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DOMESTIC VIOLENCE

Rhode Island's
Comprehensive Status Report

Including Information on:

- Community Response
- Elderly Abuse
- National Information
- Proposed Federal Funds
- Regional Information
- Stalking

The State of Rhode Island
Governor's Justice Commission
Statistical Analysis Center

Report No. 31
June, 1993

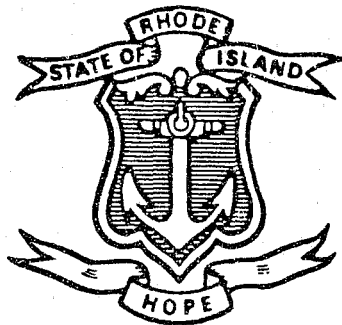
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DOMESTIC VIOLENCE

REPORT

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June, 1993

*This report was
prepared in conjunction with the
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Report #31

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The Governor's Justice Commission (GJC) has been in existence for some 25 years, yet this marks the first time the Commission has entered into a joint effort with a private social action agency for the development of a report/study. The agency we speak of is the Rhode Island Coalition Against Domestic Violence (RICADV) with whom the Commission is proud to say has had a tremendous relationship for close to 10 years. Their efforts in the domestic/family abuse arena is without question one of the finest in the country.

In accordance with his position as the GJC's Statistical Analysis Center manager, Norman Dakake provided general and specific report direction. However, his tasks were made much easier because of the excellent co-authoring of the report's Rhode Island section, and all-around assistance graciously and professionally provided by:

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EXECUTIVE SUMMARY/HIGHLIGHTS

The purpose of the following summary statements is to provide to the reviewer clear and expedient information and data. We recognize the time constraints on all of us, however, following your eventual, in-depth review, we are confident you will be furnished with sufficient and substantive facts and figures concerning the subject of domestic violence.

RHODE ISLAND Information and Data

- Clients assisted at Rhode Island's domestic violence shelters in year 1992 numbered 7,986 compared to 3,169 in year 1989, or a 152% increase.
- Over the last four years, the number of domestic abuse District Court cases has averaged 4,228 annually. However, for the year 1989 a total of 3,375 cases were processed, while in year 1991 a high of 4,645 were processed, or a plus 25% difference.
- The serious crime of assault was by far the most frequent District Court charge levied against domestic abusers. For the four years studied (1989 - 1992), an annual average of 3,824 resulted.
- Homicides in Rhode Island, as a result of the occurrence of domestic violence, have ranged between 20 and 30% annually of the total number of homicides reported.
- The Rhode Island Emergency Shelter Information Project reported at the end of 1990, that domestic violence is the "single leading cause of homelessness" in Rhode Island.
- The Rhode Island Coalition Against Domestic Violence (RICADV) notes that domestic abuse is not only a large social problem, but that it also has significant medical, legal, and economic implications.
- RICADV also notes that domestic violence is probably the most widespread form of violence in this country and occurs among all social strata, educational levels, ethnic groups, religions and ages.
- Women are victims of domestic violence approximately 95% of the time, according to the U.S. Department of Justice.

- The Governor's Justice Commission compared Rhode Island's domestic violence rates for year 1991, per 100,000 population, with the United States, Massachusetts and Connecticut and noted that it had the lowest rate of the four jurisdictions measured. For example, Rhode Island measured 548 domestic violence incidents, per 100,000 population, the U.S., 648 per 100,000 population.
- In describing psychological impact, RICADV notes that domestic abusers often isolate their victims thereby diminishing their access to friends and relatives who could support and help them. Also, they note that in severe cases of domestic violence, the pattern of symptoms is referred to as the Battered Women's Syndrome.
- Dr. Richard Gelles of the University of Rhode Island, who is a noted expert in the field of domestic abuse/violence, has estimated that domestic abuse may cost Rhode Island between \$36 million and \$61 million annually. His estimates were based on 1990 census and Bureau of National Affairs data.
- Rhode Island's six domestic violence shelters housed 939 battered women and children during 1992. This represents an increase of 13 percent over 1991. However, one out of four women seeking shelter because of abuse during 1992 were turned away due to lack of space.
- RICADV notes that for the most part, statistics reported concerning domestic abuse in Rhode Island belie the actual number of incidents. Further, national and local experts agree that the actual numbers are grossly underreported.
- Since 1979, the Rhode Island Legislature has had to enact new and constant legislation to combat this growing social problem.
- Practically every level of Rhode Island's court system has been very active in establishing provisions or implementing legislation as a result of the demands that domestic abuse places upon its operations. For example, in 1992 nearly 3,000 restraining orders were issued by the Rhode Island Family Court.
- Restraining orders -- can make a profound difference in a victim's life. However, it is estimated that about a third of such orders are violated. On a more positive side, an order can stop beatings and end the tumult, plus begin the long process of recovery.

- Advocates note that both Rhode Island and Massachusetts have tough domestic violence laws mandating arrests in domestic assault cases and establishing advocates at all courts.
- Further, advocates say police are far more willing to cooperate with victims and women's shelters in prosecuting domestic assaults, whether it's a misdemeanor-level black eye or a felony assault.
- Rhode Island enacted anti-stalking legislation in 1992, i.e., the law makes stalking a crime. Further, the law provides enhanced penalties raising the crime to the level of a felony, if stalking occurs while a restraining order is in effect, or if the defendant is convicted of a second stalking offense within seven (7) years.
- Amendments to the existing anti-stalking legislation and other stalking related legislation was introduced during the 1993 legislative session. The proposed amendments and/or new legislation would serve to strengthen protections for victims/potential victims.
- Elderly abuse in the context of family/domestic violence continues to rise gradually in Rhode Island. For the years examined, 1987-1991, a low of 309 cases were reported the year 1988 and a high of 511 were reported in 1991.
- Although elderly abuse does not compare in scope to child abuse, needed data and statistics, both locally and nationally, are still lagging. However, Rhode Island has plans to implement a computerized Incident-Based Reporting (IBR) system in its quest to be able to plan more effectively a strategy to lower elderly crime and abuse.

REGIONAL Information and Data

- Massachusetts reported an estimated 45,000 domestic violence incidents in 1991, the highest amount in New England, as expected, given its six million plus population.
- However, Massachusetts experienced such a rash of homicidal domestic violence incidents during 1991 and 1992, that huge statewide efforts went into action almost immediately. For example, the Jane Doe Safety Fund (private sector) was commenced and the State of Massachusetts (public sector) announced a FY94 \$7.73 million Domestic Violence Budget Proposal.

- Massachusetts has a large and growing network of battered women service groups/shelters stretching across the entire state directly servicing 20,000 women and receiving approximately 70,000 hotline calls annually. Yet despite the program's expansion, problems persist such as the requests for beds in urban areas still exceed the number of beds available. Also, the competition for private funds has increased immensely.
- The Massachusetts Coalition of Battered Women's Service Groups notes that there has been an increase in the reporting of crimes by victims due to advocacy and support programs.
- The Coalition also notes that both local and national media have been very receptive to outreach efforts of the Massachusetts-based Battered Women's Service Groups, thus bringing the issue of domestic violence to the forefront.
- For year 1992, Massachusetts reported that 46 victims (women, children and innocent bystanders) were murdered as a result of domestic violence, or approximately one death every seven days.
- Connecticut reported an estimated 21, 520 incidents of domestic violence in which at least one person was arrested during 1991. They further note that domestic violence actually decreased by 7.5 % in 1991 as opposed to year 1990.
- Nearly nine in ten domestic violence cases that Connecticut experienced during 1991 involved an arrest for domestic assault, breach of peace or disorderly conduct.
- Liquor and/or drugs were involved in half (50%) of the domestic violence incidents in which information was known (Connecticut/1991).
- Children were present or directly involved in 45% of the domestic violence incidents (Connecticut/1991).
- In 1991, there were 21 homicides committed which were verified as conforming to the definition of "family or household member" as set forth in the Connecticut General Statutes.
- Connecticut's Family Violence Legislation was among the most comprehensive statewide domestic violence responses in the country (effective October, 1986). Thus, Connecticut's "Family Violence Prevention and Response Act" went into effect and contains at least seven major provisions of the law.

NATIONAL Information and Data

- Former Surgeon General C. Everett Koop, not too long ago, perhaps best summarized the status of domestic violence when he stated "domestic violence is the number one health threat facing women in this country, yet it continues to remain a well kept secret."
- General Koop also noted "that domestic violence costs U.S. businesses an estimated four billion dollars per year in lost wages, benefits and productivity."
- The office of the Surgeon General recently noted that battering is the single largest cause of injury to U.S. women and that this occurrence has been constant since 1984.
- An estimated 2-4 million women each year are beaten in this country, or approximately every 18 seconds.
- Moreover, every 15-18 seconds, it is estimated that a woman is physically assaulted within her home.
- According to the FBI, 28% of all women slain in the U.S. between the years 1985-1991 were killed either by their boyfriends or husbands. Only about 5% of the men slain in that period died at the hands of girlfriends and wives.
- The FBI's Uniform Crime Reporting Section tabulated annual murders in 1989 for domestic violence related incidents as follows: females 1,440 (wives 1,062, girlfriends 378); and males 817 (husbands 516, boyfriends 301). The married/not married breakdown was as follows: married 860, not married 1,397. However, since 1989, the FBI estimates the annual totals as close to 4,000, on average.
- The FBI further estimates that 1 in 10 women will be physically abused by her husband during their marriage.
- Three noted experts on family and domestic violence reported that 1 of 26 American wives get beaten by their husbands every year.
- Male jealousy and male dominance were cited as reasons for homicide in 82% of the killings of women by men with whom they had an intimate relationship, according to a homicide study made by Wayne State University - College of Nursing (Michigan).

- Over 65% of those murdered by intimate partners or ex-partners had been physically abused before they were killed.
- According to the Bureau of Justice Statistics almost 17% of the homicides in this country occur within the family; half of these occur between husband and wife.
- Over 50% of all women will experience physical violence in intimate relationships according to the New York Coalition for Women's Mental Health. Also, for about 25% of them, the battering will be regular and ongoing.
- Women were victims of violent intimates at a rate three times that of men. Over a nine year period between 1979 and 1987, intimate partners committed 4,246,500 victimizations against women, an annual average of almost 471,800. Intimate partners include spouses, boyfriends, or ex-boyfriends and ex-spouses.
- The National Coalition Against Domestic Violence notes that abusive men who kill their partners serve an average of 2 to 6 year terms. Women who kill their partners, usually in self-defense, serve an average of fifteen years.
- The U.S. Senate and House of Representatives have both introduced similar federal legislation "to combat violence and crimes against women on the streets and in the homes." As of the spring of 1993, the proposed Bill was still viable.
- The aforementioned Bill carries an approximate price tag of \$500 million and in addition to addressing safe streets and homes for women, would improve civil rights, campuses and equal justice rights for females.
- According to a Chicago, Illinois study concerning the possibility of preventing homicides, their noted author stated that "people often have misconceptions about homicide, focusing on the unusual case -- a random murder committed by a stranger for money or drugs -- and ignore other types of violence that cause many more deaths. Almost all homicides began as confrontations -- an argument between husband and wife, a brawl between acquaintances, and an act of sexual violence, or a gang conflict. Because these are different types of confrontations, they produce different homicide syndromes; thus require different prevention strategies."

SECTION

1

***Rhode Island Information
and Data***

SECTION 1: RHODE ISLAND INFORMATION AND DATA**INTRODUCTION**

Public recognition of and response to domestic abuse has changed dramatically in the last decade. The Statistical Analysis Center of the Governor's Justice Commission produced a report of domestic violence in December of 1986. Since then, much has changed in the way that our nation and our own state of Rhode Island treats domestic abuse. Tragedies due to incidents of domestic violence, brought to our attention through broadcast and print media, seem to be on the increase. A series of questions come to mind. Is domestic violence on the rise and, if so, why? What causes domestic violence? Who does it effect? What is being done nationally and locally to address the problem?

