

Submission to the Department of Justice Canada Regarding a Potential Coercive Control Offence in the Context of Intimate Relationships

October 2023

Crystal Giesbrecht
Director of Research and Communications
Provincial Association of Transition Houses and Services of Saskatchewan (PATHS)

The Provincial Association of Transition Houses and Services of Saskatchewan (PATHS) and the intimate partner violence (IPV) professionals at our member agencies support legislating an offence of coercive control. We commend the Department of Justice Canada for consulting with survivors, advocates, and researchers on this topic, and we are grateful for the opportunity to add our perspective.

Defining Coercive Control

Coercive control is a pattern of behaviour, consisting of various actions by the perpetrator. Behaviours occur on a continuum and may or may not occur in conjunction with physical and sexual violence (Dutton & Goodman, 2005; Johnson, 2006; Myhill & Hohl, 2019; Stark, 2007). There are a multitude of tactics that can be part of a perpetrator's pattern of coercive control, as illustrated in the *Checklist of Coercive Controlling Behaviors*, an 82-item instrument which comprises ten subscales of physical abuse, sexual abuse, male privilege, isolation, minimizing and denying, blaming, intimidation, threats, emotional abuse, and economic abuse (Lehmann et al., 2012). The Saskatchewan Police Commission's (2018) *Domestic Violence Risk Indicator Checklist* states that coercive control "may include acute jealousy, degradation, micro-regulation of daily life, social isolation, disallowing independent thinking or decision-making, deprivation, surveillance, forced sex, sexual exploitation, shaming, forced adherence to a belief system that condones IPV, intimidation, [and] threats."

In some cases, perpetrators completely dominate all aspects of the victim's life. Coercive control often results in a constant state of fear, reinforced by threats as well as past experiences. Dutton and Goodman (2005) explain ways that perpetrators control victims, including "creating the expectation of negative consequences, creating or exploiting the victim's vulnerabilities, wearing down the victim's resistance, and facilitating—and then exploiting—emotional dependency" (p. 748- 749). The very nature of this form of abuse creates significant barriers to ending the relationship, as victims are disempowered, lose access to opportunities for escape, and are told by the perpetrator that escape is impossible.

In a study with survivors of IPV in Saskatchewan, one woman shared, "I lost who I was as a person. . . I didn't feel like I was living, I just felt like I was existing" (Giesbrecht, unpublished manuscript). Another woman explained,

It was nothing physical; it was all emotional. Basically, I wasn't allowed to go anywhere. I could go to work. I could go to the store, [but] I had to report what store I was going to. I couldn't be too long. I would get yelled at and in big trouble. It was demeaning, and [I was] ridiculed, and I felt like a small child if I was late. My contact with my family was severely frowned upon. I couldn't talk to my sister. If I did, I was yelled at: "Why?" and "What did you talk about?" He would check my phone to see who I texted throughout the day. I didn't have friends . . . I could do work during work time, but I couldn't do functions or anything after hours. . . I was never left alone. I was never allowed to be myself (Giesbrecht et al., in press).

Evan Stark (2007) stated that coercive control is a liberty crime against women as victims are often trapped in the relationship with a perpetrator/partner who regulates their day-to-day activities. In many cases, this means that victims'/survivors' ability to participate in the workforce and secure their own future economic stability is undermined. Coercive control can have serious health implications when access to food, medications, or services is restricted.

In our study with newcomer women survivors of IPV in Saskatchewan, one of the women explained, "And you basically [cannot] go out...if you need pads, you just have to wait for him. I just depended on him. Everything. If there's no milk, there's no water; there's nothing. I had no freedom." She also described how her partner intentionally created barriers to her being able to access services, limiting her ability to gain independence from him: "You know, living with him was so hard, and at the same time, I lost...my world became so very small. No papers. I have no driver's license. I have no health card" (Giesbrecht et al., 2023a, p. 14).

The Need for a Coercive Control Offence

There are several benefits that could be expected to accompany the implementation of a coercive control offence, including enhancing victim/survivor safety with access to protective orders; allowing police to respond in situations where physical violence is not occurring and, importantly, respond in a way that is reflective of the type of violence being enacted and the assessed risk; moving beyond an incident-based view of IPV to recognize patterns; improving perpetrator accountability and opportunities for risk management; sending a clear message that these behaviours are unacceptable; enhancing public awareness of coercive control; and aligning with other Canadian legislation.

It is necessary to legislate a new offence of coercive control because *Criminal Code* offences typically applied in cases of IPV (e.g., s. 265, assault; s. 267, assault with a weapon or causing bodily harm; s. 268, aggravated assault; s. 246 strangulation [overcoming resistance to commission of offence]; s. 271, sexual assault) largely rely on physical violence. Further, these acts tend to be viewed as discrete incidents, rather than an ongoing pattern (Aspinall & Gill, n.d.; Gill & Aspinall, 2020; Mandel & Wright, 2019). While elements of section 264 of the *Criminal Code* pertaining to criminal harassment include acts that overlap with coercive control, such as causing the victim to fear for their safety, following, and threatening, coercive control is a larger pattern of behaviours, many of which are not encompassed within criminal harassment.

