

REVIEW OF THE SASKTCHEWAN VICTIMS OF
DOMESTIC VIOLENCE ACT
WD1996-6e



RESEARCH AND
STATISTICS DIVISION

DIVISION DE LA RECHERCHE
ET DE LA STATISTIQUE



Department of Justice
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Ministère de la Justice
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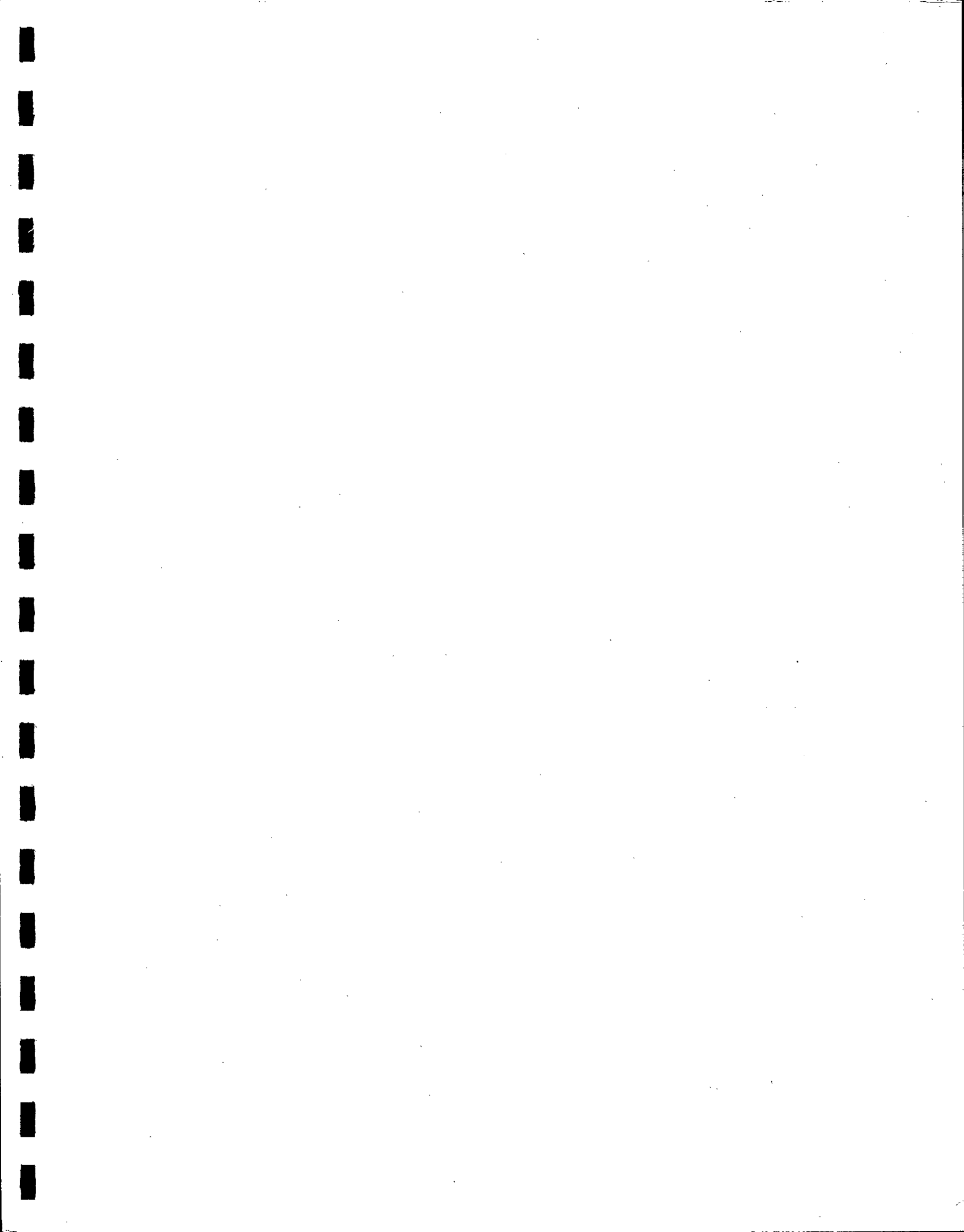


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1.0 INTRODUCTION

On February 1, 1995, the Government of Saskatchewan *proclaimed The Victims of Domestic Violence Act (VDVA)*. This new legislation is the first of its kind and provides additional options in responding to domestic violence beyond those in the *Criminal Code* and other current civil legal remedies.

The *Act* is the outcome of numerous discussions, legislative changes and program revisions which have occurred over the last decade including: the 1983 mandatory charging policy on wife assault (which instructs police to lay charges if there is evidence of an offence); *The Victims of Crime Act* in 1989; The Saskatchewan Justice Victims Services Program in 1992; a Family Violence Task Force in 1993; and, other provincial and local initiatives.

It had become apparent that the criminal justice system was limited in its ability to respond to domestic violence, and in particular, was unresponsive to the needs of abused women. Some of the proposed changes included: assisting women promptly after an offence is reported; providing immediate assistance on property matters; removing an abuser from the family home; and, seeking alternatives for victims who do not report abuse to any agency. *The Victims of Domestic Violence Act* is intended to enhance the *Criminal Code* provisions and the provincial family legislation (i.e., *The Matrimonial Property Act* and *The Child and Family Services Act*) by enabling an immediate response, as well as providing longer term remedies.

1.1 The Legislation

The Act was designed to work in conjunction with criminal legislation, not in place of it. This act applies to cohabitants, which are defined as:

"persons who have resided together or who are residing together in a family relationship, spousal relationship or intimate relationship; or

persons who are the parents of one or more children regardless of their marital status or whether they have lived together."

Three types of remedies are available to assist victims: Emergency Intervention Orders, Victim's Assistance Orders, and Warrants of Entry. Although these are civil remedies, a breach of any of these orders is a criminal offence and offenders are subject to arrest and charge(s). Each is briefly summarized below (See Appendix A for a copy of the legislation and regulations).

Emergency Intervention Orders

These orders are available 24 hours a day from specially selected Justices of the Peace and can be requested by the victim, a designated person, or by any other person on behalf of the victim. Designated persons include, program co-ordinators of victims assistance programs; community case workers funded under tripartite Aboriginal policing agreements, Mobile Crisis workers, and police officers.

Although Emergency Intervention Orders are effective as soon as the respondent is served, they are subject to ratification by the Court of Queen's Bench. If the judge is not satisfied that there was evidence to support the order, a re-hearing is required.

An Emergency Intervention Order can be granted in the absence of the abuser (*ex parte*) and can:

- *restrain the abuser from communicating with or contacting the victim or members of the victim's family;*
- *give a victim exclusive occupation of the home;*
- *direct a peace officer to remove the abuser from the home; and,*
- *direct a peace officer to accompany the victim or the abuser to the home to supervise the removal of personal belongings.*

If a Justice of the Peace does not consider the situation urgent, and therefore does not grant an Emergency Intervention Order, or if the victim desires longer-term remedies, an application for a Victim's Assistance Order can be made.

Victim's Assistance Orders

These orders are granted by the Court of Queen's Bench and are designed to provide victims with easier access to longer-term remedies. Victim's Assistance Orders can:

- *demand monetary compensation from the abuser for losses suffered as a result of the domestic violence;*
- *give the victim temporary possession of personal property;*
- *prohibit the abuser from attending any place frequently attended by the victim or the victim's family; and,*
- *restrain the abuser from contacting the victim, members of the victim's family or their employers, employees or fellow workers.*

Warrants of Entry

Police officers can request a Warrant of Entry from a Justice of the Peace when there is concern that a person who is unable to act on his/her own (e.g., senior) is being subjected to domestic violence. The application can be made *ex parte*, and the warrant authorizes the police to:

- *enter, search and examine the place named in the warrant and any connected premises;*
- *assist or examine the cohabitant;*
- *seize and remove anything that may provide evidence that the cohabitant is a victim; and,*
- *if necessary, remove the cohabitant from the premises*

Overall, the objectives of *The Victims of Domestic Violence Act* are:

- *to promote the message that domestic violence is a serious concern for the justice system;*
- *to assist victims by providing additional legal tools which fill gaps in the justice response to family violence;*
- *to focus on assisting victims of domestic violence, in addition to offence violation and punishment of the offender;*
- *to facilitate greater access by victims to longer-term remedies by expediting Victim's Assistance Orders, and;*
- *to assist domestic violence victims who are unable to act on their own by allowing the use of Warrants of Entry.*

1.2 Consultation

Prior to proclamation of the legislation, there were consultations with 62 agencies involved with responding to domestic violence. These included: police, crisis intervention services, family services, Aboriginal service delivery agencies, tribal councils, safe shelters, sexual assault centres, immigrant women's organizations, youth centres, organizations representing Aboriginal women, disabled persons, agricultural women, as well as other provincial and local women, hospitals, interchurch networks, and seniors' abuse committees.

A number of issues were raised during these consultations, primarily relating to the potential impact of the legislation on victims. The major concern was for the safety of

victims and the insistence that family violence must continue to be dealt with as a serious offence. Participants were worried that police might inappropriately replace *Criminal Code* charges with Emergency Intervention Orders, thus diminishing the effect of the mandatory charging policy.

Other concerns included: the workload of those responsible for obtaining orders under the legislation, a need for police to receive specialized family violence training; the ability of Justices of the Peace to assess incidents over the telephone; how the legislation would be applied in rural and remote communities, whether the Act could be used without involvement of police, sufficiency of services for victims and abusers, and whether the legislation might be subject to challenges, given the lack of precedents. Where possible, these concerns resulted in revisions to the legislation.

One of the areas of concern that was not addressed pertained to on-reserve use of the Act's provision relating to exclusive possession of the home. Because this provision is not consistent with the *Indian Act*, orders pertaining to possession of the home cannot be enforced. It is possible that individual reserves can pass a by-law which would apply to persons on their reserve, and would enable them to use this provision of the legislation. Some reserves indicated interest in pursuing this. Ongoing consultation was anticipated, particularly since this legislation was expected to be of particular benefit to Aboriginal women.

The consultation process also involved soliciting the participation of all Saskatchewan police services and RCMP in the collection of statistics and evaluation information. Officials of the various police services agreed they would provide monthly reports on the number of domestic violence calls received, results of the calls, number of orders requested under *The Victims of Domestic Violence Act*, nature of the orders, number of orders obtained, charges laid under the provisions of the *Criminal Code*, numbers of cases involving both orders and charges, and relationship information between offenders and victims.

In general, there was considerable support for the legislation. An implementation committee (Saskatchewan Justice Implementation Committee) was formed to guide the process leading up to its proclamation. The next steps were to hire Justices of the Peace and provide training to police and crisis intervention staff.

1.3 Training

Selection of the Justices of the Peace was based on their expertise in family violence. These individuals represent various linguistic groups, and have knowledge of life in rural, isolated and immigrant communities. Prior to the introduction of the legislation, Saskatchewan Justice provided training for the Justices of the Peace which focused on *"the provisions of the legislation, the procedural aspects and the types of*

issues they would consider in the granting or denying of the Emergency Intervention Orders."

Teams consisting of a police officer and a family violence specialist trained approximately 2700 police and crisis intervention staff. A "train the trainers" model was used to expand the knowledge as well as conserve resources. The training focused on the new legislation and how it could be used with existing legislation. It was also used as an educational tool for police (e.g., blaming the victim, cycle of violence, etc.). Combining police and shelter personnel as trainers was designed to facilitate improved understanding and cooperation between community and police.

After the legislation was proclaimed, pamphlets were distributed and information sessions were conducted with front-line staff from government departments and community agencies across the province.

1.4 Evaluation

Prairie Research Associates Inc. (PRA) was engaged to evaluate the implementation phase of *The Victims of Domestic Violence Act*. An Evaluation Advisory Committee was created to oversee the research process. This Committee included representatives from the federal and provincial governments, Provincial Association of Transition Houses of Saskatchewan, Mobile Crisis Services, Advisory Committee on Disabled Persons, Saskatchewan Legal Aid Commission, Regina, Saskatoon, Prince Albert, Moose Jaw, Weyburn and Estevan Police Services, RCMP, Department of Social Services, Women's Secretariat, and the members of the Saskatchewan Justice Implementation Committee (which also includes representatives of Public Law and Policy, Legislative Services, Law Enforcement, Court Services, Victim Services, Justice of the Peace, Policy, Planning and Evaluation, Police Commission, Public Prosecutions, Administrative Services, and Communications).

In consultation with the Evaluation Advisory Committee, PRA prepared an Evaluation Framework to serve as a guideline for the research (see Appendix B) and designed a series of data collection instruments for police (Appendix C), Mobile Crisis (Appendix D), Justices of the Peace (Appendix E) and courts (Appendix F). An initial Justice of the Peace "check-off sheet" which they and court services developed, was revised by PRA to include information also required for the evaluation (Appendix G). The research team was assisted by members of the Committee and their staff throughout the data collection process.



2.0 METHODOLOGY

2.1 Data Collection

Multiple indicators were used in the evaluation.

- file review (police, Mobile Crisis, courts, Justice of the Peace);
- analysis of administrative data;
- victim interviews, and;
- key informant interviews (Justices of the Peace, police, lawyers, judges, and personnel from victims services, Mobile Crisis, transition homes/shelters).

As well, many individuals from Court Services answered a myriad of questions, helped us find our way through administrative systems, and provided valuable information which is reflected in this report.

Police Files

From the police, we gathered information on who requested an Emergency Intervention Order and why, the relationship of the victim to respondent, circumstances surrounding the incident, whether or not charges were laid and if so, what the charges were.

How we obtained data depended upon the particular police agency. Only one police service retains separate files for Emergency Intervention Orders; in all other cases Emergency Intervention Orders are contained in the criminal files with prior police involvement. At one police office, for example, we were required to review all files which could potentially involve a domestic violence incident. To locate familial situations and possible Emergency Intervention Orders, they cross-referenced all files involving any crimes against persons with relationship of victims and offenders. At this agency, there had been no attempt to retain information on Emergency Intervention Orders prior to our visit.

Other police services had a variety of methods for maintaining files with Emergency Intervention Orders. In most cases, they were somewhat more easily identified than in the example above. RCMP information was collected at the central office in Regina. Records staff located police file numbers with Emergency Intervention Orders on the Police Information Retrieval System (PIRS). After locations of the files were identified, a request was sent to the particular detachments to forward them to the central office. We reviewed the files in Regina when they arrived. During the final stage of data collection, a few data collection instruments were completed by RCMP officers at the detachments and sent by facsimile to the central office in Regina for us to retrieve.

We were unable to track breaches of Emergency Intervention Orders, as police services had no mechanism to identify them. One approach tried by police with computerized information systems, was to search for a breach of order among the names of those served with an Emergency Intervention Order. Only three breaches of Emergency Intervention Orders were found by the RCMP. We attempted, without any success, to locate breaches through Queen's Bench/Family Courts and Provincial Courts.

We gathered information on 281 police files where an Emergency Intervention Order had been requested.

We created a comparison group by reviewing a sample of 188 police files on domestic violence cases where no Emergency Intervention Order was requested. These files were collected from Saskatoon, Moose Jaw, and RCMP.