This report will seek to answer these questions. It will cover information about domestic violence nationally and in Rhode Island, the evolution of legislation concerning domestic abuse, societal response to abuse and model programs across the nation.

DOMESTIC VIOLENCE - HOW WIDESPREAD IS IT?

Domestic abuse is a significant social problem with medical, legal, and economic implications. The estimated cost of domestic abuse to the United States is in the billions of dollars each year. Approximately three to four million women are battered each year by their husbands or intimate partners (Stark). The Department of Justice, Federal Bureau of Investigation estimates that a woman is beaten in this country once every fifteen seconds. Domestic abuse disproportionately effects women, since approximately ninety-five percent of the victims of domestic violence are women. The actual numbers of women being abused could be considerable higher than the estimates provided. Victims of abuse often do not come forward because they are embarrassed or fearful and reluctant to seek out help.

Domestic violence is probably the most widespread form of violence in this country and occurs among all social strata, educational levels, ethnic cities, religions and ages. About one-fourth of all homicides and serious assaults are domestic violence crimes and simple assaults or other misdemeanors are far more pervasive. They are probably also less likely to be reported. Statistics about the prevalence of domestic abuse appear in subsequent sections of this report.

DEFINING DOMESTIC ABUSE

The term domestic abuse describes abusive behaviors which occur within intimate relationships. The relationship can involve adult child against the other, or, as is the case most frequently, a man against his intimate female partner. The latter example is the one this report will focus on. Although there are cases reported of women battering men, the US Department of Justice reports that 95% of victims of domestic violence are women.

The one element that all abusive relationships have in common is that one person uses power to control the other. Several methods of control characterize battering relationships: **physical abuse** (shoving, hitting, slapping, kicking, choking, biting, using weapons, etc.), **sexual abuse** (unwanted touching, making her do sexual acts against her will, treating her like a sex object, rape, etc.), and **emotional abuse** (putting her down, name calling, ignoring, isolation from resources and supports, etc.) Abusive relationships vary in levels of abuse, but all involve one partner using coercion and force to get what they want or to control the other. In most abusive relationships, the abuse escalates in frequency and severity over time.

Those women who decide to leave an abusive relationship often face increased physical danger from their abusive partner. Research shows that more women are killed fleeing violent partners than staying with them. Women are also concerned with their children's safety, and the safety of those who are helping her. Although many acts of domestic abuse are also crimes, the criminal justice system has historically failed to effectively deal with these types of complaints. Fortunately, this is changing as police departments throughout Rhode Island have received extensive training about domestic abuse and have embraced new laws which assist them in responding to domestic violence calls.

THE IMPACT OF DOMESTIC ABUSE

Domestic abuse often affects every aspect of the lives of its victims. Psychological, medical, economic, and generational impacts are felt in a myriad of ways by the victims, their children, and society at large.

PSYCHOLOGICAL IMPACT

There has been a tremendous amount written about the impact of domestic violence on a person's physical and mental health, illustrating the negative physiological and psychological effects of living with violence and abuse.

- Loss of self-esteem. When abusers regularly devalue, degrade and mistreat their partners, the sad reality is that the partner begins to believe the deprecatory messages.
- Victims of domestic abuse often feel confused; how could the person who purports to love them also abuse them.
- Abusers often isolate their victims thereby diminishing their access to friends and relatives who could support and help them. If an abused woman has few emotional and/or financial resources, she may find herself trapped and too overwhelmed to figure out how to escape.
- In severe cases of domestic violence, the pattern of symptoms is referred to as the Battered Women's Syndrome.

MEDICAL IMPACT

- Every year, over one million women seek medical help for injuries caused by battering. (Stark & Flitcraft, *Medical Therapy as Repression: The Case of Battered Women*, Health and Medicine, 1982)
- Twenty percent of women who go to emergency rooms for medical treatment have been battered. (Stark, 1979)
- One hospital reported that 21 % of pregnant women had been battered. These women had twice as many miscarriages as non-battered women. (Stark 1979)

ECONOMIC IMPACT

- Family violence may cost the United States \$5 to \$10 billion per year (in health care, foster care, criminal justice, and mental health care expenditures), according to estimates by Richard Gelles, director of the Family Violence Research Program at the University of Rhode Island.
- "Bureau of National Affairs report has put the annual cost of domestic violence to business at \$4 to \$5 billion from lost work time, higher health care costs, high turnover, and lower productivity." (Boston Globe, February 14, 1993)
- According to the above estimates, domestic abuse may cost Rhode Island

between \$36 million and \$60.5 million each year -- \$36 to \$60 per capita, per year. (R. Gelles' estimate, BNS report, & 1990 Census data)

- The lost resources of underutilized human potential can barely be imagined. Because battered women often suffer chronic low self-esteem, their general societal productivity is obviously diminished.

THE IMPACT ON CHILDREN

Although Rhode Island's battered women's shelters have been aware of the impact of domestic violence on children, this impact is just beginning to be acknowledged by researchers. Some have reported that children who witness violence are more likely to become involved in abusive relationships if they are girls, or become abusers themselves if they are boys. While other studies refute these findings, (Newberger, General Pediatrics, 1990), it seems clear that children are profoundly affected by violence in the home. Children who witness domestic violence between their parents suffer their own emotional crisis. Many children from violent homes miss school because of the abuse, are transferred from school to school as their mother attempts to flee an abuser, and others are physically abused themselves.

THE IMPACT ON HOUSING-HOMELESSNESS

National surveys have found domestic violence to be a primary cause of homelessness for women, especially women with children. (Hagen, 1987) This appears to be the case in Rhode Island as well.

- The Rhode Island Emergency Shelter Information Project reported at the end of 1990 that domestic violence is the "single leading cause of homelessness" in Rhode Island.
- 28.6% of those seeking shelter during the second half of 1990 reported that domestic violence was the cause. This represented an increase of 4% over the same period the year before.

Furthermore, recent information indicates that affordable housing opportunities have disproportionately favored single men. Landlords often discriminate against women with children, because cultural values stigmatize them as "unstable" families, when in reality such families are often seeking stability and safety from their abusive partners.

THE SCOPE OF DOMESTIC ABUSE IN RHODE ISLAND

Rhode Island has six shelters for battered women and children throughout the state. Each provides comprehensive services to victims of abuse, such as support groups, individual and group counseling, children's groups, personal advocacy and legal advocacy. The shelter provides resources to the larger community in which they are located, including community educational initiatives such as speaking engagements benefitting civic groups, drug treatment centers, correctional institutions, public and private schools (all grades, but particularly high school). The statistics below illustrate the prevalence of domestic abuse in Rhode Island and the response to it.

- During 1992 there were 13,521 hotline calls placed to domestic violence hotlines throughout the state.
- Rhode Island's six domestic violence shelters housed 939 battered women and children during 1992, this represents an increase of 13 percent over 1991.
- One out of four women seeking shelter because of abuse during 1992 were turned away due to lack of space.
- A total of 7,986 new clients were provided services by shelters, representing an increase of 8.8 percent over 1991. Each year since 1990, shelters have reported increases in new clients over the previous year.
- There were 4,510 misdemeanor arrests for domestic violence crimes during 1992, with a conviction rate of over 69 percent.
- Providence County Superior Court had 288 felonies which were domestic violence crimes during 1992. This was an increase of 34 percent over 1991.
- Over 3,300 victims of abuse petition Family and District Court each year for restraining orders to protect them against violence, approximately 2,400 of these are filed in Providence County.

These numbers belie the actual number of incidents of domestic abuse in our state. Experts nationally and locally agree that the actual numbers are grossly underreported. Domestic violence shelters continue to report increases in requests for and provision of services.

COMMUNITY RESPONSE

The Rhode Island Coalition Against Domestic Violence (RICADV) is a coalition of organizations whose primary purpose is ending domestic violence against women. The coalition serves its member agencies and the public by acting as a clearinghouse for resources and information, offering technical assistance, coordination statewide education efforts, and by advocating for social change through educational and legislative work.

The following organizations are members of RICADV and work primarily with battered women and their children:

- Blackstone Shelter (Pawtucket/Central Falls)
- Elizabeth Buffum Chase House (Kent County)
- Newport County Women's Resource Center (East Bay Area)
- Sojourner House (Providence/Northern Rhode Island)
- Women's Center of Rhode Island (Greater Providence)
- Women's Resource Center of South County (Washington County)

These programs offer a variety of services to victims of domestic violence, including: emergency shelter, 24-hour hotlines, children's programs, support groups, community education, personal advocacy in the community and in the courts. In addition, several of them offer follow-up for women who left abusive relationships, support groups for children who witness violence, and prevention programs.

Brother to Brother is a RICADV member which focuses on working with abusive men. This agency runs educational support groups which are designed to end male violence against their intimate partners. In collaboration with battered women's programs, Brother to Brother works on prevention and education programs across the state.

The Rhode Island Department of Attorney General's Domestic Violence Unit assists victims of domestic violence and provides training to law enforcement personnel, probation officers, and medical providers.

PREVENTION

As victims of domestic violence came forward seeking assistance in greater numbers than ever before, our state's domestic violence organizations began to recognize the need for

prevention programs, in order to halt the insidious cycle of family violence. Each of the battered women's shelters devotes resources to educating women and the public at large in order to dispel myths about battering and provide information regarding domestic abuse prevention. A key element in all prevention efforts is helping the public to detect and identify domestic abuse as a serious problem within a relationship.

Rhode Island's domestic violence organizations have also developed prevention and education programs with targeted audiences such as children, and high school and college audiences. Research has indicated that such programs, which condemn abusive behavior as a means to solve conflict, can effectively break the socialized pattern of solving conflict through violence. With additional resources, such programs could be expanded to reach more children, youth, and adults in Rhode Island.

RHODE ISLAND DOMESTIC VIOLENCE LEGISLATION

- 1979: Rhode Island passed its first domestic violence law creating a specific statutory offense entitled "domestic assault." With a criminal statute in place, domestic violence workers began to help battered women obtain temporary restraining orders (TRO) through the Superior Court System. The expense of hiring an attorney, however, precluded many battered women from obtaining this protection, and the lack of criminal enforceability made the efficacy of such orders questionable.
- 1982: the Rhode Island General Assembly enacted legislation creating a pro se domestic abuse TRO process, vesting the family court with jurisdiction.
- 1983: the violation of a civil TRO became a criminal misdemeanor.
- 1985: the legislature established another pro se restraining order process in the Rhode Island District Court which permitted a different and broader class of individuals to file for TRO's.
- 1986: the domestic assault statute was amended to include a provision in the penalty section requiring courts to mandate counseling for every adjudicated domestic violence offender.
- 1987: Rhode Island Supreme Court Chief Justice, Thomas F. Fay, commissioned a Supreme Court Task Force on Domestic Violence.

- 1988: as a result of that Task Force's work, the General Assembly enacted sweeping domestic violence legislation which included a mandatory arrest provision, a court-based victim advocacy program, and mandatory police training.
- 1990: the Family Court established provisions to request temporary child support as part of the restraining order process following notice to the defendant.
- 1990: to expand the class of district court TRO petitioners to include persons involved in an intimate, sexual relationship with the defendant within the preceding six months. Additionally, the amendment allowed a person cohabitating with the defendant during the preceding three years to petition the court for protection from abuse.
- 1991: legislation was enacted which requires the Family Court, when making decisions regarding child custody and visitation, to consider evidence of past or present domestic violence, if proven, as a factor not in the best interest of the child.

Citing Nesselbush, *From Rule of Thumb to Rule of Law: The Evolution of the Rhode Island Legal System's Response to Domestic Abuse*, 25 *Suffolk Law Review* 421(1991)

THE ROLE OF LAW ENFORCEMENT OFFICIALS

In Rhode Island, any crime can be a domestic violence crime if the crime is perpetrated by one family or household member against another. The traditional legal notion equating domestic violence with spousal assault is now antiquated. The new legal definition includes such crimes as vandalism, breaking and entering, sexual assault, homicide, and other similar crimes, provided the victim and perpetrator are family or household members.

