HOMEFRONT EVALUATION

COMPANION DOCUMENT TO THE FINAL REPORT

Compiled for:

The HomeFront Evaluation Committee

By Irene Hoffart and Michelle Clarke

September, 2004
Calgary, Alberta

OVERVIEW

This document serves as a companion to the final HomeFront evaluation report. It contains various reports produced over the course of the evaluation, tools which were used to collect qualitative and quantitative information and supplementary data tables.

Table of Contents

SECTION I

BEST PRACTICES REVIEW

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PREPARED AS PART OF THE HOMEFRONT EVALUATION CONDUCTED BY SYNERGY RESEARCH GROUP

Written for:

The HomeFront Evaluation Committee

By Michelle Clarke

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TABLE OF CONTENTS

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SECTION ONE: INTRODUCTION

This Best Practices Review was conducted by Synergy Research Group as part of the HomeFront evaluation and is therefore intended to give the reader a broad overview of current academic thinking in areas relevant to the HomeFront project. These include specialized courts, advocacy services, law enforcement, prosecution, probation, treatment, and coordinated community responses. The best practices literature identifies and debates a number of issues which have emerged as academics, researchers and community practitioners have grappled with the implementation of complex domestic violence projects such as HomeFront. It is hoped that the discussions, debates and conclusions highlighted in this report will provide a useful framework in which to study the evaluation results. For a complete description of the HomeFront project and the evaluation findings, please consult the final evaluation report.

This research was conducted over several years, beginning in 2000 and concluding in 2004. It should be noted, however, that most of the literature searches took place between 2000 and 2003. It is possible, therefore, that very recent articles are not included in the Review. Nevertheless, given the breadth of this report and the extensive bibliography used (included as a companion document to the evaluation), Synergy Research Group is confident that most of the pertinent academic research in the areas under discussion is highlighted in this paper.

The Best Practices Review is divided into nine sections: this introduction; a review of the literature pertaining to the seven major HomeFront components (specialized courts, advocacy services, law enforcement, prosecution, probation, treatment, and coordinated community responses); and a conclusion.

SECTION TWO: SPECIALIZED DOMESTIC VIOLENCE COURTS

Introduction

Literature on domestic violence courts, once sparse, is now becoming more common. Although actual empirical evidence is still in short supply, academics and researchers are beginning to reflect on the importance of the courts, their advantages and disadvantages, and the ideal components. This section reviews such work. It is divided into seven sub-sections: critiques of traditional legal approaches; problem-solving courts; examples of specialized domestic violence courts; evaluations of specialized domestic violence courts; challenges and criticisms; best practices; and a conclusion.

Critiques of Traditional Legal Approaches

A wide range of concerns about the treatment of domestic violence cases in the Canadian and American courts surfaced in the late 1980s and 1990s. American research indicates that for many years there was little legal response to domestic violence. Male batterers were rarely arrested, prosecuted or sentenced as severely as other violent offenders. And when the system did get involved, it often failed to afford real protection to victims. (Roberts and Kurst-Swanger, 2002, U.S.; Berman and Feinblatt, 2002, U.S.; Tsai, 2000, U.S.; Lederman and Malik, 1999, U.S.; Fagan, 1996, U.S.; Sadusky, 1994, U.S.) Research by the London (Ontario) Coordinating Council to End Woman Abuse (1992, Can.) highlights similar concerns about Canada's legal response to domestic violence. Problems identified in that research include a lack of coordination of services, lack of involvement and awareness of mental health/social service providers and lack of coordination within specific areas of the criminal justice system.

Critics of the traditional legal response to domestic violence point to the system's inability to deal with the complexities and unique characteristics of domestic violence. The emotional, financial and family ties between offender and victim in a domestic violence case separate it from other violent crimes and impact the responses to legal arrangements. (Berman and Feinblatt, 2002, U.S.; Karen et al., 1999, U.S.) According to Tsai (2000, U.S., 1293) "these special features of domestic abuse cases require additional time and attention, as they often complicate otherwise straightforward situations."

Concern about the court's treatment of victims was also a motivating factor in the development of new approaches. The London Ontario report found that court policies and processes were unintentionally unsupportive of the victims of woman abuse. Researchers point to a link between how the victim is treated and whether she stays involved in the system, accesses services and co-operates with the prosecution. They maintain that the traditional justice system response lacks the victim supports and services necessary to ensure both victim safety and offender accountability. (Keilitz, 2002, U.S.).

These concerns gave rise to a wide range of legal reforms and specialized services in the 1980s and 1990s and led eventually to the development of specialized domestic violence courts. (Berman and Feinblatt, 2002, U.S.)

Problem-Solving Courts

In the United States, domestic violence courts are sometimes discussed under the broader heading of "problem-solving courts." These courts have developed over the last decade in response to some of the frustrations with the legal system outlined above. Problem-solving courts (e.g. drug courts, domestic violence courts, community courts) focus specialized attention on particular social problems. (Berman and Feinblatt, 2001, U.S.) Although such courts are not yet as common in Canada as they are in the United States, there are many domestic violence courts in existence in this country. As well, Toronto is now home to a drug court and other Canadian jurisdictions are also contemplating creating drug courts.

Problem-solving courts have several common elements:

- They seek to achieve tangible outcomes for victims, offenders and society, e.g. reduced recidivism, increased sobriety for addicts, safer neighbourhoods. In so doing, they define success in new ways, focusing on the goals of addressing defendants' problems, helping victims and improving public safety.
- They use the power of judges to promote compliance with court orders. Judges stay involved with each case for the duration.
- They employ a collaborative, multi-disciplinary approach, relying on both government and non-profit partners (e.g. treatment providers, probation departments, community groups and others) to help improve decision-making.
- They seek to achieve broader goals in the community at large without compromising the integrity of the judicial process within the courtroom.
- They ask existing players to take on new roles. (Berman and Feinblatt, 2002, U.S.)

In the American literature, problem-solving courts are often situated within a new theoretical approach – therapeutic jurisprudence. Therapeutic jurisprudence is a philosophical approach and area of legal scholarship which began in the mental health field but has since been incorporated into some legal systems. (Tsai, 2000, U.S.) According to scholars in this field, legal rules, procedures and agents (e.g. lawyers, judges) act as social forces which can produce positive therapeutic effects or negative, antitherapeutic effects for those citizens involved in the legal system (e.g. victims, defendants, witnesses). (Hartley, 2003, U.S.) Therapeutic jurisprudence seeks to increase the therapeutic effects of the law in order to enhance individuals' social functioning. It therefore supports alternative legal interventions, such as mandated batterer treatment programs. (Tsai, 2000, U.S) Therapeutic jurisprudence "attempts to combine a 'rights' perspective – focusing on justice, rights, and equality issues – with an 'ethic of care' perspective – focusing on care, interdependence, and response to need." (Rottman and Casey, 1999, U.S., p.13) Proponents of this approach argue that attending to the health and well-being of individuals before the court, as well as the legal issues, "leads to more effective dispositions." (Rottman and Casey, 1999, U.S., p. 14)

While both problem-solving courts and therapeutic jurisprudence are receiving growing positive attention in the literature, there are those who caution against an uncritical acceptance of this approach. Hanna (1998, U.S., 16) notes that evidence supporting therapeutic jurisprudence is inconclusive and that the concept "may have the unintended consequence of reinforcing the notion that domestic violence is an aberrational illness…" Steketee et al. (2000, U.S., p. 3) warn that therapeutic jurisprudence must not "violate other standards of good court performance." Berman and Feinblatt (2002, U.S.), while arguing in support of the concept, also point out that many legitimate questions have been raised about possible erosion of judicial impartiality and a dilution of the traditional criminal justice focus on public safety and offender accountability.

According to Sketee et al. (2000, U.S.) drug courts should not serve as a model for domestic violence courts "because drug courts focus on nonviolent offenders who want to change their behaviour …. In domestic violence cases it is typical for both parties to minimize or outwardly deny the existence of abusive behaviour." Even those who support the concept of problem-solving courts note that domestic violence courts, while falling under the problem-solving banner, differ substantially from other such courts. In many problem-solving courts, the focus is on the rehabilitation of the offender, e.g. drug addicts. In domestic violence courts, the focus is, and must be, on victim safety and offender accountability. Support services are offered primarily to victims and the focus is usually on assisting her through the court process and supporting her move to independence. Batterer intervention treatment is often mandated by the court, but the offender's compliance is usually closely monitored and stronger sanctions are linked to non-compliance. (Berman and Feinblatt, 2002, U.S.; Mazur and Aldrich, 2002, U.S.)

Examples of Specialized Domestic Violence Courts

Specialized domestic violence courts are a growing trend in Canada and the United States. There is great variation in what these courts do and what they are seeking to achieve; it would be impossible in this review to describe the many models currently in existence. The following section highlights four interesting approaches. These particular examples have been chosen because they illustrate the current range of activities. As well, unlike many existing domestic violence courts, these approaches have been evaluated. That evaluation research is described in the following section.

The specialized court programs described here all have one thing in common – they include a trial component. The literature indicates that most of the larger court-based domestic violence initiatives attempt to adjudicate cases right from first appearance through to trial. As well, all of these courts include some specialized services, e.g. dedicated judges, prosecutors, probation officers and victims' advocates, and all have strong links to treatment programs.

Specialized Courts in Canada

1. Winnipeg

The first Canadian Family Violence Court (FVC), located in Winnipeg, was established in September, 1990. (Ursel, 1994, 1997)

- FVC handles first appearances, remands, guilty pleas and trials for spousal abuse, child abuse and elder abuse cases.
- FVC components include a special unit of crown attorneys who exclusively prosecute family violence matters, judges assigned to sit in the court on the basis of their interest and experience in presiding over family violence cases and two victim support programs – the Women's Advocacy Program and the Child Abuse Victim Witness Program. As well, specific court rooms are designated to hear only family violence cases.
- The FVC goals are: 1) to avoid lengthy court delays and set court dates as quickly as possible; 2) to create a sensitive and supportive environment for victims/witnesses; and 3) to provide more consistent and more appropriate sentencing.
- In 1992, in response to the greater number of offenders mandated for treatment by the FVC, the Department of Justice created a special unit of correctional officers to deliver treatment to convicted family violence offenders.

2. Ontario

In 1997, two specialized domestic violence courts models were implemented in Ontario. (Family Violence Initiative, Canada; Moyer et al., 2000, Can.) Those models are described below but it should be noted that Ontario has since moved to a system in which all domestic violence courts use both the early intervention and vigorous prosecution approaches. As of January, 2003, Ontario had developed 22 Domestic Violence Courts. It plans to have such courts established in every jurisdiction in the province by 2004, for a total of 54 sites. The 1997 Ontario models are the ones described in this report, as they are the programs for which evaluation data is available.

- The two 1997 courts used two different models. One (North York) involved early intervention for low risk offenders who pled guilty; the other (Toronto) focused on vigorous prosecution for offenders at higher risk.
- The North York model was designed to break the cycle of abuse by promoting early referral of eligible offenders to intensive batterers' treatment programs. In cases where the victim did not suffer serious harm and no weapon was used in the assault, first offenders could enter a 16-20 week batterer treatment program as a condition of bail. The victim was consulted about the accused's involvement in the project. If the offender successfully completed treatment, the Crown recommended a conditional discharge so that the offender avoided a criminal record.
- The Toronto model involved a pro-arrest policy and efforts to reduce the incidence of victim recanting and improve the ability to prosecute the case if the victim does recant. A specialized team of police, Crown attorney and victim advocates worked together to

provide victims with more support and information, gather all necessary evidence and prepare a strong prosecution.
- Throughout 1997 and 1998, the Ontario initiative was expanded into six additional sites on a pilot basis. Three sites followed the Toronto vigorous prosecution model while the others adopted the North York early intervention approach.

Specialized Courts in the United States

1. San Diego

The San Diego Domestic Violence Courts have undergone much re-organization in the last four years, impacted by a larger merger of the Municipal and Superior Courts in that system. This description focuses on the Courts in the periods just after unification, as that is the period for which evaluation data is available. (Peterson and Thunberg, 2000)

- Subsequent to unification, the Domestic Violence Court in the San Diego Municipal Court was renamed the Family Violence Solutions Center (FVSC). Three of the four Municipal Courts also contain Domestic Violence Courts.
- As a result of logistical complications related to in-custody defendants and victim safety, criminal matters, ranging from arraignments through review hearings, were moved from the FVSC to the Downtown Domestic Violence Court. Domestic restraining orders continue to be handled at the FVSC, as well as family law cases.
- Victim advocates and related services are available in the Courts.
- The original objective of the Domestic Violence Court was to reduce recidivism through increasing the number of offenders accessing treatment.

2. Brooklyn

The Brooklyn Felony Domestic Violence Court began operations in June, 1996. (Center for Court Innovation, 2000, U.S; Newmark et al., 2001, U.S.)

- The Court adjudicates all indicted domestic violence felonies in the borough of Brooklyn. This includes arraignment, hearings, motions, trials, disposition, and sentencing.
- A dedicated court team – judges, attorneys, victim advocates and a resource coordinator – ensures that defendants are carefully monitored, victims have access to comprehensive services and the judges have the information needed to make quick and effective decisions. A new automated system has been implemented to make communication and information-sharing faster and more efficient.
- Each case is handled by the same judge and prosecutor/advocate team throughout the legal process (with occasional exceptions for cases that go to trial).
- Protection orders and Court orders to batterer intervention and treatment programs during the pre-disposition phase are routine practice.
- Defendants and probationers appear regularly in Court for monitoring purposes, so the Court can review their compliance with Court orders and sanction non-compliance.

Evaluations of Specialized Domestic Violence Courts

As there have been few rigorous evaluations of specialized domestic violence courts, there is little empirical evidence of their impact. Such courts are challenging to evaluate; it is difficult to determine the specific and separate impacts of prosecution, advocacy and treatment, and therefore almost impossible to conclude which, if any, is affecting deterrence and recidivism. Perhaps in reaction to the almost overwhelming complexity of specialized courts, evaluations have tended to focus on simple, measurable court-related statistics, such as increases in probation orders and improved efficiency in case processing. There appears to be little evaluative analysis of the specialized court in the context of broader system and community efforts. (Berman and Feinblatt, 2001, U.S.; Karan et al., 1999, U.S.; Cramer, 1999, U.S.; Fagan, 1996. U.S.)

To further complicate matters, evaluators report consistent research barriers and problems across research sites. Foremost amongst these is the difficulty in comparing the functioning of the new court to that of the previous system because of the inability to determine which cases processed under the previous system were related to domestic violence. In many jurisdictions, there is no way of knowing if particular violence-related cases resolved through the traditional court system involved domestic violence and therefore no way of comparing the outcomes of the two systems. Another significant evaluation problem involves the measurement of recidivism. Evaluators have used a range of different indicators to quantify recidivism, including self-reported offender data, new police charges, new convictions and/or victim information. Depending on which kind of data is used, and the length of the follow-up period, recidivism rates can vary dramatically from one study to another. Other common evaluation problems highlighted in the literature include incomplete files, non-random, unrepresentative samples, and questionable self-reported data from the participants in the treatment programs. (Feder and Dugan, 2002, U.S.; Leduc, 2001, Can.; Moyer et al., 2000, Can.; Newmark et al, 2001, U.S.; Tsai, 2000, U.S.; Bennett and Williams, undated, U.S.)

The four evaluations described below do show improvements in efficiency, an increase in probation orders and mandated treatment, increased guilty pleas and decreased recidivism. There is also an increased focus on victim services and safety and in some cases enhanced sensitivity to victim concerns. Problems regarding the monitoring of offenders in treatment and/or participants' completion of treatment surfaced in at least two of the evaluations.

<u>Winnipeg</u>

Research and evaluation of Winnipeg's Family Violence Court indicates the following: (Ursel, 1997)

- The pattern of sentencing in domestic violence cases has changed dramatically since the introduction of the Family Violence Court. The most common disposition in FVC is a supervised probation sentence, usually with a condition for treatment. Incarceration is the second most common sentence. Before court specialization, the

most frequent disposition was conditional discharge, followed by fine. Incarceration was the least frequently used option.

- The majority of FVC supervised probation sentences contain an order for court mandated treatment, leading to greatly increased demand for such treatment programs. The active caseload of family violence offenders in Winnipeg probation offices skyrocketed to 1557 in 1995, as compared to 289 in 1989.
- The majority of FVC cases are processed in a month or two, because of the frequency of guilty pleas. In addition, FVC has been able to set trial dates more rapidly than the general court.
- Identified qualitative changes include: increased understanding that domestic violence cases should be handled by the most skilled and sensitive prosecutors; successful implementation of the somewhat contradictory policy of vigorous prosecution and victim sensitivity; increased respect and understanding of victims and the end of practices such as declaring victims hostile witnesses or holding them in contempt of court; redefinition of success by prosecutors and police from conviction to the redressing of an imbalance of power in a relationship.

Ontario

The Ontario system was evaluated when it was still structured with two different types of courtrooms (early intervention and vigorous prosecution). (Moyer et al., 2000, Can.) Findings included:

- In two early intervention courts and one coordinated prosecution court, case processing times for domestic violence cases significantly decreased and the reduction could be attributed to the Domestic Violence Project.
- There were no differences between project victims and comparison respondents in the percentage who reported that they were treated fairly and supported by the Crown attorney and the VWAP staff. The majority in all sites felt that they had been treated fairly and been offered sufficient support. (The researchers identified a comparison group using police and victim advocate sources. This group consisted of offenders and victims who would have been eligible for the program if it had existed when their cases were going through the courts.)
- Victims in the early intervention sites were significantly more likely to be satisfied with the case outcomes than were other victims.
- There were no significant changes in the victim's willingness to testify against the accused or to otherwise cooperate with the prosecution as a result of the project.
- Great offender accountability was achieved in the early intervention programs in that all the accused who entered the program pled guilty; in the year preceding project inception, only about 45% of similar offenders were found guilty. In the coordinated prosecution projects, there was a statistically significant increase in the proportion of guilty findings in one site.
- In the early intervention sites, treatment started soon after the program was notified of the cases. In the coordinated prosecution sites, the period of time between the receipt of referral by the program and the first treatment session ranged from two weeks to ten weeks.

- A small sample of victims reported significant reductions in the amount of both physical and emotional abuse that they experienced after the offenders had participated in treatment.
- A lack of consequences for offenders who breached their conditions of bail or probation by failing to complete the abusive men's program was a problem identified in several sites.
- Data received from treatment programs indicated that they were not monitoring victim contacts or victim services well.
- Police investigations improved in the coordinated prosecution sites but there was still room for improvement.

The report concluded with 47 recommendations, including the blending of early intervention and coordinated prosecution models in all locations. The recommendations focused on seven areas: court-based domestic violence projects; policing services; services to victims; crown attorneys and the courts; probation services; treatment for abusers; and research.

San Diego

A court-based evaluation of the San Diego Domestic Violence Courts was conducted in 1999-2000. The evaluation focused on the Domestic Violence Court as it existed prior to unification with the municipal courts. However, in some cases, data was also available on the post-unification courts. Evaluation results were compared to baseline data collected before the original Domestic Violence Court was established. (Peterson and Thunberg, 2000)

- Overall efficiency seems to have increased. For the original domestic violence court (SDMC DV Court), settlements at arraignments increased from 2% to 45% and there were fewer trials and fewer pleas on the day of trial. Three of the four post-unification courts had similar results. The fourth arraigns domestic violence defendants on a master calendar and then transfers the cases to Domestic Violence Court after the hearing.
- There was a dramatic reduction in the median number of days to reach disposition, from 57 in the baseline study to 15 for the SDMC DV Court. The post-unification courts showed similar results.
- The percentage of defendants placed on formal probation was 7% for the baseline study and 44% for the SDMC DV Court.
- The proportion of defendants enrolled in treatment increased from 65% in the baseline study to 76% in the SDMC DV Court. The percent that stayed in the program without dropping out stayed almost the same. However, the evaluators expressed some concern about the accuracy of the baseline data on this question because of problems with the reporting system in place during that period. The median number of days between sentence and enrollment dropped significantly, from 90 days to 23 days.
- The percentage of hearings for which the defendant failed to appear remained the same, at 13% for both the baseline group and the SDMC DV Court. Among the four

post-unification courts, the percent of defendants with at least one bench warrant (which includes other failures) ranged from 32% to 19%.

- The percentage of defendants with post-disposition hearings for non-compliance remained almost the same, at 67% for the baseline population and 69% for the SDMC DV Court. The numbers may be masking some improvements, however, as the number of post-disposition hearings increased in the SDMC DV Court.
- The speed with which the system responded to non-compliance greatly increased. Before the SDMC DV Court was established, the median number of days from issuance of the warrant to the time the defendant appeared in court was 42. After the Court was established, it was 28 days.
- The recidivism rate dropped from 21% in the baseline population to 14% for the SDMC DV Court. (Recidivism was defined as having one new police contact for domestic violence within one year of conviction.)

Brooklyn

A process evaluation completed in 2001 examined the development, implementation, challenges, evolution and expansion of the Brooklyn Felony Domestic Violence Court (FDVC). It also included a pre/post evaluation of how the court influenced case processing, outcomes and recidivism. The authors warned, however, that recidivism data was somewhat unreliable because of problems with data collection and the pre/post design. (Newmark et al., 2001, U.S.) Findings included:

- Under the new system, the District Attorney's Office was more likely to indict cases with less severe police charges in order to bring the enhanced defendant monitoring and victim services resources to these cases. Dismissal rates were very low, at 5% to 10% of indicted cases.
- Victim services were clearly expanded under the specialized Court, in that all victims are assigned an advocate and receive a protection order.
- Pre-disposition release was used somewhat more often in FDVC cases and released FDVC defendants were more likely to be ordered to batterers' intervention programs while on release.
- The specialized Court spent slightly more time, on average, processing cases from felony arraignment to disposition. This may relate to the severity of indictment charges and the Court's emphasis on "a more hands-on approach" which acknowledges the complexity of the cases.
- Conviction rates did not change under the specialized Court, but methods of reaching disposition did. Conviction by guilty pleas were more common and trials were less common in FDVC cases.
- Sentencing practices under FDVC were neither more punitive (in terms of incarceration) nor more treatment-oriented on the whole than sentencing practices before the Court began.
- Probation violations were reported for about one-third of all probationers and did not change under the new court model. Additional arrests for those released prior to disposition were even higher, at nearly half of all released defendants. Rates of pre-disposition repeat arrests did not vary by type of court, but post-disposition arrest rates

were double for FDVC-processed cases (about half versus one-quarter). Very limited data were available on the nature of the additional arrest charges and it was not possible to distinguish domestic violence from other types of criminal incidents.

Challenges and Criticisms

Specialized domestic violence courts are not without their difficulties. A range of issues have been identified in the literature as posing both philosophical and practical challenges for the concept. These include the implementation problems inherent in co-ordinating so many large and sometimes intractable systems, the possible interference with judicial impartiality and due process, the many questions raised about the effectiveness of treatment programs and, as discussed above, the lack of rigorous evaluative data.

With so many different players in place, all with slightly different objectives and agendas, analysts worry that true co-ordination and collaboration will be difficult to achieve. Given the complexity of the issues involved and the number of resources which must be in place to bring about real change, the breadth of the undertaking is certainly an implementation issue. (Newmark et al., 2001, U.S.)

Of particular concern is that participating players hold the sometimes conflicting goals of victim safety and offender accountability and that these may collide, with the result that victims are put at risk by being forced to testify. (Keilitz, 2002, U.S.; Tsai, 2000, U.S.; Karan et al., 1999, U.S; Fagan, 1996, U.S.) Academics point to the underlying need for changes to the organization and culture of criminal justice organizations to incorporate a focus on protecting and empowering victims and redefining success so that offender conviction and jail time are not seen as the only desired outcomes. (Ursel, 1997, Can.; Fagan, 1996, U.S.; Clark et al., 1996, U.S.) This issue is a complex one, as one of the basic premises of Canadian criminal law is that criminal cases involve two parties: the state, acting on behalf of society, and the accused. Traditionally, victims have played very limited roles in criminal court cases. "The fundamental policy objectives of the criminal justice system are based on a classical concept of society as a contract between a neutral arbitrating state and rational individuals. The state provides society and its members with a reasonable degree of security, and ensures just treatment for the accused… These policy objectives ignore the victim as such, other than as a member of society." (Clarke, 1986, Can. as reprinted in Saunders and McMungle, 2002, Can., p. 266). As those involved in the victim movement have found out, carving out a role for victims in the criminal justice system is a formidable challenge and any work in this area must be based on a sound understanding of the underlying theory, premises and traditions of the Canadian criminal justice system. Absent of this broad understanding of each system's structure, core premises, culture and objectives, meaningful collaboration will be very difficult to achieve.

A related co-ordination challenge involves information sharing. Many analysts see sophisticated information systems as crucial to the success of specialized courts, so that all parties can be apprised of important developments in a timely manner, (e.g. decisions in family court, probation violations etc.) and decision-making can be well-informed.

(Rottman and Casey, 1999, U.S.) Others express the concern, however, that too much information-sharing could lead to tragic results, with mothers losing their children to the child welfare system because of the violence the children have experienced or witnessed at home. (Keilitz, 2002, U.S.) Further complicating this issue, of course, is the constraints placed on many jurisdictions, including Alberta, by privacy legislation.

The complex demands placed on judges and the possible loss of judicial impartiality are also highlighted in the literature. Researchers point out that judges in specialized domestic violence courts face the mammoth task of developing a broad understanding of domestic violence, considering the effects of violence that go beyond the particulars of the case before the court, protecting the rights of both the victim and the accused, and monitoring and enforcing compliance with the court's orders, including treatment conditions. (Karan et al., 1999, U.S.) Such a deep immersion in the issue and in "difficult and emotionally charged cases" may lead to burn out and a decrease in judicial effectiveness. It may also lead to the appearance of a loss of judicial impartiality. (Keilitz, 2002, U.S.; Berman and Feinblatt, 2001, U.S.; Rottman and Casey, 1999, U.S.)

Apart from issues of independence and impartiality, some writers question the wisdom of judges becoming involved in addressing social issues, pointing out that they often have neither the expertise nor the authority to work in such areas and may impose decisions which do more harm than good. (Berman and Feinblatt, 2002, U.S.)

Legal literature raises a number of concerns related to due process and the presumption of innocence in specialized courtrooms. In particular, the legality of such practices as pre-disposition batterer intervention or other treatment orders is questioned, as they seem to imply guilt and impose punishment before a conviction is reached. (Newmark et al., 2001, U.S.) Analysts also ask whether the emphasis on the team approach (e.g. defence lawyers participating in pre-court conferences with prosecutors, probation officers and victims' advocates) weakens the defence lawyer's vigorous defence of the client. (Berman and Feinblatt, 2001, U.S.)

The pivotal role of treatment programs in specialized courts is a cause for concern for some academics. They point to continuing questions about the effectiveness of the programs and worry that mandating batterers to such services reduces offender accountability and sends the message that domestic violence is not a serious crime. (Keilitz, 2002, U.S.; Feder and Dugan, 2002, U.S.:Tsai, 2000, U.S.; Hanna, 1998, U.S.) These issues are discussed in greater depth in the treatment section of this report.

Finally, the lack of evaluative data on specialized courts, and the difficulties experienced by those attempting to measure recidivism, are noted in the literature. These issues call into question the impact and effectiveness of the approach. (Tsai, 2000, U.S.)

Best Practices

Several academics and policy-makers have built on the critiques of specialized courts to develop descriptions of the elements needed to make the model effective and successful. The following section summarizes the proposals put forward by those writers. Many of

these recommendations also involve systems and organizations which will be discussed more fully later in this report, e.g. victim advocacy, probation etc.

Broad-based Collaboration

Most researchers conclude that a comprehensive, broad-based collaboration is crucial for the success of a specialized court and its attendant services. The Ad Hoc Federal-Provincial-Territorial Working Group (2003, Can.) lists co-ordination of justice system response and co-ordination with a range of other service-providers as key elements of successful domestic violence courts. Karan et al. (1999, U.S.) call for a wide range of partners to be involved in planning and implementing the new system, including the executive and legislative branches of government, the judiciary, the clerk's office, the administrative office of the court, legal clinics, law schools, victim advocates, the police, corrections, prosecutors, defence bar, parole and probation, treatment providers, and governmental and non-profit agencies. Tsai (2000, U.S.) recommends even broader involvement, including families, individuals, schools and churches in order to provide education about the issue and send the message that domestic violence will not be tolerated.

Clearly, the list of partners who need to be involved in a successful domestic violence court is long and co-ordinating so many players is a huge implementation challenge. One of the proposed solutions to this problem is ongoing and permanent support for the project director position. (Newmark et al, 2001, U.S.)

Comprehensive Victim Services

Arguing that "victims should not be forced to navigate through complicated, redundant, ineffective procedures," Karan et al. (1999, U.S.) describe a "model intake center" which would provide "one-stop shopping" for victims. (p.p. 79-80) This center would involve multi-agency staffing, with representatives from the clerk, the court administrator, the prosecutor, law enforcement, probation and victim advocates, so that victims could take care of the range of paperwork necessary in one place and receive information and support from the various parties involved at one time.

Similarly, Keilitz (2000, U.S.)suggests specialized intake units which orient victims to court procedures, assist them in understanding their roles in civil and criminal procedures, help them to access services and refer them to relevant programs.

Mazur and Aldrich (2002, U.S.) also call for extensive victim services, including many of the elements noted above. As well, they point to the need to keep victims informed of developments in their cases, schedule cases promptly to enhance victim safety, create safe spaces at the courthouse in which victims can meet with advocates and/or wait for court in privacy, and connect victims with a range of long-term services.

A focus on victim safety and support services is also apparent in the Canadian literature. Jane Ursel (2001, 1998, 1996, 1994, Can.) writes extensively about the need to support victims throughout the process, arguing that if victims feel supported by the system, even

those who are not yet ready to make a final break from their batterers will continue to engage the criminal justice and legal systems until such time as they can disengage themselves from the violence. The Ad Hoc Federal-Provincial-Territorial Working Group (2003, Can.) also notes the importance of victim access to support, information and referral.

Effective Law Enforcement Procedures

Effective and specialized law enforcement units of police departments are seen as crucial partners for the specialized courts. Karan et al. (1997, U.S.) call on police departments to undertake a number of changes including:

- Organizing departments to include specialized domestic violence units as part of community-oriented policing initiatives;
- Developing written protocols and policies designed to address domestic violence;
- Mandating and enforcing domestic violence training for every police recruit and in-service training for officers and commanding officers;
- Developing "public/private" partnerships with local community advocacy groups;
- Working in close association with the prosecutor's office to develop evidence-gathering techniques that enhance the prosecutor's case at trial

Ursel (1998, Can) notes the importance of specialized police units focused on domestic violence. According to Ursel, police work in this area must be based on an understanding of the slow, often circuitous process, of ending domestic violence in a relationship. Ursel calls on police officers to change their definition of success from arrest leading to conviction to a focus on supporting the victim through the many police visits and interventions which might be necessary to obtain her cooperation with the prosecution and the conviction of the offender. "Changing our expectation of interventions from heroic rescues to slow, painful processes of empowerment is a task we must all undertake." (p. 79) Ursel (2001, Can.) also recommends police training around the issue of dual arrests (discussed later in this report) to ensure that police are taking appropriate action in cases where both parties are alleging abuse.

Offender Accountability

Any effective system must hold convicted offenders accountable, for both the violation of protection or probation orders and for lack of attendance at court-mandated treatment. The Ad Hoc Federal-Provincial-Territorial Working Group (2003, Can.) calls for the monitoring of offender compliance, with meaningful sanctions to hold offenders accountable. Karan et al. (1999, U.S.) point to the potential benefits of a judicial review docket to allow judges to monitor perpetrators' compliance with the court's orders.

High-Quality Treatment Programs

Both Tsai (2000, U.S.) and Karan et al. (1999, U.S.) speak to the need for effective, high-quality treatment programs, subject to standards and certification. Standards would detail the content, duration and quality of the programs, as well as the educational requirements and training of the therapists. Speaking specifically in the Canadian context, Ursel (20001, Can.) recommends culturally appropriate, Aboriginal-specific treatment and support programs for all family members. The Ad Hoc Federal-Provincial-Territorial Working Group (2003, Can.) calls for early access to treatment by offenders, "to capitalize on offender motivation to change and allow for a more immediate response." (p. 47)

Mazur and Aldrich (2002, U.S.) discuss the need for the Court to build strong relationships with batterer intervention programs, so that Court officers are aware of the best programs and can mandate offenders accordingly. Protocols ensuring that the Courts are notified of offender non-compliance with treatment are also crucial.

Specialized Prosecution Units

Karan et al. (1999, U.S.) recommend specialized prosecution units staffed by trained domestic violence prosecutors and victim advocates, who handle the cases from inception through disposition and employ procedures that stress victimless prosecution. Written domestic violence protocols and procedures must be in place and the units must establish linkages with community advocacy programs.

Ursel (2001, 1998, 1996, 1994, Can.) has also focused a great deal on the need for specialized prosecution units. Her recommendations in this area are explored in more detail in the prosecution section of this chapter. Suffice it to say here that she calls for a prosecution policy which both supports and respects the victim and holds the offender accountable. Ursel feels that Crown Attorneys must redefine success, moving away from a focus on conviction and accepting the importance of supporting the victim through the long process of disengaging from domestic violence. One interesting strategy used in Winnipeg to facilitate this approach is testimony bargaining, in which the Crown agrees to reduce the number or severity of charges and/or recommend probation and court-mandated treatment in return for the victim/witness's cooperation.

Specialized Probation Departments

According to Ursel (2001, 1996, Can.), one clear consequence of specialized domestic violence courts is increased pressure on probation departments, as more offenders are sentenced to probation, with treatment conditions. She calls for additional resources for probation departments, so that they can effectively meet the demand caused by specialized courts. Karan et al. (1999, U.S.) recommend specialized probation and parole departments employing officers with training in domestic violence. Those officers would monitor compliance with conditions of probation, including treatment orders. (Karan et al., 1999)

Informed and Involved Judges

As noted above, judges play a crucial role in the success of specialized domestic violence courts. Karan et al. (1999, U.S.) describe the sensitive balancing act which must be undertaken by the judiciary, saying that effective domestic violence court judges must understand the dynamics of domestic violence and apply the concepts of therapeutic jurisprudence in decision-making and case management, while still remaining true to the goals of justice and fairness for all parties. They must also remain involved in monitoring offender accountability once the sentence has been pronounced or the protection order issued.

Keilitz (2002, U.S.) argues that specialized judges must be designated to domestic violence courts. Such judges, she says, develop competencies that promote "better decision making and more consistent and fair processes for victims and batterers." (156)

According to Mazur and Aldrich (2002, U.S.), a single judge should handle criminal domestic violence cases from arraignment through sentence and compliance. They also say that domestic violence courts should use intensive judicial supervision from arraignment through disposition and use innovative monitoring methods, such as ankle monitors, phone check-ins and curfews.

Integrated Data Collection and Distribution

Keilitz (2002, U.S.) makes a strong case for integrated data collection systems to collect and synthesize data from all system participants, including the various courts (criminal, civil and family) which may be involved with one family. At the very least, she says every agency involved should be able to identify, track and analyse domestic violence cases.

"Case coordination mechanisms and data systems are critical for identifying, linking and tracking cases that involve the same parties or other members of their families…. Information sharing among the various agencies, courts, judges, victim advocates and prosecutors handling these cases can prevent judges from issuing conflicting orders that can put the victim and her children in danger or confuse the parties about their obligations or restrictions on their actions." (p.p.154-155).

Evaluation

Most writers and researchers in this area acknowledge the dearth of solid evaluation data on domestic violence courts. In response to this, the Ad Hoc Federal-Provincial-Territorial Working Group (2003, Can.) calls for the monitoring and evaluation of specialized court systems, to assess effectiveness and to identify areas requiring change or improvement.

Conclusion

The one theme running throughout the literature on specialized domestic violence courts is that developing and implementing such initiatives is a huge undertaking. In order to be successful, specialized courts must be based on meaningful collaborations amongst many large systems. They must also establish strong links with community organizations and networks. Bringing all of these players together, with their different and often conflicting cultures, mandates and objectives, is a formidable challenge. Evaluative literature indicates, however, that specialized courts are having some success in addressing domestic violence. The evaluations discussed in this paper found efficiency improvements, an increase in probation orders and mandated treatment, increased guilty pleas and decreased recidivism. They also indicated an enhanced focus on victim services and safety and in some cases increased sensitivity to victim concerns. It would appear that, despite the many challenges involved, some jurisdictions have developed successful specialized courts which have increased their communities' abilities to effectively address domestic violence.

SECTION THREE: ADVOCACY AND RELATED VICTIM SUPPORT SERVICES

Introduction

Limited research, of either a descriptive or empirical nature, has been conducted on advocacy and victim support services. A review of the literature which does exist indicates confusion and a lack of clarity about the definition of advocacy and the types of services which should be offered by advocates. Some writers, and programs, focus solely on advocacy in the legal system while others say that advocates, even those working in the courtroom, must ensure that women are connected with necessary services such as counselling and housing.

The literature also indicates a difference between Canadian and American advocacy programs. Although there appears to be little Canadian research on advocacy services linked to specialized court services, some work has been done on advocacy and follow-up programs connected to women's shelters. Such work is premised on a broad understanding of victim support, which includes not only advocacy and connection to community services but also counselling and assistance as the woman builds an independent life. That is, Canadian writers and service-providers seem to have rejected a narrow conception of advocacy and instead situate it within a broader array of victim support services. (Tutty and Rothery, 2002, Can.; Tutty, 1996, 1993, Can.)

For the sake of completeness, and in keeping with Canadian thinking on this subject, this document assumes advocacy services to mean the whole range of connections and supports (e.g. legal, social and emotional) needed to meet the victims' needs.

This section is divided into six sub-sections: need for services; potential benefits; program evaluations; issues and challenges; best practices; and conclusion.

Need for Services

As noted in the previous section on specialized courts, comprehensive victim services and advocacy programs are considered by many writers to be essential to the success of a specialized court program. Current research offers several compelling arguments for including advocacy services in specialized courts and, indeed, in any comprehensive domestic violence intervention.

Weisz (1999, U.S.) views the relational perspective as important to understanding the necessity for advocacy services. According to this approach, programs which meet women's relational needs for caring and connectedness are most likely to be successful. Weisz points to research which shows that differences between the culture of battered women and that of the police contribute to women's feelings of disconnection and isolation within the legal system. Most battered women come from a "culture of relationships," in which the importance of maintaining family connections leads them to make decisions based on compromises, rather than on their own best interests. Weisz concludes that those working with victims must understand and adopt the relational

perspective, as distinct from the more hierarchical, fact-driven, power-based culture of the legal system.

Domestic violence researchers also point out that battered women are often isolated from social supports and networks by their abusive partners and therefore may not have the means to connect with needed help and resources themselves. Victims may also suffer from Post Traumatic Stress Disorder, which further erodes their confidence and makes them less likely to seek out help or information on their own. (Weisz, 1999, U.S.; Sullivan and Bybee, 1999, U.S.) Even when they leave their batterers, women may continue to feel isolated and depressed. Tutty and Rothery (2002, Can.), in their follow-up research of former residents of women's shelters, found that the women experienced loneliness, anxiety, low self-esteem and feelings of inadequacy. Many of the study participants commented on the importance of their follow-up counselor in dealing with these issues.

In addition to a need for emotional and social support, battered women often have immediate practical requirements that must be met. Tutty and Rothery (2002, Can.) found that victims struggle with a number of practical concerns, related to safety, legal difficulties (especially related to custody and access to children), employment, housing and finances.

Research indicates that many court-based programs that do not employ advocates fail to meet women's needs, even when those women are resourceful in seeking out help and information. One study of 90 victims of domestic violence found that the most common suggestion for improvement was more information on court process and community services. Another study found that abused women perceived less empowerment both personally and in the court system than non-abused women. Some researchers suggest that victims are unlikely to participate in the justice system if their basic safety and survival needs remain unmet. (Ad Hoc Federal-Provincial-Territorial Working Group, 2003, Can.: Tutty and Rothery, 2002, Can.; Weisz, 1999, U.S.; Mills, 1998, U.S.; Hart, 1995, U.S.)

Potential Benefits

The literature highlights a number of potential benefits of advocacy programs, ranging from the micro work of providing practical assistance and emotional support all the way to the macro-level identification of systemic reform.

Giles-Sims (1997, U.S.), as part of a literature review on the psychological and social impact of partner violence, says that, theoretically, social support may provide some psychological buffer to the effects of violence. Research indicates that almost any support helps victims to deal with battering and may actually play a role in reducing the amount and frequency of abuse. Victims with the least social support tend to seek help less, remain for longer periods of time in abusive relationships and experience more severe abuse.

Advocacy services may lead to more effective use of the legal system by victims. For example, victims may be more likely to press charges, obtain protection orders and testify in court when they are supported by advocates. Weisz (1999, U.S.), while acknowledging that empirical evidence is scarce in this area, says that advocacy often facilitates victim participation in, and commitment to, the criminal justice system because it helps victims learn about their legal options within a supportive context. Similarly, Thelen (1999, U.S.) says that a trained advocate can help victims navigate through an overwhelming system and make the many important decisions which lie before them. Without such support, victims may be more likely to regret their involvement in the legal system and may not feel able to continue that involvement. Tutty and Rothery (2002, Can.) also found that such assistance helps women to follow through with legal actions and proceedings. As is clear from the evaluative literature on specialized courts, reviewed in the previous section, this follow-through has a crucial impact on court proceedings; victim participation in the legal process is often a key factor in whether the accused pleads guilty or is found guilty at trial. (Moyer et al., 2000, Can.)

The provision of practical supports is also a crucial role for advocates. As Thelen (1999, U.S.) says, coordinated community responses are built on a recognition that the period of intervention and separation can be a very dangerous time for the victim. Protective services such as emergency housing, educational/support groups and advocacy in the legal, medical and welfare systems may increase victim safety.

Advocacy services can provide relevant feedback on the impact of legal reform on victims. According to Thelen (1999, U.S.), advocates are in a unique position to assess the efficacy of reform because they are usually with the victim throughout her involvement with the legal system, from the time of the abuser's arrest through case disposition and sometimes beyond. Advocates are also usually independent from the justice system and can therefore offer an objective assessment. Thelen concludes that for any coordinated response to be effective, it must develop systematic processes to elicit and analyse feedback from advocates. "Without centralizing ongoing feedback from independent advocates to identify continuing problems in the systemic response, a coordinated community response will not keep victims safe, hold offenders accountable, nor change the climate in the community."(Thelen, 1999, U.S. p. 4)

Individual advocacy is also a key factor in the development of broader systemic advocacy. Thelen (1999, U.S.) says that individual advocacy efforts led to the identification of the institutional barriers faced by domestic violence victims in the religious, welfare, medical, mental health, educational and justice systems and helped form the practice of systems advocacy, leading to greater safety for victims and greater accountability for batterers.

Program Evaluations

Few systematic evaluations of advocacy programs have been conducted. Researchers are, therefore, careful of making claims about the efficacy and impact of such programs. Early studies indicate, however, that the advocacy approach has merit, in that it helps women move successfully through the legal system and provides much-needed emotional

and practical support. High-quality, emotionally supportive advocacy programs may be linked to increased participation in the legal process by battered women. Of particular interest is the fact that at least two evaluations determined that women who received advocacy support actually experienced less subsequent violence. This lends support to Gile-Sims' theoretical argument, described earlier in this section, that social support may provide victims with the tools they need to deal with battering. (Gile-Sims, 1997. U.S.)

American Research

Weisz, Tolman and Bennett (1999, U.S.) used both quantitative and qualitative data to study whether women's receipt of advocacy services and protective orders affected their partners' subsequent arrests and police contacts. The study analysed the records of about 350 physical abuse cases. Open-ended interviews with a small number of battered women and agency staff were used to expand and illustrate the quantitative data. The study found that when a woman received advocacy services or had a protective order, a completed court case was more likely and the number of arrests in subsequent police interventions rose. These associations were strongest when women received both advocacy services and at least one protective order. Advocacy services included assistance with legal and non-legal matters.

As part of the previously cited research, Weisz (1999, U.S.) conducted interviews with 11 battered women and held three focus groups with staff, including advocates, from a shelter. The study found that advocates gave women information about the law and their rights of which they were previously unaware. The support and presence of the advocates often helped women feel less vulnerable and provided the encouragement they needed to press charges, get protective orders and carry through with prosecution. The study found that survivors needed a "very potent form of help" because of their "relational culture" which included concerns for their children and confusing and powerful attachments to their partners. The author concludes that legal advocacy for survivors can be helpful to women and effective in supporting them through the legal system, if it responds to women's relational needs by offering emotional support, information and the physical presence of an advocate.

Sullivan and Bybee (1999, U.S.) conducted a study with 278 women from a Midwest shelter program in which half the women were randomly assigned to receive free one-on-one advocacy services for four to six hours a week during their first ten weeks out of the shelter. The advocacy was provided by female undergraduate students as part of a two-semester university psychology course. Assistance was provided with such matters as education, legal assistance, employment, services for children, housing, child care, transportation, financial assistance, health care, and social support. Variables measured by the researchers included experience of violence by partners and ex-partners, psychological abuse, quality of life, depression, social support, effectiveness in obtaining resources, and difficulty obtaining resources. Women who worked with advocates experienced less violence over time, reported higher quality of life and social support, and had less difficulty obtaining community resources. Twenty-four percent of the women receiving advocacy services experienced no violence during the two years following the intervention, as compared to 11% of the women who did not receive such services.

Bell and Goodman (2001, U.S.) evaluated the effectiveness of a legal advocacy program in which law students worked intensively with battered women to obtain protective orders. Data was collected on 21 women in the advocacy program and 36 women in a comparison group. Each participant in the advocacy program was paired with two second or third year law students. The primary focus of the program was to provide victims with legal representation and support throughout the court process. However, advocates also helped the women with safety planning, provided referrals to community agencies and information on domestic violence, and offered emotional support. Women in the comparison group also had access to court-provided volunteer advocates during their involvement with the legal system. However, those women generally did not interact with the advocates over an extended period of time and did not have the opportunity to develop continuous relationships with one particular advocate. The evaluators found that women working with the law student advocates reported significantly less physical and psychological re-abuse and marginally better emotional support after six weeks, as compared to the women who received standard court services. There was no significant change in the levels of tangible social support or symptoms of depression.

Canadian Research

Tuttty and Rothery (2002, Can.) reported on interviews conducted with 35 women while they resided in women's shelters and four to six months later. The researchers compared the concerns of the 21 women who connected with the shelter follow-up program with those of the women who had not. Although the problems identified by the two groups of women were similar, the women involved with the follow-up program were more connected to community resources than those who were not involved with the program. By the time of the follow-up interviews, only four of the 21 follow-up clients still lacked emotional support in their lives. Ten of the women in the program experienced considerable improvement in their self-esteem; no members of the non-follow-up group reported improvements in self-esteem. Considerably more follow-up clients were involved in school or job training activities than were members of the non-program group.

Tutty (1996, Can.) evaluated two follow-up programs located in women's shelters. The programs were intended to provide ongoing support to former shelter residents living independently from their assaultive partners. As part of the programs, social workers visited clients in their homes for one to two hours a week in a counselling and advocacy role. The social workers' responsibilities ranged from assistance with basic needs such as income, housing and furnishings to help with more complex issues such as dealing with the legal system and obtaining educational upgrading, job training or employment. As well, a major part of the work focused on helping the woman plan how to respond to her ex-partners. Both quantitative and qualitative data were collected from the follow-up workers and the women. Workers completed ratings scales on 60 women; a subgroup of 28 women completed standardized measures at two points in time; and 31 women were interviewed by the author. The research found that the participants significantly improved their amount of appraisal support (the availability of someone to talk to about one's problems), although tangible and belonging support and perceived stress levels did not change significantly. Self-esteem improved significantly for a subset of 12 follow-up

clients. Data from the individual interviews indicated that virtually all of the women found that the counselling and advocacy relationship with the workers was of primary benefit. As well, the majority of the women perceived the programs as central to their not returning to an abusive relationship.

Issues and Challenges

The research community has noted several significant issues yet to be resolved regarding advocacy services. Some of these concerns are related to the fact that the development of advocacy programs is a fairly recent endeavour. As a result, there is little evaluative data, definitions and program components are not yet clear, and advocates are still struggling to define and accept their place within the broader systems in which they work.

The absence of evaluative data on advocacy programs continues to be a concern in the literature. Little information is available on how to provide such services most effectively and there have been few attempts to elicit opinions from victims and/or practitioners on the successes and limitations of advocacy. (Bell and Goodman, 2001, U.S.; Weisz, 1999, U.S.)

The lack of clarity and definition around advocacy services is an issue for academics and practitioners. Many new initiatives include advocacy, but there is little agreement about what such programs should entail. (Weisz, 1999, U.S.) The Ad Hoc Federal-Provincial-Territorial Working Group (2003, Can.) has pointed out that the scope of victim and advocacy services differs significantly across Canada. Some programs are police-based, some are system-based (including correctional) and others are community-based. Programs may be delivered by government, police or community organizations and by paid staff or volunteers.

As the evaluations reviewed above demonstrate, advocacy and victim services seem to run the gamut from strict legal information to assistance with a range of social supports. While such flexibility may be beneficial, in that communities can create programs which meet their own needs, caution must be exercised in providing services which venture into clinical and legal arenas. Staff and volunteers who are trained in providing emotional and practical support may not have the expertise to provide legal information, and vice versa. Moreover, programs without clearly defined boundaries may overwork staff, leading to less effective advocacy interventions. As it is, most advocacy programs cannot meet demand; they often do not have the staff and resources "to fully address the complex and multiple problems that victims bring to them." (Bell and Goodman, 2001, U.S., 1378)

Researchers also note the inherent difficulties that court- and system-based advocacy programs experience in attempting to reconcile their dual roles of advocating for victims and operating as part of the legal system. (Ad Hoc Federal-Provincial-Territorial Working Group, 2003, Can.) This is especially true for programs which started as part of the shelter movement and then moved to court-based services. Blending feminist principles, which are focused on supporting and empowering the women involved, with

the hierarchical, often male-based operations of the court provides an array of challenges. Becoming too closely aligned with the court may also limit advocates' ability to lobby for institutional change. (Wan, 2000, U.S.; Shepard, 1999, U.S.; Moore, undated, U.S.) As Shepard puts it, "(i)t is important that advocates be closely involved with community intervention projects in developing a coordinated community response. However, they need to maintain their separateness and unique role in the community." (Shepard, 1999, U.S., p. 119)

And finally, the literature identifies the danger that advocates, similar to domestic violence counselors, may experience secondary or vicarious trauma after hearing repeated stories of abuse and dealing on a daily basis with ineffective systems. As a result they may begin to "think differently about the world in terms of its safety and the level at which people can be trusted," leading to more bureaucratic and less empathetic interactions with their clients. (Wan, 2000, U.S., p. 627)

Best Practices

As discussed in the previous section on specialized courts, several writers have described a model victims' service or advocacy program which they feel should play a pivotal role in any court initiative. Such a service would be broad and comprehensive, with victims being provided with a range of information and support at a multi-agency, one-stop-shopping intake centre.

The Ad Hoc Federal-Provincial-Territorial Working Group (2003, Can.) has identified the key elements of an effective response to victim needs. Perhaps reflecting the academic debate over the nature of victim and advocacy services, the working group has grouped those elements into two categories: services linked to the justice system and community-based programs.

The Working Group identifies the following as important components of an effective system-based victim support program:

- Intervention as soon as possible following the incident
- Provision of information about abuse, the criminal justice system, the role of the victim-witness, and case status
- Referral and access to a range of supporting agencies and services to meet the multiplicity of victim needs
- Victim notification of, and participation in, decisions regarding the release of accused individuals and offenders, and conditions associated with the release
- Emotional support crisis intervention
- Assistance with victim impact statements
- Risk assessment and safety planning
- Collaboration and co-ordination among agencies providing services
- Clarity of roles (between criminal justice based victim services and community support agencies)

- Availability of information and effective communication mechanisms among players within, and external to, the justice system

The Working Group then goes on to identify the community services which "must be available to complement government support services for victims involved with the criminal justice system." (p. 63) They include:

- Emergency access to a safe place (including emergency transportation and overnight accommodation)
- Counselling and emotional support (immediately following a crisis and through follow-up and outreach)
- Information and referral
- Access to affordable and safe housing and to legal and medical services
- Employment and income support
- Mental health and addiction services where required
- Child care, child support and counselling for children to overcome trauma
- Safety planning
- Assistance with the family law system

Conclusion

Despite the lack of clarity around some aspects of victim advocacy, the literature is clear on the importance of such programs in supporting women as they move through the legal system. Indeed, there are many indications in the existing research that victim support is crucial to women's successful and continual participation in the legal process. What form such support programs take differs from jurisdiction to jurisdiction but the federal government has provided some broad parameters, outlined above, which might prove useful in the implementation of victim support services in Canada. That federal work supports the broad, holistic interpretation of victim advocacy adopted in other Canadian writings on this issue.

