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Family Violence in Canada: A Statistical Profile 2004

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Family Violence in Canada:

A Statistical Profile 2004

Edited by Jodi-Anne Brzozowski

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Symbols

The following symbols are used in this report:

- . not available for any reference period
- .. not available for a specific reference period
- ... not applicable
- 0 true zero or a value rounded to zero
- ^P preliminary
- ^r revised
- x suppressed to meet the confidentiality requirements of the *Statistics Act*
- E use with caution
- F too unreliable to be published

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Highlights

Chapter 1 – Spousal violence

- According to a subset of 94 police departments representing 56% of the national volume of crime, in 2002, approximately one-quarter (27%) of all victims of violent crimes were victims of family violence. Among all family violence victims, 6-in-10 (62%) were victims of violence at the hands of their spouse.
- In 2002, females accounted for 8-in-10 (85%) of all victims of spousal violence reported to the subset of police departments. Young females aged 25-to-34 experienced the highest rates of spousal violence.
- The most commonly reported spousal violence offence for both female and male victims was common assault (64% and 60%).
- About eighty percent of spousal violence incidents resulted in a charge being laid by police. Incidents involving female victims (82%) were more likely to result in a charge being laid than those involving male victims (70%).
- According to a subset of 78 police departments who have consistently reported to the Incident-based Uniform Crime Reporting (UCR2) Survey since 1998, rates of police-reported spousal assault have steadily increased for both females and males between 1998 and 2000, but have shown slight decreases in 2001 and 2002. Annual rates were on average, over five times lower for males than for females, however, trend patterns for spousal assault against males were similar to those of females.
- In 2002, according to a subset of 94 police departments, about 8-in-10 victims of criminal harassment had some form of relationship with their stalkers, either as partners, friends/acquaintances or other family members. Females were most likely to be criminally harassed by a partner, while males were more likely to be harassed by an acquaintance.

Chapter 2 – Family violence against children and youth

- In 2002, children and youth under the age of 18 represented 23% of the population and, according to a subset of 94 police departments, they accounted for 61% of victims of sexual assault and 20% of all victims of physical assault.
- In 2002, girls represented 79% of victims of family-related sexual assaults reported to a subset of police departments. Rates of sexual offences were highest among girls between the ages of 11 and 14, with the highest rate at age 13 (165 per 100,000 females). Among boys, rates of family-related sexual assault were highest for those between the ages of 3 and 7.
- Rates of family-related physical assaults against girls and boys generally increased with age. The highest age-specific rate for girls was at age 17 (362 per 100,000 females) and the highest rate for boys was at age 15 (196 per 100,000 males).
- Results from parent interviews conducted in the 1998/99 National Longitudinal Survey of Children and Youth (NLSCY) indicate that an estimated 8% or 1-in-12 children between the ages of 4 and 7 had witnessed some type of physical violence in the home. This amounts to about 120,000 children in this age group. Of the children who had witnessed violence, most had “seldom” witnessed violence (64%), one-third (30%) had witnessed violence “sometimes”, and 5%, “often”. Boys and girls were equally likely to have witnessed violence.
- Witnessing violence in the home has been found to be related to short and longer-term behavior problems in children such as aggression and emotional problems such as anxiety.

Chapter 3 – Family violence against older adults

- According to a subset of 94 police departments, older adults in 2002 were the least likely of all age groups to be victims of violent crimes reported to the police. The rate of reported violent crime against seniors aged 65 and older was 156 per 100,000 population, 14 times lower than the highest rate of 2,200 recorded for 18-to-24 year old victims.
- Older adults were more likely to be victimized by non-family members than family members (70% compared to 30%). Among those victimized by a family member, older adults were most likely to be victimized by an adult child (38%) or spouse/ex-spouse (26%).
- In 2002, older females were more likely than their male counterparts to be victims of family-related violence. Of the approximate 1,100 older adult victims of violence by family members, about 700 (or 65%) were females. This is largely attributed to the fact that females make up the majority of victims of spousal violence.
- Males made up a large proportion of those accused in family violence against older adults, accounting for nearly 8-in-10 perpetrators. Approximately 22% of accused were males aged 65 or older, most often spouses, and over one-third were between 35 and 54 years of age, typically adult children.
- Analysis of police-reported family-related violence against older adults has found that rates have increased between 1998 and 2002. Rates against older females increased by 42% (from 38 to 54 victims per 100,000 females) while rates for older male victims increased by 30% (from 30 to 39 per 100,000 men) during this five-year period.

Chapter 4 – Family homicide

- Data from the Homicide Survey indicate that between 1993 and 2002, women were more at risk than men of being killed by their spouse (8 homicides per million couples compared to 2 homicides per million couples). The risk was also higher among younger and common-law spouses. For both men and women, rates of spousal homicide have declined over the last three decades.
- Between 1993 and 2002, 'murder-suicides' occurred in one-third of spousal homicides against women and 3% of spousal homicides against men. When the accused did not commit suicide, almost all (99%) were charged. The most common charge for persons accused of killing their female spouses was first-degree murder (61%). This compares to 32% of persons accused of killing their male spouses.
- For homicides of children and youth, over two-thirds (67%) were committed by a family member. Infants under the age of one had the highest rates of family homicide involving children and youth, with a rate of 39 homicides per million infants. Upon turning one year old, the risk of being a victim of homicide decreased to 10 homicides per million children.
- In homicides of infants, mothers (47%) and fathers (48%) were almost equally responsible. For children aged one to 11, fathers were the most common accused (65%). While this was also the case for homicides against youths aged 12 to 17 (49%), other family members represented a substantial portion of the accused (37%).
- Between 1993 and 2002, step-parents represented 12% of all parents accused of killing their children.
- Despite annual fluctuations, rates of family homicides of seniors have generally increased in the last decade, following a sharp drop in the early 1990s. This is in contrast to the overall decrease in rates of non-family homicides of seniors in the 1970s and 1980s.
- Data from 1993 to 2002 show that the most common accused family members of homicides of seniors were spouses (42%) and sons (37%) for elderly female victims, and sons (51%) for elderly male victims.
- About one-in-five (22%) family homicides of seniors resulted in the suicide of the accused. The majority (63%) of family-related 'murder-suicides' involving elderly victims were committed by a spouse.

Chapter 5 – Sentencing in cases of family violence

- Results from a subset of linked police and court records from 1997/98 to 2000/01 show that spouses were the most common type of offender convicted of all violent crimes in both single and multiple conviction cases. Over one-third of convicted violent offenders were spouses (35%), followed by friends or acquaintances (32%), strangers (21%), other family members (8%) and unknown perpetrators (4%).
- Among single-conviction cases, perpetrators of spousal violence, family violence against children and youth and family violence against seniors were less likely than other violent offenders to receive a custodial sanction.
- Violent cases involving spouses generally resulted in prison less frequently (19%) than those involving non-spouses (29%). This difference is largely driven by the higher proportion of convicted strangers (35%) and friends and acquaintances (30%) that receive prison. The differences in prison dispositions become smaller when specific offence types are examined. For example, spousal offenders were only slightly less likely than non-spousal offenders to be given a prison sentence for common assault (level 1) (17% versus 21%) and major assault (levels 2 and 3) (32% versus 36%).
- After accounting for differences in offence distribution, prison sentence lengths were similar for both spousal and non-spousal violence offenders. In cases of violence against seniors, shorter prison sentences were more common for family members than they were for non-family members while the opposite was true for violence against children and youth. Family members sentenced to prison tended to receive longer terms than non-family members.
- The most common sanction for family violence, regardless of the type of relationship, was probation. In particular, probation occurred in about seven in ten spousal violence cases (72%), violence against children and youth cases (71%) and violence against senior cases (70%).
- While dispositions other than prison and probation, such as fines and conditional sentences, were rarely imposed for single violent convictions, there were some variations in these dispositions according to victim-offender relationship and offence type. For example, spousal violence offenders were more likely than non-spousal offenders to receive a conditional sentence for sexual assault (24% versus 15%), while non-spousal offenders were more likely than spousal offenders to receive fines for common assault (15% versus 5%).
- Family members convicted of sexual assault against children and youth were more likely than non-family members to receive a conditional sentence (24% versus 15%), while non-family members convicted of physical assaults against children and youth were more likely than family members to receive other dispositions (16% versus 10%).
- Male spouses (20%) were almost three times as likely as female spouses (7%) to be sentenced to prison on conviction for spousal violence. Similarly, male family members (24%) had higher rates of incarceration than female family members (6%) convicted of violence against children and youth.
- For spousal violence cases, younger convicted spouses, those under 25 years of age, had higher incarceration rates, compared to older convicted spouses. A custodial sanction was also more frequently imposed on those spouses who were estranged from their partners (26% compared to 18% for current spouses). Considerations such as the family's financial dependence on the accused and a violation of a protection order, could partly explain the differences between estranged and current spouses.
- Among cases of family violence against children and youth, those involving female victims were slightly more likely than those involving male victims to result in a prison sentence for the offender (18% versus 11%). Furthermore, family members convicted of violence against children under 3 years of age were twice as likely to receive a prison sentence (30%) than those convicted of assaults against children in the 3-to-11 and 12-to-17 age groups (16% and 14% respectively).
- In cases of family violence against seniors, adult children (38%) were most likely to receive a prison sentence than other family members (30%) and spouses (7%).

Introduction

This is the seventh annual *Family Violence in Canada: A Statistical Profile* report produced by the Canadian Centre for Justice Statistics under the Federal Family Violence Initiative. This annual report provides the most current data on the nature and extent of family violence in Canada, as well as trends over time, as part of this ongoing initiative to inform policy makers and the public about family violence issues.

Each year the report has a different focus. This year, the focus is on sentencing in cases of family violence, compared to non-family violence cases. This report examines the role of the victim-offender relationship on sentencing outcomes by linking police and court statistical records from the Incident-based Uniform Crime Reporting (UCR2) Survey and the Adult Criminal Court Survey (ACCS). The report also analyzes spousal violence, violence against children and youth and violence against older adults by utilizing police-reported, victimization, and homicide data.

1.0 Spousal violence

by Jodi-Anne Brzozowski

Societal recognition of the problem of domestic violence has led to an overall shift in the criminal justice system's response to violence in spousal relationships, as well as the implementation of prevention and intervention initiatives at the community level over the past number of decades. Furthermore, research conducted by governments and academics has allowed us to gain a better understanding of the nature and extent of violence, the risk factors associated with spousal violence, and the characteristics of victims and offenders.

This chapter examines spousal violence and criminal harassment reported to 94 police departments in Canada in 2002, as well as trends in police-reported spousal violence and criminal harassment between 1998 and 2002. It also presents selected findings from the 1999 General Social Survey on Victimization (GSS).

1.1 The prevalence of police-reported spousal violence¹

The nature and prevalence of reported spousal violence can be measured through police-reported surveys. Every year, the Canadian Centre for Justice Statistics collects data from a number of police departments through the Incident-based Uniform Crime Reporting (UCR2) Survey. This survey gathers detailed information about incidents, victims and offenders, such as the age of the victim and his or her relationship to the accused. While the data are not nationally representative, they provide a valuable profile of the nature and characteristics of police-reported spousal violence incidents. Data from this non-representative subset were drawn from 94 police departments and accounted for 56% of the national volume of crime in 2002.

In 2002, there were more than 205,000 victims of violent crime reported to a subset of 94 police departments across Canada (103,001 female and 102,447 male victims). While the highest proportion were victimized by friends or acquaintances (40%), 27% were victims of family violence (Table 1.1). Among all family violence victims, 62% were victims of violence at the hands of a spouse.

Females more likely to be victims of spousal violence

Females were much more likely than their male counterparts to be victims of spousal violence (85% versus 15%). The most frequently reported spousal violence offence was common assault (assault level 1) for both female and male victims (64% and 60%) (Table 1.2). While major assault (assault levels 2 and 3) was the next most frequently occurring offence, it was less common for female victims (12%) than male victims (21%). One possible explanation for this pattern is that male spousal victims are more likely than women to wait until the violence becomes very serious before contacting police. In particular, data from the 1999 General Social Survey suggest that although women are much more likely than men to report less serious incidents, such as uttering threats (45% versus 22%) and slapping (51% versus 21%), the gender difference in reporting to police narrows slightly for the more serious incidents of beating (61% versus 44%) and threatening or using a weapon (66% versus 51%).

Uttering threats and criminal harassment more common among ex-spouses

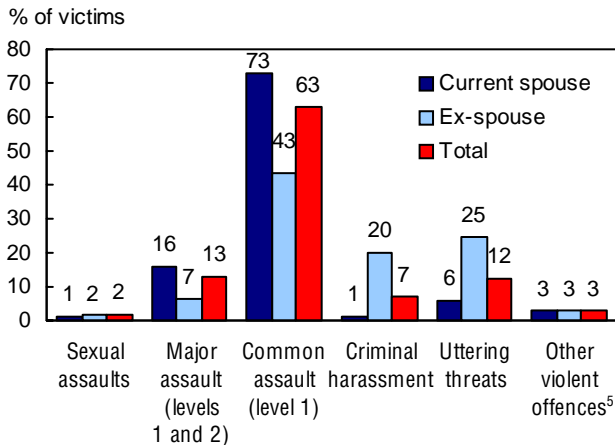
Some research suggests that spousal violence often continues or even begins after marital separation (Hotton, 2001; Johnson, 1996). According to the subset of police departments, while both females and males were more likely to be victimized by current spouses, approximately one third of females and males experienced violence at the hands of an ex-spouse² (Table 1.1).

Common assault was the most frequent offence committed against current spouses (73%), followed by major assault (16%). For ex-spouses, common assault (43%) uttering threats (25%) and criminal harassment (20%) were the most frequently reported offences (Figure 1.1). It is not surprising that criminal harassment is much more common among ex-spouses. The nature of the offence, which

1. Spousal violence refers to violence committed by legally married, common-law, separated and divorced partners.
2. Ex-spouse/estranged partner includes separated and divorced partners.

includes such actions as repeated phone calls, being followed, leaving threatening voice messages and threats, is more indicative of actions of estranged partners rather than spouses who are living together.

Figure 1.1
Most offences against spouses are for minor assault^{1,2,3,4}



Note: Percentages may not add up to 100% due to rounding.

1. Excludes incidents where the sex and/or the age of the victim was unknown.
2. Data are not nationally representative. Based on data from 94 police departments representing 56% of the national volume of crime in 2002.
3. Includes victims aged 15 to 89.
4. Spousal violence refers to violence committed by legally married, common-law, separated and divorced partners.
5. Other violent offences includes homicide/attempt, unlawfully causing bodily harm, other assaults, kidnapping, hostage-taking, explosives causing death/bodily harm, arson, and other violent violations.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Incident-based Uniform Crime Reporting (UCR2) Survey.

Young females have highest rates of spousal violence

There has been significant research suggesting that young couples are at an increased risk of spousal violence compared to older people (Patterson, 2003; Trainor et. al; 2002; Pottie Bunge, 2000; Johnson, 1996). Data from a subset of police departments show that there were significant age variations for both female and male victims of spousal assault. For females, police-reported rates of spousal violence were highest for those aged 25 to 34 (678 per 100,000 females). Rates were much lower for the older age groups. Women aged 45 to 54 had rates that were one third of those in the highest age group (217) and rates for the 55 and older age group were much lower (43) (Table 1.3).

The highest rates of spousal violence for male victims were for those aged 35-to-44 (110 per 100,000 males), and 25-to-34 (106). Rates were much lower for all other age groups; however the difference was not as great as for females. Male spouses aged 45-to-54 had a rate that was half that of the highest age group (55) and those

aged 55 and older had a rate (16) that was seven times lower than that of the 35 to 44 age group (110) (Table 1.3).

Lower rates of violence for older spouses would support research stating that violent marriages are more likely to end in earlier stages, therefore, among marriages that have survived for several years (for example, those of older couples), rates of violence are lower (Johnson, 1996).

Female spousal victims more likely to see charges being laid by police

When charges are laid against a suspect, police classify these incidents as “cleared by charge”. According to a subset of 94 police departments, 82% of female spousal victims saw charges laid by the police, compared with 70% of male victims. For 20% of male victims, incidents were “cleared otherwise”³ compared with 10% of female victims. The most common reason for an incident being cleared otherwise was that the complainant requested charges not be laid (11% for male victims and 6% for female victims) (Table 1.4).

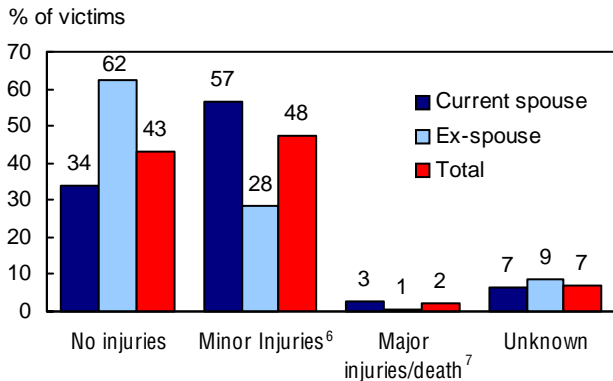
Current spouses more likely to be injured in spousal violence incidents than ex-spouses

There were variations between current and ex-spouses with respect to their injuries. While both current and ex-spouses were unlikely to have suffered major injuries or death as a result of the violence committed against them (3% and 1% respectively), current spouses were more likely to have sustained minor injuries than were ex-spouses (57% compared with 28%) (Figure 1.2).

These results differ from those of the self-reported 1999 General Social Survey on Victimization,⁴ which found that ex-spouses were more likely to be injured than current spouses as a result of the violence (38% versus 15%). One possible explanation for this finding is that current spouses are less likely to report spousal violence to the police. Therefore, when current spousal violence does come to the attention of the police, it tends to be more serious in nature. Ex-spouses may be also more likely to involve police before a situation becomes more serious, such as for incidents involving criminal harassment and uttering threats.

3. Reasons for an incident being cleared otherwise include: the complainant declined to lay charges, departmental discretion, suicide of accused, death of accused, death of witness/complainant, accused is less than 12 years old, committal of accused to mental hospital, accused in foreign country, accused involved in other incidents, reason beyond department control, diversionary program and unknown.
4. The 1999 General Social Survey is a self-reported victimization survey which includes incidents which may not have been reported to the police.

Figure 1.2
Current spouses more likely than ex-spouses to be injured as a result of spousal violence^{1,2,3,4,5}



Note: Percentages may not add up to 100% due to rounding.

1. Excludes incidents where the sex and/or the age of the victim was unknown.
2. Data are not nationally representative. Based on data from 94 police departments representing 56% of the national volume of crime in 2002.
3. Includes victims aged 15 to 89.
4. Spousal violence refers to violence committed by legally married, common-law, separated and divorced partners.
5. Either the extent injuries to the victim could not be determined or the violation did not involve the use of a weapon or physical force against the victim.
6. Minor injuries are defined as those that require no professional medical treatment or only some first aid.
7. Major injuries are defined as those that require professional medical attention at the scene or transportation to a medical facility.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Incident-based Uniform Crime Reporting (UCR2) Survey.

*Injuries resulting from spousal violence most often involve physical force*⁵

When injuries were sustained as a result of spousal violence, they were most often the result of physical force for both female and male victims (55% and 47% respectively). Approximately 15% of male victims were injured by a weapon (most commonly, a knife or other piercing, cutting instrument), while only 5% of females were injured with a weapon (Table 1.5). The higher proportion of males injured with a weapon may be related to differences in physical strength between men and women and a greater tendency for females to rely on weapons rather than their own physical strength.

1.2 Trends in police-reported spousal violence, 1998-2002

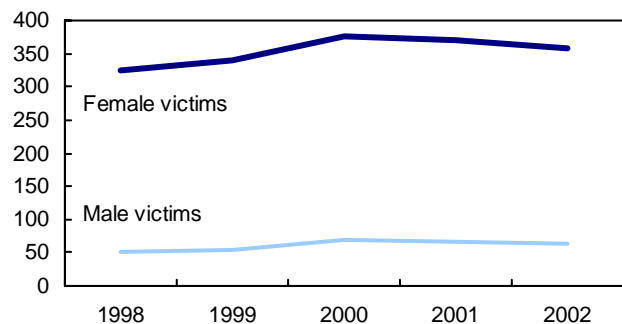
It is possible to examine trends in spousal violence for those police departments that have consistently reported their data to the Incident-based Uniform Crime Reporting (UCR2) Survey. The non-representative UCR2 Trend Database contains data from 1998 to 2002 from 78 police departments across Canada, representing 46% of the national volume of crime.

Recent declines in rates of police-reported spousal assault for both females and males

While rates of police-reported spousal assault steadily increased for both females and males between 1998 and 2000, they have shown slight decreases in 2001 and 2002. Despite the fact that annual rates were on average, over five times lower for males than for females, trend patterns for spousal assault against males were similar to those of females (Figure 1.3).

Figure 1.3
Recent declines in rates of police-reported spousal assault, 1998-2002^{1,2,3,4,5}

Rate per 100,000 females and males



1. Excludes incidents where the sex and/or the age of the victim was unknown.
 2. Data are not nationally representative. Based on data from 78 police departments active as of December 31, 2002 representing 46% of the national volume of crime in 2002.
 3. Includes victims aged 15 to 89.
 4. Spousal violence refers to violence committed by legally married, common-law, separated and divorced partners.
 5. Rate per 100,000 population aged 15 and over, based on estimates provided by Demography division, Statistics Canada.
- Source:** Statistics Canada, Canadian Centre for Justice Statistics, Incident-based Uniform Crime Reporting (UCR2) Trend Database.

By comparison, rates of non-spousal violence were higher overall than rates for spousal violence. Furthermore, unlike male and female spousal violence rates, rates for male non-spousal violence surpassed those of female non-spousal violence.

Spousal violence becoming more likely to result in charges

Pro-charging policies were one of the most pivotal measures put in place in the 1980s to prevent and respond to spousal abuse. Every Canadian jurisdiction has

5. This section excludes Toronto due to the unavailability of disaggregated data on weapon use. The analysis is therefore based on 93 police departments, representing 49% of the national volume of crime in 2002.

implemented pro-charging policies, which require that charges be laid in cases of spousal abuse where there are reasonable and probable grounds to believe an offence has been committed. This is, in fact, the applicable standard for all criminal conduct. According to a report published by the Ad Hoc Federal-Provincial-Territorial Working Group Reviewing Spousal Abuse Policies and Legislation (2003)⁶, the policies have additional objectives:

- criminalizing spousal abuse;
- removing responsibility (and blame) for the decision to lay charges from the victim;
- increasing the number of charges laid in reported spousal abuse cases;
- increasing the reporting of incidents of spousal abuse; and
- reducing re-offending.

Between 1998 and 2000, the proportion of victims of spousal violence who saw charges laid by police remained relatively stable, between 71% and 73%. However, “cleared by charge” rates increased by 6 percentage points between 2000 and 2001 and remained stable in 2002 (Table 1.6). The increase in rates of “cleared by charge” may be explained by a number of factors, including pro-charging policies and varying trends among individual police forces in the application of these policies.

1.3 The context of spousal violence⁷

Statistics Canada’s 1999 General Social Survey on Victimization collected demographic information, including marital status, family and household composition and household income. Respondents who were married or living with common-law spouses were also asked to respond to questions describing their spouse, such as their age, education level, main activity and drinking patterns. The 1999 GSS collected data on spousal violence, and while extensive analysis has already been published⁸, classification type questions such as those listed above can help shed further light on the context of spousal violence by profiling the partners of spousal violence victims as well as looking at the family composition of victims of spousal violence.

Spousal violence rates highest among those whose partners were between 15 and 34 years of age

According to results from the 1999 General Social Survey, those who had partners in the 15-to-24 age group (9%) and in the 25-to-34 age group (7%) reported the highest rates of violence. About 1% of persons with partners aged 55 and older reported violence. In comparison, police-reported data show that rates of spousal violence were

highest for those aged 25-to-34 years, followed by those aged 15-to-24 years.

Rates were highest among those whose partners were looking for work

There is some research which suggests that the effect of a woman’s employment on her risk of spousal violence is conditioned by the employment status of her spouse. More specifically, women’s participation in the labour force lowers her risk of spousal abuse when her male partner is also employed, but increases her risk when her male partner is not employed (MacMillan et. al; 1999).

While there were too few cases to examine the role of the employment of both partners in risks of spousal violence in the GSS, rates of violence varied according to the main activity of the victim’s spouse. For example, those who had spouses who were looking for paid work (10%⁹) were more likely to experience spousal violence than those whose partners were working (4%). This is consistent with research suggesting that unemployment may precipitate spousal violence (Johnson, 1996).

There were no significant differences in spousal violence rates when looking at a partner’s income and education level. However, variations in spousal violence rates were observed based on household income. Rates of spousal violence ranged from a high of 3% for those with a household income of less than \$30,000 to a low of 1% for those households with an income of \$60,000 or more (Pottie Bunge, 2000).

Rates were highest among those whose partners were heavy drinkers

There are varying opinions as to the role played by alcohol in cases of spousal abuse. Research, however, has shown that there is a correlation between heavy drinking and violence, with more severe violence perpetrated by men who are drinking at the time of the assaults (Johnson, 1996).

The 1999 GSS asked respondents about the number of occasions that their spouse/partner had had five or more drinks in the past month. Those whose current spouses

6. The report can be found at <<http://canada.justice.gc.ca/en/ps/fm/reports/spousal.html>>

7. This section of the report includes results from the 1999 General Social Survey and examines 5 year rates of spousal violence experienced by current common-law and married partners only.

8. Pottie Bunge, V. and Locke D. (eds.) 2000. *Family Violence in Canada: A Statistical Profile 2000*. Catalogue no. 85-224-XPE Ottawa: Statistics Canada, Canadian Centre for Justice Statistics.

9. Use with caution.

were considered 'heavy drinkers'¹⁰ were almost three times more likely to be victims of spousal abuse (8%) than those whose partner drank moderately or not at all (3%).

While alcohol is commonly referred to as a risk factor for spousal violence, research suggests that heavy drinking is often associated with additional factors, such as youth, low income, unemployment and exposure to violence in childhood, which may further compound a stressful situation and increase the risk of violence (Johnson, 1996).

Spouses in step families most likely to experience violence

There is some evidence that step families are at an increased risk of violence (Klymchuk et. al; 2002; Daly, Singh and Wilson, 1993). According to the GSS, spousal violence rates varied depending on the family composition of the victim. For example, those who were part of step families¹¹ (7%) were about twice as likely as those who were in intact families¹² (4%) or those who had no children (3%) to be victims of spousal violence.

Spouses with children under the age of 15 living in the household most likely to experience violence

There is some research suggesting that the presence of children contributes to household stress, which in turn, may contribute to intimate partner violence (Cohen and Maclean, 2003). According to the GSS, those with children under 15 living in the household were twice as likely as those who had no children to experience current partner violence (6% compared to 3%). This finding could also be associated with the fact that younger couples (who tend to have younger children) experience higher rates of spousal violence.

1.4 Criminal harassment

Over the last decade, research on the nature and extent of criminal harassment or stalking has become an integral component in the study of intimate partner or spousal violence. In 1993, as a result of increased awareness of the issues surrounding violence against women, particularly those leaving a marriage or intimate relationship, "criminal harassment" became an offence under the *Criminal Code*.¹³ Some common examples of criminal harassment include being followed, receiving threatening voice messages, receiving unwanted gifts or being repeatedly contacted. To be considered harassment, this type of behaviour must have no legitimate purpose, must generally occur repeatedly, and must give the victim good reason to fear for his/her personal safety or that of anyone known to him/her (Justice Canada, 2003a).

Females most likely victims of criminal harassment

In 2002, there were 8,750 victims of criminal harassment reported to a subset of 94 police departments. Most victims of criminal harassment were females (76%). This proportion is high given that females accounted for 50% of victims of all violent crimes reported to the same subset of police departments.

Most victims know their stalkers

Over 8-in-10 victims of criminal harassment had some form of relationship with their stalkers, either as partners, acquaintances, or other family members (Table 1.7). Only 10% of victims were stalked by strangers.

There were variations between female and male victims and their relationships to their stalkers. Females were most frequently criminally harassed by a partner (54%), including ex-spouses (29%) or other partners (22%), while males were most often stalked by an acquaintance (49%) (Table 1.7).

Among all criminal harassment events by partners, females accounted for approximately 87% of all victims. Most female and male victims of criminal harassment by a partner were harassed by ex-spouses (54% and 51% respectively). In a small number of incidents, victims were stalked by current spouses (6% and 4%) (Figure 1.4).

Females aged 25-to-34 have highest rates of partner criminal harassment

As was the case with spousal violence, females between the ages of 25 and 34 experienced the highest rates of partner criminal harassment (81 per 100,000 females). The 15-to-24 and the 35-to-44 age groups had the next highest rates (69 and 63 per 100,000 females respectively). The age groups with the lowest rates were 45-to-54 and 55 and older, which mirrors the low rates of all types of violence experienced by older adults (Table 1.8).

10. 'Heavy drinkers' are defined as those who consumed five or more drinks on one occasion at least once per month.

11. Step family refers to a family in which at least one of the children in the household is from a previous relationship of one of the parents.

12. Intact family refers to a family in which all children in the household are the biological and/or adopted offspring of both members of the couple.

13. Before 1993, persons who engaged in stalking conduct might have been charged with one or more of the following offences: intimidation (section 423 of the *Criminal Code*); uttering threats (section 264.1); mischief (section 430); indecent or harassing phone calls (section 372); trespassing at night (section 177); and breach of recognizance (section 811).

Box 1.1: Measuring criminal harassment through a victimization survey

Currently, there is a lack of information concerning the nature and extent of criminal harassment in Canada. For the past several years, the best measure of the characteristics associated with criminal harassment has been through the non-representative, police-reported Incident-based Uniform Crime Reporting (UCR2) Survey. Recently, the 2004 General Social Survey on Victimization has added a module of questions related specifically to criminal harassment. The content of this module is as follows:

In the past 5 years, have you been the subject of repeated and unwanted attention that caused you to fear for your safety or the safety of someone known to you? By that I mean, has anyone:

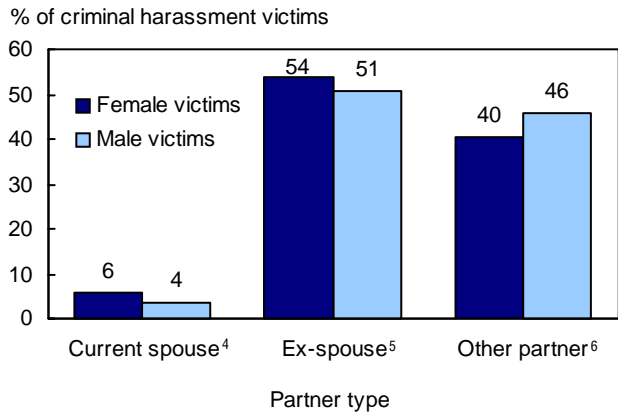
- ... phoned you repeatedly or made silent or obscene phone calls?
- ... followed you or spied on you?
- ... waited outside your home?
- ... waited outside your place of work or school or other places you were, when they had no business being there?
- ... sent you unwanted e-mail messages?
- ... sent you unwanted gifts, letters, or cards?
- ... persistently asked you for a date and refused to take no for an answer?
- ... tried to communicate with you against your will in any other way?

If a respondent answers 'yes' to any of these questions, a follow-up question concerning whether the respondent feared for his/or her safety or the safety of someone known to them is asked. Then, two additional questions concerning intimidation and threats are asked.

If the respondent reports having been stalked in any of the ways stated above, a series of questions are asked concerning such things as the time period of the incident(s); the duration of the repeated or unwanted attention; the presence of threats, intimidation or physical attacks; whether the unwanted attention has ended or is ongoing; the perpetrator's sex; his/her relationship to the respondent; how the experience affected the respondent; whether the incident was reported to police or others; reasons for reporting/not reporting; whether charges were laid against the person; type of charges; the presence/violation of a restraining order; and the victim's satisfaction with the justice system.

Results from this survey will be available in *Family Violence in Canada: A Statistical Profile 2005*, and will provide the first national level detailed estimates on the prevalence of self-reported criminal harassment in Canada.

Figure 1.4
Victims of partner criminal harassment most likely to be stalked by ex-spouses^{1,2,3,4}



Note: Percentages may not add up to 100% due to rounding.
 1. Excludes incidents where the sex and/or the age of the victim was unknown.
 2. Data are not nationally representative. Based on data from 94 police departments representing 56% of the national volume of crime in 2002.
 3. The spouse, ex-spouse and other partner categories include victims aged 15 to 89.
 4. Current spouse includes legally married and common-law partners.
 5. Ex-spouse includes separated and divorced partners.
 6. The majority of the other partner category represents opposite sex relationships. A small proportion may be close friends and not intimate partners.
Source: Statistics Canada, Canadian Centre for Justice Statistics, Incident-based Uniform Crime Reporting (UCR2) Survey.

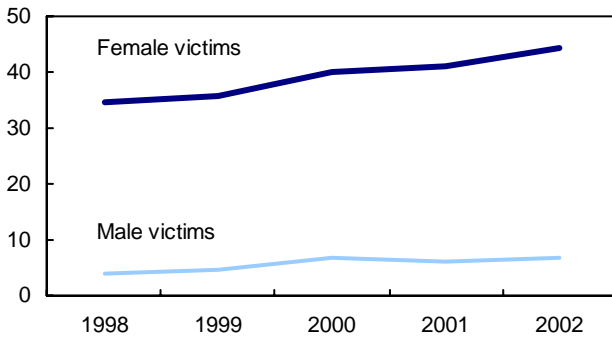
Males with the highest rates of partner criminal harassment, those aged 25-to-34 and 35-to-44, had rates that were 6 to 8 times lower than the highest rate for females (Table 1.8).

