

Domestic Abuse

Jackie Davis

Cabot Police Department

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Domestic abuse is unfortunately, a prevalent part of our society. As police officers, we are called upon on a daily basis to deal with domestic problems. Often we find abuse. It can be greatly beneficial to any officer to have a better understanding of the aspects of domestic abuse. We need to understand the effects this abuse has on all individuals involved. The more knowledgeable the officer is about a situation, the better he or she can handle the situation. My goal is to assist other officers in understanding some of the aspects in domestic abuse. I will touch on the history, effects, statistics, reasons why victims tolerate abuse, and possible solutions. Police officers cannot stop domestic abuse alone. We are a major component in reducing the amount of pain, which future victims may have to endure. We must be prepared.

Domestic Abuse Throughout History

Domestic violence has been visible throughout history. In early Roman society, a woman was deemed the property of the husband and was therefore subject to his control.

According to early Roman law, a man could beat, divorce, or murder his wife for offenses committed by her, which besmirched his honor or threatened his property rights.

These were considered private matters and were not publicly scrutinized. (Violence Against Women 1994).

The Catholic Church's endorsement of "The Rules of Marriage" in the 15th century exhorted the husband to stand as judge of his wife. He was to beat her with a stick upon her commission of an offense. According to the "Rules," beating showed a concern for the wife's soul. The common law in England gave a man the right to beat his wife in the interest of maintaining family discipline. The phrase "rule of thumb" referred

to the English common law, which allowed a husband to beat his wife as long as he used a stick that was no bigger than his thumb. (Violence Against Women 1994). Women were not the only ones subject to abuse. In 18th Century France, if it became public that his wife had beaten a man, he was forced to wear an outlandish costume and ride backwards around the village on a donkey. (www.vix.com/men/battery/commentary).

In early America, English law greatly affected the decisions of the colonial courts. The Puritans openly banned family violence. The laws, however, lacked strict enforcement. It was not until the 1870's that the first states banned a man's right to beat his family. The laws were moderately enforced until the feminist movement of the 1960's started bringing the problems of domestic abuse to the attention of the media. By the 1980's most states had adopted legislation regarding domestic violence. (Violence Against Women 1994).

The reason that history has been brought into this report is to demonstrate that there is no quick fix. As a civilized society we must identify the problems before we can mend them. Hopefully, we will continue to make progress in dealing with domestic abuse.

Statistical Information About Domestic Abuse

According to information released by the Federal Bureau of Investigation in Crime in the United States 1999, males murdered 89% of female murder victims. In 32% of these murders, the suspect was the husband or boyfriend. In contrast, a wife or girlfriend murdered 3% of male victims murdered. The report also reflects that in 14% of all murder victims, the victim was related to the suspect. Page 30 of Violence Against Women showed that domestic violence was the leading cause of injury to women in the

United States. It also stated that the FBI estimated that one woman in the United States is beaten every 18 seconds. It is estimated that between 2,000 and 4,000 women will die each year from abuse. The website www.famvi.com was dedicated to provide information about family violence. It reported that 22-35% of women who visit emergency rooms are there for injuries related to ongoing domestic abuse. The report also stated that at least 3-5 million dollars was expended each year in domestic abuse related medical expenses. Businesses were estimated to have forfeited more than 100 million dollars in lost wages, sick leave, absenteeism, and non-productivity. It was estimated that at least 25% of work problems such as absenteeism and employee turnover were related to domestic abuse. One disturbing fact revealed was that in the 1990's there were nearly three times as many animal shelters in the United States than there were shelters for battered women.

Domestic violence also deeply affects the children involved. According to the website just mentioned, in a national survey of over 6,000 American families, 50% of the men who frequently assaulted their wives also frequently abused their children. Child abuse is 15 times more likely to occur in families where domestic violence is present. Men who have witnessed their parents' domestic violence are three times more likely to abuse their own wives than children on non-violent parents. Sons of the most violent parents are 1000 times more likely to become wife beaters.

