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Neither Seen Nor Heard: Surviving Children of Domestic Homicide

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A thesis submitted in partial fulfillment of the requirements for the Master of Arts degree in Education

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Abstract

Domestic homicide is a critical human rights issue that continues to impact women, children, and families in Canada. Between 2010-2018, 662 individuals died as a result of domestic homicide, many of whom were mothers who left surviving children behind. This study examined the experiences of surviving children prior to, during, and in the aftermath of domestic homicide through quantitative and qualitative court and media document analyses. It was found that 136 children in Ontario experienced domestic homicide between 2010-2017. Domestic homicide impacted surviving children in all domains of functioning and was often associated with long-term adverse outcomes. Court documents revealed that the trauma associated with experiencing domestic homicide as a child was seldom considered by sentencing judges. This study broadens our collective awareness of the trauma associated with domestic homicide and underscores recommendations for adopting trauma-informed principles at the systemic level, specifically within the criminal justice system.

Keywords: domestic homicide, children, criminal justice system, sentencing

Summary for Lay Audience

This study explored the experiences of surviving children prior to, during, and in the aftermath of domestic homicide. Court and media documents were examined to get an understanding of the context for children leading up to and during the domestic homicide. This study also assessed the ways in which children were mentioned and accounted for in court. A total of 136 children experienced domestic homicide in Ontario between 2010 and 2017. Experiencing domestic homicide has detrimental effects on children's psychological, physical, social, and academic functioning. The devastating impact of domestic homicide was seldom recognized in the Court by sentencing judges. This study's findings are significant as they strongly encourage a trauma-informed shift at the systemic level. This study's findings emphasize the need for the Canadian criminal justice system to respect child victims and do more to validate their experiences through the development of more explicit legislation related to the impact of trauma on children. This study provides an understanding of the needs that surviving children have in the aftermath of domestic homicide and can serve as a reminder of the ways in which service providers, such as lawyers, teachers, mental health professionals in Ontario, approach this traumatized population in the broader community. The present study highlights the need for a broader awareness of the trauma associated with domestic homicide and more effective collaboration amongst service providers.

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Introduction

Domestic violence has the potential to impact every member of a family. In rare incidents, domestic violence can escalate to domestic homicide. Such cases incur multiple losses for surviving children, which can have profound effects on their overall functioning. The current study aimed to understand the needs and experiences of surviving children prior to, during, and in the aftermath of domestic homicide. Through court document and media report analyses, the present study also assessed the extent to which surviving children are overlooked in the criminal justice system and media.

This research is part of a national study on preventing domestic homicide, with children identified as one of the most vulnerable populations who live with domestic violence. Children are often dependent on their parents for safety and support and are particularly affected by the presence of violence in the home environment. Before turning our attention to the plight of children and their role in court and representation in the media, a review of the current research on domestic violence and domestic homicide is presented.

Domestic Violence

Domestic violence has consistently been regarded as an inherent violation of human rights that critically impacts over 100,000 individuals in Canada annually (Burczycka et al., 2018). Almost one-third of all women who have been in an intimate relationship have experienced physical or sexual violence by their partner, making this the most common type of violence experienced by women (World Health Organization [WHO], 2013). Domestic violence is broadly defined as any use of violence, actual or threatened, in an intimate relationship – including physical abuse, emotional/psychological abuse, sexual abuse, criminal harassment, and threats to harm children, pets, family members, or property (Alpert et al., 1997). Of all reported

violent crimes in Canada in 2019, 30% resulted from domestic violence (Conroy, 2021). Even more alarming is that police-reported domestic violence has increased for the fifth consecutive year (Conroy, 2021), making it a critical problem that requires the attention of the public and service providers.

Domestic violence is a deeply gendered crime, with 79% of police-reported intimate partner violence perpetrated against women (Conroy, 2021). Given the gendered nature of the crime, this research will primarily focus on male perpetrators and female victims, even though the opposite dynamic does exist. Abuse tactics often tend to escalate as time passes and significant events change the dynamics of the intimate relationship. For example, pregnancy is often associated with a higher risk for a woman to experience domestic violence (Chisholm et al., 2017; Martin et al., 2004). Abuse tactics commonly found within the context of intimate relationships can include rejection, terrorization, social isolation, exploitation, unresponsiveness, and close confinement (Turvey, 2008). The aforementioned abuse tactics have the potential to increase the risk of physical harm posed to a woman and her children, which can result in the most unfortunate outcome, that of domestic homicide.

Domestic Homicide

Domestic homicide is formally known as the death of a person, their child(ren), or third parties committed by the person's partner or ex-partner (Office of the Chief Coroner for Ontario, 2015). Globally, as many as 38% of all murders of women are committed by intimate partners (WHO, 2013). Between 2010 and 2018, 662 individuals died as a result of domestic homicide in Canada, with 55 of these individuals being children under the age of 17 (Canadian Domestic Homicide Prevention Initiative [CDHPI], 2018). Domestic homicide is currently regarded as a

human rights issue that critically impacts women, children, and families both within Canada and across the globe.

One method that has been developed to understand domestic homicides has been the formulation of domestic violence death review committees (DVDRCs) around the world (Bugeja et al., 2015). These committees are comprised of a multidisciplinary team of experts who specialize in domestic violence. The committee's task is to gather information on domestic homicide cases, understand the facts in the context of domestic violence, identify risk factors, and propose recommendations for intervention or prevention in future (Bugeja et al., 2015). Canada has seven such committees with the longest-serving in Ontario, formally known as the Ontario Domestic Violence Death Review Committee (Ontario DVDRC), which was established in 2003 (Dawson et al., 2017). Part of the work of the committee has been to identify risk factors associated with domestic homicide. The Ontario DVDRC has identified 41 risk factors commonly associated with domestic homicide (Ontario DVDRC, 2019). The 41 risk factors relate to different aspects of the family structure including the perpetrator, victim, or the family's contextual situation (Ontario DVDRC, 2019). A prior history of domestic violence, previous suicide attempts, sexual jealousy, actual or pending separation, or child custody disputes have all been highlighted as factors that place a woman and her family at a higher risk for experiencing domestic homicide (Ontario DVDRC, 2019). Some domestic homicides result from a sudden onset of uncontrollable rage; however, many individuals plan and choose their actions carefully to commit this crime (Ewing, 1997; Turvey, 2008). Typically, domestic homicide occurs after a prolonged period of abuse and an escalation of rage, turmoil, and conflict within the relationship between two partners, rather than being a one-time incident (Turvey, 2008).

The gender discrepancy is even more exaggerated when it comes to domestic homicide, where women are at four times greater risk of dying due to domestic homicide than men (United Nations Office on Drugs and Crime, 2018). To illustrate this, the largest single trigger for domestic violence is a woman's threat or attempt to leave her [usually male] intimate partner (Turvey, 2008). This pattern exemplifies how precarious it is for women who experience domestic violence and how there is a significant need to understand the risk factors involved to prevent such situations from arising. No single risk factor explains the increased risk of domestic violence or domestic homicide (WHO, 2013) and it often results from a combination of risk factors that can affect individuals of every racial, ethnic, and socioeconomic background (Alpert et al., 1997). This complex combination of risk factors makes certain groups more vulnerable to experiencing domestic violence and domestic homicide. Multiple vulnerable populations have been identified in previous research; children are one such population.

Children as a Vulnerable Population

The focus of the present study centres around children as a vulnerable population given that their voices are often minimized or disregarded. Children are at a heightened risk of experiencing domestic violence and subsequent domestic homicide for several compounding reasons. Young children tend to lack the knowledge and skills required to report victimization themselves (AuCoin, 2005). Additionally, children of any age may be unwilling to report their experience to authorities because of their dependency on their parents and their concern about being removed from their home environment (MacMillan, 2009). Lastly, authorities lack proper training to recognize signs of domestic violence, especially when children are present (Richardson-Foster et al., 2012). This lack of recognition increases the risk for children as these authorities are responsible for safeguarding them. Taken together, these factors can explain why

exposure to domestic violence is one of the most common forms of childhood maltreatment in Canada (Fallon, 2015).

Exposure to domestic violence increases the risk of children themselves becoming victims of abuse, illustrating the common link between domestic violence and child abuse (Krug et al., 2002). In addition, exposure to domestic violence can significantly impact a child's physical, emotional, and social development. Elevated stress associated with domestic violence can affect a child's early structural brain development, subsequently compromising cognitive and sensory growth (Osofsky, 1999). Most alarmingly, it has been found that exposure to domestic violence is the single best predictor for children continuing the cycle of violence later on in their own adult lives as either the perpetrator or victim of violence (Ehrensaft et al., 2004). Despite these documented long-lasting and devastating effects, surviving children are commonly referred to as the 'forgotten victims in the home' (United Nations Children's Fund [UNICEF], 2006).

Theoretical Foundation

The Social Ecological Model and the Exposure Reduction framework describe the ways in which domestic violence and domestic homicide are situated in research. These complementing theories allow for a comprehensive understanding of risk factors and how combinations of risk factors make particular populations more vulnerable.

Social Ecological Model

Urie Bronfenbrenner first proposed the Social Ecological Model in 1979 to explain the contexts in which humans grow and change. The Social Ecological Model allows for a multi-dimensional perspective that situates the individual within a tiered system. The individual is influenced by the microsystem (immediate relationships such as family and friends), exosystem (social structures that indirectly influence the individual), and macrosystem (the overarching

social, cultural, political, and economic context) at any given time (Roush & Kurth, 2016). More recently, the Social Ecological Model has been applied to complex issues such as domestic violence to understand the risk factors at the individual, relational, community, and societal levels (Levendosky & Graham-Bermann, 2001). Each of these levels can influence the others and compound the risk of violence to any one individual or family (Heise, 1998). For example, mothers are uniquely tied to their abusers at the relationship level because they cannot simply leave the violence without suffering further consequences. A mother, who cannot fathom leaving her children behind, may stay in a violent relationship if she fears the legal consequences of leaving with her children.

Exposure Reduction Framework and Retaliation Effect

The Exposure Reduction Framework asserts that the risk for domestic homicide decreases with reduced exposure to the abuser and increased access to supports (Dawson et al., 2009; Dugan et al., 2003). This framework emphasizes the need to protect women and their children when they seek support in leaving a violent situation. Protection can come in many forms, including legal policies (no-contact orders), support programs (financial resources to increase financial independence), or broader social change (Dugan et al., 2003). On its face, this may seem very intuitive, however; in reality, this is quite complex. As previously mentioned, the single largest predicting factor for experiencing domestic violence is the threat of separation (Turvey, 2008), making the post-separation context the most high-risk period for domestic homicide for women and their children (Brown & Tyson, 2012). Often, a woman gaining her own independence, whether that is through obtaining employment, achieving financial independence, or physically leaving the violent relationship, is a trigger for an abuser to become escalated (Dawson et al., 2009). This trend is known as the ‘Retaliation Effect’ and occurs when

the actions taken enrages the abuser and subsequently escalates the risk posed to victims (Dugan et al 1999, 2003). The abuser's escalation and motivation for retaliation are explained by a combination of factors such as a perceived loss of control and discomfort with a shift in the power dynamic of the intimate relationship (Dugan et al., 2003). This rage and resistance to change motivates the abuser to become increasingly violent in an attempt to regain control of the victims.

While Exposure Reduction is associated with increased risk, it can be an effective strategy when it is implemented appropriately (Dugan et al., 2003). What is understood is that small levels of Exposure Reduction often escalate abusers and motivate them to retaliate against their victims, increasing the risk for domestic homicide (Dugan et al., 2003). Effective Exposure Reduction strategies must include coordinated efforts at all levels, including assessment and intervention to manage the multiple risks posed to women and their children (Dawson et al., 2009; Dugan et al., 2003). Presently, a coordinated response is lacking, especially when it comes to supporting mothers in the context of domestic violence. Many mothers fear the legal consequences of leaving with their children or the safety consequences of leaving their children behind (Jaffe et al., 2004). These fears often force mothers to stay in a violent relationship or leave the relationship without the help of formal agents, which are both directions that are known to increase the likelihood of domestic homicide (Dugan et al., 2003). Even if the domestic homicide does not physically harm the children, they will experience the life-long emotional trauma associated with losing a parent in this way.

