

**POLICING VIOLENCE AGAINST WOMEN
IN RELATIONSHIPS:
AN EXAMINATION OF POLICE RESPONSE
TO VIOLENCE AGAINST WOMEN
IN BRITISH COLUMBIA**

by

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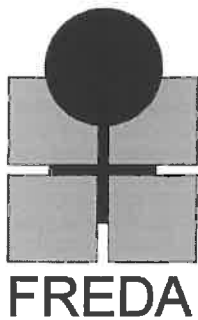
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©August 1997

ISBN 1-896885-20-9



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- Police must confirm the enforceability of any court order(s) and that they have not been superseded or amended. In situations where court orders conflict, the more restrictive order overrides the terms of the other order. (Amended VAWIR Policy, August, 1996)

These background events, (most notably the Vernon murders, the Velisek case, and others familiar to women's groups active in the anti-violence movement), have raised questions about whether police forces are responding adequately to women in and/or leaving violent relationships. In particular, these issues have raised concerns about the implementation of the mandatory arrest component of the VAWIR Policy (see *Kinesis*, May 1997).

The research outlined in this report emerged in response to these concerns. Specifically, the research undertaken was of a pilot nature, aimed at assessing the implementation of the VAWIR Policy from the perspective of front-line workers – workers who provide services and assistance to women in and/or leaving abusive relationships.

The purpose of the present study was to ascertain the effectiveness of the VAWIR Policy at the first stage of implementation, namely at the site of police intervention. In other words, do police investigate cases involving violence against women in relationships, and further, do police implement the pro-active charge policy as defined in the VAWIR Policy?

The following section outlines some of the debate and findings of past research studies dealing with mandatory arrest. Thereafter, the methodology used in this study is discussed. The findings of the study are presented next. Recommendations arising from the research conclude the report.

II. POLICING VIOLENCE AGAINST WOMEN IN RELATIONSHIPS

There has been considerable debate about the efficacy of involving the criminal justice system to deal with issues concerning violence against women (DeKeseredy and MacLeod, 1997; Currie, 1993; Martin and Mosher, 1995).⁵ In the early seventies, feminists argued that criminalizing wife assault was one method of ensuring that this type of violence would be recognized and treated with some severity by society. Since then, many feminists have noted the double jeopardy inherent in this approach, namely, that women who engage with the criminal justice system as complainants/victims or witnesses to crimes against them are re-victimized by the courts in the very process of seeking redress. They also suggest that criminalization of such violence simply deflects attention away from the root cause – that of gender-based inequality (Currie and MacLean, 1992).

Mandatory charging policies have been equally criticized by police and women's groups. It has been argued that women who suffer abuse do not want the police to intervene except in cases where they require immediate protection (Martin and Mosher, 1995). On the other hand, the police argue that such policies by virtue of the directives which underpin them, rob them of any kind of discretion (Hannah-Moffat, 1995; Rigakos, 1997). Many groups have argued that such discretion is simply a mask for sexism and racism.

DeKeseredy and MacLeod (1997) note that women's groups, often portrayed as advocates for mandatory arrest policies, did not specifically promote criminalization or mandatory arrest as a solution. In fact, mandatory arrest was strenuously debated during a meeting of the Canadian Advisory Council on the Status of Women (CACSW) in 1981. Criminalization was *never* the specific focus of CACSW, however, it was the *one* recommendation quickly adopted by government. Those opposed to criminalization argued that the criminal justice system redefined the problem of wife-abuse and contained it within a framework and logic that was antithetical to women's equality and to feminism in general, which is based on a non-hierarchical and non-adversarial system of relations.

For feminists, the demand to have woman abuse treated as a crime was rooted in the following rationale:

...women only want the same kind of justice that has been given to other victims of crime; feminism is not responsible for the current form of male justice, it only asks for it to be applied consistently, against men; the use of criminal legislation against violence against women establishes the principle of women's dignity as a people by recognition of violence against them as a major crime; and finally, although law will not diminish crimes and harsher sentencing will not alter the general picture, it provides an occasion for public debates which increase awareness of the position of women. (Currie, 1993:47)

⁵ See also the recent issue of the *Education Wife Assault Newsletter* (Vol. 8, No. 1, May 1997) which contains various feminist perspectives on mandatory arrest charging policies; and also Ruttenburg (1994).

Caught in a social system which sanctions and perpetuates gender-based inequality, many liberal feminists sought recourse to crimes against women from the state itself. In contrast, other feminists have argued that given that the state itself mirrors patriarchal structures, such a recourse offers nothing but empty promises (Martin and Mosher, 1995). Their view is also predicated on the reality that male perpetrators of violence who are penalized by the system, tend to be those belonging to the most marginalized communities. In these situations, racism and classism intersect to make them more vulnerable to criminalization. Male offenders with societal privilege escape such sanctions by virtue of the power and resources they possess.

In Vancouver, the dilemma of working with the state to “police” violence in relationships manifested itself in a situation where one rape crisis centre refused to work with the police, while another emerged to fill the gap with an explicit mandate of working and training the police (Price, 1988). Nevertheless, the experience was an especially difficult one, and at times, rife with problems emanating from the unequal power relations of the police as opposed to workers of the rape crisis centre.

In part, the dilemma posed in the debate about criminalization is rooted in the either/or ideological double-bind. Namely, that the desire to have access to equivalent retribution is taken to signify a pro-police or pro-criminalization perspective. Such is not necessarily the case. The desire to have access to justice or the same degree of retribution – equivalent in the sense that perpetrators of crimes against property and other men, suffer the same degree of retribution should they commit crimes against women – is rooted in the need to have crimes against women recognized by society and the state, and to have the seriousness of these crimes unchallenged. This perspective embodies a both/and perspective which relies on pressing for access to justice and demanding police/state intervention while simultaneously, taking a critical stance on the efficacy of treatments meted out by the justice system. To a large extent, this response is coherent with and grounded in feminism, which argues for the total transformation of society and its institutions.

The Emergence and Rationale for Mandatory Arrest Policies

The impetus for the emergence of mandatory arrest policies can be traced back to four major factors (Gelles, 1996; Roberts, 1996). The first and most critical of these was the pressure exercised by the “Violence against Women” movement, a part of the larger women’s movement. The movement’s advocacy efforts were instrumental in bringing to the forefront of public consciousness the widespread prevalence of wife abuse. The movement advocated the view that violence against women is a serious issue and that institutions such as the criminal justice system listen to women’s concerns and believe women’s stories of abuse. Secondly, during the eighties, several influential studies conducted in the United States and Canada served to confirm the efficacy of mandatory arrest as an effective deterrent to violence against women in intimate relationships (e.g., Jaffe, et al., 1986; Sherman and Berk, 1984). These studies, and most notably the work of Sherman and Berk, led to the wide-scale adoption of mandatory arrest policies in North America. A third factor, which is often overlooked, concerns the influence of litigation against police by victims/survivors of violence (Faubert and Hinch, 1996:232; Roberts, 1996:5). Fourth, the trend towards increased

criminalization of violence has also been cited as a significant factor in influencing the adoption of mandatory arrest policies (Roberts, 1996:6).

Sherman and Berk's Minneapolis Study

The authors of an influential study in the area, Sherman and Berk made headlines in the *New York Times* in 1983 when they announced that police arrests were more effective in deterring violence in relationships than the informal methods traditionally employed by police officers (Boffey, 1983). Their conclusions were predicated on a six-month study of 314 abusers who were either arrested, temporarily separated from their spouses, or provided with some sort of police counselling. Their data were derived from official police records and interviews with survivors. The study results revealed that after a six-month period in Minneapolis, 24% of men temporarily separated and 19% of men counselled by police engaged in subsequent violence in their relationships, while only 10% of those men arrested did so.

The U.S. Department of Justice funded a series of replication studies to corroborate the findings of the Minneapolis study (Sherman, 1992). The results of these later studies raised questions about the validity of Sherman and Berk's study. In *Policing Domestic Violence: Experiments and Dilemmas* (1992), Sherman himself outlines a number of methodological concerns inherent in the original study and the replication studies conducted thereafter (see also, Berk, 1993; Gelles, 1996; Lerman, 1992).

