

**Examining the Canadian Criminal Justice Framework for Survivors of Domestic Violence
and Survivors' Satisfaction With These Safeguards**

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Abstract

Intimate Partner Violence (IPV) is criminalized in Canada and remains an ongoing concern for survivors. Through a critical appraisal of secondary literature with a transformative worldview, the aim of this study is to investigate the criminal justice system (CJS) framework to determine what services provide satisfactory outcomes to survivors. Through the literature evaluated there is consensus that significant reform is needed to achieve these illusive satisfactory outcomes. To keep within scope, survivors considered were over the age of 18, and literature was selected from the United States, United Kingdom, and Canada only. This study highlights that the CJS has not been successful at adequately addressing domestic violence (DV) despite decades of effort and policy approaches that are increasingly punitive. CJS responses also have unintended consequences for survivors, leading to dissatisfaction with the process. This study calls for further research involving survivor input and the exploration of a more balanced approach that considers both the legal and social contexts of DV, as well as comprehensive investigations founded on survivor input into the potential consequences of a response that prioritizes increased community involvement and a reduction of state power, a route toward the decriminalization of DV.

Keywords: Intimate partner violence, domestic violence, survivors, women, criminal justice system, survivor experiences, victims

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Examining the Canadian Criminal Justice Framework for Survivors of Domestic Violence and Survivors' Satisfaction With These Safeguards

In Canada, intimate partner violence (IPV) is an ongoing concern for survivors and is both a social and legal issue (Saxton et al, 2021). Despite much advancement in programing and reform over the past thirty years, gaps exist in how the criminal justice system (CJS) responds to the problem of IPV (Ryan et al, 2022). According to the Government of Canada (2018), 26% or one quarter of all violent crime reported to police is related to domestic violence (DV); it is also grossly under-reported. As a result, the prevalence of IPV in Canada is likely much higher than statistically reported. Stigma contributes to the problem of under-reporting, as does the idea that survivors have a sense the criminal justice systems, policies, and practices do not provide what is needed to feel safe, supported and satisfied (Barrett et al, 2021; Ryan et al, 2022; Saxton et al, 2021).

The CJS as well as the professionals working within have a responsibility to respond to IPV. The system itself is expected to ensure Canadians feel safe in their communities as well as maintain their confidence in the justice system (Government of Canada, 2023). CJS professionals are in turn tasked with responding and facilitating the policies and procedures built within this framework. The aim of this study is to appraise the existing literature to determine what policies and programs are providing satisfactory outcomes to survivors and what is identified as in need of reform to enhance a survivor's experience. A transformative worldview will be applied throughout the research process. Creswell & Creswell (2018) described the transformative framework as an action agenda for reform that may change the lives of participants and the institutions associated.

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The focus of this study will be on research relating to survivors' experiences with the CJS and what has been identified as having an impact on their satisfaction levels and outcomes. Despite efforts to define and measure "satisfaction" through the literature evaluated, a shared definition could not be established. In the interest of pursuing the research question, "satisfaction" for this paper will refer to a survivor's level of perceived fulfillment of a need or a want. The term "effectiveness" will also be considered in this study and was defined in the literature as "systematic proof that something achieves a specified outcome" (Ryan et al, 2022, p. 213). Evaluating the effectiveness of CJS practices will further position the research lens in attempting to determine survivors' satisfaction, or lack thereof. Through identified intersections in the literature, this paper will highlight proposed ways to improve and enhance service delivery and policies for DV survivors and identify where future research is required. Upon identification of deficiencies, it will compare and synthesize themes to capture the current framework and discuss proposed reform.

Research Question

Literature in relation to IPV is readily available when it comes to research around offender experiences, policies, and legalese within the CJS. In contrast, however; literature that considers the survivor and their experience within the same framework is not nearly as robust. As a result of this noted gap, the research question became: What criminal justice system practices provide survivors of domestic violence satisfactory outcomes? To grasp the current perceived levels of effectiveness of existing policies, practices, and professionals in relation to survivors, a critical appraisal design was selected. This design supports the desire to evaluate what exists with the aim of increasing the understanding and awareness of survivors' experiences. The purpose of this

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approach is to expose embedded power structures through existing literature and highlight proposed alternatives through knowledge and theory-building (Holland & Novack, 2018).

To capture a well-rounded picture of both the topic and the existing framework, three further questions were considered: what legal protective factors enhance outcomes for victims, is there a literature gap relating to victims of IPV and their satisfaction with CJS, and what is being done the United States and United Kingdom, to compare and identify what CJS responses exist elsewhere, in addressing victims of domestic violence. Select themes were evaluated through a feminist lens which presented an opportunity to acknowledge that survivors' experiences can be gendered and to capture a clearer picture of the impact of the current framework's neutral application of policy.

