



## **herStory of woman abuse and the pei justice system**

**Woman Abuse and The PEI Justice System Research Team of  
the Muriel McQueen Fergusson Research Centre**



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## Acknowledgements

This research has involved various people who must be acknowledged for their contributions.

First of all, we must express our sincere appreciation to the 21 women who volunteered to share their stories and experiences with us. We acknowledge your courage and thank you for your desire to help other women experiencing violence in their relationships.

The research team has seen several new faces since the beginning of this work. The Team currently includes:

Kirstin Lund, team co-ordinator  
Joanne Ings, Executive Director, Transition House Association  
Ellie Reddin, Policy Advisor, Office of the Attorney General  
Rona Brown, Family Violence Consultant for the Province of PEI  
Jean Mitchell, Department of Sociology/Anthropology, UPEI

Past team members who contributed a great deal to this work include:

Mary Nicholson, whose shared vision of a legal system that works for women leaving abusive relationships is what began the work of the team;  
Áine Humble, who created a first draft of the literature review and contributed an enormous amount of work enabling the ethics review and creating the interview guidelines; and  
Dorothy Berglund, who updated and added to the literature review, which appears in this report.

Others who contributed to the work in significant ways include Cindy Ferguson, Administrative Assistant to the Provincial Family Violence Consultant, who spent hours transcribing the interview tapes; Shirley Limbert, who conducted the interviews with compassion and understanding; and Brenda Bradford and Marian Bruce of Equinox Consulting Inc., who completed the research analysis included in this report.

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# **Section One**

## **herStory of woman abuse and the pei justice system**

### **Executive Summary**

In 1999, 21 Island women who had experienced violence in an intimate relationship agreed to participate in a research project focused on hearing their stories and gaining a better understanding of the impact of justice system responses on women leaving abusive relationships. Since then, their interviews have been transcribed and analyzed and have resulted in this report. As well, a literature review was conducted which focused on woman abuse with a particular focus on Prince Edward Island research and studies. This is included in this report as well.

### **Research Analysis**

This report summarizes the findings from interviews with 21 PEI women who experienced abuse at the hands of their partners. The interviews, which were conducted during 1999, provide information on incidents of woman abuse and system response over a 10-year period: 1989 through 1999.

Three-quarters of the women interviewed for this study were between the ages of 25 and 45. Nineteen women had been married to the abuser, one woman had lived common-law, and one had never lived with the abuser. The average length of time the women had stayed in the relationship was 15 years. In total the women had 53 children, most of whom were under age 18 when the abusive relationships ended.

The women described the abusers as controlling and manipulative. They agreed that the abusers seldom took responsibility for their actions and often blamed the victims for the abuse. The women also agreed that the abusers were skillful at manipulating the justice system to their advantage, especially police officers and judges.

Project participants reported being subjected to a wide range of abusive behaviour, including emotional, physical, sexual, threats, stalking, neglect, damage to property, violence toward children and pets, and suicide threats. A third of the women said that alcohol was a factor in the abuse. Several victims said the abusers continued to stalk, threaten, and abuse them after the relationship ended.

The women described how they were affected by being in the abusive relationship. They said they felt fearful and depressed, were unable to function, and had low self-esteem. And after the relationship ended, they said the effects of the trauma lingered in the form of flashbacks and recurring nightmares. The women also described how their children had been affected by the violence. They said the children displayed anger and aggressive behaviour, had problem sleeping and difficulties with school, and had increased illnesses.

The women interviewed identified a number of barriers that made it difficult for them to leave or end the abusive relationship. The barriers included fear of retribution, failure to recognize the abuse, lack of knowledge about or access to services and support, reluctance to give up on the relationship, pressure from family or clergy, a feeling of powerlessness, lack of confidence in the legal system, financial insecurity, and concern for the children.

What prompted many of the women to end the abusive relationship was fear for themselves and their children. For others, it was an expression of sympathy or support from a counsellor or relative. Most women agreed that they would not have been able to end the abusive relationship without help.

All of the women interviewed for this study reported financial hardship after the relationship ended. In some cases the women had no income or financial support and had to apply for financial assistance. In other cases the women sought maintenance, child support or a settlement from the abuser, which often exacerbated their financial plight due to the added burden of lawyer's fees and court costs. Several women said they decided not to seek a settlement or support payments because they could not afford legal fees.

The women were asked to evaluate the legal and social services they had accessed. While there were many stories of effective and supportive services received in most aspects of the services discussed, many women stated that the legal and social system generally supported the abusers and re-victimized the victims. The women interviewed for this study also suggested a number of improvements to system response in cases of woman abuse, most frequently in the areas of coordinated services for victims and their children, improved enforcement of orders, consistent police response, financial assistance for victims, improved access to legal aid and family law lawyers and public education on woman abuse and family violence.

This research is representative of PEI women who have experienced violence in a relationship. The value of the research is in hearing the powerful stories women told and gaining some perspective into their experiences with the justice system. The study provides baseline information on woman abuse and system response over a 10-year period: 1989 through 1999. A number of themes emerged from the women's stories, which are as follows:

- < Although no clear picture of a typical victim resulted from the interviews in this study, the abusers were consistently described by the women as controlling, manipulative, and refusing to take responsibility for their actions.
- < The women described a range of abusive behaviour, which systematically undermined their self-esteem and self-confidence. When the women finally ended the relationship, the effects of the abuse lingered. The women perceived that their children were also negatively impacted by the violence in the home.

- < Although there were numerous barriers to ending the abusive relationship, the women said that what prompted them to finally leave was often fear for their safety and the safety of their children.
- < Most women agreed that they would not have been able to leave without help. The interventions that women reported to be consistently helpful were from Transition House Association, Victim Services, physicians, counsellors, Rape and Sexual Assault Crisis Centre, Community Legal Information Association, Lawyer Referral Service and Women's Network. The interventions that received mixed evaluations or which were consistently less helpful included those from police, Child Protection Services, the clergy, court, lawyers, financial assistance, legal aid and the Maintenance Enforcement Program.
- < The women whose cases involved charges found them very effective in stopping further abuse.
- < Many women indicated that stay away orders were not effective because they were seldom enforced.
- < The women suggested a number of improvements to system response in cases of woman abuse. With respect to the legal system in general, the most frequent suggestions were for improved access to legal aid and family law lawyers, enforcement of stay away and support orders, a more consistent police response, financial support for victims of family violence, additional support groups and affordable counselling for victims and children and public education on woman abuse and family violence.

### **Woman abuse and the justice system: A literature review**

The literature review indicates some correlation between the experiences of PEI women with those of women elsewhere. For instance, both the current study and other research indicate that women who have experienced violence and abuse in their relationships often continue to be fearful about their safety even after they leave an abusive environment (DeMaris & Swinford, 1996). As well, the findings of this research are consistent with other research in indicating that incidents of family violence were likely to escalate over time (Fitzgerald, 1999).

The impact of domestic violence on victims, and the fact that many Island women live in rural isolation, creates a population with special needs in terms of justice system access. The review of PEI-based research conducted within the past two decades indicates that Island women leaving abusive relationships have many needs, which are not being met by the present justice system. The recommendations of the investigations—regardless of the time period in which the projects were conducted, or of the purposes for which the studies were conducted—are remarkably similar. For example, advocates for woman abuse victims have been suggesting for years that victims receive financial aid for legal services (Reddin, 1987; McQuaid, 1991; Bradford, 1998; Nicholson, 2000; Bradford, 2001). With some exceptions, such as the creation of Victim

Services, other recommendations have been made over and over again in Prince Edward Island with little impact.

### **Additional Materials**

A series of one and two-page handouts have been created which connect existing research and information about woman abuse with the stories of PEI women who participated in this project. The topics include:

- < The Link Between Abuse of Animals and Family Violence
- < Substance Abuse and Family Violence
- < Family Violence and Pregnancy
- < Impact of Exposure to Woman Abuse on Children
- < Forms of Woman Abuse
- < Emotional or Psychological Abuse
- < Economic Abuse
- < Profile of an Abuser
- < Linking Child and Woman Abuse
- < The Continuing Cycle
- < Physical Abuse
- < Sexual Abuse
- < Isolation

The handouts include research and statistics from other sources illustrated by the stories of PEI women. The materials are available in English and French on the project website at <http://www.isn.net/~tha/womanabuseresearch>.

This Executive Summary is also available in both languages on the project website.

## **Section Two**

### **herStory of woman abuse and the pei justice system**

Analysis prepared for:

Woman Abuse and the PEI Justice System Research Team

Prepared by:

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The views expressed in this report reflect those of the 21 women interviewed for the study and do not necessarily reflect the views of the PEI Justice System Research Team, the Muriel McQueen Fergusson Centre for Family Violence Research, Status of Women Canada, or the researchers or authors.

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We would like to acknowledge the contribution of Shirley Limbert, a former counsellor with Transition House Association, who conducted the interviews with the victims of woman abuse during the first phase of the study. We would also like to thank Cindy Ferguson, Administrative Support, Family Violence, Department of Health and Social Services, who transcribed the audiotapes of the interviews.

The authors express appreciation to staff of Transition House Association, who recruited the interview participants from clients and former clients. Finally, we thank the women who shared their stories, experiences, views and suggestions for improvements to the system.

## 1.0 INTRODUCTION

### 1.1 Background to the Study

The aim of this study, **herStory of Woman Abuse and the PEI Justice System**, is to increase awareness in the justice system of effective response to woman abuse. The Woman Abuse and the PEI Justice System Research Team of the Muriel McQueen Fergusson Centre for Family Violence Research sponsored the study.

There were two research phases to the study. The first phase involved face-to-face interviews with 21 women<sup>1</sup> who had experienced abuse at the hands of their partners. The interviews were audiotaped and transcribed. The purpose of the interviews was to document the women's stories and collect information from them, with a view to understanding where the services offered to victims of abuse have helped or hindered. The interviews, which were conducted in 1999, collected information on incidents of spousal abuse during the period 1989 to 1999. The unpublished report on Phase One, which was submitted by the interviewer in February 2000, presented demographic information on interview participants, an overview of findings, six case studies, and recommendations.

The second phase of the study, which was funded by Status of Women Canada, involved analysis of the interview transcripts and preparation of this report. A draft report on the findings was presented to workshop participants in June 2001. During the workshop the participants generated suggestions for further analysis. In addition, the Research Team later submitted a list of 15 questions and sub-questions for further analysis and development of the report. This report contains the results of the study.

### 1.2 The Interviews

The stated objective of the study is: "to collect and analyze stories and information of PEI women who have experienced abuse at the hands of their partners, with a view to understanding where the services offered to victims of abuse have helped or hindered. Particular attention is paid, but not limited to the Legal System on PEI."

The women who were interviewed were recruited by Transition House Association (THA) staff from clients and former clients. A former counsellor with THA conducted the face-to-face interviews, which were audiotaped and later transcribed. Members of the Research Team guided the research. They developed the interview guide, consent form, demographics questionnaire and checklist of 61 agencies that offer services for women who have experienced abuse.

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<sup>1</sup> In total, 22 women were interviewed for the study. Because one woman's experience related to child abuse and not to abuse at the hands of a partner, however, the transcript was omitted from analysis.

The interview guide focused on four main topics:

- 1.4 Background information on relationship and violence experienced;
- 1.5 Experience with Prince Edward Island Justice System;
- 1.6 Barriers to leaving; and
- 1.7 Evaluation of current justice system.

The demographics questionnaire collected the following information on the victims and the abusers: age; education level; employment status; income level; cultural or ethnic background; religion; type of relationship; duration of relationship. The questionnaire also collected information on the number, age and gender of children living in the home; the languages spoken in the home; and any long-term physical conditions, mental conditions, health problems or limitations of the victims.

The interview transcripts were analyzed by content analysis using priori codes that were developed from a thorough review of the transcript data. For the preparation of the draft report (June 2001), the transcripts were coded by two researchers to ensure inter-rater reliability.

### **1.3 Study Limitations**

The limitations of the study are as follows:

- 1.8 The major limitation of the study is that the interviews collected information about woman abuse that may have happened up to 10 years prior to the interview. In most cases, this information was not dated. Therefore, because the description of system response relates to incidents that could have occurred anytime between 1988 and 1998, it should be viewed with caution.
- 1.9 Another limitation of the study is that several respondents experienced abuse and accessed services in other provinces. Information on services that were cited as being provided in another province was omitted from analysis. In some instances, however, it was not clear from the transcripts where the service was accessed.
- 1.10 One major limitation of the interviews is the relatively small number of participants. For this reason, the experiences and views of the women interviewed for the study should not be considered representative of all victims of woman abuse in the province. Similarly, because the participants were selected from clients and former clients of THA, they are not necessarily representative of victims who did not access services and support.
- 1.11 A second limitation of the interviews is the possibility of a self-selection bias. The pool of potential participants was selected from clients and former clients of THA. Women who were interviewed, however, self-selected into the study.

- 1.12 The major limitation of data analysis is that the topics, amount, and level of detail of the information contained in the transcripts varied considerably. Because the interviews followed an open format, the women shared whatever information or insights they wanted with respect to the abuse and system response. Therefore, analyzing the data was extremely difficult and time consuming due to the fact that an interview guide was not followed.
- 1.13 Another limitation to data analysis is that the interviewer's questions, probes and responses were often missing from the transcripts. This made analysis challenging due to not knowing whether information was spontaneous or responsive to a question or "probe" on the part of the interviewer.
- 1.14 A third limitation to analysis related to unclear or missing information in the transcripts, which was due to the poor quality of the audiotapes.

#### **1.4 This Report**

This report presents a historical overview of woman abuse and system response in Prince Edward Island during 1989 through 1999. It summarizes the stories, experiences and views of 21 victims of woman abuse who were interviewed during 1999. It provides a useful benchmark for further studies on woman abuse.

All information in this report, with the exception of Section 11, comes directly from the women who were interviewed for the study. Because the report is intended to tell their stories, it includes direct quotations from the women interviewed, which are presented in italics and quotation marks. Any identifying information in the report has been changed or deleted to protect the identity of the women and to ensure confidentiality. Because the women interviewed in this study were invited to tell their stories in whatever manner or sequence was most comfortable or acceptable to them, the report provides little quantitative information on either the abuse or system response to it.

Section 2.0 of this report presents information on the 21 victims interviewed and the abusers. Section 3.0 describes the abuse and cites predictors of abuse. Section 4 documents the effects of abuse on the women and their children and Section 5 describes the process the women went through to end the abusive relationship. Sections 6 through 8 present the women's views of system and community response, and Section 9 summarizes their suggestions for improving system response to woman abuse. Section 10 presents a summary of the findings.

## **2.0 PROFILE OF VICTIMS AND THEIR ABUSERS**

### **2.1 Demographic Information**

Appendix A presents demographic information on the women interviewed for this study and their abusive partners. Compared to the abusers, the majority of women were younger, better educated and had lower employment rates and income levels.

At the time of the interviews, almost three-quarters of the women were between the ages of 26 and 45, while the remainder were over 45. Nineteen women had been married to their abusive partner, one woman had lived common-law and one had never lived with her boyfriend. The average length of time the women had lived with the abusers was 15 years. At the time of the interview, 20 women were no longer with the abusive partners and one woman was reconciled with no further abuse.

When they were in the process of ending the abusive relationship, almost half (48%) of the women were not employed. Eleven (52%) of the women had a personal yearly income of less than \$15,000. More than a third of the women (36%) reported having long-term health or physical problems.

Of the 21 women interviewed, 19 had children with the abusive partner (of whom 16 had children under age 18 at the time of separation). At separation, the women had 53 children in total, of whom almost three-quarters (74%) were under age 18 at separation.

### **2.2 The Victims**

No clear picture of a "typical victim" exists as a result of the interviews in this study – possibly because there may be no such thing as a typical victim. Although not asked specifically about childhood abuse during the interview, three of the women recalled being abused as children – either physically or sexually, or both. One woman recalled:

*“I came from a very abusive home. My father was a violent alcoholic and we lived in poverty. We were evicted from places and there was a lot of physical abuse in our house and I had experienced sexual abuse as a child.”*

Otherwise, the interviews do not reveal common factors in the women's backgrounds. Several women reported having low self-esteem, and blaming themselves for the abuse to which they were subjected. However, it is unclear in some instances whether their lack of self-esteem was a cause or an effect of finding themselves with abusive partners – or whether this factor was related to the abuse at all.

Several women reported having suffered from a lack of self-confidence all their lives. One woman explained, *“I had no boundaries all of my life, none. Everybody basically walked all over me.”* In at least one case, it appears that the abusive relationship apparently exacerbated the victim's lack of self-confidence:

*“I didn’t feel very good about myself, very shy and kind of backwards in some ways...I met this man ...and he seemed to have lots of confidence and everything, and that attracted me because I have none...We came to a farm – I knew nothing about farming...and I was coming from the city and couldn’t do anything, and on top of that I felt I must be a poor wife because my husband didn’t want me sexually.”*

Often the women blamed themselves for the trouble in the relationship, and their partners were only too happy to let them take the blame. *“I was basically apologizing for everything,”* one woman recalled. *“I wasn’t nice-enough looking, I was too fat, I didn’t cook like he wanted. I didn’t do anything like he wanted.”*

Some women reported years of being denigrated by their partners. In several cases, the abusers accused the women of being "crazy" or simply "mentally unstable." One woman, who said she tried desperately to keep her house spotless, was accused of being "a slob." Another victim was told by her husband that she smelled bad. Several women spoke of being publicly humiliated by their partners.

Some of the women were kept under such extreme control by the abusers, they were afraid to talk on the phone, visit friends or shop. Several spoke of being isolated from friends and family. One woman recalled: *“He would put my friends down by saying, ‘Why do you hang around with her, she smokes cigarettes?’ and all that stuff. So I wasn’t able to have friends and I wasn’t able to write to friends or do anything.”*

Others, although they were not isolated from their family, did not feel supported by them, especially when the man hid his abusive behaviour from the outside world. *“My family didn’t support me, I mean, didn’t support me whatsoever. They loved me and wanted the best for me but they didn’t see what I see, didn’t experience what I experienced. That’s the thing that people don’t understand, I think – that the man behind closed doors can be totally different, because mine was,”* one said.

Another who recognized a pattern of abuse in her life, vowed to break free:

*“I do not ever want to be a woman who has to go through that again. I have seen too many women who were in Anderson House for their third relationship. It seems to be one of the pitfalls of the whole thing – that you were marked somehow. I think what I realized too was that every relationship I ever had, had been abusive.”*

## 2.3 The Abusers

Although no clear picture of a “typical victim” exists as a result of the interviews in this study, a clear picture of a “typical abuser” does. One common factor was the degree to which the partner tried to control almost every aspect of the woman’s life. One woman explained:

*“I was pregnant for my first child...I was at a point where I felt I had to ask my husband’s permission to do anything. If I turned on the radio he would come along and change the channel or turn it off; if I would sing he would turn on the radio; if I was watching television he would turn it off; at night he would put his arms around me... wouldn’t let me go, even to go to the bathroom he wouldn’t let me up.”*

Others recalled how their partners exercised control by trying to convince them they were crazy:

*“I’d never doubt anything he said to me, never. Because he used to try to make me believe that I was crazy. He’d often say things like, ‘What would you do if you lose your mind?’ So I began to doubt my mind quite a bit.”*

Several women said the abusers’ control and manipulative behaviour even included the children:

*“He used to sit home for hours trying to brainwash the older one [child], go on and on, until [child] believed what he was saying and that’s the sad part – he was only four or five...At the end my oldest fella was saying I was beating him and I wasn’t. Saying I was sexually abusing him...”*

Lying was a frequently cited method of control used by the abusers, according to the women interviewed. In fact, most of the women said their partners’ actions seldom matched their words:

*“He always professed his love for the kids, not that he would interact with them or keep them safe or anything. But I always listened to what he said; not what he did.”*

When it suited them, some of the abusers apparently could charm the world outside the home. Several women reported that their husbands had, in fact, taken up with other women while still married:

*“I found out later that during our marriage he had long-term relationships with several women...he could charm anyone...I have to acknowledge that he can manipulate any situation to his advantage...quite a clever manipulator.”*

One woman described how her partner even used the legal system to control her:

*“He was playing the victim, he abused me and then he got back at me...He knew a little more about the law than I did and he was first to act...he could control the situation and he wanted to use the court to do it.”*

A number of women said their partners appeared to have “split” or “Jekyll and Hyde” personalities. One woman, for example, described how convincingly her partner professed remorse after the abuse:

*“Every time he hurt me he’d say he was sorry and I believed him, because he looked like he was really saying the truth. And I realized later, it was kind of a Dr. Jekyll/Mr Hyde – two personalities. And when he was hurting me he looked like he was really intending to kill me and when he was saying he was sorry, he really, really looked like he was truly sorry.”*

Often the abusers presented one face to the outside world and another at home, the women explained. One said:

*"My husband was one of the most well-liked, happy-go-lucky, great guys going, until the door closed and he's in a bad mood, and it's just me and him. It's all going to be directed at me."*

In one case, the abuser’s personality change was more gradual, the victim said:

*“[My husband] is a real split personality. The guy that I married was a real nice, kind, loving man; and then as business pressures grew and different things unfolded in his life, the abuse came more frequently and the alcohol came again, and you could just see it step by step.”*

Most of the women agreed that their abusive partners had refused to accept responsibility for anything, including the abuse. They blamed the victim for the abuse, or justified the violence in some other way, or simply tried to minimize their violent behaviour. One abuser was quoted as saying: *“Well, I only hit you once!”*

Another victim recalled:

*During a session with the marriage counsellor [abuser] said, ‘I’m sorry, but I just didn’t think you’d fly off the chair like you did’ ... and he’s just not taking it as a bad thing – he was down-playing it, like it was just a push – that it’s [my] fault [that I] went flying that far. They’re amazing the way they can justify what they do.”*

One woman said the abuser not only blamed her for his troubles, but also blamed most other people he had contact with, including his co-workers:

*“We had to travel around. He never kept a job very long at all, only about six months and then he’d leave it. Leave before he got fired. And everybody else there was a fucking jerk, an asshole and all of this, and he would never take responsibility for anything himself. It was always somebody else’s problem.”*

Five women said their partners had been diagnosed with mental illnesses, including bipolar disorder or manic depression, schizophrenia, and nervous breakdown. One woman described what her life was like while in the relationship:

*“He had big problems – on lithium...When I got up in the mornings I didn’t know what I was going to face...If he was in good humour I was all right, but there were very few days that were like that. If he got up in a bad humour, I’d be scared.”*

One woman described how alcohol exacerbated her husband’s mental illness: *“When he did his second assault outside of the family...they needed two doctors to put him in Unit 9.”*

Almost all of the women described manipulative behaviour on the part of their partners. Even in the midst of violent acts, some of the abusers were skilled in presenting a calm, reasonable face to outsiders, especially to the police. One woman described the way her boyfriend made it appear to police as though she was the guilty one:

*“And what has he done when the police [arrive], one [police officer] being in here trying to calm me down or whatever...and the other outside. I’d be saying, ‘But he [abuser] doesn’t live here – he kicked in the door.’ And this is how he does it – he’d be outside telling the other cop that we live together, that ‘I don’t know what happened, she was drinking tonight and she went wingy.’ He’d have poured beer all over me...and the police would think I was drunk. These guys are masters at manipulating the police, master manipulators.”*

Another woman described an incident when her partner was stopped by the police. He tried to convince the police that she was the abusive one:

*“He was driving...No registration, no insurance, no nothing. And he convinced them – I can’t believe it – he convinced them that it was my vehicle and he was the poor fellow who was being abused by me. And so they showed up at my doorstep...They were going to take away my driver’s license and charge me for numerous offences...They both fell hook, line and sinker for him!”*

Another woman recalled how her husband had attempted to manipulate both the police and the judge:

*“I spent the first night in Anderson House. The RCMP had gone out and saw him and he was charging that I was mentally unstable...From there, our first court appearance, he was petitioning for visitation...wanting full custody, saying*

*because he was fearful that I would harm the children because of my bouts of mental instability.”*

During one violent episode, the abuser quickly changed his demeanor when his co-workers unexpectedly arrived on the scene, the woman said:

*“He was pretty scary looking...frothing at the mouth...screaming had his hands raised...then the fellows he worked with came to the door. He just rushed right by me and greeted them with a big smile and everything and said, ‘She’s a little out of control...she’s just exaggerating. You know how women are, ha ha ha!’”*

This same woman said that when she finally got a Restraining Order, her husband also requested one: *“He wanted a Restraining Order for me to stay away from him...so we had them jointly – which was ridiculous!”*

Several women described how their partners attempted to manipulate other service providers as well, including mediators, Victim Services staff, and lawyers. One woman said her abusive partner, *“was the first to press charges in the situation...because he knew I was leaving and he wanted to get the jump on it.”* Another said her abuser, *“was able to manipulate the whole system...he’s played the system and he knows the loopholes and so do the lawyers who represent him.”*

### **3.0 DESCRIPTION OF THE ABUSE**

#### **3.1 Nature of the Abuse**

The women interviewed for this study reported having been subjected to a wide range of abusive behaviour, including emotional (16 respondents), physical (13), sexual (8), threats (8), stalking (3), neglect (3), damage to property (3), violence toward children (2) and pets (1), as well as suicide threats on the part of the abuser (3).

