

THE SATURDAY STAR

Partly cloudy; windy. High -5C

March 9, 1996

Metro Edition

SPOUSAL ABUSE: THE SHOCKING TRUTH

Hitting home

By RITA DALY, JANE ARMSTRONG AND CAROLINE MALLAN STAFF REPORTERS

Brian Skinner is an innocent man. In the eyes of Ontario's criminal justice system, the 34-year-old store manager did not beat, choke or try to smother his girlfriend.

Today, four months after he was acquitted, the pictures of her injuries — severe welts, bruises and abrasions on both sides of her neck — have been destroyed.

The neighbors who called police never testified. The police officers have filed their notes. The frantic 911 call is just a blip on stored tape.

On the day of the trial, the victim, a 19-year-old waitress, told the judge she didn't remember a thing. In the hallway she told the crown: "It's easier not to remember."

The judge never heard that part. We did.

For eight months, a team of Star reporters tracked through the courts 133 cases of domestic violence that happened in Metro in one week last July. A computer-assisted analysis of the findings is one of the first such investigations into spousal abuse in Ontario and of a justice system that fails to come to grips with the problem. Today and for the next seven days The Star will publish details of the investigation.

The Star tracked those cases and discovered that vicious assaults were virtually going unpunished by a legal system that has been unable to deal effectively with the problem.

The assaults were violent. Women were slammed to the floor, pummelled with fists, jabbed with brooms, beaten with telephones, cut with knives, choked, smothered, kicked and raped. They were threatened with death.

All this from husbands, boyfriends and ex-lovers. And all this in seven days.

It was not a special week. There were 51 other weeks like it, bringing the tally of victims to more than 5,400 for the year. And those were just the cases in which somebody called police.

The Star study found a justice system falling at every step, with judges, crown attorneys, defence lawyers and police pointing the finger of blame elsewhere.



KEN FAUGHT / TORONTO STAR

AFTERMATH OF AN ASSAULT: Domestic assault victim slumps to the ground in anguish while her common-law husband is being arrested for attacking her last July 2.

Consider:

- Sixty per cent of the completed cases resulted in a conviction — but in most cases the man was allowed to plead guilty to a lesser crime and received no jail time, and often no criminal record. This despite an Ontario Court of Appeal ruling that calls for jail terms for domestic beatings like these.
- More than one-third — 37 per cent — of the cases fell

apart because the victim, often out of fear, either failed to show up in court or changed her story on the witness stand. The result? Charges withdrawn. Brian Skinner was one of them.

■ In cases in which the women recanted, the crown did not once use injury photographs, 911 calls, statements to police, or witnesses, including police officers at the

☞ Please see Legal, A4

INSIDE: A 5-page report starting in Insight, B1. Managing Editor's notebook, A4. The Star's view, B2.

Union, government set to talk

Hopes raised for quick end to strike

By DANIEL GIRARD QUEEN'S PARK BUREAU

The two sides in Ontario's first civil service strike are to resume negotiations tomorrow, boosting hopes that an end may be near in the two-week-old walkout.

"It's time to get the parties back at the table and see where we go," Paul Gardner, director

of labor-management services in the labor ministry, said in an interview yesterday.

The early afternoon announcement that Gardner's office was calling negotiators for the provincial government and its 67,000-member Ontario Public Service Employees Union, back to the bargaining table caught most people by surprise.

"I'm delighted to be going back. I want to get an end to this strike," Management Board Chairman Dave Johnson said.

Strikers cheer news, A6

"I'm very optimistic," OPSEU president Leah Casselman told reporters at a lunchtime rally of strikers. "We're pretty excited by the fact that the mediator has had a review and decided to call us back. He obviously thinks we can get a collective agreement."

Although mediators have talked to each side almost daily since the strike began Feb. 26, they've maintained that they

were too far apart on the key issues of job security, pensions and severance pay related to the government's plan to cut 13,000 to 27,000 civil servants from the payroll over the next two years.

The two sides last negotiated Feb. 22.

Gardner refused to comment on what move, if any, prompted the return to the table, whether there were changes in the positions of the two sides or the

☞ Please see Government, A6

MOOD OF THE LAND

Star reporters are talking to Canadians about their hopes for the country in the wake of the Quebec referendum. Today, Kelly Toughill reports on how Ontarians are feeling.

Ontarians go all out to court Quebecers

By KELLY TOUGHILL QUEEN'S PARK BUREAU

Since last October, hundreds of Ontario residents have taken out their cheque books, opened up their homes and hit the telephones and airwaves in an attempt to keep Quebec from leaving Canada.

University of Toronto professor John Roder has invited 10 strangers from Quebec to his home — the guests picked randomly from the phone book.

Engineer David Fournier, of Mississauga, has set up a Web site to educate English-speaking Canadians about discrimination against the French.

High school students Sean Lee-Popham and Jesse Moore are circulating a petition nationwide calling on students to work for a "united Canada."

Etobicoke dry cleaner Ravinder Kalra, 52, has pledged money to the cause. These people have little

☞ Please see Campaigns, A12

Good economic news sends stocks reeling

People who flooded into stock-based mutual funds in this year's RRSP rush are learning painful lessons about volatility in the stock market. The Toronto Stock Exchange 300 index plunged 85.37 points to 4895.43 yesterday as investors rushed to dump stocks.

Paradoxically, good economic news was bad for stocks. A better-than-expected report on U.S. job creation made investors nervous about rising inflation. That dashed hopes for further interest rate cuts and sent both U.S. and Canadian markets into a tailspin. In New York, the bellwether Dow Jones industrial average plunged 171 points, or slightly more than 3 per cent.

But people with their registered retirement savings plans invested in the stock market shouldn't panic, one analyst says. "For stock market mutual funds, you should take a long-term look," says Robert Fairholm of DRI Canada.

☞ Full story, C1



DICK LODEK / TORONTO STAR

BAD START TO MARCH BREAK

Travellers mill about the Terminal 2 departure lounge at Pearson International Airport last night after bad weather in some U.S. centres delayed or wiped out March break flights south from Toronto. Story, A25

Spend on safety, not new subway, jury says

Crash inquest panel makes 18 recommendations

By BRUCE CAMPION-SMITH TRANSPORTATION REPORTER

Don't build new subways until you can ensure the ones you've got are properly maintained and safe.

That was the message to Metro and provincial governments yesterday from an inquest jury that has spent the last two months probing a fatal subway crash.

The "safety and good repair" of the Toronto Transit Commission's existing network must be put before costly expansion, the jury said. And it urged both governments to commit to adequate funding of the transit system in the long term.

"Underfunding since the mid-'80s has contributed to the deterioration of the system and has jeopardized the safety of the TTC," the jurors wrote in a troubling conclusion.

The two-woman, three-man panel returned yesterday with 18 recommendations addressing most of the systemic problems within the TTC leading to the Aug. 11 crash.

The list urged everything from regular safety audits and outside monitoring to improved funding and a new control centre.

But it's their ideas on funding that touch on the long-term viability of the TTC and question the wisdom of proceeding with the construction of the \$945 million Sheppard subway line from Yonge St. to Don Mills Rd., lawyers said.

"I'm not a transit authority; I don't know how important Sheppard is," said Jerry Birnbaum, acting for the family of victim Christina Munar Reyes.

"But not now, not when you've got a system that's deteriorating. You want to keep the core of your riders moving safely."

With the funding recommendation, the TTC got a powerful weapon in its efforts to stave off further budget cuts by the province.

"I suggest anyone who uses

☞ Please see Adequate, back page

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HITTING HOME: SPOUSAL ABUSE



END OF ORDEAL: Laura Rousse is comforted by sister Maggie after the trial of Laura's husband Luc, who was jailed 20 months for assaulting her.

Managing Editor's Notebook

LOU CLANCY



Exposing a system that doesn't work

Today we launch a compelling and controversial series looking into our society's inability to come to terms with the issue of spousal abuse. The conclusion is frightening. It's not that the system is broken. It never worked.

Reporter Rita Daly decided to look into the issue last May when domestic violence was pushed to the front pages and tops of newscasts by the O.J. Simpson trial.

It wasn't a new issue. Indeed, The Star had written about it many times in the past. But Daly felt the trial was exposing the inadequacy of the system to deal with such crimes.

With fellow reporters Jane Armstrong and Caroline Mallan, Daly went looking for information on spousal assault cases.

Here is what they found: "It became clear that there was no data collection at all, and therefore no accountability in our courts," Daly said. "Studies elsewhere, however, hinted that domestic violence crimes were not being prosecuted vigorously enough and outcomes coincided with the wishes of the victim."

During one week between June 30 and July 6, reporters went into every bail court in Metro to find out separate spousal abuse cases from those lumped under the generic umbrella of "domestics". There were 133 cases for the past eight months we have been tracking the cases through the court system.

The Star's team interviewed victims, the accused, police, crown attorneys, judges, lawyers and domestic violence experts.

We collected more than 12,000 pieces of information, which were put into a database and used to examine all facets of this type of crime. The database, the first of its kind in Ontario, was created by assistant city editor Kevin Donovan, who is developing computer-assisted reporting for The Star.

The stories may upset some readers. Indeed, there have been impassioned discussions within The Star's newsroom about the use of names and how cases are presented.

These stories are drawn from the public record. They are all about real people.

The Star feels it is a newspaper's role to expose social problems and focus public attention on them in the hope that positive action will result. It also feels it is essential to put a human face on these issues to bring them home to readers.

