

## **Examining Systemic Change in the Criminal Justice System: The Example of Wife Abuse Policies in Manitoba**

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### **I. INTRODUCTION**

IN THE PAST 15 YEARS the women's movement, particularly the battered women's movement, has challenged the criminal justice and social service system on its historic response or lack of response in wife abuse cases. As a result of this concerted lobbying effort by women across Canada, governments have begun to respond and a variety of new programs and policies have been implemented. In Manitoba there have been significant changes in the processing of wife abuse cases in the criminal justice system over the last seven years. In many ways Manitoba has been a leader in Canada in this field. The most recent example of this leadership is in the development of a specialized Family Violence Court, the first of its kind in North America. This court began operation in Winnipeg on September 17, 1990.

This paper undertakes to outline the history of changes over the past seven years which have led to the development of a specialized court and provide statistical information on the consequences of changes within the justice system. However, in undertaking these two tasks (the history and the outcomes) it will be suggested that a full appreciation of the process of change within the criminal justice system involves an analysis of the interactive dynamic within and between the justice and the social service systems. While everyone agrees that the drafting or enforcement of the law does not take place in a social or political vacuum, too often our analysis of changes in legislation or enforcement is presented as if it did. Thus, the thrust of this paper is to identify the political and social backdrop for changes and the interactive processes of change within and between the criminal justice and social service systems. This approach, at one and

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the same time, demonstrates the promise and the power of law, as well as all its contingencies.

The starting point of this analysis is the first major systemic response, which occurred in Manitoba in 1983. In that year the Attorney General of Manitoba directed police to lay charges in all reported cases of spouse abuse when there were reasonable and probable grounds that an assault had taken place. Prior to this directive, wife abuse cases were treated differently from general assault cases in that the victim usually had to request that charges be laid against her assailant. The directive required that in wife abuse cases, as in general assault cases, decisions to charge were to be based solely on evidence rather than on the requests of the victim. This directive is taken as a starting point because it had the effect of making wife abuse a publicly visible and calculable problem.

This paper focuses on the legal and social service response resulting from the new political and social visibility of wife abuse in the province of Manitoba. The major sources of data are as follows: Spouse Abuse Statistics, Winnipeg Police Department 1983-1989, RCMP quarterly reports 1983-1989, an analysis of a selective sample of 1,877 wife abuse cases processed within the City of Winnipeg 1983-1987, and program and expenditure data from the Department of Family Services 1983-1989.<sup>1</sup>

Several factors become apparent when one examines the data collected in Manitoba over the past seven years: First, major systemic changes have been introduced - these will be measured in terms of new programs, new policies and new expenditures. Second, changes in the criminal justice system and the social service system have not occurred in isolation of one another but, in fact, have served to reinforce one another.

In proceeding with the analysis of changes in Manitoba over the past seven years, it is helpful to identify the changes as occurring in three phases with significant resistance occurring at each phase. It will be suggested that, at each point, resistance became a trigger for new developments which characterized subsequent phases and pushed the process of systemic change forward. These three stages of change are as follows: Phase I (1983-84), in which the greatest innovations occurred in the criminal justice system; Phase II (1985-87), in which the

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<sup>1</sup> The history of the process of change within the criminal justice and social service system is based upon my involvement with the process in the position of Provincial Coordinator of Wife Abuse Services, 1985-1987.

greatest innovations were in the social service system; and Phase III (1988-90), in which changes in the social service and criminal justice system are concurrent. Furthermore, an attempt will be made to show how developments within one system became the catalyst for change in the other system, thus reinforcing the momentum for change. The analysis will proceed by outlining a history of the change process within and between the criminal justice system and social service system, beginning with the initial change, the source of resistance and the 'resolution' within each stage.

## II. HISTORY

### A. Phase I (1983-84)

This is the period that marks the government's first formal entry into the issue of wife abuse. The critical event was the new directive on charging policy issued by the Attorney General in February of 1983.<sup>2</sup> A key related event was the funding of a provincial committee on wife abuse in the fiscal year 1982-83. Both of these developments were a response to escalating lobbying by women's groups in the province.

The new directive had the most dramatic short term impact on the system and produced the strongest 'change back'<sup>3</sup> reaction by the system. Suddenly, 1,136 alleged wife abusers were charged by the police and RCMP<sup>4</sup> and at least two thirds of them were making their way to court. Aware from the beginning that there would be resistance from criminal justice personnel, the provincial wife abuse committee lobbied the Attorney General to set up a separate court with designated Crown Attorneys to handle domestic assault cases.

