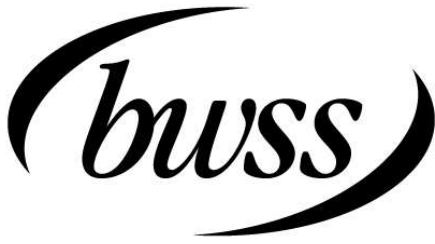


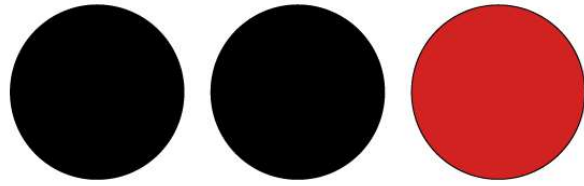
When Battered Women Are Arrested

Survey Results

Battered Women's Support Services
October 10, 2018



**BATTERED WOMEN'S
SUPPORT SERVICES**



Safety Changes Everything

Introduction

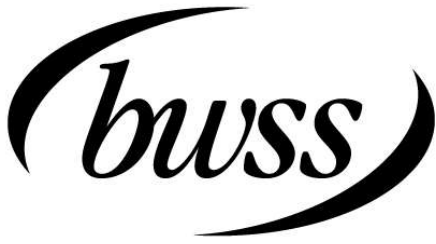
For over a decade, Battered Women's Support Services (BWSS) has been responding to the arrest of survivors of intimate partner violence. By 2008, BWSS had become increasingly alarmed by the growing number of women accessing our services who have been arrested for allegedly perpetrating domestic violence against their partners. Since then, BWSS has been supporting arrested women and advocating for systemic change.

As noted in our 2010 article, there are huge legal, social, economic and emotional consequences for women who are arrested, which may include the involvement of Ministry of Children and Family Development, loss of child custody to a violent partner, the inability to find employment with a criminal conviction, incarceration and even deportation. These consequences add significantly to the burden already being shouldered by women who are victims of relationship violence. Further, women's negative experience of the criminal justice system may in many cases make them more vulnerable to further abuse. The risk of physically protecting themselves is too high - especially now that they have a criminal record - women are much less likely to call the police again¹.

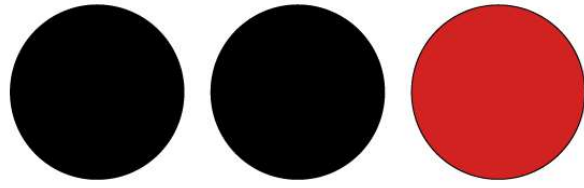
BWSS invited service providers to participate in an online survey in evaluation of the ongoing occurrence we have witnessed of battered women being arrested. The survey focused on three main areas, understanding the demographics of the woman, the process and impact following her arrest and the capacity of the servicing organization to support the woman.

The survey results are reflective of the experience of BWSS in its work with battered women who have been arrested.

¹ <https://www.bwss.org/wp-content/uploads/2010/06/whenbatteredwomenarearrested.pdf>



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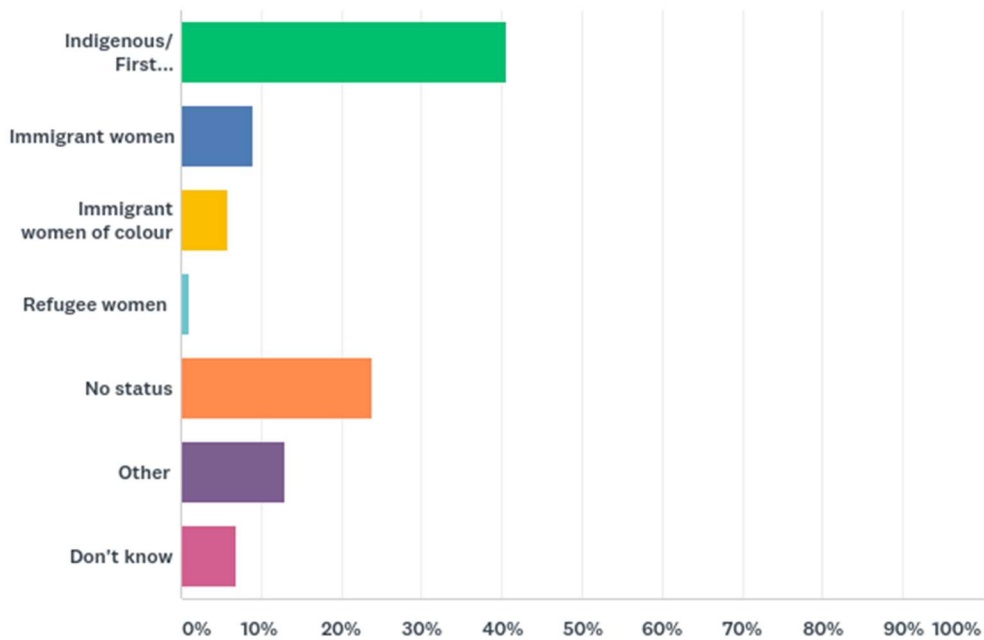


