

THE NATURE OF EMERGENCY PROTECTION ORDERS (EPOS) IN THE NORTHWEST TERRITORIES, CANADA:

A CASE STUDY

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YWCA
N W T

A TURNING POINT
FOR WOMEN

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Executive Summary

The benefits of Emergency Protection Orders (EPOs) were realized during the current pandemic, when the Northwest Territories (NWT) witnessed an increase in EPO utilization (1). Victims of violence were given a viable option to address emergencies in their lives that distanced them from their abusers in a time of diminished physical distancing, limited resources, and fear and stress of negative outcomes of the virus itself. The NWT is in Phase 2 of *Emerging Wisely* which finds social bubbles being expanded at community levels (1). However, with the uncertainty of a future where there may be a second wave of outbreaks, social networks remain limited and thus these informal supports (so significant to local victims) are also hampered. When this study began and data collection commenced, the emergency of the pandemic was not on our radar. This report addresses the time of data collection (2017-2019).

Emergency Protection Orders (EPOs) have been legislated in the NWT, Canada since 2005, approximately 15 years. The process of obtaining an EPO can be facilitated either by RCMP or by staff at YWCA Alison McAteer House shelter in Yellowknife. The EPO is a civil court order that may be obtained for a maximum duration of 90 days and is legislated under the *Protection Against Family Violence Act*. The aim of this study is to understand the nature of EPO processes, utilization, benefits and challenges in NWT.

A case study method was conducted utilizing statistical data from a database maintained by a community shelter that facilitates EPOs; semi-structured interviews were conducted with 53 participants between 2018 to 2019 including: EPO applicants (n=19), frontline police (n=20), shelter workers (n=3) and other government service workers (n=11); and, court transcripts (n=21) were analyzed for content and process. Observations were completed in the Supreme Court for EPO matters before the court. A thematic analysis was conducted on the interview data from the participants; statistical data was collated about numbers of EPOs; a documentary analysis of the court transcripts and literature was conducted; and these steps informed the case study.

The mean number of EPOs filed annually in the NWT courts is 73 over a four year period (2014 to 2018). Use of EPOs is inconsistent across the territory with two-thirds of the applications received from communities outside of the capital city. There are 38 active Justices of the Peace (JP) in the NWT, 29 of whom live outside of the capital. A typical EPO application process begins with an applicant who calls a toll-free number followed by a hearing that is arranged and facilitated by shelter staff and led by a territorial JP. The JP then decides to grant or deny the EPO.

This research sheds light on the views of the applicants, facilitators from AMH shelter staff and community RCMP, and staff of the Department of Justice on the utility of EPOs to address violence and promote safety in a territory with high Intimate Partner Violence (IPV) incidence rates, isolated communities, vast distances and few services. The implications from this study include: discontinuing the use of EPOs in the 11 remote communities where there are limitations in enforcing/monitoring/supporting an EPO due to no RCMP detachments present; legislative changes so that stalking, both physical and on social media, is addressed and considered in provisions within the *Protection Against Family Violence Act*; practice changes so that women are provided more personal support during the duration of the EPO and assistance with family matters as required; educational opportunities so that communities learn about EPOs and how they are used before they need them; and recommendations for continued research to find the evidence to improve the effectiveness and efficiency of the EPO process.

The Nature of Emergency Protection Orders (EPOs) in the Northwest Territories (NWT), Canada: A Case Study

The NWT is a scarcely populated northern and remote territory of Canada and yet has the second highest rate per capita of intimate partner violence in the country (2). Of the 33 communities in the NWT, 27 have a population of less than 1000 while 19 communities have a population of less than 500 residents (3). The smaller the population, the less resources in the community. For victims of violence, the reality of limited or no resources creates barriers to obtain assistance when violence disrupts, limits maintaining or seeking safety for one's self and children, necessitates finding places for shelter, or to seek formal support. Given this context in many remote communities, one questions the utility of an EPO without accompanying enforcement of the conditions set out in the order and in consideration of the frequent occurrences of breaches by respondents as reported in other jurisdictions. In a recent media report, one third of women with protection orders in one Canadian province experienced breaches by the respondents (4). In this same news report, a woman with a civil protection order was murdered by her partner post-separation, a time of heightened vulnerability, and following repeated incidents of reported stalking by her ex-partner.

During a study of 'Northern Community Response to Intimate Partner Violence' in the NWT, geographers on the research team created a map from a YWCA-maintained EPO database¹ (Appendix A). In analyzing the data and its portrayal on the geographical information system (GIS) map, it is apparent that EPOs are inconsistently used in the NWT. We speculated on why these civil court orders are not utilized in higher rates given the high rates of intimate partner violence. An RCMP liaison questioned local police practices in informing victims about the tool. Do frontline workers know about EPOs and is this knowledge translated to victims who require protection? How do EPOs keep victims of violence safe? How do victims learn about EPOs? Are EPOs effective in remote communities? How are they monitored? What about the 11 communities in the NWT that do not have police services? What are police practices with regards to EPOs? What is the emergency that prompted an application for an EPO?

¹ Staff at the Alison McAteer House Shelter facilitate EPOs from across the NWT and maintain an anonymous database monitoring the number and locations of EPOs since 2005.

What are the roles of all of the stakeholders in EPOs and are these civil orders an effective tool for improving the circumstance of family violence in the NWT? These many questions led to members of the Coalition Against Family Violence (North Slave Research Centre, Aurora Research Institute, NWT Senior's Society, NWT Status of Women Council, NWT YWCA, Domestic Violence Coordinator, RCMP G Division) to develop a proposal, submit it to the RCMP Family Violence Initiative, and receive funding to investigate the effectiveness of EPOs in the NWT.

Background

In the NWT, EPOs have been in place for 15 years. In a catch-up with other Canadian jurisdictions, who passed laws in the 1990s to establish a means to offer civil alternatives to domestic violence, the *NWT Protection Against Family Violence Act* (PAFVA) was legislated in 2005 (5). The *Protection Against Family Violence Act* is legislation established to improve the immediate and long-term judicial response to victims of domestic violence. The three components of the Act are emergency protective orders, protection orders and warrants of entry (5). The Act provides definitions, application and directions for both EPOs, orders under subsection 4(1) that are short term temporary orders (up to 90 days) to help protect victims of domestic violence/intimate partner violence; and, protection orders under subsection 7(1) that are legal orders by the court to restrict contact with a partner or children with the same conditions as an EPO but for a longer period of time. The Act also defines family violence as “an act or omissions committed against an applicant, any child of the applicant or any child who is in the care of the applicant: a) an intentional or reckless act or omission that causes bodily harm or damage to property; b) an intentional reckless or threatened act or omission that (i) causes the applicant to fear for his or her safety, (ii) causes the applicant to fear for the safety of any child of the applicant or any child who is in the care of the applicant to fear for his or her safety; c) sexual abuse; (d) forcible confinement, and (e) psychological abuse, emotional abuse or financial abuse that causes harm or the fear of harm to the applicant, any child who is in the care of the applicant” (pp4-5). The language of the Act is used in this report. An applicant is the person applying for an EPO under the PAFVA and a respondent is the person who is served the EPO by the RCMP.

Literature Review

Emergency Protection and the Legal System

Civil protection legislation is a means to enable victims of intimate partner violence (IPV) to apply for protection from an abusive partner without having the perpetrator arrested and processed through the criminal court system (6- 9). As identified by Busby et al. (2008) in a comparative analysis of the legislation in the prairie provinces, this component of the civil justice system varies across the country. As well, the name of the emergency orders varies in the provincial and territorial Acts. For example, in the prairie provinces these civil orders are “emergency protection orders”, “emergency intervention orders” and “protection orders”. As identified above, they are called EPOs in the NWT.

There are mixed reviews on the merit of protection orders as expressed by Logan et al. (2008) who suggest that the benefit is to provide separation from the abusive partner with subsequent relief for victims while the shortcoming is that “it is just a piece of paper” (p.378) and will do little to prevent the violence from continuing. Other researchers have identified long term benefits of protection orders as improved mental health outcomes (10) and empowerment for applicants who are taking control of a situation (8). If a civil order is violated by the respondent, it will result in a criminal charge which does give the EPO more weight as an intervention (ibid).

Stalking² has been identified as a significant violation of protection orders (9,11) and yet stalking is not considered in our legislation under PAFVA in the NWT. In Manitoba, stalking is considered under the *Domestic Violence and Stalking Act* (DVSA), however, stalking in Canada is predominantly considered criminal harassment, although commonly this way of acting is called stalking (12). Canada’s criminal code describe two aspects to behaviour found in stalking: 1) repeated “pursuit behaviours” of a perpetrator (continually spying, following, in person or online) and, 2) causing an emotional response in the victim (for example, fear or anxiety) (12). Stalking is a gendered activity with most victims in Canada being reported as female (13). Reyns et al. (2016) conducted a cross-sectional survey of the Canadian General

2 Stalking is defined as “repeated and unwanted attention that causes the victim to fear for their personal safety or for the safety of someone they know, stalking was experienced by almost 2 million Canadians in the five years preceding the General Social Survey (GSS)” (paragraph 1, Statistics Canada, 2014)

Social Survey, using the lifestyle-routine activity framework to investigate the predictors of stalking victimization. It found that victims going to work or other routines like going to the movies were more likely to be stalked and young victims of lower socioeconomic income were more likely to be stalked. Since there is little research on stalking in Canada, Reyns et al. (2016) research contributes to what is known, outlines limitations to their study, makes recommendations to overcome the gap, and provide more direction for policy and planning.

Throughout the literature pertaining to IPV, which is abundant in academia, there are common findings related to the types of support (14,15), social interactions (16,17), and decision making processes (18) that help women detach from a partner that perpetrates IPV. Effective strategies to support women who are experiencing violence in their relationships include being educated about the legal system, self-empowerment, partial control over decisions and outcomes, having their voice heard, relationship building with service providers, safety planning, appropriate levels of protection and support, and being taken seriously by and building trust with the legal system (15-18). Many of these strategies are present when a victim is accessing an EPO, which provides women a fast tracked, short term (up to 90 day), legal defence against IPV.

There is one previous study of EPOs in the NWT commissioned by the GNWT. Coates and Wade (2010) analyzed 15 court transcripts (2007 to 2009) recording the requests of applicants to Justices of Peace (JPs) in the formal process to grant EPOs. They used critical discourse analysis³, a methodology that is attentive to the intricacies of interaction and language between the applicants and the JPs. In all of the cases randomly selected, the applicants were female and the respondents were male. Their findings identified mutualizing or minimalizing language or victim blaming used by the JPs. For example, in terms of mutualizing language, they described the following:

...Unilateral acts of violence are often described as mutual or joint acts. Intimate partner violence is called a fight or conflict or domestic dispute or abusive relationship. All of these terms redefine the unilateral act of violence as a mutual act. Rape or sexualized assault, which involves forced oral or anal or vaginal penetration is often called intercourse or sex. Unwanted oral context is called intercourse or sex... (Coates & Wade, 2010, p.49).

³ Coates and Wade (2010) describe the underpinning ideology of their method as “human rights oriented, feminist-informed, inductive and response-based” (p.14).

Coates and Wade (2010) also describe applicants' resistance to violence as a consideration within the interaction and an important validation for women who came forward seeking an EPO. Their resistance was not acknowledged by the JP. Their recommendations were to identify ways to make the descriptions of the violent situations that prompt the applicant to require emergency protection clearer through the procedural process. They identified limitations to the study since they focused on the interaction between the applicant and the court. They did not evaluate or analyze the EPO process or consider any of the cultural distinctions in the territory. This substantiates the need for this current study.

Towns (2008) developed a discussion paper about safety orders that was prompted by an increase in domestic homicides and elevated risks to women and children in New Zealand. Of particular significance to this study is the conceptual framework they used, the assumptions and actions of police, the responses of the courts to breaches and the actions of protection taken by the applicants. She identified Hudson's (2006) principles of justice (discursiveness, relationalism, reflectiveness) to conceptually guide their review (19). In terms of temporary protection orders that are responded to by family court, there are objections by fathers' groups on grounds that they are misused by women as a means of leverage in child custody battles, that they are easily obtained by women, and that temporary protection orders are unfair in terms of father's rights (19, p.47). In response, the law commission without addressing legislation suggested action in response that "the orders be put-on notice". Feminists argued that when father's rights are pitted against women's access to protection, gender bias occurs. Local judicial authorities recognized that the emergency and the safety of children trump the respondent's rights. Also, Towns (2008) reported that when 35% of applications for protection were dismissed in one city, 54% of those applicants suffered severe violence within one month. They also found that lack of resources in the courts was affecting the processing of EPOs requiring a prioritization of applications. Towns (2008) suggests that most applicants of protection orders seeking legal help experience severe violence. Although the discussion paper is about New Zealand and is not the context of the NWT, salient discussion points fit the NWT context.

Informal Protective Strategies

Mothering and Protection. There is a growing body of literature on abused mothers' protective strategies when experiencing intimate partner violence (20-23). In a study by Nixon et al. (2017), the top three most helpful actions by women were "ending the relationship with the abusive partner, parenting children alone, and doing things to help children feel good about themselves" (22, p. 1281). The women in this study identified that the informal actions they take are more effective than the formal strategies. In another study conducted that included participants from northern Manitoba remote communities, women described using informal supports such as family, friends and neighbours to keep their children safe and free from harm (21). The implications from these two studies highlight the importance of inquiring and acknowledging mothers' protective actions which in turn enhances client/service provider relationships and empowers women by strengthening their self-esteem and self-efficacy. An important finding here that may influence the attitudes of front-line workers is to combat ideas that victims are helpless or somehow inadequate in protecting their children.

In another study with mothers who had left violent relationships, the researchers explicated a theory of "awakened maternal identity" which provided strength to leave the perpetrator (23). In this study, mothers were challenged by abusive partners whom were attacking their parenting abilities, criticizing their mothering skills while at the same time treating their children harshly. The awakened maternal identity grew from renewed responsibility and as a means of protecting their children. The implications from this study are that frontline workers can nurture an awakened maternal identity to initiate leaving a perpetrator. As well, mothers of dependent children leaving their abusive partners are more apt to access formal strategies but generally women are reporting that when they attempt to access these services often their needs are not met or there are numerous barriers (24).

Social stigma. Social stigma influences IPV (17, 25). Ragusa (2012) writes that IPV is a social interaction that occurs not only between the perpetrator and the victim but between the victim and society, and the victim and the justice system. The interpretation and power of social stigma determines the quality of these social interactions. When social interactions and social stigmas intersect, they create an environment in which a victim must make decisions based on acceptable social norms. This predicts whether a victim of IPV will access appropriate services or not. It is reasonable to expect access to decision-making processes based on the support systems available and the social interactions of any given community (17, 18).

Safety Planning in Remote and Northern Communities

Safety planning⁴ is a recommended intervention for women experiencing violence (24, 26-28). Furthermore, there are contextual distinctions of remote and northern locations that are important to IPV safety planning (16, 29-31). Bader et al. (2019) suggest the following challenges for women living in rural, remote and northern settings: *limited availability of social service and supports and access to transportation; confidentiality of the location of domestic violence services; dual relationships between women and/or aggressors and service providers; presence of firearms (long guns) in rural homes* (p.6).

We know that women in the NWT face many of these challenges. As Moffitt and Fikowski (2017) identified, there are no resources in many remote communities. One-third of NWT communities have no police presence in the communities. There are only five shelters for women in the territory and many women in off-road communities require airfare to seek this formal safety strategy. There are few Victim Service Workers in the remote communities. There are Community Justice Workers, local Counsellors and Social Workers in some communities and as suggested by Bader et al. (2019), there may be dual relationships between the victim and the service provider. Anonymity is impossible and confidentiality can be a challenge in remote communities where all members of the community know each other. There are firearms in many homes in the NWT because of local hunting practices to keep country food on the table. As noted in the Coroner's report (2016), the weapon in many domestic homicides in the NWT was firearms.

