



TABLE OF CONTENTS

INTRODUCTION AND ACKNOWLEDGMENTS

PREVALENCE - INDICATORS OF THE PROBLEM

- some statistics	1
- attitudes	5
- police - municipal police departments	6
- medical profession	12
- hospitals	15
- clergy	16
- legal profession	17
- social agencies	19

COMMENTARY - DISCUSSION

- the battered woman - who is she?	24
- why does the victim suffer brutality in silence?	25
- fear of reprisal	27
- ignorance of the law	28
- the consequences of wife abuse	28
- why do some men become violent?	29
- what role does alcohol play	29
- advice for battered women	30
- remedies for the assaulted	30
- difficulties in prosecuting domestic assault cases	32
- lack of commitment	
- attitudinal problem	
- areas in need of attention	34
- police training	
- public education	
- emergency services and transition houses; counselling services and legal advice	
- making the law more effective	35

CONCLUSIONS:

37

APPENDICES:

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## INTRODUCTION AND ACKNOWLEDGEMENTS

### Domestic Violence: The Tip of the Iceberg

This booklet is the result of an ongoing interest and overriding concern expressed by many individuals in the complex matter referred to as "Domestic Violence" as well as the persistent search for solutions to this difficult area through social, legal, among other means.

This booklet does not reflect an exhaustive study of the Domestic Violence problem on Prince Edward Island. It does however represent a sincere attempt to establish the size of the problem, how it is being currently responded to as well as providing ideas and suggestions for future attention and action.

This work was performed in the main during the summer of 1979 by Ms. Jean Dixon, a law student at the University of New Brunswick with some assistance during the summer of 1980 from Ms. Marilyn MacKinnon, also a law student at the same University.

This activity formed part of Ms. Dixon and Ms. MacKinnon's respective summer activities with the Probation and Family Court Services of the Prince Edward Island Department of Justice under the general supervision of Mr. Phil Arbing, Division Director. They were employed by the Department under Career Oriented Summer Employment Programs coordinated through the Ministry of Solicitor General (Federal).

Appreciation is extended to members and representatives of the Medical and Legal professions, Police Agencies, Social agencies, and the Clergy for their response to the study questionnaires. The contribution of those individuals who participated in personal interviews is acknowledged. The participation of the Atlantic Police Academy by providing office space and general administrative support is also recognized.

The assistance of the Ministry of Solicitor General, particularly the help of Mr. Dan Stote, Regional Consultant, Consultation Centre (Atlantic) as well as the help of Mrs. Helena MacPherson in putting the booklet into its final form are appreciated.

Charlottetown  
September, 1980.

Prevalence - Indicators of the Problem

Some Statistics

It is impossible to determine the amount of domestic violence occurring anywhere on Prince Edward Island. It is a general opinion that domestic violence is prevalent, and that a great deal of it goes unreported. The incidents that are reported are not recorded by anyone in a manner which allows them to be easily retrievable.

For example, the RCMP report crimes to Statistics Canada using the "Uniform Crime Reporting System" which has 18 classifications and 72 sub-classifications. But there is no category for domestic assaults, or assaults between couples, etc.

The problems involved with classification are discussed in "Crime and Traffic Enforcement Statistics" (Statistics Canada, 1977), p. 14.

"...The most frequent of all the crimes of violence is assaults. However, what is considered an assault in one city may not be in another.

For example, in City A all fights between husbands and wives are dealt with as assaults. The police make out an occurrence report and record an assault on their statistical return regardless of whether or not a charge has been laid. In City B an occurrence report would be made out but unless the wife charged her husband with assault the incident would be considered to be a domestic squabble. Persistent offenders might be charged under a municipal bylaw for disturbing the peace."

In Prince Edward Island in 1977, the latest year for which Statistics Canada statistics are available there were 353 assaults (not indecent), 2 wounding, 40 bodily harm and 16 assaults on police officers. There is no way of knowing how many of these assaults occurred at domestic disputes. All of the police officers (RCMP and Municipal) spoken with agreed domestic disputes, assaults, wife battering cases, etc., were common and frustrating (as well as dangerous) to them.

The Charlottetown Police Department does keep a special record of Domestic Disputes which was extremely helpful, but it is only a beginning in that it records only a small percentage of the cases. They may be found also under Other Assaults, Assistance to Public, and Disturbing the Peace.

No professionals or agencies keep any statistics on the emotionally and physically abused women they have served. This includes the Courts, Crown Prosecutors, Family Counsellors, Mental Health Services, Social Services, Alcoholism Agencies, clergy, doctors, lawyers, hospitals, etc. etc. Therefore, any estimations arrived at here are primarily the results of recall. This does not alter the fact that even as an estimate, the incidence of domestic violence occurring in Prince Edward Island is high enough to warrant a thorough study.

For example, from June 20, 1978 to May 31, 1979 the Charlottetown Police Department "call book" shows 191 calls

which were patently domestic. This number is a very rough estimate, perhaps because each dispatcher has different criterion as to what a domestic call is. It is also interesting to note that during the same time period 38 occurrence reports were made on domestic disputes/assaults. This is 20% of the domestic calls received. The majority of the dispositions are listed as "cleared; GOA; all quiet; O.K.; civil matter." The police spent an average of 11 1/2 minutes at each call; the busiest month was December.

Between January 1, 1978 and June 30, 1979 the Charlottetown Police made out 42 occurrence reports on domestic disputes/assaults. Using the information reported it was found: -

- $\frac{39}{42}$  victims were female
- $\frac{3}{42}$  victims were male (2 were boys assaulted by their father, the other male was assaulted by his son)
- $\frac{18}{42}$  of the reported assailants were the victim's husband (4 common-law)
- $\frac{19}{42}$  of the reported assailants were the victim's boyfriend.
- $\frac{30}{42}$  of the disputes occurred in the victim's residence
- $\frac{38}{42}$  of the disputes involved physical violence.

The victim's average age was 24.9 years.

