



## Carolyn Bailey papers

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# response

## to intrafamily violence and sexual assault

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### NEEDS OF BATTERED WOMEN RECEIVE SPECIAL ATTENTION FROM MILWAUKEE DA'S OFFICE

*Written by Charles B. Schudson, Assistant Milwaukee County District Attorney, who helped develop the Battered Women Project. Since the project's termination for lack of funding, Schudson has returned to his previous duties in the District Attorney's office.*

During 1975 and 1976, the Milwaukee County District Attorney's office developed a program of specialized review and prosecution of "battery" against women. Part of Project Turnaround, a victim-witness support program funded by LEAA, the Battered Women Project of the Citizen Victim Complaint Unit derived from three propositions: (1) the "battered woman" case often relates to crimes such as child abuse and murder; (2) to deter the battery of women would be to deter an inclination toward violence that, according to certain studies, passes from one generation to the next; and (3) such deterrence would be possible only with specialized support for battered women who, understandably, assume that the criminal justice system holds no solutions.

Separate from other parts of the DA's office, the Battered Women Project evoked warmth and informality. Young, bilingual, racially and sexually mixed, the staff consisted of two assistant District Attorneys, a social worker, and clerical personnel. Battered women came directly to the Project without any requirement of police contact, and saw either an assistant DA or the social worker.

The initial interview averaged 45 minutes. Deference was shown to the battered woman as "the expert" on her own case. After all, *she* knew the incident, the attacker, her feelings, family situation, and some of the immediate options. Thus, the interviewing DA or social worker enlisted the woman's participation in seeking solutions. Implicitly, that enlistment restored dignity to the woman, who otherwise might have been further victimized by a system that can be condescending and judgmental.

The initial interview was a process of search rather than an immediate solution. (For example, "He beat me. I want a warrant for his arrest;" would be answered

by, "That would be easy. It would take five minutes. He'd be arrested, spend a few hours in jail, appear in court, and be released on bail. If you think he was mad last night, how would he be after that?") The woman was urged to consider alternatives—she could (1) do nothing, (2) leave the man, (3) seek professional counseling for the man, her family, herself . . . , (4) enlist the deterrent powers of the DA, (5) press criminal charges with immediate issuance of a warrant. In addition, emergency housing and medical care were secured.

Frequently, the woman desired separation or divorce but had been frustrated by the cost or delay in obtaining legal assistance. In such cases, the Project would refer her to Women Pro Se—a "do-your-own-divorce" group staffed by women who had secured their own divorces. Very often, the woman would ask that a DA warn the man. Occasionally, a warning letter would be sent. More often, the man would be "ordered in" to the Project for a conference with the woman and the DA.

Typically, the "order in" was utilized for "first offenders"—i.e., men who, although they may have been battered before, had never encountered the criminal system. These men, out of concern for job, family, reputation, were most susceptible to the DA's persuasive powers. Upon entering the conference, they were advised of their Miranda rights. They almost always admitted the alleged battery, expressed regret, and pledged no further criminal action. The Project enforced that pledge in several ways. When, for example, the battery derived from alcoholism, the DA would require that the man participate in a treatment program or face prosecution. In any case, the DA would warn that although the incident would be held confidential, it would also be "held open." A recurrence thus would result in charges of two counts of battery, arrest at home or work, and advice to the court that the man already had been given an opportunity at informal probation.

Crucial to project implementation was linkage to community groups and courts. The social worker maintained direct communication with any program supervising an offender during the "hold open" period. The DA maintained contact with the woman who, in turn, worked with support groups including the Task Force on Battered Women of Milwaukee's Women's Coalition. In the most serious cases, two other units of Project Turnaround participated. The Witness Support Unit guided the woman through the court system, advised the court to view the crime as far more than a quarrel or family spat, and provided child care, transportation, or whatever would facilitate the woman's participation in the system. The Witness Emergency Unit, consisting of deputy sheriffs, provided 24-hour protection for those women under continuing threat while awaiting trial.

Several experiences of the Milwaukee County Battered Women Project provide essential lessons for other DA offices:

- 1) A woman desperate or courageous enough to come to a DA office almost never lies and, indeed, rarely exaggerates the duration or extent of injury.
- 2) Immediate issuance of an arrest warrant is usually the least protection for and service to the battered woman.
- 3) Active participation of the battered woman in deciding how the DA office might serve her is crucial to the woman's dignity and the success of the decision.
- 4) Existence of strong women's groups in the community—dependent of but working with

the DA office—is crucial to the ability of the DA office to develop the sensitivity and skill to assist battered women.

- 5) Threat of criminal prosecution and its resulting damage to reputation of the "first offender" is a more effective deterrent than actual prosecution that, ordinarily, results in a fine, probation, or suspended sentence.
- 6) Issuance of a criminal charge must be accompanied by efforts that impress upon a court that less serious cases have been diverted from the court system so that, by contrast, the instant case should be viewed as one of serious violence.
- 7) Since police rarely witness domestic violence, their participation in a criminal case is limited.

With determined, imaginative efforts, the advice and cooperation of women's groups, and high media visibility, the Milwaukee County District Attorney's Battered Women Project helped women in many ways. The program gained national recognition as an unprecedented success not only in helping individual women, but in awakening a community to the realization that battery of women is common, criminal, and threatening to the whole community. In September 1976, lack of funding ended the Battered Women Project after one year of operation. The Citizen Victim Complaint Unit is still in operation, however, they now refer battered women to the City Attorney.

*Editor's Note: With support from Milwaukee District Attorney E. Michael McCann, the Battered Women Project became an integral part of the Citizen Victim Complaint Unit. The Unit is one of five action sections of a larger project called Project Turnaround which is designed to make the criminal justice system more responsive to the needs of citizens, victims, witnesses, and jurors.*

are laws derived from the wording of the Model Penal Code, which acknowledges that a woman may not be able to resist a rapist because of fear, mental condition, or an altered state of consciousness. The primary objection to both types of law is that they emphasize the victim's conduct or state of mind rather than the attacker's.

A law passed by Michigan in 1974 has become the model for 10 others; they focus on the "criminal circumstances" surrounding the event rather than on the intent or actions of the victim. While this is a step forward, under these laws the courts may be unclear about whether or when consent can be used as a defense against if not an element of the crime. The Michigan law is sex neutral. It prohibits all forms of unwanted sexual penetration or contact and establishes degrees of crime related to the dangerousness of the offender's conduct.

Of more practical significance, at least in the short term, are legal changes that govern the admission of certain evidence in rape trials. The most controversial of these relate to the prior sexual conduct of the victim, which has traditionally been considered relevant to (1) whether the victim consented, (2) whether she is a credible witness, and (3) whether the defendant was correctly identified as the assailant.

Michigan, plus six states following its pattern, now

or agencies already under contract to a Title XX agency in the delivery of services to rape victims, battered women, or sexually abused children. The funds available for training social service personnel who are providing services under Title XX contracts are particularly important, because agencies or organizations that have the potential to deliver services to victims of sensitive crimes—a counseling service, for example—are unlikely to have properly trained personnel if they have not been dealing with this client group.

Title XX requires that the state undertake an *open public planning process*. Each state must prepare a Comprehensive Annual Services Plan (CASP) containing information about the types of services the state will fund, client eligibility, fees, location of services, sources of matching funds, and the administration of the programs. The plan is revised each year, and only those services specified in it receive funds. It is, therefore, essential that groups wishing to increase the amount of funds going to victim assistance services, or wishing to apply for funds themselves, understand the planning process and take part in it. If, for example, emergency housing services for battered women and their children are not set forth in a state plan, then funds cannot be allocated for that purpose.

Local groups should be involved in several steps of the planning process:

a. *Needs assessment.* The state agency administering Title XX must have strong documentation of the needs of victims of sensitive crimes prior to development of the state plan. The needs assessment is required by law, but states conduct the assessment in different ways. Some have circulated questionnaires asking citizens to check the services they thought most important. Other states have held public meetings. Specific interest groups can greatly influence the outcome of the needs assessment; they should seek to provide as much information as possible on the social service needs of their client groups and the extent to which these needs are being met by current services.

b. *Internal planning stage.* Much of the planning for changes in social services takes place after the needs have been documented and before the proposed state plan is published. Groups wishing to secure funding for victim services should participate actively in this period, because this is when the key decisions about funding social services for the coming year are made. Groups seeking contracts or program changes should meet with the agency administering Title XX funds.

c. *Proposed state plan.* Ninety days before the program year begins (see table), the state publishes a proposed plan of social services. Comments from the public are accepted for 45 days, and in some states public hearings are held to collect citizen reaction to the plan. Victim advocates can have an impact on the plan at this point, but it should be stressed that a group wishing to increase services or to secure funding for victim assistance should not wait until the proposed plan is published to begin its efforts.

Several publications help explain Title XX:

1. *Title XX: Social Services in Your State, A Child Advocate's Handbook for Action*, The Children's Defense Fund, 1520 New Hampshire Avenue, NW, Washington, DC 20036.

2. *Title XX of the Social Security Act: An Analysis*, The National Center for Community Action, 1711 Connecticut Avenue, NW, Washington, DC 20009.

3. *Summaries and Characteristics of States' Title XX Social Services Plans, FY 1976*, Subcommittee on Public Assistance, Ways and Means Committee, U.S. House of Representatives, Washington, DC.

## SOCIAL SERVICES CALENDAR

State	Proposed Plan Published By	Program Year Begins
Alabama	7/1	10/1
Alaska	4/1	7/1
Arizona	4/1	7/1
Arkansas	4/1	7/1
California	4/1	7/1
Colorado	4/1	7/1
Connecticut	4/1	7/1
Delaware	4/1	7/1
District of Columbia	7/1	10/1
Florida	4/1	7/1
Georgia	7/1	10/1
Hawaii	4/1	7/1
Idaho	4/1	7/1
Illinois	4/1	7/1
Indiana	4/1	7/1
Iowa	4/1	7/1
Kansas	4/1	7/1
Kentucky	4/1	7/1
Louisiana	4/1	7/1
Maine	4/1	7/1
Maryland	4/1	7/1
Massachusetts	4/1	7/1
Michigan	7/1	10/1
Minnesota	7/1	10/1
Mississippi	4/1	7/1
Missouri	4/1	7/1
Montana	4/1	7/1
Nebraska	4/1	7/1
Nevada	4/1	7/1
New Hampshire	4/1	7/1
New Jersey	7/1	10/1
New Mexico	7/1	10/1
New York	7/1	10/1
North Carolina	4/1	7/1
North Dakota	4/1	7/1
Ohio	4/1	7/1
Oklahoma	4/1	7/1
Oregon	4/1	7/1
Pennsylvania	7/1	10/1
Rhode Island	4/1	7/1
South Carolina	4/1	7/1
South Dakota	7/1	10/1
Tennessee	4/1	7/1
Texas	7/1	10/1
Utah	4/1	7/1
Vermont	4/1	7/1
Virginia	4/1	7/1
Washington	4/1	7/1
West Virginia	4/1	7/1
Wisconsin	4/1	7/1
Wyoming	4/1	7/1

Source: Social Services Project, National League of Cities and U.S. Conference of Mayors

## Legal Developments

### RAPE LEGISLATION ANALYZED IN UPCOMING BATTELLE REPORT

In the past several years 47 states have seriously considered legislation affecting rape cases. Thirty-seven states have enacted such legislation; 22 of them completely revising their rape laws by changing the definition of the crime, the rules of evidence, and jury instructions. These changes are documented and explained in a research report produced by the Battelle Law and Justice Study Center and funded by the National Institute of Law Enforcement and Criminal Justice of LEAA.

Camille LeGrand, a San Francisco attorney who was instrumental in the pioneering changes of the California rape statute, did this analysis of recent law revisions. In the report, she discusses both the redefinition of the crime of rape and the new rules governing the admission of evidence in rape trials.

According to the report, 16 states retain a narrow definition of rape that requires the victim to resist to her utmost, despite the fact that women are now regularly counseled that fighting an attacker may invite serious injury or death. In contrast to these laws, which incorporate what is termed the "resistance standard,"

## Research & Development

### KANSAS CITY DOCUMENTS DOMESTIC VIOLENCE

In response to the need for data on family violence, the Kansas City, Missouri, Police Department has developed its Domestic Violence Project. The project, funded by the National Institute of Mental Health, is intended to provide a large data base enabling a more comprehensive study of family conflict and violence. This research effort is directed towards the development and validation of two prediction models: one to predict violence in a domestic disturbance situation, the other to predict violence (some form of physical force) used against a police officer who responds to a domestic disturbance situation. The knowledge gained from this research will be the basis for a future proposal to develop intervention and comprehensive referral systems as well as ongoing monitoring and evaluation systems.

Although the Domestic Violence Project has received NIMH funds only since August 1, 1976, it began collecting data in 1975 through Domestic Profile Reports, which are required for each police-dispatched disturbance call occurring in Kansas City's East Patrol Division. This division, composed of 150 law enforcement officers, covers an area of 37 square miles with a population of approximately 124,000 persons.

The Domestic Violence research staff, under the direction of Dr. Jeanie K. Meyer, is just beginning analysis of the data. However, an earlier, more limited Kansas City study, done in 1970 and 1971 and available from the Police Foundation in Washington, DC, indicates the scope of the family conflict problem this project is likely to find. According to that study, police had previously (within the prior two years) responded to disturbance calls at the addresses of 85 to 90 percent of the persons involved in homicides or aggra-

vated assaults. While this statistic reflects more than just wife/husband conflicts that resulted in disturbance calls or violent crimes (it includes, for instance, fights between neighbors), a high percentage of the calls are likely to have involved intrafamily quarrels.

The Kansas City Domestic Violence Project should increase understanding of the dimensions of wife abuse since the Domestic Profile Reports identify the aggressor, the complainant, and their relationship and are concerned with both the use of force and the use of threats by the involved parties. The final data analysis is scheduled for completion by August 1977. At that time a summary report will be available. To receive the report, write to Theron D. Lorimor, Research Coordinator, Domestic Violence Research Project, 306 East 12th Street, Suite 830, Kansas City, MO 64106.

RESPONSE is published bimonthly by the Center for Women Policy Studies and is a project funded by the Law Enforcement Assistance Administration. The Center for Women Policy Studies is dedicated to increasing public awareness and affecting national policy change on issues involving women. Center activities in conjunction with its project on intrafamily violence and sexual assault include: a clearinghouse of information and listing of resource persons, a bimonthly newsletter, and technical assistance to selected Citizen Initiative (LEAA) Programs dealing with sexual assault and intrafamily violence.

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The Key on wife beating includes a four-page summary of the problem and the suggested response of police departments, as well as questions and answers for use in training programs. It succinctly and authoritatively describes what is known about the causes of wife beating, the changing attitudes that have resulted from the changing legal status of women, the economic factors that keep abused women in the home, and the effect of this form of violence on children. This Key describes the police role only in cases where an assault has taken place. An earlier Key that deals with crisis intervention skills is also applicable to the wife beating situation, but was designed primarily to address the "family disturbance" call where there is potential danger to the participants and to the officer but where no injury has yet taken place. In distinguishing between these two situations, the Key says, "Family disturbances and wife beatings should not be viewed synonymously, nor should wife abuse be considered a victimless crime or solely a manifestation of a poor marriage. A wife beating is first and foremost an assault—a crime that must be investigated."

The Key acknowledges that many battered women ultimately do not press their complaints through the criminal justice system; and, even when they do, they may receive no help from legal and social service agencies. Nevertheless, it recommends that "initiating the process remains the proper action for the police until a better system exists."

The Key on "Investigation of Wife Beating" describes skills needed in the initial police response, covering the complaint, arriving at the scene, gaining entry, establishing control, protecting the victim, interviewing (the victim, the assailant, and witnesses), gathering evidence, and making the arrest. Alternatives to the criminal process, such as social service agencies, civil action, emergency housing, and separation or divorce, are discussed briefly, and the officer is advised to use this information to help provide for the future safety of the victim in case she does not choose to proceed in the criminal justice system.

These Keys may be obtained from the IACP, 11 Firstfield Road, Gaithersburg, MD 20760.

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## RECENT RAPE RESOURCES

A growing body of technical materials is available to police, medical facilities, prosecutors, and community organizations concerned with the treatment of the rape victim. The following is a selected group of manuals and reports which either provide concrete program guides for the rape relief practitioner or models for victim education publications. The materials are available from the organizations which produced them and cannot be obtained through CWPS.

## Victim Guides

**A Guide for Victims of Sexual Assault**, Queen's Bench Foundation, 244 California Street, Suite 210, San Francisco, CA 94111. Geared to services available in the Bay Area, tells the victim what to expect at each juncture of the criminal justice system and provides phone numbers and addresses of important agencies.

**Guide to Medical Services Following Sexual Assault**, Mayor's Task Force on Rape, City Hall, New York, NY 10007. A summary of what to expect and what to ask for in a medical exam after a rape.

**Precautions and Tactics to Avoid Rape**, Metro's Rape Awareness Public Education Program, 1515 N.W. 7th Street, Suite 215, Miami, FL 33125. A good summary of the alternative tactics available to women who are being attacked.

**Rape Victims: Medical and Legal Information**, Battelle Law and Justice Study Center, 4000 N.E. 41st Street, Seattle, WA 98105, 1976. A booklet for victims that discusses in detail police, court, and medical procedures as well as definitions of commonly used terms in rape cases. Battelle designed this brochure as a model, suitable for replication in any locale.

## Program Guides

**Focus on Sex Crimes**, Polk County Rape/Sexual Assault Care Center, 700 East University, Des Moines, IA 50316. A procedural manual for prosecutors, police officers, and medical/social service personnel who handle rape cases.

**Rape and Its Victims: A Report for Citizens, Health Facilities, and Criminal Justice Agencies**, Superintendent of Documents, Government Printing Office, Washington, DC 20402, Stock No. 27000363, 1975. A 361-page manual that proposes guidelines for rape case management from the initial police investigation, through hospital examination, prosecution, and including rape crisis counseling. The extensive appendixes include medical protocols, training materials, project self-assessment guidelines and counseling guidelines.

**Rape Prevention and Resistance**, Queen's Bench Foundation, 244 California Street, Suite 210, San Francisco, CA 94111, 1976. A research document that addresses the problem of rape prevention and expands the "knowledge of what the individual woman can do to resist and deter a sexual assault." Includes an outline for a prevention workshop as well as the research conclusions. Also available from Queen's Bench is a 1975 "Rape Victimization Study," that includes a chapter on legislative and legal alternatives.

**Sexual Assault: A Statewide Problem**, Minnesota Program for Victims of Sexual Assault, 430 Metro Square Building, St. Paul, MN 55101, 1976. A procedural manual for law enforcement, medical, human service and legal personnel. The manual was adapted from the above cited *Focus on Sex Crimes*, and *Rape and Its Victims*.

## CLASS ACTION TO PROTECT BATTERED WIVES

On December 7, 1976, a coalition of four New York-based legal organizations filed a class action lawsuit in Manhattan Supreme Court to enforce the legal obligations of the police and Family Court in New York City to provide protection to battered wives. The 102-page complaint charges that the New York police unlawfully refuse to arrest men who beat their wives, and that the administrative employees of the Family Court unlawfully refuse to allow battered women to see judges to ask for Orders of Protection.

The plaintiffs are 12 married women who were beaten by their husbands and then refused assistance by the Family Court or by the police or both. Nineteen defendants are named in the suit, including the Police Commissioner, the Chief Clerk of the Family Court, the Acting State Director of Probation, the Director of Probation for New York City, and members of their staffs.

The complaint states, "Despite the widespread existence of this problem [wife assault], defendant police officers and court officials either deny the existence, prevalence, and seriousness of violence against married women, or they treat it as a private privilege of marital discipline, rooted in the view that women are the property of their husbands and that the state should not interfere. The police refuse to arrest violent husbands or give other needed aid and protection to plaintiff victims. While the Family Court was enacted to give practical advice to battered wives (who do not have lawyers to assist them), the Court personnel in fact deny women access to Court. Each agency sends women to the other. Neither agency enforces the law. Plaintiffs are left remediless. The result is increased fear, injury, or even death at the hands of their violent husbands."

The plaintiffs' attorneys are Laurie Woods and Nancy Biberman of MFY Legal Services, John Corwin and Doris Peterson of the Center for Constitutional Rights, Marjory Fields of Brooklyn Legal Services, and John Kirklin of the Civil Division of the Legal Aid Society. For further information, contact: Beth Bocheak, Center for Constitutional Rights, 853 Broadway, New York, NY 10003, 212/674-3303.

### Funding

#### NATIONAL CENTER ON CHILD ABUSE AND NEGLECT

*This is a continuation of the Response series on Federal funding possibilities for victim assistance. Future issues will discuss other Federal programs.*

The National Center on Child Abuse and Neglect was created in 1974 by the Child Abuse Prevention and Treatment Act of 1974 (PL 93-247). The Center makes grants to public agencies, private organizations, and individuals for demonstration and resource projects, research, technical assistance, information collection, or evaluation. At least 50 percent of the current grants are for demonstration projects. It has been the practice of the Center to award grants of two- or three-years' duration.

Late in 1977 or early in 1978, the Center will announce a request for proposals for new demonstration projects. Sexual abuse is likely to be a priority program area. Research priorities for the next funding period have not been set, but may also include sexual abuse. Grants will be awarded by September 30, 1978. Unsolicited proposals are accepted and reviewed by the Center, but so few grants are in fact awarded in this manner that it should not be considered as a likely route to funding.

Groups or individuals interested in the 1977 funding period should write to the National Center on Child Abuse and Neglect Clearinghouse, Box 1182, Washington, DC 20013, and ask to be put on the mailing list to receive grant announcements. Unsolicited proposals may be sent to the same address.

#### TITLE XX OF THE SOCIAL SECURITY ACT

Title XX of the Social Security Act, which became effective October 1975, mandated changes in the states' planning and administration of federally funded social programs. Under the new arrangement, each state is allocated, according to its population, a share of the \$2.5 billion annual budget. The money is usually administered by the state department responsible for public assistance programs. The governor may, however, designate another state agency to perform this role. The state can use the money to arrange for a wide range of social welfare services. This may be done by reimbursing the expenditures of state or local agencies or by contracting with a private organization to provide the services. In some instances this might require competitive bidding for the contract.

Among the goals of Title XX are preventing neglect, abuse, or exploitation of children and adults and strengthening families. In meeting those goals, several categories of state-sponsored social services that assist victims of sensitive crimes are of potential value. This is not to say that states are currently funding such services, but that, with effective intervention into the planning process, they could.

*Protective services.* Among the social welfare activities that states can undertake are protective services for children and adults. To be eligible for most state services funded by Title XX, the individual client must meet a means test. That is, most of the services are directed to low income people, particularly those on welfare. Protective services are among the very few that may be provided to anyone needing them, regardless of income. Every state provided some sort of protective services for children and adults during 1976. These services can include emergency shelter, counseling, and other services for persons who have been abused or are in jeopardy, such as battered women or sexually abused children.

*Information and referral services.* These services can also be provided to anyone, regardless of income. Referral and information facilities for rape, sexual abuse, or wife battery victims in need of counseling, health services, or shelter could legitimately receive Title XX funds.

*Training.* A state's Title XX money might be used to hire outside experts to train personnel of organizations

## PIMA COUNTY SERVICES FOR BATTERED WOMEN

Battered women are among the population of crime victims receiving assistance from the Victim Witness Advocate Program (VWA Program) sponsored by the Pima County, Arizona Attorney's Office and the Tucson Police Department. This comprehensive counseling and support service program was originally funded through a discretionary grant from the Citizen Initiative Division of the Law Enforcement Assistance Administration in 1975.

A common crisis to which the VWA staff responds involves a woman who has been physically abused by a man with whom she shares a home. Research indicates that many of these women have been battered several times, but they hesitate to sign a criminal complaint or to sever the abusive relationship. Some battered women have shared with the VWA staff the reasons why they neither sign a complaint nor leave their husbands/lovers.

Most battered women do not have the job skills to provide for themselves and their children. Often they are terrified of the men with whom they live. Some believe, with good reason, that if they sign a criminal complaint or attempt to abandon the house, their mates will retaliate by seriously injuring or killing them.

Many women are reluctant to leave their mates because they fear that their children will experience emotional instability without the presence of their fathers. In addition, they are afraid that as single parents they will not be accepted into the societal mainstream. Some women also report intense religious and family pressures to preserve and improve the conjugal relationship.

The VWA staff has identified four primary services frequently needed by battered women who want to escape from their homes. The woman often feels frightened, depressed, and humiliated. These negative feelings must be addressed through one-to-one counseling before she can make a decision about her course of action. The VWA staff assists the woman to identify and to vent her feelings and to explore practical options for alleviating the situation. Whatever course she decides to pursue, the staff helps her examine the likely consequences.

Transportation is often needed by battered women simply to escape the scene of the assault or to get to the home of a friend or relative. An injured woman may need someone to drive her to a medical facility. Others may want to be taken to a secure and private place where they can consider their next move.

A substantial number of battered women do not have relatives or friends who can offer emergency shelter. Without immediate temporary shelter, a battered woman is unable to leave a violent household. The VWA has been successful in referring battered women to emergency housing in the community. When emergency housing is filled to capacity, women have occasionally been offered temporary housing by a VWA staff member or volunteer.

Since a woman may have shelter but no money for food, the fourth primary support service is to refer her to an agency that offers emergency food. If special food is needed, for medical reasons, the VWA staff will draw money from a private fund.

The VWA staff has also identified four secondary services needed by those battered women who want to sever the conjugal relationship permanently. The first is legal aid. If a battered woman does not have the means to hire a private attorney, the VWA refers her to a free legal service agency, briefly explains her situation to the legal aid attorney, and asks the attorney to schedule an early appointment with her. If a divorce decree has been finalized, but the man is not complying with its conditions, the VWA staff will help the woman obtain appropriate legal aid.

Indigent battered women may need public relief, such as food stamps and housing rental stipends. The VWA staff has a firm working relationship with the state's Department of Economic Services and has been able to circumvent bureaucratic barriers to secure services to help meet the needs of battered women and their children.

To conquer the emotional shock of starting a new life, a battered woman needs continuing moral support from people she trusts. If she does not have family or friends in the community who can provide the required support, the VWA staff provides this help. When women request mental health services, they are referred to mental health agencies for intensive counseling.

A battered woman leaving her home may well need to find a full-time job. The VWA has frequently collaborated with public employment agencies to place previously unemployed or underemployed women in full-time positions. Some women have been placed in government job training programs that pay stipends.

A growing number of battered women are taking the initiative to have their abusers arrested by signing a criminal complaint. Under Arizona law, a judge must determine a defendant's conditions of release within 24 hours of the arrest. Normally, the defendant is released on his own recognizance if he has strong community roots. Frequently, he returns home and coerces the battered woman into withdrawing her complaint, physically assaults her again, or both.

In order to avoid this, the Pre-Trial Release Program and VWA Program have instituted a unique judicial process. The Superior Court's Pre-Trial Release Program must interview every criminal defendant eligible for release and provide the initial appearance judge with its findings plus a bail recommendation. After interviewing the defendant at the county jail, a Pre-Trial Release investigator telephones a VWA counselor to relate specific socioeconomic information about any defendant who acknowledges that the alleged victim resides with him.

Upon receiving this information, the counselor contacts the complainant to verify it and asks the complainant what conditions of release she would like to see pronounced. Then the counselor relays the wishes of the complainant to the Pre-Trial Release investigator, who forwards her desires to the judge.

Judges have been receptive to the wishes of battered women and have usually complied with the suggested conditions of release. These conditions usually are that the defendant be released on his recognizance to a relative's or friend's residence and is not to have con-

tact with the alleged victim via telephone or in person during the course of the judicial proceedings. As soon as conditions of release are set, the VWA counselor informs the battered woman of the decision.

Battered women have been very practical about the conditions of release they would like. A substantial number of them have told VWA counselors that the defendants have severe alcohol or emotional problems. Most felt that the defendants needed treatment more than punishment. Moreover, they have asked the counselors to tell the judge the type of treatment the defendants need.

From the time a criminal complaint has been issued until the final case disposition, the VWA staff keeps the battered woman apprised of the status of her case and informs her of the date, time, and place of the trial. To make her participation less confusing, the VWA sends her a bilingual (English and Spanish) pamphlet that explains, in simple terms, how the judicial system operates. In addition, the VWA staff may escort the woman to court and arrange day care for her children.

In June 1976, the VWA Program established a Criminal Justice Ad Hoc Committee to address the many problems encountered by battered women. The committee, which was composed of professionals from criminal justice disciplines, decided at its first meeting to invite three battered women to join it.

The Ad Hoc Committee has recommended that mental health and social service professionals work around the clock with criminal justice authorities to assist battered women. It has also identified the need for an educational program to inform the community about the complex problems of battered women and to publicize the availability of services.

The VWA has collaborated with local women's groups in this effort. Its staff taped a 30-minute talk show with three battered women guests, which will be aired on several radio stations, and has participated in a two-part local television documentary.

*Written by David A. Lowenberg, Program Coordinator of the Victim Witness Advocate Program in Tucson, Arizona.*

## Funding

### LAW ENFORCEMENT ASSISTANCE ADMINISTRATION GRANTS

The Law Enforcement Assistance Administration (LEAA) was created by Congress in 1968 as the major Federal instrument in the "War on Crime." It is a grant-in-aid program administered by the U.S. Department of Justice to improve the quality of criminal justice personnel and to improve the techniques and capabilities of state and local law enforcement and criminal justice agencies.

The LEAA was the first Federal agency to incorporate the "New Federalism" concept by channeling funds to local agencies through their state governments. In seven years, LEAA has awarded more

than \$4 billion to state and local governments to improve police, courts, and correctional systems; to combat juvenile delinquency; and to finance innovative crime-fighting projects.

The bulk of LEAA funds are awarded in block grants, with the amounts based on state populations. Each state has a State Planning Agency (SPA) that formulates a comprehensive state plan as a guide for the award of grants to local jurisdictions. Once it approves a plan, LEAA funnels that state's funds to its SPA, which subgrants the money for local and statewide use.

LEAA also awards discretionary and program grants directly to states, cities, counties, criminal justice agencies and non-profit organizations. These grants make up 15 percent of the LEAA budget, excluding special parts of the budget designated for corrections and juvenile justice. Discretionary and program grants are for innovative and experimental projects that research, develop, test, and evaluate programs and techniques designed to reduce crime and delinquency and assist state and local governments in attaining high standards of management in crime prevention and control. Recipients must contribute 10 percent of the project cost in what is called a "hard match"; that is, dollars rather than services or other in-kind contributions.

A public agency or nonprofit group desiring LEAA monies may apply to the SPA, located in each of the 50 states and the five territories, for block grant monies or to one of the 10 LEAA Regional Offices for discretionary monies. Regional Offices are located in Boston, New York, Philadelphia, Atlanta, Kansas City, Chicago, Denver, Dallas, San Francisco, and Seattle. A program with national impact, however, may be proposed directly to the Washington LEAA central office. For more complete information on how to apply for LEAA grants, write for the *Guide for State Planning Agency Grants* and/or the *Guide for Discretionary Grant Programs*, available from LEAA, Public Information Office, 633 Indiana Avenue, N.W., Washington, D.C. 20531, or any Regional Office.

The following is an abbreviated list of the block and discretionary grants awarded for programs concerned with sexual assault and domestic violence. This list excludes grants made for special police training and victim/witness grants for programs that do not provide specific services to victims of sexual assault or domestic violence. The list was obtained from the LEAA computer information service and does not include all block grant monies but only those reported to date by the SPA's.

#### Discretionary and Program Grants

Anti-Rape Project  
Bureau of Police Services  
Atlanta, GA (1975-77) \$317,006

Metropolitan Program to Counter Sexual Assault  
Metro Organization to Counter Sex Assault  
Kansas City, MO (1976) \$187,733; (1977) \$197,071

Victim Support Center  
York Street Center  
Denver, CO (1975-76) \$197,886

Rape Crisis Center Project  
Sacramento Women's Center/ Bookstore, Inc.  
Sacramento, CA (1975-77) \$178,785

Project Rape Response  
Queen's Bench Foundation  
San Francisco, CA (1976) \$133,206

R.A.P.E. Project  
County of Multnomah  
Portland, OR (1975-76) \$124,132

Rape Reduction Project  
City of Seattle  
Seattle, WA (1977) \$90,000

Study and Analysis of Police and Health Programs Dealing with Rape  
Center for Women Policy Studies  
Washington, DC (1974) \$238,437

Technical Assistance to Rape Victim Projects  
Center for Women Policy Studies  
Washington, DC (1976-77) \$172,404

Research and Development of Model Procedures for Criminal Justice Involvement with Rape

Battelle Human Affairs Research Center  
Seattle, WA (1975) \$334,747

Improve Effectiveness of Criminal Justice Response to Forcible Rape  
Battelle Human Affairs Research Center  
Seattle, WA (1976) \$348,609

Project Turnaround (has sensitive crime unit)  
Milwaukee County  
Milwaukee, WI (1975-76) \$1,160,237

#### Block Grants

Assault Crisis Center  
City of Phoenix  
Phoenix, AZ (1975-76) \$18,000

Rape Counseling Service of Fresno  
Fresno County  
Fresno, CA (1977) \$21,602

Project Outreach (social workers for family disputes)  
City of Hayward  
Hayward, CA (1975-76) \$34,800

Rape Victimization Study/Crime Specific  
City and County of San Francisco  
San Francisco, CA (1975) \$100,000

Victim Service Bureau (for regional sex crime victims)  
City of Colorado Springs  
Colorado Springs, CO (1975-76) \$40,314

Pueblo Rape Crisis Center  
Pueblo Area Council of Governments  
Pueblo, CO (1974-75) \$43,798; (1976) \$29,116

Capitol Region Rape Crisis Service  
Capitol Region Council of Governments  
Hartford, CT (1976) \$39,100

Rape Aid and Coordination Program  
Rape Crisis Center  
Wilmington, DE (1975) \$1,215; (1976) \$6,300; (1977) \$6,300

Sex Crime Investigation and Victim-Advocate Program  
City of Daytona Beach  
Daytona Beach, FL (1976) \$16,799

Women in Crime: Criminals and Victims  
Metropolitan Dade County  
Miami, FL (1975) \$34,860

Sexual Assault Assistance  
Palm Beach County  
West Palm Beach, FL (1976) \$17,492

Sex Crime Prevention Unit  
City of Cedar Rapids  
Cedar Rapids, IA (1974-75) \$19,214

Sex Crime Prosecution Unit/Crisis Center  
Polk County  
Des Moines, IA (1974) \$15,234; (1975) \$11,903; (1976) \$18,500

Community Rape Prevention and Victim Support Project  
Douglas County Commission  
Lawrence, KS (1976) \$20,714

Improvement of the Adversary System (family disputes)  
City of Lexington  
Lexington, KY (1973) \$30,260

R.A.P.E. Relief Center  
City of Louisville/Jefferson County  
Louisville, KY (1975) \$30,000

Rape Crisis Center  
District Attorney of East Baton Rouge  
Baton Rouge, LA (1976) \$37,500; (1977) \$28,125

District Attorney's Sex Crimes and Child Abuse Investigation Unit  
City of New Orleans  
New Orleans, LA (1975-76) \$39,125

Sexual Assault Center  
City of Detroit  
Detroit, MI (1976) \$82,709

Rape Counseling Center  
City of Detroit  
Detroit, MI (1977) \$161,314

Crisis Intervention—Rape and Assault  
Genesee County  
Flint, MI (1976) \$49,532

Rape Prevention Awareness Program  
State of New Hampshire  
Concord, NH (1976-77) \$2,660

Camden County Sex Crimes Prosecution Unit  
Camden County  
Camden, NJ (1976-77) \$50,000

Atlantic County Rape Prosecution Unit  
Atlantic County  
Mays Landing, NJ (1976) \$49,500

Sex Crime Unit—Passaic County Prosecutor  
Passaic County  
Paterson, NJ (1976-77) \$50,000

Rape Task Force—Mercer  
Mercer County  
Trenton, NJ (1975-76) \$50,000

Comprehensive Rape Program  
Erie County  
Buffalo, NY (1976) \$87,544

Sex Crimes Prosecution Unit-Two  
City of New York  
New York, NY (1976-77) \$152,659

Victim Information Bureau (for victims of sex crimes and domestic violence)  
Suffolk County  
Riverhead, NY (1976) \$218,144

Grand Forks Rape Crisis Center  
Grand Forks County  
Grand Forks, ND (1976) \$11,394

Family Crisis Intervention Center  
City of Jamestown  
Jamestown, ND (1974) \$19,000

Rape Crisis Center  
Summit County Council of Governments  
Akron, OH (1975) \$4,500

Rape Crisis Center  
Erie County Rape Crisis Center  
Erie, PA (1975-76) \$19,636

Allegheny County Rape Crisis Center  
McKeesport/Pittsburgh Act Against Crime  
McKeesport, PA (1974) \$53,236; (1975-76) \$70,000

Women Against Rape  
Delaware County Women Against Rape  
Media, PA (1975) \$17,066; (1976) \$19,024

Women Organized Against Rape  
County of Bucks  
New Britain, PA (1976) \$23,219

Crisis Center Project  
City of Philadelphia/Women Organized Against Rape  
Philadelphia, PA (1975-76) \$56,760; (1976) \$40,000

Rape Crisis Center  
Chester County/Rape Crisis Council  
West Chester, PA (1975-76) \$18,748

Pawtucket Juvenile/Family Crisis Disturbance Program  
Family Service Society of Pawtucket  
Pawtucket, RI (1975) \$7,125; (1976) \$28,479

Austin Rape Crisis Center, Inc.  
City of Austin  
Austin, TX (1975) \$18,900; (1976) \$22,333

Rape Crisis Center  
City of Corpus Christi  
Corpus Christi, TX (1976) \$27,499

Dallas County Rape Crisis Center  
Dallas County  
Dallas, TX (1976) \$42,707

Rape Crisis Center  
City of Lubbock  
Lubbock, TX (1975) \$27,460

Rape Crisis Center  
City of San Antonio  
San Antonio, TX (1975-76) \$44,866

Rape Crisis Center  
City of Waco  
Waco, TX (1976) \$12,330

Rape Relief in Whatcom County  
Whatcom County  
Bellingham, WA (1975-76) \$1,000; (1975-76) \$13,650

Crisis Intervention Corps  
Snohomish County  
Everett, WA (1976) \$4,924

Rape Reduction Project  
City of Seattle  
Seattle, WA (1974) \$104,029; (1975) \$16,241; (1976) \$97,990

Rape Crisis Network  
City of Spokane  
Spokane, WA (1974) \$25,200; (1975) \$25,000; (1976) \$28,875

Rape Relief  
Pierce County  
Tacoma, WA (1976) \$25,542

Rape Reduction Project  
Yakima County Board of Commissioners  
Yakima, WA (1975-76) \$19,275; (1976-77) \$20,655

Dane County Project on Rape  
Rape Crisis Center, Inc.  
Madison, WI (1975) \$15,000; (1976) \$14,193; (1977) \$12,865

## Calendar

- **January 29-30.** St. Louis Conference on Women and Health will be held at Washington University Campus, St. Louis, Missouri. The conference will have 40 workshops and a film series. The keynote speaker will be Barbara Enren Reich, author of *Witches, Nurses, and Midwives*. The registration fee is \$5.00, and all participants must be preregistered by January 15. For a brochure, write to Women's Self Help Center, 8129 Delmar, Room 204, University City, Missouri 63130. phone: 314/862-2202.

## From Our Readers

- Judith Herman, M.D. and Lisa Hirschman, M.A. have completed a theoretical and clinical study of father-daughter incest. Papers will be presented at the American Psychiatric Association meeting in Toronto, May 1977, and will be published in *Signs: Journal of Women in Culture and Society*, June 1977. Copies of the paper are available from Women's Medical Health Collective, Inc., 326-328 Somerville Avenue, Somerville, Massachusetts 02143.
- The booklet, "After A Sexual Assault," includes information on reporting and prosecuting a sexual assault, and on health care needs of rape victims. It is available for 40¢ from the Dane County Project on Rape, 120 West Mifflin Street, Madison, Wisconsin 53703.
- The pain and frustration felt by victims of incest as children and the carry-over into adult relationships are discussed by three victims in a film entitled, "Incest: The Victim Nobody Believes." The film is available from J. Gary Mitchell Film Co., 2000 Bridgeway, Sausalito, California 94965. Phone: 415/332-5760. Time: 20 min. Purchase: \$350. Rent: \$50.

## Literature

### BOOK REVIEWS

**Sexual Assault: Confronting Rape in America** by Nancy Gager and Cathleen Schurr, Grosset and Dunlap, New York, 1976. Texts on the subject of rape have appeared frequently in the last few years, but this book is one of the most comprehensive views of the rape victim, the offender, and the system's response. The authors present the extent of the frustration, depression, confusion, and residual fear of the victims, but encourage the reader to realize that "While recognizing the seriousness of rape and its potential for manifold damage . . . we must not fall into the cliché of regarding rape as a 'fate worse than death' . . . we should guard against making 'permanent' victims of females who are assaulted."

By design or coincidence Gager and Schurr have written a book which complements Susan Brownmiller's *Against Our Will: Men, Women and Rape*. Several important aspects of the subject of rape not addressed by Brownmiller are treated in *Sexual Assault*. For example, it examines the roles of the police, courts, and the law. It also includes a profile of the medical

response to victims of sexual assault. Where Brownmiller describes the political and historical background of the rapist, Gager and Schurr have probed his psychological profile. Where Brownmiller dissects all the myths surrounding rape, Gager and Schurr piece together the evidence to support reform. Each documented view of an existing system for institutional response to rape is followed by recommendations for a more humane approach.

*Sexual Assault* does indeed confront the issue of rape, as the title promises, in a complete and constructive fashion and thoroughly investigates current efforts to reform our institutions that deal with the victim, the offender, and the crime.

**Violence in the Family**, edited by Susan K. Steinmetz and Murray A. Straus, Harper & Row, New York, 1974, is not newly published, but it continues to be one of the few books addressed to the subject. The editors concluded that the literature on violence and the family was scant and nowhere well collected, and proceeded to bring together 38 papers (drawn from a literature review).

