

Opportunities for Solidarity with the Criminal Justice System Against Intimate
Partner Violence; Why we Need to and How we can.

by

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ABSTRACT

This thesis attempts to understand where the opportunities are for solidarity with the criminal justice system in an attempt to uphold the resistance of women experiencing intimate partner violence in Canada. As a country Canada spent more than \$7.4 billion dollars to deal with the aftermath of intimate partner violence (Canadian Women's Foundation, 2014, p. 10). The Canadian Women's Foundation (2014) believes that violence prevention programs and a strong criminal justice response can bring about an end to violence (p. 17).

The criminal justice system is meant to be reflective of our values as a society. As a society we claim to value and support a culture of non-violence and anti-oppression for all members. We assume that the people working in the criminal justice system, including police, judges and court workers and advocates have an understanding of all individuals who come before them. This is clearly not the case as victims are less now likely to report abuse than they have been in the past (Canadian Women's Foundation, 2014, p. 11).

If the criminal justice system is to be the macro level response to impact the lives of those impacted on micro levels by intimate partner violence, then we must provide the education, support and solidarity to those who are doing the work of the criminal justice system. Give them the tools and knowledge to provide the best possible response to a problem deeply rooted in our social values and norms.

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CHAPTER 1 – FOUNDATIONS OF UNDERSTANDING

A. Introduction

Intimate Partner Violence (IPV) has been a common form of violence in North American society for many generations. Since the before woman's suffrage movement, women have been fight for equality and attempting to move violence committed by their intimate partners into the public realm. Today, women still struggle to have violence committed against them seen as a crime punishable under the Criminal Code of Canada and addressed in criminal and family courts in Canada (Canadian Women's Foundation, 2014, p. 8). Each year there are over 40,000 arrests due to IPV, which accounts for about 12% of all violent crime in Canada. According to the department of Justice, each year Canadians collectively spend \$7.4 billion to deal with the aftermath of spousal violence (p.9). It is clear that IPV in Canada has large impact on our society.

Like all violent crime in Canada, rates of domestic violence have fallen in recent years. This decline is partly due to increased social equality and financial freedom for women, which makes it easier for them to leave abusive relationships at earlier stages. It is also due to years of effort by groups who are working to end domestic violence. Their achievements include improved public awareness, more treatment programs for violent men, improved training for police officers and crown attorneys, having the police lay charges rather than the victim, more coordination of community services and the creation of domestic violence legislation in some areas of Canada (Canadian Women's Foundation, 2014, p.11).

Despite the efforts, intimate partner violence continues to have high levels of non-reporting.

In British Columbia in 2010 there were 16,259 reported cases of intimate partner violence (IPV), and women were more than twice as likely to be victims of such violence, with an average of 16.3 deaths per year due to IPV (Track, Tahman, & Govender, 2014, p.14). It is well known that incidents of IPV and sexualized violence remain highly under-reported crimes, these statistics provide only a glimpse into a deeply rooted social problem (Track, Tahman, & Govender, 2014, p. 14). National research in Canada suggests that for approximately one-quarter of abuse victims, post separation violence is more severe than pre-separation violence (Track, Tahman, & Govender, 2014, p.14). Therefore it is clear that women escaping IPV require the support of community and government, but also the justice system, to ensure their rights under both criminal and family law.

As Supreme Court of Canada Chief Justice Beverley McLachlin stated; “There is no justice without access to justice” (Track, Tahman, & Govender, 2014, p. 8). The justice system has evolved in such a way that it can not claim to be equally accessible or fair. British Columbian’s legal rights are routinely violated and ignored, with devastating impacts on men, women, children, families and communities (p.9). Unmet legal needs can lead to broader social problems in our communities, including increased mental and physical health problems, addiction issues and reliance on overstretched social services and the exacerbation of violence against women (p. 9). Ultimately, our justice systems is an important piece of our community’s health and stability.

Justice systems are failing to meet the needs of those impacted by intimate partner violence. There are victims that are not experiencing the justice they need, perpetrators are not receiving the response they are entitled to as citizens and communities are suffering the consequences (Track, Tahman, & Govender, 2014, p.9). Justice systems are over burdened and failing to take the time that is needed to address these needs adequately. Governments are not providing funding to justice systems sufficient to address the needs of anyone impacted by IPV (p. 54). As a result, people are unwilling or unable to access the justice system, we need to better understand why people are not accessing the justice they are entitled to. As citizens our rights are only meaningful insofar as they can be enforced by individuals attempting to achieve justice through the law. (Track, Tahman, & Govender, 2014, p. 54).

These are some of the reasons that I have chosen to look at the impact of the criminal justice system on intimate partner violence. I hope to look at this topic in the context of those who use the system and consider the various ways that the criminal justice system is expected to address intimate partner violence. Ultimately alternative understandings of purpose and process of a system that is expected to impact an insidious form of violence against women might be able to provide the opportunities for solidarity against intimate partner violence with the criminal justice system.

B. Defining the Problem

New ideas and innovations are needed to address the issues related to IPV with in the established justice system. Through this paper I hope to investigate the issues facing the intersection of criminal justice system and intimate partner violence and look at innovative programs that are attempting to create opportunities for solidarity between those working to end violence in relationships. My purpose while using Barbara Hudson's principles of justice; discursiveness, relationalism and reflectiveness, is to examine IPV specific justice programs that are accessible, understood and relevant to the people it is to serve, particularly for the community of Penticton, BC.

I will begin with of historical and current understanding of IPV specifically as it relates to the criminal justices system in Canada to provide the reader with an understanding of the issues facing the people who are impacted by IPV. Context is an important part of IPV and I will try to provide the reader with as much of the context of those impacted by IPV as they manage the criminal justice system. Both victims and perpetrators are not receiving the opportunities for critically realistic understandings of their resistance and responses to intimate partner violence, victims often avoid the system because they do not feel justice is gained. Police are frustrated by low levels of participation and communities do not hear the unified voice from the criminal justice system that speaks to the unacceptable behaviours of men who are violent to their intimate partners. My hope is to provide opportunities and a starting point for discussion, innovation and improvement moving towards solidarity with the criminal justice system against intimate partner violence.

I recognize that IPV occurs in all types of relationships, straight, lesbian, gay, bisexual, transgendered and queer intimate relationships. I also acknowledge that perpetrators of violence and victims of intimate partner violence can be male, female, transgendered and others that do not fit within our binary descriptions. This paper does not have the scope to include the multitude of descriptions of intimate partner violence. Violence is a gendered, contextual and power issue, the reasons people commit violence and remain in violent relationships is related to these social issues and warrants the attention to be addressed individually. Here, I will specifically address violence in heterosexual relationships with the perpetrator more often being male and the victim female. I agree that more research and writing needs to be done to address the various forms of intimate partner violence.

C. Why the Larger Context is Important

In this paper, I am choosing to look at the justice system in its full context, a large endeavor for this paper. This is ecological approach looks at the issues facing those impacted by IPV in a holistic manner to include the law enforcement, judiciary, institutions and social agencies as participants in the efforts towards change. If we separate the issue into its components, we fail to see how the full effort and full force influences the norms of a community (Salazar, Emshoff, Baker, & Crowley, 2007, p. 632). Further, I think that criminal justice responses to IPV are defined and expected within ecological systems, and communities within cultures and countries that have different expectations and outcomes.

Understanding that the larger context of society, represented in the criminal justice system, is expected to make a judgement on behalf of society is important when considering the purpose and process of the system. As Harre (2012) speaks about emotions and the understanding that society should speak of emotions as an embodied form of judgement about some environmental situation with a personally relevant meaning and is the performance of a relevant social act (p. 183). Harre (2012) quotes Ben-Zeev speaking on emotions; from a philosophical and psychological point of view, emotions are not theoretical states; they involve practical concerns associated with a readiness to act. Since emotions are a evaluative attitudes, involving a positive or a negative stance towards the object, they also entail either taking action or being disposed to act in a manner compatible with the evaluation (p. 183).

IPV exists in the context similar to the context to Harre's understanding of emotion, in the context of those who experience it and those who react to it. If we defined IPV as acceptable, it would exist in a different context. Therefore it is clearly imperative that we define IPV as an unacceptable act morally and ethically together as individuals and as communities within social context to impact intimate partner violence. It is the criminal justice system that is expected to apply the judgement on behalf of society and speak to the unacceptable-ness of the actions of a man who is violent towards his intimate partner. It is the criminal justice system that speaks to the macro level interpretation of the social and cultural norms, to provide the solidarity of communities in speaking out against intimate partner violence.

Intimate partner violence is not theoretical, it involves practical concerns with socially defined attitudes and expectations of responses to act in a manner that is compatible with the social evaluation of the violent act towards an intimate partner. The criminal justice system is the presumed embodiment of those attitudes and expectations of responses. Victims, perpetrators and society look to the criminal justice system to confirm their beliefs and expectations around responses to IPV. Because IPV exists in this social context, this paper does not seek to divorce IPV from that social context. This paper hopes to examine IPV within the social context in which it exists.

D. Defining of Terms

I chose to use the term intimate partner violence as opposed to domestic violence or other terms specifically because of the image that the terms evoke. For me, domestic violence refers to violence in the home; it does not speak to the importance that needs to be placed on the relationship between the individuals involved and the context in which they experience it. There is a level of trust, caring and relationship that is evoked in the words 'intimate partner' as opposed to domestic, this means house, not necessarily home. Douglas et al. (2003) discusses the term domestic violence as a euphemism for what is effectively criminal assault in the home, arguably the construction of domestic violence as an 'other' to 'real' violence and criminality (p. 4). Further it demonstrates a failure to name it as violence (p. 4). As a person who has worked on the front lines of intimate partner violence, I want to acknowledge the difference and bring that into my work.

Intimate partner violence (IPV) refers to the use of emotional, mental, physical, spiritual, sexual and financial violence perpetrated by one partner on the other, with or without knowledge of what they are doing.

The word perpetrator is indicative of the position with respect to the criminal justice system. A perpetrator is someone who has done something, but not been convicted of an offence in the criminal court or they would be called an offender. Victim is defined as someone who has experienced a loss, I use this term with the understanding they have experienced a loss of their dignity through their experience of IPV.

E. Historical Context of the Canadian Justice System's response to Intimate Partner Violence

The steps towards the solutions of ending intimate partner violence lies in the articulation of ideas about possible 'causes' of a given problem and the formulation of policies and practices directed at a 'solution; is rarely a clear fit and usually involves a great deal of incrementalism, pragmatism, local experimentation and the like (Dobash, 2003, p. 214). Understanding the historical experience of IPV is an important step in the understanding and development of an integrated and local response. Using critical realist perspectives we can look to innovate and create opportunities to work toward solidarity in ending IPV.

Micro level factors such as personality disorders, in either partner, childhood role models, attachment beliefs etc., must be situated within macro-, social-level explanations, which include a lack of available social and economic resources or

societal norms that condone and hide violence against women (Giustina, 2008, p. 352). If the solutions to IPV were solely about individual psychology, then solutions could be directed at therapy, if solutions were only found in education then we could focus on beliefs that support violence. However, we recognize the diversity of victims and perpetrators and the contexts in which their lives are lived. But the fragments of our historical efforts to change IPV can be examined to innovate for future trajectories.

In the past, a man abusing his wife was once a common occurrence, even endorsed by the church as a means to correct the wife's faults (Canadian Women's Foundation, 2014). In the eighteenth-century, British Common Law allowed a husband the right to discipline his wife if she disobeyed his wishes, restricted only by the weapon he used, "a stick no bigger than his thumb" (Canadian Women's Foundation, 2014). Although shelter was available for these women in convents, women had no right to defend themselves or complain (Canadian Women's Foundation, 2014). Ultimately in the eye of the law, women were a piece of property to be owned by the man they were married to or the woman's father.

Until the 1980's assaults between intimate partners, including sexualized assaults, were seen as private matters and treated differently from similar type assaults committed by strangers. Women were expected to lay charges against their intimate partners. In 1983 legislation was changed so that sexualized assault against one's intimate partner became a crime, and 'no drop' policies were adopted to counter the idea that IPV was a 'private matter' (Canadian Women's Foundation, 2014). A lengthy western history of women being subordinate to men has

entrenched ideas of male dominance and superiority into culture and law. Many decades of activism and speaking out has started to produce changes for women.

Today, the criminal justice system intervenes in a substantial proportion of cases of intimate partner violence in Canada (Tutty, Wyllie, Abbott, Mackenzie, Ursel, & Koshan, 2008, p. 1). Rates of violent crime in Canada have fallen over the last 30 years. Intimate partner violence rates have also followed suit and have been declining over the last few decades. Broad policy changes across North America over the past two decades have impacted these statistics. These policy changes have occurred at many levels of the justice system including the police, prosecutions, courts and corrections (Tutty et al., 2008, p. 1).

The systemic response to intervening in domestic violence has primarily focused on the safety and needs of abused women. More than 30 years ago, there were not shelters specific to woman abuse, today, there are more than 500 shelters across Canada and in 2004 more than 100,000 women and their children stayed in these shelters (Tutty et al. 2008, p. 2). Finally, emergency shelters not only provide refuge to abused women and their children, but many offer crisis telephone lines, outreach and follow-up to address the ongoing challenges entailed in leaving abusive partners (Tutty et al. 2008, p. 2).

A 2005 Statistics Canada report shows that only 11% of women who had experienced spousal violence had contacted a shelter and 6 to 8% had actually used the service. These statistics are consistent with worldwide statistics that support the perspective that victims are reluctant to report violence in intimate partner relationships and there are a multitude of understandings about why.

Over the past number of decades the justice system has evolved substantially in its approach to both prosecuting accused and assisting victims. The criminal justice system enforces and administers the Criminal Code of Canada. There is no separate domestic violence offence; abusers as subject of a variety of charges, from common assault to uttering threats to murder that would apply to anyone regardless of the relationship between the victim and the perpetrator. While the Criminal Code is under federal jurisdiction, its administration is provincial/territorial responsibility, which is why different models of court specialization have evolved in different provinces (Tutty et al., 2008, p. 3).

As specialized courts develop across North America and other continents, it is important that we consider what our goal for the courts is and how we evaluate the success. We can look at procedural and output evaluations of court systems; we can also look at recidivism and victim satisfaction rates. Procedural and output evaluations in Canada find that specialized processes have resulted in significant improvements over traditional court processes (Johnson & Fraser, 2011, p. 7).

F. Limitations of this Paper

I recognize that IPV is a multifaceted issue, facing men and women, transgendered and queer individuals in many kinds of intimate partner relationships. I can only address the IPV that has been reported, but I am curious about the IPV that is not reported. My thesis will be using the assumption that the victims are female and the perpetrators are male, while I recognize that men's experience of violence is extremely under-reported, women experience 80%

of the reported IPV (Douglas, 2003, p. 2), and women are more than twice as likely to be injured as male victims, three times more likely to fear for their life and twice as likely to be stalked and twice as likely to experience more than ten incidents of violence (Track, Tahman, & Govender, 2014, p.14). It is clear that IPV remains substantively, a gendered crime (Douglas, 2003, p. 2).

I acknowledge that this limits my thesis with respect to the lesbian, gay, bisexual, transgendered and queer intimate partner relationship experiencing IPV. I also recognize that I am not addressing IPV as it relates to the immigrant community and their unique needs in accessing justice, as well as children experiencing IPV. There are many areas that need to be researched to address the issues of violence in intimate relationships. Some of these areas might include the experience of male perpetrators of violence as they move through the criminal justice system, or the experience of violence in gay or lesbian relationships. We could learn more by looking at the experiences of those on the frontlines of the criminal justice system.

There are many perspectives from which to address this issue and it is important that we continue to turn the topic over and adjust our lens to gain a better understanding of our perspective and our purpose as well as the possible solutions to the issue. Useful contributions to the debate on IPV and the criminal justice system should examine the process as well as the outcome of legal intervention, and should recognize women as active survivors rather than passive victims of men's violence (Lewis, Dobash, Dobash, & Cavanaugh, 2001, p. 106). To the same ends, research needs to recognize that men are active in their use of violence and efforts to overcome their intimate partner's resistance.

My purpose is to make this thesis as specific to Penticton, British Columbia as possible, I recognize that by doing this, this paper may not be transferable to other communities and other points in time. I work with victims of IPV in Penticton and I have first hand experience with the successes and challenges that face the justice systems as they attempt to address IPV. This paper may have limited or not have any scientific or academic relevance as many of the majority of the theories are well known, however my hope is that it will be relevant to this community.

G. My Position as a Researcher

My interest in researching the intersection of intimate partner violence and the criminal justices system is the result of many years of working with in a justice system and recognizing the expectations of victims, perpetrators, communities, lawyers and judges among others, and the failure, perceived or real, of the justice system to meet these expectations. At this point in time, I am working as a women's counsellor for women who have experienced abuse. I see many opportunities that are lost in a justice system that is unable to acknowledge the context that IPV occurs in, I also see an over taxed and under funded justice system that has been unable to respond to the calls for relevance to changing views on IPV. Most importantly, I see many people, working for government, non-profit and for profit working separately and often at odds to address the needs, where a unified, fluid and integrated approach would be beneficial on many levels.

CHAPTER 2 – WHY SOLIDARITY AGAINST INTIMATE PARTNER VIOLENCE IS IMPORTANT

A. Literature Review

The failings of the criminal justice system are well documented, especially in the cases of IPV. They include social and judicial attitudes which have regarded matters that happen in the private domain as no concern of criminal law; attitudes among police and prosecutors that victims are unlikely to sustain complaints and that therefore action is generally a waste of time and effort; humiliating and intrusive interrogation of victims to determine issues of consent or provocation; victims' unwillingness to press charges because of fears of retaliation; and difficulties of obtaining corroborating evidence when abuse takes place in private and so on (Hudson, 1998, p. 243).

Currently the justice system in Canada is adversarial in nature. This process means that the system is a power based system where two sides of the case square off to uncover truth and affix responsibility by examining evidence through the questioning of witnesses. Procedural justice refers to the fairness of the adjudication process and substantive justice refers to the appropriateness of the penalty (Koss, 2000, p. 2). Often, there are no other witnesses present and in almost half of the fraction of cases known to police, were judged to have insufficient evidence for filing or approval of charges (Koss, 2000, p. 2).

Other policies with respect to affecting change with respect to IPV are policies within police agencies regarding mandatory arrest and 'no-drop' policies once charges have been laid. Mandatory arrest policies rob women of choice and are

oversimplified given the varied domestic situations women face and the strategies they choose to deal with abuse, most studies suggest these policies should be repealed (Koss, 2000, p. 3). The reasons that women want to drop charges against the perpetrator of violence are varied and complex. The majority include concerns around continued threats of violence to themselves and their children as well as a perceived lack of evidence by the victim or other workers in the criminal justice system (Koss, 2000, p. 3).