Rates of partner criminal harassment generally increasing

According to the UCR2 Trend Database, rates of partner criminal harassment have generally been increasing since 1998. Rates of female partner criminal harassment have steadily increased each year since 1998, reaching their highest point in 2002 at 44 incidents per 100,000 females. This rate is 26% higher than the 1998 rate of 35 incidents per 100,000 females. While rates of male partner criminal harassment experienced some year-over-year fluctuations, rates have generally increased between 1998 and 2002 (from 4 to 7 incidents per 100,000 males) (Figure 1.5).

Figure 1.5
Rates of partner criminal harassment generally increasing, 1998-2002^{1,2,3,4,5}

Rate per 100,000 females and males



1. Excludes incidents where the sex and/or the age of the victim was unknown.
 2. Data are not nationally representative. Based on data from 78 police departments active as of December 31, 2002 representing 46% of the national volume of crime in 2002.
 3. Includes victims aged 15 to 89.
 4. For the purpose of this analysis, 'partner' includes spouses and other partners, the majority of whom are opposite sex relationships. A small proportion may be close friends and not intimate partners.
 5. Rate per 100,000 population aged 15 and over, based on estimates provided by Demography division, Statistics Canada.
- Source:** Statistics Canada, Canadian Centre for Justice Statistics, Incident-based Uniform Crime Reporting (UCR2) Trend Database.

Box 1.2: The use of protective court orders

Efforts to respond to family violence have been expanding in a variety of ways, not only in the context of research, but also in the development of policies and legislation. In addition to pro-charge policies in domestic violence incidents, protective court orders issued under the *Criminal Code*, provincial family violence legislation or provincial civil law, have become further ways in which to address family violence. To date, however, there have been limited data sources which have attempted to either quantify the number or evaluate the effectiveness of court-issued protective orders.¹

In the 2004 General Social Survey on Victimization, the importance of quantifying the relationship between spousal violence and protective orders was recognized and for the first time, a series of questions as part of the spousal violence modules was developed, including:

- * Was there ever any kind of restraining order or protective order against him/her?
- * Do you know if you got the restraining order or protective order through a family law process (a divorce lawyer for example) or through the criminal justice system?
- * Was the restraining or protective order violated?
- * Did you report this violation to the police?
- * Did the police lay charges against this person for this violation?

The results will be available in *Family Violence in Canada: A Statistical Profile 2005* and will provide the first national level estimates on the use and effectiveness of protective orders in the context of spousal violence.

1. A November 2002 report by George Rigakos, entitled "Peace bonds and violence against women: a three-site study of the effect of Bill C42 on process, application and enforcement" examined national and site specific peace bond issuance and court disposition breach rates, using official police and court statistics. A reliance on these official records focuses solely on one type of protective order (peace bonds) and underestimates the number of violations because not all offences would be reported, or if reported, may not necessarily result in police action.

Table 1.1
Victims of violent crime reported to a subset of police departments by sex of victim and relationship to accused, 2002^{1,2,3,4}

Relationship of victim to accused	Sex of victim					
	Total		Female		Male	
	No.	%	No.	%	No.	%
Total spouse	34,107	17	28,953	28	5,154	5
Current spouse ⁵	23,041	11	19,616	19	3,425	3
Ex-spouse ⁶	11,066	5	9,337	9	1,729	2
Total other family	20,873	10	12,379	12	8,494	8
Parent	7,623	4	4,411	4	3,212	3
Child	4,039	2	2,679	3	1,360	1
Sibling ⁷	5,538	3	3,188	3	2,350	2
Extended family ⁸	3,673	2	2,101	2	1,572	2
Total friends/acquaintances	81,733	40	39,198	38	42,535	42
Close friend	18,213	9	13,748	13	4,465	4
Business relationship	14,692	7	5,330	5	9,362	9
Casual acquaintance	48,828	24	20,120	20	28,708	28
Stranger	56,490	27	17,863	17	38,627	38
Unknown⁹	12,245	6	4,608	4	7,637	7
Total victims of violent crime	205,448	100	103,001	100	102,447	100

Note: Percentages may not add up to 100% due to rounding.

1. Excludes incidents where the sex and/or the age of the victim was unknown.

2. Data are not nationally representative. Based on data from 94 police departments representing 56% of the national volume of crime in 2002.

3. The 'current spouse' and 'ex-spouse' categories include victims aged 15 to 89. All other categories include all victims under the age of 90.

4. Violent crime includes violations causing death, attempting the commission of a capital crime, sexual assaults, assaults, violations resulting in the deprivation of freedom, and other violations involving violence or the threat of violence.

5. 'Current spouse' includes legally married and common-law partners.

6. 'Ex-spouse' includes separated and divorced partners.

7. 'Sibling' includes natural, step, half, foster or adopted brother or sister.

8. 'Extended family' includes all others related to the victim either by blood or by marriage, e.g. aunts, uncles, cousins and in-laws.

9. Unknown includes incidents where the relationship between the victim and the accused is unknown.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Incident-based Uniform Crime Reporting (UCR2) Survey.

Table 1.2
Victims of spousal violence by offence type reported to a subset of police departments, 2002^{1,2,3,4}

Type of offence	Sex of victim					
	Total		Female		Male	
	No.	%	No.	%	No.	%
Homicide/attempt	132	0	105	0	27	1
Sexual assault	521	2	514	2	7	0
Major assault (assault levels 2 & 3)	4,446	13	3,355	12	1,091	21
Common assault (assault level 1)	21,526	63	18,419	64	3,107	60
Criminal harassment	2,453	7	2,159	7	294	6
Uttering threats	4,167	12	3,592	12	575	11
Other violent offences ⁵	862	3	809	3	53	1
Total offences	34,107	100	28,953	100	5,154	100

Note: Percentages may not add up to 100% due to rounding.

0 true zero or a value rounded to zero

1. Excludes incidents where the sex and/or the age of the victim was unknown.

2. Data are not nationally representative. Based on data from 94 police departments representing 56% of the national volume of crime in 2002.

3. Includes victims aged 15 to 89.

4. Spousal violence refers to violence committed by legally married, common-law, separated and divorced partners.

5. Other violent offences include robbery, unlawfully causing bodily harm, discharge firearm with intent, assault against peace-public officer, criminal negligence causing bodily harm, other assaults, kidnapping, hostage-taking, explosives causing death/bodily harm, arson, and other violent violations.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Incident-based Uniform Crime Reporting (UCR2) Survey.

Table 1.3
Number and rate of spousal violence by age group and sex of victim reported to a subset of police departments, 2002^{1,2,3,4,5}

Age group	Sex of victim								
	Total			Female			Male		
	No.	%	Rate per 100,000	No.	%	Rate per 100,000	No.	%	Rate per 100,000
15 to 24	6,286	18	239	5,709	20	442	577	11	43
25 to 34	11,495	34	388	9,907	34	678	1,588	31	106
35 to 44	11,017	32	325	9,141	32	543	1,876	36	110
45 to 54	3,978	12	137	3,186	11	217	792	15	55
55 and older	1,331	4	31	1,010	3	43	321	6	16
Total	34,107	100	210	28,953	100	351	5,154	100	65

Note: Percentages may not add up to 100% due to rounding.

1. Excludes incidents where the sex and/or the age of the victim was unknown.

2. Data are not nationally representative. Based on data from 94 police departments representing 56% of the national volume of crime in 2002.

3. Includes victims aged 15 to 89.

4. Spousal violence refers to violence committed by legally married, common-law, separated and divorced partners.

5. Rate per 100,000 population aged 15 and older, based on estimates provided by Demography division, Statistics Canada.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Incident-based Uniform Crime Reporting (UCR2) Survey.

Table 1.4
Incident clearance status of spousal violence cases by sex of victim reported to a subset of police departments, 2002^{1,2,3,4}

Incident clearance status	Sex of victim					
	Total		Female		Male	
	No.	%	No.	%	No.	%
Not cleared⁵	2,666	8	2,162	7	504	10
Cleared by charge	27,452	80	23,824	82	3,628	70
Cleared otherwise total	3,989	12	2,967	10	1,022	20
Complainant requests charges not be laid	2,314	7	1,737	6	577	11
Other ⁶	1,675	5	1,230	4	445	9
Total victims of spousal violence	34,107	100	28,953	100	5,154	100

Note: Percentages may not add up to 100% due to rounding.

1. Excludes incidents where the sex and/or the age of the victim was unknown.

2. Data are not nationally representative. Based on data from 94 police departments representing 56% of the national volume of crime in 2002.

3. Includes victims aged 15 to 89.

4. Spousal violence refers to violence committed by legally married, common-law, separated and divorced partners.

5. Not cleared refers to incidents where an accused has not been identified in connection with the incident.

6. 'Other' includes departmental discretion, reason beyond department control, suicide of accused, death of accused, death of witness/complainant, accused is less than 12 years old, committal of accused to mental hospital, accused in foreign country, accused involved in other incidents, diversionary program and unknown.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Incident-based Uniform Crime Reporting (UCR2) Survey.

Table 1.5
Method of violence causing the most serious injury to the victim in spousal violence incidents reported to a subset of police departments, 2002^{1,2,3,4,5}

Type of weapon	Sex of victim					
	Total		Female		Male	
	No.	%	No.	%	No.	%
Physical force	15,848	54	13,789	55	2,059	47
Unknown or no weapon⁶	11,626	39	9,947	40	1,679	38
Weapons	1,972	7	1,308	5	664	15
Firearms	47	0	39	0	8	0
Knife, other piercing cutting instrument	598	2	325	1	273	6
Club/blunt instrument	437	1	308	1	129	3
Other weapon ⁷	890	3	636	3	254	6
Total victims of spousal violence	29,446	100	25,044	100	4,402	100

Note: Percentages may not add up to 100% due to rounding.

0 true zero or a value rounded to zero

1. Excludes incidents where the sex and/or the age of the victim was unknown.

2. Data are not nationally representative. Based on data from 93 police departments representing 49% of the national volume of crime in 2002.

3. Includes victims aged 15 to 89.

4. Spousal violence refers to violence committed by legally married, common-law, separated and divorced partners.

5. Excludes Toronto due to unavailability of disaggregated data on weapon use.

6. The weapon was not known, the weapon involved did not cause physical injury, or no weapon was involved in the incident.

7. Includes other types of weapons such as explosives, fire, motor vehicle or any device used to garrote or poison.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Incident-based Uniform Crime Reporting (UCR2) Survey.

Table 1.6
Trends in clearance rates for spousal violence incidents reported to a subset of police departments, 1998 to 2002^{1,2,3,4}

Incident clearance status	1998	1999	2000	2001	2002
Not cleared⁵	11	9	9	6	8
Cleared by charge	71	71	73	79	79
Cleared otherwise total	18	19	18	15	13
Complainant requests charges not be laid	12	14	13	9	8
Other ⁶	6	5	5	6	5
Total	100	100	100	100	100

Note: Percentages may not add up to 100% due to rounding

1. Excludes incidents where the sex and/or the age of the victim was unknown.

2. Data are not nationally representative. Based on data from 78 police departments active as of December 31, 2002 representing 46% of the national volume of crime in 2002.

3. Includes victims aged 15 to 89.

4. Spousal violence refers to violence committed by legally married, common-law, separated and divorced partners.

5. Not cleared refers to incidents where an accused has not been identified in connection with the incident.

6. 'Other' includes departmental discretion, reason beyond control of department, suicide of accused, death of accused, death of witness/complainant, accused is less than 12 years old, committal of accused to mental hospital, accused in foreign country, accused involved in other incidents, accused already sentenced, diversionary program and unknown.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Incident-based Uniform Crime Reporting (UCR2) Trend Database.

Table 1.7

Victims of criminal harassment by sex of victim and relationship to accused reported to a subset of police departments, 2002^{1,2,3}

Relationship of victim to accused	Sex of victim					
	Total		Female		Male	
	No.	%	No.	%	No.	%
Total partner⁴	4,169	48	3,627	54	542	26
Current spouse ⁵	229	3	209	3	20	1
Ex-spouse ⁶	2,224	25	1,950	29	274	13
Other partner ⁷	1,716	20	1,468	22	248	12
Total other family	365	4	251	4	114	6
Parent	76	1	51	1	25	1
Child	59	1	44	1	15	1
Sibling ⁸	100	1	70	1	30	1
Extended family ⁹	130	1	86	1	44	2
Total acquaintances	2,902	33	1,882	28	1,020	49
Business relationship	536	6	335	5	201	10
Casual acquaintance	2,366	27	1,547	23	819	40
Stranger	855	10	632	9	223	11
Unknown¹⁰	459	5	297	4	162	8
Total victims	8,750	100	6,689	100	2,061	100

Note: Percentages may not add up to 100% due to rounding.

1. Excludes incidents where the sex and/or the age of the victim was unknown.

2. Data are not nationally representative. Based on data from 94 police departments representing 56% of the national volume of crime in 2002.

3. The 'current spouse', 'ex-spouse' and 'other partner' categories include victims aged 15 to 89. All other categories include victims under the age of 90.

4. For the purpose of this analysis, the 'total partner' category includes spouses, ex-spouses and other partners.

5. 'Current spouse' includes legally married and common-law partners.

6. 'Ex-spouse' includes separated and divorced partners.

7. The 'other partner' category is derived from the UCR2 category 'close friends', the majority of whom are opposite sex relationships. A small proportion may be close friends and not intimate partners.

8. 'Sibling' includes natural, step, half, foster or adopted brother or sister.

9. 'Extended family' includes all others related to the victim either by blood or by marriage, e.g. aunts, uncles, cousins and in-laws.

10. 'Unknown' includes incidents where the relationship between the victim and the accused is unknown.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Incident-based Uniform Crime Reporting (UCR2) Survey.

Table 1.8

Number and rate of partner criminal harassment by age group and sex of victim reported to a subset of police departments, 2002^{1,2,3,4,5}

Age group	Sex of victim								
	Total			Female			Male		
	Total	%	Rate per 100,000	No.	%	Rate per 100,000	No.	%	Rate per 100,000
15 to 24	985	24	37	892	25	69	93	17	7
25 to 34	1,337	32	45	1,184	33	81	153	28	10
35 to 44	1,221	29	36	1,056	29	63	165	30	10
45 to 54	476	11	16	383	11	26	93	17	6
55 and older	150	4	3	112	3	5	38	7	2
Total victims	4,169	100	26	3,627	100	44	542	100	7

Note: Percentages may not add up to 100% due to rounding.

1. Excludes incidents where the sex and/or the age of the victim was unknown.

2. Data are not nationally representative. Based on data from 94 police departments representing 56% of the national volume of crime in 2002.

3. Includes victims aged 15 to 89.

4. For the purpose of this analysis, 'partner' includes spouses and other partners, the majority of whom are opposite sex relationships. A small proportion may be close friends and not intimate partners.

5. Rate per 100,000 population aged 15 and older, based on estimates provided by Demography division, Statistics Canada.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Incident-based Uniform Crime Reporting (UCR2) Survey.

2.0 Family violence against children and youth¹⁴

by Jodi-Anne Brzozowski

The definition of child abuse varies among researchers, criminal justice, health and social service professionals. As an example, child abuse is defined differently for criminal law and child protection purposes and, moreover, definitions in the child protection context vary from jurisdiction to jurisdiction. The issue of child correction, including the use of physical punishment (Box 2.1, physical punishment of children, p. 19), has become increasingly important in recent years and diverse opinions on the issue have been expressed.

Despite these varying definitions, categories of maltreatment have been established, including physical abuse, sexual abuse, neglect, emotional abuse and witnessing family violence. While there are no comprehensive national data sources for each of these types of abuse, there have been increasing efforts to quantify the nature and extent of certain forms of child maltreatment in Canada. For example, the Incident-based Uniform Crime Reporting (UCR2) Survey captures data on police-reported physical and sexual assaults against children and youth from police departments. The National Longitudinal Survey of Children and Youth collects information on witnessing violence in the home, and Health Canada's Canadian Incidence Study of Reported Child Abuse and Neglect¹⁵ collects sample data on rates of maltreatment (physical, sexual, emotional abuse and neglect) reported by child welfare workers. While sources such as these do not provide comprehensive information on the number of reported and unreported incidents of all forms of child maltreatment, they allow us to gain some understanding of its nature and severity.

This chapter examines the extent of family-related physical and sexual assaults against children and youth that were reported by a subset of 94 police departments as well as trends over time. Furthermore, the effects of children witnessing violence are presented using data from the National Longitudinal Survey of Children and Youth.

2.1 The prevalence of police-reported violence against children and youth¹⁶

Children and youth are victims in a high proportion of all sexual assaults

In 2002, children and youth under 18 years of age represented 23% of Canada's population, and accounted for about 24% of all victims of assaults reported to a subset of 94 police departments. The number of sexual assaults against children and youth reported to police was approximately one-third the number of physical assaults (8,800 versus 25,300 children and youth victims), however, children and youth accounted for a disproportionately high percentage of victims of sexual assault (61% compared to 20% of victims of physical assault) (Table 2.1). The high representation of children and youth as victims of sexual assault is consistent with previous findings (AuCoin, 2003; Locke, 2002; Trainor and Mihorean, 2001).

Children and youth most frequently victimized by someone they know

Research has shown that children and youth are most often victimized by someone they know (AuCoin, 2003; Locke, 2002; Trainor and Mihorean, 2001; Trocmé and Wolfe, 2001). According to a subset of 94 police departments, friends or acquaintances (51%) and family members (25%) were most commonly involved in assaults against children and youth. Strangers were involved in assaults against 18% of child and youth victims (Table 2.2).

14. Children and youth include all those under the age of 18. Children refer to those persons under the age of 12, while youth refer to those persons aged 12 to 17.
15. The Canadian Incidence Study of Reported Child Abuse and Neglect (CIS) was first conducted in 1998 by the Bell Canada Child Welfare Research Unit at the Faculty of Social Work, University of Toronto, through funding from Health Canada. The results were published in 2001. The second cycle of the study was conducted in 2003 and the results will be published in 2005.
16. Data are not nationally representative. Based on data from 94 police departments representing 56% of the national volume of crime in 2002.

There were some gender differences, however, in victim-offender relationships. Girls and boys were about equally as likely to be victimized by acquaintances (50% and 53% respectively), but females were more likely than males to be assaulted by family members (31% compared to 19%) and males were more likely to be assaulted by strangers than females (21% compared to 14%) (Table 2.2).

Proportion of family-related assaults decreases with age

While friends and acquaintances accounted for the largest proportion of victimizations against all children and youth, there were differences among age groups. For example, young children under 9 years of age were more frequently physically or sexually assaulted by family members but children between the ages of 9 and 17 were more frequently assaulted by acquaintances (Table 2.3).

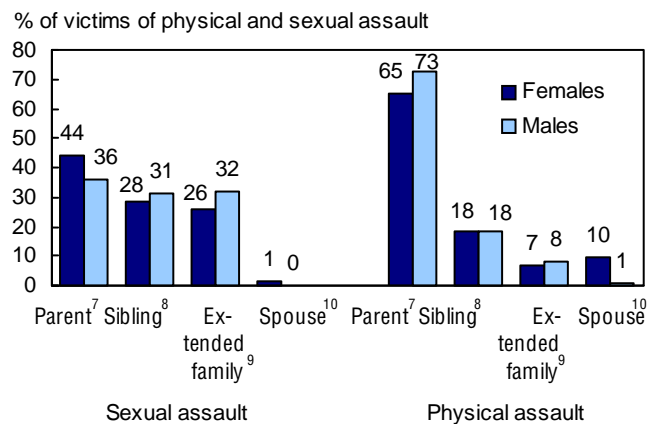
Family-related assaults against children and youth most commonly involve a parent

A number of research studies have shown that assaults against children and youth are often perpetrated by a parent (AuCoin, 2003; Locke, 2002; Trainor and Mihorean, 2001; Trocmé and Wolfe, 2001). In 2002, a subset of police departments reported that there were 8,460 child and youth victims of family-related assaults. A parent was involved in a high proportion of these assaults (60%), representing 69% of physical assaults and 43% of sexual assaults. Among children who were sexually assaulted, girls (44%) were more likely than boys (36%) to have been victimized by a parent. Conversely, among physically assaulted children, boys (73%) were more likely than girls (65%) to have been victimized by a parent (Figure 2.1).

While siblings and extended family members were less likely than parents to be involved in family-related assaults, their involvement was most commonly associated with sexual assaults as opposed to physical assaults. Siblings were involved in 29% of sexual and 18% of physical assaults against children and youth, while extended family members were implicated in 27% of sexual and 7% of physical assaults.

As children and youth get older and become involved in intimate relationships, their risk of being victimized extends beyond the involvement of parents, siblings or extended family members. In 2002, spouses were involved in 14% of physical and 6% of sexual assaults against those aged between 15 and 17 years (Table 2.4).

Figure 2.1
Parents most commonly accused in family-related physical and sexual assaults against children and youth^{1,2,3,4,5,6}



Note: Percentages may not add up to 100% due to rounding.

- Excludes incidents where the sex and/or the age of the victim was unknown.
- Excludes incidents where the relationship between the victim and accused was unknown.
- Data are not nationally representative. Based on data from 94 police departments representing 56% of the national volume of crime in 2002.
- Children and youth include all those under the age of 18.
- The sexual assault category includes sexual assault, sexual assault with a weapon, aggravated sexual assault and the "other sexual crimes" category which includes sexual interference, sexual touching, sexual exploitation, incest, etc.
- The physical assault category includes assault levels 1,2 and 3, unlawfully causing bodily harm, discharge firearm with intent, criminal negligence causing bodily harm and other assaults.
- Parent includes natural, step, half, foster or adopted parents.
- Sibling includes natural, step, half, foster or adopted siblings.
- Extended family includes others related by blood, marriage, adoption or foster care.
- Spouses include legally married, common-law, separated, and divorced partners.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Incident-based Uniform Crime Reporting (UCR2) Survey.

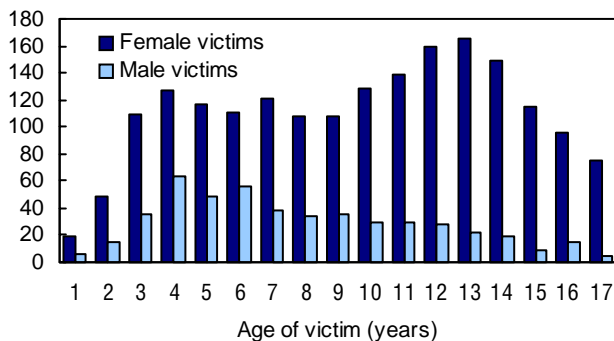
Girls represent the majority of sexual assault victims

According to the subset of 94 police departments, there were 2,863 victims of family-related sexual assaults against children and youth in 2002 (Table 2.2). Females made up a significant proportion of victims (81%), which is consistent with previous research findings pointing to an overwhelming female representation of children and youth victims of sexual assault (Kong et. al, 2003; AuCoin, 2003; Locke, 2002; Mihorean and Trainor, 2001; Finkelhor and Dziuba-Leatherman, 1994; Wolfe, 1987). Controlling for populations covered by this subset, the rate of family-related sexual assault for young females was nearly 4 times higher than that of males (113 per 100,000 females compared to 29 per 100,000 males).

Age-specific rates of sexual offences were highest among girls between the ages of 11 and 14, with the highest rate at age 13 (165 per 100,000 females). While sexual assault rates were much lower for males, they were highest among boys aged 3-to-7, with the highest rate at age 4 (64 per 100,000 males) (Figure 2.2).

Figure 2.2
Family-related sexual assault rates
highest for teenaged girls, 2002^{1,2,3,4,5}

Rate per 100,000 females and males



1. Excludes incidents where the sex and/or age of the victim was unknown.
 2. Excludes incidents where the relationship between the victim and accused was unknown.
 3. Data are not nationally representative. Based on data from 94 police departments representing 56% of the national volume of crime in 2002.
 4. The sexual assault category includes sexual assault, sexual assault with a weapon, aggravated sexual assault and the "other sexual crimes" category which includes sexual interference, sexual touching, sexual exploitation, incest, etc.
 5. Rate per 100,000 population under the age of 18, based on estimates provided by Demography division, Statistics Canada.
- Source:** Statistics Canada, Canadian Centre for Justice Statistics, Incident-based Uniform Crime Reporting (UCR2) Survey.

Boys and girls almost equally as likely to be physically assaulted

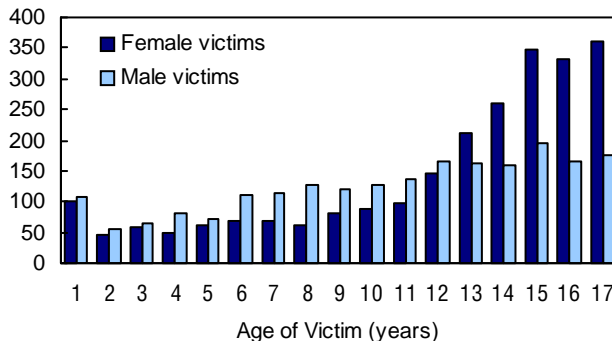
There were nearly twice as many victims of family-related physical assaults than there were for sexual assault (5,597 as compared to 2,863) (Table 2.2). Females made up a slightly higher proportion of victims of family-related physical assaults against children and youth than their male counterparts (52% versus 48%). Controlling for populations covered by the subset of police departments reporting to the UCR2, overall rates of family-related physical assaults were higher for females than they were for males (146 per 100,000 females compared to 128 per 100,000 males).

Physical assault rates for both females and males generally increased with age. The highest age-specific rate for girls was at age 17 (362 per 100,000 females), and the highest

rate for boys was at age 15 (196 per 100,000 males). While girls aged 13-to-17 years were more likely than boys in the same age group to experience family-related physical assaults, the reverse was true for the younger age groups. Boys aged 1 to 12 years were more likely than girls in the same age group to be victims of physical assault (Figure 2.3).

Figure 2.3
Rate of family-related physical assaults of
children and youth increases with age,
2002^{1,2,3,4,5}

Rate per 100,000 females and males



1. Excludes incidents where the sex and/or age of the victim was unknown.
 2. Excludes incidents where the relationship between the victim and accused was unknown.
 3. Data are not nationally representative. Based on data from 94 police departments representing 56% of the national volume of crime in 2002.
 4. Physical assault includes common assault (level 1), aggravated assault (levels 2 and 3), unlawfully causing bodily harm, discharge firearm with intent, criminal negligence causing bodily harm and other assaults.
 5. Rate per 100,000 population under the age of 18, based on estimates provided by Demography division, Statistics Canada.
- Source:** Statistics Canada, Canadian Centre for Justice Statistics, Incident-based Uniform Crime Reporting (UCR2) Survey.

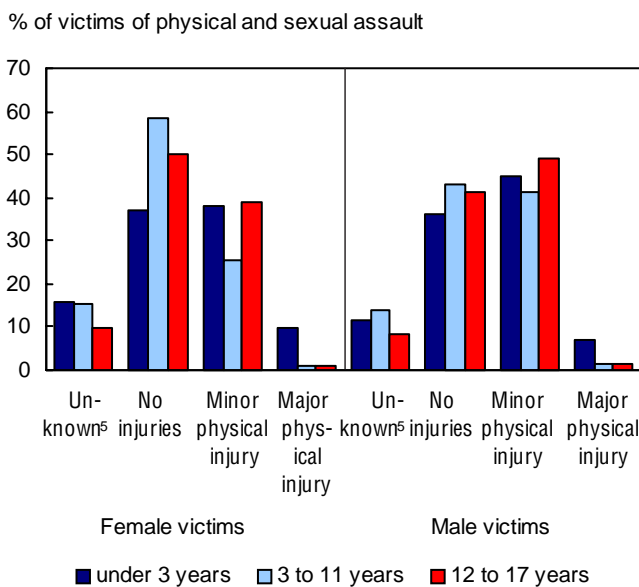
Young males more likely to be injured in family violence

Research conducted by Finkelhor and Dziuba-Leatherman (1994) found that young male victims of violence are at a particularly high risk for injury. According to the UCR2, young male victims of family-related assaults were more likely than female victims to be injured as a result of violence committed against them (45% of young males suffered minor injuries¹⁷ as compared to 34% of females). The prevalence of injuries was lowest among males aged 3-to-11 years and highest for male children under 3 years and male youth aged 12-to-17.

17. Minor injuries are defined as those that require no professional medical treatment or only some first aid.

Wolfe (1987) found that the highest rate of physical injury from assaults against children and youth is found among older children (aged 12-to-17 years). One explanation for this is that adolescent development is often associated with increasing parent-child conflict (Wolfe, 1987). According to a subset of police departments, among male victims of family-related assaults, those aged 12-to-17 were at highest risk of minor injury, with 49% of victims sustaining minor injuries as a result of the violence (Figure 2.4).

Figure 2.4
Boys most likely to be injured in family-related assaults against children and youth^{1,2,3,4}



Note: Percentages may not add up to 100% due to rounding.
 1. Excludes incidents where the sex and/or the age of the victim was unknown.
 2. Data are not nationally representative. Based on data from 94 police departments representing 56% of the national volume of crime in 2002.
 3. Children and youth include all those under the age of 18.
 4. Family-related assaults include physical and sexual assaults committed by parents, siblings, extended family and spouses.
 5. Either the extent of injuries to the victim could not be determined or the violation did not involve the use of a weapon or physical force against the victim.
Source: Statistics Canada, Canadian Centre for Justice Statistics, Incident-based Uniform Crime Reporting (UCR2) Survey.

While very low proportions of males and females sustained major injuries¹⁸ (2% and 1% respectively), the youngest age groups were at greatest risk of major injuries. Ten percent of girls and 7% of boys under 3 years of age suffered extensive injuries resulting from the physical assaults committed against them (Figure 2.4). One possible explanation for this could be that since very young victims are unable to report details surrounding their own victimizations, when they are reported to the police, they

tend to be more serious in nature. Major injuries are more visible to caregivers who may report suspected abuse to authorities on behalf of very young children. In addition, due to their physical vulnerability, very young children may be more susceptible to major injury.

Box 2.1: Physical punishment of children

Assault is defined in criminal law as any non-consensual application of force. This definition would capture a range of conduct occurring within the normal course of parenting activities, such as placing an unwilling child in a car seat. Therefore, the criminal law includes a narrow exception, in the form of a defence, for parents and teachers in limited circumstances:

Section 43 of the *Criminal Code* (correction of child by force) Every schoolteacher, parent, or person standing in the place of a parent is justified in using force by way of correction toward a pupil or child, as the case may be, who is under his care, if the force does not exceed what is reasonable under the circumstances.

In January of 2004, the Supreme Court of Canada upheld a decision of the Ontario Court of Appeal, which found that s.43 reflects a reasonable balance of the Charter interests of children, parents and Canadian society; s.43 does not violate s.7 (security of the person), s.12 (cruel and unusual punishment) and s.15 (equality) of the Charter and is consistent with Canada's obligations under the United Nations' Convention on the Rights of the Child. Further, the Supreme Court of Canada clarified the application of s.43; the defence is only available in situations where "minor corrective force of a transitory and trifling nature" is used. Specifically, s.43 will not apply in cases where: force is used on children under 2 years or over 12 years of age; objects or implements are used to administer physical punishment; or, force is applied to a child's head.

Source: Canadian Foundation for Children, Youth and the Law v. Canada (Attorney General), [2004] SCC 4.

Males most often accused in family-related assaults against children and youth¹⁹

According to police-reported statistics, males have predominantly been involved in family-related assaults against children and youth (AuCoin, 2003; Locke, 2002; Locke, 2000). In 2002, male family members made up a very high proportion of accused in family-related assaults against children and youth (82%). Fathers were most commonly accused (43%), followed by brothers (20%),

18. Major injuries are defined as those that require professional medical attention at the scene or transportation to a medical facility.
 19. Analysis of accused characteristics is based only on those incidents for which there was a single accused and a single victim.

other male extended family members (12%) and male spouses (6%). When female family members were implicated, mothers were most likely to be accused (13%) followed by sisters (4%) and other female family members (1%).

2.2 Trends in family-related assaults against children and youth, 1998-2002²⁰

According to the UCR2 Trend Database, rates of assaults committed by non-family members have consistently been much higher than rates of family-related assaults. Each year, rates of non-family sexual assault have been approximately twice those of family-related sexual assaults, and rates of non-family physical assault have been between three and four times greater than family-related physical assault rates (Table 2.5).

Family-related assaults against children and youth on the rise

Rates of family-related assaults against children and youth have generally increased since 1998, although patterns of physical and sexual assaults have varied over time. Rates of physical assault increased steadily between 1998 and 2000, with a slight decline in 2001, followed by a subsequent rise in 2002. Sexual assaults, however, decreased between 1998 and 1999, followed by a steady increase between 2000 and 2002 (Table 2.5).

Rates of family-related physical assaults against young females and males followed similar patterns between 1998 and 2002, while sexual assault rates varied slightly by gender. Sexual assault rates for females remained stable between 1998 and 1999, then increased steadily in each subsequent year (Figure 2.5). The largest year-over-year variation was between 2001 and 2002, when the rates increased by 14% (from 99 to 113 victims per 100,000 females).

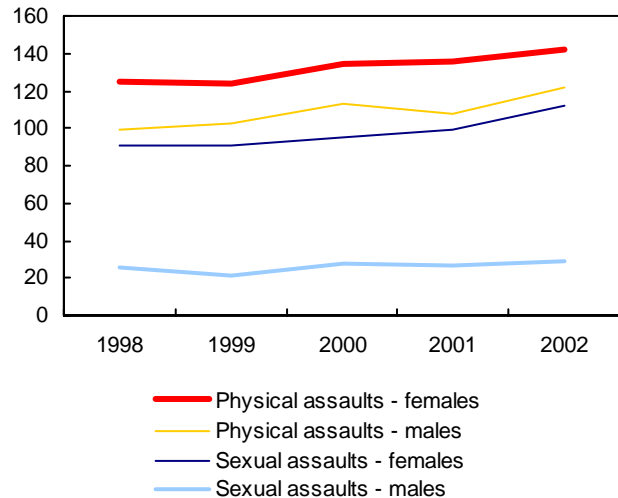
Family-related sexual assault rates for young males generally increased between 1998 and 2002. The largest year-over-year variation for males was between 1999 and 2000, when rates increased from 22 to 27 victims per 100,000 males. Rates of physical and sexual assaults, for both females and males, reached their highest levels in 2002 (Figure 2.5).

