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Understanding Family Violence and Sexual Assault in the Territories, First Nations, Inuit and Métis Peoples

Understanding Family Violence and
Sexual Assault in the Territories,
First Nations, Inuit and Métis Peoples

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Abstract

Research was completed on family violence and sexual assault offences in the territories using Crown Prosecutor files for the time period of January 1, 1999 to December 31, 2004. This study examines the relationship between the offender and the offender's personal history of violent abuse within the framework developed through the work of the Royal Commission on Aboriginal Peoples (RCAP 1996 and 2002), and subsequent studies undertaken based on the RCAP findings. The findings provide evidence of a relationship between offence and offender's history of abuse. This report also provides details of the family violence and sexual assault offences committed. It includes data on the most serious offence, the decision, and the sentences for sexual assault offences, followed by data on family violence offences. In addition, some data are provided on the victims of these offences, their injuries, and their victim impact statements. A key finding is the high numbers of both family violence and sexual assault accused who had at least one form of abuse in their own personal histories. The data here indicate that approximately three-quarters (77%) of those accused of a family violence offence suffered at least one form of abuse, as did just over two-thirds (66%) of those accused of a sexual assault offence.



1. Introduction

Research on family violence and sexual assault offences was undertaken in the territories for a number of reasons. Chief among them are the system responses to these crimes of violence and the insight of the work of the Royal Commission on Aboriginal People which provides a framework for understanding such offences.

A significant finding of the Royal Commission on Aboriginal Peoples (RCAP 1996) was the high level of violence in First Nations, Métis and Inuit communities. The 1996 report of the Commission noted that:

In the midst of devastating revelations of the violence suffered daily by Aboriginal people, frequently at the hands of the men in their families, we were urged to recognize that men are victims too. ... Revelations of the extent of sexual abuse of both boys and girls in residential schools, the fact that victims of abuse often become abusers, and the shame that leads men in particular to hide these experiences are all coming to the fore. Aboriginal people in the health care field now believe that Aboriginal men have suffered more sexual abuse as children than previously believed, and they are, in all probability, as devastated by these experiences as women have been. (p. 57)¹

Research undertaken following the RCAP reports, such as, Lane Jr, Bopp and Bopp (2003), Brant Castellano (2006), and Chartrand and McKay (2006), among others,² have further investigated this link between violent behaviour and First Nations, Métis and Inuit Peoples as victims and offenders, and the offenders' own personal and collective histories of violence. Chartrand and McKay (2006) in their work on victimization and First Nations, Métis and Inuit Peoples concluded that:

Explanations for such high rates of victimization are varied but the predominate view links high victimization to the overall impact of colonization and the resultant collective and individual "trauma" and its impacts that flows from cultural disruption. Furthermore, the need to break the cycle of family violence that has become internalized is identified throughout the literature as a critical step in reducing criminal victimization (p. v).

Lane Jr. et. al (2003), in their undertaking to develop a comprehensive theoretical framework in which to understand the dynamics of this violence, write that "this body of research, theories and models all point to the same general conclusion - family violence and abuse in Aboriginal communities has its roots, at least in part, in historical trauma and in the social realities created by those historical processes" (p. 22). They argue that post-traumatic stress disorder (PTSD), and

¹ Royal Commission on Aboriginal People, 1996, at http://www.ainc-inac.gc.ca/ch/rcap/sg/ci2_e.pdf.

² See for example, Pauktuutit Inuit Women's Association, 2006; Qullit Nunavut Status of Women Council, 2004; Levan, 2003; Métis National Council of Women Inc, 2002; Crnkovich and Addario, with Archibald, 2000; Giff, 2000; Save the Children, 2000; Dion Stout and Kipling, 1998.

complex post-traumatic stress disorder (CPTSD) is the effect of these processes on individuals.³ Based on this, they develop a theoretical framework within which PTSD is a key component. They write:

Domestic violence and abuse are almost always linked to trauma in several ways. Certainly, abuse causes trauma in victims, as well as in children witnessing violence. But, domestic abuse is also and most often the *result* of intergenerational trauma. So, trauma is both one of the primary causes and principle outcomes of domestic violence and abuse. (p. 10)

The research undertaken here further investigates this link. It focuses specifically on territorial data because of the high rates of crimes of violence there. In 2005, the police reported that the sexual assault rate in Canada overall was 7.2 per 10,000 population; in the territories, rates ranged from a high of 79.7 per 10,000 in Nunavut to 40.7 in NWT and 18.1 in the Yukon (Gannon 2006). The objective of this research is to further the understanding of the specifics of the current dynamics of violent offences ultimately in order to better understand how best to mitigate them.

This research was motivated, as well, by court findings and decisions along with the expressions of concern about the efficacy of the system responses to these crimes of violence. Of relevance here is His Honour Chief Judge Barry Stuart's discussion at sentencing M.N.J., a young, Aboriginal, violent, sex offender (Yukon Territory Court 2002). Judge Stuart writes:

[29] The sentencing guidelines emanating from the Supreme Court of Canada in *R. v. Gladue* [1999] 1 S.C.R. 668 and *R. v. Wells* [1998] 2 S.C.R. 514 call upon the court to consider the dysfunctional backgrounds of offenders in developing an appropriate sentence. To gain a better comprehension of M.N.J.'s personal history, all court records were gathered and made available to the counsel and to the court.

[30] While all of these accounts do not tell the full story, the story they do tell reflects the kind of dysfunctional background that fostered concerns raised in *R. v. Gladue, supra.* ...

[31] Mr. M.N.J. was born on [...], 1980.... His mother ... was 18 years old, and his father... was 19 years old. Before he was seven months old, his parents left him to be cared for by his maternal grandparents...

[32] Within the first year in the home of his maternal grandparents, Family and Social Services became involved. Once, M.N.J. was discovered in the home unattended by any adult. Twice he was admitted to the pediatric ward for ailments that reflected possible

³ Lane Jr., et. al. (2003) build on the work of Herman (1997). Herman defines PTSD as a predictable psychological response in people who have endured horrible events, and she includes war veterans, prisoners of war, and victims of family violence and sexual assault. CPTSD is the result of repetitive, extensive, and all encompassing trauma that intensifies the symptoms of PTSD. Herman notes that the American Psychiatric Health Association included post traumatic stress disorder in its official manual of mental disorders in 1980.



neglect.... In 1982, Mr. M.N.J., then almost two years old, was found alone in a bedroom in an unsanitary condition with a board across the door.

[33] Life got worse – a lot worse

[35] The information before the court indicates M.N.J. was sexually and physically abused by uncles living in the home. Often neglected, emotionally and physically, when he became too difficult to look after, he was given to, or taken by the department.

In his Initial Comments, Chief Judge Barry Stuart writes:

[1] M.N.J., 21 years old, raised as a ward of the state until 18, will spend up to eight years in jail for a horrible crime.

[2] His sentence sets a precedent for the next case. There will be a next case. There have been many other similar cases. There are right now, within our communities, within our institutions, children, young boys, young men, with stories similar to M.N.J.. Unless we change what we do – we as families, communities, professionals – there will be many more “next cases”. How many M.N.J. do we need before we appreciate that if we always do what we have always done, we will always face what we always face – the next case to sentence, the next victim to heal.

[3] The next case, like so many before, will leave in its wake the broken lives of victims; shattered families; angry, fearful and frustrated communities; burned out, despairing professionals, and young men sitting in jails growing more disconnected, more hopeless and ultimately more dangerous.

This depth of concern has been echoed by a number of Crown Prosecutors in the north. Rupert Ross, Assistant Crown Attorney with primary responsibility for conducting prosecutions in some 20 remote fly-in Aboriginal communities in north-western Ontario, writes:

[the] first line of social response to these symptoms of community, family and individual traumatisation is, unfortunately, the criminal justice system, and it is my growing conviction that it is substantially incapable of responding productively in this context of unique and deep-seated traumatisation, for a wide variety of reasons.

... domestic violence has reached frightening levels in some communities, but prosecution is almost impossible. For one thing, poverty, derelict housing and large families impose hardships on abused women that they can seldom endure on their own. The majority of abused women who see their husbands taken out to jail find themselves incapable of hauling wood and water on their own, as well as feeding and clothing children – and keeping the drunks at a safe distance at night. On a routine basis they are forced to conclude that *his abuse is preferable to his absence*, and they refuse to support a prosecution that will result in his removal.⁴

⁴ “Traumatization in Remote First Nations: An Expression of Concern,” unpublished report.

This is the socio-legal context within which a majority of these crimes of violence occur; while the offences are harsh, so too are the histories of the offenders.

1.1 Structure of Report

Following the discussion of the methodology for the research conducted here, the report begins with the data of the demographic characteristics of those accused of a sexual assault or family violence offence in the territories. It then follows the incidents through the criminal justice process. The final sections provide an analysis of the link between the offences and offenders' history of abuse.



2. Methodology

Data were gathered across the three territories using Crown Prosecutor files which include information on offences, the accused, and the victims. There was a total of 7,175 cases of family violence and sexual assault across the territories between January 1, 2000 and December 31, 2004. To draw a sample from these, Crown Prosecutor files were stratified first by territory, then by type of offence. A sample total of 556 files was then extracted using a random start, from the 2,190 Crown Prosecutor files of sexual assault offences. Similarly, a stratified random sample of 918 files was drawn from the 4,985 Crown Prosecutor files of family violence offences. Together, these two samples totalled 1,474 files.

Sexual assault data were gathered on the following *Criminal Code* (CC) offences:

Sexual Interference, CC ss. 151
Invitation to sexual touching, CC ss 152
Sexual Exploitation, CC ss. 153
Sexual Assault, CC ss. 271
Sexual Assault with a weapon, CC ss.272
Aggravated Sexual Assault, CC ss. 273.

Data on family violence were gathered on the following *Criminal Code* (CC) offences:

Criminal harassment CC ss. 264
Criminal harassment and Uttering threats CC ss. 264.1
Assault CC ss. 266
Assault with a weapon CC ss. 267a
Assault causing bodily harm CC ss. 267b
Aggravated assault CC ss. 268.

While data were collected on all offences in the file, the data reported here are on the most serious charge only unless otherwise specified. The definition of most serious offence used is that of the Canadian Centre for Justice Statistics of Statistics Canada. Using this definition, the most serious offence is the offence with the highest likelihood of incarceration and the longest sentence length, which reflect the seriousness of the violence. For example, sexual assault with a weapon (CC, ss. 272) is deemed more serious than sexual assault (CC. ss. 271).

Data were gathered on offences, offenders, victims, and the criminal justice process. Variables include:

- demographic variables of accused and victims;
- charges in current offence;
- most serious offence;
- prior conviction(s);
- sentencing, i.e., incarceration, conditional sentence, probation, etc.;
- relationship between accused and victim;

- most serious injury to victim;
- victim impact statements;
- known psychological or psychiatric disorder of the accused;
- known physical victimization of accused;
- known sexual victimization of accused;
- known psychological victimization of accused;
- known history of attempted suicide or known ideation of suicide; and
- known history of substance abuse.
- The file review questionnaire is included as Appendix A.



3. Findings

3.1 Demographic Characteristics of Accused

This section examines the demographic characteristics of the accused themselves. It includes data on their age, marital status, and living arrangements at the time of the incident.

Statistics Canada reports that Aboriginal people comprise a large proportion of the population in the territories: 85% of Nunavut, 51% of NWT, and 23% of the Yukon are First Nations, Métis or Inuit.⁵ However, Aboriginal people are over-represented in the criminal justice system in the territories, as is the case in Canada overall.⁶ Almost all (93%) of the territorial accused were First Nations, Métis or Inuit.

Most of the accused were male. Ninety-eight percent of the 556 individuals accused of a sexual assault offence were male, as were 87% of the 918 individuals accused of a family violence offence. While only a minority of those accused of a family violence offence were female, the highest proportion of female accused was in the Yukon at 15%; followed by 14% in the NWT, and 10% in Nunavut.

The average age and the median age of those accused of either type of offence were early to mid thirties. However, as indicated in Tables 1 and 2 below, ages ranged widely. The greatest range was in Nunavut where those accused of a sexual assault were as young as 13 and as old as 85.

