

A Review of Pro-Arrest, Pro-Charge and Pro-Prosecution Policies: **Redefining Responses** to Domestic Violence



Weighing Justice in Nova Scotia: 2018-2020

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Acknowledgements

We acknowledge that our work is located in Mi'kma'ki, the ancestral and unceded territory of the Mi'kmaq. We are all treaty people. Decolonization and reconciliation are our collective responsibility and are integral to our vision for greater justice and well-being.

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Welcome

We welcome all readers to this review of pro-arrest, pro-charge and pro-prosecution policies in Canada, a review that highlights the need to define better responses to domestic violence. We publish this report during the COVID-19 global pandemic which has signaled both tragedy and possibility as well as an urgent call to action. During the first few months of the pandemic, the media posted news stories of the largest mass shooting in Canadian history, depicted images of global marches against anti-black racism, reported on an overdose crisis, and described marked increases in violence against women and children, all while social isolation or distancing measures were enforced. At the same time, invitations to re-imagine a different world have been ignited by calls to “defund police” and, in our province of Nova Scotia, redesign the justice system to respond to the systemic and structural failures of the carceral state. Domestic violence, referred to as a concurrent pandemic, has emerged in this time of social change as a central issue requiring urgent reform (Illingworth & Ferrara, 2020), thus highlighting the timeliness and significance of the research presented here.

With loss of employment, reduced income, social isolation, closure of schools and childcare facilities, and increased family tensions, all a result of restrictions of the pandemic, the risk of domestic violence has increased for many Canadians (Allen & Jaffary, 2020; Illingworth & Ferrara, 2020). A Statistics Canada (2020) survey released in April 2020 describing the impacts of the pandemic indicates that one in ten women are *very* or *extremely* concerned about the possibility of violence in their homes due to the stress of confinement (Illingworth & Ferrara, 2020). According to Wanda McGinnis, CEO of the Wheatland Crisis Society in rural Alberta, a pandemic does not signify the end of violence but rather makes experiences of violence silent (Illingworth & Ferrara, 2020).

Our research contributes to a critical discourse related to the persistence of unacceptably high rates of gender-based violence and highlights the need for innovative response. Ultimately, this research demonstrates that a redesign of justice responses to domestic violence must become more flexible in order to be family- and human-centered and trauma-informed.

We hope our findings support a collective call to action and that you find this report useful in collective efforts to end gender-based violence.

Sincerely,

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Executive Summary

Background

The purpose of this research project was to explore whether pro-arrest, pro-charge and pro-prosecution policies are a sufficient and appropriate response to domestic violence. Pro-arrest, pro-charge and pro-prosecution policies were implemented by the Government of Canada, in cooperation with the Solicitor General and local police departments, in jurisdictions across Canada in the 1980s and 1990s with intention of improving the criminal justice system's (CJS) response to domestic violence (Barata & Schneider, 2004; Davidson, 2004; Johnson, 2012; Sinha, 2010). These policies were initiated in 1996, largely in response to the women's movement in Nova Scotia (NS), with the intention of improving women's safety and building a more credible CJS response to domestic violence. These policies removed the responsibility of the 'victim' to lay a charge by mandating the police to make an arrest if they assessed violence had occurred even if the 'victim' was reluctant to lay a criminal charge or pressured not to lay a charge by the 'aggressor.' In addition to ensuring victim safety, the aim of these policies was to hold perpetrators accountable for their violence and serve as a deterrent to domestic violence. Since these policies have not been subject to a thorough review since their initiation, this research addressed the need to examine whether they have served the intentions that motivated their initial adoption.

Our Methods of Research

We set out to do four things: a scoping review, a systematic review, a review of police administrative data and qualitative research.

1. Scoping Review

To understand what information has been already documented about these policies, we reviewed 295 relevant Canadian articles, academic (47.8%) and grey literature (52.2%), published between 1983 and 2018.

2. Systematic Review

We took a more in-depth look at findings from the scoping review (75 of the 295 articles) that highlighted how those who are socially, racially, and economically marginalized in Canada experience increased vulnerability to the negative impacts of these policies.

3. Review of Police Administrative Data

We hoped to conduct an analysis of data from both municipal and federal police forces to better understand the patterns, trends or characteristics of domestic violence victimization and offending among survivors or perpetrators of domestic violence in NS, and whether these patterns differed between different contexts, for example, urban versus rural settings. Due to several shortcomings in both the data sources used to record domestic violence, and also the challenge of retrieving this data, the review of police administrative data was not possible. The

challenges to meaningful use of police data sources is a significant barrier to further research in this area.

4. Qualitative Research

We interviewed those most affected by the policies and those responsible for their implementation. We conducted a total of 57 interviews and one focus group (8 participants) for a total of 65 research participants from five target groups: survivors, offenders, allied professionals, police and lawyers, who resided primarily in Halifax and in the South Shore region of NS.

Research Findings

Our results indicate areas where the policies have been effective but also point to serious limitations that we believe indicate the need for a redesign of policy that impacts police and criminal justice responses to domestic violence.

1. Effectiveness of Policies

Some of our interviewees believe there has been a cultural shift to viewing domestic violence not only as unacceptable but to defining it as a crime. Among the survivors, some expressed the removal of responsibility to charge the perpetrator as positive, particularly because it provides safety for women at risk who are reluctant to lay a charge. Among the perpetrators we interviewed, some expressed that having access to support services and therapeutic interventions was positive. In the context of some relationships, these policies can be positive for intimate partners who wish to remain in relationship by promoting awareness and behavior change. In the context of the Criminal Justice System, these policies are important for cases of chronic abuse and serious bodily harm, for police involvement when people need safety, and in conjunction with the domestic violence court programs where they can result in positive outcomes for some perpetrators. Five main areas where the literature indicated that these policies have been somewhat effective at responding to domestic violence in Canada included contributing to defining domestic violence as a criminal activity and increased public awareness (17.3 % of articles); satisfying the needs of survivors (13.6 %); standardizing police response (8.5%); freeing survivors of the responsibility to charge their partners (7.1 %); and being better than no response (3.7 %).

2. Ineffectiveness of Policies

In the literature, only 1% of articles reviewed supported these policies, in their current form, as an effective response to domestic violence as a whole in Canada. Our research participants identified limitations in the design of the policies and in their application, as well as inadequate availability of support services and therapeutic interventions. The policy design was described as outdated, inflexible and maintaining a punitive emphasis that resulted in criminalizing offenders rather than assisting them. Interviewees from the police and the Crown also described having their discretion compromised as a result of the mandated policy design. Interviewees indicated that, in their application, these policies fail to consider the contextual factors of each situation

and the complexity of domestic violence and intimate relationships. The policies also serve as barriers to reporting and cooperating with the Criminal Justice System due to fear of child protection involvement and unwanted punitive outcomes that can create harm for survivors, perpetrators, children and families, particularly for those who wish to remain together as a family unit. In the systematic literature review, we were particularly interested in whether the policies contribute to increasing the vulnerability of those who are marginalized in Canada. The review confirmed systemic racism, sexism, and discrimination in the Canadian Criminal Justice System, including the court system. The literature described experiences of inequality and oppression as the most prominent factors contributing to the vulnerability of those who are marginalized, particularly individuals who have a disability or are Indigenous, African Canadian, newcomers and/or members of the LGBTQ community. The literature suggests that implementation of the policies within a neoliberal context continues a focus on individual culpability with little or no attention to the fact that behavioural patterns arise from pervasive cultural and structural ‘violences’ and prioritize carceral responses over rehabilitation of those offenders. Also noted are unhelpful narratives that essentialize all perpetrators of violence as ‘bad actors’ and all survivors as ‘helpless victims.’ This framing disregards the ways in which race, class, disability, gender identity, and immigration status result in some women, and their families, not only becoming more vulnerable to violence by individuals but also to criminalization and state violence.

Pathways Forward

Our research indicated a need to reform these policies to prevent unintended harmful outcomes, to become more human-centered by addressing family-specific complexities and contexts, to better assist families who wish to stay together, and to better respond to the needs and trauma of victims and aggressors. Implementing reform of these policies will require further research, funding and improved collaboration and accountability among a variety of stakeholders and sectors. There is also a need for further research to increase support for restorative and transformative justice interventions in efforts to redesign the justice system.

Introduction

The scope and definition of intimate partner violence varies widely, ranging from definitions related to specific forms of violence against women to the more inclusive definition adopted by the United Nations (UN) that is used by Statistics Canada. The 1993 UN Declaration on the Elimination of Violence against Women has defined violence against women as:

Any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.

The Nova Scotia Advisory Council on the Status of Women (2020) defines domestic violence (DV) similarly and as occurring within an intimate relationship.

It may be a single act or a series of acts forming a pattern of abuse. Domestic violence can occur in any relationship; however, women are primarily the victims and men are primarily the perpetrators. Children and young people experience harm by being exposed to violence in adult relationships, being the direct victims of violence, or a combination of the two.

While the events of 2020 have highlighted the urgent need to reform systemic and structural responses to domestic violence it has been a long-standing critical issue for Canadians, particularly with respect to its impact on women. I Across Canada in 2018, DV comprised almost one-third of all violent crime reported to the police, affecting over 99,000 victims aged 15 to 89 (Conroy, Burczycka & Savage, 2019). Women were overrepresented as victims of DV, representing almost 8 out of 10 victims (79%) (Conroy et al, 2019). The rate of DV reported to the police has increased by 2% between 2017 and 2018, reaching the highest recorded rate since 2012. Although, over the long-term, DV has declined, having dropped 12% between 2009 and 2018 (Conroy et al., 2019), during the COVID-19 pandemic it has increased. A 2019 report by the Canadian Femicide Observatory for Justice and Accountability (CFOJA) (2019a) highlights that in 2019, 136¹ women and girls were killed by violence in Canada, with approximately 59 of these cases involving victims that had current or previous relationships with the accused, and 35% of those accused of these killings subsequently died by suicide.

While much work has been done to understand DV in Canada, our efforts to fully grasp the magnitude this problem is significantly hindered by the reality that DV remains underreported in Canada (Perreault & Brennan, 2010).

In Canada, serious efforts to reform responses to DV began in the 1980s and 1990s with the implementation of pro-arrest, pro-charge and pro-prosecution policies (“policies” in this report). Prior to this implementation, responses to DV favored separation and mediation over the involvement of the CJS. The introduction of these policies was largely influenced by the women’s movement which demanded that Canadian society understand DV as a serious matter. The overall intentions of these policies were to ensure survivor safety, hold perpetrators accountable for their violence, and serve as a deterrent to DV.

¹ 20 of these cases remain unsolved

Research indicates that these policies have made some contributions to improving to DV responses in Canada. For example, by providing the police and prosecution the authority to proceed with criminal charges in relation to incidents of DV, these policies have influenced the criminalization of DV in Canada and have allowed for the arrest and prosecution of perpetrators without the need for survivor influence over the charging decision.

While these policies have effectively contributed to the recognition of DV in the CJS, there is a wide range of critiques of these policies both from those who support the rationale behind the policies but highlight inadequacies in the implementation process to those who question the very premise of the policies as well as and the ability of these policies to effectively address and reduce DV in Canada.

A November 22, 2020, CBC news article documented the arrest and systemic violence experienced by DV victim Serrece Winter in Halifax, Nova Scotia (NS), and drew attention to serious concerns some people have about the ability of these policies to effectively address and reduce DV in Canada and about the ability of the police to effectively intervene. Winter's experience included being arrested for failing to turn up to testify against the man who abused her because she was terrified. As a consequence, *"Winter was taken to the police lockup where she expressed her frustration and fear of jail to officers before repeatedly harming herself in the lockup. She was yelled at, grabbed from the cell, strapped into a restraint chair, and charged with assaulting a booking officer"* (Chiu, 2020). The Halifax Regional Police response has been described by the group representing women's shelters across Nova Scotia as "absolutely appalling and a violation of human rights " (Chiu, 2020). Such responses serve to entrench fear of police and silence calls for help. Winter's case is a flashpoint to galvanize change and we hope our research shines a pathway forward.

Purpose of Our Research

The purpose of this study was to explore if these policies remain the most effective response to DV in Canada, and more specifically in NS. Our research team explored these areas in four ways by conducting: 1) a scoping review, 2) a systematic review, 3) qualitative research, and 4) a review of police administrative data.

Scoping Review: *Four Decades Later: Weighing the Effectiveness of Pro-arrest, Pro-Charge and Pro-prosecution Policies as a Response to Domestic Violence in Canada.*

The purpose of the scoping review published in the Journal of Social Work (Ryan et al. 2021) was to consider and draw conclusions from the research findings in existing literature on this topic, including identifying gaps in the literature. Our main research question was: What is known about pro-arrest, pro-charge and pro-prosecution policies as a response to DV in Canada? Our three sub-questions to this research question were: 1) Do pro-arrest, pro-charge and pro-prosecution policies remain the most effective response to DV in Canada? 2) How are pro-arrest, pro-charge and pro-prosecution policies effective at responding to DV? 3) How are pro-arrest, pro-charge, and pro-prosecution policies ineffective at responding to DV?²

Using inclusion and exclusion criteria, specific keywords, and thirteen databases, we were able to locate and review a total of 295 articles, 47.8% of which were academic, and 52.2% of which were grey literature. These articles were published between 1983 and 2018 and reported on these policies as a response to DV in Canada. We developed themes based on our research questions and used these themes to apply thematic coding to each of the 295 articles. The themes were then analyzed to assess their frequency in the 295 articles.