2.3 Witnessing violence in the home - Findings from the National Longitudinal Survey of Children and Youth (NLSCY)

Over the last several years, domestic violence research has recognized that witnessing violence in the home is a form of child maltreatment (Wolfe and Yuan, 2001).

Figure 2.5
Rates of family-related sexual and physical assaults against children and youth rising, 1998-2002^{1,2,3,4,5,6,7}

Rate per 100,000 females and males



1. Excludes incidents where the sex and/or the age of the victim was unknown.
 2. Data are not nationally representative. Based on data from 78 police departments representing 46% of the national volume of crime in 2002.
 3. Children and youth include all those under the age of 18.
 4. Rate per 100,000 population under the age of 18, based on estimates provided by Demography division, Statistics Canada.
 5. Sexual assault includes sexual assault, sexual assault with a weapon, aggravated sexual assault and the "other sexual crimes" category which includes sexual interference, sexual touching, sexual exploitation and incest, etc.
 6. Physical assault includes common assault (level 1), aggravated assault (levels 2 and 3), unlawfully causing bodily harm, discharge firearm with intent, criminal negligence causing bodily harm and other assaults.
 7. Family includes spouse, parent, child, sibling and extended family.
- Source: Statistics Canada, Canadian Centre for Justice Statistics, Incident-based Uniform Crime Reporting (UCR2) Trend Database.

Furthermore, some provinces have explicitly included exposure to domestic violence as a form of maltreatment in their child protection legislation.²¹ Two recent studies using data from the National Longitudinal Survey of Children and Youth (NLSCY) examine witnessing violence in slightly different ways. This section outlines the main findings of each of these studies.

20. This section is based on data from police forces who have consistently reported to the Incident-based Uniform Crime Reporting (UCR2) Survey since 1998. The UCR2 Trend Database contains data from 78 police departments across Canada, representing 46% of the national volume of crime.

21. Newfoundland and Labrador, Prince Edward Island, Nova Scotia, New Brunswick, Saskatchewan and Alberta refer to exposure to domestic violence either in their definitions of children in need of protection or child abuse and neglect.

Box 2.2: The National Longitudinal Survey of Children and Youth (NLSCY)

The data that were used in this report are from the cross-sectional and longitudinal components of the first three cycles (1994/95, 1996/97 and 1998/99) of Statistics Canada's National Longitudinal Survey of Children and Youth.

The extent to which children had witnessed violence was determined by asking the child's parent "How often does the child see adults or teenagers in the home physically fighting, hitting or otherwise attempting to hurt others?"

Survey Limitations

While the NLSCY is a comprehensive survey, it is designed primarily to monitor general child development rather than focus solely on a specific topic, such as violence or victimization. Therefore, questions concerning physical violence in the home are limited and do not include detail concerning the severity of the violence, the presence of emotional abuse or whether the children were themselves victims of violence.

The analysis is based on information provided by only one source, the child's parent, which could be influenced by his or her willingness to disclose such information or their desire to provide socially acceptable answers. Furthermore, if parents themselves or their partners are the perpetrators of violence, they may be unable to adequately assess their children's behaviour.

In certain circumstances, the violence witnessed by children may have involved teenage siblings, which may help explain the higher rates of violence in homes with "other siblings". However, it was not possible to determine who was involved in the violence.

Data exclude children living in the Yukon, Nunavut, and the Northwest Territories. Children living in institutions, on reserves, with foster parents and those children living in shelters or transition homes are also excluded.

Consequences of witnessing violence – aggression and anxiety in young children

Most children have not witnessed violence in the home²²

Results from parent interviews conducted in the 1998/99 NLSCY indicate that more than 90% of children aged 4-to-7 had not witnessed violence in the home (Moss 2003). An estimated 8% or 1-in-12 children between the ages of 4 and 7 had witnessed some type of physical violence in the home. This amounts to about 120,000 children in this age group. Of the children who had

witnessed violence, most had "seldom" witnessed violence (64%), one-third (30%) had witnessed violence "sometimes", and 5%, "often". Boys and girls were equally likely to have witnessed violence.

Some family and household characteristics appeared to have an effect on the prevalence of witnessing violence. For example, witnessing violence was more common among children aged 4-to-7 who had a parent aged 35 or older, those whose parent had less than a high school education and those who had other siblings in the household. Furthermore, children in low-income households were twice as likely to have witnessed violence as children in middle or high-income households. Children in lone-parent families (11%) were more likely to have witnessed violence than those living with a step-parent or two biological parents (around 7% each) (Moss 2003).

Moss found that parenting style also appeared to be a factor in witnessing violence, with higher rates reported for children whose parents gave little positive feedback, were inconsistent, or were hostile or punitive.

For most children, witnessing violence in the home was not a recurrent experience. Close to 60% of those who had witnessed violence in 1994/95 had not been exposed to violence in subsequent years. Of those who had witnessed violence in 1994/95, approximately one quarter (24%) witnessed violence in 1996/97, and 29% in 1998/99.

Children who witness violence more likely to exhibit aggression and anxiety

While most of the children who witnessed violence, witnessed it infrequently, the experience was nevertheless associated with the child's level of overt aggression, which includes behaviours such as fighting, making threats, getting angry and bullying.

For both boys and girls, witnessing violence in the home was associated with overt aggression in the short term. Forty-three percent of boys who witnessed violence in 1994/95 were overtly aggressive, compared to 25% of boys who had not witnessed violence. For girls, witnessing violence in the home did not have as great an impact on their level of aggression. For example, 27% of girls who witnessed violence were aggressive, compared to 17% of girls who did not witness such violence.

22. This section presents highlights from: Moss, Kathleen. 2003. *Witnessing violence – aggression and anxiety in young children, Supplement to Health Reports, Catalogue 82-003, volume 14, Ottawa: Statistics Canada.*

Research has found that although children's reactions may be more pronounced immediately after they have witnessed violence, they can also display longer-term developmental and/or psychological problems, such as conduct disorder and antisocial or self-injurious behaviour (Wolfe and Korsch, 1994). Longitudinal data from the NLSCY found that boys and girls who witnessed violence in 1994/95 were more likely than those who had not witnessed violence to exhibit overt aggression two (in 1996/97) and four (in 1998/99) years later. Even when other factors which could be associated with aggressive behaviour such as family type, socio-economic status and parenting style were controlled for, witnessing violence continued to be associated with overt aggression among both boys and girls.

Regarding levels of indirect aggression²³ resulting from witnessing physical violence, levels were higher for both boys and girls who had witnessed violence. In 1994/95, approximately a quarter of boys and girls who had witnessed violence displayed indirect aggression as compared to 13% of boys and 17% of girls who had not witnessed violence. When other factors contributing to indirect aggression were controlled for, the relationship between witnessing violence and indirect aggression in 1994/95 remained for boys, but was no longer significant for girls. However, two years later, in 1996/97, girls who had witnessed violence in 1994/95 had high levels of indirect aggression.

Boys and girls who had witnessed violence in the home were more likely to experience anxiety²⁴ than those who had not been exposed to violence. In 1994/95, 12% of boys who had witnessed violence had a high level of anxiety, compared with 6% of those who had not. For girls, the proportions were 14% and 5% respectively. For boys, the relationship between witnessing violence in 1994/95 and anxiety did not persist when factors such as family type and parenting style were controlled for. For girls, however, after controlling for the effects of other variables, the odds of anxiety were twice as high for those who had witnessed violence as compared to those who had not.

According to research, the earlier children exhibit anxiety, the more likely it will persist and influence future behaviour (Onyskiw, 1999). Results from the NLSCY show that for both sexes, witnessing violence in 1994/95 was associated with anxiety in the future – two years later for boys and four years later for girls.

Moss' research (2003) supports earlier findings that witnessing domestic violence can have serious negative effects and long-term consequences on a child's development.

Childhood aggression and its association with witnessing violence in the home²⁵

Despite the evidence of harmful outcomes for children who witness violence, there are a number of other influences on a child's development which can either aggravate or mitigate the negative effects of witnessing violence in the home.

Hotton's research (2003) focussed on the relationships between certain conditions in a child's life and aggressive behaviour. The conditions studied include: witnessing violence in the home, parenting practices, community and social support, child emotional problems and other socio-demographic factors. First, the direct impact of each of these conditions on child aggression was examined, followed by an assessment of whether these conditions mediated or neutralized the negative effects of witnessing violence.

When controlling for other factors, Hotton found that witnessing violence had a strong association with aggressive behaviour among children. Although a child's witnessing violence in the home made him or her more likely to act out aggressively than other children, most children (68%) who witnessed violence in the home did not act out with aggressive behaviour.

Hotton's study also found that other factors can reduce or intensify the negative effects of witnessing violence in the home. Children whose parents used more effective parenting techniques were less likely to exhibit aggression than those whose parents used hostile techniques to react to their child's behaviour, such as anger and negative reinforcement. The study also found that children who were generally happy with lower levels of anxiety were less likely to display aggressive behaviour than children with higher levels of anxiety.

Boys were found to have higher odds of engaging in aggressive behaviour than were girls in the study, however, witnessing violence in the home did not have a different impact on boys' aggressive behaviour over that of girls. Age was also found to be correlated with aggressive behaviour – high aggressive behaviour declined with age. This was the case for both children who witnessed violence and those who did not.

23. Examples of indirect aggression include trying to get others to dislike someone else, gossiping or disclosing someone else's secrets.

24. Examples of anxiety include being unhappy, fearful, anxious, worried, distressed or nervous.

25. This section presents highlights from: Hotton, T. 2003. "Childhood aggression and exposure to violence in the home" *Crime and Justice Research Paper Series*. Ottawa: Statistics Canada. Canadian Centre for Justice Statistics, Catalogue no. 85-561-MIE – No. 002.

Table 2.1
Victims of physical and sexual assault by age group, reported to a subset of police departments, 2002^{1,2,3}

Type of assault	Total victims	Number of children and youth victims (under 18) and proportion of total victims			Number of adult victims (18+) and proportion of total victims			Number and proportion of total children and youth victims by age group						Total children and youth victims
		Sex of victim		No.	Sex of victim		< 3		3-11		12-17		No.	
		No.	%		No.	%	No.	%	No.	%	No.	%		
Aggravated sexual assault	82	24	29	58	71	1	4	13	54	10	42	100		
Sexual assault with a weapon	234	64	27	170	73	1	2	12	19	51	80	100		
Sexual assault	12,360	7,250	59	5,110	41	112	2	3,106	43	4,032	56	100		
Other sexual crimes ⁴	1,688	1,417	84	271	16	34	2	724	51	659	47	100		
Sexual assault - Total	14,364	8,755	61	5,609	39	148	2	3,855	44	4,752	54	100		
Assault level 3	1,679	222	13	1,457	87	34	15	24	11	164	74	100		
Assault level 2	26,629	5,020	19	21,609	81	90	2	1,004	20	3,926	78	100		
Assault level 1	92,498	19,774	21	72,724	79	380	2	4,571	23	14,823	75	100		
Unlawfully causing bodily harm	529	104	20	425	80	9	9	22	21	73	70	100		
Discharge firearm with intent	77	17	22	60	78	0	0	2	12	15	88	100		
Assault against peace-public officer	3,752	0	0	3,752	100	0	0	0	0	0	0	100		
Criminal negligence c/ bodily harm	158	40	25	118	75	6	15	4	10	30	75	100		
Other assaults	1,254	116	9	1,138	91	3	3	31	27	82	71	100		
Physical assault - Total	126,576	25,293	20	101,283	80	522	2	5,658	22	19,113	76	100		
Assault - Total	140,940	34,048	24	106,892	76	670	2	9,513	28	23,865	70	100		

Note: Percentages may not add up to 100% due to rounding.

0 true zero or a value rounded to zero

1. Excludes incidents where the sex and/or the age of the victim was unknown.

2. Data are not nationally representative. Based on data from 94 police departments representing 56% of the national volume of crime in 2002.

3. Children and youth include all those under the age of 18.

4. Other sexual crimes include such offences as sexual interference, sexual exploitation, invitation to sexual touching, incest, anal intercourse and bestiality.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Incident-based Uniform Crime Reporting (UCR2) Survey.

Table 2.2
Child and youth victims of physical and sexual assault by sex of victim and relationship to accused, reported to a subset of police departments, 2002^{1,2,3}

Type of violent crime	Total assault						Sexual assault ⁴						Physical assault ⁵					
	Sex of victim						Sex of victim						Sex of victim					
	Total		Female		Male		Total		Female		Male		Total		Female		Male	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Family ⁶	8,460	25	5,173	31	3,287	19	2,863	33	2,259	32	604	35	5,597	22	2,914	30	2,683	17
Friend/acquaintance ⁷	17,495	51	8,340	50	9,155	53	4,182	48	3,358	48	824	48	13,313	53	4,982	51	8,331	54
Stranger	6,007	18	2,372	14	3,635	21	1,188	14	1,021	14	167	10	4,819	19	1,351	14	3,468	22
Unknown ⁸	2,086	6	899	5	1,187	7	522	6	410	6	112	7	1,564	6	489	5	1,075	7
Total	34,048	100	16,784	100	17,264	100	8,755	100	7,048	100	1,707	100	25,293	100	9,736	100	15,557	100

Note: Percentages may not add up to 100% due to rounding.

1. Excludes incidents where the sex and/or the age of the victim was unknown.

2. Data are not nationally representative. Based on data from 94 police departments representing 56% of the national volume of crime in 2002.

3. Children and youth include all those under the age of 18.

4. Sexual assault includes sexual assault, sexual assault with a weapon, aggravated sexual assault and the "other sexual crimes" category which includes sexual interference, sexual touching, sexual exploitation, incest, etc.

5. Physical assault includes common assault (level 1), major assault (levels 2 and 3), unlawfully causing bodily harm, discharge firearm with intent, criminal negligence causing bodily harm and other assaults.

6. Includes spouse, ex-spouse, parent, child, sibling, and extended family.

7. Includes any relationship in which the accused and the victim are familiar with each other, but are not related, or in a legal guardianship relationship.

8. Includes incidents where the relationship between the victim and the accused is unknown.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Incident-based Uniform Crime Reporting (UCR2) Survey.

Table 2.3

Child and youth victims of physical and sexual assault by age group of victim and relationship to accused, reported to a subset of police departments, 2002^{1,2,3}

Relationship of victim to accused		Sexual assault ⁴							Physical assault ⁵						
		Total No.	Age of victim						Total No.	Age of victim					
			< 3	3-5	6-8	9-11	12-14	15-17		< 3	3-5	6-8	9-11	12-14	15-17
Family ⁶	%	2,863	62	51	46	39	25	18	5,597	62	60	44	25	17	17
Friend/acquaintance ⁷	%	4,182	26	36	40	43	55	54	13,313	21	26	37	53	60	53
Stranger	%	1,188	3	4	7	13	15	22	4,819	6	7	12	16	18	23
Unknown ⁸	%	522	8	9	6	6	5	6	1,564	11	8	7	6	5	6
Total	%		100	100	100	100	100	100		100	100	100	100	100	100
Total assault victims		8,755	148	1,069	1,244	1,542	2,653	2,099	25,293	522	718	1,539	3,401	8,036	11,077

Note: Percentages may not add up to 100% due to rounding.

1. Excludes incidents where the sex and/or the age of the victim was unknown.

2. Data are not nationally representative. Based on data from 94 police departments representing 56% of the national volume of crime in 2002.

3. Children and youth include all those under the age of 18.

4. Sexual assault includes sexual assault, sexual assault with a weapon, aggravated sexual assault and the "other sexual crimes" category which includes sexual interference, sexual touching, sexual exploitation, incest, etc.

5. Physical assault includes common assault (level 1), major assault (levels 2 and 3), unlawfully causing bodily harm, discharge firearm with intent, criminal negligence causing bodily harm and other assaults.

6. Includes spouse, ex-spouse, parent, child, sibling, and extended family.

7. Includes any relationship in which the accused and the victim are familiar with each other, but are not related, or in a legal guardianship relationship.

8. Includes incidents where the relationship between the victim and the accused is unknown.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Incident-based Uniform Crime Reporting (UCR2) Survey.

Table 2.4

Age of victim and type of assault against children and youth by family members, reported to a subset of police departments, 2002^{1,2,3}

Relationship of victim to accused		Sexual assault ⁴							Physical assault ⁵						
		Total No.	Age of victim						Total No.	Age of victim					
			< 3	3-5	6-8	9-11	12-14	15-17		< 3	3-5	6-8	9-11	12-14	15-17
Parent ⁶	%	1,219	61	44	37	37	46	48	3,852	89	86	84	75	70	53
Sibling ⁷	%	832	21	30	34	31	27	23	1,025	7	6	11	17	21	24
Extended family ⁸	%	779	18	26	29	32	25	24	419	4	7	6	8	7	9
Spouse ⁹	%	33	...	...	...	...	2	6	301	...	...	...	...	1	14
Family total	%		100	100	100	100	100	100		100	100	100	100	100	100
Total victims	no.	2,863	92	550	575	599	667	380	5,597	322	432	682	842	1,381	1,938

Note: Percentages may not add up to 100% due to rounding.

... not applicable

1. Excludes incidents where the sex and/or the age of the victim was unknown.

2. Data are not nationally representative. Based on data from 94 police departments representing 56% of the national volume of crime in 2002.

3. Children and youth include all those under the age of 18.

4. Sexual assault includes sexual assault, sexual assault with a weapon, aggravated sexual assault and the "other sexual crimes" category which includes sexual interference, sexual touching, sexual exploitation, incest, etc.

5. Physical assault includes assault common assault (level 1), major assault (levels 2 and 3), unlawfully causing bodily harm, discharge firearm with intent, criminal negligence causing bodily harm and other assaults.

6. Includes a small number of cases where age or the relationship between the accused and the victim may have been miscoded.

7. Sibling includes natural, step, half, foster or adopted siblings.

8. Extended family includes others related by blood, marriage, adoption or foster care.

9. Spouses include legally married, separated, divorced, and common-law partners.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Incident-based Uniform Crime Reporting (UCR2) Survey.

Table 2.5

Child and youth victims of sexual and physical assault by accused-victim relationship, reported to a subset of police departments, 1998-2002^{1,2,3,4,5}

Year	Sexual assault ⁶				Physical assault ⁷			
	Accused-victim relationship				Accused-victim relationship			
	Family ⁸		Non-Family ⁹		Family ⁸		Non-Family ⁹	
	No.	Rate	No.	Rate	No.	Rate	No.	Rate
1998	1,947	57	3,988	117	3,809	112	13,254	389
1999	1,888	55	3,972	117	3,857	113	13,029	382
2000	2,053	60	4,231	125	4,191	123	14,407	424
2001	2,111	62	4,165	123	4,120	121	14,058	414
2002	2,366	70	4,315	127	4,461	132	13,876	409

1. Excludes incidents where the sex and/or the age of the victim was unknown.

2. Excludes incidents where the accused-victim relationship was unknown.

3. Children and youth include all those under the age of 18.

4. Data are not nationally representative. Based on data from 78 police departments active as of December 31, 2002 representing 46% of the national volume of crime in 2002.

5. Rate per 100,000 population under the age of 18, based on estimates provided by Demography division, Statistics Canada.

6. Sexual assault includes sexual assault, sexual assault with a weapon, aggravated sexual assault and the "other sexual crimes" category which includes sexual interference, sexual touching, sexual exploitation, incest, etc.

7. Physical assault includes common assault (level 1), major assault (levels 2 and 3), unlawfully causing bodily harm, discharge firearm with intent, criminal negligence causing bodily harm and other assaults.

8. Family includes spouse, ex-spouse, parent, sibling and extended family.

9. Non-family includes close friend, business relationship, casual acquaintance and stranger.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Incident-based Uniform Crime Reporting (UCR2) Trend Database.

3.0 Family violence against older adults

by Jodi-Anne Brzozowski

Canada's population is aging. According to the 2001 Census of population, seniors aged 65 and over accounted for 13% of Canada's population, up from about 11% in 1991. This proportion is expected to rise to 15% by the year 2011 (Statistics Canada, 2002a). One of the contributing factors to this substantial growth has been the gain in life expectancy among Canada's older adults.

With the aging of Canada's population in recent years, there has been a corresponding shift in how to meet the needs of Canada's older adults. Community-based care has become the preferred method over institutional care for seniors who require assistance, with the majority of the caregiving duties being left to family members and friends (Frederick and East, 1999).

While Canada's older adults have consistently been least likely to be victims of crime, the deteriorating physical and mental health status of some seniors, and their physical, emotional and financial dependency on others, present risks that are unlike those for other age groups (Justice Canada, 2003b). In addition, with the move towards community-based care, there has been a growing body of research which shows that providing care for an elderly parent, family member or friend can cause psychological, emotional and economic burdens for the caregiver (Duxbury and Higgins, 2001; Cranswick, 2002; Frederick and East, 1999). The stresses associated with caregiving could therefore potentially place seniors at an increased risk of being victims of abuse or violence at the hands of their caregivers.

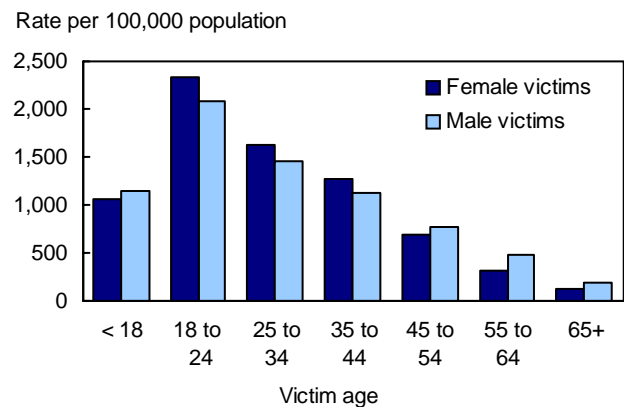
Some of the most commonly documented forms of abuse against seniors include physical abuse, sexual abuse, psychological abuse, financial abuse and neglect. This chapter examines the extent of police-reported physical and sexual violence against older adults, with a particular emphasis on family-related violence. The data are drawn from a subset of 94 police forces reporting to the Incident-based Uniform Crime Reporting (UCR2) Survey, which in 2002, represented 56% of the national volume of crime. While police-reported data do not capture the full extent of abuse against seniors, they provide an important profile

of some of the most serious acts committed against Canada's older adult population.

3.1 The prevalence of police-reported violence against older adults

According to the subset of 94 police departments, older adults were by far the least likely of all age groups to be victims of violent crime reported to police. The rate for older adults was 156 per 100,000 population, a rate which was less than half the rate of 397 for the next oldest age group (55-to-64 year olds), and 14 times lower than the highest rate of 2,200, recorded for 18-to-24 year old victims (Figure 3.1).

Figure 3.1
Older persons least likely to be victims of violent crime, 2002^{1,2,3,4,5}



1. Excludes incidents where the sex and/or age of the victim was unknown.
 2. Data are not nationally representative. Based on data from 94 police departments representing 56% of the national volume of crime in 2002.
 3. Older persons include all those aged 65 and older.
 4. Violent crime includes violations causing death, attempting the commission of a capital crime, sexual assaults, assaults, violations resulting in the deprivation of freedom, and other violations involving violence or the threat of violence.
 5. Rate per 100,000 population, based on estimates provided by Demography division, Statistics Canada.
- Source:** Statistics Canada, Canadian Centre for Justice Statistics, Incident-based Uniform Crime Reporting (UCR2) Survey.

Just over half of senior victims of violence were men (52%) (Table 3.1). Controlling for populations served by the subset of police departments reporting to the UCR2 survey, rates for senior men were higher than those for women (188 compared to 132 per 100,000 population).

According to police-reported data, older adults were far less likely to be victimized by family than non-family members (30% compared to 70%). Among all family-related assaults, violence against older adults most often involved an adult child (38%), followed by a spouse (26%). While there is no single explanation for the cause of senior abuse, some researchers have suggested that adult children who abuse their senior parents may have learned this behaviour through their own exposure to domestic violence. Other research suggests that abuse stems from caregivers (who are often the adult children of seniors) experiencing stress as a result of their caregiving responsibilities. Further research has found that spouse abuse among older adults is a continuation of a long-standing pattern of spousal abuse, or “spouse abuse grown old” (Justice Canada, 2003b; Health Canada, 2000).

There were gender differences among senior victims of family-related violence. Males were more likely than females to be victimized by an adult child (42% compared to 35%) while females were more likely than males to experience violence at the hands of a spouse (30% compared to 19%) (Table 3.1).

Older females more likely to be victimized by family members, older males by non-family members

While overall, males are more likely to be victims of violent crime, police-reported data indicate that females from all age groups are more likely than males to be victims of family violence. This pattern also holds true among seniors. In 2002, older females were more likely than their male counterparts to be victims of family-related violence. Of the approximate 1,100 older adult victims of violence by family members, about 700 (or 64%) were females (Table 3.1). The differences in rates are largely attributed to the fact that females make up the majority of victims of spousal violence. On the other hand, older males were more likely than their female counterparts to be victims of non-family violence, making up 58% of all senior victims of non-family violence.

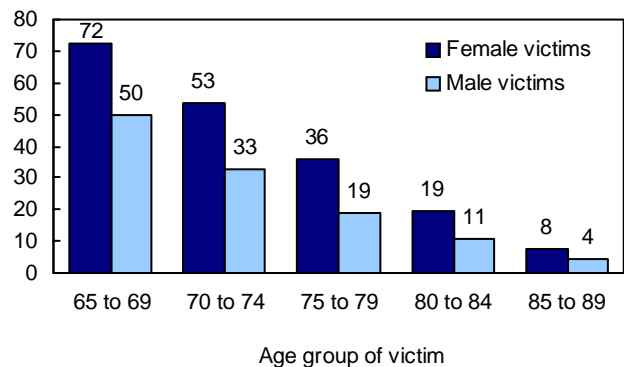
Rates of family-related violent crime against older adults decline with age

Mirroring the gradual decline in violent crime rates among all age groups, rates of family violence against older adults also decreased with age. The youngest age group among

older adults (those aged 65-to-69) experienced the highest rates of family violence among seniors (72 victims per 100,000 females and 50 victims per 100,000 males), while the oldest seniors, those aged 85-to-89, had the lowest rates (8 victims per 100,000 females, and 4 victims per 100,000 males) (Figure 3.2). Since Canada’s oldest seniors are most likely to experience some form of cognitive impairment and are also most likely to reside in health care institutions (Justice Canada, 2003b; Statistics Canada, 2002a), it is difficult to say whether the oldest age group is in fact least likely to be victimized or if violence against this oldest age group is least likely to come to the attention of the police.

Figure 3.2
Rates of family-related violent crime decrease with age, 2002^{1,2,3,4,5,6}

Rate per 100,000 population aged 65 and older



1. Excludes incidents where the sex and/or age of the victim was unknown.
 2. Data are not nationally representative. Based on data from 94 police departments representing 56% of the national volume of crime in 2002.
 3. Older persons include all those aged 65 and older.
 4. Family-related includes all violent crime committed by spouses, parents, children, siblings and extended family.
 5. Violent crime includes violations causing death, attempting the commission of a capital crime, sexual assaults, assaults, violations resulting in the deprivation of freedom, and other violations involving violence or the threat of violence.
 6. Rate per 100,000 population aged 65 and older, based on estimates provided by Demography division, Statistics Canada.
- Source:** Statistics Canada, Canadian Centre for Justice Statistics, Incident-based Uniform Crime Reporting (UCR2) Survey.

Common assault most frequent family-related violent offence against older adults

Common assault (assault level 1) was the most frequently reported family-related offence against seniors in 2002, reported by 53% of victims. Common assault, which is considered a less serious type of assault, involves such actions as pushing or slapping which do not result in injury to the victim. The next most commonly reported offence was for uttering threats (21%) followed by major assault

(14%). The most common offence types were the same for male and female victims, however, females were more likely than males to be victims of common assault (57% compared to 46%), while males were more likely to be threatened than females (28% compared to 17%) (Table 3.2).

The offence characteristics were different for victims of non-family violence. While common assault was also the most often reported violent offence for victims of non-family violence, the proportion of victims reporting common assault was much lower (33%). The next most commonly reported offence, which occurred almost as frequently as assault, was robbery, which was reported by 29% of victims. Among offences committed by non-family members, senior women were most likely to be victims of robbery (40%), followed by common assault (level 1) (29%). On the other hand, senior males victimized by non-family members were most likely to be victims of common assault (level 1) (37%) followed by robbery (21%) and uttering threats (21%).

Injuries sustained by 4-in-10 victims of family violence committed against seniors

Since more than half of senior victims of family violence experienced a minor assault and a further one-in-five were victims of threats, it is not surprising that one-in-two victims sustained no injuries as a result of the violence they experienced. However, 35% did sustain minor injuries, and 3% suffered major physical injuries or death (Table 3.3). Females were slightly more likely than males to have been injured as a result of the violence perpetrated against them (40% compared to 37%). Further, the level of injury was unknown for one-in-ten victims of police-reported senior violence.

When injuries were sustained as a result of violence against seniors, they were most often the result of physical force for both older female and male victims (47% and 37% respectively).²⁶ In fact, there were relatively few injuries caused by weapons in senior family violence. Approximately 11% of older male victims were injured with a weapon, while only 8% of females were injured with a weapon (Table 3.4).

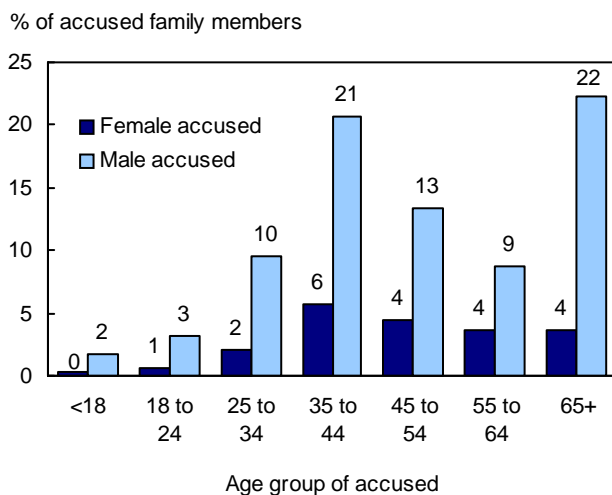
Males most often accused in violence against older adults²⁷

Males made up an overwhelming proportion of those accused in family violence against older adults, accounting for nearly 8-in-10 perpetrators. Approximately 22% of accused were males aged 65 or older, 21% were between the ages of 35 and 44, and 13% were between 45 and

54 years of age. The high numbers of accused among these age groups is not surprising, given the fact that seniors were most likely to be victimized by a spouse or an adult child (Figure 3.3).

Among the 21% of females accused in violence against seniors, the majority were 35 years of age or older.

Figure 3.3
Males aged 35-44 and 65+ accounted for largest proportions of accused in family violence against older adults^{1,2,3,4}



Note: Percentages may not add up to 100% due to rounding.
 1. Excludes incidents where the sex and/or age of the victim and the sex and/or age of the accused was unknown.
 2. Data are not nationally representative. Based on data from 94 police departments representing 56% of the national volume of crime in 2002.
 3. Older adults include all those aged 65 and older.
 4. Analysis of accused characteristics is based on only those incidents for which there was a single accused and a single victim.
Source: Statistics Canada, Canadian Centre for Justice Statistics, Incident-based Uniform Crime Reporting (UCR2) Survey.

3.2 Trends in police-reported violence against seniors, 1998-2002

Following two years of increases, rates of family violence against seniors remained stable between 2000 and 2002

According to data from 78 police departments who have consistently reported to the Incident-based Uniform Crime Reporting (UCR2) Survey between 1998 and 2002, rates

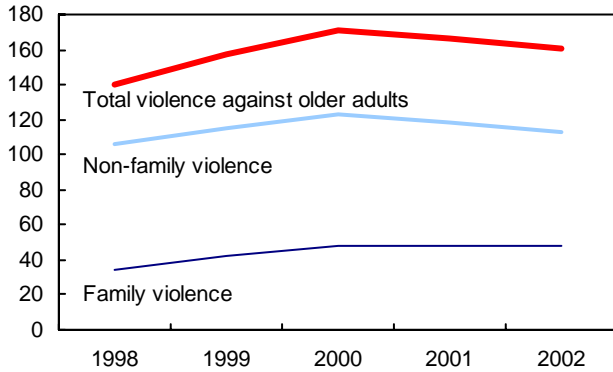
26. This section excludes Toronto due to the unavailability of disaggregated data on weapon use. The analysis is therefore based on 93 police departments, representing 49% of the national volume of crime in 2002.

27. Analysis of accused characteristics is based only on those incidents for which there was a single accused and a single victim.

of family violence against seniors have stabilized over time. Specifically, rates of family violence against seniors increased in the late 1990s but have remained stable between 2000 and 2002, at 48 victims per 100,000 population for each year (Figure 3.4).

Figure 3.4
Recent decreases in police-reported violence against older adults, 1998-2002^{1,2,3,4,5}

Rate per 100,000 population aged 65 and older

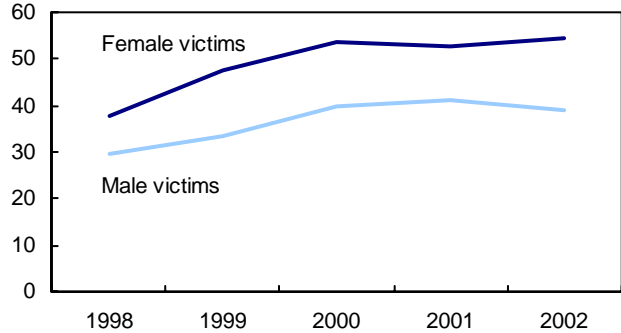


1. Excludes incidents where the sex and/or the age of the victim was unknown.
 2. Data are not nationally representative. Based on data from 78 police departments representing 46% of the national volume of crime in 2002.
 3. Older adults include all those aged 65 and older.
 4. Family violence includes violent crimes committed by spouses, ex-spouses, parents, children, siblings and extended family members.
 5. Rate per 100,000 population aged 65 and over, based on estimates provided by Demography division, Statistics Canada.
- Source:** Statistics Canada, Canadian Centre for Justice Statistics, Incident-based Uniform Crime Reporting (UCR2) Trend Database.

