

At the crime scene women tell us that the police act out that same inclination. They always seem to be able to generalize in the field any of the sexist errors remaining in the policies. They say, "What do you want me to do?" "Do you want to press charges?" They imagine excuses to refuse to establish the men as the "primary aggressor." They offer her excuses for him that shakes her resolve like blaming alcohol consumption. They tell her the police restraining order won't stop him without offering to stop him another way. They misrepresent the law by telling her she has to wait until he "does something" as though beating, threatening, confining, harassing were not grounds enough for charges. They refuse to arrest him on the current crime or refuse the work of evidence gathering.⁷

All these reveal to her the police reluctance to enforce and consequently construct her hesitancy and reluctance. Some police act like they are doing women a favour, giving women a choice, by asking if women want charges laid. They know women are conflicted for all the sensible reasons women are conflicted about the arrest of men, but police use that momentary reluctance against her instead of adding in the necessary problem solving or referring callers to women who will.

Instead of responding with effective action to women's fear that this man will escalate this time, they respond by using her fear to exempt themselves from applying the policy. Sometimes they act as though they believe they have been trained and mandated as social workers, mediating and pretending to negotiate rather than imposing the rule of law. Often that takes the attention away from securing safety and evidence.

So what if she does let him back in tomorrow? It's not a legal requirement that she promise anything. How are the police instructed to proceed only on those cases that they deem personally acceptable, and which they personally believe ought to be winnable? While the policy is weak it does not account for the repeated wrong-headed understandings expressed by police across the country. They fail to hear that, in law, once police are called in to these events, this is about her and crime and freedom and human dignity, not about the personal frustration of the police or the management of the police time and/or the police budget or even the police version of equality.

The officer on the scene uses his discretion too often in favour of "keeping the peace," meaning the immediate quiet. He should be securing her a chance for freedom from violence and the community's interests in criminalizing violence. So far the policies have not convinced the police on the beat or their immediate bosses of this simple fact. They remain convinced that they are entitled to judge whether she caused it, or whether she shouldn't have been there, or whether she will just take him back tomorrow, or how they should "both" back off and sleep it off. There is no caution in the texts that we could see to the individual police officer to curtail their own resentment and avoid, for instance, becoming punitive and diminishing of women.

It is a common experience for women to be chastised by police during an investigation for exercising our freedom to go where we would like or to do or wear what we would

like. It is also common for women to be punished by being humiliated in front of her children for insisting on aid from the police. Sometimes the policy directs them to call in social workers as though the children are at risk when she has been hit. But how and why this is done makes all the difference. Too often police behave as though the woman has caused the violence and pulling in a social worker is the consequence. Children who witness violence are being damaged, of course, but by the hitter, their father, not by their mother. And if seeing one's mother beaten does the damage, surely the best response of the state would be to make sure the children immediately see their mother being respected by the community authorities. Why isn't that policy?

None of the documents regarding battering of wives refer to rape in marriage. It seems there should be a standard question about this. Feminists ask, "Does he force you to have sex?" "Does he rape you?" or "did he rape you before or after the assault." During any safety assessment, police should be asking if he threatens or blackmails her into having sex before or after he is violent. Of course such questions are only safe after they have removed him from the scene, while they are taking her formal statement. This will provide them with another level of understanding of what she is facing, add to potential charges, give an indication of potential medical care she may need, the stipulations required on any no-contact order/bail provision.

A Document Review: Crown

Women express in recent years almost as much anger at the behaviour and manner of the Crown personnel as they express about the police. But we find that anger much less informed and so much more directed at personality, courtesy, and manner. We know that in spite of crown and court-based victim services, women have very little or no comprehension of what is happening to them in court, and in preparing for court, and they are often ignorant of who is responsible for it. Not telling women what we need to know forces women to comment on personalities and exercises of personal/professional/political discretion instead of legal processes.

Often the protest at the end of a trial more properly belonged at the beginning. We know that prosecutors are overworked and that the jobs are under-paid and in many places prosecutorial work is now a dead end job left to women. The few women who get as far as court have rightful expectations of the system of justice and should not be so often disappointed. Most of the women working with us and calling us are unaware of the Canadian particulars of the interaction between the political directives from the provincial and federal Attorney's General and the protection of independence of the courts. Much more education is needed here. That information should also be available to women and their advocates seeking justice on their particular matter. It is in the interests of the justice system to reveal the political.

Women and the general public, we suggest, are unaware of what to expect and what work to demand and how to complain effectively about prosecutors. It is not in the interests of a good system to keep women ignorant of these legal processes and methods of accountability. In fact, we think there needs to be a more serious examination of how to introduce equality seeking into the consideration of which cases to prosecute and how, from the perspective of honouring the legislative intent of the Charter and the case law interpretations that have accumulated. There is a pressure from the bottom that can assist in the accountability of the system in moving toward a better and better delivery.

Too often both American television and the police with whom she has worked give women the impression that the prosecutor and judge are exercising only personal opinions against her even when they are doing a good job. The political directives from elected officials are invisible to them as are the rules of court and evidence. They are quick to see the nature of law and legal processes as malleable to political and personal interpretations of legal officials, but they are too often deceived about exactly from who and how the pressures are coming.

More materials need to be developed like *Tell it to the Judge*⁸ designed by a family law lawyer in B.C. to help women cope with the courtroom dilemmas of how to speak. This is the kind of material that cannot be developed within the system but must come from trusted advocates in the community. Funding such projects or circulating them once they emerge could help many women to direct their anger usefully in their own case and collectively. We include this example because there are few such documents to instruct women how to cope with the crown.

If sometimes we, as women, are ignorant of what should happen according to existing rules, CASAC is aware that the system itself has almost no information about what actually does happen. Few lower level court processes are recorded or digitalized. Few administrators at the provincial or federal level are aware of the normal handling of violence against women. The process of recording only the exceptional cases works against proper understanding, supervision, and policymaking. But it is with this level of the prosecutorial process, crown obligations, and lower court judgment that we are most familiar. Consequently, when speaking to each other, advocates, and federal officials are describing two realities.

Women know to demand to be seen before trial but rarely are. Usually they are held off by the crown-based victim assistance worker who shows them around the court house or court room, but has no equality driven understanding of why the woman has complained, and what consequently she may need to know to participate fully in her own case. Women are taught to be in awe instead of comprehending the system. And they are virtually never taught how to get the best from the system unless by an advocate. Jane Doe's story, as told in her book and somewhat less vividly in her movie, tells about this promotion to isolation, inappropriate individuation, and patronization.⁹

Advocates are rarely treated with respect by the crown, as though to declare oneself as interested in one's own advance as a historically disadvantaged group impairs the case. Must the crown insist on disentangling each incident from the social understanding before it can be tried fairly? We don't think so.

Often women are advised to drop their connection with advocates so as not to offend the judge. Victim assistance workers who claim a direct link to the wishes of prosecutors tell them this. Even when system personnel tolerate advocates, they do not regard advocates as a useful part of the legal struggle or as important discussants in the construction of the legal case. But this divide and conquer tactic often convinces the women complaining that they must be dishonest about this support because the crown prefers their isolation. It communicates instantly that the crown sees no relationship between this woman and disadvantage. Often it seems to us the legal professionals try to exclude advocates and the community groups they represent in order to avoid the work of informing and accounting to the community. Sometimes the motivation seems as banal as to avoid any critical oversight of their work styles or legal methods.

The individual women are handled with a combination of charm, rudeness, maintenance of their ignorance, and then a reminder that they are ignorant when they express a concern or opinion about their case. It works in the short term but usually backfires sooner or later with anger and non-cooperation from the women.

Many women, both within CASAC and within the group that calls us for help, are very opinionated and have definite judgements about not only how they should be treated, but also about what should have happened at every court step. Their lack of information, however, may undermine their judgements.

Few women succeed in entering the courtroom to complain or witness against violence compared to the numbers that complain to us and even compared to the numbers that complain to the police. That drop-off drastically affects the accumulation of expertise. Even the advocates are much less informed of the rules of court, the methods of insuring fairness, the possible actions, and the democratic considerations at stake. Not only do we need much more research at this level but also advocates need access to learning and teaching opportunities.

The speed with which courtrooms are emptying of violence cases, however, and alternate processes are being privatized may make such interventions a waste of time. There is no role tolerated yet and no role expected for equality advocates in the new privatized mediation, restorative justice, and counselling-based approaches to justice. We think that will exacerbate every current problem for women but hide those problems at the same time until women reorganize to collectively protest or until the system of justice is in such disrepute that women abandon it altogether.

Quebec, New Brunswick, Nova Scotia, Newfoundland/Labrador, and British Columbia all have Crown policies/directives from Attorney General/Solicitor General etc.,

which we were able to get and analyse. All but the Quebec government deal almost exclusively with violence against women in relationships, or battering. Quebec alone has a complete policy regarding sexual assault, including a training manual for crown on the social/political context of rape.¹⁰

We are left wondering why the two sites of violence against women have been separated from each other as the first step in attending to violence. It seems a backward initial step. Surely a policy affecting the relationship between women's equality and violence should have come first to be followed by the specific needs of each crime site and relationship that supports abuse.

There are three documents that speak about women's equality as a consideration which are worth thinking about:

*New Brunswick Public Prosecution Manual—Chapter X—Family Violence*¹¹

590-1-2 Since many complex social factors arise in a decision to prosecute or to continue a prosecution where the accused and the victim live or lives together in an intimate relationship:

(b) Violence against women is depriving many women of their ability to achieve equality;

(e) The elimination of violence against women requires a strong response by officials responsible for enforcement of the law.

*Crown Counsel Policy Manual Core Policy, Ministry of the Attorney
General of B.C.—Charge Approval Guidelines*¹²

2. Public interest test: Public interest factors in favour of Prosecution;

(j) The offence was motivated by the victim's race, national, or ethnic origin, colour, religious beliefs, sex, age, mental or physical disability, political views, or sexual orientation.

*A handbook for Police and Crown Prosecutors: Criminal Harassment*¹³

4.4.2 Evidence at Bail application hearing: Consider invoking Section 7 (life liberty and security of the person) and Section 15 (equality before the law and equal protection and benefit of the law) of the Charter of Rights and Freedoms in balancing the victim's right to safety with the accused's right to freedom.

These documents are no doubt well intentioned, but are weak, and thin in any understanding of the case law and the general promise of the Charter, it seems to us. They certainly cannot be seen to be a forceful application of law to the urgent situation of violence against women. Together they make it clear that much work needs to be done to promote attention to improving the normal crown counsel response to sexist violence.

They also indicate the weakness of the political directive coming from each Attorney General or Solicitor General by each provincial government. It can hardly be seen to be giving the matter political importance.

The above are all in policy or directives to Crown about battering, not sexual assault, and do not seem to apply where the charge or plea bargain hides the violent or sexist nature of the criminal incidents, or the normal occasion of the charge not matching the event in seriousness, or comprehension of the events are part of a system of repression. So many of the situations in which an equality analysis would be useful simply slide through the screen, nearly all are cases of plea-bargaining and pre-judgement diversion, for instance. This would also be true in most cases of charge consolidation as well.

The Quebec manual mentioned above quotes Justice L'Heureux-Dubé extensively, including her analysis from *Seaboyer* on rape mythology. It should also be noted that while the Quebec documents go to great lengths to describe the condition of women and violence against women, the Quebec researchers found no actual policy that would change any of that condition. Again we deal with government policy that acknowledges injustice without redistributing the power that would end the injustice.

The Quebec policy seems to be heavily based in the case law: *Seaboyer, O'Connor and Mills*: all describing the Rape Shield law in its various forms. There is specific direction about the victim's records as a result. In the documents, the equality interests are to be considered and factored in only at Charge Approval and at Bail Hearing.

There is no indication that this line of thinking should be applied to each step of the prosecution. There are some other notions included that we do value. "Since woman assault is a crime and will be treated as any other serious criminal matter, the onus is on the police and not the victim to initiate the criminal process."¹⁴ This would be a somewhat useful application of law, but it is also true that woman assault is not just another criminal offence. It is a human rights offence, a challenge to Charter promised equality, a matter of systemic injustice, and requires a specific approach, and seriousness quite different from the crime of robbing a bank for instance.

Police are to consult Crown as soon as possible about the possible prosecution of the charge, and "reconciling is not, in itself, a sufficient basis upon which to stop a prosecution."¹⁵

The Crown should be particularly vigilant when the offence involves spousal assaults and when there have been any previous breaches of Court Orders by the accused...¹⁶

But vigilant of what, remains the question. If he has already breached, surely the route is already determined. Constantly building in the possibility of non-accountability for men is the problem.

Many of the documents remain degendered: “spousal,” “domestic,” “victim,” and as such, reflect no will to particularly ensure these crimes are prosecuted or prosecuted with equality in mind. While degendering implies neutrality or universality, in fact, it is the application of formal equality at best and damages women’s access to substantive equality. The Crown and crown-advising personnel, of course, know this in law and ignore it when they could correct it for the sake of women. Sometimes equality is mentioned in a way that reduces it to safety alone. And too often there is no indication that the political response or the Charter response to violence against women should be generalized to other crimes or the general treatment of women and women’s cases of violence.