Steinmetz and Straus found material on husband-wife violence to be particularly scarce. One section of the book deals with violence between spouses and kin and contains seven papers of direct interest to those involved in social or criminal justice assistance to battered women. These are:

- Marital Love and Hate, Israel W. Charny
- Violence and the Masculine Ideal: Some Qualitative Data, Jackson Toby
- Violence in Divorce Prone Families, John E. O'Brien
- Violence in Husband-Wife Interaction, Robert N. Whitehurst
- Physical Abuse Among Applicants for Divorce, George Levinger
- Criminal and Civil Liability in Husband-Wife Assaults, Robert Calvert
- Family Members as Murder Victims, Stuart Palmer

Several of these chapters deal with the underlying causes of marital violence, and one interpretation presented is that it is an attempt by a husband to establish or reaffirm his superior, sex-role status vis a vis his wife. Whitehurst suggests that the short-run effect of greater equality between the sexes is likely to be increased marital violence because "the idea of male superiority is still the dominant ideology in our society." The long-run effect of rearing children under more equalitarian values might well eventually be to reduce violent encounters between spouses.

The findings of the Levinger paper are based on a sample of 600 couples who applied for divorce. As the author points out, there is a scarcity of data on wife battering, and at the time that the study was being executed he could not locate even one research project providing figures on the percentage of couples in which violence occurs. Levinger found that 37 percent of the divorcing wives studied complained of physical abuse in the marriage.

Palmer summarizes the data on the surprising number of murder victims which are family members and discusses the extent to which the victims precipitate intrafamily murders. A disproportionately large

There is a violent side to too many marriages. Some aid is available. Much more is needed

## HOW BATTERED WOMEN CAN GET HELP

BY SUSAN NELSON

ANNA'S LIFE CHANGED five years ago, on the day her four-year-old son came home from nursery school with a drawing, a funny stick figure with a ridiculously large hand. "That's Daddy," the boy said quietly, "and that's the hand he hits you with."

It was then, Anna says, that she confronted the reality of her problem. The excuse she gave herself—that she put up with periodic beatings from her husband for the children's sake—no longer served. She took her three children and left home.

Wife-beating, so alien to our images of love and marriage, has suddenly emerged as one of this country's least recognized and most appalling social problems. Chicago police, for example, estimate that 3000 of the city's 11,000 aggravated assaults (where the victim ends up

in a hospital) are women abused by husbands or boy friends. Columnist Ann Landers has noted a dramatic increase in mail from her readers on the subject over the last year and a half. One study suggests that as many as 4.5 million American women have been battered at least once by the men they think they love.

Instead of being a private problem, wife-beating is fast becoming a matter of public concern. Women who leave their homes, as Anna had to, turn for support to already overburdened assistance programs. Men who have committed assault are so rarely reprimanded by police and the courts that they are often free to batter again and again. Children from these homes, unless they receive counseling, often grow up expecting violence either to speak for them or to victimize them.

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battered women in general until a British woman named Erin Pizzey opened a women's center in Chiswick. By 1972, a year later, it had become a shelter for women in fear for their lives. Shelters have been springing up all over ever since—perhaps 20 such emergency havens have opened in this country. They are not nearly enough. Women's Advocates House, which opened in St. Paul, Minn., in 1974, for instance, has been able to accommodate only some 1000 of 4000 applicants.

In most cases, both marriage partners are legally entitled to the family residence, unless divorce proceedings are under way and a court has ruled otherwise. But many a battered woman is afraid that talk of divorce may get her more severe beatings.

Even if she can get a restraining order or an injunction to keep her husband away from the house, he knows where to find her. In many localities, a woman can obtain a peace bond that forbids the man to harm her again. But, unless it is fully recorded and fed into a computer for quick retrieval in case of violation, the bond is meaningless, as many women discover.

Police often regard husband-wife feuds as "social work, not police work." Rarely do they see couples actually fighting, and a man can't be arrested simply because someone is afraid of him. Besides, it can be risky to respond to "domestic dispute" calls. According to FBI reports, 54 officers were killed between 1965 and 1975 on such calls.

### HOW BATTERED WOMEN CAN GET HELP

But changes are being made. One surprising reason may be that women are beginning to sue police departments that haven't sufficiently protected them. Also, a psychologically based approach called "family crisis intervention" (F.C.I.), with support from the U.S. Department of Justice, is growing. The State of Washington includes crisis intervention in all police training, and New York recently supported F.C.I. training for all its municipal law-enforcement departments (New York State and New York City police have used it in their training programs for the past few years). In one area of Atlanta, police refer warring couples to social-welfare agencies; if they don't go within two weeks, the police return to see why.

Most experts agree on the type of woman likely to be battered. Her own parents were probably violent—she may have even been a battered child, an insecure person all her life. She may once have thought she could make this man happy, despite his stormy moods. But, with each beating, she loses more of her self-esteem. She avoids neighbors, who might know what goes on in her house. She has few friends, because he doesn't want her to be away from home.)

The man who batters often shares his wife's violent background. He is also insecure, and especially concerned about his masculinity. "He will not talk about what's bothering him or why he beats her," says one (Continued on page 26)

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### Early-Warning Checklist

EXECUTIVE DIRECTOR MARIA ROY of the Abused Women's Aid in Crisis Center (G.P.O. Box 1699, Cathedral Sta., New York, N.Y. 10001) has counseled more than 1000 battered women throughout the country. For the most part, she says, beatings begin very early in marriage. She offers this five-point checklist for women who believe that they could become regular victims of physical assault by their husbands:

- Abuse during the honeymoon period is a major signpost of more serious trouble ahead. Women hope that things will improve with time; usually, they do not.
- Heavy drinking and abuse are highly correlated. If he refuses to acknowledge his drinking problem and get help for it, don't be deluded into thinking that you can change him.
- Before getting involved with a man, find out as much as you can about his childhood, his parents' marriage and his views about women. "If his father beat his mother or he himself was beaten as a child, chances are you can expect trouble in your own marriage."
- Does your husband have a criminal record for aggravated assault? Many women mistakenly feel that a husband's violence stops when he enters the front door.
- Very often pregnancy triggers violence. Pregnancies should be planned, after a husband and wife have gotten to know each other very well.

—U.S. News & World Report

attorney who has represented a hundred battered women. "He is a person who cannot bear the intimacy marriage demands."

(One of the most perplexing questions is why a battered woman doesn't leave after the *first* blow is struck.

Battered women themselves often say that "love" and "the children" are their reasons. But love, common sense tells us, needs mutual respect to survive. And children are never helped by parents who fight violently. Experts on behavior say the battered woman doesn't leave home because of her fear of change and the unknown, and her dependence, both financial and emotional.)

As a first step to helping themselves, battered women may be urged by professional counselors to join a support, or consciousness-raising, group of other women who share the problem. Such groups help a woman to know that she is no longer an "outcast" in modern society. Shelters, telephone crisis lines, local National Organization for Women (N.O.W.) chapters, and a growing number of churches know when and where such groups meet in their own area. Agencies offering professional counseling, such as the Family Service Association of America and community mental-health centers, exist throughout the country, with fees adjusted to what people are

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## HOW BATTERED WOMEN CAN GET HELP

able to pay. Many women brave enough to visit counselors express only one regret—that they didn't go sooner.

Because it is often difficult to lure battering men into counseling, courts are beginning to stipulate it as a condition to probation or as an alternative to a jail sentence or fine.

A few places are planning support groups for men. If a violent man can admit his problem to other men who have conquered it, he will learn he is not isolated and beyond help.

But what if a battered woman's mate refuses help? She can decide to live with the problem, separate or divorce, seek temporary safety in a shelter, or prosecute.

If she decides to prosecute, lawyers warn that she had better be prepared to take the following steps after a beating: 1) Draw attention to herself. Scream. Rush outside the way she is and run to a neighbor's. Get witnesses. 2) Call the police so the incident will be recorded. 3) If necessary, go to a doctor and/or the hospital. Describe what happened for the record. 4) Take photographs the next day. Court dates often are a month or more after the fact;

bruises generally disappear within two or three weeks.)

Except for N.O.W., which made battered women a priority in 1975, nearly all efforts to deal with the problem have been local. Federal research grants on marital violence are being awarded, however, and several federal agencies are today taking in-depth looks at the problem.

Meanwhile, the rest of us can do something to help in our own areas. If a shelter exists, volunteers are needed to transport women and their children there, and to be "advocates" who accompany women to court and provide them with moral support. Women in cities with inadequate shelters have opened their homes to battered women. If your police have no F.C.I. training program, encourage them to consider it.

However necessary activism is, too often it can treat only the effects of a problem. The tragedy of battered women raises important questions society must answer. Much more effort is needed to bring about the resolution of this problem and put an end to its destructiveness.

For information on reprints of this article, see page 285

### *Right Track*

BOOKMAKER'S WARNING to the sporting man: "No horse can go as fast as the money you put on it."

—Earl Wilson, Field Newspaper Syndicate

EUBIE BLAKE, 94-year-old ragtime pianist, upon having a race named after him at Pimlico: "I wouldn't bet on a horse unless he came up to my house and told me to himself."

—*Sports Illustrated*

Staff in military family violence programs consistently lament the shortage of professional personnel and funding. While directives ensure the existence of programs, grass-roots efforts are still essential in making a spouse abuse program a priority of the local command. The Women's Advocacy Program is an example of a successful grass-roots organization with command support and regulations. Program staff attribute much of the program's success to the issuance of the directive that outlined the program's structure and made Women's Advocacy Officers accountable directly to top ranking officers.

The military community falls behind the civilian community in providing programs that seek solutions for spouse abuse. However, there are numerous resources in the civilian community which the military can draw on to develop spouse abuse programs. While a few military spouse abuse programs demonstrate that a uniform response can be forthcoming through efforts both from the field and from the highest ranks, program efforts cannot develop without an informed awareness of the problem within the military community. Any spouse abuse program or directive must reflect an understanding of the needs and experiences of battered military wives. However, it is also essential that the highest-ranking commanding officer at the installation supports the program and considers it important enough to have adequate staffing and funding.

The position of military wives makes it particularly necessary that there be volunteer and paid staff available to provide them with support and services. A military woman or wife, preferably someone with social work training or experience who is educated to the needs of battered women, would be less-threatening to battered women as an advocate than a military man.<sup>15</sup> It is recommended that advocates be used in the following ways: an advocate could be a member of a multidisciplinary team of professionals which might provide crisis intervention, a hotline, shelter, and assistance to the victim in using the various aspects of the military helping system. Advocates could provide peer counseling using the models developed by battered women's shelters.<sup>16</sup>

A multidisciplinary team could have a director or program representative who would be a paid, full-time staff member and who would coordinate services and function as a clearly defined source of support in the military community for wives of service members and military women. One of the team's major functions would be to act as a catalyst to develop training programs for professionals and services for violent families. The team or advocates

could work with military police to train them to respond sensitively to battered women. Also, the team could work with commanding officers, who must respond to referrals from military police. Information could be made available to officers on how to use the military legal system to help battered women. Improving officers' sensitivity to the problem is crucial to beginning to solve it. Officers need to recognize that spouse abuse is a serious offense for which remedies must be sought, regardless of whether the batterer is an enlisted man or an officer.

Unit commanders, first sergeants, and supervisors cannot be effective without back-up from other service providers. The hospital emergency room can detect cases of spouse abuse, gather adequate evidence, and refer battered women to appropriate services. Social workers, psychiatrists, and psychologists can provide referrals for counseling and other social services in the civilian community, or could develop counseling programs for battered women and programs designed for men who batter. This requires that counselors be familiar with the latest developments in the domestic violence field. Social workers may be the group most familiar with the various social service agencies available to battered women and their children, and they could coordinate services with those civilian agencies. However, social workers can only be effective if their case loads are of a manageable size.

Chaplains are also a crucial helping resource for military families and battered wives often confide in them before they turn to anyone else. They can be sensitized to understand the problem, refer battered women to existing programs, and provide religious counseling and advocacy for wives to help them make decisions about a violent relationship. In cases where there are substance abuse problems, staff of drug and alcohol programs can treat the problem and then refer cases to the spouse abuse program.

Advocates should arrange for an informed lawyer to train military lawyers on all applicable provisions in the *Uniform Code of Military Justice*, so that they can provide legal counseling, referrals, and coordinate legal efforts for battered women with civilian lawyers. Finally, all service providers should participate in a community education program to promote an understanding of the problem and to publicize available community services.

A beating, whether it is in the home or on the street, is a crime. This theme must resound throughout all programs and efforts designed to help individuals affected by this problem. By working to stop wife beating in the Armed Forces and discussing directions for the future, military and civilian service providers

will make a giant step towards preventing violence against women. By seeking to provide programs for men who batter, service providers will begin to find solutions to stop the problem at its source.

As this issue went to press, Deputy Secretary of Defense Frank Carlucci signed the Department of Defense Family Advocacy Program directive, thus mandating that each of the services develop programs for violent families. Within the next four months, the services will write their own directives establishing family advocacy programs.

1. Robert D. McCullah, "Effects of Family Dysfunction on Military Operations: Mental Health Needs," in *The Military Family and the Military Organization*, eds. Edna J. Hunter and Thomas C. Shaylor (Washington, D.C.: The Adjutant General Center, 1978), p. 33.
2. Department of Defense, *Defense 80 Special Almanac Issue* (Arlington, Virginia: American Forces Information Service, July 1980).
3. "Spouse abuse" is used to refer to violence between adults who are intimates, regardless of their marital status or living arrangements. Abused persons are referred to as female and batterers as males. It is widely recognized that although some men are beaten by their mates, the vast majority of abused adults are female.
4. Murray A. Straus, Richard J. Gelles, Suzanne K. Steinmetz, *Behind Closed Doors: Violence in the American Family* (New York: Anchor Books, 1980).
5. Bureau of Census, July, 1979, estimates of civilian males 17-30 years old, inclusive.
6. Thomas C. Shaylor, "The Effects of Military Families Upon Military Operations," in *The Military Family and the Military Organization*, eds. Edna J. Hunter and Thomas C. Shaylor (Washington, D.C.: The Adjutant General Center, 1978), p. 52.
7. Shaylor, p. 53.
8. "Social Change Alters Shape of the Army's Enlisted Ranks," *Washington Star*, 18 December 1980, sec. A, p. 1.
9. Research conducted by Richard Gelles and Murray Straus indicates that there is a relationship between financial stress, frequent moves, and isolation from family and friends and spouse abuse. Straus, Gelles, and Steinmetz, pp. 240 and 148; Richard J. Gelles, *The Violent Home: A Study of Physical Aggression Between Husband and Wives* (Beverly Hills, California: Sage Publications, 1974), p. 132.
10. U.S. Army Officers' Wives Clubs, *The Army Family: Analysis and Appraisal*, proceedings of a symposium, October 11-12, 1980, Washington, D.C.
11. Bok-Lim C. Kim, "Plight of Asian Wives of Americans," *Response*, July/August, 1975, p. 30.
12. Jack Ewalt, M.D., Paul Haber M.D., "Professional Services Letter on Post-Traumatic Stress Neurosis (Disorder)," (Washington, D.C.: Veteran's Administration, Department of Medicine and Surgery, March 20, 1980), p. 1.
13. Rick Ritter, "The Military Experience and Its Effect on Men Who Batter: The Veteran of the Vietnam War," (Fort Wayne, Indiana, by the Vet Center, 1980).
14. The DOD family advocacy program would be located in the medical establishment at the level of Assistant Secretary of Defense/Health Affairs, but would include cooperation from the Assistant Secretary of Defense/Manpower, Reserve Affairs, and Logistics.
15. This suggestion is based on the advice of psychiatrist Dr. Elaine Hilberman who states that "female victims of male aggression may not feel safe in revealing the abuse to male clinicians." Elaine Hilberman, "Overview: The 'Wife-Beater's Wife' Reconsidered," *American Journal of Psychiatry*, 137:11 (November, 1980): 1342.
16. Hilberman suggests the need for shelters: "Removal of women and children from the home to a safe environment is . . . essential to adequate long-term treatment and rehabilitation. . . . In the absence of such shelter, battering men will continue to follow, harass, and assault their families wherever they go." Hilberman, "Overview," p. 1342-3.

## Responding to Spouse Abuse: The Mental Health Profession

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Lack of knowledge about the nature of domestic violence and the victimization of women, along with many serious misconceptions and biases in these areas, hamper mental health professionals in their work with violent families. At all levels, from public policy and program development to clinical treatment, there are barriers that inhibit effective services to abused women and violent men. Lack of appropriate and effective intervention by mental health and health practitioners, as well as by criminal justice and social service personnel, compound the emotional and psychological sequelae that victims of violence experience.

This article attempts to clarify the values and attitudes that lead to these barriers and explores some aspects of our social institutions and culture that make physical violence acceptable, as well as factors such as sex-role stereotyping and economic and social discrimination that contribute to women's lack of power. The concluding section outlines the needs of the battered woman and the abuser and suggests how mental health practitioners, including social workers, physicians, psychologists, counselors, and others involved in helping battered women, can meet those needs.

### Violence and the Family

There is substantial evidence to suggest that violent behavior is learned, and that violence begets violence.<sup>1</sup> Studies indicate that a minimum of 20 percent of those families in which physical child abuse occurs are also engaged in spouse abuse.<sup>2</sup> Research postulates that children living in violent families are emotionally and psychologically vulnerable as adults to enacting the role of either the victim or abuser which they observed or experienced during their childhoods.<sup>3</sup> Children are damaged emotionally by spouse abuse through the process of violent socialization, and often sustain physical injuries when they attempt to intervene in their parents' fighting, go for help, or when the violence becomes directed at them.<sup>4</sup> In addition, children who have received physical punishment have been found to be more likely as adults to be abusive marital partners.<sup>5</sup>

The impact of violence on the family unit is great, with emotional and physical damage to both victims and abusers. Violence in the family can result in family members' ties becoming distant or distorted in their intensity,

with inappropriate or squelched expressions of feelings and poor communication. Separations between parents and between parents and children may occur repeatedly. Beyond their inability to enjoy family life and their susceptibility to future victimization, children in violent households are vulnerable to having feelings of loss, fear of abandonment, and low self-esteem. Often parents are unavailable, emotionally or physically, to meet their children's needs. The crisis of living with violence produces turmoil, and lack of or inadequate intervention can perpetuate the generational breeding of violence which threatens the dissolution of family life.

Child-raising is a major stress in family life. There is an increased risk of both child abuse and spouse abuse as the number of children in a family increases from two to five.<sup>6</sup> Reports from battered women's programs and shelters show that 80 to 90 percent of the women seeking services have children, usually two or more.

Furthermore, children can be a pivotal issue in the battered woman's decision to either remain in the abusive relationship or to leave. Sometimes women remain "for the sake of the children" or because they lack economic resources and independent living skills to raise a family alone. Other women leave the relationship when the violence becomes directed at the children. Even if a woman leaves a violent home with her children, the violence or the threat of violence may continue. The battered woman may also continue to experience a high level of stress during the transition to an independent life style and she often faces very real concerns about child custody, possible kidnapping, divorce or separation proceedings, criminal prosecution of the abuser, and economic self-sufficiency.

Stress in families can escalate due to changes in roles and relationships that occur in child-raising, especially when a marriage is due to pregnancy, when a pregnancy occurs soon after marriage, or when a pregnancy is unplanned or unwanted.<sup>7</sup> Pregnancy can put women in a high risk category for becoming abused by their partners. In a study completed in 1974, almost one-fourth of the families sampled in New Hampshire reported violence during pregnancy;<sup>8</sup> an Oregon study completed in 1979 revealed that 40 percent of the women who identified themselves as battered were pregnant at the time of the beatings.<sup>9</sup> Studies also show

that unplanned and unwanted children are more likely than other children to be abused.<sup>10</sup>

In these cases, beatings are often directed at the pregnant woman's chest, breasts, and abdomen; they may reflect an attempt to terminate the pregnancy.<sup>11</sup> Miscarriage can and does result from battering. Violence during pregnancy also implies continued abuse after pregnancy. It raises the issue of prenatal and perinatal child abuse and indicates a need for service providers to further explore miscarriage, unwanted or unplanned pregnancies, and requests for abortion presented by patients as a possible indication of spousal assault or as an antecedent of child abuse and neglect.

### Societal Attitudes

Social and cultural attitudes which accept violence as a legitimate way of resolving conflict and asserting power contribute to the high rates of occurrence of all types of violence within the family—spousal assault, child abuse, sibling assault, elder abuse, and parent abuse by adolescent children. Research on domestic violence has shown that the marriage license is often regarded as a "hitting license."<sup>12</sup> While many women leave violent relationships, others stay for reasons traceable to cultural norms that encourage female dependency, passivity, low self-esteem, and assumption of a subordinate role in society and within the family.<sup>13</sup>

The pervasiveness of sex-role stereotyping, which results in economic, legal, and social discrimination against women is a major factor that contributes to the problem of domestic violence.<sup>14</sup> Environmental stresses and interpersonal and intrapsychic dynamics are other factors.

Many practitioners believe violence is caused by the victims' expression of masochistic or provocative behavior. Such simplistic reasoning reinforces societal misconceptions that spouse abuse is an isolated or private event found only in severely pathological couples or individuals. Having grown up in a culture in which these attitudes are pervasive, many battered women are reluctant or ashamed to reveal abuse. Ignorance or avoidance of the problem by those social service, criminal justice, and medical personnel who can help violent families are other major barriers to the proper identification

*continued on page 7*

of spouse abuse victims. When a battered woman is not properly identified by service providers, she generally receives symptomatic and inappropriate treatment. Consequently, rather than providing protection and intervention, the social institutions that should be helping battered women and their families often compound the families' problems through misdiagnosis and mishandling of domestic violence cases.

### Inappropriate Responses by Mental Health Practitioners

The response of the mental health profession to women reflects sex-role stereotyping in the profession's institutional standards and practices. Mental health practitioners often use different criteria to judge whether males and females are mentally healthy. For example, a mentally healthy woman is often characterized by clinicians as more submissive, passive, easily influenced, emotional, subjective, and less self-confident than a mentally healthy man. Treatment that is biased in such a way promotes a woman's adjustment to that stereotypic role.<sup>15</sup>

In addition, mental health practitioners, other service providers, and clients have criticized traditional psychotherapy for its exclusive focus on internal and intrapsychic causes while ignoring external environmental and psychosocial causes. Traditional psychotherapy is also criticized for seeking individual solutions to women's problems rather than seeking social or structural change.<sup>16</sup>

Women are ascribed powerlessness as part of their dependent role in society, and the stresses they experience are rooted in this social role. In the case of domestic violence, formulations of the problem as interactional or intrapsychic are limited and distorting as they ignore the psychosocial, legal, and criminal justice aspects of the problem. Most concerned professionals concur that intervention should focus on treating family violence as a social problem with physical, psychological, and criminal justice consequences rather than isolating it as a private, interpersonal, or psychological conflict.

Studies of treatment and referral patterns in hospital emergency rooms confirm that when personnel view spouse abuse as an isolated phenomenon, inadequate interventions, including multiple contacts with clinicians without detection of the violence; misdiagnosis; inappropriate treatment and referral; and overuse of tranquilizing medication, result.<sup>17</sup> These studies identify two primary obstacles facing spouse abuse victims who seek services: the patriarchal structure of medical practice and the inadequate training of health and mental health personnel.<sup>18</sup>

### The Mental Health Needs of Battered Women

The mental health needs of battered women are an extension of mental health needs of women in general. For instance, a disproportionately high incidence of depression in the general population of women has been documented.<sup>19</sup> This high rate of depression in women has been linked to women's disadvantaged and dependent status and role in society and within the family. Research on spouse abuse has also identified sex-role stereotyping and the dependent position of women as major factors that contribute to the victimization of women by their partners.<sup>20</sup>

Women are often discouraged from acting assertively and independently on their own behalf. Researchers explain that women learn early in childhood that they cannot control or influence what happens to them. As adults, they often carry with them a belief in their helplessness, learned and reinforced through childhood and adolescent experiences. This self-perception is also reinforced by social and cultural norms that encourage and institutionalize the dependent position of women.<sup>21</sup> The benefits of having a valued job are denied to many women, which further contributes to legal and economic helplessness, dependency, low self-esteem, low aspirations, and depression.<sup>22</sup> In applying the concept of "learned helplessness" to battered women, it becomes clear that repeated battering can increase the victim's passive behavior and her belief that she is helpless and cannot change her situation or cannot extricate herself from a violent relationship. Of particular relevance to mental health practitioners are studies that show a significantly high incidence of depressive symptoms and suicidal behavior among spouse abuse victims.

Battered women reflect one extreme of the victimization of women in our society. They also exemplify the inadequacy of current mental health treatment techniques which are based on an overly narrow clinical assessment. While depression is one major overt symptom of abuse, battered women display other symptoms that can disguise the presence of violence in their lives. Commonly found responses to violence include terror, agitation, and anxiety bordering on panic. The repeated experience of being battered has been compared to the rape trauma syndrome.<sup>23</sup> A battered woman may be very concerned and fearful of loss of control. One study conducted in a clinical medical setting shows that while some battered women did lose control of aggressive impulses, the majority of women sampled directed their aggression against themselves with suicidal behavior, depression, passivity, alcoholism, and self-mutilation.<sup>24</sup>

When battered women voluntarily bring up marital problems, they usually discuss them in terms of financial difficulties, spousal jealousy, or their husbands' alcohol abuse problems. A Yale New Haven Hospital study of 91 clients seen by practitioners revealed that "75 percent of the women who mentioned marital conflict or lover's quarrel were battered women." The study also revealed that this description was considered by practitioners as a "characteristic female complaint" rather than an indication of abuse or serious interpersonal problems.<sup>25</sup>

The possibility of suicide exists in the battering situation. A study of hospital emergency rooms found that 85 percent of the battered women seen by emergency room personnel had been previously abused at least once. Furthermore, 40 percent of the battered women sampled attempted suicide on the same day a battering incident occurred. Compared to non-abused women, battered women were found to be nine times more likely to attempt suicide.<sup>26</sup>

Inappropriate medical and psychiatric responses to battered women can also contribute to increasing the stress levels experienced by battered women and affect their ability to cope with their problems. According to the Yale New Haven study, and other research, when battered women seek medical emergency care, they are sent home on an out-patient basis without hospitalization more frequently than non-battered women.<sup>27</sup> Battered women can also be stigmatized by their suicide attempts. According to Maris, when suicide attempts are attempts to cope with a fundamental situational conflict, such as domestic violence, "labelling increases the patient's sense of fatalism and puts her at increased risk."<sup>28</sup>

### Treatment Implications

The following treatment issues and clinical implications can be drawn from research findings and knowledge of the family violence field.

#### Identification

Practitioners must be aware of the prevalence of domestic violence, its causes and consequences, and the range of ways in which battered women seeking help present themselves. Accurate identification of battered women is essential to intervention and treatment. The range of battered women's symptoms include anxiety or depression, suicidal behavior, marital problems, alcoholism and drug abuse, pregnancy or miscarriage, and a variety of somatic complaints. However, alertness to such symptoms is not enough; the practitioner must inquire directly about the presence of violence in the client's life.<sup>29</sup>

*continued on page 8*

Because victims of repeated abuse may accept abuse as part of their life, they may deny its occurrence. Therefore, practitioners' inquiries posited on behavioral descriptions such as "Is anyone at home hitting you?" are more productive than general questions about abuse.<sup>30</sup> Such questions should be a routine part of medical, mental health, and social service intake procedures.

With adequate training of practitioners, domestic violence can be clinically diagnosed. It is listed in the *International Classification of Diseases: Clinical Modification* (ICD-9-CM) as "adult maltreatment syndrome."

#### Practitioners' Attitudes

The complex issues surrounding the needs of abused women and appropriate treatment often frustrate practitioners. Listening to the details of violent episodes, the reaction of the victim, and the woman's injuries can be overwhelming to the practitioner and induce feelings of helplessness and anxiety. Continuous client crisis, lack of resolution, client passivity, and the potential for either suicide or homicide contribute to high stress levels for both client and practitioner. Practitioners may respond with disbelief, blame, or even hostility towards the victim as a way to achieve distance between themselves and clients.

The helplessness and dependence of the battered woman can also result in the clinician taking inappropriate responsibility for the victim rather than helping her to become a more autonomous person capable of assuming responsibility for herself. Such countertransference problems are barriers to both proper identification of spouse abuse and appropriate intervention in these cases.

#### Battered Women's Treatment Needs

The primary goal of treatment should be to help ensure the safety of the victim and her children. Because violence is often cyclical in nature and escalates over time, the possibility of further violence or homicide needs to be continuously assessed by the practitioner. Because the victim is usually the only family member to seek help or remain in treatment, the need for immediate protection often necessitates the removal of women and children to a safe environment with family or friends, or to an emergency shelter.<sup>31</sup> A victim often needs one, some, or all of the following types of services or assistance:

- immediate help;
- protection and physical safety, away from home if necessary;
- basic material provisions, such as medical and dental care, emergency financial aid, housing, food, clothing, and child care;
- emotional and psychological support and individual, couples,

family, or child abuse counseling; and

- resources such as legal aid, job training and employment, long-term housing, independent living skills, parent education, and family planning.<sup>32</sup>

There are many barriers to women leaving violent relationships. A battered woman may be immobilized by fear, which is expressed in passive behavior. Financial dependence upon her partner, limited economic opportunities, concern and guilt that she cannot adequately support and care for her children, or religious beliefs will often keep a victim in an abusive situation.<sup>33</sup> Emotional and physical isolation can reinforce feelings of helplessness and hopelessness endemic to the experience of victimization. The damage done to a battered woman's self-esteem and self-reliance by experiencing repeated acts of violence is increased when social, health, mental health, and criminal justice institutions respond inadequately to her requests for help. Finally, because "traditional sex-role socialization norms further reinforce the idea that women's needs are fulfilled and their identities derived only indirectly through their men,"<sup>34</sup> women are not adequately prepared with skills for independent living.

In assessing the short- and long-term needs of a battered woman, the practitioner must identify internal and external barriers that keep the battered woman in a violent relationship, in order to help her develop the ability to terminate the violence or end the relationship.<sup>35</sup> Ending the violence is often a long-term goal, and repeated marital separations may occur before termination of the relationship. When possible, the abuser needs to be offered treatment. This may be facilitated through the use of criminal justice interventions such as court-mandated treatment. Unfortunately, continuing violence or the threat of violence and the absence of effective provisions for a woman's safety can deter many women from taking action on their own behalf.

#### Treatment Focus

Abused women need to focus on their victimization. Practitioners should listen to their experiences and legitimize their feelings. Approaches that blame the woman for being assaulted, however subtly, cause harm. Approaches that try to rescue the client reinforce her role as a victim. Expressions of anger should be encouraged and can be used constructively to initiate and implement change.<sup>36</sup>

Increasing the battered woman's self-esteem and self-reliance and decreasing her emotional isolation are primary goals of psychotherapy or counseling. These goals can be met only if the therapist acts as the battered woman's ally and validates the woman's reaction to

the violence she has experienced and clearly communicates to her that she did not provoke the beatings or deserve to be violently attacked.<sup>37</sup> In order to fulfill this role, practitioners who work with battered women and abusers must clarify their own values and attitudes towards violence.

Mental illness and stress syndromes in battered women must be diagnosed and treated, where appropriate. However, responding to depressive reactions with medication for symptomatic treatment is not a useful intervention. Any use of medication is potentially dangerous given the risk of suicide, and should be carefully monitored. Furthermore, medication is contraindicated if it causes the woman to decrease her vigilance in a dangerous situation.<sup>38</sup> According to Elaine Hilberman, "the stress syndrome that occurs in response to the violence itself seems to abate only with the removal of the threat of violence."<sup>39</sup>

#### Treatment for Batterers

Most often it is the battered woman who seeks help, though some violent men do want services. Court-mandated treatment for batterers is being developed as one criminal justice response to spouse abuse. Treatment for men who batter is an evolving field. While a variety of approaches are being explored, the primary model is based on the social learning theory of aggression.<sup>40</sup> This theory states that because violence is a learned behavior, people have the capacity for changing and learning new coping mechanisms to deal with anger and stress. Practitioners working with abusive men emphasize that the treatment approach must be consistent with the criminal justice system that holds individuals responsible for their behavior. Physical assault, whether in the home or on the streets, is a criminal act. The treatment goal is to stop the battering, a prerequisite to any other individual treatment goals. The battering must stop before underlying issues, such as low self-esteem, can be treated.

During routine intake on batterers, practitioners should directly inquire about violent behavior. Batterers may not initially acknowledge their violent behavior and may present a variety of medical complaints, depression, alcoholism, or focus on marital problems. If the batterer also has an alcohol or drug abuse problem, additional treatment prior to or concurrent with treatment for the violent behavior is necessary. However, treatment of an alcohol or drug problem will not end the battering, nor will treatment for the violent behavior resolve the alcohol or drug abuse problems.

The batterer's motivation or desire to change his behavior is often rooted in external consequences such as loss of

*continued on page 9*

his spouse or the threat of legal action against him. The potential for either homicidal or suicidal behavior is an important consideration for the practitioner working with men who batter. Concomitantly, careful and continuous monitoring of the batterer's living situation and his access to the victim is a necessary part of treatment.

#### Advocacy

The structure of service delivery systems and therapeutic interventions can reinforce the passive-dependent role of the battered woman. To overcome this, clinicians must find and provide information about resources and options for the battered woman, help her define necessary changes in her life, and support changes that she makes through her own choice.

Concern has been expressed by those working in shelters and community-based programs that the bureaucratic nature of established service institutions compound the difficulties of the clients they serve. Many people working in community-based programs have, in response, become advocates on behalf of battered women. Direct advocacy methods include activities such as accompanying the battered woman to various welfare, legal aid, employment, and health service agencies; helping the client assess her needs; teaching her to assess the service system; making her aware of her options; and providing liaison to other agencies to facilitate the delivery of services. Indirect advocacy activities focus on changing service delivery systems and agency regulations, legislative reform, and community education.<sup>41</sup>

Advocacy as a legitimate means of delivering services is not new. It has been practiced in social service institutions since their inception. When practitioners encounter inadequate resources or access to services, they are often put into a position of advocacy out of necessity.

#### Consultation and Collaboration

The responsibility of practitioners extends beyond providing only direct services. Providing comprehensive services to battered women requires that practitioners consult and collaborate with other clinicians and agencies. Mental health practitioners should establish liaisons with other helping agencies such as hospitals, social service programs, community-based programs, and criminal justice institutions. Linkages with criminal justice institutions are often necessary if a battered woman wants to get a protection order, file for a divorce, or bring criminal charges against her spouse.

However, the involvement of multiple service providers in family violence cases can also generate conflict. Differences in assumptions regarding

causality, program philosophies, and available resources can compound the difficulties in working together. Competition among groups of service providers for funds heightens mistrust and hinders cooperation. Misconceptions and stereotypes among service providers undermine cooperative efforts to help the client meet her needs.

#### In Conclusion

Much of the current research, many demonstration model programs, and training/resource materials pertaining to domestic violence reflect the effort of practitioners and program planners to construct new procedures to eliminate discrimination and the abuse of power. The acceptance of violence in our society highlights biases in our public policy, social and criminal justice institutions, and medical and mental health professions. The perpetuation of social values in our social institutions that accept violence and discrimination create barriers for those seeking services.

Counseling methods in domestic violence cases are still in a formative stage. Assessment and treatment of individual or family problems needs to address the social inequities in the family system and in our social institutions. There is a need to further examine the structure of the family, parental roles within violent families, and the interplay of sex-role stereotyping and the use of violence to assert power and control.

"To the extent that depression is a disease of powerlessness and hopelessness, political efforts to broaden women's options and their futures should aid the cause of women and mental health."<sup>42</sup> A major purpose of service delivery is to help establish alternatives for those in need of help. The right to choice, the provision of resources to support choice, and access to needed resources are fundamental to meeting the needs of battered women and their families.

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38. Hilberman, "Overview," pp. 1344-1345.
39. Hilberman, "Overview," p. 1344.
40. Anne Ganley, "Participant and Trainer's Manual for Working with Men Who Batter" (to be published by CWFS, fall 1981).
41. Colorado Association for Aid to Battered Women, *A Monograph on Services to Battered Women* (Washington, D.C.: Department of Health and Human Services, 1979), pp. 87-88.
42. Belk and Salasin, Afterword in *The Mental Health of Battered Women*.

## RESOURCES

**Red Flag, Green Flag People.** by Joy Williams. 1980, 22 pp., \$2.03. Order from Rape and Abuse Crisis Center, P.O. Box 1655, Fargo, ND 58107. This is a coloring book for children to help them become aware of the dangers of sexual assault and incest. The book identifies different kinds of touch and shows children what to do when they are touched in an inappropriate manner.

**Once I Was a Little Bit Frightened.** by Joy Williams. 1980, 14 pp., \$2.03. Order from Rape and Abuse Crisis Center, P.O. Box 1655, Fargo, ND 58107. Designed to be read to children in grades kindergarten through fifth, this book helps professionals and teachers determine if a child is a victim of sexual abuse and encourages the child to seek help.

**He Told Me Not To Tell.** compiled by King County Rape Relief. 1979, 28 pp., \$1.00 and self-addressed, stamped envelope. Order from King County Rape Relief, 305 South 43rd, Renton, WA 98055. This parents' guide for talking to children about sexual assault has information on explaining sexual assault to children, how parents can teach children to protect themselves, and places the family of a sexually abused child can go for help. The book points out various ways children tell adults they have been abused and suggests games to teach children to say "no" to unwanted touch.

**No More Secrets.** by Caren Adams and Jennifer Fay. 1981, 90 pp., \$3.95. Order from Impact Publishers, P.O. Box 1094, San Luis Obispo, CA 93406. *No More Secrets*, written by two King County Rape Relief staff members, provides information for parents on preventing child sexual assault. The book includes chapters on talking to children about sexual assault, games that help teach children how to prevent sexual assault, behavior that may indicate sexual assault, and how to respond if a child has been assaulted.

**Child Sexual Abuse Prevention Project: An Educational Program for Children.** by Cordelia Kent. 1979, 120 pp., \$8.00. Order from Hennepin County Attorney's Office, Child Sexual Abuse Prevention Project, C-2100 Government Center, Minneapolis, MN 55487. This curriculum on sexual assault was designed by Hennepin County's Child Sexual Abuse Prevention Project for kindergarten, elementary, junior, and senior high age levels. The curriculum, which was developed around a touch continuum that helps children distinguish between caring touch and exploitive touch, was piloted in public schools for a two-year

period. The curriculum includes material on starting a child abuse prevention program, background information on child sexual abuse for teachers, guidelines for using the curriculum, a list of what students commonly say about sexual assault and how to respond, and a series of educational activities on sexual assault for all grade levels.

**Sexual Abuse of Children: Selected Readings.** edited by Barbara McComb Jones, Linda L. Jenstrom, and Kee MacFarlane. 1980, 193 pp. Order document # (OHDS) 78-30161 from LSIDS, Department 76, Washington, DC 20401. This collection of articles on child sexual abuse presents a number of different perspectives on handling the problem from professionals in a variety of disciplines. The book contains a section on the etiology and short-term management of child sexual abuse, written by the staff of the Child Protection Center at Children's Hospital in Washington, D.C. Readings on treatment and interviewing techniques, child prostitution and pornography, and advocating for sexually abused children in the criminal justice system are included, with a collection of writings by victims of incest. The appendices contain several hospital protocols on examining child sexual abuse victims and diagnosing cases, and a list of child sexual abuse treatment programs.

**Child Sexual Abuse: Legal Issues and Approaches.** by the National Legal Resource Center for Child Advocacy and Protection. 1980, 36 pp., \$3.00. Order from the National Legal Resource Center for Child Advocacy and Protection, 1800 M Street NW, Washington, DC 20036. Written for practicing attorneys, this monograph provides guidelines on using the judicial system in incest cases. The monograph recommends a joint approach to child sexual abuse cases, combining use of the judicial system with assistance from social service agencies and community treatment programs. It also provides general information on the psychological effects of sexual abuse on children and typical characteristics of offenders. Although designed for attorneys at law, the monograph contains useful material for judges and social work professionals as well.

**A Survey of Spousal Violence Against Women in Kentucky.** by Mark A. Schulman. 1979, 82 pp., free of charge. Order from the National Clearinghouse on Domestic Violence, P.O. Box 2309, Rockville, MD 20852. This survey of Kentucky women conducted by Louis Harris and Associates is the most comprehensive state survey on family violence to date. Findings include information

on the incidence and extent of spouse abuse in Kentucky, characteristics of the violent family, where battered women turn for help, and how they feel about the help they receive. The survey reveals that one in ten Kentucky women were abused by their partners in the year preceding the survey and that violent families are found across the social spectrum (see *RESPONSE*, December 1979.)

**Assaults on Women: Rape and Wife Beating.** by Natalie Jaffe. 1980, 29 pp., free of charge. Order from the National Clearinghouse on Domestic Violence, P.O. Box 2309, Rockville, MD 20852. An overview of the problem of violence against women, this pamphlet contains material on the historical and legal background of violence against women, myths and facts about rape and wife beating, and profiles of the rapist, wife beater, and their victims. Jaffe also outlines strategies to prevent rape and wife abuse and ways the community can help victims of these crimes.

**Wife Abuse: The Role of the Social Worker.** by Child Welfare Resource Information Exchange. 1980, 13 pp., free of charge. Order from the National Clearinghouse on Domestic Violence, P.O. Box 2309, Rockville, MD 20852. This pamphlet alerts social workers to the incidence of wife abuse and the needs of abused women. The pamphlet is directed especially to child protective service workers and suggests ways they can provide comprehensive services to violent families.

**Family Violence: Intervention Strategies.** by Ellen Barnett, et al. 1980, 88 pp., free of charge. Order document # (OHDS) 80-30258 from LSIDS, Department 76, Washington, DC 20401. Written for social work professionals and paraprofessionals, this manual provides information on the nature, causes, and effects of family violence; identifying violent families; intervention strategies; and program development. Particular attention is paid to the role of child protective service staff in working with violent families. The manual includes a chapter on the effects of family violence on children.

**Mutual Support Counseling for Women-Batterers.** by Gerry M. Goffman, Ph.D. 1980, 31 pp., \$5.00. Order from Batterer's Anonymous, c/o The Coalition for the Prevention of Abuse of Women and Children, P.O. Box 29, Redlands, CA 92373. Based on the experience of Batterer's Anonymous, this manual describes how to start and promote a similar group. Information on counseling techniques, group orga-

# response

to violence in the family

Volume 3, Number 10

June 1980

## Expansion of Police Arrest Power: A Key to Effective Intervention

**P**olice frequently fail to respond to calls from battered women, and when they do respond, rarely make arrests. Improving this response is a primary concern of advocates for battered women. The International Association of Police Chiefs states, "A policy of arrest, when the elements of the offense are present, promotes the well-being of the victim . . . . The officer who starts legal action may give the wife courage she needs to realistically face and correct her situation."<sup>1</sup>

Currently, a policy that encourages arrest of abusers is reflected in the laws of twenty-one states which allow police to make warrantless arrests for misdemeanor offenses in domestic abuse cases and/or for violation of protection orders. Abolishing the requirement that a warrant be obtained prior to arrest is an important step in activating the criminal justice system to reduce family violence.

