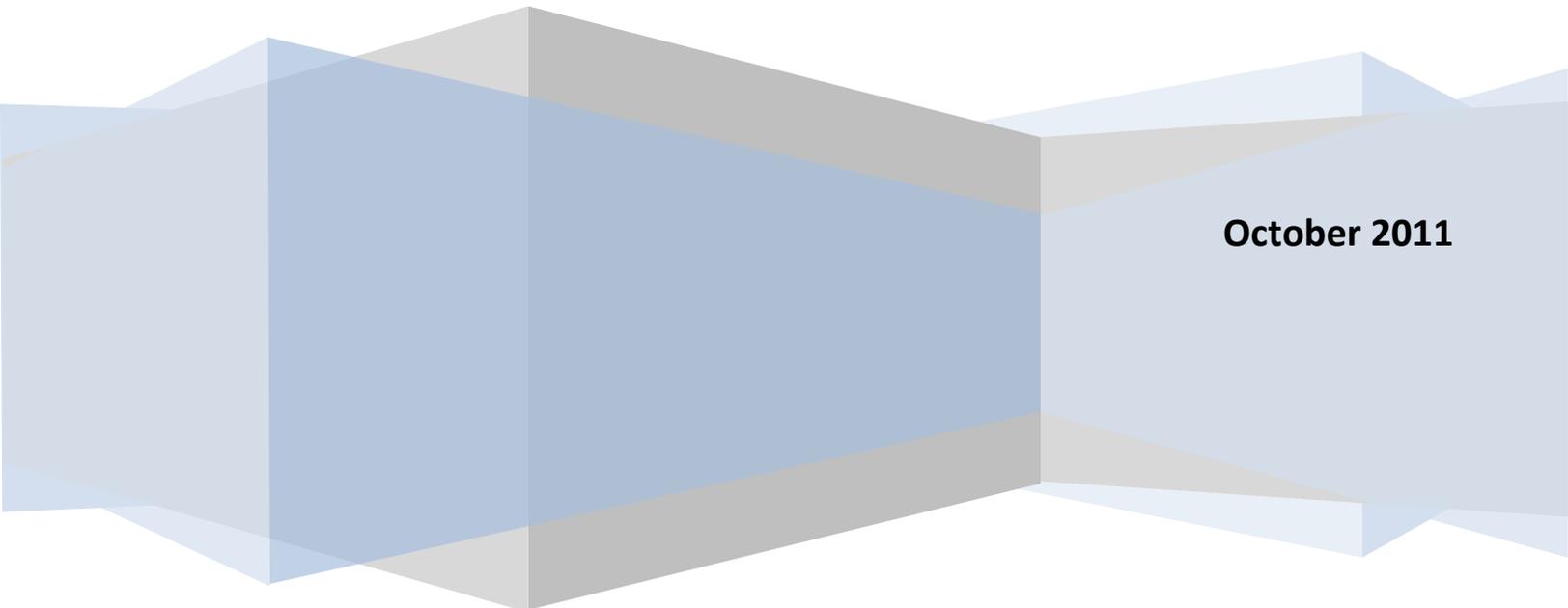


Specialized Domestic Violence Courts: Do They Make Women Safer?

Community Report: Phase I

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EXECUTIVE SUMMARY

This report is the outcome of Phase 1 of a broader research study that will explore firsthand women’s experiences with criminal justice and other agencies that respond to intimate partner violence. In this first phase, community-based service providers and criminal justice personnel in Ottawa and Eastern Ontario were brought together to participate in focus group discussions. These discussions were centred on service providers’ interactions with criminal justice and health and social service agencies, the experiences of the women to whom they provide assistance, and their conceptualizations of “safety” for women who have experienced partner violence. Participants in the focus groups were also asked to provide input into the next phase of the research study in which a sample of women survivors of intimate partner violence will be recruited for in-depth interviews about their experiences. To ensure that these interviews will yield relevant and useful information for policy development, focus group participants were asked to suggest topics and specific questions that should be included, as well as ways in which the interviews could be conducted ethically and safely. This report is intended to be shared among focus group participants and their agencies in the hope that, in addition to providing crucial input into this research project, the results will stimulate discussion at the local level.

In the last 30 years, Canadian jurisdictions have put into place aggressive criminal justice policies to respond to intimate partner violence, including pro-arrest policies, pro-prosecution policies, and specialized domestic violence courts. However, women affected by intimate partner violence have not had meaningful opportunities to provide input into policy discussions concerning the effectiveness of these responses, despite the fact that they are the primary targeted beneficiaries. Most evaluations have been conducted from the perspective of governments and criminal justice personnel using indicators of success such as trends in arrests and convictions and timeliness of court processing of cases of partner violence. Seldom are evaluations approached from the perspective of the women who use these services.

Listening to women is essential for knowing how criminal justice policies and practices affect them personally – whether they feel justice is being served, they are satisfied with court outcomes, or they are actually safer as a result of these processes. Research tells us that, despite some positive outcomes, such as increases in arrest and prosecution and growth in treatment programs for violent men, existing policies do not guarantee safety and can make the situation worse for abused women and their children. This research project aims to measure “what matters” to victims of intimate partner violence and how this varies depending on critical factors such as race, ethnicity, sexual orientation, level of ability, age, poverty, refugee or immigrant status, and experiences of colonization.

The focus groups were convened in two steps. A full-day workshop was held in Pembroke, Ontario at the “It’s Time to Talk” conference organized by the Bernadette McCann House for Women on October 28, 2010. This workshop involved 30 participants organized into five discussion groups. Participants were largely women’s shelter workers and social workers representing agencies in Pembroke, Renfrew, North Bay, Cornwall, Winchester, and surrounding rural locations. In addition, three focus groups were conducted between November 2010 and April 2011 in Ottawa with 29 participants. These groups were comprised of members of the Ottawa Coalition to End Violence Against Women (OCTEVAW) representing women’s shelters, counselling services, police, military, a treatment program for abusers, community resource centres, shelters and other services for Aboriginal women, resource centres for immigrant women, social workers, community members, and college and university

students. Results of the focus group discussions are summarized below according to the three major topic areas addressed.

Experiences with the criminal justice system and other agencies

- Perceptions and experiences with police: Participants expressed some positive opinions about the police, but also highlighted cases where police officers failed to lay charges and where they appeared to lack knowledge about the dynamics of intimate partner violence.
- Issues related to Children’s Aid Society: Participants highlighted the increased complexity of intimate partner violence cases when children are involved and cited a lack of coordination between the criminal justice, family law, and child welfare systems as the source of negative outcomes.
- Perceptions and experiences with the courts: Participants had positive experiences with elements of the Domestic Violence Court Program, but found that women lack choice and control over critical decisions during court proceedings. Also cited were problems with court delays and a lack of awareness about the dynamics of intimate partner violence among some court personnel.
- Partnerships and collaboration: Social service, health, and criminal justice agencies have generally built good service coordination and working relationships, but participants identified a need for improved collaboration, particularly between the violence against women community and criminal justice agencies and committees.

Conceptualizations of safety

- Service providers’ sense of safety: Participants expressed different conceptualizations of safety, as well as the contradictory nature of women’s safety. They highlighted differences between what a woman experiencing violence might consider safety and what they as service providers consider safety.
- Women’s safety: A woman’s history of abuse, including childhood experiences of violence and witnessing violence, play a significant role in her conceptualization of safety and actions taken to secure safety.
- Barriers to women’s safety: Participants noted that the goals of the criminal justice system are often at odds with the goals of women who experience intimate partner violence and in fact can contribute to women feeling and being unsafe.
- Factors that undermine women’s safety: Physical, logistical, and structural elements of criminal justice policies and processes can serve to undermine women’s safety.

Interviewing women about their experiences

- Issues of importance to service providers: Participants identified topics they would like to see included in interviews with women about their expectations, experiences, and opinions of

components of the criminal justice system and community service agencies. Examples are: options women had for securing safety if they had not called the police to intervene; recommendations to a friend or sister in similar circumstances; competencies of criminal justice personnel and other service providers in terms of understanding the complexity of the situation; satisfaction with the outcome of court processes; feelings of being re-victimized or empowered and validated; what could have been done to make them feel safer; and, at what point women are connected with a community service that could support her throughout the criminal justice process.

