



BC Association of
Specialized Victim
Assistance &
Counselling Programs



B.C./Yukon
Society of Transition
Houses



BC Institute
Against Family Violence

CRITICAL ELEMENTS OF AN EFFECTIVE RESPONSE TO VIOLENCE AGAINST WOMEN

BRIEFING DOCUMENT

ISSUE: Specialized Justice Processes for Domestic and Sexual Violence

Designated police, Crown counsel, probation officers and court days have much to contribute to an effective response to domestic violence.

KEY POINTS

- Key elements of a specialized response to domestic or sexual violence may include specialized police, policing units, Crown, probation officers, domestic violence courts, or designated court days.
- Existing specialized domestic and sexual violence police units, including domestic violence community counsellors, have demonstrated their effectiveness in responding to high-risk cases.
- Dedicated Crown or dedicated criminal justice units could work effectively with existing police Domestic or Sexual Violence Units or RCMP detachments which currently have dedicated police investigators, and may lay the groundwork for more sophisticated, innovative prosecution strategies in domestic and sexual violence cases.
- Establishment of specialized courts or specialized staff are particularly challenging in areas with low case volumes. Victim support and assaultive men's programs, critical to the success of specialized courts, are often unavailable or have limited availability in small communities.
- Much can be learned from jurisdictions that have established specialized domestic violence courts. Key elements of successful models include:
 - Methods to expedite cases
 - Sensitive, informed, appropriate service provided by trained justice professionals
 - Coordination of justice system response in policy and practice, and coordination with a range of other service providers
 - Early access to offender treatment to capitalize on offender motivation to change
 - Timely and meaningful sanctions, with monitoring to hold offenders accountable
 - Access for victims to support, information and referrals
 - Monitoring and evaluation of systems to assess effectiveness
 - Shared information systems with family court
- There is evidence that dedicated courts improve justice system response, but effective elements can also be introduced through dedicated judges, prosecutors, courtrooms or court days.

- Any specialized approach must address the need to expedite cases, provide a high level of victim support, facilitate thorough police investigation and innovative prosecution strategies, provide adequate levels of appropriate assaultive men's treatment, ensure coordination of responses, incorporate sufficient funding for adequate participation of community-based experts, adequate staffing levels, specialized training and comprehensive and transparent monitoring and evaluation (Ad Hoc Federal-Provincial-Territorial Working Group 2003).
- Any specialized models must address diversity within BC, including rural and urban diversity, cultural and language diversity and the needs of others with particular barriers to accessing justice.

THE CONTEXT

- A partnership of the Community Coordination for Women's Safety (CCWS) program, Ministry of Public Safety and Solicitor General (MPSSG) and the Victoria Coordination Committee on Violence Against Women in Relationships is also currently developing a justice-focused framework paper outlining an effective specialized response specific to domestic violence. Lawyers Diane Turner of Kelliher and Turner and Josiah Wood, Q.C., are acting as project advisors. This complementary initiative will elaborate on the recommendations included in this Briefing Document. Critical components in this framework paper are consistent with those in these Briefing Documents. The framework paper will be completed in the summer of 2007.
- Specialized police domestic violence units exist in New Westminster (the Domestic Violence Response Team or DVRT) and in Vancouver (the Domestic Violence Unit or DVU). RCMP detachments such as Langley currently have dedicated domestic assault investigators. All indications are that these specialized domestic violence approaches are highly successful in providing support to victims and reducing the rate of stays of proceedings (Pratt 1999, Justice Institute of BC forthcoming.) Specialized police sex crimes units exist in Saanich, Vancouver and Victoria.
- Some smaller communities, including Duncan and the Bulkley Valley, are in the process of identifying what would be needed to establish some type of specialized domestic violence court response in their location. In Victoria, a compliance court has been set up to deal with all types of protection order breaches.
- Many jurisdictions in Canada, including Yukon, Alberta, Saskatchewan, Manitoba, Ontario and New Brunswick, and in the U.S., have implemented specialized domestic violence court models.

SUGGESTED ACTIONS

- Government should consider establishing a senior inter-ministry violence against women coordinating body to be formally linked with the CCWS Working Group (the only provincial coordination committee which has, over the last five years, been instrumental in identifying and addressing province-wide issues related to violence against women), to guide development and implementation of specialized responses to violence against women.

- Specialized training should be made available to police in all areas/regions to facilitate and encourage innovative investigative techniques such as KGB¹ statements and other alternative sources of evidence when women are “reluctant” to testify.
- Given the success of existing police domestic and sexual violence units, consideration should be given to providing funding in areas with sufficient population to justify such units.
- Funding should be made available to support enhanced specialized Crown training on the dynamics of domestic and sexual violence and the use of courtroom strategies to encourage greater victim participation in the justice system in these cases.
- Funding should be provided to pilot the use of dedicated Crown counsel to handle domestic or sexual violence cases, including working with specialized police units where they exist.
- Specialized domestic and sexual violence training should be provided for probation officers and staffing levels should be sufficient to allow a specialized response to high-risk cases, including supervision and treatment for high-risk offenders and consistent victim contact.
- If specialized domestic violence courts or designated court days are considered, these should be established with sufficient resources, links to other system components, and community participation in both development and implementation, based on lessons learned in other jurisdictions.

CONTACT: Tracy Porteous, Executive Director
 BC Association of Specialized Victim Assistance and Counselling Programs
 Telephone: 604-633-2506
 Email: porteous@endingviolence.org

Gisela Ruebsaat, Legal Analyst
 Community Coordination for Women’s Safety Program
 BC Association of Specialized Victim Assistance and Counselling Programs
 Telephone: 250-592-3073
 Email: gisela2@horizon.bc.ca

Mary Clifford, Executive Director
 BC/Yukon Society of Transition Houses
 Telephone: 604-669-6943
 Email: maryclifford@bcysth.ca

DATE: April 11, 2007

¹ KGB statements are out-of-court statements that allow victims to avoid testifying. The initials KGB refer to the case in which this strategy was first successfully used in court (R. v. B. (K.G.), [1993] 1 S.C.R. 740).

References

Ad Hoc Federal-Provincial-Territorial Working Group Reviewing Spousal Abuse Policies and Legislation. 2003. *Final Report of the Ad Hoc Federal-Provincial-Territorial Working Group Reviewing Spousal Abuse Policies and Legislation, Prepared for Federal-Provincial-Territorial Ministers Responsible for Justice*. Ottawa: Department of Justice Canada.

Pratt, J. 1999. *Vancouver's Domestic Violence Unit: A Case Study*. Vancouver, BC: Family Services of Greater Vancouver and the Vancouver Police Department.

Russell, Mary. 2002. *Measures of Empowerment for Women Who are Victims of Violence and Who Use the Justice System*. Victoria, BC: Victim Services Division, Ministry of Public Safety and Solicitor General.

Justice Institute of BC. Forthcoming). *Study of empowerment of immigrant women who have been victims of violence*. Vancouver, BC: author.