

Final Report

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**Domestic Violence Court Pilot Project
Sydney, Nova Scotia**



Atlantic Evaluation Research Consultants
6292 Lawrence Street, Halifax, NS, B3L 1J9

Consultants:

Diane Crocker (Professor, Saint Mary's University)
Bob Crocker (Professor Emeritus, Memorial University)
Myrna Dawson (Professor, University of Guelph)

Under contract with Atlantic Evaluation Research Consultants

Contact:
Diane Crocker
Department of Sociology and Criminology
Saint Mary's University
Halifax, NS, B3L 1J9

902-420-5875
Diane.crocker@smu.ca

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Executive Summary

In June 2012 the Nova Scotia Department of Justice launched the Domestic Violence Court Pilot Project in Sydney. The project has allocated a special court with dedicated staff to provide intervention and pre-sentence treatment for individuals who plead guilty to domestic violence related offences.

Since the pilot project began, individuals accused of domestic violence may choose to have their case proceed in the domestic violence court. They must be willing to plead guilty and participate in a treatment program prior to being sentenced. Upon completion of the treatment program, each participant returns to court for sentencing. The judge takes into account each person's attendance and participation in the program, as assessed by the service providers and probation officer. Typically, offenders who successfully complete the program receive an absolute discharge.

In practice, the process offered in the specialized court differs in several ways from the regular court:

- the probation officer begins working with individuals before they have entered a plea;
- the treatment program is offered prior to sentencing rather than being part of a sentence;
- decisions about a case are made collaboratively, including input from Crown, Defence, Corrections, Victim Services and Community Services;
- Victim Services aims to complete risk assessment with all victims;
- fewer victims need trial preparation;
- an offender's success in treatment determines, to a large extent, the sentence;
- the probation officer works with offenders prior to them being sentenced.

For the first year, the project was staffed by a coordinator and a part part-time clerk. In addition, the budget for the Domestic Violence Court Pilot Project included funds to allow for back filled positions in Victim Services, Community Corrections and Legal Aid. The Public Prosecution Service supplemented funding for one Crown Attorney and some support staff time. During the second year, funding for these positions ended and a Department of Justice Manager assumed responsibility for overseeing the project. The Public Prosecution Service continues to fund one Crown and part time support staff.

This evaluation assesses the success of the pilot project against a logic model developed by the stakeholders, in collaboration with the evaluator.. The logic model (Appendix A) includes a statement about the project's broad goals and specific objectives. These include:

Broad Project Goals

- break the cycle of violence;
- contribute to the development of safe communities;
- send the message that domestic violence is a crime;
- improve the court's ability to respond appropriately to domestic violence;
- achieve justice for victims and offenders;
- develop an integrated and holistic approach, using gender-specific lens

Specific Project Objectives

- ensure offender accountability;
- provide early, efficient and effective intervention and treatment;
- meet victims' needs;
- provide timely access to services for victims and offenders

The logic model also includes the activities of the project, what will be produced (outputs) and what effects the stakeholders hope the project will have (outcomes).

This evaluation report assesses the implementation process and whether the outcomes were achieved. It also provides baseline data describing the operation of the pilot project.

The Domestic Violence Court Pilot Project has been successfully implemented. It garners considerable support from most stakeholders. Many individuals have opted in to the program and it appears that they have had positive experiences. Having staff designated to some domestic violence cases and offering treatment prior to sentences offer substantial improvements in the system. Based on our research, we believe that these improvements should remain in place and need not require a considerable amount of increased funding. We have argued, however, that if the program continues in this way it should be described as a "treatment option court" rather than a specialized court.

Given our research about courts in other jurisdictions, and the research literature more generally, we have concluded that if the Department of Justice wishes to establish a "specialized court" then the service components under the existing pilot should be expanded. For example, a fully specialized court typically includes designated staff who deal with all domestic violence offences

and they sometimes include special protocols for dealing with high risk and/or repeat offenders. Alternatively, the existing court could become a “treatment court” that offers early, pre-sentence interventions for individuals who opt to participate in a treatment program. Appendix B presents draft logic model templates for each type of court.

The table below summarizes our findings, drawing from the project logic model. It provides a brief assessment of whether the court program did the activities it intended to do; whether the court produced the outputs planned; and, whether the court programs has had the effects desired (outcomes).

Appendix C lists all the recommendations arising out of our research and Appendix D describes the evaluation process in detail.

Activities	Did the court do what it set out to do?
Collaborating	To some extent—more co-operation than collaboration
Collecting Statistics	Yes—but work has stopped
Develop protocols/policies	No- but work has begun
Inform victims of service options, court process	Yes
Assess offender risk	Yes
Inform accused about the program	Yes
Deliver treatment program	Yes
Assess victim and offender needs	To some extent—attention focussed on risk rather than needs
Assess victim danger	Yes
Process cases through court using a specialized approach	Yes
Outputs	Did the court project produce the results expected?
Stakeholder endorsement of the court program	Yes
Effective governing structure	Yes
Shared, realistic goals	Yes
Reports, Research, Data	To some extent- but work has stopped
Baseline data	Yes (for the evaluation)
Policies/Protocols	No- but work has begun
Sentencing commensurate with success in treatment	Yes
Offender in appropriate treatment program	Yes
Guilty pleas	Yes
Offenders taking treatment program	Yes
Offenders who have completed treatment	Yes
Referral to appropriate services	No way to assess with this evaluation
Modified treatment programs	Yes
Victim safety plans	Limited—few victims have engaged
Informed victims	Yes- but limited data to assess fully

Victims using services	No—few victims have engaged
Victims feel satisfied with the process	Limited and somewhat contradictory evidence
Good working relationships between community agencies and criminal justice systems	Yes
Dispositions, convictions, release conditions, guilty pleas, agreed statements, sentences, release conditions, probation conditions	Yes
Outcomes	Did the court have the desired effects?
Improved communication between stakeholders	To some extent—communication was always good
Increased co-ordination of services	No evidence
Improved working relationships	To some extent- working relationships were always good
Improved efficiency	Perhaps- difficult outcome to assess
Improved accountability of the court	To some extent—with the evaluation
Capacity for Court to move beyond pilot	To some extent—policies/procedures need to be in place
Changes in attitudes toward domestic violence and relationships	No way to assess
Reduced recidivism	No way to assess
Changes in offender behaviour	No way to assess
Victims experience less abuse	No way to assess
Victims feel safer	Yes- although evidence is limited
Increased use of services	No way to assess
Reduced number of victims who recant	No way to assess
Improved ability to meet victims' needs	To some extent
Increased satisfaction with court process (victims and offenders)	Yes- although evidence is limited
Increased accountability of offenders	To some extent—depending on the definition of accountability

Introduction

In June 2012 the Department of Justice launched the Domestic Violence Court Pilot Project in Sydney, Nova Scotia. Modelled off courts in other jurisdictions, the court offers early intervention and treatment for people who plead guilty to domestic violence related offences. Since it opened 680 cases (informations) have been arraigned with upwards of 300 having proceeded, or are currently proceeding, through the pilot project. This represents 179 individuals out of the 543 who have come before the court, since June 2012, because of an accusation of domestic violence.¹

In February 2013, Court Services awarded a contract to Atlantic Evaluation Research Consultants to evaluate the Domestic Violence Court Pilot Project. This report presents the culmination of the evaluation research.

The preliminary pilot ran from June 2012 to March 2013. In March, the Department of Justice extended the pilot for one year to allow time for the evaluation to be completed.

Context

Specialized domestic violence courts have been developing across Canada since the early 1990s. The first such court, dealing more broadly with family violence, opened in Winnipeg in 1990. Since then, six of the provinces and territories have developed specialized courts, including Manitoba, Saskatchewan, Ontario, and New Brunswick. A specialized court in Newfoundland and Labrador has recently closed. Several other jurisdictions, such as Montreal, have developed specialized processes for domestic violence without having implemented a full scale specialized court. The Yukon refers to their program as a “treatment option” rather than a specialized court.

The courts have been evaluated extensively (Clarke 2000; Gill and Ruff 2010; Gill, Dawson, and Dinovitzer 1999; Hoffart and Clarke 2004; Hornick, Boyes, Tutty, and White 2008; Johnson and Fraser 2011; Moyer, Rettinger and Hotton 2000; Prairie Research Associates 2006; Tutty, Koshan, Jesso, Ogden and Warrell 2011; Ursel and Hagyard 2008). Research finds harsher sentences, increased conviction rates, and fewer cases dropped in the specialized courts (Hornick, Boyes, Tutty, & White, 2008; Tutty, Ursel and Douglas, 2008; Ursel & Hagyard,

¹ Seventy-two individuals have opted in more than once.

2008). While some questions remain, particularly in regards to victim safety (Johnson and Fraser 2011), it appears that specialized domestic violence courts have achieved many successes. Appendix E gives a review of the evaluation literature.

Specialized domestic violence courts have been a policy issue in Nova Scotia for some time. In 2000, a highly publicized domestic murder-suicide raised questions about the success of the existing Framework for Action on Family Violence. A subsequent evaluation of the Framework (Russell & Ginn, 2001) offered recommendations, including the development of specialized courts for domestic violence. At the time the government raised concerns about the cost of establishing specialized courts.

In 2009, the Domestic Violence Prevention Committee, delivered a report that formed the basis of the current Domestic Violence Action Plan. The plan recommended that the province pilot a specialized court in Sydney. The Action Plan lists the aspirations for the pilot, including:

- increased safety;
- accessible and culturally specific programs and services;
- improved case processing and management;
- increased accountability by perpetrators;
- increased participation in rehabilitation programming; and,
- coordinated research and evaluation initiative with results shared

(Nova Scotia, 2009, p. 12).

Appendix E provides a review of the context outside Nova Scotia. It reviews evaluations of other specialized domestic violence courts across Canada.

Nova Scotia Pilot Project Description

The specific goals of the Domestic Violence Court Pilot Program, as outlined in the Request for Proposals, for this evaluation include:

- improve the response of the criminal justice system to victim needs;
- increase victim safety;
- offer timely access to services for victims and offenders to help stop the cycle of violence;
- improve court efficiencies.

In February 2013, one of the researchers met with the Working Group and Steering Committee

to develop a detailed framework for the evaluation. We developed a Results-Based Management Accountability Framework (Treasury Board of Canada Secretariat, 2001) and a logic model. The logic model presents both groups' understanding of what the pilot project does, what they hope it will produce (outputs) and the changes they hope it will make (outcomes).

During this process we identified the main goals and objectives for the pilot project, from the perspective of these stakeholders.

Broad Project Goals

- break the cycle of violence;
- contribute to the development of safe communities;
- send the message that domestic violence is a crime;
- improve the court's ability to respond appropriately to domestic violence;
- achieve justice for victims and offenders;
- develop an integrated and holistic approach, using gender-specific lens

Specific Project Objectives

- ensure offender accountability;
- provide early, efficient and effective intervention and treatment;
- meet victims' needs;
- provide timely access to services for victims and offenders

Project Logic Model

Appendix A provides the Logic Model in tabular form.

Activity: Collaborate

Outputs: What will come out of the collaboration?

Stakeholder endorsement of the court program
Good working relationships between community agencies and criminal justice systems
Effective governing structure
Shared, realistic goals

Outcomes: What will change because of the collaboration?

Improved communication between stakeholders
Increased co-ordination of services
Improved working relationships
Improved efficiency

Activity: Collect Statistics

Outputs: What will come out of the collecting of statistics?

Reports, Research, Data, Baseline data

Outcomes: What will change because statistics are being collected?

Improved accountability of the court

Activity: Develop Protocols and Policies

Outputs: What will come out of this work?

Policies and procedures

Outcome: What will change because policies and procedures are in place?

Capacity of the court to move beyond pilot stage.

Activity: Process Cases Using a Specialized Approach

Outputs: What will this work produce?

Dispositions, convictions, release conditions, guilty pleas, agreed statements, sentences, release conditions, probation conditions; sentencing commensurate with success in treatment

Outcome: What will change because we process cases this way?

Increased accountability of offenders.

Activity: Assess Offender Risk

Output: What will this work produce?

Offenders in appropriate level of treatment

Outcome: What will change because the offender received appropriate treatment?

Reduced recidivism

Activity: Inform Accused about the Program

Output: What will come of this work?

Offenders who opt in to the program

Outcomes: What effect will this have?

Changes in offender behaviour; victims experience less abuse

Activity: Deliver Treatment Program

Output: What will come of this work?

Offenders who have completed treatment

Outcomes: What effect will this have?

Reduced recidivism; Changes in attitudes toward domestic violence and relationships

Activity: Assess Victim and Offender Needs

Outputs: What will come of this work?

Referrals to appropriate services; modified treatment programs

Outcomes: What effects will this have?

Increased use in services; increased satisfaction with court process

Activity: Assess Victim Danger

Output: What will come of this work?

Victim safety plans

Outcome: What effect will safety plans have?

Victims feel safer

Activity: Inform Victims of Service Options and Court Process

Outputs: What will come of this work?

Informed victims; victims using services; victims feel satisfied with the process

Outcomes: What effect will this have?

Reduced number of victims who recant; improved ability to meet victims' needs

The logic model includes several long term effects. These represent the ultimate aspirations of the project and include:

- improved ability to deliver services and respond to domestic violence;
- safer families and communities;
- increased confidence in the criminal justice system's ability to respond to domestic violence

Court Process

In practice, the management of a case under the Domestic Violence Court Pilot Project follows an established protocol developed by the Working Group and approved by the Steering Committee.

The process begins with a person being charged with an offence that can be classified as arising from a domestic violence incident. The Crown decides whether the charge warrants an offer to the accused to proceed through the specialized court process. Eligible cases involve the following:

1. an accused over 18 years old;
2. an offence involving domestic violence, as defined in the Framework for Action;
3. an offence eligible for a community-based sentence²;
4. voluntary participation by an accused who will plead guilty, agree to participate in treatment, consent to share information among agencies and abide by conditions;
5. an offence that occurred in Cape Breton Regional Municipality or the parties have a considerable connection to Cape Breton Regional Municipality.

On the day of the first court appearance, and before the start of the court session, the Crown and duty counsel present information about the specialized court either to a group of accused or to individuals. They detail the conditions required for participation in the specialized court and the possibility of a reduced sentence upon successful completion of a treatment program. Both the Crown and duty counsel have been designated to work exclusively in the specialized court.

A designated staff person in Victim Services contacts complainants, sometimes prior to the accused's first appearance, usually within two days of the charge being laid. She contacts complainants of high risk cases, based on the ODARA assessment done by police, within one day.

For those accused individuals who express interest, once the court session begins, Crown and defense recommend to the judge that their cases be set over, typically for three months. During this time the accused meets with a designated probation officer who completes a risk assessment. The Victim Services staff person contacts the complainant to offer support and safety planning, invite him/her to complete a risk assessment and inform him/her of the process that will unfold in the court. At this stage both the accused and the complainant sign consent forms to allow for the sharing of information between the agencies involved.

Once the assessments have been completed, a Case Management Team meets to discuss each case and recommend an appropriate level of treatment. The team includes the court supervisor, probation officer, Victim Services staff, the Crown, a representative from the Department of Community Services, and duty counsel. Private defence lawyers may also be involved. Each person offers information from their perspective, sometimes based on contact with the complainant and/or accused. The Crown describes the police report and provides some background on any previous contact that the accused has had with the court. In an effort to avoid duplicating services, the representative from Community Services may provide information on

² Offences with mandatory terms of incarceration are ineligible.

services from his department being used by the either party. This person also advises on any relevant matters relating to children. As a result of the discussion the group decides on which level of programming ought to be assigned to each accused person. Most of the discussion revolves around the offender, although input from the complainant factors into the final recommendation. The Case Management Team will recommend the level of treatment and whether other recommendations, for example addictions treatment, should be included.

Throughout this process the Victim Services staff person stays in contact with complainants, where possible, to update them about the process of the case.

Before the accused enters a plea, the Crown advises him/her of the sentence that will be recommended if he/she successfully completes the treatment program. The defence lawyer, usually duty counsel, will meet with the accused to work on an agreed statement of fact. The Crown also provides information about which level of treatment has been recommended.

Those who opt in may participate in one of three treatment programs. The lowest risk individuals participate in the Level 1 program, offered by the Second Chance Society. This group program runs for five weeks and has continuous intake. It uses five modules of the Respectful Relationship program developed in British Columbia. Higher risk offenders attend a ten week program—the complete Respectful Relationship program—also delivered by Second Chance Society. The highest risk offenders complete the ten week Respectful Relationship program with the Second Chance Society then go on to the Relationship Violence Program offered through Family Services of Eastern Nova Scotia.

Female offenders attend programming with the Elizabeth Fry Society. Their program, Women for Change, has been designed by the Elizabeth Fry Society in Manitoba. Women with low risk assessment scores receive a truncated version of the program while those who score higher complete the whole program. In the past the program was used for those referred by Community Services and the Elizabeth Fry Society continues to receive referrals from Community Services.

At the next court session, prior to beginning treatment, those who have decided to opt in to the pilot project enter a guilty plea and an agreed statement of fact. The court issues an order for the accused to enter the recommended treatment program and to re-appear within three months. After a plea has been entered the probation officer refers the offender to the appropriate treatment program.

Depending on the duration of the treatment several months may elapse before the sentencing appearance but all offenders re-appear within three months even if they are not ready for

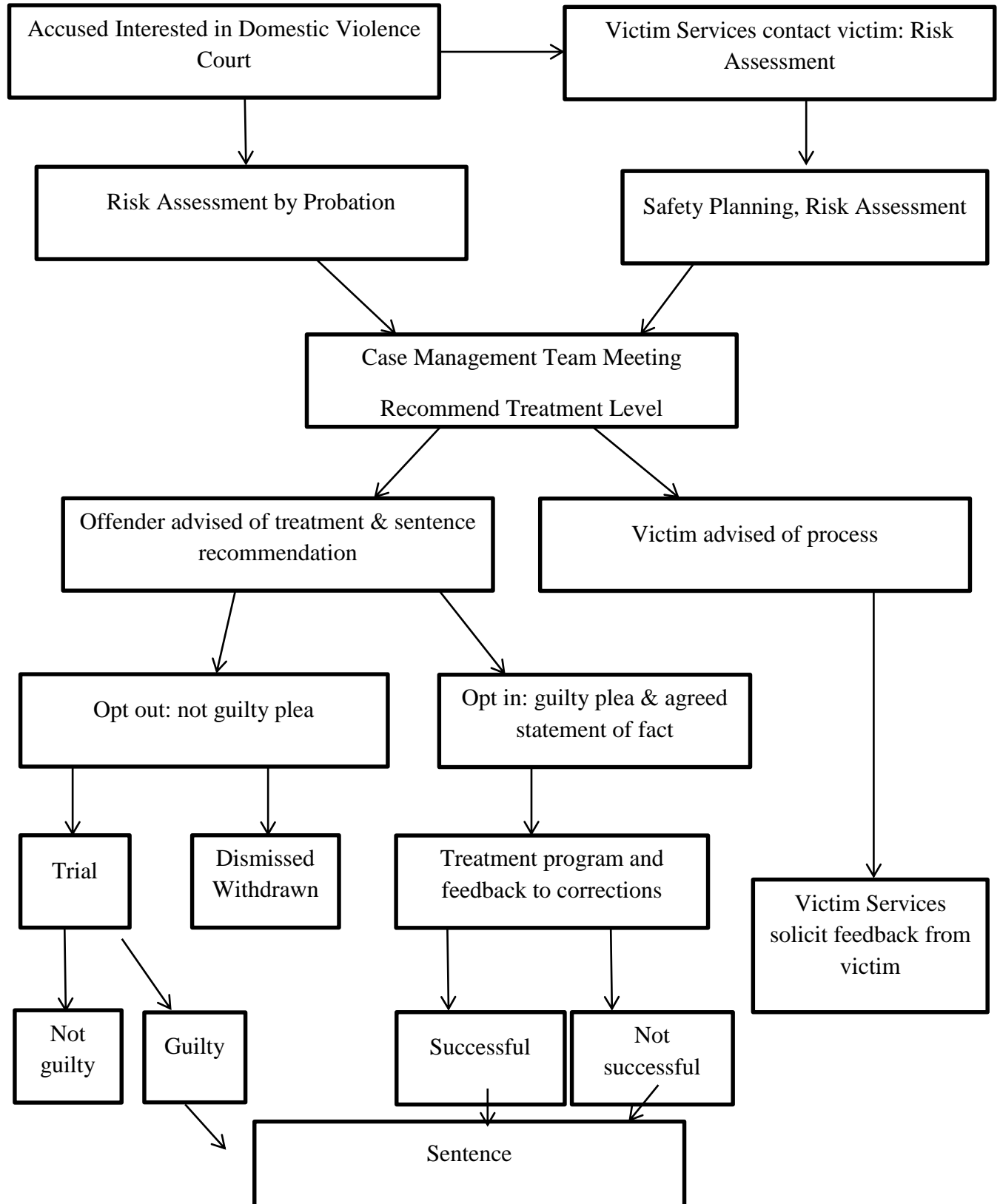
sentencing. They may also be called to appear in court if the service provider reports that they have failed to attend programming. At sentencing, the judge receives the agreed statement of facts and the outcome of the treatment before passing sentence. For the most part, offenders have successfully completed treatment. From our observation of the court we note that the judge congratulates those who successfully complete the treatment program and encourages them to continue on a non-violent path.

A flow chart on the next page depicts the process.

The formal court time occupied by a case under the specialized court is typically very small, amounting to no more than minutes in a typical case. The Crown and duty counsel almost always present joint submission on sentencing, saving a considerable amount of time. Preparation, assessment and treatment times are, however, substantial.

In practice, the process offered in the specialized court differs in several ways from the regular court:

- the probation officer begins working with offenders prior to a plea being entered;
- the treatment program is offered prior to sentencing rather than being part of a sentence;
- decisions about a case are made collaboratively, including input from Crown, Defence, Corrections, Victim Services and Community Services;
- Victim Services aims to complete risk assessment with all victims;
- fewer victims need trial preparation;
- an offender's success in treatment determines, to a large extent, the sentence;
- the probation officer works with offenders prior to them being sentenced.



Evaluation Strategy

Process and Outcome Evaluation

This evaluation includes process and outcome components.

Process evaluations explore the implementation process of a program to assess ways to improve it or build on its strengths. The evaluation of outcomes allows evaluators to assess whether a program actually achieved its goals. While the two approaches differ significantly in reality, process and outcome evaluations complement each other.

Taken together, this evaluation assesses whether the Domestic Violence Court Pilot Project has been implemented as planned and has produced the outcomes desired. This report identifies strengths and weaknesses in the implementation process. It also assesses, where possible, the reasons why some outcomes have been achieved more successfully than others.

The logic model has provided a map for the evaluation of outcomes in particular and also, to some extent, process components.

Appendix D provides a detailed description of the work completed for this evaluation and a discussion of the research methods.

In addition to evaluating the outcomes associated with this particular program, this report also includes comments on generic components of a project that we assess in all of our evaluation work. We have phrased questions specifically relating to the domestic violence court pilot project for each of these components below.

Generic Evaluation Questions

Goals and Objectives

Does the pilot project have a clear statement of realistic and specific goals and objectives? Do stakeholders agree with and understand them? Are the objectives specific to the type of program being implemented and attainable within the time and resources available to the program?

Outcomes

Does the pilot project have a statement of outcomes? What effects should the pilot have on stakeholders, victims, offenders and the court system?

Planning

Does the pilot project have a plan for expansion across the province or continuation in Sydney?

Access and Recruitment

Does the pilot project have a policy on who should be given access to the program and a means of recruiting these people?

Program Content, Strategies and Materials

Is the content of the treatment program appropriate for the intended participants? Is the content well documented and is it being implemented as designed (“fidelity of implementation”)?