The Traumatic Impact of Domestic Homicide on Children

The trauma associated with domestic violence that leads to domestic homicide is complex and long-lasting. When one parent dies at the hands of another, whether witnessing the incident

or not, the child is forced to confront multiple losses, including their primary attachment figures and environment, which can include both home and school (Alisic et al., 2015). Children may also lose their pets, friends, and neighbourhoods if they are relocated to live with relatives or placed into the custody of the state (Mertin, 2019). Losing the only environment that a child has ever known has several dimensions, each of which can lead to the development of adjustment, attachment, and conduct disorders (Alisic et al., 2015).

Previous research has distinguished between direct and indirect exposure, concluding that children who are directly exposed to the homicide are more traumatized. Regardless of the type of exposure, surviving children can experience adverse effects on psychological, physical, social, and academic functioning. Children bereaved by domestic homicide tend to experience a complex combination of trauma, grief, and hardship – known as traumatic grief (Cohen & Mannarino, 2011). The child may not be able to process through ‘typical’ grief-coping mechanisms, such as accepting the permanence of death and investing in new relationships moving forward (Cohen & Mannarino, 2011). Furthermore, children in this situation may suffer from prolonged grief, which is both persistent and severe. Common symptoms include numbness, meaninglessness, and the disbelief of death (Alisic et al., 2015). Surviving children of domestic homicide have been reported to display significant and persistent grief that can affect well-being (Alisic et al., 2015).

Other severe psychological symptoms such as intrusive memories, dissociation, aggression, regression, hyperarousal, and depressed mood are commonly experienced in this population (Alisic et al., 2015). A study conducted by Mertin (2019) found that all 16 surviving children of domestic homicide met the criteria for post-traumatic stress disorder (PTSD). Significant symptoms of anxiety and nightmares were also present in all children. While there

has been a primary focus on psychological disturbances in children in the aftermath of domestic homicide, it is important to understand its impact on all domains of functioning.

Physical, social, and academic functioning are interrelated domains that can also be affected by the complex trauma associated with domestic homicide. Physical symptoms that could present in a child may include eating/feeding problems, headaches, muteness, and unusual behaviours. In addition, low grades, special classroom assignments, and dropping out are common academic-related issues these children experience (Alisic et al., 2015). Social concerns involve stigmatization, loyalty conflicts, and loss of contact with family members. To fully understand a surviving child's experience in this situation, we must aim to understand outcomes in all domains as opposed to just one.

Despite the adverse outcomes identified, pre-, peri-, and post-trauma factors have been identified in previous research to add to or subtract from the level of risk posed to a child (Alisic et al., 2015). Unstable living environments, parental suicide, parental substance abuse, close proximity to the event, and changes of the caregiver are some of the factors that can increase the risk of a child suffering from the negative outcomes outlined above (Alisic et al., 2015). Having the opportunity to see the body, participate in the funeral, and discuss the deceased relative openly all decrease the child's risk of developing negative outcomes (Alisic et al., 2015). While these positive actions can offset negative outcomes, the trauma associated with this experience is often long-lasting especially as the court proceedings begin and media attention is focused on the case, perpetrator, and victims.

Children's Involvement in the Court

The basic principle for children's involvement in court proceedings is that they are deemed competent witnesses (*Canada Evidence Act*, 1985). Navigating the legal system can be a

challenging experience for anyone, especially for a child. In sexual abuse cases such as *R. v. Persaud* (2007), testifying in court was extremely traumatic for the child involved as it forced them to relive the experience of exploitation and abuse. The process requires witnesses to relive difficult experiences in a public setting (*R. v. S.N., 2015*). Witnesses are then subject to cross-examination by lawyers where their reliability and credibility may be challenged. Testifying in a trial environment can not only exacerbate old trauma but create new trauma (*R. v. S.N., 2015*). This is especially true for children when they are asked to testify and recall traumatic experiences. For this reason, calling children as witnesses is seen as a last resort that occurs only if the child has pertinent information to provide to the case. Children may be more likely to be called to speak to their experience during sentencing than the adjudication trial.

Even though testifying in court has the potential to lead to pervasive trauma, not allowing children to have their voices heard may lead to feelings of neglect. Refusing to allow a child to speak to their experiences or the accused's character essentially erases their experiences and invalidates not only their trauma but their sense of self to varying degrees. Victim Impact Statements may provide a platform that allows children to share their experiences without further exacerbating trauma. In 2015, the *Canadian Victims Bill of Rights* came into effect ensuring that every victim has the right to present a Victim Impact Statement and have it considered in sentencing (*Canadian Victims Bill of Rights, 2015*). A Victim Impact Statement is a written statement that describes the physical or emotional harm, property damage, or economic loss that the victim of an offence has suffered (*Canadian Victims Bill of Rights, 2015*). The *Canadian Criminal Code* also recognizes that a person who is affected by a crime committed against another person, such as a family member or loved one is also a victim (*Criminal Code, 1985, Form 34.2, ss.722(4)*). A Victim Impact Statement can also be prepared by the survivors of

deceased victims, the parent or guardian of a child victim, or a spouse, common-law partner, dependent or relative of a victim who is not capable of making a statement (*Criminal Code*, 1985, Form 34.2, ss.722(4)). The Victim Impact Statement provides an opportunity for the victim to speak to how the crime has affected them in the past and continues to affect them in the present (*Criminal Code*, 1985, Form 34.2, ss.722(4)). The court then must take this statement or a collection of statements into account during sentencing (*Criminal Code*, 1985, Form 34.2, ss.722(4)). A Victim Impact Statement gives victims of a crime a voice in the criminal justice system and court proceedings (*Canadian Victims Bill of Rights*, 2015). The process of providing a Victim Impact Statement may also be very difficult depending on the nature of the crime and the relation to the perpetrator. The court tries to be as accommodating as possible to ease the undertaking of providing a Victim Impact Statement (Government of Canada, 2015).

Accommodations can be such that the victim is accompanied by a support person, the victim provides the Victim Impact Statement behind a screen, or the victim provides the Victim Impact Statement via closed-circuit television outside of the courtroom (Government of Canada, 2015).

In addition, a victim may have someone (typically a lawyer or family member) deliver their statement on their behalf to prevent further traumatization (Government of Canada, 2015).

Analyzing Victim Impact Statements and other court documents may be a critical research tool to better understand the impact that domestic homicide has on surviving children.

Media Reports about Children's Experiences of Domestic Violence

The media plays a pivotal role in informing the public about criminal cases. This is especially important when it comes to cases involving domestic violence because these issues tend to be thought of as private and therefore confined to the home. This is reflected in that the *Domestic Violence Protection Act* was only introduced in Ontario in the year 2000 (*Domestic*

Violence Protection Act, 2000). From the 2020 Nova Scotia attacks, it is clear that domestic violence endangers not only one individual or family but also entire communities (Jaffe et al., 2020; Tasker, 2020). This creates a complicated balance to achieve when reporting, respecting the victims' privacy and informing the public of critical (potentially dangerous) events that happen near them and around the world. Victims, especially those under the age of eighteen, may be unintentionally impacted by the ways in which the media reports about domestic homicide cases.

The identities of child victims and witnesses are most often protected under the *Youth Criminal Justice Act (Youth Justice Act, 2002)* and more recently the *Canadian Victims Bill of Rights of 2015 (Canadian Victims Bill of Rights, 2015)*. These are automatic and mandatory restrictions. Due to chronological age alone, assertions have been made that children possess inherent vulnerabilities that should be recognized by the courts. A 2012 Supreme Court of Canada decision regarding cyberbullying of a young victim emphasized the importance of protecting the privacy of young victims in the criminal justice system based solely on age (*AB v. Bragg Communications, 2012*).

Domestic homicide cases often receive a significant amount of attention from the media which is subject to 'framing' (Berns, 2004). Even cases involving child victims or survivors who deserve respect and privacy are subjected to framing effects. The ways in which domestic homicide cases and the experiences of children are reported can be altered based on the characteristics of the case and the individuals involved. Some previously identified media frames include the antifeminist frame, which holds the female victim responsible, the social justice frame, which emphasizes the sociopolitical context in which the violence occurs, and the victim empowerment frame that emphasizes the victim solving (or failing to solve) her domestic-

violence related issue (Berns, 2004). While no media outlet is immune from framing effects, some media outlets hold themselves accountable by establishing standards for their own reporting. For example, the Canadian Broadcasting Corporation (CBC) emphasizes respect for the suffering of victims by carefully weighing the publics' interest and the need to show compassion to victims (Canadian Broadcast Corporation [CBC], n.d.). The CBC also maintains that they will not release the deceased person's identity prior to the notification of the family (CBC, n.d.). Specifically, in regard to children, the CBC highlights the provincial laws that restrict the publication of information about children (CBC, n.d.). Although the CBC is an ideal example of the importance of accessible media standards, many other news outlets do not prioritize industry standards.

The *Canadian Victims Bill of Rights* came into effect in 2015. Canadian media outlets uphold organizational standards and those outlined by this *Bill*; however, in certain circumstances, parents and guardians can consent to the release of case details and identifying information of the children in their care. In rare cases, parents and guardians can consent to children speaking to the media themselves. For example, in the case of *R. v. Shamji* (2017), the maternal grandparents, along with the family's lawyer, consented to one of the surviving children speaking directly with the media (Jones, 2019). The eldest daughter (then 14) wanted to speak for her mother and about her experiences in the aftermath of her mother's homicide (Jones, 2019). In the interview, she outlined how her mother's murder left her 'angry, hurt, sad, and heartbroken' (Jones, 2019). The article goes on to describe her aversion to staying in contact with her father and details her current living situation. (Jones, 2019). The critical information found in this article speaks to the richness of detail that media reports can provide regarding a surviving child's experience in the aftermath of domestic homicide.

Even without identifying information, media reports may provide an abundance of information regarding a surviving child's experience in the aftermath of domestic homicide. The nature of exposure, who is caring for the child, and the extent of the child's trauma can be detailed and released to the public through media reports. Given that the media has the ability to publish critical information regarding a criminal case, analyzing media reports in a research setting may provide additional information about the experiences of surviving children in the aftermath of domestic homicide.

Canadian Domestic Homicide Prevention Initiative with Vulnerable Populations

As mentioned above, previous research has identified multiple vulnerable populations to be at risk for experiencing both domestic violence and domestic homicide. Some of these populations include Indigenous populations, rural, remote, and northern populations, immigrant and refugee populations, and children. The current study is based on part of a major research project dealing with these four vulnerable populations funded by the Social Sciences and Humanities Research Council. The project, entitled the Canadian Domestic Homicide Prevention Initiative with Vulnerable Populations (CDHPiVP; www.cdhpi.ca), has a goal to enhance cross-sector collaboration and identify the factors that can increase the risk of domestic homicide. The CDHPiVP focuses on understanding barriers to effective risk assessment, risk management and safety planning, as well as promising practices in enhancing collaboration among services and preventing domestic homicides.

Gaps in the Literature

Thus far, when researching children as a vulnerable population, the CDHPiVP has primarily focused on the 55 children who have also lost their lives due to domestic violence between 2010 and 2018 (Jaffe et al., 2017). The CDHPiVP aims to extend this focus to

incorporate an understanding of surviving children's experiences. Outside of this initiative, few studies have been conducted that investigate the experiences and implications of domestic homicide on surviving children. Lack of research in this area could be due to the highly sensitive nature of the topic, high levels of grief, distrust and dissatisfaction with authority, and mental health problems for both surviving children and their new caregivers (Alisic et al., 2017).

Substantial gaps exist in the literature due to a multitude of reasons; however, to better serve this population, these gaps must be addressed with further research using less-intrusive methods such as document analysis.

The Present Study

The present study aims to emphasize surviving children who have experienced domestic homicide in their families. This study is part of a broader research undertaking of the CDHPIVP aiming to raise awareness and reduce the number of deaths by domestic homicide, focusing closely on children as a population. The more extensive study developed a database on domestic homicides across Canada between 2010 and 2020 with information provided by coroners and medical examiners as well as court decisions and media representation of these cases. The current study focused on court decisions and media representation of domestic homicides involving children.

