

CHAPTER SIX

Specialized Justice: From Prosecution to Sentencing in a Toronto Domestic Violence Court

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On March 8, 1996 — International Women's Day — Arlene May, a 39-year-old mother of five, was shot to death in her Collingwood, Ontario, home by her ex-boyfriend Randy Isles, who then killed himself. The next day, on March 9, 1996, the *Toronto Star* launched its award-winning, eight-part series that examined society's response to spousal abuse. What the *Star* reporters concluded upon completing their investigation was that the criminal justice system was not responding to spousal abuse, at least not in any meaningful way, nor had it ever seemed to do so. While Arlene May's case was not one of those focused upon in the series that examined cases processed in Toronto, her experiences with the criminal justice system as she tried to remove herself from a violent relationship did parallel some of the experiences of the victims highlighted in the series.

Focusing on the criminal justice process, reporters Rita Daly, Jane Armstrong and Caroline Mallan followed 133 domestic violence cases that occurred during a one-week period in Toronto, resulting in 230 charges. For eight months, as these cases were tracked through the criminal justice system, the reporters found that few of the accused were jailed, most received little more than a slap on the wrist and many cases often fell apart because a victim was coerced or frightened and changed her story. If the victim did not co-operate, charges were usually withdrawn by the Crown or

dismissed by the judge. What these reporters uncovered was not a surprise for many already working with the primarily female victims of spousal abuse, but it did shine a spotlight on a system that was ineffective.

The coroner's inquest into the killing of Arlene May by her ex-boyfriend further galvanized the issue. The inquest led to more than 200 recommendations that spoke to the need for building a response system that brought together all sectors involved in cases of domestic violence. Again, the inquest highlighted what many working in the field already knew: that fragmented services — working in isolation but often serving the same victims — were a key concern when responding to cases of domestic violence that involve complex and related concerns by a number of individuals and agencies.

These events — Arlene May's murder and subsequent inquest, and the *Toronto Star* series — are often credited for bringing about changes in the way the criminal justice system in Ontario now responds to domestic violence. By directing attention toward an inefficient process, they in effect forced the political will that was required to commit resources to improve a woefully inadequate response to a serious social problem. That same year, the first two domestic violence courts were established in Toronto at Old City Hall and North York with the aim of providing a more effective response to domestic violence than traditional criminal courts and related processes. In 1997, when these two courts were up and running, additional domestic violence courts were implemented in Brampton, Hamilton, London, North Bay, Oshawa and Ottawa. In 2001, the Ontario government made a commitment to introduce domestic violence court programs to all of its 55 jurisdictions. As a result, Ontario's Domestic Violence Court (DVC) program may currently be the most extensive in Canada.

The DVC program is a mechanism for bringing together teams of specialized personnel, including police, Crown attorneys, staff in the Victim/Witness Assistance Program (VWAP), as well as those working in probation services, the Partner Assault Response (PAR) Program and community agencies involved in providing services to victims and offenders in cases of domestic violence (Ministry of Attorney General, 2001). When a DVC program is fully operational, it should include the following components: (1) a domestic violence court advisory committee; (2) trained specialized domestic violence Crown attorneys; (3) investigation procedures and specialized evidence collection by police; (4) a case management system;

(5) a partner assault response intervention program; and (6) expanded training for all criminal justice actors involved in the criminal justice processing of domestic violence cases (*ibid.*).

The first two courts implemented in Toronto each had a specific focus — North York was based on an early intervention model and Old City Hall was modelled after what is referred to as a “coordinated” or “enhanced” prosecution response. As additional courts were implemented in various jurisdictions across the province, a hybrid model gradually evolved in which both models were incorporated in each of the courts. In other words, within the same jurisdiction, specialized teams would deal with first-time offenders using the early intervention model and with more serious or repeat offenders using the coordinated prosecution model. Because the first two courts influenced the other DVC programs that followed, this chapter will describe these two courts in detail, including their structure, processes and primary objectives. Focusing on a snapshot of time, we then describe the types of cases heard in the Old City Hall court, the characteristics of victims and their abusers as well as the criminal justice outcomes. We also present the results from three separate analyses that focus on distinct but related research questions. We conclude by highlighting some issues underscored by these findings, suggesting priorities for researchers who are concerned with understanding the operation and efficacy of these courts, both for those who work within them and for those who are meant to benefit by them — the victims of domestic violence.

The Structure and Process of the Courts

In Ontario, domestic violence is defined as “any use of physical or sexual force, actual or threatened, in an intimate relationship” (MAG, 2001, p. 1). Intimate relationships include heterosexual and same-sex partners; they can vary in length and can include both current and estranged dating, common-law and married couples. Although both women and men can be victims of domestic violence, it is recognized by the Ministry of the Attorney General that in the overwhelming majority of cases, this type of violence involves men abusing women. The Crown Policy Manual (CPM), maintained by the ministry, provides some guidance to Crown attorneys on how to conduct their prosecutions. Beyond providing a general framework for dealing with

victims of domestic violence, the CPM specifically addresses when a Crown attorney should withdraw charges and thereby not proceed with a domestic violence prosecution.

In Ontario, where it is generally the police that lay the charge, the police directive is to lay charges in these cases as long as reasonable and probable grounds exist to do so — police discretion beyond that point has been eliminated, leaving it to the Crown to determine whether to proceed with the charge. According to the CPM, withdrawing charges of spouse or partner assault, though within the Crown’s discretion, “is not appropriate unless exceptional circumstances exist” and, prior to making such a decision, a Crown attorney must consult with a more senior Crown or with a domestic violence coordinator (CPM, 1993: SP-1, p. 4).

Stressing the importance of sound prosecutorial discretion in these cases (CPM, 1993, p. 3), the CPM provides Crown attorneys with a partial checklist of relevant factors to consider when determining whether to withdraw charges in domestic violence cases. This includes the strength of the case, the history of violence by the defendant, evidence of harassment of the victim by the defendant after charges have been laid, the extent of injuries suffered by the victim and the reasons the victim gives for not wanting the prosecution to proceed. Also to be considered are the results of an interview between the Crown and the victim in which “Crown counsel discusses the public wrong aspect of domestic violence and tries to respond to any concerns the victim may have” (CPM, 1993: SP-1, pp. 4–5). Building on these guidelines, we describe below the first two specialized domestic violence courts implemented in Ontario.

