



Community Justice Division
Department of Justice
Government of Nunavut

Family Abuse Intervention Act (FAIA)
Annual Report
2015-2016

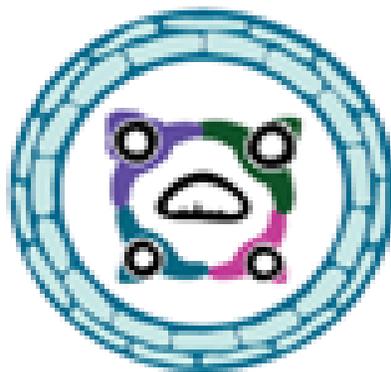


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Introduction

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 in a culturally relevant way. 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.

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

EPOs are meant to provide applicants with immediate protection from family abuse in situations where the need is urgent and the risks are imminent.

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

CIOs can be applied for by people who are experiencing family abuse but wish to remain in the relationship. CIOs are applied for in non-emergency situations so people 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 (FAIA) Program Personnel

The Community Justice Division's FAIA program is organized into 5 regions. Each region has a Justice Specialist that oversees the program and the work of the 25 Community Justice Outreach Workers (CJOWs), one 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.

Community Justice Specialists

The Community Justice Specialists are responsible for administering the Community Justice Division's community-based justice programming and the FAIA program within their respective regions. The Community Justice Specialists promote healthy and safe communities by working with the Community Justice Committees to develop and deliver culturally relevant pre and post-charge responses to diversion, crime prevention initiatives, justice education, and advocacy. Justice Specialists provide supports to the development and implementation of community based justice initiatives including family mediation services, assistance for victims of crime and crime prevention projects. Specialists oversee the work of Community Justice Committees in the development and implementation of adult offender diversions, extra-judicial measures for youth and offender reintegration.

Community Justice Specialists supervise, monitor and support the Government's delivery of the FAIA program delivery in the region. Community Justice Specialists assist the Community Justice Outreach Worker (CJOWs) by organizing and facilitating training events and workshops for community-based justice program staff and Community Justice Committees to enhance their capacity in providing appropriate programs. Justice Specialists are the link in the network between the CJOWs, the RCMP, Crown Prosecutor and community resources. They provide a link for clients to access various government programs and services, such as victims' service coordinator, family mediation and the referral process with other government departments.

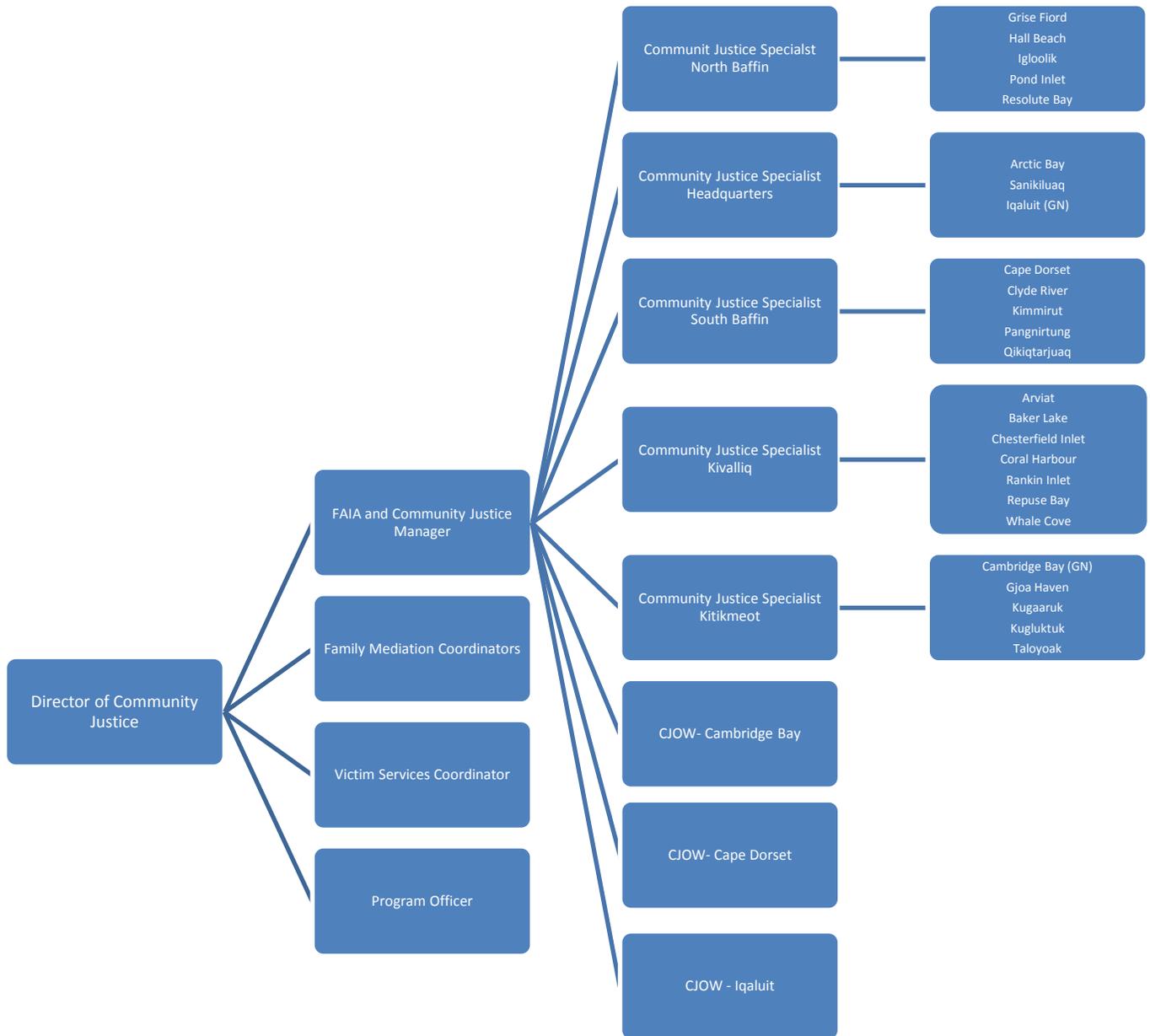
Community Justice Outreach Workers (CJOWs)