The investigation had a profound effect on everyone involved. Photographer Ken Fought, who roamed the streets during the week of assaults, and who tracked and confronted many of the accused for photos, speaks passionately whenever the subject comes up.

"I was struck by the compassion of the police as they dealt with one violent incident after another," he said.

The Star's team: reporters Daly, Armstrong, who stepped aside as Metro Hall bureau chief to work on the project, and Mallan, whom you may have heard being interviewed about the story on area radio stations yesterday. Additional research was done by reporters Laurie Monsebraaten, Tony Wong and Vicki White.

Photographer: Fought. The editors were: deputy city editor Alan Marshall, and assistant city editors Donovan, Greg Smith and Chris Zekovich.

Lawyer: Bert Brusler. The pages were designed by Catherine Pike and the graphics created by Catherine Farley. Your reactions, phone calls, letters to the editors, are welcome. Please call 869-4700 today and throughout the next week to speak to the reporters. If they are not available, please call Starphone at the number below.

It's your call



On issues raised by The Star's series on domestic violence?

To comment, call 350-3000. Press category 7447 and leave a message no longer than 45 seconds. If you wish, you may leave your name and phone number.

(You must use a touch-tone phone.)

Legal system fails victims

Continued from A1

scene, to fight the case. The burden of proving the case is placed solely on the victim.

The week of June 30 to July 6 is a week many Metro residents recall with fond memories. Thousands took to the streets to celebrate Canada Day, the Gay Pride parade and summer's first long weekend.

The wives, girlfriends and former lovers who became part of The Star's study look back on the week with dread.

One of the most violent cases, Number 96 of the 133, wrapped up yesterday. It highlighted the problem once again.

A boyish-looking 20-year-old pleaded guilty to sexually assaulting his common-law wife with a wine bottle. Six months ago the crown's office was considering asking for a two-year jail term for the sexual assault and four other charges, including assault and two counts of assault with a weapon, a knife that he used to threaten her.

When it came to court, the man received what one detective called "a kiss." A suspended sentence and two years probation. No jail time.

The other charges were dropped. Outside the courtroom, prosecutor Phillip Kotin explained the problem: "I think a penitentiary sentence (more than two years) would have been reasonable if not for the wishes of the complainant," he said.

The victim, who was in court with her husband, didn't want him to go to jail. The couple have a small child.

Ontario Court general division Judge John Hamilton, in granting him a suspended sentence, concurred and said to the man: "You've got a future ahead of you."

The man cannot be named because, by doing so, that would identify a victim of sexual assault.

The Star's study of the 133 cases collected thousands of pieces of information.

Here are some of the results: Who are the abusers? They come from most walks of life. A fire captain, a store owner, plumber, taxi driver and financial analyst. But 40 per cent of the abusers were unemployed.

Nearly half (44 per cent) had criminal records, either for domestic or other violence, or for drug or robbery charges.

The average age of the male attacker was 34. The average age of the female victim was 31.

More than half (56 per cent) of abusers had done it before, although the victim may not have called police.

As a map published in the paper will show, the attacks occurred all over Metro. But more well-to-do areas, like Toronto's Rosedale and Etobicoke's Kingsway, had few or no incidents. Domestic violence experts say this may mean that women in those areas are more likely to turn to the civil courts for remedy, and not call police. The Star got its cases from charges laid and processed through bail courts or police stations.

The attacks happened from morning to night, but there were two spikes — the dinner hour, and the time between 9 and 11 p.m.

The victims included 127 women and 6 men. The attackers were almost all male, the victims almost all women. Five women were pregnant.

Among the injuries: Twelve women had their hair pulled, often by men dragging them along the floor; 22 women were choked; 12 were assaulted with a knife or other sharp object; and 16 were attacked with blunt objects that included chunks of wood, a vase, telephone receivers and a bicycle.

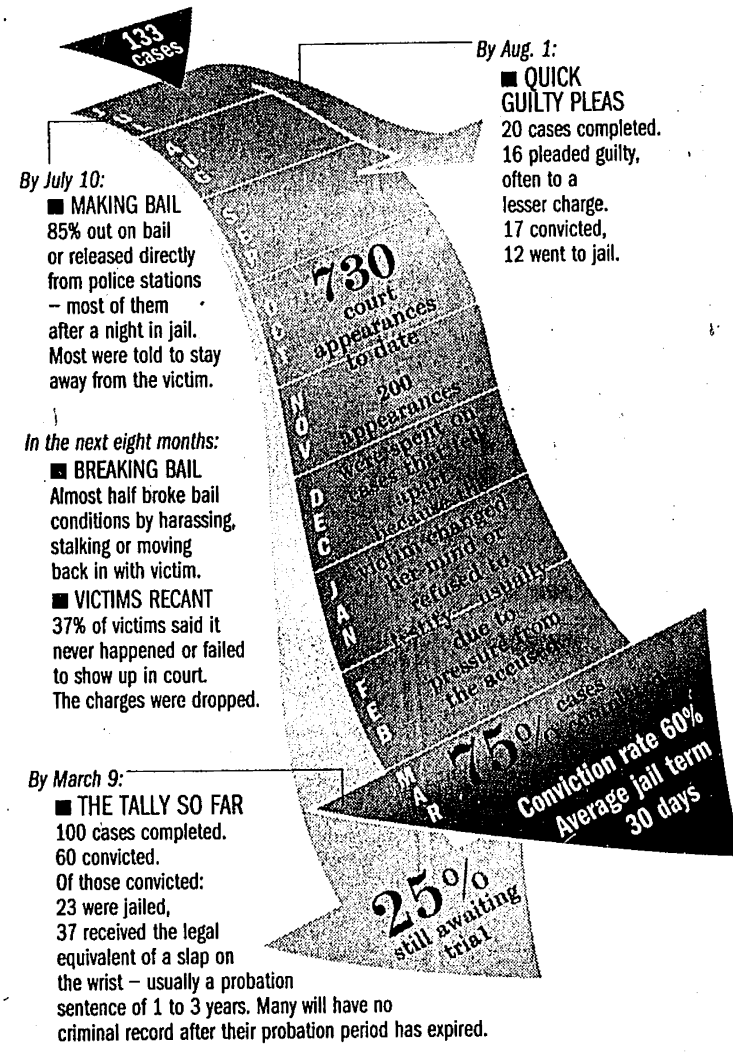
Of the assaults, eight women were sexually assaulted.

Almost a third of the attacks were witnessed by children, averaging 8 years of age. Seven of these children called 911. Nine children were assaulted along with their mothers.

In more than half the cases, alcohol

The course of justice

In the week of June 30 to July 6, 1995, 133 cases of domestic assault in Metro began their journey through the courts. 107 of these assaults happened that week. The rest happened earlier, but this was the week that the system caught up with the accused. The Star tracked these cases over the past eight months.



By July 10:
 ■ MAKING BAIL
 85% out on bail or released directly from police stations — most of them after a night in jail. Most were told to stay away from the victim.

In the next eight months:
 ■ BREAKING BAIL
 Almost half broke bail conditions by harassing, stalking or moving back in with victim.
 ■ VICTIMS RECANT
 37% of victims said it never happened or failed to show up in court. The charges were dropped.

By March 9:
 ■ THE TALLY SO FAR
 100 cases completed. 60 convicted. Of those convicted: 23 were jailed, 37 received the legal equivalent of a slap on the wrist — usually a probation sentence of 1 to 3 years. Many will have no criminal record after their probation period has expired.

or drugs were involved in the assaults.

Of those convicted, only 43 per cent were ordered to take counselling for anger management. Most of those instructed to get counselling for violence still haven't enrolled because of months-long waiting lists in Metro Toronto. Other jurisdictions have found that court-mandated treatment programs reduce violence. In California, for example, anyone convicted of spousal battery must undergo a year-long counselling program at their own expense. The recidivism rate for those who complete this course is around 5 per cent.

One in three assaults occurred after the relationship ended and usually involved stalking by the attacker.

Criminal harassment, also known as stalking, is a new charge but crown attorneys admit it is among the toughest assaults to prove. That's because prosecutors must prove the behavior is repetitive and of a threatening nature. Most of the stalking charges laid against batterers in The Star's study went nowhere.

More than half of the men who were convicted walked out of court with no jail time — their sentences were discharged or suspended.

In the case of Mostafa Moshtaghi, the 37-year-old youth counsellor received probation after he grabbed his ex-wife by the neck, struck her in the face, kicked her in the legs and knocked her to the floor. She suffered bruising

to her leg and chin, and suffered pains in her neck and chest.

Yet the Ontario Court of Appeal, in the 1989 case of Kirby Inwood, a Toronto advertising salesman whose wife suffered similar injuries, ruled where there is significant bodily harm in a domestic violence case, the perpetrator should do jail time.

The problem of domestic assault is widespread. Those who work within the system know that.

But judges, crown attorneys, defence lawyers and police who were interviewed all expressed frustration with the way the system is set up. Each, in turn, pointed the finger of blame at another part of the system.

The police blamed the judges. The judges blamed a lack of funding.

Police officers consistently expressed frustration at hanging around courthouses all day waiting to testify, yet never being called to take the stand. However, prosecutors insisted they could only introduce witnesses if the victim confirmed on the stand that the assault happened.

In The Star's study, more than 200 court appearances (often to set a date for the next court appearance) involving 37 accused were eventually wasted because the victim recanted her testimony or did not show up for the trial.

Some Metro police divisions are now looking seriously at cutting back on sending officers to court in certain cases, claiming it's a costly and futile exercise.

"If our officers are down there only to sit and warm the benches, why are we paying them to go?" asked Brian Wilson, superintendent for Scarborough's 42 Division.