Coordinated Prosecution Model — K Court, Old City Hall

Early in 1997, a specialized Domestic Violence Court was established at Toronto’s Old City Hall, located at Dundas Street and University Avenue in the downtown core. Modelled after a specialized court in San Diego, California, this coordinated prosecution court brought together Crown attorneys, members of the Victim/Witness Assistance Program (VWAP), the police, the judiciary, court administration, probation services and community groups that offer intervention or treatment programs for offenders. Referred to as the K Court, after the “K” used by the police to identify domestic violence files, the initial goals of this court were to provide better

support to victims and to ensure that offenders who abused their partners were held accountable for their actions. A key part of this integrated team approach involved collecting additional evidence beyond victim statements to aid in the prosecution of the offender. In the beginning, K Court handled only domestic violence cases from police Divisions 11, 14 and 52, later adding 54 Division, all located in downtown Toronto. The court was staffed by a team of Crown attorneys who prosecuted only domestic violence cases and who were to receive mandatory training in the social, psychological and legal issues often associated with domestic and sexual violence.

Today, in accordance with the 1982 directive from the Attorney General of Ontario, as noted above, K Court Crown attorneys are required to assume an active role in promoting police-laid domestic violence charges. Under this zero-tolerance policy, the police also play a critical role in responding to domestic violence and are no longer expected to ask the victim if she wants the abuser charged. Instead, police must lay charges regardless of what the victim wishes. After police lay a charge, a special reporting form is to be used and an attempt is made to have the victim participate in a videotaped interview that can later be used in the prosecution. Other types of evidence to be collected to lessen reliance on the victim during the prosecution process include photographs of the victim's injuries, 911 emergency telephone tapes and audiotaped statements from the victim or other witnesses to the crime. Prior to the start of a trial in K Court, the victim is to be contacted by VWAP workers and encouraged to participate in an interview. VWAP is meant to familiarize the victim with the court process and provide her with support throughout the trial as well as with referrals to community agencies and services.

The coordinated prosecution model adopted by K Court also provides counselling services to abusers. As soon as a judge stipulates that counselling is a condition of a defendant's sentence, the abuser is referred to an intervention program. These programs usually operate on a group model with one or more leaders directing each abuser to discuss and confront the roots of this behaviour. The program is meant to identify the philosophies and biases that may be used to rationalize and/or justify an abuser's use of violence. There are several treatment objectives, including (1) to help an abuser understand the harm done to his partner, to other members of the family and to the community; (2) to ensure that the abuser accepts

responsibility for his abusive and controlling behaviour and does not minimize or deny it; and (3) to help the abuser recognize his abusive actions within the context of power and control rather than anger (MAG, 2001).

Though the CPM is designed to provide guidelines to Crown attorneys across Ontario, the K Court initiative was designed to allow for the more vigorous prosecution of domestic violence cases and to increase co-operation between prosecutors and the police. The initiative is premised on the belief that a commitment to these goals can improve the quality of investigations and increase the number of successful outcomes.¹ Case screening decisions are made by a small group of prosecutors assigned to K Court full-time.² This full-time assignment is to ensure that cases are handled from start to finish by the same prosecutor, offering victims more continuity in the process. K Court prosecutors are also expected to meet with all willing victims before trial to discuss the facts of the case, to determine whether victims are ready to testify, to answer questions the victims may have and to show themselves as supportive and understanding of victims regardless of whether they are co-operating with the prosecution. In short, the overarching goals are to provide a sense of continuity to the process for victims, to increase the quality of prosecutions, to increase the likelihood that a victim will co-operate with the prosecution, and finally, to improve service to victims.

As noted briefly above, another central component of the K Court initiative is the systematic collection of evidence by police so that the prosecution need not rely only on victim testimony. Beginning in 1996, the year prior to the implementation of K Court, and continuing into 1998, its first year of operation, Crown attorneys worked with police at the three initial participating police divisions to develop practices for collecting additional evidence. This evidence includes detailed descriptions of the crime scene, the seizure of items that may have been used as weapons, photographs (primarily of victim injuries), transcripts of emergency 911 tapes, medical reports and background information on the relationship between the victim and the offender.³

A significant practice in K Court emphasizes the procurement of videotaped statements from victims as soon after the incident as possible, providing that the victims agreed to be videotaped (audio-taping is considered an alternative). The primary goal is to have a videotaped statement recorded immediately after the incident or at least within a 24-hour period. The

police are responsible for taping the victim's testimony and, generally, these informal interviews occur at the police station. In extreme circumstances, the police may videotape the testimony in other locations outside the police station.⁴ The videotaped evidence may be used by prosecutors in lieu of victim testimony in cases where victims decide not to co-operate with the prosecution. In turn, prosecutors are committed to more actively pursuing the admission of this evidence at trial with the expectation that, because of the strength of available evidence, they will obtain more convictions at trial and a higher number of guilty pleas, all without necessarily requiring the victim to testify at trial.

A final component of the specialized domestic court is the Victim/Witness Assistance Program (VWAP).⁵ While this program is not dedicated exclusively to K Court, this court does generate a large proportion of the clients for VWAP. Victim/witness workers contact victims in all K Court cases by telephone or by letter soon after the bail hearing or detention order.⁶ As will be discussed below, this contact can play an important role in preventing future violence because victims are most receptive to information about how to reduce their vulnerability immediately or soon after the crime (Davis, Coker & Sanderson, 2002; Friedman and Tucker, 1997). Practically speaking, victim/witness workers notify their clients about court appearances, solicit their input prior to a guilty plea by their abuser and offer a tour of the court to make victims more comfortable with the process. When victims agree to meet with VWAP workers, it is expected that they will be provided with enough support to prepare them for testifying at trial. The main objective of the program, however, is to support the victim throughout the process regardless of whether or not she chooses to testify.

The success of the above model (and most specialized courts) depends on increased interagency coordination and communication — a key component that the coroner's inquest and the *Toronto Star* series identified as lacking. At Old City Hall, the Woman Abuse Council of Toronto (WACT) is mandated to facilitate this coordination and communication. In the early stages, WACT took the lead role in developing the guidelines and accountability standards used by treatment or intervention agencies, and in coordinating the agreements among the agencies involved. On an ongoing basis, WACT is responsible for coordinating the project-related activities of the intervention agencies, including the collection, analysis and reporting

of the program forms that the agencies complete for each offender. WACT also holds regular meetings of senior representatives of the participating agencies to discuss broader policy issues and occasionally calls meetings of senior decision-makers when decisions about policy or funding are required. In short, WACT has been largely responsible for maintaining the specialized court's underlying foundation by promoting continued coordination and communication.

Early Intervention Model — North York

In the same year that K Court was implemented, North York established its first domestic violence court. Similar to K Court, North York's court was created with the primary goal of providing better support to victims but, in contrast to the coordinated prosecution model, North York was concerned with rehabilitating offenders rather than seeking a conviction. Referred to as the early-intervention model, this court was to provide treatment for first-time offenders while holding them accountable for their offences. Modelled after a specialized court in Dade County, Florida, this court specifically seeks (1) to encourage offenders to take responsibility for their abusive actions; (2) to provide education programs for domestic violence offenders that place emphasis on the consequences of their actions; and (3) to ensure that there are basic support systems in place for victims and, as part of this, that victims are provided with referrals at their point of entry into the criminal justice system.

