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WORKING DOCUMENT

**EVALUATION OF THE WOMEN'S
ADVOCACY PROGRAM
(WINNIPEG)**

**Focus Consultants, Victoria
C/S RESORS Consulting, Vancouver**

July 1990

WD1991-16e

**Research and Development Directorate /
Sous-direction de la recherche et du développement**

**Corporate Policy and Programs Sector/
Secteur des politiques et programmes ministériels**

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Department of Justice Canada. The views expressed herein are
solely those of the authors and do not necessarily
represent the views of the Department.*

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APPENDICES

NOTE: The following is a list of the Appendices contained in the original version of this Report. To save duplicating expenses, Appendices A to C have not been reproduced in the present published version. Complete copies of all the Appendices are available from the Department of Justice Canada on request.

Appendix A List of Social Service Organizations Contacted

Appendix B WAP Contact Letter

Appendix C Questionnaires and Interview Formats

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TERMS USED IN THIS REPORT

The vocabulary related to family violence issues is variable and changing. In this report, we use the terms spousal assault, wife assault and wife battering interchangeably. We include "relationship abuse" of all types under these terms, although at times we specifically focus on "dating abuse" as a separate issue.

We agree that abuse takes many forms (physical, emotional and sexual); but because the Women's Advocacy Program is a charge-based program, we focussed on those forms of abuse (mainly physical assault, but some sexual assault) which result in criminal charges.

After some deliberation, we decided to use the term abuse "victim" rather than "survivor" to describe the women who were assaulted because we think this term better reflects the criminal justice orientation of the program and this report.

EXECUTIVE SUMMARY

This report presents the findings of the Research Implementation Phase of the Evaluation of the Women's Advocacy Program (WAP) in Winnipeg, Manitoba. The basic goals of this evaluation were: to describe, document and critically analyze the WAP; to assess the program's impact and effectiveness in meeting the needs of victims; and to assess the impact of the WAP on spousal assault cases, on the victim's experience in the criminal justice system, and on the social service and criminal justice systems. The evaluation also addressed the question of whether charging assailants is the most effective way of handling spousal violence.

Seven strategies were used to collect data. These were: a charge and incident comparison between program users and nonusers; an analysis of program user files; interviews with program users and nonusers; program staff interviews; key respondent interviews (with persons in the criminal justice and social service sectors) and a program document review.

The Women's Advocacy Program was founded in May 1986 and is part of the Family Dispute Services Branch of Manitoba Community Services. Its overall goals are firstly, to assist spousal assault victims within the court process; and secondly, to generally reduce the incidence and consequences of spousal violence. The WAP offers services to all victims whose partners have been or are about to be charged. Four types of services are provided: (i) legal information and support; (ii) general counselling, information, support and referrals; (iii) liaison with the criminal justice sector on behalf of the victim; and (iv) training and education (to the criminal justice and social services sectors).

Services are offered to victims by means of a contact letter which contains case related information. Victims who do not respond to the letter or request services do not receive them unless the crown attorney refers a client to the program. The WAP does not assess or screen clients in the initial stages in order to provide different levels of service. However, a victim who requests services is likely to have an average of six to seven contacts with WAP staff. About 20 percent of all clients receive some form of court accompaniment.

Social service respondents indicated there is a great need for battered women to receive legal information and counselling in cases where charges have not yet been laid. We are recommending four changes:

- We would like WAP to be accessible to women whose partners have not been charged.
- We would like the WAP contact letter to be amended so that it is more supportive and less legalistic in tone. Since some victims do not understand the nature of the WAP, more specific information about the program should be included.
- We are recommending that case assessment, screening and categorization of cases be carried out at the initial contact stage so that all women in critical need can be assured of receiving services.

- We are recommending that the WAP provide different means of outreach to clients, such as telephone contact, along with the introductory letter.

The WAP staff presently consists of one half time administrator, two full time social workers (recently upgraded from one and one-half positions), one full time lawyer, and a part time receptionist/clerical worker. The present mix of staff is sufficient to meet the program's immediate needs; however, more direction is needed at the administrative level. In addition, we do not feel a fully qualified lawyer is essential for the program. We are recommending that an experienced, fully trained paralegal be considered. We also suggest that the inclusion of a Native staff member or someone from another minority group be considered.

We found some differences between the victims who had used the program and those who had not. The program users tended to come from longer term, more formal relationships, have more children, and be members of an ethnic minority. They tended to have suffered abuse in previous relationships and physical abuse as children. More program users than nonusers returned to their partners after the case was concluded, and over 80 percent of them continued to be abused.

The women who chose not to use the program were in shorter term, more transient relationships when abused. They were somewhat younger than the program users.

In both groups, over 80 percent of the women had been abused previously by the same assailant, and 25 percent of these offenders had been previously charged.

About 75 percent of the offenders had previous criminal records and 50 percent of these records were for violent crimes.

These data raise several concerns. Of concern was the high proportion of women in both groups who had been assaulted previously by the offender and the low number of assaults where the accused had been previously charged. We were also concerned by the high proportion of program users who returned to the relationship with their assailant. This suggests that the WAP has had little impact on women with long term abuse histories. Finally, we wonder if the high proportion of assailants with criminal records accurately represents the population of batterers as a whole. Is spousal assault simply an offshoot of criminal behaviour, or are men with previous criminal records more likely to be charged?

We identified three types of victims who, because of their level of need or the lack of program response, appear to require more intensive, comprehensive services from the WAP. These groups are women under the age of 25 in short term dating relationships, Native women or women from other ethnic minorities, and women who are long term or chronic abuse victims. We would also like to see more support services provided directly on behalf of children and, although this does not fall within the current mandate of the WAP, more comprehensive treatment services for offenders. Since alcohol was a factor in 40 percent of the battering incidents we examined, it is imperative that substance abuse counselling be offered as an adjunct to anti-violence counselling.

To determine the impact of the WAP on case outcome, we compared case histories of both program users and nonusers. We found that program user cases lasted longer than nonuser cases, and more cases were brought to conclusion. More accused in the nonprogram group were remanded in custody, and bail was set at a higher rate. However, more noncontact orders were issued to accused from the program group.

Sentences given to the accused in the program group were somewhat more severe (although the differences were not great) and mandatory treatment was more likely to be included.

All of these outcomes reflect the input of the WAP and its representation of the victim's needs and wishes to the court. The one negative aspect of the victim's involvement with the WAP is the lengthy case duration. Over 50 percent of the victims who used the program found this to be painful and frustrating.

Among victims who had used the program, it was most valued for the information it provided on charges and the case. It was considered to be weakest in providing active, supported referrals to other social service organizations serving battered women; counselling referrals for children from violent families; help with long term safety planning and specific information about family violence.

About one-third of the community respondents we interviewed indicated that they would like to see liaison between themselves and the WAP improved. Of 13 agencies contacted who indicated they would use the WAP, only seven received regular referrals from the WAP and eight made referrals.

One of the most significant areas of concern for victims was the lack of information they received on counselling services for the accused.

The evaluation also examined the ways victims experienced the court process. We found that victims who had used program services were more likely to experience the criminal justice process as painful and difficult. Issues such as seeing the offender, waiting to give testimony and reliving the experience in court were all considered more painful for the program users. One likely reason for this response is that these victims were more likely to be from more permanent relationships than women who did not use the program and in some respects had more painful backgrounds. It is probable that having more invested in the relationship makes the court process more difficult.

The victims were comparable in their other responses to the criminal justice process. Some still expressed disbelief that the offence had occurred, others expressed regret that the relationship was over.

Although the majority of the program users we interviewed (68 percent) found the program useful or very useful, 31 percent found it to be not useful or not very useful. Thirty-five percent of the victims we interviewed said program staff were sometimes insensitive to their needs, and not empathetic or somewhat coercive (in persuading them to testify).

The WAP was highly valued by the crown attorney, police, probation services and the judge at the domestic court. All the respondents we contacted said that the WAP was invaluable in bringing forward additional facts on the case, representing the victim's point of view, informing the victim of court procedures and most importantly, encouraging the victim to follow through with the case. The crown also felt that the WAP was instrumental in sensitizing them to the difficulties victims have in notifying the police, carrying through with charges or leaving the relationship. Training offered to police cadets by the WAP was also considered valuable; however, it is unfortunate that training has not been able to be arranged with regular staff police and crown counsel. One-third of all community agencies we contacted had received training and information from the WAP and this was found to be valuable in most cases.

An additional evaluation question was whether charging the offender was the most appropriate method of dealing with spousal violence. Eighty percent of the victims we interviewed said it was because charging represents an "official" condemnation of violence. However, only about one-quarter of the social service respondents agreed. About one-third felt the criminal justice system was somewhat ineffectual because sentences for assailants were still so minimal. Other social service respondents wanted to see more alternative sentences, some of which are used in traditional communities (such as shaming or peer judgement).

LIST OF RECOMMENDATIONS

Recommendation 1. It is recommended that the WAP monitor the degree of slippage of cases from charge to caseload in 1989 to determine whether the notification process between the WAP and the police requires further clarification or improvement.

Recommendation 2. It is recommended that the WAP develop procedures for compiling and assessing initial case data to enable the staff to provide a differentiated level of services at the initial stage of contact with clients.

Recommendation 3. It is recommended that the WAP develop procedures with the police and specific social service agencies to include cases where charges have not been laid, but where charges are likely in the future.

Recommendation 4. It is recommended that the WAP brochure and other basic legal information on spousal violence be produced in a multilingual form in order to reach more women directly. These materials should be developed in cooperation with community groups who serve Native women and other ethnic minorities.

Recommendation 5. It is recommended that the initial contact letters from the WAP be revised in order to clarify the types of services offered, and to extend the time frame in which services are offered. While still containing legal information, the letter should present a more supportive, less official tone.

Recommendation 6. It is recommended that the WAP develop a general legal information video, in a multilingual format, for women who may be witnesses in a spousal assault trial. This presentation would include information on charging policies, the court process, the roles of the people involved, the rules of evidence and the rights and responsibilities of witnesses.

Recommendation 7. It is recommended that the WAP strengthen the social work and counselling component of its program by offering explicit information, support and counselling on the content of abuse; its long term impacts and by offering pre-charge and post-case support counselling to victims of spousal violence.

Recommendation 8. It is recommended that the WAP initiate and coordinate annual inter-agency meetings consisting of all Winnipeg-based groups providing services to spousal assault victims. The purpose of these meetings would be to clarify the WAP's mandate, discuss the roles of staff and develop strategies to enhance liaison and cross referrals of victims.

Recommendation 9. It is recommended that the WAP increase and deepen its linkages with social service organizations serving Natives, Métis and women from other ethnic minorities. The objective of this liaison would be to continue to sensitize staff, improve and maintain liaison referral networks and to work together on joint information projects to serve these groups.

Recommendation 10. It is recommended that the WAP, in conjunction with Family Dispute Services, develop and distribute materials directly relevant to "dating" and "relationship" abuse. These materials would describe the context of dating abuse, its impact, ways of handling it as well as information about the criminal justice system and the WAP.

Recommendation 11. It is recommended that the WAP identify specific women who appear to be long term chronic abuse victims so that they can be provided with post-case follow-up counselling. This contact should be formalized, and should continue at specific intervals after the case is concluded.

Recommendation 12. It is recommended that the WAP focus on providing personal support to the victim (as well as offering legal information) at the beginning of the case. This support should centre around the victim's fear of going to court, the impact of giving testimony and hearing and seeing the offender testify.

Recommendation 13. It is recommended that the WAP receive a small increase in its operating expenses or project monies to cover the cost of additional informational material.

Recommendation 14. It is recommended that the provincial Department of Justice provide funding to cover a portion of the WAP budget, chiefly the salary of the legal advocate (or paralegal) and a percentage of operating and administrative expenses.

Recommendation 15. It is recommended that the WAP retain its present location but develop strategies to increase its profile and presence in the community through work with community groups and more direct contact with victims.

Recommendation 16. It is recommended that the WAP vary or increase its office hours to include at least one evening or one Saturday morning in order to be more accessible to women who are employed outside the home.

Recommendation 17. It is recommended that the WAP develop or re-implement a database system which would collect basic data on clients, charge, incident and disposition.

Recommendation 18. It is recommended that the WAP change its name to more accurately reflect its legal and support components and its role in helping women utilize the criminal justice system.

1.0 INTRODUCTION AND BACKGROUND TO THIS REPORT

The report presents the findings of the Research Implementation Phase of the Evaluation of the Women's Advocacy Program in Winnipeg, Manitoba.

The Women's Advocacy Program (WAP) was founded in May, 1986 and is part of the Family Dispute Services Branch of Manitoba Family Services. Its mandate is to provide legal and social service support to victims of spousal assault. The program's overall goals are (1) to assist spousal assault victims within the court process and (2) to generally reduce the incidence and consequences of spousal violence.

This evaluation was divided into two phases: a Research Design Phase and a Research Implementation Phase. The Research Design Phase, which was completed in February, 1989, identified the major research questions, described the overall design, defined methodologies, identified data sources, and clarified the research process. The Research Implementation Phase, which lasted from August 1989 to February 1990, had three overall goals:

1. To describe, document and critically analyze the WAP in terms of its basic structures, policies, goals, staffing, functions, services provided, referral rates, and record-keeping methods;
2. To assess the impact and effectiveness of the WAP in the following areas:
 - in meeting the specific needs of the victims of spousal violence,
 - on case dispositions (of the WAP program users compared to nonusers),
 - on other systems (such as the criminal justice, social service or voluntary sectors) which also serve victims of spousal violence;
3. To address the question of whether the criminal justice process is the most effective way of handling spousal violence. (This third goal was raised explicitly by representatives of the project funder, the Department of Justice Canada.)

Both phases of the evaluation were coordinated by C/S RESORS Consulting (Vancouver) and Focus Consultants (Victoria).

2.0 DESCRIPTION OF THE WOMEN'S ADVOCACY PROGRAM

2.1 History and Structure

The Manitoba government began funding spousal violence services in 1981/1982 within the Department of Community Services. In 1983, the Manitoba Department of Justice initiated a charging policy in all cases of domestic violence where there were reasonable and probable grounds to believe a spouse had been assaulted. The Women's Advocacy Program was established in 1986 taking into account this directive and the apparent need to provide victim assistance services.

The program is a component of the Family Dispute Services Branch of the Child and Family Services Division of Manitoba Family Services. The Family Dispute Services Branch also funds and coordinates other family support services such as Women's Resource Centres, shelters and second stage housing. The Family Dispute Services Branch provides staff and operating funds to the WAP as well as assisting in the development of program policies and procedures. The Manitoba Department of Justice provides no funding but consults on legal matters regarding spousal abuse and supports the linkage with crown attorneys and the program.

The WAP is located in central Winnipeg in the Woodsworth Building. This building contains crown counsel and Justice personnel. It is a short distance from the provincial courts.

2.2 Target Population

The target population of the WAP includes "female victims whose partners or spouses have been charged or could be charged with assault or a related criminal offence." These include married couples, common law relationships, separated or divorced couples with or without dependent children, and women in "dating" relationships. The WAP does not serve other domestic assault cases involving children, siblings, relatives or friends. There is no policy defining the status of services to victims of violence within lesbian relationships. This was a concern expressed by several community organizations. Our view is that the need in this area should be reviewed with the intent of including these victims in the program if warranted. Although men are occasionally targets of domestic violence, they are not usually contacted by the Women's Advocacy Program, which focuses on women. Since the numbers of male victims are small, we do not recommend that the inclusion of male victims be considered a priority.

2.3 Staffing

The WAP staff consists of one half time administrator, one full time lawyer, two full time social workers¹, supported by one full time clerical worker/receptionist. Although the staff have different areas of expertise and emphasis, their roles and functions often overlap (Section 2.6, Contact Process).

There have been two major changes in staffing in the WAP since mid-1989. The staff lawyer has resigned and was replaced by a new staff lawyer. The trainer/advocate also resigned and the training component has been removed from the program. This position is presently being upgraded to a full time social work position and placed directly under the Family Dispute Services Branch.

The WAP office is staffed from 8:30-4:30, Monday to Friday.

2.4 Program Budget

Operating costs for the WAP were not kept separately from the Family Dispute Services Branch budget until 1989/1990 and are not known. As indicated, salaries for the program have increased 24 percent over the four years (due to annual merit increases) since the program's inception.

Year	Salaries
1986-87	\$ 82,000
1987-88	94,300
1988-89	104,000
1989-90	108,000

Operating expenses for the fiscal year 1989-90 were \$10,300.

2.5 Services Provided

The staff of the WAP provides a range of information and resources to spousal assault victims whose partners have been, or are likely to be, charged. These services fall into four main categories: (1) legal information, services and support; (2) general support; (3) referrals and counselling; (4) liaison with the criminal justice system on behalf of clients; (5) and training and educational services. These services are described below.

1. Legal Information, Services and Support

¹ One of the social work positions was being filled at the time of the writing of this report.

The WAP provides services and information which focus on supporting the victim through the criminal justice process from the point at which the assailant is charged to case disposition. Specific services which may be offered to the victim are:

- (a) information on general family law issues;
- (b) information about the charges, bail or status of the accused (including information about noncontact orders);
- (c) information about case progress or other case related data;
- (d) accompaniment to trial;
- (e) information on or discussion of testimony issues;
- (f) information about probation or discussion of probation issues;
- (g) support to the victim in giving testimony;
- (h) discussion with the victim on the implication of dropping charges (if this is requested by the victim);
- (i) referrals to other legal assistance resources (such as legal aid), if this is required.

2. General Support, Information, and Short Term Counselling Services

The WAP also provides short term counselling and referral services. The WAP discusses with clients issues such as the "cycle of violence" and the impact of abuse and may assist in short and long term safety planning. Most of these services are provided by the WAP social worker. Specific services which may be offered to victims are:

- (a) discussion with the victim of her past abuse history and suggestions on ways of breaking the "cycle of violence;" information on the inter-generational nature of abuse;
- (b) information on the impact of spousal violence on children;
- (c) information on resources to assist victim and/or her children;
- (d) information on treatment resources to assist the accused (although this is primarily given directly to the accused through the court, probation, etc.);
- (e) short and long term safety planning;
- (f) other supportive counselling;
- (g) referrals to other resources such as emergency or second stage housing.

3. Liaison With the Criminal Justice System

A primary function of the Women's Advocacy Program is to act on the victim's behalf within the criminal justice system. After an assessment of the victim's needs, the battering experience, and status of the relationship, the WAP will make recommendations to crown counsel, court and later probation. The WAP is particularly involved at the bail hearing and at sentencing. If the victim notifies the crown attorney indicating that she wishes to have the charges dropped against the accused, she will be referred by the crown attorney to the WAP staff who will discuss the implications of the decision with her. Specific tasks under this liaison component include:

- (a) input into the bail hearing - the WAP represents the victim's perspective; for e.g., fear of the accused, or need for a noncontact order;
- (b) liaison with the crown attorney involved in the victim's case; discussion of victim's concerns, history, status of the accused, the charge and sentence options;
- (c) provision of information to the court on the desirability of specific sentencing options;
- (d) liaison with the police around case or charge issues;
- (e) liaison with defence counsel if requested by defence (e.g., bail variance);
- (f) assistance to victim in filling out a presentence report or Victim Impact Statement (with probation);
- (g) provision of information on the case or on the victim's concerns or the status of the relationship (to probation);
- (h) assistance in tracking the victim; provision of post disposition information on the victim, to the judge or probation.

The WAP counsellor may also be called as a witness on behalf of the victim.