A specific offence is needed to capture the repetitive and ongoing nature of this form of abuse as well as tactics such as isolation, degradation, and the micro-regulation of daily life. Coercive control is a pattern of many small actions which add up to a significant amount of harm and a high level of dangerousness, but on their own, few of these behaviours would be considered a crime. A new offence is necessary to effectively respond and provide safety, moving from an incident-based method of identifying and charging IPV to a pattern-based method.

The fact that no criminal offence of intimate partner or domestic violence exists in Canada's *Criminal Code* limits responses to IPV and leads to challenges in the way that data is collected and reported (Giesbrecht et al., 2023b; Dawson & Hotton, 2014). While there would also be utility in legislating an offence relating to intimate partner/ domestic violence, a specific offence is needed to capture and respond to situations of coercive control. Some of the most damaging behaviours used by perpetrators, including degradation, taking away victims' freedom, denying any opportunities for autonomy, and micromanaging their daily lives, are not currently illegal. An offence is necessary to effectively protect survivors and to convey that these behaviours are not only unacceptable—they are criminal and will be taken seriously.

Additionally, there is often a perception that the abuse ends when the relationship does. In fact, the tactics of coercive control can continue to impact the primary victim and any children long after separation. Failure to pay child or spousal support, false reports to social services, false claims of parental alienation, and undermining the parenting of the protective parent are just a few of the forms that post-separation coercive control can take. The criminalization of coercive

control can make this form of abuse evident and provide an avenue for consequences for those who use these behaviours, allowing survivors of IPV to be truly free from abuse.

Support from Survivors and Professionals

Researchers in Australia surveyed women survivors of IPV; over 90% stated that they believed coercive control should be a criminal offence (Fitz-Gibbon et al., 2023). The majority of these survivors agreed that criminalizing coercive control would enhance public awareness of coercive control, send a clear message that these behaviours are unacceptable, allow police to respond, enhance victim/survivor safety, and improve perpetrator accountability.

In September 2023, PATHS surveyed IPV professionals who work at our member agencies. 100% of those who responded stated that they were in support of a coercive control offence. Professionals also provided examples of ways that their clients were impacted by coercive control. One stated, "I feel many perpetrators recognize coercive control is not currently a criminal offence, so they use it to control their partners. 'Prove it,' 'No one will believe you,' 'Your word against mine' type of statements are often used." Another wrote, "Often there is no physical violence when dealing with domestic violence in relationships." Another shared, "Women have been made to feel no other option but to return to their abuser. . . they have also been demoralized over the years."

100% of member agency staff who responded to the survey had worked with survivors of coercive control who could not access legal mechanisms (e.g., reporting to police, their partner being charged, being granted a protective order) or faced other barriers to services or support because they did not experience physical violence or other criminal behaviours from their partners. One wrote, "Yes, many times . . . Police are not able to do much if there is not a criminal offence taking place . . . some police we have worked with completely recognize coercive control is happening, but they are still limited in the actions they can take due to it not being a criminal offence."

In our research with professionals who deliver treatment for perpetrators of IPV in Saskatchewan, service providers shared that the majority of participants enter treatment because they are court-mandated after perpetrating a chargeable offence. This means that participants who have not used physical violence usually do not come to the attention of treatment providers. An offence would provide the opportunity for individuals who are perpetrating coercive controlling abuse and could be at risk of perpetrating domestic homicide to be mandated to treatment and appropriate risk management conditions such as supervision (Giesbrecht et al., 2023c).

Domestic Homicide

Researchers and domestic violence death review committees (DVDRCs) have documented cases where women were killed by their partners or were at risk of being killed, even though no previous physical violence occurred (Campbell et al., 2003; Monckton Smith, 2021; Nicolaidis et al., 2003; Office of the Chief Coroner for Ontario, 2019). A study of 358 domestic homicides of women by male perpetrators in the UK (2012- 2014) found that stalking behaviours, including obsession (94%) and fixation (88%), were present in 94% of the cases, controlling behaviours were present in 92% of the cases, and isolation was present in 78% of the cases. Other high-risk factors, including strangulation (24%) and threats to kill (55%), were documented in fewer cases (Monckton Smith et al., 2017). A US study by Campbell and colleagues (2003) found that the risk for intimate partner femicide increased significantly in cases where the abusive partner was highly controlling; in cases where the abuser was highly controlling and the couple had separated after living together, the risk increased nine-fold.

The Canadian Femicide Observatory for Justice and Accountability (CFOJA) has identified "four common measures of coercive control: controlling/proprietary behaviour (specific to the perception of 'women/girls as property'), psychological abuse, sexual jealousy; and stalking," noting that these behaviours "often go unnoticed as red flags for the femicide that ultimately

occurs” (Dawson et al., 2020, p. 47). DVDRCs have also identified the perpetrator “control[ing] most or all of victim’s daily activities” as a risk factor for domestic homicide. Specifically, Ontario’s DVDRC stated that this means “Any actual or attempted behaviour on the part of the perpetrator, whether successful or not, intended to exert full power over the victim. For example, when the victim was allowed in public, the perpetrator made her account for where she was at all times and who she was with. Another example could include not allowing the victim to have control over any finances (e.g., giving her an allowance, not letting her get a job, etc.)” (Office of the Chief Coroner for Ontario, 2019, p. 35). Canadian Broadcasting Corporation (CBC) journalists (Carman et al., 2021) compiled a database containing information on 392 intimate partner/ domestic homicides that occurred in Canada between 2015 and 2020; in 15% of these cases, there was a known history of coercive control.

