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**Battlefords Domestic Violence  
Treatment Options Court  
in  
North Battleford, Saskatchewan**

**Evaluation Report**

**April 10, 2003 to April 1, 2008**

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# Introduction

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This report will provide information on the core features of the Battlefords Domestic Violence Treatment Options (BDVTO) Court as they are reflected in the outcome and recidivism data that is available through the current data collection activities conducted by the partners in the overall BDVTO Court initiative.

The formal evaluation process is limited to the ongoing functioning of the BDVTO Court from its inception in April 2003 to the beginning of April 2008. Work is underway on a systematic follow-up study of police call-out data in an effort to effectively gauge the recidivism rates of court participants. Some preliminary findings from that study are included in this report. Once complete, this component of the evaluation will enhance knowledge about the outcomes of the Court.

Appendix C describes the data collection process that was used to produce this report.

## In Summary

- The data in this report continue to clearly indicate that the Battlefords Domestic Violence Treatment Options Court is achieving many of its goals.
- With over three years of operation the partners have achieved levels of functionality and success that compare very favourably with those shown in other jurisdictions.
- 437 individual offenders (367 male, 70 female) appeared on at least one BDVTO Court docket between April 2003 and April 1, 2008.
- The average number of first appearances on each BDVTO Court docket was 5 with an average of 15.7 appearances per docket.
- The majority of offenders were represented by Legal Aid.
- The time between charge and first appearance has consistently improved since April 2003 to where 56% of those charged make their first BDVTO Court appearance within a month of the charges being laid.
- BDVTO Court referred participants are more likely to complete the treatment program than individuals who were required to attend through sentencing or who are self-referred.

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## Overview of the Court

The Battlefords Domestic Violence Treatment Options (BDVTO) Court in North Battleford, Saskatchewan ran its first docket on April 10, 2003. In addition to the activities of the Court itself, components of the BDVTO Court include offender assessment by Probation Services, Corrections, Public Safety and Policing, services and support for victims through the Battlefords Victim Services Program and two domestic violence treatment programs, one operated by Kanaweyimik Child and Family Services Inc. and the other operated by Mental Health Services in the Prairie North Health Region. As well, collateral community-based programs – Children Who Witness Interpersonal Violence and Abuse and a support program for women who have been victimized by domestic violence – have been developed to support the Court.

Prior to the first Court sitting, there was a significant amount of discussion and work among the partners involved in the initiative. Information on the Domestic Violence Treatment Option Court in the Yukon was a valuable resource in the planning stages<sup>1</sup>. A Steering Committee consisting of representatives from each of the partners involved in the program (the judiciary, RCMP, Prosecutions, Victim Services, Probation Services, Legal Aid, the treatment programs and several community-based organizations) continues to meet every six weeks to discuss the functioning of the overall project and to address issues related to the movement of the accused through the various components of the Court. A sub-committee of the Steering Committee, the Working Group, consisting of professionals who work directly with the Court, meets prior to each Court sitting to discuss specific cases and agree on recommendations that will be presented to the Court for each offender.

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<sup>1</sup> A detailed overview of the history and research literature related to specialized courts such as the BDVTO Court is contained in the final report of the evaluation of the DVTO court in Whitehorse (Hornick, Boyes, Tutty, and White, 2005). Please contact the author of this report if you require a copy of the Whitehorse DVTO evaluation report.

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## History

The Battlefords Domestic Violence Treatment Options Court has been sitting twice a month since April, 2003. Prior to that, judges in North Battleford had become very concerned about the perceived lack of effectiveness of the current justice system response to situations involving domestic violence. They also wanted to reduce the high collapse rate in domestic violence cases due to elusive or recanting victims and also to increase protection for victims who return to abusive relationships with partners who have received no treatment intervention.

### **Goal of the BDVTO Court**

To reduce occurrences of domestic violence and protect victims in the Battlefords area through early intervention and appropriate treatment delivered through an integrated set of strategies by the government and community agencies.

Early in 2003 a change in policy initiated by a psychologist delivering the Alternatives to Violence Program at Mental Health Services in North Battleford allowed the Program to accept men into the group counselling sessions before they had been sentenced. This change in policy encouraged meetings between the judiciary, counsellors from the treatment programs, Crown prosecutors and Legal Aid lawyers to discuss the development of a specialized docket court. This group was soon expanded to include other agencies working in the area of domestic violence<sup>2</sup>, and following about two years of development, the first court sitting was held and a half-time coordinator position was established.

As the Court was implemented, changes to existing systems were made. The Provincial Court committed to dedicated, assured and ongoing court sittings to deal with charges involving domestic violence. The Crown, Legal Aid, Victim Services and Probation established positions with primary responsibility for the BDVTO Court. Some sectors had to deal with increased case volume. As in any collaborative effort, partners in the initiative had to allow time for Steering Committee and Working Group meetings. In addition, community-based agencies worked together to establish two programs: a Children Who Witness Domestic Violence Program offering education and support sessions to children and youth and a support program for women who are victims of domestic violence. As well, a monitoring process was established that could be used for future evaluation work.

## The Court Room

The BDVTO Court is a specialized docket court with special procedures. Dialogue between the participants and the judiciary is encouraged and the court room is set up to facilitate this. Counsel face each other across the room so they do not have their backs to the gallery. The counsellors (Mental

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<sup>2</sup> These groups included: Addictions, Kanawayimik Child and Family Services Inc., Battlefords Victim Services Program, Probation Services, R.C.M.P., Catholic Family Services, Battlefords Interval House, Ministry of Justice and Attorney General and the Ministry of Social Services.



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Health, Kanawayimik Child and Family Services, and Addictions) are in the court room and are called on by the judge to comment on the progress of each individual. The judge asks each accused to comment if they wish. A victim services representative is always present and identified by the Court in the event that a victim who is present wishes to access that person. As well, victim services workers may be asked to provide comments when appropriate. An Aboriginal courtworker as well as the BDVTO Court Co-ordinator, who is available to provide information on the BDVTO Court to accused, are present and introduced by the judge. During court monitoring, the judge directs comments to each accused on his/her progress.

## **Court Process**

Figure 1 shows the process flow chart for the Battlefords Domestic Violence Treatment Options Court that was initially designed for the Court by the Steering Committee.

All accused who are charged with any offence involving domestic violence, except for sexual violence, make their first appearance at the next available sitting of the BDVTO Court, if released by the arresting officer. All accused are released with no contact provisions. Most matters are adjourned two weeks (to next sitting) for plea. On the return date, if the accused pleads guilty he/she is referred to Probation Services for SARA and ODARA risk assessments, to a treatment program and to Addiction Services if it is known that addiction is an issue. The victim is referred to Victim Services by the Court and Victim Services and, if Victim Services has not already spoken with the victim, it will then contact the victim to provide the victim with information on the services available to victims and to address safety issues.

Before the guilty plea is entered, agreement is reached on the facts with the Crown. The accused must accept responsibility for the offence in court. Usually, discussions will take place between prosecution and defence counsel before plea regarding eventual disposition. If the accused decides to plead not guilty, he/she is moved to regular docket court to set a trial date. Trials for charges involving domestic violence are expedited whenever possible.

Participation in the treatment option is voluntary, and at any time the accused may choose to be sentenced in ordinary court. Treatment referrals are made to one of the two domestic violence treatment programs available to the Court: Kanawayimik Child & Family Services Inc., an Aboriginal agency that operates an Aboriginal Family Violence Program funded by the Ministry of Justice and Attorney General or Mental Health Services, Prairie North Health Region.

The BDVTO Court client is required to report to the Court in person on a regular basis, usually monthly, until programming is completed. This monitoring is important to the process and ensures

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regular program attendance, accountability of the offender, and protection for the victim by bringing breaches to the immediate attention of the authorities and, through victim services, to the victim.

All files are discussed by counsel and the other members of the Working Group<sup>3</sup> at regular pre-court meetings. Recommendations are made to the judge by the Working Group if the members believe it is necessary to discontinue an offender from the treatment program. If there is a request to remove the no contact provision in the undertaking, this also is discussed by the Working Group after risk assessments are completed and a recommendation from the Working Group is made to the judge. Recommendations by the Working Group are usually honoured by the judge.

When all programming is completed and the offender returns to Court for sentencing, the counsellors provide verbal reports in court. The Crown relates in detail the facts as well as the step by step progress made by the offender who often adds to defence counsel's comments by sharing some of his/her own personal experience. Finally, during sentencing, the judge stresses the positive steps taken by the offender, and a sentence ranging from absolute discharge to a conditional sentence (for the most serious cases) is almost always imposed. Unless the Crown had not been in favour of the client's eligibility for BDVTO Court, the sentence is often by joint submission.

If the offender is terminated from a treatment program (usually for non-attendance), or fails to attend Court when ordered, he/she is immediately referred to regular docket court as soon as counsel is available for sentencing.

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<sup>3</sup> The Working Group is made up of the Crown prosecutor, Legal Aid lawyer, probation officer, assistant coordinator of the victim services program, and treatment providers. It meets for about two hours the Friday before Thursday court.

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## Governance

Two committees meet regularly to resolve issues and ensure communication continues between the various government ministries and community-based partners involved in the Court. The two committees are:

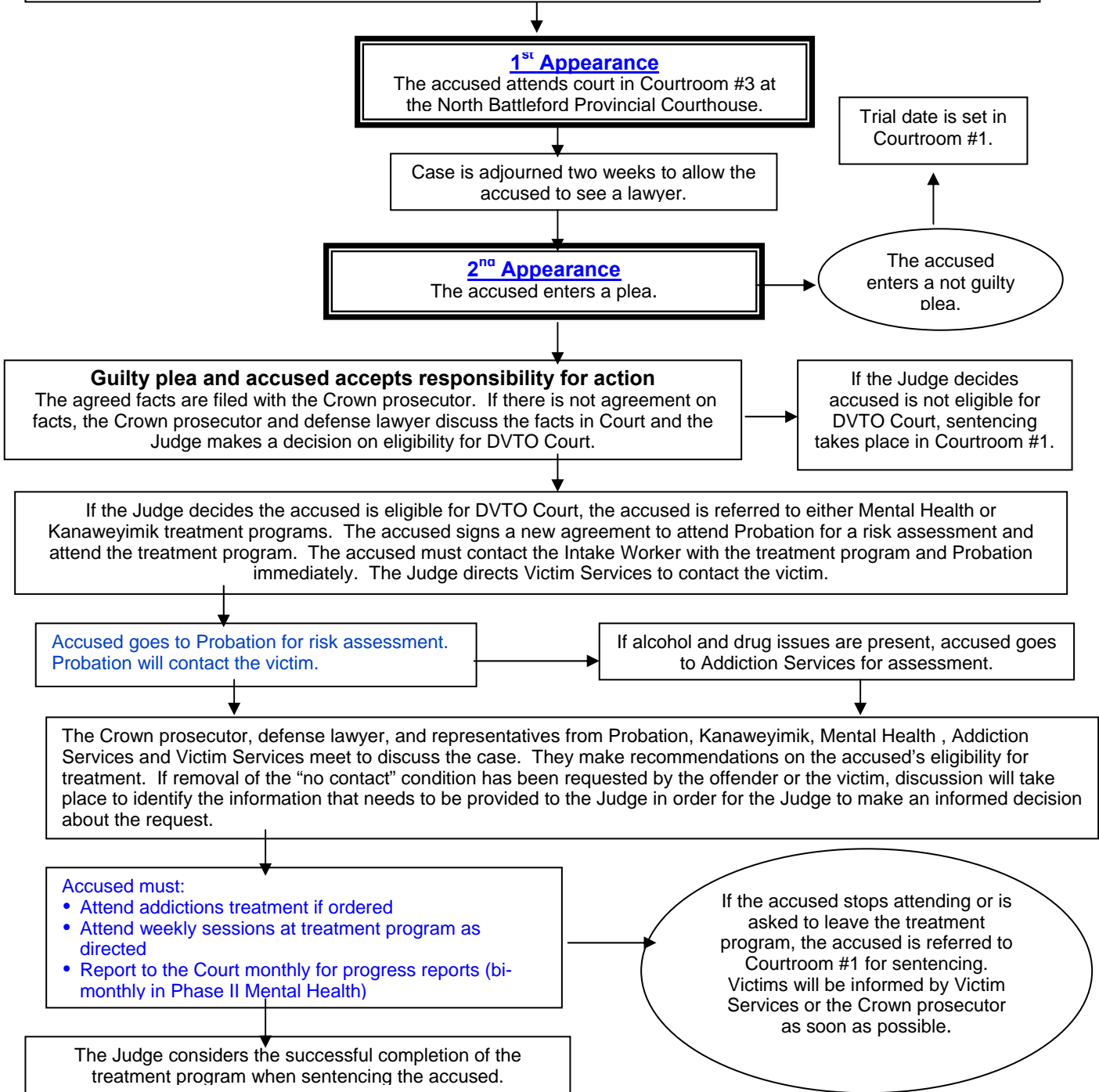
- The *Steering Committee* comprised of the judges in the North Battleford Provincial Court, Court Services, the program providers (Kanaweyimik, Mental Health, Addiction Services, Catholic Family Services), Probation Services (Ministry of Corrections, Public Safety and Policing), RCMP, Ministry of Social Services, Battlefords Victim Services Program, Public Prosecutions, Legal Aid, Interval House Women's Shelter, Ministry of Justice and Attorney General central office, Battlefords Tribal Council, Saskatchewan Aboriginal Courtworker Program, and the BDVTO Court Coordinator. The Steering Committee meets monthly to openly discuss issues as they arise and find solutions.
- The *Working Group*, a sub-committee of the Steering Committee, made up of individuals who work directly with the offenders, not including the judges. It meets prior to every court date to discuss the progress of ongoing files, review new cases and decide on recommendations to the judge.

The BDVTO Court Coordinator calls the meetings of both committees and prepares the agenda and takes Steering Committee minutes. The Coordinator distributes the docket to the Working Group, maintains data, and provides the public voice for the BDVTO Court.

**Figure 1: Battlefords Domestic Violence Treatment Option Court Flow Chart**

➤ All accused with charges that involve domestic violence attend the Domestic Violence Treatment Option (DVTO) Court the first time they appear in court unless the accused is in custody.

- Police release the accused on recognizance with the condition that the victim cannot be contacted by the accused.
- Police provide information to the victim about the services and supports available from Victim Services.





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## Court Data

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This section provides an overview of BDVTO Court data from April 2003 to April 1, 2008 provided through the BDVTO Court MS-Access database in Court Services.

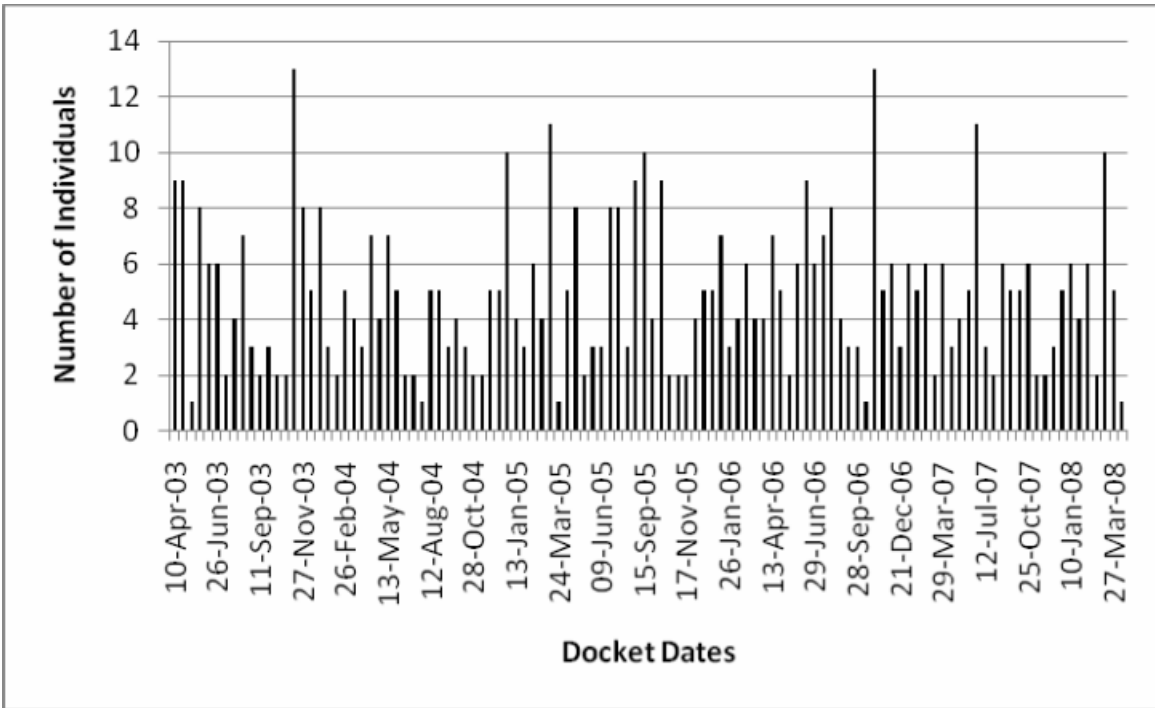
### Volume

Between April 10, 2003 and April 1, 2008, 437 individual offenders appeared on at least one BDVTO Court docket. Of these offenders 367 were male and 70 were female.

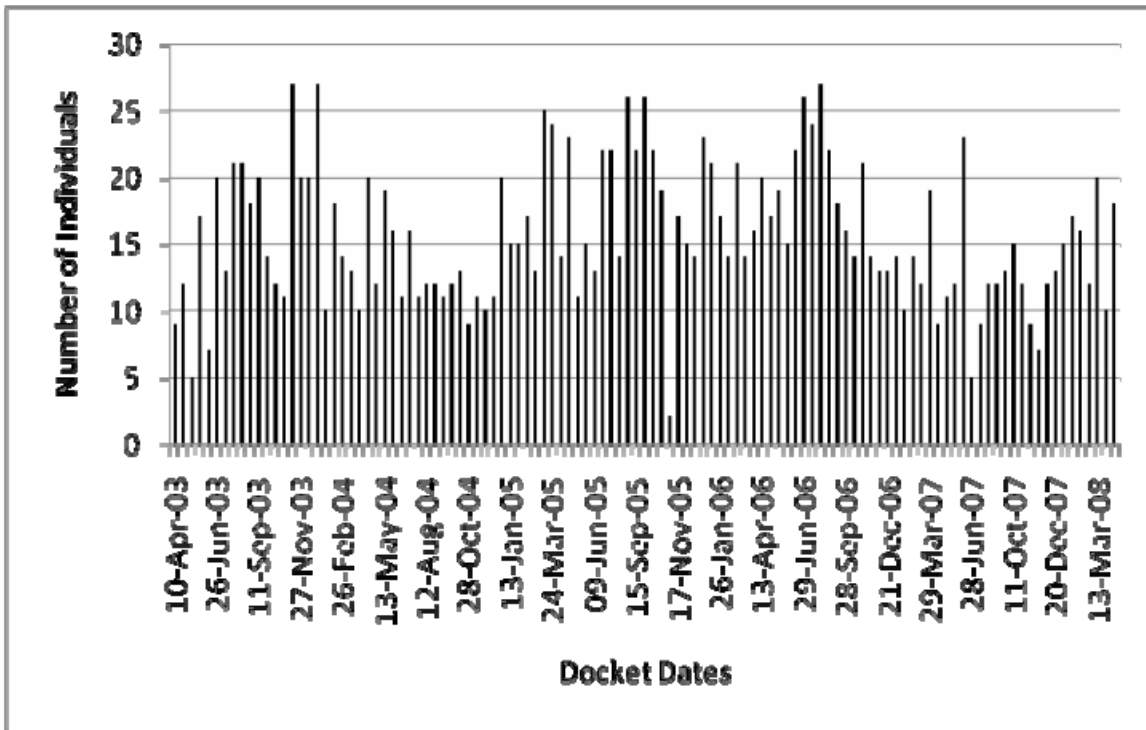
The pattern of first appearance by month for the first 60 months of the court is shown on Figure 1. The variability across the months is not unexpected given the relatively small size of the community represented here. The average number of first appearances on each BDVTO court docket was 5.0. This rate of first appearances has been consistent across the fiscal years that the court has been operating (Average number of first appearances by fiscal year; 2003-2004 = 5.0; 2004-2005 = 4.5; 2005-2006 = 5.0; 2006-2007 = 5.3; 2007-2008 = 4.8). It is important to note that the data in this figure and the averages reported reflect **first appearances by individuals**. In previous reports on numbers relating to the BDVTO Court some appearance data was reported based on charges. This was not a wholly accurate representation of the appearance history as there is variability in the number of charges individuals appear in court to address. Reporting based on individuals provides the most accurate overview of the volume of court appearances.

Figure 2 shows the average number of appearances by month, including second and subsequent appearances. There was an average of 15.7 appearances per docket. This too has been consistent across the history of the court (Average number of appearances by fiscal year; 2003-2004 – 15.6; 2004-2005 – 14.3; 2005-2006 – 17.6; 2006-2007 – 17.5; 2007-2008 – 12.8). This has also been adjusted from previous reports to reflect person appearances rather than charge appearances.

**Figure 2**  
**First Appearances in BDVTOC by Docket Date**



**Figure 3**  
**Counts of Individuals Appearing by Docket Date**



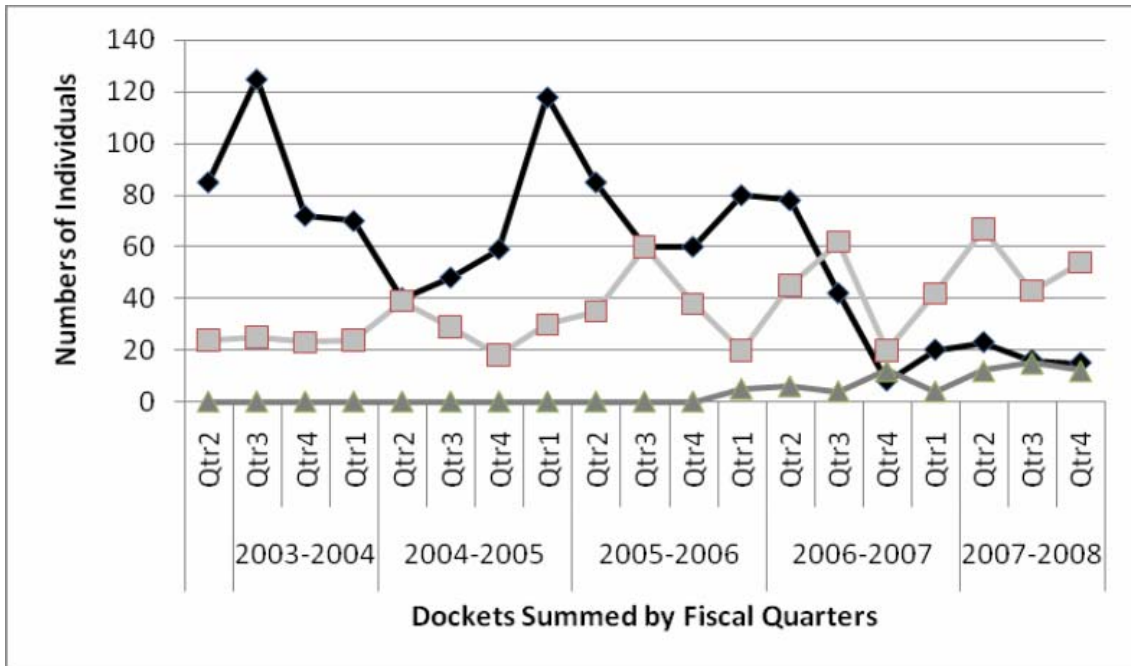
When appearances are examined by quarter of the fiscal year, it is clear that there was a general decline in appearances starting in the 4<sup>th</sup> quarter of 2006 and continuing through the third quarter of 2007. The appearance rate in the third quarter of 2007 is the lowest of all quarters that the Court was running. The fourth quarter of 2007 and the first quarter of 2008 have seen appearance numbers climb back up to the average rates seen over the full tenure of the Court.

## Representation

Figure 3 shows the relative proportion of accused who were represented in Court by Legal Aid, themselves or private council. Note that the use of private council is a relatively recent part of the BDVTO Court and that a very small proportion of offenders use private counsel.

It seems to be the case that there is a trend towards the reversal of the proportions of accused representing themselves and using Legal Aid in the third quarter of 2006. The fourth quarter data is incomplete and therefore cannot be interpreted.

**Figure 4**  
**Type of Legal Representation by Quarter**



◆ = Legal Aid, ■ = Self Representation, ▲ = Private Counsel



To better summarize changes in the nature of accused representation across the time that the BDVTO Court has been running Table 1 below shows the raw numbers and the percentages of each type of representation (Self, Private Counsel, Legal Aid) over the 5 years that the Court has been in operation.

**Table 1**  
**Annual Variation in Nature of Representation in BDVTO Court**

	2003-2004		2004-2005		2005-2006		2006-2007		2007-2008	
	#	%	#	%	#	%	#	%	#	%
Private Counsel	20	4.4	14	3.6	21	4.7	63	14.5	30	11.9
Self Represented	98	21.7	115	29.5	151	33.5	230	53.1	148	58.7
Legal Aid	334	73.9	261	66.9	279	61.9	140	32.3	74	29.4

It is clear from this table that the proportion of accused represented by Legal Aid dropped by 50% from the 2005-06 to the 2006-07 fiscal years. It is also clear that little of this drop was picked up by private counsel but rather it was mainly shifted to self-representation. At first glance this change is problematic as it makes it more difficult for accused to become properly acquainted with the treatment option and adds to the time required for them to become fully engaged with the Court, if at all. It also adds significantly to the workload of other partners in the BDVTO Court process (Crown, court workers, etc.) as they have to take up the task of ensuring that accused are properly informed of their options in a timely manner so as to reduce the case collapse rate associated with cases that take time to resolve. On the other hand, when viewed next to the rates of first and overall appearances, as stated previously, it is clear that there was a general decline in appearances starting in the 4<sup>th</sup> quarter of 2007 and continuing through the third quarter of 2007. This pattern would suggest that factors other than the nature of accused representation are influencing the number of appearances in the Court.

As the numbers in the representation graph suggest there was a drop in the number of individuals who were formally represented by Legal Aid in the 2006-2007 year. While this was initially due to a staffing shortage in Legal Aid, the continued lower level of formal Legal Aid representation requires a bit of interpretive elaboration. Essentially, the data in Figure 4 refers to the formal court record entry for each appearance regarding representation. In dealing with the consequences of the Legal Aid

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staff shortage, and in an effort to establish a more formal province-wide protocol, Legal Aid undertook to slightly reconfigure the way in which advice is provided to BDVTO Court participants.

In September 2007, after meetings with Area Directors from Legal Aid offices where there are domestic violence courts, a memorandum was circulated by Allan Snell, Q.C., Chief Executive Officer of the Saskatchewan Legal Aid Commission in an attempt to formulate a consistent, province-wide protocol for these courts. Under this protocol, Legal Aid involvement is divided into three categories:

1. *individuals charged summarily, who have been deemed suitable for domestic violence court.* These individuals will receive an initial consultation (summary advice) during which time the nature and consequences of the charge are reviewed; to the extent they are available. Crown disclosure is reviewed; and an agreed statement of facts is adopted. Legal Aid involvement is ended upon the individual entering a guilty plea. There is no Legal Aid eligibility requirement for these people and the service is essentially duty counsel. Legal Aid does not go “on record” as counsel for these individuals. If the individual does not wish to enter a guilty plea and the matter is taken out of domestic violence court, the accused is subject to normal Legal Aid eligibility requirements.
2. *individuals who have entered a guilty plea, but, in the opinion of counsel, are not equipped to fully understand and appreciate the requirements and responsibilities inherent in the program and will require assistance* (essentially a sub-category of category 1). Legal Aid will determine eligibility and, if the person is eligible for services, “go on record” in BDVTO Court and continue to represent that person throughout the program.
3. *indictable matters – subject to eligibility*, Legal Aid will “go on record” and continue to represent the accused throughout the program.

According to Legal Aid, under this protocol, Legal Aid has involvement with virtually every individual, at least for initial consultation or summary advice, if they ask for assistance. That being said, the court data may not be accurate as Legal Aid will not be recorded as being counsel of record for a large number of accused in the BDVTO Court, although contact with many of the accused will have been made.

What this all suggests is that the proportion of individuals who received advice from Legal Aid as they enter and engage with the BDVTO Court process is significantly

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higher than Table 1 would suggest and that those numbers have, if anything, increased in the past year to year and a half.

What this also reflects is a shift from representation (except where circumstances warrant full representation) towards a consultative model. In this new protocol, individuals entering BDVTO Court meet with Legal Aid in a sort of “duty counsel” mode and receive initial information about the Court and legal advice on the specific situation. From there forward, if they are deemed appropriate candidates for BDVTO Court and appear able to understand the process sufficiently, they essentially “self-represent” their way through the BDVTO Court process. This may explain the jump in court records of self-representation but does not capture the consultations with Legal Aid that very likely occurred as the individuals engaged with the BDVTO Court.

Legal Aid is currently in the process of formalizing these reconfigured protocols for presentation to the BDVTO Court Steering Committee. It is recommended that either Legal Aid or the Steering Committee as a whole consider how best to consistently record the more informal types of consultation it has with new BDVTO Court participants (perhaps as a checkbox in the court record system used by the BDVTO Court). This will be necessary to be able to properly describe and evaluate the functioning of these new representation/consultation protocols in future reviews and evaluations.

Also, it is recommended that the Steering Committee ensure that the BDVTO Court Steering Committee Protocols address issues where responsibilities are now being shared by the Steering Committee partners or, in effect, distributed across all partners, such as the provision of information about the Court to new participants, the monitoring of accused’s understanding of the domestic violence court proceedings and the supervision of low risk offenders while they are in the treatment stream.