When responding to domestic violence situations, the primary duty of Rhode Island police officers is to enforce the law and to protect the victim. Rhode Island has joined a minority of other jurisdictions that have statutorily mandated arrest in certain domestic violence situations. Rhode Island's mandatory arrest law states that police officers must arrest an individual whenever they have probable cause to believe that the individual

committed any one of the following acts: felonious assault; and assault resulting in bodily injury to the victim, regardless of whether the injury is observable by the officer; physical action intended to cause another reasonable to fear imminent serious bodily injury or death; violation of a protective order, or violation of a no-contact order. In addition, when an officer has probable cause to believe that the parties have assaulted each other, Rhode Island law neither requires the officer to arrest both parties nor allow the officer to dismiss the incident by presuming two party guilt. Rather, the law exhorts the officer to investigate each complaint and to arrest the primary aggressor.

Significantly, Rhode Island's domestic violence arrest laws grant police officers immunity from civil actions for false arrest if the arrest is based on probable cause or the good faith enforcement of a domestic violence protective order. Immunity from a false arrest suit, however, does not preclude suits based on excessive force or any other state of federal cause of action. Rhode Island's police are also required to help domestic violence victims obtain immediate medical attention, including transportation to an emergency medical facility. Rhode Island law requires that police officers assist victims and inform them of their rights. Finally, the law requires that the Attorney General develop a uniform policy for police response to domestic violence consistent with the uniform policy, and that each police officer responding to a domestic violence call complete a domestic violence report.

THE ROLE OF THE COURTS

Once law enforcement personnel make an arrest, they may either bring the defendant before a bail commissioner or hold the defendant before a bail commissioner or hold the defendant in custody until arraignment. In domestic violence cases, Rhode Island law mandates bail commissioners to issue a no-contact order prohibiting the defendant from contacting the victim. Likewise, the law requires that the court, at the time of the arraignment, determine whether to issue or extend the no-contact order.

In 1992, nearly 3,000 restraining orders were issued by Rhode Island family courts. The vast majority of cases involve men beating women, although the law also protects men and elderly people from abuse. It is estimated that about a third of such orders are violated. A restraining order can make a profound difference in a victim's life. The order can stop the beatings and end the tumult and begin the long process of recovery. The orders are such powerful tools that courts in Rhode Island and Massachusetts limit their duration.

Rhode Island courts will issue restraining orders for 21 days; Massachusetts courts for only 10. When the order expires, complainants must return to court to present evidence

backing up their claims. Their alleged attackers may present contrary evidence; a judge will decide who is telling the truth. If the accused doesn't show up, a judge can extend the order for up to a year -- long enough for many battered people to make a psychological and financial break from the abuser. But between 50 percent and 75 percent of complainants don't continue pressing charges. Victims are often uncomfortable in going forward and is usually connected to the abuser by any number of factors: love, marriage, children, a shared history and finances, a home -- a complicated web of reasons to overlook the abuse and hope for a better future.

All area shelters have court advocates whose job it is to let victims know help is available. Often, police summoned to a domestic fight will refer the victim to the appropriate shelter or court advocate. In other cases, the victims may call a shelter directly, or the advocate may learn of a case simply by sitting in courtrooms during morning calendar. Once advocates locate victims, they help with restraining orders, explain to them how their cases will unfold and help them with any other services -- such as food, shelter or child care. The advocates know the shadings of the law inside out. They are not lawyers -- they just know that part of the system very well. The advocates will go to court with victims; explain to them which court they must be in and when; write letters notifying them of the next hearing; and refer them to lawyers (usually Legal Aid) if needed.

Two-thirds of Rhode Island's restraining orders funnel through the courts in Garrahy, where judges hear cases from Providence and points north (as well as East Bay down to Bristol). Three other courts share the rest of the load: in Newport (Aquidneck Island, Jamestown, Tiverton and Little Compton); Kent County (Warwick, West Warwick, East Greenwich, Coventry, and West Greenwich); and South Kingstown (South County and points south, including Block Island).

Both Massachusetts and Rhode Island have tough domestic violence laws mandating arrests in domestic assault cases and establishing advocates at all courts. Since arrests became mandatory, advocates say, police are far more willing to cooperate with victims and women's shelters in prosecuting domestic assaults, whether it's a misdemeanor-level black eye or a felony assault. Victims may need information, emotional support and advocacy more than physical protection.

The most critical aspect of the courts' role in domestic violence cases is the responsibility to make clear to the defendant and the victim that the police and/or city solicitor, not the victim makes the decision whether or not to prosecute the case. If the prosecution is successful, or if the defendant pleads to the charge, the court must impose a sentence.

Rhode Island law requires that domestic violence counseling be a part of every sentence the court imposes upon domestic violence offenders. Thus, in addition to any other sentence or counseling ordered by the court, the offender must attend a program designed to address his/her violent behavior.

Despite improved statutory provisions designed to protect domestic violence victims and prosecute batterers, statutes alone are not enough to overcome the previous societal attitudes which perpetuate domestic violence. Additional change is required to make the intricate court system work such that victims of domestic violence crimes emerge from the justice system better off than when they entered. To this end, Rhode Island law provides for a Domestic Violence Court Advocacy Program which is responsible for advising domestic violence victims of the availability of civil orders of protection and assisting victims in obtaining such orders; referring victims to shelters, counseling and other services; and monitoring the system's treatment of domestic violence.

Although more resources are needed for staffing this program, it has demonstrated during the first several years of its implementation that support and advocacy for victims of domestic violence can impact dramatically in effective legal intervention and access to support services.

AN AGENDA FOR THE FUTURE

While there is no short term solution to make the problem of domestic violence disappear, it is critical to develop additional resources to ensure that the progress that has been made in eliminating domestic violence is not erased over time. In addition, intervention strategies, prevention programs, and support services need to be more readily available to people throughout Rhode Island in order to break the cycle of abuse which exists in so many families. Crisis hotlines, group support services, psycho-educational programs, advocacy and case management services and shelter services remain underfunded in each of the six battered women's shelter programs in Rhode Island.

The irony of this work is that despite advocates' tireless efforts, the real solution to the problem of domestic abuse lies in shifting our culture's attitude about when it is appropriate to belittle, degrade, slap or hit an intimate partner. The answer, of course, is that it is never acceptable to belittle, degrade, slap, hit, or otherwise abuse one's partner. The Rhode Island domestic violence prevention network invites all facets of Rhode Island society to join in the effort to end domestic abuse in today's families and future generations.

STALKING

Stalking became the focus of attention in the 1980's and early 1990's during a rash of highly publicized stalking cases involving celebrities. Some of these celebrity stalking cases had sad and tragic consequences such as the case of actress Rebecca Shaeffer who was stalked and killed by a fan. Most people are familiar with John Hinckley's obsession with actress Jody Foster and his subsequent attempt at assassinating Former President Ronald Reagan. Hinckley alleged that the assassination attempt was a cry for Foster's attention.

Many states, as a result of the new-found visibility of stalking cases, passed legislation that made stalking a crime. Those working with survivors of domestic abuse saw passage of anti-stalking measures as another means of widening the range of protections for their clients. Statistically speaking, the most dangerous time for a victim of domestic abuse is when they attempt to flee the abusive situation. Many are stalked and sometimes killed by abusive partners when they leave.

Rhode Island enacted anti-stalking legislation in 1992. The legislation creates the crime of stalking. The law states, "Any person who willfully, maliciously, and repeatedly follows or harasses another person and who makes a credible threat with the intent to place that person in reasonable fear of death or great bodily injury is guilty of the crime of stalking." The maximum penalty for the first stalking offense is up to one year in jail or a fine of up to \$1,000 (House version) or \$3,000 (Senate version). The law provided for enhanced penalties, raising the crime to the level of a felony, if stalking occurs while a restraining order is in effect or if the defendant is convicted of a second stalking offense within seven (7) years.

The 1992 versions of the stalking law require that two elements must exist before the crime of stalking occurs. The first element is the stalking activity, described as willfully, maliciously, and repeatedly following or harassing another person. These actions must serve no legitimate purpose. The second element is the presence of a credible threat be a verbal threat to injure or kill the alleged victim of the stalking.

Amendments to the existing anti-stalking legislation and other stalking related legislation was introduced during the 1993 legislation session. One piece of legislation repeals the 1992 House version. Two differing versions of the 1992 law were signed by the Governor and both are currently in effect. Under these circumstances, the police

departments can charge stalking under either of the laws. Repealing one of the two versions would end any confusion or guess work. One of other stalking-related pieces of legislation is an amendment eliminating the language which requires that a credible threat of death be made or that the fear must be great bodily injury or death. The amended version would only require that stalking occur and that a reasonable fear of injury exist. The final piece of 1993 legislation is an act which would make the crime of stalking a felony.

The proposed amendments and new legislation would serve to strengthen protections for victims. The stalking law provides protections for a variety of victims of crime, not just survivors of domestic abuse. In fact, the amendment which eliminates the need of a credible threat may be more important to victims of stranger stalkings since threatening is a common factor in domestic abuse.

Anti-stalking laws can provide tangible protection to victims of abuse. It also provides law enforcement with additional power to stop abuse and possibly prevent the tragic consequences too frequently observed with domestic abuse.

PRISON PROFILE SUMMARY**Adults Incarcerated at the State Prison (ACI) for Domestic Assault and/or Violating a Protective Order****1989 - 1992**

From data and statistics provided by the state's ACI, Planning and Research Unit for the years 1989 through 1992, a basic profile of those incarcerated for domestic assault and/or violating a protective order emerges.

The data overwhelmingly provides information that the violating of domestic abuse laws is a male-dominated activity, particularly when incarceration results. For example, for the four years examined (1989 - 1992) only five females were incarcerated for violating either of the aforementioned laws. Males incarcerated for subject violations were noted as follows:

<u>Year</u>	<u>Number</u>
1989	38
1990	74
1991	97
1992	169
	Male Total = 376

Key Demographic Summary Data

Noted below are key summary statements outlining the demographic changes that have resulted between the years 1989-1992 relative to those who either violated domestic assault/violating a restraining order regulations and were thus incarcerated at state's Adult Correctional Institution:

- Repeat offenders: The number of times a male was charged with domestic assault within the same year increased from 2.6% of the domestic abuse offender population in 1989, to 10.7% of the domestic assault offender population in 1992, or an 8% increase.
- The total number of males sentenced for domestic assault or violating a

restraining order, as of December 31, 1992, has increased 345% since April, 1989.

- Racial breakdowns have remained fairly constant with whites representing over 60% of total domestic assault offender population, except for the decrease in 1991 to 47%.
- Hispanic domestic assault offenders rose from just over 5% in 1989 to 23% in 1991 (+18%), and has remained at 11 to 15% since.
- Black domestic assault offenders have remained constant from 1989-1992.
- Age breakdowns show the increased inclusion of younger offenders aged 17-25, from 8% in 1989, to 30% in 1992.
- Female offenders varied from lows of zero offenses in 1989 and 1990 to one offense in 1991, to a high of four offenses in 1992. Offenses are to be considered, in this matter, as those who were also incarcerated for violation of domestic assault/restraining order laws.

ELDERLY ABUSE IN RHODE ISLAND

The Rhode Island Department of Elderly Affairs states that elderly abuse occurs when a caregiver or family member abuses, neglects, or exploits a person who is 60 or older. The types of abuse that elderly endure include physical, psychological, financial exploitation, and neglect, with physical abuse occurring most frequently. Elderly abuse presents a particularly complex problem because the abuser is, in most cases, not only a family member but also the elderly person's primary caregiver. Many elderly experience physical impairments such as chronic disease, eyesight problems, and arthritis, and consequently, cannot care for themselves. If the elderly person becomes dependent on a family member who is also abusive, he or she will need tremendous support and extensive services to leave this situation. DEA provides such services but needs more resources to accomplish this task more effectively.

