

THE VIOLENCE LINK IN PRACTICE

An empirical examination of the implications of the Violence Link for family justice professionals

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As a remote organization, Humane Canada acknowledges the many Indigenous Nations and communities that have relationships with these lands since time immemorial where our work takes place. We express our gratitude to all Indigenous communities – First Nations, Metis and Inuit, for their past, present and future leadership and stewardship. We are inspired by and grateful for Indigenous ways of knowing that teach us the interdependency and interconnectedness of all life forms, and our relationship of mutual reliance and shared destiny with other people, animals and the earth. We encourage everyone to learn more about the Indigenous Peoples who are the original stewards of the lands you reside on. To learn more please visit <https://native-land.ca/>.

This affirmation was in part inspired by the words of the Honourable Murray Sinclair in his speeches to the Senate of Canada regarding Indigenous ways of knowing and animal welfare.



Introduction

According to recent estimates, 60% of Canadian homes have at least one cat or dog, and the number continues to increase (Canadian Animal Health Institute 2022). The vast majority of those who report having companion animals also consider them part of their family (Ingraham 2019; HABRI & PetCo Love, 2022). As members of the family, these animals are vulnerable to family violence. In addition, their presence can render human victims of violence more vulnerable: many victims delay leaving their abuser out of concern for their animals or consider returning to the abusive relationship because their abuser has the animal companions (Fitzgerald et al. 2022). These connections are one example of what has come to be referred to as the Violence Link.¹

Despite research documenting the link between intimate partner violence (IPV) and animal abuse, research attention has not been paid to how family law professionals, specifically family lawyers and mediators, encounter and deal with the Violence Link in their practices. Given that family law professionals are often among the first to encounter those aiming to end an abusive relationship, their perspectives are key to understanding how to better serve the victims/survivors impacted by the Violence Link. This study sought to understand the perspectives of family law professionals in Canada using a self-administered online survey and 12 in-depth follow-up qualitative interviews.

¹ The term Violence Link has also been used to refer to connections between animal abuse and forms of interpersonal violence more generally, such as between animal abuse and generalized aggression. The focus of this report is specifically on the link between animal abuse and intimate partner violence.



Methods

Survey and interview questions were drafted in consultation with cultural advisors who generously provided feedback and were compensated for their time with an honorarium. These advisors included representatives from the Indigenous Bar Association, The Black Female Lawyers Network, the Provincial Association of Transition Houses and Services of Saskatchewan (PATHS), the National Association of Women and the Law (NAWL), the Federation of Associations of French Speaking Common Law Jurists (la Fédération des associations de juristes d'expression française de common law; FAJEF) and the Canadian Bar Association's (CBA) national office.

Survey distribution was accomplished by first compiling a database of 3891 family lawyers and mediators across all Canadian provinces and territories. The survey was then directly distributed to these email addresses and further distributed by key CBA member representatives in British Columbia, Alberta, Saskatchewan, and Manitoba. The survey was further circulated by the Law Societies of Newfoundland and Labrador, Saskatchewan, and Prince Edward Island; PATHS; FAJEF; the Law Office of Mara Clarke; and the Family Lawyers Association of Ontario.

Survey questions assessed participants' knowledge of the link between IPV and animal abuse

The online, self-administered survey was available in both English and French and included questions to assess participants’ knowledge of the link between IPV and animal abuse, the degree to which they observe it in their practice, and the resources available to address these cases. In addition, the survey solicited participants’ perspectives on potential strategies for addressing IPV cases that involve companion animals as well as other recommendations for better serving their clients.

The survey was open for 19 days. In total, 455 participants initiated the survey and 348 completed it. At the end of the survey, participants were asked if they would be willing to have their contact information included in a National Violence Link Family Justice System Professionals Database, which will be used for further outreach as well as to direct family violence survivors with animals to a national spectrum of family law professionals that understand their needs. Forty-five percent of the participants consented and provided their contact information, which was retained only for this purpose.

Information on survey participants’ practice areas, job title, communities served, and gender is shown in figures 1-4. Participants were invited to self-identify their ethnicity and/or race by selecting all categories that applied to them. Responding to this question, 319 participants self-identified with 400 racial and ethnic origins. Of these, the majority identified themselves as North American (177) and European (142). Figure 5 displays survey participant diversity outside of the aforementioned selections.