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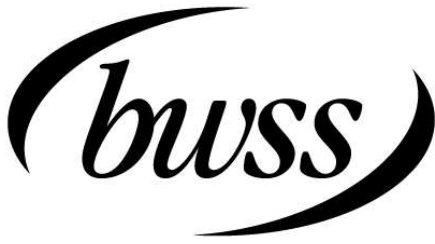
Demographics

Q2 Ethnicity:

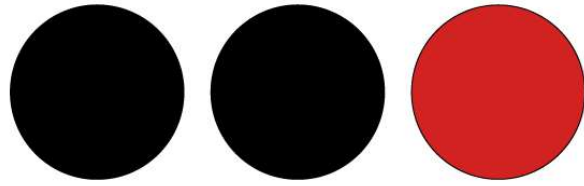


The age ranged between 12 to over 50 years old, with the majority being between the ages of 26 to 30.

In terms of ethnicity, Indigenous, First Nations, Aboriginal and Metis were the highest at 40.59% this is reflective of Canada disproportionate amount of Indigenous women in prison. While Indigenous women make up less than five per cent of the population, they account for 38 per cent of women in prison. Without doubt, this is caused by the ongoing systematic and long history of dislocation and isolation, racism, and brutal violence of Indigenous women and girls in Canada.



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Indigenous women are 3.5 times more likely to be victims of violence and for Indigenous women between the ages of 25 and 44 they are five times more likely to die as a result of violence. Indigenous women are approximately 3.5 times more likely to experience some form of intimate partner violence. Indigenous women (54%) are more likely to report the most severe forms of intimate partner violence, such as being beaten, choked, threatened with a gun or knife, or sexually assaulted².

Immigrant women and women with precarious status also have higher rates of arrest. This may be related to viewing Immigrant women and/or women of colour as being more susceptible to perpetrating violence, and accordingly arrest them³. Immigrant/refugee and women with precarious immigration status have concerns with increased social isolation, fear of police and other authorities. Studies have found that that the race and class of abused women affect the quality of contacts with police and other system actors through, for example, stereotyping of particular neighbourhoods or ethnicities, indigenous identity as well as practices which ignore the situated reality of women's lives⁴.

"I see Immigrant women, women of colour, women of colour without status, and immigrant women of colour disproportionately arrested. Women with any history of mental health diagnoses, or women with English as a second language, women who are poor, women who use substances, women who do sex work, women who are homeless are also disproportionately arrested". – Survey Respondent

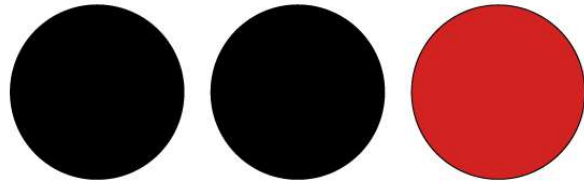
² See Amnesty International. (2004). *Stolen Sisters: Discrimination and Violence Against Indigenous Women in Canada*. Ottawa, ON: Amnesty International. B.C. Government. (2005). *Researched to Death: B.C. Aboriginal Women and Violence*. B.C. Women's Hospital and Health Centre. Brzozowski, J., Taylor-Butts, A., Johnson, S. (2006). *Victimization and Offending Among the Aboriginal Population in Canada*. Ottawa, ON: Canadian Centre for Justice Statistics. Ipsos Reid. (2006). *Aboriginal Women and Family Violence*. Ottawa, ON: Indian and Northern Affairs Canada. METRAC. (2001). *Statistics Sheet: Sexual Assault*. Toronto, ON: METRAC. Statistics Canada. (2008). *Aboriginal and non-Aboriginal Victims of Homicide in Canada, by Sex and Accused-victim Relationship, 1997-2004*. Ottawa, ON: Statistics Canada. Statistics Canada. (2006). *Measuring Violence Against Women Statistical Trends 2006*. Ottawa, ON: Statistics Canada. *The Roads to End Violence. Fact Sheet*. Gander, NL: The Roads to End Violence.