Coercive Control and Risk to Children

Child abuse often co-occurs with IPV (Herrenkohl et al., 2008; Wathen & MacMillan, 2013); concurrent abuse of child and intimate partner victims is especially prevalent in situations of coercive control (Kelly & Johnson, 2008). Coercive controlling behaviour has been identified as a risk factor for children (David et al., 2017; Hardesty et al., 2008; Jaffe et al., 2014; Jaffe et al., 2023; Kelly & Johnson, 2008) and is clear in the histories of fathers who killed their children. One of these horrific cases is that of six-year-old Chloe and four-year-old Aubrey Berry, who were killed by their father on Christmas Day 2017 in British Columbia. The girls’ mother presented evidence of coercive control—and therefore, risk of future violence and domestic homicide—to the court; however, there was a failure to recognize this risk (Chambers et al., 2017; Cheek, 2023). This is similar to the experience of Jennifer Kagan in Ontario, whose ex-partner engaged in coercive controlling tactics during their relationship and killed their daughter Keira in a murder-suicide in 2020, more than three years after separation (Cheek, 2023).

The Canadian Domestic Homicide Prevention Initiative with Vulnerable Populations (CDHPV) detailed four other cases where children were murdered by a parent in the context of domestic violence and controlling behaviour: five-year-old Olivier and three-year-old Anne-Sophie Turcotte (2009, Quebec), eight-year-old Jared Osidacz (2006, Ontario), six-year-old Christian Lee (2007, British Columbia), and four-year-old Nash Campbell (2013, PEI) (David et al., 2017).

Gendered Implications

While people of any gender can perpetrate or experience coercive control (Johnson, 2006), the phenomenon is specifically gendered (Hearn, 1998; Johnson, 2006; Kelly & Johnson, 2008; Stark, 2007). Hearn (1998) described how power dynamics within relationships can be seen as part of “‘normal’ family life” (p. 36). Some behaviours, which may be unproblematic (or appear unproblematic) on one end of the spectrum, can be part of a pattern of extreme control on the other end. Harm can be compounded when multiple forms of control are employed in conjunction.

Some coercive and controlling men may enact physical violence frequently; others may resort to physical violence when women resist or fail to comply with rules set out by the abuser or when other strategies to maintain compliance have failed. As Dutton and Goodman (2005) explained, “Coercive control in intimate partner violence is a dynamic process linking a demand with a credible threatened negative consequence for noncompliance” (p. 746- 747). Women’s attempts to control men are rarely as “successful,” given gendered power dynamics and that it is rare that women enact (and enforce) credible threats of inflicting severe physical or sexual violence or withholding financial resources or access to the necessities of daily life (Dutton & Goodman, 2005; Bishop & Bettinson, 2018; Stark, 2007).

In a US study using national population data that included victims, perpetrators, and people who did not use or experience IPV, Johnson and colleagues (2014) identified that 5% of women in their sample could be classified as using coercive controlling violence. A UK study using a similar methodology classified 6% of abuse reported by male respondents by female

perpetrators as coercive control (Myhill, 2015). Likewise, men perpetrated these forms of violence at 22% (US; Johnson et al., 2014) and 30% (UK; Myhill, 2015). Consistent with what we would expect to see based on scholarship on coercive control (Johnson, 2006; Hearn, 1998; Kelly & Johnson, 2006; Schechter, 1982; Stark, 2007), the vast majority of individuals convicted for controlling or coercive behaviour offences in the UK 2016- 2019 were male; ranging between 97-99% (Home Office, 2021). Examining data from one police force in England, Barlow et al. (2020) found that 96% of victims were women and 95% of perpetrators were men. It is to be expected that the gender of victims and perpetrators in Canada is similar to that in the UK.

While the language in the legislation may be gender neutral, it is important to recognize that based upon decades of research on coercive control, men are overwhelmingly the perpetrators of coercive control, while women are overwhelmingly the victims. Given the gendered nature of coercive controlling violence and the fact that coercive control is primarily a form of men's violence against women, scholars have raised concerns about the gender-neutral language of legislation in other jurisdictions (Barlow et al., 2020; Stark & Hester, 2019).

Some advocates have raised concerns regarding criminalizing coercive control (and IPV, more broadly), citing fears that this legislation will be used against victims/survivors (Fitz-Gibbon et al., 2023). In our view, with adequate training in recognizing and assessing the dynamics of coercive control, police can identify the primary aggressor, as they have done in other jurisdictions. Given how rare it is for two partners in a relationship to both perpetrate coercive control (mutual violent control; e.g., 3% of the sample; Johnson, 2006), data from Canada after the implementation of a coercive control offence should not show gender parity. Given that the basis of coercive control lies in an extreme power imbalance within the relationship, often resulting in the perpetrator's complete control and domination over the victim, there is, by definition, a primary perpetrator of the abuse. "Dual charging" should not occur in cases where a criminal charge of coercive control is being laid.

Assessing Coercive Control

Coercive control is a pattern of behaviour, including acts that occur on a spectrum of severity and some that may not be considered harmful if not viewed in the context of the relationship and other co-occurring behaviours. Recognizing, investigating, and intervening in situations of coercive control requires a fundamental change in approach to focus on the perpetrator's pattern of behaviour (Mandel, 2013) and tactics and the impact on the victim(s). An offence of coercive control is not simply another avenue for charging IPV; it is a way to identify behaviours that are qualitatively different, pose a significant level of harm to victims, and indicate risk for future danger.

