sexual, verbal, financial and emotional abuse. Has the abuse **escalated** during the last 12 months? Has the abuse ever required medical treatment?
3. Has the offender ever hurt, injured, or threatened to hurt the **victim, a family member**, another person or an **animal**?
4. Has the offender ever used **weapons** against the victim, **threatened** the use weapons, own a firearm or have plans of acquiring a firearm?
5. Are there any **children** under the age of 18 who have witnessed the abuse or who have been abused by the offender? Has **Child Welfare** ever been involved with this family?
6. Has the offender **abducted** or threatened to abduct the children?
7. Offender **employment**. Has the employment history of the offender changed during the previous 12 months or become less stable?
8. What is the offender's current status with the **legal system**? Has the offender ever **violated** a court order, including any no contact orders, peace bonds or restraining orders?
9. Have **drugs or alcohol** ever been a problem for the offender? Does the offender have a history of **mental illness**? Has the offender ever considered **homicide or suicide**?
10. Other considerations: Current **emotional crisis** or loss of **social support network**; history of **torturing** or **disfiguring** intimate partners; sexual **sadism**; extreme minimization or **denial** of assaultive history.

¹⁶ The risk factors identified in this document do not constitute a complete list of factors that contribute to risk in domestic violence. Nor does this list imply that an accurate assessment of risk is possible based upon the presence or absence of any of these factors.

Appendix C

Accessibility Factors for People with Disabilities¹⁷

The Alberta Building Code exists to ensure that buildings with public access are barrier free for a range of disability needs. This is the only code beyond the National Building Code that is mandated by our provincial government for standardized construction. For specific requirements see the “Barrier-Free Design Guide, 1999”.

The following is a list of ways that a facility/service can become more accessible. Although not all of the following conditions are mandatory, it is preferable to include as many as possible.

1. Mobility

- Wheelchair accessibility
- Attendant Care
- Willingness of service to travel (outreach)
- Accessible Transportation (Accessible Taxi, Special Needs Taxi, Calgary Handibus)

In public buildings elevators and washrooms must be accessible. For information regarding buildings that are designed to offer residential placement for persons with disabilities, please see pages 48-59 in the “Barrier-Free Design Guide, 1999”.

Main Aspects to consider:

- Entrances
 - Complete access from sidewalks to entrances
 - Direct parking/access from parking to entrances
 - Ramps
 - Doorways
- Doors and hallways
- Kitchens
 - Best if cupboards, counters and appliances can be re-arranged
 - Open floor space of at least 1500 mm

¹⁷ Adapted from material developed by Education Wife Assault, Directory of Services for Abused Women with Disabilities and Deaf Women, Ontario, 1997.

- Dining rooms
 - Best if dining room furniture can be re-arranged as needed
- Washrooms
 - G-Bars
 - If cubicle, door must open out
 - Knee space under lavatory
 - Levers/handles on faucets
 - Towel and soap dispenser reachable
 - No overhead or “side” hazards in paths of travel
 - Sloped mirror over lavatory, or long mirror
 - G-bars, Toilet tissue dispenser properly situated to water closet
 - Room for side transfer to water closet (if two or more barrier-free washrooms exist, ensure a selection for transfers from the left sides and right sides of water closets)
 - Coat hook on sidewall of cubicle not on back of cubicle door

In terms of private residential buildings, barrier-free designs are usually created in a way that the person prefers or needs.

2. Deaf/Hearing impairments

- ASL (American Sign Language)
- TTYs (Teletypewriters) or also called TDDs (Telecommunications Devices for the Deaf)
- Captioning/amplification devices (closed or open captioning for videos or T.V.)
- Assistive Listening Devices (listening systems used in large rooms for example an auditorium)
- Adaptive Devices for Communications
 - Vibrating alarms
 - “Tri-Flash” lights to know when a person is knocking at the door
 - Visual fire alarms

3. Blindness/Low Vision

- Braille
- Large print
- Audiocassette
- Computer diskette
- Allowance for guide dogs and areas to park dogs (dog runs)
- Lighting
- Audible queues

