



# **Nova Scotia Family Violence Tracking Project Phase 3: 2000 to 2003**

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## **Executive Summary**

This is the third cycle of the Nova Scotia Family Violence Tracking Project, a unique project in Canada which tracks cases of family violence through the criminal justice system. The purpose of this project is to develop and track indicators of the effectiveness of the criminal justice systems response to spousal/intimate partner violence in Nova Scotia. This information allows the Department of Justice to evaluate the implementation of policies at all levels of the criminal justice system as well as inform the development and implementation of new initiatives.

Prior to the current study two tracking studies had been conducted. The first tracking project was conducted between April 1, 1992 and September 30, 1992 involving a total of 1,157 family violence incidents reported to 29 police agencies. Of these 929 involved intimate partner violence. The final report was produced in 1995 (Marshall). The second study tracked 746 cases of intimate partner violence during fiscal year 1996-97 with a final report being produced in 1998. For purposes of this paper, the studies will be referred to as the 1995 study, the 1998 study and the 2005 study.

Over the past decade, spousal/intimate partner violence has been a priority for the Nova Scotia Department of Justice, and it is clear from the results of this study that a great deal has improved, however work still needs to be done.

Based on the results of this study it would appear that areas of improvement are plentiful, particularly regarding police response:

- The probabilities of being charged in the 2005 study were 4% higher than 1998 and 28% higher than in the 1995 study.
- Police response rates have consistently improved, increasing from 83% in 1995 to 89% in the 2005 study.
- Median response times have declined since 1995 when the median time was 9 minutes, to 6 minutes in 2005. This represents a 33% drop.
- Arrest rates have improved by 26% over those first reported in 1995.
- Police charge rates have increased by 28% over those reported in 1995.
- There has been a modest but consistent improvement in the percentage of threat charges laid by police, indicating that they are taking this issue seriously. In 1995, threat charges comprised 13% of all charges laid and in 2005 they comprised 23% of all charges laid.
- There has been a modest but consistent improvement in the percentage of persons charged with threats by police, with an increase from 20% in 1995 to 23% in 2005.

The study also demonstrates that a number of areas require further study and/or policy recommendations:

- Case processing times have lengthened from 5 months in 1998 to 7 months in 2005, representing an increase of 2 months. A specialized study is currently investigating court options for domestic violence cases.
- The percentage of guilty outcomes (62%) in 2005 are essentially unchanged from 1998. Incarceration is also essentially the same as in 1998. However, of those who were incarcerated, the median sentence length increased from 41 days in 1998 to a median of 61 days in 2005. Further examination is required to see if there is room for improvement.
- The percentage of people on probation with a condition to not associate with the victim declined from 1998, but is still 5% higher than in the 1995 study. The percentage of probationers with a referral to a substance abuse program has also declined.
- Non-compliance with probation orders has increased from 9% in 1998 to 17% in 2005. Non-compliance may represent more rigorous enforcement or reflect true non-compliance. Further study is required.
- In 1998, 33% of victims indicated that they did not want charges laid. In the 2005 study 35% of victims indicated they did not want charges laid.

## Highlights

- Between 2000 and 2003 there were an estimated 12,475 domestic violence incidents reported to police in Nova Scotia. This amounts to approximately eight incidents of domestic violence reported to the police on any given day in Nova Scotia. This is the same number as reported in 1998.
- The volume of incidents reported to police generally rose in the spring and peaked in the summer months. Thereafter, they declined and reached their lowest levels in December.
- The greatest number of incidents were reported to police between 6:00 p.m. and midnight.
- On average in 2005, it took police nine minutes from the time the incident was first reported to arrive on scene. This, on average, was two minutes less than the response times reported in 1998.
- In the 2005 study, 85% of the victims were female and 15% were male. In the 1998 study female victims accounted for 90% of the victims and males 10% of the victims. This is a 5% decrease in reported victimization by females and a corresponding 5% increase for male reported victimization.
- Forty-eight percent of the victim-suspect relationships were between current and former boyfriends and/or girlfriends. This is a marked difference from 1998 where the predominant relationship was spousal in nature (56%).
- Injuries in the 2005 study (both minor and those requiring medical treatment) were reported by victims in 36% of the incidents. Only 7% of the suspects received injuries.
- Police report having laid charges in 72% of the incidents. This is 4% higher than reported in 1998.
- Police reported having charged 676 persons with a total of 1,016 charges. The most frequently laid charge was common assault. Seventy-five percent of all persons charged were for this offence, followed by threats/harassment at 26% and breaches of recognizance/probation at 25%.
- Mutual or joint charging occurred in 8% of the incidents. This is virtually unchanged from 1998.

- Children under the age of 16 were in the house in 30% of the incidents .
- There have been significant increases in the average time from an accused's first appearance in court until a final disposition is reached. On average, it took 207 days for a case to move through the courts, compared to 135 days in 1998. This increase in case processing times is not unique to family violence cases and reflects an overall trend in criminal case processing. It is, however, important to note that the increase in case processing times for spousal abuse cases is higher than the overall increase in case processing times (53% versus 30%).
- A study is currently underway to examine case processing times in Nova Scotia. Furthermore, a court options committee is investigating various court options for processing domestic violence cases. These efforts may result in reduced case processing times in domestic violence cases.
- Police referral rates to various victims' services have consistently increased over the four years covered by the survey. In 2000, the rate of referral was 85% and by 2003, had increased to 96%.
- The overall conviction rate for offenders was 54%. When pending cases, warrants and stays are excluded, the conviction rate increased to 62%.
- Where findings of guilt were made, probation (either by itself or in conjunction with other penalties) was imposed in 62% of the sanctions. Fifty-seven percent of those orders contained conditions involving attendance at anger management or spouse abuse programs.
- Seventy-three people were sentenced to periods of incarceration. The median sentence length was 61 days. This is an increase over the median of 41 days reported in 1998. Current data limitations do not make it possible to determine whether the increased sentence lengths are linked to the level of injury suffered or a repeat pattern of violence.
- As of April 2006, 37% of those convicted of spousal/intimate partner violence were found to have recidivated. Sixty-eight of those who had been subsequently convicted received custody terms (50%). It was not known if those who had re-offended were convicted of spousal/intimate partner violence.

## Background

This study represents the third phase of a Family Violence Tracking Project, where police agencies, the Crown, Correctional Services and Victim Services have been asked to respond to surveys in order to track the progress of spousal/intimate partner violence cases through the criminal justice system. A random sample of domestic violence incidents in Nova Scotia forms the basis of the study. The first phase was conducted in 1995.

This paper will provide:

- a detailed analysis of intimate partner violence on a random sample of incidents reported to police between 2000 to 2003;
- comparisons to the 1995 and 1998 Tracking Projects to assess the implementation of policies at the police, court and corrections levels; and
- the basis for informed decision-making for the development and implementation of new initiatives in areas such as training and case coordination.

## Methodology

Since 1996, all police agencies in the province have submitted monthly statistical reports on domestic violence to the Department of Justice that record the type of incident, the police file number and the clearance status of the incident at the time of submission<sup>1</sup>. Police agencies are then provided with questionnaires and asked to provide detailed information including the nature of the incident, suspect/victim demographics, response times and the nature of criminal charges laid. For occurrences that result in criminal charges being laid, linkages are made to the courts to determine the outcomes of the charges, and to Victim Services to determine the source of the referral. Where findings of guilt are made, information on sanctions imposed is collected.

It is important to note that many factors may influence police-reported spousal/intimate partner statistics: reporting by the public to the police; reporting to the Department of Justice by the police; the impact of new initiatives such as changes in legislation, policies or enforcement practices; and, demographic, social and economic changes. Any or all of these factors, may account for regional variations noted within the province.

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<sup>1</sup> A total of 8 municipal forces and 34 RCMP detachments contributed data to this project.

For the 2005 study, 12,475 incidents were reported to the police between January 1, 2000 and December 31, 2003. A 10% stratified systematic random sample was then drawn for detailed analysis (n = 1,216)<sup>2</sup>. Of the 1,216 surveys distributed, a total of 981 completed surveys were returned yielding a response rate of 81%<sup>3</sup>. Forty-two (4%) of these surveys were not spousal/intimate partner incidents and were subsequently excluded from the analysis (these were domestic violence related but involved relationships other than intimate partner violence e.g. parents assaulting children).

Prior to the current study two tracking studies had been conducted. The first tracking project was conducted between April 1, 1992 and September 30, 1992 involving a total of 1,157 family violence incidents reported to 29 police agencies. Of these 929 involved intimate partner violence. The final report was produced in 1995 (Marshall). The second study tracked 746 cases of intimate partner violence during fiscal year 1996-97 with a final report being produced in 1998. For purposes of this paper, the studies will be referred to as the 1995 study, the 1998 study and the 2005 study.

Throughout this report the terms calls, incidents, charges and cases will be referred to. For purposes of clarification the following applies:

- Call: Calls refer to either dispatched or non-dispatched police responses to requests for assistance with respect to intimate partner violence. These calls can be either founded or unfounded. These are also referred to as incidents.
- Charge: Where a domestic violence incident has taken place and there is sufficient evidence to establish a criminal act or acts has taken place police may lay one or more charges against a person.
- Case: A case refers to one or more charges arising out of the same incident involving the same person. A charge or charges make up a case.

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<sup>2</sup> An incident is defined as any call made to police or coming to the attention of the police involving intimate partner violence. Outcomes on these calls ranged from unfounded to charges being laid.

<sup>3</sup> There were a total of 230 surveys returned that were either classified as not being domestic violence related or the file could not be located. Reasons for mis-identified and missing surveys included detachment reorganization in the RCMP, changes in record management systems, and the manner in which subsequent non-domestic violence calls to addresses flagged as having had a domestic violence incident are classified.

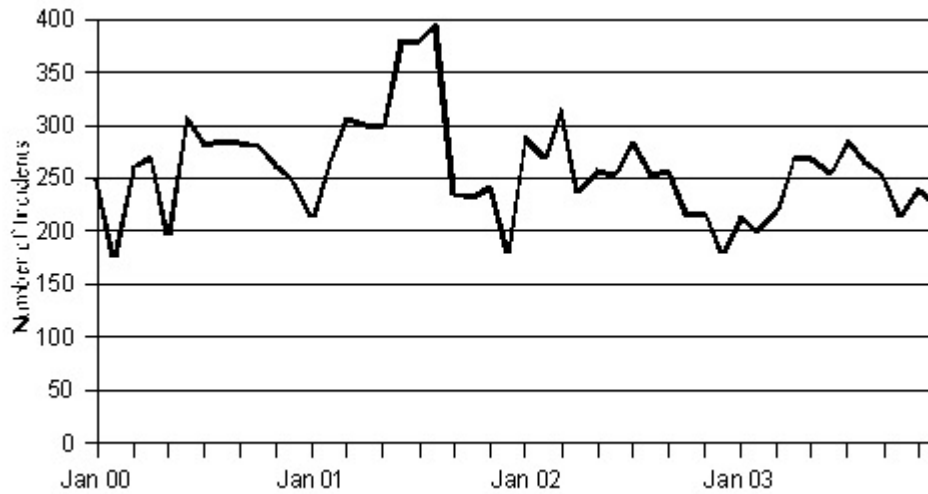


## **Incidents Reported to Police**

Between January 1, 2000 and December 31, 2003 police in Nova Scotia reported a total of 12,475 domestic violence incidents. This amounts to approximately eight incidents of domestic violence being reported to the police on any given day in Nova Scotia. This is the same as reported in 1998.

Displayed in Figure 1 is the volume of incidents reported to police by month. As illustrated, there was a general increase in the number of incidents reported to police for the period from January 2000 to August 2001. Since then, there has been a general decline in the number of reported incidents. To illustrate, between January 2000 and August 2001, there were an average of 272 incidents reported to police per month. After August 2001 the average number reported to the police was 243 per month. It is difficult to ascertain if this decline represents a real decline in occurrence, reporting or changes in police recording and reporting practices.

