

Engaging (In)Justice Stories

Principal Investigator

Diane Crocker
Saint Mary's
University



Partner

Sue Bookchin
Be the Peace Institute



Collaborator

Deborah Norris
Mount Saint Vincent
University



Report produced by

Sue Bookchin
Diane Crocker
Meghan Gosse
Deborah Norris

Research Assistants

Andrea Boucher
Jessica Burke
Larissa Doran
Meghan Gosse
Mélissa LeBlanc
Erin Miller

Funders

Social Sciences and
Humanities Research
Council
Change Lab Action
Research Institute



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I. (In)Justice stories

“ My experience of 'justice seeking' has been de-humanizing and demonstrated that my rights and experiences of violence are irrelevant to every social institution involved. ”

Mandi Gray made these remarks in a public statement after a judge found her rapist guilty of sexual assault. In spite of this outcome, Ms. Gray’s experience was not one of justice, but of being systematically de-humanized and degraded in the justice process. That experience is all too common for those who have experienced gender-based violence of any sort and sought recourse through the criminal or legal system.¹

We seem unable to change these experiences of injustice.

The project reported here has explored what "justice" means to those who have experienced various forms of gender-based violence (GBV) including sexual and domestic or intimate partner violence. Three research questions guided the project:

Research questions



What does justice look like for those who experience gender-based violence?

What principles and values must underpin processes or outcomes for gender-based violence victims to experience them as "just"?

How can an improved understanding of these victims' sense of justice motivate effective system change?

Researchers have documented victims/survivors’ negative experiences, and the gap between what the system provides and what those who experience violence want it to achieve. Researchers have paid less attention to victims/survivors’ deeper sense of justice.

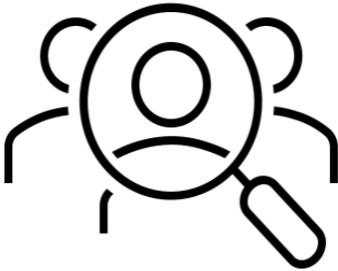
“ Efforts to help women get justice have focused on reducing the harm of criminal justice interventions and "in the process, the meanings of justice for victims became lost in searches for responses that were least harmful. (Holder & Daly, 2017, p. 788) ”

¹ Within this report, we use “those who have experienced gender-based violence,” as well as “victim/survivor” where appropriate, since among individuals who have experienced violence, some self-identify as a victim, while others a survivor (Glenn & Byers, 2009), or both (Thompson, 2000), or neither.

As Holder and Daly (2017) point out, “efforts to help women get justice have focused on reducing the harm of criminal justice interventions and in the process, the meanings of justice for victims became lost in searches for responses that were least harmful” (p.788). Our research explores the meanings of justice from first voice experiences.

Our project focuses on what justice means to individuals who identify as women² and who have experienced gender-based violence. We explore what we are calling “justice values” as they emerged from the conversations we had with women who experienced some form of gender-based violence. To achieve this broad goal, the project is guided by several specific objectives listed below.

Research objectives



- Gather stories from women² who have experienced gender-based violence about their experiences seeking justice;
- Bring stakeholders together to co-produce new potential pathways to justice that emerge from these stories;
- Invite victims/survivors to help us understand what their stories tell us about their “justice values”;
- Incorporate this knowledge into *Be the Peace Institute*’s projects related to pathways to justice.³

In this report, we describe what women told us in direct interviews about their experiences seeking justice, what emerged from several workshops with others who experienced gender-based violence, and also with service providers/stakeholders.

Our research is unique in two key respects. First, a narrative and participatory approach (described in more detail below) guided our work. Second, while we build on earlier studies by exploring what justice means to women as they interact with the criminal justice system, we expanded the scope of justice seeking experiences beyond the criminal process to include those involving child protection services and family court systems.

² In this project we focused on individuals who identify as women but we acknowledge that gender-based violence is not exclusively an experience of women.

³ Pathways to Justice was a three year project in partnership with the Association of Black Social workers, funded by Women and Gender Equality Canada, to explore how women subjected to gender-based violence find justice. It searched for how restorative, trauma-informed, women-centered and intersectional approaches can unearth alternative or complementary pathways to the current criminal justice system response.

Inclusion of these multiple systems allows us to explore and analyze the concept of justice in a deeper way. In the criminal justice context, the idea of justice may be limited by values related to retribution and punishment but, when women seek justice in family court or in the child protection system, their sense of justice shifts. While justice is often conceptualized as an outcome, such as a conviction, our research reveals how justice is also a process and that those involved in family court experience a similar sense of “injustice” as those in criminal court. Nova Scotia has embarked on several major efforts to change how justice is done in the province including specialized domestic violence courts, crown attorneys specialized in sexualized violence proceedings, and restorative justice programs. With these ongoing initiatives, we hope our partnership, and the research it has produced, might help change (in)justice stories for victims/survivors of gender-based violence in our province for the better.

II. Research on justice seeking

What factors lead victims/survivors to turn to the legal system for help?

- **Severity of violence**

Those experiencing more severe levels of gender-based violence are most likely to seek help (Hare, 2010; Lewis et al., 2000) but they are less likely to seek help if they fear retaliation (Lewis et al., 2000).

- **Level of injury**

Those who experience more severe injuries are most likely to want their case to go to trial (Hare, 2010).

- **Desire for safety**

Research shows that some people who experience gender-based violence will not want to seek prosecution if they can be kept physically safe (Hoyle and Sanders, 2000).

How do victims/survivors describe their experiences in the legal system?

- **They lack control, choice or say**

Many formal processes designed to respond to gender-based violence remove choice from those who experience the violence and do not give them information about the case or a way to participate in a meaningful way (Holder, 2018; Hoyle & Sanders, 2000; Koss, 2000; McGlynn et al., 2010; Wemmers & Cousineau, 2005). In recent research, Ross & Ryan (2021) found that mandatory arrest policies epitomized these issues and compounded them for those who identify as members of the LGBTQIA+, Indigenous, African Nova Scotian, and/or newcomer communities.

Those who seek support through family courts report similar experiences, describing skeptical responses, accusations of parental alienation, and pressure to agree to unsafe parenting arrangements (Laing, 2017). Women who seek recourse through family court feel controlled and silenced as the mother-child relationship is undermined by the legal process (Laing, 2017).

- They feel traumatized

Those who have experienced gender-based violence and have gone through a criminal justice process describe experiencing trauma at all stages of the process (Curtis-Fawley & Daly, 2005; Koss, 2000). Curtis-Fawley and Daly (2005) call the experience “legal victimization” (p. 3) and researchers have documented how it can provoke intrusive post-traumatic symptoms in victims (Wemmers & Cousineau, 2005).

Research has shown that family court processes also generate secondary victimization among women who have experienced domestic violence (Johnson & Versteeg, 2013; Laing, 2017). The disbelief, the scrutiny of motives for introducing domestic violence as a reason for pursuing recourse through family court, and the minimization of victimization may lead to secondary traumatization for these women (Johnson & Versteeg, 2013).

Even policies that were put in place to alleviate trauma in court (for example, pre-recorded interviews) are criticized for having a limited effect (Smith, 2017). When authorities react insensitively to a victim’s plea for help, this can increase the victim’s suffering by what is referred to as secondary victimization (Wemmers & Cousineau, 2005).

- They feel unsupported and disrespected

Criminal justice and law enforcement workers are typically ill-informed about the complexities of women’s lives, making victims’ experiences in court “bruising” (Holder, 2018, p. 206). Victims express feeling unsupported, disrespected, and that the justice personnel do not believe their story (Herman, 2005; Holder, 2018). For example, domestic violence survivors who attempt to prevent or limit their children’s contact with an abusive ex-partner are perceived by the family court as obstructive (Fehlberg, 2015). This attitude reinforces power imbalances between victim and perpetrator (Johnson & Versteeg, 2013).

What do victims/survivors want from legal systems?

- They want to matter

Those who have experienced gender-based violence want their voices to be heard (Brooks & Burman, 2017), to be treated with respect and dignity (Herman, 2005. McGlynn, Westmarland & Godden, 2012), and to participate in justice processes in meaningful ways (Smith, 2017). As Herman (2005) found, those who had experienced sexual and domestic violence were shocked to discover how little they mattered to the system.

“ The wishes and needs of victims are often diametrically opposed to the requirements of legal proceedings. (Herman, 2005, p. 574) ”

Concerns about the extent to which their children matter also abound, particularly for those who have experienced the family court system. The extent to which children’s perspectives are taken into account when rendering decisions in family court is in question (MacDonald, 2016).

- Validation

Women who have experienced gender-based violence want the court process to “honour the experience,” and this does not necessarily mean securing a conviction, rather it involves “being

believed, dignified treatment, safety, support services, feeling in control, and the ability to make informed choices” (McGlynn et al., 2012, p. 231). Researchers have also found that people who experience gender-based violence want the perpetrator to show remorse and admit their wrongdoing (Daly & Curtis-Fawley, 2006; Herman, 2005; Koss, 2000). What is clear from research on civil proceedings (Koss, 2000) is that those who were harmed were not seeking monetary compensation, they were “seeking to be heard and searching for validation of the wrong they suffered” (p. 1335). Victims and survivors seek validation for closure and to help with their own healing process.

- Safety

Those who experience gender-based violence want safety for themselves, for their children, and for the community (Herman, 2005; Lewis, Dobash, & Dobash, 2000; Mosher, 2015; Nancarrow, 2006; Payne, 2009). To that end, many hope for the perpetrator to be rehabilitated (Hare, 2010; Herman, 2005; Holder & Daly, 2017; Wemmers & Cousineau, 2005) or at least be kept away from them (Herman, 2005).

- Justice

For those who have experienced gender-based violence, justice is more than convictions or punishment. According to Herman (2005), “survivors’ views of justice do not fit well into either retributive or restorative models,” (p. 571). Justice is a “fluid” and “multidimensional” concept and being treated fairly and equitably are “foundational expectations” of survivors and victims who seek justice (Holder, 2018 p. 215). Herman quotes one woman who advised others to “be prepared to throw any illusions about “justice” you might have had out the window” (p. 582).

What kind of support is helpful?

- Emotional support and advocacy

Emotional support and advocacy can help individuals understand formal processes and to prepare for them how they will be participating as witnesses (Brooks & Burman, 2018; McGlynn et al., 2012). Advocacy groups help victims find their voice, formulate proper answers, and make informed choices about how to engage with the criminal justice process (Brooks & Burman, 2017; Elkstrom & Lindstrom, 2016).

III. Researching (in)justice stories

The literature reviewed above uses a variety of research methods to explore questions related to victims/survivors and their justice seeking experiences. The primary method involves interviews with those who have experienced gender-based violence after they have gone through court. Researchers typically interview multiple victims/survivors individually or in focus groups (Hare, 2010; Hoyle, 2000; Jülich, 2006; Payne, 2009), or conduct case studies with one victim/survivor (Comack & Peters, 2005; McGlynn et al., 2012), after they have gone through court to garner their opinions of, and experiences in, the criminal justice system. This research is often qualitative and involves asking one of the following questions: do domestic and sexual violence victims/survivors seek help from the criminal justice system? Why or why not? Did the system

meet their needs, and how can we change the system so that it can meet their needs to a greater extent? More often than not, researchers are focused on getting victims’/survivors’ opinions on what should change or what went wrong, based on their own experiences.