- Recruitment: Participants made a number of useful suggestions as to where participants could be recruited for in-depth interviews, including offering their own agencies as potential sites for recruitment.

The objective of this report is to communicate the results of Phase I of this research project to focus group participants and the broader community. We hope the larger research study will be useful to social service, health, and criminal justice agencies by adding to their understanding of women's experiences with the criminal justice system and other related services, and the successes and the challenges that remain. The overall aim is to determine which components of the current response are most effective and which result in negative outcomes for survivors and to address these limitations through policy change.

INTRODUCTION

Intimate partner violence against women is a serious social problem with damaging consequences for women and their children (Johnson & Dawson, 2011). A national survey on violence against women in 1993 estimated that 29% of ever-partnered women had been physically or sexually assaulted by a spouse or common-law partner in their lifetime (Johnson, 1996) and in 2009, an estimated 267,000 women reported experiencing partner violence in the previous five years (Perreault & Brennan, 2010). Although men can experience partner violence as well, the experience differs in important ways: women report fearing for their lives and the safety of their children to a much greater extent, are much more likely to be physically hurt, require medical attention, experience repeated assaults, and are more likely to be stalked, harassed, and killed by intimate partners (Perreault & Brennan, 2010; Johnson, 2006). Directly related to the severity of the violence is the fact that women victims of partner violence are the primary users of the criminal justice system: male assaults on women make up 87% of intimate partner violence cases recorded in police statistics (Johnson, 2006).

Canadian jurisdictions have put into place aggressive criminal justice policies in response to these crimes (see for example, Ursel, Tutty & LeMaistre, 2008). Beginning in the early 1980s, federal, provincial, and territorial governments have directed police to follow pro-arrest policies and prosecutors to enact pro-prosecution or no-drop policies. Many jurisdictions have implemented specialized domestic violence courts or specialized court processes in an effort to respond to these cases swiftly and treat them seriously. Underpinning these initiatives is the belief that strong and punitive crime control responses will denounce intimate partner violence by naming it a social wrong.

Despite the fact that female victims of intimate partner violence are the primary targeted beneficiaries, they have not had meaningful opportunities to provide input into public policy discussions concerning the effectiveness of these responses. Most evaluations have been conducted from the perspective of governments and criminal justice personnel and not from the perspective of the women who use these services. Victims of intimate partner violence have an important role to play in policy discussions and research in order to know how criminal justice policies and practices affect them personally – whether they feel justice is being served, whether they are satisfied with court outcomes, and whether they are actually safer as a result. This report represents the first step in a larger research project that aims to assess the effectiveness of specialized domestic violence courts and court processes from the perspective of the women they were designed to serve.

Between October 2010 and April 2011, one workshop and three focus groups were conducted in Ottawa and Eastern Ontario with criminal justice personnel and health and social service providers who work with or on behalf of women who have experienced intimate partner violence. The objective of these discussions was to first explore women's experiences with the criminal justice system and conceptualizations of safety from the perspective of service providers. Talking to service providers is the starting point for developing research protocols for interviewing women directly about their experiences, for formulating relevant and meaningful interview questions, and for identifying safe and ethical protocols for interviewing women. Future phases of this research project will involve interviewing women one-on-one about their experiences with the criminal justice system and other health and social service agencies and about how this help-seeking has affected their safety. This report outlines some of the background research that informed the focus group project and highlights the main themes that emerged from the focus group discussions. We hope this report will be useful to

community and justice agencies by adding to their understanding of women's experiences with the criminal justice system and other related services, and the successes and the challenges that remain.

This research project is guided by the position that the primary goal of an "effective" justice response to intimate partner violence should be to make victims safer. By interviewing women directly about their experiences, this research project will assess the extent to which the various components of a societal response (including police arrest and charging practices, prosecution policies, protection orders, partner assault response (PAR) programs, victim support services, and the services of other community agencies) are effective at improving women's safety and where interventions resulted in negative consequences. Service providers and survivors of violence will inform all aspects of the research making this project truly participatory and relevant to the local community and to public policy development.

BACKGROUND

CRIMINAL JUSTICE RESPONSES TO INTIMATE PARTNER VIOLENCE

Over the last 30 years, social science research and the battered women's movement have been integral to the expansion of criminal justice responses to domestic violence which has included pro-arrest policies, no-drop prosecution policies, and specialized domestic violence courts. While not the first to implement specialized court processes, the province of Ontario has the largest roll-out with a Domestic Violence Court Program in each of the province's 54 court jurisdictions. The Domestic Violence Court (DVC) Program aims to facilitate the prosecution of domestic assault cases, provide early intervention, increase offender accountability, and provide improved support to victims. Specialized court processes are now deeply embedded in the Canadian criminal justice response to intimate partner violence, having been implemented in some form in many provinces and the Yukon Territory. Underlying these policies is the presumption that arrest and prosecution are the most appropriate responses to intimate partner violence in all cases.

A growing body of research has begun to evaluate these criminal justice interventions. This body of literature can be divided into two broad approaches: procedural and output evaluations, and evaluations that take into account women's experiences when they engage with the criminal justice system as a victim of intimate partner violence. Procedural and output evaluations in Canada find that specialized processes have resulted in significant improvements over the traditional response, including:

- An increase in the number of cases reported to the police and an increase in arrest rates (Ursel & Hagyard, 2008).
- A reduction in attrition (or dropping off) as cases flow through the criminal justice system (Hornick, Boyes, Tutty & White, 2008).
- A speedier response to these cases in court (Tutty, McNichol & Christensen, 2008).
- Better supports available for victims throughout the criminal justice process, better referrals to community agencies, and improved risk assessment (Tutty et al., 2008).

An aggressive response from police and courts is also beneficial as it provides an opportunity for the woman to expose the man's violence, challenge his behaviour, have her experiences validated, and obtain support from state agencies (Lewis, 2004). Many argue that women are empowered by their

allegiance with criminal justice agencies and the support they receive from other agencies working in collaboration (Ford & Regoli, 1992). Indeed, few would disagree about the law's symbolic power or would argue for a return to the days when intimate partner violence was widely treated as a private, non-criminal matter.

On the other hand, others express concerns about policies that force women to participate in a process that so fundamentally affects all aspects of their lives and well-being. While many women benefit from aggressive criminal justice policies, a substantial proportion do not intend to prosecute their partners when they call the police and are frustrated with the lack of choice and control over decisions that affect them. Many women feel as if their views are not considered, particularly in decisions that are taken by the courts (PRA, 2006). Some supporters of aggressive no-drop policies argue that these outcomes are justified to protect women from abusive and controlling men and that removing a woman's right to choose may undermine her autonomy, but this is necessary to protect individual victims and protect the public (Corseilles, 1994).

Additional concerns have been voiced about the uniform way in which these policies have been adapted and implemented without an appreciation of the multiple ways in which social positions conditioned by race, ethnicity, colonization, immigrant and refugee status, class, sexual orientation, and level of physical and mental ability affect the experience of intimate partner violence, the decisions women make when seeking outside help, and the response of helping agencies. Many Aboriginal women are distrustful of government responses due to the brutality and harsh treatment by police and other state agencies toward their communities (Nancarrow, 2007; McGillivray & Comaskey, 1999). Minority and marginalized women often suffer negative consequences as a result of aggressive legal intervention in the form of racism and increased violence following the arrest of their partners. Particular barriers exist for immigrant women who may not be aware of the laws and services available in Canada or do not communicate fluently in English or French (Barata, 2007; Grasely, Stickney, Harris, Hutchinson, Greaves, & Boyd, 1999; Pontel & Demczuk, 2007). We are also only beginning to understand the complex situation many immigrant women find themselves in when their immigrant or refugee status complicates their decision to seek help from mainstream services. In addition to this, many women from different cultures may prioritize family unity over their own safety and will not seek outside help if that means possibly breaking up the family or criminalizing their partners. Clearly, there is still much to learn about how diverse groups of women strategically manage intimate partner violence and utilize resources, and how they are affected by social and legal policies set up to respond to this problem. While framing intimate partner violence as a universal experience that crosses race and class boundaries initially helped in the struggle to gain widespread support for aggressive and consistent responses, this essentialist understanding of the "battered woman" has led to mandatory criminal justice processing as a universal solution to a complex social problem (Fedders, 1997).