Governance, Management and Staffing

Does the pilot project have a clear governance structure? Do staff have to appropriate training and skills to implement to pilot project as intended?

Record Keeping

Does the pilot project collect summary statistics about each case going through the court, each offender’s progress through the program and the needs of victims? Does the pilot project assess, in an ongoing way, progress towards goals, staff utilization and disposition of funds?

Attention to Diversity

Does the pilot project have ways to accommodate the range of social class, language, culture or other forms of diversity likely to be found in the target population?

Results

Implementation Process

In the fall of 2011 government officials began meeting to discuss the development and implementation of a domestic violence court pilot project in Sydney. They struck a Steering Committee to address policy issues and resource allocation. This committee now includes senior officials in Justice (Corrections, Victim Services, Court Services, and Policing), Health and Wellness, Labour and Advanced Education, Community Services and Aboriginal Affairs. It also includes representatives of Nova Scotia Legal Aid, Public Prosecution and the Nova Scotia Advisory Council on the Status of Women. One key informant described this committee as dealing with the overarching goals and objectives of the court.

A local Working Group in Sydney was also formed to address operational issues. A key informant described this committee as including the subject matter experts. This group encompasses representatives from both government and community agencies. The government members come from Corrections, Child Protection Services, Public Prosecution, Victim Services, and Legal Aid. Member community agencies include the Every Woman Centre, Second Chance Society, Family Services of Eastern Nova Scotia, Cape Breton Transition House, Elizabeth Fry, Island Community Justice Society and the Mi'kmaq Legal Support Network.

During the fall of 2011 the Steering Committee focused heavily on the selection of the treatment program and what model of court to adopt. For example, the Steering Committee discussed at length whether the court should implement a pre-or post-plea model. The Working Group evaluated various risk assessment tools and how collaboration would work on a day-to-day basis. The court supervisor provided a liaison between the two groups and oversaw the details of the implementation. The court held its grand opening in June 2012 and began taking cases shortly thereafter.

The roll out process seems to have proceeded without too many difficulties. Meeting minutes and discussions with key informants suggest that only minor issues arose in the early days of the court's operation. We note these here so that any future projects might anticipate them:

- It took some time for police to change how they summonsed individuals accused of domestic violence related offense. Early on they failed to provide summons to the correct court at the correct time.
- Private counsel lacked knowledge about the court and needed some information.
- Procedures needed to be put in place to ensure timely information sharing between police, Crown and corrections.
- The Level 3 program needed to be delivered prior to training of service providers having been completed.

On the whole, it appears that the implementation process went smoothly. With the court supervisor acting as a liaison between the Working Group and Steering Committee, and leading case management team meetings, issues could be addressed efficiently and effectively as they arose. Key individuals were highly engaged in the implementation and the committees worked co-operatively.

Baseline Data

We have analyzed baseline data of court activities from two main sources.

The Justice Enterprise Information Network (JEIN) provides information about cases with the “family violence” flag that took place in Sydney in the fiscal year prior to the pilot project (2011-2012). The JEIN data thus identifies a pre-pilot “control group” to allow us to assess changes since the pilot project began.³

We have also analyzed data from cases involving domestic violence in Sydney post-specialization. The data come from two sources; JEIN and a case tracking spreadsheet compiled by court staff. The spreadsheet includes information on cases in which the accused opted in to the treatment program and those in which the accused opted out. It also includes information gathered from Victim Services.

Tables 1 to 3 provide information from both sources allowing us to assess whether our control group will provide a good comparison. Ideally, the pre-pilot group should look very similar to the group of cases post-pilot along variables, such as gender, that you would not expect to change with the implementation of the new program.

³ A good control group allows a researcher to assess whether a program has had particular effects. By comparing characteristics of the control group (cases prior to the pilot) with cases since the pilot began we can identify differences in cases pre and post. This approach cannot identify true “causal” effects because changes may have occurred for reasons other than the pilot. Nonetheless, this type of “quasi-experimental” design can identify changes that have occurred since the pilot began.

We should note that several characteristics of the JEIN data limit its use for the development of a control group.

First, court staff expressed concerns that the flag is used inconsistently and that cases that should have the flag are not always flagged. We tested this suggestion by looking at a sample of cases, in JEIN, known to have been processed by the pilot project. Only about half of these cases included the family violence flag. As a result, our control group will be missing cases that should be included. As long as these are random clerical errors they will not affect the quality of the control group.

The second issue may lead to a more problematic issue: systematic bias in the data. The “family violence” flag captures forms of family violence that would not constitute “domestic violence.” For example, elder or child abuse would be flagged. Our control group may therefore include cases that would not have appeared in the domestic violence court had it been up and running. This creates a systematic bias in the data that could skew the results.

The tables show that the distribution of charges has varied very little in the pre- and post- pilot periods. The court system has dealt with fewer breaches since the pilot began. This may be accounted for by the fact that police deal with breaches for offenders who have opted in.⁴

The types of individuals who appeared in the Sydney court has also remained fairly constant. We see no significant before and after differences in the severity of charges or the severity of convictions. Nor did they individuals vary significantly by age or gender.

At the information level, the number of charges and the severity of those charges did not vary significantly in the pre- and post-specialization periods.

Based on our statistical analysis of these results, any differences in the numbers between pre- and post-pilot groups are likely due to chance.⁵

Despite potential limitations associated with the family violence flag in JEIN, the pre-pilot and post-pilot groups appear to be quite similar. We feel comfortable, therefore, using the pre-pilot group as a control group to compare outcomes pre- and post- implementation of the pilot project.⁶

⁴ In the non-specialized process the probation officer deals with breaches.

⁵ Researchers call these results “not statistically significant” meaning that the differences are judged to be due to chance within specified probabilities. If results are statistically significant then we conclude that the differences are real and did not occur due to chance.

⁶ We also compared data from the Intimate Partner Violence Tracking Project (IPVTP) and the control group. The data came from the 2007 cycle of the IPVTP which collected information about cases of intimate partner violence from police, court, Crown, Community Corrections and Victim Services. It includes 137 cases reported to police in Sydney in 2007.

We found several differences between the IPVTP and our control group. A higher percentage of cases in the IVTP involved a male accused and common assault constituted a higher proportion of charges. We found that cases in the IPVTP involved the same average number of charges per case. The definition of “case” used by the IPVTP may explain the differences because the project used police incident number to define a case and our data sources do not include this number. This may explain the discrepancy. We note too that documentation on the IPVTP states that the cases compiled are not generalizable.

Table 1: Comparison of charges pre-pilot (control group) and post pilot

	Pre-Pilot Fiscal year 2011- 2012	Post-Pilot June 2012-December 2013
Total number of charges	342	1511
Average severity of charges ⁷	46.7	43.6
Percent common assault: (s. 266)	31	31
Percent being at large (s. 145)	20	27
Percent threats/criminal harassment (s. 264.1 & s. 264(1))	16	16
Percent mischief (s. 430)	10	10
Percent breach of recognizance (s. 810)	10	<1
Percent assault with weapon/bodily harm (s. 267)	4	4

Table 2: Comparisons of individuals pre-pilot and post-pilot

	Pre-Pilot	Post-Pilot
Total number of individuals	160	543
Average severity past criminal court history ⁸	42.8	39.1
Average severity of court history charges with convictions	56.9	61.1
Average age accused	40	37
Percent male accused	78	77

Table 3: Comparisons at the information level pre-pilot and post-pilot

Total number of informations	169	680
Average number of charges on informations	2.02	2.18
Average severity of charges on informations	42.2	40.5

⁷ We have calculated the severity of charges using the Crime Severity Index developed by the Canadian Centre for Justice Statistics. More severe offences have higher scores. For example, first degree murder is weighted at 7554; manslaughter at 1781; assault level 3 at 422; assault level 1 at 25; uttering threats at 46; mischief at 28.

⁸ We controlled for age and gender. Neither variable affected the results.

Table 4 shows the difference in outcomes between the pre- and post- pilot groups from the JEIN data. The data shows that substantially fewer hearings and final dispositions resulted in a dismissal in the post-pilot group. The pilot has therefore decreased the proportion of charges that are dismissed. Since the pilot began more cases have ended with a sentence or had charges withdrawn than prior to the implementation of the pilot. We also see a greater proportion of cases resulting in a conviction in the post-pilot period.

Table 4: Comparison of Outcomes for Charges Pre- and Post-Pilot⁹

		Pre-Pilot	Post-Pilot
Hearing Outcome ¹⁰	Percent Dismissed	49	31
	Percent Sentenced	23	32
	Percent Withdrawn	20	29
	Percent Other	8	8
	Total Number of Charges	312	1228
Final Disposition ¹¹	Percent Dismissed	50	32
	Percent Sentenced	23	33
	Percent Withdrawn	20	30
	Percent Other (including acquittal)	7	5
	Total Number of Charges	310	1176
Conviction	Percent Yes	21	27
	Total Number of Charges	342	1475
Custody	Percent Yes	6	7
	Total Number of Charges	342	1475
Probation	Percent Yes	13	11
	Total number of Charges	342	1511

⁹ We reviewed data from the Intimate Partner Violence Tracking Project (IPVTP) and found that 53 percent of the cases were sentenced. This number differs substantially from both the pre and post groups we analyzed because the IPVTP relied on outcome for most serious offence whereas we have analysed the outcomes for each offence.

¹⁰ Hearing outcome represents the outcome of the latest hearing on the case.

¹¹ Final disposition is the decision/outcome that typically represents the final settlement of the case. It may not always be the final settlement because, for example, cases can be appealed.

In terms of trials, slightly fewer charges have led to a trial since the pilot began—prior to the pilot project just over two percent of charges resulted in a trial; after the pilot just under two percent of charges resulted in a trial. .

We have also compared cases and individuals that, in the post-pilot period, proceeded through the specialized process (opt-in) and those that proceeded through the regular court process (opt-out). While a case clearly proceeds one way or the other, distinguishing the two groups in the data has presented some difficulties. In the end we defined “opt in” as those cases disposed of the in domestic violence court, as indicated by the court number in JEIN.¹² We deemed those disposed of in another court to have opted out.

Tables 5-7 compare the distribution of charges, individuals and informations related to incidents of domestic violence processed through the court in Sydney in the post-pilot period (June 2012 to December 2013).

The distribution of charges in the opt-in and opt-out groups differs very little. Common assault constitutes the most common charge.

Both groups include individuals of similar ages, gender, and severity of previous charges in criminal court. Individuals in each group differ significantly in their number of previous charges and convictions. On average, individuals who opted in to the pilot project had faced fewer criminal charges in court in the past and had been convicted of fewer offences than the individuals who opted out.

Little difference in the opt-in and opt-out groups exists at the information level with one exception. More of those who opted in to the pilot project were represented by legal aid. This finding makes sense given that legal aid will represent anyone who opts into the program, regardless of income.

¹² We included only cases that were arraigned after June 2012. The case tracking spreadsheet included some cases transferred in from earlier time periods. Some of the data on these cases seemed less complete so we removed them from the analysis.

Table 5: Comparison of charges for opt in and opt out groups

	Opt In	Opt Out
Total number of charges	394	860
Average severity of charges	41.65	43.54
Percent common assault: (s. 266)	32	33
Percent Being at large (s. 145)	30	24
Percent threats/criminal harassment (s. 264.1 & s. 264(1))	13	17
Percent mischief (s. 430)	9	10
Percent breach of recognizance (s. 810)	1	0
Percent assault with weapon/bodily harm (s. 267)	3	4

Table 6: Comparison of individuals who opted in and opted out

Total number of individuals	153	325
Average severity past criminal court history	53.0	51.7
Average severity of court history charges with convictions	53.5	55.6
Average age accused	37	38
Average number of previous charges	9.92 *	19.25 *
Average number of previous convictions	4.70 *	9.82 *
Percent male accused	77	75

Table 7: Comparison at the information level

Total number of informations	225	408
Average number of charges on informations	2.35	2.53
Average severity of charges on informations	38.09	40.5
Percent represented by legal aid	57 *	43 *

* statistically significant

We have additional information about the cases in which individuals opted in. Table 8 shows the average risk assessment scores. Generally, the scores are quite low. We looked at whether men and women differ on these measures and found no statistically significant difference between the genders.

Table 8: Characteristics of cases (at the information level) with an offender who opted in

	Male	Female
Average LSI score	1.52	1.57
Average ODARA score ¹³	3.51	2.21
Average Danger Assessment Score	n/a	9.96
Average Severity of Charges	39.4	37.9

Table 9 shows the correlations between the different risk assessment being done by court staff. Scores on the ODARA and LSI, both administered to the person accused of violence, are moderately correlated. The Danger Assessment score for the victim is not correlated with the ODARA or the LSI suggesting that victim risk is independent of offender risk.

Table 9: Correlation Between Risk Assessment Scores

	LSI	Danger Assessment	ODARA
LSI	1.0	.058	.282*
Danger Assessment		1.0	
ODARA			1.0

* $p < .01$

¹³ An ODARA score between 2 and 3 represents a 20-30 percent chance of recidivism. A score of 4 represents a 20 percent chance. Any person scoring 7 or more should be considered very high risk with a more than 60 percent chance of recidivism.

In terms of information about victims, we have some data from the spreadsheet compiled by Victim Services. Based on this data we can report that:

- 75 percent of victims were women.
- Each case typically involved only one victim.
- The victims' average age was 37.
- Child protection was known to be involved in a large proportion of cases in which the victim and/or accused had a child or children.¹⁴
- In 25 percent of the cases the victim and the accused had children together (average number of children was 1.6).
- Over half of cases involved individuals who were still in a relationship (28 percent boy/girlfriend; 25 percent partner/spouse).

Assessment of Generic Evaluation Questions

Goals and Objectives

Does the pilot project have a clear statement goals and objectives?

Yes. The logic model includes clear goals and objectives.

Prior to beginning the evaluation our only source of information on goals and objectives came from the Request for Proposals for this evaluation and the documents, cited earlier, that led up to the establishment of the pilot project. The project did not have any other statement of goals or objectives prior to the development of the logic model. The logic model now provides a statement of goals and objectives to guide the project. While some parts of the logic model reflect the pilot nature of the project, with some revision it may serve as a guide for expanding the project.

Ideally, in our view, these details should have been in place prior to the beginning of the project. While a logic model guides evaluators, its main purpose is to guide the development and implementation of a project.

Recommendation #1

Stakeholders should review the logic model in light of their experience in the first year and the results of this evaluation.

¹⁴ Of the 272 cases in which the accused and/or victim had a child or children, the data indicate that child protection was involved in 124 cases. For 125 cases, the data indicate that Victim Services did not know whether child protection was involved. For 23 case, Victim Services indicated that child protection services were not involved.

Recommendation #2

If the pilot becomes a permanent program, the logic model should be modified to reflect the change in status.

Do stakeholders agree with and understand the goals and objectives?

During our interviews, key informants offered their own impressions of the goals and objectives of the program. They demonstrated a high level of agreement and understanding.

The following exemplify statements from key informants consistent with the objectives listed in the logic model:

Ensure offender accountability

- Most important to hold them accountable and give them tools to improve life styles and patterns of offending;
- Resolve conflicts in families, not just punish;

Provide early, efficient and effective intervention and treatment:

- Gives offenders tools to improve life styles and patterns of offending;
- Early intervention especially to enhance victims' safety;
- Behavioural changes in the accused by intervening at an earlier point in the process;
- Get more offenders into treatment programs as early as possible for those who would otherwise not get treatment;
- Have specific domestic violence services provided in a seamless manner;
- Provide skills to help the offender to change their behaviour;
- Provide timely action to programming to change behaviour;
- Quicker assessment and quicker program involvement;
- To educate men and to teach new skills for men to problem solve better;
- Expedite the process for men who accept responsibility;
- Help families to resolve disputes without violence. Educate people how to handle situations;
- Help to improve the docket load;
- Provide an expedited system so that the perpetrators can move through or get them off the streets as soon as possible;
- Alleviate some of the congestion of court;
- Prevent further incidents;
- Help families to resolve disputes without violence;
- Prevent further incidents;
- Help families to resolve disputes without violence.

Meet victims' needs:

- Help victims understand the dynamics of abuse;
- More satisfaction for both the accused and the victim;
- Making victims safer from a judicial perspective;
- Help with families; victim often wants to stay with the offender;
- Improve safety of families;
- Provide service to victim and to improve safety;
- Involvement of stakeholders and protection of victims;
- Increase safety of victims and children;

Provide timely access to services for victims and offenders:

- Early intervention especially to enhance victims' safety;

Respondents offered more comments of this nature, indicating that they generally have a firm understanding of the stated objectives. In particular, key informants emphasized services to offenders, victims and families.

Nevertheless, a number of respondents also referred to objectives other than the ones stated. These suggestions included the following:

- A specialized court can focus on problem-solving and providing skills.;
- Reducing recidivism (a result that should flow directly from the goal of stopping the cycle of violence);
- Early intervention;
- Collaboration among the service agencies;
(This point aligns with the broader statement of goals given in the Nova Scotia Domestic Violence Action Plan as cited above. In practice, collaboration might be better considered as a process rather than a goal, the underlying concept being that collaboration offers a desirable means of reaching the desired goals. The logic model reflects this perspective).

Are the goals and objectives specific to the type of program being implemented and attainable within the time and resources available to the program?

Prior to the development of the logic model, the Action Plan listed several goals for a specialized court, including:

- increased safety;
- accessible and culturally specific programs and services;

- improved case processing and management;
- increased accountability by perpetrators;
- increased participation in rehabilitation programming; and,
- coordinated research and evaluation initiative with results shared

(Nova Scotia, 2009, p. 12).

These differed slightly to those listed in the Request for Proposals for this evaluation:

- improve the response of the criminal justice system to victim needs;
- increase victim safety;
- offer timely access to services for victims and offenders to help stop the cycle of violence;
- improve court efficiencies.

The latter list focuses more on victims, specifying a need to increase safety and adding the more general reference to meeting victims' "needs." The list in the RFP also focussed more on court efficiencies and "timely access" rather than stating the more general idea of "improved" case processing and management. The list of objectives in the RFP omitted several that had been included in the Action Plan, including accessibility/cultural specificity, accountability, and research.

The current objectives, as stated in the logic model developed at the beginning of this evaluation, include:

- ensure offender accountability;
- provide early, efficient and effective intervention and treatment;
- meet victims' needs;
- provide timely access to services for victims and offenders

This list differs somewhat from the RFP. It has kept the reference to general victim needs but added back offender accountability. Efficiency and timeliness also feature prominently in the objectives listed in the logic model. This new list focuses more specifically on "intervention and treatment" rather than the more general reference to "services" in the RFP.

The evolution of objectives reflects stakeholders' engagement with the pilot project. Revisions to objectives have emerged as the project has evolved from the initial visions to the actual implementation.

The current objectives reflect the specific kind of work done by many domestic violence courts across the country. Having said that, we have some concerns about the current framing of the objectives in light of experiences from other courts across the country and some research literature.

According to researchers in the field, to work effectively, specialized domestic violence courts should balance three underlying principles: “(1) early intervention for low-risk-offenders; (2) vigorous prosecution for serious and/or repeat offenders; and (3) a commitment to rehabilitation and treatment” (Tuttly, Ursel, & Douglas, 2008 p. 76).

Courts across the country balance these principles differently. Some, such as the Yukon, have focussed on early intervention and treatment for low-risk offenders. Documentation from the Yukon refers to the program as a “domestic violence treatment option court” rather than a domestic violence court. HomeFront in Calgary offers treatment and intensive monitoring, post sentence, for all domestic violence offenders (McNichol, personal communication). In Winnipeg, the family violence court provides pre-sentence treatment for low risk offenders and rigorous prosecution, treatment and follow-up for higher risk offenders (Ursel, personal communication).

The pilot project in Sydney has focused on early intervention and treatment for almost any domestic violence offender who opts in to the program regardless of their risk level. Most present a low risk for re-offending. There has been no change to processes for cases in which the accused decides to decline the treatment option.

While it has been wise to take on a narrow focus on early intervention and treatment in the early stages, we believe that if the Department of Justice moves to expand the project serious consideration should be given to strategies to prosecute serious and/or repeat offenders and provide increased treatment and supervision of these individuals. Both the docket court and trial court could be included in the project.

Alternatively, the Department of Justice might consider maintaining the focus on early intervention and treatment, for low risk offenders only. This approach may be better described as a specialized process rather than a specialized court (Gill, personal communication). Other jurisdictions, such as Montreal, offer special access to treatment or other services. They adjust the typical court process to allow for some intervention. The Yukon model is similar. This requires far fewer resources and provides essentially an offender-based program.

A fully specialized court offers a wider range of services and supports. Ideally, it has different processes for different types of offenders and balances early intervention and treatment for low risk offenders who take responsibility for their actions and vigorous prosecution for high risk or repeat offenders. Court mandated treatment and intensive supervision post sentence may also be part of this approach. This constitutes a more comprehensive response to domestic violence.

Recommendation #3

The Department of Justice should consider expanding the objectives to include vigorous prosecution for repeat and/or high risk offenders OR focus on early

intervention and treatment for low risk offenders. The former constitutes a “specialized court” while the latter is better described as a “treatment option.”

Our second concern with the current objectives lies in the move away from a focus on victim safety to a more general notion of “victim needs.” We have some concern about this shift because, in our view, victim safety should be paramount in specialized courts.

Indeed, researchers have begun to worry that specialized court have failed to effectively increase safety for victims of domestic violence while noting that research on this issue has been lacking (Johnson and Fraser 2011). Based on their research on whether specialized domestic violence courts, enhance victim safety, Johnson and Fraser (2011) argue that “the primary goal of an ‘effective’ justice response to intimate partner violence should be to make victims safer” (page 7). They also cite the body of research that suggests that changes made to the criminal justice system have not always enhanced victim safety (page 8). While it may be easy to think that good work with offenders will have positive consequences for victims, the research does not bear this out.¹⁵

In our view, a specialized domestic violence court ought to include victim safety as a primary goal. We believe that safety should remain on the agenda and work should continue to ensure and increased level of safety for victims of domestic violence.

Other courts across Canada have struggled to address this issue. Indeed, to put this issue in context, criminal justice researchers and policy-makers more generally have worked to address victim safety and ensure that criminal justice responses enhance victim safety. The problem is not, however, easily resolved, especially in the criminal justice system that tends to focus on offenders and those accused of having committed a criminal offence. Further, victim safety can be achieved only with cross-sectoral collaboration among both criminal justice agencies and other sectors integral to responding to these cases. This collaboration is particularly salient in specialized court or specialized process.

Recommendation #4

Victim safety should be added to the objectives, and should be part of the functioning of the program, especially if it evolves as a specialized court rather than a specialized process/treatment court

¹⁵ Johnson and Fraser (2011) suggest that the measures of success for specialized domestic violence (e.g., increased number of arrests; victim support; speedier resolution of cases) are not associated with increases in victim safety.

Outcomes

Does the pilot project have a statement of outcomes?

The logic model includes a list of outcomes developed by the Working Group and the Steering Committee at the beginning of the evaluation. At this stage, the logic model should guide the project and its evaluation, although it could be modified at any time in consultation with the stakeholders.

Recommendation #5

Stakeholders should, as soon as possible, review and revise outcomes in light of their experience and the results of this evaluation. The outcomes should be adjusted before expanding specialized courts in other jurisdictions or moving the Sydney court out of a pilot phrase.

Outcomes should clearly state the effects that a program or pilot project will have on groups of people or institutions. The outcomes in the logic model clearly delineate the effects that the pilot should have on three groups: stakeholders, victims and offenders. They also reference effects on the court system.

What effects should the pilot have on stakeholders, victims and offenders?

The logic model, included earlier in this report, lists the outcomes in relation to each of the three groups and the court system as a whole. The hope is for improved working relationships between stakeholders, increased safety for victims, and changes in behaviour among offenders.