Presently, there are approximately 192,000 Rhode Islanders over the age of 60; state officials project that figure will increase 12 to 15 percent annually during the next 10 years. Further, by the year 2000, the number of elderly persons over the age of 85 is expected to jump from 17,400 to 30,000.

In 1990 the Rhode Island Department of Elderly Affairs contacted the National Aging Resource Center on Elder Abuse in Washington, DC to gather some elder abuse statistics, as elderly data on a standard collection basis was simply not available. The Resource Center was able to provide to Rhode Island the following number of reported cases of elder abuse:

<u>Year</u>	<u>Annual Total</u>	<u>% Change</u>
1987	317	---
1988	309	-3%
1989	455	+47%

However, for the years 1990 and 1991, Elderly Affairs was able to commence statewide surveys to more accurately assess elderly abuse in Rhode Island and thus arrived at these final totals:

<u>Year</u>	<u>Annual Total</u>	<u>% Change</u>
1990	477	+5%
1991	511	+7%

One can conclude rather quickly that elderly abuse is on the rise in Rhode Island; however, this segment of abuse/crime statistics may be the result of increased reporting, as a consequence of law enforcement/social agency, community and public awareness programs.

Concerning the year 1989, quite sadly, according to state officials, only one of the 455 Rhode Islanders who contacted DEA had pressed criminal charges against a relative. In that one particular case, a 44-year old man is accused of physically abusing and embezzling money from his 89-year old grandmother.

Moreover, just 5 percent - fewer than 25 - of the 455 elderly people who reported being abused obtained restraining orders in Family Court to protect themselves from abusive spouses or relatives. The order prohibits the alleged abuser from contact with the victim. The R.I. Domestic Violence Protection Act of 1988 requires police officers to arrest individuals suspected of beating their wives, girlfriends, or family members - including the elderly.

It should also be noted that in 1987 Rhode Island passed a law increasing the maximum penalty for assaulting a person over 60 to 20 years in prison and a \$10,000 fine. Until then, the penalty was five years in jail.

FUTURE ELDERLY VICTIMIZATION DATA

Once Rhode Island and other states transfer the present record-keeping technology called Uniform Crime Reporting (UCR) to an Incident Based Reporting (IBR) method, only then will the individual states have a reasonable idea as to the magnitude of elderly abuse and/or victimization. In short, IBR will ask and receive age, relationship to offender, place of abuse/crime, etc. through this recently developed system of major data collection.

Specifically, several states have implemented an IBR system, however elderly data, as a distinct data unit, requires more attention and analysis. Rhode Island is an estimated 2 to 3 years away from computerizing (i. e., "on-line") an entire IBR system.

To summarize the above two paragraphs, and to be completely candid, Rhode Island like many, many states simply does not have sufficient data to properly analyze or measure the depth of elderly abuse/crime.

Nationally, however, because of a U. S. Bureau of Justice Statistics sponsored National

Crime Victimization Survey, key information was obtained in 1992 regarding elderly victims. (See National/Elderly Section)

SECTION

2

***Regional Information and
Data***

SECTION 2: REGIONAL INFORMATION AND DATA**MASSACHUSETTS****BRIEF STATE DESCRIPTION**

Massachusetts has long been considered the focal point or "hub" of New England because of its larger population (over six million), technology leadership, financial centralization, location of many reputable colleges and universities and medical/science advancements. Moreover, the state's topography contains a variety of configurations such as the mountains and villages of the Berkshires, the coastal and fishing communities along Cape Cod, New Bedford, Marblehead, etc., its islands off the mainland such as Martha's Vineyard and Nantucket and, finally, heavy urbanized areas like Boston, Dorchester, Springfield and the Lawrence/Lowell area.

OVERVIEW OF THE STATE'S JUSTICE SYSTEM RESOURCES

To illustrate the magnitude of Massachusetts' total justice system, we present here some basic but major statistics as follows:

- Expenditures (annual/year 1990) - \$1,822,763,000
- Total Employment - 34,575
- Adult Correctional Populations:

<u>Adults Under Supervision</u>	
Probation	72,459
Jail	5,794
Prison	8,273
Parole	<u>4,720</u>
Total	91,246

- Victim Services facilities:

Rape Crisis Centers	37
Battered Spouse Programs/Shelters	36
Other	12

DOMESTIC VIOLENCE PROBLEM STATEMENTS

Perhaps former Surgeon General C. Everett Koop summarized the status of domestic violence best when he stated "domestic violence is the number one health threat facing woman in this country, yet it continues to remain a well kept secret. (Also)...domestic violence costs U.S. businesses an estimated four billion dollars per year in lost wages, benefits and productivity." The Massachusetts Coalition of Battered Women's Service Groups noted recently that reports from their network indicated that over 70,000 women had used their hotlines in 1992. They also noted that the Boston Globe reported in 1992 there was a murder as a result of domestic violence every eight days in the Commonwealth.

Moreover, the Coalition went on to list some resounding problem statements, as follows: continued indifference, neglect, and lack of training on the part of the medical community social service providers, criminal justice system, neighbors and family are all contributing factors to this societal tragedy.

SOME POSITIVE SIGNS

The Coalition notes that there has been an increase in the reporting of crimes by victims due to advocacy and support programs, and both local and national media have been very receptive to outreach efforts of the Massachusetts Coalition bringing this issue to the forefront. Further, the Coalition notes that the Jane Doe Safety Fund was established in 1991 to enhance this awareness and to strengthen society's intolerance towards domestic violence through public education, a cohesive media campaign, and a working alliance with the business, legal, medical communities and the criminal justice system. Also, the Jane Doe Safety Fund has established an emergency fund in each of the member shelter programs in Massachusetts that service battered women and continues to create an atmosphere of intolerance towards domestic violence through community education and public awareness. A map outlining Massachusetts network for women's safety can be found in this report's Exhibit section.

In early 1992, Governor William Weld, in responding to a horrifying increase in the murders of women, declared a "state of emergency" and proposed a \$2 million increase in funding for battered women's programs. Unfortunately, as the year continued, the problem grew worse; so much so that in January, 1993, Governor Weld announced plans to up the \$2 million to a proposed \$7.7 million in next year's (FY94) budget to, amongst other items, address the assisting of prosecutors, protection of victims, the teaching of

children about domestic violence, etc. A fact sheet outlining Governor Weld's FY94 \$7.73 million Domestic Violence Budget Proposal can be found in this report's Exhibit section.

OVERVIEW OF ACTS (LEGISLATION) AFFECTING MASSACHUSETTS

The Massachusetts Coalition of Battered Women recently noted in their comprehensive Multidisciplinary Briefing and Recommendation report, key legislative milestones affecting domestic abuse. For example, they note the following:

For the past fourteen years, beginning with the passage of the Abuse Prevention Act of 1978, Massachusetts has made significant headway in serving and protecting the victims of family violence. Laws have been enacted, policies promulgated, funds appropriated, and personnel trained.

Chapter 403 of the Acts of 1990 completely rewrote and strengthened the Abuse Prevention Act, Chapter 209A of the Mass. General Laws. Two key objectives of the 1990 amendments were to make the law and its protections more readily available to women and children in crisis, and to promote a more uniform enforcement of that law by police, prosecutors and the courts.

STATISTICS/YEAR 1992/MASSACHUSETTS: Domestic Violence

The following statistics were taken from the Coalitions' fact sheets:

- Total women, children, and innocent bystanders murdered: 46 victims as a result of domestic violence (or 1 death every 7 days).
- Women stalked and killed by their abusers: 29
- 1992 Average: 1 death every 12 days
- 1991 Average: 1 death every 16 days
- 1990 Average: 1 death every 22 days

(The above 1990-92 comparisons pertain to murdered women only, not children).

Massachusetts Business/Community Involvement

In the business section of the Boston Sunday Globe (February 14, 1993), a commentary column noted the coming together of the business community - namely, Fleet Bank of Massachusetts, and women's service groups - namely, Jane Doe Safety Fund, for the purpose of planning to support women and children who are the victims of domestic abuse and to meet the challenge of educating bank employees and customers about domestic abuse.

Central decision-making and planning for this mutual involvement was spearheaded by Ms. Carolyn Ramsey, Executive Director of the Massachusetts Coalition of Battered Women's Service Groups and founder of the Jane Doe Safety Fund, and Mr. John P. Hamill, President of Fleet Bank of Massachusetts.

A replica of the Boston Sunday Globe commentary can be found in this report's Exhibit section.

POLICE RESPONSE TO DOMESTIC VIOLENCE:
(Massachusetts Final Report, December, 1988): Brief Highlights

In 1989, the Massachusetts Committee on Criminal Justice released a report entitled Police Response to Domestic Violence. The research project of the Committee focused on one specific area in the larger topic of domestic violence, i.e., what is the police response when a call is classified as "domestic" in nature? To determine an answer to this question, data was collected from a random sample of police agencies in Massachusetts over a three month period.

Additionally, police log books were examined to classify all calls for service during that period in order to determine the overall workload of the agency. Brief training was provided to officers to instruct them to complete an incident reporting form when a domestic call was received. Officers then filled out these forms upon responding to such calls. Uniform Crime Reporting (UCR) data on domestic homicides were also examined.

Some of the highlights of that report strictly germane to domestic violence are as follows:

- Nearly one-third of all domestic calls were repeat calls for service, i.e., the responding officers were aware of prior calls to the same address.
- Calls received specifically for "family trouble" or "family disturbance" make up a small number (as of April, 1989) of the overall calls for service in the communities studied, but they become more prevalent for the larger cities, and
- Massachusetts (as of April, 1989), does permit an abused spouse to obtain a court order mandating the removal of the abusing partner (a so-called "209A" order). In those cases where a court order was in effect, arrest occurred in 23 percent of the cases. Where the court order was not in effect, arrest occurred in 4.9 percent of the cases.
- Dual Arrest: The Massachusetts study as noted in the previous item, spoke about the subject of "dual arrest." Specifically, they stated that a number of jurisdictions found that after promoting domestic violence arrests there were increasing numbers of domestic violence incidents in which police were arresting both victim and offender. In many cases this was a result of officers assessments that both parties exhibited injuries.

In view of this problem some states (e.g., Washington) have included self-defense and "primary aggressor" language in their abuse statutes. Washington's statute states that "only the primary aggressor" should be arrested. The pattern of dual arrests in Washington state has thus dropped substantially and has ceased to be a serious problem.

STATISTICAL SUMMARY/CONNECTICUT:
1991 FAMILY VIOLENCE/ARREST CASES

- There were 21,520 incidents of family violence in which at least one person was arrested during 1991. This represents a 7.5% decrease in the number of incidents since 1990.
- Nearly nine in ten cases involved an arrest for assault, breach of peace or disorderly conduct. In 40.8% of cases the most serious offense for which an arrest was made was assault. Breach of peace was the most serious offense in 23.6% of cases and disorderly conduct was the most serious offense in 23.3% of cases.
- 81.7% of victims were female and 87.1% of offenders were male.
- For forty-six percent of victims their relationship to the offender was "live-in" (live together, ever lived together, share a child). Half (49.5%) of "Both Arrestees" were live-ins.
- More than half (58.3%) of the participants were between the ages of twenty-one and thirty-five.
- Physical force was the most serious weapon used in 72.4% of the incidents.
- Incidents in which serious injury occurred declined 6.6% since 1990. Serious injury has declined for four consecutive years.
- Prior court orders (either Temporary Restraining or Protective Orders) existed in 18.0% of the incidents in which that history was known.
- Liquor/drugs were involved in half (49.5%) of the incidents in which that information was known.
- Thirty-five percent of incidents occurred on Sunday (19.0%) or Monday (16.2%).
- Forty-three percent of incidents occurred during the six hour period between 6:01 p.m. and midnight.
- Children were present or directly involved in 44.5% of incidents. Specifically, children were involved in 11.0% of cases and present in 33.5% of cases.

