

*Family Violence*

BRIEF ON FAMILY VIOLENCE

PREPARED BY

ALBERTA COUNCIL OF WOMEN'S SHELTERS

ALBERTA COUNCIL

OF

WOMEN'S SHELTERS

Co-ordinating Alberta Women's Shelters

and

maintaining communications in matters relating to

domestic violence

January, 1984

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TABLE OF CONTENTS

- History of the Alberta Council of  
Women's Shelters . . . . . 1

- Introduction . . . . . 2

- What is Battering and What are the  
Implications? . . . . . 2

- Recommendations . . . . . 5

    Coordination of Services . . . . . 6

    Education . . . . . 7

    Working with Men that Batter . . . . . 10

    Ongoing Support for Battered Women . . . . . 11

    The Justice System . . . . . 12

    Funding . . . . . 16

The administrative costs of the Council until recent date have been provided in total by the Provincial Government. These costs included: travel expenses and subsistence of Shelter representatives to attend Council meetings, and access to meeting space.

From now on we have been informed that the Council will be responsible for its own administrative expenses, with the exception of the Annual Meeting of the Council.

Some monies have been generated through an annual membership fee of \$100.00 per shelter.

#### ACCOMPLISHMENTS TO DATE:

- (1) A great deal of time and energy has been expended by shelter representatives to make Government aware of the necessity for shelters. This has resulted in the Provincial Government establishing shelters as a program of the Department of Social Services and Community Health. Shelter guidelines are now being developed by the Government and shelters.
- (2) A Priority Committee has been set up to study various aspects of shelter operations. The committee will make recommendations for the purpose of ensuring some degree of uniformity amongst the shelters, but at the same time respecting the individual autonomy of the shelters.
- (3) Newsletter: To date two issues of a "ACWS Messenger", a Council Newsletter, have been circulated on province-wide basis. It serves to keep shelters informed of one another's activities, to provide information about new service available and to bring to attention current literature on domestic violence and relevant concerns. The continuation of the Newsletter is of the utmost importance for a cohesive Council.
- (4) Workshop: On May 4, 5 and 6 of 1983, 150 participants, mainly from Alberta, attended a Workshop held at the University of Alberta in Edmonton. There were in addition representatives from shelters in Manitoba, Saskatchewan and British Columbia. The keynote speaker of the Workshop, Lenore Walker of Denver, Colorado, is widely recognized as an authority on the Battered Woman syndrome. A Committee has recently been appointed to plan the second Workshop of the series.

#### PUBLIC EDUCATION

With the prevalence of domestic violence becoming more overt, the role of the Council will be increasingly important. It is the vehicle through which shelters may speak, and it is urgent that the Council be strengthened to act as a dynamic force in combatting this social evil.

## INTRODUCTION:

The problem of wife battering is not a new one. What is new is our society's recognition of its responsibility to deal with the problem. Historically, tolerance of a man's right to beat his wife is as old as the crime itself. This right has been supported not only by religious beliefs<sup>1</sup> but by law<sup>2</sup>. Although the laws are, for the most part, off the books, the attitudes which supported them still exist. Today, many men still adhere to the belief in their right to chastise/discipline their wife with corporal punishment. Many individuals do not understand the implications of tolerating battering in our society.

This brief will first review the implications of battering, it will then make recommendations for consideration by the Task Force.

## WHAT IS BATTERING AND WHAT ARE THE IMPLICATIONS?

Wife battering, for the purpose of this brief, is defined and includes:

- 1) Physical Battering: . . .  
- Physical battering includes all aggressive behaviour done by the batterer to the victim's body. It includes pushing, pinching, spitting, kicking, pulling hair, hitting, punching, choking, burning, clubbing, stabbing, throwing acid or boiling water, shooting and so forth. . . .
- 2) Sexual Violence:  
- Sexual violence....includes physical attacks on the victim's breasts/genitals or forced sexual activity accompanied by either physical violence or the threat of physical violence. . . .
- 3) Psychological Battering: . . .  
- Psychological battering is carried out with psychological weapons rather than physical attacks. In fact, the victim's body is not touched. Psychological battering includes a variety of behaviours. They are:

- a) threats such as threatening suicide, threatening violence against a mate, or others, threatening to take the children away, threatening to deport foreign-born wives, etc.
- b) forcing the victim to do degrading things, such as eating cigarettes....., licking the kitchen floor, etc.
- c) controlling the victim's activities, such as sleeping and eating habits, social relationships, access to money, etc.
- d) constant attacks on a mate's self-esteem by verbal abuse or through total denial of her ideas and feelings, etc.
- e) doing things intentionally to frighten the victim, such as speeding through traffic, playing with weapons, etc....