**Figure 1: Incidents Reported to Police January 1, 2000 to December 31, 2003**



Number of Incidents = 12,475

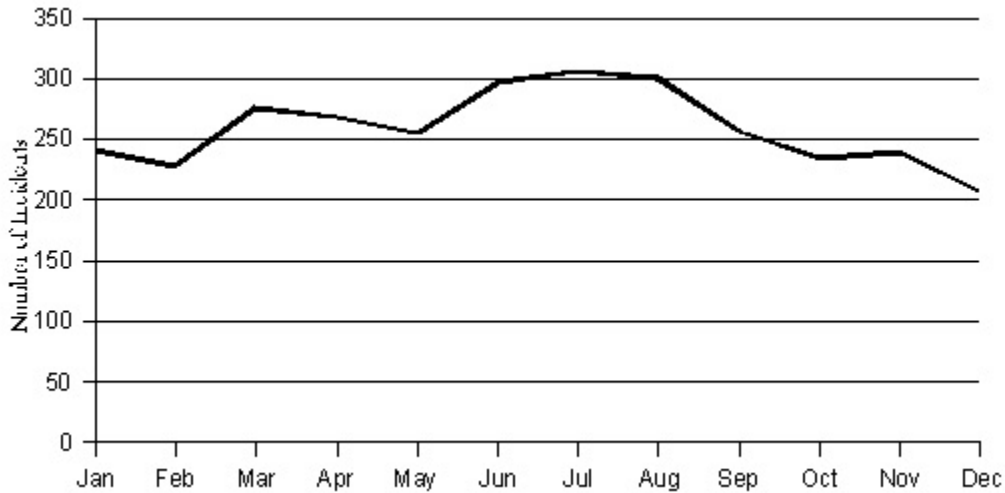
**Source:** Nova Scotia Family Violence Tracking Project, 2005

A unique pattern emerges when the data are averaged by month<sup>4</sup>. Displayed in Figure Two are the average number of incidents per month over the time period examined. The number of incidents reported generally begin to increase into the spring and peak during the summer months. Thereafter, they decline and reach their lowest levels in December.

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<sup>4</sup> The number of incidents reported in any given month were averaged. For example the months of January 2000, January 2001, January 2002 and January 2003 were summed and divided by four to yield a monthly four year average. This technique is typically employed in time series analysis where seasonal variation may be a factor. The effects of averaging across discrete time periods may uncover patterns by dampening down random variation.

**Figure 2: Average Number of Incidents per Month, 2000 to 2003**



Number of Incidents = 12,475

**Source:** Nova Scotia Family Violence Tracking Project, 2005

The clearance statuses of the incidents are almost unchanged from the 1998 study. Table 1 provides a comparison of the two time periods. While there were some slight variations with respect to ‘no charges’ and ‘peace bonds’, the rate of ‘unfounded complaints’ and ‘charged’ remained the same<sup>5</sup>. When ‘peace bonds’ and ‘unfounded’ incidents are excluded, the charge rate was 72% for the 1998 data and 71% for the 2005 data, virtually the same.

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<sup>5</sup> *Unfounded:* As a result of the investigation, the police determined no criminal offence had taken place. *No Charges:* Police laid no charges even though a criminal act had taken place. *Peace Bond:* Police indicated they had assisted in obtaining a peace bond. *Cleared by Charge:* Police cleared the incident by laying a charge or charges.

**Table 1: Comparison of Clearance Statuses for Intimate Partner Incidents, 1998 and 2005**

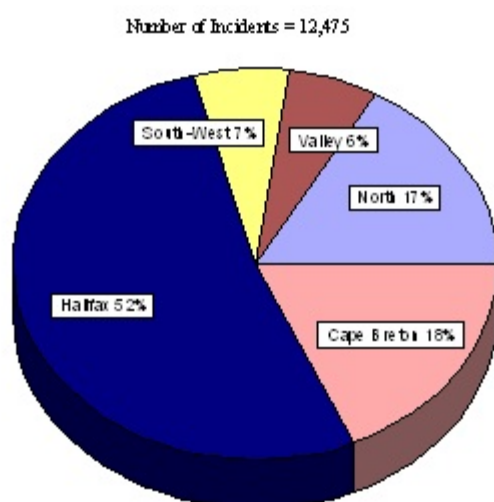
Clearance Status	1998* (Based on Period April 1996 to August 1998)	2005 (Based on Period January 2000 to December 2003)
Unfounded	4%	4%
No Charges	26%	28%
Charged	67%	67%
Peace Bond	3%	1%
Total	6,964	12,475

\* NOTE: Time frames between the two study periods are not consistent and therefore direct comparisons between the two study periods should be made with caution.

Source: Nova Scotia Family Violence Tracking Project, 2005

Figure 3 presents the distribution of the incidents by area of the province. Not surprisingly, the Halifax Regional Municipality had the highest volume of intimate partner incidents (52%), followed by Cape Breton (18%). In the 1998 report the Halifax Region also had the highest volume of intimate partner incidents (42%) followed by Cape Breton (21%) the North (21%), the Valley (8%) and the South-West (8%).

**Figure 3: Distribution of Spousal/Intimate Partner Violence Incidents by Area of Province**

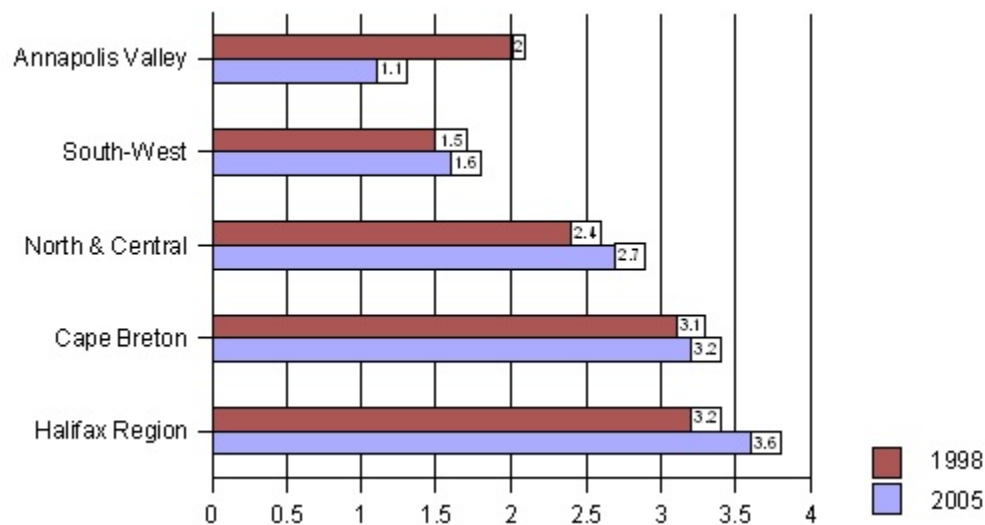


Source: Nova Scotia Family Violence Tracking Project, 2005

Figure 4 presents a per capita distribution of intimate partner violence rates. In 2005, the highest reported rates were in the Halifax Regional Municipality (3.6 per 10,000 population) and Cape Breton (3.2 per 10,000 population)<sup>6</sup>.

Also displayed in Figure 4 are the 1998 rates. Between the two time periods, rates increased slightly in the Halifax Regional Municipality (+0.4) as well as the North Central region (+0.3).

**Figure 4: Average Monthly Calls per 10,000 Population by Area of Province**



NOTE: Time frames between the two study periods are not consistent and therefore direct comparisons between the two study periods should be made with caution.

Source: Nova Scotia Family Violence Tracking Project, 2005

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<sup>6</sup> Areas are roughly approximate to county boundaries. The areas include the following:  
 Halifax = Halifax County; Valley = Annapolis, Digby, Hants and Kings Counties; South-West = Lunenburg, Queens, Shelburne and Yarmouth Counties; Cape Breton = Cape Breton, Inverness, Richmond and Victoria Counties; and North = Antigonish, Colchester, Cumberland, Guysborough and Pictou Counties.

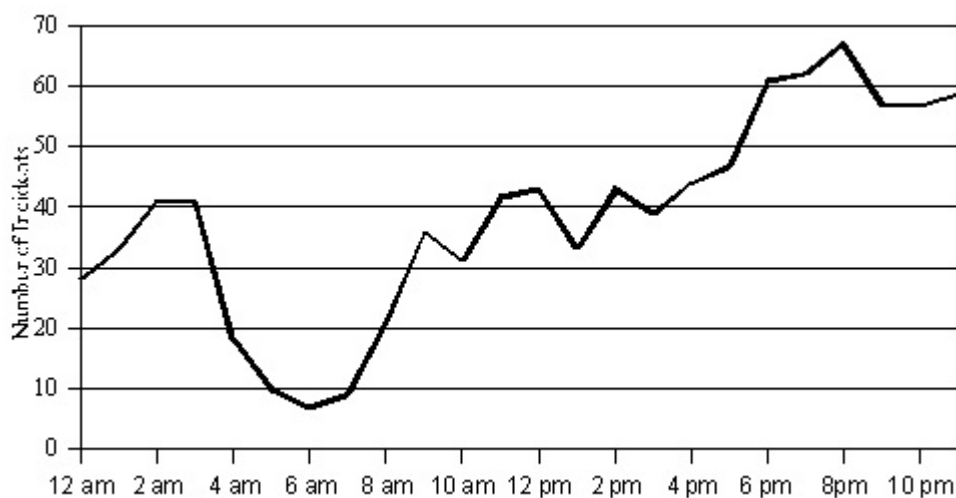
## Detailed Incident Analysis

As previously mentioned, a random sample of 1,216 incidents were selected from the 12,475 cases reported to the police between January 1, 2000 and December 31, 2003. The sampling process yielded a total of 981 completed surveys. Of these, 42 were not spousal/partner related but were family violence related. These were excluded from subsequent analysis yielding a final sample size of 939.

The next section of the paper provides an in-depth examination of the incidents relating to police response times, incident characteristics, charges laid, case processing times, court outcomes, sentencing and referrals to Victim Services.

Figure 5 provides information regarding the distribution of spousal/intimate partner violence incidents by the time of day the call was received. The volume of incidents begins to rise at around 8:00 a.m. and generally peaks around 8:00 p.m. Thereafter it declines, reaching a low point at approximately 6:00 a.m. The greatest volume of calls (39%) were reported between 6:00 p.m. and midnight. This pattern is very similar to that reported in 1998.

**Figure 5: Distribution of Incidents by Hour of Day**



**Source:** Nova Scotia Family Violence Tracking Project, 2005

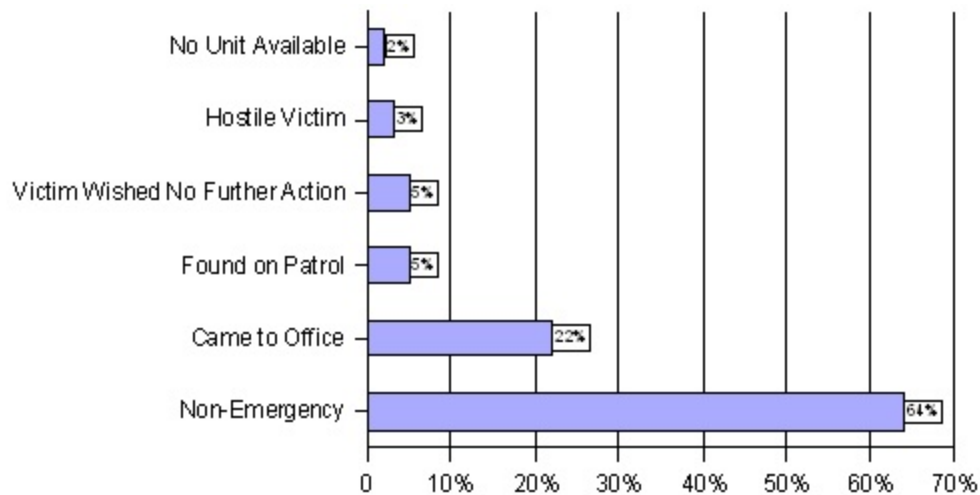
## Police Response

Overall police reported having laid charges in 72% of these incidents (676/939)<sup>7</sup>.