Planning

Does the pilot project have a plan for expansion across the province or continuation in Sydney?

The pilot has been extended for one year to allow the evaluation to be finalized. No expansion is planned at the moment and this year has been framed as a “maintenance” year. Planning for what will happen after this coming year should begin soon after the current evaluation has been completed.

Access and Recruitment

Does the pilot project have a policy on who should be given access to the program and a means of recruiting these people?

The project has clear eligibility criteria, as stated earlier in this report, and key informants understand it well. The Case Management Team reviews files of people who choose to do the program and decide, based mainly on risk assessment scores, on which level programming they should complete.

Recruitment occurs in court each week. Each week, the Crown and/or Duty Counsel discuss the program with the accused people who come to court charged with a domestic violence related offence. They present details about the process, the treatment program and inform the accused that they will likely receive a reduced sentence if they successfully complete the treatment program. If an accused seems interested, the matter is held over and the process unfolds as described earlier.

The Crown and Duty Counsel do not follow a strict script. Sometimes they speak one-on-one with each accused and other times they make a presentation to a larger group. We heard early on about plans to record a video outlining the process and we have also heard of plans to write a script.

Recommendation #6

A recruitment script should be finalized without delay to ensure that all accused receive consistent information

Two recent issues may change how recruiting occurs. First, Duty Counsel has been informed that one person who completed the program failed a criminal record check. She expressed concern about telling accused people that they will not receive a criminal record when this does not seem as clear cut as everyone assumed. Second, a recent change in law will require that participants in the court program to pay the victim surcharge because they have pled guilty. Duty counsel suggested that this might change the advice she would offer to an accused because, in some cases, it may serve them better to go to trial and potentially avoid paying the fee.

Program Content, Strategies and Materials

Is the content of the treatment program appropriate for the intended participants?

We note that the Respectful Relationships and Relationship Violence Programs have been developed as a treatment program for domestic violence offenders and are appropriate for use in the specialized court. The Women for Change program has been used by other chapters of the Elizabeth Fry Society across the country.

Is the content well documented and is it being implemented as designed (“fidelity of implementation”)?

The program has produced a detailed guide that documents the content of each module. We understand that this guides the facilitators. We note, as well, several deviations from the program as designed, sufficient to raise questions about the fidelity of implementation of its original, validated, design:

- The Level 1 offenders receive a truncated program that has not, as far as we know, been validated.
- Some offenders begin the program and then take time away due to work commitments. Others delay beginning the treatment to accommodate travel to work.

Although these may be pragmatic responses to the circumstances of particular offender these deviations mean that we cannot generalize the results of research on the treatment programs completed in British Columbia to the implementation of the program in Sydney. We worry that these modifications may negatively affect the outcomes.

Governance, Management and Staffing

Does the pilot project have a clear governance structure?

Yes. The governance structure is fairly straightforward and has been described earlier in this report. Key to governing the pilot has been collaboration between government and community agencies at the local level.

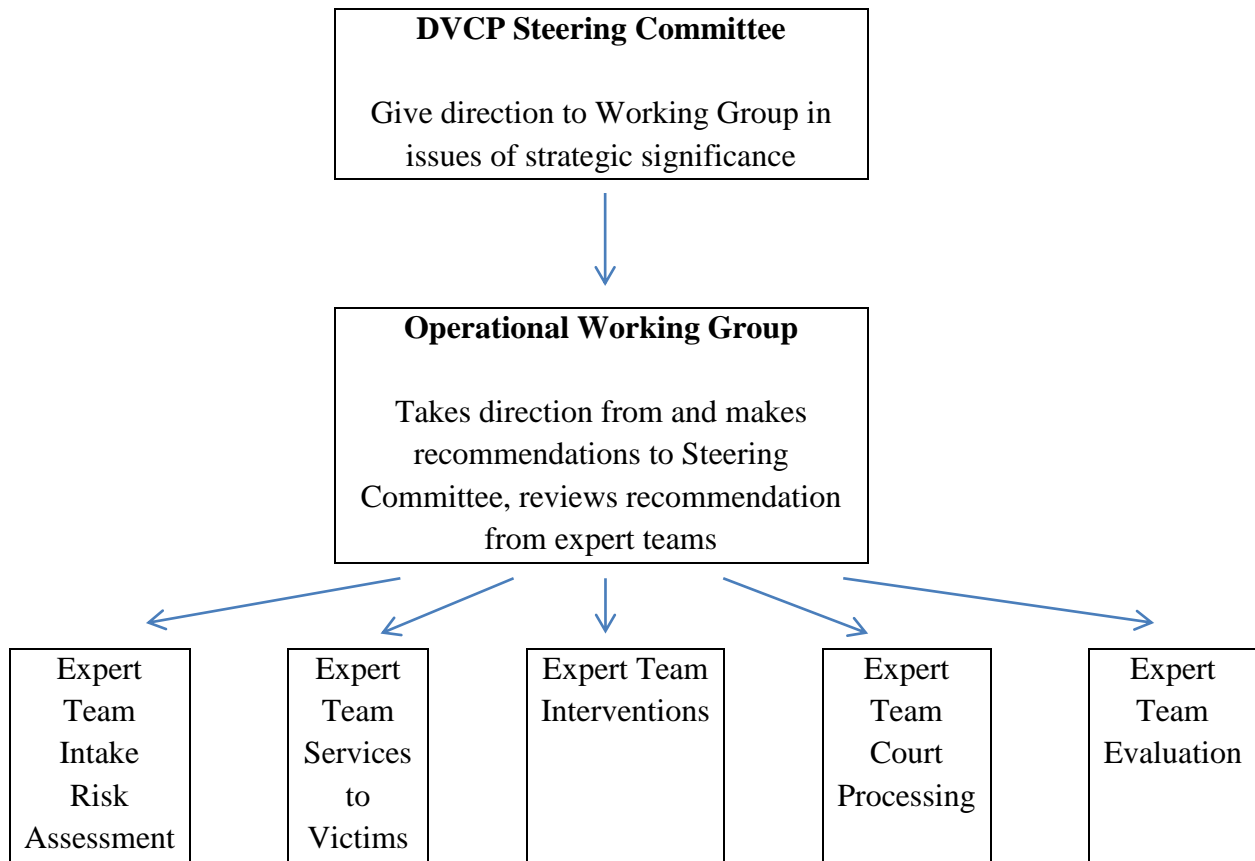
We have reviewed a diagram, reproduced below, of the committee structure. We note that it includes several sub committees, or expert teams, that have become inactive.

Recommendation #7

The Working Group and Steering Committee should review the governance structure and decide whether expert teams are needed. The governance structure may need to change as the court moves from the implementation to a maintenance phase.

The management structure has changed somewhat with the extension of the pilot. A Manager has been put in place and the role of Court Supervisor has been eliminated. While this represents a trade-off in resources, the two positions are quite different. We understand that other on-site staff at the court have taken on some of the functions for the former supervisor and that, in any event, there may be less need for direct supervision as the project matures.

Figure 1: Governance Structure



Do staff have to appropriate training and skills to implement to pilot project as intended?

The Domestic Violence Court Pilot Project has been staffed, for the most part, by seconded backfilled positions in Victim Services, Crown, Legal Aid and Probation. These individuals work exclusively with clients of the domestic violence court. The team initially included a Court Supervisor, a new position, and a half time clerk but these have been cut for the current phase of the pilot.

Members of the Case Management Team all possess the appropriate professional credentials.

While not staffing the court per se, the court could not operate without the staff of the agencies who deliver the treatment programs. This includes staff at Second Chance Society, Elizabeth Fry and Family Services. The pilot also provided enhanced service for victims through the Transition House Association. Staff at all the agencies have the appropriate credentials and expertise.

Service providers have all received training in the treatment programs. The probation officer and victim services officer have also received this training. Some have also received training in the administration of the ODARA risk assessment tool.

As far as we know, no one has received training related specifically to risk assessment in domestic violence cases, specialized courts or collaborative case management work. We encourage professional development in these areas for all staff working in a specialized domestic violence court.

Recommendation #8

Designated staff should participate in ongoing and enhanced professional development.¹⁶

Record Keeping

Does the pilot project collect summary statistics about each case going through the court, each offender's progress through the program and the needs of victims?

Various records exist documenting the work of the court. The Justice Enterprise Information Network (JEIN) includes data from the court and cases proceeding through the specialized

¹⁶ We note the availability of on-line training modules developed by the Centre for Research and Education on Violence Against Women and Children (<http://onlinetraining.learningtoendabuse.ca/>). Also see videos at: (<http://www.learningtoendabuse.ca/research-priorities/conference-resources/risk-assessment-risk-management-safety-planning>)

process receive a specific court number. The Court Supervisor has been tracking cases from the beginning, using a case-tracking sheet. Other records include Case Management Team minutes and weekly reports compiled in court each week. The Court Supervisor has used these sources to report to the Steering Committee since the court has been operating. The probation officer keeps files on all offenders and these files include information from the treatment service providers.

Early into the evaluation process the researchers worked with court staff to develop a spreadsheet to track cases. This file included variables that had been included on the case tracking sheet, others relating to the evaluation (including attendance and participation at the treatment program) and variables from a tracking grid created by the Canadian Observatory on the Justice System Response to Intimate Partner Violence. In retrospect, the grid contains more information than can be compiled by a part time clerk and it added to her workload to track down some of the information in the grid. Indeed, most of that information was not inputted and in the second round of data entry we cut those variables to produce a more streamlined data file.

The current state of records serve operational and case management needs, although somewhat inefficiently. They do not allow for efficient reporting of accurate summary statistics. We are not confident that they can easily produce summary statistics relating to case processing or outcomes on a long-term basis. The process of compiling and producing statistics is too cumbersome. For example, lack of standardized terminology in some of the data fields makes it difficult to classify categories within these fields. The JEIN files are better in this respect, presumably because this data base has been refined over time. We note that other courts have faced similar problems and their evaluation reports include suggestions for methods of compiling court specific data. The court in Saskatchewan contracted a consultant to set up a shadow electronic database to enable effective case management and evaluation. This database should include information from the treatment service providers as none of this information is currently compiled in electronic format. Appendix F lists the fields of data collected by the court both to contribute to the evaluation and facilitate case management.

Recommendation #9

The Department of Justice should develop a database to track cases processed through a specialized court and assign staff to ensure that the record-keeping is complete and up to date. The spreadsheets developed for use in this evaluation may be useful as prototypes but if the project evolves as a “specialized court” a more integrated approach, including data from various service providers (e.g., victim services, probation), may be required.

Does the pilot project assess in an ongoing way progress towards goals, staff utilization and disposition of funds?

We understand that this evaluation will serve as the assessment of whether the project is achieving its goals and we see little evidence of on-going discussion of goals outside of discussions relating to this evaluation. Given the pilot nature of the project, this is appropriate at this stage. Discussions on any modifications of these goals, staff utilization and disposition of funds should take place in this current year.

Attention to Diversity

Does the pilot project have ways to accommodate the range of social class, language, culture or other forms of diversity likely to be found in the target population?

The Court Supervisor has informed us that she has received no special requests regarding language and that translation services might be possible if needed, although this has not been included in the budget. Members of the Working Group report that they have dealt with several offenders who face intellectual challenges as well as several immigrants. No specific procedures have been developed for these groups but the Working Group seems sensitive to the needs of these individuals. For example, we note that offenders in same sex relationships have received individual treatment programs.

Three percent of domestic violence cases in Sydney involved a same-sex couple. The program has offered one-on-one treatment/counselling to offenders in same-sex relationships.

Work had been started on offering programming in the satellite court in Eskasoni. We note too that at several times, members of the Working Group and Steering Committee discussed issues relating to Aboriginal offenders. Our interviews revealed debates about whether the domestic violence court model is appropriate for Aboriginal offenders and whether they would score higher than non-Aboriginals on the risk assessment tools because the tools are not culturally sensitive.

The importance of ensuring that the court be culturally sensitive and that Aboriginal offenders have access to innovations in court processing cannot be overemphasized. Having said that, our sense from the records and our interviews is that moving forward will depend on other agencies.

Recommendation #10

Efforts should continue to liaise with relevant Aboriginal agencies.

Activities: Has the project done what it set out to do?***Collaborating***

The specialized domestic violence court pilot project includes collaboration as a critical activity. The collaboration occurs at both the Steering Committee and Working Group levels. The Steering Committee includes representatives from outside of Justice. The Working Group includes representatives from community agencies. Members of these groups worked collaboratively to establish the court in Sydney.

Stakeholders interviewed suggested that the success of the Nova Scotia court depended, in part, on collaboration and communication among various agencies. Community-based agencies deliver the treatment program mandated by the court, and victims can avail themselves of community-based services. If court staff and community agencies had operated in isolation the establishment of the court may have faced many more barriers.

We heard some concerns about the level of involvement of community agencies and whether the relationship would best be described as co-operative rather than collaborative. In our experience, government-community collaborations frequently face this critique. Even with the best of intentions, government agencies tend to lead “collaborative” projects in consultation with community partners. But, in reality, the community partners often have no real say in how the project unfolds. This leads to tensions in projects intended to be collaborative.

Based on our observations, the relationship between stakeholders involved with the Sydney court would best be described as co-operative. Collaboration may have characterized earlier phases in the development and implementation of the project but, with the exception of the agencies providing the treatment, the community agencies have a diminished role in the day-to-day operation of the court.

Recommendation #11

The nature of the relationship between the government and community partners should be clarified and a decision made to involve the community partners in a collaborative way or to work co-operatively. If the project evolves as a specialized court, the community partnership should be more fully developed. If the project evolves as a treatment court, partnerships are less critical except in so far as the court works effectively with community-based treatment services.

Develop Protocols and Policies

We note that few protocols and policies have been formally developed since the pilot began but a work plan has been developed to put something more formal in place. We had heard some complaints in our interviews about the lack of formal policies so this work will be timely and, at this stage, can build on experiences and lessons learned over the past two years.

Several policies are in development including one on transportation for those living outside the Sydney area and one to address the legal authority of the Case Management Team. Staff are also working on a policy for referrals to Level 3 programming. The difficulty here lies in the fact that the Second Chance Society provides the first part of this program and Family Services offers the second part.

In relation to the treatment program, the court follows the policy of the service providers in regards to program completion. If an offender misses a session he or she will be removed from the program. Some offenders, who opted in to the pilot project, have re-offended while completing the program. No policy exists on these cases and staff deal with these instances on a case by case basis. The Crown decides how to do the sentencing and in some cases, the new offence has been rolled into the first one and both have been sentenced together. The decision may depend, in part, on whether there has been a change in the risk assessment. They might consult with the victim. According to staff, fewer than five cases have presented this problem.

We note too that work began on a privacy impact assessment. We recommend that a privacy impact assessment be completed because of the information sharing between agencies.

Perhaps ironically, the healthy working relationships between stakeholders has allowed the work to go on without much written documentation. This situation may not be sustainable in the long run. As it stands, a new Court Supervisor would have little documentation on the program. Nor may it work in other jurisdictions.

Recommendation #12

Existing protocols and policies should be complied and incomplete ones should be completed. A binder of such policies should include the eligibility criteria, contracts with service providers, and a recruitment script. A policy should also be in place to deal with repeat offenders.

Recommendation #134

A privacy impact assessment should be completed to assess the risks of information sharing among various agencies within government (e.g., Probation and Victims Services) and outside government (e.g., Second Chance Society).

Case Processing with a Specialized Approach

Key informants provided their own description of how a typical case proceeds for each offender. Only a few respondents, gave details of the treatment process itself. We did not pursue with respondents any questions about the details of the assessment process or the program content

During our interviews respondents focussed their descriptions of the project on the work done with offenders. While most key informants identified formal goals relating to victims, few discussed, or even mentioned this work when asked to talk about the work of the court. No one discussed in detail what the pilot project has offered to victims or their sense of victims' experiences in the pilot project.

While much of the work of the pilot revolves around offenders, many of the formal goals of the pilot project, as discussed earlier, relate to victims.

Recommendation #15

As part of the review of the logic model recommended earlier (in recommendation #5) the Working Group and Steering Committee ought to address the discrepancy, relating to victims, between goals and the activities.

Inform Accused About the Program

As noted earlier, accused individuals receive information about the program in court each week.

Deliver Treatment Program

The pilot project has succeeded in delivering the treatment program to a large number of offenders.

The implementation of the pilot project has allowed low risk offenders to access programming that was previously unavailable and added a more intensive program for high risk offenders. In the past, only Level 2 programming has been available. Currently, under the pilot project, the Level 1 and 3 programs are available only to those who opt into the specialized process.

To offer a more comprehensive response to domestic violence we believe that Level 1 and 3 treatment should be available to those who opt out of the specialized process. Judges could refer

offenders to these programs as part of their sentence. This change would be part of shifting the current project from a specialized process to a more comprehensive specialized court.

Recommendation #15

The Department of Justice should allow referrals of offenders to Level 1 and Level 3 programming regardless of accused individual's decision to opt in to the program pre-sentence.

Assess Risk Among Victims and Offenders

All offenders who express interest in the program participate in two risk assessments: ODARA and LSI. The spreadsheet from the program indicates that 245 ODARA and 227 LSI assessments have been completed.

Victim Services is committed to assessing risk of victims, however, staff report that few participate. The spreadsheet shows scores associated with 103 cases (15 percent). It seems that victims tend to believe that the incidents brought to court are minor and that they do not need any help. The data bear this out: only 17 percent scored higher than low risk.

We heard concerns about whether the ODARA tool should be used with women but recent research suggests that, while more study is needed, the tool appears to be valid with women (Hilton, Popham, Lang and Harris 2014).

Recommendation #16

The Working Group should consider ways to conduct danger assessments with a greater number of victims, including those whose cases are not proceeding through the specialized process.

Inform Victims of Service Options

The hope was that Victim Services would be offering more intensive support to victims and would, as a result, be better able to offer information about services. While staff have been available, victims have not taken advantage of this possibility. As noted, most seem not to have thought that what happened was serious. Victim Services reports that many change their phone numbers and that they have a hard time maintaining contact. Contrary to the intent, as one key informant described, the traffic in Victim Services has actually decreased since the pilot project began. Because the number of trials has decreased, fewer victims come into the office to be prepared for trials. While this greatly reduces stress for many victims, it may also mean that victims have less information about services available.

Recommendation #17

If goals relating to victims remain central to the logic model, work should be done to find ways to increase the level of involvement of victims, and increase the level of support that they can receive. If the court evolves as a “specialized court” victims whose cases are not proceeding through specialized process should also be able to avail themselves of increased opportunities for service and support.

Outputs: Has the program produced the outputs planned?***Stakeholder endorsement of the court program***

Indicators: Stakeholder participation at meetings; Stakeholders have positive impressions of the court.

Overall attendance at meetings has been fairly high, more so for the Working Group than for the Steering Committee. The latter appears to have had more turnover in membership and, it appears to us, more difficulty in scheduling meetings. However we note that both committees have had some consistent members since the beginning of the project. This consistency among several highly committed participants has allowed the committees to function well in spite of turnover among other members.

Key informants overwhelmingly agreed that the court works well. Some made generic statements to this effect, as in the following examples:

- The feeling is that it is successful;
- Positive about it;
- Highly successful;
- Working great;
- Pleased with how it is working;
- There is excitement about the success.

In their endorsement of the project, most key informants elaborated on such statements, based either on first-hand experience or on feedback from staff who are directly involved. For example, Steering Committee members tended to rely on indirect experience derived from reports by either the Court Supervisor or front-line staff under their supervision.

Key informants referred often to how the program expedites the court process. Respondents suggested that this occurs because of:

- reduced time to dispose of a case;¹⁷
- more definitive approach to disposal arising from assessment, guilty pleas treatment and sentencing, all being conducted within a relatively predictable time frame;
- high rate of participation on the part of accused;
- reduction in the number of trials;
- reduction in the number of cases that result in last-minute out-of court settlements (e.g. charges being dropped as a result of victim recanting or other issues off inadequate evidence);
- increase in the incidence of offenders taking responsibility for their actions.

Key informants agreed on the principles underlying the specialized court, the value of such a court and the operational procedures that are in place. Any departures from consensus tend to be related to specific details, such as whether there should be a dedicated judge or whether a guilty plea should be required for participation in the program.

A few key informants expressed reservations or gave a more qualified response about the overall success of the pilot. Their concerns included worries that:

- absolute discharges may be inappropriate for the nature of some offenses;
- victims may be re-victimized by the process;
- the lack of a serious consequence for the offender may leave a victim unsatisfied with the outcome;
- the number of female offenders seems high;
- the court focuses too heavily on offenders and their treatment and should adopt a more holistic approach.

We should note that victims and offenders have a clear stake in this type of project. Their endorsement may be important, especially as their views may affect whether others in the community choose to opt in to the program. We conducted too few interviews to provide an in-depth analysis of participants' views but service providers have offered us some quotes from their clients that provide some information on what offenders found useful about the treatment program.

I am happy I took the program. I looked forward to attending every week. I am dedicated to getting my family back together and I know my new skills are going to be a big part in it. During the past ten weeks, I have learned many skills that will help me be a better partner. I am looking forward to being together again. I think both

¹⁷ We note that the data do not support this assumption.

children will benefit from having our family together with parents respecting each other.

At the beginning, I was hesitant but after the first hour with the guys, I was relaxed. The instructors were helpful and the information very helpful. I think it would be a good program for anyone to go to

At first, I was not pleased about having to come to a group, but after the first session I changed my mind about the group. Also, after the first group I looked forward to coming and now I am hoping to attend the open program on Wednesday.

In regards to the course, I do not think anything could have been done differently. I feel that it was a very comfortable environment which is not what I was expecting. The course was not taught with accusations but rather in a manner that allowed us to see things from a different perspective. I believe that the way the course was taught was just as or more important than the material that was reviewed.

Thank you so much SCS for the support and the way you delivered a program that could have been horrible.

I think the staff was fantastic, very approachable and provided a very relaxed comfortable atmosphere. Initially, I felt it would not benefit me but I found out the total opposite. The program was very educational. I enjoyed the groups and the camaraderie with the men. I realized I am not the only person to go through this. This course should be mandatory for people getting married because it could only help people in relationships to understand themselves and their partners more and prevent unnecessary trials and tribulations to occur and manifest themselves into something worse.

Before this all happened I never knew that such a program existed, knowing that there is one makes me happy. Because I know that men will benefit from this program as I did.

We note also that service providers report a high level of satisfaction with the program. One stated categorically that: “Not one person hasn’t liked the program. In addition, the few participants we interviewed, who had completed the program, expressed very positive views.

We heard other stories relating to women attending the Women for Change program. Many of the female participants have been in abusive relationships for years and the incident that brought them to court represented their first time at striking back violently.

According to service providers, the women have found the program useful and have said that it positively affected their relationship. In one case, a client told the service provider that her partner has also used the skills that she learned. For example, they used a pro/con analysis when deciding on whether to participate in a particular event that, at other times, had led to violence. Another woman described how she had not known that she had been the victim of abuse in the past and that she had also been abusive. She took the opportunity to leave the relationship and stop drinking. She told the service provider staff that she had a better relationship with her adult children and grandchildren.

Regrettably, we were unable to interview many victims. The ones we did interview reported negative experiences. One victim expressed serious concerns about her safety and felt that her partner should have received harsher punishment. The other felt that the criminal justice system should not have intervened in the situation. It is, however, difficult to tease out whether the difficulties they faced were specific to the specialized process. This reinforces our concern that the goals related to victims have not been adequately addressed.

Good working relationships between community agencies and criminal justice system

Indicators: Sense among stakeholders that they have a high level of co-operation/good working relationship; Sense among stakeholders that they have a say, that they know people working in the field better.

