

# **Police-reported Spousal Violence Incidents in B.C. in which Both Partners are Suspects/Accused**

## **An Exploratory Study**

**July 2009**

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## Disclaimer

This research report was prepared by **Linda Light**. The views or opinions expressed in this report are those of the author and do not necessarily represent those of the British Columbia Ministry of Public Safety and Solicitor General.

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Finally, special thanks are due to police and to staff of the Community Coordination for Women's Safety Program of the Ending Violence Association of BC for the important work they have done to address this issue over the past number of years.

Note: Based on research completed in April 2008.

# Key Informants

## **Abbotsford Police Department**

Chief Constable Ian MacKenzie

## **BC Association of Chiefs of Police**

Deputy Chief Constable Mike Chadwick, Saanich Police Department  
President, BC Association of Chiefs of Police

## **Ending Violence Association of BC**

Gail Edinger, Regional Coordinator, Community Coordination for Women's Safety  
Michelle Novakowski, Regional Coordinator, Community Coordination for Women's Safety  
Tracy Porteous, Executive Director, Ending Violence Association of BC  
Gisela Ruebsaat, Issues Analyst, Community Coordination for Women's Safety

## **Criminal Justice Branch, Ministry of Attorney General**

Jocelyn Coupal, Domestic Violence Resource Counsel

## **RCMP**

Cst. Colin Kent, Quality Assurance, Burnaby RCMP  
Inspector Richard Konarski, Operations Support Officer, Langley RCMP  
Cst. Erica Moore, Domestic Violence Unit, Surrey RCMP

## **Police Services Division, Ministry of Public Safety and Solicitor General**

Christal Engleder, A/Program Manager, Standards and Evaluation Unit  
Iain James, Research Officer, Standards and Evaluation Unit

## **Vancouver Police Department**

Inspector Mike Cumberworth, Special Investigation Section  
Volker Helmuth, Director, Planning, Research and Audit Section  
Deputy Chief Constable Doug LePard, Investigation Division  
Detective Pamela McCafferty, Domestic Violence Unit  
Sergeant Rich Rabinovitch, Domestic Violence Unit  
Chrissy Thorsteinson, Community Counsellor, Domestic Violence Unit  
Correen Yedon, Planning Analyst, Planning, Research and Audit Section

# Executive Summary

The purpose of this study was threefold:

- To enhance our understanding of the police practice of identifying both partners in a relationship as suspects<sup>1</sup> in incidents of spousal violence<sup>2</sup>, the implications of this practice, and what has been done to inform that practice
- To determine whether or not a problem exists with respect to dual suspects in police-reported incidents of spousal violence, and if so, the nature and extent of this problem
- To develop recommendations to address this situation, based on analysis of statistical data on dual suspects/accuseds in spousal violence cases in BC police jurisdictions and on discussions with key informants.

Published police-reported crime data show that provincial proportions of dual suspects in spousal violence in BC remained relatively constant from 1995 to 2005 (Ministry of Public Safety and Solicitor General, Police Services Division, 2006). One possible explanation for community concern in the face of this relative stability of provincial proportions of dual suspect incidents is that variation from jurisdiction to jurisdiction may exist within the context of a relatively stable provincial proportion that masks high proportions in some jurisdictions.

The results of the study confirmed that there is a wide variation from jurisdiction to jurisdiction across BC in terms of both proportions of police-reported spousal violence incidents involving dual suspects and proportions of these cases recommended for charge. The total provincial figures from 2000 to 2005 for dual suspects as a percentage of total spousal violence incidents in these cases ranged from a low of 7.7% to a high of 10.2%. During this same period, proportions of dual suspects in spousal violence cases in individual BC policing jurisdictions in at least one of these years ranged from 0% to 22.9%. Caution should be exercised in the interpretation of these figures as, when numbers are small, small changes in volume can result in large variations in percentages.

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<sup>1</sup> The terms commonly used to refer to this issue are “dual arrest” or “dual charges” rather than “dual suspects” or “dual accused”. However, available provincial statistics refer only to those who have been identified as a suspect or formally accused in an RCC (Report to Crown Counsel) recommending charges in police-reported spousal violence incidents, not to those who have been arrested. “Suspect” refers to a person who has been identified as a possible offender, but charges have not (yet) been recommended or laid. “Accused” refers to a person against whom charges have been formally recommended by police.

<sup>2</sup>There are a number of terms commonly used to describe violence in intimate relationships. The term “spousal violence” is used in this report because it is the term used by Police Services Division in its production of statistics on this subject. While it is acknowledged that some incidents of violence in relationships are perpetrated by women against their male or female partners, it is also recognized that violence in intimate relationships is a gender-based crime, in that men are most often the perpetrators and women are most often the victims. The use of the term “spousal violence” is not intended to obscure the primarily gendered nature of this crime.

The study results also confirmed community concerns that higher proportions of dual suspects in these cases are likely to result in lower charging rates.<sup>3</sup> During this period, the jurisdictional cleared-by-charge rates for all spousal violence incidents ranged from 82% in 2000 down to 71% in 2005. For male accuseds, this rate ranged from 88% in 2000 down to 79% in 2005. For incidents involving dual accused, however, the jurisdictional cleared-by-charge rate ranged from 55% in 2000 down to 40% in 2005. In other words, when there is a single male accused in a spousal violence incident a much higher percentage of total incidents (approximately 80%) are cleared by charge than when there are dual accuseds, where the percentage of those cleared by charge is about half that (approximately 40%).

The background to this project is that for some years, the anti-violence community has expressed concern about what some front-line workers perceive as high levels of police-reported spousal violence incidents where both partners are named as suspects. Police primary aggressor policy has been one response to this concern. Another response has been police training, and analysis and training developed by the Community Coordination for Women's Safety Program.

The potential impact on victims of police identifying both partners as suspects in spousal violence incidents is far-reaching, whether or not charges are laid against her. Possible impacts include:

- Lower charging rates<sup>4</sup> for male offenders
- Increased police liability if charges are not laid and violence increases
- Re-victimization of women
- Reduced likelihood that women will call the police again, resulting in decreased victim safety
- Involvement of child protection authorities
- Reinforcement of offenders' power and control over women resulting in increased violence
- Reduced access to victim services, as some programs do not serve victims who have been identified as suspects and police may not refer such a woman to victim services.

(Alberta Justice, 2005; Community Coordination for Women's Safety, 2007; Neilson, 2004).

This project examined provincial police statistics, broken down by police jurisdiction, on spousal violence incidents where both partners were named as suspects (Ministry of Public Safety and Solicitor General, Police Services Division, 2008). It identified jurisdictional variations, including jurisdictions with especially high or low proportions of dual suspect incidents relative to the provincial average, from 2000 through 2005.

Discussions were held with 19 key informants from the police, the victim support community, and Police Services Division, in order to better understand the jurisdictional variation in police incidents

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<sup>3</sup> In general usage, the terms "rates" and "proportions" are used inter-changeably. In this report, the term "proportion" is used in relation to the percentage of spousal violence incidents identified as involving dual suspects. The term "rate" is used to refer to the percentage of spousal violence incidents recommended by police for charging. This usage is consistent with the commonly used terms "cleared-by-charge rates" or "clearance rates".

<sup>4</sup> Ibid.

where both partners were named as suspects, the perspective of victim service providers, and the statistical challenges and opportunities.

The identification of dual suspects/accused in spousal violence cases cannot be examined in isolation from a general police response to domestic violence. Police understanding of domestic violence incidents as complex, high-risk cases requiring thorough investigation, risk assessment, and primary aggressor analysis is fundamental to the issue of dual suspects in these cases. Enhancement and consolidation of efforts to create the most effective response possible to spousal violence cases, including high quality training, inter-agency coordination, and consistent monitoring, will address the issue of dual suspects, dual arrests, and dual charging.

Study recommendations address training, coordination, innovative strategies to create an optimal response to spousal violence, and further research on statistical data collection including a review of files in selected jurisdictions.

Enhanced spousal violence investigation training should:

- include a focus on power and gender dynamics, primary aggressor analysis, the negative impacts of identifying two suspects, risk assessment, and the dangers these cases hold for women
- be based on existing successful models
- be of sufficient duration
- be developed and delivered in collaboration with community-based victim services and Crown counsel.

A coordinated approach to creating the most effective response possible to spousal violence cases might include such innovative strategies as: consistent messaging from police leadership; audits; internal file review and follow-up; dedicated units/personnel; partnerships; protocols, checklists, and risk assessment tools; and use of gender-specific language. A focus on primary aggressor analysis and on the potential impact of identifying two suspects/accused in spousal violence cases should always be included in strategies to address these cases.