### Police Response to Spousal/Intimate Partner Violence Calls

Police units were dispatched in 89% (840/939) of the incidents. In the 99 incidents where no units were dispatched, Figure 6 provides a breakdown as to why no unit was dispatched. The two primary reasons were either the matter was deemed a non-emergency (64%)<sup>8</sup> or the complainant came to the police office to report the matter (22%).

**Figure 6: Reasons Why No Unit Dispatched**



Number of Non-Dispatched Calls = 99

Source: Nova Scotia Family Violence Tracking Project, 2005

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<sup>7</sup> One person was arrested and charged on a parole violation not directly linked to the incident. That person is not included in the 676.

<sup>8</sup> A 'non-emergency' call is one where the incident happened some time in the past or the suspect was not present.

There were a total of five incidents where the victim wished no police action and three incidents where the victim was hostile to the police. There were five female and three male victims and no injuries were sustained. All of the incidents involved either current or former boyfriends/girlfriends and referrals to victim assistance programs were made in all eight cases (Table 2).

**Table 2: Reasons for No Dispatch- Victim Wished No Charges or Victim Was Hostile**

Status	Victim's Gender	Incident Type	Injuries	Police Action
Victim Wished No Action	Female	Stalking	None	Referred to VAP*
Victim Wished No Action	Female	Threats/Stalking	None	Referred to VAP
Victim Wished No Action	Male	Assault	None	Referred to VAP
Victim Wished No Action	Female	Violation of Court Order	None	Referred to VAP
Victim Wished No Action	Female	Threats	None	Nil
Hostile Victim	Male	Physical Assault	None	Referred to VAP
Hostile Victim	Male	Physical Assault	None	Referred to VAP
Hostile Victim	Female	Physical Assault	None	Referred to VAP

\* VAP = Victim Assistance Program

Source: Nova Scotia Family Violence Tracking Project, 2005

### Police Response Times

Of the 939 incidents, police units were dispatched in 840 of them (see Figure 6 for a breakdown of reasons for non-dispatch). Time information was available for 713 of those 840 dispatched calls. The overall average response time from when the incident was first reported until a police unit arrived was nine minutes, with a median response time of six minutes. The 1998 survey reported an average response time of eleven minutes and a median of seven minutes. This represents an 18% reduction in average response times and a 14% reduction in median times.



There was significant variation by police agency. Table 3 displays the average and median response times broken down by police agency for 1998 and 2005<sup>9</sup>.

**Table 3: Mean and Median Response Times**

Police Agency	1998		2005	
	Average	Median	Average	Median
Halifax Regional Police	9 minutes	6 minutes	9 minutes	6 minutes
Cape Breton Regional	5 minutes	4 minutes	7 minutes	6 minutes
Other Municipal <sup>10</sup>	4 minutes	10 minutes	6 minutes	4 minutes
R.C.M.P.	26 minutes	15 minutes	16 minutes	11 minutes
Overall	11 minutes	7 minutes	9 minutes	6 minutes

NOTE: Time frames between the two study periods are not consistent and therefore direct comparisons between the two study periods should be made with caution.

Source: Nova Scotia Family Violence Tracking Project, 2005

The overall reduction in response times have been driven by reductions in RCMP response times. Halifax Regional Police reported stable response times, while Cape Breton Regional Police response times increased by two minutes. The increase in response times for Cape Breton Regional Police is partially attributable to the change in boundaries which occurred in 2002, when Cape Breton Regional Police boundaries were expanded to include rural areas previously patrolled by the RCMP.

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<sup>9</sup>The RCMP were the only police agency reporting a reduction in response times since 1998. In fact the reduction in RCMP response times has driven the overall reduction in response times. Halifax Regional Police reported no change. On the other hand, Cape Breton Regional Police average and median response times increased by 2 minutes. It should be noted, however, that in 2002 boundaries for the Cape Breton Regional Police were expanded to take in rural areas previously patrolled by the RCMP, which may partially account for increased response times.

<sup>10</sup>Other Municipal forces include Amherst, Annapolis Royal, Bridgewater, Kentville, New Glasgow, Springhill, Stellarton, Trenton, Truro and Westville.

## The Nature of the Incidents

### Demographics

Of the 939 incidents, 85% of the victims were female and 15% were male. This represents a 5% increase in the number of male victims and a corresponding drop of 5% for female victims since 1998. Table 4 provides a detailed breakdown of the victim-suspect relationship by gender.

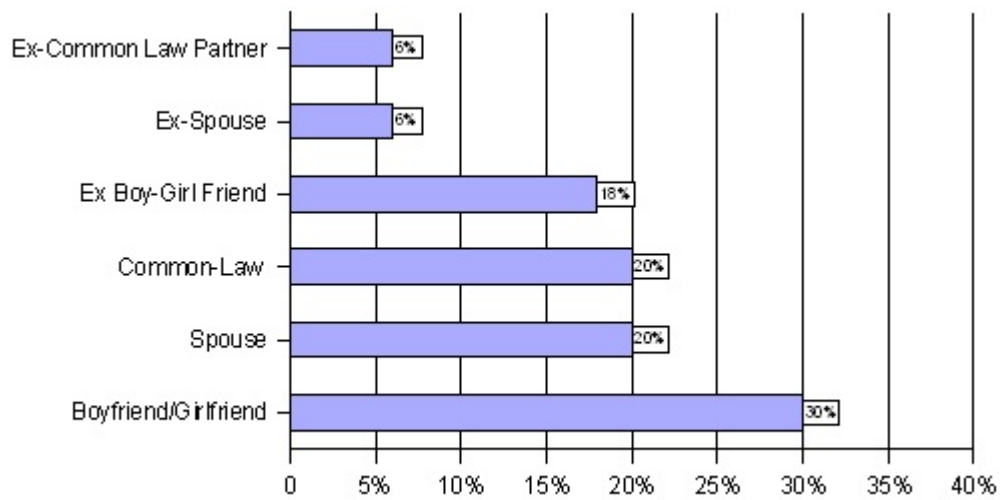
**Table 4: Victim-Suspect relationship by Gender**

Relationship	Number	Percent
Male Suspect - Male Victim	11	1%
Male Suspect - Female Victim	796	85%
Female Suspect - Male Victim	128	14%
Female Suspect - Female Victim	4	<1%
Total	939	100%

Source: Nova Scotia Family Violence Tracking Project, 2005

Boyfriend/girlfriend was the most frequently occurring type of relationship (30%) (Figure 7), followed by spousal and common-law at 20% each. However, when spousal, common law, ex-spouse and ex-common law are combined they formed 52% of the relationships.

**Figure 7: Detailed Victim-Suspect Relationship**



N = 939

**Source:** Nova Scotia Family Violence Tracking Project, 2005

There has been a marked shift in the nature of victim-suspect relationships from the 1998 report. Essentially, spousal/common-law relationships appear to have declined while those described as boyfriend/girlfriend have increased.

Table 5 provides a comparison between the 2005 report and the 1998 report with respect to changes in victim-suspect relationships.

**Table 5: Comparison of 1998 to 2005 Detailed Victim-Suspect Relationship**

Relationship	1998 Report	2005 Report
Ex-Common Law	5%	6%
Ex-Spouse	8%	6%
Ex-Boyfriend/Girlfriend	12%	18%
Boyfriend/Girlfriend	19%	30%
Married	27%	20%
Common Law	29%	20%
Total	746	939

$\chi^2 = 55.67$  Degrees of Freedom = 11  $p < .01$ <sup>11</sup>

NOTE: Time frames between the two study periods are not consistent and therefore direct comparisons between the two study periods should be made with caution.

Source: Nova Scotia Family Violence Tracking Project, 2005

While the proportion of incidents categorized as involving ex-common-law partners and ex-spouses have remained relatively constant over the two time periods, there have been significant shifts with respect to married and common-law relationships as well as (ex) boy/girlfriend relationships. When combined, incidents involving (ex) boy/girlfriend relationships increased from 31% of all relationships in 1998 to 48% in 2005. There has been a corresponding drop of 16% with respect to incidents involving married and common-law partners.

The average age of suspects was 35 years, while victims were, on average, two years younger or 33 years of age. Suspects ranged in age from 17 to 76, while victims' ages ranged from 16 to 73. Five percent of suspects were over the age of 55 (n=50) and 4% of victims were over 55 years of age (n=33). This is fairly consistent with findings from the 1998 study.

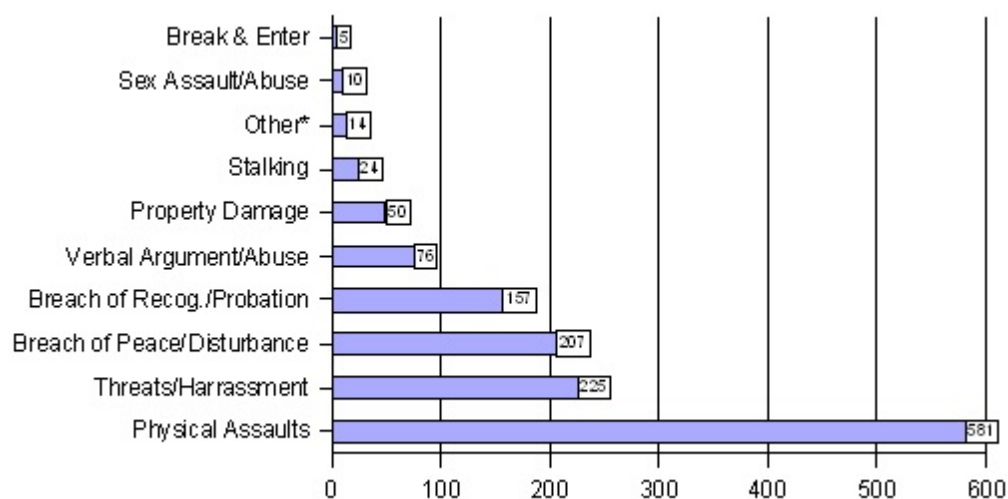
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<sup>11</sup> Throughout this report tests of statistical significance were conducted where comparisons were made, primarily with the 1998 data. The tests were used to evaluate whether or not observed differences were actual differences or just due to sampling or random error. The significance value indicates the probability of an observed difference having occurred by chance. For example, a significance level of .01 indicates that there is only 1 chance in 100 that the observed differences occurred by 'accident'. The  $\chi^2$  symbol stands for Chi Square and is employed in calculating the significance level.

The 939 spousal/intimate partner violence incidents generated a total of 1,349 alleged offences<sup>12</sup>. It is not unusual to have more alleged offences than incidents. Upon arriving at the scene, police determine what type of offence (if any) has taken place. Police at the scene may determine more than one offence may have taken place (e.g. assault and threats). Offences are different from charges in that an offence can take place but charges are not necessarily laid. The most frequently occurring alleged offences were physical assaults (581), followed by threats/harassment (225), and breach of the peace/causing a disturbance (207). It should be noted when taken together, probation breaches and breaches of court orders formed 12% of the total incidents.

Figure 8 provides a detailed breakdown of the types of offences reported.

**Figure 8: Detailed Types of Offences**



Total Number of Offences = 1,349

\* The 'other' category includes 6 arrest warrants, 4 public intoxication, 3 suicide threats and 1 theft.