Table 1: Ages of those accused of sexual assault offences, by territory

	Nunavut	NWT	Yukon
Youngest age of accused of sexual assault	13	14	14
Oldest age of accused of sexual assault	85	71	72
Average age of accused of sexual assault	32	32	35
Median age of accused of sexual assault	31	31	34

⁵ http://www41.statcan.ca/2007/10000/ceb10000_00_e.htm

⁶ See Royal Commission on Aboriginal People, *Bridging the Cultural Divide: A Report on Aboriginal People and Criminal Justice in Canada*, 1996.

Table 2: Ages of those accused of family violence offences, by territory

	Nunavut	NWT	Yukon
Youngest age accused of family violence	16	19	18
Oldest age of accused of family violence	72	75	63
Average age of accused of family violence	32	34	35
Median age of accused of family violence	32	33	34

While 39% of those accused of a sexual assault at the time of the incident were married, a smaller proportion, just under a quarter (23%), were living with their spouse or common-law partner (8%) and children or step-children (15%) at the time of the incident. Eighteen percent were living with their parents or other relative, which reflects the young ages of some of the accused. Six percent were homeless or with no fixed address.

Table 3: Living arrangements of those accused of a sexual assault

Living arrangements of accused	Frequency	Percent
With spouse or common-law partner and children or step-children	82	15%
With parents	74	13%
With spouse or common-law partner, no children	39	8%
Alone	38	7%
With other relatives	29	5%
With children or step-children only	7	1%
With friends	8	1%
Homeless (transient or no fixed address)	22	4%
Other	30	6%
Unknown	227	40%
Total	556	100%

The same pattern holds for family violence. While the large majority of those accused of a family violence offence (92%) were married at the time of the offence, 71% were living with their spouse or common-law partner and/or children or stepchildren. One percent were homeless at the time of the incident.

**Table 4: Living arrangements of those accused of a family violence offence**

Living arrangements	Frequency	Percent
With spouse or common-law partner and children or step-children	386	42%
With spouse or common-law partner	264	29%
Alone	48	5%
With parents	25	3%
With children or step-children only	10	1%
With other relatives	11	1%
With friends	5	< 1%
Homeless (transient or no fixed address)	9	1%
Other	19	2%
Unknown	141	15%
Total	918	100%

The remainder of this section tracks the data as the accused moved through the criminal justice process, beginning with the offences of sexual assault.

3.2. Sexual Assault Offences

Alcohol or drugs were part of a substantial number of sexual assault incidents. Approximately half (52%) of those accused of a sexual assault charge were under the influence of drugs or alcohol at the time of the offence. NWT had the highest proportion (63%), followed by Yukon (59%); and Nunavut (40%). In addition, almost half (43%) of the victims of the sexual assault were under the influence of drugs or alcohol.

The majority of those accused of a sexual assault offence were charged with two offences, on average, at the time of the current incident. However, the number of charges was as high as six in both NWT and Yukon, and up to 16 in Nunavut. The majority (84%) of the most serious charges across the territories was sexual assault level 1; sexual interference was the offence with the second largest number of charges at 12%.

Table 5: Most serious sexual assault charge by territory

	Nunavut %	NWT %	Yukon %	Total %
Sexual assault 1	85%	85%	81%	84%
Sexual interference	11%	10%	16%	12%
Sexual assault 2	4%	4%	3%	4%
Sexual assault 3	< 1%	<1%	0%	<1%
Total	100%	100%	100%	100%

As noted in Table 6 below, overall, 13% of all individuals accused of a sexual assault offence were found not guilty. Half, 50%, were found guilty; however, findings of guilt varied by

territory. In Nunavut, 63% were found guilty, compared to 55% in the Yukon and 32% in NWT. The large majority (79%) of the accused found guilty were found guilty of the original charge. A quarter of the sample (24%) had all charges stayed or withdrawn. Reasons for stays or withdrawals varied; these included, but were not limited to, insufficient evidence or the victim refused to charge.

Table 6: Most serious decision for sexual assault charge, by territory

	Nunavut %	NWT %	Yukon %	Total %
Guilty	63	32	55	50
Not guilty	11	14	13	13
Stay/withdrawn	20	29	24	24
Other/not recorded	7	25	8	14

Over half (58%) of all those convicted of a sexual assault charge were sentenced to custody. In comparison to the other territories, NWT had a lower rate of conviction (32%) but a substantially higher rate of custodial sentences (86%) once convicted.

Table 7: Most serious sentences of sexual assault offenders, by territory

	Nunavut	NWT	Yukon	Total
Custody	48%	86%	52%	58%
Conditional sentence	23%	6%	19%	18%
Probation	26%	8%	26%	22%
Other	3%	0%	3%	2%

Sentence lengths for sexual assault offences varied across the territories as well. Details of the sentence lengths of convictions are provided in Tables 8 and 9 below. These details include the minimum, maximum, and median sentence length, as well as data on fines and restitution. In the Yukon, sentences were shorter in comparison to the other territories. Its maximum sentence for sexual assault offences was 36 months (three years), in comparison to 73 months (just over 6 years) in NWT, and 79 months (6 ½ years) in Nunavut.



**Table 8: Sentencing Quantum:
length of most serious sentences, sexual assault offences, by territory**

	Sentences	Minimum Number of months	Maximum Number of months	Median Number of months
Nunavut	Custody	<1	79	9
	Probation	<1	36	12
NWT	Custody	<1	73	10
	Probation	6	24	12
Yukon	Custody	1	36	6
	Probation	3	37	18

**Table 9: Sentencing Quantum: maximum fine amounts,
sexual assault offences, by territories**

		Minimum Fine Amount	Maximum Fine Amount	Median Fine Amount
Nunavut	Fine/restitution	\$200	\$1,000	\$500
NWT	Fine/restitution	50	500	50
Yukon	Fine/restitution	50	100	100

3.3. Family Violence Offences

Alcohol or drugs were part of the incidents of family violence as well. In family violence offences, 69% were committed while the accused was under the influence of drugs or alcohol. This includes approximately three-quarters of the accused in both Yukon (76%) and NWT (73%). This was the case for just over half (56%) of those accused in Nunavut. In addition, just over half (54%) of the victims of a family violence assault were under the influence of drugs or alcohol at the time of the assault.

In cases of family violence, while the average and median number of charges at the time of the incident was two, the number of charges was as high as 12 in both Nunavut and NWT and 11 in the Yukon. Assault level 1 was the most serious charge in the majority of cases (74%), followed by assault level 2 (22%). As Table 10 indicates below, there was consistency in levels of seriousness across all three territories.

Table 10: Most serious family violence charge, by territory

	Nunavut	NWT	Yukon	Total
Assault level 1	74%	77%	71%	74%
Assault level 2	20%	20%	26%	22%
Assault level 3	4%	3%	1%	2%
Criminal harassment or uttering threats	2%	<1%	2%	2%
Total	100%	100%	100%	100%

Overall, only 7% of those accused of a family violence offence were found not guilty. This includes 3% in Nunavut, 7% in the Yukon, and 10% in NWT. Fifty-seven percent were found guilty, and 22% of all cases were stayed. The overall rates of convictions varied widely by territory, as reported in Table 11 below. While the conviction rate in NWT was 34%, in the Yukon it was 58%, and in Nunavut 80%. The large majority (82%) of those found guilty across the territories were convicted of the original most serious family violence charge.

Table 11: Most serious decision for family violence charges, by territory

	Nunavut %	NWT %	Yukon %	Total %
Guilty	80	34	58	57
Not guilty	3	10	7	7
Stay/withdrawn	14	20	29	22
Other/not recorded	2	36	6	14

Half (51%) of the family violence accused found guilty were sentenced to custody, including 68% in NWT, 50% in Nunavut, and 44% in the Yukon. NWT again had a lower rate of conviction (34%), but a higher rate of incarceration (68%) once convicted.

Table 12: Most serious sentences for family violence offenders by territory

	Nunavut	NWT	Yukon	Total
Custody	50%	68%	44%	51%
Conditional sentence	21%	0%	17%	15%
Probation	26%	19%	38%	30%
Other	3%	13%	2%	4%

Details of the sentence lengths of family violence convictions are provided in Tables 13 and 14 below. As can be seen in these data, median sentences are short (two months) and are consistent across the territories. However, while the longest length of sentences for incarceration was similar in both Nunavut (60 months) and the Yukon (61 months), at approximately one year, the



longest sentence for incarceration in NWT was considerably lower (16 months) at just under a year and a half.

Table 13: Sentencing Quantum: length of most serious sentences, family violence offences, by territories

		Minimum Number of months	Maximum Number of months	Median Number of months
Nunavut	Custody	< 1	60	2
	Probation	6	24	12
NWT	Custody	<1	16	2
	Probation	6	24	12
Yukon	Custody	<1	61	2
	Probation	1	37	12

Table 14: Sentencing Quantum: maximum fines amounts, family violence offences, by territories

		Minimum Fine Amount	Maximum Fine Amount	Median Fine Amount
Nunavut	Fine/restitution	\$50	\$1,000	\$200
NWT	Fine/restitution	50	1,091	500
Yukon	Fine/restitution	35	1,673	50

3.4. Conditional Sentences for Both Types of Offences

Eighteen percent of those convicted of sexual assault were given a conditional sentence as were 15% of those accused of a family violence offence. Conditional sentences included a wide range of mandatory conditions, with offenders typically receiving more than one. Almost all conditional sentences included keeping the peace and remaining within the jurisdiction of the court. Conditional sentences also included conditions to aid in changing behaviour specific to offences as well. As reported in Table 15 below, for both family violence and sexual assault offenders, the most common conditions were that they must attend counselling, such as anger management or for addictions, and they must abstain from any intoxicating substances, including alcohol. Approximately half were mandated to undergo a psychological assessment.

Table 15: Conditions attached to conditional sentences, by offence type

	Sexual assault	Family Violence
Must attend counselling, such as anger or addictions management	73%	86%
Must abstain absolutely from intoxicating substances, including alcohol	71%	75%
Must not approach victim or must have no contact with victim	61%	69%
Must undergo assessment, such as psychological assessment	46%	56%
Must undertake community service	53%	37%
Must undergo treatment	30%	49%
Must not be alone with children	21%	0
Must not possess a firearm	0%	23%
Must meet with Community Justice Committee	11%	9%
Must pay restitution	0%	11%



4. Victims

While an offender's violence may be rooted, at least in part, in his own victimization, it is the victims of the current offences who hold the gravity and consequences of the current offence. The 1,474 cases of family violence and sexual assault included a total of 1,646 victims. This included 647 victims of sexual assault and 999 victims of family violence.

A large majority of the victims of sexual assault and family violence in all three territories were female: over 90% of sexual assault victims and over 85% of the victims of family violence.

The average age of the victims of sexual assault was much younger (approximately 19) than the average age of the accused (approximately 32). Where the ages of those accused of a sexual assault ranged from 13 to 85, the ages of the victims ranged from as young as one to as old as 86.

Table 16: Ages of the victims of sexual assault, by territory

	Nunavut	NWT	Yukon
Youngest age of victims of sexual assault	1	2	1
Oldest age of victims of sexual assault	76	86	47
Average age of victims of sexual assault	18	22	18
Median age of victims of sexual assault	16	18	15

The average age of the victims of a family violence offence (29) was, again, somewhat younger than the average age of the accused (32). However, as in the cases of sexual assault, there was a substantial difference in the age ranges of the family violence victims in comparison to the accused. Ages of the accused of a family violence offence ranged from 16 to 75; ages of the victims ranged from as young as one to as old as 73.

Table 17: Ages of the victims of family violence, by territory

	Nunavut	NWT	Yukon
Youngest age victims of family violence	1	2	1
Oldest age of victims of family violence	70	55	73
Average age of victims of family violence	29	30	31
Median age of victims of family violence	28	29	31

In the offences of family violence, the large majority of victims, as expected, were current spouses or partners (72%), with 4% previous spouse or partner and 7% dating at the time of the offence. Four percent of the victims were the accused's child or step-child.