## **Profile of Charges**

In total 934 charges were dealt with in BDVTO Court between April 2003 and April 2008. In an effort to provide a clear picture of the sorts of charges addressed in the BDVTO Court, charges were sorted into three categories. Core Charges (Table 2) can be viewed as the primary Domestic violence related charges that result in first appearances in the court (e.g., common assault). Subsequent charges (Table 3) are those sorts of charges that arise as a result of ongoing, less than optimal, involvement with the justice system following first appearances (e.g., failure to appear). Finally, Additional Charges are charges that do not, on their face, appear to be directly related to

domestic violence issues (e.g., impaired driving), though, of course, they could very well be part of an overall, ongoing situation involving domestic violence (Table 4).

**Table 2: Core Charges**

Sect-No	Charge Description	Count	% of Category	Overall %
266	Common Assault	437	68.50	52.02
267	Assault With A Weapon/Causing Bodily Harm	89	13.95	10.60
264	Uttering Threats	51	7.99	6.07
430	Commit Mischief	33	5.17	3.93
175	Disturbance In Or Near A Public Place	7	1.10	0.83
129	Obstruct A Peace Officer	5	0.78	0.60
86	Handle A Firearm In Careless Manner	4	0.63	0.48
270	Assaulting A Peace Officer	3	0.47	0.36
109	Attempted or Threatened Violence	3	0.47	0.36
91	Possess a Weapon, other than a firearm	2	0.31	0.24
999	Cause Of Disturbance	1	0.16	0.12
334	Theft Over \$5000.00	1	0.16	0.12
268	Aggravated Assault	1	0.16	0.12
140	Intent to Mislead a Peace Officer	1	0.16	0.12

While it is well known that domestic violence cases can also involve behaviours that results in other charges (e.g., break and enter, mischief, property damage) the direct physical threat to victims is highest when the charges in Table 2 are involved. In the present dataset there were 638 core charges recorded. These charges and the dispositions of those charged will be the focus of analyses in the rest of this section of the report.

**Table 3: Subsequent Charges**

Sect-No	Charge Description	Count	% of Category	Overall %
145	Fail To Appear	178	95.19	21.19
127	Disobey A Lawful Order	5	2.67	0.60
26	Fail Or Refuse To Comply With Probation Order	4	2.14	0.48

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**Table 4: Additional Charges**

Sect-No	Charge Description	Count	% of Category	Overall %
253	Operating While Impaired	9	60.00	1.08
249	Dangerous Driving	3	20.00	0.36
89	Drive while suspended	2	13.33	0.24
140	Intent to Mislead a Peace Officer	1	6.67	0.12

## **Time Between Charge and First Appearance**

A key factor in the success of a domestic violence court involves getting the accused into court quickly before there is an opportunity for second thoughts and before post-incident remorse wanes. Table 5 shows the distribution of elapsed time between the dates that charges were laid and the first appearance in the BDVTO Court related to those charges.

**Table 5\***

**Time Between Charge and First Appearance in BDVTO Court  
In days (for core charges only)**

Time Span	Percentage
Within 14 days	26.9%
Within 1 Month	25.8%
Within 2 Months	20.1%
Within 3 Months	8.5%
Over 3 Months	18.8%

\* Based on court record data for first appearances between April 2003 and March 2008

These overall numbers may be somewhat misleading as they include times for accused that were charged prior to the start of the BDVTO Court. As well, the numbers have not been broken down by year.

Table 6 shows the same data by program year. It is clear from this table that the time between charge and first appearance was longer at the start of the BDVTO Court (for obvious reasons) and has consistently improved year over year since then to the point where over 56% of those charged with core BDVTO Court charges make their first BDVTO Court appearance within a month of the charges being laid. As well, it can be seen that the number of charges that did not have a first appearance for over 3 months

dropped from nearly 30% at the start of the Court to under 10% by the end of the most recent fiscal year.

**Table 6**  
**Time Elapsed Between Charge and**  
**First BDVTO Court Appearance**  
**(by year)**

<b>Charged Before</b>		<b>BDVTO Court Started</b>		<b>April 2003 to March 04</b>	
	<b>%</b>				<b>%</b>
	0	Within 14 Days			7.53
	0	Within 1 Month			19.35
	5.13	Within 2 Months			33.33
	7.69	Within 3 Months			11.83
	87.72	Over 3 months			27.96

<b>April 2004 to March 05</b>				<b>April 2005 to March 06</b>	
	<b>%</b>				<b>%</b>
	14.94	Within 14 Days			23.97
	20.69	Within 1 Month			31.40
	29.89	Within 2 Months			11.57
	9.20	Within 3 Months			9.92
	25.29	Over 3 months			23.14

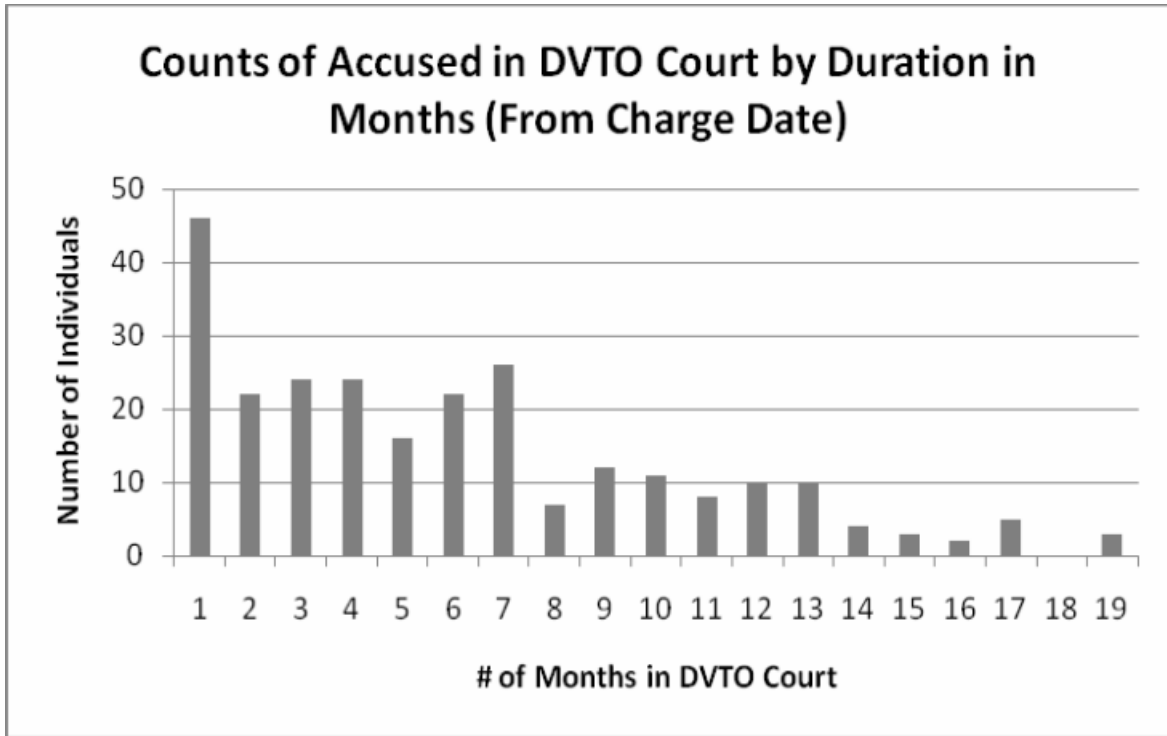
<b>April 2006 to March 07</b>				<b>April 2007 to March 08</b>	
	<b>%</b>				<b>%</b>
	25.00	Within 14 Days			27.20
	27.38	Within 1 Month			29.31
	22.62	Within 2 Months			24.79
	9.52	Within 3 Months			9.41
	15.48	Over 3 months			9.29

Figure 4 shows the length of time that the accused were involved with the BDVTO Court. Specifically, it shows the number of people with time in the court in months starting at two months and running up to 20 months. The large count spike at two months reflects individuals who either elected to proceed to trial or who, perhaps as a result of failure to appear, got bound over for trial. The average length of time from charge to last BDVTO Court appearance was 7.9 months. The slight increase in time to

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first appearance that first emerges in the data in the 2005-2006 year predates the drop in Legal Aid involvement in the Court though the carry over in that increase into the 2006-2007 and 2007-2008 years may partially reflect the issues with representation.

Figure 5



## Pleas

Two factors are seen as keys to success in domestic violence courts with a treatment option: timely movement of offenders into treatment after charges are laid and incentives to complete treatment. The BDVTO Court is set up so that the accused must plead guilty and accept responsibility for his or her actions before being referred for treatment. Sentencing is delayed until such time as treatment has been completed. The judiciary takes into consideration the individual's success in treatment in the sentencing process. If an individual does not attend or complete the treatment sessions, then their situation is reviewed by the BDVTO Working Group and a recommendation is made to the judge regarding actions that might be taken. Sentencing may proceed at this point.

Several issues must be reviewed if the count of individuals passing through the BDVTO Court is to be properly understood. First, individuals may appear in court to speak to more than one information at a time. Further, there may be more than one core

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charge included on an information. Finally, individuals may, as well, appear in the court following more than one incident. Essentially these are cases of recidivism though it may be that an additional charge and information will arise while the individual is in the midst of the early phases of the appearance on outstanding charges. This is also recidivism but it occurs prior to treatment (if any). For the purposes of this analysis, cases of recidivism that occur after previous charges have been finalized were treated as distinct cases. Cases where the additional core charges were added prior to or during treatment were treated as continuances of the current open cases (though they will be separated in the recidivism analyses to be reported upon below).

One additional issue regarding pleas has to do with the court record data for those individuals who elect to stand trial in relation to their core charges rather than plead guilty and be considered for the treatment option. In the dataset that was available to the evaluator, as appeared on the final BDVTO Court dockets, there were a relatively small number of individuals who formally entered not guilty pleas in the BDVTO Court. It is likely that many of those who did not enter a plea in the BDVTO Court made their formal not guilty pleas in the courts they elected to attend as a result of their intention to plead not guilty. This matter will be returned to below.

Between April 2003 and March 31, 2008 there were 238 individuals (22 females) in the BDVTO Court who plead guilty to at least one Core Charge either at first appearance or at a subsequent appearance in the Court. 41 individuals (3 females) entered not guilty pleas in the BDVTO Court. Of these, 67 were referred to the Kanaweyimik treatment program and 64 were referred to the Alternative to Violence Program at the Prairie North Health Region.

The following data apply only to the 414 offenders who have appeared in the BDVTO Court (note that the numbers below refer to cases as 24 individuals engaged with the court on 3 separate case/occasions and 6 had 3 distinct cases):

- ↳ 275 (66%) entered guilty pleas.
- ↳ of these, 171 (62%) were referred to one of the treatment programs
- ↳ 26 (6% of all cases appearing in BDVTO Court) involved not guilty pleas in the BDVTO Court.
- ↳ 145 offenders (35% of all offenders appearing in BDVTO Court) do not have a final disposition or plea entered into the BDVTO Court records. This likely reflects the fact that while some of the cases are still to be spoken to in the BDVTO Court most have



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been transferred to another court and reflects the incompatibility for treatment or a desire to stand trial (most likely by individual choice)

- ↪ This means (subject to verification of the no plea individuals' outcomes) that 39% of accused making at least a first appearance in the BDVTO Court plead not guilty while 61% plead guilty and were potentially considered for treatment.
- ↪ Treatment completion rates for the two treatment programs (Kanaweyimik and the Alternatives to Violence Program at Mental Health Services) were 67% and 57% respectively.

## **Recidivism**

A clear picture of the recidivism rates requires an analysis of all court data (not just BDVTO Court data), as well as a longitudinal analysis of police call-out data. This study is underway. In this section only the rates of re-appearance in the BDVTO Court will be considered.

In earlier reports estimates of recidivism were created based upon subsequent appearances of individuals whose cases had been finalized. The resulting estimates were understood to be low as they did not involve a systematic follow-up of all court attendees. As a consequence, a follow-up study looking at police call-outs and domestic violence charges subsequent to having a domestic violence case finalized was initiated. A preliminary summary of some of the data obtained to date in that study appears later on in this report and will form the basis for a more detailed recidivism report to be completed by the end of this fiscal year.

## **Dispositions for Core Charges**

The dispositions for core charges finalized in the BDVTO Court are shown in Table 7. The patterns are not unexpected given that the BDVTO Court deals primarily with guilty pleas. Not guilty pleas as well as intentions to enter not guilty pleas lead to transfers to other courts. Of the charges not finalized in the BDVTO Court about 45 are current enough that they are likely still awaiting election. This leaves some 163 core charges that were not finalized in the BDVTO Court but which, by virtue of the length of time that had elapsed since the first appearance, likely ended up with not guilty pleas and were transferred to another court.

**Table 7**  
**Dispositions of All Core Charges Finalized In BDVTO Court**

Dispositions	Pleas					
	Guilty		Not Guilty		No Plea Entered	
	#	%	#	%	#	%
Withdrawn (WDN - Finalized)	7	3.6	6	31.6	58	56.9
Lesser Included Offence (LIO - Finalized)	1	0.5	2	10.5	2	2.0
Discharged (DSC - Finalized)	1	0.5			2	2.0
Stay Of Proceedings (SOP - Finalized)	4	2.0	3	15.8	33	32.4
Not Guilty (NG - Finalized)			1	5.3		
Absolute Discharge (AD - Finalized)	69	35.2	3	15.8	2	2.0
Suspended Sentence (SS - Finalized)	34	17.3				
Conditional Discharge (CD - Finalized)	48	24.5			4	3.9
Conditional Sentence (CS - Finalized)	20	10.2	2	10.5	1	1.0
Sentenced (STC - Finalized)	12	6.1	2	10.5		
<b>Totals<sup>2</sup></b>	<b>196</b>	<b>100</b>	<b>19</b>	<b>100</b>	<b>102</b>	<b>100</b>
<i>Note 1. Percentages are based on column totals.</i>	#	%	#	%	#	%
<i>Note 2. These dispositions relate to core charges only.</i>			<b>62%</b>		<b>6%</b>	<b>32%</b>



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## Probation Services Data

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Two hundred and thirteen (213) individuals involved in one way or another with the BDVTO Court had contact with Probation Services, Ministry of Corrections, Public Safety and Policing between June 2006 and April 2008<sup>4</sup>. The probation officer assigned to the BDVTO Court cases was trained on the administration of the ODARA as well as on the Primary Risk Assessment (PRA) tool. The PRA was adapted for use in Saskatchewan (SPRA) and about half of the available assessments were conducted using the older tool and half with the newer tool. An examination of the assessment profiles suggests that these two versions of the risk assessment tool are quite comparable and that the data resulting from the application of these two versions could be pooled for this report.

In June 2006 probation staff was provided with a MS-Access database for entering, scoring, and storing risk assessment data. Entry and review forms for the ODARA and for both versions of the PRA were built in the assessment management system. The system provided scored results for all assessments sorted by the name of the assessed persons. There was also the capability to record and, if necessary, to collect assessment related data from victims as well and to link that data to the accused who were assessed.

The profile of risk scores for the combined PRA/ODARA measure for the 213 individuals administered some form of formal risk assessment tool are shown in Figure 6.

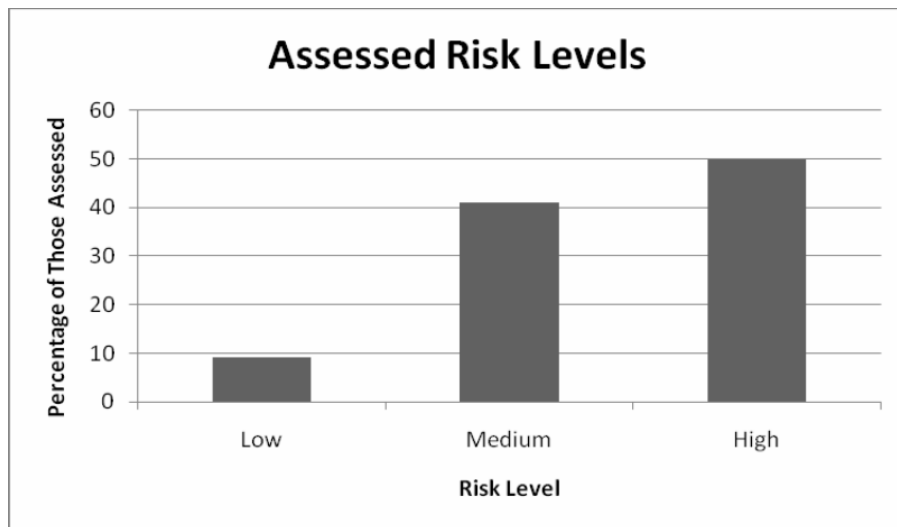
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<sup>4</sup> Data are not available from Probation Services prior to June 2006.

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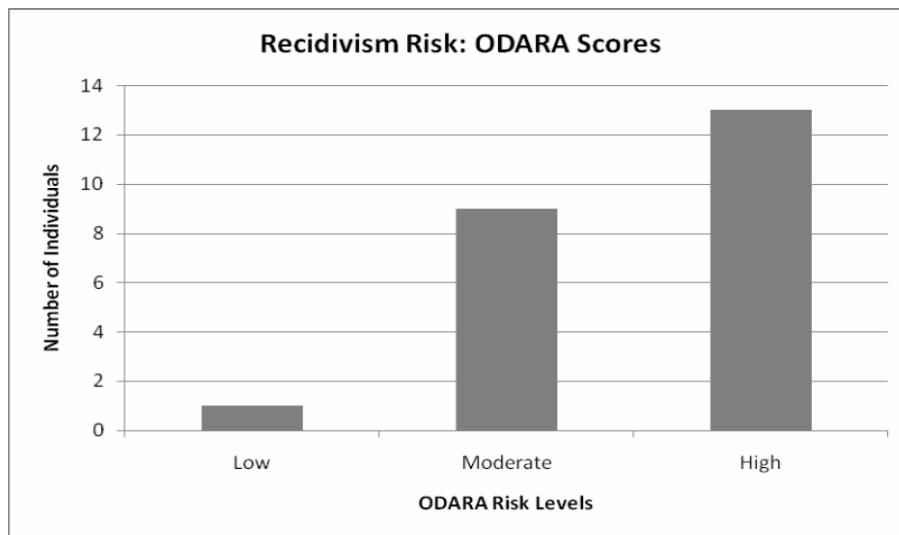
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Figure 6



The ODARA data also reflects this profile with most of those assessed returning scores indicative of a high likelihood to re-offend (Figure 7). Again, these are the individuals who need to be in treatment. It remains to be seen (at the conclusion of the current recidivism study) whether the treatment option has been successful in reducing this predicted recidivism rate.

Figure 7



It is clear from these figures that most of the individuals were assessed at medium to high risk levels. This is in line with the focus of domestic violence courts – to address the issues involved in ensuring that moderate to high risk individuals enter into and complete treatment relating to their violent behaviours

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## Risk and Treatment Outcomes

It is possible to specifically address the question of whether risk level is related to whether or not those that enter treatment through the BDVTO Court are more or less likely to complete treatment. The table below shows roughly similar risk distributions between the Elected for Trial and Treatment Completion groups.

The more appropriate comparison between treatment completers and non-completers shows a significantly higher proportion of the non-completers to be of high risk. There are actually more high risk individuals in the completer group (i.e., of the high risk individuals who entered treatment 60% completed treatment while 40% did not) suggesting that program completion, rather than, or in addition to risk level at program entry, may be the a causally active variable at work here.

**Figure 8**

### Risk Level by Court/Treatment Group

	Low Risk		Medium Risk		High Risk		Total
	#	%	#	%	#	%	
Elected for Trial	3	9.1%	13	39.4%	17	51.5%	33
Completed Treatment Program*	12	11.3%	47	44.3%	47	44.3%	106
Did Not Complete Treatment Program*	0	0.0%	14	29.2%	34	70.8%	48

\* Difference Significant  $\chi^2$  with 2 df = 11.8  $p < .01$



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## Treatment Program Data

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The BDVTO Court has two domestic violence treatment programs that it refers offenders to, the Alternatives to Violence Program offered by Mental Health Services, Prairie North Health Region and the Domestic Violence Program offered by Kanawayimik Child and Family Services Inc. This section provides data from both these programs.

### Combined Program Outcomes

The outcomes across both programs for male participants are shown in Table 8. As the overall numbers show, BDVTO Court participants are more likely to complete the treatment program than are members of the sentence required group. Self-referrals do not tend to complete the treatment programs.

**Table 8**  
**Completion Rates By Referral Type for Both Treatment Programs**

	Court Referrals		Probation Referrals		Self Referrals	
	#	%	#	%	#	%
	<b>April 2003 through March 2008</b>					
Completed: (Straight Through or with a Restart)	114	<b>65.5</b>	56	<b>54.9</b>	35	<b>31.3</b>
Pre-Group Collapse	9	5.2	17	16.7	24	21.4
In-Group Collapse	51	29.3	29	28.4	53	47.3
Totals	174		102		112	

The initial review producing a 6.5% overall recidivism rate for treatment program completers (see section containing Preliminary Data from the Recidivism Study) compares very favourably with the rates reported in other jurisdictions. One might expect the number to rise a bit if police call out data were examined but nevertheless this rate of recidivism in this closely watched part of the population is very encouraging.



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## Alternatives to Violence Program, Mental Health Services, Prairie North Health Region

Data on outcomes for BDVTO Court referred clients who attended the Alternatives to Violence Program at Mental Health Services show that over the period of time that the BDVTO Court has been in operation, a total of 73 males<sup>5</sup> have been referred to the Program from the BDVTO Court. Table 9 shows the outcome breakdown for these participants. Care should be taken when making comparisons across the groups shown in this table as the number of sentence required and self referrals are too small to make any valid comparisons to the BDVTO Court referred group. Despite this, there is some support in this data for the claim that BDVTO referred participants are more likely to start and complete the program than are sentence required participants.

**Table 9**  
**Alternatives to Violence Program Outcomes, Mental Health Services,**  
**Prairie North Health Region**  
**for Male Referrals April 2003 to April 2008**

	BDVTO Court Referrals		Sentence Required Referrals		Self Referrals	
	#	%	#	%	#	%
Completed: Straight Through	42	56.75	6	50.00	3	50
Pre-Group Collapse	1	1.35	1	8.33	0	0
In-Group Collapse	31	41.89	5	41.67	3	50
Total	73		12		6	

**Notes:** BDVTO Court referrals cover full date range of DVTO operation (2003 to 2008) while the other categories only cover dates from the previous current fiscal year.

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<sup>5</sup> There is no Alternatives to Violence group program for females at Mental Health Services. Female offenders referred there are accommodated through one-on-one counseling.

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## **Domestic Violence Program, Kanawayimik Child and Family Services**

The Kanawayimik program tracked the file status and outcomes for all of their participants. When combined with the fact that the Kanawayimik program serves significant numbers of self-referred and sentence required clients, this means that a quasi-experimental model can be used to look at the data and to address the question of whether the BDVTO Court process produces advantages over sentencing requirements and self-referral, at least in terms of treatment program completion. These numbers must be interpreted with some caution as they result from a number of self-selection processes on the part of participants (to attend treatment on the part of self-referrals and to choose the BDVTO Court option over pleading not guilty in the case of sentence required referrals). Nonetheless, the results are instructive and encouraging.

The number of referrals to the Kanawayimik program along with the amount of comparison data available makes it possible to compare the relative impact of the BDVTO Court over sentencing requirements and self referrals. It is clear from the data in this table that self referrals are quite unlikely to complete the treatment program. Making attendance at the program a condition of sentencing (probation) nearly doubles the program completion rate. Moving the accused into treatment more quickly, deferring sentencing and monitoring their progress through the BDVTO Court process significantly boosts program completion by a further 16.8% and has the additional advantage of getting them into treatment more rapidly than the sentencing option.

The data on Table 10 were broken down by fiscal year to see whether there were differences in the outcome profiles. As shown in this table it is clear that there is quite a bit of variability from year to year, a good portion of which is most likely due to the smaller numbers involved in any given year. As such it is best to interpret the data from all years of the program as this is the most stable (see the grand total and overall completion percentages at the bottom of the table). Treatment program staff and directors may wish to review the year over year data as a means to reflect upon the impact of variation in group's dynamics from group to group and on the possible impact of any staffing or programming changes that may have occurred from one year to the next. Overall the advantages of the BDVTO Court process are clearly evidenced in the data from each of the three full fiscal years since its inception.

**Table 10**

**Domestic Violence Program Outcomes, Kanawayimik**

**For Male Referrals By Fiscal Year**

	<b>BDVTOC Referrals</b>		<b>Post-Sentence (Post-Trial) Referrals</b>		<b>Self Referrals</b>	
	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>
<b>April 2003 to March 2004</b>						
Completed: (Straight Through or with a Restart)	21	56.8	9	42.9	15	24.6
Pre-Group Collapse	6	16.2	2	9.5	16	26.2
In-Group Collapse	10	27	10	47.6	36	59
<b>Total</b>	<b>37</b>		<b>21</b>		<b>67</b>	

	<b>BDVTOC Referrals</b>		<b>Post-Sentence (Post-Trial) Referrals</b>		<b>Self Referrals</b>	
	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>
<b>April 2004 to March 2005</b>						
Completed: (Straight Through or with a Restart)	24	85.7	11	64.7	12	63.2
Pre-Group Collapse	0	0	1	5.9	0	0
In-Group Collapse	4	14.3	5	29.4	7	36.8
<b>Total</b>	<b>28</b>		<b>17</b>		<b>19</b>	

	<b>BDVTOC Referrals</b>		<b>Post-Sentence (Post-Trial) Referrals</b>		<b>Self Referrals</b>	
	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>
<b>April 2005 to March 2006</b>						
Completed: (Straight Through or with a Restart)	7	58.3	15	48.4	2	14.3
Pre-Group Collapse	2	16.7	11	35.5	7	50
In-Group Collapse	3	25	5	16.1	5	35.7
<b>Total</b>	<b>12</b>		<b>31</b>		<b>14</b>	

	<b>BDVTOC Referrals</b>		<b>Post-Sentence (Post-Trial) Referrals</b>		<b>Self Referrals</b>	
	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>	<b>#</b>	<b>%</b>
<b>April 2006 to March 2007</b>						
Completed: (Straight Through or with a Restart)	9	90.0	8	80.0	1	50.0
Pre-Group Collapse	0	0.0	1	10.0	0	0.0
In-Group Collapse	1	10.0	1	10.0	1	50.0
<b>Total</b>	<b>10</b>		<b>10</b>		<b>2</b>	

	BDVTOC Referrals		Post-Sentence (Post-Trial) Referrals		Self Referrals	
	#	%	#	%	#	%
<b>April 2007 to March 2008</b>						
Completed: (Straight Through or with a Restart)	11	84.6	7	63.6	2	40.0
Pre-Group Collapse	0	0.0	1	9.1	1	20.0
In-Group Collapse	2	15.4	3	27.3	2	40.0
Total	13		11		5	
Grand Total	100		90		107	
<b>% Complete</b>	<b>72.0</b>		<b>55.6</b>		<b>29.9</b>	

The completion rate varies year over year but the overall rate is reflective of sufficient numbers that result in it being viewed as fairly stable. It clearly shows that the completion rate is higher among BDVTO Court referrals, followed by Post-Trial Probation referrals (Sentencing Requirements) and lastly that the completion rate is lowest among Self Referrals.

There were fewer women through the BDVTO Court and as such their year by year results should be interpreted with caution. As well, Mental Health offers only individual sessions for female offenders charged with offences involving domestic violence.

The overall results are based on large enough numbers to be reasonably stable. They are presented in Table 11.

**Table 11**  
**Domestic Violence Program Outcomes, Kanaweyimik**  
**For Female Referrals By Fiscal Year**

	BDVTOC Referrals		Post-Sentence (Post-Trial) Referrals		Self Referrals	
	#	%	#	%	#	%
<b>April 2003 to March 2004</b>						
Completed: (Straight Through or with a Restart)	2	50.0	0	0.0	11	32.4
Pre-Group Collapse	1	25.0	0	0.0	22	64.7
In-Group Collapse	1	25.0	3	100.0	1	2.9
Total	4		3		34	

	BDVTOC Referrals		Post-Sentence (Post-Trial) Referrals		Self Referrals	
	#	%	#	%	#	%
	<b>April 2004 to March 2005</b>					
Completed: (Straight Through or with a Restart)	4	66.7	5	55.6	9	23.7
Pre-Group Collapse	2	33.3	0	0.0	15	39.5
In-Group Collapse	0	0.0	4	44.4	14	36.8
Total	6		9		38	

	Court Referrals		Probation Referrals		Self Referrals	
	#	%	#	%	#	%
	<b>April 2005 to March 2006</b>					
Completed: (Straight Through or with a Restart)	3	60.0	2	22.2	7	41.2
Pre-Group Collapse	1	20.0	5	55.6	8	47.1
In-Group Collapse	1	20.0	2	22.2	2	11.8
Total	5		9		17	

	BDVTOC Referrals		Post-Sentence (Post-Trial) Referrals		Self Referrals	
	#	%	#	%	#	%
	<b>April 2006 to March 2007</b>					
Completed: (Straight Through or with a Restart)	7	87.5	6	50.0	8	25.0
Pre-Group Collapse	0	0.0	3	25.0	11	34.4
In-Group Collapse	1	12.5	3	25.0	13	40.6
Total	8		12		32	

	BDVTOC Referrals		Post-Sentence (Post-Trial) Referrals		Self Referrals	
	#	%	#	%	#	%
	<b>April 2007 to March 2008</b>					
Completed: (Straight Through or with a Restart)	5	71.4	3	37.5	3	37.5
Pre-Group Collapse	0	0.0	1	12.5	1	12.5
In-Group Collapse	2	28.6	4	50.0	4	50.0
Total	7		8		8	
Grand Total	30		41		129	
<b>% Complete</b>	<b>70.0</b>		<b>39.0</b>		<b>29.5</b>	

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The overall completion rate for female BDVTO Court referrals is comparable to that for male participants at 70% while that for Probation (Sentencing Requirement) referrals is clearly lower at 39%. The completion rate for female self-referrals is essentially identical of that for male self referrals at 30%.