4. Training and Educational Services

Until 1990, the Women's Advocacy Program provided information and training to professionals and lay people working or interested in the field of spousal assault. The WAP has coordinated formal training sessions for groups such as police cadets, social service volunteers, staff (at agencies such as Osborne House) or student nurses.

The WAP also provided public information on spousal violence or the role of the WAP to interested groups, at conferences or through the media. It developed and distributed information packages on wife abuse, the criminal justice process and services

for battered women. While the WAP will continue to provide outreach on aspects of the program, more formalized training will be handled in future by the Family Dispute Services Branch.

2.6 Process of Providing Services to Clients

The WAP is activated at the point where charges are laid against an offending spouse or partner. The WAP tracks these cases at charge point by means of a daily police summary list (Sergeant's Dailys) of domestic assault cases. This summarizes the details of all arrests made in Winnipeg over the past 24 hours. Cases are also identified from appearance notices or summons. Cases are verified with regard to bail status and conditions. The victim is then sent one of four form letters detailing the conditions of bail or of custody, or describing whether a noncontact order has been issued. At this time victims are also sent two pamphlets -- a general pamphlet describing wife abuse and one outlining the services of the WAP. No contact is made personally with clients at this point.

If a client does contact the WAP, she does so primarily as a result of receiving this letter. Depending on the nature of the case and needs of the client, an initial interview with the client is held at the WAP office with both a social worker and a lawyer present. The initial meeting looks at client needs from both a social and legal perspective. The lawyer may provide information on the charges and court process. The social worker may address the safety needs of the woman and her children, and the nature and impact of abuse.

After this initial meeting, contact continues if the victim requests specific information. Liaison with the crown attorney takes place on the client's behalf as the case moves through the criminal justice system. For example, if the accused requests changes in the bail conditions, the crown attorney may have the WAP contact the victim to discuss her relationship with the accused and determine whether changes are appropriate. The WAP also discusses the victim's needs and past abuse history with the crown attorney. This is taken into account during plea bargaining and sentencing. Most importantly, the crown attorney refers cases to the WAP if victims are seriously considering dropping charges. The assumption is that the WAP will encourage and assist them to continue.

The WAP social worker may be present in court to offer general support when the victim testifies. However, this only occurs if the accused appears in domestic court, which the WAP attends on a regular basis.

Individual WAP staff do not necessarily follow through with a specific case. For example, a client may consult with the WAP lawyer about charges and testifying, and have dealings with another staff member in court. The amount of contact with the WAP staff varies, and is not necessarily related to the severity of a case. Clients may have one or two telephone contacts or several meetings and many telephone contacts. If a client does not contact the program initially to request services, she is unlikely to get them unless the crown attorney requests the WAP's involvement in a specific case.

3.0 DESCRIPTION OF THE EVALUATION

3.1 Design Phase: Data Sources

The WAP evaluation was divided into a design phase and a research implementation phase. The design phase was used to interview key respondents, determine the major evaluation questions and develop the research instruments. During this phase, six main data sources were used to define and clarify the evaluation questions. These were:

- (1) the WAP program documents and files;
- (2) interviews with the Evaluation Advisory Committee;
- (3) interviews with key respondents in the social service and justice fields;
- (4) interviews with WAP staff;
- (5) discussions with the Scientific Authority (Department of Justice Canada); and
- (6) other sources of data such as police records.

Twenty-four interviews were completed with key respondents and WAP staff during the design phase. One meeting was held with the Evaluation Advisory Committee.

3.2 Evaluation Questions as Defined During the Design Phase

Using the data sources described above, a number of key research questions were identified. These fall into three general areas: program related questions and issues, program impact and effectiveness issues, and other questions related to the effectiveness of the criminal justice process.

1. General Program Related Questions

Within the design phase, we looked at the following specific questions:

- (a) How does the WAP function? What are its overall goals and specific objectives and policies? What services does it offer? What is its staffing, structure, budget and record-keeping system? What staff training takes place? Does staffing reflect client need? Is the WAP's location, both physically and within the government structure, appropriate?
- (b) What are the numbers and types of women referred to the WAP? What types of women do not use the program and how do they differ from those

who do? What differences exist in terms of client or charge characteristics?

- (c) How well, in terms of timing and appropriateness, does the initial contact with clients work? Is the initial charge the most appropriate time of contact? Why do some women choose not to use the WAP? How well known is the WAP within the voluntary, social service and criminal justice sectors?
- (d) Do the services provided by the WAP meet client needs as defined by the client and others working in the field of spousal violence?
- (e) What is the scope and type of training and education offered by the WAP?
- (f) How does the WAP liaise and network with others in the legal, social service and voluntary sectors?

2. Questions Related to the Impact and Effectiveness of the WAP

- (a) How do clients who have used the WAP assess its value? What effect has the WAP had on assisting women to follow through on charges?
- (b) What effect has the WAP involvement had on dispositions? Is there a difference in the type of disposition, and attitude towards disposition, between clients and non-clients?
- (c) Are there any barriers women experience using the WAP? What are these? Are there specific groups that the WAP does not serve effectively?
- (d) What impact has the WAP had on the criminal justice, social service or voluntary sector which serves battered women? Can this impact be documented through changes in policies, protocol or training?
- (e) How widely used is the WAP within the criminal justice, social service and voluntary sector? How effectively do referrals and liaison work?

3. Questions Relating to the Criminal Justice Process in General

We were also asked to evaluate the appropriateness of the criminal justice process as a method for resolving spousal violence incidents. We addressed this issue in a qualitative way through interviews with victims and those working in the voluntary and social service sector who had a broader view of the needs of battered women before and after dealing with the criminal justice system.

3.3 Research Implementation Phase: Methodologies

Six methodologies were developed to gather data and information during the research implementation phase of the evaluation. They are described in detail below.

1. Incident and Charge Data Comparison

In order to describe and compare client, charge, incident and disposition data of program users and non-users, data were collected and analyzed from 107 nonuser and 108 user files. Specific information was gathered on client characteristics such as age, sex, relationship status; charge and incident data such as past record of the accused, present charges, violence associated with present incidence, bail, remands, and disposition.

All of the preliminary charge and incident data were obtained from the WAP client files. Where incomplete, data were cross checked with more comprehensive police records. Of the cases examined, accused in: 98 percent (211/215) were charged in 1988; and two percent (4/215) were charged in 1989. All cases were disposed of in 1988 or 1989.

2. Program File Analysis

In order to determine the type, scope and intensity of services offered by the WAP to its clients, a sample of 109 program files was reviewed. Of these, 89 percent (97/109) were from clients receiving services in 1988. Services were received by nine percent (10/109) in 1989 (one file had no date of service).

This program file analysis gathered data on the type and frequency of the WAP contacts with individual clients, and the types of services given. Files were examined for 19 potential services provided by the WAP.

3. Interviews With Program Users

Comprehensive personal interviews were held with 44 program users of the WAP whose cases began and who received services in 1988-89.²

The interviews explored a wide range of issues relating to client use of the program, past history of abuse, incident characteristics, use of other resources (both social service and criminal justice), attitude towards the criminal justice process and attitude towards the disposition. Clients were also asked to assess the value of the WAP to themselves and their families in working through the criminal justice process, and to describe generally their experience in the criminal justice system.

Most program interviewees were also represented in the program analysis data (86 percent or 38/44) and in the charge/incident data (78 percent or 37/44).

² Active users are those who received at least one personal contact or interview with WAP staff.

4. Interviews With Nonprogram Users

Comprehensive personal interviews were also held with 32 women who had not used the WAP, although they had been victims of spousal violence where a charge had been laid. All of these women had received a letter contact from the WAP, although some did not remember having received it. None of the women initiated contact with the program, nor did the WAP follow up the letter to provide services. All of these potential clients received the letter contact in 1988.

The nonuser interviewers explored the victim's awareness of the WAP and reasons for not using it, use of other social services, voluntary or justice related programs, past abuse history and spousal violence, and experience in the criminal justice system.

5. Key Respondent Interviews -- Staff and Criminal Justice Respondents

Comprehensive interviews were held with 14 key respondents representing police, crown counsel, the judiciary, probation services, victim services and the WAP staff. Staff interviews focussed on specific aspects of the Women's Advocacy Program, such as the appropriateness of the initial contact, process of providing services and the impact of the WAP on the criminal justice system. Members of the criminal justice system were asked to comment on liaison with the WAP, the program's effectiveness and impact on victims and on the system.

6. Interviews with Key Respondents from the Social Service Sector

Twenty-one respondents from 13 social service and voluntary organizations were also interviewed during the Research Phase. These were administrative, counselling and outreach staff from housing; counselling; and family support organizations which serve battered women, their children and in some cases, battering men. Several of the organizations had a specific emphasis on serving Native/Métis or immigrant women (Appendix 1). These interviews explored the general needs of battered women, the needs of specific groups such as Native women, and liaison with the WAP. Group respondents were asked to assess the WAP's effectiveness in meeting the needs of battered women and to discuss ways the WAP could improve services. Respondents were also asked to comment about the appropriateness of using the criminal justice process to handle spousal violence.

7. Document Review

WAP program documents, referral data, policies and memos were also reviewed during the research. Contact letters to clients, the WAP publicity brochures and general wife abuse literature sent to clients were also examined.

3.4 Linkages Between Evaluation Questions, Data Collection Formats and Respondent Type

Each major evaluation question was addressed by using one or more data collection strategy. Sometimes several types of respondents were involved. The linkages between question, strategy, data gathering and type of respondent are described in the chart below.

Table 1 Evaluation Questions, Data-collection Format and Respondent Type

Evaluation Questions	Data Collection Format or strategy	Respondent Type
Program Issues		
1. How does WAP function? What are its goals, policies, structure, staffing and activities?	Key respondent - interviews - program document review (job descriptions, policies reports)	WAP Staff
2. How many clients have been referred? How many clients receive services? What differentiates victims who do or do not receive services?	Program file Profile analysis Interviews Review of statistical data already compiled	Program users and nonusers Program users and nonusers
3. What range of services are provided to clients? Which are most commonly, least commonly provided?	Retrospective analysis of WAP program files (including data extraction)	Program users
4. How do WAP staff liaise and network with others in the legal, social service sectors?	Interviews with key respondents	WAP staff, legal, social service and voluntary personnel
5. What is the scope and type of training/education offered by the WAP?	Document review and analysis (information about training programs, educational materials used, type and scope of target group) Interviews	WAP staff, key target group people (e.g., Police Academy)
6. How realistic/feasible are the WAP's program goals?	Program document review and analysis Interview with key respondents	WAP staff, those working in criminal justice, social service and voluntary sectors
7. How well are program goals reflected in program services?	Program document review and analysis Interviews with key respondents	WAP staff, those working in the criminal justice, social service and voluntary sectors.
8. How appropriate are program policies such as intake criteria and intake process?	Interviews Key respondent interviews	Program users Social service, criminal justice and voluntary sectors
9. What are the long term needs of WAP in terms of funding/structural or staffing changes?	Interviews	Staff Other key respondents (Advisory Committee, administrators, funders)
Impact and Effectiveness Questions		
1. What are the most critical needs of victims?	Interviews	Program users and nonusers
2. Which victims do/do not use the service? What barriers to service use exist?	Comparative profile analysis (WAP files); key respondent interviews	Program users and nonusers Voluntary sector workers, especially those dealing with special needs group.
3. Do program services meet victims'	Retrospective analysis of WAP program files (including data extraction)	Program users WAP staff, criminal justice, social service,

needs?	Interviews with key respondents	voluntary sectors
4. Does WAP effectively assist women during the court process?	Interviews	Program users
5. Does the WAP program have an impact on the outcome of spousal assault cases?	Comparative WAP program file analysis	Program users Program nonusers
6. Has WAP had any impact on the policies, protocol, functions or attitudes of those in the social service, legal or voluntary systems who assist victims?	Interview	Key respondents in social services, legal or voluntary systems
7. What has been the impact of WAP training and educational programme?	Document review and analysis	
Other Evaluation Questions		
1. Is the criminal justice process the most appropriate way of handling spousal assault cases? What are the strengths and weaknesses of this approach? What alternative strategies exist?	Interviews	Victims of spousal assault: program users and nonusers WAP staff Voluntary sector serving victims

3.5 Data Selection Process and Timeframe

Data compiled for the charge, incident and program description components of the evaluation were gathered at the same time as names of potential interviewees (both user and nonuser) were identified. Because of the long delays common within the court process and the difficulty we anticipated in contacting victims, we reviewed the WAP caseload files, selecting out cases which were disposed of most recently (from July 1989), moving backwards in time. The majority of the cases we examined involved charges laid in 1988 and dispositions finalized in the last part of 1988 or in 1989.

While moving through these cases, the names, addresses and telephone numbers of nonusers and users were entered on call sheets and attempts were made to arrange interviews. Contact was attempted with 78 non-users in order to arrange interviews. Thirty-three interviews were successfully arranged. Seventy-nine contacts were attempted with previous program users, to achieve 44 completed interviews. In order to reach potential respondents, up to 12 telephone attempts were made. In about 20 cases, registered letters were sent to potential respondents with current addresses but no telephone numbers.

3.6 Interview Process

The majority of program users and nonusers were interviewed outside their homes, at workplaces or in neutral surroundings like restaurants. Five nonusers and four program users were reluctant or too busy to be interviewed personally and were interviewed by telephone. The interviews lasted from 40 minutes to two and one-half hours. Like all research which delves into deeply painful and often unsettled personal issues, some of the interviews aroused sadness in the respondents. However, it was the

policy of the research team to listen sympathetically as each woman told her story (within the framework of the interview) and where appropriate, to suggest further resources the woman might find useful. It was disturbing to the researchers to find some women who were, in their opinion, still clearly at risk. In these cases, the women were advised to recontact the WAP for further assistance.

Despite the stress experienced as a result of some of these interviews, most women expressed gratitude for the opportunity to discuss the battering incident, its impact on their lives, and their experiences in the criminal justice system.

3.7 Sample Size and Statistical Procedures

Most of the data for the four main components of the evaluation (charge/incident comparison, program analysis, user and nonuser interviews) were drawn from the 1988 WAP caseload. Some of these cases were disposed of in 1989. The 1989 cases are not included in the table below. The size of our database, compared with the overall caseload size of the program in 1988, is described in Table 2.

Table 2 **Size of Database for Four Major Evaluation Components**

Evaluation Component	Number of WAP Caseload Files	Number of Files of Interviews in Evaluation Database	
		#	%
Charge/Incident Data Analysis	781	211	27
Program User Interviews	334	44	13
Nonusers of Program Interviews	308	32	10
Program Analysis Files	334	97	29

Because of the small size of our sample, it is impossible to say that the data are clearly representative of the total WAP population. The WAP has compiled no specific 1988 client data which we could use to compare with our smaller sample. Drawing a larger sample was beyond the budget and time framework of the study.

Despite these limitations, however, a number of strong trends appear in the data which we feel confident in stating reflect the program as a whole. Where a trend is not apparent or significant, this is noted. In addition, because the victim interviews were highly qualitative, we present these data as being true within the experience of the women involved.

For a small number of variables, we tested for statistical significance using the chi-square test. This is noted in the report.

3.8 Limitations of the Evaluation

Since we were only able to interview a relatively small number of spousal assault victims, our conclusions are not necessarily generalizable to the overall client population. However, this small sample size was originally anticipated in the Design Phase report. We assumed there might be difficulty contacting victims because of their need to protect themselves from the offender. This assumption turned out to be true. Many women had moved or could not be contacted through a former address.

There does not exist aggregated client, charge or incident data other than number of clients using the service each year. As mentioned in the Design Stage report, data on 40 variables related to the victim, the battering incident and criminal justice process were originally aggregated and maintained by the University of Manitoba Research Ltd. These data were consistently collected until 1986, but were compiled on only a small number of cases in 1987/1988. Continuation of this form of data collection would have provided a useful database for evaluation projects such as ours and for other future research and program monitoring (Section 9.4).

3.9 Evaluation Process: Additional Comments

The WAP staff and the Police Victims Services staff were extremely helpful in expediting this research. The WAP provided office space in which to review files, and access to a telephone through which to make contacts. The Police Victims Services staff assisted the research team by giving them prompt access to police files in order to cross check or expand the data.

4.0 SPOUSAL ASSAULT VICTIM DATA: PROGRAM USERS AND NON USERS

This section describes and compares spousal assault victims who have and have not used the WAP. Most of the basic demographic data in this section have been gathered from the client, charge, and incident data in WAP and police files, although information on ethnicity was taken directly from the interviews (it was not available elsewhere). In this section, as in all tables in the report, numbers apply to the completed data only (numbers responding). In some cases data were missing and so were not included in the tables. Percentages as well apply only to the numbers responding, not to missing data. More detailed data, for example, on the history of abuse in the victim's relationship with the accused were gathered from interviews with the victim.

4.1 Ages of Assault Victims

The highest proportion of victims (45 percent) is in the under 25 age range, (four percent are under 18 years of age) (Table 3). There was a higher proportion of women under 18 who did not use the program and a higher proportion of older women who did. This pattern was reflected in the interviews with victims; our researchers commented that younger victims did not seem comfortable using the WAP or any other social agency.

The large number of spousal assault victims in the under 25 age range suggests that, despite attempts to address the issue of spousal violence, the problem is continuing into a new generation of women. Our concern is that this group be targeted for services before they become long term abuse victims with resulting psychological and physical impacts (Section 6.6.2).

Table 3 **Ages of Spousal Assault Victims**

	Total		Type of Client			
			Program User		Nonuser of Program	
Total Responding	214		107		107	
Under 18 years	8	(4%)	1	(1%)	7	(7%)
18-25 years	87	(41%)	43	(40%)	44	(41%)
26-30 years	48	(22%)	23	(21%)	25	(23%)
31-40 years	46	(21%)	22	(21%)	24	(22%)
41-50 years	17	(8%)	12	(11%)	5	(5%)
51+ years	6	(3%)	5	(5%)	1	(1%)
No data	2	(1%)	1	(1%)	1	(1%)

4.2 Ages of Accused

The ages of the accused are more varied than those of the victims (Table 4).

Table 4 Ages of Accused

	Total	Type of Client	
		Program User	Nonuser of Program
Total Responding	212	107	105
18-25 years	64 (30%)	28 (26%)	36 (34%)
26-30 years	58 (27%)	37 (35%)	21 (20%)
31-40 years	61 (29%)	26 (24%)	35 (33%)
41-50 years	20 (9%)	9 (8%)	11 (10%)
51+ years	9 (4%)	7 (7%)	2 (2%)

4.3 Ethnic Background of Victim and Accused

There was a high proportion of families, particularly among the program user group, where one or both partners belonged to an ethnic minority. In this group, 21 percent of the clients were both Native/Métis and another 56 percent were families with both partners representing minorities (Table 5). These data suggest that the WAP is reaching victims who may, because of cultural and linguistic barriers, have a harder time dealing with the criminal justice system. They also suggest that the program needs to take into account these potential difficulties on the part of clients (Section 6.6.1).

Table 5 Ethnic Background of Victim and Accused

	Total	Type of Client	
		Program User	Nonuser of Program
Total Responding	75	43	32
Victim Native/Métis	3 (4%)	0 (0%)	3 (9%)
Accused Native/Métis	4 (5%)	2 (5%)	2 (6%)
Both Native/Métis	13 (17%)	9 (21%)	4 (13%)
One partner ethnic minority	5 (7%)	4 (9%)	1 (3%)
Both ethnic minority	34 (45%)	24 (56%)	10 (31%)

Both nonminority (caucasian)	16 (21%)	4 (9%)	12 (38%)
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4.4 Relationship of Assault Victim to the Accused

Most of the spousal violence took place within formalized relationships such as marriage or common law relationships. In 28 percent (61/214) of the cases, the violence occurred after the relationship had ended. In 25 percent (53/214) of the cases, the accused was a boyfriend or ex-boyfriend of the victim (Table 6).