The government's first response to resistance within the system was to set up a separate court. In November 1983, a court was set aside two days a week to handle the increased volume of wife abuse cases. The court was designated to handle the not guilty pleas (which were considered to be the more difficult cases and would require the most sympathetic and experienced court personnel).

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<sup>2</sup> The RCMP issued a similar directive on charging in domestic assaults in 1982. Ontario and other provinces issued similar directives throughout the period 1982 to 1984.

<sup>3</sup> The term "change back" is used to refer to pressure to return to the status quo. It is a term introduced by Harriet Goldhor Lerner in her book *Dance of Anger*.

<sup>4</sup> See Table I, *infra*.

Despite this move, the bulk of the cases landing in court were guilty pleas and the more autonomous staff of the criminal justice system, judges and defence lawyers spoke out against the new directive in the Spring of 1984.<sup>5</sup> A number of judges and defence lawyers denounced the new policy as a failure asserting that it clogged up the Criminal Courts with what were essentially "family counselling issues".

The strong "change back" reaction was, however, successfully countered by the concurrent social service funding of wife abuse services. While the funding was extremely low, it did provide salaries for women committed to wife abuse services who could carry on a more sustained lobbying effort to counteract the resistances in the system. As part of this funding a report was prepared and submitted to the Attorney General's office within days of the public condemnation of the directive by defence lawyers and some judges. The report documented overwhelming public support of the new directive and an analysis of court processing of wife abuse cases, indicating that these cases varied little in attrition (that is, stays, dismissed for want of prosecution or discharges) from the processing of general assault cases.<sup>6</sup>

Thus, while the changes within the Criminal Justice System were most vulnerable to 'change back' pressures, the modest state commitment to wife abuse services and the increasing social acceptance of this issue as a serious social problem served to support and sustain the initial steps towards a new criminal justice policy.

During this first phase, a momentum was building within the women's community to press for increased funding of wife abuse services. In the fiscal year 1981-82, the total sum of state support for wife abuse services was \$51,800, providing small grants to a shelter in Winnipeg and a crisis centre in Thompson. By the end of this phase, state funding had increased to \$315,800 in grants for 5 different community based wife abuse services, as well as a \$100,000 commitment to a public awareness campaign on wife abuse. Thus, in the 1983-84 phase, the primary resistance to change came from within the criminal justice system, and the primary support for the government to stick with the new directive came from the battered women's movement and the community at large.

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<sup>5</sup> *Winnipeg Free Press* (17, 18, 19, 22, 30 May; 30 June 1984).

<sup>6</sup> Jane Ursel and Dawn Farough, "The Legal and Public Response to the New Wife Abuse Directive in Manitoba" (1986), 28(2) *Canadian Journal of Criminology*, 171.

## **B. Phase II (1985-87)**

This stage is characterized by a general adjustment within the systems, (criminal justice and social service) to the fact that wife abuse had become a reality to be dealt with. During this phase we see the development of supporting services and policies, the creation of an office to co-ordinate wife abuse programs within the government, and an ambivalence on the part of a number of non-governmental agencies to the increasing involvement of government in this issue.

### *1. Developments in the Criminal Justice System*

Within the Criminal Justice System, four initiatives were introduced: 1) Police recruit training on the issue of wife abuse 1986; 2) Growth of batterers' treatment groups; 3) The Women's Advocacy Program in 1986; and 4) Court policy on reluctant witnesses in 1987. All of these initiatives were developed in conjunction with, or because of, initiatives in the social service system. All were designed to help the Criminal Justice System deal more effectively with wife abuse cases, but they did not introduce any further changes in the structure or procedure for processing wife abuse cases.

Police recruit training and batterers' treatment groups are self explanatory. At the beginning of this phase, there was no formal agreement between the social service system and the police academy. At the end of this phase, wife abuse training was built into the curriculum for recruits and the government wife abuse office was negotiating a curriculum for in service training for active officers. With regard to batterers' treatment groups, at the beginning of this stage there were three programs in the province, one run out of probation services and two non-funded programs, operating in community based agencies. At the end of this period, there were four probation services programs and a new community based program called *Evolve* funded to run treatment groups for batterers, as well as separate groups for women and children. *Evolve* was also mandated to provide training for agencies and individuals planning to operate such groups. In addition, a joint province - Native Agency proposal was submitted to Health and Welfare Canada to start up a Native Family Violence Program similar to *Evolve* but responsive to the specific needs of Aboriginal people.