A central question to emerge from the debate around aggressive criminal justice policies is this: Where do the experiences and preferences of individual women fit in to policy-making where societal goals have taken precedence (Hanna, 1996)? Research tells us that, despite some positive outcomes of specialized justice processes for responding to intimate partner violence, these policies do not guarantee safety. For example:

- Arrest has a small effect on deterring abusers from further violence (Maxwell, Garner & Fagan, 2002).
- Court personnel value speed, efficiency, and procedural effectiveness over other outcomes (Mirchandani, 2005).

- Up to half of victims of intimate partner violence retract their statements in court (Robinson & Cook, 2006).
- Court-mandated behavioural change programs for violent men seem to be more effective than traditional criminal justice sanctions alone and can work for some men to reduce recidivism, but overall the effects are small and uneven (Babcock, Green & Robie, 2004; Babcock & Steiner, 1999; Feder & Wilson, 2005; Gondolf, 2002; Lewis, 2004).
- Evidence of the effectiveness of protection orders is mixed (Klein, 1996).
- Arrest and prosecution can deter violent men, but these evaluations tend to be measured by re-arrest rates in a short follow-up period which fails to capture ongoing abuse and violence that women do not report (Gover, MacDonald & Alpert, 2003; Petrucci, 2010; Wooldredge & Thistlethwaite, 2005).

In fact, the range of solutions available in the justice system to end violence and ensure women's safety is limited. In many instances, criminal justice intervention actually endangers women, results in dual charging, and negatively affects their long-term recovery and ability to cope effectively.

What is obvious from the results of procedural and outcome evaluations is that most employ indicators of success from the perspective of the criminal justice system, such as case processing and re-arrest rates. Most have failed to investigate "what matters" to victims of intimate partner violence. This is a logical approach in many respects since procedural justice, or the perceived fairness of decision-making, is related to victim satisfaction with the process (Hinds & Murphy, 2007; Sunshine & Tyler, 2003). And indeed procedural justice can be as important as the outcome.

Measuring "what matters" means, among other things, assessing service delivery from the perspective of those receiving the services so that performance can be measured in potentially more meaningful ways. Typical criminal justice performance measures (such as numbers of arrests, prosecutions, and convictions) do not help identify "success" from a victim's perspective, and do not measure what matters to the primary users of this service. A shift in orientation is critical because what matters to victims is often very different from what matters to police, prosecutors, or judges. Research oriented toward identifying success from victims' perspectives is particularly important because of claims made by governments that specialized court processes aim to make the criminal justice system more victim-centred.

So what does matter to women who engage with the criminal justice system as an avenue of support and redress for intimate partner violence? What do women want or expect when they turn to the justice system for help? Researchers who have interviewed women about their needs and expectations have discovered that women tend to become involved in the criminal justice system after all other resources have been exhausted and are usually looking for protection and an immediate stop to a particular incident of violence (Holder, 2008; Landau, 2000). Many women are not committed to long-term involvement with the criminal justice system. In Canada, for example, only about one-third of female victims of intimate partner violence report to the police and the primary reason they do so is to stop the violence and receive protection (88%); less than half wanted their partner arrested (43%) (Johnson, 2006). Lewis and her colleagues (2001) speak about women's "active negotiation and strategic resistance" to violence and argue that, rather than passive victims, women actively resist violence and strategically use the resources available to them. The criminal justice system is just one such resource, and it is usually called upon when others have failed or the violence becomes increasingly dangerous.

Involving the police provides women with a temporary respite from violence and can facilitate leaving the relationship if that is what they decide (Hoyle & Sanders, 2000; Lewis, 2004). However, women report negative experiences with the police when the call to police triggers an increase in their partner's violence (Dubé, Rinfret-Raynor & Drouin, 2005) or when police officers showed a general lack of concern about their situation (Grauwiler, 2008). Many women choose not to contact formal services because they do not think they will help; they do not have the money, time, or transportation to access them; they have concerns about privacy; or, they want to protect their partner (Fugate, Landis, Riordan, Naureckas & Engel, 2005). While no one strategy is uniformly successful in protecting women from abuse, tactics that are most effective include contacting a domestic violence victim service program or staying at a shelter (Goodkind, Sullivan & Bybee, 2004). Women are most satisfied with formal services when they feel they are being heard (Grasely et al., 1999). Still, many women who experience abuse do not contact formal services at all, but may turn to family members or friends for support (Lievore, 2005).

In her study of marginalized women in Winnipeg, Minaker (2001) investigated what abused women need and whether criminal justice policies and practices adequately respond to these needs. Women in her study identified the need to be believed and to have their experiences validated, to have immediate protection from violence, and to secure their children's well-being (Minaker, 2001). For many of these women, police, lawyers, and judges trivialized, dismissed, or ignored the abuse or failed to demonstrate understanding of the context in which the abuse occurred. Police often failed to recognize the control violent men have over their partners and underestimated the extent of fear and risk these women faced. Criminal justice agents often failed to appreciate how tied the women's own needs were to those of their partners and children. In family court, abuse was often not given credence and violent partners were given access to or custody of children. These women also expressed a need for coping strategies, counselling, information, advice, and financial resources that would help ensure their long-term security. The justice system often failed to provide information and direction that would provide the means to cope with the situation, or the kind of remedies they were seeking. The women focused on having some control over the process, including whether their partners were arrested, prosecuted, or convicted. They were dissatisfied when their experiences were largely misrepresented by those involved in the criminal justice process.

An important finding from this study is that women clearly have very diverse and complex needs when it comes to seeking help in the aftermath of partner violence. Many women speak of wanting "justice", but not all see that as something the criminal justice system can deliver (Minaker, 2001). Indeed, women who contact the criminal justice system may be looking for something entirely different than punishment and retribution. Studies find that the most important resolution victims of partner violence want is validation of their experiences, and for family and friends to take an unequivocal stance in support of her and in condemnation of his violence (Herman, 2005). Victims express a desire for healing and rebuilding, and to feel safe throughout and as result of the process. While many women have faith in the justice system overall, most do not see it is a solution to their situation or as a guarantee of safety and many worry that involvement with the justice system could make their situation worse in terms of their future financial and personal well-being (Barata, 2007).

Important questions are emerging concerning how women can be protected from violent partners while ensuring their right to autonomy is respected, and whether aggressive arrest and prosecution policies are entirely compatible with an empowerment model of responding to intimate partner violence (Han, 2003). There is a need to consider whether more flexible and nuanced approaches are possible and whether a return to some degree of private decision making is desirable, ensuring a strong criminal justice response for those who desire it and strong supports and other

avenues of redress for those who do not (Hanna, 1996). Research has only begun to address these questions and little is known about how women subjectively construct their own safety or about the specific elements of a criminal justice response that contribute to and detract from safety.

WOMEN'S SAFETY

Safety for themselves and their children are top priorities for women experiencing intimate partner violence. Research shows that, to women, safety means living free of violence, having the autonomy to negotiate daily life decisions, having confidence that children's routines will be maintained, and living without constant fear and denigration (Hart, 1998). Abused women engage in a number of safety management techniques that might include staying with an abusive partner or gradually leaving in an ongoing, long-term process (Moe, 2007). Research suggests that women's conceptualizations of safety are much more fluid and complex than what seems to be an underlying assumption of criminal justice interventions for intimate partner violence: that if women use the criminal justice system, they will necessarily be safer (Frohmann, 2005).