Sixteen women said they had suffered emotional abuse, often in addition to the physical abuse. Emotional abuse often consisted of name-calling or other forms of denigration of the victim. One woman recalled:

*“He did everything to me, took everything away from me, he verbally abused me, blamed me, running me down in front of the kids, waking the kids up all hours of the night, screaming and yelling, waking me up, beating me up when I was pregnant...I couldn’t go out with people around him, he’d be running me down in front of them and making me feel bad. He had me believing that I was nobody, no good for nothing.”*

Another woman tried desperately, and unsuccessfully, to avoid being criticized by her husband:

*“He’d be having a bad day or for any reason and he comes home and [says the] supper’s not done properly and the place is a mess. Well, everything was totally spotless and he had a hard time finding anything wrong. He was wiping the tops of the cupboard doors and the tops of the doors and other things just to find anything wrong and say to me, ‘You know you’re a slob. Everybody should dust the tops of the cupboard doors. Don’t you know that?’”*

In some cases, the abuser used weapons to threaten the victim. One woman recalled:

*“I wasn’t allowed to put it [gun] away. Sometimes he would have a bullet for each one of us [victim and children] sitting beside it, like it was a symbol to me. I hated it all those years.”*

Another woman complained that the police refused to confiscate her husband’s guns until after she left: *“The only time they confiscated them was the last day that I left, and this one always gets me – this one makes me angry at the justice system. The RCMP officer said, ‘Well, it’s for [husband’s] protection that we confiscate the guns.’”*

One of the women described how her husband used the guns to instill fear in her:

*“He did what I felt was psychological abuse. He was playing with his guns – he had a lot of guns – testing them in front of me, and I was terrified...He threatened a lot of times that he was going to blow his own head off. I also felt that before he did that he would blow my head off.”*

In fact, three women said the abusers had used threats of suicide as a form of control over them.

Thirteen of the women described physical abuse, some of it severe enough to send the victims to hospital. One woman said her partner had, at various times, broken her nose and back, tied her to a chair and burned and cut her.

Another woman who had various bones broken by her abusive boyfriend, said that he was always careful when he broke into her apartment: *“He would never damage the property. He knew if he damaged the property [the police] would do something...”*

Two women recalled being physically abused when they were pregnant. One woman said: *“I remember driving in the car and we got in an argument and I got a backhander in the mouth. And always during the pregnancies was when I got it the worst.”* The other woman said she had been “beaten up” for three weeks when she was in the eighth month of her pregnancy.

One woman reported slightly more subtle forms of physical violence:

*"He was very careful not to strike me in obvious spots, even though he threatened to, or said he would like to, or would tell me how he's going to do it. I mostly got a backhander to the back of the head, or a push. I remember when he pushed me so hard from behind that the back of my neck was sore for days."*

Eight women said they had been sexually abused by their partners. One woman was forced to comply with his demands for sex because he threatened to wake the children up to watch if she did not do what he wanted.

The most common thread running through the reports of abuse was the degree of control that the abuser exercised over the victim. This control was maintained by a variety of means, including verbal abuse, isolation of the victim, and physical violence or threats of violence toward the victim, her children or her pets, as well as property damage. One woman recalled: *"There were times when he literally destroyed the house and I'd have to clean it up or he'd hurt the children."*

Several victims were kept in line through fears that the children were in danger. One woman explained:

*"He threatened if I left, if I went anywhere...and if he didn't know where I was, he'd take the children and put them somewhere and I wouldn't know where they were. So I was scared in every way and brainwashed so much that I didn't do anything or say anything. I just kept my mouth shut."*

Several women related incidents involving the children. One victim recalled:

*"When he saw that he did not have the power or the hold over my thoughts or actions and beliefs that he once did, he started turning away from being rude and obnoxious to me, to turning it to the children. And if I did not comply to something that he wished or wanted or demanded, he'd start screaming, yelling, raising his hands to the children, starting to terrify them at the ages of 4 and 5."*

One woman described psychological, as well as physical abuse of the children:

*"One of the effective ways he dealt with situations was, if I wouldn't behave he'd punish the children and the only way to stop that was for me to stand in front of his fists and take it. And if he couldn't control the children, he'd punch me. There were times that he would discipline the children, and his way of doing that was he would threaten to kill them and he would demonstrate on the pets as to how he would do that."*

One man goaded his wife by renting adult videos and allowing their small children to watch:

*"He was always watching either violent movies or just about pornography, so I*

*would get really angry. He'd be watching this and if the kids were sitting on his lap, he would say 'just cover your eyes.' I couldn't stand it."*

In many cases the victims were controlled through various forms of neglect – not having food or money to buy food, or being exhausted and not allowed to rest, or being sick and left alone. *"I remember I was so sick once I thought I was going to die and he just left me,"* one woman said. *"And I could have died with my three little babies there and nothing would have been done."*

One victim recalled not having enough to eat during her pregnancy:

*"When I was pregnant with my first child, we had very little food in the house...Mind you, he would sometimes take his men and go eat at the canteen and I wouldn't know."*

Other victims told of being systematically isolated from friends and family:

*"I wasn't allowed to have money, and I wasn't allowed to be on the phone, and I wasn't allowed to have friends, and I wasn't allowed to have transportation...Even when I went to get the groceries, he'd give me the money, but I had to give him the receipt and the change."*

Several victims described how the abuse had escalated over time: *"He got more possessive and he started telling me that I was lying, and then he started slapping, and then he started hitting, and then he started punching..."*

Many women explained that during the "honeymoon" stage of the cycle of violence, the abuser attempted to make amends. One woman, who had been hospitalized by her boyfriend said:

*"When I was in the hospital, he broke into my house, which he could always do anytime he wanted. And being Christmas, he put up the tree and decorated and did all the wonderful things. And apologized, said he was sorry."*

Five women described how the abuser followed and stalked them after they got away. Three women even moved to different provinces and changed their names to avoid being tracked down by the abuser. One victim, who was stalked by the abuser for several years after she left him, recalled being afraid to leave her home for groceries:

*"He had a real bad habit of standing on the front lawn in the middle of a Sunday afternoon, screeching how he was going to kill me and he was going to kill my son."*

One woman said she fled across Canada with her children and finally found refuge at Anderson House. However, because the abuser found them and threatened them whenever they left the shelter, they felt like prisoners there:

*"The kids would be walking to school, and he would pull off the road pretending he was going to hit them and they'd come home screaming, terrified. He'd follow me if I went to a store, he'd follow me and there was nothing the police could do...he'd park outside of Transition House and sit there and watch...The police said he was in a public place and breaking no law as long as he doesn't go onto the property or make contact."*

### **3.2 Predictors of Abuse**

Nineteen women described predictors of abuse early on in the relationship. Seven women said the abuser was controlling and possessive from the beginning. One woman explained:

*"When did it all start? I can sit back now and say it was very controlling, abusive, manipulative right at the beginning. He would come home, tension in the home would build, there would be, 'Where's my dinner? How come you haven't done this? How come you haven't done that?'...and from there it got worse and worse. I didn't know that then because I was living in it day to day...The abuse was really something that I didn't even know to the extent that I was involved in it, the definition of it was totally foreign to me."*

Another woman described how quickly the abuser gained control over her:

*"He introduced himself and then, just seemed to get closer and closer...and he got to be more and more concerned about what I was doing, how I was doing it, where I was doing it and all of this stuff...and things got more and more demanding and he got more and more possessive."*

Other victims recalled being stalked almost from the beginning of the relationship. One woman explained:

*"We never lived together and he was just stalking me basically. It got so bad very quickly that I stopped going out. Six months after we started dating he hit me for the first time...and I had to go into the hospital because I was haemorrhaging."*

Most of the women said the abusers appeared to be attracted to violence: four owned guns, three had a violent or volatile temper, two were professional boxers, and several had previous assault charges. Several women mentioned that the abusers seemed to enjoy watching violent and pornographic films.

Often the women suspected the abusers of lying to them. However, if confronted with an obvious lie, the women said, the abuser lied about the lying and then they were furious with the woman for not believing him.

Other women described the abusers as loners and “needy” individuals. One woman recalled how quickly the abuser had latched onto her when she was sympathetic toward him:

*“He had a hard time. He had no friends. He had no work and he was in debt and all of this stuff. And I’m a caring kind of person and I listened to him... He seemed to be very, very immature... We were only together a very short time and then he brought up the marriage idea.”*

This same woman was even warned about her future husband by his mother:

*“And it was a funny thing because even though it was the first time I met his mother, she said, ‘Why would you ever be involved with him? He’s a pain in the neck.’ Even on the wedding day she came and she gave me a hug and she said, ‘I wouldn’t blame you a minute if you left him.’ And I thought, isn’t that a weird thing to say? After we lived together I saw she was right – he got more demanding and he got more and more possessive.”*

### **3.3 Role of Alcohol in Abuse**

Alcohol abuse was a factor in many instances of family violence – but, according to the victims interviewed, it usually was the abusive partner who drank excessively. Seven of the women mentioned alcohol abuse by their partners and one, drug abuse.

One woman recalled the first time she contacted the police: *“My husband was really badly intoxicated and was pushing me around and I...was afraid he was really going to hurt me.”*

Another woman described weekly bouts of drinking and abuse:

*“He would go on right to the book – the honeymoon phase, then it got shorter and shorter, his fuse got shorter and shorter. Come Thursday night, the house would just fill with tension. The weekend was coming and he was going to go out and drink. So he was going to get something going...to have an excuse to say, ‘Well, we were fighting’ and leave. He would go out Saturday night and not come home until four or five o’clock in the morning and then the next day, stay downstairs, vomit all day...”*

Often the women said their partners denied either the extent of the drinking problem or that there was a problem. After a weekend of drinking and abuse, one woman asked her husband whether he planned to drink the following weekend. He replied, *“For God’s sake that was over a month ago. Are you going to just keep on hammering at that? You’ve gotta let things go.”*

Some of the women described the abusers as *“functioning drinkers.”* According to other women, however, the men were unable to function effectively, especially when alcohol abuse was combined with mental illness. One woman explained:

*“The alcohol was beyond. He didn’t get into the treatment centre and he still never ever got to issues of manic depression or manic schizophrenia – those never got addressed. He had fallen through the cracks and he was able to manipulate the whole system...some sort of mental problem plus alcohol and the two of them together really put my husband right out of control.”*

Another woman described one of many attempts to flee the abusive relationship with her children:

*“There was also one incident where I was trying to leave. He was being physically abusive. He was drunk...I was trying to leave with my children, remove them from the situation...he knocked me down.”*

After leaving her abusive alcoholic partner, one woman considered joining an Al-Anon, but then decided against it because she was determined to never again be in an abusive relationship:

*“What good is that going to do for me now? Because I’m not with an abuser and I don’t have to face having an alcoholic living with me... No, it’s not going to happen again. I’ve learned a lot in four and a half years and it will never happen again!”*

## **4.0 EFFECTS OF ABUSE**

### **4.1 Effects of Abuse on the Women**

When they were in the abusive relationship, the women recalled feeling fearful and depressed and having low self-esteem. One woman said she felt under siege constantly because of the abuse: *“I was at the point where I couldn’t even sleep in my own house more than two hours a night – if I was lucky – and depending on what was going on.”*

Several women said the abuse had undermined their self-esteem:

*“When I left university, I had enough know-how to make it in life, but I got beaten down, and you eventually become a shell of yourself and have very low self-esteem...you’re with this man who wants power and control.”*

In many cases the women said they were unable to function while in the relationship:

*“I had no memory anymore...I had gone to university, I was a nurse, but I couldn’t work, I could barely cope. I couldn’t clean the house. I couldn’t do anything...I just couldn’t. I just know that I felt like I wanted to die – I just wanted to be dead because it was too painful to live. I didn’t try to commit suicide, but I*

*was hoping for something to happen. Then the problems just got worse and I couldn't be any more afraid of him."*

After the abusive relationship ended, effects of the trauma often lingered for some time. One woman explained:

*"It's hard to be on my own after all these years. It's scary when you've had somebody tell you from the day married and for 22 years...what I can and can't do and where I can and can't go. And then all of a sudden I'm on my own...I have a hard time to make decisions because I was never allowed to make too many when I was home."*

For some of the women, the fear they felt in the relationship continued after they left. *"I still don't feel safe and I probably never will. He would have to be dead before I'd feel safe,"* one said. Another recalled:

*"It took me a month and a half after he was in jail before I could go to the store after dark. The first time I was walking home I was so proud of myself. Then this car comes down the street and it backfires and I hit the pavement – I thought I'd been shot. I ripped my face and my hands were all cut..."*

Even after the relationship ended, several women reported recurring nightmares about the violence they had suffered. One woman, who lived with an abusive husband for almost 40 years before he left, was still haunted by the past:

*"This place – a place of hell...and those memories of family life. I think about it sometimes in bed, having dreams. Get up in the morning, all shook up and no one to tell."*

Other women talked about having "flashbacks" after separating:

*"If there's a man – even if it's a friend or relative – and they quickly get off the chair – jump off of the chair, I'll just freeze... It's kind of like being in a war, a trauma – terrible flashbacks!"*

Despite having separated, one woman described how the abuser continued to harass her:

*"He's still in my life though, he still phones me. He's married; he has another child. If I start dating someone, they get threatened. It's sick – he's sick. Something in his mind tells him that I'm his, and that's the way it's going to be. We make these terrible choices in our lifetime. I made a real bad choice and sometimes the consequences go on forever."*

## 4.2 Effect of Abuse on the Children

Nineteen women interviewed for this study had children – 53 in total, of whom almost three-quarters were under age 18 when the relationship ended. The women explained how the abuse had affected the children. They described anger on the part of the children, as well as aggressive behaviour towards the mother and others, sleeping difficulties, difficulties with school, and increased illnesses.

In some cases, the women said their children started acting like the abusive partner after the separation. For example, one woman complained of physical abuse from her son and verbal abuse from her daughter. Another remarked: *“My daughter is like him. She’s 12 and she’s a power freak. If I say something, she gives me ‘the look’ and says I’m stupid.”*

And one woman was assaulted by her teenage son:

*“I’m actually seeing how the cycle of violence is perpetuated. It’s just the person who’s doing it is different. He’s his father’s son ...so it’s true how the abuser quite often comes from an abusive family.”*

One woman tried, unsuccessfully, to block visitation rights for her husband after their relationship ended:

*“He’s crazy as far as I’m concerned. He may never kill them [children], but at the same time, he’s brainwashing them, he’s killing their minds... My oldest child is running me down – he’s calling me stupid and calling me all this stuff, just like his father calls me.”*

Several women said their children needed counselling, which was not always available. One woman expressed her frustration with the justice system for not providing counselling services for children:

*“Right now I see a lot of anger. I see that in my youngest...so it’s important to resolve it and get help for them, but the thing is, when [counselling] is not ordered from the court, it gives them [children] the option to back out...And where can I go for support?”*

Another woman described her child’s difficulties at school:

*“My child is having a horrible time with school...kicked out of three schools...I remember him getting kicked off the school bus for doing things such as stabbing the bus driver with a plastic knife...in school he doesn’t want to learn and has been aggressive as well.”*

In some cases, the children acted out by breaking the law. One woman said: *“My child took*

*some stuff out of the \_\_\_\_\_. [Police] came to talk to him /her and he/she had to go to court...a hard kid to handle...and on probation."*

One woman described her children – who had also been terrorized by her husband – as “*pretty stressed out.*” She added:

*“They were doing well in school, but obviously they didn’t run and laugh and play and giggle and carry on. They were very quiet children and self-contained children. They suffered more illnesses than most children.”*

Another woman described her children as, “cranky, nervous and sick all the time.” Other women said the children had trouble sleeping at night and often had bad dreams.

## **5.0 ENDING THE ABUSIVE RELATIONSHIP**

### **5.1 Barriers**

What prevented the victims in this study from ending the relationship – or at least seeking help in some way? Many answers emerged. They included fear of retribution by the abuser, failure to recognize the abuse and denial of abuse, lack of knowledge about legal and other support systems for victims, lack of access to services, a reluctance to give up on the marriage and self-blame, pressure from family or clergy, a feeling of powerlessness, lack of confidence in the justice system, financial insecurity, and concern for the children.

The fear factor was present in a number of cases – with good reason. One woman, who had been repeatedly threatened, beaten and tortured by her former partner, said that even the police were afraid of him. And in most instances, the violence escalated when the women attempted to leave or get help.

Many women failed to recognize that they were being abused – or were in denial about the seriousness of their situation. One woman believed her injuries were not severe enough to qualify her for a room at Anderson House:

*“I thought abuse was broken bones. This is all you see on television... they end up in hospital, they have broken arms, broken limbs, black eyes. I had lots of bruises and stuff like that, but I didn’t have any broken bones... Now I can say it was very abusive right at the beginning, but I didn’t know that then because I was living in it day to day.”*

Several women explained that they had not recognized psychological abuse as a form of violence. “*I didn’t realize that mental and financial abuse were under the same category as physical abuse,*” one said.

One woman sought help through counselling but decided to quit after one session:

*"I guess that was part of my denial – I'd have to admit to myself that I was being abused at that time. I didn't want to burden anybody... even if that meant putting up with the arguments and the tension, pushing and shoving. That just meant to me that if I could stay there, at least I could have something..."*

Three women said they were not aware of services or the existence of Anderson House, which was why they did not seek help. One explained, *"I've led a sheltered life. I never realized there was a Transition House Association Outreach office here – a place to go."* Another complained that her social worker had not told her about services: *"I never got any information whatsoever. She never volunteered anything."*

Three women said they knew about services but were unable to access them. *"I think I would have left a lot earlier and went to Anderson House, but Charlottetown is a long way from this end of the Island,"* one woman said.

It was sometimes difficult to get help, one woman remarked, even with the knowledge of what was available:

*"They tell you in newspaper and television ads, 'If you need help you just call this number.' It's never that simple. The only easy thing I found was Victim Services and Anderson House, everything else was difficult. You hear, 'When you're in need of help, cry out.' Well I was crying and the legal system said, 'Press charges or get rid of him.' But it's not that easy."*

Several women kept trying to improve things in the relationship. They blamed themselves or felt responsible for the abuser's violent behaviour, and made a number of attempts to improve themselves.

One woman, living with a violent man who tried to persuade her she needed psychiatric help, finally made an appointment with a psychiatrist. *"And I thought, 'Well, by golly, you know, you're probably right. Anybody who's living in this much misery, there must be something wrong, so I should go to a psychiatrist and see how crazy I am!'"* [The psychiatrist, who also interviewed her husband, decided immediately that he should be committed to a mental institution.] The psychiatrist warned her about her husband: *"He is a very sick person. You better get away from him or you're going to end up dead."*

As the violence escalated, she decided that a "communication problem" might be to blame. *"I thought maybe if I could talk more clearly and if I could get my message across and he could hear what I was saying, then we could resolve this."*

The same woman sought help from several clergy and counsellors. Some of the counsellors reinforced her husband's view that *"if I would learn to be a better wife and a better person, we*

wouldn't have this problem." And one clergyman even quoted sections from the Bible that admonished women to "submit to the husband because he's the head of the household."

Other victims also sought help from the clergy, with mixed results. One woman, however, said she didn't approach the clergy in her church because, "I figured if they hadn't been through the same thing, they would not understand – they were priests."

Another woman recalled a childhood experience, which deterred her from seeking help from the clergy: "I was abused by my mother and father as a child. I never told anybody except a Catholic priest who told me to say five Hail Mary's and cut it out."

Some of the women had been under pressure from relatives to stay with their abusive husbands. One woman said: "I stayed in it for all the wrong reasons, I guess. I only know that now. I stayed in it for the kids and for my parents."

Another explained that she had never told anyone about the abuse and rarely mentioned her husband's drinking problem with anybody, "and any time I did bring it up with family members, it was, 'You're pregnant, don't rock the boat, he's a good provider'."