Some victims of violence who were surveyed in the same study, indicated that they pursued civil court remedy, subsequent to the criminal justice process, because they wanted to be heard and searching for validation of the wrong that they suffered (Koss, 2000, p. 4). This would suggest that they did not feel justice had been served in the criminal justice arena and sought justice elsewhere. Data from 990 criminal trials revealed most victims believed that perpetrators had more rights, the system was unfair, victims' rights were not protected and they were not given enough information about or control over the handling of their case (Koss, 2000, p. 5). Substantive reforms have also proven to be difficult to obtain and are vulnerable to political expediency (Koss, 2000, p.6). The Crime Victim Assistance Program administered through many community based victim assistance offices in BC do not provide for the loss damage of property, and is difficult to obtain without a corroborating police report. Further, this program varies between provinces in the allocation of funds.

Restorative Justice programs are gaining popularity and focuses on involving the victims in the justice process and addressing the harm they sustained (Koss,

2000, p. 6). There are many different programs including programs that divert the offender from the criminal justice system to the civil court process, victim offender mediation and a communitarian approach (Koss, 2000, p.6). The civil process removes the possibility of a criminal justice response for the perpetrator and the parties are again faced off in an adversarial process. The mediation process fails to acknowledge the power differences present in IPV, women may find themselves negotiating for their safety rather than their autonomy (Koss, 2000, p.6).

Generally, the restorative justice systems that are considered more appropriate for addressing IPV are communitarian in nature. That is the victim and perpetrator and their supporters are given an opportunity to meet in the presence of a facilitator and encouraged to discuss the direct or indirect effects of the incident on them and to negotiate plans for repairing the damage and minimizing further harm (Koss, 2000, p. 7). This is supported by the notion that within the criminal justice context, the state steals the conflict from the offender and victim. Within the restorative justice context, the victim's role in the process is supported along with a desire to improve the management of crime and offenders, it is meant to be contextual, immediate and relational rather than universalist, remote and abstract (Lewis, Dobash, Dobash, & Cavanaugh, 2001, p. 117). The aim is to repair the relationships by 'shaming', 'reintegrating' and 'caring' rather than stigmatizing, condemning and blaming. The emphasis is on forgiveness and apology rather than punishment and retribution. An important element of this approach is the active participation of both perpetrators and victims in 'doing justice' (p. 117).

The Department of Justice Canada's Executive Summary – Rethinking Access to Criminal Justice in Canada: a Critical Review of Needs, Responses and Restorative Justice Initiatives (2013) discusses the contexts of access to justices, the public/private dimensions of justice and the concept of equality in promoting social justice. This article describes the civil law process as one in which the victims are in charge of the process, and in the criminal law context the wrong is not only done to the victim but also to the larger society (Department of Justice Canada, 2013, p. 2). The article points out that the ideas of restorative justice create opportunities for greater involvement by victims in the criminal justice process, and a more substantial connection between victims and offenders, they tend to blur the existing distinctions between criminal and civil law processes (p.2).

The competing models for the goals of the criminal justice system are discussed including Packer's 1964 models of 'crime control' and 'due process' as well as Griffiths' 'battle model' and 'family model' and each has a different assumption about the extent to which the interests of individuals are always opposed to those of the state (Department of Justice Canada, 2013, p. 2). This summary links the developments in restorative justice to earlier debates regarding appropriate models for Criminal Justice. It further links the theories of punishment including rehabilitation, deterrence, and "just desserts", which directly represents the underlying political nature of sentencing theory (p.2). For some, the restorative justice approach recognizes the relationship between offenders and the society context in which they offend; by contrast the traditional emphasis on punishment in response to wrong doing represents a "failure of imagination" (p.2). I would suggest

that it seems that the failure of imagination only lies with the society that drives the system, as the system is a function of the society in which it operates. If we focus on the punitive models of the court system that is what it becomes, if we focus on the process, the court system can represent the experience of justice.

Enhancing the role of the community also means diminishing the role of the Crown in some restorative justice processes (Department of Justice Canada, 2013, p. 3). This development may subtly suggest that the state has little interest in the concerns of the victim (p.3). Through the restorative justice programs, we also risk the individualization of the criminal justice process and fail to recognize that the system as a whole is to function as a representation of the societal norms and values about what is acceptable and what is not. The criminal justice system not only represents victims and offenders but also the larger community as a whole. The restorative justice process creates a new relationship between the individual victim, the symbolic victim, public institutions which represent their interests and administer their complaints (p.3).

Many scholars and activists argue about whether a focus on criminal law causes some battered women to become sacrifices to public principles which are intent on showing that something is being done rather than reflecting interest of the health and safety of individual women (Douglas, *The Criminal Law's Response to Domestic Violence: What's Going On?*, 2008, p. 443). There are often complex and continuing emotional, financial and legal ties between them as well as complex power dynamics (p. 442). The criminal process often ignores these relationships, by incorporating Barbara Hudson's principles of discursiveness, relationalism and

reflectiveness into the criminal justice process, we would better address the individual issues that face victims of intimate partner violence (p. 440). It is important that intimate partner violence legislation and policy reflect the perspective that IPV goes beyond traditional categories of crime and can take into account the features of power dynamics in the particular relationship (p. 448).

Douglas (2008) speaks to the importance of the criminal justice system to address IPV as a societal condemnation of the actions and that the actions are important enough to be dealt with in this system, this is described as discursiveness of the system (p. 467). The relational portion of the model recognizes individuals as embodied in a network of relationships with the community and state, acknowledging the impact of police, crown and judges in the safety of the victim and transformation of the perpetrator (p. 468). Finally the reflective aspect of the criminal justice system includes the individualised approach to IPV, in that the system is able to hear the accounts of those concerned in the act (p. 468). Douglas (2008) notes that while amendments to legislation might be necessary, the changes are feasible within the current systems (p. 468).

Generally, IPV is rarely formally recognized as a criminal behaviour and is generally dealt with outside the boundaries of the criminal law (Douglas & Godden, The decriminalization of domestic violence: examining the interaction between the criminal law and domestic violence, 2003, p. 33). The criminal justice system performs a function that is not only instrumental in enforcing legal and social norms, but is highly symbolic. It is a highly symbolic and powerful agency of public disapproval and reprobation (p. 33). Douglas et al. study (2003) acknowledges the

message when we do not include IPV in the criminal justice system as it is perceived as not as serious as violence committed outside intimate relationships (p. 33).

When we do not include the experience of intimate partner violence in the operation of the criminal justice system we are effectively trivializing the violence.

The use of the criminal justice system needs to be apart of a larger integrated response to IPV (Douglas, *The Criminal Law's Response to Domestic Violence: What's Going On?*, 2008).

My concerns with the restorative justice process, as supported by Douglas' (2003) comments that IPV is rarely recognized as criminal behaviour and if we remove it from the criminal justice system and its ability to provide retributive justice, we are in essence confirming the belief that IPV is not as serious as other forms of violence (p. 33). We may argue that control, this is prevention, should occur in the community but that, where offending happens despite this control, resolution of such behaviour should occur within a formal accountable legal system (Lewis, Dobash, Dobash, & Cavanaugh, 2001, p. 118). Looking to the criminal justice system for opportunities of solidarity will support the definition of IPV as a criminal behaviour and worthy of the full impact of the law, the system and therefore society.

Far from being the all-inclusive, benign haven often implied communities are more often exclusive, judging and riven with power inequalities (Lewis, Dobash, Dobash, & Cavanaugh, 2001, p. 119). We need to pay attention to the nature of the community to which offenders would be 're-integrated', battered women's experiences of their neighbourhoods all too often suggest that despite pockets of support, the 'community' simply reinforces and supports traditional forms of

patriarchal power (p. 119). Again, it is important that we look at the smaller influential pieces and how they impact the larger goals of the society. We need to determine what the problem is and who are the participants using a lens that includes the larger contextual perspective.

McCarthy et al. (1988) note that when we are defining a problem that needs to be addressed, we are also by proxy defining a problem-defined system as well as the membership to that system that will be considered for treatment (p. 182). The system involves all those who interact around a common theme that has been mutually defined as a problem or mandated for change (p. 182). As a part of the membership that is counted for participation, society has not participated or witnessed the acts of intimate partner violence. For the most part, society does not witness IPV as a “happening of living”, [IPV] exists in the domains of observation and conceptualization, although the experience may be retrospectively inferred and explained within these domains (p. 182). As members of society we can only infer what occurs in the “happenings of living” as a perpetrator or victim of intimate partner violence, therefore we must ensure that we understand the lived experience of those impacted by it and the full context of their experience.

B. Perspectives and Understandings

Menkel-Meadow (1996) points out that the binary nature of the adversary system and its particular methods and tactics often may thwart some of the essential goals of any legal system (Menkel-Meadow, 1996, p. 5). She notes that our epistemology has changed sufficiently in this era of poststructural, postmodern

knowledge so that we need to reexamine the attributes of the adversarial system as the “ideal type” of a legal system, and also reexamine the practice based on the premise of that system (p.5).

Although Menkel-Meadow (1996) does not specifically speak to the impact of the adversarial system on IPV, she does note many of the same concerns that critics of the adversarial system as it relates to IPV. She says that the binary, oppositional presentations of facts in dispute are not the best way for us to learn the truth, leaves out important information, simplifies complexity and obfuscates rather than clarifies and more significantly, some matters – mostly civil, but occasionally even criminal cases are susceptible to a binary conclusion or solution (Menkel-Meadow, 1996, p. 6). She further notes that the people will interpret the same “fact” in different ways, and the adversarial system does not allow for this diversity or imagination in the way it interprets the “facts” (p.8).

Multiculturalism has further reminded us that there is demographic, as well as epistemological “positionality” and we do not all see things the same way (Menkel-Meadow, 1996, p. 9). In addition, legal history has highlighted the inequality of people before the law, for women, aboriginal, Chinese and some other minorities the law has been used to subjugate certain groups of people. Menkel-Meadow (1996) adds that procedures and forms have limited the voices to be heard while structuring the discourse so that parties ultimately must align themselves on one side of the adversarial line or the other (p. 10). In the case of IPV, it is important that the discourse of the criminal justice system represents the discourse of the society that it is to represent. Menkel-Meadow (1996) suggests that variety

and diversity for our legal process that will require more diverse and complex thinking about which legal ethics would be appropriate in different settings (p. 12).

Ultimately Menkel-Meadow suggests that we need to explore alternative models of legal process and ethics that will better meet the needs of more complex postmodern, multicultural disputes and issues (p.12). The various systems of legal recourse in numerous countries remind us that legal process is culturally specific and chosen not given (Menkel-Meadow, 1996, p. 28). With this in mind, it is important to acknowledge that societies create legal systems that represent the important factors in their communities, and the systems that we create to end IPV are reflective of the importance we place on that societal issue. It is the society itself that dictates the discourse that IPV is permitted to be addressed from.

It is important to remember that the criminal justice system is representative of norms and values of a community and not a search for truth, but a balance of what can be best thought to be true. In the case of IPV, the importance of the representation of the community norms and values can not be underestimated. With this in mind, I think that Menkel-Meadow's (1996) statement that if "truth" is to be arrived at, it is best done through multiple stories and deliberations rather than through only two (p. 20), is important as the "truth" of the victim, perpetrator and the community are important pieces of the criminal justice system.

As Harre (2012) might state; the merit is the argument, this is where we as a society place meaning for the process and the event that placed the victim, offender and other participants as representative of the community. Therefore it is not the search for the "truth" but the process that creates the "truth" for its

participants. Menkel-Meadow (1996) indicates that she hopes to find a justice system that is more sensitive to the particular postmodern needs of the parties and the particularities of cases (p.43). I would suggest that with respect to IPV, we need to examine how the postmodern view can impact society's understanding of IPV and the victims, offenders and how society hopes to impact it. As a course of history society appears to have a particular view of IPV moving towards IPV being unacceptable. While post-modern ideas might be helpful in some areas, I would propose a critical realist or para-modern perspective that acknowledges the importance of experiences and at the same time can examine the processes and systems that hold the experiences.

When we consider the idea of postmodernism, we propose new practices and ways of thinking where notions of narrative, texts, discourse and the social construction of meaning, a decentred subject and the questioning of all meta-narratives is paramount (Larner, 1994, p. 12). The purpose of a postmodern discourse is to examine the epistemology of the systems in which we make individual and societal decisions. As Larner (1994) notes, even the postmodern perspective privileges its own perspectives over modern discourses which it supposes to deconstruct, the binary thought of our culture in which the modern/post-modern debate is framed compels us to set up the hierarchy of postmodernism over modernism (p. 12). Rather we should discuss these metaphors as a debate of "both/and" to offer opportunities for discussion of the full complexity of the impact of the criminal justice system on IPV, opportunities for critical realism and solidarity in discourse. We need to be careful that in the effort to find the best way to work

with the justice system as it relates to IPV that we do not simply turn the hierarchy between objective reality and the socially constructed narrative upside down, privileging language, meaning and discourse over the 'real' and 'true' (Larner, 1994, p. 13).

The purpose of a justice system that is relevant to IPV, the victims, perpetrators and community is to understand its own process to support the victims, condemn the actions of the perpetrators and confirm the intention of society as it relates to IPV. If we allow the "both/and" logic in our justice system, we allow for the reality of events and the social construction or social interpretation of those events. Once we allow for the duality, the allow for the possibility of a truth to discover as well as a truth to construct (Larner, 1994, p. 14) we allow the justice system to condemn the actions of the perpetrator to be true and unacceptable while also allowing for the myriad of understandings, reasons and impacts those actions to be constructed.

This less dualistic perspective of a justice system allows the individual to exist within the system and not the dualistic view where if one exists the other cannot, this supports the "both/and" view that Larner discusses in his views of para-modern theory. In addition, as McCarthy et al. note in their article *Mis-Taken Love* (1988) our current system of binary thought around good/bad and innocence and guilt does not allow for the idea that an intimate partner can love the perpetrator of the violence or that the perpetrator of violence loves the intimate partner in a genuine way (p. 188). A knowledgeable, informed system that allows for validating

the descriptions of all participants might become the medium in which a discourse of consensus is evoked (p. 189).

The purpose of the problem solving endeavour is the dis-integration of the problem from the solution which are embedded together within the system in which they exist, the dualism of discussion does not allow for the separation of the parts without the destruction of one of them, a less dualist process allows for the existence of both. A restorative ideology carries with it attributions of damage and ruin, within this description ruin and restoration are the place where society remains capitively engaged (p. 182). As such, the wife views herself as a sacrificial victim and as a heroine, as such she must accept herself as ruined before she can be restored (p. 182). This is not a relevant understanding of a victim that is always resisting oppression and violence, as a society, we must uphold the understanding of victims as prudent, thoughtful resisters of violence. An ideology of damage and ruin can not uphold this understanding of victims.

This extension of the dualistic process of restorative justice brings us to the understanding that the ideology behind the process does not mesh with the purpose of the process. Our process with the criminal justice system is not to restore or destroy but to name criminal behaviour and work towards stopping it. The system's purpose is to stop a behaviour that it defines as criminal. To do this, we must look to what the system and thereby society define as criminal and ensure the community is engaged with this definition.

C. Methods

This thesis recognizes the importance of understanding the full context of IPV. If we do not take into account the context of victims, perpetrators and their community, then we will limit our understanding of how to create opportunities for solidarity and best support efforts to stop IPV. I will use a content analysis using a Meta study to include the needs of victims, perpetrators, police, family, community, support workers, lawyers, judges and others related to the process of accessing justice related to IPV. I will look at the goals of sentencing, court process and the goals of accessing justice services.

I will primarily include the articles that are less than 15 years old, unless they are substantively relevant and cited, all journal articles will be peer reviewed. I also believe that it is important to include articles from government and non-profit agencies addressing the particular needs of British Columbians. It will be important to include worldviews and world experiences for countries with similar legal systems, as well as countries using different methods to of justice for people experiencing IPV. I recognize that not all articles will be accessible to me, specifically if they are in another language or the kind of justice accessed would not be relevant to the Canadian justice systems.

I am also including anonymous data obtained from the local RCMP detachment in relation to IPV from call to 911 to sentencing, and relate this to similar studies. I have also looked at the same questions for common assault to compare the incidents and outcomes for each kind of violence, as under the Criminal Code, these types of violence are the same, however policy, procedure and public opinion prove that

they are qualitatively different and I am assuming that the data will show that they are also quantitatively different. The data requested from the local RCMP included;

- Number of calls to domestic incidents
- Sex of victim
- Sex of perpetrator
- Number of charges sent to crown for approval
- What charges were sent for approval
- Were there charges not related to the domestic indecent (drugs/weapons found, PO assault etc.)
- Number of charges approved to be laid
- Charges were approved
- Number of perpetrators that plead guilty/not guilty
- How many charges changed to 810 Peace Bond
- How many were stayed
- How many were sentenced
- Number of; probation/jail/community sentence order/fine/community service order
- For those with community sentences were there conditions related to no contact, no substance use, counselling
- How many were found not guilty

This information was specifically requested from the Penticton RMCP Crime Analyst. When we include these statistics from the local RMCP, the thesis then becomes specifically relevant to Penticton and surrounding areas and our response to IPV in our community.

CHAPTER 3 – THE HOW’S; PUTTING THOUGHT INTO PRACTICE

A. Re-Imagining the Criminal Justice System

In the re-formulization of the criminal justice system as it relates to IPV, Barbara Hudson argues that there are three key principles that should underpin justice, these include, discursiveness, relationalism and reflectiveness.

Discursiveness is the responsiveness of the system to circumstances of the particular case rather than subsuming individual acts and actors under general classes', the system therefore represents a wider range of standpoints (Douglas, *The Criminal Law's Response to Domestic Violence: What's Going On?*, 2008, p. 440). Relationalism means that the system recognizes the network of relationships with the state, community and individuals. Finally a reflective system is supporting the perspective that each case needs to be considered in terms of all its unique circumstances while situating them in the wider social context. Within the Context of IPV, this perspective would be particularly helpful in working in communities where the victims continuing safety is a key issue (Douglas, *The Criminal Law's Response to Domestic Violence: What's Going On?*, 2008, p. 441)

Understanding how the justice systems respond to IPV has been much debated by scholars around the world. It is an important debate as the feminists and others work towards ending IPV, the justice response is essentially the voice of the government and social context speaking to the issues at hand. Without a clearly defined response in the justice realm, the voices may not be heard in unison to end violence in intimate partner relationships. It is clear that there is limited use of the criminal law in IPV cases, which works to undermine the effectiveness of the formalized procedures, policies and laws (Douglas, 2003, p. 2). Understanding why this is occurring is an important question, as Justice McLachlin states, there is no justice without access to justice (Track, Tahman, & Govender, 2014, p. 8). Understanding the reasons for a lack of access to or use of the justice system is as

important in ensuring that we provide opportunities for people to enforce their civil rights.

