

**THE EFFECT OF PROTECTION ORDERS ON DOMESTIC VIOLENCE
VICTIMS PERCEPTIONS OF SAFETY**

By

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Abstract

Domestic violence is a pervasive issue that affects people from all walks of life. In recent years there have been numerous initiatives in British Columbia, Canada designed to address and prevent domestic violence, including civil protection orders. This study examined domestic violence victim's perception of safety, among other facets, as afforded by civil protection orders through an online survey and in-depth telephone interviews. Service providers, who were knowledgeable about domestic violence, also participated in telephone interviews to provide their perspective on the ability of civil protection orders to promote victim safety and to reduce recidivism. The findings suggest a need for more public awareness of civil protection orders, greater support in the application process, more enforcement or increased police and/or RCMP presence when orders are violated, and clarification for victims about implementing additional safety measures.

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Chapter 1.0 Introduction

Domestic violence is an endemic issue that has devastating consequences for victims, children who witness the abuse, and for society as a whole. According to the World Health Organization's (WHO) 2005 multi-country study on women's health and domestic violence against women, between 13% and 61% of women aged 15-49 years old reported that an intimate partner physically abused them at least once in their lifetime, between 6% and 59% of women reported forced or attempted forced sexual intercourse by an intimate partner, and between 1% and 28% of women reported that they were physically abused during pregnancy by an intimate partner (World Health Organization, 2013). There are such wide variances in the ranges of reporting because the countries where the study was conducted, Bangladesh, Brazil, Ethiopia, Japan, Peru, Namibia, Samoa, Serbia, Montenegro, Thailand, and the United Republic of Tanzania, there is still a lot of stigma attached to women disclosing the abuse they suffer (World Health Organization, 2010).

This study focuses exclusively on women victims of domestic violence as it has been documented that women are more likely to be a victim of sexual abuse or experience more severe or controlling domestic violence (Ansara & Hindin, 2011; Burczycka, 2016; Burczycka & Conroy, 2017; Statistics Canada, 2016). It should be noted that men are also victims of domestic violence but they do not report the violence to police or to the Royal Canadian Mounted Police (RCMP) as much as women, making it appear as if women are more likely to be victims, which is not the case (Burczycka, 2016; Burczycka & Conroy, 2017; Statistics Canada, 2016). In Canada in 2015, there

were approximately 72,000 police-reported female victims of domestic violence and 19,000 police-reported male victims of domestic violence (Burczycka & Conroy, 2017).

Domestic violence occurs in all socioeconomic (SES), cultural, religious, and ethnic groups (British Columbia, 2010B). There are certain characteristics of domestic violence that set it apart from other crimes, including the relationship to the victim, the likelihood of recidivism is high given the often continuing relationship, and the interactions between the justice system and the victim are typically more complex than that of other crimes (Plecas, Segger, & Marsland, 2000). Theories and causes of domestic violence are varied but there is some consensus that it reflects a power imbalance within the relationship, and so it is often difficult for the victim to leave due to a host of reasons including, but not limited to, fear and isolation, cultural or religious values, SES circumstances, dependent children, or denial of the violence (British Columbia, 2010A; Loue, 2001; Mears, Carlson, Holden, & Harris, 2001; Neilson, 2015; Plecas et al., 2000).

The criminal justice system has been improving their approach to domestic violence and over recent years a wide variety of policies and programs have been implemented, including mandatory or pro-arrest policies, pro-prosecution policies of Crown Counsel, specialized police and RCMP domestic violence units, and specialized domestic violence courts. The legal response to domestic violence has also been broadened, and of particular importance to this study, a variety of protective orders are now available to victims.

In British Columbia (B.C.) there are two main types of protection orders that afford domestic violence victims, and sometimes their children, protection from their partner or former partner, who is the subject of the protection orders. These orders

include civil protection orders and criminal orders with a condition that the subject not contact the victim or other named individuals (British Columbia, 2013). The subject must adhere to conditions on these legal orders and if he does not, he faces serious criminal consequences including but not limited to a custodial sentence (British Columbia, 2013). Although some of these orders have been in effect in Canada since the 1980s there has been limited research into the orders ability to protect victims and even scarcer research on the victim's perception of safety as afforded by these orders.

The current study uses an exploratory and descriptive research design to highlight domestic violence victim's as well as service providers, who are knowledgeable about domestic violence and who have assisted victims in obtaining either civil or criminal protection orders, perceptions of civil protection orders. The study examines perceptions of safety as provided by civil protection orders and any challenges or benefits participants perceive with the current system.

The goal of the current study is to advance the limited knowledge on civil protection orders in Canada. This is achieved through an online survey with women affected by domestic violence and in-depth telephone interviews with both women affected by domestic violence and service providers. The main research questions focus on domestic violence victims perception of safety and well-being after the issuance of a civil protection order, any challenges associated with the application process, experiences when the subject violates or breaches conditions on the civil protection order, police and/or RCMP's response to these violations, any changes the women believe would be useful to the civil protection order system, and how the women felt that the civil protection orders worked overall for their unique situations. The research questions

relating to the service providers focus on the service provider's perspective of the effectiveness of civil and criminal protection orders, experience with the Protection Order Registry, and any challenges or recommendations to improve the current system.

This thesis includes eleven chapters: Chapter 2.0 provides background information on the issue of domestic violence, in B.C. and in Canada, and explores theories and causes of domestic violence. Chapter 3.0 discusses the prevalence and characteristics of domestic violence in B.C. and in Canada, and outlines the criminal justice system's approach to the issue. Chapter 4.0 outlines protection orders and their prevalence in B.C. Chapter 5.0 highlights Canadian provinces and territories approach to civil protection orders. Chapter 6.0 reviews some of the research on protection orders in Canada and the United States and examines some of the theories that support the use of civil protection orders. Chapter 7.0 introduces the methodological approach adopted in this study. Chapter 8.0 analyses the online survey responses as well as the interviews conducted with victims of domestic violence and service providers. Chapter 9.0 is the discussion. Chapter 10.0 offers recommendations, explores policy implications, research limitations, and directions for future research. Chapter 11.0 is the conclusion.

Chapter 2.0 Background

2.1 Domestic Violence Explained

Domestic violence has been referred to by many other names with similar meanings including spousal violence/abuse, wife assault, violence against women in relationships, relationship violence, intimate partner violence, or family violence, and some studies have referred to female victims as battered women (British Columbia, 2016). The definition of domestic violence varies, and includes a range of physical and

sexual assaults, the threat of physical and sexual assaults, criminal harassment, threats, mischief, emotional or verbal abuse, and/or financial abuse (Beaupre, 2015; British Columbia, 2010B; British Columbia, 2015; British Columbia 2016; Burczycka, 2016; Burczycka & Conroy, 2017; Ministry of Justice, 2016A).

For the purposes of this study domestic violence is defined as physical, emotional, sexual, or financial abuse committed by an intimate partner. An intimate partner is described as a partner with whom another person was involved in a physical, sexual, and emotional relationship, regardless of marital or living status, at the time of the domestic violence (Ministry of Justice, 2016A).

Domestic violence is significantly different from other types of offences as the offender knows the victim, the two have a complicated relationship, there is a likelihood of repeat violence, and interactions between the justice system and the victim are complex (British Columbia, 2010B; Plecas et al., 2000). Domestic violence has been described as a power-based crime and this dynamic makes this crime particularly dangerous for the victim, as well as challenging for the justice system, as often the victim fears court proceedings, which can lead to a retraction of her initial report (British Columbia, 2010A; British Columbia, 2010B; Plecas et al., 2000). Domestic violence can also be described as coercive and controlling violence where one partner terrorizes the other to maintain power and control through violent and non-violent means, where each incident of violence adds to the harmful effects of an earlier incident in an ever-increasing destructive manner (British Columbia's Coroners Service, 2016).

Domestic violence occurs in all ethnic, cultural, and religious groups, as well as within all income levels, age groups, and across all communities in Canada (British

Columbia, 2016; British Columbia's Coroners Service, 2016; Burczycka, 2016; Burczycka & Conroy, 2017; Plecas et al., 2000; Statistics Canada, 2016). While women are more at risk of domestic violence than men, research shows that some groups of women are at greater risk of violence than others (Brennan, 2011; British Columbia, 2015; British Columbia, 2016; British Columbia's Coroners Service, 2016; Burczycka, 2016; Disability Alliance BC, 2016; Sinha, 2013; Statistics Canada, 2015; Statistics Canada, 2016). For example, due to a complex set of factors, including the intergenerational impacts of residential schools, Aboriginal women are three times as likely as non-Aboriginal women to be victims of domestic violence and they are significantly more likely to experience the most severe, potentially life threatening levels of violence (Brennan, 2011; British Columbia, 2015; British Columbia, 2016; Burczycka, 2016; Sinha, 2013; Statistics Canada, 2015; Statistics Canada, 2016).

In 2009, close to 67,000 Aboriginal women aged 15 years or older living in the Canadian provinces reported being the victim of violence in the previous 12 months (Brennan, 2011). Overall, the rate of self-reported violent victimization among Aboriginal women was almost three times higher than the rate of violent victimization reported by non-Aboriginal women (Brennan, 2011). Of the Aboriginal women who reported that they had a current or former spouse, 15% reported being a victim of domestic violence in the five years preceding the survey, as compared with 6% of non-Aboriginal women (Brennan, 2011). Moreover, close to 59% of Aboriginal women who experienced domestic violence in the five years preceding the survey said that they had been injured compared to 41% of non-Aboriginal women, which could be due to the fact that 48% of Aboriginal women reported the most severe forms of violence such as being

sexually assaulted, beaten, choked, or threatened with a gun or a knife (Brennan, 2011). Furthermore, over 52% of Aboriginal women who were victimized by a current or former partner stated that they feared for their lives, compared to 31% of non-Aboriginal women, and a third (34%) of Aboriginal women also stated that a current or former partner had been emotionally or financially abusive towards them in the five years preceding the survey, as compared to less than a fifth (17%) of non-Aboriginal women (Brennan, 2011).

In addition to the heightened risk faced by Indigenous populations, immigrant, refugee, and visible minority women may also be more vulnerable to domestic violence due to isolation, financial dependence, sponsorship concerns, language barriers, and a lack of knowledge of community resources (British Columbia, 2015; British Columbia, 2016; Burczycka, 2016; Statistics Canada, 2016). Similarly, women with physical disabilities that restrict their movement experience domestic violence at nearly double the rate as compared to women who do not have these limitations (British Columbia, 2015; British Columbia, 2016; Burczycka, 2016; Disability Alliance BC, 2016; Statistics Canada, 2016). The Disability Alliance BC (2016) reported that persons with disabilities were between 50% and 100% more likely than those without disabilities to have experienced violence by a spouse.

An American study by Ammar, Couture-Carron, Alvi, and San Antonio (2014) compared 34 Muslim and 84 non-Muslim immigrant women's experiences with police in relation to domestic violence in America. The authors observed that the dynamics of domestic violence were similar for both groups; however, for immigrant women, immigration heightens their vulnerability to violence and it amplifies the nature of the

violence they experience (Ammar et al., 2014). This is due to immigration status, limited English language skills, limited knowledge of legal protection and services, financial dependence, and lack of support systems, which intensify the women's sense of isolation (Ammar et al., 2014).

Ammar et al. (2014) also revealed that immigrant women have a higher lifetime prevalence of domestic violence. Rates among immigrant women in Latina, Filipino, South Asian, and Korean communities range from 30% to 50% in comparison to 22.1% of the general population (Ammar et al., 2014). Similarly, police were involved in domestic violence issues 24% more with Muslim women than non-Muslim women (Ammar et al., 2014). However, nearly a fifth (17%) of Muslim women in this study reported that language barriers were a deterrent against calling the police (Ammar et al., 2014). Other reasons included that they did not believe it was a matter for the police to get involved in (37.9%), or that they did not believe that the police could do anything to resolve the matter (27.5%) (Ammar et al., 2014). In fact, in nearly a third of cases (30%), it was a neighbor who called the police to report the incident (Ammar et al., 2014).

Given the myriad of devastating consequences of domestic violence, it is important to assist women in violent relationships, not only to respond to the victim's immediate physical and emotional well-being, but also to address the victim's overall quality of life. A study by Coker, Davis, Arias, Desai, Sanderson, Brandt, and Smith (2002) identified some of the medical symptoms that plague victims long after the initial abuse and these medical issues include anxiety, depression, heavy alcohol and prescription drug use, and chronic injuries, such as chronic pain, severe headaches, and

osteoarthritis. Neilson (2015) also explained that chronic posttraumatic stress disorder often plagues victims long after the violence has ended.

The consequences of domestic violence can also have a ripple effect on society. For instance, witnessing a parent abusing or being abused has damaging effects on children (British Columbia, 2010B; British Columbia, 2016; Burczycka, 2016; Burczycka & Conroy, 2017; Department of Justice, 2003; Plecas et al., 2000; Statistics Canada, 2016). Children who witness domestic violence have a higher probability of themselves becoming part of a generational cycle of violence, with boys more likely to become abusive and girls more likely to enter into an abusive relationship (British Columbia, 2016; Burczycka, 2016; Burczycka & Conroy, 2017; Department of Justice, 2003; Plecas et al., 2000; Statistics Canada, 2016).

The findings from the Statistics Canada 2014 General Social Survey (GSS) revealed that before age 15, one in ten Canadians had witnessed violence by a parent or guardian against another adult in the home. Those who witnessed this violence were more likely to also have experienced both physical and sexual abuse in their life (44%) (Burczycka & Conroy, 2017). Consequently, British Columbia (2010B) has noted that the presence of domestic violence is an indicator for the co-existence of child maltreatment and suggests that between 30% to 40% of children and youth who witness domestic violence also experience direct physical abuse themselves. Thus, domestic violence and child maltreatment, including neglect and physical abuse, can occur simultaneously.

There are also exorbitant financial costs associated with domestic violence. The demands on the justice, health, and social services systems all cost Canadian taxpayers approximately \$7.4 billion dollars (British Columbia, 2015). This estimate was calculated

based on direct costs to the victim, costs to children in terms of missed days of school, costs to employers in regards to victims being distracted or less productive, operating costs for social services such as shelters, and costs associated with criminal proceedings and medical care (British Columbia, 2015).

A Canadian study by Zhang, Hoddenbagh, McDonald, and Scrim (2012) came to a similar conclusion about the cost of domestic violence. The authors divided the economic impact of domestic violence into three groups: direct victims, whose costs were the highest at \$6.0 billion; third parties, including children and employers, at \$889.9 million; and costs associated with the justice system, which were estimated to be \$545.2 million (Zhang et al., 2012). Another Canadian study by Varcoe, Hankivsky, Ford-Gilboe, Wuest, Wilk, Hammerton, and Campbell (2011) estimated the total annual costs attributed to violence against women at \$13,612 per survivor and of this amount, 86% or \$11,370, was borne by government in taxpayer funding.

2.2 Causes of Domestic Violence

There is no single factor that can accurately predict when, how, why, or who will be a victim of domestic violence or who will be a perpetrator of domestic violence. Instead, domestic violence includes a combination of individual, family, social, community, and societal factors that interact with one another, but research is still trying to understand how these factors are related (Dutton, 2006).

Individual factors that can increase a person's risk to commit domestic violence include, a history of child abuse; age; gender; beliefs and behaviour; physical and mental health; substance use; and stress (Capaldi, Knoble, Shortt, & Kim, 2012; Etherington & Baker, 2016; Sinha, 2013; Stith, Smith, Penn, Ward, & Tritt, 2004). Many of these same

factors also contribute to being a victim of domestic violence as well (Capaldi et al., 2012; Coker et al., 2002; Etherington & Baker, 2016; Sinha, 2013).

It should be noted that problems with heavy alcohol use are often thought to increase the risk for domestic violence, but studies have shown that this could be the result of other related factors such as the environment and stress (Capaldi et al., 2012; Sinha, 2013; Stith et al., 2004).

Multiple studies have shown that a history of child abuse is linked to an increased risk for either committing domestic violence or becoming a victim of domestic violence (Burczycka & Conroy, 2017; Department of Justice, 2003; Etherington & Baker, 2016; Plecas et al., 2000; Statistics Canada, 2016; Thornberry & Henry, 2013; Wright & Fagan, 2013). Moreover, children who experience a variety of types of abuse, including physical, emotional, and sexual, or more severe abuse are more likely to become violent later in life than children who experience fewer types of abuse or less severe abuse (Etherington & Baker, 2016; Thornberry & Henry, 2013; Wright & Fagan, 2013).

Societal factors related to friends and family can also increase the risk for domestic violence, if such relationships include having friends who are violent; unsupportive friendships and unhealthy relationship with other family members; and being socially isolated and lacking social support (Capaldi et al., 2012).

A concerning aspect about community factors is that it can make individuals who are exposed to violence believe it is normal (Capaldi et al., 2012; Wright & Fagan, 2013). Neighbourhood characteristics that can influence the risk of being a perpetrator or victim of domestic violence include lack of services; unwillingness of community members to

intervene; social disorder such as noisy neighbourhoods, vandalism, people using or dealing drugs'; and poverty (Capaldi et al., 2012; Sinha, 2013; Wright & Fagan, 2013).

2.3 Theories of Domestic Violence

Just as there is no one cause of domestic violence, there is not one theory of domestic violence that can explain how individual, social, communal, and biological factors interact with one another to predict domestic violence tendencies. There are a variety of theories that have been applied to understanding domestic violence. These theories include biological, psychological, sociological, and feminist perspectives. Some of these theories address why men commit domestic violence, others explain why women stay in such relationships, and some try to explain both (Loue, 2001).

Feminist theories of violence against women emphasize that patriarchal structures of gender-based inequalities of power in society are the root of the issue (Loue, 2001). Instead of viewing the violence as an individual problem, it is seen as an expression of male domination or control of women (Loue, 2001).

Psychological theories postulate that domestic violence is the result of childhood experiences, personality traits such as the need to control, personality disorders such as borderline personality disorder, psychological disorders such as poor impulse control or low self-esteem, and/or head injuries (Loue, 2001).

Sociological theories that have attempted to explain domestic violence include family systems theory, social learning theory, resource theory, and exchange theory. Social learning theory suggests that individuals become aggressive toward their family members because their aggressive behaviours are learned through observing others, and these behaviours are strengthened through positive reinforcement (Bandura, 1973). Social

learning theory further postulates a causal link between exposure to violence in an individual's family of origin and violence towards an intimate partner in adulthood (Bandura, 1973). Thus, according to the theory, exposure to violence instils a belief system condoning the use of violence in intimate relationships, in turn increasing the likelihood that individuals will engage in such violence (Loue, 2001).

Social learning theory attempts to explain the presence of intergenerational violence and it proposes that children who grow up in violent families may learn violent behaviours, imitate those behaviours, and then repeat them in future relationships (Bandura, 1973; Loue, 2001). As previously stated researchers have found a causal link between witnessing domestic violence as a child and being more likely to be in domestic violence relationship as either a perpetrator or victim (British Columbia, 2016; Burczycka & Conroy, 2017; Department of Justice, 2003; Etherington & Baker, 2016; Plecas et al., 2000; Statistics Canada, 2016; Thornberry & Henry, 2013; Wright & Fagan, 2013).

Each theory provides a logical explanation of domestic violence and to some extent each has empirical support. However, no one theory has emerged as having overwhelming support, rather aspects of each theory have been used to explain domestic violence. Therefore, it is important to keep in mind that domestic violence is a complex phenomenon and it is difficult to encapsulate a human behaviour in one theory. That is why an integrated approach should be taken much like the ecological theory.

The ecological framework is based on evidence that there is no single factor that can explain why some people or groups are at higher risk for domestic violence, while others are not (Dutton, 2006). The ecological framework views domestic violence as the outcome of interaction among many factors at four levels, individual (ontogenetic),

relationships (microsystem), community (exosystem), and societal (macrosystem) (Dutton, 2006). Dutton (2006) explains a nested ecological framework for understanding domestic violence, wherein the individual is viewed as nested or operates within a broader context.

The macrosystem is comprised of the broad cultural values and beliefs systems, where risk factors that influence whether violence is encouraged or inhibited are imbedded in the cultural and societal norms about male dominance, and view violence as an acceptable means to resolve conflicts (Dutton, 2006). The exosystem is composed of groups and institutions such as school, work, peers, and church, or any other groups that connect the family to the larger environment (Dutton, 2006). Community factors that increase the likelihood of domestic violence include unemployment, population density, mobility, and level of crime (Dutton, 2006). The microsystem is the family unit itself; the risks associated with becoming a victim or perpetrator of violence may include having violent family and friends (Dutton, 2006). The ontogenetic factors refer to an individual's personal development (Dutton, 2006). The ontogenetic risk factors increasing the likelihood of domestic violence include how the individual's personal history and biological factors influence the individual's current behaviour (Dutton, 2006).

The ecological framework views the interaction between factors at different levels as equally influencing an individual's risk factors of becoming a perpetrator of domestic violence later in life. The ecological perspective is better suited to explaining domestic violence as it incorporates many different factors, all which can have a lasting effect on a person and shape how they behave.

Chapter 3.0 Prevalence and Characteristics of Domestic Violence

3.1 Prevalence of Domestic Violence in Canada

As previously noted, domestic violence is an issue across Canada. In 2014, 4% of Canadians self-reported being physically or sexually abused by their intimate partner during the preceding five years (Burczycka, 2016). In 2015, almost 92,000 people in Canada were victims of domestic violence, representing just over a quarter (28%) of all victims of police-reported violent crime, with female victims representing 79%, or about 72,000 of the victims, and men accounting for approximately 19,000 of the victims (Burczycka & Conroy, 2017). In 2011/2012, victim service providers reported that they assisted almost 460,000 victims and that the majority of victims were women (Allen, 2014). About six in ten women were victims of a violent offence by a spouse, ex-spouse, intimate partner, or other family members (Allen, 2014).

In 2015, Canada's rate of police-reported domestic violence was 309 per 100,000 population (Burczycka & Conroy, 2017). Saskatchewan (666 per 100,000) and Manitoba (554 per 100,000) reported the highest rates across the provinces in Canada (Burczycka & Conroy, 2017). Still, as with police-reported crime in general, rates of domestic violence were the highest in the territories, with Nunavut having the highest rate of police-reported domestic violence in Canada (3,575 per 100,000 population) (Burczycka & Conroy, 2017). In Nunavut, the risk to women was seven times greater (Burczycka & Conroy, 2017). For example, in 2015, there was a 2% increase of intimate partner physical assaults compared to 2014 (from 231 victims per 100,000 population to 235), and police-reported intimate partner sexual assaults rose by 7% in 2015 compared to

2014, and this number was 36 times higher among women than men (Burczycka & Conroy, 2017).

When considering domestic violence offences specifically, in 2015, a current or former dating partner offended against their partner more than other marital status groups, (54%), and in this category women accounted for approximately 25,000 victims (Burczycka & Conroy, 2017). Statistics Canada also revealed that police-reported domestic violence was more prevalent in current relationships than in relationships that had ended (Burczycka & Conroy, 2017). In total, current dating partners victimized 34% of all victims, whereas 32% of victims were victimized by a current spouse, 20% were victimized by a former dating partner, and 12% were victimized by a former spouse (Burczycka & Conroy, 2017).

Physical assault was the most common offence (77%) experienced by victims of police-reported domestic violence in 2015, with hitting or choking being the most common (71%) (Burczycka & Conroy, 2017). According to the 2014 GSS on victimization, the most commonly reported type of domestic violence experienced by people participating in the survey was being pushed, grabbed, shoved, or slapped (Burczycka, 2016).

Unfortunately the majority (70%) of domestic violence victims do not contact the police and fewer than one in five (19%) contacted the police to report victimization (British Columbia's Coroners Service, 2016; Burczycka, 2016). Instead of reporting to the police many women confided in a trusted friend or family member (British Columbia's Coroners Service, 2016). As such, according to police records in 2014, the overall rate of police reported domestic violence had declined 2% from 2013, from 235.9

per 100,000 population to 230.2 per 100,000 population (Burczycka, 2016). With that in mind, the ‘dark figure’ of domestic violence may never truly reveal how many victims suffer from domestic violence; however, homicide rates are quite accurate and it is important to note that in Canada, the intimate partner homicide rates have not been increasing. The rate of 2.7 intimate partner homicide per one million people recorded in 2015 represented a 46% drop since 1995 and a 23% drop since 2005 (Burczycka & Conroy, 2017).

Continuing a decades long trend, Statistics Canada noted there was a 16% decrease in homicide rates for spousal, including married, separated, divorced, and common-law partners, from 2009 to 2015 (British Columbia’s Coroners Services, 2016; Burczycka & Conroy, 2017). In 2009, there were 137 intimate partner homicides whereas in 2015, there were 110 intimate partner homicides (Burczycka & Conroy, 2017). In 2015, women, and in particular Indigenous women, continued to be at a higher risk of intimate partner homicide, at a rate of about five times greater than that of men (4.5 versus 0.9 victims per 1 million) (Burczycka & Conroy, 2017).

Burczycka and Conroy (2017) noted that between 2005 and 2015, of the 964 intimate partner homicides, the majority (74%) were committed by a current or former legally married or common-law spouse. According to police-reported data, on intimate partner homicides occurring between 2005 and 2015, females aged 25 to 29 years old, were at the highest risk (8.2 per 1 million population), while women aged 65 or older were at the lowest risk (2.0 per 1 million) (Burczycka & Conroy, 2017).

An American study in Chicago, Illinois reviewed 87 intimate partner homicides and interviewed 500 women 18 years and older between 1995 and 1996, who came to the

hospital or health care clinic in areas where the risk for domestic violence was high (Block, 2003). The study examined ways that practitioners, nurses, police officers, and other service providers could assist these women (Block, 2003). Block (2003) determined that the highest risk factors for future violence were the type of past violence, the number of days since the last incident, and the frequency or increasing frequency of violence in the past. For instance, any attempt to strangle or choke a woman increases her risk factors, and in a fourth of the female homicides, a man strangled or smothered the victim to death (Block, 2003). Leaving a relationship was also noted to increase the risk of death, as it was reported that 45% of the victims had attempted to leave the relationship when they were murdered (Block, 2003).

