

Other Initiatives

A Community Mourns

On August 16, 1997, Durham Region faced one of the most horrific tragedies in the life of their community. A little 3 year-old boy named Luke was brutally murdered by his father who then took his own life. This tragedy occurred on the first unsupervised access visit Luke was to have with his father, one week after his mother fled with him to The Denise House to escape an escalating abusive marriage. There had been a history of predominately emotional abuse throughout the course of the marriage, one previous separation and significant efforts on the mother's part to seek counselling assistance to cope with what she believed to be an untreated major depression in her husband. Kate did everything right.* When she could no longer tolerate the tension in her marriage and had exhausted all possibilities of mending the marriage, Kate sought the assistance of the family law system to help her work out the details of a fair custody and access arrangement. She believed the proper route was to request sole custody and supervised access for her husband until he could be properly assessed for mental health stability.

While there was no doubt in her lawyer's mind that Kate's disclosure was credible, her lawyer (experienced as she was in woman abuse cases) faced a legal climate that did not lend itself easily to a request for supervised access, especially in a case of primarily emotional abuse with no history of criminal charges or documented evidence of abuse and where her husband, in his pleadings, denied each and every allegation of abuse. The lawyer's best efforts appeared to be realized when she was successful in negotiating an agreement of sole custody for the mother with minimal, though unsupervised access for the father. No one anticipated such an outcome.

The impact of Luke's murder on everyone in the community has been profound. Much of the motivation for this project has been precipitated by this event. All those involved have struggled to understand how this could have happened. One of the tasks of this consultant has been to meet with each of those most affected by this tragedy in order to gain insight and offer solutions to avert such a tragedy in the future. This community debriefing is a complex and difficult task that is presently still in progress.

There is much to be learned from this experience. Though there is not yet a shared understanding of the facts in this case, there is unanimous agreement that had there been a comprehensive screening process to assess risk of all forms of woman abuse, this type of tragedy might have been averted.

The dynamics of domestic violence are too complex to be left solely on the shoulders of the victim and her lawyer. Additional experienced workers need to be brought in as a resource to assist in ascertaining the level of risk for a variety of reasons. Sometimes victims are in denial as to the level of risk, or do not see themselves as victims of abuse at all. Sometimes lawyers can be easily swayed by the system to negotiate or mediate a settlement as the best result under the circumstance, as a way to avoid a potential backlash in the courtroom. Lawyers are pressured to present their clients in the best possible light, e.g. as friendly, cooperative, and willing to negotiate.

This is an untenable position for both lawyer and client, as it forces them into a compromised position. Under the New Family Rules*, access to the courts is even more limited, as the pressure mounts to mediate cases and keep them out of the courtroom. This is rarely ever in the best interest of a woman abuse survivor or her children. It keeps the nature of the abuse she is enduring private and protects the abuser from being accountable for his abusive behaviour. Children exposed to the abuse historically are now placed at even greater risk as their lives are used as a bargaining tool in the negotiations. The abuser's rights as a father are given greater value than the basic human rights of safety and security for the mother and her children as a family unit.

Given this climate, it was the desire of both the focus group participants and the professionals/advocates involved in this project to identify key elements of a woman abuse case at the earliest point of entry to the family court system. Most importantly, it is essential to screen for the presence of abuse currently, to assess the historical nature and pattern of the

abuse, to give voice to the concerns of the victim, and to make transparent the tactics employed by the abuser (past and present) to gain compliance from the woman and her children.

Even in those cases where children are not directly harmed by the abuser, by virtue of witnessing the abuse of their mothers, 100% of these children are emotionally, psychologically and spiritually at risk. Emotional abuse was keenly felt to be the most injurious and insidious form of harm the focus group participants had endured. Unless it was accompanied by an overt threat to physically harm them, emotional abuse is not currently considered a criminal offence. In the majority of situations in this project (this is reflected in the literature as well), the police had never been called, charges had never been laid, the nature of the abuse had never been documented, and the woman had deliberately tried to paint a picture of a positive marriage and family life to their friends and family and to the community at large.