This study assessed the experiences of surviving children prior to, during, and in the aftermath of domestic homicide by examining court and media documentation related to the cases. Some studies have previously found that domestic homicide has the potential to severely disrupt a child's functioning. However, a substantial gap remains in the literature regarding the impact of experiencing domestic homicide as a child in Canada. Thus, the present study investigated surviving children's experiences in a Canadian context. This study extended the

limited knowledge of surviving children by including an understanding of their experiences leading up to the incident. In addition, the present study investigated the extent to which the child was exposed to the domestic homicide, whether they were absent, present or a direct witness of the crime. Lastly, this study assessed how surviving children were described in court and the extent to which their experiences were included in sentencing decisions, which can be seen as a reflection of their treatment within this setting. Gaining a deeper understanding of how this experience impacts children in Ontario will inform service providers on how best to approach this traumatized population.

Methods

Overview

The present study assessed media reports and court documents to understand children's experiences of domestic homicide with a particular focus on surviving children. Media reports and court documents are part of a developing national database on domestic homicides, which also includes information from coroners and medical examiners (See Appendix A). This study focused only on the media and court information gathered in Ontario. The province of Ontario was selected as the focus for this analysis since it accounts for 40% of the Canadian population and is a rich source of data in this area. The research on which this thesis project is based is supported by the Partnership Grant Program of the Social Sciences and Humanities Research Council of Canada (Grant 895-2015-1025).

Materials

Media Reports

The CDHPV has maintained a database consisting of all media reports pertaining to every Canadian domestic homicide that has occurred since 2010. One-hundred and seventy-eight of 532 total media reports were selected for this sample of domestic homicides occurring in Ontario between the years 2010 and 2017. This time range was chosen as it is the most recent and relevant time period with both accessible media reports and corresponding court documents pertaining to domestic homicide cases. Typically, court proceedings take years to resolve and thus this research did not include the most recent domestic homicide cases given that the subsequent court proceedings are likely still unfolding. A series of searches were conducted by province, for child-related content, male perpetrators, and parental perpetrators and victims. Researchers first used the search term Ontario and then child-related words, such as 'son' and

‘daughter’. The researcher then read the media reports line by line to ensure that perpetrators were male and that either the perpetrator or the victim was a parent. This series of searches identified 61 media reports that were eligible for quantitative analysis and court database cross-referencing. Overall, the media reports identified the cases that would be suitable for court document review. In addition, the media reports acted as a supplemental source of information for the quantitative analysis.

Court Documentation

If a court case ensued in the aftermath of the domestic homicide, the publicly accessible court documents were identified and cross-referenced with the media report on the same case. Accessed through the Western University Library, the court documents were retrieved from the Canadian Legal Information Institute (CanLII) Database and the WestlawNext Canada Database. Both databases allowed for different combinations of search terms using ‘and’ and ‘or’, enabling the researcher to customize the search and access as many court documents as possible, if they existed. Identified court documents were then qualitatively analyzed for information regarding children’s experiences of domestic homicide.

Court documents that contained written reasons for judgments and sentencing were used as these documents are reliable and substantiated based on previous case law. Written reasons for judgments are often provided in circumstances where a complex decision must be made, for example, in cases of domestic homicide. The purpose of written reasons for judgments is to explain the evidence heard, the weight it was given, the credibility of witnesses, and the rationale for a finding of guilt. After a finding of guilt, another decision is made in terms of the sentence most appropriate for the offender based on multiple factors outlined in the sentencing principles in the Criminal Code of Canada. A sentencing judge has the ability to reference any information

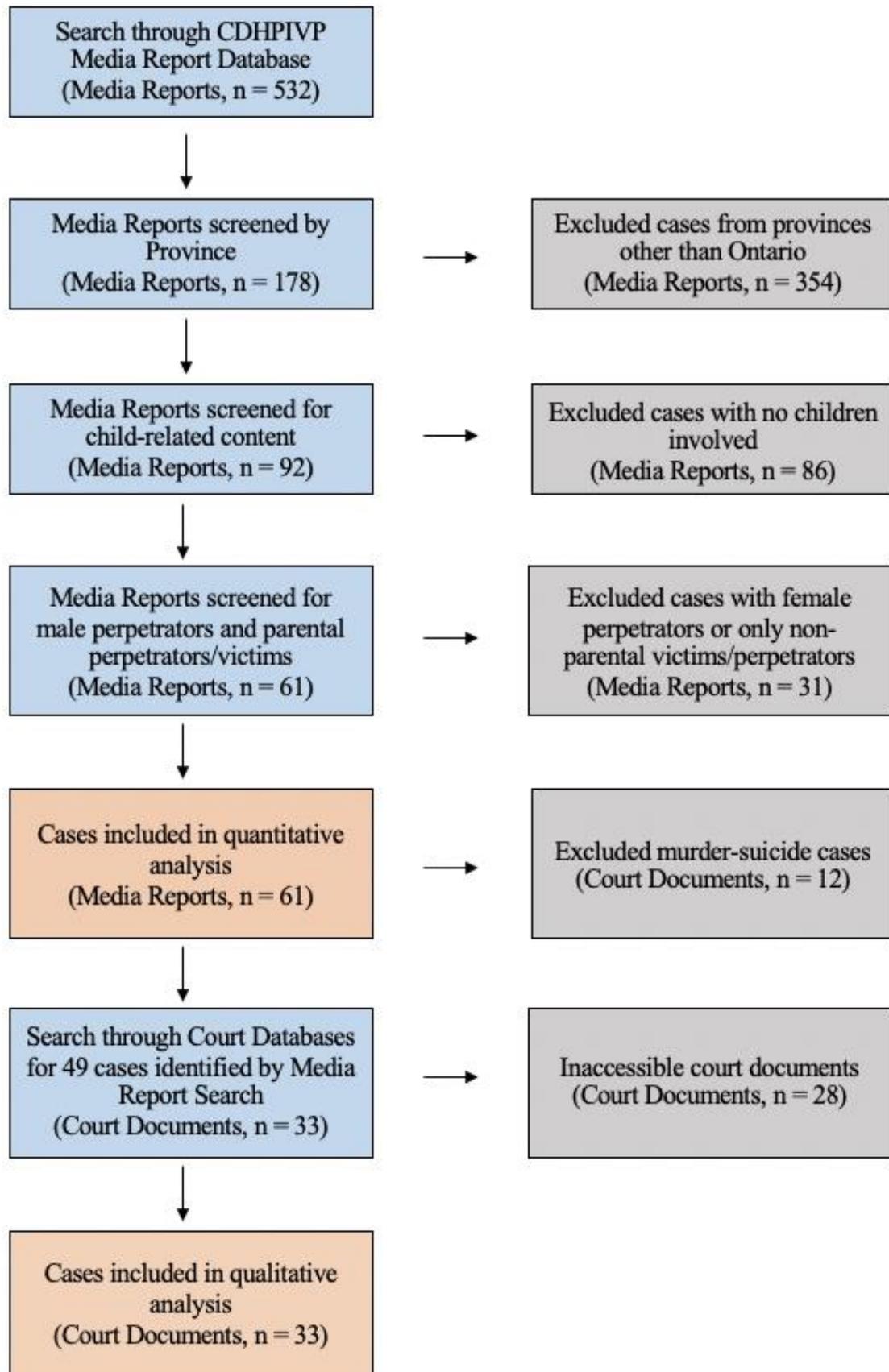
pertaining to the case as well as their informed opinion of the facts. Throughout their sentencing decision, the judge may reference provided Victim Impact Statements, the information provided by the Crown or the Defence, or their own interpretation. The fundamental principle of sentencing is that the sentence must be proportionate to the gravity of the offence and the degree of responsibility of the offender. Typically, a sentence is based on a constellation of aggravating and mitigating factors specific to the case. Aggravating factors are circumstances that increase a defendant's culpability and can lead to a defendant's enhanced or maximum sentence. In the Criminal Code of Canada, Section 380 currently governs aggravating circumstances as they relate to sentencing (*Criminal Code*, 1985, Form 34.2, ss.722(4)). For example, a criminal record or prior convictions of increasing seriousness could lead to an enhanced sentence. Conversely, mitigating factors are those that allow a judge to grant a lesser sentence (*Criminal Code*, 1985, Form 34.2, ss.722(4)). For example, if the judge determines that the accused is genuinely remorseful for the crime and demonstrates an acceptance of responsibility, the judge will likely grant a lesser sentence.

Procedure

This study consisted of a systematic series of searches through the CDHPVP media Report Database, the CanLII Database, and the WestlawNext Database (see Figure 1). Purposive sampling was used to select cases that fit certain selection criteria. The selection criteria included domestic homicide cases that occurred in Ontario between 2010 and 2017, involved children in some way, and had been perpetrated by a male who was romantically or sexually involved with the victim. In addition, at least one of either the perpetrator or the victim must have been a parent to the child(ren) involved. An initial search was conducted in the CDHPVP Media Report Database through 532 media reports across Canada for domestic homicide cases in Ontario

between 2010 and 2017. This search identified 178 media reports related to domestic homicide in Ontario between 2010 and 2017. The 178 media reports were then put through a filtered search to identify any mention of children using the search terms ‘child’, ‘children’, ‘daughter’, ‘son’, ‘girl’, or ‘boy’, which initially highlighted 69 media reports involving children. To ensure that all child-related content was identified, a thorough, line-by-line review of each case was then conducted. A total of 92 cases were identified as having child-related content, however, only 61 cases fit the criteria of a case with a male-identified perpetrator and either the perpetrator or victim was a parent to the children involved. Any relevant case characteristics were also assessed using the media reports including identifying murder-suicide cases and child deaths. A total of 12 murder-suicide cases were then eliminated in preparation for the next search. This elimination occurred due to the nature of the crimes as court proceedings would not have unfolded in these cases. The remaining 49 media reports were cross-referenced with two court databases to assess the child’s experience as it was described in the court setting.

If a court case ensued in the aftermath of the domestic homicide, the CanLII and WestLawNext Databases were then consulted to retrieve the court documents that corresponded with the cases identified as involving children from the CDHPVP Media Report Database. A total of 33 court documents were successfully retrieved from the CanLII and WestLawNext Databases. Both the media reports and court documents were then analyzed to obtain the quantitative data for this study. If the court documents were missing information, the media reports were consulted as a secondary source to fill in any remaining gaps.

Figure 1: Visual representation of procedure consisting of systematic searches and exclusions.

All selected court documents were inputted into Dedoose (V.8.1.8), a qualitative computer software program, to analyze information regarding surviving children's experiences prior to, during, and in the aftermath of domestic homicide. After consultation with the literature (Alisic et al., 2015; Alisic et al., 2017; Krug et al., 2002; Mertin, 2019), some preliminary themes that emerged were the extent to which children's trauma is referenced in Victim Impact Statements and the court setting, whether the trauma was used as an aggravating factor in sentencing, whether the children were exposed directly versus indirectly, whether the perpetrator is incarcerated, found not guilty, or deceased, and whether the children were attacked themselves. In addition, the 41 ODVDR Risk Factors (i.e., separation, sexual jealousy) were used to assess the presence of risk factors in this sample prior to their experiences of domestic homicide.

A preliminary codebook for this thesis was developed amongst the CDHPVP research team based upon the aforementioned themes, the Ontario DVDR risk factors, court documents, and media reports. The preliminary codebook discussed amongst the CDHPVP research team and was then applied to five court documents by two separate researchers. The researchers met and discussed each code they applied to establish reliability – adding, removing, and further defining codes when needed. Any discrepancies between the two researchers were then discussed with a third member of the research team that would make the final decision. The researchers then applied the updated codebook to an additional five cases and reconvened. This process was completed once more in order for the researchers to converge at 100% reliability, meaning that all codes applied to both versions of the same court document matched. The application of the coding system allowed for the generation of unique themes from the data. Generated themes were then interpreted and connected with previous literature involving

domestic homicide and children. Throughout the analysis, a coding journal was kept ensuring that the coding system remained consistent over the course of the project. Each case was written on a page of the coding journal and all codes that were applied were not only coded in Dedoose but also written in the coding journal. As new codes were generated, they were noted to the codebook and the journal to ensure that the researcher remembered to apply them to previously completed transcripts. In addition to the codes, the researcher made a note of the thought processes that accompanied any decision-making throughout the entire project to maintain reliability and transparency in decision-making and justification. For example, upon initial review of the court documents it was noted that there was rich detail of the family context prior to the domestic homicide which prompted the expansion of the codebook and the additional research question. Coding was finished when no new codes emerged, resulting in the final codebook (see Appendix B), and saturation was achieved in all of the court documents.