It should be noted that criminal harassment is also an issue for women in Canada and it is often perpetrated by an intimate partner. Criminal harassment was introduced in the *Criminal Code of Canada* in 1993 and is generally defined as repeatedly following or communicating with another person, repeatedly watching someone's home or workplace, and threatening another person known to the victim or the victim's family member (Sinha, 2013). Women are predominately the victims of criminal harassment and in 2011, there were approximately 11,700 female victims of police-reported criminal harassment, accounting for over three-quarters (76%) of all victims (Sinha, 2013). In 2011, 85% of offenders in criminal harassment incidents were men, and of those men more than half (58%) were current or former intimate partners with the female victim (Sinha, 2013).

3.2 Prevalence of Domestic Violence in British Columbia

From 2004 to 2009 it was estimated that more than 160,000 women in B.C. were victims of domestic violence (British Columbia, 2015). In 2015, in B.C. there were 9,437

police-reported female victims of domestic violence and 2,660 male police-reported victims of domestic violence (Burczycka & Conroy, 2017). The province with the highest female and male police-reported domestic violence was Ontario with 20,752 female police-reported victims and 5,177 male police-reported victims of domestic violence, and the territory with the highest number of victims was Nunavut showing 783 female police-reported victims of domestic violence and 126 male police-reported victims of domestic violence (Burczycka & Conroy, 2017).

Despite the police-reported victims of domestic violence totaling approximately 9,400 for female victims, the British Columbia's Coroners Service (2016) reports that each year across the province more than 30,000 women and children affected by domestic violence are referred to violence against women counseling and outreach programs, more than 40,000 new clients are supported by police-based, community-based, and court-based victim service programs, more than 18,000 women and children access transition houses and safe houses, and an average of 232 women were admitted to a B.C. hospital for severe injuries sustained from domestic violence.

An American study by Bonomi, Holt, Martin, and Thompson (2006) examined whether female victims of severe physical, psychological, or sexual domestic violence contacted the police more often than other abused women. It was discovered that women with severe physical or psychological domestic violence were more likely to call the police (Bonomi et al., 2006). Among the 431 women callers, 96% of the women, this includes all categories, made more calls to the police, if a weapon was involved (58%) and if they were severely physically abused (40%) (Bonomi et al., 2006).

To better understand intimate partner homicides and to identify prevention opportunities, a death review panel appointed under the *British Columbia's Coroner Act* was held in June 2016 (British Columbia's Coroners Service, 2016). Over a six-year period from January 2010 to December 2015, 75 fatal domestic violence incidents occurred in B.C., resulting in 100 deaths (73 deaths were of an intimate partner, friend or family member killed at the hands of a current or former intimate partner and 27 deaths were related to homicide-suicide) (British Columbia's Coroners Service, 2016).

The review found that more victims were women (78%) than men (22%), most of the women were aged 20-59 years old, almost two-thirds of all victims partners had a known history of domestic violence, although fewer than one-third of all victims had reported the violence to police, few victims (10) had a protection order, and 80% of the all the victims were killed in their own home (British Columbia's Coroners Service, 2016). The British Columbia's Coroners Service (2016) noted that arguments or quarrels were the most frequently reported motives for intimate partner homicide involving both Aboriginal and non-Aboriginal victims (48% and 27%) and the second most likely set of motives in intimate partner homicide were frustration, anger, or despair.

3.3 The Justice System's Response to Domestic Violence Issues

The legal response to domestic violence has expanded. There are a number of responses including pro-arrest policies, pro-prosecution policies of Crown Counsel, a variety of protective orders, specialized police and RCMP units, and specialized domestic violence courts. Historically, criminal justice professionals were reluctant to intervene in matters involving domestic violence, as they were believed to be private family matters (Dawson & Hotton, 2014; Kethineni & Beichner, 2009; Plecas et al., 2000). However,

over the past several decades the criminal justice system has made significant strides to hold offenders accountable and has developed innovative programs to assist victims of domestic violence as well as their children.

Prior to the 1960s, there was not an organized response to violence against women in B.C., but feminist activism changed this in the 1960s and 1970s (Rossiter, Yercich, & Jackson, 2014). Initially, this movement was met with resistance, as the common response within the criminal justice system, and to an extent, society, was that domestic violence was a private matter (Rossiter et al., 2014). As such, in Canada in the 1970s, when police officers did respond, they were encouraged to mediate and refer victims and offenders to social service agencies rather than make an arrest (Dawson & Hotton, 2014).

In the 1980s, the Canadian Government faced increased political, social, and legal pressures from women's and victims' rights advocacy groups to develop policies that directed police officers to apply the same standards of accountability to domestic violence that they would to any other crime (Hirschel, Buzawa, Pattavina, & Faggiani, 2007). In the 1980s and 1990s organized responses to domestic violence grew with the establishment of victim services, sexual assault/women assault centres, counseling programs, and transition houses. During this period the government also supported the development of anti-violence services by funding programs and services (Rossiter et al., 2014).

A major turning point for criminal justice professionals working with domestic violence offences was the influential 1984 landmark finding from Sherman and Berk's Minneapolis Domestic Violence Experiment (Plecas et al., 2000; Tutty, Wyllie, Abbott,

Mackenzie, Ursel, & Koshan, 2008). To determine the most effective method of responding to domestic violence, the researchers used a random assignment method to test three standard methods of police response over an 18-month period with the Minneapolis Police Department (Sherman & Berk, 1984). When suspected of a simple (misdemeanor) domestic violence assault, police officers either arrested the suspect, ordered the suspect away for eight hours, or provided some form of advice, such as informal mediation (Sherman & Berk, 1984). The offender's behaviour was then tracked for six months, with both official data and victim reports. After the six month period, 10% of the arrested offender's recidivated, 19% of the offender's recidivated after some form of police advice, and 24% recidivated after being removed for a period of time (Sherman & Berk, 1984). Based on their results Sherman and Berk (1984) favoured a presumption of arrest, unless there were clear reasons why an arrest would be counterproductive. Despite making this recommendation, they stated that police should have a loophole that allows for some discretion as imposing a requirement of arrest regardless of the immediate situation invites circumvention (Sherman & Berk, 1984).

Nevertheless, pro-arrest policies were widely adopted across North America, as it seemed that forceful intervention was the most effective in deterring domestic violence. Unfortunately, subsequent studies on Sherman and Berk's findings failed to replicate the Minneapolis findings, as they did not find any significant differences in the effect of arrest on recidivism compared to the informal measures (Broidy, Albright, & Denman, 2016; Dawson & Hotton, 2014; Kethineni & Beichner, 2009; Plecas et al., 2000; Tutty et al., 2008). However, by the time the additional studies were completed, many police departments in Canada and the United States had already implemented the new policies

of mandatory arrest, or, alternatively, policies on preferred arrest (Plecas et al., 2000; Tutty et al., 2008). In the 1980s, a directive from the Government of Canada led law enforcement agencies to adopt pro-arrest and pro-prosecution policies in cases of domestic violence (Dawson & Hotton, 2014; Rossiter et al., 2014).

Pro-arrest policies have played a pivotal role in changing the criminal justice system's recognition of domestic violence as a criminal matter, as opposed to a private matter (Dawson & Hotton, 2014; Kethineni & Beichner, 2009; Plecas et al., 2000; Tutty et al., 2008). The primary objectives of pro-arrest policies are to transfer decision-making responsibility to lay charges from the victim to the police and Crown Counsel and to ensure that police officers and Crown Counsel do not use their discretion to avoid laying charges because they believe it is a private matter (Department of Justice, 2003).

Pro-arrest policies require police officers to investigate all cases of domestic violence thoroughly and recommend charges when there are reasonable and probable grounds to believe that an offence had been committed, even when there are no injuries, and independent of the victim's wishes (Ministry of Justice, 2010; Vancouver Police Department, 2014). Pro-arrest policies are aimed at reducing the incidents of domestic violence through general and specific deterrence (Brown, 2000). In terms of general deterrence, it is hoped that others who are engaged in domestic violence offences are made aware of the legal repercussions as a way to discourage or prevent them from acting in a similar manner (Tomlinson, 2016). In terms of specific deterrence, when a negative consequence occurs due to poor choices it is hoped that a person learns from their actions and does not act in a similar manner again (Tomlinson, 2016).

Available research suggests that firm pro-arrest policies help reduce domestic violence rates and that prosecution and conviction leads to victim satisfaction with the criminal justice system (Cooper, 2012; Plecas et al., 2000). The more time prosecutors and judges invest in victims by allowing them to voice their needs and concerns, the more cooperative the victim will be with the prosecution of her abusive partner as it removes some of the prosecution related burdens off victims, which alleviates some of the victims' fears (Cooper, 2012).

Pro-arrest policies have garnered widespread support across North America; however, there is still debate as to their efficacy and whether these policies not only fail to deter offenders, but, in some cases, increase the level of violence towards the victim (Iyengar, 2009; Landau, 2000; Plecas et al., 2000). This could be because the police officer's intervention and arrest may signal, for the first time, that a crime has occurred, which may trigger a new set of dynamics in the couple's relationship (Iyengar, 2009; Landau, 2000; Plecas et al., 2000).

There are some negative consequences associated with pro-arrest policies (Dicter, 2013; Fraehlich & Ursel, 2014; Hamel, 2011). Firstly, limiting a police officer's discretion can result in a marked increase in dual arrests, thereby re-victimizing the victim (Dicter, 2013; Fraehlich & Ursel, 2014; Hamel, 2011; McCormick, Cohen, & Plecas, 2011). Secondly, pro-arrest policies may cause the victim not to contact the police out of fear of her partner's subsequent reprisal and thereby disempowering the woman, particularly given that many women call the police to stop the current violence, rather than to request that their partner is arrested and prosecuted (McCormick et al., 2011).

While pro-arrest policies were intended to limit police discretion and provide better protection for domestic violence victims, an unintended consequence of pro-arrest policies has been the increased number of dual arrests (Fraehlich & Ursel, 2014). In one survey, some police officers claimed that limited discretion resulted in increased pressure to arrest all parties who may have perpetrated a domestic violence incident (Sisic, 2012). There are a number of problems with this approach, such as further victimizing the victim, decreasing the likelihood that the victim will seek help thereby increasing the level of her risk, challenges associated with accessing victim services, and an increased likelihood that the charges will be stayed in court (Light, 2009).

In response to the increasing rate at which women were dually arrested, primary aggressor policies were introduced into Canada in 1993 (Department of Justice, 2003). To combat dual arrest, the British Columbia Violence Against Women in Relationships (VAWIR) policy and police agencies in B.C. also introduced primary aggressor policies (British Columbia, n.d.A; & Vancouver police department, 2014). According to the principles set out in these policies, the practice of arresting both parties is discouraged; instead, police officers are to conduct a primary aggressor analysis by identifying whether the person acted in self-defense, whether there is a pre-existing history of violence between the partners, and to consider the difference in the physical size between the partners (British Columbia, n.d.A; Vancouver Police Department, 2014). With the advent of primary aggressor policies there was a significant decline in dual arrests. For example, a study by Fraehlich and Ursel (2014) revealed that in Winnipeg, Manitoba there was a decline in dual arrests from 9% in 1993 to 3% in 2004-05.

There are many probable causes as to why dual arrests initially increased, such as, an incomplete investigation, lack of adequate training or inexperience due to high turnover rates, fears regarding police liability, police officers' incorrect perception about the term "pro-arrest", erroneously believing that it applies in all cases, and the inability to identify a primary aggressor, as women typically use a weapon to either to shield or defend themselves, which can injure the offender, but protects the victim from subsequent injuries (Fraehlich & Ursel, 2014; Light 2009).

There are studies that have examined victim perceptions of pro-arrest policies and the study by Plecas et al. (2000) reported that 86% of victims agreed with the pro-arrest policy and were satisfied with how police dealt with their case. However, it is important to note that 18% of victims were uncooperative at the time of the offence by refusing to provide a statement, 20% were not receptive to Specialized Victim Services, 17% failed to show up for an agreed upon initial interview with a victim service worker, 40% said they did not want to proceed, 9% refused to go to court, and 15% failed to comply with the no contact order (Plecas et al., 2000). This could be due to the fact that victims may just want police support to stop the violence at the moment rather than having the offender charged and/or having to attend court (McCormick et al., 2011).

3.4 B.C.'s Response to Domestic Violence Issues

In B.C., the formal responses to domestic violence were minimal until the B.C. Ministry of Attorney General implemented the first Wife Assault Policy in 1984 (Rossiter et al., 2014). This policy directed law enforcement to initiate charges in instances of spousal abuse and encouraged Crown Counsel to lay charges (Rossiter et al., 2014). Throughout the 1980s and 1990s, governments enacted and amended federal laws such as

the *Victims of Crime Act*, made amendments to the *Criminal Code of Canada* to include criminal harassment, and developed policies such as the VAWIR policy that redefined forms of violence and responses to violence against women (Rossiter et al., 2014).

In B.C., the VAWIR policy was developed in 1993 to revise and expand on the original General Wife Assault policy (Ministry of Justice, 2010). The intent of the 2010 VAWIR policy was to set out the protocols, roles, and responsibilities of service providers across the justice and child welfare systems to guide multi-agency, coordinated, and effective responses to domestic violence (British Columbia, 2010B; Ministry of Justice, 2010). The revised policy also includes the new 'Highest Risk Protocol' that requires a multi-agency collaborative approach between various community partners (Ministry of Children and Family Development, 2015).

In B.C., the *Family Law Act (FLA)* was enacted in 2013, and ensures that the best interests of children are considered when families experience a separation or divorce (British Columbia's Coroners Service, 2016). The *FLA* also increases the ability of the court to deal with family violence by defining family violence, making the safety of children a key goal, and legislating risk factors (British Columbia's Coroners Service, 2016). The *FLA* defines family violence as physical abuse, sexual abuse, or any attempt to physically or sexually abuse a family member, psychological or emotional abuse, including harassment, stalking, intentional damage to property, and in the case of children direct or indirect exposure to family violence (*Family Law Act*, 2011).

Another turning point in the response to domestic violence is the advent of specialized courts in order to provide consistent and speedier resolutions. Currently, B.C. has four domestic violence courts, in Duncan, Nanaimo, Kelowna, and Surrey (Ministry

of Justice, 2014). Specialized courts have the benefit of reducing recidivism, as there are lower levels of dismissals or withdrawn charges, a reduction in the time it takes to file a charge and for the charge to go to trial, increased conviction rates, and increased willingness from victims to testify (Ministry of Justice, 2014). While the courts in B.C. have not yet been evaluated, Dr. Birnbaum, Bala, and Jaffe evaluated the Toronto domestic violence court in 2014, and overall the results were favourable. The specialized court leads to more timely and effective outcomes, often by way of early resolution, as it brought all the participants, including the professionals, to the same courtroom, on the same day, before the same judge (Martinson & Jackson, 2016).

The first domestic violence court was established in Winnipeg, Manitoba in the 1990s and it made a substantial difference in reducing risk to women. Prior to this specialization, Manitoba had one of the highest female intimate partner homicide rates in Canada (Ismaili, Sprott, & Varma, 2012). After instituting these specialized courts, in addition to pro-arrest and pro-prosecution policies, Manitoba had the lowest female intimate partner homicide rates in Western Canada and the third lowest rate in the country (Ismaili et al., 2012).

The Interagency Case Assessment Teams (ICAT) is another community approach that reduces recidivism and provides supports to victims and their families. The ICAT consists of a variety of first responders to high-risk domestic violence cases and often includes, but is not limited to victim services workers, police, health workers, Crown Counsel, and social workers (Ending Violence Association of BC, 2015). The purpose is to identify high-risk cases of domestic violence and to collaboratively create a safety plan (Ending Violence Association of BC, 2015).

To address domestic violence related incidents, police departments in B.C., Canada, the United States, as well as some European countries have had success with specialized follow-up units, called domestic violence units (DVU). Since 1997, the Vancouver Police Department has operated a domestic violence and criminal harassment unit, consisting of a police officer and a counselor, which has been well received by the community (Vancouver Police Department, n.d.). The purpose of a DVU is to investigate and manage high-risk cases of domestic violence, and in particular to support women, by ensuring charges proceed to court. The DVU and police based or community based victim services workers, also assist women by connecting them with counselors and community service providers who help the women formulate safety plans, which are comprehensive plans that increase the women's safety, this could include installing a security system or a safe place for the women to go to (Vancouver Police Department, n.d.). There is also support for the offender to ensure he is connecting with counseling and other relevant programming (Vancouver Police Department, n.d.).

The wrap-around services and support provided through specialized DVUs have been effective in reducing intimate partner homicides, increasing victim safety, increasing victim autonomy and empowerment, increasing efficiency and coordination among service providers, and reducing recantation and offence minimization by victims (Pivot, 2013). In recent years, based on the success of DVUs and the need to better address and prevent domestic violence, there has been a movement to develop more DVUs across B.C. (Provincial Domestic Violence Office, 2014). In addition to DVU's in Vancouver, Greater Victoria, Abbotsford, and New Westminster, the Province of B.C. is

investing \$1 million dollars in startup costs to create DVU's in Nanaimo, Surrey, Kelowna, Prince George, and North Vancouver (Province of British Columbia, 2017).

With the added supports and services DVUs provide, it is expected that victims will be more likely to contact police officers upon re-assault. For instance, a study by Jolin, Feyerherm, Fountain, and Friedman (1998) documented that women who had involvement with specialized police agencies were more likely (75%) to call police officers to report further episodes of re-victimization, compared to 35% of women who did not receive such services. The study also found that offenders who had contact with specialized police agencies were more likely (44%) than offenders who did not have this contact (37%) to be prosecuted, they were also more likely to be convicted, (24% versus 17%), and they were more likely to be sentenced (27% versus 18%) (Jolin et al., 1998). The findings indicate that interventions do reduce domestic violence, as significantly fewer victims from among those who had involvement with specialized police agencies experienced further violence during the six months following the arrest (Jolin et al., 1998).

Likewise, a study by Holder, Robinson, and Rose (2009) found that DVUs had greater success in assisting women to follow through with legal proceedings, which led to fewer stays of proceedings and more convictions. The study found that 30% of victims in regular police agencies declined to proceed with charges, whereas only 8% of victims with support from specialized police agencies declined (Holder et al., 2009). In addition, the women supported by the specialized police agencies were more likely to leave their abusive partner sooner, within four months, as compared to an average of 14 months for victims not receiving such support (Holder et al., 2009).

Another benefit of specialized DVUs is the increased knowledge police investigators develop regarding the complexity of managing domestic violence files. This is particularly important when one considers that a study a decade ago by Malm, Pollard, Brantingham, Tinsley, Plecas, Cohen, and Kinney (2005) documented the substantially increasing demands on police services over the past 30 years. While there was a decrease in police capacity, there was simultaneously an increase in demand for services, and an increasing complexity of policy and regulations to follow, so much so that the amount of time required by police officers to handle a case from initial call to acceptance by Crown Counsel increased by 964% (Malm et al., 2005). Having specialized officers manage these files and work within the complex multiple layers of policy ensures that domestic violence cases are handled appropriately and in a timely fashion.

The *FLA* followed numerous recommendations made from the 2008 Keeping Women Safe report and the Representative for Children and Youth's (RCY) report titled Honouring Christian Lee (Turpel-Lafond, 2009). The recommendations stated that consistent enforcement of civil protection orders is critical to increasing victim safety and that there should be a shift away from civil protection orders being enforced through civil law and instead be enforced through criminal law (Turpel-Lafond, 2009). This is because it became clear that the process to enforce civil orders through the civil law was complicated, inconsistent, and essentially not effective (Turpel-Lafond, 2009).

Civil protection orders are available under the *FLA* to persons; this can include children, who are at risk of family violence (British Columbia's Coroners Service, 2016). A civil protection order may include any terms the court considers necessary to protect the person's safety, including restricting contact or communication between family

members, limiting the possession of weapons or firearms, and directing police to remove a family member from a residence (British Columbia's Coroners Service, 2016). Persons subject to a civil protection order have not committed a criminal offence; instead the aim of civil protection orders is to protect victims, who are at risk of domestic violence, from further incidents of domestic violence by requiring the subject to abide by certain conditions, which could include not contacting the victim or leaving the victim's presence when she requests it (*Family Law Act*, 2011; Turpel-Lafond, 2009). If the subject does not adhere to such conditions, a municipal police officer or RCMP member can hold the subject accountable for his actions when he breaches such conditions, and if the subject is found guilty he can face criminal charges (*Family Law Act*, 2011; Turpel-Lafond, 2009). Unfortunately, there is a scarce amount of information available about civil protection orders in Canada, but this study aims to shed light on the effectiveness of the orders as well as any challenges victims of domestic violence who have accessed the orders and service providers have encountered.

Chapter 4.0 Civil Protection Orders and Criminal Orders with No Contact Conditions

4.1 Differences Between Civil Protection Orders and Criminal Orders with No Contact Conditions

There are two different ways that the legal system can address domestic violence: the criminal process results in a criminal order, the offender will most likely have a criminal record, a no contact condition with the victim, and if the offenders want the offence removed from their criminal history they will have to apply for a pardon; and the civil process, which includes protection orders. One key difference between protection orders and orders made through criminal procedures is the lower burden of proof that is

required for criminal charges (Logan, Shannon, Walker, & Faragher, 2006). Of note, is the fact that if there is no violation of the civil protection order the subject does not face any criminal charges; however, if the subject on the civil protection order violates a condition he can face serious criminal consequences (British Columbia, n.d.B).

4.2 Protection Orders

There are two main types of protection orders in B.C., peace bonds and family law civil protection orders (British Columbia, 2013). All protection orders list conditions set by a judge for a person to follow that are meant to protect another person that they were in an intimate relationship with or, in the case of peace bonds, for anyone a person reasonably fears will harm them (British Columbia, 2013). Typically, the subject of the protection order is to have no or limited contact with the person being protected (British Columbia, 2013).

One of the major distinctions between peace bonds and family law civil protection orders (hereinafter protection orders) are the ways that they are issued. Peace bonds exist under the federal *Criminal Code of Canada* whereas protection orders exist under the provincial law (British Columbia, n.d.B). Peace bonds can protect applicants from anyone, without necessitating a pre-existing intimate or familial relationship, and without requiring that the subject of the peace bond commit a criminal offence against the applicant (British Columbia, n.d.B). Further, the applicant does not have to be in immediate danger, although they do have to articulate a fear for their safety (British Columbia, n.d.B). A person who fears for their safety can request that the police or RCMP apply for a peace bond on their behalf, and if the application is accepted, Crown Counsel will be involved to represent the application in criminal court (British Columbia,

n.d.B). Although Crown Counsel presents the application, the person requesting the peace bond and the subject might have to be present in court (British Columbia, n.d.B). If the subject on the peace bond violates or breaches a condition on the peace bond it could result in serious consequences including a fine, probation, or jail time, and a criminal record (British Columbia, 2013). Peace bonds are in effect for up to one year but a person can request another peace bond after it expires (British Columbia, 2013).

A family law protection order, commonly referred to as a civil protection order, is made under the B.C. *FLA* and it can protect persons, including a partner or former partner, a child, or a relative that resides in the home, from physical or visual exposure to family violence (British Columbia, 2013). To apply for a civil protection order it is recommended that the applicant hire a lawyer and the matter can be heard in either Provincial or Supreme Court. Of note, there is no fee to apply for a protection order in Provincial Court, but if a person applies for a protection order in Supreme Court there is a fee ranging from \$80 to \$200 (British Columbia, 2013). Some people choose to apply in Supreme Court as their lawyer can speak for them, via affidavits, and explain the violence they have been subjected to, and many people apply to Supreme Court if they are intending to apply for a divorce, division of property, or if the person has a child custody or access agreement through the Supreme Court (British Columbia, 2013).

Since the matter is heard in court, the applicant needs to serve notice to the subject, as the subject needs to be present in court, unless the applicant can justify that it is unsafe to wait (British Columbia, 2013). If the court agrees, court registry staff will make an order without requiring notice, which is sometimes referred to as an *ex parte*

order which is a legal term meaning in the interest of one side, so that the matter can be heard without having the subject appear in court (British Columbia, 2013).

As an *FLA* protection order can be granted by two different levels of court judges, it may create different proceedings within the same court, or create one process within the Supreme Court and one within the Provincial Court (Martinson & Jackson, 2016). This can happen when a person is in Provincial Court for a family matter and then in Supreme Court for the protection order. It can also become confusing when the subject of a protection order breaches the conditions, which will then be heard in Provincial Criminal Court. This can create a lot of confusion, as it has been reported that there is very little communication between the two courts (Martinson & Jackson, 2016).

Martinson and Jackson (2016) interviewed judges, lawyers, and service providers to gain their perspectives about family matters heard in both criminal and family court and judges noted that they almost never knew that other court proceedings related to the same family were taking place, while family law and criminal defense lawyers agreed that there was no communication between courts about the existence of other court proceedings, or content of other orders. Martinson and Jackson (2016) also discovered that there was consensus around the fact that police officers, Crown Counsel, and the courts were still confused about how protection orders should be enforced.

Both types of protection orders are entered in the Protection Order Registry after the judge signs them (British Columbia, 2013). The Protection Order Registry is a confidential computer database that contains all protection orders in B.C., including criminal and civil orders (British Columbia, 2013). Municipal police and RCMP both have access to the registry, as one purpose for it is to assist police officers when they are

called to a domestic violence incident. As such they can call a central number to get up to date information regarding protection orders (British Columbia, 2013).

The civil protection order remains in effect until the end date imposed by the judge; if there is no pre-determined date; it remains in effect for a year (British Columbia, 2013). Similar to a peace bond, if the subject of a protection order does not follow the conditions on the order it could result in a criminal offence, and, subsequently, serious consequences, such as a probation order or incarceration (British Columbia, n.d.B).

4.3 Criminal Orders with No Contact Conditions

Criminal orders with no contact conditions are made by the Court or by police officers, via bail release conditions (Department of Justice, 2015). They differ from protection orders in that they are attached to a specific criminal event (Department of Justice, 2015). The conditions on these orders typically limit or prevent the accused person from contacting the victim, the victim's children, or other identified people who are relevant to the victim or case file (Department of Justice, 2015). The no contact condition remains in effect until the accused has his sentencing appearance in court, where the accused can be found guilty, meaning the no contact condition can be added onto the community or custody order and will then remain in effect until the end of the order; alternatively if the accused is found not guilty at trial the no contact condition is lifted (Department of Justice, 2015).