The Women's Advocacy Program (W.A.P) was initiated by the provincial wife abuse office as a bridge between the social service and criminal justice system. It was designed as a service specifically for

women whose partners had been charged with wife abuse. Its mandate was to support victims, and to facilitate the operation of the Criminal Justice System. The program consists of a lawyer and two counsellors who provide women with legal information about their partner's case, criminal justice procedures and their role as a witness, as well as counselling and referral to a range of social services. The service functions to sensitize the Criminal Justice System to the needs and interest of the victim, as well as absorb a great deal of the court personnel's frustration in dealing with the complexities of wife abuse cases.<sup>7</sup> In addition to providing the victim with information, counselling, referral and support during court attendance, they also provide pre-sentence reports so the judge can duly consider the women's interests in determining sentencing. This program has resulted in greater victim/witness cooperation in the processing of wife abuse cases.<sup>8</sup>

Even with additional support, victims of wife abuse typically express a great deal of anxiety and ambiguity about their role as witness in court. In response to this problem, the prosecutions' office of the Attorney General issued policy guidelines in May of 1987 to ensure reluctant witnesses were not doubly victimized by charges of contempt of court when they refused to testify. The guidelines directed all Crowns to refer a woman requesting that charges be dropped to the Women's Advocacy Program. There was a recognition that treating all persons before the court equally, in these cases, would only perpetuate inequalities, because women/ victims were at a serious power disadvantage in their families and in society at large. The processing of wife abuse cases was not to be treated as just the same as general assaults. The victim/witness in wife abuse cases should receive special supports (W.A.P) and special considerations as a result of their specifically disadvantaged position relative to men.

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<sup>7</sup> The extreme ambivalence of the victim towards her assailant, which is part of the wife abuse syndrome, often confronts police and crown attorneys as an impediment to the fulfillment of their work role (that is, getting a conviction). The reluctant witness/victim is a frequent source of frustration for court personnel. By separating out the advocacy role from the prosecutorial role, the Women's Advocacy Program plays an important function in absorbing this frustration. They provide a sympathetic and supportive environment in which women as victims can work out their decisions concerning their role in court and their willingness or disinclination to testify.

<sup>8</sup> See Table IV, *infra*.

The impact of these initiatives was as follows. First, charges increased over time<sup>9</sup>. Second, court attrition was reduced and more appropriate sentencing began to emerge.<sup>10</sup> Third, judicial and legal criticism of the charging directive ceased. Fourth, public monitoring of wife abuse sentencing via press reporters in court led to greater public scrutiny and criticism of Judges and/or Crown Attorney's whose behaviour was seen to fail to support the intent of the directive.

## *2. Developments in the Social Service System*

During the second stage of development the major systemic changes occurred within the social service departments. These developments included:

- (i) A dramatic increase in funding for wife abuse programs, increasing from \$300,000 at the end of the first stage to \$1,739,000 by the end of the second phase.
- (ii) An increase in community based wife abuse services throughout the province, from 5 programs at the end of the first phase to 23 programs at the end of the second phase, including 10 shelters, a number of non-residential programs, and second stage facilities.
- (iii) The creation of an office within the government to coordinate the development and administer the funding to wife abuse services.

The creation of a government wife abuse office provoked a 'change back' response among some non-governmental agencies. These agencies feared that the government would take over community based services and/or would be more inclined to spend tax dollars on "law and order" issues than on services. While the criminal justice system never entered this debate, the statistics being generated from the courts and the consistent documentation of the magnitude of the problem did influence the direction in which the debate was resolved. Just in the process of doing its work, the justice system contributed an authoritative voice to the redefinition of wife abuse from that of a personal tragedy to an understanding of the issue as a broad social

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<sup>9</sup> See Table I, *infra*.

<sup>10</sup> See Table III, *infra*.

problem. In this context, increasing government involvement appeared both legitimate and necessary.

Despite the fears of many non-governmental agencies about the impact or intent of increasing government involvement, the overall effect was to greatly expand community based wife abuse services. There is certainly no evidence of money being directed to the justice system away from services. The funding and facilitation of community based services, however, required a number of policy and program changes within government departments. These changes included:

(i) A government policy supporting the use of provincial social housing projects by agencies funded to provide second stage housing and support programs.

(ii) A change in the regulations to the *Social Assistance Act* to provide one-tier (provincial) per diems to shelters within a two-tier welfare system.<sup>11</sup>

(iii) The introduction of fee waiver grants to ensure that no shelter suffers financially for housing a woman who does not qualify for per diem payments from social assistance.

