

## **The Voice of a Survivor**

### **Background**

My name is Judy White (alias). I am a 34-year-old Caucasian professional who is married and has three children. I am a survivor of domestic violence. Although it now seems like a lifetime away, only seven years ago I lived in a relationship that included daily emotional abuse, physical abuse and sexual abuse. My relationship lasted for almost 10 years and was, without a doubt, the most difficult and life-altering period of my existence, and in the lives of my children.

I want to include my voice in the discussion about instituting restorative justice in the province of Saskatchewan. As a survivor, I hope I can bring a perspective to your conversation and help you to understand how this decision will affect those who are the victims – the very people society is obligated to protect. While I speak for myself and about my experiences, the communication I've had with others tells me that I speak for many survivors of domestic violence.

### **The Long Road to Justice**

While justice is often portrayed in an ideal fashion in the movies, – bad guy hurts the good guy, bad guy gets caught, good guy speaks up, bad guy goes to jail – justice in the real system is a slow process. In my case, my partner was charged with assault against me. After much time was spent by the lawyers jockeying for position, trying to come up with a compromise that would suit the offender, a missed court appearance on his part and several requests for extensions, the trial was held 15 months after the final assault occurred. My partner spent those 15 months with his lawyer preparing his case. I, on the other hand, spent 15 minutes before the trial with a prosecutor who merely asked if I could remember my story. Fortunately I could. And that was a good thing. None of the witnesses, other than my ex-partner and me, showed up for the trial. One of the witnesses who had been subpoenaed was the RCMP officer who took me and my children to the shelter after he saw me running out of my house with blood dripping down my face and onto the face of my seven-month old baby in my arms. No, even he didn't come to the assault trial to testify. Fortunately, however, my memory served me well. My partner was found guilty. He was given six months' probation.

The length of time waiting for a trial wasn't the only problem that I experienced with the justice system, and trying to get help in a domestic violence situation. Justice had failed many, many times for my children and me. The police

were always reluctant to press charges. Over and over again, the police relayed to me that “he’s sorry” or perhaps we could “work it out.” On one occasion I called the police when my partner drove off drunk, in my car, only to have the police escort him home after telling him **I** had reported him.

When assault charges were finally laid against my partner, his lawyer contacted me directly and repeatedly to try to work out a resolution that was suitable to the offender. I, as the victim, did not have the same kind of representation in the prosecutor.

My experience with the justice system, and the experiences of other survivors I have spoken with, sent strong messages to both the victim (me) and the offender (my partner). The message the offender received was, “You can continue to assault your wife and you’re not going to get into much trouble. The police don’t want to be bothered by your wife and may actually help you in order to make her stop complaining. The legal system works strongly in your favour.” The message I received was, “The justice system is not here to help victims of domestic violence. Calling the police places you and your children in further danger. There is nothing you can do to help yourself without risking your own safety and the safety of your children. Even if it does end up in a trial, a “guilty” verdict is difficult to get and the punishment will be light.”

*It is unlikely that restorative justice would be viewed as stronger “justice” than this in the eyes of either the victim or the offender. Current justice methods that lead up to a court appearance already lean heavily in favour of the offender. During the judicial process, abusers do not receive the message that their behaviour is unacceptable, much less criminal. “Restorative justice” strategies seem to me to leave the door wide open for even less onerous consequences for the abuser.*

## **The Survivor’s Only Identity: Her Partner**

Since I’ve left the abusive situation, I have learned that there is a conditioning process leading up to abuse, and that the conditioning continues as the abuse become worse and more dangerous. My “conditioning” began almost four years before the physical and sexual abuse began. A critical factor in conditioning is training the victim to re-create her own identity into that of her partner. That is, after a certain time period I no longer had an identity of my own and my life revolved completely around the abuser. I considered **him** at all times and in the smallest detail. I knew what he liked, what he disliked and, most importantly, what made him angry. I made huge efforts to create an environment in which my partner was always comfortable. Please

note that I was not trying to make him happy, I was trying to avoid making him angry. **He** had to be considered at all times or abuse was the result..

Thus, I truly lost the ability to care for myself due to the long, systemic conditioning process. I was always concerned with the abuser and considered it critical to the safety of my children, my family and friends, and even to pets or possessions that were important to me.

*It may not be possible for a victim of domestic violence to act with concern for herself during the restorative justice process. Victims have been conditioned to consider only the abuser. This strategy is deeply ingrained as the survival of the victim, her children and her family depend on it.*

## **Abuse – A Family Affair**

Although I'm sure many families outwardly claim that abuse is not acceptable to them, the fact remains that the actions of families often encourage the victim to stay within the confines of an abusive situation. Families are always affected by the abuse of one of their members, in ways that often bar them from helping.

In my own experience, my partner's family desperately wanted me to stay within the abusive relationship. They often tried to make it better by treating the children and me very well. But the reality was that they were afraid of losing a relationship with their grandchildren if their son was found guilty of assault. If we did separate and he was offered limited or supervised access to his children, this would affect their involvement with their only grandchildren, and this risk greatly outweighed my safety in their minds.

