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Michael Kram, Member of Parliament for Regina—Wascana
2709 East Quance Street
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March 16, 2022

Dear Mr. Kram,

We are writing to request that you support Bill C-233 (*An Act to amend the Criminal Code and the Judges Act (violence against an intimate partner)*), which was introduced in the House of Commons as a private member's bill by M.P. Dhillon and underwent its first reading on February 7, 2022.

The Provincial Association of Transition Houses and Services of Saskatchewan (PATHS) is the member association for 24 agencies that provide emergency shelter and counseling services to survivors of intimate partner violence (IPV) in Saskatchewan. Our members range from Black Lake and La Ronge in the north to Swift Current and Estevan in the south. PATHS' work has included working with government on legislation related to IPV such as workplace leave for survivors, *Clare's Law*, and participating in the Saskatchewan Domestic Violence Death Review. In addition, PATHS collaborates on national initiatives such as the Canadian Domestic Homicide Prevention Initiative and the Canadian Femicide Observatory for Justice and Accountability. We conduct and publish research on issues relating to IPV and are regularly consulted by the media on issues related to violence against women.

Another piece of PATHS' work is the design and delivery of training for professionals, including training for the RCMP Cadets at Depot Division; IPV professionals, including domestic violence shelters and service workers; staff of Saskatchewan's Ministry of Justice; and family law professionals, including lawyers and mediators. Our 15-hour training for family law professionals is accredited by the Law Societies of Saskatchewan and British Columbia and Alternative Dispute Resolution Saskatchewan and recognized for continuing professional development hours by law societies in neighboring provinces and territories. To date, 250 family law professionals have taken this training.

Bill C-233 contains two elements, amending the *Judges Act* and the *Criminal Code*. We feel that both pieces are necessary for reducing repeat incidents of IPV and preventing murders of women and children in the context of IPV.

Bill C-233 would amend *the Judges Act* to provide for continuing education for judges related to IPV and coercive control, building the current requirement for federally appointed judges to receive training on sexual violence. Too many women and children have been lost in tragedies that could have been prevented if decision-makers, such as judges, had been educated in the dynamics of IPV and coercive control.

One of these cases is that of four-year-old Keira Kagan, who was found dead alongside her father after an apparent murder-suicide in Ontario two years ago. Despite his history of violence and evidence of escalating behavior, the court ordered that Keira's father be provided generous, unsupervised time with Keira.ⁱ Keira's mother, Jennifer Kagan-Viater, and stepfather, Philip Viater, feel that had the judge presiding over their case been aware of the dynamics of and risks associated with IPV, Keira might still be alive today. They are calling for Bill C-233 to be passed, and we echo their call.

Another horrific example is that of six-year-old Chloe and four-year-old Aubrey Berry who were murdered by their father on Christmas Day 2017 in British Columbia. These murders happened in the context of child custody litigation, and their father had a demonstrated history of coercive control towards their mother, both preceding and during the litigation. Despite numerous red flags, he was also given ample, unsupervised time with Chloe and Aubrey.ⁱⁱ Sadly, there are many other cases; 74 children were murdered in the context of domestic violence in Canada between 2010-2019.ⁱⁱⁱ Canadian research, as well as the work of domestic violence death reviews, illustrates that separation increases the risk of homicide for both adult and child victims.^{iv,v,vi}

A recent news article details an ongoing case in Alberta where a man with a history of domestic violence offences (including stalking, possession of a knife, death threats, and criminal harassment) is currently withholding his daughter from his ex-wife. Despite this history of violence, and even though an emergency protection order was in place to protect their mother from his abuse, Justice Miller, presiding over the case in Lethbridge, awarded the father 50/50 custody of the children. Further, Justice Miller ruled that only he can preside over the couple's family court case and is, therefore, the only person with the power to compel this man to respect the court order, which he refuses to do. In fact, this judge appointed a parenting assessor with a conflict of interest and refused to allow court transcripts to be released to the victim. It appears that the perpetrator was emboldened by the realization that the judge is on his side and will not enforce court orders nor hold him accountable for his behaviour; he and his new girlfriend subsequently moved away with the child, a fact that was not reported to the girl's mother at the time. Currently, it has been more than a year since the victim of IPV has seen her 10-year-old daughter.^{vii}

We believe that the amendment to the *Judges Act* to provide education for judges on the dynamics of IPV and coercive control would have a significant impact in reducing child homicides in the context of separation and limiting children's exposure to and experience of ongoing violence and abuse. Judges require specialized knowledge on IPV, particularly coercive control, in order to

appropriately assess risk and make informed decisions regarding parenting time that promote child safety. There is support for such training among legal professionals, as well; our training program for family law professionals receives positive feedback from the lawyers and mediators who participate and they tell us that the education on IPV, including coercive control and the dynamics of abuse post-separation, assists them in their practice. In our training sessions, we frequently hear lawyers express that they wish judges received similar training.

Bill C-233 would also amend the *Criminal Code* to require judges to consider adding electronic monitoring as a condition of release orders for people who have been charged with offences against their intimate partners. We were pleased to see that electronic monitoring bracelets for perpetrators of IPV will soon be implemented in Québec^{viii}, and we would applaud the implementation of this technology across Canada.

