

BACKGROUND

The Government of New Brunswick first introduced **Woman Abuse Protocols** in 1991. The Protocols recognized family violence as a societal problem and not an individual problem. In 2004, the Government revised the Protocols in consultation with a broad range of stakeholders in government and community. This process of consultation allowed all interested parties to contribute. In fact, the updated Protocols promote **“Collective Response”** that explores ways that government and community can provide better integration of supports and services for women living in or leaving abusive relationships. By working together, service providers can better coordinate responses, clearly identify needs, plan future efforts, and develop solutions that work. The updated Protocols were launched in March 2004 and province-wide training was provided for stakeholders across the Province in May and June 2004.

WHAT ARE WOMAN ABUSE PROTOCOLS?

The **Women Abuse Protocols** are guidelines that outline the roles of professionals working for government agencies, such as police, Crown prosecutors, victim service workers, mental health and health care providers, employment and training program deliverers, educators, and others. Since women seeking help turn to varied sources, including services not directly related to this issue, it is important that service providers have access to information and training on how to respond. The Protocols include valuable resource information to help all front line workers to:

- Recognize the signs of abuse
- Understand the dynamics of abusive relationships
- Know about the impact on women and children
- Respond appropriately
- Prevent further abuse
- Make referrals to the appropriate services

WHAT IS THE ROLE OF NON-GOVERNMENTAL ORGANIZATIONS?

Although the Protocols specifically direct the responses of government professionals, they promote a “collective response”. They recognize the vital role of community-based agencies, such as transition houses, crisis workers and everyone who offers help or advice to abused women.



The Protocols promote coordination, collaboration, and integration. They encourage professionals providing government-based services and other service providers to work together in their communities to help abused women access information, resources and services. This approach sees both community and government as part of the solution to empowering women living in abusive relationships. Building on a **shared responsibility** is key to more a comprehensive and holistic approach to services.

HOW DO THE PROTOCOLS DEFINE “WOMAN ABUSE”?

Clearly, there are many definitions of woman abuse. Most agencies working on the front-line have their own definitions that may refer to “family or domestic violence”, “spousal abuse”, “wife battering”, “intimate partner abuse” and so on. The Protocols’ definition is broad enough to embrace the diverse perspectives of professionals and service providers working with abused women. The Protocols focus on physical, sexual, and psychological or emotional abuse, while recognizing the different ways abuse takes shape. Not all forms of abuse are considered illegal, that is, chargeable under the law. However, all abuse is wrong, and by such all complaints of abuse warrant appropriate investigation by appropriate professionals. The Protocols describe the following forms of abuse:

- Physical
- Sexual
- Psychological or emotional
- Threats
- Control
- Verbal
- Neglect and isolation
- Economic abuse or exploitation
- Spiritual abuse

The Protocols define woman abuse as a pattern of behaviour that is intended to exert power and control over the woman. Abuse takes many different forms and eventually causes the loss of safety, dignity and control by women as a result of the actions or threats of those intimately involved with them.



WHO BECOMES A VICTIM OF WOMAN ABUSE?

Any woman can experience abuse at the hands of an intimate partner. Unfortunately, woman abuse is a widespread social problem in society. It affects women from all socio-economic and cultural backgrounds. Some women may be more vulnerable to abuse and face multiple barriers in seeking help. For example, women with disabilities and aboriginal, lesbian, and immigrant women may hesitate to get help if they face prejudice or a lack of information about social services. Women who are isolated in rural and remote communities may have limited support and many women face additional barriers such as poverty or community attitudes that make it difficult to seek help.

WHY WOULD SOMEBODY ABUSE AN INTIMATE PARTNER?