Literature Review Methodology

Research for this study consisted of appraisal of existing literature. Searches were conducted online through the JIBC library EBSCO system and its databases, as well as through Google Scholar. Scholarly articles were selected based on their relevance to the research question and based on identified inclusion and exclusion criteria. Newspaper articles, magazines and periodicals were not included for review. Initially, the scope limitations were set to include only articles relating to women as survivors over the age of 18; however, due to a lack of gender-specific research available on this target group, the scope was widened to include articles that included both male and female survivors over the age of 18. Articles chosen applied a feminist lens or gendered approach in their research. Future research may benefit from a further narrowed focus relating to specific factors such as women as survivors and marginalized communities to elicit a larger number of relevant materials for review. Geographically, articles relating to

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Canada, the United Kingdom and United States were chosen, and the year parameters were set for items published within the past 23 years.

The initial literature search was conducted through the JIBC library. Keywords used were “Domestic Violence/Intimate Partner Violence,” “Survivors/Victims” and “Women/Females.” There were 44, 525 hits. Parameters were then narrowed by filtering to peer-reviewed articles. This resulted in 34, 275 hits. Several articles were selected for review. The parameters were then further narrowed by filtering to Canada and adjusting the year parameters to 2000-2023. This resulted in 225 total hits and several article titles of interest. A second search of the JIBC Library was completed using slightly different keywords: “Domestic Violence,” “Survivors/Victims” and “Criminal Justice System.” This search was also filtered to the year 2000-2023 and received 1, 991 hits. Several articles were title reviewed and/or selected, and then the filter “Canada” was added, providing 18 hits.

A search of Google Scholar was also conducted, using keywords: ‘Domestic Violence Survivor Experiences and Criminal Justice.’ There were 87, 200 hits. Filters were then applied by date, 2000-2023, and received 17, 900 hits. Databases commonly associated with selected articles from all searches were Supplemental Index, EBSCO, Criminal Justice Abstracts, MEDLINE, Academic Search Complete, APA PsychInfo, Sage Journals and SocINDEX. Over 50 articles were selected for review from these three separate searches. Abstracts were then reviewed to determine relevance and reliability within the frame of the research question and problem, as well as consideration of the identified inclusion and exclusion criteria. Sixteen articles were then chosen for full appraisal. These articles are the foundation on which this study is built.

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Literature Review

From review of the existing literature, several themes emerged and five were categorized through thematic coding that fit within the frame of the research question. There were also themes that presented consistently and are worthy of further research yet fell outside of the scope of this study. These included culturally specific IPV considerations, IPV responses in marginalized communities, and IPV responses in relation to immigration. All areas worthy of future research and perhaps the following study will provide a foundation that sparks further investigation or insights for those initiatives.

The Ineffectiveness and Inadequacy of the CJS

In the search for what is working to provide survivors satisfactory outcomes, the first theme swiftly emerged: the ineffectiveness and inadequacy of the CJS response. There was agreement across the literature that the current CJS framework in Canada is perceived as ineffective and/or inadequate in varying ways by survivors (Abraham & Tastsoglou, 2016; Goodmark, 2017; Goodmark, 2018; Koshan, 2017; Nixon & Tutty, 2009; Ryan et al, 2022; Saxton et al, 2021). The first example of this theme was that existing policies and practices have not reduced DV rates in Canada (Ryan et al, 2022). Despite the implementation of pro-arrest, pro-charge and pro-prosecution initiatives over the past thirty years, Ryan et al (2022) indicated in their scoping review of Canadian literature, that there is growing concern over the ineffectiveness of these policies. Over half of the literature examined in their study either failed to support current policies or recommended significant reform, and only “1% was in favour of the status quo” (Ryan et al, 2022, p. 211). Given these assertions, what is in place isn't working despite stricter policies and greater CJS involvement through mandatory arrests. The CJS is not effectively addressing the problem of DV.

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Another example of ineffectiveness noted was that despite considerable IPV program growth in the CJS realm, multiple service gaps remain (Kulkarni, 2019). One gap was described by Koshan (2017), who suggested that the court system is a fragmented process, and its inadequacy is demonstrated through the need for survivors to pursue justice by attending multiple court appearances in varying court jurisdictions (family, criminal, civil), the requirement to re-tell one's story several times, as well as delays in both court access and resolution (Koshan, 2017). These examples certainly suggest that reporting IPV and then managing the court process afterward is onerous and consuming for survivors in their pursuit of justice.