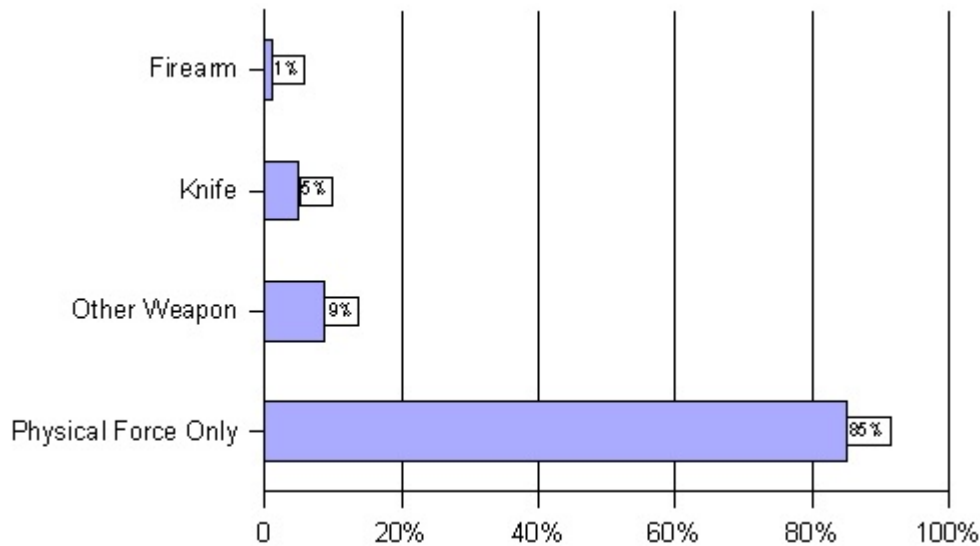
Source: Nova Scotia Family Violence Tracking Project, 2005

<sup>12</sup> Offences are crimes that have been or are alleged to have been committed. Charges arise out of offences where police have decided to charge a suspect. See page 8 for a discussion of calls, charges and cases.

## Weapon Use

In 85% of the incidents where force was used (563/658), it was restricted to physical force. One percent involved firearms (6/658), 5% involved knives (30/658), and other weapons (such as sticks, bats, and blunt objects) formed the remaining 9% of the incidents (59/658) (Figure 9).

**Figure 9: Level of Force Used**



Number of Incidents Employing Force = 658

Source: Nova Scotia Family Violence Tracking Project, 2005

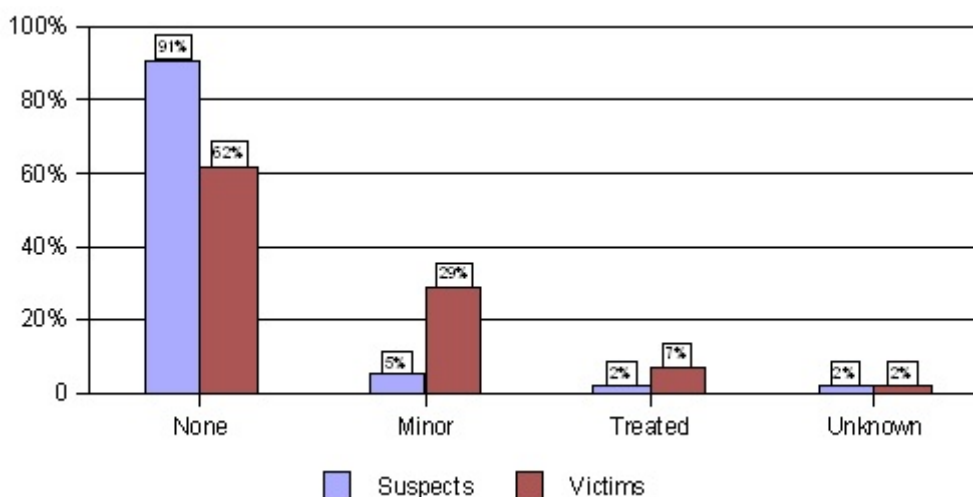
In the 1998 report, physical force was used in 79% (594/746) of the incidents. The use of weapons has remained virtually the same between the two time periods (14%), although the distribution has changed slightly. While the proportion of incidents using knives has remained unchanged, the use of firearms has decreased (4%) and the use of other weapons has increased (5%).

## Level of Injury

In the 658 incidents where force was used or threatened, a total of 68 victims (10%) reported having received medical treatment at a hospital. A further 267 victims (41%) reported having sustained minor physical injuries<sup>13</sup>.

Figure 10 provides a breakdown of injuries sustained by both victims and suspects in all 939 reported incidents<sup>14</sup>. It is clear that victims are more likely than suspects to sustain injuries as a result of the incident. Ninety-one percent of the suspects reported no injuries compared to 62% of the victims.

**Figure 10: Injuries Sustained by Victims and Suspects**



Number of Incidents = 939

**Source:** Nova Scotia Family Violence Tracking Project, 2005

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<sup>13</sup> Comparisons to the 1998 report are not possible due to the lack of data in this area.

<sup>14</sup> The percentages reported in this figure will not be the same as stated above as they are based on all the incidents.

## **History of Domestic Violence**

Forty-six percent (46%) of the incidents (436/939) had a prior history of domestic violence involving the same partner. A prior history is defined as the police having knowledge of previous spousal/intimate partner violence involving the same persons. This is 4% higher than what was reported in 1998.

Thirty-four percent of victims indicated to police that they wanted charges laid, while 35% did not want charges to be laid. In 1998, 45% of the victims indicated that they wanted charges laid while 33% indicated they did not want charges laid. Current data limitations precluded any analysis of the reasons victims gave for not wanting charges laid.

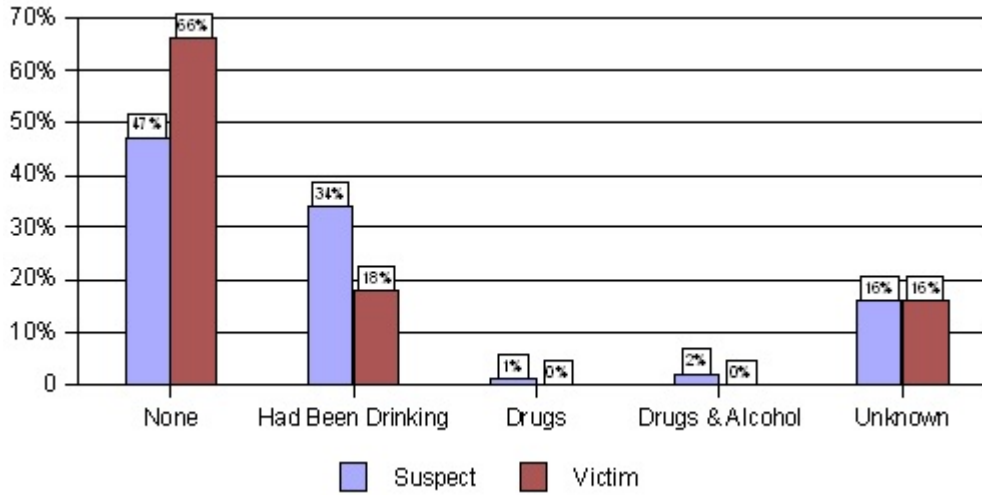
Forty-four percent of the suspects (415/939) had previous convictions for either criminal and/or drug offences. Two hundred and seventeen of the suspects had previously spent time in sentenced custody (23%).

In fully 30% of the incidents children under the age of 16 were in the home at the time the violence occurred. While it is not known whether or not the children saw or heard the incident, it can be assumed that the children, in all likelihood, heard or saw something.

The use of drugs and alcohol and their correlation with violence has been well documented. Therefore, it comes as no surprise that 37% of violent incidents involved drugs, alcohol or a combination of both (Figure 11). This is 12% less than reported in 1998.



**Figure 11: Alcohol and Drug Use**



Source: Nova Scotia Family Violence Tracking Project, 2005

**Charges Laid by Police**

Police reported having laid charges in 676 of the 939 incidents (72%). This is a slight increase of 4% over 1998 when police reported having laid charges in 68% of the incidents (Table 6).

**Table 6: Comparison of Police Charge Rates, 1998 and 2005**

Charges Laid	1998 Report	2005 Report
Yes	68%	72%
No	32%	28%
Total	746	939

$\chi^2 = 2.93$       Degrees of Freedom = 1      p = .10

\* NOTE: Time frames between the two study periods are not consistent and therefore direct comparisons between the two study periods should be made with caution.

Source: Nova Scotia Family Violence Tracking Project, 2005

In the present study, there were a total of 1,016 charges laid against 676 persons (Note: more than one charge can be laid in relation to an incident). Table 7 summarizes the charges laid by the police.

**Table 7: Charges Laid by Police**

Charge	Number	Percent*
Common Assault	507	75%
Threats/Harassment	175	26%
Breach Recog./Probation	171	25%
Aggravated Assaults	65	10%
Property Damage	41	6%
Disturbance	9	1%
Break & Enter	9	1%
Abduction/Kidnaping	8	1%
Weapons	7	1%
Peace Bond Violations	6	1%
Liquor Violations	5	1%
Impaired Driving	4	<1%
Criminal Code Traffic	3	<1%
Robbery	1	<1%
Sex Assault	1	<1%
Sex Abuse	1	<1%
Other Sex Crimes	1	<1%
Other Criminal Code	1	<1%
Other Federal	1	<1%

\* Based on 676 persons. Percentages are based on the number of persons charged because it provides a more accurate reflection of the relationship of charges to persons.

**Source:** Nova Scotia Family Violence Tracking Project, 2005

Seventy-five percent of the persons were charged with common assault. Charges involving threats and criminal harassment were laid in 26% of the cases, followed closely by charges for breach of recognizance and probation violations at 25%.

Charges were not laid in 262 incidents. The two most frequent reasons for charges not being laid were that the complaint was unfounded (54%) and insufficient evidence (28%) (Table 8)<sup>15</sup>.

**Table 8: Reasons No Charges Laid**

Reason	Number	Percent
Unfounded	143	54%
Insufficient Evidence	72	28%
Hostile Victim	27	10%
Crown Advice	13	5%
Victim Request	7	3%
Total	262	100%

Source: Nova Scotia Family Violence Tracking Project, 2005

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<sup>15</sup>“Unfounded ” refers to those matters where police have determined that no offence has taken place or the matter was not criminal in nature.

“Insufficient Evidence” refers to incidents where the police have reason to believe an offence has taken place but do not have sufficient evidence to lay a charge. For example, police respond to an incident involving an alleged assault. Both parties claim to have been assaulted by the other but there are no witnesses and no physical indications of an assault having taken place.

“Hostile Victim” are incidents where the victims were hostile to any police intervention and refused to provide information.

“Crown Advice” are those matters where the police have gone to the Crown for advice with respect to the laying of charges. These represent incidents where the Crown has advised against charges being laid and police have accepted this advice (e.g. not enough evidence).

“Victim Request” refers to cases where no action has been taken because the victim does not wish the case to proceed even though an offence has taken place.

The specific types of incidents which were unfounded (n=143) or non-criminal<sup>16</sup> (n=29) included the following:

- 141 were described as disturbances (shouting, verbal arguing, etc.)
- 7 were unfounded physical assaults
- 6 were unfounded property damage complaints
- 4 involved verbal/psychological/emotional abuse
- 4 involved alleged violations of court orders
- 3 involved harassing calls
- 2 involved suicidal behaviour by the suspect
- 2 involved intoxication
- 2 involved alleged threats
- 1 involved a suspect being arrested on an unrelated matter

There were seven incidents where the victim requested that no action be taken. A brief summary of each case is given below:

- Call involving a female victim of alleged stalking. The situation was resolved with a verbal warning.
- Call involving a male victim of threats. The matter was referred to a victim assistance program.
- Call involving a female stalking victim that had occurred four months previously. The victim was referred to a victim assistance program.
- Call involving a 17 year old female victim and a 17 year old male suspect concerning threats and stalking. It is unknown what happened.
- Call involving a male victim concerning a breach of a court order. The matter was referred to a victim assistance program.
- Call involving a male victim of threats and stalking that had occurred a year previously. It is unknown what happened.
- Call involving a male victim of a breach of a court order and property damage. The matter was referred to a victim assistance program.