³ <https://www.bwss.org/wp-content/uploads/2010/06/whenbatteredwomenarearrested.pdf>

⁴ Minaker, J. C. (2001). Evaluating criminal justice responses to intimate abuse through the lens of women's needs. *Canadian Journal of Women and the Law*, 13(2), 74.



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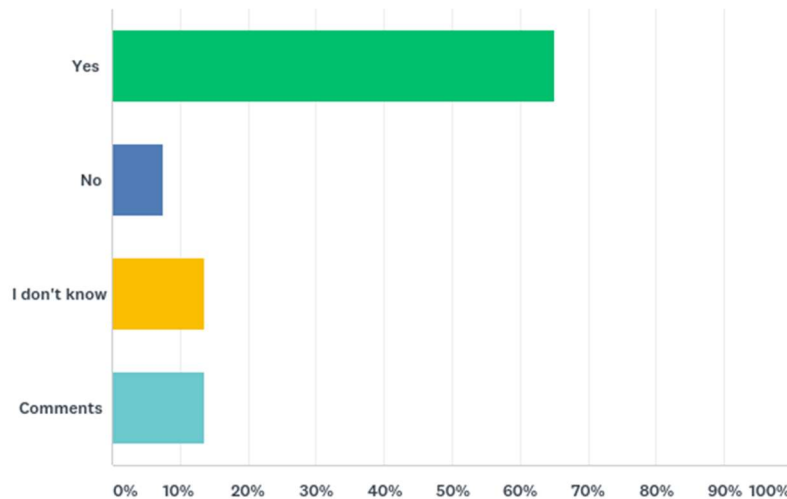


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Arrest

The majority of women arrested were released with conditions (73%) with 32% of charges approved, 13% dropped and 16% stayed. The charges to the woman ranged from assault to attempted murder. 65% of respondents believed that the woman's safety was compromised because of her arrest.

Q19 In your opinion was the battered woman's safety compromised by her arrest ?

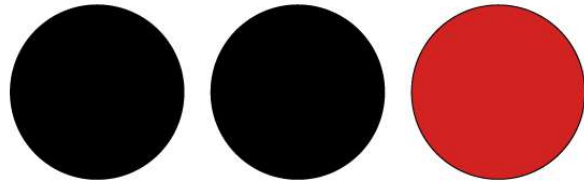


Arresting women victims, has been found in many studies (Das Gupta, 2001; Hirshel & Buzawa, 2002; Martin, 1997), to increase women's risk of being further victimized. Through her process of arrest, women receive the message that protecting oneself from the abuse is a criminal act; and thus she is unlikely to turn to the police in the future for fear that it will lead to her own arrest. This means that the criminal justice response 'rewards' women who present as 'passive victims' and disciplines those who are active and fight back⁵.

⁵ Das Gupta, S. (2001). Towards an understanding of women's use of non-lethal violence in intimate heterosexual relationships. Applied Research Forum.



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“Women that were arrested tell us that even if they are in danger in the future they will never call 911 again” –Survey Respondent

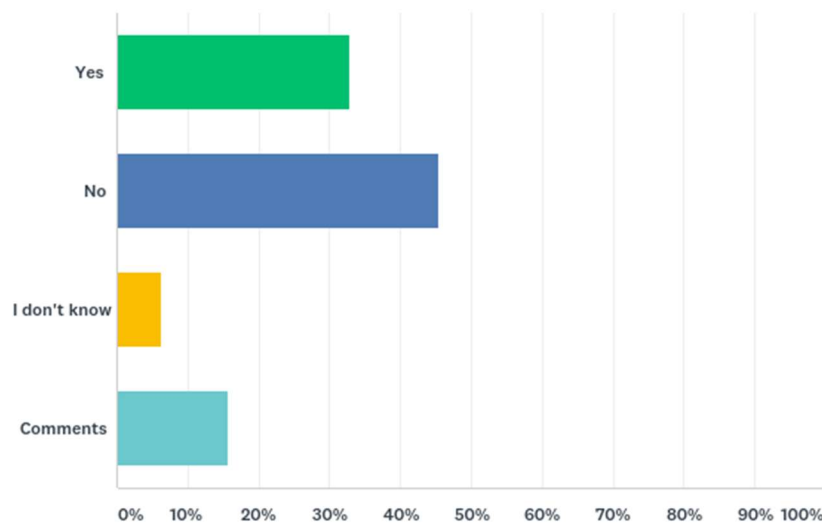
Impact on Children

A serious consequence of criminalizing women's self-protective responses is the impact it has on the children. A difficult issue for the women was feeling as though leaving the children in the care of their father put them at risk for abuse, neglect, and/or manipulation by their father.