At the time this court was implemented, there was a special arrangement to provide counselling and treatment to domestic violence offenders whose cases met key criteria: (1) they were first-time offenders; (2) there were no significant injuries to the victim; (3) the offenders admitted and pled guilty to the assault and were willing to enter a treatment program; (4) the victims were willing to participate in the project; and (5) the offenders had not used a weapon during the incident. In contrast to K Court, this model places emphasis on the offenders' needs as well, focusing specifically on their rehabilitation before the cycle of abuse has been solidified in a relationship to prevent future recidivism.

In this model, the Crown examines each case to identify who is eligible for the program. Before the trial, the victim is separated from the defendant and each are placed in a different room where they are given the opportunity

to talk about what they would like out of the court process. At the same time, the accused also meets with the intake person who is responsible for making assignments to specific intervention programs. If the defendant pleads guilty, the presiding judge will impose a conditional bail release with the victim's consent. This order requires that the defendant participate in an approved 16-week batterers' intervention program. While the defendant is in treatment, the victim is to be contacted at least four times by the community agency to assess his/her safety and to offer support services. The defendant is on extended bail while completing the treatment and, therefore, any threats to victim safety or breaches of bail conditions are to be reported to police by intervention program staff. At the conclusion of the intervention program, if there has been no risk or threat to the victim, the defendant comes into court again to be sentenced. If reports from the intervention program as well as the victim are positive, the disposition is usually a conditional discharge accompanied by one year of probation. We describe the North York model because later courts, as noted, evolved into hybrid models that incorporated elements of both K Court and Old City Hall.

A Year in the Life of an Ontario Specialized Court

The data presented here were gathered from files at K Court in Toronto. These files include police investigation reports as well as other documentation collected during the processing of a domestic violence case. This information was supplemented by files kept by the VWAP office. The data collection process involved tracking all cases from the initial charge laid to the final disposition. Cases in which all charges were withdrawn by the Crown attorney were also tracked and reasons for case attrition were documented based on notations in the court files. Case tracking took place from April 1, 1997 to March 31, 1998.⁷ Data collection involved regular visits to the court office by the two authors. Information was gathered on over 70 different variables that document the victim, offender and offence characteristics as well as criminal justice variables and outcomes. A total of 474 cases were tracked during this period. Based on the data collected at K Court, we provide an overview of the court, including the characteristics of the cases that were dealt with during a one-year period and their subsequent outcomes (see Tables 6.1 through 6.6 for descriptive statistics).

As part of this study, interviews were also conducted with some victims. Unfortunately, it proved extremely difficult to locate participants and to arrange and conduct the interviews. In total, 60 interviews were conducted, representing less than 15% of the total sample. While this low response rate prevents us from drawing conclusions from these qualitative data, this relatively substantial number of interviews allows us to draw on the victims' comments for illustrative purposes in the discussion and conclusion of this chapter.

Table 6.1: Accused and Victim Characteristics, K-Court, Toronto

Characteristics	Accused N = 474	Victim N = 474
Gender		
Male	440	44
Female	34	430
Employed	263	55%
Average Age	35 years	33 years

What Do the Cases Look Like?

Similar to most research on domestic violence, the majority of victims in our sample were women — 91%. Their average age was 33 years, ranging from 15 to 75 (see Table 6.1). Also consistent with prior research, the majority of the defendants were male — 93% — with an average age of 35 years; the youngest was 18 and the oldest was 75. Overall, the victims and defendants were slightly older in our sample compared with those in other studies (e.g., Schmidt & Steury, 1989). The most common type of victim-defendant relationship was common law (34%) followed by legally married couples (31%) and boyfriend-girlfriend relationships (10%) (see Table 6.2). Close to one-quarter of the victims and defendants were estranged at the time of the incident (8% ex-spouses, 8% ex-common-law partners and 7% ex-boyfriend-girlfriend). The average length of the relationships was almost six years (70 months). In our sample, almost half of the couples had children — one or two children in the majority of cases, but five or more children in several cases.

Table 6.2: Accused-Victim Relationship, K Court, Toronto

Relationship	N = 474	
Common-law partner	159	34%
Legally married	146	31%
Boyfriend-girlfriend	47	10%
Ex-legal spouse	39	8%
Ex-common-law partner	40	8%
Ex-boyfriend-girlfriend	31	7%
Children present	234	49%
Average length of relationship	70 months	—

With respect to the defendant's prior criminal history, more than half the sample (52%) had some type of prior record (see Table 6.3). Of those with prior offences, 27% had been previously involved with the criminal justice system on charges of violent (non-domestic) offences, 18% for non-violent offences and 36% for prior domestic violence offences. Consistent with prior research examining incident characteristics, 46% of the victims in our sample suffered less serious injuries such as bruises, cuts and black eyes whereas 13% suffered more serious injuries that required medical attention (see Table 6.4). Weapons were used to threaten or assault a victim in 16% of the cases. Finally, when witnesses were present (48%), 14% were child witnesses (usually of the victim and/or defendant), and in the remainder of the cases (34%), witnesses were adults (e.g., relatives, friends or neighbours of the victim and/or defendant). In the next section, we briefly describe how these cases were processed through the court system.

Table 6.3: Prior Record of Accused, K Court, Toronto

Criminal History	N = 430*	
Total with prior offences	225	52%
Prior Record Type**		
Prior domestic offences	81	36%
Prior violent offences, non-domestic	60	27%
Other	84	38%

*Information missing in 44 cases.

**Percentage on cases with prior offences.

Table 6.4: Incident Characteristics, K Court, Toronto

Characteristics	N = 474	
Minor injuries	217	46%
Serious injuries	60	13%
Weapons used	77	16%
Witnesses present — children	68	14%
Witnesses present — adult	163	34%

What Does the Process Look Like?

Because one of the goals of K Court was to reduce reliance on victim co-operation in the prosecution of domestic violence, we collected information on the types of evidence collected by police and noted in their files what could be used in lieu of the victim's testimony (see Table 6.5). We found that the types of evidence most frequently noted as available in K Court were photographs taken at the scene (32%), primarily of the victim's injuries), followed by emergency 911 tapes (29%) and videotapes documenting the victim's testimony, often taken immediately after the incident or within 24 hours (26%). The victim's statement was also collected in 23% of the cases, other witness statements in 16% of the cases, and medical reports were available in 8% of the cases.⁸

Table 6.5: Case Processing Factors, K Court, Toronto*

Evidence — photographs (injuries/scene)	152	32%
Evidence — emergency 911 tape	139	29%
Evidence — victim's video testimony	122	26%
Evidence — victim statement	110	23%
Evidence — other witness statement	77	16%
Evidence — medical reports	40	8%
Victim met with prosecution	153	32%
Victim met victim/witness assistance workers	247	52%
Victim co-operated	127	27%
Victim co-operated reluctantly	48	10%

*Information based on cases for which the above information was available.