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## Addictions Data

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Addiction issues are very strongly correlated with issues of domestic violence. Ensuring that addiction issues are being addressed is a key pre- or co-requisite to effective involvement in domestic violence treatment programming. As a consequence whenever there was evidence that there were addictions issues in addition to the domestic violence issues that brought the accused to court, the BDVTO Court has routinely referred the individuals involved to Addiction Services with Mental Health in addition to referring them for domestic violence programming.

There was some fluctuation in the consistency with which referrals to Addiction Services were entered into the BDVTO Court evaluation database. As a result, complete referral history data were available for about half of the individuals electing for the treatment option. The information gathered from Court partners indicates that the referral patterns remained reasonably consistent throughout the evaluation period being reported on. Therefore, the data reported below may be taken as a reliable reflection of the patterns of referral within the BDVTO Court involving Addiction Services.

As shown on Figure 9, in a majority of cases (54%) referrals made for domestic violence treatment programming were co-referrals where the individuals were simultaneously referred both to Addiction Services and domestic violence treatment programs. There were very few referrals (3%) to Addiction Services only.

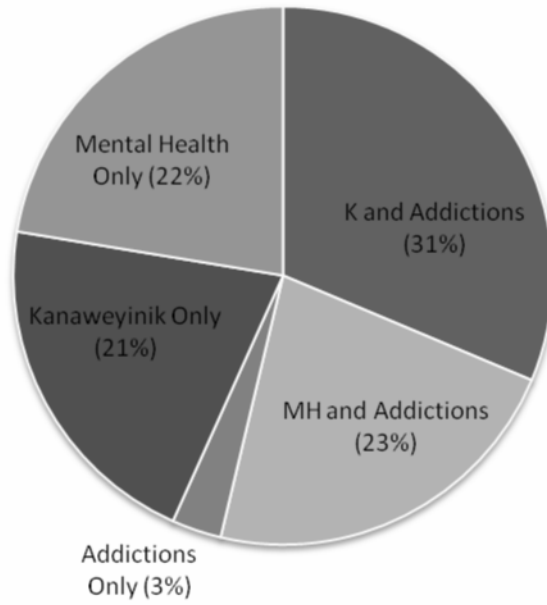
As the evaluation was focused upon domestic violence treatment, data relating to outcomes of addictions treatment were not gathered. If this is of interest to the Steering Committee it is recommended that this outcome information that is routinely reported back to the Court be summarized (in a manner similar to that currently used to summarize domestic violence treatment outcomes) and recorded in the evaluation database so that it is easily accessible for future evaluations.



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Figure 9

**Proportion of BVDVTOC Participants with  
Addiction Services Involvement**



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## Victim Services Data

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In April 2003 initial expectations for delivery of services and supports to victims in the BDVTO Court were that this responsibility would be subsumed as part of the police-based Battlefords Victim Services Program without additional funding. The Steering Committee determined that this was a priority for the Court that required additional funding. In June 2005 specific funding was provided for the assistant coordinator to provide services to the BDVTO Court half time. That funding has continued and mid-year and year-end reports on the work of the BDVTO Court victim services position have been provided to Central Office Victims Services.

### Highlights from the Program Reports

- As shown on Table 12, the number of clients served dropped in 2006-07 due to a change in the referral process with the RCMP. In December 2006, victim services workers were no longer allowed access to the RCMP database and members were required to obtain permission from the victim to provide contact information to victim services. As the number of referrals to the Court did not decrease, it can be assumed that the drop in victim referrals was due to this change in practice. Although other means have been identified to provide referrals to victim services, timeliness is still a factor that has not been addressed. The initial goal was to attempt initial client contact within minimum four hours and a maximum eight hours on date of, or next working date of, referral.

**Table 12**  
**Referrals from BDVTO Court to Battlefords Victim Services Program**

Fiscal year	Total new clients	Age	Female	Male
2005-06	73	adults (18 years and over)	71	--
		youth (12-17 years)	2	--
		children (under 12)	--	--
2006-07	36	adults (18 years Andover)	28	6
		youth (12-17 years)	2	--
		children (under 12)	--	--
2007-08	63	adults (18 years and over)	54	2
		youth (12-17 years)	1	--
		children (under 12)	6	2

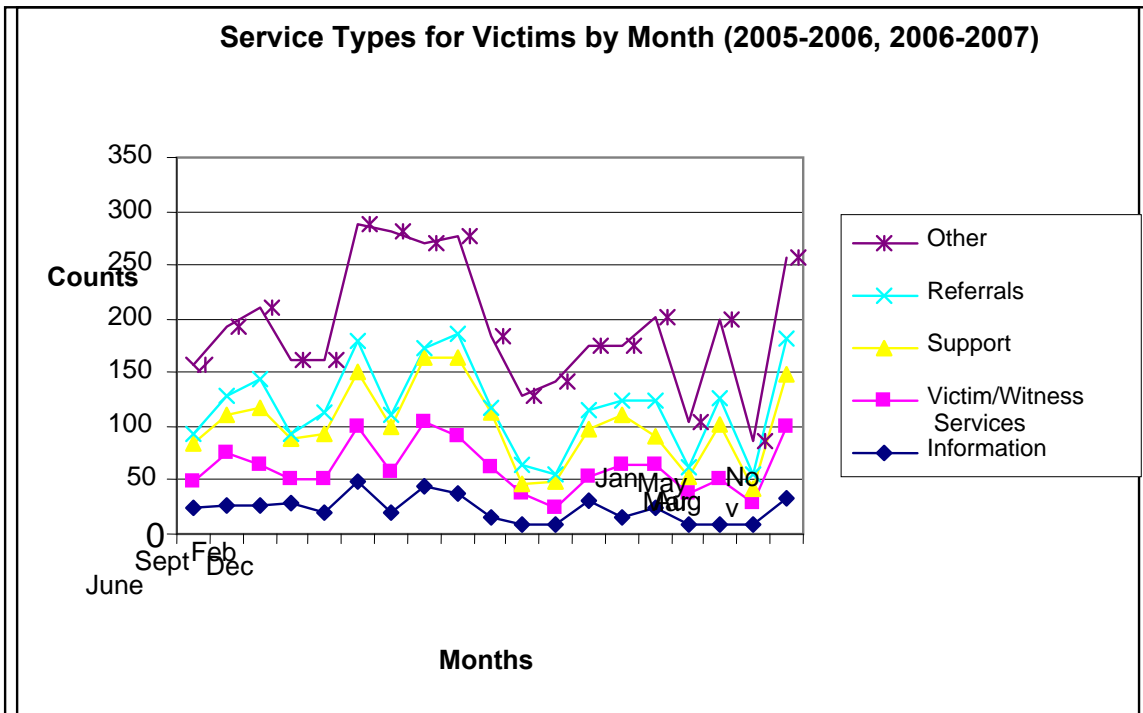
- 
- Police-based victims' services programs are volunteer based. In 2005-06 a strong, targeted recruitment plan was undertaken by Victim Services to identify one to two volunteers willing to assist in the BDVTO Court. The plan was unsuccessful. Barriers identified included the lack of flexibility of the Court process and volunteer time (e.g., contact was expected by the victims immediately following the appearance of the accused), difficulty accessing volunteer time during the day, and lack of consistency for victims when volunteers change.
  - Representatives from Battlefords Victim Services have actively participated in the Steering Committee and Working Group since the beginning, as well as in all BDVTO Court sessions and Domestic Violence Treatment Group meetings held quarterly. The treatment group meetings involve the main service providers in the community. The BDVTO Court worker also provides information and makes presentations to a wide variety of community groups, including the group for women who have been involved in domestic violence situations.
  - A procedural guide has been developed to ensure that all clients are provided with relevant information that fits with their situation and informed of relevant community resources. As well, the referral directory is kept up to date. The email information package proposed in 2005-06 about victim services and the BDVTO Court for new RCMP members has not yet been developed.
  - In 2007-08 the Cell-arm Program was implemented in the Battlefords with 12 units available to victims of domestic violence.

## **Monthly Statistics**

Battlefords Victim Services initiates and maintains a broad range of contacts with victims and families, providing support across a varied range of areas from information provision, offender status reports, no-contact condition reviews, and victim impact statements. The monthly summaries of contacts and referrals made by Battlefords Victim Services Program have been provided for the months from February 2005 through December 2006.

These reports detailed, month by month, breakdowns of activities by victim services staff members. They were reviewed and summarized for this report. Figure 10 presents a summary of these activities by general category. Table 14 shows the average monthly volume, time spent on organizational planning for the Court and the number of supports and services provided to victims. The data in this figure clearly indicate the broad range of supports, referrals and services provided by Victim Services to the victims of domestic violence.

**Figure 10**



The format of the Victim Services reporting form was changed in January 2007 to better reflect the activities of staff working with domestic violence courts. Table 13 provides an overview of the work done by victim services personnel through the summary of time and activities for 2007-08.

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**Table 13**

**Victim Services Counts and Activity Frequencies for 2007-2008**

**Clients**

Adults	Females	54
	Males	2
Youth (12 - 17)		1
Children (to 12)		6

**Time**

	Hours
Working Group	19
Steering Committee	12
DVTO Court	28

**Activities**

**Victim Services**

Offender Status	69
DVTO Program Information	25
Office Visits	7
Request no Contact Removal	33
Victim Impact Statement	15
Restitution	1
Other Contacts	4

**Referrals**

Children Who Witness DV	4
Police	1
Crown	1
Probation	13
Legal Services	3
Basic Needs	1
Counselling/Support	16
Victims Compensation	3

**Table 14**  
**Victim Services**  
**Monthly Averages by Category**

Number of files managed	64
Time spent in organizational meetings and BDVTO Court	9 hours
Other (attempted contacts and contacts with other professionals)	74
Referrals	17
Support activities for victims	40
Witness services for victims	39
Information provided to victims	23

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## Preliminary Data from the Recidivism Study

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Recidivism rates are the key indicators of the success or failure of any domestic violence intervention. It is recognized that the obvious indicator of repeat offending, being charged and appearing again the BDVTO Court is at best an incomplete measure of the intervention's success or failure. Police may not be called, charges may not be laid, subsequent offenses may occur in other jurisdictions, or offenders may be followed for an insufficient amount of time to note re-occurrences of violent acts.

With these concerns in mind, the RCMP agreed to assist in collecting data that would allow for an evaluation of offender reoffending patterns. The BDVTO Court evaluator provided a designated RCMP member with a list of names of individuals who had appeared in the BDVTO Court. The list was broken down by type of court involvement (trial or treatment option) and further divided into completed and did not complete programming. The treatment program individuals attended was also noted.

Given that the BDVTO Court has only been operating for 5 years, it was decided to gather recidivism related data for a three year period commencing with the termination of an individual's court appearances in the Court. In order to track recidivism both locally and among those who moved out of the local jurisdiction (assuming they moved into a jurisdiction policed by the RCMP) data was gathered from the RCMP's national database on the following:

- Call outs: Each police call out involving the individual in question and which involved an incidence of domestic violence related behavior was counted (whether or not charges resulted). In consultation with the RCMP it was decided that any callout that was described by the attending members as *domestic* in nature would be counted in this category.
- Breaches of existing orders: All incidents involving breaches of existing conditions and orders arising from previous involvement in the BDVTO Court were counted.
- New charges involving domestic violence laid: Each incident involving the laying of new core (domestic violence) charges was also counted.

These data were sorted into three time-frame categories: 0 to 12 months since BDVTO Court finalization, 12 to 24 months since BDVTO Court finalization, and 24 to 36 months since BDVTO Court finalization.

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Based on the categorized variables described previously, there are three distinct types of individuals (court experience categories) included in this study:

- Elected for trial (referred to as 'trial' in this section): This group is comprised of 106 individuals who plead not guilty to their DV charges and who were eventually found guilty of those charges and sentenced accordingly.
- Completed BDVTO Court programming (referred to as 'completers' in this section): This group was comprised of 118 individuals who plead guilty and elected to attend BDVTO Court programming. All members of this group were deemed by program staff (of either Mental Health Services or Kanawayimik) to have successfully completed a domestic violence treatment program.
- Did not complete BDVTO Court programming (referred to as 'non-completers' in this section): This group was comprised of 61 individuals who plead guilty and elected to attend BDVTO Court programming. All members of this group were deemed by program staff (of either Mental Health Services or Kanawayimik) to have failed to complete a BDVTO Court treatment program (due to lack of attendance or other reasons).

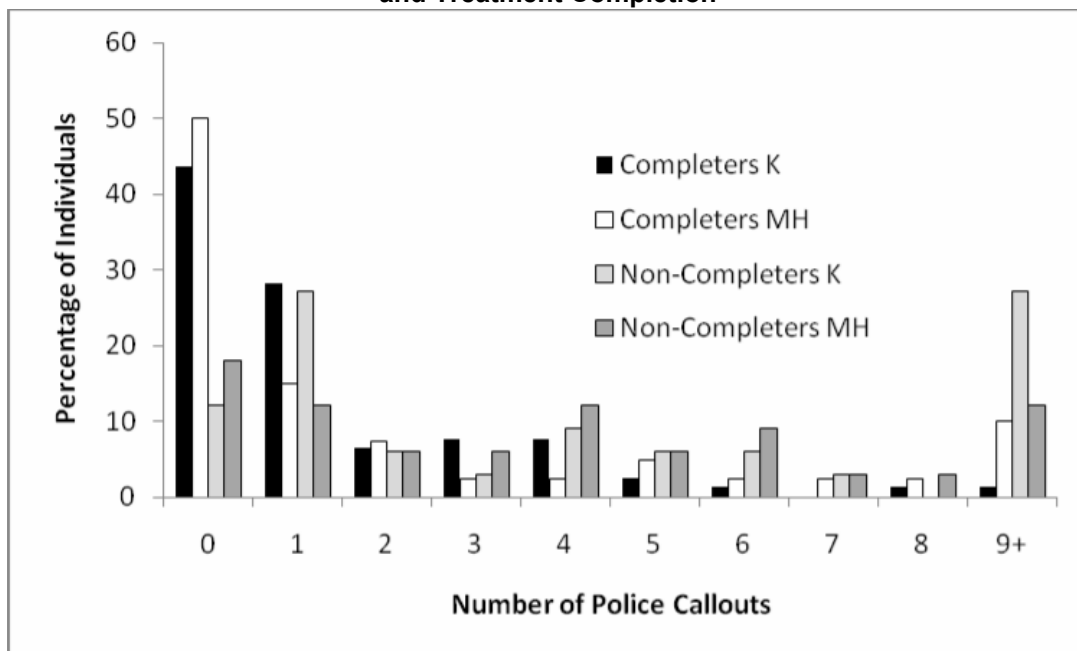
Several analyses were run on these data:

- ✓ variation in the average number of call outs, breaches, and new charges across the whole 36 months studied by program completion and by the particular program that was attended
- ✓ variation in average number of call outs, breaches, and new charges across the whole 36 months studied by court experience category
- ✓ patterns in when recidivism incidents occurred (that is in the first second or third year from the finalization of BDVTOC involvement)
- ✓ patterns of incidents (# of call outs, etc.) across the three court experience categories.

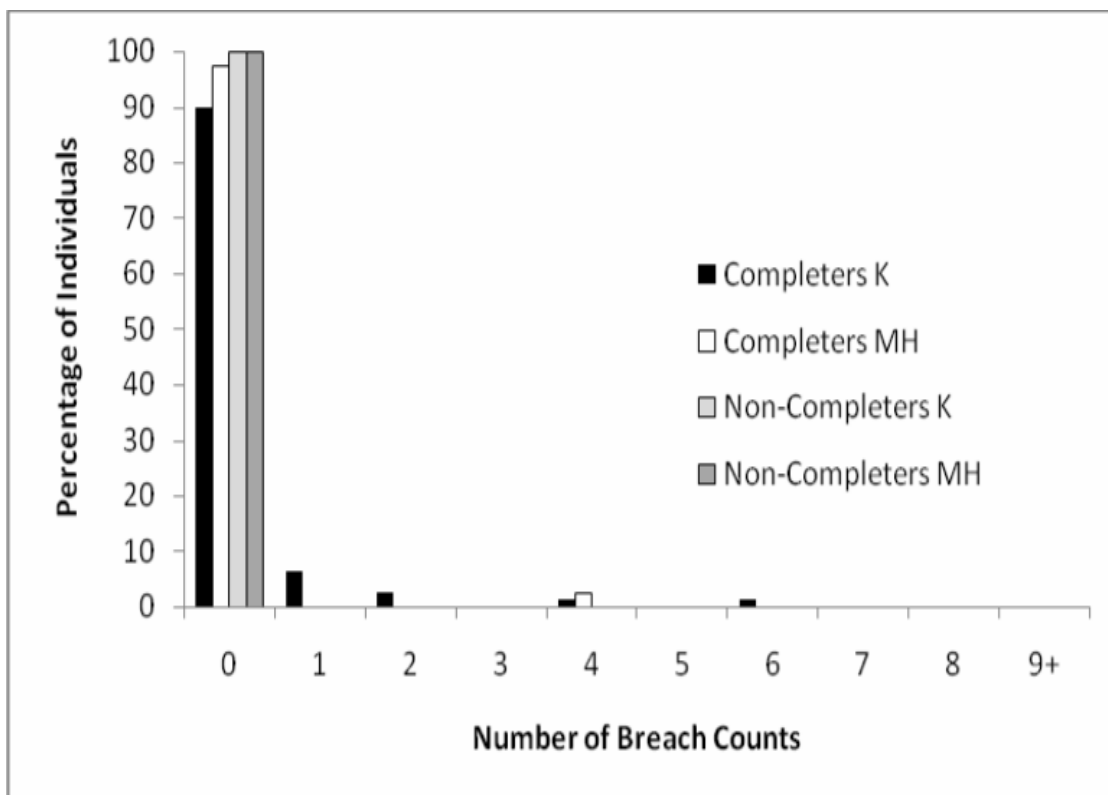
## **Treatment Program Attended**

Figures 11, 12 and 13 show the breakdown of the counts of call outs, breaches and new charges involving domestic violence by the treatment program attended for the BDVTO Court treatment program completers and non-completers. It is fairly clear that these patterns of recidivism are virtually identical across the two treatment programs.

**Figure 11**  
**36 month Call-Out Counts By Treatment Program Attended**  
**and Treatment Completion**

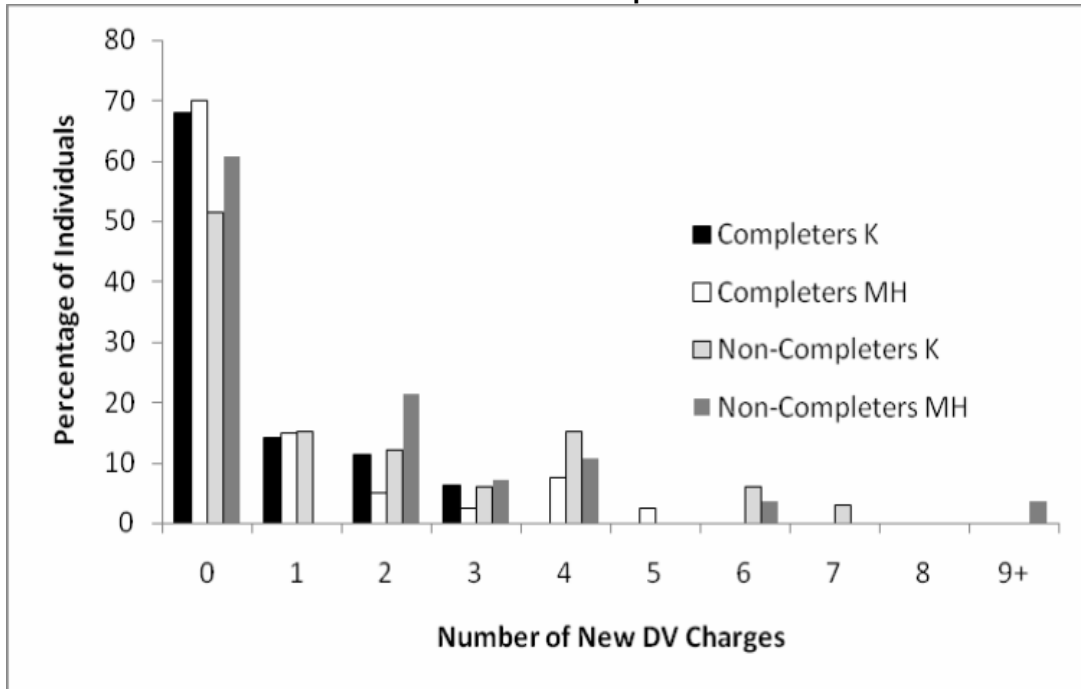


**Figure 12**  
**36 month Breach Counts By Treatment Program Attended**  
**and Treatment Completion**





**Figure 13**  
**36 month New DV Charge Counts by Treatment Program Attended**  
**And Treatment Completion**



An analysis of variance of the recidivism incidents for the program completers and non-completers broken down by which treatment program they attended indicated that there were no differences. That is, the analysis of variance was not significant in the rates of call outs, breaches, and new charges involving domestic violence across the two treatment programs. This suggests that successful completion of either treatment program is equally efficacious in managing short term (up to 36 months) reoccurrences of the domestic violence behaviour that brought the offenders into the BDVTO Court in the first place. A consequence of this analysis was that recidivism results relating to the outcomes for program completers could be pooled and reported upon without consideration of the program attended.

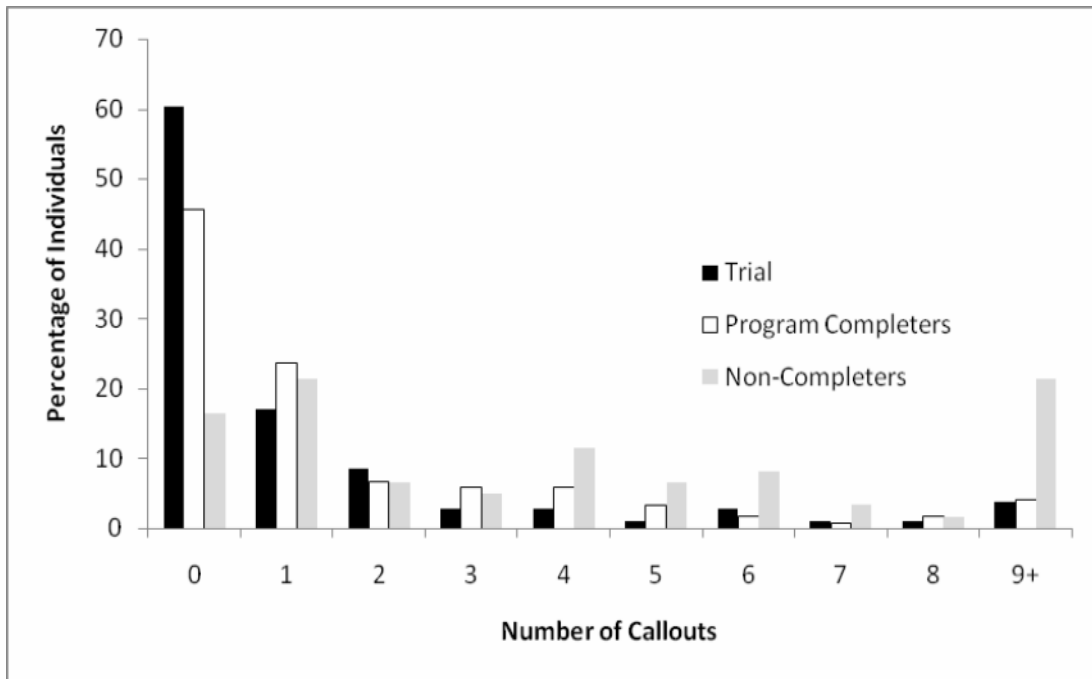
### **Results by Court Experience Category**

Figure 14 shows the pattern of call outs (that is, the number of call outs) for the 36 months following court finalization. It is shown as a percentage to control for the different overall numbers of people in each court experience category. An analysis of variance indicated that there are overall significant differences in the call out data among these three groups ( $F(2, 282) = 23.1, p < .001$ ). Further analyses indicated that there is

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no difference in the call out rates for the Trial and Program Completion Groups (Averages 1.2 and 1.7 call outs respectively) but that the call out rates for the Non-Completers was higher than for either of these other groups (Average = 4.9 call outs; Sheffe Test  $p < .001$ ).

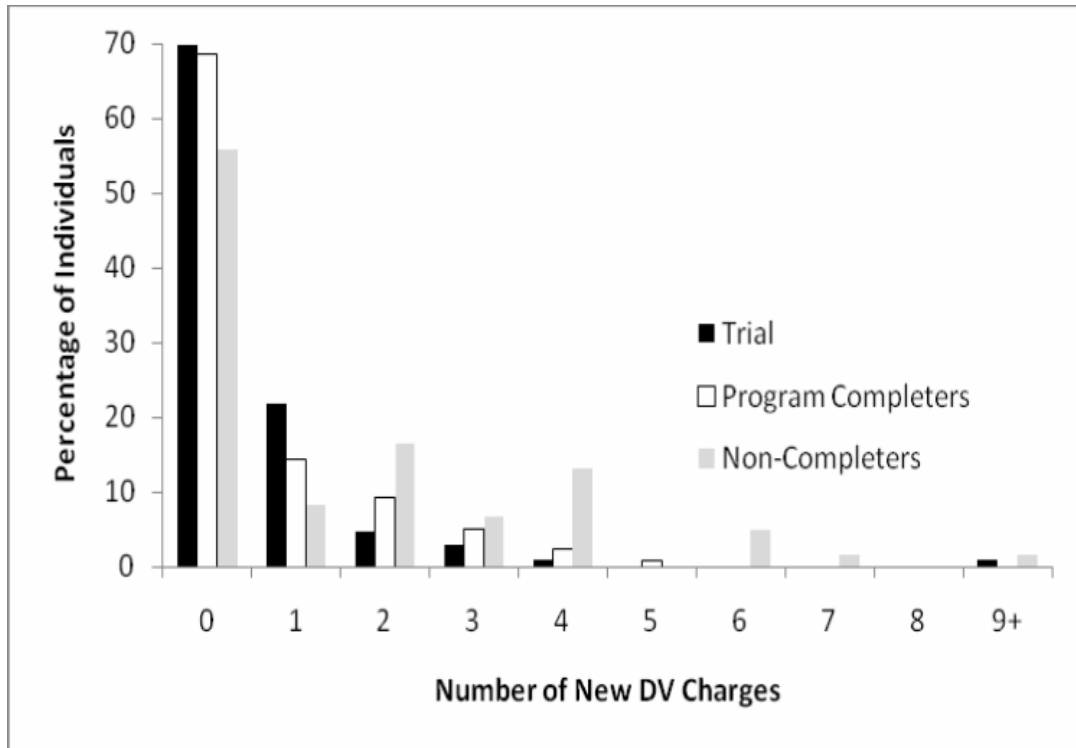
**Figure 14**  
**Call Out Incident Counts Over 36 Months after Court Finalization**



There were no significant differences of any sort in the data on breaches.

The same pattern of results appears in the new domestic violence charge data (not surprisingly as charges arise from call outs). Figure 15 shows the patterns of new charges for the 36 month post-court finalization period.

**Figure 15**  
**New DV Charge Counts Over 36 Months after Court Finalization**



What is clear from Figure 15 is supported by an analysis of variance which indicated that there are overall differences in the new domestic violence charge data among these three groups ( $F(2, 282) = 21.2, p < .001$ ). Further analyses indicated that there is no difference in the new domestic violence charge rates for the trial and program completion groups (Averages 0.43 and 0.59 call outs respectively) but that the new domestic violence charge rates for the non-completers was higher than for either of these other groups (Average = 1.44 New Domestic Violence Charges; Sheffe Test  $p < .001$ ).

Rather than being a cause for concern it must be noted that the trial group consists of a broad range of individuals, some who were deemed too high risk to consider for entry into treatment and some who were considered low risk and not necessarily in need of treatment intervention, as well as many individuals in between. This requires further investigation.

As well, the trial group members (and especially the higher risk ones) are likely to have spent at least the first 8 to 14 months after their last court appearance under some form of supervision and were not solely responsible for their behaviour in the same way

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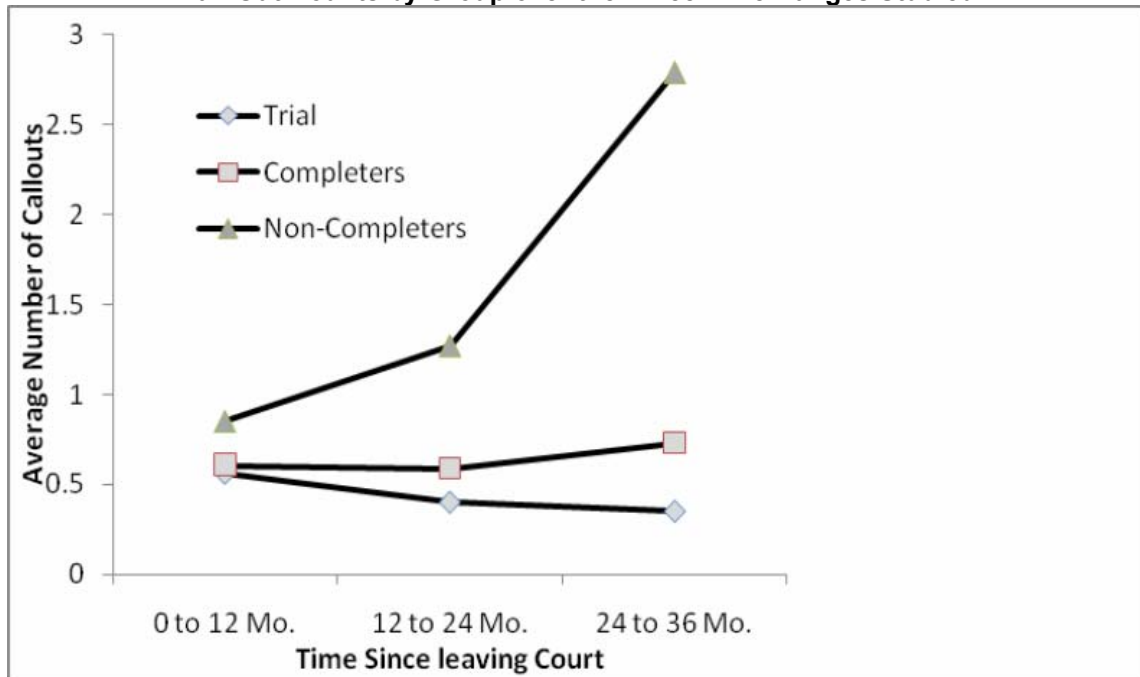
that the completers were. Finally, the longer length of time that elapsed between arrest and trial completion as compared to trial and guilty plea for the program completers could have had a strong negative impact on the case collapse rate; something that was far less likely to occur with the program completers.

