

Executive Summary
The Justice System's Response to Intimate Partner Abuse Across Canada:
Moving towards a Canadian Observatory

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In the last two decades the Canadian justice system has responded to lobbying efforts by women's organizations to take a more pro-active and interventionist role in responding to intimate partner abuse. This response has involved additional funding as well as, new legislation and policies on enforcement. While criminal law is federal, enforcement and implementation are typically provincial (courts) or municipal (policing) responsibilities, resulting in a variety of policies and programs across the country. In addition, a number of provinces have introduced civil legislation to address intimate partner abuse. While policy makers across Canada are committed to reducing the devastating impact of intimate partner abuse, these diverse policies and practices must be analyzed and compared to determine best practices for the country as a whole.

All of the centres in the *Alliance of Canadian Research Centres on Violence* (the *Alliance*) have been involved in research that examines some aspect of the justice system's response to intimate partner abuse. A major research initiative, *Evaluating the Justice and Community Response to Family Violence in the Prairie Provinces*¹, began in 2001 in the Prairie provinces and this project is clearly revealing differences among the justice system's response in these three provinces. Findings from this study are based on (1) individual interviews with 180 women from Alberta, Manitoba and Saskatchewan about their experience within the justice system; (2) the collection of data on applications for protection orders in Alberta, Manitoba and Saskatchewan; (3) the collection of data for all cases in which an offender has been charged with a criminal domestic violence-related offence in 2002 in Calgary, Edmonton, Regina and Winnipeg. This study echoes and strongly confirms what earlier studies have revealed regarding important jurisdictional variation with substantially different outcomes, especially when comparing data on prior record of accused in spouse abuse cases; convictions in spouse abuse cases; trial outcomes in spouse abuse cases; etc. It also demonstrates a need for a national study that would permit rigorous interjurisdictional analysis on the justice system's response to intimate partner abuse focusing on:

- What policies and strategies are in place to resolve intimate partner abuse?
- How does the justice system operate across Canada?
- What are the targeted priorities (different/similar) among provinces/territories?

Comparing the responses to intimate partner abuse in different jurisdictions will allow the *Alliance* to not only highlight similarities and differences, but also contribute to our understanding of what can be adapted, what works, and where the gaps are located. In short, such a project will provide a better understanding of what factors ensure that an initiative will be successful. In addition, it would contribute to the formulation of a better response to violence in

¹ Tutty, L. Principal Investigator. University of Calgary. 2001-2005. *Evaluating the justice and community response to domestic violence in the Prairie Provinces*. Funded by CURA-SSHRC.

all the Canadian provinces and territories and to an understanding of the reasons for (and consequences of) the absence of such initiatives. This research cluster design focuses on the justice system's response to intimate partner abuse in a multisectoral-coordinated effort to eliminate intimate partner abuse in Canada by enhancing the effectiveness of the systems. It will also provide accessibility of research findings to stakeholders involved on the issue.

What is the Alliance?

Established in 1997, the *Alliance of Canadian Research Centres on Violence* is composed of:

- *BC Feminist Research, Education, Development & Action* (FREDA), Simon Fraser University;
- *Research and Education for Solutions to Violence and Abuse* (RESOLVE), which is a tri-provincial research centre with offices at the University of Manitoba, University of Calgary and University of Saskatchewan;
- *Centre for Research on Violence Against Women and Children* (CRVAWC), University of Western Ontario;
- *Centre de recherche interdisciplinaire sur la violence familiale et la violence faite aux femmes* (CRI-VIFF) Université de Montréal and Université Laval; and
- *Muriel McQueen Fergusson Centre for Family Violence Research* (FVRC), University of New Brunswick.

These university-affiliated centres established the *Alliance* to carry out research and public education to eliminate family violence and violence against women and children. Each centre is a cluster in itself and works at the interface of the community and university. It is a very unique research partnership model between communities and universities promoting participatory action research. The most significant achievement of the *Alliance* lies in its building capacity through the involvement of researchers from different milieus. The collaborative work developed by the *Alliance* over the years has led academics, front-line workers and government representatives to coordinate their effort on the establishment of the following research cluster design.

What the Alliance wants to do

The *Alliance* proposes to establish a Canadian observatory on the justice system's response to intimate partner abuse. The overall objective of the Canadian observatory is to maximize the knowledge mobilization impact of the *Alliance* in communities. The lack of a national conduit between provinces and territories, in both official languages, on the issue is another major reason behind the development of a Canadian observatory on the justice system's response to intimate partner abuse in Canada. It would generate solutions to eliminate this problem. The *Alliance* wants

- To establish a national research network emphasizing continued bilingual dialogue and in-depth research on the justice system in all parts of the country and on the impact of its response to intimate partner abuse;
- To lay the ground work for standardized national data sets on the justice system's response to intimate partner abuse, with particular emphasis on civil legislation and specialized response units (e.g. police, court, prosecutions); and,
- To develop regional, national and international forums for dissemination of interjurisdictional analyses and program/policy outcomes.

Canadian observatory on the justice system's response to intimate partner abuse across Canada

The proposed strategic research cluster originated from the *Alliance* of research centres in Canada. It is a unique opportunity to look at the particularities of different jurisdictions in regards to community, policy and justice responses to intimate partner abuse. The *Alliance* suggests that the strategic research cluster on the “justice system's response to intimate partner abuse across Canada: Reflections on regional specificity and a national common ground” be now designed as the *Canadian observatory on the justice system's response to intimate partner abuse: Towards a National common ground*.

Mission Statement of the Canadian observatory

The mission statement of a Canadian observatory on the justice system's response to intimate partner abuse is to work as a national research partnership to:

- Conduct research that will ensure the uptake of new knowledge by stakeholders and that will encourage a multi-sectoral coordinated effort to reduce and eliminate intimate partner abuse that will help the establishment of an effective system across Canada.

Aims of the Canadian observatory

The aims of the *Canadian observatory on the justice system's response to intimate partner abuse* are as follows²:

- ▶ Establish the Canadian observatory on the justice system's response to intimate partner abuse as the national research centre of excellence in the study of intersectoral and inter-jurisdictional interventions on intimate partner abuse;
- ▶ Create a conduit for continual dialogue in both official languages among academics, frontline workers, professionals, provincial/territorial/federal government representatives and interested individuals at the regional, national and international levels;
- ▶ Acknowledge expertise in the domain;
- ▶ Enhance the effectiveness of the system and provide accessibility of research findings to stakeholders involved on the issue;
- ▶ Integrate a training component to the studies by involving graduate and post-doctoral students;
- ▶ Invite experts from academia and communities to share their knowledge and practice skills;
- ▶ Develop a coordinated intersectoral approach to intimate partner abuse;
- ▶ Promote effective responses to intimate partner abuse with successful initiatives put in place in provinces;
- ▶ Lay the ground work for the national standardized data collection on the justice system's response while being respectful of the work already done in different jurisdictions.
- ▶ Compare policies/programs/services to intimate partner abuse among provinces/territories, what works, what does not work;
- ▶ Establish a biennial National Conference on the justice system's response and intimate partner abuse to be held every two years.
- ▶ Develop a national website on policies, strategies, and other responses to intimate partner abuse under provincial jurisdictions.

² The following aims are not listed in order of execution.