

Collaboration in Criminal Justice Response to Domestic Violence

Domestic Violence Court Program

- 1985-87 Government Violence Against Women initiatives started:
 - 10 Victim Witness Assistance Programs (V/WAP) established

- 1996: Crown, V/WAP establish first two domestic violence courts:
 - North York - Early intervention: support, information, and referrals for victims and access to counseling for offenders.
 - K-Court (Old City Hall) - Coordinated Prosecution – focus on full investigation and supporting victims throughout the trial.

- 1997: Six additional Domestic Violence Courts established

Domestic Violence Court Program

- May/Illes Inquest 1998:
 - Recommended establishment of a specialized Domestic Violence Court Program in every court jurisdiction in the province

- Hadley Inquest 2002:
 - Recommended Specialized Domestic Violence Bail Program

- December 2006: All 54 Ontario court jurisdictions have DVC Program

Goals of the Domestic Violence Program

- ❑ Intervene early in the cycle of domestic violence
- ❑ Improve support to victims of domestic violence
- ❑ More effectively prosecute domestic violence cases
- ❑ Hold offenders accountable for their abusive behaviour

Features of the DVC Program: What does it look like?

- ❑ Designated Courtrooms in some sites
- ❑ Domestic Violence Crown Policy
- ❑ Victim Witness Assistance Program (V/WAP)
- ❑ Police: policy, evidence collection and investigation procedures
- ❑ Specialized Partner Assault Response (PAR) counseling programs
- ❑ Education for police, Crowns, V/WAP, Probation and Parole, interpreters
- ❑ Active local justice community coordination (Domestic Violence Court Advisory Committee)

DVC Program: Victim Witness Assistance Program Role

- ❑ Establish early contact with victims and provide information, assistance and support to victims
- ❑ Discuss safety issues with victims
- ❑ Discuss victims' other concerns, issues and needs

Early Intervention Program

- Early Intervention Program is designed to provide motivated first-time offenders who plead guilty with immediate access to intervention counseling in Partner Assault programs

- Provides offender accountability and outreach to victims

- For lower end offences:
 - No convictions for violence
 - No significant injuries or harm
 - Weapon not used

Partner Assault Response Programs

- ❑ Partner Assault Response (PAR) programs are specialized counselling/educational programs delivered by community-based agencies for individuals who have abused their partners
- ❑ 16 week program
- ❑ Goal of a PAR program is to hold offenders accountable for their behaviour and enhance victim safety
- ❑ Victim contact built into program
- ❑ Participants are referred to the PAR program as a condition of a probation order, conditional sentence, parole or as a condition of bail prior to sentencing



Coordinated Prosecution

- Focus on the trial
 - Thorough police investigation:
 - video taped statement
 - tape/transcript of 911 call
 - medical reports
 - photos of scene and injuries
 - statements from all witnesses including children



Coordinated Prosecution

- Crown
 - Use of Evidence
 - Testimonial Aids
 - Victim input and information
 - Risk factors
 - Sentencing
- Victim Witness Assistance: Victim support, information, referrals
- Partner Assault Programs
- Probation: referral to Partner Assault Program, risk factors, domestic violence procedures, outreach to victims

Domestic Violence Court Advisory Committee

- ❑ Chaired by Crown and V/WAP Domestic Violence Leads
- ❑ Supports the operation of the Domestic Violence Program
- ❑ Addresses systemic issues and concerns on a local level
- ❑ Representatives from all partners involved in the Domestic Violence program, including community partners (police, Crown, V/WAP, shelter, CAS, Probation, Partner Assault Program)



Police

- ❑ Adequacy Standards established for police services by Ministry of Community Safety and Correctional Services
- ❑ Mandatory Charge Policy: Police should lay a charge in all domestic violence occurrences, where reasonable grounds exist



Police

- ❑ **Enhanced evidence gathering:** 911 calls, sworn video-taped statements, checklist of risk factors (DVSR), photos, statements of other witnesses

- ❑ **Domestic Violence Supplementary Report Form (DVSR)** required for all Bail Briefs: a checklist of risk factors and other information relevant to domestic violence bail for police and Crown attorneys

- ❑ **Investigative Tool** for police for reducing dual charges

Crown Policy

Domestic Violence Policies cover:

- Assignment of cases and scheduling
- Bail-including risk factors and risk assessments
- Evidentiary issues
- Victims issues
- Recanting witnesses
- Peace bonds
- Material witness warrants
- Dual charges