In B.C., while the AG’s VAWIR policy is gender specific at every line, and often speaks to the known and documented conditions of women’s lives, at no place does it speak to the AG’s intention to promote the prosecution of violence against women especially, and to be guided by its role in securing women’s equality.

The B.C. policy on wife assault is the best policy in our opinion and has the potential to influence the case law in violence against women. As noted by the researcher though, too often, cases were reduced (even before pleading) to section 810 Peace Bonds. Is that because the Crowns do not apply Section 15 to the Public Interest consideration?

In any case, the technique of peace bonds has been much debated as a way to move the struggle away from the individual woman by making it a matter of his cooperation or compliance with an order of the state. But too often now the peace bond or restraining order route seems to be understood within the system as ways of reclassifying or gender-ghettoizing the event of violence against women into a space in which it can be seen to be a private matter and not a real crime. The technique of directing the struggle as being between the man and the state doesn’t currently work.

The B.C. AG participated in consultations about a sexual assault policy but did not develop one. The political will did not seem to exist to advance the cause of all violence against women. VAWIR policy does not deal with the rape of wives at all, and this is echoed across the country.

Also built into the “good policies” are more and other sidetracking devices that can undermine Charter provisions.

Charge Approval 4.3: diversion or alternative measures it says *may be* inappropriate.¹⁷ This in spite of enormous concern expressed by women serving violated women in every province. The critique has been carried out at the national level in the Justice consultations, and we were promised by Allan Rock that a strong message discouraging such diversion would be put forward by the federal government to the federal-provincial meetings of Attorney’s General at least as far back as the year conditional sentences were

legitimized. Of course the message has been undermined by the breakdown in federal-provincial relations, which leaves the administration of the new sentences and legal aid problems hanging at the same time. Another shell game?

“4.5.3 additional Conditions: in cases involving former intimates, consider whether the exercise of the accused’s rights to child access *may interfere* with a no-contact order with the victim.”¹⁸ Are we to infer that his right to access the child whose mother he beats could ever supersede her right to escape him with her children?

In these provinces, referring to “woman abuse” and “violence against women is a crime” in a sloganistic way was perhaps prepared for newspaper copy rather than advances in the use of law.¹⁹ The same policies can avoid advising with specific directions as to which criminal code charges to consider and how vigorously, in which circumstances, which would be the keys to moving the rhetoric into action for women, etc.

Crown attorneys will prosecute a spousal/partner assault charge (there is no such charge of course so what does this mean?) whenever they are satisfied that sufficient evidence exists regardless of the victims/complainants wishes unless public interest considerations dictate otherwise.²⁰

Wouldn’t Section 7 and Section 15 be in the public interest? And wouldn’t the better advice be to pursue a charge consistent with the complainant’s wishes? This way of phrasing and conceiving of her hesitancy sets up the system against her. Why not recognize the burden that has been placed on her unfairly to resist him alone and relieve it. Most complainants and witnesses in trials against powerful violent offenders have to be encouraged with safety and enlightened approaches. So do women witnessing against the men who have over-powered them.

Many of the convictions are plea bargains and diversions. Many pleas bargained were for battering. It is still very unclear how many of the plea-bargained incidents of violence against women were committed by men known to the women. This area requires much more research. We suspect that familiarity with her helps attackers use the Crown in and out of courts to avoid consequences and together the Crown defence bar and the attacker avoid the work of equality considerations.

A Document Review: Court

We saw a judge in Vancouver (whose name we lost along the way) speak wisely to a young woman in court. She asserted that the man who beat her and was being held in jail pre-trial could come home to live with her now. They were reconciled. The judge explained that he would not be releasing the man from jail until he had a separate address because the charge was serious and they each had separate interests in the months of proceedings, that those separate interests had to be protected. The assault charge had to be handled. He did not lecture her about her choices or her past choices. He simply took the power in his hands to protect her interests and kept the man in jail until he made other plans and pro-

tected her with the legal processes. She was satisfied that she was handled as an adult with full responsibility for having called the police and complained of violence and who may well reconcile with this man in the end. We wished that many prosecutors in and out of the courtroom had been circulated that particular judicial speech for use.

Trying to understand how women's cases are lost in the courts is a life's work of course. And we are grateful to the women lawyers and academics that give their lives to understanding and resisting this force against women. In this WORK, we limited ourselves to much smaller goals. We wanted to get more familiar ourselves with the court room since rarely do our cases move past police complaint, recommendations to crown, and the Crown's authority to deal and divert and past the political road blocks being imposed through directives. It is rare indeed for women to have their day in court. When they get there and face shockingly ignorant and damaging judicial behaviour, they are devastated.²¹

CASAC centres have, in recent years, intervened in high profile cases to offer assistance to women already isolated from advocates and facing alone the commercial media and the alienation of court processes and the hostile political climate.

We have done so irregularly as court observers, as companions who offer emotional support, as political campaigners, and as legal "friend of the court" interveners. This is in many ways an area of work forced on us.

We observe that at the local level, for one reason or another, some women seem determined to challenge male attackers in the courts. They seem to us to be trying to use the courts against fathers, institutionally appointed or surrogate fathers, men with community prestige, and professionals using their positions in the community in particular.

They know the odds of a conviction are not good. They know that they will be pilloried in the press and that the process itself is arduous. But they are rarely prepared for the hostility they face. Many centres now approach women complainants to offer assistance at all levels. Sometimes the initial court battle is only the beginning of the process. This forced us to learn more about the system as it exists and as it is changing and to develop techniques with which to be politically useful. No centre is paid for such work nor for the media and public education work that must follow, but for the movement to ignore the need for it would be foolhardy.

The women's movement internationally is becoming more and more integrated with anti-racism, anti-globalization, and insistent on economic equality. Simultaneously, we experience the abandonment of many liberal feminist leaders, especially those working within the justice system and the professions. Many were only attached in their actions to formal equality achievements. We know that Canadian working-class women are having to acquire the expertise to play more of a role in leading our own legal strategies, both defensive and aggressive, because we want those efforts to contain and be consistent with a world-wide integrated feminist analysis. Of course, in so doing we construct the new alliances that assist women in their individual cases.

The understanding of links between trafficking, immigration, and labour policies controlling domestic workers, and the rape cases they bring is an example. The crown is unlikely to make those connections without our presence. The prosecution of a man abusing his mail order bride is another. The prosecution of a psychiatrist, or police officer, or father requires similar contextualization unlikely to happen in the telling of an individual woman and the hearing of an over-worked crown official. But without that context, the case will not protect the Charter rights of the women involved and certainly will not aid the women who never get to this level of the engagement with system.

Women complain to us about the plea bargaining process, the length of time to get through each step, the manner (behaviour and speech) of the judge, the diminishing of the status of their women lawyers, the not so subtle diminishing through racializing of their lawyers, the continued allowance of the defence's ill-treatment of themselves, being treated by court officers like a mindless agency-less "victim," the disinterest of the key players in the well-being of the women and children involved, the public, uncontested, cavalier (often off the cuff) admonishment for her life decisions.

All of these things are matters of law, not just attitude.²² They do not show up as problems corrected or behaviour curtailed in any of the documents collected by researchers. The people who impose and/or witness and tolerate these indignities make the decisions and conduct the case legally. Women and their advocates are aware of the breaches of equality and are clearly cognisant of these as statements of the alignment and allegiance of the justice system. Women often complain that even in winning a conviction they suffered more indignity than they counteracted. This is the current state of the system's disrepute.

Our document searching focused mostly on criminal court where we expect to find violence against women but of course it dealt with family courts as well because that is the site of most violence decisions.

Nova Scotia Family Court Act, Section 5 has clear statements of "equality principles." Direction is given to the judges to "strive to be aware of gender, race" etc., to "disassociate themselves and disapprove of irrelevant comments demonstrating discrimination," and "should not be influenced by attitudes based on stereotypes," even going so far as to recommend demonstrating "sensitivity and correcting such attitudes" as they appear in the courtroom. And while the policy does not direct judges to be particularly aware of women's participation in the courts, gender and sexism is primary.

Rewarding and directing such behaviour in provincial and federal courts, particularly those lower courts dealing with criminal cases, would go a long way towards changing both women's perception of the courts and how we are treated while engaged there.

The *Saskatchewan Victim's of Domestic Violence Act* would be an example of exactly the opposite—no specific direct references to violence against women at all, no analysis of the violence in relation to gender, race, or class. There is definitely no way to infer a concern for Charter rights. This act is relating to criminal law, not family law.

We clearly made a mistake in research design by not asking more questions that would link the policy to the charge-tracking sheet.

A Document Review: Sentencing

This area of the justice system remains the most mysterious to the women interviewed, the women using the rape crisis centres and transition houses, and to the advocates themselves. Documents affecting sentencing exist across the country, but few of the researchers were able to get them, in fact, many were denied access to them outright. Most women did not understand the connection between the federal guidelines for sentencing, and the provincial administration of justice policies, and the political pressure for punitive responses to other crimes, and how they work together.

Victim impact statements, as a pre-sentence document, are in use nation-wide. We encounter it more often because these forms and outlines for these documents are often handed to women in their initial crown appointment. They are told to fill them out and hand them in before trial starts. Women are given the impression that they are affecting the case. Of course, they are ignored until the sentencing (after both trials and judgement) and are not a legal statement, but defence lawyers who have access to them pre-trial have the right to cross-examine women on their contents. Often they pathologize her version of events, including her opinion. It sometimes seems to us that women are invited to declare themselves destroyed mentally, socially, and even medically as proof that rape or beatings are hurtful subjugations. A backward legal assertion and dangerous to the case. We have never seen encouragement to express her opinion about how the violence constituted or demonstrated indignity, or even interference with security or privacy, or other expressions of equality understood before the Supreme Court. Certainly she is never asked if his behaviour undermines her equality with him and other men, her ability to live life fully as described in the Charter. She is only asked to describe her interior, her feelings, and her body, and to medicalize those descriptions.

Women are left with the impression too that there will be a direct connection between the harm they assert and the sentence, which is misinformation, of course. When we tried in the project to examine the impact of specific references to violence against women, etc; the impact of the use of gender-specific terminology; and the impact of references to women's inequality, we found ourselves at a loss. The instances of references to women and violence against women are so seldom as to be negligible. And the morphing of criminal and civil processes into medical and "community" ones somehow just disappears from the documents.

The absence of women from hate crime legislation is annoying to many. But inclusion would be of very little benefit since recognizing violence as hate crime in this way would only affect sentencing. The merit we can see in such a proposal is the public discussion that would ensue. Many women are unaware of this omission on the part of Par-

liament, and the matter has been raised again in response to Svend Robinson's leadership regarding the inclusion of hate crimes against gay people.

When they are mentioned, it is only as a degendered victim or spouse whose feelings must be considered in sentencing. Once or twice, considerations of her safety are built into policy—victim notification of release dates, etc. These are ostensibly so that she can use that information to protect herself: a useful but woefully inadequate response to women's danger. Protecting her or us collectively is not the point in any sentencing considerations that we can see. The references seem to leave the researchers with more questions, and they are unable to find the answers either from a person or another document. Overall, the documents gathered do not measure up to even the most basic demands for law reform.

We did not have a corresponding policy question for sentencing: were there sentencing guidelines? Where they followed? But more importantly, we didn't follow the diversions to various sites. This again is research needed from the grass roots that should be pursued. Our observations are that most cases of violence against women are not criminalized in the first place. of those that are, they are dispensed with as:

- Common assault in response to rape and wife assault resulting in diversion to medicalized responses imposed without legal consideration for equality effect, (certainly without considerations of women's dignity, or equality, and also without mind being paid to men's and boys' rights as accused persons and prisoners);
- Peace bonds with or without bail conditions but no equality and safety considerations;
- Diversions without charges to an education model called "John schools";
- Incarceration of young women in social service centres or juvenile detention;
- Civil Restraining Orders unsupported by enforcement;
- Break and enter charges completely hiding the character of the crime;
- Incarceration for drugs, theft, and other crimes, rather than for the sexual violence;
- Murder plea-bargained to manslaughter.

CASAC has not endorsed a call for longer sentences or greater incarceration, but we have insisted that pre-court diversions must end.²³ We need public, legal, and recorded processes to increase accountability within the courts. Progressive approaches to sentencing are fine with us but the current pretence is not.

Most women never see their cases get this far but when they do, there remains both a lack of information and a lack of understanding. Women using rape crisis centres and transition houses usually report being dissatisfied. Even having come this far, they are offered no hope from the justice system that they will be safer and freer as human beings. And in that moment of disappointment and distress, they are approached by the commercial media and other political forces inviting them to make statements that would satisfy vengeance, rather than equality. We all live with the consequences.