Abraham and Tastsoglou (2016) further argued that the outcomes survivors expect from the CJS and its actual outcomes are of themselves a gap. If a survivor is not fully informed of the process and supported along the way, it is understandable that their expectations of what should occur compared against the realities of the CJS system may lead them to view the system as ineffective. The CJS is complex, and if survivors feel they must navigate it on their own (Saxton et al, 2021), this lack of continuity of care not only impacts satisfaction, but also contributes to the identified problem of underreporting. Narrowing this gap with consistent, defragmented, and informative responses from the CJS could alternatively enhance survivor experiences and reduce inadequacies.

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Competing Perspectives: Family Violence, Gendered Violence or Gender-Neutral Violence

To determine what may be contributing to these identified service gaps within the CJS framework, the second theme emerged: competing perspectives around naming and describing domestic violence. The literature suggested that current Canadian CJS policies and frameworks are problematic as they fail to acknowledge the fact that statistically, women are the primary victims of IPV (Blaney & Ruff, 2013; Nixon & Tutty, 2009, Saxton et al, 2021). Statistics published in 2019 confirmed this assertion, revealing that 79% of victims of IPV were women, and women were victims of IPV at a rate 3.5 times higher than men (Government of Canada, 2022).

Given this disparity, Nixon and Tutty (2009) suggested that despite the abuse of women having once been considered a serious social problem, it is now conceptualized by policymakers in an increasingly degendered capacity. This is evidenced with the use of degendered terms in Canada such as family violence or domestic violence, which obscures the fact that women are the primary victims (Nixon & Tutty, 2009). The use of these terms “have seriously damaged the feminist perspective and undermined women’s safety in violent relations” (Nixon & Tutty, 2009, p. 65). This highlights the power of language and perspective and should be a primary consideration for policymakers. Beyond the gender debate, the family violence approach has been criticized for its portrayal of children as the “real” victims of DV, diminishing the fact that the woman or mother is the primary victim (Nixon & Tutty, 2009). The research conducted by Nixon and Tutty (2009) was compelling in that the authors were educators in the field of social work and expressed concern that new generations of scholars and policymakers appear unaware of the gender debate in relation to IPV.

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Ryan et al (2022) furthered this theme, suggesting that current CJS policies encourage and perpetuate gender inequality through the power of the State by failing to differentiate gender implications, “thus reinforcing experiences of power imbalances and oppression by women” (p. 227). They provide several examples, such as dual arrests of perpetrator and survivor by police, countercharging, and the criminalization of survivors (Ryan et al, 2022). A picture develops from these examples that the CJS response to survivors when they report can lead to significant consequences for them beyond the abuse already endured. To grasp the gender differences in relation to IPV, abuse by an intimate partner is the primary form of violence experienced by women in Canada; whereas men are more likely to be assaulted by an acquaintance or a stranger, than they are by their female intimate partner (Nixon & Tutty, 2009). Given these differences in gender roles, the debate around which perspective best conceptualizes the violence suggests a gendered approach is important to meet survivor needs and enhance outcomes.

It seems prudent to clarify that a gendered or feminist perspective would not necessarily discount or deny that women can also perpetuate IPV, but rather, it may differentiate that gender roles are different and the violence that occurs when women are the perpetrator is often far less severe (Birdsall et al, 2017). In the United Kingdom, Birdsall et al (2017) acknowledged that the family violence versus feminist perspective debate also exists. Their research appeals for the two perspectives to merge, that combining the competing perspectives could provide a flexible methodology that would capture the interests of the feminist and family violence perspectives. If the feminist perspective has been significantly damaged as asserted by Nixon and Tutty (2009), then this blended approach to policy may provide a more balanced response for survivors by tailoring interventions and services to their needs.

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The Need for Enhanced and Improved Training for CJS Professionals

When considering how these tailored interventions and services are delivered within the CJS context, the literature suggested this is done through the professionals who work within the system. Research about these professionals led to the third identified theme: the need for enhanced and improved policies and training for professionals who work with and alongside survivors (Barrett et al, 2021; Birdsall et al, 2017; Blaney & Ruff, 2013; Ehret, 2020; Hilton et al, 2021; Kulkarni, 2019; Saxton et al, 2021). To position the importance of this theme, Barrett et al (2021) conducted a multivariate regression analysis of the 2009 Canadian General Social Survey and established that Canada has introduced a variety of federal and provincial programs over the years to improve training of both CJS and police personnel, and found that despite these efforts, negative attitudes toward police from survivors persist. Their findings also asserted that negative attitudes toward police and mistrust were highlighted as the primary deterrent factors when survivors consider reporting IPV to police (Barrett et al, 2021).

