

BVLD Domestic Violence 'Court Option' Pilot Project

Project Title:

Bulkley Valley Lakes District Domestic Violence 'Court Option' Pilot Project (BVLD DVCO)

Project Duration:

18 months, beginning and ending dates to be determined by funding availability.

Project Description:

This 18 month long pilot project provides, through a collaborative community response to domestic violence, an opportunity for individuals who have been charged with spousal assault to take responsibility for their actions, and engage with supports and counselling early in the criminal justice process in an effort to change their unwanted behaviors. These individuals plead Guilty and then successfully fulfill the criteria for completion of the Men's Counseling Program, before being sentenced. The DVCO Coordinator manages and maintains the program infrastructure:

- 1) Individuals charged with spousal assault, and who the Crown Counsel recommend to the Option after Charge Approval can choose to apply to the DVCO at their First Appearance, which is set for 14 days after the incident. Before completing their Application, they must have consulted with Counsel (Duty Counsel, Legal Aid, or private).
- 2) The Application to the DVCO is passed to the DVCO Coordinator who will send it to Community Corrections for Risk Assessment, to the Men's Counseling Program Facilitator for determination of eligibility into the 17 session (plus 4 sessions for fathers) Men's Group Counselling program, and to Victim Services. For those individuals deemed inappropriate for the Men's Group Counselling Program (but eligible for the DVCO), one-on-one counselling may be offered through the counselling program facilitator, enabling them to be in the DVCO program.
- 3) DVCO Approval will be sent to the DVCO Coordinator in time for the next court appearance, which is set for 2 weeks after the First Appearance. At this second appearance the Accused will plead Guilty. His Bail Conditions will be varied to include his entry into the 17 session (plus 4 sessions for fathers) Men's Counseling Program at the first available entry date, which will be within the following 2 weeks (within a total of 6 weeks after the incident, the Offender will be in counselling).

Applications that are not jointly approved by Community Corrections and the Men's Counseling Program Facilitator will be channelled into the regular court process. In those situations where there is a late Guilty plea or a trial has resulted in a Guilty verdict, the Offender will be sentenced into the same Men's Counseling Program if this is determined to be appropriate by the Judge.

Persons who have applied to the DVCO, and who are accepted, may choose at any time to opt out and be channelled into the regular court process. Persons who are engaged in the program, but who are not progressing satisfactorily (as determined by the Case Management Team and the Judge) will be removed from the program and channelled into the regular court process.

- 4) During the 17 session (plus 4 sessions for fathers) Men's Counseling Program, the victim will be invited and encouraged to meet regularly with the Specialized Victim Assistance worker. This person may choose to not be involved with these services. For those who are interested in participating in the DVCO program, a course of sessions will be used that includes progress markers in line with the counselling being taken by the Offender.

During the 17 session (plus 4 sessions for fathers) Men's Counseling Program, the Case Management Team consisting of an RCMP Officer, a Probation Officer, a Crown Counsel, a Social Worker from MCF (if appropriate), a Defense Counsel (may be Duty Counsel, Legal Aid or private), the Specialized Victim Assistance worker and the DVCO Coordinator, will meet monthly to discuss the progress being made and prepare a short report for the Judge. After the Case Management meeting the Offender will appear in court before the Judge who will review their progress and comment on it, offering encouragement and/or expressing concerns. Defense Counsel, Crown Counsel and the DVCO Coordinator will all be present for the Judge check-ins. The Judge will make notes on the Case Management Team report.

- 5) At the completion of the Men's Counseling Program (as determined by the Facilitators), the Case Management Team will prepare a final report to the Judge, including a Summary from the Men's Counseling Program Facilitator. The Judge will have this report at the Sentencing, and will take the work that has been done into account.
- 6) If the Sentence includes community supervision (probation), the Case Management Team will continue to monitor the file with regular Offender and Victim contacts through the duration of the probation period. At the end of the probation period, the Case Management Team will prepare a DVCO Closing Report for the DVCO file.

If the Sentence does not include community supervision, the Men's Counseling Program Facilitators will contact the Offender to touch base approximately 2 months after Sentencing. Specialized Victim Assistance will contact the Victim approximately 2 months after Sentencing. The Facilitator and the Victim Services worker will prepare a DVCO Closing Report after this 2 month contact, for the DVCO file.

The following flowchart illustrates the DVCO process:

Domestic Violence “Court Option” Flowchart (detailed)

1 RCMP Arrest and Release under Protective Conditions with a requirement to “Report to Probation” and “No Contact” and “No Go” conditions confirmed before release OR if held, JJP &/or Judge releases to contain same conditions (minimally). First Appearance 14 days after arrest. Risk Assessment conducted. DVCO information to offender.

- Police Based Victim Services contact ALL DV victims. PBVS refer to Specialized Victim Services with victim consent.
- Statements taken and investigation conducted. Report To Crown Counsel to be submitted ASAP & within 7 days of report.
- UTA/PTA faxed to Probation for intake and monitoring of offender (and confirmation of residence and contact info) within 12 hrs of release.

