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**SPECIALIZED OR INTEGRATED JUDICIAL
TREATMENT MODELS OF INTIMATE PARTNER AND
FAMILY VIOLENCE CASES IN CANADA**

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Contents

Introduction	1
The Family Violence Court Winnipeg, Manitoba	3
The Domestic Violence Treatment Option Whitehorse, Yukon	6
K court Toronto, Ontario	9
The Specialized Domestic Violence Court Calgary, Alberta	13
The Domestic Violence Court Moncton, New Brunswick	17
The Integrated Domestic Violence Court Toronto, Ontario	21
The specialized intimate partner violence process Montréal, Québec	24
List of Acronyms	28

Introduction

Since the beginning of the 1990s, various specialized or integrated courts have been set up across Canada to handle cases of intimate partner violence (IPV). The approaches vary from one province to the next, and can take different forms within a single province, as is the case in Ontario. The courts differ in particular with respect to the situations targeted and the way they operate, as well as the size of the territory covered in terms of population.

Most of the legal mechanisms are so-called “specialized” intimate partner or family violence courts, in other words, courts that hear only cases concerning a specific situation, namely, violence occurring in the context of an intimate relationship or family. Some specifically address cases of IPV (for example, the specialized court (SC) in Whitehorse), while others have a broader mandate and examine both IPV and family violence (FV) cases, which may involve violence suffered by children or elders (for example, the court specializing in family violence in Winnipeg). It should also be noted that the various professionals working in these courts are (or should be) specialized in the field covered by the court. Court specialization is also a question of administration of justice, which falls under provincial jurisdiction. Thus, the provinces can deal with court cases involving FV differently without the difference having any impact on Canada’s *Criminal Code*, which is under federal jurisdiction. The province’s autonomy in this respect explains in part the differences that there may be between the SCs in different provinces in Canada (1).

There is also another type of specialized court that hears intimate partner violence cases, namely, integrated courts (ICs). They are distinguished by the fact that a single judge handles cases concerning different jurisdictions involving a single family. Thus, if the members of a family experiencing IPV or FV have to go through both a criminal and a civil trial, the hearings can occur one after the other, before the same judge. The only IC for IPV in Canada at this time is very recent. It was set up in Toronto in 2011 (2).

The purpose of this review is not to provide an exhaustive report on all specialized mechanisms regarding court handling of intimate partner and family violence in Canada, but rather to give some examples of experiments in different provinces so that court districts that are considering setting up such mechanisms can have an idea of the systems now in use. Since the courts are constantly changing, it is possible that some data will become obsolete rapidly. We therefore invite readers to send us information so that we can keep this review up to date. If you have relevant information, please contact us at: sonia.gauthier@umontreal.ca

In the following pages, you will find short descriptions of the *Family Violence Court* in Winnipeg (Manitoba), the *Domestic Violence Treatment Option* in Whitehorse (Yukon), the *K Court* in Toronto (Ontario), the *Specialized Domestic Violence Court* in Calgary (Alberta), the *Domestic Violence Court* in Moncton (New-Brunswick), and the *Integrated Domestic Violence Court* in Toronto. The dossier also contains a description of the specialized IPV process in Montreal (Quebec).

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The Family Violence Court Winnipeg, Manitoba

History

Dating from 1990, the Family Violence Court (FVC) in Winnipeg is the first court specializing in domestic or family violence (DV/FV) to have been established in Canada (1). In the 1980s, women's groups began denouncing the double standard in the justice system with respect to FV. Crimes committed in domestic violence situations were less severely punished than if they had been committed in another context. In 1983, the Attorney General of Manitoba issued a directive requiring police officers to press charges themselves when there was reason to believe that a crime had been committed, regardless of the victim's willingness. As a consequence, the number of FV cases in the justice system grew, and at the same time public attention was drawn to the lack of serious repercussions for such crimes until that time. This is the context that prompted discussions about the possibility of setting up the first specialized court (SC) in FV in Canada (2).

Characteristics of the city

- According to Statistics Canada, the City of Winnipeg had 663,617 inhabitants in 2011 (3)
- The FVC handles 2500 to 3000 cases a year.

Position

To encourage strong legal action in cases of conjugal violence, without re-victimizing the victim (2).

Target situations

The FVC handles all cases involving a bond of trust, dependency or kinship between the accused and the victim. The court thus hears all cases involving IPV between spouses, ex-spouses, common-law spouses, ex-common-law spouses, partners and ex-partners, as well as child abuse, child pornography and elder abuse cases.

Special features

The FVC includes a broad range of specialized procedures, owing to the fact that it covers many different situations and to the fact that its specialization in FV extends to all stages in court proceedings, from first appearance to trial.

Operation of the legal process

- One of Manitoba's greatest innovations is the Front End Project, which ensures cooperation among all stakeholders involved in FV cases (police officers, prosecutors, judges) (4).
- The Winnipeg Police Service has two districts with assigned domestic violence investigators: there are four investigators in district 11 and 2 investigators in district 3. In addition there is a Domestic Violence Co-ordinator who consults with officers and liaises with the community. The regular police staff are typically first responders. (2).
- The FVC brings together nearly 20 specialized Crown prosecutors assigned to cases according to the file ownership principle, in other words, a prosecutor is assigned to a specific offender and will continue prosecuting their cases over time. Prosecutors will also follow a case vertically if the case is being heard in Provincial court, or Court of Queens Bench or Appeal Court. (1, 2, 4). Since 1992, the FVC has no longer had specialized judges (1, 2), but it does have a probation service that is specialized in FV (1).
- The Probation Services has specifically trained staff who offer treatment programs to convicted offenders. They also have a special unit COHROU (Criminal Organization / High Risk Offenders Unit) which undertakes close monitoring of a small number of aggressors, who are subject to the program in accordance with the severity of the violent actions committed and

risk to the victim. The COHROU also maintains regular contact with victims when possible (4).

