



**POSITION PAPER ON THE VICTIMS OF CRIME FUND
ALBERTA COUNCIL OF WOMEN'S SHELTERS
FEBRUARY, 2011**

Women and children who are victims of domestic violence experience varying patterns of violence in their lives, often including frequent and severe physical and psychological injury, resulting in long term effects. The same often holds true for the abuse of older adults. Due to the complex dynamics associated with the context, development and perpetuation of these forms of criminal abuse by offenders, women and children typically do not perceive themselves as victims of crime, and in the vast majority of cases do not report these crimes to police. Yet these are some of the most criminally victimized groups in our society.

The changes to the Victims of Crime Fund Legislation proposed by the Alberta government is a positive step toward improving recognition of the nature and extent of violent crime against women, children and seniors in Alberta, and is a direction supported through the 2004 Alberta Roundtable on Family Violence and Bullying. Implementation of several of these proposed changes would facilitate an important step in providing equitable treatment for victims of family violence, and would provide tangible evidence to victims, of the message that family violence is a crime.

With consultation from member shelters across Alberta, the Alberta Council of Women's Shelters recommends the following changes to the Victims of Crime Legislation, adapted from those presented by the Alberta government for community consultation purposes:

- Amending the Act to state that individuals become eligible for financial benefits upon "realization of the effects of the injury", rather than "realization of being a victim".
- Amending the Act to expand eligibility for grant funds to include community programs responding to the needs of victims of crime rather

- than limiting eligibility to those providing services through involvement in the criminal justice system i.e. victim services associated with police.
- Amending the Act to allow government to fund new or existing programs and services through an amendment to the "Regulation" and approval by Cabinet, rather than involving the legislature to make a change to the Act. This proposed change is supported, with the caveat that every effort should be made to increase the sustainability of funding for programs and services that are producing positive outcomes in service to victims of crime.

Information and data provided in this position paper were gathered from research and from comments made by Alberta Women's Shelter representatives in response to questions regarding the needs of domestic violence survivors as victims of crime.

Note: This position paper is written primarily within the context of the needs of women and children abused in domestic violence situations. However, it is important to note that many of the issues identified in this paper are similar for abused seniors, including both women and men who are served by ACWS member organizations and who are often victims of crime due to abuse.

Context for Understanding the Victims Fund

Alberta's Victims of Crime Fund is provided for and regulated through legislation under the Victims of Crime Act. This Fund is administered in two categories.

1. Through grants for projects and activities to Victims of Crime Service Agencies: groups and organizations supported by their community to provide programs and services that benefit victims of crime during their involvement in criminal justice processes. Priority for funding is given to police-based volunteer programs.
2. To registered victims (for financial assistance) - this category provides financial benefits to:
 - Albertans injured as a direct result of a violent crime. Individuals may be eligible for a one-time financial benefit based on the severity of your injuries. A monthly supplemental benefit may also be available for quadriplegia and the most severe brain injury victims;
 - Family members of persons killed as a result of crimes indicated under the Victims of Crime Regulation which can be viewed at the following link. [Regulation RSS](#).

Further details regarding eligibility for financial benefits are available at the following link:

https://www.solgps.alberta.ca/programs_and_services/victim_services/help_for_victims/Publications/Financial%20Benefits%20Brochure.pdf

Funds administered through the Victims of Crime Fund for both grants to organizations and financial benefits to individuals or their families are made available through surcharges on provincial fines (i.e. traffic violations) and surcharges imposed by the courts under the Criminal Code of Canada. The Government of Alberta website reports that this year it will provide \$11 million in grants to police-based and community-based victims of crime programs and approximately \$14 million in financial benefits to victims of crime.