A higher proportion of short term, less formal relationships were represented in the nonprogram group. Assaultants in the program-user group were more likely to be husbands or ex-husbands. These data might explain why the nonprogram victims, perceiving their relationships to be temporary, were less inclined to use the program (Section 6.3). It may also explain why the program users felt the court process experience more intensely than did the nonprogram victims who had less invested in their relationships with the accused (Section 7.3).

Table 6 Relationship of the Assault Victim to Accused

	Total	Type of Client	
		Program User	Nonuser of Program
Total Responding	214	108	106
Common Law Relationship	59 (28%)	32 (30%)	27 (25%)
Husband	38 (18%)	25 (23%)	13 (12%)
Ex-husband	28 (13%)	12 (11%)	16 (15%)
Separated Partner	33 (15%)	16 (15%)	17 (16%)
Boyfriend or Ex-boyfriend	53 (25%)	23 (21%)	30 (28%)
Acquaintance	3 (1%)	0 (0%)	3 (3%)

The relatively high proportion of abuse in dating relationships suggests that this is a serious problem and that more needs to be done to reach this group. In fact, among women in the 18-25 age range, 67 percent were assaulted by a boyfriend or exboyfriend. Although the pamphlet on abuse sent by the WAP to potential clients does acknowledge that "abuse is not confined to legally married couples" and can happen in high school relationships, most of the information is directed towards wife abuse. We suggest that more specific information on dating abuse be developed by the WAP and be distributed to social agencies and educational institutions dealing with young people, such as high schools, universities and colleges (Section 6.2).

4.5 Length of Relationship

Although we were not able to obtain comprehensive data on the duration of the relationship between the victim and accused in 20 percent of the cases, in the majority of cases (52 percent), the relationships were not long term (i.e., less than three years in duration). In 16 percent (28/171) of the cases, the victim and accused had been in a relationship for over 10 years. There was a higher proportion of short term relationships within the nonclient groups, and long term relationships in the client groups, again suggesting that women in less established relationships do not "see the need" for the service because the relationship has already ended (Table 7).

Table 7 Length of Relationship

	Total	Type of Client	
		Program User	Nonuser of Program
Total Responding	171	101	70
Less than 1 year	32 (19%)	14 (14%)	18 (26%)
1 to 3 years	56 (33%)	29 (29%)	27 (39%)
3 to under 6 years	35 (20%)	23 (23%)	12 (17%)
6 to under 10 years	20 (12%)	14 (14%)	6 (8%)
10 to under 15 years	14 (8%)	10 (10%)	4 (5%)
Over 15 years	14 (8%)	11 (11%)	3 (4%)

4.6 Number of Children in Relationship

Although we were not able to obtain information in 10 percent (22/215) of the cases, children were involved in most (69 percent or 148/215) of the relationships, whether formalized or informal. Twenty-eight percent of the families had only one child, eight percent had four or more children. A higher proportion of victims in the program user group had two or more children.

4.7 Employment Status: Victim and Accused

Over one-half the victims of abuse, for whom data were available, were employed, while one-third were either unemployed or receiving social assistance. No apparent differences existed between the nonuser and user groups (Table 8).

A slightly higher proportion of accused (41 percent) were either receiving social assistance or were unemployed at the time of the incident while 54 percent were employed (Table 9).

Table 8 Victim's Employment Status

	Total	Type of Client	
		Program User	Nonuser of Program
Total Responding	137	86	51
Employed	80 (58%)	52 (60%)	28 (55%)
Unemployed	13 (9%)	9 (10%)	4 (8%)
Social Assistance	30 (22%)	19 (22%)	11 (21%)
Retired	1 (1%)	1 (1%)	0 (0%)
Student	13 (9%)	5 (6%)	8 (16%)

Table 9 Accused Employment Status

	Total	Type of Client	
		Program User	Nonuser of Program
Total Responding	190	99	91
Employed	102 (54%)	57 (58%)	45 (49%)
Unemployed	48 (25%)	27 (27%)	21 (23%)
Social Assistance	30 (16%)	11 (11%)	19 (21%)
Retired	4 (2%)	3 (3%)	1 (1%)
Student	6 (3%)	1 (1%)	5 (5%)

4.8 Past Record of the Accused

A very high percentage of men accused of spousal violence (74 percent or 159/215) had previous criminal records. Again, there were no significant differences between the user and nonuser groups (Table 10).

Table 10 **Past Criminal Record of Accused**

	Total	Type of Client	
		Program User	Nonuser of Program
Total Responding	215	108	107
No previous criminal record	53 (25%)	29 (27%)	24 (22%)
Previous criminal record	159 (74%)	76 (70%)	83 (78%)
No data available	3 (1%)	3 (3%)	0 (0%)

Of even more concern is that 50 percent of those men (for whom we were able to acquire past criminal history data) had records which included violent crimes. Many of the accused had lengthy criminal records. One-third had nine or more charges in the past (Table 11). In some cases, accused had 30 to 50 separate charges spanning 10 to 20 years.

Table 11 **Extent of Past Criminal Record of the Accused (by charge)**

	Total	Type of Client	
		Program User	Nonuser of Program
Total Responding	159	76	83
1-3 previous charges	51 (32%)	25 (33%)	26 (31%)
4-6 previous charges	42 (26%)	22 (29%)	20 (24%)
7-8 previous charges	13 (8%)	5 (7%)	8 (10%)
9 or more previous charges	53 (33%)	24 (31%)	29 (35%)

No clear pattern to these criminal activities is apparent, although alcohol-related offences are common.

These data on the past criminal records of the accused raise several interesting issues. Among this group charged with wife assault, why is there such a predominance of men who have past criminal records? Is it because these men are "known to the police" and are more likely to be charged? Or is it because spousal violence is more likely to be linked with criminal activity in general? If the latter is true, this would seem to contradict the widely-held view that the occurrence of spousal assault is equally distributed across all socio-economic classes and types of people. If this is so, certainly a group of men (those without criminal records) is not being charged as regularly as one would expect. This would be explained if the partners of those men were reporting incidents less frequently. To answer some of these questions, one would have to look at occurrence

reports and determine whether certain types of batterers (such as men with no criminal records) were being allowed to slip through the system without being charged.

4.9 History of Abuse in Relationship

The vast majority of the program users and nonusers we interviewed had suffered previous abuse at the hands of the accused (Table 12).

Table 12 History of Abuse in Relationship

	Type of Client	
	Program User	Nonuser of Program
Total Responding	44 (100%)	32 (100%)
No previous abuse	6 (14%)	5 (16%)
Previous abuse	38 (86%)	27 (84%)

Violence was a regular occurrence (from once a day to once every few weeks) for one-half of the women we interviewed and was occasional in only one-quarter of all cases (Table 13).

Table 13 Frequency of Abuse in the Relationship

	Type of Client	
	Program User	Nonuser of Program
Total Responding	38 (100%)	27 (100%)
Every day	2 (5%)	1 (4%)
Approximately one to four times a week	7 (18%)	9 (33%)
Approximately once or twice a month	9 (24%)	4 (15%)
Approximately once every month to two months	12 (31%)	6 (22%)
On one or two occasions	8 (21%)	7 (26%)

We asked the victims to give us a sense of the types of violence they had experienced. In the majority of cases, the relationships were characterized by threats of violence to the women, and violence resulting in cuts and bruises. The major difference between the program users and nonusers is that the users reported more occasions of threats to children and pets (42 percent and 22 percent respectively) as well as more

actual violence directed towards children (Table 14). Although our data are limited, this may suggest that women are more inclined to seek help from programs like the WAP if violence or threats of violence are directed towards their children.

Table 14 **Type of Abuse Found in Relationship**

	Type of Client	
	Program User	Nonuser of Program
Total Responding	38	27
Threats of violence to victim	29 (76%)	25 (92%)
Threats to victim's children and pets	16 (42%)	6 (22%)
Violence towards victim's children	8 (21%)	4 (15%)
Internal injuries to victim	2 (5%)	3 (11%)
Broken bones (victim)	1 (3%)	2 (7%)
Burns (victim)	-	-
Cuts and bruises (victim)	30 (79%)	19 (70%)

4.10 Catalyst for Violence

Alcohol has often been indicted as a "trigger" in family violence situations. We asked victims whether past violence was linked to drinking on the part of the accused or to any other specific circumstance (Table 15).

Table 15 **Association of Family Violence with Specific "Trigger" or Context**

	Type of Client	
	Program User	Nonuser of Program
	Number of respondents citing as trigger	Number of respondents citing as trigger
Alcohol abuse (accused)	15	11
Drug abuse (accused)	3	1
Pregnancy	2	1
Job stress (accused)	1	1
Sexual jealousy of accused	8	7

Role dominance (accused)	4	4
Family interference by accused or victim's families	2	-
Cultural stresses	1	1
Gambling (accused)	1	-
Unwillingness on the part of the accused to accept the woman ending the relationship	1	3
No apparent trigger	10	4

Alcohol abuse was a factor in 40 percent of all the cases, underscoring the importance of substance abuse treatment as a component of spousal violence treatment. As well, sexual jealousy was a factor in about one-quarter of all cases. Women described their partners as extremely possessive and jealous of any friendships or even encounters with other men.

He was very jealous...wouldn't allow me to wear make-up.
I had to button my shirts up to the very top.

In 10 to 15 percent of the cases, any challenges to the man's overall role domination was an "incitement" to violence. In most cases, what were perceived by the assailant as threatening activities were simply normal responses on the part of the victim to particular life situations.

Our son was handicapped at birth and required extra care.
My husband was extremely jealous of the attention I paid to him.

The violence occurred when I found a job of my own.

4.11 Previous Charges Against Accused for Wife Battering

Within both program user and nonuser groups, one-quarter of the men (8/32 nonusers, 11/44 users) had previously been charged with spousal violence against the victim. Eight out of 19 men had been charged once before, five of 19 had been charged twice and another five had been charged three or more previous times. Accurate case dispositions were not available for all these incidents.

Although only one-quarter of the men had been previously charged, over 80 percent of the victims reported receiving some level of abuse from the accused in the past. This strongly suggests that battered women are still living with, rather than reporting battering incidents. It also underscores the importance of the WAP having a

stronger role for women who have not yet reported the incident to police but are considering it.

4.12 Current Status of the Relationship

One-half of the women we interviewed (23/44 users) (16/32 nonusers) were still having regular contact with the abuser even after the most recent abuse incident. In 25 percent (4/16) of the nonuser group and 52 percent (12/23) of the user group, the woman was still living with the man who had been charged. This was the case in spite of the fact that 20 percent of the program users and 30 percent of the nonusers stated that the accused was still being abusive or threatening abuse, even though charges had been laid and disposed of. More specifically within the user group, of the 12 women who were still living with the offender, 83 percent (10/12) were still being physically, emotionally or sexually abused by their partners. In the nonuser group, 50 percent (2/4) of the women still living with the offender continued to be abused.

4.13 Victim's Abuse History

In order to assess whether the women we interviewed had a history of victimization, we asked for details on their previous long term relationships. More program users (36 percent or 17/44) had been victimized previously, compared with 25 percent (8/32) of the nonusers. The type of abuse varied but physical and sexual abuse were more frequent in the nonuser group. Users experienced more emotional abuse such as being "isolated, insulted or demeaned" by the abuser.

Forty-two percent (18/43) of the program users and 50 percent (15/30) of the nonusers who answered the question about family of origin abuse said that they had grown up in an abusive family environment. Of those who indicated this abuse, physical abuse was a factor in all the program user families and in 64 percent of the nonuser families.

4.14 Nonprogram and Program Users: A Comparison Summary

Although we were able to interview only a small number of victims, there were only a few overall differences between those who used the program and those who did not. Younger women, especially those under 18, seemed less predisposed towards using the program. Program users and nonusers were fairly comparable in terms of ages of victims and accused and their employment status.

However, the program users had more stable and long term relationships with accused. The program users also had more children than the nonusers. In both groups, about 70 percent of the accused had previous criminal records and about one-half had records of violence. About one-third of the men in both groups had lengthy criminal records. A higher proportion of the program users were from ethnic minorities.

Some differences also appear to exist in the abuse history of the two groups. A slightly higher proportion of program users appear to have been abused in past relationships and a higher proportion of these women are continuing to live in relationships with abusive partners.

These data suggest that the WAP is reaching women who are more chronically abused, who come from ethnic minorities and have been involved in longer term relationships. However, it is not clear that involvement with the WAP is helping women end these abusive relationships.

From a program development point of view, long term abuse victims may require more in-depth information on the psychological impacts of abuse, the cyclical nature of violence and the tendency for abuse to continue intergenerationally. These data also suggest that there is a need for follow-up counselling and support for this group of women who continue to live in abusive relationships (Recommendation 11).

5.0 CHARGE AND INCIDENT DATA: PROGRAM USER AND NONUSER

This section of the report describes the specific battering incident, charges and disposition around which women are offered WAP services. Most of the data were obtained from WAP files or police records. Information was gathered from 108 user and 107 nonuser files.

5.1 Duration of the Criminal Justice Process

5.1.1 Amount of Time from Assault to Charge

Although spousal violence victims are not offered program information or services until a charge has been laid, data were collected on the duration of various stages of the criminal justice process.

Charges were laid in 64 percent of the cases the same day the incident occurred; in another 26 percent of the cases, charges were laid within one week (Table 16).

Table 16 **Length of Time from Assault to Charge**

	Total	Type of Client	
		Program User	Nonuser of Program
Total Responding	211	105	106
Same day	136 (64%)	67 (64%)	69 (65%)
Under one week	55 (26%)	29 (28%)	26 (25%)
From one to under 2 weeks	7 (3%)	3 (3%)	4 (4%)
From 2 to under 4 weeks	7 (3%)	4 (4%)	3 (3%)
From one to 3 months	5 (2%)	2 (2%)	3 (3%)
From 3 to under 6 months	1 (0%)	0 (0%)	1 (1%)

5.1.2 Amount of Time From Charge to Disposition

There is a clear difference in the amount of time program users and nonusers spend in the criminal justice system, and we found this difference to be significant using a chi-square test. Thirty-two percent of nonusers "finished" with the court process in under three months compared to five percent of the users. Sixty-seven percent of the program users were involved in the court system for more than six months compared to only

33 percent of the nonusers (Table 17). There are two likely reasons for these delays. Firstly, more of the cases of nonusers resulted in dispositions entailing only brief court appearances. For example, stays were entered in 24 percent (26/107) of the nonuser compared with 12 percent (12/108) of the user cases. There were also twice the number of nonuser cases dismissed for want of prosecution (Section 5.5). Secondly, it is reasonable to expect that program involvement in a case may lengthen the process for the victim. There may be more time spent, for example, in assessing the client's needs and delays while reports are prepared by the WAP for the crown and judge. This suggestion is borne out, to some degree, by remand data. A higher number of nonuser cases had no or only one remand per case than did program users. Also, more discretion may be used in determining case dispositions. We did find this to be so. Far more accused involved with program users received referrals for counselling and other treatment facilities than did accused involved with nonusers.

Since it may be expected that program users will take longer in the court system, this is, for some women, a detrimental aspect of being involved with the WAP. Fifty-seven percent (25/44) of the program users named the lengthy duration of the court process as a very important and painful issue for them compared to 31 percent (10/32) of the nonusers of the program. Women stated that "it was difficult to get on with their lives" while the court process was continuing. It also gave the offender more time to break down the resistance of the victim and to harass or manipulate her into dropping charges. While we do not see any easy way to resolve this connection between service provision and duration in the court process, we think it is important to realize that this is a serious problem for some women.

Table 17 **Amount of Time from Charge to Disposition**

	Total	Type of Client	
		Program User	Nonuser of Program
Total Responding	211	105	106
Under 3 months	39 (18%)	5 (5%)	34 (32%)
From 3 to under 6 months	67 (32%)	30 (29%)	37 (35%)
From 6 to under 9 months	59 (28%)	40 (38%)	19 (18%)
From 9 to under 12 months	37 (18%)	24 (23%)	13 (12%)
From 12 to under 18 months	7 (3%)	4 (4%)	3 (3%)
From 18 to under 24 months	1 (0%)	1 (1%)	0 (0%)
From 24 to under 36 months	1 (0%)	1 (1%)	0 (0%)
Over 3 months	0 (0%)	0 (0%)	0 (0%)

5.2 Charge Data

5.2.1 Number of Charges

Just over one-half of the spousal violence cases we reviewed resulted in one charge against the accused. In 49 percent of the cases, multiple charges were laid. Both user and nonuser groups were comparable according to the number of charges laid (Table 18).

Table 18 **Number of Charges in Present Incident**

	Total	Type of Client	
		Program User	Nonuser of Program
Total Responding	214	108	106
No charges	1 (0%)	0 (0%)	1 (1%)
1 charge	109 (51%)	50 (46%)	59 (56%)
2 charges	64 (30%)	37 (34%)	27 (25%)
3 charges	21 (10%)	14 (13%)	7 (7%)
4 charges	13 (6%)	5 (5%)	8 (8%)
5 charges	3 (1%)	1 (1%)	2 (2%)
6 charges	1 (0%)	1 (1%)	0 (0%)
7 charges	0 (0%)	0 (0%)	0 (0%)
8 charges or more	2 (1%)	0 (0%)	2 (2%)

5.2.2 Specific Charge Data: First Four Charges

In order to compare user and nonuser groups by charge, we divided types of charges into categories. Assault (particularly assault causing bodily harm) was the most common category of charge, followed by uttering threats to kill (Table 19).

Although it is difficult to compare by "seriousness of case" when multiple charges are involved, we could find no substantive difference between the user and nonuser groups either in the number, type and seriousness of charges laid.

Table 19 **Charge Data: Program Users and Nonusers (first four charges)**

Charge Category	Charge 1			Charge 2			Charge 3			Charge 4		
	206 Total	107 User	99 Nonuser	90 Total	52 User	38 Nonuser	37 Total	21 User	16 Nonuser	14 Total	8 User	26 Nonuser
1. Assault (including assault causing bodily harm, aggravated and sexual assault)	140 (68%)	76 (71%)	64 (65%)	31 (34%)	21 (40%)	10 (26%)	10 (27%)	4 (19%)	6 (37%)	5 (36%)	2 (25%)	3 (5%)
2. Mischief	15 (7%)	5 (5%)	10 (10%)	9 (10%)	2 (4%)	7 (18%)	5 (13%)	4 (19%)	1 (6%)	0 (0%)	0 (0%)	0 (0%)
3. Break and enter	19 (9%)	10 (9%)	9 (9%)	4 (4%)	1 (2%)	3 (8%)	1 (3%)	1 (5%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)
4. Intimidation, threats uttering threats to kill	17 (8%)	12 (11%)	5 (5%)	3 (3%)	2 (4%)	1 (3%)	12 (32%)	6 (29%)	6 (37%)	2 (14%)	1 (12%)	1 (17%)
5. Weapons offenses	2 (2%)	0 (0%)	2 (2%)	20 (22%)	12 (23%)	8 (21%)	4 (11%)	4 (19%)	0 (0%)	1 (7%)	0 (0%)	1 (17%)
6. Forcible confinement and abduction	1 (.5%)	1 (1%)	0 (0%)	15 (17%)	0 (0%)	5 (13%)	1 (3%)	0 (0%)	1 (6%)	3 (21%)	2 (25%)	1 (17%)
7. Breach of court order probation, FMA	7 (3%)	3 (3%)	4 (4%)	6 (7%)	4 (8%)	2 (5%)	1 (3%)	0 (0%)	1 (6%)	2 (14%)	2 (25%)	0 (0%)
8. Theft	1 (.5%)	0 (0%)	1 (1%)	1 (1%)	0 (0%)	1 (2%)	1 (3%)	0 (0%)	1 (6%)	1 (7%)	1 (12%)	0 (0%)
9. Attempted murder	1 (.5%)	0 (0%)	1 (1%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)
10. Other (forcible entry)	3 (1%)	0 (0%)	3 (3%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)

5.3 Judicial Interim Release

Only seven percent (14/204) of the accused from both groups were remanded in custody; 79 percent of these (11/14) were from the nonuser group. Bail was set in 65 percent of the cases (140/215) and was set at higher rates for the nonuser groups (64 percent of the nonuser accused had to post over \$1,000 bail compared to 36 percent of the user group). But more noncontact orders were issued to those accused in the user group. In all, 80 percent (152/189) of the accused were ordered not to contact the victim; 59 percent of these cases involved program users.