Further, Saxton et al (2021) conducted one of the largest Canadian studies of IPV survivors' experiences with the justice system to date. Their study was conducted on secondary survey data with a mixed methods approach concluding that just over half of participants reported negative experiences with the CJS after reporting IPV. A prominent theme in their research was the sense that one must be "lucky" to receive the help and support needed, and satisfaction was highly dependent on the professional they encountered. They asserted that "expectations can guide decisions regarding seeking help; victims should be able to rely on much more than being lucky to get the help they need" (Saxton et al, 2021, p.22). Responding professionals therefore require appropriate and consistent training to enhance their service delivery, to increase reporting rates and continuity of care for survivors.

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To gain a better understanding of professionals and their perceived effectiveness elsewhere, a British study by Day and Gill (2020) was reviewed. They highlighted that IPV is a top priority for the UK government, however; despite their efforts, the impact and prevalence of IPV continues to be criticized, similar to the state of affairs in Canada. Their findings were skeptical of police procedures, specifically relating to risk assessments and how they do not allow for victims to make subjective assessments of their own risk. They argue that a survivor's subjective assessment is not to be discounted and is a "strong predictor of future victimization" (Day & Gill, 2020, P. 76), not to mention allowing a survivor to consider their own risk status can lead to increased autonomy. They suggested the implementation of training enhancements for CJS professionals should focus on survivor empowerment to tailor police responses more effectively toward both victim expectation and need (Day & Gill, 2020). There is agreement in the literature that there is a need for improvement in the training content and policies for professionals working within the CJS to foster victim-centered, authentic, power-sharing approaches that place victim needs and positive outcomes as the objective (Birdsall et al, 2017; Blaney & Ruff, 2013; Day & Gill, 2020; Kulkarni, 2019).

The Potential to Improve Survivor Experiences with Intersectionality

The fourth theme identified through the literature was the concept of intersectionality. Scholars consistently proposed intersectional approaches as a route to reform CJS approaches and to improve survivor outcomes (Abraham & Tastsoglou, 2016; Barrett et al, 2021; Day & Gill, 2020; Kulkarni, 2019; Ryan et al, 2022). Intersectionality is the framework that demonstrates how unique experiences, individual social identities, and barriers for survivors are different from one another in relation to oppression. Intersectionality and oppression are interconnected, and oppression is defined as "the force that allows, through the power of norms

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and systems, the unjust treatment or control of people” (VPFO, 2021). The noted debates around gendered and non-gendered perspectives, the current examples of the CJS systems, as well as the need for improved professional training affirm that oppression exists within the CJS framework, especially for female survivors.

Barrett et al (2021) applied a feminist intersectional lens to the survey results they evaluated and determined that survivors undergo a cost/benefit analysis when considering whether to report IPV or not. This intersectional lens enables researchers to understand that varying aspects of survivor identities such as race, gender, social class, and age shape their experiences with the CJS and professionals who respond (Barrett et al, 2021). To further highlight the need for intersectionality in practice, Blaney and Ruff (2013) argued a feminist structural pedagogy takes up issues of authority and practice and works to challenge oppression and unequal power relations with CJS professionals. An intersectional approach acknowledges the “shifting identities that exist in relation to a person’s social position” (Blaney & Ruff, 2013). Incorporating intersectionality into training and practice would enhance professionals’ ability to sympathize and establish authentic survivor-advocate relationships based on understanding (Kulkarni, 2019) as well as broaden the CJS ability to consider the broader complexities of IPV.

Further, intersections of gender, class and race all contribute to the effectiveness of support provided to survivors. These social categories intersect to shape the experiences and expectations of CJS responses (Day & Gill, 2020; Kulkarni, 2019). A compelling proposal suggested combining intersectional and trauma informed practice; that this approach considers community context at every level to align with survivor needs (Kulkarni, 2019). Social positions within one’s community inevitably play a significant role as do the social categories that each survivor finds themselves. Approaches through policies, programs and professional training that

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consider these contexts and meets people where they are at would contribute to improved survivor outcomes.

Highlighted Reform to Improve Survivors' Satisfaction

Beyond the promise of intersectional approaches within the CJS, the last identified theme advanced reform options that can lead to improved survivor satisfaction. The first consideration was an institutional reform strategy: the use of integrated domestic violence courts (IDVC). Domestic violence courts (DVC) exist in varying forms in Canada and deal exclusively with criminal DV matters. IDVC courts alternatively, are separate from criminal and family courts and have jurisdiction to hear family, criminal and civil matters all in one setting (Koshan, 2018). This reduces multiple court appearances in different settings and provides continuity of case care with one judge who oversees a file, becomes familiar with the complexities, and therefore understands the broader social contexts. IDVC focus on victim safety, taking a holistic and multidisciplinary approach to family problems (Koshan, 2018), a compelling example of the intersectional approach in an institutional format. A review of the effectiveness of these courts in the UK found a higher number of convictions compared with non-IDVC files as well as higher levels of victim and public confidence in the CJS (Birdsall et al, 2017) demonstrating the noted effectiveness of these initiatives.