Moose Jaw is not computerized; we developed a form for the collection of information on all domestic violence cases (see Appendix H). Moose Jaw submitted information to us (through Saskatchewan Justice) on 41 domestic violence incidents collected on an ongoing basis. In Saskatoon 104 files were randomly selected from all their domestic violence files (including all levels of assault and sexual assault). RCMP provided 43 files from various detachments.

Mobile Crisis Files

We collected information from Mobile Crisis because of their role as designates (which enables them to contact Justices of the Peace directly). Data collected were similar to that which was collected from the police. We were unable to have direct access to their files, however, Mobile Crisis staff scanned the files to provide us with the information we requested. Information on 29 Emergency Intervention Orders was gathered from Mobile Crisis services.

Although victims services personnel are also designates, they indicated to us that they contact the police to request an Emergency Intervention Order.

Court Files

From the courts we obtained information such as whether or not the order was confirmed, whether the victim or respondent applied for a review of the order, as well as the outcome of a review. In all Queen's Bench Courts, files with information on Emergency Intervention Orders were kept separately and filed in chronological order.

While at the courts, we located five Victim's Assistance Orders. This process involved reviewing court dockets from February 1, 1995 to March 31, 1996 to locate an

order, however, in most cases, a Notice of Motion was filed and not identified as a Victim's Assistance Order in the docket. In other circumstances, a petition was filed, but it included various other aspects of relief besides the Victim's Assistance Order (e.g., *The Matrimonial Property Act*, *The Children's Law Act*, *The Family Maintenance Act*). These were placed in the general court files and there was no way to identify them without searching every file pertaining to family law.

Based on our interviews, we have no reason to believe there were more than the five Victim's Assistance Orders that we located; however, we cannot be certain.

Justices of the Peace Files

Justices of the Peace complete a "check-off sheet" which entails all information they require to assist them to make an informed decision about granting an order. They send this sheet and the Emergency Intervention Order (see Appendix I) to the Court of Queen's Bench. Because they are paid a fee for each call, the Justices forward their financial claims to Court Services (Supervising Justice).

We reviewed all of the financial claims to gather data on all Emergency Intervention Orders requested and whether or not they were issued. Information on 17 cases were not found in these files, that is, an Emergency Intervention Order was requested, but no financial claim was made. We cannot explain this in all circumstances. It appears that in some cases, Justices did not submit a claim for information provided to police. (For example, in one case, police files indicate two requests for an order on subsequent days. The financial claim shows only a single request. According to police, the first call was a refusal; the second call resulted in an Emergency Intervention Order being issued. It is likely that the Justice of the Peace defined the first call as a simple request for information, and decided not to charge for it.)

Tracking Emergency Intervention Orders

We tracked all Emergency Intervention Orders requested between February 1, 1995 and March 31, 1996. The tracking started at the various police services. This initial round of data collection began with a request to police for all files involving an Emergency Intervention Order.

From the files we reviewed at all police services, we compiled a list of victims' and offenders' names, locations, and dates of the incidents. We also requested the same information from Mobile Crisis services.

With this list, we visited the corresponding courts to collect information on these files. While at the courts, we were able to gather information on many, but not all of the

Emergency Intervention Orders found at the police and Mobile Crisis services. We also located additional files that contained names absent among the police files we reviewed.

Finally, we checked all information gathered against the financial claims submitted by the Justices of the Peace. We organized the data on a matrix and developed another list of missing cases.

This four-staged task revealed a number of files that were still missing from the police and courts. After having compiled a list of missing police information, we sent a list of names to each of the police services and the RCMP. When these files were located, we returned to Regina, Saskatoon and Prince Albert police services to collect the missing information.

Once all of the police information was gathered, we repeated this process with missing court files. Orders are not always sent to the court closest to where the incident occurred, because if the Justice of the Peace in a particular location is unavailable, the call skips to another location. As such, the location of the Justice of the Peace is not a reliable indicator of where the incident occurred.

We requested assistance from the courts to assist us in tracking the missing files. A list of names, dates of incident and closest (probable) location to the incident was sent to each of the courts (except Prince Albert, Regina and Saskatoon). If a court did not have a name on the list, then we sent the name to another court. In other words, all of the courts were given names of missing files.

After having exhausted all possible locations for all sources of information we once again cross-checked our data to identify missing cases (see flow chart for missing cases).

Figure 1 (Section 3) demonstrates the process of tracking 295 individual cases with an Emergency Intervention Order to the various agencies involved.

Interviews With Victims

To obtain information from those for whom the legislation was designed, we conducted interviews with 21 victims who have had some involvement with its provisions. (See Appendix J for a copy of the Victims' Interview Guide). We solicited assistance from mobile crisis staff, victims services coordinators, and shelter workers to recruit victims who had requested or had been offered an Emergency Intervention Order (or a Victim's Assistance Order).

The personnel from these agencies contacted as many victims as they could locate; many of them did not have telephones or had moved from their previous address. We were provided with 26 potential participants. Of these, we were able to interview 21 individuals; we were unable to contact the remaining 5.

Interviews With Key Informants

We conducted interviews with 82 key informants. A total of 27 police officers located throughout the province were interviewed (See Appendix K for a copy of the Police Interview Guide). Names were obtained from the police files which involved an Emergency Intervention Order and police officers were selected on the basis of their experience with the legislation. We contacted the various police officers by phone and asked if they would participate in a telephone interview. Only one officer declined.

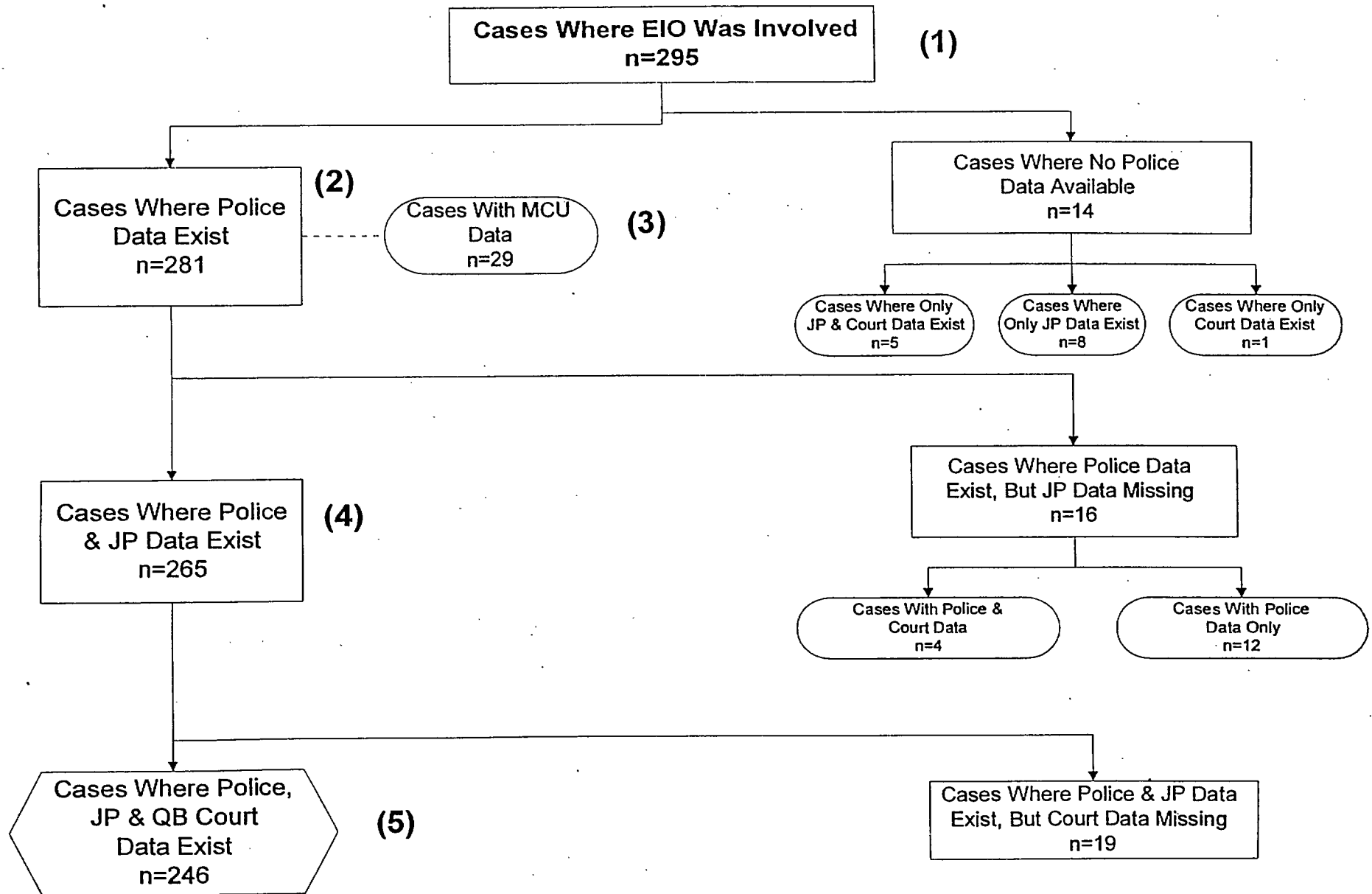
We also conducted telephone interviews with 15 Justices of the Peace acting at the time of the study. All individuals were contacted by phone and times were set up to conduct an interview at their convenience (See Appendix L for a copy of the Justice of the Peace Interview Guide).

We interviewed 11 Legal Aid lawyers throughout the province as well as three Queen's Bench Court judges. We obtained permission from the Saskatchewan Legal Aid Commission to contact Directors of the Area Offices. In most cases we interviewed the Area Directors; two of them referred other lawyers in their office and one referred a paralegal who had attended the training provided by the province (See Appendix M for a copy of the Lawyers' Interview Guide). We attempted to interview six judges who have had the most experience with the legislation. We were successful in contacting three judges.

Twenty-six respondents from Mobile Crisis, victims services, First Nations Policing, and representatives from transition homes/shelters were also interviewed (See Appendix N for a copy of the Victims Services Interview Guide). We obtained names of representatives from these various agencies and developed a list of potential respondents. We sent a letter explaining the research and that we would be calling to request an interview. We also informed them that we would be requesting their assistance in recruiting victims for interviews at a later date. A total of 34 individuals were contacted and 26 agreed to participate in a telephone interview. The remaining eight either did not return our call, or did not have any experience with the legislation.

As well as the formal interviews conducted with key informants, we consulted extensively with many others (i.e., Court Services) whose perspectives are also reflected in this report.

Figure 1 Tracking Emergency Intervention Orders



3.0 ANALYSIS OF ADMINISTRATIVE DATA

We obtained information on a total of 295 Emergency Intervention Orders by combining information from the police, courts, Mobile Crisis services, and Justices of the Peace. These 295 cases comprise all orders requested during the period of February 1, 1995 to March 31, 1996.

3.1 Tracking Emergency Intervention Orders

The following describes the process of tracking Emergency Intervention Orders through the system. The numbers correspond with those in Figure 1 to specify where the flow of information broke down.

1. As the diagram (opposite) indicates, there were 295 cases in which an Emergency Intervention Order was involved. This figure represents the combination of all sources of information on Emergency Intervention Orders.
2. Police information exists for 281 of these cases; 14 police files are missing. Of the 14 missing police files, we have five where Justice of the Peace and court information exists, eight where only Justice of the Peace data were found, and one where only court information was found.
3. Twenty-nine cases with Mobile Crisis information were found. We have police files on all of these cases as well.
4. Of the 281 cases where police data exists, 265 also have Justice of the Peace data; the remaining 16 are missing Justice of the Peace information. Of these 16 cases, only four had court information as well. The remaining 12 had only police information.
5. We were able to link police and Mobile Crisis data, Justice of the Peace and court data for 83 percent of the cases: 19 cases had both police and Justice of the Peace information but no court information.

3.2 Justice of the Peace Data

A total of 278 cases were gathered from the Justices of the Peace; 260 orders were issued and 18 were denied. Information was missing for 17 cases.

Justices of the Peace were located in eight locations. Table 3-1 shows the distribution of calls received in each of the locations. As calls directed to one Justice of the Peace may "skip" to another if a Justice is not available, the almost 50 percent of calls taken in Saskatoon and Prince Albert, may have initially been directed elsewhere. (See Table 3-3 for actual locations of incidents).

Table 3-1 Number of Calls and Locations - Justices of the Peace (n=278)

	Frequency	Percentage
Saskatoon	72	26%
Prince Albert	63	23%
Regina	47	17%
Estevan	37	13%
La Ronge	24	9%
Swift Current	15	5%
Moose Jaw	14	5%
Yorkton	6	2%
TOTAL	278	100%

The number of requests made to Justices of the Peace ranged from two to 31. Table 3-2 lists whether or not orders were granted for any of the Justices that had eight or more requests. Those with less than eight granted all requests for Emergency Intervention Orders.

Table 3-2 suggests a slight tendency for some Justices of the Peace to be less lenient than others in granting orders. However, we must be cautious with this interpretation, as we do not have Justice of the Peace information on 17 of the requests for Emergency Intervention Orders.

**Table 3-2 Number of Orders Granted/ Not Granted by Justices
(8 or more requests)**

	Granted	Not Granted
JP 1	31	1
JP 2	27	2
JP 3	21	0
JP 4	20	2
JP 5	18	0
JP 6	16	3
JP 7	15	3
JP 8	15	2
JP 9	14	1
JP 10	13	1
JP 11	10	1
JP 12	10	1
JP 13	10	0
JP 14	8	1
JP 15	8	0

3.3 Police Data - Emergency Intervention Orders

Of the 295 cases involving Emergency Intervention Orders, we located 281 police files. Not surprisingly, orders were most frequently used in the three locations where the largest populations are found: Saskatoon (18 percent), Prince Albert (15 percent) and Regina (14 percent) (See Table 3-3). According to the police information, of the 281 requests for an Emergency Intervention Order, eight were not issued by the Justices of the Peace and six were not served because police could not locate the offender.¹ It appears the provision in the legislation involving substitutional service of an order, is not being used.

¹ Although many individuals being served with an Emergency Intervention Order were not charged, both accused and respondents will be referred to in this section as "offenders".

Table 3-3 Location Where Emergency Intervention Orders Were Requested (n=281)

	Frequency	Percentage
Saskatoon	51	18%
Prince Albert	43	15%
Regina	40	14%
Estevan	10	4%
Kindersley	9	3%
Moose Jaw	9	3%
Weyburn	9	3%
Sandy Bay	9	3%
Unknown	1	1%
Other Sites*	100	36%
TOTAL	281	100%

Note: Totals may not sum to 100 percent due to rounding.

* Other sites are scattered throughout the province. For example, there are four cases each in North Battleford and Swift Current, three cases each in Carrot River, Kamsack, Kelvington, La Ronge, Lanigan, Melfort, Outlook, Stanley Mission, Tisdale, and two cases each in Assiniboia, Archerwill, Duck Lake, Kisbey, La Loche, Leader, Midale, Rose Valley, Wilkie, Yorkton and one case each in 45 other locations in Saskatchewan.