Two of these trends (less accused in custody, more noncontact orders for the program user group) may reflect the only involvement of the WAP. WAP staff are often asked by the judge to contact the victim after the bail application is made, to see if it is safe to release the accused, and to determine whether a noncontact order is needed.

5.4 Number of Remands Per Case

Although the number of remands is one indicator of the length of a particular case, we could find no substantive difference between the two groups except at both extremes: More nonusers had no remands and a slightly higher proportion of user cases had nine or more remands (Table 20).

Table 20 **Number of Remands Per Case**

	Total	Type of Client	
		Program User	Nonuser of Program
Total Responding	215	108	107
No remands per case	15 (7%)	2 (2%)	14 (13%)
1-2 remands	35 (16%)	14 (13%)	21 (20%)
3-5 remands	99 (46%)	56 (52%)	43 (40%)
6-8 remands	55 (26%)	29 (27%)	26 (24%)
9 or more remands	10 (5%)	7 (6%)	3 (3%)

5.5 Dispositions

5.5.1 By Case

We were able to categorize all the charges into one over-riding case disposition by the use of 14 different categories. Where one of two charges was stayed and the other received a fine, we considered the "case outcome" to be a fine. Where all charges were

stayed or resulted in a discharge, this was considered the case outcome. In some cases, two dispositions resulted and these are also indicated (Table 21).

Table 21 Case Dispositions

	Total	Type of Client	
		Program User	Nonuser of Program
Total Responding	215	108	107
Acquittal	9 (4%)	6 (6%)	3 (3%)
Total cases stayed	39 (18%)	13 (12%)	29 (24%)
Dismissed for want of prosecution	15 (7%)	5 (5%)	10 (9%)
Total case absolute discharge	7 (3%)	1 (1%)	6 (6%)
Total case conditional discharge	10 (5%)	7 (6%)	3 (3%)
Conditional discharge with probation	6 (3%)	3 (3%)	3 (3%)
Suspended sentence	17 (8%)	12 (11%)	5 (5%)
Suspended sentence with probation	16 (7%)	9 (8%)	7 (7%)
Probation alone	19 (9%)	13 (12%)	6 (6%)
Jail term only	38 (18%)	20 (19%)	18 (17%)
Fine only	20 (9%)	9 (8%)	11 (10%)
Jail term or alternative fine	13 (6%)	9 (8%)	4 (4%)
Jail term and fine	5 (2%)	0 (0%)	5 (5%)
No disposition	1 (0%)	1 (1%)	0 (0%)

5.2.2 Dispositions Categorized According to Severity

In order to get a better sense of the seriousness and type of dispositions, we categorized them into four categories. Category I is made up of the "least serious" dispositions such as acquittals, stays and discharges. Category II includes some type of ongoing contact (such as probation) with the court system. Category III includes fines; and Category IV, the most serious, includes jail terms and jail terms with fines (Table 22).

Table 22 Dispositions Categorized According to Severity

	Total	Type of Client	
		Program User	Nonuser of Program
Total Responding	215 (100%)	108 (100%)	107 (100%)
Category I			
Acquittals, stays, dismissals, discharges, suspended sentence (no probation)	98 (46%)	45 (42%)	53 (50%)
Category II			
Suspended sentence with probation, probation alone, conditional discharge with probation	41 (19%)	25 (23%)	16 (15%)
Category III			
Fine only; jail/alternative	33 (15%)	18 (17%)	15 (14%)
Category IV			
Jail only, jail and fine	43 (20%)	20 (18%)	23 (21%)

The data indicate a trend for accused in the program user group to receive somewhat more serious sentences than those in the nonuser group. More nonuser accused received dispositions from Category I, the least serious category. More accused in the user group received dispositions in Categories II and III. The number of accused in each group receiving the most serious dispositions were comparable.

Although 20 percent of all accused received the most serious sentence (fine and custody or custody alone), almost one-half of the accused received dispositions which have little or no impact (Category I). Considering that over 70 percent of the charges involved crimes of violence, we question whether these dispositions fairly reflect the seriousness of spousal assault.

This lack of severity is also reflected in the length of jail terms set for the accused. In general, we found that jail terms set for offenders were not very severe. Only five accused (two percent of the total number of accused) received sentences of over one year (Table 23).

Eighty percent of those receiving jail sentences were in custody under six months.

5.5.3 Stays and Dismissals

In cases resulting in stays and dismissals for want of prosecution (where the victim's willingness to testify is a factor in the successful completion of the case), there was twice the number of nonusers than users represented (34 percent or 36/107 compared to 17 percent or 18/108). These data appear to indicate that the WAP is successful in encouraging victims to carry through with the criminal justice process. However, it may also be true that women who are not as willing or able to carry through with the process may be unlikely to request help from the WAP in the first place, especially if they understand that the WAP's mandate is to encourage them to testify. Nevertheless, considering the fact that even 50 percent of the program users wanted the charges to be dropped at some point during the court process, it is likely that some degree of ambivalence towards charging is characteristic of all spousal assault victims.

Table 23 **Duration of Jail Terms**

	Total	Type of Client	
		Program User	Nonuser of Program
Total Responding	56	29	27
1 day	5 (9%)	1 (3%)	4 (15%)
2 days to under 3 months	26 (46%)	13 (45%)	13 (48%)
3 months to under 6 months	14 (25%)	10 (34%)	4 (15%)
6 months to under 9 months	5 (9%)	2 (7%)	3 (11%)
9 months to under 12 months	1 (2%)	1 (3%)	0 (0%)
1 year to under 2 years	3 (5%)	2 (7%)	1 (4%)
2 years to under 4 years	2 (4%)	0 (0%)	2 (7%)
More than 4 years	0 (0%)	0 (0%)	0 (0%)

5.5.4 Alternative Dispositions

Crown attorneys and judicial respondents noted that victims are more likely to follow through with charges and to testify if they feel the accused will receive treatment as well as, or in place of incarceration. This makes sense, for although the victims are upset by the assault, many have ongoing concerns for the assailant who may have been a long term partner and father to their children.

In the area of "alternative sentencing," the WAP has clearly had a positive impact in making recommendations to the court. Twenty-three percent (49/251) of the accused

in the program user group received alternative sentences, such as referrals to treatment or community service work along with other sentences. Fifteen percent of all accused (38/251) were referred to mandatory counselling or treatment programs. Ninety-four percent of these referrals were for accused who were using the WAP's services (Table 24).

Table 24 Alternative Sentences Given to the Accused

	Total	Type of Client	
		Program User	Nonuser of Program
Total Responding	49	38	11
Restitution	11	5	6
Community service hours	6	3	3
Counselling or treatment referral	32	30	2

5.6 Description of the Abuse Incident

5.6.1 Injuries

The WAP and police files yielded very little information about the specific abuse incident from which charges resulted. In 60 percent (130/215) of the cases, women did receive physical injuries as a result of the spousal assault: in 61 percent (79/130) of these cases, multiple injuries occurred. The most common injuries were bruising, followed by cuts and wounds. Program users received slightly more serious injuries than did nonprogram users and a higher proportion of them received multiple injuries in the incident.

Medical care was required in 50 cases (38 percent of all cases with injuries) and again this was more frequent in the program user group.

5.6.2 Alcohol as a Factor in the Incident

Alcohol was definitely or probably a factor in 54 percent of the battering incidents. In 30 percent of the cases, the accused had been drinking prior to the incident and in 19 percent of the cases, both accused and victim had consumed alcohol. These trends were far more frequent in the program user group.

5.7 Charge and Incident Data: Summary

Few accused were remanded in custody; most custody remands were from the nonprogram group. Higher levels of bail were set for accused in this group. However, more accused from the program user group were served with noncontact orders.

Program user cases progressed more slowly in the court system than nonprogram cases, although the number and types of charges (mainly assault and uttering threats to kill) were comparable in this regard. This was a problem for some of the program users who felt the duration of the case left them more vulnerable to harassment from the accused.

Case dispositions appear to be more serious in the program user group. However, one-half of the dispositions for all the accused do not involve a jail sentence or fine.

In some sentencing areas, the WAP appears to exert an impact. There was a higher proportion of nonprogram cases which were stayed or dismissed for want of prosecution. We think this is likely because, in the program group, victims who were reluctant witnesses were encouraged to continue with the case while nonprogram victims received no such encouragement. Our data suggest that from 30 to 50 percent of all victims consider asking that charges be dropped at some stage in the criminal justice process. This highlights the need for the encouragement provided by programs such as the WAP.

The WAP also appears to be influential in promoting court referrals of the accused to therapy or treatment.

In Section 4.0 (victim data), our data indicated that the program users were more likely to be chronic abuse victims than were nonusers. The abuse incident data also suggest that program user cases were likely to be more serious. The actual abuse incident resulted in more injuries, requiring more medical intervention. There was also more alcohol involvement of the accused (and the accused and victim) in the program user cases.

6.0 PROGRAM DATA

6.1 Program Referrals and Client Intake

6.1.1 Referrals from Police

The WAP caseload size has remained fairly consistent since 1986, averaging between 60 and 72 cases each month, and just over 800 cases per year (Table 25).

Table 25 Referrals to WAP and Caseload Disposition 1986-89

	1986*	1987	1988	1989
Total number domestic assault charges	957	922	1,005	
Number of male abusers	909	867	945	
Total WAP caseload	604	868	808	838
Unable to contact	54 (9%)	48 (5%)	27 (3%)	**
Mail/phone contact	83 (14%)	175 (20%)	139 (17%)	**
In person interview	243 (40%)	275 (32%)	334 (41%)	**
Letter contact only	224 (37%)	370 (43%)	308 (38%)	**

(Categories defined by the Women's Advocacy Program).

(Please note that percentages indicated are in relation to total WAP caseload).

* 10 months only - program started in this year.

** No data were available on the caseload breakdown at the time of writing (March 1990).

Fourteen percent (157) of the spousal assault cases charged by the police in 1988 did not end up on the WAP caseload or on their initial contact records. This suggests a lack of comprehensiveness or consistency in the original file data (Sergeant's Dailys) or in appearance notice data available to the program. Since 1989, data on the number of charges have not been available. At the time of writing, it is not clear whether this slippage from charge to caseload has continued. However, we suggest that it be monitored and that a slippage of more than five percent be addressed by the WAP Program Director in conjunction with the police to determine where any communication problems lie.

Recommendation 1

It is recommended that the WAP monitor the degree of slippage of cases from charge to caseload in 1989 to determine whether the notification process between the WAP and the police requires further clarification or improvement.

6.1.2 The WAP Caseload Description

All spousal assault victims whose partners have been charged receive a letter contact from the WAP, which may or may not be followed up by a telephone call (initiated by the victim) or an in-person interview. The largest percentage of cases is handled by letter contact only. Less than 60 percent of all victims receive program services beyond this letter contact (Table 26).

Table 26 **Number of Clients Receiving Personal or No Personal Contact as a Percentage of Cases**

Year	1986 (604)	1987 (868)	1988 (808)	1989* (198)
Personal contact (telephone, interview)	326 (54%)	450 (52%)	473 (58%)	88 (44%)
No personal contact or unable to contact	278 (46%)	418 (48%)	335 (41%)	110 (55%)

* Data available for only January to March.

If a victim does not request services she does not receive them, despite her level of need or the severity of the case, unless the crown requests the WAP's involvement. No process exists within the WAP to differentiate cases on the basis of their severity or to assess the victim's need for the program.

6.1.3 The Need for Case Assessment and Differentiation

The WAP staff cite time constraints and the limited information they initially receive about each case, as reasons for not having an initial assessment process. Such a process would allow staff to provide more specialized or comprehensive services to the women who require them. Certainly, sending form letters to every woman who is a spousal assault victim theoretically responds to the need for "equal access to service." However, in our view, standardizing outreach practices ignores the fact that women have specific needs which may vary dramatically. There is a great deal of difference, for example, between a one-time abusive situation with a (now) exboyfriend, which did not result in injuries to the victim, and a case resulting from 20 years of marital abuse. We are particularly concerned about the following groups of victims:

- (a) those who have been abused persistently in long term relationships;
- (b) young women (under age 20) who have been abused, but who may not be aware of or accustomed to using social services;
- (c) victims of exceptionally violent men; and

- (d) Native and Métis women, and women of other ethnic backgrounds where English is a second language; these women may have cultural or language barriers which limit their understanding or use of the program.

Although we recognize that not all cases can receive proactive outreach, and direct personal contact from the WAP, we would like to see an initial assessment of client needs take place so that some kind of case differentiation can be made. After charges are laid and the WAP becomes informed of them, we recommend that cases be assigned to a category which would take into account, (a) case seriousness, (b) type and number of charges, (c) level of violence involved, (d) needs of the victim and her children and (e) whether this is a repeat offence. The cases in the "most serious" category would receive proactive treatment consisting of a telephone call or home visit; in "less serious" cases, victims would receive a form letter with a follow-up telephone call. In cases assessed as "least serious," victims would receive a form letter with no attempt by the WAP staff to follow-up (as is now the case with a majority of cases). We anticipate that these latter cases would still comprise the majority of cases.

Although some charge/incident data are available on the Sergeant's Dailys, not enough are available at this stage to adequately assess and categorize cases. We anticipate that criteria to "tag" specific cases may have to be developed and implemented jointly with the police or with the Police Victim Services Unit. However, the WAP does receive case-related information from other sources, such as crown and WAP files (if the accused has been charged before) which may assist in developing some broad guidelines for case assessment and handling.

Recommendation 2

It is recommended that the WAP develop procedures for compiling and assessing initial case data to enable the staff to provide a differentiated level of service at the initial stage of contact with clients.

6.1.4 Appropriateness of Charge Point as Initial Intake Point for the WAP Clients

Because WAP services grew out of a police charging policy, WAP service initiation begins when an accused has been, or is likely to be, charged. Nine of the 13 community organizations we contacted said they felt this was the best "point" at which to address the needs of battered women, primarily because "women are in a crisis at this point and are more amenable to help." However, initiating service at the charge point means that services are not provided to women who have reported violence to the police where no charge is laid, or to women who are not ready or able to agree to charges being laid.

Unfortunately, no data exist on the number of women reporting spousal violence where a charge is not laid, nor could we obtain accurate information on the scope of spousal violence taking place in Winnipeg. To obtain one indication, community respondents were asked to describe the number of battered women they see on their

caseloads each year. Although these numbers are estimates, they provide a sense of the scope of the problem as seen from the social service point of view. In 1989, the 13 Winnipeg social service agencies we contacted provided counselling, support and referral services to approximately 3,340³ battered women. Although some of these women may have received services from more than one agency, these data, coupled with the police charge rates (approximately 1,000/year), suggest that there is a 3:1 incidence to charge ratio.

The Women's Advocacy Program is the primary organization (other than Legal Aid) offering legal advice and support to spousal assault victims in Winnipeg. Its mandate is to assist women to carry through with charges, and to help end the cycle of violence. We recognize that opening the door to all victims of family violence would create unbearable pressures on the program. However, we feel that the WAP should be more accessible to women who are victims of violence and who, in some way, have already reached out for help (even though charges have not resulted). There are two ways this could be done. One is by encouraging the police to provide women, for whom an occurrence report has been made but a charge not laid, with information on the WAP and general information on wife abuse⁴; and the other is by encouraging social service agencies that deal with battered women to make more referrals to the WAP on behalf of women where charges may be likely or would be appropriate in the future.

Recommendation 3

It is recommended that the WAP develop procedures with the police and specific social service agencies to include cases where charges have not been laid, but where charges are likely in the future.

More could also be done to increase the WAP's profile with social agencies; eight out of 13 that we contacted had not made referrals to the WAP. These agencies could be asked to help identify women who would be appropriate candidates to receive WAP services, and to assist them in making contact with the program.

6.1.5 Initial Contact Letter

Each victim of spousal violence (where a charge has been laid) is sent one of four initial contact letters from the program (Appendix 2: Noncommunication Order Form). These letters provide legal information on the probation order, release, whether the accused is in custody or whether a noncommunication order is in place.

As well as the letters, each woman is sent a general pamphlet on wife abuse, and a brochure describing WAP services. The general wife abuse pamphlet is available in French and in large print.

³ Not all the agencies kept separate statistics on battered women. In these cases they were asked to estimate the number of clients receiving services.

⁴ Police do have a list of community services that they give to victims of assault; we would like to see them distribute more specific information related to the WAP and wife abuse.

Although all women whose partners are charged receive a letter from the WAP, not all the women we interviewed remembered getting this. Only 66 percent (29/44) of the program users we interviewed remembered hearing about the program directly from the letter sent by the WAP. Twenty-two percent (7/32) of the nonusers were not certain if they had received the WAP material. In some cases, respondents stated that they had received material but were not sure where it had come from (some women believed it had come directly from the court). We strongly suggest that a brief description of the program be placed within the main body of each contact letter.

Of those who did remember receiving material from the WAP, the pamphlet describing the program was seen as the least helpful piece of information. In general, the nonusers found the material to be less helpful than the women who went on to use the program (Table 27).

We found the tone of the letters to be business-like, somewhat legalistic and impersonal, although each states:

If you have any questions about the undertaking or the charges, or if you want to talk about your relationship, please call us and we will try to help you.

While we recognize that one of the main intents of the letter is to provide legal information, we believe that a less official, more supportive tone and style would be more effective. Three of the women who decided not to use the WAP described the letter as "alienating"; six nonusers said the materials did not describe services the program offered in a way they could understand.

Although one of the brochures is available in French, we believe that limiting the material to English and French represents a serious lack. Our sample of users and nonusers showed a very strong ethnic mix. Ninety-one percent (39/43) of the program users we interviewed and 63 percent (20/32) of the nonusers were Native, Métis or from ethnic backgrounds where English is a second language. Our view is that both the WAP brochure, as well as other basic information and data on spousal violence sent or distributed to victims, should be in a multilingual form (Section 6, Program Services). This material should be developed jointly with social agencies serving these groups, such as the Immigrant Women's Association of Manitoba, and the Native Women's Transition Centre.

Recommendation 4

It is recommended that the WAP brochure and other basic legal information on spousal violence be produced in a multilingual form in order to reach more women directly. These materials should be developed in cooperation with community groups who serve Native women and other ethnic minorities.

Table 27 **Program User and Nonuser Response to Initial Contact Letter**

	Helpful		Not Helpful	
	User	Nonusers	Users	Nonusers
Response to contact letter (bail, charges)	32 (89%)	14 (70%)	4 (11%)	6 (30%)
Pamphlet on the WAP	26 (79%)	6 (43%)	7 (21%)	8 (57%)
General brochure on wife abuse	28 (82%)	8 (37%)	6 (18%)	6 (43%)

6.1.6 Timing of the Initial Contact with the Victim

Because charges are routinely laid within one day after the battering incident, this is the time when women require information on the charge and status of the accused.