In sexual assault offences, victims, in descending order, were acquaintance (25%), friend (10%), stranger (8%), niece or nephew (6%), step-child (4%), current spouse or partner (4%), grandchild (2%), sibling (2%), or neighbour (2%). Data for Canada overall indicate that strangers comprise 20% of sexual assault victims in comparison to the 8% in the territories. This difference is likely due to the small sizes of the communities in the north. The total population counts for communities in Nunavut, for example, typically range between 1,000 and 1,300 and are as small as 270.

Data were gathered on the extent of any injuries to the victims. Physical injury was defined as minor or major. “Minor” injuries are those that required no professional medical treatment beyond first aid, such as scratches, bruises, cuts or abrasions. “Major” physical injuries were defined as any injury that required professional medical attention on the scene or transportation to a hospital, for example for stitches, or broken bones. As indicated in Table 18, there is a fairly wide variation in the proportion of victims who sustained a minor or major injury. The majority of victims of family violence in the territories reported an injury, with 67% reporting a minor injury and 17% reporting a major one.⁷

A lower percentage of victims of sexual assault reported an injury. Approximately one quarter (23%) of victims of sexual assault reported a physical or psychological injury, including 21% who reported a minor injury and 2% who reported a major one.

Table 18: Injury sustained by victim as reported in cases of sexual assault and family violence, by territory

	Nunavut		NWT		Yukon		Total territories	
	Sexual Assault	Family violence	Sexual Assault	Family violence	Sexual Assault	Family violence	Sexual Assault	Family violence
No injury	74%	21%	70%	11%	75%	13%	74%	15%
Minor injury	21%	61%	28%	78%	19%	62%	21%	67%
Major injury	2%	15%	1%	10%	4%	24%	2%	17%
Other	3%	4%	1%	< 1%	2%	< 1%	3%	1%
Total	100%	101%*	100%	100%	100%	100%	100%	100%

*Due to rounding

⁷ Police reported data for Canada overall indicate a higher rate of injury, where 85% of current or previous spouses suffered a minor injury and 4% suffered a major injury (Brzozowski 2004). Moreover, these police reported data are for spousal violence only; they do not include offences against children or grandparents. As such, injuries may be under-reported in the data using Prosecutor files.



The majority of victims of both types of violent assaults completed a victim impact statement (VIS).⁸ This includes 76% of victims of a sexual assault and 88% of victims of family violence. In Nunavut, 85% of the victims of a sexual assault submitted a victim impact statement, followed by 62% in the Yukon and 61% in NWT. For family violence offences, Nunavut was again the highest where almost all, 95%, of the victims submitted a victim impact statement, followed by 87% in NWT and 82% in the Yukon.⁹

Effects of the assaults included in the victim impact statements provide another measure of harm independent of injuries reported to the police or Crown Prosecutor at the time of the offence. In the majority of statements submitted, the most common harm to the victim was an inability to sleep, feelings of fear, disgust, shame, anger, loss of any sense of trust, an inability to go to the place where the assault occurred, including place of work, confusion, and recurring memories. These impacts reported by the victims of violent assault in the territories are similar to those reported in victimization surveys for Canada overall, where confusion, frustration and sleep problems were among the most common (AuCoin and Beauchamp 2007). Furthermore, several of the victims in the territories reported ideation of suicide. The young ages of many of the territorial victims of a sexual assault are reflected in the number who cited an inability to attend school because of confusion and recurring memories of the assault.

Following are excerpts from territorial victim impact statements that reflect recurring themes. They provide the experiences as written by the victims themselves.

Victim 1: It made me scared and sad. I am having a hard time at school because I kept thinking about it....I have been having bad dreams since this happened. I have been depressed and upset sometimes. ... I am not eating or sleeping very well since this happened.

Victim 2: I started to drink and use drugs more in order to forget. I tried to attend school; however, it became impossible to concentrate and so I quit.

Victim 3: In the inside I'm hurt [in a way] that no one could understand. I lost my power of living a normal life with my friends and family.

⁸ Victim impact statements are written statements in which victims can describe the effect of the crime on them and any harm or loss suffered as a result of the crime. Victims can submit their statements at sentencing and at parole hearings.

⁹ The findings of a study of victims of all types of crimes indicate that 64% of all victims submit a VIS (Prairie Research Associates Inc. 2005). Data by type of offence are not available.

The victims of family violence also report difficulty sleeping, confusion, fear, betrayal, loss of trust, and a loss of any sense of safety; they also write about fear for their children and their ability to keep them safe. Following are excerpts from the VISs of victims of a family violence assault as written by the victims.

Victim 1: Since [the incident] I continuously check the apartment door while I am at home to make sure it is locked... I often check under the door crack for feet standing outside the door.

Victim 2: I'm scared of ... some day he just might do something to me that no one will ever know what happened to me. I don't want my kids to grow up without a mother.... since 1990 – 95 he has been assaulting me but [I] never did report it to the RCMP because I was too afraid of him.



5. Exploring the Relationship of Offence and Offender's History of Abuse

As discussed in Section 1 above, this research was particularly interested in examining the relationship between the offence and the offender's own personal history of abuse in order to better understand the processes that lead to such crimes. There is a caveat in research here as the linkage examined is between individuals; however, the linkage is ultimately based on historical consequences as discussed in the findings of the Royal Commission on Aboriginal Peoples (1996 and 1994). The data themselves were gathered as individual outcomes within a broader context of ongoing personal, as well as historic and social, realities. This is not so much a data limitation of this study only *per se*, as it is a parameter of social science research in general.

To study this link, data were gathered on factors that typically result in personal trauma, namely, sexual abuse, physical abuse, and/or psychological abuse, as well as indications of substance abuse. Data on these were collected as reported in the Crown Prosecutor files. It is likely that data on the accused's personal history of abuse was not always included in the Crown Prosecutor files as the purpose of prosecution is to establish current wrongdoing of perpetrators, and not their past victimizations. Therefore, these data are likely under-reported in the files themselves.

Nevertheless, the data from this research indicate that 66% of those accused of a sexual assault offence had suffered at least one form of violent abuse in their personal history. For family violence accused, it was higher at 77%. These findings indicate that a personal history of violence is a factor in the dynamics of family violence offences and sexual assault offences among these Aboriginal accused.

Given the relationship between Aboriginal individuals' personal history of abuse and subsequent violent offending, one would expect the same link between offence and offender's history of abuse among non-Aboriginal offenders as well. In the file review conducted here, the relationship does hold for the non-Aboriginal territorial offenders.¹⁰ Where 66% of First Nations, Inuit, and/or Métis, sexual assault accused in the territories had a personal history of violence, so did 59% of non-Aboriginal sexual assault accused. For family violence offenders, where 77% of Aboriginal family violence accused had a history of abuse, 73% of non-Aboriginal family violence accused did as well. These data indicate that over two thirds of sexual assault offenders and over three quarters of family violence offenders likely have suffered a personal history of abuse.

¹⁰ Note: The sample total of 1,474 Crown Prosecutor files include 29 non-Aboriginal sexual assault accused and 67 non-Aboriginal family violence accused.

These findings are in keeping with the findings of previous research. Bonta, LaPrairie, and Wallace-Capretta's (1997) assessment of Aboriginal and non-Aboriginal risk and needs in the prediction of recidivism write that their most important finding was that a risk/needs classification instrument originally developed on a sample of non-Aboriginal offenders demonstrated predictive validity among Aboriginal offenders, which implies that risk factors are similar for both Aboriginal and non-Aboriginal offenders.

Table 19: Percentage of accused with at least one form of victimization by type of offence, by Aboriginal status

	Aboriginal Accused	Non-Aboriginal Accused	Total
Sexual assault	66%	59%	65%
Family violence	77%	73%	76%

This relationship has implications for understanding findings such as the higher rates of spousal violence among Aboriginal Peoples. Statistics Canada's 2004 General Social Survey on Victimization found that 19% of all Aboriginal people in the territories experienced some form of physical or sexual violence by a current or previous spouse, in comparison to 8% among non-Aboriginal territorial residents over the same five year period (de Léséleuc and Brzozowski 2006). In the provinces, 21% of Aboriginal people in the provinces reported having experienced some form of physical or sexual violence by a spouse or partner in the five years preceding the survey, as did 6% among non-Aboriginal people in the provinces (Brzozowski et. al. 2006). The research completed in this current study using Crown Prosecutor files indicates that an offender's personal history of victimization is a factor in understanding the dynamics of violent offences.

A cycle of violence is further evidenced in the findings of the high rates of repeat offending. The majority of the territorial accused had at least one prior conviction for a violent offence. This includes 69% of those accused of a sexual assault and 79% of those accused of a family violence offence. Table 20 provides the data for most relevant prior convictions. As this table points out, some violent offenders had prior convictions for both types of violent offences, and assault was the most common prior violent conviction for both types of offenders.

Table 20: Prior convictions of accused, by type of offence

Prior convictions:	Sexual assault accused	Family violence accused
Sexual assault	24%	9%
Family violence	14%	37%
Assault	44%	58%



Individuals accused of a sexual assault offence who had a prior conviction had, on average, 11 prior convictions in both Nunavut and NWT. The average number in the Yukon was higher at 15. The median number of prior convictions was seven for both Nunavut and NWT and 10 for the Yukon. Individuals accused of a family violence offence were very similar to those accused of sexual assault with 11 prior convictions, on average, for both Nunavut and NWT and 14 for Yukon, and medians similar at 6, 9 and 10 respectively.

In keeping with cycles of violence and the high numbers of prior convictions, a number of the individuals accused of a sexual assault or family violence offence were also on probation or parole at the time of the current offence. This included 20% of those accused of a family violence offence and 17% of those accused of a sexual assault offence. In addition 16% of the family violence accused had outstanding charges, as did 15% of those accused of a sexual assault offence. These findings underscore Judge Stuart 's discussion in his sentencing of M.N.J.(supra). In his discussion, he writes that:

[2] ...if we always do what we have always done, we will always face what we always face – the next case to sentence, the next victim to heal.

[3] The next case, like so many before, will leave in its wake the broken lives of victims; shattered families; angry, fearful and frustrated communities; burned out, despairing professionals, and young men sitting in jails growing more disconnected, more hopeless and ultimately more dangerous. (*supra*)

6. Discussion

The purpose of this study of family violence and sexual assaults in the territories was to provide a more in-depth understanding of the processes that result in such offences. In particular, these data investigated the process for a more specific understanding of the literature that traces one root of causation to the negative outcomes of the colonization process on the Indigenous First Nations, Inuit, and Métis people. The findings in this research indicate that the majority of family violence and sexual assault offenders have suffered from personal histories of violent victimization.

The findings here of a high rate of a history of violent victimization among violent offenders has implications that speak to the appropriateness of system responses. Moreover, the socio-legal context is, in turn, connected to specific socio-economic factors. There are a number of studies that look at the ongoing socio-economic outcomes of the colonization process for the First Nations, Métis and Inuit people. Klodawsky et. al. (2006) conducted an analysis of the higher rates of homelessness among Aboriginal peoples. In their work, Brzozwski et. al. (2006) include an analysis of the lower rates of completed education, employment, and income, and the incumbent higher rates of crowded households, as well as higher rates of lone parent households among Aboriginal Peoples.

Each of these factors has been found to be highly correlated with criminal behaviour (Brzozwski et. al. 2006). These multiple risk factors are characterized by Dion Stout and Kipling (1998) as a “risk pile-up” and “the pitfalls of the political economy of every day life” for First Nations, Métis and Inuit peoples (p.15). While this may not reflect the lives of the majority of First Nations, Métis and Inuit peoples, for those caught in this risk pile-up, they may be entrenched in ongoing marginalization, below standard living conditions, impoverishment, and intergenerational trauma and its legacy of violence as a victim and/or as an offender.