Context for Understanding Proposed Changes to the Victims Fund

The Alberta government sought input from Albertans regarding proposed changes to the Victims of Crime Legislation in January, 2011 through an online survey and community consultations. A number of changes are proposed with the expressed intent to:

1. Maintain restrictions on access to the fund, i.e. deny benefits to dangerous and long term offenders;
2. Increase the equity of awards, i.e. by adjusting the injury schedule to reflect current medical terminology and improve consistency in language used (by medical professionals and by those who assess applications for the award) to describe the nature and severity of injuries;
3. Increase the amount of funds provided:
 - Increase the amount of the death benefit to reflect current standards (a maximum award of \$12,500 per family was set out in the Act in 1997); and
 - Award the full amount of the death benefit to all family members with a specified relationship to the victim rather than awarding a total amount to be shared by each family; and
4. Make changes to the Act to increase eligibility:
 - Increase access to financial benefits by Albertans with a legitimate claim; and
 - Expand eligibility for grant funding to a wider range of programs responding to the needs of victims of violence.

This fourth category of proposed changes has particular relevance for women who are victims of crime resulting from domestic violence, and their children. The significant percentages of women in domestic violence situations who either do not report crimes of violence to police or who report to police only after repeated and extensive violence minimizes access to this fund by women who are victims of gender-based crimes. In addition, the greater extent to which some subcategories of women exposed to domestic violence do not report to police leaves many women in these groups particularly disadvantaged in their access to these financial benefits.

Context

Currently the Victims of Crime Fund is available to victims primarily through criminal justice related services. This results in significant barriers to accessing this fund by women and children who are victims of domestic violence, largely due to the significant percentages of survivors who do not report these crimes to the police and who do not perceive or identify their experiences with violence and injury as a crime. The following sections discuss these issues.

The Victims Fund is Currently Available to Victims of Crime Only Through Criminal Justice Related Services

Currently financial benefits provided through the Victims Fund are made available to Albertans only through direct association with the criminal justice system and primarily through victim service programs associated with police services. In addition, grant funding is provided only to programs directly involved in criminal justice processes, and primarily to police-based volunteer programs.

The Majority of Women who are Victims of Domestic Violence Do Not Report to Police

A limited percentage of incidents in which women who are victims of violent crime due to domestic violence are reported to police. In a recent Canadian population-based study (Barrett and St. Pierre, 2011) regarding the help-seeking behaviour of 922 women who had experienced domestic violence in the previous 5 year period less than 1/3 of respondents had self-reported violence to police (29.8%). With respect to accessing services:

- Informal supports were most commonly sought, through talking to a friend or neighbour (67.5%) or talking with a family member (66.5%);
- Formal supports sought included:
 - Contacting police or court-based services was the least commonly used form of formal support (6.0%);
 - Contacting an emergency shelter, transitional housing program or women's center was significantly more common (22.7%); and
 - The most common formal support sought was contacting a counsellor (39.1%);
 - At least one type of formal service or support was accessed by 66% of respondents.

The nature and extent of the effects of violence experienced by respondents in this same study was characterized by the following:

- Almost half (41.3%) were physically injured;
- 37.5% required medical attention;
- 26.1% were hospitalized as a result of injuries;

- 38.4% feared for their lives during the violence;
- 81.9% experienced high rates of emotional abuse; and
- 24.7% experienced financial abuse.

Women's Reasons for Not Accessing Criminal Justice Services are Significant and Varied

Inconsistencies exist in the research regarding the impact of various socio-demographic factors on women's help-seeking behaviour in domestic violence situations. However, drawing upon recent research including a recent Canadian study the following conclusions have been made:

Visible minority women use significantly fewer forms of formal and informal support;

- Immigrant women, and especially newer immigrants experience a multitude of barriers to help seeking that result in lower rates of reporting and access to supports including language barriers, cultural norms that condone intimate partner violence and encourage women to stay with their partners, potential ostracism by the community for exposing family issues, and threats of deportation (Raj & Silverman, 2002 as cited in Barrett and Pierre, 2011);
- Women with incomes less than \$30,000 per year use significantly fewer forms of formal and informal support;
- Women who report fearing for their lives use greater forms of formal and informal support;
- Women who report a higher number of violent incidents are more likely to seek formal and informal support;
- Greater research is needed understand the factors influencing older women's help-seeking behaviour. Research conducted to date suggests that financial and other factors may contribute to barriers to help-seeking for older women; and
- Women with disabilities tend to be less likely to seek help than abled women;
- Far fewer Aboriginal women in Canada report sexual assault than non-Aboriginal women. Researchers hypothesize that underreporting by Aboriginal peoples may result from mistrust and lack of confidence in service providers, such as the police and the criminal justice systems, "which research has shown is not unfounded" (McGillivray & Comaskey, 1999 as cited in Barrett and Pierre, 2011).