Figure 1: The percentage of survey participants that practice in different regions across Canada. Participants were allowed to select multiple options.

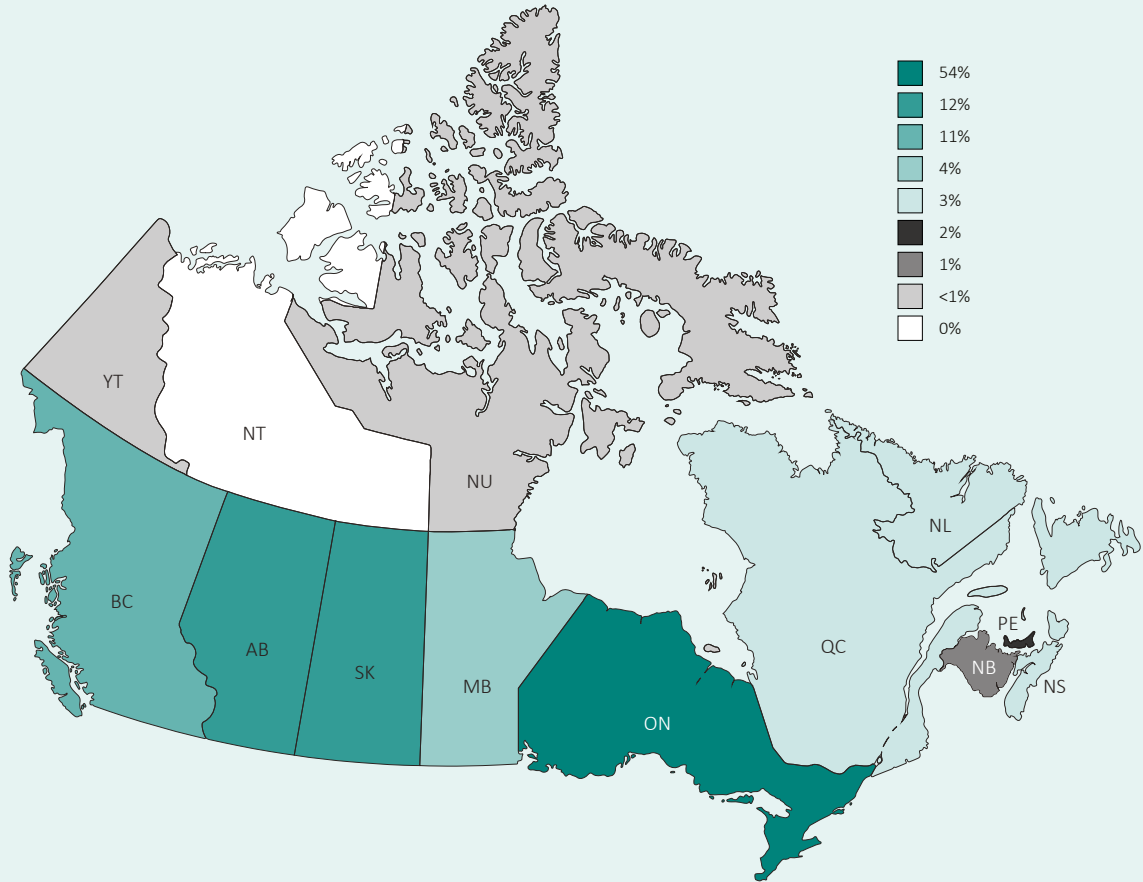


Figure 2: Percentage of survey participants by job title.