"If the system was changed and they had the officer give evidence, we would be glad to send them down."

A Metro provincial court trial judge, who did not want his name used, agreed with the police that the crown's should be more willing to explore other ways to get a conviction, even if the victim recants her story.

"I'd say there's more they could do but they don't and unfortunately it's not my job to tell a crown what evidence they should introduce — that's up to their bosses."

The judge also acknowledged that some of his colleagues on the bench may not welcome new kinds of evidence being used to prosecute domestic cases.

"But if they see that I'm admitting (the evidence), maybe next time they'll think twice about it," he added.

One police officer, who shook his head in frustration as he walked out of a courtroom after a judge acquitted a man on serious assault and sexual assault charges because the victim recanted her story, wondered out loud: "If he'd gone all the way and killed her, then would we have needed her testimony?"

Why crown attorneys consistently neglect to use the legal weapons in their arsenal depends on which ones you talk to.

Some second-guessed the judge and said they didn't believe the evidence was reliable enough to be admitted.

One stated bluntly that if the victim didn't want to testify, it wasn't his place to intervene.

"I'm not here to make people's lives more miserable if they want to get back together," Robert Guerts said last December after withdrawing an assault charge at the request of a victim.

Guerts said he would rather save his credibility with the judge for a "good domestic" in which the victim was willing to testify. "When I prosecute, I want him (the judge) listening."

At the outset of this study last summer, The Star found there were no detailed accounts of how the court system handles domestic violence. Police do not keep records of the outcomes of these cases, neither do the courts.

Without reliable statistics, there has been no way to measure the success of government policies toward prosecuting domestic cases.

"Nowhere ... are people tracking domestic violence cases through the criminal justice system," said Vivien Green, co-ordinator of a Metro pilot project aimed at developing a multi-pronged approach to prosecuting these cases. "Until they do, it's very hard to argue what's going on."

The Ontario government began only this month to do some tracking of domestic cases in the courts, and some sketchy tracking has been done in smaller jurisdictions such as London, Ont., and Huron County, in western Ontario.

A survey of spousal assault victims was conducted 10 years ago in Metro and found serious flaws in the justice system. It was this report that led to some of the current policies aimed at handling domestic cases.

Our tracking showed that not only is the court system continuing to blame the victim for its problems, but so is the man who attacked her — by assaulting her again.

For example, 32 per cent of those charged in the week were already facing domestic violence charges or had similar convictions, in most cases involving the same victim.

One case involved a man, Luc Rousse, who was convicted of assaulting his wife twice, then attacked her again last July. He seriously beat her a couple of months later.

INSIGHT

Saturday, March 9, 1996 Section B

HITTING HOME: SPOUSAL ABUSE



JULY 2, 1995, 4 A.M.
QUEEN ST. NEAR BROADVIEW.
WILLIAM DRISCOLL IS ARRESTED
AFTER ATTACKING COMMON-LAW
WIFE SHANNON EVANS, WHO SITS ON
SIDEWALK SOBbing. DRISCOLL
PLEADED GUILTY TO ASSAULT ON
EVANS AND POLICE, AND WAS JAILED
60 DAYS.

7 DAYS

133 cases of domestic violence. 230 charges. That was one week in Metro, the Canada Day week, last summer. Few of the accused were jailed; most received little more than a slap on the wrist. And case after case fell apart because the victim, often coerced, changed her story.

BY JANE ARMSTRONG, RITA DALY
AND CAROLINE MALLAN
STAFF REPORTERS

Shelley peered through the venetian blind and gasped as she stared into the eyes of Lawrence Phillips.

"Baby, I love you," Lawrence pleaded, holding a handful of red roses up to the bedroom window. "Let me come in. I want to make love to you. You know I love you."

Lawrence looked menacing in the morning glare of the July sun; his brown shoulder-length hair was greasy and uncombed, his blue eyes reddened with fatigue and drugs, his words slurred. Shelley did a mental count of how many times she'd called police on her boyfriend in the past year. About 35 times, she estimated.

"You burnt bitch!" Luc yelled as he stumbled, drunk, through the apartment door. He grabbed Laura by the shoulders, and punched his wife's face, arms, and legs. Then he stormed out.

Two hours later he was back, his rage rekindled. Laura ran screaming into the bedroom. Luc followed, grabbing and hitting her. She was on the floor when he clutched her around the neck with both hands and began to squeeze. Laura's body went limp as she slipped into unconsciousness.

Two women. Two different but terrifying situations. One common thread. Domestic violence.

Shelley and Laura were attacked — each in her own way — within hours of each other in one week in Metro last summer. They were not alone: 105 others — mostly current and former wives and girlfriends — fell victim to beatings, stalkings, threats and terror in seven days spanning the Canada Day weekend. These cases entered the justice system that week — along with 26 other cases where police had finally caught up with an accused who had attacked a victim in the days or weeks before.

All 133 cases form the basis of this Toronto Star study.

The abusers, mostly men, lashed out with fists, feet, elbows, knives, brooms, phones and even a wine bottle. Children watched 39 of the assaults. Police laid 230 charges against 133 suspects.

One average week in Metro Toronto. One week of brutality, hidden, in most cases, behind closed doors.

A Star team of reporters opened these doors by tracking the 133 cases through the criminal courts over the ensuing eight months. The horrifying events they document come from interviews with battered women and statements they made to police, from neighbors and friends who witnessed the punches or heard the screams, from police reports and officers who were called to the scene, and from documents and testimony presented in court.

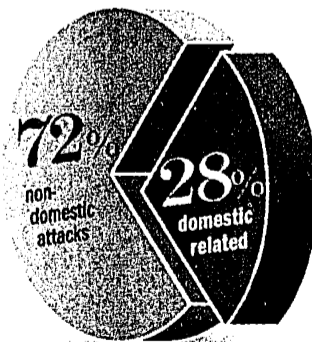
There are two versions of the events of the seven days The Star has chronicled.

(P) Please see The Cry, B4

The size of the problem

More than one in four violent offence charges laid by Metro Police in 1995 were for domestic assaults.

Breakdown of all violent offence charges: (includes assault, sexual assault, abduction and murder)



■ Last year, 7,586 domestic assault charges were laid against 5,487 offenders — an average of more than 15 victims a day.

SOURCE: Metro Toronto Police

HITTING HOME: SPOUSAL ABUSE

The Cry for Help...

What sparked the attacks

- Some of the things the woman did that prompted the man to beat her up:
- Asked him to turn off a violent movie.
 - Put too much mustard on his hot dog.
 - Went out with a friend after being "told" not to.
 - Made a sandwich that did not satisfy him.
 - Told him he could not have unsupervised visits with their child.
 - Borrowed a cigarette from a neighbor.
 - Didn't tell him where she had been when he asked.
 - Refused to get into the car when he was drunk.
 - Told him not to make a long-distance call on her phone.
 - Talked to another man at a bar.



JULY 5, 2:30 A.M., QUEEN ST. E.: POLICE OFFICER RESTRAINS HYSTERICAL VICTIM AFTER HER BOYFRIEND IS ARRESTED FOR HITTING HER. NO CHARGES LAID.

Who called police

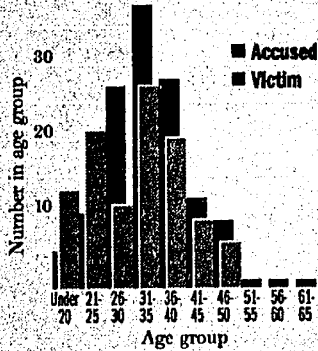
71% victim calls police

- Neighbors: 12%
- Child of the victim: 7%
- Friends: 3%
- Family: 2%
- Other: 5%

Other callers included hotel clerks, passers-by and a domestic violence shelter.

Profile of abuse

Accused's average age: 34.4
Victim's average age: 31.5



Ages known for all accused and 107/133 victims.

Employment

40% of those charged were unemployed, a number disproportionate to Metro's unemployment rate of 8.3%. Most of these were on welfare.

50% were employed, most in full-time jobs. Here are some of the occupations of those charged: Fire captain, video store clerk, plumber, construction worker, taxi driver, banker, accountant, liquor salesman, financial analyst, restaurateur, mechanic.

Previous abuse

More than half (56%) of alleged abusers had done it before, although they may not have been charged, according to victims' statements and the police.

Criminal records

Nearly half (44%) of alleged abusers had criminal records. Some had several types of convictions. The breakdown:

- 20% domestic violence
- 17% other assault
- 32% drugs, robbery, other offences

Charges pending

One in five had domestic charges pending when they were arrested. Another 8 had other charges — often drug related — against them.

Fists, feet, elbows, knives, brooms, phones, a wine bottle. Screams in the night. Frantic calls to 911. Arrests. Confusion. But little safety. In The Star study, 85% of accused batterers were back on the streets within days of arrest.

Continued from B1

What you are about to read are the accusations — the version of events according to the victims, their neighbors, the police who responded to a 911 call and the paramedics who often attended.

There is another version which is often presented later in court: the statement of facts to which prosecution and the accused agree.

Most of the men who were convicted pleaded guilty, but usually only after multiple charges, ranging from aggravated assault to assault with a weapon to criminal harassment, were plea-bargained down to common assault, a less serious charge. The hard, cold details of the slaps, kicks and punches were seldom heard in court.

But one-quarter of the cases have not yet come to trial. In many that have, charges were withdrawn after the victims — sometimes coerced by the accused — failed to show up to testify, or recanted in court, baldly contradicting statements they initially gave to police.