While one goal of the court was to reduce reliance on the victim, a complementary goal was to improve the process to encourage or maintain

victim co-operation. To do so, the court focused on increasing interaction between the victims and the prosecutors as well as between the victims and the VWAP staff. Our data on the frequency of meetings among these individuals indicate that the victim met at least once with the prosecutor in about one-third of the cases (32%), and in slightly more than half of the cases (52%), the victim met with a victim/witness assistance worker (see Table 6.5).⁹ It is important to note that even if a victim met with prosecutors or victim/witness assistance workers, this did not mean that she co-operated with the prosecution process. Victims may have attended these meetings to request that charges be withdrawn. In total, we found that approximately 37% of all victims co-operated with the prosecution.¹⁰ This figure includes both those victims who co-operated from the beginning and continued to do so throughout the process (27%) as well as those victims who were initially reluctant, but subsequently co-operated with the prosecution (10%). In the remainder of cases, the victims either had no involvement or asked to have the charges dropped and then disengaged from the process. We return to the issue of victim co-operation later in the chapter.

What Do the Outcomes Look Like?

Understanding the effectiveness of any court process entails an investigation of court outcomes. While it is certainly not the only goal of these courts, the prosecution and conviction rate continues to be a key measure of success. Overall, in our sample, prosecution proceeded on charges in 82% of the 474 domestic violence cases (see Table 6.6). In the remaining cases, charges were dropped or stayed. Therefore, the proportion of cases prosecuted in K Court is higher relative to other studies examining the prosecution of domestic violence (Fagan, 1995; Ford & Regoli, 1993; Sherman, 1992), but this is not surprising given that we are examining outcomes in a specialized Domestic Violence Court with a vigorous prosecution policy. In examining the rate of conviction, it should be noted that even if a number of the charges in a particular case were withdrawn, as long as *at least one* of the domestic violence charges was resolved by the accused pleading guilty or being found guilty at trial, the case was considered to have resulted in a conviction. Of those 387 cases prosecuted, then, 81% resulted in a conviction, either through a trial or a guilty plea.

Of those offenders who were convicted, 31% were sentenced to jail with an average sentence length of 111 days (see Table 6.6). The most frequent disposition was a suspended sentence (31%), but conditional discharges were also common (24%). Peace bonds were used to resolve cases in 13% of the cases and conditional sentences in slightly more than 4% of the cases. Probation was always included as part of the sentence with the period of probation averaging 20 months. The average number of days that passed between arrest and trial was 153 days, and the average time between arrest and sentence was 145 days.¹¹

Table 6.6: Case Outcomes, K Court, Toronto

Prosecution proceeded*	387	82%
Convictions resulted**	314	81%
Jail sentence imposed***	96	31%
Length of jail sentence	—	111 days

*Percentage based on cases in which charges were laid (N = 474).

**Percentage based on cases in which prosecution occurred (N = 387).

***Percentage based on cases in which a conviction resulted (N = 314).

Examining the Effectiveness of a Specialized Domestic Violence Court

Specialized domestic violence courts, while varying in their emphasis on particular objectives, share some common goals. These include increasing prosecutions, making the process more consistent and less intimidating for the victim to encourage co-operation and creating a process that recognizes and responds to the complexities of domestic violence while, at the same time, making the offender accountable.¹² Though little systematic research has examined the efficacy of specialized domestic violence courts in Canada, we are able to draw on our previous and current research to examine K Court's ability to meet some of the above goals.

Predicting Prosecution

One of the primary goals of this specialized court is to increase the number of cases that are prosecuted while, at the same time, reducing the number of cases that are dropped because the victim does not co-operate.

As we detailed on the previous page, 82% of the domestic violence cases in our sample proceeded to prosecution. This statistic cannot, of course, tell us about the role of victim co-operation in the decision to prosecute these cases. Although it is commonly argued that lack of victim co-operation is the primary reason that prosecutors choose not to proceed in cases of domestic violence, this issue has received little systematic analysis (Davis, Lurigio & Skogan, 1997). In the following section, we discuss how we used the data collected at K Court to undertake a series of statistical analyses in order to determine the relative contribution of a range of factors in the decision to prosecute cases of domestic violence, with a specific focus on the role of victim co-operation.

Using a multivariate statistical technique called logistic regression, we separated out the independent contribution of each of the factors in our model.¹³ Specifically, in predicting the likelihood of a case being prosecuted, we were able to assess the influence of victim co-operation, controlling for the influence of a range of variables such as defendant age and gender as well as case characteristics such as weapon used, whether the offender had a prior record for domestic violence or the degree of injury suffered by the victim. We also controlled for the type of relationship between the victim and accused (i.e., whether or not their relationship was intact) and for the type of evidence available (e.g., victim statements, witnesses, photos, video, emergency 911 audiotape or medical evidence). We analyzed the data in two steps: first, we explored the relative contribution of the full range of factors *except* for victim co-operation; second, we introduced the variables for victim co-operation to assess their relative contribution to explaining the likelihood of prosecution. Tables 6.7, 6.8 and 6.9 summarize the direction of significant effects (rather than the actual coefficients), with a positive sign indicating that the variable being examined *increases* the likelihood (or odds) of the outcome whereas a negative sign indicates a *decrease* in the likelihood (or odds) of the outcome. The full tables for all the multivariate results are shown in Appendix 6.A.

In the first step (Table 6.7, Model 1), we found that men were more likely than women to be prosecuted for cases of domestic violence, but that older offenders had lower odds of being prosecuted (see full results, Table 6.A1, Appendix 6.A). The relationship between the victim and defendant was also a significant factor in the likelihood of prosecution: we found that

being in an ex-common-law or boyfriend-girlfriend relationship decreased the likelihood that a case would be prosecuted. Our findings also indicated that only one type of evidence — a videotaped statement — significantly increased the likelihood of prosecution. More specifically, cases in which videotaped evidence was available had 2.5 times the odds of being prosecuted compared with cases with no videotaped evidence. Similarly, cases in which the victim met with representatives of the Victim/Witness Assistance Program (VWAP) were twice as likely to be prosecuted compared with cases in which the victim did not meet with the VWAP workers.

Table 6.7: Significant effects of various factors on the likelihood of prosecution

	Model 1 Likelihood of prosecution	Model 2 Likelihood of prosecution
Defendant Characteristics		
Defendant age	- *	-
Male	+	+
Relationship Type		
Ex-common-law	-	-
Boyfriend-girlfriend	-	-
Legal Variables		
Video	+	+
Process Variables		
Victim met with VWAP	+	
Victim Co-operation		
Fully co-operated		+

*A positive sign indicates that the variable being examined increases the likelihood of the outcome whereas a negative sign indicates a decrease in the likelihood of the outcome. The full tables for all the multivariate results are shown in Appendix 6.A.