The CJOWs 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 application for remedies under FAIA. The CJOWs 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 CJOWs responsibility includes increasing awareness of Community Justice by promoting its program and objectives of advocacy, and community healing. CJOWs implement and/or carry out or assist with the Emergency Protection Order (EPO) and Community Intervention Order (CIO) 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.

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

Currently, CJOWs in two communities are Government of Nunavut employees: Cambridge Bay and Iqaluit. All other CJOWs are hamlet employees funded by the Government of Nunavut. However, to enhance the effectiveness and oversight of delivering local FAIA and community justice-related services, the Government of Nunavut will begin transitioning additional CJOW positions from the hamlets to the territorial government. Beginning in April 2017, five permanent GN CJOW positions will be added to the Community Justice Division in the following communities: Baker Lake, Gjoa Haven, Pangnirtung, Pond Inlet and Rankin Inlet.

Personnel Chart:



Family Abuse Intervention Act (FAIA) Programs

Family Abuse Intervention Act

In November 2006, after extensive consultations with Nunavut communities, the Legislative Assembly unanimously passed the *Family Abuse Intervention Act* (FAIA). The intent of the legislation is to provide Nunavummiut 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 (CJOWs) and the Justice Specialists are responsible for ensuring that Nunavummiut are able to access FAIA remedies such as Emergency Protection Orders (EPOs) and Community Intervention Orders (CIOs) in each community across Nunavut. Justices of the Peace specifically designated as FAIA JPs hold the initial FAIA hearings. Appeals of the JPs' decisions may be heard by a judge of the Nunavut Court of Justice.

Community Intervention Orders (CIOs) has been identified as an area requiring improvement. In the past, there have typically been very few CIO applications from year to year. There are several factors contributing to the low numbers of CIO applications. Often CJOWs do not receive referrals for families experiencing family abuse until it has become a crisis situation and emergency intervention is required. Further, 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, the Community Justice Division has continued to collaborate with and provide training to RCMP in order to identify families who may benefit from a CIO. CJOWs continue to increase awareness of community service providers about CIOs in order to enhance their ability to identify at-risk families. Furthermore, CJOWs 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 going forward.

Family Group Conferencing - Restorative Justice

Restorative Justice is a response to crime that works to address the needs of those impacted by crime. It focuses on holding offenders accountable for the harm they have caused and encourages their active participation in addressing that harm. Restorative Justice works to address the needs of victims impacted by the crime. A restorative process provides all parties involved in a conflict, the opportunity to take an active role in a safe and respectful process that allows for open dialogue between the victim, the offender and the community.