Another institutional reform strategy identified was the use of restorative justice (RJ) for IPV cases. RJ is not new to the CJS; however, its use has been a source of debate among scholars, activists, and legal actors when it comes to IPV (Birdsall et al 2017; Ehret, 2020). Before exploring further its potential positive impacts, it is important to note that there is agreement that further comprehensive research is needed to avoid poorly run or inadequate models that may further re-victimize survivors (Cameron 2006; Ehret, 2020). RJ prioritizes

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reparation of harms, and advocates of the system argue that it empowers victims by providing an opportunity to face their abusers and potentially receive meaningful apologies and closure for the harm caused (Cameron, 2006). Further, some survivors wish to participate in CJS processes, to have input, and RJ can provide that through the return of some autonomy and social agency (Ehret, 2020). While this concept is appealing, further research is required as well as the need to consider RJ as an option that compliments the broader CJS and not as a lone vessel that addresses IPV cases.

Further, the term *coercive control* (Birdsall et al, 2017; Day & Gill, 2020; Nixon & Tutty, 2013) presented within the research, framed as a beacon that could legally conceptualize the pieces of DV that are beyond physical violence. This concept could have multiple implications in the broader context of the CJS framework, narrowing the gap between survivor need and CJS services by acknowledging the complex nature of IPV and the fact that it can be coercive and controlling in nature through actions such as stalking, threats of suicide and isolation. In England, the criminal offence of controlling or coercive behaviour, came into effect in 2015 (Day & Gill, 2020). This concept furthers the British definition of DV, which is defined as “psychological, physical, sexual, financial and emotional abuse and control” (Birdsall et al, 2017, p. 830). If applied in Canada, a concept such as coercive control could provide legal action and assistance to survivors for acts of DV that are beyond the narrow definition of physical abuse in the Criminal Code.

Critical Analysis

There is agreement that approaches by the CJS directly impact survivor satisfaction levels (Saxton et al, 2021), and that the system overall is perceived by survivors to be ineffective. There exists a significant lack of primary research available regarding survivors and further research is

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needed to enhance the CJS response. The literature review conducted for this paper reaffirmed this fact considering that of all articles, journals, and chapters reviewed, only two studies furthered the knowledge base through primary research. When analyzing articles, each was scored from 1 to 5, 1 being least relevant or helpful in advancing knowledge and 5 being highly relevant in generalizability, reliability and in advancing knowledge.

The Generalisability and Reliability of Primary Research

The first primary research study examined was published by Sullivan et al (2022). Set in the US, they obtained research ethics approval and studied the population of women as victims with male perpetrators. Their findings strongly recommended the use of “survivor-defined practice,” which values the survivors’ “voices” and “choices” in the CJS process (Sullivan et al, 2022). It was confirmed that protection orders can reduce ongoing IPV victimization but highlighted the need for survivor input regarding the severity level of the PO (Sullivan et al, 2022). This study was highly relevant to furthering the need for survivor input and participation in the CJS and was scored a 5. POs are tools used in all three countries considered in this study, (UK, US, and Canada) making the case for strong generalizability of their findings. It is important to note the population studied was of only female survivors as well as a sample size of 187 respondents. Despite the small sample size, the knowledge base from the survivors themselves was considered highly reliable, underscoring the fact that input from survivors provides quality information from which to shape policy.

The British study published by Day & Gill (2020) was also primary research and conducted 17 interviews and observations of 16 professionals employed in DV courts, as police, as well as within CJS and community victim services. The researchers developed a new analytic framework in evaluating their research findings, through intersectionality-based policy analysis

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(IBPA). This helped to illuminate the dynamics between survivors and the CJS professionals within the system as a whole and advanced the argument that this framework could be utilized by other researchers to further knowledge in this understudied area. The strength in their study was that this framework can provide a range of theories to better capture a problem rather than offering single explanations, making findings more generalizable. Day and Gill (2020) conducted interviews with multiple professionals in different compartments of the CJS to provide a broad picture. One weakness of this study was the small sample of just 16 participants, which limited generalizability. Another was that despite conducting interviews with people who work in various CJS departments, there was a lack of community variation. Intersectional approaches, as advanced in this study, assert that social contexts are important to fully understand a problem, so expanding the population studied to better contrast and compare professionals' responses against those working in other communities could provide findings more generalizable and reliable. The findings of this article were still deemed reliable, but less so than the first, and received a score of 4.