Finally, a recommendation calls for further research on statistical data collection including the review of police files in selected jurisdictions focusing on the identification of dual suspects in spousal violence incidents.

# 1 Introduction

## Purpose of the research

The purpose of this research was threefold:

- To enhance our understanding of the police practice of identifying both partners in a relationship as suspects<sup>5</sup> in incidents of spousal violence<sup>6</sup>, the implications of this practice, and what has been done to inform that practice
- To determine whether or not a problem exists with respect to dual suspects in police-reported incidents of spousal violence, and if so, the nature and extent of this problem
- To develop recommendations to address this situation, based on analysis of statistical data on dual suspects/accuseds in spousal violence cases in BC police jurisdictions and on discussions with key informants.

## The research question

The research sought to answer the following question: “What is the cross-jurisdictional variation in dual suspect/accused proportions in police-reported incidents of spousal violence in BC, and what are the implications of any such variation?”

## Background

### Dynamics of violence against women in relationships

Spousal violence is a power-based crime. It is a crime based on the abuse of power, usually by the male partner in the relationship, directed at the female partner. Therefore, it is also a gender-based crime. The use of fear – through the use of physical and emotional violence and both explicit and implicit threats – is always part of the dynamics of spousal violence against women.

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<sup>5</sup> The terms commonly used to refer to this issue are “dual arrest” or “dual charges” rather than “dual suspects” or “dual accused”. However, available provincial statistics refer only to those who have been identified as a suspect or formally accused in an RCC (Report to Crown Counsel) recommending charges in police-reported spousal violence incidents, not to those who have been arrested. “Suspect” refers to a person who has been identified as a possible offender, but charges have not (yet) been recommended or laid. “Accused” refers to a person against whom charges have been formally recommended by police.

<sup>6</sup> There are a number of terms commonly used to describe violence in intimate relationships. The term “spousal violence” is used in this report because it is the term used by Police Services Division in its production of statistics on this subject. While it is acknowledged that some incidents of violence in relationships are perpetrated by women against their male or female partners, it is also recognized that violence in intimate relationships is a gender-based crime, in that men are most often the perpetrators and women are most often the victims. The use of the term “spousal violence” is not intended to obscure the primarily gendered nature of this crime.

Investigation and assessment of what is going on in any case of spousal violence must take account of these dynamics. Investigation and assessment in these cases cannot be undertaken outside of this context. For example, while women may use violence in their relationships (see, for instance, Statistics Canada, 2001), this violence must be seen within the context of which partner has the most power in the relationship; who has the most potential for harming the other; what has been the ongoing dynamic of violence, fear, and coercion in the relationship; who has been most seriously injured; and who is the primary rather than the first aggressor.

## **Potential impact of identifying dual suspects in spousal violence incidents**

The potential impact on victims of police identifying both partners as suspects in spousal violence incidents is far-reaching. These impacts may result from simply identifying the woman as a suspect, whether or not charges are laid against her. Possible impacts include:

- Lower charging rates<sup>7</sup> for male offenders
- Increased police liability if charges are not laid and violence increases
- Re-victimization of the woman
- Reduced likelihood that the woman will call the police again for assistance, resulting in decreased victim safety
- Involvement of child protection authorities
- Reinforcement of the offender's power and control over the woman resulting in increased violence against the women
- Reduced access to victim services, as some victim service programs are discouraged or prevented from providing services to victims who have been identified as suspects and police will be less likely to refer a woman who is identified as a suspect to victim services.

(Alberta Justice, 2005; Community Coordination for Women's Safety, 2007; Neilson, 2004).

## **Concern in the community**

Concern has been expressed by the victim support community that the proportion of dual suspects identified in spousal violence incidents has increased over the past several years. This concern, which appears to be supported by anecdotal evidence, has been expressed, for example, by staff at Community Coordination for Women's Safety (CCWS) who are in close communication with victim-serving organizations around the province (Community Coordination for Women's Safety, 2007).

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<sup>7</sup> In general usage, the terms "rates" and "proportions" are used inter-changeably. In this report, the term "proportion" is used in relation to the percentage of spousal violence incidents identified as involving dual suspects. The term "rate" is used to refer to the percentage of spousal violence incidents recommended by police for charging. This usage is consistent with the commonly used terms "cleared-by-charge rates" or "clearance rates".

## The statistics

A Police Services Division statistical report states that the provincial proportions of male offender, female offender, and dual offender spousal violence incidents have remained relatively constant at 74%, 16%, and 10% respectively since 1995 (Ministry of Public Safety and Solicitor General, Police Services Division, 2006).

One possible explanation for community concern in the face of the relative stability of the proportions of dual suspect incidents from 1995 through 2005 may be that anecdotal evidence is not supported by statistical evidence. Another explanation may be unreliable statistics. Yet another explanation may be that jurisdictional variation has resulted in high proportions of police-reported dual suspect incidents of spousal violence in some police jurisdictions but not in others, leading to a relatively stable provincial proportion of dual suspect incidents that masks higher proportions in certain jurisdictions. It may also be that proportions of dual suspect spousal violence incidents have risen more dramatically since 2005, but data for 2006 and 2007 were not available at time of writing.

## Policy

Policy is related to the issue of dual suspects in spousal violence incidents in a number of important ways, including: the possible impact of pro-charge policies; the development of primary aggressor policy; and the importance of flagging these cases.

### ***Pro-charge policies***

It has been suggested that policy changes have been in some part responsible for increases in the identification of both parties as suspects in police-reported incidents of spousal violence or in dual arrest or dual charges in these cases (Miller, 2001). While justice system policy revisions introduced in BC in the early 1990s took a proactive approach to violence against women in relationships, BC policy in this area has never been one of “zero tolerance”. However, the term “zero tolerance” began to be commonly used in this province and elsewhere around that time, for example in the report of the federal panel on violence against women, *Changing the Landscape* (Canadian Panel on Violence Against Women, 1993).

It has been speculated that it was an interpretation of the term “zero tolerance to domestic violence” that led to the unintended consequence of an increase in the identification of “mutual battering” and consequently increases in the proportions of dual suspects, dual arrests, and, to a lesser extent, dual charges in spousal violence cases.

### ***Primary aggressor policy***

Policy has also been an important response to concern about dual suspects and dual charging in spousal violence cases, including the RCMP “E” Division *Primary Aggressor Policy* and similar policy in some municipal police forces. A primary aggressor policy was included in the RCMP’s

*Violence in Relationships (VIR) Policy* after the Ghakal murders in Vernon in 1996, to assist with police decision-making in these cases.<sup>8</sup> The RCMP policy:

- Explains that “primary aggressor” means the person who is the most compelling rather than the first aggressor
- Cautions members against accepting an argument of mutual aggression
- Advises that each case should be subject to full investigation to determine what happened, who is most vulnerable, and who, if anyone, should be arrested
- Says that members should be prepared to support their identification of the primary aggressor with observations and reasons, including:
  - The intent of the law and policy designed to protect victims of relationship violence
  - Who has suffered the most extensive physical and/or emotional damage and received treatment for that injury
  - Who has superior physical strength and skills for effective assault
  - What is the history and pattern of abuse in the relationship?

The provincial *Violence Against Women in Relationships (VAWIR) Policy* does not include policy on primary aggressor analysis. Therefore, while some municipal forces have a primary aggressor policy, municipal police lack a province-wide policy on this matter.<sup>9</sup>

Two examples of municipal police policy in this area are included here by way of illustration only. The Vancouver Police Department *Relationship Violence Policy* includes a provision that cautions members “against accepting an argument of mutual aggression rather than determining who is at the most risk and who should be arrested”. The Abbotsford Police Department *Domestic Disputes-Violence Against Women in Relationships (VAWIR) Policy* includes a provision on “Mutual Battering”:

*Frequently the investigating officer will be faced with an incident where the suspect alleges that he has also been assaulted by the woman. To arrest both parties in apparent compliance with the VAWIR policy is simplistic and inappropriate. Members must fully investigate the incident and determine who has control in the relationship. Where the evidence indicates that the woman was protecting herself from real or threatened violence, members should not arrest her, unless the assault is serious. Members should normally only arrest and charge the aggressor.*

Crown counsel in BC do not have a policy on primary aggressor in domestic violence cases. One of the responsibilities of a newly appointed Domestic Violence Resource Counsel is to develop proactive practice guidelines or directives in this area. However, *Crown Counsel Policy on Spouse Assault* states:

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<sup>8</sup> Anecdotal evidence indicates that not all RCMP members are aware of this policy and/or that not all members adhere to this policy (Critical Components Project Team, 2008). No attempt has been made in this study to assess members’ awareness of or adherence to this policy.