Information from the research is supported by comments from Alberta Women's Shelter representatives who identified the reluctance of women accessing shelters to report to police. Shelter representatives identified the primary reasons that women don't report to police being:

- They have had a bad past experience or history with reporting to police;
- They had been charged in past along with their partner for violence in the home;
- When they reported to police in the past, there was not a useful response (e.g. no response from police; the judge sentenced the partner to probation only);
- They are concerned that reporting to police will result in having their children removed, or that violence by the offender will escalate in response to reporting;
- Having had extensive experience with an abusive partner who "turns it around" and makes it look as though she is the offender, resulting in concerns about being accused or investigated; and
- For Aboriginal women, similar factors to those described above are noted, including the lack of police response to previous reporting, and fear of losing children or other consequences. In addition, for Aboriginal women, previous experiences with racism were identified as a barrier in reporting to authorities. Barriers to reporting also include past negative experiences with police or stories shared by family members and others about past negative experiences with reporting to police.

One rural shelter representative noted the "real problem" of dual charging, explaining that the shelter frequently sees women who have been charged along with their partner, and that consistently in these cases the women share credible stories and evidence that they have either not engaged in the violence at all or have become violent with their partner in response to significant and often extensive abuse.

The Healing Journey Study, a longitudinal Study of 214 women in Alberta who have experienced intimate partner violence (2009) found that "criminal justice services provide limited and variable support" to women victims of domestic violence, with only 34% of women involved in the study indicating that they "think the legal system in their community takes abuse of women seriously." Related impressions by women in this study are evident in responses by the 72.3% of women who had "called police at least once because of partner abuse":

- 42.9% indicating that police "just talked to [them]"
- 13.4% indicating that police "said it wasn't a criminal matter"
- 13.4% indicating that police "tried to discourage [her] from wanting him/her charged" and
- 11.7% indicating that "police did not respond".

Comments made by participants in this study included:

- "I felt that I was bothering them."
- "The police response wasn't too great-they took too lightly. I made lots of complaints and the police thought I am in the revenge mood, that is all."
- "They didn't respond. The one time I called the police to tell them that he is following me in the car, they said he is allowed to drive wherever he wants."

Again the same holds true for the abuse of older adults. Abuse of older women is seldom identified and rarely reported to police. For this reason, it is often referred to as a "hidden crime." There are a myriad of reasons why this "hidden crime" is not reported to the police. Victims often feel ashamed and embarrassed about the abuse. They may be protective of the abusive individual, fearful of not being believed, afraid of revenge, fearful of being left alone or placed in an institution, and in many cases they believe that they cannot do anything about their situation. Older adults often experience negative psychological effects such as a deep sense of loss of power and rejection, loss of dignity and self-esteem, or depression (Action Group on Elder Abuse, 2007).

Discussion of Proposed Changes to the Victims of Crime Fund

Three of the fifteen changes proposed to the Act by the Alberta government have particular implications for access to services and benefits by women victims of crimes resulting from domestic violence, and their children.

1. Amending the Act to state that individuals become eligible for financial benefits upon "realization of the effects of the injury", rather than "realization of being a victim".

Women in situations of domestic violence commonly do not identify themselves as victims of crime. Even in situations where repeated and extreme abuse and injury occurs, women often do not perceive their experience this way.

"If you ask a woman if she has been abused, she will often say "no", but will say he accidentally broke my arm when he pushed me down the stairs... We say, "Did your husband do this to you?" Then they say "Yes"... When we show them the repetitive behaviours and explain that he has the ability to control this and doesn't, they begin to [see that it is] deliberate."