Although most victims (72 percent) made contact with the WAP a few days or a few weeks after the initial battering incident, we are concerned about the 25 percent who did not contact the program until a month or more had passed, when the benefit of services may have decreased (Table 28). However, despite this time lapse in some cases, the majority of program users' (92 percent or 36/39) "timing" was appropriate in terms of their needs. Only two respondents felt it was too late, and one too early (five respondents had no comment on the timing of the initial contact).

Table 28 **Length of Time After Battering Incident Program Users Received Contact From the WAP (Program Users)**

Period of time between incident and contact	N=44	
Within a few days	16	(36%)
Within a few weeks	16	(36%)
About a month after the incident	5	(11%)
Over a month after the incident	6	(14%)
Do not remember	1	(2%)

6.2 Reasons Why Victims Request Services from the WAP

Since the onus is on the victim of spousal violence to make contact with the WAP to receive services, we asked women why they initially requested services (Table 29).

Most wanted further information about charges, bail conditions or restraining and noncontact orders. Eighteen percent wanted changes in bail, charges or restraining orders

and 20 percent wanted, at this preliminary stage, charges to be dropped entirely. As the court process continued, one-half of the program users seriously wanted charges to be dropped.

Table 29 **Reasons Program Users Contacted the WAP**

N=44	
Wanted information about charges against the accused	19 (43%)
Wanted information about bail conditions/restraining order	19 (43%)
Wanted changes in bail, charges or restraining order	8 (18%)
Wanted charges dropped	9 (20%)
Wanted general support or assistance within criminal justice process	18 (41%)
Wanted other support and assistance	6 (14%)

6.3 **Reasons Why Women Do Not Use the WAP**

About one-half of the women who are contacted by the WAP do not follow-up the initial contact letter or decide not to use the program. We asked the 32 nonusers why they decided not to contact the program. The reasons can be broken down into two main categories. For one group, the program itself lacked definition and seemed unsupportive. The other group did not use the program primarily because of relationship factors. One-quarter of the nonusers had reconciled, were still living with the abuser or did not consider the abusive incident serious enough to warrant getting support (Table 30). In four cases, respondents considered the relationship to be over. Despite not using the program, 49 percent (15/33) said they felt the program could have been beneficial, primarily because of the personal support, rather than the legal information it offered.

Table 30 **Reasons Why Nonusers Decided Not to Use the WAP**

N=28	
Did not understand what services were offered	5
Letter too alienating, confusing	5
Relationship with man was over/did not require services	4
Reconciled with/still living with accused	6
Did not consider relationship abusive/one-time incident	2
Had sufficient support network already	3
Did not want agency involvement	1

Wanted to forget the incident	1
Could not contact the WAP staff	1
WAP staff not considered helpful during last incident	1

We also asked our field researchers to assess, on the basis of the case, the victim's abuse history and needs, and whether the WAP would have been a beneficial service. Their view was that 88 percent or 28/32 of the nonusers could have used the program, compared to 13 percent (4/32) who seemed to have little need of it. These needs may not become apparent until well after the charges have been laid and the victim requires personal support. If the contact letter extended the timeframe for service provision and de-emphasized the charge point, it is our view that more women might be encouraged to use the program.

Recommendation 5

It is recommended that the initial contact letters from the WAP be revised in order to clarify the types of services offered, and to extend the time frame in which services are offered. While still containing legal information, the letter should present a more supportive, less official tone.

6.4 WAP Contact with Clients

6.4.1 Type of Contact

The type and length of contact the WAP staff had with each client varied. Although women who requested services received from one to 50 contacts, the average, among the 44 women we interviewed, was 6.5 staff contacts per client (Table 31). Twenty-one percent (23/109) of clients, from the files we surveyed, received no personal (as opposed to telephone) contact with program staff, while nine percent (10/109) received a home visit.

The staff social worker handled the largest proportion (27 percent) of the contacts with clients alone. In 23 percent of the meetings, both the social worker and legal advocate were present and in 14 percent of the meetings only the legal advocate was present.

Table 31 **Number of Contacts per Client**

Number of Contacts	Number of Clients	
Total	43	(100%)
1-3 contacts per client	18	(42%)

4-8 contacts per client	19	(44%)
9-15 contacts per client	4	(9%)
16 or more contacts per client	2	(5%)

6.4.2 Duration of Contact

About one-half of the WAP clients said they received services from the program for the duration of the court process (although this may have consisted of only a few contacts at various intervals). However, the other one-half received contact for only a few days or a few months (Table 32).

Table 32 **Time Period Clients Received Services from the WAP**

Total Responding	44	
For a few days	11	(25%)
For 1-4 weeks	5	(11%)
1-4 months	5	(11%)
Over 4 months	2	(5%)
During entire court process	21	(48%)

6.5 Services Provided to WAP Clients

Two methods were used to gather data on the scope and type of services provided to clients who requested assistance from the WAP. Data from 109 program files (Table 33) were reviewed and analyzed to provide a general picture of the services provided. For more detailed data, we relied on interviews with the 44 program users.

A review of 109 program files indicated the program was strongest in providing services in the legal information support area and weakest in the area of making active, supported referrals to other agencies or community organizations that assist battered women.

Almost all the clients we interviewed directly received information about charges and other case related information from the WAP staff. However, 18 percent (8/44) of the women indicated they would have liked more information on the court process in general (on the rules of evidence, layout of the courtroom and an explanation of the roles of the crown, defence, judge and probation staff).

To save staff time and expense, we would like to see this information provided in a multilingual (in addition to English and French)⁵ format on video and made available, not only in the WAP office, but also to other service and resource centres which serve women (Native Women's Centres, Women's Centres, Legal Aid, Transition Houses).

Recommendation 6

It is recommended that the WAP develop a general legal information video, in a multilingual format, for women who may be witnesses in a spousal assault trial. This presentation would include information on charging policies, the court process, the roles of the people involved, the rules of evidence and the rights and responsibilities of witnesses.

Table 33 Services Provided to WAP Clients (from Program Analysis) N=109

Potential Services Provided by WAP	No	Yes	Unlikely or Unknown
<u>Legal Services</u>			
Number of clients receiving information about charges	3 (3%)	96 (96%)	1 (1%)
Number of clients receiving case-related information	3 (3%)	97 (97%)	-
Number of client receiving information about bail conditions	7 (7%)	89 (89%)	4 (4%)
Number of clients receiving information about testimony issues	21 (21%)	75 (75%)	4 (4%)
Number of clients receiving accompaniment to trial	44 (44%)	44 (44%)	12 (12%)
Number of clients receiving assessment in having input into presentence or visit	73 (73%)	22 (22%)	5 (5%)
<u>Liaison Assistance</u>			
Number of clients receiving liaison help (crown)	28 (28%)	70 (70%)	2 (2%)
Number of clients receiving liaison help (police)	95 (95%)	2 (2%)	3 (3%)
Number of clients receiving liaison help (defence counsel)	78 (78%)	20 (20%)	2 (2%)
<u>Abuse Information and Safety Planning</u>			
Number of clients with whom past abuse history discussed	29 (29%)	65 (65%)	6 (6%)
Number of clients given information on breaking cycle of violence	58 (58%)	29 (29%)	13 (13%)
Number of clients given information on impact of abuse on children	54 (54%)	26 (26%)	20 (20%)
Number of clients given support counselling	20 (20%)	75 (75%)	5 (5%)
Number of clients given personal safety/ planning information	43 (43%)	50 (50%)	7 (7%)
<u>Referrals and Other Service Information</u>			
Number of clients given <u>specific</u> referrals to other agencies or services	80 (80%)	16 (10%)	4 (4%)
Number of clients given information on other victims'	44 (44%)	51 (51%)	5 (5%)

⁵ We would anticipate that the languages would be defined by the WAP after a review of the ethnic background of their total caseload and in consultation with community agencies serving minority groups.

services/resources					
Number of clients receiving information on children's services/resources	73	(75%)	9	(9%)	18 (18%)
Number of clients receiving information on services and resources to treat accused	61	(61%)	33	(33%)	6 (6%)
Number of clients receiving post-trial follow-up support counselling	165	(65%)	30	(30%)	5 (5%)

Less than one-half of the women received accompaniment to trial. Where this did happen, clients reported that this appeared to be more a result of circumstance than of deliberate policy. Staff attend "domestic court" hearings on a regular basis two days a week and may simply be in the courtroom. Several women reported they did not know the staff who were in the courtroom on that day because staff were different from those who initially interviewed them. Where possible, we suggest that prior to trial, clients meet the staff member (usually the social worker) who will be in court.

The number of clients who felt the WAP had liaised with the crown on their behalf was quite high (70 percent). Although 75 percent of clients whose file we reviewed had received some level of general support counselling from the WAP, only 65 percent of the clients had discussed their abusive relationships with staff. And less than one-third of the women had received information on "breaking the cycle of violence" or on "the impact of abuse on their children."

This pattern also held true in the cases of women whom we interviewed. About one-half (44 percent or 19/44) of the victims we interviewed did not remember receiving any information about family violence from the WAP, although 50 percent (24/43) did remember. Of those who did, only 16 women or 36 percent remembered receiving verbal information, primarily about the cyclical nature of family violence, the involvement of alcohol in spousal assault and the intergenerational nature of abuse. Most of the other women just remembered receiving general pamphlets and brochures about abuse.

We recognize that the program staff may provide more verbal information than is actually "heard" by clients (several acknowledged they were too upset to absorb the information). However, we would like to stress the importance to all clients that specific verbal information be received on the following:

- (a) the psychological effects of being in an abusive relationship (depression, anxiety, loss of self-esteem);
- (b) the physical effects of being in an abusive relationship (health-related aspects);
- (c) the cycle of violence;
- (d) the role of alcohol in family violence;

- (e) the short and long term impact of family violence on children and the inter-generational nature of family violence;
- (f) the factors which lead to a continuation of the victim role.

Clients also require more help in the area of long term safety planning for themselves and their children. We believe that more deliberate inclusion of the above information, coupled with opening up WAP services to victims at the precharge and post case level will necessitate a reorientation of the program towards offering more counselling, support, general information and referrals. By strengthening the social work component, we do not mean to imply that the legal component should be reduced. However, we do believe that a criminal justice orientation alone will have little impact on the reduction of spousal violence.

Recommendation 7

It is recommended that the WAP strengthen the social work and counselling component of its program by offering explicit information, support and counselling on the content of abuse; its long term impacts and by offering precharge and post case support counselling to victims of spousal violence.

Another area which needs further development is the range and intensity of referrals the WAP makes to other community services and resources.

Only 16 percent of clients whose files we reviewed received specific referrals to other agencies⁶ although about one-half remembered being told about other services and resources. Among the 76 women we interviewed, the number who had used criminal justice or social services was small, albeit higher in the program user group (Table 34). However, none of the women could remember being referred to these organizations by the WAP. Less than 10 percent of the women received information on resources for children. Less than one-third of all clients received post-trial follow-up support counselling.

Considering the fact that over 80 percent of the women we interviewed had been victims of violence in the past, and almost one-quarter of the program users continued to be victims of the same partner, we think it extremely important that they be linked up with support services such as women's centres or transition houses so that ongoing support can be provided.

⁶ We want to distinguish here between "passive referrals" where information about a service is given and the woman is left to make contact on her own and "active referrals" where services are described to the client and a telephone call or contact is made on her behalf. Although WAP does make passive referrals it does not, in most cases, make active referrals.

Table 34 **Victim Contact with Selected Community and Justice Services**

Type of Service		Number of Program Users Using Service		Number of Nonprogram Users Using Service	
		N=44		N=32	
1.	Police	44	(100%)	31	(97%)
2.	Crown Counsel	30	(68%)	13	(41%)
3.	Police Victim Services	3	(7%)	0	(0%)
4.	Osborne House	10	(23%)	7	(22%)
5.	Probation Services	7	(16%)	3	(9%)
6.	Evolve	3	(7%)	1	(3%)
7.	Klinic	9	(20%)	3	(9%)
8.	Native Woman Transition Centre	0	(0%)	0	(0%)
9.	Ma Mawi Wi Chi Ita Ta Centre	1	(2%)	0	(0%)
10.	North End Women's Centre	0	(0%)	-	-
11.	Fort Garry Women's Centre	1	(2%)	0	(0%)
12.	Grace Hospital	1	(2%)	1	(3%)
13.	Women's Post Treatment Centre	0	(0%)	0	(0%)
14.	WISH	2	(5%)	0	(0%)
15.	Legal Aid	15	(34%)	13	(41%)

Although our review of client files suggests that few of the WAP clients are directly and actively referred to other services, the experience of social and community agencies indicates cross referrals do take place with about one-half of the services serving battered women. Of the 13 agencies dealing with battered women we contacted, ten said they had "regular contact" with the WAP, although three said they did not. Just over 54 percent or 7/13 of the agencies received "regular" referrals from the WAP (although "regular" might mean only two or three referrals per month) while six out of 13 received no or few referrals. Eight of 13 agencies made regular referrals to the WAP, while five out of 13 did not.

Most (8/13) of the agencies we contacted said that liaison between the WAP and themselves worked well; four of 13 said liaison did not work well and could be improved. (One of these agencies said that it, not the WAP needed to do more work to improve the relationship.) Seven of the 13 agencies thought liaison could be improved, primarily by having more communication. Several respondents suggested inter-agency meetings held annually would help clarify the WAP's mandate, clarify roles and facilitate referral networks. Certainly, the roles of the WAP staff need to be clarified. Eight of 13 of the agency respondents were not aware that the WAP had both social workers and lawyers on staff.

Recommendation 8

It is recommended that the WAP initiate and coordinate annual inter-agency meetings consisting of all Winnipeg-based groups providing services to spousal assault victims. The purpose of these meetings would be to clarify the WAP's mandate, discuss the roles of staff and develop strategies to enhance liaison and cross referrals of victims.

6.6 Needs of Special Groups

6.6.1 Immigrant and Minority Women

Over 65 percent of the victims we interviewed were Native, Métis or a member of an ethnic minority. A larger proportion of these were from the program user group. We think it is a positive sign that such a high proportion of women from diverse ethnic backgrounds are attracted to the program. It was not clear from the victim interviews whether women felt cultural issues presented barriers to receiving services; however, 6/44 of the program users said they did not completely understand the WAP's mandate or staff roles; 3/44 women needed legal terms explained in more detail and 2/44 wanted an interpreter. However, all of the staff from the social agencies and community organizations we contacted stated that immigrant, Native or other ethnic minority women have special problems if they are battered and have to become involved in the criminal justice system (Table 35).

Table 35 **Needs of Women from Ethnic Minorities (as Defined by Social Service Agencies)**

	Number of Agencies
Legal services in own language	5/13
Explanations of legal terms in a culturally relevant manner	1/13
More understanding by service givers of cultural community issues and pressures	12/13
More attention given to immigrant issues such as the degree to which court case may affect sponsorship of immigrant	1/13
Need for ethnic minorities to be represented	2/13

Most social service agencies expressed the need for the WAP to develop more cultural sensitivity in order to deal more effectively with Native women and other minorities. This type of sensitivity was described in broad terms; for example,

"You're not going to believe what I say, because I'm Indian"
is how women who require services feel.

A Native woman's approach is different. "Native women don't ask...we're shy."

Native women worry about reporting their men, they worry about handing them over to a white man.⁷

Because of the high proportion of women in the WAP who are from minority groups and because of the issues raised by social service agencies, we think the WAP should increase its efforts to improve services to these women. Ideally, we would like to see a staff member hired from an ethnic minority, but since all vacant staff positions have been filled or advertised, we think this is unlikely in the near future. We strongly suggest, however, that a Native or other ethnic minority women be considered if future job vacancies arise. In the meantime, we recommend that the WAP increase and deepen its linkages with social service organizations serving Native, Métis and other ethnic minority women in order to (1) sensitize staff to cultural issues, (2) maintain effective liaison and referral networks and (3) develop joint projects such as the basic legal information, courtroom video proposed in Recommendation 4. Groups such as the Immigrant Women's Association could also be asked to assist with the development and translation of other basic information on wife abuse.

Recommendation 9

It is recommended that the WAP increase and deepen its linkages with social service organizations serving Natives, Métis and women from other ethnic minorities. The objective of this liaison would be to continue to sensitize staff, improve and maintain liaison referral networks and to work together on joint information projects to serve these groups.

6.6.2 Needs of Young Women in Short Term Relationships

A high proportion of victims were women under the age of 25 and a majority of these were in informal "dating" of relationships when they were assaulted. Most of these women did not request program services. Our data indicate that in at least four cases, the women did not request services because the relationship was transient in nature and was already over. Our interviews with young women also suggested that they do not feel comfortable using social services such as the WAP. However, our view is that these women still may require support in order to make sense of the court process, understand the abusive relationship, and protect themselves in the future.

At the present time, however, most of the general information distributed by the WAP is oriented towards spousal assault or abuse in long term relationships. The information pamphlet on abuse sent out by the WAP does refer to dating abuse, but this is not its focus.

⁷ Two respondents we interviewed did in fact, express this concern. One said she was afraid that if her husband were charged, he might be given a "hard time" by the police.

We would like to see the WAP or Family Dispute Services Branch develop and distribute general information on dating abuse, particularly to young women under the age of 25. This material would describe the context of dating abuse, its impact and ways of handling it, as well as provide information about the criminal justice system and the WAP.

In order to reach its target group, it is important that an effective distribution system for this material be developed. Senior high schools, women's centres, colleges and universities would be good initial distribution points.

Recommendation 10

It is recommended that the WAP, in conjunction with Family Dispute Services, develop and distribute materials directly relevant to "dating" and "relationship" abuse. These materials would describe the context of dating abuse, its impact, ways of handling it as well as information about the criminal justice system and the WAP.

6.6.3 Needs of Chronic Abuse Victims

Eighty percent of the victims using the WAP had been abused previously by their partners and over one-quarter were continuing to experience abuse. Some of the women we interviewed were clearly victims of long term chronic abuse that had reduced them to despair and hopelessness. It is an encouraging sign that a high proportion of these apparent chronic abuse victims had contacted the WAP and were receiving services from the program.

This respondent cried throughout most of the interview. She allowed the accused to move back in with her three months after this incident. The court process took ten months. Following the sentence, he began to have violent outbursts again and abused respondent again in July for which another court date is coming up next month. Respondent ended relationship with this man when this incident occurred. Very afraid of going through the court process again...afraid she will "give in when I have to see him...." (Interview excerpt)

Linking chronic abuse victims with other supportive services and agencies may help these women end the cycle of violence. More in-depth information on the long term impact of spousal assault provided by the WAP (e.g., learned helplessness, hopelessness and anxiety) may also have some effect. However, we would also like the WAP to initiate follow-up contact with specific clients who appear to be chronic abuse victims and are likely to be at risk after the case is concluded. This contact should be formalized and consist of a telephone call or possible home visit at a specified period of time after

the case is concluded (e.g., three months). This strategy would require considerable care, in order not to further jeopardize the security of the victim.

Recommendation 11

It is recommended that the WAP identify specific women who appear to be long term chronic abuse victims so that they can be provided with post-case follow-up counselling. This contact should be formalized, and should continue at specific intervals after the case is concluded.

6.6.4 Treatment Needs of the Offender

Of all the problems and concerns expressed by victims about the criminal justice system, the issue rated "most important" was the need for offender treatment resources (64 percent or 20/31 of the nonprogram victims and 54 percent or 22/41 of the program victims rated this issue as very important) (Table 43). Community groups agreed there was a lack of counselling and treatment for all family members including the accused.