Overwhelmingly, key informants felt that good working relationships existed between the Working Group and the Steering Committee and among the individual members of these committees. Many respondents suggested that the Sydney area has had a history of close cooperation among service agencies. Most were also of the view that members fully participate in the work of the two groups. One respondent described the committees as “solution focused.”

In projects of this nature, tensions sometime arise between local or regional groups and the central agencies, particularly over the issue of local versus central control of the project. This was evident here to only a small extent, with the local versus central issue being somewhat confounded with that of tension between government (in this case, mainly the Department of Justice) and external agencies. A small number of strongly dissenting views revolved largely around the issue of whether the voices of external groups are being adequately heard. They suggested that the role of non-governmental partners has been minimal with major decisions being made by the Department of Justice and that non-governmental partners are not being

treated as equal participants. It must be emphasized, however, that this view did not dominate the interviews with key informants.

Key informants mentioned a few contentious issues:

- the desirability of having a single judge dedicated to the specialized court;
- the requirement for a guilty plea as a prerequisite for participation in the program;
- the transfer of funding for Second Chance Society from Community Services to Justice;
- the meaning of the word “accountability.”

Opinion was somewhat divided on whether relationships among the stakeholders have changed as a result of the pilot project. Most were of the view that there has been little change, particularly since such relationships were positive at the beginning and remain so. Some respondents felt that being part of the pilot has enhanced understandings among the groups and has had a positive effect on their ability to collaborate. As one respondent stated: “everyone shares the vision.”

Overall, most Working Group respondents agreed that differences of opinion among members of the group were resolved in a satisfactory way. Nevertheless, it is worth noting some of the specific points raised by respondents, where differences seem to remain but where overriding policies or constraints limit the ability to accommodate the views of some members:

- use of a dedicated judge;
- requirement to plead guilty as a prerequisite for program participation;
- flexibility in application of the prescribed treatment program;
- whether transportation should be provided for offenders to take part in the program (this is not being done);
- the extent of services to victims;
- services to Aboriginal communities.

Effective governing structure

Indicators: High level of stakeholder participation; High level of consensus among stakeholders; Governance structure is responsive to solving problems as they arise; Governance structure allows for transparency and accountability

We have described the structure elsewhere. While the Steering Committee has this responsibility the independence of several of the major agencies, (e.g., Crown and Legal Aid) means that the Steering Committee cannot adopt policies or practices that in any way limits the independence of these agencies.

At a day-to-day level, the case management team processes all cases and recommends appropriate treatment program. In terms of decision-making, Working Group members we interviewed agreed that they use a consensus model and avoid voting on decisions. The situation is less clear for the Steering Committee. Indeed, our sense from the interviews is that this group does not meet very often and that not all members participate regularly. There seems also to have been some turnover of membership of the Steering Committee and, based on our review of minutes, that some members have been relatively inactive.

Most key informants believed that both governance and management structures suit the project and work well. Some gave qualified responses to this question, suggesting, for example, that the structure is as good as it gets given the large number of agencies involved and the constraints of working within government agencies.

No key informants raised concerns about transparency or accountability. We see no evidence of problems in this regard.

Recommendation #18

The current governance and management structure should remain in place for at least one more year but changes should be made in light of any revisions to the logic model or decisions about changes in scope or expansion.

Shared, realistic goals

Indicators: High level of stakeholder agreement on goals; Goals are associated with measureable outcomes

The logic model and the process that led to its development have produced to a high level of agreement. We note some disagreement over the term “accountability” as stated in the logic model. Committee members outside of Justice define the term differently than those in Justice.

In theory, most of the current goals are associated with measurable outcomes. . In practice, however, measuring several of the outcomes has been problematic. . For others, the existing court data do not include adequate variables. In our view, however, there would be value in working to fill these gaps rather than modifying to goals to match easily accessed data.

Reports, Research, Data, Baseline Data

Indicator: Reports, Research, Data, Baseline data have been created and are accessible

This output has been partially fulfilled over the course of the evaluation. As far as we can tell no new data will be collected on an ongoing basis. Appendix F lists the variables used for this evaluation.

Recommendation #19

Data on modifications should be included in any case tracking database. *Dispositions, convictions, release conditions, guilty pleas, agreed statements, sentences, release conditions, probation conditions*

Indicator: Statistics on these outputs

We have data on all these outputs with the exception of release and probation conditions.

Offenders in appropriate treatment program

Indicator: Matching of risk assessment scores with treatment options

Data from the case tracking sheet indicate that offenders have been placed in the appropriate level of the program. As shown in Table 10 those with higher risk assessment scores were placed in longer programs. Those who had more charges were similarly referred to more intensive programming. These differences were statistically significant. We might have expected that those with more severe charges would receive more intensive programming but the relationship between severity of charges and level of program was not statistically significant. It appears then that severity of charges is unrelated to level of programming.

Table 10: Relationship between program level and characteristics of offenders¹⁸

	Average LSI Score	Average ODARA Score	Average Danger Assessment Score	Average Number of Charges	Average Severity of Charges	Number of Cases
Level 1	1.04	2.40	1.05	1.83	36.05	62
Level 2	2.38	4.69	1.70	2.60	45.46	36
P-value	<.01	<.001	<.001	<.05	Not sig.	

Offenders taking treatment option

¹⁸ The table does not include data from those referred to the level 3 program because only three offenders have participated. With so few, we would not be able to make any statistically valid comparison between this group and the other two. Nonetheless, we note that the average severity of offences among the level 3 offenders was 47.65.

Indicator: Percentage of accused who decide to take the program

Table 11 shows the numbers of referrals received by the service providers who deliver the treatment program. According to these numbers it appears that just over one-quarter of cases involve an accused who opts in to the program. We should note, however, that this number will be an underestimate due to the time lag between the decision to opt in and the referral being receiving.

Table 11: Number of Referrals to Treatment Programs

Service Provider	Time Period	Level 1 Referrals	Level 2 Referrals	Level 3 Referrals
Elizabeth Fry	Since July 2012	46	8	0
Second Chance Society	June 2012-May 2013	27	30	3
	June 2013-May 2014	30	27	2
FSENS	June 2012-December 2013	n/a	n/a	3
TOTAL		103	65	8

We have several other ways to measure the proportion of accused who decided to opt in and they all result in slightly different numbers. We can look at the percentage of cases with a guilty plea, LSI score and/or level of treatment program recommended. Table 12 shows the percentage and frequency for each measure.¹⁹ Half of the cases have a guilty plea. In theory, all these should have an LSI score and a treatment program recommended. We might expect some individual to opt out along the way but the data suggest that only 23 percent have a guilty plea, LSI score and treatment recommendation. This suggests that more than half of those who initially plead guilty opt out somewhere along the way but we believe that this over-represents that actual attrition. Some of this difference may be accounted for by the time lag between a guilty plea and recommended treatment option. It may also be the case that some individuals decide to opt out after having completed the assessment.

¹⁹ We have calculated this percentage out of 555 cases that have a plea entered.

In any case, the pilot project experienced no difficulties recruiting participants and certainly succeeded in having a good proportion of those accused of domestic violence opt in to the project.

Table 12 Measures of the proportion of “opt in” cases

	Percentage	Frequency
Guilty Plea	50	275
LSI Score	41	227
Treatment Program Recommended	33	186
Guilty Plea and LSI	28	153
Guilty Plea, LSI and Treatment Recommended	23	130

Referrals to appropriate services

Indicator: Views of victims and offenders

In our few interviews, victims and offenders generally indicated that they had received helpful referrals. Several offenders interviewed indicated having been introduced to services and agencies that they intend to use on an ongoing basis. They expressed high praise for the services directly associated with the court and the peripheral services available in the community. One suggested that he was glad to have learned about the services and wished he had known about them before. He expressed satisfaction that he discovered services that would help in his family life and avoid a criminal record.

Offenders successfully completing treatment

Indicators: Completion rates; offenders attending treatment regularly; good reports on participation from program facilitator

Our review of files and interviews with key informants indicates that most offenders have successfully completed the treatment program. Sentencing reports indicate that service providers describe most of their clients as having participated enthusiastically. Sentencing Reports use words like “great participant,” “inquisitive,” and “respectful” to describe a large number of participants. Many of the reports refer to the view of the service providers that participants have demonstrated good understanding of the program content. The reports also reflect the participants’ positive comments about the program.

Very few clients received any negative assessments. Very few were identified as being angry, depressed, or argumentative. The program staff described most clients as actively participating attentive, observant, co-operative.

Table 13 shows statistics provided by the service providers:

Table 13: Rate of successful completion of treatment program

Service Provider	Time Period	Percent Level 1 Successfully Completed	Percent Level 2 Successfully Completed	Percent Level 3 Successfully Completed
Elizabeth Fry	Since July 2012	89% ²⁰	80% ²¹	no referrals
Second Chance Society	June 1 2013- May 31 2014	100%	89%	100%

Conversations with the Elizabeth Fry Society suggest that about half of the women who did not succeed in the program were experiencing serious life issues including addictions and cognitive limits. The other half changed their mind.²²

Additional data from the Second Chance Society show that offenders who attend programming due to a referral from the Domestic Violence Court Pilot Project have higher success rates than those who attend based on other referrals from other sources, including self-referrals.

Modified treatment plans

Indicator: The existence of modified treatment plans

As noted earlier, treatment programs have been modified for offenders working in Alberta and for those involved in same-sex relationships. In some cases, individuals may participate in one-on-one sessions. Others have been allowed to pause the treatment while they work outside the local area and pick it up when they return. We have no statistics on these cases.

Recommendation #19

²⁰ Out of 46 level 1 referrals: 9 are still in programming, 33 have completed and 4 have not completed.

²¹ Out of 4 level 2 referrals: 3 are still in programming and 1 did not complete.

²² Some researchers have explored why women have higher attrition rates. See Buttell, Powers and Wong (2012).

Data on modifications should be included in any case tracking database.

We have some concerns about the modification of treatment plans. Research on batterer treatment suggests that completing programs shortly after the offence, without delays, offers the best results. Delayed treatment or treatment spread out over a longer period of time has proven to be less effective. In essence, the duration of the program matters less than the timeliness in which the program is completed. In one of the most comprehensive pieces of research about batterer treatment programs, Gondolf (2002:213) suggests that programs should be intensive (3-4 times per week) rather than lengthy.

Victim safety plans

Indicator: The existence of victim safety plans

We understand that some safety plans have been completed but detailed statistics are unavailable. We note too that the completed Danger Assessment scores have been quite low, indicating little need for intensive intervention and safety planning for those victims who participated in an assessment.

Informed victims

Indicator: Victims feel informed; Victims know about and understand the process of the court and options available

Data from the survey of victims sheds some light on this output, although, the sample size is small. Victims' level of knowledge went up regardless of whether they participated in the specialized court. Victims in the specialized court rated their level of knowledge as higher before the court process than victims whose cases proceeded through the regular court. Interestingly, their level of knowledge did not increase as much as the victims in the regular court at the end of the process. This finding may reflect our earlier observation that fewer victims are working directly with staff at victim services because fewer of them need to participate in trial preparation.

Appendix G includes the complete findings of the survey of victims.

Victims using services

Indicator: Percentage of victims using services

We have no precise statistics but note the point made by a respondent that fewer victims now come to the Victim Services option. If confirmed, this has been an unintended consequence of the implementation of the court. We note as well that few victims availed of the program developed by the Transition House and it has stopped operating.

In light of the lack of interest in the group offered by the Transition House, some key informants suggested that victims might prefer one-on-one sessions. Others felt that a partner program should be initiated. This would involve having partners of offenders attend a group session that would provide them with information about the treatment program.

In the past, Second Chance Society has run a program for partners. Approximately half of men's partners attended. In the program, women learned about what their partner was learning in the treatment program. For example, the men learn to use "time outs" when they feel that they may become violent. Partners come to understand this as a tool to prevent violence rather than a power-control technique. This helped them to understand the language their partners might use and the tools they may try to apply. Program staff also talked about safety to some extent. The group was not therapeutic and was not intended as a place to obtain information about offenders' cases.

We believe such a program should be developed, especially for the partners of low risk offenders and those who remain in a relationship with the person they abused. It appears that participants currently in the Respectful Relationships program have sought such a group. Staff at Second Chance Society indicate that some men have brought their partners at intake and others have asked if their partners can participate. Some of the client quotes received from the Service Providers suggests that such a group would be useful.

I think it would have enhanced my practice of new skills if my partner had the opportunity to receive the information of what I was learning.

My partner so enjoyed working with me through the manual. She wished there was a program for her to learn what I have learned and will continue to work at.

We understand that the Working Group has discussed the possibility of implementing an information session for partners but we think that a more intensive process, as described above, should be implemented. Other similar programs in the province include this component (V. Singer, personal communication). The program offered at the Transition House may have been too therapeutic for the partners of low risk offenders. They may not have felt the need to participate in therapy.

Recommendation #20

A partner program should be developed for the partners of low risk offenders. The program should run alongside the treatment program and provide participants

with tools needed to support what their partners have learned in the treatment program.

Recommendation #21

If a “specialized court” model is pursued, it should include one-on-one support services for high risk victims.

Sentences commensurate with success in program

Indicator: Offenders with less success receiving harsher sentences

This output is difficult to assess because almost all offenders have succeeded in the program and the assessments provided by the service providers has very little variability.

Outcomes: Has the program achieved the outcomes?

Improved communication between stakeholders

Indicator: Stakeholders’ sense of improved communication

Most key informants indicated that communication and relationships among stakeholders were strong from the beginning and that there has thus been little change. Those who did note a change indicated that this has been in the direction of improvement.

We have heard some issues arising with other stakeholders in the community who have not been included in the Working Group. For example, lawyers working in the court have had difficulties receiving progress reports from some community based addiction services. These agencies, if the court relies on their work, should be included on the Working Group in an effort to improve communication with them and give them a stake in the program

Increased co-ordination of services

Indicator: Stakeholders’ sense of increased co-ordination

Co-ordination, has essentially been a requirement of the program, with all those we interviewed suggesting that there is now a high level of co-ordination of services.

Improved working relationships

Indicator: Sense among stakeholders that relationships have improved

Key informants indicated that stakeholders had good working relationships prior to the development of the court. Most suggested that this may not be the case in other jurisdictions.

Improved efficiency

Indicators: Cases move through the court more quickly than before (pre-post); Cases cost less to process (pre-post)

Table 14 compares case processing time for the pre-pilot control group and the post-pilot group. None of the differences are statistically significant and the distributions are quite similar. We can therefore conclude that the pilot has not changed case processing time or number of appearances.

Table 14 also compares the opt-in and opt-out groups. The data show no difference between the groups in terms of case processing time but that the opt-in cases have, on average, more appearances than the opt-out cases. This difference is statistically significant.²³ These cases take longer than the provincial average of 214 days.

From this we can conclude that the pilot project has not processed cases more quickly than the regular court and those in the pilot project tend to have more court appearances.

Table 14: Comparison of number of court appearances and average case processing time

	Pre Pilot	Post Pilot	Opt In	Opt Out
Case processing time				
Mean	249	242	248	236
Standard Deviation	192	121	110	129
Statistical Significance	Not Sig.		Not Sig.	
Number of court appearances				
Mean	5.64	5.69	6.39	5.62
Standard Deviation	3.95	3.19	2.66	3.64
Statistical Significance	Not Sig.		p<.05	

As it turns out, comparing case processing time may not provide a good measure of efficiency. Individuals who opt in spend some time in the treatment program in between their first appearance and their final court appearance. The case processing time includes this time. The case processing time may not, therefore, be a good measure of efficiency when comparing the opt in and opt out groups. We might also argue that some efficiency has been gained if the opt in cases take the same amount of time as the opt-out cases because many of the opt out cases will require supervision after the court process has ended. In addition, those who have opted in spend

²³ We reviewed data from the IVPTP that shows a mean case processing time of 271 days—longer than the time we found for any of the groups we analyzed.

the time in a treatment program while those who have opted out essentially just wait for their case to be processed without receiving any intervention.

Similarly, the number of absolute discharges may be a positive indicator of efficiency. We understand from interviews that very few domestic violence offences received an absolute discharge in the past.²⁴ Since the pilot project began, upwards of 10 percent of charges have received an absolute discharge. This type of sentence does not require any follow-up contact with the offender. In some cases, the cost of probation or incarceration may have been saved. We might speculate that offenders who receive absolute discharges may find it easier to find work or contribute to society in ways that may have been less possible had they received a criminal record. Again, we cannot measure, in any direct ways, these possible efficiencies.

The fact that cases going through the specialized process have more court appearances does seem to suggest some reduced efficiency. We understand, however, that some cases have been adjourned while the court waits for information from some community-based service providers. The Working Group has been discussing ways to ensure timelier reporting from these agencies.

Recommendation #22

The Working Group should include representatives from other community agencies who may experience an increase in referrals.

On the question of cost, improved efficiency typically means lower “unit cost” of the program compared to some baseline. Within the limitations of the available data, we have attempted to conduct a fairly detailed cost analysis. However, since this goes beyond the immediate question of efficiency, only some brief comments are given in this section. A more complete discussion of cost components and trade-offs is presented in a later section.

In terms of the court system, “unit cost” might be defined as the average total cost (direct and indirect) of processing a case. In reality, we are able to examine only the incremental added cost of processing a case under the pilot project, as the total pre-pilot per-case cost is not known. The project budget for fiscal year 2012-13 was approximately \$460,000, of which approximately \$170,000 was paid to external agencies for program delivery and most of the remainder was for staff salaries. Of the program delivery cost, only \$30,000 was “new money” with the remainder being an amount transferred from the Department of Community Services when Justice assumed

²⁴ The data in the control group do not indicate the number of absolute discharges so we cannot quantitatively assess this claim

responsibility for program delivery. We understand that the Nova Scotia Legal Aid Commissions contributed \$75,000 for the services of a legal aid lawyer. The total incremental cost for 2012-13 was therefore \$395,000.

Over approximately the same time (June 1, 2012 and May 31, 2013), the pilot project processed to completion 68 cases. This yields a pilot cost of more than \$5000 per completed case. Since, as far as we can tell, there has been no corresponding reduction in the overall court services budget this amount can be taken as an incremental added cost. Having said that, some of these costs would have been needed to process the cases through the regular court system.

Unfortunately, we have no baseline cost data to compare. The broader question of whether the added cost has been offset by trade-offs elsewhere in the system is examined in a later section.

Improved accountability of the court

Indicator: Data is available for use in the evaluation

Data have been available for the evaluation. As stated earlier, we believe that efforts should be made to improve data sources related to any specialized processes. This would help the court be more accountable on an ongoing basis.

Capacity for court to move beyond pilot

Indicator: Stakeholders' sense that court is ready to move beyond pilot stage

Responses to this issue from key informants were mixed. Key informants generally agreed that the pilot should continue in the Sydney region and that the region may be ready to move beyond the pilot stage. Relatively few gave a direct endorsement of province-wide implementation, with some citing differences in circumstances in other regions that may make province-wide implementation difficult. Most who did speak to the issue were of the view that a program of this nature can only be sustained if dedicated funding continues to be available

The interview solicited key informants' views on whether the pilot should be expanded and what conditions needed to meet before it should be expanded.

Responses were generally positive that the specialized domestic violence court in Sydney should continue to function. Several respondents suggested that the evaluation needed to be completed before an informed decision could be made and that the pilot should continue for at least another year. Only a few respondents mentioned the possibility of province-wide adoption. The prevailing view seems to be that conditions in the Sydney region differ enough from those elsewhere to raise questions about whether the pilot can be replicated in other areas of the province.

In our view, the pilot project has succeeded in developing and implementing an alternative model for some domestic violence offenders.

Increased accountability of offenders

Indicator: Increased number of guilty pleas compared to court prior to specialization; Reduced case attrition

Data from JEIN show little difference in the proportion of guilty pleas in the pre-project and post-project groups. However, we note that pleas change and subsequent plea data includes a large amount of missing data. Our consultations with Policy, Planning and Research suggest that subsequent plea data is not sufficiently reliable. We cannot, therefore, assess whether the project has led to an increased number of guilty pleas in any direct way. Indirectly, we might conclude that more guilty pleas have been entered because the proportion of cases dismissed is down and the proportion of sentenced cases is up.

Similarly, we have no direct way to measure attrition. Indirectly, we note that more dismissals occurred in the pre-pilot group than post-pilot. That fewer cases are dismissed may have increased accountability for people who, in the past, may have walked away from court without any intervention, despite having actually committed an offence.

We note that accountability may also be achieved with increased monitoring of offenders. Other specialized courts view monitoring as critical to ensuring accountability (McNichol, personal communication). Some argue that the offender's obligation to be accountable should not be made easy—for example an offender may be inconvenienced by having to report to the court regularly but that this inconvenience is part of being held accountable (Mirchandani, 2006). Others argue that accountability occurs because service providers and justice officials share information (McNichol, personal communication).

In the typical process, probation officers monitor offenders after they have been sentenced. In the pilot project, service providers monitor offenders while they participate in the treatment program. Offenders in the Level 3 program make progress reports to the court. Some in the Level 2 program may also have appearances while attending the treatment program but those in Level 1 rarely have that opportunity because their program runs only for five weeks.

We see two limitations in how offenders are being held accountable in the current project. First, only offenders who plead guilty face any additional measures to hold them more accountable. The program has not increased the accountability for others. Second, the measures in place to

hold those who opt in more accountable are quite limited. We would like to see increased expectations that offenders report back regularly to the court, especially for those in the Level 2 and 3 programs.

Accountability may also be increased by including a police representative on the Case Management Team. This person could provide information about any police contact that offenders may have had while undertaking treatment.

Recommendation #23

Offenders opting in to the program should be required to make regular reports in person to the court.

Recommendation #24

The Case Management Team should include a representative from the police.

Recommendation #25

Activities that allow the court to monitor offenders should be included in the Logic Model.

Improved ability to meet victims' needs/victims feel safer

Indicators: Sense among victims and victim serving agencies that victims' needs are being better addressed; Increased victim satisfaction with court process

We have some information on this outcome from our 21 survey responses from victims. The surveys suggest that the victims whose cases went through the specialized court sought out fewer services on their own. More agreed that they were satisfied with the court process and were referred to appropriate services. Both groups were equally satisfied with the outcomes of their cases.

In terms of safety, the surveys suggest that all victims felt an increased level of safety after the court process. Victims whose cases went through the specialized court had a larger increase in their sense of safety. We caution, however, that the small sample size limits the conclusions we can make in this regard.

Appendix G includes full details of the results of the survey.

In addition to the survey, we solicited feedback from service providers and others who have had contact with victims involved with the specialized court. They report that many victims have expressed relief that their partner will receive treatment. According to the service providers, many victims say that their partners' relationships with their children have improved. Victims

appear to be typically glad that their partners have been given the opportunity to change their lives.

Reduced recidivism

Indicators: Fewer incidents of re-contact with police for domestic violence among those who received treatment compared to those who did not; Fewer incidents of re-contact with police for domestic violence among all offenders than before the implementation of the specialized court (pre-post)

We received “call-back” data from Cape Breton Regional Police on a sample of individuals who appeared in the Sydney court on a charge of domestic violence since the pilot project began. This data includes information on any contact that an individual has had with the police as a witness, suspect or complainant. It also indicates whether the incident constituted domestic violence and whether charges were laid.

We have manually linked a sample of cases in this file to data in the spreadsheet compiled by the court clerk with the Domestic Violence Court Pilot Project. Unfortunately, the police data were pulled using the first spreadsheet compiled by the court.²⁵ As noted in earlier reports, this spreadsheet included many errors and court staff compiled a more up to date and accurate spreadsheet. This means that the police data cannot be easily mapped onto the court data that we used elsewhere in this report.