In the second step, we estimated the same model to predict the likelihood of prosecution, but added the variables representing whether or not the victim co-operated with the prosecution. The results of this second model (Table 6.7, Model 2) indicate that in cases where the victim fully co-operated, the odds of prosecution were much higher — more than seven times — than if a victim did not co-operate. In other words, even when we account for the range of factors that predict prosecution, victim

co-operation was independently and positively associated with the likelihood of prosecution. Although our models cannot speak to the influence of other variables beyond the scope of our data (such as an individual victim's perception of safety or a victim's hope that offenders would receive counselling), our analysis demonstrates that neither defendant characteristics nor seriousness of the offence predicted the likelihood of prosecution.

These findings are important because they highlight the key role played by victim co-operation in the likelihood of a case being prosecuted. More importantly, the association between victim co-operation and prosecution shown in our analysis is significant because of the setting from which these data were collected: a specialized court that is dedicated to prosecuting cases even in the absence of victim co-operation. Our findings suggest that even within a setting mandated to proceed without victim co-operation, by relying on other forms of evidence victim co-operation continued to play the most significant role in the decision to prosecute.

Predicting Victim Co-operation

Given the importance of victim co-operation demonstrated above, the next analysis examined what factors might increase the likelihood that a victim would co-operate with the prosecution. Our goal was to determine what demographic, situational or process variables were associated with victim co-operation in the prosecution of domestic violence. Our analysis is restricted to the 304 cases of domestic violence heard in K Court for which we had information on victim co-operation.¹⁴

As indicated in Table 6.8, what we found was, in fact, surprisingly straightforward: the odds that a victim co-operated with the prosecution were significantly higher if she met with representatives of the Victim/Witness Assistance Program (see full results, Table 6.A2, Appendix 6.A). Moreover, if the victim gave a videotaped statement, the odds of subsequent co-operation were also significantly higher. No other type of evidence and, indeed, no other variable was significantly associated with victim co-operation. Victim co-operation, according to these data, appears to be predicted not by the nature of the case or by characteristics of the victim or the offender, but by the victim's interaction with the court system. We will return to these findings in our discussion.

Table 6.8: Significant effects of evidence and process variables on likelihood of victim co-operation

	Likelihood of victim co-operation
Legal Variables	
Victim statement	
Witness statement	
Photos	
Videotaped statement	+
Emergency tape	
Medical evidence	
Other evidence	
Child witness	
Adult witness	
Process Variables	
Victim met with VWAP	+
Victim met with Crown	

* A positive sign indicates that the variable being examined increases the likelihood of the outcome. The full table is shown in Appendix 6.A.

Sentencing Outcomes

This final section considers the factors that were associated with two types of sentencing outcomes: first, whether or not offenders were sentenced to jail, and second, for the 97 offenders who did receive a jail sentence, the determinants of sentence length (see Table 6.9). Relying again on multivariate techniques, our next analysis controlled for the full range of factors that could be associated with the likelihood of being sentenced to jail. We again proceeded in two steps so that we could isolate the effect of relationship type.

In the first step (Table 6.9, Model 1), we found that two offender characteristics were significantly related to the likelihood of being sentenced to jail. First, being employed reduced the odds of an offender being sentenced to jail compared with those who were unemployed. Second, an offender who had a prior domestic violence conviction was more likely to be sentenced to jail than an offender without a previous conviction in domestic violence. In the second step (Table 6.9, Model 2), we introduced a variable representing both relationship type (i.e., estranged versus intact) and level

of injury (see Injury*Intact in Table 6.9). The results indicated that type of relationship did matter, but only when the victim suffered serious injury. In short, we found that for cases in which the relationship between the victim and the offender was intact and in which the victim suffered serious injury, the odds of an offender being sentenced to jail increased by a factor of 10.7 compared with other cases (see full results, Table 6.A3, Appendix 6.A).

Table 6.9: Significant effects of factors predicting the likelihood of being sentenced to jail and length of jail sentence

Model 1	Likelihood of jail		Sentence Length
	Model 2	Model 1	
Family status			
Relationship Intact			- [†]
Children			+
Offence characteristics			
Serious injury			+
Aggravated sexual assault			
Offender characteristics			
Offender employed	-	-	-
Domestic prior	+	+	+
Injury*Intact		+	n/a

[†]A positive sign indicates that the variable being examined increases the likelihood of the outcome whereas a negative sign indicates a decrease in the likelihood of the outcome. The full tables for all the multivariate results are shown in Appendix 6.A.

For the 96 offenders sentenced to jail, our final analysis considered the range of factors that might have determined the length of their incarceration.¹⁵ Recall that, on average, offenders were sentenced to jail for 111 days. Below, we parcel out the specific factors that might have mitigated or aggravated sentences in cases of domestic violence. The results, also shown in the last column of Table 6.9, indicate that two family status measures had diverging effects on sentence length. When an offender's relationship with the victim was intact (compared with an estranged relationship), sentences were shorter by 17 days. However, when the offender and victim had children together, sentence lengths increased by slightly more than nine days, compared with couples without children. We also found that being employed had a mitigating effect on sentence length with employed

offenders receiving sentences that were about 63 days shorter than the sentences received by those who were unemployed. In contrast, and as expected, offenders with a prior record for domestic violence were sentenced to jail for an additional 97 days compared with offenders with no prior record (see full results, Model 1, Table 6.A4, Appendix 6.A).

While our results display an intuitive pattern regarding the factors that mitigated and aggravated sentences, the results with respect to family status were somewhat surprising. That is, our analysis indicated that being in an intact relationship increased the likelihood that offenders would be sentenced to jail — but only in cases where the victim had suffered serious injuries. However, in cases where the victim and offender were in an intact relationship, jail sentences were shorter. Taken together, these two findings suggest that the relationship between the victim and the offender is integral to understanding court outcomes in cases of domestic violence. Below, we reflect on our major findings and highlight how these issues should be considered priorities for future research in the area of specialized courts, criminal justice and public policy.

Discussion

The Continuing Emphasis on Victim Co-operation

Based on our sample of cases from K Court in Toronto, we found that despite the court's objectives to reduce prosecutorial reliance on victims, victim co-operation continued to be a significant predictor of whether or not a case proceeded to prosecution. Specifically, when victims co-operated, we found that prosecutors were significantly more likely to pursue charges even after taking into account the effects of defendant characteristics, the victim-defendant relationship, type of evidence and the presence of witnesses. One might argue that these findings merely reflect the relative newness of the specialized court initiative under study and the period of time being examined; alternatively, however, one might also argue that often these programs run more closely to best practice guidelines when first implemented compared with later in their institutional life, when political and social attention on them has diminished.