### Why Encourage Arrest?

Several arguments may be made in support of a policy favoring more frequent arrest of spouse abusers. Above all, immediate arrest may prevent further injury. Lenore Walker, Director of the Battered Women Research Center in Denver, Colorado, reports that police are most often called during the "acute battering phase" of the abuse syndrome, during which one or more severe beatings may occur. This phase usually lasts between 2 and 24 hours.<sup>2</sup> A victim may be in serious danger if the police who answer a call depart, leaving both parties in the residence. This danger may not be apparent because abusers are often polite and deferential in the presence of the police.

Second, an increase in the number of persons arrested for violence against their mates, parents, or children will lead to more frequent prosecution of family violence cases. Police reports of domestic disturbance calls are usually sent to the

prosecutor's office only if an arrest is made. Since arrest of abusers is rare, prosecutors are informed of only a small fraction of domestic assaults. Making an arrest places the burden on the prosecutor to initiate further action. Otherwise, the onus is on the victim to find out what remedies are available to her and to seek help. She may not do so because of ignorance, fear of retaliation, or feelings of helplessness.

③ Third, an arrest communicates to the parties that the abuser has committed a crime, that the victim has a right not to be beaten, and that the criminal justice system will take action to stop the abuse. If the police remain at the scene of a domestic disturbance for 20 minutes to talk to the couple and "cool things off," and then depart, the police leave both the victim and the abuser with a message that no serious crime has been committed, and that no serious consequences will follow.

To advocate more frequent arrest of abusers is not to suggest that arrest is appropriate in every case. If an abuser is arrested, booked, and immediately released, he may go home and punish his wife for calling the police. Police must be trained to analyze the situation carefully before taking any action. The risk of precipitating another beating by making an arrest may be reduced by detaining the abuser overnight until a bond hearing is held the next morning, or by escorting the abuser elsewhere for the night. Alternatively, the police may take the victim to a shelter.

### Constitutional Limits on Warrantless Arrest

The Fourth Amendment of the United States Constitution prohibits the issuance of a warrant for arrest unless there is probable cause to believe that a crime has been committed, and probable cause that the person arrested committed the crime.<sup>3</sup> The Constitution has also

been interpreted to require probable cause for warrantless arrests.<sup>4</sup>

A recent Supreme Court decision, *Payton v. New York*,<sup>5</sup> limited the power of the police to make a warrantless arrest in the home of the person arrested. The Court held that "the Fourth Amendment . . . prohibits the police from making a warrantless and nonconsensual entry into a suspect's home in order to make a routine felony arrest." Because most domestic abuse occurs in the home of the suspect, this decision raises questions about the constitutionality of state laws expanding police power to make warrantless arrests in domestic cases.

The *Payton* decision invalidated two warrantless arrests in the homes of the persons arrested. In one case the police entered the apartment of a suspect by breaking the door with a crowbar. No crime was in progress in the dwelling. In the other case, a suspect was arrested in his home by police who had not obtained a warrant even though they had known his address for 2 months before they tried to make the arrest.

Writing for the majority, Justice Stevens stated that "we have no occasion to

### Issue Highlights

Programs for Men Who Batter: Supplement	3
State and Local Networking Demonstration Project	4
Victim/Witness Program Establishes State Networks	5
New Books	6

consider the sort of emergency or dangerous situation, described in our cases as 'exigent circumstances,' that would justify a warrantless entry into the home for the purpose of either arrest or search." He also noted that "in both cases we are dealing with entries into homes made without the consent of any occupant." The facts of these cases and the explicit exclusion of the relevant issues makes clear that this decision does not render the domestic abuse arrest laws unconstitutional.

### State Arrest Laws

State law may not abolish the probable cause requirement. However, within the limits imposed by the Fourth Amendment, police authority to arrest is defined by state law. In most states, one law dictates standards for arrest in all criminal cases. These laws generally allow warrantless arrest in cases in which an officer has probable cause to believe that a felony (most often defined as a crime punishable by more than 1 year in jail) has been committed, or where an officer witnesses the commission of a misdemeanor (usually an offense punishable by less than 1 year in jail). These standards have been widely criticized by experts on domestic violence and scholars of criminal law.<sup>6</sup>

Arrest standards based on a misdemeanor/felony distinction discourages arrest in most domestic abuse cases. Police generally perceive family abuse as a minor offense, especially where there has been no serious injury or the injury is not visible. If mate abuse is perceived as a misdemeanor, and the law allows warrantless arrest only in felony cases, the police may not arrest because of a perceived need to obtain a warrant. The process of obtaining a warrant may take hours or days. Therefore misdemeanor arrest warrants are generally issued only when a victim files a private criminal complaint; they are rarely sought by police officers who answer domestic disputes.

### New Warrantless Arrest Laws

In twenty-one states, laws have passed that expand police power to make warrantless arrests in domestic abuse cases.<sup>7</sup> In twelve states, domestic abuse arrest laws allow warrantless arrest for misdemeanor offenses committed against family members.<sup>8</sup> Most of these allow warrantless arrest where an act of physical abuse has occurred.<sup>9</sup> Some, in addition, allow warrantless arrest where "there is a substantial likelihood or immediate danger of that [adult family] member being abused."<sup>10</sup>

Many of the new laws impose other conditions that must be met before a warrantless arrest can be made. Some reflect a concern that warrantless arrests be made only in emergencies. In Minnesota and New Hampshire, the domestic abuse laws allow warrantless arrest only within

a few hours of the incident of abuse.<sup>11</sup> Minnesota and Nevada preclude warrantless arrest unless there is physical evidence of abuse.<sup>12</sup>

Many states that have not passed laws expanding power to arrest in domestic violence cases have, by statute or by case law, established rules that permit warrantless arrest whenever violence would be likely if an arrest were not made. Illinois law, for example, allows warrantless arrest for any misdemeanor offense based on probable cause alone.<sup>13</sup> In Nebraska, warrantless misdemeanor arrest is allowed when the officer has witnessed the offense or if the suspect may get away, may injure another, or may destroy evidence of the offense unless arrested immediately.<sup>14</sup>

Warrantless arrest by a police officer who has probable cause to believe that a protection order has been violated is permitted by law in twelve states.<sup>15</sup> These provisions allow arrest for action which could not be the basis of an independent criminal charge such as contact with the victim, failure to attend counseling, etc. The issuance of a protection order renders such action a misdemeanor, a felony, or contempt of court.

Several states have passed criminal laws making spouse abuse a separate offense. Some of these include provisions allowing warrantless arrest where a charge of spouse assault is filed. In Ohio, for example, a first offense of spouse assault is a first degree misdemeanor, and subsequent offenses may be charged as fourth degree felonies. Where a charge is filed under this statute, police may arrest without a warrant. The Ohio law allows arrest upon "the execution of a written statement by a person alleging that the alleged offender has committed the offense against the person or against a child of the person."<sup>16</sup>

### lu.C.A. - "must report" but "may arrest" Mandatory Arrest

While most of the new laws expand the authority of the police to make arrests, only a few require that arrests be made when specified criteria are satisfied. Those that impose a mandatory duty to arrest abusers are Maine, Minnesota, North Carolina, Oregon, and Utah. They differ from the other laws in that "shall arrest" is used in place of "may arrest."<sup>17</sup>

The inclusion of mandatory duties in state arrest law is desirable for several reasons. First, it makes clear a legislative intent to increase the number of arrests made in family offense cases. Second, it reduces police discretion to treat family violence as a trivial matter. Third, if the law prescribes a mandatory duty, the failure of the police to make an arrest where probable cause is present is a violation of the law and the basis for a lawsuit.<sup>18</sup>

Under the Oregon law, the duty to arrest is imposed only in cases in which the victim does not object. Conditioning the duty to arrest on the consent of the victim

may render the duty ineffective. If a victim is asked if she objects to arrest in the presence of her abuser, she may be afraid to consent because of fear of retaliation. The wishes of the victim should be taken into account by criminal justice officials, but the victim should be consulted under circumstances where she may safely express her feelings.

### Police Immunity from Civil Liability

Most laws expanding police power to make warrantless arrests for domestic abuse include provisions protecting the police from civil liability from any action taken in a "good faith" effort to enforce the law.<sup>19</sup> This is a legislative response to a frequently articulated fear of suits for false arrest. The effect is not to prevent lawsuits ordering police to enforce the law, but only to protect police from personal liability for money damages.

### Conclusion

The small number of abusers arrested in most communities suggests that the recent changes in legislation are not yet reflected in police practices. To encourage full enforcement of the law, training programs designed to make police aware of their expanded powers must be implemented.

<sup>1</sup> International Association of Chiefs of Police, *Wife Beating: Training Key No. 245* (IACP 1976).

<sup>2</sup> Walker, Lenore, *The Battered Woman* 64 (1979).

<sup>3</sup> "Probable cause" means that the arresting officer must have "reasonably trustworthy information" in light of any "facts and circumstances" that would lead a reasonably cautious person to believe that an offense had been or was being committed. *Draper v. United States*, 358 U.S. 307, 318 (1959).

<sup>4</sup> *Wong Sun v. United States*, 371 U.S. 471, 479-480 (1963).

<sup>5</sup> *Payton v. New York*, No. 78-5420 April 15, 1980 (U.S.S. Ct.).

<sup>6</sup> La Fave, Wayne, *The Decision to Take a Suspect into Custody* 231-33 (1965); American Law Institute, *A Model Code of Pre-Arrest Procedure* 13 (1975).

<sup>7</sup> These are Florida, Hawaii, Kentucky, Maine, Massachusetts, Michigan, Minnesota, Missouri, Nevada, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, Tennessee, Utah, and Washington.

<sup>8</sup> These include Florida, Hawaii, Kentucky, Maine, Michigan, Minnesota, Nevada, New Hampshire, New Mexico, Ohio, Oregon, and Washington.

<sup>9</sup> E.g., Minn. Stat. §629.341 (1945).

<sup>10</sup> E.g., Utah Code Ann. §530-6-8(2), 77-13-3(3) (1978 and Supp. 1979).

<sup>11</sup> Minn. Stat. §629.34 (1) (1945) (within four hours); N.H. Rev. Stat. Ann. ch. 549(10) (Supp. 1979) (within six hours).

<sup>12</sup> Minn. Stat. §629.341 (Supp. 1980); Nev. Rev. Stat. Ann. ch. 171-124 (1) (f) (1979).

<sup>13</sup> Ill. Rev. Stat. ch. 38, §107-2 (1970).

<sup>14</sup> Nev. Rev. Stat. ch. 29, §404.02 (1943).

<sup>15</sup> These are Arizona, Maine, Massachusetts, Michigan, Missouri, New York, North Carolina, North Dakota, Oregon, Pennsylvania, Tennessee, and Utah.

<sup>16</sup> Ohio Rev. Code §2935.03 (B) (Supp. 1979).

<sup>17</sup> See *Clark v. Carney*, 42 N.E. 2d 938-939 (1942), *State v. Marshall*, 105 N.E. 2d 981 (Ohio Mun. Ct. 1952). At common law, the police in many cases were obligated to make arrests. Case law has interpreted some statutes which use discretionary language to impose a mandatory duty. *State v. Grunewald*, 300 N.W. 206, 207 (Minn. 1941) (felonies), *Dixon v. State* 132 So. 684, 686 (Fla. 1931).

<sup>18</sup> See Woods, Laurie, "Litigation on Behalf of Battered Women," 5 *Women's Rights Law Reporter* 7 (1978).

<sup>19</sup> E.g., N.C. Gen. Stat. §14-134.3(19); Ore. Rev. Stat., §133.315 (1979-1980).

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*Providing crisis support  
and information, advocacy,  
and self-help groups.*

*Coordinating community  
services for families suffering  
from domestic violence.*

*Promoting law enforcement  
protection and community  
support.*

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ST. PAUL INTERVENTION PROJECT  
MAPLEWOOD INTERVENTION PROJECT  
1988 PROGRAM SUMMARY ■

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### Is life-giving justice possible?

*"We make it possible when we make safe places for women to tell the truth.*

*We make it possible when we hear and acknowledge her truth. We make it possible when we stand with her in compassion as her advocate.*

*We make it possible when we protect the vulnerable from further abuse.*

*We make it possible when we call abusers to account for their actions.*

*We make it possible when we require restitution be made to a battered woman."*

*We make it possible when we vindicate a battered woman speedily—resolving the shame which society has laid upon her."*

— Marie M. Fortune  
Center for the Prevention  
of Sexual and Domestic  
Violence  
Seattle, Washington

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### Domestic Violence

Perception of citizen safety, on the part of women especially, entered into the Minneapolis Domestic Violence Experiment, which took place over a year and a half in 1981 and 1982. Under a grant from the National Institute of Justice (NIJ), a cooperative effort on the part of the Minneapolis Police Department and the Police Foundation tested police responses to domestic violence, which is "the staple and bane of every patrol officer's work life," according to former police officer James K. Stewart, now NIJ Director.

As the Police Foundation summary report on this project noted, this "was the first scientifically controlled test of the effects of arrest for any crime." And the experiment showed that of the three standard methods police use in responding to domestic violence—arrest, counseling both parties, or sending assailants away from home for several hours—arrest was the most effective response as it resulted in considerably less recidivism.<sup>16</sup>

The purpose of this experiment was to test the validity and effectiveness of 1) the traditional police response of doing as little as possible in domestic violence cases because the offenders would not be punished by the courts, 2) the psychologists' view that police mediate these disputes, but not make arrests, or 3) the approach recommended by the Police Executive Research Forum and by many women's groups that police treat domestic violence as a criminal offense subject to arrest.

Previous research in this area suggested that arrests take place in less than 10 percent of the cases, in spite of violence in one- to two-thirds of the incidents. Recently liberalized legislation in Minnesota, allowing police to make arrests for misdemeanor

assault without having witnessed the assault, allowed design of a classic lottery-type experiment. The three different responses being tested—arrest, counseling, and separation—were governed by a color-coded set of report forms for officers' use, alternating colors dictated the response the officers were to follow in each case.

Followup interviews by a female staff, plus criminal justice reports on the alleged assailants, were collected for 6 months after the experiment in the 314 cases studied. Only 3 of the 136 suspects arrested received formal sanction from a judge, but all spent the night in jail. The Police Foundation Report on this experiment carefully notes all the variables that might have affected the results, but the clear conclusion is that arrest has the best potential of reducing repeat violence in these types of cases. This could have tremendous impact on legislative action in other States that would effect police actions in domestic violence cases.

### "Crime File" Videos

Domestic violence, like the police use of deadly force, is also the subject of a "Crime File" video, a new medium for the Police Foundation. Funded by the National Institute of Justice (NIJ), part of the U.S. Department of Justice, the "Crime File" is a series of 22 half-hour video presentations that the NIJ calls a "quick course in criminal justice." Four-page study guides have been developed for each program to supplement the visual information with necessary historical background and additional sources.

Covering a broad range of topics—deadly force, domestic vio-



James Q. Wilson, Chairman of the Board of the Police Foundation, is the moderator of the Crime File videos.

lence, foot patrol, gun control, prison crowding, jail, search and seizure, victims, etc.—these tapes can be used before community gatherings to broaden perspectives for citizens and their community leaders, according to NIJ. The FBI is also using the tapes as part of its nationwide police training effort, as the programs present authorities in each area who address all sides of sometimes controversial issues. Professionally taped at a public television station in Washington DC, the whole series of programs, with study guides, is available for under \$400 from the NIJ.

Moderator of these programs is James Q. Wilson, Chairman of the Police Foundation's Board of Directors,

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INTERVENTION PROJECT

The St. Paul Intervention Project is seeking new volunteers for a new program they have added to their domestic assault intervention program. The new program will be volunteers to attend court hearings for the purpose of monitoring the procedure. It will be at least one or two mornings per month. This volunteer will assist staff advocate in talking with victims in order to provide adequate information to prosecutor, judge and defense attorney, and to promote fairness and consistency in the judicial process. These hearings will be in Ramsey County criminal arraignment court. If you are interested in this program please call: 645-2824 Ask for Nancy or Myra

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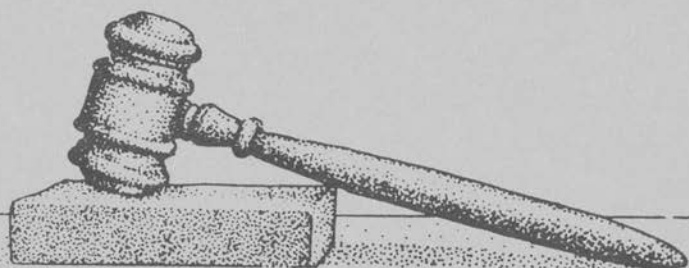
The St. Paul Intervention Project is an outgrowth of groundwork done by Women's Advocates Shelter for battered women, in cooperation with other community systems: law enforcement; prosecution; courts; counseling agencies; and human services.

Women's Advocates has helped launch this project because it considers intervention by the criminal justice system a crucial unmet need of battered women.

Their mission is to protect victims of domestic assault by bringing an end to the violence, using the legal system to impose and enforce legal sanctions on the assailant and to reach out to victims and abusers who would otherwise not receive services.

The purpose of the project is to provide crisis intervention and follow-up support services to victims of Fifth Degree (domestic) Assault immediately after their partners have been arrested. The success of the program depends on the support and advocacy given to the victims through the legal process and the consistent response to the assailant by the criminal justice system starting in jail right after an arrest.

# **FILING CHARGES**



## **A Woman's Guide To The Court System**

This booklet is written for women who are involved in filing criminal charges against their partners for assault or related crimes such as trespass or criminal damage to property.

This booklet is provided by the Region 3 Council for Battered Women and funded by the Minnesota Department of Corrections. It is written for women because they comprise the majority of people seeking court intervention in domestic assault cases. The writer acknowledges similar abuse against men and encourages men who are assaulted to use the court process as described in this booklet.

Written by: SHIRLEY OBERG, Domestic Abuse  
Intervention Project

Edited by: ELLEN PENCE, Domestic Abuse  
Intervention Project

DAVID MALBAN, Duluth City  
Attorney's Office

BRYAN BROWN, Duluth City  
Attorney's Office

June 1982

Ramsey County Edition

Printed by: WOMEN'S ADVOCATES

February 1983

I.  
WHAT AM I DOING HERE?

My boyfriend beat me up on Saturday night. The police told me to see the City Attorney Monday morning. I'm sitting here thinking...

"WHAT AM I DOING HERE?"

Every year, over two million women are beaten by their partners.

1. Some leave
2. Some stay and hope it will end
3. Some go to shelters
4. Some petition for protection orders through family court
5. Some are killed or kill their partners
6. And Some Women Press Charges.

Violence at the hands of someone we love is frightening and degrading. It is also against the law.

Violence in our homes is also very confusing. If you saw a man on the street run up behind a woman, push her down and kick her, you would know she was assaulted and that he was a man who had somewhere in his life learned to be violent. When that same thing happens to us in our homes, by our partners, we lose our ability to clearly understand what has happened.

-People learn to be violent

-Violence is not caused by stress or a bad relationship

-All our relationships have stress, some are bad, but only those involving a person who has learned to be violent result in battering

A relationship cannot change until the violence ends because;

-A woman who is afraid of her partner cannot freely express her opinions and her feelings.

-A man who is using violence usually justifies his behavior by blaming his partner and does not take responsibility for his actions which is always the first step in changing.

The only way violence will end is...

1. When the batterer begins to understand his violence.
2. When he makes a decision to stop.
3. When he learns healthy ways of dealing with stress and conflict.

Why we turn to the criminal justice system for help.

1. Most men who batter have little self-control, so controls must, at least initially, be placed on them.
2. The courts can place controls on batterers which friends and family cannot.

3. If a person batters and there are no serious consequences to the use of violence, it reinforces violent behavior.
4. The courts can order an abuser into counseling and through the use of jail or restraining orders, provide ongoing protection for the woman.
5. Assault is a crime. It may differ by definition and degree, but it is against the law in all fifty states.
6. It is important, if battering is to stop, that as a community, we give children, batterers and women the message that battering is wrong and will result in consequences.

## II. THE BIG STEP

### Facts and Feelings About Pressing Charges

All I could think of was, "Something has to be done, I can't take any more."  
-Mary

The main reason women seek help through the court system is to end the abuse. When the abuser is someone to whom you have an emotional attachment, the issue of your right to be safe in your home can get mixed up with feelings of guilt, love, revenge or fear. All these feelings are legitimate. They are also subject to change; anger turns to guilt, fear turns to love, revenge turns to a commitment to save the relationship at any cost.

Normally women file charges the day after the assault. The trauma is still fresh in your memory and your resolve to end the abuse is high.

When your partner finds out you have filed charges, he can respond in three ways:

1. He will promise that it will never happen again, that he will seek help for his violence and/or drinking and plead/coax/persuade you to drop charges.
2. He will intimidate, pressure and may become violent again.
3. Both. If the first method doesn't work, he might resort to the second.

As time passes, physical pain and memory of it begins to fade. What emerges may be a persistent pressure from your partner, family or friends to drop the charges.

Added to the feelings of self doubt, you may want to withdraw.

"Two weeks after I got the charges dropped, he beat me up again. Now I'm at the shelter. I guess I'll have to get a divorce. I can't go back to the City Attorney's Office again."  
-Sue

"After I pressed charges, his family wouldn't talk to me. I felt like it was my fault."  
-Pam

"He promised me he would never do it again, he would go to counseling if I dropped the charges. I got the charges dropped;

he made an appointment to see the counselor, but never went."  
-Sue

Recognizing the pressures placed on you, the prosecuting attorney can help remove you from the difficult position by using the court system to place controls on your abuser in several ways.

1. The prosecuting attorney can sign the complaint. Therefore, it is the state, and not you, who is filing the charge. This makes you a witness rather than a plaintiff or victim. Should anyone try to persuade you into dropping charges, you can safely say you have no power to do so, you did not file the charges and you cannot tell the prosecutor how to do his/her job.
2. The prosecuting attorney can subpoena you as a witness for the state. This will shield you from pressure not to appear since you are now required by law to go to court.
3. The prosecuting attorney can demand a court trial within sixty days.\* Knowing a court date has been set as soon as possible can relieve you of wondering when it will happen.
4. If you think there may be further violence while charges are pending, the attorney can refer you to the Clerk of Family Court or an advocate to help you file a protection order. The court can temporarily

\* In Ramsey County, all assault cases with the likelihood of contact with the victim are now being scheduled for trial within thirty days.

exclude the abuser from your place of residence.\* (Section IV, Order for Protection)

### III. THE PROCESS

"When the attorney asked me what I would like to happen, I didn't know what to say. I didn't know what my choices were. Aren't they supposed to take care of all that?"  
-Cheryl

The prosecuting attorney and the woman filing charges have a common goal; to end the abuse. To accomplish this goal, it is helpful to determine what you do and don't want to happen. This too, may change during the court process.

Most women do want:

1. the abuse to end;
2. protection from the court;
3. counseling for the abuser; and
4. information about the steps in the court process and what she can expect.

Some women want:

1. A jail sentence for the abuser.
2. The relationship to end.

\* The prosecuting attorney can also request that the judge place a "no contact order" on your abuser, restraining him from contacting you while the charges are pending.

Most women don't want:

1. A confrontation in the courtroom with their partners.
2. A jury trial in which she will be subjected to lengthy interrogation by his attorney.

The following is a list of all the steps that are involved in the court process. Many cases are resolved before a trial. As the witness to the assault against you, your participation is only required in filing the charge and signing the complaint. Later, if necessary, you may appear in court at the trial as a witness.

You will be referred to as the complaining witness or plaintiff.

#### FILING CHARGES

##### Definition

Placing a criminal complaint (a report of what the defendant did) in the city attorney's office. The complaint must first be signed by the complainant and the judge. The complainant can be the victim, the city

##### Purpose

To formally accuse the defendant of a crime and commence the process of determining if he is guilty.

Definition (Cont.)  
attorney or a police officer.\*

##### Purpose

#### SUMMONS

##### Definition

A piece of paper ordering an accused person to appear in court.

##### Purpose

To begin the process of determining guilt by getting the accused person into court.

#### WARRANT

##### Definition

A piece of paper that orders the police or sheriff to arrest the accused person and bring him to court.

##### Purpose

Same as summons except he is arrested.

#### ARRAIGNMENT

##### Definition

A court proceeding when the defendant is told what crime he is accused of and what his rights

##### Purpose

To inform the defendant of the charges, find out if he wishes to plead guilty and

\*A police officer can take a report from you and forward it to the city attorney's office, or you can contact the city attorney yourself.

Definition (Cont.)  
are. Defendant may plead guilty or not guilty.

Purpose  
decide the issue of release before trial\*

#### PRE-TRIAL CONFERENCE

Definition  
A court proceeding where legal issues affecting the charges are resolved.

Purpose  
To take care of legal matters before trial and see if the case will be settled without a trial.

#### TRIAL

Definition  
A legal proceeding to determine if the defendant violated the law. The decision can be made by a judge alone, or by a jury.

Purpose  
To determine whether the state can prove if the defendant is guilty.

#### PRE-SENTENCE INVESTIGATION

Definition  
A gathering together of facts about a convicted person for the

Purpose  
To help the judge make an appropriate punishment.

\* In Ramsey County, if the defendant is still in jail by morning court, following an arrest, he may appear before a judge to set bail and return for regular arraignment a week later.

Definition (Cont.)  
use of the judge in deciding what punishment is best.

Purpose

#### SENTENCING

Definition  
A legal proceeding where the judge orders that a guilty person be punished for committing a crime.

Purpose  
To place controls on the guilty person.

#### OPTIONS OF COURT

Definition  
The types of punishment a court can impose upon a defendant. They include a fine of money, jail time, probation with conditions, which often includes counseling, unsupervised probation, no punishment.

Purpose  
To place external controls upon the defendant and make him accountable for his actions.

You may also wish to be involved in the pre-sentence investigation. The probation officer usually talks to the guilty person either immediately following the trial or within a day or two of the trial. After the probation officer interviews the guilty person he/she checks his past record and makes

a recommendation to the judge on the sentence. This is your chance to tell the court what you would like the sentence to be. You may ask that the sentence include:

1. counseling;
2. serving jail time;
3. no contact with you;
4. a fine; or
5. a combination of these things.

While the judge makes the final decision, he/she will consider your wishes.

#### IV. IMMEDIATE COURT PROTECTION The Order for Protection

Often because the criminal court process takes several months to be completed, women need immediate protection from their abusers. In Minnesota, recent laws passed make it possible for a family court judge to provide temporary, but immediate, protection to victims. The process is called the Order for Protection and it is very simple.

If a person is being abused by someone they live with, the family court can hold an immediate hearing and order several things.

1. The court can order the abusing party to stay away from the residence for up to a year.
2. The court can order the abusing party to attend counseling.

3. The court can order that one of the parents care for the children. It can also put time and place limits on visitation of children to avoid contact between the victim and abuser.

The court can order a combination of these things and can make other orders similar to court orders usually associated with dissolutions.

A judge will determine if such orders or additional orders are necessary based on the written statements of the victim and an informal hearing at which both parties tell their story. If the victim is in danger, a hearing can be held immediately and later followed by a second hearing at which both parties are given a chance to speak.\*

If the court excludes the abuser from the home and he comes back to the home, it is a misdemeanor and he can be arrested.

The Clerk of Family Court has all the forms needed to file an Order for Protection. If you have questions or need assistance with an Order for Protection, call Women's Advocates, Casa de Esperanza, or Crime Victim's.

\*In Ramsey County, a temporary protective order (Ex-parte Order) is granted immediately (effective upon service of the abuser) and a hearing for a permanent order (one year) is held a week later. The abuser can appear at this hearing.

V.  
RAMSEY COUNTY INFORMATION

PROJECT REMAND

Project Remand is a pre-trial service agency in Ramsey County that can be helpful to battered women in several ways.

1. Jail Screeners: Project Remand has screeners at the Ramsey County Jail who interview everyone arrested for bail evaluations to be presented to the judge, prosecutor and defense attorney. They collect information about the defendant's residency, work, criminal history and other relevant information, such as his danger to others or previous lack of cooperation with the court.

If your abuser is arrested and taken to Ramsey County Jail, in downtown St. Paul, he will probably be interviewed by a Project Remand jail screener, who will try to contact you, the victim, as well as verify other information he gives. If your abuser is charged with Domestic Assault, there will be a "hold" put on him for 24 hours, or until he is arraigned before a judge.\* If you are afraid of his return after posting bail, you should call Project Remand as soon as possible after the arrest and let them know that you are afraid. Then they can recommend a higher bail and let the judge know of your fear, so he/she can make "no contact" with you a condition of his release, bail or no bail.

\*See (\*) page 9.

Judges and prosecutors rely heavily on Project Remand's recommendations in making their decisions about their actions toward your abuser. They can be an important tool in restraining an abuser by keeping him in jail with a high bail or restricting the conditions of his release.

2. Conditional Release: Project Remand also supervises conditional releases of defendants who do not merit well enough to be released on their own recognizance and the judge feels needs supervision. Many chemically dependant and assaultive people are placed on conditional release, which requires no bail, but they must check in with a conditional release counselor at least once a week, as well as follow through with any other conditions set by the court, such as a "no contact" order, chemical dependancy treatment, domestic or psychiatric counseling and, in all cases, they must remain law abiding.

If your abuser is on a conditional release to Project Remand and he violates a "no contact" order by harrassing you, threatening you or assaulting you, you should notify his conditional release counselor, who will notify the judge and prosecutor, and can have the conditional release revoked and bail reset, possibly higher than originally requested, and your abuser would be back in jail until bail is posted or his trial.

USEFUL NUMBERS FOR BATTERED WOMEN  
IN RAMSEY COUNTY

Women's Advocates 227-8284  
-24 hour crisis phone  
-shelter  
-legal and social service referrals  
-systems advocacy

Casa de Esperanza 772-1611  
-24 hour crisis phone  
-shelter  
-legal and social service referrals  
-systems advocacy

Crime Victim Crisis Center 340-5400  
-emergency assistance  
-help with problems  
-witness support  
-crime prevention

Ramsey County Family Court  
(for Order for Protection) 292-6680

Police Emergency 911  
St. Paul Police Information 291-1111

Ramsey County Jail Annex 292-3698  
Adult Detention Center 292-6050  
Sheriff:Warrants 298-4893

St.Paul City Prosecuting Atty. 298-5475  
298-4271

Ramsey County Prosecuting Atty. 298-4421

Project Remand  
Office, M-F 8am-4:30pm 298-4932  
Jail screener office  
4pm-8am,weekends,holidays 292-3730

Emergency Social Services 291-6795  
-locate emergency shelter  
-emergency funding  
-crisis intervention

Ramsey County Child Protection  
248-5655

Ramsey County Hospital 221-3456  
Emergency Room 221-2121

Ramsey County Detox 298-5951

Sexual Offense Services 298-5898

YWCA - Crisis Housing 222-3741  
222-3747

NEON - Transportation 379-6366  
8 p.m. - 8 a.m.

YES - Transportation 379-6363

Maplewood Police Department 777-8191

Maplewood City Prosecuting Atty. 224-4703

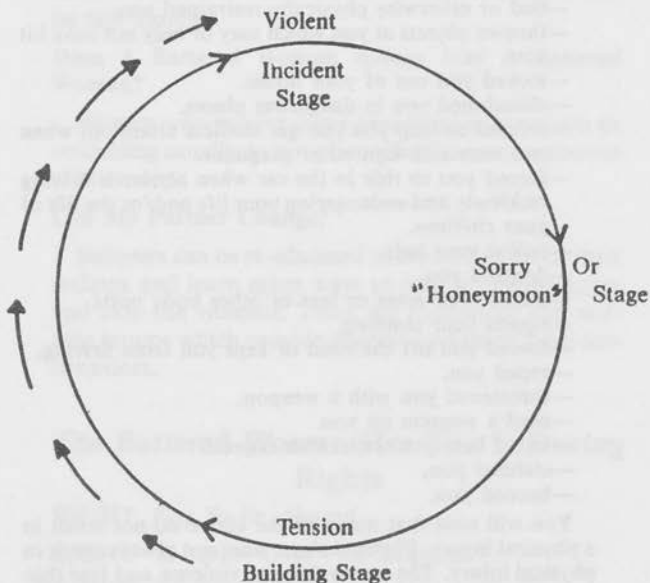
Saint Paul/Maplewood Intervention Project

435 Aldine St.

St. Paul MN 55104

645-2824 24 Hours

# WHAT IS ABUSE?



## WHAT CAN I DO ABOUT IT?

Saint Paul/Maplewood Intervention Project

435 Aldine St.

St. Paul MN 55104

645-2824 24 Hours



United Way  
affiliated agency

### What Is Physical Abuse?

Physical abuse can take many different forms. The following are some of them.

The abuser has:

- pushed and shoved you.
- held you down and kept you from leaving or getting up.
- bitten you.
- kicked you.
- choked you.
- hit or punched you once, twice and/or repeatedly which may or may not have resulted in visible physical injury.
- tied or otherwise physically restrained you.
- thrown objects at you which may or may not have hit you.
- locked you out of your house.
- abandoned you in dangerous places.
- refused to help you (ex. get medical attention) when you were sick injured or pregnant.
- forced you to ride in the car when abuser is driving recklessly and endangering your life and/or the life of your children.
- pulled your hair.
- dragged you.
- pulled your arms or legs or other body parts.
- ripped your clothing.
- forced you off the road or kept you from driving.
- raped you.
- threatened you with a weapon.
- used a weapon on you.
- hit or beat you with other objects.
- stabbed you.
- burned you.

You will note that many of the above do not result in a physical injury. Physical abuse does not always result in physical injury. The atmosphere of violence and fear that these acts create is abusive and results in the emotional pain which always accompanies abuse.

### What Is Sexual Abuse?

Sexual abuse can take many different forms. The following are some of them.

The abuser has:

- told anti-women jokes and/or made demeaning remarks about women (of a sexual nature).
- treated women as sex objects.
- gotten jealous, angry and/or assumed you would or were having sex with any available man (or woman).
- insisted that you dress in a more sexual way than you wanted—or made demeaning remarks about how you dress.
- made demeaning remarks about your body and/or body parts.
- minimized your feelings about sex.
- berated you about your sexual history; blamed you if you were sexually abused in the past or as a child.

- criticized you sexually—ex. called you frigid etc.
- insisted on touching you sexually when you did not want to be touched—when you were alone and/or in the presence of others.
- called you a whore and a slut.
- withheld sexual affection.
- forced you to beg for sexual affection.
- forced you to strip when you did not want to—alone and/or in front of others.
- openly showed sexual interest in other women when you were in public or at home, for example while watching TV.
- had affairs with other women (often flaunting them) after agreeing not to have sex with anyone but you.
- forced you to engage in sex with him.
- forced you to have sex with others.
- forced you to watch others having sex.
- forced particular unwanted sexual acts.
- forced sex after battering.
- forced sex when you were sick or it was a danger to your health.
- forced sex with the purpose of hurting you with objects or weapons.
- committed sadistic sexual acts.
- forced you to pose for sexual photographs.
- forced you to have sex with animals.

Sexual abuse is not just forced intercourse. The above are some of the many forms which sexual abuse may take. They all demean and humiliate us, making us feel shameful and exposed.

### What Is Emotional Abuse?

Emotional abuse takes on many different forms. The following are some of them.

The abuser has:

- ignored your feelings and/or belittled them.
- ridiculed or insulted women as a group calling them crazy, emotional, stupid, etc.
- withheld approval, appreciation, or affection as punishment.
- continually criticized you, calling you names, shouting at you; nothing is ever good enough no matter what you do or how hard you try.
- insulted your friends and/or family; driving them away.
- humiliated you in private or public.
- refused to socialize with you—going out with you, but then totally ignoring you or never going out with you.

- kept you from working, controlled you money, made all the decisions, demanded you seek permission to do or have anything.
- refused to work or share money.
- taken car keys or money away.
- destroyed, sold or given away things which are of importance or value to you.
- regularly threatened to leave or told you to leave.
- threatened to hurt your family and/or friends
- punished or deprived the children when he was angry at you; or treated the children specially, excluding you, when he was angry at you.
- threatened to kidnap the children if you ever left him.
- blamed you for any problems (real or perceived) with the children.
- abused pets to hurt you.
- told you about his affairs to humiliate you.
- harassed you about affairs he imagined you were having.
- manipulated you with lies or contradictions.
- manipulated you with emotions—ex. threatening to kill himself if you left him and other forms of emotional blackmail.
- told you it was your fault when he physically or sexually abused you—that you asked for it, deserved it, liked it, etc.
- denied that his behavior is abusive and/or minimized his abusiveness—calling you crazy, stupid—accusing you of making it up, not being able to handle it and so forth.

### Is The Woman "To Blame" For The Abuse In The Relationship?

The batterer is always responsible for the violence. 77% of the women in a survey reported that their husband's assault upon them was **not** preceded by a verbal argument. There is no support for the idea that the wife who nags causes the battering. It is the batterer's own attitudes and problems that cause him to be abusive.

### Do Battered Women Ever Feel Like They're Crazy?

Many men are good at manipulating women into thinking they are crazy. He may be a "nice guy" to everyone else so other people tell her how lucky she is to be married to him. When he hits her and tells her it's her fault, it's hard not to believe him since no one else makes him so angry. He may also hide things on her deliberately and then blame her for losing them. She comes to doubt her own sanity and loses track of what's "real".

He often can be very loving, gentle and apologetic, and she may hope and believe that he will change. All of these reasons are complicated by the fact that she may feel that she has no power to change her situation and no place to go. If she has no job, few skills, and no way to support herself, and if she lacks confidence and self-esteem, she sees no alternative but to stay where she is.

Battered women are also afraid to leave for fear they will be killed. Often they have been told they will be hunted down and killed and no place feels like it will be safe enough.

#### **Does A Battered Woman Always Stay A Battered Woman?**

Women who receive some beneficial intervention or counseling usually do not get involved in another abusive relationship.

#### **Can My Partner Change?**

Batterers can be re-educated to become aware of their feelings and learn other ways to deal with their anger and stop the violence. There are counseling and self-help groups which provide support and teach these new behaviors.

### **The Battered Woman Has The Following Rights**

- RIGHT** *Not To Be Abused*
- RIGHT** *To Anger Over Past Beatings*
- RIGHT** *To Choose To Change The Situation*
- RIGHT** *To Freedom From Fear Of Abuse*
- RIGHT** *To Request & Expect Assistance From Police And/Or Social Agencies*
- RIGHT** *To Share Her Feelings & Not Be Isolated From Others*
- RIGHT** *To Want A Better Role Model Of Communication For Her Children*
- RIGHT** *To Be Treated Like An Adult*
- RIGHT** *To Leave The Abusive Environment*
- RIGHT** *To Privacy*
- RIGHT** *To Express Her Own Thoughts & Feelings*
- RIGHT** *To Develop Her Individual Talents & Abilities*
- RIGHT** *To Legally Prosecute The Batterer*
- RIGHT** *Not To Be Perfect*

**Assertive behavior is behavior which enables a person to act in her own best interest, to stand up for**

**herself without undue anxiety, to express her honest feelings comfortably, or to exercise her own rights without denying the rights of others.**

#### **Does A Battered Woman Have To Be Beaten, Broken And Bloody?**

That's the picture that comes to mind when we hear the phrase, battered woman. Actually a woman can receive less severe abuse but still feel the same fear, pain and shame. This is what makes her battered.

#### **Is Alcohol And Excessive Drinking The Cause Of The Battering Behavior?**

There is little support for the idea that alcoholism is the cause of physical abuse; in fact, where it is a factor it seems to be used as an excuse. However, the violence seems to be more severe when alcohol is involved.

#### **Is Battering Ever Life-Threatening?**

A recent survey concluded that a woman is more likely to die at home at the hands of her batterer than by any other form of violence. Another study reported that over 80% of the women who were murdered by their husbands had called the police to their home at least once before the murder.

#### **Does The Abuser Ever Threaten To Commit Suicide?**

The abuser may threaten to commit suicide anytime, especially if he senses she may want to leave him. But he rarely follows through. This is another way he may manipulate her, through guilt, to stay with him.

#### **What Are The Effects Of Violence In The Home On The Children?**

Whenever there is abuse or violence within the family **everyone** is affected. Sometimes the physical scars heal more quickly than the emotional ones. Children risk becoming victims of the abuser. They may also become loners because they can't talk with friends about the family secret or feel free to invite friends over. They may learn to become violent themselves as they grow older, or themselves become battered because this is what they have seen at home.

#### **Why Does The Battered Woman Stay Where She Is?**

A woman stays for many different reasons. She may feel responsible for making the marriage work; she may want her children to have a father; she may feel that somehow she has caused and deserves the beating (she is often blamed); she may feel ashamed and guilty and not want to admit she is being beaten; she may be financially and emotionally dependent upon the assailant.

# Proyecto Ayuda

Servicios Legales Para  
Mujeres Maltratadas



**Centro Legal, Inc.**

OFICINA LEGAL DE LA COMUNIDAD NO-LUCRATIVA

2929 S. 4th Ave., Suite M  
Minneapolis, MN 55408

825-7829

1-800-245-5753

A Division of  
Centro Legal, Inc.

## Orden de Proteccion

### Que es una Orden de Proteccion?

Una Orden de Protección es una orden dada por la corte para proteger a Ud. contra el abuso doméstico. Esta Orden exige que la persona que abusa de Ud.:

- pare de amenazarla o de abusarala;
- se vaya de su hogar;
- no vaya a molestarla a su hogar, ni a su colegio, o su trabajo;
- continúe manteniendola a Ud. y a sus niños si es requerido legalmente;
- entrar en un programa de ayuda.

Una Orden de Protección también puede concederle custodia provisional de sus hijos y establecer un horario para visitas.

### Quien Puede Obtener una Orden de Protección?

Usted puede obtener una Orden de Protección si ha sido víctima recientemente de una violencia doméstica. La violencia doméstica está definida como cualquier acto de abuso, incluyendo los empujones, las cachetadas, los puños, los jalones de pelo, las patadas, forzar actos sexuales, o amenazarla con un arma. Usted es elegible por una Orden de Protección si usted y la persona que la ha abusado:

- son casados o fueron casados en algún tiempo;
- vive bajo el mismo techo suyo, o solía vivir con Ud.;
- tienen un hijo en común;
- son parientes consanguíneos.