Domestic Violence Court Program Evaluation

- ❑ Most victims of the view that their safety was considered during the criminal justice process
- ❑ Majority of victims interviewed by designated Domestic Violence Crowns prior to trial
- ❑ Police collect additional evidence in more than two thirds of domestic violence cases including victim statements, 911 calls and photographs of the scene and injuries. Results: fewer withdrawals and twice as likely to result in guilty plea
- ❑ Domestic Violence charges less likely to be withdrawn and more likely to result in a finding of guilt than *Criminal Code* charges in general

Bail Safety Program

- ❑ Established in response to Hadley Inquest recommendations, 2003
- ❑ Bail Safety Program operates in 10 sites and consists of dedicated teams - police officer, Crown Attorney and V/WAP staff
- ❑ Pre-bail interview of victim by bail safety team
- ❑ Bail Safety Project Objectives: enhance safety for victims, improved information at bail hearing, victim input /participation, offer immediate support to victims, identify high risk situations

Bail Safety Interview

- ❑ Victim Witness Assistance Program covers safety/children issues, family court/CAS proceedings, explains court process. Referrals made to community services
- ❑ Police review risk factors and additional evidence
- ❑ Crown utilizes information to inform decision-making and submissions in bail court

Beyond the Interview

- ❑ Police conduct follow-up investigation based on new information obtained in interview
- ❑ Appropriate searches (e.g. firearms etc)
- ❑ Past incident reports involving the accused person are obtained.
- ❑ Other jurisdictions are contacted re: the accused person's criminal history

Domestic Violence Justice High Risk Committees

- ❑ Case review mechanism for identification of high-risk domestic violence cases within the criminal justice system
- ❑ Cases are provided with additional level of monitoring, proactive case management and outreach and support to victims
- ❑ Flexible approach to enhancing safety of domestic violence victims and their children through active case management, offender management, appropriate information sharing, and the coordination of services for victims

Case Management

- Management for both victims needs and offender often includes:
 - For Victim:
 - More frequent contact and updates on status of case, referral to services, information flow on safety concerns, child safety concerns etc
 - For Offender:
 - Risk factors for bail/sentencing, formal risk assessment, heightened monitoring, parole/probation aware of risk factors, communication

Risk Identification/Assessment

- ❑ Combination of tools, skills, and professional judgment
- ❑ The Domestic Violence Supplementary Report (DVSR), police information, the Bail Safety Checklist, medical records, any risk assessment tool utilized, identification of well-known risk factors, fear expressed by the victim, or professional judgment

Community Participation

- Referral systems
- Building bridges to complement existing community high risk processes for victims
- Community agencies directly involved with case
- Limits/Challenges:
 - Domestic Violence High Risk Committees involve criminal justice case review
 - Crown/police disclosure obligation
 - Privacy Legislation

Integrated Domestic Violence Court

- ❑ Project led by the Ontario Court of Justice
- ❑ Partnership with Ministry of the Attorney General
- ❑ Provides one court where families can have their family cases (excluding divorce, family property and child protection) and domestic violence criminal charges heard before a single judge.
- ❑ The family will appear before a single dedicated judge for both the domestic violence criminal charge and the family (custody, access and/or support) matters.

Integrated Domestic Violence Court

- ❑ Having one Judge will reduce inconsistent family and criminal court orders.
- ❑ The IDV Court Judge will have more complete information about the family.
- ❑ The IDV Court Judge will be able to monitor the family working toward improved accountability and enhanced safety.

Integrated Domestic Violence Court

- ❑ The IDV Court will include a Community Resource Coordinator, who will assist the parties in finding resources and services
- ❑ Duty Counsel will be available
- ❑ Access to family supports and services including Family Law Information Centre (FLIC)
- ❑ Access to criminal supports including Victim/Witness Assistance Program (VWAP), Partner Assault Response (PAR)
- ❑ Family and criminal matters expedited

Integrated Domestic Violence Court

- ❑ To be eligible for the IDV Court cases must involve both a domestic violence criminal charge and a family case (custody, access support)
- ❑ All parties, including the Crown, must agree to have the criminal and family cases heard by the IDV Court.

Integrated Domestic Violence Court

- In family cases, the IDV Court will conduct conferences, make temporary orders where appropriate, and make final orders on consent of the parties. In criminal cases, the IDV Court will hear bail variation applications, conduct pre-trial meetings and accept guilty pleas.

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