

Family Violence Courts:

ISSUES AND TRENDS IN NORTH AMERICA

Conference: On the Path to Justice:

Sponsor: Network to Eliminate Violence in Relationships

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Some Homes Are More Lethal Than War Canada, U.S. Casualties 2000-2006

	War/Police Casualties	Female Domestic Casualties	Ratio
Canada	101	500	5:1
U.S.A.	4,588	8,000	2:1

* Brian Vallée, Key Porter Books, Toronto 2008

Expansion of Domestic Violence Courts in North America

- Specialization began in early 1990's in N. America
- The Winnipeg Family Violence Court began in 1990
- Dade County initiated specialized courts in 1989
- In Canada, 6 provinces and 1 territory have specialized courts – in total over 65 D.V. Courts
- In the United States there are over 400 Domestic Violence Courts.

What Led to the Expansion of Domestic Violence Courts

- Widespread dissatisfaction with police non-intervention led Attorneys General across N. A. to direct police to arrest when there is evidence of a crime.
- Increasing arrest rates resulted in more cases in court
- These cases became calculable in government reports
- D. V. became visible to the Press particularly court reporters

Media Exposure of Domestic Violence Cases

- On March 8, 1996 --- International Women's Day ---- Arlene May, a 39-year old mother of five, was shot to death in her Collingwood, Ontario, home by her ex-boyfriend Randy Isles, who then killed himself. On March 9, 1996, the *Toronto Star* launched an eight part series that examined society's response to spousal abuse. What the *Star* reporters concluded was that the criminal justice system was not responding to spousal abuse, nor had it ever seemed to do so". (Dawson & Dinovitzer 2008:120)
- "Days of Terror Net Suspended Term," *Winnipeg Sun*, December 18,1987; "Wife Abuser's Jail Sentence to be Appealed," *Winnipeg Free Press*, February 8,1990; "Woman Terrified of Husband -Out of Jail in 8 Weeks," *Winnipeg Sun*, February 7,1990; "Justice— More or Less—Two Cases Point Out Vast Gap in Sentencing," *Winnipeg Sun*, February16,1990.

Practitioners as Well as Public Unsatisfied with General Courts

- “[Judges] are excited about this not because they are re-engineering the world, but because they feel they are exercising a meaningful role as a judge.” (Chief Judge Judith Kay of the New York Court of Appeals, cited in Lane, 2003:956)
- “I think the innovation that we’re seeing now is the result of judges processing cases like a vegetable factory. Instead of cans of peas, you’ve got cases. You just move ‘em, move ‘em, move ‘em. One of my colleagues on the bench said: “You know, I feel like I work for McJustice: we sure aren’t good for you, but we are fast” (Chief Justice Kathleen Blatz, in Lane 2003:955).



Section 2:

Differences and Similarities in Specialized Courts

Common Features in Domestic Violence Courts

- Identification of D. V. cases (typically by police) to stream them to a designated prosecutor or into a different court process.
- Separate court rooms for D.V. cases, in smaller jurisdictions separate days.
- Specialized prosecutors
- Victim services with specialized D. V. counselors.
- Treatment programs for abusers.

Areas of Differentiation

- Criteria for inclusion – All family matters, (Winnipeg) or just partner abuse, (Toronto- K Court).
- Treatment Option Courts with Judicial review – e.g. Yukon, Saskatchewan and many U. S. courts.
- Range of court processes included – comprehensive, from bail hearing to appeal, or more focused .
- File Ownership – The prosecutor assigned to a particular file will deal with that case and any subsequent appearances before the court.

Areas of Differentiation Court Emphasis

- Early intervention, support for victims and treatment for offenders, (Dade County & Calgary, Yukon Court, most treatment courts)
- Rigorous prosecution and conviction, enhanced evidence gathering (Toronto & San Diego)
- Hybrid – Early intervention for first time offenders, rigorous prosecution for repeat offenders. (Winnipeg)



Section 3

Situation in Canada Today

Specialized Courts in Canada

- Sydney, Nova Scotia
- Moncton, New Brunswick
- 55 Courts in Ontario
- Winnipeg, Manitoba
- North Battleford, Regina and Saskatoon, Sask
- Calgary, Alberta
- Yukon, NWT
- British Columbia?
- Newfoundland had one for a pilot project (has not continued)

Winnipeg: How We Began

- Set up was cost neutral:
- 3 prosecutors on staff were recruited
- 14 provincial court judges were recruited
- There was an existing Women's Advocacy program with 3 counsellors
- Treatment groups for offenders needed to be expanded.