Notes

1. *R v Godoy*. (1999). Supreme Court of Canada pp.21-22.
2. *Ibid*.
3. Others think this too. See: Rigakos, G. (1994). *The Politics of Protection: Battered Women, Protective Court Orders and the Police in Delta*. Burnaby: Simon Fraser University.
4. Told to CASAC in front of a class of students in Aboriginal Studies at Langara College. Tape available at CASAC office.
5. Culbert, L. (2003, September 24). Families say they're left out after talking to media. *The Vancouver Sun*, p. B3.
6. Judge Josiah Woods's inquiry of the massacre at Vernon. Wood, J. (1998).
7. Gorin, T. (personal communication, May 14, 2003).
8. Ruth Taylor a treasured local family law lawyer finally produced her own public education tools for women facing the courts this was one of the most useful handouts we had seen. Taylor, R. *Oh Yeah Tell it to the Judge: Every Women's Primer on Testifying in Court*. Notes available at Vancouver Transition Houses, including Vancouver Rape Relief Shelter.
9. Doe, J. (2003).
10. Gouvernement du Québec (1995). Guide des Pratiques Policières. Agression Sexuelle. Author. Gouvernement du Québec (1995). Agression a Caractere Sexuel. Directive. Enquete Criminelle. Surete du Québec. Author.
11. New Brunswick Public Prosecution Manual (1996). *New Brunswick Public Prosecution Manual*, Chapter X, "Family Violence" (p. 590-1-2). Fredericton: Author.
12. Crown Counsel Policy Manual Core Policy (1999, October 1). Ministry of the Attorney General of British Columbia. Subject: Charge Approval Guidelines.
13. Prepared by the Federal/Provincial/Territorial Working Group on Criminal Harassment for the Department of Justice Canada.
14. New Brunswick Public Prosecution Manual (1996). *New Brunswick Public Prosecution Manual*, Chapter X, "Family Violence" Fredericton: Author.
15. Newfoundland Attorney General and Solicitor General (1996). *Crown Policy Manual: Directive of the Attorney General and the Solicitor General Regarding Spousal/Partner Assault*. Author.
16. *Ibid*.
17. New Brunswick Public Prosecution Manual (1996). *New Brunswick Public Prosecution*.
18. *Ibid*.
19. Newfoundland Attorney General and the Solicitor General (1996). B.C. Ministry of Attorney. (1996). *B.C. Attorney General Violence Against Women in Relationships Policy*. Victoria: Author B.C. Ministry of Attorney General (1999). *B.C. Attorney General Violence Against Women in Relationships Policy*. Victoria: Author.
20. Newfoundland Attorney General and the Solicitor General (1996).
21. The *Ewanchuk* decision and debacle in Alberta is an example of the trial judge; *McLung's* sexism undermining both the case law and required sanction of the judge at the SCC level in order to see to the woman's right to a fair examination of the evidence before the court.
22. Wilson, B. (1993).
23. Lakeman, L. (1993).

May/Iles and Hadley Wife Murders and the Use of Coroner's Courts

The willingness of some men to end two lives rather than lose a woman has created its own category of crime.”¹ She was referring to the deaths of at least Arlene May and Gillian Hadley. Thanks to the outrage of the community and the advocacy and organizing of the Ontario Association of Interval and Transition Houses (OAITH) with assistance from METRAC, both cases remained front and centre of the media and government agendas for months. Within two years of each other, both focused coroners’ inquests on wife assault and both coroners’ juries made wide-ranging recommendations for equality-based systemic changes.

OAITH, among others, used these inquests as legal venues in which to intervene on behalf of the women dead and those still under threat in their marriages. Both women had struggled to leave abusive men and had tried to use the state for protection. Both men had a history of violence and were under court orders to stay away from the women. Both men could have been detained and were not. They are typical, not atypical.

In the 1998 inquest into the death of Arlene May, the jury made some 213 recommendations. Randy Iles had been free on bail while facing charges of stalking, assaulting, and attempted murder.

By 2000, Ralph Hadley had been examined by police in the previous six months for incidents involving threats and actual violence against Gillian, his ex-wife. Each time he was released.²

We fear Risk Assessment is the newest boon-doogee for government funds. Already there are lobbying efforts to use the public discontent with the justice system in these cases to train, test, monitor, and evaluate risk assessment tools. While we have no objection to such tools, they will not compel officers to do the right things, nor will they deal with the time limit attitudes and promotion/peer review issues that seem to most directly affect these decisions. What assessment tool could possibly be necessary to improve on

the understanding that each official would have made in dealing with Iles and Hadley? Officials including court personnel, prosecutors, police, all knew these men were dangerous to their ex-wives. No check-off list is needed. They had repeatedly threatened and abused. Law and policy was available. Criminal justice resources were available. The media coverage of the May/Iles inquest should have been adequate reminder to those dealing with Hadley.

According to Statistics Canada about one in five women who leave a violent partner will continue to suffer abuse—often on a more severe scale—after the separation. The killing of a spouse accounts for at least one of every five homicides across Canada. Femicide!

Adequate police enforcement will deter men from breaking court orders.³

But we must decide, too, if the process of examining deaths in public inquests and inquiries will make a difference. CASAC argued for inquiries and the public funds for the participation of equality-seeking groups.⁴ In these cases, the process did respond to public pressure and did focus some government attention on the problems. Some new transition house beds have been funded, and some policy changes have been made. It was massively time-consuming, expensive, and, so far, only minimally productive. The Ontario government has already adjusted away from the most important recommendations. For instance, although deaths from wife assault will be examined, the results will be revealed only to the chief coroner's office. The public response will be controlled through secrecy. There is no obligation to reveal to the public the results of those examinations.

The 24-million-dollar introduction of a new divorce court system is promoted as a response to the murders and inquiries, but is, of course, something that was planned much earlier as a response to the costs of the administration of justice. That planning has not been adjusted to better insure equality interests.

Notes

1. Huang, R., and Appelby T. (2000, June 21). Baby Saved as Husband Shoots Wife. *The Globe and Mail*, p. A3.
2. Luciw, R. (2000, June 23). Risk Assessment Could have Saved Slain woman: Advocacy groups. *The Globe and Mail*.
3. Eyherabide, E., and Shess, P. (2000, July 2). Spousal Abuse: How to Stop the Killers. Law-enforcement Officers Must Treat all Acts of Domestic Violence as a Crime, Say the San Diego District Attorneys Pioneering Spouse Protection. *The Globe and Mail*, p. A11.
4. Lakeman, L. (1993).

Another Hundred Women Tell Their Stories

In the interviews we were interested in what a new group of women might tell us of their experience trying to use the “justice system.” We were also curious about what they understand about their entitlement to dignity, equality, fairness, and justice from the system. We also attempted to hear what understanding of the law, equality, and violence the rape crisis workers and the women themselves hold.

CASAC LINKS interviewed 108 women during the course of the WORK. These women were callers to their centres, callers and users of other centres within the region of the participating LINKS centre, or women who answered a public invitation for participation in the research. Over the course of the research and analysis of the data collected, 92 interview subjects were accepted and their interviews analyzed.¹ We want, too, to thank those women who offered their stories even after they knew that they would not meet the research criteria.²

The following interview analysis quotes those 92 women and sometimes the advocate researchers. The findings were consistent with the experience of the other women from their centres, and the stories told to them by thousands of women who call the rape crisis lines and transition houses every year. We understand these interviewed women to be a small sample of the women who use both the Canadian state and CASAC in their response to the sexist violence done to them by men.

Official documents were collected. These included policy and procedure manuals for five levels of the “system”: the 911 level, the police level, crown involvement, the courts, and for sentencing.³ However, overarching all these documents are the *Charter of Rights and Freedoms* and Canada’s international agreements as articulated in the *Convention on the Elimination of all forms of Discrimination Against Women* (CEDAW). We were interested to see how the state avoids convicting. We speculated that both sexist images of the women complainants interfered, as did a failure on the part of state functionaries to apply the equality provisions of the law.

We agreed with both the Canadian government in legislating the Canadian Charter of Rights and Freedoms and endorsing CEDAW as to the relationship between equality

and violence. Since those documents are both accepted and promoted by the government of Canada, we grouped women's experiences, as described in our interviews, to see if and how their experiences revealed the law being delivered to or accessed by the women involved.

Most women who are victims of male violence, in whatever form, do not involve the state. They do not call the police to report the crime and do not voluntarily involve the system in any way. Only twenty to thirty percent of the women who call our centres also call the state. This figure has remained the same since the first surveys in the 1970s.

CASAC women continue to debate whether and when it is wise for women to use the state and when it is dangerous. We debate when policy changes serve other state agendas more efficiently than they serve women's equality interests. "Mandatory" arrest policies, for instance, are still controversial. But it has been the policy of all CASAC centres to support the will of the women calling regarding their personal situation and their personal decisions about how best to cope.

Consequently, all centres have always assisted women who call the police, complain to crown counsel, and complain to the state about the violence they have endured or survived. CASAC has never wavered from the belief that women have a right to use the rule of law and the involvement and protection and relief of the state to assist them in resisting their oppression, including the particular acts of violence we call violence against women.

For the purposes of this WORK, CASAC decided to interview only women who had called on the "justice" system as a response to a criminal attack by a man. Rape crisis workers were trying to learn more about what, whom, and how forces were thwarting the efforts of those women who did want to use the system of "cops, crown, and courts."

Although it was not part of the initial research design, workers, we learned later, set out to find women with cases that had an evidentiary potential to last in the system. In hindsight, workers accounted for this by saying they thought perhaps only their centre had so few women who wanted to report and that they worried they would not have enough cases unless they pursued willing women, beyond their own callers, as research subjects in the first research year. We did not anticipate this in the design but see the logic of the researchers now.

Because of this choice, we have stories that continue through each stage of examination. Instead of the array of "worst cases" in which women's complaints are dismissed early or even an array of "normal cases" in which most women's stories come to naught, we have interviewed a group which stayed in the system and proceeded in many instances to conviction. That this is not typical of what is experienced in our centres was confirmed in the minutes of our last meeting between CASAC Regional Representatives and researchers.

Even this group with an unusually high conviction rate expresses meaningful discouragement. Their distress and thoughtful dissatisfaction are evident in the stories they

reveal and the judgments of the workers to whom they are speaking. It is consistent with our overall experience of thirty years that even these “successful” cases fail to meet the standard set in law.

Hundreds of women responded to our call to participate. The discourse, the back and forth education about violence against women, about our equality and expectations of liberty, the daily teaching and learning about the law and the criminal justice system: all of these played a part in grounding the research, and in developing the analysis of the research data. Keeping all of that in mind, the workers at the rape crisis centres who participated as researchers and forged links between centres in a pan-Canadian conversation, their co-workers (paid and volunteer) at the rape crisis centres, transition houses and women’s centres, the women who complain about violence to us, have all cooperated to produce a collective wisdom in this report.

In this section we have limited ourselves to the answers given to the research questions as they emerged in the dialogue between researchers and those interviewed. In the qualitative research used here, we were interested in how similar and unique these next hundred women’s voices would be. Although there is no quantitative design to the research, we have included numbers at times to give a sense of whether we are speaking of single or multiple experiences or perhaps even normalized experiences of the system.

What 100 Women Say About Emergency Response

In most of the country, women have access to some form of emergency state response to an attack. This is not true on reserves and not true in many areas of the north and rural Canada. But our study was based in urban centres. Usually, the woman interviewed has 911 emergency services available: where an operator takes a call, and makes a determination as to the nature of the emergency, and sends out the ambulance or police. For some women, a centralized 911 is not available and the local police, municipal, or RCMP act as the first emergency contact.

There is no nationally consistent 911 service, nor is 911 consistently part of, or overseen by, the police or any other emergency services of a region. Over the course of this work, many 911 services have changed, have been amalgamated, or are in the process of being so. In British Columbia, for example, 911 services are now privatized under a corporation that coordinates responses for the whole of the province. In Nova Scotia, 911 services for the whole of the province are answered out of Halifax.

We were interested in the nature of the assessment methods, the tracking of calls, and whether calls are assessed and routed in a way that maximises women’s safety and equality. In some regions, as in Newfoundland, there was no access to 911 available to the women during the time in question. The women in these regions call upon the Royal Newfoundland Constabulary. In Nova Scotia, where 911 services are centralized in Hali-

fax, women in the outlying areas, like Antigonish, rely upon the RCMP and make complaints to them directly.

- Far fewer women called 911 than we expected;
- Women called 911 themselves and fifteen women dealt with 911 because someone else called for them;
- A total of 37 women dealt with 911;
- In 49 cases she called the police directly;
- In 23 cases someone else called for her;
- A total of 73 women contacted the police instead of 911.

For some of the women who did not call 911 where it was available, they did not because they believed their attack did not warrant an emergency response. They themselves did not deserve such a response, or they judged that the danger of future violence increased because of the use of 911.