Tomorrow, The Star will chart how the cases have been disposed of, or at what stage of the judicial process they are.

After more than eight months spent examining this system, one thing seems clear: it does not work. Most batterers, many of them repeat offenders, are released with little or no punishment. Their victims, all too often frightened and confused, are left wondering what went wrong; some have taken refuge in shelters.

Today, you'll read about the rage and threats, the punches and the blood. In short, terse, vignettes, we'll tell you about the attacks as they occurred and about the assembly line bail court processing of the accused, usually, the next day. In greater detail, we'll chronicle the lives of Laura — a woman abused within a marriage — and Shelley — stalked, threatened and harassed after she tried to end a relationship.

In 67 per cent of the cases, the assaults involved couples who were living together or dating. For 33 per cent of these cases, the abuse occurred after the relationship had ended.

Through Laura and Shelley, you will see how a woman in love can become trapped in this recurring nightmare of domestic violence. Both women entered The Star's study on the same day, the Sunday of the Canada Day weekend last year. As in most domestic cases, there is a history of abuse. Shelley's began in Vancouver in early 1994, and continued when she moved to Toronto. Laura's began after her marriage to Luc in 1988.

Tomorrow, you will follow Shelley and Laura — and dozens of other victims and accused — into the courtrooms. The victims stumble into a justice system that cannot solve their problems, a system that refuses to bend, refuses to recognize domestic abuse as a crime unlike all others.

In this series of stories, you will also learn the names of most of the 133 people accused of assaulting their spouses or lovers during that week last summer. Names have been withheld in cases of sexual assault to protect the identity of the victims. You will find out what punishment, if any, the accused received. Today, we start where the beatings in this week began: after night falls on Thursday, June 29, 1995.

THE ACCUSATIONS

Thursday, 11 p.m., North York

Drunk, in a jealous rage and oblivious to a court order to stay away, Gary Rudak smashes his way through the double-paned filing-room window, throws his beer bottle to the floor and starts pounding on his former lover.

The odd-shaped bumps on Michele Leckie's nose barely hint at her past with Rudak. Her nose, set on a pretty face with piercing blue eyes, has been smashed and broken by him three times during their stormy, 2½-year relationship. Michele's son — "my little bodyguard, he looks after me" — is a veteran at calling 911. Tonight, a neighbor who hears her screams beats him to the phone. It takes six officers to subdue Rudak; Michele cries for him as he's hauled away. Rudak was later jailed 14 days for assault.

Friday, June 30, 2:30 a.m., Scarborough

Angie MacLean arrives to the message: "Get lost slut" scrawled across the veranda window. Her clothes are strewn across the lawn. In their bedroom inside, smouldering with rage, waits Kenneth Heath, 35, her common-law husband of nine years.

The punches start, and keep coming — 5, 10, 15, 20. Blood rolls down her cheeks. Their 8-year-old daughter watches in horror as her mother is pushed, pulled, kicked, then dragged to the kitchen, where Heath's powerful hands grab her hair and slam her head

relentlessly against the floor. The attack is over in three minutes. An ambulance takes her away. Heath goes to trial July 31 of this year.

Friday, 4:30 a.m., Scarborough

It's Tara Madden's turn. She wakes up in her Scarborough apartment to see a shadow on her balcony. Her boyfriend runs to the kitchen for a knife. The intruder turns out to be David Gosse, her ex-boyfriend, who lives one floor below.

Gosse is confronted by Tara's new boyfriend, who is punched in the face before Gosse runs to the stairwell where police arrest him.

Weeks later, Tara calls police to report she has been "followed by him, hounded by him and constantly harassed on the phone." The police report states: "The victim does not understand why he does this when he is not supposed to have any contact." Gosse was fined \$500 for trespassing.

Friday, 9 a.m.

"Order in court! Please rise!"

A handful of spectators rise to their feet as Justice of the Peace Marcel Bedard sweeps to the bench at Old City Hall's bail court, one of five scattered throughout Metro.

Most of the cases tracked by The Star began in bail court the week of June 30 to July 6. The remainder, usually men with higher incomes, are released from police stations soon after their arrest. On this day, two uniformed officers, leaning against the paint-peeled walls, straighten up as a door clangs open and those arrested the night before are escorted to the prisoners' dock. For the accused and their lawyers, there is one pressing task: getting out of jail on bail. Of the 133 accused who entered the system in this week, 85 per cent are released within one or two days — and nearly all are ordered to stay away from their victims. Just under one half, 46 per cent, break that order.

At Old City Hall, everyone is pressed for time. It's the day before the Canada Day long weekend and judges, crowns, defence lawyers and court clerks are looking to get off early.

Bedard, however, is already thinking ahead to next week. "There's going to be 4,000 people in here after the long weekend," he says wearily as the crown and court clerks hand him a pile of legal papers.

Day 1, June 30	Men	Women
Today	16	2

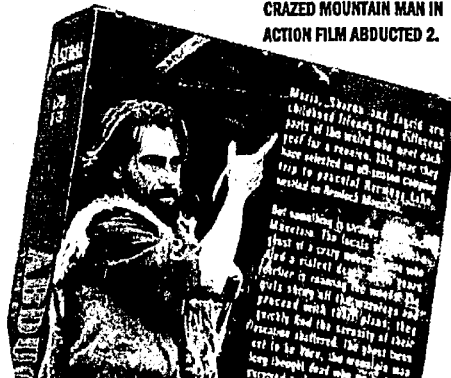
Of the 18 who appear this morning on domestic violence related charges, 11 are released, six are kept in custody.

In 1982, a federal solicitor-general's department directive ordered police forces across the country to lay charges in cases of spousal assault where reasonable and probable grounds existed — as they already did in routine assaults between strangers.

No longer was it up to the victims to decide if they wanted their partners charged; it was known that many victims of spousal abuse, out of fear, intimidation or both, prefer not to proceed.

On paper, this was a progressive plan of action, designed to have society, not the victim, dictate what is a crime. In reality, it hasn't worked. The police are laying charges, but the victims, overwhelmingly women, are now left to decide whether the charges will stick: unless the accused pleads guilty, victims must testify in court. The onus on them has simply moved out of the home

LAWRENCE PHILLIPS PLAYED CRAZED MOUNTAIN MAN IN ACTION FILM ABDUCTED 2.



and into the courthouse.

Other North American jurisdictions — San Diego is one — aggressively prosecute domestic assaults, even if the victim doesn't wish to proceed. In one instance, San Diego prosecutors won a case after the victim committed suicide.

By contrast, even if Metro police aggressively gather evidence, such as photographs and witness statements, Ontario crown attorneys don't use that information to prosecute the accused without the victim.

Shelley

Lawrence had been stalking Shelley for more than a year when he showed up unannounced at her Annex apartment that July morning. When she heard him call her name, Shelley's heart pounded in fear.

Nothing in her protected, middle-class upbringing prepared her for the days and nights Lawrence tracked her every move: wooing her with flowers one minute; threatening to blow her head off the next.

Lawrence's control over Shelley started innocently.

At first, he was just protective. "We were walking once and he took off his leather jacket and poncho and put it on me. He said: 'There, now you look more streetwise.' I thought he was the gentlest creature on Earth." When his stalking reached its zenith, Lawrence would sit outside Shelley's house for hours, follow her to work, and threaten to kill her and any man he ever saw her with.

The second child of dotting musician parents in North Toronto, Shelley — who asked that her last name not be used — excelled at dance and figure skating. At age 17, she was invited to skate at a professional figure skating production in Paris. Accepted at Harvard, she enrolled in Ryerson's journalism program (her parents thought her too young to move away.) By her mid-20s, she caught the acting bug. When she met Lawrence, her career was taking off. She had guest starred on the X-Files, played the lead in a TV movie for HBO and was dividing her time between Vancouver, Toronto and Los Angeles. "Things were definitely happening," she says.

Shelley to this day exudes the naiveté of someone far younger. She is a fragile looking woman, all slender arms and legs with a tiny waistline you could encircle with two hands. Her face is exotic, with brown almond-shaped eyes.

Shelley met Lawrence four years ago when they both lived in Vancouver. She was travelling frequently for acting work and her apartment was mostly unused. Friends told her Lawrence was looking for a place to stay.

He was a small, wiry man with a handsome face, intense blue eyes, and the commanding presence of someone who's been performing all his life.

At a café where they were introduced, Shelley was intrigued by this extrovert who flirted with her all evening. He gave such a stellar performance that she agreed to lend him her apartment and agreed to a date.

When they met again for drinks, Lawrence was distracted. He downed beer after beer and talked non-stop about his daughter, accusing his ex-wife of trying to deny him access. He pulled out a snapshot of the 4-year-old girl and Shelley's heart went out to him.

Intrigue turned to irritation the next month when Shelley arrived one morning for an unannounced check on her flat. She found mown grass sprinkled throughout, candles melting on her hardwood floors, her clothing strewn throughout, fringes from his leather jacket hanging from the walls. She ordered him out.

For the next year and a half, Shelley heard little from Lawrence, except through mutual friends, who told her he had moved to Vancouver Island.

In the fall of 1993, Lawrence showed up in Vancouver, swearing up and down that he was a changed man. He was working now. He was signed to play a lead role in an action film called *Abducted 2*. Lawrence said his dream was to have a child with Shelley. He wanted a family because

Continued on next page

HITTING HOME: SPOUSAL ABUSE

All Over the Map...

Anywhere, anytime, right across Metro. Dinner time was a flashpoint. Attackers — 95% of them men — came from all walks of life, but at least 40% were out of work. Alcohol and/or drugs were factors in more than 50% of the cases.



