

Domestic Violence Victims' Experiences with Police and the Justice System in Canada

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ABSTRACT

Legal responses to domestic violence (DV) are crucial in whether and how those exposed to DV seek help. Therefore, understanding the victim's perspective is essential to developing policy and practice standards, as well as informing professionals working in policing and the justice system. In this survey study, we utilized a subset of 2831 people who reported experiencing DV to examine: (a) rates of reporting to the police; (b) experiences with, and perceived helpfulness of, police; (c) rates of involvement with the criminal and family law systems, including protection orders; and (d) experiences with, and perceived helpfulness of, the justice system. Data were analyzed using descriptive statistics for close-ended survey questions, and content analysis of text responses. More than 35% of victims reported a violent incident to the police and perceptions of helpfulness were mixed. Fewer victims were involved with the criminal and family law systems, and their satisfaction also varied. Text responses provided insights on possible reasons for the variability found in experiences, in particular the proposed role of victim and system expectations, and respondents' perception that getting help depends on "being lucky" with the officials encountered

INTRODUCTION

- DV is a serious social and legal issue. No longer regarded as a private matter relegated to the confines of the home, the criminalization of DV serves the purpose of demonstrating its moral intolerability, and ideally, acting as a deterrent to perpetration
- The police and justice system response is crucial in supporting DV victims. However, there is a relative paucity of research examining DV victims' own accounts of their experiences.

- A victim's first contact with the justice system is often through the police. Research suggests that DV victims' own satisfaction with police varies.

- Supportive responses from police, including concern, sympathy, and understanding contribute to victims' feelings of satisfaction.

- Past research identified that a lack of awareness about the dynamics of DV by police officers often led to victim blaming, and accounted for variability in response from officer to officer.
- Despite improvements in the justice system response to DV over the last three decades, there are a number of barriers for victims seeking legal support.
- Research on the court system shows that victims of DV are likely to be dissatisfied with various aspects of the legal process.
- Justice systems can be complex and many victims feel they are expected to navigate things on their own.
- Confusion, frustration, and anxiety are often at the center of victims' experiences with the justice system, which for many, leads to difficulty in completing the process.
- The purpose of the current study was to better understand DV victims' experiences with the police and justice system, by examining:
 - (a)rates of reporting to the police
 - (b)victims' self-reported experiences with, and perceived helpfulness of, the police
 - (c)rates of involvement with the criminal and family law systems, including protection orders
 - (d)victims' self-reported experiences with, and perceived helpfulness of, the justice system. When possible, gender differences in experiences are examined.

METHODS

- This study utilized a subset of data from the first pan-Canadian survey on DV and the workplace. This survey was conducted by researchers at Western University in collaboration with the Canadian Labour Congress (CLC).

Measures

- Demographic characteristics.* Respondents answered various closed-ended demographic questions including: gender, age, sexual orientation, income, ethnicity, and employment status
- DV Experience.* Respondents answered 'Yes' or 'No' to three questions: whether they currently were experiencing DV; experienced DV within the year; or experienced DV over a year ago. For the purpose of the current analyses, respondents were coded as either having experienced DV in their lifetime (i.e., any of the above), or not.
- Experiences with the Police.* Respondents answered 'Yes' or 'No' to whether they had ever reported the violence to the police. Those who responded 'Yes' were provided with the question: 'how helpful were the police' and prompted to select their response on a

four point Likert scale.

- *Experiences with the Justice System.* Questions were provided examining experiences with aspects of the justice system. Helpfulness of each area was assessed by the same four point Likert scale as above.

- *Open-ended Questions.* Respondents were provided space to elaborate on their experiences with 'police or the family or criminal law systems'.

Data Analysis

Closed-ended questions were analyzed using SPSS V.22. An inductive thematic analysis at the semantic level was undertaken for the open-ended questions.

RESULTS

- From the total sample (n = 8429), 33.6% of respondents reported experiencing DV in their lifetime. Of those who reported having DV experience, 87.7% were women.

- Overall, 35.9% had reported DV to the police. Women were significantly more likely to report violence to police than men.

- 19.7% indicated that they had dealt with the criminal law system.

- 35.0% of respondents indicated that they had used the family law system to deal with separation issues.

Helpfulness of the Police When Reporting DV Incident

- 1.4% (n=14) don't know/not sure
- 29.7% (n=298) not at all helpful
- 42.6% (n=275) somewhat helpful
- 18.9% (n=103) Very helpful
- 26.2% (n=14) don't know/not sure

Helpfulness of the Criminal Law System When Dealing with DV

- 4.2% (n=23) don't know/not sure
- 34.3% (n=187) not at all helpful
- 42.6% (n=232) somewhat helpful
- 18.9% (n=103) Very helpful

Thematic Analysis of Open-Ended Responses

- A total of 508 participants provided an open-ended response on their experience with

the justice system; a further 683 about their experience with police.

- *When* examining the themes present in responses on police contact, one of the most common was being ‘supported’ by the police (23%).