CRITICAL POLICY INITIATIVES MANITOBA

- 1983 - Directive To Police to Charge in Domestic Violence Cases
- 1985 - Domestic Violence Prevention Branch, Department of Family Services
- 1986 - Women's Advocacy Program
- 1990 - Specialized Family Violence Court
- 1992 - Specialized Corrections Program for Offenders
- 1993 - Zero Tolerance Policy
- 1999 - Domestic Violence and Stalking Protection, Prevention and Compensation Act.
Introduction of Rehabilitative Remands
- 2000 - Special Domestic Violence Unit in Provincial Prison
- 2004 - Front End Project
- 2010 - Domestic Violence Death Review Committee

Where we are today

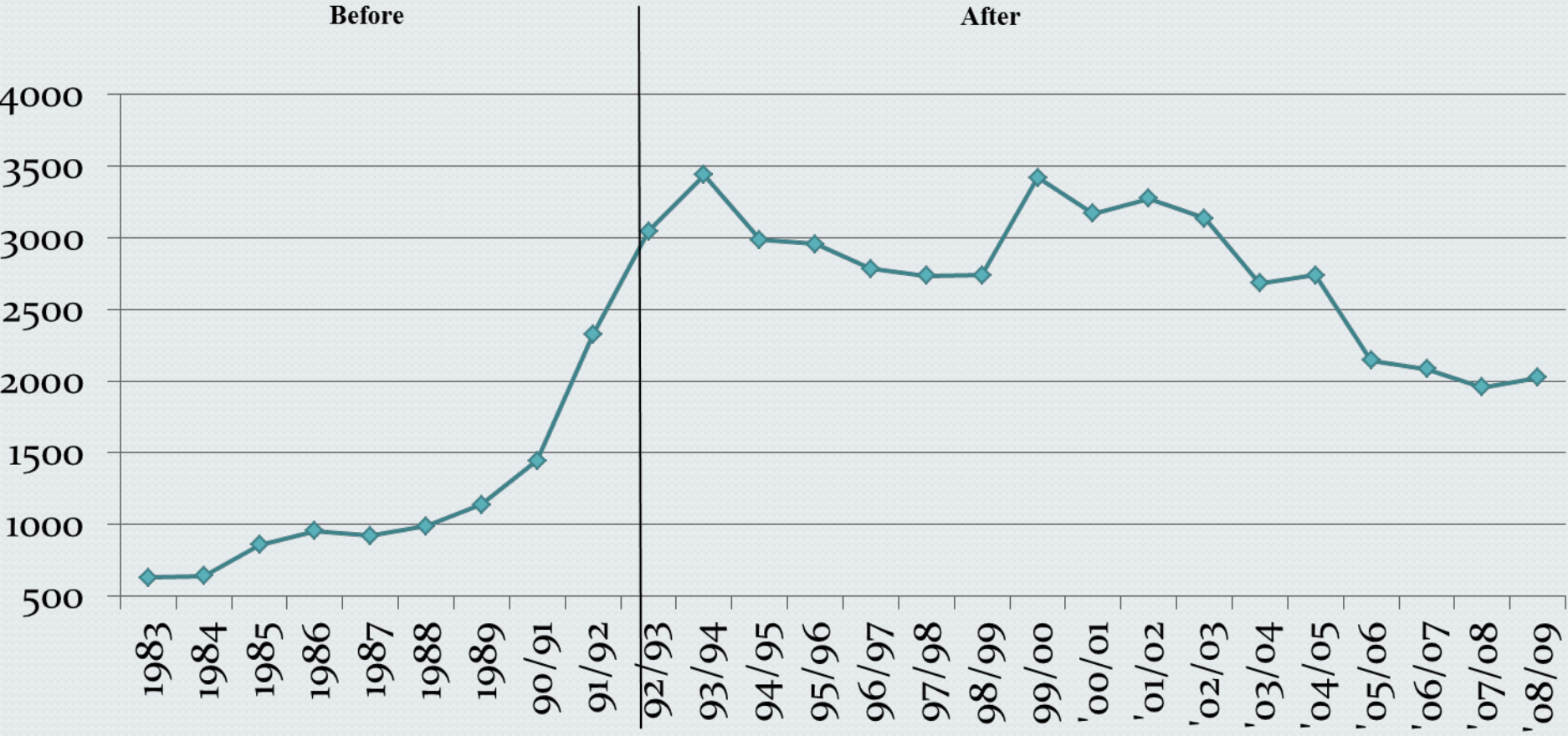
- 18 dedicated prosecutors: Wpg and circuit court.
- 60 Victim Services Staff – serving Wpg and 7 towns in Manitoba
- Victim services has specialized:
 1. D.V. Unit,
 2. Child abuse unit,
 3. Homicide survivors unit, and
 4. Early intervention unit.
- Manitoba Corrections has specialized D.V. programs in institutions and Probation offices