Laws in the United Kingdom, Scotland, Ireland, Northern Ireland, and New South Wales, Australia, demonstrate that it is possible to create legislation that recognizes the pattern-based nature of coercive control, collect evidence of this behaviour, effectively prosecute perpetrators, and offer support to survivors. Evidence from England demonstrates that coercive control legislation has facilitated police responses to IPV that would not have constituted an offence prior to the legislation (Barlow et al., 2020). Notably, Scotland reported conviction rates over 90% in 2020- 21, demonstrating that it is possible to effectively gather evidence and obtain convictions for coercive control offences (Government of Scotland, 2022).

A Canadian study by Hilton and colleagues (2023) assessed information from police files, collected in the late 1990s and early 2000s. These data were documented by police before coercive control was a well-recognized term, however, data related to psychological abuse, sexual jealousy, stalking, controlling activities, and attitudes were collected. Hilton et al. (2023) found that "two main factors . . . "Psychological Control" (jealousy, psychological abuse, stalking, and suicide threats) and . . . "Controlling Attitudes" (controlling behaviour, IPV attitudes, and IPV denial)" (p. 277). The researchers also found that when accounting for index physical IPV, coercive control was a predictor of IPV recidivism (Hilton et al., 2023). In many cases, police are already

documenting coercive control (e.g., Hilton et al., 2023; Hilton & Jung, 2023; Saskatchewan Police Commission, 2018). Improved methods of risk assessment that take coercive control into account (CELIA, 2023; Hilton & Jung, 2023; Myhill & Hohl, 2019) and training for police and other justice system professionals will improve the consistency of documentation of and response to coercive control.

When police attend situations where intimate partner/ domestic violence is occurring, they assess risk. Municipal police and RCMP have identified that coercive control is a risk factor in their risk checklists. Saskatchewan's *Domestic Violence Risk Indicator Checklist*, for example, lists coercive control as one of eight risk factors. This detailed definition of coercive control (shared on pg. 1) has been included on the checklist used by municipal police in Saskatchewan since 2018, demonstrating awareness by police services and frontline officers of the concept of coercive control. Despite identifying when coercive control is taking place, noting the risk, and discussing this with victims, police currently do not have any tools available to offer protective measures to victims or address perpetrators of coercive control.

Researchers (Barlow et al., 2020; Gill & Aspinall, 2020; Myhill & Hohl, 2019) have highlighted the need for validated risk assessments, used by police and other IPV professionals, that take coercive control into account. While validated IPV risk assessments currently used in Canada do not include coercive control, police-academic partnerships examining the incorporation of coercive controlling abuse in IPV risk assessment are currently underway in three provinces (CELIA, 2023; Hilton & Jung, 2023).

Training for Police and Other Professionals

Barlow et al. (2020) noted challenges with policing coercive control early after implementation in the UK, including a continued focus on “photographic evidence” and injuries, as well as documentation of “isolated offences.” They state, “These difficulties in the investigative process can be connected to the subsequent outcomes of the coercive control cases” (p. 170). This experience highlights the need for initial, robust training for all police officers, evaluation of charging and prosecution patterns, and the continued delivery of training to update knowledge.

Some advocates have questioned if police may misidentify victims of coercive control and if victims may be falsely accused, charged, and criminalized (Fitz-Gibbon et al., 2023). As Barlow and colleagues (2020) explained, “The law does not exist in a vacuum. Laws require interpretation and implementation. Thus, when new offences are created, demands and expectations for the wider criminal justice process, from the frontline police officer, to the prosecutor, to the judge are also created” (p. 161).

It will be essential to ensure that professionals who work with victims and perpetrators of coercive control are trained, including police officers, legal professionals (including lawyers and judges), and child protection workers. This is necessary to ensure that all professionals share a common understanding of the concept of coercive control (Barlow et al., 2020; Bishop & Bettinson, 2018) and how to respond effectively in terms of legal mechanisms and safety and support for survivors. The training must include certain elements, including identification and documentation of coercive control. Training on the dynamics of coercive control must also include awareness of the way victims of coercive controlling abuse may present—for example, victims may doubt their own abilities or experiences and display significant trauma symptoms. Training must include input and delivery by IPV experts and be ongoing with periodic updates offered after implementation.

Gill and colleagues (2021) explained that front-line police officers' understanding of and perception of what constitutes IPV, as well as the limitations of specific risk assessment tools, can influence the action that will be taken. This highlights the need for training on the dynamics of IPV and coercive control, as well as the need for research, development, and training on risk assessment that takes coercive control into account.

Increased Public Awareness of Coercive Control

Initially, after the implementation of the offence in the UK, rates of reporting were relatively low. This is unsurprising, as with new legislation, it often takes time for the public to become aware. Police data from the UK shows that reports nearly doubled for each of the first three years after the implementation of the offence (Home Office, 2021). Likewise, prosecutions for coercive controlling behaviour in the UK have risen each year since the implementation of the offence, from five in 2015- 16 to 309 in 2016- 17, and most recently, 1,925 in 2021- 22 (Office for National Statistics, 2022).