4.4 Rate at Which Criminal Orders with No Contact Conditions are Issued

Statistics Canada reported that between 2005/2006 to 2010/2011, when domestic violence occurred criminal charges were laid or recommended against the offender in more than 7 out of 10 incidents as compared to 5 out of 10 incidents for non-domestic

violence related charges (Beaupre, 2015). No contact conditions are typically placed on criminal orders when the victim is a witness against the accused, the accused is charged with an offence of assault or uttering threats against a victim, or the victim expresses a concern about being contacted by the accused (Department of Justice, 2015). Since 2014, no contact conditions have been required for all probation orders and conditional sentences, unless the Court finds there are exceptional circumstances or the victim agrees to have contact with the accused (Department of Justice, 2015). This can cause confusion, especially when both civil and criminal court are involved with a family, as a criminal order may direct the subject not to have contact with the victim, yet the civil court requires contact between parents for child care purposes.

4.5 Recidivism Rates for Offenders on Criminal Orders with No Contact Conditions

One way to determine recidivism rates for criminal orders with no contact conditions is to look at Report to Crown Counsel (RCCs) reports completed by either municipal police, RCMP, or probation officers about a new offence or a breach of an existing court order submitted to Crown Counsel for charge approval (Ministry of Justice, 2016A). In 2013/14, the total RCCs in B.C. identified as domestic violence related were 14,462, and in 2014/15 that number rose slightly to 14,584 (Ministry of Justice, 2016A). Of the 14,584 RCCs in 2014/15 in B.C. Crown Counsel approved 12,621, of which 92 (11%) charges resulted in alternative measures, 1,922 (4%) resulted in no charge, and 186 (12%) were returned to the investigating agency (Ministry of Justice, 2016A).

Many cases are eventually stayed because the victim becomes un-cooperative and some cases cannot successfully proceed to court without the victim's testimony (Beaupre, 2015). For instance, this can occur when police officers arrest offenders against the

victim's wishes, which can result in a victim who is more likely to be a hostile witness (Beaupre, 2015). At other times there are insufficient resources directed at building cases that could otherwise proceed to court even without the victim's testimony (Beaupre, 2015).

Of the RCCs that were approved to court in 2014/15, 234 (1.8%) were found not guilty, 4,645 (36.5%) were stayed, 6,126 (48.1%) were found guilty, 1,673 (13.1%) resulted in peace bonds, and 45 (0.4%) were categorized as other (Ministry of Justice, 2016A). In 2014/15, there were 16,066 orders made in both adult and youth criminal court where the Protection Order Registry was notified, as the cases were designated "K" files, meaning that they were domestic violence related cases (Ministry of Justice, 2016A).

4.6 The Rate at Which Civil Protection Orders are Issued

The civil protection order available under the *FLA* was created on March 18, 2013, in response to frustrations with restraining orders that were made under the previous family law act, *Family Relations Act (FRA)* (Ministry of Justice, 2016B.). *FRA* restraining orders were only available in limited circumstances and enforcement was confusing and ineffective as police officers were unsure how to proceed with breaches as they were a civil matter, the duration of the restraining orders was unclear, and the conditions were not always related to safety (Ministry of Justice, 2016B).

The *FLA* made many changes and increased the ability of the court to address domestic violence (Government of BC, n.d.). The *FLA* now clearly defines family violence, created a protection order limiting communication between family members where there is a safety risk, broadened the range of eligible family members, made

protection orders available on a stand-alone basis (whereas previously restraining orders needed to be connected to other family law proceedings), made the conditions on protection orders related to safety to promote more effective enforcement (whereas the conditions previously available through *FRA* restraining orders were not safety related, which undermined the seriousness of the order and resulted in enforcement challenges), made the default expiry date as one year unless the court specifies a different duration (previously *FRA* restraining orders did not have an end date which again caused enforcement issues), and defined breaches of protection orders as a criminal offence (Government of BC, n.d.).

In 2013/14 the number of general family orders sent to the Protection Order Registry from Provincial Court were 1,437, while 526 were sent from the Supreme Court (Ministry of Justice, 2016B). Similar trends were reported in 2014/15, when the number of general family orders sent to the Protection Order Registry from the Provincial Court was 1,343, and 429 were sent from the Supreme Court (Ministry of Justice, 2016B). To put these numbers in context, the British Columbia's Coroners Service (2016) reported that in 2014, only 11% of victims of spousal violence reported having a protection order.

4.7 Recidivism Rates for Subjects on Civil Protection Orders

Overall, the number of RCCs sent from the police to Crown Counsel for alleged breaches of *FLA* protection orders was 70 in 2013/2014. Of these, Crown Counsel approved 49 (70%) for charge, returned 8 (11%) to the police for further information, and 12 (17%) were not approved (Ministry of Justice, 2016B). The number of alleged detected breaches doubled in 2014/15, when police submitted 135 RCCs. Of those Crown Counsel approved 82 (61%) for charge, returned 8 (6%) to the police for further

information, and did not approve 39 (29%) (Ministry of Justice, 2016B). In 2013/14, the total number of RCCs submitted to Crown Counsel was 64,254, of those 14,462 were designated “K” files, meaning that they were domestic violence related (Ministry of Justice, 2016B). These numbers slightly rose in 2014/15, with all RCCs totaling 65,666, and of those 14,586 were “K” file RCCs (Ministry of Justice, 2016B).

4.8 Potential Advantages and Disadvantages of Civil Protection Orders

There are a variety of reasons why victims apply for protection orders and the study by Logan et al. (2006) found that domestic violence victims had five goals for utilizing the criminal justice system to access protection orders. These goals included increasing personal safety, keeping the offender from hurting others in the future, deterring others from committing similar crimes, securing validation that a crime had been committed, and retribution or ‘payback’ for the injustice suffered (Logan et al., 2006). Whatever a victim’s reasons for applying for a protection order there are clear benefits to utilizing such an order.

There are three major advantages of protection orders. First, they include fewer financial and time costs associated with protection orders than with criminal charges that are before the court, as in general, criminal cases are costly to the taxpayer and can take a long time before a resolution is reached (Logan et al., 2006). Second, they allow judges to provide conditions that can be uniquely crafted for each case, which helps address the specific violence, any child protection concerns, and the need for counseling (Logan et al., 2006). Finally, given that some women do not wish to proceed with criminal charges but want to convey to their partner that the violence must stop, protection orders can

provide a source of empowerment to the women because they allow for more flexibility in coping with their situation (Logan et al., 2006).

Protection orders can also be useful in cases where the subject does not have a criminal history and is afraid of criminal consequences, as it can curtail violence because it may induce fear in the recipient and it may prohibit criminal behavior (Connelly & Cavanagh, 2007). The protection order may be perceived as an easier option as the rules of evidence tend to be less onerous than the criminal standards and it is also beneficial for the subject as he can avoid criminal sanctions (Connelly & Cavanagh, 2007).

A disadvantage of protection orders is the subject's willingness to comply. An American study by Benitez, McNiel, and Binder (2010) reviewed empirical studies of outcomes associated with protection orders and factors associated with violations of the orders. The study highlighted several variables that may help in considerations of protection orders. First, there was a shared understanding that protection orders were more likely to be violated within the first three months (Benitez et al., 2010). Second, the presence of stalking behavior appeared to elevate with the issuance of a protection order, which the researchers noted increased the risk of a protection order violation (Benitez et al., 2010). Third, the severity of violence before the issuance of a protection order predicted the severity of future violence (Benitez et al., 2010).

In terms of other disadvantages of protection orders, Logan et al. (2006) conducted a review of protection orders and identified ten research studies (Chaudhuri & Daly, 1992; Finn & Colson, 1998; Fischer & Rose, 1995; Harrell, Smith, & Newmark, 1993; Kaci, 1994; Keilitz, Hannaford, & Efke, 1997; Logan, Shannon, & Walker, 2005; Logan, Stevenson, Evans, & Leukefeld, 2004; McFarlane, Malecha, Gist, Watson,

Batten, Hall, et al., 2004; Ptacek, 1999) that discussed two main barriers: accessibility and acceptability. Accessibility barriers included eligibility criteria, bureaucratic challenges, such as having to wait in court for lengthy periods of time or having to return to court multiple times, difficulty associated with obtaining or serving the protection order, and lack of justice system response or enforcement to violations of the conditions on the order (Logan et al., 2006). In terms of acceptability barriers, there were five subcategories focusing on women's perceptions, including fear of perpetrator retaliation, embarrassment, perceived lack of efficacy, lack of resources, and negative perceptions of the justice system (Logan et al., 2006).

Still, Kethineni and Beichner (2009) discovered that protection orders afforded several advantages to victims, namely that they gave victims a sense of 'empowerment' that is not afforded in criminal proceedings. For instance, victims are independently able to decide whether to pursue a protection order, the victim has an active role in the process and in the design of the final order and can ask for specific conditions that meet their needs, and also the economically dependent victim can seek an intervention while preserving the offenders earning power, which would otherwise be compromised if the offender was arrested and placed in jail (Kethineni & Beichner, 2009). As research has shown that protection orders provide benefits to the victim, the following chapter provides an overview of the various protection orders that are granted in provinces and territories across Canada.

Chapter 5.0 Civil Protection Orders in Canadian Provinces and Territories

As civil protection orders are enacted via provincial statutes and legislation, there is variation in their use in Canada in terms of the application process, who can apply, who

is protected by the order, types of conditions, how long the order remains in effect, the various types of protective orders, and enforcement procedures. Below is a brief summary of Canadian provinces and territories response to domestic violence through civil procedures.

5.1 Alberta

On June 1, 1999, the *Protection Against Family Violence Act (PAFVA)* was proclaimed in Alberta and it received Royal Assent on March 18, 2006 (Alberta Justice and Solicitor General, 2014). The *PAFVA* enables family members to apply for temporary emergency protection orders (EPO) as well as longer-term Queen's Bench Protection Orders (QBPO) in cases of family violence (Alberta Justice and Solicitor General, 2014). Throughout the years, amendments have been made to the *PAFVA*, such as an expanded definition of family members to include relatives, whether they reside together or not, to authorize counseling for any minor children without the consent of the subject, and to add stalking to the definition of family violence (Alberta Justice and Solicitor General, 2014).

The EPO can order the subject to stay away from family members, including seniors, women, men, and children whether they reside together or apart, as well as married, separated, divorced, common-law partners, partners who have not resided together, step-children, and people who live together where one person has legal care and custody over the other (Alberta Justice Solicitor General, 2014). The EPO also allows the victim to remain in the home, if it is safe, while the subject has to leave (Alberta Justice and Solicitor General, 2014).

The legislation also allows a person to apply for a QBPO, which is a longer-term order that allows police to assist victims of family violence (Alberta Justice and Solicitor General, 2014). Both orders may be in force for up to one year and may be extended for further one-year periods (Alberta Justice and Solicitor General, 2014).

An EPO may be obtained through an application made personally by an applicant, through an application made by a police officer, designated human services worker, or by a non-family member with the leave of the Court and it can be granted even if there are criminal matters pending (Alberta Justice and Solicitor General, 2014). There is no cost to apply, and an applicant can represent herself in provincial court or before a justice of the peace if it is after regular business hours, or the applicant can hire a lawyer (Alberta Justice and Solicitor General, 2014). Some possible conditions can include no contact, area restriction, and exclusive possession of the family home regardless of title (Alberta Justice and Solicitor General, 2014). The EPO hearing is conducted *ex-parte* and is granted only where there is an urgent need for protection meaning the woman needs assistance at that moment, it takes effect immediately, but it is not enforceable until the subject has notice of the EPO, which the police ensure is served, and the police enter the EPO on the Canadian Police Information Centre (CPIC) system (Alberta Justice and Solicitor General, 2014).

When an EPO is granted, the Court will set a date for a review of the EPO in Queen's Bench, no later than nine days after granting the EPO (Alberta Justice and Solicitor General, 2014). At the Review, the Court can confirm the EPO, replace it with a QBPO, revoke the EPO, or direct that an oral hearing be held (Alberta Justice and Solicitor General, 2014).

There are two ways to obtain a QBPO, through a review of an EPO or by directly applying to the Court of Queen's Bench (Alberta Justice and Solicitor General, 2014). A QBPO may be granted by a Justice of the Court of Queen's Bench, since there is no urgency the police do not assist in QBPO applications and in order to apply there may not be concurrent criminal proceedings (Alberta Justice and Solicitor General, 2014).

Although there are no fees to apply for a QBPO, the Family Law Office/Legal Aid does not provide free assistance to people making an application for a QBPO (Alberta Justice and Solicitor General, 2014). A QBPO can contain the same provisions as an EPO, plus require the subject to reimburse the applicant for monetary losses suffered as a direct result of the family violence, grant either party temporary possession of personal property, prohibit either party from taking, converting, damaging, or otherwise dealing with property including animals, and order the subject to attend counseling (Alberta Justice and Solicitor General, 2014). Generally, applicants are required to notify the subject of the QBPO application by serving them a notice and are also required to forward a certified copy of the QBPO to the police for entry on the CPIC system (Alberta Justice and Solicitor General, 2014).

Breaching a condition on the protection order is a criminal offence and if the subject is found guilty for their first offence, the subject is liable to a fine of not more than \$5000, imprisonment for a term of not more than 90 days, or both (Alberta Justice and Solicitor General, 2014). If the subject is found guilty for a second offence the subject can be imprisoned for a term of not less than 14 days and not more than 18 months, and for a third or subsequent offence the subject can be imprisoned for a term of

not less than 30 days and not more than 24 months (Alberta Justice and Solicitor General, 2014).

5.2 Saskatchewan

The *Victims of Interpersonal Violence Act* came in effect in 1995 (*The Victims of Interpersonal Violence Act*, 1994). Saskatchewan has two types of civil protection orders, the emergency intervention order and victim assistance order (*The Victims of Interpersonal Violence Act*, 1994). Either victims, or someone on behalf of the victim, with the victim's consent, can apply for either order when violence occurs between people who live(d) together as a couple or in an intimate relationship, between parents of a child regardless of marital status, and between people in an ongoing caregiving relationship, regardless of whether they lived together or not (*The Victims of Interpersonal Violence Act*, 1994). In terms of enforcement, both orders are entered onto CPIC and consequences for breaching the order will result in a criminal offence, which could include incarceration (*The Victims of Interpersonal Violence Act*, 1994).

Emergency intervention orders can be granted without notice by a justice of the peace, but similar to Alberta, it cannot take effect until the subject has received a copy of the order. Again, similar to Alberta, the order can contain such provisions as allowing the victim and other family member's exclusive occupation of the residence, regardless of ownership (*The Victims of Interpersonal Violence Act*, 1994).

A victim assistance order is similar to an emergency intervention order but is designed for use in non-emergency situations and so the victim needs to make an application at the Court of the Queen's Bench (*The Victims of Interpersonal Violence Act*, 1994). It can contain similar provisions as an emergency intervention order as well as

provisions requiring the respondent to pay the victim compensation for monetary losses suffered by the victim and any child of the victim or any child who is in the care and custody of the victim as a direct result of the domestic violence, and a provision granting either party temporary possession of specified personal property (*The Victim of Interpersonal Violence Act*, 1994).

5.3 Manitoba

Manitoba's *Domestic Violence and Stalking Act* came in effect on September 30, 1999 (*The Domestic Violence and Stalking Act*, 1998). Under this Act there are two different types of civil protection orders, which are obtained from a justice of the peace of the Provincial Court of Manitoba, and prevention orders obtained from the Court of Queen's Bench (*The Domestic Violence and Stalking Act*, 1998). When violated, both orders can result in a criminal offence and the offender can face serious consequences, such as imprisonment (*The Domestic Violence and Stalking Act*, 1998).

An applicant can apply for either order for a person they live or lived with in an intimate or familial relationship, someone they dated, or for a person who is the biological or adoptive parents of a child, regardless of their marital status or whether they have ever lived together (*The Domestic Violence and Stalking Act*, 1998). In addition, a person who has been subjected to stalking can apply, regardless of the nature of her relationship with the stalker (*The Domestic Violence and Stalking Act*, 1998).

Victims of domestic violence or stalking can seek protection orders without notice to the subject, but have to provide evidence under oath about the violence they have endured (*The Domestic Violence and Stalking Act*, 1998). Applications can be made in person but there are procedures in place to enable telephone applications (Manitoba

Justice, n.d.). To ensure 24-hour assistance community organizations that have received special training and have been designated by the Ministry of Justice can process applications (*The Domestic Violence and Stalking Act*, 1998). The provisions of the protection order could require the subject to turn over weapons and authorize the police to search for weapons (*The Domestic Violence and Stalking Act*, 1998). The protection order can be in effect for upwards of three years or more if the justice of the peace is satisfied that a longer order is needed to protect the victim (*The Domestic Violence and Stalking Act*, 1998). There is no charge to apply; however, if an applicant applies to cancel the protection order there is a fee (Manitoba Justice, n.d.).

Prevention orders can also be made without notice to the subject, but again the order takes effect once the subject has been notified (*The Domestic Violence and Stalking Act*, 1998). Provisions can include sole occupation of the family residence, temporary possession of specified personal property, seizure of items used by the subject to further the domestic violence or stalking, requiring the subject to pay compensation for any monetary losses incurred by the applicant or any child of the applicant, and recommending or requiring the respondent to receive counseling (*The Domestic Violence and Stalking Act*, 1998).

5.4 Ontario

There is no family violence legislation in Ontario, but victims of this type of violence can apply for a civil protection order, restraining or urgent restraining order, under the *Family Law Act*, if the applicant is fearful that a current or former intimate partner will hurt them or their children (Ministry of Attorney General, 2009). A restraining order can be issued permanently or for a set amount of time, while an urgent

restraining order is made for those in immediate danger (Ministry of Attorney General, 2009). An urgent restraining order can be made *ex parte* but it only lasts a short period of time, as it is meant to be temporary while the applicant applies for a permanent restraining order (Ministry of Attorney General, 2009).

For both orders, the applicant is required to complete a CPIC restraining order information form (Ministry of Attorney General, 2009). If any order is breached the subject may have to appear in criminal court where he could face serious consequences such as incarceration (Ministry of Attorney General, 2009).

5.6 New Brunswick

In New Brunswick, a restraining order is a civil protection order that an applicant can apply for in the Court of the Queen's Bench via the *Family Services Act*, which has been in effect since 1980 (Public Legal Education and Information Service of New Brunswick, 2016). Although an applicant does not need to show fear of harm to receive a restraining order, the applicant must have a family connection (Family Law New Brunswick, 2012). As a restraining order is a civil order, if the subject violates a condition, the matter will return to court to determine if the subject has been in contempt, if so he could face a fine or be incarcerated (Family Law New Brunswick, 2012). Unlike a peace bond, which is enforced under the *Criminal Code of Canada*, the police generally do not have the authority to enforce restraining orders, but they can provide support if the subject's behaviour is criminal in nature (Family Law New Brunswick, 2012).

5.7 Nova Scotia

The *Domestic Violence Intervention Act* came into effect in Nova Scotia in 2003 (*Domestic Violence Intervention Act*, 2001). The emergency intervention order is a

temporary order, it cannot exceed 30 days, to help protect victims of domestic violence; the definition of domestic violence also includes stalking (*Domestic Violence Intervention Act*, 2001). A victim, 16 years or older, or someone on behalf of the victim, with the victim's consent, can apply for an emergency intervention order over the phone, there is no paperwork in the process, but it is effective once the subject has had notice of the order (*Domestic Violence Intervention Act*, 2001).

The provisions on an emergency intervention order are similar to those of protection orders in Alberta and Saskatchewan, and can grant the victim or other family members exclusive occupation to the victims' residence, regardless of any legal rights of possession or ownership, temporary possession of personal property, require a peace officer to seize any weapons, and award temporary care and custody of a child of the victim to the victim or to another person (*Domestic Violence Intervention Act*, 2001).

If the subject breaches a condition on the emergency intervention order municipal police or RCMP can charge the subject with a criminal offence and if found guilty for a first offence the subject could face a fine of not more than \$5,000 dollars, a term of imprisonment of not more than three months, or both, and in the case of a second or subsequent offence the subject could face a fine of not more than \$10,000 dollars, or a term of imprisonment for not more than two years, or both (*Domestic Violence Intervention Act*, 2001).

5.8 Prince Edward Island

In Prince Edward Island there are two types of protection orders, an emergency protection order and a victim assistance order, that can be issued under the *Victims of Family Violence Act* (*Victims of Family Violence Act*, 1988). A victim of domestic

violence or another person on behalf of the victim, with the victim's consent, can apply for an emergency protection order to the justice of the peace over the phone, but this order cannot exceed 90 days (*Victims of Family Violence Act*, 1988).

Provisions on the order are similar to other provinces, it can grant the victim or other family members exclusive occupation of the victim's residence, regardless of any legal rights of possession or ownership, require the subject to pay the rent or mortgage, temporary possession of personal property, and temporary care and custody or day to day care of a child of the victim to the victim or some other person (*Victims of Family Violence Act*, 1988).

An applicant applies for a victim assistance order before a Supreme Court judge; it is a longer-term solution and can be used when the emergency intervention protection orders expires or when the situation is not an immediate emergency (*Victims of Family Violence Act*, 1988). If found guilty of failing to comply with either order, the penalty for the first offence is a fine not less than \$500 and not more than \$5,000, a term of imprisonment of not more than three months, or both, and in the case of a second or subsequent offence the penalty is a fine of not less than \$1,000 and not more than \$10,000, a term of imprisonment of not more than two years, or both (*Victims of Family Violence Act*, 1988).

5.9 Newfoundland and Labrador

The *Family Violence Protection Act* was enacted on July 1, 2006, in Newfoundland and Labrador and provides support to victims suffering from domestic violence through an emergency protection order (Newfoundland Labrador Justice, n.d.). It is a temporary protection order that is granted by a provincial court judge for a term not

exceeding 90 days (Newfoundland Labrador Justice, n.d.). The police typically apply for an emergency protection order as it available on a 24 hours basis, but victims can apply for it as well, in some cases without notice to the subject, or have a representative apply for it on their behalf (Newfoundland Labrador, n.d.).

In order to be eligible to apply, victims need to live or have lived with the subject in a conjugal relationship, or have one or more children with the subject (Newfoundland Labrador Justice, n.d.). The provisions under an emergency protection order can grant the victim or other family members exclusive occupation of the victims' residence, regardless of any legal rights of possession or ownership, temporary possession of personal property, grant temporary care and custody or day to day care of a victim's child to the victim or to some other person, and for the subject not to possess weapons (Newfoundland Labrador, n.d.).

If the subject breaches a condition and is found guilty in the case of a first offence, the offender can face a fine of not more than \$2,000, a term of imprisonment not more than six months, or both, and in the case of a second or subsequent offence, the subject can face a fine of not more than \$5,000, a term of imprisonment of not more than 12 months, or both (Newfoundland Labrador, n.d.).

5.9.1 Yukon

The current version of the *Family Violence Prevention Act* has been in effect since 2005, and specifies that civil support for victims of domestic violence can come in the form of an emergency intervention order and a victim assistance order (*Family Violence Prevention Act*, 2002). A victim or a designate on behalf of the victim, with the victim's consent, can apply for an emergency intervention order in person to a justice of

the peace (*Family Violence Prevention Act*, 2002). The order can be issued *ex parte* and is in effect for an average of 45 days (*Family Violence Prevention Act*, 2002). The provisions of the order can grant the victim or other family members exclusive occupation of the victims' residence, regardless of any legal rights of possession or ownership, and can require the subject to surrender all firearms for up to 180 days (*Family Violence Prevention Act*, 2002).

A victim assistance order is in effect for an average of 90 days, can only be issued by a territorial judge, requires the victim to attend court, and makes the same provisions as an emergency intervention order (*Family Violence Prevention Act*, 2002). If a subject breaches either order and is subsequently found guilty, in the case of a first offence the subject can face a fine of not more than \$2,000, a term of imprisonment of not more than six months, or both, and in the case of a second or subsequent offence the subject can face a fine of not more than \$5,000, a term of imprisonment of not more than 12 months, or both (*Family Violence Prevention Act*, 2002).

5.9.2 Northwest Territories

The current version of the *Protection Against Family Violence Act* has been effect since 2013, and provides protection to victims of domestic violence via an emergency protection order or a protection order (Northwest Territories Justice, 2013). A victim can apply for an emergency protection order through a justice of the peace in an *ex parte* hearing; however the order cannot exceed 90 days (Northwest Territories Justice, 2013). An emergency protection order can include provisions, such as giving the victim the exclusive right to occupy the home, temporary entitlement to exclusive use and

possession of items, and a requirement that the subject turn over all weapons to the police for a period not exceeding 90 days (Northwest Territories Justice, 2013).

A protection order applies when the situation is not an emergency and the victim needs protection for longer than 90 days (Northwest Territories Justice, 2013). The length of a protection order is not limited by the legislation, and a protection order can be granted via an *ex parte* hearing; however, the subject needs to be made aware of the order for it to take effect (Northwest Territories Justice, 2013). The judge issuing a protection order has more optional provisions, such as, ordering the subject to attend counseling, or requiring the subject to pay for medical or dental costs to the victim (Northwest Territories Justice, 2013). If either order is violated and the subject is found guilty, the subject can face a fine not exceeding \$10,000, a term of imprisonment not exceeding six months, or both (Northwest Territories Justice, 2013).

5.9.3 Nunavut

The *Family Abuse Intervention Act* came into effect in Nunavut in 2006, and provides victims of domestic violence support to prevent further domestic violence via two types of protection orders, an emergency protection order and a community intervention order (*Consolidation of Family Abuse Intervention Act*, 2006).

An emergency protection order can be issued by a justice of the peace via an *ex parte* hearing for a period of a year (*Consolidation of Family Abuse Intervention Act*, 2006). The provisions on the emergency protection order can include temporary possession of personal belongings, regardless of ownership, to the victim for a period not exceeding 90 days, temporary custody of a child of the victim for a period not exceeding 90 days, a provision recommending family counseling for all parties involved, and if the

subject used or threatened to use a weapon there is a provision that can restrict the subject from using firearms or weapons for a period not exceeding 90 days (*Consolidation of Family Abuse Intervention Act*, 2006).