- Manitoba Justice has a Victim's Services branch which offers a number of specialized victims' aid programs available throughout the province. The Domestic Violence Unit (DVU) provides services for victims whose partners have been charged. The second program (the early intervention program) functions in cooperation with the Winnipeg Police Service which will provide services and referrals to FV victims who have called the police, but whose partners have not been charged. They also offer support to children and family members in cases of child abuse. Finally, Victim Services provides support for surviving family members who have lost a loved one in cases of domestic homicides (2, 4).
- Treatment is offered by corrections either in the community or in a carceral institution to the person who is charged. In addition there is a diversion program for individuals assessed as low risk to reoffend by the senior crown attorney of the Domestic Violence prosecution unit. If these persons attend participate and complete a treatment program their case can be stayed (1).
- Since 1992, all prisons and probation offices throughout the province have staff specialized in FV, and offer treatment programs for violent spouses (2).

Principal findings from evaluations of the specialized legal process

- Ursel and Hagyard (2008) found a major increase in reporting of and arrests for FV since the establishment of the FVC. The percentage of arrests in FV situations reported to the police rose from 7% in 1990 to 36% in 1993 and 1994, to subsequently reach a constant level of 25 to 30%. The authors explain the increase in particular by changes in public opinion to IPV and FV, and by the behaviour of police officers called in when there is an incident (2).
- The proportion of dual arrests has been controlled by training police officers to better differentiate between the victim and the primary aggressor (2, 5).
- Conditional discharge was the most frequent sentence in the seven months preceding the establishment of the FVC. Subsequently, supervised probation and incarceration were the most frequent sentences (1, 2).
- There was major growth in IPV treatment programs in Manitoba following the establishment of the FVC, which has made it possible to ensure that all people who are convicted receive treatment that is appropriate, free of charge and available throughout the province (2).
- Between 1993 and 2003, the rate of spousal homicide dropped, so that Manitoba, which used to be one of the provinces with the highest rate of spousal homicide, has become the province with the third lowest rate in Canada (2). Unfortunately, this trend did not continue beyond 2005.
- The FVC has fostered better support for victims and focused the legal system's response more on treating the accused (2).
- The Front End Project has reduced court delays (2, 4).

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The Domestic Violence Treatment Option Whitehorse, Yukon

History

In 1993, an official report by the Yukon Department of Justice (1) came to the conclusion that the legal system at that time was unable to adequately manage cases of intimate partner violence (IPV) in the territory. One of the reasons supporting this conclusion was that the existing system did not deal with the underlying causes of IPV and did not provide individuals with long-term protection. It was also noted that a high percentage of IPV lawsuits were dropped because of insufficient evidence or lack of witness testimony. Victims' needs were not being met because of the inflexibility of the legal system, which too often re-victimized them. Moreover, members of First Nations felt victimized by the way the legal system worked, which was in accordance with a culture and values very different from their own. The majority of victims tended not to call the police and to endure the violence in silence (2).

Characteristics of the city

- According to Statistics Canada, the population of Whitehorse was 23,276 in 2011 (3).
- Every year, 80 to 100 individuals are referred to the DVTO.

In response to these criticisms, the creation in 2000 of the specialized court in Whitehorse established a range of police, court and correctional measures that were focussed on therapeutic treatment, taking responsibility for one's action and pleading guilty at an early stage, making abusers more accountable and involved therapy. The goal was also to ensure that the victim had more say with respect to sentencing (2).

Position

The DVTO, a psycho-social court process offered to people who are charged and who plead guilty early in their court appearances, is based on the belief that so long as justice is punitive, it will be difficult to meet victims' needs.

Giving victims greater power in the legal process, without neglecting their safety in the choice of treatment, would be more efficient. Moreover, giving those who are charged rather than the usual legal sanctions would encourage them to take greater responsibility and accept their guilt earlier in the process (2).

Target situations

The DVTO deals only with cases of IPV (2). IPV is defined as an act of violence against a woman or man in a heterosexual or homosexual relationship, including between married and common-law couples, as well as between people who are or have been partners.

The accused plead guilty and make a commitment to participate in the Respectful Relationships Program and any additional programming that they are referred to by their case manager. Many of the individuals referred to the DVTO are in court on more than one charge, and a guilty plea is not necessarily required for each of them.

Special features

The DVTO offers people who are charged with assault and plead guilty an opportunity to choose treatment up front and receive credit in their sentencing for the treatment and programming that they have completed. However, this is not a way to avoid the justice system.