The Office of Juvenile Justice and Delinquency Prevention, under the guidance of Janet Reno, published a report, Safe From the Start, in November 2000. It reported that being abused or neglected as a child increased the likelihood of arrest as a juvenile by 53% and of arrest for a violent crime as an adult by 38%. It also reported that

approximately 2 million adolescents, age 12-17, appear to have suffered from post-traumatic stress disorder. This presumably stemmed from exposure to violent experiences in their past. Far more children are severely injured by family violence in the home than in all acts of violence elsewhere, including school grounds. In 1997, 76% of the fatalities from abuse were children under the age of 4. Child abuse was the leading cause of death of children under the age of 1.

Finally, statistics posted in the Arkansas Crime Information Center publication Crime in Arkansas 1999, released in June 2000, reported that a family member or boyfriend or girlfriend committed 24% of murders. Another disturbing fact is that in 18.9% of reported rapes, a family member was the suspect. It also reported that 35% of officers assaulted in 1999 were on a disturbance call. These calls have largely been contributed to by family violence. These statistics show how severe an impact that domestic abuse is having on our society.

Reasons People Abuse

There are numerous theories as to why people abuse others. Most of these theories center on the male as the abuser since the ratio of male to female suspects is about ten to one. The National Coalition Against Domestic Violence's website is www.ncadv.org. They identify the abusive person as a batterer. They listed theories such as family dysfunction, inadequate communication skills, provocation by women, stress, chemical dependency, and lack of spirituality and economic hardship. The information stresses that these issues may be associated with domestic violence, but they are not the causes. Removing the listed factors will not end domestic violence. It states that the batterer begins and continues his behavior because violence is an effective

method for gaining and keeping control over another person. The batterer usually does not suffer adverse consequences as a result of battering. Batterers are rarely ostracized in their own community, even if their abusive behavior is known. Batterers come from all groups and background and from all personality profiles. The next paragraph lists some characteristics that fit the general profile of a batterer.

The typical male batterer objectifies women. He does not see women as people. He doesn't respect a woman. He sees women as property or sexual objects. A batterer usually has low self-esteem and feels powerless and ineffective in the world. He may even appear successful but inside he feels inadequate. The batterer blames other causes for his behavior. He may blame it on stress, the victim's behavior, or just a bad day. The abuser may place the blame on alcohol or drugs. Often the batterer may be seen as charming and pleasant in between bouts of violence. Many times he is seen as a nice guy to outsiders. Another reason, according to Violence Against Women, is that if a man feels that he doesn't have enough power or control at work, or seeks status in the community, he may abuse his power over his wife and children.

No matter what an abuser claims as an excuse, there is no justification for abusing those who love him.

Why Victims Stay

There are many reasons why victims stay in an abusive relationship. Again, for the most part, we will refer to the abuser as male and victim as female since this is usually the case. We will continue with many of the reasons given.

Victims often stay in violent marriages or relationships because they are afraid of change. Women have traditionally remained with abusive husbands because the law

provided very limited means of escape. In the past, when a woman became a wife she transferred her legal identity, property, and her right to sue her husband. (Violence Against Women 1994).

Many victims blame themselves. Women victims often hear that they must like or need abuse or they would just leave. Sometimes a woman feels that it is too dangerous for her to leave her abuser. If the man has all of the economic and social status, it causes even more problems for the woman. Many women have a lack of resources. Most women have at least one dependent child. Many are not employed outside of the home. Many women have no property that is solely theirs. A lot of women lack access to cash or bank accounts. Women who leave may fear being charged with desertion. A woman may be scared to face a decline in living standards for her children. Listed below are several reasons listed by the National Coalition Against Domestic Violence as to why women stay in abusive situations.

