

DECEMBER
2016

**SEXUAL
ASSAULT:**
Isabelle Raycroft's
Fight for Justice

Hosted by MICHAEL SERAPIO

**NEWS
IN
REVIEW**

IN THIS ISSUE

Sexual Assault: Isabelle Raycroft's Fight for Justice (Duration 16:18)

When Isabelle Raycroft decided to remarry at 69, she did not expect it to end in the courtroom. Isabelle accused her husband of sexual assault. She won her case. But the guilty verdict was stunningly overturned by another judge and she faces a second trial. Now she's telling her story of how the justice system is failing women.

News in Review Study Modules

Domestic Violence: Deadly Rage (Oct 2000)
Violence Against Women (Sep 1993)
Canada's Rape Shield Law (Oct 1991)

Related CBC Programs

Campus Culture: Universities and the Issue of Sexual Misconduct
Stopping the Cycle of Violence in Indigenous Communities
The War at Home
Warriors Against Violence

Credits

News in Review is produced by CBC News
Resource Guide Writer/Editor: Sean Dolan
Host: Michael Serapio
Packaging Producer: Marie-Hélène Savard
Associate Producer: Agathe Carrier
Supervising Manager: Laraine Bone

Visit us at our website at curio.ca/newsinreview, where you will find an electronic version of this resource guide and an archive of all previous *News in Review* seasons. As a companion resource, we recommend that students and teachers access CBC News Online, a multimedia current news source that is found on the CBC's home page at cbc.ca/news/.

Closed Captioning

News in Review programs are closed captioned for the hearing impaired, for English as a Second Language students, or for situations in which the additional on-screen print component will enhance learning.

CBC Learning authorizes the reproduction of material contained in this resource guide for educational purposes. Please identify the source.

News in Review is distributed by:

CBC Learning | Curio.ca, P.O. Box 500, Stn A, Toronto, ON, Canada M5W 1E6 | www.curio.ca

SEXUAL ASSAULT: Isabelle Raycroft's Fight for Justice

VIDEO REVIEW

Before Viewing

It is estimated that as few as three in 100 victims of sexual assault will ever come forward to report their victimization to police. Of the cases that make it to trial, the conviction rate is less than 50 per cent.

1. Why do you think so few victims report their attacks to police?

2. What role do you think the low conviction rate plays in the under-reporting of sexual assault?

3. What can be done to encourage more victims to lay charges?

4. What should be done decrease the number of sexual assaults taking place in Canada?

Viewing

1. In what year did sexual assault in marriage become a legal offence in Canada?

2. Who is Isabelle Raycroft? Who is Elmer Raycroft? What brought Isabelle and Elmer together?

3. What changed shortly after Isabelle and Elmer were married?

4. Why didn't Isabelle press charges against Elmer after he assaulted her the first time?

5. How did things start to escalate after she recanted her initial police report?

6. How did Isabelle's two daughters manage to help rescue their mother from Elmer?

7. Who did Justice Jane Wilson believe by the end of the trial?

8. What complication emerged prior to sentencing? What did Justice Hugh Fraser do to Wilson's verdict?

9. Why was it surprising that Fraser went against Wilson's conclusions?

10. Why does Robin Parker believe the handling of the verdict in the Raycroft trial was very unusual?

11. Why did Isabelle have a feeling that things weren't going to go her way at Elmer's pre-sentencing hearing?

12. According to Robin Parker, what role did testimony at the sentencing trial play in the declaration of a mistrial?

13. Why does Isabelle Raycroft vow to testify in the new trial against her ex-husband in 2017? What is motivating her?

After Viewing

John Yakabuski, the MPP for Renfrew-Nipissing-Pembroke, wrote a letter of reference for Elmer Raycroft — a long-time political colleague — that was submitted as part of the sentencing hearing in the case you just learned about. Yakabuski did this despite an advisory from the Ontario ethics commissioner imploring MPPs to avoid offering reference letters at trial because they “might be interpreted as an attempt to interfere with and/or influence the legal process.”

1. What factors did Yakabuski fail to consider before he wrote the letter?

2. Why do you think Yakabuski later apologized for providing the letter?

THE STORY

Minds On

When Justice Robin Camp acquitted a man accused of sexual assault in 2014, he turned to the woman who brought the complaint forward and said, “Why couldn’t you just keep your knees together?” He also criticized the woman’s efforts to fend off her attacker and repeatedly referred to her as “the accused” during the trial. Eventually a public uproar led to an Alberta Court of Appeal ruling to overturn the verdict and order a new trial. Meanwhile four lawyers filed a complaint against Camp to the Canadian Judicial Council for being “dismissive, if not contemptuous” toward Canada’s sexual assault laws. In late 2016, the council delivered a decision calling for Camp’s removal from the bench. It is widely believed that Camp will resign his post as a federal court judge. If he fails to do so, the Canadian Judicial Council will work with parliament to make sure he never presides over a case again.