In stark contrast to the recommendations of the Minneapolis study, Schmidt and Sherman (1992) argue for the repeal of mandatory arrest laws, substituted by structured police discretion, warrantless arrests, specialized units and policies focusing on "couples" who are chronically violent. The efficacy of these measures remains to be empirically tested.

The Canadian Experience

When Margaret Mitchell, member of parliament representing Vancouver East, first raised the issue of violence against women in relationships on May 12, 1982, the House of Commons responded with derisive laughter (DeKeseredy and MacLeod, 1997; Faubert and Hinch, 1996:231). One year later, the issue of violence had entered public/legal and policing discourse with considerable force, driven largely by the extensive consciousness raising work of the women's movement.

On July 15, 1982, then Minister of Justice and Solicitor General of Canada, Robert Kaplan, wrote to police chiefs across the country urging them to implement presumptive charging policies in cases involving violence against women in relationships. The following year, in December 1983, Kaplan released a public statement about the investigation and prosecution of "spousal" abuse. The objective was to shift the onus of initiating charges from the victims/survivors to the police and Crown counsel. The shift of responsibility was predicated on a recognition of the precarious dilemma faced by women in violent relationships. Since then, there has been a growing debate and controversy about the implementation and effectiveness of the policy.

The London Study

Mirroring the now infamous Minnesota study, Jaffe, et al., (1986) conducted their examination of the efficacy of mandatory arrest in London, Ontario. They found that arrest policies were effective in deterring violence against women in relationships. The study's results dispelled the myth of uncooperative victims. In contrast, the findings indicated that in cases in which police laid charges, there was a significant decrease in charges being withdrawn or dismissed. Jaffe, et al., noted that London may be an atypical case, and that the results of the study cannot necessarily be extrapolated to other urban locations.

Toronto's "Metro Woman Abuse Protocol Project"

In 1991, the Metro Woman Abuse Protocol Project was initiated to ascertain how the criminal justice system was addressing violence against women in relationships. The Project's mandate also included the development of a series of inter-agency operational guidelines. The police protocol developed as part of the Project promotes a pro-charging policy.

Police perceptions of the pro-charging policy were explored in a subsequent study by Kelly Hannah-Moffat (1995). She found that police officers differed in their opinions concerning the decision to charge. Most officers responded with the legal criteria when asked for a definition of assault. Despite the legal definition, the decision to charge was seen as discretionary and within the purview of the individual police officer. The latitude of discretion varied among police officers. One officer claimed that all that was needed was an allegation, while another insisted that an actual intent to harm was necessary.

Hannah-Moffat also found that police officers were frequently suspicious of the authenticity of the victim's complaint. Police officers, she found, were leery to charge in some instances because they had concerns about being manipulated by the woman. The stereotype of women as lying, deceitful and manipulative had a significant impact on how the policy was interpreted and implemented by the individual police officer.

The Winnipeg "Family Violence Court" Project

The Winnipeg "Family Violence Court" Project evolved out of a need to process violence cases more expeditiously, ensure the provision of consistent and appropriate sentencing, reduce case attrition, ensure mandated treatment for offenders, and increase the monitoring of offenders. All these objectives are based on a zero-tolerance policy for family violence in Manitoba (Ursel and Brickey, 1996). The zero-tolerance policy is highly problematic given that it fails to include a gendered analysis of violence, and also lacks consideration of the reality that women often resort to violence in order to defend themselves (DeKeseredy and MacLeod, 1997).

Based on the view that mandatory arrest policies deprive women survivors of any agency to determine their own destiny in cases of violence, the Winnipeg Family Violence Court system has incorporated a variety of features. One such feature is the Court's coordinated effort toward "testimonial bargaining." In this process, the complainant/witness works with the Crown attorney to ensure an outcome that best serves her needs. While such testimonial bargaining is reminiscent of other alternative dispute resolution mechanisms, and underpinned by problematic assumptions

that ignore power inequities, the Winnipeg project draws attention to *the necessity of involving all aspects of the criminal justice system* so that they may work in concert and to the benefit of the survivor of violence. Further, testimonial bargaining, unlike other forms of alternative dispute resolution or mediation, does not relocate the issue of violence against women to a private, depoliticized space.

Saskatchewan's "Victims of Domestic Violence Act," 1995

In 1985, the Saskatchewan Department of Justice undertook an evaluation of the police and prosecutorial involvement in cases of wife abuse in the province. Findings from that study confirmed that police should strengthen and continue the mandatory charging policy. In 1993, an internal Family Violence Task Force was initiated and mandated to review the recommendations of various task forces and studies from across the country. Two years later, in February 1995, the province introduced and subsequently passed *The Victims of Domestic Violence Act* – the first provincial statute of its kind in the country. The Act authorizes specially trained justices of the peace to issue emergency intervention orders which then allow police officers to remove offenders from the home or dwelling occupied by both the victim and offender.⁶ At this point, it is unclear as to how effectively the Act has been implemented, and what, if any, significant outcomes it has engendered.

The BC "Violence Against Women in Relationships Policy"

In British Columbia, the provincial government first introduced the Violence Against Women in Relationships (VAWIR) Policy in 1984. Since then, the Policy has undergone numerous amendments, the most recent of which took place in August 1996, after the Vernon massacre. The main objective of the Policy is to encourage all aspects of the criminal justice system to treat violence against women in relationships seriously. The Policy promotes a proactive charging policy. It is also aimed at reducing the number of cases that fail to be prosecuted by Crown counsel, increase support to victims, as well as encourage harsher sentences in order to deter offenders (Wilmshurst, 1997).

The effectiveness of the VAWIR Policy has been the subject of various internal studies by the police and the Ministry of Attorney General (see the *Survey of Spousal Assaults Reported to Police in British Columbia, 1993-1994*; *Violence in Relationships – 1995 Police Statistics*). In general, the VAWIR Policy can be considered highly progressive in that it behooves personnel in the criminal justice system to recognize the unequal power relations extant in relationships involving violence. As the 1996 version of the Policy states:

...it is important that the criminal justice system personnel recognize the power imbalance and the dynamics which operate to prevent a woman from taking steps to end abuse. A rigorous approach to arrest, charge and prosecution, as promoted by this policy, is necessary to help eliminate violence within relationships. (p.3)

⁶ In British Columbia, Liberal MLA Lynn Stephens also introduced a Private Member's Bill fashioned on the Saskatchewan Act (Bill M 204).

From a broad “systems”⁷ perspective, there are three main critical sites that can be used to assess the effectiveness of the VAWIR Policy: (1) at the first stage of encounter with the police, and police action or inaction with respect to the implementation of the Policy; (2) at the level of Crown counsel in terms of how many cases are actually prosecuted; and (3) the length and type of sentences accorded to offenders (Wilmshurst, 1997). Other sites which would enable the gathering of a more generalized set of data include the number of cases referred to victim assistance services; the number of orders issued by the justice of the peace; and the perceptions of the different parties involved at various levels of the criminal justice system.⁸

However, a feminist analysis of the implementation of the VAWIR Policy necessarily takes as its point of departure the views, perceptions and experiences of survivors of violence who have had some encounter with the criminal justice system. Since ethical considerations make such research difficult, a second but nonetheless critical site for such a policy analysis is situated in the *experiences of front-line service providers*. These organizations are grounded in the community in that they have emerged in response to a defined need within the constituencies they serve. They are usually the first point of contact for survivors, providing the most continuous support and advocacy services. Such organizations, while dependent on state funding, are not inherently intertwined with the state or its systems of governance. Rather, they are often poised in a critical relationship to the state in terms of demanding accountability from state sanctioned institutions. Feminist analysis emerges from and is shaped by the experience of such front-line groups as sexual assault centres, transition houses, and women’s centres who not only have detailed knowledge of the realities of survivors but also advocate for their rights (Faith and Currie, 1993; Kirby and McKenna, 1989).