JULY 2, 2:30 A.M. MILVERTON BLVD. GERALD LAROCQUE IS TAKEN AWAY BY POLICE AFTER PARTNER WAYNE PORTER IS PUNCHED IN FACE. ASSAULT CHARGE WITHDRAWN AFTER PARTNER RECANTS.

Continued from previous page
his own mother abandoned him at age 8 and he was raised by his grandmother. "I thought if I can give him a little unconditional love, I could make a difference in this person's life."

The first Christmas they shared at Lawrence's rural cabin on Vancouver Island was exciting and different. Shelley moved into his cabin but soon, not everything was idyllic. Lawrence drank heavily and smoked pot.

A month later, when Lawrence won unsupervised access to his daughter, Shelley noticed the girl was wary of her dad.

Then in April, 1994, Lawrence turned on Shelley and attacked her for the first time. There was no apparent reason. She had been talking about her family.

He pinned her to the bed and put his hands around her throat. Shelley ran to the bathroom, but Lawrence broke down the door and smashed his fist in the mirror. She scooped up her clothes, her dog, the car keys and drove away. A few weeks later, with Shelley in Vancouver, Lawrence checked into a rehabilitation centre in Victoria.

Lawrence's friends begged her to return to him. Shelley mulled this over. She needed to believe in Lawrence. By now, she was pregnant. They reconciled and moved to Vancouver to make a fresh start.

Shelley remembers the day her life with Lawrence lost any semblance of normality. It was June 4, 1994. Lawrence was already off the wagon, getting high on beer, marijuana and speed. Shelley begged Lawrence to end his binge but he wasn't interested. He headed out to a pool hall for the night.

She tried to relax. She took a hot bath, lit some candles and put on soft music. She was thinking about her baby and rubbing her stomach when Lawrence crashed her reverie at 3:30 a.m. He was drunk and belligerent. He smelled of urine and Shelley suggested he take a bath. It enraged him.

Lawrence grabbed Shelley by the throat and started throwing her around the living room, slamming her into the corner of the wall. He straddled her, tore off her track pants and banged her head on the floor. Then he began to punch her in the stomach.

"The only thing I was thinking was: 'Just get out.' I said to him: 'Lawrence, let me leave.'" But Lawrence was dancing in front of her face, blocking her with open arms at every step.

Shelley managed to get to the phone, but Lawrence yanked it from her and ripped the cord out of the wall.

She made a dash for the door. But each time she opened it, Lawrence shut it — on her arm. With one hand on her jaw, Lawrence slammed her repeatedly against the wall, grabbing her body. Then, with her face immobilized in his grip, he drew a screwdriver up to her eyes and held it there. That image haunts Shelley to this day.

A neighbor, awakened by Shelley's screams, called police. As he was handcuffed, Lawrence put on a dramatic performance, struggling and crying out: "I love you." He was charged with assault.

Shelley's jaw was dislocated. Soon she would have trouble talking. She had bruises on her arms, breasts, stomach, throat and head. A large bruise on the small of her back from being slammed against the corner of the wall would bother her for months.

She was afraid. "I knew my life had been in danger," she said. She had no idea the terror had just begun.

Within months, she was bruised and beaten again. In October, Shelley fled to Toronto.

THE ACCUSATIONS

Friday, June 30, 7:30 p.m., Scarborough: Richard Zaremba erupts in wild rage. His common-law wife, Marie Carriere, did not buy him a gift for graduating from college.

The 40-year-old lunges with a sharp keychain, cutting her on the eye and on the shoulder. Grabbing the couple's 7-year-old daughter, she flees to a neighbor and calls police. Zaremba is charged with assault and unsafe storage of a firearm. A rifle is found in the front closet, another in the bedroom closet. He is released from the police station later that same night. Zaremba is later placed on probation and serves no jail time.

Saturday, July 1, 1:30 a.m., Don Mills:

Restaurant owner Phillip Nicholson, 41, hits his wife as they drive to their Don Mills home. His wife, Susan, tells police he hit her again when they got home. Unlike most accused, who are arrested and spend the night in jail before applying for bail the next day, Nicholson is taken to the police station for processing. He is released that night. Nicholson's trial is set for later this year.

Saturday, July 1, 9 a.m., Toronto:

The corridors of Old City Hall are deserted except for the trickle of men being bailed out in courtroom 101, courtesy of girlfriends, wives or parents. Next door, at Nathan Phillips Square, tables are being set up and speakers tested in preparation for the Canada Day bash.

On weekends, this particular bail court is the only game in town. Men from across Metro face a skeleton courtroom staff and, along with the help of a duty lawyer, make their pitch to get released.

Day 2, July 1	Men	Women
Today	8	0
To date	24	2

A further eight people have been arrested and charged with domestic assault; all of them have been bailed out.

Laura

Laura Lee Robertson fell in love with "the sweetest guy," a man who scribbled love notes on the mirror with her lipstick when he washed his hands after work.

But Laura honestly cannot remember how many times this "sweetest guy" punched her and threw her against apartment walls in their seven years of marriage; or how many times those same hands reached out to caress her the next morning as she lay aching.

Laura met Luc Rousse in 1987, when he was hired as a maintenance hand for a highrise apartment complex in Parkdale. He was a 28-year-old charmer, a man who loved to joke.

She was three years younger, but had the better of him. She was his boss, managing the deteriorating West Lodge apartment towers.

Laura knew what it was to be a victim before she met Luc. In 1981, when she was 20, she was trapped in a house fire in London, Ont. The flames melted her silk top to her skin, leaving permanent scars on her back and arms.

Luc and Laura married in June, 1988, throwing a small celebration at his parents' house in the Annex. The newlyweds lived in the basement, but then moved out to work as superintendents of an Etobicoke apartment building.

It didn't take long before Laura's whole life revolved around Luc and his parents. They became a foursome, playing cards or carousing bars for chicken wings and beer on Saturday nights.

Luc had a violent temper, especially when he drank. So their fights were no secret to his parents. When he yelled, his voice would practically shake the room. Still, she could hold her own, matching insults.

But she was no match for the physical attacks. When he walloped her, she'd hit the wall. At 280 pounds, he was more than twice her weight.

A couple of times neighbors called police and they were told to keep it down. But no charges were laid.

That changed in early January, 1991, when Luc was charged for the first time with beating Laura. He faced two counts, but by the time the case reached court, a charge of assault causing bodily harm was reduced to simple assault, and a sec-

ond assault charge was dropped. He pleaded guilty and was given a suspended sentence. The judge ordered him to seek counselling for his temper, but he did not.

In 56 per cent of the cases, victims reported it was not the first time they were assaulted by the men, although charges may not have been laid.

Luc was charged again that year, in September, this time with aggravated assault and confinement. The maximum sentence for aggravated assault, a charge just below attempted murder, is 14 years in prison. Laura had been severely beaten and struck with a baseball bat over the course of an entire weekend. The trial was held a year later, and Luc was sentenced to six months in jail.

He served three months, and again was ordered to attend anger control classes while on probation. But he hated the group sessions and stopped going after a few. And he and Laura were back together again.

"I worked really hard for a life with Luc and I never really planned a life without him. You don't just drop your feelings for the person," Laura said later.

In September, 1994, the Rousses were hired to work as superintendents of an upscale condominium building on Church St. It was the best they'd done so far, and their luxurious two-bedroom apartment was a dream come true for Laura.

It took only a few months before residents began to quietly complain of shouting, screaming and banging coming from apartment 205.

The property manager, a quick-talking, chain-smoking woman named Gabby Leggeri, called the Rousses into her office.

"I'd never touch Laura," Luc told Gabby defensively. "Of course he wouldn't, he's a pussycat," Laura insisted.

In the early months of 1995, Laura began missing work on Mondays. Her allergies were acting up, or she was sick.

Then, in mid-June, Laura started wearing a patch on her right eye. It had a "funny face" painted on it with nail polish, Luc's own work of art.

Laura sheepishly explained that stucco fell into her face while she was cleaning an apartment ceiling. Gabby was disbelieving.

She could see the black ring around Laura's eye.

Police say weekends are the busiest nights of the week for domestic calls; alcohol flows in the evening and partying gets out of hand. Long weekends are often particularly violent.

Detective Sergeant George Gadson, a 13 Division veteran who spent years walking the beat and attending countless domestics in Toronto, speculates that violence shoots up on the Sundays and holiday Mondays because the liquor stores are closed. Heavy drinkers run out of booze and look for someone to blame.

In The Star's study, alcohol or drugs were involved in more than half of the cases.

THE ACCUSATIONS

Saturday, July 1, 4:40 p.m., Harbourfront: Right there, among the thousands celebrating Canada Day, George Arseneau, 47 — oblivious to bystanders, including police — is standing near a food cart pounding his common-law wife, Virginia Anouquet, in the head. She put too much mustard on his hot dog. Arseneau's case is incomplete. He missed a court date and a warrant has been issued for his arrest.

Saturday, 6 p.m., Parkdale: Sheriff Sheme, 35, slaps his wife in the face during a family outing at a park. His wife Zana, who speaks little English, runs to a stranger begging for money to get home. Charges were later dropped after the victim recanted.