Safety planning then must take into consideration all that we know about our northern context as well as the applicant of an EPO and the circumstances of her emergency. Safety plans are not static but rather are constantly evolving, responsive and individualized to keep women and their children safe.

4 Safety planning for women experiencing violence is of utmost importance and has been defined as "an empowerment-based intervention that focuses on identifying immediate risks and safety needs of the survivor and their children" (32, p.246). Stylianou (2019) investigated survivor centered practice in the court systems in the US. She identified knowledge, skills and practices needed for advocates within the court system. Specifically, being trauma informed, the advocate should not take an extensive history of past experiences which can re-traumatize the survivor. Instead you focus on the current safety risks. This step focuses on the survivor's needs and goals. Other strategies for safety planning include understanding resources, exploring supports, thoroughly discussing options, etc. Collins et al. (2017) recommend that shelter be considered for pets who are being maltreated and that within the safety plan supports be provided when women report that their pets are being abused (33).

Methodology

Research Questions

What is the nature of EPOs in the NWT? How effective are EPOs in keeping women and children safe?

Research Aims

- Improve the EPO process in the NWT;
- Increase knowledge about EPOs amongst the frontline providers and the general public; and
- Promote effective use of EPOs while preventing abuse of the intervention.

Ethical Approval

The Research Ethics Committee, Aurora College approved this study, protocol #20170901 and the Aurora Research Institute issued a territorial research license #16209.

Study Design

Case study method is defined as a research method that explores in depth a phenomenon, activity, event, or process answering how and why questions, in an everyday context through the use of multiple data collection procedures (34, 35). In this study, the phenomena or case is EPOs, the legal process of EPO use in the NWT, and the impact of EPOs on family violence. The case study utilized statistical data and analysis, document analysis, interviews of key informants (EPO applicants, frontline service providers, and administrators), observation in Supreme Court in EPO matters, and examination of court transcripts.

Participant Sample and Recruitment

There were 53 participants in this study from six communities. The communities are not identified in the study to support anonymity. Many of the frontline workers were RCMP (n=20) and recruitment into the study was enabled by a letter of support from the G Division Commanding Officer and assistance of the RCMP Domestic Violence Coordinator who was also a member of the study's Advisory Committee. Other frontline workers (n=14) including Shelter Workers, Social Workers and Community Health Workers, were contacted by telephone, informed about the study and an interview date and time was arranged.

The applicants (n=19) were recruited through the Alison McAteer House (AMH) where EPOs are facilitated via a toll-free line to Shelter Workers. The Director, AMH reviewed the files and contacted participants informing them about the study and asking if they would like to participate. Volunteer applicants were contacted by telephone by AMH staff and an interview was setup at a safe place in the community. It is important to note that contact information in files of EPO applicants was not available since telephones were no longer in service or there was no telephone contact listed. Applicants were mostly interviewed face-to-face. Two applicants were interviewed by telephone at their request with the applicant naming the date and time. Following the interview, applicants were provided an honorarium of \$50.00 for participating in the interview. Supportive counselling was available and offered to any participants who needed it following the interview.

Data Collection and Analysis

Statistical Data. EPO data is collected routinely by AMH staff and the Department of Justice. The collated data in this report was conducted by the Coordinator of Family Violence, Department of Justice and interpreted and analyzed by the first author.

Interview Data. Qualitative interview data were collected using semi-structured interviews (Appendices B, C, & D) throughout 2018, conducted face-to-face and over the telephone. Interviews were digitally recorded, uploaded to a password protected computer, transcribed by research assistants, and stored. The transcriptions were completed verbatim.

Thematic analysis was utilized to review the interview data. The transcripts were read in their entirety and then coded line by line, the codes were grouped into subthemes and then assigned final themes. Two researchers coded the data separately for emerging themes and through dialogue and further analysis established the final themes and subthemes.

Court Transcripts. The court transcripts were accessed through a written request to the Supreme Court and with the approval of the Deputy Minister, Department of Justice. The transcripts were examined in the courthouse third floor boardroom at a designated time, following a personal security check by the Sheriff and in compliance with court security of documents. The transcripts were examined for content and flow paying attention to the process and questioning of the Justice of Peace and in consideration of the literature reviewed.

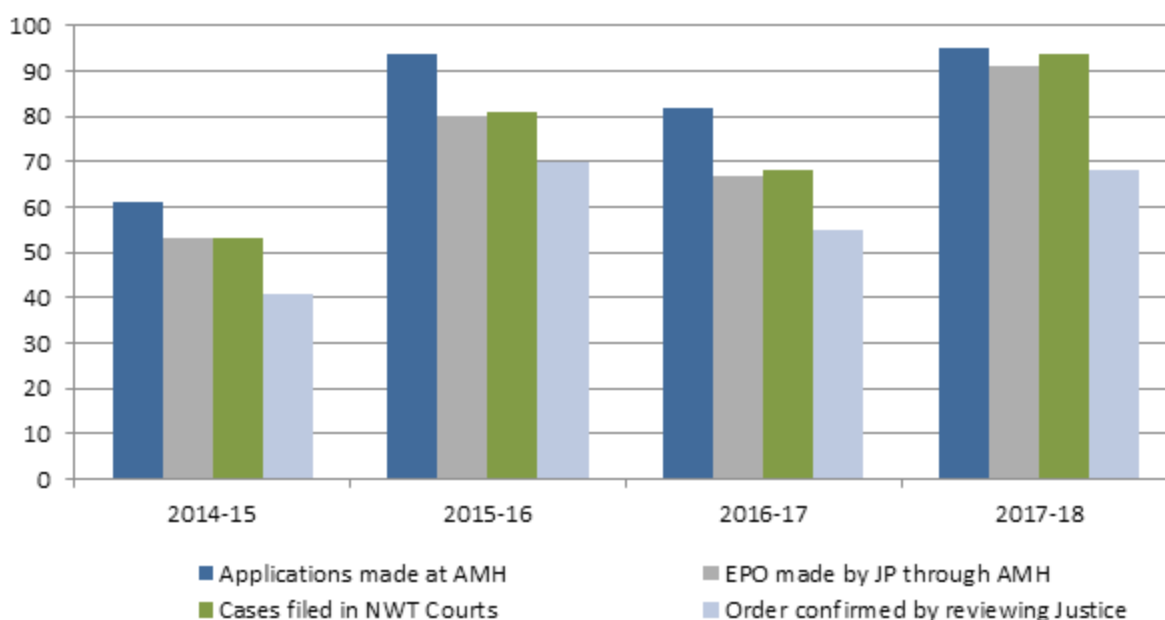
Limitations

In this study, respondents were not interviewed about their experiences of the EPO process. This does distract from the fulsomeness of this study and is a recommendation for future work. JPs were not interviewed and since they do have a prominent role in the EPO process, they will be important to include in future studies.

Findings

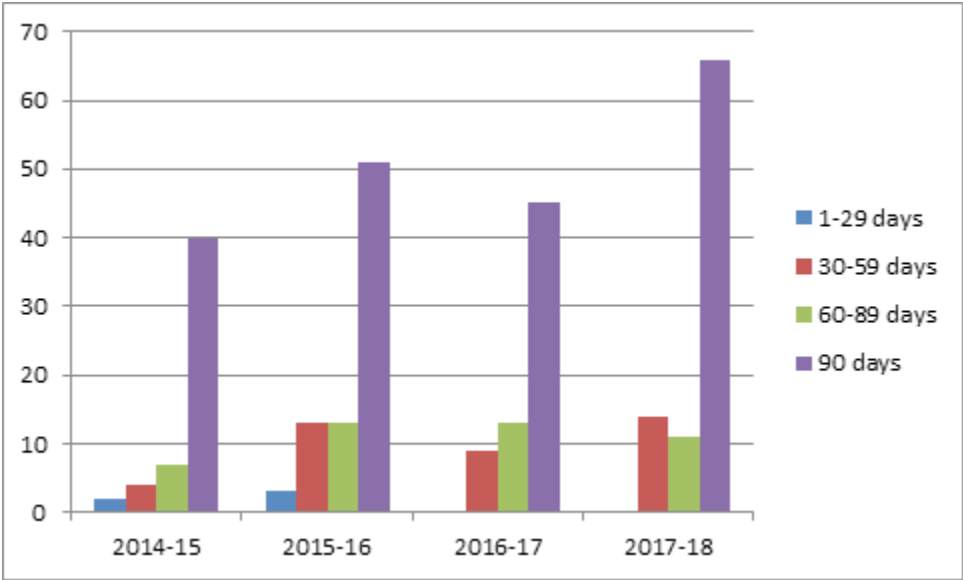
The findings in this case study come from analyses of a variety of sources (as described in the methods section) and are organized to provide as full a picture of EPOs as possible to the nature of EPOs in the NWT. To begin, the Department of Justice shared statistics about EPOs that identify the number of applications made and confirmation of these court orders by Supreme Justices.

Figure 1: Prevalence of EPOs



EPO data over a four-year period from 2014 to 2018 revealed the mean number of applications was 81.5. The range is 60 to 93 applications. There were 72.5 cases filed by the JPs. The difference in applications received and filed accounts for applications declined. There is a drop-off rate between the initial application and the judicial confirmation of the order. The drop-off rate is 21 (81.5-60.5) estimated by subtracting the number of cases confirmed by the reviewing justice from the initial applications. Some applicants and respondents apply to the court to have the EPO revoked. Observation in public cases appearing before Supreme Court identified some of the reasons why applicants and respondents seek legal action to end the court order they had been previously granted. These include: an applicant no longer wants the EPO and/or the applicant or respondent raise concerns around the provisions/conditions of the EPO.

Figure 2: Duration of EPO (YWCA)



In this graph from AMH data, it is apparent that when it comes to conditions for the duration of an EPO, JPs are mostly issuing EPOs for 90 days. There are 38 JPs in the territory, 29 of whom live and work in communities outside of Yellowknife. JPs are hired indefinitely and may remain in office until 75 years of age. When JPs are appointed, they receive training that may be two workshops lasting four to five days. This does not address the ongoing needs that evolve as they become more experienced in the EPO process or as contextual changes occur.

Observation in Courtroom 301. On the third floor of the Courthouse in Yellowknife is courtroom 301 where civil matters are heard. From the statistics shared it became apparent that some applicants and respondents apply to the court to have the EPO revoked. Observation in public cases appearing before Supreme Court identified some of the reasons why applicants and respondents seek legal action to end the court order they had been previously granted.

There are two circumstances that occur with EPO hearings before the Supreme Court Judge. The first situation is when the applicant no longer wants the EPO and the second is concerns around the provisions of the EPO. In the first instance, the applicant wants the EPO to be divested. This can be for a variety of personal reasons unique to the individual application. One call in to the judge by a respondent was that the provisions were too harsh. The perimeter to stay away from the applicant was such that he could not attend any community events at the local community hall. He described that he was in failing health and was isolated and needed to see friends. Another scenario also included the distance that the respondent must keep from the applicant.

In this instance, the respondent was unable to attend his place of work which meant that he would have no income. When considering the provisions, the JP may require more details and probes into the situation with the applicant and yet due to the current emergency situation and emotional state of the applicant these details may be difficult to ascertain. A lawyer raised the concern that both the applicant and respondent should be represented by a lawyer. The following excerpts about these circumstances were explained like this:

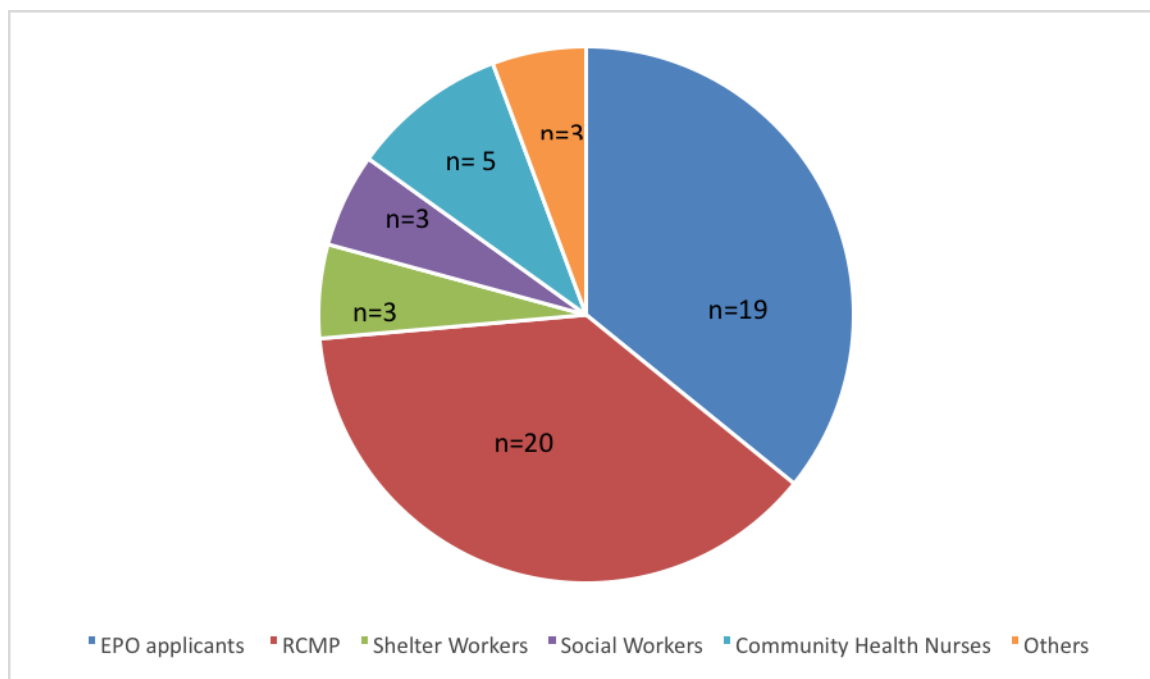
1. The hearing has been called because the applicant has changed her mind about wanting the EPO. This may happen at any point in the life of the EPO, but the YWCA has observed that applicants are most likely to want the EPO to be vacated when the JP set an expiry date that is later than they were hoping for. She [the applicant] may be there in person or she may be on the phone. Either way she generally does not have a lawyer with her, and is usually asking for the EPO to be vacated (cancelled) rather than varied (changed). She is usually nervous and unfamiliar with the process. The respondent may be present but often he is not. The hearing is typically over quickly. The judge will kindly and respectfully ask if she is safe, if she feels there is any risk to herself or her children, and whether anyone has pressured her to make the application. If she is hesitant or unclear on any point, the judge will follow-up to be certain. For example, she may say she feels “pretty safe”; in these situations, the judge will often ask questions to find out exactly what she means.

2. The hearing has been called because the respondent is concerned about one or more of the provisions. This can happen at any point in the life of the EPO but most commonly see it immediately after the order was served to the respondent. One or both people may have lawyers present who were already representing them in their ongoing divorce or custody matters. If the EPO was granted very recently, it may be in effect but not judicially confirmed, with no available transcript of the applicant’s evidence in the JP hearing. It will be reviewed by a judge in the coming days but at the time of the hearing, the judge does not have the applicant’s sworn testimony. In these situations, the respondent does not know what the evidence was, but is still bound by the provisions of the EPO, which often include a prohibition against contacting his/her children, visiting certain places in the community, or living in the family home. The hearing tends to be emotionally difficult, and the matter may take several weeks and multiple hearings to resolve. If the parties are present, they are frustrated and angry. They may agree to vary parts of the order until

another hearing can be scheduled. For example, they may agree to return to the previously agreed-upon custody schedule, or they may agree that access will happen in a slightly different way (supervised by a specified person, by phone when initiated by the children, etc.). At these hearing there are sometimes references to the matter being complicated, with multiple underlying legal issues to be resolved and other court or mediation dates scheduled. The parties may make reference to existing interim orders and agreements that the respondent considers more favourable than the terms in the EPO. Orders may be more restrictive without being in conflict, but the judge may vary the EPO until another hearing can be scheduled (personal communication, NWT Justice Team Lead and Violence Against Women, November 15, 2018).