Intersections Within the Research

The remainder of the literature evaluated for this paper involved varying reviews of secondary literature and academic discussion papers as well as reference from one published book (Goodmark, 2018) and varied in their scores from 4 to 4.5. The majority were set in Canada with a few in the UK and US. All findings and ideas were easily contrasted and compared due to shared DV practices such as pro-arrest and pro-prosecution policies, protection orders and the common issue of overrepresentation of women as victims. All material evaluated suggested the CJS is inadequate at addressing DV and achieving satisfactory survivor outcomes while also exploring and suggesting how to improve this problem. All were clear in their delivery for the

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reader and provided unique and common insights that furthered the advancement of research and provided meaningful intersections with one another to provide a well-rounded picture of the current problem.

The article published by Blaney and Ruff (2013) was particularly compelling. Published as a discussion paper, the authors argued for enhanced training for CJS professionals. Unlike other articles that advanced their findings and justified them in varying ways as improved approaches, the authors concluded that further research is required for their proposed training framework to measure its effectiveness over time. This had a higher reliability rating, scoring at 4, as it did not claim to present the best training model, but rather called for its implementation, justified why it was critical and acknowledged further research is required to determine its true effectiveness based on survivor input.

Another secondary study that was rated highly for reliability at 4.5, was published by Barrett et al (2021). They completed a multivariate regression analysis of the 2009 Canadian General Survey results, and the population studied included both male and female respondents. This captured the representation of both genders as survivors which made the findings generalizable within the scope of this study, however, the data reviewed was from 2009 and may no longer be representative of survivors' perceptions in 2023. Despite this, their methods and the large population sample provided excellent insight and reliability that was clearly articulated and delivered. The issue with the potential for "old" data to be unreliable presented another example of the need for further comprehensive research to ensure accurate and reflective insights from survivors.

The British concept of coercive control (Birdsall et al, 2017; Day & Gill, 2020) was introduced in the literature review, and Hilton et al (2021) examined the term's applicability in

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Canada. Their study aimed to determine if the concept could be identified and measured within Canadian contexts. After applying structural equation modelling to the secondary research of 1,421 police reports involving DV with men as perpetrators and women as victims, they identified two factors that comprise coercive control: psychological control and controlling attitudes. Perpetrators who exhibited signs of jealousy, stalking, suicidal ideation or controlling behaviours were classified as exhibiting signs of the broader term, coercive control. Their study was highly rated at a 4.5 due its large population size, its generalizability in finding that coercive control can be measured in the Canadian context and their conclusion that it was also significantly associated with the DV (Hilton et al, 2021).

Next was the published research and subsequent book reviewed, both of which investigated the deeper problems that underlie the relationship between the CJS, the state and survivors (Goodmark, 2017; Goodmark, 2018). Leigh Goodmark published an article in the Harvard Journal of Law and Gender in 2017 and then went on to publish a book in 2018 that explored the idea of decriminalizing DV. His arguments in both pieces were compelling and provided new insights that could provide a positive path forward beyond the limitations of the CJS, which fails to address the social issues of DV (Goodmark, 2017; Goodmark, 2018). The author's clear commitment to addressing the ongoing problem of DV beyond a summary of what exists was illuminating. The proposed idea for reform that is generalizable across the CJS framework is the study's proposal to decriminalize IPV. An identified weakness of the research was some focus of study was directed at the impact of decriminalization on the problem of overrepresentation in US prisons rather than the primary focus of costs and benefits for survivors. It is also important to consider decriminalization may force DV back into becoming a "private" matter. Both pieces were scored a 4.5 for advancing the knowledge area significantly by proposing radical change

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that could transform the way in which DV matters are handled and the potential to transform outcomes for survivors.

In summary, of all the research collected, there was a lack of homogeneity among the studies. While only peer-reviewed, academic literature was reviewed, the populations studied along with their sizes, as well as the variation in primary and secondary research led to variable collection, review, and presentation of results by scholars. Further primary research is needed to solicit survivor input and experience, specifically around female survivors, to expand knowledge and understanding for future research endeavors and to capture the needs of survivors from the CJS process for authentic responses.

Discussion

In Canada, the response to addressing the problem of IPV grew out of authentic grassroots women's movements in the 1970s; these movements challenged the government to create policies that criminalized domestic violence (Blaney & Ruff, 2013). While it is not contested in the literature that these policies were created to increase safety and reduce victimization, there is consensus that reform and change are now needed to achieve these aims. DV is complex, as are the proposed ways to address the problem. The proposition that criminalization alone cannot solve the underling social problems of DV (Goodmark, 2017) must be considered.