B. Solidarity with Victims of Violence in Intimate Relationships

When we look at the impact of the criminal justice system and its purposeful impact on the lives of those involved we must look at the women who are the victims and incorporate the lived experience of legal intervention into our research. Often we have a tendency to essentialise women and view all women as alike despite differences in class, ethnicity or personal circumstances (Lewis, Dobash, Dobash, & Cavanaugh, 2001, p. 114). The voices of professionals and researchers are allowed to 'speak for' the people who are under 'investigation', this is especially the case where the 'subjects' being studied have diagnoses that pathologize them and separate them from so-called 'normal' and 'healthy' individuals (Dennstedt, 2010, p. 53). This is what Foucault refers to as dividing practices (p. 53).

As Sanders (1997) discusses youth with 'problem discourses', a similar 'problem discourse' can be identified for women who have experienced intimate partner violence, in effect, their experiences and relationships, and their dreams of future possibilities have been colonized by the problems (p. 400). Commensurate with this is a kind of overwhelming of their lives by a cadre of well-meaning problem solvers, consisting of various members of the helping professions (p. 400). Once again, we recognize that the dichotomous discourse around victim/perpetrator relationships restricts the solutions that present themselves for the victims of intimate partner violence. As people privileged to witness the lived

experience of people struggling for dignity, we must work towards practices that are not imposed from white ivory towers, but reflect the ideas, solution knowledges and wisdom evolving out of collaboration with those seeking our services (Sanders, 1997, p. 400).

The pathology that we apply to women as victims of intimate partner violence leads to a tendency to speak on behalf of women and in so doing we replace the needs of abused women and focus on the law rather than the women's lived experience of the law (Lewis, Dobash, Dobash, & Cavanaugh, 2001, p. 114). Ultimately this leads to over-determinism in which women are denied agency or the ability to affect their life circumstances (p. 114). The approach precludes any investigation of the small, routine and private or the grand dramatic and public ways in which women challenge men's abuse and the ways they might invoke the law to support them in these challenges (p. 114). When we pathologize, we subjugate and oppress personal agency, self doubt becomes a lingering presence within these persons' experience, casting aspersions on their ability to evade or ignore denigrating voices (Sanders, 1997, p. 403). We need to pay attention to the micro ways in which women resist IPV to understand the macro ways we need to address IPV and we need to pay attention to the macro ways we address IPV to understand the micro ways women work to maintain personal agency.

The criminal justice system is a great colonizer of problems, it attempts to gather people, remove them from their lived experience and place them in compartments that support dualistic and limited ways of viewing problems. This compartmentalization is incongruous with the ways in which people live their lives

(Dennstedt, 2010, p. 54) and can lead victims of intimate partner violence to go 'underground' attempting to defy detection. Those who facilitate the process of the criminal justice system have the opportunity to change the experience of those using the system. By taking opportunities to gain a better sense of the experience of those involved in the system, we can better engage victims of violence in the a system that hopes to compartmentalize and define their problem. In addition, by allowing conversations that elucidate and honour resistance (Richardson & Wade, 2009, p. 205) as well as the lived experience of victims of IPV, we gain a better understanding of how the criminal justice system as a macro level social institution can support them in micro level empowerment in personal lives. We can not underestimate the importance of the process of legal intervention as a tool that victims of IPV can use to address the impacts of violence on themselves and their communities.

While we recognize that victims of IPV resist in a multitude of ways, we must also recognize that the system attempts to limit the ways that they can resist within the confines of the criminal justice system. We often fail to recognize that women have agency in how they use the law, purposefully and actively as a part of a strategic process of challenge and resistance against the violence they experience at the hands of their intimate partners (Lewis R. , Dobash, Dobash, & Cavanagh, 2000, p. 184). A victims' resistance as noticed through the criminal justice system is constrained by the courses of action that she can take because of the limits of the system but also the ongoing oppression imposed by a violent partner or by wider socio-economic conditions (p. 184). Further we must understand that her choices

are limited by the ways that the law conceives men, women and men's violence toward women (p. 193). We must understand that a victim's experience of the justice system as a foundation for a critically realistic and empirically informed analysis of opportunities for making the system more accessible for all victims (p. 185).

The study conducted by Douglas et al. (2010) found that women stayed in abusive relationships for a complex interplay of reasons (p. 17). Victims are represented as passive individuals who invite or uncsciously desire the violence they endure, while perpetrators are portrayed as hapless individuals who are compelled to violate others by forces they do not understand and can not control (Richardson & Wade, 2009, p. 206). Coates is quoted by Richardson et al. (2009) as supporting this by saying that unilateral acts of violence, from genocide to rape to wife-assault, are portrayed as mutual acts for which the victims are substantially to blame (p. 206). If we accept the position that victims do not resist violence and the positions of the professionals are superior, we impose beliefs and colonize problems.

When we begin to see victims of violence in a non-dualistic, agentic way, we expand our understanding of how the criminal justice system can benefit them on a micro level. Wade's (1997) articulation of human beings as sentient "responding" agents rather than passive by-standers who are affected by their surroundings helps us to take a different understanding of victims (Richardson, *Metis Identity Creation and Tactical Responses to Oppression and Racism*, 2006, p. 58). Often individual events could seem minor in isolation, understanding the whole picture is

particularly significant for women, however, the criminal justice system often seeks to identify discreet categories of abuse, and specific incidents outside of the wider context (Douglas & Stark, *Stories from Survivors: Domestic Violence and Criminal Justice Interventions*, 2010, p. 19). For example, when we understand that victims of IPV have used a number of tactical responses that they have developed over time to resist the violence of their intimate partner, we begin to see opportunities for support and intervention for police, judges, crown and advocates. If we understand what these tactical responses have been we can use the criminal justice system to support their own understanding of safety, through conditions on probation orders, or protection orders etc (Richardson, *Metis Identity Creation and Tactical Responses to Oppression and Racism*, 2006).

In contexts where social justice is absent, and where victims may place themselves at increased risk when they address the injustice, social violence is often used against those with lesser social power (Richardson, *Metis Identity Creation and Tactical Responses to Oppression and Racism*, 2006, p. 62). As is the case with most issues of society, it is those with a lower social position that more often come to the attention of the 'authorities'. The result is that often victims of violence recognize that they will lose control of their context and their story so they choose to be quiet about the violence they experience. Allowing victims of intimate partner violence to maintain their safety in the ways they are doing and the ways they know how support the dignity and knowledge they have of their experience.

It is widely acknowledged that reported incidents and prosecuted offences of domestic violence represent only the 'tip of the iceberg' in terms of the actual

occurrence of violence (Douglas & Godden, *Intimate Partner Violence: Transforming Harm into a Crime*, 2003, p. 3). Indeed the concept of 'filtering out' has obvious parallels in the domestic violence context where many women experiencing violence in an intimate relationship may not seek legal redress or may not pursue the range of actions that may be available under the criminal law. This disjuncture between the formal legal system and a 'pre-law' realm repeats the concerns about the public/private divide that has been the focus of much feminist critique (p.3).

While victims have fought hard to be heard and have a voice in the justice system, the response of the government has participated in defining the perpetrator as an 'underclass', this lead to the manipulation of the suffering of victims and the fears of potential victims to support more and more punitive and incapacitive penal policies (Hudson, 1998, p. 240). In the Lewis et al. 2000 study it was noted that Women talked frequently about their struggle for protection for themselves and their children, but rarely did they speak to concepts of punishment or retribution, their main concern in invoking the law were to achieve short-term protection and long term prevention (p. 188), this does not equate to retribution in a non-binary perspective.

Often victims still care for and want to help or must maintain a relationship with the perpetrator. The victim understands the non-binary relationship she has with the perpetrator. The criminal justice system does not acknowledge her perspective and she recognizes that her voice will not be heard. She also notices barriers to her reporting, the prosecuting and convicting, she recognizes her justice will not be found through this justice system and she may choose not to participate.

Many women hope for rehabilitation for their violent partners and hope that the criminal justice system can provide this (Lewis R. , Dobash, Dobash, & Cavanagh, 2000, p. 189). The Lewis et al. (2000) study presents an image of a victim engaging in a constant process of negotiating their own and their children's safety during which they make decision based on judgements about what has been the most effective responses (p. 191). Women make decisions to invoke the law to promote their safety while negotiating and strategically resisting the violence they experience (p. 191).

Douglas (2008) quotes Julie Stubbs and acknowledges that historically the debate around the input of victims in the criminal justice system has been flawed in that it has been polarized to characterize women as either free agents empowered through choice or as too victimized to act in their own interests, she notes that we need to recognize agency as constrained by material circumstances, cultural narratives and practices (p. 453). Similarly, Hudson notes that choices are not made in a bubble of atomistic individualism, but from within a web of values, role models and relationships (Douglas, *The Criminal Law's Response to Domestic Violence: What's Going On?*, 2008, p. 453).

Nils Christie writes about the importance of the victims' experience in the justice realm. He argues that if we are to have a justice system, we must consider what the victim considers justice, otherwise we are appropriating the experience of victims, substituting the state for the victim and leaving no where for the victim to tell their story (Hudson, 1998, p. 240). With our current system, from Christie's perspective, the resources of our criminal justice system have been used for the

colonizing of the experience of the victim, punishment of perpetrators with nothing being done to support or recompense the victim, it has in essence become a punishment system as opposed to a justice system (Hudson, 1998, p. 240). When we create a binary system of good and bad, our only response can be to punish. When we open our system to non-binary perspectives we gain a critically realistic perspective to examine the context in which IPV exists and is perpetuated.

Within the criminal justice system, women are typically portrayed as powerless victims of an oppressive partner and then an oppressive system which further disempowers them. This is simply not true. Women are in step with their cultural contemporaries in their familiarity with women's issues (McCarthy & Byrne, 1988, p. 183). They are intune with personal issues for example, health, work, questioning a total commitment of child care, and openly challenging husbands in regard to issues of status and authority (p. 183). Abuse and protection are but a reversible shroud in which victims are lain (p. 183). The description of women in abusive relationships as "colluding" in the male sovereignty myth is an image that does not fit with the lived experience of the women who are working to keep themselves and their families safe from the multiple threats they face as a victim of intimate partner violence. Women consistently tell stories of their efforts to deal with intimate partners who are abusive and resist violence in thoughtful and prudent ways (Wade 1997).

When we as society look at intervention and the success of those interventions, we tend to equate them with the women leaving the violent partner; women's agency and safety are seen as intrinsically based solely upon their ability to

separate from their violent partner (Lewis, Dobash, Dobash, & Cavanaugh, 2001, p. 109). This not only precludes notions of rehabilitation of violent men, but also conveys a narrow portrayal of women's circumstances (p. 109). Many women wish to remain with their partner, but eliminate the violence. These women are misrepresented if they are simply portrayed as 'victims' devoid of agency. It would be more apt to see them as individuals using a variety of resources (including the legal system) to resist men's violence and to protect themselves and their children (p. 109). It is important that we understand the women experiencing violence at the hands of their intimate partners as actively negotiating and using various methods of strategic resistance to protect themselves and their children. The dualistic ways in which we have viewed the victims and perpetrators of intimate partner violence have not allowed these discussions about other possibilities of success.

When we consider victims' of intimate partner violence and their experience of the various forms of intervention that are proposed and in practice, we need to recognize that power plays an important role in these relationships and ways in which they use agency in decision making and action. There are inherent power differences between perpetrators and victims of intimate partner violence, some forms of 'community justice' fail to seriously address notions of power and powerlessness in violent intimate relationships. For this reason, 'community justice' models can be harmful if not deadly for victims of intimate partner relationships.

C. Acknowledging the Violence of Perpetrators

Violence is social in that it occurs within an interpersonal interaction that is comprised of at least two people (Coates & Wade, *Language and Violence: Analysis of Four Discursive Operations*, 2007, p. 513). Like other forms of social conduct violent behaviour is most accurately understood when it is examined in context, that is, when we consider both the offender's actions and the victim's immediate responses to those actions (p. 513). It then becomes apparent that perpetrators anticipate certain responses by victims and modify their actions as those or other responses do or do not occur (p. 513). Contextual analysis also shows that while violent behaviour is inherently social, it is unilateral rather than mutual in that it entails actions by one individual against the will and well being of another (p. 513).

When we consider the perpetrator and his actions in relation to IPV, it is clear that many perpetrators of IPV engage in blame shifting in relation to domestic violence matters, particularly they often believe in a true sense that they are justified in what they do, even that they are the true victim (Douglas, *The Criminal Law's Response to Domestic Violence: What's Going On?*, 2008, p. 459). The perpetrators of diverse forms of personalized violence employ a number of strategies before, during and after the assaults to suppress or overpower the victim's resistance (Coates & Wade, *Language and Violence: Analysis of Four Discursive Operations*, 2007, p. 522). There are often drug or alcohol related addictions that are concurrent with IPV, often times, the IPV related issues are pushed aside and the courts will focus on the addictions issue (Douglas, *The Criminal Law's Response to Domestic Violence: What's Going On?*, 2008, p. 460).

With respect to sentencing of perpetrators, the Commission for Racial Equality has complained that even where prosecutions are successful, penalties are insufficient, they do not provide for protection for the victim and repentance in the perpetrator (Hudson, 1998, p. 244). Liv Finstad argues for non-imprisoning sentences to violence and says that any response to this type of violence must be firmly and unequivocally attached to the perpetrator; protection and compensation must be effected for the victim; the extent and seriousness of violence must not be made invisible (Hudson, 1998, p. 244).

It is a clear message, that there are expectations of the criminal justice system to deal with IPV in a manner that addresses the community, the law, the perpetrator and the victim to create justice, more than punishment or retribution, but a response from the voice of authority that supports the needs of the victim and offender within the context of their community. Criminal justice performs a function that is not only instrumental in enforcing legal and social norms, but is highly symbolic, it is a powerful agency of public disapproval and reprobation (Douglas & Godden, *The decriminalization of domestic violence: examining the interaction between the criminal law and domestic violence*, 2003, p. 33).

A society's economic, political and social structures are crucial in establishing and perpetuating its social order, which has been tied to the material basis of production and is maintained through its legal institutions (Giustina, 2008, p. 352). Historically, gender-based divisions of labour interacted with class-based private ownership of property and the monogamous family resulting in intensified gender inequality, this inequality included women's status as chattels, which justified

spousal violence during feudalism and early capitalism (p. 352). The capitalist system of industrialization and labour for wages, intersected with the patriarchal system to produce important class and gender relations (p. 353). The establishment of these systems have created the foundation for and significantly impacted the context in which IPV is permitted to exist.

Deeply seeded gender roles have been maintained through cultural ideology, socialization and stereotypes. Men are socialized to be self-confident, independent, competitive, dominant, aggressive and even violent. Men who assault women are living out cultural roles that are cherished in western society, such as aggressiveness, male dominance and female subordination (Giustina, 2008, p. 353). This is one of many explanations of the social root of male violence towards women and how men have been socialized to be the dominant gender. At the root of IPV is the social conditions related to patriarchal family values, class and race system rather than beliefs around the individualized inherent violent nature of particular men. An integrated approach that addresses the micro issues via the macro processes by incorporating a strong criminal justice approach along with a broad community response will go a long way to impacting intimate partner violence.

Other theories of why men use violence in intimate partner relationships include that it is learned through observing that relational violence is effective in resolving conflicts and for maintaining control over a partner (Lawson, 2003, p. 20). Further, early developmental factors have also been found to have a profound impact on setting the conditions for abusive behaviours, these include; long-term disruptions in predictable, caring and safe childhood environment create

maladaptive models of relating leading to dysfunctional affective regulation strategies in close relationships (p. 20). A wide range of diagnosable psychopathological reasons for men who use violence in intimate partner relationships have also been suggested however, some have concluded that psychopathology should not be viewed as the sole causal agent (p. 20). It is important that we continue to see people as social agents operating in social context and confirm the idea for victims as well as perpetrators that when we pathologize violence, we preclude the perpetrators' agency to acknowledge, examine and change that violence.

The general agreement among researchers is that interpersonal violence has multiple causes at multiple levels (Lawson, 2003, p. 20). Integrative explanations include ecological and systemic models that attempt to account for the relationship between multiple factors (p. 20). Such integrative explanations seem to offer the most promise for explaining the multiple determinants of partner violence (p. 20). Part of the evaluation of the kind of interventions proposed for perpetrators of IPV, we must not take a naïve view of perpetrators. We must acknowledge the complex motives, values and justifications for using violence in intimate partner relationships. Perpetrators of intimate partner violence use intentionality and tactics of denial, minimization and blame (Lewis, Dobash, Dobash, & Cavanaugh, 2001, p. 119). The consequences for such a thoughtful process must be representative of the intentionality behind the actions.

In addition, evaluations of criminal justice programs must move beyond straightforward assessments of rates of recidivism as indicators of the effects of

various interventions to a consideration of what it is that bring about sustainable change in the orientations, beliefs and actions of offenders (National Research Council on Crime and Delinquency, Dobash, Rebecca Emerson, 2000, p. 268). We must recognize that shaming men who are already extremely resistant to change, in a culture with ambivalent values about the male dominance and abuse is likely to be a complex, lengthy process, requiring highly skilled facilitators who support feminist orientations towards such issues (Lewis, Dobash, Dobash, & Cavanaugh, 2001, p. 119). Perpetrators are often embedded in networks which condone or support violence and control of women partners and they shun others (p.119). It seems naïve to place faith in the likelihood that 'the community' will condemn men's violent behaviour or that men will reform quickly or easily (p. 119).

Historically, there has been overwhelming support for arrest and prosecution of perpetrators of intimate partner violence with relatively little consideration of other modes of legal intervention such as rehabilitation, arrest is too often treated as the sum of legal response rather than the gateway to further intervention (Lewis, Dobash, Dobash, & Cavanaugh, 2001, p. 111). If we are using feminist perspectives to discuss the victims of intimate partner violence, then we also need to use feminist perspectives to discuss the perpetrators of intimate partner violence (p. 110).

It is important that the criminal justice system is the larger venue that imposes sentencing on perpetrators of intimate partner violence. The import of the message to the perpetrator must be strong and clear. The consequences for intimate partner violence must challenge men to take responsibility for and think critically

about their violence rather than offering sympathy and counselling, it must be guided by an understanding of domestic violence (Lewis, Dobash, Dobash, & Cavanaugh, 2001, p. 121). Perspectives that are therapeutic interventions intended to 'cure' the man's psychological dysfunction have not been as effective as methods that recognize that men's violence towards partners is a tactic of power and control which is played out within the social context of gender inequality (p. 121). Any effective intervention strategies must have violence as the clear focus of the work, not something to be ignored or skirted over as in family systems or couples' counselling which focus on relationships and communication skills and neglect the violence, the process of 'respectful retribution' is a critical foundation for the development of non-abusive attitudes and behaviour (p. 121).

