



CCWS

COMMUNITY COORDINATION
for Women's Safety

**WHEN WOMEN VICTIMS OF
DOMESTIC VIOLENCE ARE
ARRESTED**
NOVEMBER 2012

ENDING VIOLENCE
Association of BC

HE SAID/SHE SAID: THE CHALLENGES

In spousal abuse cases there can sometimes be allegations of “mutual” violence or situations where a woman who is being abused uses violence towards an abusive partner.

To help manage risk it is important to identify the primary aggressor




HE SAID/SHE SAID: THE CHALLENGES

Conflict is a normal part of human relationships. Sometimes physical force or violence can be used when people are engaged in normal conflict.

Abuse is not simply conflict; it is a pattern of behaviours that are used to gain and maintain dominance over another through coercion, manipulation, and violence.



SOME CONSEQUENCES OF ARREST OF WOMEN VICTIMS

- Battered women who use violence are further victimized
 - There is a decreased chance of victims seeking further help
 - Victims are often unable to access victim services
 - Dual charges severely decrease the ability to prosecute
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SOME CONSEQUENCES, CONT...

- There is an increased liability for police services, particularly if violence increases resulting in injury or death.
- The aggressor gains more power and a sense of entitlement to continue his tactics.
- There is an increased potential for eventual homicide by the abuser.

Domestic Violence Handbook for Police and Crown Prosecutors in Alberta. 2005

SOME CONSEQUENCES, CONT...

Female victims who are arrested along with their abusers may nonetheless plead guilty in order to be able to return home to care for minor children.

U.S. Department of Justice, *Practical Implications of Current Domestic Violence Research*, June 2009

HOW DO WE ADDRESS THE PROBLEM?

Since 2007, EVA BC and CCWS have been working with RCMP E Division about reports from our membership of increasing numbers of women victims of violence being arrested related to spousal assaults.



Fall of 2007; CCWS and EVA BC distributed a survey regarding dual arrest to all of our membership.

The results of that survey showed that rather than dual arrest, workers were seeing a high number of cases of women who were victims of abuse by their partners being arrested around the province.


In early 2008, we presented this information to the CCWS Provincial Working Group and to RCMP E Division.




SHIFT IN FOCUS

We learned that using the language of “dual arrest” was obscuring the reality of women being arrested, often when their partners (the primary aggressors) were not.

Through our discussions, we concluded that the overarching problem was the lack of investigation into which party was the primary aggressor, resulting in the mistaken arrest of women victims.



CALL FOR CASES

- At that point the decision was made to submit specific cases, where possible, for E Division to review.
 - A call for specific cases was sent out via fax and listserv to our programs.
 - Programs reported barriers including clients being afraid that if they “complained” they may not get support from police in the future.
 - In spite of this, 18 women came forward who were willing to give information and have their file reviewed.
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CASE EXAMPLE

76 year old woman repeatedly assaulted by common law partner. She was arrested for uttering threats...even though she had a swollen and split lip that was obviously recently incurred.

CASE EXAMPLE

Elderly woman with a heart condition was arrested for assault with a weapon when she hit her abuser with the phone she was using to call the police as he was assaulting her. Her partner was not charged. History of abuse in relationship by him.

CASE EXAMPLE

After picking up child from a visit with her ex-husband, a verbal argument began. Ex-husband pushed client in the chest causing her to fall to the ground. Client had bruising on her chest and buttocks as a result.

Later two officers arrived at her home. Ex had gone to the police and reported that client had hit him. He had audio recorded himself saying “don’t hit me!” Client told the officers what happened, showed her injuries, and followed up with photos and medical reports from her doctor. She was charged with assault. Ex given interim custody as a result of the charge.

Ex has a martial arts background and has since been dismissed from taking classes due to his use of karate against client (including his signature hit to the chest which was used in other assaults against her).

In early December 2008 we met with representatives from RCMP E Division to present 18 problematic cases which came from communities around B.C.



RESULTS

RCMP E Division committed to following up on the 18 cases and reported back to CCWS and EVA at a later meeting.

In all of the reviewed cases, background information was unclear and more investigation was needed.

E Division committed to increased training and information on primary aggressor analysis.



FOLLOW UP

In December of 2008, the cases were divided up via the RCMP's regions and forwarded by a Superintendent to the appropriate District Officer who was instructed to follow up on the cases and report back to E Division.

FOLLOW UP

As well, E Division sent a memo to each District Officer advising them to remind their Detachment Commanders that generally “dual arrests” were inappropriate according to their own VIR Policy and referring them to the Primary Aggressor Policy. They were asked to ensure that each member received this information.

FOLLOW UP

In June of 2008, CCWS was invited to make a presentation of our concerns to the RCMP E Division Management Committee. We presented the problem, the implications for women's ongoing safety and outlined what we believed was a serious training issue for the RCMP.



FOLLOW UP

Online training for police regarding Violence in Relationships (VIR) has been launched.

The goal was to have all RCMP members in BC have the online training by November 2011. As a result of our ongoing discussions, E Division and Police Services committed to include a focus on the Primary Aggressor policy in the online training.



RCMP reviewed training at Depot

The training is now being changed and all recruits will have training in primary aggressor analysis

FOLLOW UP

Representatives from EVA BC and CCWS invited to participate in consultation on development of updated RCMP Violence In Relationships Policy.

FOLLOW UP

In 2010, the new RCMP Violence In Relationships Policy was released. This revision included a section on Primary Aggressor, which had not been included in the Provincial policy prior to that.

Currently, we are working with RCMP E Division and Margaret Jackson, SFU Criminology Dept., to do a more extensive file review and get a clearer picture of what is happening in those situations where women are being arrested.



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