“Systems” Evaluations of the VAWIR Policy

Responsibility for monitoring the effective implementation of the BC VAWIR Policy rests with the Regional Crown Counsel (see page 17 of the VAWIR Policy, 1996). According to the most recent study results released by the Police Services Division of the Ministry of Attorney General, reported incidents of “spousal assaults” increased from 9,126 in 1993 to 9,300 in 1995 (an increase of 174 incidents or 1.9%).⁹ It should be noted that this is the first stage of the Policy, whereby the police are required to file a report and investigate any incident of spousal assault as defined by the 1993 VAWIR Policy.¹⁰

⁷ “Systems” generally refer to institutions involved in the delivery of state-sanctioned, mandated services, e.g., the police, Crown counsel, judges, etc. This is to differentiate the perspective of those within “systems” from those in community-based organizations such as transition houses, sexual assault centres and women’s centres – centres which, while dependent on state funding, are not necessarily part of the systems of governance.

⁸ However, there are feminist analyses (e.g., Rigakos, 1997), which assess and critically examine the performance of “systems” in relation to women survivors of violence. The perspectives employed in the research and in the framing of research results is central to any analysis, and disqualifies notions of “objectivity” and abdication of social responsibility in the research process (Kirby and McKenna, 1989).

⁹ As indicated in the media release issued by Police Services Division, Ministry of Attorney General, April 22, 1997, and the *Survey of Spousal Assaults Reported to Police in British Columbia, 1993-1994*, released by the Police Services Division in December, 1996.

¹⁰ According to the Statistics Canada *Violence Against Women Survey* (1993), only 14% of cases involving violence against women are ever reported to the police. Further, it may take up to 35 incidents of violence before women will involve the police.

Police Services data (as reported in the above sources), indicate a notable increase in the number of reported offences where police recommended charges: from 56% in 1992 – a year before the amendments to the VAWIR Policy – to 70% in 1993. Similarly, higher levels of conviction have been reported for 1995 as compared to 1993. From these accounts, it would appear that there is a committed degree of police adherence to the Policy.

However, it should be noted that Police Services data are based only on those files in which charges were recommended. Further, the data are derived from select areas and exclude such large urban areas as Vancouver. With a random sample of 15% of all cases per year, it is hardly surprising that reported incidence of violence increased so minimally (1.9%) over a two-year period. The data also raise the question as to the number of incidents where police were called that *did not* result in charges being laid. Existing strategies of data collection do not reveal the extent of violence against women in the province, nor do they provide an accurate depiction of police inaction in cases where police intervention was requested. Moreover, if the objective of police statistics is “to verify the spousal assault disposition data entered into the Police Services database,” there is no explanation provided as to why data from other sources are collapsed.

The pivotal question concerning the implementation of the VAWIR Policy cannot be fully answered in the absence of a consideration of non-charge data. Although it can be reasonably expected that not every case will result in a recommendation of charges, there is no indication as to which cases fall through the cracks, or why charges are not being laid. On the other hand, in his report on policing in British Columbia, Justice Wallace Oppal noted that “...the leaders of many women’s groups tell us that the mandatory arrest policy is only carried out on a selective basis, and therefore cannot be assessed properly”(1994:xvi). This raises the question as to whose perceptions carry the weight to influence the implementation of policies.

In their submission to the Oppal Commission on policing, representatives from Vancouver Rape Relief discussed the inadequate, and often times blatantly sexist and discriminatory responses that women survivors of violence have had from the police. From the initial response of the 911 operators, to the police officers who interview them, women’s complaints have been trivialized and dismissed. As their submission indicates:

We have heard from numerous women about the lack of response from the police. Women have waited hours for police to arrive to take a report and sometimes this is immediately following the attack. Time and time again women have told us that they reported to the police and then never heard back from them again, or that the police did nothing, or that they said there was nothing they could do. Even with a current charge pending against a man, women are told there is nothing they can do about his harassment and veiled threats unless he threatens her directly with harm or hurts her again. Police have made their own judgments about whether there is enough evidence for a charge and often without a full investigation (McIntosh, 1993:4).

Not only is the lack of police response an issue, but as the representative from Vancouver Rape Relief noted in her submission, police attitudes, behaviour, and treatment of survivors are major obstacles for women survivors of violence.

Women who choose to report an attack by a man or men to the police face secondly the response of individual officers sent to respond to her complaint. Their attitudes, ignorance, manner and techniques serve to discourage, deter, and even block women's access to justice through the criminal system. Women describe their complaints being discounted, trivialized and disbelieved by individual officers. They are often treated with disrespect, suspicion, and contempt. The initial response and the subsequent investigation is often slow or there is no response at all. Individual police officers have demonstrated ignorance of the law and ignorance of the realities of women's experience of male violence. (McIntosh, 1993:5)

These concerns were also articulated by other women-serving agencies to the Commission.

Police Implementation

The above studies and localized projects underscore the need for an orchestrated and coordinated response on the part of the criminal justice system to cases involving violence against women. However, the police and RCMP remain key players in the implementation of policies and guidelines. Their perceptions and attitudes necessarily infuse their degree of adherence to policies, and their subsequent practices of interpretation and implementation. From a feminist perspective, examining police perceptions, beliefs and actions in responding to issues of violence against women "has shown how pivotal constructions such as privacy and domesticity which impinge on police actions drastically affect victims" (Rigakos, 1997:205).

In a first examination of the implementation of arrest policies in cases of breaches involving peace bonds and restraining orders, Rigakos found that there was a general reluctance on the part of the officers to arrest those breaches involving civil orders (Rigakos, 1997). He also noted the prevalence of conservative attitudes among the sample of Delta police officers who participated in his study, suggesting that their perceptions of women survivors of violence as unreliable, influenced their decisions not to arrest. Women were not only viewed as being unreliable but were often considered responsible for having brought on the violence. As one officer stated:

The whole arrest thing is bullshit. You have some real douchebags who keep the house like a pig-sty. Then the guy gets angry... and she's drunk and slaps him. If he fights back she calls the police. Most of these things are started by the women anyways, it just that they're smaller and end up losing the fight. She shows you her wrists are red where the guy grabbed her and expects you to arrest him even though she hit him first. All he was trying to do is keep her from hitting him by grabbing her arms and forcing her onto the bed. (Rigakos, 1995:236)

This view that women were responsible for the violence enacted upon them was not uncommon. The police officers interviewed by Rigakos also indicated that they viewed women survivors as being highly manipulative, in that they deliberately used the arm of the state to discipline their husbands and boyfriends. As one officer stated:

Women are using these orders to manipulate their husbands. Like for custody battles and divorce.... Women aren't stupid, they know we have to arrest, we have no bloody choice, so they're using it against their husbands. (1995:238)
It appears that some women are using the Attorney General's policy on "police shall arrest" at domestics, as a tool to gain an upper hand in divorce proceedings, and child custodies. (1995:239)

These perceptions are highly problematic and constitute a "blame the victim" mentality. They shed light on some of the reasons why policies designed to protect women are simply not being implemented in a fair and consistent manner. In a study focusing on young women survivors of sexual assault in the Vancouver area, Suleman and McLarty (1997) found that police stereotypes about young women led to a lack of enforcement and assistance. However, not all police officers share negative stereotypes about women. There are, undoubtedly, some well intentioned officers who are aware and sensitive about violence against women. Nonetheless, there are systemic factors which contribute to an environment where violence against women tends to be trivialized and/or dismissed.

Aside from perceptions and beliefs, police willingness to implement policies may be impeded by structural considerations, for example confusion about the priority and precedence given to different protection orders, lag time in checking the CPIC and Protection Order Registry (which may be as great as six months), and the communication of priorities by superior officers. Similarly, where orders conflict (i.e., restraint orders and visitation orders), police are instructed to enforce the most restrictive order. This places them in the position of having to interpret which order trumps the other. In an indirect manner, police are invited to practice discretion.¹¹

¹¹ The problem is compounded in rural settings where the police officers are well known and enjoy a great deal of familiarity with the abusers and survivors of violence. In such cases, police discretion can translate into a lack of action and non-enforcement of the Policy.