<sup>9</sup> There was not a systematic attempt in this study to ascertain whether and which municipal police forces have primary aggressor policy.

*Mutual recognizances are generally inappropriate and mutual charges arising out of the same incident should generally not be approved.*

### **Coding of spousal violence incidents**

As spousal violence or spousal assault do not constitute discrete *Criminal Code* offences, statistics on these incidents depend upon them being coded as spousal incidents<sup>10</sup>. This coding may be done by police or by records staff, depending on the way in which scoring and records are managed within a police department/detachment.

The Police section of the provincial *Violence Against Women in Relationships (VAWIR) Policy* includes two provisions that relate to the coding of these cases as spousal incidents.

In *D. Investigation/Charge*, provision 17 says:

*The policing agency should designate the RCC with a “K” designation to assist Crown counsel in expediting these matters.*

In *G. Monitoring*, provision 35 says:

*All “spouse assault” complaints should also be coded in such a manner that case trends and dispositions are retrievable.*

Files to be so coded are clearly defined in the VAWIR policy:

*For the purposes of this policy, violence against women in relationship is defined as physical or sexual assault, or the threat of physical or sexual assault of women by men with whom they have, or have had ongoing or intimate relationships, whether or not they are legally married or living together at the time of the assault or threat. Other behavior, such as intimidation, mental or emotional abuse, sexual abuse, neglect, deprivation and financial exploitation, must be recognized as part of the continuum of violence against young and elderly women alike.*

This definition is further refined in a footnote in the policy which says, in part:

*In addition to addressing violence against women in heterosexual relationships, the policy is intended to prompt action to eliminate violence against males in homosexual relationships, against vulnerable males in heterosexual relationships, and against women in lesbian*

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<sup>10</sup> The VAWIR policy and RCMP VIR/VAWIR refer to these files as “K” files. In the past within the PIRS/OSR records management system, the RCMP depended upon coding all cases using DK85 and DK86 codes, depending on the gender of the victim, and files in which a recommendation for charge was forwarded to Crown, a K suffix was added to the incident number. Under the current PRIME (Police Records Information Management Environment) records management system, files are coded as spousal incidents within the Family Violence table, or via the victim/offender relationship field of the Victim’s table. Incidents in which a charge is recommended to Crown can no longer be identified with a K-suffix on the incident number as the file transfers through the JUSTIN interface; however, police indicate the spousal violence nature of the charge directly on the attachments page that is forwarded to Crown. Crown counsel use the term “K” files. It is important to note that the term “K-file” was intended to identify cases forwarded from police to Crown for charges that were spousal in nature.

*relationships. Therefore, this policy also applies where the victim of relationship violence is male or both partners are of the same sex and where the same dynamic described above exists.*

RCMP policy is equally explicit. RCMP “E” Division’s *Violence in Relationships (VIR) Policy* also requires a “K” to be included in the RCC. The *RCMP Policy Operations Manual Ch. 2. Provision 7.10.3.3.1* also says:

*The BC Ministry of Public Safety and Solicitor General has requested the ‘K’ file flagging system to better identify VIR/VAWIR cases.*

Further, the RCMP “E” Division *Violence in Relationships Checklist*, appended to the VIR Policy, includes a box to be checked by the member to indicate that the member has identified the file as violence in relationships, as well as a box for the supervisor to check to ensure that both the police file and the RCC have been flagged as a “K” file.

However, the issue of flagging spousal violence incidents has become more complex since police in BC have adopted PRIME as their information management system.<sup>11</sup> In *Keeping Women Safe: Eight Critical Components of an Effective Justice Response to Domestic Violence*, this issue is raised as a significant impediment to monitoring and evaluation of the handling of these cases.

*Under PRIME there is currently no electronic mechanism to modify a police file number to add the “K” suffix. Under the General Occurrence (GO) field in PRIME there is an ability to flag the file as “family violence” with a series of subcategories including “spousal/partner abuse assault”. The inconsistent use of terminology between the policies on the one hand, and the data management systems on the other, in terms of how to designate spousal files is potentially problematic and confusing for justice system personnel and researchers. Also, there is further inconsistency between justice agencies in how to designate these files. Criminal Justice Branch (Crown prosecutors) still use the “K” file to flag these cases. There is also evidence that police use of the GO flags for domestic violence cases under PRIME is not consistent (Light & Ruebsaat, in press). (Critical Components Project Team, 2008).*

The Report goes on to point out that, although Criminal Justice Branch appears to be using the “K” file designation, a requirement to do so is not included in policy. As Criminal Justice Branch effectively withdrew from the provincial VAWIR policy in 2003 and developed its own spouse assault policy, the Branch is currently developing a definition of spousal violence to help ensure consistency across the justice system in terms of identifying these cases.

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<sup>11</sup> During the time period examined in this study, some jurisdictions were already “live on PRIME” while others had not yet converted to PRIME and were still using PIRS (Police Information Retrieval System), the police information management system that was used prior to the introduction of PRIME. Prior to PRIME, spousal violence incidents were coded with a special code identifying them as spousal violence incidents involving a male suspect, a female suspect, or both (see footnote 10 about DK coding). Further, a K-suffix was added to the incident number for those incidents that were recommended. These special codes permitted easy identification and retrieval of these files within the records management system. Police Services Division reports that the PRIME GO Family Violence Table or the victim/accused relationship field on the Victim Table provide the means by which incidents are scored for domestic violence characteristics. These tables can be queried or browsed upon. However, unlike the previous system, a K-suffix cannot be added to the incident number on RCCs that are forwarded to Crown. Agencies have adapted their methods for achieving this, and it is often identified on the “Attachments Page” that is forwarded to Crown to accompany the electronic RCC.

It is self-evident that statistical reporting systems are only as strong as the data that are entered into them. Without consistent use of a spousal violence flagging system that is uniform across all criminal justice agencies in the province, there may be inadequate tracking of these cases through the system for safety purposes.

## Training

Police domestic violence training at all levels, for both RCMP and municipal forces, incorporates a focus on the power dynamics of domestic violence, including the issue of primary aggressor. Training for municipal police is conducted primarily through the Justice Institute of BC. This training includes training on BC policies, including the *Violence Against Women in Relationships (VAWIR) Policy*. However, RCMP recruit training is based in Regina and, while the recruits receive training on the investigation of domestic violence cases, this training does not include BC-specific policies. Any training on BC policies, such as the VAWIR policy, occurs once new recruits have arrived in BC.

A training course is currently being piloted in Langley. This training, *Domestic Violence Risk and Threat Assessment*, represents a partnership between Langley RCMP and Crown counsel. Training will be presented by a Crown highly experienced in this issue and provided to the entire Detachment. Investigation and assessment of domestic violence incidents involving potentially two suspects is a significant component of this training. Monitoring and evaluation of the impact of the training on practice is planned as part of this pilot.

Training on “primary aggressor” analysis in violence against women in relationships cases has been developed by CCWS. This training, *The Dilemma of Dual Arrest*, has been undertaken over the past five years by CCWS. The training has been done in locations across the province, in response to invitations from local communities, and has included both police and community service providers.

One-day training has been provided to inter-disciplinary audiences, including members of local Violence Against Women in Relationships (VAWIR) Committees in the following regions: East Kootenays; Mid-Island; Prince George; Robson Valley; Sunshine Coast; Upper Fraser River Valley; Vanderhoof; and West Kootenays, as well as at provincial and national conferences. The training has been adapted to a half-day format directed to police and delivered, to date, at the Oceanside RCMP Detachment (Parksville/Qualicum Beach).<sup>12</sup>

There has also been an agreement in principle between CCWS and RCMP “E” Division that the training will be presented, in a 45-minute format, to RCMP police supervisors’ annual training (Program Oriented Work Planning Meeting or POWPM).

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<sup>12</sup> No systematic attempt has been made in this study to determine the impact of this training on police identification of dual suspects in these cases.

## Dedicated units/personnel

Dedicated domestic violence units have existed in the New Westminster Police Department and the Vancouver Police Department for some years. These units consist of a partnership between dedicated police members and community counsellors who work within the police department. While the counsellors work in partnership with members, they report to a community agency. In New Westminster, the Domestic Violence Response Team also works in conjunction with a dedicated Crown counsel.

Domestic violence units are currently being developed in other police jurisdictions across BC, supported in part by Victim Services and Crime Prevention Division of the Ministry of Public Safety and Solicitor General.