As a result of the RCAP findings and subsequent research, a number of system responses have been initiated. Within the Department of Justice, the Aboriginal Justice Strategy (AJS), the Policy Centre for Victim Issues (PCVI), the Family Violence Initiative (FVI), and the Research and Statistics Division (RSD) work together to support the development of local capacity building and infrastructure development in local Aboriginal communities through funding promising pilot programs; the Department also undertakes policy development and legislative reform. Of historic note, the courts, working with Indian Residential Schools Resolution Canada (IRSRC), approved the Indian Residential Schools Settlement Agreement (Settlement Agreement) on March 21, 2007.¹¹ A key component of the Settlement Agreement is the creation of a Truth and Reconciliation Commission which is expected to begin its work in early 2008.

¹¹ See: <http://www.irsr-rqpi.gc.ca>



Appendix:

Crown Prosecutor File Review Questionnaire

3.6 Birth community of the accused

Northwest Territories

Outside NWT

- | | | | |
|--------------------------------------------|---------------------------------------------------|-------------------------------------------------------------|--------------------------------------------|
| 01 <input type="checkbox"/> Aklavik | 14 <input type="checkbox"/> Ford Liard | 26 <input type="checkbox"/> Enterprise | 34 <input type="checkbox"/> Nunavut |
| 02 <input type="checkbox"/> Colville Lake | 15 <input type="checkbox"/> Fort Providence | 27 <input type="checkbox"/> Hay River Reserve ¹⁵ | 35 <input type="checkbox"/> Yukon |
| 03 <input type="checkbox"/> Deline | 16 <input type="checkbox"/> Jean Marie River | 28 <input type="checkbox"/> Hay River | 36 <input type="checkbox"/> Other Canada |
| 04 <input type="checkbox"/> Fort Good Hope | 17 <input type="checkbox"/> Kakisa Lake | 29 <input type="checkbox"/> Fort Resolution | 37 <input type="checkbox"/> Outside Canada |
| 05 <input type="checkbox"/> Fort McPherson | 8 <input type="checkbox"/> Fort Simpson | 30 <input type="checkbox"/> Lutselk'e | 99 <input type="checkbox"/> Unknown |
| 06 <input type="checkbox"/> Holman | 19 <input type="checkbox"/> Nahanni Butte | 31 <input type="checkbox"/> Fort Smith | |
| 07 <input type="checkbox"/> Inuvik | 20 <input type="checkbox"/> Wrigley | 32 <input type="checkbox"/> Yellowknife | |
| 08 <input type="checkbox"/> Norman Wells | 21 <input type="checkbox"/> Trout Lake | 33 <input type="checkbox"/> NWT but community unknown | |
| 09 <input type="checkbox"/> Paulatuk | 22 <input type="checkbox"/> Rae Edzo | | |
| 10 <input type="checkbox"/> Sachs Harbour | 23 <input type="checkbox"/> Gameti | | |
| 11 <input type="checkbox"/> Tssigehtchic | 24 <input type="checkbox"/> Wha Ti | | |
| 12 <input type="checkbox"/> Tuktoyaktuk | 25 <input type="checkbox"/> Wekweto (Snare Lakes) | | |
| 13 <input type="checkbox"/> Tulita | | | |

3.7 Community in which the instant offence/s occurred

Northwest Territories

Outside NWT

- | | | | |
|--------------------------------------------|----------------------------------------------|-------------------------------------------------------------|--------------------------------------------|
| 01 <input type="checkbox"/> Aklavik | 14 <input type="checkbox"/> Ford Liard | 26 <input type="checkbox"/> Enterprise | 35 <input type="checkbox"/> Nunavut |
| 02 <input type="checkbox"/> Colville Lake | 15 <input type="checkbox"/> Fort Providence | 27 <input type="checkbox"/> Hay River Reserve ¹⁶ | 36 <input type="checkbox"/> Yukon |
| 03 <input type="checkbox"/> Deline | 16 <input type="checkbox"/> Jean Marie River | 28 <input type="checkbox"/> Hay River | 37 <input type="checkbox"/> Other Canada |
| 04 <input type="checkbox"/> Fort Good Hope | 17 <input type="checkbox"/> Kakisa Lake | 29 <input type="checkbox"/> Fort Resolution | 38 <input type="checkbox"/> Outside Canada |
| 05 <input type="checkbox"/> Fort McPherson | 18 <input type="checkbox"/> Fort Simpson | 30 <input type="checkbox"/> Lutselk'e | 99 <input type="checkbox"/> Unknown |
| 06 <input type="checkbox"/> Holman | 19 <input type="checkbox"/> Nahanni Butte | 31 <input type="checkbox"/> Fort Smith | |
| 07 <input type="checkbox"/> Inuvik | 20 <input type="checkbox"/> Wrigley | 32 <input type="checkbox"/> Yellowknife | |
| 08 <input type="checkbox"/> Norman Wells | 21 <input type="checkbox"/> Trout Lake | 33 <input type="checkbox"/> NWT but community unknown | |
| 09 <input type="checkbox"/> Paulatuk | 22 <input type="checkbox"/> Rae Edzo | 34 <input type="checkbox"/> Multiple communities. | |
- Please specify which ones:
- | | |
|-------------------------------------------|---------------------------------------------------|
| 10 <input type="checkbox"/> Sachs Harbour | 23 <input type="checkbox"/> Gameti |
| 11 <input type="checkbox"/> Tssigehtchic | 24 <input type="checkbox"/> Wha Ti |
| 12 <input type="checkbox"/> Tuktoyaktuk | 25 <input type="checkbox"/> Wekweto (Snare Lakes) |
| 13 <input type="checkbox"/> Tulita | |

3.8 Work status at the time of the instant offence/s

- 01 Traditional work only, such as hunting, fishing, artwork, other
- 02 Employed for pay and doing traditional work
- 03 Employed for pay full time
- 04 Employed for pay part time or seasonally
- 05 Employed for pay but full time or part time is unknown
- 06 Unemployed
- 07 Student
- 08 Other. *Please specify:* _____
- 99 Unknown

3.9 Highest level of education achieved at the time of the instant offence/s

- 01 Illiterate or no school
- 02 Primary/elementary school
- 03 Secondary school
- 04 High school diploma
- 05 Some community or college

¹⁵ Katlo Deedhe First Nation

¹⁶ Katlo Deedhe First Nation

- 06 Community or college degree
 07 Some university education
 08 University degree
 09 Post-graduate degree
 99 Unknown

PART 4: PERSONAL HISTORY OF ACCUSED

4.1 Known victimization of accused¹⁷ (Check all that apply.)

- 01 No victimization
 02 Yes, physical victimization
 03 Yes, emotional victimization
 04 Yes, sexual victimization
 99 Unknown

4.2 Any history of suicidal attempts?

- 01 Yes
 02 No
 99 Unknown

4.2 (b) Any history of suicidal ideation?

- 01 Yes
 02 No
 99 Unknown

4.3 Any history of violent behaviour?

- 01 Yes
 02 No
 99 Unknown

4.4 Who raised the accused? (Check all that apply.)

- 01 Parents
 02 Adoptive/Foster parents
 03 Grandparents
 04 Other family members
 05 Other. Please specify: _____
 99 Unknown

4.5 Any history (past and/or up to the instant offence/s) of substance abuse. (Check all that apply.)

- 01 No (Go to Part 5)
 02 Yes, alcohol/home brew
 03 Yes, drugs or other substance/s
 04 Yes, but substance not clear
 99 Unknown (Go to Part 5)

4.6 If yes to drugs, please specify which one. (Check all that apply.)

- 01 Cannabis
 02 Hashish
 03 Glue
 04 Gasoline
 05 Cocaine
 06 Heroin
 07 Ecstasy
 08 Other. Please specify: _____
 99 Unknown

4.7 If yes to any kind of substance abuse, what is the extent?

- 01 Occasional
 02 Occasional but heavy quantity
 03 Regularly, i.e., more than once a week (no matter the quantity)
 99 Unknown

¹⁷ The following variables (question 4.1) are about history of abuse of the accused and not as the abuser.

4.8 Did the accused receive any treatment for substance abuse?

- ⁰¹ Yes, just once
- ⁰² Yes, more than once
- ⁰³ Yes, but don't know to what extent
- ⁰⁴ No
- ⁹⁹ Unknown

PART 5: DETAILS OF CURRENT CHARGES/CONVICTIONS

5.1 Charge¹⁸ #1 **5.1 (a) If initial charge was dropped to a lesser charge, code the lesser charge**

5.2 Date #1 (From) Year Month Day (To) Year Month Day

5.3 Plea#1 (Offender)

5.4 Decision/disposition #1 (Judge/Jury)

- ⁰¹ Charge withdrawn, stayed ⁰¹ Not guilty/acquittal
- ⁰² Pleads not guilty at first appearance, then pleads guilty at a later stage ⁰² Peace bond
- ⁰³ Pleads not guilty, but charge is withdrawn/stayed by Crown at a later stage.
- ⁰³ Judicial stay (by Judge) Reason: _____
- ⁰⁴ Withdrawn by Crown Counsel
- ⁰⁴ Not Guilty
- ⁰⁵ Guilty ⁰⁶ Not criminally responsible
- ⁹⁹ Unknown ⁰⁷ Unfit to stand trial
- ⁰⁸ Other. Please specify: _____
- ⁰⁹ Crown Counsel stay
- ⁹⁹ Unknown

5.5 What date was the complaint made by the victim/s? **OR** **5.5 (a) Date of offender's confession**

Year Month Day Year Month Day

5.6 What date was the accused arrested? Year Month Day

5.7 Date of decision/disposition #1

5.8 Date of sentence #1

Year Month Day Year Month Day

5.9 What was the sentence for offence #1? (Check all that apply.)

- ⁰¹ Absolute discharge
- ⁰² Conditional discharge and probation. Please write the number of days of probation:
- ⁰³ Suspended sentence and probation. Please write the number of days of probation:
- ⁰⁴ Conditional sentence. Please write the number of days: Please complete question 6.6
- ⁰⁵ Fine/Restitution. Please write the dollar amount of fine/restitution:
- ⁰⁶ Personal services. Please describe: _____
- ⁰⁷ Compensation order. Please describe: _____
- ⁰⁸ Community service. Please write the type of community service: _____
- ⁰⁹ Attend program. Please write what kind of program: _____
- ¹⁰ Probation. Please write the number of days of probation: Please complete question 6.5
- ¹¹ Time served. Please write the number of days in time served prior to sentencing:
- ¹² Custody. Please write the number of days of custody:
- ¹³ Intermittent custody. Please write the number of days in intermittent custody:
- ¹⁴ Other. Please specify: _____
- ⁹⁹ Unknown

5.10 Charge #2 **5.10 (a) If initial charge was dropped to a lesser charge, code the lesser charge**

¹⁸ Use codes in Appendix A

5.11 Date #2 (From) Year Month Day (To) Year Month Day

5.12 Plea#2 (Offender)

5.13 Decision/disposition #2 (Judge/Jury)

- 01 Charge withdrawn, stayed
- 01 Not guilty/acquittal
- 02 Pleads not guilty at first appearance, then pleads guilty at a later stage
- 02 Peace bond
- 03 Pleads not guilty, but charge is withdrawn/stayed by Crown at a later stage.
- 03 Judicial stay (by Judge) Reason: _____
- 04 Withdrawn by Crown Counsel
- 04 Not Guilty
- 05 Guilty
- 06 Not criminally responsible
- 99 Unknown
- 07 Unfit to stand trial
- 08 Other. Please specify: _____
- 09 Crown Counsel stay
- 99 Unknown

5.14 What date was the complaint made by the victim/s? **OR** 5.14 (a) Date of offender's confession

Year Month Day Year Month Day

5.15 What date was the accused arrested? Year Month Day

5.16 Date of decision/disposition #2

5.17 Date of sentence #2

Year Month Day Year Month Day

5.18 What was the sentence for offence #2? (Check all that apply.)

- 01 Absolute discharge
- 02 Conditional discharge and probation. Please write the number of days of probation:
- 03 Suspended sentence and probation. Please write the number of days of probation:
- 04 Conditional sentence. Please write the number of days: Please complete question 6.6
- 05 Fine/Restitution. Please write the dollar amount of fine/restitution:
- 06 Personal services. Please describe: _____
- 07 Compensation order. Please describe: _____
- 08 Community service. Please write the type of community service: _____
- 09 Attend program. Please write what kind of program: _____
- 10 Probation. Please write the number of days of probation: Please complete question 6.5
- 11 Time served. Please write the number of days in time served prior to sentencing:
- 12 Custody. Please write the number of days of custody:
- 13 Intermittent custody. Please write the number of days in intermittent custody:
- 14 Other. Please specify: _____
- 99 Unknown