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<sup>16</sup> Non-criminal refers to those matters where there was no criminal act, either actual or alleged. For example verbal, psychological, emotional abuse is not a criminal code offence; a couple arguing and shouting in their own residence is not a criminal code offence; and threatening suicide is not a criminal code offence.

## Mutual/Joint Charging

The dominant aggressor policy dictates that only the more serious aggressor be charged in incidents where both parties may have assaulted each other.

Information was available on 672 of the 676 incidents where police laid charges. In 51 cases it was indicated that both parties were charged (8%). In 1998, 7% of both parties were charged. An analysis comparing the 1998 rate to the current rate indicated no statistical difference between the two periods.

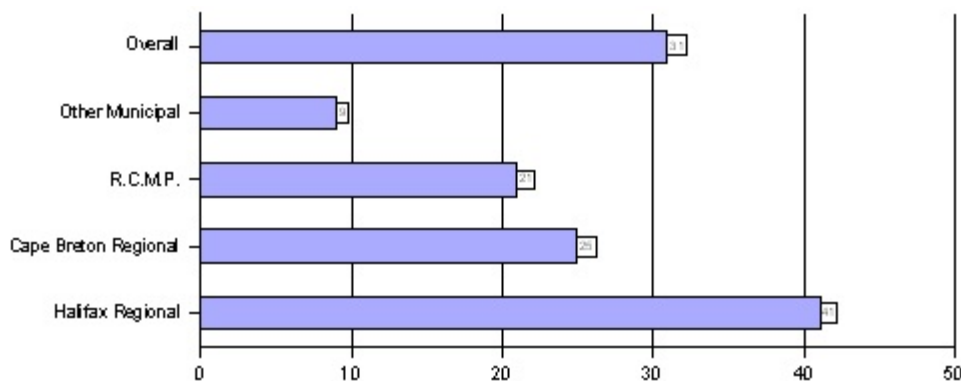
## Case Processing Times

### Pre-Court Times

Where charges were laid it took, on average, 31 days from when the incident was first reported to the police until the accused's first appearance date in court. The median number of days was 19 (indicating that in 50% of the cases the accused's first appearance in court was within 19 days of the matter being reported to the police).

There were considerable differences among police agencies with respect to days elapsed from the time an incident was reported until the accused made their first appearance in court (Figure 12).

**Figure 12: Average Days Elapsed From Reporting to 1<sup>st</sup> Court Appearance by Police Agency**



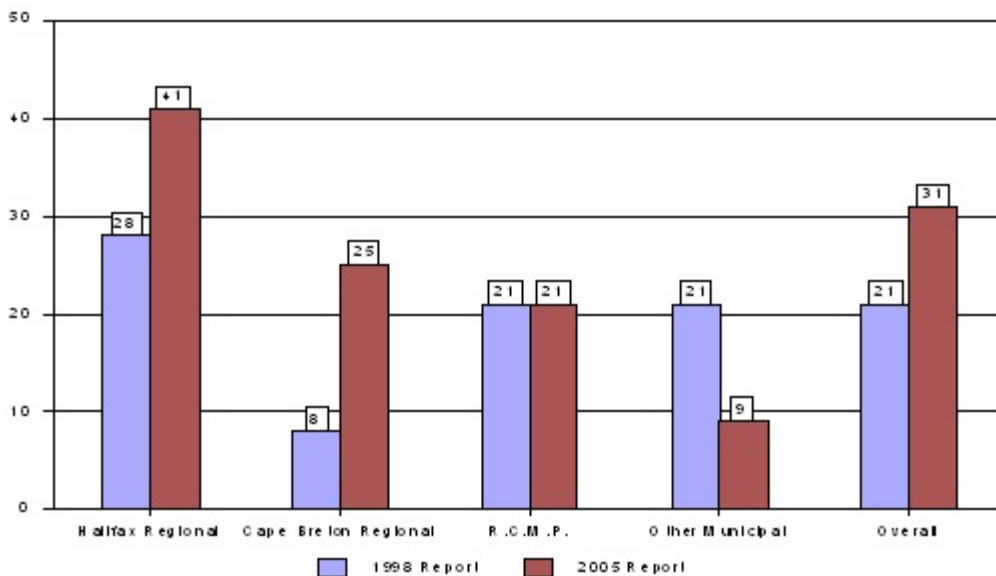
Source: Nova Scotia Family Violence Tracking Project, 2005

Halifax Regional Police had the longest processing times with an average of 41 days elapsed from when the incident was first reported until the accused first appeared in court. ‘Other Municipal’<sup>17</sup> forces had the shortest with an average elapsed time of nine days.

Processing times for police agencies have generally increased from that reported in 1998 (Figure 13). This was particularly true for the Cape Breton Regional Police, which reported the largest increase in processing times. In the 1998 Report, the average days elapsed from the incident to first court appearance was eight days and in 2000-03, the number increased by 212% to 25 days. This increase may be partially attributed to the expanded boundaries when Cape Breton Regional Police assumed control of areas once patrolled by the RCMP.

Halifax had the next highest increase, where processing times increased from 28 to 41 days, representing an increase of 46%<sup>18</sup>.

**Figure 13: Comparison of Average Days Elapsed From Reporting to 1<sup>st</sup> Appearance in Court, Comparing 1998 Study and 2005 Study**



Source: Nova Scotia Family Violence Tracking Project, 2005

<sup>17</sup> ‘Other Municipal’ forces include Amherst, Annapolis Royal, Bridgewater, Kentville, New Glasgow, Springhill, Stellarton, Trenton, Truro and Westville.

<sup>18</sup> It would have been preferable to have conducted police processing comparisons over time employing time elapsed from incident to when the information was laid. This was not available in 1998.

Processing times for the RCMP remained virtually unchanged and processing times for other municipal forces actually declined by twelve days. Reorganization of detachment boundaries and the takeover of municipalities which formerly had their own police forces may, in part, account for this decrease.

The average investigative time taken by police, as measured by the number of days from the incident being reported until an information was laid was 14 days with a median of seven days.

The average time taken from an information being laid and the accused’s first appearance in court was 16 days, with a median of five days.

### **Court Processing Times**

Actual court processing times were significantly greater than pre-court times. On average it took 207 days from when the accused first appeared in court until a final outcome (Table 9). Median case processing times were 164 days. When compared to the data in the 1998 report, these data indicate a significant increase in court processing times.

**Table 9: Comparison of Case Processing Times, 1998 and 2005**

Year	1998	2005
Average Days Elapsed From Incident to 1 <sup>st</sup> Court Appearance	30 Days	31 Days
Average Days Elapsed From 1 <sup>st</sup> Court Appearance to Final Court Outcome	135 Days	207 Days
Average Days Elapsed From Incident to Final Court Outcome	172 Days <sup>19</sup>	238 Days

NOTE: Time frames between the two study periods are not consistent and therefore direct comparisons between the two study periods should be made with caution.

Source: Nova Scotia Family Violence Tracking Project, 2005

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<sup>19</sup> While it appears intuitive that sub-averages when added together should equal the overall average this is not the case. The number of observations and the values involved vary. As a result they yield averages unique to that particular sub-group. The fact that the 2005 total average is the sum of the two sub-averages is coincidental.

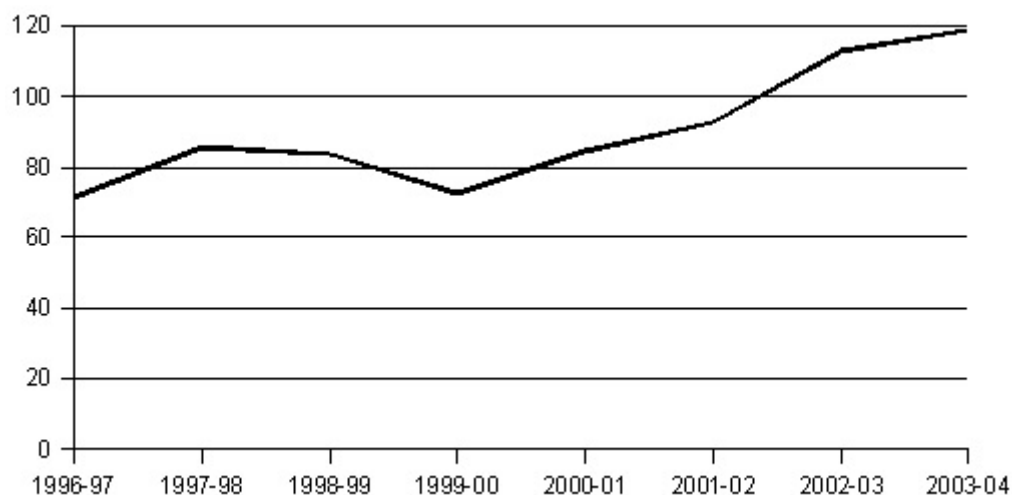
Between the 1998 study and the 2005 study, there has been a significant increase in court processing times. In the 1998 study it took, on average, 135 days from first appearance in court to final disposition. In the 2005 study it took 207 days, an increase of 72 days or 53%.

Data obtained from the Canadian Centre for Justice Statistics for comparable Nova Scotia offences<sup>20</sup>, indicate similar trends. In 1996/97, it took an average of 161 days from the accused's first appearance in court to a final disposition. For the period 2000-01 to 2003-04 case processing times had increased to an average of 209 days (a 30% increase between the two periods).

While, increasing case processing times are not unique to family violence, it is important to note that the rate of increase for spousal cases is higher than the overall increase (53% versus 30%). A study is currently underway to examine case processing times in Nova Scotia. Furthermore, the court options committee is currently investigating various court options for processing domestic violence cases. These efforts may result in reduced case processing times in spousal/intimate partner violence cases.

Figure 14 displays the median days elapsed from 1<sup>st</sup> appearance to final disposition for all criminal offences in Nova Scotia from 1996-97 to 2003-04.

**Figure 14: Median Days Elapsed for Processing Criminal Offences in Nova Scotia, 1996-97 to 2003-04**



**Source:** Adult Criminal Court Survey, Canadian Centre for Justice Statistics, Statistics Canada

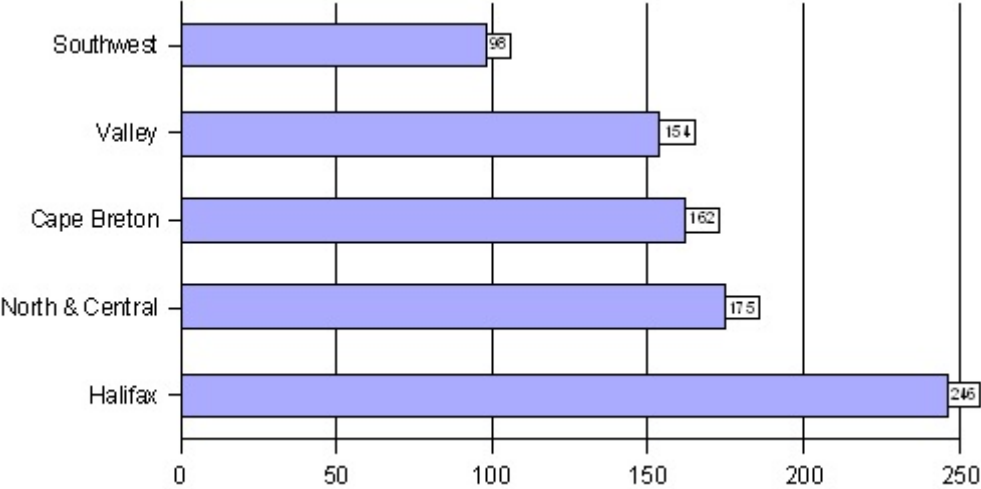
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<sup>20</sup> In order to compare the data, the most frequently occurring offences in the family violence data were compared against similar CCJS data over the same time periods.