2 RCMP recommend either appropriate or inappropriate for DVCO based on established criteria. **RTCC** including typed statement submitted **within 7 days** of incident to Crown.

4 Crown Approves Charges and determines **appropriate for DVCO assessment**. **1st Appearance** – within 14 days of incident – at JP Court. Crown recommends DVCO to offender who reviews disclosure with his Counsel. Offender decides that day or before 2nd Appearance date. Offender applies to DVCO Program through DVCO Coordinator. Suitability/Risk Assessment by Counseling Facilitator /Probation. File flagged by JP as probable DVCO.

6 2nd Appearance – within 14 days after 1st appearance – on DVCO day of the week. Approved Application provided to Court. Offender pleads Guilty & signs Information Sharing Consent for DVCO Case Management. (DVCO stamp on outside of file?) UTA varied to reflect DVCO counseling. File referred to DVCO Co-ordinator to track. File adjourned one month to DVC Court day to start program. File x-referenced with any Family file.

8 DVCO Coordinator refers file to the DVCO Case Management team. Victim Services gives DVCO information to Victim and gets victim consent for Information Sharing for Case Mgmt. Victim may choose to not be involved. MCF are engaged with family when children are involved.

9 Offender enters open-ended DVCO Counseling Program (less than 1 month after DV report to RCMP). Offender must meet completion requirements in order to receive ‘credit’ for this program. (incl no Breaches). DV Facilitator connects with victim. Case Management Team meets monthly. Victims encouraged to be engaged with VS. Offender & Case Management team scheduled every month in Court for ongoing monitoring of progress. When counseling program is completed, Counseling Facilitator, in consultation with the Case Management team, will prepare a report for Crown Counsel/Defense before sentencing date.

11 Judge SENTENCES, taking all unique factors of the file into consideration, including reports from the DVCO Case Management Team. Judge has ALL sentencing options open to him/her, on all files. Eg Absolute Discharge, Conditional Discharge, Respectful Relationships Program, Relationship Violence Program, etc. Probation conducts Risk Assessment for offender sentenced to Probation.

12 Post Sentence Monitoring on DVCO files – For other than Absolute Discharge, the Case Management team will continue to hold the file until the sentence is complete. Probation Officer to check in regularly with offender and victim. DVCO coordinator gathers all DVCO statistics for Case Management purposes of assessing successfulness of the program, and rates of recidivism, etc. For Absolute Discharge the Facilitator will connect with offender and victim once after 2 months for final file report.

3 Probation conducts Intake Interview, monitors offender, confirms residence/contact info, contacts victim.

5 Crown Approves Charges and determines **inappropriate for DVCO** and channels file into regular court system. **OR** accused turns down the DVCO option, **OR** the accused pleads Not Guilty.

7 All Applications to Vary Protective Conditions contain “must leave presence upon request” clause. Applications to Vary must have victim input or will not be approved. Smithers VPC protocol in effect.

10 TRIAL -
Acquittal
OR Found Guilty

Partnerships in support of the project:

The BVLD Domestic Violence Justice Response Steering Committee has been meeting monthly since 2005. During that time, as well as continually working toward a Domestic Violence 'Court Option' model, the committee has achieved several other significant goals. These include:

- Travelled to Whitehorse to observe their model in 2006
- Jocelyn Coupal, Domestic Violence Unit Crown Counsel
- B-SAFER Risk Assessment training with Dr Stephen Hart (for RCMP, MCF, Mental Health workers, etc) in February 2009
- Domestic Violence Incident Investigation Protocol – January 2010
- Domestic Violence Victim Response in the Smithers Criminal Justice System Protocol – June 2010
- Smithers Charge Approval Protocol – July 2010
- Smithers Domestic Violence Court Watch – June 2009

The Steering Committee will oversee the DVCO Coordinator and the pilot project, continuing to meet regularly to monitor progress, make governance decisions and support the DVCO Coordinator. At the Steering Committee table there are representatives from Judiciary, RCMP, Community Corrections, Ministry of Children and Family Development, Crown Counsel, First Nations groups, Men's Treatment Programs, Victim Services, and community reps from Hazelton, Smithers, Houston and Burns Lake. Refer to the Steering Committee Contact List for names, and to the copies of meeting minutes from the past year.