Bajo ciertas circunstancias distintas a las mencionadas, Ud. también puede obtener una Orden de Protección en favor de su hijo si el o ella ha sido abusado físicamente o sexualmente.

### Que Sucede si una Orden de Protección es Violada?

Si la persona que abusó de Ud. la ataca, la amenaza, o viola la orden de mantenerse alejado de Ud., llame a la policía (911) inmediatamente. En algunos casos es necesario arrestar a la persona.

Si la persona se niega a obedecer cualquier otra parte de la orden - por ejemplo, se niega a darle dinero para mantener los niños, no va a las clases de ayuda, la molesta por medio del teléfono, o no obedece el horario destinado a las visitas de los niños - el Proyecto Ayuda puede ayudarla a enviar su caso a la corte de nuevo.

### En Donde se Obtiene una Orden de Protección?

Para asistencia en obtener una Orden de Protección, o más información al respecto, llame al:

**Centro Legal, Inc.**  
(612) 291-2549

## Order for Protection

### What is an Order for Protection?

An Order for Protection (OFP) is an order the court makes to protect you from domestic abuse. It may direct the person who has abused you to:

- stop threatening or abusing you;
- leave your household;
- stay away from where you live, go to school, or work;
- pay support to you and your children if legally required to do so;
- enter a counseling program.

An OFP may also award you temporary custody of your children and set up conditions for visitation.

### Who is eligible for an Order for Protection?

You may file an OFP if you have recently been a victim of domestic violence. Domestic violence is defined as any act of abuse, including pushing, shoving, grabbing, slapping, punching, pulling hair, kicking, forcing sexual acts, or threatening with a weapon. You are eligible for an OFP if you and the person who has abused you:

- are married, or used to be married
- live together, or used to live together
- have a child in common
- are related by blood.

Under certain conditions, you may also file an OFP on behalf of your child if she or he has been physically or sexually abused.

### What happens if an Order for Protection is violated?

If the abuser assaults you, threatens you, or violates the order to stay away from you, call the police (911) immediately. In some cases, they are required to make an arrest.

If the abuser doesn't follow another part of the order — for example, doesn't pay child support, doesn't attend counseling, harrases you by phone, or doesn't abide by the child visitation order — the Women's Coalition can help you bring the case back to court.

### Where to go to get an Order for Protection

For assistance in obtaining an OFP, or further information, call:

**Centro Legal, Inc.**  
291-2549

Centro Legal, Inc.  
A Division of

1-800-245-5753

825-7829

2929 S. 4th Ave., Suite M  
Minneapolis, MN 55408

Centro Legal, Inc.  
A NON-PROFIT COMMUNITY LAW OFFICE



Legal Services  
for Battered Women

**Proyecto Ayuda**

Proyecto Ayuda  
2929 S. 4th Ave., Suite M  
Minneapolis, MN 55408  
A Division of Centro Legal, Inc.

Centro Legal, Inc. por medio de su nuevo "Proyecto Ayuda," proveerá servicios legales civiles a mujeres Hispánicas agredidas y/o golpeadas en el área metropolitana y donde posible en el resto del estado. Proveremos asistencia legal desde el principio a fin y tomaremos cualquier acción legal necesaria para satisfacer enteramente a nuestra cliente. Cuando sea apropiado, recomendaremos a otras agencias para asistir a la familia para encontrar servicios que no sean legales. Finalmente, cuando sea posible, el proyecto identificará y investigará problemas en el sistema judicial que afecten en particular a la mujer Hispánica agredida y/o golpeada.

Proyecto Ayuda asistirá a mujeres Hispánicas agredidas y/o golpeadas directamente con representación legal en las siguientes áreas:

### ORDEN DE PROTECCION (OFP)

- Asistir mujeres con el proceso dificultoso en la corte mientras solicitan Ordenes de Protección
- Seguir con quejas criminales

### PROBLEMAS DE FAMILIA

- Separación Legal
- Divorcios
- Problemas con custodia, visitación y mantenimiento de los niños

### INMIGRACION

- Asistencia con asuntos de inmigración ocasionados a consecuencia del divorcio de la mujer golpeada

Proyecto Ayuda también asistirá a mujeres Hispánicas agredidas y/o golpeadas con referencias a las agencias apropiadas para obtener servicios no-legales en las siguientes áreas:

### VIVIENDAS

- Refugio temporal de emergencia
- Encontrar casa que sea adecuada y segura

### BIENESTAR/ASISTENCIA DEL GOBIERNO

- Asistencia financiera de emergencia
- Asistencia médica
- Estampillas para alimentos

### CONSEJO/TERAPIA

- Individual o familiar

**Requisitos de elegibilidad:** Debe ser mujer hispana y de recursos económicos bajos. Nuestros servicios son gratis para personas de bajos ingresos. Si usted no es elegible para servicios gratis, recibirá servicios a precio reducido, según sus ingresos y el tamaño de su familia.

El personal de Proyecto Ayuda es completamente bilingüe.

Para servicios comuníquese con:

Amaya Maura - 825-7829

Horas:

Lunes-Viernes

de 8:30 mañana a 5:30 de la tarde

Número Gratis fuera de la ciudad:

1-800-245-5753

Número de emergencia después de horas de trabajo:

646-0994

\*Fondos donados en parte por el Departamento de Correcciones de Minnesota\*

Centro Legal, Inc., thru its new project "Proyecto Ayuda", provides civil legal services to Hispanic battered women in the metro area and, where possible, throughout the state. We will provide legal support from beginning to end and will take any necessary legal steps to fully satisfy the client. Where appropriate we will refer to other service agencies to assist the family in meeting non-legal needs. Finally, the project will, where possible, identify and address barriers in the justice system which specifically impact on the Hispanic battered woman.

Proyecto Ayuda will assist Hispanic battered women with direct legal representation in the following areas:

### ORDER FOR PROTECTION (OFP)

- Assist women through the difficult court process as they seek OFP's
- Follow-up with criminal complaints

### FAMILY LAW

- Legal separation
- File for and settle a divorce which would include: child custody, support and visitation issues
- Obtain temporary custody
- Visitation issues
- Adjudicate paternity

### IMMIGRATION LAW

- Immigration issues arising from a divorce for the battered woman

Proyecto Ayuda will also assist Hispanic battered women with non-legal services by referrals to the proper agency, in the following areas:

### HOUSING

- Emergency and temporary shelter
- Locate adequate and safe housing

### WELFARE

- Emergency financial assistance
- Medical assistance
- Food stamps

### COUNSELLING/THERAPY

- Individual or family

**Eligibility Requirements:** Must be Hispanic and low income. Our services are free for low income persons. If you are not eligible for free services, our fees are based on your income and family size.

The Proyecto Ayuda staff is entirely bilingual.

For services contact:

Amaya Maura - 825-7829

Hours:

Monday-Friday, 8:30 a.m.-5:30 p.m.

Outstate Toll-Free Number:

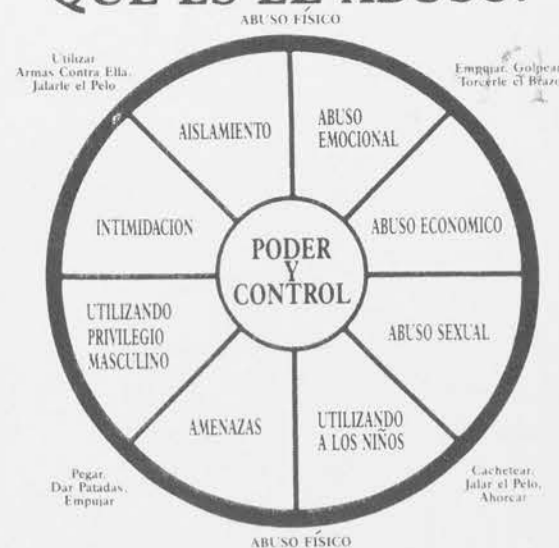
1-800-245-5753

After Hours Crisis Number:

646-0994

\*\*Funded in part by the Minnesota Department of Corrections\*\*

## QUE ES EL ABUSO?



Abuso, o el uso de fuerza física, es parte de un sistema de comportamientos utilizados para establecer y mantener poder y control sobre otra persona.

#### INTIMIDACION

Atemorizandola por medio de miradas, acciones, gestos, voz alta, rompiendo cosas, destruyendole su propiedad.

#### AISLAMIENTO

Controlando lo que ella hace, a quien puede ver, con quien habla, y a donde va.

#### ABUSO EMOCIONAL

Sofocandola o hacer que ella se sienta mal sobre si misma, llamandola nombres. Haciendola pensar que está loca. Burlarse de sus pensamientos.

#### ABUSO ECONOMICO

Impidiendo que consiga trabajo o de mantener el que tiene. Haciendola pedir dinero, dandole una mensualidad, quitandole su dinero.

#### ABUSO SEXUAL

Obligandola a actos sexuales contra su voluntad. Atacando físicamente las partes sexuales de su cuerpo, tratandola como un objeto sexual.

#### UTILIZANDO A LOS NIÑOS

Haciendola sentirse culpable con respecto a los niños, utilizando a los niños para que le envíen mensajes, utilizando el momento de las visitas para causarle molestias.

#### AMENAZAS

Amenazandola con hacer algo para herirla emocionalmente. Amenazarla con quitarle a los niños, con suicidarse, o con acusarla al departamento de bienestar público.

#### UTILIZANDO LOS PRIVILEGIOS MASCULINOS

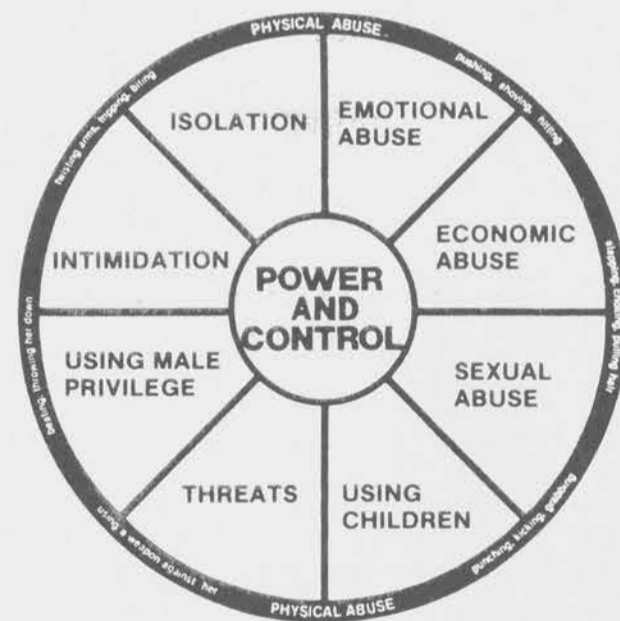
Tratandola como a una sirvienta. Haciendo todas las decisiones "grandes" del hogar. Actuando como el "rey del hogar."

Estos comportamientos son más fuertes porque están reforzados por las amenazas y el uso de abuso físico. Para más información o ayuda, llame al:

**"PROYECTO AYUDA"**

825-7829

## What is battering?



Battering, or the use of physical force, is part of a system of behaviors used to establish and maintain power and control over another person.

#### Intimidation

Putting her in fear by using looks, actions, gestures, loud voice, smashing things, destroying her property

#### Isolation

Controlling what she does, who she sees and talks to, where she goes.

#### Emotional Abuse

Putting her down or making her feel bad about herself, calling her names. Making her think she's crazy. Playing mind games.

#### Economic Abuse

Trying to keep her from getting or keeping a job. Making her ask for money, giving her an allowance, taking her money.

#### Sexual Abuse

Making her do sexual things against her will. Physically attacking the sexual parts of her body. Treating her like a sex object.

#### Using Children

Making her feel guilty about the children, using the children to give messages, using visitation as a way to harass her.

#### Threats

Making and/or carrying out threats to do something to hurt her emotionally. Threatening to take the children, commit suicide, report her to welfare.

#### Using Male Privilege

Treating her like a servant. Making all the "big" decisions. Acting like the "master of the castle."

These behaviors are more powerful because they are reinforced by the threat or use of physical abuse.

For help or information, call:

**"PROYECTO AYUDA"**

**TAKE  
ONE**



Because you have struggled  
so long to be heard...

**The  
Women's  
Meeting**

for women in abusive relationships

**Call 645-2824**

# WHAT IS ABUSE?

It is more than physical violence. But our society is so tolerant of abusive behavior that we often do not even recognize some behavior as abusive.

If you have feelings of emotional pain, abandonment, helplessness, confusion, shame, etc., you may be suffering from abuse. For instance:

Are you the one who is always trying to be agreeable?

Do you 'give in' to protect children, pets or your personal property?

Do you have to ask permission for most everything?

Have you been humiliated, insulted, embarrassed?

Have you been called crazy, weak, or stupid? Are you starting to believe it?

Have you been told that you are to blame for everything that goes wrong? Are you starting to believe it?

Have you been told that your wants, needs and ideas are secondary or are of no importance? Are you starting to believe it?

Have you been told you 'deserve it', you 'ask for it' or you 'must like it', otherwise you wouldn't stay? Are you starting to believe it?

Do you feel trapped, alone, hopeless?

Then THE WOMEN'S MEETING is the place for you!

Come share with women who are joining together in a safe place to talk. YOU ARE IMPORTANT!

Change IS possible!

No Charge  
Child Care by Arrangement  
Time and Place is Confidential

# No One Deserves To Be Hit

**IF YOU ARE A VICTIM OR IF YOU KNOW A VICTIM,  
YOU SHOULD KNOW:**

Domestic violence not only affects the victim, it affects her children and everyone around them.

The victim is not to blame for someone else's violence.

It is no longer the victim's responsibility to press charges. Domestic abuse is a crime against the state.

The victim will be shown how to work with the justice system to get what she wants: call the Maplewood Intervention Project.

There are many resources — transportation, safe shelter, medical care, etc. — at the victim's disposal.

There are support groups and educational groups for the victim and the batterer.



**DOMESTIC VIOLENCE IS  
A PROBLEM THAT NO  
FAMILY SHOULD HAVE  
TO SOLVE ALONE**

## 24-Hour Help Lines

Shelter: Women's Advocates	227-8284
Shelter: Casa de Esperanza	772-1611
Police Emergency	911
Maplewood Police Information	777-8191
St. Paul Police Information	291-1111
Transp.: Crime Victim Center	340-5400

## Other Services

Ramsey County Family Court (for Order of Protection)	292-6680
Maplewood City Attorney	224-4703
Adult Detention Center	292-6050
Ramsey County Jail Annex	292-3698

**Maplewood Domestic Assault Intervention Project**  
770-4544 or (24-hrs.) 645-2824

For Other Information:  
24-Hour General Crisis Line for Women  
(TDD for hearing impaired)  
(Collect calls accepted)  
(612) 646-0994

Maplewood Intervention Project  
1830 E. County Road B  
Maplewood, Minnesota 55109

# HITTING SOMEONE YOU LOVE IS AGAINST THE LAW

**MINNESOTA CRIMINAL CODE: 629.341. Subdivision 1. Arrest...** a peace officer may arrest a person without a warrant, including at the person's residence if the peace officer has probable cause to believe that the person within the preceeding four hours has assaulted, threatened with a dangerous weapon, or placed in fear of immediate bodily harm his or her spouse, former spouse, or other person with whom he or she resides or has formerly resided. The arrest may be made even though the assault did not take place in the presence of the peace officer.

Victims of domestic violence need intervention in order to break the cycle of violence that hurts us all.

770-4544

645-2824  
(24 hr.)

**Maplewood Intervention Project**  
1830 E. County Road B  
Maplewood, Minnesota 55109



## What is battering?

Battering is the most common and least reported crime in America today. Two to four million women, of all races and classes, will be battered this year.

Battering is using physical force to establish control and maintain power over a person. It involves intimidation over a period of time and may include psychological abuse, threats, harassment, humiliation, forced sexual acts, the use of weapons, and many other forms of abusive behavior. It is not just a fight between two equal partners that gets out of hand.

In Minnesota over 43,000 women are battered each year and the number is escalating!

Battering is the single major cause of injury to women, exceeding injuries caused by rape, muggings, or even automobile accidents.



**It's Not  
Just A  
"Woman's  
Problem"**

## What can you do if someone you know is in a battering relationship?

- If she has recently been assaulted, encourage her to call the police and report the crime.
- Let her know that she is not the only woman being battered, and that no one deserves to be beaten.
- Be there as a friend; she needs to know she is not alone.
- Help or encourage her to get emergency medical help if you suspect injuries.
- Call the intervention project for more information on how to help; 770-4544/645-2824.

## How/who does it hurt?

- ★ Violence is learned behavior and leads to violence in the schools and streets.
- ★ Children experience learning disabilities and low self esteem because of family violence.
- ★ Children learn violence in the home as a way of coping or even showing love. They grow up to be abusers or to choose abusers as mates.
- ★ 80% of the inmates in Stillwater Prison grew up in violent homes.
- ★ Health systems are used six (6) times more often by person experiencing family violence.
- ★ Once begun, battering becomes more and more severe. In Minnesota at least 12 battered women were ultimately killed in 1986 by husbands, ex-husbands or boyfriends.

## It's Everyone's Problem!

### Are you in a battering relationship?

You may be a battered woman if you:

- have ever been threatened, hit, kicked, shoved, or had things thrown at you by your partner.
- are frightened by your partner's temper.
- need your partner's permission before buying food or clothing, writing checks, or making other daily decisions.
- often go along with plans you don't like because you're afraid of your partner's anger.
- are often accused by your partner of things you've never done.
- make choices about activities and friends according to how your partner will react.
- feel you have no choice about what you wear, what you say, who you spend time with, or where you go.

## The Maplewood Domestic Assault Intervention Project:

- ★ provides crisis intervention and follow-up support services to victims of Fifth Degree (domestic) Assault immediately after their partners have been arrested.
- ★ provides advocacy and support to victims of domestic assault who have not been reached before.
- ★ provides information on available support services to suspected domestic assault assailants immediately after arrest.
- ★ provides up-to-date information to the victim about her legal rights, alternatives and court procedures.
- ★ will assist and accompany the victim in obtaining an Order for Protection.
- ★ monitors assailants' court proceedings and works closely with city officials to ensure close adherence to existing laws.
- ★ coordinates services to victims with other Maplewood, St. Paul & Ramsey County agencies.
- ★ provides community education, speakers, audio-visual resources and education groups for battered women.
- ★ provides learning/service opportunities for volunteers and interns.

**770-4544      645-2824**

## If you are in a battering relationship, have a flight plan.

- Keep a list of phone numbers of friends who are reliable and who will be able to help you.
- If possible, keep ready cash on hand in case of an emergency.
- If you drive, hide an extra key for the car. You may need it for a hasty departure.
- Know the phone number of the police department if you have been hit or dial 911.
- See back of this brochure for additional numbers.

# Order for Protection

## What is an Order for Protection?

An Order for Protection (OFP) is an order the court makes to protect you from domestic abuse. It may direct the person who has abused you to:

- a. stop threatening or abusing you;
- b. leave your household;
- c. stay away from where you live, go to school, or work;
- d. pay support to you and your children if legally required to do so;
- e. enter a counseling program.

An OFP may also award you temporary custody of your children and set up conditions for visitation.

## Who is eligible for an Order for Protection?

You may file an OFP if you have recently been a victim of domestic violence. Domestic violence is defined as any act of abuse, including pushing, shoving, grabbing, slapping, punching, pulling hair, kicking, forcing sexual acts, or threatening with a weapon. You are eligible for an OFP if you and the person who has abused you:

- a. are married, or used to be married
- b. live together, or used to live together
- c. have a child in common
- d. are related by blood.

Under certain conditions, you may also file an OFP on behalf of your child if she or he has been physically or sexually abused.

## What happens if an Order for Protection is violated?

If the abuser assaults you, threatens you, or violates the order to stay away from you, call the police (911) immediately. In some cases, they are required to make an arrest.

If the abuser doesn't follow another part of the order — for example, doesn't pay child support, doesn't attend counseling, harrasses you by phone, or doesn't abide by the child visitation order — the Women's Coalition can help you bring the case back to court.

## Where to go to get an Order for Protection

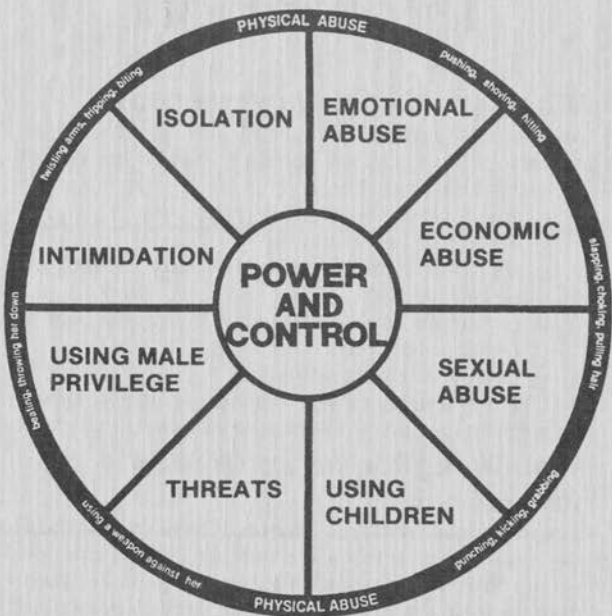
For assistance in obtaining an OFP, or further information, call the:

**Maplewood Intervention Project**  
**770-4544/645-2824**



United Way  
affiliated agency

# What is battering?



**Battering, or the use of physical force, is part of a system of behaviors used to establish and maintain power and control over another person.**

## **Intimidation**

Putting her in fear by using looks, actions, gestures, loud voice, smashing things, destroying her property.

## **Isolation**

Controlling what she does, who she sees and talks to, where she goes.

## **Emotional Abuse**

Putting her down or making her feel bad about herself, calling her names. Making her think she's crazy. Playing mind games.

## **Economic Abuse**

Trying to keep her from getting or keeping a job. Making her ask for money, giving her an allowance, taking her money.

## **Sexual Abuse**

Making her do sexual things against her will. Physically attacking the sexual parts of her body. Treating her like a sex object.

## **Using Children**

Making her feel guilty about the children, using the children to give messages, using visitation as a way to harass her.

## **Threats**

Making and/or carrying out threats to do something to hurt her emotionally. Threatening to take the children, commit suicide, report her to welfare.

## **Using Male Privilege**

Treating her like a servant. Making all the "big" decisions. Acting like the "master of the castle".

**These behaviors are more powerful because they are reinforced by the threat or use of physical abuse.**

For help or information, call the  
**Maplewood Intervention Project**  
**770-4544/645-2824**

*IT'S NOT JUST A SHAME...*

# IT'S A CRIME!



■ Every 18 seconds a woman is physically abused. She could be any age, race or background. It is never okay.

**THE MINNESOTA COALITION  
FOR BATTERED WOMEN**

570 Asbury Street Suite 201  
St. Paul, Minnesota 55104

Non Profit Org.  
U.S. Postage  
PAID  
Permit No. 8094  
St. Paul, MN

This brochure has been made possible with a grant from  
the Medtronic Foundation, Minneapolis, Minnesota.

■ Confidential help is  
available. Your privacy  
will be respected!

**For more information  
CALL 1-800-333-SAFE**

for any women in crisis.

**POLICE OR AMBULANCE, DIAL 911**

This brochure was prepared by the Domestic Abuse  
Intervention Project, Duluth, MN and Ageism/Battering  
Committee of The Minnesota Coalition for Battered  
Women, St. Paul, MN.

Photos by Ann Marsden, Mpls

## WHAT IS ABUSE?

Physical Abuse is the most common and least reported crime in America today. Two to four million women of all ages, races, and classes will be abused this year. Physical Abuse includes threats, punching, slapping, kicking, pushing, choking, burning, and even broken bones.

## SOME OLDER WOMEN ALSO EXPERIENCE ONE OR MORE OF THE FOLLOWING ABUSES:

- Neglect by caregiver
- Emotional abuse
- Withholding money
- Forced isolation
- Humiliation
- Withholding medication or food
- Verbal abuse
- Excessive sedation
- Threats to do any of the above

## WHO COULD BE AN ABUSER?

- Spouse/Partner
- Adult Child
- Caregiver
- Friend/Neighbor
- Relative

More than 43,000 Minnesota women are abused every year.

A recent study found that of elderly who are abused 58% are abused by their spouses while 24% are abused by their adult children.

Nationwide, 700,000 to 1,000,000 elderly suffer at least one of these abuses. Most abuse goes unreported.

## COMMON FEARS AROUND KEEPING ABUSE A SECRET

- Fear of people knowing
- Fear of rejection by loved ones
- Financial difficulties
- Losing caregiver you may be dependent on
- Losing your home
- Being put in a nursing home
- Being neglected
- Increased abuse

## YOU DON'T NEED TO GO THROUGH THIS ALONE...

There are other women who have been through the same thing as you.

***"A whole new world has opened up for me. I didn't realize there was so much abusiveness going on...that it was such a secret and women did not know about the help you could receive."***

He often can be very loving, gentle and apologetic, and she may hope and believe that he will change. All of these reasons are complicated by the fact that she may feel that she has no power to change her situation and no place to go. If she has no job, few skills, and no way to support herself, and if she lacks confidence and self-esteem, she sees no alternative but to stay where she is.

Battered women are also afraid to leave for fear they will be killed. Often they have been told they will be hunted down and killed and no place feels like it will be safe enough.

#### **Does A Battered Woman Always Stay A Battered Woman?**

Women who receive some beneficial intervention or counseling usually do not get involved in another abusive relationship.

#### **Can My Partner Change?**

Batterers can be re-educated to become aware of their feelings and learn other ways to deal with their anger and stop the violence. There are counseling and self-help groups which provide support and teach these new behaviors.

### **The Battered Woman Has The Following Rights**

- RIGHT** *Not To Be Abused*
- RIGHT** *To Anger Over Past Beatings*
- RIGHT** *To Choose To Change The Situation*
- RIGHT** *To Freedom From Fear Of Abuse*
- RIGHT** *To Request & Expect Assistance From Police And/Or Social Agencies*
- RIGHT** *To Share Her Feelings & Not Be Isolated From Others*
- RIGHT** *To Want A Better Role Model Of Communication For Her Children*
- RIGHT** *To Be Treated Like An Adult*
- RIGHT** *To Leave The Abusive Environment*
- RIGHT** *To Privacy*
- RIGHT** *To Express Her Own Thoughts & Feelings*
- RIGHT** *To Develop Her Individual Talents & Abilities*
- RIGHT** *To Legally Prosecute The Batterer*
- RIGHT** *Not To Be Perfect*

**Assertive behavior is behavior which enables a person to act in her own best interest, to stand up for**

**herself without undue anxiety, to express her honest feelings comfortably, or to exercise her own rights without denying the rights of others.**

#### **Does A Battered Woman Have To Be Beaten, Broken And Bloody?**

That's the picture that comes to mind when we hear the phrase, battered woman. Actually a woman can receive less severe abuse but still feel the same fear, pain and shame. This is what makes her battered.

#### **Is Alcohol And Excessive Drinking The Cause Of The Battering Behavior?**

There is little support for the idea that alcoholism is the cause of physical abuse; in fact, where it is a factor it seems to be used as an excuse. However, the violence seems to be more severe when alcohol is involved.

#### **Is Battering Ever Life-Threatening?**

A recent survey concluded that a woman is more likely to die at home at the hands of her batterer than by any other form of violence. Another study reported that over 80% of the women who were murdered by their husbands had called the police to their home at least once before the murder.

#### **Does The Abuser Ever Threaten To Commit Suicide?**

The abuser may threaten to commit suicide anytime, especially if he senses she may want to leave him. But he rarely follows through. This is another way he may manipulate her, through guilt, to stay with him.

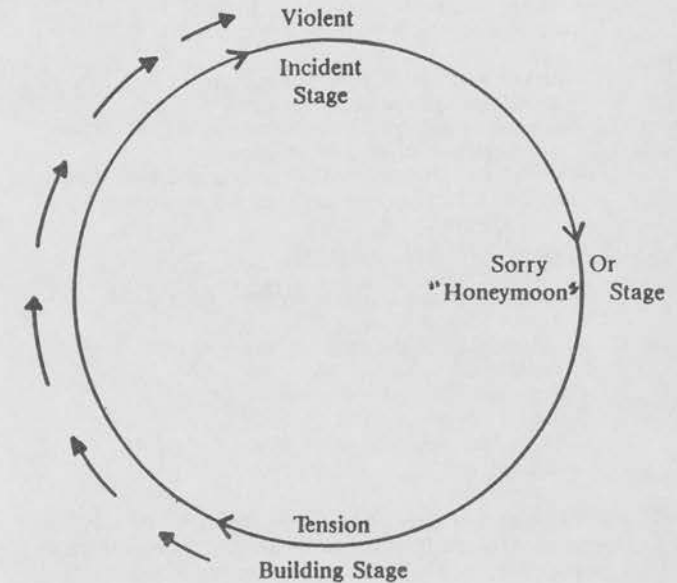
#### **What Are The Effects Of Violence In The Home On The Children?**

Whenever there is abuse or violence within the family **everyone** is affected. Sometimes the physical scars heal more quickly than the emotional ones. Children risk becoming victims of the abuser. They may also become loners because they can't talk with friends about the family secret or feel free to invite friends over. They may learn to become violent themselves: as they grow older, or themselves become battered because this is what they have seen at home.

#### **Why Does The Battered Woman Stay Where She Is?**

A woman stays for many different reasons. She may feel responsible for making the marriage work; she may want her children to have a father; she may feel that somehow she has caused and deserves the beating (she is often blamed); she may feel ashamed and guilty and not want to admit she is being beaten; she may be financially and emotionally dependent upon the assailant.

## WHAT IS ABUSE?



## WHAT CAN I DO ABOUT IT?

Saint Paul/Maplewood Intervention Project

435 Aldine St.

St. Paul MN 55104

645-2824 24 Hours



### What Is Physical Abuse?

Physical abuse can take many different forms. The following are some of them.

The abuser has:

- pushed and shoved you.
- held you down and kept you from leaving or getting up.
- bitten you.
- kicked you.
- choked you.
- hit or punched you once, twice and/or repeatedly which may or may not have resulted in visible physical injury.
- tied or otherwise physically restrained you.
- thrown objects at you which may or may not have hit you.
- locked you out of your house.
- abandoned you in dangerous places.
- refused to help you (ex. get medical attention) when you were sick injured or pregnant.
- forced you to ride in the car when abuser is driving recklessly and endangering your life and/or the life of your children.
- pulled your hair.
- dragged you.
- pulled your arms or legs or other body parts.
- ripped your clothing.
- forced you off the road or kept you from driving.
- raped you.
- threatened you with a weapon.
- used a weapon on you.
- hit or beat you with other objects.
- stabbed you.
- burned you.

You will note that many of the above do not result in a physical injury. Physical abuse does not always result in physical injury. The atmosphere of violence and fear that these acts create is abusive and results in the emotional pain which always accompanies abuse.

### What Is Sexual Abuse?

Sexual abuse can take many different forms. The following are some of them.

The abuser has:

- told anti-women jokes and/or made demeaning remarks about women (of a sexual nature).
- treated women as sex objects.
- gotten jealous, angry and/or assumed you would or were having sex with any available man (or woman).
- insisted that you dress in a more sexual way than you wanted-or made demeaning remarks about how you dress.
- made demeaning remarks about your body and/or body parts.
- minimized your feelings about sex.
- berated you about your sexual history; blamed you if you were sexually abused in the past or as a child.

- criticized you sexually—ex. called you frigid etc.
- insisted on touching you sexually when you did not want to be touched—when you were alone and/or in the presence of others.
- called you a whore and a slut.
- withheld sexual affection.
- forced you to beg for sexual affection.
- forced you to strip when you did not want to—alone and/or in front of others.
- openly showed sexual interest in other women when you were in public or at home, for example while watching TV.
- had affairs with other women (often flaunting them) after agreeing not to have sex with anyone but you.
- forced you to engage in sex with him.
- forced you to have sex with others.
- forced you to watch others having sex.
- forced particular unwanted sexual acts.
- forced sex after battering.
- forced sex when you were sick or it was a danger to your health.
- forced sex with the purpose of hurting you with objects or weapons.
- committed sadistic sexual acts.
- forced you to pose for sexual photographs.
- forced you to have sex with animals.

Sexual abuse is not just forced intercourse. The above are some of the many forms which sexual abuse may take. They all demean and humiliate us, making us feel shameful and exposed.

### What Is Emotional Abuse?

Emotional abuse takes on many different forms. The following are some of them.

The abuser has:

- ignored your feelings and/or belittled them.
- ridiculed or insulted women as a group calling them crazy, emotional, stupid, etc.
- withheld approval, appreciation, or affection as punishment.
- continually criticized you, calling you names, shouting at you; nothing is ever good enough no matter what you do or how hard you try.
- insulted your friends and/or family; driving them away.
- humiliated you in private or public.
- refused to socialize with you—going out with you, but then totally ignoring you or never going out with you.

- kept you from working, controlled you money, made all the decisions, demanded you seek permission to do or have anything.
- refused to work or share money.
- taken car keys or money away.
- destroyed, sold or given away things which are of importance or value to you.
- regularly threatened to leave or told you to leave.
- threatened to hurt your family and/or friends
- punished or deprived the children when he was angry at you; or treated the children specially, excluding you, when he was angry at you.
- threatened to kidnap the children if you ever left him.
- blamed you for any problems (real or perceived) with the children.
- abused pets to hurt you.
- told you about his affairs to humiliate you.
- harassed you about affairs he imagined you were having.
- manipulated you with lies or contradictions.
- manipulated you with emotions—ex. threatening to kill himself if you left him and other forms of emotional blackmail.
- told you it was your fault when he physically or sexually abused you—that you asked for it, deserved it, liked it, etc.
- denied that his behavior is abusive and/or minimized his abusiveness—calling you crazy, stupid—accusing you of making it up, not being able to handle it and so forth.

### Is The Woman "To Blame" For The Abuse In The Relationship?

The batterer is always responsible for the violence. 77% of the women in a survey reported that their husband's assault upon them was **not** preceded by a verbal argument. There is no support for the idea that the wife who nags causes the battering. It is the batterer's own attitudes and problems that cause him to be abusive.

### Do Battered Women Ever Feel Like They're Crazy?

Many men are good at manipulating women into thinking they are crazy. He may be a "nice guy" to everyone else so other people tell her how lucky she is to be married to him. When he hits her and tells her it's her fault, it's hard not to believe him since no one else makes him so angry. He may also hide things on her deliberately and then blame her for losing them. She comes to doubt her own sanity and loses track of what's "real".

---

**Is life-giving justice possible?**

*"We make it possible when we make safe places for women to tell the truth.*

*We make it possible when we hear and acknowledge her truth. We make it possible when we stand with her in compassion as her advocate.*

*We make it possible when we protect the vulnerable from further abuse.*

*We make it possible when we call abusers to account for their actions.*

*We make it possible when we require restitution be made to a battered woman."*

*We make it possible when we vindicate a battered woman speedily—resolving the shame which society has laid upon her."*

— Marie M. Fortune  
Center for the Prevention  
of Sexual and Domestic  
Violence  
Seattle, Washington

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St. Paul  
Intervention  
Project  
Program  
Summary ■

## Table of Contents

History 1

From the Executive Director 3

Service Areas 5

- Direct Services Advocacy 6
- Advocacy to Change System Response 7
- Battered Women's Self-Help Groups 9
- Volunteer Program 10
- Community Education 11

Scope 12

- Police Intervention Statistics 13
- Prosecution Statistics 13
- Trial Outcomes 13
- Sentencing Outcomes 13

Objectives for 1989 14

Funding 15

## History

*"The silence which has surrounded  
domestic violence has been broken."*

— Marie M. Fortune

Since 1972 battered women in St. Paul have struggled to change the justice system's response to protecting the powerless — battered women and their children. The launching of the St. Paul Intervention Project in 1985 is proof of the will of battered women to survive and change society.

Dramatic policy changes have occurred because of the work of St. Paul Intervention Project staff.

- Police are aggressively responding to domestic assaults because of mandatory arrest policies now in force in St. Paul and Maplewood.
- More domestic crimes are being successfully prosecuted by the St. Paul City Attorney's Office because of project advocates who help ensure victim participation and who also understand victims' cases.
- Access to existing services for victims and their children has improved because of the coordination efforts provided by project advocates. Victims are now ensured a consistent cross-sector response from a complex and confusing system.
- The criminal justice system's response to perpetrators is now more consistent — starting with police arrests and continuing on to the monitoring of perpetrators' compliance with sentencing conditions. Greater long-term protection is more likely when the victim works with project advocates through each stage of the process.

- Since 1985 more than 2,000 battered women in Ramsey County have received support and information from project volunteers and advocates immediately after criminal assaults. And 1,210 battered women have received legal advocacy and on-going support from the St. Paul and Maplewood intervention projects.
- Community awareness about domestic crimes is increasing. Resultingly, communities are slowly beginning to accept responsibility for stopping and controlling the behavior of batterers. Support for community intervention is growing.
- More battered women have gained independence and control over their lives by participating in the project's self-help groups. ■

**From the Executive Director:  
Lois Severson**

Our program is growing. Project advocates serviced double the number of clients in 1988 than in 1987. This was due to an increase in cases charged by St. Paul prosecutors. We also saw more cases go to trial.

In 1988 we began to reach out to two previously unserved groups of people: domestic assault victims in Maplewood and victims whose assailants were "Gone on Arrival" and, therefore, were not arrested.

**Other program accomplishments:**

- The St. Paul Intervention Project board of directors became involved in fruitful fund-raising efforts.
- St. Paul Intervention Project staff initiated and coordinated monthly meetings to add further cohesiveness to battered women's programs in Ramsey County. Staff from the following programs are involved in these on-going networking efforts: Women of Nations, Women's Advocates Shelter, Casa de Esperanza Shelter, Institute for Black Chemical Abuse (IBCA), and St. Paul Intervention Project.
- Women's Advocates Shelter contributed one staff advocate weekly to represent victims at arraignment court.

While we are proud of what we have accomplished, we are reminded daily of work that should be undertaken if all domestic assault victims and their families are to be served.

- **Services to domestic assault victims are still not available in many suburban areas of Ramsey County.**

- Battered women seeking orders for protection in Ramsey County family court usually do not have an advocate providing support and help with enforcement problems.
- The Ramsey County court system needs more resources to service the increasing number of domestic assault victims. Victims seeking orders for protection must now wait three days to obtain an appointment.
- More criminal charges need to be brought by St. Paul prosecutors in assault cases where an arrest was not made because the assailant was "Gone on Arrival." Few assailants in these cases are prosecuted.
- Coordinated services amongst municipalities, the justice systems, and counties is still lacking. Little information is shared unless a skilled advocate is involved.
- In the suburbs, unacceptably long delays in the processing of criminal cases exist. Some cases take as long as one and one-half years to resolve.
- Many barriers still exist for non-English speaking women, older women, women with disabilities, and other unserved groups. ■

## Service Areas

- Direct Services Advocacy
- Advocacy to Change System Response
- Battered Women's Self-Help Groups
- Volunteer Program
- Community Education

## St. Paul Intervention Project Program Summary ■

## Direct Services Advocacy

*"Why should the victim and her children have to leave their home in order to be safe? Why aren't the police and courts protecting them?"*

— Battered Women's Advocate

St. Paul Intervention Project advocates help victims of domestic crimes gain access to the criminal justice system. The success of our intervention is dependent upon our being able to daily monitor and advocate in the system. As the following statistics show, our volume has more than doubled since 1987.

### 24-Hour Crisis Intervention and Support Service

City	Individuals Served	
	1987	1988
St. Paul	451	1,077
Maplewood	NA*	144

### Legal Advocacy for Victims of Domestic Crimes\*\*

City	Individuals Served	
	1987	1988
St. Paul	214	615
Maplewood	NA*	88

\* Not applicable.

\*\* Domestic crimes include misdemeanor assaults, gross misdemeanor assaults, aggravated assaults, violations of no contact orders, and violations of orders for protection (restraining orders). ■

## Advocacy to Change System Response

*"It was such an extreme experience having actually been arrested and dealt with rather harshly...that I sought help."*

— Former Batterer

Aggressive intervention by law enforcement officials, prosecutors, and judges has proven to be an effective tool for preventing further violence in most families. To maintain this level of intervention, St. Paul Intervention Project advocates continue to coordinate an array of community services for each family.

Most of our efforts are directed toward bringing policy makers together to develop strategies and policies that hold abusers accountable for their violent behavior. Our efforts in 1988 were fruitful.

Monthly meetings, attended by city prosecutors, district court judges, victim advocates, court administrators, jail personnel, and police, were convened in 1988 by Bob Long, St. Paul City Council member, and by project staff. As a result:

- Staff were added to the St. Paul Prosecutor's Office to work with domestic assault cases.
- Plans are underway to have a special unit within the St. Paul City Attorney's Office prosecute domestic crimes and work more closely with victims beginning in 1989.
- More cases were charged by prosecutors in 1988. Where there was project intervention, 87 percent of assailants were charged, compared to 74 percent in 1987.
- A policy of issuing no contact orders when assailants post bail was put in force by Ramsey Court judges in 1988. This new policy ensures that all victims will have the court's protection during the critical period between the assailant's release from jail and the disposition of the case.

The 1988 legislature passed a bill requiring prosecutors to notify victims prior to the release of the suspect when charges are being dismissed after police arrest. State Representative Kathleen Vellenga sponsored the bill, supported by many victim advocate programs, at the request of the St. Paul Intervention Project.

We expanded our police information program to include Maplewood police. In 1988, 245 officers from St. Paul and Maplewood were addressed at police shift changes and training sessions.

With funding secured in 1987, the Maplewood Intervention Project started March 1988. With the support of the Maplewood City Council, Maplewood Police Chief Kenneth Collins established a mandatory arrest policy. Project advocates and volunteers provide 24-hour crisis intervention and legal advocacy services, and conduct a battered women's group in Maplewood. At weekly meetings, information is exchanged and cases are reviewed by a project advocate, the Maplewood prosecutor, and police.

Project advocates are present daily at criminal arraignment court to represent victims' safety concerns and to provide information about the history of abuse in victims' families

In 1988 Women's Advocates Shelter provided a criminal court advocate one day per week as a contribution to the project's efforts. The shelter will continue to provide this support in 1989.

Under a new program, funded by the Federal Justice Department and sponsored by the St. Paul Police Department, project advocates began responding to assault victims in cases where the suspects were "Gone on Arrival" and, therefore, were not arrested. The advocates help victims in such situations file charges and obtain orders for protection. ■

St. Paul  
Intervention  
Project  
Program  
Summary ■

### Battered Women's Self-Help Groups

*Battered women are isolated by fear, as aptly stated by a battered women, "I would not leave my home to reach out for help unless I would be safe doing so."*

From its inception, the St. Paul Intervention Project has focused its victim educational efforts on neighborhoods. We believe this orientation ensures accessibility and helps establish the type of trust required to work on safety issues in the community.