- Tactile queues
 - Colour/Contrast queues
4. Intellectual Disabilities
 - Plain language materials
 - Communication support
 - Concrete materials for teaching such as pictures, toys, pencils, crayons etc...
 - Wording and directional symbols on signs must be concise
 5. Mental Health Disabilities
 - Training in supportive response, de-escalation, administration of medications
 6. Communication Disabilities
 - Blissboard
 - Interpretation
 7. Allergies
 - Perfume and smoke free environments
 - Careful preparation of food

Prepared by Kelli Moorey
The Independent Living Resource Centre of Calgary
Crime and Violence Prevention Project
E-mail: ilrcc@cadvision.com

Accessibility Checklist – Recognizing the Needs of Immigrants and Refugees

Calgary has always been a multicultural city. Agencies must meet the challenges posed by cultural and other forms of diversity. All agencies can benefit from the learning and from the joy of improved service delivery. Multicultural organizational change consists of complex tasks that demand open hearts and minds and hard work. This checklist is meant only as an introduction to some of the issues facing immigrants and refugees needing help with family violence.

1. Is your service multilingual?

Agencies that only operate in English create a language barrier for clients. Some newcomers to Calgary are new to the English language. Others lose their command of a second language in a crisis, or simply prefer same-language services to grapple with difficult issues. Does your agency:

- Offer trained, skilled and confidential interpretation services at every point of contact for the client?
- Train staff to work with an interpreter?
- Make arrangements for same-language services wherever possible?
- Train staff to work with someone who is not fluent in English but does not want an interpreter or same language services?
- Translate important written information?
- Inform people in various communities about the steps your agency has made to be more accessible?

2. Is your service multicultural?

Family violence is a human problem found in most societies in the world. And yet people are discouraged from coming forward for help if they feel their community will be stigmatized. Does your agency:

- Maintain a diverse board, staff and volunteer force?
- Develop collaborations with other agencies to improve cultural capacity?
- Train board, staff and volunteers in cross-cultural and anti-racism issues?
- Develop strong understandings of dynamics of family violence in various cultural communities?

3. Do you outline the philosophy and purpose of your service?

While all communities have ways of addressing family violence, Canadian responses may be unfamiliar to newcomers. Lack of information leads to misunderstanding. Does your agency:

- Provide background information, outlining the service and its fundamental philosophies?
- Seek out the misperceptions of your service so you can address them?

- Work to build trust in various communities?

4. Are you informed about immigration laws and policies?

You want to avoid clients having to educate you when they are in crisis. Does your agency:

- Educate board, staff and volunteers about the laws and policies that most affect family violence? Examples include:
 - Family class immigration,
 - Sponsorship regulations and rights,
 - The process of gaining citizenship, and
 - How to get services for those whose sponsorship agreement has broken down due to family violence

5. Are you informed about the journey of becoming ‘at home’ in a new country?

Settling in a new country can put great pressure on individuals and families. Canadian laws and service gaps can add to that pressure. Does your agency:

- Educate board, staff and volunteers about the processes of settlement, adaptation and integration?

6. Are you aware of community resources?

Calgary has many resources available to help immigrants and refugees. Does your agency:

- Keep an up-to-date list of immigrant serving agencies, ethno-specific community associations and language-specific service providers?
- Meet with these service providers on a regular basis to share information?
- Monitor referral processes to see if your agency is using these resources?

7. Are you tracking equity and effectiveness?

Asking the right questions helps develop the right answers. Does your agency:

- Build indicators into programs and evaluations to monitor for differential impact on various communities?
- Monitor the numbers of immigrant and refugee clients who use your service to see if your accessibility strategies are working?

8. Are you accountable to the wider community?

Communities are resources of help and guidance. Does your agency:

- Involve communities in the design, delivery and evaluation of programs?
- Regularly dialogue with grassroots community members to get ideas about how your service can be more culturally appropriate?

For more information, contact Calgary Coalition on Family Violence 266-5059

Developed by Julie Black, Coordinator, April 2000

Appendix E

A Checklist to Ensure Services Are Accessible for Gay, Lesbian, Bisexual and Transgendered Persons

- Have posters and other information that shows you welcome gays, lesbians, bisexuals and transgendered and are willing to address the issues of violence.
- Ensure that all staff have anti-homophobia training and current information about same-sex domestic violence.
- Ensure that all policies and written materials use inclusive language, not just gender-neutral language.