Overall, there were significant increases for both females and males between 1998 and 2002. Rates of family violence against older females increased by 42% (from 38 to 54 victims per 100,000 females) while those for males rose by 30%, (from 30 to 39 victims per 100,000 males) over the same 5 year period (Table 3.5, Figure 3.5).

Figure 3.5
Rates of family violence against older females and males experienced overall increases, 1998-2002^{1,2,3,4,5}

Rate per 100,000 population aged 65 and older



1. Excludes incidents where the sex and/or the age of the victim was unknown.
 2. Data are not nationally representative. Based on data from 78 police departments representing 46% of the national volume of crime in 2002.
 3. Older adults include all those aged 65 and older.
 4. Family violence includes violent crimes committed by spouses, parents, children, siblings and extended family members.
 5. Rate per 100,000 population aged 65 and over, based on estimates provided by Demography division, Statistics Canada.
- Source:** Statistics Canada, Canadian Centre for Justice Statistics, Incident-based Uniform Crime Reporting (UCR2) Trend Database.

Box 3.1: Elder abuse in institutions*An aging population*

As previously indicated, in recent years, Canada has been moving away from the institutionalization of seniors towards increased community-based care for older adults. According to the 2001 Census, 9.2% of senior women and 4.9% of senior men, or approximately 287,000 seniors aged 65 and over lived in health care institutions. This represents a decrease since 1981, when 10.5% of senior women and 6.7% of senior men resided in these facilities.¹

Despite these decreases, the actual number of seniors aged 65 and over will continue to increase as the population ages, therefore, the size of the institutionalized seniors population is also likely to increase.

Seniors who live in long-term health care facilities do so as a result of their inability to provide for their own needs, which renders them physically, psychologically, financially and socially vulnerable to potential mistreatment.² The National Clearinghouse on Family Violence has published a report highlighting some of the particular issues surrounding institutional abuse, entitled *Abuse of Older Adults in Institutions*. In this report, abuse of older adults is defined as “any action that takes advantage of a relationship between the health care worker and the older adult.”³ Some examples of institutional abuse include:

- * unnecessary use of physical force,
- * unnecessary use of restraints,
- * hitting, pinching, shoving or pushing,
- * sexual harassment or molestation, and
- * financial abuse such as theft.

According to the report, seniors living in institutions are particularly vulnerable to abuse due to a lack of institutional resources and difficulties faced by health care workers.

A paucity of research

There are no comprehensive data sources examining the extent of abuse in institutional settings, which has rendered it very difficult to understand the particular nature of institutional abuse. One study, conducted in 1993 by the Ontario College of Nurses⁴, surveyed over 1,600 nurses and nurses assistants and found that:

- * 20% reported witnessing abuse of patients in nursing homes;
- * 31% reported witnessing rough handling of patients;
- * 28% reported witnessing workers yelling and swearing at patients;
- * 28% reported witnessing embarrassing comments being said to patients; and
- * 10% reported witnessing other staff hitting or shoving patients.

While this study does not measure the extent of institutional abuse, it confirms its existence.

1. *Statistics Canada. 2002a. 2001 Census Analysis Series - Profile of Canadian Families and Households: Diversification Continues Catalogue no. 96F0030XIE2001003 p. 6*
2. *Beaulieu, Marie and Bélanger, L. 1995. Intervention in long-term care institutions with respect to elder mistreatment (p. 27-37), in Abuse and Neglect of Older Canadians. Toronto: Thompson Educational Publishing, Inc.*
3. *National Clearinghouse on Family Violence. 1998. Abuse of Older Adults in Institutions. Ottawa: internet <http://www.hc-sc.gc.ca/nc-cn>*
4. *College of Nurses of Ontario. 1993. Abuse of Clients by RNs and RNAs: Report to Council on Result of Canada Health Monitor Survey of Registrants. Toronto: 1-11.*

Box 3.2: Addressing senior abuse through collaboration and education

A number of communities have established anti-abuse networks in order to promote public education and collaboration among sectors. The following are examples of such programs.

Sixty **B.C. Regional community response networks** are being developed to prevent abuse and support victims by involving the whole community.

Seniors Offering Support (SOS) is a Guelph, Ontario, partnership between a seniors' association and the professional service network. Seniors are running a telephone support system to serve seniors in Guelph and surrounding rural areas and small towns.

Edmonton's Elder Abuse Intervention Team consists of a social worker, a police detective and a representative from the service community, whose task is to assess the situation and work out a safety and service plan for seniors who are at risk. An Elder Abuse Consultation Team is available to help with more complex situations. Call (780) 451-9243.

The **Elder Abuse Consultation Centre**, located at the René-Cassin CLSC (local health/social service centre), offers support and counselling to victims of abuse and their families and outreach and education in the community. Call (514) 489-2287 (Montreal) or 1-888-489-2287 (within Quebec).

Théâtre Parminou has been creating plays dealing with social problems for 30 years. "**Blanche Détrésse**" is an interactive play illustrating concrete situations of abuse and proposing concerted action to counter violence and neglect of seniors. For information: 819-758-0577 ext. 28 (Victoriaville, Quebec).

The **Surrey Delta Immigrant Services Society** has hired six part-time senior abuse prevention workers to overcome language and cultural barriers to detecting and treating elder abuse. They offer education, information and referral services in six immigrant communities in the lower mainland of British Columbia. Call (604) 597-0205.

The **Elder Abuse Resource Team** at the Community Care Access Centre in Kingston, Ontario is sponsoring training to make sure all staff are aware of and respond appropriately when abuse is suspected or confirmed. The team has developed tools – questionnaires for recognizing abuse or assessing a senior's risk of abuse. Call (613) 544-7090, ext. 123.

Source: *National Advisory Council on Aging. 2004. Expression hidden harm: The abuse of seniors, Vol. 17, No. 1: 6.*

Table 3.1
Number and proportion of older adult victims of violent crime by sex and relationship to accused, reported to a subset of police departments, 2002^{1,2,3,4}

Relationship of victim to accused	Sex of victim					
	Total		Female		Male	
	No.	%	No.	%	No.	%
Current spouse ⁵	284	26	208	30	76	19
Ex-spouse ⁶	62	6	42	6	20	5
Parent	66	6	39	6	27	7
Adult child	416	38	250	35	166	42
Sibling ⁷	132	12	84	12	48	12
Extended family ⁸	136	12	82	12	54	14
Total family	1,096	100	705	100	391	100
Unknown ⁹	249	10	102	9	147	10
Close friend	109	4	55	5	54	4
Business relationship	226	9	68	6	158	10
Casual acquaintance	831	32	289	26	542	36
Stranger	1,204	46	581	53	623	41
Total non-family	2,619	100	1,095	100	1,524	100
Total violence against older adults	3,715	100	1,800	48	1,915	52

Note: Percentages may not add up to 100% due to rounding.

1. Excludes incidents where the sex and/or the age of the victim was unknown.

2. Data are not nationally representative. Based on data from 94 police departments representing 56% of the national volume of crime in 2002.

3. Older adults include all those persons aged 65 years and over.

4. Violent crime includes violations causing death, attempting the commission of a capital crime, sexual assaults, assaults, violations resulting in the deprivation of freedom, and other violations involving violence or the threat of violence.

5. 'Current spouse' includes legally married and common-law partners.

6. 'Ex-spouse' includes separated and divorced partners.

7. 'Sibling' includes natural, step, half, foster or adopted brother or sister.

8. 'Extended family' includes all others related to the victim either by blood or by marriage, e.g. aunts, uncles, cousins and in-laws.

9. 'Unknown' includes incidents where the relationship between the victim and the accused is unknown.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Incident-based Uniform Crime Reporting (UCR2) Survey.

Table 3.2
Number and proportion of older adult victims of violent crime by crime type and relationship to accused, reported to a subset of police departments, 2002^{1,2,3}

Type of violent crime	Offences committed by family						Offences committed by non-family					
	Sex of victim						Sex of victim					
	Total		Female		Male		Total		Female		Male	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Homicide/attempt	16	1	12	2	4	1	28	1	5	0	23	2
Sexual assault	6	1	4	1	2	1	72	3	64	6	8	1
Major assault (assault levels 2 & 3)	155	14	91	13	64	16	231	9	51	5	180	12
Common assault (assault level 1)	583	53	404	57	179	46	874	33	315	29	559	37
Robbery	8	1	6	1	2	1	762	29	435	40	327	21
Criminal harassment	75	7	54	8	21	5	106	4	55	5	51	3
Uttering threats	226	21	117	17	109	28	457	17	138	13	319	21
Other violent offences ⁴	27	2	17	2	10	3	89	3	32	3	57	4
Total violent offences	1,096	100	705	100	391	100	2,619	100	1,095	100	1,524	100

Note: Percentages may not add up to 100% due to rounding.

0 true zero or a value rounded to zero

1. Excludes incidents where the sex and/or the age of the victim was unknown.

2. Data are not nationally representative. Based on data from 94 police departments representing 56% of the national volume of crime in 2002.

3. 'Older adults' include those aged 65 and older.

4. 'Other violent offences' include unlawfully causing bodily harm, criminal negligence causing bodily harm, other assaults, kidnapping, extortion, hostage-taking, explosives causing death/bodily harm, arson, and other violent violations.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Incident-based Uniform Crime Reporting (UCR2) Survey.

Table 3.3
Level of injury against older adult victims of family violence, reported to a subset of police departments, 2002^{1,2,3,4}

Level of injury	Sex of victim					
	Total		Female		Male	
	No.	%	No.	%	No.	%
No injuries	553	50	351	50	202	52
Minor physical injury	386	35	253	36	133	34
Major physical injury or death	37	3	25	4	12	3
Unknown ⁵	120	11	76	11	44	11
Total	1,096	100	705	100	391	100

Note: Percentages may not add up to 100% due to rounding.

1. Excludes incidents where the sex and/or the age of the victim was unknown.

2. Data are not nationally representative. Based on data from 94 police departments representing 56% of the national volume of crime in 2002.

3. Older adults include all those aged 65 and older.

4. Family-related assaults include physical and sexual assaults committed by parents, children, siblings, extended family and spouses.

5. Either the extent of injuries to the victim could not be determined or the violation did not involve the use of a weapon or physical force against the victim.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Incident-based Uniform Crime Reporting (UCR2) Survey.

Table 3.4
Method of violence causing the most serious injury to the victim in family violence incidents against older adults reported to a subset of police departments, 2002^{1,2,3,4}

Method of violence	Sex of victim					
	Total		Female		Male	
	No.	%	No.	%	No.	%
Physical force	383	43	260	47	123	37
Unknown or no weapon⁵	423	48	248	45	175	52
Weapons	84	9	47	8	37	11
Firearms	2	0	0	0	2	1
Knife, other piercing/cutting instrument	27	3	13	2	14	4
Club/blunt instrument	24	3	15	3	9	3
Other weapon ⁶	31	3	19	3	12	4
Total older adult victims of family violence	890	100	555	100	335	100

Note: Percentages may not add up to 100% due to rounding.

0 true zero or a value rounded to zero

1. Excludes incidents where the sex and/or the age of the victim was unknown.

2. Data are not nationally representative. Based on data from 93 police departments representing 49% of the national volume of crime in 2002.

3. Older adults include all those aged 65 and older.

4. Excludes Toronto due to the unavailability of disaggregated data on weapon use.

5. The weapon was not known, the weapon involved did not cause physical injury, or no weapon was involved in the incident.

6. Includes other types of weapons such as explosives, fire, motor vehicle or any device used to garrote or poison.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Incident-based Uniform Crime Reporting (UCR2) Survey.

Table 3.5

Trends in violent crime against older adults, by accused-victim relationship, reported to a subset of police departments 1998-2002^{1,2,3,4,5}

Year	Female victims						Male victims					
	Total		Family ⁶		Non-family ⁷		Total		Family ⁶		Non-family ⁷	
	No.	Rate	No.	Rate	No.	Rate	No.	Rate	No.	Rate	No.	Rate
1998	1,287	121	402	38	885	83	1,299	168	229	30	1,070	138
1999	1,489	137	516	48	973	90	1,456	184	264	33	1,192	151
2000	1,617	147	590	54	1,027	93	1,636	203	321	40	1,315	163
2001	1,568	140	590	53	978	88	1,654	201	340	41	1,314	159
2002	1,531	135	614	54	917	81	1,646	196	328	39	1,318	157

1. Excludes incidents where the sex and/or the age of the victim was unknown.

2. Older adults include all those aged 65 and older.

3. Data are not nationally representative. Based on data from 78 police departments active as of December 31, 2002 representing 46% of the national volume of crime in 2002.

4. Violent crime includes violations causing death, attempting the commission of a capital crime, sexual assaults, assaults, violations resulting in the deprivation of freedom, and other violations involving violence or the threat of violence

5. Rate per 100,000 population aged 65 and older, based on estimates provided by Demography division, Statistics Canada.

6. Family includes spouse, ex-spouse, parent, sibling and extended family.

7. Non-family includes close friend, business relationship, casual acquaintance, stranger and unknown.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Incident-based Uniform Crime Reporting (UCR2) Trend Database.

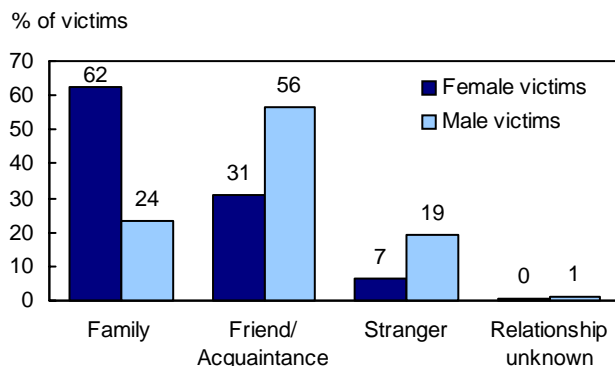
4.0 Family homicide

by Maire Gannon

Homicide represents the most serious form of family violence. Between 1993 and 2002, family homicides accounted for almost 4-in-10 (37%) solved homicides²⁸ in Canada. The remaining homicides were committed by acquaintances (48%), strangers (15%), and an accused with an unknown relationship to the victim (1%).²⁹

Of the 1,717 solved family homicides committed over the last ten-year period, 59% were committed against female victims and 41% against male victims.³⁰ The relationship of the accused to the victim varied depending on the sex of the victim (Figure 4.1). Male spouses, both current and estranged, were responsible for the vast majority (62%) of family homicides against female victims (Table 4.1). Another 19% of family homicides against female victims were perpetrated by mothers or fathers. In contrast, male victims of family homicide were most often killed by parents (33%), followed by spouses (24%) and extended family, such as grandparents, aunts, uncles, cousins and in-laws (17%). The remaining one-quarter of male victims of family homicides were killed by a child (15%) or a sibling (10%).

Figure 4.1
Female homicide victims more frequently killed by family members, 1993-2002^{1,2}



Note: Percentages may not add up to 100% due to rounding.

1. Excludes homicides in which the sex of the victim was unknown.

2. Excludes unsolved homicides.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Homicide Survey.

With the exception of infanticide, *Criminal Code* charges laid against accused persons in cases of family homicide are general in nature and not specific to family violence. These offences range in seriousness and include first-degree murder, second-degree murder, and manslaughter (Box 4.1, p. 36). The sole family-related homicide offence is infanticide, where the accused can only be the mother of the newly-born victim. For this offence, the mother's mind must be considered disturbed from the effects of giving birth or from the effects of lactation (*Criminal Code*, s. 233).

Using data from the Homicide Survey, this chapter examines the prevalence of and trends in family homicide since 1974.³¹ It also explores the circumstances surrounding homicides, and the demographic characteristics of accused persons and victims. Finally, information on the aftermath of family homicide will be presented by examining what happened to the accused following the homicide.

4.1 Spousal homicide³²

Prevalence and regional variations in spousal homicide

In the past decade, spousal homicides represented 14% of all solved homicides and about 50% of solved family homicides. About one-third of homicides against women were committed by a spouse, compared with 4% of homicides against men.

When looking at ten-year rates, there were approximately eight female spousal victims for every million married women and two male spousal victims for every million married men. In 2002, a total of 67 female spouses and 16 male spouses who were killed by their spouses. Rates

28. Solved homicides refer to those where at least one accused has been identified by police.

29. Percentages may not total 100% due to rounding.

30. Includes only those family homicides in which the sex of the victim was known.

31. Data collection on family homicide began in 1974.

32. Spouses include persons in legal marriages, those separated or divorced from legal marriage, and those in common law relationships.

Box 4.1: Definition of homicide

Homicide occurs when a person directly or indirectly, by any means, causes the death of a human being. Homicide is either culpable (murder, manslaughter or infanticide) or non-culpable (not an offence) (*Criminal Code* sections 222-240). Deaths caused by criminal negligence, suicide, and accidental or justifiable homicide are not included in the Homicide Survey.

First-degree murder occurs when:

- it is planned and deliberate; or
- the victim is a person employed and acting in the course of his/her work for the preservation and maintenance of public peace (e.g., police officer, correctional worker); or
- the death is caused by a person committing or attempting to commit certain serious offences (e.g., sexual assault, kidnapping, and criminal harassment)

Second-degree murder is all murder that is not first degree.

Manslaughter is culpable homicide that is not murder or infanticide. It is generally considered to be a homicide committed in the heat of passion caused by sudden provocation.

Infanticide occurs when a female causes the death of her newly-born child (under 1 year of age), if her mind is considered disturbed from the effects of giving birth or from the effects of lactation.

of spousal homicide for both women and men have decreased by about half since data collection began in 1974 (Figure 4.2). The homicide rate for women dropped from 16.5 in 1974 to 8.1 victims per million married women in 2002, and the rate for men decreased from 4.4 to 2.0 (Table 4.2).

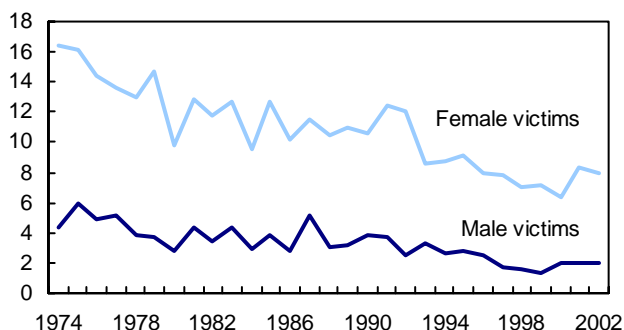
Some possible explanations for the decrease, particularly among women victims, include such changes as increased gender equality; changing police and court policies towards spousal violence; changes in or creation of criminal and civil legislation; and an increase in family violence services, such as the specialized domestic violence courts and emergency shelters for abused women (Dawson, 2001; Pottie Bunge 2002).

Decline in spousal homicides in all provinces

The annual rate of spousal homicide for both women and men has decreased in all provinces since 1974. There is, however, some provincial variation in the distribution of spousal homicides in Canada when looking at ten-year rates (Figure 4.3). While the number of spousal homicides against women was relatively low ($n = 5$) in Prince Edward

Figure 4.2
Rates of spousal homicide declined by half, 1974-2002^{1,2}

Rate per million couples



- Six same-sex partners were excluded from the analysis, because Census (1996) data on same-sex couples are unavailable.
- Rate per 1,000,000 legally married, common-law, separated, and divorced partners based on estimates provided by Demography division, Statistics Canada.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Homicide Survey.

Island, when calculated as a rate per million couples, its rate (11.2) over the last decade was the highest among the provinces. This translates into about one spousal homicide in P.E.I. for every two years. The next highest rates of homicide against female spouses were recorded by the western provinces. The one exception was Manitoba whose rate (6.9) was the third lowest in Canada. The two lowest rates were recorded by Newfoundland and Labrador (3.4) and New Brunswick (5.4). These provincial variations are consistent with patterns of spousal violence against women from the GSS Victimization Survey, which shows that rates of spousal violence were generally highest in P.E.I. and lowest in Newfoundland and Labrador.

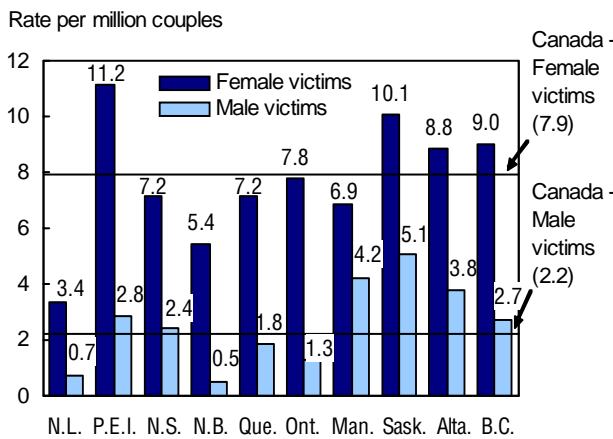
Rates of spousal homicides against men were highest in the prairie provinces, while the lowest rates occurred in Newfoundland and Labrador, followed by New Brunswick and Ontario.

Characteristics of spousal homicide incidents

Female spouses killed by shooting and stabbing; male spouses killed by stabbing

Between 1993 and 2002, almost one-third of female spousal victims were killed as a result of shooting (32%) or stabbing (30%) (Table 4.3). In comparison, two-thirds of male spousal victims were killed by stabbing (66%), while another 19% were killed by shooting. A greater percentage of women than men were killed as a result of physical force, namely beating and strangulation (33% compared to 10%).

Figure 4.3
Rates of homicides against female spouses
highest in PEI and the west, 1993-2002^{1,2}



1. Six same-sex partners were excluded from the analysis, because Census (1996) data on same-sex couples are unavailable.
2. Rate per 1,000,000 legally married, common-law, separated, and divorced partners based on estimates provided by Demography division, Statistics Canada.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Homicide Survey.

Box 4.2: Spousal homicide in the northern territories

As with crime in general, spousal homicide rates in the territories were typically higher than those in provinces. The actual number of spousal homicides against women over the ten-year period was the same for both Northwest Territories¹ and the Yukon (3 each). However, when taking into account the population, the 10-year homicide rate for women in the Northwest Territories (25.0 women per million couples) was lower than the rate recorded in the Yukon (37.5). This was also the case for spousal homicides against men: the Northwest Territories had a lower rate (16.4 men per million couples, n=2) than did the Yukon (25.2, n=2). A total of three spousal homicides have occurred in Nunavut since its creation as a separate territory in 1999.

1. In 1999, Nunavut, which comprises the eastern part of the old Northwest territories, officially became a Canadian territory. Data for Northwest Territories excludes Nunavut from 1999 onward.

While women were more likely than men in spousal relationships to be killed by a firearm, the opposite was true for non-spousal homicides (Table 4.3).³³ This may be explained by differences in physical size and strength among spouses, compared to victims and accused in non-spousal violence.

In the last decade, 30% of male victims in non-spousal relationships were shot, versus 19% of female victims. Men were more likely to be beaten to death in non-spousal homicides compared to spousal homicides, while women were much more likely than men in any relationship to be killed by strangulation (Table 4.3).

Use of firearms in spousal homicides decreasing

As in other types of homicides, the use of firearms in the commission of spousal homicide involving women has been decreasing in the recent past. Between 1974 and 1992, approximately four in ten spousal homicides against women were committed with a firearm. Since 1993, about 32% of female spousal killings involved a firearm. Male spouses were also less likely to be killed by a firearm in the last decade than in the previous time periods.

Long guns (rifles and shotguns) continue to be the most common type of firearms used against spousal victims. However, their use has decreased from 81% of firearm-related spousal killings between 1974 and 1982 to 66% between 1993 and 2002. Conversely, in the past decade, handguns have been used in a greater percentage of firearm-related homicides against spouses, compared to previous years.

The changing nature in the type of firearms used against spouses parallels the changing pattern of firearm use for non-spousal homicides. Specifically, the use of rifles and shotguns has decreased from two-thirds (68%) of firearm-related homicides against non-spouses in the earliest time period, 1974 to 1982, to less than half (43%) between 1993 and 2002.

Some victims were the initiator of violence

Information on whether the victims were the first to use force was unavailable for 41% of spousal homicides between 1993 and 2002. Of those 59% known homicides, about one-in-ten victims were reported to have initiated the violence that resulted in their death. These victims were mainly men, who were about seven times as likely as female victims to be the first to use force in violent incidents that led to their death (23% compared to 3%).

Escalation of an argument most common motive in spousal homicides

While the known motivations for spousal homicides vary, 44% resulted from the escalation of an argument,

33. To control for the effects of age in the comparison of spousal and non-spousal homicides, non-spousal victims include only those individuals aged 15 years and over.

Box 4.3: The legal defence of “Battered Women’s Syndrome”

Following a history of victimization, women sometimes kill their abusive male spouses in self-defence.^{1,2} Self-defence can be conceptualized in two ways. First, abused victims, whether male or female, may defend themselves from an attack that is underway. Alternatively, within the context of ongoing victimization, abused victims may have a reasonable fear of grievous bodily harm and use a degree of force necessary (homicide) to defend themselves from a future attack. This latter motive is commonly known as the “battered women’s syndrome” and has been officially recognized as a criminal defence with the 1990 Supreme Court decision of *R. v. Lavallée*.³

This Supreme Court decision challenged the previous requirement of “imminent danger” as stipulated in the *Criminal Code* provision on self-defence. Essentially, it acknowledged the unique characteristics of abusive relationships to permit the notion that abused women often know when a violent attack will occur and fear for their lives. The ruling also permitted the admission of expert testimony to aid judges and juries in determining if the victim’s fear was reasonable at the time of the homicide.

In light of these developments, the federal government in 1995 established a review process to examine cases where women were convicted of and sentenced to prison for killing their male spouses. These women would not have had the benefits of the above criminal defence. The review was headed by Judge Ratushny, who recommended a remedy for seven previously convicted women. Of these, the federal government provided remedies to five women, including the remission of sentences, granting of conditional pardons, and referral to the Court of Appeal.

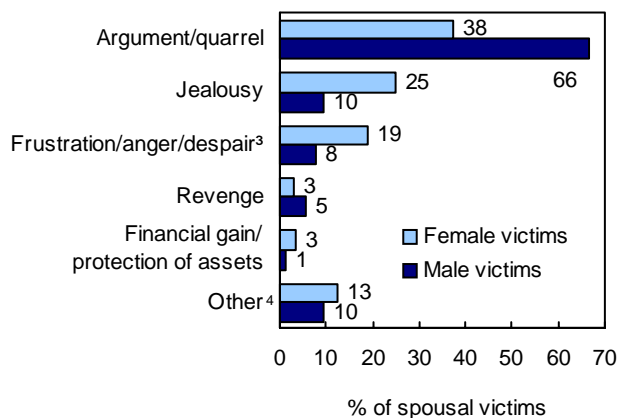
It should be noted that some researchers have criticized the battered women’s defence for such reasons as the medicalization of women, the seeming preference of expert opinion over those of victims, and the neglect of larger social and political dimensions of spousal violence.⁴

1. Browne, A. 1987. *When Battered Women Kill*. New York: Free Press.
 2. Walker, L. 1989. *Terrifying Love: Why Battered Women Kill and How Society Responds*. New York: Harper Perennial.
 3. *R. v. Lavallee* 1990, 1 S.C.R. 852-900.
 4. Smith, D. 1995. “Battered Women Syndrome: Hazards and Implications” *The Social Worker*. 15-20.

according to data from 1993 to 2002. Jealousy (22%) was the second most common motive, followed by frustration, anger or despair (16%), other³⁴ (12%), revenge (3%), and financial gain/protection of assets (3%). As with the causes of death, gender differences exist in motives (Figure 4.4). Two-thirds (66%) of homicides against

male spouses stemmed from an argument or quarrel, compared to over one-third of killings of female spouses (38%). Further, female spouses were more likely than male spouses to be killed as a result of their spouse’s jealousy (25% compared to 10%).

Figure 4.4
Argument most common motive in spousal killings, 1993-2002^{1,2}



Note: Percentages may not add up to 100% due to rounding.
 1. Spouses include legally married, common-law, separated, and divorced partners.
 2. Excludes those homicides where the motive was unknown.
 3. The motive of frustration/anger/despair was unavailable from 1993 to 1996.
 4. Other includes settling accounts, fear of apprehension, personal protection, no apparent motive, and death by a motor vehicle.
Source: Statistics Canada, Canadian Centre for Justice Statistics, Homicide Survey.

Other assaults led to homicides

Between 1993 and 2002, one-in-five spousal homicides can be characterized as the culmination of another crime.³⁵ That is, the accused committed an associated or related offence that led directly to the homicide. Precipitating crimes occurred more frequently in spousal homicides involving female victims (20%) than those involving male victims (13%). The majority of precipitating crimes were recorded as other physical assaults (51%), followed by other violent crime (15%), criminal harassment (12%) and other violations, such as arson, break and enter and other

34. Other includes settling of accounts, fear of apprehension, personal protection, no apparent motive, and the general category of other. No apparent motive was added to the Homicide Survey in 1991, while the motives of settling of accounts and personal protection were added in 1997.
 35. According to the Homicide Survey, precipitating crimes include sexual assaults, other assaults, kidnapping, abduction, robbery, criminal harassment, other violent crime, arson, break and enter, theft, other property crime, prostitution-related offence, other Criminal Code, Controlled Drugs and Substances Act, and Other Federal/Provincial Statute.

Criminal Code offences (28%). While other assaults and violent crime were committed against both men and women, all cases of criminal harassment that led to homicide were perpetrated against women.

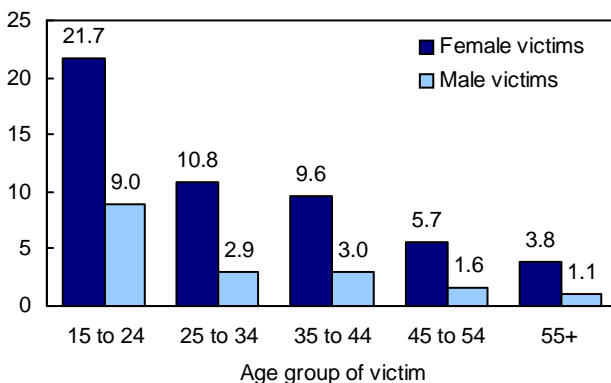
Demographic characteristics of spousal homicide victims

Young age and common-law unions heighten risk

Research has consistently shown that rates of spousal victimization are highest among those who are young (Pottie Bunge and Locke, 2000). Homicide data reveals that this is also the case for spousal homicide, regardless of whether the victim is male or female (Figure 4.5). Between 1993 and 2002, female spouses under 25 years of age were killed at a rate of 21.7 per million married women, almost triple the ten-year rate among all female spouses (7.9). While the rate for young male spouses was lower than that for their female counterparts, their risk was about four times the average for all male spouses (9.0) (Table 4.4). As women and men age, the risk of being killed by a spouse generally decreases.

Figure 4.5
Young women most at-risk of spousal homicide, 1993-2002^{1,2}

Rate per million couples



1. Six same-sex partners were excluded from the analysis, because Census (1996) data on same-sex couples are unavailable.
2. Rate per 1,000,000 legally married, common-law, separated, divorced partners based on estimates provided by Demography division, Statistics Canada.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Homicide Survey.

Common-law couples were more at risk than married³⁶ and divorced couples of being killed by a spouse. Between 1993 and 2002, about 15 common-law partners per million couples were killed, compared to four married persons and one divorced person. Age was a less important factor for women and men living in a common-law union. Rates

were relatively comparable across all age groups of common-law couples, with the highest rates recorded for women and men aged 35-to-54 years.

Background characteristics of victims and accused

Over half of victims had a reported history of domestic violence

Between 1993 and 2002, most spousal homicides involved a reported history of domestic violence: 68% of male victims and 60% of female victims.³⁷ Some victims, however, may have been the abuser in previous violent incidents. The percentage of spousal homicides with a history of domestic violence has fluctuated annually over the last ten years.

Police were aware of previous domestic violence in about 70% of homicides involving estranged female spouses. This proportion is slightly higher than the average of 62% for all spousal killings. In addition, a review of the incident summaries provided by investigating police officers indicates that at least 6% of homicides against estranged female spouses occurred while a protection order was in force.³⁸

Majority of accused had criminal record

Given the high percentage of spousal homicides in which there was a history of domestic violence and the existence of pro-charging policies, it is not surprising that over half of perpetrators had a previous conviction (52%) for the years 1997 to 2002.³⁹ Of these individuals, a majority (58%) had a record for a violent offence, including 2% for another homicide. It is not possible to determine the proportion of these prior convictions that were family-related. Other *Criminal Code* or federal/provincial statute offences (21%) and property crimes (11%) were the second and third most common previous offences. There was no gender difference in the proportion of accused with a past criminal record.

Victims (25%) were half as likely to have a criminal record as those accused (52%). This is primarily because female spousal victims were less likely to have a criminal record.

36. Married includes those legally married and separated. Thus, spousal homicide rates for separated spouses were not calculated. Some studies, however, have noted that the rate of spousal homicide for separated women is higher than any other marital union (Hotton, 2001).

37. Analysis is based on only those homicides for which there was a single accused and a single victim. Thus, the percentages are derived from a subset of incidents representing 91% of the total number of spousal homicides from 1993 to 2002.

38. Information on restraining orders from the homicide narratives is available for 59% of homicides against an estranged spouse.

39. Collection of criminal history information began in 1997.

Between 1997 and 2002, 16% of female spousal victims had a previous conviction, compared to 67% of male spousal victims.