Surveys have occasionally been used to measure victim/survivor satisfaction with the justice system and to pinpoint what is and is not working for victims and survivors themselves (Byrne, Kilpatrick, Howley & Beatty, 1999; Felson & Pare, 2008). Quantitative scholars have mainly studied one of two things: a question about a specific population (e.g., does the type of relationship the victim/survivor has with the perpetrator affect victim satisfaction with the police?) or a question about a specific policy (e.g., what are women’s experiences with mandatory charging?). Very few studies in this area are conceptual (Mosher, 2015), and few scholars have conducted critical analyses based on their own observations of court procedures (Koss, 2000; Smith, 2017).

Our research, reoriented here, used narrative methods informed by complexity theory. Complexity theory may provide at least a partial explanation for why efforts to change the system have had limited effects. Those who write about complexity describe three contexts relevant to the research we have conducted: simple, complicated, and complex (Patton, 2011; Snowden & Boone, 2007). Simple problems are characterized by repeating patterns. They are easily identifiable linear, cause-and-effect relationships. These problems may be addressed with facts and “best practices.” Complicated problems require expertise to uncover the less obvious cause-effect relationships and underlying patterns. While there may be more than one solution to a complicated problem, the resolution is still driven by facts. Complex problems present as “fluid and unpredictable” (Snowden & Boone, 2007, p. 7) and because they are non-linear (Patton, 2011) they require innovative responses and creative methods to uncover patterns. As Snowden and Boone (2007) suggest, fixing a Ferrari is a complicated problem, but fixing a rainforest is complex.

Gender-based violence and achieving justice for women who experience it is an intransigent problem precisely because its highly complex and nuanced dimensions are consistently met with responses that have relied merely on facts, best practices, expertise and the search for simple cause-effect relationships, including between interventions and their outcomes. The failure of our legal and social systems to acknowledge and dismantle the long-standing systemic patterns is what keeps the problem in place.

Complexity is more than a metaphor for understanding social systems. It has implications for how we design research. As Stienstra and van der Noort (2008) point out, our standard research tools are “largely influenced by the Newtonian approach” focusing on linear or normal relationships between variables (p. 2). For this reason, both Snowden (2011) and Byrne (1998) argue that complex systems require a different research approach. Narrative methods, for example, are well suited to addressing complex contexts.

We used narrative research methods specifically designed to capture knowledge about complex contexts. We shifted our attention away from research participants’ opinions, to their stories. The emphasis on narratives rather than opinions allows respondents “to exploit the richness of real-life experience as opposed to converting it to a mini theory of their own mind or behaviour”

(Stienstra & van der Noort, 2008, p. 2). These descriptions provide a route into cultural concepts, such as justice, and people’s “tacit knowledge” about them (Goh, 2011). For this project, narratives have opened up new pathways to justice obscured by more traditional methods, thereby revealing inherent complexities.

In our interviews with those who have experienced gender-based violence, we explored what happened when they sought justice, rather than asking for opinions about what went wrong. This tactic draws from ethnographic traditions that emphasize the importance of descriptive data (Becker, 1998; Spradley, 1979). Adopting this approach helped us achieve our first objective: to gather stories from gender-based violence victims/survivors. It also allowed us to gather deep descriptions that captured nuances of the participants’ experiences.

We have adapted “participatory narrative inquiry” (PNI) to help us achieve our second and third objectives (Kurz, 2014, p. 85). Our second objective was to invite gender-based violence victims/survivors to help us understand their justice values and our third was to bring stakeholders together to co-produce action paths from these stories.

The research reported here includes information from one-on-one semi-structured narrative interviews (see Appendix A). It was designed to collect specific and bounded experiences of seeking justice, rather than opinions about justice. The interview began with an invitation for participants to describe what happened when they sought justice or a fair outcome. We were careful to let participants know that they should choose what they share, that they did not need to answer any questions that they did not want to, and that they could stop any time.

As we listened to participants describe their experiences, we used prompts to elicit details about what happened. For example, if the participant told us about a time that the police responded to a call for help, we asked prompting questions about that particular experience: *Who are the main characters? Was the story generally positive or negative? What are the main emotions?* We also included a question asking participants to give the story a title or hashtag. In other narrative research (Crocker, 2020), this question has provided insight into what participants think about or understand about their story. For qualitative researchers, this title or hashtag is like a thematic code. In the case of our research, these “codes” came from the research participants themselves rather than from our own perspectives.

Three of the project researchers (Sue Bookchin, Diane Crocker and Deborah Norris) interviewed 36 women identifying as victims/survivors of some form of gender-based violence. The experiences included rape, domestic violence, and emotional and physical abuse. Most research participants lived in Nova Scotia but several lived in other provinces, mostly Ontario. We conducted most interviews in person but some were done by phone. To help preserve anonymity we did not collect detailed demographic information about the participants. All of the

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Participatory narrative inquiry is an approach in which groups of people participate in gathering and working with raw stories of personal experience in order to make sense of complex situations for better decision making. PNI focuses on the profound consideration of values, beliefs, feelings, and perspectives through the recounting and interpretation of lived experiences (Kurz, 2014, p. 85).

”

participants described violence perpetrated by men.

Interviews were audio recorded, transcribed verbatim and de-identified upon transcription. We relied on the qualitative data analysis software, NVivo, to organize the transcripts and manage the coding process. We completed initial coding including line-by-line coding until saturation occurred and we saw patterns around particular themes.

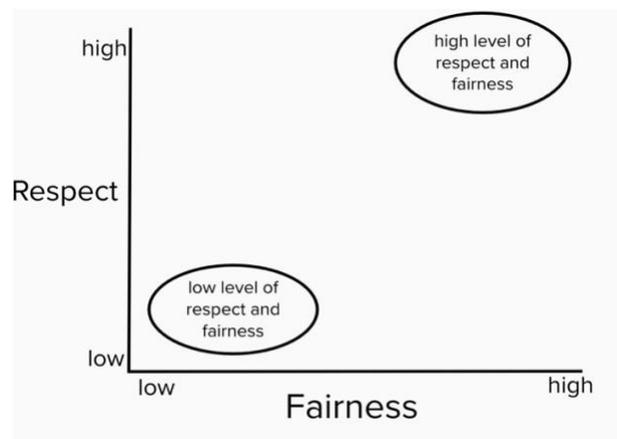
In addition to this traditional data analysis process, we reviewed the transcripts to pull out specific instances or anecdotes about justice-seeking experiences. This work aligns with the principles of PNI. These anecdotes formed the backbone of participatory workshops that allowed participants to work with and help us make sense of these specific experiences.

We had hoped to run several workshops across the province and had just started this process when the COVID-19 pandemic prevented in-person gatherings. We had run one workshop prior to local health restrictions being put in place. After that time, we set up two workshops in a virtual space using Zoom. One workshop was with service providers/stakeholders and the other was with those who have experienced gender-based violence; both ran just over two hours.

The workshops focused on the selection of anecdotes extracted from the interviews. In the first activity, we invited participants to work in small groups and, after reading an anecdote, to answer questions about it. The questions teased out the topics and the themes of each anecdote. This participatory process provides us, as researchers, with a sense of how victims and/or stakeholders understand or interpret the anecdotes.

The second main activity involved having participants explore how well the anecdotes reflected two important justice concepts: fairness and respect. The words are often synonymous with ideas of justice, especially procedural justice (Wemmers & Cousineau, 2005).

We invited participants to tell us where each anecdote should go on a graph with fairness and respect on each axis (see the graph at right). Participants had to think about the intersection of these concepts to accurately place each anecdote. The positioning of an anecdote indicates participants' perspectives on the interdependence between fairness and respect. (Appendices I and J include illustrative quotes from each extreme: low fairness and respect; high fairness and respect)



V. Researcher Reflexivity

Feminists, especially those working in critical race theory, have been careful to acknowledge that researchers’ social positions may impact research and should be named and acknowledged (Ramazanoglu & Holland, 2002; Stanko, 1997). The hope is that this process, called reflexivity, will “uncover and challenge the power relations embedded in research, and . . . hegemonic assumptions about the nature of the world, the self and research” (Brown & Strega, 2015, p. 8). In this spirit, it is critical to acknowledge our social location and the position we each bring as researchers.

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Diane	Deborah
<p>I am a professor and researcher who has worked extensively in issues related to gender-based violence. I have worked with, and for those, who have experienced and perpetrated gender-based violence and believe that this violence is grounded in social inequality and injustice. I am white, cis-gender and middle class. Coming into this project, and perhaps based on other work I have done, I was expecting, maybe even hoping for values that align more consistently with restorative justice values. What we found was more nuanced. In spite of having interviewed many victims and perpetrators over many years, I was still taken by surprise at how much people want to share their stories. I found it sometimes difficult to focus towards justice seeking and away from descriptions of the violence itself. I continue to be humbled by people’s willingness to share their stories.</p>	<p>I am a professor and researcher who first became interested in issues related to gender-based violence through volunteer work with women seeking support in a local family resource centre. This experience prompted me to develop a course focusing on violence, including gender-based violence, across the life course that is taught to undergraduate and graduate students at my university. I have learned a lot from my students and from the key informants who have supported me in developing and updating the course over the 23 years that it has been taught. As a critical researcher and educator, I have, of late, developed an interest in non-punitive, restorative prevention and intervention strategies that support individuals living through gender-based violence and incite structural changes in justice systems. That is what drew me to this research.</p>

Sue

Having noticed from a young age that the world treats males and females unequally, the roots of feminism were born in me before I ever knew there was a word to describe it. Gender roles and power differentials were reinforced in my career as a nurse in health systems with a long history of patriarchal dominance. My social locations as a white, cis-gender woman have afforded me the unearned privileges of a society in which whiteness and hetero-normativity reign supreme. Through this work I am becoming increasingly and acutely aware of the impacts of that currency in our socio-economic-relational milieu and in profoundly disenfranchising BIPOC and their communities.

My current role is providing leadership to a small, community-based non-profit organization in rural Nova Scotia dedicated to ending violence against female identified and gender-diverse people, and advocating for social and systemic change. Because the work of Be the Peace Institute is centred on the lived experiences of women and girls who have been subjected to gender-based violence, it is through the victim/survivor lens that I view the individual impacts of gender-based violence, as well as the institutional and systemic responses to it. This research has affirmed my experience- that women endure immense challenges during and after gender-based violence, both individually and with the systems they turn to for help. Yet I am still surprised at the depth of insensitivity and manipulation they face. I am also continually amazed by the strength and resilience they develop to endure and then pick up the pieces of their shattered lives. Having affirmed what I believed, it may be more difficult for me to notice the disconfirming data and acknowledge the potential other sides of the stories.

Meghan

I am a PhD candidate in Sociology and have worked on research related to gender-based violence over the last seven years. My positionality in relation to this research is that of a white, middle-class, feminist woman and my personal and professional experiences have shaped how I view gender-based violence. Specifically, having had several close friends experience gender-based violence while attempting to support them through the police, court, victim services, and shelter services, I assumed that women's stories would include many instances of "injustice."

One salient difference from my own experiences with friends who are survivors of gender-based violence was how forthcoming participants were in this research. It was obvious how important it was for the participants to have the opportunity to share their stories to someone who would listen. Not only did many of them want to share their experiences of seeking justice, but several wanted to do so in hopes of helping someone else who might one day go through what they went through. Sometimes, sharing their story was also a way for them to continue to heal from the trauma and violence they had experienced.