Prepared by: Janice Ristock, Women's Studies, University of Manitoba. Used with permission.

Appendix F

A Shared Response Guidelines for Domestic Violence Treatment

Background

The purpose of this document is to communicate guidelines for the treatment of children, individuals and families who have experienced abuse in domestic relationships or who have used abuse in domestic relationships. These guidelines have been developed through the Calgary Domestic Violence Committee (CDVC) **Domestic Violence Protocol Project** and will be published in the protocol manual to inform agencies or programs making referrals for domestic violence treatment.

Definitions

The definitions used within these guidelines are the same definitions used in the Roles and Responsibilities document.

Contributors

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Marvin Baergen	Alberta Justice
Cameron Barr	Child Abuse Service, Alberta Children's Hospital
Chris Berry	Men's Help Line
Julie Black	Calgary Coalition on Family Violence
Naida Brotherston	Calgary Women's Emergency Shelter (CWES)
Debra Carnat	Child Abuse Service, Alberta Children's Hospital
Sharon Christie	Brenda Strafford Centre
Keith Donaghy	Child Abuse Service, Alberta Children's Hospital
Jean Dunbar	YWCA Sheriff King Family Violence Prevention Centre
Jane Eddison	Calgary Police Service, Crisis Unit
Gary Gibbens	YWCA Sheriff King Family Violence Prevention Centre
Marlyn Gill	Calgary Counselling Centre
Carolyn Goard	YWCA Sheriff King Family Violence Prevention Centre
Carrie Grant	Catholic Family Service
Peter Halpin	Provincial Forensic Services, Peter Lougheed Centre
Dr. Ken Hashman	Provincial Forensic Services, Peter Lougheed Centre
Brenda Hill	Kerby Rotary House
Bjorn Johansson	Habitat Program, Wood's Homes
Tamara Kocyba	Alberta Justice, Partner Support
Pat Kostouros	YWCA Sheriff King Family Violence Prevention Centre

Annemarie Koszegi	Calgary Communities Against Sexual Abuse (CCASA)
Debbie Kunkel	Alberta Mental Health Board
John Lee	Attendance Centre
Harold Lipton	Alberta Mental Health Board
George McBride	Alberta Alcohol & Drug Abuse Commission (AADAC)
Colleen McCord	Calgary Rocky View Child and Family Services
Allan McLuchie	Calgary Counselling Centre
Elizabeth Miles	Grace Women's Health Centre, CRHA
Kelli Moorey	Independent Living Resource Centre of Calgary
Jane Oxenbury	Edan Counselling Associates
Denise Renschler	Catholic Family Service
Suzanne Rosebrugh	Distress Centre
Irene Sevcik	Discovery House
Gail Smillie	Calgary Family Service Society
Val Tkacik	Calgary Legal Guidance
Linda Tillman	Calgary Family Service Society
Nick Todd	Men's Crisis Service, CWES
D. Gaye Warthe	Calgary Domestic Violence Committee (CDVC)

Guidelines for Domestic Violence Treatment for Children

Children who witness violence or abuse or who are abused in domestic relationships are profoundly affected by their experience. The impact on children has both short-term and long-term affects, e.g. social, emotional, behavioural, and school difficulties.

Guiding Principles

- Children have the right to be safe and to live a life free of social, emotional, physical, sexual, and spiritual abuse.
- The physical and emotional safety of the child and the child's family is central to the treatment process.
- The person who chooses abusive behaviour is viewed as responsible for initiating, continuing and stopping the violence.

Terms of Reference

To be effective, treatment for child victims of domestic violence must be part of a coordinated effort to intervene in the violence including the child, the abused parent and the parent/parent figure that chooses abusive behaviour. The child should not be treated in isolation; treatment includes assisting children and/or their families to connect with their community.