Although anyone may use abusive tactics to get their own way, research points to the historical inequality between women and men in our society. This continues to foster widespread attitudes that it is acceptable to use violence against women to resolve personal problems. Women are in a disadvantaged position, particularly economically. Some other factors that have been linked to chronic abuse, although not in a causal way, include:

- History of abuse in family of origin
- Suspected of abusing the children
- Drug and/or alcohol addictions
- Prone to jealousy or temper tantrums
- Excessive dependence on a spouse
- Sexist views
- Personal attributes (such as suicidal tendencies, personality disorders)

IS WOMAN ABUSE HARMFUL?

Abuse causes serious harm. Women who are physically abused may experience bruises, scrapes and burns, miscarriage, serious injuries and even death. Researchers recently recognized the severe harm and health consequences that may arise particularly when women are subjected to any of the various forms of abuse, including:

- Poor health (characterized by numerous vague illnesses and flare ups of chronic conditions)
- Depression and severe nervousness
- Anxiety, sleeping problems
- Low self esteem
- Lack of concentration

As well, children exposed to violence in the home, even those not abused directly, may be adversely affected. They are more likely to experience nightmares, bedwetting, health problems, and low self esteem. They are at greater risk of engaging in self-destructive or escapist behaviour, dropping out of school, and coming into conflict with the law. Child protection law in New Brunswick recognizes that family violence may put the development and security of the child at risk. Woman abuse creates significant harm to women and children, as well as enormous financial and social costs for everyone. Clearly, society as a whole feels the effects of woman abuse including our schools, hospitals, social services, law enforcement, and courts.

HOW CAN THE PROTOCOLS HELP ABUSED WOMEN BECOME “EMPOWERED?”

In the past, the response to woman abuse often involved imposing solutions on the “victim”. The updated Protocols focus on the abused woman and her choices. The aim is to help women take control of their situations. While intervention is often necessary to stop abuse, the Protocols recognize that we must support women to make informed decisions and prevent further abuse. This can only happen when women encounter knowledgeable and compassionate helpers who validate their experiences and offer services and resources that enable them to:

- Address their personal safety concerns
- Meet their basic needs
- Secure counselling and ongoing support
- Find safe and affordable housing
- Obtain financial security, including access to short-term solutions such as social assistance and child support
- Receive support for training and employment
- Address short and long-term health related issues
- Access child-care services
- Start on an emotional healing journey

HOW DO THE PROTOCOLS ENHANCE SERVICES TO ABUSED WOMEN?

The Protocols benefit abused woman in several ways. They ensure that police, Crown prosecutors and others delivering government-based services are trained to treat woman abuse seriously and to respond in a consistent and standard manner. They also contribute to the healing process by holding the abuser accountable through appropriate deterrence and legal measures including charges and court mandated therapy that may help an abuser take responsibility for his actions and possibly prevent further abuse.


The Protocols also recognize the importance of government and community-based agencies coming together to effectively mobilize existing resources and identify gaps. It is important for everyone to know about the community-based programs and services for women in each area because each community provides many varied and different services. Regions are encouraged to create their own service delivery landscape to respond to the needs of women and the service mix available to women in their community. This promotes effective responses, referrals, and widespread access to services and support.

To promote collaboration, the Protocols support the establishment of **Regional Resource Planning and Action Networks**. Each Regional Network should strive to develop a comprehensive pathway to guide women to appropriate agencies or services. Regional networks can help service providers know who does what in their community. They can focus on the needs of women in their area and profile existing services and the agencies that deliver them. Working together, they can better ensure that needs are met and that efforts are not duplicated. When everyone knows which agency can assist a woman with safety planning, law information, or short-term financial assistance, it is sure to enhance direct access to these services.

*No matter where
a woman seeks
help in
New Brunswick,
she should find
the support and
referrals she
needs to deal
with the abuse.*

CAN OTHERS HELP WOMEN DEAL WITH THE ABUSE IN THEIR INTIMATE RELATIONSHIP?

Yes. On a personal level, it is a fact that **anyone** can take on the role of “helper” to an abused woman. Yet, people who want to help are sometimes at a loss about what they should say or do. Public education and awareness initiatives can help people to understand the nature and dynamics of woman abuse and provide tools and resources for informal caregivers to support a friend or loved one throughout her journey to a life free from violence.