For several women, the pressure to keep the marriage together was self-imposed. One who was brought up in a Roman Catholic home, said her religious background made it difficult to leave her marriage. Another explained how she felt about leaving:

*"Like every other woman, I wanted it to work. I didn't get married and have a big wedding for it not to work. I put a lot of effort into it, or felt I did. First of all you don't get married to get divorced, that's the way I look at it...you're together and you have all these plans...and you feel you're nothing without a man. It took a long time to realize that you're stronger without him."*

Several women said they felt powerless to survive on their own. One woman explained: "I wasn't mature enough to get out there in the world on my own and think that a woman can do it on her own, which is how a lot of the husband's keep their wives under control."

One woman, a professional health-care worker, described the challenge of leaving after being in an abusive relationship for any length of time:

*"You can't think straight and you don't know what your options are...I didn't know there could be help because I talked to other women who weren't able to get any help, so I thought I couldn't get any...I didn't know what to do...I was totally beaten. If I would have heard it on the radio once in a while, I think I might have known, but it is hard to know... as far as pamphlets, you could have given me a million pamphlets and I couldn't read them, I couldn't think. I couldn't read that stuff – I could barely read the grocery labels at that point."*

And several women felt powerless against their partner's ability to manipulate the legal system. "He had a file at the police and he was also let off numerous times by friends of his that are police officers," one woman explained. "He would lose all his driving points and yet be able to negotiate it back...The police – yes, they did do their job, but no, the legal system wouldn't do theirs. When my husband first went before them, with 'x' number of charges on the table, plus a file 'yeah' thick, the judge...awarded him special privileges. That didn't do our family justice because [husband] had no road blocks and was of the mentality that he was above the law," And many women interviewed for the study said they did not seek help because they feared the legal system. "If I wasn't so intimidated by the system, I could have pressed charges against him earlier on in the relationship," one said.

Others were reluctant to contact the police due to previous negative experiences: "I had experience with the police and it was not a good experience...I felt very disturbed by it and it made me think twice about ever calling them again. I never did," one woman explained.

Financial insecurity was a major factor for some of the women. One woman recalled: "I didn't want everything to disintegrate because I had worked for a house and we had a business and the whole bit, and I didn't want to lose it." And women with children were often reluctant to uproot their children from their homes to live in Second Stage housing or at Anderson House.

And one woman said she remembered feeling guilty about leaving her abusive husband:

*"I felt selfish doing something like that for myself, I really did. I even prayed to God if I'm being selfish to forgive me, because it's just that I was very afraid of ending up murdered."*

## **5.2 Recognizing the Abuse**

Twelve women identified what had helped them recognize the abuse. Four women said their counsellor was helpful. One recalled:

*"I had two or three therapy sessions with [counsellor]...then I started to write it all out...I showed her what I had written and she said, 'this is abuse' and the minute she said it everything fell into place. I thought, she's absolutely right and that was a turning point for me. So from then on, I no longer blamed myself."*

Four women gradually came to recognize the extent of the abuse through Transition House Association:

*"The police...took me to Anderson House...when I was there, I was outraged at what had happened to the other women but I couldn't correlate it in my head with what had happened to me – it was like two different things. Anderson House to me was wonderful because it got me in touch and I started going to*

*counselling...what she did was everything I said to her, she would repeat it back exactly. When you start hearing what you're thinking coming out of someone else's mouth you know it's ridiculous over a period of time. That was probably what saved my life over the long run!"*

Two women reported being helped to recognize the abuse through Victim Services, another through a support group, and one through a workshop on family violence. One woman explained:

*"The first time I left I didn't know what was available out there. Through that family violence prevention workshop I learned about Anderson House and that you didn't have to have broken bones to qualify...I think a lot of people don't know this, we're ignorant of it...That workshop was the beginning of the rest of my life really...that was an eye opener for me."*

Several women said that friends or children had been helpful. "When my kids got older they saw all these things that I was going through and they said, 'You shouldn't put up with those things. You shouldn't have to!'" one woman recalled.

Another woman said she was helped to recognize the abuse through information from the Turning Point program that the abuser attended:

*"The first time he went to Turning Point they gave me a sheet of paper that had all of what constitutes violence – all the different kinds of violence – sexual, physical, verbal – all of it. The first time he went I had one check mark behind one of the things. The only thing that I recognized at that time that he had done was hit me. By the time he finished his second time at Turning Point, there were check marks beside all but two, and by the time the relationship was over there were check marks beside all of them."*

### **5.3 Deciding to End the Relationship**

For many of the victims interviewed, fear was the major catalyst in their decision to escape from abusive partners. Some women were afraid for themselves – afraid, in some cases, that their lives were in danger – and some were afraid for children in the family.

In some cases, the abuse had escalated to the point where the victim felt she had no choice but to leave. "When the problems got worse," one woman recalled, "then I couldn't be any more afraid of him...so I packed a few things."

One woman had gone to Anderson House twice but had returned to her husband before she finally left for good. The third time, she said she could see no reason for going back. "I was just so desperate to get away from that danger."

Several women were prompted to leave when their partner started abusing the children. One victim explained:

*“He was hurting me badly in every way – mentally, physically, sexually, he was hurting, bruises, and he started hitting my kids and he would yell at the kids and he would yell at me all the time... He started hitting our daughter – left a great big mark one time and then he started hitting her with a stick. So that’s when I went to Anderson House.”*

Another woman decided that she had to do something to protect her children. Her husband had threatened to leave and take the children with him, and he was starting to abuse them. *“I thought, ‘This has to stop, because I can either sit back and become a total vegetable or I can do something about it!’”*

And one woman recalled: *“When I called the police I didn’t know what would happen to me. But I couldn’t take it any more...No, I had to do something, especially when the lives of my little children were in danger.”*

Anderson House gave some women breathing space and, in some instances, the courage to leave. One woman spent the night at Anderson House on the advice of a counsellor. She felt so peaceful there, in contrast with how she felt at home, that she decided to make the break. *“That night I prayed, ‘God help me. I need to stay here longer. I love the peace. I love the quiet.’”* Her husband insisted on picking her up the next day. *“We didn’t even get to the store before he found something to yell at me about. It was on the way home, and it was like, ‘I remember, I remember, I don’t want to be here.’ And from that time on, I realized that I have to make a plan to escape and that I have to make it when I leave.”*

For some women, an expression of support from a counsellor or relative tipped the scales in favour of leaving the abusive relationship. One woman, married for over 20 years, said: *“The morning I did leave home with my daughter, she said, ‘Mom, for once do something for you,’ and her words got me through. So some days at Anderson House, I’d be down, and I’d think of her words.”*

#### **5.4 Interventions that Helped**

Twelve of the women interviewed for the study identified interventions or combinations of interventions that helped them end the abusive relationship. For six of the women, it was the help and support they received through Transition House Association. For four women, it was help from a relative or friend. One woman said she had not contacted the police until her sister urged her to:

*“He was very upset about something...I was scared. He had threatened my life,*

*threatened to burn the house. My sister was visiting from...and she didn't feel safe leaving me in that predicament unless I went to the RCMP...I think that was the first time that I went to the RCMP."*

For five of the women, it was police intervention that proved most helpful in leaving. One woman explained: *"The police actually influenced me to say, 'I don't have to live like this'."*

Two women said they found Victim Services helpful in making the break:

*"[Victim Services staff] had told me that I could phone Anderson House. I expressed to her at the time that I felt rather foolish and isn't that a spot for poverty seeking, beaten down women. She explained that it's a place where people can go until the situation cools off and just give everybody a moment to think of what their next move is going to be."*

Two women found their physician helpful in deciding to leave. One woman explained:

*"I noticed when I was sitting in the examining room...there was a flyer-type sign, 'If you are being abused, talk to me.' And I thought that it was there if I ever needed it. And I did – a couple of months later I needed to talk to [the doctor] and he was understanding ...he was supportive. He said, 'you know [abuser] is never going to change and maybe you're going to have to move'."*

In several cases, the women said a doctor or psychiatrist had tried to intervene in the past, but the woman either denied the abuse or refused the help – usually out of fear of retaliation by the abuser.

*"My doctor knew there was something going on, but I didn't tell him – I was too scared of my husband...[doctor] said later that...he knew there was something wrong and that it was bad...I was so scared in every way and brainwashed so much that I didn't do anything or say anything. I just kept my mouth shut."*

Other women received support and encouragement from East Prince Women's Information Centre (EPWIC). But for most of the women, it appears that a combination of interventions over time finally helped them end the relationship. One woman explained:

*"The morning I left I went to my doctor, first of all and he called EPWIC and she called Anderson House. It was just sort of a circle. I had always said, 'If I ever leave, I'd never come back.' The morning I left I knew I wasn't coming back...it was all the years of all the things that I couldn't put out of my mind. All the things that had happened between us – all the abuse. I didn't want to go through it anymore."*

Most of the women agreed that they would not have had the strength or courage to leave without

some assistance. One victim recalled:

*“I got a lot of help. I couldn’t have done it myself. If those resources were not there I couldn’t have done it. I would have just, I would probably still be with [partner]...slaving away and waiting on him hand and foot...and I would have survived somehow, but I wouldn’t have been happy.”*

## **5.5 Ending the Abuse**

Of the 21 women interviewed, 20 left the abusive relationship. The woman who stayed with her husband said their relationship improved dramatically after she called the police and had him charged:

*“When the police came, they told me that if I don’t do nothing, [husband] will do it again and I knew he would do it again...so I pressed charges...He went to jail and then to court...I find too he has changed, because he went to AA and seems better with himself now. Now we are together and things are better than before and I’ve changed a lot...I have a lot more confidence, and I’m not the same person I was. And I went for help, too. I went to Al-anon and I took a course and joined an organization for women...I feel a lot better with myself and I feel more happy with myself.... Now if I want to go somewhere, I go!”*

For the 20 women who ended the relationship, the process of ending the relationship was lengthy, difficult and often dangerous. And, as explained earlier in this report, before attempting to leave, most of the women tried desperately – and unsuccessfully – to make the relationship work. One woman recalled:

*“I did everything that I possibly could so I could walk away with no regrets. I did and I tried everything, cause I think if you leave the first time you’ll always be full of doubts, saying, ‘Maybe I should have done this or should have tried that!’”*

Several women described how, once they decided to leave, they carefully planned their escape. One victim explained:

*“From time to time I was able to sneak a few dollars and I ended up with about \$400 when I left...I decided that I would live at Anderson House. I took the children, two garbage bags full of clothes and jumped in the car and left.”*

In some instances the women hid clothing at a friend’s house prior to leaving or they made arrangements to stay with a friend. Others, however, did not involve anyone else because they considered it too dangerous for them. In fact, several victims said they had sought help from friends or relatives who declined out of fear of retaliation on the part of the abuser. *“I left and went to my sister’s house. She told me to go to Anderson House where they could help me more.*

*I don't blame her and her husband...it scared them...Later my husband went to their door and was threatening them to tell where I was,"* one said.

However, several women said they had gotten away, only to have the abuser track them down. Even after moving, hiding and changing her name, one woman said the abuser always found her and then stalked and terrorized her until she agreed to go back. She described what her situation felt like:

*"It's terrifying because you know that no matter where you go, you know that no matter what you do, you never stop looking over your shoulder...You don't make any friends because they're subject to the terrorism, and you know that you can't go home. You know that you have no family. That you really are alone...I've left so many homes so many times, sometimes not even without my glasses or purse – I just ran."*

Most of the women said they had sought help from the police. Although in many cases the police were helpful and supportive, some of the women cited incidents when they were not, particularly in the past. One woman, for example, recalled contacting the police in 1984 because her husband was drunk and violent. The police knew her husband and asked to speak to him. They then told the woman, *"Just settle down and if you want to call your lawyer in the morning you can do so."* When she replied that she may not be alive in the morning, they said, *'Oh you're going to be alive in the morning.'*

The woman said she never contacted the RCMP again for almost 10 years: *"There was many a time I should have called them, but I didn't because of what happened then,"* she said, *"But things have improved, thank God, because when I called them in 1993, they were good, they were responsive."* The police came immediately, she said, told her to *"grab some clothes and go"*, and even provided her with a police escort to Anderson House.

One woman said her husband decided to leave after she found the courage to contact the police:

*"He had a very violent temper and a very short fuse so most of the marriage I didn't oppose him...one night in particular he was very upset and he wouldn't allow me to leave. He would threaten me...eventually I'd escape and he'd chase me...I think that was the first time I went to the RCMP...After that we broke up and he moved out of the house."*

In one case, however, a prison sentence finally stopped the violence, the victim said. She described how the abuser had repeatedly breached Peace Bonds, broken into her home, stalked her, assaulted her, and threatened both her and her child, before a police officer finally agreed to lay charges:

*"The police officer had gone to school with him and knew him, knew his history, knew his pattern and knew he wasn't going to stop. The police said, 'Would you let me charge him?' and I said, 'Let you charge him? I've been begging to*

*charge him since this started'...It took a person who knew what it was like to be scared of him to have compassion on me, to charge him. I owe that man my life, I really do."*

As this same woman was leaving the courtroom after the abuser was sentenced, someone said to her: *"You must be terrified, because you know he's going to get out."* The woman replied: *"all he can do to me now is to kill me – he can't do anything else.' And long and ever before I recognized death was a hell of a lot better than living with that!"*

Three women said it was the abusive partner who left after finally accepting that the relationship was over. Regardless of who left or what the final motivating factor was, all of the women interviewed for this study succeeded in ending the abuse. For at least one woman, there was no specific motivating factor in her leaving:

*"My husband – he would slap me around, verbal abuse and controlling and I wasn't allowed to go anywhere without him knowing where I was at and stuff like that. It went on for 18 years, and then I woke up and I left!"*

Another woman said she left after she finally stopped blaming herself for the abuse:

*"I kind of came to the realization that his violence had nothing to do with me or anything that I did or didn't do, said or didn't say. It did have to do with me somewhat because I was there, even though it wasn't me necessarily – it could have been the dog. It was whoever was close and in the house. But when they get a person who they can beat down and keep down, then that's the person they go to beat down."*

## **5.6 After the Relationship Ended**

Most of the women who were interviewed for this study reported financial hardship as a result of ending the relationship. One woman described her situation after she left her husband:

*"I left with nothing and had to start all over again with nothing. I had no table, no chair, bed, I had no groceries and if it hadn't been for my parents who helped me, I don't know... This is my seventh move... If I could get this divorce over with, this settlement, I would be fine. I could pay my bills and make a life."*

In fact, most of the women said they had to get by on lower incomes, or financial assistance, or maintenance payments that were often slow to arrive – if ever. And in many cases, the women also faced huge legal bills. One woman remarked: *"I just don't even open the bill now, and by the time it comes along, I'm broke, I'm flat. People may say they're broke, but I can't even pay the paper boy."*

Several women said they had no income or financial support after leaving. Some were forced to seek financial assistance in order to survive. *“After I left him I was on welfare. It was terrible. Terribly degrading and embarrassing!”*, one woman said.

Another woman who found a job at minimum wage said she became one of the *“working poor”* after the relationship ended. And one single mother described her life after leaving her husband:

*“Eyes hanging out of your head – dead tired. That is how I feel. I work two jobs – 8:00 a.m. till 4:30 p.m. Monday to Friday. Come home, eat. And 5:30 p.m. to 10:30 p.m. out at the Mall two nights a week...and two kids with skating and dancing and this and that...”*

Other women tried – sometimes unsuccessfully – to get support or a settlement from their ex-spouse. One explained:

*“I had to get a lawyer to get support. I still don’t know where my groceries or money is coming from. And it’s difficult when you’re older. I can’t keep paying a lawyer... I’m at the point where I haven’t got a whole lot more left that I can put towards trying to get support dollars.”*

Several women said they left their homes and everything they owned. One woman complained that the abuser, *“managed to keep it all... ended up with mostly everything. In fact, he’s married again and living in the house that I basically built!”*

When they needed glasses, dental care or a prescription, many women said they found they were no longer covered by their former partner’s health insurance benefits. One woman said:

*“I got sick and found out that I was not covered by the insurance I thought I was covered by...It’s extremely difficult. Right now I need my eyes examined, probably new glasses and how can I handle that?”*

Most of the women said they were stressed due to financial difficulties they faced. One woman was admitted to hospital and when she went home, she recalled, *“sitting there in tears with the prescription that I could not afford for the antidepressants. So I didn’t buy them and was in a terrible state and ended up back in hospital.”*

After finally leaving an affluent lifestyle because of being abused, another victim said she was forced to go on “welfare” to survive. She recalled the first time she got sick and needed a prescription. Because she was on financial assistance, she had to go to the Provincial Pharmacy to have it filled. There, she said she felt publicly humiliated when, *“They call out your name in front of everybody. Not just your first name, your last name as well and you’re made to wait by the hour!”*

## 6.0 VICTIMS' VIEWS OF SYSTEM RESPONSE

This section of the report presents the women's views of how the formal legal system responded when they sought help. Section 6.1 presents their views of the legal system in general, and Section 6.2 summarizes their reaction to police response. Sections 6.3 through 6.7 summarize the women's views of Victim Services, orders and charges, court, legal aid, and the *Victims of Family Violence Act*.

### 6.1 The Legal System

The most consistent theme that emerged from the 21 interviews was the inconsistent – and often unsatisfactory – response by the justice system, with the exception of Victim Services.

Many women complained that the system supported the abusers and re-victimized the victims. One victim retorted, *“We feel that the fingers are pointing at us, like we did something wrong.”* Another woman said: *“I find that the justice system just isn't there for the victim – it's there for the accused...to prove that the accused didn't do it.”*

In fact, several women said they felt re-abused by the very system that should have aided and protected them. As described earlier in this report, this was sometimes a factor in the victims' reluctance to seek help. One woman explained:

*“They don't understand the tremendous amount of courage and the gathering of resources that it takes to get in there [court] and sit there and put up with more of that same behaviour, because that's exactly what it is – the way the justice, the adversarial justice system totally favours the man. Totally, totally favours him! ...Our justice system is not just pro-men, it's anti-women!”*

One reason why the system failed them, according to the women, was because its representatives seemed to lack empathy and compassion for victims. One well-educated woman explained:

*“I feel the legal system has let me down, but I'm sure it's let other people down. What does the person with a Grade 10 education do? They're living on a shoestring of a budget. Where does that person go? Where do I go? ...Some of these lawyers need to walk in somebody else's shoes – even a mile. But I think if they walked in my shoes – with some of my incidents – they wouldn't have lasted a mile!”*

In some cases the justice system failed because its representatives themselves feared retaliation from the abuser, the women said. One woman, who had endured severe abuse at the hands of an extremely violent partner, described one experience in court:

*“[Partner] was still breaching the court orders and of course each time he did this, the judge had to come down a little harder on him and as a result he verbally threatened the judge, he verbally threatened my lawyer, our property appraisers, he threatened one of the Sheriffs...I asked my lawyer why he or the judge or the Sheriff or the appraisers didn’t lay charges against [abuser] and he said, ‘Well, they all had families, but you can lay charges if you want to.’ So this is a time when I was starting to feel the justice system was really failing me. There were too many incidents like that...I felt they were letting get him away with murder almost.”*

The fear of retaliation was apparently justified in some cases. *“I wouldn’t dare involve anybody down here as long as he is out of jail,”* one woman said. *“He was really crazy when he drank. And I don’t think it was fair to put anybody else at risk, because he did go after the girl whose husband was a police officer, saying that he caused all of this.”*

One woman described how the system had failed her friend:

*“She was found murdered...That was a really bad, bad abuse situation. As far as I know, the system failed her. They weren’t there for her. What didn’t happen? With the Peace Bonds, her husband said, ‘It’s just a piece of paper.’ She went to Anderson House in Charlottetown and they were a big help to her. After that she went to Second Stage Housing. While she was there he phoned up Social Services asking how he could find her. He was told, ‘All you have to think about is how many public schools in the entire Island and phone every one of them.’ And eventually he found her... And it’s the way the judge went about it too, saying that if she left then the kids would have to be taken away from her...And Financial Assistance – they weren’t there for her. From what I understand they always gave her a hard time, even to where she was living. The house that she was made to live in – it should have stayed vacant. They never helped her look for a place or anything. There were a few times she got cut off welfare. I don’t know why. The whole system I know was not there for her...I guess I don’t really understand the system, but during the trial, [the abuser] and his lawyer...they’d sit and laugh in the court room...and the judge didn’t say nothing...if he had said, ‘Here, here, this is serious business, show some respect’ or something. But he didn’t.”*

One Aboriginal woman, who was interviewed for the study complained that the justice system did not respect her culture: *“The system needs improving. Aboriginal women are going to court and not understanding. Somebody says, ‘do this,’ and they do it and then they’re really badly served because it’s not always in their best interest...Aboriginal women think that once that charge is there, it’s done – he goes to jail and they can go on with their lives. But they can’t.”*

## 6.2 Police

Twelve of the women described incidents during 1989 through 1999 when they had contacted the police for help. Their descriptions of police response varied considerably. It should be noted, however, that these incidents were rarely dated in the transcripts.