Barlow and colleagues (2020) conducted a study with one police force shortly after the implementation of the offence in the UK (data collected 2016- 2017). They found that victims were more likely to report specific incidents (e.g., assault or criminal damage) as opposed to sustained patterns of abuse or coercive control. Given that criminalizing a pattern of coercive and controlling behaviour is a substantial shift from a model of reporting and charging specific incidents (usually of physical violence), public awareness will be essential for the successful implementation of a new law. As the public becomes informed about the new offence and the dynamics of coercive control, this can lead to family members, friends, neighbours, and coworkers recognizing the abuse and having supportive conversations with victims/survivors.

Constructing an Offence of Coercive Control for Canada

An offence of coercive control would bring the *Criminal Code* in line with other recent legislation and aid in creating consistency between family and criminal court matters pertaining to IPV. Bill C-233 (*An Act to amend the Criminal Code and the Judges Act (violence against an intimate partner; Keira's Law)*), which recently passed, amended the *Judges Act* to establish seminars for the continuing education of judges, including on IPV and coercive control. The recently amended *Divorce Act* (2020) and accompanying provincial legislation also include a pattern of coercive and controlling behaviour in the definition of family violence.

In drafting new legislation, Canada should look to implement features of Scotland's *Domestic Abuse Act, 2018*. Regarding mens rea, the legislation in Scotland includes the "reasonable person" test, stating that "a reasonable person would consider the course of behaviour to be likely to cause [partner or ex-partner] to suffer physical or psychological harm." This is similar to the legislation in Ireland, Northern Ireland, and New South Wales. The "reasonable person" test also appeared in Private Member's Bills C-202 and C-332. This wording is preferable to that of the United Kingdom's *Serious Crime Act, 2015*, which states that the perpetrator "knows or ought to know that the behaviour will have a serious effect" on the victim.

Extant legislation defines the target of the behaviour in different ways; for example, victim only, victim and child, or another person. Comprehensive wording outlining intimate or family relationships between adults is contained within Private Member's Bills C-202 and C-332, which defines the target of the controlling or coercive conduct as "a person with whom they are connected," with "connected" including current or former spouses, common-law partners, dating partners, or people who agreed to marry each other; members of the same household, relatives; or people with parental responsibilities for the same child. It is also necessary to add children as direct potential victims of coercive controlling behaviour, whether they are the child of the accused, the child of the victim, a shared child, or another child who is under the care of either the accused or the victim.

While the Scottish legislation includes a definition of abusive behaviour that includes behaviour directed at a child and aggravation in relation to directing abusive behaviour toward a child, Dr. Marsha Scott from Scottish Women's Aid has stated that Scottish IPV experts and advocates wanted to see it included in legislation that when a parent was victimized, their child is automatically a co-victim. Inclusion of children in this way would assist in preventing danger to children when courts do not take the risk of IPV against their mothers into account. It is well documented that after IPV is proven in criminal court, family courts may order that the child have

unsupervised time with the abusive parent (Sheehy & Boyd, 2020). In Dr. Scott's view, the current wording of provisions around children in Scotland is minimally effective (Marsha Scott, Scottish Women's Aid, personal communication, October 9, 2023). This is an opportunity to learn from the experience of legislators, advocates, and other professionals in international contexts to inform wording that strengthens protections for children in Canadian legislation.

It is also necessary that legislation define coercive control, including tactics and behaviours, and including the ongoing, patterned nature (e.g., "a course of behaviour," "a range of behaviours"), as in Scotland's *Act*, which includes making the victim dependent on, or subordinate to the perpetrator; isolating the victim from friends, relatives or other sources of support; controlling, regulating or monitoring the victim's day-to-day activities; depriving the victim of or restricting the victim's freedom of action; and frightening, humiliating, degrading or punishing the victim. Further description, including mention of harm to pets through directed behaviour or omissions (e.g., failure to feed), is included in the Explanatory Notes to the legislation. The Government of the UK's *Legal Guidance for Controlling or Coercive Behaviour in an Intimate or Family Relationship* provides a detailed list of 32 behaviours, including, for example, "enforcing rules and activity which humiliate, degrade or dehumanise the victim; taking wages; reproductive coercion; reputational damage; withholding and/or destruction of the victim's immigration documents; [and] threatening to place the victim in an institution against the victim's will." The Guidance further explains that "This is not an exhaustive list and prosecutors should be aware that a suspect will often tailor the conduct to the victim, and this conduct can vary to a high degree from one person to the next. Prosecutors should consider the conduct of the suspect in each individual case to assess whether it discloses controlling or coercive behaviour" (The Crown Prosecution Service, 2017). Canada should include similar language in legislation and accompanying guidance. Language regarding the impact on the victim, such as is detailed in the UK legislation, could strengthen legislation implemented in Canada; however, this should be included using "or" along with a list of tactics the perpetrator may use. Therefore, it will not be necessary to demonstrate harm to the victim to hold the perpetrator accountable for their behaviour.

Scotland "provides that the court is always required to consider whether to make a non-harassment order. An application by the prosecutor is not required to initiate this process. . . after hearing the prosecutor as well as the person, the court must make a non-harassment order unless it concludes that there is no need for a victim, or the children . . . to be protected by such an order" (*Domestic Abuse (Scotland) Act* Explanatory Notes). It would be advantageous for Canadian law to include the automatic application of protection orders for adult and child victims of coercive control without the requirement of an application to initiate the process unless it is demonstrated (e.g., by risk assessment or victim or perpetrator relocation or incarceration) that a protection order is not needed.