The criminalization of DV can be disempowering for survivors, it shifts power to law enforcement and courts as opposed to survivors, while simultaneously removing the role of community by shifting their role to the state (Goodmark, 2017). This suggests it is time to consider alternatives, perhaps to introduce the role of the community back into DV responses and to prioritize the social contexts that contribute to DV, like poverty and marginalization. This argument is furthered by the assertion that a shift to social modalities like increased RJ and

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community services in partnership with a reduction in the CJS role does not equate to getting “soft” on DV, but rather could move toward practical, concrete solutions (Ehret, 2020). The literature suggests consideration for an approach that attempts to address the underlying social factors as opposed to addressing the problem after a violent incident may return power to both survivors and the community.

Recommendations

The problem of DV and related CJS responses have been considered. The literature has revealed that despite decades of policies and programs that are increasingly restrictive and punitive, DV rates have not reduced, and survivor outcomes are less than satisfactory, “a lack of survivor input in the development of CJS policies has led to a disconnect between policy and practice” (Ryan et al, 2022). Knowledge gaps exist in many capacities, but arguably none more pressing than the pursuit of survivor input. This input, through research initiatives, can lay the foundation to shape and develop a new or reformed framework for policymakers to consider, founded on the wishes and understandings of the people it is meant to protect while simultaneously returning power to survivors by encouraging their participation.

Further research is needed to explore informal dispute-settling options and community frameworks that prioritize enhanced social responsibility (Ehret, 2020), decriminalization (Goodmark 2017; Goodmark, 2018), and the potential for community roles that compliment the CJS. An intersectional research approach that considers the broader social positions of the survivor and their position in the family and community would be beneficial. This could be facilitated through research initiatives that examine the role(s) of other government agencies and departments such as Public Health to understand the root causes of DV, and to build partnerships with the CJS and community to fill identified service gaps.

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Pursuing knowledge to fill these gaps can advance and potentially reform the CJS approach in a way that makes real, effective change and contributes to the reduction of DV. A move toward decriminalization, however, is the most compelling argument amongst the literature examined. Creating parallel or complimentary community resources and reducing the CJS role provides an actionable route forward that could be tailored to community need (Goodmark, 2017). Goodmark (2018) suggested a system that doesn't require engaging with the state to access services could combat power imbalances as well as loss of autonomy and participation for survivors. Further research is needed to determine the potential consequences of reform that involves decriminalization. One option worthy of exploration is the CJS applying its most restrictive interventions only toward serious, repeat IPV perpetrators and connecting first-time or low-level offenders with community agencies to address offending roots (Goodmark, 2018). Exploring further this proposition and its potential for positive change presents as a promising route toward improved survivor outcomes.

Conclusion

There is consensus that few existing criminal justice practices provide survivors of domestic violence satisfactory outcomes. There are a variety of proposed solutions to the identified issues and research gaps discussed in this study. They range from the need to incorporate gendered language and policy, to the call for further primary research that highlights survivor experience, to the proposal of new legal statutes like coercive control to capture the non-violent complexities of DV. Further, the implementation of intersectional and trauma-informed training frameworks for professionals and the increased use of alternatives like IDVC and RJ are worthy of consideration in relation to improved survivor outcomes.

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There is also a need for further research to explore the transformative idea of decriminalization of DV. Removing the full burden of intervention and response from the state and increasing community roles may provide opportunities to rebuild survivors' trust in the CJS and law enforcement. Criminalization alone cannot solve the underlying social problems at the root of DV (Goodmark, 2017), which suggests the need to explore alternatives to the existing CJS framework in the pursuit of satisfactory outcomes for survivors.

References

- Abraham, M., & Tastsoglou, E. (2016). Addressing domestic violence in Canada and the United States: The uneasy co-habitation of women and the state. *Current Sociology*, 64(4), 568-585. <https://doi.org/10.1177/0011392116639221>
- Barrett, B. J., Peirone, A., Cheung, C. H., & Habibov, N. (2021). Pathways to police contact for spousal violence survivors: The role of individual and neighborhood factors in survivors' reporting behaviors. *Journal of Interpersonal Violence*, 36(1-2), 636-662. 10.1177/0886260517729400
- Birdsall, N., Kirby, S., & McManus, M. (2017). Police–victim engagement in building a victim empowerment approach to intimate partner violence cases. *Police Practice & Research*, 18(1), 75-86. 10.1080/15614263.2016.1230061
- Blaney, E., & Ruff, L. (2013). The theory of feminist post structural pedagogy applied to the training of public professionals in intimate partner violence. *Canadian Journal of Univerisity Continuing Education* 39(2) <https://search.ebscohost.com/login.aspx?direct=true&AuthType=shib&db=eric&AN=EJ1016172&site=edslive&scope=site&authtype=shib&custid=s5672447> <http://ejournals.library.ualberta.ca/index.php/cjuce-rcepu/article/view/21217>
- Cameron, A. (2006). Stopping the violence: Canadian feminist debates on restorative justice and intimate partner violence. *Theoretical Criminology*, 10(1), 49-66. <https://doi.org/10.1177/1362480606059982>

DV SURVIVORS' SATISFACTION WITH THE CANADIAN CJS FRAMEWORK

Creswell, J. W., & Creswell, J. D. (2018). *Research design: Qualitative, quantitative, and mixed methods approaches*. SAGE Publications, Inc.