One of the most common views held by the police in particular was that even when a woman does lay a charge she usually withdraws it. The only way to accurately test this belief was to examine all the informations filed (since no records are kept on this specific category). In Provincial Court, Charlottetown it was found that during 1978, 15 charges under section 245(1) of the Criminal Code (common assault) and 4 charges under section 245(2) of the Criminal Code were laid by wives against their husbands for a total of 19 assault charges. Five of these charges were withdrawn, or just over 25%. This is no doubt a high percentage, but conversely 75% of the charges were not dropped. Of the 14 men who went before a judge, all 14 were granted a period of probation, an average of 7.5 months. Over 1/3 of these men, 5 in number, were later charged with violation of their probation orders. Four of them were convicted of the charge and received jail sentences ranging in length from 1 day to 6 months. During 1978, 6 women obtained Peace Bonds against their husbands, pursuant to section 745 of the Criminal Code of Canada.

The picture is very similar for the first 7 months of 1979 when 8 charges were laid. Only 1 was withdrawn. Two women obtained Peace Bonds.

It would be fair to conclude then, that only between 10-25% of the women who lay charges later withdraw them. It

is also interesting to note that in 1978, 1/3 of the men placed on probation for assaulting their wives violated the terms of their probation orders resulting in subsequent court action.

It should be remembered that these figures are from one Court - the Provincial Court in Charlottetown. They are the criminal charges laid from January 1, 1978 to June 30, 1979. There is no way of ascertaining the number of incidents of physical and emotional violence which are related in Family Court and in divorce proceedings.

#### Attitudes

Generally there is a deep concern for families, particularly children, who are living in situations of threats and violence. Police officers are in a particularly bad position. They are the first on the scene, they are themselves in danger, they have to take continual abuse and often become the focal point for a couple's aggression. They must go back to the same house again and again. They are frustrated with the whole subject, and they seem receptive to any ideas and techniques which might reduce this part of their workload. As a group they are quite objective, they are careful not to take sides. But they realize that as police officers their rights and powers are limited, so many times they are simply at a loss as to how to handle a situation - they go by the book.

In reference to women who are being physically abused a common attitude was that they must like it, or were masochists. After consulting two extensive bibliographies on the subject of battered wives this writer was unable to find any study to confirm this belief. What is especially sad about this opinion is that it removes all responsibility from the man and accuses the victim of being the offender.

#### Police - Municipal Police Departments

Police oriented questionnaires (see Appendix "A") were sent to all four municipal police departments and RCMP Detachments on Prince Edward Island. All four municipal forces returned their information promptly.

The Charlottetown City Police has 38 members and serves a population of 17,500. They state that approximately 50% of their calls could be classed as domestic disputes. To date they have no departmental policy regarding domestic disputes. They have had officers injured or assaulted while intervening in these disputes and none of their members have special training in domestic dispute intervention in addition to that received during basic training.

In terms of numbers, the Charlottetown Police Department deals with a far greater volume of domestic disputes, but generally all four municipal departments handle them similarly.

1. Name and size of Department: -

Charlottetown City Police	38 members
Summerside Police Department	20 members
St. Eleanors Police Department	3 members
Kensington Police Department	3 members

2. Type and population of area served: -

Charlottetown	City	17,500
Summerside	Urban	10,000
St. Eleanors	Residential	2,700
Kensington	Rural	1,400

3. Approximately what percentage of your calls could be classed as domestic disputes?

Charlottetown	50%
Summerside	5%
St. Eleanors	10%
Kensington	5%

4. What procedure do you follow when answering a domestic call?

Charlottetown	2 officers attend and a back-up car follows.
Summerside	Respond: 1 officer with back-up or 2 officers.
St. Eleanors	If possibility of alcohol involved treated as though violence could be expected.
Kensington	Attempt to calm persons involved; advise them of their rights. Try to reason with them and generally restore order to the house at least for the night.

5. What is your departmental policy regarding domestic disputes?

Charlottetown	No policy to date.
Summerside	Prosecution if possible, caution, removal of at least 1 party.
Kensington	Attend, assess situation in regards to violence and advise parties of their rights.
St. Eleanors	Answer all calls. Talk to those involved. Often Social Services are notified.

6. What percentage of these calls are repeaters?

Charlottetown	90%
Summerside	-
St. Eleanors	8%
Kensington	all (100%)

7. What percentage of these calls involved alcohol?

Charlottetown	99%
Summerside	90%
St. Eleanors	75%
Kensington	all (100%)

8. In what percentage of cases do you make referrals?

Charlottetown	5%
Summerside	-
St. Eleanors	80%
Kensington	all (100%)

9. What referrals do you make?

Charlottetown	Social Services; Catholic Family Services.
Summerside	Social Services, lawyers, Detox, Jail, Group Home, Clergy, Hospital, A. A., Al Anon.

St. Eleanors Referrals are made when children are involved or abused and one or more of the parents are alcoholics.

Kensington Crown Prosecutor, clergy.

10. Approximately how many women have you encountered who were living in situations of: -

	Jan 1 - June 30, 1979	1978
<u>Physical Abuse</u>	_____	_____
<u>Emotional Abuse</u>	_____	_____
Charlottetown	20 - 25% 70%	20 - 25% 70%
Summerside	_____	_____
St. Eleanors	4 6	9 8
Kensington	0 2	1 4

11. Do you feel that "wife battering" is prevalent in your area?

Charlottetown	Yes
Summerside	--
St. Eleanors	No
Kensington	While not prevalent, it exists

12. Do you require that the woman lay charges herself? If so, why?

Charlottetown	Yes. In a lot of cases the following day the wife does not want to lay charges.
Summerside	Yes, they usually want to withdraw next day.
St. Eleanors	Yes. As very often happens when laid by this Police Department, the next day the husband is very contrite and will talk the wife out of laying charges.

Kensington Yes. It has been my experience that in most cases where the Police lay the charges, the woman usually wishes them dropped before court.

13. In what circumstances will the police lay the charge?

Charlottetown	When we see the offence being committed.
Summerside	Severe beating.
St. Eleanors	Where it is found the offence is becoming a habit.
Kensington	When we witness the assault.

14. Do you find these women are reluctant to bring the charges themselves? If so, why?

Charlottetown	Yes: protection of the husband, and in a very few cases, self-protection.
Summerside	No.
St. Eleanors	Quite often. Afraid of what action the husband will take against them.
Kensington	Yes. There is a certain social stigmatism associated with these charges and a woman usually does not wish to proceed until the problem becomes unbearable.