Neighborhood educational groups for battered women are held in Maplewood and in two St. Paul communities with high incidences of domestic assault. These weekly groups are attended by an average of ten battered women. Media presentations and specially developed educational materials provide the women with information about community resources and help them develop alternative support systems. Transportation and child care costs are paid by the St. Paul Intervention Project for those requesting assistance.

During 1988 survivors of violent relationships continued to participate in the project's training sessions, community education presentations, legislative action, United Way's *A Fair of the Heart*, fund raising, television and radio presentations, newspaper interviews, and other community activities. ■

St. Paul  
Intervention  
Project  
Program  
Summary ■

### Volunteer Program

*"A home visit differs from any other contact the victim is likely to have within the system. The focus of the attention is the victim, not the batterer, as is the case with court proceedings. This allows the victim to speak freely with me."*

— Chris Kiefer  
Volunteer

Donating approximately 140 hours weekly, volunteer advocates offer emergency support services to victims and other family members on evenings and weekends. They also serve as court advocates.

Volunteers are recruited from all socioeconomic, racial, religious, ethnic, and age groups throughout the Twin Cities metropolitan area. Over one half of the volunteers are survivors of violent relationships.

#### 1988 Volunteers

Kay Adams	Alice Lynch
Pat Banks	Nancy Maloney
Michelle Benesch	Mary Maness
Pam Biskupski	Barb Miller
Anne Bruggemeyer	Karen Newman
Joni Colstrud	Jean Peterson
Kathy Dandeneau	Sophie Pfeiffer
Joyce Davis	Sandy Reetz
Millie Drew	Debbie Smith
Nancy Finch	Gloria Smith
Olga Flores	Robin Smith
Gail Froncek	Debbie Soles
Sheila Grittner	Margie Taylor
Colleen Gunderson	Sandra Toney
Anna Hogan	Julie Trachuck
Sue Kees	Barb Tyler
Chris Kiefer	Carmen Vellatoro
Carmen Levin	Jeannie Weis
Mary Long	Rebecca Wilson
Elizabeth Longaecker	Deb Ziebart

## Community Education

*"If someone was to ask me what being abused does to the victim, I would say it wounds, terrifies, isolates, degrades, and emotionally debilitates the abused."*

— Battered Woman

To stop the domestic violence epidemic, community responses need to improve. Prevention must start in homes, neighborhoods, workplaces, and health care facilities.

More than 75 presentations were made by St. Paul Intervention Project staff to community groups, churches, agencies, organizations, and corporations in 1988. Among those requesting our participation were:

- United Auto Workers, Local 879
- Women's Resource Center, Normandale Community College
- Black, Indian, Hispanic, and Asian Women in Action
- Woodbury Baptist Church
- Women's Consortium
- 3M
- Institute for Black Chemical Abuse (IBCA)
- Twin Town Chemical Dependency Treatment Center
- Leadership St. Paul, St. Paul Chamber of Commerce
- Law Enforcement Program, Inver Hills Community College
- University of Minnesota Law School

And our program was mentioned or featured in the following 1988 newspaper articles:

- "Prosecution unit sought to handle domestic abuse," *St. Paul Pioneer Press and Dispatch*, February 16
- "Judges urge vigorous prosecution of domestic abuse," *Star Tribune*, May 29
- "Panel proposes ways to protect violence victims," *St. Paul Pioneer Press and Dispatch*, June 7
- "New hope for breaking domestic abuse cycle," *Ramsey County Review*, November
- "Volunteers offer hope to beaten and battered victims of home abuse," *Ramsey County Review*, December 14

## Scope

Approximately 2,789 domestic abuse incidents were reported to Ramsey County law enforcement agencies in 1988. Of this number, 1,221 were serviced by the 24-hour outreach program of the St. Paul Intervention Project.

■ The St. Paul Intervention Project was notified about the following cases in 1988.

Police Intervention	Misdemeanor /Gross Misdemeanor Arrests	Aggravated Assault Arrests	Assailants Gone on Arrival	Other Action	Violations of Orders for Protection /No Contact	Total
St. Paul	533	105	739	56	not available	1,433
Maplewood	70	3	5	7	2	87

■ Project advocates worked with the victims in the following cases.

Arraignment	Charged*	Dismissed*	Reduced Plea	Continued	Total
St. Paul	362	54	12	6	439
Maplewood	84	0	0	0	84

\* Includes misdemeanor and gross misdemeanor assaults, and violations of orders for protection and no contact orders.

Trial Outcomes	Guilty	Not Guilty	Dismissed	Warrant	No Information	Pending	Total
St. Paul	167	4	20	11	23	14	238
Maplewood	37	0	7	0	9	19	72

Sentencing Outcomes	Jail Time Stayed or Served	Batterers Mandated to Counseling
St. Paul	128	140
Maplewood	not available	not available

*St. Paul Intervention Project Program Summary* ■

**Objectives for 1989**

- Fund raise to establish a battered women's self-help group for women of color in the Summit-University area.
- Locate and secure affordable office space. Our lease is up and we have outgrown our current quarters.
- Fund raise to secure funds to hire a volunteer coordinator/community education facilitator to free advocates for advocating.
- Recruit and train more volunteers. Our volunteer program is suffering. Demand for our services is up, and our advocate who doubles as volunteer coordinator does not have time to devote to both areas.
- Purchase a computer and data base software to readily track cases.
- Expand staff training and development opportunities to avoid staff burnout and to keep staff in the field. ■

## Funding

Funding for the St. Paul Intervention Project is derived from public and private organizations. Sources of 1988 revenue, totaling \$213,912, are grouped as follows:

Revenue Sources	Percent of Total
Foundations and Corporations	30%
City of St. Paul	19%
Federal Funds	17%
United Way - St. Paul Area	15%
City of Maplewood (restricted)	15%
Community Organizations and Individual Donations	2%
District Court Fines	2%

In 1989 we hope to achieve a level of 80% public and United Way funding. This would reduce our need for private resources and would stabilize the project's financial base.

Potential sources of continued and increased public support include the Ramsey County Community Corrections Department, the Ramsey County Human Services Agency, the Minnesota Department of Corrections, and the City of St. Paul.

Our budget for 1989 is \$230,376. ■

---

*"The members of this project provide much-needed emotional support and encouragement as the victim goes through the court system.... We are convinced that for the presence and support of these workers, many assault cases would never be pursued because of the initial reluctance of victims to follow through with prosecution, not to mention their predictable frustration with the legal system itself."*

— District Court Judges  
Ramsey County

---

St. Paul Intervention Project  
435 Aldine Street  
St. Paul, Minnesota 55104 ■

## Staff

Lois Severson  
*Executive Director*

Myra Givens  
*Advocate*

Pat Kasper  
*Advocate*

Rebecca McLane  
*Advocate*

Nancy Muck  
*Advocate*

Mazi Johnson  
*Administrative Assistant*

Debra Barnes  
*Urban Corps Advocate*

## Board of Directors

- President  
Josephine Ristau  
*Assistant Director, H. B. Fuller*
- Secretary  
Joanne M. Smith  
*District Court Judge, Ramsey County*
- Treasurer  
Lisbeth Wolf  
*Director, Women's Advocates Inc.*
- Board Members  
  
Rosanjelica Aburto  
*Research Assistant*  
Minnesota Council for Nonprofits  
  
Michael Fiske Driscoll  
*Assistant City Attorney*  
City of St. Paul  
  
Sam Elliott  
*Advocate, Women of Nations*  
  
Alice Lynch  
*Executive Director, Black, Indian,  
Hispanic, and Asian Women in Action*  
  
Rita Reuss  
*Vice President, Land O'Lakes Inc.*  
  
Al Singer  
*Captain, St. Paul Police Department*



United Way  
affiliated agency

Public Affairs Pamphlet No. 579

50¢

# Assaults on women: rape and wife beating

By Natalie Jaffe





## **Partially Scanned Material**

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# AN ACT

H.F.No. 521  
CHAPTER No.

214

1  
2 relating to domestic abuse; authorizing judicial  
3 intervention to provide protection from domestic  
4 abuse; prescribing penalties.  
5

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

7 Section 1. [518B.01] Subdivision 1. [SHORT TITLE.]

8 This section may be cited as the domestic abuse act.

9 Subd. 2. [DEFINITIONS.] As used in this section, the  
10 following terms shall have the meanings given them:

11 (a) ~~"Domestic abuse" means: (i) physical harm, bodily~~  
12 ~~injury, assault, or the infliction of fear of imminent~~  
13 ~~physical harm, bodily injury or assault, between family or~~  
14 ~~household members; or (ii) criminal sexual conduct, within~~  
15 ~~the meaning of Minnesota Statutes, Sections 609.342,~~  
16 ~~609.343, 609.344, or 609.345, committed against a minor~~

17 family or household member by an adult family or household  
18 member;

19 (b) "Family or household members" means spouses,  
20 parents and children, persons related by consanguinity, and  
21 persons jointly residing in the same dwelling unit.

22 Subd. 3. [COURT JURISDICTION.] An application for

1 relief under this section may be filed in the court having  
2 jurisdiction over dissolution actions. In a jurisdiction  
3 which utilizes referees in dissolution actions, the court  
4 or judge may refer actions under this section to a referee  
5 to take and report the evidence therein in the same manner  
6 and subject to the same limitations as is provided in  
7 section 518.13. Actions under this section shall be given  
8 docket priorities by the court.

9 Subd. 4. [ORDER FOR PROTECTION.] There shall exist an  
10 action known as a petition for an order for protection in  
11 cases of domestic abuse.

12 (a) A petition for relief under this section may be  
13 made by any family or household member on behalf of himself  
14 or herself or on behalf of minor family or household  
15 members.

16 (b) A petition for relief shall allege the existence  
17 of domestic abuse, and shall be accompanied by an affidavit  
18 made under oath stating the specific facts and  
19 circumstances from which relief is sought.

20 (c) A petition for relief may be made regardless of  
21 whether or not there is a pending lawsuit, complaint,  
22 petition or other action between the parties.

23 (d) The court shall provide simplified forms and  
24 clerical assistance to help with the writing and filing of  
25 a petition under this section by any person not represented  
26 by counsel.

27 (e) The court shall advise a petitioner under clause  
28 (d) of the right to file a motion and affidavit and to sue  
29 in forma pauperis pursuant to Minnesota Statutes, Section  
30 563.01 and shall assist with the writing and filing of the  
31 motion and affidavit.

32 Subd. 5. [HEARING ON APPLICATION.] Upon receipt of  
33 the petition, the court shall order a hearing which shall

1 be held not later than 14 days from the date of the order.  
2 Personal service shall be made upon the respondent not less  
3 than five days prior to the hearing. In the event that  
4 service cannot be made, the court may set a new date.

5 Subd. 6. [RELIEF BY THE COURT.] Upon notice and  
6 hearing, the court may provide relief as follows:

7 (a) Restrain any party from committing acts of  
8 domestic abuse;

9 (b) Exclude the abusing party from the dwelling which  
10 the parties share or from the residence of the petitioner;

11 (c) On the same basis as is provided in chapter 518,  
12 award temporary custody or establish temporary visitation  
13 with regard to minor children of the parties;

14 (d) On the same basis as is provided in chapter 518,  
15 establish temporary support for minor children or a spouse;

16 (e) Provide counseling or other social services for  
17 the parties, if married, or if there are minor children;

18 (f) Order, in its discretion, other relief as it deems  
19 necessary for the protection of a family or household  
20 member, including orders or directives to the sheriff or  
21 constable, as provided by this section.

22 Any relief granted by the order for protection shall  
23 be for a fixed period not to exceed one year.

24 Subd. 7. [TEMPORARY ORDER.] Where an application  
25 under this section alleges an immediate and present danger  
26 of domestic abuse, the court may grant an ex parte  
27 temporary order for protection, pending a full hearing, and  
28 granting relief as the court deems proper, including an  
29 order:

30 (a) Restraining any party from committing acts of  
31 domestic abuse;

32 (b) Excluding any party from the dwelling they share  
33 or from the residence of the other except by further order

1 of the court.

2 An ex parte temporary order for protection shall be  
3 effective for a fixed period not to exceed 14 days. A full  
4 hearing, as provided by this section, shall be set for not  
5 later than seven days from the issuance of the temporary  
6 order. The respondent shall be served forthwith, a copy of  
7 the ex parte order along with a copy of the petition and  
8 notice of the date set for the hearing.

9 Subd. 8. [SERVICE OF ORDER.] Any order issued under  
10 this section shall be personally served upon the respondent.

11 Subd. 9. [ASSISTANCE OF SHERIFF IN SERVICE OR  
12 EXECUTION.] When an order is issued under this section upon  
13 request of the petitioner, the court shall order the  
14 sheriff or constable to accompany the petitioner and assist  
15 in placing the petitioner in possession of the dwelling or  
16 residence, or otherwise assist in execution or service of  
17 the order of protection.

18 Subd. 10. [RIGHT TO APPLY FOR RELIEF.] (a) A person's  
19 right to apply for relief shall not be affected by his or  
20 her leaving the residence or household to avoid abuse.

21 (b) The court shall not require security or bond of  
22 any party unless it deems necessary in exceptional cases.

23 Subd. 11. [MODIFICATION OF ORDER.] Upon application,  
24 notice to all parties, and hearing, the court may modify  
25 the terms of an existing order for protection.

26 Subd. 12. [REAL ESTATE.] Nothing in this section  
27 shall affect the title to real estate.

28 Subd. 13. [COPY TO LAW ENFORCEMENT AGENCY.] Upon the  
29 request of the petitioner, any order for protection granted  
30 pursuant to this section shall be forwarded by the clerk of  
31 court within 24 hours to the local law enforcement agency  
32 with jurisdiction over the residence of the applicant.

33 Each appropriate law enforcement agency shall make

1 available to other law enforcement officers through a  
2 system for verification, information as to the existence  
3 and status of any order for protection issued pursuant to  
4 this section.

5 Subd. 14. [VIOLATION OF AN ORDER FOR PROTECTION.] (a)  
6 Whenever an order for protection is granted pursuant to  
7 this section, and the respondent or person to be restrained  
8 knows of the order, violation of the order for protection  
9 is a misdemeanor.

10 (b) A violation of an order for protection shall also  
11 constitute contempt of court and be subject to the  
12 penalties therefor.

13 Subd. 15. Any testimony offered by a respondent in a  
14 hearing pursuant to this section is inadmissible in a  
15 criminal proceeding.

16 Subd. 16. [OTHER REMEDIES AVAILABLE.] Any proceeding  
17 under this section shall be in addition to other civil or  
18 criminal remedies.

19 Sec. 2. This act is effective the day after final  
20 enactment and shall apply to all acts of domestic abuse  
21 committed on or after that date.

Rod Scarle  
Rod Scarle  
Speaker of the House of Representatives.

Edward J. Garty  
Edward J. Garty  
President of the Senate.

Passed the House of Representatives this 17th day of May in the year of Our Lord one thousand nine hundred and seventy-nine.

Edward A. Burdick  
Edward A. Burdick  
Chief Clerk, House of Representatives.

Passed the Senate this 15th day of May in the year of Our Lord one thousand nine hundred and seventy-nine.

Patrick E. Flahaven  
Patrick E. Flahaven  
Secretary of the Senate.

Approved

5/25/79

Albert H. Quie  
Albert H. Quie  
Governor of the State of Minnesota.

Filed

May 25, 1979

Joan Anderson Growe  
Joan Anderson Growe  
Secretary of State.

MEMORANDUM

TO: JUDGE FLEMING  
REFEREE RUTMAN  
REFEREE KUBIS  
REFEREE ALFVERBY  
GORDON GRILLER  
PAT KENNEY  
/ MIKE DRISCOLL  
JOE GOCKOWSKI  
FRAN REIS

FROM: SUE ALLIEGRO *sa*

DATE: JULY 9, 1979

RE: DOMESTIC ABUSE PROCEDURES

As discussed in the meeting on July 3rd, the implementation of the Domestic Abuse Act will be done in several stages. Because the Act has already taken effect and petitions have been filed, temporary procedures must be initiated immediately. Finalized procedures will be in operation at the start of the Fall Term after filing procedures and scheduling options have been examined.

Below are listed the temporary procedures to be followed during the summer months. Finalized procedures will be developed and forwarded for your approval. A flow chart of the required procedures accompanies this memo.

The implementation of the Domestic Abuse Act necessitates three separate procedures: Design of Required Forms, Filing of Forms, and Scheduling of Hearings.

Design of Forms: Enclosed are the necessary forms that Mike Driscoll has designed. As you will notice, the forms contain the necessary information and are in keeping with the statutory requirement that they be simplified. These forms will be standard ones used in Domestic Abuse matters.

Filing of Forms: Because of the nature of the Act, the forms will be filed in Family Court. Mike Driscoll will provide the clerical assistance in the preparation and filing of the forms as required by statute. The Clerk of District Court's office and the Family Court Assignment Division have been instructed to refer all Domestic Abuse clients to Mike.

Beginning in the Fall, either the Family Court Law Clerks or the Bailiff/Law Clerks will assume the responsibility.

Scheduling of Hearings: Scheduling presents the biggest problem as the court calendars are set weeks in advance and Domestic Abuse matters must be given priority. The temporary solution is that these matters will be set on Judge Fleming's calendar initially then sent to an available Judge or Referee.

Other more permanent scheduling options include: blocking out set time periods on the Referee's calendars, assigning to District Court Judges as matters to be handled as first assignment in the morning, and setting on Municipal Court's Unlawful Detainer calendar. Meetings will be scheduled with the District, Municipal and Family Court Assignment offices to discuss feasibility of these options.

Another possibility suggested is to refer cases to the Domestic Relations Division for counseling to determine if hearings can be avoided. Preliminary discussions with Sal Maniaci indicate that he supports this option.

-----  
With the initiation of the above temporary procedures, it is necessary to record the number of cases filed and the approximate length of time for the hearing. Future scheduling can be better planned using such information.

If you have any questions or comments about the above, please call me at 4374.

Thank you.

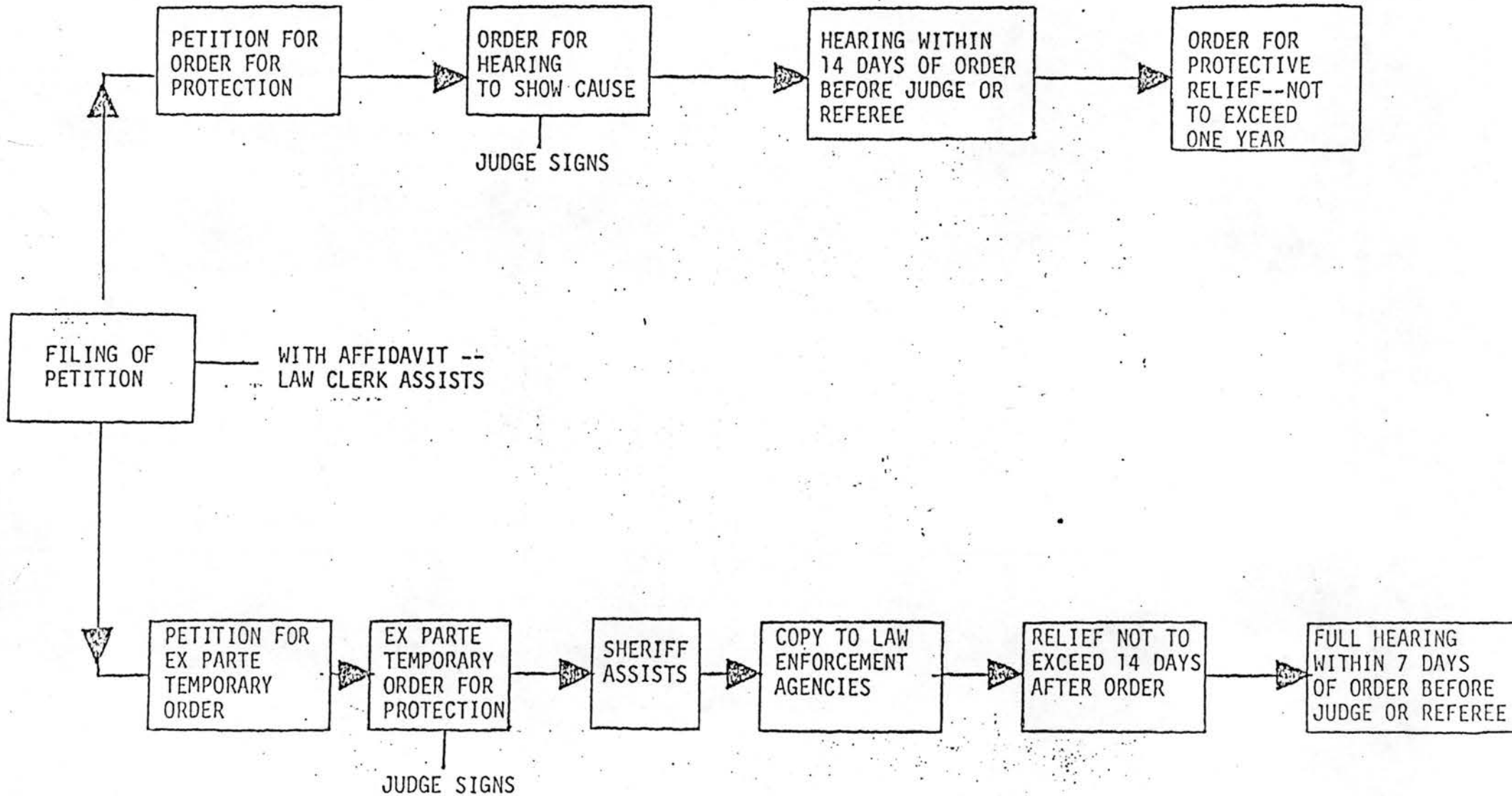
SA:fjm

Attachments

cc: Sal Maniaci

July 9, 1979

DOMESTIC ABUSE PROCEDURES





COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT  
FAMILY COURT DIVISION

-----  
In Re Matter of

Petitioner,

and

ORDER TO SHOW CAUSE  
(EX PARTE TEMPORARY  
ORDER FOR PROTECTION)

Respondent.  
-----

TO: The above-named Respondent, \_\_\_\_\_ :

Upon the Petition for an Order for Protection and the Affidavit attached hereto and upon all of the records and proceedings herein,

YOU ARE HEREBY ORDERED to personally appear and show cause, before the above-named Court in the Courthouse in the City of St. Paul, Minnesota, at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 1979, before \_\_\_\_\_, why the relief sought by the Petitioner in the Petition for Order for Protection should not be granted. Pending said hearing:

In Re Matter of

Petitioner,

and

PETITION FOR:  
ORDER FOR PROTECTION  
EX PARTE TEMPORARY  
ORDER FOR PROTECTION

Respondent.

TO: The above-named Respondent, \_\_\_\_\_.

The above-named Petitioner petitions the Court on behalf of

\_\_\_\_\_, who is:

also the petitioner and lives in the same dwelling unit as respondent

related to the petitioner as \_\_\_\_\_, and lives in the  
(State how related)  
same dwelling unit as the petitioner and the respondent.

not related to the petitioner but lives in the same dwelling unit as  
the petitioner and the respondent.

This petition is made because the respondent has committed acts  
of domestic abuse (as defined in Minnesota Statutes, Section 518B.01)  
against \_\_\_\_\_.

Such acts include but are not limited to:

- a. Physical harm, bodily injury, assault and/or the infliction of fear that one or more of these acts will be committed imminently;
- b. Criminal sexual conduct against a minor family or household member.

There (is)(is not) a pending lawsuit, complaint, petition or other action between the parties.

The facts and circumstances as set forth in the Affidavit of petitioner attached hereto and made a part hereof are appropriate ones for the Court to issue an Order for Protection, including the relief asked for below:

Petitioner asks for the following relief:

- a. For an Order for Protection pursuant to M.S.A. § 518B.01, providing that:

1. Respondent be restrained and enjoined from committing acts of domestic abuse against (petitioner), (\_\_\_\_\_), or anyone else, minor or adult, living in the same household.
  2. Respondent be excluded from the residence of petitioner or other abused party, such residence located at \_\_\_\_\_
  3. Respondent be restrained from appearing at said residence, subject to the right of reasonable visitation, if any, with any minor children of respondent's.
  4. Petitioner shall have the temporary care, custody, and control of the minor children of the parties, subject to the right in respondent of reasonable visitation.
  5. Respondent shall pay to petitioner or other appropriate person reasonable temporary support for \_\_\_\_\_
  6. The Sheriff of Ramsey County be required to accompany petitioner and assist in the service and execution of such Order for Protection.
  7. The Clerk of District Court be required to send a copy of the Order for Protection to the St. Paul Police Department, pursuant to M.S.A. § 518B.01(13).
  8. There be such counseling and other social services as may be reasonable.
  9. There be such other relief as the Court deems reasonable or necessary.
- b. For an Ex Parte Temporary Order for Protection to issue immediately pursuant to M.S.A. § 518B.01 (7), because petitioner alleges and believes that \_\_\_\_\_ is in immediate and present danger of further domestic abuse.



GEORGE LATIMER  
MAYOR

CITY OF SAINT PAUL  
OFFICE OF THE CITY ATTORNEY

EDWARD P. STARR, CITY ATTORNEY  
647 City Hall, Saint Paul, Minnesota 55102  
612-298-5121

July 12, 1979

MEMORANDUM

TO: Criminal Staff  
FROM: Polly Flynn *PF*  
RE: Domestic Abuse Act

As you probably know, the legislature recently enacted the Domestic Abuse Act which I am attaching. The Act became effective May 25, 1979. Basically, it provides for a restraining order in cases of domestic abuse between family or household members, even where no divorce action is pending or the parties are not married.

I spoke to Mike Driscoll, Judge Fleming's clerk, yesterday about the forms and procedures they have just now established to implement the statute. These procedures are temporary and will be employed only until fall term when finalized measures will be developed. I have also attached copies of their memorandum and forms.

Essentially, persons desiring restraining orders should be referred to Family Court on the seventeenth floor. From there they will probably be referred to Mike Driscoll who will assist them in completing the necessary forms. If the person is represented, Driscoll will have the attorney fill out the forms. Depending upon the nature of the case, either a Petition for Order for Protection and Order for Hearing to Show Cause or a Petition for Ex Parte Temporary Order and Ex Parte Temporary Order for Protection will be prepared.

The ex parte temporary order may be issued where petitioner alleges an "immediate and present danger of abuse". The temporary order may restrain any party from committing domestic abuse and exclude any party from the home. Driscoll will then assist petitioner in filing the order.

Memo to Criminal Staff  
Page Two  
July 12, 1979

There is a filing fee of \$20 (plus \$4.00 for each additional petitioner), but petitioner may also sue in forma pauperis. The clerk's office will then forward a copy of the order to the police department. Once the order has been filed, the sheriff will serve Respondent with a copy of the ex parte order, the petition and notice of the date set for the hearing. The sheriff will also be required to accompany the petitioner and assist in placing her or him in possession of the residence and serving or executing the order for protection. The hearing date shall not be set for later than 7 days from the date of the order. The temporary order will be effective for a fixed period not to exceed 14 days.

Where petitioner seeks an order for protection, the judge may sign an Order for Hearing to Show Cause which will then be filed in the Clerk's Office and served personally by the sheriff. A hearing date will be scheduled within 14 days of the Order. The respondent must be served not less than 5 days prior to the hearing.

At the hearing the court may provide the following types of relief: (1) restrain any party from committing acts of domestic abuse; (2) exclude the abusing party from their shared dwelling; (3) award temporary custody or visitation; (4) award temporary support; (5) where the parties are married or have minor children, provide counseling or social services; (6) other relief deemed necessary. The relief granted will be in effect for a fixed period not to exceed one year.

Particularly important to us is the fact that the Act has made it a misdemeanor for a person to knowingly violate the terms of an order for protection. The statute also provides that the violation of such an order constitutes contempt of court.

While we do not necessarily have to be too concerned with the procedures employed, we will be called upon to enforce violations of the law. I also anticipate that we will be called upon to refer victims to the proper people in order to initiate proceedings.

PKF/mla  
Attachments

Vol. 9, No. 1  
Women's Advocates Newsletter  
584 Grand Avenue  
Saint Paul, MN 55102

RETURN POSTAGE GUARANTEED

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St. Paul Police Dept  
101 E 10th St  
St. Paul Mn 55101

Women's Advocates Statistics - January 1, 1981 through December 31, 1981

Residents - children	255
Residents - women	224

Total resident days - children	4,478
Total resident days - women	2,748

Average stay for children	17
Average stay for women	12

Requests for shelter	1,371
Provided shelter	224
Unable to provide shelter (lack of space)	1,147

Minority residents - children	110
Minority residents - women	50

Number of calls received by our Crisis Phone - 227-8284	12,496
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We have provided services to residents from the following counties in these percentages:

Ramsey	65%
Dakota	3
Hennepin	16
Washington	4
Anoka	2
Other-Minnesota	4
Other-States	5

# WIFE BEATING: A PSYCHO-LEGAL ANALYSIS

By Dolores J. Trent\*

*History*



## Definition

A battered wife is not someone who is simply pushed, slapped, or physically restrained by her husband. She is most often the victim of a systematic form of torture, involving "repeated, deliberate, severe, demonstrable physical injury inflicted on her person."<sup>1</sup>

## Extent of Problem

Without uniform police reporting procedures and a central collection agency, it is impossible to determine with accuracy the extent of wife beating in this country. Even if police statistics were available, they would not include the vast number of unreported cases.

The important thing, however, is that sociologists and others who are active in spouse abuse research agree that the extent of wife beating in the U.S. today is seriously underestimated. Legal experts think that wife abuse is one of the most under reported crimes in the country—even

\* Dolores Trent is a 3rd year student at West Va. University College of Law, and is a member of the Morgantown W. Va. Domestic Violence Task Force.

1. LeRoy G. Schultz, Administrator: W. Va. University Dept. of Social Work, *Wife Beating in the Small Community: A Social Policy Analysis*, (1976), p. 2.

more under-reported than rape, which the FBI estimates is ten times more frequent than statistics indicate.<sup>2</sup>

The most conservative estimate puts the number of battered wives at well over a million.<sup>3</sup> In one important study, 55% of the husbands questioned admitted that they had hit their wives at least once, and 25% said they hit their wives from six times a year to daily.<sup>4</sup> These homes were referred to Gelles by police and social agencies as having a likelihood of violence. Further, in the control group for this study, families with no history of violence, one third reported wife abuse. This suggests that there are at least fifteen million battered wives in the U.S. today.<sup>5</sup> But, according to another study by Gelles and Steinmetz, 60% of all U.S. couples are involved in some form of wife abuse. If these figures are representative, there are between 26-30 million abused wives in the U.S. today.<sup>6</sup>

## Reasons for Current Recognition of the Problem

Wife beating is not a modern problem but attention has only recently focused on this phenomenon. In a social sense, women are no longer considered an adjunct of their

2. Karen Durbin, "Wife-Beating", *The Ladies' Home Journal* 91 (June, 1974), p. 62.

3. "Battered Wives: Now They're Fighting Back", *U.S. News and World Report*, Sept. 20, 1976, p. 47.

4. Richard J. Gelles, *The Violent Home: A Study of Physical Aggression between Husbands and Wives*, Beverly Hills, Cal., Sage publications, (1974), p. 51.

5. Roger Langley and Richard Levy, *Wife Beating: The Silent Crisis*, New York, (1977), p. 3.

6. *Id.*, p. 12.

husbands, but as separate human beings with separate rights. Their status has changed from the long-endured acceptance as chattel to one of autonomy and a recognition of fundamental rights in this country. The emergence of women in the work force has made the voice of women's views more readily heard. Female professionals are concentrating some of their efforts on women's rights.

Kierkegaard, the Danish religious philosopher, said that women were feelers, but that men were the thinkers.<sup>7</sup> Perhaps finally recognition has evolved that both men and women are not only thinkers but also feelers. This social sensitivity and change in sociological attitude is strengthened by the Women's Movement. In essence, fewer women now tolerate being beaten up or acquiesce by letting women who feel helpless accept their plight, without at least being exposed to the realities of the problem.

In Gelles' famous study, *The Violent Home: A Study of Physical Agression between Husbands and Wives*, another reason for the recent interest in domestic violence was elucidated besides the Women's Movement. Gelles contends that great interest has focused on the "consensus model of society", which refutes that conflict is a ubiquitous part of social interaction. In the "consensus model of society" man is seen as basically cooperative and non-violent rather than competitive, aggressive, and prone to violence. Thus, a current attitude among public and social scientists is that the normal status of society is harmonious, and thus research is being done to measure the deviant aspects of

7. Soren Kierkegaard, *Either/Or* p. 234.

social living, including violence in the family.

#### History of the Problem

In Europe during the Middle Ages, squires and noblemen beat their wives just as regularly as they beat their serfs. Peasants faithfully followed their lords' examples. At that time, a woman could be burned alive for merely threatening her husband or even for scolding and nagging.<sup>8</sup>

Occasional pity gave rise to protest on behalf of the wife-victims. For example, in 1427, Bernard of Siena suggested to his male parishioners that they exercise a little restraint and treat their wives with as much mercy as they would their hens and pigs.<sup>9</sup>

As late as 1395, a woman who tried to divorce her husband because of his brutal beatings, was denied the divorce and was sent back to him even though he had attacked her with a dagger, had slashed her, and broken her arm. The court agreed with the husband's defense that whatever he had done was "honest, reasonable, and solely for the purpose of reducing her from her errors."<sup>10</sup>

The first judicial opinion suggesting that a wife might have a remedy against her husband for "unreasonable correction" occurred in James I's reign (1603-1625), in the case of Sir Thomas Seymore, who was in the habit of beating Lady Seymore. Later, the English "Rule of Thumb" allowed a husband the right to "chastise his wife with a whip or rattan no bigger than his thumb, in order

8. Gelles (*The Violent Home*), p. 14.

9. Elizabeth Gould Davis, *The First Sex*, 1971, p. 254, 255.

10. Del Martin, *Battered Wives*, 1976, p. 30.

11. Langley, p. 33.

to enforce the salutary domestic discipline."<sup>12</sup>

In America, the condition held that husband right to chastise their first U.S. court to acknowledge right of a husband to his wife was in 1824 *State*.<sup>13</sup> Here, the Supreme Court held that should be permitted chastise his wife without projected to a prosecution and battery, to prevent shame to all the parties.

In *State v. Black*, North Carolina Court though the husband had wife, that "the law permit use towards his wife of force as necessary of unruly temper and mal herself and unless some injury be inflicted, or excess of violence, or of cruelty as shows that to gratify his own bad law will not invade forum, or go behind the prefers to leave the parties themselves . . ." <sup>14</sup> Similar in *State v. Oliver* which said that it was better curtain, shut out the and leave the parties to forget."<sup>15</sup>

But the landmark case in 1871. In *Fulgham* Alabama court ruled longer had any right wives. The Court stat

12. *Ibid.*, p. 33, 34.

13. *Bradley v. State*, Wash. 1824. (*Bradley v. State* was until 1894 by *Harris v. S* (1894).

14. *State v. Black*, 1 (1864).

15. *State v. Oliver*, (1874).

in to enforce the salutary restraints of domestic discipline."<sup>12</sup>

In America, the common law tradition held that husbands had a right to chastise their wives. The first U.S. court to acknowledge this right of a husband to legally assault his wife was in 1824 in *Bradley v. State*.<sup>13</sup> Here, the Mississippi Supreme Court held that a husband should be permitted to moderately chastise his wife without being subjected to a prosecution for assault and battery, to prevent discredit and shame to all the parties involved.

In *State v. Black*, in 1864, the North Carolina Court said that even though the husband had choked his wife, that "the law permits him to use towards his wife such a degree of force as necessary to control an unruly temper and make her behave herself and unless some permanent injury be inflicted, or there be an excess of violence, or such a degree of cruelty as shows that it is inflicted to gratify his own bad passions, the law will not invade the domestic forum, or go behind the curtain. It prefers to leave the parties to themselves . . ."<sup>14</sup> Similar logic was used in *State v. Oliver* when the court said that it was better to "draw the curtain, shut out the public gaze, and leave the parties to forgive and forget."<sup>15</sup>

But the landmark decision came in 1871. In *Fulgham v. State* an Alabama court ruled that men no longer had any right to beat their wives. The Court stated, "The pri-

12. *Ibid.*, p. 33, 34.

13. *Bradley v. State*, Walker, 156, Miss., 1824. (*Bradley v. State* was not overruled until 1894 by *Harris v. State*, 14 S 266 (1894).

14. *State v. Black*, 1 Winst., 266, (1864).

15. *State v. Oliver*, 70 N.C. 60, (1874).

vilege, ancient though it be to beat her with a stick, to pull her hair, choke her, spit in her face or kick her about the floor, or to inflict upon her like indignities, is not now acknowledged by our law." The Court went on to say, "In person, the wife is entitled to the same protection of the law that the husband can invoke for himself . . . All stand upon the same footing before the law as citizens of Alabama, possessing equal civil and political rights and public privileges."<sup>16</sup>

The first law that was ever enacted to punish wife beaters, however, did not come until 1882, less than one hundred years ago. At that time, Maryland enacted a law to punish wife beaters by giving them forty lashes with a whip or a year in jail. In Baltimore, after the first man was punished under this law, the district attorney observed "the crime ceased as if by magic!" The statute was repealed in 1953.<sup>17</sup>

Thus, the laws in the U.S. were not consistent in that they stressed that a man had no right to beat his wife, but also that a woman had no cause of action against her husband for beating her.

Eventually, courts began to recognize the inconsistency in considering the peace and sanctity of the home as paramount to the physical injury committed upon a wife. In California in 1962, the court stated in *Self v. Self* that "the contention that immunity is necessary to maintain conjugal harmony is unsound because after a husband has beaten his wife, there is little peace and harmony left to be disturbed."<sup>18</sup>

But even today, the available re-

16. *Fulgham v. State*, 46 Ala. 143, 145 (1871).

17. Langley, p. 39.

18. *Self v. Self*, 376 P2d 65 (1962).

courses for a battered wife present a dilemma. Criminal law protection is virtually impossible to invoke, as will be clearly illustrated in another part of this paper, and divorce doesn't necessarily keep a wife beater from assaulting a woman wherever she may go.

Cary D. Pollak, a city lawyer who deals with wife abuse daily at the Washington, D.C., Citizen's Complaint Center, confirms the present attitude of wife beaters. "Some men still believe they have a God-given right to beat their wives. There is wide-mouth shock when they're told they don't have that right. They can't believe it."<sup>19</sup>

**The Role of the Legal System:  
The Need for Reform**

It is understandable that the typical policeman has a tendency to hesitate to answer a family dispute call since it is well known that over 40% of police injuries and over 22% of police deaths occur in the line of duty on family dispute calls. Yet, the fact remains that a woman is twice as likely to be assaulted in her home than anywhere else.<sup>20</sup>

Unfortunately the police are often a direct obstacle to a battered woman who seeks the protection of the law. Many police officers argue they are hesitant to arrest a violent husband even if the probable cause requirements and other legal requirements are met to allow an arrest, because "all a night in jail will do is provoke the battering husband to want to get revenge against his wife and thus to attack her even more violently."<sup>21</sup> Furthermore, both the police and prosecutors argue that since 99% of the victims drop the charges anyway, it would be useless

19. Langley, p. 42.

20. Marj Jackson Levin, "The Wife Beaters", *McCalls*, June, 1975, p. 37.

21. Gingold, p. 94.

to haul the assaulter into jail; they stress that the wife will probably either get to the jail before they do or be there shortly after they arrive to drop charges.<sup>22</sup> It is this attitude that prevents a woman who is assaulted by her husband to get the protection that is her legal right. However, many women would not drop charges were it not for extreme persuasion by the police that the woman really should not prosecute or even have the husband arrested.<sup>23</sup> Police use this kind of direct discouragement often at the scene of the crime. These legal officers think they are helping her make the most rational decision by asking such questions as: "Why don't you kiss and make up? Do you realize he may do it to you the next time if you make trouble now? What did you do to make him hit you in the first place? Who will support you if you prosecute your husband?"<sup>24</sup>

The individual attitudes of policemen are not the only problems, however. Their prejudices are reinforced by their training. The International Association of Chiefs of Police Training Bulletin states that most family disputes are "personal matters requiring no direct action." The bulletin goes on to recommend that "once inside the home, the officer's sole purpose is to preserve the peace . . . attempt to soothe feelings, pacify parties . . . The power of arrest should be exercised as a last resort."<sup>25</sup> Unfortunately, avoiding this last resort leads to a

22. *Ibid.*, p. 94.

23. Raymond Parnas, "The Police Response to the Domestic Disturbance", *Wisconsin Law Review* 914 A.2. (1967), p. 929.

24. George M. Anderson, "Wives, Mothers and Victims", *America*, July 30, 1977, p. 47.

25. Gingold, p. 54.

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26. Sue Eisenberg and  
"The Assaulted Wife:  
visited", *Women's Rights*  
Vol. 3-4, Spring-Summer,

direct restriction of the rights of a victim who wants to press charges.

In one study, eight percent of the victims sought out immediate professional aid from police. Police responded with a house call in only about one half of these cases, however. Further, only one arrest was made and even in that instance, the assault was not determined to be a severe felonious assault until a day later, although the police arrested the assailant on the basis of outstanding traffic warrants.<sup>26</sup>

The possible felony against the wife is muted by euphemisms used by the police such as "lovers quarrel," "domestic disturbance", "family squabble", "family trouble" and "family spat". All the foregoing terms are indicative of the low regard the police have for wife beating investigations. In short, even the police often do not see wife beating as a crime.

Often, even if the husband furthers an assault by kicking or punching his wife in front of an officer, no arrest will be made, because the police know that most often the prosecutor won't prosecute and the judge won't sentence. But perhaps the most important reason for the avoidance of domestic violence situations by police is that they don't know how to cope with them.

A common bias of police officers, as well as judges and prosecutors, involves an attitude that is surprisingly similar to their attitudes toward the rape victim. The victim is often treated with sarcasm and cynicism and with the assumption that any woman who is dumb enough to stay with a jerk who beats her up

26. Sue Eisenberg and Patricia Micklow, "The Assaulted Wife: 'Catch 22' Revisited", *Women's Rights Law Reporter*, Vol. 3-4, Spring-Summer, 1977, p.

all the time must either have asked for it or likes it.