Data Analysis

A thematic analysis was used to analyze the court documents in an effort to assess the extent to which surviving children are mentioned and understand their experiences at both the implicit and explicit levels (Braun & Clarke, 2006, Joffe, 2012). This means that the researcher examined the content of the documents in addition to the underlying meaning of the content. For example, when judges discussed the inability of victims to attend meaningful events in their children's lives, it was inferred that they acknowledged that children would continue to feel the void of their parents for many years to come. A thematic analysis is a method for identifying, analyzing, and reporting patterns, or themes within data. (Braun & Clarke, 2006). It organizes, describes, and interprets various aspects of the research topic to present it in a clear manner (Braun & Clarke, 2006). A dual deductive/inductive analysis approach was used to interpret the

data to establish new themes and connect them to the previously established themes from the literature. This means that the analysis used both an a priori coding system and a data-driven iterative approach allowing for new codes to be incorporated as they appeared in the data. The preliminary codebook was developed through the review of the literature, the Ontario Domestic Violence Death Review Committee (Ontario DVDRC) risk factors (Ontario DVDRC, 2019), and court documents and media reports. During analysis, an iterative approach was adopted, whereby any significant codes that arose were then added to the codebook. As the analysis progressed, each transcript was reviewed multiple times to account for the additions to the codebook.

All quantitative data were inputted into the Statistical Package for the Social Sciences (SPSS) and analyzed to establish descriptive demographic information related to the sample.

Ethical Considerations

Several ethical considerations accompany this research. Consistent exposure to traumatic material can lead to vicarious traumatization and desensitization (Sommer, 2011); reading through hundreds of cases regarding domestic homicide and the impact this experience has on surviving children may be difficult for the researcher. Due to this material's highly sensitive nature, regular debriefing occurred between the researcher and assigned supervisors. Debriefing and support was also arranged for by CREVAWC to promote optimal mental health for the researcher. In addition, the researchers limited themselves to reading a maximum of five cases in one day to minimize any psychological harm done. These precautionary steps were taken to prioritize the needs of both the researcher (preventing burnout) and the population in question (researching the effects to further understand their experience).

Even though the data under review was publicly accessible, it was treated with the utmost respect. All data files used were stored on a password-protected computer in a secure folder that

only the researcher had access to. Analyzed data was stored in the secure workspace provided by Dedoose; only essential members of the research team had access to this workspace. Any additional sources of data were stored in a locked and safe location. Safeguarding data was prioritized throughout the data collection, coding, and analysis.

Lastly, all identifying information was removed or changed to more general terms such as the child, the victim, and the perpetrator. These steps were taken to ensure the privacy of the individuals involved in the cases, especially that of the victims.

Results

Demographic Information & General Case Characteristics

Table 1 provides demographic information about the children exposed to domestic homicide and general classifying information regarding the 61 total cases used for the quantitative analysis. One hundred and thirty-six children experienced domestic homicide with some degree of exposure. The average age of the children exposed to domestic homicide in this sample was 10.6 years old ($SD = 6.6$), ranging from less than 6 months to 27 years old. The average age of the perpetrators was 40.3 ($SD = 9.9$), ranging from 18 to 60 years, whereas the average age of the victims was 34.1 ($SD = 14.3$) ranging from less than 6 months to 54 years.

Table 1

Demographic Information and General Case Characteristics

Category	Number (n)	Frequency (%)
<i>Total Court Documents and Media Reports Used for Quantitative Analysis</i>	61	
<i>Total Court Documents Used for Qualitative Analysis</i>	33	
<i>Type of Case</i>		
Male Perpetrator, Female Victim	42	70
Murder-Suicide	12	19.7
Child Death	7	11.5
	136	

<i>Total Children Exposed</i>		
<i>Gender±</i>	60	44.1
Female	57	41.9
Male	19	
Missing Data		
<i>Child Exposure±</i>		
Absent from Scene	52	38.2
Present at Scene	21	15.4
Witness to the Crime	18	13.2
Child is a Victim	7	5.1
Missing Data	38	

±Numbers may vary due to missing data

Data for quantitative analysis derived from both available media reports and court documents

Data for qualitative analysis derived from available court documents

Experiences of Surviving Children Prior to the Domestic Homicide

Table 2 indicates the frequency of risk factors in the sample as reflected in the most common factors identified by the DVDRC (Ontario DVDRC, 2019). The most common risk factor that emerged from the dataset was that of separation, where 54% of the cases referenced an actual or pending separation prior to the domestic homicide. Upon review of the court documents, separation was identified as an immediate provoking instance for the homicide or an instance that sparked a deep desire for revenge within the perpetrator. Another significant risk factor that emerged in 33% of the cases was that the perpetrator was previously violent towards their partner. This displays both a pattern of violence throughout the relationship, in addition to the perpetrator's willingness to become violent with his family members.

Table 2

Ontario DVDRC Risk Factors Posed to Children/Victim Prior to Domestic Homicide

Category	Number of Cases (n)	Frequency (%)
<i>Total Court Documents Used for Qualitative Analysis</i>		
<i>Family/Economic Status</i>		
Actual or Pending Separation	18	54.5

Child Custody or Access Disputes	4	12.1
New Partner in Victim's Life	9	27.3
<i>Perpetrator Mental Health</i>		
Deteriorating Mental Health	8	24.2
Excessive Alcohol and/or Drug Use by Perpetrator	9	27.3
<i>Perpetrator Attitude/Harassment/Violence</i>		
History of Domestic Violence with Current Victim	11	33.3
History of Violence Outside of the Family by Perpetrator	5	15.2
Perpetrator Threatened and/or Harmed Children	5	15.2
Sexual Jealousy	6	18.2

Experiences of Surviving Children in the Aftermath of Domestic Homicide

The court documents included some information on how the trauma associated with experiencing domestic homicide has impacted surviving children. This trauma is complex affecting all domains – psychological, physical, academic, and social functioning. Presiding judges, family members, and even children themselves spoke to how painful and life-altering this experience was. For example, one presiding judge noted the emotional and physical difficulties that a surviving child continued to experience:

[Child's Name] is the eldest daughter of [The Perpetrator] and [The Victim]. She was devastated by the loss of her mother. She is haunted by regret and sadness. [The Child] has suffered physical stress and emotional anguish. She is heartbroken over the loss of her mother.

Psychological Impact

The court documents frequently referenced the psychological impact of this trauma on surviving children. Many children that experienced this trauma shared how it has made them feel permanently abnormal and that they would no longer be able to be a kid again. Some children even discussed how guilty they felt in having survived the domestic homicide while their family members did not. For instance, one judge recounted powerful details from a child survivor's Victim Impact Statement,

In addition to the emotional pain and suffering he has felt as a result of seeing what occurred in the kitchen and then being on the other side of the door when a knife was penetrating through it, when he was bravely and quite literally fighting for his life, he speaks of the guilt he feels and that he carries with him for having run from the kitchen that night.

It was commonly noted in the court documents by caregivers, judges, and children themselves, that this psychological trauma not only affects children's pasts but also impacts their perceptions of the future. Many child survivors worried that similar traumas would continue to happen to them or the people they became close to. One victim's aunt shared the changes that she has noticed in her niece in her Victim Impact Statement,

She continues to suffer with sleepwalking and nightmares. She is unable to look at pictures of her mother without being reminded of that night. She struggles with food and trying to control her food. She has pushed her uncle and I away emotionally, expressing that if she gets close to us, a tragedy will happen like what happened to her mother. She has a negative outlook on life and is hard on herself. When she is feeling badly about herself, she will not allow herself to play with toys or engage with people or have fun.

The Impact on New Caregivers

It is important to note that surviving children are not the only ones impacted by domestic homicide. New caregivers often struggle to meet the complex needs of the children that have been suddenly placed in their care. Additionally, new caregivers may have their own mental and physical reactions to the loss of someone in their family – potentially leading to the development of mental and physical health issues. One new caregiver's Victim Impact Statement described her experiences of how she has suffered as she simultaneously stepped into the caregiver role following her daughter's homicide, "The loss of my daughter has had a far-reaching impact upon my life and that of my family. I experience depression and anxiety. I care for my grandson, who has struggled considerably since his mother was killed." It was observed that caregivers' inability to care for the children that are placed with them can be further detrimental to the children's adjustment to their new environment.

Multiple Losses

Another notable theme that emerged in relation to surviving children's trauma was the difficulty associated with the multiple losses experienced by children. One child survivor spoke to her experience of loss, not only of her mother but also of the entire life she knew before the homicide occurred.

[The Child] told an interviewer that she feels sad and angry. She is worried that her mother is not here anymore. She is confused about why [The Perpetrator] lived, and her mother did not. She has had to change who she lived with, where she lived, and the school she attends. She has lost friends. She misses being able to tell her mother that she loves her.

In addition to the experience of current loss, 18% of judges recognized how a parent's death will affect future happy events such as graduations, weddings, and births. For instance, one judge elaborated,

[Name of Victim] won't attend their weddings; won't be there for the birth of any grandchildren. She is not available to provide advice, support and guidance. [The children] were left alone, essentially orphaned, in a country where they had no other family support. They have had to fend for themselves.

Financial and Academic Impact

Compounding the loss, surviving children can end up suffering from financial stress as they have potentially lost two primary sources of financial stability. In some circumstances, perpetrators have refused to support their children following the domestic homicide which can be seen as a lack of remorse for all parties involved. For instance,

[The Perpetrator] has offered no support to them whatsoever, financial or otherwise. He utilized all of the equity from the sale of the condominium for his own purposes, apparently without regard to how his children might be surviving on their own.

Domestic homicide also has the potential to negatively affect children's academic functioning. Experiences of major trauma can impact a child's ability to attend school, arrive on time, or participate in academics which can be the first instances on a negative academic

trajectory. For example, a judge described, “The offences had a direct impact on her ability to pursue post-secondary education as she continues to cope with the devastating impact of her mother’s death.”

This quote exemplifies how the experience of surviving domestic homicide as a child has the potential to affect a child’s ability to function as an adult.

Experiences of Surviving Children during Court Proceedings

Aggravating Factors Used in Sentencing

Table 3 describes the most commonly identified aggravating factors considered by the presiding judges in sentencing. The most commonly identified aggravating factor was the nature of the attack, meaning that the gruesome nature of the crime played a role in increasing the length of sentencing for perpetrators. The domestic nature of the homicide was considered in 49% of the cases making it another prominent aggravating factor considered in sentencing. Courts in Canada have recognized the importance of denouncing violence to one’s partner because often such acts of violence arise within the confines of the family home, without the public’s knowledge or ability to intervene.

The nature of the children’s exposure to domestic homicide was identified as an aggravating factor by 15% of presiding judges. One judge remarked,

This was a breach of trust situation, in that a woman in such a relationship would not expect her domestic partner to murder her in the sanctity of her own home. [Name of Victim] was killed in the very apartment she shared, off and on, with [The Perpetrator]. She was murdered in front of their five-month-old son.

Only one judge recognized the impact of exposure to this crime on children even if they were not direct witnesses but present at the scene, such as being woke up by or listening to the incident in another room. This judge explained, “This was an incident of domestic violence; it took place within the family home while the two children were downstairs listening.”

Another aggravating factor of note is that of the trauma and impact of the homicide on surviving children. Twenty-four percent of presiding judges specifically mentioned this factor as one that would increase the length of sentencing. All thirty-three cases in this sample had surviving children, however, only eight judges included the impact of this trauma on them in their sentencing decisions. To illustrate, one judge described the impact of the crime on the children involved in this way “This murder has forever robbed three children of their loving mother, and for their entire youth and adolescence of the care and support of their devoted father. A most unfortunate and sad situation.”

