



Community Justice Division
Department of Justice
Government of Nunavut

2013-14 and 2014-2015

Family Abuse Intervention Act Annual Reports



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Introduction to Community Justice

Vision Statement:

The Community Justice Division empowers Nunavummiut along the continuum of life to address root causes of crime, resolve conflict and respond to crime. Our foundation is based on Inuit Societal Values and restorative justice principles. We provide an alternative to the formal Criminal Justice system by actively engaging community members impacted by crime. Our integrative approach to crime prevention and conflict resolution contributes to healthy individuals, families and safe communities.

Background Information:

Family Abuse Intervention Act

In November 2006, after extensive consultations with Nunavut communities, the Legislative Assembly unanimously passed the *Family Abuse Intervention Act*. The legislation intends to provide the residents of Nunavut with the tools to holistically intervene and to prevent abuse by focusing on the immediate need for safety, with simple and efficient processes that are consistent with Inuit values. *FAIA* promotes community ownership of problems, and it empowers the community to confidently work with local resources to address social problems at their root. The spirit and intent of *FAIA* is to prevent abuse and decrease the escalation of abuse.

Community Justice Outreach Workers and the Justice Specialists are responsible for ensuring that Nunavummiut are able to access *FAIA* remedies such as Emergency Protection Orders and Community Intervention Orders in each community across Nunavut. Specially trained Justice of the Peace presides over *FAIA* hearings.

Community Intervention Orders have been identified as an area for improvement. In the past, there have typically been very few CIO applications from year to year. It is our experience that there are several factors that contribute to the low numbers of CIO applications. Often Community Justice Outreach Workers do not receive referrals for families experiencing family abuse until it has become a crisis situation and emergency intervention is required. CIOs require the voluntary participation of both the applicant and respondent, often the respondent declines to participate.

In order to increase the use of CIOs, Community Justice has continued to provide training to RCMP and collaborate with RCMP to identify families in need of assistance in eliminating abuse from their relationships. Community Justice Outreach Workers continue to inform community service providers

about CIOs in order to reach families that are struggling with abuse. Furthermore, CJOW's have also begun speaking with EPO applicants when the EPO is nearing an end to give the option of transitioning into a CIO in order to better support families that wish to maintain their relationships.