In analyzing the implementation of Northern Ireland's legislation, Bettinson and McQuigg (2023) wrote that "Although this development was certainly overdue, it is true that being the final jurisdiction within the UK and Ireland to criminalize such behaviour has enabled Northern Ireland's approach to be informed by the earlier legislation enacted in other jurisdictions and, to some degree, has allowed Northern Ireland to 'cherry pick' the most positive aspects of the approaches of these jurisdictions" (p. 29). Northern Ireland's Justice Minister stated that they "considered offences in other jurisdictions relating to controlling and coercive behaviour, including what is often perceived as the 'Scottish gold standard'" (Bettinson & McQuigg, 2023, p. 29). Canada is in a similar position; while such legislation is overdue and will be very welcomed, it is advantageous to learn from other jurisdictions. Just as Scotland designed their legislation based on what existed in the UK, with some notable improvements, and Northern Ireland looked to Scotland, Canada has an opportunity to build upon extant models to craft innovative legislation to clearly address coercive control and keep adult and child survivors safe.

Evaluation and Data Collection

It is necessary, beyond the creation of a new offence, to create a strategy for effective implementation, including training for police and other professionals (Gill & Aspinall, 2020). Further, research and evaluation will be necessary to ensure that the new offence is being implemented as intended. Research and evaluation can identify challenges and inform strategies to mitigate challenges. Data regarding the offence of coercive control must be collected from police forces and courts and analyzed early and on an ongoing basis after implementation to ensure that the offence is working as intended. Disaggregated data is essential for understanding if there are differences in implementation in urban and rural settings, among provinces and territories, as well as among diverse perpetrators and survivors (e.g., race/ ethnicity, gender, age). Research with survivors will be essential to inform how the new offence is impacting outcomes, and front-line service providers will provide important insight into how the offence is impacting practice.

References

- Aspinall, M., & Gill, C. (n.d.). *Research Brief: Why is it important to better understand and assess coercive control within law enforcement in Canada?* University of New Brunswick.
- Barlow, C., Johnson, K., Walklate, S., & Humphreys, L. (2020). Putting coercive control into practice: Problems and possibilities. *The British Journal of Criminology*, 60(1), 160–179. <https://doi.org/10.1093/bjc/azz041>
- Bettinson, V., & McQuigg, R. (2023). Introducing a criminal offence of domestic abuse in Northern Ireland: Comparative insights into criminalising coercive control. In *Criminalising coercive control: Challenges for the implementation of Northern Ireland's domestic abuse offence (1st ed.)* (In V. Bettinson & R. McQuigg, Eds.) (pp. 13–32). Routledge. <https://doi.org/10.4324/9781003345305-2>
- Bill C-202, An Act to amend the Criminal Code (controlling or coercive conduct)* (2021). First reading, November 25, 2021. 44th Parliament, 1st session. <https://www.parl.ca/LegisInfo/en/bill/44-1/c-202>
- Bill C-233, An Act to amend the Criminal Code and the Judges Act (violence against an intimate partner)*. Royal Assent, April 18, 2023. 44th Parliament, 1st session. <https://www.parl.ca/legisinfo/en/bill/44-1/c-233>
- Bill C-332, An Act to amend the Criminal Code (controlling or coercive conduct)* (2023). First reading, May 18, 2023. 44th Parliament, 1st session. <https://www.parl.ca/legisinfo/en/bill/44-1/c-332>
- Bishop, C., & Bettinson, V. (2018). Evidencing domestic violence*, including behaviour that falls under the new offence of ‘controlling or coercive behaviour.’ *The International Journal of Evidence & Proof*, 22(1), 3–29. <https://doi.org/10.1177/1365712717725535>
- Campbell, J. C., Webster, D., Koziol-McLain, J., Block, C., Campbell, D., Curry, M. A., Gary, F., Glass, N., McFarlane, J., Sachs, C., Sharps, P., Ulrich, Y., Wilt, S. A., Manganello, J., Xu, X., Schollenberger, J., Frye, V., & Laughon, K. (2003). Risk factors for femicide in abusive relationships: Results from a multisite case control study. *American Journal of Public Health*, 93(7), 1089–1097. <https://www.proquest.com/docview/215099728>
- Carman, T., Ivany, K., & Uguen-Csenge, E. (2021, December 6). *How CBC crunched the numbers on intimate-partner homicides: Investigation into intimate partner homicides took 16 months*. CBC News. <https://www.cbc.ca/news/canada/methodology-deadly-relationships-1.6271360>
- Chambers, L., Zweep, D., & Verrelli, N. (2023). Paternal filicide and coercive control: Reviewing the evidence in *Cotton v Berry*. *UBC Law Review*, 51(3), 1–34. <https://commons.allard.ubc.ca/ubclawreview/vol51/iss3/3>
- Cheek, J. (2023, February 4). After incidents where ex-partners killed their children, laws and attitudes within Canada's court system are beginning to change about dangerous parents. *Toronto Star*. https://www.thestar.com/news/insight/after-incidents-where-ex-partners-killed-their-children-laws-and-attitudes-within-canada-s-court/article_c11337ca-5330-5bdc-a573-90f68de2af6f.html
- Common Language for Intimate Partner Violence Risk Appraisal (CELIA) (2023). <https://celiaproject.squarespace.com/celia>
- 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). Canadian Domestic Homicide Prevention Initiative. http://cdhpi.ca/sites/cdhpi.ca/files/Brief_3-Final_0.pdf
- Dawson, M., & Hotton, T. (2014). Police charging practices for incidents of intimate partner violence in Canada. *Journal of Research in Crime and Delinquency*, 51(5), 655- 683. <https://doi.org/10.1177/0022427814523787>
- Dawson, M., Sutton, D., Carrigan, M., Grand'Maison, V., Bader, D., Zecha, A., & Boyd, C. (2020). *#CallItFemicide: Understanding gender-related killings of women and girls in*