Over half the orders were requested to provide immediate protection to the victim. Table 3-4 presents a summary of the reasons given by police for requesting an order.

Table 3-4 Summary Of Reasons For Requesting Emergency Intervention Orders (n=281)

	Frequency	Percentage
Immediate protection required	166	59%
Victim threatened or harassed	147	52%
Victim required possession of house	79	28%
Victim did not want offender charged	20	7%
Victim required other necessities	13	5%
Other	17	6%
Unknown	16	6%

Note: Totals do not sum to 100 percent due to multiple responses.

Police files indicated that in 74 percent of the cases, they requested the Emergency Intervention Order. In 31 percent of these cases, the victim asked police to request the order. Information on who requested the order was not indicated in 11 percent of the cases (Table 3-5).

Table 3-5 Who requested the Order? (n=281)

	Frequency	Percentage
Police	207	74%
Mobile Crisis	33	12%
Justice of Peace	3	1%
Other*	7	2%
Unknown	31	11%
TOTAL	281	100%

* Other category consisted of Family Support Services, Lawyer, Parent, Shelter and Transition Home.

Most all victims (96 percent) were female; 98 percent of the offenders were male. The relationship of the offender to the victim was most often that of a spouse or common law (Table 3-6).

Table 3-6 Relationship of the Offender to the Victim (n=281)

	Frequency	Percentage
Spouse/Common Law	226	80%
Ex-Spouse/Ex-Common Law	28	10%
Parent	5	2%
Boyfriend/girlfriend	4	1%
Other Guardian	3	1%
Other Immediate Family	5	2%
Child	1	1%
Other	3	1%
Unknown	6	2%
Total	281	100%

In reviewing files, if there was no mention of alcohol involvement we coded its use as "unknown" Consequently, alcohol involvement may be understated in Table 3-7. For victims, there was no information on alcohol involvement in 174 cases; for offenders no information existed in 147 cases. Table 3-7 includes only cases where information was available.

Table 3-7 Was Alcohol Involved in the Incident

	Victim		Offender		Both	
	Frequency	Percentage	Frequency	Percentage	Frequency	Percentage
Yes	31	29%	91	68%	28	44%
No	76	71%	43	32%	36	56%
Total	107	100%	134	100%	64	100%

Criminal Code charges were laid in 41 percent of the cases in which an Emergency Intervention Order was requested, while in over half (58 percent) no charges were laid (information on charging was missing in two cases).

Table 3-8 illustrates charges laid for the 41 percent of cases which involved both charges and a request for an Emergency Intervention Order.

Table 3-8 Types of Charges (n=116)

	Frequency	Percentage
Assault	73	63%
ACBH & AWW	20	17%
Uttering Threats	13	11%
Breach of Probation	9	8%
Breach of Court Order	6	5%
Property Damages	5	4%
Peace Bond	5	4%
Sexual Assault	4	3%
Being at Large	3	3%
Unlawful Confinement	1	1%
Fraudulently Obtain Food	1	1%
Causing a Disturbance	1	1%

Note: Totals may not sum to 100 percent due to multiple responses.

As seen in Table 3-9, the most common reason given for not laying charges was that there was no evidence of an assault (47 percent). We reviewed summaries describing each of the 76 cases which were reported to have had no evidence of an assault. Fifteen of these cases were violent occurrences with some injury and clearly within the definition pertaining to mandatory charging. In other words, an assault had occurred and charges should have been laid according to the mandatory charging directive. In these 15 cases there was no indication of the victim requesting no charges be laid.

Table 3-9 Reasons for Not Laying Charges (n=163)

	Frequency	Percentage
No evidence of an assault	76	47%
Still under investigation	21	13%
Victim refused to provide statement	18	11%
No victim found	10	6%
Victim did not want charges laid	10	6%
Other	22	13%
Unknown*	24	15%

Note: Totals may not sum to 100 percent due to multiple responses.

* These forms were completed by RCMP at the last stage of data collection.

The number of orders requested for each month are presented below. As Table 3-10 indicates, the largest number (n=31) of orders appear in February of 1995, when the legislation was first introduced. The numbers have decreased since that first month but have remained relatively steady (with the exception of March and August of 1995 when they dropped somewhat).

Table 3-10 Number of Orders for Each Month (n=295)

	Frequency	Percentage
February * (1995)	31	11%
March	15	5%
April	22	7%
May	23	8%
June	20	7%
July	22	7%
August	12	4%
September	18	6%
October	22	7%
November	21	7%
December	19	6%
January (1996)	25	8%
February	21	7%
March	13	4%
Unknown	11	5%
TOTAL	295	99%

Note: Totals may not sum to 100 percent due to rounding.

* 3 of these cases occurred in January. In one case, a rehearing was ordered for after proclamation. In the other two cases, the incidents occurred on January 30 and 31, 1995, and Emergency Intervention Orders were requested on February 2.

3.4 Police Data - With Comparison Group

This section describes the comparison sample (n=188). The sample was primarily drawn from Saskatoon (n=104), Moose Jaw (n=41), and RCMP detachments (n=43). The remaining files were from various locations throughout Saskatchewan, including Balcarres, La Ronge, Yorkton, Lloydminster, Shoal Lake, among others.

Although in nearly one-half (48 percent) of the files there was no mention of an Emergency Intervention Order, in approximately one-fifth (18 percent) an Emergency Intervention Order was not used **because** criminal charges were laid. There may be some misunderstanding about the intent of the legislation, as it was clearly intended to be used in conjunction with criminal charges.

Table 3-11 provides the reasons for not using the orders.

Table 3-11 Why Was Emergency Intervention Order Not Used? (n=188)

	Frequency	Percentage
No mention	91	48%
Charges were laid	34	18%
Not needed	14	7%
Victim did not want	8	4%
Offender left	5	3%
No basis for Emergency	4	2%
Resolved the problem	3	2%
Recommended Victims	3	2%
Breach of EIO	3	2%
Released on an undertaking	2	1%
Subject in jail	1	1%
Other	5	3%
Unknown	15	8%
TOTAL	188	101%

Note: Totals may not sum to 100 percent due to rounding.

As in the EIO sample, the proportion of females as victims and males as offenders were the same. Again, the majority of cases (65 percent) involved spouses/common law and 15 percent of cases involved ex-spouse/ex-common law.

A higher proportion of cases in the comparison sample resulted in criminal charges (52 percent versus 42 percent with Orders). Assault was the most common charge whether or not an Emergency Intervention Order was involved. However, for the more serious assaults (Assault Causing Bodily Harm and Assault With A Weapon), police were less inclined to issue an Order.

Table 3-12 compares the types of charges in both data sets.

Table 3-12 Types of Charges

	No Order Requested (n=97)		Order Requested (n=116)	
	Frequency	Percentage	Frequency	Percentage
Assault	61	63%	73	63%
ACBH & AWW	28	29%	20	17%
Peace Bond	10	10%	5	4%
Breach of Probation	9	9%	9	8%
Uttering Threats	5	5%	13	11%
Breach of Court Order	3	3%	6	5%
Being at Large	3	3%	3	3%
Sexual Assault	2	2%	4	3%
Other	4	4%	7	6%

Note: Totals may not sum to 100 percent due to multiple responses.

A number of reasons were provided for not laying charges. Again, the police most often said there was no evidence of assault. Eighteen percent of the comparison sample of cases were still under investigation, as were 13 percent of the cases for which orders were requested.

Table 3-13 shows the reasons given for not laying charges, both for the cases involving Emergency Intervention Orders and for the comparison group.

As seen in Table 3-13. Orders were requested more often when there was "no evidence of an assault". This suggests that the legislation is providing an opportunity to assist victims when prosecution is unlikely.

Table 3-13 Reasons for not Laying Charges

	No Order Requested (n=89)		Order Requested (n=163)	
	Frequency	Percentage	Frequency	Percentage
No evidence of assault	30	34%	76	47%
Still under investigation	16	18%	21	13%
Victim refused to provide statement	15	17%	18	11%
Victim did not want charges laid	12	14%	10	6%
Consensual fight	8	8%	3	2%
No victim found	5	6%	10	6%
Offender left	2	2%	0	0
Other	20	22%	19	12%
Unknown	8	9%	24	15%

Note: Totals may not sum to 100 percent due to multiple responses.

As Table 3-14 indicates, the percentage of charges laid was higher when an order was not requested and lower when an order was requested. The difference is only slightly statistically significant.

Table 3-14 Emergency Intervention Orders Requested by Whether Charges Were Laid

	Were charges laid?		
	No	Yes	Total
Intervention Order Requested	58% (n=163)	42% (n=116)	100% (279)
Intervention Order Not Requested	48% (n=89)	52% (n=97)	100% (186)

Note: Totals may not sum to 100 percent due to rounding

3.5 Court Information - Emergency Intervention Orders

A total of 256 Emergency Intervention Order files were tracked at the court. The majority (82 percent) were confirmed; 32 (13 percent) were not (Table 3-15).

Table 3-15 Was Order Confirmed by the Court? (n=256)

	Frequency	Percentage
Yes	211	82%
No	32	13%
Unknown*	13	5%
Total	281	100%

* Unknown refers to files where judges information on whether the order was confirmed was missing from the court files.

Table 3-16 illustrates the reasons given by the court for not confirming orders.

Table 3-16 Reasons for not Confirming Orders (n=32)

	Frequency	Percentage
Not enough evidence	12	38%
After rehearing, QB terminated order	9	28%
Victim wanted EIO amended	3	9%
Did not consider this an emergency	3	9%
Other*	5	16%
Total	32	100%

* "Other" category includes one of each of the following: no one attended rehearing, Order had expired before being served, Justice of the Peace has no power to issue Emergency Intervention Order in this situation, parties have been separated for two years and not required.

Almost two-thirds of the orders were granted for 30 days, while 12 percent were two months in length. The majority (72 percent) of orders remained in effect for as long as the Justice of the Peace had directed, and a few (16 percent) did not. Only five percent of the cases had Emergency Intervention Orders issued for longer than two months. Of course, we cannot determine whether the orders were obeyed.

Eight victims and 13 offenders requested a review of the Order (Table 3-17).

Table 3-17 Did the Victim/Respondent Request a Review of the Order?(N=256)

	Victim		Respondent	
	Frequency	Percentage	Frequency	Percentage
Yes	8	3%	13	5%
No	248	97%	243	95%
Total	256	100%	256	100%

In the cases for which victims applied for a review:

- the order was revoked/terminated (5)
- an amendment to the order was granted (1)
- the application was refused (1)
- unknown (1)

In the cases for which offenders applied for a review:

- the order was revoked/terminated (5)
- an amendment to the order was granted (4)
- the application was refused (2)
- unknown (2)

3.6 Victim's Assistance Orders

We located five Victim's Assistance Orders. According to the court files, four of the applications for a Victim's Assistance Order were confirmed and one was amended by the victim. The remedies petitioned for included:

- restraining respondent from contacting victim/attending home (n=5)
- obtaining exclusive possession of the home (n=4)
- granting interim custody (n=2)

- removing respondent from the home (n=2)
- directing RCMP to accompany a specified person to the residence to supervise removal of belongings (n=2)
- receiving monetary compensation (n=2).

3.7 Summary of Administrative Data Collection

Although the largest number of orders were requested during the first month the legislation was enacted, orders have been used at a steady rate since then. Police appear to be taking advantage of the Emergency Intervention Orders for victims of wife abuse when they require immediate protection and if they were threatened or harassed. Emergency Intervention Orders are used only slightly for other "cohabitant" relationships such as other members of the family or parental relationships. A larger proportion of orders were requested by police when charges were not laid.

The Justices of the Peace granted the majority of requests for Emergency Intervention Orders. The courts supported most of the decisions made by the Justices of the Peace. In most cases, if judges did not confirm the orders, it was because they believed there was insufficient evidence. Most orders appear to have remained in effect for as long as the Justices had directed, although there is no follow-up to determine whether this is actually the case.

In the few cases where Victim's Assistance Orders have been used, the provisions most sought after were to restrain the offender from contacting the victim and for the victim to obtain exclusive occupation of the home.

4.0 INTERVIEWS

4.1 Victim Interviews

This section summarizes the findings from the 21 interviews we conducted with victims of domestic violence. Almost all (n=20) said they knew what an Emergency Intervention Order was, while five had heard of a Victim's Assistance Order (4 said they knew what both were and one knew only about the Victims Assistance Order). Eight had been told about the orders while staying in a shelter and five heard through the police. Mobile Crisis Services and the Early Intervention Program were also mentioned by two victims.

Of the 21 women we interviewed, 11 had obtained an Emergency Intervention Order and one had received both a Victim's Assistance Order and an Emergency Intervention Order. All of these women said they found the process of obtaining an order to be satisfactory.

Three women who had not obtained an Emergency Intervention Order explained they did not learn about this option until they went to a shelter and by that time, their situation was no longer an emergency.

The remaining six victims had requested orders, but for various reasons were unable to obtain one. Two of these women asked police to request an order but were told the Act did not apply to their situation. Another three were denied Emergency Intervention Orders because the Justice of the Peace did not feel there was sufficient evidence (n=1) and that an emergency did not exist (n=2). The sixth woman said she had applied for a Victim's Assistance Order but the judge had denied her application (we were unable to locate this name in the court files). One woman talked about her experience:

I was told to come down right away or the next day to file for an Emergency Intervention Order, so I went in the morning and it was denied because I was told it wasn't an emergency situation. I was very mad and frustrated, I didn't take anything from home for myself. I think what needs to be done is that the definition of an emergency has to be made clear, it can't just be defined as an immediate danger. People are confused about what an emergency means. Others said I would have been granted an order if it was another JP.

In the majority of cases (n=14) the victims described Emergency Intervention Orders as a tool that can be used in emergency situations to remove the abuser from the home and/or to prevent further contact. Victims had little or no understanding of what Victim's Assistance Orders were used for.

Sixteen victims had involved the police in a prior incident. When asked what happened when the police attended, nine of the victims said "nothing", four said assault charges were laid, and two said the offender was incarcerated (one woman could not recall the outcome). Six of the victims said they had been to court because of a previous incident.

Twelve victims had been granted an Emergency Intervention Order and one had obtained a Victim's Assistance Order. We asked the victims to describe the incident surrounding the Emergency Intervention Order or Victim's Assistance Order. All but one involved domestic violence between spouses where the victim was either physically assaulted, threatened with violence, or feared for her safety because of past violence. Charges were laid in six of these cases and included assault, unlawful confinement, breach of probation, break and enter, and threats.

The agencies first contacted by the victims when the incident occurred, included: the police (n=12), shelters (n=4), mobile crisis service (n=2), Early Intervention Program (n=2), and a doctor (n=1). The service was contacted: immediately after the incident occurred (n=8); during the incident (n=5); within a week (n=4); and within 24 hours (n=3).

According to the victims, five offenders have violated the order by stalking, contacting the victim and moving back into the home. In all but one of these cases, the victim did not want anything done and therefore did not report the violation. One woman called the police but they were unable to locate the offender.