15. How many of these women obtained Peace Bonds (C.C.S.745)?

Charlottetown	1 in 50
Summerside	a few
St. Eleanors	3
Kensington	none

16. Do you consider Peace Bonds to be effective deterrents against abuse?

Charlottetown	Yes
Summerside	No
St. Eleanors	No



Kensington Yes, in that Peace Bonds allow the police to make an arrest and alleviate the problem immediately.

17. How often do you use section 31 Criminal Code of Canada (arrest for breach of peace) to alleviate a domestic dispute?

Charlottetown 1 in 10 cases  
Summerside very little  
St. Eleanors seldom  
Kensington never

18. What referrals do you make to abused women?

Charlottetown Social Services; Catholic Family Services.  
Summerside Social Services, lawyer, Detox, Jail, Group Home, clergy, Hospital, A. A., Al Anon.  
St. Eleanors Social Services  
Kensington Crown, Clergy, Doctor, Social Services.

19. What additional services do you think should be provided to meet the needs of abused/battered women?

Charlottetown Sufficient services already.  
Summerside None.  
St. Eleanors Readily available - separation or divorce proceedings.  
Kensington It has been my experience that if the battered women had access to a facility where she could take her children and remain safely for a short period of time, a great deal of suffering could be stopped.

20. Were any of your officers assaulted or injured while intervening in a domestic dispute?

Charlottetown Yes  
Summerside Yes  
St. Eleanors Yes  
Kensington Yes

Only two municipal police officers on Prince Edward Island were listed as having special training in domestic dispute intervention. They are both in Kensington.

Presently the police attempt to resolve only the immediate problem; calm the parties and leave.

Medical Profession

A questionnaire (see Appendix "B") was sent to 40 doctors across the Island; 5 replied. The respondents were all from the Charlottetown area, four family physicians and one obstetrician - gynecologist.

By their own estimation, these five doctors encountered a total of approximately 17 cases of women being physically abused in 1978. The same year they treated a total of 30 cases of emotional abuse, and 32 cases of marital/family dispute. In the first 7 months of 1979 they totalled 10 cases of physical abuse, 30 cases of emotional abuse and 32 cases of marital/family disputes. These numbers are approximations only, because no special or separate records are kept of these incidents.

The assistance requested by these women, other than treatment for their physical injuries, was some help for their

depression, anxiety and 'bad nerves'. The action taken by the doctors was to give them medication (sedatives), some advice and emotional support. Not one of them felt they were adequately meeting the needs of the women.

The doctors make various referrals; to the Family Services Bureaus, Psychiatrists, Social Services, and Alcohol Treatment Centres.

When asked their opinion as to the seriousness of the problem in their area, two doctors felt it was serious, three felt it wasn't. Three of the five felt abused/battered women were in need of protection. One suggested it would be useful to have a team effort between doctors, Social Services and police to deal with the problem more effectively. Two saw a woman's shelter or comfort centre as being a needed additional service.

It must be remembered that only five responses is a very limited sample to draw any conclusions from. However, it can be noted that five (5) physicians, all practicing in Charlottetown, have handled a large number of cases of physical and emotional abuse in the first seven months of 1979; approximately 87 cases.

#### Hospitals

The Charlottetown Hospital and P.E.I. Hospital Emergency/Outpatient units were contacted to try to gain some idea of the number of women seeking help for domestically inflicted injuries.

Neither hospital keeps any records under this designation. The Head Nurse (day shift) at the Charlottetown

Hospital says she has no way of even estimating the number of abused women coming to the hospital because the patient won't disclose such information. She also feels many women try to camouflage their injuries. The records perpetuate this, for instance, a black eye will be recorded as an injury to the face. No accurate statistics are available. The Head Nurse at the P.E.I. Hospital does not remember many cases over the last two years, maybe 2 or 3. She pointed out that she is only one person in a staff of 13 and no statistics are kept.

Rev. Mervyn McNally has been Hospital Chaplain at Charlottetown Hospital for 7 years. Although he doesn't feel physical abuse to be a problem, he does feel that if we can call threats abuse, then we have a big problem. In his opinion emotional abuse is very common. Many of these cases should receive follow-up counseling on a long-term basis, but most of them don't because one of the parties refuses. Help cannot be given if the party denies the need for it.

Rev. Ross Howard has been the P.E.I. Hospital's Chaplain for the last 17 years. While he does see some physically abused women, he also feels emotional abuse is far more frequent. He feels it is a problem more older women face, the younger women just won't take the abuse. One trend he sees which concerns him

is that these couples aren't trying to redeem or save their marriages, they're looking for ways to opt out.

Alcohol is a problem in many of these cases. The couple lacks the ability to communicate and alcohol is a readily available remedy or crutch to help them cope with their problems. Alcoholism has traditionally been viewed as a husband's problem, but it is becoming more common in women.

One problem Mr. Howard sees is the lack of co-ordination of services between professionals and agencies. This problem is being dealt with quite successfully. For example, more and more people are being referred to psychiatrists earlier for help, before the problem becomes very serious. In the past, if a woman was referred to a psychiatrist or Mental Health Clinic this was seen as a suggestion that she was 'crazy'. But the stigma is lessening.

There would be a real advantage in a co-ordination of services. A more effective treatment plan could be developed faster. Vast amounts of time can be used up and little progress made if a person simply keeps going from professional to professional for treatment of their symptoms. The real cause of their problem seldom gets dealt with.

While some individuals refuse any help, it is most important to have a long-term follow-up treatment, using all community resources for those who seek assistance.

Ninety-six(96) questionnaires(see Appendix "B") were sent to members of the clergy all over Prince Edward Island, 8 replied. One of these had only recently assumed responsibility and had not had time to size up the situation in his community although he did list referral, counselling and shelter as services he offered. Two who responded were not aware of any abused women in their congregations, both of which are in the Charlottetown area. One of these felt that some who reject church and spiritual counsel may have disruptive problems but they had not come to his attention. The other clergyman simply stated that women today no longer put up with the abuse they used to.