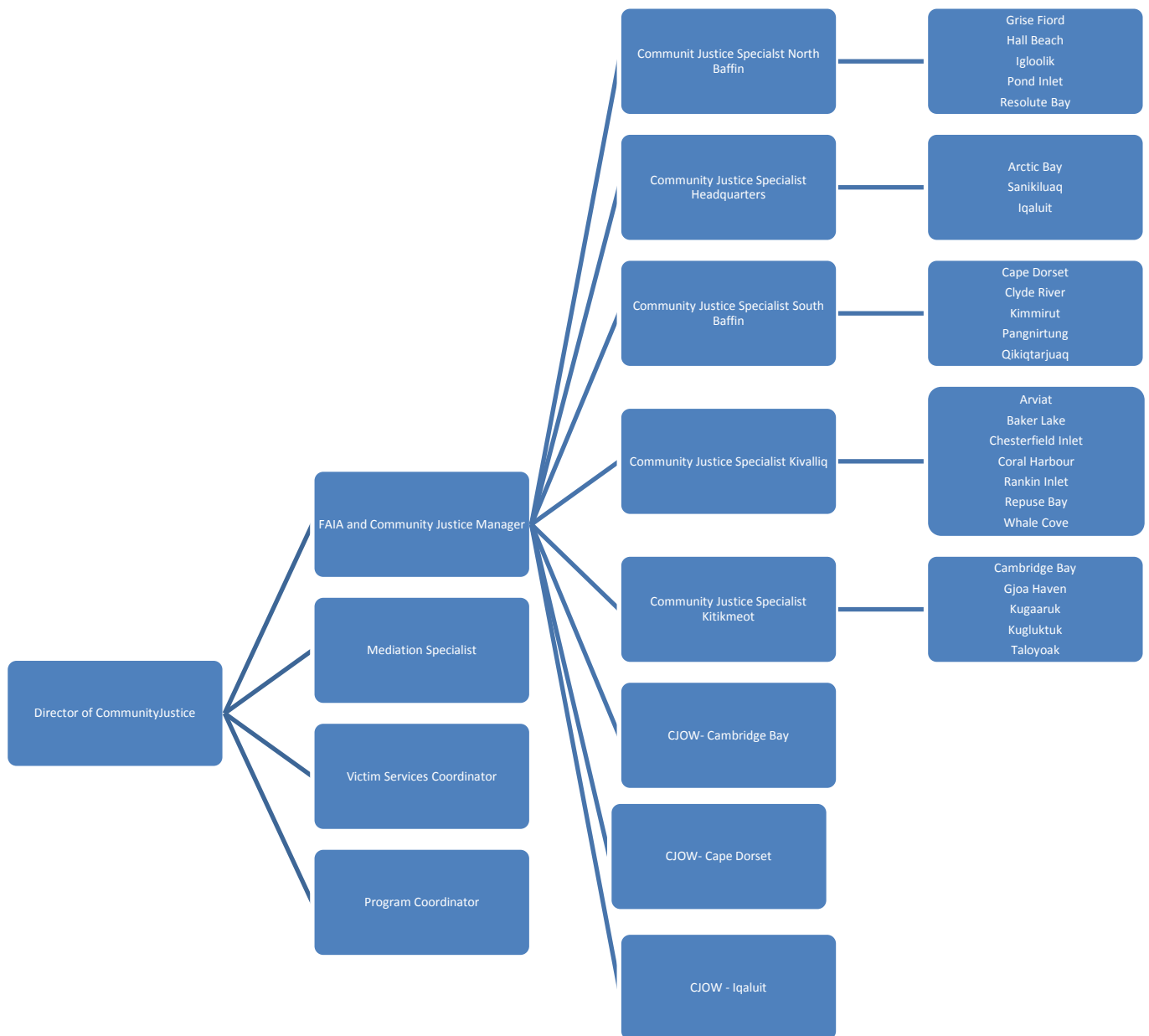
Crime Prevention

Justice Committees are tasked with running crime prevention programs in their communities. Justice Committees identify and address root causes of crime through a community needs analysis.

This includes the promotion of crime-free lifestyles, positive-decision making skills and problem solving, use of traditional values and principles in developing community-based social control mechanisms, and the strengthening of family relationships and community spirit.

Justice Committees are also tasked with creating, promoting or engaging in activities that may lead to healthier relationships between individuals, families and community. These activities can focus on family dynamics, abuse (child, spousal, elder, sexual), healing from the effects of the residential school experience, cultural awareness, communications, team building, and community empowerment. Crime prevention activities are accomplished through a variety of ways. Community Justice Committees often focus on traditional activities and the development of culturally relevant land programs whereby participants gain self-esteem through skill development and reinforcement of cultural identity. Another avenue to reduce crime is through community involvement or activities; to engage and connect people within the community and create a greater awareness of community resources for at risk individuals and groups. Lastly, Justice Committees promote a greater awareness and understanding of justice and related issues at the community level. This goal is often achieved by visiting schools to promote healthy lifestyles on a regular basis and hosting radio-programs regularly. Justice Committees often collaborate at the community level with Inuit organizations, Mental Health workers, social workers, RCMP, non-profit organizations and other community groups.

Personnel:



The Community Justice Division is separated into 5 regions. There are 5 Justice Specialists that oversee each respective region, as well as the work of 25 Community Justice Outreach Workers in each community.

- The Kitikmeot Regional Justice Specialist is based in Cambridge Bay.
- The Kivalliq Regional Justice Specialist is based in Rankin Inlet.
- The North Baffin Regional Justice Specialist is based in Pond Inlet.
- The South Baffin Regional Justice Specialist is based in Cape Dorset.
- The Headquarters Justice Specialist is based in Iqaluit.

Terms and Definitions:

Emergency Protection Order (EPO): An order granted under subsection 7 of *Family Abuse Intervention Act (FAIA)* by a Designated Justice of the Peace (JP) when the JP is satisfied that:

- a) Family abuse has occurred
- b) There is a reasonable likelihood that the family abuse will continue, resume or be repeated
- c) By reason of seriousness or urgency, it is necessary for the immediate protection of a person
- d) A family relationship exists

EPO's are meant to provide applicants with immediate protection from family abuse.