Table 3*Aggravating Factors Used in Sentencing of Domestic Homicide Cases in this Sample*

Aggravating Factor	Number of Cases (n)	Frequency (%)
Breach of Trust	5	15.2
Contamination/Concealment of the Crime	12	36.4
Demean Victim Following Homicide	2	6.1
Did Not Manage Mental Health	3	9.1
Did Not Take Responsibility for Attack	6	18.2
Domestic Nature of the Crime/Previous Domestic Violence	16	48.5
Lack of Remorse	5	15.2
Nature of Attack/Crime	17	51.5
Nature of Exposure	5	15.2
Planning	12	36.4
Otherwise Poor Character	6	18.2
Trauma and Impact of the Homicide on Children	8	24.2
Victim Under 18	2	6.1

Mitigating Factors Used in Sentencing

Table 4 outlines the most commonly identified mitigating factors considered for sentencing by the presiding judges in this sample. The most common mitigating factor, considered in 42% of the cases, was the perpetrator’s otherwise good character. Relatedly, 21% of

the judges specifically mentioned the perpetrators' otherwise good parenting ability as a mitigating factor in sentencing. Lastly, several judges considered the perpetrator taking responsibility for the attack as a factor that lessened their sentence, especially if it spared the child from participating in the trial. For instance, one judge spoke about how a guilty plea in this circumstance was considered a significant mitigating factor,

It is a sign of the offender's remorse and willingness to accept responsibility for his actions. In this case, [The Perpetrator]'s guilty plea has added significance. By pleading guilty, he spared [The Child] from having to testify and relive the horror of her mother's death. Earlier, he instructed his lawyer to conduct a discovery-style preliminary hearing to assure Crown counsel that Lucy need not testify at those proceedings. As a result, she has not had to be questioned about what she saw that night by Crown counsel in witness preparation interviews, or in a public courtroom. This is very much to [The Perpetrator]'s credit. It is a substantial mitigating factor.

Table 4

Mitigating Factors Used in Sentencing of Domestic Homicide Cases in this Sample

Mitigating Factor	Number of Cases (n)	Frequency (%)
Dispute Prior to Incident/Provocation	7	21.2
No Prior Domestic Violence	2	6.1
Otherwise Good Character	14	42.4
Otherwise Good Parent	7	21.2
Perpetrator Mental Health	8	24.2
Steady Employment/Education	10	30.3
Took Responsibility for Attack	9	27.3

Discussion

Overall Findings

The current study examined surviving children's experiences in the context of domestic homicide as reported by the media and criminal court proceedings. From these two sources, 136 children were involved in 61 cases of domestic homicide of a parent between 2010 and 2017 in Ontario. Children were present in 64% of the cases and were victims of homicide themselves in 11% of the cases. A qualitative analysis of court documents from selected cases assessed commonalities related to surviving children's experiences prior to, during, and in the aftermath of domestic homicide. This qualitative analysis found that multiple risk factors were present in the home prior to the homicide. These factors include the actual or pending separation of the couple, a previous history of domestic violence, and a new partner in the victim's life being the most commonly reported. From the qualitative case analysis, it was found that surviving children were tremendously impacted in all domains of functioning in the aftermath of the homicide. Within criminal court proceedings, the impact of the trauma on children was only mentioned in sentencing in 24% of cases and the nature of children's exposure to the crime was only used as an aggravating factor in 15% of the cases reviewed. The otherwise good character of the accused was the most commonly cited mitigating factor, in 42% of the cases reviewed.

The present study's results parallel recent research of surviving children and domestic homicide (Alisic et al., 2015; Mertin, 2019) that assert that experiencing the domestic homicide of a parent during childhood can have a devastating impact on the child's psychological, physical, social, and academic functioning. This study extends those findings by including the risks and context leading up to the homicide, the reported aftermath, and the extent to which the court recognizes children's experiences as an important consideration for sentencing.

Risk Factors and the Importance of Risk Assessment

The majority of the 41 risk factors outlined by the Ontario DVDRC were noted in the cases reviewed (Ontario DVDRC, 2019). The most commonly reported risk factor, that was present in 54% of cases was that of the actual or pending separation of the perpetrator and victim. This finding is critical as the post-separation context has been found to be the most high-risk period of time for a woman experiencing domestic violence (Brown & Tyson, 2012). In addition, there has been some research conducted thus far examining separation and divorce as a significant risk factor for child lethality (Bragg, 2003; Humphrey & Bradbury Hones, 2015). These findings map onto the Exposure Reduction and Retaliation Effect theory, which proposes that exposure reduction strategies can potentially increase the likelihood of domestic homicide, especially if the couple has children (Dugan et al., 2003). A high level of exposure reduction may strain the relationship, prompting the use of violence to regain control (Dugan et al., 2003). When children are present, the survivor and her children are tied to the abuser due to his parental rights making co-parenting and safety planning extremely challenging (Jaffe et al., 2008). Exposure Reduction can be a very effective strategy for survivors to separate from their abusers and is often required in complex domestic violence situations, yet it has significant risks attached. If exposure reduction is used as an exit strategy, then ongoing supports must be put in place so that women and their children are protected during this dangerous period to decrease the risk of lethality.

Co-occurring risk factors simultaneously impacted many families in the cases reviewed prior to experiencing domestic homicide. When we situate the child at the centre of the Social Ecological Model, it is clear that many of the surviving children in this analysis experienced risk factors at the individual, relational, and community levels. For example, a child, who is

inherently vulnerable at the individual level due to their age, will struggle to cope with the violence in his home (relationship level). These struggles may create a deep fear in reaching out to supports and subsequently cause the child to behave in other ways as a cry for help (community level). Risk increases as these cries go unrecognized, only further reinforcing the child's inability to reach out for help. The theory of intersectionality is also significant here, it posits that certain identifiers increase vulnerability (Crenshaw, 2020; Kelly, 2011), potentially increasing the number of risk factors posed to any one individual or family (Crenshaw, 2020). For example, immigrants and refugees may be particularly at risk due to the complex combination of cultural, religious, and gender ideologies (Natarajan, 2002; Yick & Ooman, 2009), in addition to experiences of migration, acculturation, and marginalization (Ben-Porat, 2010). Immigrant and refugee women face several challenges in the context of domestic violence including language barriers (Kulwicki et al., 2010), cultural norms that perpetuate silence around domestic violence (Korteweg, 2012; Liao, 2006), traditional gender roles (Huerta, 2014; Kim & Sung, 2016), economic dependence (Kim & Sung, 2016), normalization of violence (Pokharel et al., 2020), lack of services and supports (Kulwicki et al., 2010), and discrimination (Edelstein, 2013).

Unfortunately, the risks for the families included in this review escalated to the point that it led to significant losses of life that had devastating impacts on the children that were left behind. The presence of multiple risk factors underscores the previously identified need for more effective risk assessment practices and protocols, especially when children are present (Saxton et al., 2020). Currently, significant inconsistencies exist within police departments, particularly in how police assess and act upon the level of risk for women and children in the context of domestic violence (Saxton et al., 2020). Collaboration amongst service providers and enhanced

training will be critical for successfully assessing risk to prevent domestic homicide (Campbell et., 2018; Messing & Campbell, 2016; Ward-Lasher et al., 2017).

Traumatic Impact of Experiencing Domestic Homicide

Consistent with previous findings published by Alisic (2015) and Mertin (2019), this study found that surviving domestic homicide can be extremely detrimental to a child's physical, emotional, and cognitive development, disrupting all domains of life. The present study identified that surviving children of domestic homicide experienced high levels of grief which was further complicated by the nature of their parent's deaths. Older children who experienced the domestic homicide firsthand often wished they could have done more to save their loved ones. These findings run parallel with Hardesty and colleagues' (2008) results in that children who experienced domestic homicide exhibited symptoms related to post-traumatic stress, fear, anxiety, prolonged depression, and grief.

This study found that domestic homicides plagued surviving children immediately after the incidents and will likely continue to impact them for the rest of their lives. Children struggled psychologically with coming to terms with both the loss of their parent and the disruption from family, home, school and community. Previous research has found that one of the most notable changes for children is that of living arrangements and placement (Kaplan et al., 2001). For most children, the domestic homicide led to them being uprooted from their homes, schools, and neighbourhoods (Kaplan et al., 2001). The current study supported these findings highlighting the difficulty associated with the complete loss of the life that children were accustomed to, specifically their friends, classrooms, and communities. It was found that this compounded experience of loss that surviving children encountered had a devastating impact on them.

Notably, this study revealed that judges acknowledged the future losses that these children will incur, including the future events they will experience without their parent and the loss of the consistent guidance, support, and reassurance that mothers typically provide their children. Experiencing the loss of a parent during childhood regardless of the nature of the death without appropriate supports has been associated with a prolonged negative impact on self-esteem and self-worth (Ellis et al., 2013). Previous research has shown that parents play an integral role in developing children's self-esteem and self-worth (Harris et al., 2015); the absence of one or potentially both parents without adequate support in their place appears to be detrimental in the long-term.

Providing adequate support to children after they have survived domestic homicide is often challenging. It has been found that new caregivers often struggle when caring for the children they are now responsible for as this situation can be overwhelming, taxing, and exhausting (Kaplan et al., 2001). The present study confirmed the extent of the challenges that new caregivers face in relation to knowing and understanding the needs of the children in their care. Additionally, this study found that it was common for new caregivers to struggle with their own mental health and grief related to the domestic homicide. Consistent with these findings, Alisic and colleagues (2017) found that new caregivers themselves were not always prepared for their new role, which further impacted children.

In addition to the tremendous impact on mental health, surviving domestic homicide as a child has the potential to impact physical health. Hardesty and colleagues (2008) found that caregivers were more concerned about children's mental health than physical health; however, physical ailments were commonly reported. Alisic and colleagues (2017) found that children had eating and feeding difficulties, headaches, stomach aches, and the development of asthma. The

present study found similar results, specifically noting how sleeping and eating problems negatively impacted children's well-being. The chronic stress from this trauma had both mental and physical effects in the short- and long-term following the domestic homicide.

Experiencing domestic homicide as a child also impacts the child's social relationships. This trauma is very complex, which creates a challenge when trying to relate to others. This study found that surviving children felt permanently abnormal because of this trauma which impacted their ability to form and maintain social relationships. Notably, this study indicated that this trauma is accompanied by a strong avoidance of becoming close to others for fear of similar horrific circumstances occurring, particularly when fostering attachments to new caregivers. Children in the preoperational stage of development (typically ages 2-7) tend to have egocentric thoughts, which means that they have difficulty thinking outside of their own viewpoints (Marwaha et al., 2017). Children that experience trauma are at risk of overestimating their responsibility for the death and subsequently developing dysfunctional beliefs such as self-blame, fear, and anger (Cohen & Mannarino, 2004). As exemplified by the Victim Impact Statement describing one of the child victim's experiences, self-blame can lead to avoidant behaviours related to social connections with friends, new caregivers, and service providers, only further isolating them (Cohen & Mannarino, 2004). In addition to affecting social relationships in childhood, this incident may also affect children's ability to cultivate social relationships in adulthood. Previous research has shown that exposure to early experiences of violence can affect adults' intimate violence, directly and indirectly, through anxiety over abandonment and avoidance of intimacy (Godbout et al., 2009). More research would be required to see if a similar pattern is observed in children that survive domestic homicide.

The combination of mental and physical difficulties can interfere with the child's ability to participate fully in their educational pursuits. Domestic homicide represents a significant loss, and processing this loss often impedes the child's functioning in the school environment. Over time, the negative impact on functioning starts to build upon itself, further impairing the child from participating in higher levels of education. Consistent with Alisic and colleagues' (2017) findings, this study found that children often struggled in the classroom, either with poor grades or dropping out entirely. The compounded effects of this trauma on children throughout their development continued to impact them as they aged, impeding their ability to participate in society as functional adults.

Importantly, this finding is consistent with the traumatic stress literature; experiencing traumas such as hurricanes, terrorism, mass shootings, and domestic violence impacts a child's development, particularly their ability to learn (Black, 2012; Wiest-Stevenson & Lee, 2016). Blodgett & Langian (2018) found a strong association between adverse childhood experiences and school success, in that the more traumatic events experienced by children predicted lower success at school. Children that have experienced trauma often display increased behavioural responses within the classroom, such as anger, moodiness, or social withdrawal (West et al., 2014). Without using a trauma-informed lens, these behaviours can often be misdiagnosed as disorders such as Attention Deficit Hyperactivity Disorder or Oppositional Defiant Disorder (Black, 2012; Dye, 2018, Szymanski et al., 2011), which lacks recognition of the detrimental effects of trauma on children.