VI. Experiences of violence

In what follows, we provide some description of the violence that led women in this project to seek justice. While the nature of the violence the women experienced is not the research focus, we felt that it is important to share some of these experiences for context. We have used false initials to represent pseudonyms for each woman interviewed and quoted in the text below.



Some of these descriptions and some of the quotes below reference specific violent acts and experiences of that violence. They may be difficult to read. The report moves away from these descriptions in the next section

Most women interviewed had experienced some form of domestic violence or intimate partner violence (IPV). These incidents of violence ranged from violent assault to acts of intimidation:

They kicked in the bedroom door, and they grabbed me threw me out in sprawl, tore off all my clothes, and . . . I got stabbed with a screwdriver three times. (S.D.)

[M]y first ex-husband... very, very abusive. Physically, sexually, mentally, verbally, an alcoholic. (G.B.)

I have experienced quite a bit of gender-based violence. My first boyfriend was severely abusive. He would light my hair on fire as a joke, he did that a couple times. He would make me listen to really graphic depictions of torture, that kind of thing. (A.S.)

I was giving evidence to the criminal court and he [ex-partner] sits on the side, and one time every time they weren't looking at him, he was doing crazy signs to his head when I am trying to give evidence or when [...] he came straight to my house after the criminal court. After he was convicted, he came straight to my house and at that time, then I had to go to court again to give evidence about him coming to my house and he sat straight in front of me. (E.L.)

Many of the women had experienced abuse over many years and these experiences were typically not one-offs, but had occurred throughout different relationships during their life. In most cases, the perpetrators were known to them and often included intimate partners such as husbands, boyfriends, and ex-partners. When the perpetrator was not an intimate partner of the woman, they were colleagues, bosses and others who were in positions of authority. In some cases, the women had professional relationships with their abusers, some of whom worked in health care and others who worked in the criminal justice system or the education system.

One participant, whose ex-husband was a seemingly well-respected therapist, shared her

experience of abuse with him. She shared how, only two years prior to leaving him after he nearly killed her, he was actually her therapist at a rehab center. This woman also shared that after she left her abuser, he began to gaslight her and attempted to turn her family against her, telling them lies about her health and well-being, which they believed:

When I finished and left him it was because he almost killed me. [...] My parents they were not living in the same part of [my province]. When I left that guy, the first thing I did was call my parents and he tell them I [had] postpartum-depression and that he didn't want to tell them before, and that I started drinking and taking drugs but he didn't want to tell them before because he did not want to worry them. [B]ecause he is a therapist, my family believed that so he [told] them 'don't tell her, but help me to bring her back on the right track' (S.A).

She explains that her parents really believed they were helping her by listening to her ex-husband.

The violence participants experienced and spoke of was not limited to adulthood. In fact, several women interviewed had experienced violence since childhood. One participant called violence “normalized” and others described the idea that violence had become normal:

I was abused as a child by my dad. He raised us. . . He was in the army and our mom left when I was 6 years old, and she moved to [state] so he raised us. He was very physically violent when he drank and he used to hit us a lot and kick us, punch us and stuff. (C.G.)

Growing up... some of my friends would ask me if things have happened between me and my dad because they'd feel awkward. The first time I was asked I was 14 and I was highly offended. And it was one of my best friends. [...] I said why would you ever ask me that? And she said well there was a few different things but there was one instance in particular and I said what? And she said do you remember your dad chasing you down and holding you down for a real kiss? And to me I thought it was a joke, I thought my father had done it as a joke. (O.E.)

Some women went as far as detailing the intergenerational cycle of violence in their family whereby their parents grew up in an abusive home environment and as a result, they grew up in abusive home environment, too:

I'm telling you the story of, you know, this intergenerational violence and how it played out. But that my grandmother was very physically harmed, there was a lot of hitting going on in my mom's childhood. In my upbringing, the violence was coming from my mom and it was more like pinching and it was not deadly stuff it was, you know... Pulling my hair, it was little stuff, but it was still violence. (G.K.)

While the primary goal of this research was to explore women's justice seeking experiences, we note that these experiences left a legacy of pain and suffering among the women we interviewed. Their experiences of seeking justice often led to housing insecurity and poverty:

When I got out of that relationship, I had nowhere to live. I hardly had a job. I had a part time job with this community service agency. I was eight hours away from all my support. . . I literally just had to focus on what I needed to survive. I don't have my family. I didn't have a place to land. (I.C.)

By January, the middle of January I was in enforcement for child support. Homeless, jobless, just had the thing with my mom, no support, and so I ended up—I won't get in all the details, but I ended up moving around for a while. (G.K.)

[E]very single time I stepped foot in the court room, it was \$600 an hour. That was the part of it for me that it came down to number crunching, and both of the lawyers were like, you can't do this. I was like, I am. I said, what the two of you do not understand is that we have experienced poverty, the girls and I have had to go to the food bank. We have relied on that to feed us. (W.G.)

Further, many of the women discussed varying degrees of mental health concerns ranging from anxiety to severe trauma, post-traumatic stress disorder (PTSD), and depression. The level of stress was difficult for women to endure. Some of the stress was caused by the violence experienced, but participants also described the trauma and stress associated with seeking justice or trying to get “the system” to help:

All the stress and the trauma have an impact. I do remember thinking when I was going through it, how can anybody endure this much stress? Something bad is going to happen to me, I am going to get physically sick. (S.E.)

The trauma I would say the primary cause of trauma in those 5 years was my child being at risk consistently, and the risk of losing her to somebody I thought would hurt her. And the trauma of realizing that the systems that are there... it is so counter-intuitive to even have to explain that your child can be at risk because of the family court. No one can make sense of that who isn't in it. Even my own mother was like, that can't be true/that can't make sense. The systems were the most traumatizing by far. (E.L.)

Well, we were terrorized, and you know, I suffered nightmares for a long, long time. I just recently had a nightmare about what happened last week. I don't know what brought that on, it was just out of the blue. It was so real that it took me right back, you know. (C.G.)

VII. Justice seeking experiences

The women in this study sought justice through a range of institutions, including, but not limited to, the police, criminal and family courts, victim services, and child protection. Many felt that they had not found a just process or outcome in any of the formal responses.

“ Justice is not a straight line. (Research Participant) ”

When attempting to seek justice, the majority of women interviewed had turned to the police as the first step in seeking justice for themselves. In many cases, they felt deterred from pursuing criminal justice:

Well, the one time my ex-common law partner attacked me sexually and afterwards I called the police and they said because I let [him] in and because, you know, we had been common law, that while I could press charges, they said it was not the kind of thing that they recommend people do because it wouldn't probably have a good outcome. It would just be very upsetting and expose people to a lot of things. (A.R.)

She [deputy chief] said to me, "You seem like a really smart and beautiful woman, why would you have stuck around with him for so long?" So that was, yeah. Then she wanted me, the deputy chief at the time, who is don't get me wrong, her reaction was she was very upset by all of this but, then she wanted me to be the one to file a complaint. I was like, I am tired. I am not doing this. This is not my deal, my shoulders are not that big anymore. If you are sitting as deputy chief and you see that there is a problem with this behaviour, then you do something because I don't have it in me. Guess what – I never got a phone call back and he was never charged. (W.G.)

Other women shared positive interactions with the police that led them to feel supported in going forward in the justice process:

When I did call police, they took it very seriously. I showed them the messages and everything and they took it incredibly serious [sic]. (V.B.)

I had the most wonderful RCMP officer, [name], beautiful human being, and he said – which he shouldn't have said actually – when he came to the family resource centre because the people there set it up, he said to me, he looked right in my face, I mean in terms of weighing evidence and being neutral and objective and all that, he probably shouldn't have said this but had he not said this, I wouldn't have told him anything else. He said, "I can see how scared you are. I know how scared you are. I want you to know that I believe you". Because he said that, I agreed to go to the RCMP station and give them a big, long interview. In the process of that, they found more charges. (E.L.)

Women's experiences of seeking justice through the police were not always either wholly positive or wholly negative. As one woman explained:

More recently, I experienced a sexual assault during a first sexual encounter. That was almost exactly 2 years ago and just a couple of weeks after that happened, I did go to the police to file two police reports. My experience with that was that they were supportive and behaved as though they believed me, but also felt that there was nothing for an investigation. So, it was kind of a mixed experience really. You know? It was not all bad, but it wasn't all good, certainly. (Z.E.)

She continues by explaining that her experience with the police "feels a little more positive than negative," and that "the whole experience was somewhat validating but also somewhat

discouraging. It really doesn't fit neatly" because while the police believed her, there was also little they could do to help her. (Z.E.)

The same participant had another, more positive experience with the police:

They [police] weren't nasty and they were, I think they were sympathetic to my situation but they were trying to be realistic with me. Their voice was not condescending, their voice was sympathetic. It was a male, I think. I'm pretty sure it was a guy. And I listened to the advice they gave me and I appreciated them giving that advice and I stuck to it." [...] "I think they believed me, yeah. But then they just thought it would not be a good scene to go through court and it would be a waste of time. (Z.E.)

Court, both criminal and family, was another avenue that many women used in their justice seeking journeys. Similar to interactions with the police, women shared both positive and negative experiences. However, negative experiences outnumbered positive ones.

Women's interactions with their lawyers were formative for seeking justice through criminal courts. In some cases, the lawyer did not support the woman in understanding the proceedings or specifics of her own case

I had to go to court in [town] area. And I was so nervous [...] And they brought him in, and he was all shackled up and they put him in a different room so I kind of calmed down. We went in the court room and everything was just being said so fast, and so I had a lawyer, but she was saying things I did not understand. And he [the abuser] had to do community hours, and he was allowed out of jail. He was in there for about maybe two months, then he had to do the community hours[.] (P.R.)

Many experiences shared by the women in this study emphasize a similar lack of support provided to them and their children within the family court system:

During the family court system, at the beginning we were not finished through criminal court so things stayed the same until he went through to see what his charges would be, and he was charged with the aggravated assault and had four months of house arrest. So, at first it was supervised visitation [with their shared children] through his mother but she had breached the conditions and he was still doing things he wasn't supposed to. I called children's aid, they went and didn't see anything there, they left even though the children reported he was still doing drugs and still leaving while he was on curfew, he was being abusive to his new partner. All these things the children witnessed and told children's aid, but it didn't matter. It didn't matter. He still had rights to the children. Even when I had tried to back-track what I had done in the month that I went back to him, I felt that I did not have the support of other children's services or family court to fix what had happened. (M.B.)

The whole design of the family court system is that you are not going backwards, you are always going forward. But that is not always possible. There still needs to be some kind of recognition for cases of family violence because there is often no reconciliation or

support. Do you know what I mean? He never got help. He never went to counselling, nothing. (W.G.)

While women shared many disheartening stories of their dealings with criminal and family court in their pursuit of justice, many of the women in this study also shared their positive experiences of seeking justice when working with Victim Services:

Then, and this would be an example of someone going outside their role, the manager of victim services who I still stay thankful for on a regular basis, phoned every lawyer that she could until somehow through one of her contacts, he suggested someone else, and she ended up finding this top-notch family court lawyer in [city] who took my case on pro bono. (E.L.)