To summarize findings related to our three research questions:

1) Do pro-arrest, pro-charge and pro-prosecution policies remain the most effective response to DV in Canada? Findings indicated 57.6 percent of the articles either failed to support these policies as an effective response to DV (39.3 percent) or recommended significant revisions (18.3 percent), and only 1 percent supported these policies, in their current form, as an effective response to DV. Themes related to the ineffectiveness of these policies were significantly more represented than themes related to the effectiveness of these policies. However, there were noteworthy findings for each of these areas.

2) How are pro-arrest, pro-charge and pro-prosecution policies effective at responding to DV?

The review identified five areas where these policies have been effective at responding to DV:

1. 17.3 % - Contributing to criminalization and increased public awareness
2. 13.6% - Satisfying the needs of survivors
3. 8.5% - Standardizing police response
4. 7.1% - Removing survivors' responsibility to charge their partners
5. 3.7% - Being better than no response

3) How are pro-arrest, pro-charge, and pro-prosecution policies ineffective at responding to DV?

Our review identified eight areas where these policies have demonstrated some level of ineffectiveness that had resulted in silence, fear and tragedy as a response to DV:

² While the term “effectiveness” in research generally refers to systematic proof that something achieves a set of specified outcomes, and usually in comparison to either a control group, or an alternative type of intervention, we used “effectiveness” in this scoping review to identify if specific themes related to these policies, and extracted from these primarily qualitative articles, produced emancipatory and/or intended results.

1. 55.6% - Disconnect between policy and practice. Approximately half of the articles (164) highlighted a disconnect between the intention of these policies and their actual application. Seven subthemes emerged:
 - a. 24.1% - Lack of coordination and infrastructure within and between systems
 - b. 22.7% - Inconsistent application
 - c. 17.6% - Have significant impact on the practice of law that does not serve the needs of survivors
 - d. 6.4% - Negative attitude towards policies by survivors
 - e. 4.1% - Fundamentally unjust towards alleged perpetrators/those charged
 - f. 2.0% - Lack of survivor input in their development
 - g. 1.0% - Lack of accountability

2. 53.2% - Revictimizing survivors. Approximately half the articles (157) highlighted how these policies revictimize survivors. Four subthemes emerged:
 - a. 34.5% - Disempowerment of survivors
 - b. 26.4% - Failure to provide safety and security to survivors
 - c. 18.3% - Dual arrest, counter-charging, and the criminalization of survivors
 - d. 17.6% - Places the needs of survivors at odds with the wider interests of society

3. 51.0% - One-size-fits-all approach. Approximately half of the articles (150) highlight the ineffectiveness of the one-size-fits-all nature of these policies. Five subthemes emerged:
 - a. 27.1% - Inflexible to the individual needs of survivors
 - b. 25.4% - Negative implications of these policies are intensified for individuals and communities who are socially, racially, and economically oppressed
 - c. 24.0% - Do not respond to the continuum of DV
 - d. 10.5% - Lack consideration of the impact on children and families
 - e. 5.7% - Limit police discretion

4. 22.3% - Have not adequately reduced DV in Canada

5. 14.2% - Lack of training, understanding and education for all involved in implementing these policies.

6. 14.2% - Fail to address structural and systemic factors

7. 4.4% - Contribute to lack of trust in the CJS

8. 4.4% - Success has been difficult to measure

Implications for Social Work. Social work was not strongly represented among the professions contributing to this body of research. Because the profession of social work is committed to social justice and recognizes the importance of a relational focus, we suggest that the profession is obligated to increase engagement in this area. Indeed, the profession of social work is unique in its centering of a commitment to social justice in its Code of Ethics. The International Federation of Social Workers (IFSW, 2020) provides a global social work statement of ethical principles that recognizes social work as both a practice-based profession and an academic

discipline that facilitates social change, social cohesion and the empowerment of people. The prevalence of DV compels social workers to advocate for enhanced intervention and prevention efforts and contribute to research and policy that advocates for both.

Pathways Forward: This scoping review has offered a valuable deconstruction of these policies, whilst also emphasizing areas where these policies have improved responses to DV in Canada. However, further attention regarding the implementation of these policies to prevent harm and further consideration of complementary or alternative responses are required.

Systematic Review. *An Intersectional Peacebuilding Analysis of Pro-Arrest, Pro-Charge and Pro-Prosecution Policies as a Response to Domestic Violence in Canada*

The purpose of this review was to understand why and how those who are socially, racially, and economically marginalized (“marginalized” in this report) in Canada experience increased vulnerability to negative impacts of pro-arrest, pro-charge and pro-prosecution policies. The experiences of those who are marginalized by these policies emerged as a key finding in the scoping review and were represented in 75 of the 295 articles (25.4%). In this systematic review, we applied an intersectional and peacebuilding analysis to these 75 articles to explore this phenomena further (Ryan et al. 2021).

This analysis revealed that the most prominent factor contributing to the increased vulnerability of those who are marginalized is systemic racism, sexism, and discrimination in the Canadian CJS and court system. Three areas were identified where the potential for increased vulnerability is created: policy design; attitudes, beliefs, values and practices of legal actors; and lack of coordination and infrastructure within and between systems.

1. Policy Design

There are three ways the design of these policies contribute to the vulnerability of those who are marginalized: their one-size-fits-all design, limited deterrence value, and their ability to further state control. A one-size-fits-all policy overlooks intersectional factors related to those who are marginalized by failing to consider structural and cultural factors that heighten vulnerability to negative impacts of these policies.

This review identified general intersectional factors including class and race that are overlooked by these policies, as well as factors specific to Indigenous peoples, African Canadians, newcomers, South Asian-Canadians, those living in rural areas, and those from the LGBTQ2S+ community. These factors include increased pressure on: those who do not want to leave their relationships or cannot leave their relationships for reasons such as culture, economics, and geography; those who do not support current CJS interventions for DV; those who distrust the CJS’s ability to offer protection; those who are economically dependent on their partners; and those who face systemic oppression.

Our analysis went further to explore the impacts that exclusion of these intersectional factors can have on those who are marginalized. Several themes emerged: deepening distrust in the CJS; reluctance or refusal to reach out for help from the CJS; exclusion from or deprivation of the law’s protection; and remaining in abusive relationships and/or experiencing an increase in violence. Some researchers have argued that for marginalized perpetrators/those charged certain intersectional factors, such as being male, African Canadian, poor, unemployed, unmarried, or experiencing challenges with mental health, can increase the likelihood that these policies will have limited deterrence value.

2. Attitudes, Beliefs, Values and Practices of Legal Actors

The interaction among the attitudes, beliefs, values and practices of legal actors and the influence of systemic racism, sexism, and discrimination in the application of these policies can contribute to the vulnerability of those who are marginalized. This interaction can lead to inconsistencies and inadequacies in practice, such as: complaints not being taken seriously; over-criminalization; stereotypical assumptions; and lack of culturally sensitive services. Despite improvements in the CJS training and handling of DV, problems still remain, especially for marginalized women survivors. For these survivors, the attitudes, beliefs, values and practices of legal actors can have significant impact on whether complaints of DV are taken seriously and followed through. Dual arrests, also known as dual charging or cross-charging, are known to be an unintended effect of these policies and provide one example of how the CJS response can create vulnerability for women.

Again, we took our analysis further to understand the impacts that inconsistent and inadequate application of these policies had on those who were marginalized. The literature was limited to only the experiences of marginalized women survivors and included factors specific to those who are racially marginalized, and newcomers. Common impacts of inconsistent policy application included: lack of sensitive services; stereotypical assumptions by actors within the CJS; complaints not being taken seriously; and survivors being criminalized. These impacts can create significant barriers for marginalized women survivors, including reluctance and refusal to reach out for help, silencing and excluding experiences, exacerbating race and class bias, and exacerbating vulnerability to future violence.

3. Lack of coordination and infrastructure within and between systems

A lack of coordination and infrastructure within the CJS, and between the CJS and other systems, including family court, immigration, child protection, income assistance, and community agencies, can create vulnerability for those who are marginalized. These policies have also been critiqued for creating barriers to pursuing alternative responses for justice that could occur outside the traditional adversarial CJS. For example, a pro-charge, pro-conviction climate has contributed to the implementation of moratoriums across Canada that prohibit DV cases in restorative justice programs.

Pathways Forward

Much of the literature reviewed noted the importance of a cultural shift that includes a commitment to zero tolerance, and efforts to address and eliminate systemic and social oppressions and inequities through social policies and program initiatives that explore learning skills for healthy relationships and further community-based supports to promote healing. While these policies were initially developed to promote safety, our review noted the ways in which they have been experienced as punitive and not family-centred. Components of the policies that emphasize safety and accountability are valuable and these considerations need to be forefront in consideration of any modification. A need to provide further education and training (with sensitivity to the use of language) in schools, in the CJS and in the public more generally was recommended in the literature, with the inclusion of content related to the experiences of newcomers, the LGBTQ2S+ community, and other marginalized groups.

The literature also noted the need for more research to shift focus away from the one-size-fits-all approach and explore alternative ways of responding to DV (such as incorporating restorative justice), highlight the experiences of African Canadians and newcomers, develop culturally meaningful responses for Indigenous peoples, improve safety and collaboration in rural areas, consider the roles of peer support and community, and increase collaboration in general and specifically between courts and other systems. For individuals engaged with the CJS, it can be very challenging to navigate between various systems, attending various appointments with little communication between these systems. For families who may wish to remain together, these challenges are often magnified by child protection involvement. More generally, the literature recommends exploration of alternative initiatives that seek to eliminate the power imbalance between state and community, new initiatives for courts, perpetrators/those charged, and survivors and consideration of hybrid responses.

Further, this review reveals a need to examine in-depth how these policies result in harm and how to increase support for emancipatory alternatives. We suggest this emancipatory function of peacebuilding is relevant to communities worldwide in which individuals experience interpersonal violence and must support environments where boys and men, trans individuals, girls and women can live safe and satisfying lives that include the development of skills that promote non-violence and peace within relationships and communities.

Consultation Findings: Qualitative Research

The purpose of this qualitative research study was to explore if pro-arrest, pro-charge, and pro-prosecution policies remain the most effective response to domestic violence in Nova Scotia.³

Methodology

We explored the perspectives and experiences of 65 participants through individual interviews with five target groups (57) and with one focus group (8). Target groups included survivors (23 participants), perpetrators/those charged (14 participants), police officers (“police”) (8 participants), lawyers (10 participants), and allied professionals (APs) (10 participants). Our research was approved by the Dalhousie University Research Ethics Board. The interviews and focus group were transcribed and subject to an applied thematic analysis. According to Guest et al. (2012) thematic analyses, such as grounded theory, requires the involvement and interpretation of the researcher. This kind of analysis moves beyond counting words and phrases to focus on identifying and describing both implicit and explicit ideas, which are the themes found within the transcribed data (Braun & Clarke, 2006).

Our findings, described below, were in three main areas: policy strengths, policy concerns and pathways forward.

1. Policy Strengths⁴

Five main areas emerged where these policies have shown strength as a response to DV in NS: have contributed to a culture shift, specific strengths for survivors, specific strengths for perpetrators/those charged, specific strengths for intimate partners, and specific strengths for the CJS.

1.1. Policy strength: Have contributed to a culture shift. A moderate proportion of the police and lawyers who participated in this study identified a culture shift where a strong societal message was introduced via these policies that DV is not acceptable. Participants noted this as a significant strength of these policies.

³ Target group analysis: We examined the proportion of these themes represented across each of the five target groups and chose to identify in this report themes where the following threshold of proportions were reached:

- Policy strengths: between 30-100% of the target group identified this as a theme. This means that we did not include in this report target groups that showed proportions of 29% or lower with respect to policy strengths. The threshold for policy strengths is lower than for policy concerns and pathways forward as there was less consensus on the main themes for policy strengths, and fewer themes in this area.
- Policy concerns and Pathways forward: between 50-100% representation, and for perpetrators/those charged 4/6 – 67% plus representation in the focus group.
- We used the terms minimal, some, moderate, half, substantial and all to describe these percentages in this report, due to limitations posed in representing this data using the actual percentages.

⁴ Findings revealed fewer policy strengths than policy concerns, and no consistent themes across all five target groups as to the main areas of police strengths.