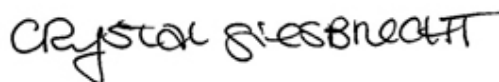
Studies of recidivism among perpetrators of IPV demonstrate rates between 15% and 80%. Stalking not only continues after separation, it often escalates. We know from research evidence, as well as our own work supporting and conducting research with survivors, that perpetrators of IPV frequently violate orders stipulating that they do not contact the victim. A study from the US found that 11% of 231 women killed by their intimate partners had been issued a restraining order. About 20% of those who had been issued a restraining order were killed within two days of the order being issued.^{ix}

There is evidence for the efficacy of electronic monitoring for preventing recidivistic IPV and preventing intimate partner homicide. Research indicates that GPS monitoring significantly reduces perpetrators' attempts to contact their partners.^x The New York Times reported that "Twenty-three states use such devices, and have seen violence decrease. In Connecticut, there have been virtually no domestic violence-related homicides in the counties that use these GPS devices since 2004, when the state started to use GPS trackers."^{xi}

Two-part tracking, as is planned in Québec, where perpetrators wear an electronic ankle bracelet and survivors have an electronic device that alerts them if the perpetrator is in their area, would not only provide survivors assurance that their partner will be caught if they attempt to breach no-contact conditions to physically stalk and assault them, allowing them peace of mind as they engage in their daily routines; it will also save lives.

Our sincere thanks for your attention to this issue. We hope you will work with your colleagues to see that Bill C-233 (*An Act to amend the Criminal Code and the Judges Act (violence against an intimate partner)*) becomes law.

Kind regards,



Crystal Giesbrecht
Director of Research and Communications



Jo-Anne Dusel
Executive Director

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- ⁱ Mulligan, C. (February 9, 2022). Mother says the death of her 4-year-old daughter could have been prevented. *City News*. <https://toronto.citynews.ca/2022/02/09/keira-kagan-death-prevented-milton/>
- ⁱⁱ Chambers, L., Zweep, D., & Verrelli, N. (2018). Paternal filicide and coercive control: Reviewing the evidence in *Cotton v Berry*. *UBC Law Review*, 51(3), 671-704. http://www.buildingabiggerwave.org/images/uploads/Paternal_Filicide_and_Coercive_Control_-_Cotton_v_Berry.pdf
- ⁱⁱⁱ Dawson, M., Sutton, D., Jaffe, P., Straatman, A. L., & Poon, J. (2021). *One is Too Many: 10 Years of Domestic Homicides in Canada*. Canadian Domestic Homicide Prevention Initiative. http://www.cdhpi.ca/sites/cdhpi.ca/files/cdhpi-report-final_0.pdf
- ^{iv} David, R., Olszowy, L., Reif, K., Saxton, M., Campbell, M., Dubé, M., Dawson, M., & Jaffe, P. (2017). *Children and Domestic Homicide: Understanding the Risks*. Domestic Homicide Brief (3). London, ON: Canadian Domestic Homicide Prevention Initiative. ISBN: 978-1-988412-11-5. http://cdhpi.ca/sites/cdhpi.ca/files/Brief_3-Final_0.pdf
- ^v Office of the Chief Coroner for Ontario. (2019). *Domestic Violence Death Review Committee 2018 Annual Report*. <https://www.ontario.ca/document/domestic-violence-death-review-committee-2018-annual-report>
- ^{vi} Saskatchewan Ministry of Justice (2018). *Saskatchewan Domestic Violence Death Review Report*. Government of Saskatchewan. <https://www.saskatchewan.ca/-/media/news-release-backgrounders/2018/may/sk-dv-death-review-report.pdf>
- ^{vii} Grant, M. (March 10, 2022). A former cop convicted of domestic violence is keeping daughter from ex but judge refuses to enforce the law. *CBC News*. <https://www.cbc.ca/news/canada/calgary/lethbridge-family-court-parenting-order-judge-miller-1.6378854>
- ^{viii} Fletcher, R. (February 2, 2022). Quebec first province to introduce domestic violence tracking bracelets. *Global News*. <https://globalnews.ca/news/8589845/quebec-domestic-violence-tracking-bracelets/>
- ^{ix} Vites, K. A., & Sorenson, S. B. (2008). Restraining orders among victims of intimate partner homicide. *Injury Prevention*, 14(3), 191-195. <http://dx.doi.org/10.1136/ip.2007.017947>
- ^x Erez, E., Ibarra, P., Bales, W. D., Gur, O. M. (2012). GPS Monitoring Technologies and Domestic Violence: An Evaluation Study. U.S. Department of Justice. <https://www.ojp.gov/pdffiles1/nij/grants/238910.pdf>
- ^{xi} Valencia, M. (July 30, 2019). When a Restraining Order Fails, a GPS Tracker Can Save Lives. *The New York Times*. <https://www.nytimes.com/2019/07/30/opinion/domestic-violence-ankle-bracelet.html>