Of the five clergy who had encountered women living in these situations, the numbers are, as follows: -

January 1 - July 31, 1979

Physical abuse	21 +
Emotional abuse	29 +
Marital/Family Disputes	30 +

None of these women were listed as self-supporting.

Interestingly in view of the number of cases clergy have dealt with, only one of the clergy who responded felt that wife battering was a serious problem. This was from a social worker doing pastoral work. The main causes they listed were alcoholism and economic pressures. The referrals they make cover a wide range of agencies, but most

frequently are to Marriage Counsellors, Social Services and Alcohol Treatment Centres.

The general tenor of the replies from the clergy was that they would be of whatever assistance they could in helping a woman, and maintaining the marriage. Two replies stated the need for some kind of refuge where women could be protected and receive counselling. Most of them described their main function as being that of a shoulder to cry on and a sympathetic ear.

Legal Profession

Thirty questionnaires (see Appendix "B") were sent to lawyers throughout Prince Edward Island, six replies were received (20%) which was the largest return from the three professions surveyed. Two lawyers cited the incidence of abuse in percentiles. One listed his caseload as being comprised of 10% physical abuse, 10% emotional abuse, 20% domestic disputes. The other lawyer simply stated he encountered a large percentage in all three categories. The totals for the other four lawyers are as follows: -

January 1 - July 31, 1979

Physical abuse	30
Emotional abuse	52
Marital/Family disputes	46

All six respondents listed less than 25% or none of these women were self-supporting.

The assistance requested by the women was fairly standard; legal separations, divorces, custody and maintenance proceedings; in some cases restraining orders were required. As one lawyer stated it, for most of these women the primary concern was (and is) "How can I get away from a terrible marital situation when I have no money and no job?"

Of the six lawyers, four felt wife-battering is a serious problem on P.E.I. The other two felt it was not serious in terms of numbers. Four of the lawyers stated they were not able to adequately meet the needs of these women. Two stated the fulfillment of the woman's needs was dependent on the funding available to them. Other comments were that the courts are slow and expensive and never very effective in stopping physical or emotional abuse. It was stated by one lawyer that on P.E.I. the courts will rarely punish such assaults in any significant manner. Family disputes are classified differently from ordinary assaults. Three of the six lawyers felt a readily available source of financial assistance should be made available to these women. The view that police need to know more about Family Law was also expressed.

Two of the lawyers mentioned the need for some sort of legal aid, and one felt a crisis centre or shelter is needed. One lawyer suggested an agency, or social worker be publicly known as someone for these women to turn to.

The most common referral made is to Social Services, followed by psychiatrists and marriage counsellors.

Considering the number of cases four lawyers saw, it might be concluded that there are a large number of women seeking legal help. It is also possible that these four lawyers, who were concerned enough to answer a questionnaire, are also people who have gained a reputation as people willing to help these women.

Social Agencies

Twenty-three agencies were sent questionnaires (see Appendix "B"), nine replied.

The Addiction Foundation of P.E.I. stated that in a case-load of 500 alcoholics the visible problem would be; 5% physical abuse (about 50 women); 35% emotional abuse and 95% family disputes. In most situations where there is alcohol abuse, there is some degree of family dispute or emotional abuse, and in some cases physical abuse. Some of these problems are transient and passed with improvement of the spouse's drinking problem.

In their experience wife battering is a serious problem in this area, but it is hidden. In the lower socio-economic groups it is more visible.

The foundation felt that counselling the family and working with the abusing spouse, at times, was sufficient action to adequately meet the needs of these women. They felt there was a need for more women's groups and a crisis service.

For the first seven months of 1979 the Special Alcoholism Unit (Charlottetown) of the Addiction Foundation encountered one physically abused woman and approximately 10 marital/family disputes. They are strictly a detox centre operating on a 48 hour basis with counselling offered in the unit. They could not give an opinion as to the prevalence of wife battering in the area "simply because this type of behavior is extremely covert". Women will not admit their husbands beat them up.

They stated they could meet the needs of the women by initially dealing with the alcohol problem but not on any long-term basis. To do this they felt a crisis centre with immediate follow-up (including social and legal services) would be required.

The Alcohol and Drug Problems Institute provided some truly alarming statistics: -

	<u>January 1 - July 31, 1979</u> 1978	
Physical Abuse	25	50
Emotional Abuse	150	300
Marital/Family Disputes	200	400

The women seek help and information on what can be done about their husband's drinking problem, how they can improve

their situations, what their legal rights are, and for treatment of their own anxiety and depression. The Institute provides individual alcoholism counselling and group educational sessions on the problem plus follow-up counselling. The Institute states it can meet the needs of these women through group support, by providing information and by elevating their self respect.

They state that wife battering is a serious problem in this area. Law enforcement officers should be required to remove the offending husband from the premises. They also stated that the courts should require compulsory treatment of the man's alcoholism. The incidence of alcoholism and alcohol abuse is high in this area.

The Mental Health Clinic in Charlottetown cautioned that their statistics are approximations only and may be low.

	January 1-July 31, 1979	1978
Physical abuse	10	( )
Emotional abuse	29	(16)
Marital/Family disputes	16	( )

The women request emotional support, counselling and practical guidelines for changing the pattern of abuse. The Clinic offers assessment, on-going counselling, education and support to both spouses. They make referrals to other appropriate agencies, (Social Services, Addiction Foundation, Al Anon, Family Services Bureaus) and make contact with authorities regarding the laying of charges. The Clinic states that in spite of their services the situation re-occurs in many instances.

Although they were not able to make any estimate of the overall prevalence of the problem, in their own case load it is a serious problem. Most of their cases involve women with young children and limited financial resources.

The clinic listed three services they felt were needed to meet the problems of these women; more group and supportive counselling, easier access to legal assistance (Legal Aid) for separation agreements, the laying of charges and restraining orders. Finally they expressed the need for temporary, safe accommodations for women in crisis situations.

The Protestant Family Services Bureau was not able to give an accurate statistic of their caseload for 1979 because for the first six months of 1979 the bureau was without an Executive Director (responsible for counselling). For 1978 their statistics are: -

	1978
Physical abuse	2
Emotional abuse	12
Marital/Family Disputes	61

The women requested emotional support, advice, information on legal rights, alternative housing and help for their partner. The Bureau offers counselling (marriage, family or individual) and makes referrals to Family Court, Social Services, Women's Legal Project, Psychiatrists and Alcohol/Addiction Services.