SECTION FOUR: LAW ENFORCEMENT

Introduction

Much has been written on the impact of police practices on domestic violence, particularly on the possible links between arrest and recidivism, the utility of mandatory and pro-arrest policies and victim motivation for involving law enforcement. This section reviews that literature. It is divided into seven sub-sections: history of police involvement in domestic violence; police arrest studies; pro-arrest policies; actual police practices; dual charges; victim feedback; and a summary.

History of Police Involvement in Domestic Violence

Until fairly recently, most police departments in both Canada and the United States evidenced a clear reluctance to get involved in domestic violence cases. The literature is rife with examples of police inaction on woman assault. (Roberts and Kurst-Swanger, 2002, U.S.; Melton, 1999, U.S.; Saccuzzo, 1999, U.S.) As Roberts and Kurst-Swanger (2002, U.S,) put it, "the classic police response to domestic violence involved a 'do-nothing' approach or temporarily separating the parties until the abuser cooled off." (p.103). Ursel (1999, Can.) uses similar words to describe the history of police action in Canada: "In the past, police frequently did not respond, were slow arriving at the scene, reluctant to believe victims and preferred walking assailants around the block to cool them off before warning both husband and wife to behave." (p. 74).

Many reasons are provided in the literature for the historical lack of police action in cases of domestic violence. They include: a general societal belief that domestic violence was a private matter between family members and should not be subject to the same level of scrutiny as violence among strangers; police officers' opinions that dealing with domestic abuse cases was social work, not "real" police work; lack of organizational incentive to take the time necessary to deal effectively with domestic violence; legal restrictions on when police officers could arrest domestic violence offenders; police officers' beliefs that victims would recant and not proceed with prosecution; and a departmental focus on rewarding officers for the arrests and convictions more common in other types of police work. (Buzawa and Buzawa, 2003, U.S.; Ursel, 2001, Can.; Melton, 1999, U.S.; Rigakos, 1998, Can.)

In the 1970s and 1980s, growing demand from the women's movement to redress this situation, along with several high-profile lawsuits in the United States involving clear cases of police failure to protect battered women, led to changes in how police responded to domestic violence in both Canada and the United States. Another important development was the American police arrest studies of the 1980s. (Buzawa and Buzawa, 2003, U.S.; Ursel, 2001, Can; Melton, 1999, U.S.; McGillivray and Comaskey, 1998, Can.)

Police Arrest Studies

Six experimental research studies, collectively known as the Spouse Assault Replication Program, were carried out between 1981 and 1991 to test whether arrest deterred subsequent violence better than other police actions (e.g. providing advice and informal mediation, ordering the offender to leave the premises temporarily). (Roberts and Kurst-Swanger, 2002, U.S.; Maxwell, Garner and Fagan, 2001, U.S.)

The first of the studies, the Minneapolis Domestic Violence Experiment (MDVE), found that arresting batterers reduced by half the rate of subsequent offences against the same victim within a six-month follow-up period. (Maxwell, Garner and Fagan, 2001, U.S.) These results were widely publicized and led many jurisdictions across the United States and Canada to develop mandatory or pro-arrest policies, under which police officers must arrest abusers when there is evidence of a criminal offence. (Buzawa and Buzawa, 2003, U.S.; Roberts and Kurst-Swanger, 2002, U.S.) Research taking place in Canada at the same time confirmed the Minneapolis results; Peter Jaffe's study of a pro-arrest policy in London, Ontario found a sharp decrease in the number of wife assaults after the implementation of the policy (cited in Ursel, 2001, Can.).

The five American SARP studies which followed the MDVE produced inconsistent findings about the impact of arrest on recidivism. (A sixth study was intended for Atlanta but the results were never published.) In fact, three of the replication studies determined arrest to be a less effective deterrent than other police responses and some of the research suggested that arrest could actually lead to additional violence amongst some batterers, i.e. the unemployed. Arrest appeared to be an effective deterrent to future violence amongst the employed, married and white, although the long-term deterrent effect (more than one year) was not strong. (Roberts and Kurst-Swanger, 2002, U.S.; Maxwell, Garner and Fagan, 2001, U.S; Weisz, 2001, U.S.; Berk et al., 1992, U.S.)

After a review of all the SARP studies, one of the original researchers recommended replacing mandatory arrest with a policy of mandatory action on the part of the police. Mandatory action could include providing transportation to a shelter or a detoxification center, granting the victim the option to decide if an arrest should be made or providing suggestions for victim protection. (Ursel, 2001, Can.; Mills, 1998, U.S.)

The SARP studies remain controversial, with researchers continuing to debate the results. The methodologies and results have all been scrutinized and many articles have been written, some lauding and some criticizing the results. (Buzawa and Buzawa, 2003, U.S.; Ursel, 2001, Can.; Worden, 2000, U.S.) Among the most persuasive of the criticisms is the observation that the studies were set in different communities, in which community agencies and criminal justice institutions all took different approaches to domestic violence, and yet no consideration was given to how those broader factors impacted the results. Academics point out that arrest does not take place in a vacuum and that its effect may be altered depending on such factors as whether it is followed by vigorous prosecution and appropriate sentences and whether community supports are in place for victim, offender and other family members. (Buzawa and Buzawa, 2003, U.S.; McGuire, 1998, U.S.; Tolman and Weisz, 1995, U.S.)

In 2001, Maxwell, Garner and Fagan (U.S.) published an article in which they re-analysed the SARP data in order to provide "a more consistent, more precise and less ambiguous estimation of the impact of arrest." (p.2) They found that arresting batterers was consistently related to reduced subsequent aggression against female partners, although the effect was modest. They also found that a minority of the suspects continued to commit intimate partner violence, regardless of the intervention they received, and that a majority of the suspects discontinued their violent behaviours even without arrest. The researchers suggest that further research is necessary to accurately predict repeat offenders and find methods of helping their victims. They also observe that policies requiring arrest for all suspects may unnecessarily divert community resources away from the work of identifying and responding to the worst offenders and the victims most at risk.

Pro-Arrest Policies

Canadian Policies

Despite the inconsistencies in the research results, the police arrest studies were influential in the development of arrest policies across North America. According to the Ad Hoc Federal-Provincial-Territorial Working Group (2003, Can.), all Canadian jurisdictions now have some type of charging policy regarding spousal abuse. The Working Group concludes that although some jurisdictions refer to the policies as mandatory arrest and some call them pro-arrest, "all jurisdictions continue to support a similar criminal justice response, the primary objective of which is the criminalization of spousal abuse." (p. 11). The Working Group goes on to say that all Canadian policies have the following objectives in common:

- General deterrence, by sending a strong and clear message to society that spousal abuse is wrong
- Specific deterrence, by seeking to prevent the individual abuser from committing further acts of spousal abuse
- Removing responsibility (and blame) for the decision to lay charges from the victim
- Increasing the number of charges laid in reported spousal abuse cases
- Increasing the reporting of incidents of spousal abuse
- Reducing re-offending

The Working Group also identifies the following as the common elements of arrest policies across Canada:

Test – Chargers should be laid where there are reasonable and probable ground to believe an arrest has been committed, regardless of the wishes of the victim. In a few provinces, the decision to charge lies with the Crown. In Alberta, police can decide to lay charges.

Investigation – Police officers who respond to domestic violence calls must conduct a complete investigation and collect all available evidence from all sources. Some jurisdictions have developed tailored investigation forms for spousal abuse cases.

Withdrawal/stay of charges – Withdrawing or staying of charges falls within the purview of the Crown.

Release of an accused from custody by the officer in charge – Release of the abusive partner/accused should be made subject to appropriate conditions including, for example, non-communication orders, firearms prohibitions, and drug or alcohol prohibitions. Some jurisdictions require victim notification of the release of the accused as well as of any accompanying conditions.

Victims' Services – Most jurisdictions instruct police to advise victims of available victims' services, to direct them to such services or to do both.

Calgary operates under a pro-arrest policy. If officers are called to a domestic violence incident, and there are reasonable and probable grounds to believe that a Criminal Code offence has been committed, they must lay charges.

Despite the fact that some form of domestic violence arrest policy is in effect in most jurisdictions across Canada and the United States, the literature is still divided on the subject of mandatory and pro-arrest policies. The following is a brief synopsis of arguments on both sides.

<u>Arguments Against Mandatory and Pro-Arrest Policies</u>

One of the most common arguments against mandatory and pro-arrest policies is that they are often used to arrest low-income, marginalized offenders and therefore have a greater effect on those families and communities. For example, Snider (1998, Can.) says that "lower income, visible minority and Aboriginal women have paid a heavy price for mandatory criminalization." (p.146) Currie (1998, Can.) also questions the use of the legal system, and such measures as pro-arrest policies, to address violence against women, pointing out that many of these policies have had a disproportionate impact on poor families and men and women of colour. Mills (2003, U.S.) raises similar issues, saying that criminalizing domestic violence underscores the racism of the criminal justice system, as men of colour are much more likely to be arrested than white males. She also argues that women of colour, immigrant women, gays, lesbians, bisexual and transgendered people often feel more oppressed by "white power structures" such as the criminal justice system than by their abusers and that there are many complex reasons why they choose to remain in abusive relationships – reasons which cannot be addressed by mandatory criminal justice policies.

As well, as Kelly (2003, U.S.) points out "the use of aggressive arrest policies are feared likely to backfire in communities where cultural and social norms dictate against any highly visible public action against one's abuser, thus discouraging a victim who might

otherwise call the police for limited counseling and assistance from calling at all." (p. 829)

Academics have also criticized mandatory and pro-arrest policies on the grounds that, although many women want the police to intervene in violent situations and put an end to particular abusive incidents, they do not necessarily want the offender to be arrested. In such cases, women may have very strategic reasons for not desiring an arrest (e.g. the offender may lose his job and the family its main source of income). According to this argument, mandatory and pro-arrest policies disempower the victim by taking away her ability to participate in the arrest decision. (Mills, 2003, U.S.: Melton, 1999, U.S.; Sacuzzo, 1999, U.S.)

Other arguments raised against mandatory and pro-arrest policies include: they lead to more violence against victims; they deter victims from reporting abuse because they don't want their abusers arrested; they cause offenders to focus their violence on other victims; they lead to police frustration and repressive call screening; they increase the number of victims who are uncooperative with the prosecution; they lead to the loss of the primary income earner for the family. (Buzawa and Buzawa, 2003, U.S.; Roberts and Kurst-Swanger, 2002, U.S.; Sacuzzo, 1999, U.S.; Melton, 1999, U.S.) As well, critics argue that such policies lead to dual arrests, in which both the victim and the offender are arrested. The issue of dual arrests will be discussed in further detail later in this section.

Many of the critics of mandatory and pro-arrest policies advocate for alternative policies. As noted above, Sherman, one of the original SARP researchers, has called for a policy of mandatory action on behalf of the police, with the action taken depending on the circumstances of the case. (Ursel, 2001, Can.; Mills, 1998, U.S.) Others argue for a presumptive, as opposed to mandatory, arrest policy, which guides officers' use of discretion in the making of an arrest. (Buzawa and Buzawas, 2003, U.S.) Snider (1998, Can.) calls for the adoption of a regulatory pyramid, with persuasion or self-sanctioning as the first goal, deterrence through community-level shaming as a second goal and incapacitation as a final, least-employed option.

Arguments for Mandatory and Pro-Arrest Policies

Interestingly, the argument that pro-arrest policies and similar criminal justice initiatives unduly burden marginalized populations is not clearly supported by the literature which focuses on those populations. For example, McGilivray and Comaskey (1998, Can.) interviewed 26 female Aboriginal victims of intimate violence. They found that the women were reluctant to embrace First Nations community-based alternatives to the justice system and instead wanted longer sentences, input into sentences, effective protection order enforcement and effective and mandatory abuser treatment. As well, Flynn and Crawford (1998, Can.), in writing about the experiences of Caribbean women in Canada, conclude that mandatory charging and rigorous prosecution are essential for securing women's safety within the home. They recommend that arrest policies be augmented with anti-racist, anti-sexist police training, prosecutorial and judicial guidelines, support services for victims and rehabilitation and counseling for batterers.

Ursel (2001, Can.) points out that the majority of domestic violence calls to police in Winnipeg come from communities with large low-income and Aboriginal populations. She argues that these women call the police because they have no access to alternatives and "to remove that support would result in putting many more women's lives at risk, particularly low income or Aboriginal women." (p.17) While she acknowledges the high number of Aboriginal offenders caught up in the justice system, some of them Aboriginal men charged with domestic violence related offences, she adds that "to try to reduce the over-representation of Aboriginal women in FVC {Family Violence Court} by reducing the number of arrests would have the effect of reducing protection to Aboriginal women and children." (p. 17) She also points out that a return to a policy of police discretion might mean a return to "past conditions in which discretion frequently translated into non response." (p.18)

Sacuzzo (1999, U.S.) makes an interesting argument for mandatory and pro-arrest policies, placing them in the context of therapeutic jurisprudence (discussed in the specialized courts section of this report.) He says therapeutic jurisprudence can be used to "bring some order to the debate over mandatory arrest." (p. 780) According to Sacuzzo, a therapeutic jurisprudence approach examines the effect of any given criminal justice response from the standpoint of its impact on the batterer, the battered person and society. He concludes that mandatory arrest sends positive and constructive messages to the offender, battered person and society that domestic violence is a crime that will not be tolerated and that the offender, not the victim, is responsible and at fault. "If the message serves to empower the battered person, pin responsibility on the batterer and send a message to society that domestic violence will not be tolerated, then mandatory arrest should be embraced regardless of statistical studies." (p. 775)

This focus on the important message mandatory arrest relays to the community is shared by other writers. Weisz (2001, U.S.) views arrest as an important part of any domestic violence intervention because of the message it sends to the victim, the abuser, their children and the community about society's intolerance of domestic violence. She describes arrest as "morally correct" because it "treats domestic violence as a serious crime that is comparable to other crimes." (p. 3)

Ursel (2001, 1998, 1997, Can.) argues that the current "disenchantment" with arrest and many other criminal justice policies focused on domestic violence stems from "unrealistic measures of success, applying an old concept of justice to a new social issue which does not fit well within the tradition paradigm." (2001, p.6) She says police must redefine success from a short-term outcome (conviction) to a longer term process (redressing an imbalance of power.) In addition, researchers must stop focusing on one single measure of success, whether arrest prevents future battering, and focus on the role of arrest in the addressing the complexities of domestic violence. In Ursel's view, the power of arrest is that it stops the current violent episode and redresses the power imbalance in the relationship, if only temporarily. "The debate within the academic literature on whether or not arrests deter future violence does not speak to the most pressing problem of deterring the escalation of ongoing or imminent violence. This is the outcome measure most appropriate to assessing police intervention." (2001, p. 22) Arrest may not immediately decrease recidivism but it engages the victims and the police

in a process, one which may take several years and many more police interventions, but which may eventually lead to the cessation of violence.

The Ad Hoc Federal-Provincial-Territorial Working Group (2003, Can.) concludes that "the pro-charging policies adopted in Canada during the 1980s have significantly contributed to the strengthening of the criminal justice system's response to spousal abuse." (p. 20) The Working Group points out that although the Canadian policies are often described as pro-charging, they are actually only "the applicable standards for all criminal conduct." (p. 21) That is, whenever there is evidence of any Criminal Code offence, the suspected offender must be arrested. Applying those standards clearly to domestic violence cases helps to make a "critical distinction between the criminal justice system's treatment of spousal abuse as a 'criminal matter' and its historical treatment of spousal abuse as a 'private matter.'" (p. 21)

Actual Police Practices

A subset of the literature in this area focuses on actual law enforcement practices, particularly how police departments do or do not operationalize arrest policies and what factors influence the decision to arrest. Most of this work has been conducted in the United States, although some has taken place in Canada. The following is a brief summary of some of the research results. The American research is presented because it addresses some issues relevant to the HomeFront project, such as the need for a co-ordinating body and the efficacy of pro-arrest policies. However, as the Ad Hoc Federal-Provincial-Territorial Working Group (2003, Can.) has pointed out, "research from jurisdictions outside Canada may not always be directly comparable to Canadian realities." (p. 14)

American Research

There is some indication in the literature that jurisdictions with pro-arrest policies and the mechanisms in place to support those policies have higher arrest rates for domestic violence cases. The first three studies described below all found an increase in arrests in pro-arrest communities, although evidence of the link between those arrests and recidivism remains inconclusive. Three of the studies reviewed below also highlight the need for a coordinating agency and/or police training. It is interesting to note that, even in jurisdictions with pro-charging policies, many domestic violence incidents still do not result in arrest. And, as two of the studies described below indicate, those jurisdictions with little support for pro-arrest policies appear to have very low arrest rates.

Impact on Arrest Rates

Jones and Belknap (1999, U.S.) conducted a study in Boulder, Colorado, a jurisdiction with a pro-arrest policy in place since 1986 and in which one agency, the Domestic Abuse Prevention Project (DAPP), has been created to oversee systemic responses to intimate partner battering. In Boulder, if there is probable cause that a domestic violence crime has been committed, police officers must not only arrest the defendant but also jail him or her, regardless of the victim's wishes. The researchers found a far more serious

police response to batterers than that observed in previous studies, as almost three-fifths of perpetrators were jailed. As well, extralegal factors such as victim behaviour and offender characteristics seemed to have less impact on decision-making than reported in previous studies. The authors point to the importance of an umbrella, in-house agency designed to oversee system-wide responses to battering.

Belknap and Hartman (2000, U.S.) used data collected by advocates for battered women in two agencies in a large metropolitan area of the United States. Police response differed according to which victim advocacy agency was involved, whether the responding department was the major urban department (which has a pro-arrest policy) or one of the surrounding smaller departments (without pro-arrest policies), whether a threat of violence was a reason why the police were called and whether a weapon was involved. Findings supported the hypothesis that a pro-arrest policy increases the likelihood of arresting abusers. In the model predicting whether the abuser was arrested, departmental affiliation was the only significant variable. Also, officers in the department with a pro-arrest policy were more likely to be reported by victim advocates as both sensitive to victims' needs and discussing options with victims.

Mignon and Holmes (1995, U.S.) studied data from 24 Massachusetts police departments on 861 domestic violence cases. The study took place within months of implementation of a new mandatory arrest law for violations of restraining orders and the researchers found that arrests increased fivefold after the passage of the law. When a restraining order was in effect, offenders were arrested almost half of the time. The arrest decision was affected by injury to the victim, use of a weapon, use of alcohol and presence of a witness. The researchers found that police training was crucial to the implementation of the law.

Fyfe et al. (1997, U.S.) analysed the responses of police in Chester, Pennsylvania to 392 felony-grade assaults by persons whose identities were known to victims and police. In contrast to the results described above, this study found that arrests occurred in only 13% of male-on-female spousal assaults and 28% of other assaults. The researchers determined that the differences were not attributable to other variables. They conclude that results reported by researchers studying progressive police jurisdictions that volunteer to participate in domestic violence studies may not be generalizable to the great majority of police agencies that have not welcomed such scrutiny.

Bourg and Stock (1994, U.S.) examined domestic violence arrest statistics in a sheriff's department that did not utilize a community approach and provided little police training on domestic violence. In reviewing all domestic violence reports (1,870) over a 12-month period, the researchers found that less than one-third (28.8%) ended in arrest. Even the most serious charges were more likely to end without an arrest (62.6%) than with an arrest (37.4%).

Recidivism

A small percentage of recent arrest studies have focused on the link between arrest and recidivism. Likely in response to criticism of the SARP research, these studies have also

attempted to gauge the impact of other factors (such as prosecution, disposition or a coordinated community response) on the re-offending rate. Unfortunately, as with the SARP research, the results are contradictory.

Mears et al. (2001, U.S.) conducted a complex study which attempted to examine the impact of factors such as age, prior victimization, prior drug use, race/ethnicity and community-level socioeconomic context, as well as three different criminal justice interventions (protection order alone, arrest alone or protection order with arrest), on recidivism. The researchers used data from court and police files in a large urban county in Texas and collected information on 336 domestic violence cases sampled from January, August and October of three years (1990-1992). Police records were used to track recidivism within two years of the legal intervention. The researchers found that prior drug use, race/ethnicity and community-level income were associated with time to re-victimization. No one legal intervention was more effective than the other in reducing the prevalence or time to re-abuse.

Tolman and Weisz (1995, U.S.) explored the effectiveness of a coordinated community intervention designed to reduce domestic violence in DuPage County, Illinois, a jurisdiction with a pro-arrest policy. The researchers used police reports on all domestic violence calls, not just those which resulted in arrest, as well as state disposition summary forms from the state attorney's office. They examined the effects of arrest and prosecution on subsequent police calls and arrests within an 18-month period following the initial incident and concluded that arrest significantly deterred subsequent domestic violence incidents. The recidivism rate was 35% for those offenders not arrested, as compared to 25% for those arrested at the scene. The deterrent effect of arrest did not deteriorate over the 18-month period and was most pronounced for those offenders who had a previous history of police involvement for domestic violence. Recidivism rates were also lower for those men who were prosecuted and convicted, as compared to those who were not arrested, who were found not guilty or whose cases were dismissed, but the differences were not statistically significant.

Arrest Decisions

Several studies have focused on the factors influencing the police decision to arrest. The results of this research have been somewhat inconsistent although there is some indication that situational variables influence the decision more than officer, offender or victim characteristics. For example, Feder (1999, U.S.) found that victims' preference for an arrest was highly predictive of police taking the defendant into custody. However, while Feder found that most officer characteristics were not significant, number of years on the force negatively related to arrest decisions. In addition, the officer's attitude towards women, his knowledge of departmental policy on domestic assault and his holding a pro-police intervention position positively related to an arrest outcome. Robinson, Chandek and Meghan (2000, U.S.) found a positive relationship between suspect presence and the likelihood of an arrest occurring. As well, where the suspects were co-habitiating, arrest was more likely. If the call occurred near the end of an officer's shift, the probability of arrest decreased, and there was a significant negative relationship between victim injury and arrest. The authors speculate that there may be a

link between victim injury and fear of retaliation, leading to officer acquiescence to victim's wishes. Kane (2000, U.S.) studied 468 domestic violence incidents in Boston in which the offender remained at the scene to test whether the violation of a restraining order increased the likelihood of arrest. He found that risk and injury to the victim was the strongest predictor of arrest and that, under the highest risk conditions, the arrest rate was 75.8%. Under low-risk conditions with a restraining order violation, the arrest rate was 44%. When the offender presented little risk to the victim and there was no restraining order violation, the arrest rate was 12.1%.

Buzawa and Buzawa (2003, U.S.), in reviewing the literature in this area, highlight a number of factors which have been identified in various studies as affecting the police decision to arrest. They include: offender's presence at the scene, who called the police, presence of weapons and officer perceptions of risk, injuries and the threat of injury, presence of children, victim-offender relationship, victim preferences for arrest, police evaluation of victim traits and conduct, and assailant behaviour and demeanor. They point out that none of these factors relate to probable cause and therefore should not be considered in the arrest decision. "The reality of how police organizations actually respond to proarrest statutes and policy directives remains problematic and, at times, unpredictable." (p. 173)

Canadian Research

Canadian researchers have not focused on pro-arrest policies to the same extent as their American counterparts. The little research which has been conducted indicates varying degrees of support for, and compliance with, pro-charging policies amongst Canadian law enforcement officers.

Rigakos (1998, 1997, Can.) administered a questionnaire to 45 police officers in Delta, British Columbia in order to obtain further information on enforcement practices of police officers when responding to breaches of civil restraining orders and Canadian Criminal Code peace bonds. Delta police officers must arrest in cases of domestic violence where there are grounds to believe that an offence has occurred. The questionnaire asked the officers to recall how many times during the time period of June 1993 to June 1994 they were presented with restraining orders or peace bonds at domestic calls and how they responded to those orders. When officers indicated there was no legal ground for arrest because the offender had left the scene, the incident was removed from the sample. Of the remainder, Delta police officers arrested in only 21% of (civil) restraining order breaches and 35% of (criminal) peace bond breaches. The most important factors compelling police to arrest for breached protection orders, where the complainants' safety was at issue, were signs of forced entry, violent histories and signs of struggle. "The startling finding here is that officers appear more attuned to property damage than evidence suggesting that an assault may have occurred. Officers rated women's request for arrest, on average, as only a 'slightly important' factor, ranking sixth out of 12 situational factors influencing arrest decisions." (p. 85) Many of the officers told Rigakos that battered women are reluctant witnesses, but his examination of court records found that only one in ten women testifying in spousal assault cases in 1993 was listed as uncooperative. Rigakos also noted a persistent

perception among the police officers that victims were cunning, calculating liars who deserved abusive partners and were ungrateful when "rescued."

Hannah-Moffat (1995, Can.) interviewed 17 Toronto police officers regarding Metropolitan Toronto's pro-charge policy. She found that only six of the 17 officers agreed with the policy, with two undecided. The younger, less experienced officers were most likely to disagree with the policy. Most officers indicated that they had problems complying with the policy and that they still felt entitled to exercise discretion when listening to women's allegation of abuse. "Overall, most of the officers maintained that their 'general impression' of the situation and their skills at objectively 'weighing both sides of the argument and the evidence' were instrumental to their decision-making." (p. 38) Hannah-Moffat also found that most officers were suspicious of victims and portrayed them as at least partially responsible for their situations. They also indicated that they viewed the victim as the chief obstacle in the judicial process.

Jaffe et al. (1991, Can.) studied the effectiveness of a pro-arrest policy in London, Ontario. He found that in 1979 (pre-policy), police officers laid charges in only 3% of incidents involving wife assaults. By 1983, this figure had risen to 67% and by 1990 it was at 89%. Interviews with 90 victims indicated a high level of satisfaction with police response. Three quarters of victims (74%) said that the police responded quickly and 65% said they were satisfied with the advice they received. In addition, 87% said they would call the police again. By contrast, a 1979 survey found that only 48% of victims were satisfied with the police response. Finally, surveys distributed to police in 1985 and 1990 showed growing support for the policy. In 1990, more than half (52%) of the officers felt that the policy was effective, compared to one-third in the 1985 research. Police officers were asked to rank the factors that influenced their decision to lay charges. Corroborating evidence was the most important factor, followed by the willingness of the victim to testify and seriousness of victim injuries.

Brown (2000, Can.) conducted a review of research on arrest and prosecution policies, on behalf of the Department of Justice Canada. He concludes that more research is needed to assess the consistency with which Canadian police are complying with charging policies across the country and to identify the factors which lead police officers to make arrests in some situations and not in others. "Until further research in these areas is undertaken, it will be difficult to formulate any hard conclusions as to the extent to which mandatory charging policies have been 'accepted' and properly adhered to by the police officers responsible for implementing them." (p. 8)

Dual Charges

Some of the pro-arrest research has found an increase in the number of dual arrests (both parties charged) in those jurisdictions which adopt pro-charging policies. American research has shown wide variations in dual arrest rates, with a high of 23% in Connecticut to a low of 5.5% in Rhode Island. (Buzawa and Buzawa, 2003, U.S.) The Woman Abuse Council of Toronto undertook a preliminary study of dual arrests in Toronto in 2000-2001 and found a significant increase in police-laid charges against women in domestic violence situations, from an average rate of 1.5 women per month

from April 1 to December 31, 2000 to 11.7 women per month from April 1 to June 30, 2001. (Woman Abuse Council of Toronto, 2001, Can.) On the other hand, Ursel found that Winnipeg's pro-arrest policy did not make a significant difference in the dual arrest rate. It was 6% before the policy was instituted and rose to only 7% after policy implementation. (Ursel, 2001, Can.)

Regardless of the numbers, however, must academics and activists are troubled by the issue of dual arrest. As Ursel (2001, Can.) says, "if a woman's call for help results in her arrest, police punish rather than protect her. This is clearly not the intent of the Zero Tolerance Policy. This could seriously discourage the particular woman from calling the police again when she is at risk and could operate as a deterrent to many women who become aware of the possibility of a dual arrest." (p. 20) Ursel goes on to say that dual arrests also have a negative effect "on the pursuit of justice within the courts" as they usually lead to stays of proceedings, because the accused has a strong defense of a consensual fight. The Woman Abuse Council of Toronto adds that dual arrests send abusers a very clear message that they can "continue their abusive behaviour with impunity." (2001, p. 2)

Several reasons have been put forward in the literature for the increasing dual arrest rates. The Woman Abuse Council of Toronto found that the issue was attributable to ambiguous police practices and individual police discretion/bias. According to the Council, the Toronto Police Service does not appear to have an official policy on dual arrest in domestic violence situations or any policy guidelines pertaining to self-defense or primary aggressor determinations. Others point out that police are often overworked and it may be easier for them to arrest both parties than to try to figure out the dynamics of domestic violence situations. (Miller, 2001, U.S.) Similarly, police officers may be resentful of the pro-arrest laws and using dual arrests to "further punish women that burden the police with domestic 'problems.'" (Buzawa and Buzawa, 2003, U.S., p. 137.) Some scholars maintain that while police are now trained to make an arrest, rather than use their own discretion to determine the best approach, they may not be trained in the complexities of domestic violence. The police are required to assess the facts regarding the commission of an act of violence, and hence a crime, but not to explore the intricacies of a couple's relationship and history of abuse. (Buzawa and Buzawa, 2003, U.S.; Hirschel and Buzawa, 2002, U.S; Miller, 2001, U.S.) The idea has also been put forward in the literature that police are discouraged from arresting women, even when they are the primary aggressors, so they arrest both parties in cases where only the woman should be charged. (Hirshel and Buzawa, 2002, U.S.)

Primary aggressor policies are the solution most often put forward to deal with dual arrest. (Ad Hoc Federal-Provincial-Territorial Working Group, 2003, Can.; Osthoff, 2002, U.S.; Hirschel and Buzawa, 2002, U.S.; Ursel, 2001, Can; Woman Abuse Council of Toronto, 2001, Can.; Miller, 2001, U.S.;Sacuzzo, 1999, U.S.) Such policies direct police officers to assess who is the offender and who the victim, both in the relationship and in the current incident, and encourage them to use information about the history of abuse to assist in distinguishing between defensive and offensive injuries. According to Hirschel and Buzawa (2000, U.S.), declines in dual arrests have been noted in some jurisdictions after the implementation of such policies and/or the institution of training.

Ursel (2001, Can.) also suggests a procedure in which the police note all of the information from the complainant making the counter allegation and pass that information on to the Crown for an opinion. Prosecutors do play a role in deterring dual arrests in other jurisdictions. For instance, in San Diego, prosecutors have a policy on mutual arrest cases "which makes it clear that police officers who invest their time in repeated and indefensible mutual arrests will see no criminal prosecution and will be held accountable within the community response task force or police agency's internal affairs division." (Gwinn and O'Dell, 1993, p. 1518) Ursel (1998, Can.) also talks about the need for specialized domestic violence units which allow police officers to better understand and address domestic violence.

None of the foregoing is meant to imply that there are no female abusers or male victims. The subject of female violence against males is a contentious one in the literature, with much debate over statistics, the methodologies used to collect them, and their meaning. It is far beyond the scope of this paper to review or analyse that broad-ranging debate, nor would it add much to our understanding of the many components of the HomeFront project. It is important to note, however, that HomeFront statistics indicate that about 15% of the victims coming before the Domestic Violence Court are male. As Patricia Pearson has pointed out (1997, Can.), there are documented cases of women abusing women in lesbian relationships and women abusing men in heterosexual relationships. Mills (2003, U.S.) argues that current feminist writing on domestic violence fails to recognize the complexity of the issue, including the fact that women can be the perpetrators of abuse and that sometimes couples are caught up in mutually abusive relationships. She calls for a broader feminist analysis of domestic violence, which acknowledges female violence and mutual violence between men and women. According to Mills, society will not be able to effectively address domestic violence until we develop a greater understanding of the "complexity and intimacy of violence in domestic relationships." (p. 15) Such knowledge will not only help us to comprehend women's violence but it will assist us in understanding why some women do not want to involve the police and the criminal justice system in their relationships, even if those relationships are violent, and why women choose to stay with abusive partners.

Victim Feedback

Researchers appear to be increasingly interested in victims' perceptions of the criminal justice system, as well as their reasons for initiating contact with that system. Several studies have collected data from victims to determine the nature of their interactions with the police, their levels of satisfaction with those interactions and their support for pro-charging policies. Again, the bulk of this research has taken place in the United States, although some has been conducted in Canada and the United Kingdom.

American and United Kingdom Research

One focus of many of these studies is whether, and why, women call the police. Coulter et al. (1999, U.S.) studied 489 women entering a shelter and found that almost half did not seek help from the police. Fleury and her partners (1998, U.S.) collected data from 137 women at a battered women's shelter and found that, while nearly all of the women

(89%) reported that they had needed the police at least once, only two-thirds (67%) indicated that they had had contact with the police about the violence. Women gave multiple reasons for not calling the police. The most frequently cited reasons included situational barriers, such as being physically prevented from using the telephone or being threatened with more violence. Only 3% of the sample reported that shame, embarrassment or love were their sole reasons for not calling the police. An interesting study by Felson et al. (2002, U.S.) also sheds some light on women's motivation for calling the police. The researchers examined reasons for reporting and not reporting domestic violence to the police, based on data from the National Crime Victimization Survey. Self protection was the most common reason for calling the police. Perceptions that incidents were private or trivial was the most common reason for not calling the police. The researchers found that victims were not as reluctant to report domestic violence as conventional wisdom would lead one to believe. They found that fear of reprisal is an infrequent motivator of victim behaviour and, in fact, fear is a much more important motivation for reporting male partners than for not reporting. "The decision-making process underlying the response to assaults is more complex than the literature suggests. Victims' greater concerns for protecting themselves from domestic assaults, and their perceptions of these assaults as particularly serious (at least if perceived as 'criminal'), offset concerns for privacy and other inhibitory factors." (p. 22)

An important subset of this research focuses on the outcomes desired by victims when the police are involved. Results are, however, inconclusive. In a British study, Hoyle and Sanders (2000, U.K.) interviewed 65 women who had contact with the police as a result of domestic violence. They found that over half of the women (31) wanted the offender arrested, with a large minority (22) not wanting the police to arrest. And, of those who wanted an arrest, the majority did not want prosecution. "They wanted an arrest without any further criminal justice intervention to 'teach him a lesson" or to resolve the immediate situation temporarily."(p. 22) In seeming contradiction to this, Yegidis and Renzy (1994, U.S.) conducted an exploratory study of the experiences of 51 battered women in four spouse abuse shelters in a Florida county with a preferred arrest policy. Despite this policy, the police arrested only 12 abusers, although 36 women wanted their abusers to be arrested. When asked to describe how frequently they would want spouse abusers arrested, 40 said they wanted an arrest made in every abusive incident. Furthermore, 39 believed that arresting abusers would reduce recidivism.

Researchers have reported differing levels of victim satisfaction with police response to domestic violence. Coulter et al. (1999, U.S.) found that although their qualitative data indicated police officers showed variable levels of support, the majority of respondents described officers in positive terms. Lewis et al. (2000, U.K.) conducted in-depth interviews with 143 Scottish victims of domestic violence and found that a majority (55%) were happy or very happy that the police were involved while one-third (37%) were unhappy or very unhappy. The authors speculate, however, that this figure might relate to the victims' unhappiness that the assault had taken place and the police were required, as 81% of the interviewees found the police helpful or very helpful. Byrne et al. (1999, U.S.), working from a sample of 284 female victims of physical or sexual assault, found that those women were consistently less likely to report satisfaction with professionals involved in the criminal justice system, as well as the criminal justice

system in general, than non-partner assault victims. Stephens and Sinden (2000, U.S.) interviewed 25 victims whose assailants had been arrested. For the majority of participants with previous and multiple encounters with law enforcement, nearly all described negative experiences with the police that had occurred prior to the arrest event. Participants tended to have a more positive assessment of police demeanor during the arrest event. Complaints about the police included: officers had been dismissive of the gravity of the situation and failed to show concern for victims; police were unwilling to spend time listening to participants but instead limited the interaction to a narrow focus on legal aspects of the participants' acts; police made threats to arrest victims or take away the children.

Smith (2001, U.S.) surveyed 83 women in battered women shelters in a Midwestern states, in order to ascertain their support for a range of domestic violence laws and policies. Mandatory arrest was the third most supported intervention, favoured by 75% of respondents, right after the Victim Advocate Program (87%) and the creation of a specialized court (88%). Interestingly, the women believed the laws and policies were more likely to benefit others, rather than themselves. An earlier study by Smith (2000, U.S,) surveyed 241 battered women in eight states on similar topics. It found that while the women supported the adoption of the mandatory interventions, fewer seemed likely to perceive a benefit from the interventions and some believed they would be less likely to report future violence as a result of these interventions. According to the author, these findings "raise the specter that mandatory laws may have the unintended consequences of deterring victims from initiating legal … interventions." (p. 1398) Smith also puts forward several possible reasons why the respondents might think that the laws would not benefit them. These include the fact that they may think themselves helpless before the abusers' overwhelming power or that mandatory arrest and prosecution may not be congruent with their goals of simply stopping the violence and resolving the immediate conflict.

Researchers in this area have also made several recommendations for improving police interaction with victims of domestic violence. These include increased training in domestic violence issues for police officers, policy development that provides law enforcement officers with a structured format for addressing domestic violence and a coordinated community response that includes an arrest and incarceration policy. (Coulter et al., 1999, U.S.; Fleury et al.,1999, U.S.).

Canadian Research

Plecas, Seggar and Marsland (2000, cited in Brown, 2000, Can.), in a survey of 74 victims of domestic assault in Abbotsford, British Columbia, found widespread support for a pro-arrest policy and the manner in which it was implemented. They reported that 86% of victims agreed with the policy and the same percentage were satisfied with the way in which police dealt with their cases. It is important to note that, although many of the victims agreed with the policy, 40% said that they did not wish to proceed with the prosecution of the offender. This issue will be explored in further detail later in this chapter.

Roberts (1996, cited in Brown, 2000, Can.) also found high support for a pro-charging policy among victims of domestic violence in the Yukon. Similar to the study cited above, 85% of victims felt that the policy was a good one and 68% indicated that they would call the police again for further assaults. This reaffirms the Jaffe results, (1991, Can.) discussed earlier, in which 65% of victims were satisfied with the advice they received from police operating under a pro-charging policy and 87% said they would call the police again.

Summary

One could almost say that the contradictory findings of the police arrest studies of the 1980s set the tone for all future research in this area, as so much of it has been inconsistent and contradictory. The unfortunate result of so much inconclusive data is that many debates endure unresolved. In particular, the academic community continues to discuss the merits and disadvantages of arrest policies, with little evidence that a conclusion is in sight. The research does seem to indicate, however, that pro-arrest policies lead to increased arrest rates. What is not clear is how consistently and effectively such policies are implemented across jurisdictions and whether increased arrest rates lead to decreased recidivism.

The victim feedback studies provide some useful insight into victims' reasons for involving law enforcement and the outcomes they desire from police involvement. Much of this research serves to chip away at common stereotypes of battered women as helpless, low-functioning individuals who are too embarrassed or ashamed to involve police officers in their situations. Rather, many of these women are very motivated to protect themselves and their children from further violence and make strategic decisions which they feel will lead to the best outcomes for their families. Although there is definitely a subset of abused women who do not call the police and do not want their partners arrested, others are clear in their expectations of protection from the criminal justice system. Victims' relationships with the system and the various reasons they involve police and prosecutors are explored in further detail in the upcoming section.

All of this research underlines the complex relationship between domestic violence and the criminal justice system. There are no easy answers to be found in the research or in the system. As Jane Ursel says, perhaps we are asking the wrong questions and looking at the wrong solutions, when we focus only on such outcomes as convictions and recidivism. Ursel point out that women's movement away from domestic violence is a long, circuitous undertaking and the criminal justice system is only part, albeit an important part, of that process. Therefore, she says, police involvement in domestic violence will only be effective if situated within a web of intervening and interacting criminal justice and social service agencies. "We must give up any search for single solutions and/or single institutions to blame. Without becoming complacent and uncritical, our criticisms must be informed by the complex issues involved." (Ursel, 1998, p. 80)

SECTION FIVE: PROSECUTION

Introduction

Historically, researchers have focused less on the role of prosecutors in addressing domestic violence than on that of the police. This is starting to change, however, as academics and community practitioners become more cognizant of the importance of studying all components of the criminal justice system and analyzing their combined impact on domestic violence. This section reviews the literature related to prosecution. It is divided into six sections: historical role of prosecution in domestic violence; Canadian prosecution policies; the Winnipeg model; the debate over prosecution polices; prosecution studies; and a summary.

Historical Role of Prosecution in Domestic Violence

In many respects, the attitudes and activities of prosecutors in addressing domestic violence have mirrored that of their law enforcement counterparts. As Roberts and Kurst-Swanger put it (2002a, U.S.), "just as the police have been reluctant to intervene in cases of domestic abuse, family and criminal courts have been plagued by the same lack of knowledge about the dynamics of domestic violence." (p. 127) As a result, until the justice system reforms of the 1980s and 1990s, few domestic violence cases were prosecuted and those that did go forward were not treated as severely as cases involving violence amongst strangers. (Buzawa and Buzawa, 2003, U.S.; Ursel, 2001, Can.)

Many systemic and societal reasons have been put forth in the literature to explain prosecutorial inaction in the area of domestic violence. In describing the Winnipeg experience, Ursel (1997, Can.) points out that, prior to reform, the structure of the system actually punished Crown Attorneys who invested time in domestic violence cases. Success was defined as conviction and domestic violence cases were "low profile, messy cases with minimal chance of conviction because of the ambivalence of the victim/witness concerning her interest in testifying." (p. 271) Senior Crowns usually delegated these cases to junior prosecutors. Given the focus on conviction and the importance of victim testimony to that outcome, Crown Attorneys would "often walk out of court after an unsuccessful case angrier with the victim than the accused." (p. 271) Buzawa and Buzawa (2003, U.S.) put forward a number of additional reasons why prosecutors were, and in some cases remain, unwilling to prosecute domestic violence cases. They include: a bias against relationship cases in which offender and victim know each other; the perception that domestic violence is a "low-status" offense which does not need to be treated as seriously as other crimes; and real or perceived victim reluctance to testify.

The issue of perceived victim reluctance to testify, which has long been a stumbling block in the criminal justice system's treatment of domestic violence, has been addressed by several academics. Dawson and Dinovitzer (2001, Can,) talk about the complex relationship between prosecutors and victims and the "self-fulfilling prophecy" in which Crown Attorneys' ambivalence towards victims, and apprehension about victim non-cooperation, lead the victim to feel uncomfortable and intimidated and therefore less

likely to participate in the prosecutorial process. Buzawa and Buzawa (2003, U.S.) make a similar point when they say that prosecutors sometimes set up difficult screening processes meant to test the victim's commitment to prosecution and that these barriers, and the attitudes which underlie them, often discourage even those victims originally committed to prosecution. "Even more women drop charges or fail to appear because of the indifference or cynicism of prosecutors and judges or the erection of Byzantine barriers that 'test' her commitment to prosecute." (p. 189)

Canadian Prosecution Policies

As was the case with law enforcement, growing societal concern about domestic violence and pressure for a stronger criminal justice response led to institutional reform in the area of prosecution. In the United States, the outcome was the implementation of no-drop or mandatory prosecution policies in many jurisdictions. Under a no-drop or mandatory prosecution policy, prosecutors cannot drop the charges against a defendant at a victim's request or at their own discretion. Instead, prosecutors must demonstrate a clear lack of evidence to proceed; victim non-cooperation cannot be part of the rationale for dropping charges. (Buzawa and Buzawa, 2003, U.S.) Mandatory prosecution policies are not as prevalent in Canada, where some communities have opted instead for a focus on rigorous prosecution. Winnipeg, in particular, has developed an innovative prosecution policy which will be described in some detail later in this section. (Ursel, 2001, Can.; MacLeod, 1995, Can.)

According to the Ad Hoc Federal-Provincial-Territorial Working Group (2003, Can.), Canadian pro-prosecution policies have several objectives:

- Promoting more rigorous prosecution of cases
- Reducing case attrition by reducing the number of withdrawals or stays of charges
- Promoting victim co-operation in the prosecution
- Reducing re-offending

The Working Group also identified common elements of prosecution policies across the country:

Test – A spousal abuse case should be prosecuted where there is a reasonable expectation or prospect of conviction (based on the evidence) and where it is in the public interest to prosecute.

Reluctant and recanting witnesses – In most jurisdictions, the decision to prosecute is made independently of the wishes of the victim. The fact that the victim is reluctant to cooperate with the prosecution of the accused should not be determinative of the decision to prosecute where independent evidence is available. Compelling the victim to testify or seeking to find a victim in contempt for non-attendance is generally inappropriate and should only be considered in exceptional circumstances.

Withdrawal/stay of charges – Charges should only be withdrawn or stayed in exceptional circumstances.

Judicial interim release – Release of the abusive partner or accused should be made subject to appropriate conditions including, for example, non-communication orders, firearms prohibitions, and drug or alcohol prohibitions. Some jurisdictions direct the Crown to oppose release on bail where there is a significant history of abuse, including, for example, cases where there have been previous breaches of court orders. Most jurisdictions direct the Crown to advise victims of the outcome of the bail hearing and of any conditions.

Contact with the victim – Crown counsel should try to meet the victim in advance of the trial date and should advise the victim of, and direct her to, available victims' assistance services.

The Working Group acknowledges that there have been some difficulties with the implementation of pro-prosecution policies across the country. These include Crown frustration in dealing with reluctant witnesses and victim unhappiness with the decision to prosecute. As well, some members of the public are frustrated that the policy does not always lead to prosecution and incarceration. The Working Group concludes, however, that pro-prosecution policies, "help to ensure a strong and consistent criminal justice system response to spousal abuse." (p. 25) It goes on to identify three other measures which would contribute to the effectiveness of the policy. These are: providing information to the victims throughout the process; enhancing investigative techniques and practices in spousal abuse cases to obtain all available evidence and not just that of the victim/witness; and offering a broader set of criminal justice responses, in addition to a trial and incarceration, that will strengthen the ability of the criminal justice system both to hold the offender accountable and respond to the unique realities of domestic violence.

The Winnipeg Model

Jane Ursel (2001, 1998, 1997, Can.) has written extensively on the role of prosecution in addressing domestic violence and on the innovative work taking place in Winnipeg to develop a prosecutorial model which both holds the offender accountable and respects victims' wishes.

As discussed above, prior to reform, Winnipeg Crown Attorneys were reluctant to take on domestic violence cases, as they were seen as unwinnable and therefore career limiting. In an attempt to change the underlying culture of the Crown Attorneys'office, a specialized prosecution unit was developed to support the Winnipeg Family Violence Court. Domestic violence cases were redefined from low-priority to high-priority cases and were understood to be difficult, "requiring the most skilled and sensitive of court personnel to handle them." (1997, p. 272) The specialized prosecution unit is now guided by the seemingly contradictory policies of rigorous prosecution and sensitivity to the needs of victims. In all cases, prosecution must be pursued, but not at the expense of

the victim. Crowns are not allowed to declare witnesses hostile, to put witnesses in a position to be held in contempt of court or to badger them with warrants.

In order to meet the challenges of this new policy, Crowns have developed some innovative approaches to prosecution. The two distinctive outcomes of this new system are the introduction of testimony bargaining and the acceptance by the Crown of higher stay rates. Testimony bargaining occurs when cases are scheduled for trial and the victim is reluctant to testify, usually because she is worried about the impact on her family of her partner's incarceration. The Crown Attorney may agree to reduce the number or severity of charges and/or recommend probation and court-mandated treatment in return for the victim/witness's cooperation. "This is not orthodox criminal justice procedure, but we know that orthodox procedure has often victimized the witness in domestic violence cases. Testimony bargaining gives the victim/witness a voice in the criminal proceedings, it indicates that the Crown not only represents the interest of the state but also the interest of the victim." (1997, p. 272)

The most frequent outcome of an arrest for domestic assault in Winnipeg is a stay of proceedings. This acceptance of a high level of stays is based on the belief that the particular case before the court is part of a long process leading to the victim's ultimate decision to make a final break from her abuser: victims who are not able or willing to testify now may well need to do so after they have exhausted all other alternatives. Ursel acknowledges concerns about excessive use of stays, including less motivation for the accused to attend treatment. In response to these issues, a new program, called the Rehabilitative Remand, is under discussion within Manitoba Justice. Under such a program, cases might be remanded until the accused attends and completes treatment, with the agreement that a successful completion of treatment will result in a stay of proceedings.

As was discussed in the previous section on law enforcement, Ursel believes that the criminal justice system must embrace a new paradigm of justice which moves away from a focus solely on conviction and recognizes the criminal justice system's role in the *process* of addressing domestic violence. In Ursel's view, the criminal justice system, and those who research it, should be less concerned about conviction and immediate recidivism and more focused on the role the system plays in assisting victims as they slowly disentangle themselves from domestic violence. She views the Winnipeg prosecution model as part of that new justice paradigm. According to Ursel, four factors "distinguish this system from the more limited reforms implemented in the United States, (i.e. pro-arrest, no drop policies)." (2001, p. 26)

1. Justice personnel have moved away from the single incident perspective and the single measure of success (conviction), towards a 'process perspective' on intervention.
2. The information utilized to construct an alternative response is the lived and expressed needs and interests of the family caught up in the destructive dynamic of abuse.
3. The components of a domestic violence sensitive response consist of specialized services within the criminal justice system.

4. The measure of success responds to the needs and interests of victims and their family and protocol is outlined in the crown attorneys' policy on prosecuting domestic violence cases.

Ursel describes the profound cultural and practical changes which have taken place as a result of Winnipeg's new prosecution model: "Over time crown in the family violence unit have come to redefine success. They understand that women's ambivalence to testify lies deep in a complex personal and family history. As a result of their deeper understanding of the dynamics of domestic violence, crown have become more humble in their assessment of their role. They, like refuge workers, now understand that a single trip to a refuge/court cannot in and of itself undo a lifetime pattern. Conviction is no longer their sole measure of success. They view their role as providing a service but the woman must determine how much of that service she needs to use. She may not be ready to testify today but she may be back in a month or a year and she should view the court as a resource." (1997, p. 272)

The Debate over Prosecution Policies

Mandatory and rigorous prosecutions policies have been the subject of the same debate and disagreements in the literature as the various pro-arrest policies. Some researchers and writers laud this approach as a long-overdue attempt to have domestic violence taken seriously by the criminal justice system. Others express concern that victims' voices are often silenced by such policies.