- Canada 2019. Canadian Femicide Observatory for Justice and Accountability. <https://femicideincanada.ca/callitfemicide2019.pdf>
- Dutton, M. A., & Goodman, L. A. (2005). Coercion in intimate partner violence: Toward a new conceptualization. *Sex Roles*, 52(11–12), 743–756. <https://doi.org/10.1007/s11199-005-4196-6>
- Fitz-Gibbon, K., Walklate, S., Meyer, S., & Reeves, E. (2023). The criminalization of coercive control: The benefits and risks of criminalization from the vantage of victim-survivors. In *The criminalization of violence against women: Comparative perspectives* (H. Douglas, K. Fitz-Gibbon, L. Goodmark, & S. Walklate, Eds.) (pp. 21–42). Oxford University Press.
- Giesbrecht, C. J., Kikulwe, D., Sato, C. L., Este, D. C., Watkinson, A. M., & Falihi, A. (2023a). “I felt like I was a puppet—he’s the master, and he’s playing with my life”: Newcomer women’s experiences of intimate partner violence. *Violence Against Women*. (Article first published online February 22, 2023.) <https://doi.org/10.1177/10778012231158108>
- Giesbrecht, C. J., Dawson, M., Verhoek-Ofstedahl, W., Dumont-Smith, C., & Dugal, A. (2023b). Addressing data gaps: Implications for preventing domestic homicide. *Journal of Family Violence*, 38(6), 1255–1270. <https://doi.org/10.1007/s10896-023-00532-8>
- Giesbrecht, C. J., Edmonds, T. F., Bowns, A. J., Jason, P., & Bruer, K. C. (2023c). Intervention programs for intimate partner violence: Insights From professionals. *Partner Abuse*, PA-2022-0044.R1. <https://doi.org/10.1891/PA-2022-0044>
- Giesbrecht, C. J., Fletcher, A. J., & Wuerch, M. A. (In press). Intimate partner violence, animal maltreatment, and barriers to safety for survivors with companion animals and livestock: Findings from a qualitative study. *Violence Against Women*.
- Gill, C., & Aspinall, M. (2020). *Understanding coercive control in the context of intimate partner violence in Canada: How to address the issue through the criminal justice system?* University of New Brunswick, submitted to the Office of the Federal Ombudsman for Victims of Crime, Department of Justice Canada.
- Gill, C., Campbell, M. A., & Ballucci, D. (2021). Police officers’ definitions and understandings of intimate partner violence in New Brunswick, Canada. *The Police Journal*, 94(1), 20–39. <https://doi.org/10.1177/0032258X19876974>
- Government of Canada. *Divorce Act* (R.S.C., 1985, c. 3 (2nd Supp.)). <https://laws-lois.justice.gc.ca/eng/acts/D-3.4/>
- Government of Ireland. *Domestic Violence Act, 2018*. <https://www.irishstatutebook.ie/eli/2018/act/6/section/39/enacted/en/html>
- Government of Scotland (2022). *Criminal Proceedings in Scotland 2020-21*. <https://www.gov.scot/news/criminal-proceedings-in-scotland-2020-21/>
- Government of the United Kingdom. *Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021*. <https://www.legislation.gov.uk/nia/2021/2/enacted>
- Government of the United Kingdom. *Serious Crime Act, 2015*. <https://www.legislation.gov.uk/ukpga/2015/9/section/76/enacted>
- Government of the United Kingdom. *Domestic Abuse (Scotland) Act 2018*. <https://www.legislation.gov.uk/asp/2018/5/part/1/enacted>
- Hardesty, J. L., Khaw, L., Chung, G. H., & Martin, J. M. (2008). Coparenting relationships after divorce: Variations by type of marital violence and fathers’ role differentiation. *Family Relations*, 57(4), 479–491. <https://doi.org/10.1111/j.1741-3729.2008.00516.x>
- Hearn, J. (1998). *The violences of men: How men talk about and how agencies respond to men’s violence to women*. Sage.
- Herrenkohl, T. I., Sousa, C., Tajima, E. A., Herrenkohl, R. C., & Moylan, C. A. (2008). Intersection of child abuse and children’s exposure to domestic violence. *Trauma, Violence, & Abuse*, 9(2), 84–99. <https://doi.org/10.1177/1524838008314797>