In other police jurisdictions, other specialized approaches have been adopted or are under consideration. These include individual members dedicated to this issue, who will usually have the responsibility to review and oversee these files and/or directly handle high-risk domestic violence files. In Langley, for example, as part of the pilot project there is not only a dedicated RCMP member but also a dedicated Crown counsel to deal with charge approval on all domestic cases. In addition, there will be a series of investigative protocols developed that will become the standard operating procedure for all domestic violence investigations. If the pilot demonstrates success, the intent is to introduce the same approach in Surrey, White Rock, and Delta, as all three police agencies send their cases to the Surrey courthouse.<sup>13</sup>

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<sup>13</sup> No systematic attempt has been made in this study to determine the impact of dedicated domestic violence units on police identification of dual suspects in these cases.

## 2 Methodology

Two primary sources of data were used as the basis of this research:

- Statistics obtained from Police Services Division of the Ministry of Public Safety and Solicitor General on incidents of spousal violence
- Interviews with key informants from Police Services Division, police, and the victim support community.

### The statistical analysis

Statistics were obtained from Police Service Division<sup>14</sup> on police-reported incidents<sup>15</sup> of spousal violence involving male offenders, female offenders, dual offenders, and total reported incidents, broken down by policing jurisdiction, for the years 2000 through 2005<sup>16</sup> inclusive. The intent of the analysis was to examine the provincial statistics for jurisdictional variations that might provide some insight into the victim support community's perception of rising proportions of dual suspect/accused police-reported spousal violence incidents.

For the purposes of this study, statistics for municipal and provincial policing jurisdictions for a specific area were combined; for example, Nanaimo Municipal and Nanaimo Provincial policing jurisdiction were combined under Nanaimo. Dual suspect incidents as a percentage of total spousal violence incidents were calculated for all policing jurisdictions reporting 60 or more spousal violence incidents in at least one of the reporting years.<sup>17</sup> Those jurisdictions with high and low proportions of dual suspect incidents were identified. See Table 2 for a list of these jurisdictions and their dual suspect statistics.

The cleared-by-charge data tell us in how many and in what percentage of incidents police recommended charges and how many offenders were charged for all spousal violence incidents and for incidents involving male offenders, female offenders, and dual offenders.

The intent of this analysis was not to identify those jurisdictions with high and low proportions of dual suspect spousal violence incidents. The intent was to look at the range of variation in dual

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<sup>14</sup> Police Services Division provided statistics from an OSR/PIRS (Operational Statistical Reporting/ Police Information Retrieval System) records system extract, based on UCR Survey offence reporting rules. Notably, the OSR/PIRS data is not "official crime data" as it has not been supplied to Statistics Canada nor has it undergone any of their data processes.

<sup>15</sup> Police incidents are those reports to police that generate a police file, are "founded", and are recorded as a police statistic. They include incidents that are eventually cleared by charge, cleared by other means, or not cleared. Incidents that are cleared by charge are those that police recommend to Crown counsel for charges. This does not necessarily mean that charges were approved by Crown counsel.

<sup>16</sup> At time of writing, 2005 was the most recent year for which statistics were available from Police Services Division as this was the final year in which viable data at the provincial level was available due to the transition from OSR/PIRS reporting to the PRIME records management system in agencies across the province.

<sup>17</sup> This threshold was selected in order to render the volume of data manageable for purposes of this exploratory study and to ensure that the volume of cases was large enough to provide a basis for meaningful analysis.

suspect proportions across provincial jurisdictions in order to better understand and illustrate how concerns about rising proportions of dual suspects in these cases are consistent with provincial proportions that do not show a dramatic rise.

Similarly, the analysis of cleared-by-charge rates in dual suspect spousal violence cases was not intended as an analysis of all cleared-by-charge rates across the province in order to compare jurisdictions. One intention was to compare jurisdictional cleared-by-charge rates for all spousal violence incidents with those for dual suspect incidents in order to determine whether there is a reduced likelihood of charging in dual suspect incidents. It was also intended to look at variation across selected jurisdictions to better understand and illustrate how jurisdictional variation in cleared-by-charge rates for dual suspect spousal violence incidents is consistent with provincial trends. It was further intended to examine the problems associated with cleared-by-charge rates in dual suspect spousal assault cases in terms of identifying whether one or both spouses were charged.

## Discussions with key informants

In order to gain further insight into the nature of the problem and its possible resolution from a number of perspectives, once the data had been subject to preliminary analysis, discussions were held with 19 key informants. The goal of these discussions was to better understand the jurisdictional variation in police incidents where both partners were named as suspects, the concerns of those working in the victim support field, and the statistical challenges and opportunities. Discussions were arranged with key informants from jurisdictions showing both high and low proportions of dual suspects in these cases, as well as from the Vancouver Police Department.

These key informants included:

- Police personnel in some of the jurisdictions of particular interest based on the preliminary results of the analysis of the statistical data
- Personnel working on this issue from the perspective of the victim support community
- Police Services Division personnel who provided the customized data extract of UCR data from OSR/PIRS Master Detail File on which this analysis was based

A complete listing of the key informants can be found in the *Key Informants* section on page iii.

Discussions with key informants were conducted by telephone or, in the case of the Vancouver Police Department, through small, in-person meetings. Discussion was informal, focusing on:

- Respondents' reactions to the preliminary results of the data analysis, including both the substantive findings and the statistics on which they were based
- Possible reasons for high and low proportions of dual suspects in these cases
- Any concerns about the issues of dual suspects and primary aggressor and steps being taken to address these issues, including quality control, supervision, and training
- Statistical challenges and strengths, including accuracy, timeliness, access, and consistency
- Other insights or concerns about dual suspects/charging in these cases.

### 3 Results

This chapter includes the results of both the statistical analysis and the key informant discussions.

#### Results of the statistical analysis<sup>18</sup>

Total provincial figures from 2000 to 2005 for dual suspect incidents as a percentage of total spousal violence incidents in these cases ranged from a low of 7.7% in 2002 to a high of 10.2% in 2005 (See Table 1). From 2000 to 2005 the percentage increase in the *number* of dual offender spousal assault incidents was 16%.<sup>19</sup>

**TABLE 1**  
**Provincial totals for police-reported spousal violence incidents identifying dual suspects<sup>20</sup>**

Year	Total no. of police-reported spousal violence incidents	No. of spousal violence incidents identifying two suspects	Spousal violence incidents identifying two suspects as a % of total spousal assault incidents
2000	10,173	904	8.9%
2001	9,953	783	7.9%
2002	9,075	700	7.7%
2003	9,186	782	8.5%
2004	9,417	900	9.6%
2005	10,273	1,045	10.2%

As speculated, proportions of dual suspect spousal violence incidents varied widely from jurisdiction to jurisdiction. During that same time period, the proportions for dual suspects in these cases in individual jurisdictions<sup>21</sup> in any one of these years ranged from lows of 0% in Fort St. James, Hope, Merritt, Port Hardy, Smithers, and Vanderhoof; .9% in Abbotsford; 1.1% in Fort Nelson and Saanich; 1.3% in Prince Rupert; 1.4% in Salmon Arm; and 1.5% in New Westminster to highs of 22.9% in Whistler; 21.2 % in Maple Ridge; 19% in Campbell River; over 18% in Courtenay and Dawson Creek; and over 17% in Coquitlam/Port Coquitlam, Cranbrook, Dawson Creek, Langley, Powell River, Quesnel, and Surrey.<sup>22</sup>

<sup>18</sup> Unless otherwise specified, the statistics cited in this section were provided on request from Police Service Division in 2008. See Footnote 16.

<sup>19</sup> Sources of this customized unofficial data, prepared by Police Services Division are OSR/PIRS Master Detail Files from RCMP Headquarters, Ottawa; Records Information Section, PRIME – BC Jurisdictions. With the transition to PRIME records management system, OSR/PIRS system data was no longer available after 2005.

<sup>20</sup> These statistics are based on those incidents that were flagged as reporting spousal violence.

<sup>21</sup> Statistics are based on jurisdictions reporting at least 60 spousal violence incidents in at least one of the years from 2000 to 2005.

<sup>22</sup> Caution should be exercised in the interpretation of these figures as, when numbers are small, small changes in volume can result in large variations in percentages.

The following table shows numbers and percentages of dual suspect incidents in police-reported spousal violence cases in BC police jurisdictions with 60 or more spousal incidents in any one year from 2000 to 2005.