I had actually ended up speaking with someone in victim services through her, which was great. She was someone who was very educated and very professional. [...] The victim services coordinator also essentially tried to arrange for me to give my statement to an officer that again, was quite educated in domestic violence. (S.E.)

In most cases where women shared a less than positive experience with Victim Services, these experiences largely revolved around issues that were out of the specific Victim Services worker's control, including being short staffed and getting orders from higher up:

Victim services took us on a tour of inside the courthouse. I told her, so next week trial starts, the same day school starts. I said well you will meet us here at what time? and she says "oh about that, I can't because we are short staffed" I was like "what do you mean you are short staffed?" and she said "I am the only one" and I said "no, no, no. you are the one assigned to my daughters case so you knew that this trial was coming up" because this happened a couple years ago. I said, "you knew this and we need court support" and she says "well you will have to take it up with my boss" and I said "you're damn right I am taking it up with your boss" so I contacted and emailed her boss. (K.H.)

Finally, when women discussed their experiences of working with child protection in their attempts to seek justice, they often spoke of more adverse experiences:

I am having issues with children's aid. So the protection file is open and now they want to close it. They came to my house yesterday and they were not aware of the bail. They said "what happened in criminal court?" and I said "well why don't you find out?" She was like "we didn't look into it" so I pulled out my bail hearing and I said look at section 6. It says "he is not allowed to have access to his son until after July [date]" but she never took the initiative to find that out, even though it has been nearly a month since that bail hearing happened. (R.T.)

One of the big things for me was the Children's Aid Society always said that if it ever went to family court, the 3 years or whatever it was in criminal court, they always said if it ever went to family court, they would be there on behalf of my kids and when the time

came, they never showed up. That was one of the things the family court judge said, “Well they are not even here? If they truly had concerns, they would be here.” (W.G.)

Many of the quotes above suggest that the process of seeking justice places a large burden on the victim/survivor of gender-based violence. Many of the women we interviewed highlighted these burdens in stark terms:

[W]hat people don’t understand in that moment, for me at least, is that all of this happens and you are being told by CAS, our local CAS saying you need to go to this place, this place, and this place and you have to make this appointment, this appointment, this appointment. I have to meet those expectations because I don’t want to lose my kids, right. (W.G.)

I was getting told I had to do all of these things and it was like, I just need someone to make me a cup of tea and a bowl of soup for a minute. I just need a minute. (W.G.)

There’s just no way—and everyone’s telling me to go to the police. And it just seems impossible so I think by him going to the psychiatrist that somehow letting some official know, you know. My principles tell me to go to the police, and it just didn’t seem like something that’s possible to me because I don’t want to be the person who has... I just don’t want to be looked at differently by the community, you know. People wouldn’t think of women in that little community as a brave woman who reported... It wouldn’t be like “good for her” it would be like “what did she do to... She must have thought she was” I don’t know it was so, such an impossible thing for me to do at the time. And I can’t believe that that’s what I did. And I did nothing, right. (B.N.)

In contrast, the positive aspects of seeking justice through criminal court emerged when participants interacted with kind, patient, and caring individuals. The stories reflect a pattern where interacting with just one person in the system who seemed to believe and understand the woman, or provide some validation of the pain and desperation she was experiencing, who was knowledgeable about gender-based violence, or who went above and beyond in their efforts to help, had a dramatic effect. In fact, it made a world of difference to the entire justice seeking experience. These individuals tended to be both responsive and validating, while treating the survivor with kindness and dignity:

So, there was just a court reporter and the arbitrator. So of course, I disassociated in there. [...] I couldn’t move. All I could do was tell the arbitrator. He asked me if I could hear, and I said “yes I can hear you” but I couldn’t move a single muscle in my body. I got through it anyway, and I told him everything. He was just fantastic. [...] He was so patient. Reassuring. [...] I didn’t know what to expect. Usually there is 3 arbitrators, that’s what I heard. But there was just him and the court reporter person. It was very private. I have nothing to say about them except they were fantastic. (F.M.)

Even though it didn’t necessarily make the situation better or the outcome different, it makes a huge difference, and I am sure you have heard this, but that validation is huge. That someone is saying “you matter, your experience matters, and it is not okay.” (W.G.)

[T]here was a man in DCS [department of child services] who, according to his policy, had to contact [ex-partner] when I went on income support when I first came to [name of province]. He was supposed to be contacting him because you have to give child support, and the child support has to come dollar for dollar off the income assistance, but he understood how dangerous it was for him [ex-partner] to go down that road and for him to know where I was, because he didn't at the time. He [DCS worker] processed our income support application, technically not correctly, without contacting him. That is another case of somebody doing the right thing even though it wasn't in their job description. (E.L.)

I got a legal aid lawyer. She wrote the paper, I told her the situation. She said "don't worry, we are going to help you." (C.G.)

I stayed up all night with her [legal aid lawyer] preparing court documents, all through the night... until it was morning time. We sat in the reception area . . . while she prepared the court documents, and then went to court with no sleep at all. (E.L.)

She [police] just kind of asked me to tell the story and she did ask, of course apologetically and gently and tactfully as she could, for some very specific details. I mean, she definitely listened and even though it seemed like she knew from the beginning she wouldn't be able to do anything, she still tried to be thorough. It felt like it was clear that she had that training. (Z.E.)

[T]hat first phone call made a massive difference. . . .he just said this thing around, "what is happening to you is not alright and the fact that you feel this scared is not okay." Because he talked to me like that, it gave me the confidence to move forward with the police. (E.L.)

She [police] told me that she was really impressed with me how I've changed my life and stuff like that. She used to tell me... that I really deserved way better. She was very nice. She told me to get help and stuff, and she has been a cop for a while. She talked to me like a human being. (Q.I.)

A few of the women interviewed shared what made their experiences with family court positive. The following example illustrates how being believed and validated plays a pivotal role in seeking justice:

Yeah and it's weird like I hate saying it, but after this assault happened, I got in front of the family court judge and her exact words to me were "I get it now" and she was like "I get everything" because after I got sole custody, we were in and out of court every 1 to 2 months because they wanted updates on my sons fathers progress as a parent and it was always "he was supervised and he didn't want to change diapers and he wasn't calling my son by his first name, and he was calling Children's Aid on me because I guess I brought a bottle to the visit and there was soap in it" so we were constantly going in and out of family court for that. I have a good relationship with the family judge. We were in

court last... after he got arrested, we were in court for family court, and she was pretty much like “I get it now” it all made sense to her. (R.T.)

It is clear from the experiences of the women in our research that having even one person in the system who believes you and takes the violence you experienced seriously is critical and can shape the entire justice seeking journey. And yet, this was not the experience for many of the women in this study. In fact, stumbling upon this person was seen as ‘the luck of the draw’ and not reliable, predictable, nor the norm.

Some of the women interviewed described positive personal outcomes even in the face of immense barriers and challenges. Some felt proud for having gone through the process, noting that they developed new strengths through their experiences:

I am proud of myself because it really changed who I was as a person. I feel like I am starting to get back to that now. I got self-confidence [sic] and awareness too that you can overcome anything, really. (D.A.)

I would say it was a personal development, growing older, becoming a feminist, learning about sexual abuse, learning about what is right and wrong, understanding consent, and being an adult instead of a child. (Z.E.)

So, it is definitely like I have a lot more insight and I understand myself better which then leads almost naturally and also with great effort, to more self-compassion. Just not blaming myself as much. (Z.E.)

VIII. Justice values

Other studies have shown how and why victims/survivors are unsatisfied with what happens when they seek justice in cases of GBV (Hoyle & Sanders, 2000; Koss, 2000; Wemmers & Cousineau, 2005; McGlynn et al., 2012; Payne, 2009) but few talk about justice principles except Herman (2005) who discusses how victims’/survivors’ values are neither wholly retributive nor restorative. In this section we highlight the eight major dimensions or justice values our research uncovered from the experiences of seeking justice, shared by participants:

- Injustice
- Support
- Responsibility
- Frustration
- Fear
- Anger
- Relief
- Fairness and respect

Appendices B through J catalogue direct quotes related to these values.

Our goal with this research was to tease out justice values from research participant experience. To help us do this in a participatory way, we developed workshops, as described earlier. We invited service providers and those who have experienced gender-based violence to help us make sense of what we heard in our interviews. We identified 48 discrete anecdotes related to justice seeking experiences from the interviews. The anecdotes described a specific encounter with police, a service provider, or an informal support of some kind.

Many stories involved unhelpful and oftentimes frustrating and traumatizing interactions with police where the women we interviewed did not receive the help they needed and/or requested. Instead, they felt the police did not take their experiences seriously and/or did not believe their stories. Some women told us about deception and disrespectful comments from police. The comments often mirrored persistent misconceptions and stereotypes about women subjected to violence. In several cases, women felt responsible for their own safety and for navigating the system and that police often failed them on both accounts. Positive stories about police were uncommon.

A small number of stories involved experiences with other individuals in the legal system. Some women felt that their lawyer did not provide adequate support or understand specific details about their case. We also heard about judges who left the women we interviewed feeling as though they didn't matter. Still, several women described positive experiences around helpful guidance and support from victim services workers who assisted with court navigation and from a police officer with domestic violence training. In one example, a woman we interviewed described her positive interaction with a legal aid lawyer who helped her gain access to the house she shared with the perpetrator.

While most of what we heard related to the criminal justice and legal system, we did hear about positive interactions with women's shelter workers. Many women who described their experiences with shelter staff talked about trusting them and feeling well supported.

Participants' experiences with system actors echoed what other researchers have found. Many of the women sought support and help from the system and, more often than not, they felt not only let down, but also further harmed or traumatized.

In some cases, the women interviewed felt that the system also failed their abuser by not providing him with adequate support to stop using violence. Other researchers have documented that women want the violence to end and are sometimes motivated to seek justice for their experience so that no other women will be abused by the same person. A few women emphasized that rehabilitation was important to them but that it was hard to come by. In one interview, the woman described her concerns about the domestic violence court:

They don't make him do anything really. They have to go through a couple group meetings, like 10 group sessions or something and that's it. They go to court and they say like "in your group sessions you are doing great, go free" but he is not doing great. He has quit his job again. His house is a pigsty. He doesn't help out with the kids or me or anything, so it is kind of annoying... I find it hasn't changed him at all. (D.A.)

Some women did recount more positive experiences with the system’s ability to support their abuser to change the behaviour. In one case, the woman interviewed had a more positive experience with the domestic violence court:

He has never gotten the help and that’s the lovely part of the new system, the new DV court – the abuser actually has to go through a program whereas mine didn’t. He only had to take that anger management class that you need to get off your probation, the standard status quo. It doesn’t prepare somebody who is now supposed to be responsible for young children on their own, and has obviously more than anger issues. There are psychological issues stemming back that they need to deal with. ()

What were the stories about?

We invited the workshop participants to identify the topics of each story and answer the question: what is this story about? The word cloud below shows answers to this question. We note that the words **injustice**, **support** and **responsibility** were most commonly used.



The anecdotes associated with **injustice** are included in appendix B. Our understanding of the anecdotes coded in this way is that perceptions of justice/injustice are contingent upon perceptions of validation, agency, and control. Women felt a sense of injustice when help was too late, they were not believed, or when they tried to get help and were turned away:

I went forward to the police [after assault] then and they did not find that there was enough evidence to go forward. They felt it was more of a he-said/she-said situation. The only thing that I really, you know, it takes a lot of courage to come forward and feel like you are actually going to be believed (K.H.)