Operation of the legal process

- The DVTO involves the Royal Canadian Mounted Police (RCMP), probation officers, crown prosecutors, treatment counsellors, Child Protection Social workers and Victim Services Workers specializing in IPV (2).
- The RCMP protocol includes a Spousal Assault Risk Assessment instrument that allows police officers to estimate whether they need to arrest the intimate partner or leave him or her free, and under what conditions (2).
- The DVTO includes a therapeutic treatment program entitled the Respectful Relationship Violence Program. It invites victims to comment on the accused person's progress during treatment and includes this in their progress reports to the court. Moreover, victims are encouraged to attend each stage of the legal process (2).
- There is a different program for women charged with assault; it is designed to meet their specific needs more effectively (2).
- There are pre-court conferences in which all stakeholders discuss the case. Information about the accused and the victim is shared, and all involved come to an agreement on recommendations to be made to the judge. This is said to increase the speed of proceedings (2).
- The DVTO includes a judicial review process in which the judge takes cognizance of the accused's progress every two weeks while awaiting sentencing. The judge pronounces sentence only once treatment has been completed (2, 4).
- If a person charged with assault pleads not guilty, the case is returned to regular Territorial Court (2).

Principal findings from evaluations of the specialized legal process

The program was evaluated by Hornick *and al* (2). They found that:

- The number of convictions has reduced significantly since the establishment of the DVTO, and people charged with assault who plead guilty have more rapid access to the treatment program.
- The recidivism rate is low for accused people who have followed the treatment program.
- The rate of dropped cases went from 28% to 20% following implementation of the DVTO. The increase in the number of guilty pleas in order to have access to the treatment program may explain this decrease.
- The judicial review process means charged people are monitored more closely. On average, the judge meets a given charged person 21 times during 300 days of treatment.
- The majority of the victims have remained outside of the court process and have not taken advantage of the resources made available to them.

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K Court Toronto, Ontario

History

The murder of Arlene May by her ex-husband, followed by his suicide, on International Women's Day, March 8, 1996 unleashed a major media campaign in Toronto. The inefficiency of the justice system and the lenient sentences in cases of intimate partner violence (IPV) were brought into the full light of day. Following the murder, the coroner submitted a report that contained over 200 recommendations, including increasing consultation and cooperation among the various sectors involved in dealing with IPV. In the months that followed, the first two specialized courts (SC) appeared in Toronto to respond to IPV. One of them was K Court, located in Old City Hall. The court was based on the SC in San Diego, California (1).

Position

- support a zero tolerance policy with respect to violence;
- make offenders responsible for their actions;
- ensure coordinated, strong court action;
- provide victims with better support and reduce their reluctance to cooperate in proceedings (1).

This court's measure of success is its conviction rate (2).

Characteristics of the city

- According to Statistics Canada, the population of Toronto was 2,615,060 in 2011 (3).
- In 2012, 5328 incidences of violence between intimate partners led to criminal charges in Toronto (7). On average, K Court hears approximately 30-35% of the cases associated with intimate partner violence in the city every year.

Target situations

In Ontario, IPV is defined as any use of physical or sexual force, real or threatened as well as stalking and harassing in an intimate relationship (4). Intimate relationships include those between opposite-sex and same-sex partners, whether they are married or not, and whether the relationship is present or past (1). In the downtown Toronto jurisdiction, in addition to IPV, all charges (e.g. theft or fraud) that emerge from an intimate partner relationship are also prosecuted in K Court.

Special features

Ontario offers the broadest program of courts specializing in IPV of any province in Canada. In ten years, from 1997 to 2007, it set up specialized courts in 54 jurisdictions (5). K Court is part of this vast system (1). Specifically, it consists of both a dedicated Court and a specialized team of prosecutors who have carriage of all prosecutions emerging from an intimate partner relationship from inception to completion.

Operation of the legal process in Ontario

The operating conditions of SCs apply across Ontario and are governed by the Domestic Violence Court Program (DVC Program).

- The DVC Program involves a mechanism designed to coordinate and ensure the cooperation of teams of specialized partners, including police, prosecutors, victims' and violent partners' program workers, and probation officers (1).

- In Ontario, when a specialized court in intimate partner violence (SC in IPV) is fully operational, it includes an advisory committee that ensures intersectoral coordination and communication among the partners. The committee's mandate is to develop frames of reference, protocols, policies and procedures to facilitate such collaboration (5). Ontario SCs in IPV also have procedures for police investigations and evidence gathering, a team of specialized Crown prosecutors, a case management system, an intervention program for violent partners, and an extensive training program for all justice system actors involved in IPV cases (1, 5).
- The Toronto police services (TPS) has a Family Services section responsible for community and division support in the areas of DV, child abuse, elder abuse, mental health and victim/witness support. Within this unit there is a coordinator who is specifically assigned to DV (8). The TPS is focused on a victim based support strategy whose goals are to improve support, follow-up information, referrals, as well as to increase reporting by victims (7). In addition, the TPS have officers with specialized DV investigative training to enable enhanced prosecutions.
- The Crown Policy Manual sets out the steps for handling cases. For example, it says that cases should not be abandoned except when justified by exceptional circumstances. Victims' wishes are not among the exceptional circumstances (1).
- Victim services are offered by the Victim/Witness Assistance Program (VWAP). Their mandate is to provide victims with information, assistance and support throughout all stages in the legal process once a charge is laid. The purpose of this service is to increase victims' participation in the legal process. Victims also have access to Victim Crisis Assistance and Referral Services (VCARS), a community intervention program that offers immediate services at all times (1, 5).
- An intervention program for violent partners is also offered by community organizations. The purpose of the program is to get offenders to acknowledge responsibility for their actions and to ensure victim safety (5).