The Duluth model is a model that has its emphasis placed on the punitive responses to the violence actions of the perpetrator, in particular legal and judicial consequences (Barner & Mohr Carney, 2011, p. 237). Efforts are then made by group of facilitators to offer learning tools to perpetrators as a means to replace existing behaviours and assuage the issues of power and control at the heart of the violent actions (p. 237). This model has shown significant success, collaboration on this level seemed to provide for the mandates and needs of all the institutions and soon drew the attention for the national law enforcement bodies, women's rights groups and others who encouraged its replication in other cities (p. 237). Today, many intervention programs for male perpetrators of intimate partner violence are based on the Duluth model.

The contextualized study completed by the National Council on Crime and Delinquency by Dobash (2000) found five patterns arose; all forms of criminal justice intervention appear to have some effect on the reduction and/or elimination of men's use of violence in intimate relationships, court-mandated abuser programs are more likely than other criminal justice interventions to be associated with an elimination of violence, such programs also associated with a significant reduction in controlling and intimidating behaviour, changes are more likely to be sustained during a one year period by those who successfully complete an abuser program and improvements in the quality of life for both men and women partners was more likely to be associated with successful completion of the court mandated abuser programs (p. 266). The same study also found that the elimination of acts of physical violence is strongly associated with reductions in other forms of controlling and intimidating behaviour (p. 266). This study point directly to the need for a strong response from the criminal justice system and the importance of court mandated programs that directly work with men who use all forms of violence against an intimate partner.

The personal process by which men come to accept that the violence they have directed at their intimate partners was qualitatively assessed in the Dobash (2000) article and the findings were reduced to eight stages of change; 1. Recognizing that change is possible, 2. Gaining the motivation to change, 3. Considering why change might be undertaken (costs and benefits of violence to self and others), 4. Transforming the view of self as from that of an object to that of a subject, 5. Shifting the general mechanisms of change from external constraints to

internal controls, 6. Replacing the old discourse of ideas and words that support violence with new ones that reject violence and acknowledge the harm done to others, 7. Adopting new ways of thinking and learning as well as acts of talking and listening to others, and finally 8. Learning an array of new skills for dealing with conflicts of interest and personal conflict. The personal process by which a perpetrator of IPV is to address his thoughts and behaviours is an intense period of self reflection, adaptation and change and needs to be supported by knowledgeable and supportive individuals that are also willing to hold him accountable for his orientations, beliefs and actions.

Lawson (2003) quotes Gottman et al. by stating that regarding the psychological response differences between batterers and the relating attachment styles and childhood trauma to violence necessitate attention to characterological factors in treatment planning (p. 81). There are many psychological inventories for assessing violence, including the Violence Tactics Scale and the two following versions that explicitly cover five areas of abuse – injury to others, physical aggression, physical assault, negotiation skills and sexual coercion, notably missing from these scales are other kinds of violence including but not limited to; mental, emotional, sexual, financial, spiritual and others. These versions have also been criticized for failing to address contextual issues for violence and the victim's perspective around the experience violence (Lawson, 2003, p. p. 81).

If we are using any kind of assessment with intimate partner violent men, it is important that we also assess for the level of violence as well as the intent of the violence. Although we recognize that there are critical neurological and genetic

factors that may provide setting conditions for aggressive behaviour, environmental and developmental factors have an even greater influence on the manifestation of partner abuse in particular contexts (p, 81). Assessments can also be pathologizing and limiting in the discussions around intimate partner violence and its context, it is important that they are not the only assessment tools used when working with men who are violent towards their intimate partners.

Most programs that address intimate partner violence use a Cognitive-Behavioural/Feminist approach which emphasizes psychoeducation, anger management, conflict containment, communication training, stress management and patriarchal power and control resocialization (Lawson, 2003, p. 81). Abusers first learn to recognize behavioural and situational cues to anger buildup, followed by the implementation of a “time-out” strategy in a manner that includes but does not punish the partner (p. 81). Identifying and examining emotions and concomitant thoughts and to use self-talk that emphasizes rational, realistic self-statements to diffuse the anger (p.81). It is clear that this particular model would support addressing a particular kind of violence in intimate partner relationships. It is important that we do not limit treatment programs to one particular modality, recognizing the diversity of issues in addressing intimate partner violence is integral to the success of programs for abusers.

Often, the individual traits of the perpetrator of violence are not addressed, these areas might include; esteem, dependency, personality disorders. Their importance has been supported in recent research indicating that violent men report more insecure, preoccupied and fearful attachment styles than do nonviolent

men (Lawson, 2003, p. 25). Men report higher levels of jealousy, dependency and preoccupation with their partners and less trust in marriage (p. 25). Individual counselling allows the counsellor to act as a therapeutic lever for change by entering clients' typical interactional pattern of relating and then interdicting and restructuring this pattern (p. 25). Given the interpersonal nature of abuse and the characterological features of many abusers this psychodynamic/interpersonal model provides a necessary adjunct to other models (p. 25). It is important that therapists who work with men who are violent with intimate partners, recognize that the violence is uni-directional and perpetrated within a context that often time others are not witness to.

Another modality for counselling men who use intimate partner violence is group counselling, it is the most widely used modality for intimate partner violent men (p. 25). Male only treatment groups provide an opportunity for; a) support and challenge from other men with similar issues; b) exposure to role models with whom they can identify; c) decreasing social isolation; and d) obtaining practicing and refining interpersonal skills (p. 25). This arrangement provides a model of cooperative, egalitarian couple and enhances the modifications of transference and poor attachment patterns, it also provides opportunities for men who are violent to intimate partners to receive feedback from a credible, professional woman concerning gender stereotypes, power/control issues and other related issues.

Criminal justice-based programs in the UK and North America for perpetrators of partner violence work from a cognitive-behavioural approach to restructure attitudes and beliefs and change behaviour, men are often mandated to

participate as part of a Probation Order and participate in group discussions, role-play re-enactments of abusive behaviour, video work, homework and didactic teaching from group facilitators (Lewis, Dobash, Dobash, & Cavanaugh, 2001, p. 121). Most are modeled on the Duluth model which sees men's behaviour as based on power and control rather than inadequate anger management, or communication problem (p. 121). The benefits of the programs that re-educate and attempt to facilitate internal control to allow the perpetrators to regulate their own behaviour, these perspectives move beyond the imposition of pain and costs to the perpetrator as embodied notions of deterrence. These programs challenge beliefs and the violence that perpetrators use against their intimate partners.

The Haven Society in Nanaimo, BC has endeavoured to review a number of programs to identify the best practices that contribute to desired outcomes, for the development of their program Men Choose Respect (Haven Society - Draft, 2013, p. 1). The best practices that were developed from this process supported the following ideals for the program, these included; individual accountability and responsibility for the men who have used violence in intimate relationships; recognition of social context, with an emphasis on the development of some form of critical thinking, self-reflection and awareness of context, including social and structural factors, power, socialization and normative influences; engagement with change including using facilitative methods that promote engagement with change; contribution to a coordinated social response which includes using these services as part of a continuum towards change (p.1). These are ideals that the program strived to promote.

The Haven Society's Draft (2013) includes an analysis of the framework of each of five approaches including; EMERGE, Duluth, Changing Ways (Edmonton, AB), Calgary Men's Counselling Program, and Lee, Sebold, Uken (p. 2). The analysis of the framework is useful in that it allows us to understand ways that we separate the social discourse and therapeutic problem of IPV, which intern give the suggested causes and the proposition of corresponding solutions (p. 2). Wade and Coates (2007) are quoted in the Haven Society's draft to discuss how violence against women is sustanied through discourse that tends to reinforce power relations, perpetrators use language strategically, in combination with physical or authority based power to mitigage and conceal violence and to avoid responsibility (p. 3). As the Haven Society's draft supports, it is important to look at the framework we are using and how we are approaching the issue before we consider the solution, or we limit our understanding of the problem and therefore the solution.

The community's response to IPV should be premised on the view that an abuse dynamic is distinct from a scale of normal relationship conflict, which does not adequately capture the unilateral nature of a subject's actions (Wade, 1997). The importance of integrating social accountability measurements into social responses is apparent in the use of strong statements about the unacceptable nature of abuse and violence used in men's programs and criminal justice responses (Haven Society - Draft, 2013, p. 12). The difficulty is in the delivery of statements that emphasize the elimination of certain behaviours is the tendency of taking a punitive, parental, pedantic or an authoritarian orientation to the offender (p. 12). The difference lies with the criminal justice system as it provides the macro social

response that holds the social control while offering the micro opportunities of social accountability for the perpetrator.

Regardless of the approaches used with men who use violence in intimate partner relationships, it is important that the approach is integrated and includes the partners that continue to be in relationship with them. The contact should include the fact that the abuser is participating in the program, the risks and benefits to treatment as well as the availability of victims' services and a request for their involvement in the evaluation process (Lawson, 2003, p. 81). It is important that we understand that the empowerment of a woman in an abusive relationship is not seen within the dualistic framework of historical movements, but within the and/or with framework of para-modern and critical realist theories that accept the empowerment of both the perpetrator and the victim of intimate partner violence.

The growing critical body of feminist theory identified a separatist preoccupation with assisting women who were seeking safety from the violence and abuse of their relationships, as a means to attain empowerment and emancipation from oppression (Haven Society - Draft, 2013, p. 13). Increasingly, the antiviolenace women servicing sector is considering the coordination of social responses to include integrating responses to offending men and also eliciting the engagement of men in conceptualizing and emphasizing the normative elements of relationships that are based on caring, respect, dignity and equality (p. 13). Integrating approaches within women's anti violence agencies has provided some positive outcomes including; greater consistency and clarity in approaches, providing similar messaging and orientation to IPV, more likely to communicate an expectation of social

accountability, programs are less likely to orient primarily to one or the other position, reducing the risk of individualizing the problem, both people can be engaged in services at the same time and there is a greater opportunity for comprehensive risk assessment, the programs can be designed to compliment criminal justice responses, potentially intervening at other points of interaction such as providing services to voluntary men or those connected with other organizations (p. 13). Clearly the integration of services is beneficial on many levels.

D. Policing as the First Point of Intervention in Intimate Partner Violence

The police are often the first contact that victims and perpetrators of intimate partner violence encounter. They are the front-line implementers of justice policy, their actions constitute the gateway into the criminal justice system (Tutty, Mackenzie, & Abbott, 2008, p. 5). How they respond to an incident of intimate partner violence will impact the victim, the perpetrator as well as the information that is passed on to the criminal justice system. It is clear that with the current system of criminal justice, there is a difference between what victims of intimate partner violence feel is a sense of justice and what the police often feel their purpose is when working in incidents of IPV. It seems that police continue to struggle with implementing the law and crime prevention in practical application with respect to intimate partner violence (Lewis R., Dobash, Dobash, & Cavanagh, 2000, p. 189). It is important that police understand that women experience violence differently and that they understand the purpose of the law differently (Douglas, *The Criminal Law's Response to Domestic Violence: What's Going On?*, 2008, p. 467).

A 2011 Canadian research study found that even though most women who called the RCMP did so because they needed immediate protection, police responded to only about half of those calls (Richardson, Indigenous Women, RCMP and Service Providers Work Together for Justice: A Response-based Safety Collaboration in the Yukon, 2013, p. 9). This is not only a Canadian issue, an Australian study conducted by Douglas et al, (2010) had similar findings; the most common comment made by women who experienced intimate partner violence, was that the police took too long to attend, if they attended, when they were called (p. 44). Additional Canadian research found that police only removed perpetrators from the home 27.3 percent of the time and that men who are charged are not always required to remain in custody (Richardson, Indigenous Women, RCMP and Service Providers Work Together for Justice: A Response-based Safety Collaboration in the Yukon, 2013, p. 9)

A “stay of proceedings” is the most frequent disposition for intimate partner violence in Canada (Richardson, Indigenous Women, RCMP and Service Providers Work Together for Justice: A Response-based Safety Collaboration in the Yukon, 2013, p. 9). In the United States, the victims of intimate partner violence surveyed rated the criminal justice system personnel (including prosecutors, legal advisors and the police) as the most unsupportive of all potential social or institutional supporters (p. 9). The same study also noted that the higher the levels of violence, the lower the levels of support the victims had from police (p.10). These statistics are of concern and need to be addressed with the collaboration of the parties involved.

A curriculum for police based on Response-Based practices was developed in collaboration with people who had endured violence (Richardson, Indigenous Women, RMCP and Service Providers Work Together for Justice: A Response-based Safety Collaboration in the Yukon, 2013, p. 9). These practices focus on engaging clients in conversations that elucidated and honoured their resistance could be helpful in addressing a wide variety of concerns (p. 13). Response-based practice is based on a shift in focus from considering the effects or impacts of violence to the acts of resistance which are responses to violence (p. 13). Accounts of resistance provide a basis in fact for contesting accounts of pathology and passivity, which are typically used to blame victims (p.14).

The Together for Justice was a collaborative group of Yukon RMCP and primarily Kaska women with an interest in reducing and eliminating violence against women. The group developed a framework that was based on Response-Based principles and understandings which have largely become the ground for the work; 1. The quality of social responses is the single best predictor of individual and community outcomes in cases of violence and other forms of adversity; 2. Accurate information and accurate descriptions are the first indispensable step in forming effective social responses; 3. Individuals are active and spirited beings who respond to one another and to positive and negative events including violence; 4. Dignity is central to social life and to individual and collective well being. All forms of violence are an attack on the dignity of the person. Recovery from violence is largely a struggle for dignity; 5. Violence is social in that it involves at least two people, a victim and an offender, complete descriptions should include the actions of both

people; the perpetrator, in committing the violence and the victim in resisting the violence; 6. Violence is unilateral in that it involves actions by one person against the will and well-being of another. Descriptions should reflect the unilateral nature of violent crimes; 7. Individuals respond to and resist violence, overtly and covertly, directly and indirectly – physically, mentally, emotionally and spiritually. Violence cannot be understood unless the resistance of the victim is taken into account at all points; 8. Descriptions are formed in language. Language can be a tool for liberation or oppression. Language is the central tool for all criminal justice and professional work – and daily life; 9. Violent crimes, victims and offenders are often misrepresented in criminal justice and professional settings, and in the media. Careful analysis on descriptions is central to ethical and informed social responses; 10. Complete analysis must take into account the nature of the perpetrator's actions, victim's responses and resistance to those actions, social responses to perpetrator and victim and perpetrator and victim responses to social responses; and finally 11. Voices of Indigenous women and Elders must be considered in all interventions to ensure they are helpful and respectful (Richardson, Indigenous Women, RCMP and Service Providers Work Together for Justice: A Response-based Safety Collaboration in the Yukon, 2013, p. 15).

For many RCMP members, it is difficult to translate the above Response-Based framework into a set of practices that they can use in practice with victims of IPV. Some of the officers left the process with an understanding of the importance of accurate and descriptive language use in police interviewing and training manuals (Richardson, Indigenous Women, RCMP and Service Providers Work

Together for Justice: A Response-based Safety Collaboration in the Yukon, 2013, p. 15). Others left with a heightened attention to avoid victim blaming and honouring the dignity of those who have been harmed (p. 15). Team building was also an important piece of the process and the facilitators drew from the work of the Milan Family Therapy team and used reflecting and interviewing team approaches to elicit multiple perspectives on difficult situations, and most importantly to support the idea that problems exist between people and not inside people (p. 15).

Investigating intimate partner violent crimes effectively is a skill that investigators know and are trained in proper strategies to enhance a victim's remembering (Hartwig, Dawson, Wrede, & Ask, 2012, p. 672). Such interviewing techniques require sharp cognizance of memory phenomena and the interpersonal dynamics that encourage trust and facilitate recall (p. 672). The work of Russell Strand in the United States takes much of this into account, he does a good job of using similar approaches to the Response Based practices group but also incorporates an understanding of how the brain works with memory and brings the two together to form a concrete approach for investigators to work with people who have experienced trauma. Strands' techniques are indicative of the importance of the context in applying the understanding of how the brain works in traumatic events, without particular contexts, the functioning of the brain would be different.

Russell Strand uses techniques that he developed from the combination of his experience with child forensic interviews, critical incident stress debriefing and neurobiology (Battered Women's Justice Project, 2014, p. 1). This style of practice allows for the dignity of the victim to be acknowledged and present during the

interview process. This technique not only reduces the inaccuracy of the information gathered but enhances understanding of the experience, increasing the likelihood that judges and juries will understand the event (p. 1). This style of interviewing understands that neurobiology plays a significant part in memory gathering, storing and retrieval, ultimately aware that the brainstem collects and records events very clearly, it is generally not the kind of information that investigators are trained to obtain (p. 1).

Research suggests that when a person is stressed or traumatized inconsistent statements are not only the norm, they can also be a hallmark of the effects of stress and trauma (p. 2), law enforcement and many other professionals have been trained to believe this is indicative of evasiveness or false claims by a witness. It is important that professionals in the criminal justice system understand how trauma impacts memory to better understand how to gather a three dimensional account of what happened as opposed to the one dimensional account that they have been trained to do. Further, the impact of the physiological experience is collected, remembered and reproduced with much more accuracy long after the event (p. 3). Looking for evidence of trauma such as; nausea, flashbacks, trembling, terror, incapacitation, muscle rigidity, memory gaps, fear/anger, immobility, tension reduction behaviours and many others (p. 3) will bring perspective and understanding to the victims' experience.

Strand recognizes that victims should not be treated as witnesses to their own crime, they have an experience we have a duty to facilitate a disclosure, document and present in a three dimensional manner (Strand, p. 9). If a victim

chooses not to move forward at this time through the criminal justice process, this does not mean that she will not do so in the future or that future events will not happen. The quality of this interview is imparitive for the victim to have support in this particular moment but also support in her future efforts at prosecution if she so chooses. This method has also been shown to drastically reduce victim recantations, increase victim cooperation and participation and significantly improves chances for successful investigations and prosecutions (p. 3). Some of the techniques included in this process include; 1. Acknowledge the trauma/pain/difficult situation, what are you ABLE to tell me about your EXPERIENCE, what was your thought process during this experience, what can you remember about each of the 5 senses, what are your reactions to this experience both physically and emotionally; 2. What was the most difficult part of this experience for you; 3. What if anything can't you forget about your experience – AFTER you facilitate all you can about the experience you can clarify the information you are looking for (p. 4).