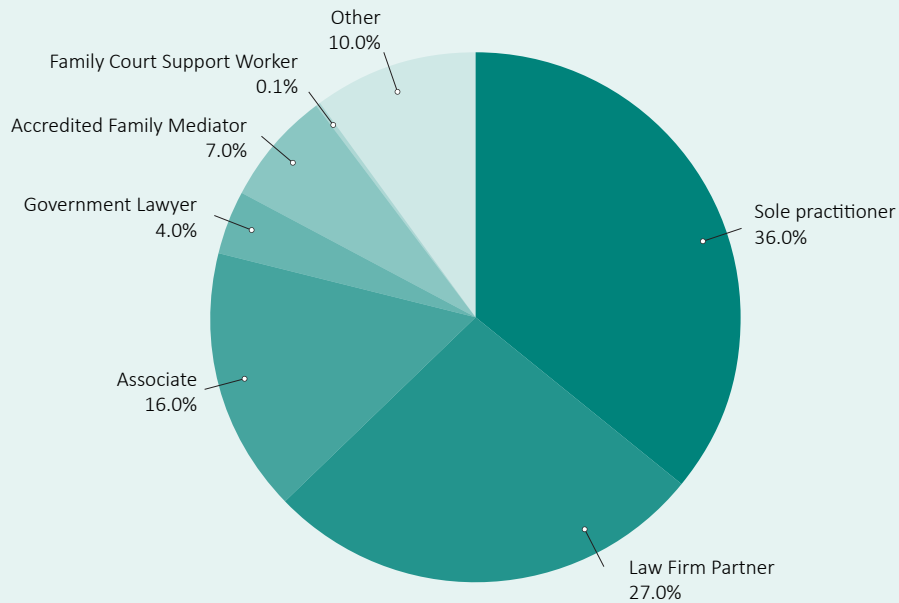


Figure 3: The percentage of survey participants that serve different vulnerable communities across Canada. Participants were allowed to select multiple options.

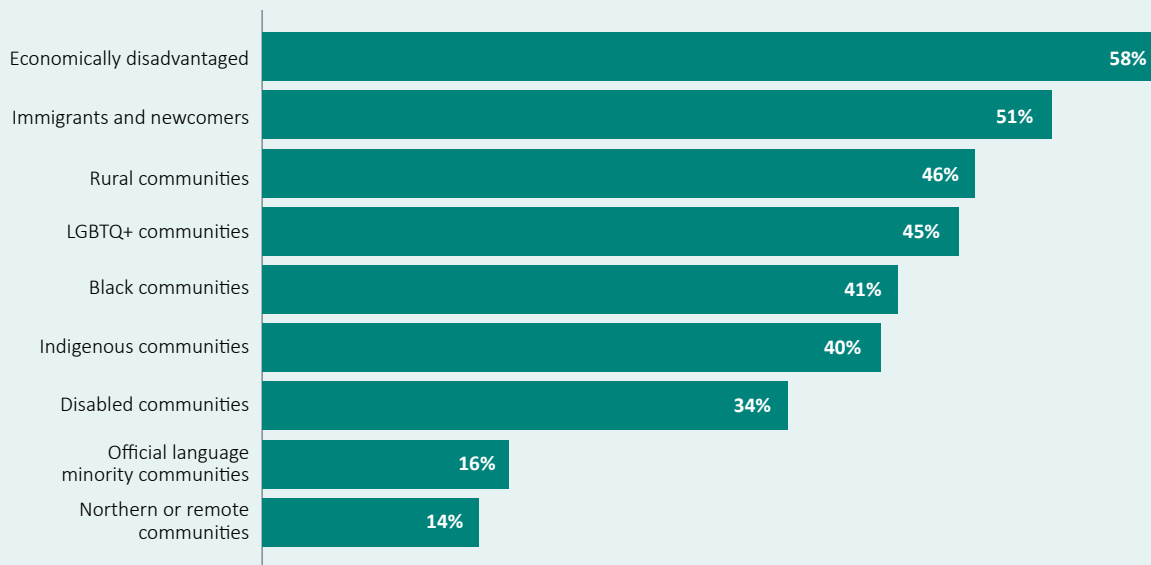


Figure 4: Survey participants' gender identity by raw number. Participants selected all options that applied.