Operating conditions specific to K Court

In Ontario, every SC in IPV shares the same goals, as stated in the DVC Program. It is in their procedures that the courts can differ, in accordance with their different positions and specific concerns (5).

- K Court's specialized police officers begin systematic evidence collection as soon as a case of IPV has been brought to their attention. A statement of the victim's version is taken immediately or within 24 hours following the incident, and photographs of the injuries are taken, if applicable. This evidence can be used in court even if the victim refuses to testify (1).
- Prosecutors specializing in IPV are assigned to K Court on a full-time basis. They deal with cases in accordance with the file ownership principle; in other words, each file is linked with a specific prosecutor even if there is a repeat offence or an appeal (1).
- The John Howard Society of Toronto, plays a major role in the functioning of the SC. Its mandate is to facilitate coordination and communication among the various agencies involved in dealing with IPV cases. In addition, this organisation provided services to men who have been mandated to a Partner Assault Respond (PAR) program due to DV charges (8).
- As for DVC programs in general, K Court also has treatment programs for offenders, the goals of which are to help them understand the harm done to the victim, other family members and the community; to ensure that they accept responsibility for their actions and coercive behaviour, and to help them acknowledge that the violent actions are part of a dynamic of power and control, and not caused by anger (3).

Principal findings from evaluations of the specialized legal process

- The study by Dawson and Dinovitzer (2008) showed that cooperation between prosecutors and the police has increased since K Court has been operating (1).

- The same study found that 37% of victims had cooperated with proceedings, 81% of those charged had been convicted and 31% of the latter had received prison sentences (1).
- When the victim cooperates, it is seven times more likely that the charges will lead to a conviction. The probability of a conviction is influenced neither by the characteristics of the crime nor by the degree of seriousness. The probability that the victim will cooperate is influenced by whether there is a video and by VWAP services (1, 6).
- The fact of being in a relationship with the victim at the time of sentencing increases the probability of a prison sentence in cases of severe injuries (1).
- The study by Fournier (2007) revealed that more broadly, in Ontario, the DVC Program has helped to improve services for female victims of IPV in every region where the program has been implemented. However, the study pointed out that the program serves English-speaking women better than French-speaking women, and that in consequence the latter seem to be more reluctant to lodge a complaint (5).

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The Specialized Domestic Violence Court Calgary, Alberta

History

In 2000, a court specializing in family violence (FV) was developed in the city of Calgary. Initially, the specialized court (SC) was limited to the docket or “first appearance” court but expanded to include a DV specialization at trial in 2005 (2, 3).

Position

The Calgary's SC goal is to hold offenders responsible for their actions and increase the likelihood that those who are considered “low-risk offenders” (i.e. first time offenders) would be more amenable to batterer treatment and that “high-risk” offenders are prosecuted appropriately. Accused who are deemed to be low-risk may be offered the opportunity to accept responsibility for their actions (although they do not plead guilty) and a peace bond is put in place with various provisions including batterer intervention. It is hoped that rapid access to a treatment program for “low-risk” offenders would increase offenders’ cooperation and maximize the effects of treatment (1).

Characteristics of the city

- According to Statistics Canada, in 2011 the population of the city of Calgary was 1,096,833 (4).
- The Calgary SC heard 2422 cases related to intimate partner violence and helped 2129 victims in the fiscal year 2013-2014 (9).

Victims’ safety is also a priority of the Calgary SC. The assessment of risk to the victim, as well as his or her wishes, and taken into consideration in the recommendations made by the prosecutor and defence counsel as they are submitted to the specialized DV pre-court conference team (consisting of the Crown prosecutor, police, probation and HomeFront court case workers) before the docket court is held. These evaluations facilitate the contact and the alliance with victims. They allow the court caseworker to develop a safety planning and connect victims with community and legal resources. The court caseworkers also keep the victims informed about all court proceeding (7).

Target situations

The court hears all cases of family violence in the city of Calgary, including intimate partner violence (IPV) involving heterosexual and homosexual couples, whether cohabiting or not, violence between other family members, and child and elder abuse (1).

Special features

Initially, Alberta chose not to create a complete SC system, but focused on specialization at the docket court, a critical point of entrance into the justice system (2). In 2005, the trial court and its prosecutors became specialized in FV as well. While all accused are seen in the docket court and low-risk offenders continue to be dealt with quickly, more complex and higher risk cases are subsequently addressed by a court system with knowledge of the dynamics of family violence (3, 5).