Community Intervention Order (CIO): An order granted under subsection 17 of *FAIA* by a Designated Justice of the Peace (JP) when they are satisfied that:

- a) Family abuse has occurred
- b) It is appropriate to make the order
- c) A family relationship exists

CIO's can be applied for by people who wish to remain in a relationship but need help living healthier lives free from abuse. Both the applicant and respondent must enter the CIO voluntarily and agree to address the root causes of the abuse, and undergo counseling and/or education.

Traditional Counselor: An Elder or a specified respected member of the community. Could also be a group of specified members of either or both the applicant's and respondent's families.

Variation of Order: If there has been a material change in circumstances for the applicant and/or the respondent, an application to vary (change) the EPO can be submitted, on notice to the other party, to the designated Justice of Peace who granted the original EPO. The variation of one or more provisions of an order does not affect the other provision in the order.

Revocation of Order: If there has been a material change in the circumstances for the applicant and/or the respondent and the applicant feels there is no longer a need for the EPO, an application to revoke (cancel) the EPO, on notice to the other party, may be submitted to the designated Justice of the Peace who granted the original EPO.

Challenging an Emergency Protection Order: A respondent against whom an EPO is granted may within 21 days after being given notice of the order, apply to have the EPO revoked. A respondent has the right to obtain the affidavit (FORM 5) that was submitted to the designated JP prior to the ex-parte hearing. Once the respondent obtains the affidavit, he/she can then submit to the Civil Registry of the Nunavut Court of Justice (NCJ), an application to challenge the EPO. A Community Justice Outreach Worker (CJOW) can be available to assist respondents with this process. Once the application is received at the NCJ, a clerk shall give notice to the respondent and applicant of the place, time and date of the hearing. Applications to challenge an EPO are heard before a Judge of the Nunavut Court of Justice. At the challenge hearing, the onus is on the respondent to demonstrate that the EPO is not necessary for the immediate protection of a person.

Family Abuse Intervention Act Personnel

Community Justice Specialists

The Community Justice Specialists are responsible for administering the Community Justice Division's community-based justice programming and the *Family Abuse Intervention Act* within their respective regions. The Community Justice Specialists are responsible for overseeing the work of Community Justice Committees in the development and implementation of adult offender diversions, extra-judicial measures for youth, offender reintegration and in some cases, elders' panels and mediations. The Community Justice Specialists develop, promote and support crime prevention initiatives, community education, offender reintegration and victims programs.

Community Justice Outreach Workers (CJOW's)

The Community Justice Outreach Workers work closely with the Community Justice Committees and the Justice Specialists in carrying out the programs, activities and services in the areas of crime prevention; diversions which are alternatives to court; victims support and facilitation of remedies under the *Family Abuse Intervention Act*. The CJOW's coordinate the referral process regarding pre and post-charge diversions. This includes receiving the referral, bringing the referral to the Community Justice Committees for review, setting up the diversion meeting, following up with the referred client and

preparing the appropriate written forms. The CJOW's responsibility includes increasing awareness of Community Justice by promoting its program and objectives of advocacy, and community healing. CJOW's facilitate the Emergency Protection Order and Community Intervention Order application process, which includes filling out appropriate forms, facilitating hearings with a Designated *FAIA* Justice of the Peace and assisting with applications to vary, revoke or challenge orders.

CJOW's actively assist victims to access resources locally and territorially as well as work to engage victims in restorative justice processes. CJOW's also support and assist community individuals to access the Department of Justice related information and services by distributing and having available printed materials. CJOW's support the development of crime prevention programs for youth, especially those who have been identified as high risk.

Community Justice Committees

Nunavut Community Justice Committees have several functions. They accept Diversions, which are extra-judicial measures, to deal with offenders referred either by Crown Prosecutors or the Royal Canadian Mounted Police (RCMP). They are also tasked with addressing the root causes of crime by running crime prevention programs and activities in their communities. Justice Committees are also tasked with creating, promoting or engaging in activities that may lead to healthier relationships between individuals, families and community. Justice Committees often work cooperatively with other community agencies to develop and/or contribute to community programs and projects will lead to a reduction in crime and contribute to healthy families, individuals and communities.

