

Specialized Domestic Violence Courts: A Comparison of Models

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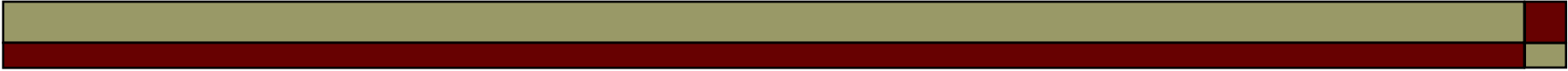
Presentation Overview

- The justice response to DV
- Initial comparison of specialized court data
- Interpreting the results



The Problem

- The risk of injury and death to women abused by intimate partners has become the focus of health, mental health and social services systems across North America.
- The justice system, including police, crown prosecutors (district attorneys), defense lawyers, judges, probation and prison, deal with an enormous caseload of DV incidents.

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- ❑ Specialized justice responses to domestic violence have become widespread across North America in the past decade.
 - ❑ Two basic specialized DV court approaches include:
 - ❑ early intervention for low risk offenders who plead guilty and
 - ❑ vigorous prosecution for offenders of severe and repeated assaults



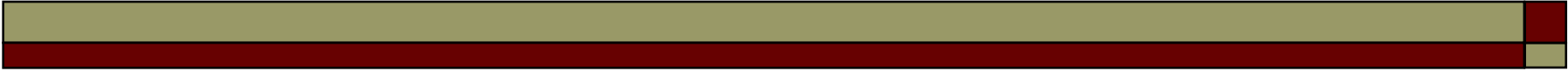
Reasons for Specialized DV Courts

- Sentences for partner assault have typically been lenient, not befitting the “serial” nature of the crime (Bennett, et al., 1999).
- Victims are often re-victimized during the justice process (Buzawa & Buzawa, 2003).
- I.e. victims who recant their testimony may be held in contempt of court and confined to prison, despite the fact that their reason for not testifying is because they are being threatened by the offender (Urse1, 2002).



The Research: Comparing 3 Specialized Court Approaches

- Regina: no specialized DV court as yet.
- Calgary: Homefront, specialized first appearance court sees accused very early after charges. 84% of those who plead guilty/stayed with a peace bond are fast-tracked into treatment. Recidivism (d.v. assaults) at 15 months: 7%

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- Edmonton: uses the regular first appearance court, but has a specialized trial court for DV cases.
 - Winnipeg: a full specialized court since 1990: Both first appearance and trial courts have specialized crown prosecutor unit, specialized probation and a Woman's Advocacy Program.



The Current Research

- Initial comparison of quantitative court data from 2002 from the 3 specialized DV courts to the statistics from the “comparison” city.
- This is research in progress: an initial look at the court data.
- The unique contexts of each court and of each city are important to note

Summary of Specialized DV

	Regina	Calgary	Edmonton	Winnipeg
Specialized	none	1 st appearance	Trial court	Full
Police teams	none	Yes (vigorous prosecution)	Yes (victim support)	Yes (victim support)
Specialized Crown Prosecutors	no	yes	yes	Yes
Referral to treatment	After FA	At FA	After FA	After FA
Support for Victims	Family Services Regina	DV Court Case Workers	DV Follow-up police Teams	Women's Advocacy
Dedicated judges	no	no	no	No
Probation	no	no	no	yes
Judicial review	no	no	no	no

Ethnicity of Accused in Spouse Abuse Cases 2002 Court Data

	Winnipeg	Regina	Edmonton	Calgary
	N = 3,176	N=919	N=627	N=1,126
Caucasian	47%	36%	63%	68%
Aboriginal	44%	62%	22%	12%
Other	9%	2%	15%	20%

Prior Record of Accused In Spouse Abuse Cases 2002 Court Data

	Winnipeg	Regina	Edmonton	Calgary
All cases	N=3,176	N=919	N=627	N=1,180
Prior record	83%	77%	70%	57%
Domestic	58%	18%	16%	Not Specified
Sexual	4%	4%	4%	
General	20%	47%	21%	
All CAP	83%	69%	41%	27%
Other	17%	31%	31%	49%

Calgary Homefront Court

	Frequency	Valid Percent
Guilty Plea	257	21.9
Stay of Proceedings	8	.7
Stayed with Peace Bond	363	31.0
Dismissed for want	2	.2
Accused deceased	1	.1
Withdrawn	49	4.2
Pled not guilty	454	38.7
Not Guilty Plea & Early Resolution/ Plea Reversal	38	3.2
Total	1172	100.0
Missing	8	
Total	1180	

Spouse Abuse Cases Resolved Through Conviction in 2002

	Winnipeg	Regina	Edmonton	Calgary
	N= 3,162	N=916	N=668	N=1,180
Guilty Plea	53%	54%	42.4%	30%
Guilty Verdict	2%	2%	10.6%	2.5%
Total conviction	55%	56%	53%	32.5%

Spouse Abuse Cases Resolved Through a Stay of Proceedings

	Winnipeg	Regina	Edmonton	Calgary
	N=3,162	N=916	N=668	N=1,180
Total Stays	1,405 (44%)	377 (41%)	22 (3.3%)	483 (41%)
Stay with: peace bond	15%	<1%	0	5%
Counselling	23%	n/a	n/a	27%
Stay with Consequences	38%	<1%	0	32%

Trial Consequences for Contested Spouse Abuse Cases

	Winnipeg	Regina	Edmonton	Calgary
Trials	N=95 (3%)	N=42 (5%)	N=362 (54%)	N=189 (16%)
Guilty Verdict	55%	36%	19.3%	16%
Not Guilty	35%	41%	27.8%	9.5%
Dismissed	9%	21%	52.2%	74.6%
Discharged	1%	2%	0.5%	0



Conclusions

- ❑ Specialized courts for DV primarily hold offenders accountable by stays with peace bonds and treatment or other consequences.
- ❑ A feminist approach by Crown Prosecutors can help keep victims safer whether they testify or recant.
- ❑ Alternatives to trial not only are less costly for everyone, but should result in a better sense of justice for the crime.



Updates on the Courts

- In Calgary the defense lawyers were increasingly encouraging the accused to plead guilty and go to trial.
- More men defended themselves and were not aware of the option of the peace bond/early intervention option.
- Recently, both Edmonton and Calgary have moved to include the other aspect of specialization respectively.