5.19 Charge #3 5.19 (a) If initial charge was dropped to a lesser charge, code the lesser charge

5.20 Date #3 (From) Year Month Day (To) Year Month Day

5.21 Plea#3(Offender)

5.22 Decision/disposition #3 (Judge/Jury)

- 01 Charge withdrawn, stayed
- 01 Not guilty/acquittal
- 02 Pleads not guilty at first appearance, then pleads guilty at a later stage
- 02 Peace bond

- 03 Pleads not guilty, but charge is withdrawn/stayed by Crown at a later stage.
- 03 Judicial stay (by Judge) Reason: _____
- 04 Withdrawn by Crown Counsel
- 04 Not Guilty
- 05 Guilty
- 06 Not criminally responsible
- 99 Unknown
- 07 Unfit to stand trial
- 08 Other. Please specify: _____
- 09 Crown Counsel stay
- 99 Unknown

5.23 What date was the complaint made by the victim/s? OR 5.23 (a) Date of offender's confession

Year Month Day Year Month Day

5.24 What date was the accused arrested? Year Month Day

5.25 Date of decision/disposition #3

5.26 Date of sentence #3

Year Month Day Year Month Day

5.27 What was the sentence for offence #3? (Check all that apply.)

- 01 Absolute discharge
- 02 Conditional discharge and probation. Please write the number of days of probation:
- 03 Suspended sentence and probation. Please write the number of days of probation:
- 04 Conditional sentence. Please write the number of days: Please complete question 6.6
- 05 Fine/Restitution. Please write the dollar amount of fine/restitution:
- 06 Personal services. Please describe: _____
- 07 Compensation order. Please describe: _____
- 08 Community service. Please write the type of community service: _____
- 09 Attend program. Please write what kind of program: _____
- 10 Probation. Please write the number of days of probation: Please complete question 6.5
- 11 Time served. Please write the number of days in time served prior to sentencing:
- 12 Custody. Please write the number of days of custody:
- 13 Intermittent custody. Please write the number of days in intermittent custody:
- 14 Other. Please specify: _____
- 99 Unknown

5.28 Charge #4 **5.28 (a) If initial charge was dropped to a lesser charge, code the lesser charge**

5.29 Date #4 (From) Year Month Day

(To) Year Month Day

5.30 Plea#4 (Offender)

5.31 Decision/disposition #4 (Judge/Jury)

- 01 Charge withdrawn, stayed
- 01 Not guilty/acquittal
- 02 Pleads not guilty at first appearance, then pleads guilty at a later stage
- 02 Peace bond
- 03 Pleads not guilty, but charge is withdrawn/stayed by Crown at a later stage.
- 03 Judicial stay (by Judge) Reason: _____
- 04 Withdrawn by Crown Counsel
- 04 Not Guilty
- 05 Guilty
- 05 Guilty
- 06 Not criminally responsible
- 99 Unknown
- 07 Unfit to stand trial
- 08 Other. Please specify: _____

- ⁰⁹ Crown Counsel stay
- ⁹⁹ Unknown

5.32 What date was the complaint made by the victim/s? OR 5.32 (a) Date of offender's confession

Year Month Day Year Month Day

5.33 What date was the accused arrested? Year Month Day

5.34 Date of decision/disposition #4

5.35 Date of sentence #4

Year Month Day Year Month Day

5.36 What was the sentence for offence #4? (Check all that apply.)

- ⁰¹ Absolute discharge
- ⁰² Conditional discharge and probation. *Please write the number of days of probation:*
- ⁰³ Suspended sentence and probation. *Please write the number of days of probation:*
- ⁰⁴ Conditional sentence. *Please write the number of days:* *Please complete question 6.6*
- ⁰⁵ Fine/Restitution. *Please write the dollar amount of fine/restitution:*
- ⁰⁶ Personal services. *Please describe:* _____
- ⁰⁷ Compensation order. *Please describe:* _____
- ⁰⁸ Community service. *Please write the type of community service:* _____
- ⁰⁹ Attend program. *Please write what kind of program:* _____
- ¹⁰ Probation. *Please write the number of days of probation:* *Please complete question 6.5*
- ¹¹ Time served. *Please write the number of days in time served prior to sentencing:*
- ¹² Custody. *Please write the number of days of custody:*
- ¹³ Intermittent custody. *Please write the number of days in intermittent custody:*
- ¹⁴ Other. *Please specify:* _____
- ⁹⁹ Unknown

5.37 Charge #5

5.37(a) If initial charge was dropped to a lesser charge, code the lesser charge

5.38 Date #5 (From) Year Month Day
 (To) Year Month Day

5.39 Plea#5(Offender) 5.40 Decision/disposition #5 (Judge/Jury)

- ⁰¹ Charge withdrawn, stayed
- ⁰¹ Not guilty/acquittal
- ⁰² Pleads not guilty at first appearance, then pleads guilty at a later stage
- ⁰² Peace bond
- ⁰³ Pleads not guilty, but charge is withdrawn/stayed by Crown at a later stage.
- ⁰³ Judicial stay (by Judge) *Reason:* _____
- ⁰⁴ Withdrawn by Crown Counsel
- ⁰⁴ Not Guilty
- ⁰⁵ Guilty
- ⁰⁵ Guilty
- ⁰⁶ Not criminally responsible
- ⁹⁹ Unknown
- ⁰⁷ Unfit to stand trial
- ⁰⁸ Other. *Please specify:* _____
- ⁰⁹ Crown Counsel stay
- ⁹⁹ Unknown

5.41 What date was the complaint made by the victim/s? OR 5.41 (a) Date of offender's confession

Year Month Day Year Month Day

5.42 What date was the accused arrested? Year Month Day

5.43 Date of decision/disposition #5

5.44 Date of sentence #5

Year Month Day

Year Month Day

5.45 What was the sentence for offence #5? (Check all that apply.)

01 Absolute discharge

02 Conditional discharge and probation. Please write the number of days of probation:

03 Suspended sentence and probation. Please write the number of days of probation:

04 Conditional sentence. Please write the number of days: Please complete question 6.6

05 Fine/Restitution. Please write the dollar amount of fine/restitution:

06 Personal services. Please describe: _____

07 Compensation order. Please describe: _____

08 Community service. Please write the type of community service: _____

09 Attend program. Please write what kind of program: _____

10 Probation. Please write the number of days of probation: Please complete question 6.5

11 Time served. Please write the number of days in time served prior to sentencing:

12 Custody. Please write the number of days of custody:

13 Intermittent custody. Please write the number of days in intermittent custody:

14 Other. Please specify: _____

99 Unknown

5.46 Are there any additional charges?

01 No

02 Yes. Please specify the number of additional charges:

Please attach and fill in a charge form for each additional charge.

- **IF OFFENDER FOUND GUILTY ON CURRENT CHARGE/S** If not found guilty on any charges, go directly to part 7

PART 6: MORE DETAILS ON THE SENTENCE/S

6.1 Was there a request for community banishment?

01 Yes

02 No

99 Unknown

6.2 Was there a prohibition for firearms/weapons?

01 Yes

02 No

99 Unknown

6.3 If custody for sexual and/or spousal assault, is it concurrent or consecutive?

01 Neither concurrent or consecutive because only 1 order

02 Concurrent

03 Consecutive

98 N/A

99 Unknown

6.4 If custody (under YCJA¹⁹ only) for sexual and/or spousal assault, is it open or secure or both?

- 01 Open
02 Secure
03 Both Open and Secure. Number of days for Open: Number of days for Secure:
98 N/A
99 Unknown

6.5 If probation, please check the conditions. (Check all that apply)

- 98 Not applicable
99 Conditions not on file.
01 You must keep the peace and be of good behaviour.
02 You must promptly notify the court or probation officer or supervisor of any change of employment or occupation.
03 You must appear before the Court when required to do so.
04 You must notify the Court or your probation officer in advance of any change of name or address.
05 You must attend Court on the ___ day of ___, (year) at _____ for the purpose of _____.
06 You must report to a probation officer on ___ and thereafter as directed ____ you will be under the supervision of the probation officer.
07 You must remain within the jurisdiction of the court unless written permission to go outside that jurisdiction is obtained from the court or the probation officer or supervisor.
08 You must reside at ___ until further order of this court, and you will obey the rules of that residence OR in a residence or place as directed by your probation officer.
09 You must obey a curfew and be inside your residence between the hours of ___ p.m. and ___ a.m. daily unless you have been given written permission to be away from your home by your parents/probation officer/RCMP.
10 You must not approach within (number) meters of the residence or place of employment of victims.
11 You must abstain absolutely from the possession or consumption of any intoxicating substances (including alcohol) unless a physician lawfully prescribes the substance.
12 You must not be present in any residence/establishment where alcohol is being served.
13 You must not be under the influence of alcohol to any degree in a public place.
14 You must seek or maintain employment and provide a monthly report to your probation officer on your efforts to do so.
15 You will attend school regularly.
16 You will attend such educational or recreational programs as may be directed by your probation officer and not be absent from these programs without the permission of your probation officer.
17 You must undergo an assessment (e.g. alcohol, psychological). **Please describe:** _____
18 You will attend counselling (e.g. family, anger management counselling, addictions counselling, alcohol counselling) directed by your probation officer. **Please describe:** _____
19 You must take a treatment program. **Please specify what kind:** _____
20 You must perform hours of community service work as and when directed to do so by your probation officer (his or her lawful designate) and to his or her satisfaction, to be completed by _____.
21 You must pay restitution in the amount of \$ to be paid in full by _____.
22 You must perform hours of work service for the benefit of _____ (if consented to by the victim in writing) and to the satisfaction of your probation officer, to be completed by _____.
23 You must make reasonable efforts to provide for the support and care of _____.
24 You must have no direct or indirect contact with (the victim).
25 If (the victim) initiates contact with you, you must immediately notify your probation officer.
26 You must not resume cohabitation with victim.
27 You must not be present with children under the age of years old unless a reasonable adult is present.
28 You may not possess or carry any firearm or ammunition within any community in NWT. You may use a gun only for hunting while out on the land (in the company of a responsible adult).
29 You must meet with the Justice Committee as directed by your probation officer for the purpose of receiving traditional counselling or providing an in person apology to the victim.
30 You must immediately leave the presence of _____ when you are requested to do so by her/him, or a member of the RCMP, and you must have no further contact with this person for a period of twenty-four hours following such a request.
31 Other condition. **Please describe:** _____