The Bureau feels they are able to meet the needs of emotionally abused women, but were less able to help the physically abused. They felt this was because of the lack of a refuge for these women and their children, and because the laws are not "stringent enough to protect the family from an abusive father/husband."

Based on direct experience the Bureau states wife battering is not a serious problem in this area but that this may be because these women feel they are beyond the stage where counselling could be of any help.

The Catholic Family Services Bureau feels wife battering is a serious problem in the Island Community. The high levels of alcoholism and unemployment here are factors pertinent to the problem. The Bureau dealt with six cases of physical abuse in the first seven months of 1979.

The women made requests for counselling, legal protection, alternate housing and financial assistance. The Bureau felt they were able to meet the emotional needs, and through inter-agency cooperation, meet most of the other requests. They do feel there is a gap in services to battered wives. Since there really is no immediate alternative open to them, there is a great danger that these women will not identify themselves as battered. A residential counselling centre for the entire family would be a viable short-term alternative.

Sign of the Fish would not give any specific information because of the confidentiality of their service. They did say the problem was one "much in need of community attention".

COMMENTARY - DISCUSSION

During the course of researching this paper a number of individuals which included a Family Court Judge, three Social Workers, a Crown Prosecutor and two lawyers - one of whom is in private practice, who come into contact with victims of domestic violence were contacted for their views on the problems encountered. The scope of the following commentary is basically confined to a consideration of commonly held concerns for the battered woman: - e.g. the state of the law with respect to physical abuse encompassing the remedies that are available to them through the justice system.

The basic consensus held by all those persons interviewed is that intra-spousal violence is not solely a legal problem but is instead a social problem with legal implications. This is the philosophical premise from which the following commentaries stem.

The Battered Woman - Who is she?

She can be anybody. Wife battering is not just a poor people's problem, it simply is more visible in the lower classes. For the most part she may have little education, be financially dependent either on social assistance or her husband. Though a

high proportion are separated, this does not prevent continued abuse. Wife abuse is much more frequent than most people think.

One lawyer who practices considerably in the area of family law estimates encountering at least one new domestic dispute case a week. These women initially come seeking help which will not require separation or court proceedings but instead they find out that little can be done by a lawyer in obtaining such redress. Consequently, instances of physical abuse become only a peripheral issue at law in lieu of a central one in that the lawyer may use it as evidence of cruelty towards obtaining legal help in the form of separation agreements, divorce, custody or maintenance.

The number of domestic disputes on Prince Edward Island involving physical violence is considerable; far more than we hear about. There appears to be no accurate way of knowing what number of women are being battered. The courts do not report being over-burdened with domestic assault cases; yet one family court judge gave an educated guess that for every case which does reach court, fifty others exist which fail to come to the court's attention. Only the tip of the iceberg appears in that most women don't report assaults and only the drastic ones go to court.

#### Why Does the Victim Suffer Brutality in Silence?

Many women suffer brutality in silence because of the insecure feeling that they have little or no choice. People are very complex. So it naturally follows that their reasons for

putting up with what appears to be an unbearable situation are not simple but instead are very complicated also. The variety of opinions from those who come into contact with battered victims confirms the above.

Many victims, helping professionals as well as the general public, try to explain the husband's violence by blaming alcohol or stress as the cause. So naturally many women come to feel that violent abuse is to be expected and accepted. Many believe they deserve it. This in turn is due to the oppressive nature of the problem - i.e. a cultural lack of education and understanding.

Traditionally, Island women (like many others elsewhere) have been brought up to accept the entire responsibility for the success or failure of their marriage and feel guilty when family troubles arise. They feel blameworthy and full of guilt as well as shame and embarrassment, which makes it difficult to tell someone what has happened.

Social disgracefulness is a major reason for the woman to invent all kinds of excuses and mention nothing of her suffering. Any other admission would be construed as a negative reflection on her own judgment in choosing a husband. Consequently the woman finds it easier to privately take a physical injury than to publicly exhibit her hurt pride and emotional pain.

Battered women hide their abuse because they are ashamed of their situation, ashamed to admit that the person they love beats them, ashamed because they feel that they must have done something to deserve such treatment. As a result of this false shame it becomes difficult to talk of their experiences to others especially



when at the same time the victim feels such an emotional attachment towards the offender.

To some, negative attention may be construed as being better than no attention at all. It clearly appears from all the comments gathered that one common denominator in battered women is their very low self-image. Many of the victims have grown up in a similar situation and therefore see intra-spousal violence as a "normal" way of life in that it represents a repetition of their own upbringing.

Fear of Reprisal

Many women remain silent because they feel the law can do nothing to protect them and if they do seek help they fear new outbursts of violence towards them or their children. In many cases, the violent husband represents the only source of income for the family so that physical removal from the home usually means financial destitution. Not knowing where else to turn for immediate financial assistance and sanctuary, these women are led to believe that they have no other choice. They resign themselves to endure the violence, often for years "because of the children" since they cannot see any viable alternatives to provide for their needs.

Victims of domestic disputes involving physical violence are in essence most reluctant to prefer charges being laid. There appears to be a general mistrust for authority figures i.e. social services, the court system etc. When children are involved, battered women are afraid of leaving or losing them. In addition, there is the publicity aspect, the pressure of living in a small community where people know when police and court action is taken.

There exists a general feeling of powerlessness amongst women in positions of domestic violence and the men sense this so much so that they feel very little will be done to them.

Ignorance of the Law

The vast majority of these women simply have no idea whatsoever of their legal rights. Few victims realize that physical abuse is a criminal act for which the man can be prosecuted - (THIS IS NOT HELPED BY THE FACT THAT RAPE OF A WOMAN BY HER HUSBAND IS NOT A CRIMINAL ACT).

They also fear the court scene and the rigors of cross-examination. No one likes to hang out their dirty laundry in public. As a result, it seems truly unbelievable what these women will put up with in order not to discuss their situation.