All of the women we interviewed think the orders are a good idea for victims of domestic violence and many (n=13) feel more protected because of the legislation. The seven women who did not feel more protected explained (one victim did not respond to this question) that the order does not necessarily prevent the abuser from harming them. All, except for one of the victims who had obtained an order said it helped them. This one individual felt that the order was not explained clearly to her.

We asked the victims if anything more could have been done to make the orders easier to obtain and if anything else could have been done to better assist them. The majority had no suggestions about the process of obtaining the Emergency Intervention Orders, but some had various comments about the process. Three victims mentioned that the police had refused to request an order based on eligibility of the case; two complained about the waiting period to see a Legal Aid lawyer; and another two referred to the need for a clear definition of an emergency. Lastly, many of the victims believe there is a necessity to educate the public and service providers about domestic violence and this legislation.

4.2 Justices of the Peace

We interviewed 15 Justices of the Peace, all of whom were hired and trained especially to hear applications for Emergency Intervention Orders.

Training

All Justices of the Peace participated in the training session conducted by Saskatchewan Justice. They said the training was effective in informing them of the procedural aspects of granting or denying an order. Many (n=11) said these sessions helped them learn which issues to consider when deciding whether to grant an order. However, four said that it would have been helpful to have more training on the type of incidents where Emergency Intervention Orders would be appropriate. One Justice of the Peace said, "*this part was hazy, we weren't given stringent guidelines as to when, or when not to grant an order. The interpretation was left up to us.*" In general, a common response by the Justices of the Peace was, "*the training sessions were good but you don't have any idea until you actually do it.*"

Emergency Intervention Orders

The experience of individual Justices of the Peace varied, with requests for Emergency Intervention Orders ranging from four to 31. Most Justices of the Peace use similar criteria in deciding whether to grant an order; factors such as fear, threats of harm, safety, history of violence and presence of children are all taken into consideration.

The most significant factor used to determine if an order should be granted is whether an emergency exists. We asked the Justices of the Peace to define an emergency. A common response was that an emergency is any act of violence or threat of violence, or a situation where abuse has been ongoing. Three suggested that the interpretation of an emergency varies among the courts, police and the Justices.

Justices of the Peace said that initially they were told to grant orders for a maximum of 30 days because this was considered a sufficient amount of time for a victim to seek long term remedies. However, seven Justices of the Peace said they now grant orders for longer in isolated communities. One Justice of the Peace said, "*Most orders were granted for 30 days when we first started, but we found that for those in the North especially, the orders needed to be longer because these people cannot get in contact with a lawyer and they do not have access to legal resources.*"

Justices of the Peace have denied orders in situations where they did not feel an emergency existed and because the information provided by the designate was not sufficient. Four said Emergency Intervention Orders are not appropriate in areas where there is a lack of policing services. As one Justice of the Peace indicated, "*The community*

did not have on-site policing so the order would not have helped the victim. In situations like this, it is better for the victim to be out of the home and out of the community."

Justices of the Peace were generally consistent in their description of the procedure for requesting an order. In most cases, the Justice of the Peace is contacted on their cellular phones by a designate, the Justice of the Peace places this individual under oath and then the designate gives a statement. Once all the information has been provided and the Justice of the Peace has completed the check-off sheet, a decision is made. The Justice of the Peace instructs the designated person on completing their copy of the Emergency Intervention Order. If the designated person is a police officer, the Justice of the Peace instructs them to serve the order, but if the designate is someone other than a police officer, they are told to contact a peace officer to serve the order. Three Justices of the Peace expressed concern that police officers were completing orders before contacting them. One Justice of the Peace said, *"I have had police who have already written up the orders. What I often do is ask them for what # it is so that I can cross reference later if there is any discrepancy."*

Objectives of the Legislation

All Justices of the Peace believe this legislation is an effective way of helping the victims of domestic violence and most believe it complements criminal law in dealing with these offenses. A few expressed concern that sometimes the Emergency Intervention Orders are not used along with criminal charges, when they should be.

We asked the Justices of the Peace whether they believe the objectives of the legislation have been met. They all believe the legislation has met its objectives with the exception of promoting the message that domestic violence is a serious concern - *"I think the legislation will eventually show that domestic violence is a serious concern but I think the legislation is still an enigma."*

Suggestions For Improvement

Although the Justices of the Peace were positive about this legislation, they did have some suggestions for improvement:

- *We need to extend the range of designated persons.*
- *We need clarification on the Victim's Assistance Orders and Warrants of Entry.*
- *We need to make the information about the legislation known to the public so that they can request the orders.*

4.3 Mobile Crisis/Victims Assistance/Shelter Workers/Case Workers

We conducted 26 key informant interviews with mobile crisis staff, case workers, victims service coordinators, and the Executive Directors of shelters/transition homes throughout the province of Saskatchewan.

Of the 26 key informants, 13 work in agencies that are designates for requesting Emergency Intervention Orders. The number of domestic violence complaints received weekly by these agencies range anywhere from one to 25.

Training

Eighteen of the key informants have received training on *The Victims of Domestic Violence Act* and 12 said the training was effective in informing them about the various orders under the Act.

Emergency Intervention Orders and Victim's Assistance Orders

Six of the key informants have had personal involvement in obtaining an Emergency Intervention Order, while 17 have had no direct experience with orders. Sixteen interviewees reported that others in their agencies had been involved with Emergency Intervention Orders (i.e., recommending orders to clients, requests to police and Justices, etc.).

Although the majority of key informants were not familiar with Victim's Assistance Orders or had not had any direct involvement with them, five said they have recommended a Victim's Assistance Order to their clients.

Typically, Emergency Intervention Orders have been requested for incidents involving wife abuse where the victim wants the respondent removed from the home immediately and to prevent any further contact. Victim's Assistance Orders have been recommended for women who are no longer in an emergency situation but who still require assistance. The main criteria used to determine whether to request an order are safety, fear, past history of abuse, as well as the client's needs and wishes (whether they would like to stay in the home, or not).

All interviewees said Justices of the Peace have been very responsive to their requests for orders and many said that they have been consistent when granting orders. Eleven expressed some concerns about police services. These individuals suggested that some police officers are resistant to using the order when it is requested - "*we are having difficulty getting police even to contact Justices of the Peace. They usually tell us it isn't applicable.*" Another concern mentioned was that many police officers are not offering this option to victims of domestic violence.

Eleven key informants discussed their concerns about the difficulty of obtaining Victim's Assistance Orders. They indicated that Legal Aid has been unwilling to use Victim's Assistance Orders. One said, "*They have said that they don't do this; they tell us we can get what we want without Victim's Assistance Orders.*" In addition, they suggested that the amount of time it takes to meet with a legal aid lawyer and the costs of a private lawyer are both unreasonable.

Objectives of the Legislation

Most (n=22) key informants think this legislation is an effective way of helping victims of domestic violence and many said there were a number of benefits over current legislation. Some of the benefits mentioned by the included:

- *it is a quick response;*
- *it focuses on the victim of domestic violence, and;*
- *it is more accessible to victims.*

All the key informants believe the legislation both complements the existing criminal justice procedures for domestic violence and promotes the message that domestic violence is a serious concern.

Suggestions

Many suggested more education for the public and clarification on the definition of an emergency as two ways of increasing the effectiveness of this legislation.

4.4 Police Interviews

We conducted interviews with 27 police officers throughout the province. Experience of participating police officers range from 2.5 to 32 years. They said they deal with as few as one domestic violence complaint every two months to as many as 13 domestic violence complaints per week.

Training

Of the 27 officers, the majority (n=24) had gone through the day-long training developed by Saskatchewan Justice. Almost half (n=13) said the training was effective in informing them more about domestic violence, 19 felt that it adequately informed them of the different types of remedies under the new Act, and 20 said it helped them to understand how the legislation can be used in conjunction with criminal law.

Emergency Intervention Orders

We asked police to briefly describe the incident(s) for which they requested an order. In almost all cases, an Emergency Intervention Order was requested for a woman in an abusive relationship who had been assaulted, or who was threatened with assault. Most officers said they requested an order to provide immediate protection to the victim by removing the abuser from the home and to give the victim exclusive occupation of the home.

A few officers said that an Emergency Intervention Order is a "good option" to have when they are unable to lay criminal charges, but that Emergency Intervention Orders are not appropriate in serious assault cases. One officer explained, "*usually, if there is an assault we lay charges and release him on an undertaking. If there is no assault, we use an Emergency Intervention Order to keep him away from her.*" We spoke to two officers who have not yet requested an Emergency Intervention Order because they work on-reserve, and as one explained, there must be a bylaw passed before this legislation can be used. A few officers also said that Emergency Intervention Orders are not appropriate in isolated areas because police cannot guarantee the safety of victims.

Twenty-four officers did not think that the legislation has an effect on mandatory charging. As one said, "*It is a nice supplement to criminal procedures, but if there is criminal activity, we go with criminal charges and not just The Victims of Domestic Violence Act.*"

Key informants were divided on whether the legislation has changed police practice. We asked those who felt it had, to explain. Some said that Emergency Intervention Orders give police officers a more immediate option for dealing with domestic violence. Others said this legislation has forced them to be more prepared to deal with this offense- "*It has forced us to be prepared for it ... to get away from the attitude - you guys work it out.*"

Of the 24 officers who had requested an Emergency Intervention Order, 14 said that respondents generally adhere to the provisions in the orders; six disagreed and four said they did not know. All police interviewees said that when an order is breached, charges are laid.

Objectives of the Legislation

Twenty-one of the police officers believe the legislation is an effective way of helping victims of domestic violence; six disagreed. Five officers said they prefer to use criminal legislation because it is a more effective tool for helping victims.

Police officers cited some benefits of this legislation over other current legislation. These were:

- *it is an immediate response;*
- *they are easily obtained, and;*
- *the provisions of the order focus on assisting the victims of domestic violence.*

Most (n=24) of the police did not believe awareness of the legislation was sufficient. One officer said, *"I don't know how much public awareness was done on it. A lot of people in these relationships who may read about this would find it very helpful."* Three officers thought the legislation was biased against the respondent (offender).

Suggestions

The few suggestions that were made included:

- *I would like to see a better description on when Emergency Intervention Orders can be issued. They need to make the definition of an emergency more clear and also under what circumstances you can, or cannot issue an Emergency Intervention Order.*
- *They need to have victims services in rural areas - have someone to do follow up phone calls, to keep support there.*
- *It would be helpful to have the police file number on Emergency Intervention Orders because this would make [them] easier to identify/track.*

4.5 Interviews with Judges

We conducted interviews with three Court of Queen's Bench judges.

Judges said they generally confirm Emergency Intervention Orders because they are not likely to "second guess" the Justices of the Peace. When orders are not confirmed, it is because the evidence does not support the occurrence of domestic violence as defined in the legislation (for example, if the parties are not cohabitants, or if there was a quarrel without violence or threats. In cases like these, the judge tends to order a rehearing but often, no one shows up and therefore, the order is terminated. Few victims, or respondents have applied for a variance and there have been some cases in which the victim has asked for the order to be rescinded.

The judges provided positive feedback on the Emergency Intervention Orders because of the immediacy of the response to victims of domestic violence. Access to Justices of the Peace 24 hours a day was considered to be an especially important attribute, especially in areas where courts sit only once a week.

Judges recalled very few Victim's Assistance Orders having been applied for. The point was made that the Emergency Intervention Order is cited first in the legislation and the granting of an order *ex-parte* caught the eye of most counsel. The general opinion of the Victim's Assistance Order is that there are other, more established types of relief applications and that it does not offer anything that is not available under other legislation.

It was suggested that the legislation provides victims with an immediate safety measure and a cooling off period. However, it is thought that counsel considers these incidents to be criminal in nature and therefore, the legislation should be kept for emergency situations.

4.6 Interviews with Lawyers

We conducted interviews with 11 Legal Aid staff. Most of the lawyers had little, if any, experience with the legislation. Three of the interviewees appeared to know more than others about the law and were more prepared to explore the remedies available.

Training

All lawyers said they received material introducing the legislation, but only two had undergone formal training on how to use it. Several said they would like to have someone come in and talk about the legislation and how it can be used (especially those lawyers who have had the experience of taking an order through the courts).

Emergency Intervention Orders

Regardless of knowledge or experience, there was unanimous approval of the introduction of Emergency Intervention Orders. Some of the benefits mentioned by the Legal Aid staff included:

- *It is good for people who seek something other than a criminal justice remedy.*
- *Exclusive possession is available to unmarried persons.*
- *Emergency Intervention Orders are useful for police because they have a clear mandate to remove an offender from the house (Although police do a lot of [Criminal Code] 810 peace bonds and achieve the no contact condition in this way).*
- *An Emergency Intervention Order provides assistance without involving lawyers.*

Two key informants suggested that Emergency Intervention Orders are treated differently in different courts, i.e., that some judges are more likely than others to confirm

an order. Lawyers said that occasionally applicants and/or respondents apply to Legal Aid to have an order removed, but that no action is taken. Lawyers said they tend not to get involved too quickly because of the abuse circumstances. In any event, if clients cannot be seen immediately and the order is for 30 or 60 days, it expires. One suggestion was that in some situations, Emergency Intervention Orders could be given for even shorter periods (i.e., one or two days) which provides a "cooling off period" with no criminal charges.

Two lawyers said that they thought the orders would have been more useful in the North because the isolation could be offset by the 24-hour telephone availability of the Justices of the Peace. However, use of the legislation on reserves is minimal.

One lawyer discussed a potential problem with Emergency Intervention Orders. This individual said that because issuing an Emergency Intervention Order is handled as a civil matter, there may be no prior offence recorded when a breach of an Emergency Intervention Order occurs. In this case, as a first offence, the Crown needs to show cause why the offender should be detained. If it is a second criminal offence (after the incident for which an Emergency Intervention Order was used) the onus is on the offender to show cause as to why he should be released.

Victim's Assistance Orders

In discussing Victim's Assistance Orders, a few of the lawyers were not at all aware of the process of obtaining one.

One lawyer indicated that the monetary compensation of the Victim's Assistance Order was useful, but had concerns with Section 10 regarding leasehold interest. To have the order set aside, the onus is on the recipient to obtain a lawyer and this is often too costly.

Most lawyers believe that Victim's Assistance Orders provide no additional Options. When lawyers open a family law file, they generally deal with the "whole package" which may include custody, maintenance, and restraining orders. In their opinion, other legislation such as *The Matrimonial Property Act* deals with exclusive possession of the home as well as other types of relief such as support and custody.

Two lawyers suggested the Act should specify which document to use in court for a Victim's Assistance Order, or alternatively, to have a unique form. Another lawyer said Victim's Assistance Orders would only be useful if victims were not required to retain counsel to apply for an order.

4.7 Summary of Interviews

The general opinion among key informants is that Emergency Intervention Orders are a positive step toward assisting victims of domestic violence. The major advantages are that these orders are easily obtained, and provide an immediate response to victims. However, most agreed that the legislation has not been well publicized and is therefore not well known in the general public. All groups suggested the need for education to increase public awareness.