A community intervention order is another protection order under the *Family Abuse Intervention Act* and it cannot exceed three years in length (*Consolidation of Family Abuse Intervention Act*, 2006). The provisions on the community intervention order relate to directing the victim and subject to attend traditional Inuit counseling with a traditional counselor or any other provision as deemed necessary by the justice of the peace (*Consolidation of Family Abuse Intervention Act*, 2006). If either order is violated and the subject is found guilty, in the case of the first offence the subject can face a fine of not more than \$5,000, a term of imprisonment not exceeding six months, or both, in the case of a second or subsequent offence the subject can face a fine of not more than \$10,000, a term of imprisonment not more than two years, or both (*Consolidation of Family Abuse Intervention Act*, 2006).

This author could not find information on protective orders in Quebec; therefore it has not been added in the analysis. Most of the Canadian provinces and territories have similarities in their approaches to civil protection orders, but in Canada there is a lack of research on the effect of protection orders ability to reduce recidivism and the effect the orders have on the victim's perception of safety and well-being. The following chapter provides an overview of literature from the United States and includes a few studies from Canada regarding protection orders effectiveness.

Chapter 6.0 Canadian and American Civil Protection Order Studies

There has been much debate about the effectiveness of civil protection orders, as empirical studies about the orders' deterrent effects on re-victimization are somewhat inconclusive (Broidy et al., 2016; McFarlane, Malecha, Gist, Watson, Batten, Hall, & Smith, 2004; Mears et al., 2001). The studies that evaluate the effectiveness of protection orders typically rely on observational research designs and measure efficacy either through the victim's perceptions of protection orders, enforcement of protection orders by the police, and the protection order's ability to prevent recidivism (Brame, Kaukinen, Gover, & Lattimore, 2015).

Another factor in this debate relates to the definition of efficacy. Efficacy connotes solving the issue and in cases of domestic violence this would mean that the offender does not recidivate. However, as will be discussed further in Chapter 8, the author's telephone interviews with service providers revealed that some domestic violence offenders can be very persistent and relentless, where very little could have been implemented to prevent re-offending; in such cases, to say that a protection order failed would not be a fair assessment. That being said protection orders on their own, without any other safety measures; provide little value to victims, especially to victims who have willful offenders.

The literature assessing the influence of intervention methods on subsequent domestic violence is limited, the findings are mixed, and the data in Canada is sparse. As Statistics Canada shows that the majority of victims never engage with police or court services (Burczycka & Conroy, 2017); therefore, it is difficult to ascertain whether formal methods of deterring domestic violence increases victim safety and reduces offender

recidivism. Due to low police reporting of domestic violence it is difficult to determine if the women seeking protection orders sought them because they endured more violence and perceived higher risks of violence than other victims. Thus, it could be that these offenders are at higher risk to re-offend as they were more aggressive. Due to limited research it is not clear if protection orders work differently for high or low risk offenders.

In the United States, there have been a number of studies examining the effectiveness of protection orders and the impact they have on offender recidivism and victim safety. The studies have produced mixed results, with some reporting that protection orders have been associated with reduced risk of violence towards those who seek them, although their effectiveness may depend on the length of the order as well as the individual characteristics of the offender and victim, such as whether the offender is persistent in his pursuit of the victim (Broidy et al., 2016; Carlson, Harris, & Holden, 1999; Holt, Kernic, Wolf, & Rivara, 2003; Kothari, Rhodes, Wiley, Fink, Overholt, Dichter et al., 2012). More importantly, studies that focus on domestic violence victim's perception of the effect of protection orders have discovered that the orders have a positive effect on the victim's well-being (Ko, 2002; Logan & Walker, 2009; Russell, 2012).

An American study by McFarlane et al. (2004) compared types and frequencies of domestic violence experienced by women before and after receiving a two-year protection order. The results showed a significant reduction in threats of assault, physical assault, stalking, and worksite harassment over time among all women, regardless of receipt or non-receipt of a protection order (McFarlane et al., 2004).

Among the 81 women who were granted a protection order, 36 (44%) self-reported at least one violation over the 18-months of the study, 17 (21%) of the women reported a violation at three months, 16 women (20%) reported a violation at six months, 20 women (25%) reported a violation at 12 months, and 19 women (23%) reported a violation at 18 months (McFarlane et al., 2004). The condition that was violated the most was not adhering to staying 200 feet from the woman's home or workplace via, stalking, threats of violence, or a combination of these infractions (McFarlane et al., 2004). In terms of contacting the police when violations occurred, of the 36 women, 21 (58%) of the women called the police at least once to report a violation (McFarlane et al., 2004). This shows that police need to be pro-active in breaching subjects as women are doing their part by reporting the violations.

An American study by Russell (2012) reviewed forty-three scholarly articles on the effectiveness and safety associated with protection orders and discovered four themes, including victim safety and effectiveness as measured by protection order violations and re-victimization; perceptions of victim satisfaction, safety, and psychological well-being; predictors and characteristics of victims and offenders; as well as protection order enforcement. Russell (2012) found that although approximately 40% to 50% of protection orders are violated, protection orders helped victim's sense of well-being by decreasing their perceptions of fear, threat, and injury, six months after the protection order was issued. Again, as will be seen in Chapter 8 from the author's interviews with victims of domestic violence even though protection orders may not be able to afford some victims safety from the subject, the women's sense of well-being increases as they are satisfied that they put some type of safety measure in place to protect themselves.

There are also studies that examined protection orders and future risk of domestic violence. Broidy et al. (2016) observed the comparative effectiveness of intervention scenarios including, arrest, civil protection orders, and both, and their results suggested that intervention type had no influence on the odds of re-offending. The results revealed that young male offenders and those offenders with prior offending histories were more likely to have subsequent police contacts for domestic violence and in the four years following formal intervention from the police or courts, 23% of offenders came into contact with the police for domestic violence incidents (Broidy et al., 2016). The deterrence theory speaks to persistent offenders and in such cases police action needs to be swift, certain, and severe for these offenders to fully understand that their behaviour will not be tolerated.

Broidy et al. (2016) found that the average age of both offenders and victims was 33 years, 77% of the offenders had at least one prior offence, 3% had only domestic violence offences, 40% had only non-domestic violence offences, and 27% had both domestic violence and non-domestic violence offences. An interesting trend emerged in the study as Broidy et al. (2016) discovered that offenders in the protection order only intervention were older (45 years and older) than the arrest only group, where the average age was between 18-24 years. There could be a host of reasons for this, namely that women in the protection order only group were in the relationship longer, had endured the violence longer, and the older women in the study did not want to impact their former partner's employment situation (Broidy et al., 2016).

Holt et al. (2003) examined the effect of civil protection orders on the risk of future self-reported domestic violence and injury. In the study 448 adult female residents

of Seattle, Washington who experienced domestic violence between 1997 and December 1998 participated in interviews at five months and nine months after the index offence (Holt et al., 2003). The study compared odds ratios, which were estimated for risk of contact, unwelcome calls or visits, threats, weapon threats, psychological, sexual, or physical abuse, or injury, and abuse related medical care among women who obtained a civil protection order after the index offence and compared them with women who did not obtain a civil protection order (Holt et al., 2003).

The study found that civil protection orders were associated with a decreased likelihood of subsequent physical and non-physical domestic violence as well as significantly decreased risk of contact by the offender (Holt et al., 2003). The study further revealed that those women who maintained the civil protection order throughout the follow-up period of nine months showed even stronger decreases in the odds ratios, with a 70% decrease in physical abuse (Holt et al., 2003).

Carlson et al. (1999) examined police and court records to determine how effective protection orders were in preventing re-abuse. The researchers examined records from 210 couples in Texas, where female victims applied for a protection order, and then compared a two-year pre and post-test, which included two years prior to applying for a protection order and two years following the issuance of the protection order (Carlson et al., 1999). The results indicated a significant decline in the probability of abuse following a protection order; prior to filing a protection order, 68% of the women reported physical violence but after the protection order was issued 23% reported physical violence (Carlson et al., 1999).

The researchers found domestic violence decreased for all groups, but it most significantly decreased in low and medium SES women (Carlson et al., 1999). The researchers reported that physical violence declined by 71% and very low SES women reported a 53% decline (Carlson et al., 1999). Of the cases in which the men had been arrested, 87% of the women reported abuse prior to obtaining a protection order, and following a protection order only 25% reported re-abuse (Carlson et al., 1999). Of the women whose partners had never been arrested, 38% reported abuse prior to obtaining a protection order and following a protection order 21% reported re-abuse (Carlson et al., 1999).

Kothari et al. (2012) examined women in Michigan involved in domestic violence who accessed protection orders and followed these women for over a four-year period to determine how the protection order affected them over three time periods; before, during, and after protection orders. The researchers found that 130 victims were granted protection orders typically for one year (88.1%) but some were shorter lengths, for six months (9.8%), while a few were longer, lasting for two years (1.4%) or for five years (0.7%) (Kothari et al., 2012). Most protection orders remained in place for the entire length of the order, except 20.3%, which were terminated earlier by the women (Kothari et al., 2012). The researchers found demographical differences in those women who accessed protection orders versus women who did not; specifically, the women with the protection orders were more likely to be Caucasian, married at some point to the offender, had children with the offender, they were less likely to report alcohol and drug use as the index criminal offence, reported that they had experienced prior domestic violence, and were more likely to use a domestic violence shelter (Kothari et al., 2012).

In terms of violations, nearly half (48.5%) of the women with protection orders reported violations, ranging from one to four times, for a total of 104 police reported incidents (Kothari et al., 2012). The study found that protection orders were associated with reduced police incidents and emergency department visits compared with those women who did not access protection orders (Kothari et al., 2012). This statement is optimistic and helps add support to protection orders reducing recidivism as the study by Block (2003) noted that victims of domestic violence seek medical support for their injuries rather than report the abuse to police.

Logan and Walker (2009) examined protective order outcomes for a period of 12 months for 698 women from multiple jurisdictions in the United States. Overall, the results indicated that three out of five women experienced violence after the protection order expired (Logan & Walker, 2009). Despite this finding, a majority, (51%) of the women reported that the protection order was effective and a significant minority of women (43%), felt safe while the protection order was in place (Logan & Walker, 2009).

Mears et al. (2001) examined the role of individual and contextual factors, and legal interventions in reducing domestic violence re-victimization. The researchers examined issuance of protection orders and no arrest, arrest but no issuance of protection orders, and arrest and issuance of protection orders on re-victimization two years after the intervention (Mears et al., 2001). The researchers found that no one intervention was more effective in reducing the prevalence or time to recidivate (Mears et al., 2001). The authors suggested one reason for the comparable effects may have to do with the fact that domestic violence is a complex and deeply rooted issue and few women were able to escape it (Mears et al., 2001). The findings suggest that individual level characteristics

are the strongest predictor of subsequent abuse; in particular, the likelihood of re-victimization is greatest for minority women from low-income areas (Mears et al., 2001).

There were many studies that highlighted women's perspectives about the effectiveness of protection orders, their perspectives about the criminal justice system, and their overall perspective of their well-being in relation to having a protection order. Ko (2002) studied domestic violence victim's perception of the effectiveness of restraining orders, particularly temporary restraining orders, in the United States and measured the order's efficacy in reducing post restraining order abuse. Ko (2002) found that restraining orders were less effective on offenders with criminal histories, those who were unemployed, those who abused drugs and alcohol, and those involved in shorter relationships with the victim.

In addition to those factors, Ko (2002) determined that factors of re-abuse included being part of a minority group, in this case African-American, belonging to a lower SES, and the presence of children. In regards to the victim's perception of the restraining order, Ko (2002) reported victim satisfaction in regards to the positive psychological impacts of having a restraining order.

Barata (2007) used Q methodology to better understand domestic violence victim's views about the criminal justice system. Fifty-eight abused and formerly abused women participated in sorting statements about domestic violence and small subset of these women were also interviewed. The findings revealed that the women believed that the criminal justice system can be trusted but was ultimately disappointing to victims (Barata, 2007). The victims felt this way because they believed their abuse was not taken seriously and so they did not feel protected; instead, they believed the criminal justice

system made matters worse due to retaliation from their partner or former partner (Barata, 2007). Due to their negative experiences these victims stated that they would not use the criminal justice system or recommend other women to use it (Barata, 2007). As will be discussed in Chapter 8 from the author's interview with women affected by domestic violence, police intervention is crucial and if women have the courage to apply for a protection order and subsequently call the police for support when the subject is violating the protection order, the police need to intervene or it will cause the women to lose faith in the justice system which could have very dangerous ramifications.

That being said police action can have a positive effect on domestic violence victims but as stated this action needs to be consistent. Apsler, Cummins, and Carl (2003) interviewed 95 domestic violence victims to explore their perceptions of the police, in terms of what they wanted from the police and how helpful they found the actions of the police in relation to domestic violence offences. Victims were asked how helpful they felt the police were when responding to the current domestic violence offence and 75% responded with the highest rating, 16% of victims rated the police response as somewhat helpful or fairly helpful, and 9% of victims gave the police either the lowest rating or not at all helpful, (Apsler et al., 2003).

A Canadian study by Bradford, Bruce, Humble, and Berglund (2004) gathered the stories and experiences of 21 Prince Edward Island women who had experienced domestic violence and asked these women to evaluate the legal and social services they had accessed. The women identified a number of barriers that made it difficult for them to leave or end the abusive relationship, such as fear of retribution, failure to recognize the abuse, lack of knowledge about or access to services and support, reluctance to give

up on the relationship, pressure from family or clergy, a feeling of powerlessness, lack of confidence in the legal system, financial insecurity, and concern for the children (Bradford et al., 2004).

In terms of legal systems, many women stated that the legal and social systems were inconsistent, unsatisfactory, and generally supported the abusers and re-victimized the victims, because they noted the offenders were skillful at manipulating the justice system to their advantage, especially police officers and judges (Bradford et al., 2004). Six women in this study had obtained a peace bond/recognizance or restraining order, but five of them noted that it was not helpful in protecting them from further abuse because, in their opinion, the orders were not enforced (Bradford et al., 2004). In terms of court experience nine of the thirteen women had largely negative experiences, as they reported feeling intimidated and disrespected, and several complained that the court system was not user-friendly (Bradford et al., 2004). The women suggested a number of improvements, such as coordinated services for victims and their children, improved enforcement of orders, consistent police response, financial assistance for victims, improved access to legal aid and family law lawyers, and public education on women abuse and family violence (Bradford et al., 2004).

Criminal harassment is another tactic domestic violence abusers use on victim's to intimidate her and it can have devastating effects on the victim's mental health. Many women in the study reported that prior, during, and after protection order issuance their intimate partner began stalking and criminally harassing them, which had serious consequences on the women's well-being, mental health, and feelings of safety (Bradford et al., 2004). The women noted that when her former partner exhibited this type of

behaviour the criminal justice system could do very little for them as her former partner was technically abiding by the protection order as the woman was not physically harmed or the former partner was stalking them from just outside the confines of their geographic restriction as per the order (Bradford et al., 2004; Brewster, 2001; Smith & Morra, 1994).

An American study by Brewster (2001) gathered data from extensive interviews with 187 women who were stalked by former intimate partners to determine the legal help-seeking behaviour and experiences of these women. More than half the women applied for a protection order; however, 62% reported that it either had no effect or worsened the stalkers behavior, and 77% of victims stated that police involvement either had no effect or made the stalkers' behavior worse (Brewster, 2001). Similarly, victims reported very little effectiveness of arrest, criminal charges, or protection orders (Brewster, 2001). Most women (72%) sought police assistance and 51% sought protection orders but fewer than 24% reported that criminal charges were filed and only 6% of the women reported that their stalkers were brought to trial (Brewster, 2001).

A Canadian study by Smith and Morra (1994) analyzed data from a survey on sexual harassment administered to almost 2,000 Canadian women. Their analysis focused specifically on obscene and threatening phone calls, which revealed that relatively few women (13.5%) who received harassing phone calls reported the incidents to the police (Smith & Morra, 1994). One third of those who had reported the incidents to the police noted that the police said that there was nothing they could do, about a quarter (27.5%) of those who called the police said that the police gave them advice, and 22% said that the police offered them emotional support (Smith & Morra, 1994).

Smith and Morra (1994) noted that since many of the women knew their stalkers they tried various extralegal attempts to discourage their stalkers. Most women tried to reason with their stalkers (69.5%), and many tried to ignore them (42.8%) but the majority of the women who used the above approaches reported that it had no effect or a negative effect on their former partner (Smith & Morra, 1994). Typically, after unsuccessful extralegal attempts, most victims (80.2%) used one or more of a variety of legal approaches to attempt to discourage their stalkers, 72% of victims sought police assistance in discouraging their stalkers, and just more than half (51%) of the women filed for protection orders (Smith & Morra, 1994).

Some studies argued for an indefinite protection orders and the study by Stoevers (2014) maintained that the longer a protection order is in place the better the reduction on recidivism. Stoevers (2014) discussed that the temporary nature of protection orders puts domestic violence victims at risk when they needed to re-apply for protection orders each year. Stoevers (2014) conducted a 50 state survey on protection order lengths and extension standards and reported that protection orders should be issued for at least two years, given the persistent and potentially fatal nature of domestic violence offenders. It was discussed that this time frame could increase survivor's safety and autonomy while saving them from having to re-engage with an abusive partner each year in court, which can put the victim in harm's way (Benitez, et al., 2010; Stoevers, 2014).

While there is a relatively large amount of American research on the effect of protection orders on perceptions or experiences of safety for victims of domestic violence, little Canadian research has been published on this topic, and none of this research has portrayed the protection order system as it operates in British Columbia.

Further, much of the existing research focuses solely on the victim's perspective and does not also examine the opinion of service providers, who are often in a position to recommend this particular service to victims of domestic violence. As such, this study sought to fill these gaps in the literature by collecting data from Canadian domestic violence victims and service providers delivering services to populations experiencing domestic violence.

6.1 Theoretical Framework's Supporting Civil Protection Orders

There are a wide variety of criminal justice theories that explain behaviours of offenders and victims of domestic violence, as well as outline the rationale for treatment programs and initiatives. Of interest to this thesis are the deterrence and rational choice theories as they provide support for the use of protection orders. Protection orders afford subjects another chance as they are not criminal orders, but there is a potential of criminal charges, if the subject does not adhere to the conditions.

The potential of a criminal charge can cause subjects, who have little to no history with the criminal justice system and who put more weight into social relationships, alarm and compel them to obey. For subjects who have involvement with the criminal justice system, do not consider having to obey an order as socially damaging, and criminal consequences have little to no effect on their behaviour the deterrence theory suggests that consequences need to be immediate or else the subject believes they can continue their criminal behaviour. Both theories provide theoretical support for utilizing protection orders, in particular on those subjects who are able to understand the consequences their decisions can have on their life.

The rational choice theory assumes that offenders respond selectively to offences, in particular to their opportunities, costs, and benefits, and decide whether or not it is in their best interest to pursue the offence (Cornish & Clarke, 1987). Accordingly, the rational choice theory views an offender as an active decision maker who commits crime because it brings them some type of benefit (Henry & Lanier, 2006).

The rational choice theory contains six propositions; the crimes are done on purpose in order to benefit the offender; offenders weigh out the risk and try to make the best decisions; the decision-making varies depending on the nature of the crime; being involved and actually committing an offence are different thought processes; involvement decisions are comprised of initiation, habituation, and desistance; committing the offence involves a sequence of choices made at each stage, such as preparation, target selection, commission of the offence, escapes, and aftermath (Henry & Lanier, 2006). Thus, the final decision to become involved in a particular crime is the outcome of an appraisal process where the offender evaluates the relative merits of a variety of actions to achieve an objective (Cornish & Clarke, 1987). Thus, the rational choice theory provides support for the use of protection orders on subjects who are able to weigh their options and think about the consequences of their actions.

There are multiple versions of deterrence theory and the ones that address domestic violence postulate that individuals will avoid violent behaviour because they fear sanctions (Dutton, 2006). The theory explains that deterrence may be achieved only when potential perpetrators see arrest as having damaging consequences in their life and see arrest as creating a negative affect within their social relationships (Dutton, 2006). That being said deterrence theory varies depending on individual characteristics and

people who are connected to intimate social networks, who have strong friendships, and value work relationships (Dutton, 2006). These people would have much to lose by being subject to a protective order, that could result in criminal sanctions if breached, whereas those believing they have less to lose may not follow such orders, as they attach little stigma to being involved with the criminal justice system (Dutton, 2006).

Deterrence theory is both a micro and a macro level theory (Tomlinson, 2016). The concept of specific deterrence proposes that individuals who commit crime and are caught and punished will be deterred from future criminal activity (Tomlinson, 2016). General deterrence suggests that the general population will be deterred from offending when they become aware of others being apprehended and punished (Tomlinson, 2016). Both specific and general deterrence are grounded in an individual's perceptions of severity, certainty, and swiftness of punishment (Tomlinson, 2016). This is a crucial point in the support for using protection orders, as if a subject breaches conditions on a protection order, he needs to be reprimanded as soon as possible as it would show him that his actions are inappropriate and can result in severe sanctions. For general deterrence the public needs to be made aware of cases where subjects breach their orders and are dealt with by the justice system in a quick manner with severe consequences so that it will deter the general public.

Tomlinson (2016) reports that if a person commits a crime and the likelihood of being arrested is high and that there will be swift and severe punishment, these outcomes will deter the person from committing future crimes. That being said if there is any delay between the offence and punishment the deterrent effect is lessened (Tomlinson, 2016). This could explain why some subjects of protection orders continue to breach the order,

as they are not enforced. If the punishment for the crime is not severe enough to cause sufficient discomfort or inconvenience to the offender, he will not be deterred from engaging in additional criminal acts (Tomlinson, 2016). In Chapter 8 the author discovered, through interviews with victims of domestic violence, that some subjects 'tested the limits of the law'. This included subjects staying within the legal limits of the order, such as being 201 feet away from the victim when the order states he needs to stay at least 200 feet away. This type of behaviour causes the victim grief, but it teaches the subject that he will not face as severe consequences as he was made to believe so the behaviour continues. In cases where police cannot breach a subject for this type of behaviour criminal harassment charges should be considered.

Aspects of the deterrence theory were modified and the reconceptualization model has a number of advantages over the traditional model. It includes four types of effects that may impact an individual's choice to violate the law; personal encounter with sanction threats; personal encounter with punishment avoidance; indirect experience with punishment; and indirect experience with punishment avoidance (Tomlinson, 2016). This adds support to the literature on protection orders, which explains why subjects, who have criminal histories, and are placed on protection orders breach the order. Again for those types of offenders consequences need to be swift, severe, and certain.

Both the rational choice and deterrence theory provide support for the use of protection orders in cases where subjects, who are able to rationalize the consequences of their behaviour, who have little to no negative interaction with the criminal justice system, place weight in their social relationships and position in society, and are afraid of criminal consequences, to reconsider their actions and to obey the protection order. The

theories also lend support for the use of protection orders on subjects who have criminal histories and who do not place much weight into criminal sanctions. If these subjects breach the order, it is best for police to act fast and to proceed with criminal charges and as per the theories the more severe the sanction the greater the likelihood that the subject will weigh the consequences of his actions.

Chapter 7.0 The Current Study

This study focuses on the effect that civil protection orders, issued through the B.C. *FLA*, have on domestic violence victim's perception of safety. In doing so, the study will contribute to the very limited knowledge surrounding protection orders in Canada, and their effect on victim's perception of safety. In addition to collecting data directly from victims of domestic violence who have and have not previously applied for protection orders, the study incorporates interviews with service providers, from police domestic violence unit officers and victim services workers, regarding their interpretation of the effect of protection orders. The study also reviews participants' perceptions about the process of applying for protection orders, with the purpose of identifying challenges that can be targeted through recommended changes to policy and practice.

7.1 Methodology

The study involves three main methodologies. For the first part of the study, an anonymous online survey was created for adult women (over the age of 19 years old), who have experienced domestic violence in their lifetime. A recruitment poster (see Appendix A) was created to invite women to complete the online survey. The recruitment poster was e-mailed to a variety of women's organizations throughout the Fraser Valley and Lower Mainland, including but not limited to, the Ann Davis Transition Society,

Freda Centre for Research on Violence Against Women and Children, the Violence Against Women in Relationships (VAWIR) Committee for Abbotsford/Mission, Abbotsford Police Department, Mennonite Central Committee of BC, RISE Women's Legal Centre, Pacific Hepatitis C network, and Ending Violence Association of BC. These service providers were asked to put up the recruitment poster in their offices and waiting areas for clients to learn about and subsequently opt-into the study. Unfortunately, very few organizations responded or agreed to assist with recruitment. The key organization that subsequently aided in recruitment was the Ending Violence Association of BC who put up the recruitment poster on their Facebook page, which brought the study to the attention of domestic violence victims all over Canada.

The women were asked to participate in a 15 to 30 minute online survey on surveymonkey.com (www.surveymonkey.com/r/protectionorders), about their experience with protection orders. The survey ran from November 2016 to February 2017. At the beginning of the survey there was a consent form that informed women about the study and the participants had to acknowledge it before starting the survey; once they clicked into the survey they were considered to have provided their consent (see Appendix B). It should be noted that the participants in the online survey were notified that once they completed the survey they could not withdraw their data as the survey data was collected anonymously, but they were able to stop the survey at any time. If they chose not to continue, their data was not saved as they had to click complete. At the beginning, end, and throughout the survey the participants were provided with contact information for Crisis Line BC and VictimLinkBC should they become distressed by any of the questions.

The questions focused on a range of topics, including: demographics, such as the victims age, education, employment status, income level, cultural or ethnic background, type of relationship, duration of relationship, the language spoken at home, any physical or mental conditions; their experience with applying for protection orders, including their level of satisfaction with applying for such orders; their perceived level of safety before, during, and after issuance of protection orders as well as their perceived level of well-being before, during, and after issuance of protection orders; and their perceived level of satisfaction with police responses to their partner or former partners violation of the order. The survey questions also focused on whether and why these women accessed civil protection orders and general observations that they believed could enhance the current system (see Appendix C). At the end of the survey, the participants were asked if they would like to participate in an in-depth telephone interview, at their convenience.