Statistical Information on Emergency Protection Orders and Community Intervention Orders

In the below charts, one can see that EPOs are the orders most applied for under FAIA. Community Justice recognizes that the number of CIOs have been very low and need to be increased. Community Justice Specialists and Outreach Workers continue to promote and encourage CIOs.

Although Community Justice Specialists and Outreach Workers encourage applicants to apply for CIOs and provide applicants with information on counselling services available, this information is not currently being tracked. Community Justice is working on adding a section to the EPO form, where Community Justice Specialists and *Outreach* Workers have to document which types of counselling were recommended.

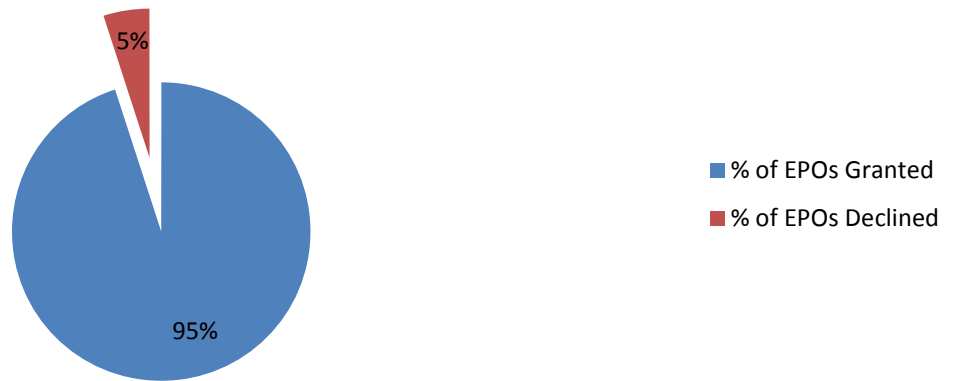
Number of Contraventions of Orders made under the Act

The Royal Canadian Mounted Police (RCMP) receives reports of breaches under an Order. Currently Community Justice does not track this information, but is working on collecting this data.

Community Justice FAIA Statistics 2013/2014

Application for Orders Under the Family Abuse Intervention Act (FAIA) Qikiqtaaluk Region 2013-14						
Community	EPO Applications	EPOs Granted	EPOs Revoked	EPOs Varied	CIO Applications	CIO's Granted
Sanikiluaq	4	4	0	0	0	0
Cape Dorset	6	6	0	1	0	0
Clyde River	0	0	0	0	0	0
Iqaluit	20	19	1	0	0	0
Kimmirut	0	0	0	0	0	0
Qikiqtarjuaq	0	0	0	0	0	0
Pangnirtung	1	1	0	0	0	0
Arctic Bay	5	5	0	2	0	0
Pond Inlet	3	2	1	0	1	0
Igloolik	3	3	0	1	0	0
Hall Beach	1	0	1	0	0	0
Grise Fiord	0	0	0	0	0	0
Resolute Bay	0	0	0	0	0	0
Total	43	40	3	4	1	0
Application for Orders Under the Family Abuse Intervention Act (FAIA) Kivalliq Region 2013-14						
Community	EPO Applications	EPOs Granted	EPOs Revoked	EPOs Varied	CIO Applications	CIO's Granted
Rankin Inlet	16	16	0	0	0	0
Arviat	3	3	0	0	0	0
Whale Cove	1	1	0	0	0	0
Coral Harbour	4	4	0	0	0	0
Baker Lake	5	5	0	1	0	0
Chesterfield Inlet	3	3	0	0	0	0
Repulse Bay	2	2	0	0	0	0
Total	34	34	0	1	0	0
Application for Orders Under the Family Abuse Intervention Act (FAIA) Kitikmeot Region 2013-14						
Community	EPO Applications	EPOs Granted	EPOs Revoked	EPOs Varied	CIO Applications	CIO's Granted
Gjoa Haven	0	0	0	0	0	0
Kugluktuk	0	0	0	0	0	0
Cambridge Bay	8	7	1	2	0	0
Taloyoak	0	0	0	0	0	0
Kugaaruk	1	1	0	0	0	0
Total	9	8	1	2	0	0
Nunavut Total	86	82	4	7	1	0