III. A PILOT SURVEY CONCERNING THE VAWIR POLICY

This section focuses on the development and implementation of a pilot survey of transition houses, sexual assault centres, and women's centres from around the province with regard to their perceptions of the effectiveness of the VAWIR Policy, and more specifically of mandatory arrest measures and other recent amendments to the Policy.

This survey was not designed or intended to produce information that could lead to a strict comparative analysis with results derived from the Police Services data. Such a comparative analysis would have to ensure that both surveys were predicated on similar assumptions, content and methodology. As suggested in the previous chapter, this pilot survey examines the perspectives of front-line workers who are directly involved in the delivery of services to survivors of violence. This survey does not purport to offer a critique of the VAWIR Policy *itself*, but focuses on its implementation in the "field" of anti-violence advocacy, support, and service delivery work.

Purpose

The purpose of the present study was to ascertain the perceived effectiveness of the VAWIR Policy at the first stage of implementation, namely at the site of police intervention. In other words, do police investigate cases involving violence against women in relationships, and further, do police implement the pro-active charge policy as defined in the VAWIR Policy?

The impetus for these research questions came from the outrage that the larger women's community in BC expressed over the Vernon massacre. As mentioned in the introductory section of this report, Vernon was one among many other cases where police inaction was seen as a major factor in escalating the violence. One year later, and after countless other cases have hit the media, the question of police intervention seems even more urgent.

Clearly, there are other sites where the VAWIR Policy's effectiveness needs to be examined. These include sentencing patterns, the extent and use of diversionary measures, and the number of cases pursued by Crown counsel. However, for our purposes, the focus of the present study was limited to the immediate and first step of policy implementation, namely police intervention.

Methodology

This pilot survey concerning the effective implementation of the VAWIR Policy involved the participation of 45 organizations, reflecting a 95.7% participation rate, or 45 responses from a list of 47 contacts. The organizations contacted consisted of transition houses, sexual assault centres and women's centres from around the province of British Columbia. Contact names were derived from the National Action Committee on the Status of Women's (NAC) mailing list of member

organizations dealing with violence against women, the *Red Book* (1995), and Health Canada's publication detailing the addresses and contact numbers for transition houses in BC.¹²

The participating organizations constitute a multi-tiered milieu of services for women who experience violence from their intimate partners. These service providing organizations (SPOs) offer a range of services and specializations. For some, their sole purpose is to act as referral agencies. Other organizations have a specific focus such as counselling, and still others provide a range of services that include advocacy, transition and second stage housing, and support group services. Organizations contacted for the survey can be categorized as follows:

- Women's community services (providing referrals, support services, transition house facilities).
- Specific victim assistance services (excluding governmental agencies such as Crown and police victim services).
- Service delivery organizations that offer services to immigrant and refugee women, women with disabilities, rural women, and aboriginal women.

The decision to use organizations that provide services to women in violent relationships as the primary source of data for the study was strategic. First, these organizations have contact with survivors of violence on a daily basis. Their stock of knowledge regarding violence issues is immense given that they are confronted firsthand with the effects of violence on women and children, and are intimately aware of how violence deters women from pressing charges and leaving abusive relationships. Their experiences include collective accounts and stories of women survivors. Second, although the ideal respondents for this survey would be women survivors themselves, it is difficult to access these women for ethical reasons. Moreover, given the trauma of violence in their lives, not to mention immediate survival needs, survey questions may not exactly be their priority. The methodology chosen for this study does not invalidate the personal account of any individual woman survivor, but rather is based on the recognition that interviewing front-line workers allows for a critique of the efficacy of the VAWIR Policy.

Survey Instrument

Since the aim of the study was to examine the degree to which police implement the VAWIR Policy's pro-active charge component and their investigations of cases involving violence against women in relationships, the survey instrument designed was deliberately constructed to be open-ended. The aim was to collate and analyze the perceptions, opinions and experiences of front-line workers. It was necessary, therefore, to generate a methodology that was best suited to fit the research needs of those in the "margins" (Kirby and McKenna, 1989). "Margins" here refer to those peoples whose voices are rarely heard except in government consultations around issues directly impacting on them. In contrast to police surveys, front-line workers are rarely given the opportunity to have their experiences counted as valid and as offering valuable insights. Surveys concerning their perceptions are usually confined to the realm of consumer products and, perhaps, political opinion polls. The exception here is academic research, usually of a feminist and/or

¹² This publication is titled: *Transition Houses and Shelters for Abused Women in Canada* (1996).

critical perspective, which centres the analysis on those most immediately affected by policies and actions (e.g., Ladner, 1987; Lather, 1986; Thornton Dill, 1987).

The construction of the survey instrument was accomplished in a collaborative manner. Questions were solicited from different front-line groups, and then refined with feedback from academics consulting with the research team. The resulting instrument contained a number of broad questions, as well as specific questions concerning the geographic area of the respondent's location, whether it was policed by the RCMP or a municipal force, the respondent's personal view of the efficacy of mandatory arrest, and how respondents thought the Policy could be improved. The survey included specific questions about the recently amended VAWIR Policy as a whole, and the implementation of the proactive charge component within it.

Despite the differences in the types of organizations that were contacted to participate in this study, only one survey instrument was used. This was done to ensure that any variations emerging from the formatting of the questions could be minimized (see Appendix).

The use of semi-structured telephone interviews as the method for acquiring information about the efficacy of the VAWIR Policy was facilitated by the need to reach as many organizations as possible within a short period of time, and within the restrictions of a limited budget.

Process

Interviewers were provided with a protocol on how to conduct the telephone interview. They were instructed to first contact the organization by telephone, tell them about the study, and invite their participation in it. A copy of the survey instrument was then faxed to the responding organizations so that they could take the information back to their collective members and/or executive directors. The interviewer was then encouraged to set up an appointment with the coordinator or worker in the organization who was willing to participate in the study. Interviewers were told to restate or clarify the questions if necessary in the process of interviewing. Answers to the survey questions were to be hand-written by the interviewer, and subsequently transcribed if necessary. Respondents were to be assured of the confidentiality of their answers and identities. All recorded information was to be stored in a safe place, with identifiers concerning the names and locations of the respondents removed from the data.

Contact Organizations

Names of the various organizations contacted to participate in the survey were derived from the *Red Book* (1995) which is a directory listing the names, addresses and profiles of service organizations in BC's Lower Mainland, the National Action Committee on the Status of Women (NAC) members mailing list for British Columbia (specifically organizations dealing with violence prevention and violence services), and the Health Canada directory listing names and contact numbers for transition houses in British Columbia. Where possible, an attempt was made to exclude governmental victim service organizations on the grounds that because they are so intertwined with "systems," their perceptions and experiences may be qualitatively different. In addition, this study accords primacy to women-centred organizations as opposed to "systems"

centred organizations. It is acknowledged that a full scale study on the issue would have to include respondents from these organizations.

The organizations' decisions to participate in the study were entirely voluntary. The organizations chose the individual responsible to act as a respondent on their behalf. Usually, this individual respondent was a front-line worker. In some instances, the individual respondent was also responsible for the day-to-day operation of the organization. It should be noted that most of the organizations participating in the study repudiate a hierarchical, bureaucratic structure, favouring instead a more collective mode of governance.

Data Collection

A team of five interviewers undertook the data collection. Each interviewer was assigned particular days of the week during which she was responsible for contacting organizations and scheduling interviews. Where scheduled interviews fell on the particular days that were assigned to her, she conducted the telephone interviews accordingly and communicated to the other interviewers which organizations could be deleted from the master list identifying all participating organizations.

Interviewers began by "cold-calling" the organizations to solicit their participation in the study. Respondents were told what the study was about and asked if they would be willing to participate. The purpose of this initial call was to identify an individual who would/could serve as a respondent, and with whom a future interview could be scheduled. In a small number of instances, a second call was necessary to complete the arrangements for an interview.