Section 4:

Ongoing Challenges

- Increased Volume
 - Dual Arrests
 - Recidivism

Winnipeg Spousal Assault Arrest Rates in 1983-2005 Before and After Court Specialization



Dual Arrest

Winnipeg Family Violence Court 1992 – 2005

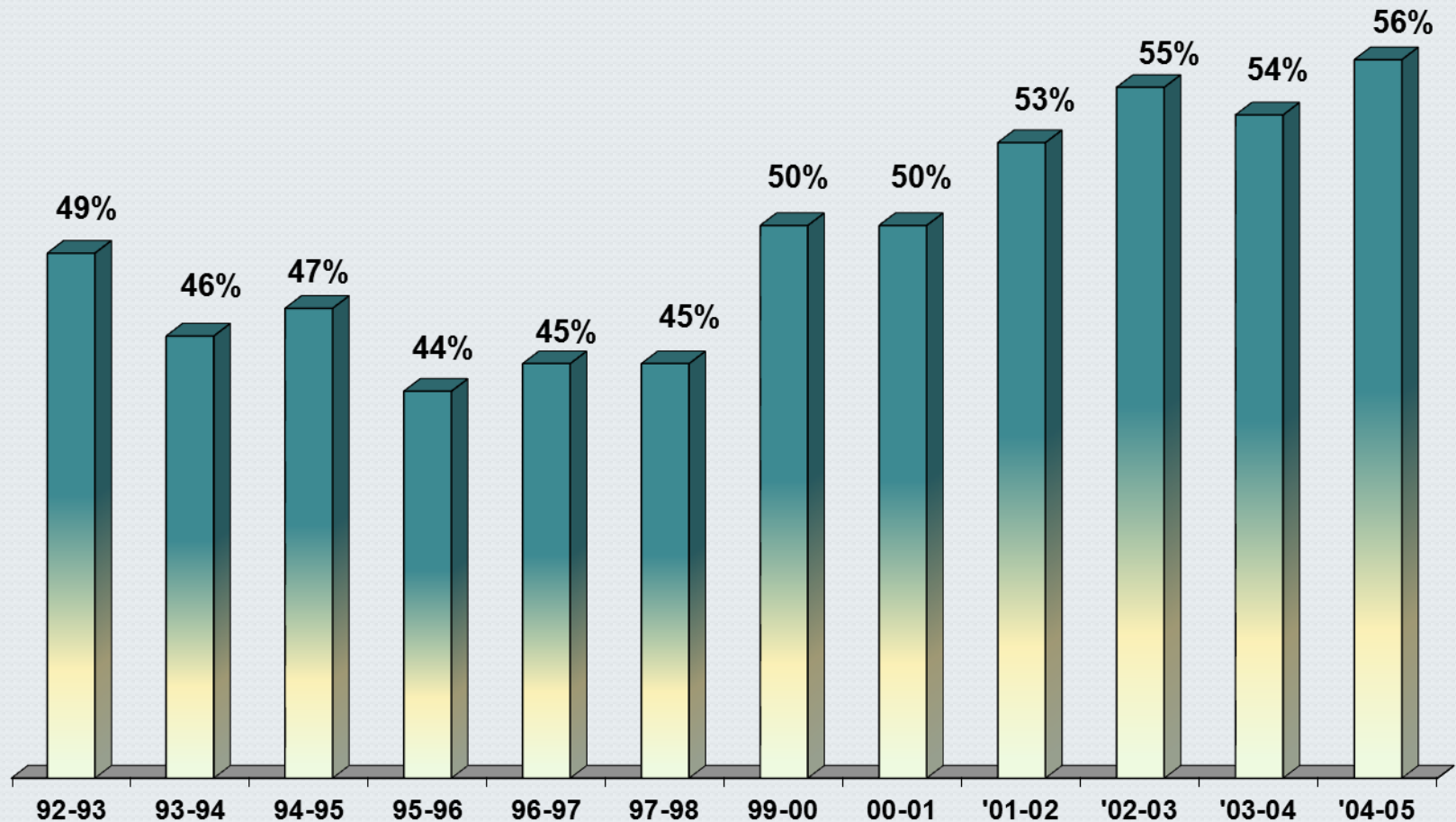
Intimate Partner Violence Cases

N = 37,831

Year	Single Accused Cases	Co Accused Cases
1992-93	94 %	6 %
1993-94	93 %	7 %
1994-95	93 %	7 %
1995-96	92 %	8 %
1996-97	92 %	8 %
1997-98	91 %	9 %
1998-99	91 %	9 %
1999-00	91 %	9 %
2000-01	91 %	9 %
2001-02	92 %	8 %
2002-03	93 %	7%
2003-04	95 %	5 %
2004-05	97 %	3 %