These injustice stories share a common theme where the women felt that she did not actually matter and where the system imperatives took precedence over her needs.

Many of the injustice experiences were related to system indifference and omission. In contrast, **support** happened more actively with deliberate decisions made to address women's individual needs. Support in these anecdotes was an active process characterized by reciprocity between the victim/survivor and the supporter. It could be as simple as giving the victim/survivor a non-judgmental space to tell her story. Importantly, support came from a variety of places, including victim services and community groups, but it typically involved giving the person what they personally identified as what they needed. Support was driven by individual need rather than system need:

I then was contacted by victim services and they asked if I needed support and I didn't really need sort of, personal support but I wanted navigation support with the court system – just to understand what was going on. So, they kept me up to speed as to what was happening in the courts and he plead guilty and I was invited to write a victim impact statement which I did. The victim services person had said that I could go to court when he was sentenced, which I was interested in doing, but I didn't end up going (S.C.)

Support stories also illustrated the power of having someone in a position of authority really hear and acknowledge what happened:

The minister of justice, I actually told my story to him weeks ago [via listening circle]. The more you talk about it—it's not easy to talk about but it gets easier. [Telling her story] makes me feel better now, I'm doing something after the fact because there's no justice that's gonna be served... Not through the justice system because there's nothing they can do to retract and go back and charge him. It feels like I don't matter. (S.D.)

Our workshop participants clustered several anecdotes under the theme **responsibility**. These anecdotes tended to describe the overwhelming burden of reporting and going through court proceedings with multiple personnel in different systems.

I felt like what I wanted to happen was for him to lose his license and not practice anymore, for that to happen there was a lot that needed to happen. The first thing that I needed to do, or felt like I needed to do, was to talk to his employer. I had told them what had happened and they said "we knew exactly what you were going to tell us, because he has done it before and he doesn't work here anymore." So, I felt some relief because I had worried for months that I would see him again. I felt relief... I went to his regulatory body and had to tell the story again and they said that the way you forge a formal complaint is you have to download this form online, write it all out by hand... I didn't like that. I finally did it and they wrote back, and they told me that it was a legal matter and that they had consulted the police to see whether it was something that they need to involve the police, and the police said yes. (S.C.)

The anecdotes about responsibility also show the constant burden of doubt, self-doubt, feeling minimized, having to convince people of the harm caused, and having to self-advocate at every

that those who have experienced gender-based violence move from one part of the system to another without any assurance that the process followed will result in a positive outcome(s) for her. Along the way, the frustration is intensified when key players, such as police or lawyers, don't pay attention to details that matter to her and for her case:

The victim services coordinator also essentially tried to arrange for me to give my statement to an officer that was educated in domestic violence. I found the officer I dealt with initially was very understanding and made it as easy as it could have been, giving a statement of that nature. But dealing with the RCMP [further in the process], I just found them unprofessional in a lot of ways. Just the demeanor and I noticed a lot of mistakes were made, there were a lot of things that were wrong. They just made mistakes with the paperwork and that caused me a lot of stress [re: dates and times/details]. (S.E.)

Some of the anecdotes describe victims/survivors having to do a lot of the legwork, including making contacts, doing follow ups, and retelling their story several times. In some of the examples, nothing happened in spite of significant efforts made on their own behalf:

I went to the sex crimes unit and had an appointment with the head detective at the time. Now they rotate detectives periodically, so each time I went and talk I had to speak with someone new. I asked about why my rape kit wasn't showing any DNA hits, and first I was told that it was still being processed around the [date] when I called. And then on [date] I was told that it was lost. And then secondly, around [date] I finally got them to admit that it was actually ordered destroyed but they wouldn't give me the officer's name who ordered it. When I started asking questions that started being more like "let me know what's going on in the process here," they immediately would say "you need therapy" or "are you okay, it sounds like you need therapy" ... They destroyed the rape kit, my sheets, my jewelry, and underwear. All the evidence. (N.P.)

The first thing that I needed to do, or felt like I needed to do, was to talk to his employer. I had told them what had happened and they said "we knew exactly what you were going to tell us, because he has done it before and he doesn't work here anymore". So, I felt some relief because I had worried for months that I would see him again. I felt relief... I went to his regulatory body and had to tell the story again and they said that the way you forge a formal complaint is you have to download this form online, write it all out by hand... I didn't like that. I finally did it and they wrote back, and they told me that it was a legal matter and that they had consulted the police to see whether it was something that they need to involve the police, and the police said yes. (S.C.)

Fear was another common emotion identified (See Appendix F for the anecdotes coded as such). The fear in these anecdotes, associated specifically with the justice seeking experience versus the actual violence committed, was about a fear of being judged, not believed, and a fear of the untenable impacts on their own mental health. There's an undercurrent of fear that using the system is not a good choice because as soon as you enter the systems, they take over and you are stripped of any options, choices or agency over the processes that follow:

I went forward to the police [after assault] then and they did not find that there was

enough evidence to go forward. They felt it was more of a he-said/she-said situation. The only thing that I really, you know, it takes a lot of courage to come forward and feel like you are actually going to be believed. Back then I don't even think there would have been a sexual assault nurse. I have been in another relationship that was abusive. There was that fear of 'I am not going to be believed' or would I go forward because here I am as an adult. I just didn't want to put my family through that. I just have to get away and not talk about it and just carry on, I don't want to hear "wow what did you just do?" or "how did you get yourself into that?" (K.H.)

The anecdotes reveal that seeking justice made the women nervous about the unknown, about being asked to give statements, and about having to face their perpetrators in court. The fear embodied in these quotes is associated with the lack of control or the inability to exercise agency through the justice process. Fear is also compounded by the perception that they will not be believed and that their experiences will not be validated:

One of the guards had called and asked me if I could drop off any clothing for him so he could wear to go to court. So I agreed to that and when I got out there, he asked me if I would like to speak to him and I said, "no I do not." I had to go to court and I was so nervous... And they brought him in and he was all shackled up and they put him in a different room so I kind of calmed down. We went in the court room and everything was just being said so fast, and so I had a lawyer, but she was saying things I did not understand. And he had to do community hours, and he was allowed out of jail. He was in there for about maybe two months, then he had to do the community hours and the honeymoon stage started... I thought he changed. Thought he was all together a different fella. And he went out three more trips and it was right back to the same thing. That went on for maybe another year. And finally, he left, and went with [another woman] and they got married and stuff they moved down to [province] and I haven't seen him since. (P.E.)

Our workshop participants also saw a lot of **anger** associated with women's justice seeking experiences (anecdotes in Appendix G). The anger arose from the gaslighting they experienced, feelings of being treated with suspicion as though they were the criminals, and the shocking realization at how little they mattered to the people and systems that are supposed to help and protect them. Another theme that was common across anecdotes was evidence of complete system failure even by individuals who are supposed to support and be on the side of the victim/survivor:

One of the guards had called and asked me if I could drop off any clothing for him [the perpetrator] so he could wear to go to court. So I agreed to that and when I got out there, he asked me if I would like to speak to him and I said, "no I do not." I had to go to court and I was so nervous... And they brought him in and he was all shackled up and they put him in a different room so I kind of calmed down. We went in the court room and everything was just being said so fast, and so I had a lawyer, but she was saying things I did not understand. And he had to do community hours, and he was allowed out of jail. He was in there for about maybe two months, then he had to do the community hours and the honeymoon stage started... I thought he changed. Thought he was all together a different fella. And he went out three more trips and it was right back to the same thing. (P.E.)

The only positive emotion that emerges with any frequency was **relief** (anecdotes in Appendix H). Relief seemed operationalized for the victims/survivors through the intervention of “one person” (e.g. the police officer, the transition house worker). The “one person” validates and affirms the experiences and feelings of the those who have experienced gender-based violence and may act as a conduit to resolving the injustices. The anecdotes associated with relief are ones where the victim/survivor is being believed and affirmed in their experience (especially when they hold the fear and past experience where they were not believed) and ones where their experiences are corroborated by other victims/survivors. The victim/survivor reported feeling relieved that someone else was considering their needs, relieved to have achieved an outcome that they hoped for (even being able to press charges) or even any outcome at all after years of feeling besieged by an ever-present threat of further violence:

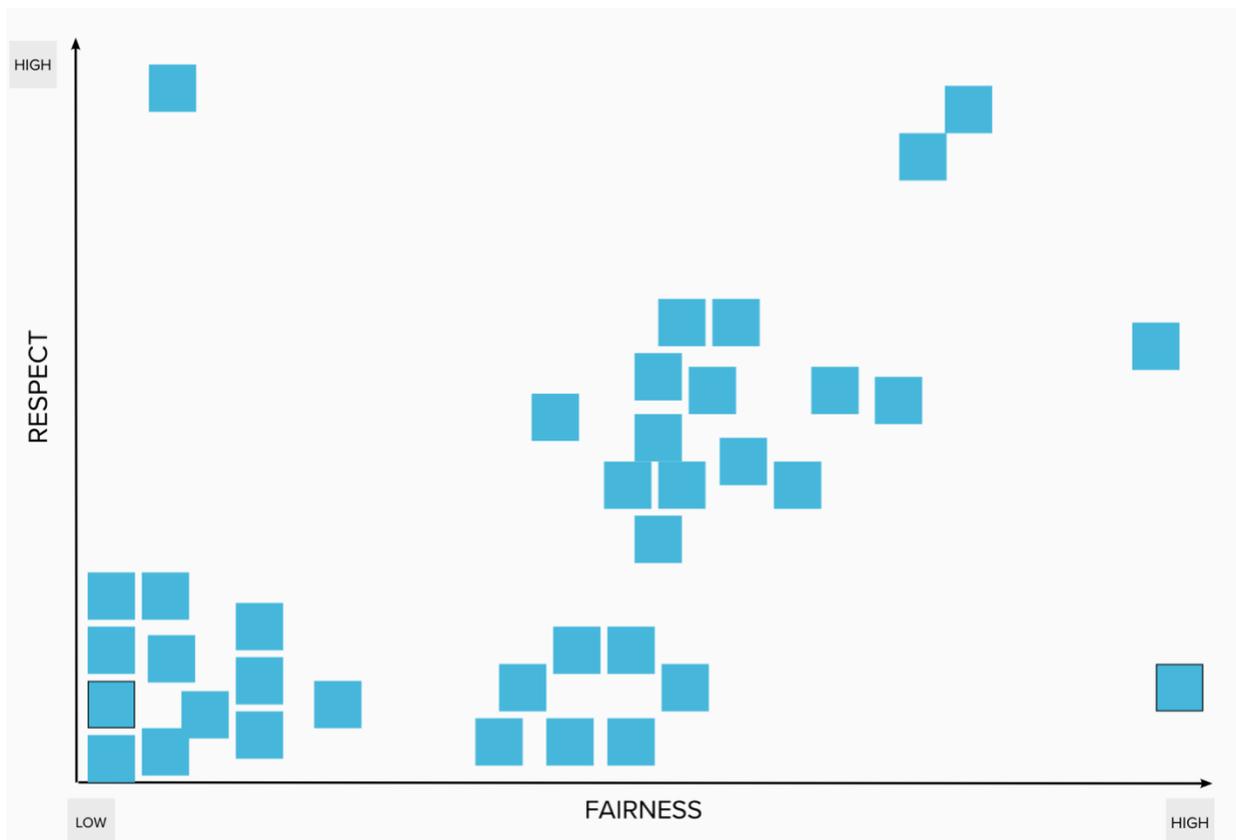
I called and I talked to a wonderful police officer who was married to a victim services person, so I think he probably had a lot of insight into domestic violence, and I think that was pure luck because I had experiences with police officers who had absolutely no sympathy or insight [re: domestic violence]. So, it was luck of the draw is how I would classify it. [The police officer] just said “what is happening to you is not alright and the fact that you feel this scared is not okay”... Because he talked to me like that, it gave me the confidence to move forward with the police. (E.L.)