- Hilton, N. Z., Eke, A. W., Kim, S., & Ham, E. (2023). Coercive control in police reports of intimate partner violence: Conceptual definition and association with recidivism. *Psychology of Violence, 13*(4), 277–285. <https://doi.org/10.1037/vio0000457>
- Hilton, N. Z., & Jung, S. (2023, September 4). Police-academic partnerships could help tackle the crime of coercive control. *The Conversation*. <http://theconversation.com/police-academic-partnerships-could-help-tackle-the-crime-of-coercive-control-211965>
- Home Office (2021). *Review of the controlling or coercive behaviour offence*. Government of the United Kingdom. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/982825/review-of-the-controlling-or-coercive-behaviour-offence.pdf
- Jaffe, P. G., Bala, N., Medhekar, A., Scott, K. L., & Oliver, C. (2023). *Making appropriate parenting arrangements in family violence cases: Applying the literature to identify promising practices*. Department of Justice Canada.
- Jaffe, P., Scott, K., Jenney, A., Dawson, M., Straatman, A.-L., & Campbell, M. (2014). *Risk factors for children in situations of family violence in the context of separation and divorce*. Department of Justice Canada. <https://justice.gc.ca/eng/rp-pr/cj-jp/fv-vf/rfcsfv-freevf/rfcsfv-freevf.pdf>
- Johnson, M. P. (2006). Conflict and control: Gender symmetry and asymmetry in domestic violence. *Violence Against Women, 12*(11), 1003–1018. <https://doi.org/10.1177/1077801206293328>
- Johnson, M. P., Leone, J. M., & Xu, Y. (2014). Intimate terrorism and situational couple violence in general surveys: Ex-spouses required. *Violence Against Women, 20*(2), 186–207. <https://doi.org/10.1177/1077801214521324>
- Kelly, J. B., & Johnson, M. P. (2008). Differentiation among types of intimate partner violence: Research update and implications for interventions. *Family Court Review, 46*(3), 476–499. <https://doi.org/10.1111/j.1744-1617.2008.00215.x>
- Lehmann, P., Simmons, C. A., & Pillai, V. K. (2012). The validation of the Checklist of Controlling Behaviors (CCB): Assessing coercive control in abusive relationships. *Violence Against Women, 18*(8), 913–933. <https://doi.org/10.1177/1077801212456522>
- Mandel, D. (2013). *Safe and together*. Domestic Violence Resource Centre Victoria (DVRCV) Advocate. <https://search.informit.org/doi/epdf/10.3316/informit.784487911461951>
- Mandel, D., & Wright, C. (2019). Building on the Greenbook: A perpetrator pattern-based approach to improve child welfare’s response to domestic violence. *Juvenile and Family Court Journal, 70*(4), 119–135. <https://doi.org/10.1111/jfcj.12155>
- Monckton Smith, J. (2021). *In control: Dangerous relationships and how they end in murder*. Bloomsbury Circus.
- Monckton Smith, J., Szymanska, K., & Haile, S., with the Homicide Research Group University of Gloucestershire, Centre for Learning and Innovation in Public Protection. (2017). *Exploring the relationship between stalking and homicide*. Suzy Lamplugh Trust. <https://eprints.glos.ac.uk/4553/1/NSAW%20Report%2004.17%20-%20finalsmall.pdf>
- Myhill, A. (2015). Measuring coercive control: What can we learn from national population surveys? *Violence Against Women, 21*(3), 355–375. <https://doi.org/10.1177/1077801214568032>
- Myhill, A., & Hohl, K. (2019). The “golden thread”: Coercive control and risk assessment for domestic violence. *Journal of Interpersonal Violence, 34*(21–22), 4477–4497. <https://doi.org/10.1177/0886260516675464>
- Nicolaidis, C., Curry, M. A., Ulrich, Y., Sharps, P., McFarlane, J., Campbell, D., Gary, F., Laughon, K., Glass, N., & Campbell, J. (2003). Could we have known? A qualitative analysis of data from women who survived an attempted homicide by an intimate partner. *Journal of General Internal Medicine, 18*(10), 788–794. <https://doi.org/10.1046/j.1525-1497.2003.21202.x>

- 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>
- Office for National Statistics. (2022). *Domestic abuse and the criminal justice system*. Government of the United Kingdom. <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/domestic-abuseandthecriminaljusticesystemappendixtables>
- Saskatchewan Police Commission. (2018). *Policy manual for Saskatchewan municipal police forces [Appendix "A" Domestic Violence Risk Indicator Checklist]*. Government of Saskatchewan.
- Schechter, S. (1982). *Women and male violence: The visions and struggles of the battered women's movement*. South End Press.
- Sheehy, E., & Boyd, S. B. (2020). Penalizing women's fear: Intimate partner violence and parental alienation in Canadian child custody cases. *Journal of Social Welfare and Family Law*, 42(1), 80–91. <https://doi.org/10.1080/09649069.2020.1701940>
- Stark, E. (2007). *Coercive control: How men entrap women in personal life*. Oxford University Press.
- Stark, E., & Hester, M. (2019). Coercive control: Update and review. *Violence Against Women*, 25(1), 81–104. <https://doi.org/10.1177/1077801218816191>
- 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>
- Wathen, C. N., & MacMillan, H. L. (2013). Children's exposure to intimate partner violence: Impacts and interventions. *Paediatrics & Child Health*, 18(8), 419–422. <https://doi.org/10.1093/pch/18.8.419>