Day, A. S., & Gill, A. K. (2020). Applying intersectionality to partnerships between women's organizations and the criminal justice system in relation to domestic violence. *The British Journal of Criminology*, 60(4), 830-850.

Ehret, S. (2020). Making meaning of justice ideals for intimate partner violence: reflections on restorative justice. *British Journal of Criminology*, 60(3), 722-741.
<https://doi.org/10.1093/bjc/azz077>

Goodmark, L. (2017). Should domestic violence be decriminalized. *Harvard Journal of Law and Gender*, 40(1), 53-113.

Goodmark, L. (2018). *Decriminalizing domestic violence: A balanced policy approach to intimate partner violence*. University of California Press.

Government of Canada. (2018). *Family violence: how big is the problem in Canada?* Canada.ca.
<https://www.canada.ca/en/public-health/services/health-promotion/stop-family-violence/problem-canada.html>

Government of Canada (2022). *Women and gender equality Canada*. Government of Canada, Fact Sheet: Intimate Partner Violence. <https://women-gender-equality.canada.ca/en/gender-based-violence/intimate-partner-violence.html>

Government of Canada. (2023). *The Canadian criminal justice system: Overall trends and key pressure points*. Government of Canada, Department of Justice, Electronic Communications. <https://www.justice.gc.ca/eng/rp-pr/jr/press/>

DV SURVIVORS' SATISFACTION WITH THE CANADIAN CJS FRAMEWORK

- Hilton, N. Z., Eke, A. W., Kim, S., & Ham, E. (2022). Coercive control in police reports of intimate partner violence: Conceptual definition and association with recidivism. *Psychology of Violence*, 10.1037/vio0000457;
- Holland, S. L., & Novak, D. R. (2018). *The sage encyclopedia of communication research methods*. Sage Research Methods. <https://methods.sagepub.com/reference/the-sage-encyclopedia-of-communication-research-methods/i3658.xml#:~:text=Critical%20analysis%2C%20also%20referred%20to,reinforce%20social%20inequality%20and%20hierarchy>.
- Koshan, J. (2018). Specialised domestic violence courts in Canada and the United States: Key factors in prioritising safety for women and children. *Journal of Social Welfare & Family Law*, 40(4), 515-532. 10.1080/09649069.2018.1519656
- Kulkarni, S. (2019). Intersectional trauma-informed intimate partner violence (IPV) services: Narrowing the gap between IPV service delivery and survivor needs. *Journal of Family Violence*, 34(1), 55-64.
- Lee, B. (2019). *Structural violence*. Violence: An approach to causes, consequences and cures. Wiley Online Library. <https://onlinelibrary.wiley.com/doi/10.1002/9781119240716.ch7>
- Nixon, K. L. & Tutty, L.M. (2009). "Where have all the women gone?". *Canadian Review of Social Policy/Revue Canadienne De Politique Sociale*, (63), 63-82
<https://search.ebscohost.com/login.aspx?direct=true&AuthType=shib&db=edo&AN=61199201&site=eds-live&scope=site&authtype=shib&custid=s5672447>

DV SURVIVORS' SATISFACTION WITH THE CANADIAN CJS FRAMEWORK

Ryan, C., Silvio, D., Borden, T., & Ross, N. M. (2022). A review of pro-arrest, pro-charge, and pro-prosecution policies as a response to domestic violence. *Journal of Social Work*, 22(1), 211-238. 10.1177/1468017320979956

Saxton, M. D., Olszowy, L., MacGregor, J. C. D., MacQuarrie, B. J., & Wathen, C. N. (2021). Experiences of intimate partner violence victims with police and the justice system in Canada. *Journal of Interpersonal Violence*, 36(3-4), NP2029-2055NP. 10.1177/0886260518758330

Sullivan, T. P., Weiss, N. H., Woerner, J., & Belliveau, D. (2022). Criminal protection orders: Implications of requested versus issued orders on domestic violence, revictimization and mental health among women. *Journal of Interpersonal Violence*, 37(19), NP18445-NP18464. 10.1177/08862605211035875

VPFO. (2021) *Intersectionality: What is it and why it matters*. Vice-President Finance & Operations Portfolio. <https://vpfo.ubc.ca/2021/03/intersectionality-what-is-it-and-why-it-matters/#:~:text=Intersectionality%20shows%20us%20that%20social,on%20and%20shapes%20the%20other.>