Proponents of no-drop and rigorous prosecution policies offer many arguments in favour of the concept. Gwinn and O'Dell (1993, U.S.), who work in the criminal justice system in San Diego and support the no-drop policy there, say that, as most batterers have the power in a violent relationship, asking the victim to make prosecution decisions is akin to giving the batterer control over the criminal case. "The solution to this vexing issue was to take the responsibility out of the hands of the victim and place it with the State where it belongs." (p. 1514) Robbins (1999, U.S.) lists a number of arguments in support of mandatory prosecution. She says no-drop policies: relieve the victim of the responsibility of going forward and may decrease abuser harassment about the decision; empower victims by showing them that the abuser's power does not extend to the courtroom; recognize that victims are not in good situations for making such decisions; and impress upon the batterer the severity of the issue, which may act as a deterrent. She goes on to say that it is unlikely that women will face contempt of court charges as a result of this policy or that they will be less likely to call the police. She adds that battery cannot be legally consent to, "which is essentially what is happening when we 'respect the wishes' of battered women not to prosecute." (p. 232)

This latter argument, that pro-prosecution policies are simply an attempt to ensure the law is applied to domestic violence, has been repeated in the Canadian literature. As the Ad Hoc Federal-Provincial-Territorial Working Group (2003, Can.) has pointed out, pro-prosecutions policies are nothing more than "the applicable standards for all criminal conduct." (p. 25) That is, decisions about all other criminal prosecutions are made based on whether there is a reasonable prospect of conviction and whether it is in the public

interest to prosecute, not based on victims' wishes. Applying these basic prosecution standards to domestic violence cases has "played a pivotal role in helping make the critical distinction between the criminal justice system's treatment of spousal abuse as a 'criminal matter' and its historical treatment of spousal abuse as a 'private matter.'" (p. 25)

Critics of pro-prosecution policies argue that they disempower the victim by removing her ability to choose how to proceed. (Mills,2003, U.S.; Buzawa and Buzawa, 2003, U.S.; Brown, 2000, Can.) Several research studies, some of which have been quoted above, found that while women may want their abusers to be arrested, they do not always want them prosecuted. (Brown, 2000, Can; Lewis et al., 20002, U.K.; Hoyle and Sanders, 2000, U.K.) As well, as Ford (1991, U.S.) argues, successful prosecution does not always guarantee victim safety. Sometimes women are able to obtain better outcomes for themselves and their children by pressing, and then dropping, charges. Critics also point out that a mandatory prosecution policy can lead to heavy caseloads of unwinnable cases and disgruntled victims (Davis, Smith and Nickles, 19997, U.S.; cited in National Institute of Justice, 1998, U.S.; MacLeod, 1995, Can.) Others fear that such policies cause underreporting of domestic violence, as some women may be reluctant to call the police if they know prosecution is the inevitable result, as well as increased victimization and negative impacts on racial and ethnic minorities. (Buzawa and Buzawa, 2003, U.S.)

Several writers have suggested alternatives to mandatory and rigorous prosecution policies, most of which centre around increased support for victims moving through the system. Buzawa and Buzawa (2002, U.S.) recommend a long-term training program to sensitize court personnel, funding of a well-staffed advocacy program and active efforts to train victims on the judicial process and their rights. They argue that "victims need to be treated as full partners in the prosecution of the case. This necessitates that the victim be given full disclosure of the long-term trends of familial violence, including the tendency to escalate attacks, the potential of effective prosecution to end such a cycle, and a realistic assessment of the costs and delays that she will likely incur if there is full prosecution of a case." (p. 201)

Hoyle and Sanders (2000, U.K.) identify the elements of a victim empowerment model which they say should replace mandatory prosecution. Those elements include:

- a pro-arrest policy, to give victims time and space to decide what to do
- a policy mandating that perpetrators are only released on bail with appropriate conditions
- a victim advocacy program which ensures that advocates contact victims as soon as possible after arrest so that the time provided by the arrest and bail policies is used constructively
- a process by which the advocate and the victim together assess the victims' needs and desires in relation to the violence, the relationship and ancillary matters. The question of whether or not to prosecute would be based on the victim's assessment of her needs.

As mentioned in the section on specialized courts, this emphasis on active victim participation in the legal system, and particularly in the prosecution process, challenges some of the fundamental principles of the Canadian legal system. Traditionally, victims' roles in the criminal court have been very limited. There are two parties in a criminal prosecution: the state, as represented by the Crown, and the accused. "… in a criminal case the victim of an assault is not a party to the proceedings and has no 'right' to a conviction of the assailant. If anyone can be said to have a right to a conviction, it is the Crown, representing the whole community." (Waddams, 1992, Can., p. 61) Some writers argue that, even with the increased emphasis on victims' rights in Canada and other countries, victims will never achieve a real decision-making role in the criminal justice system and should be instead be focusing their efforts on restorative justice initiatives (e.g. Aboriginal justice efforts) which attempt to address the crime outside of the criminal justice system. According to Kent Roach, (1999, Can.),"{i}n the worlds of prosecution and punishment, they {victims} can be informed and consulted, but will have little real decision-making power. Some victims' rights will be recognized, but they will often be pitted against due-process rights. In the worlds of crime prevention and restorative justice, however, victims and potential victims of crime may find more decision-making power and less opposition." (p. 319)

Prosecution Studies

A number of prosecution-related studies have been undertaken in recent years. Most of these can be divided into two categories – those which focus on the impact of prosecution on recidivism and those which examine the role of victim cooperation in successful prosecution. Both are reviewed below. The recidivism studies are somewhat discouraging, showing no strong link between prosecution and recidivism. Several of the victim studies support Jane Ursel's argument that disentanglement from domestic violence is a long process, that victims often have a number of practical goals in mind when they engage the criminal justice system and that, in order to successfully address domestic violence, the criminal justice system must move from an incident-oriented to a process-oriented paradigm. Again, the bulk of this research has taken place in the United States, although there is some limited Canadian and United Kingdom data.

<u>American and United Kingdom Research</u>

Recidivism

Davis et al. (1998, U.S.) studied the deterrent effect of prosecution and found no evidence that prosecution outcomes affected the likelihood of recidivism in domestic violence misdemeanor cases. The researchers examined the outcomes for 669 cases prosecuted in Milwaukee County, Wisconsin between mid-1994 and mid-1995 and compared them with 464 cases which were declined for prosecution during the same time period. Data on new arrests occurring within six months after disposition of the original arrest were gathered from the court's computer database. The researchers divided the cases into four possible categories: case declined for prosecution; case filed with the court but subsequently dismissed; convictions in which the defendant was sentenced to probation including mandatory batterer treatment; and convictions in which the

defendant was sentenced to jail time. They found that there was no difference in recidivism among the four categories. The authors conclude that "there is little support for the idea that law enforcement responses to domestic violence misdemeanors reduce or eliminate violence … The criminal justice system has an important role to play in protecting victims from abuse by more powerful persons, but we should not be surprised if criminal justice intervention is not always the controlling factor in interpersonal relationships governed by complex forces." (p. 441-442)

As discussed in the law enforcement section, Tolman and Weisz (1995, U.S.) explored the effectiveness of a coordinated community intervention designed to reduce domestic violence in DuPage County, Illinois. They found recidivism rates were lower for those men who were prosecuted and convicted, as compared to those who were not arrested, who were found not guilty or whose cases were dismissed, but the differences were not statistically significant.

Ford and Regoli (1993, U.S. cited in National Institute of Justice, 1998, U.S.) examined the impact of several different prosecutorial policies on recidivism, using 198 cases involving on-scene arrests (OSAs) by police and 480 cases where victims filed complaints at the prosecutor's office (VCs). (OSA cases could not be dropped by the victims, VCs could be dropped by victims in certain instances.) Recidivism was determined by victim and accused interviews and a review of official records six months after court settlement. The researchers found that domestic violence victims were considerably more likely to have been battered in the six months before their cases were brought to the prosecutor than in the six months following settlement (70% versus 40%). Arresting defendants by warrant and allowing victims to drop charges resulted in a re-battering rate (13%) less than half that of the other prosecutorial possibilities. Summoning defendants to court and pursuing non-counselling sentencing alternatives (.e.g fines, probation) resulted in the highest recidivism rate (44%). Interestingly, those victims who were allowed to drop the charges but decided to proceed with prosecution were significantly less likely to be re-abused than those who did not. Those who dropped charges after the batterer was summoned to court were in greatest jeopardy of renewed violence.

Victim Cooperation

Victim cooperation with prosecution is a clear preoccupation in the literature, and for good reason. Several studies have shown the victim cooperation is a key factor in whether prosecutors decide to continue with court proceedings and whether the offender is found guilty (Kingsworth et al., 2001, U.S.; Hirschel and Hutchison, 2001, U.S.; Moyer, Rettinger and Hotton, 2000, Can.).

Lewis et al. (2000, U.K.) conducted in-depth interviews with 142 female victims and 122 male abusers following the imposition of criminal justice sanctions in two Scottish Sheriff court jurisdictions. The researchers found that women reported a variety of reasons for invoking the legal system, ranging from protection and prevention to rehabilitation, and that they were involved in a constant process of assessing and making decisions to increase their own and their children's safety. For instance, in deciding

whether to involve the law, a woman would consider the likely impact of a court case upon the partner's treatment of her, upon the family finances, upon the man's criminal record and upon the children's relationship with their father. The researchers conclude that women are "active agents, engaged in a complex process of 'active negotiation and strategic resistance' both with their partners and with the range of helping agencies, in their struggle for safety and 'justice.'" (p. 180) They point out that this research does not support the "learned helplessness" theory often espoused to explain why women stay with abusive partners, although they acknowledge that abused women's options are severely limited. Similar to Ursel, these researcher see the victim's involvement in the criminal justice system as a long process and argue that it is crucial that the system understand and accommodate the changing needs and goals of victims as they slowly move out of abusive situations. "It is important to remember, however, that what individual women want changes over time. While they might require the police to provide only immediate protection in response to an assault early in the relationship, later on they might wish to invoke the full force of the law and see their violent partner charged and prosecuted. If a woman's wishes are not taken into account, there is a danger that she will become alienated from the legal system and less likely to call on it in future." (p. 201)

Goodman, Bennett and Dutton (1999, U.S,) found that tangible support (people who can help with practical issues such as child care and financial assistance), severity of violence in the relationship and the presence of children in common with the abuser significantly predicted victims' cooperation with prosecution. That is, when those factors were present, victims were more likely to cooperate with prosecution. Substance abuse amongst victims significantly predicted their non-cooperation with prosecution. The study was based on questionnaires and interviews with 92 women reporting to the Domestic Violence Intake Center at the DC Superior Court in Washington in 1997. The data was collected early in the process, at intake and right after the first scheduled trial date. Interestingly, the researchers found that neither depression nor emotional dependence on the abusive partner was related to cooperation. As they point out, this "contradicts the common perception of the battered woman as unable to cooperate with the prosecution out of depression, helplessness or attachment to the abuser." (p. 439) They also point out that the link between severity of violence and victim cooperation might help dissipate the belief, commonly held by police and prosecution, that victims who have called the police repeatedly or been in the system before will not proceed with prosecution. Instead, the authors say, police and prosecutors should "see victims' use of the criminal justice system as a process, during which time it is important to encourage their use of this system, particularly so that a response can be forthcoming quickly as the level of violence increases." (p. 441)

Bennett, Goodman and Dutton (1999, U.S.), using the data from the study discussed above, outline several barriers which may impede victim cooperation with prosecution. These include: a confusing process; frustration with the length of the court process; fear, because the abusers are not jailed and the victims don't feel safe; and conflicted feelings about the possible incarceration of the abuser (these stem from feelings of guilt as well as need for his income). They put forward several recommendations for improving the system, including providing victims with easy-to-read materials about the court process;

holding educational sessions at the court; providing more extensive follow-up with victims to keep them informed of the status of their cases and resolve misunderstandings; creating court accompaniment programs; and informing victims about possible dispositions and the low probability of incarceration.

Ford (1991, U.S.), in a much-quoted article, argues that criminal prosecution of abusive men is a "power resource used by battered women to help bring about satisfactory arrangements for managing conjugal violence." (p. 313) He says that victims who file and later drop charges are using "a rational power strategy for determining the future course of their relationships." (p. 313) He provides details on interviews with 12 women who dropped charges against their partners and concludes that victims use prosecution for leverage in managing domestic conflict or arranging favourable settlements. He says that seemingly powerless battered women seek empowerment through the manipulation of the criminal justice system and that mandatory prosecution policies fail to take that reality into consideration. Similar to Ursel and Goodman, Bennett and Dutton, Ford believes that if criminal justice professionals fully understood why women were using the system in this way, it would help to decrease frustration and misunderstanding. He says that such feelings "stem from a narrow definition of 'assistance' denoted in terms of the helper's role rather than victim needs …. If one focuses on victims' needs, their attempts to prosecute can be seen as rational acts consistent with other behaviors meant to alter the balance of power in a conjugal relationship." (p. 331)

Canadian Research

Similar to the American work in this area, most Canadian research on the prosecution of domestic violence cases has focused on the involvement of victims in the process and the need for programs which support and inform victims.

Dawson and Dinovitzer (2001, Can.) examined the impact of victim cooperation on the prosecution practices of a specialized court in Toronto. They found that even in a court designed to minimize reliance on victim cooperation through the use of other types of evidence, when prosecutors perceive a victim to be cooperative, the odds that a case will be prosecuted are seven times higher than if a victim is not perceived to be cooperative. They also found that the two most important determinants of victim cooperation were the availability of videotaped testimony and meetings between victims and victim/witness assistance workers. Results were based on analysis of prosecution files, including police investigation reports, as well as files from the Victim/Witness Assistance Program. A total of 474 cases were tracked from April 1, 1997 to March 21, 1998.

Ursel (2001, Can.), in assessing the treatment of Aboriginal offenders at the Winnipeg Family Violence Court between 1992 and 1997, found that the Crown was less likely to stay proceedings for accused who were Aboriginal. Aboriginal men were granted stays of proceedings in 43% of the cases examined, compared to 48% for non-Aboriginal men. As she points out, however, stay rates may be affected by the differences in the nature of the crime; the data indicated higher rates of weapon use and higher rates of prior record among Aboriginal accused. Further analysis of the data found that Aboriginal men actually had a higher stay rate for more serious crimes, suggesting "a fairly complex

interaction effect between weapon use, prior record, crime severity and ethnicity." (p. 35) Ursel also found that ethnicity did not appear to be a determinant of who goes to trial in Winnipeg, as 11% of Aboriginal accused and 10% of non-Aboriginal accused proceeded to trial. However, she found that a higher number of cases involving Aboriginal accused were dismissed (60% as opposed to 44% for non-Aboriginal men). According to Ursel, this "suggests an even greater reluctance on the part of Aboriginal victims to attend to court and testify than non-Aboriginal victims." (p. 37)

Brown (2000, Can.) in his review of research, academic and judicial responses to charging and prosecution policies in cases of spousal assault, found that Canadian studies evaluating victim perspectives indicated a strong degree of support for mandatory charging and arrest and a substantial degree of dissatisfaction with mandatory prosecution. He points to the Family Violence Court in Winnipeg as "an appropriate model from which to approach the often competing concerns of rigorous prosecution and sensitivity to the victim" (p. 10) and acknowledges the need for specialized victim services in jurisdictions implementing aggressive charging and prosecution studies.

Landau (1998, Can.), in a working document for the federal Justice Department, synthesizes the findings of ten reports commissioned by the Department of Justice Canada's family violence research program since 1993. Her conclusions include: there is general agreement that mandatory charging has been successful in increasing the number of charges laid, promoting rigorous prosecution and reducing case attrition; many women who experience the process want more support, including information about the prosecutorial process, their own case and opportunities to meet with the Crown before their case comes to trial; there is considerable support for alternatives to criminal prosecution, including mandatory counseling or mediation; and further research is required on the extent to which spousal abuse continues at various stages in the prosecution process, integrating the voices of abused women into evaluations of domestic violence interventions and strategies to deal with spousal assault which do not involve the criminal justice system.

MacLeod (1995, Can.) interviewed 20 Crown Attorneys across the country regarding "no-drop" prosecution policies. The Crowns told her that rigid policies were removing victims' choices, making some women turn away from the justice system and increasing the number of reluctant witnesses, as well as overloading the courts with relatively minor assault cases, thus taking time away from high-risk cases. The interviewees called for several changes to the justice system, including: better training to help Crowns understand the dynamics of domestic violence and identify high-risk cases; quicker processing of serious, high-risk cases; creation of more pre- and post-charge options; involvement of victims in the solution; and supports for victims and offenders.

Summary

The literature on the role of criminal prosecution in addressing domestic violence helps to highlight the complexity of this issue. There are no simple solutions or clear-cut answers. Rather, the literature points to the many difficulties involved in balancing the

competing interests of the state, the victims and the offenders, all within the context of the traditions, structures and premises of the criminal justice system.

Several interesting and useful themes emerge from the literature in this area. As with some of the studies reviewed in the law enforcement section, prosecution research destroys some of the commonly held beliefs about the victims of domestic abuse. Rather than describing victims as helpless, depressed women paralyzed by fear, these studies paint the picture of purposeful individuals who are attempting to choose the best of a very limited set of options in order to protect themselves and their children. In addition, some of the researchers working in this area raise pertinent questions about the role of victims in the prosecution process and put forward some intriguing ideas for addressing the needs of victims. While any new suggestions or initiatives must always take into consideration the basis premises of the Canadian criminal prosecution system (i.e. the state vs. the offender, not the victim vs. the offender), the literature in this area does serve to expand and enhance current thinking regarding the criminal prosecution of domestic violence, the involvement of victims in that prosecution and the range of system reforms which might contribute to a more effective response to domestic violence.

SECTION SIX: PROBATION SERVICES

Introduction

As the court-based evaluations discussed earlier indicate, a dramatic increase in the number of offenders sentenced to probation appears to be one of the consistent outcomes of a specialized domestic violence court. This "places probation departments in the forefront of the struggle against domestic violence." (Mederos et al., 1999, U.S.) Despite this fact, little has been written about the impact of various probation initiatives on domestic violence and, as a result, this section is shorter and less comprehensive than previous sections. It is divided into only four sub-sections: probation's role in addressing domestic violence; risk assessment; evaluations; and a conclusion.

Probation's Role in Addressing Domestic Violence

The few authors who have addressed the subject seem to concur that probation services can be effective in addressing domestic violence if they are well-resourced, prepare thorough pre-sentence reports, conduct careful monitoring of batterers and react quickly to non-compliance. (Roberts and Kurst-Swanger, 2002, U.S.; Amos and Dunham, 2002, U.S.) Unfortunately, the literature also indicates that this is not always the case and that probation departments often operate under financial, resource and policy constraints which limit their effectiveness. (Amos and Dunham; 2002, U.S.; Mederos et. al., 1999, U.S ; Ursel, 1996, Can.; Ingratta and Johnson, 1995, Can.)

Ames and Dunham (2002, U.S.) introduce the concept of asymptotic justice when discussing the utility of probation. An asymptote is a curved line that approaches a straight line, gets closer and closer, but intersects the line only at infinity. Given that domestic violence cases often take a long time to resolve in the courts and that victims may never be completely safe, "justice after intimate partner violence appears more asymptotic than exact." (8) In fact, the authors say, criminal justice responses may never achieve true justice but may only eventually approximate justice. With that caveat in mind, they argue that probation is a useful tool in dealing with domestic violence because it allows the criminal justice system to monitor offenders, protect victims and fully mobilize in cases of violations. They add, however, "that even asymptotic justice requires commitment and dedication from criminal justice professionals that is difficult to create and sustain across individuals and across time." (9)

An educational piece written to inform probation officers about domestic violence argues that if batterers on probation are not given specialized attention, the rate of recidivism will be high. The authors point out that many batterers fit the profile of the low-risk offender – no record, employed and well-respected. As a result, such offenders may not be intensely monitored by their probation officers. In reality, the authors maintain, batterers are often chronic, long-term offenders and they need medium to high intensity monitoring and longer probationary periods. Other probationary measures recommended in the article include: specialized domestic violence units that monitor batterers closely and support victims; extended probation sentences and the addition of charges after violations of probation that endanger victims; and short prison sentences for probation

violators, in combination with the original probation sentence. (Mederos et al., 1999, U.S.)

In an effort to better understand the role of the probation officer in addressing domestic violence, Ingratta, herself a probation officer, interviewed three probation officers charged with monitoring domestic violence offenders as part of Toronto's Metro Woman Abuse Protocol Project. (Ingratta and Johnson, 1995, Can.) She found that lack of support from other court personnel, upper management and colleagues, in addition to a lack of political will and resources, were impeding the operation of the protocol project. As well, the decision not to allow probation officers to give the victims information on the offenders' probation orders was identified as a problem, as was the lack of resources for counselling offenders. Under the protocol, probation officers have enhanced accountability to victims, which increases their workload and makes many officers reluctant to take on domestic violence offenders. Despite this, the authors found that the officers felt that increased victim contact had improved the overall administration of the cases.

Risk Assessment

Interest is growing in the research and domestic violence communities in the validity of risk or dangerousness assessments, especially as tools to be used by probation officers and other practitioners in preparing pre-sentence reports. It is interesting, for example, that several of the recent inquiries into the deaths of Canadian women by their abusive partners made recommendations supporting the increased use of risk assessments. (See for example the Manitoba inquiry into the deaths of Rhonda and Roy Lavoie and the coroner' inquest into the deaths of Arlene May and Randy Iles in Ontaro.) Scholarly debate seems to centre around which factors should be measured in risk assessments and which of the instruments currently available is more effective. (Loza and Loza-Fanous, 2002, Can.; Kroner and Loza, 2001, Can.; Hanson and Harris, 2000-1, Can.; Hanson and Wallace-Capretta, 2000-06, Can.; Goodman, Dutton and Bennet, 2000, U.S.; DeKeseredy and Schwartz, 1998, U.S.) These articles are not discussed in great detail here as their technical and detailed examinations of specific tools add little to a discussion of either probation services or specialized courts. Suffice it to say that a range of factors have been identified as important for inclusion in risk assessment tools. These include: offender demographics such as age, education, marital status and socioeconomic status; criminal history of offender; prior history, nature and patterns of domestic violence and marital conflict, including psychological abuse; offender's level of obsessive-possessive behaviour and jealousy; offender's access to weapons; offender's substance abuse habits; and offender's mental health history. (Powis, 2002, U.K ; Hanson and Wallace-Capretta, 2000-06, Can.; Hassler et al., 2000, U.S.: Bennett, Goodman and Dutton, 2000; U.S; Websdale. 2000, U.S.; Aldarondo and Sugerman, 1996, U.S.)

Tyagi (1998, Can.) concludes that risk assessments need to be grounded in a theoretical framework rather than occurring as a stand-alone activity, must be based on multiple sources of information, must speak to a specific time frame (e.g. whether the batterer is likely to offend ever again, within a few months or in the next few days) and must

present the conditions under which the batterer is most likely to re-offend (e.g. under the influence of alcohol, on threat of separation).

The Ad Hoc Federal-Provincial-Territorial Working Group (2003, Can.) urges caution in the use of risk assessment tools, as "strong evidence does not yet exist that these tools clearly predict future behaviour." (p. 75). The Working Group recommends that any training related to these tools clearly state the limitations of the approach. It further concludes that the main value of risk assessment tools "may lie mainly in increasing awareness of the behaviour of abusive partners, possibly resulting in increased vigilance in monitoring these offenders and the more cautious release decisions." (p. 76)

Some researchers are also interested in ensuring that victims' opinions and perceptions are built into risk and lethality assessments and that the utility of such tools for victims is maximized. Given that victim safety is one of the HomeFront objectives, those articles are reviewed in more detail here.

Shepard (1999, U.S.) discusses a small study initiated by the Domestic Abuse Intervention Project (DAIP) in Duluth, Minnesota which found that the offender's prior criminal record and substance abuse were the factors most often reported by probation officers in pre-sentence reports. The degree to which the offender had been violent and information from the victim were the factors least likely to be included in reports. Judges supported probation officer's recommendations 75% of the time. The findings confirmed DAIP's focus on encouraging probation officers to determine the offender's history of violence and the risk to the victim. Shepard cautions, however, that probation officers should not rely on dangerousness assessments to the exclusion of the victim's perception of her safety and the probation officer's own judgment.

Weisz et al. (2000, U.S.) also discuss the importance of survivors' predictions in assessing the risk of severe domestic violence. The authors investigated whether severe domestic violence could best be predicted by the survivors' general ratings of risk, a statistical approach using many risk factors, or a combination of the two. The authors conducted a secondary data analysis comparing the accuracy of 177 domestic violence survivors' predictions of re-assault to risk factors supported by previous research and found that survivors' predictions were strongly associated with subsequent violence. The researchers conclude by supporting the use of survivors' predictions in combination with other risk assessment tools.

Websdale (2000, U.S.) reviewed lethality assessment tools and decided that such instruments are more useful as a means of identifying future dangerousness than in precisely predicting lethal outcomes. He cites several concerns about lethality assessments, including: they may give women a false sense of security if the instruments indicate an apparently low level of risk of homicide; they ignore large numbers of women who are not likely to provide such intimate information, e.g. women of colour, migrant and immigrant women; and they are presented as very scientific and clinical when what most victims need is individualized and personal care, attention and respect. He concludes, however, that although the instruments are not efficient lethality screens they can be useful to the domestic violence movement in developing more effective

safety plans, listening to battered women more carefully and reducing the incidence of serious injury and, in some cases, death.

Evaluations

Very few researchers have examined whether domestic violence probationers are sentenced and monitored appropriately. As two of the studies described here indicate, the sparse research results are somewhat contradictory, with one showing a tendency towards deferred prosecution and inconsistent treatment referrals and the other finding increased probation conditions and supervision for domestic violence offenders. Given that five years elapsed between one study and the other, an optimistic interpretation may be that efforts to address domestic violence through the use of probation have improved over time. Indeed, the third study argues just that, saying that increased intolerance of domestic violence, in both society and the criminal justice system, is leading to a reduction in domestic violence.

Canales-Portalatin (2000, U.S.) studied cases of intimate-partner assailants referred to a probation department in Michigan in 1992, and compared them to cases involving non-intimate assailants, to determine "whether the punishment fit the crime" (p. 846) and whether intimate-partner cases received differential treatment. He found that intimate partner assailants were more likely to be deferred from prosecution and some of them were referred to batterer treatment programs. The comparative analysis of court sentences and demographic characteristics between those who were sent to domestic violence treatment and those who were not revealed no significant differences between the groups. The author concludes that "officials from the court, including probation officers, recommended sentences that corresponded not to the family laws but instead to personal criteria." (p. 853)

Olson and Stalans (2001, U.S.) examined the profile, sentence and outcome differences among domestic violence and other violent probationers, in a 1997 study conducted in Illinois. The researchers found that the demographic and criminal history profiles of domestic violence and other violent offenders were very similar. However, domestic violence offenders were more likely to report a substance abuse history and were somewhat more likely to be older, better educated, white and have a prior adult conviction. They also found that the domestic violence offenders were more likely to have been convicted of a misdemeanor offence and therefore to have received a shorter probation sentence. Domestic violence offenders also tended to have more conditions of probation, to be placed in specialized probation caseloads and to be more closely supervised. Domestic violence offenders and other violent offenders were equally likely to be arrested while on probation but the domestic violence offenders were three times more likely to re-victimize their original victims. As well, probation officers were much more likely to initiate or maintain contact with the victim in domestic violence cases.

A third study (Baba et al., 1999, U.S.) focused on probationers who were mandated to treatment in 1998 in Santa Clara, California, finding that complete participation in treatment was associated with more successful probationary periods. While in the program, those who eventually completed the year's probation term evidenced less

likelihood of repeating domestic violence (6% vs 18%). Completion of the program also meant a lower probability of resorting to domestic violence during the subsequent year, 1% compared to about 8%. Findings suggest about a 93% success rate among those who completed the program and a 75% success rate among dropouts. (Recidivism was measured using probation file review and a criminal justice information database.) Interestingly, the authors conclude that, while treatment may have had some impact on recidivism, the attention paid to those incidents by the criminal justice system was also a factor. "Clearly, something inhibited prior tendencies to resort to violence on a partner. We believe this to be the more serious attention given crimes of domestic violence today than ten years ago… Extended family members, neighbors and friends, the police, judges and courts, probation officers, and even mere witnesses or bystanders are less likely to ignore cases of domestic abuse and violence. Nor are such court cases as likely to be dismissed, treated gingerly or reluctantly, and/or concluded with meaninglessly light or negligible 'sentences.'" (p. 14)

Conclusion

Despite the key role probation can play in addressing domestic violence, it has received very little attention in the academic literature. As a result, many questions remain unanswered. We know very little about the effectiveness of common probation practices in dealing with domestic violence and even less about possible best practices. Some of the literature in this area is encouraging, pointing to the importance of rigorous monitoring of domestic violence probationers and links to treatment programs. The scarcity of research, however, makes any conclusions about the impact of probation tenuous at best. A huge gap in our body of research and knowledge is apparent here.

SECTION SEVEN: TREATMENT

Introduction

A vast array of literature exists on batterer intervention programs, including debate on whether such approaches are effective or appropriate, examination of various treatment modalities, evaluative data and descriptions of what may cause changes in batterer behaviour. It would be far beyond the scope of this document to review that entire body of work. And, given that a separate evaluation of the HomeFront treatment component is taking place, such an extensive review would be unnecessary and inappropriate in this report. Rather, the focus here is on the role treatment services play in specialized court programs. As a result, this section is divided into five sub-sections: impact of court-mandated programs; dropout issues; victims' feedback; treatment effectiveness; and conclusion.

Impact of Court-Mandated Programs

Batterer treatment programs have been steeped in controversy since their inception. That controversy continues, aided by the fact that research finding are often inconclusive and contradictory. It is telling that Gondolf, one of the acknowledged experts in this field, began his most recent book on the subject with a series of completely contradictory quotes from the media, service-providers, academics and funders on the efficacy of batterer intervention programs. As Gondolf says in his preface to that book, "the debate over the effectiveness and utility of batterer intervention continues to escalate." (Gondolf, 2002, U.S., p. vii)

Part of the difficulty lies in the challenges inherent in evaluating treatment programs – problems which have been thoroughly discussed and debated in the literature. These include great variation in the way recidivism is measured; over-reliance on police reports and/or self-reports for re-offense rates; small sample sizes; high attrition rates; lack of experimental evidence; little focus on the actual process of change; poor follow-up and/or difficulties tracking subjects over time; problems and disagreements relating to the various scales used to measure abusive behaviour; lack of consideration of the differences between court-mandated and voluntary participation; risks of putting victims in further danger by asking about ongoing abuse or adding to their trauma by prompting them to retell their stories; and problems distinguishing the impact of the treatment program from other intervening systems, such as the courts, probation, victims' services etc. (McGregor et al., 2002, Can.; Tutty et al., 2001, Can.; Gondolf, 2002, U.S.; Hanson, 2002, U.S.; Dobash and Dobash, 2000, U.K.; Lederman and Malik, 1999, U.S.; Murphy and Dienemann, 1999, U.S.; Gondolf, 1987, U.S.; Fagan, 1996, U.S.)

Despite these problems, researchers continue to conduct evaluations of batterer programs and publish the results. In this section, we look briefly at some of those evaluations, focusing particularly on those which involved court-mandated batterers. Research from the United States, the United Kingdom and Canada is all reviewed below. It should be noted however, that in some cases the populations and issues raised may differ from country to country. For example, the racial composition of the United States and Canada

is dissimilar and therefore researchers and service-providers in those countries focus on different issues of cultural sensitivity (e,g, the needs of Black and Hispanic victims and offenders versus Aboriginal victims and offenders). As well, Canadian researchers seem to be less concerned with the differences between court-mandated and voluntary participants, with the limited research which has been conducted in Canada indicating that both population groups benefit from treatment.

American and United Kingdom Research

Feder and Dugan (2002, U.S.) conducted a classical experimental study in which they randomly assigned 404 male defendants into experimental (one-year probation and court-mandated counselling) or control (one-year probation only) groups. The researchers tracked the men for 12 months, collecting information from offenders' self-reports, victims' reports, and official measures of re-arrests. No significant differences were found between the experimental and control groups in their attitudes, beliefs, and behaviours regarding domestic violence. Both groups were equally likely to engage in both minor and severe partner abuse. As well, no significant differences were found between the two groups in their rates of re-arrest. The authors conclude that "an unquestioning acceptance of domestic violence batterer's intervention needs to be challenged." (p. 372)

Other studies have found more promising results. Dobash and Dobash (2000, U.K.) also studied offenders mandated to treatment versus those who received other dispositions (e.g. fines, probation, prison), although theirs was not a true experimental design. They found that men who successfully completed the treatment programs were not only more likely to stop using violence but they were also significantly more likely to reduce their controlling and intimidating behaviours. On almost all of the indicators, women involved with men in treatment reported positive improvements in their safety, sense of well-being and their relationship. Women involved with the other offenders were much more likely to report deterioration in quality of life.

Gondolf, in his large-scale evaluation of four treatment sites, found that "men who were arrested and enrolled in batterer programs appeared to be affected by the intervention." (Gondolf, 2002, U.S., p.200). Although nearly half the men re-assaulted their partners sometime during the four-year follow-up, most of the first-time re-assaults occurred in the nine months following program intake. (Recidivism measures included women's reports, men's reports and police records.) At 2.5 years after program intake, more than 80% of the men had not assaulted their female partners in the previous year. At four years, more than 90% had not done so for at least a year. Gondolf used three different analyses to determine a consistent and substantial program effect – that is, some of the positive impact on the men could be attributed to the treatment programs. Interestingly, Gondolf also found that the voluntary program participants were nearly twice as likely to drop out as the court-referred men (61% vs. 33%) and they re-assaulted their partners at a significantly higher rate during the 15-month follow-up (44% vs. 29%).

Gondolf did not find that program content and structure impacted program outcome. Despite the differences between the four programs (duration of group counselling varied

from three months to nine and the level of additional supports were quite different), the "programs had amazingly similar outcomes." (p. 152) He attributed this to the fact that the shorter program compensated for program length with a more effective intervention system. That is, it moved men into the treatment program in a timely manner and responded more quickly and decisively to non-compliance and re-offense.

Canadian Resarch

McGregor et al. (Can., 2002) evaluated a Calgary-based treatment program, analyzing pre-test and post-test information for 76 program completers. The tests measured physical and non-physical abuse, self-esteem, perceived stress, family relations, depression, assertiveness and sex-role beliefs. The researchers found that the participants significantly improved on all variables. As well, 22 group members were contacted 5 to 28 months after treatment and tested on the same measures. The results indicated not only maintenance of the post-group changes but continued improvement.

Tutty et al. (Can., 2001) studied 15 Canadian treatment groups, involving 71 group completers. Group completion was associated with significant improvements in self-esteem, perceived stress, attitudes towards marriage and the family, locus of control and the marital relationship functions of roles, affective expression, and communication. As well, scores related to both physical and non-physical abuse were significantly reduced. No differences were found between court-mandated and non-court-mandated group completers and the researchers concluded that "both court-ordered and voluntary clients can expect to benefit equally from participation in men's treatment groups." (p. 664) The authors also suggest that, in fact, the distinction between court-mandated and voluntary clients may be a false one, as voluntary participants are often sent to groups by spouses or shelter workers, rather than being self-referred.

Hanson and Wallace-Capretta (2000-05, Can.) examined the relative effectiveness of four Canadian treatment programs. They found that there was little difference in recidivism rates across programs despite substantial differences in treatment philosophies (cognitive-behavioural, humanistic, pro-feminist, eclectic). The highest recidivism rate was observed in the program that had the weakest program implementation. The authors conclude that, given the lack of different impact for treatment approaches, "it is difficult to tell whether the programs are equally effective or equally poor." (p.14) However, they add that the small positive treatment effects found in other studies indicate that adequately implemented treatment may reduce the recidivism rates of abusive men.

Dropout Issues

Dropout Rates

Attrition is a common and serious problem in treatment programs, although the numbers vary from study to study. According to Gondolf, (2000, U.S.) as many as 50% of men who initially contact a program for an intake appointment never appear and dropout rates range from 40% to 60%. Canadian studies indicate an attrition rate ranging from 20% to

60%. (McGregor et al., 2002; Tutty et al., 2001; Rondeau et al. 2001; Hanson and Wallace-Capretta, 2000-05; Cadsky et al.,1996).

Daly and Pelowski (2000, U.S.) say that differences in the calculation of dropout rates across studies make any conclusions about attrition rates difficult. Some researchers calculate rates from men's initial contact with the program until completion and others calculate from intake until the end of treatment. The practices of the programs being researched also differ. Some programs require men to re-enter repeatedly until they complete. Others require sessions longer than the local court mandates, so men may drop out but still complete court requirements.

These attrition findings are a cause for concern, as many of the risk factors for non-completion of treatment are also the same for continued abuse. Research has found that program drop-outs are two to three times more likely to re-assault their partners than those who complete treatment. (Gondolf, 2002, U.S.; Baba at al., 1999, U.S.) This indicates that high-risk offenders may not be completing treatment. (Rooney and Hanson, 2001, Can.) In response to this concern, Daly and Pelowski, (2000, U.S.) call for increased, and improved, research in program attrition and recommend several strategies for improving program retention. These include providing additional psychosocial treatment to men who need it, careful preparation of men for their own reactions to group intervention and the use of motivational enhancement strategies to facilitate men's movement through the various stages of change.

Demographic Characteristics of Dropouts

A number of studies have focused on the factors which predict non-completion of treatment. Some researchers have studied the link between the demographic characteristics of the batterers and attrition. Others have focused on external factors such as judicial monitoring and threat of consequences. Again, the results are not conclusive.

According to many researchers, offenders who drop out of intervention programs tend to have unstable lifestyles (e.g. substance abuse problems, criminal history, unemployment, unstable living arrangements), to be younger, unmarried, less educated and poorer than treatment completers, to have been in their relationships for shorter periods of time, to have fewer children, and to have inflicted more severe abuse. (Rooney and Hanson, 2001, Can.; Rondeau et. al, 2001, Can.; Dalton, 2001, U.S.; Daly and Pelowski, 2000, U.S.; Baba et al., 1999, U.S.) These results confirm the stake in conformity hypothesis – that is, men who are most likely to drop out of treatment and re-offend are those who have the least to lose in terms of education, marital status, home ownership, employment, income and length of residency. (Bennett and Williams, undated, U.S; Fagan, 1996, U. S.)

The Role of Judicial Monitoring

Interestingly, however, a recent study (Buttell and Pike, 2002, U.S.) found no difference between the demographic and psychological variables of program completers and dropouts. The authors of that study cite other inconclusive research in this area and speculate that attrition may be linked to judicial support for treatment programs. That is, attrition rates are lower in areas where the judiciary is supportive of treatment programs and meaningful sanctions are imposed for non-compliance.

In support of this theory, Gondolf (2000, U.S.) points to the importance of court monitoring of compliance with treatment orders in order to decrease program attrition. His study examined the impact of implementation of a 30-day court review of compliance. The percentage of offenders who did not complete the batterer program dramatically decreased from 52% to 35% after the review was instituted. Those who completed the program were half as likely to be re-arrested for assault (domestic violence or not) as those not referred to the program (16% vs. 37%, n = 400). The re-arrest rate for domestic violence cases was only 8% for those who completed the program as compared to 14% for those who were not referred. Similarly, a 1999 study showed that monitored attendance was one of only two variables which predicted completion of a treatment program. (DeHart et al., 1999, U.S.)

The threat of criminal sanction alone, however, may not be enough to prevent batterers from dropping out of programs or re-offending. Heckert and Gondolf (2000a, U.S.), using data from the multi-site batterer program evaluation, reported on the effect of batterer perceptions of the likelihood of jailing on dropout and re-assault. Approximately half of the 840 batterers interviewed perceived jailing as likely to result from program dropout or re-assault. Batterers from programs with a court review process for program compliance and/or higher arrest rates for re-assault were more likely to perceive jail as likely. As well, prior contact with social control agents (e.g. criminal justice system, alcohol treatment) was a strong predictor of perceiving jail as likely. However, neither perceived certainty of sanctions nor perceived severity of sanctions was predictive of program dropout or re-assault. The authors conclude that increasing perceptions of criminal justice sanctions alone may not prevent batterers from re-assault. They also put forward two additional conclusions: it may be more useful to enhance the treatment component of batterer programs than to depend on the imposition of sanctions to prevent recidivism; and the criminal justice system may need to increase the certainty of arrest to reach a threshold where perceptions of certainty become firm enough to produce a specific deterrence effect.

A study by Dalton (2001, U.S.) seems to confirm those results. That research explored the relationship between treatment completion and the level of threat or consequence (e.g. jail, divorce, loss of parental rights) perceived by the client. The study found that although the completion rate was high at 71%, the degree of perceived threat did not predict treatment completion. (Dalton acknowledges that the measure of whether the client perceived a threat was imprecise and experimental, as it was based on comments made in interviews.) The author speculates that “once a batterer gets to treatment, the external motivation for going becomes less important if the program is able to effectively

engage the batterer." (p. 1235) This may also help to explain the results from the Canadian study cited above (Tutty et al., Can., 2001) which found that both court-mandated and voluntary participants benefited from treatment.

Victims' Feedback

Despite the growing body of literature on batterer intervention programs, few researchers have attempted to solicit victims' feedback and opinions on the efficacy of treatment. The few studies which have been conducted indicate that victims tend to view treatment programs positively and report decreased abuse and increased feelings of safety as a result of the interventions. The research also indicates, however, a number of outstanding issues for treatment programs. These include the fact that not all offenders respond to treatment, leaving a proportion of the victims at risk; offenders' participation in treatment may give women the false impression that their abusive partners are no longer capable of violence; and women whose partners have been court-mandated to treatment may not have accessed the same supports and assistance as women who have used shelters and therefore may need different programs and services.

American Research

Gregory and Erez (2002, U.S.) conducted in-depth interviews with 33 battered women whose partners were court-ordered to treatment, in order to obtain their perspectives on the program's effects. The respondents reported that although there were significant improvements in the severity and frequency of physical abuse while their abusers participated in treatment, verbal abuse was only slightly improved. The majority of the respondents (70%) reported improved relationships with their spouses who completed the program. However, one-fifth of the respondents stated that the program made their partners more angry or resentful. Most respondents also expressed concern about future abuse or questioned whether participation in the program led to any attitudinal changes concerning women. Nearly half of the respondents (45%) thought that the batterer intervention program was successful, although 39% did not think the treatment was effective; the remaining 26% did not know or did not answer. Those who felt the treatment did not work attributed it to their partner/spouse's unwillingness to change, psychological problems, or continued substance abuse. The authors conclude that the large proportion of partners reporting a positive effect of treatment is significant and supports other research which found a connection between program participation and a reduction in the severity and frequency of physical violence. They also point out that because reactionary abuse is a real danger for women in the initial treatment period, it is crucial that safety plans and other types of assistance be made available to women while their batterers are undergoing treatment.

Gondolf (1998, U.S.) reported on interviews with 482 partners of men ordered to batterer programs about their backgrounds, victimization, help-seeking behaviours and perceptions of the batterers. The study found that more than half the women had previously contacted the criminal justice system in response to abuse but only a quarter had received any counselling for domestic violence and less than 10% had previously visited a battered women's shelter. The women's perceptions of their batterers were

overly optimistic, despite the severe abuse and information from batterer programs. Gondolf points out that the duration and extent of the violence experienced by the women suggested patterns of long-term abuse and raised the importance of court officials assessing the history of violence instead of focusing only or primarily on the arrest incident. He concludes that the victims of court-ordered batterers appeared to be different in terms of their help-seeking behaviours from battered women in shelters and may therefore warrant special programs and research attention.

Canadian Research

Austin and Dankwort (1999, Can.) reported on 25 interviews with battered women whose partners had completed batterer intervention programs (BIP). Respondents described a variety of experiences, most of which appeared positive. The women reported increased feelings of safety, although many of the women did not feel absolutely safe and still feared their partners. As well, respondents identified such beneficial developments as enhanced personal well-being, feeling validated by program counselors, and increased knowledge regarding abusive behaviours. The authors maintain that treatment programs can be positive for women even if their partners make few changes. "(W)omen's feelings of validation and their increased knowledge of abuse were evidence of the strategic role that BIPs can play in providing battered women with crucial information, validating their realities of abuse, and assisting them in acquiring a sense of trust in their own capability to make decisions about their lives." (p. 38) They also caution, however, that offenders' participation in treatment can make women feel safer than they actually are and may encourage women to return to men who are still violent.

Treatment Effectiveness

Questions and concerns continue to be raised about the effectiveness of batterer intervention programs. As was noted above, Feder and Dugan's article calls for caution in endorsing such approaches. Similarly, Hanna (1998, U.S.) says that "preference for treatment as punishment for domestic violence offenders is misguided … empirical data have not shown that most domestic abusers can be rehabilitated through treatment programs as they are currently designed. Rather, the criminal justice system's reliance on batterer treatment programs is driven by politics, not science." (p. 1) Even Gondolf (2002, U.S.) whose research has indicated that such programs can be effective, acknowledges possible problems. In particular, he notes concerns that batterer programs may divert funds away from victims' services and that women may decide to re-unite with abusive men because they believe that treatment has ended the violence. He also points out that at least half of the men who re-assault their partners do so repeatedly, inflict serious harm and appear to be totally unresponsive and resistant to treatment.

Nevertheless, many researchers express cautious optimism about the impact of batterer intervention programs. Bennett and Williams (undated, U.S.) review a number of batterer treatment evaluations and conclude that the programs "have modest but positive effects on violence prevention." (p. 4) They also argue that treatment programs must be part of a larger effort which includes education, arrest, prosecution, probation and victims' services and that any of those components "is diminished by the removal of any

of the other efforts." (p. 10) Dankwort (1998, Can.) discusses the controversy around batterer treatment and says that "notwithstanding the uncertainty surrounding treatment programs, a case for supporting and advancing batterer programs can be made." (p. 128) He offers several reasons for this conclusion, including: battered women often request help for their partners and continue to live with them; such programs offer one more point of entry for men who have no other contact with legal, medical and educational resources; and treatment programs allow researchers, practitioners, policy-makers and service providers opportunities to understand batterers and enhance intervention strategies. Leduc (2001, Can.) conducted a literature review and research assessment regarding the effectiveness of Partner Abuse Intervention Programs for the Woman Abuse Council of Toronto and found that there appear to be consistent results indicating the programs are having a positive effect.

The Ad Hoc Federal-Provincial-Territorial Working Group (2003, Can.), while acknowledging the controversy around treatment programs and the inconclusiveness of some of the research, recommends that jurisdictions continue to develop programs for abusive partners. It recommends that such programs reflect evidence-based practice and support rigorous research and evaluation. The Working Group also outlines the following as the elements of an effective treatment program:

- The inclusion of partner outreach as a component;
- The inclusion of a component that deals with the impact of the abusive partner's violence on his/her children;
- Links between the abusive partner intervention program and services offered to the victims and their children, to enable victims to make informed choices about their safety;
- Assessment of the perpetrator's potential to succeed in the program (the abuser should be screened for program suitability and the relevance of the program to the abuser's characteristics should be considered);
- Program admission as soon as possible following apprehension for a violent incident;
- Close ties to probation and to the court to ensure vigilant offender monitoring, immediate action on breaches and the provision of accurate information on offender participation in the program
- Accountability and monitoring mechanisms to address the impact of programs on offenders and the problem of high attrition (with meaningful sanctions for non-compliance)
- A consistent and accepted definition of success.

Conclusion

This is an area still characterized by debate and controversy. The research is far from conclusive and it is impossible to state with certainty that batterer intervention programs work. Nevertheless, there are many studies which point to some success with certain populations. The research also indicates that judicial monitoring and clear consequences for non-compliance may play a role in program success, although it appears to be equally important that the programs effectively engage the batterer in the treatment.

Based on those findings, many researchers and policy-makers support the continued, careful, implementation of such programs, recognizing that they must be part of a larger co-ordinated effort to address domestic violence. Gondolf (2002, U.S.) closed his most recent book with a compelling argument that "the system matters." (p. 199). Batterer treatment is most effective when situated in a strong, co-ordinated system involving a range of organizations in the battle against domestic violence. "More has to be done, on many levels – in schools, in the workplace, in the culture, in the hearts of men. Batterer counselling has been a kind of laboratory for this ultimate work. By trying to contain, change, and help some of the most resistant and severe offenders, we are finding ways to affect other men in other places. We are also sending a message that men can and must change their behaviour toward women. For these and many other reasons, batterer counselling deserves to be continued but with more attention to the intervention system as a whole." (p. 218)

SECTION EIGHT: COORDINATED COMMUNITY RESPONSES TO DOMESTIC VIOLENCE

Introduction

A common theme running through most of the literature examined thus far is that any domestic violence policy, program or intervention must be situated within a broader, coordinated, community-wide initiative in order to be successful. Many communities have responded to this finding by developing coordinated community responses (CCRs), which are efforts to draw all the relevant systems and organizations together to work in unison to address domestic violence. According to Shepard (1999, U.S.), a CCR "involves police, prosecutors, probation officers, battered women's advocates, counselors and judges in developing and implementing policies and procedures that improve interagency coordination and lead to more uniform responses to domestic violence cases." (p. 1)

All of the components discussed in the Best Practices Review are usually part of a CCR (specialized courts, advocacy, law enforcement, prosecution, probation and treatment). This document will not re-examine or repeat information specific to those components. Rather, it will discuss issues related to the challenges of system and community coordination.

This section is divided into five sub-sections: historical development; evaluations; implementation challenges; best practices; and a conclusion.

Historical Development

Coordinated community responses to domestic violence are a fairly new phenomenon, emerging from the work of domestic violence communities over the last two or three decades. Two main issues seem to have contributed to the development of the CCR model: concern about uncoordinated services and limited assistance for victims; and the realization that neither the criminal justice system nor the community could successfully address domestic violence on its own.

In Canada, according to the Ad Hoc Federal-Provincial-Territorial Working Group (2003, Can.), the development of CCRs arose from "concerns about the fragmentation of the response to domestic violence and the absence of a shared vision and public accountability." (p. 35) In most of the literature, this issue of fragmentation is directly linked to the need to provide better service to victims of domestic violence. According to Hart (1995, U.S.), data suggest that the more resources and options available to a woman, the more likely she is to seek intervention or to leave her abuser. It is more effective, therefore, for a community to offer several viable, linked programs than to rely on a single intervention. "If one defines coordinated community response in terms of comprehensive, or at least multiple, options in the justice and human service systems, this appears to advance the goal of social justice for battered women." (p. 4) A Canadian study (Grasely et al., 1999, Can.) confirmed this approach when it found that abused women relied on a combination of the criminal justice, health care and social services

systems to help them cope with abusive partners. The study concludes that "coordinating all sectors of the service community … continues to be an important and worthwhile objective." (p. iv)

The Ad Hoc Working Group (2003, Can.) points out that neither legal sanctions nor community efforts, working in isolation from each other, have proven successful in decreasing domestic violence. "A number of studies have concluded that formal (legal) sanctions are more effective when reinforced by informal social controls and are weakened when those controls are absent. Similarly, evaluations of extra-legal responses (such as victim support programs and batterers programs) independent of other community context have produced mixed results." (p. 35) Hart (1995, U.S.) discusses the dangers of parallel reform of criminal justice and other systems, i.e. reform which is not coordinated across systems and sectors. She says that parallel reform does not lead to meaningful intervention and that it sometimes increases fragmentation. She points to the lack of shared vision, mechanisms for problem identification and solution development, communication, coordination, accountability, broad standards and evaluation as serious problems which may, in fact, decrease victim safety.

The development of CCRs has not been without its challenges, which will be explored later in this section. It is clear from the literature that the process is a slow one and that certain key elements must be in place in order for the effort to be successful. Clark et al. (1996,U.S.), in their examination of six coordinated community responses in the United States, determined that it takes a long period of time to change the way a community responds to domestic violence and that there were certain common factors which allowed the communities in question to move forward with this work. These include: key events in the community which drew attention to deficiencies in the system and raised public awareness; leadership; coordinating committees for domestic violence (already in place before the CCR was initiated); dialogue and interaction between advocates and criminal justice agencies; and changing community and professional norms about domestic violence. Short and DeBruyn (unpublished, 2000, U.S.) also studied six coordinated community responses in the United States and found that the following were critical to the coalition-building process: strong leadership; motivated and committed members with identified roles and responsibilities; a solid planning process including explicit commitment to providing services, implementing specific prevention activities and providing human/financial resources; a meaningful conduit for two-way communication among coalition working partners and community members; a strategic sense of which activities are worth undertaking; and well-defined goals.

Coordinated community responses continue to grow and evolve. Clark et al. (1996, U.S.) point out that although early coordination efforts focused on the criminal justice system, a "second generation" of initiatives is now emerging which include health care providers, child welfare agencies, substance abuse services, clergy and business.

Evaluations

The coordinated community response has not been subject to rigorous evaluation. Research has been conducted on the various elements of the CCR (e.g. law enforcement, treatment) but there has been little attempt to examine the impact of the entire response. (Syers and Edleson, 1992, U.S.; Murphy et al, 1998, U.S.; Shepard, 1999, U.S.) The few evaluations which have taken place, although not completely conclusive, indicate that implementation of the CCR model may improve a community's efforts to address domestic violence. That is, there is some evidence that CCRs may contribute to increased arrests, convictions and mandated treatment, and decreased recidivism.