(iv) An arrangement with the Department of Housing to provide a facility and operating grants to agencies funded to provide shelter services.

(v) The establishment of the first Native run wife abuse program and the first immigrant family violence service.

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<sup>11</sup> A two-tier welfare system designates local municipalities as responsible for social assistance for the first three months and is based on the presumption that local authorities are the best judge of the eligibility of applicants for temporary assistance. In practice, this has resulted in local authorities being much more rigid gate keepers because their resources are so much more limited than those of the province. In the case of women seeking shelter, their stay is paid through a per diem rate provided by social assistance. However, in small communities, the reluctance of local authorities to assume such expenses meant that when a woman was deemed ineligible for social assistance, either the shelter had to absorb the costs themselves or the woman was discouraged from going to the shelter. The introduction of a one tier system (that is, provincial responsibility for per diem rates) eliminated this substantial barrier to equitable service for women.



(vi) An \$800,000 training program was negotiated between the Department of Employment Services and Economic Security and the Wife Abuse Government Office to train twenty "grass roots" local women as wife abuse counsellors. The program paid wages and expenses for the women for two years of in-service and in class training.<sup>12</sup>

Only one internal government program was established in addition to the administrative staff of the wife abuse office, the Women's Advocacy Program. Thus the entry of the government in the social service sector served primarily to increase the number of community based services and increase the voice of immigrant and native women in the design of such services. It is interesting to note the differences in the reactions to change that occurred in the first and second phases. In the first phase, the focus for change was the Criminal Justice System and the major 'change back' pressure came from within the system. In the second phase, the focus for change was the social service system and the major 'change back' pressure came from outside of the system, from elements within the battered women's movement, who were concerned about loss of control of their services.

### **C. Phase III - Current Developments**

In this phase, which is ongoing, what appears to be happening is a process of legitimation and normalization of the changes which were introduced in the Criminal Justice and Social Service System. The rapidity of change in both systems left a lot of work unfinished. Problems and issues that have been identified as a result of five or six years of experience in the two systems are now on the agenda to be addressed.

Because the overwhelming majority of social services are offered by community-based programs, government activity in this field is largely limited to funding and facilitating those services. The unfinished business in this area concerned the development of an adequate funding formula for the large number of new services in the province. The government response was to mount a province wide consultation process known as the "Women's Initiative" with a dual focus on

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<sup>12</sup> The training package provided by the provincial government program *New Careers* reports that nineteen women were recruited, thirteen graduated, ten are still working in wife abuse, one graduate has gone on to University to obtain a Social Work degree, and another has entered Law School at the University of Manitoba.

services to battered women and women's economic needs. The consultation report recommended a number of changes in funding which resulted in increased provincial expenditures on wife abuse services. The provincial budget increased from \$1,700,000 in 1987/88 to \$4,300,000 in 1989/90.<sup>13</sup>

The other key recommendation contained in the report advised a major public awareness campaign with a strong message that wife abuse is a crime. This campaign was implemented in the Spring of 1990 and resulted in a significant increase in the use of shelter services.

Because wife abuse initiatives are largely internal to the Criminal Justice System, there are more systemic changes and developments to enumerate. One of the outcomes of wife abuse being a high profile issue in the community and a high priority issue in government was a new interest in the monitoring of wife abuse court cases. This monitoring was made possible by the high level of press interest and frequent press coverage of wife abuse court cases. When judges or Crown Attorneys are perceived as failing to live up to the intent of government policy, there is wide press coverage resulting in both public and systemic censuring of inappropriate behaviour.<sup>14</sup> Also, the number of Crown appeals have increased as the public and the Department of Justice have become more demanding about the appropriateness of sentences.

In addition to substantial public monitoring, the existence of services to victims provides advocates for women who have not been well served by the system. Complaints about failures in the system are made by wife abuse agencies to the police, the crown attorneys, judges and the Minister of Justice. A particularly valuable source on the operation of the system is the staff of the Women's Advocacy Program, who work very closely with all of the components of the criminal justice system, police, Crown Attorneys, judges and probation officers.

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<sup>13</sup> The expenditures listed only include funds provided to community-based, non-governmental services. These funds include expenditures in the Department of Housing, Family Services and social assistance per diem payments.