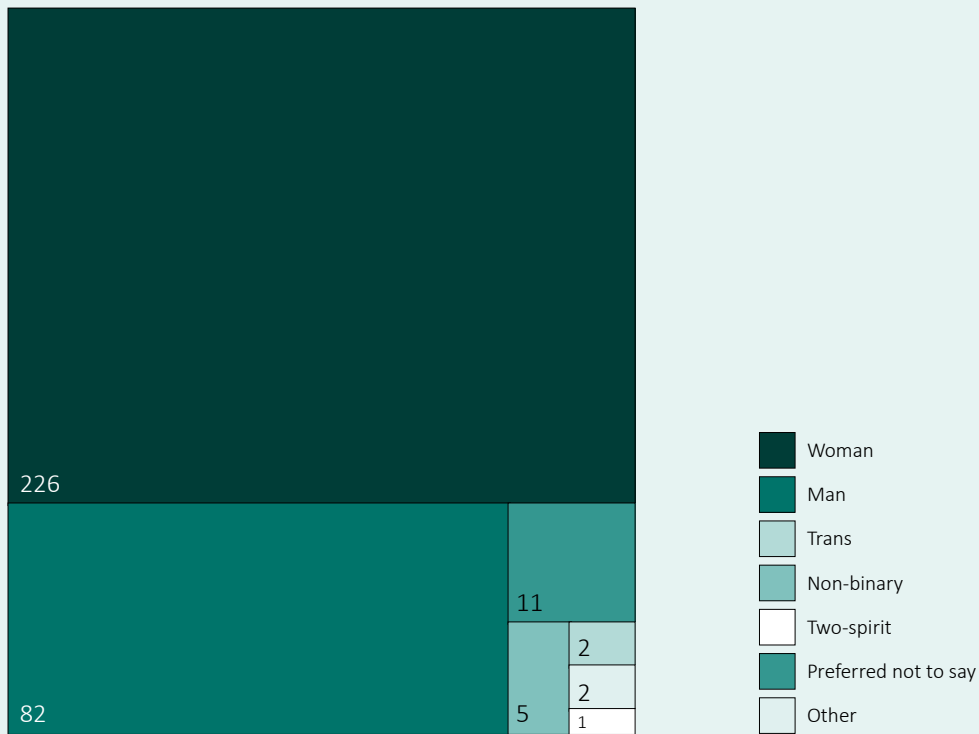
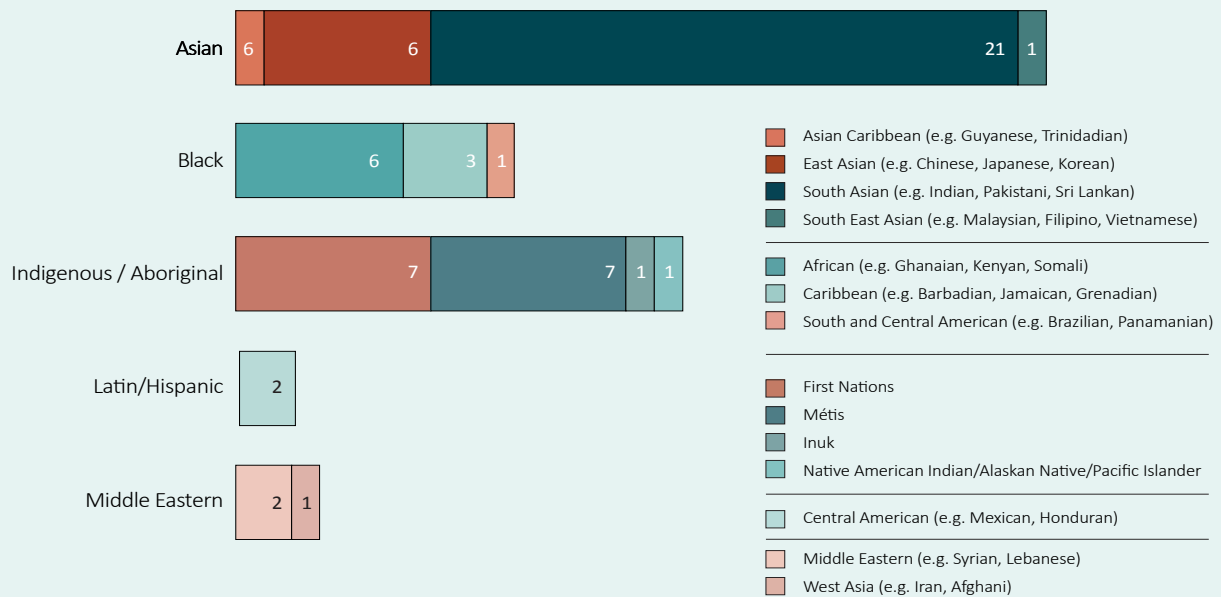


Figure 5: Survey participants' racial/ethnic origins by raw number, excluding the categories: North American, European, mixed race and preferred not to say. Participants selected all options that applied.