Psychological battering...occurs in a relationship where there has been at least one episode of physical violence. Without such an incident...verbal attacks and sabotaging behaviour [would be labelled] emotional abuse....

4) Destruction of Property and/or Pets: . . .

- This form of battering is done without actually attacking or even touching the victim's body. . . .

- However, the destruction of property or pets is still an assault on the victim.... The victim never knows when the assaults on property will turn into physical assaults.... Sometimes we minimize the seriousness of this form of battering by saying at least it is better than hitting her. Unfortunately, it often has the same psychological impact on the victim as a physical attack."<sup>3</sup>

The terms Family Violence, Wife Abuse, Wife Battering, and Wife Assault will be used interchangeably.

Battering is widespread in intimate relationships. The Canadian Advisory Council on the Status of Women (1980) estimates that, "Every year, one in ten Canadian women who are married or in a relationship with a live-in lover are battered."<sup>4</sup>

Battering can also be a problem in a casual relationship, with violence often beginning during the dating period.

Battering may result in permanent injury and sometimes ends in death. The Canadian Advisory Council on the Status of Women (1980) found that "beatings are frequently severe. In about one third of the cases, medical treatment was required and received."<sup>5</sup> Support Services for Assaulted Women, in "Wife Assault in Canada", contend: "Wife assault is responsible for one-fifth of all Canadian homicides ... in two ways. First, about 20% of all homicide victims are murdered by their spouses and the vast majority of these are women. Second, the woman who kills her husband usually is an assaulted wife acting in self defence."<sup>6</sup> Thus the victim becomes the "criminal".

Children growing up in a family with battering are vulnerable in many ways. They are first at risk during pre-natal development with battering often first occurring during pregnancy.<sup>7</sup> The children are also vulnerable to child abuse, including incest. In the case of families with battering, Walker (1979) found: "The child abuser in about one-third of [the] cases was [the] father. The man abused the women and he abused the children. In about another third of the cases, the woman was the abuser.... In the other third of the cases, there was no report of child abuse."<sup>8</sup>

Sopp-Gilson (1980) helps put the magnitude of the problem into perspective with the statement: "Without talking about the children who are being physically harmed, we are already looking at children who have witnessed some very wretched scenes. They have seen their mothers beaten, thrown into walls, through windows, eyes blackened and teeth knocked out. These children receive an education in how to cope with violence and fear. Often they have seen and lived through years of brutality, so much a part of their homelife that normal life goes on again as if nothing had happened."<sup>9</sup> The implications of battering go on as these children enter new relationships with few skills in terms of dealing with feelings and establishing intimacy. Battering often continues from one generation to the next.

The effects of battering reach into our community through violent crime. Hackler and Gauld (1980) state: "A reduction in family violence during the present generation would almost undoubtedly lead to a reduction in violence in the future.... Long range programs that focus on the modest reduction of violence in families would have a much greater impact on reducing violent crime in the future."<sup>10</sup>

Our experience, information, and knowledge of battering make it apparent that it is a problem that has to be addressed. The answers are not simple nor easy. However, not adequately addressing the problem allows the social abuse of the victim to continue. Society in general, and professionals in particular, must become sensitive to the psychological needs of the victim.

#### RECOMMENDATIONS

The problem of wife battering is multifaceted and pervasive. As such, the necessary responses to the problem are also multifaceted. Both governments have responsibilities to the victims of domestic violence. The Federal Government must take a leadership role in the area of research, public education, study and liaison between the Court system, law enforcement agencies and Shelter operators in looking into the causes and possible solutions to the problems surrounding domestic violence.