- Respondents also indicated experiencing unsympathetic or unhelpful contact with police (13.8%). A further 21.6% described the police as insensitive or blameful. Others described examples of ‘inaction’ by the police (18.3%).

- Overall, the most common theme found in response about the justice system was ‘system difficulties’ (22.2%). Here, respondents reported finding the system to be overwhelming, confusing, frustrating, or difficult to navigate.

Cross-Cutting Themes: Experiences with Police and the Justice System

- **Variability.** A prominent theme in the comments was how variable, both between individuals, but also within a respondent’s experiences with the police and justice systems’:

“... Most of the officers minimized the harassment I was experiencing. Eventually, I talked to one who did see that it was a serious situation. She apologized for me being ignored previously. The trial was difficult and traumatic. Although I understand the need to examine the victim, I found it excruciating and terrifying to testify and to have to face my ex again. Quite frankly, I doubt that, if it happened again, I would ever report a similar situation.”

- **“It Really Depends” – Getting the Right Person and the Role of “Luck”.** It was evident that the contact with various professionals was not always positive, and many respondents commented on the importance of a specific professional with whom they interacted:

“I have dealt repeatedly with the police, and it really depends on the officer you get. Some truly understand domestic violence, but most do not.” ... “Depending on the police officer I felt that some were being supportive while others talked down to me and gave me the feeling that I was bothering them and wasting their time.”

- **Structural Barriers - Not “Fitting” the System’s Conception of a “DV Victim”.** One interesting theme was that the systems were not structured to meet particular needs (e.g., male victims, those in same sex relationships, newcomers to Canada):

“The family law system is confusing and intimidating, even for the very educated with lots of resources. I cannot imagine trying to negotiate it in other circumstances. It’s also very difficult to find funding for courts and lawyers, you either have to be very well off or very poor. The in-between have to figure it out for themselves.”

- **Potential Harms of Seeking Help from Police or the Justice System.** Comments

brought to light a number of potential harms with engaging police and/or the justice system. Many indicated that contrary to these interventions de-escalating or stopping the abuse, it continued, or even escalated:

“Police released him from custody right away which actually aggravated the situation because he was angry, so I had to find a way to get along with him rather than just break up”

“The family court system is not set up to deal with [DV]. The abuse I endured while married continued through the legal system which facilitated his control and pursuit of me... Without consistency of judges through the legal process, the abuser can continue to weave semi-truths with lies and present as a caring father whereas consistency of experience with the two parties may reveal a different story.”

Closed Codes for Open Responses Elaborating on Experience with Police

- 43.6% (n=298) Negative
- 25% (n=171) Positive
- 14.2% (n=97) Unclear
- 13.9% (n=95) Mixed
- 3.2% (n=22) Irrelevant

SUMMARY & DISCUSSION

- The current study brings deeper understanding to Canadian DV victims' experiences with police services as well as the public safety and justice systems.
- Overall, and similar to other studies, there is a clear indication that many victims have a varied experience with police and justice system response to DV.
- While the tone of the open-ended question about police experiences were most often negative, feeling supported by the police was the most common theme overall. This aligns well with previous finding that despite overall satisfaction, many victims are often unhappy with some aspect of the police response
- Part of this discrepancy may be due to preexisting expectations that victims have regarding police responsiveness to DV. As a result of lower expectations, victims may perceive any help from the police to be more positive than it actually was - or vice versa.
- The above point may account for a number of respondents reporting a varied experienced with the police or stating being “lucky” to have come into contact with a certain “good” police officer.
- Responses to the open-ended question regarding the justice system highlight the great range of experiences, but perhaps most clearly illustrate the myriad, significant, and at times shocking challenges faced by many DV victims when accessing these services.

- Consistent with prior research, difficulty with navigating the system, and feeling overwhelmed, frustrated, or confused, were the most common themes for victims

- Perhaps the most surprising finding was the notion that “getting lucky” is a key driver in a safe and helpful response to DV. As articulated by many respondents, coming across the “right” officer, lawyer or judge could “make all the difference”.

- Several factors could account for the variability in perceived helpfulness of police and justice system actions, including individual-level training, knowledge and attitudes, organizational practices, and, importantly, victim expectations.

CONCLUSIONS

- Experiences with the police, both in terms of immediate response, and also as a gateway to other public safety/criminal justice remedies, and various aspects of the justice system, have the potential to impact the lives of DV victims for better, or for worse.

- When effective, they can have a vital role in ensuring safety for the victim, and accountability for the perpetrator; when ineffective, they can do significant harm.

- In our Canadian data, we found that victims’ expectations likely mediate their decisions regarding seeking help, and we argue, victims should be able to rely on much more than being “lucky” to get the help that they need.

“The criminal court through the Crown Attorney dropped the assault charges and by agreement in which I was never consulted, he plead guilty to uttering death threats... I got protection order, but given his love of weapons and ability to access one, and his threat to kill me that way, it didn't feel like a piece of paper is much use in stopping a bullet. It does however allow the police to take action. Building courage to escape such a situation [means you] must accept that the danger lasts long after the police and courts are involved and that one has to be at the point of wanting to be free so badly, that you don't care if you die trying...”

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