¹⁹ Youth Criminal Justice Act

6.6 If conditional sentence, please check the conditions. (Check all that apply.)

- ⁹⁸ Not applicable
- ⁹⁹ Conditions not on file.
- ⁰¹ You must keep the peace and be of good behaviour.
- ⁰² You must promptly notify the court or probation officer or supervisor of any change of employment or occupation.
- ⁰³ You must appear before the Court when required to do so.
- ⁰⁴ You must notify the Court or your probation officer in advance of any change of name or address.
- ⁰⁵ You must attend Court on the ___ day of ____, (year) at _____ for the purpose of _____.
- ⁰⁶ You must report to a probation officer on ___ and thereafter as directed ____ you will be under the supervision of the probation officer.
- ⁰⁷ You must remain within the jurisdiction of the court unless written permission to go outside that jurisdiction is obtained from the court or the probation officer or supervisor.
- ⁰⁸ You must reside at ___ until further order of this court, and you will obey the rules of that residence OR in a residence or place as directed by your probation officer.
- ⁰⁹ You must obey a curfew and be inside your residence between the hours of ___ p.m. and ___ a.m. daily unless you have been given written permission to be away from your home by your parents/probation officer/RCMP.
- ¹⁰ You must not approach within (number) meters of the residence or place of employment of victims.
- ¹¹ You must abstain absolutely from the possession or consumption of any intoxicating substances (including alcohol) unless a physician lawfully prescribes the substance.
- ¹² You must not be present in any residence/establishment where alcohol is being served.
- ¹³ You must not be under the influence of alcohol to any degree in a public place.
- ¹⁴ You must seek or maintain employment and provide a monthly report to your probation officer on your efforts to do so.
- ¹⁵ You will attend school regularly.
- ¹⁶ You will attend such educational or recreational programs as may be directed by your probation officer and not be absent from these programs without the permission of your probation officer.
- ¹⁷ You must undergo an assessment (e.g. alcohol, psychological). *Please describe:* _____
- ¹⁸ You will attend counselling (e.g. family, anger management counselling, addictions counselling, alcohol counselling) directed by your probation officer. *Please describe:* _____
- ¹⁹ You must take a treatment program. *Please specify what kind:* _____
- ²⁰ You must perform hours of community service work as and when directed to do so by your probation officer (or his or her lawful designate) and to his or her satisfaction, to be completed by _____.
- ²¹ You must pay restitution in the amount of \$ to be paid in full by _____.
- ²² You must perform hours of work service for the benefit of _____ (if consented to by the victim in writing) and to the satisfaction of your probation officer, to be completed by _____.
- ²³ You must make reasonable efforts to provide for the support and care of _____.
- ²⁴ You must have no direct or indirect contact with (the victim).
- ²⁵ If (the victim) initiates contact with you, you must immediately notify your probation officer.
- ²⁶ You must not resume cohabitation with victim.
- ²⁷ You must not be present with children under the age of years old unless a reasonable adult is present.
- ²⁸ You may not possess or carry any firearm or ammunition within any community in NWT. You may use a gun only for hunting while out on the land (in the company of a responsible adult).
- ²⁹ You must meet with the Justice Committee as directed by your probation officer for the purpose of receiving traditional counselling or providing an in person apology to the victim.
- ³⁰ You must immediately leave the presence of _____ when you are requested to do so by her/him, or a member of the RCMP, and you must have no further contact with this person for a period of twenty-four hours following such a request.
- ³¹ Other condition. *Please describe:* _____

PART 7: INFORMATION AT TIME OF CHARGE, AT DETENTION AND AT TRIAL

7.1 What file are these current offences from?

- ⁰¹ Youth file (Youth Criminal Justice Act -YCJA)
- ⁰² Adult file (Criminal Code)
- ⁰³ Both youth and adult files
- ⁹⁹ Unknown

7.2 Was the accused on probation at time of charge?

- ⁰¹ Yes
- ⁰² No
- ⁹⁹ Unknown

<p>7.3 Was the accused on parole at time of charge?</p> <p>01 <input type="checkbox"/> Yes 02 <input type="checkbox"/> No 99 <input type="checkbox"/> Unknown</p>
<p>7.4 Was the accused under charge for other crimes when arrested? <i>Please write the codes of the 4 most serious charges (See Appendix B for severity scale)</i></p> <p>01 <input type="checkbox"/> Yes. Charge #1 <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> Charge #2 <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> Charge #3 <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> Charge #4 <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/></p> <p>02 <input type="checkbox"/> No 99 <input type="checkbox"/> Unknown</p>
<p>7.5 Was the offender detained?</p> <p>01 <input type="checkbox"/> No, never 02 <input type="checkbox"/> Yes, by police after arrest 03 <input type="checkbox"/> Yes, by Justice of Peace by bail hearing 04 <input type="checkbox"/> Yes, during case processing after a warrant issued 05 <input type="checkbox"/> Yes, during case processing on another charge 06 <input type="checkbox"/> Yes, by the court during case processing for other reason. <i>Please specify:</i> _____ 07 <input type="checkbox"/> Yes, multiple detentions after arrest 08 <input type="checkbox"/> Yes, other (e.g. yes, detained but dk whether 2 or 3 or 4; in custody all the time) 99 <input type="checkbox"/> Unknown</p>
<p>7.6 Was the accused represented by counsel when in court?</p> <p>01 <input type="checkbox"/> Yes 02 <input type="checkbox"/> No 99 <input type="checkbox"/> Unknown</p>
<p>7.7 If accused represented by counsel, was it a legal aid counsel?</p> <p>01 <input type="checkbox"/> Yes 02 <input type="checkbox"/> No 99 <input type="checkbox"/> Unknown</p>
<p>7.8 Was the accused diverted to an alternative justice?</p> <p>01 <input type="checkbox"/> No 02 <input type="checkbox"/> Yes. The accused was referred to community justice (community justice committee). 03 <input type="checkbox"/> Yes. The accused was referred to alternative justice, other than community justice. <i>Please specify:</i> _____ 04 <input type="checkbox"/> Alternative or community justice was suggested but not available. 99 <input type="checkbox"/> Unknown</p>
<p>7.9 Date of first appearance in court</p> <p>Year <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> Month <input type="text"/> <input type="text"/> Day <input type="text"/> <input type="text"/></p>
<p>7.10 Date of last appearance in court (or date of completion of file)?</p> <p>Year <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> Month <input type="text"/> <input type="text"/> Day <input type="text"/> <input type="text"/></p>
<p>7.11 Number of hearings</p> <p><input type="text"/> <input type="text"/></p>
<p>7.12 Is there any indication of lack of knowledge of English by the accused when in court?</p> <p>01 <input type="checkbox"/> Yes. <i>Please explain:</i> _____ 02 <input type="checkbox"/> No 99 <input type="checkbox"/> Unknown</p>
<p>7.13 Was a trial date set for the instant offence/s?</p> <p>01 <input type="checkbox"/> Yes 02 <input type="checkbox"/> No (<i>Go to Q 7.15</i>) 99 <input type="checkbox"/> Unknown</p>

- 04 Yes, both alcohol & drugs
 05 Yes, some alcohol or drugs consumed prior to incident but unknown what substances were consumed
 06 Yes, some other substances such as glue, gasoline
 99 Unknown

8.2 What type of substance did the accused use at time of offence? (Check all that apply).

- 01 Cannabis
 02 Hashish
 03 Glue
 04 Gasoline
 05 Cocaine
 06 Heroin
 07 Ecstasy
 08 Other. Please specify: _____
 99 Unknown

8.3 Was a weapon involved in the offence?

- 01 Yes
 02 No (Go to 8.5)
 99 Unknown (Go to 8.5)

8.4 If yes, what kind of weapon? (Check all that apply)

- 01 Blunt instrument, e.g., hard or heavy object such as a chair, a baseball ball, unbroken beer bottle, wooden stick.
 02 Knife
 03 Other piercing or cutting instrument, e.g., hatchet, razor blade, broken bottle. Please specify: _____
 04 Firearm-type weapon, but not a firearm (BBgun, facsimile gun, starter's pistol, pellet pistol, etc.). Specify: _____
 05 Firearm (rifle, shotgun, handgun). Please specify: _____
 06 Other. Please specify: _____
 99 Unknown

8.5 Is it alleged that the accused committed his/her crime with anyone else?

- 01 No
 02 Yes
 99 Unknown

8.6 If yes, how many others?

8.7 If yes, what is the number of co-accused?²¹

PART 9: VICTIMS.

9.1 Number of victim/s who were injured

9.2 Age of Victim #1

9.3 Sex of victim #1

- 01 Male 02 Female

9.4 Was a Victim Impact Statement (VIS) prepared by the victim #1?

- 01 Yes
 02 No

9.5 Nature of the most serious physical injuries²² for victim # 1

- 01 No injury.
 02 Minor physical injury -injury that required no professional medical treatment or only some first aid, e.g. scratches, bruises, cuts, abrasions.
 03 Major physical injury -injury that is more than "trifling" or "transient" in nature and that required professional medical attention at the scene or transportation to a hospital emergency/outpatient department, e.g. stitches, broken bones.
 04 Other. Please specify: _____
 99 Unknown

²¹ Working under the assumption that the name of any co-accused is always listed alongside that of the accused on the same information, this variable should always be known.

²² Refers to the physical injury that accompanied the sexual offence or the severity of the spousal assault.

9.6 Nature of emotional trauma for victim # 1 (Check all that apply.)

- 01 No known emotional trauma.
- 02 Fear/Scare/Frightened
- 03 Angry
- 04 Behavioural change (e.g. cannot leave the house). Please specify: _____
- 05 Distress
- 06 Emotionally unstable. Please describe: _____
- 07 Depression
- 08 Suicidal ideas or attempts
- 09 Other. Please specify: _____
- 99 Unknown

9.6 (a) Was the victim #1 under the influence of drugs or/and alcohol when the incident happened?

- 01 Yes. Please write what kind of substance: _____
- 02 No
- 99 Unknown

9.6 (b) Was the offender under the influence of drugs or/and alcohol when he/she assaulted the victim #1?

- 01 Yes. Please write what kind of substance: _____
- 02 No
- 99 Unknown

9.7 What is the relationship between the accused and the victim# 1? (Victim # 1 is the _____ of the accused.)

- | | | |
|----------------------------------------------------|------------------------------------------|-------------------------------------------------|
| 01 <input type="checkbox"/> Spouse | 08 <input type="checkbox"/> Son/Daughter | 15 <input type="checkbox"/> Casual acquaintance |
| 02 <input type="checkbox"/> Common-law partner | 09 <input type="checkbox"/> Step-child | 16 <input type="checkbox"/> Stranger |
| 03 <input type="checkbox"/> Separated husband/wife | 10 <input type="checkbox"/> Grand-child | 17 <input type="checkbox"/> Other: _____ |
| 04 <input type="checkbox"/> Divorced husband/wife | 11 <input type="checkbox"/> Niece/Nephew | 18 <input type="checkbox"/> Student |
| 05 <input type="checkbox"/> Same sex partner | 12 <input type="checkbox"/> Sibling | 99 <input type="checkbox"/> Unknown |
| 06 <input type="checkbox"/> Boyfriend/Girlfriend | 13 <input type="checkbox"/> Friend | |
| 07 <input type="checkbox"/> Extra-marital lover | 14 <input type="checkbox"/> Neighbour | |

9.7 (a) Did Victim #1 refuse to pursue charges?

- 01 Yes
- 02 No
- 99 Unknown

9.7 (b) Did Victim #1 want to testify in court?

- 01 Yes
- 02 No. Victim #1 was a reluctant witness (did not want to testify from the right beginning)
- 03 No. Victim #1 was a recanting witness (wanted to testify at the beginning but did not want after)
- 99 Unknown

9.8 Age of Victim #2

9.9 Sex of victim #2

- 01 Male
- 02 Female

9.10 Was a Victim Impact Statement (VIS) prepared by the victim #2?

- 01 Yes
- 02 No

9.11 Nature of the most serious physical injuries for victim # 2

- ⁰¹ No injury.
- ⁰² Minor physical injury -injury that required no professional medical treatment or only some first aid, e.g. scratches, bruises, cuts, abrasions.
- ⁰³ Major physical injury -injury that is more than “trifling” or “transient” in nature and that required professional medical attention at the scene or transportation to a hospital emergency/outpatient department, e.g. stitches, broken bones.
- ⁰⁴ Other. *Please specify:* _____
- ⁹⁹ Unknown

9.12 Nature of emotional trauma for victim # 2 (Check all that apply.)

- ⁰¹ No known emotional trauma.
- ⁰² Fear/Scare/Frightened
- ⁰³ Angry
- ⁰⁴ Behavioural change (e.g. cannot leave the house). *Please specify:* _____
- ⁰⁵ Distress
- ⁰⁶ Emotionally unstable. *Please describe:* _____
- ⁰⁷ Depression
- ⁰⁸ Suicidal ideas or attempts
- ⁰⁹ Other. *Please specify:* _____
- ⁹⁹ Unknown

9.12 (a) Was the victim #2 under the influence of drugs or/and alcohol when the incident happened?

- ⁰¹ Yes. *Please write what kind of substance:* _____
- ⁰² No
- ⁹⁹ Unknown

9.12 (b) Was the offender under the influence of drugs or/and alcohol when he/she assaulted the victim #2?