Prior to the interviews, the survey instrument was faxed to each organization. This gesture seemed to facilitate both the participation rate and the quality of responses garnered. A number of responding organizations not only participated in the telephone interview but also sent back written responses as derived from discussions with their collective members. Telephone interviews ranged from ten to thirty-five minutes, with the average interview lasting approximately twenty minutes.

Data Analysis

The objective of the interviews was to obtain a picture of the "policing" of violence against women in relationships in British Columbia, subsequent to the amendments included in the August, 1996 version of the VAWIR Policy. The emphasis of the survey was on producing *qualitative* information about the needs, concerns, and issues of front-line workers with regard to the policing of violence against women in relationships in their own communities.

IV. VIEWS FROM THE FRONT LINES

This section presents the many and varied comments received from front-line workers concerning the VAWIR Policy in response to the survey instrument described in the preceding chapter. It begins with a breakdown of the statistical profile of the responding organizations, followed by some statistical indicators regarding the efficacy of the Policy as perceived by front-line workers. However, the statistical indices presented are simply general indicators. As this was not a quantitative study, the results presented here do not fit within the strict parameters of such a methodology. Rather, as a pilot project, the study aims to shed light on the concerns, realities and needs of those providing services to survivors of violence. The objective is to highlight areas that require further investigation in the context of a full-scale and detailed study.

One of the difficulties with providing statistical indicators is that they tend to flatten any distinctions between respondents. Hence, the views of staff at a rape crisis centre are considered equivalent to a centre that provides referral services only. In that regard, statistical indices are not always an accurate reflection of the varying degrees of knowledge and expertise that different agencies possess. The percentages provided in this section are not derived from a quantitative analysis framed within a positivistic paradigm, but rather, are included to illustrate significant trends in the qualitative data gathered for the study.

As indicated previously, of the 47 organizations contacted, 45 responded within a week. The two remaining faxed back written responses after the cut-off date for data analysis, and hence their responses could not be incorporated in the results. Sixty percent of the organizations were located in an urban milieu, while 40% were rural-based (see Table 1). Seventy-four percent were located in areas under the purview of the RCMP, while 18% were located within the jurisdiction of the Vancouver Police Department, and another 8% in areas falling within the jurisdiction of other municipal forces (see Table 2).

Table 1 – Geographic

| | |
|-------|-------|
| Urban | Rural |
| 60% | 40% |

Table 2 – Jurisdiction

| | |
|------------------|-----|
| RCMP | 74% |
| Vancouver Police | 18% |
| Other Municipal | 8% |

Of the organizations surveyed, 53% indicated that police are implementing the mandatory arrest scheme under the Policy, whereas 37% did not. The remaining 10% did not answer the question.¹³

¹³ The 10% who did not respond to this question were victim service organizations, which have close working relationships with the police.

However, 82% of the participants stated that they had concerns about the ways in which police were implementing the mandatory arrest provision under the VAWIR Policy.

Respondents generally expressed the view that police need more education in order to understand the dynamics of abuse within relationships. However, several prominent rape crisis centres argued otherwise, stating that an extensive amount of funding and resources had already been dedicated to police training in the past. Such training had proven fruitless.¹⁴

Forty-nine percent (49%) of respondents stated that the implementation of the Policy was improving, but that the Policy was not being implemented consistently. The majority of the respondents indicated that lack of consistent implementation is resulting in women not calling the police because they do not feel supported (88.8%). Respondents stated that, in their view, the police themselves appear to be experiencing difficulty in implementing the Policy because of a lack of support from Crown and the courts (73.3%). Several respondents stated that in their experience, police are unwilling to arrest unless the woman is willing to testify in court.

In total, 43% of the respondents stated that the Policy was not effective in deterring violence against women, especially given its current implementation.

Efficacy of the VAWIR Policy

When questioned about the effectiveness of the Policy, only 49% of the respondents thought that it was changing the situation for the better. Another 42% felt that the Policy was not effective. However, 84% indicated concerns about the implementation of the Policy.

Front-line workers thought that the Policy would work were it implemented in a consistent manner. Analysis of the qualitative data clearly indicated that there are serious concerns about the lack of consistent enforcement of the Policy by police, Crown, and the courts. Respondents noted that positive experiences with the Policy are too dependent on specific police officers. However, one respondent clearly stated that, in her view, police themselves are sabotaging the Policy through their lack of enforcement.

Emerging Themes

The following section outlines common themes that emerged from the analysis of the qualitative data gathered in the survey. Where possible, direct quotes from the respondents surveyed are included. Each quote represents an individual respondent.

Police Discretion

According to the respondents surveyed, one problematic area with regard to implementation is the degree of discretion exercised by individual police officers. This is seen as impeding the effectiveness of the Policy and deflecting it from its goal, which is to protect women in abusive relationships. Further, it was reported that police officers are reluctant to arrest if they only have the

¹⁴ See for instance the presentation by Bonnie Agnew from Vancouver Rape Relief as reported in *Kinesis*, May 1997.

woman's story as verification of the abuse. These themes are apparent in the following direct quotes from the answers provided by respondents. For purposes of clarity, the quotes are italicized:

Some situations are overlooked. The police brush it off as an argument.

A lot of cases are never written up. This is why the stats have not risen.

The police are cynical about abuse.

A lot is still left up to the discretion of the officer.

Police use their own criteria for judging abuse and violence.

Women are being charged!

Police are being strict in arresting women.

Police are wary of pressing charges when a hostile witness is present.

Several respondents noted that much depends on the **identity** and **social status** of the woman who is requesting police intervention. Thus, Aboriginal women's calls to police do not receive the same attention as those of other women. As one respondent put it:

Depends on the RCMP contact and who is calling and from where (i.e., a native woman on reserve). The RCMP did not attend the first, second or third time [in that instance].

Another respondent commented that the presence of **alcohol** and **physical signs** of abuse were determining factors in whether the officer would arrest the offender. Existing literature suggests that the myth of a causal relationship between alcohol consumption and domestic violence is highly prevalent and often leads to cases in which such violence is dismissed or trivialized (DeKeseredy and MacLeod, 1997). As two respondents noted:

RCMP label women who are taking drugs and alcohol – they are imposing their personal biases.

Overall, it [the Policy] has made a difference, but there has been a negative spinoff for alcoholic women.

Gender Neutral Interpretations of the Policy

A common shortcoming cited by the majority of respondents was the gender neutral interpretation of the Policy as exercised by the police. In many instances, this has translated into a situation in which women are being arrested, or in some occasions both men **and** women are being arrested. Respondents noted that:

Women are being arrested; police are not looking at the situation.

Women have no trust in the police – women are charged when they call for help.

Often both woman and man are charged.

Police are arresting the woman.

They also indicated that:

The Policy is interpreted in a gender neutral way. It undermines the purpose.

[The Policy] should state male violence.

However, the police are only one part of a system that fails women in violent relationships. The Crown counsel and courts were also indicated by participants as impediments to the effectiveness of the Policy. This finding has been corroborated in other studies (e.g., Light and Rivkin, 1996; Wilmshurst, 1997).

Lack of Protection for Specific Groups of Women

Respondents were also critical of the particular ways in which the Policy fails specific groups of women. As one respondent put it:

Arrests are not happening, especially for women in drug or alcohol situations and women in marginalized situations. They are discriminated against [by the police].

Several respondents noted that Aboriginal women, immigrant and refugee women, women of colour, sex trade workers, and other marginalized women were similarly discriminated against by the police, and that in cases involving violence in relationships, the police often failed to respond to their calls for immediate intervention. Another respondent pointed out how particular communities are stigmatized, and that because of the racism directed at their communities, they do not feel safe in calling the police.

Respondents identified specific issues and concerns for immigrant and refugee women. They noted that there are a lack of services to meet the needs of these women, stating that:

If immigrant women leave, there is fear that they will be stranded or if they have been threatened by their spouses that they will be returned to their country of origin.