<sup>14</sup> Some examples of the Press coverage of wife abuse cases in court are: "Days of Terror Net Suspended Term", *Winnipeg Sun* (18 December 1987); "Wife Abuser's Jail Sentence to be Appealed", *Winnipeg Free Press* (8 February 1990); "Woman Terrified of Husband - Out of Jail in 8 Weeks", *Winnipeg Sun* (7 February 1990); "Justice - More or Less - Two Cases Point Out Vast Gap in Sentencing", *Winnipeg Sun* (16 February 1990).

This intensive monitoring of the process has made the various offices of the criminal justice system anxious to develop better response systems. The Winnipeg Police Department has now developed a curriculum on wife abuse for active police officers as well as recruits. The Judicial Education Committee, the Crown Attorney's Educational Committee and the Manitoba Law Society have all sponsored symposia and workshops on court processing of wife abuse cases, with wife abuse workers and, on occasion, wife abuse survivors invited to make presentations.

As a result of the co-operation of supportive members within the system, identification of trouble spots and high case attrition not subject to public scrutiny has led to the launching of a case tracking project. The domestic assault tracking project is a joint federal-provincial initiative designed to track 100% of all wife abuse cases which occur within a designated six months in three sites in the province. All cases will be followed through the system from the initial call to the police through to completion of correctional intervention. The goal of the project is to get more information on processes not open to public scrutiny (i.e. police decision making at the incident, plea bargaining in the Crown's office, etc.). It is hoped that this information will assist in developing policies and procedures for a better response system.

In addition to studying the system, the courts undertook some restructuring to create a single court in which all wife abuse cases from preliminary hearing to sentencing are heard. This specialization was designed to ensure a team of specially trained crown attorneys and experienced judges would staff the court. The court became operative in the fall of 1990.

From the above brief history we can see a pattern of incremental change introduced first in the criminal justice system and then in the social service system which developed a mutually reinforcing momentum. In the next section of the paper, I will present the data that I have collected over the past seven years, which gives us further information about the issue of wife abuse as well as the impact of the above changes on the processing of these cases in the criminal justice system.

### **III. CONSIDERING THE EVIDENCE**

#### **A. Assessing the Change in the Criminal Justice System**

As a result of the new directive, a greater number of wife abuse cases resulted in arrests than in the past. Although pre-directive records do

not specify domestic assault charges, we can estimate the increase in domestic cases by the dramatic increase in assault charges after the new directive was introduced. In 1983, the year the directive was issued, 3,673 assault charges were laid as opposed to 2,458 in 1982. This increase is more than double that experienced between 1981 and 1982. Since 1983, police and RCMP data indicate that the number of persons being charged in wife abuse cases has risen slowly but steadily. Table I indicates the total number of arrests in Winnipeg and by the RCMP outside of Winnipeg each year for the past seven years.

TABLE I

Year	Winnipeg		Manitoba RCMP		Total
	No. of Offenders	% Male	No. of Offenders	% Male	
1983	629	96%	507	94%	1,136
1984	640	98%	699	92%	1,339
1985	859	95%	793	95%	1,652
1986	957	95%	629	96%	1,586
1987	922	94%	698	94%	1,620
1988	990	95%	803	94%	1,793
<b>Total</b>	<b>4,977</b>		<b>4,129</b>		<b>9,126</b>

In addition to knowing the numbers of individuals charged, the analysis of police data provides us with some information on the accused. Table II indicates some of the more salient statistics about the offenders.

**TABLE II**  
**Domestic Assault Statistics Information**  
**On The Accused, Winnipeg 1983 - 1987**  
 (all figures are percentages)

<b>Year:</b>	<b>1983</b>	<b>1984</b>	<b>1985</b>	<b>1986</b>	<b>1987</b>
<b>Sample Size:</b>	<b>373</b>	<b>393</b>	<b>522</b>	<b>336</b>	<b>253</b>
1) Male	95	97	94	97	97
Female	5	3	6	3	3
2) 18-30	46	48	50	52	57
31-40	30	31	29	28	26
41+	22	21	20	20	17
3) Married	60	58	67	69	58
Other	40	42	33	31	42
4) Children					
Yes	60	60	55	58	57
No	40	40	45	42	43
5) Education					
<High School	69	67.4	75.1	70.4	57.0
High School	25	19.8	19.9	24.2	25.0
>High School	5	3.3	5.0	5.4	2.4
6) Employment Status					
Employed	52.3	54.1	53.5	55.7	55.7
Unemployed	34.5	29.8	27.6	26.2	23.0
Welfare	13.2	15.1	18.9	16.1	15.0
7) Prior Record					
Yes	65	72	70	73	77
No	34	28	30	27	23
8) Prior Record Type					
Domestic	44	55	34	18	16
General	20	17	29	27	18
Other	36	27	37	55	66
9) Prior Record Since 1983			15	12	9