Participant demographics.

Table Participants (n=53)



Participants who are applicants of EPOs in this study were all women. They were from six communities across the NWT (representing regional and remote communities) with 74% (n=14) Indigenous and 26% (n=5) non-Indigenous. The women ranged in age with the minimum age of 25 and the maximum age of 66. The mean age was 40.7 years. The applicants were asked who the respondent or intimate person was in the current EPO application

and the following relationships were identified: 12 were common-law partners, two were husbands, one was a boyfriend and the remaining four were children (one adopted adult). Police participants in this study were 2 females and 18 males (n=20); 3 were Indigenous and the remainder were non-Indigenous; and, 18 had postsecondary education in a college or university. Time in their current position ranged from a minimum of 7 months to a maximum of 7 years with a mean of 2.5 years in current position. Their length of service ranged from 8 months to 25 years with a mean of 9.6 years. Their time in the NWT ranged from 7 months to 7 years with a mean of 3.34 years.

Shelter Workers Response

Shelter Workers responses are identified under the following themes: Providing Information, Assessing the Story, Supporting the Applicant, and Identifying Barriers.

Providing information. Despite the fact that there is a toll-free number to access help when one is experiencing violence, many women facing physical, psychological and emotional abuse are not aware of the option to obtain an EPO, the process of obtaining an EPO, the benefits or shortcomings of an EPO, and formal supports that are available. In an effort to increase access for victims of violence, a toll-free telephone line to the largest women's shelter in the territory was established. The telephone is not the only way that women are made aware of options for them when faced or suffering domestic violence, but within the EPO process it is a key component and a means of **providing information**. Frontline Workers (RCMP, Justice Workers, Community Health Nurses, Social Workers, Shelter Workers, Victim Service Workers) refer women to the toll-free line when survivors of violence approach them for help and particularly if assistance is needed urgently. Even though the information is available it may or may not have been transmitted to local people. A Shelter Worker talked about it this way:

Some people call because in case of emergencies they contact the RCMP. RCMP give them the number to contact Alison McAteer House to apply for emergency protection orders and some people just call the crisis line. People don't know their options. They don't know, so we talk to them [about available interventions] (Shelter Worker 02).

AMH staff identified that providing information was always needed at the time of the call. Survivors of violence call to AMH not aware of what help they can receive and as one applicant in this study stated the call is “a lifeline”. In a time of crisis, instructions about what kind of help is available and how you go about getting help are vital. A Shelter Worker participant shared:

So [shelter workers at AMH] explain the EPO and explain what the EPO gives the lady, she has to agree to it and ... think about it, they do some research, they call back and sometimes they have an idea about an EPO, but not very much...so they get more information and they decide to go with it, then we will help and provide more information (Shelter Worker 02).

Most people seeking help will be referred to the toll-free line informally through a friend or formally through frontline workers or happenstance because they are in a crisis and they may know about the shelter system. A Shelter Worker described this and the beginning steps of the EPO process:

The applicant will contact somebody. Sometimes a nurse, sometimes RCMP, uh social services and then those people refer them to us. Okay and then we do a first interview where we determine if they are eligible for this emergency. You know, because even though it could be a situation that is severe, it might not fit [criteria] for an EPO...they have to fit, they have to be fleeing violence. So, if something happened a year ago. Unfortunately, you know. It has to fit the family act [PAFVA]. And a lot of people don't understand that. So, it has to be someone that you've lived in the same house, it has to be family, or it has to be someone you have had a child with (Shelter Worker 03).

Sometimes people seeking help from violence have preconceived notions about what help they may receive from this initial call for help. They are in a desperate state because of the situations they are faced with, so clarification of what is available is required. One example of a situation requiring amplification was described like this:

EPOs are not for child custody. Child custody has to go to family court. And so sometimes, they'll call wanting to get protection from the EPO because they don't want their partner to have the children. But there's no violence, there isn't anything going on, and really neither one of them have custody. So, we always tell them, they need to go apply for custody right away, whichever one, if they both call, we tell them both, somebody has to apply for custody (Shelter Worker 01).

The criteria necessary to obtain an EPO are interpreted by the Shelter Workers in plain language for people calling in. For example, the relationship between an applicant and a respondent is explained:

You can't get an EPO if you are boyfriend and girlfriend and never lived together. And have never had a child together. But you can be boyfriend and girlfriend and have had a child together, you can get an EPO...Like there really is a lot to know to advise people properly (Shelter Worker 01).

Responding to a situation, the Shelter Worker tailors her explanation of what an EPO is. For example, when hearing of situations where an elder is being abused a shelter worker told me she would respond like this:

I would say well you know there is the possibility that you can get an EPO, let's say you... your children come home...or your grandchildren or whatever, but they're young adults and they come home and they party and they drink, and they leave the stove on and they scare you and they take your money and things, well you can get an EPO to stop them entering the house, so they can't take your money, they can't scare you in the house, they wouldn't be allowed to come around you under the influence (Shelter Worker 01).

The granting of an EPO can be up to 90 days but Shelter Workers suggest that the JP often makes the decision to grant the applicant an EPO for 90 days without consulting the applicant and this can have repercussions down the road if the EPO was not followed by the applicant. A Shelter Worker reported:

The JP all of a sudden decided [90 days]...It doesn't have to be 90 days, it doesn't have to be 60 days. If you wanted it for the weekend, while he was out partying and you knew he was going to be sober on Monday then you could ask for Friday to Monday. You know where he can't come back and he has to stay away while he's intoxicated. Then he can come back after that, but for some reason, I don't know why, but the JPs some of them decide, oh 90 days. And then I have experienced where an elder who had an EPO she broke it herself and then she needed another one...And she told the JP that she had broken the other one herself because she needed his help[the respondent] so he [JP] wouldn't grant the next one (Shelter Worker 01).

There is a complexity and uniqueness to the situations requiring an EPO, the individuals requesting them, and the benefits and inadequacies when they are in place. Knowledge of the circumstance and the best way to tailor the EPO to the applicant's circumstances are required

by the JP, the designate (Shelter Worker in the process) and the applicant. This became apparent in the following narrative shared by a Shelter Worker:

Everyone is different, but then you know, like talking about it with an elder like that, the problem comes, I've seen, and witnessed and experienced myself, getting an EPO for an elder and then they are like okay, when my grandson, when my son is intoxicated he's not very nice, he's very bad, you know like he steals my money, he breaks things in the house you know and he threatens to hit me you know and things like that, so then you get an EPO but you don't want it for a very long time. You just want it, he may be drunk for a week. You know or weekend or something but once he sobers up and everything you need him back home in order, you know, whether it's to get wood, to get groceries, to take you someplace, you know you need his help. But now you've got this EPO because the JP has decided that he's going to give it to you for 90 days. And so now your stuck without any help, as an elder in a community, you know with this, so then it happens they [the applicant] tend to break then themselves and let them in themselves (Shelter Worker 01).

Shelter Workers safety planning is integral to the EPO process and to every encounter and interaction that the Shelter Workers have with people who call in or who are residing in the shelter.

Assessing the story. The Shelter Workers field the calls that come into the centre, hear the stories from individuals calling for help, assess the story to provide information about the EPO option, and assist the caller with decisions about pursuing the EPO option. Shelter Workers receive EPO training and they have guidelines they follow. A Shelter Worker reported:

So when a client, or when an applicant calls, a lady calls and she wants an EPO, then we take down the information and we'll ask her what her emergency is now that she needs it. It has to be an emergency and it has to be going on now. Um, so that is the first thing that we do. Then, we also make sure that they haven't been under the influence, if they say they have been then we ask them to call the next day...Um we make sure they are in the NWT, we make sure that they want to do it, they're not doing it because someone else is telling them to, because we have had in the past where social workers have sent women in and said you need to get an EPO or I am going to take your children. Unfortunately, it happened more than once, so we make sure they are doing it of their free will (Shelter Worker 01).

From this quote, some of the criteria that substantiate the need for an EPO are highlighted; that is, the nature and history of the family violence. The Shelter Worker also highlights issues that come up that complicate the process when someone feels pressured to request an EPO in order to keep her children. The Shelter Worker describes further how the process unfolds with this quote:

And then once we see there is an emergency and everything, then we explain to them[applicants] that we are going to be asking them all kinds of questions. We have 2 or 3 pages. We get the story of the emergency of what's going on. They give us a bit of the history...Explain everything to them, explain how it's like a mini court. It's on the telephone, it's three way calling. We'll call into a conference call, with the JP, we also let them know how to address the JP and that this is legal...it's a legal document that is being processed. So after all of that, they tell us everything, then we set up a time, we call the JP, let them know that, "Hi, I'm [name] from [organization] and I have an applicant applying for an EPO" and so then they'll set up a time that is convenient for the JP and also the applicant. We make sure she is safe (Shelter Worker 01).

Here the Shelter Worker is informing the applicant of both the purpose of the EPO and the role of the JP. This becomes very important to help establish the provisions/conditions of the EPO that the JP sets in response to the applicant's situations and need. A Shelter Worker clarifies with this example:

There's provisions that they will ask for...if it's harming the children, then they have no contact with the children, no contact with the applicant, or whatever is in the house, it all depends...the respondent can't be within 50 meters of the applicant, can't come to the applicant's home, if he resides in the home then the RCMP come within a certain amount of time and would have him removed with just his personal belongings. He can't take anything of interest to the house. If there is one vehicle, she can ask for it. If she's got 5 kids, doesn't necessarily mean she'll get it, just cause we've had it in the past where we literally had a lady with five children and the fifth one was a newborn, and she couldn't get a vehicle...and there is different things she could ask for...that he doesn't pick them[the children] up at school...and that she gets to stay in the house, he has to leave...it could be anything...depending on the situation (Shelter Worker 01).

Supporting the applicant. Throughout the request for an EPO and the hearing with the JP, the Shelter Worker supports the applicant. They do this through listening carefully to the applicant's story about the emergency and the situation that prompted them to call; remaining calm and compassionate during the telling of the emergency; questioning the applicant to substantiate whether there is immediate danger to the applicant or children and if the EPO is an option that is in her/his best interest; and navigating the applicant through the process while at the same time keeping her/him safe.

One Shelter Worker describes the ordeal of the EPO process because the talk about the situation that led to the request for an EPO must be told multiple times:

The sad thing about it is we get their story and everything and then, you know, see if it fits the mandate and once it does, they again have to tell their story to the JP. And that, so when we get their story we write everything down and we're designates, we're chairs for the hearing. And then sometimes because there is a crisis and [she] is traumatized and everything, when they call, there may be things they forgot. So if there are things she forgot, we could prompt them... You know, you know you had mentioned this about [whatever] and she is like oh yeah right (Shelter Worker 01).

Shelter Workers want the applicant to feel as comfortable as possible given that they are in stressful contexts so knowing the process along with the formal process that will occur is important. One of these formalities is the expectation of how you address the JP. She suggested: *"Well sometimes they do not know what the JP stands for, Justice of the Peace, just the different meanings, when you're speaking to him and he's speaking to you, you don't say "hey" because it is court" (Shelter Worker 01).*

Family violence is embedded with suffering and struggles so talking about these hurts are emotional. A Shelter Worker shared how she addresses periods in the interview when the applicant needs time to address the situation and think it through as she speaks: *Sometimes their [the applicants] emotions just run everything you know, and we also have to know that that's okay, you know. If you just can't quit crying, at the moment, that's okay, we will just take a minute, and pause. You know, let you catch yourself (Shelter Worker 01).*

Shelter Workers are trained and experienced to listen and respond to the applicant in caring manners and within the EPO process, a formal and legal proceeding, the Shelter Workers are

also designates (a person with the right and authority to speak during the hearing). They have heard the applicant's story from the initial call for help and there may be important pieces of the story omitted if the applicant's thought process becomes muddled under the constraints of the formal process, the fact that it is being recorded, the stressfulness and agony of actually requiring an EPO, and talking publicly about something that is private. A Shelter Worker shared these sentiments about setting up the conference call with the JP and describing the advocacy that is needed to be able to speak up and support the applicant through the interview with the JP. This support is allowed and validated by being sworn in as a designate.

We're listening as she is telling everything to the JP because now you've set the time, say it's four o'clock today, and so you all go to a conference call and you all go into this conference call and you just let the JP know who you are and you're there, and also the applicant you're there to support him or her; and that you're the designate...I ask to be sworn in, because they will ask you, and if they don't ask you, ask to be sworn in because sometimes when you're not, you can't say anything (Shelter Worker 01).

Often, the applicant is in a volatile and evolving violent situation when she makes the call to the shelter. This necessitates action to get immediate local help for the applicant along with disrupting the heightened tension through an unruffled presence. In these typical instances, the applicant is encouraged to articulate the story in a way that is understood. A Shelter Worker shared in this way:

You know you get some [narratives from applicants] where they're like "he is pounding on the front door right now", you can hear on the telephone, you can hear the respondent screaming, "I'm going to kill you". You know so then you get on the phone right away and you call the police, because we have more than one line at the shelter...And you get things like that, you get where they will break windows, you get a lot of threats, gun, axe, kill you, take you someplace, just everything and anything...there isn't anything we haven't heard...you just learn over the years how to talk to women, how to calm them down...a lot of times they don't hear you either because they are in a crisis and they are just all over the place (Shelter Worker 01).

Safety of the applicant and children is central to the process. Safety planning is an ongoing process and although the court wants to validate that safety planning has been completed at the time of the interview with the applicant, it takes several calls and repetitions of the plan

for it to be real and known to the applicant. Shelter Workers shared that they make several subsequent calls to an applicant to ensure her safety and to make sure knowledge of the plan is transmitted and enacted.

And even though we do safety planning with them all the time, and sometimes the JP's will say you should have your safety planning done now, not after, and it's like I'm sorry but, we could do safety planning with her and she is going to tell you no because she is not going to hear anything I'm going to say at that moment. You know, so we choose to do it after and when she is a little bit calmer (Shelter Worker 01).

Navigating stressful moments, where a myriad of emotion is playing out in the applicant, requires attentiveness and action on the part of the Shelter Worker. There are ways of being with the applicant that can help to elicit the facts about the situations including remaining calm, supportive and nonjudgmental. An experienced Shelter Worker said:

I think being calm yourself makes a big difference. I always say to calm everybody else down. And then sometimes, not sometimes, a lot of times when they are in crisis, they just, they don't hear you. They just keep going and going and you let them keep talking until they kind of, you can always tell why they're talking when they are starting to stop and breathe. And that I did that sometimes, it's just take a big breath here (Shelter Worker 01).

Waiting to hear whether the EPO will be granted can be difficult for the applicants and it is important that the applicant know that this may happen at the time of the call or it may take a few hours. If the applicant is in a community many miles away, the Shelter Worker will recommend she/he is with supportive friends or family. One Shelter Worker described it in this way: *"Once they tell their story and everything, some of the JPs will take some time to make their decisions. Sometimes it's really hard on the applicant waiting and waiting for the JP to come back into play"* (Shelter Worker 01).

Identifying barriers. Shelter Workers were asked if there are any barriers to getting an EPO. Under this theme, they identified two sub-themes: 1) limited resources available, and 2) the utility of the EPO itself. In the first sub-theme, there are limited resources. For example, there are some communities in the NWT that have no police presence. In these realities, survivors of violence can obtain an EPO but it is not being monitored and/or enforced by the police. This

reinforces the notion that “a piece of paper” is not an effective deterrent of violent actions by a respondent. The lack of telephone or access to transportation to flee the violence are also barriers for people experiencing violence. If you do not have a social network of support from family, friends and the community, your safety can be further jeopardized and the effectiveness of the EPO would be in question. A Shelter Worker stated:

There are lots of barriers [to EPOs]. There's lots of communities where there are no RCMP. You could still get an EPO. Sometimes that little piece of paper works, sometimes that little piece of paper doesn't work...you know not having a telephone, not having family support, not having community support...not being able to get in and out other than maybe flying in and out (Shelter Worker 01).

