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What are domestic violence courts?

Domestic violence courts are specialized courts that address domestic violence and abuse through a collaborative justice and community response and programming. Three domestic violence courts currently operate in Saskatchewan:

- Battlefords Domestic Violence Treatment Options Court ;
- Saskatoon Domestic Violence Court; and
- Regina Domestic Violence Court.

Police refer most adult domestic-related charges to domestic violence courts in these centres. Charges related to the violation of bail or other court orders made in domestic violence cases are also referred to domestic violence courts.

For domestic violence courts “domestic violence” is defined as any actual or threatened use of physical force in an intimate relationship. It may include a single act or a number of acts forming a pattern. This includes, but is not limited to: physical, emotional and psychological violence and abuse, criminal harassment (stalking), threats or actual harm to children, other family members, pets and property (mischief).

A domestic or intimate relationship is defined as a relationship between opposite-sex or same-sex adult partners. These include, but are not limited to: current and former dating, common-law and spousal relationships, and persons who are the parents of one or more children.

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Accused who accept responsibility for their actions and want to learn how to change their behavior may request referral to the Domestic Violence Treatment Option. Through participation in group programming, the Treatment Option allows those accepting responsibility for the domestic-related offence to learn about their use of violence and abuse and how they can make healthier choices.

Successful completion of the Treatment Option is a significant factor considered by the Judge when making sentencing decisions. Those who choose not to participate in programming proceed through the court system in the usual manner.

What are the benefits of participating in the Domestic Violence Treatment Option?

Clients who successfully complete the Treatment Option show evidence of the following:

- Ending the cycle of violence and preventing children from witnessing abuse and violence in their home and from normalizing abusive and violent behaviors;
- Learning to recognize and develop ways that support better behaviour thereby forming healthier relationships with partners, children and others;
- Accessing professional help to deal with other issues, such as substance abuse and mental health concerns;
- Having the support of a treatment team and group members to assist with their process; and
- Receiving a lighter sentence.

What differences exist between the domestic violence courts?

Common features of the courts are:

- Designated court representatives that include Judiciary, Legal Aid duty counsel, Crown prosecutors, Aboriginal courtworkers, victim services workers, probation officers, mental health and domestic violence treatment providers, addiction services counselors, Provincial Court administration staff, child protection workers, police officers, domestic violence court coordinator;
- Increased support for victims, their services and safety;
- Opportunity for accused to move more quickly into a domestic violence prevention program through the Domestic Violence Treatment Option; and
- Delayed sentencing that may result in a lighter sentence when the accused completes the Domestic Violence Treatment Option.

Models for domestic violence courts vary depending on the resources and specific needs of the community.

Although there are distinctions, the assessment processes for eligibility and suitability are similar in all three. Accused wanting to participate in the Treatment Option must first be determined eligible by the Crown and/or the domestic violence court team members. Then, if the accused requests consideration for the Treatment Option, an additional assessment is conducted by Probation Services to establish suitability for the Option. Once both **eligible** and **suitable** for the Treatment Option, your client will be given a referral to the domestic violence treatment program.

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Who is eligible to participate in the Treatment Option?

The Domestic Violence Treatment Option is a key component of all domestic violence courts in Saskatchewan. Participation is **voluntary** and available to adult persons charged with domestic-related offences who are found eligible by the Crown prosecutor and/or the court partners. Criteria considered when determining eligibility include:

- Severity of the offence;
- Previous convictions, particularly prior domestic-related convictions and those of a violent nature;
- Past compliance or non-compliance with court orders; and
- Past compliance or non-compliance with Probation Services;

Those who are eligible for the Treatment Option must pose no risk to public safety and must qualify to be discharged or to receive a community-based disposition as a reduced sentence upon completion of treatment.

How do I refer a client to the Domestic Violence Treatment Option?

Once it is established that your client is eligible for the Treatment Option, inform the Crown or the Judge that your client would like to enter the program.

While the timelines and order in which the following actions occur varies in the province's three domestic violence courts, suitability for treatment assessment, a signed Agreed Statement of Facts and a guilty plea are the required next steps.

- The Crown will draft an Agreed Statement of Facts outlining the details of the offence(s) for you to review with your

client. Your client acknowledges agreement by signing the document.

- The Crown's sentencing position for successful completion of programming will be made available and may be included in the document.
- Your client will be referred for suitability for treatment assessment with Probation Services to determine their readiness for programming.
- Your client will be required to accept responsibility by pleading guilty to the offence(s) outlined in the Agreed Statement of Facts and the signed document will be held by the Crown or sealed and filed with the Court. The timing of the guilty plea differs in the courts – in Battlefords it is at the time of referral to the Treatment Option; in Saskatoon prior to referral for suitability for treatment assessment; and in Regina following the suitability for treatment assessment process.