The interviews indicate that in general, the various individuals who are involved with Emergency Intervention Orders (designates, Justices of the Peace and QB judges) have been working and responding fairly well to each other with regards to obtaining, granting and confirming Emergency Intervention Orders. Some concern was raised about the possibility that orders are not being offered as often as they could (and should) be. As well, Legal Aid was criticized for the amount of time victims must wait for appointments. Lawyers are hesitant to become involved in requests for assistance to have an Emergency Intervention Order varied.

Some key informants believe that the various parties dealing with Emergency Intervention Orders do not agree on which circumstances are appropriate for these orders, or on the definition of an emergency. This lack of consensus perhaps is the greatest weakness of the implementation of Emergency Intervention Orders.

The process of obtaining an Emergency Intervention Order appears to be understood, but knowledge about Victim's Assistance Orders and Warrants of Entry is quite limited among key informants. The general opinion among lawyers is that Victim's Assistance Orders offer no new alternatives to other current legislation.



5.0 CONCLUSIONS AND RECOMMENDATIONS

The purpose of this project was to evaluate the implementation of the legislation and its impact on assisting victims of domestic violence and those who provide services to these individuals. This evaluation also assessed the degree to which the objectives of *The Victims of Domestic Violence Act* have been met.

Issue #1 - Implementation / Relevance of the Legislation

It is clear from the research that Emergency Intervention Orders are being used, but there is no basis on which to assess acceptance by the various agencies involved in providing services to victims of domestic violence. In other words, whether 295 orders are many or few, cannot be determined.

Use of Victim's Assistance Orders has been minimal. Other civil legislation is better understood and lawyers are more comfortable with using more familiar remedies. Most key informants knew little about these orders.

There have been no requests for a Warrant of Entry. Therefore, the legislation has not yet met its objective of "*assisting domestic violence victims who are unable to act on their own by allowing the use of Warrants of Entry.*"

Police, Mobile Crisis personnel, Justices of the Peace, judges, lawyers, victims services, and shelter workers are all involved in the implementation of the legislation. These agencies and professionals rely on each other to work in a collaborative manner. There are three important factors which will facilitate this multidisciplinary cooperation. First, there must be consistency in the interpretation of an emergency. Second, there must be a shared understanding of the situations in which orders are applicable. Third, personnel must be familiar with the dynamics of family violence. The interviews demonstrate that problems exist in all three areas which has, at times, resulted in problems in the implementation process.

The general consensus is that Emergency Intervention Orders are an effective way of assisting victims of domestic violence. In particular, Emergency Intervention Orders are being used to help victims of wife abuse. Although the act applies to cohabitants, very few Emergency Intervention Orders are being used for children or elderly parents.

With few exceptions, victims residing on reserves are not being served by this legislation. Although, at this time, the provisions relating to possession of the home cannot be enforced without a reserve by-law, there are other elements to the legislation that may be valuable. There is a tendency for police to disregard the entire Act on-reserve. The legislation was intended to serve victims on and off reserves, but at this time is not available to everyone.²

² Three by-laws have been passed since Spring, 1996.

Overall, the opinion is that Emergency Intervention Orders both complement and provide additional benefits over current legislation. The immediacy of the order, accessibility, and focus on the victims are the most impressive aspects of the Emergency Intervention Orders.

There was generally positive feedback on the training delivered to the various organizations/ agencies. Training sessions were designed specifically to address the particular needs of the agency involved in implementing the legislation. Most of the key informants we interviewed said they were familiar with the **process** of obtaining an order. The majority of key informants also said the training was effective in informing them about the different types of remedies under the Act. Our research did not support this assertion. Few of the individuals we interviewed had a clear understanding of the Victim's Assistance Orders and Warrants of Entry and there was limited understanding as to the scope of provisions available under the Emergency Intervention Order (such as substitutional service orders).

Most police officers said the training helped them to understand how this legislation can be used with criminal law, however, our findings raise some doubts. We found that police were somewhat less likely to request an order when charges were laid. Although this could also reflect the severity of the offences with charges, a review of our incident summaries did not appear to support this notion.

Legal Aid was criticized for the lengthy waiting periods victims experience when they try to obtain an appointment. Often, when the time for the appointment arrives, the order has lapsed. Legal Aid lawyers tend to see these waiting periods as beneficial when they are asked to apply for a review of Emergency Intervention Orders, particularly when the victim or offender wish to have an order terminated.

Issue #2 - Administrative Problems

There are several problems that make tracking cases difficult. First, most police files on Emergency Intervention Orders have not been kept in a consistent and easily obtainable manner. Second, court files are cumbersome and are not linked throughout the province. Third, when a call is made to a Justice of the Peace and the call skips to another jurisdiction, the location on the financial claim will not match the location of the court. Fourth, breaches of Emergency Intervention Orders are "hidden" among all breaches of court orders and none of the courts were able to access them (Police were also unable to locate breaches of Emergency Intervention Orders). Fifth, Victims' Assistance Orders are also buried among all family applications. Just as an Emergency Intervention Order can be used with criminal charges, a Victim's Assistance Order can be used with other civil legislation. Finally, police services have not been providing consistent statistics on domestic violence. If the legislation is to be monitored to ensure it is meeting its objectives, this information must be available on an ongoing basis.

Issue #3 - Impact of the Legislation

There has been very little impact on workload of the agencies involved with implementing the legislation (i.e., police, Mobile Crisis, courts, Legal Aid, and victims services) and it is primarily the provisions of the Emergency Intervention Orders that are being tested.

The Emergency Intervention Order is cited first in the legislation and has had the most acceptance. Its distinctiveness has been recognized and appreciated by those who have had some experience with it. In the legal context, the immediacy and the *ex-parte* provision are perceived as innovative.

We cannot comment on whether the legislation has had either a positive or a negative impact on mandatory charging. In some instances, police are using Emergency Intervention Orders along with criminal charges, while in other cases, Emergency Intervention Orders are being used exclusively. In reviewing the summary descriptions of cases, it appears that some of the incidents for which no charges were laid (but an Emergency Intervention Order was issued) had sufficient evidence to warrant a charge. There is no reason to assume that without access to Emergency Intervention Orders, that charges would have been laid in those circumstances, though it is possible that an Emergency Intervention Order was used rather than no action being taken. It is probable, though, that the legislation is providing an opportunity to assist victims when prosecution is unlikely.

Emergency Intervention Orders have been embraced by both service providers and victims of domestic violence. Victims feel that they were helped by the Emergency Intervention Orders and service providers believe these orders have enabled them to deal more effectively with domestic violence. However, the availability of orders has not been well publicized and many believe that the level of awareness of this legislation is poor. To effectively achieve the objectives of the legislation, the general public must be aware of its provisions and how they can be assisted.

Recommendations

Based on this evaluation, the following recommendations are proposed:

- Recommendation 1: Official organizations/agents involved in the implementation of the legislation must have a shared understanding of an emergency and the appropriate situations for which an Emergency Intervention Order can be requested.*
- Recommendation 2: The Act was designed to apply to "cohabitants" which includes, but is not limited to victims of spousal assault. Designates should be aware that these Orders apply to all victims of domestic violence.*

- Recommendation 3:** *Strategies need to be developed in consultation with First Nations to enable victims on reserves to benefit from The Victims of Domestic Violence Act.*
- Recommendation 4:** *The Victim's Assistance Orders and Warrants of Entry are not being used. Additional monitoring and training are required.*
- Recommendation 5:** *Use of The Victims of Domestic Violence Act in conjunction with criminal legislation must be reinforced.*
- Recommendation 6:** *A consistent method of identifying Orders should be implemented across police services and courts. This pertains to Orders requested, Orders issued, Orders confirmed (or not confirmed), and breaches of Orders.*
- Recommendation 7:** *Police require a strategy for producing monthly statistical reports on all domestic violence.*
- Recommendation 8:** *Now that many of those working with victims of domestic violence have used Emergency Intervention Orders, additional training can help to refine their knowledge.*
- Recommendation 9:** *Front line workers should be encouraged to provide information on Emergency Intervention Orders as an option to victims of domestic violence.*
- Recommendation 10:** *Once other systems have been put in place, public education should be emphasized.*

APPENDIX A

LEGISLATION AND REGULATIONS

BILL

No. of 1994

An Act respecting Victims of Domestic Violence

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(Assented to , 1994)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

- 1 This Act may be cited as *The Victims of Domestic Violence Act*. Short Title
- 2 In this Act: Interpretation
 - (a) "cohabitants" means:
 - (i) persons who have resided together or who are residing together in a family relationship, spousal relationship or intimate relationship; or
 - (ii) persons who are the parents of one or more children, regardless of their marital status or whether they have lived together at any time;
 - (b) "court" means the Court of Queen's Bench;
 - (c) "designated justice of the peace" means a presiding justice of the peace who has been designated for the purposes of this Act;
 - (d) "domestic violence" means:
 - (i) any intentional or reckless act or omission that causes bodily harm or damage to property;
 - (ii) any act or threatened act that causes a reasonable fear of bodily harm or damage to property;

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- (iii) forced confinement; or
- (iv) sexual abuse;
- (e) "emergency intervention order" means an order made pursuant to section 3;
- (f) "order" means an emergency intervention order or a victim's assistance order;
- (g) "residence" means a place where a victim normally resides, and includes a residence that a victim has vacated due to domestic violence;
- (h) "respondent" means any person against whom an order is sought or made;
- (i) "victim" means a cohabitant who has been subjected to domestic violence by another cohabitant;
- (j) "victim's assistance order" means an order made pursuant to section 7.

Emergency
intervention
order

3(1) An emergency intervention order may be granted *ex parte* by a designated justice of the peace where that designated justice of the peace determines that:

- (a) domestic violence has occurred; and
- (b) by reason of seriousness or urgency, the order should be made without waiting for the next available sitting of a judge of the court in order to ensure the immediate protection of the victim.

(2) In determining whether an order should be made, the designated justice of the peace shall consider, but is not limited to considering, the following factors:

- (a) the nature of the domestic violence;
- (b) the history of domestic violence by the respondent towards the victim;
- (c) the existence of immediate danger to persons or property;
- (d) the best interests of the victim and any child of the victim or any child who is in the care and custody of the victim.

(3) An emergency intervention order may contain any or all of the following provisions:

- (a) a provision granting the victim and other family members exclusive occupation of the residence, regardless of ownership;
- (b) a provision directing a peace officer to remove, immediately or within a specified time, the respondent from the residence;

VICTIMS OF DOMESTIC VIOLENCE

(c) a provision directing a peace officer to accompany, within a specified time, a specified person to the residence to supervise the removal of personal belongings in order to ensure the protection of the victim;

(d) a provision restraining the respondent from communicating with or contacting the victim and other specified persons;

(e) any other provision that the designated justice of the peace considers necessary to provide for the immediate protection of the victim.

(4) An emergency intervention order may be subject to any terms that the designated justice of the peace considers appropriate.

(5) Subject to subsection 4(1), an emergency intervention order takes effect immediately.

4(1) A respondent is not bound by any provision in an order until he or she has notice of that provision. Notice of order

(2) Notice of the provisions of an order is to be given in the form and manner prescribed in the regulations.

5(1) Immediately after making an emergency intervention order, a designated justice of the peace shall forward a copy of the order and all supporting documentation, including his or her notes, to the court in the prescribed manner. Confirmation by judge

(2) Within three working days of receipt of the order and all supporting documentation by the court, or, if a judge is not available within that period, as soon as one can be made available, a judge shall:

(a) review the order in his or her chambers; and

(b) confirm the order where the judge is satisfied that there was evidence before the designated justice of the peace to support the granting of the order.

(3) For all purposes, including appeal or variation, an order that is confirmed by a judge pursuant to subsection (2) is deemed to be an order of the court granted on an *ex parte* application.

(4) Where, on reviewing the order, the judge is not satisfied that there was evidence before the designated justice of the peace to support the granting of the order, he or she shall direct a rehearing of the matter.

(5) Where a judge directs that a matter be reheard:

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(a) the local registrar shall issue a summons, in the form and manner prescribed in the regulations, requiring the respondent to appear at a rehearing before the court; and

(b) the victim shall be given notice of the rehearing and is entitled, but not required, to attend and may fully participate in the rehearing personally or by an agent.

(6) The evidence that was before the designated justice of the peace shall be considered as evidence at the rehearing.

(7) At a rehearing, the onus is on the respondent to demonstrate, on a balance of probabilities, why the order should not be confirmed.

(8) Where the respondent fails to attend the rehearing, the order may be confirmed in the respondent's absence.

(9) At the rehearing, the judge may confirm, terminate or vary the order or any provision in the order.

Review of
order

6(1) At any time after a respondent has been served with an order, the court, on application by a victim or respondent named in the order, may:

(a) make changes in, additions to or deletions from the provisions contained in the order;

(b) decrease or extend the period for which any provision in an order is to remain in force;

(c) terminate any provision in an order; or

(d) revoke the order.

(2) On an application pursuant to subsection (1), the evidence before the designated justice of the peace or the court on previous applications pursuant to this Act shall be considered as evidence.

(3) The variation of one or more provisions of an order does not affect the other provisions in the order.

(4) Notwithstanding any other provision in this Act, an emergency intervention order continues in effect and is not stayed by a direction for a rehearing pursuant to section 5 or an application pursuant to subsection (1).

(5) Any provision in an order is subject to and is varied by any subsequent order made pursuant to any other Act or any Act of the Parliament of Canada.

Victim's
assistance
order

7(1) Where, on application, the court determines that domestic violence has occurred, the court may make a victim's assistance order containing any or all of the following provisions:

VICTIMS OF DOMESTIC VIOLENCE

- (a) a provision granting the victim and other family members exclusive occupation of the residence, regardless of ownership;
 - (b) a provision restraining the respondent from attending at or near or entering any specified place that is attended regularly by the victim or other family members, including the residence, property, business, school or place of employment of the victim and other family members;
 - (c) a provision restraining the respondent from making any communication likely to cause annoyance or alarm to the victim, including personal, written or telephone contact with the victim and other family members or their employers, employees or co-workers or others with whom communication would likely cause annoyance or alarm to the victim;
 - (d) a provision directing a peace officer to remove the respondent from the residence within a specified time;
 - (e) a provision directing a peace officer to accompany, within a specified time, a specified person to the residence to supervise the removal of personal belongings in order to ensure the protection of the victim;
 - (f) a provision requiring the respondent to pay the victim compensation for monetary losses suffered by the victim and any child of the victim or any child who is in the care and custody of the victim as a direct result of the domestic violence, including loss of earnings or support, medical and dental expenses, out-of-pocket losses for injuries sustained, moving and accommodation expenses, legal expenses and costs of an application pursuant to this Act;
 - (g) a provision granting either party temporary possession of specified personal property, including a vehicle, chequebook, bank cards, children's clothing, medical insurance cards, identification documents, keys or other necessary personal effects;
 - (h) a provision restraining the respondent from taking, converting, damaging or otherwise dealing with property that the victim may have an interest in;
 - (i) a provision recommending that the respondent receive counselling or therapy;
 - (j) a provision requiring the respondent to post any bond that the court considers appropriate for securing the respondent's compliance with the terms of the order;
 - (k) any other provision that the court considers appropriate.
- (2) A victim's assistance order may be subject to any terms that the court considers appropriate.