The emphasis on "victim safety" within criminal justice responses to intimate partner violence marks a turn toward gender neutrality. For example, in an evaluation of the Ontario Domestic Violence Court Program, stakeholders defined victim safety as "ensuring that victims and their families are not harmed physically, emotionally, or mentally and feel safe in their environment" (PRA, 2006, p. 71). A number of components of the program are meant to address victim safety, including providing information and referrals, protecting confidentiality, and the Victim/Witness Assistance Program. However, taking a gender-neutral approach by defining and responding to "victim safety" fails to acknowledge some of the uniquely gendered aspects of women's vulnerability. For example, since women tend to be primary caregivers, they will have special concerns about their children's safety; women earn less than men which makes them vulnerable to economic insecurity if they leave violent partners; and, prevailing attitudes that support gender inequality could have disproportionate effects for women in violent relationships. When women are acknowledged as legitimate victims it is usually when they conform to some stereotype about what an "ideal" victim looks like. In the case of intimate partner violence, a woman who is helpless and enmeshed in a cycle of violence has become the stereotype of the "battered woman" (Loseke, 2001). Stereotypes fail to acknowledge that women make rational decisions in the context of the particular circumstances of their lives and the sometimes intersecting inequality that shape those circumstances (Randall, 2004). Mandatory charging and pro-prosecution policies were developed to respond to a stereotype of intimate partner violence, even though it represents a very narrow conceptualization of a diverse range of women's experiences (Dobash & Dobash, 1992; Ferraro, 1996). As a result, the weight of the criminal justice system is brought to bear equally on all cases that come to police attention, regardless of the sometimes coercive way this is experienced by female survivors (Ford, 2003).

Considering women's complex experiences of intimate partner violence, their diverse social positions, and the importance of securing safety for themselves and their children, a study centered on women's conceptualizations of safety vis-à-vis their experiences with the criminal justice system is both timely and of critical importance to those concerned about making interventions truly effective. From this review of the literature, a clear gap emerges: the need for a women-centred examination of specialized domestic violence courts and the individual components of this system, in order to determine how these processes affect women's safety and women's sense of justice, as diverse women define these concepts.

METHODOLOGY

This report communicates the findings from the first phase of a broader research project comprised of four phases: (1) focus groups with criminal justice, health, and social service providers and community agencies; (2) one-on-one interviews with a small number of female survivors of partner violence to develop research instruments and protocols; (3) pilot testing and finalization of research instruments and protocols; and, (4) in-depth quantitative and qualitative interviews conducted one-on-one with a larger number of female survivors who have a range of experiences with the criminal justice system, as well as those who did not report to police but used other community services. Participants for the interviews will be drawn from two research sites: Ottawa and Guelph, Ontario. These two sites have been chosen because they represent two approaches under the Ontario Domestic Violence Court Program: Ottawa is a larger city (population 900,000) with a Domestic Violence Court and Guelph is a smaller city (population 125,000) surrounded by a large rural area and has a specialized court process to respond to intimate partner violence. Site comparisons will help identify differences in how the approaches and policies in two cities of different sizes affect women's safety.

In total, one workshop and three focus groups were held for this phase of the project. A full-day workshop was held in Pembroke, Ontario at the "It's Time to Talk" conference organized by the Bernadette McCann House for Women on October 28, 2010. Thirty participants in the workshop were organized into five discussion groups. Participants were largely women's shelter workers and social workers representing agencies in Pembroke, Renfrew, North Bay, Cornwall, Winchester, and surrounding rural areas. In addition, three focus groups were conducted with 29 participants between November 2010 and April 2011 in Ottawa. These groups were comprised of members of the Ottawa Coalition to End Violence Against Women (OCTEVAW) representing women's shelters, counselling services, police, military, a treatment program for abusers, community resource centres, shelters for Aboriginal women, resource centres for immigrant women, social workers, community members, and college and university students.

All focus groups were approximately 1 hour and 30 minutes in length. Discussions focused on three key topics. First, participants were asked to comment on the experiences with criminal justice and other agencies of the women to whom they provide assistance. Second, participants were asked to reflect on the meaning of "safety" for themselves and for the women they serve, the compatibility of the goal of making women safer compared to the justice system goals of aggressively prosecuting offenders, barriers to ensuring women's safety, and the effects of these barriers on women's help-seeking. Finally, they were asked to identify priority topics they would like to see addressed in the in-depth interviews with survivors. This input will help maximize the relevancy and pertinence of the project outcomes. Focus group participants were also asked to provide advice on conducting these interviews safely and ethically and to suggest methods for recruiting survivors. The results of these focus groups form the basis of this report and will contribute directly to the development of the research instruments and protocols for subsequent phases. These steps form components of participatory action methods, in which input from victim-serving agencies and survivors of intimate partner violence directly inform the development and conduct of the research. The overall objective is to produce concrete recommendations on what the criminal justice system can do to ensure that specialized processes for responding to intimate partner violence are effective for those whom they are designed to benefit.

FOCUS GROUP DISCUSSIONS

Focus group discussions were organized around three general themes: (1) experiences of service providers and the women they represent with criminal justice and other agencies; (2) conceptualizations of safety; and, (3) logistical and ethical matters related to recruiting and interviewing women about their experiences with criminal justice and other agencies. Results of the focus group discussions of each theme are summarized below. The interview guide can be found in the Appendix.

I. EXPERIENCES WITH THE CRIMINAL JUSTICE SYSTEM AND OTHER AGENCIES

In discussions about experiences with criminal justice and community agencies, participants were encouraged to reflect on both positive and negative experiences, surprises, frustrations, and other concerns. They were also asked to describe the types of concerns abused women expressed to them about their interactions with criminal justice and other agencies and how these concerns differ for Aboriginal women, immigrant women, economically disadvantaged women, and women with different levels of mental or physical ability.

Participants spoke about their experiences and the experiences of the women they serve in both positive and negative terms. They described the positive ways in which attitudes have changed, services have been expanded, and intimate partner violence is taken seriously by the justice system. All agreed that important improvements have been made to criminal justice policies and procedures, although further improvements are needed. On the other hand, some questioned how much things have really changed for abused women and whether the outcomes are vastly different today than in the past. Participants enumerated negative experiences women have navigating the justice and social service systems, the lack of input women have into the process, and the unintended consequences of policies and procedures. Results of these discussions are presented here around the general topics of perceptions and experiences with the police and with court processes, experiences with Children's Aid Society, and partnerships and collaborations with other agencies in the local area.

PERCEPTIONS AND EXPERIENCES WITH POLICE

Views about the police response to intimate partner violence were mixed. On the positive side, one woman abuse counsellor pointed out that, although there are some problems with the pro-charging policy, it can make women safer as it is often the first opportunity for the woman to receive support and get connected to services. Police contact is often the first opportunity she has to decide if she wants to stay in the relationship or begin the process of leaving.

Negative perceptions of the police were illustrated through examples of police failing to lay charges and displaying a lack of knowledge about the experience of intimate partner violence which suggests to participants that many police officers are not adequately trained.

Failing to lay charges

Service providers described situations where women have called the police for protection from a violent partner and police have either not laid charges or asked the woman if she wants charges laid which is contrary to the pro-charging policy. One victim services worker described the frustration some women face when police fail to take a report because the abuser's behaviour does not fit the narrow definition of violence which requires her to produce visible signs of physical injury and fails to take

controlling and threatening behaviour seriously. Shelter workers described situations where women said they will never call the police again because of the response or lack of response that put them at risk because “the police did nothing and just kind of gave permission to the man to do this again because there are no consequences”.

Lack of knowledge about intimate partner violence

Participants expressed the positive view that training for police, Crown Attorneys, physicians, and other service providers has been effective. But despite the requirement that criminal justice actors receive training on the dynamics and impacts of intimate partner violence, there is a perception among focus group participants that some police, Crown Attorneys, and judges lack the training required to respond effectively. Several examples illustrate this point. Specialized police detectives were considered more knowledgeable about partner violence and more empathetic toward victims than front-line police officers who often demonstrate a lack of understanding regarding the dynamics of intimate partner violence and fail to understand why women remain in abusive relationships. Many front-line officers fail to take women’s reports of partner violence seriously, minimize the violence, and display victim-blaming attitudes. Victims are also often frustrated by a lack of contact with detectives after their first statement is taken, which results from the volume of cases in the Partner Assault Unit.