For six of the women, their experiences with the police were mostly positive. They described the police as helpful, wonderful, supportive, respectful and prompt. One woman explained:

*"City police were great and the RCMP were wonderful. I felt I was treated with respect, and I felt believed in what I said. I said I need to get away from this house and I need to go to Anderson House right away, and they came right away."*

For six women, however, their experiences with police were not positive. These women described the police as unsupportive, not helpful, and unsympathetic. In some cases, the police failed to empathize with or support the victims, the women said. One woman explained:

*"I definitely believe they don't know at all what it's like to be abused, re-abused or re-victimized. The police are there to catch the criminals. I just don't believe that they're out there for us at all...They're not there for the victims. I felt unsupported. I felt like [police] didn't believe me right from the start."*

Another woman said the police seemed reluctant to help her and her children:

*"You could tell by their questions and absurd statements like, 'You don't know how hard it is to go in and rescue the family.' Really! Is it hard if they're stealing cars or dealing drugs? I don't think so! But if they're just punching out mommy or the kids, [police] don't want to do it. That's absurd!"*

After her husband failed to return the children after a visit, one woman recalled the reaction of the police when she contacted them:

*"Their manner was, they couldn't care less. When I first walked in and said that I wanted to report two missing children, there was a bit of action. Once they realized that this was custody, all of a sudden the disinterest came in ... All of a sudden it's, 'Oh, it's not a big deal, the kids aren't really missing.' But they could have been on a plane bound for who knows where!"*

Another woman complained that the police did not appear to take her calls seriously: *"[Police] would sometimes put me on hold or say, 'Well, what exactly did he say?' I couldn't get any help because it would take them too long to get all the information down."*

The same woman described what happened when she took her husband's illegal gun – the gun he

had terrorized her with – to the police: *“The officer accused me of trying to blame my husband of owning the gun. He said, ‘How do I know this is not your gun and you are trying to put it off on your husband?’ I couldn’t believe it...I felt like I was the criminal!”*

Several women, however, said that police response had improved after a murder. One woman, who said the police had not acted earlier despite numerous brutal assaults, explained:

*“It spooked the [police] down here because the pattern was similar. There was definitely a pattern. They saw it and it terrified them. After she was shot, they really kicked in for me. Every time [partner] showed up at the house, they’d pick him up and charge him. We went to Court...and he was thinking I’d back down I guess, but by the time they were finished he had 13 charges of assault and uttering threats.”*

Another woman said the abuser was charged and incarcerated after a woman was killed by her partner. She said the police had not acted sooner to stop the violence in her case because they were afraid of him:

*“I think if [police] had done something sooner it would have stopped. If they had charged him and taken him to jail I would have been free. I would have had a breathing space. But I couldn’t even keep him out of my house long enough to get my head together. In fact, I’d go to sleep and wake up in the middle of the night with him standing there with a knife at my throat. And every time the cops came, he got worse, he got more arrogant... They [police] were scared of him, but they left me with him.”*

Most of the women interviewed for this study said they had been abused for many years before the relationship finally ended. Several women, who compared recent experiences with the police with those in the past, said that police response had improved considerably over time. One woman recalled two separate incidents involving the police:

*“He’d [abuser] follow me and there was nothing the police could do...They said they couldn’t help me – this was nine years ago. There was a Peace Bond on him at that point in time, and he’d park outside of Anderson House and sit there and watch...Later on, police were supportive. They went and located him and talked to him and they increased patrols around the house and gave me a person to call if anything should happen again.”*

In fact, several women said they were reluctant to contact the police because of unsatisfactory response in the past. One woman recalled:

*“I did go to the police to press assault charges in regards to the repeated incidents of sexual assault. They did not take my statement. They did not do an interview...The officer phoned back and said that the Crown attorney explained*

*that they could not get a positive conviction, so they wouldn't even bother looking into it."*

Other women said they were reluctant to contact the police due to fear of retaliation from the abusers or fear of public exposure. *"I thought it would come out in court if I went to the police and my history would be in the community"* one said.

### **6.3 Victim Services**

Eleven women (50%) reported contact with Victim Services and all of them praised the staff and the support they received. *"She [Victim Services staff] gave me information when I needed it. She referred me to wherever she thought I needed to go. She would support me and even go to court if I asked her to"*, one woman said.

The women described Victim Services staff as helpful, informative, understanding and supportive. *"The woman was wonderful,"* one victim said, *"She was understanding and she did a lot to help me. She made me feel right at ease, and even her receptionist was wonderful."*

Another woman described her experience with Victim Services: *"The worker called me and she came to my place and I told her my story...she was very good. She supported me and she encouraged me. She suggested I go to a support group because I felt alone, since I didn't have my family here."*

### **6.4 Orders and Charges**

Several women recalled having requested an order, which was denied. One common complaint among these women was not understanding why the order was denied. One woman explained: *"I was denied a Restraining Order. There was no reason given to my knowledge. We asked for it and the judge decided it was unnecessary, and that was that!"*

Of the six women who obtained a Peace Bond/Recognizance or Restraining Order, five said the order was not helpful in protecting them from further abuse. One woman complained that even with a Restraining Order the abuser was, *"stalking me and showing up everywhere."* And she could not get an extension, she said, *"because there has to be another reason to give one...to have a knife in my back and it had to be witnessed."*

Another woman said her boyfriend breached the order by visiting her in the hospital. Although she told hospital staff about the order and even showed it to them, they refused to remove him. Because of this, *"The Peace Bond was invalid – that I had violated it and the police wouldn't do anything when he started showing up at my door,"* she said.

To be effective, several women said, orders have to be enforced. One victim explained, *"Peace*

*Bonds and Restraining Orders are only as good as the cop that comes to enforce them.” And when abusers breach orders, another admonished, “Don’t give them a second chance. If they break it, put them away. I’ve been told from an abuser what those Peace Bonds mean – they mean nothing, nothing!”*

Others complained about the expense of obtaining an order: “[Abuser] was breaching court orders left and right and every time he did, I’d have to get a new court order and it was costing more money.”

In one case, obtaining an order was helpful for the victim, and she explained why:

*“The police were very supportive, explained to me what rights I have...when [abuser] went to court the officer came by and told me what was said. He actually even told me when he served the papers, what the reaction was and that helped me.”*

Four of the women who were interviewed for the study said their cases involved charges. In three cases, charging the abuser succeeded in stopping the violence. One woman said, “*He went to jail...and he went to court...he pleaded guilty and he had one year of probation...If I had to do it again, I would!*”

In one case, however, charges were not effective because they were dropped, the woman explained: “*He got off...They said there wasn’t enough evidence of assault because I never went to the doctor – I was too scared. I never had any documentation, so he got nothing. And he was laughing. He got away with it and he’s still stalking me!*”

## **6.5 Court**

Of the 21 women interviewed, several said they did not pursue help through the court system because they feared facing their abuser in court, or they feared retaliation on the part of the abuser, or they simply could not afford the cost.

One victim, who was threatened with a baseball bat by her estranged husband, wanted him charged with assault and wanted a restraining order. However, she reconsidered due to possible consequences: “*I feared at that time that if I went to court it would anger him further. If I took him to court and won, it would keep him away. But if I didn’t win, then I had double the anger.*”

Thirteen women, however, did go to court, and they recalled their experiences. For three of the women, the experience in court was largely positive. “*I think [judge] was being fair,*” one victim said. “*He/she wanted more information to make sure it was a fair settlement.*”

Another woman, whose case involved child abuse, praised the judge:

*“I can honestly say that the judge was wonderful. I would say he/she is for the women...for the kids and the women that are being abused. And you know, if I ever had to go to a judge over my situation, I would want him/her.”*

One woman, who went before two different judges, contrasted the two experiences: *“It was a nightmare before Justice \_\_\_\_\_. It was terrible. I felt pushed, I felt pressured, I felt belittled, not just by him/her but also by the counsel. The difference is day and night from Justice \_\_\_\_\_ to Justice \_\_\_\_\_. I didn’t feel hurried, pressured to do this. I felt like he/she was actually paying attention...he/she wasn’t impatient.”*

For nine of the women, the experience in court was largely negative. Two women reported feeling intimidated, or not listened to, or discredited by the judge. Others said they felt disrespected, or felt the judge had no empathy for victims. Several women complained that the court system was not “user-friendly” and others said it was difficult to obtain a court date.

The most common thread running through the reports of going to court was the difficulty of standing up and fighting for themselves and their rights. One woman explained:

*“When it comes to abusive relationships, [victims] have no self-esteem. You have no real initiative to stand up against the legal system. You can’t stand up as just an ordinary person, so I backed down. [Husband’s] lawyer would bark at me and I backed down. It was terrible.”*

In most cases, the women who went to court said they felt re-victimized by the process. One woman exclaimed:

*“[Victims] go through all the pain and torture of the court system – the criminal or the family – which is just as hard, it’s just like abuse. It’s unimaginable how much court is like an abusive relationship – it’s unbelievable!”*

Another victim vowed she would *“never do anything illegal in my life because I’ll never go before a criminal court, let alone this again...I couldn’t stand that kind of scrutiny.”* The same woman said she had been forced by the judge to talk to her partner on the telephone during a settlement conference in the judge’s office:

*“[Judges] shouldn’t be so intimidating. I felt very intimidated...and after the procedure he handed me the phone and literally forced me to speak to my husband, after a very emotional situation, and I do not feel that was appropriate.”*

One woman contrasted her experience at Anderson House with that in court:

*“With Anderson House...your concerns are taken legitimately. But then when you go into the court and to the police – then you feel like your sanity is being questioned. You feel any confidence that was built up by these other people [at*

*Anderson House] is being slowly torn down by the people who you feel are supposed to protect you...I felt demoralized, just like someone put the boots to me right on the floor. I felt very intimidated by the court system... And I just felt torn down by the judge and not by [partner's] lawyer. When push came to shove, I just felt like I got the shit knocked out of me by the judge...When in doubt do nothing, because if you get into this, you're just going to walk into a nightmare because the legal system is just a nightmare..."*

Another woman, who represented herself in court because she could not afford legal representation, described what that was like for her:

*"It was totally, totally unfair...I felt re-abused. I thought that when we got to court that justice would be done. I couldn't believe it. I had rights...but you can't access them. You have a right to call witnesses, but you have to pay for it. You have a right to serve papers, but you have to pay. Everything involves money. It's a total, total disadvantage...Without a legal background or knowledge or legal representation, you don't know that you have these rights or what to ask for...Nobody should have to go without a lawyer. It should be made accessible. [Husband] has money and he has assets. A criminal can have legal counsel and I can't. If I had committed a crime, that's fine – I could get help, but there's no help for law-abiding citizens."*

## **6.6 Legal Aid**

As described in Section 2.1 of this report, when the abusive relationships ended, the victims often found themselves in desperate financial circumstances. Because many women could not afford a lawyer to help with obtaining support, or maintenance, or a settlement, 12 women said they considered applying for legal aid. When they inquired about applying, however, five women were told they would not qualify. In some cases, this meant they could not afford to pursue a settlement or maintenance or support.

One woman explained:

*"I don't qualify for legal aid because I work – even though it is casual...So I'm at a standstill...I've got to pay out to get it [settlement] or I could choose to forget it...and that's what I've done – I've chosen to forget it."*

Of the seven women who applied for legal aid, two said they were denied. Neither understood why. "It was turned down," one said. "I don't know why it was denied...the system should be helping people in abusive situations who can't afford it...I really wish they had told me why...I was just assuming that the abuse wasn't bad enough or something."

Five women were accepted for legal aid. For three, the experience was largely positive. One

woman explained:

*“I went in to obtain a Legal Aid lawyer...I had taped one of [abuser’s] telephone calls a couple of years before...when I was gathering up stuff to take to the lawyer, I put the tape in. That night the lawyer listened to the tape and called the Crown Attorneys and police officers to listen to the tape and the next morning the abuser was in jail.”*

Two women, however, described more negative experiences with legal aid. One woman complained that the lawyer had said, *“Just give it away and give him whatever he wants.”* She followed his advice: *“I ended giving away everything and [lawyer] didn’t represent me at all and wasn’t very good.”*

Another woman contacted Legal Aid, *“to find out exactly who is eligible and how you apply.”* She complained that the person who answered the telephone was, *“very short, abrupt, almost rude.”*

Several women who were interviewed for the study expressed frustration with insufficient legal aid for victims of woman abuse. One woman said:

*“An awful lot of women end up in family court...and then you are hog tied, because there’s no access to legal aid, and if you’re dealing with a lawyer – the financial constraints – the financial pressures are incredible...Legal aid doesn’t exist, they’re failing in providing service.”*

Another victim wondered why legal aid was not available for victims of spousal abuse:

*“If you don’t have a lawyer on PEI, that’s too bad! The provincial government, do they think that women on PEI are smarter than the rest of the country? I don’t know why we don’t have what other provinces have. I can’t understand their reasoning. If the rest of the country feel women need legal aid, what makes PEI women so exceptional they don’t need it?”*

## **6.7 Victims of Family Violence Act**

Two women mentioned the *Victims of Family Violence Act* during the interview. One woman described it as, *“It’s hope, a ray of hope for a lot of women when there was no hope before. So often it’s just knowing that it’s there that is often a step for women, a little bit of support.”*

Another woman said her lawyer advised her of the legislation in 1997. However, she explained the circumstances that prevented its application in her case:

*“A snow storm hindered everything...to be enacted, you only have 24 hours and if*

*you don't jump through that time frame, you've missed it...that is probably the biggest shortcoming that I can see out of the whole system...the weather in my case – the snow storm...that's something that's beyond my control. I see by losing that time I'm still paying for it now."*

## **7.0 VICTIMS' VIEWS: OTHER GOVERNMENT SERVICES**

This chapter of the report presents the women's views of other government services, including: Financial Assistance; Maintenance Enforcement; Mediation; Child Protection; Addiction Services; as well as their experiences with visitation, access, and home studies.

### **7.1 Financial Assistance**

Twelve women reported receiving financial assistance after their relationship with the abuser ended. For two of the women, the experience was mostly positive. They praised the workers for being cooperative and informative. In addition, three women described the workers as helpful, although they complained that the money they received was insufficient for them to live on. One woman explained: *"They give me \$1000 a month to live on and my rent is \$605...There's three of us here in this house and I'm spending \$100 a month on groceries and the rest is on bills."*

In fact, most of the women who received financial assistance agreed that the amount they received was insufficient. *"Twenty-three dollars a month for you to buy clothes. What can you buy with \$23? It's a joke really. My child needs pants and coats and tops,"* one woman said.

Ten of the women who received financial assistance had mostly negative comments about their experiences. The most frequent complaint related to how they were treated by the workers. Several women described the workers as disrespectful, demeaning, uncaring, or simply not helpful. *"[Worker] made me feel awful. She made me feel so bad that every time I went into her office, I was crying when I came out...I just felt humiliated,"* one said. Another woman said she felt she was treated, *"as somebody who just wanted to be in the system because I didn't want to work, which was not the case."*

Several women who had received financial assistance said the workers seemed to lack empathy and compassion for recipients. One said:

*"Social Services doesn't care...they don't care how degrading it is for us because they don't have to go through it...Come to my house and have bologna or Kraft Dinner or whatever's in the house at the time. You live in my shoes for one day and then you tell me I can survive on what you're giving me!"*

Another frequent complaint was not being informed of what was available. For example, one

single mother was not told about being eligible for financial assistance while receiving employment insurance. She learned about this later from a friend:

*“I was working at a low wage of six bucks an hour and when I got my unemployment, I got \$120 a week...I didn’t know that I could have gone to welfare and had it topped up. So we were living on \$500 a month.”*

A number of women who had received financial assistance complained about the requirement to have all prescriptions filled at the Provincial Pharmacy. *“Everyone in the waiting room knew she was on welfare,”* one woman said. Others found it difficult and expensive to get to the pharmacy: *“You get there by taxi, pay \$6, pay another \$6 to come home. Nobody stops to consider that’s \$12 to get one prescription...it’s just not right,”* one said.

Several women compared being on financial assistance to being in an abusive relationship: *“I had to go on welfare. And that was one of the worst things I ever had to do in my life, one of the hardest things. I would rather starve to death!”*

One victim blamed the justice system for her reliance on financial assistance: *“All of this comes back to the justice system. Had they not failed me, I wouldn’t be in this position right now, because I would have a good job, a stable environment for my children and I wouldn’t be on assistance!”*

## **7.2 Maintenance Enforcement**

Four women described their experiences with Maintenance Enforcement. One woman found it effective: *“My lawyer contacted Maintenance Enforcement and they had [partner’s] wages garnished and have been ever since...they were very good.”*

Three women, however, complained that court orders were not enforced. *“Do I not have a court order that says ‘on or before the first of every month?’ So that’s just a joke! [Maintenance Enforcement] never rein anybody in unless they’re two years behind, so what are you going to do then? You never get paid!”*, one woman said.

## **7.3 Child Protection**

Six of the women interviewed for the study related their experiences with Child Protection. Three women described positive experiences and said the workers were excellent and supported. In one case, the woman felt supported in leaving the abusive relationship when the worker told her there was no turning back because, *“If I went back, they were taking my kids.”*

In another case, the woman praised the workers for helping her children: *“Child Protection were very, very good. They did not enforce visitation...They stood behind me and at one point when*

*things got really hairy in the summertime, they assisted me in getting the children right out of PEI for a month...They were there for the kids.”*

Three of the women, however, described mostly negative experiences with Child Protection. They complained that their reports of their ex-partners abusing the children were not taken seriously by the workers. One woman said, *“I’m viewed as the woman scorned and that I am just making all these false allegations up.”*

One woman described her interview with Child Protection as abusive. She said that the staff of THA, who had witnessed the interview, were outraged and offered to write a letter on her behalf.

#### **7.4 Visitation, Access Orders and Home Studies**

Sixteen women interviewed for the study had children under age 18 when they ended the abusive relationship. After the relationship ended, however, the women said the abuser often continued to exercise control over them through the children. And several women said their ex-partners continued to abuse – or threatened to abuse – the children. Some of the women feared for their children’s safety when in the father’s care due to his neglect or excessive drinking. Other women disliked or even feared having to face the abuser when he came to pick up the children.

Eleven women recounted unpleasant incidents involving visitation, access or home studies. The most frequent complaints related to visitation rights that abusers were granted, despite having abused the children in the past. One woman said:

*“I do not agree with that – he’s so abusive...he even told the kids he’d kill me...But the judge made it clear – no matter what happens, that it’s very important for the father to see the kids, even if it has to be supervised.”*

Two women complained that their children were forced to visit their father, despite their reluctance. One woman said:

*“[Partner] had custody of the children every second weekend, but they didn’t want to go with him...[The children] were crying and not wanting to go with their father. They were terrified without me there to protect them. And Child Protection knew who I was dealing with!”*

And one woman, who suspected her ex-partner of continuing to abuse the children during visits, reported her suspicions to the authorities. Although she reported meeting with a worker who also interviewed the children, she was never told the results of the inquiry.

In one case, the victim had left her husband before their child was born. Despite his unreliability regarding Sunday visits, *“sometimes he would be late or not show at all,”* she said the judge recommended overnight visits.

Several women said they wanted visitation to be either supervised or suspended due to their fears for the children's safety and well-being. In one case, the woman said her ex-husband had visitation rights even though he had physically abused both her and the children. And although she said she wanted no further contact with him, visitation gave him continued access to her home.

In another case, the woman said the abuser was granted supervised visitation after being sentenced to a year in jail and several years' probation for his abusive behaviour:

*"I had a great deal to thank the trial judge for, because visitation was covered in the probation order, he could not have unsupervised visitation with [child] without the supervision of a probation officer. These guys want custody, but I find it hard to believe that anyone could think that a man who beats his family should be raising children!"*

One woman said she requested supervised visitation because of her children's complaints that their father abused them and played a "game" that consisted of, *"pulling down their pants, pulling down their underpants at the same time, pinching their bare buttocks."* The same woman also expressed concern regarding his drinking, *"He does pass out when the children are supposed to be in his care,"* she said. And although she complained to the authorities and a home study was conducted, she was never told the result, and visitation continued.

Another woman said her child returned home, *"bruised and very sore"* after a weekend with the father. The following day the woman took the child to a doctor who contacted Child and Family Services. The woman said she was told by the worker that, *"they can't stop the kids from seeing their father and that it was my responsibility to protect the children from their father."*

One woman said her child was in a car accident while visiting the father who *"drank two pints on the way home and put the car in the ditch."* The woman complained to the social worker and asked, *"If my child had died in that car last night would my other child still be going with their father?"* She said the worker replied, *"Of course!"*

## **7.5   Addiction Services**

Two women cited experiences with Addiction Services. One woman said the workers helped her better understand alcohol and drug addictions. Another woman, however, said the addictions counsellor seemed to blame her for the abuse:

*"Addiction Services say to the victim exactly what [abuser] is saying to the victim: If you were this...If you weren't that...This wouldn't be happening. You're making him drink or you're making him violent.' – I don't think so!"*

## 8.0 VICTIMS' VIEWS: COMMUNITY AND HEALTH SERVICES

This chapter of the report presents the women's views of community and health services that they sought help from, which included: Transition House Association (THA); Rape and Sexual Assault Crisis Centre; Community Legal Information Association (CLIA); Lawyer Referral Service; Lawyers; Mediation; Women's Network; Clergy; Physicians; Hospitals; and Counsellors.

### 8.1 Transition House Association

Nineteen women reported seeking assistance through Transition House Association and its services (i.e., Anderson House, Outreach, support groups, Second Stage Housing). All of the women had positive comments about each of the services, as described below.

Seven women described their experiences with Transition House Association. They said staff were supportive, excellent, wonderful, helpful, understanding and informative. One said: *"Every emotion that I was feeling, even though I didn't understand it, everything was validated. It was sort of personal growth. A great experience!"*

In one case, the victim even credited the workers with saving her life:

*"Thank God for them...if it wasn't for some of them I wouldn't be here...they were really good. She [staff] didn't push me into talking about anything at the time. They were wonderful and supportive."*

The six women who mentioned Anderson House all had positive comments about the help they received there. They described the workers as helpful, welcoming, easy to talk to and supportive. *"I can't say enough about Anderson House,"* one woman said. *"I know that I could call there any time, or knock on their door any time, and I would be welcomed...If there was any way they could help me they would steer me in the proper direction to get the help I needed."*

Another woman praised the workers at Anderson House:

*"They were excellent. There's nothing more they could have done. They did everything they could; I know that. They gave me 110% support. They made me feel safe, to the point where some days I didn't even want to go out because I felt so good and safe inside."*

One woman who stayed at Anderson House several times, however, found it challenging to travel daily to her home community for work: *"I had to work and I was under enough stress and couldn't take any time off...I had to leave so early in the morning so I was tired."*

The six women who accessed Outreach Services described the workers as helpful, supportive,

informative, and encouraging. Five women recalled attending a THA support group, which they described as informative, helpful or interesting. One woman said that through the group she learned, *“that you can get out and get on your feet.”*

Another woman appreciated the help from other women in the support group:

*“I got exposed to these other women who were involved. With the camaraderie I felt less lonely. I felt like I wasn’t going to lose my mind...and some of the information – like if a brochure said that I may feel like I’m losing my mind – that was such a relief. But I guess at first I couldn’t even read the material. I was too distraught. After a while I could read it, but I had to be in that place – you may look capable and together, but you’re not...I continued to get help and work with [counsellor] and that was a wonderful experience...a great help.”*

Two women lived at Second Stage Housing and described it as pleasant and helpful, although one woman said that some of the residents would benefit from additional supports while living there.

## **8.2 Rape and Sexual Assault Crisis Centre**

Three women said they contacted the Rape and Sexual Assault Crisis Centre and had received counselling, which they described as wonderful and supportive. One woman, however, found it difficult to travel to attend a support group: *“They invited me to make the drive out to Charlottetown to join with the group, which is just impossible with working, trying to find child care. Financially I just can’t afford it – it takes gas and everything else. It’s very difficult.”*

## **8.3 Community Legal Information Association (CLIA)**

Four of the women said they contacted CLIA. They agreed that the service was excellent and described it as helpful, informative and wonderful. *“I found them very quick to respond, very informative. They are doing a good service.”* one woman said.