Thirty-six months is not a very long time to study recidivism and it would be advisable to revisit the recidivism incident counts for these individuals in five years and ten years to see what transpires.

## Recidivist Incidents Over Time

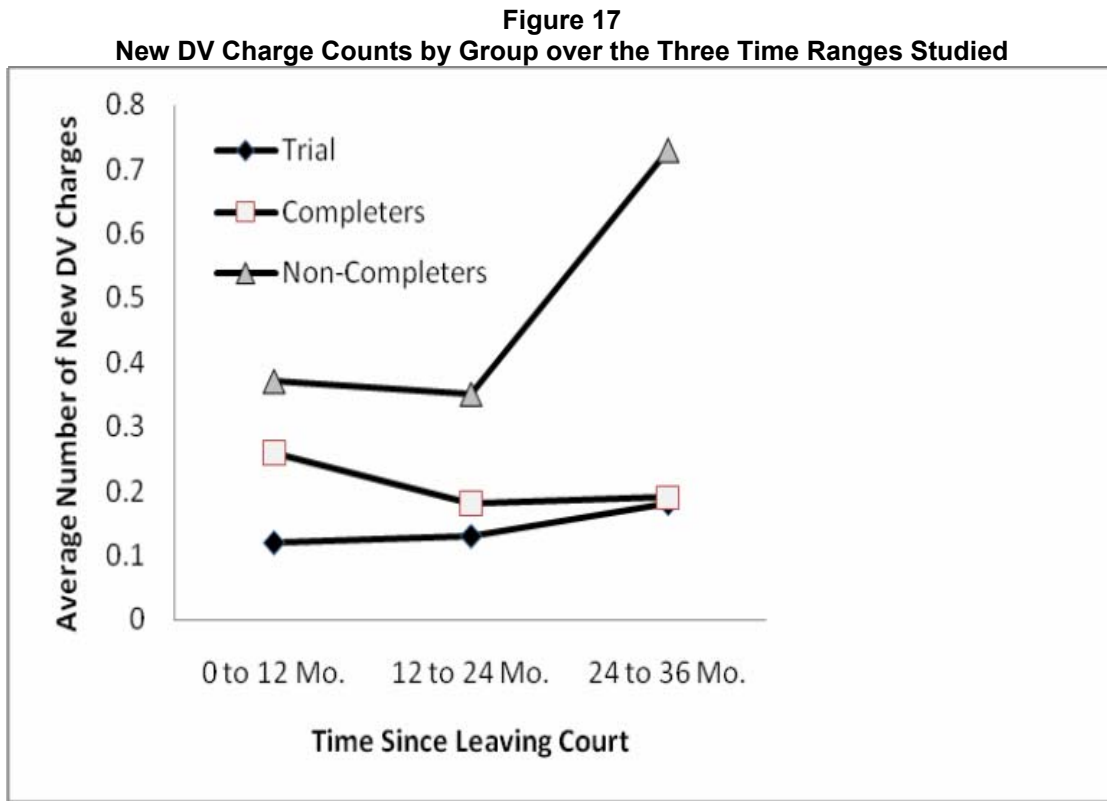
Variations in the patterns of recidivism for these three groups across the three time periods were also examined in this study. Figure 16 shows the data for call outs.

**Figure 16**  
**Call-Out Counts by Group over the Three Time Ranges Studied**



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Figure 17 shows the data for the new domestic violence charge counts.



It is not immediately clear what the large jump in incidents among the non-completers in their third year following their last Court appearance can best be attributed to. The fact that there are 52 individuals in that group and that the difference between that group's average incident rate in the 24 to 36 month period is statistically significant indicates clearly that the apparent effect is very real (main effect for group  $F(2, 226) = 16.1, p < .001$ , main effect for time  $F(2, 452) = 9.3, p, .001$ , and an interaction between group and time,  $F(4, 452) = 8.6, p < .001$ ). Analysis shows that non-completers differ from both trial and completers who did not differ at time 3 (Sheffe,  $p < .001$ ).

It may well be that this group remains in contact with the Court or with Probation Services through their first and perhaps also through part of their second post-court year as a result of probation orders and other conditions. As such, the jump in reoccurrences comes when that oversight is removed. It certainly points to an area where some additional measures need to be considered.

Of the individuals who successfully completed the treatment part of the treatment option, 27% had subsequent domestic violence related charges laid, and an additional 19% had recorded police call outs involving domestic issues subsequent to their ending

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involvement with the BDVTO Court (so a total of 46% had some contact with the police following finalization of their charges). Sixty per cent (60%) of those subsequently charged had a single charge laid in the 36 month time frame investigated.

By contrast, 33% of those who failed to complete the program received subsequent charges and an additional 34% were involved in domestic related police call outs. (So a total of 67% had some contact with the police following finalization of their charges). Of those in this group receiving subsequent charges 65% received more than one.

Of those not opting for the treatment option, 30% received additional charges involving domestic violence in the 36 months following the finalization of their initial BDVTO Court cases while an additional 10% (so 40% overall) were involved in domestic related police call outs.

These data also showed that there were no differences in the recidivism rates for individuals completing the Mental Health or Kanawayimik treatment programs.

The largest difference in the recidivism data is reflected in the stronger likelihood that those who opt for but do not complete treatment will be involved in subsequent chargeable acts of domestic violence and that this likelihood is strongest in the third year following the finalization of their initial BDVTO Court cases.

These results compare favourably with those found in studies of other similar programs where the “recharged” recidivism rates for program completers range from 20 to 50% over 1 year following completion of treatment. BDVTO Court, with a 3 year re-charge rate of 27% falls very close to low (recidivism rate) end of this range of outcomes (Gondolf, 2004).

Further examination of the recidivism data will be presented in a supplementary report later in the 2008-09 fiscal year.



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## Summary of Court Data

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Overall, the quantitative data in this report continue to clearly indicate that the Battlefords Domestic Violence Treatment Options Court is achieving its goal. With over five years of operation the partners have achieved levels of functionality and success that compare very favourably with those shown in other jurisdictions (the Whitehorse Domestic Violence Treatment Options Court being the most directly comparable). A strong majority of accused leave the BDVTO Court by way of referrals for treatment and a majority of them complete treatment. The recidivism rate of these completers (at this time based solely on reappearances in BDVTO Court) sits just below the 10% rate consistently reported in studies in other jurisdictions.

As well, the comparison data that are available show the BDVTO Court referrals complete their treatment programs more often than post-sentence referrals and self referrals for treatment. A more complete picture of these comparison groups will be available once further analysis of the recidivism data is completed.

Overall it would appear that the BDVTO Court, despite an array of diverse challenges, is consistently and solidly meeting its objectives of reducing the rate of domestic violence (and making victims safer) one accused at a time.

To summarize the court data:

- The BDVTO Court averaged 5 first appearances and about 16 total appearances per docket.
- Legal Aid was the most common form of representation though the overall rate of Legal Aid support lagged a bit through the middle of the 2005 fiscal year. This appeared to add some time to the BDVTO Court process.
- The Court focused upon “core” domestic violence charges (common assault, uttering threats, assault with a weapon) in addition to a broad range of additional charges that can arise within domestic violence incidents.
- There was a consistent, year to year improvement in the speed with which individuals were brought into the Court for their first appearance subsequent to charge involving domestic violence charge being laid. This is most encouraging as moving accused quickly into the Court is a key factor in reducing case collapse.



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- Generally people are moving through the Court and related treatment programs at a good pace.
  - About two thirds of those who appear in the Court enter a guilty plea and seek to participate in the treatment stream.
  - The recidivism rate has been pegged at about 27% based upon a preliminary analysis of RCMP-provided recidivism data. This compares favourably with the rates found in other jurisdictions. A more detailed analysis of recidivism data is underway and will look at this issue more closely.
  - Final charge dispositions with treatment completers show that they receive an absolute discharge most often. Those who failed to complete treatment and those who plead not-guilty and were found guilty received more serious sentences.
  - For the Mental Health Services treatment program the completion rate was highest (57%) among the BDVTO Court referred participants as compared to self referrals and post-sentence referrals. The number of people in the latter two categories were too small for a reliable comparison.
  - The completion rate for males at the Kanawayimik program was 72% for BDVTO Court referrals, 56% for post-sentence referrals and 30% for self referrals. The number of individuals in each group was large enough to confirm that those differences are likely stable and are certainly statistically significant.
  - A somewhat similar pattern was observed for female offenders at Kanawayimik with a 70% completion rate among BDVTO Court referrals, 39% among post-sentence referrals and 30% among self referrals. The number for post-sentence referrals is based on a fairly small sample and as such should be used with caution. While it seems likely that this completion rate for post-sentence referrals is in fact lower than the rate for BDVTO Court referrals, it is advisable to wait for numbers to increase before searching for a causal explanation for this difference.
  - Addiction Services played a consistently strong supporting role in the treatment of many offenders, ensuring that they would be well enough to focus on the issues relating to domestic violence that they needed to address.
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- It is difficult (given the nature of the review data and the tight controls over use of named information) to assess the extent to which Victim Services was able to connect with and assist the partners and victims of the BDVTO Court participants. Certainly they are having an impact in the lives of many of the victims of domestic violence. This will be discussed further in the context of the survey/interview data.



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## **Interviews/Surveys of Steering Committee Members**

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In order to obtain a detailed picture of the processes by which the BDVTO Court functioned, a Survey/Interview Guide was constructed (refer to Appendix D) in consultation with the Ministry of Justice and Attorney General and members of the Steering Committee. The Survey/Interview Guide was sent to members of the Steering Committee via e-mail and they responded to the questions either in writing by e-mail or verbally by telephone. Several e-mail reminders and follow-up questions were sent over the next eight weeks to ensure that all who had something to contribute to this part of the evaluation process had sufficient opportunity to provide their input.

The purpose of the survey/interview was clearly stated. As well, it was also stated that complete anonymity could not be ensured given the small number of people involved and the fact that their opinions may already have been shared with the Steering Committee at a regular meeting. The evaluator assured participants that any quotes used would not be directly attributed to people by name or, as far as possible while still remaining comprehensible, by role or position. While this means that attribution of some statements and positions may be inferred from this qualitative review of responses it was reasoned that such statements should not come as a surprise to members of the Steering Committee as they reflect issues and questions already discussed at length within that group or should be in the future.

In total 16 people provided input to this part of the evaluation process with representation from virtually all of the agencies and groups representing the core of the Steering Committee. Interview responses were transcribed and then all responses were reviewed, first question by question and then as a whole looking for recurrent themes. Using a methodology based in grounded theory, all responses to each survey/interview question were reviewed in depth looking for common or poignant themes and issues. These were summarized when identified and, where appropriate, quotes were gathered to properly illustrate the way in which particular issues and themes were raised.

This section reports the information that emerged from this qualitative analytic exercise question by question. A summary and recommendations for future Steering Committee discussions follows.

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## Interview Responses

### Nature and extent of role in the BDVTO Court process

*The questions:  
Could you describe your understanding of the part you and/or your organization plays in the functioning of the BDVTO Court?  
Have aspects of that process changed over the time that the Court was running?  
Were you or was your organization's role in the BDVTO Court process clear? If not, what would/will need to be done to clarify things?*

The first part of this section of the survey provided an opportunity for respondents to describe their role in the BDVTO Court process in general terms. The evaluator indicated either in the cover note or on the phone that this was mainly a ``warm-up`` part of the interview. As such, there was no perceived need to review and summarize this material. Rather, in cases where the respondent began to talk about changes in procedure and protocols over the tenure of the Court these were carried forward and considered as part of the analysis relating to the second part of this section which asked specifically about process changes.

The protocols that were developed at the inception of the BDVTO Court (refer to Appendix B) have been somewhat tested throughout the tenure of the Court. Several respondents indicated that the flow of information from (Steering Committee) partners into the BDVTO Court had improved over the past few years but that at times it has been difficult to ensure that the Court was receiving a clear picture of participant progress.

There were ongoing challenges regarding the recording of the activities of the various partners on the Steering Committee. Specifically, the court clerks noted that the procedure of having assessment and treatment reports spoken to in Court and noted in the court record as part of exceptionally detailed endorsements (as opposed to placing received reports on file) made for a somewhat unexpected jump in demands on clerk time. It did, however, also provide a detailed, court situated case tracking record for each participant such that new Court attendees or judges were able to quickly get up to speed on any ongoing cases. New codes developed in conjunction with the clerk's office in Saskatoon has also enhanced the tracking of people through the Court by using domestic violence specific charge status codes (DVA = domestic violence assessment; DVP = domestic violence programming). It was also noted that DVT (domestic violence trial) might be used to tag cases that go to trial in other courts in order to make it

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possible to construct a complete matrix of domestic violence case statuses and outcomes for the purpose of future monitoring and reviews.

The clerks also noted that they had found themselves taking on a larger role in explaining the details of release conditions to BDVTO Court participants. This was especially true when a shift occurred in how Legal Aid protocols were being interpreted and applied and when the extent of involvement in the Court by Legal Aid dropped significantly until such time as resource issues could be addressed. This change in Legal Aid support for the Court appears to have coincided with the change from the original dedicated Legal Aid lawyer. During that time other partners in the Court took some of the responsibility for ensuring that participants and potential participants were aware of their options.

Over the years there have also been changes in how victim contact has been managed by the Court. However, generally the perception of several respondents was that the level of victim awareness of the options available to them through the general system has increased over the tenure of the BDVTO Court. While Victim Services played an active role throughout the development and implementation of the Court, there have been several changes in how the contact with the victim has been initiated by Victim Services that have affected the service and support offered. Initially Victim Services was able to access victim contact information directly from the RCMP database. This allowed victim contact within 72 hours of the incident. In some jurisdictions (notably in Whitehorse where the policing was also done by the RCMP) victim services staff are provided with excerpts from the police call-out files in the first 24 hours after an incident occurred. Based on the victim information in those file extracts, victim services could make initial contact with the victim when she or he is most likely in crisis and offer support and information. This also increases the likelihood that a positive connection will be forged between the victim and victim services resulting for richer, more supportive downstream contact.

About three years ago, as a result of a federal RCMP review of privacy issues, it was mandated that members would not be permitted to pass victim contact information along to victim services unless they had first described the potential services available to the victim and received her or his permission to make a referral. This can add a significant delay to the time it takes to get victims connected to information regarding potential services. A related issue is that while victim services staff can connect with

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victims if they are in court at first appearance, if they are not, then a referral must be initiated by the RCMP member who was involved in the original incident.

It was not until the past year that an agreement was struck through which Victim Services was provided with victim referrals at first appearance rather than having to wait until a guilty plea was entered. While this has improved the contact with victims, it is still less than ideal as it is crucial that contact be initiated as soon as possible if victims are to be properly supported as they move into the system.

It was suggested by several respondents that the turn-over of RCMP members has been quite high in the Battlefords detachments and as such the proportion of new members has been relatively large. This means that there has been some variability in the extent to which victims are routinely offered a referral to Victim Services. Several respondents suggested that this might be an area that the Steering Committee should examine in future.

Several themes relating to the treatment programs arose in this section of the survey. The Mental Health Program made the decision, several months ago, to no longer accept referrals from Probation Services for individuals who had plead not guilty, been convicted, and were being referred as part of their probation orders. Program staff indicated that their experience in the past had been that such individuals are not pre-disposed to seriously consider the possibility that they need to make some major behavioral changes. As such, they were found to be counterproductive to the group dynamic and did not make much progress on their own issues.

Another treatment program issue that arose concerned the length of the treatment program. Specifically, it was noted that the Kanaweyimik program at 12 weeks was, from the naïve perspective of potential participants, perceived as a more palatable commitment than the 22 week program offered initially through Mental Health Services. To address this and as part of their regular program review, staff at Mental Health Services placed their program on hiatus and conducted a review of program options. This involved discussions with other treatment providers (including Kanaweyimik) and a review of available research on the question of what constitutes an optimal approach to treatment. In the end they pared their program offering down to 16 weeks and re-opened it to referrals. Staff expressed understandable frustration at the lack of solid data on the question of treatment efficacy.

A more delicate situation arose in tandem with the hiatus in treatment provision by Mental Health Services. One part of this had to do with the concern, on the part of the

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Court and the Steering Committee in general that the BDVTO Court process requires treatment programs to operate. With the Mental Health Services treatment program off-line (as was the Kanawayimik program earlier in the year due to staffing difficulties) the Court was left with limited treatment options at its disposal. This led to a number of short term changes in protocols in the BDVTO Court. First, as many participants as possible were referred to the operating treatment program (Kanawayimik when Mental Health Services was down and vice versa). Second, in some cases, deemed to be of low risk, and where the offender had insurance or means, private counsellors were deemed appropriate referrals for treatment. Given the potential for great variability on the resulting treatment, this was only used as a stop-gap measure until regular program space became available. The consensus among respondents seemed to be that a return (to stay if resources allow) to the original treatment protocols was most desirable.

A related issue seemed to arise as a result of the additional attention paid to the Kanawayimik treatment program during this period of time. This issue has to do with the perception by Kanawayimik that some Steering Committee members hold uncertain or perhaps even somewhat negative impressions of the nature of the programming being provided through Kanawayimik. To be clear, the closest statements in this thematic area offered by respondents involved a generally stated uncertainty as to the nature and efficacy of the Kanawayimik treatment program. No directly negative appraisals were offered. The staff of the Kanawayimik program indicated that they had experienced some concern from partnering groups and agencies about the differences between their program and the Mental Health Services program. It seems that the impression created was that some were concerned about whether the Kanawayimik program was of sufficient length and configured appropriately to deliver the desired level of treatment. This was perceived by Kanawayimik staff as a desire for their program to become “more like” the Mental Health program. Kanawayimik staff expressed concern that this sentiment was accompanied with an assumption that the cultural differences between non-Aboriginal and Aboriginal offenders need not be considered relevant to the type of treatment they are engaged in. They argue that concerns about things such as disclosure (by offenders) are handled within the Kanawayimik program and sometimes non-Aboriginal programs do not properly consider the First Nations holistic healing initiatives and traditions on which their treatment model is based. Their concern is that some of the questions raised come close to a lack of understanding of and respect for the cultural circumstances and contexts within which they are approaching the issue of

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domestic violence among First Nations individuals and couples. Further discussion of these issues at the Steering Committee and in the domestic violence intervention and treatment community is warranted.

### **Impact of the Court**

*The questions:*

*From your (or your organization's) perspective, did the BDVTO Court process make a positive difference in how domestic violence cases were managed?*

*Please elaborate on the ways in which it did and/or did not make a difference.*

With no exceptions, all respondents indicated that they believe it is clear that the BDVTO Court is making a positive difference in how domestic violence cases are managed. Some sample statements are as follows:

...appears to be working positively. While others (Unspecified) are quite pessimistic, the program seems quite beneficial. Fast turnaround is the key, moving quickly on the no contact clauses. It is working very well... even back at the beginning.. I almost cried... people can try to snow people but we can see and the service providers can see what the deal is... People are better for the program... we are dependent on treatment providers as we HAVE to have somewhere to send people to.

This process makes getting guys into treatment easier ... the mandate is clear and that helps.

I believe it makes a difference for those who want to change and to avoid a criminal record. I also think, though, that constant abusers, who end up passing through the system many times and "play" the system do not benefit.

Has helped client opportunity to accept responsibility, more likely to seek it out... no program 100% effective...

I feel that having this process available does assist as individuals are more likely to enter pleas if they have the opportunity to take treatment and possibly not have a criminal record after completion. There is less reliance on a victim and so a focus is on the accountability of the accused and not on whether or not the victim will recant.

It resulted in earlier and far fewer trial dates.

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Through the efforts of Victim Services, through word of mouth and through the efforts of the RCMP, many people are coming to know about, and utilize, the DVTO court. In my opinion, the number of spousal assault matters going to trial has decreased as more accused take advantage of this alternative. Consequently, a not insignificant amount of court time is not being wasted by spousal assault trials that do not proceed due to the victim not showing up at court when subpoenaed, or if the victim is present, the accused may not be.

Another positive benefit derived from the DVTO court and the process followed as a result of this court, is that accused persons are now being summoned to court very shortly after the alleged offence. They have the process explained to them very early on by the court workers, the Legal Aid lawyer or perhaps even the RCMP. They get timely legal advice. They work out the facts to be agreed upon and they enter guilty pleas and accept responsibility relatively soon after the offence. I say relatively soon after the offence because in the normal court process, a number of months usually passed before a plea was entered and responsibility was accepted.

More people are completing programming and putting in much more of an effort to attend. The multi-discipline approach seems to be effective as offenders get into programming faster and the work of all counsellors is co-ordinated – addictions, probation, domestic violence, and sometimes work preparation through Prairie Employment Services. With such intensive monitoring by everyone, including the Court, no one slips through the cracks.

It is interesting that any negative comments regarding the BDVTO Court and its process are attributed to individuals not involved in it. Descriptions of the Court as a “babysitting court” or a “boutique court” were vaguely attributed to “others”. The consistent observation or comment from all involved in the Court (who were surveyed) was that the BDVTO Court is working as well or better than they expected. While it was noted that some offenders could attempt to use the Court as a way of ducking responsibility for their acts of domestic violence, the consensus was that this was not a common occurrence and an easily spotted one if it were attempted. It was not seen as a problem for the BDVTO Court.

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## Court Process

*The questions:*

*Consider the steps followed by participants as they move through the BDVTOC process (arrest – first appearance – consultation with counsel) or Legal Aid – election – guilty plea – assessment – referral for treatment [addictions and/or domestic violence programming] – return to court for progress reports and for final disposition) what role did you and/or your organization play in the selection/decision points contained in this sequence?*

*Are there selection/decision points contained in this sequence that have been particularly challenging? Have any of them changed significantly over the years that the BDVTO Court has been running? Are there areas where there needs to be some reflection/improvement? If so where and what sort of reflection/improvement?*

*Considering your organization's role in the above BDVTO Court sequence, are there times or places where the transfer of people or information from you to other BDVTOC partners or from them to you did not occur efficiently? If so could you provide an example or two and speculate as what sorts of changes might be needed to smooth those hand-offs or transitions out?*

There were several issues relating to the flow of people and related information through the BDVTO Court process that were noted by a number of participants. Generally it seems that it is either the timeliness or quality of the information that is at issue. The period of time when Legal Aid was reconfiguring how it dealt with its BDVTO Court responsibilities raised several concerns.

Continuity and flow issue around Legal Aid as well. With shift in how they were covering DVTO cases (if they were covering them at all). The protocols relating to these issues of continuity and flow should perhaps be reviewed.

Information flow issues come up and some are ongoing. For example, the nature and consistency of client contact with treatment program is not always clear from the reports. How and if clients are progressing is not always clear.

Things are generally going well, though it was smoother when it was just one person from legal aid rather than it being split up. When legal aid pulled back things slowed down.

The passing along of statements of fact (circumstances) is a bit slow. I wish we had legal aid coverage throughout the process... [like it went earlier in our tenure] ... beyond info at right time ... ongoing appearance issues Legal Aid can play a role in keeping the person on track.. help over rough spots... advisor... LA can square up with crown ...can help keep the system working and point out issues and

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consequences...whole right to council to keep you with and not under the system...not unique to DVTOC.

It is clear that the changes that occurred within Legal Aid rattled throughout the BDVTO Court process. While it did not have a sustained impact upon the numbers of court appearances in the Court (see Court data earlier in this report), it did seem to have had an impact upon aspects of most of the other Steering Committee partners' activities. This actually reflects very positively on the early and ongoing work by the Steering Committee on protocols and overall BDVTO Court process. Basically, all partners had a clear idea of the sorts of things that changed when the shift in Legal Aid practice occurred. This indicates that all were aware of their own processes and in possession of a working knowledge of the overall BDVTO Court processes relating to the experiences of participant offenders. In addition to understanding the resource issues involved, there were other suggestions as to how to mitigate the changes that occurred around Legal Aid.

Legal Aid issues for a while meant that information was slow to get to accused.

Maybe a better informational package for clients to know what's what. Perhaps 30 minutes before DV court (especially 1<sup>st</sup> appearance) we could have a court worker overview the process.

Can get crisis referrals or even at first appearance ... child care issues etc... can suggest a third party get added to the undertaking. This process makes getting guys into treatment easier ... the mandate is clear and that helps. We still need more cross-process communication ... from one steering committee partner to another as people move about.

We are constantly re-evaluating how things are going [at the steering committee] most through timely communication.... Altered our approach to release conditions... based on other groups needs being met... conditions of release = attendance etc ... no wholesale changes needed but tuning and tweaking.

Whether and when to remove or amend the no contact provision is always a challenge in these cases. Our procedure has changed over the course of DVTO's development, as now we do not consider removal until 1/3 of the program has been completed by the offender. Then the working committee considers the matter if requested by the victim and makes a recommendation to the judge. We find this takes the pressure off the victim and at least the offender has some programming under his belt. By then the counselors also have an idea of how he is progressing and can make a recommendation.

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Sometimes, Crown counsel has been expected to determine eligibility for participation in the Court. There has not been any change in our policy in that regard, however, as Counsel in the Court is constantly changing, new Counsel are not always aware of the history and policies. This indicates the importance of having protocols in place, as well as training for all new members of the steering committee. Perhaps orientation/refresher sessions for committee members from time to time would assist.

Overall this clearly suggests a process that is appropriately understood and distributed across Steering Committee partners but coordinated through timely communication. Adjustments are made, when necessary, based on the distributed expertise within the Steering Committee. It was also clear that all partners recognize that resource issues, when they arise, are experienced initially by the partners and program components most immediately affected but that the overall impact of those issues on the BDVTO Court process are matters best addressed by the group as a whole. The early push to have all partners create a set of protocols describing the nature and extent of their involvement in the overall BDVTO Court process (despite being perceived as an onerous task at the time) clearly also engendered a good understanding of the “bigger picture” view of the BDVTO Court by the Steering Committee members. This appears to have resulted in a general understanding that continuity of process flow and quality requires ongoing “tuning and tweaking” by the Steering Committee.

### **Outcomes of the Court**

*The questions:  
From your (or your organization's) perspective, how have the outcomes of treatment for the BDVTO Court participants met your expectations?*

While this question appears to ask specifically about treatment, it was clear in the interviews and in the written survey responses that it was viewed more generally (as intended) as being concerned with the question of general outcomes for the offenders that participate in the BDVTO Court. As was consistently true throughout the survey responses, Steering Committee members had informed expectations about the potential outcomes of the BDVTO Court.

If they [offenders] want to change then it works.

Outcomes are unclear as we do not have long term recidivism data but I am a realist about this anyway. It's not going to be a one stop fix for some guys, you have to take a longer term view.

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I think so (things are positive). The statements men are making about the positive impact that the program has had on them and on their behaviour seen quite sincere.

... the successes that are apparent when individuals have gone through the process; they have completed the treatment required of them and then they have to stand up in court and tell me, and everyone present, what they have learned and how they have benefited. In many cases this a very emotional and touching exercise. The offender is proud of their accomplishments. They hear the service providers talking very positively about them and their efforts and then they hear the judge telling them that as a result of their efforts in completing the programming they are getting the benefit of a reduced or greatly reduced sentence.

If they want to change it seems to work.... Overall it has met my expectations. ... victims on average take 9 times to leave.. so multiple runs though the program make sense to me .. it takes time to change...

We can get disappointed with re-appearances...but it has met my appropriate expectations.... We cannot cure everyone...especially first time ... watch the process, and other spin-off benefits... Recidivism rates are perceived to be high...but they are not really so much. I have seen about 5 people twice.... But some came back on their own....Is re-finding triggers again ...recidivism on purpose.... The whole field is still learning what works.... We return them to the circumstances that brought them to us in the first place ... sometimes the best thing is to not go home.

Collapse rate, victims unaware.... It is easier for the accused to own up and plead guilty...the pure # of guilty pleas are up We are having substantially fewer DV trials.... This frees judicial resources and to get time to trial down...reduced victim trauma and concern.

Yes, from the victim's POV (point of view) it means that they do not have to testify and not have to relive the experience. I believe it makes a difference for those who want to change and to avoid a criminal record. I also think, though, that constant abusers, who end up passing through the system many times and "play" the system do not benefit

Has helped client opportunity to accept responsibility, more likely to seek it out... no program 100% effective...

Appears to be working positively. While others (Unspecified) are quite pessimistic the program seems quite beneficial. Fast turnaround is the key, moving quickly on the no contact clauses. I believe we are seeing the same accused persons less frequently, not only on domestic violence charges. The intensive programming and supervision they receive has to have some effect on recidivism. Our sense has been that we are getting them in more quickly and the participants themselves are saying it is moving nice and quickly as well.

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It could be argued that these statements of opinion about the outcomes of the BDVTO Court should be viewed with caution as they are not based on solid data about individual and behavioral change over time. While this is true, it must be remembered that the members of the Steering Committee all have extensive experience with and solid working knowledge of their areas of activity related to domestic violence. As such, while of course one must consider the numbers and continue to gather data for long-term recidivism analyses it should also be remembered that the Steering Committee members, as a group, are ideally positioned both in terms of their ongoing practice and their accrued experiences with the BDVTO Court to offer informed opinions as to the nature of its outcomes to date.

It is clear from the interview and survey responses that the respondents are unanimously of the view that the court is having a positive impact on both its direct participants and on the victims associated with those offenders.