SUMMARY - FAMILY VIOLENCE HOMICIDE/1991

The Connecticut Department of Public Safety, Division of State Police, described in its Crime in Connecticut 1991 Annual Report a summary of cases pertaining to family violence homicide which occurred during 1991 as follows:

Homicides were chosen for rigorous analysis because the small number of incidents allow examination of each piece of descriptive information available concerning the act and parties involved. Such close scrutiny would not be possible for other types of family violence offenses such as assault due to the great number of offenses and the character of data available.

There were 21 homicides committed during 1991 which were verified as conforming to the definition of "family or household member" as set forth in the Connecticut General Statutes (Title 46B, Section 38a(2)). This represents an increase in family violence homicides of 5.0% from the number committed during 1990. Of the 187 homicides reported to UCR during 1991, 11.2% or 21 were verified as conforming to Connecticut's definition of family violence. In the previous year, family violence homicides made up 11.9% of homicides reported to UCR.

Of the 21 family or household members who were victims, half were female. Forty-three percent of the victims were relatives (parents, children, grandparents, etc.), thirty-three percent lived with or had a child in common with the offender, and twenty-four percent were spouses of the offender.

Eighteen of the 21 offenders were male. Females accounted for three (14.3%) of the family violence homicide offenders while, overall, females accounted for 4.7% of all homicides reported during 1991 for which the sex of the offender was known. There were seven homicides reported statewide which were known to have been committed by females--three of those homicides were identified as family violence. Guns or knives were used in 76.2% of the family violence homicides.

SUMMARY OF THE STATE'S FAMILY VIOLENCE ACT

The Governor's Task force on Family Violence made the following recommendations to the incidence of family violence in Connecticut:

- Declare that family violence is a crime and the preferred response is to treat it as a crime.
- Expand existing services for partner, elder and child abuse victims.
- Establish a reporting mechanism for data collection.
- Launch a statewide public awareness campaign simultaneous with the adoption of the new legislation.
- Provide staff support for implementation and oversight.
- Adopt a single comprehensive law enforcement and judicial response to family violence.

The resulting legislation was among the most comprehensive state-wide family violence responses in the country at that time. On October 1, 1986, Connecticut's "Family Violence Prevention and Response Act" went into effect. It was designed to coordinate and strengthen the law enforcement, court, and social service responses to family violence, and to increase public awareness that abuse within families is criminal behavior. Connecticut's Family Violence and Prevention and Response Act (FVPRA) defined "family and household members" as well those elements that must be present for an arrest under the new statute. The major provisions of the law included:

- Mandatory arrest by police in all family violence incidence in which there is probable cause to believe that a crime has occurred.
- Requirements that police notify victims of their rights and the community services available to them.
- Next court day arraignment of family violence cases.

- Increased availability of criminal court protective orders during the pendency of a family violence case.
- Required training for all involved personnel.
- A Connecticut statewide system of "family violence intervention units" was also created under the statute to enhance the court's assessment and handling of these often complex cases, and to improve services to victims. These units function formally within each of the state's geographic area (G.A.) courts by agreement between the Chief State's Attorney's Office and the Judicial Branch. The units are statutorily overseen by the Family Division (Judicial Branch), and include family relations counselors, family violence education program providers, and specialized family violence victim advocates.
- The Connecticut law also required specialized data collection and reporting to the Department of Public Safety's Family Violence Reporting Program by law enforcement, the courts and medical facilities. These provisions have significantly enhanced the statistical data available on family violence incidents and the response to them by the various agencies.

SECTION

3

***National Information and
Data***

NATIONAL INFORMATION AND DATA

OVERVIEW

In the mid-80's the Bureau of Justice Statistics summed up our fear of violent crime, and in particular brutal crime occurring amongst relations and acquaintances by noting: "The main source of our fear is violent crime by strangers. But for a great many Americans, the source of their most intense fear is not crime by unknown attackers but crime by nonstrangers, in particular, family members and close friends. Their plight is especially troubling. In many cases, they feel they have nowhere to go to feel safe and secure. All too often, they find a criminal justice system unresponsive to their pleas for help."

The following national information focuses mostly on women victimized by spouses and ex-spouses, with information concerning male victims indicated to the extent of available data, as much as possible.

- The Surgeon General states that battering is the single largest cause of injury to U.S. women; this occurrence has been constant since 1984.
- According to the FBI, 28 percent of all women slain in the U.S. between 1985-91 were killed either by their boyfriends or husbands. Only about 5% of the men slain in that period died at the hands of girlfriends and wives.
- An estimated 2-4 million women each year are beaten in this country, or, approximately every 18 seconds.
- Every 15-18 seconds, it is estimated that a woman is physically assaulted within her home.
- Depending upon the source 1,000 to 4,000 women each year are killed by their partners. However, a more accurate number is tabulated by the FBI's Uniform Crime Reports Section; their annual totals for 1989 are as follows:

Domestic Violence Murders Annually

Married	860
Not Married	<u>1,397</u>
Total	2,257

Men/Women Distribution of D.V. Murders Annually

Males:	Husbands 516, Boyfriends	301	=	817
Females:	Wives 1,062, Girlfriends	559	=	<u>1,440</u>
		Total		2,257

- In the U.S. women are more likely to be killed by their male partner than all other categories combined. In short, half of all women murdered are killed by a spouse or partner.
- The FBI estimates 1 in 10 women will be physically abused by her husband during their marriage.
- Three noted experts on family and domestic violence reported that 1 of 26 American wives get beaten by their husbands every year.
- Three out of four offenders committing domestic violence against women were spouses (9%), ex-spouses (35%) and boyfriends or ex-boyfriends (32%).
- Male jealousy and male dominance were cited as reasons for homicide in 82.2% of the killings of women by men with whom they had an intimate relationship according to a homicide study made by Wayne State University-College of Nursing.
- The Bureau of Justice Statistics (BJS) notes that victims of violent crimes by non-strangers were more likely not to report the offense to the police because they felt it was a private or personal matter or were afraid of reprisal by the offender.
- Also, BJS reports that in almost a quarter of the cases of violence by an intimate, the victim received medical care. One in ten was treated in a hospital emergency room; about one in twenty in a doctor's office; and about one in ten at other places. Victims of violence by nonintimate offenders were less likely than victims of intimates to receive medical treatment.

- Over 65% of those murdered by intimate partners or ex- partners had been physically abused before they were killed.
- According to the Bureau of Justice Statistics almost 17% of the homicides in this country occur within the family; half of these occur between husband and wife.
- Over 50% of all women will experience physical violence in intimate relationships according to the New York Coalition for Women's Mental Health. Also, for about 25% of them, the battering will be regular and ongoing.
- Women of all class levels, educational backgrounds, and racial, ethnic, and religious groups are battered. Wife battering or abuse can take on many physical and psychological forms. Unfortunately, as our society has learned, the nature and scope of the battering can cover a broad range of actions and be gruesome and torturous.
- Women were victims of violent intimates at a rate three times that of men. Over a nine year period between 1979 and 1987, intimate partners committed 4,246,500 victimizations against women, an annual average of almost 471,800. Intimate partners include spouses, boyfriends, or ex-boyfriends and ex-spouses.

DISCUSSION OF DOMESTIC VIOLENCE MURDERS

The following table for years 1983 through 1989, profiles both men and women who were murdered as a result of a domestic violence incident. According to FBI Uniform Crime Reporting classifications, there are generally two other crime categories that a person can be classified as committing domestic violence, they are: rape and assault (simple or aggravated). Regardless of whatever classification a domestic violence falls into, hard experience tells us the physical and mental anguish caused is frightening and a black-eye to American society.

Assaults are by far the largest numbered crime category in which domestic violence incidents occur; literally over a half-million are estimated annually. However, for both the rape and assault categories, no actual, hard statistics are available, and estimates abound from hundreds of sources. On the other hand murders (homicides) are by its very nature highly accountable (e.g., "habeas corpus-you have the body"). In short, this very unfortunate circumstance or tragedy is highly visible to police authorities and generally leads to intense investigation and probable prosecution/conviction of the offender. (Please refer to the Table on the following page.)

**TABLE I ANNUAL DOMESTIC VIOLENCE RELATED MURDERS
1983 - 1989**

Domestic Violence Murders of Women Annually

	<u>Wives</u>	<u>Girlfriends</u>	<u>Total</u>
1983	1062	425	1487
1984	972	449	1421
1985	1006	474	1480
1986	989	536	1525
1987	1045	462	1507
1988	1075	517	1592
1989	881	559	1440

Domestic Violence Murders of Men Annually

	<u>Husbands</u>	<u>Boyfriends</u>	<u>Total</u>
1983	753	290	1043
1984	598	299	897
1985	569	266	835
1986	557	309	866
1987	543	281	824
1988	475	289	764
1989	516	301	817

(Combined) Domestic Violence Murders Annually

	<u>Married</u>		<u>Not Married</u>		<u>Total</u>	
		per day		per day		per day
1983	1815	5	715	2	2530	7
1984	1570	4	748	2	2318	6
1985	1575	4	740	2	2315	6
1986	1546	4	845	2	2391	7
1987	1588	4	743	2	2331	6
1988	1550	4	806	2	2356	6
1989	1397	4	860	2	2257	6

Bureau of Justice Statistics. "Uniform Crime Reports." Washington, DC: US Department of Justice, 1983-1989.

DOMESTIC VIOLENCE MURDER: TABLE 1 ANALYSIS

Overall or combined murders appear to have annual comparative results, averaging 2,357 yearly for the seven-year period studied, with no obvious wide peaks and valleys.

Domestic violence murders of women annually also have a likewise steady result of statistics with no noticeable large "highs and lows" results. The annual average of women murdered for the seven-year period studied is 1,493.

Male murders as a consequence of domestic violence did result in noticeable peaks and valleys. For example, the year 1983 resulted in the highest amount of male murders (1,043), falling to a low of 764 murders (a 27% decrease) in 1988 and experiencing similar decrease in 1989, which resulted in a 22% decline.

A report by a government commission on violence estimated that murders committed by women were seven times as likely to be in self-defense as murders committed by men. Simply stated, when women kill, it is often in their own defense.

Currently there are approximately 2,000 battered women in America who are serving prison time for defending their lives against their batterers. Further studies of domestic violence reveal that there are approximately 1,000 women in prison for murdering their husbands/lovers.

The National Coalition Against Domestic Violence notes that abusive men who kill their partners serve an average of 2 to 6 year terms. Women who kill their partners, usually in self-defense, serve an average of fifteen years. Thus, it is not surprising, for this reason and others, that incarcerated women in large numbers across the country are requesting clemency.

Some private research has revealed that those states having more domestic violence legislation and extra legal resources (e.g., funding for shelters, crisis lines, legal aid), had lower rates of total homicides by women against their male partners; and that the presence of these resources was associated with the decrease in female-perpetrated partner homicides from 1976-1984.

**Table II Comparison of Domestic Violence Incident Rates
(Estimated/Year 1991)**

Per 100,000 Population

United States

<i>Rate per 100,000:</i>	648
<i>Estimated DV Incidents:</i> ¹	1,700,000
<i>Population:</i> 248,710,000 ²	

Rhode Island

<i>Rate per 100,000 pop:</i>	548
<i>Estimated DV Incidents:</i>	5,500
<i>Population:</i> 1,003,000	

Regional (Selected States)

(a) Massachusetts

<i>Rate per 100,000 pop:</i>	748
<i>Estimated DV Incidents:</i>	45,000
<i>Population:</i> 6,016,000	

(b) Connecticut

<i>Rate per 100,000 pop:</i>	700
<i>Estimated DV Incidents:</i>	23,000
<i>Population:</i> 3,287,000	

Summary: Rank Order/Rate Results

<u>Rank</u>	<u>Jurisdiction</u>	<u>Rate</u>
1	Massachusetts	748
2	Connecticut	700
3	United States	648
4	Rhode Island	548

¹ All estimates: as reported to the justice system

² All population figures: per 1990 U.S. Census

SUMMARY OF THE VIOLENCE AGAINST WOMEN ACT

For several years past, and continuing into calendar year 1993, Congress has shown great interest in possibly funding (approximately a half-billion dollars) and supporting an Act entitled "The Violence Against Women Act." However, at the time of this writing, deliberations are continuing in both the House of Representatives and the Senate towards hopefully enacting this very important segment of legislation.