VICTIMS OF DOMESTIC VIOLENCE

Application
for an order

8(1) An application for an order may be made by:

- (a) a victim;
- (b) a member of a category of persons designated in the regulations on behalf of the victim with the victim's consent; or
- (c) any other person on behalf of the victim with leave of the court or the designated justice of the peace.

(2) An application for an emergency intervention order is to be in the form and manner prescribed by the regulations and may include an application by telecommunication.

(3) At the hearing of an application for an order, the standard of proof is to be on a balance of probabilities.

Confidential
information,
private
hearings and
publication

9(1) The local registrar of the court and a designated justice of the peace shall keep the victim's address confidential at the request of the victim or a person acting on the victim's behalf.

(2) The court may order that the hearing of an application or any part of a hearing be held in private.

(3) On the request of the victim, the court may make an order prohibiting the publication of a report of a hearing or any part of a hearing if the court believes that the publication of the report:

- (a) would not be in the best interests of the victim or any child of the victim or any child who is in the care and custody of the victim; or
- (b) would be likely to identify, have an adverse effect on or cause hardship to the victim or any child of the victim or any child who is in the care and custody of the victim.

Effect of order
on property
and leasehold
interest

10(1) An order does not in any manner affect the title to or an ownership interest in any real or personal property jointly held by the parties or solely held by one of the parties.

(2) Where a residence is leased by a respondent pursuant to an oral, written or implied agreement and a victim who is not a party to the lease is granted exclusive occupation of that residence, no landlord shall evict the victim solely on the basis that the victim is not a party to the lease.

(3) On the request of a victim mentioned in subsection (2), the landlord shall advise the victim of the status of the lease and serve the victim with notice of any claim against the respondent arising from the lease and the victim, at his or her option, may assume the responsibilities of the respondent pursuant to the lease.

VICTIMS OF DOMESTIC VIOLENCE

11(1) A designated justice of the peace may issue a warrant where, on an *ex parte* application by a person designated in the regulations, the designated justice of the peace is satisfied by information on oath that there are reasonable grounds to believe that:

Warrant
permitting
entry

- (a) the person who provided the information on oath has been refused access to a cohabitant; and
- (b) a cohabitant who may be a victim will be found at the place to be searched.

(2) A warrant issued by a designated justice of the peace authorizes the person named in the warrant to:

- (a) enter, search and examine the place named in the warrant and any connected premises;
- (b) assist or examine the cohabitant; and
- (c) seize and remove anything that may provide evidence that the cohabitant is a victim.

(3) Where the person conducting the search believes on reasonable grounds that the cohabitant may be a victim, that person may remove the cohabitant from the premises for the purposes of assisting or examining the cohabitant.

12 With leave of a judge of the Court of Appeal, an appeal from any order made pursuant to this Act may be made to the Court of Appeal on a question of law.

Appeal

13 An application for an order pursuant to this Act is in addition to and does not diminish any existing right of action for a victim.

Rights not
diminished by
Act

14(1) Notwithstanding subsection 13(2) of *The Justices of the Peace Act, 1988*, the chief judge of the Provincial Court of Saskatchewan may designate a presiding justice of the peace to hear and determine applications pursuant to this Act.

Designation
of presiding
justices of the
peace

(2) Where the chief judge designates a presiding justice of the peace to hear applications pursuant to this Act, the chief judge shall specify the place at which and period during which the presiding justice of the peace may hear those applications.

(3) The chief judge may delegate the exercise of the power to designate a presiding justice of the peace to hear applications pursuant to this Act to a supervising justice of the peace appointed pursuant to *The Justices of the Peace Act, 1988*, and the exercise of that power by the supervising justice of the peace is deemed to be an exercise by the chief judge.

VICTIMS OF DOMESTIC VIOLENCE

Immunity 15 No action lies or shall be instituted against a peace officer, a local registrar or any other person for any loss or damage suffered by a person by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done by any of them:

- (a) pursuant to or in the exercise or supposed exercise of any power conferred by this Act or the regulations; or
- (b) in the carrying out or supposed carrying out of any decision or order made pursuant to this Act or the regulations or any duty imposed by this Act or the regulations.

Regulations 16 The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or phrase used in this Act but not defined in this Act;
- (b) prescribing forms for the purposes of this Act;
- (c) prescribing the procedures to be followed for applications, hearings and rehearings pursuant to this Act;
- (d) prescribing the manner in which a designated justice of the peace is to forward a copy of an emergency intervention order and all supporting documentation to the court;
- (e) designating persons or categories of persons who may make applications for an order on behalf of a victim with the victim's consent;
- (f) designating persons or categories of persons who may apply for a warrant pursuant to section 11;
- (g) prescribing the form and manner of providing any notice or summons required to be provided pursuant to this Act, including prescribing substitutional service and a rebuttable presumption of service;
- (h) prescribing any other matter or thing required or authorized by this Act to be prescribed in the regulations;
- (i) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

Coming into force 17 This Act comes into force on proclamation.

FOURTH SESSION

Twenty-second Legislature

SASKATCHEWAN

BILL

No. of 1994

An Act respecting Victims of Domestic Violence

Received and read the

First time

Second time

Third time

And passed

Mr. Mitchell

REGINA SASKATCHEWAN.
Printed by the QUEEN'S PRINTER
1994

SCHEDULE

Title

1 These regulations may be cited as *The Victims of Domestic Violence Regulations*.

Interpretation

2 In these regulations:

- (a) "Act" means *The Victims of Domestic Violence Act*;
- (b) "designated person" means a member of a category of persons designated in section 3;
- (c) "justice" means a designated justice of the peace;
- (d) "peace officer" means:
 - (i) a member of the Royal Canadian Mounted Police;
 - (ii) a member of a police service, as defined in *The Police Act, 1990*;
 - (iii) an employee of the Royal Canadian Mounted Police or a police service, as defined in *The Police Act, 1990*, who is employed in the area of telecommunications;
- (e) "telecommunication" means any transmission, emission or reception of signs, signals, writing, images, sounds or intelligence of any nature by a wire, radio, visual or electromagnetic system and includes communication by telephone.

Designated persons

3 The following categories of persons are designated for the purposes of clause 8(1)(b) of the Act:

- (a) employees of the following who are officers pursuant to section 57 of *The Child and Family Services Act*:
 - (i) Mobile Crisis Services, Inc.;
 - (ii) The Prince Albert Mobile Crisis Unit Co-operative Ltd.;
 - (iii) Saskatoon Crisis Intervention Service, Inc.;
- (b) peace officers.

APPROVED
LEGISLATIVE DRAFTING SECTION



VICTIMS OF DOMESTIC VIOLENCE

2

Application for an emergency intervention order

4(1) An application for an emergency intervention order must be made in person by:

(a) a victim; or

(b) a person on behalf of the victim with leave of the justice.

(2) An application for an emergency intervention order by a designated person may be made in person or by telecommunication.

(3) An order based on a telecommunication application has the same effect as an order based on an application made in person.

Hearing of the application

5(1) Where the justice is satisfied that the person making the application for an emergency intervention order is permitted to make the application pursuant to subsection 8(1) of the Act, the justice shall hear and consider:

(a) the allegation of the applicant; and

(b) the evidence of witnesses.

(2) Where the justice determines that an emergency intervention order should be made, the justice shall make that order in accordance with these regulations and section 3 of the Act.

Conduct of the hearing of an application

6 At the hearing of an application for an emergency intervention order, a justice may do any of the following as long as the hearing is concluded within 24 hours of the application being made:

(a) adjourn the hearing from time to time;

(b) where the taking of evidence by telecommunication becomes unsatisfactory, adjourn the hearing to a time and place where the justice can hear the evidence in person;

(c) change the place of the hearing to accommodate any person giving evidence;

(d) conduct the hearing in any manner that the justice considers appropriate and that is not inconsistent with the Act or these regulations.

Record to be made of evidence

7(1) At the hearing of an application for an emergency intervention order, a justice shall:

(a) take the evidence under oath or pursuant to a promise to tell the truth in accordance with section 42 of *The Saskatchewan Evidence Act*; and

(b) ensure that a record of the evidence of each person is made:

(i) in legible writing in the form of notes of the justice; or

(ii) in legible writing in the form of a statement of the person giving the evidence.

(2) For the purposes of subsection (1):

- (a) an oath may be administered by telecommunication; and
- (b) an inquiry pursuant to section 42 of *The Saskatchewan Evidence Act* and a promise to tell the truth pursuant to that section may be made by telecommunication.

Evidence to be taken in writing

8(1) Where a person gives evidence at a hearing for an emergency intervention order, the justice shall:

- (a) have that person read the record containing that person's evidence or have the evidence read back to the person who gave it; and
- (b) sign and date the record containing that person's evidence.

(2) Where the evidence of more than one person is taken in writing, the justice may sign at the end of each person's evidence or at the end of all of the evidence.

Inability of the justice to continue

9 Where a justice begins to hear an application for an emergency intervention order and is unable to continue the hearing for any reason, another justice may:

- (a) continue hearing the application where the evidence recorded by the previous justice pursuant to section 7 is available for review by the justice; or
- (b) begin hearing the application as if no evidence had been taken where the evidence recorded pursuant to section 7 is not available for review by the justice.

Form of the order

10(1) Form A of the Appendix is prescribed as the form of the emergency intervention order.

(2) The order consists of four parts:

- (a) Part 1 is the original completed by a justice;
- (b) Part 2 is the copy to be served on the respondent;
- (c) Part 3 is the copy to be provided to the victim; and
- (d) Part 4 is the copy to be used by a peace officer for proof of service after Part 2 of the order has been served on the respondent.

Completion of the order

11 Where a justice decides that an emergency intervention order should be made, the justice shall:

- (a) complete Part 1 of the order; and
- (b) either:
 - (i) complete Parts 2 to 4 of the order; or
 - (ii) direct a peace officer to complete Parts 2 to 4 of the order with the same information and provisions that are contained in Part 1 of the order completed by the justice.

Service of the order

12(1) The justice shall direct a peace officer to personally serve Part 2 of the emergency intervention order on the respondent as soon as is reasonably possible.

(2) The justice shall arrange for Part 3 of the order to be provided to the victim.

(3) Except where a peace officer completes Parts 2 to 4 of the order pursuant to subclause 11(b)(ii), a justice shall provide a peace officer with Parts 2 and 4, and Part 3 if necessary, by:

- (a) forwarding those Parts to a peace officer personally, by courier delivery or by ordinary mail;
- (b) transmitting those Parts to a peace officer by telecommunication that produces a written record; or
- (c) directing a peace officer to complete those Parts with the same information and provisions that are contained in Part 1 of the order completed by the justice.

(4) An order completed by a peace officer pursuant to this section or section 11 has the same effect as the order completed by the justice.

Substitutional service of an order

13(1) Where it is impractical for any reason for a peace officer to personally serve a respondent with an emergency intervention order, a peace officer may apply to a justice, in person or by telecommunication, for an order that authorizes substitutional service of the emergency intervention order.

(2) An application for substitutional service is to be supported by evidence setting out why personal service is impractical and proposing a method of service that is likely to bring notice of the order to the respondent.

(3) In making an order that authorizes substitutional service of an emergency intervention order, the justice shall direct, on any terms that the justice considers appropriate, any of the following methods of substitutional service that the justice is satisfied is likely to bring notice of the order to the respondent:

- (a) serving a member of the respondent's family or another person who is able to bring the order to the respondent's attention;

VICTIMS OF DOMESTIC VIOLENCE

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- (b) serving a person with whom the respondent is residing or leaving the order at the place where the respondent is residing;
- (c) posting the order in a public place;
- (d) publishing the order in a newspaper;
- (e) any other method the justice considers appropriate.

(4) The justice shall forward the order for substitutional service and his or her notes of the evidence supporting the order to the court at the judicial centre mentioned in section 16.

(5) Service of an emergency intervention order in accordance with the terms of the order for substitutional service is deemed to be personal service on the respondent.

Service of an order that has been varied

14 Where an emergency intervention order is varied or terminated pursuant to subsection 5(9) of the Act, unless the victim or respondent is present in court, the order is to be served:

- (a) on the victim personally and on the respondent personally by a peace officer; or
- (b) if it is impractical for any reason to serve either or both of the parties personally, in any other manner ordered by the court.

Copy of order sufficient notice

15 A respondent is bound by the provisions in an emergency intervention order as soon as he or she receives a copy of the order, whether or not it was personally served by a peace officer.

Where material to be forwarded

16 Where a justice makes an emergency intervention order, the material mentioned in subsection 5(1) of the Act is to be forwarded by the justice to the local registrar of the court at the judicial centre nearest to where the victim resides:

- (a) by personal delivery;
- (b) by ordinary mail;
- (c) by courier delivery; or
- (d) by telecommunication that produces a written record.

Service of victim's assistance order

17 For the purposes of section 4 of the Act, notice of a victim's assistance order or an order made pursuant to subsection 6(1) of the Act may be given to the respondent:

- (a) in any manner permitted by the Queen's Bench Rules of Court; or
- (b) by oral notice by the judge if the respondent is present in the court.

Proof of service

18(1) Service of a document may be proved:

(a) by the oral testimony or affidavit of the person who served it; or

(b) in the case of the service of an emergency intervention order, by filing a copy of Part 4 of the order with the certificate of service completed by the peace officer serving the order.

(2) A peace officer who serves an emergency intervention order on a respondent shall:

(a) retain Part 4 of the order with the completed certificate of service; and

(b) forward a copy of Part 4 of the order with the completed certificate of service to the court at the judicial centre designated by the justice as soon as is practicable after service:

(i) by personal delivery;

(ii) by ordinary mail;

(iii) by courier delivery; or

(iv) by telecommunication that produces a written record.

Summons

19(1) A summons issued pursuant to subsection 5(5) of the Act for a rehearing is to be in Form B of the Appendix and is to:

(a) be directed to the respondent;

(b) require the respondent to attend court at a time and place stated in the summons; and

(c) be served on the respondent personally by a peace officer.

(2) Where the original order that the rehearing is based on was served pursuant to an order for substitutional service made pursuant to section 13, the summons may be served pursuant to that same order for substitutional service, unless the judge who directs the rehearing orders otherwise.

(3) Where the original order that the rehearing is based on was not served pursuant to an order for substitutional service and a peace officer is unable to personally serve the respondent before the return date of the summons, the judge may make any order regarding service that the judge considers appropriate.

(4) Service of a summons in accordance with the terms of an order mentioned in subsection (2) or pursuant to any directions given by a judge pursuant to subsection (3) is deemed to be personal service on the respondent.

Application for warrant permitting entry

20(1) For the purposes of section 11 of the Act, peace officers are designated as a category of persons who may apply for a warrant.

VICTIMS OF DOMESTIC VIOLENCE

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(2) The person applying for a warrant shall indicate in the application:

(a) the number of times in the previous six months that an application has been made for a warrant regarding that cohabitant at those premises; and

(b) if the application was withdrawn or if no warrant was granted, the date that each application was made and the justice to whom each application was made.

Coming into force

21 These regulations come into force on the day on which *The Victims of Domestic Violence Act* comes into force.

November 1, 1994 - 1:27 p.m.