**TABLE 2****Dual Suspect Spousal Violence Incidents in Selected BC Policing Jurisdictions<sup>23</sup>**

<b>Jurisdiction</b>	No. of total incidents flagged as reporting spousal violence						No. of dual suspect incidents flagged as reporting spousal violence						% dual suspect incidents flagged as reporting spousal violence					
	2000	2001	2002	2003	2004	2005	2000	2001	2002	2003	2004	2005	2000	2001	2002	2003	2004	2005
Abbotsford	250	295	233	284	257	293	7	7	2	3	7	8	2.8%	2.4%	0.9%	1.1%	2.7%	2.7%
Burnaby	398	336	281	257	231	276	11	12	21	23	13	11	2.8%	3.6%	7.5%	8.9%	5.6%	4.0%
Campbell River	158	120	79	108	126	141	30	4	3	6	7	11	19.0%	3.3%	3.8%	5.6%	5.6%	7.8%
Chilliwack	190	243	210	183	193	207	16	12	8	13	11	16	8.4%	4.9%	3.8%	7.1%	5.7%	7.7%
Coquitlam/Port Coquitlam	299	325	317	300	269	277	28	42	45	24	25	49	9.4%	12.9%	14.2%	8.0%	9.3%	17.7%
Courtenay	76	87	72	90	90	97	6	8	3	8	3	18	7.9%	9.2%	4.2%	8.9%	3.3%	18.6%
Cranbrook	101	67	68	97	73	92	13	12	8	9	10	8	12.9%	17.9%	11.8%	9.3%	13.7%	8.7%
Dawson Creek	112	95	104	81	93	99	10	8	7	9	17	17	8.9%	8.4%	6.7%	11.1%	18.3%	17.2%
Delta	114	139	93	93	89	91	14	18	6	3	7	7	12.3%	12.9%	6.5%	3.2%	7.9%	7.7%
Duncan	54	74	59	81	86	95	4	8	6	8	4	10	7.4%	10.8%	10.2%	9.9%	4.7%	10.5%
Fort Nelson	71	51	84	90	83	88	4	1	2	1	4	5	5.6%	2.0%	2.4%	1.1%	4.8%	5.7%
Fort St. James	69	63	79	64	72	88	2	0	1	0	2	2	2.9%	0.0%	1.3%	0.0%	2.8%	2.3%
Fort St. John	210	217	221	223	213	205	21	17	10	32	36	27	10.0%	7.8%	4.5%	14.3%	16.9%	13.2%
Hope	46	45	47	33	69	33	0	2	2	0	4	2	0.0%	4.4%	4.3%	0.0%	5.8%	6.1%
Kamloops	359	302	228	243	230	249	50	41	26	25	33	29	13.9%	13.6%	11.4%	10.3%	14.3%	11.6%
Kelowna	315	300	315	280	320	370	30	26	36	23	30	34	9.5%	8.7%	11.4%	8.2%	9.4%	9.2%
Langley	231	185	145	198	174	258	28	22	18	24	13	44	12.1%	11.9%	12.4%	12.1%	7.5%	17.1%
Maple Ridge	179	139	131	122	94	104	16	7	4	14	7	22	8.9%	5.0%	3.1%	11.5%	7.4%	21.2%
Merritt	60	80	71	43	47	46	1	5	4	0	3	2	1.7%	6.3%	5.6%	0.0%	6.4%	4.3%
Mission	123	107	114	100	119	125	17	6	3	8	9	5	13.8%	5.6%	2.6%	8.0%	7.6%	4.0%
Nanaimo	268	271	259	293	303	313	24	30	25	34	30	23	9.0%	11.1%	9.7%	11.6%	9.9%	7.3%
New Hazelton New	65	66	62	67	58	65	2	4	3	5	3	8	3.1%	6.1%	4.8%	7.5%	5.2%	12.3%
Westminster	212	206	155	197	166	205	14	3	10	17	16	20	6.6%	1.5%	6.5%	8.6%	9.6%	9.8%
North Cowichan North	64	93	108	96	106	109	4	7	8	9	10	6	6.3%	7.5%	7.4%	9.4%	9.4%	5.5%
Vancouver	140	120	110	98	167	194	21	12	8	4	20	21	15.0%	10.0%	7.3%	4.1%	12.0%	10.8%
Penticton	106	103	123	122	133	114	5	12	10	12	6	9	4.7%	11.7%	8.1%	9.8%	4.5%	7.9%
Port Alberni	157	132	126	139	155	187	10	4	7	6	12	23	6.4%	3.0%	5.6%	4.3%	7.7%	12.3%
Port Hardy	52	64	72	75	87	80	4	1	1	4	1	0	7.7%	1.6%	1.4%	5.3%	1.1%	0.0%
Powell River	53	61	52	48	60	43	9	9	9	7	8	5	17.0%	14.8%	17.3%	14.6%	13.3%	11.6%

<sup>23</sup> A small number of the figures in this table are estimates or contain estimated data. For example, Police Services Division cautions that 2005 numbers for Abbotsford, Saanich, Victoria, and Richmond are estimates or contain estimated data because of difficulties with PRIME sign-on. Richmond figures for 2005 are excluded from this table because of PRIME sign-on difficulties. Estimates generally involve substituting the counts from the previous year. However, the timeframe of the estimate depends on the timeframe in which the data difficulties occurred. In order to utilize data that is as close to the actual as possible, estimates may range from a full year to only a single month.

Prince George	295	330	276	235	242	296	27	28	32	28	36	47	9.2%	8.5%	11.6%	11.9%	14.9%	15.9%
Prince Rupert	159	127	102	96	78	112	11	11	9	4	1	16	6.9%	8.7%	8.8%	4.2%	1.3%	14.3%
Quesnel	128	119	92	88	96	114	8	10	3	7	17	14	6.3%	8.4%	3.3%	8.0%	17.7%	12.3%
Richmond	206	187	236	293	279		10	10	9	30	35		4.9%	5.3%	3.8%	10.2%	12.5%	
Saanich	57	57	67	81	93	93	3	1	1	1	1	1	5.3%	1.8%	1.5%	1.2%	1.1%	1.1%
Salmon Arm	54	44	32	55	63	77	3	2	4	6	3	1	5.6%	4.5%	12.5%	10.9%	4.8%	1.3%
Smithers	65	53	39	51	65	72	5	2	1	1	2	0	7.7%	3.8%	2.6%	2.0%	3.1%	0.0%
Squamish	40	67	57	66	62	61	3	9	4	8	4	3	7.5%	13.4%	7.0%	12.1%	6.5%	4.9%
Surrey	1,008	985	867	943	942	1,059	107	106	96	114	166	168	10.6%	10.8%	11.1%	12.1%	17.6%	15.9%
Terrace	119	106	116	113	139	141	8	6	9	9	13	16	6.7%	5.7%	7.8%	8.0%	9.4%	11.3%
Vancouver	1,190	1,090	921	959	955	1,076	100	94	85	97	119	148	8.4%	8.6%	9.2%	10.1%	12.5%	13.8%
Vanderhoof	69	55	46	30	39	30	5	5	3	0	0	0	7.2%	9.1%	6.5%	0.0%	0.0%	0.0%
Vernon	122	116	119	142	141	164	19	16	11	20	19	17	15.6%	13.8%	9.2%	14.1%	13.5%	10.4%
Victoria	136	196	127	151	153	153	10	10	5	7	9	9	7.4%	5.1%	3.9%	4.6%	5.9%	5.9%
Whistler	70	72	72	62	68	58	16	8	4	10	8	4	22.9%	11.1%	5.6%	16.1%	11.8%	6.9%
White Rock	24	34	35	23	33	37	3	7	3	3	5	3	12.5%	20.6%	8.6%	13.0%	15.2%	8.1%
Williams Lake	126	119	136	159	130	140	9	10	14	10	9	7	7.1%	8.4%	10.3%	6.3%	6.9%	5.0%

As also speculated, cleared-by-charge rates for spousal violence incidents identifying two suspects were considerably lower than cleared-by-charge rates for all spousal violence incidents and for incidents involving male suspects.

During this same period, the provincial cleared-by-charge rates for all spousal violence incidents ranged from 82% in 2000 down to 71% in 2005. For male suspects, this rate rose to a range of 88% in 2000 down to 79% in 2005. For incidents involving dual suspects, however, the provincial cleared-by-charge rate ranged from 55% in 2000 down to 40% in 2005.

The impact on charging rates of identifying dual suspects in spousal violence incidents is most clearly shown by comparing cleared-by-charge rates for incidents involving male suspects with cleared-by-charge rates for incidents involving dual suspects.