Treatment resources for offenders simply cannot meet the demand. Approximately 1,000 men per year are charged with wife battering in Winnipeg (which is presumed to be a much smaller number of battering situations than actually exist). As far as treatment availability goes, it appears that treatment resources and counselling for batterers are available to only 200 to 250 men a year - though these numbers are difficult to estimate.

Of the 13 social service organizations we surveyed, only three (Evolve, Family Services, and Winnipeg Probation Services) offered any type of counselling services to battering men. (The Winnipeg Probation Services offered services in two of its offices.) They each offer programs of group and individual counselling, with the groups lasting for a number of months.

Along with the problem of limited resources, the respondent from the Winnipeg Probation Services pointed out that in order to concentrate services where they would be most effective, it was necessary to screen participants according to quite strict criteria, such as accepting responsibility for their actions, and having no charges pending. This means that of the 50 percent of offenders who are known to be batterers, only ten percent are considered to be ready for this service. (A person may need the service but not be on probation for a battering offence. Some probation officers will refer a client for counselling for battering because the client is known to have a pattern of abuse.) Probation officers may work individually with a client for many months to help a client reach this stage of "readiness" for the program for batterers.

While we fully support treatment, counselling and support services for the victims of assault, we are concerned about the lack of resources for the perpetrator of the crime whose impact is much greater and may continue abuse (towards other women and children). It is not within the mandate of the WAP to address directly the issue of

treatment resources for men, but we believe it is within their power to advocate for these services within the Family Dispute Services Branch. The time has passed when family violence should be tolerated. Strategies to address the treatment needs of offenders must be given priority. Additionally, we would like to see a media-based⁸ public awareness campaign which would make a statement about the undesirability and criminality of family violence. This strategy, coupled with the existing charging policy, might then result in a reduction of the incidence of spousal assault.⁹

6.6.5 The Needs of Children

The needs of children for support and counselling were seen as a fairly important issue for the majority of victims who had children. However, less than ten percent of all the victims (7/76) said that seeing the impact of family violence on their children was one of the most painful parts of the experience.

As well as affecting children directly, violent behaviour by the father provides a type of modelling for conflict resolution which may be passed down through generations. For these reasons, we think it important that the WAP stress the impact of violence on children both in their printed materials and in their counselling, support and follow-up sessions.

⁸ We understand that the provincial government has recently funded a TV and radio ad campaign to encourage battered women to use Victims Services. Although this is an important focus, again the stress is on the victim rather than the offender.

⁹ A similar model for this type of strategy has been implemented with impaired driving. At the same time stricter legislation was introduced, a public relations campaign and community group pressure (from groups like MADD) has changed public opinion so that it is now less socially acceptable to drink and drive. We think that a similar, more comprehensive strategy must be used to end spousal violence.

7.0 ASSESSMENT OF THE WOMEN'S ADVOCACY PROGRAM

Program clients and respondents from the criminal justice and social service sectors were asked to assess the value of the Women's Advocacy Program in terms of serving the victim's needs. In this chapter, we look at the program's value from the point of view of the victims who used it, and from the perspective of criminal justice and social service respondents who deal with battered women and the WAP.

7.1 Assessment of the Program by Program Users

Only 45 percent (20/44) of the women using the program rated it as being "very useful." One-third of the users found it to be "not very useful" or "not useful at all."

Table 36 **Overall Rating of the WAP Service**

	Total
Total Responding	44
Very useful	20 (45%)
Quite useful	10 (23%)
Not very useful	9 (20%)
Not useful	5 (11%)

However, in general terms, clients were quite satisfied with the depth and type of legal information they received. Eighty-four percent (37/44) of the clients felt that staff were able to answer questions about the case or court process adequately, or very well. Sixteen percent of the clients (7/44) were not happy with the degree of detail they received. Although 47 percent of the program clients said staff were always "very sensitive" to their needs, 35 percent (15/44) found staff to be somewhat insensitive. Victims said that the WAP was sometimes unsympathetic to their situation, exerted too much pressure on them to testify or did not explain legal terms adequately.

One-half of all the women using program services wished charges could be dropped at some stage. The most common reason for this was because of pressure or harassment from the offender.

Table 37 Reasons Why Program Users Considered Dropping Charges Against Accused

	Total	
Total Responding	22	
Too much red tape	1	(5%)
Pressure from offender or family	7	(32%)
Length to time court process	2	(9%)
Crown said she would not win	1	(5%)
Accused said he was sorry	3	(14%)
Wanted to forget incident	2	(9%)
One-time situation	2	(9%)
Financial dependency on accused	2	(9%)
Felt guilty herself for abusive incident	2	(9%)

Although most of the women who considered dropping charges said the WAP encouraged or supported them to testify, five stated they felt overly pressured by program staff.

It is important to put this client assessment into some kind of perspective. While it is undoubtedly true that some women did not receive useful services from the program, not all victims are amenable to receiving such services or to continuing with the case. Some women are still in a state of denial after the battering incident or they may be protective of the offender. They may feel angry that the offender has been charged and believe that he will change. Others feel guilty and ashamed about using social services and this may affect their responsiveness. In these cases, the WAP may not be well received by the client although over 80 percent of the program victims felt charging the offender was the proper course of action.

We also asked victims to evaluate more specific aspects of the program. Here again, the legal information and support component is rated more highly than the counselling or personal support component (Table 38) although 18 percent of the victims wanted more information on the actual court process. About 20 percent of the victims would have liked more counselling support for their children, additional family counselling, help with long term safety planning and referrals to counselling.

Table 38 Assessment of Services of Feedback of the WAP Program Users

		N=44									
		Did Not Need		Needed/Did Not Get		Received/Not Helpful		Received/Somewhat Helpful		Received/Very Helpful	
1.	Information on charges	2	(5%)	2	(5%)	1	(2%)	9	(20%)	30	(68%)
2.	Explaining charges	6	(14%)	3	(7%)	1	(2%)	6	(14%)	28	(64%)
3.	Information re: victim's rights/responsibilities	8	(18%)	3	(7%)	2	(5%)	6	(14%)	25	(57%)
4.	Information re: court process	4	(9%)	8	(18%)	0	(0%)	6	(14%)	26	(59%)
5.	Accompaniment to trial	20	(45%)	3	(7%)	4	(9%)	1	(2%)	16	(36%)
6.	Accompaniment to sentencing	24	(55%)	6	(14%)	2	(5%)	2	(5%)	10	(23%)
7.	Information re: cause/effect of abuse	12	(27%)	3	(7%)	4	(9%)	12	(27%)	13	(30%)
8.	Practical support/assistance	39	(89%)	4	(9%)	0	(0%)	0	(0%)	1	(2%)
9.	Liaison with crown counsel	22	(50%)	6	(14%)	2	(5%)	5	(11%)	9	(20%)
10.	Liaison with probation	39	(89%)	2	(5%)	1	(2%)	1	(2%)	1	(2%)
11.	Liaison with police	35	(80%)	5	(11%)	2	(5%)	0	(0%)	2	(5%)
12.	Support in ending relationship	29	(66%)	7	(16%)	0	(0%)	3	(7%)	5	(11%)
13.	Support for the children	29	(66%)	9	(20%)	1	(2%)	4	(9%)	1	(2%)
14.	Referrals for counselling self	25	(57%)	10	(23%)	3	(7%)	1	(2%)	5	(11%)
15.	Referrals for counselling accused	22	(50%)	11	(25%)	3	(7%)	1	(2%)	7	(16%)
16.	(a) Family counselling	34	(77%)	9	(20%)	0	(0%)	0	(0%)	1	(2%)
	(b) Substance abuse counselling	32	(77%)	7	(16%)	1	(2%)	1	(2%)	3	(7%)
	(c) Child area	35	(80%)	7	(16%)	1	(2%)	0	(0%)	1	(2%)
	(d) Housing area	42	(95%)	2	(5%)	0	(0%)	0	(0%)	0	(0%)
	(e) Financial	40	(91%)	3	(7%)	0	(0%)	0	(0%)	1	(2%)
17.	Long term safety	20	(45%)	11	(25%)	1	(2%)	4	(9%)	8	(18%)
18.	Filling out VIS	39	(89%)	2	(5%)	0	(0%)	0	(0%)	3	(7%)

Program users were asked to describe the most valuable services provided by the program and the services most needed but not received. Again, the value of legal information and support services was emphasized by the largest proportion of clients. About 15 percent of the clients also valued the empathy and support they received from staff. But clients, in the initial stages of the case, wanted more detailed information on the program, its staff roles, activities and mandate (Tables 39 and 40). This underscores the need for staff to describe the program more precisely within the initial contact letter and during the first meeting with clients.

Table 39 **Most Valued Services Provided by the WAP (Program User) (More than one response)**

N=44	
Type of Service	Number of Responses
Trial accompaniment	7 (16%)
Basic legal information on charges, case	24 (55%)
Empathy for situation	7 (16%)
Calm, situation attitude of staff	5 (11%)
Information on safety planning	1 (2%)
Counselling provided by staff	1 (2%)
Information on abuse impact	1 (2%)
Help with dropping charges	1 (2%)
Home visits	1 (2%)
No useful service	7 (16%)

Table 40 **Victim's Needs Not Met by the WAP**

N=44	
Type of Service	Number of Responses
Information on program, staff roles, mandate and activities	6 (14%)
More empathy for women's situation	4 (9%)
Contact with staff prior to court appearance	3 (7%)
More information on legal terms and information	3 (7%)
Language interpreter	2 (5%)
More counselling support to offender	1 (2%)
More liaison with crown	1 (2%)
More counselling help for children	1 (2%)
More follow-up support counselling (for victim)	1 (2%)

7.2 Assessment of the WAP by Social Agencies and Community Organizations

We interviewed 20 respondents from 13 different social service agencies dealing with battered women to assess the program from a social service perspective. These groups are in a unique position to speak about the needs of a range of battered women, not just those whose assailants have been charged. The agencies we contacted provide emergency housing, counselling support, referrals and information to battered women and sometimes to other family members. Administrators, outreach workers, counsellors and other staff were interviewed. We asked respondents to respond to general questions about the overall importance of legal support and counselling, and to evaluate specific components of the WAP.

7.2.1 Overall Importance of WAP Services

To get a sense of the value of services offered by the WAP in the context of all the needs experienced by battered women, we asked the 20 respondents to rate 15 basic needs of battered women and their families according to degree of importance (Table 40). Services provided by the WAP are marked *.

Needs of Battered Women as Rated by Social Service Personnel

1. Short term crisis counselling.
2. Emergency housing.
- *3. Basic information on the causes/impact of family violence.
- *4. Legal information about charges, court procedures.
- *5. Long term safety planning.
6. Income support for battered women.
7. Long term therapy or counselling for women.
8. Child care assistance.
9. Counselling therapy for children.
- *10. Court accompaniment.
11. Second stage housing.
12. Job training/employment opportunities.
13. Counselling therapy for man.
14. Substance abuse counselling for women.
15. Substance abuse counselling for men.

Unrated

- Child care assistance for court appearances.
- Easier telephone access for specific information.
- Cultural/traditional healing opportunities.
- More education for prevention.

- Therapy related to men's/women's childhood abuse.
- Sympathetic lawyers.
- Emergency child care.

Of the 15 needs which were considered, respondents rated three services provided by the WAP in the top five. However, "basic information on the causes, effects and impacts of family violence" was rated as slightly more important than court related information. This is likely because only a small number of the women these agencies serve ever become involved in the court system.

7.2.2 Assessment of WAP Services

Nine of 13 of the agencies whose staff we interviewed agreed that the charge point was the best starting point for the WAP services, primarily because they felt women in crisis are more amenable to help. However, 10 out of 13 of the agencies did not find the initial form of contact (the form letter) an effective way of reaching women. Most (11/13) said a telephone contact would be more effective, personal and supportive.

Although the intensity and type of contact between these agencies and the WAP varied, only three out of 13 agencies said they had "no regular" contact with the WAP. Just over one-half (7/13) got referrals from the WAP, while six out of 13 did not. Although eight of 13 said they made referrals, five of 13 did not. Eight agencies said liaison between themselves and the WAP worked well, five said there was room for improvement.

We believe cross referrals and general liaison would be improved if the WAP were to increase regular formalized meetings with social service groups to discuss the WAP mandate, roles, client needs and other mutual problems (Recommendation 8). As noted earlier in this report, only four agencies were even aware of the social work/legal role differentiation within the program.

There was no clear opinion on how well the WAP is meeting the needs of minority, particularly Native women. Staff from only four of 13 agencies said the needs were being met well, or fairly well, while nine agencies said the needs were either not being met well or there was not enough information to make a judgement. The same ambivalence arose when agency staff were asked whether the WAP was providing sufficient services to clients. Four out of 13 agencies said, "Yes, they are," but nine said "no" or were uncertain.

There is a general feeling among the community respondents that staffing for the program is insufficient, and six agencies stressed that the WAP needed to reach out more to the Native community by increasing liaison with Native organizations, incorporating a stronger understanding of cultural issues or hiring a Native worker. A need for improvement in the counselling component of the program was mentioned by five agencies. Two agencies said that they would like to see the legal information/support component include more support in the early stages of the criminal justice process and

more actual "walking through" the details of the court process. According to one respondent:

WAP has no time for advocacy - explaining the court system, court preparation, accessing, referring to other services. Intervention is sporadic, limited - WAP doesn't walk through the whole process with the women.

Two agencies would like to see the WAP become more involved in advocating for change within the criminal justice system. Because these social service agencies also work with battered women who do not become involved with the criminal justice system, we asked them to describe some of the barriers victims might experience in calling the police to lay charges.

The most frequently mentioned barrier was the financial dependence of the victim on the offender. This outweighed fear of the offender, guilt, the victim's self-blame or overall emotional dependence on the accused.

Our overall impression from these interviews is that in general the services provided by the WAP are valued by the rest of the social service community, although specific details about the effectiveness of services (for example, to Native women) are lacking. General liaison is good but needs improvement at the client level (e.g., cross referrals). More counselling on the cause and impact of abuse, and outreach to the Native community are recommended. In one sense, the respondents we interviewed do not see the gaps in the WAP's service as weaknesses in the WAP but as a reflection of the system's inadequate response to abused women. As one respondent noted:

Service (to battered women) is piecemeal, tokenism.
Women are supposed to accept it graciously and not complain.

7.3 Assessment of the WAP by Criminal Justice Respondents

Interviews were completed with seven respondents from the criminal justice system in the Research Implementation Phase of the evaluation. Data from these interviews were amalgamated with five previous interviews held during the Design Phase which covered many of the same topics. These interviews included probation (three interviews), crown counsel (four interviews), police (two interviews), probation (one interview), defence counsel (one interview) and crown-based Victim Witness Services staff (one interview). All of the crown attorneys interviewed have had extensive experience with domestic assault victims.

The feedback about all practitioners in the criminal justice system is highly positive, although the degree of interaction with the WAP varies.

Interaction between the WAP, the police and the Victim Services Coordinator is limited primarily to communication about charges and the passing of the police reports to the WAP staff. However, the police value the basic information and support given to victims by the WAP -- a job they feel they cannot do. Their view is that organizations like the WAP help people become more informed in general about the criminal justice process and consequently, they are better witnesses in court.

Winnipeg Probation Services has much more in-depth contact with the WAP throughout the criminal justice process. The WAP has extensive input into presentence reports by representing the victim's views, past abuse history and needs to Winnipeg Probation Services. Also, the WAP and probation officers may liaise on the victim's behalf if she has any concerns about the offender after the case is completed. The WAP also assists probation in clarifying what would be best in terms of rehabilitation for the offender.

We [Probation] have one-half of the information, the WAP has the other half - the woman's experience and perspective - so together we might be able to get an idea of where the relationship is going, and take appropriate action. This widens the judge's options, because he can have the whole view.

According to probation staff, the WAP is also useful in finding and maintaining contact with the victim after the case is over.

Of all those working in the criminal justice system, crown attorneys benefit the most from the WAP services. The WAP provides information to crown counsel on the victim's abuse history, the incident and the victim's relationship with the offender. Crown attorneys may consult with the WAP when bail conditions are considered or changed. Most importantly, in the crown attorney's view, the WAP assists in encouraging women to testify.

WAP is of considerable importance to us. We refer a number of women to WAP because we can see that to a lot of women, we are the enemy...trying to force them to testify. Women (who have been abused) are much more trusting of the women at the WAP. They'll also tell them there are sentencing alternatives and this helps women who are reluctant witnesses.

According to crown attorney, the WAP is also instrumental in helping chronically abused women stay in the court system.

We recently had a case where a woman had been abused for years. About 15 charges had been laid but the woman had always backed out. WAP worked with this woman and we finally got a

conviction. Without WAP's help this never would have been the case!

The crown attorneys we interviewed felt strongly that the WAP is presently understaffed, considering the level and number of services they provide.

We were able to interview one judge with extensive experience in the "domestic court" (the specialized court for domestic assault cases). Again, this respondent assessed the WAP as being an "invaluable service," for three main reasons: (1) the WAP allays the complainants' fears about court; (2) it explains the workings of the court; and (3) by working directly with the judge, the WAP can give complainants some sense that alternative forms of sentencing will be considered. The judge said that the WAP had an "invaluable" role in encouraging reluctant witnesses to testify.

There is no question that the WAP is seen as a very valuable component of the criminal justice system. However, some issues, particularly related to the WAP's role vis-a-vis the crown attorney, need to be addressed. We had the sense that the crown attorney was happy to "hand over" spousal assault cases to the WAP, to rely on them to gather more comprehensive data and to persuade reluctant witnesses to cooperate. We are concerned that, in doing so, some of the responsibilities the crown attorney has towards this clientele may be abrogated. For example, to our knowledge, no specific training is provided to crown attorneys on the issue of spousal assault. New crown attorneys working on domestic assault cases are expected to get together informally with their predecessors to learn "what they can" about the issue, but these meetings are not required.

There are no crown attorneys who formally "specialize" in handling spousal assault cases, although, practically speaking, certain crown attorneys tend to handle more family violence cases than others.

Our data also suggest that the crown attorney is not seen as a major influence in the case, by the victim herself. Only 31 percent (14/44) of the program users and 18 percent (6/32) evaluated the crown attorney as being "very helpful," a much lower rating than that given to the police. Although some of the respondents described the crown attorney as being "helpful, patient and sympathetic," other victims complained that they "had minimal contact," "were rushed through preparation" and that the crown attorney was ineffectual in their presentation. We wonder if this is partly because the crown attorneys expect the WAP to perform many of their functions.

It is a positive comment on the WAP that crown attorneys use the program extensively and speak of it in glowing terms. However, we are concerned that crown attorney expand and maintain its own services to victims, particularly because not all victims whose assailants are charged choose to use the program.

It is clear that the legal and social work backgrounds, as well as the professional integrity of the WAP staff, have given them credibility and authority in their dealings with crown attorneys. However, crown attorneys appear to see and use WAP staff primarily as skilled paralegals. Even the social worker, despite her orientation, acts in

this role. This leads us to wonder whether a trained and experienced paralegal rather than a fully qualified lawyer might be adequate in the legal position. The use of a trained paralegal might reduce the overall budget, thus allowing additional part time personnel to be hired if required.

8.0 IMPACT OF THE WOMEN'S ADVOCATE PROGRAM ON THE CRIMINAL JUSTICE, SOCIAL SERVICE SECTORS AND VICTIMS

This chapter discusses the impact the WAP has had or appears to have had on attitudes, policies and protocol within the criminal justice and social service sectors. Although the training component of the WAP is now being directed by the Family Dispute Services Branch, we discuss it here as an example of past impact. We also discuss some of the specific impacts of the WAP on the victims who use the program.