The Consequences of Wife Abuse

Historically, wife beating has been condoned and the habit of accepting this treatment is well established on the wife's part. Unfortunately, the fact that battered women hesitate to discuss their situation and continue to live in silence with it, for whatever reason, leads some people to believe that women are masochistic, that they like being abused or that they "are asking for it", and are in some way to blame for their mates abusive behavior. This is no apt description of the situation. Instead of clarifying the picture; it helps contribute to the removal of all responsibility from the man. People who hold such an erroneous misconception are clearly incapable of distinguishing between women liking it because they stay, and women who stay because for various reasons they tolerate the abuse.

The real truth of the matter is that victims of intra-spousal violence stay because when all things are balanced, it seems like the most practical thing to do. They believe that if they leave, the husband may find them and beat them worse. They find the police to be of little protection and the present social agency services to be ineffective. They have no money and lack assertiveness; so under the circumstances, they make what seems to them to be an intelligent choice by staying.

Many wives suffer from the illusion that they must tolerate

the husband's violent behavior "for the children's sake". This is a mistake. They are better off being away from such a volatile situation.

Children are often permanently affected by the violent behavior exhibited in the home. They find themselves torn between the two parents and feel responsible for the violence. Their feelings vary from shock and anger to fear and guilt, feelings which are bound to remain with them for a long time. The man who beats his wife may also beat his children, the abused woman herself may strike out at her children in anger and frustration. Violence may become the normal way of life, i.e. children who see violence between adults are, in turn, more likely to be physically violent towards their mate and children in later years.

#### Why do Some Men Become Violent?

For centuries there was a belief that men had the right to beat their women "to keep them in line" as they were second-class citizens, the law in fact permitted them to do this. All too often society condones the use of physical force to solve problems and to exert control over others.

A man who beats his wife and children often does so as a result of a poor self-image. He may have gotten married at a young age and was unprepared emotionally and financially for the responsibilities involved. Money is so important, that the lack of it can cause powerful resentments. He feels powerless, inadequate at work or with his friends and often mistreats members of his family to prove that he is important and to give himself a feeling of power and control - i.e., "he is head of the household and what he says goes". If he construes his wife to be not sufficiently catering to him or he has had a bad day, he takes out his frustrations on his wife as she is nearby and presumably won't fight back.

#### What Role Does Alcohol Play?

While earlier comments in this text referred to the fact

that a great many men beat their mates while under the influence of alcohol, it cannot be over-emphasized that alcohol does not cause wife abuse; it simply acts as a catalyst. Alcohol is too often used as a pretext to justify violent behavior. A man will say, "I beat my wife because I was drunk" however some drink to acquire "courage" to beat someone. In any event, alcohol abuse can never justify or excuse violent behavior.

For the alcoholic, the problem is not necessarily solved when he stops drinking. Many rehabilitated alcoholics continue to beat their mate. Because of this, wife abuse must be dealt with as a problem by itself and not as a result of alcoholism.

#### Advice For Battered Women

Usually, there is little most women can do to defend themselves except try to shield themselves from the blows, and then go to someone who is able to understand the predicament and able to temporarily provide shelter while helping the woman find the assistance required. It is common sense to take note that if a woman is not where the man is then she cannot be hit. P.E.I. has human service agencies available which provide the woman and her children emergency shelter if necessary in a motel. Undoubtedly though such a motel stay will only cause her to feel even more isolated, lonely and afraid. As one court judge viewed it in terms of expending taxpayer's dollars the cost for the province to support the woman is much less than the cost of keeping a man in jail.

#### Remedies For the Assaulted

Under the Family Law Reform Act, restraining orders are available, but this requires obtaining a lawyer, so that in most cases the battered woman would be more likely to proceed criminally rather than civilly as her case could be taken free of charge by the Crown Prosecutor. A woman seeking protection against violence

by her mate may seek the same legal protection criminally that she would have against any other person who would attempt or threaten to forcefully strike her without her consent - i. e., criminal laws. The Criminal Code of Canada is a group of criminal laws which provide penalties for those people who would harm others.

Some of these laws apply to personal and family problems. Although the criminal law is seldom able to settle family difficulties, it can be useful. Nevertheless there does strongly exist certain differing points of view on whether the law can help prevent the spouses from resorting to violence to settle their disputes. Be that as it may; anyone who is abused or threatened should be made aware of two very important points -

- (1) Just complaining to the police is not enough;
- (2) Only by going to the police, preferring charges and following the case through to court can the criminal law be effectively used to protect them.

One type of protection offered by the criminal law is the use of a "peace bond" stipulating good behavior and keeping the peace for up to twelve (12) months. If the judge thinks it necessary, he may impose certain reasonable conditions on the offender such as keeping a certain distance from the complainant or refraining from contact with the person. There definitely are differing points of view held regarding the effectiveness or usefulness of peace bonds issued pursuant to Section 745 of the Criminal Code of Canada .

On the one hand, there is the opinion held by some that a peace bond is effective ( - much more so than a probation order) in that it poses as a pretence which gets the man into court and enables a judge to talk to him. It is thought that sometimes this courtroom encounter may suffice in deferring the man from continuing such violent behavior patterns with his family. The man is clearly made to understand that his failure to comply with the peace bond

may result in the laying of criminal charges thus making him liable to a maximum of six (6) months incarceration and a \$500. fine for his contempt of court. It is granted that a peace bond can work but only if the woman notifies the authorities of any violation of its conditions. This involves going through a lot of procedure. On the other side of the token, there is the commonly held opinion that "nothing will be solved by sending the husband to jail for assaulting the wife".

The more widely held opinion is that a peace bond is a useless piece of paper, i.e., it only has deterrence upon men who do not normally beat their spouses when they are sober and is extremely ineffective in preventing a drunken man from abusing his wife. In actual effect, the peace bond is most psychological; e.g., if and when a woman brings her husband to court for breach of the peace bond, he will most likely only become more aggravated and angrier with her so much so that he may reach the point of assuming one more reason for further slapping the woman around.

Another possible recourse is to charge the offender with assault. The law provides for fines and/or prison terms for anyone guilty of such an act. Generally, prison sentences tend to be short in an effort to prevent a person losing his job and in the case of a first offence, passing of sentence is most likely to be suspended; instead a probation order restricting the man's activity is more likely to be imposed. These orders are seen to be ineffective in most cases and the peace bond is not seen as being much better. Consequently, cases of intra-spousal violence pose grave problems for the courts - i. e., it must delicately balance the wife's welfare with the negative consequences perceived from the court order.