Another woman commented: *“I got lots of information from them. Actually I found that they were good, they gave me all the information I needed. They gave me the bundle of information, but the only problem is, they can’t give you any direction.”*

## **8.4 Lawyer Referral Service**

Several women said they contacted the Lawyer Referral Service for help in locating a lawyer. Most of them found the service helpful. *“It was of the utmost importance to me, because it gave me some ideas on who was good at this and who wasn’t,”* one said.

One woman, however, had a mixed reaction to the service: *“Sometimes it works, sometimes it doesn’t. They get lawyers who aren’t giving good advice or they get lawyers who just don’t have the knowledge because they haven’t experienced similar things. If they really luck out, they get lawyers who are at least compassionate...”*

## 8.5 Lawyers

Ten women described their experiences with lawyers. Four women said their lawyers were supportive, efficient, and respectful. Two women said their lawyers had not charged for their services. One woman said that, although her lawyer was “good”, he/she didn’t inform her of her options. She explained:

*“I didn’t have a clue to anything – paperwork or anything. You can’t think straight and you don’t know what your options are, so anything that’s dangled in front of you, you grab it because you need a lifeline...I didn’t know how to protect my kids. I was totally beaten. I was confused and distraught. And lawyers are scary – they don’t talk the same language we do.”*

Six women described experiences with lawyers that were largely negative. The most common complaint among these women related to legal fees, which they found excessive. One woman described how this affected her:

*“Every time I went to my lawyer’s office the dollar signs were ticking away in my head. I had nightmares. I didn’t sleep well. I had all kinds of problems thinking of all of it. Am I going to receive some settlement? Am I going to be able to pay my lawyer? Each month the bills got higher and higher.”*

Several women complained that, despite the mounting legal fees, little or nothing was accomplished by the lawyers. One woman, who said she paid over \$9,000 to her lawyer, remarked:

*“You wouldn’t mind spending the money if something positive was going to come from it, but you shouldn’t have to pay any more money for something that’s already been ordered by the courts. It’s worse than an irony; it’s a misuse! It’s far from justice!”*

Another woman said she had owned a business with her husband of 20 years. Because of the abuse, she fled the home and left with nothing. She described what happened when she went to three different lawyers to find out what she was entitled to regarding a settlement. The first lawyer told her she was not entitled to anything in the business. The second lawyer told her she was entitled to a share in the business, although nothing was settled after 17 months of negotiations and legal bills. She said:

*“I have this big bill and what did he do? He wrote letters and letters and phone calls... but I’m worse off than I ever was. He didn’t know nothing about the Family Law Act and I didn’t know any better.”*

The third lawyer told her she was entitled to half of what she had worked for over the years. Because of what she had already spent in legal fees, however, the woman said she could not afford to start legal proceedings again.

Another woman said she finally received a portion of the maintenance payments from her ex-husband that were long overdue. The lawyer, however, promptly demanded all of it in payment for legal fees, she said.

In one case, the woman said the lawyer, *“wanted to go for [partner’s] throat and I was really pushed...and I felt we were going to rip [partner] off.”* The same woman consulted a second lawyer who she described as, *“more reasonable, tough but fair.”*

In another case, the woman had two children and was unemployed. Because she was receiving financial assistance, she had to be represented by a lawyer from the Department of Health and Social Services. She complained that she *“wasn’t allowed to speak in my own defence.”* In addition, she said, *“My lawyer didn’t prepare – didn’t say what I wanted him/her to say. How do you raise two children on \$150 a month?”*

## **8.6 Mediation**

Five women interviewed for the study said they had gone to a mediator. In one case, the mediator handled the situation well and was fair, the woman said. In four cases, however, mediation did not work or “nothing came of it,” according to the women.

Two women were adamant about the inappropriateness of mediation in cases involving family violence or woman abuse. One woman retorted:

*“I do not believe the word mediator should ever, ever be used in any circumstances where family violence is involved! Because mediation implies two people on an equal footing, and that’s not remotely possible in cases where there’s been any kind of family violence.”*

Another woman echoed this view: *“That can be very dangerous! When it comes to this violence, mediation does not work; it cannot work!”* One woman had a mixed reaction to the one mediation session she attended:

*“The mediator let [abuser] spend the whole session on his ranting and raving...He felt that somebody listened to what he had to say. He was more content to have to go through the separation agreement and he didn’t give me a*

*hard time over that. That was a good thing that came out of mediation, as horrible as it was while doing it.”*

## **8.7 Women’s Network**

Two of the women praised the Women’s Network for the information and literature it provided. One woman described the staff as, *“very supportive, listening and clarifying ideas and reassuring me that I wasn’t mad.”*

## **8.8 The Clergy**

Eight women said they sought help from the clergy, with mixed results. Several women described the clergy as supportive, helpful, or understanding. One woman said that, although she and her family had felt *“abandoned by God”* because of the abuse, the clergy *“was there to make sure we were okay.”*

And in one case, the clergy was the primary support for the victim, she said:

*“I went to the priest after I came home from Anderson House and I went every week for two or three months until I was feeling better about myself and the whole situation. It was very helpful...He was really good, he was easy to talk to, and he called me a couple of times to see how I was getting along, and that helped. Sometimes you go to see somebody and then you never see them again or never hear from them, but just to know that he picked up the phone to see how I was doing, that made me feel good. He sort of pulled me through the first few months...was my main support – got me through my week. He did his job well...I know now that I can go and see him at anytime.”*

Three women, however, described negative experiences in seeking help from the clergy. One woman recalled being helped by a female clergy who was later replaced by a male after she preached a sermon against family violence. *“I do find quite often that the religious area is very male dominated...there’s a lot of males there running the churches,”* the woman said.

Another woman complained:

*“The churches are about 50 years behind the times here. They mouth off very nice, positive things about family violence, but when you see them in action, they’re pretty much believing that women are supposed to keep the home together, and if you don’t do that, God won’t like you anymore.”*

## 8.9 Physicians

Six women said they had sought help from family physicians. All except one found the experience helpful. They described their physician as understanding, sensitive, supportive and sympathetic. And in two cases, the physician referred them to a counsellor for help in dealing with the abusive situation. One woman, however, did not find her physician helpful: *“I went to the doctor and his attitude was, ‘You’re just somebody’s wife. You just go on home.’”*

## 8.10 Hospitals

One woman was hospitalized due to physical assault and described the experience as, *“more harassment. When you’re traumatized, if you’re in a major car accident or you’re in a war, nobody demands that you start disclosing all the details,”* she complained. She said that there was *“no acknowledgment of the deep shock that women have gone through.”*

The same woman said that victims of violence should not be treated any differently than any other victim: *“Nobody goes in and starts asking a car accident victim 20 minutes after the accident what happened... Can you imagine if somebody had gone through their 66th car accident this year, how they’d be treated? Well, that’s how they should treat women who are victims of violence!”*

Another woman reported spending time in Hillsborough Hospital, where she received little help, she said:

*“I found the time there was horrible. Basically all I did was sit and watch talk shows, like ‘Jerry Springer.’ Here you’re supposed to be healing yourself, and you’re watching garbage on television...I saw a psychiatrist maybe a total of an hour while I was there.”*

## 8.11 Mental Health Services

Twelve women visited a counsellor or psychiatrist for help in dealing with the abuse. Eight women described positive experiences and said the counsellors were helpful, sympathetic or understanding. *“Richmond Centre was wonderful and I can do nothing but take my hat off to those people,”* one woman said.

Two women said that counselling did not help their situation. One woman complained that the counsellor *“tried to get the family back together.”* Another woman said she even tried marriage counselling, which failed due to her husband’s denial of abuse:

*“Within the first two joint meetings that we had with the marriage counsellor, he had already started questioning about sexual abuse...the next meeting it started to come out more and more – and it was the spousal abuse and the sexual abuse...and that was the end of the counselling. [Husband] denied that anything has happened...we weren’t out of the door two minutes and he said, ‘Whatever happens in our home is our business – it’s private.’”*

One Francophone woman tried counselling and quit after a few sessions: *“I would have liked to speak in my own language...sometimes I had to think about my words, it didn’t work very well.”*

Two of the women recalled having visited a psychiatrist. One woman said the psychiatrist was sympathetic. The other complained that she was given medication, rather than the support she felt she needed. She said that women in abusive situations were often prescribed medication: *“They’re so drugged out of it, they don’t know any more because they don’t care, so they think they’re fine.”*

And one woman said a counsellor advised her to, *“Just get some anti-depressants. Go speak to your family doctor and you’ll be fine.”* The same woman went to her doctor who did not prescribe medication, she said: *“He’s a firm believer that anti-depressants or any kind of medications for abusive situations just don’t work. It just prolongs it. It sort of dulls the pain and then you’re functioning, but you’re really nothing.”*

## **9.0 VICTIMS’ SUGGESTIONS FOR IMPROVING SYSTEM RESPONSE**

The women who took part in the study suggested a number of improvements to system response in cases of woman abuse. Their suggestions included the following: improving the justice system with respect to its treatment of victims; improving victim access to legal aid and family law lawyers; enhancing police services; providing enhanced services for victims, including financial support; and providing public education on woman abuse.

### **9.1 The Legal System**

Many of the women who were interviewed for the study agreed that the legal system required changing because they said it “fails victims” and in some cases, re-victimizes. One woman complained about the lack of compassion for victims of woman abuse among representatives of the justice system:

*“There are people who have no idea of the reality for women. They sit and say, ‘You could do this and you could do that.’ Well, I could if I was you and had a life, but I can’t when I’m me and I don’t have a life...Start making our justice system more user friendly and I do mean user friendly! They don’t have the courage to hear, they don’t have the courage to learn, they don’t have the*

*courage to sit there and talk about what it's like to be tied to a chair in your own house being burnt and cut with glass!"*

The two most frequent suggestions for improving the legal system were for (1) increased understanding and compassion for victims and (2) improved protection and support for victims. One woman said that judges should be educated about woman abuse:

*"[Judges] have no understanding of what's involved. You can't sit down and talk to a mother who has been a victim of violence and do a home study and judge them the same way you judge a woman who's never experienced this violence...It's not because she's not a fit mother; it's because of what she's been through! Help her, don't judge her!"*

Several women said the court system should be changed so as to not re-victimize. One suggestion was to handle woman abuse cases in family court:

*"The whole rationale is to make women look like liars and idiots. If you work hard at it, you can make anybody look like a liar... So if you continue to have these cases brought before the criminal court, then I don't think there is any hope because the whole rationale is to destroy the witness. These cases need to come into a different system...a family court setting where the purpose is not solely to discredit the witness who is also the victim."*

One woman suggested coordinating justice services and including victims more in the process:

*"The systems are all fragmented. The probation officer is over there...the court is here...and the psychiatrist is here, and nobody ever gets together. All the people involved professionally should be at some table somewhere making a decision. And the one thing that bothered me through this whole thing – I have not been asked for any input on anything!"*

Another frequent suggestion by the women was for stricter penalties for abusers. One victim complained about the light sentence that the abuser received:

*"For what he did to me he should get a good sentence... Why should they be let out early? They've done the crime; let them pay. And it's not only for me; it's for everybody – for other women. Because when they get out, they come after you...Sometimes you feel like it's only a matter of time before you're dead."*

Other women suggested more protection for victims, in addition to stiffer penalties for abusers:

*"I think that the system should take people seriously – when women go in and say, 'This is happening to me', do everything you can to protect them. There's got to be more protection...and stiffer penalties...For bad beatings, some [abusers] just*

*get a Peace Bond, and abusers laugh at that, they just laugh, just a slap on the wrist...just a piece of paper. I know what it means to a lot of men that are abusing women, they're joking about it."*

Several women suggested improvements related to Peace Bonds/Recognizance Orders, which included the following: enforce strict penalties for violating the order; ensure the order does not cite the victim's address; and specify that the abuser is to stay a certain number of feet away from the victim. One woman said:

*"The first thing the legal system should change is all of these statements that say, 'If you fail to comply, keep the peace, if you don't follow the Undertaking, etc.' Well, [partner] never followed about four of them and nothing happened, so what message has that been? He just kept breaking them and nothing ever kept getting done, and even if he did get charged, he would just pay a fine and walk out as if it never even happened. So it tells you something – he obviously thinks he's above the law...he never took ownership of his behaviour."*

Some of the women suggested barring the public from court proceedings. *"I don't think the community should be allowed to walk in and observe for their own social benefit,"* one woman remarked. *"To go to the next house and gossip and talk and talk...It ruins people's lives in these communities."*

One woman, however, preferred publication of court findings: *"By the court findings not being published, it affects everybody, not just the family...It takes everybody to push it under the carpet, and I don't think it should be under the carpet."*

Two women suggested offering services in French as well as English. Another recommended supports and services for Aboriginal women, including Aboriginal court workers and advocates:

*"How many agencies are going to go on the reserve? Not too many, even child welfare workers have a hard time getting on. But if they had Aboriginal advocates, I think we could have a good working relationship and get things on the right track."*

One woman suggested extending the grace period for Emergency Protection Orders:

*"For some parts of the [Victims of Family Violence] Act, you only have 24 hours to act on it and if you don't jump through that time frame, you've missed it and then it's that much more harder and that much more drawn out. That is probably the biggest shortcoming that I can see out of the whole system."*

Another suggestion was for advocates and programs for women in abusive situations:

*"That's what the system does – it does the judging without the right resources there to correct them. We've got lots of compassion for the perpetrators, all kinds*

*of compassion and programs and all the rest, but there's not for the victim. This is not justice...Maybe the bottom line is to have victims on call as resource people."*

Some of the women wanted additional supports and counselling for the abusers. One woman remarked:

*"Anybody that's abusive obviously has problems and once a week [counselling] isn't going to fix or help. My husband needs to go...to a treatment centre where the counselling is there and it's there on a daily basis. Because once a week is not enough, it's not doing anything."*

## **9.2 Police Services**

The most frequent suggestion on the part of the women for improving police services was for speedier and more appropriate response in cases of woman abuse. One woman, who endured years of abuse, said that the police should have taken action sooner:

*"If the police had acted two years earlier, it would have done it ...[Abuser] never came back, and he was saying all along, 'If you hadn't pissed me off so much, it would never have happened.' Well, what would piss somebody off more than going to jail? And he's never beaten me since then!"*

Other suggestions for improving police service were to hire more female police officers, provide more training for police on woman abuse issues, and ensure bilingual police services are available. One woman stressed the need for educating police and other service providers about abusers and how they manipulate situations to their advantage:

*"The police need to be aware of what this situation is. They believed him [abuser] because he was charming and he was calm, cool and collected...They didn't understand that it was systematic. This wasn't one incident. This was a chain of incidences!"*

## **9.3 Legal Aid and Family Law Lawyers**

A number of women interviewed for this study wanted more accessible and affordable legal aid for victims of woman abuse. They agreed that women who leave abusive situations often "fall through the cracks" with respect to legal aid. Women who were employed reported being denied legal aid because they had an income. Women who were on financial assistance reported being denied legal aid because of the requirement to access lawyers through the Department of Health and Social Services. "They have two lawyers on staff," one woman complained. "But social services are backlogged a year. They have to start getting the job done."

In some cases, the women said, victims are forced to stay in abusive situations because they simply cannot afford legal services. One woman explained:

*“You get some poor little thing that’s flipping burgers over at Burger King, making minimum wage and buddy’s having a few drinks and smacks her in the mouth every time she turns around. You know she’s just going to stay, because what’s out there – what hope does she have? And you’re not going to get a dime out of him, or if she does, she’s going to owe it all in legal fees.”*

When victims leave abusive relationships, the women explained, they are sometimes impoverished and may require temporary financial assistance, as well as legal counsel. One woman, who sought child support from her ex-husband after they separated, expressed her frustration with the system: *“The system should be helping people in abusive situations who can’t afford [legal counsel]. I’m on social assistance. How am I supposed to pay [legal fees] for child support?”*

One woman reported having paid legal fees of almost \$3,500 just to settle the issue of child support: *“Had I not gone through this legal procedure I would have been on assistance. How much further are they...paying to support three people? This way I’m supporting myself and [abuser] is supporting his children, which is the way it should be.”*

#### **9.4 Services for Victims**

Three women said it would be helpful to have a central office or coordinator for information and support to victims of family violence and their children. One explained:

*“I know there’s a lot of things out there, but when you’re in the situation, it’s so confusing and it’s hard to put the pieces together. It’s fragmented... The ideal to me would be an umbrella type of center where everybody would be trained to understand and be effective in dealing with family violence – doctor, psychiatrist, lawyer, whatever...Everyone would know where to refer you to...they could send you to where the expertise is and they would all be trained – even police could be there.”*

Three women wanted more support groups for victims of woman abuse, as well as for children. And several women suggested the following information be made available for victims of woman abuse: services and financial assistance; the justice system and how it operates; divorce and divorce kits. One woman recommended having a toll-free telephone number:

*“They [victims] may be getting this information, but it’s not registering at the time [of the abuse] because they’ve got so much going on. But when they do need it, then they don’t know where to go for it...so a 1-800 number where you could call and get information on anything that would be helpful...and also at the doctor’s...”*

Several women wanted accessible and affordable counselling for victims. One victim suggested having counselling available in French and another, from a feminist perspective. *“Something needs to change,”* one woman remarked. *“If a mother has to go out and work from dawn to dusk to put food on the table, the last thing she could ever get to is counselling...The court should award it...six family sessions at the expense of the province. Because I’m in a position that I can’t afford it, and I’m sure there are lots of other families that need counselling and can’t afford it.”*

Several women made the plea for financial support for women who leave abusive situations. Their suggestions included enforcing the payment of maintenance and child support payments, prohibiting lawyers from demanding legal fees from maintenance payments, and providing short-term or emergency financial assistance for victims. *“When you’ve worked all your life and then run into difficulties,”* one woman complained, *“it might only be for a few months. You’d think somebody would be there to help you!”*

## **9.5 Public Education**

Eight of the women suggested providing public education on woman abuse and family violence. Three women said it was especially important to educate children and youth. One woman remarked:

*“It is important to get the information at a young age. The abuse in schools is awful and there are so many teenagers that are beating their girlfriends and they need to be educated in what’s right and the girl needs to know that you don’t take this – you don’t have to take this...My daughter’s 17 and she doesn’t really understand what verbal abuse is. Like when their boyfriend tells them who they can hang out with and who they can’t – that’s abuse. I think Family Life would be an excellent spot for them to start educating about the abuse as well.”*

Two of the women said that pamphlets and information on woman abuse should be made available at doctors’ offices, work places, and other public places. In addition, one woman each suggested the following: offering public education on how the justice system operates; setting up a toll-free line to provide information on family violence and services; and having public service announcements on all radio stations.

## 10.0 SUMMARY OF FINDINGS AND DISCUSSION

### 10.1 Summary of Findings

This report summarizes the findings from interviews with 21 PEI women who experienced abuse at the hands of their partners. The purpose of the study, **herStory of Woman Abuse and the PEI Justice System**, is to document the women's stories and collect information from them, with a view to understanding where the services offered to victims of woman abuse have helped or hindered. The interviews, which were conducted during 1999, provide information on incidents of woman abuse and system response over a 10-year period: 1989 through 1999.

Three-quarters of the women interviewed for this study were between the ages of 25 and 45. Nineteen women had been married to the abuser, one woman had lived common-law, and one had never lived with the abuser. The average length of time the women had stayed in the relationship was 15 years. In total the women had 53 children, most of whom were under age 18 when the abusive relationships ended. When they separated from the abusers, almost half of the women were not employed and slightly more than half had annual incomes of less than \$15,000.

The women described the abusers as controlling and manipulative. They agreed that the abusers seldom took responsibility for their actions and often blamed the victims for the abuse. The women also agreed that the abusers were skilful at manipulating the justice system to their advantage, especially police officers and judges.

The victims reported being subjected to a wide range of abusive behaviour, including emotional, physical, sexual, threats, stalking, neglect, damage to property, violence toward children and pets, and suicide threats. A third of the women said that alcohol was a factor in the abuse. Several victims said the abusers continued to stalk, threaten, and abuse them after the relationship ended.

The women described how they were affected by being in the abusive relationship. They said they felt fearful and depressed, were unable to function, and had low self-esteem. And after the relationship ended, they said the effects of the trauma lingered, such as flashbacks and recurring nightmares. The women also described how their children had been affected by the violence. They said the children displayed anger and aggressive behaviour, had sleeping difficulties and difficulties with school, and had increased illnesses.

The victims identified a number of barriers that made it difficult for them to leave or end the abusive relationship. The barriers included fear of retribution, failure to recognize the abuse, lack of knowledge about or access to services and support, reluctance to give up on the relationship, pressure from family or clergy, a feeling of powerlessness, lack of confidence in the legal system, financial insecurity, and concern for the children.

What prompted many of the women to finally end the abusive relationship was fear for themselves and their children. For others, it was an expression of sympathy or support from a

counsellor or relative. Service interventions that the women found most helpful were Transition House Association, the police, Victim Services, a physician, or a combination of interventions over time. Most women agreed that they would not have been able to end the abusive relationship without help.

All of the women interviewed for this study reported financial hardship after the relationship ended. In some cases the women had no income or financial support and had to apply for financial assistance. In other cases the women sought maintenance, child support or a settlement from the abuser, which often exacerbated their financial plight due to the added burden of lawyer's fees and court costs. Several women said they decided not to seek a settlement or support payments because they could not afford legal fees.

The women were asked to evaluate the legal services they had accessed. Several women complained that, with the exception of Victim Services, the legal system generally supported the abusers and re-victimized the victims. In fact, all of the women who had accessed Victim Services found them helpful and supportive. The women had a mixed reaction to the police. When the women were asked about orders, most said they were not helpful because orders were not enforced. When the women were asked about charges, most said they were very effective in stopping further violence. With respect to court, the majority of women with experience in court found it a very negative experience. They reported feeling intimidated, discredited and re-victimized in court. Although more than half of the women said they considered applying for legal aid, most were told they did not qualify. And several women complained that legal aid was not available for victims of woman abuse in PEI.

The women evaluated other government services they had accessed. With respect to financial assistance, most of the women said it was not sufficient to meet the basic needs of their family and several women complained about being treated disrespectfully by the workers. With respect to Maintenance Enforcement, most of the women agreed that court orders were not enforced. The women had mixed reactions to Child Protection Services. Although half of the respondents said the workers were excellent and supportive, half complained that their reports of child abuse or neglect were not taken seriously.

The women interviewed for the study also evaluated a number of community and health services. The women were unanimous in praising Transition House Association for its help and support. Other helpful community services were the Rape and Sexual Assault Crisis Centre, Community Legal Information Association, Lawyer Referral Service, and Women's Network. In addition, most of the women who sought help from physicians and counsellors found these services very helpful. The clergy, however, received mixed evaluations from the women. The majority of women described negative experiences with lawyers and complained about large fees with little or nothing accomplished. With respect to mediation services, the women agreed that it was never appropriate in cases of woman abuse.