As is well known, the overwhelming majority of persons arrested in cases identified as "domestics" are men in a marital or couple relationship with the victim. Of particular interest is the age of the assailants, over 70% are under the age of 40. This suggests that these men have 20 to 30 years more of relationships ahead of them and, if the cycle isn't broken this will mean 20 to 30 more years of victimization of their partners. Another important factor is the number of children involved in these relationships, on average 60% of these cases have dependent children in the home. This raises serious concerns about the lessons these children are learning and the potential for perpetuating the intergenerational cycle of violence.<sup>15</sup>

When we consider the socio-economic characteristics of the accused we see that their education and employment level is below the national average. In short, they are no exception to the general pattern in Canada that people of low socio-economic status are more likely to be apprehended by the police.

A final important observation about the accused is the very high rate of prior records (PR) these individuals have. On average 70% of the individuals arrested have prior records, with a very significant number having records for assault, either domestic or general. This provides some fairly compelling evidence that the persons arrested have a history of violence and are dangerous. Of particular interest in these statistics is the declining percentage of prior records for 'domestic' assaults after 1984. Items 8 and 9 in Table II, (PR domestic and PR domestic since 1983) both show a decline over time. The most optimistic interpretation of this data would be that the arrest policy was reducing the rate of recidivism in wife assault cases. While there are some studies that suggest this pattern,<sup>16</sup> more detailed follow up studies would be necessary to confirm that this is the case in Winnipeg.

While we know that the directive has changed the arrest rate, the next question about change in the criminal justice system is the issue

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<sup>15</sup> Deborah Sinclair, *Understanding Wife Assault: A Training Manual for Counsellors and Advocates*, (Toronto: Ontario Ministry of Community and Social Services - Family Violence Program, 1985); B. Carlson, "Children's Observations of Interparental Violence", in Albert Roberts (ed.), *Battered Women and Their Families*, (New York: Spring Publishers, 1984), pp. 147-167.

<sup>16</sup> P. Jaffe, et al., "The Impact of Police Charges in Incidents of Wife Abuse" (1986), 1 *Journal of Family Violence*, 37-49; Sherman, L.W and R.A Berk. "The Specific Deterrent Effects of Arrest for Domestic Assault" (1989), 2 *American Sociological Review*, 260-272.

of Crown Attorney and Court processing. In the previous section, resistance from some judges and lawyers to the directive in the initial phase of change was identified. Table III, however, suggests that court processing changed over time, most importantly, in terms of the rate and type of sentencing.

TABLE III  
Processing of Domestic Assault Cases In the  
Winnipeg Criminal Justice System 1983 - 1987

Year:	1983	1984	1985	1986	1987
Sample size	373	393	522	336	253
% Cases stayed	33%	32%	31%	28%	32%
# Cases proceed to court	250	268	360	242	172
Court attrition*	19%	4%	6%	8%	-
% Sentenced	48%	64%	63%	64%	-
Most frequent disposition:**					
Cond. discharge	12%	13%	14%	18%	14%
Probation +	9	10	8	20	20
Suspended sentence	9	11	11	19	20
Jail	2	5	4	8	7
Fine	9	7	8	7	12
Counselling on final disposition	9%	16%	11%	19%	32%
Type of counselling:					
Alcohol	-	55%	55%	41%	47%
Batterers	-	7	5	46	20
Other	-	38	40	13	34

\* Includes all cases of Dismissed for Want of Prosecution, Discharge, Absolute Discharge, and Acquittal.

\*\* Based on the first, most serious charge dealt with.

The highest attrition rate occurs in the Crown Attorney's office, where on average one third of the cases are stayed. If, however, the case makes it to court, the overwhelming majority emerge with a finding of guilt and a sentence. Table III indicates that the court attrition rate dropped dramatically from 19% in 1983 to 4% the following year. As a result, the number of persons sentenced increased from 48% to 64% in the same year.

With regard to the type of sentencing, there is a growing concern about what constitutes an appropriate sentence or consequence for the crime of wife abuse. Fining assailants is seen to provide little useful intervention and could be construed as little more than extracting a levy for abuse. The victim's expressed wishes, as well as the opinion of workers in the field suggest that sentences which mandate counselling are necessary to break the cycle of violence and sentences which provide ongoing monitoring are necessary to protect the victim. Three sentences most likely to provide monitoring, protection for the victim and/or counselling are: probation +, which increased from 9 percent to 20 percent; jail sentences which also increased from 2 percent to 7 percent; and counselling as an order on final disposition, which increased from 9 percent to 32 percent between 1983 and 1987. Dispositions which provide for ongoing monitoring and counselling interventions have been actively promoted by wife abuse workers and advocates. The sentencing patterns identified in Table III suggests that this lobbying has been effective.