As well, my partner had once mentioned that there was a history of abuse in his family. Perhaps, then, it was a situation not unusual to them and they felt that ignoring the problem was an appropriate action to take. Or perhaps addressing their own abusive issues was too difficult at that time.

My family, on the other hand, had different motives for not addressing our abusive situation until it was almost too late. With a deeply religious background, leaving a marriage went against all values my family held dear. Also, as the abuse progressed, my family learned to fear my partner and had concerns for their own safety. My family witnessed first-hand how working through the justice system had ended in inaction and apathy. They felt as helpless as I did to protect me and my children.

I should mention that **our** relationships with our families were quite unusual in comparison to the familial relationships of other survivors. I have most often heard that the victim of abuse has been isolated from her family by the abuser's conditioning process. Sometimes the families don't even know about the abuse. Or, he has lied and made up stories to protect himself in the future. The victim's family may not even believe she is being abused.

*As I understand it, restorative justice involves the victim, the offender and their families, with the goal of identifying and correcting the offender's behaviour. Often, however, the families are not allies of the victim but, rather, have become allies of the offender. Or, the families have also been victimised by the offender. The survivor, then, does not have the support necessary in this situation to express her needs. Bringing his and her families into a restorative justice process may not only not help her, but may be detrimental.*

## **Her Desire to "Make Him Better"**

I cannot count the number of times I was asked, "Then why didn't you just leave? Why did you stay in this abusive relationship?" There are a number of answers to that question: Because I was afraid he would hurt or kill me if I left. Because I was afraid he would take my children. Because I thought no one would believe what was happening to me. Because I knew we would have to leave with nothing. Because I wouldn't be able to afford a lawyer to fight to protect my children. Because I just wanted him to change and stop the physical and emotional and sexual abuse and then I could "save" my marriage. Because I couldn't see how bad the situation really was until I left it. Because, because, because. Those are the reasons.

While I was **in** the relationship, I had difficulty seeing how dangerous our life was becoming. When I finally left it, escorted by police and taken to a safe shelter, I realized how close to death I had come. I know now that no matter how hard I tried to make him understand that the abuse I endured was not acceptable, he continued the abuse because he was allowed to.

And, I understand fully that my partner **knew** that what he was doing was wrong. I was always struck below the neck to ensure people couldn't see my wounds. I was isolated from my friends so I wouldn't tell anyone. He has always denied his behaviour even to me whose body he has violated, whose head he held a gun to in front of our children. Never, ever has my ex-partner admitted to abusing me. Not during the custody and access trial. Not after being charged with assault. Not when presented with photos of my injuries. Not even after having been found guilty. Never.

*Participating in restorative justice while still entangled in an abusive relationship can encourage the mistaken belief by the victim that she can somehow help to change the abuser. (And when is she finally not still entangled?) Only the abuser can change himself. The victim does not need to tell the abuser his actions are wrong. He knows his actions are wrong or he wouldn't have carried them out in secret, he wouldn't deny them. And unlike with a house burglar and his victim, an abuser and his victim don't need restorative justice to bring them face-to-face to learn about each other. The abuser already knows his victim very well indeed, and his victim knows him all too well.*

## **How Could Restorative Justice Work?**

So, the question remains – can restorative justice work in cases of domestic violence?

As a survivor of life-threatening domestic violence, my reaction is to say a resounding, “No!” But to be fair I am willing to look at both sides. There is some value in allowing the woman to speak to the offender and express to him how he has victimised her. As well, there is tremendous value in having the appropriate authority around the woman, reinforcing that she has been the victim of a crime. There would need to be, at minimum, the following in place for the situation to have a positive effect for the victim:

- a time period away from the spouse for the woman and her children before the restorative justice meeting
- counselling for the woman and her children
- an understanding that the woman and children may be in danger following the meeting and will not leave with the offender, that the woman and children will be escorted to a safe shelter or home
- the understanding that this exercise is being done for the benefit of the victim, not for the benefit of the abuser

The case can certainly be made that the risks of using restorative justice strategies in cases of domestic violence far outweigh any benefit. What would have happened to me if I had been offered the choice of restorative justice after I had left? When I was still living with so many pressing reasons to go back, not the least of which were that he was stalking me, terrifying me, to the point where I thought it would be safer to go back? How could I have stood up for myself then? What would I have been able to say?

On behalf of survivors of domestic violence and their children, I ask that the members of this conference err on the side of caution with regard to supporting restorative justice in cases of domestic violence. Why don't you just insist that the current system give all offenders, without exception, a very strong message that their abuse is unacceptable, that it is criminal, that it will not be tolerated, that it will be severely punished? Why don't you just insist that the current system give every victim the message that the justice system is here to help, that calling the police will always mean increased safety, that she will not be left all on her own at trial, without even the arresting officer showing up? Why not just make the current system work the way it's supposed to? If the victim can't feel protected and supported now, with supposedly the full force of the law and its formality behind her, how will she possibly be able to feel protected and supported without it?