What does justice look like? Fairness and respect

As mentioned earlier, we invited participants in our workshop to explore fairness and respect as two central values embedded in academic understandings of what constitutes “justice.” Unsurprisingly, most anecdotes excerpted from the interviews were deemed to be low in both respect or fairness.

We asked participants to rank anecdotes in terms of fairness and respect. The results of this exercise are on the graph below. Each square represents one anecdote from the interviews and each anecdote was placed on the graph by participants. Respect is measured on the vertical axis and fairness is measured on the horizontal axis. Given how workshop participants placed stories on our graph, it seems that more of the stories illustrated more fairness than respect. More anecdotes are placed toward high fairness on the horizontal axis than on the vertical one. It appears as though the system is more likely to do work that is fair than respectful.

This finding aligns with our earlier observation that when women encountered even one person who validated their experiences, they felt more respected. In fact, the anecdotes in the top right of the graph below, those with high levels of respect and fairness, revolved around finding that one person who was helpful, a benefit seen as instrumental in experiencing the process as both fair and respectful.



The bottom left of the graph includes the anecdotes that were lowest in both fairness and respect. These anecdotes included some common experiences of not being helped to understand the process, having to retell their story, feeling lied to and deceived, the system making mistakes, and being left on their own to figure things out.

IX. Options for justice

What is clear from our interviews is that justice happens when women experience **support, validation, and can exercise agency.**

Earlier research has framed support and agency as something that women want and need to make the experience better (Brooks & Burman 2017; Herman, 2005; McGlynn, Westmarland & Godden, 2012; Smith, 2017). Our analysis, and the sensemaking workshops we developed, suggest that our research participants equate justice with support, validation and agency. Without them, the justice seeking experience is, put simply, not just. We propose that these elements are necessary for justice to be seen and experienced. Support and agency do more than meet needs; they provide justice.

Support, in our interviews, generally came from individual encounters with people who validated the woman's experience, even if they may not have been able to control outcomes. Often, this support came from just one person who seemed to care about the situation and the woman herself

and it was less about therapy or system navigation and more about simply being *heard* and *validated*. When silenced, stigmatized and gaslighted, the resulting isolation of *not* being heard or validated compounded and complicated the negative impacts of the women's experiences with the justice system. Support was driven by prioritizing the individual over the system. It was more distinct from the actual system outcomes than we might have thought.

Women experienced more justice when they felt some autonomy. Agency, as it emerged from our data, is less about having the ability to decide what happens and more about having the ability to act independently or outside the system ostensibly set up to support them. The empowering piece was less about having say or input on system decisions and more about being able to make decisions notwithstanding system imperatives. Our participants indicated that not having agency made them feel like they did not matter.

In essence, our work shows that justice is less related to specific outcomes and more about process. Yet Canada's justice system is not set up to ensure a just process in these ways. Our interviews show how the systems fail to provide support, in turn leaving women feeling re-victimized by the only system legitimized to provide them with justice.

At the beginning of this report we quoted Holder and Daly (2017) who observed that our efforts to help women get justice have focused on reducing the harm of criminal justice interventions and "in the process, the meanings of justice for victims became lost in searches for responses that were least harmful" (p. 788). Reflecting now on that quote it seems clear that while efforts have been made to provide support to victims of gender-based violence (e.g., with court navigators) and to give them input on decisions (e.g., crafting victim impact statements), these interventions do not provide support, validation and agency in ways that actually come to constitute justice as defined by the women themselves. Support and agency have been seen as a way to provide a more positive experience but this research suggests they go beyond how those terms are commonly understood.

Complexity theory, as described earlier, may provide an explanation for the disconnect between efforts to provide support and increase the sense of justice among women who have experienced gender-based violence. Law and policy are not well suited to addressing complex problems. When 'complexity' is viewed in the way described earlier in this report it becomes clear that the system designed to respond to gender-based violence is not well suited to complex problems that do not have linear solutions. Law, and the system built up around it, require standardization and the simplification of complexity, the search for facts, and application of case law. What some have called the "criminal legal system" (Terwiel, 2020) cannot easily address the complex nuances of relational and family dynamics, nor, ironically, the complexity of an experience like "justice." As one participant in our research noted, "justice is not a straight line," but justice processes tend to proceed as though it is.

From the perspective of complexity, there are two salient dimensions to note. One is that patterns are replicated at multiple levels of scale. For women subject to violence who report to police, the legal/justice process mirrors the experience of personal violence itself by silencing, gaslighting, dismissing, controlling, isolating and stripping a victim of dignity, respect, validation, confidence and agency. These are primary tactics in intimate partner violence (IPV), and the systems,

institute the very same tactics to maintain their own perceived procedural integrity as a system. According to our research participants, system responses tend to minimize or normalize their pain and trauma, and dismiss their frustration with how the system treats them and their valid concerns for the safety of themselves and their children. It is not unusual for survivors to say their experience of enduring the legal/justice system, was as bad as or worse than the actual violence they endured at the hands of their abuser. The sense of betrayal by those entities who are supposed to help them find accountability and justice, is devastating for many.

Our participants' observations reflect how the system's priorities take precedence over the needs of the humans seeking support or help from those systems. This system-centred response is articulated well in the Restorative Inquiry on the Nova Scotia Home for Colored Children (2019) report:

[O]ur 'system of care' — as it has been broadly understood...include(s) those formal and informal networks, systems, structures, agencies, organizations, and institutions that are important to the care and well-being of individuals, groups, and communities — is generally oriented by the logic and demands of systems, not humans" (p. 373).

While the inquiry had a specific focus on the institutional care of African Nova Scotian children, the findings about how institutions and structures respond to people's needs are relevant to legal and court systems. According to the report, "[t]here was a general recognition that current systems and structures are not well equipped to meet people's needs [... and] the tendency to take a system-oriented approach [...] has historically had a negative impact on the people those systems should be serving—particularly vulnerable and marginalized individuals" (2019, p. 376). The report states that institutional trust is low among the public. This observation would no doubt resonate with the participants in our research. Justice needs to be more human-centred.

The current system-centred response make it difficult to respond in holistic ways to the complex relational needs of humans (Restorative Inquiry into the Nova Scotia Home for Colored Children, 2019). In our research, the separation and lack of coordination between, for instance, criminal court systems, family court systems and child protection systems, creates significant strain and burdens for women and children already traumatized by violence. It can also create a degree of moral distress for workers in those systems, constrained from engaging more holistically with the people they serve.

Turning support, validation and agency into justice

As a result of research that identifies the needs and wants of victims/survivors, we have seen incremental change in some policies and procedures. For example, lawyers in Nova Scotia have been made available to complainants in sexual assault cases with information to help them understand the legal process. Similar efforts are being made to address the negative experiences of domestic violence victims through the Domestic Violence Courts. These are all necessary and well-grounded responses to issues faced by individuals seeking justice after experiencing gender-based violence. Unfortunately, given what we have learned, these reforms, while necessary, are insufficient in inculcating an experience of justice for those who experience gender-based violence.

If *support*, *validation* and *agency* are the central values for women seeking justice when they have experienced gender-based violence, then framing these as *justice values* changes the questions that need to be asked and answered about the legal system and justice processes. It shifts the questions away from what we can do to help individuals, to what we need to do to transform the architecture of justice and the systems and structures that keep it entrenched and rigid in its application. The existing legal structure that must be faced in order to pursue justice obstructs support, validation and agency.

What would the legal/justice system look like if support, validation and agency were underpinning principles of justice? The Restorative Inquiry into the Nova Scotia Home for Colored Children report (2019) offers some insight, suggesting that it “would require a fundamental reorientation of systems (to be) centred on human beings — designed and structured in ways that would be responsive to the relational nature of human experience and needs” (p. 379). The nature and magnitude of this shift is enormous.

Our discussions as a research team about these points and questions have raised debates about whether we should reform the existing system or work toward a more wholesale transformation into something new. On the one hand tweaking around the edges of an existing system typically fails to transform the principles and century-long foundations on which it is based, foundations rooted in patriarchy, the supremacy of whiteness, gender stereotypes, oppression and colonization and enslavement of whole communities of people. From this perspective, the words of Angela Davis, that “reform is the glue that holds the system together” really resonate.⁴ On the other hand, wholesale transformation begs questions about how to engage people to achieve the transition from one system to another, who will champion it, how will it be resourced, and how to shift the mindsets of the people steeped in the current way as the only possible or legitimate way.

With that tension in mind, we suggest that legal systems should be trauma-adaptive and responsive, not simply informed. The term trauma-informed has become something of a buzzword to represent acknowledging the presence of trauma, but rarely translates into a deep understanding of the neurobiological dimensions of trauma, how it manifests, and how dramatically it may render a victim virtually unable to participate on their own behalf in investigations and court proceedings *in the way the systems currently require*. This trauma-adaptive approach needs to permeate all the work done with and for those who enter the system, seeking help after experiencing gender-based violence. Front line staff need more than just training. They need to be empowered to prioritize relational and human centered work and rewarded for doing this work well.

Navigators, legal advice, accompaniment, synchronization and integration of multiple court proceedings and with other systems’ personnel and paperwork, can all be aligned with justice values of support, validation and agency. These, under an umbrella of human-centred response, informed by an anti-oppressive framework, has the potential to make access to justice a reality for survivors, children, families and communities affected by gender-based violence; they

⁴ Angela Davis spoke at Saint Mary’s University in March 2020. She is an African American activist and educator who has worked tirelessly toward Black liberation and prison abolition.

deserve no less.

In addition, justice requires a system of accountability for all those involved, from the perpetrators, to police, judges, lawyers, and other system actors, in taking responsibility for system harms caused to survivors of GBV. Current legal and other practices, such as badgering the witness, reinforcing stereotypes and conceptions of the “ideal victim,” responsabilizing women for the safety of themselves and their children, accusations of parental alienation—the list goes on—cause revictimization and harm with impunity. These persistent patterns need to be overturned and designing a system that avoids replicating the experience of violence already endured is key to ensuring that the system is indeed just.

Appendix A: Interview Guide

Thanks for agreeing to chat with me. Our interview will start with a very general question about your experience. I am interested in hearing the story of what happened as you looked for some form of justice or resolution after you experienced violence.

But first off, can you tell me a bit about what happened that led you to need some kind of help or services or support related to your experience of violence?

Thanks for that.

Now I am going to ask you to describe what happened when you looked for help to get justice or a fair resolution. I hope to hear about what happened and will then ask you some questions about the experience. You can talk about a very specific experience if you like.

When you looked for help to get a fair outcome who did you turn to? What happened when you tried to find justice?