Project Objectives and Anticipated Results:

Objectives and anticipated results of the BVLD Domestic Violence 'Court Option' pilot project include:

- Coordinated community response to domestic violence creates efficiencies and effective partnerships in the Smithers criminal justice system
- Save Court and Crown Counsel costs through avoiding trials
- Fast-track domestic assault files through the criminal justice system with an emphasis on quick entry into counselling programs and connection to supportive services for those who apply to, and are accepted into, the program
- Increase the safety of domestic violence victims (and children)
- Increase opportunities for domestic violence victims to have input into the criminal justice process
- Encourage men who use violence in their relationships to take responsibility for their actions
- Provide men who use violence with options for self-determination and changing of unwanted behaviours through counselling and case management
- Provide information and education around domestic violence to men who use violence, and women who experience violence in their relationships.
- Use a collaborative case management approach to support families

Work Plan and Project Design:

The BVLD DVCO Pilot Project is 18 months long. After confirmation of funding availability:

START UP (approx 2 months – Month #1 and #2):

- Steering Committee meets weekly to support and carry out work plan
- Hire DVCO Coordinator & Counseling Program Facilitators in conjunction with non-profit agency budget administrator
- Contract with Jane Katz, Clinical Consultant
- Arrange for enhanced roles for Criminal Duty Counsel, Community Corrections, Specialized Victim Assistance, and Court Services
- Final development of flexible entry/exit counselling program curriculum based on combination of existing Respectful Relationships/Relationship Violence Programs with Jane Katz and Counseling Facilitators, plus other related program tools as identified by JK
- Development of Victim Services Milestones sessions based on correlation to the Counseling Program, with Jane Katz and Specialized Victim Assistance coordinator
- DVCO Coordinator meets with Case Management team and Court Services/JCM to fine tune processes of the DVCO. Coordinator assists with all Start Up
- Contract issued for Website Development – materials for the site are organized and provided by the DVCO Coordinator (this work would not complete in the Start Up phase)
- RCMP and Crown begin to recommend files to DVCO at end of Month #2
- Criminal Duty Counsel begins to consult with men referred to DVCO at end of Month #2

DVCO FULL FUNCTION (approx 12 months – Month #3 to Month #14):

- DVCO website development continues and is completed during Month #3.
- Counseling Program will be fully functional from beginning of Month #3 to the end of Month #14 – a total of 12 months.
- Counseling Program is 17 sessions plus 4 sessions for Fathers.
- Case Management Team meets monthly from Month #3 to Month #18 (from time of first men accepted to counselling to complete Post Sentence monitoring as long as possible)
- Judge Check-ins occur monthly after Case Management meetings until completion of Counseling sessions at the end of Month #14
- Development and distribution of public information and education

WRAP UP (approx 4 months – Month #15 to Month #18)

- Stop referring men to DVCO counselling at the end of Month #10, giving time before the end of Month #14 for all DVCO Counseling Sessions to complete.
- Victims stop beginning the Victim Services Milestones program at the end Month #10, giving time before the end of Month #14 for counselling milestone completion.
- End of Month #14 all men in the DVCO are ready for Sentencing.

- Month #15 to Month #18: Final Sentencing, Post Sentence Monitoring, continuing Victim Assistance, continuing Case Management, DVCO Coordinator file completion per evaluation and reporting needs
- Month #15 issue Contract for Final Project Evaluation and Report, to be completed at end of Month #18

Evaluation Plan:

The BVLV Domestic Violence 'Court Option' Pilot Project Evaluation and Final Report will be contracted out to a Third Party for objectivity. The DVCO Coordinator will contribute the records and information to this process. The BVLV Domestic Violence Justice Response Steering Committee will also contribute information to this process. The Pilot itself will finish at about Month #15, and the Evaluation and Final Report will be complete by Month #18.

Evaluation categories will include:

- 1) The community's criminal justice system members' ability to develop, maintain and carry out a coordinated response to domestic violence.
 - a. Steering Committee functionality and feedback
 - b. Case Management team functionality and feedback
 - c. DVCO Coordinator functionality and feedback
 - d. RCMP feedback
 - e. Defense Counsel feedback
 - f. Crown Counsel feedback
 - g. Judge feedback
 - h. Probation feedback
 - i. Court Services/Judicial Case Manager feedback

All of the above to respond, from their perspective, to:

- i. Gaps in the process
 - ii. Strengths of the process
 - iii. Weaknesses of the process
 - iv. Comments on other items of note, for example: Effectiveness of agreements (such as Vary Protective Conditions Protocol), dissemination of public materials and information
- 2) Quantification around Smithers domestic violence statistics, both in and outside the program, within the Pilot Project time period of 14 months:
 - a. Total # of domestic violence reports to RCMP (in the period)
 - b. # of DV files (RTCC etc) sent to Crown Counsel by RCMP (in the period)
 - c. # of individuals recommended to DVCO by RCMP & Crown (in the period)

- d. # of individuals applying to the DVCO (in the period)
 - e. # of individuals refusing DVCO when given the choice (in the period)
 - f. # of individuals dropping out of counselling part way through and choosing the regular court process instead (in the period)
 - g. # of individuals removed from counselling (by case management team) and being placed into the regular court process instead (in the period)
 - h. # of recidivism files within the Pilot Project timeframe
- 3) Men's Counseling Program, and the Milestone Victim Services Program:
- a. Feedback on the Men's Counseling Program from participants
 - b. Feedback on the alternative one-on-one Counseling from participants
 - c. Feedback on the counselling program from the facilitators
 - d. Feedback on Victim Services supports from participants
 - e. Feedback on Victim Services Milestone sessions from participants
 - f. Feedback on Victim Services in the DVCO from the coordinator