Conviction Rates

Winnipeg Family Violence Courts 1992-2005



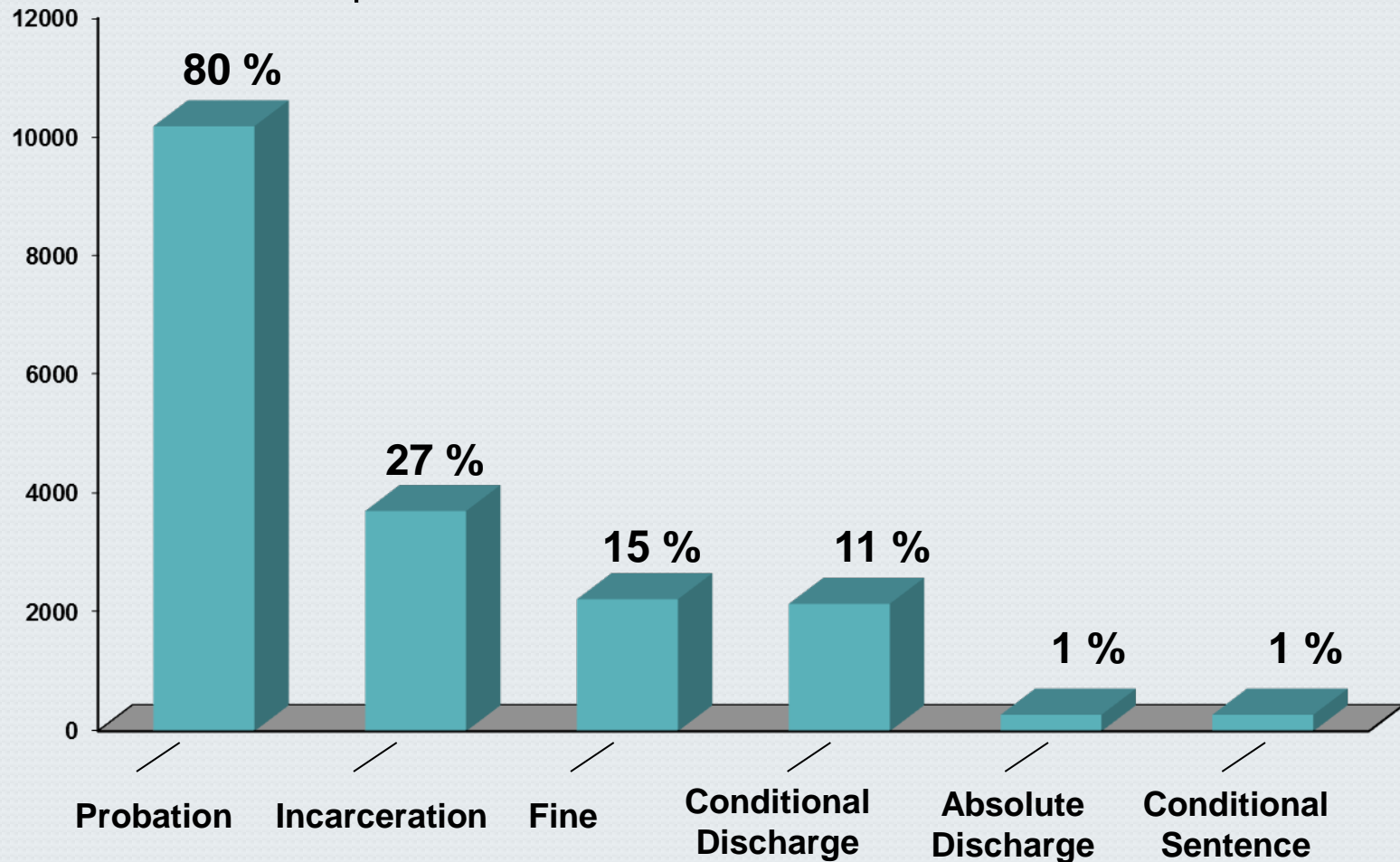
Spousal Conviction Rate

BY SINGLE AND REPEAT OFFENDERS 1992-2005

Single/Repeat Accused	Number of Individuals	% of All Individuals	Conviction Rate
1	15,082	58%	37%
2	5,456	21%	48%
3-4	3,533	14%	54%
5-6	1,110	4%	57%
7-10	607	2%	62%
11-23	219	< 1%	67%
Total	26,007	100%	46%