"I think initially those policies did have value in signaling a change to how these matters were going to be dealt with ... and certainly, in cases where they're repetitive assaults where someone is being abused over a long period of time the reasons for the policies still hold water." Mary-Ellen, Lawyer

1.2 Policy strengths for survivors. Half of the APs identified the safety these policies have brought some survivors as a strength; and a moderate proportion of APs and some survivors said that having the pressure and responsibility of charging the perpetrator transferred from the survivor to the CJS was also a strength of the policies for some survivors.

"I am thankful that the police laid the charge.... Like mentally? Emotionally. Because I can never say that I had, I had to charge." Jo Jo, Survivor

1.3 Policy strengths for perpetrators/those charged. A minimal proportion of perpetrators/those charged indicated an important component of these policies was gaining access to therapeutic interventions and support services. It was stated that access to these supports resulted in positive, life-changing experiences for the perpetrators/those charged that allowed them to address root causes of their behavior, such as addiction and childhood trauma.

"It was completely a turning point. And it actually changed my life." Ronnie, Perpetrator

1.4. Policy strengths for intimate partners. A moderate proportion of perpetrators/those charged and APs indicated that in the context of certain relationships, under certain circumstances, these policies can be positive for intimate partner relationships.

1.5. Policy strengths for the CJS. These policy strengths are divided into three subsections: general, police and DV Court Programs (DVCP).

1.5.a. General. Some lawyers highlighted the importance of these policies for cases with serious assault and bodily harm, as well as for cases with chronic abuse.

"...there will always be cases where, where the nature of, of the violence, is such that, this case should be prosecuted even in a situation where the victim doesn't wish to proceed." Christine, Lawyer

1.5.b. Police. Some perpetrators/those charged indicated these policies were important because they triggered police intervention, and that this was important when people need safety.

"You know I think ... cops are there to protect people I think if my wife felt threatened ... it's the right thing for the cops to come in." Wade, Perpetrator

1.5.c. DV Court programs. A moderate proportion of perpetrators/those charged highlighted the strength in response that resulted from a combination of these policies and DVCP participation. For example, they noted that DVCPs are helpful for low-level DV incidents and non-chronic perpetrators/those charged (as represented in the focus group); produce better court outcomes than traditional courts (e.g., reduced sentences and/or no criminal record); provide a sense of

belonging for perpetrators/those charged where staff are supportive and compassionate; and provide opportunities to access meaningful therapeutic interventions (addressing root causes, improving relationships, and increasing health and well-being) and volunteer work.

"But when you take the Wellness Program... You get to know me. You get to see me change. You get to see what I've been through, where I was and where I'm at now and how I improve. You made it pleasant. You didn't come down on me. You didn't, even when you're judged you didn't pass that judgement, if you know what I mean." Perpetrator, Focus Group

2. Policy Concerns

Three main areas emerged where there are concerns about these policies as a response to DV in NS: (1) policy design, (2) policy application, and (3) inadequate support services and therapeutic interventions.

2.1. Concern: Policy design. A substantial proportion of the police, lawyers and APs who participated in this study identified the design of these policies as problematic. The following adjectives were used to describe these policies: punitive, not trauma-informed, inflexible, unidirectional, outdated, and unhelpful. There were also concerns from some participants that these policies lack both an understanding of the complexities of DV and the individual contextual factors present in each case of DV, and that these policies compromise the discretion of police and crown.

"The policy design ... it's a double edged sword basically. The same thing used to protect them is the same thing that is hurting them ... and that's why carefully crafted policy shouldn't be a double edged sword. You're, not saving anybody and there's wasting a lot of court resources. Courts are over, (sighs) they're just overburdened with a lot of these incidents of domestic." Jade, Lawyer

2.2. Concern: Policy application. There was consensus across all target groups that the application of these policies is problematic. All of the police, and a substantial portion of lawyers, APs, survivors and perpetrators/those charged in our study expressed concerns with the application of these policies, with five areas identified as problematic: (a) in general, (b) failure to consider the contextual factors of each situation, (c) failure to consider the complexity of DV, (d) creating barriers for reporting and cooperating with the CJS, and (e) creating harm.

2.2.a. Concerns with policy application: general. There was consensus across all target groups of general application issues, with support from all of the police, and a substantial portion of lawyers, APs, survivors and perpetrators/those charged.

Some participants indicated that, on the front-line, the execution of these policies is problematic due to: incompatibility with all cases of DV; the lack of attention the CJS provides to these cases; and the limited supports available for survivors, perpetrators/those charged and their families post-CJS involvement. Some participants felt that the CJS is siloed, that is, justice responses, treatment, and all other elements of DV response do not work well together to provide

adequate intervention and support to survivors, perpetrators/those charged and families. Further, a lack of public awareness and education of these policies and their subsequent system response, as well as a lack of evaluation of these policies, was identified by some participants as creating problems with the application of these policies.

“Policy is a blunt instrument and it’s up to individuals to interpret the policy. Some people do it better than others. And what better looks like depends on your vantage point.” Tanya, Allied Professional

For survivors. A substantial proportion of the lawyers, and half the police and survivors who participated in this study highlighted problems in the application of these policies for survivors. These participants highlighted that some survivors do not trust the police, or the CJS in general, do not view the CJS as a source of hope or help, and do not believe the CJS will protect them. Further some survivors experience a lack of communication from the CJS, and do not feel as if they are being listened to, or that their choices are being respected.

“The response and the way she’s treated afterwards by the system is the part that makes them wish that police had never been involved to begin with. It’s not the response on the doorstep.... It’s the, the response of the system on her as the victimized person.” Mae, Allied Professional

For police. All of the police, half of the lawyers, and a moderate proportion of perpetrators/those charged who participated in this study highlighted problems in the application of these policies for police. Some participants noted a disconnect between how these policies were designed to be implemented and their actual application on the front-line in response to cases of DV.

Participants indicated that DV can be the most complicated and challenging type of case for police to respond to and, as such, these policies can be difficult to apply. Some participants shared that some police avoid DV cases and avoid working in geographic areas where there are higher rates of DV because these cases are complicated, challenging and time-consuming.

Some participants argued that the integrity of police investigations for DV have been compromised by these policies, where more effort is made by police to make an arrest than to understand the context of each case. These policies have created fear for some police forces and some individual police officers that if a DV investigation results in no one being arrested, and one of the involved parties gets hurt, the police force and/or the police officers involved will be held liable. This fear of liability, together with inadequate time to investigate, and a lack of leadership, training, and understanding around DV cases, can result in less investigation, less discretion, and more pressure to arrest and charge, in comparison with other offences. Essentially, some participants indicated that for all these reasons, the threshold for forming reasonable grounds to believe an offence has occurred related to DV is much less stringent than with other offences.

Some participants argued that these policies have compromised the police discretion needed to effectively respond to DV; while other participants argued that these policies fail to account for the interaction of individual police bias and are therefore open to variance in how these policies are applied on the front-line. For example, with respect to these policies being open to individual

police bias, some police officers factor in a persons' criminal record when determining who is the primary aggressor in a DV incident, and some police interpret a survivor's unwillingness to cooperate with the CJS as solely the result of not wanting to get help for the DV they are experiencing. Some participants also argued these policies are influenced by particular trends in policing in some regions compared to others.

"On patrol you don't give a shit; you just go about every call the same and you just try and get through everything fast, right? Cause there's always like eight more calls waiting." Cohen, Police Officer

"...there are lot of ... volume brought in the criminal justice system by this policy where frontline officers feel that they can lose their jobs if they don't do their job. So, they feel forced to lay criminal charges where they don't believe it's just and nobody inside the system believes it's just." Ralf, Lawyer

For crown and courts. A substantial proportion of lawyers, half the police and APs, and some perpetrators/those charged highlighted issues with the application of these policies that are specific to the crown and court, including DVCPs.

Crown. As seen with the impact these policies have had on the discretion of the police, some participants argued that these policies have compromised the crown discretion needed to effectively work with DV cases. Other participants argued that these policies fail to account for the interaction of individual crown bias and are therefore vulnerable to a variance in how these policies are applied on the front-line by the crown. Some participants noted that the lack of crown discretion built into these policies has resulted in many DV files going to trial when there is low likelihood of conviction, and that this type of practice puts tremendous pressure on the system. Some participants argued that the pro-prosecution portion of these policies was not a good fit for DV. Further, as stated above with regard to police, risk of liability can impact decision-making around the application of these policies, as it is the crown that is held responsible if there is a domestic homicide in CJS inquiry.

"The courts are a joke.... It's a waste of time. It's a waste of taxpayer's time. All they wanna do is just close a file and get a peace bond in order and then move onto the next one. Ah, I don't blame them they're just as swamped as we are. But like, at the end of the day, like, they don't give a shit about victims. They just, they, they don't even know who the victim is until the day of the court. They read the file fuckin' that day and that morning." Cohen, police officer

"... the adversarial court system is not a good place to deal with domestic violence as a crime. ... you're accused is most often the, the male spouse or a partner in a relationship...and on the other side is their partner ...as the victim and Crown's, you know, chief witness or star witness... you know, this is not a good way to deal with people who have been in a relationship. Who, most often, desire to continue in a relationship. Who, whether they continue in a relationship or not, often have children together so they have to continue to have a relationship together. And we're going to deal with that through the adversarial system which, you know, as the word implies, is adversarial. So you know, there's got to be a better and a different way to deal with these cases. Because what we do in the adversarial system is not particularly helpful." Christine, Lawyer

Courts. Participants identified a number of application issues with these policies that are specific to the court. For example, they stated that many DV files “fall apart” from the time of pro-arrest, pro-charge to the time pro-prosecution, for reasons such as: different standards required for police action versus crown action; no-contact conditions breached; survivors no longer want to cooperate; and couples want to stay together. Some participants highlighted the challenges of applying these policies due to the heavy reliance on survivor cooperation required for conviction.

It was indicated that once the pro-prosecution portion of these policies is implemented, most DV cases end up in traditional adversarial court, which some participants said was incompatible with DV cases (i.e. pitting survivors against perpetrators is not helpful). Some participants emphasized that in traditional court, there are high rates of DV files with poor outcomes including withdrawals, acquittals, dismissals, finding of not guilty, and peace bonds (conditions, but no conviction). One reason cited for these poor outcomes is the low proportion of survivors who actually attend court and testify against their perpetrators. These high rates of poor outcomes can result in a negative system impact called “docket collapse” where court time is not used efficiently, and valuable court time is lost. Some participants stated that because of the stress these policies place on the court system (by overburdening the system and exhausting resources), these policies do not prove helpful in responding to low-end DV offences.

Other issues identified by participants that make the application of these policies problematic when DV cases reach court include: the pace at which these cases move through the court, which some participants described as “slow,” and the lack of satisfaction with court outcomes, which were described as unhelpful, unfair and inconsistent.

“And then of course on top of that we ... I as a police officer and all my other police colleagues that I talk to, think that the process of actually getting that victim to court is one hundred percent broken.... Like, entirely broken.” Mike Smith, police officer

Domestic Violence Court Programs. While this report has identified strengths related to the DVCPs in NS, some participants also expressed concerns with respect to the length of time it takes to complete these programs and the inaccessibility of these programs in rural areas. There is also concern with a lack of gender analysis, that these DVCPs overlook the context of women’s use of violence and issues of hyper-responsibility and, as a result, women are being criminalized. Further, there is concern that some perpetrators/those charged view the DVCP as a way out of the traditional adversarial system rather than an indication of authentic motives to make changes in their lives.

2.2.b. Concerns with policy application: failure to consider the contextual analysis of each situation. There was consensus across all target groups that these policies lack an understanding of context in their application, with a substantial proportion of all target groups expressing concern that these policies do not account for contextual factors. Generally, some participants highlighted how this one-size-fits-all policy design limits the ability of police, crown and support services to effectively respond to the needs of those involved, including survivors, perpetrators and their families. These policies allow for only a dichotomous understanding of survivors and

perpetrators, limiting the ability to fully grasp the complexities of real-life scenarios and address root causes of DV behavior.

“Each situation is unique. But the policy treats everyone on the same footing. And not every victim is on the same footing. And, and it’s ... it’s really hard to see a blanket expression apply to people who are in very different circumstances. And another frailty of having a blanket policy without exceptions ... goes to the complexity of it as a social issue. And, again, that’s also part of the, you know, complexity of dealing with a social issue through the criminal justice as, as an adversarial system.” Christine, Lawyer

2.2.b.i. Concerns with policy application: failure to consider the contextual analysis of survivors

A substantial proportion of APs and survivors, as well as half the police and lawyers who participated in this study, noted that these policies overlook contextual factors specific to survivors. A number of points were discussed below.

Some survivors are revictimized and disempowered because their voices are not being heard, their needs are not being taken seriously, and their ability to make choices and have power in their own lives have been taken away. Some participants highlighted how critical it is for DV responses to acknowledge that each individual survivor has their own set of needs that need to be listened to and responded to. For example, some survivors felt it should be their choice as to whether or not the perpetrator should be charged and felt disempowered by the removal of this choice.