Women who have applied [for refugee status] are afraid to call the police for fear that they will be deported. They feel they have no rights.

Women who do not have papers are left out. They cannot call the police for fear of being deported.

This echoes findings in the literature affirming the lack of appropriate services for immigrant and refugee women (e.g., Dosanjh, et al., 1995; MacLeod, 1993).

Aboriginal women in violent relationships face a staggering array of complications when attempting to leave their abusive partners. Respondents identified the prevalent fear of Aboriginal women having their children taken away from them by government ministries. Some respondents also mentioned that Aboriginal women “...can’t take the kids because the men have connections with the Band.” In addition, there is the sense that by breaking ties with the offenders and their communities, the women and children will lose their connections to the culture.

If the Policy is to be effective, it must deal with the reality that women are skeptical about its ability to protect them. It is crucial that the implementation of the Policy recognizes and deals with the barriers (and resistance) that women in violent relationships experience. This includes taking into consideration the different circumstances and access-related issues that confront Aboriginal women, immigrant and refugee women, women of colour, women with disabilities, and sex trade workers.

Resistance to Involving the Police

Respondents were asked to define factors that would impede women from involving the police or requesting immediate assistance, as per the Policy guidelines. Their responses corroborate the findings within the existing literature. The one major reason they identified was that of fear. Women are apprehensive about involving the police because they fear their abusers, and more specifically any retaliation from the abuser; they are afraid of the ensuing backlash from their communities; frightened about the consequence of their actions in terms of its impact on their children and families, as well as its impact on their economic reality; they are alarmed at the thought of dealing with the criminal justice system, about which they may know little. In addition, women are afraid that involving the criminal justice system may make things worse, and that in the end, they will be blamed for the abuse. Many respondents also mentioned that women are fearful that they will encounter racism and sexism within the criminal justice system.

In addition to the above, respondents gave the following reasons as contributing to women survivors’ reluctance not to involve the police:

...[fearful] of the man, how to support the family, of being left alone on their own.

Fear of what will happen to the family, how it will affect the kids.

Scared of what the man might do.

No information about the system. Fear about the unknown.

Scared of loneliness.

Fear that the courts might make it worse. Fear of threats [from the abuser].

Afraid about the lack of financial support.

Fear of the legal system, of being victimized twice, first by the man, then by the system.

Fear for their safety and the safety of their children.

The Cycle of Violence

Respondents highlighted the “cycle of violence” as an important factor in preventing women from involving the police:

Women are reluctant to call because their spouse manipulates them.

Women fall prey to the cycle of violence – [they] feel guilty.

They believe they deserve it; [they believe that] it's not really abuse (even when they have a broken jaw). They think, “He takes care of me.”

Women blame themselves, they think they deserve it. “It's my fault” [is what they believe].

Within the context of violence, the abuser becomes the main referent point in the woman's life. Through coercion and force, the abuser is often able to convince the woman that she will not be able to survive without him, and that should she leave, he will kill her. This coupled with the lack of information about the impact of the criminal justice system, and the possibility of losing their children and experiencing poverty, generally restrict women from leaving abusive relationships.

Studies of homicides in relationships lend credence to this fear. Women are more vulnerable to violence after they leave an abusive relationship than when they are in it (Browne, 1997). It was generally acknowledged among the majority of respondents that part of the problem underlying police failure to implement the pro-charge aspect of the Policy was rooted in their ignorance of the dynamics of violence. As articulated by respondents:

Police do not know about the “dynamics” of abuse.

Criminal justice personnel need more in-depth training about violence against women in relationships.

They need to be placed into a position of helplessness in order to understand.

Power dynamics are reinforced in male dominated police forces – they do not see inequality in women-men relationships.

The RCMP need more training.

How much an officer understands of the dynamics is crucial.

The emphasis on additional training by respondents was predicated not so much on increased opportunities for training but rather on the implementation of what is learned in the training process.

Economic Concerns

Among the most widely cited reasons for women's reluctance to call the police was the fear of the ensuing economic hardship. It is not unusual for abusive men to coerce their partners into quitting their jobs, thus making them financially dependent. Fear of poverty becomes an issue for women who are not economically independent, and who do not want to be thrown to the mercy of the welfare system. Hence, if abusive partners are arrested, there is a real danger that the women will lose whatever economic support they might currently be receiving. Respondents emphasized this as a major concern, and as one of them stated, "...if the family wants to stay intact and the male is the sole provider, with a criminal record finding employment becomes difficult."

Preservation of the Family

Yet another dominant theme in the data was the concern regarding the preservation of the family. While women are desperate to stop the violence, they are also fearful of the consequences for the cohesiveness of the family. As a result, often women may choose to call the police but only to solicit **immediate** intervention. They do not want the man taken away permanently, nor do they want to deal with the possible retaliation they might encounter. Women are particularly concerned about the possibility of losing their children to Social Services. In those relationships where children are present, women are particularly worried that they might lose custody of them. For a number of women, keeping the family intact takes priority over the violence they experience. As a number of respondents stated:

The children are angry and upset that Dad is in jail. The family blames the woman for putting the man in jail.

Women want to keep the family together.

The Policy is working if the main purpose is to punish the offender and attempt to keep women safe. It is not working when the woman and man want to remain together.

Mandatory arrest does not help families who want to stay together.

Prior Experiences

As mentioned earlier, respondents indicated that many women have had prior negative experiences with the police and other parts of the criminal justice system. This makes them reluctant to involve the police even when they are experiencing violence in their relationships. Respondents specifically mentioned such negative experiences as stemming from sexism and racism within the criminal justice system, and more specifically from the police.

Lack of Support, Resources and Protection

Respondents overwhelmingly mentioned the lack of resources available to deal with women survivors. They noted that women do not feel that the police and/or the courts keep them safe. They lack trust in the system. In part, this is based on perceptions and experiences of the system as being imposing and intimidating to survivors. It was generally acknowledged that more support and resources need to be directed to front-line workers. As one worker indicated, “*there are no support services beyond transition houses.*” Another mentioned that “*social cuts have hurt*” women survivors.

Some respondents indicated that the current allocation of resources is inadequate and misdirected. They argued that expending scarce resources on abusers was wrong. Women needed to be the focus and at the centre of resource allocation. As these respondents put it:

Family violence! Men are given more services than women! Bullshit! There should be reallocation of funding for women.

[There are] more services and rights for offenders.

Others argued that there needs to be something in place for men, so that when they return to their families they do not continue their abusive behaviour. Some respondents indicated that a shortage of services has resulted in a situation where men are being sentenced to counselling without a realistic possibility of obtaining it.

Respondents also cited the lack of police support as evidenced by the **non-enforcement of orders**, as well as the proactive charge policy. A number of respondents commented that police do not always respond to calls from women in violent relationships. Others indicated that the police do not respond in an appropriate manner, and that there is a low priority given to these calls. Officers seem to hope that by the time they arrive on the scene, the argument will be over and the situation will have returned to normal. Thus, there is a dominant sense that police are not providing the necessary support. As one worker stated:

It must be real protection. Women need to feel safe, protected. They need a stronger deterrent than a non-enforceable no-contact order.

The need for the enforcement of peace bonds and no-contact orders was clearly expressed by all respondents. While respondents were very cognizant that protective orders are only “*Pieces of paper, not a magic shield...*,” they need to be enforced if they are to be of any value. They stated:

Enforce restraining orders. Police need to enforce breaches of orders.

Peace bonds and no-contact orders need to be expedited.

The present situation does not allow for breaches of no-contact charges until they have gone through the Crown.

No-contact orders – women need to be aware of the release and conditions upon release [of offenders].

Police need to inform women of the man's release.

Police have to act on restraining orders.

From the responses, it is clear that custody issues are a major concern in terms of how they might clash with protective orders. Currently, the VAWIR Policy directs police to enforce the most restrictive order that is on file. Despite this directive, custody and visitation rights are creating difficulties for the enforcement of protective orders. It appears that police need more guidance about how to handle these types of issues.