Difficulties in Prosecuting Domestic Assault Cases -

- Lack of Commitment:

The victim in filing a complaint must actually lay the

information instead of the police who normally initiate proceedings in most other criminal matters. The reason for this variation is the usual lack of commitment on the victim's part. The police and the Crown Prosecutor can do no more than set the legal machinery into action. The woman must be prepared to appear as a crown witness to tell her side of the story and provide evidence which will enable the judge to make a disposition of the case. If she refuses or else does not show up for court then there is no case and the charges are dropped. The victim's failure to follow through with legal proceedings is usually the result of a number of factors - the husband's promise to reform and her forgiving nature or fear of more violence. Unfortunately, sentiments or repentance and good intentions are often shortlived.

Experience shows that if the onus is placed from the very beginning on the victim to be the complainant and informant then more successful prosecutions result from such co-operation. From another perspective, this places a very onerous burden on the victim in addition to what she already has to deal with. At present, though, this appears to be the only means of convincing the police and Crown Prosecutor to take action.

Another problem posed to the law enforcement agents is the absence of "recent complaint". More oft than naught, the woman reports the assault long after all the evidence is gone. It is imperative that an assault victim notify someone, preferably the police as soon after the offence as she can and if injuries are visible, photographs of the victim should be taken for evidence purposes as a matter of rule. The Crown Prosecutor should insist on this from the police and victim as a standard procedure.

Attitudinal Problem -

Regarding dealings with the Police, one social worker commented that while young officers tend to be more sympathetic with the parties involved in cases of domestic

violence, many other officers take the rigid of stance of "oh another domestic". The police do not always know what the law is and are poorly informed on family law i.e., understanding the common law principles which have founded our statutes. The quality and completeness of police investigation depends to a great extent on the individual officer and his or her training background. In many domestic dispute cases they may tend to be less supportive and thorough than when dealing with some other kinds of offences. It is most interesting to note at this point in the commentary that family court counsellors report receiving very few referrals from the police.

The police are often reluctant to become involved in domestic disputes because there is a higher level of danger noted to be involved but this is precisely why they are needed and what they are supposedly trained and hired to deal with. Much of their unwillingness is perhaps understandable but who else is in a better position to deal with it.

Areas in Need of Attention -

- Police Training

The general consensus seems to be that police could benefit greatly from additional training programs to better equip force members to competently deal with family violence. This could help encourage police to adopt a more understanding attitude to the difficult situation often facing battered women.

- Public Education

It is of the essence that public awareness be increased through education. The problem of the battered woman must be brought to the attention of the public of P. E. I. The community should know how prevalent it is; what can be done about it and where to go for help. Battered women themselves are isolated and do not know how many others face the same problem.

- Lack of Emergency Services & Transition Houses Offering Counselling Services and Legal Advice

If domestic violence is to be alleviated, the problem of shelter must be remedied. The present means of providing

refuge in time of crises (i.e., sending the woman alone, or with confused and upset children to a motel room) has the same effect as telling her to go on back home. The need exists for some specialized residential facility where these victims can go for help and receive the necessary moral and emotional support services, become advised of their rights and receive counselling. After reviewing the situation, this service could in turn advise the woman on whether or not to seek any legal action. Victims of intra-spousal violence need to be helped through the whole process. This requires the spending of a considerable amount of time. After all, a life long problem cannot be solved in a day or two.

Making the Law More Effective

It is most interesting to note that the New Brunswick Advisory Council on the Status of Women in March 1979, recommended the adoption of new legislative measures empowering Family Courts to issue protective intervention orders. Such legislation would allow the court to order the removal of an abusive person in order to protect other family members. Such an order could be issued on the recommendation of a panel of professionals, including a family court judge, a psychiatrist or psychologist and a social worker. Such a measure would protect family members as well as provide the violent individual with badly needed psychological help. The policy behind making such a recommendation was the finding of unjustness surrounding the fact that many women are forced to leave their homes, taking their children with them, while the man, who is the cause of the crisis, remains in possession of the home. This recommendation also points out that the men who are guilty of violent acts in their homes also need understanding and guidance. The imposition of fines and imprisonment, the only real deterrent

presently provided by the law, do not help the abuser solve his problems. While it may not seem wise to encourage the making of new laws with such far reaching intervention powers to respond to domestic disputes of an aggressive nature, the reality of some situations, however, may require the consideration of such measures.

Following the same line of thought, a parallel may be drawn by reference to several legal recommendations contained in the report of the advisory committee on alcohol and drug addictions treatment and prevention services on P. E. I. submitted in October of 1979 to the Honorable Minister of the Provincial Department of Health, Mr. Fred Driscoll;

Recommendation # 67

That the Department of Justice undertake a systematic review of the Criminal Code provisions that have potential for facilitating intervention into and management of family disputes/violence attributable to abuse of alcohol and drugs.

Recommendation # 68

That in situations where satisfactory remedies short of placing the matter before the courts cannot be found, government through the Department of Justice, should develop mechanisms to bring matters such as domestic disputes which may involve assault first before the family courts, as opposed to the practice of bringing them before provincial court where proceedings are more open to the public.

Recommendation # 69

That the province, through agencies such as the Atlantic Police Academy, develop and administer to all law enforcement people a minimum standard of training in the area of crisis intervention.

CONCLUSIONS:

Domestic violence is common on Prince Edward Island. Presently there is no way an accurate number can be found. The numbers given in this report are a collection of educated guesses, given by persons and agencies presently dealing with the problem. In order to justify the expenditure of funds for the extention of existing services and the creation of new services, statistics must be kept.

Families continue in situations of violence because they are ignorant of the alternatives. Most people don't know what services are available or what agencies exist to help them. Through the media, the population should be made aware of the existence of the Family Court Services, Mental Health Services, Catholic and Protestant Family Bureaus, etc.