**TABLE 3**  
**Provincial cleared-by-charge rates for spousal violence incidents in BC**  
**for all suspects, male suspects, and dual suspects<sup>24</sup>**

Year	Total no. of spousal violence incidents	Provincial cleared-by-charge rates for total spousal violence incidents	No. of spousal violence incidents with male suspects	Provincial cleared-by-charge rates for spousal violence incidents with male suspects	No. of spousal violence incidents with dual suspects	Provincial cleared-by-charge rates for spousal violence incidents with dual suspects
2000	10,173	82%	7,957	88%	904	55%
2001	9,953	82%	7,853	88%	783	51%
2002	9,075	82%	7,158	88%	700	48%
2003	9,186	76%	7,059	83%	782	44%
2004	9,417	72%	7,124	79%	900	43%
2005	10,273	71%	7,605	79%	1,045	40%

The identification of dual suspects in these cases clearly has a negative impact on charging rates. However, as with the proportion of dual suspects identified in spousal incidents, the provincial cleared-by-charge rate masks large variations from jurisdiction to jurisdiction. By way of illustration, in Table 4, the cleared-by-charge rates for dual suspect spousal violence incidents in selected BC police jurisdictions are provided for 2005, the most recent year for which figures are available.

<sup>24</sup> These statistics are based on those incidents that were coded as reporting spousal offences.

**TABLE 4**  
**Dual suspect spousal violence incidents cleared by charge**  
**in police jurisdictions with more than 200 spousal violence incidents in 2005<sup>25</sup>**

Police jurisdiction	No. of spousal violence incidents identifying two suspects	No. of dual suspect spousal violence incidents cleared by charge	% of dual suspect spousal violence incidents cleared by charge	No. of persons for which charges recommended in dual suspect spousal incidents
Abbotsford	8	7	88%	11
Burnaby	11	1	9%	1
Chilliwack	16	6	38%	12
Coquitlam/Port Coquitlam	49	12	24%	17
Fort St. John	27	27	100%	52
Kamloops	29	16	55%	31
Kelowna	34	10	29%	20
Langley	44	17	39%	31
Nanaimo	23	15	65%	27
New Westminster	20	6	30%	7
Prince George	47	16	34%	24
Richmond <sup>26</sup>				
Surrey	168	41	24%	60
Vancouver	148	46	31%	59

This analysis is exploratory in nature. More in-depth research, including into the records themselves, is required in order to understand the nature and extent of this issue.

## Results of key informant discussions

The information in this section is organized by issue and includes information obtained from the full range of key informants. The type of key informant (for example, police members, police records staff, or Police Services Division personnel) is identified where appropriate.

### Consensus that identification of dual suspects is rarely justified

There was general agreement among police and Crown key informants that identification of dual suspects in spousal violence cases was rarely justified. Respondents pointed out that most often

<sup>25</sup> Caution should be exercised in the interpretation of some of these figures as, when numbers are small, small changes in volume can result in large variations in percentages.

<sup>26</sup> Police Services Division recommended that data from Richmond be excluded from this table because of difficulties associated with PRIME sign-on.

identification of dual suspects in these cases was a result of: an incomplete investigation; lack of understanding of the dynamics of these cases resulting from lack of adequate training or experience; and/or a desire on the part of members to “cover themselves”.

Respondents agreed that while there were cases where both parties were potentially equally culpable, these cases were very rare. In terms of dual arrest, one respondent pointed out that arrest and holding both suspects in custody may actually, in some situations, be unlawful. If one suspect was arrested then there would be no chance that the other could re-offend. Therefore, this respondent said, while it may, in rare circumstances, be justified to arrest and release the second suspect, if there were no other grounds for arrest, it would not be appropriate to arrest and hold both in custody.

With respect to arrest, this respondent also said that Reports to Crown Counsel recommending dual charges from the same incident were *never* acceptable. The only circumstance where dual charging could possibly be appropriate would be where a member attends and each spouse tells the police about a different incident, separated in time, where no issue of self-defence would be relevant. In this circumstance, it would not be a matter of both partners being charged for the same incident.

Respondents also agreed that identification of dual suspects at the police call-out stage was problematic even if no recommendations were made to charge, because this could result in unintended consequences such as: victims being re-victimized; victims’ reluctance to call the police again when they need help because of being dis-believed; the potential for increased violence; and the decreased likelihood that victims would access victim services. One respondent said, “As soon as you arrest both, you’re re-victimizing her in a significant long-term way and perpetuating the abuse.”

## **Possible reasons for dual suspects in spousal violence incidents**

Several police key informants, considering widely varying or high proportions of dual suspect spousal violence incidents, questioned whether these percentages were a result of scoring problems or investigational problems. One member pointed out that records clerks view these matters within a scoring context, not a policing context, and will generally not understand the primary aggressor policy, for example. On the other hand, police see it within a policing, not a record-keeping context. While police may understand primary aggressor dynamics, they do not necessarily understand or care about the way in which files are coded. Without close communication and common understanding between these two components of a police organization, statistical problems may result.

Key informants identified a range of possible reasons for the wide variation in proportions of spousal violence incidents naming two suspects and for high dual suspect proportions in some jurisdictions. Potential explanations included:

- Complexity of spousal violence incidents and confusion around the reality of conflicting reports by both partners

- High turn-over of police personnel in recent years, resulting in inexperienced line members and supervisors
- Training inadequacies
- Lack of oversight for these cases, including supervision, monitoring, and accountability strategies
- Lack of a “culture” of excellence in the investigation of spousal violence cases
- Pro-arrest, pro-charge policies that allow less discretion for police in determining whether to arrest and recommend charges, and that may be interpreted by some members as “mandatory” arrest policies or “zero tolerance” for violence in relationships
- Fears about police liability, particularly in the face of proactive policies that direct police to take action
- Gender neutralizing of violence against women in relationships policies
- Possible statistical errors, particularly as a result of the implementation of PRIME and familiarization with a new manner of recording information..

Without an analysis of scoring practices at the jurisdictional level and a review of relevant files, it is impossible to know how scoring practices may impact on proportions of dual suspect spousal violence incidents. Discussions with informants raised the issue of scoring problems as a possible explanation. While assessing the accuracy of scoring files is beyond the scope of this study, such an assessment may be worthy of future research.

## **Statistical data collection**

### ***Coding of domestic violence cases key to accurate data collection***

Some key informants expressed a belief that, among other factors, the conversion to PRIME has resulted in a steep decline in the quality of statistics on spousal violence because of the difficulties in scoring these cases as spousal incidents (see *Coding of spousal violence incidents* above under *Background*). Respondents pointed out that PRIME is first and foremost an operational, not a statistical system. One respondent said that their records department has been going through a significant transition, partly caused by the change to PRIME and partly caused by a large number of new staff. Another respondent pointed out that inexperienced records staff may code these cases differently or less consistently than more experienced staff (see also *High staff turn-over and training challenges* in this section).

While PRIME was praised for, among other things, enabling communication among different BC policing jurisdictions, PRIME was also the object of frustration because of the problems of flagging and retrieving information about spousal violence, and because it is difficult and costly to modify. Several key informants observed that spousal violence statistics can be only as accurate as the system that codes them. If these cases are not coded as spousal, they cannot be retrieved as spousal violence incidents.

It was pointed out that a further problem with the flagging of these cases is the lack of a consistent province-wide definition of what constitutes a “K” file or spousal violence file amongst the criminal justice agencies. This inconsistency applies not only to police but to Crown counsel.<sup>27</sup> It was pointed out that the most important factor in terms of data collection for spousal violence cases is accurate and consistent “flagging” of these cases throughout the justice system, from the first police call-out through to the Crown and Corrections systems.

### ***Cleared-by-charge statistics***

Information from Police Services Division indicates that, as a result of UCR structure, it is not possible to calculate the number or rates of dual suspect spousal violence incidents cleared by charge where both suspects were recommended for charge.<sup>28</sup> Division staff said that a review of files would be the only way to determine if one or both spouses were charged in these cases.

### ***Access to statistical data***

As noted above, police may access their information with respect to spousal violence files by browsing or querying specific fields within PRIME. Further, official crime statistics on spousal violence are now available from Statistics Canada via the incident-based UCR2 Survey reporting. Statistics Canada data is usually available eight months after the calendar year has completed.

However, some respondents expressed concern about a lack of timely access to statistics, either from their own policing jurisdiction or from a central repository such as Police Services Division or Statistics Canada. There was strong agreement among key informants – for both operational and research purposes – about the need for a reliable system to identify these cases, collect accurate statistics, and retrieve and distribute data easily in a variety of formats and in a timely fashion. It was suggested that accurate and timely spousal violence statistics should be available on a year-to-date basis and on a jurisdiction by jurisdiction basis, so that individual police jurisdictions would be able to review and monitor their progress on an issue on an ongoing basis and address any issues in a timely manner.