Some survivors want to remain in relationships with their partners. Some survivors are seeking safety only in the moment, for example for their partners to be removed from the home for one night, and do not want CJS intervention. For survivors, a variety of fears and implications arise once there is intervention from the CJS, these include: fear of further CPS involvement; fear of ramifications for their partners, such as being charged and losing employment; and fear of not having their needs heard and responded to by the CJS. Some survivors want to be able to testify openly in court, while some survivors want access to protective measures, such as a screen, while other survivors don’t want to testify at all. Some male survivors are fearful of contacting police to report being abused due to embarrassment, feelings they won’t be believed, or fear they will be the ones arrested.

“So the police knew that I was scared ... the very first time when they said they were charging him, I told them, I fear for mine and my children’s safety. But no; nothing was ever taken, about how I was feeling.” Cindy, Survivor

Some participants indicated how, for some survivors, these policies do not eliminate fears of their partner, fear of being physically hurt, or fear of having their partners take their children. These policies also do not eliminate the fears that some survivors have of the police and the CJS. Some survivors choose not to participate in the court process because they are scared of their partners; some do not cooperate because court is not a safe place and, in fact, can be a dangerous place as their partners can have contact with them and can harm them. Some participants highlighted how bail and court-ordered conditions, as well as peace bonds, can be ineffective tools for providing safety to some survivors, or for preventing the abuse from continuing.

Further, inadequate CJS responses and court outcomes can result in some survivors contemplating use of violence to protect themselves and their families.

"I take responsibility for my part on that. But on the fifth time I still wasn't really cooperating but, but I think it was that the judge knew that I was, like, that I was scared.... Like, because, you know, even though he was charged I was still being threatened.... You know? So.... And I had five kids at the time so...." Cindy, Survivor

Some survivors do not receive the help and support they need through the application of these policies. As with failing to reduce fears and bring safety to all survivors, these policies are also ineffective at triggering adequate help and support for all survivors as they navigate the process after the CJS intervention has occurred. The CJS intervention can have detrimental impacts for the survivor including fear and uncertainty, being arrested and criminalized, legal and financial ramifications, losing custody of their children, losing housing, losing childcare, and losing community support. For survivors who rely on their partners for housing and finances, and who also may have children with their partners, these policies do not respond well to their needs or provide the support necessary to prevent the survivor becoming more vulnerable and marginalized than before the CJS intervention. Some participants noted that the current options available to support survivors and their families, such as shelters, may not be helpful because shelters are not the best environments for all survivors. In the cases of some newcomer survivors, the idea of shelters can be foreign and shelters can be intimidating to access.

Some survivors feel there is no hope or support from the CJS, and that navigating the CJS can be difficult, overwhelming, and scarier than the abuse from their partners. Certain factors can compound these difficulties for survivors, such as literacy, citizenship, and homelessness. Given that the application of these policies can trigger involvement from other systems and structures, such as family court, CPS and immigration, some participants noted the additional barriers these place on some survivors, as these other systems can also be difficult or overwhelming to navigate.

"You know, at some points, sometimes this is harder than being abused because it's a lot of work and it's very scary. And now he's obviously angrier at me than he's ever been before." Charlie, Survivor

"Yeah, when we have nowhere to go and can't support ourselves. And have children, especially. Aah, --- it's hard to be safe in those kinda circumstances. That is not a safe life." R.E. Beal, Allied Professional

Four contextual factors identified by participants that are specific to survivors are: some survivors do not receive adequate explanation of these policies and the subsequent process; some survivors experience poor communication from the CJS; some survivors do not trust the police; and some survivors do not experience respect, compassion or kindness from the CJS.

2.2.b.ii. Contextual issues: failure to consider the impact on perpetrators/those charged. A substantial portion of the perpetrators/those charged and a moderate proportion of police and APs noted these policies overlook contextual factors specific to perpetrators/those charged.

Four main themes emerged that included *some perpetrators/those charged feel victimized, silenced and judged by the CJS.*

"I think some police officers, uhm, are rude. And I feel like, you know, they judge people before they know people. Because for instance when I was charged I didn't have to put handcuffs on because I, I wasn't violent or whatever ... but the cop said to me I know you must'a did this, something like this before. And I never been in trouble in my life.... That's the first time that anything ever happened with the law." Wade, Perpetrator

"So the problem, like when the police officer comes to arrest you ... it's like a snowball from there on ... it's a runaway train. You can't stop it. It's this whole pro- everything, it all has to happen. So as soon as you're arrested whether it's a good, you know, justified arrest or not, there's no turning back." Perpetrator, Focus Group Participant

Some perpetrators/those who have been charged do not receive the help and support they need to navigate through the CJS and/or to meet their survival needs while they navigate through the CJS. As was noted with some survivors, participants indicated the CJS intervention that results from the application of these policies can be detrimental to perpetrators/those charged. The impacts can be short-term or long-term and can negatively affect: housing; contact with partner, children and family members; employment; citizenship; finances; legal matters; mental health; criminal record; ability to travel; and community involvement.

Some participants noted that, for perpetrators who have committed DV but have not been charged, these policies can serve as a deterrent to reaching out for help because CJS intervention, as well as potential involvement from other systems, may result. Some perpetrators believe the conditions imposed by the CJS should offer more flexibility for contact with survivors in order to work through their relationship and attend to joint legal matters. Some participants noted how a large proportion of perpetrators/those charged end up applying to vary or eliminate these no-contact conditions. Further, some participants noted for perpetrators who are remorseful for their actions and want to make changes to their behavior, the wait to navigate through the CJS process can be long and stressful. For some perpetrators, the existing supports and therapeutic interventions available through CJS involvement are inadequate to meet their needs or address root causes of DV behavior. Some perpetrators need alternatives to custody/prison and better release/transition plans.

"When there are dual charges laid in a situation, often the first person to come in and to want to plead guilty to the charge, often without a lawyer, will be the woman. ... If someone in the system, either the, the judge or the, the prosecutor doesn't insist that they get some legal advice or.... Let's ensure that you have time to consult or speak with a, speak with counsel ... then I see disproportionately women bearing the, the criminal court outcome of an incident that's happened between the couple" Christine, lawyer

These policies lack a gender analysis and thus ignore the context of some women's use of violence. For some perpetrators/those charged who are women, or in cases of dual charges, some participants felt the issue of hyper-responsibility to be critical. Hyper-responsibility is where

some women will plead guilty, sometimes without consulting a lawyer, and then bear the criminal outcome of what has transpired between them and their partners.

“We are seeing women charged far more often than we used to. ... The challenge I think lies in the dominant aggressor policy. Because the dominant aggressor assessment relies only on physical aggression. It doesn’t take into account the impact of verbal and emotional abuse.... So if you and I are in a relationship and for the last three years you’ve threatened me, you’ve threatened my children, you’ve threatened my friends, you’ve threatened to burn down my house but you’ve never touched me. But I am terrified of you. And one night we’re sitting at dinner and you say something and I snap and let you have it, I’m getting charged. ... There’s something wrong with that.” Tanya, Allied Professional

2.2.b.iii. Contextual issues: Failure to consider the impact on children and families.

Approximately half of the police, lawyers, and APs, and some of the perpetrators noted that these policies overlook contextual factors specific to children and families and identified four areas where this occurs that included the recognition that children have no voice in the application of these policies and that actions resulting from application of these policies can be traumatic and victimizing for children. For some children, the separation from their parents that can result from the application of these policies can be victimizing and traumatizing, and for some children who are newcomers, this experience can compound trauma they may be already experiencing from immigration and the circumstances that have led to their immigration. For some families, the court process can be detrimental to their well-being; for some families, children can be removed from their parents’ care by CPS.

“If we look at the effect of that and women and children, right? There’s no stability there ... for the kids, they don’t know what’s right and wrong and what’s normal and what’s not.... And that can be really damaging. I’m always hesitant to say remove them from the home ... but as I said earlier these cases are getting more and more complex. So we see a lot of children that get removed from the homes. Well, where do they go? Because, you know, they can’t go with either parent ... the grandparents may be involved in drugs or have mental health concerns.... Or live in extreme poverty.... Which means that often when kids get removed from the home they’re going into the foster care system. And that’s not something that we ever wanna see. Lily Martin, Allied Professional

It was noted that these policies do not ensure safety for all children and families and that some children and families do not receive the help and support they need to create and/or maintain healthy relationships and connections with one another after the application of these policies. Some participants noted how these policies can tear families apart, and that the traditional court system does not offer adequate support for children and families. Even the threat of these policies can have negative implications for families, such as impeding the ability of perpetrators/those charged, survivors and their families to access supports that could improve their well-being and the well-being of their relationships. Some participants highlighted how peace bonds have not been effective for couples with families or those who need to have contact for survival purposes.

“...the impact on the children and that there’s no follow-up? ... if somebody was, so physically hurt? We would fix that. ... But when somebody sees something traumatic we don’t address that point. The kids just are expected to continue to go to school and the mom is expected to continue doing what she did.” Phoebe, Allied Professional

2.2.b.iv. Contextual issues: Failure to consider the impact on those who are marginalized.

Approximately half of the APs noted that these policies overlook contextual factors specific to those who are socially, racially and economically marginalized. Participants in this study highlighted the following intersections relevant to those who are marginalized: those who are Indigenous peoples, those who are Visible Minorities, those who are newcomers, those who are living with mental health barriers, those living with addictions, those living with low socioeconomic status/those who are affected by poverty, those who live in rural areas, those working in sex work, those known to the police, and those with lack of education/literacy issues. Participants identified two main policy application issues for those who are marginalized: these policies can exacerbate pre-existing barriers, such as poverty, and those who are marginalized may not receive equal response, compassion, and protection from police resulting in inconsistent application of these policies. These two issues can be summarized as under-response and hyper-response.

“Let’s take the specific example of families living with poverty who are involved with Child Welfare. We throw in domestic violence charges on top of that and how, often it feels like an exercise in how can you make people’s lives even more stressful than they already are?” Tanya, Allied Professional

2.2.c. Concerns with policy application: Failure to consider the complexity of DV. A substantial proportion of the police, lawyers, and APs who participated in this study highlighted how these policies do not attend to the complexities of DV. These policies are designed to respond to a singular understanding of DV and thus those applying these policies (police and crown) can fail to adequately respond to the complexities of DV or recognize DV as a spectrum/continuum. For example, these policies are not effective for low-level DV incidents that can include violent psychological tactics.

“The criminal justice system may miss the pattern of offending behaviour that uses both violent and psychological tactics of domination over times such as coercion, control, emotional violence, threats, intimidation, humiliation, financial control, sexual control that’s designed to harm, punish and threaten. And treatment programmes need to be comprehensive in addressing all of those domains.” Aliya, Allied Professional

2.2.d. Concerns with policy application: Creating barriers for reporting and cooperating with the CJS. There was a consensus across all five target groups, with a substantial proportion of police, lawyers, APs and survivors, and some perpetrators in agreement, that these policies create and exacerbate barriers for reporting and cooperating with the CJS.

“Those are people who are not reporting....Because they know ... there goes the money. There goes, how am I gonna live? How am I gonna survive? How am I gonna take care of the kids?”

Whose gonna drive the kids to school? I don't have a license.... They can't. And then the first initial hit in their face, is like, I have no-contact. What am I gonna do? And then they start panicking....And then evidently you know that's in place, it's gonna be breached...." Jade, Lawyer

"...like people that are genuinely homeless, like you know, are on the streets? We, I find there's a lot more domestic but it's never related, or never reported. Why? Cause they don't have a cell phone. They don't have witnesses. They're living on the street with six people that literally, you know, we're trying to get daily food so they're not gonna, you know, rat on each other for lack of a better term. So that goes untouched all the time." Mike Smith, Police Officer

Five areas in which the policies created barriers to reporting violence were identified:

2.2.d.i. Barriers to reporting: Some survivors who are socially, racially, and economically marginalized face additional barriers to reaching out for help. Survivors who identified as newcomers, ethnic minorities, Indigenous, experiencing mental health challenges, low SES/poverty, known to the police; living in rural areas; engaged in sex work, and those living with addictions faced additional barriers to accessing support and a lack of trust and faith in the CJS. Some survivors with historical traumas reported less positive relationships with CJS and the state. For some survivors who are Indigenous and racialized, there is concern that reaching out will compound stigma and shame already present with those communities. Also, for survivors who belong to marginalized groups reaching out for support may risk impacts on immigration/citizenship status.