Courts and Sentencing

While the judicial system was not a specific area of investigation in this study, a number of respondents indicated that the courts, and specifically sentencing of offenders, is a serious impediment in the “policing” of violence against women in relationships. Respondents noted that the courts are not providing sufficient follow-up on these cases. This lack of support from the legal system negates the intent of the Policy. A number of respondents reported feeling stymied by the courts. They also felt that sentences were not harsh enough or that offenders were being treated lightly by being sent to minimum security facilities rather than institutions for violent offenders. This call for more punitive sanctions indicates a growing frustration with the criminal justice system by those providing direct services to survivors of violence. Respondents stated:

Judges are reluctant to hand out appropriate sentences because these men provide financially for their children and wife. The current system sends the message that if you support your kids, you can assault your wife.

The problem is with judges and their random sentencing patterns. In one example involving a violent sexual assault of an ex-wife, the offender got community hours because of other factors.

The system causes women to suffer. Some women wish they had not started the process, especially if young children are involved.

However, a small number of respondents argued otherwise by calling for a system of sentencing that employs diversionary measures. As one respondent suggested:

Use diversion systems, maybe on the day following the violent incident. Make the abuser face his peers. If the offender re-offends, he should be tried on the original charge.

Funding Cuts

In addition to the lack of police support, respondents saw recent funding cuts as major factors in eroding support services for women in or leaving violent relationships. Lack of funding raises skepticism about the sincerity of the Policy and any attempts to deal with violence against women. This skepticism is not without basis. Recent cuts to such basic needs as legal aid services tend to be seen as illustrative of the government's lack of commitment to ending violence against women. While acknowledging that the problem of limited funding and cut-backs also plagues other issues, the question, according to respondents, is fundamentally one of priorities. Respondents argued that women's lives need to be a priority. The need for secondary support services is crucial. Although sanctions can sometimes be effective, experience demonstrates that sanctuary is necessary as well. As respondents stated:

Stop cutting funding.

Cuts to legal aid hurt women.

Provide secondary support – funding and safe housing. Women don't want to go on welfare.

We need more second stage housing for women who decide to leave abusers.

Re-victimization

The theme of women being re-victimized by the courts was also predominant in the qualitative data. Many respondents claimed that the court system itself was a major deterrent to women leaving abusive relationships. One respondent recalled a particular case where the court system's rules made it impossible for the survivor to be treated fairly. As she put it:

Court abuse – her whole past is dragged up but she could not mention his past abuse because it did not fall within the dates.

Others stated:

Women are not believed. Women are treated like offenders. They are victimized again – as for example, in the way they are asked questions. This leads to blaming them.

Women have to bare their souls.

The system causes women to suffer.

The Policy as Disempowering

Some respondents argued that the Policy was generally disempowering for women. It robbed them of any agency in terms of determining their own fate. These respondents also saw the Policy as being paternalistic. They argued that women survivors wanted to have a voice in the process of deciding how best to stop their partners. Respondents also noted that:

Police will press charges when they want to, not when she wants to.

Women are angry about arrests. They feel powerless. It is out of their control.

Policy Implementation

While respondents were positive in their appraisal of the VAWIR Policy, there was almost unanimous consensus that the Policy had to be implemented in a consistent manner if it was to work. Respondents stated:

Police need to change.

The Ministry [of Attorney General] needs to be firm about the implementation of the Policy by police.

It is not the Policy that needs improvement. It is the implementation that needs to be improved. So far it has been ineffective.

People are interpreting the Policy badly because of backlash.

Policy is one thing. Putting it into action is a whole other thing.

The Policy is sufficient, but consistent enforcement is necessary for it to make a difference.

The Policy is a good policy – but it needs to be put into practice.

Where it has been implemented, it is working. But it needs to be implemented everywhere, not in select locations or by police officers who support the Policy.

Interestingly enough, some respondents located in rural settings argued that because of the small size of their communities, everyone was aware of the Policy. This in turn, ensured better implementation by the police. In contrast, other research has indicated that familiarity with police officers often works to the detriment of women who are experiencing violence in their relationships. In rural areas, police officers tend to simply “talk things over” with the offender.¹⁵

¹⁵ Based on a discussion of issues confronting front-line workers at the FREDA Researchers Gathering, April, 1995.

In addition to the above, respondents often mentioned that younger officers tended to adhere to the Policy and were generally more receptive to hearing the woman's side of the issue. This was qualified to include "newer" officers. This could be due to many factors such as the higher levels of education of newer officers, the lower level of time spent in a police culture, and the more intense training of newer officers. As one respondent explained:

Younger officers seem to be more receptive. Older officers still consider it a private issue. They are more traditional.

Another added:

More often, it is the new police officers who act on the mandatory arrest Policy.

Many respondents agreed that there needs to be greater police accountability to ensure proper implementation, and there was an overwhelming demand for some mechanism by which to ensure this accountability. One respondent stated that police should be brought up on charges for not implementing the Policy:¹⁶

[They] need to be reprimanded for not reacting. They should be charged."

Others suggested the need for civilian overseeing committees that could monitor police behaviour and implementation of the Policy, which echoes the recommendations of the Oppal Commission on Policing in British Columbia. A few of the respondents had tried to establish "tracking" committees, but these attempts had not been successful. As front-line workers themselves articulated it:

[We] need something that provides a check on the system.

[We need] a review of the cases to ascertain where the problems are.

Education

Education was one of the most cited needs. Respondents insisted that education was crucial to the successful implementation of the Policy. Many respondents argued for further education on the part of the police and the courts. It was asserted that all aspects of the criminal justice system need to be sensitized about the dynamics of violence and to appreciate the intent, philosophy and objectives of the Policy. Some respondents suggested that such training and education be delivered by front-line feminist organizations. In addition to educating "systems," respondents also indicated the necessity of:

¹⁶ Interestingly, the increasing frustrations of having to deal with a criminal justice system that does not respond to policy dictates has forced many women to seek redress through civil suits (e.g., the famous Jane Doe case in Ontario, and more recently, the actions taken by ex-RCMP officer, Phil Moriarty in his efforts to seek redress for his clients/victims of stalking) (as reported in the *Victoria Times Colonist*, May 16, 1997).

...educating the public in knowing that arrests will be made due to the fact that violence is unacceptable. This is primary.

In addition, it was acknowledged that:

Women need to be educated about the Policy.

The system feels foreign to women, therefore, they have no faith in it.

Educate the public, law enforcers, social workers, health professionals, etc.

Despite extensive consultations and training that have been undertaken by the Ministry of Attorney General regarding the VAWIR Policy, a small number of respondents indicated a lack of familiarity with the Policy. Many respondents also expressed a need to know more about how the “systems” work. Women are afraid to rely on a system about which they know very little or nothing.

Increased Communication

Some of the concerns about the lack of Policy implementation were also addressed as issues dealing with communication. A coordinated response to violence was seen as essential. This entails that all systems and organizations share information. The community coordinating teams were initially set up to facilitate the exchange of information, however respondents indicated that lines of communication needed to be open between specific systems and front-line service delivery organizations. They indicated the:

Lack of communication between the legal system and the police.

Problems with communication with organizations.

Big problems with communications between victim services.

We need to have a collaborative system that brings everyone together to help and support the woman.

More coordination between the criminal justice system and transition houses is needed.

Communications issues were also identified in the coroner’s report concerning the Vernon murders. Enhanced communications within and between other police forces is necessary to ensure the success of the Policy.

Summary

The views from the front-lines realistically illustrate the range of concerns that exist about the VAWIR Policy. More importantly, they shed light on some of the factors that influence the lack of implementation by police forces around the province. That these concerns have also been articulated for many years in the existing literature and by front-line workers and advocates, points to the complexity of the issue. Given that the Policy has now been in existence for over a decade, albeit in different manifestations, the prevailing concerns highlight the slow pace of systemic change.