It was no surprise to us that women don't like to bother caregivers and hesitate to regard their own needs as emergency. But we were surprised that 911 operators are clearly not trained to handle the reality of assisting women.

At the time, I didn't think of this as a crime really. And he always sweet talked me, or convinced me it was my fault, what had happened. I felt sorry for him too.

No. I didn't think to call them because I was so ashamed at what happened and blamed myself for drinking and going with strangers in the first place.

She did not call 911 because she "didn't want to cause a scene. It was me."

Question: What do you mean?

Answer: I'm not important. I feared for my life if I tried to call 911.

Sometimes women cannot sensibly trust that calling for help will be safe. And this study does not provide reassurance that calling 911 will get women quick, equality-based intervention, and safety. Regularly, the imminent danger to her is neglected in the 911 processes: In only ten cases did the emergency response actively assess her safety.

Her ex-husband beat her. She tells the operator the attack is over because he has left but he has a gun. In the past and in his threats to her he expresses suicide. The police judge him more a risk to himself, rather than to her as well as himself, in spite of her judgment and knowledge of the opposite risk. Well, that risk is public knowledge.

I told them I had been assaulted by the neighbour. They told me I was not the only one assaulted that day. They asked where he was, where the assault had taken place. They said the police officers will give me a call and then hung up. I called back, and that's when they said there were other people requiring po-

lice assistance, and I should be patient and wait. They hung up again. I called back and insisted. They were rude and hung up on me. She said if you get off the phone and stay off the phone then the police can call you.

Half an hour later the police came into the driveway, they hadn't called, they just showed up. There were two officers.

It was September, Labour Day long weekend. The Indy [a high profile annual car race] was on. I called 911 because he had called me at work. I said that a man with bail orders had violated the order. They asked if I was safe or in immediate danger. I said I needed to report this and get something done. Because of Indy, the operator told me it would take up to fourteen hours to get a police response. I said I'd go to my friend's house and call back the next day. In the end, I waited until the next day, and I called again, explained the details to that operator, and asked could they send someone out now. I asked how long it would take. They said they didn't know.

Sometimes he could be a danger to others and quick action could be preventative as in this stranger assault:

I called the police; it had to be around 10:30 p.m. I was very distraught; I had to take a breather. I sat down for a little bit and then I called. I told them, "I've just been mugged," and she said, "Hold on I'll transfer you to dispatch." Dispatch answered and I said, "I've just been mugged, I've just been attacked, please send someone right away." She said, "Yes ma'am, no problem." Then, I went downstairs. It's a secure building with a glass door, and I sat there and it must have been at least 45 minutes and still no one had shown up. So, finally I went back upstairs, it took me a bit of time, and I called back and asked where the officer was. They just complained that they were having a busy night, saying, "Sorry ma'am we're very busy tonight." "We'll try and send someone as soon as we can." I went back downstairs, and I waited and waited again, and finally an officer showed up.⁴

Sometimes there was benefit to the woman other than getting a police response, in that she got some emotional reassurance from a call handler:

Female operator answered and she was fabulous. Things had calmed down but the operator suggested she would call me back and she did, and then she (911 operator) called the RCMP for me.

In only five cases did 911 operators keep her on the line until police arrived. Contrary to popular mythology and what women see on TV all the time, the 911 operators did not usually keep women on the line, instead took the information and said the police would come or the police would call. Women responded that they were surprised about this, especially

in cases where they judged that the situation was volatile and their fear was elevated. The interference with his isolation of her was part of what the women were seeking.

They do not ask if the attacker is her husband or ex-husband. It is a vital link to any assessment of the imminent danger. The danger of ex-wife murder and assault by ex-spouses is common knowledge now. It is shocking to realize the implications of maintaining a wilful ignorance. All women should be assured quick intervention and proper policing. In our judgement, the risk to life and security goes up tremendously if the man threatening, harassing, or even lurking has been an ex-husband within the last two years.

In one case where the caller, who is racialized, is known to the police (because of past calls of wife battering), the 911 operator did ask about weapons and elevated the priority of the call as a result. The police arrived en force in this case and arrested the man. The inappropriate, racialized and infrequent nature of this leaves women wary and not trusting of the police: "They take their sweet time. If he came down to kill me, then what, I would have been dead."

I called and explained that my husband had dropped off the kids and assaulted me. The female operator asked "Is he there now?" I said, "No, he has left." The operator then said that the RCMP would get in touch with me soon. She didn't ask anything else.

In this case the RCMP did not respond to the call and the woman called again and the police still did not attend to the call.

Women Did Not Get the Emergency Medical Treatment Required: In Only Five Cases Did 911 Ask if Medical Care Was Required

This woman called following an assault by her husband. The police did not ask about injuries despite the fact that it is later revealed at hospital (she went on her own the next day) that she suffered a broken tailbone and broken nose. She had a dependent baby at home and in the emergency she did not want to leave without the baby. The police did not secure her safety or that of the baby.

They just told me about shelters. I told them what was going on, but I didn't have any visible signs at that time, I guess. [Interviewer: Did the police take a statement?] I'd written one before, the time when I called them at 9 p.m., but not this time that I can remember. [Interviewer: Did they take pictures?] No. [Interviewer: Did they talk to your neighbours?] No.

Women were not advised as to how to secure themselves in the situation (i.e., going to a shelter, securing her locks, having someone come over).

An RCMP officer called one hour later and asked if my husband was still there. And he asked what happened. He then said that he was getting off shift

and couldn't come that night. He said, "I will come talk to you when I get back on shift" (in three days). This RCMP officer never called her back.

They didn't give me numbers for victim's services or a transition house—they didn't give me anything.

They sometimes make the situation worse by asking, inferring, or suggesting that she was exaggerating the danger by inferring she was in the wrong.

No, nothing was said to make it easy for me, there was no concern, no caring attitude, I was treated as if I was a nuisance, I was made to feel as if I was adding to their workload, like I was making it up.

No, they don't make anything easy. They ask questions in different ways. "Are you sure? Are you sure?"

In the case of this woman calling about her husband's attack the response is: "Is it an emergency? Is he there now?"

While it was rare, a woman did tell us of a full and helpful response from 911: 911 assessed the level of danger and got the police there in force. The caller had indicated weapons, past assault, children in the home, suicide threats.

They wanted to know what was happening, if he had weapons, where my child was, what was my name and information. They kept me on the phone. They wanted to know if he was on drugs or drinking, and his name and his birth date. I told them all that information.

Women call for help in situations where they understand themselves to be overpowered and at risk, and are clearly calling for state intervention to save their lives and liberty, even if they have low expectations of delivery of that aid. Women expect to be treated with respect, to be taken seriously, and to have the police attend, immediately.

Women did not get immediate, dignified, or secure treatment of her person, or of women in general, as promised by the Charter of Rights and Freedoms. We can even say that sometimes 911 staff and the police collude with patriarchal power against her or against women in general. Women are made to feel sometimes that they are either a nuisance and/or that their situation does not warrant emergency response. Often they are encouraged to feel grateful that someone believed them at all. They rarely experienced that we have given all as a community using state resources determined to assist her.

100 Women Assess Initial Police Response

CASAC has documented for ourselves that 70 percent of the women who report to rape crisis centres refuse to officially report the crimes against them to the Canadian state. That percentage has remained fairly constant for thirty years. Anti-rape workers discussed it in our first national exchanges in the 1970s, and we discussed it in the May 2003 meetings between the CASAC regional committee members overseeing this report.

CASAC has speculated and surmised at various points that women have many reasons for not reporting, but in this study, we looked to see if one factor is their understanding of the inadequacy of the protections of rights including women's rights in the criminal justice system. The women in this study decided to report and were consistent in their efforts to engage a response that worked for them.

Did the police come? In 60 cases the police responded. In 15 more cases she went to the police station herself to file a complaint as an immediate response to the attack. In the other cases, the attacks were historical and an emergency response was not required. In the following case of an ex-husband attacking when at her place to pick up the children for visitation, the police did not respond:

An RCMP officer called one hour after (the call to 911) and asked if my husband was still there. And he asked what happened. He then said that he was getting off shift and couldn't come that night. He said "I will come talk to you when I get back on shift (in three days)." (This RCMP officer never called her back.) Ten days later, I called the RCMP and said that no one had gotten back to me. He came within an hour, took my statement. He wrote as I spoke, then I signed it.

The following day, I took myself to the hospital with a friend (at the suggestion of her lawyer) and had my injuries documented by the hospital (bruises, head swollen).

On the whole, women say that the police response was timely, except for some notable exceptions, as in the case mentioned previously where the 911 operator stated the police wouldn't be attending for at least fourteen hours because of the Indy race; also the case above where the police did not attend at all, and the following:

The police said that they would be there within a half hour but did not show up until two hours later. "She had to make a second call to see what was taking so long. She was afraid the attacker (her boyfriend) would come back," noted the LINKS worker.

The definition of timely manner was not responsive or inclusive of her safety, prevention of crime, and respectful of her. The following positive example of police response is rare. In this situation the woman has called about her current husband's attack and the police respond within fifteen minutes. She called directly to the police, not through 911. The police in this case arrange for her immediate safety and prevent imminent harm by taking her to a transition house and arresting him.

They were very nice, supportive. I wrote down what happened, he read it back and I signed it. He told me they were going to press charges. I didn't want this. I told them this. They gave me 45 minutes to pack and meet them back at the station. They offered to come with me to get my stuff. I started crying because I was sad and felt stupid for not knowing the law. I had to go to a transition house.

There are a few cases where the response from the police demonstrated a serious attention to the threat and danger she is experiencing. Two notable examples involve a stranger rape where the police attend promptly and take the woman to the hospital for forensic exam. The other is the case of a racialized couple when the man, who is known to the police, attacks his wife and she calls the police. The man is known to have weapons, and there are children involved.

The police came, brought dogs, when they came in they took all the things they needed for the court—coffee cups, bedding, my housecoat. They took me to the hospital in the ambulance, the ambulance attendants were fine.

They came within ten or fifteen minutes. Police cruisers and a van came. Maybe eight officers came. He's well known, that's why. When the police came, I walked out to the alley to meet them. They wanted to know if he had outstanding warrants that I was aware of. They ran his name before they went in. They asked if he was alone with my baby, if there were any other exits, and what he was like temper-wise. I told them what was going on. They asked if he had weapons, and I said, "Not that I know of, just kitchen knives." I told them what I knew. They wanted to see picture id from me.

Women told shocking stories of police responding to their situation with what they interpreted as disdain, disbelief, rudeness and, in at least one case, blatant racism. This does not seem to us to secure her dignity as a person or her general liberty. Nor have these women been treated in a manner that suggests respect for women in general. Women are reluctant to call in the state for fear of rejection and disbelief, and the response from the police in many cases underlines the reason for their mistrust.

I remember going up to the police station, going up to the desk, to the female, *not* the male officer, thinking she would be more compassionate. But she was loud, and asked questions of me at the desk, in the lobby: "What kind of Assault?" "Was it Rape?" "How did I know him?" "Where and how did it happen?" "Did he ejaculate?" "Did he complete?" "All in public!"

I went to the police and the police say, "Why did you wait?" So I said, "I was scared, and the policeman was one of his friends." So, he knew I was French, and he was French, so he made the interview in English, and he was completely French too. I was really upset with the police. I said, "You're one of (husband's) friends," and he said, "No, I just know him like that." And he tell me that he is going to arrest him, and he's going to be in jail for the week, and he called back that night, and he said, "Well he's not in jail," I say "why," and he say, "because he's working."

A young woman tells:

"My mom said to call the police right away," and I did. They (police) wanted me to go there, to the station at 11:00 p.m. I had no way of getting there, "Can you have an officer come and get me? I don't have a vehicle, there are no buses after 11:00 p.m., and I'm certainly not walking there." They said, "No, we're not a taxi service." I said, "Fine, well I'm coming in the morning then." He says, "Well this must not really be important to you then." I'm like, "No, I just don't have a way of getting there. Do you want me to get killed or raped on the way there? It's called common sense here pal. I'm not like you, I don't carry a gun with me everywhere I go." So, I went in the morning.

We called them and they came over. They sent two investigating officers, one man and one woman. The man was obviously the main investigator. He was tape recording and he wanted all the details—he was very rude. It's like he would get mad at me because I was crying and stuff. He would stop the tape and yell at me. He'd ask me the same question over and over. He'd say, "I'm not here for a joke, if you're just making this up." He was there because it was his job, not because he wanted to help someone.

The police came and they were really ignorant. After I told them what happened they asked me, "What did you do to get him so angry?" After that I wouldn't answer any of their questions. I couldn't believe they were blaming me when I didn't do anything wrong.

He is Eskimo, he was wearing shorts, and they said "okay, chief, get your coat." So there were racist remarks. I was going to say something, but I thought it wasn't up to me anymore. They said, "I'm tired of you Indians beating each other up." The police never looked for weapons, but maybe because I told them there weren't any.