The Community Justice Division has adopted a Restorative Justice Model called Family Group Conferencing which is a face-to-face meeting between victims, offenders, family members and other supporters. This model is facilitated by one or two trained Justice Community Members. Family Group Conferencing may vary between communities, while staying rooted in the values and principles of Restorative Justice and Inuit Societal Values.

The Division has demonstrated a commitment to provide local training to all Justice Specialists, CJOWs and Justice Committee Members in order to build a solid understanding of Restorative Justice and Family Group Conferencing.

Since 2013, Justice Specialists have participated in extensive training in four piloted Nunavut communities. These Communities were selected based on their readiness to be trained in the Family Group Conferencing Model. Justice Specialists and trainers traveled a week at a time with five CJOW's and Community Justice Committees to offer full training in the stages of Family Group Conferencing. Topics included preparation with the offender, victim(s), family members and community members; conferencing with all parties impacted; followed by ongoing support to ensure that the offender completes the agreement which is created with the objective to repair the harm created.

While four communities were initially piloted for the enhanced training in the Family Group Conferencing Model, Specialists will continue to train CJOWs and Justice Committee members in their respective communities on Restorative Justice Principles in the years to come. Increasing local capacity and skills in Family Group Conferencing can assist in the setting up, advancement and delivery of FAIA Community Intervention Orders.

CIO is a currently underutilized intervention that can assist communities in restoring harmony to families and relationships experiencing family abuse.

Statistical Information on Emergency Protection Orders (EPOs) and Community Intervention Orders (CIOs), 2015/16

EPOs are the most utilized order under FAIA. The Community Justice Division recognizes that the number of CIOs have been very low and need to be increased. Community Justice Specialists and CJOWs continue to promote and encourage CIOs.

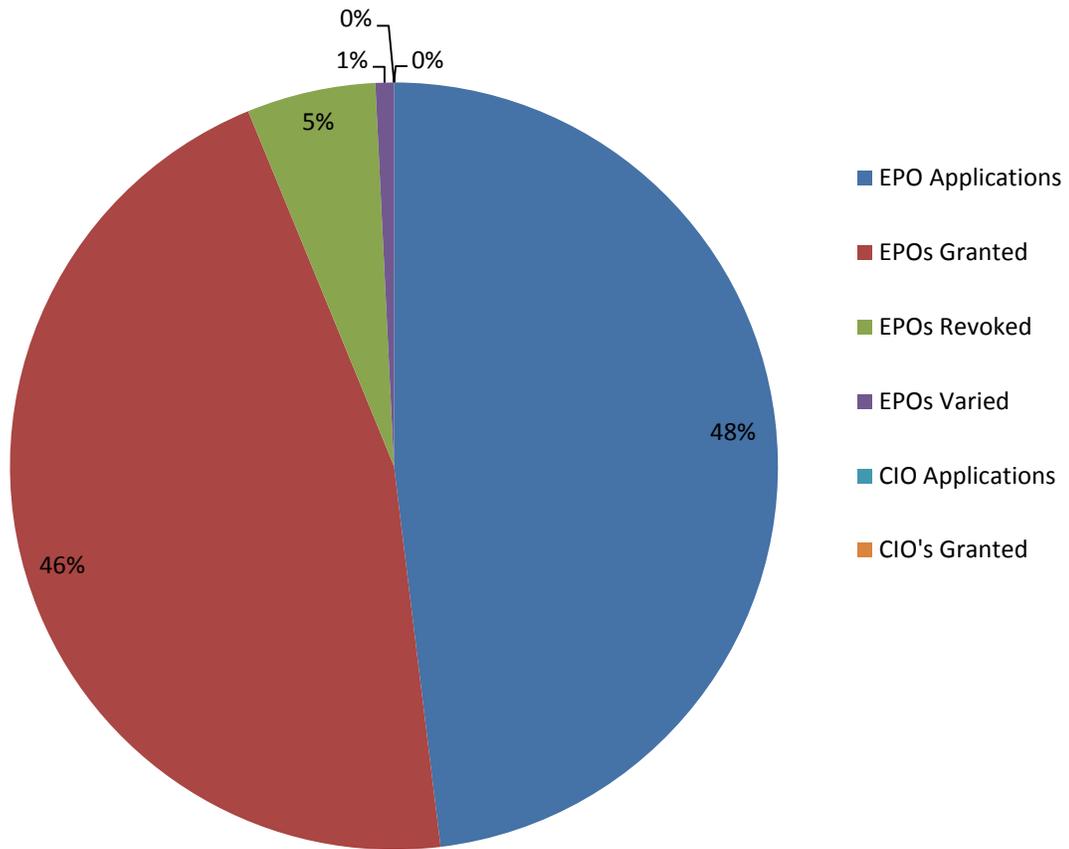
Although Community Justice Specialists and CJOWs encourage applicants to apply for CIOs and provide applicants with information on counselling services available, this information is not currently being tracked. The Community Justice Division is working on adding a section to the EPO form, where Community Justice Specialists and CJOWs can document types of counselling recommended.