With these barriers identified by the participant, the interviewer additionally asked: if this is the case what would you suggest? As the story unfolds from the applicant, the Shelter Worker questions the applicant as to his/her current safety and makes suggestions in response to his/her situation. She clarified:

Our first concern, right at the top, is her safety. Are you safe where you are? If they're not, we brainstorm and we get them someplace safe. Sometimes they may be able to go to the health centre or to the counselling centre or to the Band office or to a family or friend...until they are safe. And we do offer them to come [to the shelter] even if they get an EPO, but usually when they are getting an EPO, it's because they don't want to leave the community or they don't want to leave their home...and yeah no vehicle...yeah. No way to get out (Shelter Worker 01).

The EPO itself is the second sub-theme identified as another barrier to survivors of violence. The intent of an EPO is to provide a temporary solution that addresses the violent crisis. During the time when an EPO is in place, it is intended to provide an opportunity to arrange for a protection order that can be in place for a longer period of time. A Shelter Worker stated:

I think the barriers are that women have nowhere else to go...okay so if they get an EPO and it's for three months what happens in three months? ...so he [the respondent] is automatically back in the house cause the majority of them both their names are on the lease or mortgage. So, he has or she has every right to go back into their home. Right so I don't know if you call that a barrier or a result of. This is just being a temporary thing.

But the whole idea of an EPO is for them to buy some time to get something permanent in place. And like I said, they don't always do it (Shelter Worker 03).

Onus is on the Applicants

The onus is on applicants to initiate and in most instances, monitor the EPO process. 'Onus' is integral action to survivors when it comes to taking steps to escape IPV. This 'onus' conveys a responsibility or burden inherent to enter into pursuit of an EPO, honour the conditions of the EPO but also monitor or be the gatekeeper of responses by the respondent to the EPO. The 'onus' can be described as both taxing and/or liberating to the applicant since the process of being granted an EPO is arduous. At the time of pursuing an EPO, there is an 'emergency' that prompts the request and because it is an emergency, there is duress. It is liberating because seeking help in this manner takes courage and initiative which is an aspect of self-care and care for children. The process to obtain an EPO can be empowering to survivors in itself. Sometimes the impetus for an EPO intervention is self-directed as one woman shared, *"It's just that I needed to fix this on my own"*, or it may be realized through pressure from an outside source. One woman stated:

and them [RCMP say words like] we've been here like hundreds of times, and you haven't left, you have a child now like what are you doing? Get a lawyer...like when I call the RCMP with help, like what can I do? They're like that's on you, you have to get to work with lawyers and get full custody...well I'm embarrassed too about everything like it's hard to go for help. It has been two years and I keep thinking, this is going to be the year where he agrees to do something...but I think he enjoys this power that he [partner] has ... (Applicant 19).

The overarching theme which depicts an applicant's role in the EPO process is "taking action". It was described this way by an applicant: *Do something about it. No one can fix it for you. That's what I told myself. You gotta fix it yourself. It's going to be hard but you take the first step, you know. Never mind what people say. Let them talk* (Applicant 9). There are five sub-themes under the theme, Onus is on the Applicant: accessing an EPO, navigating the system, rallying supports, reporting breaches, and staying safe.

Accessing an EPO. Participants shared their experiences of applying for an EPO. This included the process they went through and their accounts of emergencies that led them to access this

intervention. Each of their stories is unique and through their stories, their evidence is heard first by a Shelter Worker and then in a hearing with a JP. Applicants in this study described physical violence, intimidation, emotional abuse, stalking, destroyed property and elder abuse that created fear in their lives and the lives of their children and was the impetus to seek help and apply for an EPO. The stories of the “emergency” creating a need to apply for an EPO are struggles for survival. One woman, who we will call Joy, shared a narrative about a severe beating that put her in hospital and sent her partner to jail. This was the emergency that led her to seek help.

There are so many times where I’ve been close to death like the last time [names partner] was in jail I was in the hospital for I don’t know how many hours on a platform, neck brace and oxygen. I went to[hospital], he was already in jail. He was charged (Applicant 6).

Joy received blows to the head from the respondent. She reports that it has affected her memory, her speech, and her ability to articulate what she has endured. She describes it this way:

My memory it comes and goes...I will be talking about something and then I’ll completely forget what it is about...So I have started to stutter and get-get-get nervous like that already and that’s what I notice about myself. So like I’m forgetting already what –what – what we were talking about...(Applicant 6).

Joy described ongoing “rough times” with a common-law who was “getting physical”. They have a young son together. He is out of jail and she has been trying to get him to stay away so she made the decision to get an EPO. Her story is somewhat jumbled and she has difficulty in telling it. The telling of it makes her fearful. She says:

So, when I called the police um, they asked me to do, I think it was ah, a victim impact statement or something like that. And then I went to have a talk with it was [gives a name] that was working there [victim services]...and then there’s another one there that, there’s several of them[shelter worker] that I think I had talked to. And um we had to get a judge [Justice of the Peace] and do a, what ya call it, teleconference and do an emergency protection form. And that was lots too. Like my boy was in there and to see me getting all emotional and stuff like that. I didn’t want him to see that because then he starts to get scared after that so um it’s still like that today [day of this interview]. Still trying to get him [respondent]to stay away, to phone and um see that ...I had called the police on

him. Like am I jumping over? Um a couple of weeks ago I called, he wouldn't, he wouldn't [leave] until the police came. He started getting rowdy and I ah sugar, oh he wasn't supposed to be at my place. When I got home. And he was there. And my boy was across the road at my cousins. And oh I'm just about fainting here. I'm seeing stars (Applicant 6).

[We asked are you okay? Do you need some water? Take a deep breath] Joy said she was “okay” but that she “was ready to fall asleep”. The telling of her experience is stressful. Joy continued with the account of what happened sharing how she was feeling:

I'm so tense but ready to go to sleep and um he was there anyways. I mean he was at my place. He had called me on my cell phone from at home. Like I leave the door open in case my son goes there or other family members... And um I asked him to leave and he wouldn't go so I called the police. Um and he started yelling at the entrance door that he's not going to leave and he's going to stay there until they come and pick him up... (Applicant 6).

From these excerpts of her story, Joy's fear is palpable for herself and her son. Her courage is evident. She is a survivor. She reaches out and gets help. In her story, she tells us how she takes her concern to police officers, victim service workers, Shelter Workers, a JP and now with researchers. She is living with her fear but striving to work through it.

Another applicant, a young mother whom we call Joan, describes many forms of intimidation that made her fearful, including manipulation of situations, use of social media, and stalking. She describes her emergency as “*the final nail on the coffin*” and in her narrative we can feel the manipulation and anxiety that the respondent's behaviour creates for Joan. She describes the emergency that led her to applying for the EPO as follows:

I was trying to make my daughter a grilled cheese sandwich and most of the time I would just hide in my room to try to avoid the attacks and so ...he just came flying out of nowhere and he you know was making all these bizarre statements and I was like can you please just give me space, I'm trying to make our daughter lunch and then he's like you know he started filming me making a grilled cheese sandwich and then he phoned the police and said my wife is threatening me with a butter knife so I just called them crying and I was like listen you know I'm making my daughter a grilled cheese sandwich. I have to be able to make her lunch without you know the police being involved. And so they came over and they were they told me like you have to go to the [names shelter] and get this sorted

out...So I was like okay you know not only has he physically assaulted me and you know sexually he was like following me around the house and asking if I wanted to have sex with him, you know when our daughter was within earshot and there was also you know and still is to this day financial abuse right? And there was like property abuse where he's just taking things and smashing them up...it was just going into this crazy parallel universe (Applicant 3).

Joan described the respondent's behaviour as "trying to destroy her life completely". He used many forms of intimidation. For example, he used social media to defame her. Joan said:

He sent a mass FaceBook message out to all of my co-workers accusing me of sleeping around with somebody. Right, do you know how long [names her] has been fucking this person? Right and then so, you know, I called the police and you know, I called here and I'm like you know is that contact? And they're like that's indirect contact and it's just hearsay and this and that and the next thing. So, he was breaking the emergency protection order (Applicant 3).

Joan is bringing up a real problem and one that appears to be a gap or a problem that was not addressed. Is this type of behaviour considered within the legislation or the conditions placed upon a respondent? What happens when social media is used against a partner? This respondent uses everything within his means to coerce or intimidate the applicant. Another example of coercion is stalking and taking possessions from her home. Joan saw this as another violation and explained her experience this way:

I'm in a situation where when I go to work [names job that takes her out of town] sometimes I would be gone all day and all night and he basically stalked the house and then go stalk my work and be like oh she is not home so he would like come and just start removing assets and cherry picking (Applicant 3).

Joy and Joan have the grave misfortune to share an emergency requiring an EPO. Their stories are personal, contextual and unique; however, they share the fearfulness and sometimes terror they live with from the intentional acts directed towards them by their partners. Another participant, who we will call Stella, described:

Maybe there are other people like me, who are kind of stuck being threatened and knowing outright not how to put in a text I'm going to hurt or kill you [from respondent]. Like he'll phone, I know he phones from other phones or from calling cards because I block him from my phone so he knows other ways of getting to me...so I feel like I am constantly paranoid or waiting for the next threat (Applicant 19).

Surviving violence is not a new experience for many of the participants. They described growing up with violence in their families. Another applicant, we refer to as Mary, stated:

My parents were alcoholics and it was a really violent relationship for them when alcohol was involved. And there are six of us but my sisters and brothers never did see any of the violence. I was the oldest in the family but they treat me like I'm the youngest so um they didn't see any of the violence. I always hid them, put them away from it and cleaned up the mess. They're arguing or laughing or whatever. Pour lots in it so they could get drunk right away, pass out, then dump the rest and try to find my own remedy I guess to try and deal with that. And I think that's where I started getting into the violent relationships which started at sixteen (Applicant 6).

The horror of family violence that was lived as a child stays with some of the participants as adults. There are many ways of coping with violence, including the use of substances, as was Mary's experience in the previous story and in this applicant, we identify as Rose:

But that abuse, oh my god. I remember my mom...she was in Edmonton for seven months with broken ribs. My step father did that. I cried for two three days. I never seen my mom drunk before. I think that's how come I quit drinking. You know, cause well you know, you never know you might be dead... I didn't know he was violent after how many years we were married. They're so sweet then they turn sour you know. It's not them, it's the alcohol eh? You know but that is no excuse you know. Oh, I'm glad the 60s and 70s are over. Cause it's the first time I ever see those [violence at home], what 11 years old? Oh I couldn't sleep I had nightmares (Applicant 9).

Other accounts of emergencies included elder abuse like Alice and Nell share:

...you know as soon as they got it done [JP's decision], they [RCMP] were able to serve my son and you know I did it for the fact of elder abuse...I find it a little hard because I do love

my son but I mean he's almost 40 and he's into drugs and drinking...I was asleep and one of my daughters lives with me so ...she went downstairs and asked him if he was okay and next thing he was verbally saying stuff to her and she knew he was under the influence of something...I woke up hearing pots banging or something so I went downstairs and I said "what's wrong with you?" and he just started on me verbalizing and then you know I said "I'm not putting up with this"; "I don't need to put up with this". So, I picked up the phone to phone the police and he pulled the wires off the phone but it's a good thing I had another phone line. So, my daughter upstairs went on it and just said [to the RCMP] You better hurry up before he does anymore because he's done that before in the past and I thought enough is enough. You know me and my husband are not healthy, we don't need to be living like this (Applicant 8).

I've had a few of them [EPOs]. But the first one I ever got, it got me away from a really bad relationship and it helped me stay that way you know, kept him away from me so, he didn't come back. And it made that boundary as like its not me making the rules, I can't change it. It's already made you know? He was a violent, violent guy. And then the second one was like the first one ran out, and then he started coming around and doing some really crazy things so I was like put the second one in play. It was mainly just for the kids, but then he was getting the kids on like his visits then the kids were getting disturbed and upset so I had to get the third one to protect them as well from him (Applicant 14).

The emergency for this EPO was terrifying as described by Nell:

Well he went on a rampage turns out he was seeing one of the neighbours and was his friend, but his friend's wife, and then turned, it was he said consensual, but I don't know what to believe was it turns out she charged him. I had no idea what was going on. I got a brand-new baby and I told him it was over long before I had her but I just had to get away from him. So he went to jail and when before he did, he came home and he just destroyed the whole place. The kids were in bed sleeping and the baby was asleep and he just destroyed it. There wasn't one wall that didn't have a huge hole in it. Smashed the front window, broke the stove, stuff like that. RCMP came and they were like we've had many calls about this and they're like leave, leave, leave. But I was like what do I do? Right? So I go get the EPO. I didn't really know about the EPO. Um got the EPO, moved to my mom's and that's how I got away from him (Applicant 14).

Navigating the system. Just making the phone call to request an EPO is *a big step*. It involves finding a space and time when a call can be made safely and because of the gravity of the situation, fear, uncertainty and anxiety are just a few of the emotions that participants acknowledge. For this applicant, she made the call seeking help when the perpetrator went to work and she felt safe. As Sara noted:

*He [perpetrator] went to work and I decided I'm going to call about an EPO and so I called the number in the book and she [shelter worker] answered...At that point I was emotionally distraught. Cause you know it's **a big step** for me even to call (Applicant 04).*

Sara went on to describe what happened during the initial phone call to AMH. The Shelter Worker whom responded to her assistance for help provided the support, comfort and encouragement that she required:

She [Shelter Worker] was just like absolutely on it [request for EPO] from the moment I told her [the situation]. She just went into her supportive role and I'm sure she did all the things she was supposed to do. She did some emotional care for me and then helped me talk about the situation. And then she said, yes, we're going to go for an EPO and then she described to me what kind of questions I would be asked and she sort of said this is an area where you are vulnerable and the JP will be concerned so make sure you mention that. You know she really coached me perfectly for the JP interview and then the JP called me and she and the JP were on the line together about a half an hour. Totally excellent service (Applicant 04).

Sara describes that she felt the Shelter Worker took charge of the situation and helped her with the EPO process, describing the kind of questions she would be asked and evidence that she needed to give to the JP. This assisted her to collect her thoughts, as she said “*coached me perfectly*”, so that she was as prepared as she could be for the hearing with the JP. Sara reported that she remembers the EPO was for 90 days and she was “*glad about that*”. She explained what happened after the interview with the JP:

So then she [Shelter Worker] came back with all this other stuff to help me look after my safety now that I had the EPO. Because he [the respondent] wasn't going to be given the EPO until after work. The RCMP were going to bring it to the house in the evening so I was already carefully informed about that. I was out of the house when the EPO was served so

I was for sure. And I had friends, I was really fortunate I had lots of friends, but actually I don't even know if I told too many of my friends I was going through this process until I'd been through it you know (Applicant 04).

This speaks to the coordinated effort that is needed between the Shelter Workers, RCMP officer, and applicant about serving the EPO in a safe manner and developing a safety plan that is needed for the applicant. There is frequent communication between the Shelter Worker and applicant, both in safety planning and check-ins, to ensure that the applicant is safe during the application process itself, and again once the EPO is served to the applicant and respondent. Safety planning is stressed throughout the process of obtaining an EPO. We heard from the Shelter Workers who facilitate the EPO process. One Shelter Worker described it like this: “We discuss safety planning it's a very important part. We do it and then the judge makes sure that we do it with the client.” (Shelter Worker 01). An example from one applicant, we will refer to as Sara, took the following action:

I stayed overnight at my daughter's house on the night he was served the EPO which I think was really wise. And then I checked in with [Shelter Worker] the next day. I think I came over here [to AMH shelter] actually and saw her face-to-face and she said okay you have to get the locks changed immediately. And she put me in touch with the emergency fund over at Victim Services...and then [Shelter Worker] maintained contact quite significantly like every day for the first week, she called me and checked me out and asked me how I was doing (Applicant 4).