In response to the growing incidence of violence directed at women, Congresswoman Barbara Boxer originally introduced legislation (H.R. 1502) to address this tragic problem. In short, the comprehensive legislation focuses on the continuing crimes committed against women on the streets, in their homes and on college campuses.

Moreover, the House's Bill encourages women to prosecute their attackers and provides greater support to law enforcement officials for combatting sex crimes. Additionally, the Bill also provides for greater protection for women who are victimized by abusive spouses and encourages state judicial systems to focus attention on the crime of domestic violence.

The U.S. Senate's version (introduced by Senator Joseph Biden) of the Bill (S. 11) differs only slightly. U.S. Senator John Chafee informed the Governor's Justice Commission, in the spring of 1992, "that S. 11 is an omnibus measure designed (basically) to address domestic violence assaults. The Bill directs the U.S. Sentencing Commission to increase the severity of sentencing guidelines for authorized issuance of grants for improving the safety of certain high-intensity crime areas and of public transportation systems."

Five major Titles or sections that are contained in the Act are as follows:

Title I: Safe Streets for Women

Title II: Safe Homes for Women

Title III: Civil Rights

Title IV: Safe Campuses for Women

Title V: Equal Justice for Women in the Courts Act

Some of the sub-sections or other highlights of the legislation are:

- creates new penalties for sex crimes
- encourages women to prosecute their attackers
- targets places most dangerous for women
- creates safer public transit and public parks
- creates a commission to develop a national strategy for combatting violence against women
- protects women from abusive spouses
- provides more money for shelters
- teaches children about domestic violence
- educates women about their rights
- extends civil rights protection to all gender motivated crimes
- funds rape prevention programs
- guarantees victims right-to-know
- strengthens campus security
- educates states and federal judges about domestic violence, sexual assault and gender bias

In closing, the sponsors of this report urge you to lend your full support in seeking approval of this most important legislation.

THE CHICAGO THEORY: PREVENTING HOMICIDES - CAN IT BE DONE?**PREVENTION STRATEGIES**

Can public policy prevent homicide? The common feeling has been "no", but research based on the Chicago Homicide Dataset, containing information on every homicide in the Chicago Police Department records from 1965 to 1989, suggest otherwise. The dataset, which is maintained by the Illinois Criminal Justice Information Authority, contains more than 200 variables and more than 18,500 homicides. Statistical analysis of the characteristics of those homicides shows that homicide may be preventable if the effort focuses on three areas:

- Specific homicide syndromes that are the most dangerous and have the highest chance of successful prevention.
- Specific ethnic, gender, and age groups that are most at-risk of victimization, and
- Specific geographic areas in which the risk of being murdered is especially high.

BACKGROUND

Few prevention programs deal with homicide, the crime that grabs the biggest headlines and plays first on primetime news. The opinions shared by many law enforcement officers, policy makers, and the public say that homicide is random, unpredictable, and not really preventable. In contrast, Dr. Carolyn Rebecca Block, senior research analyst with the ICJIA persuasively argues, for example, that "There are kids dying out there and we can do something!"

For several years, Dr. Block has been publishing articles in scholarly journals on patterns revealed by a unique 25-year dataset on Chicago homicides. In 1991, she decided to take her findings to a more general audience and wrote "The Killing That Can Be Prevented" for the editorial page of the Chicago Tribune. This led to talk shows, community forums, and requests from the police department and community groups to help them design programs that address Chicago's spiraling homicide rate.

People often have misconceptions about homicide, focusing on the unusual case- a random murder committed by a stranger for money or drugs- and ignore other types of violence that cause many more deaths. Almost all homicides began as confrontations-an argument between husband and wife, a brawl between acquaintances, a robbery, and act of sexual violence, or a gang conflict. Because these are different types of confrontations, they produce different homicide syndromes-require different prevention strategies.

PREVENTION ACTION

Dr. Block has received many requests concerning her research, particularly the recommendations regarding street gangs and domestic violence. With her help on the proposal, the Chicago Police Department received a \$1 million federal grant via the ICJIA for an initiative that will address both domestic violence and gangs.

Based on a pilot program developed by the Chicago Abused Women's Coalition, the domestic violence project creates a team of support workers and police working out of a police station, who target at-risk families. Because people are more open to a change in periods of crisis, the program hopes to save lives through counseling and other support services. The federal funds will also support training for officers, total revamping of the crime information system, and an ongoing computer crime mapping system to help police and the community predict and defuse hot spots of gang related violence.

(The above excerpts were taken from the Illinois Criminal Justice Information Authority's publications "The Catalyst" and "The Compiler" with their Associate Director's approval.)

ILLINOIS ATTORNEY GENERAL PROPOSES TOUGHER DOMESTIC VIOLENCE LAWS

Illinois Attorney General Roland W. Burriss in March, 1992, announced a nine-point legislative agenda aimed at strengthening the state's domestic violence laws. The proposed legislation followed a series of statewide public hearings which the Attorney General's office held in late 1991, early 1992.

The hearings, held in conjunction with the 10th anniversary of the Illinois Domestic Violence Act on March 1, 1992, examined what statutory changes, if any, should be made to further protect victims of domestic violence.

Included in the nine-point legislative proposal are the following recommendations:

- Add dating relationships to those relationships that are already covered by the domestic violence laws.
- Eliminate court fees for orders of protection and require that said orders be entered onto the Law Enforcement Agencies Data System (LEADS) immediately after issuance.
- Add to the penalties that can be issued by a judge in a domestic violence case the direct reimbursement by abusers to shelters, public or private, that help their victims.

In addition to the proposed legislation, Attorney General Burriss announced the creation of the Division of Women's Advocacy within his office. The new division will assist in preparing legislation, disseminating information to victims and criminal justice agencies, and conducting seminars for police, prosecutors and judges.

Attorney General Burriss stated: "It will be the first such advocacy division in the nation, and I feel that it will be a model for other states to copy."

In April 1992, Attorney General Burriss, joined by victim rights advocates, announced a drive to amend the Illinois Constitution this year (1992) to include a provision safeguarding the rights of crime victims.

A DAY IN THE LIFE OF VIOLENCE AGAINST WOMEN

The following illustrations of violence against women took place in America on September 1, 1992. This documentation was taken from a publication prepared by the majority staff of the Senate Judiciary Committee; said publication is entitled Violence Against Women: A Week in the Life of America.

While not each case illustrated here would necessarily be considered a domestic violence crime, they each share the common thread of a woman being victimized primarily because of her gender. Specifically, at least 24 of the 37 illustrations are relative to domestic violence situations.

Again, we note that the following is but one day of actual experiences of violence against women in America, and sadly, we are sure that there were more incidents on that particular day and many another day, that either went unrecorded or unreported.

TUESDAY, SEPTEMBER 1, 1992

12:45 a.m.-Rural California--A woman with five children (11-months old to 11-years old) is physically abused by her husband. He punches her in the head with his fist. She sustains bruises. She escapes and runs to a friend's house for the night. She reports that she is afraid to call the sheriff because her husband threatens to take their 11-month old baby.

1:00 a.m.-A city in Texas--A 21-year-old woman is sexually assaulted in her home by an acquaintance. The case is reported to the police and the victim goes to the hospital.

2-3:00 a.m.-A city in Texas--A 13-year-old girl is sexually assaulted in her home by a 16-year-old friend. The victim also reports to a local hotline that she was assaulted at eight by another offender.

7:30 a.m.-A city in Colorado--A 29-year-old woman is assaulted by her 30-year-old husband. She is leaving their home with their children (ages 4, 9, and 10) when he grabs her and drags her to the bedroom. She sustains bruises. She calls the police.

Early Morning-Rural Texas--A 38-year-old woman reports to the police that the previous evening, she and her daughter (age 18) were battered by the daughter's husband. He

came home after drinking and attacked the women in the mother's home. Three children are present during the beating, two from the mother (ages 13 and 16) and one from the daughter (10 months); they were uninjured.

Early Morning-Rural Texas--A 33-year-old woman enters a local shelter after 15 years of abuse by her husband. She reports that he has tried to choke her and pulled a knife on her. She is seeking a protective order.

Time Unknown-Northern California--A 40-year-old woman is physically abused by her husband. They have three children (13-year-old son, 11-year-old daughter, and 6-year-old son). The woman has a restraining order. The husband has a gun in his house. The husband and his friends stalk and assault the woman. She calls the sheriff.

Morning-Kansas--A woman is beaten by her husband of two months. She reports that her husband was drunk when he beat her and that she is fearful that the abuse will extend to her daughter.

12:00 p.m.-Suburban Connecticut--A 35-year-old mother of three is raped. The attacker is a stranger who has been stalking the woman for two months. He has followed her to the bank, pediatrician and grocery store. He beats her and attempts to strangle her with a rope. Her three children witness the rape and call 911.

Afternoon-West Virginia--A 70-year-old woman trying to rent an apartment in her house, is raped by a man who answers her advertisement.

3:05 p.m.-A large city in Kansas--A 20-year-old woman comes into a local shelter with her son who is 16-months old. Her husband had come home from work with friends and hit her in the head, threatening to take the baby and run away. She suffers bruises.

3:30 p.m.-A large city in Kansas--A 22-year-old woman comes into a domestic violence shelter because she wants to leave her 27-year-old live-in boyfriend who locks her and her two children in the bathroom. She escapes through the bathroom window fearing further violence.

4:22 p.m.-A city in West Virginia--A 20-year-old woman calls a local hotline, her husband has been beating her with his fists and she needs help in obtaining a restraining order.

4:23 p.m.-A city in West Virginia--A call from the hospital come into a local hotline. A woman has been brought into the emergency room because her husband has severely beaten her in a drunken rage.

Time Unknown-Illinois--An 18-year-old woman, a college freshman, is sexually assaulted by her academic advisor.

4:50 p.m.-Colorado--A 46-year-old woman reports being threatened with a gun by her estranged husband.

Time Unknown-A city in Southern California--A woman in her 30's is raped by a family member in her home. She reports that this is not the first such incident.

Time Unknown-A city in Southern California--A 15-year-old girl phones a local crisis line to report that she has been raped by an acquaintance that afternoon.

Late Afternoon-Maine--A woman in her early twenties is thrown out of her trailer home by her live-in boyfriend as her two sons, ages two and three, watch. Bruised and cut she attempts to leave with her sons. The two-year-old child is taken from her hands by her boyfriend and she is ordered to leave and threatened with further physical violence. She departs from her home with one of her children, but does not contact the police.

5:00 p.m.-Suburban Connecticut--A 26-year-old woman is attacked by her boyfriend of five years. He breaks her right arm with a hammer.

5:30 p.m.-Colorado--A 37-year-old woman is beaten by her husband of nine years; her two youngest children watch.

Early Evening-A town in Michigan--A 44-year old woman is beaten by her husband when he returns home from work. She reports that he has choked her and beaten her with his fists and various household objects. Their two young children are present.

Evening-Kansas--A woman phones a local hotline. Her live-in boyfriend returned home from work today and beat her up. She has two daughters (ages six and three). She reports that he has physically abused the children in the past.

6:45 p.m.-Kansas--A 19-year-old woman is beaten by her husband, who threatens to kill her. When she leaves the house, he makes threatening gestures with a kitchen knife, threatening to kill her and take their baby to Mexico.

Evening-Kansas--A 30-year-old woman and mother of two children, awakens to find her husband standing over her with a gun. She reports that he has threatened her repeatedly with a pistol and a shotgun.