Accused⁴⁰ and victims less likely to be employed

Low levels of employment may increase stress and reduce opportunities to leave an abusive relationship. Both accused and victims were less likely to be employed than the married persons in the general population.⁴¹ For spousal victims, the employment disparity was greatest among those under 45 years old. For instance, between 1993 and 2002, 40% of female spousal victims aged 15-to-24 years (the highest risk group) were employed at the time of their death, compared to 54% of same aged married women in the general population.

The employment rate disparity between accused persons and the general population was highest among those aged 25-to-34 years old. For example, while just under half (48%) of male spousal accused aged 25-to-34 were employed, the vast majority (84%) of married men in the same age group within the general population were employed.

Aftermath of spousal homicide

Nearly one-third of male accused committed suicide

According to some researchers, ‘murder-suicides’ are more prevalent in cases where there are close ties between the victim and offender because of the ensuing guilt following the homicide (Gillespie et. al., 1998). Between 1993 and 2002, the proportion of all spousal homicides (25%) where the accused committed suicide is higher than the proportion for all family homicides (19%) and for homicides in general (11%). However, it is comparable to the proportion of child homicides resulting in the suicide of the parent (28%).

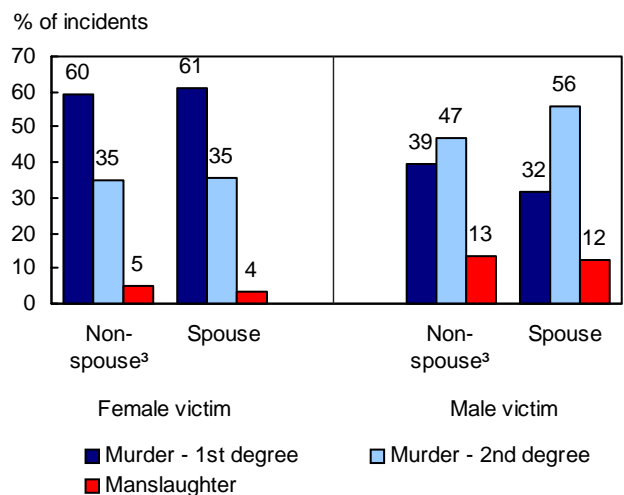
Between 1993 and 2002, just under one-third (31%) of male spouses committed suicide after killing their spouses (Table 4.5). Information from the homicide narratives further indicates that at least another 2% of all male spouses attempted suicide after the homicide of their spouse.

Conversely, only 3% of female accused committed suicide and 1% attempted suicide. These patterns in ‘murder-suicides’ are similar to gender differences among the general population. Men tend to have higher suicide rates than women (Langlois and Morrison, 2002).

First-degree murder most common charge for killing female spouses

An accused spouse can be charged with one of three *Criminal Code* homicide offences: first-degree murder, second-degree murder or manslaughter.⁴² In a majority of cases, killing a female spouse resulted in the most serious charge of first-degree murder (61%) (Figure 4.6). According to the *Criminal Code* definition, this would mean that police believed that most spousal homicides of women were planned and deliberate or were caused by the accused committing or attempting to commit another serious crime, such as sexual assault. By comparison, killing a male spouse resulted in a first-degree charge 32% of the time.

Figure 4.6
Second-degree murder most frequently laid or recommended in homicides involving a male spousal victim, 1993-2002^{1,2,3}



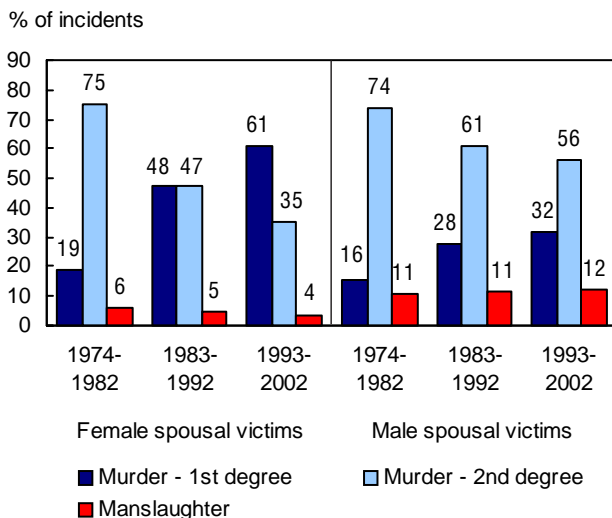
Note: Percentages may not add up to 100% due to rounding.
 1. Spouses include legally married, common-law, separated and divorced partners. Non-spouse includes all solved homicides of adults aged 15 years and over.
 2. Excludes homicides where the relationship between accused and victim was unknown.
 3. Represents charges laid or recommended by police at the time of the initial investigation and does not include revisions following court appearance or conviction.
Source: Statistics Canada, Canadian Centre for Justice Statistics, Homicide Survey.

40. See note 37.
 41. Employment data for the Canadian population are based on estimates from the Labour Force Survey.
 42. Charge data represent charges laid or recommended by police at the time of the initial investigation and do not include revisions following court appearance or conviction.

Between 1993 and 2002, most homicides against male spouses resulted in second-degree murder (56%). While second-degree murder was also the most common charge for non-spousal homicides of men, it was less common than it was for spousal homicides (47% versus 56%). The charge of manslaughter was reserved for a minority of killings of both male spouses (12%) and female spouses (4%).

Criminal charges for spousal homicides reflect the general shift in the charging patterns for non-spousal homicides (Figure 4.7). Prior to the recent ten-year period, the type of charges laid or recommended against those accused of spousal homicides were less serious and more similar between male and female victims. Specifically, between 1974 and 1982, second-degree murder was the most common charge for homicides against both female spouses and male spouses, and there were no observed gender differences. Then, from 1983 to 1992, the type of charges against perpetrators of homicide grew to be more serious, with a rising proportion of first-degree charges. Differences based on the sex of the victim also emerged. In the most recent period (1993-2002), first-degree murder was the most common charge for female spouse killings, but remained the second most common charge for male spouse killings.

Figure 4.7
First-degree murder has become most common charge for killing female spouses, 1974-2002^{1,2}



Note: Percentages may not add up to 100% due to rounding.

- Spouses include legally married, common-law, separated and divorced partners.
- Represents charges laid or recommended by police at the time of the initial investigation and does not include revisions following court appearance or conviction.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Homicide Survey.

4.2 Family homicide of children and youth

Two-thirds of child and youth homicides committed by family members

As was the case historically, between 1993 and 2002, children and youth were most likely to be killed by a family member.⁴³ Of the 682 solved homicides, two-thirds (67%) of homicides against victims under 18 years were committed by a family member. Acquaintances and friends were the second most common perpetrators of solved homicides against children and youth (25%), followed by strangers (8%).

Annual rates of family-related homicides against children and youth have varied between 1974 and 2002, with no discernible overall increase or decrease. The lowest annual rate was recorded in 2000, at 4.4 victims for every million children. In 2002, the rate of homicides against children and youth (5.2 per million) fell between this all-time low and the ten-year average (6.4 per million). Similarly, the annual rate of all homicides against children and youth, both solved and unsolved, has fluctuated throughout the last 29 years. The 2002 rate (9.6) was slightly higher than the lowest recorded rate in 1999 (8.1 victims per million children).

Some research has suggested that a percentage of child homicides are never officially recorded. This is because a portion of child deaths are misclassified as accidental, natural in cause, or undetermined (McClain et al., 1993). Thus, the rate of child homicides could be underestimated. In the mid-1990s, most provinces and territories passed legislation requiring a coroner's inquest into all deaths of children under two years of age (Locke, 2000).

Characteristics of homicides against children and youth

Cause of death varies by age of the child and youth

The methods used to commit a family homicide against younger and older children vary. Physical force was the highest cause of death for young children, which may be due to their physical vulnerability. Between 1993 and 2002, just under one-third (29%) of children under seven years old killed by a family member were strangled or suffocated, while another 24% were beaten to death (Table 4.6). When looking at the period in which Shaken Baby Syndrome was added as a cause of death (1997 to 2002), infants were most likely to have been killed as a result of Shaken

43. Family includes those related through blood, marriage, adoption or foster care.

Baby Syndrome (33% or 23 infants), compared to any other causes of death.⁴⁴ This translates into an average of about 4 deaths a year. Canadian research into medical records suggests that homicide incidents resulting from Shaken Baby Syndrome may be even higher (Box 4.4).

For older children, physical force was not the primary cause of death. Rather, knives and firearms were used in the majority of homicides against children and youth aged 7-to-17. Firearms, however, are being used less frequently than in the past. Between 1993 and 2002, the ten-year average of firearm use was over 20% lower for these children than in the preceding time periods.

Frustration most common motivation

Over the last ten years, frustration was the motivation underlying over one-third of family homicides against children and youth (35%).⁴⁵ This was particularly the case for fathers and step-fathers and those homicides against children under 7 years old. Police recorded no apparent motive⁴⁶ in a large proportion of cases, varying from 24% of homicides against youth aged 12-to-17 to 39% of homicides against infants under one year. Mothers and step-mothers were most likely to kill for no apparent reason. Less common motives for child and youth homicides included exacting revenge (11%) and the escalation of an argument (7%).

Demographic characteristics of victims and accused

Homicide rates highest among infants

While family members were responsible for the majority of child homicides, their representation of total accused decreased with the child's age. Specifically, 91% of infants, 85% of children aged 1-to-6 years, and 76% of children aged 7-to-11 were killed by family members. As adolescent children's relationships outside the family grow and their dependency on the family decreases, acquaintances and strangers largely replace family members as the main perpetrators of homicides.

Among family homicides, infants who had not yet reached their first birthday had the highest homicide rate among children and youth (39 per million infants). The risk of homicide was further elevated for baby boys, who had a rate that was 30% greater than that for baby girls (Figure 4.8).

44. Shaken Baby Syndrome was added to the Homicide Survey in 1997. Prior to this time, it was not captured separately.

45. Homicides in which the motivation was unknown were excluded.

46. An example of 'no apparent motive' involves homicides where the accused was mentally disturbed.

Box 4.4: Shaken Baby Syndrome

Shaken Baby Syndrome (SBS) is a serious medical diagnosis comprising of a range of signs and symptoms resulting from the violent shaking of an infant or young child, with or without impact to the head. Signs and symptoms may include such conditions as lethargy, seizures, bruising, vomiting, unresponsiveness and death.¹ Often, there can be no external evidence of injury or trauma.

According to a study conducted under the auspices of the Canadian Shaken Baby Work Group, there were 364 reported cases of SBS between 1988 to 1998 in 85% of tertiary care pediatric beds in Canada.² Over half of the victims were boys (56%) and had a median age of 4.6 months. Death of the child occurred in approximately one in five children (19%) as a result of being shaken. Mild to serious neurological and developmental consequences affected a further 59% of shaken babies. Based on these data, the authors conclude that there are no less than 40 cases of SBS each year in Canada, leading to the death of 8 infants and young children. However, this may be an under-estimation, as researchers have suggested that some cases of SBS may be misdiagnosed and under-reported.³

A Canadian Joint Statement on Shaken Baby Syndrome released by such signatories as Health Canada, the Canadian Association of Chiefs of Police, the Canadian Pediatric Society, and the Canadian Bar Association recently made numerous recommendations to address SBS.⁴ These recommendations fall within seven main areas: improved data collection and surveillance; research into the psychosocial aspects of the problem; prevention efforts; care and treatment of survivors; education for child welfare and justice system workers; multi-disciplinary supports and services at the community level; and professional training.

1. King, J., M. MacKay, and A. Sirnick. 2003. "Shaken Baby Syndrome in Canada: Clinical Characteristics and Outcomes of Hospital Cases" *Canadian Medical Association Journal*. vol. 168, no. 2: 155-159.

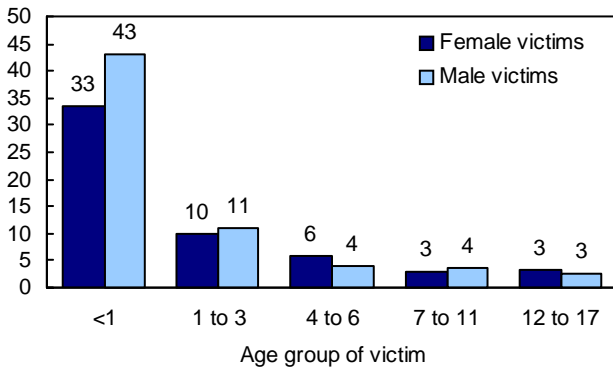
2. See note 1.

3. Health Canada. 2001. *Joint Statement on Shaken Baby Syndrome*. Ottawa: Minister of Public Works and Government Services.

4. See note 3.

Figure 4.8
Family homicides against children and youth decrease after infancy, 1993-2002¹

Rate per million population under the age of 18



1. Rate per 1,000,000 population under the age of 18, based on estimates provided by Demography division, Statistics Canada.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Homicide Survey.

Upon turning one year old, the likelihood of being a victim of family homicide dropped to 10 homicides per million. Differences in rates between male and female victims also largely disappeared, or in other words, the levels of risk of homicide experienced by males and females were relatively similar after the age of one. Rates continued to decrease until the age of four and then remained relatively stable throughout childhood and adolescence.

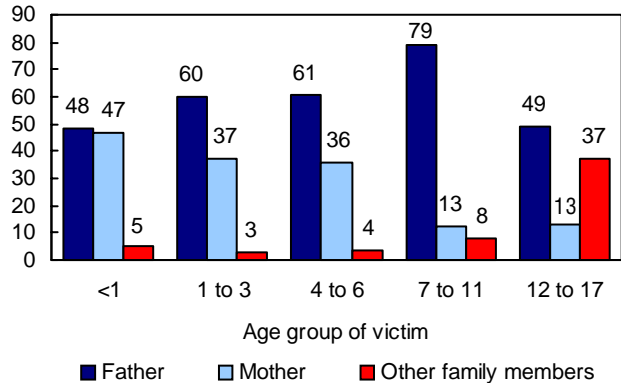
Fathers responsible for majority of homicides against children⁴⁷

In general, fathers⁴⁸ were equally as likely as mothers⁴⁹ to kill their infants under one year of age (Figure 4.9). For family homicides involving children aged 1-to-11, fathers were the most common perpetrator (65%). Although fathers were also the most common accused in family homicides of youths aged 12-to-17 (49%), other family members, such as siblings and extended family members, represented a substantial portion of the accused (37%).

Recently, the proportion of step-parents named as the accused in parental homicides has increased. Over the last ten years, step-fathers and step-mothers represented 12% of all accused parents, compared to 4% between 1983 and 1992, and 6% between 1974 and 1982. This may be partly due to the increased number of blended families throughout the last decade. Data from the 2001 General Social Survey show a recent increase in the number of step-families, 40% of which are blended, as a result of the rise in marital separations and subsequent unions (Statistics Canada, 2002c).

Figure 4.9
Fathers responsible for the majority of family homicides involving children and youth victims, 1993-2002^{1,2,3,4}

% of victims



Note: Percentages may not add up to 100% due to rounding.

1. To examine accused characteristics, a subset consisting of only those victims who were killed by one person was created. The percentages are derived from a sample of incidents representing 94% of the total number of family homicides against children and youth from 1993 to 2002.

2. Fathers includes biological, step, foster, and adoptive fathers.

3. Mothers includes biological, step, foster, and adoptive mothers.

4. Other family members include all others related to the victim through blood, marriage, foster care, or adoption.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Homicide Survey.

Young parents over-represented as accused⁵⁰

In general, younger accused are overrepresented as accused in all types of homicides. This is also the case for homicides committed by parents. Despite representing only 3% of parents⁵¹, accused aged 15-to-24 years old accounted for 60% of parental homicides against infants under one year of age and 14% of parental homicides against children aged 1-to-17. Lack of parenting skills, financial insecurity and lower levels of educational achievement may contribute to younger parents' inability to adequately cope with the pressures of parenting.

47. To examine particular accused characteristics, a subset consisting of only those victims who were killed by one person was created. Thus, the percentages are derived from a subset of incidents representing 94% of the total number of homicides against children and youth from 1993 to 2002.

48. Includes biological, adoptive, step and foster fathers.

49. Includes biological, adoptive, step and foster mothers.

50. See note 47.

51. Population of parents are based on estimates from the 2001 General Social Survey, cycle 15 (Statistics Canada, 2002d).

Background characteristics of victims and accused

One-in-four accused had a previous history of family violence⁵²

A number of children and youth victims of homicides were previously victimized by the accused. In particular, police reported a history of family violence in about one quarter of family homicides committed against children. Other family members, such as siblings and extended family members, were most likely to have abused a family member prior to the lethal assault of the child or youth (39%). Among parents, accused fathers were twice as likely as accused mothers to have a history of domestic violence (30% versus 15%). A higher proportion of family homicides involving youth victims had a history of family violence (37% compared to 21% for other age groups).

Most accused had no criminal record

According to homicide data from 1997 to 2002⁵³, most family members did not have a criminal record prior to the homicide of the child or youth. For the 28% of accused with a criminal record, just over half were previously convicted of a violent offence. As with spousal homicides, it is not known if this violence was perpetrated against a family member. No accused had previously committed a homicide. Accused fathers (37%) and family members (40%) were more likely to have a criminal record, than accused mothers (10%).

Aftermath of homicides against children and youth

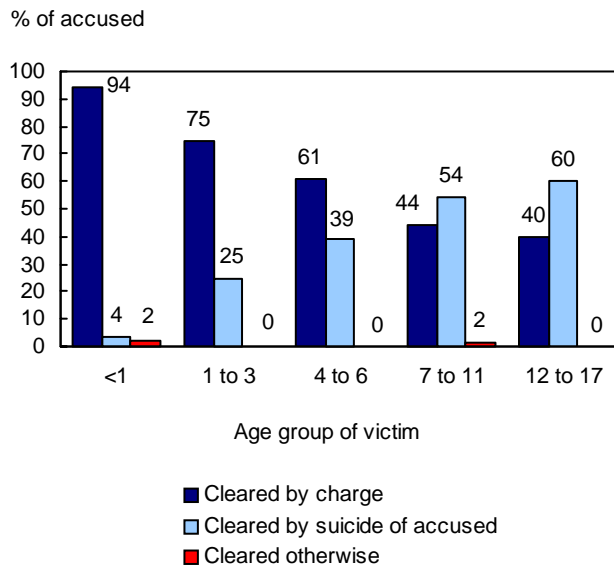
Suicides following parental homicides increase with child's age

Homicides against children and youth often end in the accused taking their own life. About a quarter of family-related homicides against a child ended in the suicide of the perpetrator, who was almost always a parent (96%). The likelihood that parents will kill themselves consistently increases with the age of the child (Figure 4.10). For instance, killing an infant resulted in suicide in a small proportion of cases (4%), while over half (60%) of homicides against youths aged 12-to-17 resulted in the suicide of the accused parent. Unlike spousal homicides, there was no difference in the risk of suicide between male and female accused. Both fathers and mothers were equally as likely to end their life after killing their child (29% and 28%, respectively).

First-degree murder charge most common for homicides of older children

Four *Criminal Code* offences can be laid for homicide against children and youth: first-degree murder, second-

Figure 4.10
Suicide of accused parent increases with age of child, 1993-2002¹



Note: Percentages may not add up to 100% due to rounding.

1. Cleared otherwise refers to those incidents where an accused was identified and although there was sufficient evidence to lay a charge, the accused was processed through other means. The reasons for the use of other means includes the mental disturbance or death of the accused (not suicide-related).

Source: Statistics Canada, Canadian Centre for Justice Statistics, Homicide Survey.

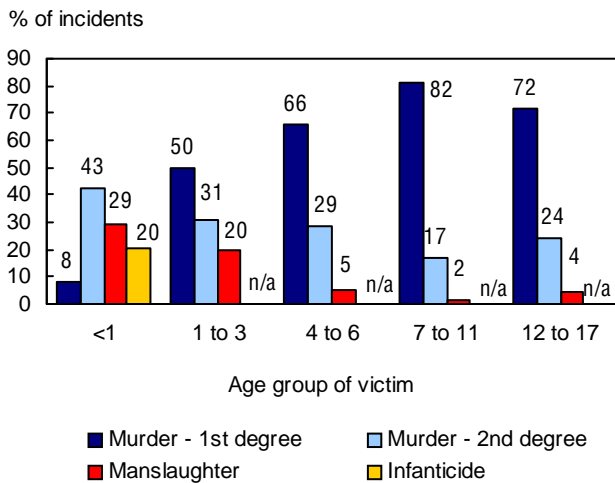
degree murder, manslaughter, and infanticide. The latter charge of infanticide is restricted for accused mothers who had not fully recovered from the effects of giving birth or lactation (section 233, *Criminal Code*).

Charges generally increase in seriousness with the age of the child (Figure 4.11). When the victim was an infant, the most common charges were manslaughter and infanticide (49%). Only 8% of homicides against infants resulted in a charge of first-degree murder. Conversely, the most common charge for homicides against children aged one and over was the most serious charge of first-degree murder. The laying of this charge also generally increases with the child's age. Thus, it can be assumed that homicides against older children were considered by police to be more planned and deliberate. Further evidence to this effect is that manslaughter was rarely applied in cases against children over three years of age.

52. See note 47.

53. Collection of criminal history information began in 1997.

Figure 4.11
Charge of first-degree murder generally increases with age of child in family homicides, 1993-2002¹



Note: Percentages may not add up to 100% due to rounding.
 1. Represents charges laid or recommended by police at the time of the initial investigation and does not include revisions following court appearance or conviction.
Source: Statistics Canada, Canadian Centre for Justice Statistics, Homicide Survey.

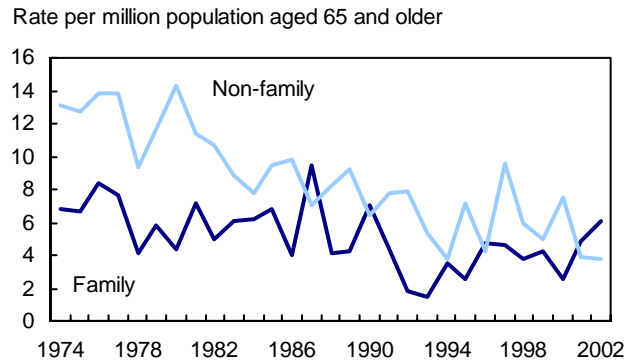
4.3 Family Homicides of Older Adults⁵⁴

Prevalence and trends in homicides against older adults

Despite yearly fluctuations, rates of family homicides against seniors aged 65 and over have experienced a general increase in the last decade, following a sharp drop in the early 1990s (Figure 4.12). However, the rate in 2002 (6.0 homicides for every million seniors) was slightly lower than the family homicide rate against seniors recorded in 1974 (6.8). Meanwhile, the rate of non-family homicides against older adults has seen significant drops over the last 29 years, decreasing from 13.1 killings per million seniors in 1974 to 3.8 per million seniors in 2002.

With these two dissimilar trends in family and non-family homicides against seniors, there has been an apparent shift in the most common perpetrators of homicides against seniors. Since the 1970s, most seniors were killed by non-family members. However, in the past two years, seniors were more likely to be killed by a family member than by an acquaintance, friend, or stranger. This apparent shift has only occurred in three other years: 1987, 1990, and 1996.

Figure 4.12
Rates of family homicides against seniors experienced annual fluctuations, while rates of non-family homicides against seniors decreased^{1,2,3}



1. Older adults are persons aged 65 years and over.
 2. Excludes homicides where the relationship between accused and victim was unknown.
 3. Rate per 1,000,000 population aged 65 and older, based on estimates provided by Demography division, Statistics Canada.
Source: Statistics Canada, Canadian Centre for Justice Statistics, Homicide Survey.

Another consequence of the two trends in family and non-family homicides has been a convergence of homicide rates for older men and women (Figure 4.13). Although older men have historically experienced higher rates of homicides than older women, this has been almost entirely due to their greater likelihood of being killed by an acquaintance, friend, or stranger. Rates of family homicides have been similar for older men and women since the late 1970s. Thus, with the decrease in non-family homicides, rates for senior men have dropped to levels that are much closer to those for senior women (14.6 compared with 10.1 per million).

Characteristics of homicides against older adults

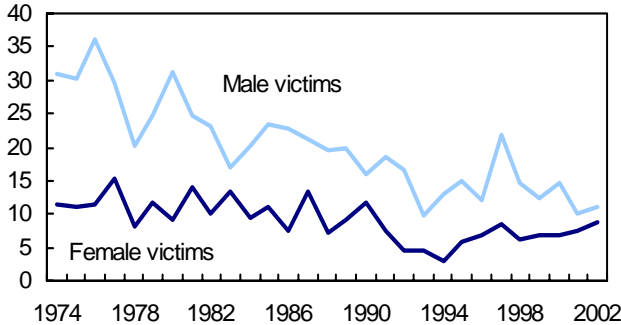
Stabbing most common cause of death

Family members and non-family members used slightly different means to kill an older adult (Figure 4.14). Among family homicides, 35% of older victims were killed using knives and other sharp instruments, and a further 27% were beaten to death. Non-family members were more likely than family members to beat seniors to death. Between 1993 and 2002, 42% of seniors killed by acquaintances, friends, and strangers were killed this way.

54. Older adults are persons aged 65 years and over.

Figure 4.13
Gap narrowing for rates of all homicides against senior men and women, 1974-2002^{1,2,3,4}

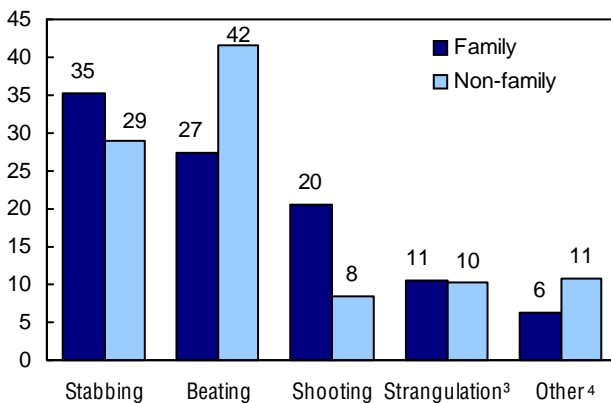
Rate per million population aged 65 and older



1. Older adults are persons aged 65 years and over.
 2. Rate per 1,000,000 population aged 65 and older, based on estimates provided by Demography division, Statistics Canada.
 3. Excludes homicides where the relationship between accused and victim was unknown.
 4. Refers to family and non-family homicides against seniors.
- Source: Statistics Canada, Canadian Centre for Justice Statistics, Homicide Survey.

Figure 4.14
Stabbing most common known cause of death in family-related homicides against seniors, 1993-2002^{1,2}

% of victims



- Note: Percentages may not add up to 100% due to rounding.
1. Older adults are persons aged 65 years and over.
 2. Excludes homicides where the relationship between accused and victim was unknown.
 3. Strangulation includes suffocation and drowning.
 4. Other includes poisoning, smoke inhalation and burns, exposure/hypothermia, and heart attack.
- Source: Statistics Canada, Canadian Centre for Justice Statistics, Homicide Survey.

Another notable difference between homicides committed by family members and non-family members is the use of firearms. One fifth (20%) of family homicides against seniors involved a firearm, whereas less than one tenth (8%) of non-family homicides were committed using this weapon.

Escalation of argument most common motive

A person's motivation to kill a senior family member most commonly stemmed from an escalation of an argument. Between 1993 and 2002, nearly one-third of accused family members committed homicides as a result of an argument (31%). Frustration, anger, and despair were also common underlying motives, accounting for 25% of motivations.

These motivations differ considerably from those for non-family homicides. The most prevalent motive underlying non-family homicides was financial gain (28%), closely followed by the residual category of 'other' (26%), which includes such motives as 'mercy killing'.

Although the motivation of financial gain was less common among all family homicides, it is apparent in homicides of senior family members. About 12% of older victims were killed by family members for financial gain, compared to 4% of adults aged 18-to-64 and 3% of children under 18 who were killed by family member. This may be due to seniors' assets, along with a greater likelihood of dependency on relatives for the management of their finances. The motive of financial gain in homicides involving seniors has grown from 4% between 1974 and 1982, to 8% between 1983 and 1992, and to 12% in the most recent ten-year period.

Demographic characteristics of victims and accused

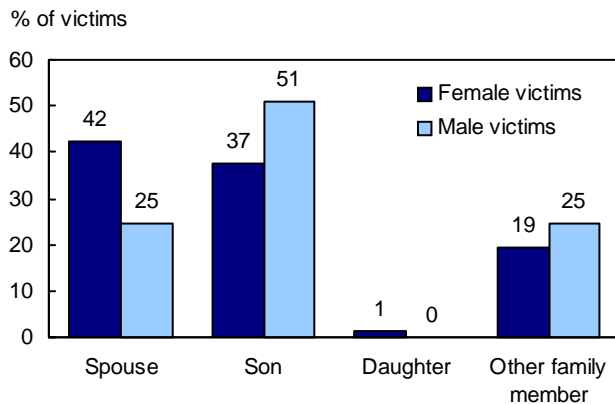
Senior men more likely to be killed by sons than any other family member⁵⁵

Some gender differences exist in the relationship between accused family members and older victims. While older women were most vulnerable to being killed by a spouse, this risk was only slightly higher than their risk of being killed by a son (42% and 37%) (Figure 4.15). Conversely, sons were responsible for the majority of family homicides against older men (51%). Spouses posed a smaller threat

55. To examine particular accused characteristics, a subset consisting of only those victims who were killed by one person was created. Thus, the percentages are derived from a subset of incidents representing 94% of the total number of family homicides against older adults from 1993 to 2002.

to elderly men, as 25% of homicides against elderly men were committed by a spouse, equal to the proportion committed by other family members.

Figure 4.15
Senior women killed by spouses and sons, senior men killed by sons^{1,2}



Note: Percentages may not add up to 100% due to rounding.

1. Older adults are persons aged 65 years and over.
2. To examine particular accused characteristics, a subset consisting of only those victims who were killed by one person was created. Thus, the percentages are derived from a sample of incidents representing 95% of the total number of family homicides against older adults from 1993 to 2002.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Homicide Survey.

Age of accused reflects general age distribution⁵⁶

Given the inherent age difference between parents and children, it is not surprising that three-quarters of accused adult children were between the ages of 35 and 54 years. For spousal homicides, the majority of accused (77%) had similar ages as their spouses. There was, however, no clear age pattern for other family members accused of killing a senior, as this group includes a range of relationships, such as cousins, brothers, and other extended family members.

Background characteristics of accused and victims

One-in-three relationships had prior history of domestic violence⁵⁷

Lethal assaults marked the end of a pattern of violence in one out of three family homicides involving seniors. Depending on the relationship and sex of the victim, the likelihood of previous violence varied. Those accused of killing their elderly spouse were most likely to have had domestic violence in their past (37%). This finding is consistent with previous research that has suggested senior abuse is often a continuation of spousal violence

into old age (Aronson, Thornewell, and Williams, 1997). Some reasons for the persistence of violence include strong inhibition of exposing family problems, self-blame, and anxiety about material and personal impacts of leaving a long-term relationship. In addition, elderly male spouse victims were more likely than elderly female spouse victims to have a history of domestic violence with the accused. Again, the data do not reveal the perpetrator of previous assaults.

Over one-third (35%) of those accused of killing other senior family members had a history of domestic violence, followed by those accused of killing elderly parents (27%). When the killer was a son, past family violence was more common in homicides against senior men than senior women.

Four-in-ten accused had a criminal record⁵⁸

Homicide data from 1997 to 2002 reveals that about 4-in-10 persons accused of killing a senior family member had a previous criminal record. Among those persons accused with a criminal record, the most common convictions were for violent crime (38%), which includes one person previously convicted of homicide. Sons accused of killing their elderly fathers were more likely than any other accused family members, to have had a criminal record.

Aftermath of homicides against older adults

Suicide an outcome in one-fifth of cases

Unlike spousal homicides and homicides of children and youth, very few family homicides against seniors resulted in the suicide of the accused. Between 1993 and 2002, about one-in-five homicides against elderly adults ended in the suicide of the accused. The vast majority of these incidents involved spouses. In particular, approximately two-in-five spouses (41%) committed suicide following the homicide. This is higher than the level of 'murder-suicides' among all spousal accused (25%). However, as with all spousal homicides, more homicides against elderly female spouses than elderly male spouses ended in the suicide of the accused spouse (51% versus 14%).

Adult children were also among the accused who committed suicide. About 18% of adult children, almost all were men, took their own life following the homicide of their elderly parent. For homicides involving other family members, 'murder-suicides' were rare.

56. See note 55.

57. See note 55.

58. Collection of criminal history information began in 1997.

First-degree murder most common charge

Of those accused charged with the homicide of their elderly family member, half received the most serious *Criminal Code* charge of first-degree murder, while another 39% were charged with second-degree murder. The lesser serious charge of manslaughter was only laid in one-tenth of cases.

There was very little variation in the distribution of charges based on the relationship of the accused to the victim. The most common charges for spouses, adult children, and other family members were all first-degree murder. Thus, most homicides against seniors were considered planned and deliberate, regardless of accused-victim relationship. This has not always been the case. First-degree murder charges were less common in the past, compared to the most recent ten-year period.

Table 4.1
Family homicides by accused-victim relationship and sex¹ of the victim, 1993-2002

Victim killed by:	Total victim		Female victim		Male victim	
	No.	%	No.	%	No.	%
Total family homicides	1,717	100	1,017	100	700	100
Male spouses	632	37	629	62	3	0
Married	233	14	233	23	0	0
Common-law ^{2,3}	244	14	240	24	3	0
Separated	142	8	143	14	0	0
Divorced	13	1	13	1	0	0
Female spouses	171	10	3	0	168	24
Married	53	3	0	0	53	8
Common-law ^{2,3}	104	6	3	0	101	14
Separated	13	1	0	0	13	2
Divorced	1	0	0	0	1	0
Parent⁴	431	25	197	19	234	33
Father	283	16	125	12	158	23
Mother	148	9	72	7	76	11
Child⁵	194	11	90	9	104	15
Daughter/step	20	1	10	1	10	1
Son/step	174	10	80	8	94	13
Sibling	91	5	21	2	70	10
Brother	84	5	18	2	66	9
Sister	7	0	3	0	4	1
Other family⁶	198	12	77	8	121	17

Note: Percentages may not add up to 100% due to rounding.