Police and Crown Attorneys often appear not to understand and to misinterpret post-traumatic stress and the gradual way in which many women disclose the details of their experiences. Women almost always call police in a state of crisis and disclose details gradually as trust is developed. Some women have been accused of changing their story as details are added and thus are seen as untrustworthy and unreliable witnesses. The addition or clarification of details following the original statement to police has been used by defence counsel to discredit complainants on the witness stand. The view was expressed that having advocates in the court room could help provide insight for Crown Attorneys and improve the response to victims.

Participants also identified dual charging as a problem and felt that it stems from a lack of understanding of the dynamics of intimate partner violence on the part of police and a willingness to lay charges against both parties and to let the courts work it out. If police do not ask for the full story, it is often perceived to be the case that abusers manipulate the situation and have the women charged as well.

Another illustration of a lack of knowledge and awareness of intimate partner violence that could be addressed through training is around recanting. When women recant their original statement or otherwise indicate they want to stop prosecution of their partners, they are often treated as “bad witnesses” by the Crown. Because recanting is often the result of intimidation by violent partners or their friends or family members, some service providers stressed the need for Crown Attorneys to rely less on victims testifying and more on other evidence, earlier statements, and the testimony of other witnesses.

A woman’s advocate observed that some progressive initiatives and processes at the Ottawa Police Service have been gradually dismantled in recent years and that high turnover in key positions is a contributing factor. Shelter workers and victim service workers have heard many women say that, as a result of the problems they have experienced with the justice system response in the past, they would not call the police again.

Participants generally had positive comments about agencies connected to the Domestic Violence Court, including Victim Crisis Assistance and Referral Services (VCARS) for the services they provide such as taking women to shelters and providing funding for necessities such as changing locks. The Victim/Witness Assistance Program (V/WAP) was also described mainly in positive terms by service providers for the way in which they provide information to victims, cooperate with other groups and agencies, help victims fill out forms, and keep women informed of the court process. Some identified V/WAP as a support to shelter workers and said it helps ease women's anxiety about the court process. However, one shelter worker expressed the view that although V/WAP provides support to victims, this structure has created a barrier for women and their advocates who no longer have direct access to Crown Attorneys.

In the view of many participants, victims are generally more satisfied with the response of police than with the investigative and court processes that follow because of long delays, lack of responsiveness to their needs, and the complexity of the court processes. A senior police officer likened the experience of victims following a report to police as “a piece of driftwood being tossed here and there”. Negative experiences were described with respect to a lack of choice and lack of control over decisions made by Crown Attorneys, court delays, and an apparent lack of awareness of the dynamics of intimate partner violence that could be addressed through additional training or through policy changes.

Lack of choice and lack of control over decisions

With respect to aggressive pro-prosecution policies, focus group participants expressed the view that women can be empowered when they can say to violent partners that they cannot get the charges withdrawn even if they tried. But they also stressed that these policies do not always have the intended outcomes and many women continue to face retaliation, intimidation, and harassment when charges are laid or when abusers are released on bail. It was noted that many women are not prepared for what can happen following a report to the police and this depends in part on their objective in calling the police. Those who call for protection and want police to issue a stern warning are often unaware that once their partner is arrested or charged victims cannot request to have the charges dropped. Although all women want their call to police to result in a prompt and serious response, many have wanted to withdraw from prosecution either because they believe the threat of criminal action has served the purpose of deterring the abuser from further violence or because the process has become too drawn-out and onerous. In the words of one shelter worker,

I think it is a very legitimate critique of the system, that women don't realize what they're unleashing into their lives when they pick up that phone and call 911. They just, they want this incident to stop, they don't want to unleash a two year process where they're dragged in front of the court and, you now, they didn't intend that at all, they didn't know that would be the consequence. And then if they had a bad experience with that process, I've often heard from women that they will never do it again. They would never; they would do anything but call the police in the same circumstances.

A victim advocate concurs:

One problem with mandatory charging is that nobody knows about it except for the people working in the field, so when a woman picks up the phone and calls the police, she has no idea what course her life is going to take, at that moment, has no idea, so she calls the police. She maybe just wants some peace, she wants somebody to talk to him, maybe she wants him out for a little while, maybe she wants separation and she wants someone to facilitate that, but, you know, she has no idea that he's going to be going to jail for the night, that, you know, from then on she might not even know, when he's out, if it is a dangerous situation, she doesn't always know when he's coming out...

Other women who do expect charges to be laid and prosecution to result are not prepared for outcomes such as the man being released on bail or cases dropped due to insufficient evidence, which can put the woman in danger and reduce the likelihood she will call the police again. One police officer expressed the view that “victims are almost universally disappointed with the results of the court system”. This has consequences for police who are then faced with countering negative perceptions of the court system and convincing reluctant victims to provide a statement so that charges can be laid.

Participants said they are told frequently by victims that they primarily want their partner to know what he did was wrong and to receive validation of their experiences from friends, family, and agencies they contact for support. This validation can come when police respond quickly.

Many felt that procedural justice is just as important to victims as the outcome of the case. There was strong agreement that victims’ frustration and dissatisfaction with the court process stems from a lack of choice, lack of input, and a feeling that nobody was listening to them. It was felt that many more women would be satisfied with the court process if they had more input, regardless of the eventual outcome. According to focus group participants, the court experience can be positive when women feel supported and prepared by the Crown Attorney, when the Crown Attorney invests in developing a relationship with the victim, and when victims feel like they are able to express themselves and feel they are heard.

One shelter worker remarked that prior to specialization, Crown Attorneys were far more accessible. Today there are long delays between meetings with the Crown and current policies create difficulties when women want to drop charges or otherwise petition to the Crown. When women do as much as they can to make their views heard and are then denied, it sends the message that they do not really have a voice.

I think it's kind of a guise, right, to say that you can have an opportunity to tell the Crown, but the reality is the Crown's probably not going to listen to you, right? Like there is a minority of cases where they will listen to you, so I think that's kind of saying that there's a place for women to have a voice, but there's not a place.

Court delays

Court delays were identified as a significant concern despite recent attempts to shorten time delays in court with the Ontario government's "Justice on Target" initiative. In the words of one police officer:

I can't remember a lot of what happened a year ago, and we're talking about somebody who's had the worst night of their lives, they have PTSD and they might have a mental or physical disability, addiction problems...you ask them to remember what happened a year ago, the courts make mincemeat out of them and they're forced to defend the decisions they made. It's not really a fair place to put them...it's not a place I'd want to be.

A woman abuse counsellor describes it this way:

I'm working with a woman right at the moment...two years, it's been two years since the assault, so she's still in the system and there's all kinds of different reasons why that could happen, but the length of time...so that woman also feels punished by the justice system that she cannot move on with her life. The same if you've got kids, you're in criminal court, family court, criminal court, family court, family court, family court, and they cannot move forward and they feel like they are in prison until this trial takes place, and if it's up to two years, like they say eight months it should be all said and done, that's when everything lines up, but if not... I've a ton of cases that don't line up.

She went on to describe the fatigue that sets in on the woman's support system:

Some employers are great but others...you miss another day of work and you're done, you're toast. So if you've got this thing going on for years, people get sick of you, friends get, everyone gets sick of it... What, you're still in court? Can we not talk about something else?

The Court Accompaniment Program at Ottawa Victim Services was perceived to be very helpful for advocacy and for supporting women and explaining the court process. However, the program has lost funding, despite evidence of effectiveness, strong community support, and the benefits it provided in terms of improving access to justice. One victim services worker expressed the view that the violence against women community has a higher standard of accountability and that evidence of effectiveness is not considered in the same light as other agencies, especially criminal justice agencies.

Lack of awareness of the dynamics of intimate partner violence

An apparent lack of awareness of the dynamics of intimate partner violence by court personnel was exemplified by court orders that place women in danger, and refusal to consider measures in the courtroom that would reduce intimidation by abusers and specific issues of concern for diverse groups of women.