The intent of the changes introduced in the criminal justice system over the past seven years was to provide wife abuse victims with more protection and to make the court more sensitive to their needs. The higher arrest rate indicates an effort on the part of police departments to provide greater protection and the changing pattern of sentencing suggests an attempt by the courts to be more sensitive to women's needs. An important measure of the outcome of these efforts is the increasing rate of victim cooperation with the criminal justice system over the past seven years. Table IV provides some measure of this development in the consistently declining rate of court Dismissals For Want Of Prosecution (DFWOP's) as well as, the reduction in the Crown Attorney's reports citing 'victim reluctance' as reason for stay.



TABLE IV

Year	Total # Charged	Sample Size	% DFWOP	% Stayed	Victim/Reluctance* as Reason for Stay
1983	629	373	18%	33%	95%
1984	640	393	6%	32%	85%
1985	859	522	9%	31%	30%
1986	957	336	5%	28%	34%**
1987	922	253	1%	32%	18%

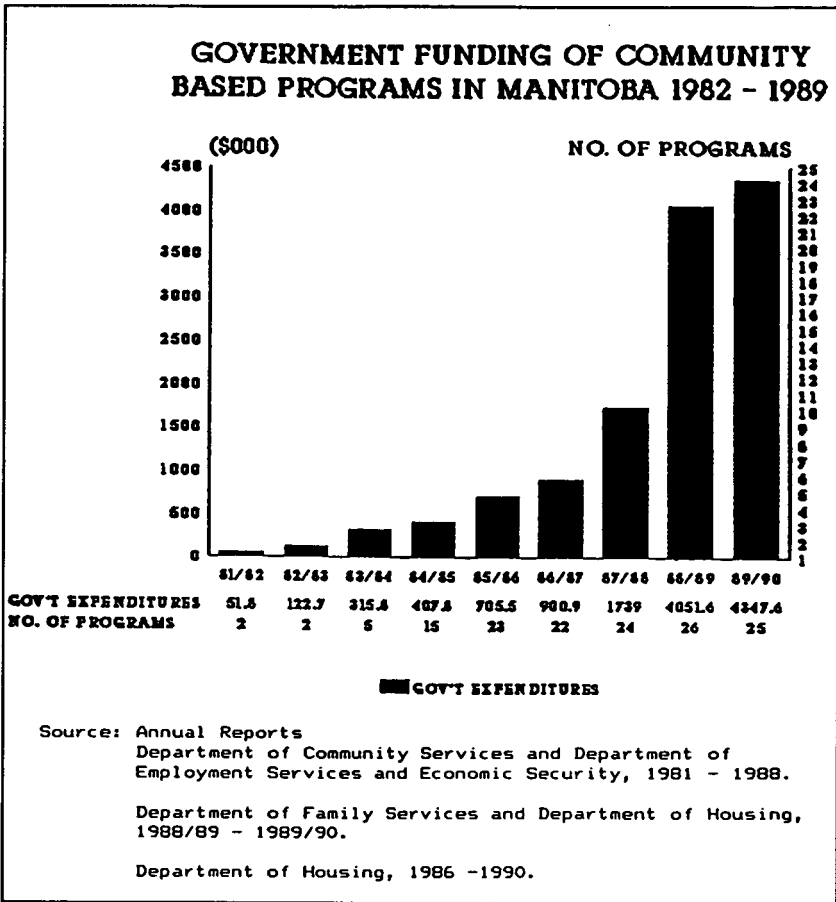
\* This category includes "refused to testify" as recorded by Crown and "left town". Please note the high rates in 1983-84 were probably a function of the data collection procedure. In these two years the question "reason for stay" was open-ended. In subsequent years, Crowns were provided with a detailed breakdown of reasons for stay.

\*\* In 1986 the Women's Advocacy Program was introduced resulting in the significant reduction in victim reluctance in the 1987 data. For reasons yet to be determined this has not resulted in a concurrent reduction in the stay rate.