0 true zero or a value rounded to zero

1. Excludes one incident where the sex of the victim was unknown.

2. Common-law relationship includes same-sex couples.

3. For the purpose of this table, a small number (19) of ex-common-law partners originally coded by police as separated have been recoded as common-law. These were identified using police narratives.

4. Parent includes biological, step, foster, and adoptive parents.

5. Child includes biological, step, foster, and adoptive children.

6. Other family includes all others related to the victim through blood, marriage, foster care or adoption.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Homicide Survey.

Table 4.2
Number and rates of spousal homicide, 1974-2002¹

	Number		Rate per million couples ²	
	Male spousal victim	Female spousal victim	Male spousal victim	Female spousal victim
1974	24	90	4.4	16.5
1975	33	91	5.9	16.2
1976	28	83	4.9	14.4
1977	30	80	5.2	13.6
1978	23	78	3.9	13.0
1979	22	90	3.7	14.7
1980	17	61	2.8	9.8
1981	27	82	4.3	12.9
1982	22	76	3.5	11.7
1983	28	84	4.3	12.8
1984	19	64	2.9	9.6
1985	25	86	3.8	12.7
1986	19	70	2.8	10.2
1987	35	79	5.2	11.5
1988	21	72	3.1	10.4
1989	22	76	3.2	10.9
1990	26	74	3.8	10.6
1991	25	87	3.6	12.4
1992	18	87	2.6	12.1
1993	24	63	3.3	8.5
1994	20	66	2.7	8.7
1995	21	71	2.8	9.2
1996	19	63	2.5	7.9
1997	13	63	1.7	7.9
1998	13	57	1.7	7.0
1999	10	58	1.3	7.1
2000	16	52	2.0	6.3
2001	16	69	2.1	8.3
2002	16	67	2.0	8.1

1. Six same-sex partners were excluded from the analysis, because Census (1996) data on same-sex couples are unavailable.

2. Rate per 1,000,000 legally married (including separated), divorced and common-law men and women. Rates are based on estimates provided by Demography division, Statistics Canada.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Homicide Survey.

Table 4.3
Known causes of death among spousal and non-spousal relationships^{1,2}, by sex, 1993-2002

	Spouse ³				Non-spouse ⁴			
	Female victims		Male victims		Female victims		Male victims	
	No.	%	No.	%	No.	%	No.	%
Shooting	201	32	33	19	141	19	752	30
Stabbing	189	30	112	66	269	37	877	35
Strangulation ⁵	119	19	7	4	123	17	110	4
Beating	90	14	10	6	153	21	651	26
Other ⁶	28	4	8	5	42	6	99	4
Total	627	100	170	100	728	100	2,489	100

Note: Percentages may not add up to 100% due to rounding.

1. Excludes homicides where the accused-victim relationship was unknown.

2. Excludes those homicides where the cause of death was unknown.

3. Spouses include legally married, common-law, separated and divorced partners.

4. Non-spousal victims include those 15 years and older.

5. Strangulation includes suffocation and drowning.

6. Other includes poisoning or lethal injection, smoke inhalation, burns, exposure/hypothermia, death caused by a motor vehicle, etc.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Homicide Survey.

Table 4.4
Number and rate¹ of spousal homicide by marital status and age, 1993-2002

	Victim age									
	All ages		15-24		25-34		35-54		55+	
	No.	Rate	No.	Rate	No.	Rate	No.	Rate	No.	Rate
Total female victims	629	7.9	66	21.7	171	10.7	311	7.9	81	3.8
Married ²	375	6.1	23	21.7	93	8.4	192	6.2	68	3.7
Common-law ^{3,4}	241	21.8	42	21.7	75	18.2	112	25.7	11	16.5
Divorced	13	1.7	1	22.7	3	3.7	7	1.6	2	0.8
Total male victims	168	2.2	14	9.0	38	3.0	89	2.3	27	1.2
Married ²	66	1.1	3	7.1	9	1.1	37	1.2	17	0.8
Common-law ^{3,4}	101	9.1	11	9.8	29	7.1	51	10.6	10	9.4
Divorced	1	0.3	0	0	0	0	1	0	0	0

0 true zero or a value rounded to zero

1. Rate per 1,000,000 legally married (including separated), divorced and common-law men and women. Rates are based on estimates provided by Demography division, Statistics Canada.

2. Married includes those legally married and separated partners.

3. Six same-sex partners were excluded from the analysis, because Census (1996) data on same-sex couples are unavailable.

4. For the purpose of this table, a small number (19) of ex-common-law partners originally coded by police as separated have been recoded as common-law. These were identified using police narratives.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Homicide Survey.

Table 4.5
Clearance status by type of relationship, 1993-2002

Victim killed by:	Total		Cleared by charge		Cleared by suicide of accused		Cleared otherwise ¹	
	No.	%	No.	%	No.	%	No.	%
Total spouses	803	100	594	74	203	25	6	1
Total male spouses	632	100	429	68	198	31	5	1
Married	233	100	151	65	80	34	2	1
Common-law ²	230	100	178	77	51	22	1	0
Separated	156	100	92	59	62	40	2	1
Divorced	13	100	8	62	5	38	0	0
Total female spouses	171	100	165	96	5	3	1	1
Married	53	100	49	92	3	6	1	2
Common-law ²	99	100	97	98	2	2	0	0
Separated	18	100	18	100	0	0	0	0
Divorced	1	100	1	100	0	0	0	0

Note: Percentages may not add up to 100% due to rounding.

0 true zero or a value rounded to zero

1. Cleared otherwise refers to those incidents where an accused was identified and although there was sufficient evidence to lay a charge, the accused was processed through other means. The reasons for the use of other means includes such events as the committal of the accused to a mental hospital or the death of the accused (not suicide-related).

2. Common-law relationship includes same-sex partners.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Homicide Survey.

Table 4.6
Known causes of death for child and youth homicides committed by family members, 1993-2002

Cause of death	Victim age											
	Total victims		<1		1-3		4-6		7-11		12-17	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Total	444	100	134	100	120	100	57	100	63	100	70	100
Strangulation ¹	109	25	38	28	34	28	18	32	9	14	10	14
Beating	88	20	34	25	31	26	11	19	6	10	6	9
Shooting	67	15	1	1	8	7	9	16	21	33	28	40
Stabbing	48	11	6	4	12	10	6	11	14	22	10	14
Shaken Baby Syndrome ²	34	8	23	17	11	9	...	...	...	...	...	...
Other ³	98	22	32	24	24	20	13	23	13	21	16	23

Note: Percentages may not add up to 100% due to rounding.

... not applicable

1. Strangulation includes suffocation and drowning.

2. Shaken Baby Syndrome (SBS) was added to the Homicide Survey as a cause of death in 1997.

3. Other includes poisoning, smoke inhalation and burns, exposure/hypothermia, deaths caused by a motor vehicle, starvation, heat etc.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Homicide Survey.

5.0 Sentencing in cases of family violence

by Maire Gannon and Jodi-Anne Brzozowski

Until recently, charging and prosecution policies emphasized the need to treat family violence ‘like any other crime’ (Brown, 2000). These policies translated into significant challenges for police and prosecutors who became aware of the unique characteristics of family violence such as the sharing of a home and the emotional and financial relationships between the victim and the offender.

In recent years, policies and programs have been put into place to better recognize the differences between family and non-family violence. With respect to criminal prosecution, this has meant the development of three measures. First, similar to police pro-charging policies, jurisdictions have implemented pro-prosecution policies. These policies aim to promote more rigorous prosecution; reduce the number of cases withdrawn and stayed; promote victim cooperation and; reduce recidivism (Ad Hoc Federal-Provincial-Territorial Working Group Reviewing Spousal Abuse Policies and Legislation, 2003)⁵⁹. Second, specialized family violence courts have been created in a number of jurisdictions to focus on the unique nature of family violence.⁶⁰ The principal aim of these courts is to expedite domestic violence cases for the safety of the victim, introduce early intervention for first time offenders, allow for effective investigation and prosecution of family violence cases, and ensure offender accountability (Trainor et. al, 2002). Third, the *Criminal Code* was amended in 1996 to oblige the courts to consider the abuse of a spouse or a child as an aggravating factor in sentencing.⁶¹

Up to this point, statistical analysis on the nature and extent of family violence has primarily focused on police and victimization survey data and has not included court case and sentencing information. It had not been possible to analyze family violence cases by using administrative court records for two reasons. First, ‘spousal’ and ‘family

violence’ are not distinct sections or charges in the *Criminal Code*; therefore, court data are classified according to the offences charged. Second, court data do not include information on the relationship between the victim and the offender. In the past, the only feasible studies involved the examination of detailed case files from specific courts, such as the specialized family violence court in Winnipeg (Ursei, 2003).

For the first time, the Canadian Centre for Justice Statistics has linked police records from the Incident-based Uniform Crime Reporting Survey (UCR2) to court records in the Adult Criminal Court Survey (ACCS). This demonstration study permits analysis of the court’s response to family violence cases as compared to cases of non-family violence, while taking into account factors such as the relationship between the victim and offender, the gravity of the offence and the age and sex of both the victim and the accused.

Because this demonstration study focuses on 18 selected urban areas where both UCR2 and ACCS data are collected, it is not a nationally representative sample.⁶² For this analysis, data from these urban areas are rolled-up to produce an aggregate presentation of results. Despite this limitation, these data permit analysis comparing sentencing of family violence cases and non-family violence cases.⁶³

59. The report can be found at <<http://canada.justice.gc.ca/en/ps/fm/reports/spousal.html>>

60. The first specialized court was established in Winnipeg, Manitoba in 1990. Since then, specialized domestic violence courts have been established in Ontario, Saskatchewan, Alberta, and the Yukon.

61. This amendment was introduced with Bill C-41.

62. See Methodology for further information.

63. The linked file excludes data from Superior Courts in most jurisdictions. See Methodology for further information.

Box 5.1 Single and multiple conviction cases

The UCR2-ACCS¹ linked database contains information on cases that involve a conviction for a single offence or for multiple offences. Using this database, it is possible to examine differences in the number of convictions for family violence and non-family violence cases. Additionally, general patterns can be noted, such as variations between male and female offenders and victims.

However, to analyze sentencing outcomes, it is necessary to limit the analysis to single conviction cases for two reasons. First, the number of convictions in the case can influence the severity of the sentence imposed, and therefore, any variation in the number of convictions between family and non-family members may distort the effect of relationship on sentencing. Second, it is only possible to directly relate a sentence to a specific offence in single-conviction cases.²

1. *Incident-based Uniform Crime Reporting Survey and the Adult Criminal Court Survey.*
2. Bélanger, B. 2001. "Sentencing in Adult Criminal Courts, 1999/00" Juristat. Catalogue no. 85-002-XPE. Vol. 21, no. 10. Ottawa: Statistics Canada.

5.1 Sentencing in cases of spousal violence^{64,65}

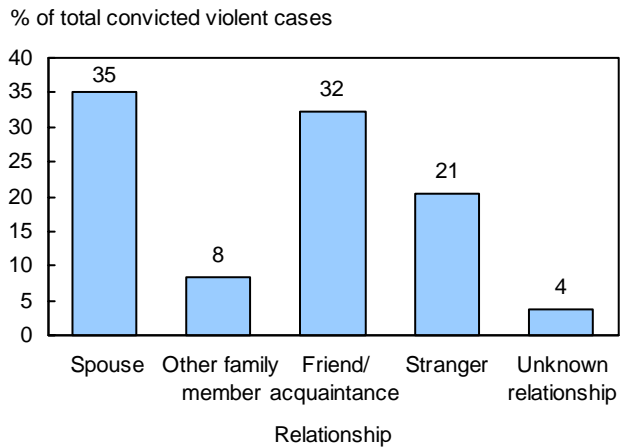
Spousal violence convictions are most common⁶⁶

According to the linked police and court records from 1997/98 to 2001/02⁶⁷ in 18 urban centres, there were 46,747 convicted violent cases processed through adult criminal courts.⁶⁸ Of these, the most frequently occurring cases were those involving spouses, representing 35% of all convictions for violent crimes (Figure 5.1). The next most common convicted cases were those involving friends or acquaintances (32%), followed by strangers (21%) and other family members (8%). Offenders with an unknown relationship to the victim represented 4% of convictions for violent offences.

Most convicted spousal cases involve a single conviction

In general, the number of convictions in a case can influence the severity of the sentence imposed. Among all violent case convictions in the demonstration study, single conviction cases represented a larger proportion of convicted violent cases (72%) than cases with multiple violent convictions (28%). Differences, however, were observed in the number of violent convictions based on the offender-victim relationship and the sex of the offender. In particular, non-spousal violent offenders were more

Figure 5.1
Convicted cases of violence involving spouses most common^{1,2,3,4,5}



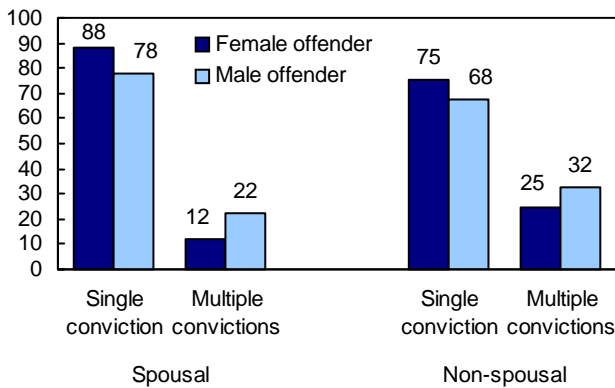
- Note:** Percentages may not add up to 100% due to rounding.
1. To examine the victim-offender relationship, all cases where there were multiple victims were excluded.
 2. Excludes cases where the sex and/or age of the victim was unknown.
 3. Excludes cases where the sentence was unknown.
 4. Includes both single and multiple convictions cases.
 5. Spouse includes legally married, common-law, separated, and divorced partners aged 15 to 89.
- Source:** Statistics Canada, Canadian Centre for Justice Statistics, UCR2-ACCS linked database.

likely than spousal violent offenders to be convicted of two or more charges (31% compared to 21%). This was the case irrespective of the sex of the offender. However, in both spousal and non-spousal cases, a greater proportion of male offenders than female offenders were convicted of multiple offences (Figure 5.2).

64. Analysis in this section refers to all cases of spousal and non-spousal violence.
65. This portion of the report provides information on certain characteristics associated with sentencing in cases of spousal and non-spousal violence. Some additional factors, such as aggravating and mitigating factors, that are not measured through this data source may also be related to sentencing outcomes (see Box 5.5, p. 65).
66. Due to differences in scope and coverage of the UCR2 and ACCS databases, information on diversion (pre-court), case outcomes other than conviction or conviction rates is currently unavailable. Cases not resulting in a conviction were excluded from the source ACCS file prior to matching with UCR2 incident records and as a result it is not possible to analyse the conviction rates for family violence cases. The rate of conviction in cases of family violence has been identified as an important extension of this analysis and will be considered in future improvements to the methodology used in this study.
67. For more information on the data source, refer to Methodology.
68. This number includes all single and multiple conviction cases and excludes cases with multiple victims, unknown sentences, unknown sex of the victim, and unknown age of the victim. See Methodology for more information.

Figure 5.2
Multiple convictions more common in cases of non-spousal violence^{1,2,3,4,5}

% of convicted cases



Note: Percentages may not add up to 100% due to rounding.

1. To examine the victim-offender relationship, all cases where there were multiple victims were excluded.
2. Excludes cases where the sentence was unknown.
3. Excludes cases where the sex and/or age of the victim was unknown.
4. Refers to the most serious sentence imposed.
5. Spousal violence refers to violence committed against a legally married, common-law, separated, or divorced partner aged 15 to 89.

Source: Statistics Canada, Canadian Centre for Justice Statistics, UCR2-ACCS linked database.

Sentencing patterns in single-conviction cases of spousal violence⁶⁹

This section is based on cases with a single-conviction (see Box 5.1, p. 54). Most convictions for both spousal (79%) and non-spousal violence (69%) were single conviction cases.

Four out of five spousal violence cases result in conviction for common assault

Previous research on the specialized family violence court in Winnipeg found that common assault was the most frequently occurring charge (Ursel, 2003). Similarly, four out of five (80%) single convictions from the subset of court cases involving spousal violence were for common assault (level 1). This is considerably higher than non-spousal violence cases, where common assault represented 60% of convictions involving other family members, 55% of convictions involving friends and acquaintances, and 46% of convictions where the offender was a stranger (Table 5.1).

For spousal violence convictions, an additional 12% of cases were for major assault⁷⁰, followed by uttering threats (6%), criminal harassment (1%), sexual assault (1%), and other violent offences⁷¹ (less than 1%). This differs from

non-spousal convictions where a higher percentage of offenders were convicted of major assault (levels 2 and 3) (26%) and sexual assault (6%).

Convictions for major assault more prevalent in cases involving male victims

About nine-in-ten (92%) spousal convictions involved male offenders, reflecting the fact that most charges laid in cases of spousal violence by police involve a male accused.⁷² This was the case regardless of the type of violent offence. In other words, male spouses were identified as the perpetrator in the majority of convictions for physical assault, uttering threats, sexual assault, and other violent offences (Table 5.2).

There were some differences in the distribution of convictions among female and male offenders. Specifically, a higher proportion of male spousal offenders were convicted of common assault (81% compared to 64% for female spousal offenders). The reverse was true for major assault, where female spousal offenders were three times as likely as male spousal offenders to be convicted of major assault (31% and 10%, respectively) (Table 5.2). Two possible reasons could account for this difference: variations in weapon use and reporting practices to police. Female spousal offenders were more likely than male spousal offenders to use a weapon in the commission of a violent offence (52% versus 26%), while as mentioned in chapter one, men were more likely than women to wait until spousal violence became very serious before contacting police, according to the General Social Survey.

Case processing time shorter for convicted cases of spousal violence

In general, the mean elapsed time from the offender's first court appearance to conviction was shorter for spousal violence cases (126 days), compared to non-spousal

69. Analysis of sentencing in this section refers to the most serious sentence imposed in all cases of spousal and non-spousal violence.

70. Major assault includes aggravated assault and aggravated assault with a weapon/causing bodily harm.

71. Other violent offences include homicide, attempted homicide, robbery, and other crimes against the person. Offences, such as homicide and attempted homicide, that are typically sent to superior courts will be undercounted, since with the exception of jurisdictions in Alberta (reporting superior courts data since 1998/99), data from superior courts are currently not reported. The absence of these data will result in a slight underestimation (between 2% and 5%) of guilty cases in jurisdictions that do not report superior court data. See Methodology for more information.

72. This linked database only contains offences for which convictions were recorded and therefore, does not include cases where charges were withdrawn, stayed or acquitted. Further, convictions generally occur in a different year than the year the offender was charged.

violence cases (161 days). This can be partly attributed to the higher rate of guilty pleas among spousal offenders (93%) compared to non-spousal offenders (89%). Over half of convicted spousal violence cases (59%) and non-spousal violence cases (51%) with a plea of guilty were processed in 120 days or less. In comparison, about a quarter (24%) of spousal violence cases and 22% of non-spousal violence cases with a plea of not guilty were processed in this same length of time. This difference in the length of case processing for spouses and non-spouses held constant for the most frequently occurring offences.

Other factors influencing case processing include the volume of cases being processed by the courts; the complexity of cases; issues related to the co-ordination and availability of various participants within the criminal justice process; lawyers' decisions on the most appropriate course of action for their clients; and accused failing to appear in court (Cicccone McCutcheon, 2003).

Courts less likely to give a prison sentence in cases of spousal violence

Overall, the two most common sanctions for violent crimes were prison and probation, which together accounted for 91% of the most serious sentences imposed on spouses convicted of a single offence and 82% imposed on non-spouses convicted of a single offence.

Violent cases involving spouses generally resulted in prison less frequently (19%) than did those involving non-spouses (29%) (Table 5.3). The higher incarceration rate for non-spouses is driven by the higher proportion of convicted strangers (35%) and friends and acquaintances (30%) that receive prison, as other family members were less likely than both spouses and other perpetrators to receive a custodial term (17%) (Figure 5.3). The only exception was criminal harassment where convicted spouses (32%) were more likely than convicted non-spouses (26%) to receive prison.

Box 5.2: Sentencing Options in Canada

The main types of sanctions that can be imposed in Canada for violent offences include the following in order of seriousness:

Imprisonment: This involves a term of custody served in a provincial/territorial or federal institution. Sentences of two years or more are served in a federal penitentiary, while terms of less than two years are served in provincial/territorial correctional facilities. Sentences of 90 days or less can be served intermittently, which usually refers to serving the sentence on weekends. There are 29 offences, such as homicide and offences committed using a firearm, having minimum sentencing provisions outlined in the *Criminal Code*, which affect the nature and length of the sentences imposed.

Conditional sentence: The Sentencing Reform Bill C-41 came into force in September 1996 establishing a new community-based conditional sentencing option as an alternative to incarceration. The Supreme Court of Canada situated conditional sentence between a prison term and a suspended sentence with probation. With conditional sentences of imprisonment, the execution of the prison sentence is suspended. In terms of seriousness, it is less serious than prison but more serious than a term of probation. Like probation, conditional sentences are served in the community under supervision and often include a number of conditions restricting the movement and activities of the offender. If the conditions are breached, the powers of arrest are those that apply to indictable offences and at a breach hearing the offender can be ordered to serve all or part of the remainder of the sentence in custody.

Probation: An offender sentenced to a term of probation remains in the community, but is subject to a number of conditions for the duration of the probation order. Some conditions are compulsory and apply to all offenders on probation. These include keeping the peace and appearing before the court when required to do so. The optional conditions vary from case to case, and can include attending treatment programs, performing community service, abstaining from the consumption of alcohol and providing for the support of dependants. Violating the conditions of a probation order is a criminal offence subject to possible prosecution that could result in a maximum sentence of imprisonment of two years.

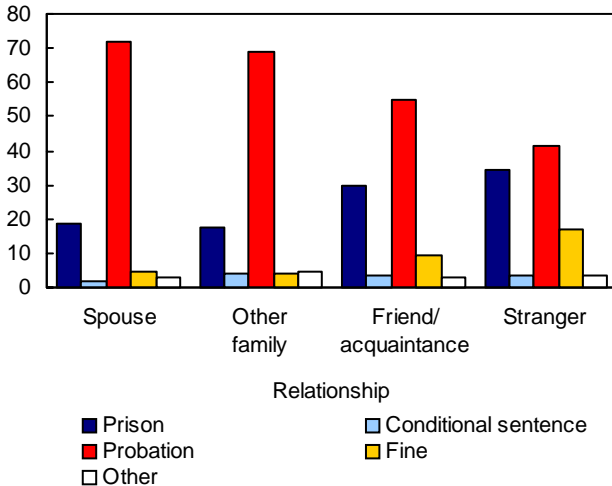
Fine: When a fine is imposed, the offender is ordered to pay a specific dollar amount to the court. Unless the offender has been convicted of an offence carrying a minimum term of imprisonment, or a maximum penalty of more than five years, an offender may be fined in lieu of other types of punishment.

Other types of sanctions: In addition to these principal sentencing options, the courts can choose a variety of other sentencing options. In cases resulting in convictions, the courts may give restitution, compensation or a suspended sentence. In those cases with a finding of guilt but no conviction, the court may discharge the offender absolutely or on conditions specified in a probation order. These latter sentencing options are known as absolute or conditional discharges and are included in the category of "other sentences" for the purpose of this demonstration study. Multiple sanctions may be imposed, but there are specific rules that govern the types of sentencing options that can be ordered in combination.

Source: Bélanger, B. 2001. "Sentencing in Adult Criminal Courts, 1999/00" Juristat. Ottawa: Statistics Canada. Catalogue no. 85-002-XPE, vol. 21, no. 10.

Figure 5.3
Courts less likely to impose prison sentences in single-conviction cases of violence by spouses and other family members^{1,2,3,4,5,6}

% of single-conviction cases



Note: Percentages may not add up to 100% due to rounding.

1. To examine the victim-offender relationship, all cases where there were multiple victims were excluded.
2. Excludes cases where the sex and/or age of the victim was unknown.
3. Excludes cases where the sentence was unknown.
4. Includes only single-conviction cases.
5. Refers to the most serious sentence imposed.
6. Spouse includes legally married, common-law, separated, and divorced partners aged 15 to 89.

Source: Statistics Canada, Canadian Centre for Justice Statistics, UCR2-ACCS linked database.

The incarceration rate was only slightly lower for spousal violent offenders than non-spousal offenders for the two most frequently occurring offences: common assault (17% versus 21%) and major assault (32% versus 36%).

Conditional sentences more common in cases involving sexual offences

Conditional sentences were imposed on a minority of both spousal (2%) and non-spousal offenders (4%). However, certain offences, particularly sexually based offences, were more likely to result in a conditional sentence. Almost one-quarter (24%) of spousal offenders convicted of sexual assault were given a conditional sentence. This compares to 15% of non-spousal offenders convicted of the same offence (Table 5.3).

Probation most common sanction in cases of spousal violence

Similar to previous research on sentencing outcomes in the Winnipeg Family Violence Court (Ursel, 2003), a term of probation was by far the most frequent sanction imposed on spousal offenders, occurring in almost three-quarters (72%) of cases (Figure 5.3). This type of sentence was less common among non-spousal violent offenders, as 55% of friends and acquaintances and 42% of strangers received probation. Only other family members were almost as likely as spouses to receive a term of probation (69%).

Spousal violence offenders had higher rates of probation across most violent offence categories. Criminal harassment was the sole offence where spousal violent offenders received probation less frequently than did their non-spousal equivalents (58% versus 67%). As indicated earlier, this is likely due to spousal offender's higher levels of incarceration for criminal harassment (Table 5.3).

Probation is mandatory in cases where the offender is given a conditional discharge or suspended sentence.⁷³ This may offer one possible explanation for the higher rates of probation among spousal violent offenders compared to other violent offenders. Specifically, spousal violent offenders (47% of guilty cases) were more likely than non-spousal violent offenders (32% of guilty cases) to receive a conditional discharge or a suspended sentence.

Courts more likely to impose fines on non-spousal offenders

Although fines were rarely used for all offenders, strangers (17%) and friends and acquaintances (10%) were more likely to be fined than were spousal offenders (4%). This was the case for all violent crimes. One possible explanation relates to the fact that potential economic hardship on the family can be taken into account at sentencing. That is, a fine may punish an already victimized and possibly impoverished family more than the spousal offender (Ruby, 1999). For both spousal violent offenders (5%) and non-spousal violent offenders (15%), convictions for common assault were more likely than any other offences to result in a fine.

⁷³ After a guilty decision is rendered, the court may discharge the accused on conditions specified in a probation order (conditional discharge). The court may also suspend the imposition of a sentence if the offender meets the conditions of a probation order (suspended sentence).

Incarceration rates highest for the most serious offences

In keeping with the fundamental principle of proportionality as set out in section 718.1 of the *Criminal Code*, the gravity of the violent offence generally increases the severity of the sentence.⁷⁴ Among spousal offenders, the most serious level of physical assault, major assault, had an incarceration rate of 32%, almost double the incarceration rate for common assault (17%) (Table 5.3). The use of incarceration was also high for criminal harassment convictions involving spouses (32%).⁷⁵ Offence seriousness had a similar effect on sentencing patterns in non-spousal violence cases.

Spouses who inflict major injury more likely to receive prison

Closely related to the seriousness of the offence is the impact of the level of injury on sentencing. Not surprisingly, spouses who inflicted major physical injury⁷⁶ or death were more likely than other spouses to receive a prison sentence. Specifically, 38% of cases involving a major injury to the victim resulted in a period of incarceration, compared to 19% of cases with minor injuries to the victim and 17% with no injuries. This pattern held true across the most frequently occurring offence types, such as common assault, major assault, uttering threats and criminal harassment.⁷⁷

The level of injury also appears to influence sentencing in cases of non-spousal violence involving major assault. However, injury had virtually no effect on the probability of prison for non-spousal violent offenders convicted of common assault.

Consistent with police reports, the majority of injuries sustained by victims in convicted cases of spousal (72%) and non-spousal violence (65%) were caused by physical force and not by a weapon. This may partly explain why the presence of weapon did not generally increase the seriousness of sentences. For example, for major assault convictions, spousal violence cases involving no weapon (43%) were more likely than weapon-related cases (26%) to result in a prison sentence.

Most prison sentences for spousal violence are relatively short

Generally speaking, while a prison sentence is considered to be the most serious disposition, research suggests that when a prison sentence is imposed, its term is relatively short (Cicccone McCutcheon, 2003). This was true for both

convicted spouses and convicted non-spouses, as over half of prison sentences for such offences as common assault, uttering threats, and criminal harassment were for one month or less (Table 5.4).⁷⁸

Custodial sentences for spouses convicted of major assault were longer than those for other offences (Table 5.4). A sentence of greater than six months occurred in 14% of major assault cases. The same was only true for 4% of criminal harassment cases, 3% of uttering threat cases and 2% of common assault cases. Further, two-thirds of prison term lengths for spousal cases of major assault were greater than one month, with an average sentence length of over three months (123 days) (Table 5.5). In comparison, the average sentence length for major assault committed by a non-spouse was longer than for that committed by spouses (199 days versus 123).

Almost all probation orders greater than six months

As with non-spousal offenders, very few terms of probation for offenders convicted of spousal violence were shorter than six months (10%). Most probation orders (56%) handed down to spouses were greater than six months but less than twelve months. This is similar to non-spousal violent offenders receiving this sentence (57%).

In comparison to other offences, criminal harassment convictions tended to result in longer terms of probation for both convicted spouses and non-spouses. However, there were also differences between these two types of offenders (Table 5.6). Over half (51%) of spouses convicted of criminal harassment received a probation order for a period of two years or more.⁷⁹ This compares to 38% of non-spousal violent offenders convicted of the same offence.

74. Aggravating and mitigating factors are also taken into account at sentencing (see Box 5.5, p. 65). Data on these factors are not available.

75. According to the *Criminal Code*, criminal harassment carries a higher maximum penalty (10 years on indictment) than assault level 1 (common assault) (5 years on indictment). However, the vast majority are summary convictions.

76. Major injury is defined as any injury that is more than 'trifling' or 'transient' in nature and that requires professional medical attention at the scene or transportation to a medical facility.

77. A major injury may occur in offences other than major assault, which may be explained by a reduction in charges.

78. Time in custody prior to sentencing can be taken into consideration when imposing a sentence. The length of time in custody prior to sentencing and the extent to which it influences the sanction imposed are not available. One reason for the absence of data is that the court determines on a case-by-case basis the amount of pre-trial custody that is considered time already served.

79. The statutory limit on a term of probation is three years.

Fines higher in cases of non-spousal violence

Overall, the mean amount of fines for spouses convicted of violent offences was \$368, lower than the \$412 average for non-spousal violent cases. Given the rarity of the imposition of fines in cases of spousal violence, offence-specific analysis is only possible for common assault convictions. Similar to the overall pattern, for this offence, the average fine amount was higher for non-spousal offenders (\$377), compared to spousal offenders (\$332) (Table 5.5).

Male spouses much more likely to receive prison

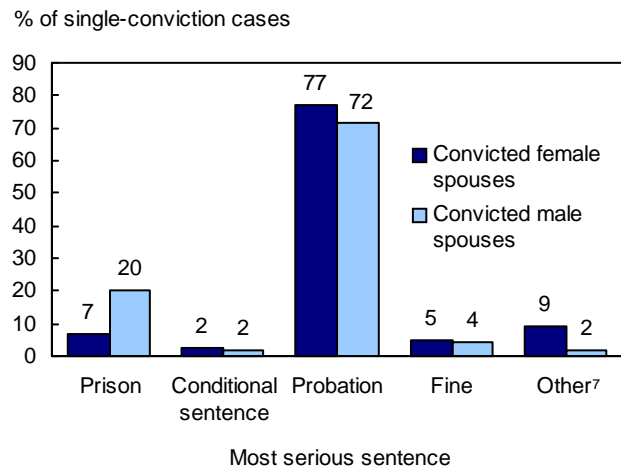
Research has shown that males are consistently incarcerated at higher rates than are females across all major offence categories, and that females are more likely to receive a term of probation (Bélanger, 2001). The same holds true in cases of spousal violence. In fact, the gender difference in sentencing was greater for violent cases involving spousal offenders than those involving non-spousal offenders. In particular, male spouses (20%) were nearly three times as likely as female spouses (7%) to be sentenced to a period of incarceration, while male non-spousal offenders (32%) were two times as likely as female non-spousal offenders (15%) to receive a prison sentence (Figure 5.4). The higher incarceration rate for male offenders, including spouses and non-spouses, held constant for a range of violent offences, including major assault, common assault, uttering threats, and criminal harassment.

Once sentenced to prison, women convicted of spousal violence also tended to receive slightly shorter sentence lengths than men. The shortest custodial sentences (one month or less) were imposed on over half (61%) of female spouses, compared to 52% of male spouses. Courts were also more likely to impose the shortest custodial sentences on female non-spousal offenders (57%), compared to male non-spousal offenders (45%).

The lower rates of incarceration among women convicted of spousal and non-spousal violence translate into slightly higher rates of probation relative to men. Specifically, 77% of convicted female spouses received probation compared to 72% of convicted male spouses (Figure 5.4). For non-spousal violence cases, 66% of women were sentenced to probation, while 51% of men were.

The length of probation imposed on female probationers was also shorter than those imposed on male probationers (Table 5.7). For instance, the proportion of convicted female spouses that received a probation sentence of six

Figure 5.4
Males convicted of spousal violence more likely to receive prison than females^{1,2,3,4,5,6}



Note: Percentages may not add up to 100% due to rounding.