The way that perpetrators respond to an EPO varies. In Sara's case, she stated:

I know he has experience with the police in the past and he has a lot of respect for the police. He paid attention to it [EPO] totally. He was really good about that. The only thing that happened in it was you know cost me \$2500. The cops gave him the form, EPO, at the house and then they came back to check that he was out of there maybe in an hour or something, like they did not hang around the whole hour. You know I understand that. And the neighbours, you don't want the neighbours seeing a cop car in your yard. I thought they were kind of discreet about it. I didn't want everyone in the neighbourhood you know I mean just the neighbour across the street found out...The cops dropped the EPO, left and then came back to make sure he was gone or something, but in the course of doing that he [the respondent] destroyed the screen on my computer (Applicant 4).

During the 90 day EPO, Sara made a decision to finalize the break with the respondent. She felt that it would be best and safer to serve divorce papers during the EPO. She did not have a lawyer or know what she needed to do to make this happen. She explained it this way:

I was going ahead and getting lawyers and getting divorce papers written up. And that was extraordinarily difficult to get information on. The legal society webpage, like maybe it is better now, but it was like almost impossible to find information there. I didn't know who were the lawyers that dealt with family, divorces, so like I mean there are probably many women aren't you know ready to have an EPO and then immediately (snaps fingers) go into divorce, but I did and I got my divorce papers drawn up. I mean at huge expense but and also about a week of farting around trying to find which lawyers were available – very hard work to get a lawyer (Applicant 4).

Another participant did not have an organized response to the EPO. The respondent and an RCMP officer arrived at her doorstep unannounced to remove his things from her place. When asked if her partner followed the EPO, she responded:

No he didn't. With regards to communication, yes, with regards to vacating the stuff, the personal effects, no. What I didn't like about the process and I don't think it was anything to do with the EPO or the organization is the following morning the RCMP showed up at my door with my ex just without announcing or without warning. And to me, it was like, I guess you could say a trigger, it was like well that defeated the purpose (Applicant 16).

Participants demonstrated a great deal of resilience while telling their stories and the ways they navigated the situation they were in, the process to access an EPO, and the duration of the EPO and conditions in changes to their lives. Sara stated “*I was practicing all sorts of self-help programs to live myself and be safe and not give my life over to him [respondent] you know*” (Applicant 4).

A participant described getting an EPO following an incident where the perpetrator got into an argument with her, yelled at her in front of their young children, and broke her fence. All of these actions made her fearful for the safety of herself and her children. One of the EPO conditions for the respondent was to have no contact with her or her children. However, she had to take further action because the perpetrator was father to one of her children wherein child custody orders were in place. This speaks to the complexity and uniqueness of domestic

matters that can occur. She said: *But we had to have a court order that grants him custody of my son. I had to actually talk to my lawyer about it and get the EPO changed up so that he can have access to my son, but he would have to go through a third party* (Applicant 5). She described the EPO as *very effective in keeping him away from myself and my daughter*. Interviewer asked: how long was the EPO for? She responded: *Two months. Then we worked it out with the court for something else*. Interviewer asked: in what ways did it keep you safe? She stated:

It gave me peace of mind really because he wasn't supposed to come anywhere near me, my kid, my house or my work. So I was able to go between like my house and my work and my daughter's school and around town and not really worry about running into him and if I did, knowing that he wouldn't be able to stay there (Applicant 5).

We asked Alice, how did [the EPO] keep you safe? She said *"just knowing that he wasn't allowed to come home. We were able to, you know, rest a little bit more. Um we've never ever kept our door locked until a few years ago. We started locking our door* (Applicant 4). Another participant said *it was like I can breathe, once it was issued, it was freedom...it was peace, it was freedom, it was safety* (Applicant 16).

Rallying supports. Participants described formal supports, but predominantly identifying family and community support when initiating the EPO application process as well as supporting them throughout the duration of the order. An applicant described talking to "someone" after a recurring incident of choking by the perpetrator which made her realize that there was an urgency to get away and to have him gone from her life. Taking this step was huge as described earlier and the impact as pronounced in this applicant's account was her inability to go to work. This effect of being unable to work, the fearfulness of continued encounters, and the serious danger she experienced from strangulation culminated in the need to get help. She said:

And he come up and put his hands on my throat and this is maybe about the third or fourth time...And then, I was just done, I'm done, I can't do this...they left and his daughters left. So, I was at home and the next day I tried to go to work and I couldn't, like I was just, I need out. Like I just need to be able to like he needs to go away and not come back, so someone had said "well get an EPO. Like he has to stay away. For a certain amount of days. And so, I contacted them [AMH shelter] and I went to the Alison McAteer House and talked to a judge (Applicant 8).

There are complexities to the applicants' lives and how they come to rally support often depends on their experiences, or encounters with service providers and resources they have picked up through these experiences. This applicant knew who to telephone from a prior experience of attending a meeting with the perpetrator when he was in the Men's Program for DV Offenders. She said she was given a book for victims and she found the number for AMH in that book.

Other applicants acknowledged the support they received from friends and the importance of her friends listening to her as she disclosed what had happened. This helped to release some of the pent-up emotion she held from the violations she endured and also provided fortitude to the decision she made to get the EPO. This applicant explained this form of listening received as empathy. She said "*my friends just listened they you know had empathy [for me]*" (Applicant 4).

Family members also provide physical support and presence as stated by this applicant "*my mom started staying over nights.*" This support helped her to feel safe and protected. Another applicant described "*I mean my daughters' help was huge...*" (Applicant 4).

Applicant 16 listed her supports to include: *RCMP, friends, social worker and my therapist in terms of physio [she had been in an accident]. She helped me a lot. They were there for more emotional and psychological support rather than the physical.*

Mothering/grandmothering. Mothering at all stages of life from young mothers to grandmothers stems from rallying an internal resilience and strength they found within themselves. Mothering has been defined by applicants within this study as nurturing, guiding, and keeping the children safe when they are in an emergency situation necessitating an EPO application. Mothering is a particular form of support that included protecting the children, helping the kids understand, and navigating visitation and relationship with the respondent.

Protecting the children from the respondent was often an impetus for help-seeking behaviour. As one mother identified *...like he can, you can do everything to me. I don't care if you kill me. But when it comes to my kids, you don't touch my kids* (Applicant 1). When mothers ascertain that their children are in danger, they take action to keep their children safe. A grandmother shared her story of caring for her eight-year-old granddaughter for the last six years. Her daughter did not live with her but when she was under the influence of alcohol, she would come to her house and fight with her mother. The grandmother and granddaughter were frightened when she was in this aggressive state. She said:

[I] got an EPO against her due to the fact of her violence around my granddaughter. Like I don't drink. It's every time she's drinking, she's doing the same thing...And after a while, she stopped coming around, but she started phoning. And I just told her, I can't put up with her anymore (Applicant 17).

Mothers recognize when the tension is escalating. At these times, they described the importance of getting their children to safety. One mother stated:

He told us to leave and I knew he would attack me if I didn't listen. So, I said "son get ready". So I quickly went to go hide the keys under the bed before I go. Because they were his keys and my plan was to take those keys from him so he doesn't come in the next day when I go to work or whatever (Applicant 2).

Another sub-theme of mothering/grandmothering is the way that the participants helped their children understand the situation and the reason why they asked and were granted an EPO against their intimate partner. One mother said:

Well you know when she [daughter] comes home and she's yelled at or when her father was kicked out...I was like well daddy's just really sick right now. So we have to pray that he gets better (Applicant 3).

Mothers also acknowledge to their children that the behaviour of the other parent is unacceptable and there is a consequence for unacceptable behaviour. This happened for one applicant as she was explaining to her children why their father could not live with them until his behaviour improved. These mothering actions help shift away from an understanding that violence is normal towards one that recognizes it is not normal. She said:

Because I had to sit there and tell him [my son], like I cried with him and teared up with him, but I let him know the truth that your dad should not be acting the way he's acting (Applicant 18).

Part of mothering and helping children understand was nurturing children through attending to them. Mothers watched over their children to help identify how they were feeling when the children were exposed to or witnessed violence and abuse. One applicant said *she [daughter] came home one day and was like daddy was yelling at me so badly I was shaking. And then so I'm like you know I don't know of it's a good idea that you're with him tomorrow... (Applicant 3).*

Mothers in this study were responsive and vigilant to their children's needs. Some mothers tried to continue with routines, such as school attendance, as a means of helping them carry on with positive activities and structure. Here is one mother's account of her action:

I kept checking on [child]...I know he heard everything because it's so loud...After he left, he got out of bed and had breakfast...I made sure he's alright and you know he's up here okay. And he loves school and I figure the best thing for him this morning would be school to keep his mind off of everything...He just turned seven...I thought instead of staying home and watching me cry he could go to school (Applicant 7).

Women traverse the relationship with their abusive partner in both informal helping and formal help-seeking. One mother said: *If [my son] got lonely, we would go down and do some colouring or whatever just to fax it to his dad. So that there would be some kind of way for them to have communication (Applicant 6).* Another mother shared that she reports to the formal system when the situation is unsafe:

You know there's some days where she [9 year old daughter] comes home from being with him and she's just right out of it. ...you know she is like crying and you know she'll be like daddy was yelling at me or you know daddy was kissing his new girlfriend in front of me...he's court ordered not to drink around her and he like opens a beer and says 'it's ginger ale'. He's clearly drinking and driving with her...so I called social services about the drinking and driving incident (Applicant 3).

Reporting breaches. One participant was particularly concerned with breaches and the system response to these. She stated: *"Breaches have to matter"*. She took it upon herself to write recommendations to both the RCMP and Federal Ombudsman. She shared her written document and highlighted concerns that from her perspective and experience, victim's rights were not considered within the system. She suggests the following:

After an offender is charged with assault and is still at large, a victim's only option for feeling safe other than moving out of town or hiding from the perpetrator is to report breaches. Therefore, each breach no matter how benign they may seem to the Police Officer, Crown or Justice of the Peace must be taken seriously (Applicant 18).

As one applicant described, it takes courage to call and report the breach. She was so “*terrified*” of the respondent that this disrupted her confidence and capacity to think clearly and make decisions. She had to find a safe time to call the police because she feared for her life. Finally, she described how she took action by locking the door and was able to reach the police. He was charged with breaching the EPO. She said:

When you’ve been so abused, mentally, physically, emotionally, spiritually, financially in every way you could be abused, you just don’t know what to think. You just don’t know how to think for yourself anymore. There is no healthy state of mind and you’re so used to being controlled and you’re not yourself anymore. So when he did that [came back to her home], I became a victim again. You can go to work but no one is allowed to know I am here...I should have called right away [to the RCMP] but I didn’t know how to think or play it safe. So, I gave myself a couple of days to think...so it was like he held me hostage...when he went to go throw the garbage out- as soon as I heard the door close. I ran to the door, deadbolt, I locked it...so I called the cops...they came within a few minutes (Applicant 01).

In Alice’s case of elder abuse, her son followed the EPO until the last night it was still in place. On the eve of the EPOs final day, he came home and the police responded. Sara described how she felt: “*I was distraught you know. I was crying because I love him so much and I hated to see him be taken away. And that is one of the biggest things that I’ve noticed in the years too is that women will do the EPO and then want it lifted [revoked]*”(Applicant 4). There is mixed emotion about taking action with an EPO when that action is against a family member. This applicant (and mother to the respondent of the EPO) describes how, at times, she was overcome by the effect the EPO has on her child and that it impairs the ability to sustain the action.

Police/Justice Response

The RCMP experience with EPOs is varied, predominantly from their length of service, but also their time in the NWT and territorial communities. Interwoven through their NWT experiences are referenced stories of previous experiences in other Canadian jurisdictions where they have worked as an RCMP officer. One commonality they share in the NWT is that the *majority of their calls are family violence* (RCMP 01). When they respond to calls of family violence, they assess the situation and intervene. One police officer said their usual practice is on *the criminal side with undertakings* (RCMP 01) while another describes a practice focused on assessing the urgency of the situation to quickly ascertain the appropriateness of an AMH referral for

EPO application: *I was told if it's not that urgent just refer them to AMH because they're trained for that. It's easier that way and it gets done properly and everything* (RCMP 2). Remoteness influences the RCMP decision on the action they take. As one officer stated: *To be honest, in a remote community, if there has been an assault, we are taking the offender out with us, we are not leaving them in the community because we're not there. That way we ensure victim safety* (RCMP 4).

Fine details. One officer described the benefits of the EPO as attending to the fine details. The fine details can be knowledge of the options available for victims of violence and the fine details about each applicant's unique situation that requires targeted conditions to meet the applicant's safety needs. One officer provided the details of the process for the RCMP, the community applicants, and respondents within the EPO process as follows:

We have a really nice check sheet we issue when the EPO comes in. I've facilitated the applicants getting EPO's which we do all the time in this interview room in the detachment. So if somebody has a domestic violence situation or even just a partner, former partner friction, issues, that they fear for their property or their safety or that of their children, we initiate the discussion if they are not willing to disclose or proceed with criminal charges, we then suggest the EPO. If we find out there is not enough substance for criminal charges then we suggest the EPO, and so on. We invite them here, we inform them as to the process, essentially that the RCMP is the first door entry in the communities, that we are there to assist them, to filter it, to see if it's applicable or not, but really Alison McAteer is the one who actually administers it, processes it and then the justice of peace issues the EPO. And then we put them on phone, we phone call Alison McAteer and brief them on what's going on, who is who if they have any questions, no, then we put applicant, the proposed applicant on the phone, they do their thing, if they need to come back here to make the follow up appointment then we invite them back here, and if not they will do the second phone call on person phone or, oh so on, then we phone them, the fax will be received here then we phone them. Once we get it if it's been issued or not. And the often times we will go serve the copy on the applicant because they often don't have a fax or just make sure the JP knows if we weren't able to give a copy to the applicant. And then on the defendant, the respondent as well. And that's our implication in there, to brief it... I can say we use it a lot here (RCMP 14).

The RCMP explain their involvement with survivors of violence typically begins when they fear for their safety. Applicants describe an EPO relief that comes to them when they have taken that course of action.. An officer states:

We went to a call...it was just a verbal argument where there was no physical violence. Things got thrown around the house but she wanted the EPO. So, I was like okay call this number. She's very upset. He had taken off to another residence at that point. Very upset, fearful that he would come back and start more stuff. So she was granted the protection order under those grounds. And then we got it faxed, found him, served it to him and then brought her a copy of it. And told her it was served and you could see her physically relax. I think that is a big part of it just knowing that it's there (RCMP 8).

An official from the Department of Justice said, “It [EPO] is effective ...the courts can follow up ...and it can be granted immediately, so there is no need to wait for the court to come to your community. And this is the main advantage”. This speaks to the practice of circuit court⁵ to small communities in the NWT and the limited access prior to the EPO process.

Justices of the Peace (JPs) and EPOs. *Fine details*, as coined by an RCMP officer, are identified in the EPO itself. The immediate decision to grant the EPO to an applicant with conditions placed on the respondent is decided by a JP who is adhering to legislative directions from the PAFVA (GNWT 2003, amended 2010). Although there are guidelines outlining how the interview is conducted, there are inconsistencies amongst JP interviews. For example, a JP provided a description about EPOs and the process as follows:

Okay. Alright I want you to understand that an EPO is a temporary mechanism and that if it is granted, it can only be granted for a period of up to ninety days. So, its not a long-term solution. Now an EPO, in order to be granted, it has to have two of the following factors and that is number one there has to have been family violence; and number two, there has to be an emergency. Now, if the emergency protection order is granted, you have to understand that while it is granted, it is not in place until the respondent, that is the person you're interested in relation to this hearing is served with the emergency

⁵ The court circuit consists of lawyers and a judge who visit a community and holds preliminary hearings and non-jury trials in communities throughout the Northwest Territories, visiting them regularly on regional circuits. When on circuit, the judges work in conjunction with community justice committees and other community representatives (GNWT, n.d.) Retrieved from <https://www.justice.gov.nt.ca/en/territorial-court/>

protection order. [Name of applicant], [Name of Shelter Worker] will help you, whether the emergency protection order is granted or not, she will help you put together a safe plan. She will also inform you of other alternatives that could be available to you in order to deal with this situation. Now what happens is, after this hearing, I grant the hearing and it goes to the Supreme Court of the Northwest Territories and the court reviews the emergency protection order without holding a hearing within three working days after the court receives the order and supporting records; or if a judge is not available during that period, as soon as a judge can be made available. The court, upon review of the emergency order, shall confirm the order – that means, it agrees with the findings of the Justice, if satisfied that there was evidence before the designated Justice to support the granting of the order – that means, it shall direct a hearing of the matter if the court is not satisfied that there was evidence before the designated Justice to support the granting of the order or any provision of the order...