The findings from this study have implications for many frontline professionals working with children, for example, educators. This study offers important insights for educators to understand the cascading effects that trauma can have on children, especially regarding their

ability to participate in the classroom. This study highlights the need for educators, principals, and all school staff to provide trauma-informed care which is defined by the Substance Abuse and Mental Health Services Administration (SAMHSA) as when every aspect of a human service program from management to service delivery is assessed and adjusted to include an informed awareness on how trauma affects the lives of individuals (SAMHSA, 2015). The six fundamental principles of trauma-informed care include safety, trustworthiness, peer support, collaboration, empowerment, and cultural issues (SAMHSA, 2015). Involving all levels of the education system in developing a ‘trauma-informed school’ is critically important to foster a safe environment for students impacted by trauma (Wiest-Stevenson & Lee, 2016). The administration must consider children’s needs, identify appropriate security measures, and provide ongoing counselling to their students (Walkley & Cox, 2013). Educators also have an essential role in recognizing the signs exhibited by their students that may suggest previous or current experiences of trauma. Educators can also incorporate soothing activities throughout the day while mindfully ensuring that their classroom accommodates their students’ unique needs (Anderson et al., 2004; Brunzell et al., 2016). A meta-analysis conducted by Record-Lemon and Buchanan (2017) revealed that trauma-informed interventions implemented within schools have significantly improve symptoms related to post-traumatic stress, anxiety, depression, somatic complaints, and functional impairments which is extremely promising. Providing children who have experienced trauma, especially those who have lived through domestic homicide, with a safe environment at school will allow them to both heal and excel academically.

Lack of Consideration of Children in the Criminal Justice System

The criminal justice system has historically disregarded children’s experiences as victims and as witnesses. Child victims and witnesses face some complex issues that may impact their

ability to participate effectively in the criminal justice system. A child's developmental level, their suggestibility, and the assumption of their incompetence all play a role in how children are treated in the criminal justice system (Cunningham & Stevens, 2011; Pantell 2017).

Additionally, it is often difficult for children to comprehend the intricacies of the criminal justice system and tend to lack the capacity to advocate for themselves (Cunningham & Stevens, 2011).

The system presently in place is one that is designed to favour the voice and needs of adults.

Therefore, children and their stories are often lost amongst the complexity of the criminal justice system.

Several recommendations have been incorporated into the Canada Evidence Act to support child witnesses within the criminal justice system. Accommodations such as the allowance of support people, the use of a screen or closed-circuit television, and video-recorded statements all serve to prevent re-traumatization of children in the court setting (*Canada Evidence Act*, 1985).

The London Family Court Clinic (LFCC) put forth a guide entitled 'Helping a Child be a Witness in Court' to help professionals support children as they prepare to testify (Cunningham & Stevens, 2011). An individualized approach is often required when working with each child, accounting for their ages and lived experiences. Appropriate and developmentally sensitive tools and language are used to communicate effectively with children (Pantell, 2017). The criminal justice system is responsible for understanding and meeting a child's needs rather than expecting the child to adjust to a system designed for adults (Cunningham & Stevens, 2011). The present study showed that *some* children (or their caregivers) were able to testify and have their stories heard; however, the importance of the wide-spread implementation of these accommodations remains.

The LFCC takes accommodations for child witnesses a step further through the Child Witness Project (CWP). (See full description of the CWP for more information: <https://www.lfcc.on.ca/services/adolescent-services-2/child-witness-project/>). The CWP is a prime example of how a community identified a need to develop a program to support young victims and witnesses of crime. The CWP provides Court preparation for young witnesses to share their evidence without being traumatized while testifying. A qualified clinician will conduct an individual assessment, accompany the child while giving testimony, coordinate additional services, and even support their parents/guardians. The CWP has been an important pillar of the LFCC since 1987, yet their exemplary support of children has not been adopted more broadly. If more programs like the CWP were implemented in different communities, perhaps more children would feel comfortable enough to testify, resulting in more children sharing their stories.

It may be helpful to conceptualize recommendations using the Social Ecological Model in the same ways we conceptualize risk for individuals, proposing recommendations at the individual, relational, societal, and community levels. Several specific recommendations have been put forth directing individual Crown Attorneys in assisting children exposed to domestic violence including identifying avenues for early intervention, considering additional charges related to children, and providing or participating in training related to domestic violence, child abuse, and the impacts of violence on children (Whitcomb, 2002). A critical component of attorneys working on these cases may be connecting children and families with the appropriate resources (i.e., counselling to provide support at the relational level). These individual changes and recommendations may be effective, but this is quite a daunting initiative to take on as a single attorney. Given the multi-tiered nature of the Canadian court system, recommended

change must come at all levels, highlighting a shared responsibility across the criminal justice system to serve children in the court setting.

A trauma-informed court is defined as a court system in which all aspects are designed to reduce the potential and unnecessary stress reactions in those who have been exposed to trauma (National Council of Juvenile and Family Court Judges, 2015). A trauma-informed approach should be taken when working with child survivors during legal proceedings. The same trauma-informed principles apply in the court setting, including safety, trust, support, collaboration, empowerment, and cultural issues (SAMHSA, 2015). A culturally relevant, trauma-informed framework in the court highlights advocacy, court preparation, emotional safety planning, and reflection (National Center on Domestic Violence, Trauma & Mental Health, 2012). For example, lawyers can discuss safety planning for the courtroom, explicitly promoting psychological safety throughout court proceedings (Katz & Halder, 2015). While trauma-informed approaches have proven to be effective in supporting child witnesses and victims (McKenna & Holtfreter, 2020), it is still not widely implemented across jurisdictions. This research study reiterates the need to implement trauma-informed practices in the court to protect children from re-traumatization and support them through the duration of their court involvement. The system's responsibility does not end at accommodating child witnesses and victims to share their stories. The criminal justice system is also responsible for validating these children's experiences after they share, particularly through considering their experiences in sentencing.

The present study illuminated the overall disregard for children, suggesting the criminal justice system's lack of consideration for children who have survived domestic homicide. The impact of the trauma associated with domestic homicide on surviving children was used as an

aggravating factor in only 24% of the cases reviewed, meaning that over 75% of judges did not take this into account during sentencing. The absence of physical injuries is currently used as justification for not including the impact of the trauma associated with the domestic homicide on surviving children in sentencing. This research highlights the difficulties associated with the trauma and recognizes the children's pain and suffering. The present study calls attention to the gap that currently exists between awareness and action. McKenna and Holtfreter (2020) asserted the importance of lawyers, judges, and other significant players in the court receiving appropriate training on trauma-informed practices so that they can become confident with implementing these approaches in the courtroom. The current study further asserts these recommendations; appropriate training is required for all members of the criminal justice system to be better informed about trauma, trauma-informed practices, the impacts of domestic homicide on children in the short- and long-term, and the need for their experiences to be recognized in the criminal justice system. Specifically, lawyers and judges who hear or present such cases must also more frequently recognize the traumatic impact of this experience on children in every domain of functioning rather than treating it as an afterthought.

Judges are required to consider the impact of the cases they preside over on the victims involved. Direct or indirect exposure to domestic homicide has the potential to devastate a young person (Fleckman et al., 2016). Children who witness violence are known as 'invisible victims' as their experiences tend to be overlooked by investigators, lawyers, and judges (Wolpe & Goodman, 2019). This study further demonstrates this tendency to overlook child witnesses. Exposure to domestic homicide was rarely regarded in sentencing, with only five judges referencing it as an aggravating factor in the cases reviewed. Sixty-four percent of children that experienced this loss were present at the scene in some capacity, and yet only five judges

considered this exposure relevant in their sentencing decisions. Even more alarmingly, only one judge acknowledged that even if the child did not directly witness the crime, being present at the scene is accompanied by a host of overwhelming feelings such as guilt, shame, and blame. These findings are a testament to the system's inability to consider the harmful consequences experienced by the invisible victims.

While necessary steps have been made to recognize children in the criminal justice system, a gap still remains between recommendations and wide-spread practice. Perhaps more explicit legislation is required in Ontario and Canada outlining the impact of trauma on children and emphasizing the need to validate their experiences through sentencing. Several States such as Arizona and Montana require judges to consider the impact of domestic violence on children in sentencing (Weithorn, 2002); to ensure that their experiences are validated in the US criminal justice system. This study's findings emphasize the need for the Canadian criminal justice system to respect child victims and do more to validate their experiences.

Implications

This study offers several important and applicable implications. Firstly, this research broadens our collective understanding of surviving children's experiences in the context of domestic homicide. This study will increase both public and professional awareness of the issue moving forward, which will further recognize children, the invisible victims. Children that have experienced this type of trauma must be considered through a multi-systemic lens, with very specific implications for the education and criminal justice system. Professionals from all relevant systems including lawyers, nurses, social workers, judges must be provided with specialized training about children, how trauma typically impacts children, and how they can provide support most sensitively.

Thus far, the implementation of trauma-informed schools has successfully promoted overall functioning and success at school (Record-Lemon & Buchanan, 2017). This research study asserts the need to accommodate children that have experienced trauma within the school environment by prioritizing safety, trust, and empowerment (SAMHSA, 2015). The present study joins several other research studies in their recommendations to continue to implement trauma-informed practices within the educational system (Chafouleas et al., 2015; Overstreet & Chafouleas, 2016; Perry & Daniels, 2016; Record Lemon & Buchanan, 2017)

This research is also especially relevant for lawyers, judges, and all critical members of the criminal justice system due to the lack of overall awareness of how impactful domestic homicide exposure can be. This research can be used by lawyers to strengthen their cases as they present the evidence relating to the short- and long-term impact that domestic homicide has on children before the judge. This research can also serve as justification for judges to always consider children's exposure to domestic homicide as an aggravating factor in sentencing.

Mertin (2019) asserted that mental health practitioners and VAW workers, specifically, must also be provided with training and tools that will emphasize the focus on children as it far too often shifts away to the broader family. By highlighting the needs of this population, the present study can also inform these practitioners on ways in which they can maintain that focus on children, despite the complex situations they are a part of. Incorporating surviving children's experiences in this context can assist these workers in identifying appropriate interventions, supports, and additional referrals.

This project's ultimate goal was to place more of a focus on surviving children in the context of domestic homicide as they are seldom considered in the criminal justice system. This research aims to give the voices back to the children that have suffered through such trauma and

allow them to have their experiences heard and recognized. This research may also allow children that have experienced this type of trauma to understand that they are not alone in their experiences.

Lastly, and potentially most importantly, this research serves as a basic understanding of this population's needs. Understanding these needs will help us identify ways in which we can better serve this traumatized population in the broader community. Surviving children in the aftermath of domestic homicide are often involved in multiple systems, including the educational, criminal justice, and healthcare systems. These systems must recognize the tremendous impact this experience has on children and aim to meet their needs, even if it requires more time and resources. It is also imperative that these multiple systems work together to prioritize safety and healing for victims in the aftermath of domestic homicide. The police, victim advocates, child protection workers, and members of the legal system, healthcare system, and education system all have a critical role to play; the collaboration amongst these key players will be required to advocate for and ensure that these children receive the support they require. The needs highlighted in this study underscore the recommendations made by Alisic and colleagues (2017), who highlighted specific areas that service providers must be cognizant of when working with this traumatized population. Regardless of the setting that children are in, care must address exposure to domestic homicide, exposure to neglect, maltreatment, or domestic violence, traumatic grief, cultural differences, severe disruptions to daily life, and developmental implications of this experience (Alisic et al., 2017).

Limitations

While this study contributes to the research on surviving children in the context of domestic homicide, it is not without its limitations. Due to the nature of the crime, we could not

assess surviving children's experiences in the aftermath of murder-suicides given that criminal court proceedings would not occur and there are rare media reports on these cases.

The open court principle declares that proceedings shall be held in open court, except when the judge concludes that it is in the interest of public morals (Cameron, 2003). The development of court databases such as CanLII and WestLawNext allows for the wider dissemination of the court proceedings, according to the open court principle (Poulin, 2004). Even with the adoption of the open court principle and the advances in technology, some sentencing decisions in Canada go unreported; the decision to release court-related documents is based upon the judge's discretion, which is influenced by multiple factors. Any case can be reported to court databases like CanLII and WestLawNext; however, more severe and complex cases, such as domestic homicide cases, are much more likely to be reported, although this reporting is not consistent. Due to this reporting discrepancy, some files were inaccessible, which led to some missing data in analyses.