- The woman may realistically fear that the abuser will become more violent and maybe even kill her if she attempts to leave.
- Her family and friends may not support her leaving.
- She knows how hard it will be as a single parent with reduced financial means.
- There is a mix of good times, love and hope along with manipulation, intimidation and fear.
- She may not know about or have access to safety and support.

There is also traditional ideology.

- Many women do not believe divorce is a viable option.

- Many women believe that a single parent family is unacceptable and that even a violent father is better than no father at all.
- Many women are socialized to believe that they are responsible for making the marriage work. Failure to maintain the marriage is the same as failure to a woman.
- Many women become isolated from friends and families, either by the jealous and possessive abuser, or to hide signs of the abuse from the outside world. The isolation contributes to a sense that there is nowhere to turn.
- Many women rationalize that their abuser's behavior by blaming stress, alcohol, problems at work, unemployment or other factors.
- Many women are taught that their identity and worth are contingent upon getting and keeping a man.
- The abuser rarely beats the woman all the time. During non-violent phases, he may fulfill the woman's dreams of romantic love. She believes that he is basically a "good man." If she believes that she should hold on to a "good man," this reinforces her decision to stay. She may also rationalize that the abuser is basically good until something bad happens to him to set him off and he has to "let off steam."

The Center for the Prevention of Sexual and Domestic Violence released information concerning some religious aspects to the problem of domestic abuse.

- Christian women often feel compelled to stay in abusive relationships by scripture mandating them to "submit to their husbands" or turn the other cheek.

- Some women may feel pressure to not bring shame to their community or church by revealing the abuse in their marriage, or that it is their responsibility to maintain peace in the home.
- Abused women often feel abandoned by God (the same can be said for abused children).
- Rather than offering resources and alternatives to battered women, pastors, priests and rabbis have often advised women to return to violent homes and be "better wives."

In her book, Women Who Love, Men Who Kill, Isenberg explains a characteristic of some battered women who were abused as children. Chronic repeated abuse has the effect of suppressing the mechanism which allows a person to feel happy. This hinders the ability to trust, to love, and to care about others. That is why so many abused girls grow up to become women who can't really love but must form illusory relationships with inappropriate men. Often these women are going directly from abusive childhood home to marriage at very young ages to men who are abusive physically, emotionally, and/or sexually. Isenberg also mentions that there are cases where, due to rebellion or whatever, a good girl seeks out a bad guy. She may then suffer the consequences the rest of her life.

The preceding paragraphs have explained some of the reasons why victims stay in an abusive relationship. The simple fact is that other than those few with psychological problems, there aren't many people who want to be beaten or otherwise abused. It is time to help the victims. Listed below are ten predictors of domestic abuse as listed by the National Coalition Against Domestic Violence. These signs often occur before actual

abuse and may serve as clues to potential abuse. Again, these are geared toward the male as the abuser. Many of these have been shortened and paraphrased for the purpose of this report.

- Did he grow up in a violent family? People who are raised in families where they have been abused as children, or where one parent beats the other, have grown up learning that violence is normal behavior.
- Does he tend to use force or violence to solve problems? A person with a criminal record for violence, one who gets into fights or like to act tough is likely to act the same way with a spouse and children. Is there a quick temper? Does he over-react to little problems and frustration? Is there cruelty to animals? Does he punch walls or throw things when he's upset? Any of these behavioral patterns may be a sign of a person who will work out bad feelings with violence.
- Does he abuse alcohol or other drugs? There is a strong link between violence and problems with drugs and alcohol. The potential victim should be alert to possible drinking or drug related problems, particularly if the person refuses to admit that he has a problem or refuses to get help.
- Does the man have strong traditional ideas about what a man should be and what a woman should be? Does he think a woman should stay at home, take care of her husband and follow his wishes and orders?
- Is the man jealous of her other relationships, not just with other men but with women friends and family? Does he want to know where she is at all times?
- Does he have access to guns, knives and other lethal instruments? Does he talk of using them against people or threaten to use them to get even?