There was also significant variation in case processing times by area of the province. Displayed in Figure 15 are the average court processing times by region.

**Figure 15: Average Court Processing Times by Area of the Province**



**Source:** Nova Scotia Family Violence Tracking Project, 2005

Not surprisingly, given the volume of cases, the longest case processing times took place in the Halifax Regional Municipality, where an average of 246 days elapsed from first court appearance to final outcome. The shortest case processing times took place in the Southwest at 98 days.

## Victim Referrals by Police

Table 11 provides a breakdown of victim referrals made by police when dealing with spousal/intimate partner violence calls. Police made a total of 995 referrals in 939 incidents (police can make more than one referral in an incident).

**Table 11: Referrals Made by Police**

Referral To:	Number	Percent
Municipal Police Victim Services Program	645	65%
Department of Justice's Victim Services Program	130	13%
Child Welfare	70	7%
R.C.M.P. Victim Assistance Program	51	5%
Domestic Violence Case Coordinator	48	5%
Transition House	45	5%
Community Justice Agency	4	<1%
Medical Referral	1	<1%
Other	1	<1%
Total	995	N/A

Source: Nova Scotia Family Violence Tracking Project, 2005

The most frequent type of referrals were to police victim services programs (municipal and RCMP combined). There were a total of 696 such referrals. The next most frequent referral was to the Department of Justice's Victim Services Program (130) and child welfare (70).

Of the 939 incidents, police made referrals in 834 incidents (89%). This rose to 92% where police indicated a charge had been laid. This is a significant improvement over the 1998 report, where the rate of incident referral was 61% (454/746), and 66% when police had laid a charge (Tables 12A and 12B).

**Table 12A: Comparison of Rate of Referrals For All Incidents Reported to Police**

Incidents Referred	1998	2005
Not Referred	39%	11%
Referred	61%	89%
Total Incidents	746	939

$\chi^2 = 179.7$  Degrees of Freedom = 1  $p < .001$

NOTE: Time frames between the two study periods are not consistent and therefore direct comparisons between the two study periods should be made with caution.

Source: Nova Scotia Family Violence Tracking Project, 2005

**Table 12B: Comparison of Rate of Referrals Where Police Laid Charges**

Incidents Referred	1998	2005
Not Referred	34%	8%
Referred	66%	92%
Total Incidents	509	676

$\chi^2 = 126.2$  Degrees of Freedom = 1  $p < .001$

NOTE: Time frames between the two study periods are not consistent and therefore direct comparisons between the two study periods should be made with caution.

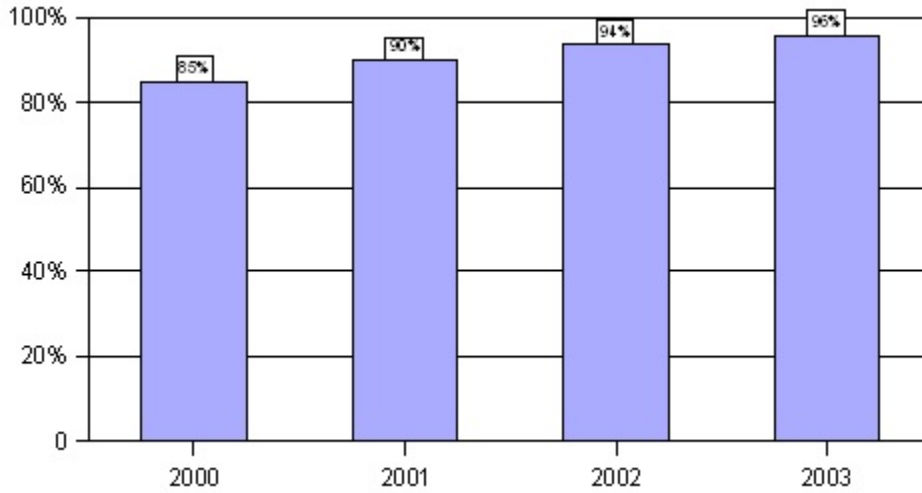
Source: Nova Scotia Family Violence Tracking Project, 2005

Police are only required to make referrals in incidents where charges were laid, or will be laid, as per a March 1996 directive from the Minister of Justice. In the 1998 study the rate of referral where charges were laid was 66%. This increased to 92% in the 2005 study (an increase of 26%).

Referral rates based on charges have consistently increased from 2000 to 2003. Shown in Figure Sixteen are referral rates over the four year period. As Figure 16 illustrates, compliance with the 1996 directive increased from 85% in 2000 to 96% in 2003, representing an overall increase of 11%.

It is also encouraging to note that 89% of all incidents which came to the attention of police were referred to victims' services, up from 61% in the previous study.

**Figure 16: Referral Rates Where Police Laid Charges, 2000 to 2003**



Charged      157                      139                      189                      191                      Total = 676

Source: Nova Scotia Family Violence Tracking Project, 2005

**Referrals to the Nova Scotia Department of Justice’s Victim Services Program**

Of the 668 cases where court charges were laid, referrals to the Department of Justice’s Victim Services Program were made in 495 of the cases (74%)<sup>21</sup>. Table 13A shows the sources of referrals made to Department of Justice Victim Services. The most frequent referral source was the police (30%) followed by the Crown (28%) and police victim assistance programs (24%).

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<sup>21</sup> It is not known if this represents the ‘real’ referral rate as the Department of Justice’s Victim Services have experienced problems with retrieving archived data from their information system. Thus, care should be exercised in drawing conclusions from these data.

**Table 13A: Referrals to Department of Justice’s Victim Services by Agency**

Referring Agency	Number	Percentage
Police Agency	148	30%
Crown Prosecutor	141	28%
Police Victim Assistance Program	118	24%
Self-Referral	36	7%
Transition House/Women’s Centre	20	4%
Court	14	3%
Unknown Referral Source	14	3%
Corrections	3	1%
Community Agency	1	<1%
Total	495	100%

Source: Nova Scotia Family Violence Tracking Project, 2005

In the 1998 study the referral rate to Department of Justice Victim Services was 61% and in the 2005 study it was 74%, representing a statistically significant increase of 13%. Table 13B summarizes the comparison between the two studies.

**Table 13B: Comparison of 1998 to 2005 Referral Rates to Department of Justice’s Victim Services**

Case Referred	1998	2005
Not Referred	39%	26%
Referred	61%	74%
Total Cases	509	668

$\chi^2 = 126.2$  Degrees of Freedom = 1  $p < .001$

Source: Nova Scotia Family Violence Tracking Project, 2005

## **Court Charges and Outcomes**

Court information was obtained by manually linking detailed incidents reported in the police survey with data in the Justice Enterprise Information Network (JEIN). Of the 676 incidents where police laid charges, linkages to JEIN were made for 668 (99%).

The 668 court cases resulted in a total of 1,108 court charges. Given that police charges totaled 1,016 for 676 incidents, it would appear that more charges were added at the court level (Crown Prosecutor). This pattern is consistent with the 1998 report.

Also consistent with the 1998 report, court charges tended to be more serious. For example:

- police laid 65 aggravated assault charges - court charges totaled 71
- police laid 7 weapons charges - court charges totaled 14

The reader must keep in mind that there is a significant ‘lag’ period between an incident being investigated by the police and the subsequent court charges. Charges laid by police and subsequent charges laid in court reflect a process of further police investigation after charges are laid, file reviews with case management officers and consultation with the Crown.

The most frequently laid charge was for common assault (518), breaches of court orders, recognizance and probation (231) and threats/harassment/stalking (174).

There is an interesting shift in the number of breach charges that were laid in court. At the police level, a total of 175 such charges were laid and at the court level, a total of 231 were laid, representing a 32% increase. This is probably due to the fact that at the time police laid charges, they may not have been aware of all court and/or probation orders in place.

A detailed breakdown of court charges is provided in Table 14. Percentage calculations in this table are based on the number of cases linked to JEIN (668).

**Table 14: Court Charges**

Charge	Number	Percent*
Common Assault	518	78%
Breach Recog./Probation	231	35%
Threats/Harassment/Stalking	174	26%
Aggravated Assaults	71	11%
Property Damage	48	7%
Weapons	14	2%
Peace Bond Breaches	12	2%
Unlawful Confinement/Kidnaping	8	1%
Break & Enter/Unlawfully in a Dwelling	8	1%
Liquor Violations	5	1%
Other Federal Statutes	4	1%
Public Order	4	1%
Impaired Driving**	3	<1%
Sexual Assault	3	<1%
Criminal Code Traffic**	2	<1%
Robbery	1	<1%
Drug Possession**	1	<1%
Other Criminal Code	1	<1%
Total Charges Laid	1,108	N/A

\* Percentages calculated by dividing the 668 persons who were charged.

\*\* Drug, Criminal Code Traffic and Impaired Driving charges would arise as 'secondary' charges to the main incident. For example the police could have attended an incident laid an assault charge and having found drugs on the accused laid drug charges. Another example might be that when attending the scene of an incident they came across the accused driving while impaired and laid impaired driving charges along with other charges.

**Source:** Nova Scotia Family Violence Tracking Project, 2005

Outcomes for the 668 cases were located on JEIN. As of October 2005, 99% of the cases had reached a final disposition. Case outcomes are given in Table 15.

**Table 15: Court Case Outcomes**

Disposition <sup>22</sup>	Number	Percent
Convicted	362	54%
Dismissed	133	20%
Peace Bond	53	8%
Acquitted	52	8%
Withdrawn	39	6%
Bench Warrant	17	3%
Unable to Locate	9	1%
(Other) Stayed	3	<1%
Total	668	100%

Source: Nova Scotia Family Violence Tracking Project, 2005

The most frequently occurring court disposition was a conviction (54%), where the accused either pled guilty or was found guilty. This was followed by dismissals at 20%. Entering into peace bonds<sup>23</sup> and acquittals at trial occurred in 8% of the cases.

When the ‘Pending’, Bench Warrants, Peace Bond and ‘Other’ (stayed) outcomes are excluded, the rate of found or plead guilty is 62%<sup>24</sup>. This is slightly less than the 1998 study where the adjusted conviction rate was reported as 65%.

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<sup>22</sup> The difference between acquitted and dismissed- an acquittal is a finding of not guilty after a trial while a dismissal is a ruling by a judge where the matter is halted and proceedings finished either prior to or during a trial.

<sup>23</sup> As far as can be determined, all peace bonds were entered into with the agreement of the victim.

<sup>24</sup> Pending, peace bonds, bench warrants and stayed are not actual final dispositions. For example, a bench warrant can be executed and the accused brought into court, stayed proceedings can be re-activated within a year and breaches of a peace bond can result in a charge under Sec. 811 CC being laid.



Shown in Table 16 is a comparison of the 1998 survey results with the current survey results.

**Table 16: Comparison of Conviction Rates**

Disposition	1998	2005
Convicted	65%	62%
Acquitted	9%	8%
Dismissed/Withdrawn	26%	30%
Total	437*	586**

$\chi^2 = 1.32$       Degrees of Freedom = 2      p = Not Significant

\* Warrants, Committed to S.C. and Stayed excluded.

\*\* Warrants, Pending, Peace Bonds and Stayed excluded.

NOTE: Time frames between the two study periods are not consistent and therefore direct comparisons between the two study periods should be made with caution.

Source: Nova Scotia Family Violence Tracking Project, 2005

The observed difference of 3% between conviction rates in the 1998 report and the 2005 report is not statistically significant. Therefore, it is safe to conclude that conviction rates have remained stable between the two time periods.

A similar comparison of conviction rates for each of the four years (2000 to 2003) indicated no significant variation between years.

The most frequently occurring offences were compared against similar offences reported in the Adult Criminal Court Survey (ACCS). The ACCS is conducted on an annual basis by the Canadian Centre for Justice Statistics, a division of Statistics Canada. It reports the numbers, type of charges and cases, their outcomes and penalties imposed from criminal courts across Canada. While the case outcomes derived from the ACCS are different from the current survey data, they do provide a reasonable comparison. Table 17 displays a comparison of conviction rates between the ACCS (2000-01 to 2003-04) and the current survey data.