A judge's decision to report their sentencing verdict typically depends on whether their remarks may be useful as potentially novel legal issues for future cases. The judge's remarks are often important in setting a precedent for deliberating complex cases. There is a pressing need for consistency amongst judgment that is often missing in the law.

Judges often face pressure from the media, public, and other interest groups to produce decisions in a certain favour. In some cases, a considerable factor is that of location – judges in urban areas with media outlets and a prominent community presence may be more likely to submit their findings to increase transparency and accountability to the general public. The media may also influence a judge's decision not to report their verdict in the interest of

protecting the identities of victims to avoid unnecessary publicity (*Canadian Victims Bill of Rights*, 2015).

The judge's decisions are the facts; however, the amount of thoughtfulness used throughout their sentencing processes may vary depending on the training, overall attitudes, and sensitivity of the judge to the impact of domestic homicide on children. Provincial court judges are governed by the Office of the Chief Justice, a regulatory body that supports the Judiciary to ensure effective and efficient court services. Provincial court judges must act in accordance with the regulations set out by the Office of the Chief Justice in their Jurisdiction (Superior Court of Justice, 2013). For example, if the Office of the Chief Justice is more conservative in their reporting, then cases are less likely to go published. The opposite is also true; if an Office takes a more liberal approach to reporting, then cases are more likely to become publicly available.

Lawyers also have a critical role to play when building their cases and reporting the decisions made to the broader public. The standard to be met by the Crown, in any criminal court case, regardless of the offence, is beyond the reasonable doubt (*Canadian Charter of Rights and Freedoms*, 1982). In meeting this standard, it is imperative that the Crown present evidence that will allow for this burden to be easily met, which involves the introduction of exhibits, interviews, and testimony. It is the Crown's burden to present a strong case that raises issues about children's needs and the impact that violence has on children's lives. The judge's decisions are informed by the evidence that they are presented with, which requires Crown lawyers to present the evidence that impactfully demonstrates the lasting effects of this trauma on children. Lastly, when lawyers are successful, they are more likely to push for a case to be published on court databases. Ultimately, the publication of only successful cases represents a bias against those that are unsuccessful. Taken together, all of these reasons can help explain why this

research project was only able to access 33 court documents detailing sentencing decisions out of a total of 61 cases involving children, suggesting that these findings may be limited in its representativeness of all cases in Ontario.

The amount of detail and the ability of victims to provide statements also varied on a case-by-case basis. Some cases will have much more detail, including more Victim Impact Statements, because individual differences make some victims more likely to testify. Obviously, infants and young children do not make Victim Impact Statements and therefore rely on significant others such as new caregivers to share their experiences. As mentioned, experiencing domestic homicide within the family is a tremendously difficult experience that often overwhelms family members (Alisic et al., 2015). Some surviving members may not want to hear extensive details of the incident or may not want to risk further traumatizing surviving children. In addition, it is common practice that Crown lawyers do not push unwilling or reluctant family members to testify to avoid traumatizing them further (P. Jaffe, personal communication, 2021). The abundance of detail found within court documents makes these analyses extremely rich; however, some cases contained less detail which may have impacted the generalizability of the results. In addition, this analysis only focused on domestic homicide cases in Ontario over the most recent seven-year period which potentially limits the generalizability of these findings.

Lastly, we suspect that additional factors contributed to the children's vulnerability. In addition to being a child, individuals under 18 may also identify with the other vulnerable populations, including immigrant or refugee populations, Indigenous populations, or reside in rural, remote, or northern locations. Each of these populations possesses unique factors that contribute to their overall vulnerability. For example, victims who identify as immigrants or

refugees may fear reaching out for support due to their immigration statuses, putting them at a higher risk (Adams & Campbell, 2012). Another example would be the challenges Indigenous children may face when seeking support from formal agents given the history of colonization and large-scale apprehension of Indigenous children by child protection services (Brassard et al., 2015; Campbell, 2007). Identifiers such as race, ethnicity, and cultural identifications were not specifically assessed in this research which could have contributed to the vulnerabilities observed. The theory of intersectionality is exceptionally relevant here as the risk for domestic violence and domestic homicide posed to children may be significantly higher based on the intersecting vulnerable populations they identify with.

Future Directions

Future directions for this research are plentiful – it would be imperative to expand the sample to include domestic homicide cases across Canada. It would be noteworthy to understand surviving children’s experiences in the aftermath of domestic homicide across the country to see if they report similar themes and experiences. The broader analysis would allow for a more thorough analysis of the consistencies and discrepancies that emerge based upon Canadian provinces and territories.

Interviewing surviving children of domestic homicide and their new caregivers is the most proximal way of hearing their experiences and understanding their needs. While recognizing the challenges involved in undertaking this research, it would be extremely beneficial for this area of focus and this traumatized population if researchers knew where to intervene and be most helpful. Similar to the structure of the study conducted by Alisic (2017), it would be beneficial to hear firsthand accounts of the experiences of surviving children in the aftermath of domestic homicide within the Canadian context rather than relying on secondary

sources. This firsthand perspective may offer even richer detail and more nuanced information, which would further identify this population's needs in the systems they interact with (education, criminal justice, children's mental health).

Lastly, it would be important to assess the long-term impacts of exposure to domestic homicide as a child. Interviewing adults that experienced this type of trauma during childhood may provide a unique insight into the extent to which this experience affects individuals over their lifetime, the ongoing needs of the population, and the missed opportunities for service providers.

Conclusion

Overall, this study highlights the devastating impact that surviving domestic homicide has on children and their ability to function. Furthermore, this study exemplifies how children as a vulnerable population are neither seen nor heard in the context of the criminal justice system. The present study calls for increased recognition for this traumatized population within the systems that children interact with, including the educational, health, and criminal justice systems. Trauma-informed principles must be adopted at both the individual and systemic levels to sensitively accommodate surviving children and help them navigate their 'new normal'. Heightened awareness and enhanced system collaboration are required to better support surviving children in the aftermath of domestic homicide so that they can be seen, heard, and have their experiences validated.

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Appendices

Appendix A

Western University Non-Medical Research Ethics Approval



Western Research

Western University Non-Medical Research Ethics Board
NMREB Delegated Initial Approval Notice

Research Ethics

Principal Investigator: Dr. Peter Jaffe
Department & Institution: Education/Faculty of Education, Western University

NMREB File Number: 107991
Study Title: Canadian National Domestic Homicide Database

NMREB Initial Approval Date: August 08, 2016
NMREB Expiry Date: August 08, 2017

Documents Approved and/or Received for Information:

Document Name	Comments	Version Date
Western University Protocol	Received July 23, 2016	
Other	Appendix D Confidentiality Agreement - Received July 23, 2016	
Other	Appendix E Sample Recruitment Email - Received July 23, 2016	
Data Collection Form/Case Report Form	Coding Form - Received April 20, 2016	
Data Collection Form/Case Report Form	Coding Form Manual - Received April 20, 2016	
Other	Appendix F Legal Review of Contract - Received For Information	2016/07/21
Other	Appendix C Sample Research Agreement - Received For Information	2016/07/21

The Western University Non-Medical Research Ethics Board (NMREB) has reviewed and approved the above named study, as of the NMREB Initial Approval Date noted above.

NMREB approval for this study remains valid until the NMREB Expiry Date noted above, conditional to timely submission and acceptance of NMREB Continuing Ethics Review.

The Western University NMREB operates in compliance with the Tri-Council Policy Statement Ethical Conduct for Research Involving Humans (TCPS2), the Ontario Personal Health Information Protection Act (PHIPA, 2004), and the applicable laws and regulations of Ontario.

Members of the NMREB who are named as Investigators in research studies do not participate in discussions related to, nor vote on such studies when they are presented to the REB.

The NMREB is registered with the U.S. Department of Health & Human Services under the IRB registration number IRB 0000941.

Ethics Officer, on behalf of Dr. Riley Hinson, NMREB Chair or delegated board member

Ethics Officer: Erika Basile Nicole Kaniki Grace Kelly Katelyn Harris Vikki Tran Karen Gopaul

Western University, Research, Support Services Bldg., Rm. 5150
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Appendix B

Final Codebook: Neither Seen Nor Heard: Surviving Children of Domestic Homicide

Research Questions:

1. What are the experiences of the family prior to the domestic homicide?
2. What are the experiences of surviving children in the aftermath of domestic homicide?
3. To what extent do the experiences of surviving children play a role in adjudication (guilt or innocence) and sentencing?

Definitions:

Child: any person under the age of 25 (to account for protracted development, especially for those involved with the Children's Aid Society)

Domestic Homicide: the death of a person, and/or their child(ren), and/or third parties, committed by the person's partner or ex-partner

Domestic Violence: any use of violence, actual or threatened, in an intimate relationship – including physical abuse, emotional/psychological abuse, sexual abuse, criminal harassment, and threats to harm children, pets, family members, or property

Crown: the institution and conducting of legal proceedings against someone in respect of a criminal charge

Defence: the case presented by or on behalf of the party being accused or sued in a lawsuit.

Motive: An idea, belief, or emotion that impels a person to act in accordance with that state of mind

Sentence: punishment that is ordered by a trial court in a criminal procedure. A sentence forms the final explicit act of a judge-ruled process

Aggravating Factor: any circumstance attending the commission of a crime which increases its guilt or adds to its injurious consequences, but which is above and beyond the essential constituents of the crime itself

Mitigating Factor: Also known as extenuating circumstances, is any information or evidence presented to the court regarding the defendant or the circumstances of the crime that might result in reduced charges or a lesser sentence.

Codebook:

Research Question 1: What were the family's experiences prior to the domestic homicide?

Contextual Factors:

1. CAS Involvement: Use this code if the family was involved with CAS prior to the domestic homicide

2. Life Stress: Use this code if the family has been impacted by a particular life stressor prior to the domestic homicide
 - a) Financial Challenges: Use this code if financial challenges are mentioned as a life stressor impacting the family prior to the domestic homicide
3. Living Arrangements: Use this code if the living arrangements of the family prior to the domestic homicide are discussed
 - a) Parents Living Together: Use this code if it is mentioned that the parents lived together at one residence
 - i. Parents Living Together with Children
 - ii. Parents Living Together without Children
 - b) Parents Living Separately: Use this code if it is mentioned that the parents lived separately
 - c) Mother and Children Lived with Relatives/Friends: Use this code if it is mentioned that the mother and her children lived with relatives and/or friends
 - d) Mother and Children Lived in Shelter: Use this code if it is mentioned that the mother and her children lived in a woman's shelter

Relational Factors:

4. Custody/Access Battle: Use this code if there was a custody/access battle over the children *prior to* the domestic homicide
5. Stayed on Behalf of Children: Use this code if there is specific mention of the victim staying in the relationship/living arrangement with the perpetrator for the children *prior to* the domestic homicide
6. Devoted Parent: Use this code if it is mentioned that the perpetrator or the victim were devoted parents *prior to* the domestic homicide
 - a) Perpetrator is a Devoted Parent: Use this code if it is mentioned that the perpetrator was a devoted parent *prior to* the domestic homicide
 - b) Victim was a Devoted Parent: Use this code if it is mentioned that the victim was a devoted parent *prior to* the domestic homicide
7. Separation: Use this code if there is mention of a separation *prior to* the domestic homicide
8. Jealousy: Use this code if a partner's jealousy/controlling behaviour is mentioned *prior to* the domestic homicide
9. Affair/New Partner: Use this code if one partner was having (r suspected of having) an affair prior to the domestic homicide
10. Deteriorating Relationship: Use this code if it is mentioned that the couple experienced relationship deterioration *prior to* the domestic homicide
11. Previous Domestic Violence: Use this code if there is mention of prior domestic violence in the context of the intimate relationship
 - a) Feared for Safety: Use this code if the victim previously feared for her safety prior to the domestic homicide
 - i. Changed Behaviour to Stay Safer: Use this code if the victim previously adjusted their behaviour to stay safe prior to the domestic homicide
12. Previous Child Abuse: Use this code if there is mention of prior child abuse in the context of the relationship or family