1. What effect do you think Camp’s statements had on people’s perception of the justice system?
2. Why would sexual assault victims see Camp’s attitude as a betrayal of what they have been through? What specifically would they find offensive and unfair?
3. In your opinion, are Camp’s words and attitudes (as expressed in the trial in question) enough to remove him from the judge’s bench?
4. Does Camp represent a commonly held systemic bias against sexual assault



survivors who seek to find justice through the legal system or is he just a man given to shallow opinions and poor judgment? Please explain your answer.

Source: Grant, Meghan (June 26, 2016). Man acquitted after Judge Robin Camp’s “keep your knees together” comment denied bail. CBC News. Retrieved from: cbc.ca/news/canada/calgary/robin-camp-alexander-wagar-bail-denied-1.3623022

Isabelle and Elmer

At 69 years of age, Isabelle St. James thought she had found a companion that would help make her golden years comfortable, enjoyable and memorable. What she got was three years of abuse that turned her life into a living hell.

Isabelle had been single for over 40 years when she decided to try the world of online dating. She created a profile and went out on a few dates before connecting with Elmer Raycroft. It turns out that Elmer was a bit of a big deal in McNab/Braeside. As deputy mayor of the town of 7,500 people, Raycroft was a respected leader and popular member of the community. A widower, Elmer wanted to find a partner to make his life feel more complete. He thought he found that person when he first met Isabelle.

The couple dated for a year and a half before making the decision to get married. While the

courtship was rocky at times (the couple split up for a brief period), they decided that companionship was the elixir they needed as they moved into the next phase of their lives.

Early abuse

However, things turned abusive almost from the start. Isabelle said that, during one of their earliest arguments as a married couple, Elmer threw a glass of water in her face. One night, not long after the water-throwing incident, Elmer asked his wife to come up to bed. When she refused, he tipped her chair forward, knocking her to the floor and bruising her knees. The next day, Isabelle packed a duffle bag and told him she was leaving. Elmer confronted her in their bedroom and grabbed for the bag, pushing his wife against a dresser. Eventually, Isabelle left the house and drove straight to the local OPP station in Arnprior where she informed officers that she was leaving her husband and needed their help to return to her home to pick up her medication. She told the officers that there was no physical violence in the marriage.

During her interview with the Arnprior OPP, Elmer showed up and began to ask what was going on. The bizarre encounter ended with Isabelle leaving to stay with her daughter Janet and Elmer heading home. That night, Janet pleaded with her mother to charge her husband. The next day Isabelle went to a police station close to her daughter's home in Kanata (about 45 kilometres from Arnprior) and filed a proper report. However, by the time the OPP in Isabelle's community questioned her about the report, she recanted and moved back in with Elmer — a “mistake” that Isabelle says she greatly regrets. When pressed on the issue, she said, “I should have pressed charges but I didn't. Because I loved him. I hoped that he would change.”

From bad to worse

But, according to Isabelle, things just got worse. After a failed bid for mayor of McNab/Braeside, Elmer became more prone to bouts of anger. While his public image was one of congeniality and warmth, his private persona was characterized by threats and bullying. He threw things at his wife, he tried to smother her with a pillow, and, at one point, he put a belt around her neck. Elmer denies ever doing these things (in fact, he says they were “completely fabricated”) but Isabelle maintains that they did happen and that the behaviour was part of a pattern of escalating abuse.

Eventually Elmer, already a possessive and clingy husband according to Isabelle, began harassing his wife when she came home from routine outings. He would forcibly examine his wife for evidence of sexual activity. One night he told Isabelle he wanted to have sex. She said no — repeatedly — but Elmer would not take no for an answer. Isabelle says Elmer forced himself on her. In the days that followed she told him that what happened was in no way an expression of intimacy and that, in the end, it was rape.

Rescuing mom

Isabelle remained in the marriage for two years. The abuse worsened and Isabelle became more withdrawn. This drew the attention of her daughters and, after a protracted period of not hearing from their mother, they reached out to her to see what was going on. Isabelle's daughter Sharon said her mother had lost her zest for life and sounded depressed. Soon Isabelle confessed that Elmer had been abusing her over the course of their marriage.