- ⁰¹ Yes. *Please write what kind of substance:* _____
- ⁰² No
- ⁹⁹ Unknown

9.13 What is the relationship between the accused and the victim #2? (Victim # 2 is the...of the accused.)

- | | | |
|---------------------------------------------------------------|-----------------------------------------------------|------------------------------------------------------------|
| <input type="checkbox"/> ⁰¹ Spouse | <input type="checkbox"/> ⁰⁸ Son/Daughter | <input type="checkbox"/> ¹⁵ Casual acquaintance |
| <input type="checkbox"/> ⁰² Common-law partner | <input type="checkbox"/> ⁰⁹ Step-child | <input type="checkbox"/> ¹⁶ Stranger |
| <input type="checkbox"/> ⁰³ Separated husband/wife | <input type="checkbox"/> ¹⁰ Grand-child | <input type="checkbox"/> ¹⁷ Other: _____ |
| <input type="checkbox"/> ⁰⁴ Divorced husband/wife | <input type="checkbox"/> ¹¹ Niece/Nephew | <input type="checkbox"/> ¹⁸ Student |
| <input type="checkbox"/> ⁰⁵ Same sex partner | <input type="checkbox"/> ¹² Sibling | <input type="checkbox"/> ⁹⁹ Unknown |
| <input type="checkbox"/> ⁰⁶ Boyfriend/Girlfriend | <input type="checkbox"/> ¹³ Friend | |
| <input type="checkbox"/> ⁰⁷ Extra-marital lover | <input type="checkbox"/> ¹⁴ Neighbour | |

9.13(a) Did Victim #2 refuse to pursue charges?

- ⁰¹ Yes
- ⁰² No
- ⁹⁹ Unknown

9.13 (b) Did Victim #2 want to testify in court?

- ⁰¹ Yes
- ⁰² No. Victim #2 was a reluctant witness (did not want to testify from the right beginning)
- ⁰³ No. Victim #2 was a recanting witness (wanted to testify at the beginning but did not want after)
- ⁹⁹ Unknown

9.14 Age of Victim #3

9.15 Sex of victim #3

- ⁰¹ Male
⁰² Female

9.16 Was a Victim Impact Statement (VIS) prepared by the victim #3?

- ⁰¹ Yes
⁰² No

9.17 Nature of the most serious physical injuries for victim # 3

- ⁰¹ No injury.
⁰² Minor physical injury -injury that required no professional medical treatment or only some first aid, e.g. scratches, bruises, cuts, abrasions.
⁰³ Major physical injury -injury that is more than “trifling” or “transient” in nature and that required professional medical attention at the scene or transportation to a hospital emergency/outpatient department, e.g. stitches, broken bones.
⁰⁴ Other. Please specify: _____
⁹⁹ Unknown

9.18 Nature of emotional trauma for victim # 3 (Check all that apply.)

- ⁰¹ No known emotional trauma.
⁰² Fear/Scare/Frightened
⁰³ Angry
⁰⁴ Behavioural change (e.g. cannot leave the house). Please specify: _____
⁰⁵ Distress
⁰⁶ Emotionally unstable. Please describe: _____
⁰⁷ Depression
⁰⁸ Suicidal ideas or attempts
⁰⁹ Other. Please specify: _____
⁹⁹ Unknown

9.18 (a) Was the victim #3 under the influence of drugs or/and alcohol when the incident happened?

- ⁰¹ Yes. Please write what kind of substance: _____
⁰² No
⁹⁹ Unknown

9.18 (b) Was the offender under the influence of drugs or/and alcohol when he/she assaulted the victim #3?

- ⁰¹ Yes. Please write what kind of substance: _____
⁰² No
⁹⁹ Unknown

9.19 What is the relationship between the accused and the victim#3? (Victim # 3 is the ...of the accused.)

- | | | |
|---------------------------------------------------------------|-----------------------------------------------------|------------------------------------------------------------|
| ⁰¹ <input type="checkbox"/> Spouse | ⁰⁸ <input type="checkbox"/> Son/Daughter | ¹⁵ <input type="checkbox"/> Casual acquaintance |
| ⁰² <input type="checkbox"/> Common-law partner | ⁰⁹ <input type="checkbox"/> Step-child | ¹⁶ <input type="checkbox"/> Stranger |
| ⁰³ <input type="checkbox"/> Separated husband/wife | ¹⁰ <input type="checkbox"/> Grand-child | ¹⁷ <input type="checkbox"/> Other: _____ |
| ⁰⁴ <input type="checkbox"/> Divorced husband/wife | ¹¹ <input type="checkbox"/> Niece/Nephew | ¹⁸ <input type="checkbox"/> Student |
| ⁰⁵ <input type="checkbox"/> Same sex partner | ¹² <input type="checkbox"/> Sibling | ⁹⁹ <input type="checkbox"/> Unknown |
| ⁰⁶ <input type="checkbox"/> Boyfriend/Girlfriend | ¹³ <input type="checkbox"/> Friend | |
| ⁰⁷ <input type="checkbox"/> Extra-marital lover | ¹⁴ <input type="checkbox"/> Neighbour | |

9.19(a) Did Victim #3 refuse to pursue charges?

- ⁰¹ Yes
⁰² No
⁹⁹ Unknown

9.19 (b) Did Victim #3 want to testify in court?

- 01 Yes
- 02 No. Victim #3 was a reluctant witness (did not want to testify from the right beginning)
- 03 No. Victim #3 was a recanting witness (wanted to testify at the beginning but did not want after)
- 99 Unknown

PART 10: Victim Risk Assessment Form

10.1 Was there a Victim Risk Assessment form completed?

- 01 Yes. *Please copy the form and attach it to the questionnaire*
- 02 No
- 99 Unknown

PART 11: Predisposition report (PRD)

11.1 Was the court provided with a predisposition report (PDR)? *If the answer is "no", "N/A" or "unknown", go to part 12.*

- 01 Yes
- 02 No
- 98 N/A
- 99 Unknown

11.2 Was there a recommendation for sentence in the PDR? *(Check all that apply).*

- 01 No recommendation discernable
- 02 Recommendation for custody (e.g. has not been successful on previous community dispositions)
- 03 Recommendation for community sentence
- 04 Other. *Please specify:* _____
- 99 Unknown

11.3 What were the positive attributes in PDR for recommended sentence? *(Check all that apply.)*

- 01 Shows remorse
- 02 Victim empathy
- 03 Good attitude
- 04 Successful on previous dispositions, such as previous community sentences or alternatives measures
- 05 Accepts responsibility for the offence
- 06 First offence
- 07 Has employment
- 08 Has undertaken rehabilitation measures, counseling, etc.
- 09 Has offered to make restitution to victim
- 10 Stable family life
- 11 Has positive recommendation from community, employer, etc.
- 12 Other. *Please specify:* _____ 99 Unknown

11.4 What were the negative attributes in PDR for recommended sentence? *(Check all that apply.)*

- 01 Shows no remorse
- 02 Shows no victim empathy
- 03 Unstable home/residential situation
- 04 Alcohol and or drug consumption or problem
- 05 Behaved badly on previous dispositions; did not respect conditions on previous community sentences
- 06 Large number of prior offences
- 07 Seriousness of prior record
- 08 Similarity of prior record to current offences
- 09 Escalation of seriousness of offences
- 10 Does not accept responsibility for the offence
- 11 History of violent behaviour whether or not charged
- 12 No stable employment
- 13 No stable residence
- 14 Other. *Please specify:* _____
- 99 Unknown

PART 12: Psychological or psychiatric indicators

12.1 Was any psychological or psychiatric report provided to the court?

- 01 Yes, a psychiatric report was provided.
- 02 Yes, a psychological report was provided.
- 03 Yes, both a psychological and a psychiatric report were provided.
- 99 No psychiatric or psychological report found in the file.

12.2 Known disorders²³ or disabilities at the time of the instant offence (Check all that apply.)

- 01 No known disorder
- 02 Developmentally delayed/Low level functioning
- 03 Mental disability
- 04 Conduct disorder
- 05 Attention deficit disorder
- 06 Post-traumatic stress syndrome
- 07 Hyperactive
- 08 Minor depression
- 09 Major depression
- 10 Borderline personality disorder
- 11 Substance abuse
- 12 Pedophilia
- 13 Sexual disorder. *Please describe* (e.g. paraphilia²⁴): _____
- 14 Fetal alcohol spectrum disorder (FAS/FAE/ARND)
- 15 Physical disability/physical health problems. *Please describe*: _____
- 16 Other. *Please describe*: _____
- 99 Unknown

12.3 Was there a recommendation for sentence or treatment in the psychological/psychiatric report? (Check all that apply.)

- 01 No recommendation discernable
- 02 Recommendation for open custody
- 03 Recommendation for secure custody
- 04 Recommendation for custody, but unknown if open or secure
- 05 Recommendation for community disposition
- 06 Recommendation for treatment. *Please Specify*: _____
- 07 Other. *Please Specify*: _____
- 99 Unknown

12.4 Does the offender show remorse for the offence? This aspect of remorse has to be clearly mentioned in the report.

- 01 Yes
- 02 No
- 99 Unknown

12.5 Does the offender accept responsibility for his or her actions? This aspect of responsibility has to be clearly mentioned in the report.

- 01 Yes, the offender accepts responsibility. *Please write if it is full or partial responsibility*: _____
- 02 No, the offender does not accept responsibility.
- 99 Unknown

12.6 Did the offender apologize to the victim(s)? It has to be clearly mentioned in the report that the offender apologize.

- 01 Yes
- 02 No
- 99 Unknown

PART 13: IN A CASE OF SEXUAL ASSAULT²⁵

13.1 Was an order authorizing the taking of bodily substances for forensic DNA analysis requested?

- 01 Yes
- 02 No
- 99 Unknown

²³ The disorder has to be diagnosed by a psychologist or a psychiatrist. Please see the psychologist or psychiatrist report to answer this question.

²⁴ Paraphilia is defined as core sexual deviance.

²⁵ If many incidents of sexual assault led to charges, please answer the following questions for the most serious incident.

<p>13.2 Was a sexual kit administered?</p> <p>01 <input type="checkbox"/> Yes 02 <input type="checkbox"/> No 99 <input type="checkbox"/> Unknown</p>
<p>13.3 Was the victim under the influence of drugs or/and alcohol when the sexual assault happen?</p> <p>01 <input type="checkbox"/> Yes. <i>Please write what kind of substance:</i> _____ 02 <input type="checkbox"/> No 99 <input type="checkbox"/> Unknown</p>
<p>13.4 Where was the victim sexually assaulted? (Check all that apply.)</p> <p>01 <input type="checkbox"/> At her/his own home 02 <input type="checkbox"/> At the offender's home 03 <input type="checkbox"/> At the offender' and victim's home (when living together) 04 <input type="checkbox"/> At a party 05 <input type="checkbox"/> Inside a public place. <i>Please describe:</i> _____ 06 <input type="checkbox"/> Outdoor anywhere in the community. <i>Please describe:</i> _____ 07 <input type="checkbox"/> Other. <i>Please describe:</i> _____ 99 <input type="checkbox"/> Unknown</p>
<p>13.5 Were there any witnesses?</p> <p>01 <input type="checkbox"/> Yes. How many: <input type="checkbox"/><input type="checkbox"/> <i>or</i> at least: <input type="checkbox"/><input type="checkbox"/> <i>persons</i> 02 <input type="checkbox"/> No 99 <input type="checkbox"/> Unknown</p>
<p>13.6 If any witnesses, who were they? (Check all that apply.)</p> <p>01 <input type="checkbox"/> Offender's children 02 <input type="checkbox"/> Victim's children 03 <input type="checkbox"/> Offender and victim's children 04 <input type="checkbox"/> Other children 05 <input type="checkbox"/> Offender's friends 06 <input type="checkbox"/> Victim's friends 07 <input type="checkbox"/> Offender's relatives 08 <input type="checkbox"/> Victim's relatives 09 <input type="checkbox"/> Other adults 10 <input type="checkbox"/> Other. <i>Please describe:</i> _____ 99 <input type="checkbox"/> Unknown</p>
<p>13.7 If witnesses, did they try to impede the sexual assault?</p> <p>01 <input type="checkbox"/> Yes. <i>Please describe:</i> _____ 02 <input type="checkbox"/> No 99 <input type="checkbox"/> Unknown</p>
<p>13.8 If the victim was sexually assaulted by his/her partner or boyfriend/girlfriend, did the victim return to the relationship after the assault?</p> <p>01 <input type="checkbox"/> Yes. <i>Please describe why (from the victim's point of view):</i> _____ 02 <input type="checkbox"/> No 03 <input type="checkbox"/> No. Victim wanted to return to the relationship, but it did not happen for this particular reason²⁶: _____ 99 <input type="checkbox"/> Unknown</p>
<p>13.9 If the victim was living with the offender, did they continue to cohabite after the sexual assault?</p> <p>01 <input type="checkbox"/> Yes 02 <input type="checkbox"/> No 03 <input type="checkbox"/> No. Victim wanted to cohabite, but the cohabitation did not happen for this particular reason²⁷: _____ 99 <input type="checkbox"/> Unknown</p>

²⁶ For instance, the offender was incarcerated.