Frequently, the act of a marital separation is what provided the push for women and children to disclose the abuse in their lives. That they are then viewed as manipulative, lying, vengeful and mean-spirited women is an additional burden almost too great to bear. To be received in this manner confirms for victims of abuse that the abuser is indeed more powerful, more credible, and more likely to succeed in hiding his abusive tactics from public scrutiny. This is a very crazy-making experience for the victim. As one focus group participant said, "If I could have worked it out with him in private, I would not be here (in the court system) today."

Pamela Cross, author of a pioneering article on Emotional Abuse and Family Law, summarizes the experiences of the focus group participants extremely well when she states, "When well-educated lawyers, supported by appropriate legislation, are able to present thoroughly documented cases to judges who understand what emotional abuse is and that it is every bit as serious as physical abuse, decisions about custody and access will begin to reflect what is in the best interests of both women and children."**

Issues for Consideration in Lethality/Risk Assessment

There is a great deal of controversy in the woman abuse field surrounding the use of lethality and/or risk assessment tools. The concerns of experienced woman abuse advocates are well-founded. In a climate where there is insufficient understanding of the many complexities woman abuse survivors and their children face, it borders on ethical irresponsibility to promote the use of a checklist that may fall into the hands of an inexperienced and/or uninformed professional.

Despite the incredible efforts of woman abuse advocates, there is still much to do in the field of training and educating professionals in every discipline, as well as raising the consciousness of our community members at large. It is unacceptable to be merely familiar with a cluster of risk indicators without a keen understanding of the dynamics of woman abuse and how they unfold in the individual context of each woman's life as she turns to us for help.

The intentions of those who develop and use lethality assessments have been honourable. Frequently they have been used by those who work with offenders in the court system, the mental health system and in batterers' treatment programs. The purpose has been to assess the level of risk and the likelihood of re-offending upon release from a hospital stay, when placed on probation, at a bail hearing or over the course of attending a batterers' program.

Given that the research suggests that we cannot predict the likelihood of violence with any degree of certainty for a variety of reasons (i.e. small research samples, limitations of clinical judgment, unclear typologies/profiles of abusers, etc.), it is important not to overstate the case for the usefulness of lethality/risk assessment tools. It would not be to our advantage to promote an instrument that is organized in a way to suggest that some abusers are "safe bets" or "low risk" of serious or lethal present or future harm. The fact is we cannot "know" at this stage of our work. Therefore it is incumbent upon us to neither create a false sense of safety and security for professionals and survivors, nor to immobilize ourselves with unwarranted fear, thus limiting our effectiveness. Dr. Edward Gondolf*, a well-respected researcher in the field of domestic violence, states, "It may therefore be safer and wiser to make no assessment rather than to inadvertently mislead a battered woman."

Taking these concerns seriously permits us to move to the potential usefulness of such lethality/risk assessment tools in a safer, more balanced manner. Clearly, what fuels our desire to know more about such tools is to avert further tragedies like those this community knows all too well. Experience tells us that when women seek help or make plans to separate or actually leave their abusive partners, they and their children's safety is most at risk. Thus, any interventions we are able to make to minimize this risk are worthy of our time and attention.*

This moves us into the discussion of the possible benefits of expanding our knowledge and skill level in the use of the lethality/risk assessment tools. Barbara Hart, a leading expert in the area of safety concerns for women and children advises us that "the purpose of dangerousness assessments in the context of domestic violence is to enhance the strategic construction of safety plans."** Maria Crawford, author of the groundbreaking work on intimate femicide, goes on to state that any accountable response a community adopts must include "both the containment of violent men who may kill their partners, along with emergency safety planning strategies with women at risk of being killed by their partners."***

Lethality or dangerousness assessments should not just list out the physically assaultive, coercive or threatening behaviour of the abuser, tick off the behaviours in a checklist format, and leave it at that. A risk indicator checklist is a useful first step to alert judges, lawyers and police officers that there is an outstanding issue of abuse to be dealt with prior to any other intervention.