Number of Contraventions of Orders made under the Act

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

Application for Orders Under the Family Abuse Intervention Act (FAIA) Qikiqtaaluk Region 2015/16						
Community	EPO Applications	EPOs Granted	EPOs Revoked	EPOs Varied	CIO Applications	CIO's Granted
Sanikiluaq	1	1				
Cape Dorset	5	5				
Clyde River	0	0				
Iqaluit	13	13	0	1		
Kimmirut	0	0				
Qikiqtarjuaq	1	1				
Pangnirtung	1	1				
Arctic Bay	4	4	1			
Pond Inlet	4	4				
Igloolik	1	1				
Hall Beach	3	3	2			
Grise Fiord	0	0	2			
Resolute Bay	0	0				
Total	33	33	5	1	0	0
Application for Orders Under the Family Abuse Intervention Act (FAIA) Kivalliq Region 2015/16						
Community	EPO Applications	EPOs Granted	EPOs Revoked	EPOs Varied	CIO Applications	CIO's Granted
Rankin Inlet	6	6				
Arviat	3	3				
Whale Cove	0	0				
Coral Harbour	10	7	1			
Baker Lake	5	5	1			
Chesterfield Inlet	0	0				
Nauyasat	0	0				
Total	24	21	2	0	0	0
Application for Orders Under the Family Abuse Intervention Act (FAIA) Kitikmeot Region 2015/16						
Community	EPO Applications	EPOs Granted	EPOs Revoked	EPOs Varied	CIO Applications	CIO's Granted
Gjoa Haven	0	0				
Kugluktuk	0	0				
Cambridge Bay	3	3				
Taloyoak	1	1				
Kugaaruk	1	1				
Total	5	5	0	0	0	0
Nunavut Total	62	59	7	1	0	0

Percentage of EPOs and CIOs 2015/2016



Outstanding Needs to Help Implement the Act

The *Family Abuse Intervention Act* is an important part of Community Justice's role in promoting awareness about the harms of family abuse; as well as prevention and providing assistance to those who are experiencing abuse. Community Justice will continue to strive to ensure that Nunavummiut are aware of where to go when in need of an Emergency Protection Order.

Over the past year, the FAIA working group has been dormant due to the migration of staff, partners and stakeholders who were involved with the FAIA working group. Community Justice aims to reestablish the working group to continue tackling areas of concern with the delivery of the FAIA program.

Staff members within the Community Justice Division have noted the need to reestablish opportunities for joint training amongst partners and stakeholders responsible for the delivery of FAIA. The Division will be working towards developing a joint training between Justice Specialists, Community Justice Outreach Workers and Justice of the Peace (JPs) who preside over FAIA hearings. The joint training will allow all parties to address areas of concerns with interpreting and administering the Act.

The Community Justice Division has developed a CJOW guide for FAIA that was last updated in 2015. Some parts of the guide require further updates to better support CJOWs when they are assisting clients with EPOs or CIOs.

The Community Justice Division will continue to focus on educating CJOWs and Community Justice Committee Members about FAIA, Restorative Justice, and the Family Group Conference Model.

The Division's hope is for CJOWs and Justice Committee Members to feel comfortable in promoting FAIA and assisting with CIOs.

Moving forward, the Community Justice Division will strive to increase training, education/public awareness, crime prevention and victim services for all of Nunavummiut as part of its mandate and efforts under FAIA.