[use prompts to flesh out the narrative: What happened? And then what happened? What did that person do next? What did you do next?]

Now I have a few questions about the story you just told.

Can you give your story a title or hashtag?

Is your story generally positive or negative?

When you tell the story, what are the main emotions you feel?

Who are the main important characters?

Is the story mainly about justice or injustice?

If your story was mainly about injustice, can you describe what would have had to happen to make the process more fair or the outcome more justice? What would have happened?

If your story was mainly about justice, can you describe what it was about the experience that provide justice?

From this list [show list to participant], what words best describe that this story is about?

Revenge
Safety
Fairness
Trauma

Forgiveness
Credibility (whether you were worthy of being believed)
Accountability
Punishment
Vindication (whether your actions or expectations were justified)
Rejection
Validation (whether your feelings or expectations or story was confirmed)
Strength
Healing
Endurance
Fear
Pride
Guilt
Embarrassment
Shame
Judgement

Can you talk a bit about what this experience is telling us about [fill in one of the words chosen]

[Repeat question for each word chosen]

Finally, what does this story mean to you? What is this story about?

Thanks so much for your time. Do you have anything else to add? Or any questions for me?

[Review interview notes to identify anything that the participant may not want reported, or that may identify them and finish the last step of the consent form]

Appendix B: Injustice

I went forward to the police [after assault] then and they did not find that there was enough evidence to go forward. They felt it was more of a he-said/she-said situation. The only thing that I really, you know, it takes a lot of courage to come forward and feel like you are actually going to be believed. Back then I don't even think there would have been a sexual assault nurse. I have been in another relationship that was abusive. There was that fear of 'I am not going to be believed' or would I go forward because here I am as an adult. I just didn't want to put my family through that. I just have to get away and not talk about it and just carry on, I don't want to hear 'wow what did you just do?' or 'how did you get yourself into that?'.

The prosecutor had felt a mistake was made and that my current husband should have been jailed. So they had a 20 person police chase hunt looking for him, with two tracking dogs. At that point my husband thought that I had been doing something to get him in trouble. And I said to the police, "three days ago you were telling me that I was the problem, and now you're doing a police hunt, I needed you three days ago," and at that point they [police officers] had called transition house. The executive director of transition house told me I was high risk for lethality, and if I didn't take my children to, and myself, to transition house right then and there until my husband was found in this man hunt, that they were going to take my children away from me. But the second that there was a problem I did exactly what I was instructed to do to keep my children safe. The police told me I was the problem and now they're back here threatening to take my children from me... So the executive director of transition house was really wonderful, calm, reassuring, and really did side with me that this probably did feel very unfair but she was hoping that I would trust her enough to come in to the transition house. I had had to call 911 again because he [husband] was on the phone with me threatening me saying "I'm coming to kill you now."

Appendix C: Support

I then was contacted by victim services and they asked if I needed support and I didn't really need sort of, personal support but I wanted navigation support with the court system – just to understand what was going on. So, they kept me up to speed as to what was happening in the courts and he plead guilty and I was invited to write a victim impact statement which I did. The victim services person had said that I could go to court when he was sentenced, which I was interested in doing, but I didn't end up going.

I go to NA and AA, and try to find whatever support I can. The mental health system takes a long time, it took four months after this happened for me to see a therapist. I couldn't sleep, so I started drinking. I have nightmares, and post-traumatic stress disorder from it. I spent three months in [outreach house] because I couldn't find an apartment I now have an apartment and not really anybody knows where I live. It changed my whole life. The RCMP were excellent, the judge or the prosecutor disappointed me. The crown said he argued against the charges being dropped but the judge dismissed them anyway. The minister of justice, I actually told my story to him weeks ago [via listening circle]. The more you talk about it—it's not easy to talk about but it

gets easier. [Telling her story] makes me feel better now, I'm doing something after the fact because there's no justice that's gonna be served... Not through the justice system because there's nothing they can do to retract and go back and charge him. It feels like I don't matter.

Appendix D: Responsibility

It took me quite a few months to realize what had happened and it took me quite a few months to talk to people about whether what he did was illegal or wrong. I was trying to justify things. Once I felt like I had gotten confirmation from other health professionals, I felt like what I wanted to happen was for him to lose his license and not practice anymore, for that to happen there was a lot that needed to happen. The first thing that I needed to do, or felt like I needed to do, was to talk to his employer. I had told them what had happened and they said "we knew exactly what you were going to tell us, because he has done it before and he doesn't work here anymore." So, I felt some relief because I had worried for months that I would see him again. I felt relief... I went to his regulatory body and had to tell the story again and they said that the way you forge a formal complaint is you have to download this form online, write it all out by hand... I didn't like that. I finally did it and they wrote back, and they told me that it was a legal matter and that they had consulted the police to see whether it was something that they need to involve the police, and the police said yes.

My ex-common law partner attacked me sexually and afterwards I called the police and they said because I let him in and because, you know, we had been common law, that while I could press charges they said it was not the kind of thing that they recommend people do because it wouldn't have a good outcome... They [police] said it [pressing charges] would just be very upsetting and expose people to a lot of things. What they did do was they took an information report at that time. They [police] asked me what happened. I do remember they recommended I never let him in the house again, even to use the washroom if he's dropping her [daughter] off, to never ever let him in the house again. If he says he has to use the washroom, tell him to go down the street.

Appendix E: Frustration

It took me quite a few months to realize what had happened and it took me quite a few months to talk to people about whether what he did was illegal or wrong. I was trying to justify things. Once I felt like I had gotten confirmation from other health professionals, I felt like what I wanted to happen was for him to lose his license and not practice anymore, for that to happen there was a lot that needed to happen. The first thing that I needed to do, or felt like I needed to do, was to talk to his employer. I had told them what had happened and they said "we knew exactly what you were going to tell us, because he has done it before and he doesn't work here anymore". So, I felt some relief because I had worried for months that I would see him again. I felt relief... I went to his regulatory body and had to tell the story again and they said that the way you forge a formal complaint is you have to download this form online, write it all out by hand... I didn't like that. I finally did it and they wrote back, and they told me that it was a legal matter and that they had consulted the police to see whether it was something that they need to involve the police, and the police said yes.

I . . . [had] to walk in the entryway where everybody was coming and going, and she [the detective] escorted me up to a room. She was really quite great through the process but I hated having to walk and then be in this cold square room where I was videotaped and recorded... So after the interview, I will say this whole process took about 2 years... It [her case] kind of sat there for a while and then I got a phone call from the detective a few months later... she had asked me if I wanted to press charges and I said yes, and from what I see in the court documents, there were 2 other women that were named as well.

The victim services coordinator also essentially tried to arrange for me to give my statement to an officer that was educated in domestic violence. I found the officer I dealt with initially was very understanding and made it as easy as it could have been, giving a statement of that nature. But dealing with the RCMP [further in the process], I just found them unprofessional in a lot of ways. Just the demeanor and I noticed a lot of mistakes were made, there were a lot of things that were wrong. They just made mistakes with the paperwork and that caused me a lot of stress [re: dates and times/details].

I went to the sex crimes unit and had an appointment with the head detective at the time. Now they rotate detectives periodically, so each time I went and talk I had to speak with someone new. I asked about why my rape kit wasn't showing any DNA hits, and first I was told that it was still being processed around the [date] when I called. And then on [date] I was told that it was lost. And then secondly, around [date] I finally got them to admit that it was actually ordered destroyed but they wouldn't give me the officer's name who ordered it. When I started asking questions that started being more like "let me know what's going on in the process here," they immediately would say "you need therapy" or "are you okay, it sounds like you need therapy" ... They destroyed the rape kit, my sheets, my jewelry, and underwear. All the evidence.

My ex-common law partner attacked me sexually and afterwards I called the police and they said because I let him in and because, you know, we had been common law, that while I could press charges they said it was not the kind of thing that they recommend people do because it wouldn't have a good outcome... They [police] said it [pressing charges] would just be very upsetting and expose people to a lot of things. What they did do was they took an information report at that time. They [police] asked me what happened. I do remember they recommended I never let him in the house again, even to use the washroom if he's dropping her [daughter] off, to never ever let him in the house again. If he says he has to use the washroom, tell him to go down the street.

I called the band office but at the time, the houses went in the man's name [when separating] so all of the furniture that I bought, and all the money I put into our new house... I wrote a letter, and they said "well the house is in his name... So it is his house" so I said "okay well I got a lawyer, I can get a paper saying that we are getting a divorce, that I have 2 garbage bags of clothes, and we are living in a motel, and I am the one with children". So, I went to the band office and they gave me \$4000 and said "alright alright, okay okay" because I took the paper, I got a legal aid lawyer. She wrote the paper, I told her the situation. She said "don't worry, we are going to help you." I took the paper to the band counsel meeting and they gave me \$4000 and I went to [surrounding town] and I got us an apartment.

One of the guards had called and asked me if I could drop off any clothing for him so he could wear to go to court. So I agreed to that and when I got out there, he asked me if I would like to speak to him and I said, “no I do not.” I had to go to court and I was so nervous... And they brought him in and he was all shackled up and they put him in a different room so I kind of calmed down. We went in the court room and everything was just being said so fast, and so I had a lawyer, but she was saying things I did not understand. And he had to do community hours, and he was allowed out of jail. He was in there for about maybe two months, then he had to do the community hours and the honeymoon stage started... I thought he changed. Thought he was all together a different fella. And he went out three more trips and it was right back to the same thing. That went on for maybe another year. And finally, he left, and went with [another woman] and they got married and stuff they moved down to [province] and I haven’t seen him since.

Appendix F: Fear

I had to go to court and I was so nervous... And they brought him in and he was all shackled up and they put him in a different room so I kind of calmed down. We went in the court room and everything was just being said so fast, and so I had a lawyer, but she was saying things I did not understand. And he [the abuser] had to do community hours, and he was allowed out of jail. He was in there for about maybe two months, then he had to do the community hours and the honeymoon stage started... I thought he changed.

“I...[had] to walk in the entryway where everybody was coming and going, and she [the detective] escorted me up to a room. She was really quite great through the process but I hated having to walk and then be in this cold square room where I was videotaped and recorded... So after the interview, I will say this whole process took about 2 years... It [her case] kind of sat there for a while and then I got a phone call from the detective a few months later... she had asked me if I wanted to press charges and I said yes, and from what I see in the court documents, there were 2 other women that were named as well.

I went forward to the police [after assault] then and they did not find that there was enough evidence to go forward. They felt it was more of a he-said/she-said situation. The only thing that I really, you know, it takes a lot of courage to come forward and feel like you are actually going to be believed. Back then I don’t even think there would have been a sexual assault nurse. I have been in another relationship that was abusive. There was that fear of ‘I am not going to be believed’ or would I go forward because here I am as an adult. I just didn’t want to put my family through that. I just have to get away and not talk about it and just carry on, I don’t want to hear “wow what did you just do?” or “how did you get yourself into that?”