Provincial responsibilities include a public awareness program about domestic violence and what is available to the victims of domestic violence. Programs should be funded that ensure protection and support to the victims of domestic violence, including shelters, crisis lines, suitable school programs, and suitable follow-up support including housing for the family.

## COORDINATION OF SERVICES

### 1 RECOMMENDATION:

That the Province of Alberta establish a provincial Advisory Committee, similar to the Suicide Prevention Provincial Advisory Committee to coordinate, implement and monitor services for dealing with battering.

#### Rationale:

The magnitude and pervasiveness of the problem of battering requires coordination of a multifaceted response.

### 2 RECOMMENDATION:

That the Minister of Alberta Social Services and Community Health in conjunction with the Alberta Council of Women's Shelters, examine and develop a specialized provincial crisis line for abused women to call for information, assistance, support and referral.

### 3 RECOMMENDATION:

That the Regional Managers for Alberta Social Services and Community Health be given direction to establish a regional steering committee to examine and develop a network of services to ensure all women in Alberta have adequate protection from battering. Issues to be addressed include:

- a) the development of new shelters within the region
- b) safe transportation for women from isolated areas
- c) support counselling and advocacy for battered women
- d) public and professional education
- e) the development of treatment programs for men who batter.

The Committees to be comprised of representation from:

- a) Regional Managers for Alberta Social Services and Community Health
- b) existing and proposed shelter organizations
- c) isolated, rural and urban centres
- d) all cultural, ethnic groups with special needs
- e) lay and professional personnel
- f) judicial system and police
- g) the medical profession

## EDUCATION

### 1 RECOMMENDATION:

Programs within the Department of National Health and Welfare should encourage and help fund research (a) into the causes of wife battering and (b) into the development of educational programs designed to change our attitudes about violence as appropriate male behaviour and acquiescence to violence as appropriate female behaviour.<sup>11</sup>

### 2 RECOMMENDATION:

The Federal Government should develop programs for television and radio designed to inform the public about the nature and extent of the problem of wife battering.<sup>12</sup>

### 3 RECOMMENDATION:

The Federal Government should use inserts in Family Allowance cheques to give women general information about their legal rights in a wife battering situation, the resources available to them in their province, and where to turn for further information.<sup>13</sup>

### 4 RECOMMENDATION:

To help develop a mass media which is more aware of its responsibility in relation to the depiction of violence, the CRTC should be given the discretion to suggest guidelines to its licencees on this matter.<sup>14</sup>

### 5 RECOMMENDATION:

That the Minister of Alberta Social Services and Community Health support and develop, in conjunction with the Alberta Council of Women's Shelters, a media campaign addressing the problem of wife battering modelled from the Child Abuse and AADAC campaigns.

6 RECOMMENDATION :

That the Minister of Education, in conjunction with the Alberta Council of Women's Shelters, develop and include a program dealing with the problem of domestic violence for inclusion in the school curricula.

7 RECOMMENDATION :

That the Ministers of Alberta Social Services and Community Health and Education provide on-going inservice training opportunities regarding family violence for employees who may become a resource for battered women and/or their children. This should include child care workers, institutional workers and day care workers.

8 RECOMMENDATION:

All Canadian police education and training centres should offer a course on family violence with an emphasis on wife assault victims and these courses should be developed with assistance from people in the community who provide services to wife assault victims.

A comprehensive police training manual should be produced for use by officers and it should include, but not be limited to, providing police officers with current information about the nature of wife assault, the needs of wife assault victims, the changing police role in responding to wife assault, relevant sections of the Criminal Code, and the importance of making referrals to community services.<sup>15</sup>

Rationale:

Effective intervention in a battering situation is contingent on accurate information regarding the dynamics in a violent home.

9 RECOMMENDATION:

Police departments should be urged to assist in providing information to the public about wife assault and the legal and social service options available to victims.<sup>16</sup>

Rationale:

Given the mandate the police have with regard to crime and crime prevention, it is essential that the public become aware of the services they are able to provide for the battered woman.

10 RECOMMENDATION:

That the Minister of Alberta Social Services and Community Health allow existing shelters to include in programming a public education component with adequate additional funds to ensure expansion in this area would not be detrimental to other services provided by the shelter.