Operation of the legal process

- HomeFront is a non-profit organization that collaborates with the justice system, the police and community partners in order to reduce FV in Calgary (6). HomeFront workers provide two essential services: support for victims and risk assessment (1). Victims are contacted by court workers within 24 hours of the incident (7). The workers present the victim's wishes to the pre-court conference team (1).
- HomeFront court caseworkers are part of the pre-court conference team, which also includes Crown, probation and police specialists in FV. The team's role is to assess risk to ensure the safety of the victim and children and to determine whether the accused is high or low-risk, which will determine how they are dealt with in docket courts. The victim's wishes are taken into account at that time (1).
- A specialized police unit (the Domestic Conflict Unit - DCU) engages in strong police intervention (which does not include social workers), concentrating on gathering evidence for the most serious cases (2). While not involved with all accused, a DCU representative sits on the pre-court conference team.
- The Calgary SC includes prosecutors specializing in FV. However, there are no specialized judges; judges rotate through the various courts (1, 5).
- All offenders are referred rapidly to the docket court. For those considered "low-risk", the charges against them may be stayed and replaced by a peace bond. They are then often required to participate in a batterer intervention or substance abuse program and other legal orders may be applied. A probation officer keeps track of the offender's behaviour during treatment and the original charges can be reinstated if the offender does not comply (2).
- Higher risk cases are dealt with differently and their cases may go to trial (although only a very small proportion are actually tried) or they are dealt with in other ways such as guilty pleas and peace bonds in consultation with the Crown prosecutors post docket court. The justice officials hope to have gathered all the material required to hold the trial within three months (5).
- Specialized probation officers are key actors in the Calgary SC. They provide the court with important information concerning the accused person's progression. One advantage of having a specialized probation officer in the courtroom is that the accused person enters into contact with him or her immediately and may be oriented to a treatment program quickly, thereby reducing in particular the time taken to process the case (1). The probation officer assigned to the case remains involved even when the accused is subject only to a peace bond (3).
- There is a partnership program between victims' and probation services: the Partner Support Program (1). Victims are also offered other services, including legal aid, through Calgary Legal Guidance, which provides legal counsel and social work services, and is specialized in civil protection orders (1).

Principal findings from evaluations of the specialized legal process

- The existence of two courts meeting different needs allows court officials and stakeholders to give more time to more complex cases (5).
- Since the Calgary SC has been operating, the justice system has been faster, and there has been an increase in guilty pleas and a lower rate of repeat offences (3, 8).
- In the specialized docket, about a third of the cases are resolved with peace bonds, which often include conditions concerning no contact, geographical restrictions and abstinence from drugs and alcohol (1, 3). The major increase in peace bonds has remained even after the expansion of the SC to include a trial court (3, 7).
- Regarding recidivism, fewer cases of both new charges and breaches were noted after the specialized docket court and DV trial court were introduced as compared to cases from before these new

developments. (1, 7).

- The increase in the number of cases resolved without going to trial means that fewer victims have to give testimony in court (5) It can prevent repercussions associated with testimony for the victims (i.e. secondary victimisation). This positive outcome has to be taken with caution because there is literature that criticizes the absence of the victim's voice in these procedures (7).
- The majority of court officials and community workers questioned in the study by Tutty et al. identified a number of limitations of specialized treatment of FV, in particular concerning support for specific situations (in cases of immigrants, Aboriginal people, homosexual couples, etc.). They, nonetheless, emphasized a number of strengths, including rapid response, better cooperation among the different actors involved in IPV, and better understanding of the phenomenon of FV, leading to better interventions for both victims and offenders (3).

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The Domestic Violence Court Moncton, New Brunswick

History

The Domestic Violence Court (DVC) in Moncton is one of the initiatives designed to improve the way the justice system deals with domestic violence (DV) cases in Canada. It was made permanent after a four-year pilot project that began in 2007 (1, 2).

Position

The DVC has four goals:

- to improve the response of the criminal justice system to victim needs and safety planning, in particular by the use of risk evaluation tools by the diverse professionals involved (1, 2);
- to promote offender accountability and early intervention to help stop the cycle of violence (2);
- to accelerate prosecution and court processes (1, 2);
- to offer timely access to services for victims and offenders (2).

Characteristics of the territory

- The court serves a population of around 200,000, approximately 65% of which is located in an urban centre.
- On average, the DVC hears 350 cases involving DV each year.

Target situations

The DVC hears only cases of DV defined as “when a person who is or who was involved in an intimate personal relationship uses abusive, threatening, harassing, or violent behaviour as a means to psychologically, physically, sexually or financially coerce, dominate and control the other.” This includes “when an accused resorts to abusive, threatening, harassing or violent behaviour towards an intimate partner’s relatives, friends or new partner as a means to psychologically dominate and control the complainant.” The intimate relationship must involve “persons 18 years and older regardless of the age of the complainant” (p.14) (1).

Special features

Since one of its objectives is to make offenders aware of their responsibilities through judicial supervision, the DVC in Moncton has introduced post-sentencing judicial monitoring, following the model of the court in Whitehorse, Yukon, where there is an option for receiving a reduced sentence for family violence (1). In order to ensure the court’s neutrality and maintain a separation between it and the various service suppliers involved in handling DV cases, a Court Coordinator has been assigned to the Moncton court by the New Brunswick Minister of Justice (1). It should also be noted that this court covers an area that is both urban and rural, which adds to the challenges faced by the different service providers (3). The DVC sits three times a week.

Operation of the legal process

- The DVC has local judges who sit in rotation, a coordinating judge and a Court Coordinator. There are also two Crown prosecutors assigned to DV cases, Royal Canadian Mounted Police (RCMP) officers, a victims’ aid service offered by the police in urban areas, Victim Services offered by the Department of Public Safety, defence counsel, legal aid and Probation Services. The DVC can also count on a social worker, who sees to mental health and substance abuse treatment

services, and a person who liaises with the Department of Social Development regarding Child Protection Services (1).