The second methodology involved inviting survey participants to complete a confidential qualitative telephone interview, which explored some of the anonymous online survey themes in more depth. After the participants completed the online survey they were invited to opt-into participate in telephone interviews. To maintain the anonymity of the survey data, participants were provided with the telephone number and e-mail of the author so they could make contact on their own initiative.

The semi-structured telephone interviews with women affected by domestic violence were conducted between December 2016 to February 2017, each interview lasted between 45 to 60 minutes. The purpose of the telephone interviews was to have the women discuss in greater depth their experiences with civil protection orders, reasons why they chose to apply for civil protection orders, the challenges with navigating the

court system and applying for such orders, their perceptions of the effect the orders had on their safety and well-being, any experiences of re-victimization, their experiences with the police and/or RCMP in relation to their partner or former partner violating the order, and their perception about any challenges or strengths of the current system (see Appendix E). Each participant received a \$50 mailed gift card as remuneration for her participation in the interview and to thank her for her valuable information and input.

Prior to commencement of the individual interviews, the women were asked if they were willing to participate in the study; if they agreed to participate, the author read the consent letter (see Appendix D). Once they agreed to the consent letters the author printed the participants name on the consent form and placed the forms in an envelope and sealed it. Each participant was assigned a coded number; thus, if the participants wanted to withdraw from the study they could contact the author with their coded number and the author would delete their data. Of note, no participants contacted the author to request that their data to be withdrawn from the study. The information with their coded number was placed in a locked cabinet in the School of Criminology and Criminal Justice at UFV and they were shredded after February 1, 2017.

Each participant's response was typed directly into an anonymized excel spreadsheet kept on the author's password protected laptop. It should be noted that at the beginning and the end of the interview women were provided with contact information for Crisis Line BC and VictimLinkBC just in case they became distressed by any of the questions in the interview. Once the interview was conducted, the anonymized interviews were merged into a single excel spreadsheet, and the data was analyzed for themes.

The third part of the study pertained to service providers in the Fraser Valley and Lower Mainland. The author contacted many women's groups, community organizations assisting women in legal aid services, police and RCMP offices, social workers, court staff, Crown Counsel, and victim services workers with an invitation to participate in an approximately 30 minute interview. Unfortunately, very few organizations agreed to forward the invitation to their staff, many observing that limited resources made it difficult for them to provide the required time per interview.

In some cases, the author was able to connect with services providers through pre-existing connections with key players at the agencies. Prior to commencement of the interviews service providers were asked if they were willing to participate in the study, if they agreed to participate, the author read the consent letter (see Appendix F). Once they agreed to the consent letter the author printed the service providers name on the consent form and placed the form in an envelope and sealed it. Each participant was assigned a coded number, this was if the participant wanted to withdraw from the study they could contact the author with their coded number and the author would delete their data. Again, no participants contacted the author to request that their data be removed from the study. The information with their coded number was placed in a locked cabinet at the School of Criminology and Criminal Justice at UFV, and was shredded a couple weeks after the interview.

The service providers participated in semi-structured, primarily qualitative, telephone interviews lasting up to 30 minutes. Service providers were asked about their perceptions of provincial protection orders as well as criminal orders with no contact conditions, their knowledge of civil protection orders, whether they assist women in

applying for *FLA* protection orders, their perspective on how effective protection orders as well as criminal orders with no contact conditions were in providing safety to women affected by domestic violence, and what they believed were the challenges and/or benefits victims had with applying for civil protection orders (see Appendix G). Each participant's response was typed directly into an anonymized excel spreadsheet kept on the authors password-protected laptop. Once the interview was finished, the anonymized interviews were merged into a single excel spreadsheet, and the data was analyzed for themes.

7.2 Research Ethics and Informed Consent

Domestic violence is a sensitive topic, especially for those who are experiencing it, and as such women affected by domestic violence may feel psychologically impacted by being asked to recall some of the factors that led them to apply for a civil protection order. Women participating in the online survey as well as the telephone interviews were advised that they could withdraw from study if they felt they could not continue. The women were also provided with contact information for Crisis Line BC, as well as VictimLinkBC. The questions asked of service providers did not elicit similarly strong negative impacts of personal involvement with domestic violence; however, they were still warned in advance that some of the questions could touch on uncomfortable topics. In both cases, a review of the ethics of the research and the process of informed consent was conducted by the University of the Fraser Valley's (UFV) Human Research Ethics Board and approval for the study was granted (see Appendix H).

As part of the UFV's requirements regarding ethical collection of data, each participant in the online survey was required to read and accept the written consent form

that outlined the objectives of the study, procedures of the study, and the potential benefits of the study before beginning the online survey. Each participant in the telephone interview was read a written consent form that required the participant to acknowledge the information in the consent form before proceeding with the study. The consent form was a universal form that outlined the objectives of the study, procedures of the study, and the potential benefits of the study. All participants were advised that their responses would be anonymized to avoid identification of individuals. For service providers their place of employment was not named in the study.

As participation in the study was voluntary, women who experienced domestic violence were offered a \$50 gift card as incentive to participate in the telephone interviews. The consent form outlined that the women would receive \$30, but since the author did not receive as many participants she decided to provide more to the participants that did take part in the telephone interviews. In addition, all participants had the opportunity to withdraw their data at any time during the interview up to several weeks before the final draft of this study was submitted.

Chapter 8.0 Results

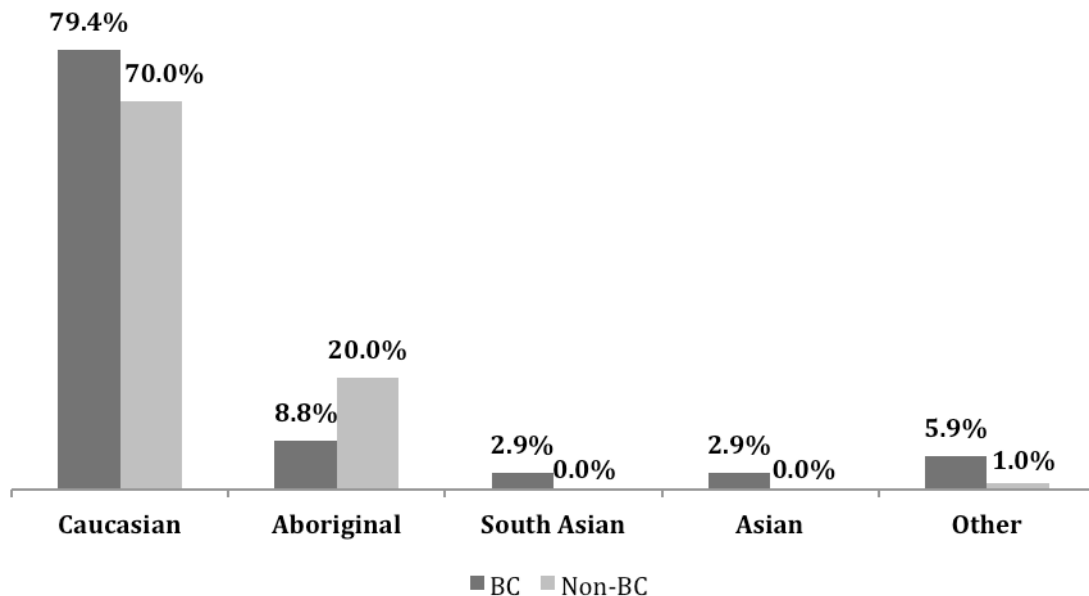
8.1 Sample Description

In total 48 women participated in the online survey; however, four women did not complete the survey and so their data was removed from the analysis. The majority, 34 or 77.3%, of the women were from B.C., while 10 participants currently live outside of B.C. Although the sample sizes were small, some demographic comparisons were made between the two samples. Overall, the average age of participants in the study was 45.3 years, ranging from 23 to 72 years of age. Although the average age of participants from

B.C. was several years older ($X = 49.8$ years, ranging from 23 to 72) than non-B.C. participants ($X = 44.0$ years, ranging from 26 to 69), this age difference was not statistically significant, $t(42) = 1.32$, $p > .05$. Of note, 18.4% of the women reported having a diagnosis of a cognitive disability, while 13.2% reported having a diagnosis of a physical disability. This did not differ by province.

Nearly all (89%) participants in the study were born in Canada. Although all 10 participants from outside B.C. were born in Canada as compared to 85.3% of B.C. residents; this difference was not statistically significant, $\chi^2(1) = 1.66$, $p > .05$. As shown in Figure 1, most of the participants in both samples were Caucasian. Again, there was not a statistically significant difference in the proportion of ethnic groups composing each sub-sample, $\chi^2(4) = 1.72$, $p > .05$.

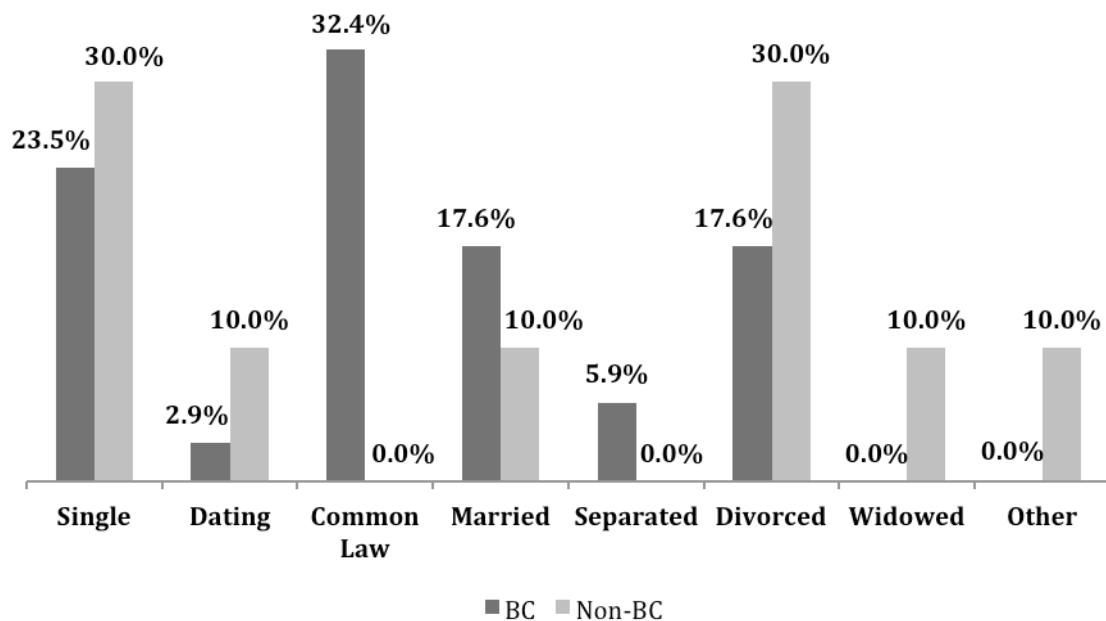
Figure 1: Ethnic Composition of BC (n=34) and non-BC (n=10) sub-samples



The most common marital statuses reported by the entire sample were being either single (25%) or in a common law relationship (25%), followed by divorced (21%),

or married (16%). Only two women reported being separated (4.5%), while another two reported being in a dating relationship. One participant was widowed (2.3%), while one reported an “other” marital status. There were some differences in the current marital status of B.C. versus non-B.C. participants (Figure 2). While these differences were not statistically significant, $\chi^2 (7) = 12.5$, $p > .05$, it is likely that the small sample size contributed towards the overall non-significance of this test, given the comparatively large number of marital status categories being compared. Interestingly, while one-third of B.C. participants reported being in a common-law relationship, no participants from outside of B.C. reported this relationship status. Instead, slightly less than one-third of non-B.C. participants reported being either single or divorced.

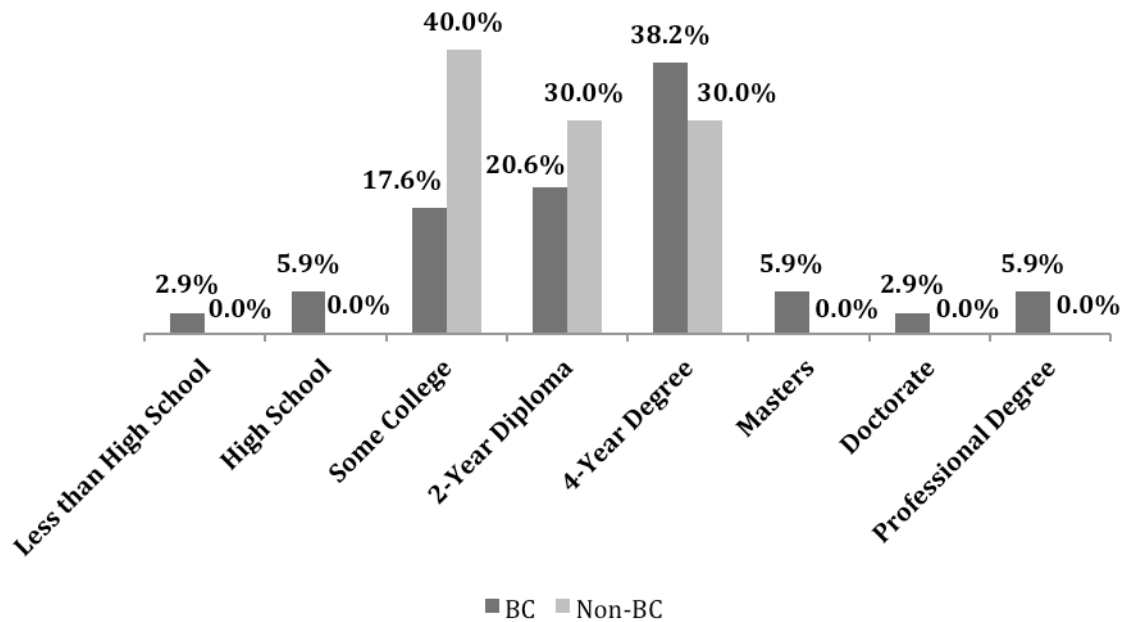
Figure 2: Current Marital Status of B.C. (n=34) versus non-B.C. (n=10) participants



Overall, the participants were fairly well educated. Over a third of the sample (36.4%) reported that they had completed a 4-year degree program; while nearly half had either completed some college (22.7%) or had completed a 2-year diploma (22.7%). Only

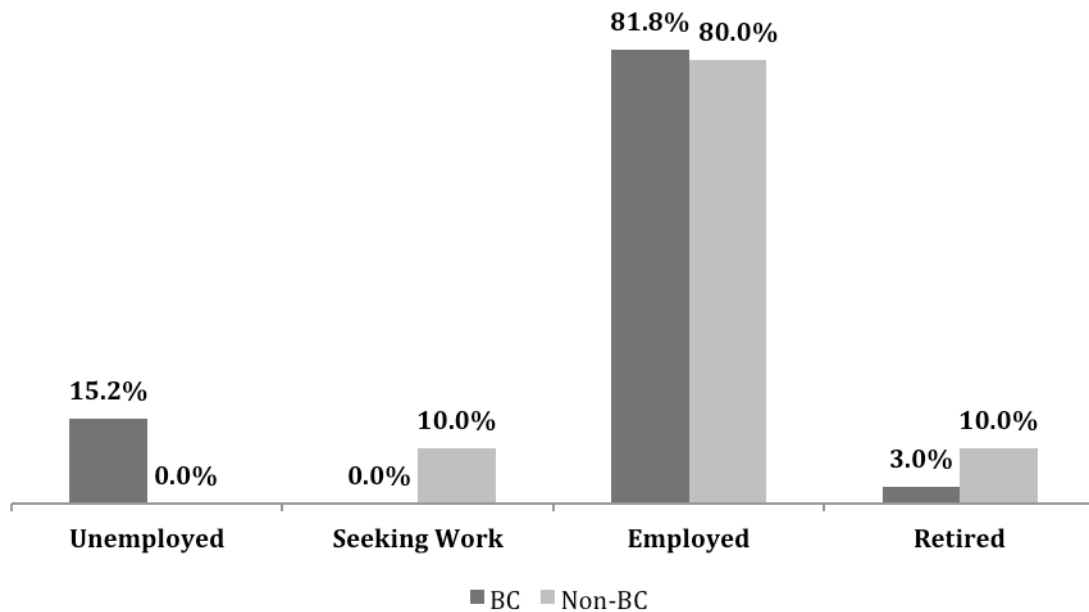
6.8% had completed high school or less, while another one-tenth had completed some form of higher education, including a Masters (4.5%), professional degree (4.5%), or a doctorate (2.3%). Intriguingly, while there was not a statistically significant difference, $\chi^2(7) = 4.5$, $p > .05$, participants from outside of B.C. reported a smaller range of responses regarding their education, and all had at least attended some college (Figure 3). In contrast, participants from B.C. reported a wide range of education levels, from less than high school through to a doctorate degree.

Figure 3: Education Levels of B.C. (n=34) versus non-B.C. (n=10) participants



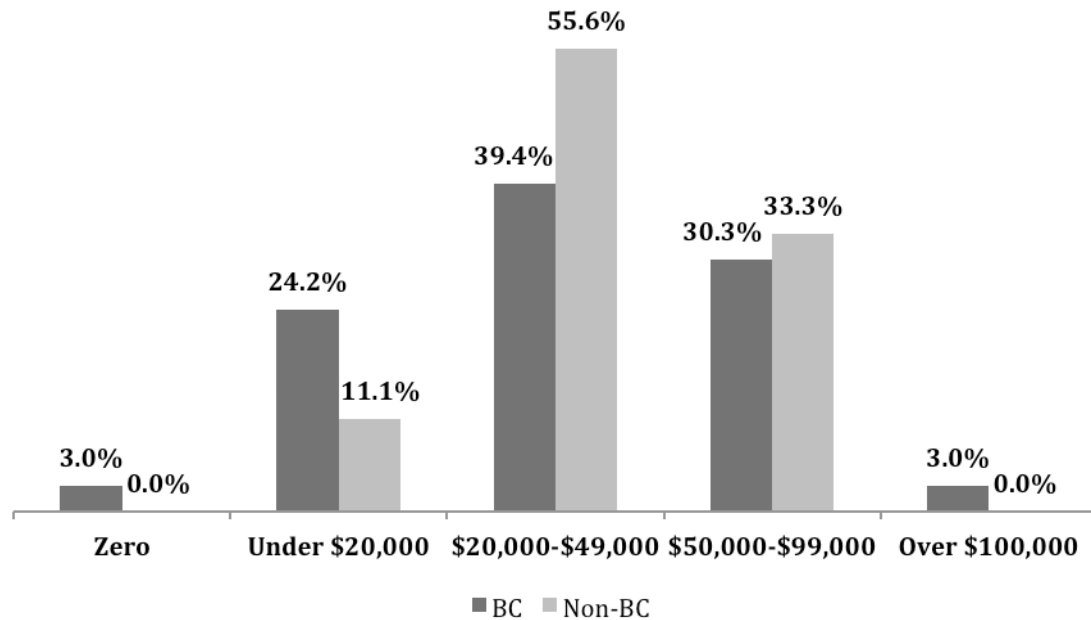
The vast majority of the women were currently employed (81.4%), whereas one-tenth (11.6%) were currently unemployed, 4.7% were retired, and one (2.3%) was seeking work. B.C. and non-B.C. participants were equally likely to report current employment (Figure 4). Although they were not statistically significantly different from each other, $\chi^2(3) = 5.6$, $p > .05$, participants from B.C. were more likely to report being unemployed.

Figure 4: Current Employment Status of B.C. (n=33) versus non-B.C. (n=10) participants



Given the relatively high levels of education, nearly half (42.9%) of the women reported a personal total yearly income of between \$20,000 and \$49,000, while nearly another third (31%) reported making between \$50,000 and \$99,000, and one participant identified making over \$100,000 yearly. Slightly more than one-fifth (21.4%) reported making less than \$20,000; while an additional one person identified that she received no income. Again, although there was not a statistically significant difference, $\chi^2(4) = 1.6$, $p > .05$, as shown in Figure 5, the non-B.C. sample was more likely to report a personal income between \$20,000 and \$49,000, whereas the B.C. sample was more likely to report a personal income of under \$20,000.

Figure 5: Annual Personal Total Income of B.C. (n=33) versus non-B.C. (n=9) participants



8.2 Domestic Violence Experiences

Given that there were no statistically significant differences between the demographic characteristics of the B.C. and non-B.C. sample, the majority of the additional analyses were conducted using the full sample of 44 participants. In deciding to retain the full sample, the author repeated each analysis split by B.C. and non-B.C. to see if there were any significant differences occurring in the two samples, and since there were not, the non-B.C. sample was included in the study, both for the sample size and because the author could not be certain that the participants from the non-B.C. group did not receive a protection order in B.C. before moving out of the province.

Although participants were not asked specific questions about the type of abuse they had endured in the past, they were asked questions relating to when they were last victimized, how long they were with this partner, their relationship status with the partner that victimized her, and how long they were in the relationship when the violence started.

For three-quarters of participants, the last time they were victimized by an intimate partner was over a year ago. Of the remaining 11 participants, four were victimized within the last six months, while seven were last victimized between six months and a year ago. At the time when the women were last victimized, participants were overwhelmingly in an intimate partner relationship. Specifically, over a third (36.4%) reported that they were in a common law relationship, 30% reported being in a marital relationship, and 16% reported being in a dating relationship. Only seven participants reported being either divorced (n=4, 9.1%) or separated (n=3, 6.8%).

The women reported that in their most recent relationships, where they were victimized, they were in long-term relationships. Specifically, half of the women reported that this relationship lasted five years or longer, while another quarter (27%) reported that the relationship lasted between three and five years. Interestingly, nearly half of these women (45.5%) reported that the violence in their relationship did not start more than a year after their relationship began.

Both the length of the relationship and the length of time in the relationship before the domestic violence began were recoded into three equal categories of 1=less than six months, 2=between six months and a year, and 3=a year or longer. Analyses were then performed for each group of relationship lengths separately. One woman reported being in a relationship for less than six months; for this woman, the violence started virtually immediately. Two women reported being in a relationship lasting between six and 12 months; for these women, one reported that the violence began within the first six months and the second reported that it began within the last six months of the relationship. The remaining 40 women reported being in a relationship for over a year. For a third of these

women (35%) the violence started within the first six months of the relationship, while six women (15%) reported that it began in the second six months of the relationship. Interestingly, half of the woman reported that the violence did not begin until at least a year into the relationship.

8.3 Use of and Perceptions of Civil Protection Orders

The main research questions that this study sought to address included how many women accessed protection orders, the descriptive characteristics associated with applying for a protection order, the effect that protection orders had on the women's perceived level safety and well-being, and common challenges experienced during the application process. Of the 42 women who answered these questions, 17 (40.5%) reported that they had applied for at least one protection order in the past, this included 13 B.C. women and 4 non-B.C. women.

Given the small sample size, the demographic variables were recoded into a smaller number of wide categories and then compared using a chi-square cross-tabulation to determine whether or not a woman had previously applied for a protection order. Despite some seemingly large between group differences, as displayed in Table 1, few of the demographic variables were statistically related to whether a woman had applied for a protection order in the past. This was likely due to the small cell counts given the overall small number of participants. Still, two of the demographic variables did have a statistically significant relationship with whether a woman had previously applied for a protection order. Specifically, women who were currently unemployed, and women who had been diagnosed with a physical disability were significantly more likely to have

applied for a protection order in the past than women who were employed or women who did not have a physical disability.

Table 1: Demographics and Previous Application for a Protective Order

	Percent Who Have Applied for a Protection Order	Chi Square Test Results
Some College or Less (n=12)	58.3%	$\chi^2 (1) = 2.2, p > .05$
College Diploma or Higher (n=30)	33.3%	
Caucasian (n=33)	45.5%	$\chi^2 (1) = 1.6, p > .05$
Non-Caucasian (n=9)	22.2%	
Income < \$50,000 (n=28)	50.0%	$\chi^2 (1) = 3.2, p > .05$
Income \$50,000 or Higher (n=14)	21.4%	
Currently Employed (n=34)	32.4%	$\chi^2 (1) = 4.9, p < .05$
Currently Unemployed (n=8)	75.0%	
Lower Mainland (n=12)	33.3%	$\chi^2 (2) = 0.5, p > .05$
Island (n=5)	40.0%	
Interior/North (n=15)	46.7%	
British Columbia (n=32)	40.6%	$\chi^2 (1) = 0.0, p > .05$
Outside British Columbia (n=10)	40%	
Born in Canada	42.1%	$\chi^2 (1) = 0.4, p > .05$
Born Outside Canada	25.0%	
Cognitive Disability (n=6)	66.7%	$\chi^2 (1) = 2.9, p > .05$
No Cognitive Disability (n=30)	30.0%	
Physical Disability (n=4)	100%	$\chi^2 (1) = 8.0, p > .01$
No Physical Disability (n=32)	28.1%	

The most common ways that women first heard about protection orders were through justice system professionals, including police officers (41.2%), lawyers (23.5%), or victim service workers (17.6%). Only one woman reported hearing about protection orders from a friend or family member (5.9%). For most women (76.5%), they applied for their most recent protection order over a year ago, meaning that the order should have been expired at the time they completed the survey.

Thirteen women responded to the question asking if someone had helped them in the process of applying for the protection order. Of these women, the majority (77.6%) reported that they had received assistance, and for nearly half of these women, the assistance was provided by a lawyer (46.2%). Three women reported that the police had helped them, and two reported assistance from a victim services worker. The assistance ranged from helping the women find the necessary application forms on the Internet, assistance with filing out the paperwork, and providing emotional support in court.

The literature discusses that a hurdle in the application process is notifying the subject of the pending court date, as coming in contact with the subject after filing a protection order could jeopardize the woman's safety (Benitez et al., 2010; Stoeber, 2014). There are several ways that the subject of the protection order can be served with the legal documents such as police, sheriffs, the victim's family member or friends, or through a third party delivery service. Four women reported paying someone to serve the subject of the order, while another four used the police. One woman had a friend deliver the order, while another had a community worker, and one used her lawyer. Two other women recalled that the order was served in court.

As discussed in the literature review, in addition to protecting the victim a protection order can protect people close to the victim. Over half (58.8%) the women stated they applied for both herself and her children, while the remaining 41.2% applied for just herself.