When women call the police and request intervention in an instance of male violence, they expect that the police will protect them, arrest him, confirm with evidence that a crime has been committed, and that someone other than her believes an injustice has been done and will be righted. Often police did not attend to safety and her personal security.

The woman's ex-husband had called her and told her he was coming over with a gun and she should call 911. When she reports to the community police and asks that they come around to her house they respond with "why should we go to your house." The woman's reaction is: "I guess I live in a dream world."

Her husband beats her and terrorizes her. Nine hours later she escapes while he is passed out. She goes to the police. They agree to arrest but have trouble finding him. When the husband calls to say he is coming over she calls the police to let them know. She asks that they not announce their arrival because

she is fearful he will become violent again if he knows she has called them. They endanger her by agreeing to the plan of having him in the home alone with her and ring the bell when they arrive instead of coming straight in.

She is physically assaulted by boyfriend/common-law and runs out of the house. She called 911 and told them that a man has beaten her. Police take her back to her place where she expects he still is but he is gone. Police say call if he comes back knowing that he lives there and surely will return. She is hesitant to leave perhaps because this is subsidized housing she cannot afford to leave to him.

Her husband was choking her in front of her infant daughter on Christmas Eve. Her family arrives and his brother arrives for a celebration of Christmas and they all hear her. Her aunt goes downstairs to her grandma to call the police. They wait an hour for the police who stay two hours. The police separate them: him with baby and police in one room and her with family and another officer and her husband's brother who is a lawyer in another room. After questioning the police ask her if she would like to leave and she says "not without my baby." Police say there is no threat in spite of the visible marks on her neck and face and the witness statements. The same officer says to her mother that he didn't feel this was a dangerous situation and that in spite of her mother's concern it would be safer for "all of us to leave." She pointed out that if there was a suspicion of abuse they had an obligation to press charges. They continue to respond as if she were asking a question about the appropriateness of a charge rather than that she was asking for implementation of the law and policy. No pictures are taken and no charge is recommended.

Ex common-law is harassing her. She and her sister return to the flat to find that he has broken in. He was gone. She and her sister call 911. Police responded quickly in seven minutes. Attacker comes back as police arrive. He has a friend with him. They separate them to get statements. Then bring him into her flat saying, "They are trying to resolve it in a way that will work and quickly for both parties." They do not arrest him. She had already inquired weeks earlier about some way to restrain him and had been told she did not have grounds or a means. Her perception was that she was being stalked and this event of "break and enter" was a dangerous escalation. They suggest a way for him to get his stuff at a neutral site and warn him verbally to stay away from her. He calls her again and she calls police: "in the computer it is a resolved case"...on yet another occasion he is warned again. There are at least four reported events. Her sister observes several of these. He is eventually charged with criminal harassment but not until she and her sister think there

have been many dangerous moments that could have been prevented. She suspects that he is charged because he has been picked up on a charge of sexual assault of another woman. After that they pay more attention to her statements about him.

CASAC can only imagine they now perceive him as dangerous when they did not before, maybe because this latest attack is not on "his woman."

This woman is, in her own words "mentally challenged." She calls police with the benefit of a feminist advocate because she says men are coming into her apartment without her permission and assaulting her at night. The advocate asked the local police to check on her that night, but the police respond: "we don't do that, why would we do that?" After more advocacy an officer does come to her house that night. The police did not take a statement or help her secure her house or advise any course of action. No investigation proceeds as to the crime or her security.

Woman was raped and reported to the police after a few days. Police take her statement and do video statement with a detective. They keep her pants from the night, which we can assume is a search for DNA, and put out a warrant for a male witness (hostile). They told her they couldn't find him. She phones often for news and tells the police that she has learned that her attacker is in jail now on some other charge. "The file is in the drawer inactive and we will pull it out when he rapes another woman." There was no charge laid. She was a young woman partying and they don't believe her or don't believe she will be believed in court. So we wait for the next rape that will surely come.

Woman reports to police after lengthy history of wife assault including beatings and attempted rape and humiliation in front of her twelve year old son. She escaped to transition house with her son and reported to police two weeks later while still at the shelter. They took her statement but told her they did not plan to arrest because they had warned him to stay away and he was now at his job. They did charge him later with assault. But she, the other women at the shelter, and her son all had to live with the lack of arrest.

He is her neighbour. She is a woman of colour. She sees his attack as criminal harassment, which she had already reported to police, and that their inaction now allows the resulting escalation including sexual assault with bruises. In that case too they do not lay charges but lecture both about "respecting neighbour boundaries." Later when she has film documentation of her injuries and the medical report, they charge him with theft and assault ignoring the sexual nature of the assault; he grabbed and twisted her nipples.

At the time they treated both as offending parties, and, therefore, communicated to him that he had crossed a social, not legal boundary. She irritated police by insisting on her rights. She received the lecture too but had not crossed any legal boundaries.

Women colloquially ask for restraining orders or peace bonds because they have learned about them from TV or friends, but it is a common language way of saying someone more than her needs to be involved in stopping him. Commonly women have little or no experience and knowledge of the law when first contacting the police and the state for intervention.

We are not lawyers, nor should we be expected to be. Often police perpetuate the illusion that women can decide whether a charge is to be brought, rather than reinforcing that the crime is one against the state and the law of the community. The police are in a position to explain all the options to her and to take the full power of the state to ensure her safety and security. In many cases this is not what happens. In the case of the woman from above whose ex has broken into her apartment:

So I went to the police to get a peace bond and they said "we don't do that here" and they told me to go to the Public Prosecution Service. They asked "was he threatening you?" The reason I hadn't gone to the police was because I was afraid the police weren't going to take me seriously. The RCMP officer asked me: "Are you legally separated? How do I know that you are not harassing him? How do I know that he's not entitled to be there and you are harassing him? Just call your lawyer." My lawyer said, "There are good cops and bad ones...you got a bad one." "I had the right to live in my house."

She is distracted by the police from getting police protection for which she has already called, explaining the difference between civil and criminal peace bonds and restraining orders, instead of charging him appropriately or restraining him appropriately.

She tells the police three months after a rape about a whole history of abuse from an ex-lover who used to live close by. They had dated when they were neighbours. The rape she is reporting happened after the break-up and after his moving. She tells a story of rape and abuse involving other men as well and of his threatening to come back. When she moves and is ready to tell on him she says she wants a "restraining order." The police respond that they would only be able to do that if they gave him her address.

As though there was nothing they could do on the basis of the past criminal activity or the current criminal threat.

It is often true that attackers get the woman's address through the process of seeking a civil order through the courts. This can be prevented and sometimes is.

She has left her husband because of his abuse and finds out that he has been bothering the children at school. She seeks a "restraining order" and police

come to her house for a full statement. "The officer said that there is so much that it would take all day to write it out, so one officer says just tell of the one assault with a weapon to myself, and each of my four children and I could lay other charges later as there is no statute of limitations on assault." A fuller picture might have better informed crown, and she could have been better informed as to what an order could do and not do and what charges might proceed and might be provable.

The older male officer dominated the interview stating, the "facts," discouragingly, that they could arrest my husband if I wanted to charge him with assault, BUT he would be released in a few hours, and that nothing would be in place to stop him from coming home and being even angrier and hurting me even more. Did I want that? The female officer was repeatedly but quietly saying on the side: "You know you could charge him, you can go ahead if you want and we will keep the file open." I got the feeling that she would have laid charges if the other officer weren't there. I felt like the charges were useless to pursue because the male officer basically told me that it would actually make things worse. I was naive because I had no idea about the law. Basically this was another man telling me I was overreacting, and that was just what my husband was telling me. I really felt pretty powerless in this.

A knock came at the door and he identified himself as police. I was on the phone with the women's shelter. He asked me questions like, "Is there a problem here, and what do you want?" I told him I wanted my dog and my car. I had my ownership in my hand. He said, "I already told your husband he could go back to the Sault. I told him he could take the car." He already talked to my husband before knocking on the door! My husband says the same thing all the time, "she's bonkers, she needs help, and she's sick and so on." "My destiny was already decided outside that door." "I didn't make it clear that I wanted him to be charged with assault."

She believes it is up to her to educate the police about the possible charges that can be laid, this despite physical evidence of an attack and possible witnesses to question. They do not take a statement from her and do not proceed with an investigation or charges of assault.

A woman reports past rape by uncle. When giving her statement to the police: He told me some of the things I was telling him weren't as serious and he didn't write them down. He was professional about it. He tried to use words that were softer, not harsh. He tried to be objective. He asked me to start from the beginning—what incident I first remembered. And, he let me go from there. And, he would ask were there any other incidents I remembered. I was aggravated that I

couldn't tell him everything because he would say it wasn't as big and we didn't need it. This led to me having to give another statement later on. He could have done a better job. He did a good job, but it could have been better.

We wanted to know how do police deal with the question of formal vs. substantive equality and compounded inequalities when responding to male violence against women? Such a definition of equality should be embodied in the application of the law, in the use of resources and the attitudes modelled from the first and most common moment of contact with the system: initial response of the police to a crime.

It's not really a question of being treated as equal, formally or otherwise. It's whether or not she's going to be treated as a human being. So many of the women I spoke with, especially native women, were treated like they did something wrong to begin with and were bothering the police by calling them. And I hate it when I work with a woman and have to tell her that no matter what I think, and no matter how much I believe her and don't blame her, the police will likely make her feel like there was something she could have done to prevent the attack from happening. Especially if she's young and has been drinking. Women are all sluts to them then.⁵

Women want to feel validated when they call the police. They want to speak to a woman cop because they think she is more likely to understand where she's coming from. In some cases it's really helped to have a woman there. I think we should have that as policy everywhere.⁶

She is a woman of colour. Her boyfriend physically attacks her; there are bruises on her face. She calls 911 and the police arrive approximately 45 minutes later. They take her statement, give her their card, and tell her to call them next time he comes around. When asked to comment about the police she responds, "They took so long to show up. They were treating it like, oh whatever, this happens to all the Native women..." The police did not investigate, they did not take pictures of her injuries, and the case did not go further. He was never charged.

Young woman is attacked, attempted rape, by casual acquaintance at a hotel. There is alcohol involved, drugs, and possible situation of prostitution. It (the statement to the police) took about two hours, word for word, detail for detail. Then he sat there and goes, "O.K. let me just take five minutes here and throw out some comments to you. How much had you had to drink?" I said, "five or six drinks," whereas I'm used to consuming 10-12-15 drinks. "Well, rye is a pretty heavy drink for a woman your size, you know you're only supposed to have two or three or so (police)." Like I mean come on. How many twenty year olds do you know drink one an hour? He asked me, how much have you

had to drink, who were you with, did you provoke them in any way, were you talking dirty to them, did you have intentions of having sexual intercourse with them in their hotel room, did you give them the impression that you were? How do you really know if you don't remember all the details? How do you know that that actually really happened? I said, "well why would I have bruises on my neck and hands for one, if I was just going to the bar socializing with my friends? Nobody goes up grabbing people by the neck and hands...you know, and I was crying through all of this. It took me two hours. He said, "here's a pen we'll let you re-read it, and anything that is not in there you just go ahead and write it yourself and put your initials. He signed the bottom, I signed the bottom, and I said, " can we take pictures now?" "No, that's not necessary, we'll do it some other time, besides, we have your statement (police)." And that was it.

Nothing further comes of her involvement with the police. No charges are laid in connection to her attack. However, bruises on her neck and wrists would indicate consent was not present.

A stranger at a dance put on by a predominantly black social club physically assaults a white woman. She leaves with male friend who is black, and they call 911. "Police attend and are racist and dismissive of the danger to her." They were rude, disrespectful, and unwilling to go after the assailant. They were insulting me and laughing at me. They were actually abusive but seemed to be enjoying tormenting me. They took my friend and I into the police car and asked what happened. They asked things like, "Is he your pimp?" and "Are you one of his girls?" I told them I wasn't a hooker and they kept laughing at me and saying there was no way they were going after this guy. I was really angry. They asked my friend if he was a pimp. He said no. He was so embarrassed. They asked him if he saw what happened and he told them this guy walked over to her, out of the blue, and hit her in the face with his cast. He didn't know the guy before either. I asked them to come back to the social hall with me and I would point this guy out...the guy that did it. They said, "No. We're not getting involved in this kind of thing.

The woman is francophone. Her common-law husband of three years continues battering and attempted rape and murder threats, "my lawyer told me to contact police" the officer to whom she reported is francophone and recognized her as francophone but insisted that they speak in English. "So, he knew I was French, and he was French, so he made the interview in English, and he was completely French too."

Aboriginal woman, possibly drinking, who they suggest has to leave her house after a domestic dispute. She doesn't want to leave her house, saying she pays the bills; it's her house, so why should she leave? During that settlement, "One cop grabbed me, pushed me up against the wall, and handcuffed me. He swore at me several times and said he wouldn't put up with a stupid bitch like me."

Ex-boyfriend who stalks and has assaulted her, and the cop says: "you get yourself into these things, you got to get to know someone first. Why don't you hire a PI?" Blames the woman for faulty judgment instead of the attacker.