Within this context, treatment programs include the following components:

1. Safety issues will be addressed throughout treatment.
 - a. Safety planning will occur with the child directly and with other family members, if available.
 - b. The safety of the child will be monitored through ongoing contact with the custodial parent/guardian.
 - c. The safety of the child will be monitored through ongoing consultation with various treatment agencies including those agencies providing service to the person who chooses abusive behaviour.
2. Domestic violence must be the primary focus of intervention and be addressed directly in treatment.
3. Through differing modalities (e.g. individual, group, family) treatment programs provide opportunities for children to:
 - a. Share their stories.
 - b. Express their feelings.
 - c. Identify and have their feelings validated.
 - d. Learn safety skills.

- e. Practice problem solving and social skills that they may lack.
 - f. Experience violence-free relationships.
 - g. Understand that violence is the responsibility of the person who chooses abusive behaviour.
 - h. Increase their emotional health and self-esteem.
4. Confidentiality protocols must provide opportunities for information to be shared between agencies, as required, to maximize safety. There is a requirement to report to Child Welfare authorities:
- a. When children have been abused or have been exposed to domestic violence; and/or¹⁸
 - b. Disclosures of threats of harm to self or others.
5. Treatment providers will have an awareness of:
- a. Children's developmental stages and needs: physical, cognitive, social and sexual.
 - b. Impact of trauma on development and attachment.
 - c. Community resources that can provide individual treatment to address development and attachment issues and a willingness to refer to these agencies.

June 23, 2000

¹⁸ Treatment programs will refer to Child Welfare authorities when: "... there are reasonable and probable grounds to believe that the survival, security and development of a child is endangered because the guardian is unable or unwilling to protect the child from injury which may be the result of exposure to domestic violence or severe domestic disharmony." Taken from the Calgary Rocky View Child and Family Services Child Welfare – Domestic Violence Protocol, 1999
Roles and Responsibilities in a Specialized Domestic Violence Court
Calgary Justice Working Project September 21, 2000

Guidelines for Treatment of Adults Who Have Experienced Abuse in Domestic Relationships

It is the premise of the Calgary Domestic Violence Committee (CDVC) that those individuals providing services to adults who have experienced abuse in domestic relationships will have the skills and knowledge to provide those services with expertise. The skills and knowledge required to provide domestic violence treatment include:

- Knowledge of the dynamics of domestic violence, including the profound psychological, emotional, spiritual and physical impact of abuse.
- An ability to assess risk factors, develop a safety plan and monitor the safety of the victim(s).
- A willingness and ability to effectively collaborate with other treatment or community services engaged with the client system to increase client safety.
- A commitment to organizational change to address issues of systemic violence, discrimination and marginalization. This commitment would be demonstrated through the removal of barriers to service and through community partnerships and dialogue.

Service providers are responsible for providing clients with a statement of expertise and accountability. Avenues for accountability will vary depending upon the service provider, but will include one of the following:

- Accountability to a professional association.
- Accountability to the policies and standards of the agency/organization that employs the service provider, including information on the client appeal/complaint process.
- Service providers not affiliated with an agency/organization nor members of a professional association will provide a statement of expertise and accountability to clients and will describe the process for having client concerns addressed.

Guiding Principles

The following guidelines will apply to both public agencies/organizations and private practitioners.

- Service providers will hold the person who uses abusive behaviour as responsible for initiating, continuing and stopping the abusive behaviour. Using abusive behaviour is a choice.
- Service providers will respect the clients' right to make their own decisions regarding their lives and relationships.
- Service providers will address the issue of violence directly, not as a peripheral issue.

- Change towards well-being is a process that requires recognition of the context of clients' lives, potential barriers (e.g. discrimination), as well as the profound effects of and response to abuse.

Terms of Reference

Treatment can be defined as a variety of therapist/client activities designed to enhance safety and to assist clients in making long-term changes that support living a life without abuse. These activities will include, but are not limited to:

- Offering support.
- Assisting clients to establish increased safety.
- Defining abusive behaviours.
- Identifying and accessing internal and external resources.
- Assisting clients to make informed choices about available options and resources.
- Assisting clients to take responsibility for their own well-being and the well-being of their children.
- Clarifying that the person who uses abusive behaviour is responsible for the abuse.

Intended Outcomes of Treatment

1. Increased ability by client to assess risk factors associated with lethality and dangerousness.
2. Increased understanding of client as to how they can enhance their safety and the safety of their children.
3. Increased knowledge of client about abuse.
4. Increased ability by client to identify and participate in making choices that will enhance well-being.
5. Increase in the client's belief in self to manage a violence free life.