Basic reforms are needed in the police system. Bringing about or influencing those reforms is another matter.

The most important and most urgently needed reform that could presently be implemented by the police training programs in W. Va. is the Family Crisis Intervention Program (F.C.I.). This psychologically based program has been used successfully in Washington and New York, and Chicago.<sup>27</sup>

These crisis intervention programs have been criticized for encouraging mediation rather than arresting but they do serve to recognize wife beating as a crime. Importantly, most crisis intervention programs dictate that records be kept of every dispute, and that statistical profiles be compiled. (Presently, police often refuse to make an official report of a complaint made on account of abuse.)<sup>28</sup> Also, research on family violence is distributed to all participating programs by the LEAA (Federal Law Enforcement Assistance Administration). The LEAA is currently sponsoring the existing crisis intervention programs.<sup>29</sup> The need for accurate data is the biggest stumbling block for the researchers who are trying to analyze the problem in order to consider all alternatives that are or could be available to alleviate the problem.

Further, policewomen have been

27. Susan Nelson, "How Battered Women Can Get Help", *Reader's Digest*, May, 1977, p. 21, 23.

28. R. P. Parnas, "Police Discretion and Diversion of Incidents of Intra-Family Violence", *Law and Contemporary Problems* 36 (1971), p. 543.

29. Rockwood, Marcia, "Battered Wives: Help For The Victim Next Door", *Ms.*, August, 1976, p. 95.

found to be particularly competent in handling family disturbance calls.

This view is supported by an evaluation of female officers in D.C. and New York City. Perhaps women police officers would be more concerned with the victims' needs. Some departments have created special units to handle family crisis calls. In one program a family counselor was teamed with police officers for domestic calls. This procedure was used in Hayward, California, and the system has reduced these calls from 50% to 20%.<sup>30</sup>

The least that police officers could do is give the victim a card explicating where she can go for help and defining fairly what her legal rights are. This procedure is currently being used in many cities and has had a positive effect.<sup>31</sup>

#### Prosecutors and District Attorneys

If the battered wife is successful in getting an assailant arrested, she has still only crossed one hurdle in the marathon she must run to obtain her rights. The prosecutor often becomes her next adversary. He most often shares the same prejudices that the police officer and the judge have—that the sanctity of marriage is more sacred than the criminal law and it is better to leave the parties to forgive and forget.

Since it is the prosecuting attorney, himself, who decides whether to prosecute, he has an important role to play if he is to adequately protect a victim's rights. It is tragic, however, that many prosecuting attorneys demand an unusually heavy requirement before they will prosecute—a culmination of factors that are not all required from other as-

30. Langley, p. 167.

31. Elizabeth Jean Pascoe, "Shelters For Battered Wives", *McCalls*, October, 1976, p. 51.

sault victims. Such a criteria includes: (1) witnesses to incident; (2) evidence of serious injuries (and the prosecutor's attitude of what constitutes "serious" injury is often alarming); (3) a record of previous attacks; (4) police report already on file; (5) willingness of the victim to testify. The former are also required very often before a police officer will even arrest.

Even if the above criteria are met, many prosecutors still hesitate to take a case. They often don't want to take a case unless a verdict of guilty is likely; it is not rare for a prosecutor to refuse a wife beating case because he thinks conviction would be difficult because juries know there are elements of "provocation" in domestic disputes, making it hard to determine who is at fault.<sup>32</sup>

"In wife beating cases, as with rape, the burden of proof is on the victim who must overcome centuries of male bias to convince a prosecutor of the seriousness of her charge. The prosecutor too frequently treats the problem as an exceptional event, when it is much more likely that the victim has suffered a series of repetitive attacks before she has ever had the courage or conviction to press charges."<sup>33</sup>

#### The Judge

The ultimate adversary of the battered wife is the judge, who views such cases with a desire to see the couple reconcile, to make up, to get marital counseling, to forgive and forget. Certainly, mediation and reconciliation techniques (such as marriage counseling) should be available alternatives, but these alternatives should not abridge her right to a criminal remedy, a di-

32. Del Martin, p. 109-111.

33. Del Martin, p. 111.

orce, or both, merely of discriminatory and sponses by the judge.

A convicted wife beater often put on probation given a suspended sentence before trial, the judge of the alleged wife beater on bail or on his own recognizance.

Few judges will issue a warrant or convict a man on the basis of just one beating. The victim must show a history of beatings, or ones she endured before the police don't count. Judges and prosecutors also consider the time between beatings, the severity of the beatings, whether a beating has been obvious, whether the spouse has sought medical attention immediately and has presented a police report immediately after the beating. The judge is usually not willing to issue a warrant. Some judges even require a "pre-arrest hearing" before granting legal aid to a battered woman. When a woman has filed for divorce or a restraining order, the judge is more apt to grant a restraining order and treat the crime as a criminal matter.<sup>34</sup>

Because of the attitudes of judges, prosecutors, and police officers that wife abuse is a family realm problem and thus should be treated as a criminal matter, the potential for judicial abuse and a battered woman's rights are flagrantly denied.

#### Why Restraining Orders and Peace Bonds Don't Work

Injunctive orders are not effective for three main reasons, which entail inherent weaknesses in enforcing these orders:

- (1) First, if a wife is not granted a restraining order pending divorce, she loses her police protection.

34. Langley, p. 175.

force, or both, merely on the basis of discriminatory and arbitrary responses by the judge.

A convicted wife beater is most often put on probation, fined, or given a suspended sentence. Even before trial, the judge often releases the alleged wife beater on a nominal bail or on his own recognizance.

Few judges will issue a warrant or convict a man on the evidence of just one beating. The woman must show a history of beatings, and the ones she endured before calling the police don't count. Judges and prosecutors also consider the length of time between beatings, and the severity of the beatings. Unless the beating has been obvious and the spouse has sought medical treatment immediately and has pressed charges immediately after the beating, the judge is usually not sympathetic. Some judges even require a "divorce test" before granting legal relief to a battered woman. When a woman has filed for divorce or is divorced, the judge is more apt to take it seriously and treat the crime as a real criminal matter.<sup>34</sup>

Because of the attitude shared by judges, prosecutors, and police officers that wife abuse is a domestic realm problem and thus should not be treated as a criminal offense, the potential for judicial abuse is great and a battered woman's legal rights are flagrantly denied.

#### Why Restraining Orders and Peace Bonds Don't Work

Injunctive orders are ineffective for three main reasons, all of which entail inherent weaknesses in enforcing these orders:

- (1) First, if a wife, during a pending divorce, calls for police protection she is often

told to contact her attorney. Police feel they do not have the authority to enforce a civil order.

- (2) Secondly, it may take several days for a preliminary injunctive order to be acted on by a circuit judge. (The procedure may take up to three weeks to get a restraining order and it usually takes at least four days). The immediate use of the magistrate court to issue restraining orders promptly would help alleviate this problem.

- (3) Finally, if a wife during divorce has an injunctive order and succeeds in having her husband brought before the court to show cause why he should not be held in violation of the order, immediate relief may not be forthcoming. Judges are very reluctant to impose a prison sentence for the first violation, and many hesitate to impose a sentence even if the order has been violated repeatedly.<sup>35</sup>

Warning letters, peace bonds, civil protection orders, and restraining orders are all meaningless pieces of paper. A peace bond is merely a fine for hitting his wife. Upon violation of most of these orders, the man is most often merely reprimanded and told not to do it again. He is told this same thing again and again.<sup>36</sup>

Only if explicit legislation is enacted to spell out the rights and remedies for the battered wife, will her life and liberty and welfare be protected.

<sup>35</sup> Eisenberg and Micklow, p. 144.

<sup>36</sup> Judge Larry Starcher, "Personal Interview", October, 1977.

34. Langley, p. 175.

*(Women's Advocates)*

My mother Mary was like the original Mary in many ways.

When she was just a little girl she submitted to being raped by her father.

When she was married she submitted to being beaten by my father.

When she had emotional problems she submitted to shock treatments by her psychiatrist.

When she was physically ill she submitted to surgery by her surgeon.

Now she is dead - I hope God is not a father.

My mother Mary married Joseph when she was 20 in 1929.

She gave birth to me when she was 21 in 1930.

And Mary she rocked me every four hours just like Our Fathers said.

In between times her heart screamed with pain to hold her crying baby.

But alas, the laws of Our Fathers had penetrated her brain so deeply - she thought her heart was a liar.

Mary died when she was 70 in 1979.

I help her hand and told her she would be free when she stopped breathing Our Father's air.

Her last breath was a long gasp - followed by a look of peace,

The kind she had when she rocked me.

Now she knows her heart is not a liar.

She has escaped Our Fathers.

Please God let it be true.

You cried a lot - Did you call your Mom Mama?

It's good you are dead - I would be embarrassed if you heard me call you that.

Oh! I am embarrassed - maybe you can hear me now.

Are you free to hear me now that you don't live in the land of Our Fathers?

I have some things I want to tell you - in case you can hear.

Mama, I'm sorry I cashed the milk bottle and bought the piece of baker's  
chocolate.

I ate the whole thing myself - I was hungry - but Mama, so were you. I'm  
sorry.

Mama, when I was 10 - you remember - I quit sucking my thumb.

You thought you had finally broken me.

I want you to know what really happened.

It was a Sunday night just like most Sunday nights.

I lay in bed unable to sleep. I just couldn't get my arms and legs to  
stop shaking.

I knew Dad would come home drunk and beat you up.

I was so scared I prayed to God - please don't let him beat her tonight -

# Spouse Abuse

## The Need for New Law Enforcement Responses

By

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In recent years, family violence has become an increasingly visible and important social issue. Public awareness of family violence began to develop during the late 1960's, when child abuse was identified as a major problem. More recently, spouse abuse (defined as violent acts<sup>1</sup> among married and unmarried sexual partners) has been acknowledged as equally serious. Many consider these assaults to be among the most frequent and underreported crimes in the United States. Over 2,800 homicides a year occur among family members, and it would not be unreasonable to assume that the victims of lesser forms of family violence number several million each year. Further, the effects of such violence are not confined to family members. The *FBI Uniform Crime Report* data show that 32 percent of the reported assaults on officers during 1976-1980 occurred in connection with "responding to a disturbance call,"<sup>2</sup> as did 16 percent of all officer deaths during this 5-year period.<sup>3</sup> These assaults represent an enormous drain on public resources, as they consume significant amounts of police officer and prosecutor time. Taxpayers' dollars are also spent on a range of social services, mental health programs, emergency shelters, and child protection services for these families.

### Police Intervention

Increased involvement of the criminal justice system has been advocated as a primary means of reducing spouse abuse. Particular pressure is being placed on the police to intervene more directly in these cases to protect the victims and arrest the assailants. Some officers resent this trend because they, along with many citizens, believe these cases are private matters and not a part of "real" police work. Trained, socialized, and rewarded to apprehend and arrest felons, many officers resent these victims for distracting them from their preferred crimefighting activities. Moreover, frustration often turns into either hostility or indifference when officers repeatedly encounter victims who are routinely beaten and fail to press charges or return to the battering relationship. If these victims refuse to help themselves, the officers conclude that there is little they can do for them. This attitude is further complicated by the belief of officers that many of the victims provoke the attack and get only what they deserve or that the couple is engaged in a sadomasochistic relationship. More often than not, many of the real reasons women stay in battering relationships—economic dependence, fear, and learned helplessness—are not apparent.

Other police officers willingly accept intervention into spousal violence cases as a legitimate part of their duties, but they are more concerned with their lack of training to handle these calls effectively. They may be particularly sensitive to the physical danger these calls pose for all police officers, and as a result, respond in a hasty or superficial manner. Many officers have found spouse abuse to be a frustrating

## "Implementation of directed patrol systems is one relatively inexpensive way to increase police effectiveness."

members of a department would willingly cooperate in efforts to improve patrol productivity, with conflict arising only when there are honest differences of opinion. In reality, however, projects are often viewed as benefiting some groups or individuals more than others, and the relative sense of gain or loss can have significant consequences for implementation. In implementing a new project, it is important to consider how it will be affected by the internal political realities of a department as well as opinions of individual officers.

- 8) Public Education—Some changes in patrol practice, such as prioritization of calls for service and deferred response practices, may require reeducation of the public prior to implementation.
- 9) Performance Evaluation—Departments should develop an officer performance evaluation system that takes into account the major elements of the directed patrol program. Since directed patrol requires officers to match their activities to community problems and frequently to implement new tactics, the rewards system of the department should be changed to reinforce the new program. This is particularly true for sergeants and watch commanders who will be required to design deployment strategies and tactics based upon workload and crime information.

Instead of rating officers only on how well they handle street incidents, patrol administrators will need to carefully monitor their analysis, planning, and management contribution."<sup>13</sup>

Program evaluation is a critically important aspect of a directed patrol program. It provides the only systematic means of determining whether directed patrols are successful. There are two basic types of measures that are commonly used in program evaluations—outcome measures and process measures.<sup>14</sup> Outcome measures are used to assess the success of a specialized operation in combating crime; process measures are used to examine the way in which the results of specialized operations were achieved. They assist in assessing how a program worked, but they are not indicators of overall effectiveness.

### Conclusion

Police resources should be used in more effective and productive ways. Patrol is seen as a preventive function by the majority of police administrators; however, the patrol function is now being assessed. In a study of patrol experiments, it was observed that the old and new types of patrol are still a subject of only limited interest among police and criminal justice professionals—that "this becomes particularly apparent when one attempts to find reference material analyzing the impact of pilot projects."<sup>15</sup> In this regard, it was noted that articles pertaining to the use of directed patrol systems were practically nonexistent in criminal justice journals. Information was more easily located in government publications and textbooks. It would seem, then, that there is more interest in directed patrol among academicians than practitioners of criminal justice administration.

Given the economic and political pressures of the 1980's, fiscal constraints in the public sector will bring increasing pressure to bear on police administrators for improving productivity rather than simply adding personnel as a response to rising crime statistics. Given the cost of putting a police officer on the street, it is simply not feasible to continue adding personnel as we have for the past 150 years. The answer will be found in more efficient deployment of existing, or in some cases, reduced resources.

Implementation of directed patrol systems is one relatively inexpensive way to increase police effectiveness. While such a system can be effective in a large city, it is particularly appropriate for use in the small or medium-sized police department. Not only are directed patrol systems relatively inexpensive, but they provide a mechanism for placing resources in areas of real need.

**FBI**

### Footnotes

<sup>1</sup> William G. Gay et al., *Improving Patrol Productivity, Volume 1, Routine Patrol* (Washington, D.C.: U.S. Government Printing Office, 1977), p. 5.

<sup>2</sup> Gordon P. Whitaker, "What is Patrol Work," *Police Studies*, vol. 4, No. 4, 1982, p. 22.

<sup>3</sup> LeRoy Banham, "Directed Patrol System Increases Effectiveness," *Connecticut Police Chief*, vol. 1, No. 2, p. 30.

<sup>4</sup> Frank G. MacAloon, "Conventional Patrol a Boring Gas Waster," *Law and Order*, November 1979, p. 6.

<sup>5</sup> James H. Auten, "Crime Prevention and Police Patrol," *The Police Chief*, August 1981, p. 62.

<sup>6</sup> *Ibid.*, p. 63.

<sup>7</sup> *Supra* note 1, p. 107.

<sup>8</sup> *Supra* note 5, p. 66.

<sup>9</sup> John T. Donohue, "Crime Data Analysis: The Weak Link in Community Crime Prevention Programs," *The Police Chief*, March 1982, p. 35.

<sup>10</sup> Stephen Schack et al., *Improving Patrol Productivity, Volume 2, Specialized Patrol* (Washington, D.C.: U.S. Government Printing Office, 1977), p. 62.

<sup>11</sup> *Supra* note 3, p. 31.

<sup>12</sup> *Supra* note 1, pp. 150-151.

<sup>13</sup> *Supra* note 1, pp. 152-154.

<sup>14</sup> *Supra* note 10, p. 116.

<sup>15</sup> Lawrence J. Szynkowski, "Preventative Patrol: Traditional vs. Specialized," *Journal of Police Science and Administration*, vol. 9, No. 2, p. 167.



Ms. Loving

problem because, until recently, there have been no social services or shelters to which they could refer victims or assailants for long term assistance. Even when services are available, officers can become frustrated and indifferent because they are seldom able to determine from the agencies whether their intervention was helpful.

The new emphasis on arrest in spouse abuse cases is of particular concern to many police officers. Until recently, police in most jurisdictions were trained to avoid arrest in this type of case or were restricted by statute to making a warrantless arrest in a misdemeanor assault case if the assault occurred in their presence. New laws in 20 States, however, have greatly expanded police arrest powers in these cases, making probable cause sufficient for a warrantless misdemeanor assault arrest.<sup>4</sup> Even so, some officers resent arrest mandates as intrusions on their professional judgment and flexibility, while others regard them as a narrow-minded approach that will have a minimum effect on the overall problem. Painfully aware of the overcrowding in jails and delays in the court proceedings, many officers believe that a singular reliance on arrest in response to these calls is neither realistic nor effective.

Another important concern for many officers is the increased threat of civil litigation as a result of these new arrest requirements. Facing greater public scrutiny of their performance, officers are particularly susceptible to

charges of false arrest, false imprisonment, and improper or excessive use of force. Noting these risks, 11 States have enacted police immunity laws to protect officers against civil suits for action taken in a good-faith effort to enforce the provisions of a domestic violence statute.<sup>5</sup>

Changes in emphasis of police interventions illustrate the continuing problem that family crises pose for police agencies. These crises raise conflicts between the family's right to privacy and the right to equal protection under the law for each family member, as well as challenge cultural traditions that place a high value on harmonious family life.

The last 2 decades have seen an increasing tendency for law enforcement agencies to seek and apply the expertise of behavioral and social scientists to police work. This alliance has revolutionized the ways the criminal justice system deals with the mentally ill, the homeless, and juvenile offenders. A part of this revolution has been the adoption of crisis intervention techniques for dealing with disputes between neighbors, landlords and tenants, and family members. Generally, these procedures call for the responding officer to calm the dispute, listen carefully to both parties without showing favoritism or fixing blame, and suggest ways to resolve the problem without involvement of the criminal justice system. Although useful in many contexts, the techniques of mediation and negotiation are applicable particularly in spousal conflicts that do not involve the use of violence.

The failure to make the distinction between spousal conflicts that involve the use or threatened use of violence and those that do not results in confu-



Special Agent Quirk

sion and poor police performance. By combining all family calls into one broad category and assigning it a low-priority status, important distinctions have been overlooked, procedures have remained irrelevant, and most important, the victims and police officers have suffered repeated assaults and injuries. It must be emphasized, however, that the failure to make these distinctions is not unique to law enforcement. Until recently, both social service agencies and the judiciary were committed to the philosophy and practice of keeping the family unit together at all costs, a commitment which is slowly being replaced with a more realistic approach that acknowledges the need for some couples to divorce.

#### Pressures for Change

Women's rights groups have criticized police handling of spousal violence calls mainly because of the officers' refusal to make arrests in these situations. They are particularly offended by the terminology of the crisis intervention approach, which labels these calls "a dispute" or "a conflict" and the people involved "the disputants." This language, they believe, hides the prevalence of wife beating cases. Moreover, they view some officers' insistence on taking a neutral stand in these situations as possibly resulting in subtle encouragement to assailants. The same may also be said of the failure to arrest the assailants who, they contend, may continue the assaults if they are not punished. These beliefs have led several

women's groups to file class action suits against law enforcement agencies, charging negligence and violation of the victims' civil rights. The most notable of these cases, *Bruno v. Codd*,<sup>6</sup> was brought by 12 battered women against the New York City Family Court. In a June 1978, consent decree that settled the case, the department agreed to make arrests when there is reasonable cause to believe that husbands have committed felonious assault against their wives and to send one or more police officers in response to every call from a woman who charges that her husband has assaulted or threatened to assault her. The police also agreed to inform a battered wife of her rights to a criminal or civil court proceeding, to provide protection or aid in getting medical help if she needs it, and to help in locating the assailant if he has left the scene.

In a similar case in Oakland, Calif., a group of battered women brought a class action lawsuit against the Oakland Police Department,<sup>7</sup> charging that wife beating calls were given a low priority and that officers responded to them with a policy of avoiding arrests. They also charged that the police did not inform victims of their rights to make citizens' arrests. In an out-of-court settlement in November 1979, the department agreed to treat all domestic violence as alleged criminal conduct and to make arrests in appropriate cases. It also agreed to develop new training materials and implementing orders to include the development and distribution of a resource brochure for battered women.

In addition to these lawsuits, many State legislatures have enacted statutes specifically designed to reduce spouse abuse. The statutes have several or all of the following provisions:

## “. . . many State legislatures have enacted statutes specifically designed to reduce spouse abuse.”

- 1) Identify "spouse abuse" or "domestic violence" as a specific crime;
- 2) Grant criminal court jurisdiction over certain family offenses;
- 3) Make violation of a restraining order a criminal offense; and
- 4) Eliminate requirements that a misdemeanor assault occur in an officer's presence before an arrest can be made.

### Need for Policy Guidelines

In 1979, the Police Executive Research Forum conducted a study for the Law Enforcement Assistance Administration (LEAA) to determine how law enforcement agencies could improve their response to spouse abuse calls. Among the most important conclusions of the final report was the need for law enforcement agencies to update and revise their policies and operational procedures for these calls.<sup>8</sup> Too many agencies, it was found, were relying on the crisis intervention approach developed in the late 1960's, with its emphasis on reconciliation of the parties and arrest avoidance. The forum report recommended that law enforcement agencies' policy statements address the following areas: 1) Proper use of law enforcement actions against the assailant; 2) extent of attention and protective services given to the victim; 3) proper use and enforcement of civil remedies; 4) proper use of civilian social service aides; and 5) nature of relationships with social service agencies and battered women's groups.

The report also recommended new agency procedures that would provide officers with practical guidelines for performing their proper functions when restoring order and safety,

determining whether a crime has been committed and taking proper law enforcement actions, and making social service and legal agency referrals for family members. New procedures and programs should be monitored and evaluated for several years. In addition, a mechanism should be established to determine the abused victims' satisfaction with the procedures, to process their complaints, and to review the effectiveness of new police training programs.

Another important task is the development of arrest criteria for spouse abuse cases. The forum report, for instance, recommends that arrests be made in cases involving serious injury, use of deadly weapon, and/or violation of a restraining order.<sup>9</sup> Other arrest guidelines, such as those developed by the Chicago Police Department, list the following factors as indicating that an arrest should be made:<sup>10</sup>

- 1) *Serious, Intense Conflict*—Officers must first consider the nature and intensity of the dispute. Intense disputes of a serious nature most often require an immediate arrest. An intentionally inflicted serious injury certainly requires arrest of the offending party for battery. Likewise, severe property damage is a measure of dangerous aggression which may call for an arrest. However, officers must remember that damage to coowned property is a civil matter. Any resulting arrest cannot be based on damage to the property, but should be based on the assault or disorderly acts committed.

2) *Use of Weapons*—If the parties have indicated any intent to use an inherently or potentially dangerous object during the dispute, either offensively or defensively, an immediate arrest of the offending party would be appropriate to prevent a further, more serious confrontation.

3) *Previous Injury or Damage*—If the complainant has previously been a victim of the offending party's aggression, officers should consider the extent of any previous injury or damage. The present conflict could become more serious if an immediate arrest is not made.

4) *Previous Court Appearance*—A previous criminal court appearance against the offending party may strongly indicate a victim's sincerity to prosecute. An immediate arrest should be made when it is apparent that the victim's interest would be best served by returning the parties to the court that handled the former complaint.

5) *Previous Attempt to Sever the Relationship*—If there has been a previous voluntary separation of the parties, indicating an attempt to end the relationship, there is less need to consider the disruptive effects an arrest may have on the relationship. If the parties have separated, intrusion should be considered an aggravating factor.

## **"All segments of the criminal justice system must be sensitized to the serious nature of these cases and to the need to hold the assailants accountable for their action."**

6) *Second Call to Police*—A second call for police service may indicate that conciliatory measures have failed. An arrest would be appropriate to avoid further escalation of the dispute after officers again leave the scene.

7) *Children or Mentally Deficient or Intoxicated Parties Involved*—When children or mentally deficient or intoxicated individuals are assailants or victims in domestic conflicts, special consideration is required. As assailants, they are not easily reasoned with, and as victims, they are not easily able to avail themselves of criminal, civil, or other remedies. The discretionary latitude of officers is far more limited in such circumstances, and an arrest is more likely to be appropriate. When an arrest is appropriate, officers must ensure that provisions are made for the care of children who would otherwise be left unattended.

Another set of arrest standards for domestic violence cases was issued by the Westchester County, N.Y., district attorney in December 1978.<sup>11</sup> They mandate arrest in the following cases:

- 1) Whenever a gun, a deadly weapon, or a dangerous instrument has been used,
- 2) Whenever there is reasonable cause to believe that a felony has been committed,

3) Whenever there has been a maiming or other serious physical injury,

4) Whenever there is a history of criminal activity between the parties and where the defendant's record indicates violent criminal history, and

5) Where, in the judgment of the police officer, the sanction of an arrest appears necessary for the future protection of the victim.

A third approach to arrest criteria was published in a revised domestic violence training manual of the Oakland, Calif., Police Department, which states: "It should be presumed that arrest is the most appropriate response in domestic violence crimes which involve apparent felonies, allegations of repeated acts of violence, situations where an offense is committed in your presence, and situations in which a citizen's arrest is demanded."<sup>12</sup>

In many jurisdictions, if police officers choose not to arrest an assailant for a misdemeanor assault, they may initiate several effective law enforcement actions where permitted by State law. These include:

1) *Misdemeanor citations*—Similar to traffic tickets, these citations are issued as a condition of release from police custody. They require the assailant to promise to appear at a hearing and post bail that will be returned. An assailant who does not appear is considered guilty of the misdemeanor and forfeits the money. The assailant also will lose the money if he loses the case. This citation could lead to the assailant's arrest only if a magistrate issued a warrant when the assailant did not post bail or did not appear at the court hearing.

2) *Protective custody*—Used in lieu of arrest to keep a citizen lawfully in police custody for 1 or 2 days in situations where the person is drunk, appears mentally unstable, or acts out of control.

3) *Domestic violence summons*—Currently issued in Ohio in cases where there are insufficient grounds for arrest. Both parties in a domestic violence case are required to participate in a voluntary counseling program. This is a method of diversion from the criminal justice system, but prosecution may be considered if the resulting arbitrated agreement is broken by either party.

4) *Domestic violence temporary restraining order*—May be filed in municipal courts by police officers after arresting an assailant or filing a criminal complaint against the assailant with the prosecutor. The restraining order is used as a means of ensuring the safety and protection of the victim. A hearing on this motion must take place within a given period of time, and the presence of the officer may be required at the hearing.

### **Liaison Efforts**

While police can do much to improve their responses to spouse abuse cases, they alone cannot reduce the problem. All segments of the criminal justice system must be sensitized to the serious nature of these cases and to the need to hold the assailants accountable for their action. Moreover,

community resources must be available to deal with the underlying cases of the abuse on a long term basis. Emergency shelters, 24-hour hotlines, counseling programs for victims and batterers, and legal services must be available. Since police are often the only outsiders to be summoned during these violent conflicts, it is imperative that they have both the necessary diagnostic skills to determine what kind of assistance is necessary and reliable information about available social services in the community.

Since these cases often grow more violent over time, police can help monitor for patterns of repeat abuse. In Westchester County, N.Y., for example, officers are required to notify the district attorney of all spouse abuse incidents, including those that do not involve arrest. The district attorney then sends a letter to the assailant, either directing him to cease the abuse or to come in for consultation. Another letter is sent to the victim informing her of available options. A case file is then established on the household and monitored for subsequent incidents.

Another approach developed by the Detroit, Mich., Police Department involves the use of a triplicate-copy social service referral card for officers' use in these cases. One copy is sent to the social service agency to which the victim has been referred by officers, another is sent to a police department domestic conflict monitoring project, and the third copy is left with the victim, who can use it as proof of prior abuse during subsequent police intervention.

These cooperative efforts can be augmented by numerous other activities, such as officers distributing referral cards for battered women's shelters to victims, providing victims with information about legal remedies, and encouraging assailants to enter treatment programs.

### Training

All police officers should be trained to handle spouse abuse. The stress and danger involved in these calls make it imperative that responding officers learn not only how to defuse and contain these situations but also how to ensure the safety of all involved parties. Because many of those cases tend to regress over time, officers must learn to respond in ways that will neither escalate the immediate violence nor contribute to a subsequent deterioration of the situation. Police training programs should be designed to improve officers' intellectual grasp of the nature of the problem and clarify their law enforcement duties in these cases.

The training program should also teach the officers how and when they should instigate the options available to them, such as arrests, citations, restraining orders, and crisis intervention skills. Additional training topics should include safety precautions, medical procedures, and techniques for establishing order and security.

A serious problem that police training programs must seek to overcome is the negative attitude held by many police officers—that spousal violence calls are a nuisance, that they do not constitute "real" police work, and that family matters are not the province of the police. These attitudes, which themselves are a byproduct of poor training, contribute to insensitive and hostile police responses and to a failure to provide spouse abuse victims with adequate protection. Such practices, as we have seen, can be traced to numerous factors, including the refusal of many victims to press charges or to remove themselves from the battering relationship. The tendencies of some officers to be preoccupied with their crimefighting mission and of some administrators to urge officers to resolve these calls quickly in order to reduce service call backlog contribute to this problem.

During 1981, an innovative training course on family violence was developed at the FBI Academy at Quantico, Va., and incorporated into the National Academy curriculum to supplement its traditional training programs. "Family Violence—New Approaches for Police," a 10-hour elective, emphasizes the need for police coordination between police departments, prosecutors, and community service agencies. The curriculum included guidelines for making social service referrals for abuse victims, arresting and prosecuting batterers, and detecting and investigating child sexual assault cases. Films and guest speakers were used to acquaint the officers with the dynamics of spouse abuse and with the cyclical nature of the abusive behavior. Student officers reported that what they learned in the course made their jobs easier. "Two rewards for making changes in the way law enforcement

## "Few officers have been properly trained to handle these volatile calls. . . ."

takes care of these calls are being injured less often and being called less frequently to the same homes," one California police officer remarked. A New York City police officer added, "As an investigator, my job is easier if the guy on the street handles these cases right. If they do, I won't have so many homicides on my desk."

Recently, the Police Executive Research Forum published a comprehensive curriculum for law enforcement training officers.<sup>13</sup> It presents a complete 20-hour course and includes materials for use in five 4-hour sessions, including understanding spouse abuse, statutory requirements, officer procedure and legal issues, responding to the call, disposition alternatives, and using community resources. Suggestions for lecture format, films, group discussions, and panel presentations are provided, as well as materials to be used as handouts to officers.

### Summary

Patrol officers are often required to respond to calls for help in cases involving violence among married and unmarried couples. Citizens are relying increasingly on the 24-hour availability of law enforcement officers and their ability both to "do something" to stop the violence and to provide counseling and emergency services. Officers routinely respond to these calls, often to the same households, and occasionally become targets of the violence. Few officers have been properly trained to handle these volatile calls, and as a result, often use their own discretion and instinct to resolve them.

Wide variation in police responses to these calls have been the norm for many years. Not only have police been pressured to focus their resources on violent street crimes, but they have reflected a larger cultural tradition which regards family matters as private. During the past few years, however, as spouse abuse has dramatically emerged as a major social problem, public scrutiny has focused on all aspects of the problem. Law enforcement agencies have been singled out for particularly harsh criticism for failure to provide victims with adequate protection and for not making arrests in cases involving felony assaults.

The traditional law enforcement response to these calls, emphasizing crisis intervention skills and reconciliation of the parties, is inappropriate in cases involving serious injury or repeated abuse and is not effective for reducing the number of spouse abuse incidents. In fact, it may aggravate the problem by suggesting to assailants that their violent behavior can be overlooked. Thus, the need for a new law enforcement response to spousal violence calls is clear, both to provide adequate protection to the victims and to ensure the safety of the responding officers. New perceptions of this major social problem have resulted in pressures for effective solutions, not the least of which will be effective and humane law enforcement policies and procedures. **FBI**

### Footnotes

<sup>1</sup> A physical violence scale, developed by Dr. Murray Straus of the University of New Hampshire, identifies the following acts as spouse abuse: Throwing things; pushing, shoving or grabbing; slapping; kicking, biting or hitting with fist; beating up, threatening with knife or gun; and using knife or gun. See Murray Straus, "Wife Beating: Causes, Treatment and Research Needs," *Battered Women: Issues In Public Police* (Washington, D.C.: U.S. Civil Rights Commission, 1978) p. 470.

<sup>2</sup> Disturbance calls include all types, e.g., man with a gun, bar fights, family quarrels, etc.

<sup>3</sup> U.S. Department of Justice, Federal Bureau of Investigation, *CRIME IN THE UNITED STATES—1976*, pp. 286-288; *1977*, pp. 286-288; *1978*, pp. 302-305; *1979*, pp. 304-306; *1980*, pp. 336-388 (Washington, D.C.: Government Printing Office).

<sup>4</sup> ALAS. STAT. §§ 09.55.600-09.55.640, 12.55.135, 22.15.100, ARIZ. REV. STAT. §§ 13.3601, 13.3602 (Supp. 1980) as amended by ch. 224, 1981 Ariz. Legis. Serv., p. 796 (West 1981); FLA. STAT. ANN. § 741.30 (West Supp. 1980); HAWAII REV. STAT. § 709.906 (1976) as amended by Act 266, 1980 Hawaii Sess. Laws, p. —; IDAHO CODE § 19-603 (1947 and Supp. 1979); ILL. ANN. STAT. ch. 85 § 507-a (Smith-Hurd 1979) as amended by H.B. 366 (enacted 1981); KY. REV. STAT. § 431.005 (Supp. 1980); ME. REV. STAT. ANN. tit. 19 § 769, 770 (1964) as amended by ch. 420, 1981 Me. Legis. Serv., p. 836; MASS. GEN. LAWS ANN. ch. 276 § 28, 42A (West 1972 and Supp. 1980); MICH. COMP. LAWS ANN. §§ 764.15a, 769.4a, 772.13, 772.14a (West Supp. 1979); MINN. STAT. ANN. § 629.341 (Supp. 1980); NEV. REV. STAT. § 171.124 (1979); N.H. REV. STAT. ANN. § 594:10-1 (Supp. 1979); N.M. STAT. ANN. § 31-1-7 (Supp. 1978); N.Y. FAM. CT. ACT § 168 (McKinney 1975 and Supp. 1976-1980) as amended by ch. 416, 1981 N.Y. Laws, p. —; OHIO REV. CODE ANN. §§ 109.73, 109.77, 2935.03, 737.11 (Page Supp. 1980); ORE. REV. STAT. §§ 107.7, 133.055, 133.310 (1977); R.I. GEN. LAWS § 11-5-9 (Supp. 1980); TEX. CODE CRIM. PROC. ANN. art. 14.03 (Vernon 1977) as amended by ch. 422, 1981 Tex. Sess. Law Serv., p. 1865; WASH. REV. CODE ANN. §§ 10.99.010-10.99.070 (1980). A State-by-State summary analysis of domestic violence legislation may be obtained for \$5.00 from the Center for Women Policy Studies, 2000 P Street, N.W., Washington, D.C., 20036.

<sup>5</sup> ARIZ. REV. STAT. §§ 13.3601, 13.3602 (Supp. 1980) as amended by ch. 224, 1981 Ariz. Legis. Serv., p. 796 (West 1981); ILL. ANN. STAT. ch. 85, § 507-a (Smith-Hurd 1979) as amended by H.B. 366 (enacted 1981); IOWA CODE ANN. § 236-11 (West Supp. 1980); MINN. STAT. ANN. § 629.341 (Supp. 1980); N.H. REV. STAT. ANN. § 594:10-1 (Supp. 1979); N.M. STAT. ANN. § 31-1-7 (Supp. 1978); N.C. GEN. STAT. §§ 50B-1-50B-7 (Supp. No. 5, 1979); N.D. CENT. CODE §§ 14-07.1-01-14-07.1-08, 29-01-15(4) (Supp. 1979) as amended by N.D.S.B. 2339 (enacted 1981); ORE. REV. STAT. §§ 107.7, 133.055, 133.310 (1977); UTAH CODE ANN. §§ 30-6-1 - 30-6-8 (Supp. 1979); WASH. REV. CODE ANN. §§ 10.99.010-10.99.070 (1980).

<sup>6</sup> *Bruno v. Codd*, 90 Misc. 2d 1047, 396 N.Y.S. 2d 974 (Supreme Court 1977).

<sup>7</sup> *Scott v. Hart*, No. 6-76-2395 (N.D. Cal., filed October 28, 1976).

<sup>8</sup> Nancy Loving, *Responding to Spouse Abuse and Wife Beating: A Guide for Police* (Washington, D.C.: Police Executive Research Forum, 1980).

<sup>9</sup> *Ibid.*, p. 61.

<sup>10</sup> Warren Breslin, "Police Intervention in Domestic Confrontations," *Journal of Police Science and Administration*, September 1978.

<sup>11</sup> Carl U. Vergari, "Domestic Violence Laws," *Criminal Law News*, vol. IX, No. 1, December 1978.

<sup>12</sup> Oakland Police Department, *Training Bulletin III-J (Revised) Domestic Disputes*, Oakland, Calif., Police Department, November 1979, p. 8.

<sup>13</sup> Nancy Loving, *Spouse Abuse: A Curriculum Guide for Police Trainers* (Washington, D.C.: Police Executive Research Forum, 1981).

Wednesday  
November 4, 1981 9

Controversy exists concerning the extent to which government should bear a major responsibility for coping with the abuse problem. Those associated with the so-called Moral Majority have steadfastly maintained that abuse cases are family or church matters, not within the province of government. Others claim that it is difficult or even impossible to curb such personal abuse without the intervention of government and laws.

The Harris Survey asked the national cross section what the role of government should be in each of four areas:

- By 75-23 percent, a majority is convinced that major responsibility should be taken by the government to deal with child abuse. Significantly, 71-28 percent majority of conservatives shares this view.
- By 75-23 percent, a majority feels that abuse of the physically or mentally handicapped is a problem that's a major responsibility of government.
- A 72-25 percent majority thinks abuse of the elderly should be a "major responsibility" assumed by government.
- Finally, a 62-35 percent majority feels that wife abuse is an area in which government should assume a major responsibility. A 59-39 percent majority of conservatives shares this view.

Clearly, Americans feel that the government should play a key role in dealing with abuse of women, children, the elderly and the handicapped.

# Americans concerned about abuse

By Louis Harris

**R**oughly one in four Americans knows someone who has been a victim of child abuse or wife abuse. And one out of six knows someone elderly or handicapped who has been a victim of abuse.

## Harris Survey

There's been a great deal of publicity recently about these types of violence, but little is known about their incidence because they tend to be so highly personal in nature. The latest Harris Survey conducted between Sept. 19 and Sept. 24 among a national cross section of 1,249 adults reveals widespread public concern with the abuse problem.

- 27 percent of Americans report knowing someone who "is or has been a victim of wife abuse." The figure is 34 percent among white-collar workers, 33 percent among union members, 32 percent among women, 30 percent among professional people, 31 percent among those under 30, 29 percent among the college-educated, and 28 percent among business executives.

- 23 percent know someone who has been a victim of child abuse. Among professional people, 30 percent know such a victim, as do 28 percent of those under 30, 27 percent of women, and 26 percent of the college-educated.

- 15 percent nationwide are familiar with incidents of abuse of the elderly. This figure goes up to 19 percent among those in the 30-49 age bracket, 18 percent among those 65 and over, and 19 percent among blacks.

- 15 percent of Americans say they know a physically or mentally handicapped person who has been abused. This figure rises to 25 percent among blacks, 19 percent among the 30-49 age group, and 19 percent among the college-educated.

When Americans are asked how serious a problem they think each form of abuse is in this country today:

- A 91-6 percent majority feels that child abuse is now a "serious problem in this country," (62 percent of these view it as "very serious").

- By 84-11 percent, a majority feels that wife abuse is a serious problem (42 percent calling it a "very serious" situation).

- By 79-16 percent, a majority thinks that abuse of the elderly is a serious issue in the country (39 percent call it "very serious").

- By 71-23 percent, a majority feels that abuse of the physically or mentally handicapped is a serious problem, (31 percent believe it to be "very

### NOW VICTIM OF ABUSE?

	Know Someone	Don't Know Anyone	Not Sure
WIFE ABUSE (Total)	27	73	
Male	21	79	
Female	32	68	
Age 18-29	31	6	
30-49	34	66	
50-64	18	81	1
65 or over	16	84	
8th grade	16	84	
High school	27	73	
Collegiate	29	71	
Professional	30	70	
Executive	28	70	2
Proprietor	19	81	
Skilled labor	29	71	
White-collar	34	65	1
White	27	72	
Black	25	75	
Union member	33	67	
CHILD ABUSE (Total)	23	77	
Male	18	81	1
Female	27	73	
Age 18-29	28	72	
30-49	28	72	
50-64	18	82	
65 or over	12	88	
8th grade	12	88	
High school	22	78	
College	26	74	
Professional	30	70	
Executive	29	71	
Proprietor	19	81	
Skilled labor	21	79	
White-collar	26	74	
White	23	76	1
Black	25	75	
Union member	27	72	1
ABUSE OF THE ELDERLY (Total)	15	84	1
Male	13	86	1
Female	17	83	
Age 18-29	14	86	
30-49	19	80	1
50-64	9	91	
65 or over	18	8	1

See Abuse, Page 11

*By Caroleen Bailey*

MYTHS ABOUT BATTERED WOMEN

1. Battered women are masochistic, experience some pleasure by being beaten by the man she loves.
2. Battered women are crazy. Their survival behaviors have often earned the misdiagnosis of being crazy.
3. Middle class women do not get battered as frequently or as violently as do poorer women.
4. Minority group women are battered more frequently than caucasians.
5. Religious beliefs will prevent battery.
6. Battered women are un-educated and have few job skills.
7. Batterers are violent in all their relationships. Most men who batter their wives are generally not violent in other aspects of their lives.
8. Batterers are unsuccessful and lack resources to cope with the world.
9. Drinking causes battering behavior.
10. Batterers are psychopathic personalities.
11. Police can protect the battered women.
12. The batterer is not a loving partner.
13. A wife batterer also beats his children.
14. Once a battered woman, always a battered woman.
15. Once a batterer, always a batterer.
16. Battered women deserve to get beaten.
17. Battered women can always leave home.
18. Batterers will cease their violence once they get married.
19. Children need their fathers even if they are violent.

