

Statistics for the *Domestic Violence Intervention Act*

Since the *DVIA* came into force on April 1, 2003, the J.P. Centre has processed more than 1000 applications for emergency protection orders at a rate of about 200 - 300 applications per year.

Statistics for the most recent calendar year (2006) are provided below. Where current stats were not available, statistics from 2003-2005 have been used.

January 1, 2006 – December 31, 2006

Number of EPO Applications:	237
Applicants with children:	173 (73%)
Application by Alleged Victim:	234 (99%)
Application by Victim Designate:	1
Application by Transition House Designate:	2

EPO Applications in 2006 by Month

EPO Granted:	134 (57%)
EPO Denied:	88 (37%)
Application Abandoned:	15 (6%)

Timing of Applications¹

95% of EPO applications occur during regular JP Centre hours of 9:00 a.m. – 9:00 p.m. 5% were heard overnight (9:00 p.m. – 9:00 a.m.) by the on-call JP, who proceeded after determining that the application could not wait until morning.

Applicants may have to wait a few hours to be heard, but virtually all applications are heard the same day they are made.

Applications are more frequent on weekdays (90%) than weekends (10%). More applications are received on Mondays than any other day of the week.

72% applications are made within a week of the triggering incident. 19% are made the same day. Less than 15% of applications are made more than three weeks after the triggering incident.

Nature of Domestic Violence Reported

(Numbers do not add up to 100 because applicants may report more than one type of domestic violence.)

Assault: 91 (38%)

Threats: 64 (27%)

Confinement: 30 (13%)

Sexual Assault: 8 (4%)

Stalking: 64 (27%)

In 70% of cases, the triggering incident occurred in the applicant's home, usually the home shared with the respondent.

¹ This data is from April 2003 – March 2005.

Duration of EPO

Most EPO's are issued for the maximum period of 30 days. On application to the Supreme Court, they may be extended for up to an additional 30 days. Extensions are granted about 50% of the time.

Report to Department of Community Services

JPs have a duty to report pursuant to sections 23 and 24 of the *Children and Family Services Act* if they receive information that a child is in need of protective services. Section 16 of the *DVIA* states that “nothing in this Act affects a duty set out in section 23 or 24 of the *Children and Family Services Act*.” JPs made reports to a child protection agency after 14% of EPO applications in 2006.

Applicants²

Women make up 96% of applicants for EPO's, while men make up 4% of applicants. A small number of EPO applications involve same-sex relationships.

Respondents³

93% of respondents are male. Most were 31-40 years of age (41%) at the time of the application, with a median age of 38. 29% of respondents were aged 41-50. 20% were aged 30 or under at the time of the application. The least represented age group was respondents over 51 (only 10% of respondents).

Approximately 33% of respondents had a criminal record at the time of the application. Criminal record status was unknown in 18% of cases. The respondent was in custody when the application was made in only 6% of cases, generally in relation to the triggering event. In close to three-quarters of cases, the triggering incident was not the first incident of domestic violence in the relationship.

² This data is from April 2003 – March 2005.

³ This data is from April 2003 - March 2005.

Children⁴

Applicants had children in 67% of cases. The number of children involved ranges from 1-6, with a median of 2 children. The median age of the children is 8 years old. Applicants were slightly more likely to have an EPO granted where there were children involved (67% of cases versus 78% of granted applications).

Most Common Conditions of EPO's

Section 8(1) of the *DVIA* sets out the statutory conditions that can be imposed in an EPO. Section 8(1)(l) provides broad discretion to a J.P to order “any other thing... [considered] necessary to ensure the immediate protection of the victim or any child.”

The following list sets out how frequently each condition was ordered in EPO's granted in 2006:

93% Restrain from committing further domestic violence

92% No contact with victim (and possibly others)

87% Remain away from a particular place

75% Publication ban on identifying victim

51% Exclusive occupation of family home

46% Police escort to remove belongings

31% Police to remove respondent from residence if necessary

22% Temporary custody of children

20% Restrain from taking, converting, damaging property

⁴ Except for the number of cases involving children, this data is from April 2003 – March 2005.

- 17% **Other (basket clause – can be used to provide for some form of access if custody is addressed in the EPO)**
- 16% **Temporary possession or control of specific property (e.g. car, keys, bank accounts, utilities, and effects – the most commonly cited items are cars and keys)**
- 10% **Police to seize weapons and documents authorizing the respondent to possess weapons**

Supreme Court Review⁵

The *DVIA* provides for mandatory review of all EPO's by a Supreme Court Justice within 7 business days. The vast majority of EPO's are confirmed on review.

Confirmed on review:	91%
Hearing ordered after review:	5.6%
Varied on review (no hearing):	3.4%

Variations without hearing are typically non-substantive – e.g. corrections to make the order conform to the decision, etc.

Hearing Requested before review: 17%

The percentage of EPO's going to hearing is higher than 5.6% because hearings can be requested before the review occurs. Hearings may also be requested after the mandatory review.

Supreme Court Hearing Results

I do not have data on the total number of review hearings in Supreme Court. The parties are self-represented at most review hearings.

⁵ This data is from April 2003 – March 2005.

In 58% of review hearings the EPO is confirmed with no change or continued, but varied in some respect. In 32% of review hearings the EPO is revoked or terminated.

Supreme Court justices have the power under s.12(4) *DVIA* to extend the EPO for up to another 30 days after expiry of the original order. Extensions are seldom requested at hearings; where they are, they are as likely to be granted as denied.

EPO confirmed with no change:	32%
EPO continued but varied:	26%
EPO revoked or terminated:	32%
EPO extended:	5%
Extension requested and denied:	5%

Breaches of EPO's

Charges for breaching the terms of an EPO are still relatively uncommon.

In 2003-04 seven respondents were charged with breaching one or more provisions of an EPO. Three of the charges were later withdrawn by the Crown, three went to hearing with the defendant being acquitted, and a defendant was sentenced in one case. It is not clear whether this was a conviction after trial or a guilty plea.