- Does he expect her to follow his orders or advice? Does he get angry if she does not fulfill his wishes or if she cannot anticipate what he wants?
- Does he go through extreme highs and lows? Is it almost as if he is two different people? Is he extremely kind one minute and extremely cruel another?
- When he gets angry does the woman fear him? Does she spend a major part of her life trying not to make him angry? Is she required to do what he wants to do rather than what she would like to do?
- Does he treat her roughly? Does he physically force her to do what she doesn't want to do?

The predictors are strong indications that abusive violence may soon begin. They are published hoping the victims will be made aware and possibly get help before it is too late.

It's Time to Work on the Problem

There is no simple solution to domestic abuse. If there was such a simple solution, the problem would have been solved long ago. It is great that we learn from the past but it is time to deal with the present and the future. Domestic abuse can no longer be considered a private family matter but a public problem. Every one of us will suffer from domestic abuse. We may not be abused or we may not know anyone directly that is being abused. However, we all pay higher taxes and rising insurance costs as a result. We need to all realize that people are suffering. The victim may be male or female. The victim may be a child or elderly. The victim may be your sister or your neighbor. The abuser may be your doctor, your lawyer or your best friend. No matter what the status or economic class of those involved, it is time to act.

As police officers, we will see more domestic violence aftermath than any other group of people. We are the initial tool to fixing the problem. There is more police involvement in domestic disturbances than in murder, rape and all other forms of aggravated assault (Violence Against Women 1994).

There have been numerous reasons given in the past as to why suspects often were not arrested or prosecuted. Some of these reasons are listed below.

- Many officers felt that arrest was not appropriate because of the victim's uncertainty.
- The victims often changed their mind and dropped charges.
- The abuse was difficult to prove.
- The authorities were intimidated by the suspect.
- Jails were overcrowded and the abuser would not have spent much time incarcerated.
- Many of the prosecutors and judges were reluctant to punish the offender.

Every state currently has legislation which recognizes spousal abuse as a criminal act and which authorizes punishment of the abusers. Many states have enacted mandatory arrest laws. If the abuse is obvious, there is no choice. Mandatory arrest laws clarify the police officer's role in domestic abuse situations. In Arkansas, the officer is authorized to make a warrantless arrest if there are visible signs of abuse and the abuse occurred within the past four hours. Arrest conveys the message to the abuse that society does not condone abusive conduct. The victim should be treated as a victim and be assured that assistance is available. Police departments should provide their officers with informational material listing facilities available for victims to obtain assistance and

support. Officers must take the time needed to explain to the victim how the court system works while refraining from giving legal advice. Photos of the victim must be taken. If injuries are in an embarrassing place on the victim, an officer of the same sex should take the photograph in as tasteful a manner as possible. A written statement or at least an audio recording from the victim needs to be taken to ensure accuracy and to protect officers in the event the victim does change the story. Under some circumstances injuries may be apparent on both spouses or partners and they may both have to be arrested. Of course, any statements or comments by the accused should be recorded or noted even if they are not admissible in court as evidence against the accused.

The best advice to give any officer, especially a new officer, would be not to get in too big of a hurry. Make the investigation thorough and accurate. If the suspect is able to have the arrest charges dismissed or found not guilty, then he or she is less likely to be afraid to abuse again. Remember to document everything. If things don't change, the next call to this residence may be a homicide. Let's do our part to stop the abuse before it reaches that point.

The police officer's job should not end at the arrest. The trial of the suspect must be carefully prepared for. There should be courteous cooperation between the police and the prosecutor. Often the officer can steer the prosecutor. The officer is usually much more familiar with the case than the prosecutor, who has usually just seen a case file. The officer should encourage the prosecutor to refrain from allowing the victim too much decision-making. Prosecutors should not let the victim be the leader of prosecutorial efforts and instead use the victim as a witness whom the State must support. Many prosecutors have taken a bold step and adopted "no-drop" policies in abuse cases. This

simply means that each case must be tried under its own merit through the courts. This would stop much of the witness intimidation and help stem the seesaw of emotions experienced by the victim. Lastly, the officer should remain steadfast. He or she may be the cement, which holds the case together.