A common frustration expressed by focus group participants is the lack of coordination between criminal court and family court and the problems that arise when the two courts make conflicting orders

or orders that potentially put women in danger. A primary example is family court orders that are based on the assumption that a violent partner can still be a good father and that prioritize the abuser's right to have access to his children over the woman's right to safety. This is seen to be an indication of insensitivity or lack of knowledge of the impacts on children of witnessing violence in addition to the potential long-term impacts on women victims.

In court proceedings, service providers felt that reasonable requests from victims to put into place measures to reduce intimidation by abusers, such as providing a screen so that victims could testify without confronting the abuser, were being turned down by Crown Attorneys. This was interpreted as resulting from a low level of awareness of the dynamics of intimate partner violence.

Issues with court processes are exacerbated for immigrant women especially in smaller communities where the ability to provide services to diverse groups of women is challenging due to a lack of information, a lack of culturally sensitive resources, language issues, and a lack of experience on the part of service providers in responding to diverse groups of women. According to one advocate, immigrant women are often reluctant to speak to the police or to provide essential details because of negative experiences with police in their home country. Language can be a barrier, even for women who have been living in Canada for many years and speak English or French fluently, because in a crisis situation they may have difficulty absorbing information or communicating in English or French. In addition, women whose first language is not English or French face particular challenges understanding the criminal justice system and often feel unsupported throughout the process and do not fully understand what is taking place and how long the process can take.

ISSUES RELATED TO CHILDREN'S AID SOCIETY

The Children's Aid Society (CAS) came up frequently in these discussions. Being responsible for children invariably complicates and influences the decisions women make when assaulted by a partner. When police are called to respond to an incident of intimate partner violence, they have a responsibility to notify CAS. Many women call police at the point where the violence threatens to affect their children, but many also delay getting involved with the justice system in order to avoid involvement with CAS since that can have unpredictable results. Thus, while on the one hand women may be satisfied with the immediate protection offered by police, a call to police risks involvement of the child welfare system and possible apprehension of children if women stay with or return to abusive partners.

Additional complications arise because of lack of coordination between the child welfare system and criminal court. One shelter worker describes the situation as follows:

If CAS gets called by the cops they engage. If she does all the right things, leaves him, starts the family law process, CAS says, "oh, you're doing the right stuff, we're gonna close the file", and then his lawyer goes to family court and says, "oh there was nothing wrong, they closed the file... there was never any violence". That's one of the things I'm trying to work on... is to get CAS to do that differently, so that closing the file doesn't mean that he wasn't violent.

If the abusive partner has not been charged or has not been convicted and the woman tries to get custody of her children, it is difficult to get a supervised access order. In addition, some CAS rules are

perceived to be so strict it is often difficult for abused women to follow them (for example, parents are not allowed to share a bed with a child) and women may also find it difficult to negotiate shared parenting orders. Many women have a lack of trust in CAS because of negative experiences in the past.

Although the Children's Aid Society was described mainly in negative terms, one woman abuse counsellor pointed out the flip side:

Some women will say calling the police saved my life, or Children's Aid is my best friend, others say if I didn't have that CAS worker I wouldn't be alive today, she helped me get to a shelter or whatever.

PARTNERSHIPS AND COLLABORATION

Agencies providing services to abused women and their children and to abusive men have generally built productive relationships and there is some good service coordination and coalitions in focus group participants' communities. OCTEVAW is an example of a coalition that has had successful collaboration from police, V/WAP, health and social service agencies, and the local community. However, in general, it was felt that greater community buy-in is needed for collaboration and there is a perception that in some agencies collaboration has been obstructed by individual personalities. Some service providers were sceptical about the extent to which collaboration has made a real difference for the women involved and expressed widespread frustration concerning the difficulty navigating a complex multi-agency system.

Need for improved collaboration

Many community agencies described feeling "shut out" of committees and other processes that were originally designed to enhance collaboration. Although advocates and service providers are invited to sit on committees chaired by court officials, information is often not shared and women's groups are deemed not to have relevant knowledge or expertise. In the words of one advocate:

The experiences we've had with the Domestic Violence Court Advisory Committee have been very disempowering because we're sitting around a table with criminal justice partners with the City, CAS, the Crown, V/WAP and you're deemed to not have knowledge or experience, or your position is not counted, or it's not important. You can be shoved off, you know, and not, you kind of feel like you're an interest group, actually we're told that we're interest groups, and that, when I look at the definition of what that advisory committee is supposed to do, it's just that, it's an advisory committee. They were supposed to be implemented to make sure that the parts of the court system are working properly and, yes, they have made efforts to get immigrant women's services to the table, to get [Aboriginal group] to the table, to Francophone women's groups, but when we're actually sitting around the table, all it is is updates about people's programs...that information is valuable, but it...doesn't actually address any of the root issues...

The Partner Assault Support Team (PAST) is another example of good collaboration and information sharing among justice partners who confer on the most challenging and serious cases of the week, but women's organizations are not included. The reason given is the need to protect confidentiality of the individuals involved. Service providers feel they are in a good position to provide input, and have the knowledge and professionalism to ensure that privacy and confidentiality are upheld, but they do not have a voice.

The situation was described by participants as an ironic one where women's groups are victims of their own success: the current system is in place because of grassroots feminist advocacy and all systems now have some sort of response to violence against women, but as a result women's groups are just one voice and often viewed as an interest group with no particular expertise. One shelter worker indicated that a new women's movement is needed to rectify this situation and the current lack of discussion about structural change.

Complexity of the justice and social service systems

The multi-agency response to intimate partner violence was described in all the focus group discussions as overwhelming, confusing, and inadequately funded with long waiting lists and a lack of ongoing, long-term counselling for women, their children, and male abusers (programs were perceived to be too short to address a lifetime of learned behaviour). Service providers expressed frustration with the difficulty of providing adequate services amidst government cut-backs in all sectors. The long, drawn-out process can be a financial burden on women who depend financially on their abusive partner, and entails costs associated with lawyers, transportation, and childcare. Advocates described women who feel they are being punished financially by the justice system if, when their partners are charged, they lose the family's primary source of income. Or they may risk losing their own jobs if they are shift workers and rely on the abuser for child care. Some women do not have the resources to retain a good lawyer which leaves them vulnerable to receiving inaccurate advice and information and unaware of the consequences of the actions they may be advised to take.

Even very experienced service providers expressed frustration at the difficulty navigating the justice system and the network of other services, describing it as a full-time job for the women involved and for the workers to find their way around the network of services:

I've been doing this for, I don't know, twelve years now and every time I go, something is different. I'm going "Why are we in this court? Why not that court? Why have we got this kind of group of people in front of us and tomorrow we'll have that kind of group?" I've been doing it for a long time and I still can't figure out what's going on and I think I have a pretty good understanding of the process. So, for women to get caught up in a system that is so complex, I don't know why it can't be simplified in a way that they can comprehend what's going on.

II. CONCEPTUALIZATIONS OF SAFETY

Focus group participants were asked to reflect on the meaning of safety in the context of their work with women experiencing intimate partner violence and their interactions with the criminal justice

system. In their responses, participants discussed their own divergent conceptualizations of safety and those expressed either directly or indirectly by the women with whom they work.

SERVICE PROVIDERS' SENSE OF SAFETY

Service providers expressed different conceptualizations of safety. Many felt that safety means living free from the fear of violence or harm, having the autonomy to make decisions about one's own life, and having a stable environment in which the woman and her children can live.

A victim crisis worker understood women's safety as "whether they choose to use the services that are available" and when a woman does not choose to engage with available services, in this case a high risk case review conducted by PAST, she is undermining her own safety:

She's choosing not to participate in the process that could make her safer, should she? So, I think that, it's only, so, I think her willingness, or her engagement, has a lot to do with whether or not that process is making her safer or not.

This view that women are not managing their safety if they choose not to engage or to disengage from criminal justice proceedings is in contrast to how many shelter workers described women's safety. Many shelter workers distinguished between physical and emotional safety and linked women's safety with being believed, validated, and supported. They also described safety as having self-esteem, self-confidence, and self-respect.