**Table 17: Comparison of Conviction Rates for Selected Offences**

Offence Category	Adult Court Survey (CCJS)	2005 (Tracking Project)
Major Assault	37%	52%
Common Assault	43%	55%
Threats/Harassment	36%	62%

Source: Nova Scotia Family Violence Tracking Project, 2005

From Table 17, it can be observed that conviction rates for spousal/intimate partner cases are consistently higher than for comparable non-spousal/intimate partner violence offences<sup>30</sup>.

## Threats

In the 1995 “Nova Scotia Family Violence Tracking Project”<sup>31</sup>, the criminal justice system’s response to threats was identified as being particularly problematic. Threat charges accounted for only 13% of all charges laid and conviction rates were 35%.

In the 1998 survey, of the 746 incidents reported by police, 163 (22%) were reported as having involved a threat. Of the 509 persons charged by police, 110 involved a threat charge being laid (22%). Within the current survey, police reported that of the 939 incidents reported to them, 211 or 23% involved threats and/or harassment. Of the 676 persons charged by police, 158 (23%) involved laying a threat charge. There has been no significant change between the 1998 report and the current survey.

With respect to the 158 persons charged with a threat, linkages to JEIN were made in 155 cases. These 155 threat cases resulted in 53 findings of guilt, representing a 34% conviction rate (after adjusting for bench warrants and peace bonds). This is 11% less than in the 1998 survey and 2% greater than that reported in 1995. Table 18 provides a detailed breakdown of threat charge outcomes.

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<sup>30</sup> It should be noted that the CCJS data contains a certain number of spousal/intimate partner violence cases but it is not possible to separate them from the non-spousal/intimate partner violence cases.

<sup>31</sup> Marshall, Carolyn, Nova Scotia Family Violence Tracking Project, Solicitor General of Canada and the Nova Scotia Department of Justice, February 1995.

**Table 18: Outcomes for Threat Charges**

Disposition	Number	Percent
Convicted	53	34%
Acquitted	19	13%
Dismissed	59	38%
Withdrawn	24	15%
Total	155	100%

Source: Nova Scotia Family Violence Tracking Project, 2005

### **Dismissed/Withdrawn Cases**

From the original case dispositions, a total of 165 dismissed and 52 withdrawn cases were sent to the Public Prosecution Service (PPS) to determine the reasons for these cases being dismissed or withdrawn (total 217).

Of the 217 cases, 16 were identified as actually having been convicted, a further 6 were identified as acquittals after trial. Therefore, a total of 195 cases were withdrawn or dismissed cases after adjustments for convictions and acquittals<sup>32</sup> were made. Reasons for withdrawn or dismissed cases are given in Table 19.

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<sup>32</sup> The reader should note that the final most serious disposition in cases reported on earlier in this report yields a total of 133 dismissed and 39 withdrawn cases. The discrepancy of 22 cases is accounted for by those dismissed cases where peace bonds were entered into.

**Table 19: Reasons for Dismissed and Withdrawn Cases**

Reason	Number	Percentage
Victim recanted or refused to attend court	68	35%
Unable to serve subpoena	36	18%
Insufficient evidence	35	18%
Peace bond entered into (with victim consent)	25	13%
Victim moved out of jurisdiction	10	5%
Dominant aggressor policy- charged dropped	4	2%
Serious concerns with victim's credibility	4	2%
Medical- victim seriously and chronically ill	3	2%
No explanation on file (2 instances CP no longer with PPS)	3	2%
Referred to adult diversion (property damage)	2	1%
Medical- accused seriously and chronically ill	2	1%
Accused deceased	1	<1%
Victim deceased	1	<1%
Private prosecution dropped by victim	1	<1%
Total	195	100%

Source: Nova Scotia Family Violence Tracking Project, 2005

The three most frequent reasons for a case being withdrawn or dismissed were victim recanted or refused to attend court (35%), inability to serve a subpoena (18%) and insufficient evidence to support a realistic prospect of a conviction (18%). These three reasons accounted for 71% of the withdrawn and dismissed cases.

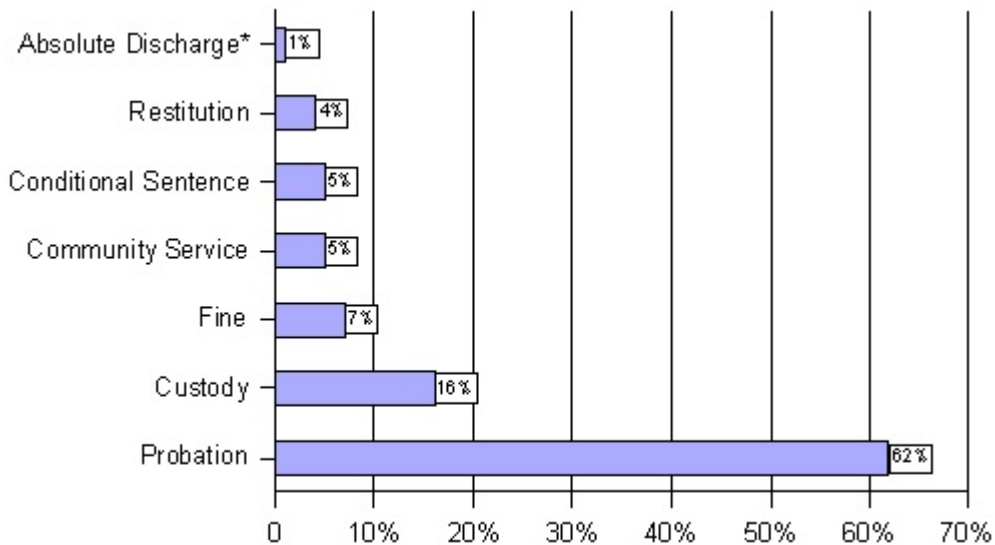
As previously noted, increased processing times for spousal/intimate partner violence cases are of particular concern. Inordinate delays in these matters may contribute to victim recantation or refusal to attend court, the main reason given for withdrawing or dismissing a case.

## Sentence Outcomes

Sentencing information was available for all cases where there was a finding of guilt (N=362). The 362 cases resulted in 468 penalties (a person may receive more than 1 penalty on a charge or a case). Displayed in Figure 17 is the distribution of all sentences that were imposed. This pattern is virtually unaltered from the 1998 report.

Probation was the most frequent type of sentence imposed. Of the 468 sanctions imposed, probation comprised 288 of them (62%)<sup>33</sup>.

**Figure 17: Sentences Imposed**



\* There were 6 absolute discharges; 3 involved female accused and male victims, 2 involved male accused and female victims and 1 involved same sex partners.

**Source:** Nova Scotia Family Violence Tracking Project, 2005

When examining cases, probation was a disposition (either by itself or in conjunction with other dispositions) in 288 of the 362 cases. The average probation order length was 13 months; 1 month higher than for other non-spousal/intimate partner offences. Two hundred and four of these 288

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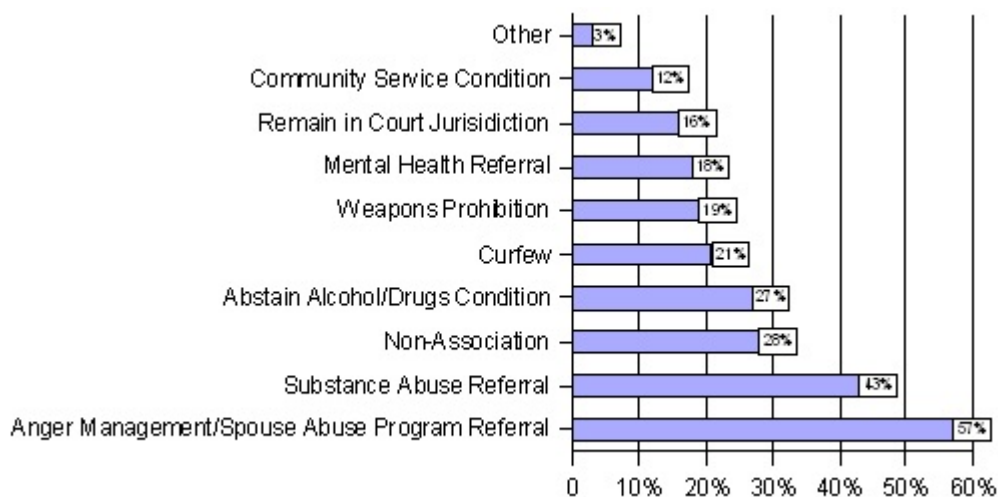
<sup>33</sup> Where concurrent sentences were imposed on charges in the same case, they were combined into one penalty. For example, when a person was convicted on two charges and given two periods of probation to run concurrently, one probation term was counted.

probation orders carried supervision, while the remaining 74 did not<sup>34</sup>. This represents a supervision rate of 71% and is similar to the 1998 report's supervision rate of 69%<sup>35</sup>.

The 204 supervised orders carried a total of 499 conditions. A breakdown of the types of conditions are given in Figure 18.

The most frequent treatment condition imposed was for anger management/spousal abuse programs (57%) followed by substance abuse referrals (43%) and mental health referrals (18%)<sup>36</sup>.

**Figure 18: Conditions of Probation, 2000 to 2003**



**Source:** Nova Scotia Family Violence Tracking Project, 2005

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<sup>34</sup> A supervised probation order requires the person to report to a probation officer on a regular basis throughout the duration of the term of probation. An unsupervised probation order does not require the person to report to a probation officer.

<sup>35</sup> Statistical analysis indicated that the observed difference of 4% was not significant.

<sup>36</sup> Due to differences in the data collection process, this graph is not directly comparable to the corresponding 1998 graph.

According to Correctional Services' policies and procedures, probation officers are required to refer and monitor persons who are given treatment conditions. Of the 204 persons given treatment conditions, 191 (94%) were referred by community corrections officers. Officers did not make referrals in 13 cases. Reasons for not making a referral included:

- 6 offenders were still under supervision and their current referral status was unknown.
- 5 offenders were incarcerated and could not comply.
- 2 offenders were transferred out of province and their referral status was unknown.

Compliance by offenders was fairly high with only 33 persons not complying without reason. This represents a non-compliance rate of 17% (33/191). This compares to a non-compliance rate of 9% reported in 1998 and represents an 8% increase in non-compliance. Reasons for this increase in non-compliance require further investigation. It is possible that the higher non-compliance rate might reflect more rigorous supervision and enforcement of probation orders.

Information on the successful completion of these various programs is unknown.

## **Custody**

A total of 20% of all persons convicted of spousal/intimate partner violence received a custody term, and is virtually the same as reported in 1998 (19%).

A total of 73 persons were given custody terms. The median sentence length was 60 days. This statistic is significantly higher than that reported in 1998 when the median custody length was 41 days.