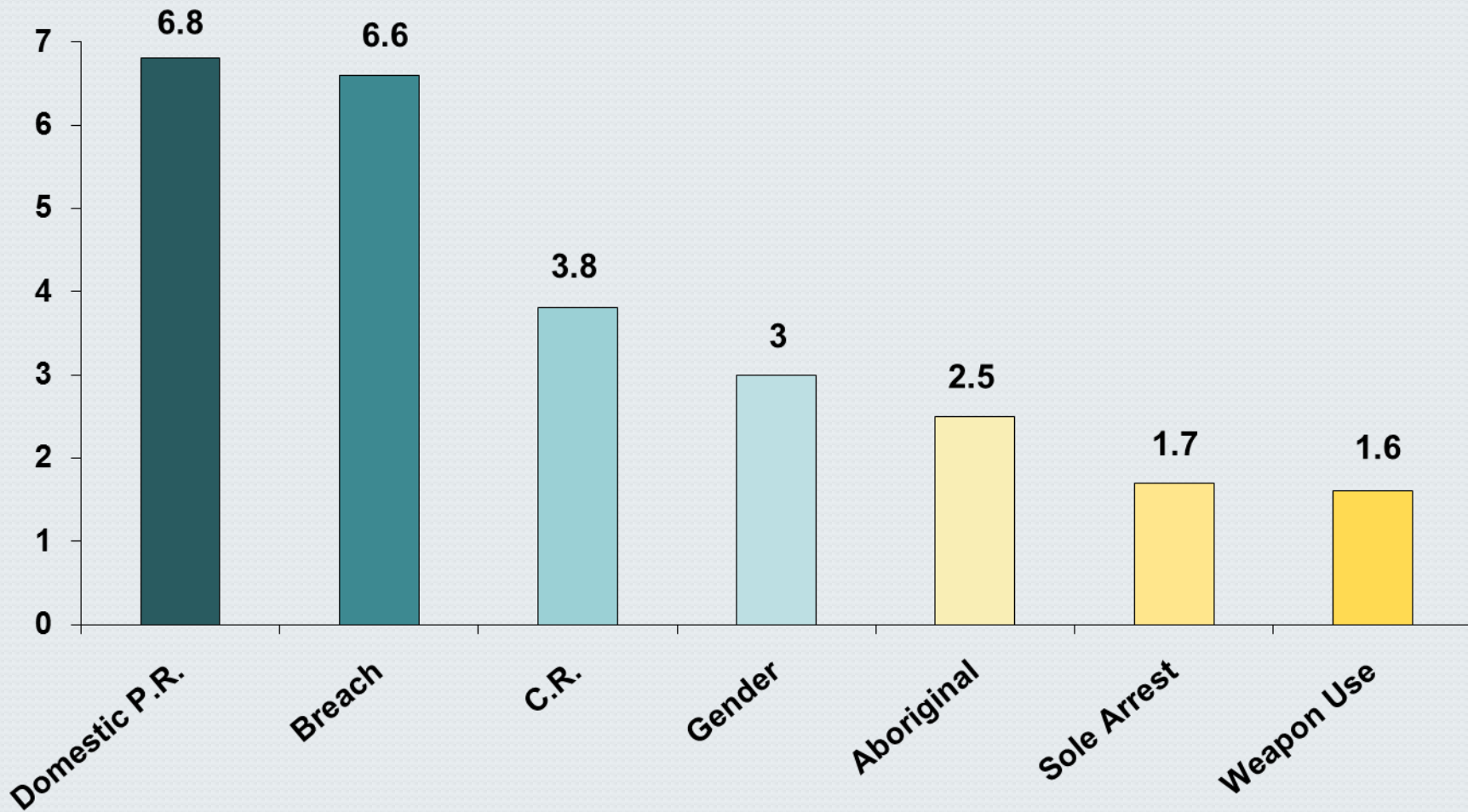
Sentencing Patterns

Winnipeg Family Violence Court 1999 – 2005
Spousal Abuse Cases N = 9,901*



* Percentages total more than 100 % due to occurrences of multiple sentences

Predictors of Incarceration



Lessons Learned

- There is no perfect model - successful courts are built upon the needs and capacities of the community
- Critical components:
 - Specialized Prosecutors
 - Victim Services
 - Treatment Programs for Offenders