"... if we look at an indigenous woman who has some mental health challenges. She's had run-ins with the police before because of her mental health challenges ... minor run-ins. Ah, and she lives with her kids and her partner ... and she decides to call the police on her partner, or she wants to report her partner; I don't know how likely she is to do that." Lily Martin, Allied Professional

"So when you look at diverse communities ... use an example of, ah, immigrant populations that are coming in to the country. I think the, the pro-arrest, pro-charge pieces can, can prevent people from calling the police ... if effectively I believe that, whether true or not true that my calling the police is gonna destroy the family unit that I have worked so hard to bring here, ah, then would I necessarily be compelled to do that, ah, to make that phone call?" John, Police Officer

2.2.d.ii. Barriers to reporting: Lack of trust and not feeling safe with the police and CJS can result in some survivors not reaching out for help from the CJS. Some survivors were afraid they would be arrested and criminalized and that police and/or the CJS would not offer safety and a resolution to the situation. Some reported feeling a lack of protection from the CJS and a lack of a lack of trust that police response will be compassionate and for those families known to the police they reported a fear that police would not respond because of family stigma. Several survivors reported that police can be sexist (e.g., they might believe the abuse was justified or blame the survivor).

"...even though I had blood comin' out of my head and everything, they were more worried about my, my illegal cigarettes, right? Like they, they did end up charging him even though I said no, right? I just, I never ever felt like they were actually there to help me?" Cindy, Survivor

2.2.d.iii. *Barriers to reporting: For some survivors, experiences of revictimization and disempowerment as a result of CJS intervention(s).* These experiences which included participants belief that previous reports of DV had not been taken seriously, served as a deterrent to reporting to the CJS in the future and resulted in feeling disempowered by the CJS due the lack of information regarding their case, and lack of access to prosecution. Further, when women were arrested and charged for DV they often criminalized by these policies and that the context of women's use of violence, for example their use of pre-emptive violence was not taken into account.

"If the victim is not being cooperative and the Crown wants to proceed with the prosecution they put the victim up, the victim shows themselves (sic) to be a non-compliant witness for the Crown. Then the Crown will make an application to cross-examine that witness as an adverse witness. So, I've seen situations where they start cross-examining someone who has reported violence against them. That, to me, seems like a pretty major deterrent in the future for calling for help. So yeah, I have a lot of concerns." Lily, lawyer

"So what you have is when victim witnesses don't want to testify anymore they might be hauled to cells to wait by police before they're forced to testify. That's completely re-traumatizing and it absolutely guarantees that a woman will never call the police again. It's a very, very counter-productive strategy." R.E. Beal

The high-profile case of Serece Winters reported by CBC news demonstrated that a victim could be arrested for not testifying and the subsequent abusive and traumatic response of police (Chiu 2020).

2.2.d.iv. *Barriers to reporting: The overwhelming system response resulting from these policies serves as a deterrent for some survivors to reach out for help.* For some survivors calling the police sets in motion an overwhelming system response that can serve as a deterrent for some survivors to reach out for help. Some survivors are seeking safety in the moment and not the entire, often long-term CJS intervention.

"I'll hear women who say, you know I called because I thought they'd come and help, but they didn't, they made it all worse and I'll never call again." ABCD, Police Officer

"...my biggest concern is that I think it provides a deterrent to people from reporting incidents off domestic violence...that, to me, is a really big problem. I think if people are afraid that when they call the police the ball is gonna start rolling and they're not gonna be able to stop it....They're not gonna call the police when they're in trouble." Lily Martin, Allied Professionals

"It maybe more difficult for a perpetrator to reach out for services if they're in an environment where they know the reporting criteria and they don't want to go reach out for services to a

service provider, talk about domestic violence or children. Uhm, have that reported to Child Welfare, which could then be reported to police and result in charges. So I think that there's times when these types of policies backfire. And they actually reduce the reporting or the, the help that victims and perpetrators could receive from supportive services" Rugby, lawyer

The system response initiated by these polices can serve as barriers for survivors to phoning the police and also limit avenues for perpetrators to take responsibility for the harm they have caused by requiring child welfare and/or police charges. Such system responses do not encourage perpetrators to proactively seek therapeutic assistance.

2.2.d.v. Barriers to reporting: The threat of CPS involvement. For many survivors their engagement with CPS as a result of the chain reaction set in motion by these policies can serve as a deterrent for some survivors to reach out for help from the CJS. Some survivors are disempowered by their lack of choice with respect to charges -and this may serve as a deterrent for some to report again in the future.

"I think the responses should be different.... Because you're punishing her for being abused..... So let's say she gets back with this guy, right? He beats the hell out of her. She's not calling the police no more because now she needs to worry about if her kids are gonna be taken from her." Cindy, Survivor

2.2.e. Concerns with policy application: creating harm. There was a consensus across all five target groups, with all of the APs and a substantial proportion of police, lawyers, survivors and perpetrators, that these policies create harm. This is discussed below under the headings (i) general, (ii) harm to survivors, (iii) harm to perpetrators/those accused, and (iv) harm to children and families.

2.2.e.i. General. *Approximately half of the APs and some of the perpetrators noted general harm caused by these policies.* By failing to address systemic and structural oppressions, such as patriarchy, misogyny, sexism and racism, these policies, in turn, sustain and perpetuate systems of violence and oppression that can result in a disconnect between the intention of the policies and the outcome of their implementation in that they can often create or sustain or perpetuate systems violence. Some reported that the name Domestic Violence Court Program (DVCP) was stigmatizing. Some women charged with domestic violence felt these courts criminalized them and skewed the true picture of DV issues by hyper-responsibilizing them. Broadly it was expressed that the government of NS has a very justice-oriented view of societal problems that could be dehumanizing.

"So the real question is not about the policies per se; it's about how willing our justice professionals are, how willing justice professionals are to understand, internalize and act on anti-patriarchal values." R.E. Beal, Allied Professional

By failing to meet the needs of some survivors, perpetrators and their families, these policies create harm.

“The Department of Justice has a very justice-oriented view of societal problems, right?... You’re gonna end up with those results. Yes, they wanna help people. Yes, they should be rehabilitating ... but they call people offenders, you know? ... they ... call them inmate ... and that’s a really good way of dehumanizing a person ... you know you, you become a file. You become a problem. You become somebody who needs to be housed.” Rugby, Allied Professional

These policies (the separation that results) can exacerbate the vulnerabilities of survivors, perpetrators and their families.

“Black people are not treated the same as, as White individuals. We’re, we’re treated as animals, right? So just hearing a lot of stories from my clients and the way they’re being treated, thrown on the floor, you know, being bare-, well, maced or tazed or whatever.” Ian, Allied Professional

2.2.e.ii. Survivors. A substantial proportion of police, APs and survivors, and half the APs highlighted harm caused by these policies that is specific to survivors; noting the ways in which they could be revictimized and disempowered when the choice of whether to lay a charge was removed. Two areas identified describe the ways in which these policies can be experienced as harmful and also result in feeling unsupported and a lack of safety.

“So you’re not saving them and you’re not doing any justice. The victim does not feel justice. ... in fact feels punished in a sense. I’m the complainant here but I’m being punished. I’m being forced to go through a process that I don’t wanna do. Forced to not have a relationship with my partner that I want toalmost like treating the complainant as if they’re a child and, and the Crown is the parent here, trying to act in your interest.” Jade, lawyer

Survivors’ behaviors were described as overpoliced as a result of these policies that dealt with these offences differently than any other offences because of the pressure on survivors to cooperate. Some survivors feel abused, punished, blamed and stigmatized by the police and felt like the Crowns also blame survivors. Survivors are not provided screen to testify in court when they have asked for a screen and engagement with police and the court system and court process can be traumatizing and revictimizing for survivors. Survivors from certain social positions (e.g., sex workers; those who are known to the police; those who have families who are known to the police) do not have their reports of violence taken seriously by police. Some survivors felt the duties of the police and crown could be in conflict with their needs and those of their family. Some survivors felt mistreated by staff working in the CJS. For example, some experience a lack of regard for the fear and trauma the survivor is living with and a failure to be sensitive and respectful to survivors, showing a lack of compassion and empathy which serves to revictimize them. In the adversarial system, survivors felt there should be restrictions on the ability of defense lawyers to contact them as this can be extremely intimidating and traumatizing. Some survivors described navigating the CJS to be scarier than the abuse and this was linked to not feeling heard/listened to by the CJS and to judges revictimizing survivors in court.

“Yeah. And just another thing about judges is that they don’t care about the victims. I find when the victims get on the stand ... you’re, you pretty much get torn apart ... it’s embarrassing. You

have the accused staring at you half the time ... no victim should be able to like go into a court and have to face a man that has beaten the fuck out of you for like ten years and have to testify in front of that man that has a control over you that long. Like the intimidation there is just not.... Like you wouldn't even, I wouldn't even be able to know how bad it is." Cohen, Police Officer

"... I was with a person as support. ... the judge when he was allowed to question the victim, ah, said things like, well, how often do you drink? Oh, do you drink every day?...how many times have you been sexually assaulted? ... And the judge actually looked and said, oh, you're an alcoholic?... To the victim. It was was pretty horrible... And, of course, the person I was supporting didn't feel comfortable to ask questions or pretty much felt paralyzed." Phoebe, Allied Professional

"The Crown made me feel like a worthless piece of shit." Michelle, Survivor

"So I felt like, in the eyes of the law that I didn't matter. But come on, you see somebody's sitting there with a big fat lip and a black eye.... You clearly see something's wrong. ...The police knew exactly what was going on. Uhm, he was well known to the police...I think because it, it all boils down to it was the sex trade. And when it comes to the sex trade? It, it's sad but it's true, to them they're just whores. Or they're just crack heads. Or they're just fiends. Or not, they're a mother. They're a daughter. They're a sister. They're a grandmother. They never take any of that stuff in consideration. And it breaks my heart. Because I try so hard to get it out there to people and stuff. Uhm, we're important." China, Survivor

The quotes above highlight the ways in which survivors can experience these policies as harmful.

These policies were also described as failing to provide support and safety to all survivors, and in some cases increasing risk/danger to survivors, as noted by a substantial proportion of perpetrators and half of the lawyers and Aps. For example, the application of these policies actually increases the risk/danger that some survivors will experience future harm by the perpetrator and are ineffective at offering safety to some survivors in the long-term. It was noted that some perpetrators still blame the survivor despite it being police who have laid charges and that some survivors view Victim Services as part of the CJS and this can be problematic in terms of their willingness to engage with Victim Services, especially when there is lack of trust in or actual harm caused by the CJS. Some perpetrators can use these policies to further manipulate and control survivors and Peace Bonds can worsen the abuse a perpetrator inflicts on the survivor. It was acknowledged that Court can be a dangerous place for survivors, as perpetrators can harm them, have knowledge of their location and contact can occur. Some survivors believe that time in prison can intensify the perpetrators' anger towards the survivor and can result in further abuse and violence when the perpetrator is released. Finally, when testifying, the survivor can feel anxious if they have to see the perpetrator.

"If the victim isn't willing to cooperate ... if the victim is truly in fear for their life and she is worried about what's gonna happen once he's charged, that can actually, I have found in my experience, put the woman in more danger." Lily Martin, Allied Professional

2.2.e. iii. *Perpetrators/Those Charged*. Half the lawyers and half the APs noted harm caused by these policies that is specific to perpetrators/those charged that includes a sense of feeling like a victim during engagement with the CJS. Further, most of the perpetrators shared directly or implied experiences of adversity and childhood trauma and stated that these issues were not addressed within a punitive system.

These policies can result in perpetrators/those charged being victimized by the police and the CJS, as noted by a substantial proportion of perpetrators who indicated they felt silenced, judged, and/or victimized. Police were noted to have used excessive force to arrest some perpetrators and those who are charged feel threatened and intimidated to comply with court outcome. Some perpetrators feel that sexist assumptions promote the expectation that the offender will always be male and some experience the CJS as racist, particularly young black men.

“Yeah, it’s, you know jail is a way of saying, you’ve been bad. Don’t do that again.... It really is punitive. To get put behind a metal door in a cement cell and told, don’t do that again ... you’re adding trauma to trauma.” Rugby, Lawyer

These policies, and the experiences of revictimization that result, can be detrimental to perpetrators/those charged both in the short-term and long-term, including impacts on housing, contact/relationship with partner, contact /relationship with children and family, work permit/citizenship, employment, finances, legal matters, travel, community involvement, and mental health. Further, the public shaming experienced by publicizing offences in local newspapers was noted to have a detrimental impact on relationships, children and families. For those charged, retaining a lawyer can be a financial burden and the impact of a criminal record can be detrimental to survival and quality of life by limiting travel and community involvement.

“But the legal system put me in a position that turned my world upside down. I’d become suicidal. I had no light at the end of the tunnel. You know all they wanna do is sentence me. I’ve got no help. I’ve got no support. Totally lost. Totally lost. So for me and my perspective it is, they need a huge improvement on what to do in a case like that.... You might have children involved. You have possessions involved. You have careers and jobs and clothing. And, and they totally ignore (!) that altogether.... Uhm, men or women. I mean you separate those two and you don’t let them come together, you don’t let them work and hash this stuff out? I can see how someone can spiral out of control and go even deeper. Oh, I lost this, I lost this, I... I’ve got nothing to lose. And I will be first to admit it. Suicide attempt. Ended up in the hospital. I gave up. I had more counselling on top of that. More legal problems because of that. And this is what sent me down that path. And then the anger. And resentment. And the frustration.” Perpetrator, Focus Group Participant

2.2.e.iv. *Children and Families*. Half the APs and some perpetrators noted harm caused by these policies that is specific to children and families. The application of these policies can create trauma, victimization and disempowerment for some children and families that can result in the victimization of some children who often have no voice or agency. Children may miss their parent and feel the impact of financial strain. Also the court process was noted to have a detrimental impact on children and families. Finally, in some cases, the publication of a person who has been charged in the newspaper has detrimental impact on relationships, children and

families as this information can be shared in school settings and among other community settings.