Modalities for Treatment of Adults Who Have Experienced Abuse in Domestic Relationships

Individual and group counselling are appropriate treatment modalities for the treatment of adults who have experienced abuse in domestic relationships. Couple and/or family counselling which includes the person who chose abusive behaviour is not appropriate unless all parties are agreed in the purpose, consent to participate is gained individually with each client, and safety can be assured.

Confidentiality

It is recognized that client confidentiality is an intrinsic component of work with adults who have experienced abuse in domestic relationships. Safety and ethical principles inform the need for client confidentiality. Consents for the release of information will be time limited and will itemize the organizations/service providers with whom information may be exchanged. Except when required to report by law, collaboration with agencies will occur in the context of client consent, with the intent of increased safety.

Guidelines for Offender Treatment ¹⁹

These guidelines were created to provide information to service providers on treatment available for offenders of domestic violence. As community strategies for identifying and intervening in domestic violence are improved, it is imperative that individuals who behave abusively within their relationships are referred to appropriate treatment services. These guidelines will assist the referring agency to be a discriminating consumer of treatment services on behalf of their clients.

Treatment programs for offenders must:

- Be part of a larger community response to domestic violence.
- Provide interventions that are accountable to victims and do not compromise their safety.
- Assess the severity of the abuse, the risk of re-offending and the risk of lethality.
- Utilize a partner contact component to monitor the safety of victims.
- Address the violence directly and hold the abuser responsible.
- Have policies that prioritize the physical and emotional safety of victims or potential victims over the abusers right to confidentiality.
- Collaborate with ancillary services.

Practice Principles for Helping Domestic Offenders

Offenders do not represent a particular socio-economic, cultural, educational or religious group. They may present the image of sincerity, success and self-confidence to the world and only in the intimacy of a relationship use violence to intimidate and control. Offenders may refuse to accept responsibility for their actions and instead blame others, often their partners, for their abuse. They also may make excuses for their actions or claim that they were provoked into behaving as they did. Offenders may minimize the severity and frequency of their violence and sometimes deny it completely. The offender's account of the details of the incident of abuse will often differ significantly from that of the victim or victims.

To be effective, interventions with offenders of domestic violence must provide interventions that are accountable to victims and that do not compromise their safety. Treatment programs cannot function in isolation, they need to be part of a larger community response to violence, must address violence directly, and hold offenders responsible for their actions. Agencies with expertise in domestic violence best deliver domestic violence treatment programs.²⁰

¹⁹ Adapted by the Calgary Domestic Violence Committee (CDVC) Protocol Project from a document written by Karen Walroth, M.S.W., Coordinator, Action Committee Against Violence, for the Calgary Working Justice Working Project.

²⁰ Agencies with expertise in domestic violence have staff who are knowledgeable about the dynamics of abuse, able to assess and manage risk, address safety issues for all members of the family, directly
Roles and Responsibilities in a Specialized Domestic Violence Court
Calgary Justice Working Project September 21, 2000

The following principles should be considered when exploring treatment options.

- a) Stress, conflict and arguments are present in all relationships. Violence is never an appropriate means to resolve problems. The offender chooses violence as a means of coping with stress.
- b) The offender must accept full responsibility for their actions. The offender is solely responsible for the abuse. The victim cannot cause or eliminate the offender's violence.
- c) Abuse is a learned behaviour and the offender can learn new ways of interacting in intimate relationships.
- d) Alcohol and/or drugs do not cause domestic violence - it is not enough simply to treat the substance abuse problem. Where alcohol or drugs have been identified as a component of the violence, offenders will be referred to addictions treatment services (e.g. AADAC) for an assessment.
- e) In counselling, the problems of the relationship cannot be the initial focus as there is a risk of mutual responsibility taking for the abuse. Couple or family counselling with the offender present should not occur until the violence has stopped and the risk for further violence has decreased.
- f) Group counselling has several advantages over individual counselling. Groups lessen the shame, guilt and isolation by demonstrating the commonality of abuse and are more effective in developing needed interpersonal skills, offering alternative role models and peer support. Groups encourage the development of new norms and provide support as offenders confront their denial and minimization of the violence they perpetrated.
- g) Confidentiality is frequently a barrier in linking services. However, because of the seriousness of potential consequences in domestic violence, agencies responsible for the treatment and supervision of the offender must openly share information on attendance, identification of risk factors and progress in treatment with the knowledge and **consent** of the offender. Such practice requires that clients be fully informed of these unique confidentiality requirements. Consent for sharing information is required to participate in domestic violence treatment programs for offenders.
- h) Agencies providing domestic violence treatment will collaborate with ancillary services (e.g. addictions treatment, children's treatment).
- i) A voluntary aftercare or follow-up component provides ongoing support to the offenders and their partners as behaviour changes are consolidated. Treatment programs, which do not include an aftercare component, will refer clients requiring aftercare to other programs where these services exist.