- To examine the victim-offender relationship, all cases where there were multiple victims were excluded.
- Excludes cases where the sex and/or age of the victim was unknown.
- Excludes cases where the sentence was unknown.
- includes only single-conviction cases.
- All sentences refer to the most serious sentence imposed.
- Spouse includes legally married, common-law, separated or divorced partners aged 15 to 89.
- Other sentences include restitution, compensation, conditional or absolute discharge or a suspended sentence.

Source: Statistics Canada, Canadian Centre for Justice Statistics, UCR2-ACCS linked database.

months or less was higher than the proportion of convicted male spouses receiving the same sentence length (15% versus 10%). This was also the case for non-spousal offenders.

As with non-spousal offenders, there was no gender difference in the proportion of convicted spousal offenders who received a conditional sentence. However, compared to their male equivalents, cases involving female spousal violence offenders more often resulted in other dispositions, such as fines, restitution, and compensation (14% compared to 6% for male spousal offenders). This can be explained by the fact that female spouses were more likely than male spouses to receive disposition other than probation or prison when they were convicted of the most frequently occurring offence, namely common assault (20% versus 9%). Among non-spousal cases, there was little difference between the proportion of female and male violent offenders who received these other types of sentences (16% and 14%).

Estranged male spouses most likely to receive harsher sentences

Aggravating and mitigating considerations, such as the family's financial dependence on the accused and a violation of a protection order, can affect sentencing outcomes (see Box 5.5, p. 65). These influences may assist in explaining differences in the likelihood of incarceration between estranged and current spouses.

Data from the courts indicate that 18% of current spouses received a sentence of incarceration, compared to 26% of estranged spouses (Figure 5.5). This was the case regardless of the type of offence (Table 5.8). Further, once sentenced to prison, current spouses (50%) were slightly more likely than estranged spouses (43%) to receive the shortest prison term of one month or less. The difference in incarceration rates between estranged and current spouses is strictly a male phenomenon. That is, estranged female spouses were as likely as current female spouses to receive prison or probation.

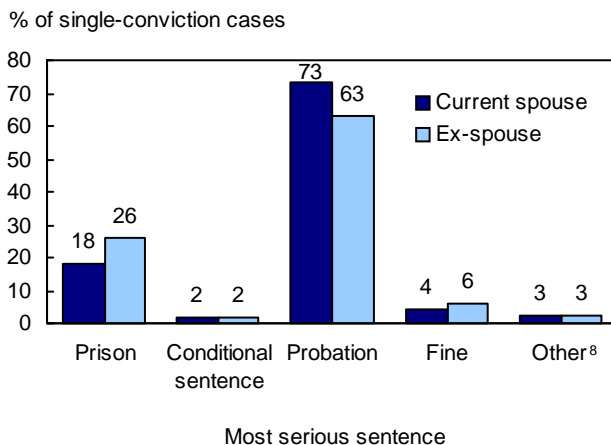
The most pronounced difference in sentencing outcomes between current and estranged spouses occurred for convictions for major assault and uttering threats. Estranged male spouses convicted of major assault and uttering threats were far more likely (47% and 27%, respectively) than current male spouses (36% and 15%, respectively) to receive prison.

The lower levels of incarceration among current spouses may be partly explained by differences in pleas between current and estranged spousal offenders. In addition to other aggravating and mitigating factors, a guilty plea can be considered a mitigating factor at sentencing (see Box 5.5, p. 65). Although guilty pleas were generally high for all offenders⁸⁰, current spouses were slightly more likely to plead guilty (94%) than were estranged spouses (86%).

Incarceration rate highest for younger spousal violence offenders

The proportion of convicted spousal cases with prison as a sanction consistently declines as the offender's age increases. Nearly one-in-four (23%) spousal violence offenders aged 18-to-24 were sentenced to custody, while 18% of those aged 35-to-44 and 11% of those aged 55 and over received a prison term. Although the probability of prison varied by the type of offence, this age-specific pattern was present for a variety of violent offences, including major assault, common assault and uttering threats. Prison sentences, while generally more common for non-spousal offenders, were also less frequently imposed on older offenders.

Figure 5.5
Ex-spouses more likely than current spouses to receive prison sentences^{1,2,3,4,5,6,7}



Note: Percentages may not add up to 100% due to rounding.

1. To examine the victim-offender relationship, all cases where there were multiple victims were excluded.
2. Excludes cases where the sex and/or age of the victim was unknown.
3. Excludes cases where the sentence was unknown.
4. Includes only single-conviction cases.
5. Refers to the most serious sentence imposed.
6. Current spouses refer to persons who are legally married and common-law partners.
7. Ex-spouses refer to separated and divorced partners.
8. Other sentences include restitution, compensation, conditional or absolute discharge or a suspended sentence.

Source: Statistics Canada, Canadian Centre for Justice Statistics, UCR2-ACCS linked database.

Probation was the most frequent sanction for all age groups, but as the rate of incarceration dropped among older spousal violence offenders, the use of probation increased. As with non-spousal offenders, there was little variation in the length of probation between the age groups of offenders.

In general, the age of the offender can have a mitigating effect on sentencing for both young persons and persons over the age of 60 (Ruby, 1999). For young persons, it is believed that there are possibilities of reform, while for offenders over 60 years old, particularly those with good character, there have been cases where it was found that the typical punishment would serve no 'useful purpose'. However, age is regarded less often as a mitigating consideration for violent offences.

80. Overall, 93% of convicted spousal violence offenders pled guilty, compared to 89% of convicted non-spousal violence offenders. It is noteworthy that the analysis of guilty pleas is based on convicted cases and therefore, the rate of guilty pleas would be lower if all cases processed through adult criminal courts were considered.

5.2 Sentencing in cases of family violence against children and youth less than 18 years of age⁸¹

According to the linked police and court records in a subset of 18 urban centres studied, there were over 4,000 convicted cases of assaults against children and youth under the age of 18.⁸² The characteristics associated with these cases, such as the type of offence and the relationship between the offender and the victim, closely resembled police-reported patterns. For example, physical assault cases were much more common than were sexual assault cases (81% versus 19%)⁸³, and convicted cases of assaults against children were most likely to involve someone known to them. Nearly 1,800 cases involved family members (most often parents) and approximately 1,600 cases involved friends or acquaintances.

Furthermore, case convictions involving the youngest child victims were more likely to involve family members while those involving older children were more likely to involve non-family members.

Most cases of violence against children and youth involve male offenders

Similar to police data, males were implicated in most cases of assaults against children and youth (84%). Overall, males⁸⁴ convicted of assaults against children and youth were more often non-family members (55%) than family members (40%). This varied, however, depending on the age group of the victim. For example, males convicted of assaults against youths between 12 and 17 years of age were more often non-family members (61%), however, males were less likely to be non-family members for the younger age groups (38% for 3-to-11 year olds and 16% for those under the age of 3).

Overall, females⁸⁵ convicted of violence against children and youth were more often family (54%) than non-family members (40%). This pattern holds true for females convicted of assaults against children under the age of 3 (52%) and those between the ages of 3-to-11 (76%). Females convicted of assaults against youth between the ages of 12 and 17, however, were less likely to be family (43%) than non-family members (52%).

Most cases of violence against children and youth are single-conviction cases

As stated previously, the number of convictions in a case can influence the severity of the sentence imposed.

Among all cases of violence against children and youth, 81% were single-conviction cases and 19% were multiple-conviction cases. The proportion of single convictions is slightly higher than those in cases of spousal violence (72%).

Cases of violence against children and youth by family members were less likely than those by non-family members to result in multiple convictions. Approximately 15% of cases involving family members resulted in multiple convictions, as compared to 22% of cases involving friends/acquaintances and 21% of cases involving strangers.

Box 5.3: Breach of trust as an aggravating factor in sentencing

A number of factors could have an effect on the sentencing of a defendant (see Box 5.5, p. 65). Section 718.2 of the *Criminal Code* outlines aggravating factors that should be taken into account at sentencing. A potentially aggravating factor in sentencing deals with breach of trust, which could be of particular significance when sentencing offenders convicted of violence against children. Specifically, subsection (iii) states that if there is evidence that an offender abused a position of trust or authority in relation to the victim, the severity of the sentence for the convicted offender could be affected (Ruby, 1999). Parents, caregivers and teachers are some examples of persons who are in positions of trust or authority. Thus, sentences for these offenders could presumably be more severe than those for other types of offenders.

Source: Ruby, C. 1999. *Sentencing. Fifth Edition. Toronto: Butterworths.*

81. This portion of the report provides information on certain characteristics associated with sentencing in cases of physical and sexual assaults against children and youth. Some additional factors, such as aggravating and mitigating factors, that are not measured through this data source may also be related to sentencing outcomes (see Box 5.5).

82. This number excludes cases with multiple victims, unknown sentences, unknown sex of the victim, and unknown age of the victim.

83. These proportions represent multiple and single-conviction cases. Among single-conviction cases, proportions of physical and sexual assault cases were similar (82% and 18%, respectively).

84. In 5% of cases involving male offenders, the relationship between the offender and the victim was unknown.

85. In 6% of cases involving female offenders, the relationship between the offender and the victim was unknown.

Sentencing patterns in single-conviction cases of violence against children and youth⁸⁶

Case processing time shorter for family violence against children and youth than non-family violence

Among single conviction cases, the amount of time taken to process family violence cases against children and youth was shorter than those involving non-family members (174 days compared to 191 days). Given that guilty pleas generally reduce case processing time,⁸⁷ one possible factor contributing to the difference may be the higher rate of guilty pleas for family members compared to non-family members (94% versus 88%). As with spousal violence cases, other factors such as the type of offence and complexity of cases can affect the length of time it takes to complete the processing of a case.

Family members convicted of abuse against children and youth less likely to receive prison⁸⁸

According to linked police and court records, a prison sentence was less commonly imposed on family members convicted of violence⁸⁹ against children and youth as compared to non-family members. This is consistent with research which has found that offenders that are related to victims tend to receive lighter sentences than non-family members (Daly, 1989). Fifteen percent of convicted family members received a sentence of incarceration whereas 28% of friends/acquaintances and 23% of strangers received this disposition (Table 5.9). This variation can be attributed to convicted cases of physical assault, in which family members were about half as likely to receive a prison sentence (11%) than were friends/acquaintances (24%) or strangers (21%).

In cases of sexual assault, family members tended to receive harsher sentences than non-family members. Almost half (47%) of family members convicted of sexual assault against children and youth received a period of incarceration, compared to 39% of non-family members. Further, conditional sentences, which were generally more common in cases of sexual assault (18%) than physical assault (3%), were more frequently imposed on family members (24%) than friends/acquaintances (18%) and strangers (8%).

A term of probation was handed down in two-thirds (67%) of convictions for physical violence against children and youth and 38% of convictions for sexual violence. In cases of physical violence, family members (78%) were more likely to receive a probation sentence than non-family members (58%). The reverse was true for convicted cases of sexual assault, where 29% of family members received

probation, compared to 43% of non-family members (Table 5.9).

The differences in rates of probation, based on relationship and offence type, can be partly explained by variations in the imposition of conditional discharges or suspended sentences, since both dispositions carry a mandatory period of probation. In cases of physical assault, conditional discharges and suspended sentences were more common among family members (54% of guilty cases) than non-family members (35% of guilty cases). In contrast, the courts were more likely to impose conditional discharges and suspended sentences on non-family members (26% of guilty cases) than family members (18% of guilty cases) in cases of sexual assault.

Fines and other types of sentences were less frequently imposed in cases of violence against children and youth, irrespective of the relationship between the offender and the victim (9% for family members, 12% for friends/acquaintances and 17% for strangers). However, when fines and other sanctions were imposed, they were primarily given in cases of physical assault (13%) than sexual assault (1%). Also, non-family members convicted of physical assault (16%) were more likely than family members (10%) to receive these dispositions.

The severity of the sentence varied according to the type of family relationship. For example, although parents were most likely to be convicted of violence against children and youth, other family members were twice as likely to receive a prison sentence than were parents (25% compared to 11%) (Table 5.10). There were further variations, however, when looking at offence types. Specifically, parents convicted of sexual assaults against children and youth were more likely than other family members to receive a prison disposition (52% compared to 44%), while parents convicted of physical assaults were less likely than other family members to receive prison (8% compared to 19%).

86. Sentencing data in this section are based on cases with a single conviction. Multiple-conviction cases are excluded from the analysis because only in single-conviction cases can one directly relate the sentence to a specific offence.

87. In particular, among cases with a plea of guilty, 49% of cases involving family members and 46% of cases involving non-family members were processed in 120 days or less. In contrast, for cases with a plea of not guilty, the processing time was typically over 120 days (85% for family violence cases against children and youth and 81% for non-family violence cases).

88. Analysis of sentencing in this section refers to the most serious sentence imposed in all single conviction cases of violence against children and youth.

89. In this section, violence includes all physical and sexual assaults committed against children and youth under the age of 18.

Box 5.4 Children as victims: proposal to increase *Criminal Code* penalties

With Bill C-12¹, the federal government proposes criminal law reforms to provide children with increased protection against sexual exploitation including through child pornography, and to facilitate testimony by child victims/witnesses. In terms of specific sentencing reforms, Bill C-12 would increase penalties for offences that harm children. The maximum penalty for sexual exploitation would double from five years to ten. The maximum penalty for abandonment of a child or failure to provide the necessities of life to a child would more than double from two to five years. The abuse of a child in the commission of any Criminal Code offence would also have to be considered as an aggravating factor by the court and could result in a tougher sentence.

1. *Bill C-20, An Act to amend the Criminal Code (protection of children and other vulnerable persons) and the Canada Evidence Act, was introduced on December 5, 2002. It was subsequently reinstated as Bill C-12 on February 12, 2004.*

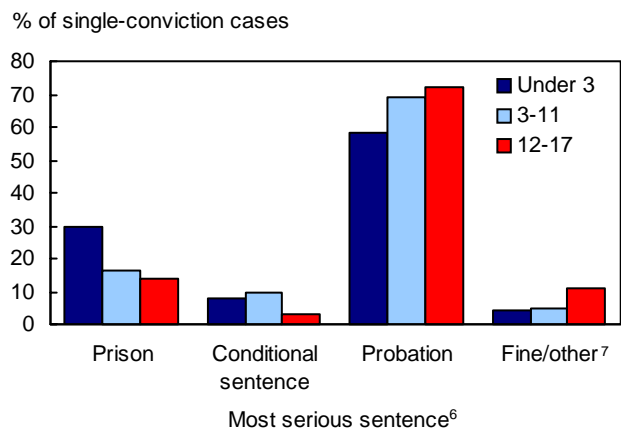
Family violence against girls and very young children more likely to result in prison

The sex of the victim in cases of assaults against children and youth appeared to have an effect on the determination of the disposition. Cases involving female victims were slightly more likely than those involving male victims to result in a prison sentence for the offender (18% versus 11%). One reason for this sentencing pattern is that sexual assault convictions, by virtue of their seriousness, are more likely to result in a prison sentence than those for physical assault, and as previously stated, girls are victims in a much higher proportion of sexual assaults than are boys. In particular, among sexual assault cases against children and youth, those involving female victims were more likely to result in a prison sentence than those involving male victims (48% compared to 37%). There was little variation in prison sentences for physical assault cases (12% for females compared to 10% for males).

The age of the child also appeared to have an impact on the severity of the sentence imposed in cases of family-related assaults. Family members convicted of violence against children under 3 years of age, although overall most likely to receive probation (58%), were twice as likely to receive a prison sentence (30%) than those convicted of assaults against children aged 3-to-11 or youths aged 12-to-17 age groups (16% and 14%, respectively) (Figure 5.6). This can be partly explained by the variation in prison sentences imposed on offenders convicted of physical assaults against children and youth. Those convicted of

physical assaults of children under 3 (29%) were far more likely than those convicted of physical assaults against children in the two older age groups (10% each), to receive a prison disposition. This is indicative of the seriousness of the physical assaults involving very young children. According to police-reported data, children under 3 years of age are much more likely to sustain major injuries as a result of the violence committed against them.

Figure 5.6
Offenders convicted of family-related assaults against children under 3 years of age more likely to receive a prison sentence^{1,2,3,4,5}



Note: Percentages may not add up to 100% due to rounding.

1. To examine the victim-offender relationship, all cases where there were multiple victims were excluded.
2. Excludes cases where the sex of the victim was unknown.
3. Excludes cases where the sentence was unknown.
4. Includes only single-conviction cases.
5. Children and youth includes all those under the age of 18.
6. Refers to the most serious sentence imposed.
7. Other sentences include restitution, compensation, conditional or absolute discharge or a suspended sentence.

Source: Statistics Canada, Canadian Centre for Justice Statistics, UCR2-ACCS linked database.

Most prison sentences for assaults against children and youth are relatively short

As was the case for spousal violence cases, prison dispositions in cases of family violence against children were relatively short. For example, the sentence length was 3 months or less for 67% of family offenders receiving a prison term for assaults against children and youth. Less than 1-in-10 (8%) convicted family offenders received a sentence that was two years or more (Table 5.11).

Although prison sentences were relatively uncommon among family members convicted of assaults against children, when family members did receive prison as a

disposition, the sentence was slightly more likely to be for a longer period of time than for non-family members sentenced to prison. Sixteen percent of convicted family members received a sentence that was greater than one year, as compared to 10% of non-family members.

For all convictions of both family and non-family members, shorter prison sentences were more frequently imposed on those convicted of physical assaults, while longer sentences were more likely to be imposed on offenders convicted of sexual assaults, which points to the seriousness associated with sexual assaults. For example, the mean prison sentence length for family members convicted of physical assaults against children and youth was 64 days, as compared to 75 days for non-family members. For sexual assaults, the mean sentence length was 417 days for family members and 326 days for non-family members.

Nine-in-ten probation orders in cases of family violence against children and youth greater than six months

Among family offenders receiving a probation sentence for assaults against children, over 9-in-10 received a term of more than 6 months of probation. Similar to the length of prison sentence, the shortest probation terms were more likely to be imposed on family offenders convicted of physical assaults, with an average mean sentence length of 450 days. The longest sentences were largely reserved for family members convicted of sexual assaults, who had a mean sentence length of 703 days.

Family members receiving a probation sentence were more likely than non-family members to be given the longest sentences of two years or more (17% compared to 11%). The greatest difference was for offenders convicted of sexual assaults. Fifty-nine percent of family members receiving a probation sentence for a sexual assault offence received a sentence that was two years or more, as compared to 34% of non-family members (Table 5.12).

Males convicted of assaults against children and youth much more likely to receive prison sentence

Similar to spousal violence, males (both family and non-family members) convicted of assaults against children were four times more likely to receive a sentence of incarceration than were their female counterparts (24% compared to 6%). Meanwhile, females were more likely than males to receive a term of probation (76% versus 59%). The fact that males were more likely than females to be convicted of sexual assaults, partly explains this sentencing variation.

Among cases of convicted parents, fathers (73%) and mothers (81%) were most likely to receive a sentence of probation. However, fathers were over four times more likely than mothers to be given a prison sentence (14% versus 3%).⁹⁰

5.3 Sentencing in cases of violence against older adults⁹¹

According to linked police and court records, there were just over 700 convicted cases of assaults against older adults in the subset of 18 urban areas studied.⁹² Convicted family members were most likely to be children (44%), followed by spouses (43%) and other family members (13%). Among non-family relationships, convictions were most likely to be recorded against friends/acquaintances (54%), followed by strangers (46%).

Most cases of violence against seniors involve male offenders

Males were most often implicated in cases of violence against seniors, comprising 86% of convicted offenders. Overall, males⁹³ convicted of senior violence were slightly more likely to be family members (51%) than non-family members (48%). Meanwhile, female⁹⁴ senior violence offenders were less likely to be family members (39%) than non-family members (53%).

Most senior violence cases are single-conviction cases

Among all cases of violence against seniors, 72% were single-conviction cases and 28% were multiple conviction cases. These proportions mirror those of spousal violence cases and were slightly lower than cases of violence against children and youth (81%).

Cases of violence against seniors by family members (24%) were less likely than those involving non-family members (32%) to result in multiple convictions. This difference is largely attributed to the fact that among all family relationships, senior spouses were the least likely to be convicted of multiple offences (13%), as compared to adult children (33%) and other family members (30%).

90. These proportions represent 106 cases for males and 9 cases for females.

91. Older adults or seniors are defined as those aged 65 and older.

92. This number excludes cases with multiple victims, unknown sentences, unknown sex of the victim, and unknown age of the victim.

93. In 2% of cases involving male offenders, the relationship between the offender and the victim was unknown.

94. In 8% of cases involving female offenders, the relationship between the offender and the victim was unknown.

Box 5.5: Aggravating and mitigating factors in sentencing

Under the fundamental principle of proportionality in section 718.1 of the *Criminal Code* the severity of the sentence is affected by the gravity of an offence. There are a number of additional aggravating and mitigating factors, however, which could also affect the type and length of sentence imposed on an offender. While the following list is not exhaustive, it illustrates some of the possible considerations (beyond simply the gravity of the offence) used in determining the dispositions in cases of violence against spouses, children and seniors. It is important to note that some factors may be given more weight than others and that no one factor will be aggravating or mitigating at all times.¹ The effect of any one factor depends largely on the circumstances and context surrounding the individual case.

Aggravating factors:

- (i) *abuse of spouse or child* - aggravating circumstance stated in section 718.2 of the *Criminal Code*.
- (ii) *abuse of position of trust or authority in relation to the victim* - aggravating circumstance stated in section 718.2 of the *Criminal Code*.
- (iii) *previous criminal record* - previous involvement in the criminal justice system is considered one of the most important factors, after the seriousness of the offence.²
- (iv) *vulnerability of the victim* – an offence against children or the aged is considered more serious, since these victims are less capable of protecting themselves. Similarly, an offence against a spouse is aggravated if the victim had previously sought a protection order.
- (v) *criminal method* – an offence that is planned and deliberate, and/or is a continuation of acts over a period of time, which may be the case with family violence, is considered more dangerous to society and more serious.
- (vi) *offender's use of weapons in the course of offences* – the use of weapons in the commission of an offence signifies a disregard for the victim's safety.
- (vii) *presence of children during the commission of the offence* – an offence committed in the presence of children is seen as an aggravating circumstance.

Mitigating factors:

- (i) *age of the offender* – if the offender is young or a senior, the court may consider this as a mitigating factor due to the fact that younger offenders are seen as being capable of reform, while punishments for senior offenders may not be seen as serving a 'useful purpose'.
- (ii) *guilty plea or confession* – if the offender pleads guilty or confesses to the crime, the court may interpret it as evidence of remorse.
- (iii) *offender's attitude* – depending on the circumstances, the events immediately following the offence, such as the offender's immediate contact with police, may illustrate remorse or otherwise good character.
- (iv) *offender's psychological problems* – if there is evidence that the offender suffered from psychological or mental health problems, such as schizophrenia, the courts may interpret that the offenders' responsibility is reduced. Also, the punishment may be viewed as more severe for an offender with a psychological problem, than it is for another offender.
- (v) *offender's past experience of abuse* – if the offender was previously abused by a spouse or another family member, the courts may consider its mitigating effects.³

Aggravating or mitigating factors:

- (i) *consequences of crime* – if the crime causes little or no harm to the victim, the court may consider its mitigating effects. On the other hand, if the crime causes serious harm, the consequences of crime may be considered an aggravating factor.
- (ii) *offender's use of substances* – depending on the circumstances surrounding the crime and offender's previous character, the use of substances may be seen as aggravating, mitigating, or having no effect on the sentence. In terms of violent crimes, the use of alcohol and drugs is typically considered an aggravating factor.

1. Ruby, C. 1999. *Sentencing. Fifth Edition. Toronto: Butterworths.*
2. Campbell, G. 1993. *An Examination of Recidivism in Relation to Offence Histories and Offender Profiles. Ottawa: Statistics Canada.*
3. *Ad Hoc Federal-Provincial-Territorial Working Group Reviewing Spousal Abuse Policies and Legislation. 2003. Final Report of the Ad Hoc Federal-Provincial-Territorial Working Group Reviewing Spousal Abuse Policies and Legislation. Prepared for the Federal-Provincial-Territorial Ministers Responsible for Justice.*

Sentencing in single-conviction cases of violence against seniors⁹⁵

Similar to offences reported to police, the most common offences against seniors for which single-convictions were recorded were for common assault (57%). The next most frequently occurring offences were the more serious forms of assault (24%), uttering threats (8%) and robbery (7%). Single-conviction cases of violence against seniors were

slightly more likely to involve family than non-family members⁹⁶ (Table 5.13).

95. *Sentencing data in this section are based on cases with a single conviction. Multiple-conviction cases are excluded from the analysis because only in single-conviction cases can one directly relate the punishment to a specific offence.*

96. *Includes only known relationships.*

Case processing time shortest for family violence against seniors

The mean elapsed time from first court appearance to conviction for cases of violence against seniors was 97 days for family members and 170 days for non-family members. As with cases of spousal violence and violence against children and youth, this difference in case processing time may be due to such factors as the variations in the type of plea, the type of offences, and volume of cases being processed.

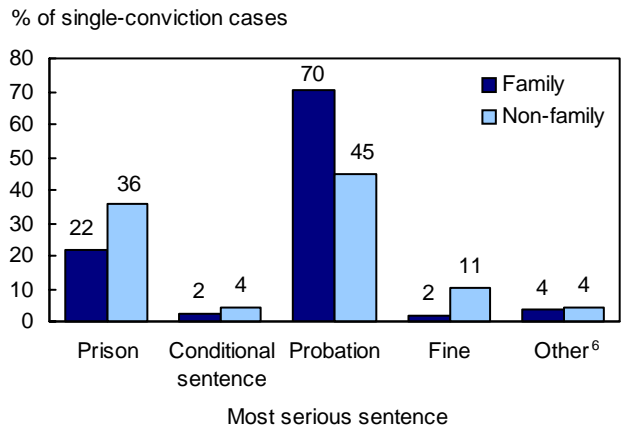
Family members less likely to receive prison sentence for violence against seniors

As with family violence against spouses and children, a prison sentence was less commonly imposed on family members convicted of violence against seniors as compared to non-family members (22% and 36%, respectively) (Figure 5.7). This difference can largely be explained by the fact that non-family members were more likely to be convicted of more serious types of offences as compared to family members. For example, non-family members were more likely than family members to be convicted of major assaults (27% compared to 20%) and robbery (15% compared to 1%). Also, convicted family members were more likely than convicted non-family members to plead guilty to violence against seniors, which the courts may interpret as mitigating the offence (95% versus 86%).

When controlling for sentencing patterns among common offence types, some variations remained. Family members convicted of major assault were less likely than non-family members convicted of the same offence to receive a prison sentence (22% compared to 34%).

While there were no differences in the allocation of prison dispositions for common assault convictions between family and non-family members (21% each), family members were much more likely to receive a probationary sentence (72%) than non-family members (54%). As with spousal violence and violence against children and youth, part of the difference in probation rates between family and non-family members may be a product of differences in the imposition of a conditional discharge or suspended sentence, which both carry a mandatory term of probation. For common assault, family members were more likely than non-family members to receive these types of dispositions (51% of guilty cases versus 34% of guilty cases). Other types of dispositions not carrying a mandatory probation term, such as a fine or a conditional sentence, were more common among non-family members than family members (25% compared to 7%).

Figure 5.7
Offenders convicted of family-related violence against seniors most likely to receive a sentence of probation^{1,2,3,4,5}



Note: Percentages may not add up to 100% due to rounding.
 1. To examine the victim-offender relationship, all cases where there were multiple victims were excluded.
 2. Excludes cases where the sex of the victim was unknown.
 3. Excludes cases where the sentence was unknown.
 4. Includes only single-conviction cases.
 5. Seniors include all those aged 65 years and over.
 6. Refers to the most serious sentence imposed.
 7. Other sentences include restitution, compensation, conditional or absolute discharge or a suspended sentence.
Source: Statistics Canada, Canadian Centre for Justice Statistics, UCR2-ACCS linked database.

Among convicted family members, adult children most likely to receive prison sentence

Overall, probation was the most common sentence imposed on family members convicted of violence against seniors. However, sentence types varied by the victim-offender relationship. For example, spouses were much more likely to receive a sentence of probation (83%) as compared to adult children (56%) and other family members (64%). On the other hand, adult children were most likely to receive a prison sentence (38%) as compared to other family members (30%) and spouses (7%) (Table 5.14).

When controlling for the type of offence, differences in disposition types among family relationships remained. For example, among convictions for common assault, adult children (37%) and other family members (32%) were much more likely to receive a prison sentence than were spouses (8%).

Prison sentences imposed for violence against seniors tend to be short

Another dimension of the severity of sanctions being imposed involves examining the sentence length. Overall, when prison sentences were imposed in cases of violence against seniors, they tended to be for a short time period. In almost three quarters of senior violence cases receiving prison as a disposition, sentences were for 6 months or less.

Short sentences were more common for cases involving family members. Specifically, the mean prison sentence length for family members convicted of violence against seniors was less than half that of non-family members (121 days compared to 267 days).

Most probation orders for violence against seniors greater than six months

Among all convicted offenders receiving a probation sentence for violence against seniors, most (92%) received a sentence that was in excess of 6 months. Similar to cases of violence against children and youth, family members were more likely than non-family members to receive the longest probation sentences of two years or more (17% compared to 8%) (Table 5.15). When considering the differences in average sentence lengths, overall, the mean length for a probation sentence for family members was for 467 days, as compared to 410 days for non-family members.

Adult children more likely to receive prison for violence against their mothers

When considering the sex of the victim, those convicted of family violence against senior females (21%) were slightly less likely to receive a prison sentence than those convicted of violence against senior males (25%). Larger variations emerged when the victim-offender relationship was taken into account. For example, adult children convicted of violence against their mothers were more likely to receive a prison sentence than those convicted of violence against their fathers (42% compared to 32%⁹⁷).

Summary

According to the linked UCR2-ACCS database, there were a number of variations in sentencing outcomes for family members and non-family members. In particular, the courts were less likely to give a prison sentence in cases of family violence than they were in non-family violence cases. This was true for spousal violence, violence against children and youth, and senior violence. When prison sentences

were imposed on family members, they generally tended to be shorter than those similar to non-family members receiving prison as a disposition. Certain aggravating and mitigating factors (see Box 5.5, p. 65) could partly explain the difference in incarceration rates between family members and non-family members, such as the abuse of a spouse or child, use of weapon, type of plea, and offender's age. However, some aggravating and mitigating factors could not be measured using the linked database. Examples of these include the offender's past criminal record, criminal method, and presence of children during the commission of the offence.

While the majority of family members convicted of violence received probation, certain offender and victim characteristics increased the likelihood of a prison sentence. For spousal violence cases, a custodial sanction was more frequently imposed for those spouses who were male, estranged from their partners, and under 25 years old. Male family members were also more likely than female offenders to receive a prison sentence in cases of violence against children and youth. In addition, prison was more commonly imposed when the child victim was female or under 3 years of age. In cases of family violence against seniors, adult children were more likely than were spouses to receive a prison sentence on conviction.

When probation sentences were imposed, they generally tended to be longer for those convicted of violence against their spouses as compared to non-spouses, and also tended to be longer for family members convicted of violence against children and youth and seniors as compared to non-family members.

This chapter has presented a profile of characteristics associated with sentencing outcomes for cases of spousal violence, violence against children and youth as well as violence against seniors. Future publications will undertake multivariate analysis of the linked police and court records to control for the independent effects of certain variables on sentencing outcomes. An examination of the prevalence and nature of charge reduction will also be undertaken. Additionally, it is hoped that future record linkage activities will allow for the examination and analysis of the past criminal history of the offender, and its impact on the sentence imposed in court, as well as comparisons of cases processed through specialized family violence courts compared to other criminal courts.

⁹⁷ These proportions represent 27 and 13 cases, respectively.

Table 5.1
Number and proportion of single-conviction cases, by offence type and victim-offender relationship^{1,2,3}

	Sexual assault		Major assault ⁴		Common assault		Uttering threats		Criminal harassment		Other violent offences ⁵		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Spouse ⁶	71	1	1,541	12	10,343	80	749	6	158	1	41	0	12,903	100
Other family	200	7	765	25	1,802	60	193	6	13	0	55	2	3,028	100
Friend/acquaintance	645	6	2,463	23	5,854	55	935	9	328	3	330	3	10,555	100
Stranger	279	5	1,919	32	2,776	46	309	5	41	1	739	12	6,063	100
Unknown	54	5	300	27	602	54	78	7	12	1	60	5	1,106	100
Total	1,249	4	6,988	21	21,377	64	2,264	7	552	2	1,225	4	33,655	100

Note: Percentages may not add up to 100% due to rounding.

0 true zero or a value rounded to zero

1. To examine the victim-offender relationship, all cases where there were multiple victims were excluded.

2. Excludes cases where the sex and/or age of victim was unknown.

3. Excludes cases where the sentence was unknown.

4. Includes aggravated assault and assault with a weapon or causing bodily harm.

5. Includes homicide, attempted murder, robbery, and other crimes against the person.

6. 'Spouse' includes legally married, common law, divorced and separated partners, aged 15 to 89.

Source: Statistics Canada, Canadian Centre for Justice Statistics, UCR2-ACCS linked database.

Table 5.2
Number and proportion of male and female spousal violence cases, by offence type^{1,2,3,4,5}

	Male offender		Female offender		Total
	No.	%	No.	%	
Sexual assault	71	1	0	0	71
Major assault	1,243	10	298	31	1,541
Common assault	9,712	81	629	64	10,341
Uttering threats	712	6	37	4	749
Criminal harassment	154	1	4	0	158
Other violent offences ⁶	33	0	8	1	41
Total	11,925	100	976	100	12,901

Note: Percentages may not add up to 100% due to rounding.

0 true zero or a value rounded to zero

1. To examine the victim-offender relationship, all cases where there were multiple victims were excluded.

2. Excludes cases where the sex and/or age of the victim was unknown.

3. Excludes cases where the sentence was unknown.

4. Excludes two cases where the sex of the accused was unknown.

5. Spousal violence refers to violence committed by legally married, common-law, separated and divorced partners, aged 15 to 89.