Regional networks, community-based groups and volunteers can all be part of the solution. One part of this solution is educating potential helpers to understand the limits of their role and know how to get help from specialists when needed. We should all recognize that the person who ultimately must make the decision about when and how to deal with the abuse is the woman herself. Knowing this, neighbours, friends, family members, doctors, faith leaders, and service providers can help abused women explore options. To do so, helpers should:

- Validate her suffering and tell her you care
- Never blame her for the abuse
- Let her know you believe her and that she is not alone
- Share information about the impact of witnessing abuse on children
- Tell her about crisis services available to help abused women, such as transition houses and other services (Page 2 of the telephone book - Abuse Information)
- Never impose a solution – offer to support her decision
- Offer any assistance that you are able to provide such as babysitting, transportation or short-term accommodation
- Direct her to law information, resources and supportive agencies
- Direct her to the **specialized services** offered to abused women by various government departments

WHAT SPECIALIZED SERVICES DO GOVERNMENT DEPARTMENTS PROVIDE?

In addition to the non-profit services in your area, you should also be aware of the specialized services provided by various government departments. Any one of these services can become the entry point for referrals and other forms of assistance for abused women.

Here are some of the government services covered in the Protocols:

CRIMINAL LAW REMEDIES

The Protocols provide guidelines for all of the professionals in the criminal justice system. The New Brunswick **Department of Justice/Office of the Attorney General**, the New Brunswick **Department of Public Safety** and each police force have responsibilities to help abused women who wish to use criminal law options for dealing with abuse.

Arrest and custody

When an abused woman, or somebody else, calls the police to a domestic dispute, it is the duty of the police to investigate allegations of woman abuse. Police officers are trained to treat woman abuse seriously. To ensure consistency in investigational procedure, the New Brunswick **Department of Public Safety** has developed operational guidelines that will further enhance existing policies of police forces when responding to domestic conflicts. These provide guidance on assessing and managing risk from the moment of receiving a complaint of abuse, to residential entry, to investigation and arrest. Responding officers must deal with any immediate danger, refer victims to support services and arrange for medical attention if necessary. They will also gather evidence of abuse, including statements from the parties and witnesses and any photographs and records of injuries. Such evidence is thoroughly reviewed with the Crown prosecutor relative to charges against the abuser (see the pre-charge screening process below). Police conduct investigational checkpoints, especially at the scene of the abuse, which will determine their action. These checkpoints, such as the immediate safety of the victim, will determine arrest and detention procedures. Each case is evaluated on its own circumstances, however it is general policy that police will arrest an abuser when they have reasonable grounds to suspect that an assault has occurred and/or it will continue.

Pre-charge screening and charging

New Brunswick has pre-charge screening. The police will present the case to the Crown prosecutors, who are lawyers employed by the **Department of Justice/Office of the Attorney General**. The Crown will consider the strength of the evidence, the seriousness of the offence, the public interest and whether the victim is willing to cooperate with the investigation and recommend to the police/RCMP whether charges should be laid and what type. Many victims are reluctant to cooperate. If the victim is not willing, the prosecutor can still decide to lay charges.

Peace bonds


If there is not enough evidence to proceed with charges the prosecutor should advise the woman to apply for a peace bond if the evidence permits. A peace bond is a criminal remedy, which is intended to prevent an assault. If the woman has good reason to be fearful, the court can order her partner to “keep the peace” and can impose other restrictions such as prohibiting firearms. If a man violates the peace bond, he would be arrested and, if convicted, would have a criminal record. A peace bond is not intended to be a substitute remedy for laying charges for an assault that has already occurred. (See PLEIS-NB’s pamphlet: ***Information for Abused Women – Peace Bonds***).

Custody and no contact

In cases of serious violence the prosecution should request that the Court hold the accused in custody until the time of the trial to prevent further abuse. For less serious cases of woman abuse, where the accused is released on a recognizance (i.e., the accused is not held in custody), the accused can be barred from contact with the complainant. If the woman is fearful that her partner will continue to bother her, she should request a “no contact order” as a condition of release.