APPENDIX B

EVALUATION FRAMEWORK

ISSUES	QUESTIONS	DATA SOURCE
RELEVANCE OF LEGISLATION	<p>Who is served by the legislation? Who are the victims? Who are the official organizations/agents involved in implementing the legislation?</p> <p>Does the civil legislation complement the criminal legislation in dealing with domestic violence?</p>	<p>primary data¹, key informants</p> <p>secondary data, key informants</p>

¹ Primary data refers to information from police, justice of the peace, courts, mobile crisis units, victim services, etc.



ISSUES	QUESTIONS	DATA SOURCE
IMPLEMENTATION OF LEGISLATION	How many complaints of domestic violence reach officials? Which officials receive these complaints?	police reports
	Who are the sources of referral initiating requests for Emergency Intervention Orders?	police reports
	What is the response to these complaints? How many require direct intervention by police or other agents?	police reports
	How many Emergency Intervention Orders are issued? How many Victim's Assistance Orders? How many Warrants of Entry? What are the circumstances and conditions under which each is used?	police reports, justice of the peace reports
	How consistent have decisions been among Justices of the Peace in issuing Orders and Warrants?	justice of the peace reports, police reports, key informants
	How consistent have decisions been among police officers in requesting Orders and Warrants?	police, justice of peace reports
	At what time of day are domestic violence complaints received? To what extent does this affect the action taken?	police, justice of peace reports
	To what extent does the location from which the complaint was made affect the action taken?	key informants, primary data, assessment of training
	To what extent has the training component been effective?	



ISSUES	QUESTIONS	DATA SOURCE
<p>IMPACT OF LEGISLATION</p>	<p>Which sections of the Emergency Intervention Orders are most frequently and least frequently used? Which sections of the Victim's Assistance Orders are most frequently and least frequently used?</p> <p>How often are Orders not issued when requested? How often are Orders amended or confirmed? Under what circumstances do these amendments occur? How often are Orders terminated? Under what circumstances do these terminations occur?</p> <p>Do respondents adhere to provisions of Orders? How many are violated by respondents? What is the nature of these violations? How many arrests result from respondents failing to adhere to provisions of Orders?</p> <p>What is the number of cases in which no action is taken? What are the circumstances under which this occurs? In the instances that orders are issued, what number result in Criminal Code charges?</p> <p>To what extent has the legislation affected the rate of mandatory charging in domestic violence cases?</p> <p>To what extent has the legislation affected the number of domestic violence cases processed by the courts? Legal Aid?</p> <p>Does this legislation have an impact on stalking?</p>	<p>police reports, justice of the peace reports</p> <p>justice of the peace reports, court reports, key informants</p> <p>primary data, key informants</p> <p>police reports</p> <p>police reports</p> <p>court reports, key informants</p> <p>key informants, primary data, victim interviews</p>



ISSUES	QUESTIONS	DATA SOURCE
<p>IMPACT OF LEGISLATION (cont.)</p>	<p>To what extent have Aboriginal persons and groups used the legislation?</p> <p>How has the legislation affected victims and their families? Have instances of domestic violence reoccurred since the initial intervention?</p> <p>Have there been any unintended impacts?</p>	<p>key informants, primary data, victim interviews</p> <p>primary data, victim interviews</p> <p>all sources</p>
<p>ACHIEVEMENT OF STATED OBJECTIVES</p>	<p>To what extent have the stated objectives been met?</p> <p>Do victims feel they have been assisted as a result of the Orders and Warrants?</p> <p>Do officials and involved agencies feel that the legislation has been useful in facilitating their assistance to victims?</p> <p>Has the legislation promoted the message that domestic violence is a serious concern for the justice system? Is this message supported by victims, officials and members of related agencies?</p> <p>Does this legislation provide both immediate and longer term remedies in assisting victims of domestic violence? Does it assist those who are unable to act on their own? Does it assist those who are unwilling to act on their own?</p>	<p>primary data, key informants, victim interviews</p> <p>primary data, victim interviews</p> <p>key informants, victim interviews</p> <p>key informants, primary data, victim interviews</p> <p>primary data, key informants, victim interviews</p>



APPENDIX C

POLICE TRACKING INSTRUMENT

DOMESTIC VIOLENCE
(Police Tracking Form)

Police
Incident # _____

Officers Attending # _____ # _____

Date: Day _____ Mo. _____ Yr. _____

Location: _____

1. Emergency Intervention Order requested:

Yes

No Why not used? _____

2. If yes to A, why was EIO requested? (Circle all that apply.)

- Immediate protection required 1
- Victim threatened or harassed 2
- Victim required possession of house 3
- Victim required other necessities (car, credit card, clothing, etc.) 4
- Search Warrant required 5
- Victim did not want suspect charged 6
- Other (Specify) _____ 7
- _____ 8
- Not applicable 9

3. Who requested the order?

- Police 1
- Mobile Crisis 2
- Victim 3
- Other (Specify) _____ 4
- Unknown 9

4. Relationship to victim of the person involved in the incident:

- Spouse/Common Law 1
- Ex-Spouse/Ex Common-Law 2
- Other Immediate Family (Specify) _____ 5
- Parent 6
- Child 7
- Other Guardian (Specify) _____ 9
- Other (Specify) _____ 10
- Unknown 99

5. Victim/Complainant Particulars:

Name: _____

Address: _____

Sex: Male Female

Birth Date: ___/___/___

Alcohol Involved: Yes No
Unknown

6. Suspect/Accused Particulars:

Name: _____

Address _____

Sex: Male Female

Birth Date: ___/___/___

Alcohol Involved: Yes No
Unknown

7. Charges Laid: Yes No

If yes to 7, Which Charges Were Laid:

8. (If no to 7) Reason for No Charges:

- Still under investigation 1
- Awaiting Crown opinion 2
- No evidence of assault 3
- No victim found 4
- Consensual fight 5
- Victim refused to provide statement 6
- Other (Specify) _____ 7

(Briefly describe incident on back) _____>



APPENDIX D

MOBILE CRISIS TRACKING INSTRUMENT

Domestic Violence
(Mobile Crisis Tracking Form)

Date: Day _____ Mo. _____ Yr. _____

Location: _____

1. Emergency Intervention Order issued:
Yes
No Why not issued? _____

2. If yes to A, why was EIO requested? (Circle all that apply.)
Immediate protection required 1
Victim threatened or harassed 2
Victim required possession of house 3
Victim required other necessities (car, credit card, clothing, etc.) 4
Search Warrant required 5
Victim did not want suspect charged 6
Other (Specify) _____ 7
_____ 8
Not applicable 9

3. Who requested the order?
Mobile crisis.....1
Victim 2
Other (Specify) _____ 3
Unknown 9

4. Relationship to victim of the person involved in the incident:
Spouse/Common Law 1
Ex-Spouse/Ex Common-Law 2
Other Immediate Family (Specify) _____ 5
Parent 6
Child 7
Other Guardian (Specify) _____ 9
Other (Specify) _____ 10
Unknown 99

5. Victim/Complainant Particulars:

Name: _____

Address: _____

Sex: Male Female

Birth Date: ___/___/___

Alcohol Involved: Yes No
Unknown

6. Suspect/Accused Particulars:

Name: _____

Address _____

Sex: Male Female

Birth Date: ___/___/___

Alcohol Involved: Yes No
Unknown

7. Source of Referral to MCU:

Victim called 1
Suspect called 2
Child(ren) called 3
Neighbour called 4
Other ..(Specify) _____ 5
Unknown 9

8. MCU referred victim to:

(Briefly describe incident on back) _____>



APPENDIX E

JUSTICES OF THE PEACE TRACKING INSTRUMENT

Justice of the Peace Tracking Form

Name of JP: _____

JP No.: _____

Location: _____

Date Requested: _____

Name of Victim: _____

Name of Suspect: _____

Was Order Issued: Yes _____
No _____

Order Number: _____



APPENDIX F

COURT TRACKING INSTRUMENT

PRA ID# _____

**Court
(Tracking Form)**

Date: Day _____ Mo. _____ Year _____

EIO File # _____

Name of Victim _____ Name of Accused _____

Location: _____

1. Was order confirmed?
Yes 1
No 2
unknown 9

1a. If no, why not?

2. How long was the order granted for?

3. Did the order remain in effect as long as the JP had directed?
Yes 1
No 2
UK 9

4. Did the victim appeal the order?
Yes 1
No 2

4a. If yes, what was the outcome of the appeal

5. Did the defendant appeal the order?
Yes 1
No 2

5a. If yes, what was the outcome of the appeal?



APPENDIX G

JUSTICE OF THE PEACE CHECK-OFF SHEET

JUSTICE OF THE PEACE CHECK-OFF SHEET

GENERAL PRINCIPLE: Orders are available to a **VICTIM** who has suffered **DOMESTIC VIOLENCE** at the hands of a **COHABITANT**.

Date _____ Time _____ Location _____

Name of Victim _____ Name of Respondent _____

Relationship between victim and respondent _____

New address to be kept confidential: Yes No N/A

Who made application? Police
Mobile Crisis
Other (Specify) _____

Name of designated person or applicant _____ Location _____

Order Granted: Yes
No Reason: _____

If yes, because:

- Domestic violence has occurred.
- By reason of seriousness or urgency the order should be made without waiting for the next available sitting of a judge of the court in order to ensure the immediate protection of the victim.
- Best interests of victims and children in care and custody of children.
- Other (Specify) _____

Nature of domestic violence: Violent Minor Non-violent (threats)

History of previous violence by this abuser to this victim: Yes No N/A

Immediate danger to persons or property: Yes No

Oath(s) taken: Yes No

Previous order issued within last 6 months: Yes No N/A

Location of residence and proximity of police to that residence: _____

Special needs of victim: _____

Circumstances: _____

Signature: _____

APPENDIX H

MOOSE JAW'S DATA COLLECTION FORM

**MOOSE JAW POLICE SERVICE
DOMESTIC VIOLENCE**

Police Incident # _____

Officers Attending # _____

Date: Day _____ Mo. _____ Yr. _____

Select Answer and Circle the Corresponding Number or Check Box: Answer All Questions.

(A) Emergency Intervention Order requested:
Yes

Why was EIO requested? (Circle all that apply.)

- Immediate protection required 1
- Victim threatened or harassed 2
- Victim required possession of house 3
- Victim required other necessities (car, credit card, clothing, etc.) 4
- Search Warrant required 5
- Victim did not want suspect charged 6
- Other (Specify) _____ 7

_____ 8

No Why not used? _____

(B) Relationship to victim of the person involved in the incident:

- Spouse/Common Law 1
- Ex-Spouse/Ex Common-Law 2
- Other Immediate Family (Specify) _____ 5
- Parent 6
- Child 7
- Other Guardian (Specify) _____ 9
- Other (Specify) _____ 10
- Unknown : 99

(C) Victim/Complainant Particulars:

Sex: Male Female

Age: _____

Alcohol Involved: Yes No
Unknown

(D) Suspect/Accused Particulars:

Sex: Male Female

Age: _____

Alcohol Involved: Yes No
Unknown

(E) Charges Laid: Yes No

(F) [If no to E] Reason for No Charges:

- Still under investigation 1
- Awaiting Crown opinion 2
- No evidence of assault 3
- No victim found 4
- Consensual fight 5
- Victim refused to provide statement 6
- Other (Specify) _____ 7

_____ 8

_____ 8

FORWARD COMPLETED FORM TO:

Policy, Planning and Evaluation Branch
Saskatchewan Justice
1874 Scarth Street
Regina, Canada S4P 3V7



APPENDIX I

EMERGENCY INTERVENTION ORDER

VICTIMS OF DOMESTIC VIOLENCE

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Appendix

FORM A

[Section 3 of The Victims of Domestic Violence Act]

Emergency Intervention Order

RE: _____
(Name of Victim)
AND
(Name of Respondent)

(Address)

TO THE RESPONDENT:

You are subject to this EMERGENCY INTERVENTION ORDER. This ORDER was made by a designated justice of the peace pursuant to The Victims of Domestic Violence Act.

YOU MUST OBEY THE PROVISIONS OF THIS ORDER. Failure to obey this order is an offence under the Criminal Code with punishment, on conviction, of up to two years imprisonment.

You have the right to apply to the Court of Queen's Bench at _____ to either set aside or change this ORDER.

YOU SHOULD IMMEDIATELY CONTACT A LAWYER for advice as to what your rights are and as to what you are required to do respecting the attached ORDER.

PROVISIONS:

Having heard the evidence, I find that the victim is in need of immediate protection pursuant to section 3 of The Victims of Domestic Violence Act.

I order that:

- 1. The victim is granted exclusive occupation of the following residence:
2. A peace officer remove the respondent from the following residence:
3. The respondent may not communicate with or contact the victim and/or any of the following persons:
4. The respondent may communicate with and/or contact the victim or any of the following persons, but only on the following terms:
5. A peace officer accompany the person designated below to the residence within the time designated below to supervise the removal of personal belongings:
6.

This ORDER remains in force until: _____

Dated at _____, Saskatchewan on _____, 19____

(Signature of Justice of the Peace)

(Justice of the Peace Number)

Confirmed by The Honourable M. Justice _____

(Date)

Local Registrar
Court of Queen's Bench, Family Law Division

PART 1 - Original
(Court Copy)

November 1, 1994 - 1:27 p.m.

VICTIMS OF DOMESTIC VIOLENCE

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FORM A

[Section 3 of The Victims of Domestic Violence Act]

Emergency Intervention Order

RE: _____
(Name of Victim)
AND
(Name of Respondent)
(Address)

TO THE RESPONDENT:
You are subject to this EMERGENCY INTERVENTION ORDER. This ORDER was made by a designated justice of the peace pursuant to The Victims of Domestic Violence Act.

YOU MUST OBEY THE PROVISIONS OF THIS ORDER. Failure to obey this order is an offence under the Criminal Code with punishment, on conviction, of up to two years imprisonment.

You have the right to apply to the Court of Queen's Bench at _____ to either set aside or change this ORDER.

YOU SHOULD IMMEDIATELY CONTACT A LAWYER for advice as to what your rights are and as to what you are required to do respecting the attached ORDER.

PROVISIONS:

Having heard the evidence, I find that the victim is in need of immediate protection pursuant to section 3 of The Victims of Domestic Violence Act.

I order that:

- 1. The victim is granted exclusive occupation of the following residence:
2. A peace officer remove the respondent from the following residence:
3. The respondent may not communicate with or contact the victim and/or any of the following persons:
4. The respondent may communicate with and/or contact the victim or any of the following persons, but only on the following terms:
5. A peace officer accompany the person designated below to the residence within the time designated below to supervise the removal of personal belongings:
6.

This ORDER remains in force until: _____

Dated at _____, Saskatchewan on _____, 19 _____

(Signature of Justice of the Peace or Peace Officer)

(Justice of the Peace Number)

PART 2 - Respondent's Copy

VICTIMS OF DOMESTIC VIOLENCE

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FORM A

[Section 3 of The Victims of Domestic Violence Act]

Emergency Intervention Order

RE: _____
(Name of Victim)
AND
(Name of Respondent)
(Address)

TO THE RESPONDENT:

You are subject to this EMERGENCY INTERVENTION ORDER. This ORDER was made by a designated justice of the peace pursuant to The Victims of Domestic Violence Act.