## WORKING WITH MEN THAT BATTER

### 1 RECOMMENDATION:

Research and funding programs within the Departments of National Health and Welfare and Justice should devote adequate funds to the development of treatment programs for wife batterers.<sup>17</sup>

### 2 RECOMMENDATION:

That the Minister of Alberta Social Services and Community Health allocate adequate funds under "B" Budget to provide treatment programs for wife batterers.

## ONGOING SUPPORT FOR BATTERED WOMEN

### 1 RECOMMENDATION:

That the Federal Government integrate the collection of support and maintenance into the income tax system. Revenue Canada would assume responsibility for both the collection and payment of support and maintenance as ordered by the courts.

#### Rationale:

The Law Reform Commission of Canada (1976), states: "Failure is the universal characteristic of the traditional system for enforcing maintenance orders in Canada.... The burden of this social evil is and has always been carried by women, most of whom are found in the least economically influential strata in Canada."<sup>18</sup> For the woman leaving a battering relationship, collecting maintenance which is rightfully hers may be especially difficult. Fear of retaliation on the part of the husband may be a major consideration in a decision regarding pursuing action.

### 2 RECOMMENDATION:

That the Minister of Alberta Social Services and Community Health revise the current provincial funding guidelines for women's emergency shelters to include "Second Stage" housing.

### 3 RECOMMENDATION:

That the Minister of Alberta Social Services and Community Health review policy with regard to the provision of essential furnishings for a battered woman and her children to ensure a woman can adequately establish a home for her children when she is unable to retrieve her furnishings.

## THE JUSTICE SYSTEM

### 1 RECOMMENDATION:

The Criminal Code be amended to permit the introduction of a victim impact statement to be considered at the time of sentencing.<sup>19</sup> The victim, or if she is not alive or available, the victim's family, to have input to the contents of the statement.

#### Rationale:

It is necessary to ensure that the court be aware of the pervasive nature of the effects of the crime on the victim and family.

### 2 RECOMMENDATION:

That the Attorney-General adopt as policy that in some assault cases, sentencing recommendations should be based at least in part on the needs of the victim in making a complaint. In many cases this will lead to a recommendation of probation or a suspended jail sentence conditioned on participation in therapy.

#### Rationale:

The reason many women choose not to call the police, lay complaints or choose not to proceed with them is because a criminal record and/or a fine or jail sentence are options that do not contribute to family life. They need a sentencing option that offers hope. If therapy was supported by the sanctions of the criminal justice system, it is the belief of the Alberta Council of Women's Shelters that a much larger number of women would lay charges, cooperate in disposing of these by trial or guilty plea. The sooner these offenders are in therapy, the sooner women can assess the chance of rehabilitation of the offender and decide if there are alternative solutions. Unless the criminal justice system can respond in a useful way, it remains part of the problem, not part of any solution.

3 RECOMMENDATION

That the Attorney General examine alternatives to the traditional process in dealing with wife battering. Both post-charge diversion programs and post-sentence alternative programs should be established as pilot projects.

Rationale:

Diversion (deferred prosecution or deferred sentence) is an alternative to traditional process. Criminal case processing is suspended while a defendant completes a program of therapy. Successful completion results in dismissal of charges/sentence. The leverage obtained over batterers admitted to a diversion program may be used to require participation in therapy focused on stopping violence. While few batterers voluntarily participate in therapy, many accept treatment as an alternative to court adjudication/other sentencing. If the batterer fails to comply with the requirements of the diversion program, prosecution is resumed/sentence is served.

Diversion Programs dealing with domestic violence are now in operation in Marin County and Santa Barbara, California; Portland, Oregon; and Miami, Florida.

4 RECOMMENDATION:

Police responding to wife assault calls should be directed to document the incident on computers as wife battering and records should be kept regardless of whether they lay a charge or make an arrest.

Rationale:

Such records would provide information as to the magnitude and frequency of family violence. On an individual basis, the records could provide information on the nature of previous incidents and whether weapons were involved. This evidence may be used to establish a pattern for future prosecution. Many municipalities already have some documentation on assaults, but fail to differentiate between family violence and, for example, bar room brawls. This makes it difficult to compile accurate statistics, useful for many purposes, including long-range planning for more effective and cost efficient policing.