While it is not being suggested that all of the problems within the system are solved or that victims are always treated well by the system, it can be argued that real changes with beneficial results for women have been introduced. While these changes are not enough, they do provide evidence that the system is moving in the right direction. In this regard, perhaps the greatest success of the Battered Women's Movement is the level of legitimacy this issue has acquired in the public eye. This legitimacy has led to the high level of public monitoring of the system which has created the political will to proceed with the Tracking Project and the new Family Violence Court. Both of these recent developments will be a critical force in ensuring that the changes continue, and that they continue in the right direction.

### **B. Assessing Change in the Social Service System**

In assessing change in the social service system there are really only two statistical measures available: the number of programs the government funds and the amount of funding provided. Table V indicates consistent growth in both areas. The number of community based wife abuse services increased from 2 in 1982 to 25 in 1990, and



**Table V**

government expenditure increased from \$52,000 to over \$4,000,000 in the same time period. Since the government's role is largely limited to that of funder, all the other measures of impact lie within the service agencies themselves.

The increased number of community-based agencies and the increased funding they receive led to the development of a broader network of services. While many services have concentrated on crisis response, 24 hour crisis lines and shelter, there are also second stage programs and non-residential counselling programs to support women and children in the intermediate and longer term process of restruc-

turing their lives. In addition, as the funding for services improves, the community based agencies are less plagued with staff turnover allowing them more time and energy to devote to program development. In recent years shelters have put a great deal of energy into developing programs for children in their facilities. Most agencies are now reporting an increase in the variety and quality of the services they offer. Unfortunately, the only data available at this time indicating the utilization rate of these services is shelter data. Table VI identifies the growing number of women and children accommodated in shelters between 1985 and 1989, the period of most substantially increased funding.

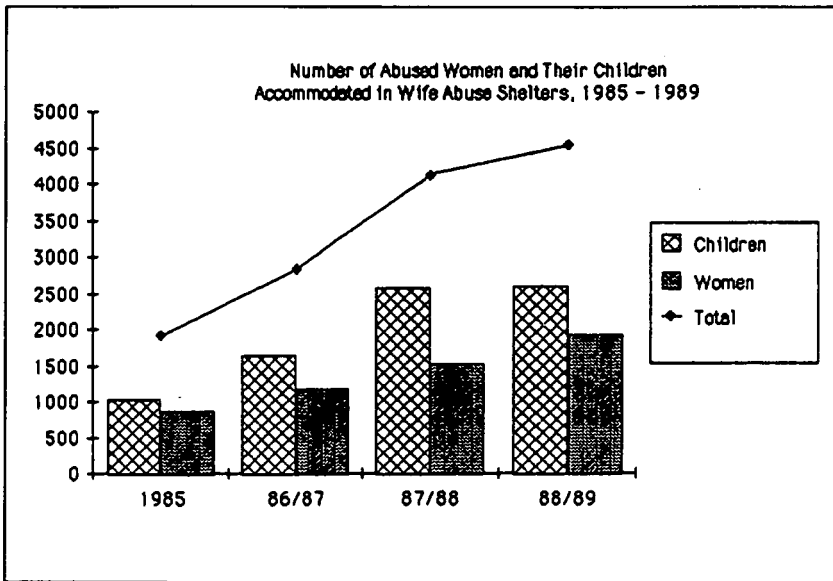


Table VI

#### IV. CONCLUSION

OVER THE PAST SEVEN YEARS, the criminal justice and social service systems in Manitoba have undergone significant changes in an attempt to better respond to the issue of wife abuse. These changes were provoked by the strong and sustained lobbying efforts of women's organizations across Canada over the past fifteen years. As new programs and policies continue to be introduced, now is a good time

to step back and take stock of the process and consequences of these changes on the well-being and options available to women at risk and battered women. At this point, the evidence suggests that the changes introduced have served to enhance the sensitivity of the criminal justice system to the complexity of the issue and to introduce policies responsive to the needs of victims of wife abuse. The evidence from the social service system is also encouraging, as the number of services and facilities for battered women and their children have increased.

However, as we take stock, it is also important to recognize the challenges that remain. The two tragic murder suicides in Winnipeg in the Fall of 1990, indicate that there is still much to be done to provide adequate protection for victims and useful interventions for perpetrators. One significant step in the direction of improved criminal justice response is the creation of the specialized Family Violence Court. As I monitor this project over the first year of its operation, I look forward to a comparison of the data I have just presented with the statistics generated by the new court. It is only through taking risks and being innovative that both the criminal justice and the social service system can hope to develop better response systems. The new specialized court represents such innovation and is likely to serve as a catalyst for further changes in the social service system as well.