Treatment programs typically consist of a number of components. An educational component exposes the issues of abuse through videos and discussion. A treatment

address the violence and abuse, and are a part of a collaborative network of agencies providing services to families affected by violence within the community.

component requires a more intense personal exploration and commitment from clients. It may include an exploration of childhood experiences of abuse and its influence on participant's lives, anger and stress management, social problem solving skills, and the examination of attitudes that support violence toward family members.

Effective treatment for abusive behaviour must be initiated as soon after the abuse as possible and begin with a comprehensive risk assessment. It must offer the opportunity for education, re-socialization and a development of practical alternatives to violence. Effective treatment should support criminal sanctions such as restraining orders, custody orders and probation orders.

There is evidence that varying programs using various methods of intervention can be effective in reducing physically abusive behaviour towards partners (Tolman & Edelson, 1995). In Calgary, a combination of psycho-educational and social learning interventions offered in process-oriented groups, is the favoured method of treatment. Positive outcomes have been identified in short-term family violence treatment programs providing there are follow-up resources available for offenders and their partners.

Mandatory Treatment

Court mandated treatment of domestic violence is essential to reducing recidivism, for offenders who are not prepared to voluntarily enter treatment. The criminal justice system may provide a necessary first step in getting the offender to recognize, via legal sanctions, that this behaviour is wrong. A necessary next step is to get the offender to take responsibility for correcting or changing that behaviour.

Mandated treatment provides an additional social control to the typically "policing" contacts with probation officers through regular therapeutic interventions in a structured milieu. Failure to comply with the mandatory treatment conditions can result in further Court action and hopefully an escalation in sanction severity. In addition, the format challenges assailants' beliefs that their arrest and conviction was unjust or that their use of violence was justified.

For many offenders the arrest serves a deterrent function in showing the offender that abuse is unacceptable and will be punished. The treatment group then provides the opportunity for the offender to learn healthy responses and make healthier choices.

Programs such as anger management, life skills, communication skills, or programs addressing issues of addictions alone, are not recommended for mandated offenders, as they do not address the issues of violence.

In particular, addiction programs are often successful in reducing dependence on alcohol or drugs but are not aimed at reducing the violence. Sobriety does not necessarily mean safety. Sobriety can, however, provide an opportunity for full participation in an offender's treatment program.

Traditional offerings of life skills are insufficient in the area of family violence. Offenders are often successful in other areas of their lives. Rather than seeing these individuals as lacking life skills, a more helpful idea may be to see them as feeling an exaggerated threat in areas of intimacy and resort to violence to maintain authority and control.

There is also a danger that treatment may be used by some clients to justify an escalation in violence. This supports the need for partner/victim contact strategies to address the safety needs of the partner/victim.

Victims may be at increased risk if the treatment programs their partners are participating in are not effective, are inappropriate for addressing family violence or are staffed with professionals unaware of how offenders may use their enrolment in treatment to further manipulate their partners (MacLeod, 1995).

While services for victims are essential, recent efforts to intervene in the cycle of abuse have focused on offenders. These programs have grown out of the realization that responsibility for stopping violent behaviour rests with the offender not the victim. Programs for offenders have also been developed as shelter providers determined that many victims return to live with their partner after leaving the shelter. Even if the relationship does end, the offender often becomes abusive in new relationships.

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