It is, therefore, imperative that future research examine the current role of victim co-operation and other predictors of prosecutorial decision-making

in the specialized court setting in Ontario and elsewhere. In such work, comparing how these specialized settings differ from or are similar to the processing of domestic violence cases in regular court settings (and even to the processing of other types of cases) should be a key research concern.

Understanding Victim Co-operation

Given the importance of victim co-operation in our sample, we also investigated the factors that were associated with the victim's decision to co-operate. Our findings demonstrated that neither demographic nor situational correlates of the incident were associated with victim co-operation. Rather, the two most important determinants of victim co-operation were the availability of their videotaped testimony and whether meetings were held between the victim and victim/witness assistance workers.

How might we explain the positive effects of videotaped statements and meetings with victim/witness assistance workers on victim co-operation? The significance of videotaped testimony in predicting victim co-operation might stem from the often complex interactions between prosecutors and victims of domestic violence. Some argue that the road to victim non-co-operation begins with the actions and attitudes of prosecutors and other criminal justice officials that lead to a self-fulfilling prophecy (Buzawa & Buzawa, 1996; Ellis, 1984; Ford & Regoli, 1993). Simply put, prosecutors' assumptions that some victims of domestic violence are not committed to participating fully in the process serve to reinforce negative impressions and a general distrust of the criminal justice system already held by victims. As a result, victims become discouraged and cease to engage with the process and with those criminal justice actors involved in that process. Research has consistently shown that many victims are frightened and intimidated by the criminal justice system and unsure about what they are expected to do (Erez & Belknap, 1998; Can-na-vaie, 1976). When faced with a prosecutor whose assumptions may colour their interaction, victims may decide, in turn, that the prosecutor is not committed to their case and, as a result, disengage from the process. Our interviews with victims support this interpretation, as shown in the quotes below:

I didn't find her [the prosecutor] very helpful. I provided names of witnesses and told her about the doctor's report, but she never followed up. (Case 98)

I never got the information I wanted from him [the prosecutor]. I had to go to go elsewhere [victim/witness office] for information. In fact, I cornered him one day to ask him a question and he still didn't have time to speak with me. (Case 85)

If, on the other hand, the victim has already provided videotaped testimony, a prosecutor may perceive the videotape as one indicator of a victim's commitment to the process; alternatively, prosecutors may be less inclined to question the victim's commitment because the videotaped evidence minimizes prosecutorial reliance on the victim. As a result, the victim is not perceived as an obstacle in the process and the interactions that occur between prosecutor and victim may be more positive throughout.¹⁶

Our analyses also demonstrated that meeting with VWAP workers encourages victim co-operation. It may be simply that, through these interactions, victims gain the support they need to negotiate their way through an unfamiliar system. Research has demonstrated that victims are often afraid and anxious about criminal justice proceedings, particularly in cases of domestic violence, and the support of victim advocates can help them move through the system with less difficulty (Tomz & McGillis, 1997). For this reason, advocacy programs have been implemented in various jurisdictions as a resource that seeks to help victims understand their options and make informed decisions about their own safety (Tomz & McGillis, 1997; U.S. Department of Justice, 1998). Meetings with victim/witness advocates, then, may foster an environment in which victims are more likely to continue co-operating with the prosecution, leading to fewer dismissals for lack of "prosecutability" (Tomz & McGillis, 1997). This interpretation is supported by the following statements from victims interviewed as part of the evaluation of K Court:

They [victim/witness workers] made me feel comfortable and were encouraging. If not for the victim/witness people, I wouldn't have gone through with it. I had a hard time understanding what was going on. They were patient and explained everything to me. The experience was not as bad as I thought it was going to be because of the support I got from them. (Case 146)

I did not want to testify on the date of the trial. They convinced me that he [her abuser] needed help and would only get that help if I testified against him. (Case 99)

The victim/witness people were very nice and accommodating ... having a victim/witness worker there made it easier for me to face him ... they made the process less intimidating. (Case 313)

She [victim/witness person] was very helpful the day of the trial. She stayed with me through the whole thing and I found this calming. (Case 446)

Finally, for women who have come to believe that their lives will always be filled with violence because there are no other options, advocacy programs such as the Victim/Witness Assistance Program may be able to inform victims about the choices they do have. The following portrays the message given to one woman by VWAP workers:

The victim/witness people explained to me that I have rights and that I don't have to put up with being abused. I always thought that it was my fault ... that I asked for it somehow. I have been beaten my whole life ... I didn't know any better. (Case 166)

Given the importance of victim co-operation in the prosecution of cases of domestic violence shown in this study, future research should continue to explore the ways in which various policies and practices affect victims. In-depth interviews with victims across various research sites, for example, can help shed light on the experiences of victims, allowing us to better understand their goals and needs in the process.

Understanding the Sentencing of Domestic Violence Offenders

Finally, our examination of the data revealed that despite the rise of specialized domestic violence courts in which individuals are trained to recognize the complexities of families, conceptions of what is "good" for families may still be motivating sentencing decisions. For example, we find that judges are more likely to incarcerate offenders who are still intimately involved

with the victim if the victim has suffered serious injuries (see Kingsnorth, MacIntosh & Sutherland, 2002). At the same time, however, there appears to be a reluctance to break apart these families for too long: our data indicate that offenders who are still in a relationship with their victims receive shorter sentences than those who are estranged from their victims. This finding underscores the continued importance of the victim-offender relationship in the sentencing of these cases and, in particular, the importance of relationship status (i.e., estranged or intact) when a violent incident occurs.

A second finding demonstrates that the presence of children increases sentence lengths for male offenders; this pattern stands in contrast to the finding of prior studies that the presence of children *mitigates* sentences for female offenders (e.g., Daly 1987; 1989; Hedderman & Gelsthorpe, 1997). The data suggest, therefore, that being a parent works in different ways for men and women. We speculate that judges might sentence fathers more harshly in cases of domestic violence because of assumptions about the detrimental effects that violence in the home poses for children. This finding may also reflect the differing perceptions of the importance of gender-based roles in child-rearing, with the role of mothers considered more important than the role of fathers. Since our study did not examine judicial motivations for sentencing, future research is needed to shed light on the role of relationships — whether between the victim and offender, or the offender and his/her children — in the sanctioning of domestic violence cases.

Conclusion

In this chapter we discussed the evolution of specialized domestic violence courts in Ontario. Focusing on the first two courts implemented, we described the structure and process of two different specialized court models. Drawing on the data we collected in one specialized court, we then provided an overview of the types of cases heard in this setting and examined the court's efficacy with respect to various goals. It is important to emphasize here that our findings are based on cases processed in one jurisdiction at one point in time. Since the implementation of this court, most other jurisdictions in Ontario have now implemented a specialized domestic violence

court program and it is therefore important to recognize that the findings discussed here may not necessarily reflect the dynamics in other jurisdictions. Similarly, the structure and process of these courts vary across the province and will differ from each other as well as from those in other parts of the country and beyond.