- Since January 2015, all judges hear in rotation the cases of the DVC. It is important to note that all cases are not heard during regular hearings, which are reserved for appearances, bail hearings and sentencing. The operation of the DVC is similar to that of other provincial courts.
- The Court Coordinator is responsible for coordinating all of the DVC's general procedures. She liaises between the various entities and service providers working daily in the court, and sees that protocols are followed (1, 3).
- Crown prosecutors play the same role in the DVC as in other courts. However, they make an important contribution to the speed of the proceedings, for example, by insisting that the court set early hearing dates. The prosecutors assigned to the DVC have to collaborate with a number of other stakeholders working on such cases, including the Court Coordinator, police, defence counsel, Victim Services, etc. (3).
- The RCMP provides public safety services. There are two districts in the DVC's area: RCMP Codiac serves Moncton, Dieppe and Riverview, and RCMP Southeast serves Shédiac/Sackville, Salisbury/Petitcodiac, Hillsborough and Irishtown, and Richibucto/Bouctouche. Only RCMP Codiac has a full-time Victim Services worker.
- Victims receive a full range of services from the police (in the Moncton urban area) or victim aid services from the Department of Public Safety. The services involve, in particular, an assessment of the situation's risk to the victim with a view to planning measures to be taken to ensure his or her safety (3).
- Legal aid is available to those who have been charged and are eligible. First, before the docket court, unrepresented defendants can consult the legal aid lawyer assigned to the DVC. Then they may be eligible to be represented by lawyers assigned on a certificate basis. Legal aid lawyers collaborate closely with the DVC's Crown prosecutors (3).
- Probation officers' main duties are to monitor offenders who have received sentences to be served in the community, and to prepare presentencing reports to help judges determine the sentence to give offenders who have been found guilty and are to be monitored in the community. Probation officers assess offenders' needs, as well as the risk that they will repeat offend, and develop an intervention plan for them, which is updated as needed throughout the monitoring (3).
- The DVC provides judicial monitoring of accused people and offenders. The monitoring can occur after conditional release or after sentencing. The purpose of this measure is to emphasize the offender's responsibility with respect to the rehabilitation measures that have been ordered by the court. Judicial monitoring sessions are held twice a month. The coordinating judge presides over the sessions, which are also attended by the Crown prosecutor, probation officer and offender (1).
- Eligibility criteria have to be met to have access to an DV intervention program. Three programs are offered: one for low-risk offenders, one for medium- or high-risk offenders, and one for women. The programs for offenders are offered by two community organizations with DV programs. The victim's safety is the DVC's priority in cases of medium- and high-risk offenders enrolled in these programs. Consequently, the proceedings in such cases are conducted with all the strictness required to ensure that offenders are held responsible for their actions and that they are monitored and supervised after they have been released.
- A full-time social worker is assigned to Addiction Services and Mental Health Services. That organization offers clinical services (e.g., assessment and treatment) to DVC clients referred by the court's probation officer. Since offenders' participation is compulsory, the service providers are in regular contact with the probation officer to inform him or her with respect to the participation and progress of clients who have been referred.

- When children are involved in DV situations and have witnessed violent acts or been the victims of mistreatment, Child Protection Services have to be notified. For files opened with Child Protection Services, a protocol for exchanging information between the departments of Justice and Social Development has been established in order to help DVC judges make better informed decisions and to eliminate contradictory court orders (3).
- Finally, the DVC has a steering committee made up of important stakeholders and representatives from legal aid and community organizations. In addition to the steering committee, the DVC has a team of key partners who meet regularly to ensure the DVC's objectives are met (1).

Principal findings from evaluations of the specialized legal processes

- There are few differences in the kinds of sentences imposed by the Moncton DVC and the Fredericton court, a court in the same province that does not specialize in DV. The findings from the study by Gill and Ruff (2010) show that the sentence is independent of the type of court (1).
- However, there is a significant difference in the length of the legal process between the Moncton and Fredericton courts (the time between first appearance and sentencing is on average 77 days in Moncton, compared with 168 days in Fredericton (1).)
- Following establishment of the DVC, many requests for help have been submitted to Victim Services in Moncton, highlighting how important it is for victims to obtain professional help during court proceedings (1).
- Since it brings together all criminal offences that can be related to DV situations, the DVC makes it easier to monitor of this type of crime, related offences and sentences than do other courts not specialized in this way (1).
- Risk assessment tools, such as B-Safer, have been found to have been used in 37% of Moncton DVC cases, whereas none of the Fredericton court cases contained risk assessment forms. Yet, using this type of tool makes a difference in how DV cases are handled. Indeed, it has been found that police officers are more likely to lay charges for assault, threats and violations when they have used the B-Safer tool (1).

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The Integrated Domestic Violence Court Toronto, Ontario

History

A number of courts specializing in intimate partner violence (IPV) and family violence (FV) have been set up in Canada in recent years. However, most of them operate independently of the family law justice system. The specialized courts and family law system do not generally share information or cooperate with each other. Best practices do exist for information sharing between courts but the actual practice remains challenging (5).

In June 2011, the Integrated Domestic Violence Court (IDV Court), which deals with family law cases while taking into account the occurrence of IPV, began operating in Toronto (2). Since March 16, 2012, all matters that have both a domestic violence charge and a family dispute are automatically referred to the IDV court (1, 3). The integrated court has been inspired by similar courts located in a number of places in the United States, in particular, in the states of New York, Vermont and Idaho (2). It is the first, and for now the only, integrated family violence court in Canada (1).