8.1 Training Provided by the WAP

Up until 1990, a half time staff position was devoted to the training of specialists and lay people working in the field of spousal assault. This training provided information on charging, the criminal justice process, the role of the WAP and issues related to family violence. Although most training was held in Winnipeg, the staff trainer also participated in workshops in other centres such as Thompson and Saskatoon.

We reviewed 1988 training data. During that year, the trainer coordinated twenty-three training and information sessions, lasting from one hour to all day. Five meetings were held with criminal justice and social service directors to plan the training and workshops (Table 41).

Table 41 **Training Offered by the WAP 1988**

	Number of Sessions
Training for professionals (police) in criminal justice system	4
Training to social service and medical professionals	8
General public education sessions	6
Media presentations	2
Conference appearances or participation	3
Meeting	5

8.1.1 Police Training

For the past several years, the WAP has had a policy of training new police recruits. In 1988, four training sessions were held from 4.5 to 6.5 hours each. Criminal justice respondents and the WAP staff felt that the training had a positive impact sensitizing new recruits to the issues around spousal violence, the problems of the victim and the importance of charging. In the past, the charging policies of the police have been

of concern to the WAP. In some cases, there were concerns that charges were not being laid consistently. There were also concerns that the police were not making it clear to victims that it was the mandate of the police, not of the victims, to lay charges.

Despite the success of police recruit training, there are still concerns that longer term police officers may not be fully sensitive to these and other related issues.

We hope that the training of police cadets will continue even though this component will no longer be located within the WAP. We would also like to see a more systematic effort to include regular officers in annual training sessions, for discussion of issues of spousal violence, charging policies, the role of the WAP, needs of the victims and difficulties inherent in the field. We think it is important to reach these officers on a regular basis because, despite the presence of new recruits, it is the more experienced officers who set the tone within the department.¹⁰

8.1.2 Training of Crown Attorney

Despite the pivotal role of crown attorney in spousal assault cases, they receive no related training or systematic information from the WAP. They also receive no in-service training. Although new crown attorneys are expected to discuss spousal assault issues informally with experienced crown attorneys, this is left up to each individual.

In the future we would like to see the Family Dispute Services Branch coordinate a more active approach with the crown attorney's office so that new crown attorneys are exposed to specific information about the issues of family violence, the needs and attitudes of victims and the process of the crown attorney-WAP liaison. Although we recognize that the senior crown attorney attempts to inform crown attorneys about the services offered by the WAP through inter-office memos, we believe this kind of information should be presented systematically and semi-annually by means of crown attorney-WAP meetings.

8.1.3 Training Provided to Social Service Organizations

WAP-based training has not been systematically provided to those working in social service organizations serving battered women. Of 13 organizations we contacted, only five had received any form of training over the past three years; eight of 13 had not. Two of these agencies said they received training every year. The topics that the community groups remembered discussing during the training were: the role of the WAP, the cycle of violence, the referral process and the operation of the criminal justice system. Three of the agencies found the training to be valuable or very valuable in sensitizing and informing their staff. Two others found the training to be only partially valuable. One of these agencies described the training as "too general" and "unsophisticated" for their staff.

¹⁰ The Women's Advocacy Program has, in fact, asked for the opportunity to collaborate with the Department of the Attorney General to establish a comprehensive training program for law enforcement personnel.

The training provided to social service agencies has not been systematically organized or applied. We would like to see all staff in all organizations in Winnipeg dealing specifically with battered women receive information or training in the following areas:

- (1) the role and mandate of the WAP;
- (2) the charging policy and process (who lays charges, and the victims' rights and responsibilities);
- (3) the criminal justice process and its impact on battered women;
- (4) the nature of family violence and its impact on the victim and children (short and long term impacts, and psychological and health-related damage);
- (5) the cycle of violence/intergenerational nature of abuse/substance abuse as an issue in family violence.

While a legal focus should be maintained during the training (this is the WAP's unique perspective and experience), we would like to see it expanded, where appropriate, to include basic information on the social-psychological issues related to battering.

8.1.4 Public Education

Although the WAP provides some general information on spousal abuse to the general public, much more needs to be done in this area. We have already mentioned the need to target spousal assault as a practice which can no longer be tolerated. In order to effectively combat it, four strategies must be implemented or expanded. These are primarily within the mandate of the Family Dispute Services Branch, although the WAP has an important role to play in defining the issues to be addressed. These consist of:

- (1) public information on the incidence, causes and impacts of spousal assault, and the criminal justice response;
- (2) media presentations describing the inappropriateness of violence as a response to stress, and the sanctions imposed on perpetrators;
- (3) social programs serving the needs of the victim, her family and the treatment needs of the offender;
- (4) legal sanctions.

Most of these strategies are in place to some degree, although coordination could be improved. The Family Dispute Services Branch has an important role to play in the public information area, providing information on the criminal justice response to family

violence (for example, some victims still believe that they have the right to lay or drop charges).

8.2 Other Impacts of the WAP

8.2.1 On the Criminal Justice System

The criminal justice respondents we contacted during the design and research implementation stage of the research assessed the WAP as having a clear positive impact. This impact occurred at three levels: informational, attitudinal and practical.

The information provided by the WAP to the various players in the criminal justice system is seen as vital, particularly at the bail determination and variance stage, during the prosecution, when a victim faces testifying and at the presentence stage. At all these points, the WAP advises the crown attorney, the judge or probation officer of the woman's needs, situation and perspective. The crown attorney also found the WAP helpful in sensitizing them to the needs and problems of battered women. For example, the WAP has been instrumental in helping the crown attorney understand why the victim may want to withdraw charges.

On a practical level, the WAP provides direct assistance to the crown attorney, the judge and probation officer by collecting information on the case, presenting the victim's perspective on bail and sentencing, and, in some cases, supporting her so that the case will continue.

At various points in the process (at the bail review hearing, for example) or when a witness is reluctant to testify, protocol has developed to routinely include WAP submissions. When a victim is reluctant to testify or wishes to have charges dropped, the crown attorney almost always refers the victim to the WAP for consultation and support. According to the crown attorney, this referral policy has been tightened up in the past year, but has not yet been formalized by the Ministry of the Attorney General of Manitoba.

8.2.2 Impact of the WAP on the Social Service Sector

It was difficult to discern any clear impact of the WAP on social service organizations working with battered women. Most of these organizations are specialized in their responsibilities and approach, and have longer histories working in the field. Certainly, most of these organizations provide as much or more social service support than does the WAP. In terms of its legal mandate, we think the WAP could do more to advise these organizations of legal issues related to women, such as the factors involved in charging, the WAP's role, etc. This could be accomplished by annual meetings between the WAP and social service organizations working in the field (Recommendation 8).

The social service respondents appeared to indicate that the WAP is seen as a valuable component of the criminal justice system, but that it is somewhat peripheral when the long term and intensive needs of victims are considered.

8.2.3 Impact of the WAP on Victims

In this section, we describe the major impacts of the WAP on victims who used the program, in contrast with those who did not. Most of the data reported here have been described in detail in other sections (Section 5.0, Charge and Incident Data).

The WAP appears to have had an impact on women at specific points in the criminal justice system. Involvement with the WAP also appears to affect the victim's assessment of the court process in general.

1. Impact of the WAP on bail conditions

Fewer accused in the program group were remanded in custody. Bail was also set at lower rates for the program users. However, more of the program group were protected with noncontact orders. These data probably indicate the input of the WAP at the bail review stage. Many women do not necessarily want their partners incarcerated, yet they want protection. The WAP is instrumental in making representations to the court around the victim's concerns both for herself and the accused.

2. Impact of the WAP on the length of court proceedings

The cases of program users lasted longer than those of the nonusers. This reflects the involvement of the WAP in the case, and the larger proportion of program user cases which end in sentencing (rather than stays or dismissals). This again indicates the involvement of the WAP. However, 57 percent (25/44) of the women we interviewed found the duration of the court process painful and frustrating.

3. Impact of the WAP on maintaining witness cooperation

The WAP is influential in maintaining and supporting victims so that they will continue to testify. We found this reflected in the number of stays and dismissals which were much higher in the nonprogram group, despite the fact that 50 percent of all program users wished that charges would be dropped at some time during the court process.

4. Impact on sentencing

The accused in the program user group received more serious dispositions and sentences than those in the nonuser group. Although it is impossible to do a direct sentence comparison (without an accurate charge comparison), it appears that the WAP has been effective in helping to convince the court of the severity and significance of spousal assault as a criminal act.

The accused in the program group also received significantly more referrals to treatment and therapy services than the accused in the nonprogram group. Again, this appears to reflect the WAP's involvement at the presentence stage. Many victims may not want incarceration for their partners but some sort of treatment which will end the violence.

5. Impact on victim attitudes towards sentencing

The WAP also appears to have had an impact on the attitudes of victims, both towards the case outcome and the criminal justice process in general. A higher proportion of program victims were satisfied with the disposition than were nonprogram victims, although a higher proportion also thought the verdict was "too light." Nonprogram victims had a stronger interest in "alternative" sentencing (Table 42). This is likely because fewer accused in the nonprogram group received alternative sentences.

Table 42 Attitudes of Victims Towards Disposition of Case

Attitude Towards Case Disposition	N=44 Program User		N=32 Nonuser	
Sentence "too light"	17	(39%)	10	(31%)
Sentence "about right"	19	(43%)	6	(19%)
Sentence "too harsh"	2	(5%)	0	(0%)
Alternative sentencing (e.g., counselling) more appropriate	4	(9%)	16	(0%)
Uncertain	2	(5%)		

There seems to be general agreement among victims that laying criminal charges against an offender is the best way of handling spousal violence. Seventy-eight percent (25/32) of the nonprogram and 84 percent of the program victims agreed with the charging policy. The minority who did not, opted for alternatives to the court process such as counselling or substance abuse treatment for the offender.

We also looked at the response of victims to different aspects of the battering incident and criminal justice process, to see whether there were any clear differences between the program and nonprogram groups. Two questions were asked of victims, one which required them to rate their degree of concern about specific aspects of the experience (Table 43). A second, open-ended question, asked respondents to define the most painful aspects of the entire experience from battering incident to court disposition.

It must be noted that the experiences of victims within the criminal justice process vary. For example, only 57 percent (25/44) of the program users and 53 percent (17/32) of the nonusers were required to give evidence at the trial. Some issues, such as threats from the offender, were not perceived as relevant because the relationship was short term (84 percent or 37/44 of program users felt this was an issue compared to only 62 percent

or 20/32 nonusers). However, despite these contrasting experiences, there are differences in the way the two groups perceived their experiences.

Although the WAP has little impact precharge, except in a few cases where women called for information, a higher percentage of nonusers (41 percent to 19 percent) had worries or concerns about notifying the police about the incident. We think this reflects this group's overall reluctance to "become involved" in the criminal justice system, a reluctance which may be a factor in their unwillingness to use the WAP services. On the other hand, the WAP victims who were required to testify found the experience of being cross-examined or giving testimony more difficult than the nonprogram group. This is somewhat surprising since this is the group apparently most supported by the WAP.¹¹ It may simply suggest that the WAP services are not intensive enough to reduce the stress of giving testimony. It may also reflect the fact that more program users were in long term relationships when assaulted. The court experience might therefore be experienced as more threatening and painful.

The program group also experienced "threats from the offender" as a more serious issue or concern than the nonprogram users. Again, this may reflect the fact that a higher percentage of the nonprogram clients described their relationships as being over at the time of the charge. Program users also suffered more injuries from the battering incidents.

Program user cases lasted longer than nonuser cases. This was painful and frustrating for the program user victims.

¹¹ In two other studies completed by Focus Consultants relating to support to victims of crime, the same conclusions were found. The program participants were found to have a higher level of dissatisfaction with the court process in general. In these studies, we concluded that program participants may be more attuned to the criminal justice process and have higher expectations than the non-program clients and thus be more likely to be disappointed.

Table 43 **Criminal Justice Process Issues and Levels of Concerns Expressed by Victims**

	N/A		Not Important Problem or Concern		Somewhat Important		Very Important	
	User	Nonuser	User	Nonuser	User	Nonuser	User	Nonuser
1. Deciding whether to notify police	43	29	19 (44%)	11 (38%)	6 (14%)	6 (21%)	8 (19%)	12 (41%)
2. Charge stage	44	31	17 (39%)	13 (42%)	9 (20%)	5 (16%)	18 (41%)	13 (42%)
3. Giving evidence at trial	25	17	5 (20%)	7 (41%)	5 (20%)	4 (23%)	15 (60%)	6 (35%)
4. Being cross-examined	24	17	6 (25%)	9 (53%)	5 (21%)	3 (18%)	13 (54%)	4 (23%)
5. Threats from offender	37	20	17 (46%)	12 (60%)	5 (13%)	5 (25%)	15 (40%)	3 (15%)
6. Fears for personal safety	40	32	13 (32%)	13 (41%)	10 (25%)	2 (6%)	17 (42%)	7 (53%)
7. Fears for children's safety	29	20	14 (48%)	10 (50%)	3 (45%)	3 (15%)	12 (41%)	7 (35%)
8. Housing needs	15	18	9 (60%)	10 (55%)	2 (13%)	2 (11%)	4 (27%)	6 (33%)
9. Immediate financial support	21	19	10 (48%)	10 (53%)	3 (14%)	2 (10%)	8 (38%)	7 (37%)
10. Long term support to family	18	17	10 (55%)	7 (41%)	0 (0%)	3 (18%)	8 (44%)	7 (41%)
11. Lack of personal support	42	29	23 (55%)	22 (76%)	9 (21%)	2 (7%)	10 (24%)	5 (17%)
12. Total duration court process	44	31	12 (27%)	15 (48%)	7 (16%)	6 (19%)	25 (57%)	10 (32%)
13. Lack of follow-up support	43	29	30 (70%)	20 (69%)	4 (9%)	3 (10%)	9 (21%)	6 (21%)
14. Lack of treatment services for offender	41	31	16 (39%)	9 (29%)	3 (7%)	2 (6%)	22 (54%)	20 (64%)
15. Lack of treatment resources for self (victim)	36	29	22 (61%)	14 (48%)	8 (8%)	5 (17%)	11 (31%)	10 (34%)
16. Lack of treatment of resources for children	32	21	16 (50%)	11 (52%)	3 (9%)	2 (9%)	13 (41%)	8 (38%)

We asked all the victims "to describe the most painful aspects of the experience from the specific battering incident to the final disposition." Responses to this question were extremely diverse (24 items were mentioned in total) but here again the program users appeared to experience the criminal justice system as more painful than the nonusers. Issues such as the fear of going to court, reliving the battering incident through testimony, a feeling of being "on trial" and the length of the court process were all cited by five or more program users as being very painful, while only "the decision to drop charges" was mentioned by nonprogram clients as painful.

Both groups mentioned relationship and personal issues, primarily ongoing fear of the offender's violence, as being very painful. Nine victims mentioned that the most painful aspect of the experience was the loss of the relationship, and the same number said they could not accept the violence which had been done to them.

Only one person (a nonprogram victim) said the battering incident itself was the most painful part of the whole experience.

These data suggest that the WAP has no clear positive impact on the way victims experience the criminal justice process. The WAP may help women conclude the case but the victim herself does not "feel better" about the process. Our view is that more attention must be paid to the fears and concerns of victims, particularly at the charge and pretrial stage. The victim's fears about going to court, the personal impact of seeing the offender testify and impact of testifying should all be dealt with more intensively.

Involvement with the WAP also does not appear to affect the victim's future relationship with the offender. Fifty-two percent of program user victims were still living with the offender after the case concluded, compared with 25 percent of the nonusers. Eighty-three percent of the former were still being abused. This underscores the need for follow-up contact and counselling with victims.

Recommendation 12

It is recommended that the WAP focus on providing personal support to the victim (as well as offering legal information) at the beginning of the case. This support should centre around the victim's fear of going to court, the impact of giving testimony and hearing and seeing the offender testify.

9.0 ADDITIONAL PROGRAM RELATED ISSUES

9.1 Program Staffing

WAP staffing now consists of one half time administrator and four full time positions (one clerical, two social work and one legal). The recently enlarged social work component will help meet our recommendations for expanded services in this area (such as more focussed counselling, more assistance to precharge victims, more case assessment and differentiation and follow-up).

We do not think the training component has been systematically developed, applied and maintained by the WAP. However, it is important that future training or public education developed by the Family Dispute Services Branch be done in close coordination with the WAP because the program is well qualified to provide information on the issues related to charging spousal assault offenders, and client needs. The WAP should be closely involved in determining the target groups for training and training content as well as participating in specific training sessions (for example, with social service agencies serving battered women, the police and crown attorney).

While we consider the new "mix" of staffing to be adequate, we are concerned about the administration of the program. In the past year, it appears to us that the program has lacked leadership. To our knowledge, the administrator has not been able, because of health concerns and other commitments, to spend more than a few hours a week administering the program. Issues like database management, liaison with other organizations, file organization development, and case assessment and differentiation are all areas where clear leadership is needed. A restructuring to emphasize social work services and support will also require strong and innovative direction from the administrative level. Without a fully staffed, half time position at the administrative level, our view is that the WAP will find it difficult to make these changes.

In this report, we have suggested that a fully qualified lawyer may not be required by the program. Instead, we are recommending that consideration (at some appropriate and future date) be given to filling the position with an experienced paralegal. This has been done quite successfully in similar programs in other jurisdictions. This may provide more budget flexibility in the future.

9.2 Program Funding

Although the program is perceived as being understaffed and underfunded by some crown attorney and social service organizations, we believe an additional half time position and an enhancement of the administrative role will be sufficient to meet immediate needs. We would, however, like to see an increase in the operating expenses of the program to enable the program to produce the audio-visual and other materials (for

example, on dating abuse) we are recommending. In lieu of additional program monies, we suggest that ear-marked project monies be made available.

Recommendation 13

It is recommended that the WAP receive a small increase in its operating expenses or project monies to cover the cost of additional informational material.

Of greater concern than the amount of funding received by the program is its overall funding base. At present, the program has much more of a legal orientation than a social work focus. Besides victims, the program primarily benefits those in the criminal justice system - police, crown attorneys, the judiciary and probation officers, who depend on it to provide information and support to clients. Based on the WAP's goals and the services it provides, it is hard for us to understand why the program is not partly funded by the provincial Department of Justice. At the very least, a cost-sharing program seems appropriate, with the Department covering the salary of the legal advocate and a portion of its administrative, clerical and operating expenses.

Recommendation 14

It is recommended that the provincial Department of Justice provide funding to cover a portion of the WAP budget, chiefly the salary of the legal advocate (or paralegal) and a percentage of operating and administrative expenses.

This funding arrangement might more accurately reflect the actual orientation of the program, and also facilitate closer planning and liaison between the WAP and the Ministry.

9.3 Program Location

The WAP is presently located in a large office highrise in downtown Winnipeg with a connecting corridor to the law courts. Opinions on the merits of this location were divided. About one-half the WAP clients and community respondents we surveyed said they preferred this location. Its proximity to the law courts, and bus routes, and its privacy were cited as the main advantages. However, one-half of the respondents said the downtown was inaccessible, alienating and expensive, particularly for poor clients, women with children and Native women. Their recommendation was that the WAP develop and staff a community-based branch of the program.

While budget considerations make this alternative unlikely, we think the WAP could do more to make its presence felt in the community through: (1) regular meetings with community groups; (2) work on joint projects with community groups (e.g., the court information video) and (3) a wider distribution of materials to community-based organizations. It may also be feasible for the WAP to develop strategies whereby victims can be provided with basic program resources and information in community settings through group information meetings (for example, with immigrant women).