Our findings do, however, have general implications beyond this particular context. Regardless of locale, many specialized domestic violence courts share the same goals and face similar challenges and difficulties in responding to these cases. Our three analyses in this chapter focused on some common concerns in these courts: specifically, the role of victim co-operation in the decision to prosecute, the factors that determine the likelihood that a victim will co-operate with the prosecution and the role of familial and other determinants in predicting the type and length of sentences imposed in these cases.

Our findings also have important policy implications. Given the continuing importance of victim co-operation in prosecutorial decision-making demonstrated here, on a policy level we must begin to pay special attention to the determinants and correlates of co-operation in these settings. As such, two public policy and resource implications flow from these findings that bear repeating. First, our data demonstrate the importance of Victim/Witness Assistance Programs for victim co-operation. Continued evaluations of these programs are, therefore, needed to further specify the relationship between such programs and victims' willingness to co-operate (Sebba, 1996). If these programs are indeed successful in making the criminal justice process less intimidating for victims, it would be logical to increase funding to these and other community-based advocacy agencies that are available to victims. Second, if the availability of videotaped statements has, as we have found, a positive influence on the interaction between prosecutors and victims, then continued and increased use of this procedure in courts would be beneficial. Where this practice has not been instituted, training for police and prosecutors regarding the uses and procedures for such evidence should be undertaken, as well as judicial education on the importance of different types of evidence in the prosecution of domestic violence cases.

To be effective, public policy initiatives and research agendas that seek to improve the criminal justice response to domestic violence and its victims need to listen to the experiences of those who have been through the process.

But first we have to ask what those experiences have been. A key goal for future research is, therefore, a more concerted effort by researchers and policy-makers to seek out and encourage victims to voice their concerns, speak out about their experiences and identify what they see as needed improvements in a system that is, in part, designed to serve their interests as well as the interests of society.

Notes

- 1 A "successful prosecution" refers to those cases in which charges were not withdrawn, even if the victim chose not to testify and where convictions were secured either through a trial or a guilty plea. This is the language used by those involved in the K Court initiative.
- 2 At any given time, there were four prosecutors assigned to K Court in the period of time examined. However, over the course of the year of the evaluation, 13 different prosecutors were assigned to K Court. The court itself was presided over by judges assigned to K Court on a rotational basis for one week each month for a period of three months. This approach is intended to keep the same judges involved in K Court for the length of any one case thereby keeping the case wholly within K Court. At the same time, rotating judges out of K Court during this time avoids identifying them as part of a court designed to successfully prosecute such cases and allows judges to deal with cases other than domestic violence during this period.
- 3 Some of the practices were in place in some or all of the participating police divisions prior to the implementation of K Court, but they were confirmed as priorities for this project.
- 4 For example, in one case, the police videotaped the victim's statement in her hospital room where she was taken as a result of the violent incident and where she was expected to remain for several days.
- 5 This program is funded by the Attorney General of Ontario and is separate and independent of the prosecutors' office. Its mandate is to provide support to victims of crime.
- 6 The only exception to this is cases in which a guilty plea is entered at the bail hearing.
- 7 While operation of K Court actually began in mid-January 1997, it was hoped that a delayed start in case tracking would provide an opportunity for participants in the project to become accustomed to their responsibilities

so that the general principles and operational goals were more likely adhered to by the time case tracking began. We acknowledge that the case outcome data may still reflect, to some degree, the early evolution of the project. However, the first year of operation of any innovative program may be optimal in terms of performance. In other words, people that staff the program may be more highly committed. Over time, it is possible that people become less committed or high turnover means staff members are less well-trained or overwhelmed by workloads. Alternatively, it may be that staff members do not get up to speed on the objectives of the new program until it has been running for some time. Regardless of the situation, it should be noted that the external validity of analysis may be weakened somewhat. Our current research is examining the operation of this court since 2004, but this project is still ongoing.

8 Since data collection relied on notations in the case files, these are conservative estimates of the types of evidence that were collected. For example, the victim's statement may have been collected as evidence but the information was not recorded in the files that were examined.

9 As part of the VWAP's mandate to meet with all victims willing to do so, all K Court victims were contacted by mail or telephone to arrange a meeting with program workers. However, since some victims declined to meet and others could not be located by the VWAP, program workers only met with half the victims in this sample.

10 This variable was missing information in approximately 30% of cases. The procedures used to deal with this missing data and the implications of this are discussed below.

11 It may seem counterintuitive that the average number of days between arrest and trial was longer than between arrest and sentence; however, the latter also includes sentences that resulted from guilty pleas which usually occur much faster than sentences from trial proceedings.

12 In the early intervention courts, emphasis was on the treatment of the offender more so than on vigorous prosecution, however, treatment still involves a guilty plea from the offender and a prosecutorial resolution to the case.

13 We use logistic regression, a technique commonly used for dichotomous and highly skewed outcome variables, which allows us to predict the

odds of an event occurring (Demaris, 1992). For the full paper, please see Dawson and Dinovitzer (2001).

14 The cases for which data were missing on victim co-operation were dropped from the analysis. In this analysis, the variable representing victim co-operation is dichotomized because we are interested in the determinants of any victim co-operation rather than the quality of that co-operation. Victim age (measured in years) and victim sex (female = 1) replace the variables for offender age and offender sex included in the first analysis. All other variables remain identical to the first analysis.

15 As described above, we use OLS regression with a Heckman correction for sample selection bias: the correction model includes those variables that were significant in predicting the likelihood of being sentenced to jail, namely having domestic priors and the offender's employment status. The first equation enters all independent variables used in the model predicting the likelihood of being sentenced to jail.

16 To verify this interpretation, one would need to hear from the prosecutors themselves. While interviews were conducted with prosecutors involved in K Court as part of the larger evaluation, this information was not systematically recorded and, thus, is not available for analysis.