The woman is explaining why she was reluctant to call the police when her husband beat her up. She had had bad responses in the past. "The response time of the police was always despicable. And their actions once they got there. They always under-reacted. Like it was 'just another day in the North end'."

When responding to a case of wife battering involving a native man and woman, where there was drinking involved, the police arrest her instead of him because she is seen as being non-responsive and uncooperative with them. They do not arrest him, rather they tell him to go outside and cool down, and do not consider the woman's situation of past abuse or financial dependence on him. They do not recommend a transition house, do not secure her safety, or promote her equality.

I didn't tell them what happened. I just sat with my head down. My friend told them. [My ex] showed them his papers with my address on it. They said, just go out for the night and calm down. I didn't want to make it worse with [my ex]. He was right there. They charged me with that charge you get when you're hurt and don't want to go to the hospital.

Native woman is physically assaulted by her common law. "The police came and they were really ignorant. After I told them what happened they asked me, "What did you do to get him so angry?" After that I wouldn't answer any of their questions. I couldn't believe they were blaming me when I didn't do anything wrong." The police end up taking a statement from her friend who has also been assaulted but do not pursue the matter of the crime against her. Their dismissal of her prevented her access to the law.

After accessing the police file through freedom of information, one woman learns that the police do not proceed with investigation of the crime because they say she is out for revenge. In her statement she had in fact answered to the question: "what do you want to happen": "I want him to pay for what he did to me, to know he has committed crimes against me." In this case the po-

lice have deliberately taken her statements, which to a woman is read as a plea for someone to intervene and confirm that he has broken the law, which he had, and not impugn her motives. She is not treated equally under the law and is denied access to the law by virtue of being a native woman who presumably did not know her place.

- In 36 of the 92 cases the attacker is “picked up” for questioning;
- In only thirteen cases is the attacker arrested immediately;
- Thirteen women do not make it past the initial police response;
- The majority (nine) of the women of colour were dropped at the police stage of the system.

The police did not take further action. As documented in the police section of the research report there are lots of incidents of overt and subtle racism by the police and this explains to us why they do not proceed. The underlying assumption seems to be that the woman of colour and her man, who is a man of colour (except in the case of neighbour sexually assaulting her: she is woman of colour and he is white. They both get peace bond) deserve their lot and are wasting the time of the cops and the rest of the system.

There has to be a case built to convict. There has to be a proper police record of the call, an adequate investigation, a recommendation brought to the crown, an application made to the court. Secondly, it is more than useful if there is an open and respectful relationship between the woman complaining and those working in the justice system beginning with the emergency response and the initial investigators.

Emergency services do not respond to the particulars of violence against women. Sometimes the medical emergency is sacrificed for the case and sometimes the case for the emergency. There is a lack of training for emergency staff. Staff are pressured with too little time to ascertain the danger. They have too little information and a lack of appropriate classification of calls to assess the situation. There is a lack of priority given to violence against women calls.

When we started the LINKS project, we assumed that women usually call 911 in an emergency. We imagined that, by now, the various systems in place to deal with these emergencies would have protocols to prioritize these calls and send out appropriate police response. We weren't prepared for how few women actually call 911. In some cases, because it isn't available (as was the case in Newfoundland), and in some cases because the system is new and women are used to dealing with the old system of local police detachments (RCMP and local) as is the case in Antigonish.

In many cases, women did not use 911 because they thought their situation either was not, in their eyes, or would not be seen by others as an immediate emergency, although the danger was very high or a violation had already been carried out. But they did

expect that the government, including these emergency services should respond to violence against women for themselves as well as for other women.

Of the 67 attacks reported that were in the present or immediate past, only 37 women used or had someone else call 911 (22 women called them on their own). For a lot of women, the reason they gave for not calling 911 is that they don't think their situation is an emergency, in the sense of immediate life and death; they don't think they warrant that kind of attention or, as in one case, "you can't call 911, you just get beat worse next time." Often the 911 responses were inappropriate or inadequate in that women needed faster, more inclusive responses made on the basis of information about danger and risk. Such assessments are unlikely in a situation where the operators are not trained or allowed the time to make such decisions.

Usually 911 centres don't seem to be the place where the cases get dropped. There are some cases where the 911 operator did not fully do the job: as with the case in which the 911 operator told the woman she would have to wait fourteen hours to see police at her door because of the Indy race; the one in Fredericton who told her that the RCMP would call her back, and they never did and did not show up. In both these cases, the women were persistent and finally got attention for the attack. But it didn't make the complainant go away or the case get lost at this point. Emergency response, in the broader sense of police and RCMP, Sureté de Québec, responding to the first call or seeing the woman in person, is not so positive. In some instances, the police desk clerk is rude and gives no weight to the dignity of the woman reporting the crime (there are several cases where the woman is put in a public situation to answer the questions) but these aren't the situations where the cases are lost either. The women persevere through the experience and do get to see a uniform officer. They build that perseverance on the political understanding that violence against women is a matter for government intervention.

Notes

1. See *Designing the Research: Stepping Into The River* section of the report for criteria and process.
2. It is interesting to note that some women participated in the interviews knowing that they did not fit the criteria for inclusion. They were eager to tell their story, and the fact that the results would not be published did not stop them from telling their stories to the interviewers. Of the sixteen interviews not selected for further analysis, most were rejected because the time of her involvement with the state fell outside our criteria, and some because she did not chose to use the state at all.
3. See appendix for list of documents collected and *Designing the Research* section for methodology.
4. Researcher's note: Initially, according to the police, the first call was not recorded, and the second call was recorded at 12:00 a.m. The first call was finally tracked down at a later date.
5. *Ibid.*
6. *Ibid.*
7. *Ibid.*

911 Death By Indifference in Winnipeg

Nicole Robillard

CORINNE MCKEOWEN and DOREEN LECLAIR are dead: stabbed to death while the 911 operator listened to their fifth disregarded call for assistance. William John Dunlop murdered them in February 2000 in their Winnipeg home.¹ He was a vicious ex-partner of one of the women, and he was more credible to the police than were the women themselves, and more credible than the two decades of information available to police and their staff as to the pressures on women in the moment of reaching for assistance in an emergency.

Shamefully, the tapes revealing the failure of the 911, and police response were not released until friends and relatives forced that release through the courts. Initially the courts provided access to the transcripts after an application by media businesses. "We want the people to know exactly what the hell goes on with 911 operators," said Hank Meadows, brother-in-law of Corrine and Doreen. He lives just a couple of houses down the road from the murder scene. He said people could read the transcripts over and over and not get the true sense of what happened without hearing the tapes.² We think the transcript alone contains plenty of information.

- *9:00 p.m.:* Ms. McKeowen called 911 claiming her friend had been shot and no one cared. Police responded. When they found "no one hurt" they accepted the false name offered by Dunlop, therefore, also missed that he was under a restraining order to stay away from the women, and that he was just out of prison and had a serious history of violence. They say they were convinced by Ms. McKeowen's insistence that there was no problem. We have no statement from her of course.
- *11:52 p.m.:* Ms. McKeowen called again, "I am having trouble with a guy that got out of the pen, and I have a restraining order against him." "Uh, well right now this man is not at home, and uh I'm visiting my sister's place. (He had taken money and gone for beer). Now this man is threatening me, he already stabbed me." Since he was not in the place the operator reasoned it was not an emergency and told the women to call the non-emergency police line.
- *12:15 a.m.:* Ms. Leclair did as she and her sister were told and called police directly. "They are not fighting yet, but he has stabbed my sister." "He what?" the operator replied. Ms. Leclair repeated, "He has stabbed my sister." "Ok, well one of them has to leave so you choose which one," the operator said, as the initial part of her lecture of Ms. Leclair who then handed the phone to her sister. Also part of that lecture was a patronizing accusation of drinking too much, and a quiz as to why the women had admitted Dunlop in the first place, and a personal legal opinion of the situation. "OK, so, Ok right now you guys are both in breach of this order (the Restraining Order on Dunlop). You are not supposed to be around each other," says the operator. She prom-

ised to send a police car, but then, "So he is not even there?" says the operator about Dunlop being out for the beer.

She retracted that promise of help and told them to lock the door while Dunlop was out getting beer. "Ma'am he is not gone, he just phoned, and he's on his way back." Operator says, "You know what, you guys are lying to me." The operator mocked them for wanting the police to remove someone already gone, then advised them to lock the door and refuse to share in the beer he was buying with money he stole from them.

- 2:46 a.m.: The women called 911 again to complain again. "Oh please help me, they're fighting," Ms. Leclair said. Dunlop was in the house. She had been patched through directly to police, and the operator engaged the women for some time and promised to send a car. It never came.
- 4:45 a.m.: A woman can be heard moaning and dogs barking wildly. The line goes dead.
- 5:15 a.m.: (thereabouts) The operator calls back to the house and gets Dunlop reassuring her that "everything is fine." That he is Hank Wacko.³ After failing to get a woman back on the line the operator dispatches a car. The police find the women dead.

In the police investigation that followed, five workers are held responsible for the decisions. This is not one error of judgment but a systemic problem. Jack Ewatski, the police chief, said two dispatchers, a civilian, a duty inspector, and another unnamed fifth person who quit were responsible.⁴ Racism is denied. Sexism is not even considered. Class bias is obvious.

January 19, 2001, New Domestic Abuse training begins in the Winnipeg Police Service. October 29, 2002, Judge Judith Webster releases her report into the inquiry and recommends a complete review of police communications in Winnipeg and the hiring of more staff.

Notes

1. 911 Calls Unheeded; John Dunlop Murdered Two Sisters: Pleads Guilty (2001, March 13). *Canadian Press* wire story.
 2. Lunney, D. (2001, May 3). 911 Tapes Released (Sisters Died) Tapes release lauded. 911 tragedy broadcast publicly. *Winnipeg Sun*.
 3. Hank Wacko is a stage name in professional wrestling.
 4. Perreux, L. (2001, May 3). "You are lying to me": 911 Operator. *National Post*, p. A3.
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Preparing the Case: The Detective's Job Determining the Crime

Normally, policy indicates that the initial police interview is to be followed by an interview with detectives once a report has been filed. Usually, if the police come a second time, they take a statement: 73 women made an initial statement, 38 have a second interview, and 56 make another statement with detectives.

For the purposes of this research, we interviewed women with cases that would most likely stay in the system. Our criteria was clear—that, in our opinion, a violent crime had been committed against a woman by a man, that this woman wanted to engage the system and had done so after January 1, 1997. In many cases, the women had engaged the help of a women's centre, rape crisis centre, or transition house prior to involving the police. But in some cases, she has proceeded on her own or with family support. It is our assessment that these women are unusually persistent in their use of the system. They are confident that they have a right to state intervention, and these interviewed women were unwavering in their steady and persistent expectation of state action.

In our centre we are lucky if the woman gets past the investigation and the crown recommends a charge, let alone conviction of a crime. In all my years of working with women on the crisis line, I have seen three men get convicted and given some kind of sentence for beating her up.¹

One worker says of one of the women she interviewed:

"I was so impressed by her tenacity and by her determination. She had to hound the cops into doing their job. I don't know if it was me whether I would have gone to so much trouble. And this is talking from the point of view of someone who calls the police on behalf of other women all the time."²

I know some women have chosen to do this on their own and I think they're very courageous. It's a difficult thing to do without back up. We have to fight all the time to get women to be taken seriously by the cops in this town. In the end, she got a better response because we were advocating for her, but it's never an easy fight. You'd think the cops would just automatically proceed when they know how hard it is for her to come forward.³

Her husband assaults this military wife after they move off the base. She calls 911 and the RCMP call her back and ask her does she need them? Her husband is standing next to her at this point so she says "no." Later she sees the police drive by and she runs out to the street to flag them down. She receives police response in this case because of her persistence and determination.

Do They Take Pictures and Collect Evidence of the Crime?

Women know that bruises, cuts, and other visible signs of damage matter as evidence in a police investigation, and they aggressively point them out to police. To the women, it is proof enough that a crime was committed and it is ample proof, in their minds, to have him arrested and charged. Yet physical evidence of the crime is rarely collected and the police consistently do not take photos of the injuries for their investigation. Police took photos of a woman's injuries in only six cases.

Woman is raped by an acquaintance. She is persistent about police involvement. "They took no photos of me. They voluntarily called me once, returned one phone call in beginning, then took two and a half weeks to get them to return my calls, and then going through the SGT, it took at least eight to ten calls. They did not interview my friend, who was the first person I told, they did not go to the place where the attack happened to collect evidence."

Woman had visible signs of bruising on her neck as a result of the physical attack by her husband. No photographs were taken, no evidence was collected, and even though they were there for approximately two hours, only a one-paragraph report was made at the police station.