Many participants highlighted the contradictory nature of women's safety and the differences between what a woman experiencing violence might consider safety and what they as service providers consider safety. For example, a woman may be physically safe from violence (for example, if her abusive partner has been incarcerated), but may still feel unsafe (for example, if she was financially dependent on her partner and now has to move into social housing as a result of his incarceration). On the other hand, service providers noted that some women who experience violence may feel safer while living with their abusive partners than having him in the criminal justice system because he is "the devil she knows". One victim advocate described the situation as follows:

Well, many women don't feel that they're unsafe... some of them have been in terribly, terribly abusive relationships, they do feel that there is a measure of accountability when he is made to go to a program like [PAR program], um, you know, they have a lot, a lot of women have a lot of hope in a program like [PAR program], they sometimes they feel that it makes them safe... sometimes it's a false sense of safety.

Shelter workers emphasized that women need to define what safety means to them personally, but one service provider noted that this view may overlook the complexity of the situation:

I always like to think women know best about themselves and I don't think the system treats them that way, and you try to work with women and respect their own sense of safety, and a lot of the risk assessments say that women know best when they're at risk and you don't agree, and

so it's really difficult working with someone when you have their best interests in mind, and so do they, but you don't really know if they know what their situation really is, or if you know better than them, and you don't want to think you know better, you know what I mean, you don't want to make decisions for people, never.

However, shelter workers noted that no safety plan is a guarantee of safety or completely eliminates the risk for violence, that safety planning is ongoing, and suggested that safety means knowing that there is never a guarantee of safety.

WOMEN'S SENSE OF SAFETY

Focus group participants reflected on not only what they considered to be safety, but also what safety would mean from the perspectives of the women who experience intimate partner violence. A common thread among service providers was that a woman's history of abuse, including childhood experiences of violence and witnessing violence, plays a significant role in her conceptualization of safety and actions taken to secure safety. According to one woman abuse counsellor,

There are cases where women have historical abuse and minimize, 'cause they normalize that experience so their safety, what they consider safe and what we might consider safe are two different things. So for sure, a lot of their history, what their experiences are plays a big role in that as well, in whether they participate in looking for safety or involvement in the system.

One victim crisis worker expressed the view that many women would likely say they will never feel safe again. A counsellor who works with Aboriginal women described how many women lose the ability to make decisions for themselves once they have been terrorized and controlled by a violent partner:

There's also the perception of safety, right, like I have a client who has a court order to, that says she can see her kids from X day to X day, but her ex will make his own schedule and not allow it, and then she finally, after months and months and months, said I'm just going to do this, and I said, well, you have a right to do this, it's in the court order, and she was like, I've just been afraid, I just followed what he said because of the pattern of the cycle of abuse that she lived, she's in a space where she just follows everything he says, because she had learned in the past, well, if I don't, while she was with him, then they're consequences.

Similarly, women's previous experiences with the criminal justice system and other social services can have an impact on their use of those services again in the future. A military police officer shared a story about a woman he encountered who had been sexually assaulted but, because of previous negative experiences with the criminal justice system, chose not to make a complaint:

She didn't want to make a complaint now because this is what happened to her last time and it had nothing to do with what happened

this time, it's just her history with the justice system and what happened to her in that situation, she didn't want to make a complaint, all she wanted was to be driven home and you know, we try to offer, like, we have all our contacts of services she can use and I tried to follow up with her later and, you know, she just ignores your phone calls and stuff like that so, it kind of makes you feel helpless and frustrated. What do you do in that kind of situation?

Service providers also noted that safety for women does not necessarily mean leaving an abusive relationship, though this seems to be the assumed end goal of the criminal justice system and many other support services. One shelter worker described women's safety as a harm reduction approach:

I think it [harm reduction] applies to violence against women and it's not necessarily ending the relationship, if it's reducing the harm that might come to them. Like, they don't necessarily want to leave, they just want the violence to stop. They don't necessarily want to go to court, but they want him to know that if he doesn't stop then maybe that's where it will go, but it's harm reduction, I think for a lot of women, rather than necessarily, like, a zero tolerance.

Further, returning to an abusive partner or recanting a statement made to the police may in fact be part of a woman's safety plan.

Overall, service providers tend to understand safety from the women's perspectives in a holistic sense, encompassing physical and emotional safety, financial security, and fostering healthy relationships. In addition, it was recognized by many participants that women's ability to secure safety is not located solely within the criminal justice response, but involves managing a complex web of social services, interactions with lawyers, doctors, and other service providers with competing priorities and goals, and expectations of family and friends.

BARRIERS TO WOMEN'S SAFETY

There was broad consensus across the focus groups that the goals of the criminal justice system (the aggressive prosecution and punishment of offenders) are often at odds with the goals of women who experience intimate partner violence (to end the violence and find safety). In fact, many participants noted that criminal justice responses to intimate partner violence often contribute to women feeling and being unsafe, for example, the fact that arresting or charging an abuser does not necessarily ensure he will not harass, intimidate or assault her, and that punishment does not necessarily lead to a change in behaviour. One women abuse counsellor who works with Aboriginal women noted that police involvement in incidents of intimate partner violence can actually escalate violence and lead to retaliation against the woman when her partner returns to the home.

There was a perception that the civil and family law systems also contribute to women's inability to adequately secure safety for themselves and their children. No contact orders or peace bonds are difficult to monitor or are inconsistently monitored and conditions are not often enforced by police.

Also, for women who want to leave an abusive partner, their ability to do so may be hindered if there are children involved, as one counsellor described:

There's a whole lot of things around the family law system that really impacts the safety for women in how they choose to leave, so it is much harder to leave if you have the children, if you've experienced violence, like I don't know if you could do it without custody.

This is exacerbated by the fact that courts often issue contradictory orders. For example, shelter workers described instances where an abuser was issued a no contact order but was permitted to work at the family business which was a farm on which the woman lived. The abuser thus was able to be in close proximity to the woman nearly at all times. Another frequently cited scenario was family courts issuing visitation rights to abusive men who were still considered by the courts to be “good fathers”.

An unintended consequence of the involvement of multiple systems is the ability of abusers to manipulate these institutions to suit their own purposes:

What I'm hearing from a lot of my clients is when they go to that [PAR program], they are safer physically, but then they [abusers] learn the lingo, and they learn how to do, to what extent can they abuse without being criminal and how to look very cooperative with the system. And that's unfortunate because I hear from the people, from the women who the men when they're voluntary, how it was so successful, but when they were mandated they just learned what to do, and that may be a false sense of security.

FACTORS THAT UNDERMINE WOMEN'S SAFETY

There are many physical or logistical elements of criminal justice and other social service intervention that service providers identified as undermining women's safety. For example, in one rural courthouse, women witnesses often had to wait for their trial in the same stairwell as the accused abusers. In addition, the presence of abusers' families at court can further intimidate women, bags are not checked at courthouses, there are no metal detectors, and there is a lack of confidentiality in the court proceedings.

In terms of other social services, there are unique safety issues for women in abusive same-sex relationships, where the abuser may be easily able to find out where a shelter is located, for example. Also, admittance criteria to some shelters or other services may exclude some women who are in particular need of assistance (such as women with addiction issues or women who are homeless).

One victim crisis worker described what she called the “optics of safety” projected by different physical devices meant to increase women's safety. For example, the Domestic Violence Emergency Response System that links women at high risk of violence to police services through a small pendant equipped with an alarm may provide the illusion of safety, but may not actually reduce the actual risk of violence. This view was echoed by another service provider who noted that no contact orders “give the appearance of safety” while women continue to feel unsafe.

Institutional and structural factors also can play a role in undermining women’s safety. In cases where the abuser is employed as a police officer or in the military, women may experience institutional barriers to disclosing the abuse. In the words of a police officer:

There’s lots of them that get removed from active duty, and they get their support options taken away, everybody looks at them differently... they know that the consequences of making a minor report, of something minor are going to be very immediate and very severe and it may even affect their livelihood as well.

In other words, women may not speak out about abuse if they are afraid their abuser will lose his job, get demoted, or suffer negative reactions from co-workers, especially if she is financially dependent on her partner. Another issue concerns women who experience emotional or psychological abuse but perhaps not physical violence. Since criminal justice processing and civil protection orders are predicated on the existence of physical evidence, women who cannot provide evidence of physical abuse often find it difficult to secure safety through these avenues. A counsellor who works with immigrant women says the women often say they “hope that something happens” (i.e., an assault) so they can get the attention of the police.