APPENDIX 6.A

Table 6.A1: Logit Estimates of the Effects of Legal, Background Variables and Victim Co-operation on the Likelihood of Prosecution in Cases of Domestic Violence

Variable	Model 1		Model 2	
	Coefficient	Odds	Coefficient	Odds
<i>Def. Characteristics</i>				
Defendant age	-.04** (.01)	.96	-.04** (.01)	.96
Male	1.32** (.43)	3.74	1.34** (.44)	3.81
<i>Case Characteristics</i>				
Weapon used	.06 (.37)	1.06	.20 (.38)	1.22
Domestic prior record	.46 (.40)	1.59	.54 (.42)	1.72
Violent prior record	.53 (.46)	1.70	.46 (.47)	1.59
Non-violent record	-.05 (.35)	.96	.07 (.36)	1.08
Injury	-.08 (.31)	.92	-.03 (.32)	.97
<i>Relationship Type</i>				
Ex-spouse	.22 (.61)	1.25	-.03 (.62)	.97
Common law	-.37 (.36)	.69	-.42 (.37)	.66
Ex-common law	-.99* (.50)	.37	-1.36** (.52)	.26
Boyfriend-girlfriend	-1.20** (.46)	.30	-1.30** (.48)	.27
Ex-boyfriend-girlfriend	-.46 (.60)	.64	-.56 (.62)	.57
<i>Legal Variables</i>				
Victim statement	-.16 (.34)	.85	-.22 (.36)	.81
Witness statement	.55 (.46)	1.74	.49 (.46)	1.63
Photos	.01 (.34)	1.01	-.03 (.35)	.97
Video	.90* (.38)	2.47	.75* (.39)	2.11
Emergency tape	-.23 (.32)	.79	-.34 (.33)	.71
Medical evidence	-.10 (.51)	.90	-.11 (.53)	.89
Other evidence	.19 (.33)	1.20	-.01 (.34)	.99
<i>Missing evidence</i>				
Child witness	.13 (.45)	1.14	.18 (.46)	1.20
Adult witness	.26 (.46)	1.29	.26 (.47)	1.29
Missing witness	-.29 (.32)	.75	-.38 (.33)	.69
<i>Process Variables</i>				
Victim met with VWAP	.17 (.35)	1.22	.19 (.36)	1.27
Victim met with Crown	.77* (.37)	2.15	.53 (.39)	1.69
Victim met with Crown	.01 (.41)	1.01	-.01 (.43)	.98
<i>Victim Co-operation</i>				
Fully co-operated		2.01***	(.50)	7.48
Reluctantly co-operated		.81	(.57)	2.25
Missing co-operation		.22	(.32)	1.25
Constant	1.39 (.71)		1.21 (.73)	
-2 Log Likelihood	379.38		356.26	

*Denotes $p < .05$; ** $p < .01$; *** $p < .001$.

Note: Number in parentheses are standard errors.

Table 6.A2: Logit Estimates of Legal, Background and Victim/Court Process Variables on Victim Co-operation

Variable	Model 1	
	Coefficient	Odds
<i>Victim Characteristics</i>		
Victim age	.02 (.01)	1.02
Female	-.18 (.53)	.84
<i>Case Characteristics</i>		
Weapon used	-.24 (.36)	.79
Domestic prior record	-.68 (.39)	.51
Violent prior record	.23 (.43)	1.25
Non-violent record	-.43 (.35)	.65
Injury	-.38 (.30)	.68
<i>Relationship Type</i>		
Ex-spouse	.95 (.55)	2.59
Common law	.22 (.35)	1.25
Ex-common law	.84 (.58)	2.31
Boyfriend-girlfriend	.03 (.47)	1.03
Ex-boyfriend-girlfriend	.31 (.56)	1.37
<i>Legal Variables</i>		
Victim statement	.27 (.35)	1.31
Witness statement	.65 (.43)	1.91
Photos	.29 (.32)	1.34
Video	.97** (.34)	2.63
Emergency tape	.48 (.32)	1.61
Medical evidence	.37 (.50)	1.45
Other evidence	.38 (.32)	1.46
Missing evidence	.44 (.46)	1.55
Child witness	.10 (.42)	1.11
Adult witness	.05 (.32)	1.05
Missing witness	.26 (.33)	1.11
<i>Process Variables</i>		
Victim met with VWAP	1.16*** (.34)	3.20
Victim met with Crown	-.01 (.35)	.99
Constant	-1.71 (.79)	
-2 Log Likelihood	360.82	

*Denotes $p < .05$; ** $p < .01$; *** $p < .001$.

Note: Number in parentheses are standard errors.

Table 6.A3: Logistic regression predicting the likelihood of being sentenced to jail

	Model 1			Model 2		
	Coef.	Std. Err.	Odds Ratio	Coef.	Std. Err.	Odds Ratio
Relationship Intact	-0.193	0.324	0.825	-0.501	0.351	0.606
Children	0.617	0.391	1.854	0.639	0.397	1.895
Offence Characteristics	0.829	0.438	2.292	-1.115	1.021	0.328
Serious injury	0.599	0.427	1.820	0.648	0.432	1.911
Aggravated sexual assault	0.073	0.466	1.075	0.052	0.470	1.053
Weapons present	0.425	0.482	1.530	0.564	0.489	1.757
Corroborating evidence	-0.006	0.014	0.994	-0.004	0.015	0.996
Offender age	-0.876	0.305**	0.416	-0.910	0.309**	0.403
Offender employed	1.289	0.355***	3.629	1.257	0.356***	3.515
Domestic prior	-0.238	0.342	0.788	-0.196	0.346	0.822
Guilty plea	-0.099	0.371	0.906	-0.209	0.379	0.811
Victim Co-operated	-0.991	0.865	0.371	-0.880	1.089*	10.703
Injury*Intact	-164.126			-161.464	0.874	0.415
Constant	0.126			0.140		
Pseudo R ²						

* p < .05; ** p < .01; *** p < .001 (two-tailed)

Table 6.A4: Heckman selection model predicting sentence length, correcting for those who were not sentenced to jail (jail sentence N = 96; Full model N = 299)

	Model 1			Model 2		
	Coef.	Std. Err.	Coef.	Std. Err.	Std. Err.	
Relationship Intact	-16.990	4.097***	-55.847	29.214	23.325*	
Children	9.271	0.576***	-4.522	29.214	23.325*	
Offence Characteristics	51.228	18.987**	-52.885	71.468	27.126*	
Serious injury	0.405	17.684	56.720	30.294	27.126*	
Aggravated sexual assault	1.152	12.659	-34.278	37.863	30.294	
Weapons present	-14.242	12.845	7.910	37.863	30.294	
Corroborating evidence	-1.543	1.117	-1.169	1.321	1.321	
Offender age	-62.588	26.534*	-3.003	29.263	29.263	
Offender employed	96.615	36.146**	0.902	37.671	37.671	
Domestic prior	-0.818	19.173	-12.626	23.995	23.995	
Guilty plea	-4.214	5.587	3.034	25.885	25.885	
Victim Co-operated	-3.114	9.494	-43.993	26.487	26.487	
Missing data co-operation	-47.789	31.459	-33.341	31.619	31.619	
Missing data employed	66.213	25.131**	134.893	44.667*	44.667*	
Missing data domestic prior	-20.743	37.673	22.281	41.035	41.035	
Missing data kids	40.747	10.797***	79.000	31.944	31.944	
Injury*Intact	18.213	85.714	203.569	99.774*	99.774*	
Constant	14.695	147.320	-0.232	0.604	0.604	
Correction Factor	-711.6294		-734.2123			

* p < .05; ** p < .01; *** p < .001 (two-tailed)