Position

The IDV Court takes an integrated, overall approach to families suffering from violence. Its goal is to provide more consistent, holistic solutions for families that have to deal with both the criminal justice system and the family justice system (2). Its objectives are:

- to provide judges with more complete information about situations;
- to accelerate court proceedings;
- to eliminate contradictory and conflicting orders;
- to create better collaboration with social services and community resources;
- to reduce costs, for both the justice system and the parties involved;
- to develop FV expertise in the Court (1, 3).

Characteristics of the city

- According to Statistics Canada, the population of Toronto was 2,615,060 in 2011 (4).
- The IDV Court hears an average of 10 cases associated with FV every year.

Target situations

In order to be heard by the Court, cases have to involve criminal charges of IPV as well as family law disputes about custody issues, visitation rights, financial support for children or the partner, or restraining orders (2, 5). Criminal cases are eligible when criminal charges of IPV have been brought and the Crown proceeds summarily (5). The Court does not hear divorce, family property or child protection cases (1).

The IDV Court is a branch of the Ontario Court of Justice. Most of the cases that are brought before it concern people who have limited financial resources, are involved in short-term relationships and are not married (1).

Special features

The integrated court hears cases sequentially concerning both criminal and family law. The court is based on a one judge-one family model when FV is involved (1).

Operating conditions specific to the IDV Court

- The criminal and family cases are heard the same day, in the same court room (1). The court alternates between one case and the other, as required. The lawyers and professionals involved are present throughout the proceedings, but participate only when it is their turn (1, 6).
- Two judges are appointed to sit in the court (1, 6). They have significant experience with criminal and family cases involving IPV (1).
- The IDV Court has specialized Crown prosecutors, legal aid criminal defence and family law lawyers, a Victim/Witness Assistance Program (VWAP) worker, a worker who takes care of liaison with community resources for victims, and access to a dispute resolution officer, who assists with getting the case ready (1, 6).
- For parties eligible for legal aid, duty counsel is available for family law cases and also in criminal cases, but for the person who is accused only (3).
- The family has access to support and services targeting its needs, notably, the Family Law Information Centre.
- For criminal cases, support programs are available, in particular, the VWAP, the Partner Assault Response (PAR) Program as well as court security services is available (1,6).

Principal findings from evaluations of the specialized legal process

- The IDV Court provides the judge with more information. Having a single judge also increases the consistency of family court and criminal court orders (1).
- The “one family, one judge” concept provides the judge who hears the case with a more complete picture of the family situation (2).
- An integrated court system would completely eliminate the problem of contradictory orders and make it possible to provide families with better protection (according to defence lawyer Edward Prutschi, 2011, and Judge Bovard, 2012) (2).
- Between 2011 and 2015, the IDVC heard 44 cases (criminal and family). The majority of criminal cases end in a withdrawal, suspended sentence, probation, peace bond, and/or a referral to PAR Program. Of the six criminal trials, one male was found guilty, one male not guilty and 3 matters still pending in IDVC with one matter referred back to criminal court.
- Parties involved in the cases provided positive feedback in interviews. Victims said that they had been able to express themselves better and had the impression that the judge was considering them more as whole persons (1).
- Interviews with legal professionals and other court workers revealed a very positive opinion with respect to the potential of the IDV Court and to their experiences so far (1). It should be noted that, among the challenges to implementation, family law lawyers had trouble obtaining financial aid needed to be able to attend both parts of the matters (1).

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The specialized intimate partner violence process Montréal, Québec

History

Québec, Prince Edward Island and Newfoundland are the only provinces that do not have specialized or integrated intimate partner violence (IPV) courts. However, in Montréal there is a specialized IPV process, which was created in 1986, with the foundation of the Côté Cour service. First established at the municipal court in partnership with the City of Montréal, a second Côté Cour service delivery point was set up in 1997 at the Court of Québec Criminal and Penal Division in Montréal.

The *Politique d'intervention en matière de violence conjugale* (intimate partner violence intervention policy) of the Minister of Justice and Attorney General of Québec was the point of departure for the specialized process. The policy confirmed the criminal nature of IPV and also set down guidelines for ensuring that such situations go to

court more systematically. The justice system rapidly found itself overwhelmed by the increase in the number of cases to be dealt with, and revealed itself to be poorly prepared to cope with the size and complexity of the problem. It seemed clear that court intervention alone could not meet victims' needs and ensure appropriate handling of the special features of their situations. It became necessary to ensure a match of social expertise with legal expertise in concerted, integrated action. The alliance between the justice system and social services became the anchor point for handling IPV cases in the District of Montréal.

Position

The specialized process, which is structured in accordance with various ministerial policies and with directives from the Director of Criminal and Penal Prosecutions, gives the victim a special role to play. He or she is at the heart of the action, and is heard, depending on his or her needs, at each stage of the legal process. Emphasis is placed on victims' self-determination, their protection, and seeking a sometimes precarious balance between their protection and respect for their needs. In order to take into account the various changes that can occur over time in a couple and family, the approach that is favoured is to re-evaluate the situation at each stage of the legal proceedings, as needed. When the situation so requires, individuals who have been charged can be referred to therapy resources.

Characteristics of the city

- According to Statistics Canada, the population of the City of Montréal was 1,649,519 in 2011 (1).
- At present, nearly 7000 cases of IPV are handled each year at the municipal court and Montréal Court House.