One respondent suggested that, given the costs associated with changes to the PRIME system, victim surcharge funds may be an accessible source of one-time funding for changes to PRIME that would provide important benefits to victims.

### ***Need for monitoring and accountability***

Several key informants speculated about whether unacceptably high proportions of dual suspect spousal violence cases implied a scoring problem or a problem in the way the case was handled by the member. In either case, respondents agreed that enhanced monitoring and accountability strategies were called for. One respondent suggested that increased communication and

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<sup>27</sup> A key informant indicated that Criminal Justice Branch is currently developing a province-wide definition of “K” files that will be made consistent with the definition used by police.

<sup>28</sup> This is because the number of persons charged in an incident may exceed two. According to Division personnel, calculations based on the number of persons charged will be skewed because there may be incidents where not only the man and the woman are charged, but others involved in the incident are charged.

agreements between police operations and records may be required in order to ensure consistency in interpretation and scoring of spousal files.

Monitoring strategies currently being utilized in various police jurisdictions included:

- Review of all domestic violence files by a supervisor
- Follow up with investigating members if investigations are not sufficiently thorough or files were not handled appropriately
- Follow up by a supervisor on all files where two suspects are identified.

In various jurisdictions, respondents reported that these strategies are utilized within the context of dedicated domestic violence staff, dedicated domestic violence units, or domestic violence review teams. In Saanich, for example, a Domestic Violence Review Team provides additional review of all domestic violence files to ensure that police are doing everything they can to ensure women's safety. In Vancouver, all domestic violence files are reviewed by the sergeant in charge of the Domestic Violence Unit, assessed for risk, and high-risk cases assigned to the unit.

## **High staff turn-over and training challenges**

Several key informants responded to information about marked changes over time or between jurisdictions in proportions of spousal violence incidents involving dual suspects by stating that they would want to know what had changed in those time periods or jurisdictions, including personnel changes, staffing levels, or policy. Several pointed out that the most significant change that had occurred in their detachment/department over the past several years was a rapid and extensive turn-over in members. Staff changes in records sections were also reported (see below under *Statistical Data Collection*). High staff turn-over has resulted in not only a high proportion of young, inexperienced members responding to and investigating spousal violence incidents, but also supervisors overseeing these members who have only two or three years experience.

The fact that inexperienced staff are required to respond to and investigate complex spousal violence incidents presents training challenges. This challenge is exacerbated by the fact that inexperienced supervisors are expected to review and support the work of inexperienced investigators. While members concurred that all police training on spousal violence included training on primary aggressor analysis and the repercussions of identification of dual suspects, many also pointed out the challenges associated with the need to be constantly training new recruits and the often inadequate amounts of time allocated to spousal violence training. One respondent pointed out that RCMP recruits arrive in BC without any training in BC-specific policies. It is therefore important that adequate training on BC's VAWIR policy and any related domestic violence policy takes place once recruits have arrived in BC.

One respondent spoke of the important role played by the Justice Institute of BC in spousal violence training in BC, particularly for municipal police. This member said that for several years, beginning in the mid-1990s, then Victim Services Division funded a two-day provincial curriculum of domestic violence investigator training. This curriculum was developed and delivered through the Justice Institute in collaboration with police, with a focus on interviewing victims, using actors for role-playing by participants. This respondent speculated that because of

recent rapid turnover of staff, the front-line police officers who received this training will have been almost completely replaced.

While several respondents raised the issue of training inadequacies, others said that training in this area was adequate, and the primary challenge was inexperience. Some respondents pointed out that inexperience combined with intense focus on these cases sometimes resulted in members recommending charges against both partners, in order to “cover themselves”, with the thought that “Crown will sort it out”. One member described the approach of some inexperienced members as “taking the easy way out” by naming both partners as suspects and “letting Crown decide”. He pointed out that “Crown is not an investigative aid” and that these inexperienced members should be held accountable by supervisors for their investigations of these cases.

## **Specialized approaches**

Specialized or dedicated approaches to this issue were generally supported by key informants as an effective way of addressing such issues as dual suspects, risk assessment, and the need for thorough investigations in these cases.

Some police members pointed out, however, that not all circumstances allow for the development of the same model of specialized domestic violence initiatives. It was suggested that federal privacy laws, for example, may prevent the development of domestic violence units in RCMP detachments that parallel the model adopted by New Westminster and Vancouver, where file information is shared between police and community counsellors. While the issue is being studied in some jurisdictions, reviewing the DVU concept to assess “its fit within the RCMP”, other approaches are also being explored in these jurisdictions, as “an alternative and/or enhancement to the exploration of DVUs”. (See above in *Dedicated units/personnel* under *Background*).

In one such jurisdiction, it was suggested that the incorporation of the eight principles in the *Keeping Women Safe: Eight Critical Components of an Effective Justice Response to Domestic Violence* report (Critical Components Project Team, 2008) should be reviewed as part “of an optimum DV response”.

## **Need for a coordinated approach to creating the most effective response possible**

Several key informants articulated the need to create an approach that will ensure the most effective response possible to spousal violence cases. Informants pointed out that such an approach is a coordinated one that recognizes the significance, complexity, and risk of domestic violence cases. Such an approach would not only recognize the importance of thorough investigation, risk assessment, and primary aggressor analysis in these cases, but to recognize *why* such an approach is important.

One senior officer spoke about the need for “constant messaging” about the importance of these cases, from the moment recruits enter the force, and from the most senior management levels through to line supervisors.

One key informant said that the identification of dual suspects in these cases is a “huge concern”, cautioning that “The most abused woman is often the most difficult victim or witness” and this fact “feeds into misunderstanding and an entrenched culture” on the part of justice system personnel that does not take into the account the complex dynamics of spousal violence cases.

The importance of police-Crown counsel partnerships in the creation of a “culture of excellence” was noted by some respondents. One police member commented on the importance of police-Crown counsel partnership in this area:

*I believe that the strength and ultimate utility in [effective approaches to domestic violence] is the partnership and commitment from Crown to work in tandem with police investigators...in my estimation, any proactive venture on the part of the police is destined for failure absent the commitment and support from Crown.*

The importance of police-Crown counsel partnerships in responding to spousal violence was reinforced by several respondents. It was pointed out that just as police and Crown can create a positive “culture of excellence” in responding to spousal violence incidents, police and Crown can also, together, create and perpetuate a “culture” of police making dual arrests and forwarding recommendations for dual charges, which Crown will sometimes encourage by charging both.

The importance of gender-specific policy was also noted in the context of the creation of an approach that emphasizes the importance of effective responses to these cases. One senior police member pointed out that the gender neutralizing of violence against women in relationships policies may have resulted in an increase in dual suspect proportions in these cases in some jurisdictions. He said that gender neutralizing of these policies could result in the overlooking of gender-based dynamics in these cases and in a simplistic analysis of what is happening between two people when police are called to a domestic violence incident.

# 4 Discussion

## Implications for police operations

Any discussion of dual suspects, dual arrests, or dual charges in relation to spousal violence cases cannot be separated from discussion of the justice system's understanding and acknowledgement of the nature and dynamics of spousal violence. The issue of primary aggressor analysis is central to an understanding of the power and control dynamics that underscore all cases of spousal violence and that must inform any justice system response to this issue.

This study confirmed speculation that a relatively stable provincial proportion of dual suspects in police-reported spousal violence incidents masks marked variation from jurisdiction to jurisdiction. This parallels the situation which was found to exist with respect to unfounded classification of sexual assault incidents (Light & Ruebsaat, in press). This finding underscores the need for individual police jurisdictions to have timely access to accurate statistics in order to enable them to monitor their own operations in relation to this matter and to address issues related to primary aggressor analysis as they are identified.

While the Browse and Query capabilities of PRIME allow police access to spousal violence files, the PRIME system for flagging spousal violence incidents is more complex and requires user familiarity to adequately grow as a system. This issue has been acknowledged within the policing community in BC and is currently under discussion in the CCWS Working Group Statistics Subcommittee that includes senior RCMP and municipal police representatives. Police Services Division also reports that a Data Warehouse currently being developed will allow PRIME to be used by police as a statistical as well as an operational tool.