Sentencing

When a man is convicted and sentenced, the process must include any Victim Impact Statements made by the woman or others. The sentence must not be influenced by the nature of the relationship between the victim and offender. In other words, it should be similar to the



sentence given to others who commit similar crimes and should not be reduced because the victim was a spouse or intimate partner.

Private prosecutions

Where the prosecutor chooses not to recommend charges, women may bring their own private prosecution. In such a case, the Director of Public Prosecutions should be alerted to decide whether the Crown will take over the prosecution or if the charges should be stayed or withdrawn.

Services for victims of crime

The **Department of Public Safety Victim Services Program** can offer help to victims of woman abuse.

Victim Services staff can help women develop a safety plan as well as arrange for trauma counselling, make referrals to shelters, and other services. Victim Services Coordinators can explain the court process to victims and their role in it. They will support victims throughout that process, including accompanying women to court and explaining how to prepare a Victim Impact Statement. (See PLEIS-NB's pamphlet: ***Victim Impact Statements***) Coordinators will be in contact with the police and prosecution and keep victims apprised of the offender's sentence and status. They can also help arrange for financial assistance where women have suffered a loss because of abuse. As well, some police departments can support abused women's recovery and participation in the criminal justice process through their own victim services.

Probation

Probation Officers are responsible for the general supervision of offenders on probation and other community-based dispositions. They also enforce orders that restrict an offender's contact with victims or facilitate their rehabilitation. In addition, Probation Officers are called upon to provide background information to the court on an accused person at the sentencing stage of the proceedings. During the course of such pre-sentence investigations, officers may consult with victims, police and courts as well as the offender about the offender's likelihood of completing probation conditions, including treatment.

Incarceration

Where the offender who is not subject to a no-contact order is incarcerated correctional staff can facilitate and supervise any contact between the offender and victim. Staff will obtain the victim's consent before allowing the offender to contact them. If they are under remand status, they must contact the Crown prosecutor. Where offenders are granted a temporary release, correctional staff or Victim Services Coordinators will contact victims and explain the conditions of the release. The victim will also be notified if the offender escapes.


FAMILY LAW MATTERS

Domestic Legal Aid

This program is mandated to assist abused women with their family law matters. This includes child and spousal support, custody and access, and division of marital property. The **Department of Justice/Office of the Attorney General** Court Social Workers can help abused women consider their family law options. Where abuse is present, Court Social Workers will not use mediation but can refer clients to the Domestic Legal Aid program, particularly if a partner has threatened, attempted to or committed extreme or escalating acts that threaten a family member's life or well-being. Court Social Workers will assess several factors to determine if she is eligible for assistance under the domestic legal aid program. When a woman is eligible for domestic legal aid, she will meet with a Family Court Solicitor. The solicitor may offer free legal advice or representation on support, custody, variations of court orders, and other family law matters. If the abuse does not present an immediate risk and the victim consents, the Court Social Worker may use the Settlement Service to reach an agreement between the partner and abused woman. If the woman is not eligible for domestic legal aid services, the social worker can make referrals to other services.

Support enforcement

Abused women do not have to confront the abuser if he stops making court ordered child support payments. The payor will send child support payments to the Court. Family Support Orders Services workers collect, process



and distribute support payments to the beneficiaries and when necessary enforce payment. They must be sensitive to the potential for abuse between separated couples and make referrals to Court Social Workers when they suspect that abuse is present.

PHYSICAL, PSYCHOLOGICAL, AND PRACTICAL NEEDS OF ABUSED WOMEN

Health care


Research shows that abused women use health care services more than non-abused women. The New Brunswick **Department of Health and Wellness**, which includes ambulance workers, emergency room staff, mental, public, and community health workers, addictions staff and many others, is responsible for addressing the physical, psychological, and practical needs of abused women.