The other lasting impact for the woman is the involvement of the Ministry of Child and Family Development (MCFD), that can lead to the loss of child custody to a violent partner. Over 30% of respondents said that following her arrest, the woman's children ended up in the care of MCFD.

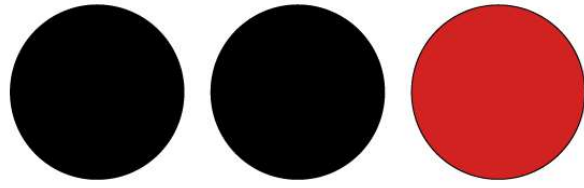
“For one person they lost her children to foster care and 3 years later the children are still in foster care” –Survey Respondent

Q15 Did the battered woman's legal situation result in the children coming into the care of the Ministry of Child and Family Development?





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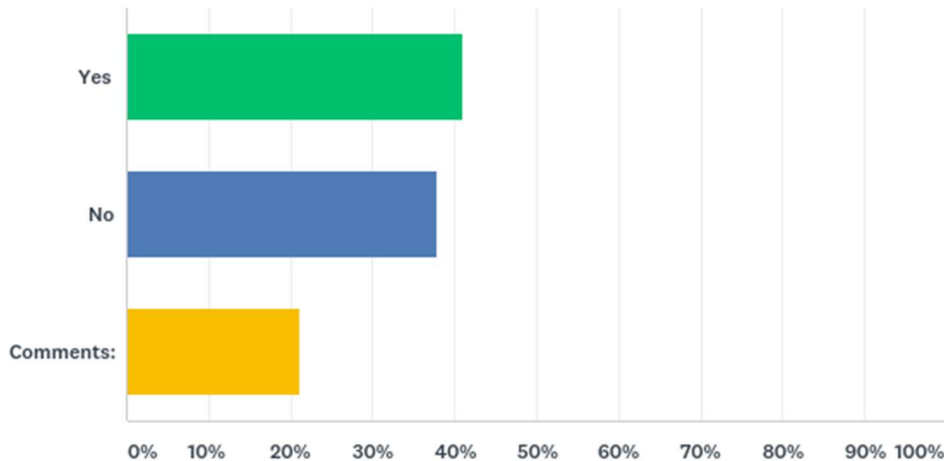
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Criminal Justice System

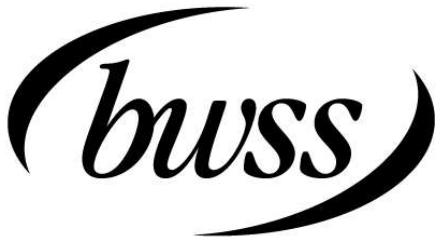
The majority of people who require legal aid for family law services are women and many women who are fleeing violent partner. Of the arrested women, 41% were approved for legal aid with 38% being denied.

“She made a bit too much income to qualify. The months without representation were incredibly re-traumatizing. She became severely dissociative during appearances, and could not advocate for even basic needs”. –Survey Respondent

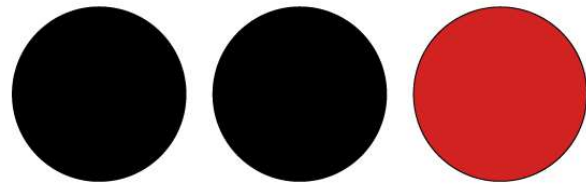
Q12 Was the battered woman approved for legal aid?



“Legal aid needs to be more available for these women and also closer to the rural communities. Women are usually financially limited and can't afford to pay daycare and travel to the city for legal support. Legal aid lawyers are hard to get into contact with and women often feel left in the dark around their cases which can be very stressful for them”. –Survey Respondent



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Even when women qualified for legal aid they had to deal with highly restrictive caps on the hours of service provided. However, in 2018 the British Columbia government pledged to increase funding to the justice sector, as this is new the results on the impact are still being measured.

75% from the survey responded that the woman also had to navigate family law with 2% navigating immigration law.

Community Response

Many communities do not have organizations with the mandate of supporting women who have been arrested, 41% of respondents whose organization does not have it in their mandate said there are no other community options. In fact, the majority of respondents (73%) said that there is no sufficient support for battered women who have been arrested in their community and 70% said there is no sufficient support in the province of BC.

Q22 In your experience would you say there is sufficient support for battered women who have been arrested in your community?