Saturday, 7 p.m., Etobicoke: David Sparks, 28, jabs Patricia Montgomery, his common-law

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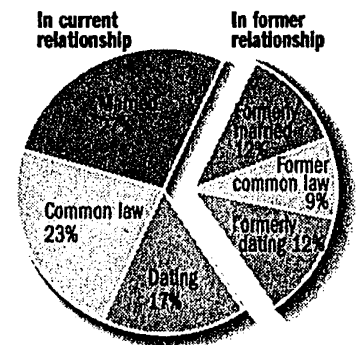
Where they happened

Most assaults occurred in private:

Couple's home	55
Victim's home	47
Accused's home	11
By telephone (threats)	3
Women's shelter	2
Car, bar, hotel, park and others	15

The relationship

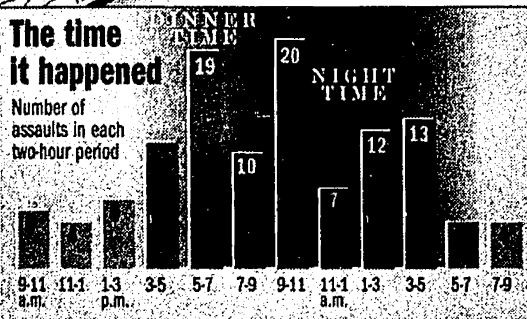
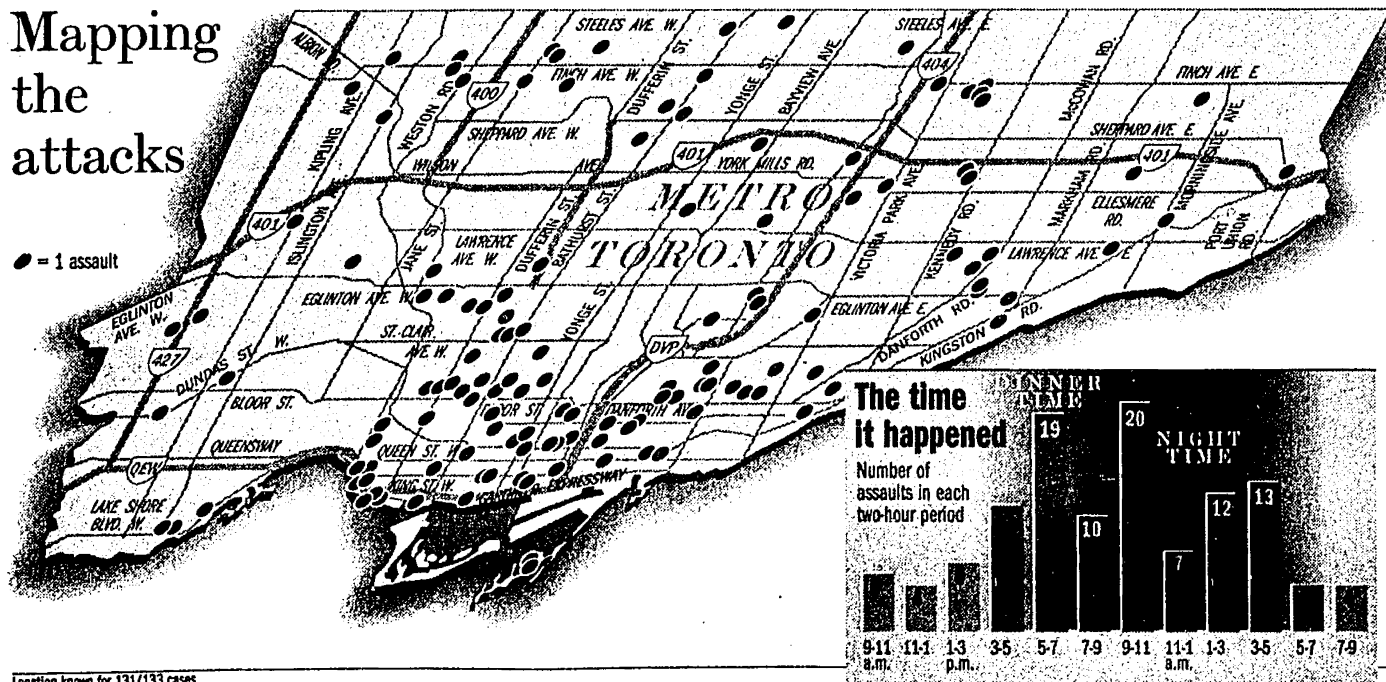
67% of the assaults took place between couples living together or dating. The other 33% involved harassment, assaults and stalking after the relationship was over.



'You have to confront this, because otherwise you're going to end up dead.'

Laura's boss Gabby

Mapping the attacks



HITTING HOME: SPOUSAL ABUSE

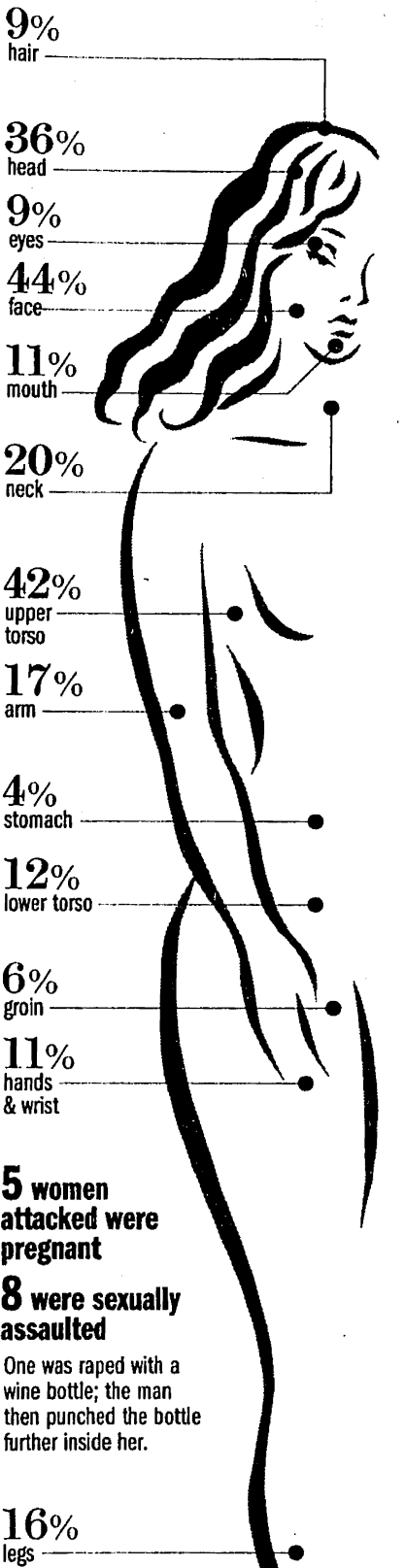
Blow by Blow...

No place on the victim's body was safe from the fury of fists and feet. Face and throat were favorite targets. The simplest 'mistakes' meant brutal reprisals: She put too much mustard on his hot dog.

What happened

The assaults were violent and bloody: pummelled faces, kicked stomachs, blows to the head and body. The assaults on the 133 victims — 127 of whom were women — took a brutal toll.

Percentage of victims reporting this injury



5 women attacked were pregnant

8 were sexually assaulted

One was raped with a wine bottle; the man then punched the bottle further inside her.

The results

Number of victims reporting*

Bruising: 46

Bleeding: 19

Hospitalized: 6

Many victims refused medical attention, despite their injuries.

*Information not available in all cases

Choking

Choking is one of the most deadly forms of battery. It takes only eight pounds of pressure to cause muscles in the throat to swell, cutting off oxygen to the brain. The muscles continue to squeeze the windpipe after the attacker lets go.

22 women told police they had been choked

Although the choking was severe, causing some of the victims to lose consciousness, none of the men was charged with attempted murder. Most were charged with common assault.



NOV. 27, 10:15 A.M., OUTSIDE SCARBOROUGH COURTHOUSE: KENNETH HEATH LEAVES COURT AFTER HIS TRIAL DATE IS SET FOR JULY 31. HEATH WAS CHARGED JUNE 30 WITH ASSAULT CAUSING BODILY HARM ON HIS COMMON-LAW WIFE ANGIE MACLEAN, AND POSSESSION OF A NARCOTIC.

Continued from previous page
wife of nine years in the stomach with a broom after a day-long drinking bout. When police arrive at their duplex, she says she tried to grab the broom from him because he had just smashed the telephone with it. Sparks had been convicted in May of assaulting the same woman. Charges were later dropped when the victim recanted.

Saturday, 11 p.m., North York:
Yefim Novoprudsky is sitting in the house of Kathy Brown, his ex-girlfriend after attacking her, her new boyfriend and her son. The unemployed 45-year-old is also breaching a court order to stay away after his last brush with the law. Novoprudsky was later jailed 1 month for the assault, and court order breach.

Sunday, July 2, 6:15 a.m., Parkdale:
The 8-year-old boy is jumping on Eldorado Thompson's muscular back, pleading with him: "Don't hurt Mommy."
Thompson, 23, is 13 years younger than his girlfriend. He found her packing for a shopping trip to the U.S. and didn't approve. "You're not going to leave. I'll kill you before you leave," he said. He slapped her several times, then grabbed her shirt and squeezed it tight around her neck. The attack burst a blood vessel in her eyes and damaged her windpipe. She will be under a doctor's care until well after Thanksgiving and still has difficulty swallowing. Thompson was later jailed 60 days for assault bodily harm and assault.

Shelley

Sunday, July 2, 8:30 a.m., Annex:
Shelley closes the blinds and tries to ignore Lawrence's pleas as he jumps from window to window, like a wired jack-in-the-box. "Shelley, I love you. I'm your man. Please let me in," he begs.