5 RECOMMENDATION:

Police forces should institute domestic crisis intervention teams in collaboration with social and mental health services. These teams should be used in addition to, not as a substitute for, laying charges and making arrests where grounds exist for these actions.<sup>20</sup>

Rationale:

Crisis is very often motivation for an individual to change. It is an appropriate time to provide information and assistance to the family.

6 RECOMMENDATION:

Police officers should make every reasonable effort to provide or arrange for transportation for assaulted wives and their children when the victims seek shelter outside the family residence.<sup>21</sup>

Rationale:

The victim and her children often have no other safe way to remove themselves from the threatening situation.

7 RECOMMENDATION:

All current court orders (including orders granted Ex parte) which prevent a man from seeing or harassing his spouse should be enforced by all police forces.<sup>22</sup>

Rationale:

The circumstances which prevent and/or make undesirable the service of notice of an application for the order on the offender have been taken into consideration by the judge. The order should be acted on in the interests of protection of the spouse and the preservation of the public peace. In those instances where the man wishes to contest the truth of the evidence before the judge when the order was made, his recourse is through contempt proceedings or appeal.

8 RECOMMENDATION:

Information on release from incarceration should be provided to the victims if they have so requested.<sup>23</sup>

Rationale:

This procedure would provide the opportunity for a battered woman to secure safety for herself and her children if she deemed it necessary.

## FUNDING

### 1 RECOMMENDATION:

That the Federal Government's increased funds to the Secretary of State Women's Program be used for:

- a) Start up grants for shelters/second stage houses if the group is unable to secure adequate financial support from more local resources. The funding should be available for a period long enough to ensure the stability of the project.
- b) Additional programs in shelters that are not covered by provincial operational funds. The allocation of these funds not to be contingent on the development of a new project.

### 2 RECOMMENDATION:

That the Minister of Alberta Social Services and Community Health recognize the danger and implications in not adequately addressing the problem of Wife Battering/Domestic Violence immediately, and in doing so make exception to the Zero budget increase guidelines for the provision of services in this area.

### 3 RECOMMENDATION:

That the Provincial Government examine the feasibility of supplementing transition house funding through the use of:

- a) lottery money
- b) a surcharge on the purchase of marriage licenses and divorce applications.

FOOT NOTES

- (1) "The attitude that women are culturally legitimate objects of antagonism is clear throughout the Old Testament. In the Book of Deuteronomy (25:11:12) among the diverse laws and ordinances, there is one punishing with mutilation a wife, if in coming to the rescue of her husband in a fight with another man, she touches the opponent's genitals.... In another passage (22:13:21) there is a law regarding the disposal of a wife unable to prove her virginity."  
(Roy, 1977, pp. 7 and 8)
- (2) Included in the British Common Law was a section regulating and thus legalizing a wife beating. The original law authorized a husband to "chastise his wife with any reasonable instrument." The revision stipulated that the reasonable instrument be only "a rod not thicker than his thumb" - the "rule of thumb".  
  
"When Napoleon came to power, he imposed his views that women must be legal minors their entire lives. They were 'owned' by their fathers first, and later, by their husbands.... Napoleon is remembered for his declaration to the Council of State: "The husband must possess the absolute power and right to say to his wife: 'Madam, you shall not go out, you shall not go to the theatre, you shall not receive such and such a person; for the children you bear shall be mine.'"  
(Roy, 1977, p. 18)
- (3) Ganley, Anne L. Court-Mandated Counselling for Men Who Batter: A Three-Day Workshop for Mental Health Professionals, Center for Women Policy Studies, Washington, D.C. p. 8 - p. 16.
- (4) MacLeod, Linda: Wife Battering in Canada: The Vicious Circle, Canadian Government Publishing Centre, Quebec, Canada, 1980, p. 21.
- (5) Ibid. p. 10.
- (6) Support Services for Assaulted Women, Wife Assault in Canada, Toronto.
- (7) MacLeod, 1980 states: Only one house asked whether the women were beaten during pregnancy, but 80% of these women answered positively. Gelles also found that 10 of the 44 women he interviewed reported being beaten when pregnant. Steinmitz cites pregnancy as one of the major incitements to violence, and Gaylord identifies pregnancy as the factor which most often precipitates violence.  
(MacLeod, 1980, p. 11)
- (8) Walker, Lenore E., The Battered Women, Harper and Row Publishers, New York, 1979, pp. 156 & 157.