So, when I got there, they brought me into a room and said, "Okay well—cause I had bruises all on my neck from when he held me down, and I had them on my wrist as well. Well, they didn't take pictures; they said they would do it next time. I said, 'My bruises will be gone away then, you know. I mean, they're already purple and blue right now, tomorrow they will be green, and they will go away the next day. Like come on, they wouldn't take pictures; they said we'd do it another time. They're going to be gone.' It doesn't matter, we have your statement" (police).

Woman has been confined by common-law partner for eight hours and manages to escape and contacts the police. Did they look for other evidence? Take pictures? "No, just my word. Other than the policewoman looking for marks the day I reported the assault."

Woman is the victim of a stranger rape in her apartment. She is confused by the police's lack of concern for physical evidence. "I would have checked if there was hair on me or traces of semen or body hair. That's what I found strange. No one checked my body or my clothes, they didn't keep anything."

The police did take a sketch of the assailant two months later, but failed to collect forensic evidence that could have identified a dangerous attacker.

We are so unaccustomed to the police taking photos and treating women's injuries in a serious manner that in seven interviews we did not ask and, therefore, could not ascertain whether the police took photos.⁴ When the police did record or photograph the injury, in one case they told the woman the injury was "too small to photograph," implying, in her opinion that it was too small to matter.

In the instance where a complete police investigation took place and where a complete body of work is presented to the crown, the man is convicted of the charge of sexual assault with a weapon against his common-law wife:

She has been confined to her apartment by her common-law husband for two and a half days, physically assaulted, and raped. "After the forensic medical exam, the investigators were waiting for me and asked if I could make a statement. I agreed in order to get it over with as soon as possible. We went to the investigation centre of the sexual assault division. I told my story" (verbal statement). A photo technician took photos of everything that might show up my injuries. The investigators came back and asked me to write my statement. This was twelve hours after I first arrived at the police station, but I wanted to continue. They asked if I had a place to go. I was given referrals to resources for battered women. I chose to phone a girlfriend whose address was unknown to him. The investigators drove me there. They told me they'd be back the next day to pick me up to search the apartment and make the arrest. "You must come with us to identify the right person. You will be safe."

The next day the investigators came to pick her up and explained they had search and arrest warrants. They assured her the attacker wouldn't see her. "When we left the police station, I was with the investigator in the car and I was chatting with him." All of a sudden, the respondent saw the attacker across the street, who came to get the car. The investigator and the technical team arrested him on the spot. I went with them to the apartment. I had the keys. The place was completely clean. I was furious. He had left a note saying he was sorry, to forgive him, and come back. I thought to myself he must be an idiot if he thought I'd go back. He didn't realize, as if what had happened was unimportant. The note would be a first piece of evidence because the police officers said he knew he had done something." To look for evidence, the police officers asked her to tell them how the place looked before it was cleaned up.

The mop was in the bathtub, proof that the place had been cleaned, and also the respondent never left the mop in the bathtub. Clothes had been

washed and hung up to dry (he had thrown wine at her) and traces of wine were found on the walls. The bedspread had wine stains on it, etc. Under the bed they found the board the respondent was attacked with.

In one case, they took as evidence the pants the woman had been wearing, and told her when she was concerned that she didn't know the man's name that they have ways of finding people. Yet, she had to call the police to inform them that she knew where he was and still no response from them: "They kept the pants I had worn too. Later, when I found out where he was, I told Det. (blank) he's in jail in Surrey, please go look in computer, and I'd do a line-up. He said he couldn't do that." There is only one case of wife assault where the police took pictures of the scene of the attack.

In the following case the police not only neglect to conduct an investigation of the premises, they pretend that their hands are tied and that the assault is really better handled in civil court.

He was out in the bushes when they came. He just came out of the bushes right to them. They arrested him then. The whole conversation happened out in the yard outside. He was in the back of the police car, threatening me, giving me the finger the whole time. They gave me a card for victim's services and explained the differences between a Restraining Order, and Section 810 Peace Bond. They were probably there for fifteen minutes or so. We telephoned the police to tell them about the knife. They stopped the car, got the knife. They left me with my parents. They did not offer a transition house or anything like that. My mother actually worked at Women's Place at the time. My parents got there right after the police. The nice cop, he said he was frustrated with the system, said there was nothing he could do, he really wanted me to go to family court about custody of my son.

Often the lack of concern for evidence and conducting a proper investigation results in nothing being done at all.

There was no investigation, except for our names. They did not ask about the clothes all over the yard. C at the time was supposed to refrain from drugs and alcohol. He was on probation. And that night, he was drunk. So the cops did not check him out. The police did not take a statement. There was no further follow-up by the police.

I don't think they conducted it in a proper manner. I'm the one that had to get the documentation of the bruises. I had to call the RCMP twice. The first one never got back to me. A week and a half later one came after I called again. I don't think they ever spoke to my husband about it.

There were many examples of women being needlessly humiliated or suffering personal indignities.

They told her that they were going to do a video statement. She had to sit in front of male officers and lift her blouse and skirt to show them her bruises and the fingerprints on her and boot marks from the perpetrator. This was very embarrassing and difficult to do. She was not told that they were going to do this, and she would have asked for females to be there, not males. She felt she was re-traumatized. The woman from victim services was harsh and made her feel worse and shamed. Everything was so rushed, very cold, and uninformative. Things were not explained to her.⁵

She felt embarrassed as she was still in a Johnny shirt at the hospital when all six police officers showed up. Afterwards, it took about six to seven hours to get the investigation officer to show up. They questioned her in her Johnny shirt in a cold room. She told them she was not comfortable being there with them. They showed no understanding or concern for her. They told her she had to stay and finish a statement. One officer asked her why she would not look at them, and she told them she was uncomfortable with them as they were men and she was just raped by a man.⁶

I'm very disappointed. I'm disgusted with the way they talk—professionally. It's all the same—monotone. They just come out with whatever questions are on their mind. They blamed me...Just say no, no is no, and you're not to blame, is repeated over and over in the policing course. It should be drilled in their head by now. You don't say that. They'd rather be doing something more exciting, and they don't want to have to fill out the paper work.

There's no way I would ever treat anybody else the way I was treated.

He (the investigating officer) was kind of mean. He scared me when I called him once to tell him that I ran into him [the rapist]. I called the police who said, "you called me to tell me that?" I felt I was losing his precious time.

They made her sit down and answer questions in front of a man who was there for other reasons. She was very uncomfortable with being observed. They did not tell her not to shower, or tell her to go to the hospital for a rape kit, or anything. They were very insensitive and did not seem to believe her. She felt very exposed.⁷

In 35 cases they did interview witnesses, but did not in 26 cases. There is missing information on this point in thirteen stories/interviews. The police say in quite a few cases they did interview other people in connection to the case. But this level of investigation is often conducted in a way as if to confirm that she is not a liar, rather than uncover evidence that supports a charge against the attacker.

A stranger who confines her to her apartment for several hours before he escapes rapes her. "The next day I went into the station. Const. E. took my statement.

Told them what happened. He did ask me if I had any reason to make it up. I was very upset and said no, no of course not. He tape-recorded our conversation. By the end of the interview, he said he believed me. When I was doing the statement, the taxi driver who had driven him that night had come into the station and given a statement and seemed to know where he was. At first, they didn't believe him, but then they found the guy—I wouldn't be safe now if he (taxi driver) hadn't come forward. Police took no pictures nor took me to the hospital but Const (blank) did take note of visible bruises. I was at the station for a couple of hours. They took a statement from my mother, too."

She was raped. The police have forensic evidence taken from hospital, identify injuries, but do not take photos. They interviewed her friend. Cab driver that drove her home the night of the rape was interviewed. Doctor at hospital and crisis worker were interviewed. "The officer (blank), called her to let her know that she was still working on the case, and that the police had interviewed the accused, and his sister, her former partner."

In some instances, the police do appear to interview witnesses for the purpose of getting more and better evidence for conviction.

The woman is attacked by her husband and has bruising around her neck. She contacts the RCMP who attend, and she makes a statement. The woman reports that the RCMP talked to her neighbour who verified the presence of the red marks on the woman's neck from the attack. This neighbour agreed to testify in court. Although useful as a witness to the injuries, the same could have been achieved by photos of the injuries that the police did not take.

Two men, a business acquaintance, and his friend, who is a police officer, rape the woman. The attack began with drugs in her wine at dinner and later at the man's apartment. For evidence, the officers wanted to get the cassette from the security camera in the lobby of the building in which the woman was assaulted. The building's janitor refused to give it to them at first because he didn't know if his employer would agree. The officers told him that he would be charged with being an accomplice to the crime unless he gave them the cassette. The cassette was handed over and it proves that the woman was with the two men on the night of the assault. There were roughly 80 witnesses in the restaurant. Some of the witnesses were questioned, and they confirmed what the woman said.

Often the woman has provided the witnesses and sent them to police or directed police aggressively to them herself. We could not find an example of police thinking of and finding someone who would or could or might have given evidence that could be useful, for instance, neighbours, or professionals, or friends, and relations. It is speculation, of

course, but this did indicate in some way an attitude toward the seriousness of investigation and the application of investigative techniques.

The next day, Thursday (after calling police) she went to the station with her mother and gave an oral statement. The officer wrote it down. A social worker was also in the room, but her mother wasn't allowed in (she would be a witness). Then she was asked questions about her statement and was asked to name other victims or witnesses. She named her two friends who had also been assaulted as victims, who then became part of the whole court process. She also named five witnesses, who were never contacted.⁸ "They took my statement, my mom's statement, I brought witnesses to them, my running partner's statement." He pled guilty.

The woman has laid a complaint of wife assault. She gives them ten or twelve witnesses: her doctor, coworkers, friends, and parents. The police do interview all of them and eventually charges are laid against the husband.

Sometimes the police use her evidence as a way of prosecuting him on a lesser or less revealing charge, as in the following example.

She is sexually assaulted by two male co-workers and goes to the police. They take her statement, and polygraph the two men. The results of the polygraph suggest the men did not lie. The police say to her that they will not proceed with the possible charge of sexual assault but could still get them on a public mischief charge.⁹

We wondered was the investigation conducted in a way that added to the understanding of the law? Women often find the process of engaging the state as a response to the violence done to us completely overwhelming. We lack knowledge about the system, about the law, about what we can and should expect from the police, and the investigation. The whole of the system is generally out of our experience. We expect that the process will be explained to us and that the professionals, in this case the police, will aid us in getting a conviction.

Police and other professionals substitute words like "charging him," "peace bonds," "restraining orders" for what women actually seek when going to the police: safety and security for ourselves and those around us and acknowledgement that a crime has been committed. In public legal education materials, women are taught to trust the police to keep us safe, and yet we are swamped with examples of what happens to women when they report against a man, especially reporting rape and sexual assault. The contradictions confuse women and make us distrustful in the face of state power. In most cases, police did not take the opportunity to educate about the law, the system, or about a woman's rights generally as a person.

They were very nice, very warm, apologizing for keeping us waiting. They separated my friend and me; they needed to talk to me alone. They did not take a statement, only talked about very general information, explained the Rape

Kit, how long it would take, and explained the court system, explained with me being out of province, they wouldn't be sure of the timeline of everything. They were encouraging of me because it is something they specialize in, and it is their job. They drove me and my friend to the hospital, walked me into emergency to get checked in, waited for the nurse, bought us coffees, and waited in interview room with us. They wanted to ask my permission for the female cop to sit in and watch—she was new. The nurse did the forensic kit, and gave the kit to cops at that point. The unit is all at the hospital. I went in after the medical to give my statement. It wasn't as bad as I thought it would be, especially with the female officer (everything from the beginning of that night to the coming to them), they discussed when they would do things. For instance, they were supposed to call witnesses. At no point did they call witnesses though, my friend called them.

He did end up giving a statement. They said as we were leaving, "If you are in touch with so and so (another witness) tell him to give us a call." There was one phone call where I phoned to find out if they had talked to him (the attacker). I kind of got a verbal tongue lashing, you know, "we're busy, don't tell us how to do our job!" It was three weeks before they contacted him, and then they asked him to come in voluntarily. They did arrest him that day. They released him on his own recognizance. He did not appear before a judge as far as I know. They actually called me for once and told me they had arrested him and the court date. This was a phone message. I called back and they explained the court process. My biggest concern was would I have to come back to testify? They kept saying they didn't know. I think I may have omitted (to tell them) something because of their behaviour at first.

The front desk clerk's initial behaviour did not promote this woman's full access to the law when she made her ill at ease and unsure if she remembered to tell them everything. The woman is very grateful when the police tell her something about the system and believes she is being informed. However, they obviously do not explain that the attacker had to have been before a judge to be released, that there would be no preliminary trial without his appearance in court, and that it is within the right of the accused to come into the police station on his own steam. Despite the police's appearance as good guys and on her side, they still do not do all their job, do not interview witnesses, do not keep her informed or behave in a way that suggests she has a right to be informed about her case.

This woman was raped by her ex-lover and says the following about the interview with the detectives: "I didn't tell the police everything while I was being videotaped. I didn't know how much I was supposed to say, and he never asked me to give more detail."