Researchers studying the victim-offender relationship and police reporting in domestic violence situations note the significance of this issue, calling for future research in this area to distinguish between those who perceive themselves to be crime victims, and those who are victims of violent crime but do not perceive themselves to be. (Felson, 2002)

Amending the Act to state that individuals become eligible for financial benefits upon realizing the effects of the injury rather than requiring the realization that they are a victim of crime is an important and necessary change. Amending the Act is needed to effectively support women who are victims of violent crime to have equal access to financial benefits provided by the province, and to not be disadvantaged by the effects of patterns of abuse by intimate partners, and by government regulations that are beyond their control.

2. Amending the Act to expand eligibility for grant funds to include community programs responding to the needs of victims of crime, rather than limiting eligibility to those providing services through involvement in the criminal justice system i.e. victim services associated with police.

Grants to Support Women

While providing grant funds to services associated with local police supports an important service to the community, limiting the distribution of funding in this manner does not take into consideration the needs of victims who are unlikely to report to police due to factors associated with their victimization. Limiting distribution in this manner leaves women and child victims of domestic violence disadvantaged in their access to supports and services that they are more likely to approach.

"We [understand and] tell them they're a victim, but with the criminal justice system, they have to jump through hoops to prove that they're a victim."

Shelter representatives noted the significant and important role that shelters take on in supporting victims of domestic violence to come to see that the violence they have experienced is a form of abuse that involves deliberate action, that is within their abuser's control, and that is a crime. One representative commented on the significant potential benefits that could result from the Alberta government giving a clear message to victims that family violence is a crime, by making the proposed changes to the legislation.

An important aspect of supporting women victims of violent crime is the need to improve victim identification through increased understanding and response to the specific factors that influence the help-seeking behaviour of various subgroups of women who are victimized. Minimally these subgroups should include visible minorities, immigrant women, women earning less than \$30,000 per year, older women, Aboriginal women and women with disabilities.

Grants to Support Children

In addition to the opportunity to improve access to the Victims of Crime Fund for women victims of domestic violence, there is an opportunity to improve access for the children who are also victims and frequently suffer injury due to criminal violence. Children are also often victims of crime resulting from being abused in situations of domestic violence or from witnessing the violence. Significant opportunities exist to address the effects of violent crime against children exposed to domestic violence through Victims of Crime Fund grant funding.

The well-known Adverse Childhood Experiences (ACE) Study (Fellitti, 2002) shows the powerful relationship between traumatic emotional experiences of children and later disease (related to physical and mental health), demonstrating that time alone does not heal many of the adverse experiences of childhood.

More recent research on children exposed to domestic violence shows the significant injury and effects of domestic violence on children:

- One study of 60 pre-school age children exposed to domestic violence found that parenting stress was the strongest predictor of children's scores on the Child Behaviour Checklist, noting the importance of the child's relationship with the primary caregiver, and the importance of early interventions (Zerk and Proeve, 2009);
- A study examining 520 children and adolescents (8 - 17 years) exposed to inter-parental violence found that living with violent parents increased the child's risk of post-traumatic stress disorder, dysthymia, self-harming behaviour and functional impairment, presenting implications for programming for children (Olaya, et. al., 2010);
- Another study examined the combined effects of child abuse and children's exposure to domestic violence on later attachment to parents and antisocial behaviour during adolescence. This study found that youth who were dually exposed were less attached to parents than those who were not exposed, and that stronger bonds of attachment to parents in adolescents predicted lower risk of

antisocial behaviour. The study suggests the importance of preventing exposure, and intervening to strengthen attachments between parents and children after exposure. (Sousa, Herrenkohl, Moylan, Tajima, Herrenkohl and Russo, 2010).

Several issues hinder children's access to the type and level of services needed to overcome the effects of violent abuse:

- Cases of domestic violence in which the primary issue is assessed/believed to be custody and access/parenting disputes, and professionals fail to perceive the relevance of exposure to domestic violence on child adjustment (Jaffe, Lemon & Poisson, 2003). In these cases, the victimization of children is often misunderstood as authorities focus on, and struggle to determine the legitimacy of allegations launched between parents.
- Underreporting of domestic violence to formal supports for the many reasons discussed in this paper prevents victim identification of abused women as well as their children.
- Trends in funding for children's therapy. In some regions, approval for initial therapy sessions funded by the province have been capped at five sessions. While this may be sufficient for many issues, it is arguably insufficient in most cases involving clinical trauma in children.