American Research

Shepard (1999, U.S.) reported on a Duluth study which used statistical procedures to determine factors which might be linked to recidivism. Of the 100 men included in the sample, 40% were identified as recidivists because they were either convicted of domestic assault, the subject of an order for protection or a police suspect for domestic assault. None of the variables that were related to the CCR (e.g., jail time, type of court intervention, completion of the DAIP program, number of sessions attended) discriminated between recidivists and non-recidivists. However, a later study (Shepard, Falk and Elliot, 2002, U.S.) revisited the recidivism question after the coordinated community response had been enhanced. Enhancements included expanded danger assessment and information sharing among criminal justice practitioners and advocates. Results indicated that offenders had significantly lower rates of recidivism after the enhanced project was implemented. Two variables were found to be significantly related to offenders not re-offending during the three years of the study – the offender having been court mandated to attend treatment and the offender completing that treatment.

Gamache, Edleson and Schlock (1998, U.S.) retrospectively studied three American communities where community intervention projects were established, finding that such initiatives had a significant impact on increasing the levels of perpetrator arrests, convictions, and court mandates to treatment. (Cited in Syers and Edleson, 1992, U.S.)

Murphy et..al. (1998, U.S.) studied recidivism in 258 cases handled by the Baltimore, Maryland State's Attorney's Domestic Violence Unit, testing the hypothesis that coordinated interventions will produce more effective results than will isolated and unsystematic interventions. The researchers conclude that the results "provide a basis for cautious optimism regarding the effectiveness of coordinated community interventions for male domestic violence perpetrators." (p. 278) The combined effects of prosecution, probation and court-ordered counselling were associated with significant reductions in recidivism.

Syers and Edelson (1992, U.S.) used police incident reports, agency data, and victim interviews to study 358 cases referred to the Minneapolis Intervention Project, an advocacy and system coordination project. The results indicate that the combination of police making arrests on first visits with the use of court-mandated treatment decreased

recidivism. The strength of this finding appeared to increase the longer the men were monitored. The authors acknowledge serious limitations to this study as a result of incomplete data.

Steinman (1990) compared cases that occurred prior to the implementation of a coordinated community response to those that occurred after it was established. He found that police actions that were not coordinated with other sanctions produced increased violence. Police action, especially arrest, in coordination with other criminal justice efforts, became a significant deterrent. He also found, however, that coordinated efforts were not consistently effective. (Cited in Syers and Edleson, 1992, U.S.)

Canadian Research

Grasely et al. (1999, Can.) assessed consumers' perceptions of the integrated model of services for abused women developed by the London Coordinating Committee to End Woman Abuse (LCCEWA), located in London, Ontario. Detailed personal interviews were conducted with 105 women who experienced abuse by their partners while living in the London area. The study found high consumer satisfaction with many aspects of the service offered through the member agencies of LCCEWA. The researchers conclude that the integrated model of services is viable and working well to provide appropriate support to the people for whom it was designed. They did find variations in the quality of service offered to abused women by different community agencies and service professionals, both inside and outside the LCCEWA member network, as well as some inconsistency in the number and types of referrals made by service-providers.

Luton (1996, Can.) also evaluated the integrated model developed by the London Coordinating Committee to End Woman Abuse, focusing on the implementation of the model itself and the feedback of the member agencies. As part of the evaluation, 31 taped interviews were conducted with 24 member agencies and three focus groups were held. Luton found a strong shared political vision to ending domestic violence and effective formal and informal relationships between all parties. She also found a number of challenges related to involving and coordinating the many participants. These included ensuring that all relevant sectors and service-providers were involved while maintaining some control over the size of the coordinating committee; ensuring that the collaborative work did not become an overwhelming burden for the participants; and maintaining member adherence to the basic principles of the Coordinating Committee, particularly a central commitment to victim safety.

Implementation Challenges

As the Luton evaluation of the London, Ontario program identifies, there are several significant challenges involved in establishing a coordinated community response. The Ad Hoc Federal-Provincial-Territorial Working Group (2003, Can.) says that "jurisdictions should be under no illusion that co-ordination and partnership are easy." (p. 39). The Working Group points to the difficulty of melding the criminal justice system's focus on the offender and crime with the community's interest in victim empowerment

and support and says that any model must be vested with the authority necessary to make large systems work together. The Working Group concludes, however, that it would be even more difficult to ensure "a sustainable response to spousal abuse in the absence of an overall co-ordinated structure or model." (p. 39)

Much of the research on CCRs comes out of Duluth, Minnesota, based on years of work at the Domestic Abuse Intervention Project (DAIP). Researchers examining that project have identified a number of challenges related to CCR development. (Shepard and Pence, 1999, U.S.) These include: establishing policies and protocols; enhancing networking; developing computerized monitoring and tracking processes; creating effective advocacy and treatment programs; and evaluating the efforts. Articles elaborating on these difficulties point to the same underlying issues identified by the Working Group: many players must be involved in a successful CCR; the institutions involved are often large and unwieldy; and the participating organizations and institutions have different and often conflicting cultures and mandates. Writers focused on the Duluth experience (Shepard and Pence, 1999, U.S.) have put forward a long list of strategies for dealing with the co-ordination and organizational challenges involved in CCRs. Several key points seem to be common across the literature. Successful CCRs remain focused on victim safety and offender accountability; attempt to be inclusive and tolerant of the cultural differences of the organizations involved; accept that changes take a long time; are flexible enough to respond to emerging needs and changing realities; ensure that requests made of participating organizations are practical and reasonable; and are anchored by a highly skilled staff and volunteer team.

Best Practices

Key Elements

According to the literature, there appear to be two important and complementary streams of activity which must take place in order for a CCR to be effective. Criminal justice programs and procedures, such as pro-arrest policies and rigorous prosecution, must be put in place at the same time as community coordination efforts, such as inter-agency protocols and procedures and monitoring and tracking systems, are implemented. Each stream supports and complements the work of the other. (Ad Hoc Federal-Provincial-Territorial Working Group, 2003, Can.; Shepard and Pence, 1999, U.S.)

The Ad Hoc Federal-Provincial-Territorial Working Group (2003, Can.) puts forward the following as key activities of a co-ordinated community response:

- Creating a common philosophical approach that centralizes victim safety
- Establishing consistent policies and protocols for intervening agencies
- Enhancing networking among service providers
- Building monitoring and tracking systems that strengthen system accountability
- Speaking out for battered women within the criminal justice system and within the broader community to ensure a supporting infrastructure
- Providing sanctions and rehabilitation opportunities for abusers

- Undoing the harm violence to women does to children
- Evaluating the co-ordinated community response for victim safety and offender accountability

Other writers have also highlighted the importance of victim and victim advocate involvement in ongoing coordinating efforts; the crucial need for paid staff, especially a project coordinator, as the coordination and monitoring work is quite labour-intensive; and the need to involve middle mangers and frontline workers in problem-solving discussions. (Gamache and Asmus, 1999, U.S.; Mederos et al. 1999,U.S.; Hart, 1990, U.S.)

Hart (1995, U.S.) maintains that along with their ongoing collaborative activities, coordinating bodies must help ensure the sensitivity of responding agencies to issues of race, language, religion, culture, class and ability. Research indicates that this is an important point, as several studies have highlighted the gaps in services and discrimination faced by women of colour, Aboriginal women, lesbians, those who can't speak English, women from religious minorities, the poor, the differently abled and other marginalized groups. (Nurius and Asplund,1994, U.S.; West, 1997, U.S.; LaRocque, 1994, Can.; National Clearinghouse on Family Violence, 1997, Can.*;* Chesney et. al., 1998, Can.; Rivers-Moore, 1992, Can.*)* As well, research has highlighted the lack of culturally and racially sensitive batterers' treatment programs. (Mederos, 1999, U.S.)

Organizational Structure

There is some debate in the literature about the most effective CCR structure. It is important to keep in mind, as Clark et al. (1996, U.S.) have pointed out, that many CCRs are in the early stages of development and there is not yet definitive evidence of the best structure for promoting and maintaining a coordinated system. According to the Ad Hoc Federal-Provincial-Territorial Working Group (2003, Can.), most Canadian jurisdictions have developed regional or local committees to promote the implementation of a co-ordinated community response. Such committees generally have representation from the criminal justice system and community organizations. In some cases, representatives from other disciplines, such as education, social service and health, are also involved.

Hart (1995, U.S.) identifies five possible coordinating approaches. These models are not mutually exclusive; elements of each may be employed by a community at any given time.

Community Partnering

- A community domestic violence program identifies a strategic plan for community action and partners with individuals and organizations in the community to accomplish the various components of the plan.
- Task-specific work groups are established which utilize the expertise of community members.

- From planning through execution, the work is collaborative and decentralized but the domestic violence program orchestrates and oversees the various activities.
- Benefits include: people volunteer for the work, rather than being drafted, which enhances teamwork; the work groups are not public forums so that public posturing and turf issues are minimized; there is no formal infrastructure and therefore the approach is less costly and more manageable by grassroots organizations.
- This is the approach most often taken by domestic violence coalitions and programs.

Community Intervention

- A private sector program, designed to enhance justice system accountability to battered women, orchestrates and oversees coordinated community initiatives related to domestic violence. Intervention programs differ from the partnering initiatives outlined above in that they usually provide direct services to batterers, focusing on cessation, surveillance and batterer education. They often do not provide services and advocacy for battered women but instead develop strong partnerships with shelters and other organizations who provide those programs.
- The intervention program works with all sectors of the justice system. Elements of the work include the development, implementation and monitoring of protocols and practice guides with each component; training of all staff in every component on domestic violence, the goals of the intervention and the changes in job responsibilities and methods entailed in the reform; outreach to batterers in the civil and criminal justice systems, as well as education or treatment groups; training and monitoring of the educators or therapists working with perpetrators; tracking of batterers and automation of data retrieval on batterer status in both civil and criminal justice systems; outreach, information and referral to battered women to enhance safety and autonomy; and community education and media initiatives to transform public understanding and response to domestic violence.
- As in the community partnering model, a grassroots organization is at the hub of all activity. The intervention staff are responsible for the communication and coordination between all the partners. They negotiate changes to systems and procedures, convene meetings of the whole as necessary, and undertake independent evaluations of systemic function and coordination.

Task Forces or Coordinating Councils

- Task forces seek to coordinate all components of the criminal justice system to improve justice system practices and to better communicate and collaborate in work to end violence against women.
- Task force work almost always begins with an assessment of the state of criminal justice (and/or human services) practice and resources in the community, followed by a report on strengths and weaknesses and recommended changes. A task force may then develop a work plan for incremental change and increased coordination.
- Promotion and development of protocols or guidelines for practice for each component of the justice system is often the first step in a work plan. While each agency retains the authority to develop the protocol for that component, collaboration and feedback

procedures are often put in place. Collaboration in training and problem-solving may also take place.
- Evaluation may be undertaken and systemic reform considered.
- Informal systems of communication, conflict resolution and coordination among task force participants are an important outgrowth of the formal work of the task force.

Training and Technical Assistance Projects

- This approach is targeted at informing and improving the justice system.
- Activities can include legal advocacy training and certification; production of various manuals, handbooks, workshops and seminars; development of training curricula for the various components of the justice system; media campaigns; establishment of clearinghouses; and technical assistance projects to aid policy-makers and practitioners in the design of effective justice and human services systems.

Community Organizing

- These are initiatives which invite members of the general public to actively engage in work to end violence against women.
- Objectives include: an increased constituency of active participants in the work: articulation of a clear message that each citizen can take responsibility to end violence; and increased public dialogue and awareness about the causes of violence against women and the power of the community to end it.
- This approach often originates in domestic violence programs. It sometimes addresses a specific problem and sometimes attempts to raise the consciousness and change the practices of the entire community. Often the organizing effort is passed over to the community.
- Among all the coordinated community approaches, organizing projects have perhaps best engaged communities of colour and other marginalized populations in full partnership.

Gamache and Asmus (1999, U.S.), in writing about the Duluth experience, also discuss various coordinating models and approach. They are somewhat critical of the coordinating council approach, in which a committee of representatives from the agencies, departments and community groups dealing with domestic violence is created to lead the coordinating effort. They point out that such a process is not guided by an external, monitoring, advocacy agency and does not necessarily facilitate ways to overcome the existing power dynamics in the criminal justice system. They also say that a formal council structure may lack a shared understanding of domestic violence and a core group of people who will maintain a focus on victim safety as the cornerstone of the project and that smaller grassroots groups may not have the time or resources needed to effectively participate in a council, leading to frustration among the larger players. According to Gamache and Asmus, there are some advantages to having an outside group take the lead and facilitate communication between the various CCR components. The staff of such an organization can raise sensitive issues with the various participants that those participants might not feel comfortable raising with each other.

Pence and McDonnell (1999, U.S.), also writing about DAIP, make a critical point about coordinating systems and approaches, saying that victim safety, not improved system efficiency, must be the primary goal. They say that if reform success is judged solely by such measures as increased arrests, improved conviction rates or reduction in repeat cases, reformers may lose their focus on victim safety and empowerment. "When reform efforts focus on coordinating the system rather than on building safety considerations into the infrastructure, the system could actually become more harmful to victims than the previously unexamined system." (p. 41)

Conclusion

A focus on victim safety seems to be the common factor in much of the literature on coordinated community responses. A daunting number of participants, components and activities can be involved in CCRs and it is important to have a shared vision which emphasizes victim safety and offender accountability. Individuals who have been involved in creating and implementing CCRs warn of the dangers of coordination simply as a means of improving system efficiency. Such efforts may actually decrease victim safety.

Although empirical research is lacking, the literature indicates that CCRs which keep victim safety paramount, create comprehensive and inclusive networks based on established protocols and policies, develop efficient tracking and monitoring systems, and support a wide range of criminal justice and community services are meeting with some success in improving community response to domestic violence. As the Ad Hoc Federal-Provincial-Territorial Working Group (2003, Can.) concludes, "an integrated, holistic, co-ordinated response with a shared vision is the most promising means of producing a synergistic effect and an overall reduction of violent behaviour." (p. 39)

SECTION NINE: CONCLUSION

It is difficult, if not impossible, to summarize the findings of a literature review which has focused on such large and complex systems as those which make up the HomeFront project. As this review indicates, the research on many of the HomeFront components is characterized by debates and disagreements, making it almost impossible to state conclusively whether an individual approach or intervention is the best one or whether a certain policy or program has proven to be effective.

Certain themes have emerged from this review, however. Foremost among these is a growing concurrence in the literature that effective reform must be coordinated, drawing in all of the key system and community players. Most researchers agree that reform which occurs in just one part of the system will have little impact on domestic violence and, in fact, may decrease victim safety by bringing victims into the system when the proper supports and procedures are not in place to protect them. Best practices research indicates that any successful community-based, criminal justice intervention must include the following:

- Broad-based collaboration
- Comprehensive victim services
- Effective law enforcement procedures
- Processes focused on offender accountability
- High-quality treatment programs
- Specialized prosecution units
- Specialized probation departments
- Informed and involved judges
- Integrated data collection and distribution
- Evaluation processes and procedures

The literature also acknowledges that such coordinated efforts are extremely challenging. Most writers recognize that developing a coordinated response to domestic violence, centred around the criminal justice system, is an immense and daunting task. To be successful, such efforts must effectively link large, unwieldy criminal justice components with each other and with small, grassroots community agencies. The clash of mandates, cultures and expectations can play havoc with coordination efforts and the logistics of keeping each party involved, informed and working towards the same vision are overwhelming. Nevertheless, the literature indicates that when such initiatives are effectively implemented in a community, they can have a positive impact on addressing domestic violence. That is, they may contribute to increased arrests, convictions and mandated treatment, and decreased recidivism.

Some of the most innovative and thoughtful research in this area is currently taking place in Canada. Jane Ursel's comprehensive analysis of the role of the criminal justice system in addressing domestic violence, her arguments for a new paradigm of justice and her descriptions of the ground-breaking work taking place in Winnipeg are seminal contributions to knowledge about domestic violence interventions. Her contention that

women use the criminal justice system repeatedly, and for a variety of reasons, before they make a clear break from their abusive situations is borne out by the victim-focused literature. Her argument that criminal justice responses must be structured to support women throughout the long process of addressing domestic violence, rather than focused on dealing with discrete incidents and individual convictions, is a compelling one. Ursel's scholarship in this area provides important guidance to other jurisdictions attempting to reform and refine their criminal justice response to domestic violence.

Clearly, the work involved in building an effective coordinated community response to domestic violence is sensitive and multi-layered and there are no easy answers. Even Ursel's intriguing research around victim participation runs up against the reality that Canadian criminal jurisprudence allows little room for victims in the prosecution process. The state prosecutes the offender; the victim is not a party to that prosecution. Carving out a larger role for victims in that process, and increasing the system's sensitivity to victim needs, is a mammoth undertaking which should not be underestimated.

In many respects, the debates, dialogues and complexities identified in the literature are overwhelming and call into question the wisdom of even embarking on a coordinated community effort to combat domestic violence. That being said, there is still much in the literature to support such efforts and to guide those embarking on this huge task. While there may not be exact agreement in the academic community about every detail of an effective response, there is concurrence that such broad, coordinated initiatives are a crucial part of the movement to eliminate domestic violence.

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SECTION II

VICTIMS' PERCEPTIONS OF HOMEFRONT

PREPARED AS PART OF THE HOMEFRONT EVALUATION

Written for:

The HomeFront Evaluation Committee

By Leslie M. Tutty, PhD and Kendra Nixon, MSW

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Calgary, Alberta

How Domestic Assault Victims Perceive Calgary's Homefront Court

The serious nature of domestic violence was first brought to the awareness of the Canadian public through national studies such as the Canadian Panel on Violence Against Women study (1993) that estimated that at least one in six Canadian women who are currently married or live in an intimate relationship have experienced violence at the hands of their partner. The seriousness of intimate partner violence and the cost not only to the women, but to their children as well, must not be underestimated (Statistics Canada, 2002; Tutty & Goard, 2002).

Further, the costs to society for charging abusive partners and providing treatment in the hope of stopping violent behaviour towards women are substantial (Harrell, 1998; Healey & Smith, 1998). The justice system, including police, Crown prosecutors, defense lawyers, judges, probation and prison, deal with an enormous caseload of domestic violence incidents. None-the-less, the justice response to domestic violence has been of long-standing concern to those who work closely with abused women (Tutty, Bidgood, Rothery & Bidgood, 2001).

Police services are typically the first justice system response to domestic assaults. In the 2001 Canadian national police report (UCR2), a total of 204,000 domestic violence incidents were reported to 154 police departments. This represents 59% of the national volume of crime in Canada (Statistics Canada, 2003). Women make up 85% of the victims reported to police and over two-thirds of the abusers are current spouses. Women who suffer severe violence from a partner are more likely to report such incidents to the police.

Nevertheless, a relatively high proportion of even severely assaulted women choose not to involve the police: 45% of women who feared for their lives and 57% of women who were injured (Pottie Bunge & Levett, 1998). This is often due to not seeing the police as being helpful in cases of domestic violence. Most communities train police officers about the dynamics of domestic abuse in an attempt to improve the police response to such incidents. Some police services, such as in Calgary, Edmonton and Winnipeg, have specialized units to deal with serious cases of woman abuse cases. To date there is little evidence about the efficacy of such special units and training efforts.

Specialized courts for domestic violence have become widespread across North America in the past decade. Two basic specialized domestic violence approaches include early intervention for low risk offenders who plead guilty and vigorous prosecution (Clarke, 2003). The former strategy fits what has become known as "problem-solving" courts in which those who commit crimes because they need treatment for drugs or mental health issues, as other examples, are offered the opportunity to receive such assistance in the hope that they will not re-offend. Vigorous prosecution, in contrast, often involves specialized police units and Crown attorneys working with victims to ensure the strongest prosecution effort possible. While the safety of women and children victimized by abusive men partners has been a prime justification for such specialization, relatively few aspects of the justice system have been evaluated to assess whether victim

safety is an outcome. The joint goals of offender accountability and victim's safety can be at odds.

Women have little control in the justice system. They can call the police or not; decide to cooperate with the prosecution or recant or refuse to testify; submit a Victim Impact Statement (which the judge might use or not) and attend court preparation programs/receive court advocacy, if available.

The court system presents multiple challenges to abused women. It is common for partners to attempt to coerce or persuade women to drop charges or not co-operate with police (Ursel, 2002). Many cases do not proceed to court and, when they do, defense lawyers and others may treat women witnesses poorly. Court preparation programs have been developed to prepare and support women through the difficult court process, but with little documentation about whether these are helpful.

Sentences for assaulting intimate partners have typically been lenient, not befitting the "serial" nature of the crime (Bennett, Goodman & Dutton, 1999; Ursel, 2002). Winnipeg has established a dedicated family violence court and other jurisdictions have appointed dedicated Crown attorneys in attempts to address these problems (Ursel, 1998; 2000; 2002). Cities such as Calgary, while not creating a full specialized court system, have established a specialized initial or docket court, a critical point of entry into the regular court system. Men who plead guilty may be mandated to treatment in a timely fashion, so that they are less resistant to such intervention. Judges, as well, may lack an understanding of the nature of domestic abuse and need specialized training in this topic. Probation is another service that has been the focus of training in some locations. Further, since men may be mandated to treatment because they abuse women partners, it is critical to evaluate the efficacy of such interventions, typically offered by community agencies.

Overview of the Current Research

In 2001, a four-year SSHRC CURA project evaluating the specialized justice response to domestic violence in Calgary (specialized first appearance court—Homefront), Edmonton (specialized trial court), Winnipeg (first appearance and trail court both specialized) and Regina (no specialized court as yet) was initiated by RESOLVE, a tri-provincial research institute on violence and abuse[1].

In addition to examining the outcomes of the justice response, we were interested in the victims' perceptions of the efficacy of the justice system response and coordinated community interventions such as programs for abusive men, support for victims of partner abuse and programs for children who witness family violence (Shepard, 1999). The safety of women during their partners' court appearances is a key research focus, as well as identifying how women who recant their willingness to testify can be assisted. It is expected that the results of this research will have direct application in identifying best

[1] RESOLVE Alberta was the administrative site of the CURA project. RESOLVE Manitoba and RESOLVE Saskatchewan were also involved in the project.

practices so that the justice and community services can revise and enhance their responses to those affected by intimate partner violence**.** In cities with few specialized justice services for domestic abuse, the project will facilitate sharing information about Canadian programs that are working well, and will raise the profile of the importance of addressing domestic abuse from multiple perspectives.

As one aspect of the project, we interviewed approximately 170 women[2] whose partners (and in some cases themselves) were involved with the justice system. The women respondents were contacted through the Homefront Domestic Court Case Workers (in collaboration with Synergy research) or with other community services such as the YWCA Sheriff King Home and Family Violence Prevention Centre, the Brenda Strafford Shelter, Elizabeth Fry Society and others between the fall of 2001 and the winter of 2003. In this one and a third-year time period, the Domestic Court Case Workers contacted virtually all of the clients on their case-loads from the beginning of Homefront to invite them to participate in the research. The women's comments, thus, reflect the program during that time-period and not any changes or staff increases that may have occurred since early 2003.

Note also, that we were limited to interviewing women who were willing to have such involvement. The majority of those (77.5%) were separated or divorced from their abusive partner. Only 22.5% continued to reside with or resumed their relationship after the most current police involvement. Thus, these results do not reflect the experiences of the population of women who remain with partners and may have different opinions about their involvement with police and the court system.

The Interview Context

The interview questions were developed by a tri-provincial panel of researchers, which also included Irene Hoffart of Synergy Research, who was overseeing the quantitative analysis of the Homefront court data outcomes. In brief, the structured, detailed interview schedule asked respondents to recount the incident that led to the most recent (or only) police involvement with their partner because of intimate violence and to comment on each subsequent aspect of the justice response as it applied. As such, some had only called the police, who had then not laid charges; when charges were laid, some had involvement with the Homefront Domestic Court Case Workers and were in the Homefront first appearance court when their partners appeared (some chose not to attend). In a proportion of cases, the partners pled not guilty and the cases proceeded to trial. Some women had involvement with probation either because they had reported breaches, and some through the Partner Support program. In terms of their involvement with each segment of the Homefront/Calgary justice system, we asked the women to comment about whether their safety and wishes were taken into consideration and their views of how well each (court case worker, Crown, court, probation, mandated treatment) worked.

[2] Thanks to the Calgary interviewers: Chris Arrowsmith, Janie Christensen, Dora Tam

The detailed questions in the interview schedule were sometimes incompatible with a woman's desire to tell her story from start to finish in her own manner. As a result, not all women were asked each question. While this create unfortunate gaps related to some information, we deemed it more important for the interviewees to remain comfortable and to emphasize the information that each respondent considered most critical to relay.

Several aspects of the interview process are critical to note in interpreting the perceptions of the women reflected throughout this chapter. First, the narratives represent the women's memories and views of their experiences. The intent in presenting these is not to verify the truth of their accounts, nor to argue that, for example, the police should have laid charges or that the judge should have read a women's victim impact statement in court. What this document provides is the women's views about whether or not they think this should have occurred.

It is also important to note that, with the possible exceptions of the police, the Domestic Court Case Workers and probation's Partner Support Program, the safety and wishes of the women are arguably not the prime consideration of the justice response. The mandate of the Crown Prosecutors and judges is to hold the offender accountable based on the evidence available. If, for example a woman wished that charges be dropped or their partner be mandated to a particular form of treatment, this is at the discretion of the Crown and judge, but may not fit with societal directives to take domestic assault seriously. Although specialized domestic violence justice initiatives have attempted to be more responsive to victim's needs and wishes, this may run counter to their mandate to hold offenders accountable. Thus, although we present the women's perceptions of the various aspects of the Homefront justice response, we will also attempt to put these wishes into context with this sometimes opposing mandate.

Characteristics of the Total Sample of Calgary Interviews

In Calgary, we conducted a total of 70 interviews that we then analyzed using ATLAS TI. Of these, nine interviews are not included in most of the following analyses: three were outside the five-year timeframe back to 1999; in another two instances the court was from another jurisdiction; two contained contradictory information and were not considered credible; two interviews were lost (or the audiotape could not be transcribed).

Of the remaining 61 interviews, 40 women whose partners were charged and were seen in the Homefront court were included in the analyses. This report describes the women's characteristics, those of their partner, the nature of the abuse and their perceptions of the court-related services and the justice response to their assaults.

Before moving to the Homefront-only clientele, however, we conducted several statistical comparisons between the women whose partners went through Homefront and those who were not charged, in order to get a sense of any differences in the two groups.

In one analysis, we compared the nature of the relationship violence to the highest level of court involvement (note that no court involvement means that the police did not lay charges). The chi square analysis showed statistically significant differences with a chi-square of 18.9 (df = 6, p=.004). Notably, men who had been chronically violent throughout the relationship were more likely not to have the police lay charges. This finding is unanticipated and difficult to interpret. It may be that the evidence presented to police did not warrant laying charges in the most current incident or that other factors interfered.

Nature of Abuse * Level of Court Involvement Crosstabulation

		Level of Court Involvement			Total
		no court involvement	first appearance court only	trial court	
Nature of abuse	no physical	4 (100%)	0	0	4
	1 or 2 times	4 (17.4)	15 (65.2%)	4 (17.4%)	23
	3 to 10 times	0	6 (85.7%)	1 (14.3%)	7
	chronic physical	13 (41.9%)	10 (32.3%)	8 (25.8%)	31
Total		21 (31%)	31 (50%)	13 (20%)	65

Women whose partners were less violent throughout the relationship were more likely to plead guilty and have their cases settled in the Homefront first appearance court than men who were more chronically abusive. This fits with the goal of the specialized court to assist perpetrators of domestic abuse to take responsibility for their actions and receive treatment in the hopes of stopping the cycle of abuse from becoming increasingly severe.

Police charges * Call police in future? Crosstabulation

		Call police in future?			Total
		would not call	would probably call police	maybe/depe nds	
Police charges	no charges	3 (18.8%)	11 (68.8%)	2 (12.5%)	16
	male charged	2 (5.4%)	32 (86.5%)	3 (8.1%)	37
	female charged	1 (50%)	1 (50%)	0	2
	both charged	1 (33.3%)	2 (66.7%)	0	3
Total		7 (12.1%)	46 (79.3%)	5 (8.6%_	58

A second analysis of the total sample questioned whether women with various levels of court involvement would phone the police in future if another serious violent episode occurred. The chi-square statistic of 6.9 was not significant (p= .32) suggesting that whether or not the police laid charges and the type of charges laid had no impact on whether victims would call police if needed in future. This is important, since contacting

the police is usually a safety strategy and if past police actions interfered in a women's future decision to use their services, that would be unfortunate.

Demographics of the Women Respondents

The 40 women were an average of 36 years (range of 19 to 56). They were primarily Caucasian (82% or 33 women) with four (10%) of Aboriginal descent, 2 from Central or South America, and one woman of Asian background. All but one (97.5%) were Canadian citizens; the other a landed immigrant. Over one-third (17 or 42%) of the women had not completed high school, 10% (4 women) had completed high school, 22.5% (9 women) had some post secondary technical or university and 25% (10 women) had completed technical or university. In summary, 60% of the women had graduated from high school and almost half (19 women or 47.5%) had taken some college, technical or university courses.

With respect to employment, over one-third of the women (41% or 16 of 39 women) were employed full-time, 12.8% (5 women) part-time, one woman worked only casually. One-quarter of the women (25.6% or 10 of 39 women) were not employed outside the home, a number because they were caring for children. Notably, six women (15.8%) were on sick leave or disability and one was a student. Most of the women (30 of 39 or 76.9%) had children. The number of children ranged from one to 9. The age of the oldest child was 14.4 years on average (range of seven days to 34 years old).

With respect to the nature of the intimate partner relationship when the partners were together, more than one-third (40% or 16 women) had been married, another third were in girlfriend-boyfriend relationships (37.5% or 15 women) and less than one-quarter were common-law (22.5% or 9 women).

At the time the women were interviewed, the majority (25 women or 62.5%) were no longer involved with their partner since the incident in which the police had laid charges. Six women (15%) had been separated from their partner when the assaultive incident occurred; another six women (15%) continued/resumed their relationship and three (7.5%) reconciled and broke up with their partner several times. As mentioned previously, the fact that the majority of women willing to be interviewed were no longer in a relationship with their abusive partner is perhaps not atypical, but nevertheless, limits the results and must be considered in interpreting the findings. We can gauge some of the perceptions from the few women still involved with partners, but they might have vastly different perceptions of the justice response.

The racial background of the men was primarily Caucasian (25 men or 62.5%) or Aboriginal (10 men or 25%) with two of Central/South American ancestry, two African-Canadians and one of Asian descent. One partner who was a visitor to Canada, no longer lived here, having returned to his homeland.

In contrast to the women, their male partners were much more likely to be employed full-time (18 of 36 or 50%) and less-likely to be employed part-time (none), or unemployed (6 of 36 or 16.7%). Two men worked only casually (5.6%); five (12.5%)

were retired or semi-retired, three (7.5%) was not employed because of a disability and two were currently incarcerated (5.6%).

The men's educational levels were as follows: not completed high school (14 of 38 or 36.8%); completed high school (28.9% or 11 of 38); some technical training or university courses (9 of 38 or 23.7%); completed technical school or university (4 or 10.5%).

To the extent that the women knew details of their partner's background, 24 of 34 (70.6%) of the men had a criminal record. The criminal records were most commonly for assaults (8 of 21 men or 38.1%), drugs (4 of 21 or 19%) and theft/fraud (4 or 19%). Seven women commented that they were aware that their partner had assaulted an intimate partner in a previous relationship.

The Nature of the Relationship Abuse

As a rough measure of the abusive nature of the overall relationship, the women's comments about the number of physically abusive incidents were used to provide background to the police involvement. This is not to imply that only physical assaults should be considered as serious abuse, but that in such cases, the police are more likely to have the evidence to lay criminal charges. As a comparison, we also interviewed Calgary women whose partners did not physically assault them but who phoned the police and no charges were laid. The following quotes illustrate that threats and harassment create a debilitating relationship environment:

> *Just before we came here, he started to get more aggressive. You know, stabbing the walls, threatening to kill himself, mind games. The places we rented in Calgary, he was on the lease. He knew I couldn't kick him out, and he played on that. I called the police a few times, [they] said there's nothing they could do. They told me, "well the best thing you can do is look for shelter."*

> *I was held hostage in psychosis [partner's mental health issue] and I couldn't move off an 8 ½ by 11 piece of paper that he put on the floor, in extreme control mode. I would think, I've got to get out of here but I was too frightened to call the police and pretty soon I started crying and he made me sit down and he started ordering me around*. (when she phoned the police, they did not lay charges)

With respect to the 40 women whose partners were charged and went through the Homefront, the highest proportion (18 women or 45%) had experienced physical abuse from their partner one or two times, and the next greatest category was 15 women (37.5%) who were chronically physically abused. A smaller number (7 women or 17.5%) noted 3 to 10 physically abusive incidents.

To get a more in-depth sense of the abuse experienced by the women respondents, the following are quotes from the interviews that explicate the nature of the violence. In all cases, the police laid charges. The next quotes are from women who described their partner as abusing them physically only once or twice:

I didn't know how bad it was until maybe two years ago and everything was coming out that night. He said he was going to leave me and the boys. So then he attempted to get the car keys. In the process he was choking me and then he told my friends that he was going to kill me. I said, "I'll phone the cops" and he said, "go ahead", so I did.

I was out with my daughter, so I came up the steps and as soon as I went to go through the door, that's when he started pushing me. I landed on the floor there (pointed to floor) got up, started running and he grabbed my arm, turned me around and then slammed me against that door there (pointed). Then he said he wanted me to listen to him, I told him I wasn't going to listen to him unless he stopped screaming at me. And that must have triggered something else in him, cause then he grabbed my throat and slammed me against the wall. AC2

Some women described having been physically abused from three to ten times over the course of the relationship:

He claimed to have left the house. But my entire house was smashed, everything broken, smashed. I went to my girlfriend's house that morning and she said, "The cops were at your house". So I phoned my house and apparently they had thought somebody had died in my house and was dragged out cause there was blood all over. [Why was there blood?] *Because there, everything in my house was smashed. And it was so systematic. It was everything that I owned, nothing of the children's. The couch was overturned, the TV, all my knickknacks*. [So he hurt himself when he was destroying your stuff?] *Yes. AC41*

The women who described chronic physical abuse were also likely to have phoned the police previously:

A nice man turned into a monster. Most of the men work on rigs and they do a lot of drinking and drugs and there's only a couple of women in the town, so they've all slept with those, so, there you go. [The abuse was] verbal first, and then physical. And jealousy… The most serious [incident] he broke my hip, three pins in my hips and that's why we're not together. The police were involved before. He's been charged. Guess he just didn't learn his lesson the first time, the second time.

The most serious incident was one night we were (pause) we were out. He had his semi truck with him and there's a bunk on it. He wanted to stay in the bar and I didn't want to stay so I was like "I'm going to lay down in the truck." And when I woke up he was hitting me and he had blackened my ears, there was blood coming out of my ears and, and he was choking me (pause). That, for me, was the most serious time. (AC31)

The incidents involving the two cases in which the women only were charged were described as follows:

We were having an argument in the kitchen. He got so frustrated with me cause we were yelling back and forth and he had been drinking all afternoon. But then it escalated, he grabbed me by my face and he smacked me with his head. He head butted me in the eye and my automatic reaction for some reason, I grabbed the Bar BQ tongs and I hit him back to fend him off and I said, "Stay away from me right fucking now!" And I went to the phone and I called 911. I was and he was coming at me to get the phone and I was like, "Get away from me or I'll kill you." And I said uttering death threats on the phone. So the police got there and they said to me "have you been drinking?" I said "Yeah, I've had a couple coolers." And they asked him, "Have you been drinking?" "No." "Ok, what happened?" They took me into one room and they took him into another. "I don't know, she just went crazy for no reason." AC16

It got to a point where he had me backwards and his knee was pushing right into my throat and my Adam's apple was being displaced, and I was being choked and, everything was going black. And I managed to get up foot up and kick him and push him, cause he was wobbly on his feet. And I started to push him away and he kept coming back at me. I told him to get out of the house. So then he started grabbing things he thought were his. So I pushed him down the stairs, pushed him out the door, and then he kept coming back at me. And the rake was standing right there, a metal rake and I warned him. I said, "Get away from me or you're going to get that rake." And then he hurt me, so I used it on him. And I didn't know how bad it was, but I split his head. The word with his friends and family is 14 stitches. And it really bothered me more than anything. AC35

The Police Response

In the city of Calgary, assault calls are responded to by the regular members of the Calgary Police Service. Cases that are deemed to be potentially dangerous are then referred to the Calgary Police Domestic Conflict Unit, which contacts victims in the most serious instances. As such, unless specified, the majority of the following comments with respect to police involvement are about front-line police response.

Of the 26 respondents who had police involvement, the women had initiated the contact in the majority of cases (24 or 92.4%). In the other two situations a neighbour or medical staff had phoned the police. With respect to these current incidents when the police were called, in the majority of cases (35 or 87.4%) the male partners were charged. Both partners were charged in 3 cases (7.3%) and the woman only was charged twice (4.9%).

A little more than half of the 40 respondents, 21 women, noted that the police had been called a number of times previously because of intimate partner violence. The most often cited number of police calls was one or two times (10 of 21 women or 47.6%). Smaller proportions had called the police 3 to 5 times (4 or 19%), 6 to 10 times (4 of 21 or 19%), or over ten times (3 or 14.3%).

We also asked the women to estimate how many times they chose not to call the police, but had grounds to do so. Of the 29 women who answered this question, the most often reported number was 1 to 3 times (9 of 29 or 31%). Another nine (31%) simply responded "lots"; eight women responded that they had considered calling the police from 4 to 10 times previously (27.6%); and three respondents (10.3%) replied "no other time". In summary, most of the women whose partners went through Homefront had considered involving the police earlier.

What Women Wanted from the Police

Of 35 women who described what they wanted the police to do when called, slightly over half (18 or 51.4%) wanted the police to charge and/or arrest their partner; one third (11 or 31.4%) simply wanted their partner removed. Several other women wanted the police to calm their partner down (two), or protect them from their partner (2).

Women who wanted their partners charged ad/or arrested made the following statements:

> *I wanted him punished for what he did, and I wanted justice for his behavior because I couldn't do anything and this is a man that has already been put in the justice, and he has lots of money. (Abuser) of course plead not guilty and he could and guess what, that drags out everybody into court and guys with money will plead not guilty*.

> [When you called the police, what did you want them to do*?] I wanted them to arrest him and put him in jail, not just charge him, I wanted him to go*.

The following comments are from women who simply wanted their partners removed, not charged:

> *I can't understand why they don't help women just to remove somebody, and I don't give a care if that was the third or fourth time or how many times, if they're being emotionally abusive and threatening, why would they, when you get a phone call, leave that person with that female, I don't understand that. And that's all I was after, so it's really really hard to answer when that's not my thing to be – that was not my wish to have him charged and have lengthy time in jail A73*

> [Were you happy with the way the police handled the situation?] *Yup, I was happy that they took him away. I was thinking that they would have kept him permanently away from me. Then he ended up coming back to me late.* A4

> [When you called the police, what did you want them to do?] *Um, come down and ask him to leave, get him out. Keep him away, and the no contact orders, they don't work.* A64

We compared what the women stated that they wanted from police and what the police actually did in the following chart. Notably, a number of women that first stated that they wanted their partner removed, later clarified that they wanted him arrested as well. One question this raises is whether the police might have used another options, such as emergency protection orders, in the situations where women clearly simply wanted their partner removed. Whether or not this could have been warranted by the circumstances cannot be determined from our data.

What women wanted police to do * Police charges Crosstabulation

		Police charges			
		male charged	female charged	Both charged	Total
What women wanted police to do	charge/arrest partner	16 (88.9%)	1 (5.6%)	1 (5.6%)	18
	remove partner	9 (81.8%)	0	2 (18.2%)	11
	take partner to hospital	1 (100%)	0	0	1
	advice	1 (100%)	0	0	1
	to calm him down	2 (100%)	0	0	2
	protect me from him	1 (100%)	1	0	2
Total		30	2	3	35

Women were asked whether they believed that the police took their safety into consideration. The majority (52.6%, or 20 of 38) confirmed that this was the case. A little more than one-third (13 of 38 or 34.2%) did not and five women (13.2%) said "at times."

Following are several quotes from women that did not believe that the police were concerned for their safety:

> [So do you feel that your safety was a priority for the police?] *Well, I was beginning to not want to call them again, if he was just gonna keep coming back to my doorstep. I said, "What am I gonna do, you guys keep taking him away, dropping him off somewhere, and in a matter of moments he's back on my door again."* [So do you think that the police were taking you seriously?]. *No, then they didn't. I don't think they even took him serious until the third time, then they finally phoned me up the next day and said, "We have him in jail here, we're not going to release him for awhile until so and so is happening with him.*
>
> *I don't think they're doing enough for women, that's why people are getting killed. I went through being victimized by the police. The police are supposed to protect us and care for us and then they treat us like dirt, like we're just another nuisance case. Just because mine wasn't as serious as maybe someone who come in so beaten and battered that she, she can hardly see or can hardly walk or she's*

ended up in the hospital, just because mine's not as serious doesn't mean that mine doesn't matter as much. A5

No, absolutely not, they don't give a shit. If they did they would have backed up the Court of Queen's Bench restraining order. That doesn't allow them any leeway not to arrest.

[So, (pause) when the police were involved, did their involvement make you feel safe*?] (Quietly) No* [Do you feel that your safety was a priority for them?] *No. All their priority was just to charge, it wasn't to protect me.*

Several women were not definite about whether they felt safer with police involvement:

[Did you feel supported and protected by the police?] *By some of them, not by another one (laughed). That they were there, and well, I guess even the other one made me feel safe. But yeah, it made me feel better if (abuser) started anything well, they were here. You know, that he wouldn't and if he did that they would do something.*

The following are several comments from Calgary respondents who felt safer with police involvement:

[Do you feel that you safety was a priority for the police?] *Yes, as soon as I called they were there in like 2 minutes, they were right there. I guess they were close by, because they were there in minutes. And they got here and told me to go inside until they caught him.*

[What types of things did they do that made you feel supported?] *It was the concern that they showed, you know. And how quickly they got here. I was totally amazed cause I figured he would have been gone by the time they got here with a response. But they were very quick to respond and it was a woman that I was dealing with as well, which probably made a big difference.* [So do you feel that your safety was a priority for the police*?] Oh it definitely was. Yes, they called back the next morning to tell me he was being released, and told me that there was the no contact order in place, and they had released him on a no drinking bond. And they said that if at any point that he threatened you, he yells, he raised his voice, you know whatever, you pick 911 up and we'll be there.*

The police in our neighborhood, I have their cards at home, but they were, they told me that they'd watch the school cause my big fear right away was well he'll just come and take them cause he always told me he'd come and take (6 year old boy).

Nature of abuse * Police Take safety Into Consideration Crosstabulation

		police safe			Total
		not safe	Safe	yes and no	
Nature of abuse	1 or 2 times	6 (33.3%)	11 (61.1%)	1 (5.6%)	18
	3 to 10 times	2 (33.3%)	3 (50%)	1 (16/7%)	6
	chronic physical	5 (35.7%)	6 (42.9%)	3 (21.4%)	14
Total		13 (34.2%)	20 (52.6%)	5 (13.2%)	38

The chi-square analysis identified that women who experience fewer incidents of physical violence were no less likely to feel safe with police intervention than women who were physically abused more chronically (chi=2.7; p=.71). Nevertheless, some women who were abused repeatedly were well aware of the limitations of what the police can do to safeguard them, as is exemplified in the following quotation:

> *It doesn't matter whether they're there or not, they can't stay there with me 24-7. So whatever goes on after they take him, with the family and stuff like that, I'm the one stuck there dealing with it.* [Do you think that the police involvement then actually increased your risk?] *Oh definitely, definitely.*

Another key question was would the woman call the police in future. Of 35 responses, the majority (28 or 80%) stated yes; only 3 or 8.6% said "no". Three (8.6%) stated "maybe/depends" and one (2.9%) stated "probably".

To test the possibility that the nature of the relationship abuse might affect the women's stated intention of calling the police in future if necessary, we conducted a chi-square analysis. The results showed no statistical relationship between these two variables (chi-square = 2.4, p = .66).

Nature of abuse * Call police in future? Crosstabulation

		Call police in future?			Total
		would not call	would probably call police	maybe/depends	
Nature of abuse	1 or 2 times	2 (13.3%)	11 (73.3%)	2 (13.3%)	15
	3 to 10 times	0	7 (100%)	0	7
	chronic physical	1 (7.7%)	11 (74.6%)	1 (7.7%)	13
Total		3 (8.6%)	29 (82.9%)	3 (8.6%)	35

Calgary Police Service's Domestic Conflict Unit

The previous comments were with respect to the members of the regular Calgary Police Services, not members of the Domestic Abuse Unit. This section documents comments with respect to interaction with the specialized domestic abuse police section. Of 30 women who were questioned about whether the Domestic Violence Unit was involved, slightly more than half (53.3%. or 16 women) had such involvement. Two women were involved primarily with the Domestic Conflict staff member providing them with a Bethany Care life-line unit. The comments were overwhelmingly positive with only one negative and three mixed:

> *They were fantastic. I can't speak for any other women but with me they have been so good with me. No, they (regular police) just charged him with assault and let him go. Later on, when my case got transferred to the domestic dispute unit, they charged him with choking with intent. They charged him with fraud as well and then just recently they also charged him with forcible confinement. The Domestic Dispute unit has been great to deal with, he's been really good.*
>
> [You mentioned the Domestic Conflict Unit, how helpful were they?] *I must say, the Victim's Assistance Unit and Domestic Violence, they've been amazing. Wonderful people, supportive, yup, for sure.*
>
> *And Domestic (unit) tried. He tried to get off on peace bond, they stopped it, they tried. Actually, Domestic was in court for me last week saying, "Why wasn't he charged for calling her, it's a breach of the restraining order?*
>
> [Did you feel that your safety was a priority for the police?] *I think so, that's why they charged him. What I found most helpful the first time I talked, was how calm they were on the other end, how structured their questions were. They were sort of immediate, "Are you in any danger right now? Do you think you're going to be in any danger later on today? Are your kids in any danger?" So it was absolutely safety, safety first. Then, "Describe the situation to me." So, sort of moving out from the center of things, and that, that makes you think logically as well. They were very helpful. They gave me some suggestions of things I could do, who to call. I phoned them right before Christmas because I was looking at an Emergency Protection Order, so that he couldn't come close.*
>
> *But now this Domestic Conflict Unit, this time, took it serious. Like there's a constable that called me this morning and I also talked to her the day that he got arrested this last time. And she gave me numbers to call to find out how long he's going to be in. And she also called this morning telling me that someone is coming over this afternoon. So this time it worked way better.*
>
> *They were great.*

Women's Contact with the Homefront Domestic Court Case Workers

> "The Domestic Court Case Workers support victims while in the domestic violence court with safety planning, help in understanding the court process, referrals to community and legal resources, counselling and treatment needs, and immigration status updates. Victims are contacted by the Domestic Court Case Workers when possible, prior to the accused's first appearance or as soon after as possible in order to provide them with updates and information regarding the accused's case." www.homefrontcalgary.com

After the police have laid assault charges, the victims, primarily women, are contacted by the Homefront Domestic Court Case Workers (DCCW) and offered assistance and information. This contact may be in person in the first appearance courtroom or by telephone shortly afterwards.

It is commonly acknowledged that after police involvement, not all women want their partners to go through the criminal justice system. However, at this point they have little control, except to refuse to cooperate or recant their testimony if the case proceeds to trial court. Their wishes about what happens with the charges will therefore, significantly impact their interactions with justice personnel and the court system. Of the twelve women who answered the question about whether they wanted the charges to proceed to court, two-thirds (9 women) did, while the remainder (3 women or 33%) wanted the charges dropped.

Of the 40 interviewees, 30 (88.2%) described having been involved with the Homefront Domestic Court Case Workers, while four women (11.8%) had no such contact (6 women did not specify contact or were unsure because of the number of calls from agencies such as Victim's Services and mandated perpetrator treatment agency partner checks). Of those who were not involved, one respondent clarified that she had no contact because she had no phone and would not open nor respond to the letters that were mailed to her.

Of 28 women who responded to the question about whether they found the Domestic Court Case Worker helpful, over half, 57% (16 women) stated that they did, another five (17.9%) had mixed opinions and one-quarter (25% or seven women) did not find the court worker helpful. Interestingly, the four women who themselves had been charged (whether dually or solely) were as positive, in general, about their contact with the worker as those whose male partners only were charged.

The respondents were then asked what aspects of their contact they found helpful or not helpful. Of positive responses, most cited the information and/or the emotional support provide by the Homefront staff. Fifteen women reported that the information provided by the court workers was invaluable:

> *I know it was always the same lady that went with me. She would tell me ahead of time what was going to happen…And more less what I could ask for to the judge. What my rights were to go in there and express. Without her I wouldn't have known what was going on. I probably wouldn't have shown up*. AC1

> [Did you find the domestic police court workers helpful?] *Yeah, they were. When they took me to that little room and chatted with me and just gave me pamphlets. I*

still have them in my purse. She (Domestic Court Case Worker) called me, she told me everything that was going on. AC6

She explained her role as she just talks with the Crown prosecutor and lets them know my side, and um, and that she would be phoning to let me know the outcome of the situation was, and just basically she would be my representation personally. It felt very good actually (laughs). When she phoned me afterwards she – she phoned me the day of the trial to let me know what the outcome was she explained the peace bond and she explained it clearly to my mom.

They were, they were informative about what was going on, and they relayed my messages. AC10

She called to me. She explained everything that is gonna happen, that could happen. After, she phoned me to say, "He said he's 'not guilty.'" And I said to her "I am very nervous, I don't know…." She said, "Be calm. I am not a lawyer. I work for an organization but we're gonna…," I don't remember what else she said but everything is really comfortable. I feel secure. She was telling me every step.AC14

[Did you find that involvement helpful?] *Oh absolutely. Just preparation of what to expect, that made me feel better, the not knowing is scary but when you know how it's gonna work, where do you sit, what do you do… So it was a great help, it was a great comfort. They gave me the tips, yeah, not look at him, keep your eyes you know, on us, no matter what they ask of you, if you need to say something look at the judge, 'cause the judge would ask me questions as well* AC60.