- (9) Sopp-Gilson, Susan, "Children from Violent Homes" in the Journal Ontario Association of Children's Aide Societies, Vol. 23 (10).
- (10) Hackler, Jim and Gauld, Laurel, "Strategies for the Prevention of Violent Crime" in Violent Crime in Alberta, Centre for Criminological Research, Department of Sociology, The University of Alberta, June 1980, p. 22
- (11) The Alberta Council of Women's Shelters concur with Recommendation #11 from Wife Battering: Report on Violence in the Family, May, 1982.
- (12) The Alberta Council of Women's Shelters concur with Recommendation #12 from Wife Battering: Report on Violence in the Family, May, 1982.
- (13) The Alberta council of Women's Shelters concur with Recommendation #13 from Wife Battering: Report on Violence in the Family, May, 1982.
- (14) The Alberta Council of Women's Shelters concur with Recommendation #14 from Wife Battering: Report on Violence in the Family, May, 1982.
- (15) The Alberta Council of Women's Shelters concur with Recommendations #38 and 35 from the Report of the Federal - Provincial Task Force on Justice for Victims of Crime, July, 1983.
- (16) The Alberta Council of Women's Shelters concur with Recommendation #47 from the Report of the Federal - Provincial Task Force on Justice for Victims of Crime, July, 1983.
- (17) The Alberta Council of Women's Shelters concur with Recommendation #10 from Wife Battering: Report on Violence in the Family, May, 1982.
- (18) Law Reform Commission of Canada, Family Law: Enforcement of Maintenance Orders, Information Canada, Ottawa, 1976, p. 47.
- (19) The Alberta Council of Women's Shelters concur with Recommendation #21 from the Report of the Federal - Provincial Task Force on Justice for Victims of Crime, July, 1983.
- (20) The Alberta Council of Women's Shelters concur with Recommendation #40 from the Report of the Federal - Provincial Task Force on Justice for Victims of Crime, July, 1983.
- (21) The Alberta Council of Women's Shelters concur with Recommendation #41 from the Report of the Federal - Provincial Task Force on Justice for Victims of Crime, July, 1983.

(22) The Alberta Council of Women's Shelters concur with Recommendation #39 from the Report of the Federal - Provincial Task Force on Justice for Victims of Crime, July, 1983.

(23) The Alberta Council of Women's Shelters concur with Recommendation #69 from the Report of the Federal - Provincial Task Force on Justice for Victims of Crime, July, 1983.

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ADDENDUM

Through input from local citizens, The Grande Prairie Women's Residence Assoc. are herewith submitting suggested revisions to the Brief on "Family Violence". Lack of time does not permit input from other members of the Alberta Council of Women's Shelters. The next full Board Meeting will be held on April 9, 1984, at which time these revisions will be fully discussed.

SUGGESTED REVISIONS

RECOMMENDATIONS (Page 5)

Add: Municipal Governments should encourage Community Support Services Departments to fund and actively support services which deal with family violence and recognize the preventive aspect of same.

ONGOING SUPPORT FOR BATTERED WOMEN (Page 11)

RECOMMENDATION #1

That the Federal Government integrate the collection of "court ordered" support and maintenance into the income tax system. Revenue Canada would assume responsibility for both the collection and payment of support and maintenance as ordered by the courts.

JUSTICE SYSTEM (Page 13)

RECOMMENDATION #4

Police responding to wife assault calls should be directed to document the incident on computers as "wife battering".

Rationale:

Such records would provide information as to the magnitude and frequency of family violence. Many municipalities already have documentation on assaults, but fail to differentiate between family violence and, for example, bar room brawls. This makes it difficult to compile accurate statistics, useful for many purposes, including long-range planning for more effective and cost efficient policing.

FUNDING (Page 16)

RECOMMENDATION #2

Add: The Provincial Government should recognize this as an essential service and provide funding through General Revenue.

RECOMMENDATION #3

With adequate funds being provided from General Revenue, this recommendation would not be necessary.