PART 14: IN A CASE OF SPOUSAL ASSAULT²⁸

14.1 What was the rationale used by the offender to explain the assault on the victim?

14.2 Does the offender demonstrate a high tendency towards violence?

- ⁰¹ Yes
⁰² No
⁹⁹ Unknown

14.3 How long is/was the relationship between the offender and the victim when the assault happen?

days

14.4 Does the couple have children?

- ⁰¹ Yes. Please specify how many children reside with the couple: :
Among them, how many biological²⁹ children: Non-biological children: Adopted children:
Custom adopted children: Foster children:
⁰² No
⁹⁹ Unknown

14.4 (a) Was the victim pregnant when the assault happened?

- ⁰¹ Yes
⁰² No
⁹⁹ Unknown

14.4 (b) Did the victim assault the offender first?

- ⁰¹ Yes
⁰² No
⁹⁹ Unknown

14.4 (c) If the victim assaulted the offender first, did the victim use a weapon?

- ⁰¹ Yes. Please write the kind of weapon: _____
⁰² No
⁹⁹ Unknown

14.5 How many times the offender assaulted the victim before the instant offence/s?

- ⁰¹ The offender never assaulted the victim before
⁰² The offender assaulted the victim between one and five times before
⁰³ The offender assaulted the victim more than five times before
⁰⁴ The offender assaulted the victim before but unknown how many times
⁹⁹ Unknown

14.6 Where was the victim assaulted? (check all that apply.)

- ⁰¹ At her/his own home
⁰² At the offender's home
⁰³ At the offender' and victim's home (when living together)
⁰⁴ At a party
⁰⁵ Inside a public place. Please describe: _____
⁰⁶ Outdoor in the community. Please describe: _____
⁰⁷ Other. Please describe: _____
⁹⁹ Unknown

²⁷ For instance, the offender was incarcerated.

²⁸ If many incidents of spousal assault led to charges, please answer the questions for the most serious incident.

²⁹ Biological refers to the children that the couple had together.

<p>14.7 Were there any witnesses?</p> <p>01 <input type="checkbox"/> Yes. How many: <input type="checkbox"/><input type="checkbox"/> <i>or</i> at least: <input type="checkbox"/><input type="checkbox"/> <i>persons</i></p> <p>02 <input type="checkbox"/> Yes, but don't know how many witnesses.</p> <p>03 <input type="checkbox"/> No</p> <p>99 <input type="checkbox"/> Unknown</p>
<p>14.8 If any witnesses, who were they? (Check all that apply.)</p> <p>01 <input type="checkbox"/> Offender's children</p> <p>02 <input type="checkbox"/> Victim's children</p> <p>03 <input type="checkbox"/> Offender and victim's biological children</p> <p>04 <input type="checkbox"/> Other children</p> <p>05 <input type="checkbox"/> Offender's friends</p> <p>06 <input type="checkbox"/> Victim's friends</p> <p>07 <input type="checkbox"/> Offender's acquaintances</p> <p>08 <input type="checkbox"/> Victim's acquaintances</p> <p>09 <input type="checkbox"/> Offender's relatives</p> <p>10 <input type="checkbox"/> Victim's relatives</p> <p>11 <input type="checkbox"/> Strangers</p> <p>12 <input type="checkbox"/> Other. <i>Please describe:</i> _____</p> <p>99 <input type="checkbox"/> Unknown</p>
<p>14.9 If witnesses, did they try to impede the assault?</p> <p>01 <input type="checkbox"/> Yes. <i>Please describe:</i> _____</p> <p>02 <input type="checkbox"/> No</p> <p>99 <input type="checkbox"/> Unknown</p>
<p>14.10 Did the victim return to the relationship with the offender after the assault?</p> <p>01 <input type="checkbox"/> Yes</p> <p>02 <input type="checkbox"/> No</p> <p>03 <input type="checkbox"/> No. Victim wanted to return to the relationship, but it did not happen for this particular reason: _____</p> <p>99 <input type="checkbox"/> Unknown</p>
<p>14.11 If the victim was living with the offender before the assault, did they continue to cohabite after the assault?</p> <p>01 <input type="checkbox"/> Yes</p> <p>02 <input type="checkbox"/> No</p> <p>03 <input type="checkbox"/> No. Victim wanted to cohabite, but the cohabitation did not happen for this particular reason: _____</p> <p>99 <input type="checkbox"/> Unknown</p>
<p>PART 15: PRIOR RECORD³⁰ OF THE ACCUSED AT THE TIME OF THE INSTANT OFFENCE (S)</p>
<p>15.1 Any prior contact with the justice system? Includes charges laid but not proceeded with, Crown caution, prior findings of not guilty, dismissals, alternative measures as well as convictions.</p> <p>01 <input type="checkbox"/> No</p> <p>02 <input type="checkbox"/> Yes</p> <p>99 <input type="checkbox"/> Unknown</p>
<p>15.2 Any prior convictions/findings of guilt?</p> <p>01 <input type="checkbox"/> No</p> <p>02 <input type="checkbox"/> Yes</p> <p>99 <input type="checkbox"/> Unknown</p>
<p>15.3 If yes, what is the total number of prior convictions/findings of guilt (excluding the instant offence/s)?</p> <p><input type="checkbox"/><input type="checkbox"/></p>
<p>15.4 What was the most serious offence? Please use codes in Appendix A.</p> <p><input type="checkbox"/><input type="checkbox"/><input type="checkbox"/><input type="checkbox"/></p>
<p>15.5 What is the number of counts for this type of offence?</p> <p><input type="checkbox"/><input type="checkbox"/></p>

³⁰ Part 15 **excludes** the instant offence/s. Please use CPIC to answer this part.

15.6 Date of the most serious offence. *If different dates for the most serious offences, write the most recent*

Year Month Day

15.7 Any prior convictions for sexual assault ? *Please exclude the instant offence/s*

- 01 No
- 02 Yes. *How many:*
- 99 Unknown

15.8 Any prior convictions for assault? *Please exclude the instant offence/s*

- 01 No
- 02 Yes. *How many:*
- 99 Unknown

15.9 Any indicators of previous convictions for family violence

- 01 No
- 02 Yes. *How many:*
- 99 Unknown

If any sexual assault or assault, please write the pertinent code for each offence, the date of conviction and the sentence:

15.10 code#1 **15.11 Year** **Month** **Day**

15.12 What was the sentence: *(Check all that apply.)*

- 01 Absolute discharge
- 02 Conditional discharge and probation. *Please write the number of days of probation:*
- 03 Suspended sentence and probation. *Please write the number of days of probation:*
- 04 Conditional sentence. *Please write the number of days:*
- 05 Fine/Restitution. *Please write the dollar amount of fine/restitution:*
- 06 Personal services. *Please describe:* _____
- 07 Compensation order. *Please describe:* _____
- 08 Community service. *Please write the type of community service:* _____
- 09 Attend program. *Please write what kind of program:* _____
- 10 Probation. *Please write the number of days of probation:*
- 11 Time served. *Please write the number of days in time served prior to sentencing:*
- 12 Custody. *Please write the number of days of custody:*
- 13 Intermittent custody. *Please write the number of days in intermittent custody:*
- 14 Other. *Please specify:* _____
- 99 Unknown

15.13 code#2 **15.14 Year** **Month** **Day**

15.15 What was the sentence: *(Check all that apply.)*

- 01 Absolute discharge
- 02 Conditional discharge and probation. *Please write the number of days of probation:*
- 03 Suspended sentence and probation. *Please write the number of days of probation:*
- 04 Conditional sentence. *Please write the number of days:*
- 05 Fine/Restitution. *Please write the dollar amount of fine/restitution:*
- 06 Personal services. *Please describe:* _____
- 07 Compensation order. *Please describe:* _____
- 08 Community service. *Please write the type of community service:* _____
- 09 Attend program. *Please write what kind of program:* _____
- 10 Probation. *Please write the number of days of probation:*
- 11 Time served. *Please write the number of days in time served prior to sentencing:*
- 12 Custody. *Please write the number of days of custody:*
- 13 Intermittent custody. *Please write the number of days in intermittent custody:*

¹⁴ Other. Please specify: _____

⁹⁹ Unknown

15.16 code#3 **15.17 Year** **Month** **Day**

15.18 What was the sentence: (Check all that apply.)

⁰¹ Absolute discharge

⁰² Conditional discharge and probation. Please write the number of days of probation:

⁰³ Suspended sentence and probation. Please write the number of days of probation:

⁰⁴ Conditional sentence. Please write the number of days:

⁰⁵ Fine/Restitution. Please write the dollar amount of fine/restitution:

⁰⁶ Personal services. Please describe: _____

⁰⁷ Compensation order. Please describe: _____

⁰⁸ Community service. Please write the type of community service: _____

⁰⁹ Attend program. Please write what kind of program: _____

¹⁰ Probation. Please write the number of days of probation:

¹¹ Time served. Please write the number of days in time served prior to sentencing:

¹² Custody. Please write the number of days of custody:

¹³ Intermittent custody. Please write the number of days in intermittent custody:

¹⁴ Other. Please specify: _____

⁹⁹ Unknown

15.19 code#4 **15.20 Year** **Month** **Day**

15.21 What was the sentence: (Check all that apply.)

⁰¹ Absolute discharge

⁰² Conditional discharge and probation. Please write the number of days of probation:

⁰³ Suspended sentence and probation. Please write the number of days of probation:

⁰⁴ Conditional sentence. Please write the number of days:

⁰⁵ Fine/Restitution. Please write the dollar amount of fine/restitution:

⁰⁶ Personal services. Please describe: _____

⁰⁷ Compensation order. Please describe: _____

⁰⁸ Community service. Please write the type of community service: _____

⁰⁹ Attend program. Please write what kind of program: _____

¹⁰ Probation. Please write the number of days of probation:

¹¹ Time served. Please write the number of days in time served prior to sentencing:

¹² Custody. Please write the number of days of custody:

¹³ Intermittent custody. Please write the number of days in intermittent custody:

¹⁴ Other. Please specify: _____

⁹⁹ Unknown

15.22 code#5 **15.23 Year** **Month** **Day**

15.24 What was the sentence: (Check all that apply.)

⁰¹ Absolute discharge

⁰² Conditional discharge and probation. Please write the number of days of probation:

⁰³ Suspended sentence and probation. Please write the number of days of probation:

⁰⁴ Conditional sentence. Please write the number of days:

⁰⁵ Fine/Restitution. Please write the dollar amount of fine/restitution:

⁰⁶ Personal services. Please describe: _____

⁰⁷ Compensation order. Please describe: _____

⁰⁸ Community service. Please write the type of community service: _____

⁰⁹ Attend program. Please write what kind of program: _____

¹⁰ Probation. Please write the number of days of probation:

¹¹ Time served. Please write the number of days in time served prior to sentencing:

¹² Custody. Please write the number of days of custody:

¹³ Intermittent custody. Please write the number of days in intermittent custody:

¹⁴ Other. Please specify: _____

⁹⁹ Unknown

End of the coding sheet



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