I was pretty informed, I've got to admit to that. A73

She was the one who'd call me and, 'He's plead guilty; the court was moved to this date, oh this,' so she'd call and leave messages [Did you find that helpful?] *I did. Again, she knew what I was planning on doing, so she guided me. The first letter that I wrote to the Crown Prosecutor actually went to her.* A74

Of 19 women who were asked whether they found the domestic violence court case workers supportive, the majority (17 of 19 or 89.5%) stated that they did. Ten women who reported positive experiences with DV court workers described them as being emotionally supportive:

[In which way was she helpful to you?] *Emotionally…They were very good at explaining everything to me and being there for me, she sat right beside me, she held my hand, she went for breaks with me. AC1*

[What did you think their role would be?] *Support, a supportive role*. [Did they fulfill this role?] *Yeah, even just beyond, I mean they took the time afterwards, do you want something to drink, you know, to sit down, would you, asked me how I*

felt about the whole situation, it was great, it wasn't just like it's done, goodbye. You know, they actually cared. It was a very good experience.AC60

[In what way were they helpful?] *They believed me… They didn't doubt or question my integrity*. AC9

[What did you think her role would be?] *To support me… I needed somebody to talk to.* [Did she fulfill that role?] *Yeah, she has been very helpful.*

[Were you involved in the case?] *No, not really*.[Did you want to be?] *No. If I'd wanted more, I could've had more, they offered me more. I didn't want it, I was quite happy with what I had.* [If you received information about the case, what kind and where did you receive it from?] *I received it from a lot – victims advocate (DCCW) called me, Val from court prep called me when they found out, and the Victims Assistance unit called me when they found out. A72*

However, one respondent who was pleased with the support, also felt the need for more contact than was offered:

I don't think there was enough contact. She would phone me and that was about it. It was helpful because he was lying to me about what went on and she phoned me and told me the truth. And then he was getting mad because I knew the truth and he was hiding a lot of things. [So more involvement or contact would've been helpful to you?] *Yeah.*

Two women stated that they did not need the services of the victim advocates as they could deal with their situation alone:

[Did you find the victim's advocate helpful?] *Not really. (laughed) They might be useful to other people, but I have to handle things myself, that's the only way I feel comfortable. AC3*

[Was there involvement helpful?] *Not really. As I said to her, for my situation and for me, I already knew the steps. I already felt that if I needed help, I would get help. I'm sorry to say it that way. Don't get me wrong, I think that she was, um, she was trying to help. But, I've had counselling, for this and for other issues, and I didn't want to make things worse than what they already were*. [So if you wanted help that you would seek out the counsellor?] *Exactly*

Another woman commented that it was confusing because several court workers were contacting her:

Some other ladies were constantly phoning me up and giving me, just asking if they could meet with me, so I went down. I told them I had troubles in transportation, so they told me to catch a taxi and they would pay for it. So when I did that one of the ladies came out and paid for cab fare and I sat and talked with them. I had several of them calling me and getting me all mixed up and

confused with who was gonna be involved with me and what was happening. [Now was -------- through the court preparation program, or was she through the Homefront court?] *I'm not sure, they didn't, they didn't really give me details as to where and how and*. [Kinda confusing?] Yeah. AC4

One woman who reported some satisfaction with the court workers also expressed her frustration when they told her to remain calm:

And I got really angry, (crying, getting increasingly more upset) when I went in court, cause this worker trying to calm me down and pacify me. And I said "don't you patronize me, I'm the victim here, I'm not the perpetrator." (crying louder and voice getting louder). I said, "You don't know this man the way I do." [Was that the Domestic Court Worker?] *Yeah. I said, "Don't do this to me, don't you tell me to calm down, don't you tell me to calm down." I said, "I'm about to blow a fuse, I deserve to be treated with honour, respect, and dignity, and I will not tolerate that behaviour from nobody."* AC9

One woman claimed that the court workers did not respond to her needs as a member of a minority group but did not elaborate on what these were. Another respondent stated that she was not really asked about her disability.

A proportion of the women (15) were asked whether the Domestic Court Case Worker took their wishes into consideration. More than half (9 women or 60%) replied yes, two women (13%) were mixed and four (26%) said no. Unfortunately, most did not elaborate on their reasons for this perception. One who did not feel that this was the case, and had previously complained about not receiving up to date information on her partner, commented:

I felt like I had a right to know what was going on and, they made me feel totally useless. I'm really mad that they didn't tell me that there was court the day he got out, because I wanted to put my input on some of the things that I knew were going to happen and did, and I never got that chance. A46

Two that claimed that the Case Workers did take their wishes into consideration stated:

Yes, absolutely, absolutely. She even said to the judge, "Mrs.____'s recommendations are…" So they took my recommendations and they did it. AC5

[Did the worker take your wishes into consideration?] *I think so because in speaking with her and then when I was informed that they were going to elevate the charges, I believe that they passed that information on to the Crown prosecutor*.

Finally, of 18 women who were asked whether they believed that their safety was a priority for the Court Case Workers, the majority (16 of 18 women or 89%) stated that this was so. None provided further explanation. However, several who were not pleased with the Domestic Court Case Worker's responses to them described the following:

[Was anybody giving you information about your case?] *Well, this one girl from the domestic court, I called her up, crying. I said, "Listen, I need to talk." She said, "Well, call a counsellor." (The same woman was upset because she believed that the domestic violence court worker had contacted child welfare about her)* A29

I did go to a couple of hearings with (partner), and I had a couple of questions, they were, shoved me off and didn't have the time of day, didn't answer the questions, the answers that I was expecting anyway.

Several respondents complained that they were not kept up to date on the case as promised.

They were supposed to inform me of what was going on. I had gone to (another province) for a funeral and they said, "He's been charged with___ and he'll be in the Remand Center for two weeks." So I thought, "Oh good.". And because they have a system where if they've served time for something else they get off way sooner, he was off in three days. He had been out for three days before this woman called me, so that wasn't protecting me. I told her "I need to know the minute he gets out. Please call me. If I'm not home, please leave a message on my answering machine." Well, he had been out harassing me and three days later I get this call from (Domestic Violence Court Worker), saying he was out. A35

She would never call me to let me know what was happening, so I just took it in my own hands to go to court myself to say, "Okay at least that way I'll know what's happening." A46

They told me that he's planning to get released, and then, well I said, 'well nobody told me,' and then I phoned, I said 'well phone me if you find out,' and they never phoned me to tell me A74

One respondent reported that the worker has used information gathered from their contact against her partner.

I was talking to her about stuff that happened to (abuser) and she used that to make more charges on him. And she never told me that (she would do that). A46

In summary, several respondents noted serious concerns such as not being provided up to date information about their partner as they had expected or having negative interactions with the Court Case Workers that resulted in them not seeing these staff as resources to help address their needs.

In general, however, the research respondents who were positive about the Homefront workers found the information and emotional support that they provided valuable. Without this input and contact, some would not have attended or testified throughout the court process.

Women's Perspectives of the Specialized Crown Prosecutors

> Prosecutors need to be fully informed to properly prosecute cases. The court team provides extensive information allowing the Crown a more complete understanding of each file before it appears in court. They can make better decisions that more accurately address the safety concerns of victims and the accountability of offenders. The Public Assistance Unit can provide court accompaniment, information and updates regarding the Crown Prosecutors Office and functions. www.homefrontcalgary.com

Of the 40 women respondents whose partners went through Homefront, 23 described having minimal (9 or 39%) or some (14 or 61%) involvement with the specialized Crown prosecutors. Note, however, that it was difficult to differentiate Crown Prosecutor involvement from Domestic Court Case Worker involvement as often women were unable to make the distinction.

The majority of these (59% or 10 of 17 women) perceived the Crown Prosecutor as supportive:

> [Did you feel supported by that Crown?] *Absolutely, absolutely*. AC11

> *She seemed to really want to know what I wanted to see happen with him and what I thought he needed.* AC20

> [How did the Crown respond to or accommodate your disability?] *He just, (pause) the lawyer got up there and talked so I didn't have to talk much (laughed). So it was good.* AC27

> *They [Crown Prosecutors] were great. As far as questioning me, getting the details, assuring me that I was doing the right thing even being here, kind of they just giving me that confidence. You know, you're safe, nothing's going to happen to you, so it worked out really well*. AC60

Other respondents commented on the value of the information that they received from the Crown:

> [So did the Crown then respond to your needs as an immigrant*?] The Crown, yes, yes. Yes, because they helped me in everything, everything.* [So they helped explain things to you so you could understand it?] *Yes, yes*. AC14

> *The first prosecution lawyer that I had, I went to her office and we talked about some of the stuff, and then she used that, too, like so they kind of told me what questions I would be asked, if I answered something incorrectly, then you know, They would rephrase the question and you know, 'cause a lot of the time I was like 'Well you know he said this and that' and they're like 'objection, you don't know that,' so then I'd say 'well, he told me he said that' and so. The ladies that I talked to, I phoned them and they'll tell me what's happening. They're good like that and they'll get back to you and let you know as soon as they find out*.A74

The following women's comments are with respect to why they did not feel supported by the Crown prosecutor:

> *They're busy people that have too many cases and your case gets shuffled between one Crown Prosecutor to the next, especially when things are postponed.* AC10

> *Even the prosecutor nailed me, he felt sorry for him (her eyes are tearing as she gets increasingly angry). "Oh she's costing him a lot of money on a lawyer." Excuse me, how much money did he cost me to move? Why should I feel sorry for him? I tell you what, if this guy do the same thing to a police officer or, to a judge, guess what (voice irate), they would spend 10 years in jail. A9*

> [Did you feel supported by the Crown?] *Nope* [Was there anything that you did not tell the Crown?] *My story. I tried and they did not want to listen. When I said that I had been sexually abused when I was young, her reasons behind it is, "is that why you're with him?" Whatever*. AC29

Only twelve women commented on whether they believed that their safety was a priority for the Crown Prosecutor. The majority of these, (7 or 58.3%) said "yes", 4 or 33% said "no" and one (8.3%) was mixed.

> [Do you feel that your safety was important for the Crown*?] No, in my view it was not. Because if my safety was important they should have held him accountable, they should have put certain terms to it, those are the rules and those are the rules.* A9

The respondents were asked whether they believed that the Crown Prosecutor took their wishes into consideration. Of eighteen interviewees who were asked the question, eight women (44%) stated that this was the case, five (27.7%) said that their wishes were not taken into consideration, three women (16.6%) were not asked and two women said some wishes were and other weren't. The following comments are from the 8 women who believed that their wishes were considered by the Crown:

> *I phoned the Crown attorney and said, "I want the date up. Do I have a right? Do I have a right to moving the day?" And she said, "Yes you do." I said, "When you stand up there I want it upped." And they moved it to September.* AC10

> *They (Crown) asked me what I wanted, so I gave them my list: attend domestic violence counselling, no guns, peace bond to be put in place and no contact as well*. [So, all the things that you wanted they implemented?] *Yeah.* AC13

> *I was glad that they took what I asked for, like he really, really, really needed the anger management, like, that was one of my main concerns. And even the judge and the Crown Prosecutor talked back and forth about it, about what my suggestions were for him, before she decided what his sentencing was*. AC20

Others commented that their wishes seemed not to be taken into consideration by the Crown:

> [The Crown Prosecutor probably asked you "what is your recommendation?" Did they ask you that?] *No. No. Nothing. (strong, firm response)* A7

> *What I don't understand is she sat there, she listened to me, she believed me, and he still got an assault charge. Why can't he just go get help? He's never done anything wrong.* [So, were your wishes taken into consideration by the Crown?] *Absolutely not.* A29

> *So we sat with him [Crown prosecutor] and we talked to him and I told him why I wanted it. They wrote it down, but that was about it*. A46

> *The Crown Prosecutor cornered me; he didn't give me enough time. He said, "Let's go for a peace bond." He didn't give me enough time*. AC9

Several women mentioned additional concerns about their interaction with the Crown. These included observations that the Crown Prosecutors were too overworked to spend adequate time on their cases and that the Crowns plea bargained with respect to the offender.

> *When he made his initial appearance, nothing in the file had been read yet, and I read their mission statement and what they're all about, try to do, and one of the things they make a point of saying is they read every file before it's presented, and from what I hear happened, that that wasn't the case, which was a little concerning AC71*

That the Crowns made plea bargains with respect to some offender's charges was of considerable concern to a number of women respondents:

> [So did the court held him responsible or accountable for his actions?] *Not to the extent that it should of. Because they bargained and evidence was there that he was fully guilty… I don't know what kind of plea bargain… there was bargaining, I know there was.* [Did you understand what was going on throughout the case?] *Not the plea bargaining part, nobody ever got me involved in that*. [Did you want to be more involved with that?]*Yeah*.A10

> *They said that he would be charged with one thing, but it would just go to him getting help, nothing else would come out of it. I didn't even know that it got changed from one to eight. Until I went to court myself and read them. And then they got changed again. The original eight got changed again to different charges. And then it got changed back again. Like, they keep changing them, we don't know why, we don't know, I don't know. A46*

I was just wondering why would they want to plea bargain when he's already plead guilty, for that reason. And I didn't even question him, I just wanted to have that sexual thing out anyway, so I was glad that he pleaded guilty, which was good. [Glad that he pleaded guilty but didn't understand why the bargaining?] Yeah, that's it, why the bargaining. 'Cause there're already five witnesses, what was the plea bargaining all about? Yeah. [Did anybody explain to you why that happened?] *No, all the prosecutors said, there's always plea bargaining going on. I didn't question them, I was just happy that he pleaded guilty, and that he was going to get a psychological assessment. A53*

I guess a little shocked at how they deal (plea bargain). I had totally never been exposed to that before, so I was a little concerned I guess about that aspect of it. I mean I'd always heard about making deals, but I didn't realize it involved leaving out important information and lying, but apparently you can do that, I guess you can. AC71

[What did you think of the court system/process?] *It was long, the process was long, and it's… when you see it on TV or when you hear about it, it doesn't really seem fair, but I guess they are following the rules, I don't know, but to me it doesn't seem like it's all that fair. You know, he's on probation and so obviously they said, "Okay, well he's done these things, so let's just let him get away with the first two, we'll charge him with the other two, when there's incriminating evidence for all of this", so it's kind of like let's just do this, we'll get him out of jail, we'll get him out of the system and we won't have to deal with him, he won't cost us money, we won't have to go through all the lawyers, and all that stuff, so it's kind of let's hurry up and get him out of here and get it over with.* AC74

Women's Perspectives of the Homefront First Appearance Court

A court team consisting of specialized Crown Prosecutors, Domestic Conflict Unit Police Officers, Probation Officers, Legal Aid Duty Counsel and Court Case Workers meet with defence representatives prior to an accused appearance in court. This meeting is called a pre-court conference. During the pre-court conference the team meets with defence representatives in order to share and update information, and discuss possible resolutions for each file. The pre-court conference ensures that crown and defence have a clear understanding of the history, background and victim's wishes in each case. This ensures that cases are handled with accuracy, sensitivity and efficiency. www.homefrontcalgary.com

Of the 31 women who were asked whether they had attended the first appearance court, slightly less than half (15 women or 48.4%) attended while 16 women (51.6%) did not. Some of those who did to attend were not aware that they could, were not contacted about the court or did not believe that their attending the court was necessary or desirable:

They [court] didn't contact me when he had court and he got out. And they didn't tell me what was going on. I was really scared and I felt really trapped the day he got out. Knowing how close we are and I didn't know how he felt. A46

[Did you go to the first appearance court?] *No, I have never seen him since that day.* [Why did you choose not to go?] *I didn't know I could, quite frankly. I didn't know, and I don't know if I would have, but I didn't know that I could. That surprises me.* A11

Nobody informed me when the court proceedings were. I never got any phone calls as to when his dates were or anything like that. A27

[So at the first appearance he pleaded not guilty, were you at the first appearance court then?] *No they just told me what it was.* [How come you didn't go to the first appearance?] *I didn't think it was necessary.* AC10

[Did you go to the first appearance?] *No I didn't. I didn't have to. I, I talked to the police and I didn't have to go and I didn't have to relive it*. AC24

I didn't want to go, but the lady who phoned you before you come (Domestic Court Case Worker), said to me it's good to come here cause maybe the judge wants ask you something, it's important to. I went once (not other times), cause I feel embarrassed go there for violence, domestic violence, you know? That's hard I feel humiliated. A14

Other respondents chose not to attend because they were fearful of their partner and sometimes, member of his family:

[Why did you choose not to go?] *Didn't want to see him. I guess I thought my presence would make him angry. I didn't want anything to do with him.* A13

I was afraid. I didn't want to go. I thought my ex would be mad at me and that was the last thing I wanted him to be, mad at me. Cause I guess at that point and time I knew that I was going to let him back in. A28

I didn't really want to go. I was scared of him, but not just scared of him, terrified of his whole family. A72

I didn't go to court at all. I didn't want to be in the same room as him. I didn't want to… I don't want to see him, I don't trust him. I just don't have anything to say to him. A19

The few women who commented on the reasons why they attended the Homefront first appearance court did so primarily to support their partner:

I still love my husband. If I can support him then I will. That doesn't mean dropping the charges though. This was the first time I'd seen him since this situation. I think it's important for women to be there. Even when it comes to court, women have to stand up for themselves, and I strongly feel that even if you've been the victim, you don't have to make yourself out the victim. A26

[Why did you choose to go?] *Because I cared. I know that was killing him inside. He was really scared that he would be in jail for the rest of his life. And I didn't really think that's where he belongs. I just wanted to know what was going to happen to him.* A46

Women's Perceptions of the Homefront Process in General

The interview schedule included questions with respect to the women's views of the Homefront court in general, in addition to questions about each aspect of the court process. When women made no reference to specific components of court, it has been included in this section (i.e. information specific to the Crown, court workers and judges is in previous sections). Of nine women who commented about whether they felt supported by the Homefront court in general, five (56%) felt supported, three (33.3%) did not and one (11%) was mixed.

[So what are your opinions of the court system?] *With my ex, the court system, the police and everything were never there for me. The only place I had for refuge was the shelter. But this new way the court system does everything. This is ideal; this is what needed to be in place years and years ago. The Victim's Advocate, so you know what's happening and what your rights are and what you can do about it, the police coming and taking him away right now, and the judge talking to both of us and it wasn't just the guy's life, she actually talked to us and she was actually expressing to him what he was doing to like his sons, and it was like uh, she gave us about a half and hour talk. Before, I never even got to the judge. The whole system, they hear you more, everybody's listening more and it's not just the woman or the man, but the police were concerned about the children and if they'd seen and more concern about the whole family unit not just the actual incident thatoccurred.A1*

When it comes to domestic violence they do care a lot. They are very thorough. A48

[What are your opinions of the court system?] *Well, right now I know they're back logged and when I went to court for my charge, I saw a bunch of other cases happen. And they just kept saying, "the purpose of this court," and they would address the lawyer who's trying to buy time or the person who helps you put it off. They'll put it off for two days, "cause our purpose is to get it over and done with fast." But, that isn't probably valid in most of these cases. They're serious, serious cases. You can't be over and done with them, and deal with them appropriately and deal with them in that short of time. You just can't. I don't think they're taking this seriously*. A35 (woman solely charged)

[So you didn't have to testify?]*No, the lawyer spoke for everything and I told him, I said, You'd better tell them I'm not charging him. I'm not laying charges" and he said, "It's out of your hands now, it's the police that are charging him and*

you've got nothing to do with it anymore". [You have no say.] *Exactly, and I didn't like that at all. That's why I'd never call the police again*. A3

Of 19 women who responded to a question about whether they felt safer with court involvement, almost half (9 or 47.4%) replied that they did, 8 (42.1%) did not and two (10.5%) had mixed reactions to this.

[Did you feel safer after you went through the court system?] *Oh yeah, I did. After he started going to his classes things like right away started to change, no more drinking.* A6

No, it didn't make me safer, well maybe in a way, because I almost think that you know, now that this has happened, now that he's had to, to really you know, be held accountable, and have to deal with these things, that maybe it won't happen again, if for no reason than the fact that he's scared of what might happen to him. The judge made a point of saying that if you ever show up in front of me again, you're going to jail, no ifs, ands, or buts, that scared him. [That scared him, so that might've increased your sense of safety?] *Yeah, yeah*. [So do you feel your safety was a priority in the court system/process?] *Yes, I, I do in the fact that they inquired over and over again if I wanted like a no contact order, there was one in place which I wasn't aware of, like the cops never spoke of it. A71*

Eight women did not feel safer with first court appearance involvement:

[Did you feel safer with court involvement?] *No, court had nothing to do really, it was more the police getting it across to him what is going to happen and what will happen if he violates any of the terms*. A13

The court system (is) the pits! If they were concerned about my safety, when he breached, they would have thrown his ass in jail. You breach you go to jail (voice louder, irritated)! You don't give him another 15 months probation. Obviously he doesn't get the first year, what are ya givin him another 15 months for? Like duh! He doesn't get it. [So did the court involvement make you feel safer?] *No. Unless they're going to come sit on my front door step to keep me safe.* [Do you feel that your safety was a priority for the court system?] *Not really. Because of the lack of involvement*. A25

[Did you feel supported by court system/process?] *No*.[Did you feel safer?] *No*. [Did you feel your safety was a priority?] *No, just another case number.* [So you felt like a number in that process?] *Oh yeah!* AC54

Other positives with respect to the Homefront court included the court (Case Workers, Crowns) keeping the women updated, recognizing that their partners needed help, the speediness of the court process

I was always updated about what was going on, I was, you know, this is what's going on, he's plead not guilty, it's kind of like, oh my God, why, you know the

police are there to advocate for me that they saw the injuries, they know, they've got the tapes from 9- 1-1, you know, and I was actually appraised for that, you know, like how quick to, to able to think that way you know, so, yeah. [Did you understand what was going on in the case?] *Yeah, I did*. AC60

Yeah, they're pretty good in keeping me informed A73

And even the judge and the Crown Prosecutor talked back and forth about it, about what my suggestions were for him, before she decided what his sentencing was. AC20

It was very fast, the domestic court made the process much faster. AC72

Of 14 women who answered the question, "were your wishes taken into consideration in court?" seven women (50%) believed that their wishes were taken into consideration by the first appearance court, four (29%) did not and three were mixed (21.4%). Negative comments about whether women's wishes were taken into consideration included the following:

It sucks, it's terrible. I really don't think they take into consideration exactly what is going on, I really don't. I think with our system today, and our system, you can go back even 15 years, they do NOT look at the big picture. I think the judges are so overwhelmed with so many different cases, that they don't have time to break it down into each individual case. What they're doing is they are categorizing everything into one and saying, okay, this is what we're going to give you, you, you. And it depends on the mood of the judge that day, I'm being honest with you. [Did she take your wishes into consideration?] I don't know if they were taken into consideration, but they certainly weren't granted in any sense of the word, in any shape or form. [It didn't translate into the outcome you wanted in any case, so kind of hard to judge whether what you wanted was taken into consideration?] Exactly. AC26

I kept telling them that he should be in the hospital and they wouldn't listen to me, wouldn't listen. And when it came down to court time I told (partner's) lawyer "I'm not testifying against him, I didn't even want him charged, when I called for the help, I wanted them to take him to the hospital". AC3

Several women expressed their frustration and confusion over the number of adjournments (one case was adjourned six or seven times):

The very first time he didn't have a lawyer he wanted to plead guilty. He thought he could just go plead guilty and the judge said, "No, you can't do that" and so then it got postponed for another month, but… Which was very frustrating, cause he was willing to plead guilty but the judge wouldn't let him plead guilty. [So what was that like for you during that time?] *Frustrating because we wanted to get everything done. And we had discussed everything like, discussed yes he was guilty, yes he would go, yes he would do what ever the court system said and*

because she held it off another month he wasn't allowed to come back another month then. He wasn't allowed even to see his kids, he wasn't allowed anywhere near us till after the judgment. [So at that point you had wanted it to go through the system, for him to get counselling and resolve things so that he could come home? Is that what you wanted?] *Yup, yeah. AC1*

[Did you go to first appearance court?] *I don't think so. I looked a mess. It kept being put over.* A35

It's just been set over and set over and set over and set over and set over. AC78

Some women felt pressured into proceeding with being involved in the Homefront court:

They knew it was the second time it happened, and they told me that it'd be no use to charge him if I didn't follow through. They also told me that, just a week previous, another incident happened to a different lady and she didn't live through it, so they were kind of scaring me into doing the charges. A2

Women's Perceptions of Homefront Court Decisions and Probation

> Probation's task is to monitor offenders and hold them accountable for their behavior while ensuring they comply with the conditions of their court ordered sentences. Specialized probation officers provide the court with an offender's history along with sentencing and treatment recommendations. www.homefrontcalgary.com

Of 33 women who knew what their partner pled in the first appearance court, two thirds pled guilty (22 men), nine men (22.7%) pled not guilty, one plea was reserved and one partner did not attend. Only 11 women commented on whether they were satisfied with the disposition received by their partner. Of these, 8 (55%) were pleased and 5 (46%) were not. Most did not explain why they were satisfied. Some were happy when partners got off completely or lightly (no jail) as they had not wanted the charges to proceed in the first place.

I really let them know. I said that I really just wanted phone contact. And, for him to have random drug/alcohol tests because his drugs are totally got to his head. And they just, aren't going really well for him and they make him really slow and, I don't know. He wanted to quit but he just didn't have the motivation, I figured that would do it. And they didn't use either of those. A46

I didn't want him to go to jail. I wrote a big long (statement). I didn't want to see that happen to him. When it went to court, what I had a hard time with was he lied, his statement of the facts, that's what they read as "the" statement of what happened. A71

I don't want my husband to go to jail but I want him to be frightened. I want him to have probation and I want him to say that he's vulnerable, but I now can't go on record saying that. I will not write another letter on his behalf, and

unfortunately his attitude, which is not his fault, that's what he's been told, no, I don't care what they want, I will not appear at court for him, he doesn't know that but I wont' go. On his behalf I will not do it. I want the counselling. He needs to hear from the legal end of things, now that he's done something wrong. The lawyers need to smarten up and let these people know…This telling them, "Oh don't worry about it it's your first offence". Excuse me, first offences in violence, shouldn't be happening. They should not be happening. AC78

I'd rather they settled it (laughs). But, involved in the sense that he's not getting away by saying no this never happened and that uh, just having that responsibility saying yes this did happen, and uh, you're on probation A55

Twenty-seven women commented on whether their partners received probation as a result of the Homefront court: 25 men did (92.6%) whereas two men did not (7.4%). Of eleven women who knew whether their partner's probation officer had specialized domestic violence training, the majority (10 or 91%) stated that they were specialized. Eight women reported feeling positive about the probation conditions that their partner received:

I was finding everything useful. It helped me cause he was getting the medication he needed, plus with the curfew he couldn't go out, meant he might be tempted, but he can't, so that helped at the time. [It sounds like you weren't happy with the fact that he was charged and had to go through the system, but you were happy with the treatment, the help that he was getting.] *Yeah, I was happy that they did get him on medication and like I say, the curfew helped too, I didn't have to worry about him running around all over the place, cause it took awhile for his medication to kick in and start working.* [And you didn't have to be the one responsible to tell him no.] *Yeah. A3*

Of 20 women, half (ten women or 50%) were dissatisfied with probation, eight (40%) were dissatisfied and two (10%) were mixed. Six respondents commented that they were satisfied with the supervision that their partner received from the probation officer.

[Do you believe that the probation officer properly supervised your partner?] *Yup. Cause she had to kick him in the butt and he was always mad at her*. [So if he was always mad, that was a good sign cause she was doing her job?] *Yup! Because he was trying to get away with, "Oh I'm working out of town, oh I'm doing this, I'm doing that".* [And she called him on everything?] *Yup. AC1*

[Do you know if probation officer properly supervised your partner?] *Absolutely. Yes, she would call me all the time*. A60

[Did probation officer properly supervise your partner?] *Yes. Yes, she did*. AC64

The ten respondents who believed that partners were not supervised properly by probation made the following elaborations:

[Do you believe that the probation officer is properly supervising him?] *Nope. Because he's doing whatever he's doing. He has already been switched to his second probationary officer and likes this one much better and he's manipulative. He's a drug addict. What do probationary officers know about drug addiction? A10*

No, no, definitely not. Not when you call the probation officer twice and even their support, even with his anger management and everything and you tell them what he's done and they say, "contact his probation officer," and you tell them "I did, but she didn't have a concern about it." There's not a lot of trust there that there's going to be a lot of backing for you. A24

I know what he was doing. In the peace bond it did say that he couldn't purchase alcohol, couldn't drink. Well, he sure was drinking and purchasing. So no, definitely not. AC26

[Do you believe that his probation officer is properly supervising him?] *No, (laughed) No I don't. There's been a few occasions where he gets out, you know. He's supposed to be at (inaudible) and I know some nights he'll wait for the phone and then he'll go out after. I don't know if she made sure that he was supposed to stop drinking or not). I don't know how they could better monitor him but. AC 27*

It took a week and a half before his probation officer caught up with him at the Drop in Center or something. So, it hasn't' worked, time after time. It has not worked. AC35

Several women believed that that the case was not taken seriously enough or the probation officer had become too "friendly" with their abusive partners:

This [probation] is supposed to be something serious and they act like it's nothing, like it's just a nice little social visit… I wished someone could let him realize that what he did was very, very serious, not have people like that probation officer … to believe that it wasn't serious, so that it was no big deal, cause he's only a first offender… it was all for naught as far as I was concerned, I did it all for nothing. No, I, I don't believe it worked [probation and domestic violence treatment program]…it didn't work for him, he got nothing out of it. AC5

I don't know. They got along pretty well so he wasn't really strict with him. He missed a few appointments and nothing happened to him, so.AC20

Three respondents believe that probation officers were easily manipulated by their partners, resulting in inadequate and inappropriate supervision:

And he's sweet. "Boy, what's that picture over there of?" And he'll go on and on about that picture and say, "Oh you have awards on, oh wow, is that what you like to do." He'll get you refocused and remapped on what you like. AC10

She didn't recognize that he was BS'ing her. She was young… she looked like she just did the two year program at Mount Royal College. And I tell you (abuser) is very charismatic, and I know that you can say, "Well they deal with those people all the time," but he doesn't look like a jail guy. He's suave, good looking AC21

He'll be sober and do all those different things, do his piss test. I know (abuser). He can do things to get out of it so he looks good. [Manipulative?] *Very. A37*

Two respondents were mixed in their satisfaction with probation's level of supervision:

[Do you believe that the probation officer properly supervised him?] *As good as she could have. I mean, he's the kind of guy who could walk into a psychologist's office and start interviewing him. Do you know what I'm saying? He's, he's a sociopath. He literally told me that he had the anger management psychologist (on side). He was in there with the anger management psychologists. And I thought, "Yeah, you probably could fool them." He's good. C28*

Although one woman was generally satisfied with probation, she did question their approach:

[Do you believe that the probation officer properly supervised him?] *He did. But I was wondering why they didn't test him, for drugs. I know he wasn't using them, but I was just wondering. That was a part of the order, so I was wondering why they didn't do that? He says that when he's on, when you're on probation they do it when they suspect that you're doing it. But you know, he was always on time, he never missed an appointment, he was always there, whether he had to take time off work or not. He always went to his classes, he was never late type of thing, so I think he was good when he was doing it. A6*

Two respondents commented that they did not know how probation was going or that they knew how well probation officers were supervising their partners stating that they were not contacted by probation.

[So do you believe the probation officer properly supervised him during that time*?] I don't know. He never called me, he never, nobody ever called me.* AC11

Seventeen women commented about whether they felt safer knowing that probation was involved with their partner. Seven (41.2%) did, seven did not (41.2%) and three were mixed (17.6%). The following are comments from respondents about feeling safer knowing that probation was involved or feeling supported by the probation officer.

It helped me to be able to relax more, knowing that he couldn't go out after a certain hour and him knowing that they were going to check on him, and I mean it wasn't just a phone call, a couple of times they did come to the door. A3

[Did you feel your safety was a priority for probation?] *Oh, definitely. Not just mine, but my child's*. A60

[Do you feel that your safety was a priority for probation?] *Yeah. At least they took into consideration my views on the whole thing and they talked to me about it. AC6*

In fact, his probation officer would phone me about every third month. She'd phone me and ask me how I'm doing and everything, even though he hated her, I thought she was pretty good, cause she was concerned about everybody. I felt good because, I felt that she didn't have to phone me, and she just phoned to see how I was doing, how I felt about things. AC1

[Was your safety a priority for probation?] *Yes. I talked to her, "Is everything okay, how are you doing? Can you go stay with your family? and "I'll stick it out, stay here as long as I can and she said, 'well okay, just keep tabs if anything happens phone me right away,' no hesitating.* [Very open to you, your safety needs kind of explored, what might be safer and your options.] *Yeah*. A64

Seven women indicated that they did not feel that they were safer with probation involved. Six respondents did not feel that probation took their safety into consideration:

[You don't think your safety was a concern for probation?] *Are you kidding? I don't think that they care, that's they way I feel. Yup I really don't, whatever was said, whatever was discussed, because it was a first offence or whatever. AC5*

[Do you believe that your safety was a priority for probation?] *My safety? I didn't feel that they had any involvement in it. AC21*

[Did you feel that your safety was important for probation?] *Umm, not really Again lack of involvement. I don't really hear too much from her. AC27*

[Do you believe that your safety was a priority for probation?] *Well, I called her a number of times when he was breaching majorly, and she said that she couldn't do anything until she had it in writing. For me to gather my energy to write that, it was tremendous… So yes and no, I wish she would have jumped on it just with the verbal. AC35*

[Did you feel safer knowing he was monitored on probation?] *...It didn't help.* [It didn't help, he kept doing the breaches in any case whether he went to jail or not?] *Yeah.* [Was your safety a priority for probation?] *No. AC58*

[Did you feel safer knowing that he was being monitored by a probation officer?] *Not really, no (laughed). Well, he missed a couple of classes, anger management*

classes and nothing happened. He missed a couple appointments and nothing happened. And, actually, his probation officer phoned a couple times during our fights and was being quite verbally abusive and I don't think there's anything you can do about that. Like he didn't say anything about it, he just asked if I wanted him to call back later. AC20

With respect to whether women knew that their partner had breached probation conditions, a minority (6 of 21 or 28%) stated that their partner did not breach, whereas 14 women (55%) knew that they had breached at least once: once to five time (3 or 13%); more than five times (4 or 19%) or an unknown number (7 of 33.3%). One woman admitted breaching the conditions herself.

He threatened me and raised his fist at me in our doorway. I called her and let her know and she really didn't phone me back or anything to let me know if she talked to him at all. I just assumed that she did. A27

More than half of the 14 women who described whether they reported breaches did so (8 of 14 or 57%) whether to the probation officer (five), police(one) or other(one). Another 6 women (43%) knew of, but did not report the breaches. The following situations were ones in which the women considered probation to have dealt with breaches appropriately:

[Were there any breaches of probation?] *No, just threats, that I know of...* [How did the probation officer respond to the threats?] *She (probation officer) would get angry and just tell him "this is the way it is and you need to come in here or you're breaching".* A1

[Sounds like there were breaches of probation?] *Yeah, lots.* [How did the probation officer respond to breaches?] *He (partner) would go to jail. I know for some of them he did go to jail, he'd be remanded. Yeah, he was like ordered not to be drinking and he'd be caught drinking, they'd remand him right away, he'd be in jail.*

[Did you report breaches*?] Yes I did. I phoned quite a few times. She was helpful to me, very helpful to me, I'd tell her that ---- was coming by and she said, 'well I gave him a break this time, and told him you know, you need to smarten up,' and she said, but she said 'we'll put a warrant out for his arrest' and she did it right away. She says, yeah, 'cause he hasn't come to see me, either, and I was giving him a couple of days, but because this is happening, right now.'* [And that was, what was the outcome of the breach, and he was picked up?] *Yeah, and they actually took him (to jail). He was there for 2 more months, so he served a lot of time for this.* [Did you feel safer knowing your partner was monitored?] *I felt way safer knowing he was in jail.* A64

Women who knew about breached conditions and had reported to probation were often upset and disappointed when there were no or few consequences:

They don't do anything if he does anything wrong. So really to me it doesn't mean a lot. What's the point of them (reporting breaches) really? AC24

[So there were breeches of probation?]. *Yeah.* [Did you report those?] *Yeah, his counsellor knew. He went to counselling, never finished it, ended up dropping out.* [Did you tell the probation officer that?] *Yeah.* [What happened then?] *Nothing, that's when it all screws up. The probation officers don't make them do what they're supposed to do. And he never ever finished anything. He would start but he never finished. A50*

I talked to two ladies and again I had asked about the alcohol and things like that. Because I said, "I know he's drinking." And nothing was done. A26

[You called his probation officer regarding breeches of his probation. She didn't even phone you back?] *No, she didn't*. [You don't know if anything was done then?] *No.* A27

He's called me piles of times since he's been like away from here and in jail. I just get too tired to constantly call the probation officer. I'm supposed to call her, document every single time. I tried to tell them he's breeching his probation, you should deal with that. And they said, "We'll leave that up to the courts,". And they didn't haul him in. And he had a ton of warrants, like public drunkenness, open liquor and stuff that he kept racking up downtown. There were no charges at all. And then his probation officer like, caught up with him later cause he wasn't showing up for his visits to her. So then she kind of caught up with him, and then he was in jail…He didn't get that charge until way after the fact, cause then they all of a sudden realized, "oh ya, this guy needs to be charged." It was just an after the fact. His probation officer saw him and, "well I heard you did this at (interviewee's)."I did a statement, handed it to the police and faxed it to the probation officer and then he got charged for the violence, way after the fact…I told this (probation officer), "he keeps on phoning me, and then he came back and hurt me, now I have charges." She (probation officer) said, "I need it on paper." So, it was just amazing that they did nothing. A35

The women respondents who did not report breaches did not do so for a variety of reasons: some believed that it was futile, some were concerned that their partners would retaliate and some did not realize that they could:

{Do you know what the conditions of probation were?] *A no contact order with me, so he's breached that.* [Did you report that*?] I haven't because I think that it's nonsense. He'll just drag it out in court again. And he'll know that I told on him, and, what purpose does it serve me, really? And at this point the court didn't do its job, so why would it do it on the second round? All he's going to do is get thrown in jail, he'll have to pay a nice hefty fine, he'll get out and then he'll hire a big fat lawyer again and we'll be all back in court, and we'll start this scenario all over again. Why would I want to do that to myself? AC10*

I was afraid of the consequences if his probation officer told him that I said he was doing this and this and this, you know? I was afraid that his probation officer would say that I said he, that he did whatever and then he'd come home and a fight would start because I was talking to somebody about him. [So there'd be further repercussions and violence if you told the truth.] *Um hmm* [Did you report the breeches?] *No, I, I didn't know that I could*. A20

Women's Perceptions of Probation's Partner Support Program

> The Partner Support Program maintains contact with the victim to increase their safety during the probation period. www.homefrontcalgary.com

Partner Support is a program run by volunteers that provides support to those whose intimate partners are on probation because of assault charges and convictions. Of 21 women respondents, 8 (38.1%) were involved (two only minimally); and 13 (61.9%) were not (one clarified that she had not been interested). The interviewees sometimes had difficulty distinguishing the partner support volunteer from the probation officer or staff from other agencies that also offered support. Three respondents noted their satisfaction with their involvement with the Partner Support Program:

[Did you have contact with the Partner Support Program?] *Yeah, they phoned me twice. AC1*

The people that were calling me made me feel safe, knowing that I could, if he did do something crazy I could call or I could, which is better than what it was before where I didn't feel safe at all and that I had to stay in order to, to be safe. A28

One respondent was upset with the Partner Support Program because of the lack of contact.

During probation, someone was supposed to get in touch with me, the [Partner check?] *Yes, they didn't do that and it was called a follow-up, call ----- asked me and so did ----- -, "has anybody been calling you to find out if he, if everything's going ok or what's been happened?" No, they didn't. I had to call them many months later to find out why someone didn't call and keep involved with me…They didn't do that, they didn't follow up. I found out about that later. AC5*

Three interviewees commented that although they were contacted by the Partner Support Program, they did not make feel that it enhanced their safety:

[Did you feel safer having those phone calls?] *No, it had no effect on me. I probably felt nice to have someone phone and talk to me, but I don't, you know, AC21*

[Does having that phone call make you feel any safer?] *No, because I did everything to make myself feel safe. AC24*

[Did you find (partner support program) helpful?] *For me, I really don't think it pertained. I take care of my own business. Does that make sense? I mean, it was good that they called*...[Did you feel safer with them calling?] *It had no bearing. AC26*

As mentioned previously, some women were unsure if the Partner Program Support program staff had contacted them, their partner's probation officer or the treatment agency's partner check programs, as is the case in the following quote:

[Did you have contact with the partner support program?] *When he was going to his classes they would phone and ask and see how he was doing, but other than that, other than that, no. Not that I remember anyway.*

One woman commented that Partner Support did contact her regularly but could not speak to them about her partner because he was in the home at the time.

They were very nice, but you've got him sitting beside you. [What were they asking?] *How are things going? Are things okay? How are the kids? Is there anything you want to tell us? Well, what can you say? They know he's in the house, they know he lives there and that we're together. And, it's, it's not their fault. They were very nice. There was one lady who phoned me. They phoned, was it every two weeks or once a month?. But there was one lady that phoned fairly often, and so I talked to her but I talked to her about other things. So I wasn't really talking to her about that, so we'd talk for about 20 minutes, but I wasn't really talking about that. Then I wouldn't have to lie about it, but he was there, and he'd go, "Who was that?" And I'd say, "Oh just those people from probation." I'd tell him who it was, but he'd know I didn't say anything, I never told them anything. But, how can you tell them, what can you tell them? AC21*

Women's Perspectives of Court Mandated Treatment

This section addresses the conditions and mandated treatment ordered for men who pled guilty in the Homefront court. Many of the women respondents were not aware of the mandated conditions because they did not attend court. The most commonly mentioned mandated treatment program was for substance abuse treatment through AADAC Adult Counselling & Prevention Services (12 women). Next most common were the specialized domestic violence programs for men offered through the YWCA of Calgary Sheriff King Home or the "Responsible Choices for Men" groups through the Calgary Counselling Centre (11 respondents) or "anger management" offered through the Peter Lougheed Hospital (8 respondents). Three women mentioned that their partners were ordered to have a forensic evaluation through FAOS (Forensic Assessment and Outpatient Service) also through Peter Lougheed Hospital. Ten women (25%) noted that their partners were mandated to more than one program: in all cases, substance abuse treatment was in addition to either anger management or specialized domestic violence treatment (including the three men who were also ordered assessed by FAOS).

Court mandated treatment programs deal directly with the offender and, in most cases, the women are either not involved, or when invited, choose not to be involved in treatment for victims. Only a little more than one-third of the interviewees were still in intimate relationships with their partners, so most had relatively little opportunity to observe the effects of their partner's treatment. This is also reflected in the fact that it was difficult to distinguish whether the court mandated program was a specialized domestic violence treatment program, since many members of the general public refer to specialized treatment as anger management or simply as "classes". Both specialized programs are conducting their own program evaluations, including the partner's perspective where possible. Thus, the current evaluation adds important perspectives, but, since the women were not directly involved in their partner's treatment, these reflections are from a distance. Nevertheless, since evaluations of perpetrator programs rarely invite partners for their perspectives, this section adds critical input.

Several interviewees whose partners attended specialized domestic violence treatment, noted that they saw improvements in their partner's behaviour:

> [Did he have to do domestic violence counselling as well, treatment?] *Yes, yes*. [Were you happy with that outcome?] *Yes, yes* AC14

> [Did you feel safer knowing that he was getting treatment?] *Yes.* [What did he think of the treatment?] *He thought it was a waste of time, but he later said that it helped him to grieve the loss of his daughter.* AC17

One woman was not satisfied with domestic violence program as a probation condition as probation did not hold their partner accountable for missing sessions:

> *He had to get into the domestic violence program called Responsible Choices. [*And he didn't complete that?*] No he didn't because it was, he even said, and I know the one, cause I was over at his place that one night and he didn't show up; he just decided he didn't want to go that night. And then there were like I said, the five nights that he was away (out of town), so he missed quite a bit, and a very important part of it too. And I was told that he would have to do it all over again, but they didn't make him do it all over again, and I was told he HAS to complete it and it HAS to be, he has to go to everyone and complete it, otherwise they're supposed to make him re-do it and they didn't do that, they just let it go.* A5

Other respondents did not consider the specialized domestic violence groups effective, suspecting that their partners were simply going through the motions and not learning anything:

> *In his situation they're really wasting money and they wasted the court's time, cause I can pretty much guarantee you that he's playing the game, he's doing what the big judge says cause if he doesn't he'll end up in jail. AC10*

> [How did he respond to the (domestic violence program)?] *Inconvenient, cost to him, his time. I don't think he got anything from it, the cost of his lawyer, how*

much it was costing him, "look what you made me do, look how much you're costing me." [Did you feel safer during the treatment or after the treatment?] *No, no. AC13*

He had to go to one course. When the ladies from the Sheriff King would call me, I was lying at first, saying that he wasn't being the way he was but he still was doing it. The last time she called me from the Sheriff King and talked about his anger management course, I told her the truth. I told her, "It's not working."[So how did he respond to the treatment? Do you know?] *I can't see that anything helped.* [Did it make you feel safer knowing he was going to treatment?] *It did, but there were times, and I don't feel this way right now, where I just thought he was going to come over here and light a match and burn my house down. He wouldn't do something small, and he wouldn't do it to my kids, but he would do it to me, cause he's lost control of me. So, ya… he doesn't see that by playing mind games he's hurting them, he thinks he's hurting me.*[So it didn't really have an impact on if you felt safe.] *Right, sometimes it did and sometimes it didn't. The people that were calling me made me feel safe, knowing that I could, if he did do something crazy I could call, which is better than what it was before where I didn't feel safe at all. AC28*

[How did he respond to that treatment?] *Not very well. I don't think he really learned anything about it.* [Do you know if he finished or not?] *No he didn't.* [What do you think of the treatment?] *Of Sheriff King, for him? Um, it would've worked if he'd, if he'd stayed in it. If he'd a paid attention to the, if he stayed himself and didn't mouth off other people or get involved with them. I think it might've benefited him, yeah and if he'd done the anger management as well like he was supposed to.* [Did you feel safer during and after he was in treatment?] *Um, no.* [Did the agency contact you for a partner check? *No.* A64

He's attending the program (SK) right now. He's not able at this point to really Say, "I did these things," he's still saying it's me, I've heard you know, "I did this because of what you did," and I guess I'm a little frightened by a few comments he's made, and so what I'm hearing from a few things he's told me that um, that he's playing victim, I, I think he's dealing with that aspect of things, um, you know, "Oh well she's done this to me, I did this because of what she did." He actually came back from one of his sessions and called me abusive, um, so I think I don't, I'm hoping it gets to the point where he does, but right now, I'm a little leery. A little scared that he's sitting there bringing up "oh she's done all these things to me," but he's not dealing with his abuse. [Have you felt safer knowing he's getting treatment?] *Um, I don't think I feel safer knowing that he's getting treatment. No, not right now.* A71

Other women commented on their partner's response to the anger management program at the Peter Lougheed Hospital:

I was glad that they took what I asked for. He really, really, really needed the anger management, like, that was one of my main concerns. When he was in the

anger management course at the Peter Lougheed, he was very conscious of his anger when it was escalating he would actually leave and go for a walk instead of yelling at me, and, but now that he's been out of the course for awhile it's slowing starting to slip back. [What was his attitude like about going to treatment?] *Well, he said that he wanted the help, so he didn't really complain about it.* [What do you think about the treatment?] *Well, it seemed to work at the time, but they need to figure out how to do some kind of follow up with them.* [During the time he was in treatment did you feel safer?] *Um hmm* [What about now, after the treatment?] *No. A20*

At first he didn't want to go, and he'd complain about it all the time. Just make little comments about me making me send him there. He wanted to go afterwards, and he knew that it was helping him, so afterwards he was ok with it. [What do you think of the treatment?] *I think it helped him a lot. He could have stayed in a for a little bit longer cause it only went for 6 weeks but, it helped him a lot. He went with everything that they did. I think it was good then.* [Did you feel safer during and after treatment?] *Oh yeah. Cause then after, he would tell be about people that were there and he, he would say how bad they were and he'd say he never wants to be so bad.* A6

[Now he did get treatment, anger management?]. *He goes, (laughs) I don't think I'd call it treatment, but he does go.* [He shows up at a building at a certain time.] *That's right*. [So you don't think the treatment is any good?] *No.* [Does his receiving treatment factor in how you feel as far as safety?] *No, because as far as I feel, it's just his loss for not getting help*. A24

[How did he respond to getting the treatment (anger management)?] *Well, at first he said it was helping and then he pretty much passed it off as a bunch of bull. He said it was stupid, he didn't want to do it, it wasn't helping, and that was about it.* [What do you think of the treatment?] *He seems calmer. He's not quite so angry anymore.* [Has the treatment, him getting the treatment made you feel any safer?] *No, not really. A27*

One respondent believed that her partner should have received addiction treatment and not domestic violence treatment.

It's that he needs treatment, but instead he got domestic violence counselling, that's not the root of the problem here…The root of the problem is the addict that needs to be treated, cause guess what people, I guarantee you in 5 years from now he'll probably be right back in the same scenario. A10

With respect to AADAC treatment for substance abuse, the women also reported some mixed reactions:

[Is it working for him?] *I think he's just doing it to complete his probation and that's it.* [Just because he has to.] *Yeah, he feels about the same way as I do, you sit around and listen to a bunch of people talk, yeah, so what, you know*. A3

[But then after the court (mandated treatment) he didn't do that?] *Oh no. He never even drank after that. He never drank, he never did drugs. And I was really shocked, and surprised because he gave it up so, it seemed easy to me. But for him I knew it was hard, but he gave it up really well, like cold turkey.* [Was he going to AA?] *Yup, yeah, he was going to anger management, and they talked about the drugs and alcohol and the whole thing in his classes. I had to go talk to his probation officer to tell him how he was doing and, he was you know, staying along with the programs. And he was, I think that's why they let him off early, I actually went in, cause they wouldn't let him off early until I went in and talked to them. AC6*

Some women referred to their partner's multiple mandated programs in negative terms:

He had to go to anger management, he also went to AA. AA didn't work, anger management didn't work either. I think the counsellors really have to get more involved. I mean somebody can go in and lie, lie, lie, which is what happened here. Someone can go to AA, you cannot force someone to go AA unless, exactly, it was a waste, it was a waste of tax payer's money. AC26

Other women reported seeing positive changes in their partners who were attending multiple programs:

She (the judge) asked him to go to the domestic anger management, he had to go to AADAC and deal with the gambling issues, he's been going to counselling, It's done him a world of good. Like I see a change in him, I think he has a long way to go... AC1

Some women respondents had mixed feedback about the multiple programs in which their partners participated:

(Abuser) had to go for psychiatric evaluation. He had to sit through drug abuse and alcohol abuse. (Abuser) has never abused drugs in his life. I said, "Why are they making him do that?" "Well, it's mandatory." "Why don't you guys work on the problem?" [What about domestic violence counselling*?] They wanted him to do that for 18 weeks and he's not allowed to see me until he's done all those. But, if we could call each other up and go to the counselling together… I understand him better, he understands me better A29*

[Is he receiving treatment right now? Has he started?] *(nodded yes).* [Have his parents told you how he's responding to the treatment*?] They said, he's only been once. So, but they said that he was angry at the things they were talking about I guess.* [What do you think of the treatment*?] I think it's good. I just really hope that he doesn't try to do it all at once, cause otherwise there's not going to be anything that comes out of it*. [Are you feeling safer now that he's receiving treatment?] *Yeah*. A46

He was given one years probation, he wasn't allowed to be around alcohol, he had to go for alcohol counselling, he had to go for anger management, and he had to go for a psychiatrist, and then you know, he wasn't allowed to be around drugs, and he had to be in by a certain time, and he curfews, and he all these different stipulations, and it was great, because I said he really looks stupid – they'll let him out and he'll screw up and then he'll get caught. A74

Women's Perceptions of the Trial Court

If the offenders plead guilty in the Homefront first appearance court, the case likely proceeds to trial court, which has no specialized domestic violence court case workers (Homefront's workers are limited to the first appearance court) or Crown prosecutors. Note that women can reactive court preparation and support from Calgary legal Guidance if they qualify. Of the 40 interviews with women partners of men whose cases were heard in Homefront, 11 men (27.5%) pled guilty and their cases proceeded to trial (two of these involved dual charges – both the woman and man were charged).

Six women (of 8, or 75%) reported having some involvement with a Crown Prosecutor with respect to their partner's trial. Of these, half (3 women of 6) found the Crown Prosecutor supportive, two were mixed and one did not.

The lawyers were very helpful. They walked with me step by step. AC37

I went to pre court, the first time it was dismissed because there was not enough time, the second time she (Crown) called me and goes, "I want you to know one thing, I believe you, otherwise I wouldn't be here representing you today. The police believe you, that's why they arrested him, they have to be very careful who they arrest" she said, "I want you to know that if he gets off today it's not because no one believed you, or the judge didn't believe you, it's beyond a reasonable doubt." She honestly knew. They were wonderful with me, every, you know, this is where everybody was shocked. I got calls from the Crown after, she called me, I got calls from the policewoman who arrested him, I got calls from the domestic unit, they all said "I can't believe he got off." A18

Five women whose partners' cases proceeded to trial court commented on whether they believed that the Crown Prosecutor took their safety into consideration. Of these, two believed that this was so, one was mixed and two did not believe that the Crown was concerned for their safety. Of these same five women, only two thought that their wishes were taken into consideration by the Crown Prosecutors, one was mixed, one said no and one was not asked her wishes by the Crown.