That's when her daughters teamed up to get their mother away from Elmer. They made up a story that Janet's daughter was sick and they needed Isabelle's help to care for her while Janet went to work. Elmer dropped Isabelle off at Janet's

house believing that she would be spending a few days at her daughter's house. Janet and Sharon met Isabelle in the kitchen as Elmer drove away. As soon as they laid eyes on her they knew they had made the right decision. Isabelle looked, in their words, "haggard and beaten down." They told their mother that no one was sick and that they wanted to offer her a way out of her marriage to Elmer. Isabelle accepted and a few days later she made a statement to police. In the spring of 2014, Elmer Raycroft was charged with four counts of assault and three counts of sexual assault.

The trial

Six months later the case went to trial, the outcome of which left Isabelle and her family in a state of shock and anger. The details spoken about so far came to light in the trial. Isabelle told her story and Elmer told his — denying the allegations of abuse, assault and rape. Justice Jane Wilson said that she would deliver a verdict early in the new year. However, the judge became ill in the interim and the reading of the verdict was put off two more times until, finally, she agreed to allow her colleague, Justice Hugh Fraser, to deliver the verdict in her absence.

There was no real question from what Wilson had written that she had sided with Isabelle, saying that Elmer's version of events often seemed "contrived and self-serving" and, occasionally, his explanations defied common sense. She found him guilty of three counts of assault and three counts of sexual assault. However, she did acquit Elmer on one count of assault relating to an allegation that he threw an alarm clock at Isabelle (simply because Isabelle's back was turned to Elmer at the time and the judge couldn't reasonably verify that the alarm clock was being thrown at Isabelle). So that was it: Elmer was convicted of six of the seven charges laid against him. All that was left was the sentencing hearing.

The sentencing

Isabelle and her daughters had a bad feeling the day of sentencing. When they walked into the courthouse, they saw a cluster of high profile people (many of whom Isabelle had, at one time, regarded as friends) who had come out in support of Elmer. It was his lawyer's hope that these people would testify about Elmer's good qualities and that this would help to reduce the amount of time the judge would sentence him to spend in prison. The crown was asking for 2 ½ to 3 years while the defence wanted to keep the jail time down to between nine and 12 months. Justice Fraser heard the testimony and submissions from both sides and told those assembled that he would deliver a sentence in two weeks.

Mistrial

When they reconvened, Fraser shocked everyone when he overturned Wilson's verdict and declared a mistrial. He claimed that a section of Wilson's decision indicated that Elmer's version of events could be plausible but, on the whole, she found that the evidence "does not raise a reasonable doubt." Fraser, who had reviewed five days of trial transcripts, believed the use of the word plausible (which means credible, possibly true, realistic) was enough for him to quash the conviction and declare a mistrial.

Elmer Raycroft has vehemently denied all of the allegations that Isabelle has made against him. As he prepares for his re-trial, he is fighting for his life in a battle with cancer.

And so now Isabelle Raycroft has to go through the entire trial all over again. Lawyer and scholar Robin Parker says she has never seen anything like it. She found it troubling that Justice Fraser would overturn Justice Wilson's decision without at least asking the lawyers to make submissions.

In order to speak about the case publicly, Isabelle had to petition the court to overturn a publication ban regarding the use of her name so that she could tell her story. She thinks it is important for people to hear what she has to say. She feels outraged that a man could be found guilty of assault and sexual assault in a Canadian court and that, even after the system seemed to

work in her favour, something could happen to turn all of that on its head. Isabelle's long, arduous and emotionally exhausting quest for justice continues.

Source: McCue, Duncan (September 29, 2016). Making her case. CBC News. Retrieved from: newsinteractives.cbc.ca/longform/making-her-case

To Consider

1. Why did Isabelle regret dropping the charges against Elmer when she first went to the Arnprior OPP? What motivated her to drop the charges?
2. How did Isabelle's daughters manage to rescue their mother?
3. What was the verdict that Justice Wilson delivered in the case?
4. Why did Justice Fraser overturn the verdict and declare a mistrial?
5. Why would women hearing this story be reluctant to trust the justice system?

Follow-up

1. According to YWCA Canada, 460 000 sexual assaults occur in Canada every year. For every 1 000 incidents, only 3.3 per cent are reported. Furthermore, only 2.9 per cent are investigated as a crime and only 1.2 per cent result in charges being laid. Of those, 0.6 per cent are prosecuted with half of those cases leading to a conviction. This would mean that 99.7 per cent of sexual assault victims are left victimized while the same number (99.7 per cent) of sexual assailants are allowed to live without bearing the consequences of their actions.

What do you think? Why don't more victims report these crimes to police? Why aren't society and the social justice system more concerned about the prevalence of sexual assault in Canada? What can be done to deal with this major societal problem?

2. Go to the YWCA website (ywcacanada.ca/en) and look at their *Campaigns & Actions* located under the *Advocacy & Policy* menu. Which campaigns do you think are most effective? Would you post something on your own social media page supporting the work of the YWCA? Why or why not?