It is clear that the first stages of acknowledging the pain are important. Every effort should be made by the investigator to demonstrate genuine empathy, patience and understanding towards the person with whom you are facilitating a disclosure of their experience (p. 4). You may need to spend additional time establishing the trust and safety for the victim, and you will need to wait to be invited to talk about the traumatic or painful incident (p. 4). This includes safety both physically and emtoinally, possibly spiritually as well. The investigators need to also be aware that in the case of women who have experienced initmate partner violence, many have a

heightened awareness of the deception that can occur in all relationships. Therefore if you are not committed to their safety and establishing the trust many women will sense this and not disclose information that is important to the investigation. It is vitally important that the interviewer demonstrates patience, understanding and empathy in a non-judgemental manner throughout the interview process (p. 4).

When we invite dignity into the interview process it allows the victim to feel safe and able to trust. We can invite dignity into the interview process by understanding that this is their experience and that it is more than the who, what when, where why and how of the traumatic event (Strand, p. 4). Interviewers can relieve some of the pressure by asking the victim to talk about what they are able to talk about and allow them to 'free-flow' their description without following a specific timeline (p. 4). There will be opportunities to clarify the timeline at other points. Ensuring that the interviewee's emotional, physical and spiritual experiences are included to create a full holistic, three dimensional picture of the traumatic event ensures a fuller understanding of the impact of intimate partner violence on the victims' life.

Understanding the actions and inactions and behaviours of the victim before, during and after the assault is another piece that will impact the clarity of the understanding of the violence the victim experienced (Strand, p. 5). Asking and clarifying the victims' thought process' at particular points in their narrative is also important to create the three dimensional view of the events'. At this point, interviewers need to ask about thought processes not about why the victim did or didn't do certain things as this supposes a correct answer to the question being

posed rather than opening discussion around understandings. This also allows victims to recall additional psychophysiological evidence (p. 5). Included with the victims' three dimensional memories of the event are the tactile memories such as sights, sounds, smells and feelings that happen before during and after traumatic events (p. 5). Asking about sights, sounds, smells, feelings (physical and emotional), and tasks throughout the interview is extremely beneficial to better understand the experience and assist the interviewee in remembering and relating essential memories including central details and peripheral details (p. 6).

The effects of the assault on the victim are extremely important for the interviewer to understand the context of the victim's experience. When we consider how interviewers are collecting this information, it is important that they continue to keep the dignity and individuality of the particular victim as central to the investigation. The moment that we begin to lump responses as particular to a way of being or doing, we limit the discussion that can occur and the information that can be discovered because the interviewer is determining outcomes. Every victims' response is unique in context and purpose, it is important that we hold this as central to our curiosity when working with victims of intimate partner violence. Identifying and properly documenting these reactions to the unique experiences are essential pieces of information that can greatly assist the interviewer in understanding the context of the experience and provide significant forensic psychophysiological evidence (p. 6).

Two final pieces of the Forensic Experiential Trauma Interview (FETI) are pieces that continue to hold the dignity of the victim as central to this process.

Understanding what was the most difficult part of the experience is key for the victim to be witnessed by someone in authority within the social setting, an individual that can convey that the assault was wrong and condemn the actions and uphold social norms directly to the the victim. This question allows to further develop the three dimensional picture that is developing of the context of the assault that occurred. Finally, what the victim can't forget about the experience will be a question that helps the interviewer understand what impacted the victim the most (p. 7). From this perspective the interviewer is again conveying the importance of the impact of the violence on the victim, but at the same time allowing the victim to be collaborative in the process of developing the story so that ultimately the court can fully understand the context of the intimate partner violence that the victim has endured.

Memory encoding during a traumatic event is different and sometimes inaccurate and due to bottom-up attention processes focused only on central details perceived as essential to survival and self-defense, many aspects of the event, including those deemed by investigators as essential facts of the crime, may not be encoded in ways the investigator is familiar with illustrating (Strand, p. 9). But the assault's psychophysiological impact is registered with much greater accuracy and strength in the brain's circuitries of fear and stress and remembered with far more precision (p. 9). This information is extremely beneficial in demonstrating the 'three dimensional' assault experience and subsequent victim reactions and behaviours (p. 9).

The use of Strand's FETI techniques in conjunction with the Response Based approaches of upholding dignity and resistance of the victim would be helpful in developing a clearer three dimensionally defined experience for the court system to understand the context of the assault and the true impact of intimate partner violence on a victim. The three dimensional picture of the violence supports the judges, lawyers, police and others in not allowing the resistance of the victim to be concealed, clearly identifying the agency of the victim in her efforts to resist the violence of the perpetrator (Coates & Wade, *Language and Violence: Analysis of Four Discursive Operations*, 2007, p. p. 519). Further, once we uncover the victim's resistance, we also come to more clearly understand the extent of the perpetrators efforts to conceal and over come the victim's resistance to the violence (p. 520). No longer can the victim be portrayed as a passive or even willing participant of the violence, which call into question her credibility and the veracity of her account when the three dimensional account of her resistance is uncovered (p. 519). The importance of opening the discourse on the importance of the three dimensional experience of the victim in the court process as well as in the larger societal discourse of IPV is clear.

Violence predicting assessment tools such as the Historical, Clinical and Risk Management Violence Risk Assessment Scheme, Psychopathy Checklist, Risk Matrix for Violence, Offender Group Reconviction Scale, Violence Risk Assessment Guide, Sexual Violence Risk, General Statistical Information of Recidivism, Violence Risk Scale, had similar efficacy values in a study conducted by Yang et. Al. (2010) (p. 759). The study conducted a meta analysis of 9 violence risk assessment tools. The

study noted that after five decades of developing risk prediction tools, the evidence increasingly suggested that the ceiling of predictive efficacy may have been reached (Yang, Wong, & Coid, 2010, p. 759). The authors go on to note that violent behaviour is the result of the individual interacting with the immediate environment (p. 759), suggesting that most risk assessment tools will face similar struggles with efficacy. If we look at a violence assessment tool, in relation to victims we immediately recognize that these tools do not take into account the resistance of the victim, and the efforts of the perpetrator to conceal that resistance. The assessment tools also do not look at the other pieces of support that the victims have identified as important to their safety including the systemic community response to the violence. Although difficult, I would suggest that if there was a tool to assess each of these factors within the context that the victim experienced them, possibly then we would have reached the ceiling of the predictive efficacy of the assessment tool. It is important that when using risk assessment tools the police officers understand the full context of the victim and perpetrator of intimate partner violence to better understand the how the risk assessment tool will be most effective.

Mandatory arrest policies were part of the first wave of coordinated community responses to IPV, they became the institutional norm for law enforcement on the basis of legal precedent (Barner & Mohr Carney, 2011, p. 239). Recent literature has strongly suggested that data-driven studies on the benefits and drawbacks have yet to yield definitive conclusions (p. 239). Law enforcement must be cognizant of the unintended effect of punishing or revictimizing the victim by forcing her to participate in a process that she may not or cannot be committed to.

It is important that we provide the widest possible array of services for victims of IPV, including full participation in the adjudication process, availability of legal advice and victim advocacy, with her choice to support the process. As law enforcement we must gain as much information as possible, with her consent, with the idea that she may want to proceed in the future.

E. Through the Court Process

There are a myriad of reasons why prosecutors choose or choose not to prosecute a particular incident of intimate partner violence. For some prosecutors IPV is a private matter and not suitable for the criminal justice system, concerns for the future safety of a victim or concerns about victim cooperation among other reasons. For some victims, the prosecution of IPV is described as a haphazard or random event over which they have little or no control (Dawson & Dinovitzer, 2001, p. 596). The impact the prosecution has on the process in addressing IPV is clearly pivotal, from approving charges, to impacting the participation of the victim in the criminal justice process.

It is clear that there is a complex relationship between the prosecution and a victim of IPV. Some observers believe that victim noncooperation may be due to a “self-fulfilling prophecy” which begins with the actions and attitudes of prosecutors and other criminal justice officials (Dawson & Dinovitzer, 2001, p. 616). From this perspective, victims’ negative impressions and general distrust of the criminal justice system are reinforced by prosecutors’ assumptions that the victim is not committed to cooperating; thereby victims are discouraged from following through

at the prosecutorial stage (p. 616). Many victims may be intimidated by the criminal justice system and thus are uninformed about what they are expected to do (p. 616). Regardless, as long as the responsibility of challenging men's violence continues to fall on survivors rather than the community we can expect to see women's continued reluctance to support court cases (Douglas, *The Criminal Law's Response to Domestic Violence: What's Going On?*, 2008, p. 198).

A 2001 study indicated that the two most important determinants of victim cooperation were the availability of videotaped testimony and meetings between victim assistance workers (Dawson & Dinovitzer, 2001, p. 615). As a result, the prosecutor may perceive the victim's video taped testimony as an indication of her commitment to the prosecution and her role in the process or the prosecutor may be less inclined to question the victim's commitment because the availability of videotaped testimony. In turn, the victim is not perceived as the "weak link" in the process and her treatment by the prosecutor may dispose her to cooperate throughout (p. 617). It is clear that the opinions and assumptions of the prosecutor are often apparent to the victim and influence her decision to participate in the process. Prosecutors need to understand that victims have become adept at assessing where their best opportunity for safety lies. Prosecutors need to present her with her best opportunity to gain her confidence in them as a prosecutor.

Victim assistance workers have also been helpful for victims of IPV and have supported the efforts of the prosecution in keeping the victims engaged in the criminal justice process. In cases of IPV victims are often fearful and anxious about the criminal justice proceedings; support by victim advocates may help them

negotiate the system more easily (Dawson & Dinovitzer, 2001, p. 617). Advocacy programs have been instituted so that victims can understand their options and make informed decisions that will ensure their safety and or improve their lives (p. 617). Victim Assistance workers are often able to inform victims of options that are available to them and help the victim to understand the systemic factors that are involved in IPV. Ptacek's 1999 study on victims of interpersonal violence clearly demonstrated that advocates, when available, were almost always defined by the women as "very helpful" (p. 365). It is clear that victim assistance programs not only increase the likelihood of victim cooperation, but also may strengthen the prosecution as a whole (Dawson & Dinovitzer, 2001, p. 618).

Ptacek (1999) states that the role of race and class in domestic violence are not very well understood by those on the front lines of the criminal justice system, including, police, court workers and judges (p. 365). Ptacek further challenges the courts and says that they operate within a context of patriarchy and racism and judicial behaviour and decisions offer a wonderful opportunity to explore exactly how these systems either challenge or reproduce gender and racial inequality (p. 366). Often the impact of the police, court workers, lawyers and judges not understanding the dangerous interactions between women's experience of racism economic marginality and battering is detrimental to women as they attempt to participate in the criminal justice process (Ptacek, 1999, p. 365), but also can be life threatening for them and their children.

The "battered women's syndrome" appears to have been codified as both a psychological condition and a recognized legal defense used to typify violent

responses to long term IPV (Barner & Mohr Carney, 2011, p. 238). This explanation of violence uses three distinct phases of long-term IPV; tension building, acute battering and loving contribution and establishes and “unpredictable response/outcome pattern that creates learned helplessness (Barner & Mohr Carney, 2011, p. 238). This model has been refuted with authors noting that it does not adequately reflect the breadth or nature of the scientific knowledge now available (p. 238). I would suggest that the adoption of this model has limited the discussion around the agency that both perpetrators and victims use in dealing with the actions and responses to intimate partner violence. These responses occur at both macro and micro levels and to gain a better understanding of how to affect change in the area of intimate partner violence, we must take a closer look than this pathologizing model allows us to do. Further, critics argue that it promotes gendered stereotypes of women as helpless and submissive and does not allow for bi-directional understandings of the agency and resistance of both perpetrators and victims throughout the violence.

It is clear that victim cooperation is imperative to prosecutorial decision making; therefore, we must pay attention to how we engage victims in the prosecution and court process. Victims of IPV who were given the choice to either drop or pursue charges against the perpetrator and chose to pursue charges were less likely to experience future violence than were victims whose batterers were prosecuted without the choice of continuing prosecution offered to a victim (Barner & Mohr Carney, 2011, p. 239). The agency and the empowerment that the victim experiences in the system is important to her future experiences of violence.

The analysis of language in the criminal justice system is an interesting perspective that can address power, race, gender and other power relations within the criminal justice system. Coates et al. (2004) discuss the decisions of judges that differentially construct the perpetrators' capacity for deliberate action: positive behaviour is constructed as deliberate, whereas negative behaviour is constructed as non-deliberate (p. 24). The article quotes one judge as saying that: 'all of the problems of the family cannot and are not going to be solved by the penalty imposed on the accused', suggesting that at least some of the families' problems are unrelated to the assaults (p. 23). It is the view of Coates et al. (2004) that it is not essential to take up an ideological position to produce and reproduce social injustices, the simple act of participating in everyday, taken-for-granted discursive practices directly and indirectly reproduce social injustices and impedes effective interventions (p. 26).

The same article points to four discursive operations that accomplish the social injustices within the criminal justice system include; 1. Mitigation of responsibility by concealing the deliberate nature of the perpetrator's use of power to entrap the victim; 2. Conceals the violence by using mutualizing terms; 3. Conceals the victims' resistance by portraying them as passive objects; and 4. Blames and pathologizes victims by portraying them as the catalysts to their own victimization (p. 24). When we look at these four discursive operations, we better understand how and why victims struggle with engaging in the criminal justice system. Coates et al. (2004) state that this discursive analysis approach to have

immediate practical benefits in therapeutic practice with victims and perpetrators (p. 26).

Clearly, significant changes must happen within the criminal justice system, judges, court workers, lawyers and crown prosecutors must become more aware of the discourse they use in the discussion of violence in intimate partner relationships. Victims and perpetrators are aware of the language used in the criminal justice system. Becoming aware of the discursive practices that expose violence and that can change the voice of the criminal justice system include; 1. Expose violence; 2. Clarify responsibility; 3. Elucidate and honour victims' responses; 4. Contest the blaming and pathologizing of victims are necessary for socially just, safe and effective prevention and intervention (Coates & Wade, *Telling it like it isn't: obscuring perpetrator responsibility for violent crime*, 2004, p. 26). The work of Coates et al. (2004) speaks to the importance language in opening communication and allowing the larger three dimensional story come forward that Strand discusses in his work.

Helpful responses from judges, the prosecution and the court system in general can encourage IPV victims to sustain the frustration they face, or withstand the difficulties they have to overcome to reach a satisfactory solution (Dawson & Dinovitzer, 2001, p. 619). Pateck (1999) developed a wheel that depicts the judicial responses to empower victims of violence. I would suggest that this wheel would be suitable for all officers of the court, including front line court staff, prosecutors, lawyers and judges. The wheel suggests the following eight points to empower women to use the criminal justice system; prioritizing women's safety (I would add

“by elucidating agency and resistance”), making the court hospitable to abused women, supportive judicial demeanor, connecting women with resources, taking the violence seriously (I would add “by using the four discourses that expose, clarify, elucidate and contest violence”), focusing on the needs of children, imposing sanctions on violent men (I would add “ by noticing the purpose that is present in the violence and supporting the perpetrator in becoming critically aware of his actions”) and addressing the economic aspects of abuse (Ptacek, 1999). Each of these will be discussed more in depth in the following paragraphs.

One of the most important factors that the courts, officers of the court and judiciary can do to encourage women to participate in the court process is to make women safe in the court room, this includes asking directly about their fears, training court staff on IPV and making a safe place for women to wait for hearings (Ptacek, 1999). The courts can also provide a separate office to support access to no contact orders and personal protection orders, an office that can also inform women of their legal rights (Ptacek, 1999). Courts can also make translators accessible as well as making the buildings accessible for the differently abled (Ptacek, 1999). The courts can also ask if women need child support, as well as connecting women with community resources around housing and financial assistance (Ptacek, 1999). Providing advocates is another way to support women and help them to develop relationships with shelters, programs and other community services including counselling (Ptacek, 1999).

Ptacek’s ‘Judicial Responses that Empower Battered Women’ wheel also discusses the need for a supportive judicial demeanor, including listening to abused

women, asking questions, looking women in the eye (Ptacek, 1999). Essentially recognizing the dignity of the person within the context and the complexity of the women's circumstances and choices (Ptacek, 1999). Demonstrating concern for the safety of children in homes where intimate partner violence is occurring, making space in the court rooms for children and recognizing that children not only witness but experience the violence of the perpetrator even if it is not directed at the child (Ptacek, 1999). The courts need to take the violence seriously by communicating through words and actions that the court will not tolerate battering and encouraging women to return to the court if they need to (Ptacek, 1999).

The sanctions that the courts impose on men who are violent towards their intimate partners are a reflection of societal values to condemn the actions, judges must refuse to bond with violent men and work towards correcting the societal bias that benefits men in a patriarchal society (Ptacek, 1999). Without deliberate changes, those that work in the criminal justice system will continue to treat intimate partner violence as a "problem in the home". In general, the courts and their participants must act as representatives of larger society and its condemnation of IPV. Acting in solidarity with women as they work to take action against the intimate partner violence that is occurring in their lives, but also shift the balance of power in their lives is an important representation of the larger social change the criminal justice system is working to affect.

In understanding a victim's use of the criminal justice system we recognize that women face serious dilemmas to their use of the system, but they do act with agency and consideration when choosing to fulfill their objectives to end the

violence they experience. Victims look to the courts to provide deterrence, protection, rehabilitation and surveillance, and they rely on the symbolic and material power of the law (Douglas, *The Criminal Law's Response to Domestic Violence: What's Going On?*, 2008, p. 201). We must recognize and place a victim's response to the criminal justice system within the socio and political context that has historically failed to support and protect them (Douglas, *The Criminal Law's Response to Domestic Violence: What's Going On?*, 2008, p. 201). We must use non-binary, context specific approaches to understand violence and its impacts on people and communities and we must recognize the courts and the criminal justice system's intervention as a process rather than an event (Douglas, *The Criminal Law's Response to Domestic Violence: What's Going On?*, 2008, p. 202).

F. Opportunities for Solidarity in Dedicated Intimate Partner Violence Courts

A holistic strategy to address intimate partner violence would be beneficial, it would need to bring together community activists, individual and institutional advocacy for women, law enforcement, judiciary, and social agencies. It is important that we create a full community coordinated response for intimate partner violence that can influence the micro level issues as well as the macro level norms and knowledge of the community. Some analyses of social issues and of domestic violence in particular would suggest that nothing short of systems and community change has any chance of making a significant long-term difference (Salazar, Emshoff, Baker, & Crowley, 2007, p. 641).

In considering the possibility of a specialized court to address the issue of intimate partner violence, we need to look at the argument that problem solving courts hope to be focused on empowering individuals and communities, they also provide knowledge, techniques, tools and motivations to follow state laws, but they can also catalyze social and cultural change, macro level change, which in turn complements efforts to create individual or micro level change (Mirchandani, 2008, p. 855). The intersubjective focus of the deliberative democratic perspective puts the problem of intimate partner violence beyond the individual context into a social or cultural pathology as well. (p. 865). This perspective stresses that through dialogue and participation we have a rebirth of individual and collective morality through which both individuals and the larger society take responsibility for social problems (p. 865).