Over half of the respondents noted that the Policy was being implemented. However, nearly half of the respondents reported a lack of implementation. This suggests that there are many places in the province where incidents like those which occurred in Vernon may be simmering, ready to explode. Although there are serious debates about the criminalization of violence against women, in the most immediate sense, intervention by the police (as defined in the Policy) is a necessity if lives are to be saved. Women have to be believed when they tell the police about their experiences of violence. It was agreed that the Policy should be conceived as a “living” instrument for achieving the eradication of violence in relationships.

The following section outlines recommendations that were articulated by respondents who participated in this pilot survey.

V. CONCLUSION AND RECOMMENDATIONS

The tragedy in Vernon might have been averted had the RCMP implemented the VAWIR Policy. In that instance, as in many others, police intervention at the outset would have served to deter Mark Chahal from obtaining gun permits and killing his estranged partner and her family. A restraining order might also have prevented him from harassing and killing his ex-partner (assuming that such an order would have been implemented). Adequate cross-referencing of files and communication between police detachments might have averted the murders. At each point of intervention, police discretion influenced the final outcome.

This study highlights the range of concerns that front-line workers share with regard to the implementation of the VAWIR Policy. As the results outlined in the previous chapter indicate, the Policy is perceived as *not* being implemented in a consistent manner by police forces throughout the province. Much depends on police discretion. In those instances where it is being implemented, there appears to be a general consensus that the Policy is working to protect women. Nevertheless, as the overwhelming majority of the respondents indicated, there are concerns about the Policy.

While the preceding section has highlighted some of these concerns, the predominant theme articulated by respondents dealt with the issue of police discretion. It appears that how police interpret the Policy influences their adherence to it and their commitment to its implementation. If this is the case, then the Policy remains just a “piece of paper” as one respondent put it, and a “cruel hoax upon victims, a promise to protect them that will not be kept” (Sherman, 1992:238). Policies do not emerge from a vacuum. In a liberal democratic society, it can be assumed that policies are designed with the intent of enhancing the safety and well-being of society as a whole. However, policies only work when they are translated into action.

It is apparent that there is a great deal of support among front-line workers for the Policy itself. Criticisms with regard to the Policy dealt with its lack of consistent implementation, and with the erosion of other support systems that would make it a viable mechanism by which to protect women. More importantly, front-line workers identified a serious lack of accountability by the police. Hence, education, increased communication, additional resources and support services, awareness about the cycle of violence, and the impact of cuts to social services were all identified as influencing the effectiveness of the VAWIR Policy.

The above factors underscore the necessity of ensuring that all aspects within the variety of systems that are involved in deterring violence against women, work together. If the support systems which help women leave abusive relationships are eroded, then no matter what policies are in place, women will not be able to leave. Thus, if the Policy is to be used effectively, its underpinnings and linkages with other systems also need to be strengthened.

For violence against women to be treated seriously, a commitment to ensuring that primary and secondary support systems are in place is crucial.

As the results illustrate, the apparent lack of consistency in implementation have raised questions about the efficacy of recent amendments to the Policy. If the Policy itself is not being implemented in a consistent manner, how would any amendments to it be assessed? It is obvious that police are not arresting in all cases involving violence against women in relationships. This goes against the rationale of the Policy which clearly instructs police to arrest regardless of the wishes of the survivor/complainant, or her decision to testify in court.

In the course of conducting this study, it became clear that 91% of the front-line service delivery representatives that were interviewed kept statistics with regard to the number of women they served, and the number of survivors they had accompanied to consult with various systems. Thus, it appears that data already exist that can be used to *independently* monitor the consistent implementation of the VAWIR Policy.

This study cannot purport to offer any solutions to the perceived lack of police implementation, other than those recommendations articulated by front-line workers. These recommendations outline pro-active strategies that could be implemented to strengthen the Policy, as well as ensure its enforcement.

Recommendations

Education about the Policy

- a) Provide clarity about the goals and objectives of the Policy to the police, service providers, and the general public.
- b) Increase training and education of all criminal justice personnel who are involved in the area of violence against women, as well as women themselves.
- c) Develop protocols between and within systems and agencies.

Continue to implement mandatory arrest

- a) Improve consistency of mandatory arrest. Ensure that women are believed, that the Policy is not interpreted in a gender neutral manner.
- b) Provide women with flexibility, choice and options after the arrest.
- c) Ensure that women are referred to women-centred agencies for support.

Ensure the enforcement of protective orders

- a) Increase communication and the sharing of information between agencies and systems. Ensure the communication of information with survivors.
- b) Share information with other provincial jurisdictions.
- c) Continue to develop a registry and computer database of offenders.
- d) Ensure that data are cross-checked and re-checked.
- e) Decrease the amount of time involved in activating orders, and transmitting information to survivors, other systems, and agencies.

Increase support and resources

- a) Increase funding for transition houses and front-line agencies providing women-centred support.
- b) Increase resources for women survivors, including second stage housing, emergency loans, legal aid services, etc.

Accountability

- a) Ensure that there are accountability measures implemented so that police action and inaction can be monitored and sanctioned.
- b) Develop civilian committees that can oversee the implementation of the Policy. These committees should include representation from survivors, front-line service providing groups, police, and Crown counsel.
- c) Establish triangulated research jointly developed by key stakeholders to determine the efficacy of Policy implementation.

Enhanced Communication

- a) Increase communication and promote sharing of information between systems and front-line service delivery organizations.
- b) Increase communication between various systems (e.g., health, courts, police).
- c) Increase communication between police forces – municipal and RCMP.
- d) Increase communication between victim service organizations and all others involved in the area of violence against women.

VI. APPENDIX

SURVEY ON THE EFFECTIVENESS OF THE MANDATORY ARREST POLICY IN BRITISH COLUMBIA

PREAMBLE

The Feminist Research, Education, Development & Action Centre (FREDA) is conducting a pilot survey in order to assess the effectiveness of the recently amended Policy on violence against women in intimate relationships. It is critical to assess whether the Policy is working and what the concerns are surrounding its implementation. In 1993, the Attorney General's ministry directed police to pursue a policy of mandatory arrest in the event that a woman complained of being subjected to violence by her partner. This Policy was amended in August last year as a result of the murders of the Gakhel and Saran families in Vernon last Easter. The amendments to the Policy include the following:

- To arrest when in the public interest it is necessary to prevent the repetition of the offence or other offences, including interference with the administration of justice and intimidation of witnesses, or in order to compel the appearance of the accused in court.
- Police must take necessary steps to remove firearms from the homes, revoke firearm certificates, licenses, permits or authorizations.
- Police must notify the victim of the arrest of the accused, their release, and any of the conditions attached to that release.
- Police must confirm the enforceability of any court order(s) and that they have not been superseded or amended. In situations where the court orders conflict, the more restrictive order overrides the terms of the other order.

We need to assess whether the current Policy is working, and if not, why it is failing. We would very much appreciate it if you would give of your time and answer the following questions. All answers will be kept *strictly confidential* and the names of the organizations who participated in the survey will only be included in the appendix of the report. The results will be collated and analyzed, and if you are interested, FREDA will send you a copy of the final report. Once again, all responses will be kept strictly confidential. If you do not wish to participate, please let us know immediately. This survey has been endorsed by the Coalition of South Asian Women Against Violence.

SURVEY QUESTIONS

1. On an annual basis, how many women who have experienced violence in intimate relationships come to your centre?
2. Are the police in your area implementing a mandatory arrest Policy? In other words, if the women contact the police in the event of such violence, are their partners apprehended by the police? Please elaborate.
3. Do you think that the amended Policy on violence against women in intimate relationships is working? If not, why? Please elaborate.
4. Do you think the Policy could be improved in order to better protect women? How?
5. Can you identify some of the reasons why women do not wish to press charges or notify the police about the abuse they are experiencing?
6. Is there anything more you would like to add?

Questions Pertaining to the Centre

1. What is the police structure in your area – is it the RCMP or a municipal force?
2. Does your centre collect statistics or do any research?
3. What is your view and experience of the mandatory arrest Policy in your area?
4. Is your centre located in a rural or urban milieu?

Thank you for your time and consideration.

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