### **Strengths and Weaknesses of the Court**

*The questions:  
Are there any areas of particular strength or weakness in the current BDVTO Court process or operating guidelines that you believe should be commended or addressed? Please elaborate.*

Beyond the general consensus that the BDVTO Court is working and producing positive outcomes, respondents offered a broad range of examples of what they viewed as strengths and weaknesses of the BDVTO Court. The positives noted are as follows:

No weaknesses; it is running well. We had some growing pains but it really feels like we have it figured out now. Victim safety is and needs to remain a priority ...the availability of the 2 domestic violence programs, the dedicated probation officer, Crown, Victim Services worker and Legal Aid, the involvement of Addiction Services, our working committee.

Our smaller size has meant that we can work out any issues at the person level

In terms of a strength in the process, I have to say the commitment by all partners is not only the major strength in the process but is the very foundation of the entire process. Each partner is not only committed to their portion of the process but is also committed to working together with all the other partners to ensure the overall process works. In short, it is a very good group of people participating in this process.

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The way we treat the partners in DV cases is much improved as the working group supports the coordination of efforts.

There were a number of areas viewed by respondents as weaknesses of the BDVTO Court process as it currently stands. These generally fold into the responses to the next question about challenges facing the Court. These response categories were combined for the purposes of this report.

### **Challenges for the Court**

*The question:  
What do you see as the immediate challenges facing the  
BDVTO Court over the next year?*

The following were offered either as weaknesses or challenges that should be considered by the Steering Committee.

What to do with repeat offenders who went though the program before.

How many times will we let repeat offenders into the court? What will we do if someone comes back a third time? What criteria will we use for re-admission?

We must try to find ways to assess lethality, and to weed out those offenders who are not going to benefit from this process so as to better protect victims. We must keep abreast of all new research in the area and be constantly educating ourselves.

The numbers are rising again and many are unsuitable (high risk for violence).

...keeping the numbers up to ensure frequent and effective delivery of both domestic violence programs.

The question of what to do with repeat offenders is complex and was raised directly or indirectly by most respondents. Within the treatment programs there is a general understanding that a single trip through a treatment program will not consistently end all violent behaviours. The question of the criteria to use in deciding who to refuse and who to re-admit was also a general one. Risk (to victims) was a key factor in these discussions as was the need to base such decisions on the real possibility of change and not simply on hope. This issue has also been discussed at length in the domestic violence research literature where it is acknowledged that a 10% (or higher) long term recidivism rate is to be expected in the case of domestic violence treatment options



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courts. While we do not yet have long term data, the short term data covering the five years of the Court's operation is consistent with this recidivism rate.

To properly address these concerns the BDVTO Court Steering Committee will need to ensure that risk assessments are consistently being conducted (which they have been thus far). They will also need to complete a long term recidivism study that includes not only new charges but also police call-out data, in aggregate form (in progress). Finally, consideration should be given to assisting treatment programs in implementing an ongoing program assessment (pre-post) of treatment participant change (currently moving toward implementation in one treatment program and under consideration in the other).

There were several concerns raised about the processes by which initial contact with victims is initiated. They focus upon the central role played by the RCMP in this process and the limiting effect of current practices regarding victim information and referral/contact procedures:

80% turnover in RCMP and many new rookies and this means a constant learning curve for experience to develop.... Training a bit thin in this area

Clarification needed in terms of how RCMP refer (victims etc) Referrals at charge ... re-evaluation of privacy act... RCMP must get vic's permission for a referral... this has been a change...the difficulty we have with victim Services not being able to contact the victim as soon as the charge is laid to give the victim information and support.

Lack of early contact slows the overall process, we do not get phone numbers from court...Crown can provide ... We get court referral and then have to ask the RCMP member to initiate the referral... because of no phone # ...needs to be worked on a bit.... Slows down the process and the victims may not get a full understanding of all that vic. services can do for them. Who has the expertise to make first contact?? Vic Services do.

This issue primarily concerns how early in the process and by what means Victim Services staff can effectively contact the victims of domestic violence. This has been an ongoing point of discussion by the Steering Committee since new privacy practices around victim data were implemented by the RCMP about 6 months after the start of the BDVTO Court. It is well recognized that early and consistent victim support and the timely provision of information is one of the crucial elements in ensuring that domestic violence cases are properly managed and do not collapse and circle back into the typical cycle of violence. The Steering Committee should continue to work with its RCMP

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representatives to ensure that any initial and ongoing training issues are being effectively addressed. As well the Steering Committee should continue working to ensure that victim contact with victim services can be facilitated at the first appearance (at a minimum) and to see if there might be ways to push that initial contact opportunity back before the first appearance and closer to the time of the precipitating incident.

Court Referral process – there is a lack of education of accused about the court process ... people do not report as directed... are not instructed as to the seriousness of the issue...some see it as a get out of jail free card.

As seen in some of the comments in previous sections, there is an ongoing concern that BDVTO Court participants and potential participants need to be given many rich opportunities to fully comprehend and become properly engaged in the Court process. It is clear that while this is a role for counsel initially, it is a role that is being shared by virtually all other partners in the program from Victim Services staff, court workers and court clerks to judges, prosecutors, probation officers and treatment providers. The Steering Committee should view this as an ongoing matter for review and consideration. It is clear that all partners share a piece of this responsibility.

Some questions were raised expressing a lack of clarity regarding the role defined for the BDVTO Court Coordinator.

DVTO Coordinator ... what is her role?? Is she to be explaining things to accused? They are not real clear on the process. What is the role of the coordinator?

There is a need for the Steering Committee to revisit the duties and responsibilities of the BDVTO Court coordinator. While it is not clear that there is an area within the BDVTO Court process that could be exclusively assigned as the responsibility of the coordinator it does seem that the broad range of issues requiring coordination of information and participant flow across partner organizations could provide a number of areas of potential responsibility for the coordinator. As well, as the evaluator's role in the ongoing monitoring and evaluation of the BDVTO Court draws to a close there will be a number of tasks relating to the ongoing review of the Court that could be taken up by the coordinator. As with all such issues, the Steering Committee needs to consider what to do.

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A number of issues relating to the provision of Legal Aid services to Court attendees were raised:

The Legal Aid issue was a real train wreck ....

Keep Legal Aid involved as it is crucial to the overall success of the program...the prosecutor cannot do it all!

Legal Aid was not involved for a time...then a new representation model...first appearance only...It really slowed down process.

Help from prosecution...good but not appropriate  
Representation for the accused to clue them in ...

This issue has been discussed previously. What is clear is that the respondents were keenly aware of what sorts of things were lost or shifted to other partners through the essential withdrawal of Legal Aid support from the Court. It provides a poignant example of the potential slippage that can occur with the people who are not fulfilling their organization's obligations to the BDVTO Court even when there are protocols in place. This would suggest that one of the tasks that could be taken on by each partner on the BDVTO Court Steering Committee would be to ensure that the protocols they have adopted are routinely understood and endorsed by other key (decision making) members of their organizations. That way there would be grounds established upon which to initiate discussions about resources, practices and protocols should such needs arise in future.

A number of issues and concerns arose directly from the question of how the Court and its related services are funded:

One important thing will be to be sure that there are sufficient resources to cover the workload especially as other court workloads increase.

When funding is short, services can be cut for a while and then there are no referral opportunities.

Ordering someone into treatment is not going to work if there is nowhere for them to go.

Related to the previous point, it is very clear that any shortfall in staffing resources or in how continuing resources are deployed can have significantly negative effects on the functioning and the efficacy of the BDVTO Court. While it is not clear that the Steering Committee has the reach to address these issues directly, it can certainly draw upon its collective experiences and wisdom to mobilize and provide detailed and data-supported rationale for why certain types of commitments are necessary for the

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ongoing positive functioning of the Court and its related partner activities. It is becoming clear that while general budget increases are becoming increasingly difficult to justify and obtain, targeted resources that would be supported by solid rationale built with reliable outcome numbers will continue to be viewed favourably.

Staff involved in the Kanawayimik treatment program, designed by and run primarily for First Nations individuals, raised some questions about whether the necessary cultural diversity reflected in their programming plans and designs was properly appreciated by other program partners:

BDVTOC Partners to recognize Kanawayimik's Family Violence Program. A First Nations cultural therapy treatment program integrated of professional contemporary and traditional therapeutic techniques.

BDVTOC Partners to recognize Kanawayimik's cultural therapy methodologies are as proficient as other treatment programs. Kanawayimik is constantly explaining our cultural therapy techniques apparently at every BDVTOC Steering Committee Meetings. Partners keep questioning our culturally-based therapy treatment program procedures in relations to participant disclosures for taking responsibility and accountable for their actions.

This issue was noted previously but is returned to here as it represents an important consideration for the Steering Committee. The question of how to properly consider the issue of First Nations culture and how it interweaves with issues of treatment and program effectiveness has not been effectively addressed in any of the relevant treatment areas or in their related research literatures. As such, the BDVTO Court is not alone in this being an ongoing issue and point of tension. Certainly there is research consistently indicating that serious consideration of culture and its role in the matter of identity are key parts of any intervention effort (not just in the area of domestic violence) and is of key importance in understanding what sort of treatment is effective and for what reasons. The understandable hard focus on the consequences of domestic violence by those working in this area can sometimes make it difficult to see that while there is much overlap between the issues in and subsequent treatment approaches used by treatment programs serving Aboriginal and non-Aboriginal peoples, there are differences as well, and those differences matter in terms of treatment models and treatment outcomes.

This is an area that would benefit from consideration by a unit of analysis larger than the Steering Committee. Perhaps a general meeting of treatment providers from

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areas where programs exist within both First Nations and non-First Nations perspectives could serve to start a more productive dialogue on this important topic.

Another issue that was identified was the fact that the treatment programming offered may not be ideally focused upon the needs of young participants:

There are no treatment programs available for youth; there is a gap between 12 – 17 years old. No support services are offered for this age group within the North Battleford area.

This last issue is somewhat unique but it does raise the general point that the treatment programs should not be viewed as consistently static in terms of what they do and how they do it. Each treatment group will vary depending on the nature of the individuals who attend. As well, it may be that there are demographic variables that have been shown to have an impact on behaviour and treatment (e.g., age, severity of behaviour) that could be effectively used, subject to sufficient numbers and resources, to divide individuals into groups. If there are not sufficient resources to divide groups, then the Steering Committee could include these issues in their discussions of the criteria they are developing (ongoing) as to who is appropriate for treatment program attendance and who is not.

*The question:  
How about over the next five years?*

Respondents were also asked to think about longer term and indicate what they saw as challenges to the effective functioning of the BDVTO Court. The following issues were raised:

Money for the necessary positions (long term funding) will be an issue.

Key will be ongoing renewal with new community members etc ... I believe our numbers will increase as our population does. There will be more demands on every program. As more offenders become employed, they will want evening counseling sessions. Maybe we will have to consider night court if we expect them to return month after month?

Hand off to new people via protocols...did that process work for you...? Generally informative and well done, protocols explained it really well and then you learn on the job

How many times will we let repeat offenders into the court? What will we do if someone comes back a third time? What criteria will we use for re-admission?

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Legal Aid commitment to support BDVTO COURT  
Victim Services to provide Treatment Programs for Victims  
Increased Funding for First Nations Cultural Treatment Programs.

Long term recidivism rates will be important to know about in relation to this court

It is clear that these issues, already discussed previously in this Report, are recognized as being systemic in nature and as such are seen as likely to be an ongoing part of the BDVTO Court over time.

### **The Court in the Community**

*The questions:  
What is your perception of how the BDVTO Court is currently viewed within your community? Are there things that you (your organization) are or should be doing to work on this public impression?*

Respondents spoke to this question with several definitions of “community” in mind. At one end there was the literal interpretation which was intended to mean the community at large or “the public.” The other interpretation was taken as the more immediate professional and service communities in which members of the Steering Committee routinely participate. Comments varied accordingly.

*Regarding the outside community:*

Community view seems to be mixed (like with this area in the past). As word of positive outcomes gets out this will change.

Word in the community is growing slowly ....

...we have been getting good press...no bad press.

Not sure ...no one is talking about it...When I talk about it people are not aware of it even if they work in the community...once I describe the reception is generally positive...

Not sure what the buzz is out in the community. Those who are aware of it seem to feel it is a good idea but I do find that I have to explain the process over and over and over again.

We do need more exposure, more information to get out to the public about our court and our successes. This would encourage more participation, although duty counsel now fulfils much of this function. Previously, when Victim Services was able to hook up with victims at the outset, they could advise the victim of the advantages of DVTO and victim participation in prosecuting the charges was improved. The comments they heard often was that the victim did not want to testify and did not want the offender to go to jail. Victim

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Services is the best contact to get the information to the victim and it needs to be done at the outset. However, we could reach many potential victims with more public education about the process.

*Regarding more immediate communities:*

Referrals to outside agencies and organizations not always getting through (as they are not in court the way other program reps are).

Battleford is not recognized as being involved in a DV court ... lots of talk of the good works in Saskatoon and Regina but no mention of here.

The groups I talk to seem interested and I should be doing more of this...Some see it as a soft touch and that we should be a lot harder on the accused in these cases.

We provide information across ALL dockets regarding the DVT Option.. .. so if there is a mischief charge that is Domestic at its core... we can refer properly....

I think I need to do more to present what we are doing to the various professional groups I am in contact with.

So the general consensus among Steering Committee members seems to be that there are no negative impressions of the BDVTO Court out in the general public but this is tempered by the common lack of awareness. Among groups who are professionally aware of the Court, the impressions seems to be generally positive, though in some cases this is because some people have been or are being won over from a negative starting position. It may be a good idea for the Steering Committee to consider doing a bit more outreach work, if only initially, with other related professional groups and organizations. As well, by participating in and contributing to evaluation studies such as this one, the Committee is assisting in getting the word out about the effectiveness of this sort of program.

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## Summary/Recommendations

The following summary statements and recommendations are not intended to preclude discussion of any of the issues and points raised by those who participated in this review process but rather to highlight what seems to be shared or related issues and concerns.

- Consider developing long term plans to ensure the involvement of Legal Aid in the BDVTO Court process. This will go a long way towards ensuring that participants remain informed about their place in the process and about their current requirements within the Court.
- In relation to the above point, regular review of all Steering Committee partner protocols should be conducted particularly with an eye to how, together, they contribute to key components of the BDVTO Court process such as informing potential participants of their options and responsibilities.
- A system or related procedures will need to be developed to ensure that the court record data necessary for the ongoing monitoring, review and evaluation of the BDVTO Court process and outcomes will be regularly accessible. A solution that would enable regular queries showing the number of participants, their pleas, their choices and their finalized outcomes needs to be developed. It is unreasonable to expect that clerks will continue to double enter the docket data (into JAIN and into the Evaluation Database now that the formal phase of the evaluation is concluded. The new charge status codes (DVA, DVP, and DVT) developed for use with DV courts in Saskatchewan would be very helpful if used consistently.
- The RCMP should run a local regular check with its members (and especially with its newer members) to ensure that they have a working knowledge of the BDVTO Court Victim Services program and procedures.
- A subcommittee on the Steering Committee should be formed consisting of representatives from each of the treatment programs and from probation to examine the question of what tools and review protocols might be used to assess individuals who have been tried and found guilty of a domestic violence charge and have been



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ordered to attend treatment as part of their probation orders. An operationalization of the transtheoretic stages of change model could serve as a guide for this process.

- The perceptions arising around the Kanawayimik Treatment program should be addressed directly by the Steering Committee. Most of the research and evaluation work done with Canadian domestic violence treatment programs has not included detailed individual treatment program outcome analyses. This is usually, as in the present report, a matter of the numbers being too small to properly support such analyses. What this also means, however, is that issues of the cultural competence requirements for staff working in non-mainstream programs are also not addressed directly as part of the ongoing activities of the Steering Committee or as part of the formal evaluation process. Rather, the more general question of whether the domestic violence treatment options court process seems to be effective occupies all of the available evaluation capacity. Basically, the research in this area as a whole does not address cultural competence issues in domestic violence treatment provision for First Nations individuals (see Zellerer, 2003 for an exception). It would be advisable for the Steering Committee to support a qualitative (descriptive) study of the cultural competence requirements of staff working with the Kanawayimik (and other First Nations) programs. This would provide a language and a venue for discussing and understanding the ways in which the effective treatment of First Nations and non-First Nations individuals involved in domestic violence can be seen to overlap and to vary.
- The range of places and ways in which information about the BDVTO Court can and is being communicated to participants should also continue to be an ongoing focus of the Steering Committee. As noted elsewhere in this report, the Steering Committee should also consider additional ways to make information about the court process available. For example, a DVD could be produced that could be used to provide a standard statement about the Court which could serve as a starting point for creating awareness about the Court and its options and serve as a starting point for discussion between the accused and counsel, prosecution, clerks, and judges.

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- The same criteria that may be developed to address the question of whether a post sentence Probation Services referred individual should be viewed as a candidate for domestic violence treatment could also be used (or adapted for use) in deciding whether repeat offenders should have the treatment options available to them on subsequent appearances in the Court.
  - The mechanisms by which victim services is able to access the information necessary to initiate contact with victims of domestic violence should be addressed by the Steering Committee. While this may require the involvement of broader jurisdictions (e.g., the RCMP federally) it is important that the Committee be open to working to identify ways in which Victim Services can be routinely afforded the opportunity to contact victims very soon after the incidents that bring them and their abuser's case to the attention of the legal system.
  - The role of the BDVTO Court Coordinator needs to be clarified.
  - The issue of the resources needed to support the functioning of the Court and its related processes (e.g., treatment, victim services, court workers, etc) will remain an ongoing issue for the Steering Committee to consider.
  - Each BDVTO Court partner group with a protocol in place describing their activities within and/or their contribution to the BDVTO Court process should review the protocol (with input from the Steering Committee and consideration of the information contained in this report) to see if it properly describes current and desirable practice in their area of contribution. As well, it would be advisable for each group to add a section to their respective protocol describing the steps that should routinely be taken when a new member is added to their ranks or when there is a change in relative contribution to the BDVTO Court to ensure that the transfer of responsibility is as smooth as possible and not disruptive of the overall BDVTO Court process.



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## Interviews with Offenders and Victims

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As part of the formal evaluation of the BDVTO Court interviews were conducted with a number of BDVTO Court participants as well as a number of individuals (victims) whose partners participated in the BDVTO Court process. It was hoped that a total of 20 individuals (10 program participants and 10 victims) would agree to be interviewed and that it would be possible to have equal representation in the participant's group of individuals who had completed and failed to complete one of the treatment program options. To ensure compliance with privacy guidelines it was agreed that treatment program and Victim Services staff would initially contact participants and victims (respectively) and ask them to consider granting permission for their name to be forwarded to the evaluator for a possible interview on the nature of their experiences in and around the BDVTO Court. Once verbal permission was obtained program staff would forward the names and contact phone numbers to the evaluator who would then have his research assistant contact the participants and victims and arrange a mutually acceptable time to conduct a telephone interview.

An interview protocol was developed based on examples used in research and evaluation studies with other domestic violence treatment programs (refer to Appendix D). Sections asked specifically about the respondents' understanding of and experience with the BDVTO Court and its options and procedures. The protocol was reviewed by the Ministry of Justice and Attorney General, the treatment programs and Victim Services personnel. Program staff were then sent a description of the criteria to use in selecting their previous clients for possible interviews. We were hoping to obtain a sample of male BDVTO Court and treatment participants that was equally divided among program completers and non-completers and among those who had completed prior to or during the immediately preceding six months. It was believed that there would be more potential volunteers than spaces in the interview procedures to accommodate. As such, a list of potential participants was created and program staff was asked to proceed down the list contacting every "Nth" individual. This randomization procedure was to ensure the resulting sample was at least somewhat representative of the overall population.

Unfortunately brilliant design does not always lead to fulsome samples. It became apparent early in the process of obtaining permission for interview contact that it

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was going to be a challenge to reach the desired numbers for reasons such as invalid phone numbers and the mobility of the people. Many participants and victims declined the request for an interview and further, a number of those who gave permission for contact to be initiated told the research assistant that they no longer wished to participate once they were contacted. What started as a calm, reasoned contact strategy (“try every third name until the list is full”) became a scramble to find anyone to talk with at all. At the end of an intensive e-mail filled six months the result was a grand total of eight interviews completed (four participants and four victims). This section of the report summarizes what they had to say.

Interview participants were promised anonymity. As such no names were used on the transcribed records of the interviews and in addition all information that could have served to individuate the people involved was also expunged from the records. Additionally, while participants agreed to allow their statements to be anonymously quoted, they were assured that their detailed interview transcripts would not be shared in their entirety with anyone other than the evaluator and his research assistant.

Finally, it must be understood that this is in no way a representative sample of BDVTO Court participants and as such should be viewed as providing only limited insight into participants’ views of the BDVTO Court process. The issues that were seen to emerge from a detailed reading of the interview data are described below and are organized in categories that mirror the sections of the interview protocol.

## **Offender Responses**

Of the four participants that were actually interviewed, all had participated in a treatment program within the previous nine months. Two completed the program they attended and two did not. In the summary of their responses presented below quotes from the respondents will be attributed as C (completer) 1 or 2 and N (non-completer) 1 or 2. Given the small numbers, treatment program attended will not be reported or discussed.

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**General:**

*OK let's start at the beginning.*

*Could you please tell me about the history of violence in your relationship (both reported to police and unreported)?*

*How did the police come in contact with you regarding this violence?*

*Was there a single callout or several call outs before you ended up in BDVTO Court?*

*How did they treat you? Your partner?*

*What is your opinion of the police response to domestic violence?*

*What steps did the police take to restore safety?*

*Was there a non-contact order put in place? Did it work as it was supposed to?*

*What issues arose around the non-contact order (if any)?*

This is the only time anything like this ever happened. I was drinking that day. I was under the influence of alcohol. I slapped her. I slapped my wife and that's why I was charged. The RCMP treated me all right. They were fine. They just told me I was under arrest and I was picked up. When they found me, I got charged. The RCMP here are real good. They don't put the cuffs on me sometimes because they know me and they know I'm not going to be violent or swear at them. They're always good they talk to me. If you treat them okay, they'll treat you okay.

I had left the house and so had my wife and when the RCMP found me they took me in and charged me and told me I could not go back home until I got this sorted out.

It was good that I was charged 'cause I got to see that I need to change. N1

The neighbours called the RCMP 'cause my wife and I were yellin' pretty loud and then I was sort of shoving her around and I think the neighbours saw that and called the RCMP. It happened a couple of times. The RCMP told me to stay away from the house so they could be sure my wife was safe. In court the Judge and the legal aid told me about the non-contact order. C1

Well, I was kind of drinking a lot and my wife gets scared of me when I get like that and she was going to leave and go somewhere else and I grabbed her, and shoved her and hit her and told her to stay. I think it was her Mom that phones the RCMP and they came out and told me I better go somewhere else until the court time. They were good, real calm and professional like. My wife went to her Mom's place with the kids I think. C2

Well I earned what I got because I was shoving my wife and yelling at her and her sister came over and called the cops and took her to her place when the cops got there. N2

In all four cases the RCMP attended and clearly took steps to ensure that the victim was safe and that the offender understood what was going on. The details of non-contact orders etc. are not being summarized here given the small numbers.

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**First Contact with BDVTO Court:**

*Did the police talk with you about the DVTO Court?*

The RCMP guy talked to me a bit about the DV court and about how it might be a good thing to try, it did not make a lot of sense to me right then 'cause I was pretty drunk. N2

Yah they did tell a bit about it C1

I don't remember. C2

I don't think so. N1

*Did you understand the process? (If not) What would have helped you to understand it better?*

*How did you find out about the BDVTO? Who first talked with you about it as a possibility? How did they present the Treatment Option to you?*

My Legal Aid guy told me about the treatment option and about how it could work good for me. It sounded like it could really help me and that it would be good because if I did what I was supposed to do I wouldn't end up with a record. C2

A court worker (?) explained the deal to me she said that if I took the treatment option I would go to a group that could help me and that if I did good there and followed the things I was told to do by the judge and stuff that at the end I would not get a record. C1

Well the RCMP guy told me a bit about it and then when I got to court the prosecutor told me a bit more about how if I did the treatment thing that I would not get a record and that I would get some help. N2

My lawyer, my Legal Aid, was the first one that talked to me about it and the judge talked to me about it too. I was happy about it. I was so proud of myself; here I was 24 years and I didn't have a criminal record. N1

*Please tell me a bit about how you decided to become involved in the Treatment Option? Who helped you make this decision?*

*Were you ready to make the decision?*

*Prompts:*

*Was there anyone else involved in your making that decision?*

*Were you represented by Legal Aid or by a lawyer (or self)?*

*Was your lawyer/legal aid involved in talking with you about this option?*

*How did they present it to you?*

*Did you find them helpful in making the decision to participate in the Treatment Option?*

*Looking back, is there anything that could have been done differently that would have made this an easier decision and an easier process for you (to become involved in the Treatment Option)?*

Well after the lawyer I talked to a friend of mine and he said this looked like a good deal and that I should do it. N2

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Information about the treatment option was provided from a range of sources that varied for each respondent. While this may seem inconsistent it should also be noted that distributed opportunities for the provision of information increase the likelihood that it will be received. We do not get a clear picture of how the decision to participate in the treatment option was reached. It was clear that all respondents thought about it and considered the downstream implications (absolute discharge) of participating. It may be that the court itself is a place where such outcome focused thinking dominates and that other locations (perhaps the early treatment group sessions) are more conducive to contemplating individual change possibilities.

**BDVTO Court Experience:**

*What was your impression of your BDVTO Court experience?*

*Did you understand the process? (If not) What would have helped you to understand it better?*

*How, if at all, did it affect your decision to participate in the Treatment Option?*

*Prompts:*

*Did it make it easier, or harder?*

*Did it convince you that the Treatment Option was the right way to go?*

*What was your impression of the Crown (prosecutor)?*

*Did the Crown (prosecutor) play any part in your decision to participate in the treatment option? (if yes what did they do)?*

*Were you represented by Legal Aid? What role did your lawyer play in your decision to participate in the Treatment Option?*

Well I guess I could have understood it a bit better. I mean I know that when I skipped the group and got that breach that I made things a lot worse and I don't know if I would have done it the same way if it were more explained to me. I don't think I would have 'cause I sort of understood it and I did what I did anyway. N2

It all seemed to go Ok, but maybe a bit fast. The prosecutor was sort of explaining to me what I had to think about but it would have helped if I had someone else to talk to. But I guess if I had kept goin' to the group maybe I could have got more help there. N1

The respondents did not have a whole lot to say about the court process. I suspect this was due to the process seeming to be synonymous with their court appearance. It was clear that they got information about the BDVTO Court process from many different people. When Legal Aid was involved it was clear that the respondents saw their Legal Aid lawyer as their primary source of information though other attendees at the Court were also credited with providing information. While it is not possible to generalize from these small numbers it does not seem that there were any systematic differences between the nature and extent of the information about the BDVTO Court



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process received by the treatment completers as opposed to the treatment non-completers.

**Group Sessions:**

*Now I would like you to tell me about your Treatment Program experiences.*

*What did you think of group?*

*What was helpful about your experience in the group?*

*Prompts:*

*What was meaningful?*

*What did you change?*

*What impacted your thoughts / feelings / behaviours about abuse?*

*Did you talk about gender socialization?*

*What else affected your experience in the group?*

*What could have been done differently so that your group experience was more positive?*

I only went to a class or two ... I didn't finish. I was having a hard time getting there. Well, we're 2 hours and 20 minutes from there. I had to hitch or try and get a drive and that was real hard.

It did really feel good to talk about the stuff that was bothering me, like growing up and stuff. It was a group session. It was good to talk to other guys and hear what they had to say. They helped me understand. And everybody kind of understood each other because we all been through the same thing. Just talking about it was a relief. It was letting something go.

For myself, I felt like I wasn't supposed to be there. That's the way I see it. When I was growing up, I lived through a lot of domestic violence. I seen it too much. I told myself I would never. I would never be that way. And it only happened once. That's the only time it happened.

Talking to the other guys is all that stood out for me. N2

But I never actually never met nobody at...the program] face to face. I tried to go to my meetings—it was 6:00 or 7:00 when it started. It was like 3 minutes after when I got there. I pulled right up and I even phoned ahead and there was no answer. I walked around the whole building and knocked on doors and windows and nobody answered. I didn't even see cars around. Nobody was around. So I phoned the next day and they said "Well, you missed, so I guess you'll have to find another way." And that was it. I think the group would have gone a lot better if I coulda' got there. N1

I found the group was a really good place to talk about stuff. The other guys there kind of understood and could help you to see yourself pretty clear. I learned about my triggers .. the stuff that set off my anger and about how I can think about stuff instead of just jumping in you know....C1

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There was 14 of us and all of us were really low. The worker was really, really helpful. She took the time to listen. What I found from detox and the various AA meetings is that some people, some counselors are good and some aren't. But listening, if somebody is trying to help me in a social aspect, they have to listen. Some of the best healing for me is being able to talk. The [DVTO treatment program] really listened and was really helpful. That's half the battle for me, letting it out. C2

There seemed to be differences in the experiences of the completers and the non-completers at the level of the treatment programs. Some of this clearly had to do with how ready the individuals were to become engaged in the change processes that are the core of the program experience. There is no indication in the interview data as to what, if anything socially or psychologically, could have been done differently in the cases of the two non-completers to have engaged them more solidly in the process. The two non-completers did seem to have some logistical problems getting to and "into" the group. In N2's case it was clear that transportation (for 2 to 2.5 hours in each direction) was a significant challenge and likely contributed significantly to his failure to complete the group. In N1's case it is not clear whether his perception of a cool reception at the group was actually a projection of his lack of motivation to become engaged in the change process.