8.4 Perceptions of Safety and Quality of Life Afforded by Civil Protection Orders

Women were asked to provide ratings of their perceived level of safety before, during, and after the protection order was issued, as well as their perceived quality of life.

A five-point rating scale was used for both questions, where a 1=Very unsafe or very poor and a 5=Very safe or very good. The vast majority of women felt unsafe (35.3%) or very unsafe (47.1%) prior to receiving the protection order, and nearly three-quarters reported a poor (58.8%) or very poor (11.8%) quality of life prior to the protection order. Of note, an additional one-quarter (23.5%) felt okay about their quality of life prior to receiving a protection order.

The women were invited to provide an explanation for these ratings. Regarding perceptions of safety, one woman who reported feeling very unsafe noted, “[t]here were no consequences for my ex’s actions. He would harass, intimidate, and bully me 24/7 if he could”. Another woman who reported feeling very unsafe mentioned, “[m]y husband was unpredictable and violent”. In discussing their quality of life before they had applied for a protection order, a woman who reported a poor quality of life explained, “I was extremely anxious and did not know when or where he would harass me next. I felt controlled by him”. Another woman who reported a very poor quality of life when the protection order was in place recalled:

He isolated me from family and friends and was physically, mentally, emotionally and sexually abusive on a daily basis. He took away every ounce of self-worth and self-esteem I had. I felt trapped with no one to turn to and nowhere to go. I didn’t have any money either. I couldn’t do anything right and his mood swings were crazy and I had to constantly be on guard. I wanted to die.

To assess whether the protection order had a positive effect on women’s perceived levels of safety and perceived quality of life before and after the protection order was issued, a paired samples t-test was performed with the before and after ratings. It was hypothesized that the average ratings of perceived levels of safety and perceived quality of life would increase following the issuance of the protection order. While the

mean scores increased for both groups (Table 2), the change was not statistically significant. The qualitative perceptions shared by the women explains why some of the women did not feel much change to their levels of safety or quality of life. For instance, some the women observed that the protection order was “*a piece of paper*”, and some reported that as their former partners already had lengthy criminal histories they were not deterred by the order and so their former partners would frequently breach the conditions. One woman who reported feeling very unsafe when the protection order was in place reported that, “[*m*]y partner stalked me, and taunted me in ways which were right in the grey area for what was acceptable, according to the judge”.

Another woman who reported feeling very unsafe commented that “[*a*]fter the order expired my partner began to behave with hubris. He was emboldened and cocky. He became less calm and controlled and much more threatening and taunting”. Another woman who reported feeling unsafe voiced her frustrations as “[*t*]he abuser has more rights than the abused unless they get caught trying to murder you; it’s disgusting. Cops don’t help get a restraining order they told me I have to subpoena them to appear in court and they refuse to write a letter or have a superior do so. One police constable told me she would send me an email and never did”.

Table 2: Paired t-Test Comparing Perceptions of Safety and Quality of Life Before and During a Protective Order (n=16)

	Average Rating	Standard Deviation	t-Test Results
Safety Before	1.9	1.2	$t(15) = -0.8, p > .05$
Safety After	2.1	1.0	
Quality of Life Before	2.1	0.7	$t(15) = -1.9, p > .05$
Quality of Life After	2.8	1.2	

When it came to quality of life ratings before and after the protection order was in place, it appeared that the women who felt their quality of life was either “okay” or

“good” following the issuance of the protection order had taken significant action to improve their ability to defend themselves, and had received support from others. For instance, the women reported that they had moved towns to get away from their former partner, had received substantial support from community providers and, in particular, transition houses, or had put other safety measures in place. One woman reported, *“I am now trained in Russian MMA and self-defense, there is security on my home, I have a protection dog, and I am ‘red-flagged’ by the RCMP”*.

In contrast, the women who continued to report a poor quality of life following the issuance of the protection order felt that there was a lack of support from the criminal justice system. As an example, one participant felt, *“[e]xtreme stress due to the constant threat of violence”* and reported a *“[l]ack of judicial support. Police that don’t care or say you are ‘making it up’ or belittle you for calling them when your partner is clearly breaking the order”*. Consequently, the women who rated their quality of life as poor noted that they had to move regularly to protect themselves, as they believed that was the only way they could stop the subject from contacting them.

8.5 Violations of Civil Protective Orders and Police and/or RCMP Response

While the protection order was in place, half of the women had no direct contact with the subject of the order, although for two of these eight women, their children continued to have contact with the subject of the order. An additional three women had only telephone or e-mail contact with the subject of the order. Of note, one-third (31.3%) of the women observed that their partner either directly or indirectly violated the order, by stalking them or attempting to contact them through other forms of communication. Only one woman identified that her partner had only once violated the protection order;

instead, most women (87.5%) reported that their partner had violated the order several times or repeatedly tried to violate the protection order, with four women noting it was “too many to count” and two others identifying at least 10 previous attempted violations. Surprisingly, an independent samples t-test did not find a statistically significant difference in the average ratings of perceived safety while the protection order was in place depending on whether the women reported that their partner had ($X = 2.1, SD = 1.1$) or had not ($X = 2.3, SD = 0.6$) violated the order, $t(13) = 0.4, p > .05$. However, violation status was related to quality of life perceptions, $t(13) = 2.4, p < .05$. Specifically, women who reported that their partner had violated the protection order reported significantly lower levels of quality of life ($X = 2.3, SD = 1.1$) compared to women who reported that their partner had not violated the protection order ($X = 4.0, SD = 1.0$).

Half of the women reported these violations to the police every single time they occurred, while another quarter reported them at least more than half of the time. Only one woman stated she never reported the violations to the police. Despite the high rates of reporting protection order violations to the police, nearly half of the women (46.7%) reported that the police did not take any action against the subject of the order. Another one-third reported that the police spoke to the violator, while three (20%) reported that their partner had been arrested.

The women further described that police told them that the subject of complaint was just outside the legal limits so it was not considered a formal breach. One woman stated that she was told she was making too big a deal out of the situation, one woman reported that she was belittled and ignored by the police, and one woman believed that the police did not want to file a breach until her partner was seen physically violating the

order. The women reported that they did not feel that they were taken seriously, as they reported the police were not willing to pursue further charges of breach or criminal harassment, and one woman responded that she felt that calling the police and/or RCMP only escalated the subject's level of anger towards her. Not surprisingly then, when asked to rate how the police response made them feel on a scale of 1=Very Unsafe to 5=Very Safe, the average rating given by these women was a 2.3 ($SD = 1.4$). Over half of the women felt very unsafe (40%) or unsafe (13.3%) after the police response, while one-quarter (26.7%) felt okay.

A one-way ANOVA was used to test the effects of the police response on the women's perceived level of safety, and a statistically significant relationship was identified, $F(2, 12) = 16.6, p < .001$. Not surprisingly, women who reported that police did nothing to deal with the violator of the protection order were significantly less likely to feel safe ($X = 1.1, SD = 0.4$) than both women who reported that the police spoke to the subject ($X = 3.4, SD = 1.1$) and women who reported that the police arrested the subject ($X = 3.3, SD = 0.6$). There was no statistically significant difference in average perceived levels of safety when comparing women reporting that police arrested versus police speaking to the subject.

8.6 Perceptions of Safety and Quality of Life Post-Civil Protection Order Expiry

The women were asked whether their most recent protection order had expired, and for over half (60%, $n = 9$) it had. Eight women responded to the question of whether they had been re-victimized by the subject of the expired protection order and six women (75%) reported that they had been re-victimized. For two-thirds of the six women (67%) who reported on the level of violence post-expiry compared to pre-protection order, the

violence was less severe than prior to the protection order being in place, while for two women it was the same. Overall, two-thirds of the eight women reported that they felt either very unsafe (37.5%) or unsafe (25%) now that the protection order had expired; however, only one-quarter reported that their quality of life was “poor” and for half, they rated their quality of life as “okay”.

Using paired t-tests, the women’s ratings of perceived safety and quality of life were compared during the time their protection order was in place to after their protection order expired. While there was not a statistically significant relationship between average ratings of perceived safety during the protection order compared to once the protection order had expired, there was a statistically significant relationship between the average ratings of quality of life during the protection order compared to once the protection order had expired, with participants reporting an increase in quality of life post-protection order expiry (Table 3).

Table 3: Paired t-Test Comparing Perceptions of Safety and Quality of Life During and After a Protective Order (n=16)

	Average Rating	Standard Deviation	t-Test Results
Safety Before	1.6	0.9	$t(7) = -1.9, p > .05$
Safety After	2.1	1.1	
Quality of Life Before	2.0	1.1	$t(7) = -3.8, p > .01$
Quality of Life After	3.1	1.0	

Of note, while two of the eight participants with an expired protection order had divorced or were in the process of divorcing their partner, the remaining six participants were separated from or were working towards separating from their former partner. In other words, none of the women whose protection orders had ended reported that they

were still in a relationship with the subject of the order, and all but one participant reported that they had already taken or were in the process of taking steps to separate or divorce from their partner while the protective order was in place.

8.7 Satisfaction with the Civil Protection Order Process

Women were asked to rate, on a scale where 1=Very Dissatisfied and 5=Very Satisfied, how they felt about the process of applying for a protection order. The average score was a 2.9, indicating that women generally felt “okay” about the process. Although an independent samples t-test did not identify a statistically significant difference in the average score between participants from B.C. ($X = 2.8$, $SD = 0.8$) and participants from outside B.C. ($X = 3.0$, $SD = 2.3$), over half of the women from B.C. rated the process as “okay”, whereas participants from outside B.C. were more likely to be either very dissatisfied (50%, $n=2$) or very satisfied (50%, $n=2$).

When the women from B.C. were asked to explain why they felt this way, those who observed the process was “okay” commented that it was expensive but well-worth it, and another woman commented that although she received a protection order, sitting in court can be time consuming. Those who were very or somewhat dissatisfied identified having difficulty navigating the court system, having no legal support when they were in court, and that the cost and stress of dealing with the subject was too much, especially since their view of the protection order was that, *“I felt like it was just a piece of paper, that wouldn’t do anything to protect myself or my children”*, as well as, *“[i]t is an absolutely useless system. A piece of paper doesn’t do anything. The police don’t care and judges fail to apply consequences when orders are broken. The whole system is a complete joke”*. Of note, is that women who were satisfied with the application process

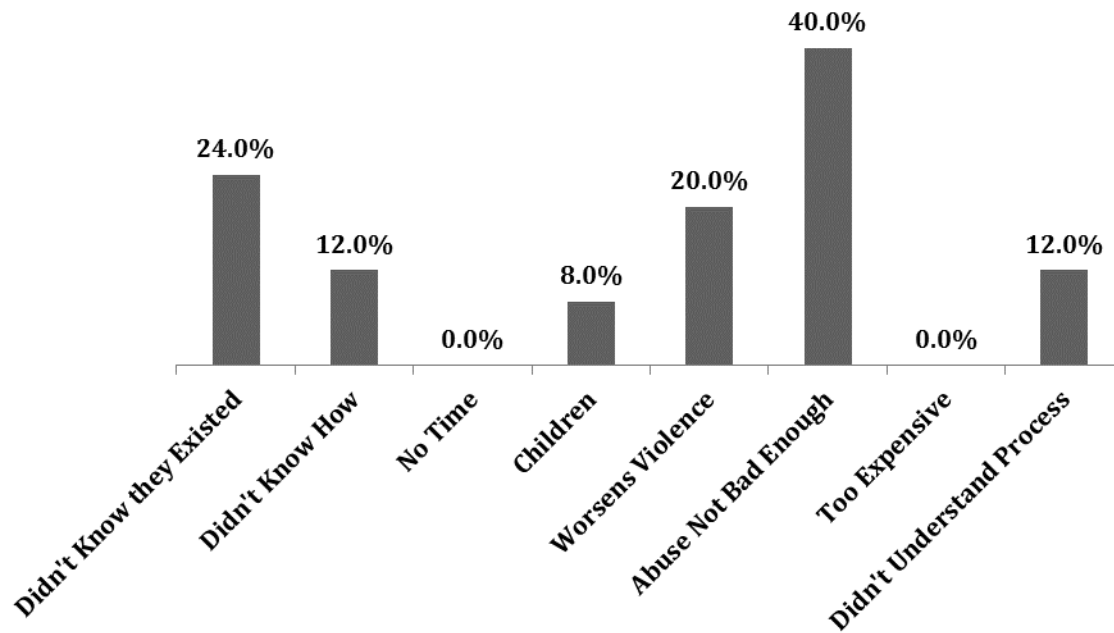
had gone through it before, with one observing, *“I had already done it one year before. The first time was horrendously difficult though, because I need to do them ex-parte, so that there is no-contact between us”*.

Many women had suggestions to improve the protection order system. The suggestions included training court clerks to complete the paperwork both for standard civil protection orders and *ex-parte* orders, and having a reverse onus on the subject so that if he feels there should not be an order, he should need to justify why. Several women commented that more enforcement action needed to be taken, as they were harassed or abused while the protection order was in place.

8.8 Perceptions of Women Without Civil Protection Orders

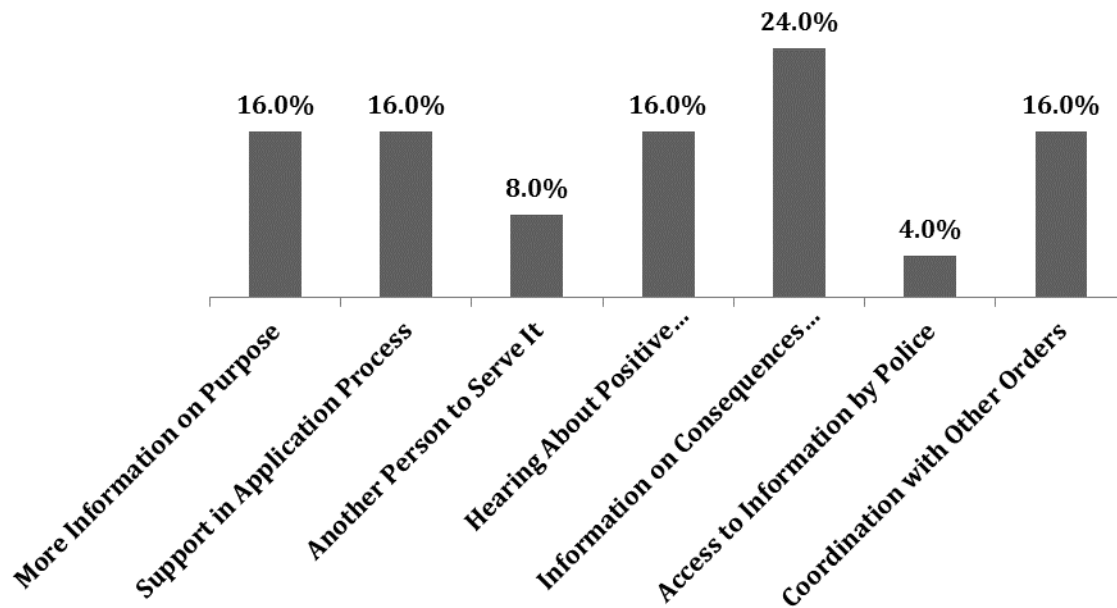
Of the 44 participants, 25 of the participants had never applied for a protection order. These women were asked some additional questions around the reasons why they had not applied for a protection order and multiple women chose more than one response. The most common reason, which was given by nearly half the participants, was that they did not think that the violence was bad enough to need one (Figure 6). A concerning finding was that the second most common reason for not applying for a protection order against an intimate partner was that they did not know protection orders existed, a small minority also stated that they did not know how to apply for a protection order, and that they did not understand the process.

Figure 6: Reasons for Not Applying for a Protection Order Previously (n=25)



The women were also asked to select from a provided list what would make it more likely that they would consider applying for a protection order in the future. The most common answer was that women wanted to receive more information on the consequences imposed when the subject of the order breaches the conditions. The second most common answers were they wanted more information on the purpose of the order, support in the application process, hearing about other women's positive experiences with using protection orders, and better co-ordination between civil protection orders and other civil or criminal orders, including custody agreements and criminal orders with no contact conditions.

Figure 7: Factors Increasing the Likelihood of Applying for a Protection Order in the Future (n=18)



8.9 Telephone Interviews with Women Affected by Domestic Violence

Although many women indicated at the end of the survey that they would like to participate in the interview, in total only three women contacted the author to participate in the in-depth telephone interviews, which lasted around 60 minutes for each participant. Although the sample size is quite small, the women provided a rich range of observations about protection orders and how they felt the protection orders affected their lives.

The themes that will be explored further include the effect protection orders have on domestic violence victim's perceptions of safety and well-being, any barriers the women experienced in applying for protection orders, women's experiences with recidivism following a protection order being issued, the women's experience with the criminal justice system following a violation of the protection order, and the women's overall level of satisfaction with protection orders.

All three of the women revealed that they first became aware of protection orders from a police officer, either after the police officer responded to the domestic violence incident or when she contacted the municipal police and/or RCMP for assistance. The majority of these women (67%) applied for a *FLA* protection order after her former partner was either charged by the police for a criminal offence or after the police urged her to apply for a protection order. After speaking with the other woman it became apparent that her former partner is currently subject to a criminal order with a no contact condition, but she mentioned that her family lawyer was going to help her apply for a protection order once the criminal order expires.

The women had mixed experiences when applying for protection orders. One woman reported it was positive for the most part, as she noted court clerks assisted her in filing out the paper work and that they provided her with emotional support and confidence that she would receive her order. This woman mentioned the service and support she received was great but noted that despite applying for an *ex parte* order, she had to wait in court for approximately five hours before she saw a judge.

Another woman described her process of applying for a protection order as such:

The first time it was hell. The Family Law Act clearly says that a person can do an ex parte order, because the last thing you want to do is have contact with your ex but it didn't work like that. I had to go to court, I didn't know what to expect or where to go, I tried to get support from court staff when I was in the courthouse but all I was told was to fill out the paperwork online. I was so upset and I tried to talk to the court staff, because I didn't have a lawyer, and I tried to explain that the process was confusing, they didn't really help. So, I went home and I called court services in Victoria and I spoke with a man who worked in the court system, but he told me that he wasn't really supposed to help me because it wasn't within his job description to provide me with all that information. He actually spent time with me on the phone and he told me how to fill out the paperwork and he told me word for word what to write. The next day I went back to the court house with all my paperwork, but it was still a struggle to connect with the local court house and I fought with the court clerk for a few minutes

because she wouldn't process the paperwork, anyways I got the application in. The second time I applied, after the first protection order expired, it was a piece of cake because I knew what to do.

When speaking about their satisfaction with the application process, one woman disclosed, *“I’m satisfied as I can be. I understand the orders limitations and the limitations of the law, because at the end of the day it’s just a piece of paper and it won’t stop him from coming for me. But, I will continue to apply for a protection order because I do receive support from service providers, especially the RCMP”*. The other woman noted that she was satisfied with court staff but again stated she had to wait for over five hours to see a judge, saying, *“I was satisfied with the professionals involved, everyone was helpful, but it took a long time. I can imagine other women who are in my situation and if they have to wait five hours just to see a judge, with no hope that a protection order will be approved, they would leave”*. When she appeared before the judge she explained her experience as, *“when I got to the court room, I felt like I had to beg the judge to grant the protection order”*.

To improve the process of applying for FLA protection orders one woman noted:

The process of applying was okay but that's only because I'm decently educated, and I was willing to take it upon myself to research information about protection orders and the process to get one. I was also persistent and read the Family Law Act. My concerns is for marginalized women and women with barriers because I know the struggle I had to go through to get one and there is no way that they [marginalized women] could do it on their own. I feel for women who are marginalized, who struggle with other issues, and who don't have any advocates and if those types of women are trying to apply for protection orders then its horrendous process. It took me awhile to figure out how to apply, the problem is the Family Law Act is written in legalise and if women don't have the capacity to overcome some of the other issues they are facing they will be in trouble.

When asked about how safe the women felt before, during, and after the protection order expired, all stated that the protection order is a ‘piece of paper’, and that

they never felt safe with just a protection order. One woman reported that she applied for a protection order because she felt it was a ‘trail’ of evidence that she believed would help inform police officers that the situation was serious and that they needed to treat it as such, saying:

It's just a piece of paper, all I'm hoping for is it gets the police to act faster when I call them. I don't think it made me feel safer, it just got things moving and I have access to help. Since I live in a smaller community and I know them, when I call, either the police are there immediately or shortly after I make the call. Before getting the protection order, it took a lot for members to respond and at times they would not respond until twenty minutes or later, which really could be the difference between life and death.

Another woman spoke to the fact that her former partner had a history of criminal offences and due to that reason she believed that the protection order had limited effect, saying:

I didn't ever feel safe with the protection order. I didn't feel safe being anywhere local, because he was stalking me and he didn't give a s—t about the protection order, it's a piece of paper. At that point he was convicted of assault as well, so he didn't really care. When I got the protection order he went into hiding, the RCMP couldn't find him, but he was still trying to contact me, it meant nothing to him.

Although the women did not feel that the protection order afforded them safety it is intriguing to note that one of the women stated that having the order in place helped put her at ease, as she stated it was nice to have a legal boundary so that police could act when she reported a violation. The other women noted that protection order did not affect their quality of life, with one reporting, “*it stayed the same. Realistically what's the protection order going to do; it's a piece of paper. If he's going to do something, that [protection order] won't stop him. It was never off my mind, like I couldn't sleep peacefully, it's almost like looking over your shoulder*”.

Overall, two of the three women did not feel the protection order provided them with a level of support, with one saying:

I don't think it really did anything. If anything he got worse, it was almost like a how dare you I can't believe you're doing this to me. So that is when he started harassing me through texts and e-mails. What really helped me were victim services they were wonderful. They were more supportive than the RCMP but I understand that the RCMP are busy, but they're important because they're the enforcement piece.

The other woman was frustrated by the limits of the law, saying that the protection order is a 'piece of paper', although she did note in her case that it got the police to respond more quickly to violations.

All the women noted that their former partner violated the protection order numerous times, with one woman recalling:

When my ex-partner was first arrested in July 2012, he was a known stalker and he breached his criminal order multiple times, but after all the breaches he got smart and now he stands 51 or 102 meters away from me. He still tries to intimidate me and he approaches my extended family. I reported the violations each time, but my interaction with the RCMP and violations of protection orders has been horrendous. Again, I understand the limits of the law and it was difficult for RCMP members to proceed with charges. When he did breach because he would often wear sunglasses or a hoodie the RCMP would say the violation wouldn't stand up in court because, how did I know it was him, so they said they couldn't do anything and the violations wouldn't be approved so they weren't willing to put in the work when they knew something wouldn't go through or they would tell me that they would put a note in my file. My ex-partner had more serious behaviour, he broke into my house and kicked my dog so hard in the stomach and the vet said judging by the force and how much damage was done whoever did it was close to my dog. I told RCMP that my dog is an inside dog and my ex-partner is known to commit break and enters, but the RCMP said they couldn't prove it was my ex-partner. He also slashed my new partner's vehicle tires and I told the RCMP it could only be my ex-partner but the RCMP said they couldn't do anything.

Two out of the three women reported the violations each time they occurred, but one did not because she disclosed, "a lot of women fear that if they call the police and the police end up arresting your partner he's only likely going to be held for twenty-four hours then

he's let go and he's angry because you called the police and it makes things worse.

There's no point, calling the police, it only stops it [violence] then but when he's released it's going to be worse".

The women reported the police and/or RCMP response to the violations was mixed. Two of the women reported that their violations were not dealt with and the police stated they could not proceed with a breach charge as there was not enough information, or the women felt that the police did not want to do the paperwork when they knew Crown Counsel would not accept the breach.

In terms of recommendations these women had to improve protection orders, their responses ranged from adding extended family, that do not reside with the victim, as no contacts on the protection order, providing more support for women during the application process, more enforcement of the conditions, and stricter custodial sentences.

One woman discussed the changes she wanted to see as:

It would be to change to the law and the way police and the justice system deal with abusers. Realistically he assaulted me and got thirty days in jail and then he just spiralled out of control. He seemed to get it together when he got with his new girlfriend and the whole cycle started again, but for assaulting her what did he get, he got forty-five days in jail. That's the problem there needs to be harsher sentences. There also needs to be more police support. In the beginning after the incident the police stayed with me at my house for two and a half hours. One member helped board up my back door, so he [former partner] couldn't get back in. I felt more safe when the police were around, but they would only come if something happened. Why do we have to wait for my door to be kicked down and he [former partner] be in my home. When I called the police and told them about his long history of abuse, the police said we can't do anything until he's physically there. That's the scariest thing about domestic violence, you're basically waiting around for him to do something and the police won't act until he does something. Police policy needs to change, they need to do more. When an incident happens they should circle the house for a bit to make sure he doesn't come back or when they [intimate partner] do breach, police should actually come by to check if he's around and actually charge them with breach. I just felt like I was a file number.

Due to their experiences only one woman reported that she would re-apply for a *FLA* protection order. Another woman noted she would not re-apply as she did not feel the protection order helped her; rather she felt it was a negative influence on her former partner, and she strongly felt that police did not act on breaches of the order, which, combined, resulted in threats to her safety. In regards to safety planning, two of the women engaged in the process and felt that it was the key to ensuring their safety.

8.9.1 Telephone Interviews with Service Providers

In total, five service providers reached out to the author to participate in the semi-structured in-depth telephone interviews, which lasted approximately 30 minutes for each participant. The participant's years of service in their positions ranged from one year to over 20 years and their work related duties in regards to domestic violence ranged from providing victims information about protection orders, helping women during the court process, referring victims to community agencies, and enforcing or applying for criminal orders. Overall, the service providers interviewed were not as knowledgeable about protection orders as they were about criminal orders with no contact conditions, but they did say having any protection orders was better for the victim to have than nothing.

For the service providers, the shared themes that came up were the limited knowledge of protection orders by various service providers, the effectiveness of protection orders to reduce recidivism, challenges with flow of information between service providers, and difficulty accessing the Protection Order Registry.

Some of the service providers (40%), noted that *FLA* protection orders can be quite confusing for their colleagues, as they have little training in the area of *FLA* protection orders and they do not have enough experience or knowledge with such orders

as their main focus is on criminal orders with no contact conditions. They noted that they do tell women to apply for *FLA* protection orders, only if their organization cannot apply for criminal orders. Further, one service provider noted that her organization does not help women apply for *FLA* protection orders as, *“no, because it makes it really grey, because if we think there's enough information or evidence we should be filing a no contact criminal order, because if something happens to her and we knew about I would wear that”*.