We linked a sample of 170 individuals from the first court spreadsheet to the police call back data. Of these, 66 appeared to have opted in to the pilot project (they had both an LSI score and a treatment program recommendation) and 104 opted out. We found some difference in the two groups. A slightly higher percentage of individuals in the group who opted in had a “call back” in the police data relating to domestic violence. A slightly higher percentage of the individuals who opted in had been accused or charged with a domestic violence related offence. While this seems to suggest more recidivism among individuals who opted in to the pilot project, it may be that their partners are more likely to call police because they prefer the treatment option.

Looking only at cases that have had a final disposition, we found none of the 35 individuals who opted in to the pilot project had a recorded police call relating to domestic violence. In contact, 53 percent of the 43 individual whose cases were disposed were recorded in the police data for a

²⁵ A Criminal Analyst with Cape Breton Regional Police pulled the data by manually identifying individuals in the police data base who appeared in the court spreadsheet.

matter relating to domestic violence. Just under 19 percent of the 43 individuals had been charged.

These results should be interpreted with some caution. We do not have a random sample. Further, the individuals who opted in may differ in some significant way from those who opted out. We would not be able to assess this without compiling a police data set that could map onto our most recent court data.

Changes in offender behaviour/attitudes

Indicator: Changes in score on the University of Rhode Island Change Assessment-Domestic Violence Scale; Changes in score on the Physical Abuse of Partner Scale and Non Physical Abuse of Partner

As noted in Appendix D, this questionnaire elicited concerns among offenders and we stopped administering it.

In the absence of data from the questionnaire we solicited feedback from service providers who have provided quotes from clients in their reports. The following quotes provide some insights into how some of the offenders articulate how the treatment program has changed their attitudes and behaviours:

Getting along with my family is important to me. I currently live with a family member where I am really aware of when things get heated. I take a time out before any signs of an argument start and do relaxation techniques to relax. I want to communicate respectfully at all times.

I learned to think before I react. I liked how I learned how to interact and to teach children. I also learned about anger and how to handle it. At home, if an issue arose, I used to get angry and distance myself from my family. Now, I take a time-out by tinkering in the basement and relaxing.

Knowing that being right isn't always right, and knowing that my relationship is more important, are two valuable things I have learned.

I have taken home all the information and we have sat and shared and discussed each tool and other information. This is allowing me to be able to use the information with support and understanding of the tools from my partner. We communicate so much better. I have noticed that I am more helpful and supportive in this relationship now.

I learned tools such as being able to see how the real situation is, to have patience, and not blame others for my behavior. I learned to take a different route than the route I chose before.

The program provides ways of working things out, how to treat others with respect and not to walk around feeling upset. It would teach the importance of a respectful relationship.”
“I have a lot more patience with talking about things. We spend a lot of time talking about issues that come up and spend more time together. The kids see us working things out and our family seems happier.

We get along better and the children are happier. I have shared some skills with my brother and father with whom I live. I shared the program with my former partner and I think we are both using the skills to get along better. In my new relationship, I am more aware of my cues, signs, and triggers.”

The program was very helpful in understanding how to manage my emotions and other problems, and to understand maybe how my wife and children feel. The program showed me how to use new tools to deal with issues and problems that in the past I did not have the tools. Now I can use the new tools to build stronger and respectful relationships with my family.

I never felt that control was a bad thing. Today I leave SCS knowing about a healthy balance of control especially when it relates to my family.

Time outs and cool downs are improving my life one day at a time

While these levels of satisfaction reflect well on the treatment program and its delivery we note that research has shown that many male offenders have had positive experiences in batter treatment programs but they still use power-control tactics in their relationships (Edin and Nilsson 2014; Shamai and Buchbinder 2010). The positive experiences should not be taken as solid evidence that the program has changed offenders’ attitudes or behaviours.

Victims experience less abuse

*Indicator: Change in score on the Partner Abuse Scales (Physical and Non-Physical)**

Victim Questionnaire (pre-post)

Upon consultation with the Steering Committee and some members of the Working Group, the evaluation excluded this outcome.

Analysis of Costs

Earlier we calculated the unit cost to process a case through the Domestic Violence Court Pilot Project. It appears that the direct project cost has not been offset by savings in other areas of the overall court budget. This is not an unusual situation, as pilot projects often require new resources get programs off the ground. The question is whether this project would require these resources to continue or whether the outcomes justify the added cost.

To examine this question, we developed a cost analysis model, gathered more detailed information on the components of project cost, directed a series of supplementary questions to members of the Steering Committee and invited staff to describe the differences in their work before and after specialization.

The cost-analysis model presented in the methodology report describes four hypothetical combinations of cost and outcomes:

- better outcomes at lower cost;
- better outcomes at higher cost;
- worse outcomes at lower cost; or,
- worse outcomes at higher cost.²⁶

Obviously, the first of these represents the optimum result for any project of this nature. At the opposite extreme, the fourth combination is clearly unacceptable. A better outcome at higher (or the same) cost might also be an acceptable result, especially if higher cost can be justified by a sufficiently large benefit. A similar comment may be made about a worse outcome at lower cost. The latter situation might be tolerable if cost-savings is the primary objective.

The model assumes that we would be able to:

- determine the main cost components of both the program under evaluation and the alternative (or possibly the incremental cost of the program itself); and,
- identify clear and measurable outcomes.

We have, as best as possible, described the main incremental cost components of the pilot

²⁶ Other combinations, such as better or worse outcomes at no change in cost, are also possible but make the model overly complex for our purposes.

project. We have no data on the cost of the alternative (i.e., the traditional court process) and we lack comparison data on, for example, typical cost per court day.

The evaluation has identified and measured several short-term outcomes. We were, however, unable to assess long-term outcomes that would speak to cost savings that might occur if fewer domestic violence offenders re-offend.

The lack of data, an issue faced in other evaluations of specialized court, limits our ability to undertake a complete cost analysis

Along with the evaluation of short-term outcomes, our research has documented several changes since the implementation of the Domestic Violence Court Pilot project that might help justify added cost:

- more individuals enter a pre-sentence treatment program and receive an absolute discharge
- many of these people may have previously pled not guilty and their charges may have been dismissed due to lack of victim co-operation;
- more domestic violence offenders now receive early intervention;
- a lower percentage of cases go to trial.

The Department of Justice must grapple with whether these changes justify the added cost of the pilot.

Given the available data, we can address the broader question: can a pre-sentence treatment program be integrated into the system as a whole, in either a cost-neutral or a cost-saving manner. To answer this question we draw mainly from information provided by staff and members of the Steering Committee whose agencies staffed the project directly: Victim Services, Public Prosecution Service, Nova Scotia Legal Aid, and Community Corrections

We understand the following about positions assigned to the pilot project:

- Victim Services reported that the full-time position assigned to the pilot project was backfilled by an equivalent position. In 2012-13 the pilot project budget covered the cost but the agency has absorbed the cost since then.
- The Public Prosecution Service reported that one Crown Attorney and 1/3 of a support position has been assigned to the pilot project and that the cost of these positions was initially borne by the project.²⁷ In subsequent years, the funds for the additional staff has come from Treasury Board.

²⁷ This cost does not appear in the project budget. However, with the backfilling of the positions, we assume that this is in some way a component of project cost.

- Community Corrections indicated that one probation officer has been assigned full-time to the pilot project. The position has been backfilled with funding from the pilot budget.
- Nova Scotia Legal Aid reported that the pilot project has required 35-40 percent time for an experienced lawyer and that this has been funded by a 42 percent contribution to salary for this position. The position has been replaced by a junior lawyer. We are unsure whether this represents an exact trade-off in salary cost or if NSLA has absorbed some cost for the replacement.

In most cases, agencies and their staff described an overall reduction in workload in their offices as a result of the pilot project. Staff in Victim Services and Public Prosecution reported less time needed for court preparation. For Victim Services, fewer victims have required trial preparation since the pilot project began. The time-intensive job of preparing child witness testimony has also been reduced. Similarly, staff in the Public Prosecution Service spend less time preparing for trials. For the probation office, workload associated with supervision post-sentence has been reduced and fewer domestic violence offenders require post-sentence supervision. In addition the agency reports that when offenders who have participated in the pilot project do require post-sentence supervision, the program has prepared them to accept responsibility for their actions and the consequences. As a result, they are easier to supervise.

With Victim Services and Public Prosecution now absorbing the additional costs, we see both a cost and a benefit to both agencies, independent of the value of the position to a domestic violence court. We are unsure whether Community Corrections has continued to fund the position associated with the pilot project.

Unlike the other agencies, Nova Scotia Legal Aid reported an increased workload. The legal aid lawyer has been available to represent accused individuals who decide to opt-in to the treatment program, regardless of whether their income would typically preclude their use of legal aid. As a result, the legal aid office has more cases now than prior to the implementation of the pilot project. There has thus been little impact on the workload of other lawyers. However, this has resulted in more comprehensive representation of individuals who would not qualify for legal aid under normal circumstances.

Individual staff reported new work associated with the pilot project. The Victim Services staff person conducts more risk assessments under the pilot. The probation officer spends a considerable amount of time working with accused individuals even before they have fully committed to the treatment program option. Both Counsel spend more time working on agreed statements of fact-- something that rarely occurs in the regular court process-- and collaborating on cases than they would do otherwise. All these individuals attend Case Management Team

and Working Group meetings. Work associated with the Case Management Team may be quite involved.

Much of the new work required by the pilot project has been offset by savings elsewhere. The Victim Services staff person spends no time preparing victims for trials. Her time on assessments may be offset by the time save in trial preparation. Similarly, Counsel spends less time on trial preparation. The probation officer works only with accused individuals up to the point of sentencing. While we cannot quantify the time trade-offs, our sense is that the new work was generally offset by reductions elsewhere.

Most agencies suggested that additional resources would be required to run the project into the future:

- Public Prosecution: one Crown Attorney and 1/3 time support staff
- Community Corrections: one full-time probation officer
- Nova Scotia Legal Aid: 1/3 to 1/2 time for experienced lawyer

In summary, most of the main agencies are of the view that there has been some workload relief for other staff as a result of backfilling the positions assigned to the DV court. In this respect, responses to the supplementary questions reinforced the impressions derived from the key informant interviews. Our interpretation of this is that, while workload relief may be welcome and needed, this should not be considered an appropriate outcome of the pilot project itself. Backfilled positions cannot be justified as a cost of a specialized court if they actually relieve other workload pressures in the system as a whole. While the agencies concerned obviously welcome funding from any available source to help relieve workload, these workload pressures are not best addressed through a specialized court but through the normal budget negotiation process. Unless relief of these pressures impacts domestic violence offenders or their victims, then they should not be considered in discussions of the budget for the court.

In terms of the funding allocated to the justice system, most of what we have seen suggests that, while court processes have changed, most of the activities of the pilot project have involved staff trade-offs more than changes in the workload for the system as a whole. Specialization of court officers may be desirable but, in our view, can be accomplished by allocating existing staff differently rather than adding staff. The exception may be in legal aid because the agency supports more cases than in the past.

The salary of the project co-ordinator presented a distinct and new cost component up to this year. This position has now been eliminated. A manager has also been assigned to the court and she has assumed some of leadership roles of the coordinator. The probation officer has also taken on some of the roles of the coordinator and the person who held the position in the past continues to do some work. From this, we might conclude that a coordinator may be unnecessary once the

project is up and running. However, we have heard from other locations that a dedicated co-ordinator provides critical leadership and consistency. From a cost perspective, there should be some savings in having the probation officer take on some of the coordinator's function (though this has implications for the workload of the probation officer). We are not sure how much of the manager's time is devoted to the DV court. However, that proportion represents an ongoing component of cost, traded off against part of the cost for the former coordinator.

Funding to community-based service providers presents a slightly different picture. The treatment program represents an identifiable cost that the budget needs to support. The budget for the treatment should be proportionate to the volume of new individuals attending the treatment program because of the specialized court. This represents only a very small part of the overall cost, requiring some enhancement of existing resources mostly already in place.²⁸ It may be too that other community services, such as addictions counselling, may require additional support if they receive new referrals due to the existence of the specialized court. We have no data on these points but clearly if the community programs receive new referrals they also need funding to support these referrals.

From all of this, it would be difficult to conclude that the program can be sustained, and extended to other areas, without some added cost. However, the unit cost on an ongoing basis should be lower than that for the pilot project itself, especially since some proportion of the latter cost has gone to work relief for other staff within the various agencies. As for cost-effectiveness, there is evidence of desired outcomes being achieved which might justify modest additional cost to the system. Certainly, such cost would represent a small proportion of the overall cost of justice services. However, it is not possible to judge whether potential long-term benefits, in such outcomes as reduced recidivism, might outweigh any ongoing costs in sustaining and expanding the DV court process.

Implications: Theory-Driven Evaluation

Theory-driven evaluation, an approach endorsed by the Treasury Board of Canada (2012), incorporates program theory into evaluation research. Program theory provides:

²⁸ We assume that the Department of Justice would continue to provide the base funding to the service providers that was, in the past, provided by the Department of Community Services. This is not, however, a cost associated with the specialized court *per se*.

an explicit theory, or model, of how an intervention, such as a project, a program, a strategy, an initiative, or a policy, contributes to a chain of intermediate results and finally to the intended or observed outcomes (Funnell & Rogers, 2011).

Program theory should include a theory of change and a theory of action. A theory of change gets at the “processes or drivers by which change comes about” (Funnell & Rogers, 2011). It tells us what drives the changes expected to occur. A theory of action “explains how program or other interventions are constructed to activate these theories of change” (Funnell & Rogers, 2011). It shows how the program creates change.

This approach allows evaluators to examine, where possible, the factors that link the intervention and its results. Theory-driven evaluation addresses a weakness in evaluation research. Sometimes referred to as “black box” evaluations, traditional evaluations measure whether outputs were produced or outcomes achieved but without paying attention to why a particular change occurred (or failed to occur) (Funnell & Rogers, 2011). We may find that the program works but having a well-developed program theory allow us to understand why and how. We can then identify the elements of the program that need to be in place for it to work elsewhere, even if it needs to be developed differently in different contexts.

A logic model is the first step in the development of a theory-driven

The next step involves the identification of assumptions that underlie the logic model. In our workshop in April 2013, stakeholders acknowledged the assumptions that underlie the Domestic Violence Court Pilot Project. These include:

- the criminal justice system response is appropriate for domestic violence;
- most offenders want help and want to change; and
- offenders will want the opportunity to receive a less harsh sentence.

Furthermore, the project design assumes that more effective intervention will arise when government and community agencies work together.

Doing a full-fledged theory-driven evaluation was outside the scope of this project. But, as we indicated in our response to the RFP, we work to keep program theory in mind in our evaluations. Thinking about the Domestic Violence Court Pilot Project through this framework has generated some of our questions about the pilot project and whether it should be viewed as a treatment court option or a specialized court. We see the distinction as more than semantics because the two models essentially espouse different program theory.

Program theory seems more evident for a treatment option court than a specialized court.

The theory of change that underlies the treatment court option assumes that early intervention and treatment will change individuals. Cognitive behavioural theory also guides the treatment court option. Therapy drives the change and a cognitive behavioural approach activates it. The logic model for a treatment court option would be relatively simple.

In addition to the theories that underlie treatment, some courts in Western Canada have incorporated an assessment of individual's readiness for change (Tutty, personal communication). Transtheoretical theory offers a theory of change that has been incorporated into the work of some specialized courts in Canada. The model, developed by Prochaska and Velicer (1997), presents six stages of change and several tools have been developed to measure whether individuals will be open to the change promoted by a particular program. The implementation of these tools in other courts suggests that the program theory draws, at least in part from this model of change.

Recommendation #26

Tools developed from the transtheoretical model of change should be incorporated into the assessment of individuals who would like to opt in to the treatment option. These tools assess an individual's readiness for change.

A fully specialized court involves more activities directed at several groups including those who experience domestic violence (or have been accused) and relevant stakeholders. The program theory would need to address drivers of change for each group. The logic model would be quite complex.

At a more abstract level, program theory for a fully specialized court may draw from some research into a specialized court in the United States. Based on her case study, Mirchandani (2006) argues that fully specialized courts should apply theories underpinning the battered women's movement. They should implement both changes in the governance of gender and the gender of governance (Busch 2003). Changes in the governance of gender involve substantive changes in how, for example, the court holds offenders accountable. In the court Mirchandani studied she notes that judges talk about how underlying inequalities between men and women create the conditions for domestic violence. Changing the gender of governance involves structural change. Michandani suggests, for example, that a specialized court should resist the adversarial tradition and create a "culture of caring" (2006:793). In our view, the theory of

change underlying specialized courts remains underdeveloped but Mirchandani's work might help trigger some work in this regard.

The Domestic Violence Court Pilot Project lies somewhere in between a treatment court option and the fully specialized court. The program theory that underlies the treatment portion reflects the discussion above, in regards to early intervention and cognitive behavioural therapy. We can understand abstractly how the activity (treatment) leads to the outcome (changes in behaviour, less recidivism). For other parts of the program, we find it more difficult to identify the theory of change or action. Other specialized courts across the country might face a similar critique. Simply put, the program theory for specialized courts remains underdeveloped. In our view, some of the issues we have raised about the court project in Sydney reflect this problem.

Summary Responses to Process Evaluation Questions

Was the program implemented as planned?

Yes.

Is access to programming timelier for victims and offenders?

No data were available to answer this question for victims. While we have no pre/post data, it seems safe to assume that having offenders in treatment prior to being sentenced does allow more timely access to the treatment programs.

Does the intake process work effectively?

We have not heard any concerns about the intake process and the program has had no problem recruiting participants.

Do participant characteristics affect outcomes?

Almost all individuals who partake in the treatment program complete it successfully so we cannot assess whether certain types of participants succeed more than others.

Do key stakeholders endorse the program?

Yes, most wholeheartedly.

Are the treatment programs being implemented properly, according to their design?

Generally yes although we have some concerns with the modifications of the Respectful Relationships program for individuals working out of the province.

Are the treatment programs intense enough (dosage)?

The research on the treatment programs suggest that the programs for offenders are intense enough. However, we have some concerns about offering a truncated five week program because the program was designed and evaluated as a longer one.

Is the program cost-effective?

Overall unit cost is higher under the DV court process. However, there are good indications that backfilling positions has provided some relief in other areas of staff workload. While we do not believe that the cost of providing such relief should be attributed to the DV court itself, this does give some room to consider what level of resources is required to sustain the system as a whole. The improved short-term outcomes documented in this report might be viewed as justifying some modest additional cost. However, we are unable to offer a quantitative analysis of cost-effectiveness or cost-benefits. Most agencies are of the view that some additional resources will be required to sustain the program.

Does the program have adequate resources?

Yes. Fewer resources may be required to implement a treatment option court.

Summary Responses to Outcome Evaluation Questions

Are services delivered more effectively and more efficiently?

Difficult to assess due to lack of data on long-term effects of treatment and the complexities of completing a cost analysis.

Should the court move past a pilot stage?

Yes. However, as discussed, decisions should be made about whether to continue as an offender-based pre-sentence treatment option or as a full fledged specialized court.

Are offenders being held accountable and changing their behaviours?

We have no way to directly measure changed behaviours. We have some concerns about the mechanism through which offenders are being held accountable. We would not equate pleading guilty or having successfully completed treatment with being held fully accountable.

Do victims feel safer and experience less abuse?

We have some evidence of increased sense of safety but have no data on whether they experience less abuse. Police call-back data suggest fewer calls to police among those who completed treatment but the data require further validation to increase our confidence in this finding.

Are court participants using more and appropriate services; feeling more satisfied?

We have limited data due to the lack of participation of service users in the interviews. What we did hear suggests that participants are generally satisfied. Some offenders told us that they had accessed services that they otherwise would not have used.

Conclusions**Evaluation Results**

In our view, based on the evidence reviewed, the Department of Justice has successfully implemented the Domestic Violence Court Pilot project in Sydney. The project developed smoothly and involved a high level of participation among relevant government and community agencies. We have seen a high level of engagement among a wide range of stakeholders who endorse the specialized approach. The court supervisor provided a necessary link between the local Working Group and the centralized Steering Committee. The model that led to the successful implementation could be replicated elsewhere if committed stakeholders were identified in different regions.

The pilot project has offered early intervention and treatment to people accused of domestic violence. A sizable proportion of individuals accused of domestic violence have opted in to the project. The case management team has successfully assessed individuals and have made referrals to appropriate programs. Many of the individuals who have opted in to the project may never have otherwise participated in any form of intervention and, based on the available evidence, they generally feel that they have benefitted from the treatment program. A high percentage of them successfully complete the treatment program. Fewer victims have had to face a trial.

We have raised concerns about several specific issues and have made relevant recommendations regarding:

- the modified and truncated treatment programs;
- the lack of an efficient and effective electronic database;
- the lack of policies and procedures (including a privacy impact assessment and recruitment script); and
- the need for treatment programs to be open to all offenders post sentence and the option for those found guilty in a trial to be referred to levels 1 and 3 programming.

Moving Forward: Treatment Option or Specialized Court

The pilot has been running for just over two years making the time ripe for an assessment of how to move forward both at the local level and in other regions of the province. In our view this decision depends first on some clarification on whether the Department of Justice and the

relevant stakeholders prefer to develop a “treatment option court” or a full-fledged specialized domestic violence court. In a sense we make a distinction between a program and a court.²⁹

Appendix B provides draft logic models for each type of court. They could be used to facilitate discussions and the decision about which model to adopt.

The current model in Sydney lies somewhere in between each of these approaches. On the one hand, it offers more than a modified process to allow offenders to opt into a pre-sentence treatment. On the other hand, it falls short of constituting a fully specialized court. Typically, a specialized court involves more extensive changes in how the court responds to all domestic violence cases, all individuals accused and all complainants. In our view, any decision to expand across the province depends on first a decision on which option to pursue. Continuation at the local level, and what resources will be needed, depends as well on this choice.

This decision will need to balance the advantages and disadvantages of each approach

The treatment option offers an improved process at relatively little new cost. Court officials must agree to a modified process allowing judges to order pre-sentence treatment for accused individuals under specific circumstances (e.g., guilty plea, agreed statement of fact). Some mechanism for assessing risk needs to be developed and the agencies who deliver the treatment program will require some additional funding for the increase in referrals. Based on our discussion of cost earlier in the report, we believe that a person in the Crown’s office, Community Corrections and Victim Services could be designated without any additional cost. Some additional funds may be needed in Legal Aid if everyone opting in to the treatment option was able to access services, regardless of income. This type of program offers early intervention at a relatively low cost.

More research would need to be completed to assess whether early intervention and participation in the treatment program reduces recidivism. The research literature is equivocal on this issue and few studies have implemented a rigorous research design or followed offenders over a long period of time.

With its focus on low risk offenders, the treatment option ignores the most egregious domestic violence offenders. Some might argue that interventions should focus on these individuals because they pose the highest level of risk and cost the system the most money in the long run. This pragmatic argument has merit although others have argued that interventions with low risk offenders should not be ignored because risk assessment tools are imperfect and risk changes over time (Radford and Gill 2006). Given that the opt-in and opt-out groups in Sydney differ very little, in terms of previous criminal court history, this point may be well taken.

²⁹ One key informant provided us with a useful example to clarify the distinction. The Nova Scotia Restorative Justice Program is a program. Youth court is the court.

While a treatment option court may improve services and outcomes, it remains inherently limited as an offender-based program. With the goal limited to early intervention and treatment, a treatment option court fails to directly address the needs of victims. It modifies the criminal justice system process without actually changing the role of the criminal justice system. Some have argues that a specialized court provides the opportunity to fundamentally change how the criminal justice system responds to domestic violence and that this change should be a fundamental goal—that a specialized court should be more than a court system. The inherently political debate on this issue cannot be resolved empirically. It comes down to decisions about the roles and values of the criminal justice system and views about how it should respond to domestic violence.