This report will not quote the Arkansas law word for word. Instead, it will paraphrase and briefly explain the laws specifically pertaining to domestic abuse. As officers, we should be familiar with the laws but hopefully the listed explanations will simplify and cover any areas where the officer, especially a new officer, may be confused. There are seven specific laws covering domestic abuse not including laws covering homicide or sexual offenses. The laws with a brief explanation are as listed below. On all of the offenses listed below, the victim has to be a family or household member. These include spouses, former spouses, parents, children including any minor residing in the household, persons related by blood with the fourth degree of consanguinity, or persons who are presently or in the past resided together or cohabitating.

5-26-303 Domestic battery in the first degree:

- If a person intends to cause serious physical injury and does cause serious physical injury with a deadly weapon;
 - If a person intends to permanently disfigure a family member or is intent on destroying, amputating or permanent disabling a body member or organ and succeeds in causing such an injury;
 - Under circumstances manifesting extreme indifference to value of human life a person causes the serious physical injury.

Domestic battery in the first degree is a Class B felony unless the offender has been convicted of domestic battery in the past five (5) years. In that case it would be a Class A felony.

5-26-304 Domestic battery in the second degree:

- With the purpose of causing physical injury, he causes serious physical injury;
- With the purpose of causing physical injury, he does so with a deadly weapon;
- He recklessly causes serious physical injury with a deadly weapon.

This is Class C felony unless a similar conviction in the past five (5) years makes it a Class B felony.

5-26-305 Domestic battery in the third degree:

- With the purpose of causing physical injury he does so;
- He recklessly causes physical injury;
- He negligently causes physical injury by use of a deadly weapon
- He purposely causes stupor, unconsciousness, or other physical or mental impairment by giving drugs or other substance without the victim's consent.

Domestic battery in the third degree is a Class A misdemeanor unless like the previous offense there is a conviction for Domestic Battery in the last five (5) years.

Then it becomes a Class D felony.

5-26-307 Aggravated assault on a family or household member covers if, under circumstances manifesting extreme indifference to value of human life, a person purposely engages in conduct that causes a substantial danger of death or serious physical injury. This is a Class D felony.

5-26-307 First degree assault on family or household member covers if a person recklessly engages in conduct, which creates a substantial risk of death or serious physical injury. This is a Class A misdemeanor.

5-26-308 Second degree assault on family or household member covers if a person recklessly engages in conduct which creates a substantial risk of physical injury. This is a Class B misdemeanor.

5-26-309 Third degree assault on a family or household member covers if a person purposely creates apprehension of imminent physical injury. This is a Class C misdemeanor.

These are the laws set out in a more simplified way to read them. The laws are pretty plain. Officers just need to be willing to use them.

In conclusion, I have covered several varied aspects of Domestic Abuse. During this report, I relied not only on research, but also on sixteen (16) years of law enforcement experience and training. I have arrested abusers who have used a hammer, their fists, and one who choked his wife with a sock so he wouldn't leave obvious marks. In this report, I covered domestic abuse throughout history, hoping that we would learn from the past. I covered statistical information on domestic abuse in an attempt to demonstrate how severe this problem is. I explained many reasons people abuse others. I went over many reasons why victims stay in abusive situations and gave ten (10) predictors of domestic abuse. Lastly, I covered some possible ways to help end domestic abuse, including Arkansas laws.

It is my sincere hope that this report has been informative and educational. Hopefully, any officer who reads this will be better prepared the next time he or she

responds to a domestic disturbance call. After all, our goal should be to help all victims.

It is time for us to treat domestic abuse as what it is - - a crime.

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