Individual Factors:

13. Mental Health: Use this code if the mental health of either the victim or the preparator *prior to* the domestic homicide is discussed
 - a) Mental Health of the Victim: Use this code if the mental health of the victim *prior to* the domestic homicide is discussed
 - b) Mental Health of the Perpetrator: Use this code if the mental health of the perpetrator *prior to* the domestic homicide is discussed
14. Drug/Alcohol Abuse: Use this code if drug/alcohol use/abuse of either the victim or the perpetrator *prior to* the domestic homicide is discussed
 - a) Drug/Alcohol Abuse by Victim: Use this code if drug/alcohol use/abuse of either the victim *prior to* the domestic homicide is discussed
 - b) Drug/Alcohol Abuse by Perpetrator: Use this code if drug/alcohol use/abuse of the perpetrator *prior to* the domestic homicide is discussed
15. Wanted Independence: Use this code if the victim was hoping to gain independence *prior to* the domestic homicide
16. Education: Use this code if the victim getting an education *prior to* the domestic homicide was mentioned

Research Question 2: *What are the experiences of surviving children in the aftermath of domestic homicide?*

1. Mention of Children: Use this code if a child is mentioned in the case files
2. Exposure to Domestic Homicide: Use this code if a child was exposed to domestic homicide
 - a) Child is a Victim
 - i. Attacked as Well and Survived: Use this code if the child was also attacked and survived
 - ii. Attacked as Well; Died as a Result: Use this code if the child died as a result of domestic homicide
 - b) Witness: Use this code if the child witnessed the homicide
 - c) Present at Scene: Use this code if the child did not directly witness the homicide but was present at the scene (i.e. sleeping in a different room)
 - d) Absent from Scene – Use this code if the child was not at the scene of the homicide (i.e. at school, with relatives)
3. Care Placement Following the Incident
 - a) Maternal Guardianship Placement: Use this code if the child was placed with maternal relatives or friends of the family following the homicide
 - b) Paternal Guardianship Placement: Use this code if the child was placed with paternal relatives or friends of the family following the homicide
 - c) CAS Placement: Use this code if the child was placed in the care of the state following the homicide
 - d) Placed with Older Siblings: Use this code if the child has been placed in the care of older siblings following the homicide
4. Current Relationship with Perpetrator

- a) No Contact: Use this code if the child has no contact with the perpetrator of the domestic homicide
 - b) Inconsistent Contact: Use this code if the child has some contact with the perpetrator of the domestic homicide
 - c) Consistent Contact: Use this code if the child has consistent contact with the perpetrator of the domestic homicide
5. Impact of the Trauma
- a) Psychological Impact: Use this code if the child has developed psychological symptoms (or has received a mental health diagnosis) since the homicide (aggression, depression, numbness, hyperarousal)
 - b) Physical Impact: Use this code if the child has developed physical symptoms since the homicide (eating/feeding problems, headaches, muteness, etc.)
 - c) Social Impact: Use this code if the child's social functioning has been affected by the homicide (moved away/loss of contact with friends/family, less trusting of others, bullying)
 - d) Academic Impact: Use this code if the child's academic functioning has been affected by the homicide (drop in grades, special classroom assignment)
 - e) Financial Impact: Use this code when the financial interest of the children moving forward is discussed
 - f) Loss: Use this code if the impact of the loss of the parent(s) is described

Research Question 2: *What is the extent to which the experiences of surviving children play a role in adjudication (guilt or innocence) and sentencing?*

- 1. Trauma Referenced Through/By:
 - a) Victim Impact Statements: Use this code when the child or someone on the child's behalf discusses the impact that the homicide has had on the child (well-being, functioning)
 - b) Crown Attorney: Use this code when the Crown discusses the impact that the homicide has had on the child (well-being, functioning)
 - c) Defence Attorney: Use this code when the defence discusses the impact that the homicide has had on the child (well-being, functioning)
 - d) Judge: Use this code when the judge discusses the impact that the homicide has had on the child (well-being, functioning)
- 2. Motive for Domestic Homicide:
 - a) Protect Child: Use this code if the perpetrator defends the homicide as a means to protect the child from the mother
 - b) Deteriorating Relationship: Use this code if the perp
 - c) Rage Over Custody/Access Battle/Family Law Litigation : Use this code if the motive for the domestic homicide was related to a custody and access battle or family law litigation perpetrator and the victim were fighting because of a custody/access battle
 - d) Children's Behaviour Led to Fight/Homicide: Use this code if the perpetrator blames the child/child's behaviour for the homicide
 - e) Revenge/Retaliation/Jealousy for Separation: Use this code if the motive for the domestic homicide was revenge for a prior separation
 - f) Mental Health Symptoms/Disorder of the Preparator

- i. Post-Traumatic Stress Disorder: Use this code if the perpetrator is/was diagnosed with post-traumatic stress disorder
 - ii. Depression: Use this code if the perpetrator is/was diagnosed with depression
 - iii. Bipolar Disorder: Use this code if the perpetrator is/was diagnosed with bipolar disorder
 - iv. Schizophrenia and Subtypes: Use this code if the perpetrator is/was diagnosed with schizophrenia (paranoid, disorganized, catatonic, or residual) or schizoaffective disorder
 - g) Addiction of perpetrator: Use this code if the perpetrator struggled with an addiction
 - h) Financial Gain: Use this code if the perpetrator's motive is connected to a financial gain
 - i) To Be with New Partner: Use this code if the perpetrator's motive derived from wanting to be with a new partner
 - j) Other
3. Interacted with Police: Use this code if the child interacted with the police
 - a) Called 911: Use this code if the child called 911
 - b) Interviewed by Police: Use this code if the child was interviewed by police
 4. Missing Person Report Filed: Use this code if there was a missing person report filed prior to the discovery of the victim's body
 5. Sentencing Factors
 - a) Aggravating Factors:
 - i. Trauma and Impact of the Homicide on Children: Use this code if the judge specifically mentions that the trauma and impact on the child was used as an aggravating factor in sentencing
 - ii. Nature of the Child's Exposure: Use this code if the judge specifically mentions that the child's exposure to the crime was used as an aggravating factor in sentencing
 - iii. Nature of the Crime/Attack: Use this code if the judge discusses the nature of the crime is used as an aggravating factor (i.e. victim was alone in her home that was supposed to be a safe place, violent nature of the attack)
 - iv. Domestic Violence: Use this code if the judge discusses how domestic violence in and of itself is an aggravating factor or if there was previous domestic violence in the relationship
 - v. Previous Child Abuse: Use this code if there was previous abuse of the child
 - vi. Victim Under 18: Use this code if the victim being under 18 (child) is used as an aggravating factor
 - vii. Breach of Trust: Use this code if the public's breach of trust is mentioned as an aggravating factor
 - viii. Threat to Public Safety: Use this code if there is mention of the perpetrator being a threat to public safety
 - ix. Contamination/Concealment of Crime: Use this code if the perpetrator tried to contaminate or conceal the crime
 - x. Demean Victim Following Homicide: Use this code if the perpetrator actively demeaned the victim following the homicide
 - xi. Did Not Manage Mental Health/Addiction: Use this code if the domestic homicide occurred as a result of poorly managed mental health/addiction

- xii. Dismemberment: Use this code if the perpetrator proceeded to dismember the victim following the domestic homicide
 - xiii. No Education or Steady Employment: Use this code if the perpetrator's lack of education/employment played a role in sentencing
 - xiv. Planning/Deliberate: Use this code if there is evidence that the perpetrator planned or deliberated over the domestic homicide
 - xv. Poor Parenting: Use this code if the perpetrator was an otherwise poor parent
 - xvi. Previous Bad Character/Criminal Record: Use this code if the perpetrator had an otherwise bad character or previous criminal record
 - xvii. Took Advantage of the Victim Following Death: Use this code if the perpetrator took advantage of the victim following the domestic homicide (financially)
 - xviii. Lack of Compassion/Remorse: Use this code if the perpetrator's lack of compassion/remorse following the domestic homicide is used as a sentencing factor
 - xix. Did Not Take Responsibility for Attack: Use this code if the perpetrator not taking responsibility for the attack (i.e. not pleading guilty, not calling 911) was used as a sentencing factor
- b) Mitigating Factors
- i. The Accused Being an Otherwise Good Parent: Use this code if the judge specifically mentions that the perpetrator's parenting was used as a mitigating factor in sentencing
 - ii. Wanting to Care for/Have Relationship with Child: Use this code if the judge specifically mentions that the perpetrator's desire for a relationship with the child and wanting to care for the child was used as a mitigating factor in sentencing
 - iii. Mental Health Symptoms/Disorders of the Perpetrator: Use this code if the judge mentions the perpetrator's mental health as a mitigating factor in sentencing
 - iv. Addiction: Use this code if the judge mentions the perpetrator's addiction as a mitigating factor in sentencing
 - v. Life stress (e.g. recent unemployment): Use this code if the judge discusses how the perpetrator's life stress is a mitigating factor in sentencing
 - vi. Otherwise good character – no prior convictions: Use this code if the judge mentions how the perpetrator had no previous criminal record is used as a mitigating factor in sentencing
 - vii. Dispute Prior to the Incident/Provocation: Use this code if the victim's provocation or the fact that the partners were in a dispute prior to the incident are used as a mitigating factor
 - viii. Took Responsibility or the Attack: Use this code if the judge mentions how the perpetrator taking responsibility for the attack (calling 911, admitting guilt, pleading guilty)
 - ix. Sympathy and Compassion: Use this code if the health of the perpetrator is taken into consideration as a mitigating factor
 - x. Bail conditions/Pre-trial Custody: Use this code if time served/conditions of bail are used as a mitigating factor

- xi. Difficult Upbringing/Childhood: Use this code if the difficult nature of the perpetrator's upbringing is taken into account at sentencing
 - xii. Resolved Case So Child Did Not Testify: Use this code if the perpetrator resolved the case to spare the child from testifying and reliving the experience
 - xiii. Steady Employment/Education: Use this code if the perpetrator's steady employment or education record is used as a mitigating factor
 - xiv. Naivety/Lack of Education: Use this code if the perpetrator's lack of education or naivety is used as a mitigating factor
 - xv. Showed Remorse: Use this code if the perpetrator's showing of remorse was used as a mitigating factor
6. Child's Testimony Used as a Factor in Conviction
- a) Child testified
 - b) Someone testified on the child's behalf

**Alexis Winfield
Curriculum Vitae**

- Education**
- Master of Arts, Counselling Psychology**
Western University
London, Ontario, Canada
2019-2021
- Bachelor of Science, Major in Psychology, Minor in Life Sciences**
Queen's University
Kingston, Ontario, Canada
2014-2019
- Awards**
- Graduate Student 2020 Summer Term Bursary - \$3000**
Western University
2020
- Graduate Student Assistantship Scholarship - \$3500**
Western University
2019, 2020
- Honours Thesis Award, Developmental Psychology**
Queen's University
2019
- Related Work Experience**
- Focused Family Therapy Intern**
Vanier Children's Mental Wellness
London, Ontario, Canada
2020-present
- Co-Facilitator of a Social Skills Group for Adolescents with Fetal Alcohol Spectrum Disorder**
London Family Court Clinic
London, Ontario Canada
2020-present
- Graduate Research Assistant**
Working to Enhance Brain and Body Research Lab
London, Ontario, Canada
2020-present
- Graduate Research Assistant**
Centre for Research and Education on Violence Against Women and Children
London, Ontario, Canada
2019-present

- FASD Connect Research Assistant**
London Family Court Clinic
London, Ontario, Canada
2019-present
- Related Volunteer Experience**
- Volunteer Moderator of Mental Health Training Sessions for Community Leaders**
Canadian Information Scientific Exchange Program
Toronto, Ontario, Canada
2020-present
- EQ4 – Suicide Postvention Research Associate**
London Family Court Clinic
London, Ontario, Canada
2020-present
- Kids Help Phone Crisis Responder**
Kids Help Phone
Canada
2020-present
- Crisis Support Line and Accompaniment Volunteer**
Anova
London, Ontario, Canada
2019-present
- Front Line Crisis Responder**
Sexual Assault Centre of Kingston
Kingston, Ontario, Canada
2016-2019