In regards to which order, civil protection order or criminal orders with no contact conditions, take precedence when both are in place at the same time, none of the service providers were sure, but the majority (80%), stated they would follow the criminal order. The main reason service providers were inclined to follow the criminal order with the no contact condition was that they stated there is an enforcement clause in the criminal orders, which service providers noted was not always clear with the protection orders, and one service provider mentioned, *“the civil order, most of the time they're confusing, we don't know if they are still in effect, there's confusion about understanding the order, so if there's a criminal order our members go with that”*.

None of the service providers found any benefit with having both orders in effect at the same time; instead they noted it tends to be confusing as they are not sure which order takes precedence. Some service providers (40%), stated that having both order in place at the same time is not helpful reporting:

Just the confusion. The number one challenge for front line officers is to confirm the validity of orders and they're on a twenty-four hour clock, so their shift time is running out, so we need information right away. Then trying to understand the order, trying to confirm that it's in effect and that we can enforce it, and to be honest a lot of front line members are not familiar with civil protection or family law court orders.

In regards to accessing the Protection Order Registry, one service provider noted there are ways of finding out information to discover a historical pattern, but stated it is not common knowledge among her colleagues, saying, *“a lot of members don't do that because we're trained for the criminal side of orders and it's been said that police don't deal with civil matters. I'm sure there's a lot of civil orders out there but we're not making sure they're being followed”*. Service providers also discussed the challenges associated with the Protection Order Registry as, *“it can take a while and sometimes when you're out on a call and it's the middle of the night and you need to act fast, it's just too much rigmarole”*. In regards to violations of protection orders 60% of service providers stated they have never encountered the issue, while 40% noted that they have had very limited experience with violations, and one remarked, *“if there's an enforcement clause we can arrest, but the hard part is finding out if that clause is there”*.

When discussing FLA protection orders' ability to reduce recidivism for domestic violence on a scale of 1=Not effective, to 5=Very effective, service providers' responses ranged from 2=A little effective (40%), to 4=Effective, (20%). The service providers who rated protection orders as ineffective remarked, *“based on the fact that if the offender is committed to do it [breach order or attack women] he's going to do it. I've seen many men with the revenge ideologies, they are relentless, and they won't stop, and nothing will stop them, so they're going to do it anywhere. This is especially the case for men that have had contact with the justice system before, and they are hardened”*. The majority of the service providers believed protection orders worked best for men with no previous criminal history, where a criminal order would not be issued, on men who have no negative experiences with the police, and on men who are afraid of criminal charges.

When discussing the ability of criminal orders with no contact conditions, to reduce recidivism for domestic violence on a scale of 1=Not effective, to 5=Very effective, 20% of service providers answered 2=A little effective (20%), nearly half (40%) answered 3=Somewhat effective, and another 20% answered 4=Effective. The service provider who rated criminal orders as 4=Effective, stated, *“it’s because we can keep track of the conditions, we have specific cars designed to curfew check and we have red flags on files so we can do drive bys to check that the guys are not at the house. We have more involvement and that’s what makes it more effective”*. While the service provider who rated criminal orders as 3=Somewhat effective noted, *“this is because in domestic violence cases there is a strong tie between the offender and victims, often children are involved, and that’s the offender’s home that they lived in and now he can’t be there. Also, in a lot of cases the victim needs financial support”*. The service provider that rated criminal orders as 2=A little effective mentioned, *“they are only effective to those suspects who are worried about becoming criminally charged. Protection orders will never solve the issue of domestic violence, as many victims have been killed by their partners even with these orders in place”*. Again, all the service providers noted that criminal orders work best for offenders who are afraid of the law, men who have not had any negative experiences with the law, and men who are low risk to-reoffend.

In regards to barriers in their community for women to apply for civil protection orders one service provider aptly observed that:

Especially for marginalized women that don't have access to transportation, which really sucks in this town, how are they going to get to a courthouse in another city. If she's a single parent, she can't take time off of work to get to court. The courthouse hours are open during business hours, which is difficult for most people because they work. There are many barriers, how does someone

articulate fear, they [victims of domestic violence] need help with that because they're scattered and don't know how to explain why they are scared.

Other service providers spoke about the disconnect between different community agencies in regards to information flow, and about the lack of support to help women apply for protection orders, without a lawyer.

In terms of changes to the current system, service provider's suggestions ranged from more cohesiveness between community agencies in terms of information sharing, ease of access to information and connection to the Protection Order Registry, informing women before a protection order expires that it is about to expire, the court registry being open longer, and more education being made available to victims about protection orders and their options. One service provider remarked:

There needs to be a larger time frame or more days the courthouse is open, they should be open at least until eight or nine p.m. So someone doing shifts can get there and doesn't have to take time off work. If a women is a single parent and works to put food on the table for her kids and doesn't have adequate transportation to the court registry or courthouse, they [court services] need to accommodate her because if she's working and trying to feed her kids she's not going to take the day off to apply for an order that she might not get. I think they [court services] need to get satellite offices. There needs to be someone that helps women fill out the paper work because again sometimes it's hard to articulate what fear is. They did resolve the issue with serving orders, I think Sheriffs do it, but when the partner is not served who tells him he has an order against him, so that needs to be changed too.

Another service provider commented:

There needs to be an ease of access of information to police with the Protection Order Registry, there needs to be quick verification that protection orders are in place because a lot of time you go to these houses and a woman says she has one [protection order] but doesn't have the papers and she says he [partner] can't be there. We really can't do much if we don't have access to the order, and in general there needs to be more training for police on the variety of different protection orders.

When speaking about the flow of information between different government agencies, such as the MCFD, Ministry of Justice, RCMP, and municipal police agencies, all service providers stated there are issues. All spoke about challenges in regards to confidentiality and how certain organizations and service providers are reluctant to share information. One service provider lamented about MCFD's centralized screening process and noted it was not uncommon for her colleagues to be on hold for over 30 minutes.

Chapter 9.0 Discussion

The author hypothesized that victims of domestic violence, who applied for a civil protection order, would perceive that their level of safety and quality of life, or well-being, would increase after issuance of a civil protection order, police and/or RCMP response to violations or breaches of the conditions increased the women's perceived level of safety, and overall the women, who applied civil protection order, would be satisfied with the level of support as afforded by the order.

Utilizing an exploratory and descriptive research design, the study set out to explore the ability of civil protection orders to affect domestic violence victim's perception of safety. As mentioned, the Canadian literature on this topic is limited and in general it is quite scarce, and so this study adds to the limited research available on this topic. Other countries, namely the United States, have conducted studies on civil and criminal protection order's ability to protect victims, promote victim's well-being, and reduce recidivism; however, these studies have produced inclusive results on the orders effectiveness.

In terms of demographic characteristics of women who apply for a protection order, it was discovered through the online survey that the women who were more likely

to apply for protection orders were women with physical disabilities and women who were unemployed. In terms of the literature, women who have physical disabilities are at a higher risk of violence (British Columbia, 2015; British Columbia, 2016; Burczycka, 2016; Disability Alliance BC, 2016; Statistics Canada, 2016), so perhaps this could explain why this subtype of women are more apt to apply for such orders. It is unusual that women in the study who identified as unemployed tended to apply for protection orders more, as research shows that financial dependence is a reason why many women remain in such relationships (British Columbia, 2015; British Columbia, 2016; British Columbia's Coroners Services, 2016). However, it has been reported in studies that women with the lowest levels of educational attainment and lower income levels, \$30,000 or less, were more likely to say that they contacted the police for assistance (Sinha, 2013).

The online survey and in-depth telephone interviews revealed an interesting finding through a paired samples t-test. It was hypothesized that women who applied for and received a protection order would show an increase in their perceived level of safety; while the mean scores for both groups increased, the change was not statistically significant. One reason for this is that many women reported feeling that the protection order was just 'a piece of paper', and some of the women, who disclosed that their partners already had lengthy criminal histories, stated the men were not deterred by the order and so he would frequently breach the conditions. In the in-depth telephone interviews, one woman mentioned that when she applied for a protection order her former partner took the act as some type of betrayal and began to stalk and harass her. Perhaps a reason why the women did not feel safe with the protection order is because they felt the

protection order sent their partner over the edge. Likewise, the literature also suggests that when women apply for protection orders it can lead to an escalation of violence (Benitez et al., 2010; Cooper, 2012; Logan & Walker, 2009; Russell, 2012).

Using paired t-tests, the women's ratings of perceived quality of life was compared during the time their protection order was in place to after their protection order expired. There was a statistically significant relationship between the average ratings of quality of life during the protection order compared to once the protection order had expired, with participants reporting an increase in quality of life post-protection order expiry. This finding could be because women felt they had done what they could to protect themselves, and were subsequently self-assured that they put safety measures in place to protect themselves, which could lead to a sense of empowerment.

Another noteworthy fact is the women who felt their quality of life was either "okay" or "good" following the issuance of the protection order had taken significant action to improve their ability to defend themselves, and had received support from others. For instance, the women reported that they had moved towns to get away from their former partner, had received substantial support from the community providers and, in particular, transition houses, or had put other safety measures in place such as learning to physically defend themselves and installing security cameras around their homes.

In contrast, the women who continued to report a poor quality of life following the granting of the protection order felt that there was a lack of support from the criminal justice system. Consequently, the women who rated their quality of life as poor noted that they had to move regularly to protect themselves, as they believed that was the only way they could stop the subject from contacting them.

In terms of how satisfied women were with the application process for protection orders, the average score was a 2.9 on a 5 level scale, indicating that generally the women felt “okay” about the process. The women commented that the process was expensive but well-worth it, but the time spent in court was described as time consuming. Those who were very or somewhat dissatisfied identified having difficulty navigating the court system, having no legal support when in court, and noted that the cost and stress of dealing with the subject was too much. Of note, women who were satisfied with the application process had gone through the process before, indicating that once women are able to overcome the initial difficulties the process becomes easier for subsequent applications.

Another issue that has been discussed in the literature and what this study found was the fact that when women report violations of the order to the police, the violations were not always responded to. In this study, half the women reported violations to the police every single time they occurred, while another quarter reported them at least more than half of the time. Despite the high reporting rate of violations to the police, nearly half of the women (46.7%) stated that the police did not take any action against the subject of the order and some women stated police and/or RCMP claimed the women were making too big a deal out of the violation, which left the women feeling belittled and ignored. Accordingly, when asked to rate how the police response made them feel on a scale of 1=Very Unsafe to 5=Very Safe, the average rating given by these women was a 2.3 ($SD = 1.4$). Over half of the women felt very unsafe (40%) or unsafe (13.3%) after the police response, while one-quarter (26.7%) felt okay.

A statistically significant finding where women who reported that police did nothing to deal with the violator of the protection order were significantly less likely to feel safe than both women who reported that the police spoke to the subject and women who reported that the police arrested the subject. There was no statistically significant difference in average perceived levels of safety when comparing women reporting that police arrested versus spoke to the subject. It was interesting to note that arresting the subject and police talking to the subject had the same effect on the women's perceptions of safety. This suggests that when police officers are not able to file a formal breach that if they are able to simply talk to the subject about the violation it also increases the women's perception of safety. This could have a positive effect on the women's perception of the police as it could contribute to more women reporting such violations, increase the women's confidence that the criminal justice system will support her and it would also show the subject that he is being monitored so he should heed the order or risk facing the consequences.

Violation status was also related to quality of life perceptions, specifically, women who reported that their partner had violated the protection order reported significantly lower levels of quality of life compared to women who reported that their partner had not violated the protection order. This feeling could be due to the women believing that they had tried a different protective measure, yet the subject's behaviour and to an extent the criminal justice system's response to the subject's actions remained somewhat similar to before they had the protection order in place.

Of the 44 participants in the online survey, 25 of the participants had never applied for a protection order. A concerning finding was revealed in the second most

common reason for not applying for a protection order against an intimate partner was that these women did not know protection orders existed. This finding suggests there needs to be more in the way of disseminating information about protection orders.

The participants in the online study were also asked what would make it more likely that they would consider applying for a protection order in the future. The most common answer was that women wanted to receive more information on the consequences imposed when the subject of the order breaches the conditions. The second most common answers were they wanted more information on the purpose of the order, support in the application process, hearing about other women's positive experiences with using protection orders, and better co-ordination between civil protection orders and other civil or criminal orders, including custody agreements and criminal orders with no contact conditions. Again this finding suggests that there needs to be more done in terms of disseminating information about protection orders and the potential outcomes.

The common themes for the service provider interviews centered on service providers requiring more training, clarity, and in general more information about protection orders. In terms of the efficacy of protection orders, service providers voiced that some domestic violence victims required more than civil and criminal protection orders to protect themselves and stated this is especially the case for victims whose former partner is an offender with a lengthy criminal history, is considered high risk to re-offend against the victim, and had prior negative interactions with the police. The service providers spoke about frustrations with the Protection Order Registry. They spoke about the need for more ease of access to protection orders and for more flow of information between service providers and organizations.

Chapter 10.0 Recommendations and Policy Implications

10.1 Recommendations

Based on the online survey and in-depth telephone interviews, it is evident that there is room for improvement in terms of the application process, enforcement, and increasing collaborative practices of different organizations to better assist victims of domestic violence.

The women who disclosed they had not applied for a protection order revealed that they did not know such orders existed. This suggests that there needs to be more in the way of disseminating the information that protection orders exist. Possible solutions to increase awareness could include media campaigns, more pamphlets about protection orders need to be distributed in public places such as the public library, recreational centres, doctor's offices, hospitals, places of worship, Laundromats, grocery stores, and in schools as it would inform young people about domestic violence and the potential safety measures should they find themselves in such relationships. These pamphlets should be in a variety of different languages, outline the consequences imposed when the subject of the order breaches the conditions, and they should include testimonials from women who have utilized protection orders discussing their positive experiences.

In regards to the application process, it was discovered from both the online survey and telephone interviews that most women still find it a daunting process to engage in as they are in crisis mode and they often have a difficult time articulating what they are going through. Thus, these women require support in filing out the necessary paperwork and they require emotional assistance while they are in court. It is reasonable to expect that a lawyer could assist in this process; however, as the online survey

indicated many of the women in B.C. have a yearly income under \$20,000 and they may not know how to go about the process of applying for legal aid services or this could cause them to become overwhelmed. Therefore, service providers should provide as much assistance as possible. Another way to support the women would be to extend the hours of operation for courthouses or court services, as it was identified that many victims cannot afford to take time off work to apply for a protection order during regular business hours.

Addressing the issue of enforcement, many of the women on the online survey as well as the in-depth interviews discussed their frustration with the police response when a subject of a protection order violates the order. A majority of the women noted that although they reported the violation frequently, in some cases each time they occurred, women noted that the police did not respond to their concerns. In terms of increasing the women's perceived level of safety, the study revealed there was no statistically significant difference when police would talk to the subject or arrest the subject, meaning that police can easily take action that supports the victim and increases their perceived level of safety. This suggests that police agencies could benefit from more education about protection orders and how to proceed when they are made aware of violations.

The service providers also commented on the difficulty some of them have in regards to finding out if a protection order is still valid. A recommendation in this case would be to follow other provinces in Canada's lead and start to input civil protection orders on CPIC. This would save time, confusion, and possibly save lives as police would not only be able to see if the orders are still valid, but they will be able to see relevant conditions, and determine if there is a pattern of domestic violence in the subject's

history that did not result in criminal proceedings allowing for quicker judgments when responding to domestic violence incidents.

Another issue service provider's and some victims of domestic violence voiced was the fact that protection orders do not seem to have a deterrent effect on subjects who have criminal histories, prior negative interaction with the police, offenders who are high-risk to re-offend, and offenders who are not afraid of criminal consequences. In these cases, protection orders should not take the brunt of the blame, as protection orders should be included in an overall safety plan. The women in the study who rated their quality of life and well-being as “okay” after they received a protection order stated they put external safety measures in place to further protect themselves. It is recommended that each woman clearly understand the limits of a protection order and that they should be assisted with creating a safety plan that is unique to her situation. That being said applying the deterrence theory on enforcement of protection orders with subjects who seem to exhibit a lack of concern for the law, consequences need to be swift, severe, and certain. This means that if a subject is breaching a protection order the police need to act each and every time to show the subject that his behaviour is unacceptable and it will not be tolerated by the victim or the criminal justice system.

Service providers also pointed out problems associated with information sharing between various organizations. They noted that each organization has its own protocol and procedures in place regarding confidentiality, which at times can be a hindrance to case management purposes as the flow of information is impeded until organizations complete the necessary release of information protocols. Some service providers noted that specialized police units and teams such as the DVU and ICAT's can share

information for high-risk cases. Therefore, it is recommended that this team collaboration should be available for all domestic violence files because victim safety should take precedence.

10.2 Research Limitations

Despite the use of an exploratory and descriptive research design this study was not without limitations. One specific limitation was the small sample size for all participant groups. Overall, 44 women affected by domestic violence participated in the online survey, three women affected by domestic violence participated in the telephone interview, and five service providers participated in the telephone interview. The author did reach out to various women's groups, police departments, RCMP offices, Crown Counsel, courthouses, and MCFD social workers to help disseminate the study to their clients and to front line workers however; many did not do so. Accordingly, the author was not able to conduct as many interviews as originally anticipated.

The design of the online survey could have also contributed to the low response rate and explain why a particular group of women decided to participate in the survey. The demographics of the online survey included older women, whose experience could have been very different from younger women; this could be because older women may have been in a better space to talk about their experiences, or because they may have been able to leave the abusive relationship.

The literature identifies that Indigenous, younger, minority, immigrant, and physical disabled women are at greater risk for domestic violence by an intimate partner; however, very few members from these groups participated in the study. This could have been due to a variety of reasons including, but not limited to, the online survey and

telephone interviews being conducted in English, some women not having access to a computer or the Internet to complete the survey, some women not having access to a telephone, and some of the women may have still been in a relationship with their abusive partner.

In regards to the service providers, the author contacted a wide variety of service providers throughout the Lower Mainland and the Fraser Valley, but many organizations did not participate. Some noted they were short staffed and said they would not allow their employees to participate in the interviews during work hours, they needed to conduct their own ethical review of the study which could have taken a couple months or longer, some of the organizations wanted the author to make changes to the interview questions, and some organizations stated it was against their policy for employees to speak about their particular organization. Due to those reasons, the author was not able to conduct as many telephone interviews with service providers as originally planned. Despite these limitations, the study offers a number of suggestions for future research.

10.3 Social and Criminal Justice Policy Implications

In the study many women revealed that they did not apply for a protection order, as they simply were not aware such orders existed. This is concerning, and the first step in improving women's access and knowledge of protection orders would be to start increasing women's awareness of such orders through media campaigns and through the creation and distribution of pamphlets explaining protection orders.

In terms of the application process for protection orders, several women noted they had difficulties navigating the court system and one woman commented that she was able to do this only because she was decently educated and persistent. This comment is

alarming, as this woman believed that marginalized women in her situation would not be able to apply for those reasons. Many women had suggestions to improve the application process including training court clerks to complete the paperwork both for standard civil protection orders and *ex-parte* orders, as many women find navigating the court system daunting. B.C. should heed the protocol of other provinces that allow service providers, or relatives of the victim to apply for the orders on the women's behalf. This would immensely help the women, as it would take the stress of applying off her shoulders and allow her to focus on other safety plan measures.

A factor to consider, for court services, is increasing or changing their hours of operation to accommodate women who are working to support themselves and their children. It was noted in the study that if women have to take time off work to attend court, they would not do so as they cannot afford to. Also, women suggested having a reverse onus on the subject so that if he feels there should not be an order he should justify why. This makes sense because if a victim is brave enough to come forward and make an application it should not rest on her to argue why she requires protection but the subject should have to explain why such an order is not justifiable.

Additional beneficial conditions on protection orders that are common in other provinces include allowing the victims extended family to be placed on the order as no contacts, as studies have shown that subjects tend to harass the victim's family members once a protection order is in place (Bradford et al., 2004; Sinha, 2013; Smith & Morra, 1994), mandatory weapons prohibition for the subject for a period of time, and if it is safe allowing the women to remain in the home and have the subject relocate.

In terms of policy changes, in regards to enforcement, the study found that there was no statistically significant difference in terms of women's perceived level of safety when police would talk to the subject of a violation or arrest the subject. This means that when police are made aware of a violation of a protection order that they at least speak to the subject of the order as it supports the victim.

The study and literature conveys the persistent nature of some offenders and the high likelihood of violations, in those cases service providers should assist women in creating comprehensive safety plans and measures. As the deterrence theory suggests for offenders who have criminal history, little to no regard for the law, and are not dissuaded by the possibility of further criminal consequences the police response should be certain, swift, and severe. This adds support to the fact that if anything police need to speak to the offender and make it known to him that he is being watched and his actions will get him into further trouble. Policy changes to police agencies would include more education for officers around protection orders and how to respond when violations of the order occur.

Also, as some service providers discussed the difficulty in accessing information from the Protection Order Registry, B.C. should follow the lead of other Canadian provinces that import all their protection orders on CPIC. This would help police officers verify the order, save time, confusion, and possibly save lives.

Policy considerations in terms of collaborative information sharing needs to be amended, to include sharing information on all domestic violence cases and not just on high risk cases. This information sharing should follow suit of DVU and ICAT protocols.

10.4 Directions for Future Research

To further our understanding of protection orders and how they affect domestic violence victims, the first step would be to systematically collect detailed accounts of how many women apply for protection orders, their demographic characteristics, what additional safety measures the women have put in place, the characteristics of the subject, and how many times the orders are violated. This information could help determine what community based programs and victim's outreach services need to be developed to assist victims and subjects better.

Since survey participants who did not apply for protection orders revealed that they were unaware such orders existed, it would be beneficial to focus on outreach programs that address the gap between awareness and access, and ensure that these programs are promoted in multiple languages and made available in well-known areas.

It would be useful to conduct comparison studies on Canadian provinces that place protection orders on CPIC to determine if there is a higher rate of enforcement of orders that are available on CPIC and if there are higher levels of satisfaction with police response from victims in those communities. Another useful avenue that could help determine recidivism rates for protection orders would be to partner with hospitals, emergency rooms, and clinics as research has showed that women tend to first seek medical attention for their injuries rather than report them to the police.

There should also be more studies determining the effectiveness of inter-agency communication regarding the release of information in regards to domestic violence cases. A study of DVU and ICAT's could help create policy that allows for more

memorandums of agreements of release of information in all domestic violence cases and not just those deemed high risk.

Chapter 11.0 Conclusion

Increasing access to protection orders has its barriers, and navigating the justice system can be frustrating, time-consuming, demeaning, and often ineffective procedurally in terms of achieving the desired outcomes for women who experience domestic violence. The study identified some of the barriers women face in obtaining protection orders, the study also discussed the need for strong and consistent enforcement of protection orders by members of the criminal justice system coupled with comprehensive safety plans to enhance the effectiveness of protective orders, and more collaborative information sharing between various organizations. Solutions on how protective orders could be improved include increasing access and awareness about protection orders, increasing protection order effectiveness via consistent enforcement and thorough safety planning, and more collaboration between service providers in terms of information sharing.

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Appendices

Appendix A: Recruitment Poster

- Study: The Effect of Protection Orders on Domestic Violence Victims Perception of Safety
- Female Participants Needed
- Have Your Voice Heard



- This study is recruiting women aged 19 and older who have been exposed to intimate partner violence in the past to participate in an ANONYMOUS online survey focusing on domestic violence and the use of protection orders.
- *Whether or not you have used a protection order in the past, I would like to hear from you about your awareness of protection orders and how they worked for you, and your perceptions on how they affect your safety.*

Preetpal.Basanti@student.ufv.ca

Please visit

<https://www.surveymonkey.com/r/protectionorders>
to participate in the research study.



Appendix B: Letter of Informed Consent for Survey Participants Affected by Domestic Violence

My name is Preetpal Basanti and I am a student in the Master of Arts in Criminal Justice Program with the University of the Fraser Valley (UFV), working under the supervision of Dr. Amanda McCormick and Dr. Amy Prevost. My thesis research is focused on the effect that protection orders have on women domestic violence victim's perceptions of safety as well as the challenges associated with applying for such orders.

I have created an online survey that focuses on women who have experienced domestic violence in order to study their experiences with protection orders, challenges with navigating the court system, the effect the orders had on their safety, and what changes

they believe need to be made in accessing protection orders.

The survey should take you between 15 to 30 minutes. Please note your data is anonymous and there is no way of tracking your individual answers to you. While you can stop your participation in the study at any point during the survey, once the survey has been submitted you can no longer withdraw your information as it is recorded anonymously and cannot be linked back to a specific person. As the survey data will be collected using a third party service provider, Survey Monkey, which is based in the US, the collected data are subject to the US Patriot Act. The data from the survey will be removed from the Survey Monkey platform once it has closed. After that the data will be downloaded in a machine-readable format and stored indefinitely on my password-protected laptop.

Participating in this study does not pose any physical risks to your well-being, but some questions may touch on sensitive issues. While the questions will not ask you to discuss in-depth your previous experiences with domestic violence, some questions will touch on prior experiences of domestic violence. If at any time you feel distressed by any of the themes discussed in this interview please contact the Crisis Line BC at 1-866-661-3311 or crisiscentre.bc.ca, or VictimLinkBC at 1-800-563-0808, where you will be able to speak to counsellors should you become distressed or feel that you would like to discuss the issues raised in the survey in more depth.

It is important to inform you of the potential benefits that society will receive from this research study. The goal of this research study is to provide clarity of information on the processes used to access protection orders, and if necessary, effect policy involving the access and use of protection orders, in order to better service the women who access these orders. The results may also support service providers, the criminal justice system, and society in offering better solutions to support families who are dealing with domestic violence.

Thank you for taking the time to participate in this online survey. I would like to remind you that the online survey is anonymous, and you will not be asked to provide your name or other personal information.