Mirchandani (2008) quotes Habermas in saying that some of our closest approximations to the ideal public sphere, for locating social change, are in our legal institutions, especially the courts where, in theory, the principles of the ideal speech situation are practiced; disputes are ideally won, after a period of prolonged and rational debate, on the basis on the best argument rather than wealth and power (p. 864). He further discusses the idea of “jurisgenerative”, which suggests that the communicative power through which the public sphere both restrains and enables legal institutions produces the kinship of communicative action or deliberation with the production of legitimate law (p. 864). This perspective provides an interesting foundation for the development of dedicated intimate partner violence courts,

particularly if we are inclusive in our debate and support the non-dichotomous perspectives as well as addressing, including; gender, race, socio economic status.

Providing the space for the discourse around a dedicated intimate partner violence court is important. Mirchandani (2008) provides five reasons that support the development of dedicated intimate partner violence courts, from the perspective of a deliberative democratic state (p. 865). The first is that the deliberative democratic state provides a rationalist ethic, that truth is grasped through rational evaluation that is ongoing, open and rational dialogue follows (p. 865) additionally, a critically rational debate is important. The second is the focus on self in context, the community, public spheres or other places where dialogue can occur provide a starting point for knowledge and truth (p. 865) in non-dichotomous discourses. Third is the deliberative democratic governance meaning that rational opinions percolate up from citizens deliberation to provide knowledge and truth to guide the system (p. 865). The fourth is the idea that pathologizing of individuals, society and culture, the larger context of the lived experience is seen as the root of the problematic individual behaviour and finally, the rebirth of individual and collective responsibility and morality, offenders and society alike are responsible for individual and social problems (p. 865). These processes of the deliberative democratic state allows for micro problems to be considered in macro context while understanding that they exist within a particular society and the court system is the foundation for discourse where the process begins.

We need a fuller, thicker more varied model of the state, one that can describe a new state mechanisms for looking beyond individual problems and

therapeutic solutions to the broader social and cultural context and one that can do this in a way that incorporates democratic deliberation, Habermas' model insightfully captures many dedicated court goals (Mirchandani, 2008, p. 885). When we consider a Foucauldian approach, such as therapeutic jurisprudence, along with Habermas perspectives, we can use empowerment of individuals, looking at social roots, efficient, effective and quick therapeutic sanctions, social and cultural sensibilities and courts that take seriously the constitutional mandates to respond to intimate partner violence (p. 886). As is suggested, these models of governance appear to be well suited to the complexities and diversity of our contemporary postmodern society (p. 888).

Research suggests that there are four main benefits of dedicated intimate partner violence courts including; offering greater consistency in sentencing, greater efficiency and benefits to service users due to victim assistance programs, there are opportunities for officers of the court to be aware, if not address and be responsive to civil matters as well as criminal cases and finally, dedicated intimate partner violence courts can offer fast track access to programmes for perpetrators (Eley, 2005, p. 115). Contemporary life is characterized by much greater social fragmentation, diversity, demographic and cultural pluralism, which has made one-size-fits-all national solutions increasingly difficult to apply (Mirchandani, 2008, p. 887). The possibility of dedicated intimate partner violence courts suggest the idea that participation is rational, open and ongoing and may be particularly suited to respond to the variety and newness of our problems and the uncertainty and newness of our solutions (p. 888). With society rapidly growing and changing at an

ever quickening pace, we need court systems that are responsive in a timely manner. Local and dedicated systems and people would allow for innovations within individual communities.

G. Dedicated Intimate Partner Violence Courts Nationally and Internationally

A dedicated intimate partner violence court model could be a specialized process of investigation, charging and prosecution stages as well as a correctional focus, all within the criminal justice system. The purpose would be to provide a more coordinated, integrated, critically realistic and informed response by the justice system. In Canada, dedicated intimate partner violence courts generally have had four goals in mind, these include; 1. Intervene early in IPV situations, 2. Provide better support to victims, 3. More effectively prosecute cases of IPV, 4. Enhance offender accountability. These goals have been supported by different features in different provinces and countries. They have also had different outcomes. In general, it is clear that working from a perspective that allows the systems at macro levels to purposefully impact individual and micro levels would most benefit individuals and communities. It is also important that we ensure that we do not approach others' struggles with colonized solutions, that we approach issues associated with intimate partner violence as opportunities to create non-dichotomous and critically realistic innovative solutions.

Sweden has had an interesting response to IPV with its justice system. Like Canada, the Swedish legislature of the country mandated that the courts view each criminal act as separate and could rarely consider the contextualized or aggravating

circumstances or the number of repeat occurrences by the perpetrator (Nylen & Heimer, 1999, p. 20). In 1998, the government introduced a new offence to the Swedish Penal Code, in two parts; 1. the Gross Violation of a Women's Integrity, covers repeated acts committed by men against women with whom they have a close relationship and 2. Gross Violation of Integrity protects the children and close relatives of the victim. This new legislation allows the courts to take into account the entire situation of the abused woman and increase the offenders punishment to fit the severity and frequency of the acts (Nylen & Heimer, 1999, p 20).

The result was interesting, police began to examine the crime and its impact on society changed, particularly the way they gathered evidence (Nylen & Heimer, 1999, p.21). Other methods were developed by the police who now were becoming proactive in their action against IPV, including a 'Warning Bell' system that allows police to quickly access information in connection with an IPV incident (Nylen & Heimer, 1999, p. 22)

In 1990 Manitoba instituted a Specialized Domestic Violence Court. Winnipeg's specialized court also will hear charges of child and elder abuse along with intimate partner violence. There are specialized prosecutors, and a specialized victim and witness support program as well as specially designed court rooms. The Winnipeg specialized court also has five full time crowns and one full-time judge as well as a part-time judge. This court has had success from the point of view of expedited case processing and appropriate sentencing. There were more serious sentences, including an increase in incarceration and a decrease in conditional discharges. Finally, this specialized court also documented an increase in the

number of guilty please. This information did not include what kind of support the victims and offenders received, or how the officers of the court were educated and informed about the macro and micro level issues that faced the victims, offenders, families and communities of the people involved. This approach did not address the investigations of the incidents of intimate partner violence.

The Yukon began addressing intimate partner violence with a specialized approach in 2000. The court system developed a non-diversion specialized approach that involved dedicated judges, designated crown, defense, probation and victim advocacy. Substantial treatment and relapse prevention programs are also in place for perpetrators of intimate partner violence. Although there was no diversion process, early guilty plea allowed for early intervention programs that mitigated the sentencing. Again, this process does not address the investigation process and efforts to ensure that victims participate in the process long enough to ensure the perpetrator can participate in intervention programs. This program is supported by First Nations individuals and communities, it would be interesting to see how First Nations are represented in the development of the specialized courts and how it impacts First Nations communities. Is this another imposition of oppression and colonization through problems or is it an initiative that communities see as representative of their approaches and directions?

Ontario also began a specialized court in 1997. This court process attempted to intervene early as the process began for the victims and offenders beginning with a specialized prosecution stream and a thorough police investigations as well as a dedicated team of prosecutors. There was specialized judges on rotation as well as a

victim/witness support program. In addition a partner assault response program was available to facilitate treatment for perpetrators and although attending did not divert guilt, it is considered as a mitigating factor at the time of sentencing. The documentation of this specialized court noted that the more thorough police investigation may contribute to a more positive attitude of crown. As noted earlier for victims, this would be an important factor in their decision to follow through in the court process. The statistics in this study indicate that 83% of cases are dealt with by guilty plea and that offenders are fast tracked to programs at the point that they are most open to receiving treatment (Ontario Court of Justice, 2013).

The Ontario Integrated Domestic Violence Court reports that the benefits of the specialized program they have instituted include; that the family will appear before an integrated family and criminal court judge for all matters, the family and criminal matters are heard on the same date in the same court room, the dedicated judge will have more complete information about the family as well as enhancing the consistency between the family and criminal court orders (Ontario Court of Justice, 2013). The Integrated domestic Violence Court judge will be able to monitor the family increasing accountability for the perpetrator and (Eley, 2005, p. 116). safety for the victim, and Community Response Coordinators will assist the parties in finding resources and services to assist the family in addressing issues (Ontario Court of Justice, 2013). Ontario has committed to all its 54 court jurisdictions having either a specialized domestic violence court with dedicated staff or a specialized process for handling intimate partner violence cases The Ontario approach has addressed the issues of intimate partner violence from a macro level

integrated approach to have a coordinated impact on the social and individual issues related to intimate partner violence, it would be interesting to study differences in efficacy for the various programs.

British Columbia has incorporated some of the suggested solutions as it attempts to address the issues surrounding intimate partner violence. The province has provided funding to non-profit agencies to have specialized victim assistance staff to support victims of violence through the criminal process. In addition, the province has some dedicated RCMP members to act as liaisons between victims of intimate partner violence and the criminal justice system. RCMP officers are not trained in working with victims or offenders of intimate partner violence, there is no understanding of the impact of this particular kind of violence on an individual, families and communities. Court officers including crown, defense, court staff and judges are not specialized or dedicated to the process. Community Corrections offer a two step process for offenders to address their attitudes and skills around relationships, but once the two group sessions are completed there are no other courses or monitoring programs available unless the perpetrator is on some kind of a community order. Opportunities are lost to use larger agencies of change to address the impact of intimate partner violence on the people and communities that are affected most.

CHAPTER 4 – PENTICTON IN CONTEXT

A. History and Demographics

Penticton has been the home of the Okanagan (Syilx) First People since time immemorial. The word Penticton is a Salish word meaning “a place to stay where the water always flows”. The first European settler arrived in 1866, a young Irish man named Thomas Ellis. With the help of the Okanagan people in the area, he established a homestead and began cattle farming. As the community grew, it became the home of the Kettle Valley Rail Line and in 1908 the municipality of Penticton was incorporated (City of Penticton, 2012). Economic growth began in the area with the rail line and the ability to transport fruit to other parts of Canada. In 1949 the land Penticton now sits on was expropriated from the Okanagan people under the War Measures Act (Wikipedia, 2015).

Today, Penticton is a city of 42, 361 people as per the 2011 Statistics Canada report, and is a community that covers approximately 1,724.95 square kilometers (Government of Canada - Statistics Canada, 2013). The Penticton Indian Band comprises approximately 175 square kilometers and the population is less than 1000 band members. The economy of the area is primarily natural resource based but also depends on tourism, a growing wine industry and the stability of the retirement community (City of Penticton, 2012). The local RMCP detachment covers the full area of the municipality and the city of Penticton and a map of the area is included in the appendix.

Penticton’s population is comprised of primarily working age individuals, with 61.6% of the population between the ages of 15-64, the national average is

somewhat higher at 68.5%. Our retired age group is significantly higher than the national average of 14.8% at 25.8%. This represents the majority of the population being married without kids at 57%, married with kids comprised only 27% of the population. It is clear in the statistics that the 65+ age group have a significant impact on the statistics. The 2006 median income for families in Penticton is \$53,875 with men over 15 years of age earning an average of \$28,265 and women over 15 earning \$19,268. All of these median incomes are below the provincial averages. Penticton's education levels are also well below provincial averages with almost 55% of the population having a high school education or less, the provincial average is almost 47%. Regardless, intimate partner violence happens at all ages, economic status, education levels and in all communities, therefore it is important to look at the impact of IPV on our community.

B. Intimate Partner Violence in Penticton

In looking at the following statistics, it is important to keep in mind that statistics are a snapshot in time and not necessarily representative of statistics over time. Statistics can be impacted by organizational and structural changes, economic conditions and changes in population diversity at any given point. Statistics are also difficult to compare with other statistics due to differences in collection techniques and focus of the person doing the data collection and interpretation. Further, due to the scope of this thesis, there is a lot of information that is not included and not discussed; it is meant to provide a snapshot into where opportunities might be found in working with those impacted by intimate partner violence.

The Penticton RMCP detachment provided raw data for the calendar year 2013, which is included in the appendix of this thesis. The data was aggregated and graphed for the purpose of this paper. The data showed some interesting information that was similar to national and international data on IPV. In 2013 there were 406 calls to the 911 Emergency line that police attended and considered to be related to intimate partner violence. In 71% of these cases the gender of the victim was not recorded, 22% were women, 5.1% were male and 1.2% was both male and female. I think it is curious why the gender of the victim was not considered important in 71% of the reports to police, and it invites further inquiry. The perpetrator in 58% of the reports of IPV was male, 23.8% were both and 16.5% were women. It is clear that gender is an important factor in the reporting of IPV in Penticton, as it is in the rest of the country, the 2013 Statistics Canada Report Measuring Violence against women indicates that men are perpetrators of violence against women in 83% self reported cases (Statistics Canada , 2013, p. 8).

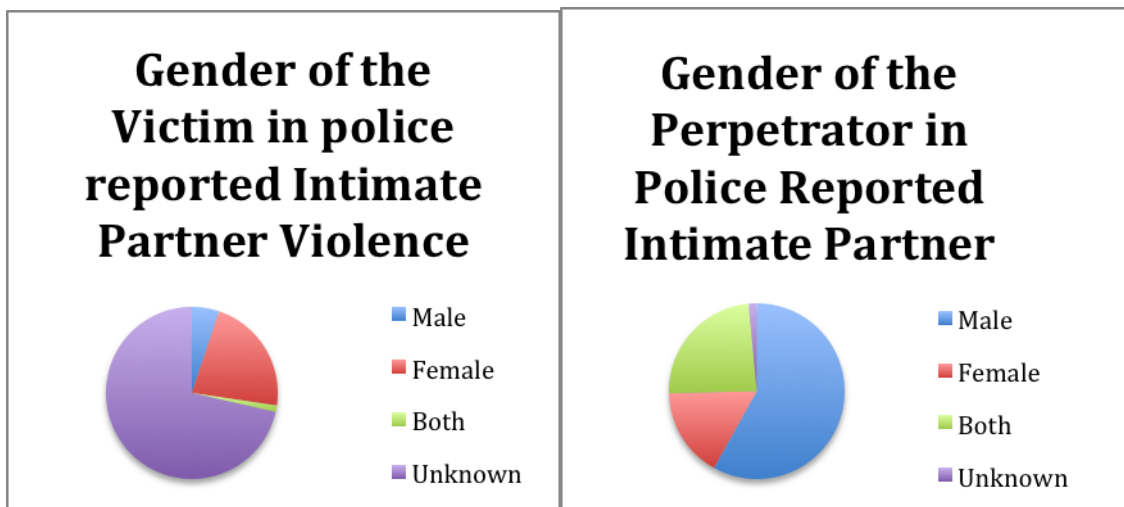


Fig. 1

Fig 2.

Of the 406 reports, 55% or 220 were sent to the Crown Prosecutors office for approval of charges being laid. In 10 of these cases, charges were not approved to move forward, of the remaining 210 cases 75 resulted in a Stay of Proceedings, 10 Peace Bonds, 2 were found not guilty or received and acquittal. The remaining were sentenced in provincial court in Penticton, 42 received jail time and the remained received a sentence that allowed them to remain in the community. I did not include the 4 Conditional Sentence Orders in the jail time as the offender is in the community and not confined to an institution, although the Canadian Corrections Act does consider a Conditional Sentence to be a term of jail to be served in the community. It is clear that the RMCP and Crown Prosecutors are working closely to ensure that the files that they do decide to move forward on are found guilty and receive some kind of a sentence. It would be important to look at why 46% of the reported cases do not move forward into the criminal justice system and locate opportunities for working with victims, perpetrators, police, and communities to gain higher rates of prosecution.

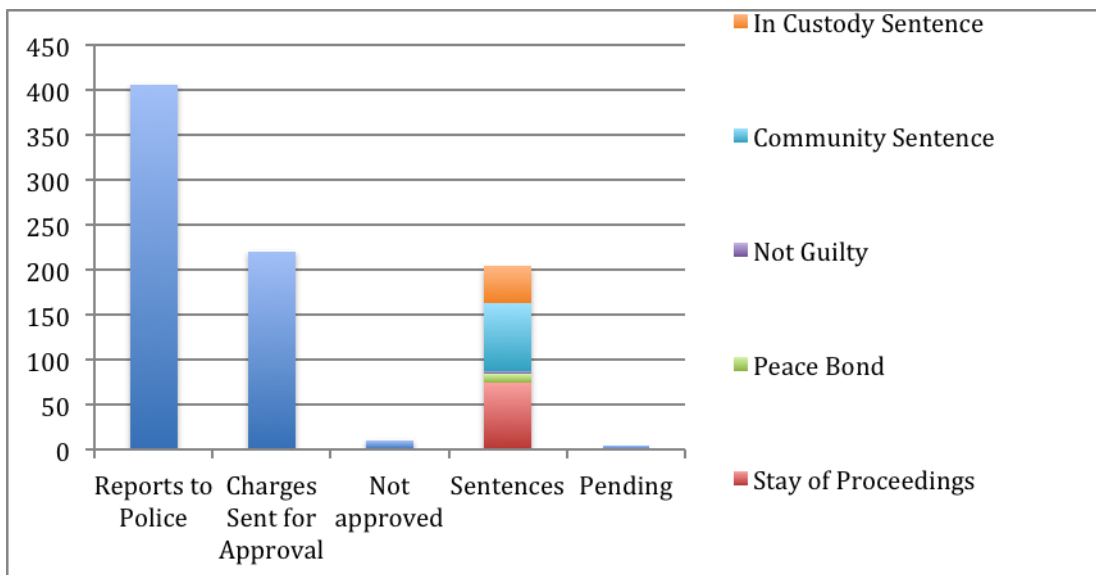


Fig. 3 – Break down of Charges Through the Criminal Justice System

Looking at the kinds of charges that were laid in intimate partner violent reports to police is another way of looking at the impact that the criminal justice system looks at the issues facing those impacted by intimate partner violent relationships. The report provided by the Penticton RMCP detachment indicates that there were a total of 95 incidents of intimate partner violent. From those there 36.4% were assault related charges, 27.1% were fail to comply related charges, 8% criminal harassment related charges and 11% were utter threat charges. The assault related charges contrasted significantly from the 2013 Stats Canada report that indicated in Canada 56% of the IPV related charges were assaults, the criminal harassment and utter threat charges were similar at 7% and 13% respectively (Statistics Canada, 2013). These differences in statistics warrant further investigation into the reasons for the differences if they are related to differences in

criminal justice process or differences in the actual events of intimate partner violence in Penticton.