Interview questions were constructed based on analysis of the survey data, which indicated where we required further information. For instance, we asked interview participants to provide detailed information regarding how they have encountered the Violence Link in their practice and to expand upon their responses regarding the proposed recommendations included in the survey (e.g., enhanced training for lawyers). In the survey, as in the interview, we asked participants to provide additional recommendations that were not on our original list. One recommendation, changing the property status of animals, arose several times in the open-ended responses in the survey, so we added it as a specific question to our interview script.

We engaged in purposive sampling for the interview portion of the study, selecting participants to maximize diversity based on socio-demographic characteristics, geographic region of practice, gender identity, racial and ethnic origins, occupational roles, the communities they serve, and varying levels of knowledge of the Violence Link. Interviews were conducted online via Microsoft Teams. On average, the interviews took 57 minutes. They were then transcribed and analyzed using qualitative thematic analysis (Braun and Clarke 2006; Guest, MacQueen, and Namey, 2012). We conducted three rounds of coding that ended with aggregating/collapsing the codes into themes. Below we detail the most salient themes, drawing on data from both the survey and interviews.

Changing the property status of animals arose several times in the open-ended survey responses



Key Findings

Scope of the problem

This study's findings suggest that family justice professionals deal with a significant amount of violence in their cases. Many participants felt overwhelmed by the amount of family violence in their cases and uncertain about what to do regarding companion animal issues to serve their clients' best interests. Sixty percent of the survey participants agreed or strongly agreed that animal welfare is a matter of concern to them in the context of their job and 89% stated that they were aware of potential or suspected animal abuse in their cases. Despite this high prevalence, survey participants reported knowing relatively little about the Violence Link. On a scale of 0 to 10, with 0 being no knowledge and 10 being expert-level knowledge about the Violence Link, the average response was five. Moreover, a third of participants indicated that they had never heard about this phenomenon until participating in the survey. Notably, after being provided with a definition of the Violence Link and then asked to indicate on a scale from 0 to 10 how relevant it is to their work, the most common response was 10 (extremely relevant).

Provide knowledge and resources

Nearly half of survey participants indicated that there were no resources available for addressing Violence Link cases in their practice. We would recommend the following methods of knowledge dissemination, based on those most highly ranked by survey participants:

1. E-learning (i.e., technology-based learning available anytime, anywhere),
2. Access to consultation with and support from Violence Link experts,
3. Written materials (e.g., leaflets, posters, manuals, information sheets), and
4. Support through collaborating with professionals in other sectors.

Establish guidelines for reporting animal abuse that ensure client safety

Greater knowledge and resources among family justice professionals would benefit their clients who are experiencing IPV and have animal companions. When asked in the survey and interviews what participants had done when their clients disclosed animal abuse, the majority advised clients to report the animal maltreatment. However, the majority of participants who had reported animal abuse on their client's behalf or assisted them in doing so said that information about the process was not easy to access. Moreover, nearly one-quarter of the survey participants did not report the abuse or specifically advised their client not to because they were concerned for their client's safety.

Screen for the presence and abuse of companion animals

Among the interviewees, few reported proactively asking questions about companion animals in the home and were instead made aware of such issues when clients volunteered that information. Yet, as some of the interviewees pointed out, waiting for clients to volunteer this information is problematic, particularly because they may fear being looked down upon for making relationship decisions based on the well-being of their companion animals. Interviewees and survey participants both recommended that client intake forms and other family law forms (e.g., applications, answers, conferences were specifically mentioned) should screen for the presence and abuse of companion animals as well as the presence of IPV. This is particularly crucial when probing clients about psychological abuse and coercive control.

Strategies

In the survey and interview, we suggested several potential strategies for dealing with the Violence Link, including

1. Clarifying how ownership or guardianship of companion animals should be addressed in family law cases,
2. Establishing cross-reporting between animal and human service agencies,
3. Legislative amendments that would enable the explicit inclusion of companion animals in protection orders,
4. Providing additional services to clients who are experiencing IPV and have companion animals, such as the creation of pet safekeeping programs in domestic violence shelters that do not already have them,
5. Educating the judiciary, lawyers, mediators, and the public on the Violence Link, and
6. Conducting further research on the Violence Link, specifically in the context of family law.