The study results also confirmed the concerns of the victim support community (Community Coordination for Women's Safety, 2007) that higher proportions of dual suspects in these cases are likely to result in lower charging rates. The low cleared-by-charge rate for dual suspect spousal violence incidents is reassuring on one level and a cause for concern on another. While this finding indicates a relatively low cleared-by-charge rate against women who are named as suspects in dual suspect spousal violence cases, it also indicates a relatively low cleared-by-charge rate against male suspects in dual suspect cases. Therefore, male offenders may be assaulting their partners with impunity. Without a thorough investigation and primary aggressor analysis being undertaken at the outset when police are first called out to a spousal violence incident, cases where the male is the primary aggressor may be entered into the system as incidents involving dual suspects, with resulting low charging rates. This statistical finding is supported by the experiences of key informants, who said that where police do forward an RCC with a recommendation to charge both spouses (described by more than one key informant as cases where inexperienced members may "leave it to Crown to decide") Crown are unlikely to do so.

The most effective time to address the issue of dual suspects in spousal violence cases is when police are first called out and conduct their initial investigation. If an adequate investigation is

done from the start, and an adequate primary aggressor analysis is undertaken by a member who understands the dynamics of violence against women in relationships, then the identification of dual suspects in these cases, key informants agreed, will be very rare. Police incident reports will accurately reflect the circumstances of the case, including the power and control dynamics, and will not take a “simplistic” view of a complex situation in which both partners are accusing the other of violence. It is only by avoiding an *initial* identification of dual suspects in these cases that the consequences, often unintended, of this identification of dual suspects will be avoided.

It is important that investigating members comply with PRIME policy to include a short synopsis of these files, including the nature of the incident (that the incident was one of spousal violence) and who should be named as suspect (if both spouses were involved in the violence, whom a primary aggressor analysis indicates as the suspect). Such a synopsis should clearly indicate to records personnel how these cases should be scored. Consistent definitions, policy, practice guidelines, training, and, where necessary, case-specific communication between police operations and records will help ensure consistency between police investigation and how the case is scored for statistical purposes, including coding of these cases.

Training is clearly a central strategy for ensuring that investigators understand the dynamics of spousal violence and have the skills to investigate these cases thoroughly and competently. Models exist for high quality, effective training in this area. For example, the spousal violence investigators course undertaken by the Justice Institute in the mid-1990s was reportedly a particularly powerful training tool utilizing actors as part of participants’ role-playing exercises. A collaborative partnership among police, Crown counsel, and the victim support community was also a feature of this – and other – successful training.

More than any one single improvement to the way in which police members approach these cases, it is important for police detachments/departments to consider how they can enhance and consolidate efforts to create the most effective response possible to spousal violence. In such an environment, domestic violence cases will be acknowledged as complex, high-risk cases, assigned appropriate priority, and accorded the skilled and focused attention they require. Such an approach will include: thorough investigation, including risk assessment and primary aggressor analysis; adequate training to ensure in-depth understanding of the gender-based power dynamics of these cases and strong investigative skills; dedication of specialized staff where warranted; inter-agency coordination and development of police-Crown partnerships; and consistent monitoring and utilization of effective accountability mechanisms.

## **Implications for statistical data collection**

It became apparent during the course of this study that there are significant concerns with respect to statistical data on spousal violence incidents in BC. A comprehensive understanding of the issue of dual suspects, arrest, and charging in spousal violence cases is hampered by a lack of statistical information on arrest and a lack of information about who is charged in dual suspect cases.

It is impossible, on the basis of this exploratory research to fully discuss the history and context of spousal violence data and data collection systems, or to assess the accuracy or completeness of

provincial or jurisdictional statistics on dual suspect spousal violence incidents. This issue is beyond the scope of this exploratory study; however, it is important to address in future initiatives.

A coordinated, well-functioning data collection and retrieval system is key to police ability to monitor its practice and identify and address problems effectively and in a timely fashion. A system that can provide accurate data in a timely manner is also key to public confidence in the justice system and, ultimately, to victim safety.

## **Limitations of the study**

The limitations of this study stemmed primarily from the fact that it was exploratory in nature. The quality and availability of statistical data also posed limitations.

Uncertainty about the accuracy of statistical data was a concern throughout this study. The fact that the most recent data available was from 2005 limited the project's ability to understand trends and current realities with respect to police identification of dual suspects in spousal violence cases. A detailed analysis of data sources and systems, potential concerns, and options for addressing these issues were beyond the scope of this study.

Lack of data on arrest made it impossible to explore the basis of community concerns about possible increases in arrest of both partners in spousal violence incidents in some jurisdictions.

Finally, data limitations regarding cleared-by-charge rates also had an inhibiting effect on this research.

## **Future research**

Future research is needed to address these concerns. Research is needed to understand potential issues associated with the collection of spousal violence data, both as information for researchers and for operational policing purposes. Further research is also needed in the form of file reviews in selected police jurisdictions to further explore the issue of dual suspects in spousal violence cases, whether arrest of both parties is taking place, and whether one or both partners is charged. Finally, research is required on the impact of specialized police training and of dedicated domestic violence units/personnel on the police practice of identifying dual suspects in these cases.

# 5. Summary and Conclusion

This study demonstrated that the provincial proportion of dual suspects in police-reported spousal violence incidents clearly masks significant variations in proportions of dual suspect spousal violence incidents amongst individual policing jurisdictions in BC. The study also demonstrated that spousal violence incidents in which both partners are named as suspects are much less likely to be cleared by charge than incidents where only the male is named as a suspect. The matter of dual suspects in spousal violence cases cannot be viewed in isolation from a general police response to domestic violence. Police understanding of domestic violence incidents as complex, high-risk cases requiring thorough investigation, risk assessment, and primary aggressor analysis is fundamental to the issue of dual suspects in these cases. The creation of the most effective response possible to spousal violence cases, including high quality training, inter-agency coordination, and consistent monitoring, will address the issue of dual suspects, dual arrests, and dual charging.

Other findings from the interviews conducted for this study point to the availability and quality of the spousal violence statistics on which this analysis is based. Detailed analysis of these statistical issues and how they might be addressed are beyond the scope of this exploratory study. However, it is important to note that the accuracy and completeness of statistical data, timely access to data, and availability of spousal violence data on a jurisdiction by jurisdiction basis are crucial to police operational monitoring and accountability both in general and in relation to spousal violence incidents involving dual suspects.

Police, Ministry of Public Safety and Solicitor General, and Ministry of Attorney General efforts to keep women safe from violence must include both comprehensive efforts to create a “culture of excellence” in responding to these cases, and a data collection and retrieval system that is responsive to operational and statistical needs.

# 6 Recommendations

## Police operations

1. Police should provide enhanced domestic violence investigation training to all members, with particular emphasis on new recruits and domestic violence specialists. Training should:
  - Include a focus on the power and gender dynamics of these cases, the importance of primary aggressor analysis, the potential negative impacts of identifying two suspects in these cases, the importance of risk assessment, and the importance of remaining vigilant to the dangers of these cases for women
  - Be based on existing successful models such as the domestic violence investigator training provided by the Justice Institute which incorporated role playing with actors
  - Be of sufficient duration to ensure that members have a thorough understanding of these issues
  - Be developed and delivered in collaboration with community-based victim services and Crown counsel, in order to ensure consistent messaging, the inclusion of a multi-disciplinary perspective, and the fostering of working partnerships.
  
2. Coordinated efforts should be undertaken among police, the Ministries of Public Safety and Solicitor General and Attorney General, and the community to enhance and consolidate efforts to create the most effective response possible to spousal violence cases. A focus on primary aggressor analysis and on the potential impact of identifying two suspects/accuseds in spousal violence cases should always be included in strategies to address these cases. Innovative strategies to address these cases most effectively might include:
  - Constant messaging from the highest levels of police and Crown counsel management about the risks involved in these cases and *why* they must be taken so seriously
  - Departmental audits of these cases
  - Proactive, consistent reviews of all spousal violence files and follow-up where required
  - Development of domestic violence units where the numbers warrant
  - Development of other innovative strategies for use of specialized, dedicated police members and Crown counsel
  - Development of innovative partnerships among police, Crown counsel, and community-based agencies, including integrated training
  - Development and utilization of protocols, checklists, and risk assessment tools for use by both police and Crown counsel
  - Maintenance and/or restoration of the gender specificity of spousal violence policy, training, and analysis in order to provide a consistent message to all police investigators

and supervisors about the gender-based power dynamics that make these cases such high-risk situations for women.

## **Data collection**

3. Further research should be undertaken to assess spousal violence data concerns raised in key informant interviews. This may include a detailed examination of current and historical crime data collection systems across the justice system, clarification of data audience needs, and/or a review of police files in selected jurisdictions, focusing on the identification of dual suspects in spousal violence files to determine scoring accuracy. File reviews should also include a focus on whether or not both partners were arrested and/or recommended for charge. Such reviews should be conducted by someone highly knowledgeable in the dynamics of domestic violence and in primary aggressor analysis.

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