The victims interviewed for this study suggested a number of improvements to system response in cases of woman abuse. With respect to the legal system in general, the most frequent

suggestions were for increased understanding and protection for victims, as well as improved protection and support. Other suggestions were for coordinated services for victims, stiffer penalties for abusers, and enforced penalties for violating orders. With respect to police services, the women suggested speedier and more appropriate response, additional female police officers, as well as bilingual officers. With respect to legal aid, the women suggested improving access to legal aid and family law lawyers.

The women also suggested implementing a central office or coordinator for the provision of information and support to victims of woman abuse and their children, as well as additional support groups and affordable counselling for victims and children. Other suggestions included enforcing the payment of maintenance and child support and providing short-term or emergency financial assistance for victims. Almost half of the women suggested providing public education on woman abuse and family violence.

## **10.2 Discussion**

This study summarizes the stories of 21 PEI women who experienced abuse at the hands of their partners between 1989 and 1999. The objective of the study is to collect and analyze victims' stories and information, with a view to understanding where the services offered to victims of abuse have helped or hindered.

As described in Section 1.3 of this report, there are two main study limitations that make it difficult to formulate conclusions from the findings. The first limitation relates to the fact that, for the most part, information about abuse and system response was not dated. Therefore, it is not clear whether the women's mixed reaction to system response was due to positive change over time or simply to individual responses. The second limitation relates to the small size of the sample and the fact that all of the women interviewed for the study were clients of Transition House Association. Therefore, the study participants do not necessarily represent the views of all victims of woman abuse in the province.

What this study provides is baseline information on woman abuse and system response over a 10-year period: 1989 through 1999. A number of themes emerged from the women's stories, which are as follows:

- < Although no clear picture of a typical victim resulted from the interviews in this study, the abusers were consistently described by the women as controlling, manipulative, and refusing to take responsibility for their actions.
- < The women described a range of abusive behaviour, which systematically undermined their self-esteem and self-confidence. When the women finally ended the relationship, the effects of the abuse lingered. The children were also negatively impacted by the violence in the home.

- < Although there were numerous barriers to ending the abusive relationship, the women said that what prompted them to finally leave was often fear for themselves and their children.
- < Most women agreed that they would not have been able to leave without help. Interventions that were most helpful were Transition House Association, the police, Victim Services, or a combination of interventions over time.
- < It is clear from the interviews that the women found the following services helpful and supportive: Transition House Association; Victim Services; physicians; counsellors; Rape and Sexual Assault Crisis Centre; Community Legal Information Association; Lawyer Referral Service, and Women's Network.
- < Services that received mixed evaluations from the women included the police, Child Protection Services, and the clergy.
- < Services that received mostly negative evaluations from the women included court, lawyers, financial assistance, legal aid, maintenance enforcement.
- < The women whose cases involved charges found them very effective in stopping further abuse. The women whose cases involved orders, however, found them not effective because the orders were seldom enforced.
- < The women suggested a number of improvements to system response in cases of woman abuse. With respect to the legal system in general, the most frequent suggestions were for increased understanding and compassion for victims, improved protection and support, improved access to legal aid and family law lawyers, stiffer penalties for abusers, and enforced penalties for violating orders.
- < Suggestions for improving police services included speedier and more appropriate response, and additional female and bilingual officers.
- < The women suggested having a central office or coordinator for information and support to victims of woman abuse and their children, as well as providing additional support groups and affordable counselling for victims and children. Other suggestions included enforcing the payment of maintenance and child support and providing short-term or emergency financial assistance for victims.
- < Almost half of the women suggested providing public education on woman abuse and family violence.

# **APPENDIX A**

## **THE STUDY PARTICIPANTS**

## THE STUDY PARTICIPANTS

### A. Demographic Information About the Victims

#### Age

At the time of the interview, six (28%) of the 21 women interviewed for the study were ages 26 to 35; seven (33%) were 36 to 45; five (24%) were 46 to 55; and three (14%) were 56 to 65.

At the time of separating from their abusive partner, eight (38%) of the women were ages 26 to 35; seven (33%) were 36 to 45; four (19%) were 46 to 55; and one woman (5%) was over 56.

#### Education, Employment and Income

At the time of the interview, three (14%) of the women had attended or completed elementary school; five (24%) had attended high school (of whom one had graduated); seven (33%) had attended college or technical school (of whom six [29%] had completed); and six (29%) had attended university (two [10%] completed).

At the time of separating from their abusive partner, 12 (57%) of the women were employed and nine (43%) were not employed. Their personal yearly incomes were as follows: eight (36%) earned less than \$10,000; three (14%), \$10,000-\$15,000; four (18%), \$15,001-\$25,000; two (9%), \$25,001-\$35,000; and two (9%), \$35,001-\$50,000 (one respondent was uncertain and one did not respond).

#### Additional Information

At the time of the interview, seven (32%) of the women said they lived in a rural area and six (27%) in an urban area (eight did not identify where they lived). Eighteen (86%) of the women said they spoke English most often in the home, while three (14%) spoke French. When asked about their religion, eight (36%) of the women said they were Catholic; seven (32%), Protestant; one, other religion; one, no religion (four of the women did not respond).

Eight (36%) of the women said they were limited in the kind or amount of activity due to a long-term physical condition, mental condition or health problem. Three of the women cited a mental condition, including anxiety attacks and depression. Three women reported an injury, including to the back, foot and leg. One woman each cited arthritis, poor circulation, asthma, migraine headaches and cancer. Three of the victims said their condition or problem was a direct result of the abuse.

## **B. Demographic Information About the Abusers**

### Gender and Age

All 21 (100%) of the abusive partners were male. At the time of the interview, three (14%) were ages 26 to 45; 10 (46%) were 36 to 45; five (23%) were 46 to 55; and two (9%), were 56 to 65 (information on age was missing in one transcript).

### Education, Employment and Income

At the time of the separation, four (18%) of the abusive partners had attended or completed elementary school; 10 (45%) had attended high school (of whom 2 [9%] had graduated); five (36%) had attended college or technical school (of whom 3 [14%] completed); and two (9%) had attended university (one [5%] completed).

At the time of the separation, 16 (76%) of the abusive partners had been employed. Their yearly incomes were as follows: one (5%) earned \$10,000-\$15,000; three (14%), \$15,001-\$25,000; three (14%), \$25,001-\$35,000; five (24%), \$35,001-\$50,000; and three (14%) over \$50,000 (six [29%] of the women did not know their partner's income at separation).

### Additional Information

Nine (41%) of the women said their partner's religion was Catholic; seven (32%), Protestant; one (5%), other religion; and one (5%), no religion (three of the women did not respond).

## **C. Family Status**

Nineteen (86%) of the women interviewed had been married to the abusive partner, while two (9%) had not been married. Of the 21 women interviewed, 70% had been in a relationship with their abusive partner for more than 10 years. The mean (average) duration of the relationship was 15 years and the range was three to 37 years. Two (9%) of the women had been with the abusive partner less than five years; four (18%), five to 10 years; 10 (45%), 11 to 20 years; and four (18%), 20 years or more.

Of the 21 women, 19 had children: 19 with the abusive partner and five with another partner. The total number of children was 53 (42 with the abusive partner and 11 with another partner). The mean (average) number of children in total was 2.5 (range=1-9) and the mean number of children with the abusive partner was 2.2 (range=1-4).

The ages of 43 of the children at the time of separation were as follows: 10 (23%) were 6 years or younger; 10 (23%) were 7 to 12; 12 (28%) were 13 to 17; and 11 (26%) were 18 and older.

#### D. Comparison of Demographics: Victims and Abusers

Compared to their abusive partners, the women who were interviewed for the study tended to be younger and better educated, and had lower rates of employment and income levels.

- Twelve of the women were in the same age category as their abusive partner; five were in a younger category, while two were in an older category.
- Thirteen (62%) of the women were more educated than their abusive partners, while three (14%) had the same level of education and four (18%) were less educated. (Seven women and 12 men had not graduated high school. Six women and two men had attended university).
- At the time of the separation, nine women (41%) and five men (23%) were unemployed.
- Fourteen (64%) of the women had a lower personal income level than their abusive partner, while one woman had a higher income level. (Fifteen women (68%) and four men (19%) earned \$25,000 or less; while five women (23%) and 11 men (50%) earned more than \$25,000.)

Table 1 Comparison of Personal Yearly Incomes of Victims and Abusers

Income	Victims		Abusers	
	No.	%	No.	%
less than \$10,000	8	38%	0	0%
\$10,000-\$25,000	7	33%	4	19%
\$25,001-\$50,000	4	19%	8	38%
more than \$50,000	1	5%	3	14%
unknown/missing	1	5%	6	29%
Total	21	100%	21	100%

**Woman abuse and the justice system:  
A literature review**

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# WOMAN ABUSE AND THE JUSTICE SYSTEM: A LITERATURE REVIEW

## I INTRODUCTION

In 1993, Statistics Canada published a groundbreaking national research study on “Violence against women” [VAWS], which indicated that 30% of all women in Canada who had ever had a marital partner<sup>1</sup> had experienced violence by that partner (Rodgers, 1994). Women are, in fact, more likely to be victimized by someone they know than by a total stranger (Gartner & MacMillian, 1995), and levels of violence may differ depending on the type of relationship. For example, analysis of the Statistics Canada data revealed that for a one-year period, violence occurred within cohabiting relationships at a rate four times higher than that of marital relationships (Johnson, 1995). Furthermore, violence by partners does not necessarily end even when a women leaves an abusive relationship. Of those women who indicated they had been victimized by a marital partner, close to 20% indicated that their partner was abusive after they left, and in a third of these instances, the violence grew worse after separation (H. Johnson, 1995).

The VAWS survey also provided investigators with provincial and territorial data (Rodgers, 1994). Data from abuse survivors on Prince Edward Island indicated that 25% of all women on the Island have experienced wife assault. Local statistics further reveal that from 1981 to 2001, 2283 women stayed at Anderson House, a transition house in Charlottetown, Prince Edward Island [PEI], and 27,668 calls were received at the house during that time (J. Ings, personal communication, 5 September 2001). A 1987 survey of PEI women who had left abusive relationships included the following description:

Physical assaults most frequently involved punching, kicking, slapping, or pushing, but also commonly including throwing the victim or grabbing her around the neck. In one case, the victim was hit repeatedly with a wrench and broom, in another case the vehicle in which the victim was a passenger was run off the road and she was beaten with a pellet gun until unconscious, and in a third case the victim was burned severely with a cigarette and hot water and pushed under water in a bathtub (Reddin, 1987, p. 27).

Accompanying the women who used Anderson House between those years were 3,020 children (J. Ings, personal communication, 5 September 2001).<sup>2</sup> The negative effects of violence and abuse on children as well as women are well documented (for a brief review, see Bala et al., 1998), which is an additional reason to be gravely concerned that such a high number of PEI women are experiencing violence at the hands of their intimate partners and ex-partners.

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<sup>1</sup>This includes both common-law and legal marriages.

<sup>2</sup>It is important to note that these statistics only reflect the number of women who accessed this particular resource, therefore the actual number of PEI women in, currently leaving, or having left abusive relationship may be much higher.

A follow-up to the VAWS report, published by Statistics Canada in 1999, indicated that 17% of all victims of violent offences were victims of woman abuse (Fitzgerald, 1999); however, the 1999 survey relied on crimes reported to police, which may under-represent the actual number of incidents, as many victims are reluctant to contact police. Even so, given that a random sample of 179 police agencies throughout Canada were studied, the revised Uniform Crime Reporting Survey II (UCR-II) does show changes in types of cases presented to police because of changes to national and provincial law. Similar to the VAWS, Fitzgerald (1999) found that young women, especially those in cohabiting relationships, were more likely to be victims of woman abuse than their older, married counterparts. Indeed, reported victimisation of women by their partners decreases as women age. Furthermore, because of changes to the *Criminal Code* that occurred in 1993, Fitzgerald (1999) was able to examine rates of a newly criminalized behaviour: criminal harassment (stalking). She found that 82% of 1,582 victims of woman abuse reported being stalked by their ex-partners. Thus, the UCR-II was able to examine aspects of intimate terrorism not uncovered by the VAWS.

Women choose to respond to abuse in their relationships in a variety of ways, which means that abuse does not always lead directly or necessarily to involvement with the justice system. Police appear to find out about abuse by spouses about 15% of the time (Gartner & MacMillian, 1995). Involvement of the police may set the legal system in motion (but not always), and for other women, their entrance into the legal system may occur when they file for separation, divorce, or custody. Anecdotal information indicates that there is a significant number of women entering the PEI justice system who are leaving physically or sexually abusive relationships, and additional women are leaving emotionally, financially, or otherwise abusive relationships. PEI Victim Services alone reports that yearly, 30-35% of their cases involve wife abuse (ranging from 190 to 307 new cases of wife abuse per year).

These women experience complex situations involving systematic control by their partners, and this control can create clients with special needs (Mahon, 1988). “Both the nature of the abuse and the concerns which [are] barriers to leaving become substantial issues, many of which have legal implications” (Mahon, 1988, p. i.). Any abusive relationship involves an imbalance of power, and because of this power imbalance women from abusive relationships enter the legal arena on unequal footing. The evidence of this inequality can be found not only in their ability to negotiate with their former partners (Hart, 1990), but also in their strength to weather the justice system and the extra obstacles it may place in their way as survivors of family violence. Additional difficulties result from abusers’ behaviours before, during, and after involvement in the justice system.

Women who have experienced violence and abuse in their relationships often continue to be fearful about their safety even after they leave an abusive environment, and enlisting the help of shelters, lawyers, and therapists can create even higher levels of fearfulness (DeMaris & Swinford, 1996). Yet, despite continued fear, a woman might not necessarily want her relationship to end or her partner to be punished, and she may continue to be economically

dependent on him (Mahon, 1988). As a result of these factors and others, a significant number of women with special needs are most likely involved in the PEI justice system.

Living on an island in closely-knit communities creates unique circumstances for women who are leaving abusive relationships. For this reason, the present literature review focuses on women who have left abusive relationships and their experiences in the PEI justice system. Our goal is to obtain a picture of how the PEI justice system has responded to these women and their needs, and whether or not that response has improved over time with the increased awareness of and training opportunities in family violence in the last decade. For example, events such as the McQuaid inquiry in the early 1990s and the enactment of PEI's *Victims of Family Violence Act* in 1996—as well as subsequent changes to the *Act* – may have implications for women's experiences in the justice system. The McQuaid inquiry into the justice system's responses to domestic violence occurred as a result of the death of Carrie Ellen McMurrer in 1989 at the hand of her estranged husband. The McQuaid Report listed a number of recommendations in regard to the responses of police, Crown, courts, and legal profession, and others, and has been a building block for many subsequent initiatives in the province. The *Victims of Family Violence Act* enables women and children rather than their abusers to remain in their homes. This act consists of two orders: the *emergency protection order* and the *victim assistance order*. Additionally, there are a variety of legal and community services available to women, which may assist them throughout the process of going through the court, and these services may have changed over time.

This literature review begins with a review of the multi-faceted nature of abuse followed by some general points about women's possible experiences in and reactions to abusive relationships. However, women often have special needs depending on their particular background; therefore, we also provide a review of specific needs of rural women, followed by a description of the research available on women's experiences within the PEI justice system. Each topic covered in the following review will be first discussed in terms of North American family violence research, and then in terms of violence research from PEI.

## II FORMS OF ABUSE

As practitioners, professionals, and researchers have become more aware of the complexities of abuse, the definition of abuse has also changed, becoming broader to reflect the multifaceted nature of abuse (MacLeod, 1987; M. Johnson, 1995; Johnson & Ferrero, 2000). Numerous studies have clearly documented that abuse takes many forms. The present study recognizes that much abuse against women involves what M. Johnson, in the past, has referred to as “Patriarchal Terrorism”, which has been renamed “Intimate Terrorism” (IT) in recognition of the fact that such controlling behaviour also occurs in same-sex relationships (M. Johnson, 1995; Johnson & Ferrero, 2000). IT is motivated by a desire to exert control over one's partner (M. Johnson, 1995; Johnson & Ferrero, 2000); consequently, such abuse can take many forms: physical, emotional (e.g. coercion, threats, intimidation, blaming, humiliating, etc.), sexual, isolation, or

financial. Thus, IT represents a pattern of physically violent and non-physically violent behaviour that indicates a general motive of control over one's partner.

This type of family violence tends to be measured by data from shelters and qualitative interviews rather than by large survey research (M. Johnson, 1995; Johnson & Ferrero, 2000). Responses from transition house and shelter workers indicate that Canadian women experience various forms of abuse by their partners. In 1987, transition house and shelter workers indicated that 76% of the women who had used transition house services in Canada had left their partners because they had been physically or emotionally abused, 5% because they had been assaulted sexually, and 4% because of financial abuse (MacLeod, 1987). An additional 11% of women left their husbands due to the physical or emotional abuse of their children, and 3% because of sexual abuse of their children (MacLeod, 1987).

Survey research, on the other hand, tends to measure what M. Johnson (1995) refers to as "common couple violence" (CCV): Violence between partners which occurs randomly in response to trying to control a situation (rather than trying to control one's partner), and which rarely escalates in severity or frequency like IT (Johnson & Ferrero, 2000). This form of abuse is reported in relatively the same percentages by women and men, whereas men are virtually almost always perpetrators of IT (97%) (Hamby & Sugarman, 1999; M. Johnson, 1995; Johnson & Ferrero, 2000). A major concern about survey sampling is that it can miss out on significant parts of the population such as women who are reluctant to talk about sensitive topics or women who are experiencing systematic terrorism by their partner. This second group of women would be less likely to answer questions for fear of their partner finding out, and their abusive partners would obviously not want to take part in such a survey either. This type of research can lead to results that only tap into milder, non-escalating forms of abuse perpetrated by both women and men in similar percentages because respondents report only about what they feel is safe or appropriate to openly discuss (Johnson & Ferrero, 2000).

The suggestion of different types of family violence leads us to question which type of violence the Violence Against Women Survey (VAWS), and the more recent survey of Canadian police departments, the Revised Uniform Crime Reporting Survey-II (RUCR-II), were measuring. The VAWS findings indicate that a variety of abusive tactics were used by men to abuse their partners:

While emotional abuse did occur in the absence of physical abuse, the two occurred together in the majority of cases; three-quarters of all women who reported physical or sexual abuse also reported emotional abuse; 18% of women who reported no physical abuse by a partner reported experiencing emotional abuse (Rodgers, 1994, p. 7).

One third of all women who had experienced wife assault had been fearful for their lives at some point while they were still with their partners (Rodgers, 1994). The respondents' level of fearfulness might indicate that the survey was, in fact, able to reach women who were experiencing patriarchal terrorism in addition to common-couple violence. This finding can be

supported by the observations that abuse was rarely a one-time occurrence, weapons were used by 44% of abusive partners, and 40% of abused women had to seek medical attention for their injuries (Rodgers, 1994). H. Johnson notes “[the] survey provides empirical evidence of an escalation in the severity of assaults over time” (1995, p. 136). Furthermore, the VAWS allowed women the option of when and where they could participate in the study, and 1,000 calls were received on a call back toll-free number (H. Johnson, 1995). One hundred and fifty of these calls were from women wishing to continue previously interrupted interviews or wanting to provide more information, which might suggest that the survey was able, by providing more options, to interview women who were experiencing more extreme forms of control by their partners. The recently completed UCR-II, while neither nationally representative nor a survey exclusively of family violence, also may have captured instances of IT. The UCR-II, for instance, found that most victims of spousal assault were women (88%), and that women experienced physical assault, as well as other forms of IT – including marital rape, kidnapping, and extortion – at the hands of their male partners. Indeed, in 1997, the most common type of IT was kidnapping-hostage taking, followed by marital rape (Fitzgerald, 1999). Further, the UCR-II indicated that more women, especially young women, were likely to be killed by their male partners (at a ratio of three to one) than the other way around. Finally, based on the police reports surveyed for the data, incidents of family violence were likely to escalate over time (Fitzgerald, 1999). Despite the fact that the UCR-II relied on a random sample of police reports, which—given the level of fearfulness many abuse survivors experience—represent only a small portion of the actual incidence of IT, the data illuminated by the UCR-II also indicates that Canadian women do experience IT.

Furthermore, as previously discussed, intimate terrorists continue their abusive behaviours after the relationship has been terminated (M. Johnson, 1995; Johnson & Ferrero, 2000). As shown by both the VAWS and the UCR-II, abusive actions did not necessarily end after a woman left her abuser or once she became involved with the justice system. As a result, the abusive behaviour that led a woman to leave her partner still continued to create problems for her as she made her way through the system. Abusive behaviours included the following: threatening, harassing, refusing to return personal property of the victim, delaying legal proceedings, calling Children’s Aid, using the children to abuse her, defaulting on support payments, and interestingly, being nice to her or nice to others. This last strategy was an attempt to get her to return, to drop charges, or to influence others’ opinions about whether or not her partner would really change and whether or not she should really return to him (Fitzgerald, 1999; Rodgers, 1994). Thus, many abuse survivors are subjected to a “web” of entrapment, in which their partners attempt to both control the intact relationship and to ensure that the women are never entirely free of the relationship, even after they leave (Kirkwood, 1993).

Intimate terrorism, then, in which a woman is subject to more than one type of control, can create a client who has special needs when she enters the justice system; however, the system may not recognize all forms of abuse (Mahon, 1988). Assumptions that only one type of abusive behaviour exists within violent relationships may result in less effective intervention and

response on the part of justice system workers.<sup>3</sup> Next, the effects of abuse on women and why these impacts may create special needs for survivors within the justice system will be discussed.

### III EFFECTS OF ABUSE<sup>4</sup>

Regardless of the forms IT takes within a given relationship, victims appear to experience specific well-documented symptoms in response to abuse. Women may become traumatically bonded to their abusive partners, may develop morbid fearfulness, or show symptoms of Post-traumatic Stress Disorder (PTSD). All of these reactions may influence women's behaviour within the justice system, so that woman abuse victims have difficulties negotiating the justice system.