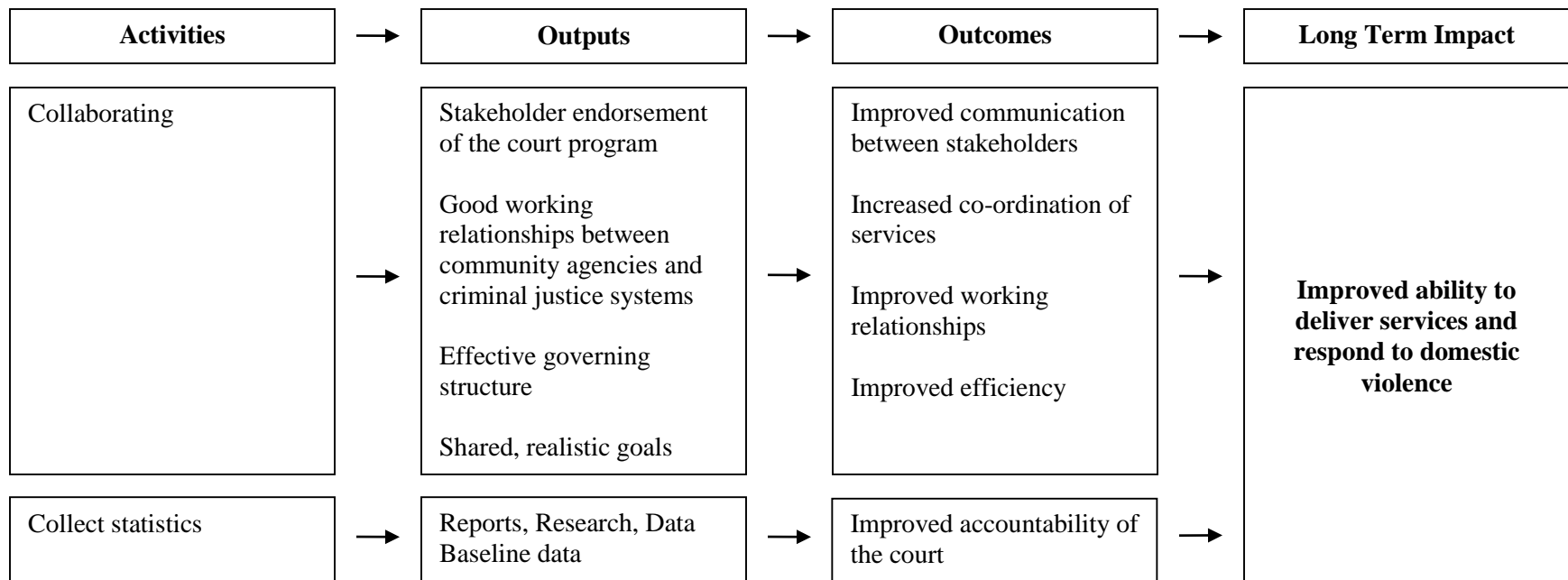
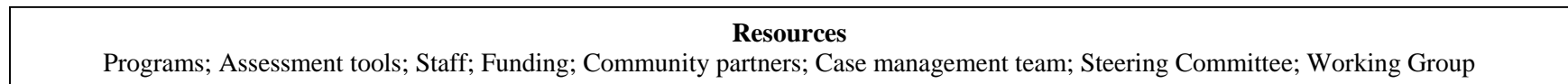
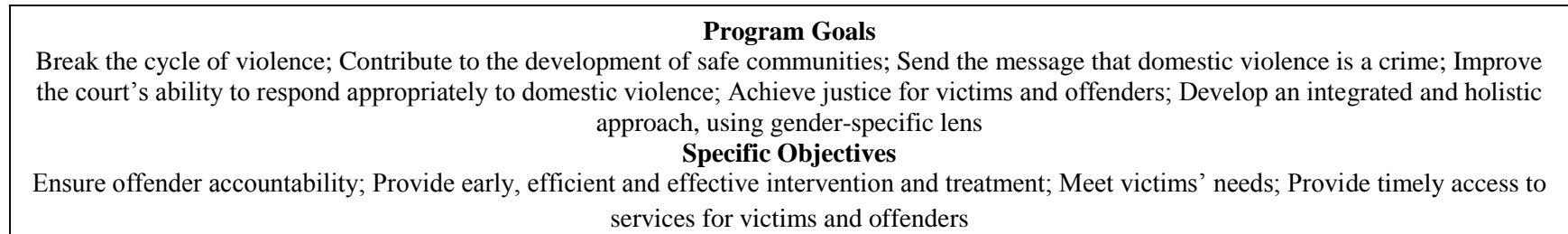
The second option, a full-fledged specialized court would come at increased cost to create the comprehensive response required. It would include docket court and trial court along with increased services to victims. In Nova Scotia, the court could incorporate existing policies and procedures including the pro-prosecution policy and the High Risk for Lethality protocol. The specialized court would provide an umbrella over existing policies and services along with the place to create new ones.

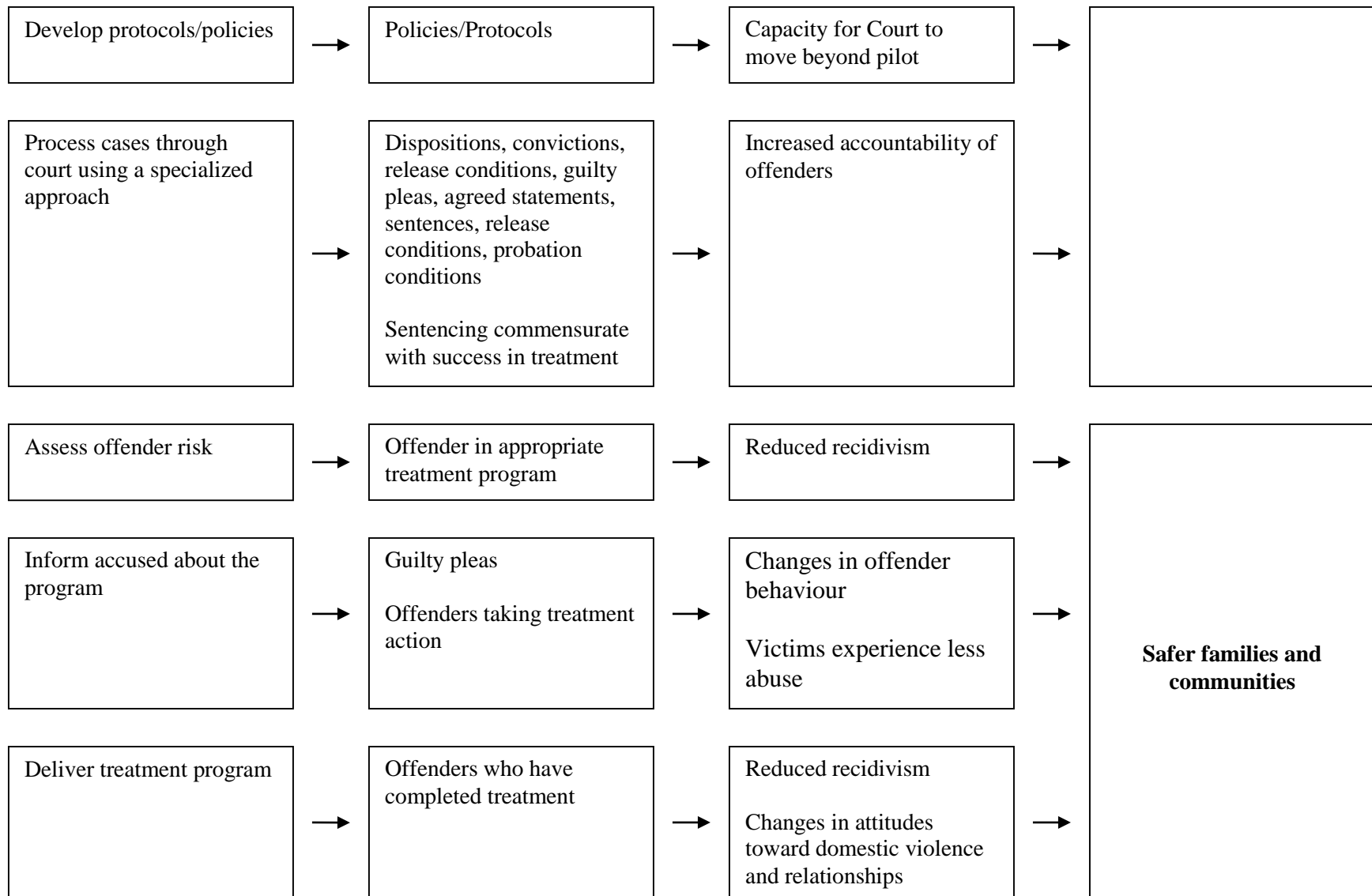
The fully specialized court pushed the justice system to pursue a broader, social justice, mandate that is typically the case. Depending on the overarching goal, this model will serve better: “if you want a social justice outcome you can’t do an offender-based program” (Kevin McNichol, personal communication). This model offers the highest potential to provide social justice beyond criminal justice.

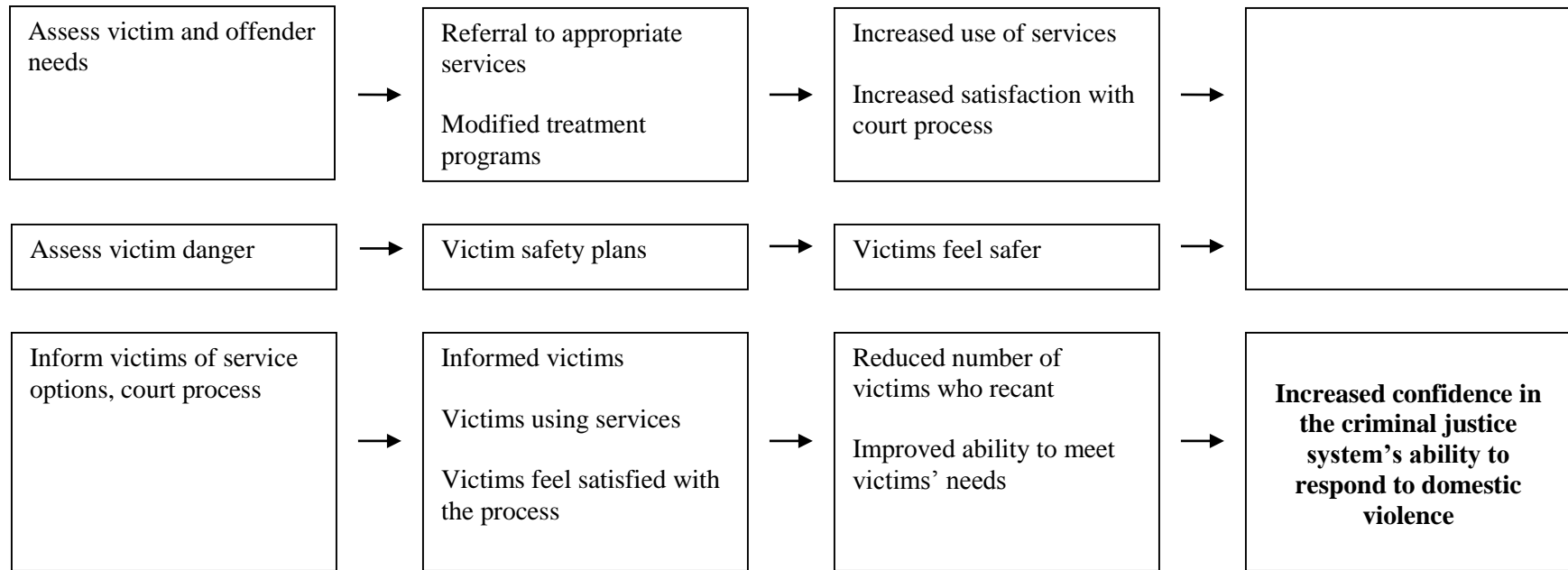
Research on these types of courts across the country suggest that they do achieve reduced reoffending but we lack information about how well they improve outcomes, including safety, for victims.

As it stands, based on the evidence we have reviewed, we believe that the court in Sydney can continue to operate as a treatment option court without requiring additional staffing in the Crown’s office, Community Corrections or Victim Services. Legal aid may need to receive ongoing additional resources because of the additional case load that comes with the treatment option. Without a court co-ordinator, a manager needs to remain in place but the case management team can continue to operate being led by the probation officer. Funds need to be provided to the community agencies that provide treatment and, perhaps in some cases, to other community agencies that may experience an increased case load due to increased referrals from the court.

Appendix A: Logic Model







Appendix B: Template Logic Models: Specialized Court and Treatment Court

The draft Logic Models presented below are presented to illustrate the difference between the two models. Neither should be implemented without further development. In other words, they are food for thought rather than fully-fleshed out program logic models.

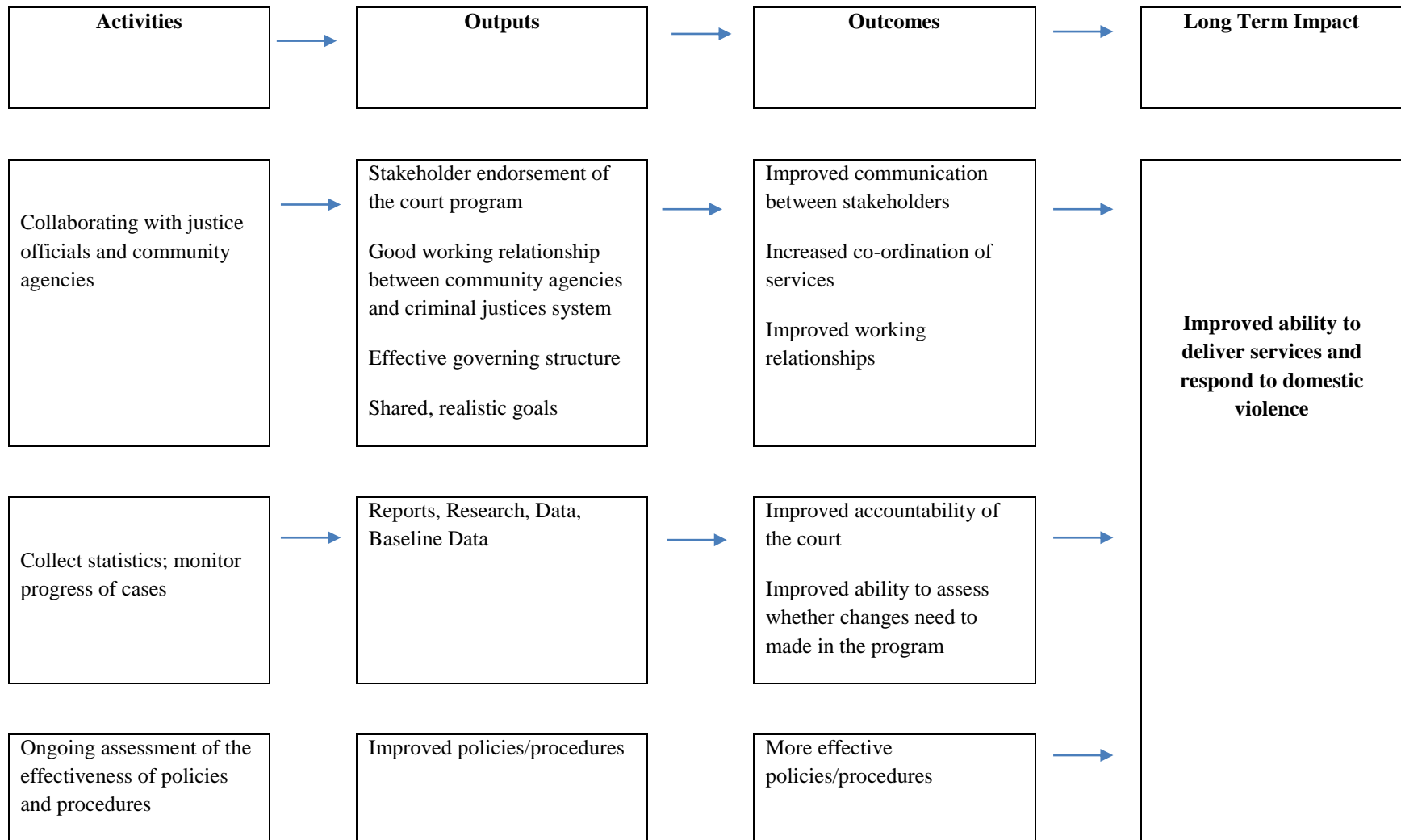
Fully Specialized Court Model³⁰

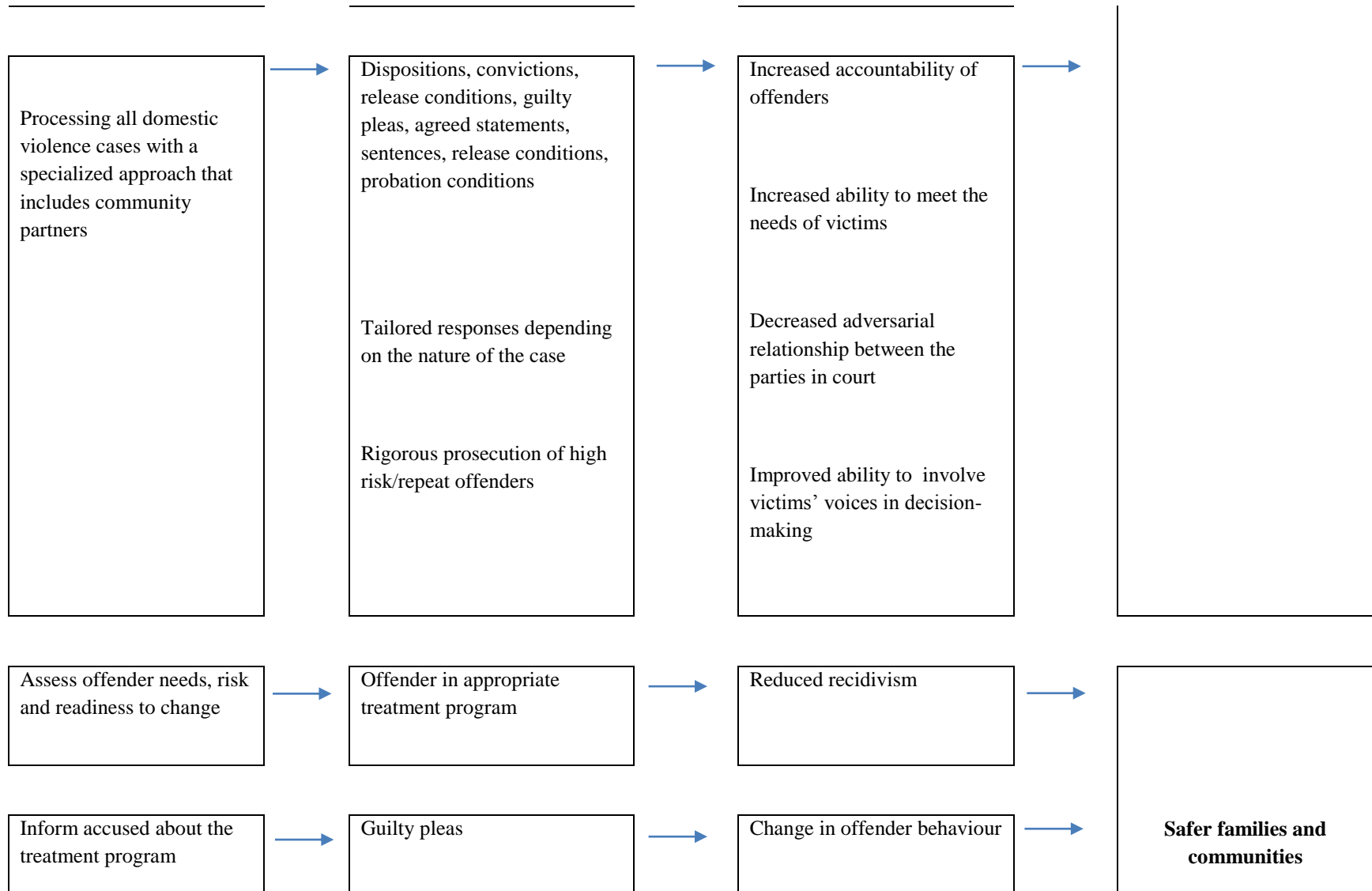
Program Goals: Break the cycle of violence; Contribute to the development of safe communities; send a message the domestic violence is a crime rooted in the gender inequality; Improve the courts' ability to respond appropriately to domestic violence in a holistic way; achieve justice for victims and offenders; respond to domestic violence using a gender-specific lens; develop an integrated and holistic approach

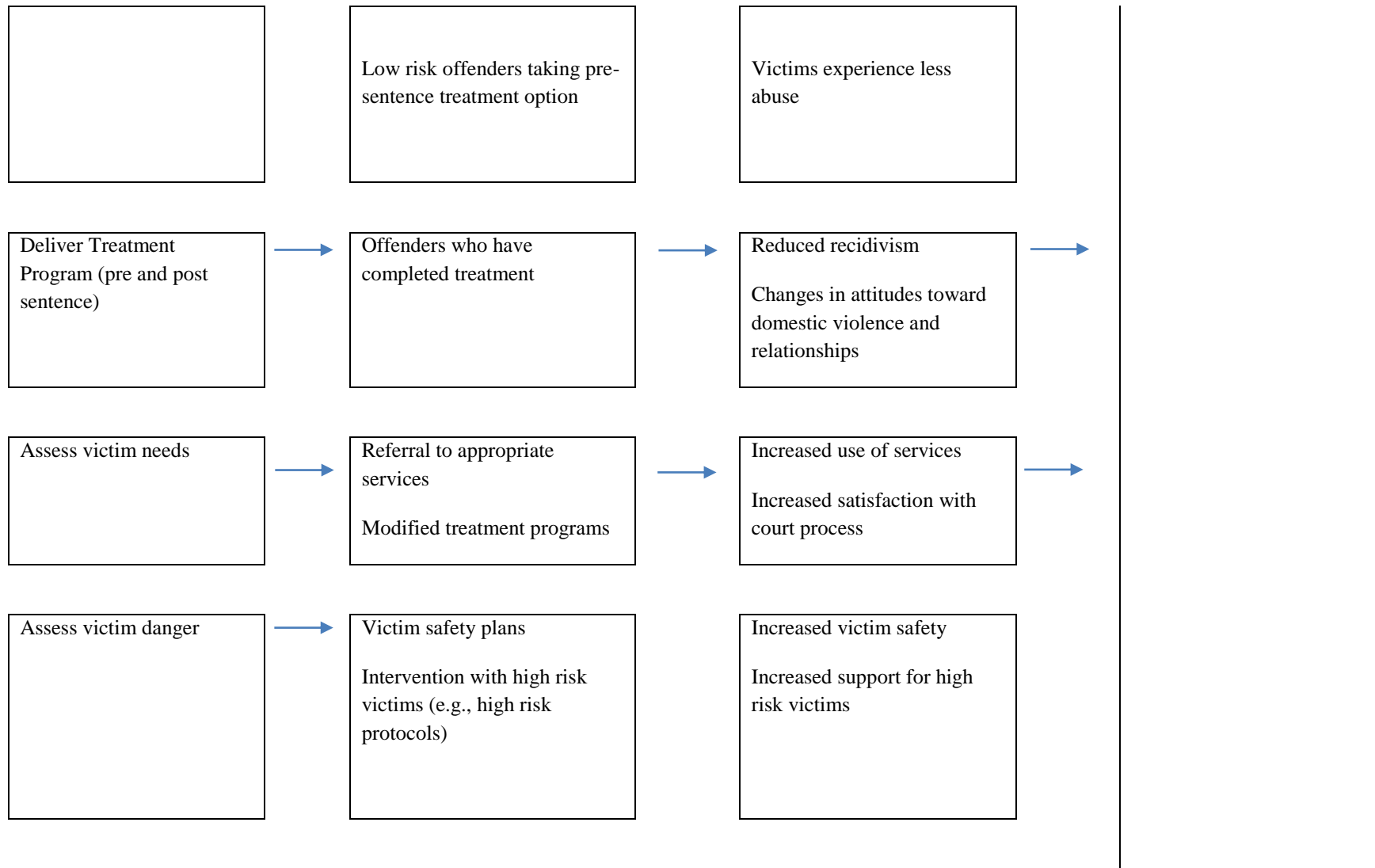
Specific Objectives: Ensure offender accountability; Ensure victim safety; Provide early, efficient and effective intervention and treatment; meet victims' needs; provide timely access to services for victims and offenders; Provide enhanced services for all victims of domestic violence; Promote a less adversarial relationship between the parties; early intervention for low risk offenders; vigorous prosecution of high risk/repeat offenders