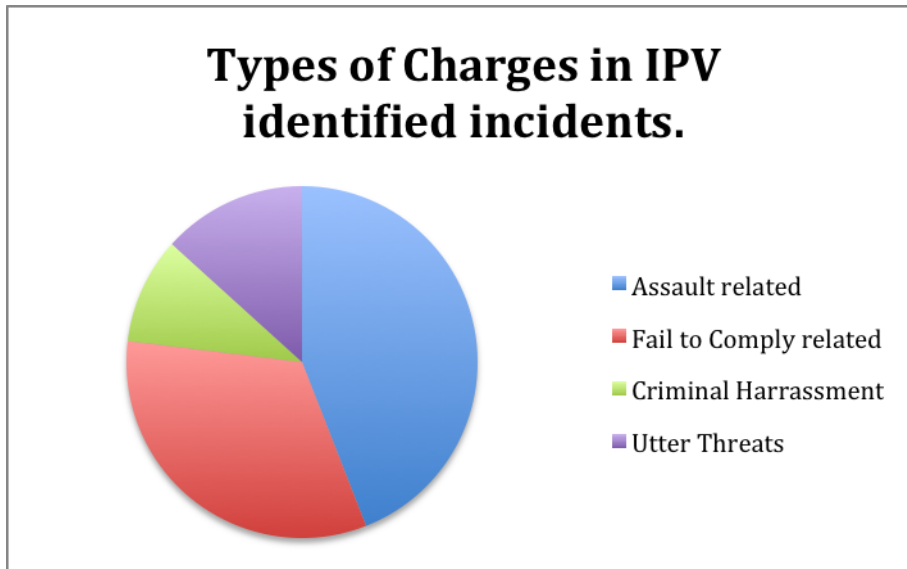


Fig. 4

The statistics gathered from the Penticton and area RMCP provides some good information to develop theories from. We know that when IPV occurs, a man is more likely to be the perpetrator and about a quarter times both parties are charged. In the reported incidents of IPV, women are four times more likely to be the victim of intimate partner violent relationships. IPV is a gender related social problem as it is all over the world. In almost one third of the reported cases the perpetrator is on some kind of court ordered conditions that were violated at the time of the report, this indicates there is a level of recidivism of some kind in intimate partner violence.

It is important to look at the statistics related to intimate partner violence in Penticton in relation to the statistics for Canada. In general there are differences that might be significant in addressing IPV as it relates to Pentictonites. However, we need to recognize that although we have statistics that can guide us we need to remain vigilant that IPV is experienced in a context that has a myriad of different outcomes. Statistics might be able to give us information about context and outcomes, but it is the impact of the micro level experiences of the macro level context that comprise IPV and its responses. It appears that IPV is a deeply rooted social issue in Penticton as it is in every part of the world, and we must address the macro level issues to influence micro level behaviours. The criminal justice system and the individuals who endeavor to change outcomes have the ability to impact individuals as well as systems through understanding and education about the why's and how's of this social problem.

C. Opportunities for Solidarity Against Intimate Partner Violence in Penticton

There is a complex relationship between the victim, safety, policing, prosecution and the court process. For many victims of violence, the perception of the ability of the different actors within the criminal justice system and its process to provide safety was key to their decision about continuing in the process or dropping out of the system that is expected to help them (Hester, 2005, p. 86). Therefore, not only is it important that they have support but the people who can keep them safe must show that they understand what is happening and how to keep the victim safe. It is important that the victims, perpetrators and communities can find consistency in

approach across the criminal justice system within communities (Hester, 2005, p. 88).

Using a non-dichotomous approach to understand that both victims and offenders have expectations from the participants in the criminal justice system and both will attempt to use the system to support their understanding of the situation. Communities have a vested interest in ensuring that intimate partner violence is not permitted to continue due to the high costs post financially as well as emotionally on those involved as well as the community itself. Victims primarily use the criminal justice system to enable their safety (Hester, 2005, p. 89). Although not necessarily purposefully perpetrators use the criminal justice system to condone their behaviour. It is the purpose of the participants of the criminal justice system to support the norms of the communities, keep people safe and rebuke behaviours that harm the community.

Developing dedicated intimate partner violence courts needs to include the full scope of participants that impact the process that victims and offenders encounter in the criminal justice process. It is important that each of these players are knowledgeable about the impact of intimate partner violence on people and communities as well as the uniqueness of the particular social problem. This includes educating police and prosecutors on the impact of IPV and the social context that allows it, and working with victims and perpetrators. The changes made in Ontario's justice response to intimate partner violence has suggested that previously police may not have been comfortable or skilled enough in working with the victims and perpetrators of intimate partner violence, subsequently the quality

of police investigations has improved and the case processing times have decreased significantly (Eley, 2005, p. 118).

Russell Strand's (2014) work on Forensic Experiential Trauma Interviewing (EFTI) provides a simple way of understanding how to offer dignity and understanding to victims of intimate partner violence. This kind of investigation and interviewing allows a thicker understanding of the experience of not only physical violence but also the constructive violence that is used by the perpetrator against the victim (p. 3). The experiential evidence allows judges and juries to fill in the blanks of the victims sensory experience, giving them a full three dimensional understanding, which is often not a part of the investigation (p. 3). Providing police with the skills and prosecution with a fuller understanding of the victims experience in turn supports the ability of the criminal justice system to keep victims safe and hold perpetrators accountable. The hope is that victims will then feel more confident in participating in the criminal justice system in the future and communities will find the process more consistent and.

The importance of educated, knowledgeable and dedicated members of the criminal justice system can not be underestimated. With respect to Ontario's Specialized Domestic Violence Courts, the Crown Prosecutors are all specifically trained in the issues of domestic violence, they are all Crown who chose to do this work (Eley, 2005, p. 118). In general, cases are processed from start to finish by the same prosecutor who is assigned to the case early in the process and offers the victim and perpetrator continuity of process (p. 119), which again provides a better service to those impacted by intimate partner violence, ensuring that the larger

system is impacting the individuals in the most important ways. Again these practices encourage victims to participate in the process and supports the idea that the criminal justice system can keep them safe.

Perpetrators of intimate partner violence should have opportunities for understanding that behaviour such as physical or constructive violence against anyone, particularly an intimate partner is not acceptable. If we use the feminist perspectives of systems and power relations to understand the resistance of victims of IPV, we must also use them to understand the violence of the perpetrators (Lewis, Dobash, Dobash, & Cavanaugh, 2001, p. 110). The criminal justice system should have opportunities for programming to address behaviours and thought processes in a supportive, accountable and critically realistic environment, that understands intimate partner violence and the intentionality, tactics of denial, minimization and blame that perpetrators constructively use against victims (p. 119).

A dedicated intimate partner violence court system would be an important innovation in the fight against intimate partner violence. Many countries and provinces within Canada have been innovating and studying the impact of the criminal justice system on intimate partner violence for decades. It is time for communities within British Columbia, like Penticton, to take responsibility as a macro level system to impact the micro level systems and individuals who are experiencing intimate partner violence. With education, knowledge and commitment we can provide non-dichotomous and critically realistic opportunities to support individuals in finding safety and addressing behaviours and thought processes.

CHAPTER 5 - CONCLUSION

As a practitioner of psychological and social sciences, we can no longer passively support justice response that the tools of our profession have revealed to be psychologically damaging and ineffective. Further, we cannot expect the law to compete with the norms that encourage and condone violence against women (Koss, 2000, p.10). It is clear that the impact of IPV on individuals and communities is significant, we recognize that the justice system is not providing victims and perpetrators of IPV with the support they need. The development of a system that holds the importance of the criminal justice system while allowing for the justice of the victim, and community to be felt by the perpetrator would be an important step towards supporting the voices of the anti violence movement.

The restorative justice process and other community justice processes are heavily dependent on a romantic ideal and nebulous concept of 'community' and consensus amongst the people who comprise any given community (Lewis, Dobash, Dobash, & Cavanaugh, 2001, p. 119). Specialized courts are integrated, focused and knowledgeable courts that use a multitheoretical orientation combining Foucauldian emphasis on techniques and strategies of individual change with an understanding of the deliberative democratic mechanisms of creating larger-scale structural transformation, found in the works of Habermans and others (Mirchandani, 2008, p. 855). Today, there is a recognition that if courts are to paly any meaningful role in society, they have to find ways to address the underlying problems behind intimate partner violence (p. 855).

We need to look at the law both from a theoretical perspective understanding purpose but also from the perspective of the process as proactive, is the law doing what we hope. We also need to look at the law as the system that reflects the macro values of society acting upon the micro values of communities and individuals, we need to ensure that the actions are examined in the contexts in which they function. We must examine every aspect of it from the perspective of those who use it (Lewis, Dobash, Dobash, & Cavanaugh, 2001, p. 123). Effective contributions to understanding legal interventions include examination of process as well as outcome, integration of theoretical and empirical work, consideration of both women's and men's experiences and recognition of women as active survivors of abuse (p. 123) and men as active perpetrators of violence.

Although victims rarely choose to participate in the criminal justice system, studies have suggested that a victim's sense of empowerment may be significant in the related success or failure of mandatory law enforcement and adjudication (p. 239). Up to this point the accounts of violence within the court systems are profoundly emaciated and inaccurate in that they conceal the violence, blame and pathologize the victims, conceal resistance and excuse perpetrators (Coates & Wade, *Language and Violence: Analysis of Four Discursive Operations*, 2007, p. 520). As actors in the criminal justice system, we must illicit the three dimensional stories of resistance from the victims so as to illuminate the stories of creative violence used by the perpetrator. Essentially, the impact of the macro level societal condemnation of the actions of the perpetrator directly impact the empowerment and therefore

future events of abuse experienced by the victim. What we do and say as a society through our societal institutions is significant.

Accumulating evidence suggest that the greatest prospects for eliminating violence and abuse are associated with criminal justice responses which incorporate surveillance and control (through arrest and probation) and include rehabilitation programmes with an explicit focus on the violent behaviour and supporting beliefs (Lewis, Dobash, Dobash, & Cavanaugh, 2001, p. 124). These programs must include opportunities for men to engage and take responsibility for their use of vioence and abuse against their intimate partner, a focus on improving the safety of families and decreasing the risk for future harm, the use of goal setting for preferred behaviour, the inclusion of skills acuisition and developent and the development of critical thinking and awareness (Haven Society - Draft, 2013). A broader context of efforts to end violence against women must be an integrated, knowledgeable approach located within the larger macro level social agencies to effect social belief systems and bring about larger scale change to impact individual experience.

Recognizing the complexities of human behaviour and the need for complex responses to violent behaviour rather than the simplistic, mechanistic imposition of arrest, abuser programmes offer the opportunity to learn new ways of thinking and behaving (Lewis, Dobash, Dobash, & Cavanaugh, 2001, p. 122). In a criminal justice based approach, arrest is just a starting point for the intensive and specialized sanction of a re-education programme (p. 122). Arrest on its own will not be enough to address the complex pattern of behaviour and attitudes which comprise the form of violence (p. 122). Abuser programmes which embody the penal

approach of rehabilitation and reform, aim to assist in the process of changing such behaviour (p. 122).

Through history we have moved from a system that responds to intimate partner violence by focusing on perpetrator centric programs for intervention moving to victim advocacy perspectives and hopefully towards a less dualistic approach of a coordinated community response paradigm (Barner & Mohr Carney, 2011, p. 242) that accounts for micro level agency of individuals involved in the macro level responses of social change agents like the criminal justice system. A lack of consensus on issues of gender and culturally competent practices within these modalities present significant barriers to providing a holistic continuum of care for both perpetrators and victims of IPV (p. 242). It is important that the individuals working in the larger social arenas are familiar with the challenges of the individuals before them before they apply accepted norms of practice from the larger social picture.

From a public policy perspective, IPV is economically, socially and personally costly, IPV is the greatest risk to a woman's health (Day, et al., 2010, p. 1). It is a quality of life issues for the women that experience it as well at the communities in which it happens (Giustina, 2008, p. 355). It is therefore critical that we look at developing programs that address IPV while critically evaluating past initiatives and provide opportunities to innovate new programs. There should be a commitment to the development of evaluation methodologies that take into account all aspects of service delivery, including attempts to collaborate with police, judiciary, corrections,

victims groups, child protection agencies and other stakeholders (Day, et al., 2010, p. 7).

Using the Swedish experience of a change in legislation, we recognize that society can build a working, all-inclusive solution to IPV, a crime that adversely affects the health, productivity and lifestyles of women around the world. The Swedish experience clearly shows that close operational cooperation among health and medical services, law enforcement and judicial authorities and social and volunteer agencies with confidence and respect for the primary roles of the different organizations, stands as the surest, practical way to eliminate such a devastating threat to women, children and communities (Nylen & Heimer, 1999, p. 24).

Our final goal is one of dignity for all members and opportunities to think critically about oppressive dualistic representations of our society at both micro and macro levels that limit opportunities to solve problems in mutually beneficial ways. Discourse determinism is the view that discourse constructs reality, marks the limits of thought, forms and incarcerates the subject and ultimately drives individual conduct (Coates & Wade, *Language and Violence: Analysis of Four Discursive Operations*, 2007, p. 521). If our goal is to create opportunities for larger discussions around how to address intimate partner violence, we need to open discussion, to not colonize problems and understand that there are micro level lived experiences of macro level values that are multilayered and diverse. We need to ensure that we do not construct realities that negate or exclude lived experience by virtue of the discourse.

We have a necessity for a conceptual apparatus that transcends the dualisms of matter and discourse, individual and community, and any other binary opposition that might limit our attempts to understand the complex nature of social phenomenon (Sondergaard, 2012, p. 356). The people that are responding to and resisting intimate partner violence deserve the opportunities of a criminal justice system that is the conceptual apparatus that recognizes their purposeful acts of living. We need to embark upon a collaborative adventure intent upon dissolving the impoverishment that occurs when people are oppressed or overwhelmed by difficulties, dilemmas and discord with their lives (Sanders, 1997, p. 401). The aim of our criminal justice system should not be technical finesse but a deeper understanding of the mechanisms and processes in the particularly complex machinery (Sondergaard, 2012, p. 370).

In our criminal justice system, we have opportunities for innovation and development of non-colonizing, non-oppressive discourse and process, but we need ensure that in our discussion we allow for the opportunities for these discussions to occur and not focus on a system that we are defining through our discourse on that system. In addressing IPV we can look to our Criminal Justice System for opportunities of solidarity and critically realistic discussions with dedicated, engaged and knowledgeable partners.

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APPENDIX

K FILE COURT

91	145(3)	FAIL TO COMPLY WITH	STAY OF PROCEEDINGS	
91	145(3)	FAIL TO COMPLY WITH	STAY OF PROCEEDINGS	
91	145(3)	FAIL TO COMPLY WITH	STAY OF PROCEEDINGS	
515	733.1(1)	FAIL TO COMPLY WITH	FINE	
93	266	ASSAULT SEC 266 CC	SUSPENDED SENTENCE	YES
94	267(a)	ASSAULT WITH A WEAPON	STAY OF PROCEEDINGS	
94	266	ASSAULT SEC 266 CC	STAY OF PROCEEDINGS	
94	266	ASSAULT SEC 266 CC	STAY OF PROCEEDINGS	
234	246(a)	OVERCOME RESISTANCE BY	>3 MONTHS JAIL	
234	272(2)(b)	SEXUAL ASSAULT	>3 MONTHS JAIL	
234	279(2)	FORCIBLE CONFINEMENT	>3 MONTHS JAIL	
234	272(2)(b)	SEXUAL ASSAULT	>3 MONTHS JAIL	
234	279(1)	KIDNAPPING SEC 279(1) CC	STAY OF PROCEEDINGS	
234	85(2)	USE OF IMITATION FIREARM	>3 MONTHS JAIL	
98	266	ASSAULT SEC 266 CC	CHARGES NOT APPROVED	
524	430(1)	MISCHIEF	CONDITIONAL DISCHARGE	YES
524	266	ASSAULT SEC 266 CC	STAY OF PROCEEDINGS	
524	145(5.1)	FAIL TO COMPLY WITH	STAY OF PROCEEDINGS	
526	264.1(1)(a)	UTTERING THREATS	NOT GUILTY	
526	264.1(1)(b)	UTTERING THREATS	CONDITIONAL DISCHARGE	YES
526	88(1)	POSS OF A WEAPON	ACQUITTED	
17	266	ASSAULT SEC 266 CC	SUSPENDED SENTENCE	YES
109	348(1)(a)	BREAK & ENTER WITH INTENT	<3 MONTHS JAIL	YES
109	264.1(1)	UTTERING THREATS	STAY OF PROCEEDINGS	
109	430	MISCHIEF	<3 MONTHS JAIL	YES
101	733.1(1)	FAIL TO COMPLY WITH	<3 MONTHS JAIL	YES
101	733.1(1)	FAIL TO COMPLY WITH	<3 MONTHS JAIL	YES
101	733.1(1)	FAIL TO COMPLY WITH	<3 MONTHS JAIL	YES
530	264(2)(b)	CRIMINAL HARASSMENT	STAY OF PROCEEDINGS	
530	145(3)	FAIL TO COMPLY WITH	<3 MONTHS JAIL	
102	266	ASSAULT SEC 266 CC	STAY OF PROCEEDINGS	
531	266	ASSAULT SEC 266 CC	PEACE BOND	
249	266	ASSAULT SEC 266 CC	STAY OF PROCEEDINGS	
254	266	ASSAULT SEC 266 CC	PENDING	
390	266	ASSAULT SEC 266 CC	STAY OF PROCEEDINGS	
390	145(5.1)	FAIL TO COMPLY WITH	STAY OF PROCEEDINGS	
114	264	CRIMINAL HARASSMENT	STAY OF PROCEEDINGS	
114	266	ASSAULT SEC 266 CC	STAY OF PROCEEDINGS	
114	264(2)(d)	CRIMINAL HARASSMENT	STAY OF PROCEEDINGS	