Since moving in with Lawrence two years ago, Shelley's life and career had been violently sidetracked. She'd been punched, kicked, threatened and even burned with cigarettes; she'd lost two pregnancies, suffered a dislocated jaw and was hospitalized for exhaustion.

Now back in Toronto, her acting career was on hold: the former top student was waiting tables. But even restaurant jobs were difficult to keep with Lawrence in her life. Last Valentine's Day, she was fired from a downtown cafe after Lawrence showed up every day for a week, often with flowers and cards, refusing to leave.

She had moved 10 times in the last year and changed her phone number at least 15 times. But he found out where she was, just like he always found her unlisted phone numbers. He would pester her and then worm his way back into Shelley's life. The last reconciliation ended in disaster in May, and she fled to a new apartment on Kendal. It only increased his obsession: Whenever she left home, Lawrence wasn't far behind. Sometimes he would be sitting on her front porch.

So it was on this sunny July Sunday, while looking into the face of the man who she once thought was the gentlest creature on Earth, that Shelley finally realizes: "He doesn't have the slightest idea of the anguish he has caused me."

Shelley knew the justice system. Vancouver courts had ordered Lawrence to stay away. But he had not. Through the closed window, she orders him to leave. He refuses. She warns him she is calling police. When they arrive, Lawrence is gone. "You shouldn't have told him you were calling," one officer scolds.

Sunday, 9 a.m., Toronto:
Once again, a deserted Old City Hall plays host to the only bail court in Metro Toronto. Today, seven more men appear accused of spousal abuse.

Day 3, July 2	Men	Women
Today	7	0
To date	31	2

THE ACCUSATIONS

Sunday, 3:30 p.m., Riverdale:
Ian Halbert, 36, tears the phone from Dianne Blais' hand and punches her five times in the face as she tries to leave his apart-

ment. Her left temple is bruised, her lips are cut and one of her teeth is loose. Halbert, who is on a disability pension, has breached his bail conditions for two charges of assault and threatening death against the same victim. Halbert was later jailed 10 days for assault.

Sunday, 7:50 p.m., Toronto:

John Kienapple, 37, chases Annette Blackwood, his former common-law wife into an alley behind his Seaton St. apartment building. Neighbors who witness the attack watch him kick her in the back, ribs, head and shoulder while she cowers on the ground, shielding their 3-year-old daughter.

"You f---ing bitch," he curses. Her eye was swollen shut for two weeks. Kienapple, eventually convicted of assault causing bodily harm, is awaiting sentencing.

Sunday, 9:15 p.m., west Toronto:

Alaides Da Costa, 34, comes home drunk and attacks Adeir De-freltas, his live-in girlfriend and her 14-year-old son. He pulls out a handful of her hair, grabs her by the throat and chokes her. Da Costa later pleaded guilty to assault and received one year probation.

When the hitting starts, children might as well be invisible. Batterers seem oblivious to the frightening effect of a mother's screams.

Shelley

Monday, July 3, 7:30 a.m., Annex:

Shelley's phone is ringing. It's Lawrence and from the number on her call display, she knows he is at his sister's. Shelley calls police: even as she's talking to them, her line beeps constantly, telling her Lawrence isn't letting up. When police arrive at Lawrence's sister's, they catch him in mid-dial to Shelley.

Shelley feels safe for the first time in months. Lawrence is locked away in the Don Jail.

Monday, 9 a.m.:

Amid the eerie quiet of an early morning holiday Monday in the heart of the city, courtroom 101 at Old City Hall is hopping. Crown Attorney William Lightfoot is barking orders, under the watchful eye of Justice of the Peace Don Begley, a portly man in a navy suit. He's not wearing his judicial robes today.

Today a total of 15 accused batterers appear in bail court. The parade includes:

Gary Delahunt, a 48-year-old North York auto parts manager. His common-law wife, Audrey Alford, was punched, kicked and smothered with a pillow in a drunken fight. He is released on \$1,500 surety. Delahunt is awaiting trial April 2.

Jose Martins, 48, Etobicoke, charged with assaulting his wife, Maria, and 18-year-old daughter after a family wedding. The construction worker was in a rage because they wouldn't let him drive home in his drunken state. Martins is released the next day on \$1,000 surety. He later received 18 months probation.

Frank Tucker, a 27-year-old North York laborer. His wife was knocked unconscious after her head was smashed into a wall. She had asked him to turn off the violent movie he was watching. Tucker is held until his trial on July 6, and was jailed 30 days for breaching his bail conditions.

Arnold Sirju, 20, unemployed. His 19-year-old estranged wife, Anika Steem, was grabbed by the hair, thrown on to a bed and smothered with a pillow after he forced his way into her parents' home where she was living. Sirju's charges were eventually dropped when his victim did not show up to testify.

Day 4, July 3	Men	Women
Today	15	0
To date	46	2

Laura

Monday afternoon, July 3, Toronto:

When a shaken Laura picks up the phone this holiday Monday and calls Luc's father, she sets in motion a chain of events that led her to lose her home, her job and eventually her husband.

On the other end of the line, Jean Guy Rousseau listens to her sobs. He knows the story. He knows his son. But this time it is clear that his daughter-in-law had come frightfully close to death.

The previous afternoon had started with great

promise. Laura, Luc and Jean had been happily watching the gay pride parade from their second-floor apartment solarium, drinking beer and waving to the noisy throngs below.

The revelry on the streets moved inside as people funneled into nightclubs and bars. The trio ventured into the warm summer evening to a nearby bar, but Luc wound up in a fight with another man. Laura, angry, left, with Jean close behind. That only upset Luc more and when he finally came stumbling through the door, she knew the party was over.

"You burnt bitch! You f---ing scarred-up bitch!" Luc screamed, the cruel reference to her burn scars ripping at her insides as they always did. He swung at her, grabbed her by the shoulders, began slapping and punching her in the face, pounding her on her arms, on her legs, on her back.

Luc stormed out before midnight, then returned in the early hours and started again, slapping and punching over and over. Laura ran screaming into the bedroom and he followed. She was on the floor when he grabbed her by the throat with both hands and squeezed, oblivious as she gasped for air. Finally, her body went limp as she lost consciousness.

When she came to, she stumbled to the bathroom and locked herself in. Luc was passed out.

Hours later, after talking to Laura on the phone, Jean knows he can't look away any longer. With deep regret, he calls police on his only son.

"I feel guilty for calling police, but I don't want to see my son go to jail for murder," Jean said later. "You know, a battered woman, she stays. She doesn't want to leave. What can you do?"

In The Star study, 71 per cent of the victims reported their assaults to police. The remainder of reports came from neighbors, family members, hospitals and shelters.

THE ACCUSATIONS

Monday, 5:15 p.m., Scarborough:

The former wife of Toronto Fire Captain Robert Firth, 50, is gasping for air. He has grabbed her by the throat and slammed her against the pantry door. When she runs to the living room to escape his fists, he follows and begins shaking her violently. One of his two daughters pounds on his back, begging him to stop. Firth was later given two years probation and no jail time.

Monday, 10:30 p.m., Scarborough:

A horrific nightmare is unfolding in a seventh-floor bedroom. A young woman, in the midst of making love, suddenly lurches in pain as her lover begins hitting her on her legs. Her screams provoke more violence. She is thrown across the bedroom, pushed up against a speaker and raped with a wine bottle. The attack happens just five days after Karla Hornolka testified that Paul Bernardo raped schoolgirl Kristen French with a wine bottle before strangling her. The man is later sentenced to two years probation for sexual assault; no jail time.

Tuesday, July 4, 6:30 a.m., Scarborough:

Warren Edwards, knife in hand, leaps over the front counter of the motel that doubles as a refuge for battered women. He pushes the desk clerk into a closet, cuts the phone line, kicks in the door of room 222 and jumps on his estranged wife, lying terrified in her bed. He threatens to kill her if she screams. A lone police officer arrives just outside the door. "Help me, help me, he's got a knife," she pleads. The officer waits. Cops do not walk into domestics alone, they wait for back-up. Edwards was later jailed one month for assault on clerk.

Shelley

Tuesday, July 4, 10 a.m.:

Thirty men appear this day in the city's five courthouses on domestic charges.

Lawrence Phillips is one of them. The typed information handed to the clerk in courtroom 101 at Old City Hall says Lawrence is charged with criminally harassing Shelley between June 20 and July 2. In reality, the harassment has gone on for more than a year.

Crown Attorney Uriel Privves tells the court Lawrence pleaded guilty in Vancouver in 1994 for

(Continued on next page)

HITTING HOME: SPOUSAL ABUSE

Eyes of a Child...

When the hitting starts, children might as well be invisible. Batterers seem oblivious to the haunting effect a mother's screams can have on a child. The damage can last a lifetime. In 29 per cent of the cases, children witnessed the assaults.



JULY 4, 12:58 A.M. GERRARD ST. E. SUSAN ASTON TALKS TO POLICE AFTER BOYFRIEND MICHAEL KERR IS CHARGED WITH UTTERING DEATH THREAT. SHE RECANTS, CHARGE WITHDRAWN.

(Continued from previous page)

assault on the same victim. On Prives' recommendation, Lawrence is released on a \$2,000 surety, ordered to have no contact with Shelley, stay 500 metres from 45 Kendal Ave., check in with police twice a week and carry bail papers because of his history. The next night, Shelley's phone starts ringing. She picks up the receiver, and hears only silence. Then the line goes dead. The caller repeats this three times between 2 a.m. and 4:30 a.m. From the number that flashes on her call display, Shelley knows it's Lawrence. And she knows what awaits her. Since that June day last year when Shelley first charged him in Vancouver, Lawrence has honed his harassment technique to perfection.