Once early identification occurs, the victim should be referred to a woman abuse specialist who can work with her to complete a more thorough risk assessment process. Ellen Pence, a leading authority on woman abuse issues advises us "that every intervention we make must be examined in the light of how it improves the quality of the daily reality of a woman's life."

Benefits for the Woman Abuse Survivor

One of the primary benefits to the woman abuse survivor of completing a risk assessment questionnaire in the presence of an experienced woman abuse advocate, is that it affords her the opportunity to reflect on her situation. In doing so she becomes able:

- to name the fact that what is happening to her is abuse
- to articulate the forms of abuse she may be perceiving
- to identify the abusive strategies the abuser employs to control her
- to notice the patterns of abuse that have developed over the lifetime of the relationship
- to attune to recent changes in the batterer's conduct or hers that place her or her children at an escalated level of immediate risk

Additionally, she benefits from the opportunity to assess her degree of isolation as well as her access to social support. The dialogue she engages in with the woman abuse expert permits her to gain insight into her situation, to obtain accurate information and to correct erroneous beliefs she may hold about woman abuse. Most importantly, the process of engaging in a risk assessment interview elevates her to the position of "expert of her own experience" and affirms for her the view that no one knows better than she what she is up against.

Benefits for the Abuser in his Change Process

It affords him the opportunity:

- to reflect on his conduct
- to begin to name his controlling, coercive, threatening behaviour as abuse

- to become aware of the beliefs that guide his abusive conduct
- to increase his awareness about the potential criminality of his behaviour
- to understand the consequences he faces if he chooses to continue this behaviour
- to increase his awareness of the traumatic impact his behaviour is having on his partner and his children
- to think about his own sense of power and privilege and how he is using/abusing it

Benefits for the Professional/ Advocate

- It provides the professional/advocate with a tool to organize their thinking regarding each individual woman's situation they encounter.
- It assists us in gaining a more comprehensive understanding of the woman's immediate risk level.
- It assists us in engaging in a cooperative, mutually respectful partnership with the woman to come up with the best possible safety plan in light of the information she provides, combined with the experience of the woman abuse expert.
- It articulates for the legal and court system specific reasons for concern and therefore for extra caution in particular situations.

Initial Screening Tool*

Routine Screening for Woman Abuse Situations is An Essential First Step towards Victim Safety and Abuser Accountability.

Be Alert - the following indicators may reflect a level of risk that requires immediate intervention to ensure a woman's safety and that of her children.

Remember, the most compelling indicator is always the social meaning a woman makes of her partner's conduct. Ultimately, if she believes she or her children are at risk of harm from the abuser then it behooves us to act with caution, and if we err, to err on the side of safety first.

- woman is fearful for her safety and believes the abuser is capable of harming her and /or her children
- history of physical, sexual and/or emotional abuse toward the woman
- history of physical, sexual and/or emotional abuse toward the children
- threats of homicide or suicide
- breach of court orders/abuser
- believes he is above the law
- criminal record
- access to firearms or weapons use of threats to use firearms as weapons against the woman/children or any other person use/abuse of drugs and/or alcohol
- harm to pets and/or personal property economic control/deprivation (eg. keeping her short of money)
- mental health concerns, especially depression
- isolation from family, friends and the community at large of both the woman and/or her abuser is pronounced
- denial or minimization of abuse by friends and family of woman and/or abuser
- recent changes in the relationship between the victim and the abuser, particularly a separation or a known plan to separate obsessive behaviour/jealousy/stalking on the part of the abuser
- abuser lacks remorse regarding his abusive behaviour
- abuser believes he is entitled to expect compliance from his partner/children
- ready access to the woman and her children recent changes in the behaviour of the abuser articulated by the woman knowledge of abuse toward previous partners by the abuser

A Comprehensive Risk Assessment Tool In Woman Abuse Cases*

In a woman abuse case it is important to obtain detailed information about the specific incident that preceded this interview. It is also critical to determine how the specific incident of abuse relates to the overall history and context of abuse in your relationship. In this regard, it is necessary to consider several risk factors to determine the level of danger which may apply to your situation. Abuse includes emotional, psychological, verbal, financial, spiritual as well as physical and sexual abuse.