Reporting requirements

Health care officials are not obligated to report woman abuse, particularly where the abused woman does not wish to involve the police. However, under the child protection provisions of the *Family Services Act*, professionals who work with children must report any actions that threaten the well-being of a child, including situations where the child is living with family violence. Family and Community Services employees who are processing social assistance claims will ask women about their children's safety and make a child protection referral if a child's security and development is threatened. The *Education Act* also requires professionals to report suspected child abuse.

Financial assistance

Department of Family and Community Services (FCS) is responsible for training and directing its employees to help abused women to explore their options and make informed decisions that meet their goals and needs. The Department of FCS can provide women with financial aid, including daycare, housing, and clothing. It can also assist them with health cards and identification. They **must** give women in abusive relationships a priority when



applications are made for social assistance and other services. FCS offers after-hours emergency assistance with social assistance. FCS employees will inform abused women of their rights and encourage them to contact the police if a crime may have been committed. FCS Screeners and Need Assessment Specialists help women complete the assistance application process. They advise them of services, including police and transition houses, if they are in immediate danger. Case Managers can also advise clients of these services when developing a case plan, and if asked, act as a liaison with other organizations.

TRAINING AND EMPLOYMENT DEVELOPMENT

Employment

Many abused women are already in the workplace. Others who leave abuse must find employment for the first time. Some require job training and skills development. The New Brunswick **Department of Training and Employment Development** is responsible for training its employees to recognize and respond to woman abuse. Employees delivering training and development programs do not counsel or investigate allegations of abuse but they do make referrals to appropriate services.

Discrimination

Women who are subject to abuse in an employment setting or when accessing services such as housing may file a complaint with the New Brunswick **Human Rights Commission**, which will investigate the claim. This process is free and confidential.

ABUSED WOMEN AND THEIR CHILDREN

The New Brunswick **Department of Education** has several programs designed to educate and prevent family violence. Employees at schools must be supportive of abused women and their children, listen and refer and help them to contact other services.

SOME WOMAN ABUSE RESOURCES AND WEB SITES

Woman Abuse Protocols

You can access the updated Woman Abuse Protocols on-line at:
www.gnb.ca/0017/protection/WomanAbuse-e.pdf

Public Legal Education and Information Service of New Brunswick

PLEIS-NB can provide you with free resource materials on family violence and a variety of family law and criminal law resources, many developed specifically for abused women. Most of the materials are also downloadable from the PLEIS website at
www.legal-info-legale.nb.ca

Directory of Services for Victims of Abuse

Identifies some services available to victims of abuse including transition houses for women. It is kept up-to-date on the web site at
www.gnb.ca/0037/report/Directoryeng.pdf

New Brunswick Coalition of Transition Houses

Find out about New Brunswick's transition houses, second stage housing and other services for abused women at
www.nbcth.com

Caring Partnerships: Communities against Family Violence

Find out about a network of communities that are working at the grassroots to create public awareness of family violence issues and solutions
www.violencepreventionnb.org

Violence Prevention (Government of New Brunswick)

www.gnb.ca/0012/violence/index-e.asp
or see Province of New Brunswick Home
www.gnb.ca
Select keyword "Violence Prevention"

CREATE YOUR OWN ROADMAP TO EMPOWERMENT

To create a roadmap that describes the landscape of services in your community, you should find out about both government-based and community-based agencies such as:

Agency	Telephone
Family Resource Centres	
Child Protection	
Family Counselling Centers	
Early Childhood Intervention	
Transition House	
Police and RCMP	
Second Stage Housing	
Domestic Legal Aid	
Crisis Centres	
Health Programs (Public Health, VON, Extra Mural)	
School Programs	
Violence Prevention Organizations	
Mental Health Clinics	
Police Based Victim Support	
Services for Victims of Crime	
Church Programs	
Training and Employment Development	
Food Banks/Clothing	
Income Assistance	
Public Legal Education	
Court Services	