After Vancouver police took Lawrence away in the cruiser, he spent the night in jail, but was released on bail the next day. An officer came by with Lawrence as he collected some belongings. The officer assured Shelley that Lawrence was not permitted to be near the apartment. Soon after the cruiser left, Lawrence was pounding on her front door. "How are my babies?" he asked, referring to their unborn child. Begging him to stay away, Shelley stayed inside. She wanted to see a doctor but was afraid to leave the house. Later in the day, she ventured to a telephone house to replace the phone Lawrence had broken the night before.

When she got home it didn't work. Lawrence had called and disconnected their service. She couldn't contact her family or friends. She was trapped inside her house.

Lawrence was back outside at 6:30 the next morning. "How's the baby, Shelley?" he shouted. Without a phone, Shelley had to pound on her neighbors' door and ask them to call police.

Over the next two weeks, Lawrence showed up eight times. Each time, she says, he was taken away by police; each time he'd be back at Shelley's in the morning. For the next 2½ months before his trial, Lawrence stalked or telephoned Shelley almost daily. He would even call from jail.

He would jump out from behind bushes to confront her on the street. He warned her not to testify at his trial or he would get someone with a gun to blow her head off. The same fate awaited her if she dated anyone else.

Complications set in with her pregnancy. She was bleeding. She lost the baby.

Finally, three weeks after the June 4, 1994, assault, police arrested Lawrence again and kept him in custody until his Aug. 22 trial. But even from prison, Lawrence telephoned Shelley, warning her not to attend the trial.

Day 5, July 4	Men	Women
Today	80	0
To date	76	2

THE ACCUSATIONS

Tuesday, 5:30 p.m., East York

A 35-year-old man handcuffs his girlfriend to the bed, rips off her underwear, digitally penetrates her and chokes her. He shoves her in the mouth until she gags. When the case comes to trial, the victim recants most of her story. He gets one day jail for assault.

Tuesday, 7 p.m., Scarborough

Kevin Green, 32, slaps his common-law wife in the head and arms, smashes a pizza box over her head, kicks her in the leg and stabs her in the chest with a toothbrush. He is also charged with assaulting the victim's 14-year-old son. Green's trial is set for this summer, July 22.

Laura

Wednesday, July 5, 10 a.m.

Today, 14 men and one woman will appear in bail court with their files clearly labelled "DOMESTIC" in black magic marker.

One file has Luc Rousse's name on it. By the time Laura arrives in bail court this morning, she had lied for Luc at least three times in the past 48 hours. She would lie for him again that day.

When police came to the apartment looking for him, Laura didn't tell them he was upstairs, feeding a tenant's cat. She also lied to the woman at the security desk. Luc was arrested for fighting with some guy across the street, she said.

And the morning of bail court, she rushed into Gabby's office and told her property manager the same story. She needed to skip work and go to court to bail him out, she explained.

Laura sits nervously on the front court bench. She's a jangle of nerves, her back stiff as she constantly smoothes her old-fashioned dress and holds on to her purse strap.

In the prisoner's dock, Luc looks like a restless, wounded beast. His eyes are dark and angry as he stares at Laura, trying hard to meet hers. His blue work shirt hung loose, his black hair greasy and dishevelled from a restless night in the cell.

The charges: Assault on June 1, assault on July 2 and aggravated assault on July 3. His eyes follow Laura to the stand. She brushes within inches of him, her head down.

She swears to tell the truth. The truth was, she explains hastily, she can't do her job without her 36-year-old husband. "If I... my husband isn't released, I'll have to move out of my apartment in seven days. Which means I'll be out of a job.

Without a place to stay!"

She explains that if he has to live elsewhere, Luc's father will take him in. "... and he can come back in the morning and do his work, which he normally starts at five," she says, starting at Justice of the Peace Don Begley.

Suddenly Laura starts a nervous ramble, all the while twisting and contorting her hands: "I have no problem with him entering the building... I'm not afraid of my husband. We found out last week that he was a diabetic just on Thursday. What I want him to do is finish his appointments up on Thursday this week again, find out if the medication needs to be changed and hopefully — the medication, whatever, the doctor did tell him that's what's causing his mood swings. So I'm hoping that with the proper medication and everything, everything could be worked out."

Prosecutor Ruth Neilson said that she was planning to keep Luc in custody, but based on Laura's statements is willing to release him. "And you're still prepared to testify in court with regard to this matter?"

"Yes," Laura replies anxiously.

Luc is released on surety of \$2,000 and ordered to live with his dad. He is also ordered to stay clear of alcohol and the apartment, and away from Laura except with her consent. Luc is released before noon.

Day 6, July 5	Men	Women
Today	14	1
To date	90	3

THE ACCUSATIONS

Wednesday, 2:30 p.m., Scarborough

Stephen Marin, a 33-year-old car painter, knocks his pregnant wife, Carole, to the ground and kicks her in the ribs when she asks for a divorce. He later threatens to run her over. She takes her three children and flees to a shelter. Marin later gets one year probation for assault.

Wednesday, 7:30 p.m., Scarborough

When Angela Hudson returns to pick up her belongings, artist Eusi Prince drags his ex-girlfriend down a hallway of his Markham Rd. apartment, punches her in the face three or four times, body slams her to the floor, grabs her by the throat and chokes her. Prince's trial is set for July 10 of this year.

Thursday, 4:15 a.m., Etobicoke

Jack Sandluck grabs his wife Cheryl by the throat and throws her against the wall after she had vomited in the couple's bed. The unemployed 36-year-old punches her in the chest several times. Their 16-year-old daughter calls police. Sandluck's case is dropped when the victim recants.

Bail court, Thursday, July 6, 10 a.m., Etobicoke

A defendant Kerry Dallas, 26, is led to the prisoners' dock at East Mall bail court. Dallas is charged with hitting his pregnant ex-girlfriend on the head with a telephone receiver. He was in her home to visit his 5-year-old son, who saw the attack. As the charges are read out, he laughs and shakes his head. His mother is in court to bail him out. Dallas' victim eventually fails to show up for the trial, the charges are stayed.

Thursday, 10 a.m., North York

Straight up the Allen Expressway, in the Metro North court-house, inside a state-looking office building that also offers Cineplex theatres and a run-down coffee bar, Sanford Stewart, 32, waits for his name to be called. He is on probation for a previous attack on his wife and is accused of beating her again. This morning he will once again make bail. The charges are eventually

dropped, when his wife, Shannon Doyle, fails to show up at the trial.

This is the final day of our week spent in bail court. Today nine men are up. They are the last of the accused batterers we will meet. The total over the past seven days is 102.

There will be six more assault charges laid privately by people who go before a justice of the peace on their own. In addition, 23 men and 2 women were released directly from the police station after being arrested for "domestics."

These are the people who are now firmly in "the system;" many will remain there for months to come. By March — more than eight months later — more than a quarter of these cases will still be before our courts.

Day 7, July 6	Men	Women
Today	9	0
To date	99	3

Laura

Gabby is relieved to see her colleague back on the job. Finally, she decides to speak up. She calls them both into her office.

"Everybody knows he's beating the crap out of you! You think I'm an idiot? I can see the black under your eye patch!"

Gabby is steaming. She turns back to Laura. "You have to confront this, because otherwise you're going to end up dead."

When she gets Laura alone, she says simply: "If you need help, call me."

Gabby has no idea how much help Laura will eventually need.

Shelley

A postscript:

Some months after Lawrence was charged with criminal harassment, Shelley bumped into an old friend during one of her numerous trips to 14 Division. Constable Tammy Wong Abdilla did a double take.

Abdilla instantly recognized her high school chum. Shelley's face was unforgettable. But she couldn't believe how much the one-time "glamour girl" of Overlea Secondary School had changed.

This thin, nervous woman was a shell of the teenager Tammy remembered, the Shelley she watched figure skate on TV and who choreographed and stage-managed a fashion show in Grade 13.

"I said: 'Shelley, is that you?' She looked so different, so stressed. This was not the Shelley I knew."

Similar thoughts raced through Shelley's mind — only Shelley was riveted by how great her old friend looked. Now a police officer, Tammy was married and pregnant with her second child. She looked happy and healthy.

Looking into Tammy's smiling face, Shelley thought: "This life that Tammy has, this is where I thought my life would be right now."

Today: Seven days: The face of domestic violence
Tomorrow: The accused: Crime and punishment

The weapons

The weapons in the 133 attacks ranged from open hands to fists to telephones. Knives were used to cut and threaten.

■ **Hands & feet:** 65 victims were struck or slapped with an open hand... 46 were punched with a closed fist or fists... 22 were choked with hands... 18 were kicked.

■ **Blunt objects:** 16 victims were attacked with a variety of objects including bottles, chains, telephones, lamps, bats, sticks, brooms, shoes, hangers and a bicycle.

■ **Sharp objects:** 12 victims were attacked with a knife, including kitchen and Rambo-style knives.

■ **Other types of attack:** Cigarette burns, bites, handcuffing, smothering with a pillow, head butting, throwing pottery and verbal abuse.

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JULY 5, 10:20 P.M., SPADINA AVE.: ORLANDO MEDINA IS ARRESTED ON ACCUSATIONS OF HOLDING KNIFE TO WIFE LUCY BULICKA'S THROAT AND CHOKING HER. SHE RECANTED AND WAS CHARGED WITH MISCHIEF. HE WAS LATER JAILED ONE DAY FOR AN AUG. 28 ASSAULT ON HER.