Two of the cases were slated for court but the trail had not yet occurred. These women were considering whether or not they would testify:

[So have you been involved in this case?] *Yeah, I have letters that I don't open.* [Have you wanted to be involved?] *No, no, actually I don't want to be involved*. [Have you understood what's going on?] *Yeah, my husband has told me quite a*

bit of it and it's pissing me off [Trial has not happened yet, do you know when that is?] *Yeah, September.* [And you haven't been subpoenaed yet, but somebody has told you that you have to testify or it won't stick?] *Well not stick, they will still charge him, but it won't, he won't get as (much time).* .[It's a long ways away, but have you made up your mind about testifying?] *No.* [You said if you do, you want to get some counselling first and be ready] *Yeah, be ready for it, yeah.* AC69

[Have you understood what's going on in the case?] *No, not at all because I don't think they understand.* [If you've received information where have you received it from?] *I haven't received any information now, it's up in the air, I don't even know if the charges will be there or not be there. It's left open.* [Kind of lost.] *Yes, very lost. And, and disgruntled with the legal system*. [And do you even know a trial date now?] *No.* AC55

Two women did not have to testify but their partners were successfully sentenced:

[Were you subpoenaed?] *No. I wasn't there, his lawyer asked me, his lawyer phoned me and asked me some questions, if I'd come down and see him, and that was as far as it went.* [Were you informed about what would happen in court?] Yeah. [Did you understand the court proceedings?] *Um, not really*. [Did you want to be more or less involved in that piece?] *More*. [What was the outcome of the trial?] He got 8 months. AC64

I was subpoenaed. No, I didn't talk to the judge I talked to the other people and they talked for me. The lawyer talked for me. [So did you understand what was going on in the court proceedings?] *Um hmm.* [OK, were you happy with the level of involvement] *Yeah, that was enough for me*.[So what was the outcome, what was his sentence?] *He goes to jail, he works all week and he goes to jail two days a week.* AC12

Several women who did not testify describe the outcome of the trials:

I wrote the courts a letter and said, "We just moved in together, I really don't think that he's a physically violent person. If the proper conditions could be placed on him, I think that he has other issues that he needs to deal with. He has problems with drinking." I outlined what I thought were the issues, but he went to court and because I wrote that letter he went to trial instead of just taking a peace bond, which he had the option of doing and then they'd say he'd have to go to anger management or go to AADAC for counselling 6 months or whatever the conditions are. He went to trial and his charges just got completely dropped. So there was no, therapy, treatment. AC16

[He did go to trial. So you didn't testify, did you change your mind about giving information to the court?] *Yeah, I did*. [So what was the outcome of the trial then?] *The charges were dropped*. [Do you know why?]Because I didn't show up. AC52

Four of six women (66.7%) actually testified at the trial. The following is a rather lengthy description of one women's experience that exemplifies the grueling nature of cross-examination from defense lawyers:

> [So, the case proceeded to trial, were you subpoenaed to trial?] *Yes.* [Did you testify?] *It was very hard to go up there and talk, but it was hard to talk in front of my mom, seeing she was going to hear stuff for the first time. When his lawyer got up and tried make me sound like…* [A nutcase?]. (Nods) *The judge let me talk. The judge let me talk. He (lawyer) many times said, "You left that hospital with intentions of divorcing him, didn't you." I said, "Absolutely not". Women really have to watch. I really, really thought before I answered him. I know better in life, to watch how I answer because of the situation I lived in. I really listened to his lawyer, they told me really listen and ask him 40 times if you have to, say "I'm sorry repeat it, I'm sorry repeat it" cause women have to know that the lawyers are going to try and set you up. And his lawyer said, "Well, this is the first time that you called the police, I believe you were wrong, and I BELIEVE" he's pointing at me "that you made the whole thing up." And at this point just completely became a new person and snapped out of it and said, "Well I believe that I'm telling the truth and that you're lying. That is a lie, a complete lie. I left the house to seek medical attention, and I've been abused for many years" even though it didn't have anything to do with it, just like they were doing to me, throwing stuff in to make me look bad. "He's abused me many times, and he's been abusive with other women, he has children with other women and now that his dirty little secret is out." "Why haven't you told anybody, why did it take you so long if you didn't make the whole thing up, and". But I said "now his dirty little secret's out, everybody knows how abusive he is and how he threatened to kill me and my family for telling anyone and how he told me if I told anyone, nobody is going to believe me." And I went off, right off* AC73

Another woman who had reunited with her partner found testifying especially stressful:

> [Did the case go to trial?]. *Yeah*. [Were you subpoenaed?] *I guess so, because I had to be there, so yeah.* [Did you testify?] *Yeah.* [Were you informed about what would happen in court before you went?] *Yeah, yeah, kind of, yeah they were pretty good that way*. [Did you want to be more or less involved?] *Well I didn't want him being charged, so that's really hard to .Yeah, it was that policeman that did it, not me. So then that makes it hard to answer. So that just put a whole bunch of stress on me for that whole year, I know that*. [If you testified, how did that go for you?] *Well I testified, but it just put a whole bunch of strain on me, it was very stressful, something I didn't agree with so.* [Not a fun experience.] *No.* [Outcome -- you said a peace bond.] *Yeah. I was so stressed out, like so stressed out, actually to the point of almost falling apart, I mean that was the most stressful thing of my life. Yeah, and it was just stretched right out*. [Did you get back together before the trial?] *Uh, yeah.*

On the positive side, one woman commented that she believed that the judge really was interested in hearing her side of the story even if her partner was found not guilty:

> *And the judge let me talk, never said a word, he really wanted to hear it*. [So did you feel supported by the court?] *Um hmm, I can't say the judge looked down at my, not once did I feel that he thought I was lying. I really believe that he believed me, but I think the system failed, they let him get away with it. And the judge said, "Where are you going to stay? From what I heard in this court room, one of the two parties is lying here and I do believe if I was a judge in a civil matter here, I would grant her a divorce on abuse, from the history of abuse that I've heard today, but due to beyond a reasonable doubt you're not guilty." But he looked at him three times and said, "Someone in this court room is lying" I had the medical [evidence], what it came down to was that little bit of reasonable doubt, it was his word against mine*. A18

Overall Satisfaction with the Court System

Taking every facet of the justice system into consideration (police, domestic court workers, Crown, judges, probation), women whose partners were charged and went through the Homefront court were mixed in their feedback about each. While a number of interviewees were very positive about some aspects, for example the police or judge's response, almost everyone encountered difficulties in some sector. No one sector was exemplary. The following quotes are with respect to the total system:

> *Everything, the system failed me right when court started because, the police were excellent, the shelter was excellent, um, I had victim's assistance helping me, they were excellent. (Calgary) Legal Guidance helped me because I had no income, no money because he had taken everything, so legal guidance did a restraining order right away. When it failed me was the day we went to trial and I saw how everything slips through the cracks.* A18

Conclusions and Recommendations

The Homefront specialized first appearance court that allows those charged with assaulting an intimate partner to plead guilt and receive early intervention is a novel approach to specialized domestic violence court. The interviews with women whose partners were charged by police and went through the Homefront court demonstrate the complexities of the justice response to dealing with domestic violence, and the wide variety of scenarios possible, certainly from the women's perspectives and wishes.

As noted in the introduction, a number of aspects of the justice system can easily be caught between taking the wishes and safety of the victims into consideration at the same time as holding the offender accountable for this behaviour. This is immediately clear in looking at the police response. It is well-known that women phone the police for their own protection or that of their children (Ursel, 2002). They do not, however, necessarily wish the police to charge their partners, not only because they have other

explanations for the abuse, but because the consequences of their partners' charges can threaten their own safety or can create serious financial and other difficulties if the couple stay together. Nevertheless, although not all women were satisfied with the way that the police dealt with them, almost all valued the safety the police presence gave to the immediate crisis. The same difficulty balancing the women's safety and her wishes was identified in relation to Crown prosecutors, who may justly believe that it is in the best long-term interests of the women if they proceed with cases, even when the women would prefer that the charges are dropped.

Although not universally the case, the women were generally pleased and surprised that the Crown prosecutor and the Homefront court judges took their wishes and suggestions into consideration. This was especially apparent to women whose partners had previously been charged before the existence of the Homefront court. Any specialized domestic violence programs that take women's perspectives into account and provide her with realistic expectations about what the justice system can accomplish are helpful.

In Calgary, the women whose partners' cases proceeded to the non-specialized domestic violence trial court were often subjected to unfair and questionable evidence and cross-examination from defence lawyers. Some of the judges' rulings suggest the need for specialized knowledge of the dynamics of intimate partner violence. In particular, custody and access issues are often intertwined with the criminal justice system and either exacerbate the violence or are ignored. In short, specialized approaches make a difference for many women whose partners are charged, however, some the needs of women still fall through the cracks and specialized advocacy programs are not yet universally available.

The following recommendations stem from the women's experiences. Although several are already under consideration, or may, in fact, already been implemented, it is worthwhile to reiterate them from the perspective of the least-solicited consumers of the court system response to domestic violence:

- Continued training of front-line police officers. While many police responded appropriately and even compassionately to victim's descriptions of the abuse, there were certainly examples of women claiming that their evidence was ignored or that she was dealt with insensitively. Are front-line police using all the tools available to address victim's safety? For example, even if there is insufficient evidence to lay charges, could the provincial PAFVA emergency protection orders have been utilized in some cases? Are police being trained to identity the primary aggressor in domestic violence cases?
- Better clarification and identification of the various agencies that offer support and information to women whose partners have been charged: In Calgary, the women receive phone-calls from many workers who offer assistance (Homefront Domestic Court Case workers, Calgary Police Victims Assistance Workers, partner checks from agencies that offer treatment for perpetrators, probation's Partner Support program). This was confusing for many women and, suggests that they have not been provided with clear information about the type of

assistance that they could receive or need repeated reminding about their mandate.

- Some women received phone-calls from outside agencies when their partners were present, and as such, could not provide honest feedback. If there is not one already, a protocol should be developed for any agency personnel that contact women who may reside with an abusive partner, that firstly establishes whether the women is alone and free to talk. Other women whose partners knew that they would be contacted by the treatment providers were interrogated about what information they had provided. Developing a safety plan and deciding how to deal with any potential pressure from partners should be a standard component of partner checks.
- Women who utilized the services of the Homefront Domestic Court Case Workers were generally pleased. As mentioned previously, most of the women interviewed for the current study had separated from their abusive partners. Women who remain with their partners who have been charged also remain in danger of continued abuse and may respond to special outreach that, for example, takes their safety into consideration.
- Create a specialized domestic violence trial court in Calgary: From the women's perspectives, when their partners pled not guilty and went to trial court the cases were often lost because of a lack of understanding of the dynamics of partner abuse or they were subjected to unfair or brutal cross-examination or the introduction of questionable evidence by defence lawyers. Having specialized Crown prosecutors and continued support from Domestic Court Case Workers, in conjunction with the already valued support of the court preparation program from Calgary Legal Guidance, for example, would add an important safety net for women who are often struggling with considerable pressure not to testify.
- Probation officers not responding or responding minimally when women reported breaches was perhaps the single greatest concern reported by the interviewees. It left many women believing that the system ultimately did not hold their partners responsible for their behaviours.

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SECTION III

ECONOMIC EVALUATIONS OF SOCIAL PROGRAMS

ECONOMIC EVALUATIONS OF SOCIAL PROGRAMS

An Overview of Components, Methodologies and Debates

Prepared by Michelle Clarke

for

Synergy Research Group

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EXECUTIVE SUMMARY

The purpose of this paper is to provide a broad introduction to the concepts, techniques and methodological debates within the field of economic evaluation of social programs. The larger goal is to assist the HomeFront Evaluation Committee and Board of Directors in deciding how to proceed with this work. The paper focuses on the two most prevalent types of economic evaluation: cost-effectiveness analysis (CEA) and cost-benefit analysis (CBA).

The report is divided into six sections: introduction; a discussion of cost-effectiveness and cost-benefit analyses; an examination of methods of calculating costs and benefits of crime prevention programs; a review of selected cost-benefit and cost-effectiveness studies; a discussion of possible options for HomeFront in conducting an economic evaluation of its work; and a conclusion.

The introduction briefly makes the point that economic evaluations are complex initiatives which require a great deal of expertise, time and effort.

Section two provides definitions, compares CBA and CEA, lists the components of both and discusses the growing influence of economic evaluation. The point is made that both CBAs and CEAs must be based on valid outcome data from rigorous program evaluations. Most analysts agree that economic evaluations can only be conducted on programs that have been assessed using an experimental or quasi-experimental design.

Section three discusses the various methodologies used to calculate program costs and benefits, including direct and indirect costs and tangible and intangible benefits. This section also reviews three Canadian reports which attempted to determine the cost of domestic violence to society. Based on that review, the following methodological issues are identified and discussed:

- Data collection is a difficult and challenging task.
- A variety of sources must be used in order to develop a comprehensive estimate of costs.
- A variety of assumptions, and approaches, must be incorporated into calculations.
- There is a continuing reluctance to monetize pain, suffering and quality of life.
- Cost reports should also list the many factors that have not been monetized.

Section four examines four examples of cost-benefit and cost-effectiveness analyses. Again, methodological issues are identified and discussed.

- No matter how simple the question under investigation, the process of determining costs and benefits is complex.
- Economic evaluations of specific projects are usually based on experimental or quasi-experimental program evaluation designs.

- Methodologies are not consistent across studies.
- Analysts continue to rely on assumptions to determine costs and benefits.

Section five makes the case that an economic evaluation of HomeFront cannot be conducted until the evaluators have gathered some comparative data and are able to make some preliminary conclusions about program impact. This information will be available in the fall, at the very earliest. The section also discusses three possible options for HomeFront: conducting a rigorous cost-benefit analysis; conducting a rigorous short-term cost-effectiveness analysis; conducting a simple, short-term economic evaluation.

1. INTRODUCTION

Economic evaluations of social programs are complex undertakings. Much has been written recently about the best methods of conducting such evaluations. Many of those articles are technical pieces which highlight the complexity and density of the subject matter.

One thing is clear – this work requires a great deal of expertise, effort and time. Cost-benefit and cost-effectiveness analyses, which are the main topics of this paper, necessitate a myriad of skills, not the least of which is a sound understanding of economic principles, practices and techniques.

The purpose of this paper is to help HomeFront navigate through the complicated and somewhat confusing field of economic evaluation, with the larger goal of assisting the Evaluation Committee and the Board of Directors in deciding how to proceed with this work. This paper, which is based on a review of over 40 articles, is not intended to be the definitive discussion of cost-benefit analysis of social programs. Rather, it will provide the reader with a broad introduction to the concepts, techniques and methodological debates within the field.

The paper is divided into six sections. They are: 1) this introduction; 2) a discussion of cost-effectiveness and cost-benefit analyses, including definitions and components; 3) an examination of methods of calculating costs and benefits of crime prevention programs; 4) a review of selected cost-benefit and cost-effectiveness studies; 5) a discussion of possible options for HomeFront in conducting an economic evaluation of its work; and 6) a brief conclusion.

2. COST-EFFECTIVENESS AND COST-BENEFIT ANALYSES

2.1 Definitions

According to Welsh, "an economic analysis can be described as a tool that allows choices to be made between alternative uses of resources or alternative distribution of services." (Welsh, 2000, p.2) In other words, it is an instrument which, when employed properly, can provide policy-makers, funders and service-providers with <u>some</u> of the information they need to decide which programs and approaches should be provided with ongoing resources.

This paper will focus on two of the most prevalent types of economic evaluation: cost-effectiveness and cost-benefit analyses.

<u>Cost-Effectiveness Analysis (CEA)</u>

Cost-effectiveness analysis determines the cost of achieving program objectives. The costs of the program are calculated in monetary terms but the benefits are not. Instead the outcomes (usually just one) are measured numerically. So, for example, a CEA will calculate how much it costs a program to prevent one violent crime (e.g. the program

spent $500 per crime prevented). It will not calculate the monetary savings to society of that prevented crime. (Dhiri and Brand, 2000; Kerr, 2001)

Cost-Benefit Analysis (CBA)

A cost-benefit analysis uses monetary terms to express an initiative's costs and benefits. A CBA converts both costs and benefits into dollars in order to compare "the benefits of a project, both tangible and intangible, with its costs, both direct and indirect." (Kerr, 2001, p.1) The results of a CBA are presented in terms of either a benefit/cost ratio, where the value of outcomes (benefits) is divided by the input costs, (e.g. the program saves $7 in benefits for every $1 spent) or the net economic benefit, which is the sum of the value of benefits less the sum of input costs (e.g. the program saved society $7,000 a year in criminal justice and health costs). (Dhiri and Brand, 2000; Lillie-Blanton et al., 1998)

2.2 CEA vs. CBA

CEA is used to compare alternative policies or programs in order to determine which one achieves the desired goal at the least overall cost. CBA on the other hand, is "used to assess whether a program or policy intervention is a worthwhile investment in and of itself, without comparison to other programs." (Lillie-Blanton et al., 1998, p.188) Many analysts describe CEA as an incomplete CBA, or as one step along the route to CBA.

Researchers are divided as to which approach is preferable. Kerr, who wrote the draft discussion paper on this subject for the National Crime Prevention Centre (one of HomeFront's funders), says that cost-effectiveness analysis is most helpful when there is only one objective to be considered and that it may not be useful for NCPC projects because there are usually multiple objectives or outcomes of interest. He recommends that, even for CEA, evaluators avoid expressing results in terms of a single outcome measure. "Instead, analysts should use the evaluation results to present as comprehensive a picture as possible of the entire 'benefits basket,' even if some of those benefits cannot be converted to monetary values." (Kerr, 2001, p.11)

Other academic researchers also favour CBA, arguing that monetizing the benefits of a program provides a more complete picture of its impact and permits the evaluation of multiple outcomes (Zarkin and Hubbard, 1998). It is worth noting, however, that at least two analysts, faced with the practical decision of how an initiative should be evaluated, chose CEA over CBA because they felt the former was more feasible. The British Home Office, in deciding how to evaluate some of its proactive policing programs, chose CEA because of the difficulties involved in monetizing the benefits of policing and because of CEA's links to performance measures. (Stockdale et al., 1999) Similarly, Mark MacCallum, in advising the New Zealand Ministry of Justice on how to evaluate its work, suggested that although CEA yields less information than CBA it might be a better approach because it avoids the necessity of calculating the full cost of crime, reduces the total workload and cost of analysis and makes the analysis easier to understand for those with limited economic expertise. (MacCallum, 1997)

Interestingly, both NCPC and the Crime Reduction Programme of the British Home Office have suggested that their funded projects undertake CEAs and leave the more complicated CBA to the funder. (Hornick et al., 2000; Brand and Dhiri, 1999) This point has recently been confirmed by Richard Kerr, NCPC's expert consultant in this area, who said that the Centre does not require that its funded projects conduct CBAs. Rather, it is expected that the project evaluators will provide solid evaluations and report on the costs of operating the projects. NCPC will conduct CBAs on some of its funded projects, relying on the skills and expertise of its consultants in this area.

2.3 The Importance of Economic Evaluations

Economic evaluations of social programs have frequently been criticized by academics, with CBA bearing the brunt of the criticism. Some academics charge that CBA monetizes important values that should not be expressed in dollar terms and that, because of its focus solely on costs, it can favour programs which benefit the wealthy more than the poor. A number of methodological concerns and limitations, which will be discussed throughout this paper, have also made some analysts wary of the practice. (Adler and Posner, 1999; Kopp at al., 1997; Watson, 1997; Wolfson, 2001)

Nevertheless, as many writers have noted, economic analyses are becoming increasingly influential in decision-making circles. The Treasury Board's Benefit-Cost Analysis Guide points out that "any action that consumes resources that could be put to another, and perhaps better, use must have a powerful justification. Frequently, there are several alternatives. In the past, the option of proceeding with a program was usually set against some theoretical alternative use of funds. Today, governments are often forced to finance new programs at the expense of existing ones." (Treasury Board of Canada Secretariat, 1998, p.5)

Greaves and her colleagues appear to have made an accurate assessment of the current situation when they wrote in their analysis of the costs of domestic violence that "any resistance to applying an economic analysis to violence against women should be weighed against the fact that fiscal concerns often determine the continuance of government funds for these programs." (Greaves et al., 1995, p.4)

Economic analysis does have the advantage of making the decision-making process more transparent.

> For policymaking purposes, weightings do have to be assigned to all the quantitative and qualitative pluses and minuses for particular courses of action. Whether this occurs in the context of a formal cost-benefit approach (or something similar) or occurs less formally it is unfortunately necessary. In other words for policymaking purposes there is no choice but to, in a sense, make the incommensurable commensurable. The issue cannot be just ducked. And there is a great deal to be said for an approach that makes the weightings explicit as far as is possible and then invites debate on them. This is an advantage of approaches that seek to quantify the "cost of crime." (MacCallum, 1997, p. 12)

There is some debate among writers as to whether economic efficiency is the only matter which can be evaluated by CEA and/or CBA. This approach has been largely rejected by those advocating the use of economic evaluations to measure the impact of social programs. MacCallum, for example, says that CBA can be used for "explicitly weighing up the pros and cons of alternative courses of action through the assignment of numeral values to various impacts, regardless of whether the aim is simply to maximize efficiency or whether other objectives are also pursued." (MacCallum, 1997, p. 2) He goes on to say that "the pursuit of efficiency alone does not seem to be what is generally regarded as the appropriate overall aim in the criminal justice field." (MacCallum, 1997, p. 4)

It is interesting to note that Kerr, based on Treasury Board guidelines, makes a distinction between CBAs of regular government programs and pilot projects. He notes that pilots are put in place primarily to test the theory underlining a program and determine its effectiveness, and that benefits to participants are a secondary consideration. (Kerr, 2001) This may have some implications for HomeFront's analysis, in that consideration would have to be given to the fact that additional funds were needed for the start-up, research and experimentation costs which are part of pilot work.

Analysts are in agreement that economic evaluations are only one tool in the decision-making process. In some cases, it may be in the best interests of society to ignore the results of an economic evaluation and provide ongoing funding to a program which has proven to be expensive or to have limited success. Society may, for example, be willing to spend a great deal to prevent a few children from becoming young offenders. Usually, the decision to fund a program is made based on a broad range of information, with specific goals and objectives in mind. Economic evaluations are just one more piece of data, albeit an important one, to be added to the process.

2.4 Program Evaluation as the Foundation of Economic Evaluation

All economic evaluations must be based on valid outcome data from rigorous program evaluations. In order to complete a CEA on a crime prevention program, for example, the analyst must know how many crimes have been prevented by the initiative. In order to conduct a CBA on the same program, the analyst must know how much crime has been prevented before he or she can calculate the monetary benefit of that crime reduction. As Hornick et al. say, "the economic analysis can only be as good as the process and outcome research upon which it is based. Weak and flawed research will limit the validity of the findings…." (Hornick et al., 2000, p. 3)

Most analysts agree that CBAs and CEAs can only be conducted on programs that have been evaluated using an experimental or quasi-experimental design. That is, program outcomes are compared to the outcomes achieved by a control or comparison group. This helps the evaluator to determine which outcomes are the direct result of the program. It is those outcomes which are then monetized.

This is an important point. Rigorous CBAs and CEAs only measure the costs and benefits actually caused by the program. "We are interested in outcomes *over and above what would have happened if the intervention were not introduced.* One of the most

difficult aspects of an impact evaluation is assessing to what degree outcomes can be attributed to the intervention under scrutiny as opposed to external influences." (Dhiri and Brand, 1990, p. 27)

While most academic researchers are adamant that a CBA or CEA cannot take place absent of a strong experimental research design, those involved in providing advice to program practitioners are a little more flexible, acknowledging that it is often difficult to construct control or comparison groups for community-based programs. Welsh points out that "the use of randomized controlled experiments or even the establishment of control groups may not be possible for a variety of reasons, including community or political resistance, a 'treat all' approach of the intervention, methodological issues (e.g., small sample size, the likelihood of), and financial cost." (Welsh, 2000, p.13)

Hornick et al., in a manual on economic analyses for the National Crime Prevention Centre, also recognize the difficulties with evaluation design of community-based projects, noting that "there are a number of incompatibilities between the idea of rigorous social science evaluation and economic analysis methods and the reality of the projects under the Investment Fund." (Hornick et al., 2000, p. 6) However, they do not offer any substantive suggestions for addressing those incompatibilities. Similarly, Welsh notes that very few practical suggestions have been offered by researchers on how to assist community programs in dealing with the fact that experimental and quasi-experimental research designs may not be practical or feasible for them.

A quasi-experimental evaluation design has been put in place for HomeFront. It is anticipated that the courts (specialized and general) which are being evaluated by Resolve Alberta will serve as useful comparison groups. As well, plans are being made to compare HomeFront evaluation results to government data collected before the Domestic Violence Court was established. This work will help determine which outcomes can be attributed to the program. The data will not be available until later this year, which may necessitate a delay in the development of HomeFront's economic analysis.

2.5 CBA Components

According to Kerr, any CBA conducted for the Government of Canada should include:

- A statement of the "point of view" from which the costs and benefits will be assessed (e.g. federal government fiscal viewpoint, broad social perspective);
- Project descriptions that explain why that alternative was chosen and that enable fair comparisons;
- Analysis of the incremental effects (results) of the intervention;
- Conversion of costs and benefit data to constant dollars;
- Use of a prescribed discount rate to calculate a deterministic estimate of net present value (NPV);
- Sensitivity analysis to determine which variables appear to have the most influence on the net present value;

- Risk analysis using estimated probabilities of costs, benefits and other variables to show the effects of uncertainty;
- Application of standard decision rules;
- Equity analysis to show the distribution of benefits and costs (by income class, gender, region, or other appropriate categories);
- Qualitative analysis of factors that cannot be expressed in dollars, and their implications for conclusions. (Kerr, 2001)

Clearly, many of these steps require a familiarity with economic practices and techniques. Many analysts recommend that a team approach be used to develop CBAs, with an economist and specialists in the subject under study participating in the team.

In addition to the activities outlined above, those hoping to conduct a rigorous CBA must also be familiar with such concepts as parameters tables, marginal versus average costs, investment horizons, transfers, opportunity and sunk costs, residual value and simulation models.

It is beyond the scope of this paper to discuss all of those concepts and, in fact, it would likely not be useful in meeting the paper's objective of providing a broad introduction to the subject. However, there are certain concepts which may be particularly relevant to the HomeFront evaluation and bear further discussion. Those include point of view, social discount rate, net present value, sensitivity and risk analyses, equity analysis, the assessment of long-term impact and decision rules. They are described briefly below.

Point of View

Analysts agree that it is imperative to determine, at the very beginning of the CBA process, the point of view from which data will be collected. Whose costs and benefits are of interest to the analyst? According to Kerr, the most common point of view for CBAs at the federal level is the social perspective, which accounts for all costs and benefits to society. It will usually be useful, however, to consider other points of view as well. These could include the perspectives of the federal treasury, project implementers, other partner organizations, project clients and victims of crime. (Kerr, 2001) Point of view makes a difference as to whether an item is determined to be a cost or a benefit. For example, tax revenue may be considered a benefit from the government's perspective or a cost from the tax-payer's point of view. Under the broad societal perspective, it is neither; it is simply a transfer of funds from one party to another.

Social Discount Rate

Social discount rate is a somewhat controversial topic in economic evaluations. According to Treasury Board, "the social discount rate is roughly equal to the opportunity cost of capital… the argument is that the government must achieve a return on investment at least equivalent to what the money would earn if left in the private sector to justify taxing the private economy to undertake public-sector investments. If

the government cannot achieve this it would be better for Canada if the money is left untaxed in the private sector." (Treasury Board of Canada Secretariat, 1998, p. 38)

In other words, if the money invested in a program would have earned 10% interest in the private sector over ten years, then the program should show cost benefits of at least 10% over ten years. Anything on top of that 10% is the real benefit.

The controversy concerns the social discount rate chosen by CBA analysts. Treasury Board recommends 10%, with an 8% to 12% range for sensitivity analysis. However, many credible CBAs (e.g. those conducted by RAND in the United States) use a lower discount rate of 4%. Kerr recommends a range which goes as low as 4% for sensitivity analysis and points out that most international studies use discount rates in the 3% to 7% range. The lower the social discount rate, the more favourable the outcome for the program under study. (Treasury Board of Canada Secretariat, 1998; Kerr, 2001)

Net Present Value

According to Treasury Board, the net present value is the present value of all benefits, discounted at the appropriate social discount rate, minus the present value of all costs discounted at the same rate. The NPV is truly the "bottom line" of CBA. It tells a program how much money it is saving (or costing). And, it is very sensitive to the social discount rate. Consider the following explanation from Treasury Board.

> An NPV of zero does not mean "break even" in the normal sense of costs equaling benefits. NPV is more like excess profit than it is like profit. If a project has an NPV of zero, the project earns the normal rate of return (which is, of course, equal to the discount rate). For example, if a project earns 10 per cent per annum and its cash flows are discounted by 10 per cent per annum, the result will be an NPV of zero.
>
> We value NPV not because it tells us whether the project breaks even, but because it tells us whether it is worth doing the project instead of leaving the money in its normal alternative investment (which earns 10% per annum). (Treasury Board of Canada Secretariat, 1998, p. 41)

Sensitivity and Risk Analyses

These analyses ascertain the impact that different variable have on the outcome of the CBA. Such work is particularly relevant to complex programs, such as HomeFront, in which many different factors may affect outcomes.

Sensitivity analysis involves observing how the net present value of a program alters in response to changes in one variable at a time, holding everything else constant. It is sometimes used to examine what factors could change a positive decision on the project to a negative one, and vice versa. It is also useful to determine the impact of various social discount rates. (Kerr, 2001; Hornick et al., 2000)

Risk analysis attempts to determine how uncertain data might change the outcome of the CBA. Kerr lists such possible risks as uncertain outcomes, project delays and changes in the client's needs or preferences. He recommends the use of computer simulations to determine what the likely outcomes would be of various scenarios. The computer runs the model over and over again, each time selecting a value for each variable according to the stated probabilities for that variable. Unlike sensitivity analysis, a computer simulation can consider a number of uncertain variables at the same time and provide a range of NPVs. Kerr outlines a number of benefits to conducting risk analysis, including providing more and better information to decision-makers and identifying where action to decrease risk might have the most effect. (Kerr, 2001)

Interestingly, Kerr notes that of the crime prevention CBAs he reviewed, none used a risk analysis although several conducted a sensitivity analysis.

Equity Analysis

According to Treasury Board, "most Canadians do not believe that a dollar of benefit to the rich should count the same as a dollar of benefit to the poor. In some sense, they value a dollar of benefit to the poor more. Taking this value into account in benefit-cost analyses, however, raises a host of difficulties." (Treasury Board of Canada Secretariat, 1998, p. 71)

Treasury Board goes on to detail a number of ways of dealing with this issue, including giving added weight to benefits for low-income groups. In the end, however, it rejects such measures, saying that "the best way to handle distributional issues in benefit-cost analysis is to let the decision-makers decide." (Treasury Board of Canada Secretariat, 1998, p. 72) It recommends that analysts calculate the costs and benefits from several points of view and develop a distributional chart or matrix, showing gains and losses on one axis and the identification of relevant groups on the other.

Assessment of Long-term Impact

Kerr points out that many NCPC-funded projects will also want to include their long-term impact in a CBA, even though most program evaluations do not go beyond the three-year point. He recommends computer simulations to determine future outcomes, utilizing predictive models based on "rigourous longitudinal research using experimental research designs." (Kerr, 2001, p. 45)

Decision Rules

Once a CBA has been completed, decision-makers must decide what to do with the information. A number of suggestions have been put forward as to how to use CBA data to make sound decisions. Treasury Board says that only two decision rules are "consistently accurate and reliable." They are:

1. Do not undertake projects whose NPV is less than zero, unless you are willing to "lose money" to achieve a non-economic objective.

2. Given a choice among alternative projects, maximize the total NPV. (Treasury Board of Canada Secretariat, 1998, p.p. 41-42)

2.6 CEA Components

Thorough cost-effectiveness analyses include many of the same practices and concepts discussed in the previous section. They differ from CBA in that it is not necessary to calculate the costs of the benefits.

Welsh makes the following distinction between CBA and CEA. According to him, the following are the six crucial steps in cost-benefit analysis:

1. Define the scope of the analysis
2. Obtain estimates of program effects
3. Estimate the monetary value of costs and benefits
4. Calculate present value and assess profitability
5. Describe the distribution of costs and benefits (an assessment of who gains and who loses, e.g. program participant, government/taxpayer, crime victim)
6. Conduct sensitivity analysis

For CEA, the estimation of the monetary value of benefits in step three is omitted and consequently step five is not necessary. (Welsh, 2000)

3. CALCULATING COSTS AND BENEFITS

By far, the largest task involved in a CBA is to calculate program costs and benefits. This section discusses some of the issues involved in doing that work and examines three Canadian reports which have attempted to calculate the costs of domestic violence.

3.1 Calculating Program Costs

Estimating program costs should be the easiest part of the work, as most projects keep careful track of their expenses. Analysts agree that both start-up and ongoing costs should be included in an economic analysis. Direct costs include administration, operating expenses, program development and research/evaluation. Indirect costs include volunteer time and donated resources. These too must be monetized. (Pentz, 1998; Hornick et al., 2000) Kerr explains that "a cost must be assigned to such items that reflects the value for which they could have been sold or which the project would have had to pay for substitutes." (Kerr, 2001, p. 29) If there is uncertainty as to the value of a significant program component, that should be included in the sensitivity analysis.

3.2 Calculating Program Benefits

Calculating the benefits of a program is considerably more difficult. As Welsh puts it, "unlike program costs, which can most often be broken down into operating (e.g. overhead, administration) and capital (e.g. rental of facilities), program benefits are disparate and involve a number of assumptions in order to arrive at reasonable estimates

of monetary value." (Welsh, 2000, p. 5) This is a key point, which comes up over and over again in the research. Calculations of costs and benefits are based on assumptions -- assumptions about the number of crimes committed and the links between those crimes and other factors such as health and child well-being. Credible economic evaluations offer convincing evidence to support such connections but they remain, to a certain extent, speculations.

What makes this work difficult, and at times confusing, is that before one can calculate program benefits, one must calculate the costs of crime. Clearly, if you do not know how much domestic violence costs society, for example, you cannot make a claim for how much money a domestic violence intervention is saving society. Therefore, in the remainder of this section, the term "costs/benefits" will be used to refer to program benefits.

Many analysts divide the costs/benefits of a crime prevention program into two categories: tangible and intangible. Tangible benefits are those which represent explicit savings to society from no longer having to pay for such things as legal costs, health and social assistance. Intangible benefits include an increase in quality of life or a decrease in human pain and suffering. (Donato and Shanahan, 1999)

3.1.1 Tangible costs/ benefits

Tangible costs/benefits can be further broken down into direct and indirect costs/benefits.

Hartmann et al. list the following as the direct economic costs of domestic violence against women: health costs, child well-being, housing, criminal justice, social services and other (e.g. property damage). Indirect costs include job loss, lost productivity of victims, unemployment, poor work habits, lost promotion/advancement, lost productivity due to incarceration and mortality. (Hartmann et al., 1997) This list is consistent with the suggestions of other analysts.

The writers go on to provide a framework for determining the direct costs of domestic violence which includes calculating the number of people affected, how many are using services as a result of domestic violence, how much of the services they are using and the cost of each of those services. They even provide a formula for calculating direct costs: TC_{dv} = The sum of PiCi. TC_{dv} is the total direct cost of domestic violence against women, p_i is the proportion of those who use services I who are victims or perpetrators of domestic violence and C_i is the cost of service I. The costs are summed across all services, from I = 1 through n. So, for example, if the researcher has a per child cost estimate for foster care, then the total cost can be calculated as the cost per child multiplied by the number of children involved in domestic violence who require foster care.

The researchers point out that this approach is not as simple as it may seem at first glance as it is not always easy to calculate the cost of the service, particularly if it is not a service specific to domestic violence, and it is not always easy to establish a direct causality between domestic violence and a cost. For example, can we say for certain that

a child is in foster care because of domestic violence? Can we say that a woman is in substance abuse treatment solely because of domestic violence?

As for indirect costs, the researchers suggest a number of approaches, mostly based on using existing data on lost work days and jobs to calculate total losses. They acknowledge that certain assumptions will have to be made about the wages and jobs involved.

The approach advocated by Hartmann and her colleagues is an interesting one and it may prove useful to HomeFront in cases where estimates can be made of how many people using a service are there as a result of domestic violence. As we shall see later in this section, Canadian researchers have used this technique to develop domestic violence costs. As well, however, researchers have utilized a variety of other approaches, examples of which are provided below. These include extrapolating from existing surveys, analyzing government budget data and consulting directly with government representatives and service providers. As Kerr, who participated in a costing exercise for the British Columbia government, says "considerable creativity" is necessary to pull together data from a myriad of sources in order to develop a credible assessment of the costs of domestic violence. (Kerr, 2001, p. 49)

Hartmann seems to echo the sentiments of other researchers when she says that precise estimates of certain costs may be very difficult to achieve. In fact, it may not be cost-effective to spend a great deal of time attempting to develop the definitive calculation of the costs of domestic violence.

> More reliable studies are clearly needed to demonstrate the costs of domestic violence to society, but we should not be disheartened by methodological barriers and the difficulty of developing hard figures. The focus of our research efforts should be guided by what is needed to increase society's awareness and its willingness to recognize domestic violence as a real threat to individuals and communities. (Hartmann et al., 1997, p. 41)

3.2.2. Intangible costs/benefits

Analysts of social programs are becoming increasingly interested in calculating the intangible benefits of those programs, e.g. improved quality of life, decreased pain and suffering. Indeed, many argue that such benefits must be monetized and included in any economic evaluation. "No assessment of the economic efficiency of a program can be determined until a full assessment of all benefits –both tangible and intangible – is made." (Donato and Shanahan, 1999, p. 2)

The major intangible benefits of a crime prevention program include increased safety or decreased risk amongst the general population, as well as avoidance of pain and suffering. A variety of methodologies have been developed to measure such benefits. Each approach has its supporters and detractors.

1. Revealed Preference – This methodology involves observing people's actual behaviour in paying to avoid risks or in accepting compensation to assume additional risk, e.g. the danger pay provided to workers with hazardous jobs. A specific form of revealed preference has been developed by Miller and Cohen in the United States. They used jury awards in civil cases brought against alleged criminal offenders to develop dollar figures for non-fatal injuries and trauma caused by crime. (Treasury Board of Canada Secretariat, 1998; Donato and Shanahan, 1999; MacCallum, 1997)
2. Expressed Preference or Contingent Valuation – In this methodology, people are surveyed to determine how much they value changes in the risks to which they are exposed or how much they would be prepared to pay to reduce the risk of an outcome. (Treasury Board of Canada Secretariat, 1998; Donato and Shanahan, 1999)
3. Human Capital -- This approach involves assessing the number and type of injuries expected on the basis of historical data, calculating the treatment costs and wage-loss costs and extrapolating those to the whole affected population. (Treasury Board of Canada Secretariat, 1998)

The first two methods are based on the willingness-to-pay principle. Treasury Board points out that this approach assumes that people have the information and skills needed to assess risk and to report their preferences accurately and goes on to reject that assumption as "almost certainly false." (Treasury Board of Canada Secretariat, 1998, p. 29) Other analysts have pointed to additional methodological concerns with the willingness to pay approach. One of the problems with the revealed preference methodology is that it is difficult to separate out the many reasons why someone might pay for a security device or accept a certain amount of compensation for a high-risk job. Such decisions may have very little to do with how much they value safety or fear pain. As well, people's behaviour is often specific to the types of health consequences and injuries in question and may not apply to other risks and injuries. (Donato and Shanahan, 1999; Brand and Price, 2000) Similarly, jury awards research has been criticized in some quarters as not providing a good approximation for the costs of crime-related pain and suffering. Indeed, the cost estimates resulting from that research have been described as "opportunistic, arbitrary, inconsistent and too high." (MacCallum, 1997, p. 33) As for the expressed preference approach, the phrasing of questions, use of incentives and understanding of respondents may have an impact on findings. Researchers have experienced problems obtaining valid and reliable estimates, particularly around difficult subjects such as child sexual abuse. (Donato and Shanahan, 1999; Brand and Price, 2000) Finally, as Treasury Board points out, the human capital method has the disadvantage of underestimating the true benefit of an investment that reduces risks. When people avoid injury, their benefit is far greater than just avoiding medical costs and wage losses. (Treasury Board of Canada Secretariat, 1998)

Efforts to calculate the costs of decreased quality of life are, in the words of one analyst, "in their infancy." (Zuckerman and Friedman, 1998, p. 5) It is an indication of the uncertainty still surrounding this field that many researchers choose not to include the benefits of increased safety and/or quality of life in their calculations, even though such figures would certainly improve the outcomes for many social programs. As we shall see

when we examine actual attempts to calculate costs, many analysts are wary of embracing methodologies which they feel are still unproven.

Along with pain and suffering, analysts have attempted to calculate the costs of mortality. According to Hartmann, researchers generally use one of two different methodologies, similar to those described above. The human capital approach measures the value of an individual's future earnings according to age and sex. The willingness to pay approach estimates the value the individual places on changes in the probability of death. Hartmann says that researchers have found the human capital approach easier to calculate and therefore it is more widely used. However, this approach places little value on the life of a child or an elderly person because they are not in the labour market. It also underestimates the value of those who are discriminated against in the labour market. (Hartmann et al., 1997)

3.3 Examples of Research on the Costs of Domestic Violence

Difficult as the task may seem, several Canadian researchers have attempted to pull together estimates of the cost of domestic violence to society. Those reports are briefly reviewed here, in an attempt to better understand the methodologies used and difficulties faced by such analysts. Common themes and methodological issues are discussed at the end of this section.

Selected Estimates of the Costs of Violence Against Women (Greaves et al., 1995)

In a landmark Canadian report, Greaves, Hankivsky and Kingston-Riechers estimated the partial costs of domestic violence against women in Canada in 1995 to be more than $4.2 billion dollars a year. Figures were calculated for four policy areas (social services/education; criminal justice; labour/employment; and health/medical) and focused on three forms of violence against women (sexual assault/rape; woman abuse in intimate partnerships, and incest/child sexual assault). The authors chose not to differentiate between direct and indirect costs because they said that this approach has "proven difficult to apply to the issue of violence against women" (p. 9) and that there is little clarity among analysts about which costs are direct and which are indirect. Instead, Hankivsky and her partners developed a framework which distinguishes between state, individual and third party costs of violence against women.

The authors found that "in all instances, there are shortcomings with the amount and quality" of information available. (p.10) They pointed to the lack of data and inconsistent data collection systems at the federal and provincial levels, the fact that some provinces cannot provide accurate breakdowns of their expenditures on violence against women services, programs and initiatives, and "the longstanding overall difficulty in establishing actual rates of violence against women in Canada." (p. 1)

As a result, the researchers used a variety of methods for calculating costs. These included direct consultations with federal and provincial government representatives, extrapolation from existing surveys, partial surveys, case studies and government statistics, and extensive telephone surveys of sexual assault centres and transition houses

across the country. They acknowledged that "the partial, selected estimates presented in this report are inadequate for undertaking full and effective economic analyses and policy development. However, some general policy issues are identified, reflecting the preliminary research." (p. 15)

Interestingly, the authors did not attempt to cost out emotional suffering or deterioration of the quality of life, saying that such issues "do not lend themselves to an easy economic evaluation."(p. 6) They also noted that "there is little agreement over whether or not one can place a dollar figure on the value of life." They did not attempt to so, opting instead for the human capital approach of calculating lost earnings due to death or injury. (p. 6)

The report outlines the statistical assumptions underlying the calculations. Those are:

a) the number of abused women and children has remained constant since 1993 and 1992, respectively
b) there are 200,700 women who are battered in Canada each year
c) there are 572,000 women who are sexually assaulted in Canada each year
d) there are 3,507 reported recent child sexual assaults each year
e) the labour of a women who works within the home is at least as valuable as the average woman who works outside the home. (The authors valued women's work at $55 per day, based on 1994 figures which indicated that if women missed a day of work their average net income dropped from $15,520 to $15,465.)

The authors arrived at these assumptions based on statistics on battering and assault from national surveys.

It is beyond the scope of this paper to outline all the calculations which were used to develop the $4.2 billion figure. However, one or two examples will serve to illustrate the methodology.

> The authors were able to get information on sexual assault trials in the Yukon, Saskatchewan, Prince Edward Island, Quebec and Nova Scotia. Based on that information, they estimated that sexual assault charges represented 0.93% of all charges heard within those provinces. To get an estimate of the court costs attributable to sexual assaults in Canada, they multiplied 0.93% by the total court costs of all provinces.
>
> Approximately 34% of women who were battered, or 67, 837 women in total, indicated in a national survey that they could not work the day after an assault. Approximately 11% of women, or 61,200 in total (572,000 multiplied by 0.107), who were sexually assaulted indicated that they could not work the day after the assault. An estimated 129,037 women missed one day of work due to immediate injuries sustained in either wife or sexual assaults. The combined lost net earnings due to immediate injuries sustained in physical and sexual assaults was therefore estimated to be $7,097, 233.

The Health-Related Costs of Violence Against Women in Canada: The Tip of the Iceberg (Day, 1995)

In another often-quoted Canadian report, Tanis Day calculated the costs to the health system of domestic violence. She estimated the annual health-related costs of violence against women in Canada to be just over $1.5 billion.

Day drew upon a variety of sources for her calculations, including the Statistics Canada Violence Against Women Survey and other surveys undertaken by Statistics Canada and made public through agencies such as the Canadian Centre for Justice Statistics and the Canadian Centre for Health Information. If national data were not available, data from Canadian studies that offered a large sample size were used.

Day also identified problems in collecting information on the costs of domestic violence, pointing out that it is often difficult to determine why women are using the health care system. A woman may visit her family doctor many times without indicating that abuse is the issue. Hospital staff do not consistently record which patients are being treated because of violent acts. Another difficulty, she said, is that domestic violence statistics are "gross under-estimates as most acts and effects of violence are kept private." (p. 1) As with Greaves, Day did not include any costing of pain, suffering and loss of quality of life, saying, "the suffering has no price-tag, the loss of self-worth and joy has no yardstick."(p.1)

Day categorized costs by immediate and long-term effects. Under immediate effects, she included medical, dental and workplace costs. Under long-term effects, she provided information on such issues as ongoing medical consultations, psychiatric care, short and long-term hospital care and long-term workplace effects.

The following are some examples of how figures were calculated in each category.

> For immediate medical costs, Day used published findings and special runs from Statistics Canada's Violence Against Women Survey which found that over a lifetime, 28% of injured women receive medical attention and that in 1992 272,000 incidents resulted in injury. Therefore, she calculated that 76,160 women sought medical assistance for domestic violence injuries in 1992. She then came up with what she calls an "arbitrary figure" of $100 per medical visit, based on a range of expenses, e.g. costs for emergency room physicians, x-rays, casts, suturing etc. Using the $100 per patient cost figure, the total cost for initial medical assistance resulting from acts of violence against women in 1992 was $7,616,000.
>
> To calculate the long-term workplace effects, Day started with figures from the 1982 Canadian Urban Victimization Survey on how much time women who experienced violence (not limited to domestic violence or sexual abuse) took off from normal daily activities. Then, working on the assumption that the rate of injury and time taken from daily activities had not changed since 1982, she used those figures to calculate that a total of 5,308, 913 days of work (both paid and unpaid) had been lost due to domestic violence. In addition, using a labour force

participation rate for women of 62.2% and an average daily wage of $108.38 (much higher than that used by Greaves) she calculated the total cost of the lost days of paid work at $357,886,367.

Day concluded her report with a discussion of the costs of domestic violence not monetized in the report -- welfare, support groups and networks, transportation, childcare and eldercare, repairs, research, effects on workers, school-based violence and deaths.

Paying for Violence: Some of the Costs of Violence Against Women in B.C. (Kerr and McLean, 1996)

Kerr and McLean, in a report commissioned by British Columbia's Ministry of Women's Equality, calculated the costs of domestic violence in that province to be $385 million.

The authors pointed out that many of the amounts are "estimates based on a series of assumptions" (p.4) and that the report primarily covers short-term consequences of male violence because the long-term consequences have yet to be costed.

Again, the authors used a variety of sources to compile their data. These included budgetary data provided by the Ministry of Women's Equality, administrative data from other ministries, and estimates of the costs related to violence against women provided by the provincial Ministries of Attorney General and Health. As well, supplementary data from Statistics Canada's 1993 Violence Against Women Survey and Canadian Crime Statistics 1994 were also used.

The authors explained that their costs are significantly less than the real economic costs of violence against women for several reasons:

- Male violence against women is under-reported.
- Pre-natal damage caused by abuse of pregnant women was not quantified.
- The long-term consequences of inter-generational transfers of violent behaviour cannot be accurately estimated.
- The additional private costs incurred by the women, their families and friends were not included, e.g. legal services, housing and child care.
- The public sectors costs to the legal, health and education systems caused by children who witness abuse of their mother or end up living in poverty because of marital breakdown were not included.

Kerr and McLean divided the costs into 11 categories: police; corrections; criminal injury compensation; victim assistance programs and counseling for women; aboriginal programs; mental health care; alcohol and drug treatment; income assistance; transition houses/sexual and woman assault centres; women's loss of paid and unpaid work time; programs for children who witness violence and assaultive men

The following are two examples of how figures were calculated.

Total policing costs for federal, provincial and municipal governments in British Columbia were $679 million in 1994/95. Non-traffic offences accounted for 91% of all offences, costing $618 million. Violent offences accounted for 17% of non-traffic cases cleared and the authors assumed that violent offences accounted for 17% of non-traffic police resource use, costing $105 million. Since data was not available on the gender of victims of violent crime in British Columbia, national Statistic Canada data on victimization was used to determine that females make up about 52% of the victims of reported violent offences. Based on this estimate, it was assumed that 52% of the police resources attributable to crimes of violence were directed to dealing with violence against women. Since Kerr and McLean's report focused on adult women, Statistics Canada and B.C. police figures were used to estimate that 86% of female victims were adult women. Finally, it was estimated that direct and indirect policing costs attributable to violence against women totaled approximately $47 million in 1994/95.

Using the British Columbia figures from the national Violence Against Women Survey, the authors estimated that approximately 22,000 women in the province took time of work because of violence-related incidences in the 12 months preceding the survey. They also used the 1983 Canadian Urban Victimization Survey used by Day to determine how much time the women had taken off work. Based on that data, it was assumed that women who lost days due to violence lost an average of 15 days. The average gross earnings of B.C. women who had paid work in 1994 was $20,398. This earnings level was assumed to apply to the women who lost time due to violence, producing an estimate of $18 million for the annual total of lost earnings.

As with Day, Kerr and McLean identified areas which were not monetized in the report but where significant additional costs could be incurred. These included incremental medical services, expenditures on alcohol and on legal and illicit drugs, increased tax expenditures, housing, legal and court services, social services, child care and intergenerational effects.

3.4 Common Themes and Issues

This brief review of efforts to calculate the costs of domestic violence helps to highlight several methodological issues which seem to be common to such exercises.

Data collection is a difficult and challenging task

Clearly, collecting the information on which to base cost estimates is far from easy. Inconsistent and incomplete data collection across provinces and sectors is an issue. As well, all analysts agree that domestic violence is under-reported and that it is difficult to obtain accurate incidence numbers on which to base costs. It is interesting to note that in many cases the reports use data from victimization surveys, rather than actual police and court statistics, to determine the level of domestic violence in the country. This is an approach recommended by other analysts as well.

A variety of sources must be used in order to develop a comprehensive estimate of costs

Given the problem with the availability of data, analysts cannot rely on one or two sources of information. The reports reviewed here were all characterized by multiple data sources. Clearly, a thorough and exhaustive effort must be made to identify as many sources as possible.

In many cases, the analysts were forced to use the data available to them, while acknowledging its limitations. Greaves et al., for example, could not obtain information on sexual assault trials across Canada so they used the information they had from specific provinces to extrapolate to the rest of the country.

This two-pronged approach, of trying to locate as much information as possible and then working with what is available, seems to be the common methodology for costing exercises.

A variety of assumptions, and approaches, must be incorporated into calculations

As many analysts have pointed out, the work of costing domestic violence must be based on a series of assumptions. These assumptions should be well argued, and based on all available evidence, but they are still assumptions. This means that it will be very difficult to develop the definitive estimate of the cost of domestic violence.