"There's no immediate kind of process to really debrief that with a kid... I often wonder without some kind of resources to kind of get a kid through that, how are they really dealing with that process? And what does it mean for them? Because it's gonna skew so many things. ... You know, views of police, their overall family dynamic you know, kinda shatters. Like schemas of, like parent units and what they should be. And, you know, how they idolize their parents might not be in fact what is and.... So there's a lot of factors for kids that I think are probably strongly overlooked in the front-end response in the, in the pro-charge, ah, pro-arrest piece. So you hope that on the back end that the services that are in place through different groups like our Victim Services units, are able to address those and kinda minimize the collateral damage. But it can be really crappy for kids." John, Police Officer

3. *Inadequate therapeutic interventions and support services.* A substantial proportion of police, APs, and perpetrators highlighted the need for more services (including for those families who choose to remain in relationship) for children and families throughout every stage of the application of these policies, as well as post-court outcomes and in the long-term. It was noted that once the police were no longer involved there was a gap in responses, often at time when most needed and that funding for men's intervention and treatment programs are almost non-existent. For survivors who choose to remain in the relationships there was also a noted lack of supports. In general, the CJS interventions were found to fail to address the root causes of the DV behavior and did not provide the tools to promote wellness in this area. These policies are reflective of an era 40 years ago where police investigations, technology and support services were different and were found to need to evolve to better support families. For example, the threat of criminal sanctions reduces the ability of those charged, survivors, and their families to access supports that could improve their well-being and the well-being of their relationships as noted by the lack of support for rehabilitation while in prison and inadequate supports for reintegration once released into the community (such as housing, therapy, and transportation from prison to community upon release). Perpetrators (who have not been charged) who want to receive support services are prevented from reaching out due to fear of system response, including involvement with CPS. It was also noted that Peace bonds do not provide reasonable solutions for couples who choose to stay together and do not provide tools to change the conflict in the relationship and that policy responses did not assist survivors and perpetrators to improve their relationship. For some survivors and their families, fleeing to a shelter after a perpetrator has been charged is not a helpful option, as shelters are not always effective at providing safety or the best environments. The CJS response is described as siloed; treatment, justice and all other responses to DV do not work together. These policies allow for only dichotomous/binary understanding of survivors and perpetrators, limiting the effectiveness of responses and limiting therapeutic interventions that could potentially address the frequent need for intergenerational healing.

"For women who choose to reconcile with the perpetrator and/or father of their children, there's no support for or evaluation of repairing those relationships, restoring those relationships,

supporting them through family reunification. Checking to see how things are going at intervals across maybe a year. So those are my concerns there.” Aliya, Allied Professional

“Domestic violence will always happen because they don’t treat the problem.... The problem just goes on and on because same as in my case, all they did was lock up the problem.... There was no solution to the problem. Which was programme to change my attitude and actions and reactions ... to those situations. I had no skills.... I came from an alcoholic home.... All I seen was violence. All I knew was violence....” T-Bone, Perpetrator

“The person in the jail thinks, hey listen, I’m payin’ my time. I don’t have to get better...And it’s not so much I’m gonna really take a look at this. I’m lookin’ at how much time I got. When I get out, then my life will start.... I don’t think there’s a lotta headspace onto how can I better myself or how can I look at myself constructively?... It’s how can I get through another day at this here jungle?” Charles, Perpetrator

The qualitative data discussed in detail above highlighted four main areas that require consideration in future efforts to improve responses to DV in NS: 1) cultural and societal reforms, 2) reforms to the CJS, 3) reforms to interdisciplinary, collaborative approaches to DV interventions, and 4) further research. The next section of this reports addresses considerations for future efforts to revise or reform these policies in NS.

Pathways Forward

Future efforts to revise or reform these policies in NS should look to increase public awareness and education; transform underlying culture, practices and principles of CJS responses to DV; increase and improve collaboration and accountability among stakeholders/sectors; and consider DV interventions being used in other provinces and countries.

1. Cultural and Societal Reforms. A substantial portion of APs identified increasing public awareness and education of DV as a component of promoting cultural and societal reform. These efforts would highlight the implications of DV for individuals, families and communities and aim to prevent the initiation/onset of abuse, especially in marginalized communities.

“Maybe this is going to come as a shock. I’m actually not sure if domestic violence belongs in the justice system at all.... I understand safety issues, I understand all of that. There are many practices in other cultures that may be just as effective ways of working with situations of domestic violence in families. I find that maybe those practices are lacking, possibly because there is an aspect of alienation in the society where maybe families are not often connected to their communities. Maybe they’re not grounded in their communities. Maybe they are not grounded in their neighbourhoods. Maybe they move often. Maybe they don’t have wraparound caregivers in their lives as maybe people coming from other cultures where their neighbour gets involved. Where their elders get involved. Where their senior member of the family gets involved. Where, you know, almost everybody can get involved.” Nina, Allied Professional

Efforts to change cultural and societal responses to DV would highlight the need to move from system centered responses to human-centered responses that would include increased public awareness and education of DV for prevention and to support individuals when DV occurs or is suspected. Prevention efforts informed by the need for cultural change could engage in disarming gender scripts for men that prevent help-seeking increase education provided to newcomers around DV laws in Canada, offer young people more wrap-around supports, as well as early intervention and prevention including DV education in schools and the establishment of prevention programs that would educate children and youth who have been exposed to domestic violence. These programs should focus on developing healthy, interpersonal relationships and adaptive coping skills for conflict resolution. The need to develop prevention and early intervention efforts before police become involved for those at risk that could include efforts focused on parenting supports and education, as well as for early childhood education was also noted. Finally, the need to develop proactive intervention efforts that focus on stopping offending behaviors and bringing awareness to signs and root causes was recommended.

2. Reforms to the Criminal Justice System

2.1. General Reform. Half of the lawyers interviewed recommended retaining the pro-arrest, pro-charge and pro-prosecution policies in their entirety for serious cases of DV. For example Jade noted:

"I think if you can craft the policy in a way that targets high risk offenders, knowing that they won't qualify for DV Court cause no programme is gonna change their behaviour. There's no changing them. These people obviously need to be locked up. You cannot trust them. They will go and find their victim. They will find them. And that's where that policy, well I should say, well these are the individuals that should be on remand until the process is done. Until they're dealt with by the court." Jade, Lawyer

Half the lawyers described other reform areas to develop that included giving survivors the choice as to whether they want to engage with the CJS or not, be it the laying of charges, or participating in the court process. For some cases it was recommended to retain pro-arrest portion of these policies and implement other supports/interventions. Enhancing these policies to allow more discretion to better respond to contextual factors of individual cases and complexities of DV by developing multiple ways to respond within the CJS was also suggested. These steps could include developing these policies to include more support for survivors' following the arrest of the perpetrator, more discretion for police and Crown response, more inclusion of the voices of survivors and perpetrators in policy development and a greater recognition of the need to dismantle the misogyny and patriarchy that are embedded in these policies. There was a consensus across all five target groups (police, lawyers, APs, survivors and perpetrators) regarding the need to transform underlying culture, practices and principles of CJS responses to DV. Approximately half of the police and perpetrators indicated a need for the CJS to become more responsive to individual contextual factors as noted by the Police officer below:

"You know, we know who are the violent ones that shouldn't be together and need to be dealt with accordingly. And then you know who are the one-offs, or you know life situations change and they have a breakdown or whatever and you know there's always stressors in life. And sometimes people do things and react in the instance and it's a one-off and we, no, no, we'd never dealt with him in thirty years.... So putting him before the courts and charging him and not giving him the avenues for a restorative practice is probably not the best course of dealing with the situation." ABCD, Police Officer

The need to become more responsive to the complexities of DV and acknowledge the spectrum of DV was also recognized.

"We have to look more deeply into those assaults. Because there is so much manipulation and coercion and name calling and bullying that is going on in that relationship that really needs to be addressed as well." Lily Martin, Allied Professional

2.2 Changing Police Responses

Approximately half of the police noted the importance of transforming their responses by:

- Maintaining police as front-line responders and allowing them more discretion
- Handling files more efficiently, e.g., ensure files are not dropped when officers have vacations.

- Devoting more time, personnel and resources for police to conduct thorough DV investigations and collect more evidence.
- Improve communication/consultation between police and crown at the charge level to improve quality of DV files going through the court system.
- Have police officers with more life experience (compared to new and young police officers) guide responses to DV cases.
- Improve the standardization/consistency with which these policies are enforced by police.
- Provide resources and support for police to remove survivors from the situation and bring them to a place of safety, versus just removing the perpetrator.
- Develop/enhance specialized police DV unit.
- Retain and enhance cultural assessments so they can also be used by front-line police.
- Provide better support and debriefing for front-line responders.
- Provide more leadership for police around dominant aggressor analysis such that it is applied in a knowledgeable way to mitigate incidents of dual charging and the criminalization of women.

"You know I hear about other provinces that they'll consult with the Crown right off the bat before the charge is laid. Right? Cause they'll give all the facts to the Crown. The Crown says, you know what? Let's not proceed with this one; I'm not comfortable with it, it's not in the public's best interest, Ah, so the charge doesn't even get laid before the Crown's consulted."
 Mike Smith, Police Officer

2.3. Alternative Court Programs

A substantial proportion of lawyers and approximately half of the police, APs, and some perpetrators noted the need for to build upon what was working within the Domestic Violence Courts and create more Specialized Courts (Wellness Courts) to retain and improve upon their ability to center families and to address addictions. For example, a drug court with timely access to mental health and substance use care that could provide more human-centered and trauma-informed care in collaboration with other community supports was recommended. The need to look at contextual factors for each 'case' was also emphasized as was the importance of providing of providing more options for perpetrators.

As noted by Phoebe below, mental health courts can provide more human-centered and relational care.

"... mental health court is literally the best thing I've ever seen.... Thursday afternoons. People walk in ... legal aid is always Kelly Roulette. And she like, hey, Kevin, how you doing? Step on up to the mike and tell the judge how you've been doing. And then the judge is like, you look great, how? Kevin is like, yeah, you know, I just moved into my new apartment. they have these giant case conferences beforehand so they'll talk about everybody on the docket and they just, I mean it's all written down and they (/) ... But it's, it's just completely different.... You know? ... like it's relational. Which is what's missing." Phoebe, Allied Professional

A substantial proportion of lawyers noted the need for more DVCPs that would retain and build upon coordination and inclusion of men, women, children, family (including extended family), community, government with an emphasis on providing fair treatment for all those who are marginalized. It was also recommended that more opportunities for survivors not to testify were required as was the need for increased accountability for perpetrators and more opportunities for therapeutic interventions that address root causes of offending behavior and acquire life and relationship skills. There was some level of survivor satisfaction with outcomes for perpetrators who had participated in these courts. To increase their effectiveness, it was recommended to have specific CJS and community professionals dedicated to the program and change the name of the DVCP which was noted as stigmatizing to “Wellness Court”. The need for ongoing evaluation of these courts was emphasized as was the need to incorporate full-time case navigators and advocates who would provide coordinated comprehensive service delivery and support to both offenders and victims, both adults and children as well as permitting participants who have criminal records to attend.

"I think you'll see over time more people going through the Wellness Courts ... I think you'll have a lot better results with the Wellness ... the victims are wanting to proceed a little farther because they know that if the spouse or the partner is truly committed they'll follow through and you know it's, it's a better relationship at the end." ABCD, Police Officer

"I do think the DV court is actually a phenomenal thing for balancing the accused acknowledging responsibility particularly in, as you know, cases where the victim doesn't want to go ahead." Camilla Sue, Lawyer

2.4 Survivor Safety

The need to prioritize the safety of survivors and their children was noted by approximately half of APs and survivors. Changes within the CJS could include ensuring that it is safe and easy for survivors to reach out for help by developing ways other than phone calls for survivors to contact police e.g., through text message and alternative ways for survivors to access support other than overt methods, such as support services listed on the back of police business card. The development of an abuse hotline that survivors could call to reach out for advice and help was also recommended. Also suggested was care in providing safety for survivors from defense lawyers, whose actions may serve to revictimize and intimidate them. Some recommended establishing policy that will mandate sufficient custody time for someone charged in relation to DV to allow the survivor time to make plans for safety and policy that would allow the survivor exclusive access to their homes (i.e. the person charged/perpetrator is not allowed there). It was also recommended that permitting survivors access to perpetrators' DV/violence history would enhance their safety. In general, a greater emphasis on safety planning was recommended as was and putting survivor safety at the forefront of breach/administrative justice investigations.