The JP usually begins the session with the applicant like this: Can you tell me a little bit about why you're applying for an EPO, like what happened? (Transcript 2017 AK). Often the JP adjourns the meeting to consider what he/she has heard and to return with a decision. In the court transcripts reviewed, the JP often states his decision clearly and in plain language, such as in this transcript:

Having heard the evidence, pursuant to the Protection Against Family Violence Act, ... family violence has occurred and by reason of seriousness or urgency, an emergency protection order should be made without delay to ensure the protection of the Applicant... now I find that there has been intentional and reckless acts that have caused damage to the property. You have said your son [name], you want the EPO against, he will kick your doors...and threatening acts...your son had got very violent ...threatening with axes and knives to harm you...you fear that you may be harmed ...So with all of the evidence you have given me, I am going to grant the emergency protection order (Transcript 2016 HH).

Throughout this exchange, the applicant is saying “yeah” validating what the JP is saying and in reading this document, this indicates that she is understanding what he is saying, at one point the applicant said “yes that is true”.

This is not always the case and in the next example, the JP went on for three typed pages in disparaging discourse that would be difficult for an applicant to hear considering the duress

she was experiencing at the time. This JP speaks at length to what family violence is rather than getting to the point of the evidence she provided, which is directing him to grant an EPO. He comments that she had experienced physical violence but postulated that unless the physical violence she endured required medical attention it was not relevant. This type of discourse is victim blaming. Several times, he states the evidence is “debatable”, which would be difficult for the applicant to hear at any time, but particularly in that immediate moment of stress. Here is an abbreviated form of the three page transcript from a JP:

...the governing legislation for an EPO in the Northwest Territories is called the Protection Against Family Violence Act. And there are a couple of things that need to be satisfied of before I can issue an EPO. The first of the three things is that there should be a certain type of relationship between the Applicant and the Respondent. The Respondent is the person that you're asking for the EPO against and in your case [name] the relationship of common-law or ex-common-law is valid, as we've already established, and therefore you are eligible to apply for an EPO so that's not going to be an issue. The second thing that I need to be satisfied of is that family violence occurred. I need to be convinced of the existence of family violence in the relationship...In this particular situation there has been some physical violence, but has been-it's not a major concern in the relationship. There has been some family violence as the testimony has shown. There has been, however, property damage to the truck, and there has been what appears to be emotional or psychological abuse in the context of threats and verbal abuse that has been directed towards the Applicant...it's not of the physical violence nature at this point in the situation...So I need to be convinced that there is urgency or seriousness or an emergency kind of situation that exists at this point, which would justify issuing the emergency protection order. Now, in my mind the urgency or seriousness of the situation here has not been clearly made out. The Applicant is not directly in danger of physical harm. The Respondent has been violent with her in the past, but its never reached the point of needing medical help...any of these three, emotional abuse, psychological abuse, property damage could well occur again. The Applicant does fear that the Respondent's anger might lead him to return to physical violence, especially if he's been drinking. So I'm in a bit of a quandary here as to whether or not an emergency protection order is justified. The emergency or urgency or seriousness of the situation is debatable...I think it would be justifiable to issue an EPO...this EPO will be valid for thirty days rather than the ninety days requested ...it seems to me that there are other and more appropriate and more long-term solutions available...(Court Transcript, 2016, CR).

If the decision is to grant the EPO, all of the other “contrary” and “debatable” language is not necessary to deliver to the applicant. In consideration of the trauma experienced by the applicant, this victim blaming by the JP may add further discomfort, self-doubt and trauma to a process and action that took a great deal of courage to engage in.

Bridge the gap. An RCMP officer described the EPO as: *“I think it’s something that’s a good in-between when we might be able to proceed with like a criminal investigation. It’s something that kind of **bridges the gap** between nothing and criminal charges”* (RCMP 6). This construct of bridging the gap was shared by a representative of the Department of Justice as well when an EPO was described as: *“I usually describe it as **filling the gap** between the time when you decide you need a longer term court order and the time it takes you to get more of a long term order in place.”* This overlaps with the theme, *fine details*, but offers an explanation of why it may be the best option for some victims who do not want to be ridiculed in the community for having a partner charged and yet can find a way to have a reprieve from the toxic situation they are in.

There are times when we get called to a house and someone’s smashed up the house itself and thrown the pots and pans out the front door. You drive up to a house and the kitchen wares are on the front yard and you’re almost certain something’s wrong here. And we show up, but there’s no violence, no threats, no actual criminal charge towards a victim. At the end of the day you’re allowed to throw your pots and pans in your front yard if you want to right? That’s not criminal but at the same time if your common law spouse is acting that way, there are reasons to be fearful. We were able to locate the person [respondent] and they [applicant] were able to obtain an EPO. The EPO was the best option (RCMP 6).

Another RCMP said: *“If we have enough evidence to charge then we charge and put in an undertaking so no EPO”* (RCMP 16).

Piece of paper. Dispersed throughout the interviews are expressions from some RCMP that the EPO is a piece of paper. Some officers think that an EPO will not prevent violence or that “it is a joke” to respondents. They also explained that some respondents just *“crumple [the EPO] up and throw it on the ground”* (RCMP 10), and that a breach is not taken seriously. An RCMP officer said, *“To me here, they’re the same as like another piece of paper. At the end of the day, it doesn’t stop anything”* (RCMP 5) while another officer shared this:

I felt that it was a go for the domestic violence unit to put an EPO into place. To have that security, if that is what we want to call it. If that is what they feel that it acts like. Um, how effective are they? I don't know. I wouldn't say overly. I don't know. I feel like the offender probably thinks that they are a joke, a piece of paper. I don't know if it is really deterring them. Cause I don't think a breach of an EPO is taken seriously in court. I don't believe so (RCMP 11).

An officer described that if the EPO is destroyed by the respondent when it is served, the police feel this demonstrates the respondent is not taking it seriously. There is some ambiguity around the utility of the EPO. However, the EPO is described as a “tool” that may keep a respondent accountable by this RCMP Officer:

I think it is a tool on its own stand alone ...without charging somebody. Like the EPO is a piece of paper with not much weight behind it. There's weight behind it in the sense that a JP has signed it and we need as a police officer to serve that. There's an obligation to ensure that person knows. But when you have that person crumbling up the EPO and throwing it on the ground, that tells me that oh geez I need to back off or the next level is going to come here (RCMP 10).

Dancing with the devil. There are times when some RCMP consider that the victims are making the wrong decision when they choose to get an EPO. This officer is making reference to the unpredictability of a violent predator and suggests an applicant's safety may be jeopardized and the outcome may be fatal. One officer called this “*dancing with the devil*”. He said:

A lot of people because it's a small community don't like the court process, they want a band-aid solution, just take the (offender) to the drunk tank, take them there and then I'll figure things out overnight. And if I want them back [respondent] I'll let them back, if not, I can, I might be able to figure something out... they want it for that quick fix... Now there are some girls here that, like you need it, that you need something. Cause like, knock on wood, it hasn't happened while I've been here, but there's a couple girls here that just waiting for that day that, one of these times, one of these times you're not making that phone call... I'd be like you are, you're dancing with the devil (RCMP 15).

In this instance, The RCMP officer portrays an assumption that an EPO is ineffective. According to him, it is a “*Band-Aid*”. This attitude of an EPO being an ineffective tool may come across

to the respondent and inhibits the strength of this type of intervention. There is another way of looking at this from the RCMP perspective which suggests EPOs are ineffective when the respondent is violent. In these circumstances, RCMP question which approach could be more effective or provocative in terms of escalating violence: charging the respondent or obtaining an EPO. It is possible that the woman may pick up this questionable attitude about the effectiveness of an EPO, which may in turn create her own self-doubt and the decision to obtain an EPO or the reliability of RCMP monitoring and response when an EPO is in place.

Competing EPOs. One participant described a process of “*competing EPOs*” where the EPO is used by each partner in a vindictive and coercive manner. It was described in this way:

Where both [partners] are getting competing EPOs against one another. It is just a legislative twist on turning the victim's supports back on her to use as a weapon. Similar to: I'm going to befriend the RCMP, I'm going to turn your family against you. He will not say these words out loud. But we will see this trend, where he will get her friends to think that he is the injured party, get her family to like him, to blame her for the drinking. So she will get an EPO and believe it will protect her. He will see that she has some confidence in the EPO and he will get one against her. Because the test for violence is typically quite low, he is typically able to get it. She certainly believes herself to be the victim, but she is now homeless. The order may prevent her from accessing her child. They have property issues, custody issues. All the logistics of the separation need to be figured out, but the EPO is getting in the way. What he really wants is to show her he is the boss, and get her out of his house. We see that with both genders, but we do see this as an emerging trend.

Interviewer: With that outcome, what would you like to see happen?

Participant: *The only way to slow that down, is to make the orders harder to get. That is one option. For example, there is nothing in the act that requires the orders to be made in the middle of the night. Several jurisdictions have moved away from that on purpose; no orders granted in the middle of the night. Some jurisdictions have it so that the orders are made on application to the court in a court room with the assistance of a lawyer. They can go through everything with the applicant and ask, is this the best option for you? Are you only asking for this because you've heard you can get it over the phone? Are you asking because you've thought through your safety plan and decided a court*

order is what you need? And that you have thought through all of the provisions you are asking for, including the length of the court order. Those create barriers to application. One of the things people like about our legislation is that it is easy to get the order. While that is correct, it also makes this type of legislation very easy to abuse and turn back on the victim, which is concerning in the context of family violence (Domestic Violence Coordinator).

Experience with EPO Breaches

A breach, or act of breaking or failing to observe a condition as outlined in an EPO, is a responsibility of both the applicant and the respondent. We asked participants to “tell us about EPO breaches” with a variety of responses about the charges, outcomes and consequences. A participant said:

This is where safety planning becomes really important. An EPO has to be part of a safety plan and you have to have a plan of what to do if he breaches. Because this is territorial legislation, the police are not able to arrest him just on the report of a breach. They have to find him in the act of breaching to be able to arrest him. They may be able to arrest him on other circumstances... If they see him breaching an order, they can arrest him at that point... I find that people, because it relates to family violence, which is a crime, people expect it to have provisions and follow up provisions and enforcement provisions that are more similar to what is available under the criminal code. But that is not the case... A breach has to be reported to the police... So if he comes over to your house, you need to call the police so they can follow up. He may be charged with a breach. If he is charged with a breach, I see those going through the territorial court. They typically result in a fine or a discharge. Repeated non-payment of fines can result in what they call a prison sentence but it is typically served by attendance in court that day. I often question how effective those outcomes are (with fines). That is the reality of territorial legislation. We are not going to be putting people in jail for breaches of territorial legislation, except under really extreme circumstances. I can't think of one where the realistic result would be a significant jail term. It would typically be fines, and there might be a penalty for non-payment of those fines (Justice staff).

This highlights the ‘no contact’ condition that is placed on the respondent when the EPO is granted.

Most of the RCMP officers interviewed had experience with breaches of EPOs. When a breach is identified, that holds some consequence to the respondent's action.

One officer said:

We've had several here, we've had them go all the way to sentencing several times... the judges have had very good success though, the judges take them very seriously, just as seriously as any other breach, if not more. Cause I've seen some EPO going to jail time at first or second offence. As opposed to an undertaking which is usually a 100 dollar fine, to a day time serve. So, the EPO is taken seriously and there is no criminal record as a result of a conviction. But then it escalated from there because we arrest, we release on criminal conviction, then the subsequent breach becomes a breach of the EPO and a breach of the criminal code (RCMP 14).

Consequence to breach. When a respondent breaches a condition of an EPO, the breach is reported within the criminal system. This means that they are a significant contributor to the perpetrator's history of violence, including possible subsequent breaches which can lead to more significant consequences. RCMP in this study reported that the Judges take a breach very seriously. One officer said:

Well usually if the breach is tagged onto another substantive charge which often it is right? Usually there is something else that has happened whether it be a threat that has been uttered or a violent act that's taken place and then so you have the substantive charge along with the breach of the EPO...They (Judges) paid very close attention and understood the potential consequences of a breach of an EPO. So you know it was dependent on the factors involved in the breach. Was the breach passing by the house and/or being on the property or was the breach breaking down a door or smashing a window or committing an assault...it was viewed as a serious offense (RCMP 7).

An applicant interviewed shared her experience of a breach, which described the respondent's aggressive confrontation that occurred at the applicant's home. The day this interview took place was the community circuit court date, and the same day that this particular respondent was attending court specific to the EPO breach as well as other charges. The RCMP officer attending the hearing reported:

He got a conditional sentence order and he got one-year probation. He stays in the community, he doesn't go to jail, just because he doesn't have a record...so basically if he's a good boy for that following year he won't get anything. But if he does, let's say commit an offense then the conditional sentence can be reviewed back and he can actually get something out of it...if he breaches that then he gets charged (RCMP 9).

Barriers to EPOs

RCMP identified many barriers to EPOs that are related to limited resources in the community, errors in the content (wrong address and JP not willing to correct the information), and misconceptions by the applicants that RCMP officers are monitoring 24/7 the respondent and his/her compliance with the EPO conditions.

One RCMP officer described what he referred to as “half-breaching” or “near breaching” (stalking that is not identified within the conditions). He stated: *“One that comes to mind was a male was on an EPO and he was parked across the street of the house and it's like, “well I'm not doing anything wrong.” It's like “you are not but you are” (RCMP 6).*

Other barriers to EPOs include a lack of housing or safe spaces. An officer related the circumstance around an EPO that he was serving to a female respondent through the following circumstances:

“...there was a male applied for it [EPO] and the female basically ...not lost custody but occupancy of her residence that when we served it she was like “I have nowhere to go. I'm living here and he's living at a different residence” and yet the EPO had both residences a no go for her. Which seems strange to me and at that point, the orders already made. I'm just the messenger, but ...I said you are going to have to talk to a lawyer and go through the avenues because I know it was- she wasn't able to occupy the residence she was currently in, but she couldn't go to either residences. He was living in the other residence and she was with the kids at that residence...the residence he was staying at might have been a family house. It wasn't necessarily the kids specific house. It seemed strange that if he had somewhere to stay, she had somewhere to stay” (RCMP 6).

There is manipulation and coercion that seems to be evidenced through situations like this and from observing in Supreme Court, these circumstances are what send an applicant or

respondent back to the judge to have the EPO revoked. As well, an RCMP officer reported: *“that in a small community there is no place for the respondent/offender to go and after a cooling down period or break from the applicant, she will let him back in because he has no place to stay”* (RCMP 16). This circumstance places the applicant in a precarious situation and while revoking the EPO provides the respondent with housing, there remains a risk of repeat and/or escalated violence to the applicant for initiating the EPO.

One specific population that experience a particular barrier to the accessibility of EPOs are people who are homeless. If involved in an intimate relationship while living homeless, the relationship itself may be overlooked because of their housing status and the stereotypes associated with that, or if this is recognized and the relationship is violent, it would be difficult to obtain an EPO because they do not have a resident address, which is one criteria for an EPO application. A situation was described this way by an RCMP officer:

I’ll be digging back in the file just looking what’s in the history here. Um, it [the incident] was dismissed, you know, they told the officers they were friends, they just had a spat, you know, a fight on the sidewalk. But it turned out they were actually in a relationship and the members didn’t know this ...They’re partners. But it was dismissed- you know you will sometimes see that down at the day shelter if there’s an altercation. In the same way, we have homeless people that are on the streets and I’ll look back and an ODARA maybe was never done because they do not deem them in a relationship because they don’t have a house (RCMP 10).