It is also important to understand how an assumption can affect the outcome of calculations. Greaves et al. and Day made very different assumptions about the value of women's paid work, with Greaves costing it at $55 a day and Day at $108.38. Both provided logical explanations for their choices but those choices made substantial differences to their final figures. It is not material to this report which analyst was more accurate. What is important, however, is to understand the need for transparency and supporting evidence in developing and explaining any underlying assumptions. This allows decision-makers to determine their level of agreement with the final figure. Uncertain assumptions can be subject to risk analysis to provide readers with a range of possible conclusions.

Interestingly, some of the calculations used in the Canadian reports were loosely based on the formula put forward by Hartmann et al., in which the cost of domestic violence is calculated by determining the percentage of women using a service as a result of domestic violence and multiplying that figure by the actual cost of the program. As well though, a number of other approaches were also used to calculate figures, demonstrating once again that flexibility and a willingness to work with the information available seems to be the underlying characteristic of a successful cost report.

There is a continuing reluctance to monetize pain, suffering and quality of life.

None of the reports reviewed above used any of the methods discussed earlier to calculate the costs of pain and suffering, although Greaves and her colleagues did use the human capital approach to monetize the costs of death due to domestic violence. The

neglect of intangible costs likely stems from several factors: a reluctance on the part of some analysts to put a dollar figure on human pain; the continuing controversy over which method is best; and the fact that attempts to quantify such factors are still relatively new and these reports were completed in the mid-1990s.

It should be noted, however, that other analysts have incorporated such calculations into cost studies. For example, Brand and Price, in a 2000 report on the economic and social costs of crime for the British Home Office, used data on people's willingness to pay to avoid traffic accidents to monetize the emotional and physical impacts of crime.

Cost reports should also list the many factors that have not been monetized

Both Day and Kerr/McLean list the areas which they were not able to monetize, in order to reinforce their claims that their final figures underestimated the cost of domestic violence. This is likely a prudent approach, as no one study can cost out all the impacts of domestic violence. In fact, Kerr, in his report on cost-benefit analyses, suggests that such a discussion should be part of any CBA.

4. EXAMPLES OF COST-BENEFIT AND COST-EFFECTIVENESS ANALYSES

Many analysts have pointed out that actual cost-benefit and cost-effectiveness analyses are few and far between, particularly in the areas of crime and domestic violence. As the Australian Institute of Criminology says, "issues such as what the appropriate social discount rate should be …, how to quantify the values of life and limb, and what benefits to include, all combine to make the actual task of evaluating a crime prevention program using benefit-cost analysis extremely difficult." (Chisholm, p. 2)

Nevertheless, examples of such work do exist and, as with the cost reports discussed above, a review of some of them may prove useful in highlighting methodological issues. In this section, four actual economic evaluations are briefly examined. Those four have been chosen for specific reasons. The Perry Preschool research is perhaps the most famous and often-quoted example of a cost-benefit analysis; the Robertson article describes an interesting short-term CBA; the day care study, while not focused on crime prevention, is a helpful example of a less rigorous but useful analysis; and the Greenwood report is a rare illustration of thorough cost-effectiveness analysis.

4.1 A Review of Four Examples

Investing in Our Children: What We Know and Don't Know About the Costs and Benefits of Early Childhood Interventions (Karoly et al., 1998)

The Perry Preschool Project is a famous early intervention program in the United States. The program first began in 1962 with 123 high-risk African American children. Fifty-eight of the three- and four-year-old children were assigned to the program group and 65 were assigned to a control group that did not go through the program. Children attended a high-quality preschool program for 2.5 hours a day, five days a week, for two years.

As well, teachers visited each child's home for 1.5 hours each week. The Preschool's own researchers conducted a CBA of the program (the Barnett report), leading to the much-quoted claim of $7 saved for every $1 spent. (Parks, 2000)

As part of Investing in Our Children, produced by RAND, Karoly et al. conducted an independent CBA of the Perry Preschool Project. They chose the program as one of two projects to be analysed in this way for several reasons:

- The program had already been evaluated using a strong experimental design, including random trials that satisfied sample size and attrition criteria.
- Progress was measured on developmental, educational, economic, criminal justice and health indicators.
- The children were followed up the age of 27. (In fact, longitudinal research continues to this day.)

The researchers described their evaluation as a cost-saving analysis, rather than a cost-benefits analysis, because they focused primarily on savings to the government and did not consider benefits for other members of society.

The RAND researchers did use some of the cost figures developed for the Barnett CBA, specifically regarding employment rates, welfare use and special education. Using the data provided by the differences in the experimental and control groups on various measurements, as well as the program's information on individual education, crime, employment and welfare histories, the researchers found significant savings to government in four areas: increased tax revenues, decreased welfare outlays, reduced expenditures for education, health and other services, and lower criminal justice costs. For example, the Perry Preschool Program measured the increased employment and income for the children in the evaluation through age 27 and Barnett then projected future earnings and income through age 65. These figures were used to calculate income tax at the federal and state levels, Social Security contributions by both the employer and employee, and state and local sales taxes.

Unlike Barnett, the RAND researchers elected not to monetize a reduction in pain and suffering for potential victims of crime, citing as their reason for this decision the controversy amongst experts as to the best ways to calculate such costs.

A 4% social discount rate was used for the study but a sensitivity analysis was also conducted to show the results of discounts rates from 1% to 8%. As well, the researchers noted the uncertainty caused by the small sample size in the original evaluation and provided estimates of how that uncertainty might affect their conclusions.

As with the cost reports reviewed above, the RAND researchers included in their report a discussion of some of the benefits they were not able to monetize, including improved behaviour and IQ, a mother's greater satisfaction with her relationship with her child, greater academic achievement and improved health.

The RAND report found that the savings to government ($25,437) were over twice as large as the program costs ($12,148).

A Short-Run Cost-Benefit Analysis of Community-Based Interventions for Juvenile Offenders (Robertson et al., 2001)

This article, published in the journal Crime and Delinquency, presented a cost-benefit evaluation of two community-based interventions for juvenile offenders.

A quasi-experimental design was used to evaluate the two techniques: intensive supervision and monitoring (ISM) and intensive outpatient counseling with cognitive behavioural therapy (CB). The outcomes for participants in the two experimental groups (ISM and CB) were compared to the results for a control group of youth on standard parole or probation. Each of the three county youth courts participating in the study used one of the three intervention approaches so that all participants in each community experienced the same form of treatment. The three youth courts were selected to ensure that the communities were similar in size, overall population, and demographic profile. Data were collected for each participant from a variety of primary and secondary sources over the course of an 18-month period.

The researchers' objective was to determine if the experimental programs were cost-beneficial compared to traditional probation procedures. Benefits were defined as a short-run reduction in justice system expenditures due to intervention. This was based on the assumption that a successful treatment program should reduce the number of subsequent court referrals and days detained, resulting in fewer justice system expenditures. Costs were calculated as the increase in spending necessary to support and maintain the experimental intervention programs.

A multiple regression model was designed to determine the relative justice system expenditures for participants across experimental intervention groups. This allowed the researchers to control for the observable differences between the groups, estimate the relative impacts of the variables that determined the outcomes and account for participant attrition.

The researchers found that, on average, the justice system spent less than one third as much on subsequent court referrals and days in detention for participants in the CB group than it did for those in the control group. The mean of expenditures for the ISM group was slightly higher than for the control group. For every dollar spent on the margin for the CB program, almost $2 were saved in terms of lower justice system expenditures on additional court referrals and days of detention for juvenile offenders in the program.

The article makes no mention of the use of a social discount rate or sensitivity analysis. This may be because the researchers were clearly interested in the short-term impact of the project, i.e. the decrease in immediate additional court referrals and days of detention. As they say, "taxpayers who financially support intervention programs demand immediate and observable results. Programs that demonstrate clearly measurable results that lower public expenditures are more likely to be supported by taxpayers than

programs that are only cost-beneficial in the long run when aggregated over vaguely defined societal outcomes." (p. 281)

The Benefits and Costs of Good Child Care: The Economic Rationale for Public Investment in Young Children – A Policy Study (Cleveland and Krashinsky, 1998)

This study, published by the Childcare Resource and Research Unit of the University of Toronto, examined the possible costs and benefits of a program which does not yet exist – a high-quality, comprehensive child care system which would provide licensed child care to all children aged two to five with employed parents and enriched nursery school for children cared for primarily by their parents at home. It concluded that for every dollar spent on such a program, approximately two dollars worth of benefits would be generated for children and their parents.

The researchers estimated the costs of the program by assuming that a full-time child care worker in the system would be paid $36,000 (including benefits). They calculated the ideal worker:child ratio to be 1:7 and determined that the total staff compensation costs per child would be slightly less than $6,500. Arguing that staff compensation costs are usually about 75% of the total costs of operating a child care centre, they estimated that the total annual cost of good quality child care would be about $8,500 per child.

To calculate the benefits of child care to children, the authors used three different approaches. They reviewed a number of empirical studies on the effects of child care on child development. Identified benefits included decreased grade repetition and improved academic and school performance. The researchers also imputed benefits from the actions of well-off parents, arguing that those parents usually provide preschool experiences for their children, even when the mother is at home, and if the mother works outside the home, they make relatively high-cost arrangements for the care of their children. The additional costs of these arrangements were used to help determine the value of preschool education. Finally, the authors assumed that dollars spent for early education would be as productive as dollars spent on education in the later years. The average cost of a year of education in the public school system is about $7,000 so the authors assumed the educational value of good child care to be at least that amount.

Based on that background data, the authors calculated the benefits of a high-quality program for children in ten different situations, e.g. moving from mother-only care to nursery school, moving from mother-only care to full-time care, moving from part-time informal care to part-time quality care. In order to determine the number of children involved, they used information obtained from special runs of the National Longitudinal Survey of Children and Youth and data from the Canadian National Child Care Survey. Finally, with all the calculations for the various permutations, they estimated the benefits of the new system to be $4.3 billion for children.

In measuring the benefits to parents, the researchers looked at the potential employment benefits to three different types of women: mothers already employed full-time and using good quality child care, mothers employed full-time and using lower cost informal arrangements and mothers who would increase labour force participation. Data from

Statistics Canada's Labour Force Survey were used to determine the number of women in question.

Based on a number of assumptions (e.g. the researchers assumed a benefit of $40,000 per year in both take-home pay and additional tax revenue for every average wage earner moved full-time into the labour force), the authors calculated the total labour force benefits to be $6.2 billion, bringing the total benefits of the program to about $10.5 billion.

The total cost of the program was calculated as the gross cost of $7.9 billion, minus the 20% usually contributed by parents ($1.5 billion) and the $1 billion that government currently spends on child care, for a net cost of $5.3 billion. Therefore, the net benefit of the program was found to be $5.2 billion.

The authors made no mention of social discount rates or sensitivity/risk analyses. They did, however, use a practice called consumer surplus in which it is presumed that most good and services are of more value to consumers than their market price. This allowed the researchers to add 50% to the value of preschool, moving it from $2,400 to $3,600.

Three Strikes and You're Out: Estimated Benefits and Costs of California's New Mandatory Sentencing Law (Greenwood et al., 1994)

This report, produced by RAND, is a cost-effectiveness analysis of California's Three Strikes Law. The researchers sought to determine how much the felony crime rate is reduced by keeping repeat offender incarcerated and how much that incarceration costs.

The research was based on a mathematical model that tracks the flow of criminals through the justice system, calculates the costs of running the system and predicts the number of crimes criminals commit when on the street. The model allowed the researchers to explore the extent to which estimates change with changes in critical assumptions regarding the behaviour of offenders and the response of the criminal justice system to the various provisions of the law. A variety of data sources were used to construct the model, e.g. sentencing rates were derived from data on arrest per crime and convictions per arrest; annual crime desistance rates were based on information on the length of criminal careers. Costs were calculated by multiplying such outputs as the number of offenders incarcerated and the number of arrests and trials by factors such as the police cost per arrest, the cost per trial and the prison operating cost per prisoner-year.

As this was a cost-effectiveness study, no attempt was made to convert crime reduction benefits into monetary equivalents.

A social discount rate of 4% was utilized and the results were subjected to a sensitivity analysis.

For the three strikes law, the researchers arrived at an estimated cost per serious crime prevented of $16,300. This result was compared against four possible alternative laws.

For example, a similar law which would focus more on violent offenders was found to cost $14,900 per serious crime prevented.

4.2 Common Themes and Issues

Despite the differences between these four reports, they do serve to highlight some interesting methodological issues.

No matter how simple the question under investigation, the process of determining costs and benefits is complex

The one thing all four reports have in common is the complexity of the analysis underlying their conclusions. Even the day care study, which was more speculative and less scientifically rigorous than the others, was based on a complex series of calculations.

Both Robertson and Greenwood developed computer models to assist in their evaluations, while Cleveland calculated the costs of multiple permutations of the same basic scenario. Karoly et al. provided detailed cost and benefit calculations on 13 different program impacts and subjected their results to sensitivity analysis.

Economic evaluations of specific projects are usually based on experimental or quasi-experimental program evaluation designs

Two of these reports focused on specific programs – the Perry Preschool Project and the two community-based interventions for young offenders. In both cases, the programs had been evaluated using experimental and quasi-experimental designs, providing the analysts with the information they needed about actual program impact. This is consistent with the CBA/CEA literature which argues that such evaluations must precede any economic analysis.

Methodologies are not consistent across studies

Despite the recommendations of many analysts regarding the use of social discount rates, sensitivity and risk analyses and other CBA/CEA techniques, these methodologies are not used consistently. For example, neither Robertson nor Cleveland incorporated a social discount rate into their calculations or subjected their results to sensitivity and risk analyses. This is somewhat surprising, given that the Robertson article was published in an academic journal and the Cleveland study appeared under the auspices of a university. It may be that the subject matter of these reports did not necessitate the more rigorous analysis. The more likely explanation, however, is that, as with most matters, theory does not always translate into consistent practice.

Analysts continue to rely on assumptions to determine costs and benefits

As with the cost studies reviewed above, these economic evaluations were built on assumptions and speculations. In most cases, those assumptions were based on reasonable evidence. The fact remains, however, that CBA/CEA analysts have to make

numerous choices about which costs and benefits should be included in their analyses and how those factors should be monetized. This reality, while seemingly accepted by the research community, means that the quality and credibility of such work will vary a great deal, depending on the soundness of the underlying premises.

5. OPTIONS FOR HOMEFRONT

The question which lies before HomeFront is whether or not to conduct an economic evaluation of its work. If the decision is made that such an analysis should take place, what form should it take?

As this report has made clear, economic evaluations are complex undertakings which require skill and resources. Even the most simple initiative will demand both time and expertise. It is important, therefore, that HomeFront be clear on what it is trying to achieve with such an endeavour. If the goal is to put forward a rigorous economic defense of its work which will be widely accepted by both the academic and funding communities, then a full-blown cost-benefit analysis may be worthwhile. If, on the other hand, the objective is to increase public support and understanding of the program, scientific rigor and expertise may not be as important and the program may wish to proceed with a simpler, modified version of an economic analysis.

One thing is certain. Very little can be done in this area until the program evaluators have gathered some comparative data. There are two opportunities to obtain such information. The provincial Department of Justice may provide the HomeFront evaluators with court data collected before the Domestic Violence Court was established. Comparing those results with the HomeFront outcomes may lead to some useful conclusions about program impact. While it is not clear if, or when, that information will be available, it is possible that it will be obtained by the fall of 2002. As well, Resolve Alberta will be collecting data on other Canadian specialized and general courts over the next year. That information will likely prove even more useful than the Department of Justice data in assessing HomeFront's impact. It may be available by the end of 2002. Without such comparative data, the evaluators will not be able to make conclusions about program impact. Without information on program impact, HomeFront will not be able to determine if it has had any benefit. Without a determination of benefit, it is pointless to proceed with an economic evaluation.

Despite these timeline limitations, HomeFront can begin the process of selecting an economic evaluation approach and collecting preliminary information on program and societal costs. The following are some of the options available to the program.

1. A rigorous cost-benefit analysis

A complete CBA, as described earlier in this paper, would certainly require the services of an economist and would entail that a great deal of time and resources be devoted to data collection and analysis. This option may not be worth the investment, especially since at least one funder (NCPC) has said that it does not require funded projects to conduct CBAs and that it will be completing its own CBAs on certain programs.

A rigorous CBA, if it showed positive results, would likely have the advantage of bringing great credibility and attention to HomeFront.

2. A rigorous short-term cost-effectiveness analysis

Thorough cost-effectiveness evaluations are also complicated and, if done to scientific standards, necessitate a myriad of skills and resources. They are, however, much easier to conduct than CBAs because it is not necessary to monetize the program benefits. HomeFront could develop a credible short-term CEA, especially if it was interested in only one outcome, e.g. decreased recidivism. It would have to focus on immediate benefits, however, because only short-term evaluation results would be available.

Program costs would certainly be easy enough to collect. The only additional work would be in monetizing such factors as volunteer hours and donated goods. The program would then have to decide which short-term impact it was interested in measuring and use the comparative evaluation data to decide the extent of that impact, e.g. HomeFront prevented ten offenders from recidivating in one year. Combining annual program costs with that information would lead to the CEA result, e.g. the program costs $4,000 per offender rehabilitated.

As noted earlier in this paper, CEAs are generally used to compare programs. It would be important, therefore, to develop at least one other program CEA to provide context to the findings. It might be interesting to develop a cost-effectiveness analysis of the court system before HomeFront was established, if appropriate Department of Justice data on outcomes and system costs were available. It would then be possible to determine if HomeFront is more cost-effective in addressing recidivism than the process it replaced. While this option is a little unorthodox (programs are usually compared to other programs), it might produce some fascinating results. If such an approach was chosen, the Department of Justice data could not be used as the comparative data on which to determine HomeFront impact. Instead, the Resolve information, which will not be available until the end of this year, would have to be used.

As mentioned above, the advantage of this approach is that there is no need to monetize the program benefits. The difficulty may be in collecting sufficient impact and cost data to develop the comparative pre-HomeFront CEA. Whether or not such information is available would have to be determined before a decision to proceed was made. Alternatively, perhaps other programs could be identified for comparative cost-effectiveness analysis.

Conducting a CEA of HomeFront without a comparative economic evaluation would have very limited usefulness. Indeed, such an approach might even backfire, as HomeFront may seem expensive if its work is not placed in a comparative context.

3. A simple short-term economic evaluation

HomeFront could conduct a simple economic evaluation which examined the short-term costs and benefits of the program without employing many of the complicated economic techniques outlined earlier in this paper. While such an effort would not be accepted as a pure CBA, as long as the program acknowledged the methodological weaknesses and built the analysis on valid information, this approach might be useful in increasing public support and understanding of the program.

Again, program costs should be fairly simple to determine. Then the program would have to decide which short-term benefits should be monetized, based on the impact information provided by the evaluators. Costing out those benefits would be time-consuming but it could be achieved. As was done in the three cost studies reviewed in this paper, a variety of methodologies could be used to ascertain costs. These would include extrapolating from existing surveys, obtaining government budget information and consulting with government representatives and service-providers. The formula provided by Hartmann might be useful, as might some of the other techniques used by Greaves, Day and Kerr.

While this option would be simpler than a more academic approach, it would still require substantial time and financial resources. In order to be credible, the study would have to be based on a solid analysis of the costs of domestic violence and the benefits of HomeFront.

The advantage of such an approach would be that, by making no claims to scientific rigor and focusing only on short-term impacts, the program could avoid engaging in the complex techniques associated with CBA and CEA. If the research is strong, the program could still argue that the economic evaluation is a valid indicator of the benefits of HomeFront. The disadvantage would be that admitting the methodological weaknesses of the report might decrease the research's credibility.

6. CONCLUSION

A variety of options and decisions lie before HomeFront. As economic evaluations, even simple ones, are difficult and time-consuming initiatives, it is important that choices be made carefully, based on a solid understanding of the implications of each alternative.

It was the objective of this paper to provide that solid understanding. It is hoped that this overview of the concepts, issues and debates involved in economic evaluations provides HomeFront with the information needed to make a successful and informed decision about how to proceed.

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SECTION IV

RETROSPECTIVE FOCUS GROUP REPORT

SUMMARY OF DISCUSSION
RETROSPECTIVE FOCUS GROUP

INTRODUCTION

HomeFront is the result of the dedicated efforts of many individuals in Calgary. Strategy, hard work, relationship-building, and the wisdom to respond quickly to emerging opportunities all combined to make this initiative possible. Two key events were also instrumental in the development of HomeFront. Those were: a community forum and workshop on violence, featuring a presentation by Dr. Stephen Toope, Dean of Law at McGill University, which was sponsored by the Cathedral Church of the Redeemer on February 6 -7, 1998; and a two-day working conference in April 1998 which explored various coordinated justice system models. The primary question for all those interested in the development of such models is: how did all these factors combine to lead to the successful implementation of HomeFront?

On July 16, 2001 a retrospective focus group, made up of five key players in the development of HomeFront, was held to explore just that question. This focus group is part of the overall evaluation process for HomeFront. The history of Project development is important in providing context for current Project operations and assisting organizations elsewhere to implement similar community efforts. The results from the retrospective focus group will be incorporated with other evaluation components, including stakeholder questionnaires, stakeholder interviews and the HomeFront gap analysis, to make up the final process evaluation report.

The focus group highlighted several issues associated with the Project's early development stages. Specifically, the respondents identified enabling conditions that existed in Calgary prior to project start-up, important forces that allowed the project to move forward, events that gave rise to the project, crucial steps that followed those events, process hurdles and future activities for HomeFront.

PRECONDITIONS

The focus group participants identified a number of conditions which were in place in Calgary before the HomeFront work began and which facilitated the eventual development of the Project. These included:

<u>A significant amount of collaborative work in the domestic violence community</u>

The domestic violence community has fostered a culture of collaboration since at least the 1980s. After the murder of five women in the summer of 1988, the community, with the support of United Way, came together quickly to marshal resources and develop new programs. The domestic violence community worked together on the Mayor's Task Force on Family and Community Violence and its subsequent committees and, more recently, on the comprehensive protocols project. Over the years, a great deal of time and energy has been devoted to domestic violence issues in Calgary.

We had already begun with the work back in 1988 and then five women got murdered… It was amazing to watch agencies come together and [choose to] share [the resources made available by the United Way].

Work has been done on domestic violence at many events and in many stages. It might have seemed like a hopeless job sometimes, but it was not hopeless, it was waiting for [the right] time.

Community respect for those involved

The organizers of the initial forum, featuring Dr. Toope, had great respect and credibility in the community. Similarly, many of the individuals and organizations who were involved from the early stages of the Project had acknowledged expertise, integrity and respect in the community and thus brought credibility to the work from the very beginning.

> *We established a certain credibility for the Cathedral as a public-minded forum… and certainly there was great respect established for the ACAV [Action Committee Against Violence] group … and Brian [Felesky] has an incredible respect in this town...*

Understanding of violence issues and gaps in service

While the initiative started out broadly focused on violence, those involved saw domestic violence as a key issue, one of the "core dimensions" of community violence, and were able to effectively focus efforts in that direction. Specifically, the early organizers recognized the existence of serious gaps in addressing the issue of domestic violence in the city. One focus group participant, for example, was concerned about the fact that community programs providing treatment for batterers were becoming overwhelmed.

> *Something that connected me to the cause was that years ago, the YWCA had made it known that they were in a situation where their resources were taxed beyond capacity because the courts were mandating people for treatment and yet the government was not picking up the tab for that treatment. In the back of my consciousness was, how can we bring the government into the recognition of the imperative of funding the treatment directly….*

Calgary's culture of volunteerism

It is the nature of Calgary that influential people, who hold important positions in the city, are also volunteers. Those people are willing to donate their time to issues which they feel are important and have the connections and abilities to implement large projects such as HomeFront. Similarly, even some of the organizations and agencies (e.g. United

Way and the Action Committee Against Violence) volunteered resources to support this movement.

> *So you have not only individuals volunteering but also agencies and organizations who said, "We'll get into this. This isn't what we are about but it should be what we are about and this is an opportunity to do it."*

DRIVING FORCES

Those involved with HomeFront were able to build on existing conditions in Calgary to move their vision forward. In fact, some of the focus group participants talked about *"the moment when conditions converged to ignite something*" and about the fact that there seemed to be some sort of grace at work, guiding their efforts and placing opportunities in their path.

Some of the key factors which came into play during those early days of development included:

Motivated, well-connected individuals

A small group of people was involved in the primary stages of Project development. Those individuals were successfully connected to various communities (e.g. domestic violence, legal, corporate), were very committed to the issue and were willing to work hard to make the Project a reality.

> *All the different people, their networks, their passion and wisdom throughout, was just a critical, critical factor. People worked really hard – you cannot believe the amount of effort. This was not a group of people who thought "wouldn't it be nice to be attached to this project." They were really in it.*

This key group was able to build on existing relationships to develop interest in the Project, disseminate information quickly to influential people and take advantage of funding opportunities.

Flexibility and openness to project evolution

When the organizers first got together, it was not their intention to develop a coordinated justice project. They were simply focused on initiating a community dialogue on violence-related issues. Evolving vision and fortuitous developments led them towards the much larger initiative. Flexibility and a willingness to work in a non-linear manner allowed the group to proceed. However, as one of the respondents suggested, other communities wishing to initiate such a project might have to combine flexibility with plans that are clearly delineated at the start.

There was an unseen force because nobody really knew what this was about. We were beginning on a journey. The planning process was not a prescriptive planning process and I think today you [have to start with clear plans].

Development of a shared, clear vision

As the HomeFront team worked together, their vision became stronger and more ambitious, focusing on wide-scale systemic reform. Unity of vision prevented the group from becoming paralyzed by such distractions as politics, turf wars or ego. It also helped them to engage the community in the Project.

Without community involvement, the project will not succeed. You build the vision and then you go out and sell it to the community and you get people excited about that vision and [help them] understand where they fit in. So I think any community that is looking at building [a similar initiative], would have to do that.

Governmental support and interest

During early project development, some fortuitous developments took place at the government level. Individuals who were quite supportive of the HomeFront concept moved into influential positions and at least one government funding body began to look for innovative justice projects to support.

KEY EVENTS

Existing conditions as well as the support, commitment and influence of key individuals created an environment conducive to continued project development. As mentioned above, two key events also served as catalysts for HomeFront. Focus group participants offered the following analysis of what made those events successful.

1. The February forum and workshop

A credible, motivating speaker

Dr. Stephen Toope has an international reputation, and widespread respect, as McGill's Dean of Law. As well, he is known as a powerful speaker who has experienced personal tragedy and can convey his analysis of violence with insight and wisdom. As such, he was able to draw a cross-section of the community to the event.

The core and power of the evening was not a theoretical discussion on violence … but reflections of a person with enormous wisdom and courage about how he coped [with a personal tragedy] and about his concern that society respond to violence.

Sensitive and strategic organization of the workshop

Dr. Toope's speech was followed, the next day, by an invitation-only workshop, which involved a series of presentations and roundtable discussions.

The workshop was organized sensitively, with regard for the fact that the judiciary, the police, the crown, defence attorneys and community agencies rarely come together in these kind of venues. It was important that the judges, in particular, not feel that their independence was being compromised. The event included a series of activities to build bridges, most notably between the justice system personnel and the treatment agency staff. People were assigned tables so that individuals from the different sectors had the opportunity to meet and the event was held in a neutral location.

The strategy of inviting influential people from all of the relevant sectors was a successful one:

> *My recollection of that workshop was that there was a desire to see systemic change. And that happened …because all the people who needed to be there basically were there and could see the possibility of what could happen if people worked together….*

High-profile sponsors

The organizations and individuals involved in sponsoring and organizing the event were well-recognized and respected in the community. They included prominent law firms and lawyers, the Cathedral Church of the Redeemer, ACAV and civic representation (i.e. the Mayor and Aldermen). The importance of involving key individuals is illustrated in the following comments:

> *What you do is you bring together significant people around a significant issue and things happen.*

> *We always talked about the importance of having your political leadership on board in addressing this initiative because it gives the community permission to talk about it...*

2. The April conference

Momentum

The forum/workshop organizers recognized that a great deal of energy and enthusiasm had been generated at the February event and moved rapidly to capitalize on that situation. Utilizing existing connections and relationships, they were able to quickly raise funds for a follow-up conference, which took place within three months of the original workshop.

We decided that we had to do something with the energy and all the enthusiasm that was in that room and we decided that we could begin to look at some of the other models, some other areas…We wanted to put a conference together but we also knew that we had a limited window of opportunity … we had about six or seven weeks to do that. We had to fund-raise and we needed a full-time conference organizer.

A broadened working group

The group of people who were involved in organizing the conference was broadened to ensure cross-sectoral representation. At this point, the team had a vision of a coordinated justice system project and invited people to the working group who could play a role in such an initiative.

Strategic organization of the conference

Again, the event was strategically organized to maximize the potential for success. Participants were assigned tables, to ensure that key people had the opportunity to meet each other and exchange views. Knowing that the conference attendees would all have strong opinions, the organizers recruited extremely skilled facilitators from across the province. Various coordinated justice projects in Canada and the United States were researched in advance of the event and presenters from some of those initiatives spoke at the conference.

IMPORTANT NEXT STEPS

Once the second conference wrapped up, the organizers knew that there was the potential to implement major changes in the way domestic violence was addressed in Calgary. Focus group participants identified the following as key next steps in the process.

Rapid follow-up

Within a week of the conference, the first framework implementation group convened and worked together for three weeks, developing the straw models created at the conference. A business plan and technical report followed quickly from there.

Opportunities seized

Through a series of coincidences, and strong information networks, the HomeFront organizers learned of the availability of significant funding opportunities. Again building on relationships and connections, the organizers were able to quickly gain access to potential funders at all three levels of government.

It does prove that relationship building … is certainly key. I think …we've… built relationships where relationships perhaps didn't exist before.

Being able to respond rapidly to those opportunities and produce the necessary documentation (e.g. business plan and proposal) were important factors in the successful fundraising efforts.

Key supporters

Several organizations offered crucial support at this point in the process. ACAV co-sponsored the initiative, donating significant resources and staff time and facilitating the involvement of Alderman Bev Longstaff. United Way and The Calgary Foundation played an "*incubation*" role, providing financial support and credibility, with United Way offering to become the fiscal agent once the project was established.

As well, there were a number of individuals who were instrumental in moving the initiative forward when it seemed stalled, often achieving success through the power of their own passionate commitment to the Project and their willingness to use their connections to facilitate progress. Many individuals worked long hours under tight deadlines to ensure that the Project became a reality.

HURDLES

The HomeFront Project was not without barriers and setbacks, described by the focus group participants as "hurdles." Somewhat surprisingly, however, the focus group participants were only able to identify three significant hurdles.

Complexity

This Project is characterized by the participation of multiple sectors and players. At an operational level, success is contingent upon the coordinated involvement of key components throughout the justice system, e.g. the courts, the police, probation/parole and the community agencies. That multi-sectoral approach is mirrored at the funding level, with all three levels of government involved. To add to the complexity, there is broad community involvement in the development and governance of the Project.

Understanding, involving and coordinating these various components was a monumental job for the HomeFront organizers.

Judicial involvement

HomeFront faced the delicate task of respecting the independence of judges while involving them in a collaborative, community-based project. In the early days of the Project, there was great concern about this issue and reluctance on the part of some judges to get involved. As the following quote indicates, this problem "*evaporated*" as

the key players continued to communicate with the judges about the Project and as the judiciary had the opportunity to see how the specialized court actually operates.

> *We [were] going to have to [venture] into the court system itself. [We faced] a challenge of how do we as a community respect the independence of the judiciary vis-a-vis the community…. I remember in the early days all the sensitivities… [that] the judges weren't going to meet with us … so it's amazing how that sort of evaporated [as it became apparent that the judicial independence was not compromised].*

Time constraints

As already noted, the organizers had to move quickly to take advantage of possible funding opportunities. Producing a business plan and proposal in seven weeks strained the group's resources.

FUTURE ACTIVITIES

Focus group participants highlighted the following as challenges for the future:

Changing roles of original volunteers

Now that the Project is operational and has staff in place, the role of the original organizers and sponsors is evolving. The focus group participants acknowledged that their activities must change, moving from operational work to assistance with fundraising and networking, as well as providing continuing leadership to the Project. The participants recognized that it is sometimes difficult to refrain from micromanaging a project with which one has been involved since its inception, but felt that their clear focus on the Project vision allows them to step back from operational activities and find other appropriate roles within the initiative.

Public awareness

The next priority for the Project should be raising community awareness of domestic violence as part of a prevention campaign. Focus group participants felt that a large-scale community outreach campaign, sponsored by the corporate sector, was key to the future of the Project.

> *We have to make an attitudinal shift towards prevention as opposed to treating the symptoms… We are examining that now and that's going to tax our resources and our original mandate. That's the biggest thing we have to face right now. How do we go that route without losing the focus that originally brought us together?*

Analysis of economic impact

The lack of information on the economic costs of domestic violence is a serious gap in the current analysis of the issue. Focus group participants felt that HomeFront should address that gap, thus enhancing the case for the Calgary program and assisting other communities interested in developing a coordinated justice system project.

> *At this point it is important to develop a study which clearly describes domestic violence in economic terms…. Right now, it is difficult to make the economic case to the government. We need to translate the costs in terms of work lost, hospital costs, life lost. I think this would make a very compelling case and would make it much easier for other communities to get support.*

SUMMARY

HomeFront is the result of the dedicated efforts of many individuals in Calgary. Strategy, hard work, relationship-building, and the wisdom to respond quickly to emerging opportunities all combined to make this initiative possible.

Specifically, the focus group participants identified a number of conditions which were in place in Calgary before HomeFront work began and which facilitated the eventual development of the Project. These included:

- A significant amount of collaborative work in the domestic violence community;
- Community respect for those involved;
- Understanding of violence issues and gaps in service;
- Calgary's culture of volunteerism.

Some of the key factors which came into play during the initial development of the Project included:

- Motivated, well-connected individuals;
- Flexibility and openness to project evolution;
- Development of a shared, clear vision;
- Governmental support and interest.

Two key events were instrumental in the development of HomeFront. Those were: a community forum and workshop on violence, featuring a presentation by Dr. Stephen Toope, Dean of Law at McGill University, which was sponsored by the Cathedral Church of the Redeemer on February 6 -7, 1998; and a two-day working conference in April 1998 which explored various coordinated justice system models. The key factors that made those events successful catalysts for change included:

- A credible, motivating speaker;
- Sensitive and strategic organization of the events;
- High profile sponsors and supporters;

- Building on momentum, ensuring rapid follow-up and seizing subsequent opportunities.

The focus group participants identified three significant hurdles that created challenges along the way: project complexity, judicial involvement and time constraints. They also highlighted three challenges for the future: changing roles of original organizers, building public awareness and undertaking the analysis of economic impact of domestic violence.

SECTION V

PROCESS COMPONENT: PARTICIPANTS AND TOOLS

HomeFront Process Evaluation
Stakeholder Interviews and Focus Groups
Participants

Robbie Babins-Wagner (Calgary Counselling Centre),
Julie Black (Calgary Coalition on Family Violence),
Lynne Cunningham (Calgary Police Services),
Ewa Chwiecko (HomeFront Case Worker),
Olga Dobrowney (Calgary Regional Legal Aid Society),
Laura Ducharme (HomeFront Case Worker),
Jean Dunbar (YWCA Sheriff King Home),
Gary Gibbens (YWCA Sheriff King Home),
Marlyn Gill (Calgary Counselling Centre),
Carolyn Goard (YWCA Sheriff King Home),
Jennifer Fifield (HomeFront Case Worker),
Peter Halpin (Forensic Assessment Outpatient Services),
Basem Hage (Alberta Justice),
Ed Henderson (Calgary Police Services),
Debbie Jenkins (Alberta Justice),
Sylvia Kasper (Alberta Justice),
Bonnie Knox (Solicitor General and later HomeFront Director),
Tamara Kocyba (HomeFront Case Worker),
Edna Konik (Alberta Justice),
Pat Kostouros (YWCA Sheriff King Home),
John Lee (Alberta Justice Attendance Centre),
Bruce Llewellyn (Solicitor General),
Barb McKala (Alberta Justice),
Kelli Moory (Independent Living Resource Centre),
Frank Macgrath (Discovery House),
Kevin McNichol (HomeFront Trainer),
Debbie Melnyk, (Calgary Police Services),
Fatima Nurmohamed-Airth (HomeFront Case Worker),
Jim Ogle (Private Bar),
Susan Plecik (YWCA Sheriff King Home),
Dave Raey (Calgary Regional Legal Aid Society),
Mary Ann Sanderson (Calgary Women's Emergency Shelter),
Shamim Sayani (Calgary Coalition on Family Violence),
Doug Simpson (Alberta Justice),
Monty Sparrow (Calgary Police Services),
Arlene Swystun (Alberta Justice),

Val Tkacik (Calgary Legal Guidance),
Leanne Usselman (HomeFront Case Worker),
Ed Vandal (Solicitor General),
Alicia Van de Sande (Partner Support Program),
Karen Walroth (Action Committee Against Violence),
Gord Wong (Alberta Justice).

Provincial Court Judges
Assistant Chief Judge B.C. Stevenson
The Honourable Judge M. Delong
The Honourable Judge A.A. Fradsham
The Honourable Judge B.R. Fraser
The Honourable Judge S.A. Hamilton
The Honourable Judge W.R. Pepler
The Honourable Judge T.C. Semenuk
The Honourable Judge S.L. Van de Veen

HomeFront Process Evaluation
Project Start-up Interviews
Introductory Letter

Evaluation: HomeFront Process Evaluation

Evaluators: Irene Hoffart, Michelle Clarke

Dear Colleague:

We are writing this to invite you to participate in an interview portion of the evaluation of the HomeFront project.

Synergy Research Group has been contracted to evaluate the HomeFront project. This evaluation has several components, one of which is a process piece. The purpose of the process evaluation is to document the implementation of the HomeFront as perceived by the key stakeholders.

Over the three and a half years of HomeFront implementation we administered several surveys and interviewed selected stakeholders. We are now embarking on a final step in the process evaluation component and hope to interview a number of individuals who have been involved with HomeFront over the period of its operations.

We are asking that you assist in the process evaluation by meeting with one of the evaluators for an interview or a focus group. The interviews or groups will last between one and a half and two hours and will be conducted at a location convenient for you.

The results of the interviews and groups are confidential. Should information from your interview or group be included in any report or publication, all identifying information would be removed so that you would not be identifiable in any way. Your participation in any aspect of the process evaluation is completely voluntary. However, your feedback is extremely valuable as it will assist HomeFront understand and possible address any challenges and will assist others interested in embarking on similar project. For you, the benefit of participation is having a mechanism through which to voice your opinions regarding the operations and needed adaptations of the project.

The results of the process evaluation will be disseminated through committees of HomeFront and community consultations. You will have the ability to access these results through your agency administrators or, possibly, through participating in community consultations. The final results will also be available by accessing publications produced by the evaluators.

One of the evaluators will be calling you shortly to further discuss this invitation and possibly schedule an interview . If you have further questions concerning matters related to this evaluation, please contact Irene Hoffart at 240-2346.

For your information, we have enclosed the general questions which we intent to address during the interview.

HomeFront Process Evaluation
Project Start-up Interviews
Interview Questions

Please note: The following 10 questions constitute the key areas to be covered. The participant's expertise and specific activities will determine additional follow-up questions.

Interview Questions:

1. Describe your activities associated with the Calgary Justice Working Project.

2. How do your activities correspond with your expectations of your participation in the Justice Project (CCR)? What would you keep same? What would you change? What would you add? Why? What was anticipated and unanticipated?

3. Have any of your activities and/or approaches changed since the start of the project in May of 2000? If so, then in what way?

4. What, in your view are the most important aspects of your activities related to the Justice Project (CCR)? Least important aspects? (Prompts: Victim's safety, accessibility to diverse and aboriginal people, perpetrator accountability, collaboration).

5. Identify groups or organizations involved with Calgary Justice Working Project with whom you work most closely. What is the nature of this collaboration? Do you have any suggestions in regards to the collaborative work? Do you think any of these groups or organizations should be doing something differently then they are currently? If so, then what would that be?

6. What have been some of the anticipated results of your involvement (both positive and negative)? Unanticipated results of your involvement (both positive and negative)?

7. If more resources were available, where do you think they should be allocated to make your job easier? To have the greatest impact in meeting the goals of the Justice Project?

8. In your opinion, what needs to change or stay the same to ensure that the Justice Project reaches its goals?

9. Do you have any comments regarding the overall process and direction of the project?

10. Any final comments?

HomeFront Process Evaluation
End of Project Interviews
Interview Areas

General Questions
- What were the expectations around this issue?
- Has the work evolved as described? If not, what were the reasons for the changes?
- What have been the successes and challenges related to this issue?

Project development, implementation and leadership
- Project governance, structure and administration
- Vision, clarity of purpose, communication of purpose
- Sustainability, turn-over

Broad community collaboration
- Collaboration/processes/effectiveness
- Communication/tools/successes/challenges

Internal collaboration processes
- Information sharing among partners (court, police, probation, treatment, CW)

Public awareness, education and training
- Advocacy
- Intersystem training, culture change
- Main focus of training/how it has evolved/main recipients
- Ad campaign and other spin-offs

Court and related processes
- Pre-court conference
- Relationship with the defence bar
- Balancing goals of victim safety and offender accountability
- Specialization - DCCWs, probation, DCU, judiciary

Diversity
- Access to clients, working with communities, translation/interpretation

Offender accountability
- Peace bonds, case resolutions, breaches, dual charges, trial court

Treatment
- Accountability of treatment partners
- Working with probation
- Children's treatment

Victims and Children
- Consistent understanding with regards to HF role in provision of services to victim and children
- Number of orgs involved with victims
- HF communications with orgs representing victims and children

Final Questions
- Has the project generally evolved as envisioned? What have been the major changes? Why were those made? Have they been positive? What are HF's three major successes? Three major challenges?

HomeFront Process Evaluation
End of Project Interviews
General Questions for Focus Group with Judges

Please note: the focus group with judges will discuss issues related to the implementation of the Specialized Domestic Violence Docket Court. The following questions provide a general guideline - other follow-up questions might be asked during the focus group:

- Given the judiciary's need for objectivity and distance, how has HomeFront been able to involve judges in the project?
- How had HomeFront addressed philosophical issues raised in the literature, e.g. judicial impartiality vs. the need for specialization.
- What has been the impact of the rotation of the judges in court?
- What have been the issues/successes related to working with the specialized court team
- What have been the issues/successes related to working with the diverse accused in court?
- What have been the issues/successes related to working with the Defence Bar? How has HomeFront dealt with the philosophical concerns raised by the defence bar, e.g. presumption of innocence, due process, the rights of the accused
- How has the court balanced victim safety with offender accountability?
- Discuss issues related to offender accountability such as use of Peace Bonds, dual charging, trial court, breaches and linkages to treatment.
- Discuss issues related to victim involvement in court proceedings, i.e., has HomeFront's focus on victims conflicted with traditional criminal jurisprudence (e.g. the state vs the offender, not the offender vs the victim)? Has it been difficult to incorporate a focus on the victim, to have the victim's voice heard?
- Have you seen any cultural/attitudinal changes in the justice system as a result of HomeFront?
- Has the project generally evolved as envisioned? What have been the major changes? Why were those made? Have they been positive?
- What would you say are HF's three major successes? Three major challenges?

HomeFront Process Evaluation
Stakeholder Survey
Cover Letter

Dear Colleague:

Synergy Research Group (SRG) has been contracted by Homefront to conduct the evaluation of the project. This evaluation has several components, one of which is a process evaluation. The purpose of the process evaluation is to document the implementation of Homefront and to provide regular feedback to program advisors, developers and implementers. Specifically, we are hoping to identify areas of strength and challenges with respect to cross-agency collaboration, program implementation as well as suggested adaptations.

We are asking for your participation in the process evaluation by completing the enclosed questionnaire. Your participation is completely voluntary. The benefit of participation is having a mechanism through which to voice your opinions regarding the operations and needed adaptations of Homefront.

This questionnaire, including the introduction, is 8 pages long and will take approximately 20 minutes to complete. We distributed a similar questionnaire in 2001 and 2002. If you completed previous versions of the questionnaire and used a codename, we ask that you include this codename again. Codenames preserve your confidentiality, help us track responses over time and allow us to withdraw previously completed questionnaires if respondents so request.

The results of the questionnaires are confidential. Only the evaluators and a research assistant will have access to your completed questionnaire. Should information from the questionnaire be used in any report or publication, all identifying information would be removed so that you would not be personally identifiable in any way.

You will have the ability to access the results of the questionnaires through your agency administrators or, possibly, through participating in community consultations. The final results will also be available by accessing reports and/or publications produced by the evaluators.

Your decision to complete and return this questionnaire will be interpreted as an indication of your consent to participate. If you have further questions concerning matters related to this evaluation, please contact Irene Hoffart at 240-2346.

HomeFront Process Evaluation
Stakeholder Survey

SECTION I: ABOUT YOUR ORGANIZATION & HOMEFRONT MEMBERSHIP

1. Which of the following categories best describe the organization you represent when you interact with Homefront? (Check all that apply)

   ☐ Homefront Board & Office ☐ Legal Services
   ☐ Law Enforcement ☐ Faith Group
   ☐ Crown Prosecutor's Office & Court Managers & Administrators
   ☐ Diversity-Related Services ☐ Offender Treatment
   ☐ Child Treatment & Advocacy ☐ Community Coalition
   ☐ Corrections ☐ Funding Organization
   ☐ Victim Treatment & Advocacy ☐ Educational Institution
   ☐ Other (specify)_____

2. Why is it important for your organization to interact with Homefront? (Check all that apply)

   ☐ To ensure coordination and collaboration between Justice and Treatment systems
   ☐ To provide better services to clients in Treatment
   ☐ To improve Justice response to domestic violence
   ☐ To collaborate with other organizations represented on Homefront
   ☐ To learn how to make my organization more accessible to diverse client groups
   ☐ To ensure that cultural sensitivity practices result in full equitable access to services for diverse groups
   ☐ To learn more about Justice services and programs
   ☐ To learn more about Treatment services and programs
   ☐ To learn more about domestic violence
   ☐ Other (specify)_____

3. Are you currently a member of a Homefront committee or team? ☐
   Yes ☐ No

4. If you are or have been a member of a Homefront committee/team, please identify the committee(s) you attended or currently attend.

☐ Justice	☐ Aboriginal	☐ Treatment
☐ Court Team	☐ Justice in Diversity	☐ Evaluation
☐ Communication	☐ Finance &/or Fundraising	
☐ Men's Treatment	☐ Children's Treatment	☐ Helpline
☐ Breakfast/Selinger Awards		☐ Disabilities
☐ Training	☐ Partner Checks	

5. Are there additional organizations that need to be represented on Homefront committees?

   ☐ No ☐ Don't Know ☐ Yes (specify below)

SECTION II: SATISFACTION WITH HOMEFRONT PROCESSES

These questions are designed to determine whether or not you are satisfied with Homefront processes. Please check the response that comes closest to describing what you think about each statement.

	Strongly Agree	Agree	Disagree	Strongly Disagree	Don't Know	Not Applicable
Community Linkages & Representation						
1. Homefront has a strong commitment from the decision-making level of each organization that is represented.	SA	A	D	SD	DK	N/A
2. Homefront committee members thoroughly represent related community agencies and organizations.	SA	A	D	SD	DK	N/A
3. Homefront works with the community's political leadership as allies.	SA	A	D	SD	DK	N/A
Connections & Communication						
4. Homefront helps me increase my contact with other organizations involved with the Specialized Docket Court.	SA	A	D	SD	DK	N/A
5. Homefront improves communication among organizations involved with the Specialized Docket Court.	SA	A	D	SD	DK	N/A
6. Homefront helps organizations working in domestic violence increase their influence in service coordination decisions.	SA	A	D	SD	DK	N/A
Information Sharing						
7. Homefront regularly shares information with the public, including diverse communities.	SA	A	D	SD	DK	N/A
8. Homefront regularly shares information with related community agencies and organizations.	SA	A	D	SD	DK	N/A
9. Homefront keeps all related community agencies and organizations well informed.	SA	A	D	SD	DK	N/A
10. Homefront keeps all its committee members well informed.	SA	A	D	SD	DK	N/A
Inclusion & Process						
11. Homefront encourages open discussion on key issues.	SA	A	D	SD	DK	N/A
12. People are encouraged to speak up at Homefront meetings.	SA	A	D	SD	DK	N/A
13. Homefront wants everyone to voice his or her opinions.	SA	A	D	SD	DK	N/A

Structure & Roles						
14. Roles and responsibilities of Homefront committee members are clear to me.	SA	A	D	SD	DK	N/A
15. I know about procedures and forums I can use if I have a concern with Homefront.	SA	A	D	SD	DK	N/A
16. I have a good understanding of the systems represented by various organizations that work with Homefront.	SA	A	D	SD	DK	N/A
17. I understand the overall structure of Homefront.	SA	A	D	SD	DK	N/A
Vision & Stability						
18. Homefront committee members have a common sense of purpose.	SA	A	D	SD	DK	N/A
19. Homefront is a stable organization regardless of change in committee membership.	SA	A	D	SD	DK	N/A
20. Homefront sets measurable and achievable goals.	SA	A	D	SD	DK	N/A
Resources						
21. Homefront appropriately distributes available resources.	SA	A	D	SD	DK	N/A
Learning & Training Opportunities						
22. Homefront provides training opportunities to help me learn more about other organizations involved with Specialized Docket Court.	SA	A	D	SD	DK	N/A
23. My interactions with Homefront have increased my awareness of resources for prevention and treatment of domestic violence in my community.	SA	A	D	SD	DK	N/A
24. My interactions with Homefront have increased my understanding of domestic violence.	SA	A	D	SD	DK	N/A
Impact on the Community						
25. Homefront improves domestic violence services and programs in Calgary.	SA	A	D	SD	DK	N/A
26. Homefront increases community awareness of domestic violence issues.	SA	A	D	SD	DK	N/A
Overall satisfaction						
27. I would like to continue my involvement with Homefront.	SA	A	D	SD	DK	N/A
28. My skills are effectively used by Homefront.	SA	A	D	SD	DK	N/A
29. My time is well-spent when I go to Homefront meetings.	SA	A	D	SD	DK	N/A

Additional Comments:_____

SECTION III: SATISFACTION WITH THE COURT TEAM & PRE-COURT CONFERENCE

These questions are designed to determine whether or not you are satisfied with the functioning of the Homefront Court Team during Specialized Docket Court Pre-Court (or Resolution) Conferences. Please check the response that comes closest to describing what you think about each statement. If you do not have any information about the Court Team and the Pre-Court Conferences please skip this section.

	Strongly Agree	Agree	Disagree	Strongly Disagree	Don't Know	N/A
1. Court Team members work together collaboratively.	SA	A	D	SD	DK	N/A
2. Court Team members understand each other's roles and responsibilities.	SA	A	D	SD	DK	N/A
3. All members of the Court Team have an opportunity to voice their opinions during the Pre-Court Conferences.	SA	A	D	SD	DK	N/A
4. Court Team members consistently attend Pre-Court Conferences.	SA	A	D	SD	DK	N/A
5. Defence Lawyers have an opportunity to participate in the Pre-Court Conferences.	SA	A	D	SD	DK	N/A
6. Structure of the meeting area is appropriate for the Pre-Court Conferences.	SA	A	D	SD	DK	N/A
7. Information shared at the Pre-Court Conferences reflects the needs of the whole family – the complainant, the accused and the children.	SA	A	D	SD	DK	N/A
8. Court resolutions reflect information provided by all Court Team members.	SA	A	D	SD	DK	N/A
9. The Pre-Court Conferences contribute to early case resolution.	SA	A	D	SD	DK	N/A
10. The Pre-Court Conferences contribute to appropriate case resolution.	SA	A	D	SD	DK	N/A
	Most of the Time	Half of the Time	Some of the Time	Don't Know	Not Applicable	
11. Key information shared during the Pre-Court Conferences is recorded for cases that are adjourned or moved to trial.	MT	HT	ST	DK	N/A	
12. The Court Team members have sufficient information to bring to Pre-Court Conferences.	MT	HT	ST	DK	N/A	
13. The Court Team has sufficient time to discuss the files.	MT	HT	ST	DK	N/A	
14. The Court Team is present during key discussions between the Crown and the Defence.	MT	HT	ST	DK	N/A	

Additional Comments: _____

SECTION IV: HOMEFRONT ISSUES

The next series of questions asks about the issues identified during the first 6 months of the operation of the Specialized Docket Court. Please use the ratings provided to identify the degree to which each issue has been resolved.