If it is determined that your client is not suitable for the treatment option, you can advise the Crown how to direct your client's matters.

If found to be a suitable candidate for programming, your client will be referred to a specialized community-based domestic violence prevention programs connected to the court:

- Your client's Undertaking may be amended to include a standard clause that they will participate in and abide by the requirements of the domestic violence treatment programming;
- Your client's matters will be adjourned until their first judicial progress review. Participants are required to attend court for each progress review;
- Prior to that appearance, your client's progress will be discussed with and/or provided to them by treatment providers and/or probation officers; and

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- Subsequent appearances for progress reviews are set depending on the participant's progress, individual circumstance and the program they attend.

The total number of group sessions varies and may depend on individual progress. Those who cease to attend programming or are discontinued will be sentenced in the usual manner.

Upon completion of programming, your client will return to court for sentencing. At this time, the Crown will read the Agreed Statement of Facts into the record and advise the Judge of its recommended sentencing position. Successful program completion is generally reflected in sentencing.

What is included in the suitability for treatment assessment?

Once eligibility is determined, suitability for treatment assessment is completed by probation officers and treatment providers using a variety of risk assessment tools at several meetings with your client. Clients explore their relationship history, identify the behaviours they want to address and consider their readiness to participate in programming. They are provided with information about domestic violence and abuse and the treatment programs. The following are used in determining suitability for treatment:

- Client acknowledgment of some behaviors to work on in treatment;
- Absence of barriers that would prevent your client's ability to engage in group treatment programming (e.g., language, mental health, cognitive or addictions issues);
- Ability to consistently attend treatment sessions; and

- Absence of additional outstanding or unaddressed charges involving violence.

Suitability for treatment assessments help participants understand roles and responsibilities in treatment programming and ensure that the program facilitators and probation officers have the background information to develop a plan for your client. Suitability for treatment assessments may also include referral to information, support or other services that could assist your client.

What are domestic violence treatment prevention programs?

The goal of the programs is to enhance victim safety by assisting your clients to change their abusive and violent behaviors. The programs are not a form of punishment and are not be used to replace other sanctions or forms of monitoring.

Domestic violence treatment programs are provided by community-based agencies and have been shown to be effective, consistent and accountable. Treatment programs use a group format and require your clients to attend, participate and meet therapeutic milestones. The number of sessions varies by program are governed in part by client progress.

Programs have two components.

- 1) Educational Component/Pschoeducation Groups (approximately 8 sessions) that assist offenders in:
 - Identification of abusive and controlling behaviors;
 - Identification and discussion of the effects of violence and abuse on victims, including their children;
 - Being responsible and accountable for their actions;

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- Identification of cultural and social influences that contribute to the choice to use abusive behavior; and
- Identification of pro-social behaviors.

2) Therapeutic/Process Groups (12-16 sessions) follow up on the concepts learned in psychoeducation groups. Check-ins are incorporated to assist with assessment of the client's level of accountability, self-awareness, victim empathy, skill and safety plan development. Offenders are expected to acknowledge and discuss previous and ongoing abusive tactics, process personal behaviors during group sessions, and demonstrate that they are working to change their abusive behaviors.

Why are clients discontinued from the Domestic Violence Treatment Option?

Discontinuation is determined by the domestic violence prevention treatment provider, the Crown and/or the court partners. Some reasons for discontinuation are:

- New domestic-related charge(s) or other charge(s);
- Ongoing abuse directed towards a partner, children, or others;
- Inappropriate or superficial participation in group or refusal to participate;
- Violation of group rules; and
- Absences.

Why do accused have non-contact and non-attendance conditions in place? Can they be changed?

Non-contact and non-attendance conditions are put in place at the time of release by police or the Court in every domestic incident resulting in a charge. They remain in place until the Court orders a change. Conditions are intended to

protect victims and reduce risk. They may also help decrease the potential escalation of conflict by preventing or limiting contact between the two parties.

If you would like the Court to amend the conditions, you may request a review and the case will be adjourned to allow time for the non-contact assessment process.

The timing and process involved in having your client's release conditions reviewed is different in each domestic violence court. However, in all three locations, the safety of victims and any children involved, not necessarily accused's or victims' wishes, is the primary factor considered in determining risk and recommendations that may include partial, gradual or full removal of the protective conditions or no change.

How can I get more information?

The coordinator in each domestic violence court may be contacted for more information. The coordinator can provide you with:

- Information about the specific court;
- Pamphlets for each court; and
- Copies of the information page that the Regina and Saskatoon Police Services provide with release documents for those accused of domestic-related offences.