Recommendation 15

It is recommended that the WAP retain its present location but develop strategies to increase its profile and presence in the community through work with community groups and more direct contact with victims.

9.4 Hours of Operation

Several victims found the WAP's office hours (8:30-4:30, Monday to Friday) inconvenient. Two victims did not use the program because they could not contact staff. Since 58 percent of all the victims we interviewed are employed, we can see why these hours may be an impediment. We would like to see the program offer a more flexible range of hours such as an evening or Saturday morning opening to enable women in the workforce to make use of the program more easily.

Recommendation 16

It is recommended that the WAP vary or increase its office hours to include at least one evening or one Saturday morning in order to be more accessible to women who are employed outside the home.

9.5 Program Database Requirements

Two areas of program data management warrant concern. Although from 1983 to 1986, specific client, charge and incident data on 40 variables were aggregated and coded (by the University of Manitoba Research Ltd.), the WAP program has not been able to maintain these records. Because of this, we were unable to compile any general program statistics other than the basic caseload breakdown. In fact, WAP itself collects little data. Most of the client and charge data we used came from police data attached to WAP files. This lack of data makes planning and evaluation, as well as internal program monitoring, difficult. We think it imperative that the program develop and implement a database system which will allow maintenance of ongoing data on client demographics, charge and incident characteristics. Specific factors which may be of interest, such as ethnicity of client and plea of accused, should also be tabulated. This can be done through the reintroduction of the original database system or through the development of a new database format.

Recommendation 17

It is recommended that the WAP develop or re-implement a database system which would collect basic data on clients, charge, incident and disposition.

A second area which merits some concern is the organization of the program files. We found these to be somewhat disorganized and anecdotal in nature. Types of services provided, staff time allocations, referrals made and outcome of referrals were not specified. All of these should be carefully defined within each file.

9.6 Program Name

We are concerned that the name Women's Advocacy Program somewhat misrepresents the mandate of the program. Although the WAP does try to represent to the court the victim's perspective and experience, the orientation of the program is to ensure that victims carry through with the case.

Several respondents also said the abbreviation of the program's name (WAP) was somewhat distasteful considering the program's role. Another name reflecting the legal and support components of the program would be preferable.

Recommendation 18

It is recommended that the WAP change its name to more accurately reflect its legal and support components and its role in helping women utilize the criminal justice system.

10.0 THE APPROPRIATENESS OF USING A CRIMINAL JUSTICE RESPONSE TO HANDLE SPOUSAL ASSAULT

We asked both victims and community respondents whether a criminal justice response to spousal violence was the best way of handling the issue. Among victims, the answer was overwhelmingly in favour of charging the assailant. Eighty-four percent (37/44) of the program users and 78 percent (25/32) of the nonusers said they felt offenders should be charged despite the fact that one-half of the program and one-third of the nonprogram victims wanted charges to be dropped at some point in the criminal justice process. While victims may find the criminal justice process threatening and painful, most strongly believed in the value of an "official" condemnation of violence (Table 44).

Table 44 Victims's View of Charging as a Response to Battering

Responses Total	Program User	Program Nonuser
	33	24
If charges are possible, the man knows you will not "put up with" violence	5	2
Charges indicate society's disapproval of spousal violence	23	11
Charges are appropriate -- as long as jail is compulsory for those found guilty	2	2
Charging good because it gives the offender a criminal record	2	2
Charging good if treatment is compulsory	1	7

The view expressed most frequently was that charges were good because they indicated society's official disapproval of violence.

Responses from the social services respondents were more varied. These respondents were less positive about the criminal justice system as a "solution" for family violence issues, perhaps because they deal more regularly with clients who are long term abuse victims.

Only three respondents said that charges were important because they "forced people to take the issue seriously." One respondent stated that since the charging policy was implemented, their agency had seen more men acknowledging their problems and seeking help. Respondents from three organizations stressed the need for more options to handle assault. Those working in the Native community wanted to see the implementation of traditional practices such as shaming and peer judgement as ways of handling the issue. Three respondents said that legal sanctions could work if the courts were willing to apply serious penalties to the crime. Certainly our data indicate that a large proportion of the offenders receive no more than a slap on the wrist.

Our overall impression from both these sets of interviews is that charging is seen as valuable because it demonstrates society's disapproval of violence. However, the penalties given to offenders were not considered severe enough relative to the crime. There is also the belief among some victims that treatment should be mandatory, and the view that more sentencing alternatives need to be developed.

11.0 SUMMARY AND CONCLUSIONS

11.1 Summary of Program and Evaluation Goals

The Women's Advocacy Program was established in 1986 as a response to the 1983 Manitoba government policy that stipulated that criminal charges should be laid in all cases of domestic violence where there were reasonable and probable grounds to suspect an assault had occurred. The WAP was designed to assist spousal assault victims and to reduce the incidence and consequences of violence.

In order to assess the impact of the WAP and its effectiveness in meeting these goals, we compared the characteristics, cases, and experiences of victims who did and did not use the program. We also asked respondents from the criminal justice and social service sectors to assess the value and impact of the WAP. In addition, over 100 WAP program files were reviewed and analyzed in order to determine the types of services and referrals offered by the program.

11.2 What Kind of Women Use the Women's Advocacy Program?

There were some differences between victims who used the program and those who chose not to. Program users tended to come from longer term, more formal relationships. They had more children than nonprogram users and were more likely to be Native or from another ethnic minority. More program users had suffered physical abuse as children.

Nonprogram users tended to come from shorter term, less formal relationships and to be somewhat younger than the program users. A high percentage of very young women (under 18 years) were represented in this group.

Program users tended to be involved in abuse incidents which were more serious in terms of injuries, and their assailants were more likely to have threatened or abused their children.

The data suggest that the WAP is successful in reaching women with past and continuous histories of victimization. However, 80 percent of all the victims we interviewed had been previously abused by the same partner, and in one-quarter of these relationships, the offender had been previously charged. Where the two groups of victims appear to differ is in their relationship with the accused after the case is concluded. Fifty-two percent of the program victims we interviewed returned to the abuse relationship where 80 percent of them continued to be abused.

Among the nonusers, 25 percent returned to the relationship and one-half of these continued to be abused. While the WAP may be reaching women from longer term abusive relationships, neither the program's intervention nor the laying of charges are helping women to end them.

This fact does not suggest the failure of the program, but simply the difficulties faced by chronic abuse victims. To address this, we are recommending that the WAP expand its personal support and counselling services, extend services to women at the precharge level and provide postcase counselling to its clients. At present, the WAP does provide spousal assault information to its clients, but less than 40 percent remember receiving it. The information which is provided must be more focussed and directed to the needs and background of the victim.

Of concern is the fact that 74 percent of the assailants had previous criminal records and one-half of these records involved violent crimes. We are concerned about the high proportion of men with previous criminal records. Is this because they are more likely to batter their partners, and is spousal abuse related to other criminal activity? Or, are men with criminal records more likely to be charged? Without a clearer sense of the distribution of spousal violence in the general population, these questions cannot be answered.

11.3 How do Victims Experience the Criminal Justice Process?

Both the subjective and objective experiences of program users and nonusers in the criminal justice system differed. The cases of program users lasted longer and involved more remands. Bail conditions set for the accused were less severe. However, more noncontact orders were issued for accused involved with program victims. Sentences given to the accused in the nonprogram user group tended to be less serious and there were fewer cases stayed and dismissed for want of prosecution. More accused in the program group received referrals to treatment as part of sentencing.

These outcomes appear to reflect WAP's effectiveness in representing the victim's needs and perspective as the case proceeds and in encouraging her to testify. Victims may not want the offender incarcerated after the assault but they do want protection through; for example, a noncontact order. Many victims are concerned that the offender be sentenced and/or referred to treatment.

However, it is likely that the input of the WAP and its liaison with the crown counsel, court and probation officer adds to the length of the case. Although this may be necessary and, in fact, lead to a better outcome, this is considered to be a negative result of the whole process.

There were also clear differences between the program and nonprogram victims in the way they subjectively experienced the court process. Women in the program group tended to find the court process more painful than victims who did not receive program services. They feared going to court, giving testimony, and seeing and hearing the offender. Both groups found issues related to their relationships to be one of the most difficult things to deal with. Disbelief that the battering had happened and sadness at the end of the relationship were common feelings. Only one woman mentioned the battering incident itself as the most painful part of the experience.

There are likely many reasons why women receiving program services find the court process more difficult than women who are not receiving services. The former were more likely to be in longer term permanent relationships and this may make the trial and outcome more threatening and painful. Program user cases lasted longer, and more reached the sentencing stage than for the nonprogram group. The lengthy duration of the case is undoubtedly a contributing factor in victim discomfort. It does appear to be true, however, that women require more support from the program than they are presently receiving to deal with the prolonged and difficult court experience.

11.4 Client Assessment of the Women's Advocacy Program

The need for more personal support, counselling and referrals was also reflected in the comments victims expressed about the program. Forty-five percent of the women found the program to be "very useful," and twenty-three percent found it "quite useful." Thirty-five percent said that program staff were not always as sensitive or empathic as they would have liked. The aspect of the service most valued was provision of basic legal information on the court process. The services most required but not received were support counselling for the children, referrals for counselling for self, referrals for counselling of the accused, help with long term safety counselling and family counselling. Nineteen percent of the clients would have liked more focussed information on the mandate of the WAP, staff roles, and the program's activities. Our data also indicated that the WAP needs to strengthen the number and comprehensiveness of referrals to other organizations who provide services to battered women during and after the case.

11.5 Groups of Women Needing Special Services From the WAP

We identified four groups of spousal assault victims who need particular attention by the program. One is women who have not contacted police but who are in a battering relationship. These women most commonly come to the attention of social service organizations which provide services to battered women. Their data indicate that for every three women battered, only one charge is laid. We are recommending that the WAP consider providing more direct information and support to this group, rather than waiting for a charge to be laid before contact is made.

Women under the age of 25 in dating relationships are another group who require more direct information from the WAP. These are women who presently do not seem inclined to use the program, probably because they consider their situations to be more temporary and less serious, and because they are unaccustomed to using social services. We would like to see the WAP develop more explicit abuse prevention and legal information for this group, and oversee its distribution to centres such as high schools, universities and colleges.

Although the WAP seems to be reaching Native women or members of other ethnic minorities, we would like to see more done to help this group feel comfortable and supported in the criminal justice system. One way of doing this would be through the

development of abuse information and legal materials in several languages. We are also recommending the development of a multilingual video which would describe the court, court process, and introduce the victim to basic evidentiary issues. This would take the place of a formal court tour and could be developed in conjunction with community organizations which serve minority women.

Ideally, we would like to see a member of an ethnic minority represented on the WAP staff, but in lieu of this, we recommend that the WAP strengthen its linkages with the community groups serving Native and immigrant women.

The WAP also seems to be effective in reaching women who have been abused in long term, more formalized relationships. However, these women need more support to end their relationships. A strengthening of the social support and counselling role of the WAP may help these women. We recommend that program users receive much more detailed information about: family violence patterns; the long-range impact of violence on self-esteem, anxiety levels, depression and health; the intergenerational impact of violence and the impact of familial violence on children.

Although treatment for the accused does not fall under the mandate of the WAP, we would like to underscore the importance of more treatment interventions for the accused. Although more accused in relation to program users were referred to mandatory treatment, the number was not high. Many of the men who require treatment do not fit treatment program criteria or may not be ready for the types of groups being offered. Without an expansion of treatment programs, it is hard to see how spousal violence can be reduced through the intervention of the criminal justice system.

Alcohol was a significant factor in 40 percent of the violence incidents we examined in detail. For this reason, substance abuse counselling must be offered in conjunction with anger management or anti-violence counselling for offenders.

11.6 A Summary of Program Data

Not all the women who are victims of spousal assault where a charge has resulted become clients of the WAP. After the WAP receives notification of a pending charge, staff send one of four possible contact letters to the victim. These advise the victim of the charges, status of the case or bail conditions. At the same time, the victim is sent a general brochure about the program and one informing her about the myths associated with wife abuse.

Only if the victim requests services from the WAP will she receive them, although the crown will refer a woman if she appears to be a reluctant witness. It is WAP's job to encourage or persuade the woman to testify.

The WAP provides services for about 800 women a year, or about 60 to 72 per month. Although an attempt is made to contact all victims in cases where a charge has been laid, this is not always achieved. In 1988, about 15 percent of the victims did not

receive a contact letter. The WAP is able to provide some form of service (in person, by telephone, or through court accompaniment) to about 60 percent of the victims in cases where a charge has been laid.

The level of service the WAP provides varies according to the type of case, the needs of the crown attorney and the motivation of the victim, who must contact the WAP for any further case related information.

Although the WAP provides different levels of service to clients after they contact the program, there is no initial case assessment, screening or categorization at the charge stage. More effort should be made to ascertain that women with the most critical needs are reached by the program. To do so would require an initial case assessment, screening of cases according to seriousness and need, and additional contact approaches such as telephone contacts, or, in very serious cases, home visits.

The initial contact letter sent to victims by the WAP is overly legalistic and formal in tone. It does not accurately describe the mandate and function of the WAP; nor does it present an empathic tone. We would like to see it amended to include a fuller description of the program and to stress support as well as legal services. We would also like it to indicate a longer time frame in which women could ask for and receive services. One-half of the victims who chose not to use the WAP said they would have found the program useful, especially if it could have provided personal as well as legal support. When asked to assess the seriousness of the case and the victim's needs, our field researchers felt that 90 percent of the nonusers could have used the service.

The addition of a half time social work position to the WAP will be sufficient to meet future needs. However, the administration of the program must be strengthened if the program is to achieve the kind of reorientation and focus recommended by this report.

We do not see the need for additional program monies at this time except in the area of operating expenses, which we suggest should be slightly increased to cover some additional informational and educational materials. This would include the video on the court process we have suggested be developed.

We are recommending the Women's Advocacy Program make changes in two other areas. There is a need to implement a database system which would enable the program to collect comprehensive client, charge and incident data. We are also suggesting that a name change be considered to more clearly reflect the focus of the program on spousal assault as a criminal offence.

11.7 Impact and Assessment of the WAP by Criminal Justice System Respondents

The WAP has had several positive impacts on the criminal justice system. For the past several years, it has trained police recruits, providing them with information on charging issues, needs of the victim, and the role of the WAP. Both WAP staff and the police felt that these sessions had helped address some of the problems associated with

laying charges against assailants in a comprehensive and consistent way. However, it is important that regular police staff be exposed to WAP information on a systematic basis, for it is these officers who set the tone of policing.

Of more direct impact is WAP provision of a spokesperson for the victim at various key points in the justice process (initial bail hearing, bail review hearings, during the trial, and at sentencing). The crown attorney, the domestic court judge and the probation officer rely on the WAP to bring forward facts about the victim, the accused, and the status of the relationship. Most importantly, the crown attorney usually refers witnesses to the WAP who are reluctant to testify or who wish to have charges dropped. Crown counsel believe that WAP staff are in a better position than they are to convince women to continue with the case.

According to the crown attorneys we interviewed, the WAP has also sensitized them to the needs and problems faced by the victim. All the crown counsel interviewed stated that the WAP made them more understanding of the problems victims face in bringing and carrying through with charges.

There is no question that the WAP is highly regarded by Winnipeg Probation Services, crown counsel and the judge at domestic court. Certainly, they are fulfilling an important role in providing the court with information which helps cases be brought to conclusion.

However, we are concerned that the over reliance of crown counsel on the WAP has led them to neglect development of in-service procedures and training which will help them deal effectively with victims. For example, there are no crown prosecutors who deal with these cases on a regular basis.

11.8 WAP's Relationship With the Crown and the Attorney General

Several crown attorneys acknowledged that WAP staff are used somewhat as legal assistants or "paralegals". If this is the case, we question why the WAP requires a fully-qualified lawyer on staff. We recognize the current credibility of the WAP is based on the professionalism of the lawyer and social workers involved, but since the social workers on staff have been "trained" to provide legal input, we wonder why a trained paralegal could not provide the information just as effectively. Nonlawyers have been trained to work as victim support workers with good liaison with the crown successfully in other jurisdictions.

At this time, despite the presence of a social worker, the program is primarily legally oriented. Although the Manitoba Department of Justice supports the program's liaison with the crown's office, it provides no monies for salaries or operating expenses. Instead, the program is entirely funded under the Department of Family Services. Our recommendation is that the program be cost-shared, with the Department of Justice picking up the salary of the lawyer (or paralegal), and Family Services paying the social work staff. Administration, clerical and operating costs would be proportionately shared.

11.9 Impact and Assessment of the WAP by Social Service Respondents

Community and social service respondents are slightly more ambivalent in their assessment of the WAP than criminal justice respondents, although generally, they rate the importance of both counselling and legal support to victims highly. Respondents agreed that the charge point is a good time for initial contact with the victims, although they felt this contact should be handled by telephone rather than by letter. They were uncertain about the effectiveness of the WAP in reaching special needs groups such as Native or immigrant women, and they wanted more liaison. Only 50 percent of the groups we contacted received referrals from the WAP, although 60 percent made referrals. Some of the groups also lacked basic information on the program, such as the training or expertise of the staff.

The WAP had no clear impact on these community organizations which have longer histories and more experience in working with battered women. One-third of the organizations had received training from the WAP and most found it valuable, although one group found it too unsophisticated and general. Our overall impression was that these groups found the WAP to be a valuable component of the criminal justice process, but somewhat peripheral in meeting the intense and long term needs of the victims.

11.10 Appropriateness of a Criminal Justice Response to Spousal Violence

Over 80 percent of the victims we interviewed felt that charging offenders was a good response, primarily because it represents an "official" condemnation of violence. A small group of victims would have liked to see more options for offender treatment, in lieu of simply laying charges.

Social service respondents were more ambivalent about the issue. Respondents from only three organizations said that charging offenders was essential because it made societal condemnation of violence official. Respondents from one organization stated that it was clear that more offenders were seeking help as a result of facing charges. However, social service workers from six organizations were more sceptical about the value of the criminal justice process. In three cases, respondents felt that the charging decision lacked credibility because sentencing was not strict enough. In three other cases, respondents said they felt sentences were too restricted. They wanted more options available, particularly for groups with traditional practices such as might be found in Native communities.

11.11 Conclusion

In conclusion, our research indicates that the Women's Advocacy Program plays a valuable part in the criminal justice process. It supports and encourages women to follow through with charges. It provides valuable information to the crown, the judiciary and probation staff about the victim, her perspective, past abuse history, and relationship with the accused. This information helps the court be more responsive to the victim's needs.

The WAP has had a somewhat less positive impact on the feelings and experiences of victims who use the program. Some victims were ambivalent about the program, although most valued the legal information and support provided. However, the WAP appears not to have had much effect on reducing the impact of the battering, or in helping chronically abused women end the battering relationship. This is not surprising, considering the long term impact on the self-esteem, problem-solving and decision making capacities of women who are victims of violence. A strengthening of the social support, counselling and information roles of the WAP as well as a more focused form of service delivery (before, during, and after prosecution) may help to improve this effort.

On a larger scale, this report raises some questions about the overall effectiveness of the criminal justice system in helping reduce the incidence of spousal assault. Many of the assailants whose cases we reviewed had criminal records including violent crimes. A large proportion of the victims we interviewed had been previously abused, and 80 percent of the program user victims returned to the still abusive relationship after the court case was concluded. Qualitative data from community respondents suggest that there is a much larger group of women than those served by the program or by the criminal justice system who are reluctant to contact the police so that charges can be laid.