Many women exist in situations of physical and emotional abuse because they do not know where to go for help. Through the media and the police these women should be made aware of an agency or professional who can help them. One agency should specialize in dealing with this problem. This would facilitate fast, effective referrals and avoid duplication of community resources.

Many women exist in situations of physical and emotional abuse because they are financially dependent on their men. They do not have the money to retain legal help. They are in need of some form of civil legal assistance or at least some form of legal information.

Many women who wish to leave an intolerable situation or who have to leave a crisis have no place to go alone or with their children. There is a need for some type of refuge or shelter in the Charlottetown area where these women can receive support, information and counselling in a secure atmosphere.

Because of the immediacy of their involvement, the police are in the best position of all agencies to refer families to appropriate services. A primary function of any police force is to prevent crime. By making a referral at every domestic dispute the number of 'repeaters' might be reduced and a more serious crime prevented. A simple and effective way of making a referral is to make up a Domestic Crisis Service Card listing all pertinent agencies.

In the 1977 Annual Report of the Department of Justice, the RCMP "L" Division section states: (p. 36) -

"An active training program is essential to develop personnel and keep them abreast of current trends and techniques in law enforcement.... Training is not authorized unless there is an identified need."

It is a well established fact that more police officers are injured and killed while intervening in domestic conflicts than in any other area of their work.

In the Annual Reports of the Department of Justice (1974-78) the RCMP training courses listed include everything

from expert markmanship to hostage negotiating. No domestic dispute intervention courses are listed as such. However, the RCMP have been offering courses in this regard since 1971. In addition the Atlantic Police Academy are placing increased emphasis on domestic dispute intervention, etc., in their recruit and in-service police training programs.

Police should be trained in domestic crisis intervention skills, for their own protection, to prevent repeat calls and to prevent more serious crimes of domestic violence.

APPENDIX "A"

Domestic Dispute Research Project  
(SSEAP)

The purpose of this questionnaire is to gain impressions, opinions, and wherever possible, precise information from Municipal Police and R.C.M. Police in Prince Edward Island concerning domestic disputes, most particularly the problem of battered women. To this end, would you please complete as much of the questionnaire as possible and return to the following address before August 16, 1979 -

Domestic Dispute Research Project (SSEAP)  
c/o Atlantic Police Academy  
305 Kent Street  
Charlottetown, P.E.I.  
C1A 4Z1

ATT: Miss Jean Dixon

1. Name and size of Department or Detachment \_\_\_\_\_  
\_\_\_\_\_
2. Type and population of area served \_\_\_\_\_
3. Approximately what percentage of your calls could be classed as domestic disputes? \_\_\_\_\_  
\_\_\_\_\_
4. What procedure do you follow when answering a domestic call? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
5. What is your departmental policy regarding domestic disputes? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
6. What percentage of these calls are "repeaters"? \_\_\_\_\_

- 7. What percentage of these calls involved alcohol? \_\_\_\_\_
- 8. In what percentage of cases do you make referrals? \_\_\_\_\_
- 9. What referrals do you make? \_\_\_\_\_  
\_\_\_\_\_
- 10. Approximately how many women have you encountered who were living in situations of:
 

	<u>Since Jan 1/79</u>	<u>1978</u>
Physical abuse	_____	_____
Emotional Abuse	_____	_____
- 11. Do you feel that 'wife battering' is prevalent in your area? \_\_\_\_\_
- 12. Do you require that the woman lay charges herself? \_\_\_\_\_  
If so, why? \_\_\_\_\_
- 13. In what circumstances will the police lay the charge? \_\_\_\_\_  
\_\_\_\_\_
- 14. Do you find these women are reluctant to bring charges themselves? \_\_\_\_\_  
If so why? \_\_\_\_\_
- 15. How many of the women obtained Peace Bonds(C.C.S. 745)? \_\_\_\_\_  
\_\_\_\_\_
- 16. Do you consider peace bonds to be effective deterrents against abuse? \_\_\_\_\_  
\_\_\_\_\_
- 17. How often do you use S. 31 C.C. to alleviate a domestic dispute? \_\_\_\_\_  
\_\_\_\_\_

- 18. What referrals do you make to abused women? \_\_\_\_\_  
\_\_\_\_\_
- 19. What additional services do you think should be provided to meet the needs of abused/battered women? \_\_\_\_\_  
\_\_\_\_\_
- 20. Were any of your officers assaulted or injured while intervening in a domestic dispute? \_\_\_\_\_  
\_\_\_\_\_
- 21. How many of your officers have special training in domestic dispute intervention in addition to that received during basic training? \_\_\_\_\_

Any additional comments or information you could provide would be appreciated.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



APPENDIX "B"

Domestic Dispute Research Project (SSEAP)

The purpose of this questionnaire is to gain impressions, opinions and wherever possible, precise information from agencies and individuals in Prince Edward Island concerning domestic disputes, most particularly the problem of battered women. To this end, would you please complete as much of the questionnaire as possible and return to the following address before August 15, 1979.

Domestic Dispute Research Project (SSEAP)  
 Atlantic Police Academy  
 305 Kent Street  
 Charlottetown, P.E.I.  
 C1A 4Z1

1. Name of Agency or profession: \_\_\_\_\_

2. In your agency or practice, approximately how many women have you encountered who were living in situations of:

	Since Jan 1/79	1978
Physical abuse	_____	_____
Emotional abuse	_____	_____
Marital/family disputes	_____	_____

3. How many of these women were self-supporting?

Less than 25%	_____
25 - 50%	_____
51 - 75%	_____
76 - 100%	_____

4. What kind of assistance was requested by women involved in situations of physical and emotional abuse? \_\_\_\_\_

5. What action is taken by you or your agency to assist these women? \_\_\_\_\_

6. Is this action sufficient? Were you able to adequately meet the needs of these women? \_\_\_\_\_

7. What referrals do you make? \_\_\_\_\_

8. Do you feel that wife battering is a serious problem in your area? Please give details as to population, economic factors, etc., of your area which you consider pertinent to this problem? \_\_\_\_\_

9. What is the purpose and scope of your agency or practice? What services do you offer? \_\_\_\_\_

10. What additional services do you think should be provided to meet the needs of abused/battered women? \_\_\_\_\_

Any additional comments or information you could provide would be appreciated.

**END**