Legend
1=**remains an issue**
2=**currently in the process of being resolved**
3=**is resolved to my satisfaction**
8=**was never an issue, in my opinion**
9=**don't know**

Workload					
1. Domestic Court Case Workers' (formerly Victim Advocates) workload	1	2	3	8	9
2. Crown workload and docket size	1	2	3	8	9
3. Domestic Conflict Unit workload	1	2	3	8	9
4. Probation workload	1	2	3	8	9
5. Offender treatment agencies' workload	1	2	3	8	9
Court-Related Activity					
6. Early resolution of cases by accused entering into Peace Bond	1	2	3	8	9
7. Absence of Specialized Domestic Trial Courts	1	2	3	8	9
8. The use of summonses when breaches are issued	1	2	3	8	9
Working with Offenders, Victims & Children					
9. Length of time available for offender treatment	1	2	3	8	9
10. Response to treatment by those entering into a Peace Bond	1	2	3	8	9
11. Sufficient resources to provide treatment	1	2	3	8	9
12. Availability of information tracking systems	1	2	3	8	9
13. Victim/Child linkages with treatment	1	2	3	8	9
Diversity Issues					
14. Translation & interpretation requirements	1	2	3	8	9
15. Diversity training for Homefront members	1	2	3	8	9
16. Access to Justice system and services for the Aboriginal people.	1	2	3	8	9
17. Access to Justice system and services for people with disabilities.	1	2	3	8	9
Other					
18. Dual/Cross charging	1	2	3	8	9

Please identify up to 3 (three) issues currently experienced by Homefront, <u>in addition to those listed above.</u>

1. _____

2. _____

3. _____

SECTION V: HOMEFRONT SUCCESSES

The next series of questions asks about successes identified during the first 6 months of the operation of the Specialized Docket Court. Please use the ratings provided to indicate the degree to which each area remains a success for Homefront.

Legend
1=**continues as an area of success**
2=**continues as an area of success, but may erode if not monitored**
3=**is no longer an area of success**
8=**was never an area of success, in my opinion**
9=**don't know**

1. Collaboration among organizations represented on Homefront.	1	2	3	8	9
2. Communication between systems represented on Homefront.	1	2	3	8	9
3. Commitment of Homefront membership.	1	2	3	8	9
4. Support for the Project among service providing community and the Justice system.	1	2	3	8	9
5. Increased community awareness about domestic violence.	1	2	3	8	9
6. Provision of individual support to the victim.	1	2	3	8	9
7. Early case resolution.	1	2	3	8	9
8. Linking offenders to treatment.	1	2	3	8	9
9. Effectiveness of the Pre-Court Conference.	1	2	3	8	9
0. Length of time between breaching Specialized Docket Court orders and charges being laid.	1	2	3	8	9
1. Working with Defence Lawyers.	1	2	3	8	9

Please identify up to 3 (three) current Homefront accomplishments or successes, <u>in addition to those listed above</u>.

1. _____

2._____

3._____

SECTION VI: OVERALL COMMENTS

1. Do you think Homefront improved or decreased the ability of the community to address the issue of domestic violence? Please explain.

_____

_____

_____

_____

2. Any Additional Comments:

_____

_____

_____

_____

_____

_____

THANK YOU FOR YOUR PARTICIPATION

HomeFront Process Evaluation
Defence Bar Survey
Cover Letter

HOMEFRONT EVALUATION
QUESTIONNAIRE COVER LETTER

Dear Sir or Madame:

Synergy Research Group (SRG) has been contracted by HomeFront to conduct the evaluation of the Domestic Violence Docket Court **(Courtroom #412)**. This evaluation has several components, one of which is a process evaluation. The purpose of the process evaluation is to provide regular feedback to program advisors, developers and implementers. Specifically, we are hoping to identify areas of strength and challenges with respect to the current functioning of the court as well as the suggested adaptations.

We are asking for your participation in the process evaluation by completing the enclosed questionnaire. Your participation is completely voluntary. The benefit of participation is having a mechanism through which to voice your opinions regarding the operations and needed adaptations of the Domestic Violence Docket Court.

This questionnaire, including the introduction, is 3 pages long and will take approximately 10 minutes to complete. The results of the questionnaires are confidential. Only the evaluators and a research assistant will have access to your completed questionnaire. The final results will be available by accessing reports and/or publications produced by the evaluators.

Your decision to complete and return this questionnaire will be interpreted as an indication of your consent to participate. If you have further questions concerning matters related to this evaluation, please contact Irene Hoffart at 240-2346.

HomeFront Process Evaluation
Defence Bar Survey

1. On the overall, I consider the Domestic Violence Docket Court (412)
   - ❒ Extremely successful
   - ❒ Successful
   - ❒ Partially successful
   - ❒ Not successful at all

Comment: _____

_____

_____

2. What is your opinion about the Domestic Violence Court Team and its contribution? For your information, this is the team that meets during pre-court conferences and is comprised of the Domestic Court Case Worker, Police Officer, Probation Officer and the Crown.

Comment: _____

_____

_____

3. I make sure that my cases are heard in the Domestic Violence Docket Court (412).
   - ❒ Always
   - ❒ Most of the time
   - ❒ Half the time
   - ❒ Some of the time
   - ❒ Never

Comment: _____

_____

_____

4. Questions 4a and 4b ask that you compare the Domestic Violence Docket Court (412) to other Docket Courts.

   4a) Please list up to 3 benefits of the Domestic Violence Docket Court.

   1. _____

   2. _____

3. _____

4b) Please list up to 3 disadvantages of the Domestic Violence Docket Court.

1. _____
2. _____
3. _____

5. Please list up to 3 suggestions for the Domestic Violence Docket Court (412).

1. _____
2. _____
3. _____

6. Other Comments:

_____

_____

_____

_____

THANK YOU FOR YOUR PARTICIPATION

SECTION VI

QUANTITATIVE COMPONENT: VARIABLE LIST AND RELATED DATA COLLECTION TOOLS

HOMEFRONT DATABASE VARIABLE LIST
19-Mar-04

ACCUSED DEMOGRAPHICS
Date of Birth
Sex of the accused
Accused/Victim Relationship Incident 1
Does the Accused need an interpreter
What language does the accused need an interpreter for
Other language
Accused's education
Accused's employment Incident 1
Accused Ethnic Racial Background
Immigration Status
Immigration Status: Other
If the accused has a disability, specify

PRIOR CONVICTIONS
Existing Order #1 - Incident 1
Existing Order #2 - Incident 1
Existing Order #3 - Incident 1
Prior Convictions Present
Number of Previous Crimes Against Person
Number of Previous Probation Breaches
Number of Previous Court Order / Peace Bond Breaches
Number of Previous Breach of Recognizance / Fail to Comply
Number of Previous Misc. Offences (Includes Drug, Traffic, C.C.C & Property)
Previous Drug Related Offences

ORIGINAL INCIDENT - INCIDENT DESCRIPTION
How many individuals were charged Incident 1
Dual / Cross Charge Present Incident 1
Date of Incident 1
Offence reported by Incident 1
Weapon used in the Incident 1
Weapon Threat in Incident 1
Alcohol/ Drugs Present Incident 1
Did Children witness Incident 1
Bail Incident 1
Bail Condition - No contact Incident 1
Bail Condition - Treatment Incident 1

ORIGINAL INCIDENT - FIRST APPEARANCE
Date of First Appearance in Domestic Docket Court - Incident 1
Number of Adjournments in Domestic Docket Court - Incident 1
Pre-Disposition Assessment requested
If Yes, Specify Agency
Date when case was resolved in Domestic Docket Court - Incident 1
Charge # 1- Incident 1
Charge # 2 - Incident 1
Charge # 3 - Incident 1
Charge # 4 - Incident 1
Charge # 5 - Incident 1
Charge # 6 - Incident 1
Type of Offence Incident 1

How was the case resolved in Domestic Violence Court - Incident 1
Date of Trial - Incident 1
Charge #7 - Incident 1
Plea Reversal in Alternate Courtroom - Incident 1
If Yes, Resolution Courtroom Number - Incident 1
Early Resolution
Trial Courtroom number - Incident 1
Charge #1 - Incident 1
Disposition #1 for Charge #1 - Incident 1
Disposition #2 for Charge # 1 - Incident 1
Charge #2 - Incident 1
Disposition #1 for Charge #2 - Incident 1
Disposition #2 for Charge #2 - Incident 1
Charge #3 - Incident 1
Disposition #1 for Charge #3 - Incident 1
Disposition #2 for Charge # 3 - Incident 1
Charge #4 - Incident 1
Disposition #1 for Charge #4 - Incident 1
Disposition #2 for Charge #4 - Incident 1
Charge # 5 - Incident 1
Disposition #1 for charge # 5 - Incident 1
Disposition #2 for Charge #5 - Incident 1
Charge # 6 - Incident 1
Disposition # 1 for Charge # 6 - Incident 1
Disposition #2 for Charge #6 - Incident 1
Charge # 7 - Incident 1
Disposition # 1 for Charge # 7 - Incident 1
Disposition # 2 for Charge # 7 - Incident 1
Probation/ Peace Bond Condition # 1- Incident 1
Probation/ Peace Bond Condition # 2 - Incident 1
Probation/ Peace Bond Condition # 3 - Incident 1
Probation/ Peace Bond Condition # 4 - Incident 1
Probation/ Peace Bond Condition # 5 - Incident 1
Probation/ Peace Bond Condition # 6 - Incident 1
Was accused mandated to any type of treatment
Was accused mandated to DV treatment?
Was accused mandated to ADDAC for treatment
Was accused mandated to FAOS for assessment and or treatment
If Judge appointed offender Treatment, Specify - Incident 1
Did the accused request interpreters/ translators in court - Incident 1 only
Did the accused use interpreters/ translators in court - Incident 1 only
If the accused has a disability, how did the organization accommodate needs - Incident 1 only
Probation Officer # 1
Probation office
Probation Classification

VICTIM DEMOGRAPHICS
Victim Date of Birth - Incident 1
Sex of the victim
Does the victim need and interpreter
What language does the victim need an interpreter for
Victim's Education
Victim's Employment
Victim's Ethnic/ Racial background
If the victim has disability, specify

VICTIM & CHILDREN - SAFETY PLAN, REFERRALS, ORDERS, TREATMENT
Did the victim have a safety plan prior to contact with DCCW
Was the safety plan discussed with the DCCW
At DCCW intake, was the victim in treatment as a result of domestic violence
Type of Victim Contact with the accused
No Contact Order
Restraining Order
Present Treatment Agency #1
Present Treatment Agency #2
Present Treatment Agency # 3
At DCCW intake, were any of the minor Children in treatment as a result of DV?

VICTIM IN DV COURT
How many times did the victim go to Docket Court?
Victim Recant Statement Present
Have Victim and Accused Reconciled
Was a victim Impact Statement used in Court
Did the victim request Interpreters/ Translators in Court
Was an interpreter/ translator available in Court

VICTIM - DCCW CONTACT & REFERRALS
Did the DCCW have contact with the victim prior to the first court appearance
Number of DCCW telephone attempts to contact
Did the Victim refuse to provide information to the DCCW
Did the victim request interpreters/ translators to work with DCCW's
Was an interpreter/ translator available
Number of Phone Contacts with The victim
Number of in person contacts with the victim
Date of first contact with victim
Victim/ Child Referral # 1 Made by DCCW
Victim/ Child Referral # 2 Made by DCCW
Victim/ Child Referral # 3 Made by DCCW
Victim/ Child Referral # 4 Made by DCCW
Victim/ Child Referral # 5 Made by DCCW

CHILDREN
Children Agency #1
Children Agency #2
Children Agency #3
How many children are involved in the relationship?
How many children involved in the relationship are under 18?
Number of victim's biological children
Number of accused biological children
Did DCCW contact CW?/CW aware?
CW involved?
Number of children victims

SECOND OFFENCE (NOTE - REPEATS FOR OFFENCES 2 -7)
THIS SECTION ALSO INCLUDED DATES AND REASONS FOR POLICE VISITS WHERE CHARGES WERE NOT LAID
How many individuals were charged Incident 2
Dual / Cross Charge Present Incident 2
Accused/Victim Relationship Incident 2
Accused's employment Incident 2
Date of Incident 2
Offence reported by Incident 2

Weapon used in the Incident 2
Weapon threat in the Incident 2
Alcohol/ Drugs Present Incident 2
Did Children witness Incident 2
Bail Incident 2
Bail Condition - No contact Incident 2
Bail Condition - Treatment Incident 2
Existing Order 1 - Incident 2
Existing Order 2 - Incident 2
Existing Order 3 - Incident 2
Date of First Appearance in Domestic Docket Court - Incident 2
Date when case was resolved in Domestic Docket Court - Incident 2
How was the case resolved in Domestic Violence Court - Incident 2
Charge # 1- Incident 2
Disposition #1 for Charge #1 - Incident 2
Disposition #2 for Charge # 1 - Incident 2
Charge # 2 - Incident 2
Disposition #1 for Charge #2 - Incident 2
Disposition #2 for Charge #2 - Incident 2
Charge # 3 - Incident 2
Disposition #1 for Charge #3 - Incident 2
Disposition #2 for Charge # 3 - Incident 2
Charge # 4 - Incident 2
Disposition #1 for Charge #4 - Incident 2
Disposition #2 for Charge #4 - Incident 2
Charge # 5 - Incident 2
Disposition #1 for charge # 5 - Incident 2
Disposition #2 for charge # 5 - Incident 2
Charge # 6 - Incident 2
Disposition # 1 for Charge # 6 - Incident 2
Disposition # 2 for charge # 6 - Incident 2
Date of Trial - Incident 2
Number of Adjournments in Domestic Docket Court - Incident 2
Pre Disposition Report Requested - Incident 2
If Yes, Specify Agency - Incident 2
Number of Remands into custody - Incident 2
Plea Reversal in Alternate Courtroom - Incident 2
If Yes, Resolution Courtroom Number - Incident 2
Early Resolution - Incident 2
Trial Courtroom number - Incident 2
Charge #1 - Incident 2
Charge #2 - Incident 2
Charge #3 - Incident 2
Charge #4 - Incident 2
Charge # 5 - Incident 2
Charge # 6 - Incident 2
Type of Offence Incident 2
Probation/ Peace Bond Condition # 1- Incident 2
Probation/ Peace Bond Condition # 2 - Incident 2
Probation/ Peace Bond Condition # 3 - Incident 2
Probation/ Peace Bond Condition # 4 - Incident 2
Probation/ Peace Bond Condition # 5 - Incident 2
Probation/ Peace Bond Condition # 6 - Incident 2
If Judge directed to offender Treatment, Specify - Incident 2
Fine Amount (In Dollars) - Incident 2
Restitution amount in dollars - Incident 2

Duration of Probation in months - Incident 2
Duration of sentence imposed - Incident 2
Incarceration - Incident 2
Length of time incacerated - Incident 2
Probation - Incident 2
Fine - Incident 2
Discharge - Incident 2
Did the offender receive community service - Incident 2
Did the offender receive a conditional sentence - Incident 2
Incarceration and Probation - Incident 2
Peace Bond - Incident 2
Suspended Sentence - Incident 2
Other sentence - Incident 2
Probation Officer Incident 2
Probation office Incident 2
Assessed as high risk Incident 2

TRIAL INFORMATION (NOTE: REPEATS FOR THREE TRIALS)
CASE NAME - WINNIPEG ONLY
POLICE NUMBER - WINNIPEG ONLY
DATA ENTRY NUMBER
DATE OF INCIDENT
DATE OF FIRST APPEARANCE (DATE FILE OPENED)
COURT OF DISPOSITION
CHARGE 1
CHARGE 2
CHARGE 3
CHARGE 4
CHARGE 5
CHARGE 6
CHARGE 7
CHARGE 8
CHARGE 9
CHARGE 10
TYPE OF OFFENCE
IF CHILD SEXUAL ABUSE, DURATION OF ABUSE - WINNIPEG ONLY
OFFENCE REPORTED BY
NUMBER OF VICTIMS
NUMBER OF SUSPECTS
SUSPECT-VICTIM RELATIONSHIP
SEX OF VICTIM
AGE OF VICTIM 1
AGE OF VICTIM 2
AGE OF VICTIM 3
MAJORITY/MINORITY STATUS OF VICTIM
SEX OF SUSPECT
AGE OF SUSPECT 1
AGE OF SUSPECT 2
MAJORITY/MINORITY STATUS OF SUSPECT
OCCUPATION OF SUSPECT
EDUCATION OF SUSPECT
WEAPON USED IN INCIDENT
ALCOHOL/DRUGS
SUSPECT'S PRIOR CRIMINAL RECORD
JUDICIAL INTERIM RELEASE
NUMBER OF REMANDS

HOW WAS THE CASE RESOLVED IN COURT
DATE OF FINAL DISPOSITION
NAME OF SENTENCING JUDGE - WINNIPEG ONLY
CHARGE 1
DISPOSITION 1 CHARGE 1
DISPOSITION 2 CHARGE 1
CHARGE 2
DISPOSITION 1 CHARGE 2
DISPOSITION 2 CHARGE 2
CHARGE 3
DISPOSITION 1 CHARGE 3
DISPOSITION 2 CHARGE 3
CONDITION 1
CONDITION 2
CONDITION 3
FINE/RESTITUTION AMOUNT
PROBATION IN MONTHS
INCARCERATION IN MONTHS
DURATION OF CONDITIONAL SENTENCE IN MONTHS
CO-ACCUSED
TIME IN CUSTODY (IN DAYS)
domestic assault convictions
general assault convictions
sexual assault convictions
child abuse convictions
number children - WINNIPEG ONLY
number foster children - WINNIPEG ONLY
number other children - WINNIPEG ONLY
City where court tracking was completed
JOIN Number - ALBERTA ONLY
was subpoena issued to victim?
was subpoena served to victim?
did victim appear in court?
was warrant issued for victim?
reason 1 for withdrawn charge
reason 2 for withdrawn charge
reason 3 for withdrawn charge
reason 1 for stayed charges
reason 2 for stayed charges
reason 3 for stayed charges
reason 1 for adjournment
reason 2 for adjournment
reason 3 for adjournment
was a pre-disposition report conducted

TREATMENT INFORMATION (NOTE: REPEATS FOR TWO AGENCIES)
Treatment Agency
Treatment - Accused's education
Treatment - Accused's employment Incident 1
Treatment - Accused Ethnic Racial Background
Date Current referral recieved from P.O
Date of first contact (phone or person)
Type of treatment
Client was referred but did not attend any treatment
Number of Treatment Cycles
Date of first group session

Number of group sessions attended
Number of group sessions missed
Number of excused group sessions
Date of last group session
Group # 1 termination date
Group # 1 treatment termination code
Date of second group session
Number of group sessions attended
Number of group sessions missed
Number of excused group sessions
Group # 2 termination date
Group # 2 treatment termination code
Group # 3 termination date
Group # 3 treatment termination code
Date of first individual session
Number of individual sessions attended
Number of individual sessions missed
Number of excused individual sessions
Date of last individual session
Individual treatment termination date
Individual treatment termination code
Date of first family/couple session
Number of family/couple sessions attended
Number of family/couple sessions missed
Number of excused family/couple sessions
Date of last family/couple session
Family/couple treatment termination date
Family/couple treatment termination code
Did the accused request interpreters/ translators in treatment at any agency?
Did the accused use interpreters/ translators in treatment at any agency?
If the accused has a disability, how did the organization(s) accomodate needs
Date referred elsewhere
Referred to what agency
Further Offender Treatment reccomended?
Further Offender treatment attended?
Number of telephone contacts with Offender Treatment Agency
Victim/ Child Referral # 1 Made by Offender Treatment Agencies
Victim/ Child Referral # 2 Made by Offender Treatment Agencies
Victim/ Child Referral # 3 Made by Offender Treatment Agencies

TREATMENT INFORMATION - PARTNER CHECKS
Partner Check Completion Code
Partner Check # 1 - Date
Partner Check # 1 - Physical Code
Partner Check # 1 - Verbal Code
Partner Check #1 - Threats Code
Partner Check # 1 - Controll Code
Partner Check # 1 - Safety Code
Partner Check # 2 - Date
Partner Check # 2 - Physical Code
Partner Check # 2 - Verbal Code
Partner Check # 2 - Threats Code
Partner Check # 2 - Controll Code
Partner Check # 2 - Safety Code
Partner Check # 3 - Date
Partner Check # 3 - Physical Code

Partner Check # 3 - Verbal Code
Partner Check # 3 - Threats Code
Partner Check # 3 - Controll Code
Partner Check # 3 - Safety Code
Partner Check # 4 - Date
Partner Check # 4 - Physical Code
Partner Check # 4 - Verbal Code
Partner Check # 4 - Threats Code
Partner Check # 4 - Controll Code
Partner Check # 4 - Safety Code
Partner Check # 5 - Date
Partner Check # 5 - Physical Code
Partner Check # 5 - Verbal Code
Partner Check # 5 - Threats Code
Partner Check # 5 - Controll Code
Partner Check # 5 - Safety Code

HOMEFRONT EVALUATION
TREATMENT SPREADSHEET

	Demographics					PO referral, first contact and type of treatment			
Client Name	Date of Birth (YY/MM/DD)	Sex (Codes #1)	Education (Codes #2)	Current Employment Status	Ethnic Racial Background	Date First Referral Received from Probation	Date of First Contact by phone or in person	Type of Treatment	Number of treatment cycles to-date

	Group/Individual/Family/Couple Counselling					Interpreters and Disability			
Client Name	Date of First Group Session	# Group Sessions Attended	# Group Sessions Missed	Group Treatment 1 Termination Date	Group Treatment 1 Termination Code	Interpreter/ translator available	Interpreter/ translator language	Disability identified	Disability accommodated
				Repeats for groups 2 and 3					
	Repeats for individual counseling and family/couple counseling								

	Partner Check 1					
Client Name	Date	Physical code	Verbal Code	Threats Code	Control code	Safety code

HOMEFRONT EVALUATION
CODES TO ACCOMPANY TREATMENT SPREADSHEET

DEMOGRAPHICS

1. Sex
1=male
2=female
3=other (hermaphrodite, transsexual)
4=undetermined
99= No information

2. Education
1=No high school
2=Some high school
3=Completed high school
4=Some post-secondary (technical)
5=Completed post-secondary (technical)
6=Some post-secondary/university
7=Completed post-secondary/university
99 = No information

3. Current Employment Status
1=Full-time
2=Part-time
3=Casual
4=Unemployed
5=SFI/Disability
6=Student
7=Retired
8=Self-employed
9=Other
99=No information

4. Ethnic/Racial Background
This question refers to the ethnic or cultural origins of a person's ancestors. An ancestor is someone from whom a person is descended and is usually more distant than a grandparent. Other than Aboriginal persons, most people can trace their origins to their ancestors who first came to this continent. Ancestry should not be confused with citizenship or nationality. For all persons, report the specific ethnic or cultural group or groups to which their ancestors belonged, not the language they spoke.
1= White/European Origins (British Isles – English, Irish, Scottish, Welsh; French – Acadian, French; Western European – Austrian, Belgian, Dutch, Flemish, Frisian, German, Swiss; Northern European – Finnish, Scandinavian; Eastern European – Baltic, Byelorussian, Czech and Slovak, Hungarian, Polish, Romanian, Russian, Ukrainian; Southern European – Balkan, Cypriot, Greek, Italian, Maltese, Portuguese, Spanish; Other European– Basque, Gypsy, Jewish)
2= Arab (Egyptian, Iraqi, Jordanian, Lebanese, Palestinian)
3=West Asian (Afghan, Armenian, Iranian, Israeli, Kurd, Turk)
4=South Asian (Bangladeshi, Bengali, East Indian, Goan, Gujarati, Pakistani, Punjabi, Singhalese, Sri Lankan, Tamil)

5=East and Southeast Asian (Chinese, Filipino, Indo-Chinese – Burmese, Cambodian, Laotian, Thai, Vietnamese – Indonesian, Japanese, Korean, Malay, Mongolian, Taiwanese, Tibetan
6=African origins (Black, Burundian, East African, Eritrean, Ethiopian, Ghanaian, Kenyan, Mauritian, Nigerian, Rwandan, Somali, South African, Sudanese, Tanzanian, Ugandan, Zairian
7=Pacific Islands origins (Fijian, Polynesian)
8=Latin, Central and South American Origins (Argentinean, Brazilian, Central/South American Indian, Chilean, Colombian, Costa Rican, Ecuadorian, Guatemalan, Hispanic, Honduran, Mexican, Nicaraguan, Panamanian, Paraguayan,Peruvian, Salvadorian, Uruguayan, Venezuelan
9=Caribbean Origins (Antiguan, Bahamian, Barbadian, Bermudan, Cuban, Grenadian, Guyanese, Haitian, Jamaican, Kittitian/Nevisian, St. Lucian, Trinidadian/Tobagonian, Vincentian/Grenadinian, West Indian
10=Aboriginal Origins (Inuit, Metis, North American Indian)
11=Non-white (N/W)
12=Other Origins specify
99=No information –unless ethnic/racial background is specifically stated, use this code

PO REFERRAL, FIRST CONTACT & TYPE OF TREATMENT

5. Type of Treatment

1= Individual
2= Group
3= Family/Couple
4= Individual & Group
5= Group & Family/Couple
6= Individual & Family/Couple
7= Group, Individual & Family/Couple
88= Client was referred but did not attend any treatment

6. Treatment Termination Code

1= Unsuitable for Treatment Agency (Agency Decision)
2= Incarceration
3= Referred to different agency by Treatment Program
4= Referred to different agency by Probation Officer
5= Change in client circumstances: work, child care etc.
6= Moved
7= Started treatment but disappeared/unable to reach/no information
8= Competed treatment
9= Not suitable for group treatment
88= N/A (was referred by probation, but no treatment or no contact subsequent to referral)

INTERPRETERS & DISABILITY

7. Interpreter/translator required?

0=No
1=Yes
99 = No information

8. Interpreter/translator available?

0=No
1=Yes
88= N/A (If interpreter/translator not required)
99 = No information

9. Interpreter/translator Language

1=English	8=Portuguese	15=Vietnamese
2=French	9=Punjabi	16=Cree
3=Chinese	10=Ukrainian	17=Inuktitut (Eskimo)
4=Italian	11=Arabic	18=Other languages
5=German	12=Dutch	88= N/A (the accused does not require an interpreter)
6=Polish	13=Tagalog (Philipino)	99 = No Information
7=Spanish	14=Greek	

10. Disability Identified

0= No Disability

1=Mobility (People who have difficulty with the physical movement of one or more appendages or cannot transport themselves without some type of assistance or extreme effort. Often people with disabilities in their lower limbs have mobility problems.)

2=Physical Disabilities not affecting mobility (The impairment does not necessarily affect mobility. Some examples of such disabilities include, but are not limited to: Cystic Fibrosis, Haemophilia, Huntington, Arthritis and Osteoporosis.)

3=Visual (Individuals who are blind and those with partial vision. There are many different types of visual impairments, and only a small fraction of these individuals is totally blind; even if a person is determined as legally blind, forms and shapes may still be distinguished. A person who is visually impaired may need the assistance of a guide dog, a cane, a magnifying glass, or a sighted escort)

4=Deaf and Hard of Hearing (People who are deaf or hard of hearing. Hearing loss can occur gradually or suddenly. It can be mild or moderate or it can be severe or profound. A person is considered “deaf” when a hearing disability prevents the successful processing of linguistic information through audition, with or without a hearing aid. A person is considered “hard of hearing” when with the use of a hearing aid, he or she has residual hearing sufficient to enable successful processing of linguistic information through audition.)

5=Speech (People with speech impairment may have other difficulties but a lack of speech or clarity of speech does not always mean a lack of cognition. There are two main types of speech impairment. A person with “aphasia” has a loss of ability (either partial or complete) to produce or comprehend speech. Whereas a person with “dysarthria” has difficulty pronouncing words like "cat" or sounds like "sh" and "ba".

6=Cognitive (People with cognitive disabilities – in this case, some type of damage to the brain (before, during or after birth) is affecting how the brain receives and processes information. Cognitive disabilities include mental retardation, some learning disabilities, brain injury, and attention deficit disorder amongst others.)

7=Learning (Not all people with learning disabilities have cognitive damage. Learning disability is a generic term that refers to a heterogeneous group of disorders due to identifiable or inferred central nervous system dysfunction. Such disorders may be manifested by delays in development and/or difficulties in any of the following areas: attention, memory, reasoning, co-ordination, communicating, reading, writing, spelling, calculation, social competence, and emotional maturation.)

8=Mental Health (People with mental health concerns– A mental health disability affects or is manifested in a person's brain. It may impact on the way a person thinks, behaves, and interacts with other people. Just like disabilities that affect other parts of the body, mental health concerns can vary in severity. Some mental health concerns are not visible to other people and therefore, can be seen to fit under the hidden disability category.)

9=Hidden (Invisible) (People with hidden disabilities – this includes disabilities that are not easy to identify or even those that are non-apparent. For example, epilepsy, mental illness, lupus, cognitive or mental disabilities, such as bipolar (manic-depressive) disorder, anxiety disorders

(phobias), some developmental disabilities, diabetes, blood disorders like haemophilia, digestion problems, allergies, asthma and other breathing problems.)
99= No information

11. Disability Accommodated
1= Braille material
2= Large print material
3= Audio equipment
4= Computer access
5= Allowance for guide dogs and areas to park dogs (dog runs);
6= ASL Interpreter
7= Teletypewriters (TTY) or also called TDDs (Telecommunications Devices for the Deaf)
8= Captioning/amplification devices (closed or open captioning for videos or T.V.)
9= Assistive Listening Devices (listening systems used in large rooms for example an auditorium)
10= Electronic message devices
11= Plain language materials
12= Concise wording and directional symbols on signs
13= Other
14= Disability present, but no assistance required
88= N/A (no disability)
99= No Information.

HOMEFRONT
DOMESTIC COURT CASE WORKER INTAKE FORM

VA: **Client Refused to Provide Information** □

Date :

CLIENT INFORMATION

Dual/Cross charge: □ Yes □ No

Type of Relationship: □ Married □ Separated □ Living Together □ Dating
□ Single □ Child □ Divorced □ Parent/Step
□ Grandchild □ Sibling □ Grandparent □ Other

Name of Complainant: _____ **D.O.B.:** ____/_____/____**Age:** ___ **F / M**
Surname First Initial Year / Month / Day

HomeAddress: _____
Street/Apt.# Town/City

Phone Numbers : (Check box if no concerns leaving a message) Home : _____
Bus.: _____ Cell : _____ Other: _____
Emergency Contact Person _____ Relationship _____

Victim	**Accused**
Ethnic / Racial background: _____	**Ethnic / Racial background**: ____
Immigration Status:	**Immigration Status:**
□ Landed Immigrant	□ Landed Immigrant
□ Family/Class Sponsored	□ Family/Class Sponsored
□ Yes, Status Unknown	□ Yes, Status Unknown
□ Other_____	□ Other _____
Interpreter: Requested: Yes No	**Interpreter: Requested:** Yes No
Available: Yes No	**Available:** Yes No
Requested language: _____	**Requested Language:** _____
Special Needs / Disabilities):	**Special Needs/Disabilities:**
Assistance: Requested: Yes No	**Assistance: Requested:** Yes No
Used: Yes No	**Used:** Yes No
Education:	**Education:**
□ No High School	□ No High School
□ Some High School	□ Some High School
□ Completed High School	□ Completed High School
□ Some University/College	□ Some University/College
□ Completed University/College	□ Completed University/College
□ Some post- secondary (Technical)	□ Some post-secondary (Technical)
□ Completed post- secondary (Tech)	□ Completed post-secondary (Tech)

FINANCIAL / CIVIL INFORMATION

Source(s) of Financial Support

Victim	**Accused**
□ Employment	□ Employment
□ Social Assistance	□ Social Assistance
□ Maintenance	□ Maintenance
□ Other	□ Other
□ F/T	□ F/T
□ P/T	□ P/T
□ Casual	□ Casual
□ Student	□ Student
□ Retired	□ Retired
□Self-employed	□ Self-employed
□ Unemployed	□ Unemployed

ACCUSED INFORMATION

Name of Accused: _____ **M / F** **D.O.B.:** _____
Surname First Initial

Docket #(s): _____ _____

Charge(s) : 1. _____ **4.** _____

2. _____ **5.** _____

3. _____ **6.** _____

DEPENDENT CHILDREN / OTHERS

	Name	Sex	Date of Birth	Biological Child Ac	Biological Child Vic	Residence
1.	_____	____	_____	_____	_____	_____
2.	_____	____	_____	_____	_____	_____
3.	_____	____	_____	_____	_____	_____
4.	_____	____	_____	_____	_____	_____
5.	_____	____	_____	_____	_____	_____
6.	_____	____	_____	_____	_____	_____
8.	_____	____	_____	_____	_____	_____

Child Welfare Contacted: □ **Yes** □ **No**

Status: □ Custody Agreement □ Supervision Order □ Support Agreement
□ Temp Guardianship order □ Permanent Guardianship Order

Contact/accused: □ Lives w accused □ Intermittent contact □ no contact

Status of Custody: □ Filing □ Interim □ Joint □ N/A □ N.C.O □ RO □ Sole

Status of Divorce Proceedings: □ Filing □ Action □ Finalized □ N/A

ABUSE HISTORY

Length of Relationship: _____
Prior Separations: _____
Past CPS Involvement: _____
Prior & Current Abuse: Physical: _____

In the last 2 months about how often would you say (name of offender) was physically abusive toward you?

1	2	3	4	5
Never	*Less than once per month*	*Two to three times per month*	*Once per week*	*More than once per week*

Verbal: _____

In the last 2 months, about how often would you say (name of offender) was verbally abusive toward you?

1	2	3	4	5
Never	*Less than once per month*	*Two to three times per month*	*Once per week*	*More than once per week*

Emotional:_____

In the last 2 months, about how often did (name of offender) threaten you?

1	2	3	4	5
Never	*Less than once per month*	*Two to three times per month*	*Once per week*	*More than once per week*

Financial : _____

In the last 2 months, about how often did (name of offender) control or attempt to control you in any way?

1	2	3	4	5
Never	*Less than once per month*	*Two to three times per month*	*Once per week*	*More than once per week*

Trigger(s): _____
Threats: _____
Weapon(s)/ Object as a weapon(s): _____
Property Damage: __ _____
Alcohol/Drugs/Gambling: _____
Prior Treatment: _____
Mental Health: _____
Suicidal/homicidal Ideation: _____
Child Abuse: _____
Child Witness: _____
Animal Abuse: _____

COMMUNITY RESOURCES

SOURCES OF SUPPORT:

□ Family □ Friends □ Co-workers / Employer □ Professional □ Other

(SPECIFY "V" FOR CLIENT AND "C" FOR CHILD(REN))

	AGENCY / PROGRAM/ RESOURCE	PRESENTLY INVOLVED	PRIOR INVOLVEMENT
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____

Client Refused all referrals: □ YES □ NO

SAFETY

1. ***Fear additional violence/ threats?***

Accused:

□ *Yes* □ *No*

In general, how safe do you feel in relation to (name of offender)'s at the present time?

1	2	3	4	5
Not safe at all	*Usually unsafe*	*Safe about half the time and unsafe about half the time*	*Usually safe*	*Safe all the time*

2. ***Safety Planning:***

□ *Has a plan* □ *No plan*

□ *Discussed with DCCW*

□ *Unsure* □ *No Information*

4. ***Current Contact w/***

□ *Lives with Accused*

□ *Intermittent*

□ *No Contact*

5. ***Victim Recant to DCCW?***

□ *Yes* □ *No*

6. ***Plans to Reconcile?***

□ *Already reconciled*

7. ***Order in Place:***

□ *None* □ *NCO*

□ *Restraining* □ *Other*

□ *No Information*

Client Recommendations

1._____

2._____

DCCW Recommendations

1_____

2._____

3._____

HOMEFRONT EVALUATION - PARTNER CHECK QUESTIONS

If you agree, some of the information you provide today will also be used to evaluate the Calgary Domestic Violence Court or Homefront, where your partner appeared. You opinion is important as it will help Homefront understand how well the court and its conditions are working. The information you provide will remain confidential and will be analyzed in an aggregate fashion so that neither you nor your partner will be identified. Homefront is particularly interested in how safe you've been feeling since your partner appeared in court. Is it ok for us to share this information with Homefront?

1. In the last 2 months (OR since we last talked) about how often would you say (name of offender) was physically abusive toward you?

Physical abuse includes: push, shove, grab, slap, hit with a fist, bite, kick, hit with an object, attempt to hit with an object, choke, burn, threaten with a knife or gun, force sex or to perform sexual acts against will.

1	2	3	4	5
Never	*Less than once/ month*	*Two to three times/ month*	*Once per week*	*More than once/week*

2. In the last 2 months (OR since we last talked), about how often would you say (name of offender) was verbally abusive toward you?

Verbal abuse includes: swore or screamed at, accused of another relationship, called names, put down, insulted.

1	2	3	4	5
Never	*Less than once/ month*	*Two to three times/ month*	*Once per week*	*More than once/week*

3. In the last 2 months (OR since we last talked) about how often did (name of offender) threaten you?

Threats include: threatened to hit or attack/harm, threats to kill or harm pets, threats to take away or kill or harm children, kill or harm other people, kill or hurt him/herself.

1	2	3	4	5
Never	*Less than once/ month*	*Two to three times/ month*	*Once per week*	*More than once/week*

4. In the last 2 months, (OR since we last talked) about how often did (name of offender) control or attempt to control you in any way?

Controlling behaviours include: kept from talking on phone, kept from spending time with friends or family, stopped from going out, followed against will or stalked, kept from access to savings or income, took money away from, withholding sex.

1	2	3	4	5
Never	*Less than once/ month*	*Two to three times/ month*	*Once per week*	*More than once/week*

5. In general, how safe do you feel in relation to (name of offender) at present time?

1	2	3	4	5
Not safe at all	*Usually unsafe*	*Safe about ½ the time and unsafe about ½ the time*	*Usually safe*	*Safe all the time*

SECTION VII

SUPPLEMENTARY DATA TABLES

BASELINE AND DOMESTIC VIOLENCE COURT ACCUSED DEMOGRAPHICS AT 24-MONTH FOLLOW-UP (Chapter Four, Section Four)

Gender of accused

	Baseline		DV Court	
	Number	**Percent**	**Number**	**Percent**
Female	101	12.3	115	15.3
Male	719	87.7	635	84.7
Missing	0	0	7	
Total	**820**	**100**	**757**	**100**

Age of accused

	Baseline		DV Court	
	Number	**Percent**	**Number**	**Percent**
18-19 years	37	4.5	28	3.8
20-24 years	104	12.7	95	12.8
24-34 years	316	38.7	255	34.5
35-44 years	272	33.3	258	34.9
45-54 years	68	8.3	76	10.3
55-64 years	13	1.6	23	3.1
65-74 years	7	0.9	3	0.4
>74 years	0	0	2	0.3
Total	817	100	740	100
Mean	**33.5**		**34.6**	

Accused Employment Status

	Baseline		DV Court	
	Number	**Percent**	**Number**	**Percent**
Employed	357	66.5	302	62.7
Unemployed	134	25	125	26
Self-Employed	21	3.9	11	2.3
Student	13	2.4	11	2.3
Retired	7	1.3	11	2.3
Disability/SFI	2	0.4	20	4.1
Homemaker	3	0.6	no info	no info
Total	**537**	**100**	**757**	**99.7**

Accused Ethno-Racial Background

	Baseline		DV Court	
	Number	**Percent**	**Number**	**Percent**
Aboriginal origins	76	9.2	73	11.7
White/European Origins	601	73.3	417	66.6
Other	143	17.5	136	21.8
Total	**820**	**100**	**626**	**100.1**

Accused/Victim Relationship

	Baseline		DV Court	
	Number	Percent	Number	Percent
Common law Husband or Wife/ex-common-law	224	33.2	250	34.4
Divorced	15	2.2	4	0.6
Married	203	30.1	171	23.6
Ex-Spouse/Legally Separated	33	4.9	35	4.8
Single/Boyfriend/Girlfriend or ex BF/GF	200	29.6	123	16.9
Other (e.g., other family members)	-	-	143	19.7
Total	**675**	**100**	**726**	**100**

Weapon Used During Incident

	Baseline		DV Court	
	Number	Percent	Number	Percent
No weapon	574	89	596	84.5
Other type of weapon	43	6.6	16	2.3
Knife	20	3.1	24	3.4
Household object	-	-	39	5.5
Blunt object	2	0.3	15	2.1
Hand gun	1	0.2	0	0
Arson/Fire	1	0.2	0	0
O/C Spray	1	0.2	0	0
Piercing/Cutting	1	0.2	14	2
Rifle/Shotgun	1	0.2	1	0.1
Vehicle	1	0.2	0	0
Total	**648**	**100**	**705**	**100**

Alcohol Present During Incident

	Baseline		DV Court	
	Number	Percent	Number	Percent
neither accused nor victim	311	44.8	114	26.6
both accused and victim	163	23.5	102	23.8
accused but not victim	192	27.7	147	34.3
victim but not accused	18	2.6	5	1.2
accused, no victim info	9	1.3	45	10.5
victim, no accused info	1	0.1	12	2.8
Present in environment	-	-	4	0.9
Total	**694**	**100**	**429**	**100**

Previous Convictions Present

	Baseline		DV Court	
	Number	Percent	Number	Percent
no	393	47.9	295	42.6
yes	427	52.1	398	57.4
Total	**820**	**100**	**693**	**100**

RISK FACTORS BY RECIDIVISM RATES
(Chapter Four, Section Five)

Type of Recidivism	Prior convictions present			Unemployed			Less than high school			Common law		
	No (571)	Yes (762)	p	No (711)	Yes (229)	p	No (461)	Yes (279)	p	No (880)	Yes (492)	p
No Charge	>.1	>.1	>.1	>.1	>.1	>.1	>.1	>.1	>.1	24.0%	29.3%	.034
Breach of Recognizance	3.5%	8.5%	.000	>.1	>.1	>.1	5.6%	11.1%	.010	5.3%	8.1%	.049
Breach of Probation	2.5%	8.1%	.000	>.1	>.1	>.1	>.1	>.1	>.1	4.4%	8.3%	.004
No charge or new offence	27.8%	33.9%	.020	30.1%	38.0%	.028	26.9%	36.6%	.007	29.9%	34.6%	.079
Breaches only	10.2%	17.8%	.000				14.3%	21.1%	.020	12.7%	17.7%	.013
Breaches & New offences	14.0%	23.6%	.000	19.4%	25.3%	.061	16.9%	28.0%	.001	>.1	>.1	>.1
New Offence	6.5%	12.5%	.000	8.9%	15.7%	.004	6.9%	14.0%	.002	>.1	>.1	>.1
Recidivism any type	33.1%	40.8%	.004	37.4%	45.0%	.043	34.3%	45.2%	.002	35.7%	41.5%	.037

FOLLOW-UP PERIODS BY RE-OFFENCE RATES
(Chapter Five, Section Three)

Mo.	Investigation, no charges laid			Breach of Recog.			Breach of Supervision Order			Breach of Peace Bond			New Offence		
	No	Yes	%	No	Yes	%	No	Yes	%	No	Yes	%	No	Yes	%
3	2390	307	11.4	2593	104	3.9	2642	55	2.0	2640	57	2.1	2601	96	3.6
6	2116	370	14.9	2368	118	4.7	2411	75	3.0	2409	77	3.1	2360	126	5.1
9	1843	424	18.7	2146	121	5.3	2179	88	3.9	2179	88	3.9	2121	146	6.4
12	1549	417	21.2	1848	118	6.0	1877	89	4.5	1880	86	4.4	1809	157	8.0
15	1314	403	23.5	1616	101	5.9	1631	86	5.0	1635	82	4.8	1563	154	9.0
18	1048	364	25.8	1322	90	6.4	1331	81	5.7	1341	71	5.0	1269	143	10.1
21	814	305	27.3	1052	67	6.0	1045	74	6.6	1062	57	5.1	1001	118	10.5
24	519	238	31.4	711	46	6.1	699	58	7.7	723	34	4.5	655	92	12.2

DEMOGRAPHICS OF ACCUSED WHO PROCEED TO TRIAL AND THEIR VICTIMS
(Chapter Six, Section 2.4)

Gender of Victims and Accused

Gender	Number	Percent
Accused		
Male	696	89.9
Female	78	10.1
Total	**774**	**100.0**
Adult Victim		
Male	62	9.2
Female	609	90.8
Unknown	0	0.0
Total	**671**	**100.0**

Age of Victims and Accused

Age of the Accused	Number	Percent
18 -19	12	1.6
20-24	110	14.2
25-34	271	35.1
35-44	271	35.1
45-54	84	10.9
55-64	20	2.6
65-74	3	.4
75 or older	1	.1
Total	**772**	**100.0**
Mean		**34**
Adult Victim Age		
18 to 19	36	5.4
20 to 24	117	17.4
25 to 34	231	34.4
35 to 44	208	31.0
45 to 54	65	9.7
55 to 64	9	1.3
65 to 74	4	.6
75 or older	1	.1
Total	**671**	**100.0**
Mean		**32**

Education of Victims and Accused

Accused	Number	Percent
No high school	35	10.6
Some high school	108	32.7
Completed high school	102	30.9
Some post- secondary (technical)	7	2.1
Completed post- secondary technical	10	3.0
Some post-secondary/ university	28	8.5
Completed post-secondary/ university	40	12.1
Total	**330**	**100.0**
Victim		
No high school	19	5.4
Some high school	106	29.9
Completed high school	95	26.8
Some post- secondary (technical)	13	3.7
Completed post- secondary technical	12	3.4
Some post-secondary/ university	52	14.6
Completed post-secondary/ university	58	16.3
Total	**355**	**100.0**

Employment of Victims and Accused

Accused	Number	Percent
Full Time	250	48.7
Part-Time	9	1.8
Casual	11	2.1
Unemployed	150	30.4
SFI/Disability	19	3.7
Student	23	4.5
Retired	4	.8
Self-Employed	36	7.0
Other	5	1.0
Total	**513**	**100.0**
Victim		
Full Time	178	44.3
Part-Time	32	8.0
Casual	3	.7
Unemployed	92	22.9
SFI/Disability	37	9.2
Student	33	8.2
Retired	3	.7
Self-Employed	13	3.2
Other	11	2.7
Total	**402**	**100.0**

Ethno-Racial Background of Victims and the Accused

Accused	Number	Percent
White/European Origins	475	66.7
Arab	16	2.2
West Asian	2	.3
South Asian	35	4.9
East and Southeast Asian	18	2.5
African origins	30	4.2
Pacific Islands	0	0.0
Latin, Central and South American	23	3.2
Caribbean Origins	14	2.0
Aboriginal Origins	93	13.1
Non-White (N/W)	6	.8
Other Origins	0	0.0
Total	**712**	**100.0**
Victim		
White/European Origins	295	67.2
Arab	10	2.3
West Asian	1	.2
South Asian	23	5.2
East and Southeast Asian	15	3.4
African origins	11	2.5
Pacific Islands	0	0.0
Latin, Central and South American	9	2.1
Caribbean Origins	7	1.6
Aboriginal Origins	63	14.4
Non-White (N/W)	5	1.1
Other Origins	0	0.0
Total	**439**	**100.0**

Accused with Disabilities

No disability	346	88.9
Mobility	2	.5
Physical Disabilities not affecting mobility	2	.5
Visual	0	0.0
Deaf and Hard of Hearing	1	.3
Cognitive	3	0.7
Learning	2	0.4
Mental Health	1	.3
Hidden	37	9.5
Total	**389**	**100.0**

Victims with Disabilities

No Disability	268	78.1
Mobility	6	1.7
Physical Disabilities not affecting mobility	5	1.5
Visual	1	.3
Deaf and Hard of Hearing	0	0.0
Cognitive	1	.3
Learning	0	0.0
Mental Health	2	.6
Hidden	60	17.5
Total	**343**	**100.0**

Accused/Victim Relationship

	Number	**Percent**
Common law Husband or Wife	260	34.0
Married	149	19.5
Boyfriend/Girlfriend	128	16.8
Ex-Boyfriend/Girlfriend	78	10.2
Ex-Common Law	53	6.9
Ex-Spouse/Legally Separated	35	4.6
Divorced	9	1.2
Sub-Total Spousal	**712**	**93.2**
Sister/Brother	1	0.1
Child/Parent	3	0.4
Child/Step-Parent	1	0.1
Child/Grandparent	0	0.0
Child/Uncle or Aunt	1	0.1
All family members	11	1.4
Family members and third parties	2	0.3
Sub-Total Family	**19**	**2.4**
Care Giver	0	0.0
Acquaintance	4	0.5
Neighbor	1	0.1
Stranger	2	0.3
Friend	1	0.1
Other	25	3.3
Sub-Total Other	**33**	**4.3**
Total	**764**	**99.7**

Families with Children

	Number	**Percent**
No children	266	42.7
No children under 18	10	1.6
Children under 18	347	55.7
Total	**623**	**100.0**

Reporting the Offence

Offence reported by	Number	Percent
Victim	468	74.4
Neighbor	50	7.9
Accused	15	2.4
Child - under 18 yrs	16	2.5
Relative/Parent of a person over 18 yrs	19	3.0
Passerby	20	3.2
Friend	14	2.2
Relative/Parent of a child under 18 yrs	3	0.5
Teacher	1	0.2
Hospital	1	0.2
Social Worker	1	0.2
Care Giver	0	0.0
Other	21	3.3
Total	**629**	**100.0**

Weapon Use

Weapon used	Number	Percent
No weapon used	667	87.6
Used a household object	37	4.9
Used knife	25	3.3
Used a blunt object	15	2.0
Used other	9	1.2
Used a sharp object	8	1.0
Used rifle/shotgun	0.0	0.0
Total	**761**	**100.0**

Alcohol Use

Alcohol present in incident	Number	Percent
Not present in either victim or suspect	40	11.2
Present in both victim and suspect	119	33.3
Present in suspect but not victim	78	21.8
Present in suspect but no info re: victim	91	25.5
Present in victim but no info re: suspect	17	4.8
Present in environment	11	3.1
Present in victim but not in suspect	1	.3
Total	**357**	**100.0**

Accused Prior Convictions

Prior Convictions Present	Number	Percent
No	194	25.9
Yes	554	74.1
Offences against persons	(282)	(37.7)
Total	**748**	**100.0**

DOMESTIC COURT CASE WORKER REFERRALS
(Chapter Eight, Section 5.1.1)

DCCW victim referrals	Number	Percent
YWCA Sherrif King	273	21.8
Calgary Counselling Centre	171	13.6
Calgary Women's Emergency Shelter	153	12.2
Discovery House	153	12.2
Victim Assistance Unit	96	7.7
Calgary Legal Guidance	92	7.3
Other	69	5.5
DV Counseling not specified	65	5.2
Calgary Immigrant Women's Association	56	4.5
Court Preparation and Restraining order program (CLG)	44	3.5
ADDAC	37	3.0
Calgary Native Women's Shelter	35	2.8
Distress Centre	32	2.6
Brenda Strafford	24	1.9
Wheatland Communities Crisis Shelter	18	1.4
Calgary Family Services	15	1.2
Domestic Conflict Unit	11	0.9
Alcohol Counselling Not Specified	11	0.9
Children's Cottage	10	0.8
Men's Domestic Conflict Help Line	9	0.7
Psychologist	8	0.6
Calgary Communities against Sexual Abuse	7	0.6
Catholic Family Services	7	0.6
Kerby Centre	7	0.6
Calgary Immigrant Aid	5	0.4
CUPS	5	0.4
Community Crisis program	4	0.3
Alberta Family and Social services	3	0.2
Native Addiction services	2	0.2
Alberta Children's Hospital	1	0.1
Provincial Mental Health Board	1	0.1
Child and Family Social Services	1	0.1
Support groups for families	1	0.1