114	264	CRIMINAL HARASSMENT	STAY OF PROCEEDINGS	
115	266	ASSAULT SEC 266 CC	OPEN CUSTODY	YES
116	266	ASSAULT SEC 266 CC	STAY OF PROCEEDINGS	
533	266	ASSAULT SEC 266 CC	STAY OF PROCEEDINGS	
533	145(3)	FAIL TO COMPLY WITH	STAY OF PROCEEDINGS	
119	145(3)	FAIL TO COMPLY WITH	STAY OF PROCEEDINGS	
119	145(3)	FAIL TO COMPLY WITH	STAY OF PROCEEDINGS	
393	145(3)	FAIL TO COMPLY WITH	STAY OF PROCEEDINGS	
393	266	ASSAULT SEC 266 CC	STAY OF PROCEEDINGS	
394	266	ASSAULT SEC 266 CC	<3 MONTHS JAIL	YES
394	733.1(1)	FAIL TO COMPLY WITH	<3 MONTHS JAIL	YES
394	733.1(1)	FAIL TO COMPLY WITH	<3 MONTHS JAIL	YES
394	733.1(1)	FAIL TO COMPLY WITH	STAY OF PROCEEDINGS	
260	266	ASSAULT SEC 266 CC	PEACE BOND	
165	4(1)	POSS OF A SCHEDULE I	<3 MONTHS JAIL	YES
165	145(3)	FAIL TO COMPLY WITH	STAY OF PROCEEDINGS	
165	266	ASSAULT SEC 266 CC	<3 MONTHS JAIL	YES
269	145(3)	FAIL TO COMPLY WITH	STAY OF PROCEEDINGS	
128	266	ASSAULT SEC 266 CC	SUSPENDED SENTENCE	YES
543	264.1(1)(a)	UTTERING THREATS	STAY OF PROCEEDINGS	
543	266	ASSAULT SEC 266 CC	PEACE BOND	
127	266	ASSAULT SEC 266 CC	PEACE BOND	
272	264	CRIMINAL HARASSMENT	SUSPENDED SENTENCE	YES
265	266	ASSAULT SEC 266 CC	STAY OF PROCEEDINGS	
130	145(5.1)	FAIL TO COMPLY WITH	FINE	
410	145(5.1)	BREACH OF UNDERTAKING	<3 MONTHS JAIL	YES
278	333.1	THEFT OF MOTOR VEHICLE	PENDING	
167	811	BREACH OF RECOGNIZANCE	<3 MONTHS JAIL	YES
280	354(1)(b)	POSS OF PROPERTY OBTAINED	PENDING	
280	334(b)	THEFT UNDER \$5000	PENDING	
138	266	ASSAULT SEC 266 CC	STAY OF PROCEEDINGS	
283	266	ASSAULT SEC 266 CC	STAY OF PROCEEDINGS	
283	266	ASSAULT SEC 266 CC	STAY OF PROCEEDINGS	
283	264.1(1)	UTTERING THREATS	STAY OF PROCEEDINGS	
287	266	ASSAULT SEC 266 CC	CONDITIONAL DISCHARGE	YES
287	267(a)	ASSAULT WITH A WEAPON	STAY OF PROCEEDINGS	
286	266	ASSAULT SEC 266 CC	SUSPENDED SENTENCE	YES
417	266	ASSAULT SEC 266 CC	STAY OF PROCEEDINGS	
293	145(3)	FAIL TO COMPLY WITH	<3 MONTHS JAIL	YES
293	145(3)	FAIL TO COMPLY WITH	STAY OF PROCEEDINGS	
293	145(3)	FAIL TO COMPLY WITH	<3 MONTHS JAIL	YES
146	266	ASSAULT SEC 266 CC	PEACE BOND	
146	264.1(1)	UTTERING THREATS	STAY OF PROCEEDINGS	
169	266	ASSAULT SEC 266 CC	CHARGES NOT APPROVED	

298	266	ASSAULT SEC 266 CC	CHARGES NOT APPROVED	
441	145(5.1)	BREACH OF UNDERTAKING	CONDITIONAL SENTENCE ORDER	YES
441	334(b)	THEFT UNDER \$5000	STAY OF PROCEEDINGS	
441	N/A	INVALID LOOKUP VALUE.	STAY OF PROCEEDINGS	
441	334(b)	THEFT UNDER \$5000	STAY OF PROCEEDINGS	
21	811	BREACH OF RECOGNIZANCE	<3 MONTHS JAIL	YES
23	266	ASSAULT SEC 266 CC	STAY OF PROCEEDINGS	
24	145(3)	FAIL TO COMPLY WITH	STAY OF PROCEEDINGS	
24	145(3)	FAIL TO COMPLY WITH	CONDITIONAL SENTENCE ORDER	YES
24	145(3)	FAIL TO COMPLY WITH	STAY OF PROCEEDINGS	
24	145(3)	FAIL TO COMPLY WITH	CONDITIONAL SENTENCE ORDER	YES
175	145(3)	FAIL TO COMPLY WITH	STAY OF PROCEEDINGS	
175	266	ASSAULT SEC 266 CC	<3 MONTHS JAIL	YES
174	266	ASSAULT SEC 266 CC	PEACE BOND	
33	145(3)	FAIL TO COMPLY WITH	<3 MONTHS JAIL	YES
34	266	ASSAULT SEC 266 CC	CHARGES NOT APPROVED	
178	266	ASSAULT SEC 266 CC	CHARGES NOT APPROVED	
302	266	ASSAULT SEC 266 CC	CHARGES NOT APPROVED	
29	266	ASSAULT SEC 266 CC	STAY OF PROCEEDINGS	
30	430(4)	MISCHIEF UNDER \$5000	STAY OF PROCEEDINGS	
30	267(a)	ASSAULT WITH A WEAPON	PEACE BOND	
30	267(a)	ASSAULT WITH A WEAPON	STAY OF PROCEEDINGS	
38	266	ASSAULT SEC 266 CC	SUSPENDED SENTENCE	YES
38	266	ASSAULT SEC 266 CC	STAY OF PROCEEDINGS	
180	266	ASSAULT SEC 266 CC	PEACE BOND	
180	264.1(1)	UTTERING THREATS	STAY OF PROCEEDINGS	
43	430	MISCHIEF	SUSPENDED SENTENCE	YES
296	266	ASSAULT SEC 266 CC	CHARGES NOT APPROVED	
455	733.1(1)	FAIL TO COMPLY WITH	<3 MONTHS JAIL	YES
154	266	ASSAULT SEC 266 CC	CHARGES NOT APPROVED	
326	264.1(1)	UTTERING THREATS	STAY OF PROCEEDINGS	
326	430(4)	MISCHIEF UNDER \$5000	SUSPENDED SENTENCE	YES
326	267(a)	ASSAULT WITH A WEAPON	SUSPENDED SENTENCE	YES
187	145(3)	FAIL TO COMPLY WITH	<3 MONTHS JAIL	
187	267(a)	ASSAULT WITH A WEAPON	<3 MONTHS JAIL	YES
189	264.1(1)	UTTERING THREATS	STAY OF PROCEEDINGS	
50	266	ASSAULT SEC 266 CC	CHARGES NOT APPROVED	
468	145(3)	FAIL TO COMPLY WITH	<3 MONTHS JAIL	
463	264.1(1)	UTTERING THREATS	DISMISSED	
463	430(4)	MISCHIEF UNDER \$5000	>3 MONTHS JAIL	YES
463	264(2)(b)	CRIMINAL HARASSMENT	<3 MONTHS JAIL	YES

463	733.1(1)	FAIL TO COMPLY WITH	DISMISSED	
463	264(2)(c)	CRIMINAL HARASSMENT	<3 MONTHS JAIL	YES
329	145(3)	FAIL TO COMPLY WITH	<3 MONTHS JAIL	YES
329	264	CRIMINAL HARASSMENT	<3 MONTHS JAIL	YES
329	430(4)	MISCHIEF UNDER \$5000	<3 MONTHS JAIL	YES
329	264	CRIMINAL HARASSMENT	STAY OF PROCEEDINGS	
158	266	ASSAULT SEC 266 CC	PEACE BOND	
332	348(1)(d)	BREAK & ENTER WITH INTENT	SUSPENDED SENTENCE	YES
332	264.1	UTTERING THREATS	STAY OF PROCEEDINGS	
332	267(a)	ASSAULT WITH A WEAPON	STAY OF PROCEEDINGS	
200	267(a)	ASSAULT WITH A WEAPON	STAY OF PROCEEDINGS	
64	264.1(1)	UTTERING THREATS	STAY OF PROCEEDINGS	
345	733.1(1)	FAIL TO COMPLY WITH	STAY OF PROCEEDINGS	
345	733.1(1)	FAIL TO COMPLY WITH	FINE	
339	811	BREACH OF RECOGNIZANCE	<3 MONTHS JAIL	YES
339	266	ASSAULT SEC 266 CC	<3 MONTHS JAIL	YES
4	264(2)(b)	CRIMINAL HARASSMENT	STAY OF PROCEEDINGS	
4	264(2)(d)	CRIMINAL HARASSMENT	STAY OF PROCEEDINGS	
4	264.1(1)	UTTERING THREATS	STAY OF PROCEEDINGS	
4	372(3)	HARASSING TELEPHONE CALLS	<3 MONTHS JAIL	YES
476	264(1)	CRIMINAL HARASSMENT		
479	129(a)	OBSTRUCT PEACE OFFICER	STAY OF PROCEEDINGS	
479	430(4)	MISCHIEF UNDER \$5000	STAY OF PROCEEDINGS	
479	266	ASSAULT SEC 266 CC	<3 MONTHS JAIL	YES
342	266	ASSAULT SEC 266 CC	<3 MONTHS JAIL	YES
342	145(5.1)	BREACH OF UNDERTAKING	STAY OF PROCEEDINGS	
152	264.1(1)(b)	UTTERING THREATS	STAY OF PROCEEDINGS	
152	264(2)(b)	CRIMINAL HARASSMENT	STAY OF PROCEEDINGS	
152	264.1(1)(a)	UTTERING THREATS	<3 MONTHS JAIL	YES
152	264.1(1)(c)	UTTERING THREATS	STAY OF PROCEEDINGS	
152	145(5.1)	BREACH OF UNDERTAKING	<3 MONTHS JAIL	YES
481	266	ASSAULT SEC 266 CC	STAY OF PROCEEDINGS	
68	266	ASSAULT SEC 266 CC	CHARGES NOT APPROVED	
482	266	ASSAULT SEC 266 CC	STAY OF PROCEEDINGS	
354	264.1(1)(a)	UTTERING THREATS	STAY OF PROCEEDINGS	
354	266	ASSAULT SEC 266 CC	STAY OF PROCEEDINGS	
303	264.1	UTTERING THREATS	SUSPENDED SENTENCE	YES
303	811	BREACH OF RECOGNIZANCE	SUSPENDED SENTENCE	YES
365	266	ASSAULT SEC 266 CC	STAY OF PROCEEDINGS	
82	266	ASSAULT SEC 266 CC	STAY OF PROCEEDINGS	
221	264.1(1)	UTTERING THREATS	<3 MONTHS JAIL	YES
431	733.1(1)	FAIL TO COMPLY WITH	STAY OF PROCEEDINGS	
431	733.1(1)	FAIL TO COMPLY WITH	<3 MONTHS JAIL	YES

432	145(3)	FAIL TO COMPLY WITH	CONDITIONAL SENTENCE ORDER
85	267(b)	ASSAULT CBH	PENDING
374	266	ASSAULT SEC 266 CC	PEACE BOND

GENDER

1	ASSAULTS	BOTH	BOTH
2	ASSAULTS		MALE
3	ASSAULTS	MALE	MALE
4	ASSAULTS	MALE	MALE
5	ASSAULTS		FEMALE
6	ASSAULTS	MALE	MALE
7	ASSAULTS	MALE	MALE
8	ASSAULTS	BOTH	MALE
9	ASSAULTS		FEMALE
10	ASSAULTS	MALE	MALE
11	ASSAULTS	MALE	MALE
12	ASSAULTS	MALE	MALE
13	ASSAULTS	MALE	MALE
14	ASSAULTS	MALE	MALE
15	ASSAULTS	MALE	MALE
16	ASSAULTS	MALE	MALE
17	ASSAULTS	MALE	
18	ASSAULTS		MALE
19	ASSAULTS	MALE	MALE
20	ASSAULTS		MALE
21	ASSAULTS	MALE	MALE
22	ASSAULTS	MALE	FEMALE
23	ASSAULTS		MALE
24	ASSAULTS		MALE
25	ASSAULTS	MALE	FEMALE
26	ASSAULTS		FEMALE
27	ASSAULTS	FEMALE	FEMALE
28	ASSAULTS	FEMALE	MALE
29	ASSAULTS	MALE	FEMALE
30	ASSAULTS	MALE	MALE
31	ASSAULTS		MALE
32	ASSAULTS	BOTH	MALE
33	ASSAULTS	MALE	MALE

34	ASSAULTS		MALE
35	ASSAULTS	FEMALE	FEMALE
36	ASSAULTS	FEMALE	FEMALE
37	ASSAULTS		FEMALE
38	ASSAULTS	FEMALE	MALE
39	ASSAULTS	MALE	FEMALE
40	ASSAULTS	FEMALE	MALE
41	ASSAULTS		MALE
42	ASSAULTS		MALE
43	ASSAULTS	BOTH	MALE
44	ASSAULTS		MALE
46	ASSAULTS		FEMALE
47	ASSAULTS	MALE	MALE
48	ASSAULTS	MALE	MALE
49	ASSAULTS	MALE	MALE
50	ASSAULTS	MALE	MALE
51	ASSAULTS		MALE
52	ASSAULTS	MALE	FEMALE
53	ASSAULTS	MALE	MALE
54	ASSAULTS		MALE
55	ASSAULTS	MALE	FEMALE
56	ASSAULTS	MALE	FEMALE
57	ASSAULTS	MALE	MALE
58	ASSAULTS	FEMALE	FEMALE
59	ASSAULTS	FEMALE	MALE
60	ASSAULTS	FEMALE	MALE
61	ASSAULTS	BOTH	MALE
62	ASSAULTS	MALE	FEMALE
63	ASSAULTS		MALE
64	ASSAULTS		FEMALE
65	ASSAULTS	MALE	FEMALE
66	ASSAULTS	FEMALE	MALE
67	ASSAULTS	FEMALE	MALE
68	ASSAULTS	FEMALE	FEMALE
69	ASSAULTS	MALE	MALE
70	ASSAULTS	MALE	MALE
71	ASSAULTS		MALE
72	ASSAULTS	MALE	MALE
73	ASSAULTS	MALE	FEMALE
74	ASSAULTS	MALE	MALE
75	ASSAULTS	MALE	MALE
76	ASSAULTS	FEMALE	MALE
77	ASSAULTS	MALE	FEMALE
78	ASSAULTS	MALE	MALE

79	ASSAULTS	MALE	MALE
80	ASSAULTS	FEMALE	FEMALE
81	ASSAULTS	FEMALE	FEMALE
82	ASSAULTS	MALE	MALE
83	ASSAULTS	MALE	FEMALE
84	ASSAULTS	FEMALE	FEMALE
85	ASSAULTS	MALE	MALE
86	ASSAULTS	MALE	FEMALE
87	ASSAULTS	FEMALE	FEMALE
88	ASSAULTS	FEMALE	MALE
89	ASSAULTS	BOTH	FEMALE
90	ASSAULTS	MALE	FEMALE
91	ASSAULTS	BOTH	FEMALE
92	ASSAULTS	BOTH	MALE
93	ASSAULTS	MALE	FEMALE
94	ASSAULTS	FEMALE	MALE
95	ASSAULTS	MALE	MALE
96	ASSAULTS	MALE	MALE
97	ASSAULTS		MALE
98	ASSAULTS	MALE	MALE
99	ASSAULTS	FEMALE	FEMALE
100	ASSAULTS	BOTH	FEMALE
101	ASSAULTS	FEMALE	FEMALE
102	ASSAULTS	MALE	MALE
103	ASSAULTS	MALE	MALE
104	ASSAULTS	FEMALE	MALE
105	ASSAULTS	MALE	FEMALE
106	ASSAULTS	FEMALE	FEMALE
107	ASSAULTS	MALE	MALE
108	ASSAULTS	MALE	MALE
109	ASSAULTS	MALE	MALE
110	ASSAULTS	MALE	MALE
111	ASSAULTS		FEMALE
112	ASSAULTS	MALE	MALE
113	ASSAULTS	MALE	MALE
114	ASSAULTS		MALE
115	ASSAULTS	MALE	MALE
116	ASSAULTS	MALE	MALE
117	ASSAULTS		MALE
118	ASSAULTS	MALE	MALE
119	ASSAULTS	FEMALE	MALE
120	ASSAULTS	MALE	FEMALE
121	ASSAULTS	MALE	FEMALE
122	ASSAULTS	MALE	MALE

123	ASSAULTS		FEMALE
124	ASSAULTS		FEMALE
125	ASSAULTS		MALE
126	ASSAULTS	FEMALE	MALE
127	SEX OFFENCES	MALE	BOTH
128	ASSAULTS		FEMALE
129	ASSAULTS		MALE
130	ASSAULTS	MALE	BOTH
131	ASSAULTS	FEMALE	MALE
132	ASSAULTS	MALE	MALE
133	ASSAULTS	MALE	MALE
134	ASSAULTS		MALE
135	ASSAULTS	MALE	FEMALE
136	ASSAULTS	BOTH	FEMALE
137	ASSAULTS		MALE
138	ASSAULTS	FEMALE	MALE
139	ASSAULTS	FEMALE	FEMALE
140	ASSAULTS	FEMALE	MALE
141	ASSAULTS		MALE
142	ASSAULTS	MALE	MALE
143	ASSAULTS	MALE	MALE
144	ASSAULTS	MALE	MALE
145	ASSAULTS	MALE	MALE
146	ASSAULTS		MALE
147	ASSAULTS	FEMALE	MALE
148	ASSAULTS	FEMALE	FEMALE
149	ASSAULTS	MALE	MALE
150	ASSAULTS	FEMALE	FEMALE
151	ASSAULTS	MALE	MALE
152	ASSAULTS		MALE
153	ASSAULTS	MALE	MALE
154	ASSAULTS	MALE	MALE
155	ASSAULTS		MALE
156	ASSAULTS	MALE	FEMALE
157	ASSAULTS	BOTH	BOTH
158	ASSAULTS	FEMALE	MALE
159	ASSAULTS	FEMALE	MALE
160	ASSAULTS		MALE
161	ASSAULTS	MALE	MALE
162	ASSAULTS	FEMALE	MALE
163	ASSAULTS	MALE	MALE
164	ASSAULTS	MALE	MALE
165	ASSAULTS	MALE	BOTH
166	ASSAULTS	MALE	MALE

167	ASSAULTS	MALE	BOTH
168	ASSAULTS	MALE	MALE
169	ASSAULTS	MALE	MALE
170	ASSAULTS	MALE	MALE
171	ASSAULTS	FEMALE	FEMALE
172	ASSAULTS		MALE
173	SEX OFFENCES	MALE	FEMALE
174	SEX OFFENCES	MALE	FEMALE
175	SEX OFFENCES	MALE	FEMALE
176	SEX OFFENCES	MALE	FEMALE
177	SEX OFFENCES	MALE	FEMALE
178	SEX OFFENCES	MALE	BOTH
179	SEX OFFENCES	MALE	FEMALE
180	SEX OFFENCES	MALE	FEMALE
181	SEX OFFENCES	MALE	MALE
182	SEX OFFENCES	MALE	MALE
183	SEX OFFENCES	MALE	FEMALE

RCMP DATA QUALIFIERS AND AREA MAP

Founded files only

Reported date 2013-01-01 - 2013-12-31

Domestics retrieved using spousal domestic flag

Assaults retrieved through browse for common assault, assault with a weapon or cause bodily harm, aggravated assault, sex assault, sex assault with a weapon or cause bodily harm, and aggravated sex assault