1. Has your partner ever threatened to kill you or harm you? Did you ever think your partner might kill you? Have there been specific details of a plan (e.g. A specific weapon or dangerous act)? Has your partner ever attempted to act on such threats?
2. Has your partner ever threatened to kill or harm your children? Did you ever think your partner might harm your children? Have there been specific details of a plan (e.g. A specific weapon or dangerous act)? Has your partner ever attempted to act on such threats?
3. Has your partner ever threatened or tried to commit suicide? Have there been specific details of a plan (e.g. A specific weapon or dangerous act)?
4. Have you ever threatened or tried to commit suicide? Do you believe you are presently at risk for harming yourself or others?
5. Does your partner own or have access to any guns or other weapons? Is your partner in possession of a current Firearms Acquisition Certificate (FAC) or a firearms Possession and Acquisition License (P & A)?
6. Has your partner ever used or threatened to use, guns or other weapons in the past? If so, do you believe your partner is capable of acting on these threats? Have you ever thought he might be threatening you with a weapon and he in fact denied it? Have you ever felt indirectly threatened by your partner? (eg. mind games, deliberate denial of his words or actions, making you doubt the accuracy of your own perceptions, convincing you no one else will believe you if you tell the truth, etc.)
7. Does your partner abuse drugs or alcohol? Does your partner behave differently when under the influence of drugs or alcohol? Do you feel more at risk when your partner is using drugs or alcohol?
8. Has your partner ever harmed or threatened to harm your pets? How has this affected you/your children? (eg. Does it prevent you from seeking assistance or shelter because you have no one to care for your pets or can't take them with you?) Do you ever think he might harm your pets?
9. Is your partner presently receiving psychiatric care, or has your partner been under such care in the past? If not, do you think your partner would benefit from psychiatric care? Has your partner been prescribed medication? Is he compliant? Do you think your partner demonstrates sudden and/or unpredictable mood or behaviour changes? Have these changes worsened recently? Do you think your partner shows signs of depression?
10. Has your partner destroyed or damaged any of your personal belongings or contents of your home or your children's belongings?
11. Has your partner isolated you from family and friends? Who do you have to support you in your life? Is your partner choosing to isolate himself from others? Or, can your partner rely on family and friends for support? Do family and friends make excuses for your partner's behaviour? Do family and friends blame you for your partner's behaviour?



12. Has your partner ever threatened to remove the children from your care? Do you ever think he might try to remove the children from your care? If separated, does your partner cooperate with the present custody and access arrangements?

13. Do you believe it is your partner's perception that you are his property (e.g. is your partner obsessed, overly jealous, or extremely dominant with you)? Has your partner ever forcibly confined you, or prevented you from using the telephone, leaving the house or contacting family or friends?

14. Has your partner ever received counselling for assaulting you and/or abusing drugs/alcohol? Did you have contact with his counsellor? What were you told about his involvement with the program? What is your opinion about his involvement with the program?

15. Have you separated or discussed separation with you partner? If so, has your partner reacted in an aggressive and/or threatening manner? Has he become silent/changed his typical behaviour? Do you feel more at risk since separation or discussion of separation? Does your partner have access to you and your children?

16. Has your partner ever abused your children? In what ways? (eg. verbally, emotionally, physically, sexually) Have your children been controlled by threats or actions into submitting to his wishes? Has he abused you in front of the children and/or family/friends? Have there been times when your children are angry or upset with you because you didn't do what he said?