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Appendix G: Anger

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Appendix H: Relief

It took me quite a few months to realize what had happened and it took me quite a few months to talk to people about whether what he did was illegal or wrong. I was trying to justify things. Once I felt like I had gotten confirmation from other health professionals, I felt like what I wanted to happen was for him to lose his license and not practice anymore, for that to happen there was a lot that needed to happen. The first thing that I needed to do, or felt like I needed to do, was to talk to his employer. I had told them what had happened and they said "we knew exactly what you were going to tell us, because he has done it before and he doesn't work here anymore." So, I felt some relief because I had worried for months that I would see him again. I felt relief... I went to his regulatory body and had to tell the story again and they said that the way you forge a formal complaint is you have to download this form online, write it all out by hand... I didn't like that. I finally did it and they wrote back, and they told me that it was a legal matter and that they had consulted the police to see whether it was something that they need to involve the police, and the police said yes.

I called and I talked a wonderful police officer who was married to a victim services person, so I think he probably had a lot of insight into domestic violence, and I think that was pure luck because I had experiences with police officers who had absolutely no sympathy or insight [re: domestic violence]. So, it was luck of the draw is how I would classify it. [The police officer] just said “what is happening to you is not alright and the fact that you feel this scared is not okay”... Because he talked to me like that, it gave me the confidence to move forward with the police.

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The prosecutor had felt a mistake was made and that my current husband should have been jailed. So they had a 20 person police chase hunt looking for him, with two tracking dogs. At that point my husband thought that I had been doing something to get him trouble. And I said to the police, “three days ago you were telling me that I was the problem, and now you’re doing a police hunt, I needed you three days ago,” and at that point they [police officers] had called transition house. The executive director of transition house told me I was high risk for lethality, and if I didn’t take my children to, and myself, to transition house right then and there until my husband was found in this man hunt, that they were going to take my children away from me. But the second that there was a problem I did exactly what I was instructed to do to keep my children safe. The police told me I was the problem and now they’re back here threatening to take my children from me... So the executive director of transition house was really wonderful, calm, reassuring, and really did side with me that this probably did feel very unfair but she was hoping that I would trust her enough to come in to the transition house. I had had to call 911 again because he [husband] was on the phone with me threatening me saying “I’m coming to kill you now.”

Appendix I: Anecdotes high in respect and fairness

I would say that my experience with the family court and child protection were more traumatizing than the relationship, or the criminal court. I thought, ‘is it more dangerous to seek help and safety from the systems? Starting with the police for me, and to what extent does that raise the risk?’ If they don’t help, the risk I was facing went up exponentially. So, it took me a long time to [reach out]. I dabbled with the police first. I went to the police and at the time, the first time I went, I couldn’t get into the building. There was some kind of buzzer and I didn’t know how to work it so I sat in the parking lot until my mother in law at the time, came and talked me out of going in. Next, I went to the police and I asked them all sorts of questions about what would happen if I told them this [disclosure]. I told them my experience ‘hypothetically’ and I still didn’t feel reassured that they would be able to keep us [her and her child] safe enough. Later on, I believed he [abuser] was coming, I mean he didn’t live very far away. At that

point, the only reason I called the police was because I didn't have a choice. The risk [of violence] was so high, I actually didn't have a choice. I called and I talked a wonderful police officer who was married to a victim services person, so I think he probably had a lot of insight into domestic violence, and I think that was pure luck because I had experiences with police officers who had absolutely no sympathy or insight [re: domestic violence]. So, it was luck of the draw is how I would classify it. [Police officer] just said "what is happening to you is not alright and the fact that you feel this scared is not okay"... Because he talked to me like that, it gave me the confidence to move forward with the police.

I think what I had first done [after assault] was talk to someone with the RCMP for some advice on what could I do and what are my options were. I mean, there was still concern obviously for my safety. Like, how do I navigate this system and potentially try and get this person out of my home? Then, I think I ended up talking to my mother, which was helpful just because she had a lot of knowledge about the system and who to turn to. Then, I had actually ended up speaking with someone in victim services through her [mother], which was great. They [victim services] had just told me that I would need to come to the RCMP station and essentially give a statement, that I'd been assaulted. The victim services coordinator also essentially tried to arrange for me to give my statement to an officer that was educated in domestic violence. I found the officer I dealt with initially was very understanding and made it as easy as it could have been, giving a statement of that nature. But dealing with the RCMP [further in the process], I just found them unprofessional in a lot of ways. Just the demeanor and I noticed a lot of mistakes were made, there were a lot of things that were wrong. They just made mistakes with the paperwork and that caused me a lot of stress [re: dates and times/details].

Then it was court time, and he [abuser] pressured me into going... I had to stand up [in court] and the judge asked me some questions and I answered them. I stayed away from him for the longest while [after court]. He wasn't allowed to see the baby. When he was allowed to see the baby, it was at my mother's with her supervision and, I remember him making me feel, well besides uncomfortable, he made me feel sad for him because he had brought cars for this 1 year old baby... He made me feel so uncomfortable because he kept on saying, "[child's name]'s forgotten me, [child's name]'s forgotten me."

I then was contacted by victim services and they asked if I needed support and I didn't really need sort of, personal support but I wanted navigation support with the court system – just to understand what was going on. So, they kept me up to speed as to what was happening in the courts and he plead guilty and I was invited to write a victim impact statement which I did. The victim services person had said that I could go to court when he was sentenced, which I was interested in doing, but I didn't end up going... That would be my second thing that I wished would have changed – that there was a back up victim services person that could have come with me to court. He was listed on the sex offender registry which was a bonus, something that I wasn't seeking. So, I had some concerns about him knowing my name which I understand needed to happen but that sort of, concerned me.

Appendix J: Anecdotes that were low in fairness and respect

One of the guards had called and asked me if I could drop off any clothing for him so he could wear to go to court. So I agreed to that and when I got out there, he asked me if I would like to speak to him and I said, “no I do not.” I had to go to court and I was so nervous... And they brought him in and he was all shackled up and they put him in a different room so I kind of calmed down. We went in the court room and everything was just being said so fast, and so I had a lawyer, but she was saying things I did not understand. And he had to do community hours, and he was allowed out of jail. He was in there for about maybe two months, then he had to do the community hours and the honeymoon stage started... I thought he changed. Thought he was all together a different fella. And he went out three more trips and it was right back to the same thing. That went on for maybe another year. And finally, he left, and went with [another woman] and they got married and stuff they moved down to [province] and I haven't seen him since.

I went to the sex crimes unit and had an appointment with the head detective at the time. Now they rotate detectives periodically, so each time I went and talk I had to speak with someone new. I asked about why my rape kit wasn't showing any DNA hits, and first I was told that it was still being processed around the [date] when I called. And then on [date] I was told that it was lost. And then secondly, around [date] I finally got them to admit that it was actually ordered destroyed but they wouldn't give me the officer's name who ordered it. When I started asking questions that started being more like “let me know what's going on in the process here,” they immediately would say “you need therapy” or “are you okay, it sounds like you need therapy.” So I never felt like anything was A) being done, and B) I didn't feel like there was any access for me to be involved in my own case. They took my report, and I did the rape kit at the hospital, and I just went through the whole machine [meaning process], I was young, I was a teen. [Later] They destroyed the rape kit, my sheets, my jewelry, and underwear. All the evidence.

I'm not only traumatized but I am completely angry and just angry that nothing was solved and not even tried, you know. I tried to find justice, it's not justice in the sense of support, but it's the beginning of justice which is getting your case investigated. So I offered my services, I told the guy at the desk that I was a victim and [asked] how do I offer my services to your police training? He smiled and said “oh I'm sorry to hear that,” he opened my file and his smile went away, he was completely cold, and he told me that their computer system just suddenly went down and then directed me to victim services. I went there and left my name, number, and no one ever called. So I'm pretty sure there's something on my file that I don't know... I never contacted them more than once every two years, I don't think I behaved any way that warranted their behaviour. I swear that their treatment is just as traumatic, well maybe not just, it's part of the trauma.

I tried to find a lawyer to sue police. For about three years every once in a while, so the way I did this stuff was: something would happen in the news, I would be super triggered and upset, I wanted to do something about it, I would call a few lawyers and put their names in [take note of who she contacted] and then months would go by before I called anybody else. It was very sporadic work. Every lawyer I called said the same thing: “it's not worth fighting the police. They're too big, the laws are too strong to protect them. They owe you nothing.” Like in terms of, like I didn't know this but, legally speaking police do not owe the public an investigation.

The prosecutor had felt a mistake was made and that my current husband should have been jailed. So they had a 20 person police chase hunt looking for him, with two tracking dogs. At that point my husband thought that I had been doing something to get him trouble. And I said to the police, “three days ago you were telling me that I was the problem, and now you’re doing a police hunt, I needed you three days ago,” and at that point they [police officers] had called transition house. The executive director of transition house told me I was high risk for lethality, and if I didn’t take my children to, and myself, to transition house right then and there until my husband was found in this man hunt, that they were going to take my children away from me. But the second that there was a problem I did exactly what I was instructed to do to keep my children safe. The police told me I was the problem and now they’re back here threatening to take my children from me... So the executive director of transition house was really wonderful, calm, reassuring, and really did side with me that this probably did feel very unfair but she was hoping that I would trust her enough to come in to the transition house. I had had to call 911 again because he [husband] was on the phone with me threatening me saying “I’m coming to kill you now.”

I got an abrupt email from victim services saying they could no longer provide support. That it had come from higher up, and that was all she could tell me. I later found out that SIRT had intervened and felt that they [victim services] were interfering with their investigation. So the one person [from victim services] that was supporting me and helping me maintain my sanity was ripped out from underneath of me. At literally at the 11th hour before deadline was there... There was another thing that I discovered when you’re a victim of a police officer, you can’t access the same supports that are out there for everybody else... And there’s no alternative. That was frustrating... There was a 6 month deadline for one of my options and I had to let it pass because I was left completely unsupported. Under the police act, there’s no option to, there’s no exceptional circumstances or option to extend there’s no appeal process. I was going to counselling through [women’s centre] and so they were helpful, they’re the only reason I’m here right now. I didn’t realize how badly I needed it until I had gone through it kind of thing. I just remember feeling very desperate and it felt like everybody I talked to only had a little tid bit of the information and nobody was fully equipped to deal with, cause everybody kept saying: an officer involved incident.

I called the band office but at the time, the houses went in the man’s name [when separating] so all of the furniture that I bought, and all the money I put into our new house... I wrote a letter, and they said “well the house is in his name... So it is his house” so I said “okay well I got a lawyer, I can get a paper saying that we are getting a divorce, that I have 2 garbage bags of clothes, and we are living in a motel, and I am the one with children.” So, I went to the band office and they gave me \$4000 and said “alright alright, okay okay” because I took the paper, I got a legal aid lawyer. She wrote the paper, I told her the situation. She said “don’t worry, we are going to help you.” I took the paper to the band counsel meeting and they gave me \$4000 and I went to [surrounding town] and I got us an apartment.

I never thought to [seek justice]. I didn’t know who to tell because there was a lot of families on our reserve that were suffering the same thing. So the only person that I did talk to when I was I

think about 8 or 9 or something like that, would have been the priest. He [priest] told me to say a few prayers and stuff like that... That was about it. I did tell my aunt and she took me to the off-reserve doctor, but I don't know why the doctor didn't do anything. But there were so many things going on in the reserve back then, a lot of abuse. There was no justice. We couldn't get justice for ourselves. We didn't know what to do because there we were—in a remote area in the woods, 5 miles from the town and no one wanted to go up there because they are afraid of a lot of people up there. There was a lot of violence and things happening, they were all struggling, we were all struggling with our culture and our identity.

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