Several service providers identified the structural problems undermining women’s ability to secure safety and the links between women’s safety and gender inequality. In the words of one:

I think it's probably important to really expand the notion of what is necessary for a safe community, a safe individual. I mean there's been so much in terms of resources put into the criminal justice response, but when we look at issues of affordable housing, income security, Ontario Works, ODSP [Ontario Disability Support Program], all the kinds of things I think a woman needs to live safe and have options in her life, those aren't available.

III. INTERVIEWING WOMEN ABOUT THEIR EXPERIENCES

In this section of the discussion, focus group participants were asked to provide input into the next stage of the research project in which women who have experienced intimate partner violence will be interviewed directly about their interactions with the criminal justice system and other service agencies. Participants were asked if there were any specific questions they would like to see included in these interviews related to the ability of women to secure safety for themselves and their children. They were also asked to provide advice on how diverse groups of women could be recruited and how the researchers could ensure that women would be able to participate safely.

ISSUES OF IMPORTANCE TO SERVICE PROVIDERS

When asked to list issues of importance to them that they would like to see included in interviews with survivors of violence, participants identified some of the overarching issues concerning women's involvement with the criminal justice system, such as whether their expectations about the criminal justice process reflected their actual experiences. Sample questions were: What is your "best case scenario" in involving the criminal justice system to address the abuse? Did you have any reservations at the outset about involving the criminal justice system? What do you think is a woman's best option for securing her safety if she had decided not to call the police to intervene? Would you ever go through the criminal justice process again knowing what you know now, and would you suggest it to a friend or sister in similar circumstances?

In addition to these broad questions, focus group participants suggested questions about the particulars of criminal justice interventions and women's interactions with other agencies. For example, questions such as the following were considered important: How do you feel about the police being the first point of contact for you? Were the criminal justice workers and other service providers competent and did they understand the complexity of your situation? Were you satisfied with the outcome of the court process? Did the various interventions make you feel re-victimized and disrespected or empowered and validated?

Particularly in relation to the idea of safety, focus group participants suggested asking women how their interactions with the criminal justice system and other agencies made them feel about their safety and what could have been done to make them feel safer. Another suggestion was to ask interview participants: If you could design a system to support women, what would it look like? One group suggested asking women to define safety in their own terms and how that relates to their particular circumstances. Another participant wanted to know at what point a woman was connected with a community service that could support her throughout the criminal justice process.

Participants were interested in the difference in perceptions of criminal justice agencies between women who were connected to a community-based service and women who were not as well as among women who engaged with the justice system, differences between those who participated in various criminal justice interventions (such as prosecution, safety planning, V/WAP, a PAR program), and with women who did not. In addition, focus group participants are interested to know if these perceptions vary by the extent to which women are marginalized by race, ethnicity, immigration or refugee status, poverty, and other factors.

RECRUITMENT OF RESEARCH PARTICIPANTS

Individuals who work with survivors of partner violence on a daily basis are uniquely situated in their ability to comment on how women can participate in this research study in a way that is ethical and that ensures and maintains their safety. Participants were asked to suggest methods and sites for recruitment of interview participants, and particularly how women could be recruited from more diverse and isolated communities.

In terms of where to recruit women to participate in the interviews, the focus group participants had a number of suggestions:

- Women’s shelters;
- Community agencies (such as counselling programs, support programs, programs for immigrant women or settlement services, community housing, children’s services);
- Partners of men attending PAR programs; and,
- Advertisements in newspapers, social networking websites, universities and colleges, health care services, hospitals, women’s washrooms, community centres, community houses, shopping malls, grocery stores, municipal service centres, homeless shelters, places of worship, police stations, and courthouses.

Many community service providers, including shelter workers, counsellors, and advocates, offered their help in recruiting women to the research study at their place of work and through their respective programs and mentioned knowing individual women whom they thought would be eager to participate and share their stories. However, it was noted that it would be important for the researcher to come in personally to talk to women in shelters and at support groups about the study, to avoid any confusion about the agency’s role in the research study and women’s sense of obligation to participate.

In addition to where women might be recruited to participate in the interviews, focus group participants suggested the types of women they would like to hear from, including both women who have participated in the criminal justice processing of an abusive partner and women who have not. Focus group participants stressed that it would be difficult to recruit women who have the resources to leave an abusive relationship without involving the criminal justice system or other community agencies, even though it would be important to hear their perspectives.

Participants also had suggestions for how the recruitment process could be made to be safe for the women involved. This included ensuring confidentiality, ensuring that abusive partners could not find out about the study (for example, by not leaving telephone, text, or email messages); being upfront about the fact that participating may bring up difficult emotions and providing avenues for emotional support if this occurs; conducting the interviews at safe, neutral locations such as women’s shelters and community agencies); providing an honorarium, childcare, and transportation; and, taking the time to develop rapport with the women in order to build trust. It was also noted that women would probably be most likely to participate in a study if they were out of crisis, had already addressed their situation, and had time to reflect on their experiences, even though it also would be interesting to hear from women who were just beginning to look for a solution to their abuse. Service providers agreed that, if these conditions for ensuring safety can be met, many women would have the desire to have their voices heard, and this research study would provide a rare opportunity for that. Focus group participants also stressed that informing survivors of the anticipated benefits of the research study, and how their participation would make a difference, will help secure their interest in participating.

OTHER SUGGESTIONS

Many participants provided additional suggestions about the research process in general. For example, it was suggested that the interview participants might like to have a support person with them during the interview, such as an advocate or counsellor, to increase their level of comfort. Alternative research methodologies were also suggested. For example, one service provider suggested that some women may be more comfortable sharing their experiences through journaling rather than having to relive them verbally. It was suggested that this project might be an opportunity to explore different methodologies for engaging marginalized women.

CONCLUSION

There is widespread agreement among the service providers in Ottawa and Eastern Ontario who participated in these focus group discussions that bringing women's voices and opinions into discussions about the effectiveness of current approaches to intimate partner violence will provide an essential complement to more traditional evaluations that examine outcomes from the perspective of the objectives of criminal justice agencies. While some benefits and successes of existing policies were identified by focus group participants, they also highlighted numerous examples where policy and procedures complicated the situation or exacerbated the violence for abused women. The next step in this research project is to invite a small number of women to advise on the research protocols which will then be used to conduct semi-structured interviews with a larger sample of survivors of violence who have engaged with the criminal justice system and a sample who have not. The overall aim is to determine which components of the current response are most effective and which result in negative outcomes from the perspective of the survivors themselves and to make these research results widely available to stimulate public policy discussions.

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APPENDIX: INTERVIEWING GUIDE

Experiences with Criminal Justice and Other Agencies

1. In your role in supporting or providing services to abused women, what are some of your experiences (i.e., positive, negative, surprises, frustrations, or other concerns) working with other agencies and with the criminal justice system?
2. What types of concerns do abused women express to you about their interactions with criminal justice and other agencies? How do these concerns differ for Aboriginal women, immigrant women, economically disadvantaged women, and women with different levels of mental or physical ability?

Women's Conceptualizations of Safety

1. What does "safety" mean to you? Is the goal of making women safer always compatible with the goal of the justice system to aggressively prosecute offenders? Have there been unanticipated outcomes to these policies (e.g., women's willingness to report, recanting in court)?
2. Are there ways in which the criminal justice system empowers women to make themselves safer? Are there barriers to ensuring women's safety within the current response to partner violence?
3. In your work supporting or providing services to abused women, what would you say they want or need to ensure their safety? In other words, what do you think "safety" means to them?

Interviewing Women about their Experiences

1. Are there specific questions you think we should ask women about their experiences with the criminal justice system and other agencies and how this relates to their safety?
2. What do you think is important for ensuring that women can participate in this research safely? How do you think we should recruit women to participate so that we ensure representation from diverse communities?
3. What do you think is the one question we have to make sure we include in our interviews with women who have experienced intimate partner violence?