17. Has your partner engaged in any stalking behaviours with you, including following you, watching you from outside your home, faxing, phoning or emailing you, presently or in the past? If so, when did they occur and under what circumstances?

18. To the best of your knowledge has your partner engaged in any stalking behaviour with any other person? When did this occur and under what circumstances? If so, how did you acquire this information?

19. Have the police been called to respond to any violent situations involving your partner? Has this intervention been helpful to you/your partner?

20. To the best of your knowledge, has your partner harmed any previous spouses/partners or children from another relationship, or any other family members, either yours or his? If so, how did you acquire this information?

21. Has any of the following behaviour increased in severity and frequency during the past few years:

- Verbal abuse, such as name calling, yelling, or swearing at you;
- Emotional abuse, such as putting you down, ignoring you, controlling where you go, what you wear, or who you see;
- Physical abuse, such as pushing you, choking you, grabbing you, blocking you in a doorway, or slapping you;
- Anything else you consider to be physically or emotionally intrusive?

22. Can you describe the pattern of abuse you've experienced, ie. the nature of the abuse, how often it happens, what happens, and what impact the abuse has on you physically and emotionally? Did you ever seek medical attention for your injuries? Were there times when you should have sought medical assistance for your injuries but did not? Has a health care professional (eg. your family doctor) ever documented your injuries?

23. Do you believe your partner is capable of severely injuring or killing you (or your children)? Do you have any fears for your safety, or the safety of your family? Are you afraid/unsure of what he'll do if you go against his wishes? Does your partner emotionally abuse you (ie. wear you down, belittle you, discredit you, undermine you relentlessly)?



24. Do you have a personal safety plan in place to help protect yourself or your children in the event of a problem with your partner (eg. money saved, a place to go, things already packed or a list of things to pack)? What support services are you familiar with in your community that can assist you and your children (eg. a local shelter, counselling service, assaulted women's helpline and/or victim/witness assistance program)?

25. Have you consulted a lawyer about your rights, obtained a custody order and/or a restraining order? If not, would you like a referral? Do you know what the first steps are in seeking help? Is there some way I can further assist you right now?

* Refer to Kate's Story in the final section of this report, entitled "Survival Stories".

*Refer to the excellent description in the Lawyers' Working Group section, written by family law specialist Helen Brooks for more detail.

** Pamela Cross is the legal director of Metrac and Co-ordinator of the Ontario Women's Justice Network.

* Edward W. Gondolf, Ph.D., is Research Director of the Mid-Atlantic Addiction Training Institute and Professor of Sociology, Indiana University of Pennsylvania.

* Even though homicide/intimate femicide is a rare event (less than 2% of woman abuse survivors will actually be killed by their partners), it is what scares us the most in our work.

** Barbara Hart is the legal director of the Pennsylvania Coalition Against Domestic Violence and Associate Director of the Battered Women's Justice Project in Reading, Pennsylvania.

*** Maria Crawford, Dr. Lori Haskel and Joanne Bacon on behalf of the Women We Honour Committee: Report on the Model to Enhance the Response to Intimate Femicide in Ontario. (a published draft, Sept., 1999).

*This screening tool reflects a compilation of indicators drawn from a variety of lethality and risk assessment tools reviewed by the author. A special thank you to Valerie Packota who generously shared her resources at a timely point in this project. Please refer to her unpublished paper noted in the bibliography.

· This Risk Assessment Tool is an expanded version of the interview guide developed by the Ontario Provincial Police - Assessing Dangerousness in Domestic Violence Cases. This type of tool has been recommended by the Joint Committee on Domestic Violence to be used province-wide in an attempt to standardize a collective response to risk assessment. It is a work-in-progress and should only be administered by someone well-trained in the dynamics of woman abuse.

· This version was developed by Deborah Sinclair, M.S.W. for inclusion in the report In The Center Of The Storm - Durham Speaks Out. · A special acknowledgement to Bev LeMay, M.S.W., and Terri Wills, Ph.D. for their wise and expert opinions in reviewing this tool.