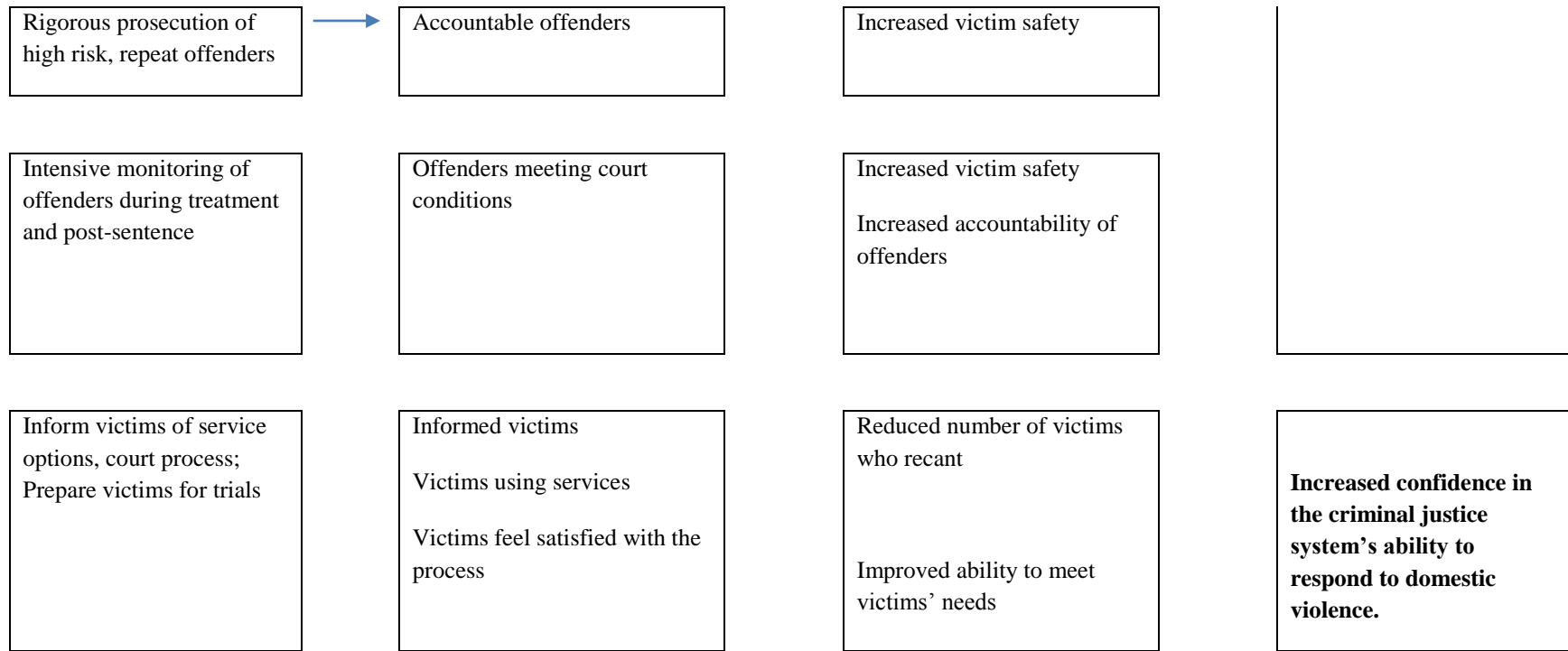
Resources: Assessment tools (offender risk; offender readiness for change, and victim danger); funding, staff with specialized expertise relating to domestic violence, community partners, case management team including community partners, centralized Steering Committee, local Working Group

³⁰ Some of the content here draws on the earlier discussion on theory driven evaluation and the contribution of Busch (2003) and Mirchandani (2006) on changing the "governance of gender" and the "gender of governance."







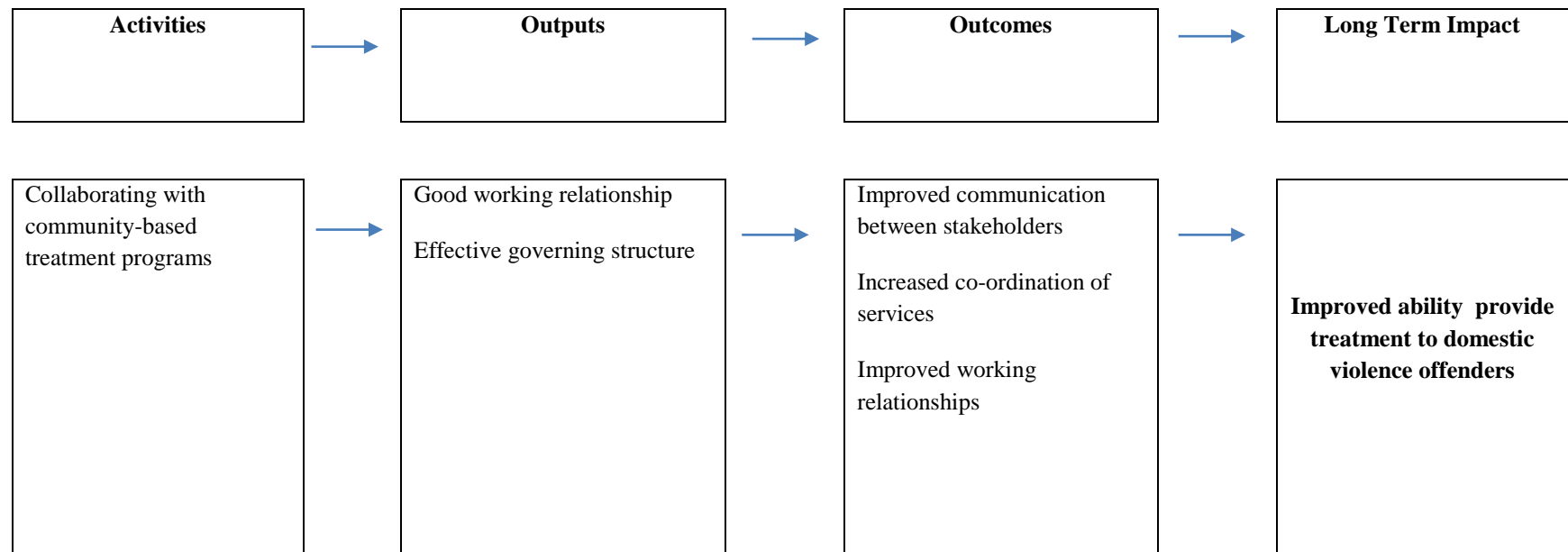


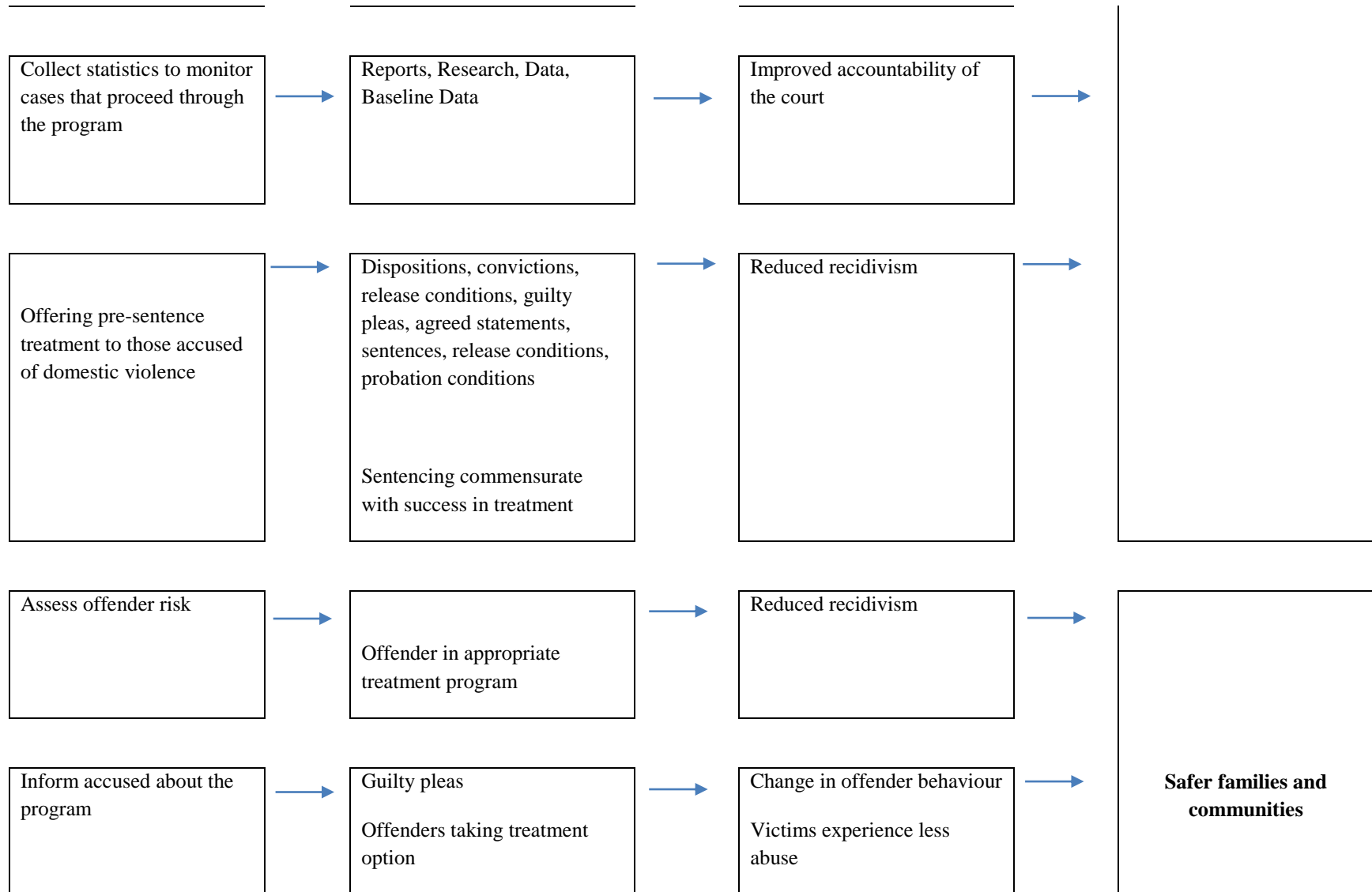
Treatment Court Option

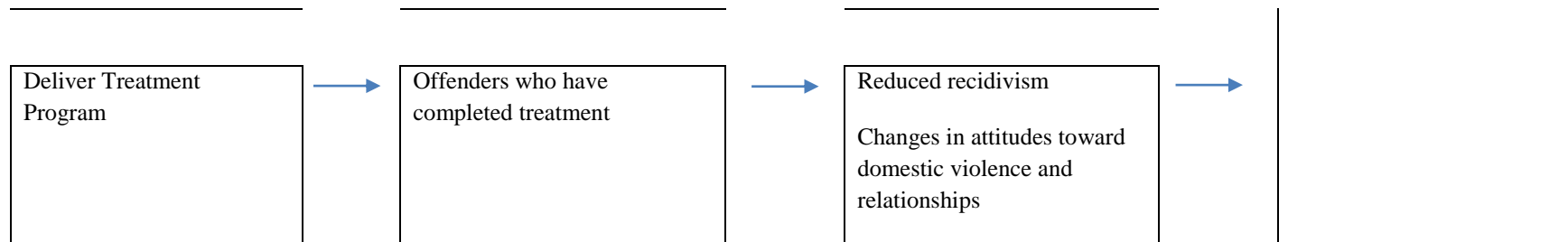
Program Goals: Break the cycle of violence; Contribute to the development of safe communities; send a message the domestic violence is a crime; Improve the courts' ability to respond appropriately to domestic violence

Specific Objectives: Ensure offender accountability; Provide early, efficient and effective intervention and treatment; provide timely access to services offenders

Resources: Assessment tools; funding, staff, community partners (i.e., treatment programs), case management team, Steering Committee, Working Group







Appendix C: Recommendations

Recommendation #1

Stakeholders should review the logic model in light of their experience in the first year and the results of this evaluation.

Recommendation #2

If the pilot becomes a permanent program, the logic model should be modified to reflect the change in status.

Recommendation #3

The Department of Justice should consider expanding the objectives to include vigorous prosecution for repeat and/or high risk offenders OR focus on early intervention and treatment for low risk offenders. The former constitutes a “specialized court” while the latter is better described as a “treatment option.”

Recommendation #4

Victim safety should be added to the objectives, and should be part of the functioning of the program, especially if it evolves as a specialized court rather than a specialized process/treatment court

Recommendation #5

Stakeholders should, as soon as possible, review and revise outcomes in light of their experience and the results of this evaluation. The outcomes should be adjusted before expanding specialized courts in other jurisdictions or moving the Sydney court out of a pilot phrase.

Recommendation #6

A recruitment script should be finalized without delay to ensure that all accused receive consistent information

Recommendation #7

The Working Group and Steering Committee should review the governance structure and decide whether expert teams are needed. The governance structure may need to change as the court moves from the implementation to a maintenance phase.

Recommendation #8

Designated staff should participate in professional development related to domestic violence.

Recommendation #9

The Department of Justice should develop a database to track cases processed through a specialized court and assign staff to ensure that the record-keeping is complete and up to date. The spreadsheets developed for use in this evaluation may be useful as prototypes but if the project evolves as a “specialized court” a more integrated approach, including data from various service providers (e.g., victim services, probation), may be required.

Recommendation #10

Efforts should continue to liaise with relevant Aboriginal agencies.

Recommendation #11

The nature of the relationship between the government and community partners should be clarified and a decision made to involve the community partners in a collaborative way or to work co-operatively. If the project evolves as a specialized court, the community partnership should be more fully developed. If the project evolves as a treatment court, partnerships are less critical except in so far as the court works effectively with community-based treatment services.

Recommendation #12

Existing protocols and policies should be complied and incomplete ones should be completed. A binder of such policies should include the eligibility criteria, contracts with service providers, and a recruitment script. A policy should also be in place to deal with repeat offenders.

Recommendation #13

A privacy impact assessment should be completed to assess the risks of information sharing among various agencies within government (e.g., Probation and Victims Services) and outside government (e.g., Second Chance Society).

Recommendation #14

As part of the review of the logic model recommended earlier (in recommendation #5) the Working Group and Steering Committee ought to address the discrepancy, relating to victims, between goals and the activities.

Recommendation #15

The Department of Justice should allow referrals of offenders to Level 1 and Level 3 programming regardless of accused individual's decision to opt in to the program pre-sentence.

Recommendation #16

The Working Group should consider ways to conduct danger assessments with a greater number of victims, including those whose cases are not proceeding through the specialized process.

Recommendation #17

If goals relating to victims remain central to the logic model, work should be done to find ways to increase the level of involvement of victims, and increase the level of support that they can receive. If the court evolves as a "specialized court," victims whose cases are not proceeding through specialized process should also be able to avail themselves of increased opportunities for service and support.

Recommendation #18

The current governance and management structure should remain in place for at least one more year but changes should be made in light of any revisions to the logic model or decisions about changes in scope or expansion.

Recommendation #19

Data on modifications should be included in any case tracking database.

Recommendation #20

A partner program should be developed for the partners of low risk offenders. The program should run alongside the treatment program and provide participants with tools needed to support what their partners have learned in the treatment program.

Recommendation #21

If a "specialized court" model is pursued, it should include one-on-one support services for high risk victims.

Recommendation #22

The Working Group should include representatives from other community agencies who may experience an increase in referrals.

Recommendation #23

Offenders opting in to the program should be required to make regular reports in person to the court.

Recommendation #24

The Case Management Team should include a representative from the police.

Recommendation #25

Activities that allow the court to monitor offenders should be include in the Logic Model.

Recommendation #26

Tools developed from the transtheoretical model of change should be incorporated into the assessment of individuals who would like to opt in to the treatment option. These tools assess an individual's readiness for change.

Appendix D: Evaluation Work Completed

Results-Based Management and Accountability Framework (RMAF) and Logic Model

The RMAF, developed in consultation with the Working Group and the Steering Committee, includes details on all aspects of the work of the pilot project. It includes a logic model outlining the anticipated outputs and outcomes of the specialized court program. The RMAF lists indicators that might tell us whether the outputs have been produced and the outcomes achieved. It also includes a measurement strategy for each of the indicators identifying ways to ascertain whether an indicator exists.

The RMAF laid the foundation for a comprehensive evaluation of all components included in the logic model. However, as we learned more about available data and consulted with both the Working Group and the Steering Committee, it became clear that the evaluation could not assess all the outcomes included in the logic model. As is typical in evaluation research, not all outcomes can be measured for a variety of reasons.

Upon the advice of the Steering Committee we did not administer questionnaires to measure directly whether victims involved with the specialized court experience less abuse. We also omitted some of the outcomes related to whether offenders have changed their behaviour. The administration of the questionnaires suggested in the RMAF posed several challenges that we agreed limited the utility of the data that would be gathered.

Methodology Report

This report provides complete details on which indicators were to be measured and exactly how we planned to obtain the relevant data. It includes all interview guides, questionnaires, consent forms and particulars related to research ethics.

Research Agreements

The researchers signed a Research Agreement with the province at the beginning of 2014. It provides the evaluators with access to data from JEIN, court files, Victim Services and Corrections. A second agreement was signed with the Cape Breton Regional Police to allow access to police data including police reports and call back information on people charged with domestic violence offences since the court began.

Research Ethics Board Application

The research required a review by a university Research Ethics Board because of the evaluators' affiliation with universities and because they will be using data from the evaluation for academic purposes. In early fall (2013) we received approval from the Research Ethics Board at Saint Mary's University for research using primary sources of data (i.e., interviews and questionnaires). The Research Ethics Board approved our use of the secondary data sources (i.e., JEIN, court files etc.) in early 2014.

Literature Review

The Literature Review, presented in an earlier section of this report, provides background on other courts across Canada with a focus on the evaluations measured outcomes. It provides information to allow a comparison of models elsewhere with the model adopted in Nova Scotia. The review also sheds light on some methodological issues associated with the evaluation of specialized domestic violence court.

Report on Preliminary Findings

Submitted in January 2014, this report offers preliminary observations about the pilot project based on interviews with key informants. It also provides an elaboration on a model for a cost-effectiveness analysis.

Preliminary Report

Submitted at the end of March 2014, this report presents preliminary results of the data analysis that could be completed in the time available. It also reports several concerns with the accuracy of the data collected in the case tracking sheet.

This final report includes much of the content of the preliminary report but with a more complete analysis of available data.

Interviews

The researchers conducted interviews with the following groups:

- Key Informants (November 2013) n=29
- Service Users (February 2013) n=5

We interviewed substantially fewer service users than we had hoped even though almost everyone invited to participate in the research agreed to be contacted. Victim Services, court, and corrections staff contacted potential research participants by phone. Almost all agreed to participate but few returned the consent forms. Court and program staff made 20 face-to-face invitations to offenders. All agreed and signed the consent form.

As a result of this effort, the evaluators contacted 28 potential participants. Six were unavailable or had disconnected phone numbers and fourteen agreed to an interview. The researcher called the others three times. Of the fourteen people who had scheduled interviews, only five came at the time scheduled. Bad weather may have been a factor in participants' decision to meet the researcher but we note that other evaluators of specialized domestic violence courts have faced similar problems.

Calls to Offenders from Court Staff	28
Agreed to release contact information	27
Returned Signed Consent	4
Offenders Approached by Staff Face to Face	20
Signed Consent	20
Calls to Victims From Victim Service Staff	40
Agreed to release contact information	37
Returned Signed Consent	4

Interviews followed semi-structured interview guides and most were conducted in person. The Methodology Report provides interview guides and other details relating to research ethics and participant recruitment.

Questionnaires

We administered questionnaires to the following groups of people:

Dialogue to End Domestic Violence and Abuse Questionnaire

- Key Informants (November 2013) n= 21
- Service Users (February 2014) n=5

Questionnaire on victim experience

- Victims with cases in the specialized court (n=11)
- Victims with cases in court prior to specialization (n=10)

Staff in Victim Services made between 60 and 70 calls to victims. This effort resulted in 21 completed questionnaires, almost evenly split between victims whose cases went through the regular court and those whose cases went through the specialized court.

We understand that many phone numbers on file had been disconnected and were no longer in service. Everyone who spoke to a Victim Services representative agreed to complete the questionnaire.

The Methodology Report includes these questionnaires and the details relating to research ethics and participant recruitment.

Documents

We have collected or reviewed documents associated with the Domestic Violence Court Pilot Project. These include:

- Meeting Minutes from both Steering Committee and Working Group meetings
- Reports, Policies and Procedures
- Case Management Team meeting minutes
- Corrections Files

We have reviewed Working Group and Steering Committee minutes for the following dates:

Working Group

2011: September, December

2012: February, March, April, May, July, August, October, November

2013: January, May, September, November

Steering Committee

2011: November, December

2012: March, May, June July

2013: March, April

Observation

On two occasions, researchers sat in on court and observed. One researcher also listened to several hours of audio recordings from the court and observed a meeting of the Case Management Team. These opportunities have helped solidify our understanding of the court process.

Case Tracking

Drawing on data from the Justice Enterprise Information Network (JEIN), Case Management Team minutes, Corrections file, and Victim Services we have analyzed a master file of domestic violence cases processed in Sydney since the development of the Domestic Violence Court Pilot Project.

Statistical analysis of these data has enabled us to both describe cases going through the court and assess particular outcomes. We have also compared characteristics of people and cases processed through the specialized option and those who went to trial. The analysis provides

important baseline information for understanding future efforts to respond to domestic violence through a specialized court process.

We should note the limitations associated with comparing cases of individuals who have participated in the court with those who have not. In an ideal model, participants in the project would have been randomly assigned and the comparison group would consist of those not chosen to participate in the program. Instead people charged with domestic violence volunteer to participate in the project. As a result, those who chose to opt out will differ in fundamental ways from those who opt in. In particular, those who opt in have agreed to plead guilty for reasons that may not be easily measured. They do not, therefore, constitute an appropriate comparison group.

To help overcome this problem we have drawn a comparison group from the court in Sydney, prior to specialization. The data have been extracted from JEIN and includes cases from the fiscal year 2011-2012. The control group allows us to compare outcomes for those who used the specialized court with a similar group who went through the court prior to specialization.

The type of matching design used here, sometimes called, “quasi-experimental,” provides us with insights into the effects of the pilot project. It does not allow, however, for true causal inferences to be made from the data. Technically, we are unable to use the court and control group data to draw firm conclusions that the court has *caused* the effects we observe. Having said that, in policy research of this kind we rarely find truly experimental research designs. Certainly no evaluations of domestic violence courts have had the benefit of a true experimental design. The design used here is robust enough for the purposes at hand.