Target situations

The specialized process applies to any individual in a context of intimate partner or family violence with respect to which both a complaint has been made to the Montréal police and the case has been submitted to the municipal court or the Criminal and Penal Division of the Court of Québec. The relationship may be heterosexual or homosexual, the couple may be married or not, and the relationship may be past or present.

Special features

There is close collaboration between the prosecutors and Côté Cour (the Côté Cour service is run by the Centre-Est-de-l'Île-de-Montréal CIUSSS (integrated university centre for health care and social services)). In every case involving IPV, the victim is met by a worker from the organization at a number of times during the legal process. This approach makes it possible to inform the prosecutor with respect to the direction to be taken in the case, among other things. The systematic cooperation between social and legal services makes it possible to provide a response that is better adapted to the complexity of cases concerning intimate partner and family violence.

Operation of the legal process

- While it has no officers specializing in IPV, the Service de police de la ville de Montréal (SPVM - Montréal police department) has appointed commanders and officers responsible for cases of intimate partner and family violence. The cases are given urgent status and are thus assigned and dealt with immediately. There are also a number of internal SPVM protocols that set out the steps to be taken in cases of IPV, such as concerning parameters for intervention, active pursuit of suspects if they have left the scene and collaboration with other IPV services.
- The specialized court process is launched as soon as a complaint is made. The case is handled by a prosecutor. At the Montréal Criminal and Penal Division of the Court of Québec, a team of 11 specialized prosecutors has been established. It is responsible for almost all IPV cases. Each case is handled by the same prosecutor from the beginning to the end of the legal proceedings. At the municipal court, 24 specialized prosecutors work on IPV cases. Cases are assigned so that each one is handled by the same prosecutor, when required, at each stage of the proceedings.
- As soon as a decision is made to press charges, the victim is contacted by a Côté Cour worker, who rapidly informs her of the conditions under which the accused may be released or held in custody. This telephone contact is used for an initial assessment of the risk of a repeat offence, the victim's needs and referrals to be made to appropriate resources. It is often the victim's first contact with a professional, who informs her about the services available, his or her rights and what kinds of recourse are possible.
- Following this, each victim is systematically assigned to the court for an assessment meeting with Côté Cour and the prosecutor. The time between the IPV occurrence and the first meeting can vary between a few days and three months, depending on certain legal (whether or not the accused is in custody, etc.) and institutional (availability of hearing rooms) parameters, and the urgency of the situation.
- When they go to court, victims are met by a Côté Cour worker, who offers them professional support and assistance. During the meeting, a number of actions are performed so that the necessary measures will be taken to ensure victims' safety, inform them properly about their rights, and arrange for services needed, if applicable. Priority is placed on thorough assessment of the risk that the violence will be repeated or become more serious, and of the severity of children's exposure to IPV.
- Following the assessment, the Côté Cour worker makes suggestions to the prosecutor concerning measures to be favoured given the special features of the situation. The victim is then referred to the prosecutor, who discusses the legal aspects with her and decides on the direction to take in the legal proceedings. The accused can also be referred to resources designed to help violent individuals and, if applicable, to centres that treat problems related to substance abuse. Côté Cour workers and prosecutors can then re-evaluate the situation of violence over time, and monitor it during the legal proceedings (2).

- If a court date is set, the victim can, if he or she desires, make an appointment with Côté Cour to prepare for the experience of giving testimony. Côté Cour may offer individual or group meetings. In the municipal court, victims are systematically met on the day of the trial.
- Québec correctional services have implemented specialized IPV programs in two detention facilities. The first, which lasts 9 weeks, is offered to men. It is available only for those in custody (not those merely accused) who are dealing with intimate partner violence problems. The second is an anger management program targeting women. It has two versions: one short (4 meetings) and one long (6 meetings). Another program is also offered in the community network of transition houses for men and in the community network for women.

Principal findings from evaluations of the specialized legal process

- The specialized process has not been evaluated as a whole. However, in 1999, Côté Cour was evaluated by the Régie régionale de la Santé et des Services sociaux de Montréal-Centre (Montréal-Centre regional health care and social services authority), which gathered information from Côté Cour workers, clients and partners (2). The purpose was to do a review and to identify avenues for developing the resource in the future.
- A number of conclusions were drawn from the study. Among other things, it was clearly established that the service was easy for clients to access and located in the right place. It also appeared that one outcome of the fact that IPV victims were met at the court and in a systematic manner was that help was offered to people who would not otherwise have asked for it from social services. The victims who were questioned said they were very satisfied with the actions taken and support received.
- The various partners from the legal milieu who were consulted mentioned Côté Cour's unique expertise and said they wished to continue benefitting from it. Contact and collaboration with Côté Cour workers were described as easy and rapid. The study concluded that Côté Cour workers play pivotal roles between victims and the various legal and other actors surrounding them so that all work in the same direction.

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List of Acronyms

COHROU: Criminal Organization/ High Risk Offenders Unit of Probation Services
DCU: Domestic Conflict Unit
DV: Domestic violence
DVC: Domestic Violence Court
DVC program: Domestic Violence Court program
DVTO: Domestic Violence Treatment Option
FV: Family Violence
FVC: Family Violence Court
IDVC: Integrated Domestic Violence Court
IPV: Intimate partner violence
PAR Program: Partner Assault Response Program
RCMP: Royal Canadian Mounted Police
VWAP: Victim/Witness Assistance Program
SC: Specialized Court
SC in IPV: Specialized court in intimate partner violence