YOU MUST OBEY THE PROVISIONS OF THIS ORDER. Failure to obey this order is an offence under the Criminal Code with punishment, on conviction, of up to two years imprisonment.

You have the right to apply to the Court of Queen's Bench at _____ to either set aside or change this ORDER.

YOU SHOULD IMMEDIATELY CONTACT A LAWYER for advice as to what your rights are and as to what you are required to do respecting the attached ORDER.

PROVISIONS:

Having heard the evidence, I find that the victim is in need of immediate protection pursuant to section 3 of The Victims of Domestic Violence Act.

I order that:

- 1. The victim is granted exclusive occupation of the following residence:
2. A peace officer remove the respondent from the following residence:
3. The respondent may not communicate with or contact the victim and/or any of the following persons:
4. The respondent may communicate with and/or contact the victim or any of the following persons, but only on the following terms:
5. A peace officer accompany the person designated below to the residence within the time designated below to supervise the removal of personal belongings:
6.

This ORDER remains in force until: _____

Dated at _____, Saskatchewan on _____, 19____

(Signature of Justice of the Peace or Peace Officer)

(Justice of the Peace Number)

PART 3 - Victim's Copy

VICTIMS OF DOMESTIC VIOLENCE
11

FORM A

[Section 3 of The Victims of Domestic Violence Act]

Emergency Intervention Order

RE: _____
(Name of Victim) AND _____
(Name of Respondent)

(Address)

TO THE RESPONDENT:
You are subject to this EMERGENCY INTERVENTION ORDER. This ORDER was made by a designated justice of the peace pursuant to *The Victims of Domestic Violence Act*.

YOU MUST OBEY THE PROVISIONS OF THIS ORDER. Failure to obey this order is an offence under the *Criminal Code* with punishment, on conviction, of up to two years imprisonment.

You have the right to apply to the Court of Queen's Bench at _____ to either set aside or change this ORDER.

YOU SHOULD IMMEDIATELY CONTACT A LAWYER for advice as to what your rights are and as to what you are required to do respecting the attached ORDER.

PROVISIONS:
Having heard the evidence, I find that the victim is in need of immediate protection pursuant to section 3 of *The Victims of Domestic Violence Act*.

I order that:

- 1. The victim is granted exclusive occupation of the following residence: _____
- 2. A peace officer remove the respondent from the following residence: _____
- 3. The respondent may not communicate with or contact the victim and/or any of the following persons: _____
- 4. The respondent may communicate with and/or contact the victim or any of the following persons, but only on the following terms: _____
- 5. A peace officer accompany the person designated below to the residence within the time designated below to supervise the removal of personal belongings: _____
- 6. _____

This ORDER remains in force until: _____
(month) (day) (year)

Dated at _____, Saskatchewan on _____, 19____, _____
(month) (day) (year) a.m. p.m.

(Signature of Justice of the Peace or Peace Officer)

(Address of the Peace Number)

PART 4 - Peace Officer's Copy
(Certificate of Service on reverse)

CERTIFICATE OF SERVICE

I, _____, certify that on the _____ day
of _____ 19____,

I served the respondent, _____ at _____
with a copy of the emergency intervention order (reverse side).

OR

I served the emergency intervention order (reverse side) in accordance with the order
for substitutional service as follows: _____

Dated at _____, Saskatchewan on _____
19____. (month) (day)

(Peace Officer)

VICTIMS OF DOMESTIC VIOLENCE
13

FORM B

[Section 16 of The Victims of Domestic Violence Act]

Summons

You are subject to the attached EMERGENCY INTERVENTION ORDER. The ORDER was made by a designated justice of the peace on _____, 19____.
(month) (day)

The Court of Queen's Bench has ordered a rehearing to determine whether or not the ORDER should be confirmed.

You must appear before a judge of the Court of Queen's Bench at: _____
(State judicial centre and address)

Your court appearance is scheduled for _____ at _____
(date) (time)

This court appearance will give you the opportunity to explain why you think that the attached ORDER should not be confirmed.

Dated at _____, Saskatchewan on _____, 19____.
(month) (day)

(Local Registrar)

The court may confirm the EMERGENCY INTERVENTION ORDER if you do not attend this rehearing.

The EMERGENCY INTERVENTION ORDER continues in force unless the court changes it at the rehearing.

IT IS AN OFFENCE UNDER THE *CRIMINAL CODE* TO DISOBEY THIS ORDER.

November 1, 1994 - 1:27 p.m. *WT*

APPENDIX J

VICTIMS INTERVIEW GUIDE

Victim Interview Guide

Introduction:

PRA has been commissioned by Saskatchewan Justice to evaluate the Victims of Domestic Violence Act. We are interested in asking you some questions about your experiences with the emergency intervention orders. We assure you that all information is confidential and your identity will not be revealed. You may refuse to answer any questions you would rather not answer.

Warm Up

1. Do you know what an emergency intervention order is?

Yes _____ No _____

1a. If yes, where did you first hear about this?

1b. What is your understanding of it?

2. Do you know what a victim assistance order is?

Yes _____ No _____

2a. If yes, where did you first hear about it?



2b. What is your understanding of what it is?

Back ground

3. Have you ever involved the police before in a prior incident?

Yes _____ No _____

4. What was the outcome when the police were called before?

Referral _____ to _____

Charges _____ [What were they? _____]

Restraining order _____

Peace bond _____

EIO _____

5. Did you ever go to court?

Yes _____ No _____

We would like to talk to you about the recent incident involving either a EIO or VAO

6. Did you obtain an EIO?

Yes _____ No _____

6a. Did you obtain a VAO?

Yes _____ No _____



7. Can you briefly describe the most recent incident and circumstances surrounding the EIO/VAO?

8. Who did you first contact when the incident occurred?

Police _____
MCS _____
Victim Services _____ (Which victim services? _____)
No one, some one else intervened _____ (Identify _____)
Other (Identify) _____

9. How soon after the incident did you or someone else contact the service?

During the incident _____
Right after the incident occurred _____
Within 24 hours of the incident _____
Within a week of the incident _____
More than a week _____

10. Were criminal charges laid in this incident?

Yes _____ No _____

10a. If yes, do you know what they were?

11. Did you ask for an EIO/VAO, or was it offered to you?

Asked _____
Offered _____

11a. If offered, by whom?



11b. If asked, what happened?

12. Did you find the process of getting an EIO granted to be satisfactory?

Yes _____ No _____

12a. If no, can you explain?

13. Did you find the process of getting a VAO granted to be satisfactory?

Yes _____ No _____

13a. If no, can you explain

Impact of Legislation

14. Do you think the EIO/VAO is/are a good idea for victims of domestic violence?

Yes _____ No _____

14a. If no, can you explain

15. Do you think it helped you?

Yes _____ No _____



15a. If no, can you explain

16. Has the accused kept to the provisions of the order?

Yes _____ No _____ (Go to Q16a and Q16b) N/A

16a. If no, what has he/she done to violate the order?

16b. If no, what action was taken because of this violation?

17. Do you feel more protected because of this legislation?

Yes _____ No _____

17a. If no, can you explain



18. Do you think anything more could have been done to assist you and your family with this situation/incident?

19. Is there anything that you think could be done to make EIOs/VAO easier to get?



APPENDIX K

POLICE INTERVIEW GUIDE

Key Informant Interview - Police

General:

1. How long have you been a police officer?

2. Approximately how many domestic violence complaints per week are you involved in?

Training

3. When the Victims of Domestic Violence Act was implemented, did you receive training for this?

Yes _____ (GO TO Q4a to Q4c)

No _____ (GO TO Q.5)

4a. Do you think this training was effective in informing you more about domestic violence?

Yes _____

No _____

4b. Did the training adequately inform you of the different types of remedies under the new Act?

Yes _____

No _____

4c. Did the training help you to understand how this legislation can be used in conjunction with criminal law?

Yes _____

No _____

5. Have you received any other specific training in the handling of domestic violence cases?

Yes _____

No _____



6. Can you briefly describe the incident(s) for which you requested an order?

7. Why did you request an order for this (these) particular incident (s)?

8. What is the procedure for requesting an order?

9. How responsive were JPs to your request(s) for an order?

10. Do you have any concerns regarding the process of obtaining an order?

Yes _____ (Please explain)

No _____



11. Are you aware of cases where Orders were requested but not granted? Please describe the circumstances of these cases?

Impact

12. Do you think this legislation is an effective way of helping the victims of domestic violence?

Yes _____
No _____

12a. If no, what concerns if any do you have about the legislation?

13. Do you think there are any benefits of the Victims of Domestic Violence Act over current legislation?

Yes _____
No _____

13a. If yes, what are they?

14. Do you think this legislation has an effect on mandatory charging?

Yes _____
No _____



14a. If yes, what kind of an effect do you think it has?

15. Has the Act changed police practice?

Yes _____

No _____

15a. If yes, how has it changed police practice?

Now I am going to mention the objectives of the legislation and I would like you to tell me whether you think these objectives have been met.

16. Do you think this legislation:

	Yes	No
a. Promotes the message that domestic violence is a serious concern?	_____	_____
b. Provides additional tools which fill gaps in the criminal justice system?	_____	_____
c. Focuses on assisting victims of Domestic Violence?	_____	_____
d. Provides immediate assistance to victims?	_____	_____
e. Facilitates greater access to longer-term remedies	_____	_____

17. In your experience, do respondents adhere to the provisions of the order?

Yes _____

No _____

18. What types of victims will be helped the most by this legislation?

19. What, if any, changes to the legislation would you suggest?



APPENDIX L

JUSTICES OF THE PEACE INTERVIEW GUIDE

Key Informant Interview - Justice of the Peace

1. How long have you been a Justice of the Peace?
2. Approximately how many requests for EIOs have you had?
3. How would you describe a typical scenario when an order is requested?
4. When the Victims of Domestic Violence Act was introduced, did you receive training for this?

If yes, ask questions 5a -5c

- 5a. Do you think this session was effective in informing you about the provisions of the legislation?
- 5b. What about informing you on the procedural aspects of granting or denying an order?
- 5c. What about in terms of the types of issues to consider when granting or denying an order?
6. Have you received any other training in the handling of domestic violence cases?

Now I am going to ask you some further questions about the Orders

7. What criteria do you use to determine when to grant, or deny an order?
- 7a. How would you define an emergency?
- 7a. How long do you typically grant an order for?
8. Have you ever denied an order?
9. If yes, can you describe some of the incidents in which you denied an order?
10. What is the typical procedure when granting an order?
11. Do you have any concerns regarding the process of obtaining/granting an order?

Impact of Legislation

12. Do you think this legislation is an effective way of helping the victims of domestic violence?
13. Do you think this legislation complements current legislation in dealing with domestic violence?



14. **Now I am going to mention the objectives of the legislation and I would like you to tell me whether you think these objectives have been met.**

Do you think this legislation:

- | | Yes | No |
|--|-------|-------|
| a. Promotes the message that domestic violence is a serious concern? | _____ | _____ |
| b. Provides additional tools which fill gaps in the criminal justice system? | _____ | _____ |
| c. Focuses on assisting victims of Domestic Violence? | _____ | _____ |
| d. Provides immediate assistance to victims? | _____ | _____ |
| e. Faciliates greater access to longer-term remedies | _____ | _____ |
15. What types of victims will be helped most by this legislation?
16. What if any changes to the legislation would you suggest to enable the initiative to meet its objectives?



APPENDIX M

LEGAL AID LAWYERS INTERVIEW GUIDE

Key Informant Interviews- Legal Aid

1. Have you received any formal training on use of the Victims of Domestic Violence Act? (Discuss)
2. What is your understanding of the Act?
3. What is the procedure for obtaining a Victims Assistance Order?
4. Is your office receiving requests for Victims Assistance Orders? About how many has your office received?
5. Can you briefly describe the circumstances surrounding the incident(s) for which a Victims Assistance Order was requested?
6. How long does it take to have an application processed for a Victims Assistance Order?
7. To what extent has the legislation affected the number of domestic violence cases processed by Legal Aid?
8. Do you think this legislation is an effective way to help victims of domestic violence?
9. Do you think this legislation promotes the message that domestic violence is a serious concern?
10. Do you think Victims Assistance Orders facilitate greater access to longer term remedies for victims of domestic violence?
11. Do you think there are any benefits this legislation has over other current legislation?
12. What, if any, changes to the legislation would you suggest?



APPENDIX N

**MOBILE CRISIS/VICTIM SERVICES/
FIRST NATIONS POLICING/
TRANSITION HOMES/
SHELTERS INTERVIEW GUIDE**

**Interviews -Mobile Crisis/Victim Assistance/First Nations Policing/Shelter
Workers/Transition**

Agency _____

Respondent _____

1. Is your agency a designate for requesting an Emergency Intervention Order?
[Please check ✓]

Yes _____ No _____

2. Approximately how many domestic violence complaints per week are you involved in?

Number of Complaints per Week _____

3. When the Victims of Domestic Violence Act was implemented, did you receive any training?
[Please check ✓]

Yes _____ No _____

4. Could you briefly describe the training?

5. Do you think this training was effective in informing you more about the different types of remedies under the Act? *[Please check ✓]*

Yes _____ No _____

6. What do you think are the objectives of the legislation?



7. Have you ever requested an EIO? *[Please check ✓]*

Yes _____ No _____

7a. If yes, about how many?

Number of EIO's requested _____

8. Have others in your agency been involved with EIOs?
[Please check ✓]

Yes _____ No _____

If you have NOT requested an EIO, please skip to question #15. If you have requested an EIO, please answer questions #9-14.

9. Can you describe some of the incidents in which you requested an order?

10. How do you determine whether or not to request an order?

11. What is the procedure for requesting an order?



12. Who would you typically request orders for?

13. How responsive are JPs to your requests for an order?

13a. How responsive are police to your requests for an order?

14. How consistent are JPS when granting an order?

15. Do you have any concerns regarding the process of obtaining an order? [Please check ✓]

Yes _____ (Please Explain Below) No _____

15a. Do you have any concerns regarding having an order served? [Please check ✓]

Yes _____ (Please Explain Below) No _____

15b. Do you have any difficulties with contacting a JP? [Please check ✓]

Yes _____ No _____ Sometimes _____

15c. Do you have any difficulties with communicating over the phone? [Please check ✓]

Yes _____ No _____ Sometimes _____



16. Do you think this legislation is an effective way of helping the victims of domestic violence?
[Please check ✓]

Yes _____ No _____

17. If yes, what do you think are the benefits of the Victims of Domestic Violence Act over current legislation?

18. Do you think the legislation complements the existing criminal justice procedures for domestic violence? [Please check ✓]

Yes _____ No _____

19. What concerns, if any, do you have about the legislation?

20. Do you think the legislation promotes the message that domestic violence is a serious concern? [Please check ✓]

Yes _____ No _____

21. What types of victims will be helped the most by this legislation?

22. Do you have any further comments?