### **Impact on Relationship:**

*What happened in your relationship during the group?*

*Prompts:*

*What changes in your relationship did you notice?*

*What else would have been helpful?*

*What contributed to the changes in your relationship?*

*How has your life changed since the beginning of your group experience?*

*Prompts: Would you say your life is generally better or worse?*

*How has your partner's life changed since the beginning of your group experience?*

*Prompts:*

*Would you say her life is generally better or worse?*

*How has your family life changed since the beginning of your group experience?*

*Have your children noticed any changes in how you treat your partner? How you treat them?*

*Have you heard of, or had any contact with the "Children Who Witness" program? (If yes, was it helpful?)*

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*Have you had any issues or crises with your partner since attending the group?*

*Prompts:*

*What happened the last time that you and your partner had a conflict?*

*Is this different from before your group experience? If yes, how?*

*If new partner: How do you and your current partner resolve conflict?*

I would say that most of them [family] think that I'm silly (laughs), that my actions speak louder than my words and I don't really know what I'm talking about most of the time. That's kind of how I feel—and I know that's kind of the rebellious part. Anybody says anything and I get defensive. That's what I want to come out of. I know that's how I used to be. Now I try to have fun. C1

Well, there are solutions rather than getting upset. That's what I got to do. It's never helped me to get mad and to try and throw it in a beer bottle. I can't get confused about it. If I get too anxious about it, I get sick. And if I get worried about it, that passes onto my wife and kids. So those are some of the main feelings that start the whole spiral downwards for me and then I get angry and I'm lashing out, expelling it that way. It's been 2, 2 ½ years that I quit smoking pot and it feels really good. I grew up. I've learned my solutions. The tools of knowing those feelings, what's triggering them. That's what they called "pushing buttons" in the program. .... I guess my wife, just about—we just about split a few times. I've made some decisions, bit my lip a lot and stuck my nose to the grindstone instead of up in the air. And I'm accepting it and that seems to be working and making a difference with us. And I'm learning how to have a conversation with my wife—respecting that it's different from with the guys. That's the hardest part. Not because I don't want to, but I don't know how. I don't want to mess it up. Sometimes between me and my wife, I try pushing buttons, just to get a rise, trying to get the attention from her. But now I know there is a better way. I can give her attention, listen to her, diffuse my anger by listening to her rather than just trying to make her put her attention to me. If I give attention to her, I can put a positive spin on our relationship and then she can give me attention in a good way instead of me trying to grab it. C2

I think my wife would say that I've grown up a lot. I'm not drinking alcohol. After I lost my dad, I've just been an alcoholic, drinking every day or every second day. My dad died. He was drinking. He committed suicide. I've been handling better it, but since ..... now, I talk to my wife about it. It's not as bad as it was. Now, I'm getting back into my culture. I'm talking to the older people. It actually helps a lot. They talk to me and it helps.

I've been a really jealous person. I started jumping to conclusions. And I thought about it. I talked to her about it and I didn't get mad. I realized what I was thinking, I don't know why I was thinking like that, I didn't really understand why I was. Like I would've handled that a lot different before.

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Like my kids, my son, he was real scared of me before, like when I'd drink I'd get loud. And he seen me fight a few times. He'd be real scared when I'd drink. But now he talks to me. He's more open. I listen a lot more; I listen to his stories. They're good kids. My younger ones, they're just glad I'm home.

I never got mean or loud to the kids when I was drinking. Never. Sometimes—in the past, that's pretty much what kept me and my wife together. It was always be me that would be ready to give up. She never drank. She wanted to stay together for the kids. She's the best. N2

My wife left and hasn't come back. We didn't have any kids. N1

With the exception of N1 the outcomes in terms of their relationships all seem to have been positive. What is not clear from the excerpts shown is that it seems that N2 did get some treatment in anger management after he was breached and sentenced and spent a few months in jail. Certainly the level of reflection shown by these individuals is encouraging though it is hard to tell how much is real and how much is for show.

**Post-Group (if they made it that far):**

*What was it like when group ended?*

*Prompts:*

*Did you feel the need for follow up such as a group?*

*Have the police been involved with you since group has ended? Have you been charged?*

I felt like I had really accomplished something when I finished the group and it was good to go into the court with the judge again and hear them say what a good job I had done. It made it clear to me and to others that I had tried to change and that maybe I really had changed..... I know I will need to keep checking on how I am doing and maybe even get some help again sometime but I really think I can manage myself better now. C1

Post group Issues for c2 were included in the previous section.

**Collapse Question:**

*Why didn't you complete group?*

*Have the police been involved with you since group has ended? Have you been charged?*

I was having so much trouble getting there are then I was going to have to maybe lose my job if I took any more time off to get to group so that's partly why I stopped going.... But then I got breached and I ended up in more trouble so maybe that wasn't such a good way to do it. It would have been better if there could have been a group closer that I could get to easier. I am looking for other ways to get help. No the police have not been to see me since the last time. N2

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It didn't really seem like the group was helping me at all or that they wanted to help me at all. N1

It would appear that the two respondents that completed the treatment have an understanding of the need to consider themselves in a "maintenance" phase of change. That is, they appreciate that they will have to keep working if they are to sustain their new behaviours. One of the non-completers appears to be starting to get some of that message too and seems to at least appreciate that he needs to get some help if he is going to successfully change.

**Probation Services:**

*Were or are you involved with probation services during or since the treatment program?*

*Did you feel supported and more in control with this contact?*

*What is your opinion of probation in cases of domestic violence?*

*Was your partner involved in any programs or services while you were going through this process? If yes, what sorts of things were they involved with? Did those contacts seem to help?*

*Is there any more that you would like to add with respect to the justice response to domestic abuse?*

There was a probation officer that came to the Reserve where I'm living. In the 10 months before I finished my term, I had three different probation officers. The first guy was kind of a numbers guy. He was just kind of there, went through the process and left. The second guy was pretty good; he enjoyed his work. The third guy I didn't get to know very well because that's when I was done. Actually that's the guy that we had scheduling conflicts. The first day, he didn't show up. The second time, I was late, but he charged me with breach. I went to court, I made reasonable effort and I got off. I know I did the right thing and that's how it ended. I have no hard feelings. And the judge based his decision on that—on me doing the right things. Boy, North Battleford has been a rough ride. N1

My probation officer is an all right person. Like I talk to her a lot. Sometimes I'd even phone her just to talk to her. She's all right. She talks to me a lot. She's cool. I don't mind her. I can actually talk to her. I meet her once every two weeks. Before we'd talk about my alcoholism, me trying to stay out of trouble. Since I been back, we talk about my dad. How I can try to let that stuff go, how I can try to move on. Stuff like that. C1

My probation officer was OK. I don't know that they really helped me much but I guess they did tell me what would happen if I messed things up. N2

Yah sure, they were OK. C2

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**Ending:**

*Is there anything else you would like to add?*

*Has our discussion today brought up any thoughts or feelings you would like to talk about more with someone?*

I've worked with horses my whole life and any kind of horse I can break to the saddle as long as I'm patient. People bring their problem horses and some of them are really bad at first, and almost have to go to jail. But then you can start working with them again and you can turn them back into that pleasure horse that people enjoy riding. I guess people are the same. Like me, I started out bad, I seen it all. But it wasn't until the past 10 years that I've been able to heal from it and in the past 10 years I've been able to progress more toward my own goals, and the most in the past 4. I listened to some really good people. What those people gave me was how I was finally able to come out. C2

As far as the lenient for some people, I'm talking repeat offenders. They just get a simple sentence and then they get probation afterwards. They get practically the same sentence as somebody that's done it for the first time. And obviously, you know they're going to do it again because they got no respect for the ladies, for their partner, or their kids. Like there's no point in putting people like that in jail because you're just getting them more angry. They're just getting more mad at the person that put them there. You can try to counsel them, talk to them. You can't put them in jail for something you know that they are going to do again, getting them mad. A lot of people like that in jail; people that are pissed off at the system and you can tell they are going to do it again, "When I get out," you know, "I'm going to do this." You already know what's going to happen they're out. Like guys saying as soon as I get out, I'm going straight to the bar. Those guys don't care that they're on probation and they're not supposed to drink. To hell with them. I felt like that too for a few days. I felt like, "who cares, I'll just go out and I'll start drinking again. Screw them. Who are they to tell me what I can and cannot do?" Put me in jail. Just makes me thirsty. But when I got home, all I wanted was to be at home. I don't want to leave my family no more. I want to be at home.

Healing circles, let you see what you have. The consequences of your actions. They make you think. And that to me is more productive than going to jail. N2

The preceding interview extracts provide some insights into how the BDVTO Court is perceived and experienced by its participants. It is also clear that while the BDVTO Court process can provide systematic opportunities for offenders to reflect upon, change, and maintain improvements in their attitudes and behaviour and can even encourage them to do so and support them along the way it is still at the end, up to the individual to decide that a change must be made, to begin to work towards implementing and then maintaining changes.

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## Summary and Recommendations: Offenders

Looking across the interview material gathered from the offenders passing through the BDVTO Court there are several recurrent issues that are worth highlighting:

- Mirroring the versions of this issue raised by members of the Steering Committee it is clear from this interview data that “treatment” is not a singular event consistent across offenders. While the programs as constituted seemed to work well for some of the respondents others ended up seeking out alternative routes for support in undertaking a personal change process. This is worthy of review by the Steering Committee. The question to consider would be “Are there more routes to “change” than just the established programs?” This would also suggest that a decision to decline access to treatment programs to convicted probation attendees should perhaps not be set up as a general policy point. Rather, an intake assessment protocol that specifically gathered information about the steps that the individuals may have taken in an effort to begin a change process could identify some “late-starters” who could still benefit from inclusion in the standard treatment programs.
- These BDVTO Court participants received information about the Court and the treatment option from a number of sources. Such distributed information has the advantage of increasing the likelihood that a range of differently aware participants will receive information about the Court. It was also clear, however, that some of the respondents did not fully understand the process. The Steering Committee should consider whether a standardized (scripted) presentation outlining the BDVTO Court processes and options that could be verbally presented prior to each docket to all individuals making a first appearance in the court. Alternatively the information could be presented on a DVD that could be distributed for use in several settings. This would mean that anyone having first contact with a new BDVTO Court participant (e.g., Legal Aid, Aboriginal court worker, court clerk, BDVTO Court coordinator prosecutor) could spend additional time responding to uncertainties of questions on the individual’s part as opposed to providing a full overview of the BDVTO Court process.
- Accessibility of treatment programming is an issue for some participants. It is certainly appropriate to expect that participants will put many aspects of their life on hold as they take up the requirement that they make some major personal changes.

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However, when attending a treatment group requires several hours of travel for each meeting and when that travel places work and educational commitments in jeopardy it works against the participant being able to give the group experience the full attention it requires. Other jurisdictions have looked at providing shuttle van transportation or in some cases establishing satellite groups in outlying communities where numbers warrant. Probation officers routinely struggle with these sorts of issues and perhaps a working group consisting of the probation and treatment program representatives on the steering committee could meet to consider options for addressing this issue.

- Maintenance of achieved changes by those who attend treatment programs is a key component of lasting positive change recognized by the successful treatment participants themselves. As the Court moves forward with its planned study of recidivism it would be advisable to also consider the question of how the maintenance behaviours and activities of treatment participants might best be checked and supported. There are two parts to this. One involves ensuring that there are maintenance supports in place to assist the participant and their partner and family in making the transition to life after the treatment program (to carrying forward on their own). The other involves the longer term question of what supports or contacts are available in the community for families and individuals to access down the road should they encounter problems in the area of maintenance of positive changes.



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## Victim Responses

Of the four victims who consented to be interviewed, three had partners who had completed the treatment option (PC 1, 2, and 3) and one had a partner who had not completed treatment option (PNC1). The interview protocol is included in Appendix D. As with the offender interview data the very small numbers mean that the summarized responses cannot be taken as representative of the large population of victims associated with domestic violence offenders appearing in the BDVTO Court. Nevertheless there is interesting information contained in the responses that were received. As with other interview and survey data the present summary will follow the outline of the interview protocol.

### General

*How did the police come in contact with you regarding this violence?*

*Was there a single callout or several callouts before you ended up in BDVTO Court?*

*How did they treat you? Your partner?*

*What is your opinion of the police response to domestic violence?*

*What steps did the police take to restore safety?*

*Was there a no contact order put in place? Did it work as it was supposed to?*

*What issues arose around the no contact order (if any)?*

...he was drinking that night. He was out and I was home. And then he came home, like he was drinking. He came in with one of his friends. I had a friend over, like a girl friend, and we were just sitting around. And then he came in. He started getting mad, and like when he's drinking, I'd rather just leave all the time. So I started getting ready to leave and he started getting mad that I was leaving. He didn't want me to leave. He came into the room. And he threw all my stuff around and he grabbed me and pushed me up against the door. And then his friend came into the room and stopped him, well told him to quit. After that I left. I had my vehicle, and I put the kids in it and we left. And then he got picked up. My mom called the cops. I think it was either me or her to call them. I asked her to call. He'd never hit me before then or anything, but he was always getting mad and talking about suicide. He was never like that when he's sober but when he's drunk he totally changes.

The police made sure we were safe with my Mom and they charged him and told him to leave us alone. PC1

The police were there right away and they were very calm and they got it all calmed down. They helped me call my sister and then they told him he would have to leave and not come back until he went to court and they told him what to do. I felt better after that. PC2

The police were very nice and they made sure I had help and a place to go. The police were respectful. They were just doing their

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job asking the questions. They treated him--they just did what they had to do. They took him overnight. They charged him. They took him to court and then from then on he had to go to some meetings. The police phoned me one time about the Domestic Violence court. They didn't say too much. They just gave me information over the phone. That's it. They said about the court. That's it. PNC1.

The respondents consistently indicated that they found the police to be calm and careful in their approach. They felt that their incidents had been well handled from the point of view of basic safety. It was also clear that the incidents that precipitated their involvement with the BDVTO Court process also produced a degree of uncertainty and disorientation. Support arrived for them initially not through Victim Services (that usually made first contact at first court appearance at the earliest) but via the short term police contact and family and related support systems.

### **DVTO Court and Victim Services**

*Did Victim Services contact you before your partner appeared in court?*

*Tell me about your interactions with Victim Services?*

*What sorts of things did they do for you? How did that work for you?*

*Looking back are there any things that you wish you or they had done differently at the start of the court/treatment process?*

And after he got charged, Victims Services called me a couple of times. They couldn't give me much information; they can only do so much. Victims Services couldn't tell me very much on the phone. They were very little help to me. They just explained the usual stuff like if somebody gets arrested or something like that and what happens. I don't know what else they could've done because I don't really understand how the whole system works. I don't know if they could've given me any more support: I didn't have to go to court, so I didn't have to do much. There wasn't much support on anything, but I've been handling a lot of stuff all my years, all my life. It wasn't easy but you have to deal with it. PC1

When they first picked him up, when I charged him, they sent him to North Battleford. I went there to pick him up when he was going to be released. I went there and while I waiting for him to be released, I talked to a lady there for a while. She was asking me a few questions. PC2

One of the RCMP officers told me that victim services could talk to me about some of my options and could help me around the court business. I said it would be OK if they contacted me and then a few days later they did. It has been good knowing that there is someone I can call when I need help or if I just need to talk. PC3

A couple months ago they phoned again just to check in or something. I told them the same thing—how frustrating it is. It's like I'm the one being punished because I have the stress of trying to

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borrow a vehicle to drive him, get babysitters, or get drivers to see that he goes. I'm the one that has to find the extra money to pay for the gas or the driver's time or stuff like that. It seems like it's all my responsibility. If he couldn't get there, then he'd start drinking again because he knew he'd get breached again. It's too much for us to do all that. PNC1

*How did you or your partner become aware of the options available through the BDVTO Court?*

*Prompt:*

*Who brought it up?*

*Victim Services?*

*Police?*

*Prosecutor?*

*Lawyer (Legal Aide/private attorney)?*

I don't know. PC1

I am really not sure.... I think his lawyer told him about it. PC2

No idea. PC3

He did not tell me who told him about it. PNC 1

*How was the decision made for your former partner to enter into the domestic violence treatment option?*

*Prompts:*

*Who made the decision?*

*Was your partner ready?*

*How did you know that they were ready/not ready?*

I think the judge just told him. PC1

I think the judge just sentenced him. PNC1

*Did you understand the court process? (If not) What would have helped you to understand it better?*

The responses to this section of the interviews suggest that contact with Victim Services was intermittent or non-existent. It is difficult to tell from these interviews how much of this lack of early and ongoing contact was due to reticence on the part of the victims and how much was due to a simple lack of opportunities for referral, contact and engagement.

It is very clear that their understanding of the BDVTO Court process, as it applied to their partners, was minimal at best. They were not aware of, let alone involved in their partner's decision as to whether to enter the treatment stream.

Certainly there was awareness of the fact that the process meant they did not have to testify but there was also concern raised about the impact of the complex

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logistics of treatment attendance, probation contact and court appearances upon their family and personal lives.

The challenges of transportation requirements for themselves seemed to have been onerous with one respondent being in the position of having to borrow a car and drive her partner into treatment if she wanted him to continue. Again, it must be recalled that these responses cannot in any way be viewed as representative as there are too few for that level of generalization.

**Partner Treatment:**

*How much contact did you have with your (former) partner during group?*

We were still together PC1

When he was away doing the alcohol treatment I did not see him for about 10 days but then when he got into the anger management stuff I saw him every day. PNC1

*How much contact have you had with your (former) partner since group ended?*

We are still together PC1, PC2, and PC3

*What was your experience while your former partner attended group?*

*Prompts:*

*Did you feel safe?*

*YES: What made it possible for you to feel safe?*

*NO: What would you have needed to feel safe?*

*Did your former partner recognize your reactions while he attended group?*

*What was helpful about your former partner's experience in the group?*

*Prompts:*

*Did you have any concerns about the program while he was attending?*

*Do you feel there were any gaps in the program?*

*Did they talk about gender socialization? [r]*

*Did anything else influence your former partner's involvement in the group?*

*What else do you think he needed in-group?*

After he got sentenced for assaulting me, then he got breached because he was still drinking and he wasn't supposed to. Once he got breached, he was told he had to go to that domestic violence thing in North Battleford. We didn't have a vehicle so he got breached. It got really frustrating. We didn't like to go to that domestic violence because it was 1 ½ to 2 hours one way, then 1 ½ to 2 hours back. Our day starts at 6:00 in the morning. We get ready and everything and he works 8:00-5:00. So we're gone from 7:30 to 6:00. And he'd have to take hours off work. And we didn't have a vehicle, so we had to try and get drivers, and they'd have to take hours off work. Or we'd have to borrow a vehicle. I'd have to take time off work to drive him. And if we didn't have the extra money for babysitters, then I'd have to take the kids with us. Me and the kids

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would have to find something to do while he was there. It was really hard.

Then he got sent to PA (Prince Albert) and that's even further, it's a 2 ½ hour drive. And that's when he got breached again. The first time he called and said we wouldn't be able to make it. The next time he didn't phone and that's when he got breached. I think he didn't phone because he just felt frustrated because well, he couldn't make it, might as well just breach and that caused him to drink again. So from all those breaches, that's when he got sent to jail. I think he had three breaches from drinking and the rest were from not attending that class. So now he's on probation. And they're trying to make it so he doesn't have to travel. He just got a promotion, he just started a new job, so there's no way he can take time off. And we can't afford a new vehicle right now, there's no way we can do it right now.

He has to go to treatment again because he's on probation again. It's the same thing again in the new order – domestic violence treatment and addiction treatment. We tried talking to his legal aid saying it's too much, it's too much stress and everything to try and do all those things plus go to work and have time with the kids. The legal aid said there's nothing he can do. The only way he can get out of it is if he does 6 months in jail instead of three. That messes him up for work, plus he is going to school, trying to get his Grade 12. Now at work they're trying to get him an apprenticeship so they gave him a promotion so he's doing really good there. So if he gets picked up again, or if he has to leave for a month again (for addiction treatment) it could cost him his job.

After I charged him and everything, I thought that was the worst thing. But then he got sentenced and it felt like it was upon me to get him to go to those anger management things, and all those other things. I had to take time off work, try and get a babysitter and do all this other stuff. It's so frustrating. It's like I'm the one being punished. And then when we couldn't do it, he'd start drinking again. Once he got so many breaches, he just kept drinking. Finally, he got remanded. PCN1

I think those meetings made a difference for a while. I saw some kindness

I think there should be more meetings to help them understand what they've done. I'd like them to talk about themselves or how they were growing up, or how they were treated by their parents when they were growing up. That would be the beginning. It's about their life, you know. I think explaining things might have helped him more. Explaining what everything is about, the abuse. PC 1

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I think the group made a difference in the way he acted. He was better with the kids and he was better with me. He seemed to be trying to let the little stuff go and to be more positive and to not get caught up in the anger the way he used to. Its going Ok for now.  
PC2

I didn't really feel any safer when he was going to group. I felt safer because he'd quit drinking. PC3

Despite not being particularly aware of the nature of the treatment and court processes their partner was participating in, the women interviewed seems to genuinely feel that their partners' behaviour towards them improved subsequent to treatment. Even the woman whose partner did not complete the BDVTO Court treatment suggested that other treatment options transpired following his breach arrests with long term positive results.

### **Impact on Relationship**

*What happened in your relationship during your former partner's group?*

*Prompts:*

*What changes did you notice?*

*What contributed to making changes in your relationship?*

*What else would have been helpful?*

*What impact did your involvement with victim services have on you feeling safe in your relationship during the group?*

*Did you attend the Empowerment Group for Women Survivors in NB?*

*if so, what helped?*

*if not, why not?*

*Have your children noticed any changes in your relationship?*

*What changes were noticed?*

*Did the children attend Children Who Witness Program offered by Catholic Family Services?*

*If so, how useful was it?*

*How has your life changed since the beginning of your partner's group experience?*

*How has your family life changed though this BDVTOC process?*

*Prompts:*

*Would you say your life / your family's is generally better or worse?*

*How has your former partner's life changed since the beginning of your group experience?*

*Prompts:*

*Would you say his/her life is generally better or worse?*

*At this time, how do you and your former partner resolve conflict?*

*Prompts:*

*When was the last time that you and your partner had conflict?*

*How is this different from before his group experience?*

*How do you and your current partner resolve conflict?*

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I don't know if the kids would say he's changed because he's never been angry towards them. He never showed that to any of them. They saw him drunk but it wasn't when he was drunk bad. He was telling them to go to their room—calmly. I think my life has changed. We both grew up a lot. We decided to stop arguing over the little things. Just like having to go through all this for about two years now, it just like, we gave up trying to worry about the little things. We're just trying to get our lives together. And trying to work together because I figure we're stuck together after eight years. I think he'd say he's changed. He's quit drinking. He's done with that. He's really trying. PC1

He was a little kinder. My grandson lives with us. My grandson would say the same thing, that he's a little nicer, he'll do stuff with him. At the start of the group, there was very little change. While he was going to that, and then this fall, we went to the counseling together and that's helped more. He's a little kinder now. We'll do stuff together.

He's still pretty angry. That hasn't changed. Maybe medication will help him change. I don't know. Like they say, a person has to change themselves before they'll change. I don't know if he thinks he has to change. PC2

He seems to be doing better. He still has problems with anger but he also seems to have some better things he can do about it now. PC3

He is not a whole lot better than he was before, other than being more worried about the cops coming and charging him again if he loses control. PNC1

All of the women reported seeing some improvement in their relationships with their partners (even if their partner's involvement with the BDVTO Court did not include completion of a treatment cycle). The family units as a whole seem to be seen as functioning better after the BDVTO Court experience both in terms of their adult relationships and in the offending partners' relationship with children in the home. These positive changes were seen to generalize to the post-treatment period as well, as the interview excerpts reported below suggest.

**Post-Group:**

*What was it like when the group ended?*

*Did a therapist contact you after the end of group? Was your partner contacted?*

*Prompts: Did you have an opportunity to meet with a therapist?*

*Do you feel a need for your partner to participate in a follow up group?*

*Has there been any further violence since the end of the group?*

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At the start of the group, there was very little change. But it was more when we did some counseling together. It was one on one, just talking to us, asking a few questions. I think that made a big difference.

And then of course, there was another time. He was going to the group and then we went to counselor together for a few times and this fall too. We did this counseling together. We went because the parent aid wanted us to go because we're looking after our grandson and he's the kind of person that is hyperactive. .... It's hard because my partner has no patience, he's opposite from me. He was a lot kinder when we went to the counselor together.

I think the counselor made a big difference. He [partner] was a little nicer, and he'd help a bit around the house. We'd do things together, working on a puzzle and we like to go out once in a while. If we have the money we go play bingo. We do that together maybe twice a month if we have the money. Now the counselor says we don't have to keep going there. We just started going there in November and now there's a parent aide that comes into the home. PC1

Now, he's normal again. He's not drinking now anymore. Everything is going good. What got him to quit drinking is he went to jail. He went to jail for like three months. Because before that he'd get caught with a breach. Like there's just too many people here who drink all the time. Like his brothers, they drink all the time. A lot of people drink. PNC1

I think my life has changed. We both grew up a lot. We decided to stop arguing over the little things. Just like having to go through all this for about two years now, it just like, we gave up trying to worry about the little things. We're just trying to get our lives together. And trying to work together because I figure we're stuck together after eight years. He got better by talking about it. He talked to everybody. Me. His family mostly. I think he grew up now. If we could just get done with the whole court thing and probation then we could just carry on. PC2

It is clear from these statements that for some men a time away as they struggle with alcohol and other addictions may be just what they need to regain control over themselves and their issues. The respondents here have a good grasp of what their partners need to do to be different and to remain different and safer. The difficulty, so often, is that they (the victims) are rarely in a position to act upon or even to suggest changes even if they know what would likely help.



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## Summary and Recommendations: Victims

Reviewing the interview material gathered from victims/partners of the offenders passing through the BDVTO Court, there are several recurrent issues that are worth highlighting:

- Mirroring the versions of this issue raised by members of the Steering Committee in their interviews/surveys, it seems clear that some reflection of the means and methods by which victims of domestic violence become aware of and connected to Victim Services in the Battlefords (though this is not just a local issue) is worthy of some consideration by the Steering Committee and related parties. This is essential if victims are to become aware of and connected to the services that could greatly improve their level of safety and confidence.
- Another issue that very clearly arises in these responses is also commonly observed in other jurisdictions. It concerns the fact that many offenders return to the relationships in which they were abusive at the conclusion of whatever part of the court process they attend. What is clear from these responses is that the offenders need to carry forward their self-change work into those relationships if there is to be a truly successful reduction in risk and harm. Other than the case where the couple took it upon themselves to go into couple counseling there appears to be no supports or processes in place to follow-up and ensure that the offenders are doing the necessary maintenance work to ensure that any positive gains they have made are maintained as they retune the very relationships within which they committed the violent acts that took them into the BDVTO Court in the first place.
- Functional accessibility of treatment programming is a significant issue, especially in cases where the victim is essentially charged with responsibility for ensuring that their abusive partner is able to get to treatment.
- There is also clear evidence of a need to ensure that addictions treatment (alcohol and drugs) continue to be considered an essential part of the treatment picture for many offenders and in some cases may well be the larger contributor to the effectiveness with which long term reductions in the level of violence of some individuals.
- Options for increasing involvement in the women's support group should also be discussed as it does not currently appear to be on victim's radar as an option.

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## General Summary and Recommendations

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Overall, the quantitative data in this Report continue to clearly indicate that the Battlefords Domestic Violence Treatment Options Court is achieving its goal. With over five years of operation the partners have achieved levels of functionality and success that compare very favourably with those shown in other jurisdictions (the Whitehorse Domestic Violence Treatment Options Court being the most directly comparable). A strong majority of accused leave the BDVTO Court by way of referrals for treatment and a majority of them complete treatment. The recidivism rate of these completers (while based on a less than complete data picture) sits just below the 10% rate consistently reported in studies in other jurisdictions.

As well, the comparison data that is available shows the BDVTO Court referrals have an advantage in the treatment component over sentencing referrals and self referrals. In the remainder of this section recommendations relating to the summary statements are included and directly follow the summary points they relate to.

### Court Data

- The BDVTO Court averaged 5 first appearances and about 16 total appearances per docket.
- Legal Aid was the most common form of representation though the overall rate of Legal Aid support lagged a bit through the middle of the 2005 fiscal year. This appeared to add some time to the BDVTO Court process.
- The Court focused upon “Core” domestic violence charges (common assault, uttering threats, assault with a weapon) in addition to the broad range of additional charges that can arise within domestic violence incidents.
- There was a consistent, year-over-year improvement in the speed with which individuals are brought into the Court for their first appearance subsequent to a charge involving domestic violence being laid. This is most encouraging as moving accused quickly into the Court is a key factor in reducing case collapse.

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- Generally people are moving through the Court and any related treatment at a good pace.
  - About two thirds of those who appear in the Court enter a guilty plea and seek to participate in the treatment option.
  - The recidivism rate has thus far been cautiously pegged at about 10% based upon counts of individuals re-appearing in the BDVTO Court. This compares favourably with the rates found in other jurisdictions. A more detailed study of recidivism looking at both court records and police call-out data (in aggregate form) has begun and some preliminary results are included in this report. Further analyses will look at this issue more closely.
  - Final charge dispositions show the expected pattern with treatment completers who plead guilty being most likely to receive an Absolute Discharge while those who failed to complete treatment and those who plead not-guilty and were found guilty receiving more serious sentences.