The analysis of a control group in this research is also limited by our inability to identify domestic violence or intimate partner violence cases in the JEIN database. The control group includes cases in JEIN flagged with the “family violence” indicator. We understand that, while the indicator provides the best way to identify a control group for this research, officials in the Department of Justice have concerns about its validity. We have found, for example, that not all cases in the domestic violence court have been flagged..

We should note that we have faced several challenges with the case tracking file and control group data. In particular, the timing of the Research Agreement meant that we have had access to the data for only a few months. Once we began working with the data we noticed many errors in the case tracking sheet. We also spent some time working out discrepancies between the case tracking sheet and the JEIN extract. This amounted to cleaning out the “noise” that inevitably results from this type of work.

Based on our observations in a preliminary report submitted at the end of March, 2014, the Project Manager initiated a process to complete that case tracking sheet to include all cases of domestic violence in Sydney since the court began. She also oversaw a process to check the accuracy of data from cases in the earlier tracking sheet. This has allowed us to provide an analysis of all cases and have more confidence in the findings.

We found far fewer errors in the second database. Having someone devoted to the task of data entry improved data quality considerably.

Found 6 case numbers were errors

Modifications to Original Evaluation Plan

Cost Analysis

The RMAF included a description of cost-effectiveness and cost-benefit analyses and a discussion of the challenges associated with conducting these two forms of economic analyses in evaluating social programs. We concluded that a cost-benefit analysis would be impossible but that an analysis of cost-effectiveness might be more feasible.

At a meeting of the Steering Committee in June the evaluators presented a schematic model of cost-effectiveness analysis that assumed we could:

- identify a clear and measurable outcome or set of outcomes;
- identify a comparison group (control group) consisting of an alternative program aimed at the same outcomes; and,
- determine the main cost components of both the program under evaluation and the alternative (or possibly the incremental cost of the program itself).

The RMAF provides us with the information we need to meet the first assumption but the other information has not been forthcoming. It appears that officials cannot, with any ease, identify cost information. As a result, we have made some observations about cost based on the views of key informants and have not provided a less speculative analysis based on comparative cost information.

Decision to Cancel Offender Questionnaire

During the development of the evaluation framework and methodology report we presented the Steering Committee and the Working Group with several options for measuring changes in offenders. We suggested several possible questionnaires, developed and validated by other researchers. Some had been used in evaluations of other domestic violence courts across Canada. These consultations led to our adoption of The University of Rhode Island Change Assessment Scale.

In the late fall (2013) service providers began to administer the questionnaire. They heard many objections from their clients about the questionnaire. The objections mainly centred on their clients' perception that the questionnaire assumes that they have been violent. The service providers suggested that many of the offenders had committed minor offences and had not yet come to realize that what they had done constituted violence. They worried that the questionnaire might affect their therapeutic relationship with the clients.

Upon consultation with the Court Supervisor and the Steering Committee we decided to stop administering the questionnaire. In retrospect, it may have been more appropriate for the probation officer to administer the questionnaire. But given the timing, (we would have required a new ethics review of this change) and the initial ambivalence about the questionnaire, the decision to discontinue its use seemed most appropriate.

Speed Bumps

The development of the Methodology Report took considerably more time than anticipated in the timelines laid out in the Request for Proposal. We had hoped to have it completed in the spring but the large amount of information we required, from diverse individuals in government, pushed its completion into the fall. The final report is, however, quite detailed and has provided us with a comprehensive plan that has facilitated the evaluation process.

The time needed to apply for a research agreement has also held up our work substantially. We spent a fair bit of time working with staff in the Department of Justice on the details surrounding access to the data held in JEIN. Other aspects of the research agreement were less complex. Given staff changes, summer holidays and the number of people who needed to be involved, the process took longer than expected.

In retrospect, we may have been better served by submitting an application early on to deal with issues relating to contacting offenders and victims and a second, later application relating to the JEIN data. This would have allowed us to begin recruiting victims and offender sooner, while working out the details for the other parts of the Research Agreement.

Given the delays, we scheduled an unanticipated trip to Sydney to interview victims and offenders in the winter (2014). These interviews had been planned for the fall. We also had little time in between our last visit to Sydney to help oversee case tracking data entry and the submission of a preliminary report at the end of March 2014.

Dialogue to End Domestic Violence and Abuse

We had hoped to include an analysis of data collected through the Dialogue to End Domestic Violence and Abuse. Almost everyone we interviewed completed a questionnaire although not everyone told a story relating to the domestic violence court. The number of stories pertaining to the court is, therefore, quite small.

The data collected during the evaluation will become part of the dataset analyzed for the Dialogue to End Domestic Violence and Abuse. However, given the small number of questionnaires collected we believe that an analysis would contribute little to the evaluation at this time. One of the researchers (Diane Crocker) will remain in contact with staff overseeing the Dialogue to End Domestic Violence and Abuse for opportunities to contribute to it and explore ways in which data collected using the Sensemaker approach might contribute to ongoing evaluation of this or other projects.

Appendix E: Previous Research on Domestic Violence Courts

This literature review will present findings from other Canadian evaluations of specialized domestic violence courts. Other comprehensive reviews of literature exist (Center for Court Innovation, 2009; Hoffart & Clarke, 2004a; J. P. Hornick, Boyes, Tutty, & White, 2005; L. Tutty, Koshan, Jesso, Ogden, & G. Warrell, 2011; L. M. Tutty, Ursel, & Douglas, 2008). This review, therefore, focusses more specifically on reviewing evaluation reports produced for courts across Canada. It will allow the Steering Committee and Working Group to put our findings in the context of other evaluations.

Existing Evaluations

Several courts across Canada have been formally evaluated with reports being publically available. These include the courts in Calgary (Hoffart & Clarke, 2004a, 2004b; Tutty et al., 2011) (Hoffart & Clarke, 2004a, 2004b; L. Tutty et al., 2011), Moncton (Gill & Ruff, 2010; Saintonge & Dilworth, 2009), Yukon (Hornick, Boyes, Tutty & White 2009; Hornick et al., 2005), and Saskatchewan (Boyes, 2008). Several of these courts have been described in a book dealing specifically with specialized courts and the justice system's response to domestic violence (Ursel, Tutty, & leMaistre, 2008). Information about other courts, including in Winnipeg (Ursel & Hagyard, 2008) and Toronto (Dawson & Dinovitzer, 2001; Dawson & Dinovitzer, 2008), is available through academic publications.

Many of the existing evaluation reports provide details about the court administration including the number of cases processed and the outcomes of those cases. Many also describe characteristics of the court participants, the services they used and the results of risk assessments.

Most evaluations focus on outputs and outcomes such as sentences, treatment program completion, recidivism, victim outcomes, costs, case processing times, changes in offender behaviour or attitudes. Some explicitly evaluate the effectiveness of the treatment programs associated with the court.

Most reports focus on outcomes but several contain some research of a more formative nature. The evaluations of the court in the Yukon (Hornick et al., 2005), Calgary (Hoffart & Clarke, 2004a, 2004b) include both process and outcomes components. A report on the Moncton court also includes some process components (Gill & Ruff, 2010; Saintonge & Dilworth, 2009). In these reports several themes emerge surrounding roles and responsibilities of partners; conformity of practice with original plan; and linkages between partners. Other reports touch on process issues without explicitly having produced a formative report. For example, Boyes (2008)

identifies issues relating to collaboration between court officials and community agencies and how administrative changes outside the court affect its work.

Research Approaches

All the evaluations provide basic descriptive data on the work done in the courts. Some provide comparisons with data from non-specialized court (Boyes, 2008; Gill & Ruff, 2010). Most rely heavily on court records and existing databases used by the court system as a whole (Boyes, 2008; Dilworth & Dilworth, 2011; Gill & Ruff, 2010; Hornick et al., 2008; 2005). Because of limitations with official data collected by courts, several evaluators developed their own database to collect specific information about the cases going through the specialized court (Boyes, 2008; Gill & Ruff 2010; Hornick et al., 2008; Hornick et al., 2005).

Some of the evaluations aim to assess whether specialized courts improve outcomes for those participating. For the evaluation of the Battleford court, Boyes (2008) compares outcomes for those who completed the treatment program, those who failed to complete the program and those processed through the traditional court.

The comparison of people in difference programs is, however, inherently limited by the fact that the groups may be quite different. It may be, for example, that the most serious offenders opt out of treatment and therefore would be expected to have different outcomes, regardless of whether they completed or participated in a program.

To address this limitation, several evaluators have applied a quasi-experimental design where they establish some kind of control group. Gill and Ruff (2010) compared outcomes for offenders in the Moncton specialized court with those in a traditional court in Fredericton. In Calgary, the evaluators compared data from cases in the specialized court with baseline data from the court prior to specialization.

Other evaluators have used pre and post-tests to assess the effectiveness of the program (Hoffart & Clark 2004a; 2004b; Horncik et al., 2005). This approach allows a researcher to evaluate what difference the program makes especially if they have a control group of relatively comparable victims and offenders who have not used the specialized court.

Along with quantitative data sources, evaluators have relied on qualitative data including interviews with stakeholders (Boyes, 2008; Gill & Rull 2010; Hoffart & Clarke 2004b; Hornick et al., 2008; 2005; Saintonge & Dilworth, 2009; Tutty et al., 2011) and participants (i.e., victims and offenders) (Boyes, 2008; Hornick et al., 2008, 2005; Tutty et al., 2011). Several noted the

difficulties associated with having victims and offenders participate in the research. Gill and Ruff (2010) also included courtroom observation as a source of qualitative data.

Courts Evaluated

HomeFront

(Hoffart & Clarke, 2004a, 2004b)

Calgary, AB

The evaluation of the HomeFront court began in 2000 with data collected and analyzed over four years. The court aimed to provide intensive victim services; use legal sanctions to hold offenders accountable while providing treatment and rehabilitation; improve the efficiency of the response to domestic violence and the level of collaboration between the justice system and the broader community; increase the public's confidence in the criminal justice system.³¹ HomeFront includes a first appearance court and batterer treatment programs.

The evaluators describe HomeFront as bringing together “social service agencies, law enforcement and the criminal justice system in order to provide a coordinated, timely response to those involved in domestic violence” (Hoffart & Clarke, 2004b:v).

The evaluation of this court is among the most comprehensive. It includes a Best Practices Review; a Logic Model; analysis of data over four years; process and outcome components; and, the development of baseline data. The evaluators hoped to undertake a cost-benefit analysis as well but, as discussed in our Methodology Report, the data to allow for such an analysis were unavailable. They relied heavily on quantitative data and also conducted interviews with stakeholders.

Highlights of Findings:

- offenders processed through the specialized court were less likely (12%) to commit new offences compared to those in the baseline sample (34%);
- on average, accused appeared in court within 44 days of the incident;
- cases were resolved in a more timely manner than prior to specialization;
- staff experienced many challenges reaching victims;
- efforts to collaborate were highly successful

³¹ The evaluators did not assess this last goal (i.e., increased public confidence).

Domestic Violence Trial Court

(L. Tutty et al., 2011)
Calgary, AB

This court began in 2005 to work in concert with the docket court (described above). It deals with higher risk, repeat offenders. The evaluation included stakeholder and offender interviews as well as the analysis of statistical data.

Battlefords Domestic Violence Treatment Options

(Boyes, 2008)
Battlefords, SA

As an early intervention court, it closely resembles the approach being used in Nova Scotia with a specialized docket court, enhanced victim services and collaboration with community agencies to deliver treatment programs. Court officials, including police and probation, work collaboratively with community agencies to manage cases going through the court. The governance structure also resembles the Nova Scotia model.

In 2008, researchers drew on three years of court data, along with interviews with stakeholders and court participants, to evaluate the court.

Highlights of Findings:

- 66% of accused entered guilty plea (of those, 62 % were referred to treatment);
- between 67% and 57% completed one of two available treatment programs;
- over half the charges involved common assault;
- most of those in the program scored medium risk on the ODARA risk assessment ;
- 56% of people charged made an appearance within one month of charges being laid;
- those referred to treatment through the specialized court were more likely to complete the program than self-referrals or those with court-ordered treatment;
- high risk offenders were less likely to complete the program than low risk offenders.

Domestic Violence Treatment Option

(J. Hornick, P., Boyes, Tutty, & White, 2008; J. P. Hornick et al., 2005)
Whitehorse, Yukon

This early intervention program includes a specialized court and therapeutic treatment overseen by a collaboration of justice officials and women's groups. The processing of cases very closely resembles how the Nova Scotia court processes cases. A "relapse prevention group" further supports offenders' efforts to change their behaviour.

The program had the following goals: improve the efficiency of court processing; encourage more victims to use the criminal justice system; reduce recidivism; and, develop a model that could be replicated elsewhere. Offenders could enter the treatment program through the specialized court, self-referral or having being ordered by the court during sentencing.

Highlights of Findings:

- on average, the court dealt with 24 cases each time it sat (once a week);
- on average, each case involved 2 offences;
- in 2004, the court concluded 55 cases, involving 44 offenders;
- the typical case in court involved a common assault;
- those referred to the treatment program were fairly high risk;
- many clients of the treatment programs experienced addictions, had low literacy rates or suffered from fetal alcohol syndrome disorder;
- offenders with higher numbers of pre-program assault convictions, pre-program failure to comply/breach conditions or other convictions pre-program were most likely commit another act of domestic violence .

Domestic Violence Specialized Court Pilot Project

(Dilworth & Dilworth, 2011; Gill & Ruff, 2010; Saintonge & Dilworth, 2009)

Moncton, NB

The Moncton court began as a pilot project in 2007 for four years and has since become a permanent court. The court aims to "improve the Criminal Justice System's response to victims' needs and safety planning while promoting offender accountability and early intervention that may help stop the cycle of violence" (Dilworth & Dilworth, 2011:1). The court offers a co-ordinated response with justice officials and community partners working collaboratively. The court works as an early intervention model, targeting low risk offenders and offering them immediate access to interventions. For higher risk offenders, the process focuses more attention on victim safety. The court provides quick referrals for victims and offenders, risk assessments, enhanced domestic violence intervention programs, and court monitoring of offenders' progress through the intervention program (Gill & Ruff, 2010).

Highlights of Findings:

- In 2007, 2008 and 2009, 47 %, 72% and 30% of offenders respectively offenders completed treatment;
- overall, 22 percent of offenders re-offended;
- the court received 240 referrals between April 2007 and April 2008;
- on average, offenders appeared in court nine days after the incident;
- on average, cases proceeded from first appearance to sentencing in 77 days;
- common assault and uttering threats were the more frequent charges;
- seven couples faced dual charges (out of 491);
- most, 68%, of cases resulted in a guilty plea;
- 35 % of victims received counselling from victim services; 37% received compensation.

Outcomes in Existing Courts

The outcomes presented in the logic model for the Domestic Violence Court Pilot Project in Nova Scotia relate to changes among three groups: stakeholder participants, victims and offenders. Other outcomes relate to the administration of the court. For the purpose of this literature review, we will look at clusters of outcomes related to each group rather than trying to match specific outcomes from our evaluation with outcomes in the other reports.

Outcomes Relating to Stakeholder Participation

Several evaluations have assessed stakeholders' views. Most report that the stakeholders feel that the courts had improved the criminal justice response to domestic violence cases (Boyes, 2008). Evaluators also find a high level of passion and engagement with the specialized approach (Saintonge & Dilworth, 2009).

Interviews with stakeholders in other evaluations also revealed some challenges for those administering specialized courts or providing services. Stakeholders noted that the turnover in some agencies (Boyes 2008) and the added workload associated with the specialized court (Saintonge and Dillworth 2009) created some difficulties. Another evaluation found some that stakeholders were ill informed about the nature of a specialized court (Gill and Ruff 2011).

Few evaluations looked into the working relationships of stakeholder groups. Those that did found fairly good working relationships and that the court co-ordinator was key to ensuring that partner groups worked together effectively (Saintogge and Dillworth 2009; Gill and Ruff 2011).

Outcomes Relating to Offenders

Existing evaluations have used several approaches to assess whether specialized courts have effectively changed offenders' behaviours. Some have relied on police call backs and re-appearances in court (Boyes 2008). Others have used proxy measures. For example, Hornick et al. (2005) explored whether the treatment program had changed offenders' attitudes about marriage, family or relationships. They found some improvements but they did not find large differences between those who attended the program by referral from the specialized court compared to those who attended as part of their sentence post-trial.

Researchers have looked at recidivism in several different ways. Some have compared several groups of offenders. Hornick (J. Hornick, P. et al., 2008; J. P. Hornick et al., 2005) compared those referred by the specialized court, those referred post-trial and self-referrals. He found that the rate of domestic violence recidivism, both 12 and 15 months after intake, was quite similar for each group: under 20 percent. Boyes (2008) compared those who completed a treatment program with those who dropped out. He found that police call back numbers and new domestic violence related charges were highest for those who failed to complete the program.

Using baseline data from the court prior to specialization and data from after specialization, the evaluators of the court in Calgary found reduced recidivism among those in took part in the specialized process (Hoffart & Clarke, 2004b; L. Tutty et al., 2011)

Outcomes Relating to Victims

The Nova Scotia specialized court aspires to help victims to better understand the court process, feel more satisfied with the process and the outcomes. Service providers hope to better meet the needs of victims and help them feel safer.

The existing evaluations from other courts contain scant information about victims. Few involved them in the research and those that did (Boyes 2008) experienced difficulties in recruiting victims to participate in the research.

Issues relating to victims that may be of interest to the Nova Scotia research:

- Boyes (2008) describes the types of services used by victims—a large proportion were for general support and referrals
- The evaluation of the Whitehorse court found that 8 percent fewer cases collapsed, due to recanting victims, in the specialized court than prior to its implementation.

Appendix F: List of variables

Data Source	Variable	
JEIN	Person Number	
JEIN	Offender Name	
JEIN	Gender	
JEIN	Birthdate	Month
JEIN		Date
JEIN		Year
JEIN	Civic Address	
JEIN	Phone Number (home)	
JEIN	Phone Number (cell)	
JEIN	Email Address	
JEIN	Date Incident Start	Month
JEIN		Date
JEIN		Year
JEIN	Date Incident End	Month
JEIN		Date
JEIN		Year
JEIN	Date of First Appearance in Court	Month
JEIN		Date
JEIN	Representation	Year
JEIN	Arraignment Judge	
JEIN		
JEIN	Charges	Charge1
JEIN		Charge2
JEIN		Charge3
JEIN		Charge4
JEIN		Charge5
JEIN		Charge6
JEIN		Charge7
JEIN		Charge8
JEIN		Charge9
JEIN		Charge10
JEIN		Charge11
JEIN		Charge12
JEIN		Charge13
JEIN		Charge14

JEIN		Charge15
JEIN	Case #	Case #1
JEIN		Case #2
JEIN		Case #3
JEIN		Case #4
JEIN		Case #5
JEIN		Case #6
JEIN		Case #7
JEIN		Case #8
JEIN		Case #9
JEIN		Case #10
JEIN		Case #11
JEIN		Case #12
JEIN		Case #13
JEIN		Case #14
JEIN		Case #15
JEIN	Plea	Plea
JEIN		Point at which guilty plea was entered
Case Management File	Eligible for Domestic Violence Court Program	
Case Management File	Ever attend Domestic Violence Court before	
Case Management File	If yes, # of times	
Case Management File	If yes, which treatment option	
Case Management File	Risk Assessment	Danger Assessment Score
Case Management File		LSI Score
Case Management File		ODARA Score
Case Management File		ODARA Score Administered by
Case Management File		Recommended Treatment Option
Victim Service	Current Relationship status	
Victim Service	Victim ID	
Victim Service	Number of Victims	
Victim Service	Birthdate	Month
Victim Service		Date
Victim Service		Year
Victim Service	Length of Relationship of primary accused to primary victim	
Victim Service	Length of Separation of primary accused from primary victim	
Victim Service	Number of children	

Victim Service	Child(ren) Living with Whom	
Victim Service	Step Children	
Victim Service	Step Children of Whom	
Victim Service	Status of Children at time of Incident	
Victim Service	Child Protection Involvement	
Police Report to Crown	Dual Cross Charging	
Police Report to Crown	Alcohol/Drugs ¹	
Police Report to Crown	Status of Weapons	
Police Report to Crown	Type of Weapon/Object Used in Incident ²	
Police Report to Crown	Medical Attention Received	
Police Report to Crown	Prior Contact	Prior Police Contact of primary accused
		Number of Prior Arrests/Custody/Detentions of Accused, Same Couple
Police Report to Crown		Number of Prior Arrests/Custody/Detentions of primary accused for domestic violence
Police Report to Crown		Number of prior arrests/custody/detentions of primary accused for crimes against the person
Police Report to Crown		Number of prior arrests/custody/detentions of primary accused for property offences
Police Report to Crown		Number of prior convictions of primary accused in relation to primary victim
Police Report to Crown		Number of prior convictions of primary accused for domestic violence
Police Report to Crown		Number of prior convictions of primary accused for crimes against the person
Police Report to Crown		Number of prior convictions of primary accused for property offences
Police Report to Crown		Number of prior arrests/custody/detentions of primary victim
Police Report to Crown		Number of prior convictions of primary victim for domestic violence
Police Report to Crown	Injuries sustained by primary victim ³	Injury One ³
Police Report to Crown		Injury Two ³

Police Report to Crown		Injury Three3
Police Report to Crown		Injury Four3
JEIN	Outcome for each charge	Outcome1
JEIN		Outcome2
JEIN		Outcome3
JEIN		Outcome4
JEIN		Outcome5
JEIN		Outcome6
JEIN		Outcome7
JEIN		Outcome8
JEIN		Outcome9
JEIN		Outcome10
JEIN		Outcome11
JEIN		Outcome12
JEIN		Outcome13
JEIN		Outcome14
JEIN		Outcome15
JEIN	Date of Disposition	Month
JEIN		Date
JEIN		Year
JEIN		Court of Disposition
JEIN	Trial date (if plead not guilty or not eligible)	Month
JEIN		Date
JEIN		Year
JEIN	Conviction (yes/no)	
JEIN	Reason for Stay or	
JEIN	Withdrawal of All Charges	
Crown Files	Length of Sentence in days	
JEIN	Length of Incarceration at	
	Sentence in days	
JEIN	Manner in which sentence	
	is served	
JEIN	Probation	
	Length of Probation in	
JEIN	months	
JEIN	Date of Final Disposition	Month
JEIN		Date
JEIN		Year
JEIN		Total # of court appearances (from 1st appearance to sentencing)

Court Supervisor	Date of Completion of Sentence	Month
JEIN		Date
JEIN		Year

Appendix G: Results of the Survey of Victims

How would you rate your level of knowledge about the court process prior to the incident that led to your partner being charged? We will use a scale of 1 to 5 where 1 is very uninformed and 5 is very informed.

	Pre-Specialization	Post-Specialization
Knowledge prior to court process	1.6	2.6
Knowledge now	4.3	3.8

Before the court process began, how would you rate your safety? Did you feel very safe, somewhat safe or not at all safe?

Sense of safety prior to court process	2.2	2.1
Sense of safety after court process	2.1	1.5

The next questions are about how well the court supported you, met your needs and helped you in general. I will read some statements and you can tell me whether you strongly agree, agree, disagree or strongly disagree. (1 =Strongly Agree; 4=Strongly Disagree)

How strongly do you agree that . . .

Court staff supported me throughout the process	2.7	2.5
I had to seek out services on my own	2.3	3.1
Victim Services supported me throughout the process	1.3	1.6
I had very little control over how the case was dealt with	1.7	2.1
I did not need any help to deal with this incident	3.4	2.6
A community agency supported me throughout the process	2.4	3.0
I am satisfied with the court process	3.0	2.4
I felt uncomfortable dealing with court staff	2.7	2.8
I was referred to appropriate services	2.3	1.9
I wanted more control over the how the case proceeded	2.0	2.6
I am satisfied with the outcome of the court process.	2.1	2.1
I felt respected by people working in the court	2.1	1.9

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