For each of these potential strategies, the majority of survey respondents indicated the strategy would be very or extremely useful. The only potential strategy that had powerful critiques in the survey and interviews was the cross-reporting strategy. Specifically, cultural differences in how people include animals in their lives could be used by government and service organizations to control vulnerable populations using mandated cross-reporting.

Given these concerns, we strongly recommend that any plans to implement mandated cross-reporting include substantial input from stakeholders representing vulnerable communities.

As some of the interviewees pointed out, the legal system requires significant effort to achieve even slow change. Therefore, while each of these potential strategies have majority support among our participants, we recommend prioritizing those that our participants ranked as the top three:

- Educating the judiciary,
- Clarifying how ownership or guardianship of companion animals should be dealt with,
- Enabling the explicit inclusion of companion animals in protection orders.

These three recommendations are particularly important given the increasing number of companion animals in Canadian homes, more closely bonded relationships with companion animals in many segments of the Canadian population than ever before, and how their presence can complicate matters when IPV is present.

Educating the judiciary on the Violence Link is among the most highly ranked strategies. According to participants, because judges are even further removed from clients than lawyers and mediators, they may not appreciate the importance of companion animals in the lives of many people. They may also be unaware of the connections between animal maltreatment and IPV, how the presence of animal maltreatment is associated with more controlling behaviours and severe IPV, and how the presence of companion animals can impact people's decision to leave an abusive relationship. This knowledge could sensitize judges to the Violence Link and support them in making decisions that serve the needs of IPV victims/survivors.

Determining who retains **ownership or guardianship of companion animals when relationships end** is a legal debate as is. However, in the context of IPV, legal decision-making based on the property status of animals can make companion animals and those who love them vulnerable to further abuse. Abusers can use ownership of animals to keep their partner from leaving a relationship or use possession of the animal as leverage to get them to return. We recommend that family law professionals take the Violence Link into consideration when deciding who retains ownership of animals, and that any specific methods used to aid in this decision-making process take the Link into consideration as well.

Participants also considered **amending protection order legislation to enable the explicit inclusion of companion animals** as also critically important in reducing harm and the ways that an abuser can coercively control their partner. In the United States, 36 states have amended their protection order legislation to enable including companion animals. Importantly, in some of these states, the ability to include an animal in a protection order does not hinge on their property status: an applicant can apply to have an animal legally owned by the perpetrator in a protection order (Fitzgerald forthcoming). This ability takes away an important source of leverage from abusers.

Of course, **at the root of these last two strategies is the problem posed by the property status of animals**, which some survey participants flagged as a critical issue. When raised with our interviewees, they also articulated myriad problems this issue presented, but opinions were mixed regarding how to proceed. For years, animal advocates have problematized the property status of animals because of how it makes animals vulnerable to abuse, but **it is becoming increasingly apparent that the property status of animals also makes victims/survivors of IPV vulnerable.**

Some interviewees pointed out that the legal system requires significant effort to achieve change



Conclusion

In closing, we would like to sincerely thank those who participated in this study and acknowledge those who took the additional time to reach out to thank us for conducting this research. We received several emails from family law professionals who were grateful that someone was asking questions about what they perceive as an increasing trend in their practice, and in an area that they currently feel ill-equipped to help their clients.

One of the family lawyers we interviewed, whose practice serves many Indigenous clients, noted, **“I get, from time to time, a request to participate in surveys and different things. And I jumped at this one because I thought: Finally. And I’m thinking, well, why don’t we talk more about this? ...I think this is something that we need to maybe pay more attention to.”** Later in the interview, she reiterated how happy she was to be discussing these issues:

This is an important step, like this whole conversation that we’re having is a hugely important step. You have no idea how thrilled I am to be doing this...

And this Violence Link, publicizing and giving awareness to the Violence Link, can only help everyone to realize that because [animals are] an important factor, they should be a factor. And not just a sideline.

We hope this report has helped to underline exactly that point.

For more information on this study and its findings, please see the Full Report.

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