"I think protecting the victim, really, has to become like the number one priority." John, Police Officer

"I want that victim to call the police every single time so that it doesn't escalate to the point where she's hurt. I want her to dial 911. I don't want her questioning it." Camilla Sue, Lawyer

To empower survivors within the CJS, measures noted included giving survivors the choice as to whether or not they want to engage with the CJS, be it testifying in court, laying charges or participating in the court process and improving opportunities to make choices in general while involved in the CJS process. This also included providing survivors the opportunity to share their side of the story in court, if they wish to do so and to be responsive to their needs. The importance of ensuring survivors, both adults and children, receive comprehensive, timely information with regard to case status, release dates, and court outcomes was also noted.

"I thought I should've been able to get on the stand and tell my story, you know? So other women wouldn't get hurt like this. I think it was unfair that they didn't let me get up and, you know?... Say what I needed to say and get off my chest." Candace, Survivor

Survivors should receive more support, respect, kindness and compassion from the police and those in the CJS, which should include a trauma-informed approach, acknowledging that a male police officer may be a trigger for a female survivor of male violence.

"My main concern is the police. Like, I'm already a victim. Don't make me feel more of a victim ... or don't make me feel like I deserved what happened to me?... It was just, to me, it was like, why did I even bother to call?" Cindy, Survivor

"Well, I'll tell you one thing, the police have to not come in and ask, what did you do?... Yeah. Like, what did you do that this happened? So they're still blaming victims." Pennywise, Survivor

"Children need to be able to meet with the Crown and use their own voice. Uhm, criminal and family courts need to have protocols for sharing of information in matters of custody and access because oftentimes that just doesn't happen. That there's no sharing of information. I think they should be having an interview with the child as well to hear directly from the child. I think they need to be educated by people that are on the frontlines of this work. And that tends not to be psychiatry. It tends not to be PhD psychology. It tends to be social work that are on the frontline." Aliya, Allied Professional

2.5 Rehabilitation / Restorative Justice

Some perpetrators who participated in this study felt there should be opportunities for a mediation process between partners.

"So they need a huge improvement on what to do in a case like that. Allow some type of a mediation. I mean they do it in unions. You know. If there's a discrepancy between employees and management they mediate and work with the two people. Why can't they do that in domestic abuse and domestic violence? You might have children involved. You have possessions involved. You have careers and jobs and clothing. And, they totally ignore (/) that altogether." Focus Group Participant, Perpetrator

"I think it would have been better if the courts would've made some kind arrangement for me and my wife to sit down with other people at the table.... And talk about what happened. And, you know? Instead of, what it did, it broke, broke up my family. And you know, we was a close-knit family and we did everything together. And what they did, they broke up my family, you know?"
Wade, Perpetrator

A substantial portion of perpetrators believed that their rehabilitation should be the highest priority as opposed to punitive measures.

"So what happens is that, ah, even afterwards they will never own up or admit to a mistake or say, well, maybe we misunderstood this. Or maybe we should pull back. Or maybe let's withdraw the charge. Let's send them to counselling instead of court. We're gonna destroy someone's career here. Maybe they work in a school. Like I can't even volunteer now to help in the young fellow's school projects after school." Focus Group Participant, Perpetrator

Perpetrators also believed they should receive more support, respect, kindness and compassion from the police and the CJS, and that alternatives to custody should be developed.

"Restorative justice needs to be implemented in this province and across the country because by just sending someone directly to jail you're not helping them solve the problem. You're saying you committed a crime and they're probably gonna leave more angry than when they got there."
Ronnie, Perpetrator

For serious offences some survivors felt there should be harsher punishments for perpetrators. For example, Cindy felt this would provide a deterrent to others.

"I think there needs to be harsher laws for it. ... And this person ends up like really physically hurt. I'm not talking like a black eye or whatever; I'm talking like this woman now has a scar going down the side of her face for the rest of her life. And you're gonna give this man two years probation. ...No...Like you're setting the example out there that, OK, yeah, I can go stab this woman; I can cut her face up. I can do what I want." Cindy, Survivor

3. Reforms to Create More Interdisciplinary, Collaborative Approaches to DV Interventions

All research participants expressed the need for greater interdisciplinary and collaborative approaches. These might include CJS, family court, Community, support services and resources, therapeutic interventions, CPS, Immigration and other sectors/stakeholders. The need to work collaboratively and provide more funding was noted, as in the quote below:

"Not working in silos, breaking down silos. Social workers riding along with the police on some of these partner violence calls so that the hook-up with services is seamless. Right? And you have to fund that. You have to fund these things. To me it's almost pointless talking about tinkering around with the laws in a province like Nova Scotia where the funding for women's

services and survivor's services is so puny. Very anaemic. Inadequate for the population." R.E. Beal, Allied Professional

Many participants believed there should be a greater examination of the root causes of offending behaviors that would include acknowledging trauma histories, including historical childhood mistreatment, intergenerational trauma, structural causes and anger management issues.

"I think programming is key. Like specially people from my era that came up in, you know, alcoholic homes and seen a lot of violence. You know? What you witness you become. In most cases, right? Very few that didn't, right?... give them the proper tools and skills to make good decisions. I was a poor decision maker. Cause I didn't have any tools.... Or skill. The only tool I had was, defend yourself.... And it was the wrong tool." T-Bone, Perpetrator

"... I'm not entirely sure that intervention programmes for men adequately deal with the historical childhood maltreatment....They grew up in families where there was domestic violence. And they've never had an opportunity to work through their own victimization before they're into the offending behaviour." Aliya, Allied Professional

"I think if we can work at getting at the root causes.... Not just in terms of you know, the root causes between two people but maybe the root causes in a broader way, right? So kids who are growing up seeing this, poverty, lower levels of education, people growing up without the proper tools to deal with anger and that kind of thing." Lily, Lawyer

"... to get to the root of the, the problems. And seeing it for the real, what it really is which is really a childhood wound...." Samantha, Survivor

Many participants believed that therapeutic interventions should be increased and improved with attendance mandated and regulated and that these interventions should include opportunities to address substance abuse issues.

"They should be made ... mandated to take programmes. Because that's the only thing that brings about change.... And I'm speaking from personal experience.... Until I started taking programmes to work on my problems, that's where the solutions came from.... Today? Those problems, today, like when a problem arises? I deal with it appropriately.... Rather than react to it with violence.... All violence did was lead me to jail." T-Bone, Perpetrator

"Responses to DV need to include a substance abuse component - crime it seems rotates around, um, substance abuse. No matter if its alcohol, pills, whatever it is, drugs." Charles, Perpetrator

The need to develop and fund more educational parenting supports and therapeutic resources for survivors, perpetrators and their children was supported by many participants, as noted in the quote below:

"I think they should do a mandatory... they should provide access to healthy relationships and parenting classes. Right away. Whoever, it doesn't matter. There should be way more accessible

parenting resources centres, all that kinda stuff? Because the people who need it the most don't usually access it." Kelsey, Survivor

4. Further Research

Participants noted that more research is needed collaborative, innovative and interdisciplinary approaches to respond to domestic violence.

Further, participants expressed a need to study DV interventions being used in other provinces and countries and consider their application in NS and Canada more generally. The need to include the voices of survivors, perpetrators and their families in defining pathways forward was noted throughout much of the research. Plans to address the cultural and structural factors that continue to sustain current high rates of domestic violence must be informed by increased and sustained research funding that links intervention and prevention measures.

Police Administrative Data

Due to several shortcomings in data sources used to measure DV, the review of police administrative data proved to be far more complicated to undertake than expected and we were unable to conduct this analysis.

The main issues with the data are that (a) for several technical reasons, police records management systems are not set up to easily identify domestic and intimate partner violence incidents and trends; (b) where these data are available in police records, there are confidentiality issues when trying to develop local-area datasets, especially for police jurisdictions with smaller populations; (c) domestic and intimate partner violence events are under-reported to police, and (d) victimization surveys in Canada (which may do a better job of capturing rates of intimate partner violence when compared to police data) are only run every five years, which does not support the creation of good trend data, and again do not adequately capture patterns in smaller population centres.

The shortcomings in data sources used to measure DV, from municipal and federal police agencies, must be redressed so future research in this area can include a review of police administrative data.

Conclusions and Recommendations

The pro-arrest, pro-charge and pro-prosecution policies are not the most effective response to domestic violence in NS, and in many cases cause harm and constitute a barrier to reporting to the police. Our substantive review of the literature, interviews conducted with police, allied professionals, lawyers, survivors and perpetrators and findings from two community workshops (see Appendix B) constitute a resounding call to revise and redesign these policies. Further, our research recommends that future efforts to define a pathway forward center the voices of survivors and their families.


Recommendations

1. We must respond to the critique that a one-size-fits-all approach does not address the complexity and continuum of domestic violence. The need to prioritize safety raises important questions about what kinds or types of cases may be suitable for a more flexible approach. The findings of this project make clear that there are cases where a pro-arrest approach is not desired by victim or accused and can be harmful to families. However, it is also clear that there are cases where it would be detrimental to present the victim with the choice as to whether an arrest should be used and that these policies do provide a measure of safety. Research, consultation and collaboration is required to determine those cases most suitable for alternative responses and those in which an arrest is necessary.
2. Our findings raise questions about the suitability of the Criminal Justice System to respond to relational violence because of its adversarial and punitive focus. The current justice response is seen as limited in terms of providing opportunities for accepting accountability and promoting behavioral change. All research participants indicated a desire for a different way forward that must be defined collaboratively.
3. Police responses could be redefined as “peace responders” who are accompanied by mental health practitioners and individuals with lived experiences from representative communities as discussed in the knowledge translation workshops. New models of initial response need to be explored and implemented.
4. Our research found that fear of having children taken into care by Child Protection Services is a barrier to phoning the police. Further collaboration is required to determine innovative and supportive measures that may include enhanced safety planning measures to prevent removal of children from their family.
5. Provision of trauma-informed, family- and human-centered system responses will require further resources and sustained funding. Other models of response such as restorative approaches must be defined collaboratively and adequately resourced with individuals who are experts in the domestic violence field.
6. New directions and initiatives will need to be monitored for their impacts on victims, perpetrators and families.

7. We recommend the establishment of a research institute that will define pathways forward and promote collective healing and empowerment. Given the implications of the Portapique shootings, the rise in gender-based violence during COVID-19 and the links to childhood and intergenerational trauma, the formation of a research institute is appropriate to address what can be referred to as a public health emergency. This institute would connect intervention with prevention and conduct ongoing evaluation of programs.

During the forty years since the initiation of the pro-arrest, pro-charge and pro-prosecution policies we have learned more about the complexities of intimate partner violence and the ways in which it is linked to cultural and structural societal factors. A one-size-fits-all approach is not effective and fails to address related contextual factors, including intergenerational trauma experienced by many survivors and perpetrators of violence. As noted at the beginning of this report, domestic violence has emerged as a central issue in this time of social change and must remain a priority. Responding to domestic violence requires urgent policy reform. This research signals a call to action and represents a collective yearning of survivors, perpetrators, police, lawyer and allied professional for more human-centered responses.

Appendix A-Charlotte's Journey - Mural Accessible at:
<https://app.mural.co/t/engagingfacilitation8724/m/engagingfacilitation8724/1605700350420/836be4cd5c453474662041a976b0a30f21cdfa0c>



Charlotte's Story: One Survivor's Journey

Chloe

"So I began with the police...the idea of picking up the phone seems really scary, that it's going to make things worse...I was afraid to pick up the phone and call while it was happening..."

...I was told to go to Family Court, which is a very sort of unpleasant process... I'm trying to write an affidavit... Filled out a whole whack of paperwork and sent it in. Then I got this giant package of paperwork from them a few days later... And they said you have to serve him."

"Child Services came over that morning...and one of the first things I was told...if you let him come back, Child Services can take your kids. So everything started moving really quickly. Child Services interviewed my boys."

"Fear that they're gonna come back that night... Makes people run to places like Alice House and Bryony House" Bryony House is a dorm. It's a shared space. I didn't realize that. It's that's traumatic. this system makes women refugees in their own homes in their own countries. Why do I have to flee when I'm the victim?"

"Once his criminal lawyer reaches out to you to tell you, ... my client wants you to leave the house. Is that cool? That's an assault. Do you know what I mean? I'm crying and I'm freaking out, going what's this man gonna do to me on the stand?"

"The fact that he's not in counseling... he's not doing any of the things that I'm doing... is disconcerting. Because it would be good to see."

Charlotte's partner Joe "right from the beginning I felt like a victim...when the cops...said to me...I know you did this before. And when he said that...It was hurtful...I felt just like a victim because I was hurting, they never offered me any help...they supplied help for my wife...and they made sure she was taken care of. But they didn't care about me. And I think they should...I did try to commit suicide."