An officer described that for some victims of violence, their only option is to go to the RCMP office to begin the process to apply for an EPO. In these circumstances, they acknowledge that this could put the applicant at greater community scrutiny, which could act as a deterrent or a lack of support if the EPO is pursued. This same sentiment corresponds with the central phenomenon, onus is on the woman, revealing a barrier to application for an EPO. One RCMP officer explained:

In some communities I know in (location) it was huge, there’s a big, not prejudice but community judgement about people who go to the RCMP station. So it takes a lot already for a community member to walk in that door. And then I do know a lot of them are

apprehensive about doing that. So yes, the fact that there's only a single door, in the community, if you don't have a phone or if you don't have the phone number you have to end up here and for victim of domestic violence that's a big barrier (RCMP 14).

This same RCMP officer identified language as another barrier. He explained that the language used by the JP on the EPO is sometimes difficult to enforce. He used this example to further identify this language barrier:

The JPs often times do not word the EPO properly, in a way that is not enforceable or inaccurate even sometimes. I don't know if it's a phone problem or something. Or if it's because a client is having difficulties saying it properly, but that is a common error. We see that we have an EPO, well we are going to go serve it and we've called back JP's saying hey can you reword this? And they say no, this is how it is... I remember one time specifically it was the wrong address and they still wouldn't change it because that was said in the hearing. But I think it was more one JP, being hunched over that. So I think a system where you don't have professional JP's who aren't lawyers, that's an issue you're going to see every once and a while. That would be one of the barriers, sometimes we see that.

Discussion

This study explored the nature of EPOs in the NWT. It sheds new light on EPOs in a remote and northern context where resources are limited. The findings illuminated an onus on women to reach out to the formal system for help and substantiated their own resourcefulness when they and their children are experiencing IPV. As noted in the findings, participants found this process arduous but it is an easier process than in some jurisdictions because of the toll-free telephone line and the support from the Shelter Workers within the process. Most of the women in the study reported that the EPOs had positive outcomes in terms of providing relief from the violence and abuse that was occurring. However, victims who experienced severe and frequent violence from their intimate partner, this intervention did not act as a deterrent.

From the applicants, we are able to identify the context within which the EPO was granted (the emergencies and the relationships) and their recommendations for improvements and change. From Shelter Workers and RCMP, we have gleaned more insight into the process that exists to refer, facilitate and enact EPOs. From the examination of court transcripts of interviews conducted by JPs, these documents revealed a prescribed order and routine to the questions JPs ask to identify the evidence required to aid their decisions to grant or deny an EPO application. In some cases, victim blaming and mutualizing language continues in the discourse of the record as previously identified by Coates and Wade (2010), rendering the judicial discourse stigmatizing to the women seeking an EPO.

The NWT consists of scattered communities; some of these communities are sparsely populated and have no resources, for example, 11 communities have no police services. In these communities, there are no supports for the applicant who receives an EPO and no way of identifying breaches of EPOs when they occur. This northern reality is a barrier for women who might apply for an EPO if RCMP presence was in their community, or for those who do receive an EPO, there is a lack of immediate RCMP response when needed.

Cattaneo, Grossman and Chapman (2016) explored women's reasons for pursuing protection orders. They found that the majority of women sought help for safety of their children and themselves (36). The next most common goal was identified as psychological, in that, they were attempting to move forward with their lives. Similarly, in this NWT study, we found that safety was paramount for most of the applicants. However, some applicants were trying to

send a message to their partner that abusive behaviour is wrong and needs to be changed. This is in keeping with other authors who described when they applied empowerment theory to align action of the courts with survivors' goals (36). Some survivors have other reasons beyond safety for reaching out for protection. This can range from confirmation of the violent situation that they are in to revenge or getting back at a partner by reporting them. Cattaneo et al. (2016) highlight the importance of identifying what matters to the applicant in seeking the EPO. Applicants may not be thinking of safety alone as is implied in the emergency but they may also want their voice heard within their violent relationships or to have their social situations improved. In some sense, applicants are attempting to transform their power imbalances within their relationships through the court order.

Within the NWT, there is no article attending to stalking within the PAFVA. Laurie (2008) addresses the Domestic Violence and Stalking Act in Manitoba, which offers protection through civil orders (37). The Act is still current in 2020 and defines stalking as occurring “when a person, without lawful excuse or authority and knowing that another person is harassed or recklessly as to whether the other person is harassed, repeatedly engages in conduct that causes the other person reasonably, in all of the circumstances, to fear for his or her own safety” (38). Laurie (2008) found that women were satisfied with the protection orders even though 75% of the 12 protection orders were breached. The reasons women reported satisfaction were that the presence of the violence in their lives was authenticated and there was a consequence or strong message sent to the perpetrator. She confirmed that EPOs add to the overall response from the justice system in terms of stalking and recommends that Magistrates require training in regards to stalking (37). Admittedly, this study is a decade old but other research supports the effectiveness of protection orders (14, 39, 40). Furthermore, Miller and Smolter (41) note that control is attempted even after the relationship is over with deleterious outcomes (even death).

There is much discussion among women's shelters and within the legal system in Canada about coercive control. In 2015, Britain made coercive control a chargeable offense (42, 43). Williams (2018) defines coercive control as, “a purposeful pattern of behaviour used to intimidate, control and instil fear in an intimate relationship” (paragraph 1) involving “bullying, psychological harm and denial of finances” (paragraph 2) and “gaslighting”, a manipulative stance by the abuser when they deny being coercive, project to the victim, and claim she is the abuser (43). Coercive control is recommended as a reason to obtain a protection order.

It is therefore important that JPs in the NWT are trained on the effects and complexity of coercive control to enhance their understanding and approach to applicants seeking EPOs. It is suggested that victims keep a diary of events that demonstrate the cumulative effects of this type of behaviour by the perpetrator and also that training of the police in coercive control is required (43).

Online sources suggest that there is some consideration of legislating coercive control in the Canadian Criminal Code (43). Stark and Hester (42) critique the coercive control policies and variety of legislation in England, Scotland and Ireland and suggest there is legal controversy. There is a need for evidence to distinguish the complexities of coercive control and address issues such as, “differentiating the effects of violent and controlling tactics, coercive control in gay and lesbian relationships, measuring coercive control and children’s experience of coercive control” (p. 89). Coercive control is not a type of violence according to these authors but rather, has several levels and nuances. For example, it is a form of entrapment affecting women’s help-seeking behaviour. Identifying the elements of levels of control happening in the lives of women and children would be deserving of a more in-depth study.

Miller and Smolter (2011) have coined further harassment as paper abuse that maintains contact with the former abuser (41). This is an unintended consequence that takes the form of stalking through paper procedures. Some women witness the protection order as a further tool for the abuser. The authors describe this process as coercive and note the absence of legal advice or representation for women being abused when seeking protection orders. Advocates need to identify paper abuse so these incidents can be documented and considered within the criminal justice system and assist victims to be truly rid of all kinds of abuse. Substance use was identified as a risk factor for stalking and there are implications that minimizing the use of substance will reduce the stalking behaviour (44).

Adelson (2008) highlights issues with adhering to the stress discourse that enables inequities through a personal lens. She suggests “we must attend to the social, economic and political realms of distress and how they articulate in women’s lives” (45, p. 329). Similarly, McFarlane et al. (2015) investigated and compared first time users of shelters and protection services and found that women are in need of mental health resources, particularly women in the shelter, and therefore it is salient that women get help through referral to counselling (46). As with counselling services, trauma-informed practices of frontline workers, including JPs is

essential to assist them in providing a strength-based response when working with victims of violence who are seeking EPOs. Leigh and Wilson (2020) present a program for women who have children to (re)story their traumatic experiences with each other which leads them to a reflexive space to allow them to explore and learn new ways of dealing with their trauma (47). What these authors explore may be of interest to practitioners (like some in the NWT) familiar with narrative therapy. Learning trauma-informed practices may also provide JPs with an understanding and self-reflection on the ways in which they use mutualizing or victim blaming language within the hearings they have with applicants and thus transform their language to accommodate a more open stance and non-judgmental position.

Anderson, Renner and Bloom (2014) investigated rural women's responses to IPV in the US and found resistance and safety planning as the most effective strategies used (48). These researchers highlighted a variety of strategies within safety planning that were most helpful for them. These strategies included, "developed a code so others would know I am in danger; tried to get help for yourself for alcohol or substance abuse; hid important papers from him; kept extra supply of basic necessities for myself/children; stayed in the shelter" (48, p.432). Further, victims' perception of helpfulness was influenced by their experiences of abuse. The more abusive the relationship, the more creative women became with strategies, but as noted by the authors, these strategies were only used by 50% of the women in the study.

As identified in this study and within the JP court transcripts and Shelter Workers interviewed, safety planning is vital to the EPO process. The immediate risks and safety needs that applicants face must be explored with every encounter and every time they reach out to the formal system. The risks and safety needs must be considered in light of the circumstances of the EPO applicants and their children. It is also critical that the safety plan is not considered static but that it is always evolving and responding to what is occurring at the time of the emergency. This reinforces the importance of re-assessing the applicant's situation at every encounter to ensure the safety plan is meeting their needs and the safety needs of their children. Stylianou (2019) offers evidence from a qualitative study on survivor safety planning from family court survivor centered practice in a northeastern city in the United States (32). When conducting a safety assessment to assist the survivor with developing a plan, the helper assesses the immediate needs and does not delve into the history of violence in keeping with a trauma-informed approach. The advocates developed safety plans with the survivors through processes of exploring openly the particular risks and safety options; identifying support

systems; providing information about resources; and, reviewing with the survivors the benefits and limitations of strategies.

In this study of the nature of EPOs, RCMP identified that the Ontario Domestic Assault Risk Assessment (ODARA) is the current risk assessment tool used to determine the risk and need for an EPO. However, the ODARA does have limitations in that it does not cover risk for same sex relationships or male victims. Messing et al. (2019) identify instruments to predict homicide and severe re-assault and identify the need for frontline workers to be risk-informed (14). This means that advocates realize each risk, such as the risk of unemployment, alcohol and substance use, and firearms and identify and create strategies around these issues. As well, Messing et al. (2019) report that accessing emergency shelters and protection orders significantly reduced subsequent abuse (14).

From the findings of this study, we do know that some EPO applications in the NWT are denied but the specific rationale for the denial and/or factors that contribute to the denial remains unknown. There is some evidence that denials are related to individual and contextual factors. In fact, Jordon et al. (2018) identified that there is a gap in evidence about the denial of EPOs in research in the US (49). The authors of this study identify factors related to denials can be grouped under individual, contextual, structural, qualitative/perceptual and procedural factors. Investigating the denials of EPOs using this framework would further our understanding of the nature of EPOs in the NWT. We do require a central repository for all EPO data so that evaluation of denials can occur. Since statistical information is already collected and stored by the AMH shelter, storing this type of data there would increase the validity of the reports produced and support the recommendations made from an analysis of the data.

Finally, Gerster (2019) highlights that in Canada, we are not keeping good statistical information particularly on denials for applications and some of the lethal acts that occur following these denials (50). As well, Protection Orders are effective if the respondent is responsible to this action but if the respondent disrespects authority it is not going to help “It’s better than nothing,” she says. “But really you have to dig deeper and be aware of who is this person, what’s motivating them, how they’re inclined to behave, and what can be done to enhance the effectiveness of a restraining order.” These are all important perspectives for all stakeholders to consider as we further our understanding of EPOs.

Implications and Recommendations

Throughout the discussion, many issues were highlighted that provide a basis for further action. The implications and recommendations are grouped under education, practice, legislation and research.

Education Implications

Language is confusing around Protection Orders and restraining orders; many applicants use the terms synonymously. There needs to be heightened education about EPOs at the frontline service provider level, including JPs, as well as for victims of violence. Many RCMP told us that they learn about EPOs on the job and that it is not a part of their training. It is not clear what depth and breadth of the EPO-specific education that is offered to JPs or education to better understand the context and dynamics of IPV. As well, sometimes the processes differ between jurisdictions for RCMP, so it is important that in the NWT, all stakeholders learn about the role of Shelter Workers, police and JPs within the EPO system; an explanation of the parameters, language and articles within the legislation be given; and training on trauma informed approaches, coercive control and stalking be provided. As was illuminated in the findings from this study, the public also needs education at a community level. It might be helpful to create and circulate plain language briefs to NWT communities, in addition to the dissemination of this report. Of utmost importance is that all stakeholders involved in the EPO process, including policy and planners within the government, receive ongoing education about IPV and particularly about coercion, control and manipulation that may be present and at play in a violent relationship.

Practice Implications

Risk assessment. In situations where there is a history of repeated severe violence from a respondent, a Protection Order will not protect the applicant, particularly in remote communities without a police presence. There needs to be effective risk assessment of the respondent within the system to establish the best form of protection. As evidenced from an applicant in this study, the respondent did not comply with the conditions set out in the EPO.

It has been noted that there are firearms in most homes in the NWT and often they are used for traditional hunting. However, respondents often blame the applicant when access to firearms is

denied as part of the provision of the EPO. In addition, firearms are the predominant weapon in domestic homicides in the NWT. These are important considerations in risk assessment and for the JPs in defining conditions/provisions of the EPO.

Statistical data. When EPOs are breached, there needs to be an effective tracking system maintained of the breaches, the circumstances surrounding the breach and the outcome/consequence of the breach. The collection and analyses of all EPO data is vital to evaluation and improvements within the system. Applicants who have received an EPO need to recognize the importance of calling the police any time a condition within the EPO has been breached. The justice response to EPO breaches needs to be immediate and significant in order to act as an effective tool to keep applicants and their children safe from future violence.

Empowerment. Strengthen and empower women's personal protective strategies so that their personal resilience is acknowledged. This can be done through ongoing safety planning whereby effective and ineffective strategies are discussed and tailored to meet the current needs as identified by the emergency. It is also important that frontline service providers, including JPs, provide a nonjudgmental approach to applicants and language that is supportive as opposed to victim-blaming to encourage a woman's empowerment throughout this process and empower her to access this tool if ever required in the future.

Legislation Implications

Stalking. The current legislation does not include stalking (physically and on social media) survivors of IPV. A further exploration of the feasibility and effectiveness of this legislation would enhance the formal response to issues of IPV in the territory.

Coercive control. Territorial legislative policy and planners should examine the work in other jurisdictions to consider the uptake in the NWT. An understanding of how coercive control is performed by an abusive partner and the accumulative effects of coercive control will further increase knowledge and response to issues of IPV.

Legal representation. There was a suggestion when both parties of the EPO appear in Supreme Court to revoke an EPO that they are represented by a lawyer. This could be explored.

Research Implications

Program of Research. This study is a beginning exploration into civil orders in the NWT and in particular, EPOs. We examined many aspects of EPOs but not all variables due to recruitment of a targeted audience (applicants of EPOs, frontline workers and court documents) limited time and funding. Further studies that will contribute to EPOs include: research with respondents to understand the effects, impacts, benefits and challenges of the EPO as an intervention to protect against and/or prevent intimate partner violence; research with JPs to discover their experiences, recommendations and challenges with EPOs; and, investigations of court decisions and factors related to denial of EPOs.

Comparative studies of the Canadian territories. Research that utilizes a comparison of EPOs across the northern territories would be useful to address strengths, weaknesses and looking at similarities and differences and the rationales. The NWT appears to have an effective system whereby a stable AMH staff facilitates the EPO process. There is variation across the country in terms of EPOs and consideration of best practices that fit the NWT context would be helpful.