7:00 p.m.--A city in Washington state--An 18-year-old woman is given a ride by some people she recognizes from her neighborhood. They take her to an abandoned house where they rape her and keep her overnight before she manages to escape. She is treated at a local hospital for injuries.

Evening--A city in Maryland--A 32-year-old woman is raped in her home by two male acquaintances. She calls a rape crisis line.

9:00 p.m.--A city in New Mexico--A 57-year-old woman is crossing the parking lot of a friend's apartment when a man asks her if she wants a drink. She ignores him and continues walking. He then chases her across the parking lot, throws her down on the ground and grabs her throat. He threatens to kill her. She tries to fight him off. He forces her to take off her clothes and he ejaculates on her stomach. She begins to scream and he flees when someone comes out of the apartment building.

10:00 p.m.--A city in Texas--A 30-year-old woman is sexually assaulted by her ex-boyfriend and his brother. The same ex-boyfriend assaulted her a year ago. She goes to the police and to the hospital.

10:30 p.m.--Suburban Connecticut--A 25-year-old woman is leaving a shopping center. A stranger forces her into her car. They drive a few blocks and he rapes her at knife-point. He then steals her car.

11:00 p.m.--A small city in Connecticut--A 30-year-old woman is attacked by her husband of five years. He uses his closed fist to assault her, knocking out her front tooth and causing a black eye. Their three children are present during the attack. She obtains a restraining order.

Midnight--Suburban Connecticut--A 19-year-old university student is raped by another student behind the campus football stadium. She reports that she intends to file charges.

Time Unknown--A large city in Texas--A 33-year-old woman is sexually assaulted in her home by her brother's friend. She suffers bruises during the assault. She reports the case to the police, but does not pursue formal charges.

Time Unknown-A small city in Connecticut--A 32-year-old woman reports that she was raped a few days ago in her home by an acquaintance. The assailant is a vacuum cleaner salesman who initially met the victim through a product demonstration in her home. He pressed her for a date; she agreed. On their first date, he rapes her. She is hospitalized with multiple injuries. The police are never contacted. Since then, the assailant has continued to harass her, with several demands for another "date."

OVERVIEW OF THE NATIONAL ELDERLY VICTIMS STUDY

The elderly comprise the fastest growing segment of the U.S. population and their protection and well-being are a high priority in our society. Violent crime, which challenges residents of all ages, may hold especially serious physical consequences for the elderly.

Subsequently, the National Crime Victimization Study's central conclusion was that although the elderly are less likely than those who are young to sustain a victimization by crime, they are more likely - when victimized - to be harmed by strangers and to sustain grievous injuries.

Some of the major findings in the Bureau of Justice Statistics 1992 report include:

- The elderly were significantly less likely than younger age groups to become the victims of virtually all types of crime. For example, persons aged 65 or older comprise about 14% of persons aged 12 or older in this sample but less than 2% of all victimizations.
- Elderly victims of violent crime were significantly more likely to be victimized at or near their home than victims under the age of 65.
- Elderly robbery victims were more likely than younger victims to face multiple offenders and also more likely to face offenders armed with guns.
- Elderly victims of violent crime were more likely than other victims to report that their assailants were strangers. Consistent with this, it was also found that among victims of homicide the elderly were more likely to be killed by a stranger during the commission of a felony; younger individuals were more likely to be killed by someone known to them in a conflict situation such as an argument or fight.
- Elderly victims of violent crime were less likely to use measures of self-protection compared to victims under the age of 65.

- Elderly victims of all forms of crime, including crimes of violence, crimes of theft, and household crime, were significantly more likely to report their victimizations to the police compared to victims under the age of 65.
- When the elderly are divided into two groups--age 65 to 74 and age 75 or older--the older group is generally found to have had lower rates of crime victimization.

In summary, persons age 65 or older are the least likely of all age groups in the nation to experience either lethal or non-lethal forms of criminal victimization. However, although older persons were found to be less likely to experience a criminal victimization than younger people to suffer the more harmful consequences of a victimization such as sustaining injury or requiring medical care.

AARP Position Papers

The largest private organization in the country for retired persons is the Washington-based AARP (American Association of Retired Persons). Their Crime Prevention unit published two papers, Fear of Crime and its Consequences and Patterns of Crime Against the Elderly. Selected and report related items are as follows:

- Although elders are generally victims of crime less than other groups, many older Americans consider crime to be their most serious problem. In some recent polls, crime outranked inflation and physical health as an issue of concern.
- Because of age-related physical traits, the elderly are more likely to be injured when attacked, to suffer internal injuries, and to receive cuts and bruises.
- Though the amount of money lost by older victims is relatively small, the proportion of income they lose is often devastating.
- Older peoples fearful of crime often seriously limit their activities, thus increasing isolation and sometimes developing psychological symptoms from this chronic state of anxiety.

Crime Against the Elderly

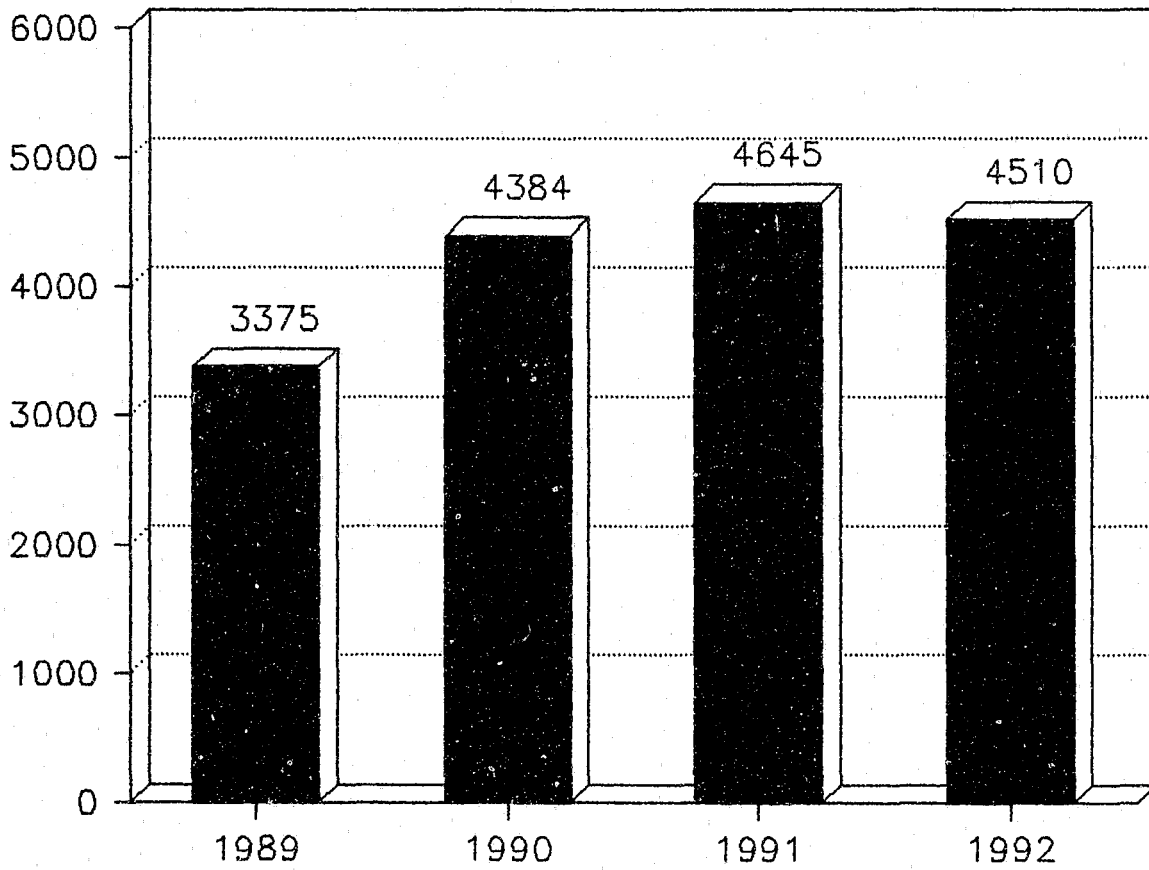
- In general, the elderly are subject more to property crimes, crimes against their possessions, than to personal crimes, which involve contact with the criminal.
- Overall, older people are victimized by crime less frequently than the general population.
- When they are victims of crime, older Americans are more likely than younger groups to be injured, to be victimized by strangers, by youths, and by persons of another race, and to be attacked in or around their homes. These patterns reinforce feelings of uncertainty, suspicion, and fear.
- Except for the crimes of rape and larceny with contact (which includes purse snatching), older men are victimized by personal crimes more frequently than older women.
- Older blacks suffer crimes of violence twice as often, and personal larceny with contact five times as often as older whites.

SECTION

4

Graphics

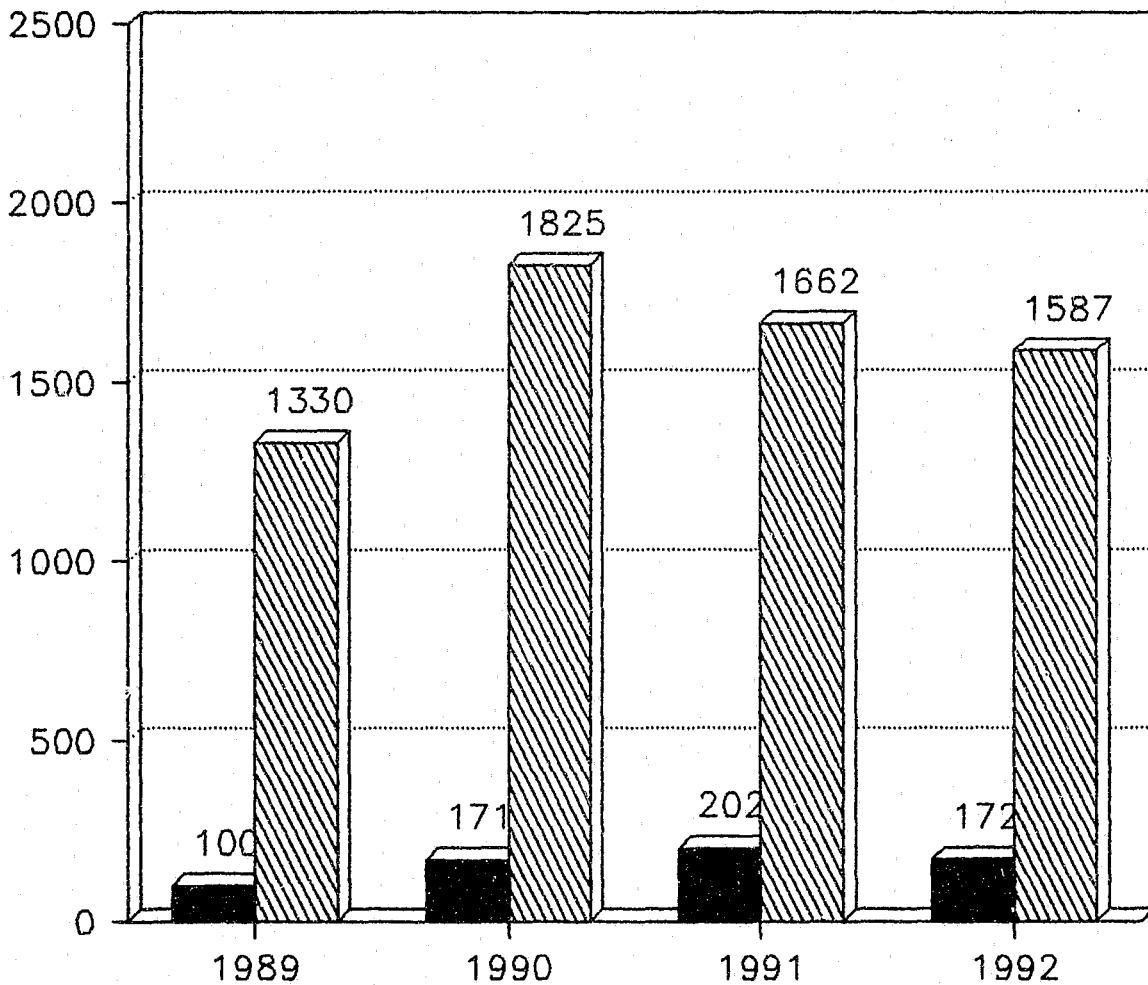
Number of Domestic Abuse District Court Cases, 1989-1992