2013/2014 Total EPO Percentages



2013/2014 Total CIO Percentages



Community Justice FAIA Statistics 2014/2015

Application for Orders Under the Family Abuse Intervention Act (FAIA) Qikiqtaaluk Region 2014-15						
Community	EPO Applications	EPOs Granted	EPOs Revoked	EPOs Varied	CIO Applications	CIO's Granted
Sanikiluaq	0	0	0	0	0	0
Cape Dorset	5	5	0	0	0	0
Clyde River	0	0	0	0	0	0
Iqaluit	5	5	0	1	0	0
Kimmirut	0	0	0	0	0	0
Qikiqtarjuaq	0	0	0	0	0	0
Pangnirtung	0	0	0	0	0	0
Arctic Bay	6	6	0	1	0	0
Pond Inlet	1	1	1	0	0	0
Igloolik	2	2	0	0	0	0
Hall Beach	1	1	0	1	0	0
Grise Fiord	0	0	0	0	0	0
Resolute Bay	1	1	0	0	0	0
Total	21	21	1	3	0	0
Application for Orders Under the Family Abuse Intervention Act (FAIA) Kivalliq Region 2014-15						
Community	EPO Applications	EPOs Granted	EPOs Revoked	EPOs Varied	CIO Applications	CIO's Granted
Rankin Inlet	9	9	1	0	0	0
Arviat	6	6	0	0	0	0
Whale Cove	1	1	0	0	0	0
Coral Harbour	1	1	1	0	1	1
Baker Lake	15	15	1	0	0	0
Chesterfield Inlet	4	4	0	0	0	0
Repulse Bay	0	0	0	0	0	0
Total	36	36	3	0	1	1
Application for Orders Under the Family Abuse Intervention Act (FAIA) Kitikmeot Region 2014-15						
Community	EPO Applications	EPOs Granted	EPOs Revoked	EPOs Varied	CIO Applications	CIO's Granted
Gjoa Haven	0	0	0	0	0	0
Kugluktuk	1	1	0	0	0	0
Cambridge Bay	5	5	0	0	0	0
Taloyoak	3	3	0	0	0	0
Kugaaruk	2	2	0	0	0	0
Total	11	11	0	0	0	0
Nunavut Total	68	68	4	3	1	1

2014/2015 Total EPO Percentages



2014/2015 Total CIO Percentages



Outstanding needs to help implement the Act

Community Justice Specialists continue to report the following needs:

- There needs to be more awareness around both EPOs and CIOs and when applicants should be applying for them;
- There needs to be greater promotion of FAIA at the community level;
- The root causes need to be addressed in order for the number of EPOs to decrease;
- Respondents need to be more aware of their rights;
- There needs to be more follow-up after an EPO in order to promote CIOs and prevent further applications for an EPO;
- CIOs need to be the focus of the Act;
- There needs to be more aftercare;
- There needs to be more safe homes in Nunavut; and
- There needs to be increased programming for men and women on self-confidence, especially for those who are unemployed.

Noting the need to increase the awareness of Community Justice in each of Nunavut's communities, the Community Justice Division held its first strategic planning in Iqaluit with all of the employees of Community Justice. The strategic planning was a mixture of training staff and creating goals for the division to increase the service to Nunavummiut.

A number of initiatives came from the strategic planning and have been put in place. The reporting templates provided to CJOW's have been changed to better capture the work that the CJOW's are providing in each of their community. CJOW's provide more than just assistance to the Family Abuse Intervention Act. They provide education awareness for FAIA and CIO's; they provide crime prevention programs and work closely with the CJC to provide diversions from court. With the new reporting templates Community Justice will be able to start capturing more of the work that is being done in each community.

New positions have been added to the Community Justice team. Not only is there only one CJOW who is a GN employee, there are now two more added to the Community Justice team. The GN Cambridge Bay CJOW is now joined with a GN employee in Rankin Inlet and Cape Dorset.

Moving forward, Community Justice will be striving at increase training, education awareness, crime prevention and victim services for all of Nunavummiut.