Research shows that "...PTSD has a better prognosis if clinical intervention is implemented early." (Foa, et. al., 2008). An opportunity to assist child victims of violent crime and prevent damaging long-term effects exists by making funds available through the Victims of Crime Fund for children experiencing significant injury as a result of family violence.

Note: Similar issues exist for seniors (both women and men), including vulnerabilities to abuse, effects of abuse, and under-reporting to police and authorities. The needs of this subgroup warrants consideration with respect to the proposed changes to the use of Victims of Crime Funds and related grants to address the needs of this population when they are victimized.

Implications for the Use of Grant Funding

The needs of women and children who are victims of domestic violence present several important needs for the use of Victims of Crime grant funding:

- Prevention (i.e. workplace violence and awareness raising initiatives);

- Emergency and Second Stage Shelters (to provide protection, risk assessment, safety planning and various supports). The demand for existing shelter services far exceeds the supply. From April 2009 to March 2010, Alberta's domestic violence shelters accommodated 6,169 women and 5,601 children. During this same time frame, 9934 women and 6342 children were unable to be accommodated;
 - Second Stage Shelter transitional supports for women and children leaving situations of violence. Women and children leaving domestic violence situations typically need a shelter and services for a longer period of time than is available in Alberta emergency shelters (21 days) in order to leave their violent situation and address the legal, financial, social and housing issues that allow them to live safely and successfully in the community. Limited resources are available to meet this demand. Currently only 2 of 10 second stage shelters in Alberta receive contract-based funding from government. One second stage shelter is at imminent risk of closing due to a lack of funding;
 - Parent-child interaction services (to increase protective factors for children exposed to domestic violence);
 - Trauma counselling for children - to address the adverse emotional effects of domestic violence; and
 - Projects and services aimed at increased understanding and response to the specific needs of subgroups who are victims of criminal abuse. These subgroups should minimally include visible minorities, immigrant women, women earning less than \$30,000 per year, seniors, Aboriginal women and women with disabilities.
3. Amending the Act to allow government to fund new or existing programs and services through an amendment to the "Regulation" and approval by Cabinet, rather than having to involve the legislature and make a change to the Act.

It appears clear that this proposed change addresses a significant existing barrier to timely funding of programs and services based on emerging trends and development of the evidence-base. A related caution in this area is the detrimental effects that result from a lack of sustainable funding for programs and services, and the challenges associated with frequent or sudden withdrawal of funding. It is understood that the level of dollars available in the Victims of Crime Fund cannot be guaranteed to remain constant or grow over time, and therefore sustainable resources cannot be guaranteed through this fund. However consideration should be given when implementing this proposed change to the need for funding sustainability in order for services to build upon evidence and implement practice improvements.

Recommendations

There is an opportunity inherent in making the proposed changes discussed in this paper to give abused women a clear message that they are victims of crime and will be supported by formal authorities in a manner equal to that of other victims of crime. Beyond this, not making these changes would allow women and children experiencing domestic violence to continue to be disadvantaged relative to other victims in our society. The Alberta Council of Women's Shelters therefore emphasizes the importance of these three proposed changes to the Act presented by the Alberta government and recommends that the following proposed changes be implemented:

- Amending the Act so that individuals become eligible for financial benefits upon "realization of the effects of the injury", rather than "realization of being a victim".
- Amending the Act to expand eligibility for grant funds to include community programs responding to the needs of victims of crime rather than limiting eligibility to those providing services through involvement in the criminal justice system i.e. victim services associated with police.
- Amending the Act to allow government to fund new or existing programs and services through an amendment to the "Regulation" and approval by Cabinet, rather than involving the legislature to make a change to the Act. This proposed change is supported, with the caveat that every effort should be made to increase the sustainability of funding for programs and services that are producing positive outcomes in service to victims of crime.



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