#### A. Traumatic Bonding

“Traumatic bonding” helps explain why women may feel reluctant to pursue legal action or why they may return to their partner. Such bonding occurs as a result of power differentials between a woman and her abuser and because of the intermittent abuse-good behaviour pattern (Dutton & Painter, 1993). “When ... physical punishment is administered at intermittent intervals, and when it is interspersed with permissive and friendly contact, the phenomenon of traumatic bonding seems most powerful” (Dutton & Painter, 1993, p. 108). The pattern of punishments (a violent episode) and rewards (being loving, contrite after the abusive episode) is an example of learning theory at its strongest; indeed, researchers studying non-human animals report that very strong emotional bonds are produced as a result of the punishment-reward cycle (Dutton & Painter, 1993). This pattern, or the cycle of violence, is seen in both heterosexual and in same-sex relationships, and contributes to what is called the Battered Women Syndrome (BWS) (West, 1992).

In extreme cases of domination women can come to accept the dominating abuser's negative view of themselves; in fact, victims' internalisation of the abusers' beliefs can result in women becoming even more dependent on their abusers. This dependency results in a sense of “omnipotence” on a man's part, which is maintained only as long as he maintains control over his partner. At this same time, however, the abuser's omnipotence hides his high degree of dependence on her. When the roles are reversed (i.e., when a woman finally leaves):

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<sup>3</sup>As a result of work with custody disputes in abusive relationships, Johnston and Campbell (1993) developed a set of profiles of abusive relationships: (1) on-going or episodic male battering, (2) male controlling interactive violence, (3) separation-engendered and post-divorce trauma, and (5) psychotic and/or paranoid reactions. Women in the different categories experience abuse in different ways (i.e., a woman in the first type of relationship may have very different needs while going through the justice system than a woman experiencing the third type of abuse).

<sup>4</sup>All studies reported used a heterosexual sample unless otherwise noted.

the masked dependency of the dominator on the subjugated person is suddenly revealed. One example of this sudden reversal of the power dynamic is the desperate control attempts on the part of the abandoned battering husband to bring his wife back (through surveillance, intimidation, etc.) (Dutton & Painter, 1993, p. 107).

The traumatic bond not only affects an abuser's behaviour, but also affects the woman who has left him. When a woman leaves her abusive partner, the strength of the traumatic bond she has with her partner may start to become more evident. At the point where she is under stress due to court appearances and financial strain, for example, her partner may become very supportive and loving. The role-reversal can result in a woman feeling confused and uncertain about what to do. Unfortunately, the idea that this pattern of punishments and rewards results in very strong emotional bonds is not something that juries can easily understand (Dutton & Painter, 1993).

### B. Fearfulness

Yet another impact of abuse that can affect women's ability to effectively prosecute and eventually leave the abuser is their level of fearfulness. Researchers have found that behaviours of the abusers directly relate to the level of fearfulness experienced by victims. Research conducted in the mid-1990s indicated that women who experienced partner-initiated violence, as well as those who were victims of marital rape, were more fearful of further assaults than women who had not experienced such behaviours (Demaris & Swinford, 1996). Rather than examining victim response to severe physical assault, more recent research has examined victims' response to abuser behaviours that often co-occur with physical violence: drunkenness and psychological abuse. Examining victim fearfulness, as well as the causes of such fear, is important to understanding women's behaviours both prior to and following their entrance into the justice system. A woman might avoid seeking help because she fears retaliation by her partner. Similarly, once in the justice system, a victim's fearfulness may lead her to either drop charges or recant her charges during court testimony.

To understand the connection between abuse and victim fearfulness, Hutchinson (1999) examined woman abuse victims' levels of fearfulness with respect to the abusers' behaviours. Specifically, he assessed women's fearfulness with respect to the frequency of drunkenness on the part of their male partners. Using police records, he contacted 419 female victims who were interviewed with respect to abuse history, level of fear, help-seeking behaviour, and their male partners' drinking behaviours. Results indicated that frequent male drunkenness was associated with both higher levels of violence and threats of violence. Hutchinson (1999), however, was unable to determine if a victim's level of fearfulness would be related to her ability to resist abuse via prosecution and/or other help-seeking behaviours. Further, the researcher found that victims' fear of their partners increased as the frequency of drinking increased, rather than the act of drinking itself. Drunkenness, then, can be a powerful weapon for inducing fear in woman abuse victims, which provides abusers with a further means through which to control their

partners, thus ensuring that women in such situations either fail to seek help, or fail to be reliable court witnesses once they have entered the justice system.

Sackett and Saunders (1999) examined another behaviour which often co-occurs with severe battering: psychological abuse. The researchers observed that women who experienced the most severe forms of psychological abuse (i.e., ridiculing traits, criticizing behaviours, jealousy/control) on the part of their abusers experienced the highest levels of fear. In fact, victims who had experienced severe psychological abuse were found to experience higher levels of fearfulness than women who had experienced severe physical abuse. Sackett and Saunders (1999) interviewed both sheltered and non-sheltered women with respect to depressive symptomatology, self-esteem, fear, and experiences of both physical and psychological abuse by their male partners, and concluded that some forms of abuse tend to be more damaging—both in terms of increased fearfulness and depression, and in terms of decreased self-esteem—than others. Psychological abuse, according to the authors, may have negative impacts on victims because such abuse appears to be ongoing, rather than following a cycle, as does physical abuse. Furthermore, the most controlling types of batterers may be the most likely to use intimidating behaviours, which include ridicule and criticism. Again, fearful victims are likely to experience difficulties with leaving their relationships and seeking justice within the court system.

### C. Post-traumatic Stress Disorder

Post-traumatic stress disorder (PTSD) has recently been linked with battered women. Traditionally, this disorder was examined in relation to exposure to combat and sometimes in reference to child sexual abuse or rape; however, some battered women experience psychological symptoms characteristic of PTSD. These symptoms include “...anxiety, depression, memory loss, cognitive dissociations, re-experiencing of the traumatic event when exposed to associated stimuli, feelings of helplessness, sleep and appetite disturbances, fatigue, listlessness, self-imposed isolation, and disruption of interpersonal relationships” (Astin, Lawrence & Foy, 1993, p. 17). Astin, Lawrence, and Foy (1993) found that abused women are at a significant risk for developing PTSD. Thirty-three percent of the women in their sample had symptoms characteristic of PTSD, and the severity of their symptomatology increased as the severity of abuse increased.

Astin, Lawrence, and Foy (1993) examined women who had experienced severe physical abuse at the hands of their partners with respect to development of PTSD-like symptoms. As O’Leary (1999) has suggested, however, the impact of severe psychological abuse may be as great, or even greater than, severe physical abuse. Arias and Pape (1999) assessed 68 sheltered women with respect to physical and psychological violence in their marital relationships, coping strategy use, and psychological symptomatology. Results indicated that neither severity nor frequency of physical abuse was predictive of PTSD symptomatology nor of women’s intent to leave their partners; however, both severity and frequency of psychological abuse were found to be predictive of both PTSD and women’s intent to terminate their abusive relationships.

Specifically, Arias and Pape (1999) found that low levels of PTSD symptomatology were positively related to a woman's intent to leave the abuser. Women who experienced high levels of PTSD symptomatology, however, were more likely to be immobilized by their symptoms. The authors concluded that termination of an abusive relationship is less likely the more severe the victim's PTSD symptoms are, and that the victim's symptom severity is in direct proportion to both severity and duration of psychological abuse. Given the impact, then, that psychological abuse can have on woman abuse victims Arias and Pape (1999) suggest that persons who work with victims assess the women with respect to experiences of psychological abuse and PTSD symptomatology.

Women who are victims of IT, thus, appear to experience a PTSD-like syndrome. Given the cluster of symptoms that occurs with PTSD, such women will experience challenges as they enter the justice system. Fearfulness, for one, may immobilize victims in terms of help-seeking behaviours. In addition, as a common symptom of PTSD is inability to concentrate, many victims may enter the justice system in such a state that they are unable to process information. Justice system workers, then, may become frustrated with clients who seem to misunderstand what they are told and who cannot remember what they are told. Women with PTSD may need special assistance in which difficult information regarding court proceedings, etc., is broken down into simple steps. In fact, for this reason, some jurisdictions have an advocate who helps victims deal with the complexities of the justice system. On Prince Edward Island, Victim Services assists victims in this way.

#### **IV SPECIFIC NEEDS OF COMMUNITIES OF WOMEN**

The ways in which women are impacted by abuse, as described above, create women who have special needs with respect to dealing with the justice system. Understanding traumatic bonding, developing compassion for victim fearfulness, and acknowledging victims' experiences are vital in helping women get through the very difficult stage of leaving their partner and weathering the justice system. Some groups of women, however, find themselves in specific circumstances that can hinder further their ability to seek help. We now turn to a review of an important and relevant factor for many Island women: rural isolation.

##### A. Women in Rural or Isolated Areas

Battered women, by virtue of the secretiveness of their situation, tend to have few friends and limited access to resources; however, for women in isolated areas, this problem is further compounded (MacLeod, 1987). The small number of people living in the area means that people have close ties with each other; thus, people who could potentially help may know the abuser and therefore may not be "safe" to go to, may not believe a woman, or may defend the abuser. These people may include doctors, lawyers, and police officers who have grown up with the abuser or worked with him, and therefore cannot believe that he could be an abuser (MacLeod,

1987). In smaller communities, beliefs about the family as being “private” may be quite strong, and as a result, women may try to keep the problem from becoming known in a small community (Chalmers & Smith, 1988; MacLeod, 1987). A study of attitudes and beliefs about family violence in the West Prince County of PEI in 1995 found a similar view of family privacy. Only 60% of the members of the community who responded to the survey questionnaire indicated that they disagreed with the statement that “violence in the home between partners is nobody else’s business” (West Prince Community Advisory Board [WPCAB], 1995, p.7).<sup>5</sup>

Few resources exist for these women, and they need more basic information about wife abuse and about available options. When calling a centre, women in rural areas tend to stay on the phone for an average of 31 minutes compared to women in urban areas who stay on the phone for an average of 9 minutes (MacLeod, 1987). In some areas, women may not have easy access to a court system. For example, in 1987, MacLeod reported that travelling courts in the northern parts of Canada meant that women sometimes had to wait weeks for a court appearance. This delay discouraged women from even becoming involved in the justice system.

In a recent study of rural woman abuse victims from New Brunswick, the Helpers Exploring Abuse and Responding (HEAR) team further examined why rural women experience special difficulties with respect to leaving their abusive relationships and with help-seeking behaviours (HEAR, 1997). The team conducted focus-group interviews with 20 naturally occurring social clusters (i.e., high-school and college classrooms, workplaces, etc.). Although groups were identified such that a wide cross-section of rural eastern New Brunswick residents could participate, investigators found that men’s groups were unwilling to participate. All groups were asked questions concerning why women have a hard time telling friends or family about an abusive relationship, as well as other questions concerning personal definitions of woman abuse, why they believed woman abuse occurs, and how they would help a friend or family member who was a victim of woman abuse. The data indicated that visibility and personal privacy played key roles in women’s reluctance to seek help. Especially important to those living in rural communities is lack of confidentiality among service providers, who often, albeit unintentionally, “let secrets slip” (HEAR, 1997, p. 16) in everyday conversation with colleagues and friends. Other sources regarding lack of privacy include the widespread use of police scanners as a means to find out what is going on in the community. Abuse victims, according to respondents, might be unwilling to contact police because “they don’t want it broadcast all over...” (HEAR, 1997, p. 17). Thus, in terms of help seeking, the HEAR team, similar to MacLeod (1987) and Chalmer and Smith (1988), concluded that lack of privacy was a key issue for rural women.

The closeness of the community and the lack of opportunities to interact with others and to learn about resources is also a concern for rural women. A study of 105 former residents of a transition house in Regina, Saskatchewan, indicated that all of the rural women wanted to leave

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<sup>5</sup> Respondents were only given choices of ‘agree’, ‘disagree’, or ‘don’t know.’ Twenty-one percent agreed with the statement and 18% said they didn’t know.

their abusive relationships before they eventually did, and cited lack of resources and geographical isolation as major factors (Chalmers & Smith, 1988). Furthermore, emotional abuse combined with lack of resources and perceived alternatives may result in feeling of immobilization (Mahon, 1988). Indeed, Mahon (1988) found that a significant barrier for many rural Nova Scotia women was living in a rural community. Many participants spoke of the physical isolation they experienced, which is a common finding by other researchers (e.g. Chalmers & Smith, 1988).

## V WOMEN'S EXPERIENCES IN THE JUSTICE SYSTEM

In this section we first look at the area of research which deals with police responses. This area is important because if an assault is reported, the police officer is likely to be the first person in the justice system with whom the woman comes into contact, and an officer's reaction has significant implications for what follows.<sup>6</sup> Next, women encounter attorneys and the court system, both of which bring their own share of frustrations to abuse survivors. Finally, there are a range of dispute resolution methods in which women may be involved (Goundry, Peters, Currie & Equality Matters!, 1998); for the purposes of the present review, victims' experiences in court will be examined.

### A. General Police Response to Violence

Since the early 1980's, police have been encouraged to lay charges in cases of domestic violence despite a debate about whether or not encouraging more reporting and laying of charges is ultimately beneficial (Gartner & MacMillian, 1995; Goyette, 1990). However, a variety of factors related to the context and the police officer's life appear to influence whether or not charges are actually laid. For example, Bachman & Coker (1995) found that the more severe a woman's injuries, the more likely she was to report to the police, and the more likely the police were to lay charges. However, this had no effect on their reaction time or on their action at the scene of the crime (which could range from laying charges to being supportive or aggressive toward a woman). However, the more battered a woman was over time, the less likely she was to report it to the police, and police were more likely to lay charges for first offences rather than for multiple offenders. What this means is that "those victims who are at greatest risk of sustaining injury are those who are the least likely to report their victimization to police, and moreover, the offenders who are more likely to cause an injury are also less likely to be arrested" (Bachman & Coker, 1995, p. 102). The effects of laying charges cannot be underestimated. It is based on the notion of deterrence – that a person will be prevented from committing a crime if they believe they will be apprehended and punished by authorities (Bachman & Coker, 1995).

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<sup>6</sup>For women who do not involve the police, their first foray into the justice system is likely to be with a lawyer, and the issue of abuse may come up "by accident" when filing for separation, divorce, or custody. The literature review, however, was unable to locate relevant information regarding lawyer responses.

Cyr Carmody & Williams found that repeat offenders were less likely to consider arrest as serious as a first time offender (1987). This points to the importance of laying charges as early as possible (i.e., the first time it occurs) in order to prevent further abuse from occurring.

The lives of police officers and the environment in which they work are important factors in determining how they respond to acts of patriarchal terrorism (Rigakos, 1995; Stith, 1990). Levels of stress and violence in a police officer's own relationship may affect how a male officer responds (Stith, 1990). In Kansas, male police officers with a history of violence within their own relationships appear to respond in more hostile ways to women reporting battering. Furthermore, an examination of a police force subculture in British Columbia revealed that a "cult of masculinity" which was based on heavy drinking, tests of courage, and the exclusion of female officers who challenged this culture influenced police officer's beliefs, attitudes, and actions. Patriarchal attitudes were being reproduced and enforced within this culture, which is a concern when one considers that these officers would be responding to situations influenced by patriarchal notions of men's rights to control their female partners. Quite disarming were findings that many police officers viewed women as manipulative liars and unreliable witnesses, and that they often had incorrect assumptions of how violence was caused within homes (Rigakos, 1995). Many officers talked about "stories of betrayal" (in some cases, from many years ago) in which a woman "let them down" during a trial, choosing to focus on these few cases rather than the much higher number of cases that were successful in court (a goal which was identified by officers as being very important). Finally, some officers were even not clear on appropriate protective orders to use. This study presents a sobering look at the harmful effect of a patriarchal and hostile police subculture.

### B. Experiences with Police in Nova Scotia and PEI

Mahon's 1988 study of Nova Scotia women. In the late 1980s, a project report documenting "Battered women's experiences in the legal system in North-eastern Nova Scotia" was published (Mahon, 1988). The author summarized information gathered from case files of 266 residents of Tearman House (a battered women's shelter in Nova Scotia), interviews with 27 former residents of Tearman House, police statistics on police response to domestic violence cases over an eight-month time period, and "court watches" by research team members who attended domestic abuse hearings during a one-year period from August 1987 to August 1988. Because the studies reviewed in the previous sections did not contain specific information about women's experiences in the justice system; but rather presented victims' experiences of abuse, we now provide a review of the Mahon (1988) study as well as studies conducted in PEI.

In terms of police involvement, Mahon (1988) found that, out of 266 women who came to Tearman House for the first time, only 50% of them had contacted the police. Women were more likely to contact the police if physical violence, and especially weapons, were involved. Yet 62% of those who had experienced physical violence did not contact police. Official documentation on why the Nova Scotia women did not contact the police did not exist; however,

according to anecdotal evidence, victims' reasons included factors such as not thinking the police could do anything, being fearful of retaliation by their partners, and not wanting to involve the police. Further, some women could not contact the police because they did not have access to a phone, and others were concerned that police would take too long to respond to their situation. One woman said:

I was talking to a cop once who said they have a lot of support for battered women. When I asked him what I could do where I live in the country and it takes a half hour for the police to come...he didn't have an answer for me. I said what if I have to shoot him in self-defence? He didn't have an answer. Maybe a course in self-defence (is the answer). I've already taken one (a course in self defence). (Mahon, 1988, pp. 21-22).

Women who did contact police, however, had inconsistent results. Some cases seemed to suggest that police had not investigated thoroughly. One woman was told by a police officer that "they don't get involved in domestic disputes" (Mahon, 1988, p. 24). Police who appeared to take the situation seriously were described as being concerned, helpful, interested, and understanding. Those officers who were not seen as taking the situation seriously were described as blaming, or acting superior or uninterested. Factors such as whether or not the police officer knew the perpetrator and his or her views about appropriate behaviour for women and men were seen as influencing what action they took. Overall, only a small number of charges were actually laid and some women felt like the pressure was on them to lay the charges rather than the police. This fact is notable given a policy established in the early 1980s that requires police to lay charges rather than forcing reluctant victims to do so. Nevertheless, some women felt that the police response was improving over time.

Report on wife assault & sexual assault for the victims of crime monitoring and evaluation study (Reddin, 1987). On PEI, during the same time period as Mahon's study was completed, Reddin (1987) conducted a study that was commissioned by the Federal Department of the Solicitor General to monitor the justice system response to victims of crime on PEI. Woman abuse victims were given the option of being interviewed by phone or in person, to protect them from further abuse by their assailants. Unlike Mahon (1988), Reddin (1987) found that 49 of the 59 women she interviewed who were living with their abusers at the time of their interviews had contacted police at the time of their assaults. Thus, PEI women living with their abusers may have experienced less hesitancy in reporting incidents to the police, possibly because most victims—similar to the women in Mahon's study—felt that police response had improved since 1983 (the date of an earlier comparative PEI study of wife assault victims). In many of these cases, the assailants were removed from the home. Furthermore, some victims reported that Island police, especially the RCMP, appeared more knowledgeable about domestic violence and the policy of police laying charges in wife assault cases than officers had in 1983. Both factors may help victims feel safer during the crucial time period between charging, court dates, and sentencing—a time which, as previously noted, a victim's risk of death at the hands of her estranged partner increases significantly.

The respondents, however, weren't completely satisfied with police response. The women were asked both how they perceived police response and how satisfied they were with police response. In terms of perceptions (i.e., quick police response, polite officer, telling victim about available services, etc.), none had changed significantly from the 1983 to the 1987 study. Similarly, the level of satisfaction with police response did not change between the two surveys. Reddin (1987) concluded that, even though significant change had occurred in police practices regarding wife assault victims, further improvements were needed in service provision by police.

In addition to interviewing assault victims, Reddin's (1987) team also interviewed 46 RCMP and municipal police officers by telephone. Most officers (67%), consistent with victims' reports, had removed the assailants from the family home, rather than forcing victims and their children to seek alternative housing. On the other hand, fewer than half of the police respondents indicated that they had either read or distributed pamphlets regarding domestic violence. The most common reasons given for not reading and/or distributing the brochures were that the officer was not aware that such brochures existed, or that the officer could not find any brochures on domestic violence in his or her office. Both of these findings, first, suggest that officers might need ongoing training regarding domestic violence, and, second, may indicate why women's perceptions of and satisfaction with police response had not changed in the four-year period between the two surveys (Reddin, 1987).

Police were also assessed with respect to laying charges against the abuser, which is required when a woman appears to have been assaulted by her intimate partner. Laying charges can be a difficult issue for police to deal with, as victims do not always want charges laid for fear of reprisal (Reddin, 1987). Despite these difficulties, most municipal police and RCMP officers (58%) indicated that they usually laid charges in domestic assault cases. Most officers indicated that they experienced difficulties with laying charges, especially in terms of victims either wanting charges dropped or victims changing their stories in court. Officers reported that comprehensive support from all aspects of the criminal justice system might make using the charging policy easier (Reddin, 1987). Based on these findings, Reddin (1987) recommended that police receive ongoing training regarding domestic violence in general, and laws and services regarding wife assault in particular.<sup>2</sup>

Inquiry into police and department of justice policies and procedures in cases of inter-spousal and intra-family violence (McQuaid, 1991). This report included information from an inquiry into police and justice system responses to domestic violence following the death of an Island woman at the hands of her estranged husband. Specifically, to determine whether or not the police failed the Island woman, all copies of municipal police and RCMP files regarding the McMurrer case were examined. McQuaid (1991) found that, while the municipal police of both Summerside, PEI, and of St. Eleanor's, PEI, conducted themselves in a professional manner, the RCMP officers who responded to her calls did not respond in a helpful manner. RCMP officers

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<sup>2</sup> Hamby, S.L., & Sugarman, D.B. (1999). Acts of psychological aggression against a partner and their relation to physical assault and gender. *Journal of Marriage and the Family*, 959-970.

would not lay charges, even though the victim requested that officers do so. Further, the RCMP who responded to her calls treated her, and members of her family, in an insensitive manner (e.g., why are you calling again?, etc.). In terms of police response, then, McQuaid recommended that both police and RCMP detachments develop a common protocol for dealing with domestic violence calls, that police and RCMP officers receive in- and pre-service training regarding both the interpersonal and legal aspects of domestic violence, and, finally, that 24-hour emergency service be made available to women in rural areas.<sup>8</sup> These suggestions were intended to ensure that consequences of filing a complaint—whether with the RCMP or a municipal force—would be the same for both victims and perpetrators, that officers would respond with sensitivity to victims of woman abuse, and, finally, to ensure that rural women would have the same access to police services as do urban dwellers (McQuaid, 1991).