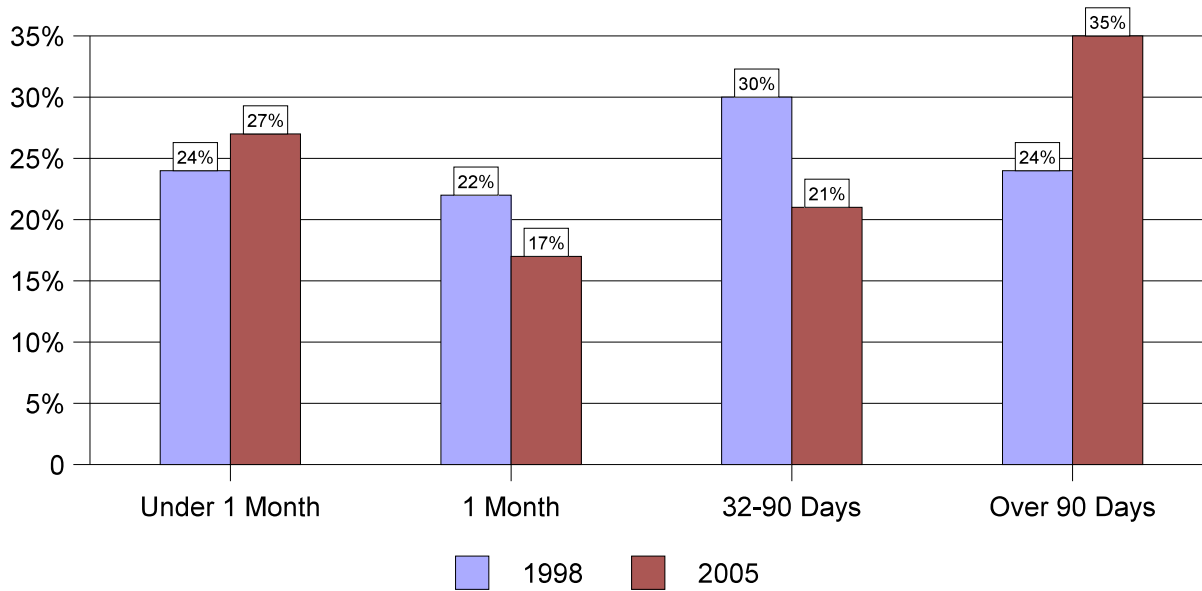
The median sentence increase in custody length may be partially attributable to the number of persons in the sample who had previous convictions or who had previously served custody terms. These data were not collected in 1998 and therefore conclusions between previous custody, previous convictions and increased sentence lengths can not be made.

Care should be exercised in concluding that the increases in average and median sentence lengths are due to increased awareness on the part of the crown and judiciary towards the issue of domestic violence. Factors such as the seriousness of the offence, context of the incident, previous similar criminal convictions, etc. would have to be controlled for before concluding that sentence increases are due to increased awareness. Current data limitations preclude further examination of this issue.

Displayed in Figure 19 is the distribution of sentence lengths comparing results from the 1998 study and the 2005 study. As may be noted sentence lengths of under 1 month increased slightly from 1998 (+3%) and decreased for sentences of 1 month (-5%) and for sentences of 32 to 90 days (-9%).

However, for sentences in excess of 90 days there was an 11% increase.

**Figure 19: Distribution of Custody Lengths Comparing 1998 and 2005**



Number of Persons Sentenced : 1998= 54, 2005= 73

**Source:** Nova Scotia Family Violence Tracking Project, 2005

## Subsequent Convictions

Recidivism checks on JEIN were made on all 362 convicted persons<sup>37</sup>. As of April 2006, 135 persons (37%) (135/362) were found to have recidivated. Sixty-eight of those who had been subsequently convicted received custody terms (50%). It was not known if those who had re-offended were convicted of spousal/intimate partner violence<sup>38</sup>.

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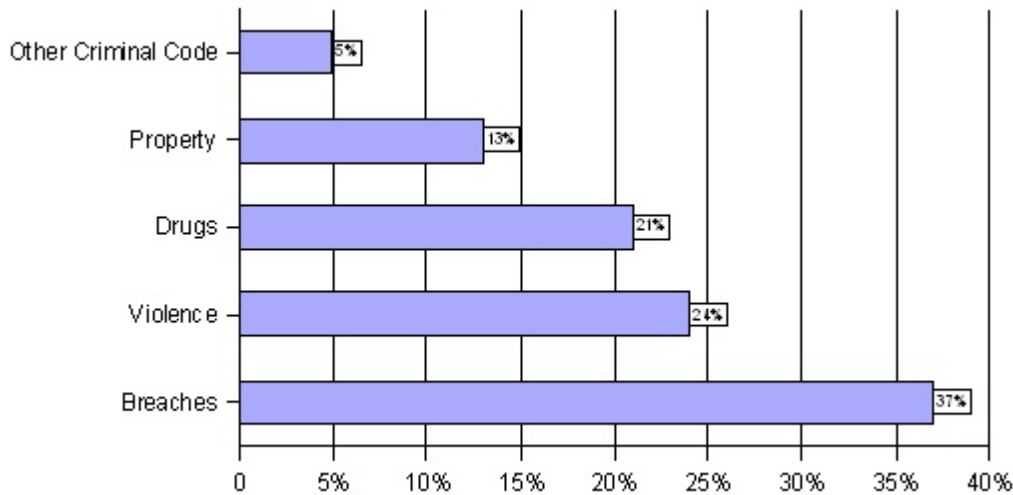
<sup>37</sup> Recidivism, in this context, is defined as a subsequent conviction for an offence or offences committed after the original spousal/intimate partner conviction.

<sup>38</sup> In 2000, JEIN, then JOIS, had a data field added which flagged domestic violence cases. Due to data capture issues information was unavailable for the current study on subsequent convictions for spousal/intimate partner violence.



The vast majority of those re-convicted were male (92%), with an average age of 35. Recidivists were convicted on a total of 275 offences. Figure 20 provides information on the distribution of these subsequent convictions.

**Figure 20: Subsequent Convictions, 2000 to 2003**



Number of Subsequent Convictions = 275

**Source:** Nova Scotia Family Violence Tracking Project, 2005

The most frequent subsequent conviction was for breaches (37%), which include failure to obey court orders and probation violations. This was followed by violent offences, such as physical and sexual assaults at 24%. Drugs comprised 21% of subsequent convictions, property violations (break & enters, thefts and frauds) comprised 13% and other Criminal Code offences (e.g. property damage, cause disturbance, etc.) followed at 5%.

Of the 135 persons convicted of subsequent offences 68 (50%), received custodial terms as part of their sentences.

The following section compares selected results of the current survey with those reported in the 1995 and 1998 tracking projects. Note that comparisons between the survey cycles are limited due to varying methodologies and the types of data collected in each cycle, therefore care should be exercised in drawing any firm conclusions from the information outlined below.

**Table 20: Comparisons With the 1995, 1998 and 2005 Family Violence Tracking Projects**

Item	1995*	1998*	2005*
A. Police response rates to spousal /intimate partner incidents	83%	85%	89%
B. Median police response time to incidents	9 Minutes	7 Minutes	6 Minutes
C. Police arrested suspects at scene	34%	47%	60%
D. Police cleared by charge rate <sup>39</sup>	44%	68%	72%
E. Threat charges as a % of all charges laid by police	13%	22%	23%
F. Threat charges as a % of all persons charged by police	20%	22%	23%
G. Time elapsed from 1 <sup>st</sup> . Court appearance to final outcome	5 Months	4 Months	7 Months
H. Court case outcomes	57% Guilty	65% Guilty	62% Guilty
I. Threat charge outcomes	35% Guilty	45% Guilty	34% Guilty
J. Frequency of penalties by case:** Probation	82%	83%	80%
Custody	28%	19%	20%
Fine	21%	30%	9%
K. Probation			
% of probationers with a spouse abuse program referral	35%	44%	57% <sup>40</sup>
% of probationers with a non-association clause	23%	53%	28%
% of probationers with a substance abuse referral	19%	47%	43%
L. Likelihood (based on number of reported incidents) of:			
Being charged	44%	68%	72%
Being convicted	25%	38%	39%
Being incarcerated	7%	7%	8%
M. Referral rates to the Dpt. Of Justice's Victim Services	N/A	61%	74%

\*\* Of the 362 convictions, probation was employed as a sanction either alone or in conjunction in 288 cases. With respect to custody it was 73/362 (20%) and fines 34/362 (9%).

<sup>39</sup>Persons cleared by charge - This term refers to persons who have been formally charged or recommended to be charged by police. Persons can also be cleared "otherwise." This term refers to people who have not been formally charged by police, though there is sufficient evidence for the police to do so. This could occur for a number of reasons: the police used extrajudicial measures, the police may have used discretion and decided not to lay a charge, the complainant did not want police to lay a charge, the accused was involved in other incidents in which one or more charges were laid, or death of the accused.

<sup>40</sup> It should be noted that the percentage reported here includes referrals to anger management and spouse abuse programs.

Many of the comparisons provided in the above table are indicators of how well the criminal justice system in Nova Scotia is doing in responding to the issue of domestic violence.

## **Conclusion**

Shown in Table 21 is a summary “report card” that assesses how well the criminal justice system has responded to the issue of domestic violence over the past decade. Based on this analysis, it would appear that there have been significant improvements in the criminal justice system’s response to domestic violence, particularly as it relates to police response.

Somewhat problematic are the court indicators. While there has been some improvements with regard to the increased use of probation and a decline in imposing fines, court processing times are an area of concern. It should be noted, however, that this problem is not restricted to spousal/intimate partner violence, as case processing times have been increasing overall. Conclusions regarding conditions of probation imposed is also an area of concern, but the lack of data concerning the use of spouse abuse programs precludes any definitive statement.

**Table 21: Summary Assessment of the Response of the Criminal Justice System**

<b>Item</b>	<b>Comparable?</b>	<b>Assessment</b>
<u>A. Police response rates to spousal/intimate partner incidents</u> Police response rates have consistently improved, increasing from 83% in 1995 to 89% in 2005.	Yes	Improved
<u>B. Median police response time to incidents</u> Median response times have declined since 1995 when the median time was 9 minutes, to 6 minutes in 2005. This represents a 33% drop.	Yes	Improved
<u>C. Police arrested suspects at scene</u> Arrest rates have improved by 26% over those first reported in 1995.	Yes	Improved
<u>D. Police cleared by charge rate</u> Police charge rates have increased by 28% over those reported in 1995.	Yes	Improved
<u>E. Threat charges as a % of all charges laid by police</u> There has been a modest but consistent improvement. In 1995, it was 13%, and by 2005, was 23%, an increase of 10%.	Yes	Improved
<u>F. Threat charges as a % of all persons charged by police</u> There has been a modest, but consistent improvement, with an increase from 20% in 1995 to 23% in 2005.	Yes	Improved
<u>G. Time elapsed from 1<sup>st</sup> Court appearance to final outcome</u> Case processing times have lengthened from 4 months in 1998 to 7 months in 2005, representing an increase of 3 months.	Yes	Worsened
<u>H. Court case outcomes</u> The percentage of guilty outcomes (62%) in 2005 increased from 1995 and decreased since 1998.	Yes	Same
<u>I. Threat charge outcomes</u> Threat charge outcomes have declined in relation to both 1998 and 1995 outcomes.	No	N/A
<u>J. Frequency of penalties by case:</u> Probation use has remained relatively unchanged since 1995.  Incarceration is up 8% over 1995, but essentially the same as in 1998.  Use of fines declined to 9% in 2005. This would suggest that fines for domestic violence are inappropriate and other sanctions such as probation and incarceration are preferred.	Yes  Yes  Yes	Same  Same  Improved

<p><u>K. Probation</u></p> <p>% of probationers with a spouse abuse program referral.</p> <p>% of probationers with a non-association clause has declined from 1998, but are still 5% higher than in 1995.</p> <p>% of probationers with a substance abuse referral. In 2005 the rate of referral was 24% higher than in 1995 but 4% lower than in 1998.</p>	<p>No</p> <p>Yes</p> <p>Yes</p>	<p>N/A</p> <p>Worsened since 1995</p> <p>Worsened since 1995</p>
<p><u>L. Likelihood (based on number of reported incidents) of:</u></p> <p>Being charged is 4% higher than 1998 and 28% higher than 1995</p> <p>Being convicted is 14% higher than in 1995 and unchanged from 1998.</p> <p>Being incarcerated is unchanged from 1995 and 1998 where the rate was 7% and in 2005 where is was 8%</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>Improved</p> <p>Improved</p> <p>Same</p>
<p><u>M. Dpt. of Justice's Victim Services</u></p> <p>The rate of referral to the program is 13% higher than in 1995</p>	<p>Yes</p>	<p>Improved</p>