### **Probation Services Data**

- Probation Services uses the PRA (Primary Risk Assessment) and the ODARA (Ontario Domestic Assault Risk Assessment) tools to assess risk to reoffend. The results confirm that most of the offenders dealt with by the Court represent medium to high risk levels of risk with many of them (about 50%) at a reasonably high risk to re-offend.
  - *The relationship between these risk ratings and the recidivism (call-out and new charge) data gathered as part of the recidivism study should be examined to see if these ratings might be useful in identifying those individuals who are at particular risk to re-offend. This is especially important as it relates to the treatment program non-completers.*

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## Treatment Program Data

- For the Mental Health Services Treatment program the completion rate was highest (57%) among the BDVTO Court referred participants as compared to self referrals and probation referrals (post-sentence requirements). The numbers in those latter two categories were too small for a reliable comparison.
- The completion rates for males at the Kanawayimik program was 72% for BDVTO Court referrals, 56% for probation referrals and 30% for self referrals. The number of individuals in each group was large enough to confirm that those differences are likely stable and are statistically significant.
- A somewhat similar pattern was observed for female participants with a 70% completion rate among BDVTO Court referrals, 39% among probation referrals and 30% among self referrals. The number for probation referrals is based on a fairly small sample and as such should be interpreted with caution. While it seems likely that this completion rate for probation referrals is in fact lower than the rate for BDVTO Court referrals, it is advisable to wait for a few more numbers to accrue before beginning to search for a causal explanation for this difference.
  - *While the understandable general focus in the development of this and other domestic violence courts has been on male offenders it would be advisable now, with the court process established and running smoothly, to turn some attention to the circumstances and treatment courses of female offenders in an effort to ensure that they are being effectively managed.*
- Addiction Services played a consistently strong supporting role in the treatment of many participants ensuring that they would be well enough to focus upon the issues relating to domestic violence that they needed to address.
  - *In virtually all treatment domains the issue of co-morbidity (individuals with more than one presenting issue, challenge or problem) is of central concern. It would be advisable for the Steering Committee to spend some time considering how such multiple needs cases are currently managed, perhaps with an eye to formalizing some of the case-conferencing processes that already occur involving addictions and other treatment programs.*

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- It is difficult (given the nature of the review data and the tight controls over use of named information) to assess the extent to which Victim Services was able to connect with and assist the partners and victims of the BDVTO Court participants. Certainly it is having an impact in the lives of many of the victims of domestic violence.
    - *The issue of victim contact (with Victim Services) especially as it relates to the timeliness of that contact, should be discussed by the Steering Committee and options for consistently facilitating early contact explored.*

### **Preliminary Analyses of Recidivism Data**

- Of the individuals who successfully completed the treatment part of the treatment option, 27% had subsequent domestic violence related charges laid, and an additional 19% had recorded police call outs involving domestic issues subsequent to their ending involvement with the DVTO Court (so a total of 46% had some contact with the police following finalization of their charges). Sixty per cent (60%) of those subsequently charged had a single charge laid in the 36 month time frame investigated.
  - *An examination of initial BDVTOC charge data along with Probation Services risk assessment data could shed some additional, useful, predictive light on this reoccurrence data.*
- By contrast, 33% of those who failed to complete the program received subsequent charges and an additional 34% were involved in domestic related police call outs. (so a total of 67% had some contact with the police following finalization of their charges). Of those in this group receiving subsequent charges 65% received more than one.
  - *A further examination of initial BDVTO Court charge data along with Probation Services risk assessment data will shed some useful, predictive light on this reoccurrence data.*

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- Of those not opting for the treatment option, 30% received additional charges involving domestic violence in the 36 months following the finalization of their initial BDVTO Court cases while an additional 10% (so 40% overall) were involved in domestic related police call outs.
    - *A more detailed analysis of charge data, of the specific elections made by participants in this category, and of the outcomes (trial results and sentence data) could significantly clarify what is going on in this diverse group.*
  - This data also showed that there were no differences in the recidivism rates for individuals completing the Mental Health or Kanaweyimik treatment programs.
  - The largest difference in the recidivism data is reflected in the stronger likelihood that those who opt for but do not complete treatment will be involved in subsequent chargeable acts of domestic violence and that this likelihood is strongest in the third year following the finalization of their initial BDVTO Court cases.
    - *As stated previously, a more detailed analysis of charge data, of the specific elections made by participants in this category, and of the outcomes (trial results and sentence data) could significantly clarify what is going on in this group (ideally to see if it is possible to predict the recidivism incidents more specifically). This should be followed by a focused discussion by the Steering Committee regarding options for dealing with this troubling group.*

### **Steering Committee Interview/Survey Data**

- The view of the Court and its related processes by the members of the Steering Committee involved in making it work are consistently positive. There is a general consensus that the group has consistency and demonstrates an ability to deal with a diverse range of challenges and issues in a consistently effective manner.
  - Several areas where solutions need to be implemented or developed were noted (see following points) but most were presented in a tone clearly suggesting that a positive solution was anticipated given past efforts of the Steering Committee.
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- The involvement of Legal Aid with the Court went through a challenging period in the middle of the time period followed, due to resource issues. There was general consensus that steps are needed to address these related issues, especially as they relate to informing participants about the nature and purpose of the Court.
    - *Consider developing long term plans to ensure the involvement of Legal Aid in the BDVTO Court process. This will go a long way to ensuring that participants remain informed about their place in the process and about their current requirements within the Court.*
  
  - The data relating to court appearances and ultimate charge and case outcomes was, at times, difficult to consistently maintain. Database issues are discussed at length in Appendix E of this Report and in a related document. A significant issue arises from the difficulty of getting regular court specific data out of the JAIN system and in linking to the trial records of those individuals who opt not to follow the treatment option in the BDVTO Court.
    - *These issues have been gathered together in a report entitled “Tracking Domestic Violence Charges in Saskatchewan: Issues and Challenges”, a copy of which is in Appendix E. A system or related procedures will need to be developed to ensure that the court record data necessary for the ongoing monitoring, review and evaluation of the BDVTO Court process and outcomes will be regularly accessible. A solution that would enable regular queries showing the number of participants, their pleas, their choices and their finalized outcomes needs to be developed. It is unreasonable to expect that clerks will continue to double enter the docket data (into JAIN and into the Evaluation Database now that the formal phase of the evaluation is concluded. The new charge status codes (DVA, DVP, and DVT) developed for use with domestic violence courts in Saskatchewan would be very helpful in this area if used consistently.*
  
  - There were differences of opinion as to whether the treatment programs should accept individuals into their programs who were referred from Probation Services as part of their sentencing requirements after being found guilty on charges involving domestic violence at trial. There was concern raised as to whether such individuals
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could be counted on to properly commit to the change process that is at the core of the treatment models.

- *It is recommended that a subcommittee on the Steering Committee be formed consisting of representatives from each of the treatment programs and from Probation Services to examine the question of what tools and review protocols might be used to assess individuals who have been tried and found guilty of a domestic violence charge and have been ordered to attend treatment as part of their probation orders. An operationalization of the transtheoretic stages of change model could serve as a guide for this process.*
  
- In the treatment research literature there are discussions about the role played by culture in the initiation and maintenance of an effective therapeutic relationship. Some members of the BDVTO Court Steering Committee raised the concern that the existence of such cultural issues concerning the provision of effective treatment services to First Nations BDVTO Court participants have taken a bit of a back seat to the focus on dealing with domestic violence offenders in general. There was concern that a necessary focus on cultural issues in treatment may be viewed by some as a loss of focus upon the general goal of reducing or eliminating the risk posed by domestic violence offenders.
  - *The perceptions arising around the Kanaweyimik treatment program should be addressed directly by the Steering Committee. Most of the research and evaluation work done with Canadian domestic violence treatment programs has not included detailed individual treatment program outcome analyses. This is usually, as in the present report, a matter of the numbers being too small to properly support such analyses. What this also means, however, is that issues of the cultural competence requirements for staff working in non-mainstream programs are also not addressed directly as part of the ongoing activities of the Steering Committee or as part of the formal evaluation process. Rather, the more general question of whether the domestic violence treatment options court process seems to be effective occupies all of the available evaluation capacity. Basically, the research in this area as a whole does not address cultural competence issues in domestic violence treatment provision for First Nations individuals (see Zellerer, 2003 for an*



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*exception). It would be advisable for the Steering Committee to support a qualitative (descriptive) study of the cultural competence requirements of staff working with the Kanawayimik (and other First Nations) programs. This would provide a language and a venue for discussing and understanding the ways in which the effective treatment of Aboriginal and non-Aboriginal individuals involved in domestic violence can be seen to overlap and to vary.*

- One of the key pieces in making the BDVTO Court model work involves ensuring that potential participants are made aware of and understand the options available to them. As the overall BDVTO Court experience arises out of otherwise routine court practices and divisions of tasks and responsibilities, the task of informing potential participants has been, of necessity, shared by many of the players in this process. A brochure has provided some assistance but there were some questions raised about other ways in which this might be done as well, to ensure that all potential participants are fully informed on a timely manner of the BDVTO Court options.
  - *The range of places and ways in which information about the BDVTO Court can and is being communicated to participants should also continue to be an ongoing focus of the Steering Committee. As noted elsewhere in this Report, the Steering Committee should also consider additional ways to make information about the court process available. For example, a DVD could be produced that could be used to provide a standard statement about the Court which could serve as a starting point for creating awareness about the Court and its options and serve as a starting point for discussion between the accused and council, prosecution, clerks, and judges.*
  
- A similar point was raised regarding the current mechanisms by which victims can be connected to victim services staff and programs. RCMP guidelines implemented after the start of the BDVTO Court now require that members encountering victims at call outs obtain their permission prior to making a victim services referral. This sometimes means that when the referral was not offered at the initial callout the member must be asked by victim services personnel to re-contact the victim in order to enable initial victim services contact.
  - *It would be advisable for the RCMP to run a local regular check with its members (and especially with its newer members) to ensure that they have a*

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- working knowledge of the current BDVTO Court Victim Services programs and procedures.*
- *The mechanisms by which Victim Services is able to access the information necessary to initiate contact with victims of domestic violence should be addressed by the Steering Committee. While this may require the involvement of broader jurisdictions (e.g., Victims Services central office, the RCMP federally) it is important that the Committee be open to working to identify ways in which victim services can be routinely afforded the opportunity to contact victims very soon after the incidents that bring them and their abuser's case to the attention of the legal system.*
  - Several Steering Committee respondents suggested that some clarification of the role of the BDVTO Court coordinator would be desirable.
    - *The role of the BDVTO Court Coordinator needs to be clarified.*
  - Many Steering Committee members commented that the provisional nature of the current court funding is of some ongoing concern.
    - *The issue of the resources needed to support the functioning of the Court and its related processes (e.g., treatment, victim services, court workers) remains an ongoing issue for the steering committee to consider.*
  - Most Steering Committee members spoke positively of the value of having a set of protocols outlining their duties, roles, and responsibilities within the overall BDVTO Court process. Several pointed out that it may be advisable to have each group ensure that their protocols have clear language in them regarding how personnel turnover should be effectively managed so as to minimize negative impact of such changes to the BDVTO Court process.
    - *Each BDVTO Court partner group with a protocol in place describing its activities within and/or contribution to the BDVTO Court process should review the protocol (with input from the Steering Committee and consideration of the information contained in this report) to see if it properly describes current and desirable practice in their area of contribution. As well, it would be advisable for each group to add a section to their respective protocol describing the steps that should routinely be taken when a new member is added to their ranks or when there is a change in relative*
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*contribution to the BDVTO Court to ensure that the transfer of responsibility is as smooth as possible and not disruptive of the overall BDVTO Court process.*

## **Participant and Victim Interview/Survey Data**

- Mirroring the versions of this issue raised by members of the Steering Committee, it is clear from the participant and victim interview data that “treatment” is not a singular event consistent across offenders. While the programs as constituted seemed to work well for some of the respondents others ended up seeking out alternative routes for support in undertaking a personal change process.
  - *This is worthy of review by the Steering Committee. The question to consider would be “Are there more routes to “change” than just the established programs?” This would also suggest that a decision to decline access to treatment programs to convicted post-sentence attendees should perhaps not be set up as a general policy point.*
- These BDVTO Court participants received information about the Court and the treatment option from a number of sources. Such distributed information has the advantage of increasing the likelihood that a range of differently aware participants will receive information about the Court. It was also clear, however, that some of the respondents did not fully understand the process.
  - *The Steering Committee might consider an informal audit of the ways in which BDVTO Court information is provided to participants. The goal would be to not only itemize existing information pathways but also to identify new ways in which BDVTO Court information can be made available and when and where it would provide optimal benefit. Redundancy in this area should be viewed as positive.*
- Accessibility of treatment programming is an issue for some participants. It is certainly appropriate to expect that participants will put many aspects of their life on hold as they take up the requirement that they make some major personal changes. However, when attending a treatment group requires several hours of travel for each meeting and when that travel places work and educational commitments in jeopardy, it works against the participant being able to give the group experience the full attention it requires.

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- *A review of jurisdiction issues and travel challenges would clarify the nature and extent of these issues.*
  - Maintenance of achieved changes by those who attend treatment programs is a key component of lasting positive change recognized by the successful treatment participants themselves. As the Court moves forward with its study of recidivism, it would be advisable to also consider the question of how the maintenance behaviours and activities of treatment participants might best be checked and supported.
    - *This could be examined alongside the related questions about how recidivism might be predicted from risk assessment, charge, and trial outcome data.*
    - *There appear to be few supports or processes in place to follow-up and ensure that the offenders are doing the necessary maintenance work to ensure that any positive gains they have made are maintained as they return the very relationships within which they committed the violent acts that took them into the BDVTO Court in the first place. This question should be considered by the Steering Committee.*
  - Again mirroring the versions of this issue raised by members of the Steering Committee in their interviews/surveys, it seems clear that some reflection of the means and methods by which victims of domestic violence become aware of and connected to Victim Services in the Battlefords (though this is not just a local issue) is worthy of some consideration by the Steering Committee and related parties.
    - *As stated above, the mechanisms by which Victim Services is able to access the information necessary to initiate contact with victims of domestic violence should be addressed by the Steering Committee. While this may require the involvement of broader jurisdictions, it is important that the Committee be open to working to identify ways in which Victim Services can be routinely afforded the opportunity to contact victims very soon after the incidents that bring them and their abuser's case to the attention of the legal system.*
    - *Other means for making victims aware of supports and services available to them should continue to be investigated.*
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- *Options for increasing involvement in the women's support group should also be discussed as it does not currently appear to be on victim's radar as an option.*
  - Another issue that very clearly arises in these responses is also commonly observed in other jurisdictions. It concerns the fact that many offenders return to the relationships in which they were abusive at the conclusion of whatever part of the court process they attend. What is clear from these responses is that the offenders need to carry forward their self-change work into those relationships if there is to be a truly successful reduction in risk and harm.
    - *This issue should be considered by all members of the Steering Committee as it is not just a treatment issue.*
  - Functional accessibility of treatment programming is a significant issue, especially in cases where the victim is essentially charged with responsibility for ensuring that their abusive partner is able to get to treatment.
  - There is also clear evidence of a need to ensure that addictions treatment (alcohol and drugs) continue to be considered an essential part of the treatment picture for many offenders and in some cases may well be the larger contributor to the effectiveness with which long term reductions in the level of violence of some individuals.
    - *As noted above, in virtually all treatment domains the issue of co-morbidity (individuals with more than one presenting issue, challenge or problem) is of central concern. It would be advisable for the steering committee to spend some time considering how such multiple needs cases are currently managed, perhaps with an eye to formalizing some of the case-conferencing processes that are already occurring involving addictions and other treatment programs.*

**Overall it would appear that the Battleford Domestic Violence Treatment Option Court, despite an array of diverse challenges, is consistently and solidly meeting its objectives of reducing the rate of domestic violence and making victims safer – one accused at a time.**

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## Appendix A: Data Systems Currently in Place

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Each of the core components of the BDVTO Court contributes data to the overall monitoring and evaluation of the Court. The nature and depth of that data varies somewhat. This section of the report summarizes BDVTO Court data collection processes in Courts, Victims Services and the treatment programs.

### Court Records

Currently the richest source of data for monitoring and evaluation purposes is provided through data entry by the court clerks. A Microsoft Access database program was developed that enables the court clerks to enter information about the accused persons in the court system, including particulars of the informations that document their entry into the system (including their attached charges), their appearances in the BDVTO Court dockets and the changes to their charge statuses as they move through the BDVTO Court process. This information has been entered into the database as it relates to all BDVTO Court dockets since April 10, 2003. This report deals with court data to April 1, 2008.

The data in this time frame has been checked by the court clerks and by the evaluator and is very accurate and consistent.

With the provincial decision to revisit the work on a successor court record system (to JAIN) it will be important to prepare to revisit the question of how court data relating to courts such the BDVTO Court can be regularly gathered and reviewed for the related purposes of evaluation and ongoing monitoring. Once the evaluator is no longer under contract to provide support and data management assistance to the Battleford court clerks it will be unreasonable to expect that they will continue to double enter BDVTOC data into both JAIN and the MS-Access BDVTO court record database.

#### Future Plans for Data Collection

The provincial Justice Automated Information Network (JAIN) system that is used to manage court records is moving towards replacement. It is anticipated that once the future status of the JAIN system has been clarified it will be possible to establish processes by which court data relating the activities of the growing number of specialized courts can be regularly obtained.



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## Probation Services

Probation Services staff were provided with a Microsoft-Access database built specifically for the entry, scoring, and management of assessment measure data. Staff turnover meant that it was not until the current PO involved with BDVTO referrals arrived that the system was used consistently. The MS-Access system has the advantages of being secure (located solely on Saskatchewan justice servers) and continuously available to the PO who uses it. PO staff are welcome to continue using the database if they find it useful.

## Victim Services

Battlefords Victim Services Program produces monthly summary reports about the nature and extent of contact between the program and domestic violence victims. This contact and referral information provides a clear general picture of the nature of the support services delivered by this program but does not provide specific data about the impact the program is having on participants.

### Future Plans for Data Collection

The on-line CANFIT BDVTO Court database has been demonstrated for the Victim Services program staff. It is not clear, however, whether the program requires that degree of sophistication in tracking and summarizing their client contacts and referrals.

The monthly summary reporting procedures that have been implemented by Justice and Attorney General for all victim services program in the province do a good job of routinely characterizing the volume and the diverse nature of Victim Service activity.

## Domestic Violence Treatment Program, Kanawayimik Child and Family Services: Aboriginal Family Violence Program

Within Kanawayimik Child and Family Services, client information is stored in an information management system named Maximizer, paper files, and Excel spreadsheets. The possibility of program staff using the CANFIT BDVTO on-line database to track referrals into the program and client progress and outcomes was discussed in detail with staff from Kanawayimik Child and Family Services. In the end it was decided that while the evaluator would benefit in the short run from having access to this data, there was no advantage to the program in using the system for their own purposes. Program data relating to the annual number of clients through the program was manageable using existing processes and procedures within Kanawayimik Child

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and Family Services and as such it was difficult to warrant using an additional data management tool (CANFIT) for one of the agency program components.

### **Alternatives to Violence Program, Mental Health Services, Prairie North Health Region.**

Client information is stored both in paper files and in a central Mental Health Services information system. Current program staff worked with the Mental Health Services record clerks and information system personnel to gather program participation and outcome data relating to BDVTO Court participants. The evaluator was then provided with an Excel list of program participants that included file open and closed dates, type of referral into the program and outcome status. This information was provided for BDVTO Court referrals and for sentence requirement referrals. Some de-identified information was also provided for several self referrals treatment program participants. Staff at this treatment program are working toward implementing the use of a series of measures in a pre-post fashion to track the change processes of their participants. They are working with an MS-Access database provided by the evaluator to store, score, and summarize the results of those measures.

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## **Appendix B: Battlefords Domestic Violence Treatment Options Court Protocol (September 2006)**

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The Battlefords Domestic Violence Treatment Option (BDVTO) Court held its first session in April 2003. The twice-monthly court sessions deal with offenders whose charges involve situations of domestic violence. Offenders must plead guilty and accept responsibility for their actions to be heard in the BDVTO Court.

About two years before the first session, judges in the Battlefords Provincial Court initiated discussion about the development of a specialized domestic violence court. In addition to recognizing the need for timely treatment, the judges identified a need for an alternative process to address the recurring dilemma of the recanting/non-appearing victim as well as trial delays. On the premise that behavior related to domestic violence can be treated with appropriate programming and that treatment is the key to long term protection of the victim and family. Information on the development and experiences of the Domestic Violence Treatment Option Court in the Yukon was a valuable resource in the planning stages.

The first step in the development of the court was the agreement by a psychologist with Mental Health Services, Prairie North Regional Health Authority to take men into the Alternatives to Violence Program before they were sentenced, a change in policy in the health authority. The psychologist then took on a facilitation role, bringing together Justice sector and agency representatives including the judiciary, Legal Aid and Crown prosecutors to participate in planning meetings. This group agreed that changes to the current system needed to be made and that a dedicated domestic violence treatment option court would meet the needs of the Battlefords area. As the concept of the court developed, other departments and agencies were invited to participate in the Steering Committee, including representatives from the Addictions, Kanawayimik Child and Family Services Inc., Battlefords Victim Services Program, Probation Services, R.C.M.P., Catholic Family Services, Battlefords Interval House, Saskatchewan Justice and the Department of Community Resources.

As the Court was implemented, changes to existing systems were made. The Provincial Court committed to dedicated, assured and ongoing court sittings to deal with charges involving domestic violence. The Crown, Legal Aid, Victim Services and Probation established positions with primary responsibility for the BDVTO Court. Some sectors had to deal with increased case volume. As in any collaborative effort, partners in the initiative had to allow time for Steering Committee and Working Group meetings. In addition, community-based agencies have worked together to establish a Children Who Witness Domestic Violence Program offering education and support sessions to children and youth and an Empowerment Program for women who are victims of domestic violence.

The Battlefords Domestic Violence Treatment Options Court Steering Committee meets regularly to oversee the policy and procedures of the Court. A sub-committee of this group consisting of professionals working directly with the Court, offenders and victims

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meets prior to the Court to discuss specific cases appearing in the Court and present recommendations to the Court.

## **Goal**

To reduce occurrences of domestic violence and protect victims in the Battlefords area through early intervention and appropriate treatment delivered through an integrated set of strategies by the government and community agencies.

## **Domestic Violence Definition (DRAFT)**

For the purpose of determining eligibility for the Battlefords Domestic Violence Treatment Options Court, domestic violence is defined as the use of physical force, actual or threatened, in an intimate relationship. An intimate relationship is defined as between opposite sex or same sex partners. These relationships vary in duration and legal formality and include:

- Current and former dating relationships;
- Current and former common-law relationships;
- Current and former married relationships; and
- Persons who are the parents of one or more children, regardless of their marital status or whether they have lived together at any time.

Domestic violence may include a single act of violence or a number of acts forming a pattern of abuse through the use of assaultive and controlling behaviour. The violence is used to intimidate, humiliate or frighten a partner of an intimate relationship, or to make them powerless. It may include:

- Physical abuse;
- Criminal harassment (stalking);
- Threats to harm the partner, children, other family members, pets or property; and
- Damage to pets or property.

For the purposes of the Battlefords Domestic Violence Treatment Options Court, sexual acts of violence will not be included.

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## Roles and Responsibilities of Partners in the BDVTO Court

*Except for the private bar, the following participate in the Steering Committee. In addition, the Steering Committee includes representation from Catholic Family Services and Battlefords Interval House.*

### **Judges**

- To supervise the regular reporting of the offender to the Court pending sentence
- To sentence the offender in accordance with the law
- To chair the Steering Committee

### **RCMP**

- To investigate all complaints of domestic violence and lay charges when warranted
- To set the first court appearance for criminal charges to the first available court sitting of the BDVTO Court
- To ensure conditions of release include a non-contact provision
- To refer victims to Battlefords Victim Services Program

### **Private bar**

- To provide legal advice and representation to accused persons whom they represent

*The following provide information to and participate in meetings of the Working Group.*

### **Coordinator**

- To oversee communication and operating procedures within the Court

### **Crown**

- To determine if it is in the public interest to proceed with criminal charges
- To determine whether it is in the public interest to proceed through BDVTO Court
- To refer victims to Battlefords Victim Services Program

### **Legal Aid**

- To provide legal advice and representation to accused persons who request and qualify for Legal Aid on charges in BDVTO Court

### **Victim Services**

- To provide information about domestic violence and the BDVTO Court process to victims
- To provide services and supports to victims throughout the BDVTO Court process
- To provide information to Working Group to determine recommendation to Court on request for change in conditions of release order

### **Aboriginal Court Worker**

- To provide information (rights, options, responsibilities and court procedures) and assistance to persons charged with an offense involving domestic violence

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### **Probation Services**

- To provide assessments of offenders for the consideration at Working Group and for the Court

### **Mental Health Services - Alternatives to Violence Program**

- To provide treatment programming for men referred by the BDVTO Court
- To provide counselling for women who have experienced or are experiencing abuse by an adult partner who is in the BDVTO Court process

### **Mental Health Services - Addictions**

- To deliver a full array of addiction services to DVTO clients within the context of a full integrated service delivery system

### **Kanawayimik Child and Family Services**

- To provide treatment programming for men and women offenders referred by the BDVTO Court with specific emphasis on providing opportunities for clients to participate in traditional First Nations cultural practices

## **Roles and Responsibilities of the Working Group**

The Working Group consists of the coordinator and BDVTO Court representatives from the Crown, Legal Aid, Battlefords Victim Services, Mental Health Services (program facilitators with Alternatives to Violence Program and addictions programs), Kanawayimik (program facilitator with anger management program) and Probation Services. The Working Group meets bi-monthly prior to the BDVTO Court sitting to discuss issues involving BDVTO Court clients such as offender eligibility, risk and progress and victim information and concerns. If an offender is represented by private bar, the coordinator ensures that an invitation to attend is provided to counsel when his or her client is discussed at Working Group meetings.

### **Court Coordinator**

- To organize meetings and support the working group through maintaining a record of the Working Group meeting
- To distribute information required at Working Group meetings to members

### **Crown**

- To participate in the Working Group in order to obtain information about clients from other members

### **Legal Aid**

- To discuss/review client's eligibility for programming, monitor progress and address specific and general concerns about BDVTO Court operation
- To voice clients' concerns to the Working Group and support client interests

### **Victim Services**

- To ensure that the victim's position, needs, concerns are communicated to the Working Group

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### **Probation Services**

- Provide copies of risk assessments to Crown and defence counsel prior to Working Group meeting
- To assist in determining the appropriateness of the offender entering the BDVTO Court and in determining the conditions that may be needed to help that offender successfully complete the program.
- Provide verbal and written reports on BDVTO Court client caseload

### **Mental Health Services - Alternatives to Violence Program**

- To provide verbal and written progress reports on Alternatives to Violence clients involved with the DVTO to other members of the Working Group
- To inform Working Group members about clients who have completed or have been discontinued from Alternatives to Violence programming where discontinuation is determined at clinicians' discretion

### **Mental Health Services - Addictions**

- To provide verbal and written feedback to the working group members on the BDVTO Court clients' progress regarding substance abuse issues

### **Kanaweyimik – Anger Management Program**

- To provide verbal and written progress reports on Anger Management Program clients involved with the DVTO to other members of the Working Group
- To inform Working Group members about clients who have completed or have been discontinued from Anger Management programming where discontinuation is determined at clinicians' discretion



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## Procedures

Representatives from all justice sector and community-based organizations listed in this section attend monthly Steering Committee meetings.

The following provide representatives to attend bi-monthly Working Group meetings:

- o BDVTO Court Coordinator
- o Crown
- o Legal Aid
- o Battlefords Victim Services
- o Probation Services
- o Mental Health Services – Alternatives to Violence Program
- o Mental Health Services – Addictions
- o Kanawayimik – Anger Management Program

## Coordinator

The coordinator will attend BDVTO Court sessions and Working Group meetings. The position will report to the Director of Justice for the Battlefords Tribal Council, representing the Steering Committee of the Battlefords Domestic Violence Treatment Options Court.

### *Coordination*

- Inform individuals about meeting times and location
- Ensure appropriate people attend Steering Committee and Working Group meetings and follow-up with individuals
- Steering Committee: Prepare and distribute meeting agendas; invite guests when required by meeting agendas; record meeting notes; distribute meeting summaries within one week of the meeting
- Working Group: prepare a list of offenders and victims attending next scheduled BDVTO Court for distribution prior to the Working Group meeting; act as a facilitator for the Working Group meeting

### *Communication*

- Establish and maintain lists of members and lines of communication within Steering Committee and Working Group
- Respond to requests for information about DVTO from stakeholders
- Ensure the RCMP, Crown and Courts are informed when an offender discontinues treatment
- Ensure victim received information when offender discontinues treatment through either:
  - If Victim Services involved, coordinator will contact the assistant coordinator Victim Services directly OR
  - If Victim Services is not involved, coordinator will contact the Crown prosecutor who will inform victim.
- Facilitate reporting process between Addictions Treatment Program to the Court when appropriate (may involve contacting Program about specific offenders and reporting verbally to the Court about offender progress if the treatment provider is unable to attend)
- Assist the Steering Committee in developing an informational pamphlet and letterhead

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### *Data maintenance*

- Maintain the DVTO database
- Maintain records of the copies of treatment referrals from the Court (including addictions treatment)
- Provide written reports to the Steering Committee when requested

### **Judges**

- Take the guilty plea and ensure that the accused accepts responsibility for the offence
- Determine eligibility for BDVTO Court
- Impose an undertaking that the accused report to Probation for completion of a Risk Assessment and for monitoring
- Refer the accused to the appropriate domestic violence treatment program
- Refer the accused to Addictions Services when addictions issues are identified
- Facilitate contact between the victims and Victim Services in a manner sensitive to the needs and safety of victims
- Order the accused to report to BDVTO Court regularly for monitoring (usually monthly)
- Upon considering recommendations of Working Group, transfer the accused to regular docket court for sentencing if discontinued from BDVTO before completion of programming
- Sentence the accused after completion of treatment in BDVTO

### **Crown**

- Initial review of file:
  - determine if there is reasonable likelihood of conviction.
  - determine whether crown election on summary or indictable.
- Once it is ascertained that the accused is interested in BDVTO:
  - assess whether facts will be disputed.
  - assess whether special issues arise.
  - may discuss concerns raised by victim with victim and refer victim to Battlefords Victim Services.
  - negotiate appropriate sentence with counsel or accused and speak to sentence at court.
  - educate others, including other prosecutors, about BDVTO.