Report on domestic violence legislation to the Honourable Alan Buchanan (Bradshaw, 1995). This report was undertaken by Bradshaw (1995) to examine the adequacy of current provincial and national laws with respect to domestic violence. The Provincial Government at the time<sup>8</sup> expressed concern that current local and national laws were not adequate to protect local victims of violence. In terms of police response, Bradshaw (1995) found that current laws hindered police response to domestic violence calls. Specifically, under Canadian law, police had to provide clear evidence that an assault had taken place before charges could be laid against the abuser. Given the fact, however, that wife abuse consists of an entire spectrum of behaviour that ranges from battering to emotional abuse, such physical evidence was not always available to police. Furthermore, as Reddin (1987) found, even though police can lay charges under Canadian law, many Island and RCMP officers are reluctant to do so because victims often become uncooperative during trial and recant their stories for reasons previously discussed in the present literature review. Simply, provincial and national laws of the time were not sufficient to deal with unique aspects of domestic violence cases, including aspects of intimate terrorism behaviour itself, as well as victim fearfulness (Bradshaw, 1995).

Victims of Family Violence Act (VFVA) monitoring study (Bradford, 1998). The VFVA was enacted in late 1996 to provide for needs of victims that were not being met by previous laws. The new legislation allowed women and children to stay in their homes, thus easing some of the financial burden on woman abuse victims. Furthermore, the VFVA was designed to supplement current federal legislation through the creation of Emergency Protection Orders (EPOs) and Victim Assistance Orders (VAOs), which have been discussed in the introductory section of the present literature review. The monitoring study, conducted by Bradford (1998), involved a document review (i.e., legislation and regulations regarding EPOs and VAOs), a file review (i.e., Supreme Court cases in Charlottetown and Summerside that involved VAOs and EPOs), and interviews with 18 victims of family violence and 29 family law lawyers. Using the data listed above, Bradford (1998) assessed usage of the VFVA as well as the process of obtaining both VAOs and EPOs. Results indicated that less than half of the women in Bradford's (1998) study knew about the VFVA prior to their involvement in the justice system. Further, most victims

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<sup>8</sup>These policies and procedures have been introduced since the McQuaid Report was issued in 1991.

were satisfied with the time and ease of obtaining an EPO; however, victims reported less satisfaction with the duration of EPOs (usually, EPOs are granted for one month; most victims, given the post-traumatic stress they experience, feel that one month does not give them enough time to figure out what their next steps will be), and police compassion.

Although EPOs were used by 16 of the 18 women interviewed for Bradford's (1998) study, VAOs were used by only 2 of the 18 respondents. The women reported that they either had not been told about VAOs by police, or that, if told about VAOs, they could not remember the information the officer had given them. For women who knew about VAOs, and who understood the process of obtaining a VAO, the legal process was intimidating. Based on her findings, Bradford (1998) recommended that police and RCMP officers be further educated about the VFVA, including EPOs and VAOs, and about how wife abuse impacts victims. Thus, officers might be more informed and compassionate when dealing with victims, which, in turn, might help women to escape abuse.

Family violence and the justice system response: A report to the Attorney General of PEI (Nicholson, 2000). Nicholson (2000) produced this report in response to a request by the Attorney General to assess the Island's justice system response to woman abuse, and how the system's response could be improved to better serve woman abuse victims. The author reviewed documents to track the development of legislation and services for victims and consulted individuals and groups who worked with victims. While Nicholson (2000) examined other issues than police response to family violence, her report indicated that changes in the ways police respond to family violence were necessary. First, to allow policy and protocol regarding domestic violence cases to be uniformly applied across cases, an interdisciplinary team response to initial calls to police was recommended. A uniform, team response would enable police and other justice system workers to respond more efficiently to domestic violence cases. If battered women do not receive the assistance they need from Victim's Services—because, for example, police did not refer them to the agency, and the women were not familiar with the service themselves—victims are more likely to become hostile witnesses in court or to submit to abuser pressure to recant charges (Nicholson, 2000). A team approach would also facilitate interagency communication, which would, in turn, also improve the efficiency and consistency of the justice system response to woman abuse.

Victims of Family Violence Act (VFVA) evaluation study (Bradford, 2001). Using follow-up data from the first Monitoring Study, as described above, as well as data from reviews of police files conducted for another project, usage of the VFVA, as well as the processes of obtaining VAOs and EPOs were examined. Results indicated that, although EPOs were granted in the majority of cases in which they were requested, fewer orders were requested by police over a three-year period from January 1997 to December 2000. According to court records examined, even fewer women applied for VAOs over the same time period. Further, the behaviours that led to granting of EPO requests included physical assault (62% of cases), emotional abuse (56% of cases), and threats (46% of cases). Interviews with police indicated that most officers had positive responses to the VFVA. Specifically, in terms of EPOs, police felt that the orders

benefited victims in many ways: First, orders were viewed as a deterrent to further violence; second, EPOs allowed victims time to make decisions about their lives; third, the orders enabled victims and their children to remain in the home; and, finally, the orders helped officers to better control a tense situation in the victims' homes. Thus, the majority of officers found the VFVA useful in their work.

Despite the fact that most officers were extremely satisfied with the VFVA, a few (33%) of the officers interviewed expressed concerns with the Act and suggested improvements to the Act. The dissatisfied officers felt that the penalties for a breach of an EPO were not harsh enough, thus placing victims at risk for further violence. Other problems the officers encountered were delays in obtaining orders. In terms of improvements to the VFVA, these officers suggested stricter punishments for breaches, a simpler, quicker way of obtaining EPOs, treatment for offenders while under an EPO, and further training about the VFVA (Bradford, 2001).

As with the earlier Monitoring Study, the present project also involved interviews with victims. The responses of the women closely mirrored the police officers' reactions to the VFVA, in contrast to the earlier study. In fact, the majority of the 56 women interviewed for the present study had positive comments about both police response in general and EPOs in particular. In terms of police behaviours, most women found that their experiences with police post-VFVA were more positive because the offenders, rather than victims, were removed from the home, thus giving victims a sense that some action had been taken against the offender. The EPOs empowered victims because they gave the women time to plan for their futures, because the Orders provided concrete help, and because women felt that they had taken positive action to improve life for themselves and their children. Finally, in terms of problems with the VFVA, the women felt that EPOs would not protect them in cases where substance addiction co-occurred with the violence, that abusers were not receiving appropriate treatment while under an order, and that some abusers became angrier and more abusive as a result of the EPO. As with police, the women suggested a less complicated and time consuming process for obtaining EPOs, and further education for police regarding both the legal and interpersonal aspects of woman abuse (Bradford, 2001).

Summary regarding Island police response 1987-2001. The research discussed in the previous sections indicates an improvement in police response, especially in terms of the mandatory charging policy. Furthermore, Island police and RCMP officers have used EPOs, measures created by the *PEI Victims of Family Violence Act*. EPOs allow women and children, rather than the abusers, to remain in the home. Both police and victims express a high degree of satisfaction with EPOs, as such measures give women time to think about their options without the stress of day-to-day interactions with their abusers. Victims, however, continue to express dissatisfaction with service provision by police. Specifically, some women view police as lacking compassion for abuse victims and as lacking awareness of resources available to Island victims of domestic violence. Police officers who have been interviewed for studies conducted over the past 15 years also indicate a need for further education regarding both family dynamics and legal aspects of domestic violence. Helping officers to respond more compassionately would give women the

support they need as they enter the justice system, which, in turn, would help more women to break free of abusive relationships.

### C. Experiences with Lawyers

Report on wife assault and sexual assault for the victims of crime monitoring and evaluation study (Reddin, 1987). A small amount of information is available on the experiences of the Nova Scotia women with their lawyers (Mahon, 1988). Women who had private lawyers tended to be more satisfied with them than women who had lawyers appointed through legal aid. Similarly, Reddin (1987) found that the majority of PEI wife assault victims who sought help from legal aid felt that they had received inadequate assistance. Most of their problems with legal aid stemmed from inadequate staffing, which, in turn, led to victims' placement on a long waiting list. Further, victims were not informed about what legal aid can (e.g., custody, maintenance support, etc.) and cannot (e.g., assist with laying charges, recognizance orders, etc.) do. This difficulty may stem from the fact that the police surveyed for the Reddin (1987) study routinely referred victims to legal aid without being aware of the limitations of such services. Second, legal aid is only available through a means-tested basis, which necessarily results in the exclusion of some women, who later find that they also lack the funds to retain a private attorney. As 64% of victims surveyed reported that they required legal information and advice, the lack of assistance given by legal aid indicated that wife abuse victims on PEI were seriously under-served (Reddin, 1987). To improve services to woman abuse victims, Reddin (1987) suggested that legal aid be reviewed with consideration given to the needs of wife abuse victims, and that police be educated regarding services for victims of domestic abuse.

Beyond legal aid, an important source of legal information, especially as victims enter the court process, is the Crown Attorney's office (Reddin, 1987). As court proceedings can be especially difficult for victims (who may recant or become hostile witnesses when faced with charging their abuser), adequate preparation of victims is crucial. Thus, victims need to have the court process explained to them in detail before the court date. In several cases, however, a substitute Crown Attorney was called in and victims were not satisfied with the assistance they received (Reddin, 1987). Thus, according to Reddin (1987) efforts should be made to ensure that the substitute Crown Attorneys provide necessary assistance, or that an advocate is appointed who can assist victims with their experiences in court.<sup>9</sup>

The McQuaid report (McQuaid, 1991). The McQuaid report, commissioned after the death of an Island woman at the hands of her estranged husband, also presented recommendations regarding both Crown Attorneys and private attorneys. Crown Attorneys, according to the report's recommendations, should provide women with an orientation to the court process (McQuaid, 1991). Although victims rated the Crown Attorney and assistants as helpful and compassionate, the victims indicated that they needed assistance as they moved through the court system. The

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<sup>9</sup>Advocates for victims of crime on PEI are currently available through Victim Services.

unfamiliar environment led to confusion among victims, which, in turn, according to Crown Attorneys interviewed for the study, led to less than satisfactory witness behaviour on the part of victims. Private lawyers, including those who practice family law, were found to be unfamiliar with the relationship dynamics in violent families. Their unfamiliarity led attorneys to draw out proceedings through legal manoeuvring. As mentioned previously, delays in processing domestic assault cases can increase the risk of further violence, as well as increase the chance that the victim will recant or become a hostile witness. Therefore, the McQuaid report recommended that attorneys receive training about the dynamics of family violence (McQuaid, 1991).

Victims of Family Violence Act monitoring study (Bradford, 1998). Of the 18 victims surveyed, only 5 had an attorney; of the remaining 13 victims, 5 reported that legal representation was not necessary as they had assistance from Victim Services, and 3 women indicated that they could not afford legal representation. The remaining four respondents indicated that they had difficulty obtaining legal representation: two women were not eligible for Family Law Legal Aid, yet could not afford to retain a private attorney; another woman found that her EPO was not long enough to enable her to retain a private attorney; and, finally, the last of the four women who experienced difficulty retaining a lawyer was eligible for legal aid, but the legal aid office took five weeks to find her an attorney without a conflict of interest. When the women were asked about their satisfaction with their attorneys, most respondents indicated low to moderate satisfaction with respect to the attorney's knowledge level (about the Act and VAOs), helpfulness, and clear explanations about the VFVA. All women, however, reported a high degree of satisfaction with the lawyers' caring and compassion (Bradford, 1998).

Bradford (1998) also surveyed 29 family law lawyers about the VFVA. The lawyers were all familiar with the VFVA, and 83% (n = 24) of the attorneys had cases involving family violence (i.e., representing either victims or abusers). Twelve of the attorneys who had worked with victims had suggested an EPO, a VAO, or both to their clients. The lawyers who did not recommend such orders thought they were unnecessary for their clients. When asked about their satisfaction with the Act in general and EPOs in particular, the majority of lawyers were highly satisfied with the Act and EPOs. Most of the respondents felt that the VFVA was useful, needed, and valuable. Further, the participants felt that EPOs made their work with victims easier and quicker. The attorneys who had negative reactions to the VFVA felt that the Act was unnecessary, unconstitutional, and subject to abuse by vindictive women (Bradford, 1998). Regardless of the individual attorney's perceptions of the VFVA, all expressed a need for further training regarding the VFVA.

Family violence and the justice system response: A report to the Attorney General of PEI (Nicholson, 2000). Nicholson (2000) also examined victim's experiences with lawyers as part of her assessment of the PEI justice system response to woman abuse. Her analysis of interview data and court documents indicated that women needed better access to legal assistance. Woman abuse survivors not only need assistance with their criminal case against the abuser, but also need assistance negotiating family law issues (i.e., custody and access, child support). Most

women, however, are means-tested out of Family Law Legal Aid, yet find that they cannot afford a private attorney. Further, as a less adversarial and cheaper option than family court, survivors are often presented with mediation to settle family conflicts. Mediation, however, according to Nicholson, is not a viable option in abuse cases, given the power imbalance between the abuser and the victim. Legal assistance regarding family issues, however, is critical, as abusers often use custody and access arrangements to continue harassment of victims (Nicholson, 2000). Thus, Nicholson (Nicholson, 2000) recommended to the Attorney General that, to improve victims' access to family lawyers, family legal services for abuse survivors be handled by Victim Services.

VFVA evaluation study (Bradford, 2001). As with other investigations cited in the present paper, Bradford (2001) recommended, with respect to attorneys, that woman abuse survivors need improved access to legal assistance. Both victims and those who help victims—in particular, Victim Services and Transition House workers—indicated that women specifically need financial assistance for family law issues. In addition, because abuse victims require the assistance of an attorney if they decide to obtain a VAO (which would provide the victims with a longer period of protection than an EPO), neither police, nor Victim Services workers, nor Transition House workers recommend such orders to their clients, unless the clients can obtain legal assistance either through legal aid or from a private attorney. Even attorneys indicated that, to process VAOs on their clients' behalf, they would need further education regarding the VFVA in general and VAOs in particular (Bradford, 2001).

Summary of attorney response to woman abuse cases 1987-2001. While many island women expressed a high degree of satisfaction with the caring and compassion of their attorneys – whether Legal Aid lawyers, Crown Attorneys, or private family lawyers were involved – the victims expressed dissatisfaction with their attorney's lack of knowledge regarding the VFVA in general and VAOs in particular. This problem, however, could be easily remedied with further training regarding the VFVA for attorneys, who agree with the women surveyed that they need to learn more about the *Act* and VAOs.

As women have been experiencing difficulties with Legal Aid since Reddin's (1987) study, such problems may be harder to remedy. Some problems stem from the fact victims are unaware of which services are provided by the agency. Further, some women are means-tested out of legal aid, yet cannot afford a private attorney. In fact, since 1998, some service providers have suggested that women who are ineligible for legal aid be provided with financial assistance for legal help (in addition to regular support ordered as part of an EPO) as part of their EPOs. Such support would enable the women to retain a private attorney. As most women who retain a private family law lawyer are seeking help with custody, access, and/or support issues—through all of which abusers continue to harass their victims long after the relationship has terminated—such an allowance would help women to stop continued harassment by their abusers.

Victims of woman abuse also need help from Crown Attorneys. Specifically, because of time constraints and last-minute substitutions of Crown Attorneys, many women did not feel

adequately prepared for the Court process. Inadequate preparation, in turn, contributed to the victim either changing her story or recanting her story while on the witness stand. Several reports, therefore, suggested that some type of victims' advocate, working through the Crown Attorney's office or from within the Courts, walk victims through every part of the Court process—from who sits where and why, to how to behave as a witness. Victim Services now provides that service in PEI.

#### D. Experiences in the court system

What, then, happens when women finally go to court? Many women do not want to go to court; yet, by the time of their appearance, women have very little power and few alternatives (Berzins, 1990). In fact, only within the past 15 years has the criminal justice system begun responding to the needs and demands of abused women (Denham, 1990). Where a case goes may have implications for the outcome of the case. Burris and Jaffe (1983) found that in London, Ontario, almost all cases which were laid privately (by the victims) went to Family Court, but that nearly 60% of police-laid charges went to Criminal Court. In London's Criminal Court, waiting periods for trials were shorter, and abuser convictions were more likely than in Family Court.

All cases in Mahon's (1988) study had gone through the Provincial Court and experiences in the court system varied. Some women felt like they were treated with respect and seriousness while other women felt that they were not. Judges seemed to take cases more seriously when assault charges had been laid. There were various frustrations related to the court system, such as long waits for court hearings, withdrawal of support payments by their abusive partners, and lack of understanding from both lawyers and judges in regard to the experience of emotional abuse. Reddin (1987) noted that when the staff Crown attorney was substituted with another attorney, PEI women tended to be less satisfied with the support they received (1987). Further, lack of support payments often meant that women had to go back and forth between court and social services for justice and financial support. Because of these difficulties and because of their partner's continued abuse, women kept returning to court which, in some cases, influenced the reactions of lawyers and judges who began to "tire" of the case. One woman said, "I felt like I was in court so much, I felt like a fixture there" (Mahon, 1988, p. 70). At the time of the publication of Mahon's (1988) report, however, the Nova Scotia court system was trying to address this problem by changing policies related to support payment defaults and court hearing waiting length. In general, women wished that they had someone to support them throughout the process, had the police in the court, and knew more about the whole process.

Report on wife assault and sexual assault for the victims of crime monitoring and evaluation study (Reddin, 1987). Although not a factor in the Nova Scotia study (Mahon, 1987), an additional difficulty is related to the different types of courts in which Island women may be involved. On PEI, victims may be involved with both the criminal and family courts. Reddin (1987) found that, because of lack of communication between the two court systems, women were often awarded contradictory orders. In some cases, for example, visitation rights were

ordered by family courts at the same time that recognizance orders from criminal court were in effect.

Although she did not directly collect data regarding the length of the court process, Reddin (1987) had observed that the court process appeared to take longer than in her comparison study from 1983. Such delays often resulted in the victims dropping charges against the batterer, even in cases of severe assault. Victims interviewed by Reddin (1987) identified other problematic issues with the court process, in addition to lengthy delays. One victim, for example, reported that a sudden change in court dates forced her to contact her witnesses herself. In other cases, the Crown Attorney's office reassigned Crown Prosecutors at the last minute. Such reassignments often mean that victims had no time to consult with the Crown Attorney about the court process and testimony issues prior to entering the courtroom. Finally, even when women did have time to discuss their case with a Crown Attorney, their appearances in court were made difficult by having to wait for court in the same room as the accused, and by having little or no familiarity with what occurs in court. To redress these problems, Reddin (1987) recommended, first, that each victim be appointed an advocate, someone who is familiar with the court process and who can help victims through the court process. In addition, to avoid the issue of contradictory orders, she suggested that the two courts cooperate through the sharing of information on shared cases involving domestic violence.

The McQuaid Report (McQuaid, 1991). In addition to assessing police and lawyer response to domestic violence cases, McQuaid (1991) also examined victims' experiences with the court system. Judges, especially those on the Supreme Court, were found to lack knowledge about battered woman syndrome. As a result, court observers often noted that the victims, rather than the accused, appeared to be on trial. Therefore, the report recommended that all judges should be made aware of the family dynamics involved in domestic violence. Armed with such knowledge, judges might be more likely to understand that the charge of wife assault before them is a culmination of an ongoing series of events (McQuaid, 1991). Judges often only consider the issue before them; thus, one incident in which the woman may have finally defended herself after years of abuse may look like a domestic dispute between equals. In such cases, the batterer may not be sentenced, or the woman may find herself charged with assault. Such an outcome may serve to decrease victims' confidence in the system, which, in turn, may make women reluctant to become involved with the justice system the next time a battering incident occurs (McQuaid, 1991).

Summary of victims' experiences in court 1987-1991. As can be seen, fewer studies regarding domestic violence on PEI have examined victims' experiences in court than any other aspect of the justice system; however, most victims seek a court-based remedy to either the domestic violence problem or divorce issues. The few studies that have been conducted on PEI suggest, as with studies of other aspects of the justice system, that those who work in the courts need further education regarding woman abuse. Judges, in particular, do not understand the cycle of violence and may, therefore, give an inappropriate sentence (McQuaid, 1991). Victims also need education—women need to be taught about the court process. Prior to their trial date, women

need to develop familiarity with not only the layout of the courtroom, but also what will happen to them on the witness stand. Indeed, the investigations cited above indicate that women feel ill prepared for court. Lack of preparation, in turn, can lead to less than satisfactory witness behaviour, with the end result that the charges against the abuser are dropped (Reddin, 1987). Another factor, which was mentioned in an appendix to the McQuaid (1991) report, also relates to victims as witnesses in court. Many women, even if well prepared for court by the Crown Attorney, tend to recant when faced with an angry abuser in court. McQuaid (1991) suggested that technology (e.g., video taping, etc.) be used for victim testimony. Indeed, to that end, McQuaid (1991) audited equipment available to the Island courts and found that video cameras are available within the court system; however, such equipment was only used for child witnesses (and continues to be used solely for that purpose [C. Doiron, personal communication, November 28, 2001]). Recent research, however, indicates, first, that videotaped testimony is admissible evidence in woman abuse cases, and, second, that victims are more likely to be cooperative when their testimony is videotaped so that they do not have to face the accused in court (Dawson & Dinovitzer, 2002).

## VI CONCLUSION

Research conducted in PEI between 1987 and 2001 about women's experiences with the justice system has focused primarily on the police response and women's experiences with lawyers. To some degree, women's experiences with the court system have been included in this research as well.

In PEI research conducted since 1987, women have reported a higher level of satisfaction with police response, especially in terms of the mandatory charging policy. The introduction of the *Victims of Family Violence Act* in 1996 has provided police with ability to remove abusers from the home instead of victims and children. Both police and victims have expressed a high degree of satisfaction with the remedies available under the Act. The research conducted in PEI between 1987 and 2001, and the current work of this Research Team, however, indicate an on-going need for improvement in police response including a higher level of compassion for abuse victims and awareness of resources available to Island victims of domestic violence.

A need of women leaving abusive relationships that has been documented time and time again is the need for access to family law legal aid. The research considered in this literature review bears that out once again, as does the Research Team's current study. While women involved in the studies discussed have expressed a high degree of satisfaction with the caring and compassion of their attorneys, they continue to express dissatisfaction with their ability to gain access to family law legal services. Some women have also expressed dissatisfaction with the level of knowledge that their attorneys have had regarding the Victims of Family Violence Act, particularly Victim Assistance Orders, and the dynamics of family violence.

Some concerns were raised by participants of the various PEI studies regarding their lack of preparation for court by Crown Attorneys. This problem has been alleviated to a great extent by the introduction of Victim Services in 1989. There remains room for improvement with regard to preparing for attending family law court processes.

All of the PEI research cited indicates a need for education regarding woman abuse of those working in the justice system, including judges, police, Crown Attorneys and court staff, as well as education for victims of abuse with regard to how the system works. Other recommendations similar to most studies include better access to family law legal aid and the implementation of a multi-disciplinary team approach to responding to woman abuse.

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