Conclusion

EPOs, protective interventions and civil court orders for victims of IPV have an implementation history in the NWT spanning 15 years. Inconsistency in the use of this intervention across the territory prompted this study. There are many reasons for the inconsistency in uptake of EPOs. Some of the barriers include a lack of awareness of victims of violence about this civil order; suspicions about how useful “a piece of paper” is to combat violence; the revolving frontline service which creates the need for on-going education about EPOs; irregularities in decision-making by JPs in granting or denying EPOs (there was a demonstrated lack of understanding when for example an elder let an abusive son back into her home because she needed firewood and when she next requested an EPO it was denied- this is an example of the wrong amount of time applied to the EPO); lack of consistent and appropriate EPO statistical data collection and analysis to aid in the improvement of the system.

Findings highlight the emergencies and relationships of the applicants in seeking this court order, perspectives from frontline workers about barriers and strengths of the EPO process and recommendations from the court observations, transcripts and literature. Implications include legislative changes so that stalking is included in the *Protection Against Family Violence Act*; practice changes so that women are provided more personal support during the duration of the EPO and assistance with family matters as required; educational opportunities so that communities learn about EPOs and how they are used before they need them; recommendations around service provision and education; and recommendations for future research.

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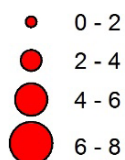
Appendix A

Rate of Emergency Protection Orders in the Northwest Territories 2009 - 2010



0 125 250 500
Kilometres

**Number of Emergency Protection Orders
per 1000 People**



Emergency Protection Orders (EPO) Stats from NWT YWCA



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Social Sciences and Humanities
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Appendix B

Interview Questions Applicants

1. Tell me about all of your experiences with EPOs?
 - What was the emergency at the time that caused you to apply for an EPO?
 - How effective was the EPO for you (and your children)?
2. In what ways did the EPO help keep you safe?
 - What other supports helped you to stay safe?
 - How did your family respond to the EPO?
3. Did your partner/other follow the order? Tell me about that.
4. Was the EPO ever cancelled (revoked)? Tell me about that.
5. What are people in your community saying about EPOs?

Appendix C

Interview Questions RCMP

We are evaluating how effective EPOs are in keeping people safe in violent circumstances. Would you agree to be interviewed?

1. Tell me about your experiences with the EPO process.
2. Based on your experience of EPO requests, are there any barriers to a successful EPO?
3. In what ways do you see EPOS as an effective intervention for victims of violence?
4. Tell me your experiences with an EPO breach if you have ever had one?
 - can you tell me the outcome?
5. What suggestions do you have for improving the EPO process?

Appendix D

Interview Questions Shelter Workers

We are evaluating how effective EPOs are in keeping people safe in violent circumstances. Would you agree to be interviewed?

1. Explain the EPO process.
2. Tell me about your experiences with the EPO process.
3. Based on your experience of EPO requests, are there any barriers to a successful EPO?
4. In what ways do you see EPOS as an effective intervention for victims of violence?
5. What suggestions do you have for improving the EPO process?

Appendix E

Victim's reasons and feelings for choosing to stay in domestic violence situations vary so greatly, it's staggering. The thing to keep in mind is that these reasons, no matter how complicated to the public, were important enough to these victims at the time, keeping them in these very unhealthy relationships. While it may seem to many people that victims are weak for staying, many victims endured because they felt strong and overly hopeful to turn the tide of their abusive partner's behaviour. Making judgements on victims without knowing the intimate details of their situation is the number one issue that segregates victims from others who do not understand how much it has taken out of the victim to remain – and finally leave – these situations. Although it is understandably the first question we all ask ourselves when confronted with a victim of domestic violence, the extreme complications do not equate to the simple question: "Why did you stay?"

I am not trained in abuse counselling, nor am I an expert in even my own experience prior to having gone to the police to report the abuses. I am in a fixed learning curve that brings me from one phase of this brutal experience to the next new phase that I must face. Every level of "what happens next?" is a new experience that I have to learn from. It never ends and rarely abates. What I do know is that victims need to be treated respectfully. Individuals who work in the system to help protect victims, desperately need new laws/policies and tools to do their jobs more effectively and humanely. As a victim, I have had the incredible opportunity to work with many of these people and learn what some of their roadblocks are, while many are really trying to help open up more dialogue between the system they work in and victims. I hope to shed light on some of those possibilities through my recommendations below. I feel these suggestions would greatly improve the awareness of what victims go through once they expose the offender and themselves. This could ultimately increase the reporting percentage of victims of domestic violence. The importance of these proposed changes cannot be stressed enough in order for victims to feel that the system is in place to protect them:

1. a) *"Breaches have to matter"* and b) *"the extreme vulnerability of the victim between the offenders' conviction and sentencing dates"*:

a) After an offender has been charged for assault and is still at large, a victim's only option for feeling safe without moving out of town or hiding from the perpetrator is to report breaches.

Therefore each breach - no matter how benign it may seem to the police officer, Crown or Justice of the Peace – must be taken seriously. Unless the system provides real understanding and protection, many victims are hesitant to report repeated breaches because their assaulter is aware that the victim must have an overwhelming amount of proof, which may not be possible at the spur of the moment. Incidentally, in my case, I had reported 27 condition breaches yet my assaulter was charged with only 4, and convicted of only 1. There needs to be much more awareness in the system of what is considered threatening to the victim, and why.

b) Between conviction and sentencing, offenders should be in custody awaiting sentencing, not be free. In the eyes of victims, being free clearly makes offenders even more dangerous because of the fear of retribution. It makes no sense that offenders remain free when it has just been proven through their conviction, how dangerous they already are to the victim. It leaves victims vulnerable to a desperate attack or further intimidation by the assaulter. The time offenders serve during this period could be viewed as actual time served, not time and a half, as is the present policy, otherwise, victims could be made to feel that their safety is a bargaining chip and are being penalized for their offender being in jail before his sentencing.

An example of a) and b) combined: When my offender was already convicted and awaiting sentencing, that individual walked free and I understandably felt even more vulnerable. I should have felt vindicated through his convictions, yet instead, I was very tense and terrified he would be seeking revenge during what felt like a very long 6 week period. My assaulter lives 200 meters away from me in another houseboat in open water and can watch every move I make. As a matter of fact, a provable and significant breach did occur during this 6-week time frame. There was even a witness who provided a statement, along with measurements taken by the police of this clear distance breach. Despite what I'd felt was very threatening to me, a Crown prosecutor made the baffling decision not to proceed with the breach regardless of all this evidence. To further the Crown's insensitivity, I was not even informed beforehand as to a) what the Crown's decision was to be regarding this breach and why, and b) its trial date. I only heard what the results were from a friend who had read it in the "Yellowknifer" newspaper.

2. *"Territorial and Federal restraining orders should do whatever it takes to be flexible and amalgamate to further protect the victim":*

Another significant discrepancy that gravely restricts the ability of the police and Justice of the Peace to further expand the parameters of victim safety, is what is included in restraining

orders. The territorial and federal jurisdictions should work together through the (territorial) Emergency Protection Order and the (federal) Undertaking conditions imposed on the perpetrator, not to compete with each other. There are limiting factors in both, yet if combined, they could more effectively work together to protect the victim. In my case, I was awarded a territorial E.P.O. which included far more effective conditions to make me feel safe, yet it would've expired in 3 months. I needed one for the duration of the trial period, which was 1.5 years and beyond. The federal Undertaking gave me the 1.5 years and beyond, but the condition parameters in it were mild compared to the peace of mind the E.P.O. legally offered me. Please read 3.) and 5.) below for suggestions on how a victim should have access to an advocate in order to fight for the right to have safe parameters imposed under individual circumstances.

3. *"The isolation: Victims are left to fend for themselves, alone":*

Since the Crown takes the position of public interest only and is not a victim's personal lawyer, the victim is instead treated as a mere witness instead of having the Crown's ear and learning what is going on in the case. The Crown relies solely on the statement given to them by the police and no more. Victims have no legal entity on their side to give advice or to advocate for their safety to the Crown or the police following the initial assault or an offender's breach of conditions. Victims' Services provides morale building advice, but someone should have real legal power to make a difference in how victims are treated by the system. The police and Crown have all the power in this situation, and victims may feel excluded and/or intimidated or they may avoid making demands for fear of annoying or alienating those in positions of power. There needs to be a legal entity with equal power to the Crown that can stand up for the safety and defence of victims, rather than leaving it to the police, Crown or Justice of the Peace to determine what is safe or not safe for the victims regarding condition restrictions and violations. Victims are too much at the mercy of a system whose members may or may not understand the situation or appreciate a victim's vulnerability.

4. *"The rigidity of the system once the statement is given to the police"*

Once victims give their statement, they can't modify it, even if they remember additional information or realize they were mistaken about some details. It's completely understandable that changing one's story can significantly alter the case; however, if new information is offered within a reasonable time-frame, it should be accepted because initial statements of the assaults

are given under extreme duress. Victims may not recall everything properly or in order. Meanwhile, perpetrators often have access to legal aid and can discuss whatever they want at length with their lawyer as they prepare a defence strategy. Victims receive no equivalent legal representation, and are referred instead to organizations that may offer some support, but which are not able to stand in court or confer with a justice of the peace on a victims' behalf.

5. *"Closed justice of the peace sessions with the perpetrator are unfair to the victim":*

There are two very important communication issues regarding breach conditions that I feel could be greatly improved, by including the input of the victim and an advocate: *a) decisions of what appropriate restraining order conditions could be immediately after the initial charges, and b) later, when/if breaches occur.*

The session where the Justice of the Peace decides the conditions of the offender to stay away from the victim after he is initially charged with his crimes, needs to be open. The victim can then be presented by an advocate who can speak on behalf of the victim in real time. This is very important, because once the conditions are set for any restraining order, it is impossible to amend them until court time, which takes many months to arrive, and much convincing of the Crown to appeal to the judge for changes.

By the same token, once a breach occurs, either the victim or their advocate needs to be present while the perpetrator explains to the Justice of the Peace, his or her "reasons" for that breach and how it occurred. As it now stands, after the victim gives the initial written statement, there is no chance for the victim to contest whatever the Justice of the Peace is hearing from the perpetrator prior to release before trial time.

6. *"Jail time must reflect the crimes":*

My offender had a previous sexual assault conviction, and was proven to have assaulted me 4 times, including two of strangulation and one sexual assault, yet he received only 5.5 months in custody for his crimes. He is currently in jail since July 28th, 2017, his sentencing date, but will likely serve only two-thirds of this sentence, according to Canadian law, so he could be out by November. This is not a severe enough sentence and is an insult considering what I have already endured at the hands of my assaulter and the system combined. A convicted insider trader gets more jail time than someone who threatens another's life. Light sentences devalue

victims' feelings to the point of being a deterrent for the victim to report assaults.

7. *"Distance from the victim when the perpetrator is released from jail":*

As a victim, I should be working on overcoming my overwhelming experiences and PTSD, but the lack of system support means there is nothing in place to truly allow me to feel safe. Considering the overall treatment I received by the system as a victim, and specifically how I was not taken seriously when reporting a breach between his conviction and sentencing, I do not hold trust in the system to protect me after he is released. This is especially true considering that my assaulter can and will likely remain where he moved his houseboats to after he assaulted me; 200 meters away from me, with an unobstructed view. I feel it is unethical that the system allows him to remain in my immediate surroundings after he is released. I feel in many ways it would encourage my assaulter to move on as well if the system were not allowing them to live so close to me with such increased tension between us. Instead of a blanket protocol, measures should be taken to consider the individual circumstances of each victim.

8. *"rehabilitation of the offender is key to preventing their possible reoffending":*

The stresses that the offender experiences through exposure of that individual's crimes against a vulnerable person, cannot be ignored. Unstable behaviour begets unstable behaviour if gone unchecked. Perpetrators must understand that they need to be held accountable for their actions and that the victim had gone to the authorities in the first place because they were gravely wronged through violence and were even afraid of being re-victimized in additional ways. Rehabilitation acts as a huge buffer to keep the peace between the victim and the offender. There should be mandatory court orders by the system at the time of sentencing, that the offender have a psychological assessment done and attend counselling sessions while in custody to help them understand the gravity and effects that their behaviour has had on their victim so that both can heal from their experiences. It has been proven that in the larger majority of cases, the offender have themselves been abused earlier in life and are themselves victims under perhaps different circumstances. If offenders are to go into custody for their crimes, it must be mandatory that they get the help they need before they are released, to recognise the patterns created by failing to get the help they needed in the first place. If the system takes offenders so far as to incarcerate them, it only makes sense that they go the whole way and encourage them to take responsibility to prevent further offences.

Closing statement:

In addition to the original assaults by offenders, these failings listed and described above results in victims being constantly re-victimized by the very system that is supposed to be in place to help them. More chillingly: From the victim's point of view, the system's clear and open lack of victim support demonstrates to offenders the sheer vulnerability victims experience, leaving their victims open to further antagonistic behaviour, with little or no consequences to the offender.

Considering this attitude of both the system and the perpetrator, I would not at this point, encourage victims to officially report domestic violence offences. It is impossible to tell if it may be more dangerous to have offenders stay a mere single night in jail for any assault or breach charges, only to be released the next day. It may be a much safer bet for the victim, to let sleeping dogs lie.

I would not be able to sleep at night encouraging another desperate victim to go through the same disrespect, extreme isolation and hopelessness that I have experienced through these terrifying times holding my assaulter accountable for his violent crimes against me. That victim may be far safer leaving town and never letting it come to light. In my case, out of fear and exasperation, I waited a debilitating 1.5 months to go to the police after my offender's last assault and I had to wait 1.5 years to see if jail time would even be possible. This is a long time to be exposed as my offender walked free with my not knowing his state of mind, while simultaneously choosing to live so close to me. I cannot express fully the toll it's taken, on my health, psyche and trust levels.

It is completely unfair and unethical for victims to have to restructure their whole lives and frame of mind because of what someone else did to them. It is not for victims to move away or live in fear for the system's lack of ability to do well by them, from the moment they give their initial statement to the police, to what happens after the convicted offender is released from jail. This is a terrifying situation for victims to be in and is much of the reason why I feel victims of domestic violence are afraid to expose their offenders.

Appendix F

Court file No.

SC

Police File No.

EXPARTE EMERGENCY PROTECTION ORDER

(Section 4 of the Protection Against Family Violence Act)

Name of Applicant

- and-

Name and address for service of Respondent

TO THE RESPONDENT:

YOU ARE SUBJECT TO THIS EMERGENCY PROTECTION ORDER made by a Designated Justice pursuant to the Protection Against Family Violence Act.

YOU MUST OBEY THE PROVISIONS OF THIS ORDER. Failure to obey this order is an offence under Section 18 of the Protection Against Family Violence Act. Upon conviction, you may be subject to a fine not exceeding \$10,000. or imprisonment up to six (6) months or both.

YOU HAVE THE RIGHT TO APPLY TO THE SUPREME COURT OF THE NORTHWEST TERRITORIES at _____ to either set aside or change this ORDER.

YOU HAVE A RIGHT TO SEEK A LAWYER for advice on what your rights are and what you are required to do respecting this ORDER.

Exparte Emergency Protection Order

Section 4 of the Protection Against Family Violence Act

Page 1 of 3

Updated June 24, 2015

PROVISIONS:

Having heard the evidence, I find that, pursuant to Section 4 of the Protection Against Family Violence Act, family violence has occurred and by reason of seriousness or urgency, an Emergency Protection Order should be made without delay to ensure the protection of the Applicant.

- O You shall not take, convert, damage or otherwise deal with property in which the Applicant, has an interest, namely: _____

- O You shall surrender to a peace officer, for a period of _____ days, the following weapons:

and any authorization to own, possess or control such weapons(s).

- O IF A FIREARM WAS USED OR THREATENED TO BE USED IN COMMITTING FAMILY VIOLENCE: You shall surrender to a peace officer, for a period of _____ days, any firearm that you own, possess or control, and any document that authorizes your possession, ownership or control.

- O AND I ALSO ORDER AS FOLLOWS, for the immediate protection of the Applicant or any of the following persons at risk of harm: _____

This ORDER begins today and shall remain in force for the next _____ days.

Dated in the Northwest Territories this _____ day of 20 ____ .

Designated Justice _____
Name Signature



YWCA
N W T

A TURNING POINT
FOR WOMEN