The woman's common law husband beats her and she calls the police. They tell her she must leave the house, but she refuses at first. "This is my house...I pay the bills so why do I have to leave?" They said, "He needs to sleep...he has to go to work in the morning." I told them I didn't think that was right because I was the one who was assaulted. I showed them my bruise on my back and they said, "How do we know it wasn't there before?" They told me my boyfriend said he didn't do anything to me. Then they told me again I had to leave. I was afraid to argue, so I said I'd have to call my sister to tell her what happened and ask if I could stay over at her place.

The police in the above case could have taken the opportunity to tell her that if her name is on the lease she does not have to leave, or could have told her about her right to public housing units, or her right to her things, or her right to information.

In some cases the police not only neglect to inform women about our rights, about the law, and what we can expect of the system, but in some cases deliberately misinform.

The constable came to my work, he was young, but nice...but it was embarrassing. He said, "I'm here to get you to sign this thing, for charges. The Crown wants you to...but you don't have to. It's going to make things worse" ...so I asked him "if it was your sister, what would you tell her to do?" He said to "get a peace bond." The crown does lay a charge against the ex-boyfriend (section 17, assault level 1). The woman in this case did not believe the police constable and inquired directly to the crown.

In the following example, the woman, who is pregnant and beaten by her husband, is confused and misinformed by the police.

As for the no-contact order, I wasn't informed of the options I had, or given any choices. The officer said if I didn't want him to come after me, I'd have to write a statement that I was afraid and afraid for my life. And I knew he'd be angry since he'd just been charged, and that he lived in the apartment too. The officer explained what a no-contact order was, but not how long it would last or much else. I didn't know about peace bonds. So that's what I did. I was afraid and in fear.

Or in the case of the disabled woman who was beaten by her husband:

I called that officer back to say I was on the night shift and they could contact me in the day. Then I called the Domestic Conflict Unit, and they said the officer has to investigate and make a charge before they can contact me. [Worker: Did they do anything about your safety?] No. They mentioned a peace bond. I asked how much it would cost and they said \$800. But I can't afford that. I'm on Income for the Severely Handicapped and Canada Pension.

A woman, when she wants the police to charge her husband for a rape that occurred some time ago: "I wanted to charge him with the rape, but they said it was too long ago."

The implication for the woman is that there is a statute of limitations and that it had passed already. Another implication, of course, is that she should have gotten over that a long time ago, and why would she want them to bother with that now. In some cases still the police deny her the right to the rule of law. In response to going to the police to report a rape, the woman is told that most sex offenders don't get charged and maybe she should reconsider laying a complaint.¹⁰ Sometimes police destroy evidence:

Woman is escaping an abusive husband who is also involved in drug trafficking. She is fearful that he will find her in her new location. The police officer offers to write to her social worker to promote the granting of a cheque to pay for a ticket out of province. This could be an escape route for her. The police officer abandons the case though and it does not proceed. The woman got herself safely out of province with the help of a women's group.

Young woman is sexually assaulted at a party. There are witnesses to the events surrounding the crime. The assault was videotaped and the police have the tape. Policeman says he has viewed the tape and it looks to him as if she were "enjoying herself." He tells her it won't do her any good in court and that she "doesn't have much to go on." Feeling pressured by the police she withdraws her complaint and the police do not proceed. It is her opinion they destroyed the video once she decided not to proceed with the complaint.

After his (perpetrator) appearance in court for his plea, I was questioned by the crown who said that a second statement should be taken because not enough details were given and more offences could be given than was in the first statement. I was then interviewed by (a second RCMP officer). He videotaped and tape-recorded this second statement. "The audio tape didn't work." When asked if anything had been done that made it harder for her to give the information to the police the woman answers: "Going back to do a second statement because it wasn't done right the first time."

In another case a woman is raped and feels frustrated by the lack of police response. The case did not proceed beyond initial investigation contact with the investigating officers.

She does not believe they even looked for him. She gave a clear description of him and the car. They seemed disinterested. The police phoned her a year later to see if she had ever seen him again and to tell her it would be on the books for ten years. The police did not explain any procedures to her or any information about pursuing the rapist.¹¹

We found no examples of the police explaining that she was entitled to more than she asked for. Sometimes they do inform about the process and policy and sometimes law, but in most of the cases she informs herself.

I called the police each time I found out where he was. They kept missing him. He was finally picked up later that weekend, had a bail hearing, was released, and he skipped to Calgary. Six months later, I found out he was in Calgary jail, I called the Crown, who got him brought to Prince George. I handed in my written statements; I'd called them and let them know what was going on, not the other way.¹²

As for making sure she has all the information needed about the law and going through the system...well, if the cops are so poorly educated, and they are the first persons to take on the case, no wonder so little is done. But I don't really think it's a question of lack of education. I think it's a question of not wanting to take the cases of violence against women seriously as crimes.¹³

After calling the police and learning that the police officer that took her statement about a rape did not file a report, the woman contacted a rape crisis centre. Together with the rape crisis workers, she returned to the police and made another statement that was then filed. With the rape crisis counsellors, she went to the hospital for an examination. She filed a complaint against the initial police officer.

I got a call Thursday from the detective that interviewed me, and he said they picked up the kid on breach of probation. Also, the cyclist went in to the police station to make a statement. This was all done while the so-called investigating officer was still on holidays. About four hours later I get a phone call from someone who said his name very fast, I didn't catch it. He said, "Did you hear we caught the kid?" I said "yes," he said, "Well since this has happened, and charges have been laid, do you want to withdraw the complaint against Constable (blank)?" I told him that had there been no report, nothing, the kid would not have been caught, and he may never have confessed to the crime. Just because the kid has been caught does not change the fact that the officer did not do his job. He said thank you ma'am and hung up.

They didn't take a statement from me, he just asked me some questions while at the hotel, and there was no contact after that. I went to the Freedom of Information to get a copy of the police report. There was no follow-up, and it said that the police didn't feel the need to press charges. I had waited at the women's shelter to see what the process would be, but I was never contacted.

The woman said she put a lot of effort into remembering. She sought information, asked the girlfriend who was with her at the bar for details. "Rohypnol is taboo." "I called [the detective sergeant] often, every two weeks. I got fed up." "I saw on TV that there has never been enough evidence to file a complaint [Rohypnol] in Canada" and only eleven complaints have been filed to date. She wanted people to know this happens. She had contacts in different places and used them to denounce assaults using Rohypnol. She was invited to take

part in a TV program where she denounced the fact that in so few cases the complaints made were accepted and processed. "I told everything." The squad corporal "didn't like that." The detective sergeant, the investigator, however, "was extremely friendly after that, I was respected."

Was the Investigation Conducted in a Way that Promoted Her Security?

When my friend was in the shelter and I was still out with him, the police told him she was in a safe house because she was afraid for herself and her family. This gave her away. There is only one safe house in Halifax, so he knew where she was. And the reason she left could only have been because I had told her what he had said. "I felt like the police were virtually trying to kill me. And I felt like I had no recourse. I couldn't go to his supervisor to complain. I was afraid the old boys' network would kick in, and he'd get mad at me, and call.

The woman being interviewed is in front of her attacker. The policeman says, "you two pulled two officers in off the street for something you probably could have solved yourselves by sitting and talking yourselves." She decides not to say anything because she is afraid of his violence. When asked by the researcher if there was anything she could not say to the police she answers: "You mean like he'd kill me if I said anything? As far as history's concerned, yes." "I called that police officer later and asked if I could pursue charges. She said, I have to warn you, he could too. I knew that, legally, I know that. He's telling people that I pushed him first. He's been with the Hell's Angels, am I going to hit him? No. He's got mercenary training; he could break arms."

In only four cases do the police let the woman know about women's shelters. We don't find examples of them actually securing her person with the resources of the state or even of the criminal justice system such as with the use of proactive arrest, bail supervision, enforcing restraining orders proactively, or of scaring him off with the power of the state.

The research documents many instances of overt anti-women bias: Police in their conduct directly with the woman, in their questioning of the attacker, in their confidence that the man is telling the truth even when physical evidence proves the opposite, show a clear disregard for women's equality.

One worker at a transition house states: "It's not just a case of women being suspect when telling their stories. We expect that the police would have some measure of scepticism to ensure neutrality and the bringing forward of unbiased facts. But the truth is that women are treated with much less respect and are right away disbelieved. It puts us at a clear disadvantage."

The overall impression of another worker is that "some cops definitely have better customer service skills (speaking of sensitivity training and the like), but no great commitment to women's equality."

In the case of the woman attacked by a wealthy business associate and his police officer friend, "The investigator also came to her work place at one point. He asked her if she would withdraw her complaint if she was offered money."

Young woman who worked as a waitress in a strip club was raped by two casual acquaintances. The police ask if she "talked dirty" to them, had intention of having sexual intercourse with them. When the police ask or imply in their questioning that she must account for why didn't she leave, or call, or do something to prevent the attack, they are implying that she already has equality and the safety and agency it affords, and there is, therefore, no need for the very state intervention that she is asking for. In all the instances of trying to get the woman to proceed with a civil restraining order rather than proceeding with criminal charges of assault, and whenever they misrepresent the law as being unattainable for her, they infer women are not as deserving of protection under criminal law.

The police often demonstrated no concern for her liberty. In many cases they tell the woman to "keep your door locked and don't let anyone in," or "you should leave now and give him some time to calm down." They insist that as women we should relinquish our liberties and freedom in order to achieve security, as if both cannot be achieved at the same time by proactive arrests and thorough and conclusive investigative practices. In the case of the disabled woman who asked that the police secure her premises because she cannot prevent men from entering and sexually assaulting her, the police refuse to investigate. Her liberty was severely limited by their refusal to act.

It took a long time for them (the police) to respond. Investigation did not begin until a month later. They took a statement from her. He was apprehended and charged with two counts of uttering death threats. He went to jail for two nights, and was released with orders to stay away from her. His lawyer phoned the female police officer and harassed her (the officer). The investigating senior officer was the husband's family friend and began pressuring the investigating female officer; character assassination against the complainant. Female officer said, "It was not worth her time," so she stopped her investigation.¹⁴

Sometimes police statements were profoundly disrespectful. To a woman whose husband chokes her, "He doesn't think it is a dangerous situation, and it doesn't need police involvement." She was left to wonder what would warrant police involvement. "Go somewhere safe" was often a substitute for arresting him rather than a complementary action.

Women were often overtly blamed for being with violent men. Instead of seeing her immediate safety and security as a moment with which to build the case against him, they more often use it as an excuse for not proceeding at all. The lack of freedom it implies, however, and the restriction of movement it imposes, is seen by the attending police as an acceptable loss.

We know that 49 men were arrested, thirteen were immediately arrested. The majority of these are not wife assault. Twelve men were not arrested. In two cases we do not have

the answer to the question. Police recommend 57 times that charges be brought against the man. Twenty-eight women's cases do not make it past the point of police investigation. Police prevent convictions in cases of stranger attacks by not collecting evidence:

A stranger posing as a repairman attacks this woman in her apartment. The police appear to be kind at first, take her to the hospital to deal with her broken nose, call her sister. But they don't collect evidence at the apartment; do not ask for the medical forensic kit at the hospital. They do not proceed with presenting the case to crown. They said there weren't any fingerprints. And yet the respondent said the attacker had rummaged throughout the apartment.¹⁵ "No one checked my body or my clothes, they didn't keep anything."

In the following case, a man attacks the woman when her car breaks down on the road, and she accepts his offer of using his cell phone.

She doesn't even feel that they bothered looking. She could have I.D.'d the rapist if they showed her any pictures. They didn't ask her anything like that. They insinuated that her husband did it.

This woman's drink was spiked at a bar. She doesn't know the man who offered to take her home. He raped her and left her home after giving her a card with his name on it. The police had his name. At the hospital they did not collect evidence. The police did not proceed with the case because of "lack of evidence." The forensic evidence kit wasn't used on me. "It was my word against his."

Of the casual acquaintance rapes for which the police did not recommend charges to the crown, it is usually the case that the police do not believe the woman. In many of the cases, drugs and alcohol are involved in some way in the attack.

The woman knows the attacker and has been in a social situation with him. He takes advantage of her vulnerable state to commit the rape. The police proceed in this case with the assumption that she is lying. "He (police) wouldn't keep in contact with me, so I called him every week. Week before Christmas he met me for coffee at Starbuck's. Told me to move on with my life, go to school, etc. Then he said the file is inactive and it's 'in the drawer'. He said they'd pull the file out when he rapes another woman." In this case, the woman is attacked by a casual acquaintance. There are drugs involved and physical evidence is collected by the police. She can identify the attacker.

"I'm not here for a joke, if you're just making this up." This is the response of the police officer to the young woman who was raped by a casual acquaintance at her friend's house. There were drugs involved, she had taken some cocaine. "Obviously the cop in Winnipeg not only made it more difficult but impossible." (Casual acquaintance rape, police do not believe her and do not proceed.)