If you have questions about this research study or its results, please contact me at [REDACTED]. If you would like to contact my senior supervisor, Dr. Amanda McCormick, with any questions or concerns about this study, please email Amanda.McCormick@ufv.ca or call 604-504-7441 extension 4106. If you have any concerns about the ethics of this research study, please contact Associate Vice-President of Research Engagement and Graduate Studies, Dr. Adrienne Chan, at Adrienne.Chan@ufv.ca or 604-557-4074. Please note the ethics of this research study has been reviewed and approved by the UFV Human Research Ethics Board.

Thank you for taking the time to help me determine the effect of protection orders on domestic violence victim's perception of safety. By clicking to the next page you are

giving your consent to participate in the survey and you are indicating that you are a woman, 19 years or older, who has experienced domestic violence.

Appendix C: Survey Questions for Women Affected by Domestic Violence

The survey uses the following definitions as follows:

- **Domestic violence**-is defined as experiencing physical, emotional, sexual, or financial abuse by an intimate partner.
- **Intimate partner**- is defined as a partner who you were involved in a sexual, physical, and emotional relationship with.
- **Quality of life**- is defined as being satisfied with your overall health, comfort, and happiness.
- **Safety**- is defined as feeling protected from experiencing physical, emotional, sexual, or financial abuse.

This heading appeared on all questions: If you become distressed contact Crisis Line BC at 1-866-661-3311 or VictimLinkBC at 1-800-563-0808.

1. How old are you today?
2. What is your main community of residence?
3. What is the **primary** language spoken in your home?
4. What is your **primary** ethnic background? (please pick one)
 1. Caucasian (Yes-go to question 7)
 2. Aboriginal
 3. South Asian (Yes-go to question 7)
 4. Asian (Yes-go to question 7)Other (please specify) (Yes-go to question 7)
5. Are you a registered or status member?
 0. No
 1. Yes
6. Do you currently live on a reservation?
 0. No
 1. Yes
7. Were you born in Canada?
 0. No
 1. Yes (Go to question 11)
8. How long have you lived in Canada?

9. Are you a Canadian citizen?
0. No
 1. Yes (Go to question 11)
10. What is your legal status in Canada?
1. Temporary resident
 2. Permanent resident
 3. Refugee
11. What is your current marital status?
1. Single
 2. Dating
 3. Common-law
 4. Married
 5. Separated
 6. Divorced
 7. Widowed

Other (please specify)

12. What is your highest level of education?
1. Less than high school
 2. High school
 3. Some College
 4. 2-Year College Diploma
 5. 4-Year College Degree
 6. Masters
 7. Doctoral
 8. Professional Training Degree

Next, I would like to ask you some questions about your employment status.

13. What is your current employment status?
1. Unemployed
 2. Seeking Work
 3. Employed
 4. Retired

Please state your job title.

14. What is your personal total yearly income range before taxes?
0. Zero
 1. Under \$20 thousand
 2. Between \$20 thousand and \$49 thousand
 3. Between \$50 thousand and \$99 thousand
 4. Over \$100 thousand

Next, I would like to ask you some questions about your relationship status.

15. When was the last time you were victimized by an intimate partner?
1. Less than 1 month
 2. Between 1 to 3 months
 3. Between 3 to 6 months
 4. Between 6 to 9 months
 5. Between 9 to 12 months
 6. More than 1 year
16. When you were last victimized by an intimate partner, what was your relationship status with the partner at that time?
1. Dating
 2. Common-law
 3. Married
 4. Separated
 5. Divorced
- Other (please specify)
17. Altogether, how long have you been or were you in the relationship with this partner?
1. Less than 1 month
 2. Between 1 to 3 months
 3. Between 3 to 6 months
 4. Between 6 to 9 months
 5. Between 9 to 12 months
 6. More than 1 year
 7. Between 1 to 2 years
 8. Between 3 to 5 years
 9. 5 years or more
18. How far into the relationship were you when the domestic violence first started?
1. Less than 1 month
 2. Between 1 to 3 months
 3. Between 3 to 6 months
 4. Between 6 to 9 months
 5. Between 9 to 12 months
 6. More than 1 year

*Next, are some questions about protection orders. While some protection orders are made through the police (i.e. peace bonds), they can also be requested through family court (i.e. Family Law protection orders). **These questions focus on the Family Law protection orders that you yourself may have directly applied for.***

19. Have you **ever** applied for a Family Law protection order against an intimate partner?
0. No (Go to question 51)
 1. Yes
 2. Not sure (Go to question 51)

20. How did you first hear about protection orders?

1. Police officer
2. Victim service worker
3. Victim Safety Unit
4. Social worker
5. Community support worker
6. Lawyer
7. Internet Search
8. Friend or family member

Other (please specify)

21. How long ago did you apply for your **most recent** protection order?

1. Less than 1 month
2. Between 1 to 3 months
3. Between 3 to 6 months
4. Between 6 to 9 months
5. Between 9 to 12 months
6. More than 1 year

22. Do you currently have a protection order for a current/recent intimate partner?

0. No (Go to question 24)
1. Yes

23. How long was your current protection order valid for?

0. Less than 1 month
1. 3 months
2. 6 months
3. 9 months
4. More than 1 year
5. Not sure

Other (please specify)

24. On a scale of 1 to 5, where 1 is **VERY UNSAFE** and 5 is **VERY SAFE**; how safe did you feel in your relationship **before** you had the protection order?

1. Very unsafe
2. Unsafe
3. Okay
4. Safe
5. Very safe

Without revealing any personally identifying information, can you tell me why you felt this way?

25. On a scale of 1 to 5, where 1 is **VERY POOR** and 5 is **VERY GOOD**; how would you rate your quality of life **before** you had the protection order?

1. Very poor
2. Poor

3. Okay
4. Good
5. Very good

Without revealing any personally identifying information, can you tell me why you felt this way?

26. Did you receive assistance from anyone in the process of applying for a protection order?

0. No (Go to question 29)
1. Yes

27. Who provide you assistance in the process of applying for a protection order?

1. Family
2. Friends
3. Community Support Worker
4. Social Worker
5. RCMP/Police
6. Victim services worker
7. Victim Safety Unit
8. Lawyer

Other (Please explain)

28. Can you tell me what assistance they provided you with.

29. Who served your partner with the protection order?

1. You did
2. Family member
3. Friend
4. Community Worker
5. You paid someone to do it

Other (please specify)

30. In total, in your lifetime, how many times have you applied for a protection order?

31. In total, how many times have you applied for a protection order against your most recent/current intimate partner?

32. Have you ever been denied an application for a protection order?

0. No
1. Yes

If yes, can you describe the reasons you were given for why you were denied this application?

33. When you applied for your most recent protection order, who was the protection order for?

1. Just myself

2. Myself and my children
3. Just my children
4. Another family member

Other (please specify, remember not to include any personally identifying information)

34. On a scale of 1 to 5, where 1 is **VERY DISSATISFIED** and 5 is **VERY SATISFIED**, how did you feel about the **process** of applying for a protection order?

1. Very dissatisfied
2. Dissatisfied
3. Okay
4. Satisfied
5. Very satisfied

Without revealing any personally identifying information, can you tell me why you felt this way?

35. Do you have any suggestions to improve the protection order system?

0. No
1. Yes

If yes, please specify how you would improve the system, including the application process, notification process, and enforcement process

36. What was your relationship status **during** the most recent/current protection order?

1. I was separated or was working towards legally separating from my partner
2. I was divorced or was working towards divorcing my partner
3. I was “taking a break” from the relationship, but had not ended it yet
4. There was no change in our relationship, meaning that you were still together

Other (please specify)

37. On a scale of 1 to 5, where 1 is **VERY UNSAFE** and 5 is **VERY SAFE**; how safe did you feel in your relationship **when** the protection order was in place?

1. Very unsafe
2. Unsafe
3. Okay
4. Safe
5. Very safe

Without revealing any personally identifying information, can you tell me why you felt this way?

38. On a scale of 1 to 5, where 1 is **VERY POOR** and 5 is **VERY GOOD**; how would you rate your quality of life **when** the protection order was in place?

1. Very poor
2. Poor
3. Okay
4. Good
5. Very good

Without revealing any personally identifying information, can you tell me why you felt this way?

39. While the protection order was in place, how much contact did you have with your partner, who was subject to that protection order?

1. I did not have any contact with my partner
2. I did not have any contact with my partner, though my children did
3. I only had telephone or email contact with my partner
4. I had supervised contact with my partner
5. I continued to willingly have unsupervised contact with my partner

Other (please specify)

40. While the most recent/current protection order was in place, how many times did you partner violate the no contact condition(s)?

41. How often did you report the(se) violations to the police?

1. Never (Go to question 44)
2. Occasionally- e.g. less than 50% of the time
3. Often- e.g. more than 50% of the time
4. Every time

42. Generally speaking the police response to the violation(s) were:

1. Did nothing
2. Spoke to the subject of the protection order
3. Arrested the subject of the protection order

Without revealing any personally identifying information, can you tell me why you felt this way?

43. Generally speaking, on a scale of 1 to 5, where 1 is **VERY UNSAFE** and 5 is **VERY SAFE**, how did the **police response to the violation** make you feel?

1. Very unsafe
2. Unsafe
3. Okay
4. Safe
5. Very safe

Without revealing any personally identifying information, can you tell me why you felt this way?

44. Has the protection order expired?

0. No- Go to question 50
1. Yes
2. Not sure- Go to question 50

45. What was your relationship status **after the protection order expired**?

1. I was separated or was working towards legally separating from my partner
2. I was divorced or was working towards divorcing my partner

- 3. I was “taking a break” from the relationship, but had not ended it yet
 - 4. There was no change in our relationship, meaning that you were still together
- Other (please specify)

46. After the protection order **expired**, were you ever re-victimized by your current/former intimate partner?

- 0. No- Go to question 48
- 1. Yes

47. How did the level of violence compare to before the protective order was in place?

- 1. Less severe
- 2. The same
- 3. More severe

48. On a scale of 1 to 5, where 1 is **VERY UNSAFE** and 5 is **VERY SAFE**; how safe did you feel around your partner **after the protection order expired**?

- 1. Very unsafe
- 2. Unsafe
- 3. Okay
- 4. Safe
- 5. Very safe

Without revealing any personally identifying information, can you tell me why you felt this way?

49. On a scale of 1 to 5, where 1 is **VERY POOR** and 5 is **VERY GOOD**, how would you rate your quality of life **after the protection order expired**?

- 1. Very poor
- 2. Poor
- 3. Okay
- 4. Good
- 5. Very good

Without revealing any personally identifying information, can you tell me why you felt this way?

50. On a scale of 1 to 5, where 1 is very ineffective and 5 is very effective, how would you rate protection orders in the following areas:

- 1. Information on what protective orders are used for
- 2. Information on how to apply
- 3. Support in filling out the application
- 4. Awareness about the effect of protection orders
- 5. Ability to request that the order is served on my partner by someone other than myself or family
- 6. Information on the consequences when a partner breaches the conditions
- 7. Access to information from the police when a partner breaches conditions
- 8. Co-ordination with other orders, such as custody agreements or police no contact orders

Other (please specify)

51. If you have never applied for a protection order, what was the reason? (Check all that apply)

1. I was not aware that they existed
2. I did not know how to apply for one
3. I did not have the time to apply for one
4. I did not want to restrict my partner or ex partners access to the children
5. I thought it would make the violence worse
6. I did not think the abuse was bad enough to need one
7. Too expensive
8. I did not understand the process

Other (please specify)

52. What would make it more likely for you to consider applying for a protection order in the future?

1. More information on what they are used for
2. More information on how to apply
3. Support in filling out the application
4. Being able to request that the order is served on my partner by someone other than myself or family
5. Hearing about other women's positive experiences with using protection orders
6. More information on the consequences when a partner breaches the conditions
7. Better access to information by the police when a partner breaches the conditions
8. Better co-ordination with other orders, such as custody agreements or police no contact orders

Other (please specify)

53. Have you ever been diagnosed with a cognitive (mental) disability?

0. No
1. Yes

If yes, please describe

54. Have you ever been diagnosed with a physical disability?

0. No
1. Yes

If yes, please describe

Thank you for taking the time to participate in this survey. I would like to present you with the Crisis Line BC contact information again, 1-866-661-3311 or via their website crisiscentre.bc.ca or you can connect with VictimLinkBC at 1-800-563-0808. Please contact them if you are feeling distressed or need talk.

I would like to invite you to consider participating in a telephone interview to discuss your personal experiences with protection orders and domestic violence in

more depth.

The themes we will discuss include the effect the protection order had on your quality of life and emotional well-being, challenges you may have experienced when trying to access the protection order, and any recommendations to improve the process. **These interviews will occur over the telephone and for your participation in the interview you will receive a \$30 gift card.** If you would like to participate in the telephone interview, please click **YES** and you will be taken to a separate page where I will provide you with my contact information in order to set up a day and time for the telephone interview to occur.

55. I would like to participate in the telephone interview?
Yes

Please contact me via e-mail at [REDACTED] or call me to schedule a time to complete the telephone interview.

Thank you again for your participation in this study, your feedback is important to me. You can obtain a copy of the final report in early summer 2017, by emailing my supervisor, Dr. Amanda McCormick, at Amanda.McCormick@ufv.ca.

Appendix D: Letter of Informed Consent for Telephone Interviews with Women Affected by Domestic Violence

My name is Preetpal Basanti and I am a student in the Master of Arts in Criminal Justice Program with the University of the Fraser Valley (UFV), working under the supervision of Dr. Amanda McCormick and Dr. Amy Prevost. My thesis research is focused on domestic violence victim's perception of protection orders and how they believe these orders affect their level of safety, as well as the challenges associated with applying for such orders.

I will be conducting telephone interviews with women who have experienced domestic violence in order to study their experiences with protection orders, reasons for why they chose to use or not use protection orders, if they did use protection orders, the challenges with navigating the court system, their perceptions of the effect the orders had on their safety, and what changes they believe need to be made in accessing protection orders.

The interviews will occur over the telephone and should last between 30 to 60 minutes. Interview responses will be typed directly into an anonymized excel spreadsheet that will be kept on my password-protected laptop. Please note your responses will not be linked to your name or any other identifying information. Instead, your data will be recorded with a number that is unique to you. The purpose for this is because if after the interview you feel you would like to withdraw your data from the study, you can contact me and I will remove your coded data.

While participation in this study does not pose any physical risks to your well-being, please note that some of the questions may touch on sensitive issues. If at any time you feel distressed by any of the themes discussed in this interview please contact the Crisis Line BC at 1-866-661-3311 or via their website crisiscentre.bc.ca. Your participation in this research study is voluntary and if you decide at any time that you no longer wish to participate, you have the right to withdraw your participation, just let me know and I will stop the interview. If you choose to withdraw from the research study completely any data that you have provided will be destroyed; however, please note after February 1, 2017, you will not be able to withdraw your data from this study as the information will have been analyzed and submitted to my supervisors in my written thesis.

It is important to inform you of the potential benefits that society will receive from this research study. The goal of this research study is to provide clarity of information on the processes used to access protection orders, and if necessary, effect policy involving the use protection orders, in order to better service the women who access these orders and also aide service providers, the criminal justice system, and society to offer better solutions to what can assist families who are dealing with domestic violence.

Also, for participating in this research study you will receive a \$30 gift card. As this interview is taking place on the phone, at the end of the interview I will need to ask you for your name and mailing address or the mailing address of where you would like your gift card mailed. Please note I will not be connecting your name to your interview responses and after I have mailed out the gift card I will shred your contact information.

Thank you for taking the time to participate in this telephone interview. I would like to remind you of several things. First, as the interview is confidential, no identifying information, such as your name will be written on it, as such all the data will be anonymous. Anything that you say in the research study will not be shared with anyone else or published without your permission, and your privacy will be respected, with one exception, if you provide information that children are being or have recently been harmed in that case I will have to inform the RCMP and/or the Ministry of Children and Family Development.

If you have any questions about this research study or its results, please contact me at [REDACTED]. If you have any concerns about the ethics of this research study, please contact Associate Vice-President of Research Engagement and Graduate Studies, Dr. Adrienne Chan, at Adrienne.Chan@ufv.ca or 604-557-4074. Please note the ethics of this research study has been reviewed and approved by the UFV Human Research Ethics Board.

Thank you for taking the time to help me determine the effect of protection orders on domestic violence victim's perception of safety.

VERBAL CONSENT FORM

I am verbally agreeing to participate in the research study: **The Effect of Protection Orders on Domestic Violence Victims Perception of Safety.**

I have had the information presented in the letter of informed consent being conducted by Preetpal Basanti read to me. I have had the opportunity to ask questions about my involvement in this research study and to receive any additional details.

I understand that I have the right to withdraw from the research study until February 1, 2017, and that confidentiality and/or anonymity of all results will be preserved. For questions about the research study, I may contact Preetpal Basanti at

████████████████████ If I have concerns about the ethics of this research study, I may contact Dr. Adrienne Chan, Associate Vice-President of Research, Engagement, and Graduate Studies, at adrienne.chan@ufv.ca or 604-557-4074.

Name _____

Mailing Address _____

Date _____

Appendix E: Telephone Interview Questions with Women Affected by Domestic Violence

Thank you for taking the time to participate in this interview. I am going to start by asking you some questions about protection orders. While some protection orders are made through the police (i.e. peace bonds), they can also be requested through family court (i.e. family law protection orders). These questions mostly focus on the family law protection orders that you yourself may have directly applied for.

1. How did you first hear about protection orders?
2. Why did you decide to apply for a protection order?
3. Why did you not apply for a protection order? Did something hold you back?
4. Who was the protection order for?
 1. Just myself
 2. Myself and my children
 3. Just my children
 4. Another family memberOther (please specify)
5. What conditions did you ask for in the order? Are there other conditions you would have like to include in the order, but were not available to you?

6. If the protection order also included your children, did you provide a copy or inform your children's school about the protection order against your partner?
7. Did you apply for a protection order under the *Family Law Act* or did someone else apply for you?
8. What was the process like when you applied for the protection order? Did anyone help you with your application? (*For instance did you have a lawyer who supported you in the process with the paperwork, did you have support for a community service support worker, social worker, family, friends, or were you on your own*).
9. Did you engage in any safety planning prior to applying for the protection order?
10. Who served your partner with the protection order?
 1. You did
 2. Family member
 3. Friend
 4. Community Worker
 5. Paid someone to do itOther (Please explain)
11. How would you describe your process for applying for a protection order? Were you satisfied or dissatisfied?
12. What processes of applying for and having a protection order did you think worked well? What processes do you think need improvement?
13. How safe did you feel before, during, and after the protection order expired?
14. How would you say the protection order affected your quality of life? Did it make your quality of life better or worse?
15. How do you feel the protection order worked for you? (*Did you feel it increased your safety or not, what effect did it have on your relationship with your partner that inflicted the domestic violence*)?
16. Did your partner ever violate the protection order? Briefly could you tell me how your partner violated the condition(s)? (*For instance, did he phone you, text you, or visit you or the children when he was not supposed to*)?
17. Did you report the violations to anyone? And what was their response?
 1. Friends
 2. Family
 3. Women Centre

- 4. RCMP
- 5. Municipal Police Detachment
- Other (please specify)

- 18. What was the police response to the violation(s) and how did that make you feel?
- 19. After the protection order expired, were you ever re-victimized? (*This includes physical, emotional, sexual, or financial abuse*).
- 20. How did the level of violence compare to before the protection order was in place?
- 21. If you could change anything or make recommendations about the process used to access protection orders what would you change?
- 22. Would you ever apply for a protection order again? Why or why not?
- 23. What would you like to tell other women, who are in a similar situation you were in?

Do you have any final questions or comments?

Thank you for your time today.

Appendix F: Letter of Informed Consent for Telephone Interviews with Service Providers

My name is Preetpal Basanti and I am a student in the Master of Arts in Criminal Justice Program with the University of the Fraser Valley (UFV), working under the supervision of Dr. Amanda McCormick and Dr. Amy Prevost. My thesis research is focused on domestic violence victim's perception of protection orders and how they believe these orders affect their level of safety, as well as the challenges associated with applying for such orders.

I will be conducting telephone interviews with service providers who, through their employment, have worked with domestic violence victims and as such have knowledge regarding the use of protective orders as well as the challenges and benefits with applying for one, and if they believe such orders are effective in reducing recidivism.

The interviews will occur over the telephone and should last between 30 to 45 minutes. Interview responses will be typed directly into an anonymized excel spreadsheet that will be kept on my password-protected laptop. Please note your responses will not be linked to your name or any other identifying information. Instead, your data will be recorded with a number that is unique to you. The purpose for this is because if after the interview

you feel you would like to withdraw your data from the study, you can contact me and I will remove your coded data.

It is anticipated that your participation in this study will not pose any physical risks to your well-being. Your participation in this research study is voluntary and if you decide at any time that you no longer wish to participate, you have the right to withdraw your participation, just let me know and I will stop the interview. If you choose to withdraw from the research study completely any data that you have provided will be destroyed; however, please note after February 15, 2017, you will not be able to withdraw your data from this study as the information will have been analyzed and submitted to my supervisors in my written thesis.

It is important to inform you of the potential benefits that society will receive from this research study. The goal of this research study is to provide clarity of information on the processes used to access protection orders, and if necessary, effect policy involving the use of protection orders, in order to better service the women who access these orders and also aide service providers, the criminal justice system, and society to offer better solutions to what can assist families who are dealing with domestic violence.

If you have any questions about this research study or its results, please contact me at [REDACTED]. If you have any concerns about the ethics of this research study, please contact Associate Vice-President of Research Engagement and Graduate Studies, Dr. Adrienne Chan, at Adrienne.Chan@ufv.ca or 604-557-4074. Please note the ethics of this research study has been reviewed and approved by the UFV Human Research Ethics Board.

Thank you for taking the time to help me determine the effect of protection orders on domestic violence victim's perception of safety.

VERBAL CONSENT FORM

I am verbally agreeing to participate in the research study: **The Effect of Protection Orders on Domestic Violence Victims Perception of Safety.**

I have had the information presented in the letter of informed consent being conducted by Preetpal Basanti read to me. I have had the opportunity to ask questions about my involvement in this research study and to receive any additional details.

I understand that I have the right to withdraw from the research study until February 15, 2017, and that confidentiality and/or anonymity of all results will be preserved. For questions about the research study, I may contact Preetpal Basanti at Preetpal.Basanti@student.ufv.ca. If I have concerns about the ethics of this research study, I may contact Dr. Adrienne Chan, Associate Vice-President of Research, Engagement, and Graduate Studies, at adrienne.chan@ufv.ca or 604-557-4074.

Name _____

Date _____

Appendix G: Telephone Interview Questions with Service Providers

1. What is your current employment position?
2. How long have you been employed in your current position?
3. Can you describe your work related responsibilities in relation to domestic violence?
4. What is your understanding of the difference between protection orders (civil orders such as peace bonds and protection orders through the *Family Law Act*) and criminal orders that have a no contact condition?
5. Do you ever recommend that a client apply for a protection order? Why or why not? If not, what else do you suggest they do to increase their safety?
6. Do you assist women in applying for protection orders?
 - a) If so what does that entail?
 - b) If not- why not? Is there something that prevents you from providing assistance?
7. When the same victim of domestic violence simultaneously has both a civil protection order and a criminal no contact order in place, which order takes precedence and how is that decision made?
8. What are the challenges with having both these orders in place at the same time?
9. What are the benefits of having both these orders available for domestic violence victims?
10. Can you access information on the Protection Order Registry?
11. When accessing information from the Protection Order Registry is it possible to view expired orders, or are only active orders present?
12. What are the benefits associated with the Protection Order Registry?
13. What are the challenges associated with the Protection Order Registry?
14. What challenges, if any, are there related to information sharing about domestic violence cases with service providers from multiple areas, such as those from RCMP, a municipal police agency, MCFD, or the Ministry of Justice?

15. What is your typical response when a subject of a protection order violates it?
Under what conditions would you act or not act?
16. On a scale of 1 to 5, 1 being **NOT EFFECTIVE** and 5 being **VERY EFFECTIVE**, how effective do you believe criminal orders with a no contact condition are in reducing recidivism for domestic violence?
1. Not effective
 2. A little effective
 3. Somewhat effective
 4. Effective
 5. Very effective
- Could you explain your choice?
17. Under what circumstances do you think criminal orders with a no contact condition seem to work best, and for whom?
18. On a scale of 1 to 5, 1 being **NOT EFFECTIVE** and 5 being **VERY EFFECTIVE**, how effective do you believe protection orders are in reducing recidivism for domestic violence?
1. Not effective
 2. A little effective
 3. Somewhat effective
 4. Effective
 5. Very effective
- Could you explain your choice?
19. Under what circumstances do you think protection orders seem to work best, and for whom?
20. What are the biggest barriers in your community to applying for a protection order?
21. What are the biggest challenges when assisting women who have protection orders in place against an intimate partner?
22. Is there a process in place to notify the victim when a protection order expires?
23. Is there a process in place to notify you when a protection order expires for a client?
24. What improvements, if any, do you think could be made to the protection order process, system, or registry? (*i.e. in the way they are obtained, how violations are reported, and how information is shared with service providers*).
25. What are the greatest strengths or benefits of the current system?

26. Overall, how would you improve the current system?


Do you have any final questions or comments?

Thank you for your time today.

Appendix H: Ethics Approval



Certificate of Human Research Ethics Board Approval

Contact Person Preetpal Basanti	Department Criminology	Protocol # 879C-16
Co-investigator(s) Dr. Amy Prevost; Dr. Amanda McCormick		
Title of Project The Effect of Protection Orders on Domestic Violence Victims Perception of Safety		
Sponsoring/Funding Agency N/A		
Institution(s) where research will be carried out University of the Fraser Valley; The BC Society of Transition Houses.		
Review Date: Sept 29 2016	Approval Date: November 16 2016	Approval Term: Nov 16 16 - Nov 15 17
<p>Certification:</p> <p><i>The protocol describing the above-named project has been reviewed by the UFV Human Research Ethics Board, and the procedures were found to be in compliance with accepted guidelines for ethical research.</i></p> <div style="text-align: center;"> <hr/></div> <p>Michelle Riedlinger, Chair, Human Research Ethics Board</p> <p><i>NOTE: This Certificate of Approval is valid for the above noted term provided there is no change in the procedures or criteria given.</i></p> <p><i>If the project will go beyond the approval term noted above, an extension of approval must be requested.</i></p>		