6. Other violent offences include homicide, attempted homicide, robbery, and other crimes against the person.

Source: Statistics Canada, Canadian Centre for Justice Statistics, UCR2-ACCS linked database.

Table 5.3
Number and proportion of most serious sentences in single-conviction violence cases, by offence type^{1,2,3,4}

Type of charge	Prison		Conditional sentence		Probation		Fine		Other		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Spousal violence⁵												
Sexual assault	20	28	17	24	34	48	0	0	0	0	71	100
Major assault	487	32	76	5	937	61	22	1	19	1	1,541	100
Common assault	1,734	17	123	1	7,649	74	531	5	306	3	10,343	100
Uttering threats	134	18	13	2	571	76	21	3	10	1	749	100
Criminal harassment	51	32	12	8	91	58	0	0	4	3	158	100
Other violent offences ⁶	19	46	4	10	17	41	0	0	1	2	41	100
Total	2,445	19	245	2	9,299	72	574	4	340	3	12,903	100
Non-spousal violence												
Sexual assault	404	36	169	15	486	43	49	4	16	1	1,124	100
Major assault	1,850	36	272	5	2,426	47	490	10	109	2	5,147	100
Common assault	2,211	21	144	1	6,100	58	1,528	15	449	4	10,432	100
Uttering threats	366	25	18	1	922	64	84	6	47	3	1,437	100
Criminal harassment	100	26	21	5	256	67	1	0	4	1	382	100
Other violent offences ⁶	812	72	83	7	206	18	15	1	8	1	1,124	100
Total	5,743	29	707	4	10,396	53	2,167	11	633	3	19,646	100

Note: Percentages may not add up to 100% due to rounding.

0 true zero or a value rounded to zero

1. To examine the victim-offender relationship, all cases where there were multiple victims were excluded.

2. Excludes cases where the sex and/or age of the victim was unknown.

3. Excludes cases where the sentence was unknown.

4. Refers to the most serious sentence imposed.

5. Spousal violence refers to violence committed against a legally married, common-law, separated or divorced partner, aged 15 to 89.

6. Other violent offences include homicide, attempted homicide, robbery and other crimes against the person.

Source: Statistics Canada, Canadian Centre for Justice Statistics, UCR2-ACCS linked database.

Table 5.4
Length of prison sentence for spousal and non-spousal violence in single-conviction cases by selected offence types^{1,2,3,4,5}

Length of prison sentence	Major assault		Common assault		Uttering threats		Criminal harassment	
	No.	%	No.	%	No.	%	No.	%
Spousal violence⁶								
1 month or less ⁷	155	33	943	58	64	55	26	53
>1 to 3 months	166	36	531	33	37	32	19	39
>3 to 6 months	83	18	124	8	13	11	2	4
>6 to 12 months	31	7	30	2	3	3	0	0
>12 to <24 months	17	4	4	0	0	0	2	4
24+ months	12	3	0	0	0	0	0	0
Total	464	100	1,632	100	117	100	49	100
Non-spousal violence								
1 month or less ⁷	685	39	1,303	63	218	65	53	57
>1 to 3 months	558	32	606	29	92	27	27	29
>3 to 6 months	251	14	137	7	22	7	7	8
>6 to 12 months	144	8	14	1	3	1	2	2
>12 to <24 months	57	3	2	0	1	0	3	3
24+ months	52	3	2	0	0	0	1	1
Total	1,747	100	2,064	100	336	100	93	100

Note: Percentages may not add up to 100% due to rounding.

0 true zero or a value rounded to zero

1. The table examines those offences with the largest number of convictions (assaults, threats and criminal harassment) resulting in prison sentences. It excludes convicted cases for all other violent offences.

2. To examine the victim-offender relationship, all cases where there were multiple victims were excluded.

3. Excludes cases where the sex and/or age of the victim was unknown.

4. Excludes cases where the sentence was unknown.

5. Refers to the most serious sentence imposed.

6. Spousal violence refers to violence committed by legally married, common-law, separated and divorced partners.

7. This category excludes time served in custody prior to sentencing.

Source: Statistics Canada, Canadian Centre for Justice Statistics, UCR2-ACCS linked database.

Table 5.5
Mean prison and probation sentence length and fine amount for single-conviction spousal and non-spousal violence cases, by selected offence types^{1,2,3}

Offence type	Spousal violence cases			Non-spousal violence cases		
	Prison mean	Probation mean	Fine mean	Prison mean	Probation mean	Fine mean
	(days)	(days)	(\$)	(days)	(days)	(\$)
Total violent offences	87	424	368	172	426	412
Major assault ⁴	123	468	579	199	443	517
Common assault	49	412	332	46	396	377
Uttering threats ⁴	53	468	385	40	448	334
Criminal harassment	70	661	...	66	601	...

... not applicable

1. Excludes cases where the sentence length or fine amount was unknown.

2. Refers to the most serious sentence imposed.

3. Spousal violence refers to violence committed by legally married, common-law, separated and divorced partners.

4. Given the small number of major assault and uttering threats cases resulting in a fine, comparisons should not be made.

Source: Statistics Canada, Canadian Centre for Justice Statistics, UCR2-ACCS linked database.

Table 5.6

Length of probation sentence for spousal and non-spousal violence in single-conviction cases, by selected offence types^{1,2,3,4,5,6}

Length of probation sentence	Major assault		Common assault		Uttering threats		Criminal harassment	
	No.	%	No.	%	No.	%	No.	%
Spousal violence⁷								
1 month or less	0	0	4	0	1	0	0	0
>1 to 3 months	10	1	51	1	2	0	0	0
>3 to 6 months	55	6	752	10	35	6	0	0
>6 to 12 months	437	47	4,422	58	302	53	25	27
>12 to <24 months	280	30	1,723	23	127	22	20	22
24+ months	155	17	697	9	104	18	46	51
Total	937	100	7,649	100	571	100	91	100
Non-spousal violence								
1 month or less	8	0	9	0	4	0	1	0
>1 to 3 months	17	1	80	1	4	0	1	0
>3 to 6 months	180	7	741	12	61	7	2	1
>6 to 12 months	1,333	55	3,703	61	530	57	78	30
>12 to <24 months	525	22	1,060	17	182	20	76	30
24+ months	363	15	507	8	141	15	98	38
Total	2,426	100	6,100	100	922	100	256	100

Note: Percentages may not add up to 100% due to rounding.

0 true zero or a value rounded to zero

1. Data on the length of probation refers to only cases in which probation was the most serious sentence.

2. The table examines those offences with the largest number of convictions (assaults, threats and criminal harassment) resulting in probation sentences.

3. To examine the victim-offender relationship, all cases where there were multiple victims were excluded.

4. Excludes cases where the sex and/or age of the victim was unknown.

5. Excludes cases where the sentence was unknown.

6. Refers to the most serious sentence imposed.

7. Spousal violence refers to violence committed by legally married, common-law, separated and divorced partners.

Source: Statistics Canada, Canadian Centre for Justice Statistics, UCR2-ACCS linked database.

Table 5.7

Length of prison and probation sentence for males and females in single-conviction cases of spousal violence^{1,2,3,4,5,6}

	Prison		Probation	
	No.	%	No.	%
Male convicted spouses				
1 month or less	1,159	52	5	0
>1 to 3 months	743	33	56	1
>3 to 6 months	223	10	737	9
>6 to 12 months	67	3	4,770	56
>12 to < 24 months	23	1	2,022	24
24+ months	23	1	955	11
Total	2,238	100	8,545	100
Female convicted spouses				
1 month or less	37	61	1	0
>1 to 3 months	13	21	7	1
>3 to 6 months	6	10	105	14
>6 to 12 months	1	2	436	58
>12 to < 24 months	2	3	145	19
24+ months	2	3	58	8
Total	61	100	752	100

Note: Percentages may not add up to 100% due to rounding.

0 true zero or a value rounded to zero

1. Spouses refer to persons who are legally married, common-law, separated or divorced.

2. To examine the victim-offender relationship, all cases where there were multiple victims were excluded.

3. Excludes cases where the sex and/or age of the victim was unknown.

4. Excludes cases where the sentence and length of sentence were unknown.

5. Refers to the most serious sentence imposed.

6. Spousal violence refers to violence committed by legally married, common-law, separated and divorced partners.

Source: Statistics Canada, Canadian Centre for Justice Statistics, UCR2-ACCS linked database.

Table 5.8
Most serious sentence in single-conviction spousal violence cases, by selected offence types^{1,2,3,4,5,6}

	Prison		Conditional sentence		Probation		Fine		Other ⁷		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Current spouse⁸												
Major assault	424	31	69	5	859	62	16	1	17	1	1,385	100
Common assault	1,485	16	114	1	6,914	75	442	5	271	3	9,226	100
Uttering threats	74	14	10	2	413	80	13	3	7	1	517	100
Criminal harassment	8	24	3	9	20	61	0	0	2	6	33	100
Ex-spouses⁹												
Major assault	63	40	7	4	78	50	6	4	2	1	156	100
Common assault	249	22	9	1	735	66	89	8	35	3	1,117	100
Uttering threats	60	26	3	1	158	68	8	3	3	1	232	100
Criminal harassment	43	34	9	7	71	57	0	0	2	2	125	100

Note: Percentages may not add up to 100% due to rounding.

0 true zero or a value rounded to zero

1. To examine the victim-offender relationship, all cases where there were multiple victims were excluded.

3. Excludes cases where the sex and/or age of the victim was unknown.

4. Excludes cases where the sentence was unknown.

5. Refers to the most serious sentence imposed.

6. Spousal violence refers to violence committed by legally married, common-law, separated and divorced partners, aged 15 to 89.

7. Other sentences include restitution, compensation, conditional or absolute discharge or a suspended sentence.

8. Spouses refer to legally married and common-law partners.

9. Ex-spouses refer to separated and divorced partners.

Source: Statistics Canada, Canadian Centre for Justice Statistics, UCR2-ACCS linked database.

Table 5.9
Most serious sentence in single-conviction cases of assault against children and youth, by victim-offender relationship^{1,2,3,4}

Relationship of victim to offender	Prison		Conditional sentence		Probation		Fine		Other ⁵		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Total assaults												
Family	226	15	82	5	1,060	71	47	3	84	6	1,499	100
Friend/acquaintance	341	28	73	6	668	55	93	8	46	4	1,221	100
Stranger	119	23	23	5	280	55	55	11	32	6	509	100
Unknown	35	23	12	8	91	59	7	5	9	6	154	100
Total	721	21	190	6	2,099	62	202	6	171	5	3,383	100
Sexual assault												
Family	80	47	41	24	49	29	0	0	0	0	170	100
Friend/acquaintance	122	41	53	18	113	38	2	1	4	1	294	100
Stranger	33	32	8	8	58	56	4	4	0	0	103	100
Unknown	16	48	7	21	9	...	0	0	1	3	33	100
Total	251	42	109	18	229	38	6	1	1	0	600	100
Physical assault												
Family	146	11	41	3	1,011	76	47	4	84	6	1,329	100
Friend/acquaintance	219	24	20	2	555	60	91	10	42	5	927	100
Stranger	86	21	15	4	222	55	51	13	32	8	406	100
Unknown	19	16	5	4	82	68	7	6	8	7	121	100
Total	470	17	81	3	1,870	67	196	7	166	6	2,783	100

Note: Percentages may not add up to 100% due to rounding.

0 true zero or a value rounded to zero

1. To examine the victim-offender relationship, all cases where there were multiple victims were excluded.

2. Excludes cases where the sex and/or age of the victim was unknown.

3. Excludes cases where the sentence was unknown.

4. Refers to the most serious sentence imposed.

5. Other sentences include restitution, compensation, conditional or absolute discharge or a suspended sentence.

Source: Statistics Canada, Canadian Centre for Justice Statistics, UCR2-ACCS linked database.

Table 5.10
Most serious sentence in single-conviction cases of family violence against children and youth^{1,2,3,4}

	Prison		Conditional sentence		Probation		Fine		Other ⁵		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Total assaults												
Parent	115	11	49	5	784	75	29	3	70	7	1,047	100
Other family ⁶	111	25	33	7	276	61	18	4	14	3	452	100
Total	226	15	82	5	1,060	71	47	3	84	6	1,499	100
Sexual assault												
Parent	35	52	15	22	17	25	0	0	0	0	67	100
Other family ⁶	45	44	26	25	32	31	0	0	0	0	103	100
Total	80	47	41	24	49	29	0	0	0	0	170	100
Physical assault												
Parent	80	8	34	3	767	78	29	3	70	7	980	100
Other family ⁶	66	19	7	2	244	70	18	5	14	4	349	100
Total	146	11	41	3	1,011	76	47	4	84	6	1,329	100

Note: Percentages may not add up to 100% due to rounding.

0 true zero or a value rounded to zero

1. To examine the victim-offender relationship, all cases where there were multiple victims were excluded.

2. Excludes cases where the sex and/or age of the victim was unknown.

3. Excludes cases where the sentence was unknown.

4. Refers to the most serious sentence imposed.

5. Other sentences include restitution, compensation, conditional or absolute discharge or a suspended sentence.

6. Other family includes siblings and extended family members.

Source: Statistics Canada, Canadian Centre for Justice Statistics, UCR2-ACCS linked database.

Table 5.11
Length of prison sentence in single-conviction cases of assaults against children and youth^{1,2,3,4,5}

Length of prison sentence	Sexual assault		Physical assault		Total assault	
	No.	%	No.	%	No.	%
Family						
1 month or less	6	8	74	54	80	37
> 1 to 3 months	18	23	48	35	66	30
> 3 to 6 months	11	14	10	7	21	10
> 6 to 12 months	14	18	2	1	16	7
> 12 to < 24 months	15	19	3	2	18	8
24 + months	16	20	1	1	17	8
Total	80	100	138	100	218	100
Non-Family						
1 month or less	28	19	162	57	190	44
> 1 to 3 months	44	30	83	29	127	29
> 3 to 6 months	22	15	27	10	49	11
> 6 to 12 months	17	12	4	1	21	5
> 12 to < 24 months	18	12	5	2	23	5
24 + months	18	12	3	1	21	5
Total	147	100	284	100	431	100

Note: Percentages may not add up to 100% due to rounding.

1. To examine the victim-offender relationship, all cases where there were multiple victims were excluded.

2. Includes only those cases in which prison was the most serious sentence.

3. Excludes cases where the sex and/or age of the victim was unknown.

4. Excludes cases where the sentence and length of sentence were unknown.

5. Refers to the most serious sentence imposed.

Source: Statistics Canada, Canadian Centre for Justice Statistics, UCR2-ACCS linked database.

Table 5.12
Length of probation sentence in single-conviction cases of assaults against children and youth^{1,2,3,4,5}

Length of probation sentence	Sexual assault		Physical assault		Total assault	
	No.	%	No.	%	No.	%
Family						
> 1 to 3 months	0	0	6	1	6	1
> 3 to 6 months	0	0	68	7	68	6
> 6 to 12 months	9	18	542	54	551	52
> 12 to < 24 months	11	22	240	24	251	24
24 + months	29	59	155	15	184	17
Total	49	100	1,011	100	1,060	100
Non-family						
1 month or less	0	0	3	0	3	0
> 1 to 3 months	0	0	15	2	15	2
> 3 to 6 months	5	3	106	14	111	12
> 6 to 12 months	64	37	472	61	536	57
> 12 to < 24 months	44	26	130	17	174	18
24 + months	58	34	51	7	109	11
Total	171	100	777	100	948	100

Note: Percentages may not add up to 100% due to rounding.

0 true zero or a value rounded to zero

1. To examine the victim-offender relationship, all cases where there were multiple victims were excluded.

2. Includes only those cases in which probation was the most serious sentence.

3. Excludes cases where the sex and/or age of the victim was unknown.

4. Excludes cases where the sentence was unknown.

5. Refers to the most serious sentence imposed.

Source: Statistics Canada, Canadian Centre for Justice Statistics, UCR2-ACCS linked database.

Table 5.13
Single-conviction cases of violence against seniors, by type of charge and relationship to the victim^{1,2,3}

Type of charge	Family ⁴		Non family ⁵		Total	
	No.	%	No.	%	No.	%
Robbery	2	1	35	15	37	7
Sexual assault	2	1	5	2	7	1
Major assault	55	20	64	27	119	24
Common assault	178	66	112	47	290	57
Uttering threats	25	9	15	6	40	8
Other violent offences ⁶	7	3	6	3	13	3
Total	269	53	237	47	506	100

Note: Percentages may not add up to 100% due to rounding.

1. To examine the victim-offender relationship, all cases where there were multiple victims were excluded.

2. Excludes cases where the sex and/or age of the victim was unknown.

3. Excludes cases where the sentence and victim-offender relationship was unknown.

4. Family includes spouse, adult child and other family members.

5. Non-family includes friends, acquaintances and strangers.

6. Other violent offences include homicide, criminal harassment, and other crimes against the person.

Source: Statistics Canada, Canadian Centre for Justice Statistics, UCR2-ACCS linked database.

Table 5.14
Most serious sentence in single-conviction cases of family-related violence against seniors^{1,2,3,4}

	Prison		Conditional sentence		Probation		Fine		Other ⁵		Total	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Spouse	9	7	3	2	109	83	2	2	8	6	131	49
Adult Child	40	38	3	3	59	56	1	1	2	2	105	39
Other immediate or extended family	10	30	0	0	21	64	2	6	0	0	33	12
Total senior victims	59	22	6	2	189	70	5	2	10	4	269	100

Note: Percentages may not add up to 100% due to rounding.

0 true zero or a value rounded to zero

1. To examine the victim-offender relationship, all cases where there were multiple victims were excluded.

2. Excludes cases where the sex and/or age of the victim was unknown.

3. Excludes cases where the sentence was unknown.

4. Refers to the most serious sentence imposed.

5. Other sentences include restitution, compensation, conditional or absolute discharge or a suspended sentence.

Source: Statistics Canada, Canadian Centre for Justice Statistics, UCR2-ACCS linked database.

Table 5.15
Length of prison and probation sentences for single-conviction cases of violence against seniors^{1,2,3,4,5}

	Family		Non family		Total	
	No.	%	No.	%	No.	%
Prison						
1 month or less	27	49	25	30	52	37
> 1 to 3 months	14	25	17	20	31	22
> 3 to 6 months	9	16	10	12	19	14
> 6 to 12 months	2	4	13	15	15	11
> 12 to < 24 months	0	0	11	13	11	8
24 + months	3	5	8	10	11	8
Total	55	100	84	100	139	100
Probation						
1 month or less	1	1	0	0	1	0
> 1 to 3 months	1	1	0	0	1	0
> 3 to 6 months	12	6	11	10	23	8
> 6 to 12 months	94	50	69	64	163	55
> 12 to < 24 months	49	26	18	17	67	23
24 + months	32	17	9	8	41	14
Total	189	100	107	100	296	100

Note: Percentages may not add up to 100% due to rounding.

0 true zero or a value rounded to zero

1. To examine the victim-offender relationship, all cases where there were multiple victims were excluded.

2. Includes only those cases in which prison and probation were the most serious sentence.

3. Excludes cases where the sex and/or age of the victim was unknown.

4. Excludes cases where the sentence and length of sentence were unknown.

5. Refers to the most serious sentence imposed.

Source: Statistics Canada, Canadian Centre for Justice Statistics, UCR2-ACCS linked database.

Methodology

Incident-based Uniform Crime Reporting (UCR2) Survey – Chapters 1 to 3

The Uniform Crime Reporting (UCR) Survey was developed by Statistics Canada with the co-operation and assistance of the Canadian Association of Chiefs of Police. The aggregate UCR Survey, which became operational in 1962, collects crime and traffic statistics reported by all police agencies in Canada. The UCR survey data reflect reported crime that has been substantiated through police investigation.

Police reported incident-based crime statistics are collected through the UCR2 Survey. This survey allows detailed examination of accused, victim, and incident characteristics. Collection of these micro data began in 1988. In 2002, there were 123 police agencies in 9 provinces reporting to the UCR2. A subset of the UCR2 database, the UCR2 Research database, was used for chapters 1 to 3. Data from this non-representative subset accounted for 56% of the national volume of crime in 2002. The UCR2 Research database includes 94 police agencies in 9 provinces. The incidents contained in the 2002 Research database were distributed as follows: 39% from Ontario, 30% from Quebec, 12% from Alberta, 5% from British Columbia, 5% from Manitoba, 5% from Saskatchewan, 2% from Nova Scotia, 1% from New Brunswick, and 1% from Newfoundland and Labrador.

The UCR2 Trend Database contains historical data that permits the analysis of trends in the characteristics of incidents, accused and victims, such as the victim-accused relationship. This database currently includes 78 police services that have reported to the UCR2 Survey consistently since 1998. These respondents accounted for 46% of the national volume of crime in 2002.

General Social Survey (GSS) – Chapter 1

Criminal victimization surveys are undertaken by Statistics Canada on a cyclical basis. Statistics Canada conducted a victimization survey as part of the General Social Survey (GSS) in 1988. The survey was repeated in 1993 and 1999. Individuals 15 years and older were asked about

their experiences with crime and their opinions concerning the justice system. The GSS measures victimization for eight types of crime, according to *Criminal Code* definitions. The 1999 survey included special modules to measure spousal violence and violence against older adults by family members.

The 1999 GSS measures the severity and range of spousal violence through the use of a module of ten questions. These questions are ranked from the least severe violence to the most severe violence. The questions ask about specific behaviours rather than focusing on one or two questions about whether or not the respondent experienced spousal violence.

Households in the ten provinces were selected using random digit dialling technique. Once a household was chosen, any individual 15 years or older was randomly selected to respond to the survey. Households were excluded from the survey when they had no telephone or when the chosen respondent could not speak English or French. Also excluded were individuals living in institutions. The sample size in 1999 was 25,876 persons, up significantly from 10,000 for the previous two cycles.

The next administration of the victimization survey is underway in 2004. Results from the 2004 GSS will be available and presented in the 2005 annual publication *Family Violence in Canada: A Statistical Profile*.

Homicide Survey – Chapter 4

The Homicide Survey began collecting police-reported data on homicide incidents, victims and accused persons in Canada in 1961 and began collecting data on family-related homicides in 1974. Whenever a homicide becomes known to police, the investigating police department completes a survey questionnaire, which is then forwarded to the Canadian Centre for Justice Statistics. The count for a particular year represents all homicides reported in that year, regardless of when the death actually occurred. In 1991 and 1997, the survey was revised and expanded to include additional variables, such as previous conviction

histories of the accused and victim, employment of the accused and victim, victim's use of force at the time of the incident, and Shaken Baby Syndrome as a cause of death.

The Homicide Survey also contains a narrative section, where investigating officers insert additional details on the homicide that are not included in the questionnaire portion of the survey. These additional details include such information as the presence/absence of a restraining order and the attempted suicide of the accused. However, generalizations cannot be made to all homicides, since the availability of this supplementary information varies between homicide reports.

UCR2-ACCS linked database – Chapter 5

Data sources used in this study

Data from the incident-based UCR2 survey for the years 1997 through 2001 were linked to convicted violent cases data from the Adult Criminal Court Survey (ACCS) for the years 1997/98 through 2001/02.

The UCR2 variables that were linked to the court files include: relationship of victim to accused; sex of victim; age of victim; level of injury and presence/type of weapon.

Coverage

Geographic coverage

Coverage for the UCR2 and ACCS databases includes 18 urban areas in four provinces for the study period 1997/98 to 2001/02 (Newfoundland and Labrador, Ontario, Saskatchewan and Alberta). The 18 urban areas that are included in the pilot project are:

St. John's	Windsor	Waterloo	Kingston
Stratford	London	Thunder Bay	Brantford
Ottawa	Toronto	Guelph	Niagara
Edmonton	Calgary	Regina	Saskatoon
Prince Albert	Lethbridge		

Because the study focuses on selected urban areas in four provinces where both UCR2 and ACCS data are collected, it is not a representative sample, but rather a location-specific analysis of sentencing patterns. Data from these urban areas are rolled-up to produce an aggregate presentation of results.

Reference period

Overall, violent convictions represent approximately 22% of all convicted cases in the urban areas covered by this study. These convictions are based on a reference year according to the date the most serious conviction was

concluded in court. However, this date may be several months removed from the date the charge was laid by police, because of time lags between charging and court conviction. For this reason, it was necessary to include multiple UCR2 reference periods in the UCR2 source file.

Methodology used for the study on sentencing in cases of family violence

Record matching process

The availability of microdata records for both the ACCS and UCR2 determined the size of the non-representative sample for this study. The study looked at linked records for urban areas of Newfoundland and Labrador, Ontario, Saskatchewan and Alberta for the years 1997/98 through 2001/02.

The matching process starts with convicted case records from the ACCS for those urban areas with ACCS and UCR2 coverage. These convicted adult court case records were then linked to UCR2 incident records using the encrypted name identifier (Soundex), offender's date of birth, offence and date of offence. To improve the match rate, a number of steps were taken. First, accommodations were made for variations in the coding of the same offence between police and the court records. Second, offence groupings were considered, given that many offences are reduced by the time the charge has been processed by the courts. Third, to accommodate police-specified offence date range, an offence date range was used which considered the earliest and latest possible date of offence.

From a base of approximately 174,000 case records, 58,000 records were matched either exactly or within the same offence type (e.g., major assault, sexual assault) or within the police specified offence date range.

From 1997/98 to 2001/02, the ACCS file for the 18 selected urban areas contained approximately 100,000 convicted case records for violent offences. However, 14% (14,000 convicted cases) had a date of offence that predated UCR2 coverage in the selected urban areas, leaving nearly 87,000 violent crime records in scope.

Two-thirds of the 87,000 ACCS convicted case records (67% or 58,000 convicted cases) were matched to UCR2 records. In 99% of cases, the court case was processed in the same jurisdiction where the charge was laid. Reasons for unmatched records include differences in police boundaries and court catchment areas (i.e., some courts may cover larger geographies than the area of police forces reporting to the UCR2), court cases that are transferred from other locations, data from the RCMP for

federal statute offences (including violent crimes), and changes to personal identifiers.

Bias analysis

An analysis to assess the possible bias between matched and unmatched records was undertaken. In other words, an analysis was conducted to evaluate whether the characteristics of both the matched and unmatched records were similar. Results revealed that for 90% of cases at the provincial level, the matching bias was negligible or nil.

Inclusion of varied offence and date information

The circumstances of an incident and the charge deriving from that incident will sometimes cause the charge to be modified upon examination in court. This modification of the original charge usually translates into a reduction in the seriousness of the offence. However, the charge would usually remain within the same offence grouping (e.g., a change from first degree to second degree murder). The modification of offence information after it proceeds through the court process impacts on the successful linking of records for this study.

An examination of the records included in the matching process indicates that the more serious offences are usually subject to modification. In the linked file, 2% of offences were matched through an offence group rather than from an exact offence match.

Counting Procedures

The basic unit of count for this study is the convicted case. A convicted case is defined as one or more charges against an offender disposed of on the same date, with at least one charge resulting in a conviction. Charges are matched to a case on the basis of jurisdiction, the accused identifier (i.e., a provincial/territorial reference number is used to match charges with an accused) and the date of the last court appearance. The study counts more than one case against an individual when charges against the accused are completed on different dates.

Most serious offence in a case

In cases where two or more offences have resulted in a conviction, the “most serious offence” rule applies. All charges are ranked according to a seriousness scale based on the average length of prison sentence. If two charges are tied according to this criterion, information about the sentence type (e.g. prison, probation, and fine) is considered. If a tie still exists, the magnitude of the sentence is then considered.

Analytical approach

- To present accurate relationships between victims and offenders, the analysis is based only on cases with single victims. Of the 58,000 linked cases, the majority (approximately 51,500) involved single victims.
- In order to allow for more detail, analysis of the linked file excludes unknown sentences, unknown sex of the victim, and unknown age of the victim. These unknowns account for approximately 5,000 cases.
- Analysis on sentencing refers to the most serious sentence imposed and is based only on cases with a single-conviction. Cases with multiple convictions are excluded (approximately 13,000 cases), because it is only possible to directly relate the punishment to a specific offence in single-conviction cases. It is also necessary to control for the number of convictions, since multiple conviction cases generally result in more severe sentences than single-conviction cases.

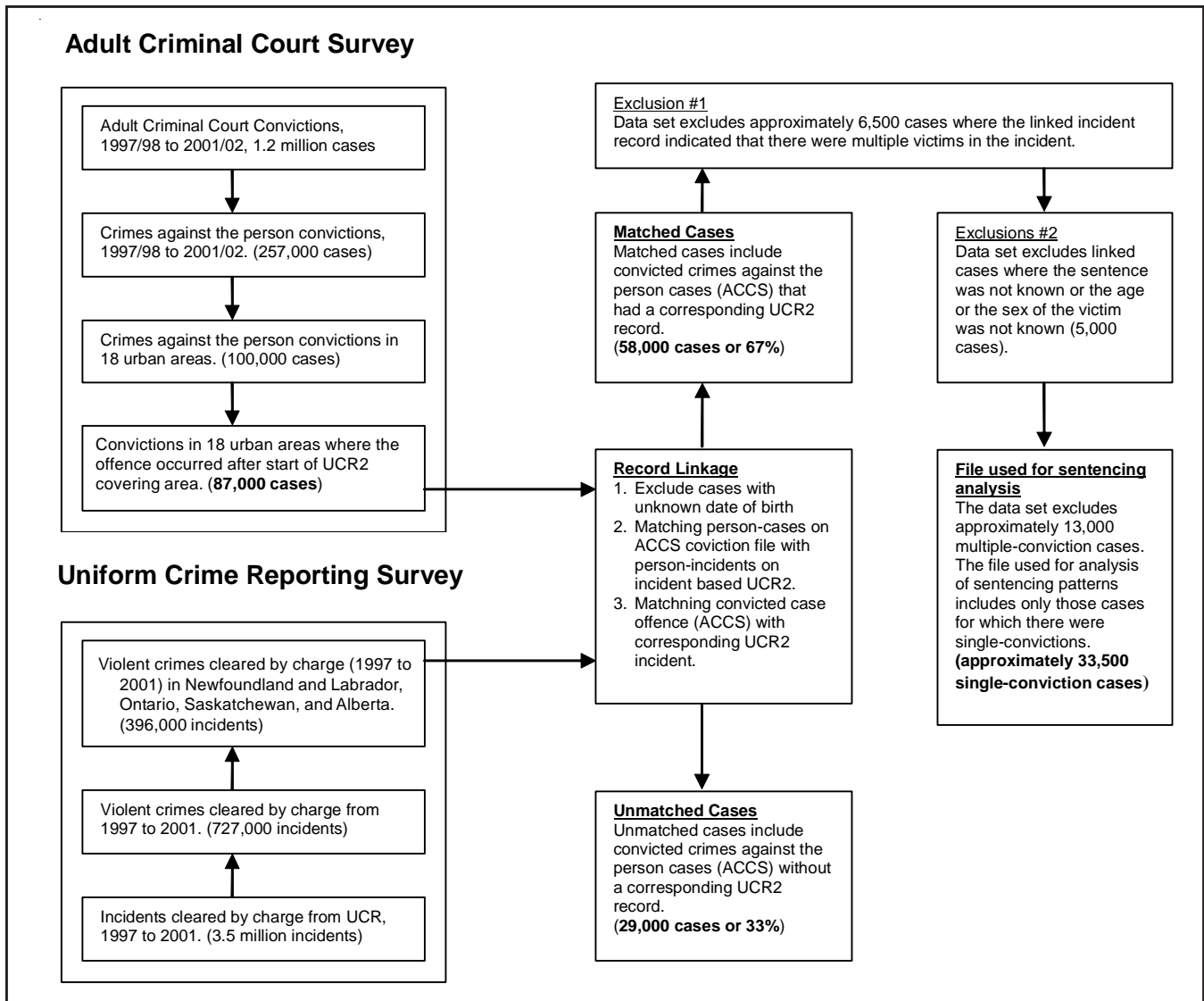
Study limitations

- Due to differences in scope and coverage of the UCR2 and ACCS databases, information on diversion (pre-court), case outcomes other than conviction or conviction rates is currently unavailable. Cases not resulting in a conviction were excluded from the source ACCS file prior to matching with UCR2 incident records and as a result it is not possible to analyze the conviction rates for family violence cases. The rate of conviction in cases of family violence has been identified as an important extension of this analysis and will be considered in future improvements to the methodology used in this study.
- Since the linked database only contains information on convicted cases, it does not present cases where charges were stayed, withdrawn or acquitted. It is, therefore, not possible to identify the presence or absence of other non-convicted charges for those offenders convicted of one or more offences.
- With the exception of jurisdictions in Alberta (reporting superior courts data since 1998/99), data from superior courts are currently not reported. The absence of these data will result in a slight underestimation (between 2% and 5%) of guilty cases in jurisdictions that do not report superior court data.

- The sentencing chapter provides information on certain characteristics that are associated with sentencing in family violence cases. Some potentially aggravating or mitigating factors which can be measured through the linked database include the abuse of a spouse or child, injury resulting from the violence, the use of a weapon, the type of plea, and the offender's age. Some additional factors could not be measured using the linked database. Examples of these include the offender's past criminal record and the presence of children during the commission of the offence.
- The UCR2-ACCS linked database cannot distinguish between incidents involving multiple and single accused. This is because the case definition used for the ACCS survey considers one accused as one case,

which is unlike the UCR2 survey which is able to identify more than one accused in a single incident. However, this limitation would have a negligible effect on sentencing analysis, as data from the UCR2 survey (used for matching records) suggest that only 8% of all convicted cases involve multiple accused. Further, the proportion of single accused is lower for family violence (99% for spousal violence, 97% of family violence incidents against children/youth, and 99% of family violence against seniors). The inability to identify multiple accused would mean that the accused-victim relationship, which the UCR2 only scores for one accused in multiple accused incidents, would be solely accurate for one accused once multiple accused are split into separate cases.

UCR2 - ACCS Record linkage process model 18 urban areas in Canada, 1997/98 to 2001/02



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