IF YOU WANT TO BRING LEGAL CHARGES AGAINST  
THE PERSON WHO ASSAULTED YOU:

1. TELL THE POLICE OFFICER YOU WANT TO  
PRESS CHARGES.
2. SEE A DOCTOR AS SOON AS POSSIBLE. IF YOU  
ARE PRESSING CHARGES, PHOTOS OF INJURIES  
SHOULD BE TAKEN WHILE THEY ARE VISIBLE.
3. DURING DAYTIME BUSINESS HOURS (8:30-4:30)  
CONTACT THE CITY ATTORNEY'S OFFICE ABOUT  
FILING A COMPLAINT:

ST. PAUL CITY ATTORNEY (CRIMINAL DIVISION)

Room 638, City Hall            298-4271

(Kellogg & Wabasha Streets)

PM 438-76

IF YOU HAVE PAIN, INJURIES OR BRUISES  
CONTACT YOUR OWN DOCTOR OR HOSPITAL. IF  
YOU DON'T HAVE ONE, CONTACT OR GO TO:

EMERGENCY ROOM, ST. PAUL-RAMSEY MEDICAL CENTER  
640 Jackson, St. Paul 222-4260

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IF YOU MAKE A REPORT TO THE POLICE, THEY MAY  
TRANSPORT YOU TO GET MEDICAL HELP

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IF YOU NEED HELP, ADVICE, OR EMERGENCY  
SHELTER, CALL OR WALK-IN TO:

WOMEN'S ADVOCATES, 584 Grand Ave. 227-8284

OR CALL: EMERGENCY SOCIAL SERVICE 225-1515  
(after 4:30 PM and weekends)



## "Why Do Women Stay in the Battering Relationship?"

Because of economical, legal, and social dependence;

- no safe place to go (police, courts, hospitals, and social services don't offer adequate protection.)
- counseling tends to keep the family together at all costs.
- co-dependency, fear that she and the batterer can not survive alone.
- learned helplessness, psychological paralysis caused by the process of victimization.

Learned helplessness is when a person does have control over their response to the environment and the resulting outcome, but believes they don't.

Learned helplessness occurs when a person makes a response to deal with their environment but they don't get the outcome they expect. If no logical explanations are found as to why the response didn't meet the expectations, after a time the person assumes they don't have control over the outcome. If one experiences situations which they can not control their motivation to respond to such events will be impaired. Even if later they are able to make the appropriate response to control events they have difficulty believing that it will work. Once the person believes they can not control what happens to them, it is difficult to believe they can ever influence it, even if they later experience a favorable outcome. This helplessness tends to spread from one specific situation to another. Helplessness has an adverse effect on problem solving so life and learning responses are narrowed and they become blind to their options.

ONCE A WOMAN OPERATES FROM A BELIEVED HELPLESSNESS, THE PERCEPTION BECOMES REALITY AND THEY BECOME PASSIVE, SUBMISSIVE, AND "HELPLESS".

Powerlessness comes when major traumas occur. When there are repeated traumas in a short period of time, those effected become immuned, passive, and convinced their is nothing they can do to help themselves.

Learned helplessness can occur at many different levels. Two typical places it occurs are in the interaction of traditional female role standards and individual personality development, and in female relationships with men.

The battering that produces learned helplessness brings consequences of depression, attitudinal acceptance of violence and living in constant fear, making one ablivious to the seriousness of that violence.

# Repeated wife beatings less likely if women report abuse, study says

By Deborah Mesce  
Associated Press

WASHINGTON — Women who report abusive husbands to the police are less likely to be attacked again within the next six months, according to a Bureau of Justice Statistics report released Sunday.

The report said a National Crime Survey found that about 41 percent of the married women who were attacked by their husbands or ex-husbands but did not call the police were assaulted again within an average of six months, while 15 percent of the women who alerted police were assaulted again.

"I believe that this is a most provocative finding and should be reflected upon by everyone interested in the subject of spouse abuse," said Steven Schlesinger, director of the bureau, a Justice Department agency.

The report also found that nearly half of the incidents of domestic violence disclosed in the survey were not reported to the police.

About 49 percent of the women who did not report their attack to police said they considered the crime a personal matter, while 12 percent said they feared retaliation.

The survey also found no evidence that women who called the police and were attacked again suffered more serious

physical injury in the subsequent assault.

About 128,000 members of 60,000 households nationwide were interviewed twice a year from 1978 to 1982 for the survey.

An estimated 70 percent of the domestic violence reported in the survey was committed by a woman's husband, ex-husband, boyfriend or ex-boyfriend.

About two-thirds of the incidents would be classified in most states as simple assault, which is a misdemeanor, according to the report. One-third would fall into the category of rape, robbery or aggravated assault, which are felonies.

However, the injuries suffered by more than half the women whose assaults would classify as misdemeanors were as serious or more serious than injuries suffered in 90 percent of all the violent crimes that would classify as felonies, the report said.

The extent of the victim's injury is not a critical factor when police decide how to classify a crime. More important is whether a weapon is present, the report said.

"The tendency to classify these crimes as misdemeanors rather than felonies may give the impression that domestic violence against women is less serious than it actually is," the report said.

## U.S. says women who report abuse lower odds they'll be attacked again

Associated Press

Washington, D.C.

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were attacked again suffered more serious physical injury in the subsequent assault.

About 128,000 members of 60,000 households across the country were interviewed twice a year from 1978 to 1982 for the survey.

(A study released this year by the Crime Control Institute in Washington, found that 31 percent of urban police departments polled had policies encouraging arrests in domestic assault cases, compared with 10 percent in 1984.

(The survey, which involved 173 police departments serving cities of more than 100,000 people, also found that one-fifth had changed their policy in some way because of a 1983 experiment in Minneapolis in which arrest was found to be the most effective deterrent to repeat domestic assault.

(An order issued by Minneapolis Police Chief Tony Bouza in 1984 requires officers to make arrests, based on probable cause, on most domestic calls. If no arrest is made, the officers are expected to give a

reason in their offense reports, which are then reviewed by a superior officer.

(St. Paul police policy requires that officers make arrests in all cases where they can establish probable cause — visible signs of injury and other factors — and where the offense has occurred within four hours of the call.

(Minneapolis and St. Paul have intervention projects run by women's advocates who monitor police responses to domestic violence cases.)

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About two-thirds of the incidents would be classified in most states as "simple assault," which is a misdemeanor, according to the report. That classification might give the impression that domestic violence against women is less serious than it actually is, the report said.

# Disarming family violence 'time bomb'

**LOIS SEVERSON**

**VIEWPOINT**

When we think of home we usually think of love, warmth, safety and people who care — a refuge. But for some women, the most dangerous place to be is at home. Physical assaults by husbands, lovers or other family members are the single leading cause of injuries to women in the United States.

In Minnesota more than 43,000 women are assaulted each year, and in the last 20 months at least 21 Minnesota women were murdered by their partners.

All this is not new to the handful of professional staff and volunteers working around the clock in programs that provide emergency services to victims of domestic assaults in Ramsey County.

Women's Advocates Shelter for Battered Women has been providing a safe refuge to frightened women and children for the last 15 years, but shelter workers are all aware that beyond the shelter door the violence usually continued.

In 1986, the St. Paul Police Department responded to more than 1,200 domestic assaults. This indicates a 200 percent increase in serious (aggravated) assaults from the previous year. Despite this increase, battering is still the most common and least reported crime in America today.

Ramsey County Family Court issued 1,007 protective orders to victims of domestic abuse (including children) living in Ramsey

County. Of these families seeking help, less than one-fourth received the services of a trained volunteer, advocate or other helping professional.

Services that reach out to victims are important because anyone who has ever been victimized understands the phrase "living in fear." Domestic violence is the most confusing and cruel indignation anyone can suffer.

*My husband shot me twice but he was so drunk he missed me twice. I locked myself in the bathroom and crawled out the window. I ran through a field in knee-deep snow, with no shoes on. The neighbors took me to the hospital. The next day I was admitted to the psych ward for anxiety. I took several tests. When the psychiatrist met with me he said I scored very high on the paranoia scale. I asked what that meant and he said, "It means you have an irrational fear that someone is out to get you." My anxiety turned to depression. I was released to go back home a week later with a prescription of Valium. — Quote from a battered woman.*

The small group of volunteers giving up their evenings or weekends to respond to families in crisis needs the support of the whole community. This crime should no longer be a "family secret." Victims of domestic

violence need to be encouraged by friends and family to report the crime. Women who report abusive partners to the police are less likely to be attacked again soon.

Family violence affects us all. It is one of the major causes of violence in schools, childhood learning disabilities, suicides and teen-age pregnancies, homicides and other crimes. Eighty percent of the population of Stillwater prison grew up in violent homes.

Children in violent homes learn violence. The family violence that occurs today becomes a time bomb that will explode later as abused children become abusers of their own children and repeat the example of their parents in their own relationships.

The best way to break the generational cycle of violence is to reach out and intervene early. Get involved in whatever way you can. Call 911 if you see or hear an assault in progress. Give the 24-hour crisis line phone number (646-0994) to victims you may know. Ask at your child's school about whether the curriculum includes family violence information. Call the Minnesota Coalition for Battered Women (646-6177) for information about programs in your area. Get involved in a program as a volunteer.

Domestic violence is a problem that families cannot solve alone.

Lois Severson is director of the St. Paul Intervention Project.

Somehow it didn't seem fair for me to take the subject of "family violence" since I have presented 3-day seminars on the material, but when I discovered that all my preferred subjects were taken, I got pissed! However, I <sup>learned</sup> discovered that presenting only 15 minutes required planning and was actually more difficult than having more time available.

There are three primary categories of family violence: physical abuse of children, sexual abuse of children, and wife beating. I decided to concentrate on wife battering because it is the area where we as peer counselors can be the most useful to other officers. The reality is that we have very little choices when child abuse comes to our attention. The law requires that suspected child abuse must be reported (to Child Protection Services & police). We cannot maintain confidentiality in such cases. It is a crime not to report it. This creates a real dilemma. I have been unfortunate to have investigated various child abuse complaints against police officers. Also, police officers have tended to come to me about such personal problems. In one instance, this involved the brother of my partner at the time who had come to me for assistance. I was worried that the reporting and investigation might affect our friendship, but it didn't.

A major problem is that the department's policy in cases of sexual abuse of children has been to fire the officer involved. Losing his job has always been a main concern of the sexual abuser. In addition, sexual abuse is a felony with all the ramifications of the Criminal Justice System. Fortunately, our county has some of the most outstanding follow-up services and counseling available anywhere. Considering the alarmingly widespread extent of the problem of sexual abuse (statistics are now demonstrating that sexual abuse has occurred in 10-40% of all families), I have no doubt that there are some of our own officers who are now sexually abusing their own children. As a peer counselor, our role would appear to be primarily to report, refer, and to be supportive. Being supportive of a sexual abuser is not always easy, particularly for those police officers who may tend to be punitive and focussing on the child victims, but these abusers too are often victims (example: child tied to chair).

In the case of an officer assaulting his wife, the peer counselor has far more options. All of us have probably become aware at some time of a police officer who has beaten his wife. Wife battering certainly exists here.

Before I go any further and someone shouts, "-But what about us poor husbands who are battered by our wives?", I would like to say that you poor husbands are rarely battered. Wives can nag, bitch, etc. but husbands are usually physically strong enough to defend themselves unless a dangerous weapon is used, and then it's a dead husband we see, which does happen occasionally. Interestingly enough, the battering husbands are now discovering that it can be dangerous to beat your wives because the wives then have a strong self-defense argument for murder!

By far, the biggest problem within this department is attitudes. Some police officers are stereotyped in their beliefs that they rule and must control their wives and families and that hitting your wife may sometimes be justified. In a recent meeting of supervisors to discuss the department's new policy on arresting domestic abusers, a well respected captain challenged the justice of arresting a man who "just popped his wife once". First, it is rare that an assault occurs only once. Wife beating tends to escalate in frequency and severity. Second, hitting someone is assault, and assault is a crime. It should be no less a crime because it occurs within the family.

Jokes about beating your wife are common around the station. In our unit, when one investigator told that he had hit his wife the night before to keep her in line and argued that everyone else in the unit has done this at some time, everyone else agreed and no one would dispute it. ~~It is~~ serious, and all too

Domestic abuse is

This was recently challenged to the CIS  
Police Service (regarding a letter raised)  
& the Arbitration Board of 12-28-84 (How'd he  
fully cooperate with back pay?)

frequently wife battering culminates in homicide-or suicide, as was the case with one police officer.

Attitudes of friends, relatives, neighbors, and co-workers frequently perpetuate the problem of wife beating. Recently a woman ran screaming from her apartment carrying her child with her angry boyfriend chasing after her. She told several neighbors that her boyfriend had just sexually molested her one-year old daughter, and she begged to use the phone to call the police while he yelled that he was going to kill her. All of the neighbors refused and would not assist her in any way. Expecting that the neighbors were merely frightened of the violent boyfriend, who had already been arrested 36 times, I questioned each neighbor separately and in all cases received responses such as: "I have always made it a rule not to interfere in the squabbles between a couple", "I don't want to get involved", "It's none of my business", "I'm not going to get in the middle of all this", etc.

A 26 yr. old woman was kidnapped at knife-point by her ex-husband whom she had not seen in three years. He forcibly took her to his apartment where he tied her to the bed and committed various sexual and violent acts, the least of which was to cut off her pubic hair and eat it. The jury acquitted the ex-husband of the charges of rape and aggravated assault. Polling of the jury later turned up such reactions as: "She married him, didn't she? What did she expect?" "They deserve each other", "Why should a guy go to prison for doing something to a woman he married?" "She made her bed. Now she has to sleep in it."

Changes in attitudes are gradually occurring. A 67 yr-old woman called me and said for the first time she was now taking a look at herself, her relationship with her husband, and questioning why she has allowed her husband to continue beating her. The most common advice given by wife-s who have successfully ended the abuse is, "Don't let the pattern persist, no matter what." *all these years!*

(Discuss pass-out information).

RAMSEY COUNTY RESOURCES THAT ADDRESS  
PROBLEMS OF VIOLENCE

CHILD & ADULT ABUSE

- Child Abuse Hotline/ Crisis Intervention Center (Parents Anonymous) 347-2233
- Children's Hospital 345 Smith No., St. Paul
  - Emergency Services 298-8296
  - Clinic 298-8300
- ✓ Ramsey County Adult Protection, 160 E. Kellogg, St. Paul, 298-4430 - M-F 8-4:30
- ✓ Ramsey County Child Protection, 160 E. Kellogg, St. Paul, 298-5655  
(other-times 291-6795)
- Ramsey County Child Abuse Team, 160 E. Kellogg, St. Paul, 292-6346 - T, Th- 8-6:00
- Ramsey County Nursing Services 150 E. Kellogg (referral) 298-4548
- Ramsey County Sheriff Patrol Division, 340 Rice St., Shoreview, 484-3366
- St. Paul Ramsey Medical Center, 640 Jackson St., St. Paul, 221-3456 221-2121 (emg)
- St. Paul Police Department, 101-10th St., St. Paul, 292-3650

COUNSELING

- Baker Community Center, 209 W. Page, St. Paul, 292-8020 - M-F 8-5 p.m.
- Catholic Charities, 215 Old 6th St., St. Paul, 222-3001
- Chicanos Latinos Unidos en Servicios (CLUES), 220 So. Robert St., Suite 103  
St. Paul, 292-0117 M-F 8:30-5:00 p.m.
- East Area Community Center, 1575 Ames, St. Paul 774-9647 M-F 8:30-5:00  
(also services to S.E. Asians)
- East Community Family Center, 1709 No. McKnight, Maplewood
  - Phase Program 777-8060 M-F 9:00-5:00
- Face to Face, 730 Mendota St., St. Paul, 772-2557 M-W-F 9:00-5:00, T,Th 9-9:00
- Family Service, Suite 500, Nalpac Bldg., 333 Sibley, St. Paul 8:30-9:00p.m.  
M, Th, 8:30-6:00, T-W-F 8:30-5:00, 8:30-noon Sat. 222-0311 (also serving  
SE Asians)
- Hamm Clinic, 555 Park St., Suite 350, St. Paul, 224-0614 M,W,TH,F. 8:30-5:00  
Tues. 8:30-7:00
- Hallie Q. Brown, 100 No. Oxford, St. Paul, 224-4601 by Appt. only, 9-5 M-F
- Home of the Good Shephard, 5100 Hodgson Rd., St. Paul
  - Center for Family Unity 484-0222 ext 225
- Horizon, 301 Fuller, St. Paul, 222-0545 8:30-4:30 M-F  
(Am. Indians/Low income eligible )
- Jewish Family Services, 1546 St. Clair, St. Paul, 698-0767 T,TH,F - 9-5:30  
M,W. - 9-8:30 p.m.
- Lao Family, 475 Cedar, St. Paul, 221-9037 M-F 8:00-5:00
- Lutheran Social Services, 1201 Payne, St. Paul, 774-9507 M-F 8:30-5:00, plus  
evenings.
- Martin Luther King Center, 270 No. Kent, St. Paul 224-4601 M-F 8-10:00
- Neighborhood House Association, 179 E. Robie St., St. Paul, 227-9291  
7:00 a.m.-9:30 p.m., M-TH, 7-5:30
- N.E.O.N., 608 20th Ave. So., Minneapolis, 339-0895 8-8 nightly
- New Beginnings, 644 Selby, St. Paul 224-3835 10-10:00 M-F, 1-6:00 sat.
- Northend Multi-Service Center, 1021 Marion St., St. Paul 488-0507 8-5 + evenings.
- The Partners Program, 435 Aldine, St. Paul 641-5584 M-F 8:00-5:00
  - (24 hr. advocate on call through Midway Hospital)
- Ramsey County Human Services, 160 E. Kellogg, St. Paul, 8-4:30 p.m.
  - Adult Protection 298-4430
  - Child Protection 298-5655
- Ramsey County Mental Health Clinic, 529 Jackson St., St. Paul, 298-4737  
Intake 8:45 or 12:45 (walk-in) M-F 8-4:30 and evenings.
- White Bear Lake Community Counseling, 4820 Cook Av., White Bear Lake 429-8544  
M,T. 8:00 a.m.-9:00 p.m., W,TH, 8-6, F. 7-5

COUNSELING - cont.

✓ Wilder Child Guidance Clinic, 919 Lafond, St. Paul 642-4022  
8:30-5:00 M.W.F. 8:30-8 T.Th.

Branch Offices

North Suburban, 2696 Hazelwood Av., Maplewood 770-1222

Northwest, 5100 NE Edgewood Dr., Moundsview 780-5675

Old Hudson Road, 1865 Old Hudson Road, St. Paul 731-1336

Wilder Community Care, 919 Lafond, St. Paul 642-4060 M-F 8:30-5:00  
(also service SE Asians)

Wilder Family Abuse Program, 666 Marshall, St. Paul 221-0048

Youth Service Bureau, 8:30-5:00 M-F + some evenings

423 University Av. W. 292-7191

1575 Ames 292-7195

179 E. Robie 292-7281

512 Laurel 224-2315

1595 Selby 292-7194

COURT SERVICES

Ramsey County Community Corrections Dept., 150 E. Kellogg, St. Paul, 298-4434  
Adult Probation & Parole, 945 Courthouse 298-4791

Domestic Relations, 1745 Courthouse, (Orders for Protection Issued) 298-4379

Juvenile Service Center, 480 St. Peter, St. Paul 298-6930

Project Remand, 150 E. Kellogg, Suite 650, St. Paul 298-4932 M-F 8-4:30  
(24 hour services available)

Project Re-entry, 532 Ashland Av., St. Paul, 292-1466 M-F 8-5

CRISIS COUNSELING RESOURCES

Capitol Community Services, 1021 Marion St., St. Paul 488-0507 M-F 8:30-5:00  
Crime Victims Centers, (5 locations using one centralized number) 24 hr. daily  
340-5400

Emergency Social Services, 100 So. Robert St., St. Paul 291-6795

- 5:00 p.m.-8:00 a.m. + 24 hr. weekends.

Horizon, 301 Fuller, St. Paul M-F 8:30-4:30 24 hr. crisis line (Am. Indians/  
low income eligible)

N.E.O.N (Nighttime Emergency Outreach Network) 339-0895 8:00 p.m.-8:00 a.m.

Ramsey County Crisis Program, St. Paul Ramsey Medical Center, 640 Jackson St.  
(24 hour walk-in) 221-8922

Ramsey County Mental Health Clinic, 529 Jackson St., St. Paul 298-4737

Intake walk-in 8:45 or 12:45 p.m. M-F

EMERGENCY RESOURCES

Police, Fire, Sheriff or Medical Emergency - 24 hours daily 911 (TTY-292-3777)  
St. Paul Ramsey Medical Center, 640 Jackson St., St. Paul 221-2121 (emergency)

## INFORMATION AND REFERRAL RESOURCES

- Dorothy Day Center, 183 Old 6th St., St. Paul 293-9907  
- 8-4:30 M,T,TH,F. 8-1:00 W., 8-noon Sat.  
Hispanos en Minnesota, 203 Prescott St., St. Paul 227-0834 M-F 8:30-5:00  
First Call For Help (American Red Cross) 291-4666 M-F 8-5  
Minnesota Program for Victims of Sexual Assault, 430 Metro Square Building,  
(State-wide support and referral & training) 296-7084 M-F 8-5  
Ramsey County Emergency Social Service, 100 So. Robert St., St. Paul 291-6795  
✓ Sexual Offense Services of Ramsey County, 529 Jackson St., St. Paul  
Phone 24 hour daily - office 298-5898 M-F 8:30-4:30  
Youth Emergency Service, 608 20th Av., South Minneapolis  
24 hour crisis line 339-7033 (outreach NEON)

## LEGAL

- St. Paul City Attorney, 639 City Hall 298-4271  
(file complaints re: assault, rape, etc.)  
Tel-Law 227-5297 or call free 800-652-9728. Select tape number and give to operator:
- Tape 1, Where to go for legal help in the Twin cities;
  - Tape 4, What is legal assistance of Ramsey County;
  - Tape 5, What are the main differences between a civil case and a criminal case;
  - Tape 62, Restraining orders and injunctions as ways to stop others from acting against you;
  - Tape 66, Your welfare rights;
  - Tape 70, What is a legal separation;
  - Tape 71, Do you have grounds for annulment of your marriage;
  - Tape 72, How can your marriage be dissolved;
  - Tape 73, Determining child custody through mediation in Henn. & Ramsey Counties
  - Tape 74, Who will get custody of children in dissolution of a marriage;
  - Tape 75, How will property be divided in a dissolution of marriage;
  - Tape 76, How will the court divide the debts in a dissolution of a marriage;
  - Tape 78, How financial support for a child is established;
  - Tape 79, How financial support for a spouse is established;
  - Tape 80, What to do if child support is not being paid;
  - Tape 82, Restraining orders in a dissolution of a marriage;
  - Tape 83, What to do about family violence and child abuse.

## RAPE AND SEXUAL ASSAULT RESOURCES

- Emergency Social Services, 100 So. Robert St., St. Paul 291-6795 24 hr. weekends  
5 p.m.-8 a.m. M-F  
St. Paul Sexual Abuse Anonymous, P.O. Box 3014, St. Paul 776-1488 (Ron)  
Sexual Offense Services of Ramsey County, 529 Jackson St., St. Paul 298-5898  
(24 hours daily) Room 322  
St. Paul Police Department, 101-10th Street E., St. Paul 292-3650  
St. Paul Ramsey Medical Center, 640 Jackson St., St. Paul 224-3456 or  
Emergency 221-2121  
Youth Emergency Services (phone service - 24 hour daily) 339-7033

RESOURCES FOR PHYSICALLY ABUSED WOMEN'S SHELTERS

Alexandra House (Blaine) 780-2332  
Casa de Esperanza (St. Paul) 772-1723  
Crisis Line for Women's Shelters 646-0994  
Family Violence Network (Lake Elmo) 770-0777  
Harriet Tubman Battered Women's Shelter (Minneapolis) 827-2841  
Home Free (Plymouth) 559-4945  
Lewis House (Eagan) 452-7288  
Sojourner Shelter for Battered Women (Hopkins) 933-7422  
Women's Advocates (St. Paul) 227-8284  
YWCA (St. Paul) 65 W. Kellogg Blvd. 222-3741

OTHER RESOURCES

Battered Women's Consortium, Region 11, 435 Aldine, St. Paul 646-0994  
9-4 p.m. M-F  
Dayton's Bluff Human Services, 951 E. 5th Street, St. Paul 774-6075  
8:30-4:30 M-F (parenting groups)  
Education for Co-operative Living Program, Phyllis Wheatley Community Center,  
2136 Lower Av. No., Minneapolis, 8:30-5:00 M-F + evening groups - sensitive to  
the Black Community 521-3646  
Merrick Community Center, 715 Edgerton, St. Paul 771-8821 (parenting groups)  
8:30-5:00 M-F  
Womens Association of Hmong and Lao (W.A.H.L.) 1544 Timberlake Rd., St. Paul  
24 hour phone service - office 8-4 daily and women's support groups -  
Vietnamese and Cambodian services also available.

Chicago, Ill.

9-21-81 Domestic Violence

Chicago Women's Shelter - turns away 10-12 women a day.

Average stay - 6 weeks.

No financial resources to leave. Husband earns too much to qualify for assistance and can't leave husband until has assistance.

No emergency aid for lodging because already received monthly grant.

Husband often agrees to support her to agency personnel but doesn't unless she returns to him. - Perpetuates prob.

Battered woman who may return to situation believing she is strong enough to deal with situation but is labeled ambivalent, lying, irresponsible.

1st responsibilities:

1. safety - shelter
2. Change response of institutions (ex. hands-off response by police)

Refer to Civil System.

If criminal justice system will begin to take these cases more seriously, we might counteract battering.

Women often just want abuse to stop, not put him in jail. Violates the judge's own orders, with which he should have complied.

Dear Carolen: (Hope this will aide you and whomever you come in contact with to asselt, including professionals and paraprofessionals)  
The letterhead was removed with perox reprinting.

Write: School of Social Welfare  
P. O. Box 786  
Milwaukee, Wisconsin  
53201

Phone: (414) 963-4851

Milw. information could give you  
his home number if you  
think you need it.

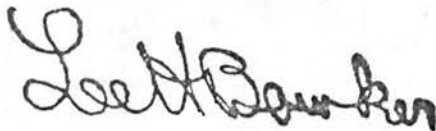
Hello:

Thank you for your interest in receiving a copy of the results of the research project, "Beating Wife-Beating." The project is now completed, and we are happy to enclose a copy of the findings in the Executive Summary. The results are exciting because they demonstrate that women do not remain passive victims of abuse, but put into action various strategies and techniques that bring about a violence-free and more satisfying lifestyle. The most important finding is the fact that women can become free of violence in a relationship. And, as the results indicate, women can free themselves from abuse while working out more satisfactory relationships with their husbands or partners.

The new insights gained on the coping strategies of battered women will offer current victims a glimpse of the options they may have available in triumphing over this serious problem. The value of such information comes from the fact that these techniques and strategies were actually employed by battered women who determined their success and worth. The participants who shared their stories for this study are to be thanked for their invaluable contributions.

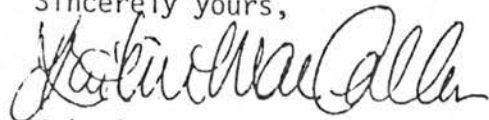
In the future we will be writing additional and more detailed articles about certain aspects of the study, and we encourage you to get in touch with Professor Lee Bowker at 963-4515 after January, 1982, for copies. Also, a highly technical statistical report will be produced and a copy will be made available in October, 1981, in the UWM Reference Library under Professor Bowker's name, if you should be interested.

We hope this Summary provides you with useful information, and once again, your interest in the study is appreciated.



Lee H. Bowker, Ph.D.  
Principal Investigator

Sincerely yours,



Kristine MacCallum, M.S.W.  
Project Coordinator

## BEATING WIFE-BEATING

### Executive Summary

#### Project Staff

Lee H. Bowker, Ph.D., Director  
Kristine MacCallum, M.S.W., Project Coordinator  
Elam Nunnally, Ph.D., Associate Professor  
Thomas Callan, M.S.W., Computer Programmer  
Dorothy Brostowicz, Project Secretary  
MaryAnn Riggs, Supervisor, Word Processing Center  
Robin Hauser, Word Processing Operator

August, 1981

Produced with funds provided by grant #1 R01 MH33649, awarded by the National Institute of Mental Health, and by the School of Social Welfare, University of Wisconsin-Milwaukee.

#### RESEARCH PROCEDURES

In-depth interviews lasting between two and four hours were carried out with 146 subjects selected on a volunteer basis from Milwaukee and Racine Counties, Wisconsin. The recruitment techniques used included television and radio appearances, newspaper editorials and advertisements, personal appearances, and posters. To be included in the sample, the wife had to have been physically assaulted by her husband or partner at least once during the relationship, and had to have found a way to eliminate the violence from the relationship. To be sure that the strategies and help-sources used to control the violence really worked, there had to be at least a one-year violence-free period between the last incident and the time of the interview. The intent of this methodology was to identify and evaluate strategies and help-sources that could be used by currently battered wives who desire to end the violence without ending their marriages.

#### THE VIOLENCE SUFFERED BY THE WOMEN IN THE SAMPLE

The women who participated in the study suffered both intensive and extensive violence at the hands of their husbands. This included being hit, slapped, kicked, bitten, punched, and being assaulted with weapons. It was not uncommon for them to be beaten while pregnant, and a total of ten miscarriages resulted from these beatings. A number of the women were raped

by their husbands on many occasions. Some were beaten weekly over an extended period, others required medical attention numerous times, and the average woman in the study suffered eleven years of violence before finding the right combination of personal strategies and help-sources to compel her husband to end it. These women came from all walks of life, and a number of them and their husbands held respected positions in the community.

We cannot comment on what causes marital violence to begin, since we have no control group of women who were never battered. However, we can say something about the factors which are associated with increased seriousness of battering once the battering has begun, based on the experiences of the 146 women in our sample. The women who were most seriously and extensively battered tended to be those who originally married the batterer due to pregnancy, rather than for more positive reasons. The worst batterers were likely to have had high rates of disputes among their own parents, displayed violent tempers during dating, and often battered their future wives before the marriage occurred. The women who suffered the worst beatings had the least satisfactory marriages and had high levels of value dissimilarity between themselves and their husbands. These high-risk families tended to change residences more frequently than families in which the batterings were less severe or less frequent. Although there was not a completely clear pattern, there were some hints in the data that the batterings were more serious in recent marriages than in marriages that occurred in previous decades.

#### THE WIFE'S EFFORTS TO FORCE AN END TO THE BATTERING

There is a common stereotype that battered women are passive recipients of beatings, and standard descriptions of battered women in the research literature portray them as cardboard figures, without depth and lacking the human capacity to react to dangerous situations with effective defensive measures. The women in the Milwaukee study in no way resembled this stereotype. They actively sought out ways to end the battering, beginning with personal strategies that required nothing more than their own resources. If these did not prove effective, they experimented with various informal help-sources and formal help-sources until they found a combination of personal strategies and help-sources that was effective in ending the violence forever. The horrors suffered by most of these women in their marriages were astounding, and their efforts to convince their husbands to end the abuse were nothing less than heroic.

The seven personal strategies used by the battered wives to combat the abuse were (1) talking their husbands out of the violence, (2) getting them to promise to end the violence, (3) threatening them nonviolently, (4) hiding from them, (5) passively defending themselves by covering their vital areas with their hands and arms, (6) aggressive defense, (7) and avoidance. Threatening does not refer to threats of violence but rather to nonviolent threats, including calling the police, prosecuting the husband in court, or filing for divorce. Aggressive defense refers to threatening overt aggression

as well as carrying it out. This generally consists of hitting, slapping, kicking and punching, with the use of dangerous weapons being employed less commonly. Avoidance refers both to avoiding topics that might lead to violent eruptions and to physically avoiding the husbands when they appear to be in a violent mood.

There were five types of informal help-sources utilized by the battered wives. These were (1) their own family members, (2) in-laws, (3) neighbors, (4) friends, and (5) shelter services. Informal help-sources have no organizational framework and do not have the ability to bring legal or other community sanctions to bear against the abuser. Shelter services continue to be predominantly provided by informal sources of help because of the inadequate number of formal agency shelters existing in southeastern Wisconsin. For this reason, it is more appropriate to think of shelter services as an informal type of help than as a category of formal agencies providing help to battered women.

The five types of formal help-sources utilized by battered women to end their victimization were the (1) police, (2) social service agencies, (3) women's groups, (4) clergy, (5) and lawyers or district attorneys. Medical personnel were not included in the study, because battered wives usually seek them out to deal with their physical injuries rather than to help them end the battering. Women's groups differ from the other formal help-sources in that they generally have a low level of institutionalization. They are usually self-help groups, and they are always organized to meet the needs of battered women as defined by the women themselves. Many women's groups are dependent on other organizations to provide meeting facilities, and they lack the moral power of the church and the legal power of other formal help-sources to end the marital abuse.

#### THE WIFE'S EFFORTS TO END THE BATTERING

Marital violence in most of the families studied was used by the husbands to achieve and maintain the level of dominance over the family affairs that they felt they deserved. Women married to such men can take two diametrically opposite approaches in their attempts to end the battering. First, they can give in totally to their husbands and allow themselves to be dominated. This means drastically restricting their personal freedom, isolating themselves from friends and from other relationships that might cause their husbands to become jealous, and becoming virtual slaves in their own homes. The second approach involves more than ending the battering, for it requires that the husband's standards of family domination be lowered. For a woman to be successful in this second line of efforts to end marital abuse, she must force her husband to acknowledge her status as an individual with the right to meet her own needs and to have them met by others. The marital power balance has to be changed to one of relative equality, and the husbands in the study were unwilling to do this spontaneously.

Personal strategies such as talking, hiding, promising, and exercising passive defense generally fall under the first method of elimination of marital violence. They do not begin to change the marital power balance, so they do not simultaneously contribute to the wife's freedom and to the cessation of the violence. In contrast, threatening to involve the criminal justice system or the civil courts in the marriage represents a substantial attempt to change the marital power balance, and a strategy of aggressive defense is a direct challenge to the dominance of the batterer. Nonviolent threatening was a very successful strategy for the women in the Milwaukee study, and aggressive defense sometimes had a major impact on the batterers. Unfortunately, aggressive defense proved to be a dangerous technique in that it often provoked increased violence instead of decreasing it.

As might be expected, in-laws were not as helpful to the battered wives as were their own family members. Friends were the most helpful of all, perhaps because they felt no need to deny the problem or to avoid the embarrassment of a divorce. Neighbors were used much less often, although some of them played an important role in aiding the battered wives. Most of the women were forced to take shelter at some time during their marriages, and those who did so once usually found it necessary to seek shelter on other occasions. Sheltering was temporarily successful in removing the women from the aggressors, and it sometimes gave them enough leverage to force their husbands to begin to think about the seriousness of their aggressive behavior. Friends, neighbors, and relatives all provided the battered wives with shelter on occasion, and formal battered women's shelters provided only five percent of the total shelter services delivered to the battered wives. Other than giving shelter, informal help-sources aided the battered wives by helping them to see their situations clearly, modeling successful behaviors, directly intervening with the batterers on behalf of the wives, and encouraging the wives to feel better about themselves and to take whatever actions were necessary in order to end the battering. This latter point is of great importance because many of the victims were so thoroughly abused by their husbands, psychologically as well as physically, that they had extremely negative self-images. In essence, they said to themselves, "He beats me, therefore, I am worthless." In helping them to see that they were worthwhile human beings, the informal help-sources made a crucial contribution to the eventual cessation of the violence.

The formal sources of help had very different levels of success in contributing to the end of the violence. In general, the stronger the force brought to bear on a violent husband, the more likely he was to desist from further abuse. There is a sense that formal help-sources are more potent than informal help-sources, but this ignores the psychological changes that have to occur in many battered wives before they begin to make effective use of formal help-sources in their private lives. There were many instances of exemplary service offered to the battered wives by individuals in all of the formal help-sources categories. In general, women's groups were the most highly rated of all the formal help-sources. Lacking the legal and moral power of the other formal help-sources, they concentrated on modeling, which the women were unable to obtain from other help-sources. Through modeling, women who

had successfully triumphed over their own victimization participated in group activities and support network building with women who were currently being battered. In the modeling process, the battered women gained self-respect and also became acquainted with a wide variety of techniques that could be used to establish justice in their marriages.

Personnel in all of the other formal help-sources were perceived by the wives as lacking understanding of family violence and of the needs of the battered women who came to them for help. Some of the clergy suffered the additional disadvantage of being committed to keeping the family together at any cost to the battered wife. The police were asked to provide a wide range of social services going beyond the narrow limitations of their law enforcement responsibilities. Officers who were sympathetic to the needs of the battered wives gladly provided this expanded range of services, but other officers refused to even enforce the law. Once lawyers and district attorneys became involved in a case, they usually had a significant impact in reducing the husband's aggression. Even if they did not meet the full range of needs expressed by the battered women, their formal power was sufficient to begin the process of modifying the power balance in the marriages and to act as a deterrent to continued abuse. This does not mean that the abuse always ended immediately, but rather that it tended to be reduced in frequency and severity. In terms of their direct and immediate effects on the behavior of the abusers, lawyers and district attorneys were the most effective of the formal help-sources, followed by social service agencies, women's groups, the clergy, and the police. When rated according to the general successfulness of the services rendered, aside from their immediate impact on the behavior of the husbands, women's groups received by far the highest evaluations, with social service agencies, the legal profession and the clergy clustered together in an intermediate position and the police trailing far behind.

#### THE HUSBAND'S EFFORTS TO END THE BATTERING

The battered wives were often able to convince their husbands to make some effort to end the battering, sometimes through their own devices and sometimes with the help of formal or informal help-sources. Following the final battering incident, between one-third and one-half of the husbands contributed to the cessation of the battering through an identifiable, positive action such as joining Alcoholics Anonymous, beginning individual therapy, or talking seriously with a relative, a friend, or the clergy about their problem. It is difficult to estimate what proportion of the motivation of these husbands resulted from the pressure put on them by their wives and what proportion spontaneously developed from their own need to end the battering.

A curious finding resulting from the study is that husbands who saw their friends often were less likely to make efforts to end the battering (and showed other indications of a negative prognosis) than husbands who saw their friends less frequently. It suggests that there is perhaps a subculture of violence shared by many of the batterers and that the primary way in which that culture is communicated to the batterers is through their peer relations

with other men. This is not a subculture of violence in a criminal sense, nor is it limited to the poor. It exists at all levels of society. Its main characteristic is that it supports the patriarchal domination of the family, even if this domination must be maintained through the use of violence against wife and children. ~~We hypothesize that battering husbands have internalized standards of gratification through their association with their male peers and that these standards demand a high level of patriarchal dominance in their family lives. No amount of dominance or recognition in their lives outside of the family can serve as a substitute for domination within the family for men who hold these standards. Any attempt by the wife to achieve self-determination or an equalitarian marriage in such marriages will be met with rage and violence.~~ Since the Milwaukee study was not aimed at exploring the dimensions of this male subculture, we can do no more than hypothesize its existence on the basis of the data obtained from the battered wives. ~~It would be necessary to study the men directly in order to attain a higher level of understanding of the contribution made to family violence by the participation of the husbands in a male peer subculture which justifies violence in the service of male dominance over domestic life.~~

#### THE CESSATION OF THE VIOLENCE

Why was the wife ultimately able to gain the strength to act on her own behalf to have the abuse end? Approximately one-quarter of the women ~~simply had had enough and decided that they had to act.~~ Perhaps through their contacts with formal and informal help-sources as well as the spontaneous unfolding of their own personal capabilities, these women decided that nothing would stand in the way of their living normal lives. Another quarter of the women felt that their ~~participation in women's groups~~ was what gave them the confidence and the technical information necessary to take effective action. Smaller proportions of women cited their fear for their own survival, help provided by family members, and help provided by social service agencies as the most important factors in their triumphing over the violence. Most of the ~~husbands ended the violence out of fear: fear of divorce, of the police, or of criminal legal action taken against them.~~ A quarter of the men genuinely wanted to re-establish healthy relations with their wives, and one-tenth of them came to accept the growth in their wives and were willing to treat them as full human beings.

The battered wives were willing to give both specific recommendations and general advice to women who were still being battered. Their specific recommendations centered around contacting social service agencies and women's groups for help, with lesser proportions mentioning taking shelter, contacting a lawyer or the district attorney, and talking to friends about the problem. ~~The most common piece of general advice given by the successful wives was:~~ "Don't let the pattern persist, no matter what." This comment reflects the strength of character that they had developed over the years of their abuse and their triumph over such abuse. Other common pieces of advice given were to seek the aid of a professional counselor, to leave the batterer, and to "Tell anyone you can trust about the problem."

## RECOMMENDATIONS

1. Currently-battered women need to receive advice about the wealth of personal strategies, informal help-sources and formal help-sources that they can use in ending their victimization. Information should be provided through all possible avenues, including the media, social service agencies, battered women's organizations, and lawyer's offices. In addition, this information needs to be made available in places such as supermarkets, welfare offices, and shopping malls so that women who may not yet have become battered wives or for whom the battering may just be beginning can prepare to defend themselves and to keep the pattern of abuse from becoming established in their families. There is also a need to continually re-evaluate and refine the data on personal strategies and help-sources that have been produced in the Milwaukee study.

2. The heavy use of sheltering by the battered women in the study implies that the need for sheltering services is even greater than has previously been estimated by the supporters of battered women's shelters. An obvious recommendation to make is that additional public funds should be diverted to open new battered women's shelters. In addition, there should be a guarantee of continuing, full support for existing shelters. It is clear that there will never be enough shelters to meet the needs of the battered women in Southeastern Wisconsin, even if many new facilities are opened. The state should consider the possibility of offering financial support to private individuals who are giving shelter to battered women and their children through informal helping networks, as this is the only way to meet the needs of battered women who go beyond the capacities of existing and feasible future shelter organizations. The technical problems involved in such a reimbursement program would be considerable, but they are not beyond the realm of possibility. Pamphlets intended to help battered women deal with their husbands also can be designed for use by members of informal helping resources offering help to battered women.