### **Legal Aid**

- After determining if client is eligible for Legal Aid's services, review disclosure with client and explain principles and procedure in BDVTO Court
- If client denies guilt/responsibility for the charge(s) or wants Crown to prove its case, adjourn out of BDVTO Court for a not guilty plea and setting of Trial date
- If Crown can prove its case and client is willing to admit/accept responsibility for the charge(s), have discussions with Crown as to client's eligibility for BDVTO Court and if so, the factual basis for a guilty plea, programming Crown expects client to take and sentencing position assuming programming is completed

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- Enter guilty plea at next Court date and have Court make referrals to service providers as per discussions with Crown
  - Appear in Court with client from time to time to monitor progress and address issues such as removal of no contact release conditions
  - Represent client at sentencing

### **Victim Services**

- Receive referrals from police, Court, Probation Services and Crown in order to initiate victim services
- Respond to victim referrals within 72 hours, either by telephone, home visit or letter
- If victim does not want to participate, to offer information and services throughout the BDVTO process at victim request
- Offer services including assistance with obtaining medical treatment, safe accommodation, crisis, individual, and/or group counseling, and safety planning as well as information regarding the BDVTO process and court updates
- Assist in applying for Emergency Intervention Orders and/or the Cell-Arm Program
- Ensure that the victim's position, needs and concerns are communicated to the Court through staff representation at Court, through the Crown and at Working Group meetings
- Maintain contact with the victim throughout the process to provide update information, answer questions about the process, and offer referral information as requested
- If victim reports a breach of an undertaking to the assistant coordinator, to refer the client to the RCMP to provide a statement and to inform the Working Group of the breach
- Assist the victim in safety planning and provide safety information if the offender or the victim request that the no contact provision be changed or rescinded
- Attend BDVTO Court sessions and be available to the Court and referred victims
- Encourage the victim to complete a Victim Impact Statement prior to sentencing
- Provide the names of clients to whom they are providing services related to BDVTO Court to the Crown and the BDVTO Court Coordinator
- Refer clients and their children to the Empowerment Group for women and the Children Who Witness Domestic Violence Program for children and youth

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Victim Services will not:

- Contact “unreferred” victims
- Provide the Court or Working Group with an opinion on the advisability of changing or rescinding a non-contact provision
- Provide information on the BDVTO Court process to offenders

### **Probation Services**

- Upon referral from the Court, provide risk assessments within ten days from information gathered from the offender, the victim (where possible), police, Crown and other information sources as required. Two risk assessments will assess the offender's general risk to re-offend (ORAMS) and the specific risk of further violence to the victim (ODARA). Copies will be provided to the Crown and defence counsel prior to Working Group meetings
- Enter risk assessment data into the BDVTO Court monitoring information system
- Supervise offenders who are released on an interim judicial release (i.e., undertaking or recognizance) while participating in the treatment programs, until they are sentenced by the courts
- Submit violations when offender does not comply with his/her Undertaking/Orders from the Court

### **Mental Health Services – Alternatives to Violence Program**

- Attend BDVTO Court sessions to provide feedback to the Court regarding the offender's eligibility for the BDVTOC and their case management plan. Recommend any additional referrals required (e.g. addictions, probation)
- Provide ongoing feedback to the Court regarding the offender's attendance, participation and progress in the treatment component of the BDVTOC
- Make recommendations to the court for follow-up after completion of the Alternatives To Violence Program
- When the offender contacts the Mental Health Center's intake worker, complete an intake form and give the offender an appointment time for the next Alternatives to Violence orientation session
- Provide the partner's name to the group facilitator of the women's support group at the beginning of the offender's involvement in the Alternatives to Violence Program so that the partner can be contacted and mailed an information package on domestic violence
- If determined appropriate by the Alternatives to Violence facilitator, provide individual therapy to the male offender to complement Alternatives to Violence programming – individual therapy will not substitute for Alternatives to Violence programming

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- On completion of the ATV programming, send a progress report to the BDVTO Court to be taken into consideration for sentencing purposes. Further recommendations for follow-up may be made at this time

### **Kanawayimik – Anger Management Program**

- Provide awareness programming and support services to victims and abusers in BDVTO Court through the Anger Management Program for offenders and collaboration in the delivery of the Empowerment Program for female victims
- Provide opportunities for Program clients to participate in traditional First Nations cultural activities
- Attend BDVTO Court sessions to provide feedback to the Court regarding the offender's eligibility for the BDVTO Court and their case management plan. Recommend any additional referrals required (e.g., addictions, probation)
- Provide ongoing feedback to the Court regarding the offender's attendance, participation and progress in the treatment component of the BDVTO Court
- Make recommendations to the court for follow-up after completion of the Alternatives To Violence Program
- Maintain communication and follow-up with the criminal justice system and agencies involved in the BDVTO Court

### **RCMP**

- Conduct a thorough and timely criminal investigation concerning all complaints of domestic violence
- Lay charges when warranted and refer accused to the next BDVTO Court session
- Ensure conditions of release include a no contact provision

### **Aboriginal Court Worker**

- Explain to the accused the reason(s) for their charges and provide general information on legal rights (e.g., right to counsel, responsibilities in regard to the charge(s),etc.) and the BDVTO Court
  - Explain to the accused's family, and if necessary, to the Aboriginal community, the judicial procedures and options for the accused in the BDVTO Court
  - Assist the client to obtain legal council and advice
  - Assist in identifying individuals who require services of Legal Aid and explain the application procedures to them
  - Find out if a client requires an adjournment, why, and until when
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- Assist the accused to prepare information to speak to the courts if representing self
  - Liaison work with the agencies that can assist the accused
  - Be available in Court to provide appropriate information about the accused to defence counsel, judge and the Crown, as well as acting as a "friend of the court" on behalf of the accused

### **Mental Health Services – Addictions**

- Complete an Addiction Assessment on offenders referred by the BDVTO Court
- Provide the results of the assessment and treatment recommendations to the Crown and Defence Counsel (treatment may include individual counseling, group programming or referral to an Inpatient Treatment Center)
- Attend BDVTO Court sessions to provide feedback regarding the client's attendance, participation and progress
- Forward follow up recommendations to the Court after client has completed addictions treatment



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## **Appendix C:**

# **Qualitative Data Interviews/Surveys for the Evaluation of the Battlefords Domestic Violence Treatment Options Court**

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A great amount of “numbers” data has been collected over the past 4 years since the inception of the Battlefords Domestic Violence Treatment Options Court (BDVTOC). This has been reported in two interim data reports and updated version of those reports covering data up to the end of March 2007 is also to be included in the formal evaluation report. What the numbers do not adequately reflect are the experiences of the people (partners) who have been running the court and the related assessment, treatment, and progress monitoring aspects of the overall BDVTOC process. As well, the experiences of the individuals who have participated in the BDVTOC as a result of their violent actions and the experiences of their victims/partners have also not been reviewed.

In an effort to ensure that these important data sources are included in the formal evaluation report two processes are under way. The first involves a random selection of perpetrators (and victims) who are being interviewed by my research assistant regarding their experiences with the BDVTOC (and with their experiences as a result of their partner’s involvement in the BDVTOC in the case of the victims interviewed).

The second data gathering process will involve interviews with individuals associated with the key organizational partners which came together to form and operate the BDVTOC process. These interviews of the steering committee members will be conducted by the principal evaluator, Mike Boyes either by telephone or in person.

The purpose of this document is to describe the areas and the key issues that will form the basis for these interviews and to ask that the organizational partners (Steering Committee members) review them and pass along any additional areas or issues that should be addressed. Once the protocol for these interviews has been established (following Steering Committee feedback) it will be circulated to members of the Steering Committee and to any other BDVTOC involved individuals or organizations the Steering Committee deems appropriate or necessary. At that point the interviews will be conducted and the evaluator will review the interview records and will extract key and common themes that appear to emerge. These will be presented and discussed in light of the available numbers data and presented in the report in terms of the ways in which they clarify the functioning as well and the challenges and successes of the BDVTOC.

The following areas/issues/questions represent a draft interview protocol which will be augmented with feedback provided by BDVTOC partners.



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1. Nature and extent of role in the BDVTOC process:

Could you describe your understanding of the part you and/or your organization plays in the functioning of the BDVTOC?

Have aspects of that process changed over the time that the court was running?

Were you or was your organization's role in the BDVTOC process clear? If not what would/will need to be done to clarify things?

2. From your (or your organization's) perspective, did the BDVTOC process make a positive difference in how domestic violence cases were managed?

Please elaborate on the ways in which it did and/or did not make a difference.

Consider the steps followed by participants as they move through the BDVTOC process (arrest – first appearance – consultation with council or legal aide – election – guilty plea – assessment – referral for treatment [addictions and/or domestic violence programming] – return to court for progress reports and for final disposition) what role did you and/or your organization play in the selection/decision points contained in this sequence?

Are there selection/decision points contained in this sequence that have been particularly challenging? Have any of them changed significantly over the years that the BDVTOC has been running? Are there areas where there needs to be some reflection/improvement? If so where and what sort of reflection/improvement?

Considering your organization's role in the above BDVTOC sequence, are there times or places where the transfer of people or information from you to other BDVTOC partners or from them to you did not occur efficiently? If so could you provide an example or two and speculate as what sorts of changes might smooth those hand-offs or transitions out?

3. From your (or your organization's) perspective, how have the outcomes of treatment for the BDVTOC participants met your expectations? How or how not?

4. Are there any areas of particular strength or weakness in the current BDVTOC process or operating guidelines that you believe should be commended or addressed? Please elaborate.

5. What do you see as the immediate challenges facing the BDVTOC over the next year?

How about over the next 5 years?

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6. What is your perception of how the BDVTOC is currently viewed within your community? Are there things that you (your organization) are or should be doing to work on this public impression?

How about other BDVTOC partners (Steering Committee members)?

7. Finally, are there any other areas or issues relating to the program participants, program challenges or program outcomes that you think I should be looking into as part of this evaluation process? If you do, please describe them below and, if there is more than one, it would be helpful if you could number them in terms of priority.

Thank you for your assistance!

Mike Boyes



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## Appendix D: Interviews Questions for the Battlefords Domestic Violence Treatment Options Court Participants

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### Interview Questions for BDVTO Court Participants

#### Demographic Data (from file):

Code: \_\_\_\_\_

Age: \_\_\_\_\_

Type of Group: *Kanawayimik  
Mental Health Centre*

Completed Group    *Pre-group collapse*    *In Group Collapse (# of sessions \_\_\_\_\_)*

Marital status at the start of group: *Married (living together/apart)*  
*Common Law (living together/apart)*  
*Separated*  
*Divorced*

#### Introduction at Interview:

Are you currently with the same partner: Yes\_\_\_ No\_\_\_

Current marital status: *Married (living together/apart)*  
*Common Law (living together/apart)*  
*Separated*  
*Divorced*

Length of current relationship: \_\_\_\_\_

Kids: No\_\_\_ Yes\_\_\_ Ages: \_\_\_\_\_

Primary Residence: \_\_\_\_\_

#### Introduction:

*I would like to ask you a few questions about your experiences with the whole Battlefords Domestic Violence Treatment Options Court process. I want to begin by promising you that we will not be connecting your name in any way to your answers to these questions. Your responses will be completely anonymous (your name will not appear on any record of this interview).*

*We want to know how the system is working for participants and your feedback will help us in making the process work as effectively as possible. If you cannot remember a part of the experience or if you would rather not talk about a part of the process please feel free to say so and we will skip that part of the interview and move on.*

#### General:

*OK let's start at the beginning.*

*Could you please tell me about the history of violence in your relationship (both reported to police and unreported)?*

*How did the police come in contact with you regarding this violence?*

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*Was there a single callout or several call outs before you ended up in BDVTO Court?*

*How did they treat you? Your partner?*

*What is your opinion of the police response to domestic violence?*

*What steps did the police take to restore safety?*

*Was there a non-contact order put in place? Did it work as it was supposed to?*

*What issues arose around the non-contact order (if any)?*

*Did the police talk with you about the BDVTO Court?*

*Did you understand the process? (If not) What would have helped you to understand it better?*

*How did you find out about the BDVTO? Who first talked with you about it as a possibility?*

*How did they present the treatment option to you?*

*Please tell me a bit about how you decided to become involved in the treatment option? Who helped you make this decision?*

*Were you ready to make the decision?*

*Prompts:*

*Was there anyone else involved in your making that decision?*

*Were you represented by Legal Aid or by a lawyer (or self)?*

*Was your lawyer/Legal Aid involved in talking with you about this option?*

*How did they present it to you?*

*Did you find them helpful in making the decision to participate in the treatment option?*

*Looking back, is there anything that could have been done differently that would have made this an easier decision and an easier process for you (to become involved in the treatment option)?*

#### BDVTO Court Experience:

*What was your impression of your BDVTO court experience?*

*Did you understand the process? (If not) What would have helped you to understand it better?*

*How, if at all, did it effect your decision to participate in the Treatment Option?*

*Prompts:*

*Did it make it easier, or harder?*

*Did it convince you that the Treatment Option was the right way to go?*

*What was your impression of the Crown (prosecutor)?*

*Did the Crown (prosecutor) play any part in your decision to participate in the treatment option? (if yes what did they do?)*

*Were you represented by Legal Aid?*

*What role did your lawyer play in your decision to participate in the treatment option?*

#### Group Sessions:

*Now I would like you to tell me about your Treatment Program experiences.*

*What was helpful about your experience in the group?*

*Prompts:*

*What was meaningful?*

*What did you change?*

*What impacted your thoughts / feelings / behaviours about abuse?*

*Did you talk about gender socialization?*

*What else affected your experience in the group?*

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*We are trying to find out what helps people complete group treatment.*

*What could have been done differently so that your group experience was more positive?*

Impact on Relationship:

*What happened in your relationship during the group?*

*Prompts:*

*What changes in your relationship did you notice?*

*What else would have been helpful?*

*What contributed to the changes in your relationship?*

*How has your life changed since the beginning of your group experience?*

*Prompts*

*Would you say your life is generally better or worse?*

*How has your partner's life changed since the beginning of your group experience?*

*Prompts*

*Would you say her life is generally better or worse?*

*How has your family life changed since the beginning of your group experience?*

*Have your children noticed any changes in how you treat your partner? How you treat them?*

*Have you heard of, or had any contact with the "Children Who Witness" program? (If yes, was it helpful?)*

*Have you had any issues or crises with your partner since attending the group?*

*Prompts:*

*What happened the last time that you and your partner had a conflict?*

*Is this different from before your group experience? If yes, how?*

*If new partner: How do you and your current partner resolve conflict?*

Post-Group (if they made it that far):

*What was it like when group ended?*

*Prompts:*

*Did you feel the need for follow up such as a group?*

*Have the police been involved with you since group has ended? Have you been charged?*

Collapse Question:

*Why didn't you complete group?*

*Have the police been involved with you since group has ended? Have you been charged?*

Probation Services:

*Were or are you involved with Probation Services during or since the treatment program?*

*Did you feel supported and more in control with this contact?*

*What is your opinion of probation in cases of domestic violence?*

*Was your partner involved in any programs or services while you were going through this process? If yes, what sorts of things were they involved with? Did those contacts seem to help?*

*Is there any more that you would like to add with respect to the justice response to domestic abuse?*

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Ending:

*Is there anything else you would like to add?  
Has our discussion today brought up any thoughts or feelings you would like to talk about more with someone?*

*Thank you very much for agreeing to participate in this interview. Your responses are confidential and will help the program continue to work effectively.*

**Interview Questions for Current or Former Partners of Group Participants**

Demographic Data Collected Prior to Interview (from file):

Code: \_\_\_\_\_

Age: \_\_\_\_\_

Gender: F M

Type of Group Attended by Partner: Kanawayimik

Mental Health Centre

Mandated: Yes X No \_\_\_

Did partner Complete Group? (Yes/No)

Marital status at the start of group:

Married (living together/apart)

Common Law (living together/apart)

Separated

Divorced

Recidivism data (if available):

Introduction:

Are you currently with the same partner: Yes \_\_\_ No \_\_\_

Current marital status: Married (living together/apart)

Common Law (living together/apart)

Separated

Divorced

Length of current relationship: \_\_\_\_\_

Kids: No \_\_\_ Yes \_\_\_

Ages: \_\_\_\_\_

Primary Residence: \_\_\_\_\_

Introduction:

*I would like to ask you a few questions about your experiences with the whole Battleford Domestic Violence Treatment Options Court process. We want to know how the system is working for participants and your feedback will help us in making the process work as effectively as possible. If you cannot remember a part of the experience or if you would rather not talk about a part of the process please feel free to say so and we will skip that part of the interview and move on.*

General

*OK let's start at the beginning. One of the main concerns of the BDVTO Court is to maintain victim safety. To see how that is working I need to ask you a few questions about the history of violence in your relationship (both reported to police and unreported)?*

*How did the police come in contact with you regarding this violence?*

*Was there a single callout or several call outs before you ended up in BDVTO Court?*

*How did they treat you? Your partner?*

*What is your opinion of the police response to domestic violence?*

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*What steps did the police take to restore safety?  
Was there a non-contact order put in place? Did it work as it was supposed to?  
What issues arose around the non-contact order (if any)?*

DVTO Court and Victim Services

*Did Victim Services contact you before your partner appeared in court?  
Tell me about your interactions with Victim Services?  
What sorts of things did they do for you? How did that work for you?  
Looking back are there any things that you wish you or they had done differently  
at the start of the court/treatment process?  
How did you or your partner become aware of the options available through the  
BDVTO Court?*

*Prompt:*

*Who brought it up?*

*Victim Services?*

*Police?*

*Prosecutor?*

*Lawyer (Legal Aide/private attorney)?*

*How was the decision made for your former partner to enter into the Domestic  
Violence Treatment Option?*

*Prompts:*

*Who made the decision?*

*Was your partner ready?*

*How did you know that they were ready/not ready?*

*Did you understand the court process? (If not) What would have helped you to  
understand it better?*

Partner Treatment:

*How much contact did you have with your (former) partner during group?  
How much contact have you had with your (former) partner since group ended?  
What was your experience while your former partner attended group?*

*Prompts:*

*Did you feel safe?*

*YES: What made it possible for you to feel safe?*

*NO: What would you have needed to feel safe?*

*Did your former partner recognize your reactions while he attended group?*

*What was helpful about your former partner's experience in the group?*

*Prompts:*

*Did you have any concerns about the program while he was attending?*

*Do you feel there were any gaps in the program?*

*Did they talk about gender socialization?]*

*Did anything else influence your former partner's involvement in the  
group?*

*What else do you think he needed in group?*

Impact on Relationship:

*What happened in your relationship during your former partner's group?*

*Prompts:*

*What changes did you notice?*

*What contributed to making changes in your relationship?*

*What else would have been helpful?*

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*What impact did your involvement with victim services have on you feeling safe in your relationship during the group?*

*Did you attend the Empowerment Group for Women Survivors in NB?  
if so, what helped?*

*if not, why not?*

*Have your children noticed any changes in your relationship?*

*What changes were noticed?*

*Did the children attend Children Who Witness Program offered by Catholic Family Services?*

*If so, how useful was it?*

*How has your life changed since the beginning of your partner's group experience?*

*How has your family life changed through this BDVTOC process?*

*Prompts:*

*Would you say your life / your family's is generally better or worse?*

*How has your former partner's life changed since the beginning of your group experience?*

*Prompts:*

*Would you say his/her life is generally better or worse?*

*At this time, how do you and your former partner resolve conflict?*

*Prompts:*

*When was the last time that you and your partner had conflict?*

*How is this different from before his group experience?*

*How do you and your current partner resolve conflict?*

#### Post-Group:

*What was it like when the group ended?*

*Did a therapist contact you after the end of group? Was your partner contacted?*

*Prompts:*

*Did you have an opportunity to meet with a therapist?*

*Do you feel a need for your partner to participate in a follow up group?*

*Has there been any further violence since the end of the group?*

*Have the police been involved since your partner's involvement with the BDVTO Court?*

#### Comments on BDVTOC Process:

*Police intervention with you and your partner.*

*How did the police become involved? How did they treat you? Your partner?*

*Had the police been involved before?*

*What is your opinion of the police response to domestic violence?*

*Domestic Violence Treatment Option Court:*

*Did you attend first appearance court? What happened there?*

*What is your opinion of the justice (court, Crown) response to domestic violence?*

*Probation:*

*How you been contacted by probation services?*

*Did you feel safer with this contact?*

*How did your partner respond to probation services?*

*What is your opinion of probation in cases of domestic violence?*

*Is there any more that you would like to add with respect to the justice response to domestic violence?*

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Ending:

*Now that we have come to the end of the interview, do you have anything else you would like to add?*

*Has our discussion today brought up any thoughts or feelings you would like to talk about more with someone here at victim services?*

*Thank you very much for helping us out with this evaluation process!*



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# **Appendix E:**

## **Tracking Domestic Violence Charges in Saskatchewan: Issues and Challenges**

### **March 2008**

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### **Background**

As you are aware, over the past 3 years I have been working with emerging domestic violence treatment options (DVTO) or domestic violence (DV) courts in Saskatchewan in the capacity of program evaluator. In that contracted capacity I have taken responsibility for developing the means to track the activities of the various groups and individuals involved in setting up and running the courts. As well I have been charged with generating or obtaining the data necessary to track the trajectories of individuals who appear in these specialized courts (i.e., in order to determine the relative proportions of accused individuals who elect for trial, sentencing or treatment in relation to their domestic violence related charges). I have been describing these processes in detail in the reports I have submitted relating to the functioning and emerging domestic violence courts in the Battlefords, Saskatoon and Regina. Given that the Regina Domestic Violence Court (RDV Court) is starting up this month it seemed appropriate for me to summarize several issues that have arisen throughout my effects to complete my evaluation responsibilities with the other domestic violence courts as these issues will also be at play for the Regina DV Court and will become a more significant challenge for the Battlefords and Saskatoon courts as I complete my evaluation work with those courts over the next weeks and months.

### **Sources for DV Charge Tracking Data**

#### **The Battlefords DVTO Court**

When I began my involvement as evaluator with the Battlefords DVTO Court, there was an initiative under way within the Justice ministry to replace the Justice Automated Information Network (JAIN) as the primary repository for court record data in the province. Inquiries about the possibility of querying the JAIN system on a regular basis in order to build a dataset containing the court records pertaining to all Battlefords DVTO Court cases was declined with the understandable reason that all available tech resources were being channeled into the development of the new system. It was suggested that once the new system was up and running it would be possible to more easily create the query links necessary to extract the charge data relating to particular DV courts and other courts and initiatives.

As I still needed a Battlefords DVTO Court record dataset, and as the volume of cases through the Battlefords DVTO Court was relatively low, it was decided that a workable solution would involve the creation of a database (built in MS-Access) that could be used by clerks in the North Battleford Provincial Court to record appearances and charge statuses and dispositions in the court. The clerks' office was able to obtain funds for the addition of a part time clerk to assist in this process as it essentially

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involved the “double-entry” of Battlefords DVTO Court data (i.e., first into JAIN and then into the MS-Access system).

The advantage of this system was that we were able to fully customize all the reporting functions required for the production of the summary data needed to produce the various monitoring and evaluation reports. The disadvantage was the double entry requirement which was, understandably, seen as an additional task by the court clerks. Relatedly, because the case volume was relatively low the clerks did not have a chance to develop a level of familiarity and comfort with the database necessary for its ongoing use.

As the primary purpose of the BDVTO Court charge tracking database was to make it possible for me to create the evaluation reports for which I was contracted, it has been a straightforward matter for me to augment information in the database with information contained on paper copies of the BDVTO Court dockets faxed to me by the court clerks. However, the resulting dataset has only been complete for those individuals who elected to enter the treatment option. Court record data for those individuals pleading guilty and refusing treatment or those electing trial was not consistently captured by this system. This made it difficult to obtain a complete picture of the dispositions of all domestic violence charges in the Battlefords courts. Likewise, it was difficult to track recidivism (at least through the court records) except in cases where the accused was returned to the Battlefords DVTO Court. Finally, once my final evaluation report is complete (at the end of this fiscal year) there will be no easily sustainable means for tracking Battlefords DVTO Court charge trajectories -- a process that will be important to the ongoing monitoring and evaluation of the court.

Several solutions to this challenge exist and will be detailed below.

## **The Saskatoon Domestic Violence (DV) Court**

When I took up the evaluation contract for the Saskatoon DV Court it was clear that the solution used for tracking and storing court record data in Battleford would not be viable in Saskatoon. This was simply due to the significantly higher volume of charges and related individuals that would be passing through the court. As the prohibition on the development of new JAIN queries was still in place an alternative had to be found. Discussions with prosecutions led to the realization that their Prosecutions Automated Data/Document System (PADDS) receives regular downloads of case/informations/charge data from the JAIN system and that it could be possible for a query to be written that would produce a regular download file of charge data relating to proceedings in the Saskatoon DV Court for use in the monitoring/evaluation process. I have been working with the data from that PADDS query download in producing the reports I have filed to date.

There have been several issues with this method of gathering and summarizing the court activity data for the Saskatoon DV Court. First, I have built a database (MS-Access) to receive and process the data download as it arrives in a single file and contains records of person id's, case ids, information numbers, and charge details as well as charge dates, appearance dates and charge disposition codes by appearance date as well as representation information and sentence data more some of the cases. All of this is contained in a single nested file. The database allows me to sort it out and review case histories for persons, cases, informations and charges and to code each case as to its status (finalized or currently not finalized).

So while the data has permitted me to fulfill my contractual obligations it has not been accomplished in manner that I could easily hand over for use in the ongoing monitoring and evaluation of the Saskatoon DVC once I complete my final evaluation

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report in the coming weeks. In addition it is clear that there are gaps in the data that I obtain through the PADDs system that make it difficult to attain a sharp-focus view of the activities in and around the DVC. Specifically, when I construct a flow chart of DV case dispositions (for assaults and other “core” DV charges) I consistently find that about 30% of the cases fall in the “At Trial” category. While some of these trials are genuinely still in progress it is clear that many are these records are of indeterminate or orphaned status. The most likely explanation is that charges were either stayed or dropped or the case was adjudicated and concluded outside of the DVC in a manner that resulted in the finalization codes and sentence details not being entered in area collected by the PADDs download from JAIN.

Likewise, about 18% of cases sit in a category of indeterminate status. While some of these are awaiting elections (pleas) some are clearly also indeterminate or orphaned in a similar manner to the above noted category. There are some cases (about 6%) which are clearly concluded as sentence data is entered by the nature of the finalization (guilty plea or judgment) is not entered. As well there are a number of cases where the finalization code is clear but the sentence data is missing. Finally, plea information is not contained in any form (other than by inference) in the PADDs download.

I have been working with Policy Planning and Evaluation officers to address these issues and am in the process for completing and forwarding to them an annotated list of case data that is sorted into the above categories. The plan is for a staff member there to look the cases up on a JAIN terminal and record and provide me with the missing data so that I can complete my final evaluation report on the Saskatoon DVC. As with the Battleford solution to the court record issue, however, it should be clear that this method of summarizing DC court records and charge dispositions is not optimal and will not be sustainable in its present form once I complete my contractual involvement with the court.

In the midst of the Saskatoon DVC evaluation process the decision was made to cease working on the development of a replacement for the JAIN system. With this decision, the prospect of eventually providing the functioning and emerging treatment courts with the data extraction queries necessary to summarize charge dispositions and properly monitor and evaluate the functioning of those courts was challenged. We are now back in the position of needing to reconsider the possibility of building queries into the JAIN system in order to obtain and provide specialized courts with the data they need to manage their affairs.

I have several recommendations for how this issue can be addressed in manner that will facilitate the smooth ongoing monitoring and evaluation of all DV courts operating or soon to be operating within the province of Saskatchewan. I, of course, have a vested interest in this process moving forward as I am contracted to formulate and conduct the evaluation of the newly beginning Regina DVTO court. Given that this court looks to be facing at least a comparable volume to that seen in Saskatoon I would be very grateful for any steps that would make the tracking of the course process there easier. It is possible to set up a tracking process for Regina that will be directly generalizable to the ongoing tracking needs of the Battleford and Saskatoon courts. As well, what I am suggesting would also greatly ease the complexities of tracking recidivism instances through the court system province-wide (a crucial part of the long term evaluation of DV court effectiveness).

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## Recommendations

One of the greatest challenges to understanding the nature and impact of specialty or treatment courts is to be able to track the sorts of cases that are their focus through all parts of the court system. Thus, if trials are run in other courts rather than in the treatment court, or if cases are transferred to other courts or jurisdictions, or if recidivism rates are to be properly tracked, or if the “normal” course of referrals to assessment and treatment are to be tracked (along with the time taken at each step of the way) it is essential that appearance codes be utilized that are descriptive of current charge dispositions in and of themselves and that can be used to obtain accurate overall summary pictures of the nature and breadth of the issue in question (e.g., Domestic Violence related charges). To this end I recommend that the practice that is currently partially in place in Saskatoon be expanded and adopted province wide (or at least in all areas which feed into a DV court). The charge status codes I propose are as follows:

DVF = First Appearance in a DV court

DVT = Elected to go to trial on the DV charges

DVA = Adjourned for Assessment for Treatment Suitability to be conducted

DVP = Adjourned for Domestic Violence Treatment

DVS = Sentenced on Domestic Violence Charges

The use of these codes would make a number of things possible.

- It would be possible to more efficiently and completely, track the flow and DV cases through the court system and to record and summarize their final dispositions and associated sentences.
- It would be possible query the JAIN system for any DV related question with a greater certainty that a relatively complete dataset would result.
- It would facilitate the process of setting up the sorts of routine JAIN queries necessary to support the efficient operation, monitoring and evaluation of any and all DV courts.
- It would make it much easier to conduct longitudinal recidivism studies by following up on the possible subsequent court appearances of previous DVC participants.
- It would provide a model that could be adapted for use in any other specialty/treatment court (DR for Drug Treatment for example) or in any area where a focused ongoing review of court numbers would be of value.

Finally, it must be noted that a co-requisite of these codes being useful for the purposes described above it will be necessary to re-open the process of setting up additional JAIN queries. Given my ongoing involvement in the Regina DVTO Court and my soon to be concluded involvement in the Battleford DVTO court and the Saskatoon DV court I believe I am ideally positioned to be of assistance in addressing these matters. I believe the results would greatly assist the specialty/ treatment courts and Saskatchewan Justice in effectively monitoring, evaluating, and managing the activities of these important courts. I look forward to the opportunity to offer my services in this regard.