



202-1102 8th Avenue, Regina, SK, S4R 1C9
(306) 522-3515 • www.pathssk.org

Honourable Don Morgan, Q.C.
Minister of Justice and Attorney General
Room 355, Legislative Building
2405 Legislative Drive
Regina, SK S4S 0B3

January 23, 2020

Honourable Minister Morgan,

We are appreciative of the good working relationship between PATHS and the Ministry of Justice and Attorney General, and the fact that the government of Saskatchewan has shown that it is taking the issue of intimate partner violence (IPV) seriously by taking steps to address it. In view of that, we want to let you know that we have begun to advocate for the inclusion of an offence of coercive control in Canada's *Criminal Code*.

In June 2019, we wrote Canada's Ministers of Justice, Women and Gender Equality, and Public Safety and Emergency Preparedness. Today, we have written to the three Honourable Ministers again to reinforce the importance of criminalizing coercive control. We would like to explain why we think this is so important.

Research has demonstrated that when coercive and controlling behaviour is present, victims are at an increased risk of intimate homicide.^{1,2} Domestic violence death reviews^{3,4} acknowledge coercive control as a significant risk factor. Domestic violence professionals have long been aware of the risk to victims when coercive controlling behaviours are present, even when some victims may experience physical or sexual violence infrequently or not at all. Police commissions and associations^{5,6} in Canada acknowledge controlling behaviours as part of the pattern of IPV and a risk factor for future harm, however coercive control is currently not illegal in Canada.

In the UK, they have defined coercive control as “an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim. Controlling behaviour is a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.”⁷

In 2015, England and Wales legislated an offense of coercive control with an amendment to the *Serious Crime Act*⁸. Similar legislation, declaring coercive control a crime, has since been passed in Ireland, Northern Ireland, and Scotland. New Jersey passed state law criminalizing “predatory alienation,” a type of coercive control.

The UK legislation takes an “offender-centric approach,” quickly and efficiently assessing the risk of the person using coercive control and working to ensure victim safety by employing multi-agency collaboration. The legal guidance also provides further detail on ways in which coercive controlling abusers may attempt to disrupt court proceedings and use the proceedings to further control or coerce a victim. In cases where children are involved, coercive controlling behaviour can have a detrimental impact on family court proceedings—and children’s safety and wellbeing.

As an association that represents frontline domestic violence service providers, we are all too well aware of scenarios in which numerous risk factors, including coercive controlling behavior are present, but no criminal offence has taken place. Presently in Canada, it is nearly impossible for a victim of coercive control to be granted an order for their protection when a criminal offence has not been committed. This is problematic, given that coercive control is widely recognized a risk factor for severe violence and intimate partner homicide.

The lack of a criminal offence related to coercive control leaves police and victims effectively waiting until a violent crime has been committed before protective measures can be put into place. If their partners were charged with a *Criminal Code* charge of coercive control, victims would have access to no-contact conditions, *Criminal Code* 810 orders, restraining orders, or protection orders—measures to keep them safe, before violence occurs or escalates. Naming the offense of coercive control in Canada’s *Criminal Code* would provide greater protection for victims and their children, increased access to risk assessment and treatment provisions for perpetrators, and provide law enforcement and legal professionals with an offense that speaks to the nature of the violent offense committed—therefore informing more effective interventions.

Amending Canada’s *Criminal Code* to include coercive control as an offence would be a simple, but significant, change that would provide law enforcement, prosecutors, and judges with a charge to ensure that individuals who perpetrate coercive controlling abuse against their intimate partners can be dealt with via legal means. The existence of an appropriate charge means offenders could be held responsible through legal sanctions, including criminal sentences and diversionary measures. In addition, a law acknowledging of the danger of coercive control (something that is well-established by academic research and domestic violence death reviews) would also impact training for police officers and legal professionals, thus further increasing victims’ safety.

Given our province’s high rates of police-reported violence—and the rates of people impacted who do not report—we feel that a legislated offense of coercive control could help many people, including perpetrators, victims/survivors, and justice system professionals

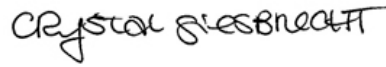
We therefore request that you join us in advocating for the increased safety of victims of IPV by speaking to your provincial, territorial, and federal colleagues about this issue and advocating for this change to be made in the federal *Criminal Code*.

Sincere thanks for your attention to this matter. Please contact our office, should you wish to discuss or if we can provide any additional background information.

Kind regards,



Jo-Anne Dusel
Executive Director



Crystal Giesbrecht
Director of Research and Communications

CC: Honourable Tina Beaudry-Mellor, Minister responsible Status of Women

¹ Campbell, J. C., Webster, D., Kozil McLain, J., Block, C., Campbell, D., Curry, M. A., et al. (2003). Risk factors for femicide in abusive relationships: Results from a multisite case control study. *American Journal of Public Health*, 93, 1089-1097.

² Stark, E. (2009). *Coercive control: How men entrap women in personal life*. Oxford, UK: Oxford University Press.

³ Office of the Chief Coroner for Ontario. (2018, November). *Domestic Violence Death Review Committee 2017*. Annual Report. Toronto, ON.

⁴ Saskatchewan Ministry of Justice (2018). *Saskatchewan Domestic Violence Death Review Report*. Government of Saskatchewan.

⁵ Canadian Association of Chiefs of Police & University of New Brunswick (2016). National Framework for Collaborative Police Action on Intimate Partner Violence (IPV).

⁶ Saskatchewan Police Commission (2018). *Policy Manual for Saskatchewan Municipal Police Forces*.

⁷ The Crown Prosecution Service (2017). *Controlling or Coercive Behaviour in an Intimate or Family Relationship*. Government of the United Kingdom. <https://www.cps.gov.uk/legal-guidance/controlling-or-coercive-behaviour-intimate-or-family-relationship>

⁸ *Serious Crime Act 2015*, c. 9, Part 5, Domestic abuse, Section 76. Government of the United Kingdom.