3. The very high success ratings given by the battered wives to women's groups suggests that it would be efficient for agency funds and general public funds to be diverted to increase the level of support for these groups. They can often be efficiently combined with shelter services under multipurpose umbrella agencies. Where additional women's groups are developed within existing agencies, they should be allowed to exist independently of the bureaucratic structure of the agency and its treatment modality preferences as much as possible. Our findings tell us that the individuals who are responsible for the operation of these groups, and who are often indigenous paraprofessionals rather than fully accredited professional therapists are remarkably capable at delivering effective services to battered wives. Rather than weakening these services by making them conform to traditional service delivery models, existing agencies should look carefully at the treatment models being used by women's groups to assess what elements can be incorporated into their own service delivery systems.

4. With the exception of women's groups, a significant proportion of individuals in helping agencies and criminal justice organizations are in need of training concerning the nature of family violence, the needs of battered women, and the personal strategies and help-sources that are effective in combating marital violence. The use of indigenous paraprofessionals (once-battered women to serve as role models and deliver other services to currently-battered wives) as staff members should be encouraged.

5. The rather dismal ratings of the help received from police officers suggests that services provided to battered women by police departments should be targeted by public interest groups as needing immediate upgrading. Officers should receive additional training in the handling of domestic disputes to enable them to better meet the needs of complainants in cases within the framework of the law. In addition, they should routinely and uniformly inform all battered women or potentially battered women of their legal rights and should also distribute folders referring them to other appropriate help-sources.

6. To the extent that battering husbands are supported in their marital violence by their participation in a male peer subculture of violence, it will not be easy to treat them using individualistic models of service delivery. If they are heavily enmeshed in this peer subculture, they will need to change their friends in order to sustain any gains that are made in treatment. We venture the opinion that self-help groups built on the model of Alcoholics Anonymous will be the most successful behavior change modality for these individuals. Batterers who do not have this level of peer group support can be expected to be more amenable to individual therapy, marital therapy, and standard group therapy techniques.

PRESENTATION ON POLICE DIFFICULTIES

WITH FEMALE BATTERING CASES

JAMES BANNON Ph.D.  
EXECUTIVE DEPUTY CHIEF  
DETROIT POLICE DEPARTMENT

PREPARED FOR THE U.S. CIVIL RIGHTS COMMISSION, CONNECTICUT  
ADVISORY COMMITTEE. HEARINGS OF SEPTEMBER 26, 1977, STATE  
CAPITOL, HARTFORD, CONNECTICUT.

I'VE BEEN ASKED TO SHARE SOME PERSONAL AND PROFESSIONAL THOUGHTS WITH YOU TODAY ON THE POLICE OFFICERS DIFFICULTIES IN DEALING WITH DOMESTIC VIOLENCE.

OF COURSE, ONE OF THE PREMIER DIFFICULTIES THAT WE HAVE IN THIS AREA IS ONE OF INTEREST. UNLIKE ALL OTHER CRIMES, THAT OF THE BATTERED FEMALE GENERATES LITTLE INTEREST OR ENTHUSIASM AMONGST POLICE OFFICERS OF ALL RANKS. THE REASONS FOR THIS LACK OF INTEREST ARE MANY AND VARIED. SOME ARE TECHNICAL, SOME LEGAL AND MANY EMOTIONAL.

ONE OF THE MOST STARTLING ASPECTS OF OUR PROFESSIONAL DISINTEREST IS THE EFFECT OF CONFLICT INTERVENTION ON THE PART OF THE POLICE IN SO CALLED DOMESTIC VIOLENCE CASES. THE F.B.I. REPORTS THAT ANNUALLY IN EXCESS OF 50% OF ALL OFFICERS KILLED IN THE LINE OF DUTY ARE IN THE PROCESS OF RESPONDING TO A DOMESTIC VIOLENCE CALL. IT SEEMS TO BE TRUE, ALSO, THAT THE MAJORITY OF POLICE OFFICERS WHO ARE INJURED ARE SIMILARLY INVOLVED IN CONFLICT INTERVENTION ACTIVITY. \*  
Over 2,800  
homicides appear  
among family  
members.

FROM A PURELY COST EFFECTIVE STANDPOINT, IT WOULD APPEAR THAT POLICE EXECUTIVES WOULD DESIRE TO ATTEMPT VARIOUS STRATEGIES TO REDUCE THESE INJURIES. IN TRUTH, LITTLE HAS BEEN ATTEMPTED IN THE WAY OF RESEARCH TO ATTEMPT TO UNDERSTAND THESE ASSAULTS, LET ALONE TO DEVISE PLANS TO REDUCE THEM.

WE WILL HAVE TO LOOK BEYOND PURELY LAW ENFORCEMENT ISSUES TO DISCOVER THE NATURE OF THIS PARADOX. THESE ISSUES ARE BOTH LEGAL AND SOCIAL. HOWEVER, LIKE THE CHICKEN AND EGG, IT'S

DIFFICULT TO MAKE A JUDGEMENT AS TO WHICH PREDATES THE OTHER.

\* ONE THING IS CLEAR, THE ENTIRE CRIMINAL JUSTICE SYSTEM REGARDS THE FEMALE VICTIM OF ABUSE AS A SECOND CLASS VICTIM. PERHAPS THAT IS TOO CHARITABLE A TERM. SHE IS TREATED MORE AS A "LEPER" THAN ANYTHING ELSE. IT'S SAID SHE HAS EARNED THIS STATUS BY VARIOUS MEANS.

1. SHE DESERVES IT. THE BEATING THAT IS.
2. SHE ENJOYS IT.
3. IT'S THE PRICE SHE PAYS FOR FINANCIAL AND EMOTIONAL SECURITY.
4. SHE WILL NOT FOLLOW THROUGH ON PROSECUTION.
5. SHE WILL NOT MOVE OUT OR LEAVE THE PERPETRATOR.

SHE EMBARRASSES THE SYSTEM AND JUDGING FROM COMMUNITY REACTIONS, THE SOCIETY AS WELL. IN FACT, SHE IS ACCORDED THE SAME TYPE OF TREATMENT RESERVED FOR THOSE WITH SOME FORM OF SOCIAL DISEASE WHO HAS BECOME ILL DUE TO THEIR OWN VICE. WE TURN OUR HEADS AND CLOSE OUR EARS TO HER SCREAMS.

SUCH A REACTION IS ONLY POSSIBLE IN A SOCIETY THAT EITHER CONDONES THIS CONDUCT OR DESPAIRS OF DOING ANYTHING ABOUT IT.

WHILE IT IS DIFFICULT TO PINPOINT A TEMPORAL REFERENCE TO FEMALES STATUS VIS-A-VIS VIOLENCE, ONE SUSPECTS THAT IT IS AS ANCIENT AS THE NOTION OF WOMEN AS PROPERTY. LAW AND CUSTOM HAVE DICTATED THAT A MAN COULD DEAL WITH HIS OWN PROPERTY AS HE SAW FIT, IT IS ONLY PROVIDED THAT HE NOT UNDULY DISTURB HIS NEIGHBORS NOR SO BADLY TREAT HER THAT IT BECOMES IMPOSSIBLE

FOR SOCIETY TO PRETEND NOT TO NOTICE.

THIS PROPERTY NOTION IS NOT SO FANCIFUL IF WE ASK THE QUESTION: ARE ALL FEMALE VICTIMS OF ASSAULT ACCORDED THE SAME SHABBY TREATMENT? THE ANSWER IS NO! ONLY THOSE WOMEN WHO HAVE COHABITED WITH A MAN IN SOME FORM OF FORMAL OR INFORMAL CONJUGAL RELATIONSHIP ARE SO DISENFRANCHISED.

WHAT EFFECT DOES CONSENSUAL SEXUAL ACCESS HAVE ON THE NATURE OF THE ASSAULT? CERTAINLY THE ANSWER IS NOT TO BE FOUND IN THE LAW. THEN, IT MUST COME FROM CUSTOM. OR SOCIAL MORES, IF YOU WILL.

IT IS PRECISELY THOSE MORES THAT ARE SUSPECT. SEXUAL DOMINANCE HAS FROM TIME IMMEMORIAL BEEN THE HALLMARK OF MALE-FEMALE RELATIONSHIPS. AS IN ALL POWER RELATIONS, THE DOMINANT INDIVIDUAL DICTATES THE TERMS OF THE RELATIONSHIP. IN FACT, HE DICTATES THE CONDITIONS UNDER WHICH THE RELATIONSHIP EXISTS AND UNDER WHICH IT MAY BE TERMINATED.

AS WE ALL KNOW, THE INCIDENCE OF ASSAULTS BY FORMER "HUSBANDS" OF THEIR ESTRANGED OR DIVORCED WIVES OR EVEN FORMER BOYFRIENDS RECEIVE THE SAME SHORT SHRIFT THAT THOSE OF PERSONS STILL LIVING TOGETHER RECEIVE. IN OTHER WORDS, THE PROPERTY CLAIM IS VALID SO LONG AS HE, THE PROPERTY OWNER, SAYS IT IS AND INVALID WHEN HE RELINQUISHES ACTUAL AND EMOTIONAL CONTROL.

ON MY DESK, THERE IS A REPORT BY A LADY WHO DIVORCED HER HUSBAND 25 YEARS AGO. IN THAT PERIOD, HE HAS AT VARIOUS TIMES SOUGHT HER OUT AND BEAT HER. EVEN THOUGH SHE HAS MOVED SEVERAL TIMES. IN SHORT, HE HAS NOT RELINQUISHED HIS CONTROL EVEN

THOUGH THE COURTS DISSOLVED THE MARRIAGE LONG AGO.

WHEN A FEMALE VICTIM COMPLAINS TO THE POLICE OF THIS VIOLENCE AND HER RELATIONSHIP TO THE PERPETRATOR IS KNOWN, HER STATUS CHANGES. THESE CHANGES ARE NOT SUBTLE. SHE IS ADVISED "TO WORK IT OUT", "DON'T BOTHER US WITH YOUR PROBLEM", "GET A LAWYER", "GET MEDICAL PROOF OF INJURY", "WHAT DID YOU DO TO DESERVE IT", AND SO ON AD INFINITUM.

SHOULD SHE PERSIST IN LODGING A COMPLAINT, SHE GETS A FULL REGIMEN OF TREATMENT DESIGNED SOLELY AND UNSELFCONSCIOUSLY TO DETER HER FROM PROSECUTION.

SHE IS OFTEN GIVEN A COOLING OFF PERIOD. COUNSELLED, USUALLY, ON CHANGES SHE SHOULD MAKE TO DIFFUSE HIS ANGER. SHE IS TOLD TO OBTAIN MEDICAL EVIDENCE OF THE ASSAULT, DISINTERESTED WITNESSES AND SO ON. OFTEN SOMEONE WILL PAINSTAKINGLY EXPLAIN TO HER IN GREAT DETAIL THE RIGORS OF PROSECUTION, THE EFFECT ON HER AND THE FAMILY OF LOCKING UP THE BREADWINNER, POSSIBLE RETALIATION AND MANY OTHER REASONS FOR NOT PERSERVERING.

UNLIKE OTHER CRIMES, THE CRIMINAL JUSTICE SYSTEM DOES NOT EVEN HAVE A GOOD GRASP OF THE SIZE OF THE PROBLEM. NO STATISTICS ARE ROUTINELY COLLECTED ON ASSAULTS OF THIS NATURE. OFTEN, THE POLICE WILL NOT EVEN SEND RESPONSE UNITS TO THE HOME TO TAKE A REPORT. IF SHE ALLEGES A WEAPON IS INVOLVED, THE RESPONDING OFFICERS WILL LEAVE WITHOUT MAKING A REPORT WHEN NO WEAPON IS FOUND.

USING A PAINFUL AND TIME CONSUMING INTERVIEW TECHNIQUE, MARIE WILT AND I WERE ABLE TO COLLECT ENOUGH DATA TO CONSERVATIVELY

CONCLUDE THAT SPOUSE ABUSE IS UNDER REPORTED BY AT LEAST 50%  
IN THE CITY OF DETROIT. OF ALL THE VICTIMS INTERVIEWED, BETWEEN  
50% AND 60% CLAIMED TO HAVE BEEN SERIOUSLY ASSAULTED, OFTEN  
WITH DEADLY WEAPONS, IN THE PAST WITHOUT MAKING A REPORT OF THE  
INCIDENT. MANY OF THEM ON MULTIPLE OCCASIONS.

THE REASONS FOR NOT MAKING REPORTS RANGED FROM A BELIEF  
THAT THE POLICE WOULD DO NOTHING TO FEAR OF RETALIATION. BOTH  
OF WHICH HAPPEN TO BE QUITE TRUE IN FAR TOO MANY CASES.

IN THAT THESE DATA WERE COLLECTED IN THE CITY OF DETROIT,  
SOME BELIEVE THAT THE PROBLEM IS A LOWER CLASS PHENOMENA. WHILE  
DATA IS SCANTY IN THE GHETTO, IT IS NON-EXISTANT IN OUR AFFLUENT  
SUBURBS. YET, GO TO ANY MEETING AND DISCUSS THIS PROBLEM AND  
THERE WILL BE MANY EYES DOWNCAST NO MATTER THE SOCIO-ECONOMIC  
STATUS OF THE AUDIENCE.

BECAUSE, YOU SEE, VIOLENT MEN HAVE SUCEEDED IN THE SEEMINGLY  
IMPOSSIBLE TASK OF CONVINCING THE VICTIM THAT IT'S SOMEHOW HER \*  
FAULT THAT HE "LOSES CONTROL AND BEATS HER".

VIOLENCE TRANSCENDS SOCIO-ECONOMIC BOUNDARIES UNLIKE ANY  
OTHER CATEGORY OF CRIME. THIS COULD ONLY BE SO IF SOMEHOW  
SOCIETY HAS CONDONED THIS ACTIVITY.

IN EXURBIA, ITS NOT THE BEATING THAT MATTERS, IT'S THE  
PUBLIC KNOWLEDGE OF THE CONDUCT WHICH IS SO TERRIBLY DAMNING.  
THE DOCTORS OR LAWYERS OR POLICE EXECUTIVE'S WIFE MAY HAVE  
A GREATER STAKE IN COMMUNITY OPINION THAN HER POVERTY STRICKEN  
SISTER. IF SO, THE PROBLEM COULD BE EQUALLY AS GREAT IN OUR  
AFFLUENT SOCIETY AS IN THE GHETTO. WE SIMPLY DO NOT KNOW ITS

MAGNITUDE.

THAT THE POLICE ARE NOT CHAUVINISTIC NOR THE COURTS, NOR PROSECUTORS IS NOT CLAIMED HERE. ALL TOO OFTEN THEY ARE. AFTER ALL, THESE ARE MALE DOMINATED DISCIPLINES, PEOPLED BY MEN, AND A FEW WOMEN, TRADITIONALLY SOCIALIZED IN APPROPRIATE MALE-FEMALE ROLES. BUT OTHER FACTORS COME IN TO PLAY THAT WHILE GROUNDED IN TRADITIONAL ROLES HAVE IN FACT BEEN SANCTIFIED BY LAW.

THUS, POLICE CAN CLAIM THEY ARE HANDCUFFED BY THE LAW WHICH RECOGNIZED A MAN'S HOME AS HAVING SPECIAL STATUS. POLICE OFFICERS AND THEIR LEADERS CLAIM THAT THESE ASSAULTS CONDUCTED IN THE PRIVACY OF THE HOME REMAIN PRIVATE MATTERS. AFTER ALL, WE CANNOT PATROL THE INTERIOR OF HOUSES NOW CAN WE?

THE SAME OFFICER WHO WILL BARGE INTO ONES HOME, SANS WARRANT FOR A NARCOTIC BUST OR TO APPREHEND A PURSE SNATCHER, WILL STAND ON THE FRONT PORCH AWAITING AN INVITATION FROM THE HOSTILE AGGRESSOR WHO HAS JUST BEATEN HIS WIFE.

HE WILL CLAIM HE CANNOT MAKE AN ARREST UNTIL A WARRANT HAS ACTUALLY BEEN ISSUED. NO MATTER THE LAW ALLOWS A WARRANT-LESS, PROBABLE CAUSE ARREST IN FELONY MATTERS AND MANY OF THESE ARE FELONIES.

IT'S TRUE THAT THE LAW IS SUCH THAT THESE ASSAULTS ARE MORE DIFFICULT TO DEAL WITH THAN SOME OTHER CRIMES. FOR INSTANCE, WE CANNOT MAKE AN ARREST WHICH DOES NOT OCCUR IN OUR PRESENCE FOR A MISDEMEANOR. THAT IS UNTIL A WARRANT HAS BEEN ISSUED.

IT'S EQUALLY TRUE THAT THE MERE PRESENCE OF A WEAPON IN THE HOME IS NOT SUFFICIENT TO CONSTITUTE THE BASIS FOR AN ARREST AS IT WOULD BE ON THE STREET.

FURTHERMORE, WIVES OR THOSE STANDING IN WIFE-LIKE RELATION TO THE VIOLENT MALE DO, IN FACT, FAIL MANY TIMES TO FOLLOW THROUGH ON A PROSECUTION. THIS MAY APPEAR FORTUITOUS TO THE LESS THAN ENTHUSIASTIC CRIMINAL JUSTICE SYSTEM BUT ITS FACTUAL EXISTENCE IN NO WAY EXPLAINS WHICH CAME FIRST.

DOES THE VICTIM FAIL BECAUSE THE SYSTEM ALL TOO OFTEN FAILED HER. BECAUSE SHE FEELS ALONE AND TRAPPED. OR ARE THE PRESSURES AGAINST HER SO GREAT THAT SHE IS IN FACT LESS THAN PERSERVERING IN HER PROSECUTION.

THIS RIDDLE NEED NOT BE SOLVED. NOT, THAT IS, IF YOU SHARE WITH ME A CONCERN WITH A HUMAN BEING WHO CANNOT OR WILL NOT PROTECT HERSELF.

ALL TOO FREQUENTLY, THESE ASSAULTS CULMINATE IN HOMICIDE BY ONE OR THE OTHER PARTY. THIS ULTIMATE SOLUTION OF THE DILEMMA AND THE COSTS IN HUMAN MISERY, ALONG WITH HARD DOLLARS, IS WHAT PROMPTS US TO SPEAK OUT, SOMETIMES STRIDENTLY ON THE ISSUE.

SHARE WITH ME THIS IMAGE OF THE BATTERED WOMEN: A PERSON WHO IS OR PERCEIVES HERSELF AS HAVING BEEN ABANDONED BY SOCIETY - OFTEN WITH NO INDEPENDENT MEANS OF SUPPORTING HERSELF OR HER CHILDREN. A STRONG SENSE OF THE LOYALTY SHE BELIEVES SOCIETY REQUIRES OF WIVES. PERHAPS A CONFUSED BUT GNAWING FEAR THAT SHE SOMEHOW DESERVES WHAT IS HAPPENING TO HER. SHE, NOT

INFREQUENTLY, COMES FROM A HOME IN WHICH VIOLENCE WAS USED AGAINST HER MOTHER.

FACED WITH THESE AMBIGUITIES, SHE OFTEN DOES NOTHING BUT WITHDRAW EVEN DEEPER INTO HER SHELL. SHOULD SHE PRESS HER CASE, HOWEVER, SHE IS CONFRONTED BY ALL OF THE OBSTACLES I HAVE DESCRIBED.

IF THIS PHENOMENA IS SO WIDELY ACCEPTED OR AT LEAST TOLERATED, AND IF OUR SOCIETY'S NORMS ARE THE MAJOR REASON FOR ITS ACCEPTANCE, THEN WHAT HOPE IS THERE, SHORT OF A MASSIVE SOCIAL REVOLUTION, FOR ITS AMELIORATION?

WELL, CERTAINLY SUCH A REVOLUTION WOULD BE VERY WELCOME, BUT SINCE IT'S HIGHLY UNLIKELY, ARE THERE ANY SOLUTIONS SHORT OF THE ULTIMATE?

IF I'M CORRECT IN BELIEVING THAT THE PLIGHT OF THE FEMALE IN THESE CASES IS DUE TO THE SECOND CLASS NATURE OF HER STATUS AS VICTIM IN THE CRIMINAL JUSTICE SYSTEM, THEN WE NEED ONLY ELEVATE HER STATUS. WE CAN DO THIS BY THE FOLLOWING:

MAKE WOMAN BATTERING A PUBLIC ISSUE RATHER THAN A PRIVATE PROBLEM.

BY RECOGNIZING SOCIETY'S STAKE IN THE WELFARE OF ALL ITS CITIZENS, WE DEMONSTRATE UNEQUIVOCABLY THAT SUCH VIOLENCE IS NO MORE ACCEPTABLE THAN THAT BETWEEN STRANGERS. THUS, WHEN THE ASSAULT OCCURS, THE VICTIM DOES NOT STAND ALONE BEFORE AN INDIFFERENT CRIMINAL JUSTICE SYSTEM - SHE HAS ADVOCATES. AN ASSAULT AGAINST A WIFE BECOMES AN ASSAULT AGAINST THE BODY POLITIC.

TO ACHIEVE THIS GOAL, WE WOULD NEED TO ENACT LAWS SIMILAR TO THOSE PRESENTLY EXISTING IN CHILD ABUSE STATUTES.

ANY MEMBER OF SOCIETY, ESPECIALLY ITS PROFESSIONALS AND PARA-PROFESSIONALS WOULD BE EMPOWERED TO SIGN A COMPLAINT AND BEGIN A PROSECUTION AGAINST THE AGGRESSOR. AS ILLIBERAL AS THIS SOUNDS, IT IS NO MORE RADICAL THAN THAT FOR ABUSED CHILDREN.

IN EFFECT, THIS WOULD MAKE THE FEMALE RESPONSIBLE FOR THE VIOLATION AS WELL AS THE MALE. WE JUSTIFY THIS BY CALLING IT A PUBLIC ISSUE.

SECONDLY, WE WOULD RAISE THE STATUS OF THE VICTIM TO AT LEAST THAT OF THE PERPETRATOR IN COURT. SHE SHOULD BE AFFORDED MEANINGFUL LEGAL REPRESENTATION AND A SYSTEM OF ADVOCACY. NO LONGER WOULD SHE BE AT THE MERCY OF THE DISINTERESTED "BATTING AVERAGE" PROSECUTOR NOR THE "DOCKET" BOUND JUDGE.

IN ORDER TO MAKE SUCH A SYSTEM FUNCTIONAL, MANY CHANGES WOULD BE NECESSARY IN THE POLICE, AS WELL. SINCE WE ARE THE FIRST LINE IN THIS BATTLE, THE POLICE MUST CLEAN UP THEIR ACT.

LAYING ASIDE OUR TRADITIONAL MALE CONCEPTIONS, WE WOULD RE-CATEGORIZE WOMAN BATTERING AS A HIGH PRIORITY CRIME. WE WOULD MAKE THE SAME COMMITMENT TO STAMPING IT OUT AS WE DO HOMICIDE, ROBBERY, OR BURGLARY.

WE <sup>have</sup> ~~WOULD~~ BEGIN BY REPORTING ALL SUCH ASSAULTS - ASSIGNING THEM TO INVESTIGATORS AND PRESENTING OUR FINDINGS TO THE PROSECUTOR FOR A WARRANT.

WE WOULD <sup>have</sup> ~~MAKE OUR~~ STATISTICAL DATA AVAILABLE TO PROFESSIONALS FROM ALL OTHER DISCIPLINES CONCERNED. WE WOULD ACTIVELY RECRUIT


AND FACILITATE THE ENTRY OF THESE AGENCIES IN THE SPECIFIC INCIDENT.

THE POLICE WOULD SEEK TO HAVE THE LAW CHANGED AS IT RELATES TO WARRANTLESS MISDEMEANOR ARRESTS. <sup>as in Minnesota</sup> THIS WOULD ENABLE US TO ARREST IN THOSE CASES WHEREIN FURTHER ASSAULTS ARE LIKELY TO OCCUR WHEN THE POLICE LEAVE.

ONE MUST ADD AT THIS POINT THAT IT'S ESSENTIAL TO DO MORE WITH THE POLICE THAN CHANGE ATTITUDES AND PRIORITIES. THEY MUST BE ADEQUATELY TRAINED IN CONFLICT INTERVENTION TO PROPERLY FULLFILL THEIR EXPANDED ROLE.

AT PRESENT, MOST POLICE ARE GIVEN MINIMAL TRAINING IN CONFLICT INTERVENTION. IN FACT, THEY ARE ADVISED THAT DOMESTIC DISPUTES ARE ESSENTIALLY CIVIL IN NATURE. THEIR ROLE IS DEFINED AS MORE UMPIRE THAN ANYTHING ELSE. THIS IS OBVIOUSLY NOT A PROPER LEVEL OR DIRECTION THAT SUCH TRAINING SHOULD TAKE.

IT'S NOT MY DESIRE TO MAKE POLICE OFFICERS INTO THERAPISTS. IN THE FIRST PLACE, I'M NO MORE HAPPY WITH MUCH OF WHAT THE THERAPISTS DO THAN I AM WITH THE CRIMINAL JUSTICE SYSTEM. IN THE SECOND PLACE, I DO NOT WANT TO SEE EFFORTS AT CONCILIATION AT THIS POINT IN THE CONFLICT.

 WHAT IS NEEDED IS AN OFFICER SKILLED ENOUGH TO ADEQUATELY ANALYZE AND REPORT THE INCIDENT AND SENSITIVE ENOUGH TO AVOID LEAVING THE SITUATION ANY WORSE THAN IT WAS BEFORE HE ARRIVED ON THE SCENE.

OTHER ALTERNATIVES WHICH SHOULD BE MADE AVAILABLE TO THE OFFICER ARE SHELTERS FOR WOMEN AND THEIR CHILDREN. ALTERNATE

HOUSING FOR THE VIOLATOR PENDING AJUDICATION. INSTANT PERSONAL BONDS, AND PERHAPS EVEN NIGHT COURTS.

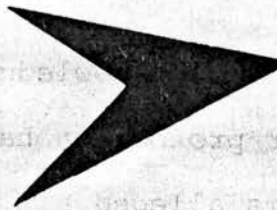
FINALLY, IF ANY OF THE ABOVE APPROACHES ARE TO SUCCEED IN MAKING THE CRIMINAL JUSTICE SYSTEM MORE RESPONSIVE, THEN WE MUST DEVELOP OR EXPAND ALTERNATIVES TO JAIL.

THE ABUSER MOST OFTEN IS UNIQUE AMONG LAW VIOLATORS - HE GENERALLY IS NOT A TOTAL CRIMINAL. THAT IS, HE IS NOT A RISK TO THE COMMUNITY AT LARGE. THUS, UPON CONVICTION, MOST COURTS WOULD NOT SENTENCE HIM TO JAIL. UNDER THESE CIRCUMSTANCES, WORK RELEASE, WEEKEND JAIL, FORCED THERAPY AND MANY OTHER ALTERNATIVES MUST BE MADE AVAILABLE TO THE COURTS.

CLEARLY, THEN, THERE IS MUCH TO BE DONE - LET'S BE ABOUT  
THE BUSINESS OF DOING IT. *do it!*  
*nothing will change if we continue to*  
~~NO GAINS WILL BE MADE SO LONG AS WE~~  
~~WRING OUR HANDS AND ATTRIBUTE THE PROBLEM TO THE "NATURE OF~~  
MAN".

4. When the officer has a knowledge of prior violent behavior.
5. When an order for protection has been violated.
6. When an assault is alleged and supported by other evidence.
7. When a victim is in fear of immediate bodily harm.

# TRAINING BULLETIN



DEPARTMENT OF POLICE

ST. PAUL, MINNESOTA

84-6

September 19, 1984

## MANUAL CHANGE

This bulletin is to introduce a Department Manual change dealing with domestics and domestic assaults. This change comes about for two reasons. First, State Statute has been changed to allow police officers to arrest on probable cause for misdemeanor assaults in cases of domestic assaults. Second, studies in Duluth, San Francisco and other cities have shown that mediation and referral have not been effective in dealing with this problem. Those same studies have shown that in cases where arrests have been made, the rate of recidivism, repeat calls, and acts of violence have been dramatically reduced. Therefore, effective October 1, 1984, the Department Manual, Section 438.15, is amended as follows:

438.15, No. 51, will be changed to read, "Officers should arrest when one of the parties wishes to sign a Citizen's Arrest or if probable cause exists than an assault has been committed during the past four hours (see also No. 59).

No. 52 will read, "An arrest shall be made if you are assaulted or an assault is committed in your presence."

No. 53 will be stricken.

No. 55, "B", the first line, will be changed to read, "An officer shall arrest for willful violation of any court order."

No. 58, "B", will read, "At any domestic, in which an assault has been committed, a domestic abuse report will be filled out (whether or not the suspect is present), and in cases of a serious nature (Felonious Assault), a C.A.P. report will also be filled out."

No. 58, "D", will be deleted.

In addition, No. 59 will be added reading, "This Department's policy of arrest for domestic assault is that an officer should arrest when one of the following occurs:

1. When visible signs of injury or impairment exists.
2. When a dangerous weapon is involved.
3. When the officer believes that the violence will continue.

DEPARTMENT OF CORRECTIONS PROGRAMS AND SERVICES FOR BATTERED WOMEN

LAW ENFORCEMENT DATA COLLECTION FORM FOR BATTERED WOMEN

**INSTRUCTIONS:** According to Chapter 428 Laws of Minnesota 1977, all law enforcement agencies are required to collect data on women who have been assaulted and/or threatened with assault by their spouses, male relatives, or males with whom they are residing or have resided in the past. This form is to be used for women 18 and over. Fold form in half. Remove protective strip and seal ends together. Mail to return address printed on reverse of form.

Woman's Home Census Tract or Zip Code (1-5) <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	Race: (6) (1) <input type="checkbox"/> Am. Indian      (3) <input type="checkbox"/> Chicana      (5) <input type="checkbox"/> Other (Specify) _____ (2) <input type="checkbox"/> Black      (4) <input type="checkbox"/> White
--	--

Date of Incident: (7-12) Month    Day    Year <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	Time of Incident: (13-16) <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> (17) (1) <input type="checkbox"/> A.M. (2) <input type="checkbox"/> P.M.	Injury Sustained: (18) (1) <input type="checkbox"/> Visible Injury (2) <input type="checkbox"/> Complaint of Injury (3) <input type="checkbox"/> No Visible Physical Injury
---	--	--

Relationship to Assailant (19): (1) <input type="checkbox"/> Husband (living together)      (2) <input type="checkbox"/> Husband or Ex-Husband (not living together)      (3) <input type="checkbox"/> Male Relative (4) <input type="checkbox"/> Friend (living together)      (5) <input type="checkbox"/> Friend (not living together)      (6) <input type="checkbox"/> Other (Specify) _____
---

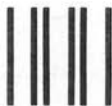
Did you inform the woman of services and programs for battered women: (20) (1) <input type="checkbox"/> Yes (2) <input type="checkbox"/> No (3) <input type="checkbox"/> None Available
---

(25) ___ (26-30) ___ / ___ / ___ Was an arrest made: (1) <input type="checkbox"/> Yes      (2) <input type="checkbox"/> No (31)	By Whom (1) <input type="checkbox"/> Officer (2) <input type="checkbox"/> Woman (3) <input type="checkbox"/> Other (Specify) _____ (32)
---	--

Officers Badge Number:	City:	Agency Zip Code (33-37) <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
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Comments:

CR-00145-02



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Atten: Battered Women-Corrections

## Violence:

The one thing we do know. Wherever we explore solutions, we discover more violence. Are we merely more aware of violence or is there actually more violence? I suggest it is both. We are over-whelmed with violence.

1.

2. Battered

3. Women's Shelters are overcrowded and turning away many families ev. day.

Most violent place in our country is in the home. Co. 18 sec. a woman in US is beaten (4,800 women) beaten ev. day).

Must break the chain of historical condonation, official non-action and societal apathy.

Attitudes re. battered women:

Criminal justice system must take domestic violence seriously. Frustrations with these cases - attempts by law to remedy (order for protection -  $\frac{1}{2}$  civil,  $\frac{1}{2}$  criminal). The fact that it's criminal may be an effective deterrent (many not criminals) except the battering).

All family members in violent situations are victims, but must be responsible for their actions.

What has been done?

1. Conscience raising
2. Task forces
3. hot lines  
support groups
4. Shelters
5. Legal Aid
6. Changing attitudes  
& procedures
7. Crisis units  
in hosp., etc.
8. Legislation
9. Research
10. Public pressure  
on assaulting men.
11. Track chn. . . .

# DISPUTE RESOLUTION CENTER

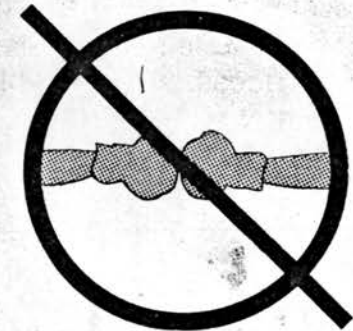
offices are located at the Thomas-Dale  
Community Center in St. Paul.  
Services are provided throughout  
Ramsey County. To discuss or refer a  
matter or to obtain further information,  
contact:

## DISPUTE RESOLUTION CENTER

911 Lafond Avenue  
St. Paul, Minnesota  
55104  
(612) 489-4051

# CONFLICT

Don't Fight It Out. . .



Work It Out!!!



DISPUTE RESOLUTION CENTER

## **MEDIATION...**

brings disputing parties together with a neutral mediator, who helps to clarify their concerns and explore ways to resolve them. Mediators do not decide upon any solutions. The goal is to jointly develop terms that are effective, fair, and acceptable to all parties. It is a voluntary process, with no obligation to agree to any solution.

## **CONFLICT...**

can be costly and destructive to the parties and those around them. Matters involving any party — individuals, businesses, groups, organizations — can be settled through mediation. Mediation has resolved differences among:

- **NEIGHBORS**
- **FAMILY MEMBERS**
- **LANDLORDS & TENANTS**
- **BUSINESSES & CONSUMERS**
- **DEVELOPERS & COMMUNITIES**
- **ACQUAINTANCES**

## **DISPUTE RESOLUTION CENTER...**

is an alternative forum through which residents of St. Paul and other Ramsey County communities can effectively settle disputes, without court, attorney or police intervention. The program is funded by the State of Minnesota, through the Judicial Planning Committee of the State Supreme Court.

At Dispute Resolution Center, parties involved in disputes try to settle their problems jointly, with the help of a mediator. When a matter is referred, the staff contacts the parties to offer mediation. If they agree to try the process, a mediation session is held at their convenience. If a mutually acceptable settlement is achieved, the parties may develop a written mediation agreement.

Cases can be referred by any person, agency or organization. If helpful, ongoing contact can be maintained with a referral source in order to ensure continuity and effectiveness of service.

## **IT'S WORTH A TRY..**

to participate in mediation as a way to resolve a dispute. There are a number of important benefits:

### **EFFECTIVE**

Mediation can bring a settlement that remedies present problems and prevents future differences.

### **NO COST**

Mediation services of Dispute Resolution Center are provided at no cost to any party. Further, future legal expenses can be avoided, as well as future aggravation and frustration.

### **CONVENIENT**

Sessions can be scheduled for any convenient time, including evenings or weekends. They can be held at sites in neighborhoods where parties reside.

### **SPEEDY**

Sessions can be scheduled as soon as the parties are ready. There is no wait. Most cases can be settled in one brief session.

POLICE INFORMATION CARD

Complaint #: \_\_\_\_\_ Date of Report \_\_\_\_\_

Accident Div 292-3722  
Burglary 292-3688  
Homicide/Sex 292-3650  
House Watch 292-3634  
Juvenile 292-3613  
Theft 292-3745

Property Room 292-3637\*  
Records 292-3700  
Robbery 292-3739  
Crime Prevention 292-3525\*  
-Premise Survey  
-Operation ID  
-Literature  
-Neighborhood Block Club  
-Public Speakers

\*Call M-F, 8 am - 4 pm  
Others call 8 am - 12 midnight

Officer \_\_\_\_\_

## VICTIM SERVICES

Crime Victim Center	340-5400+
Sexual Offense Services	298-5898+
Women's Advocate	227-8284+

## COURT SERVICES

City Attorney's Office	298-4271
County Attorney's Office	298-5456
Field Referral Office	298-4271
*Domestic Abuse Office	292-7271

+All numbers have  
24 hour answering  
service.

\*(Use this # to get an Order for Protection. Orders apply only to married and live-in couples.)

#### IV. SUMMARY AND RECOMMENDATIONS

There are ~~six major findings of the family violence survey.~~ They are:

- ~~Lack of written procedures for handling cases of child abuse, incest and spouse abuse.~~
- ~~Lack of adequate training of professionals handling family violence cases.~~
- ~~Lack of adequate community resources for responding to family violence.~~
- ~~Negative perceptions regarding the effectiveness of courts and prosecution in handling cases of family violence.~~
- ~~Moderately negative attitudes toward the helpfulness of police intervention in cases of child abuse, incest and spouse abuse.~~
- ~~Lack of communication and coordination among professions now dealing with family violence.~~

There may be many causes or contributing factors which produce the negative results we see in the survey summary. However, all of these may be counteracted through the enactment of the various strategies described below.

Written procedures are essential to the smooth functioning of any agency. They clearly define the role each professional must assume and can encourage positive, cooperative working relationships between agencies. It is therefore recommended that:

The Department of Public Safety develop model procedures for local police agencies on how to handle cases of child abuse, incest and spouse abuse and assume the responsibility for distribution of this model.

The Judicial Planning Committee and the County Attorney's Council develop model procedures for courts and prosecution professionals on handling cases of child abuse, incest and spouse abuse.

The state Department of Public Welfare include in their Social Service Manual model procedures for local welfare agencies on handling cases of child abuse, incest and spouse abuse.

The ~~lack of training for professionals working with family violence~~ is clearly documented in this report. Fifty-four percent of all respondents did not have any training in child abuse and incest and 71 percent had none in spouse abuse. Seventy percent of all respondents felt that additional family violence training would be helpful. State law delineates very specific roles for social services, law enforcement, courts and prosecution professionals in handling family violence cases. The fact that a majority of these professionals have no specialized training must be rectified. It is therefore recommended that:

The Peace Officers Standards and Training Board and the Department of Public Safety's Training Division develop or expand existing certified programs for law enforcement officers in child abuse, incest and spouse abuse.

The Department of Public Welfare continue training efforts in child abuse and incest as well as develop training programs on spouse abuse.

The Judicial Planning Committee and the County Attorney's Council continue sponsoring training programs on child abuse, incest and spouse abuse specifically for courts and prosecution professionals.

The absence of community resources to deal with family violence in outstate Minnesota is a recognized problem. Most frequently discussed is the ~~absence of therapy programs for family violence offenders and their families.~~ Lack of treatment and other community resources is a

severe aggravation to the already strained relationships among professionals and between family violence clients and service providers. In addition, because of poor communication between professional groups, it is not uncommon for a service to be under utilized because referrals are not made. It is therefore recommended that:

Local or county level policy-makers examine the adequacy of resources in their communities. Technical Assistance for needs assessment can be provided by the Crime Control Planning Board and the Department of Public Welfare.

In most communities treatment facilities are available. However, clinical techniques for dealing with family violence are fairly new. These skills require additional training of treatment providers. Therefore it is recommended that:

The Department of Corrections expand its offender treatment programs to provide for training of clinicians seeking these skills.

The Department of Public Welfare expand their treatment training programs to provide for training of clinicians seeking these skills.

\$500,000 be allocated by the state legislature for the purpose of expanding and executing these treatment training programs.

Negative attitudes toward the effectiveness of the courts and prosecution performance in family violence cases cannot be ignored. Fifty-six percent of the respondents felt that the court system is not effective in dealing with child abuse cases. Seventy-four percent of the respondents felt courts were not effective in dealing with spouse abuse. Although these attitudes cannot be substituted for an actual performance evaluation, they are an indication of the strained relationship between courts and the other subsystems.

There are many factors which may contribute

toward courts. The family violence professionals dealing with the courts may not understand its function. The rules governing action taken by the court may be cumbersome or difficult when applied in family violence cases, such as the stringent guidelines for use of testimony by a child.

It is therefore recommended that:

The Judicial Planning Committee develop strategies to combat negative attitudes toward courts. These strategies should include training of courts personnel and family violence professionals at the local level; the development of written procedures for courts; strong advocacy of judicial Planning Council policy regarding family violence and careful review of court rules regarding family violence cases.

Family violence professionals similarly do not believe child abuse, incest and spouse abuse are aggressively prosecuted in their communities. Fifty-three percent do not feel child abuse and incest are aggressively prosecuted and 78 percent do not believe spouse abuse is aggressively prosecuted. It is the policy of the Crime Control Planning Board to ~~advocate aggressive prosecution of family violence cases in order to effectively deal with the incidence of child abuse, incest and spouse abuse.~~ It is therefore recommended that:

County Attorney's Council assist prosecutors in adopting a leadership role in their local communities against family violence through the development of training programs and written prescriptive packages describing techniques which could be used to enhance the prosecution function. The County Attorney's Council should also provide technical assistance to those counties experiencing problems with family violence prosecution.

~~Finally, the lack of communication and coordination between the various subsystems dealing with family violence occurs at both the state and local levels.~~ The comments section of the questionnaire repeatedly

addressed this problem. This is supported in earlier reports published by the Crime Control Planning Board (Family Violence - 1978, Family Violence Technical Assistance Manual-1980).

Although the use of child abuse teams has encouraged coordination in child abuse and incest cases at the local level in some communities, they do not exist in most counties and those which do exist do not address issues and cases of spouse battering as a matter of routine. Communication and coordination are time-consuming activities with case over-load and staff turn-over it becomes an impossible task. Where it does exist in a community it is usually due to individual efforts, not a systematic approach.

~~Efforts to counteract the absence of communication and coordination must involve policy-makers and agency directors.~~ Professionals at the service delivery level must have the sanction and encouragement of their supervisors and directors in order to justify time spent. It is therefore recommended that:

Local and county policy-makers, such as city council and county board members, establish guidelines for frequent communication and coordination between disciplines.

The state Department of Public Welfare encourage local welfare agencies to communicate and coordinate their activities through the expansion of their child abuse team program.

Systematic state level coordination is virtually non-existent. There are many state agencies which promulgate rules affecting delivery of services to families, yet there does exist an interagency council or interdisciplinary team to review these rules and policies for consistency. It is imperative that agency and department priorities be aligned to effectively deal with the problems of family violence. As

was true at the local level it is important that state level policy-makers become involved. ~~Therefore it is recommended~~ that:

The Governor create an inter-agency coordinating council by executive order which mandates directors of all state agencies whose rules may directly or indirectly affect families; a) to review all policies and rules to determine where conflicts exist; b) to develop a coordinated plan utilizing their individual resources to address family violence; c) to address the fragmentation of services and duplication of responsibilities; and d) to develop policies for collection and use of data on cases which will enhance service delivery and at the same time provide for protection of individual rights.