"And the pediatrician said the kids are gonna have ups and downs leading up to and after."


Charlotte's partner Joe: "domestic violence will always about the Crown. I've been told by Victim Services the Crown will reach out to me. But, they haven't. And they won't talk to me until the plea gets entered. And I'm like I'd like to talk to you before. Especially with the extenuating circumstances of, the status and the immigration and all of that stuff"

"So I have lots of questions about the Crown. I've been told by Victim Services the Crown will reach out to me. But, they haven't. And they won't talk to me until the plea gets entered. And I'm like I'd like to talk to you before. Especially with the extenuating circumstances of, the status and the immigration and all of that stuff"


Charlotte's lawyer: "...the adversarial court system is not a good place to deal with DV as a crime... the construct of the adversarial system es... pitting you know, sides against one another... often the male spouse or a partner in a relationship...and...the other side...is their...partner... as the victim and Crown's... chief witness or star witness... this is not a good way to deal with people who have been in a relationship. Who, most often, desire to continue in a relationship. Who, whether they continue in a relationship or not, often have children... what we do in the adversarial system is not particularly helpful."

Questions Raised:


1. Should the Police be the first responders and if so, what should happen?
2. How might Child Protection Services protect children without over-burdening mothers who are already vulnerable?
3. Is the adversarial criminal justice system the best or only response to relationship violence?
4. What would it take for more people to seek help? Where should they turn? And who can support their needs and choices?
5. How can a system response promote intergenerational healing?
6. Are carceral state responses to social problems the best we can do?




Calls Police for help




Go to Family Court




Child Protection Services




Women's Shelter




Defence Counsel




Victim Services




Criminal Justice System




Pediatrician



Offender/Family Programs



The Crown



The Crown

Victims are reluctant to call the police. At least 80% don't. For the police responding to domestic violence is complicated and challenging. It takes in motion a Criminal Justice System response that is often at odds with what families want and need. This poses a barrier to calling the Police.

Tremendous responsibility lies with the survivor to collect evidence and organize for family and/or criminal court.

Child protection involvement can create fear and harm, especially for families who wish to stay together. A lack of coordination and infrastructure between systems create vulnerability for those who are marginalized and the victim can feel further victimized.

Shelters provide safety but grapple with disconnects as many residents do not wish to engage with the criminal justice system.

In this adversarial system, the victim feels traumatized again as her credibility is systematically dismantled.

Victims often want the abuser to change, get help. Engagement with the Criminal Justice System and court trial can discourage a guilty plea and subsequent counseling.

Alleged 'offenders' often feel judged, victimized by the adversarial system which often does not help in encouraging their accountability.

Intergenerational impact: Can exacerbate the vulnerabilities of survivors, perpetrators and their families. Children have no voice in the application of these policies. The criminalization of parents, caregivers, and guardians encourages separation, compromise health and impacts emotional health of children.

There are inadequate support services and/or therapeutic interventions for survivors, perpetrators, intimate partners (choosing to remain in relationship), and children and families throughout every stage of the application of these policies, as well as post-court outcome and in the long term.

The duties of the Police and Crown can overlook or be in conflict with the most desperate needs of the survivor and their family.

There is a need for a relational, trauma-informed, human and family-centered response.

Appendix B- Knowledge Translation Workshops Summary Appendix B. Virtual Community Knowledge Translation Workshops

We held two workshops on November 26 and December 2, 2020 and invited everyone who had participated in our research interviews and focus group and also additional representatives from government, police, allied professionals, lawyers, offenders and survivors to weigh in on the research findings. We included an infographic titled “Charlotte’s Journey” (Appendix A) to depict the impact of engagement with the Criminal Justice Systems.

Below is a summary of concerns from break-out sessions facilitated in both workshops. This summary of concerns is followed by seven themes each with a brief description of an issue, recommendations and concluding headline.

Concerns

- 1. Police** are not adequately prepared to respond to domestic violence. They focus on securing the scene but often lack human-centered intervention skills and require more training to do so. The brutal response to Serrece Winter, a domestic violence survivor who was arrested for not showing up to court to testify against the offender, highlighted the lack of skill by the Police to intervene in a human- and trauma-centered way. A participant shared she has heard from women that calling the Police is the worst thing they had ever done. “Unless you’re dying don’t call the cops”. Further attention to culture and language is required.
- 2. African Nova Scotians and Indigenous** people face different barriers which impact survivors, families and communities and believe their needs have been neglected for too long.
- 3. Newcomers** who phone the police feel their control and necessary supports are taken away. The family becomes fractured as fear and mistrust ripples out to the extended family. One participant said: *“It is a huge step to reach out for assistance and often newcomers are not aware of the impact of the policies...she just wanted help but not this response which was disempowering for her and really difficult ... if she had known would she have reached out...what other number could she have called?”*. In addition to these barriers that the victim and perpetrator are experiencing, there are language barriers for immigrants and lack of consistent interpretation services. People fall through the cracks, especially victims. Usually, they come to places like ISANS to be the “middle organization” to help them navigate the system.
- 4. Lawyers** have argued that the adversarial system not effective in responding to intimate partner violence. It can serve a purpose with more serious cases, but prosecutors have long advocated for alternatives such as DV courts (we only have 2 in NS) and alternative pathways such as restorative approaches, which are presently not available under the moratorium. The adversarial system is a very blunt instrument.
- 5. Child Protection Services** was described as a system requiring more supports to evolve their responses to better support families. In particular, newcomers and rural families may require more support. Removing one person from the home can have a huge, ripple effect. Participants asked if exercising state power and the Child Protection Act influenced system responses and

resulted in the hyper-responsibilizing of victims (but not the abuser). Participants queried if there was a need for more expertise within Child Protection Services as most front-line workers were Bachelor of Social Work graduates who often lacked experience to address complex cases. Once the offender leaves the home, the consequences for the victim is extreme if she resumes this relationship. A lack of consistency in safety planning that could better support families was noted.

6. Revictimization of Victims occurs, placing the onus on them. More and more, women are feeling the pressure to testify against their “abuser,” as suggested by this quote: *“Have we taken that burden of women? No. If you don’t testify, we’re going to treat you like an enemy of the court and put you in jail.”* Survivors of gender-based violence share a universal story: the experience of a double threat of police and child protection. Criminal lawyers get caught up on these protocols regardless of the severity of the offence. The Criminal Justice System, in its adversarial way, does not resolve the dichotomy between survivors and perpetrators.

7. Lack of Support for Families who wish to stay together was noted by many participants. The impacts of incarcerated parents on the developing child is significant. We need to wrap the family with supports and minimize the attachment disruption. The pervasiveness and ripple effect of trauma was noted along with the concurrent need to respond. One participant said, *“This needs to be a focus.”*

Themes

1. Amplify Children’s Voices

Issue: The need to promote the voice of **children was noted as important and not evident within the** policies or in the Domestic Violence Court. In the youth system, you end up criminalized rather than educated, participants noted. In reality what happens as a result of these policies is often not helpful. For example: *“We treat them as tools rather than humans.”*

Recommendations: A support network for kids to process what has happened them. A trauma-informed and intergenerational approach to supporting children and their agency/voice.

Headline: **The law is not equipped to deal with children as witnesses or victims of crime.**

2. Amplify Victim/Survivor Voices

Issue: Victims’ voices in *every* aspect of court process is muted, particularly voices of those from newcomer, African Nova Scotian and Indigenous communities. The Crown says it’s out of their hands, participants noted. Even in DV Court, the victim’s voice is minimized, lost in both the current DV courts in Halifax and in Sydney.

A pre-hearing case conference where victim can speak, *with* supports. One model is triage and navigation, similar to in the health care system when navigating a cancer diagnosis. Have people who can walk *with* the victim through the whole process, similar to what DV case coordinators used to do. This would be more customized and sensitive to victims' needs and based on culturally responsive, anti-racist practices. Generally, we need more investment in supporting victims versus being reactive.

Recommendation: More collaboration with the victim; high-risk case conferencing is a good model.

Headline: Victims voices are *still* dismissed. But it doesn't have to be that way. We can and must do better.

3.Services for Men

We need to engage men, especially younger men in the leadership and creation of prevention work. We need to break down toxic/hyper-masculinity scripts and gender stereotypes and prioritize this programming in schools/communities at all ages. There are gaps in accountability/transparency/follow up on the system end. There is huge pressure on women to keep children safe and men are simply told to go to counselling. But no one follows up and women never know if they have completed the programming. Gap in programming remain: models and best practices are scarce, not evidence-based and often based on American content. We need to develop our own expertise in Canada tailored to our experiences here. COVID-19 has disrupted grants and programming for preventative work from non-profits. Work is often disconnected, isolated, voluntary and patchwork in schools and communities.

Recommendations

Mandatory counselling/interventions: encouraged by **DVCP** and mandatory programming for supportive counselling, actual accountability and follow up from system with men and families. Ensure process makes it easier for offenders to take responsibility, for example, with the attitude "Yes, I don't want it to happen again and now how can we assist you?"

Training: We need skilled counsellors who are consistently supervised. We also need to reduce stigma in the system response to men. We need to deliver appropriate programming in schools (e.g., look at successful peer delivery models).

Safer spaces and leadership: We need to provide easy access to meet men where they are (e.g., churches, etc.) as well as a point person to share information and referrals and follow through. Adopt a peer champion model to go beyond the walls created by masculinity.

Mandatory curriculum in schools: This curriculum needs to be mainstream, in all grades and in colleges and universities to address social determinants of healthy relationships and incorporated into health classes.

Headline: "Get 'em while they're young & put them in the feels!"

4. Increased Supports and Services

All steps in Charlotte's Story highlight need for further coordination and more support for her and her family at all access points. It is revictimizing for her to repeatedly tell her story. We need to ask women what they need, for example, a taxi, childcare, or to help her prepare for court. Often women do not hear from a lawyer until the day before court.

Recommendations

We need sustained funding that is not dependent on current government. Increased accountability and collaboration to address trauma. Women need to feel more welcome as a human being and more supported as they go through the justice system. . Redirect funds from adversarial systems to preventive responses and reduce recidivism. Try a pilot project with a police officer, a mental health clinician and a person with lived experience as a first response team.

Headline: Victims/survivors and their human experiences need to be placed at the centre of all services, supports, and system interactions. All of this should be trauma-informed. There is always room for improvement in training and education.

5. Responsive Approaches

Is there a way for the Criminal Justice System not to be involved on the front-line? Recognizing the impact of the pandemic and calls to defund the police, there is a need for interdisciplinary and collaborative approaches that could include a police officer, a mental health clinician and someone with lived experience from the related community to respond to initial calls. It was noted that the UK had a good community response model that encouraged broader accountability beyond one responding officer and included civilian support workers. There's a program in Ontario that even suspected DV prompts a supportive network, restorative approach, and social workers. It's an innovative and different approach. It's time to evolve and change. If we have alternatives like restorative justice we could get to the core of the issue and heal the family and prevent further violence.

Recommendations:

Explore UK's community response model that includes civilian support workers. Explore mental health professionals being able to work front-line, for example riding along with police to emergency calls. Explore HUB team approach and triage models (e.g., London Ontario's model for elder abuse). Explore a collaborative model working in the same place (e.g., police in the room with other service providers). Explore online training modules.

Headline: How can we create a response that is not led by police to provide people with choice and meet their basic needs?

6. Marginalized Populations

How do we better meet the needs of African Nova Scotians, Indigenous peoples and newcomers who often experience systematic barriers and heightened vulnerability to be retraumatized, brutalized and criminalized? The frame “marginalized” is problematic and implies a lot of baggage and stigma. How do we resolve this? We need to address root causes of why certain populations are marginalized as there is a “wall of systemic oppression.”

Recommendations

Organization should hire more diverse staff who can also provide education/training (Association of Black Social Workers can provide this). Police and the Department of Community Services need to become more culturally competent (e.g., what is the experience of the Black & Indigenous communities with these policies and what do they suggest as a better response?) We need more diverse people in positions of power. Work toward a holistic response; not one-size-fits-all but human-centered. Don't single out racialized voices. Speak up and be an ally from where you sit. Use your privilege.

Headline: Getting to the root of the issue: marginalizing oppression and not people.

7. Principles and Approaches

People do not respect first voice contributions! We need to shift the centre of power by bringing those at the margins to the centre. There is tension between aspiration and actual use of restorative approaches via the Inquiry (Home for Coloured Children) and the moratorium/structure of restorative justice program as it is. Systems were created basically to manage populations We need to fund NS specific data.

Recommendations

Build on political will for change and on restorative inquiry and work underway for trauma-informed justice. Consider pilot projects from elsewhere and assess based on principles of how they fit here. Lift up first voice contributions in an equitable way. We need more collaboration among agencies/providers to understand cultural dimensions.

Headline: We work for change to support the whole person and families with earlier interventions.

Headline: We work for change to support the whole person and families with earlier interventions.

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