(Annual Total Cases)

Domestic Abuse: Case Dispositions—(District Court)

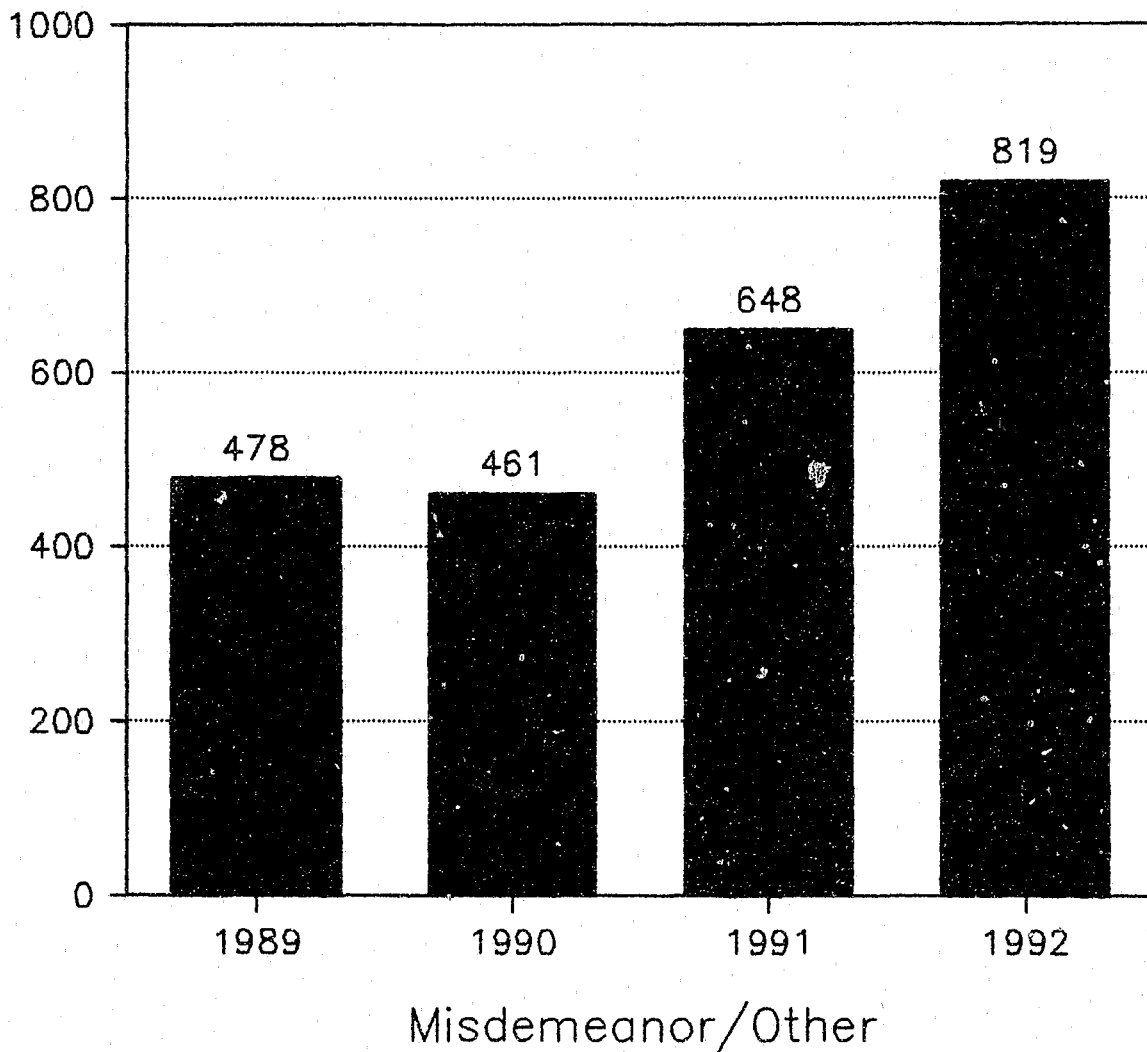
by Major Category RE: Prison/Probation



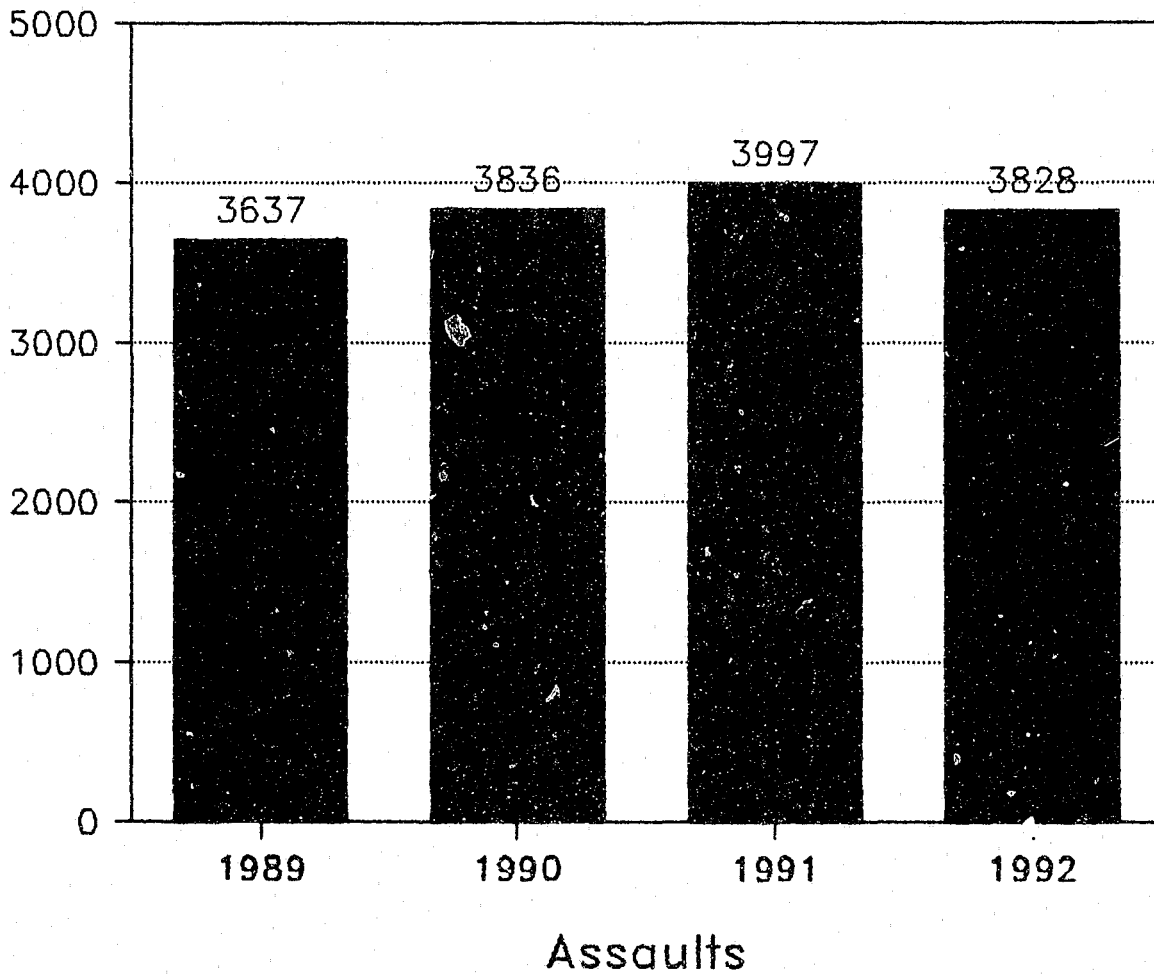
1989-1992 Dispositions

■ Prison (ACI) ▨ Probation

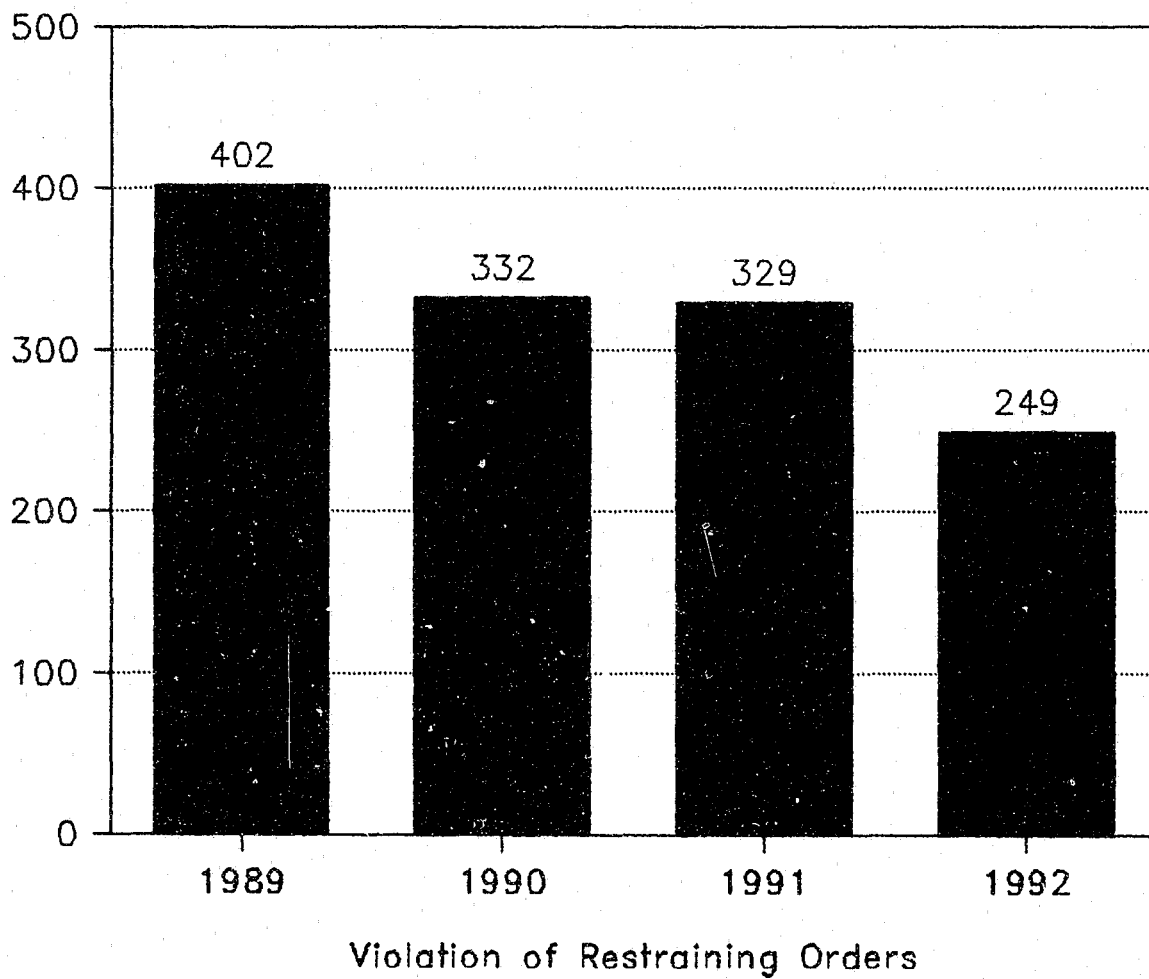
Number of Domestic Abuse District Court *Charges*, RE: Misdemeanor 1989-1992



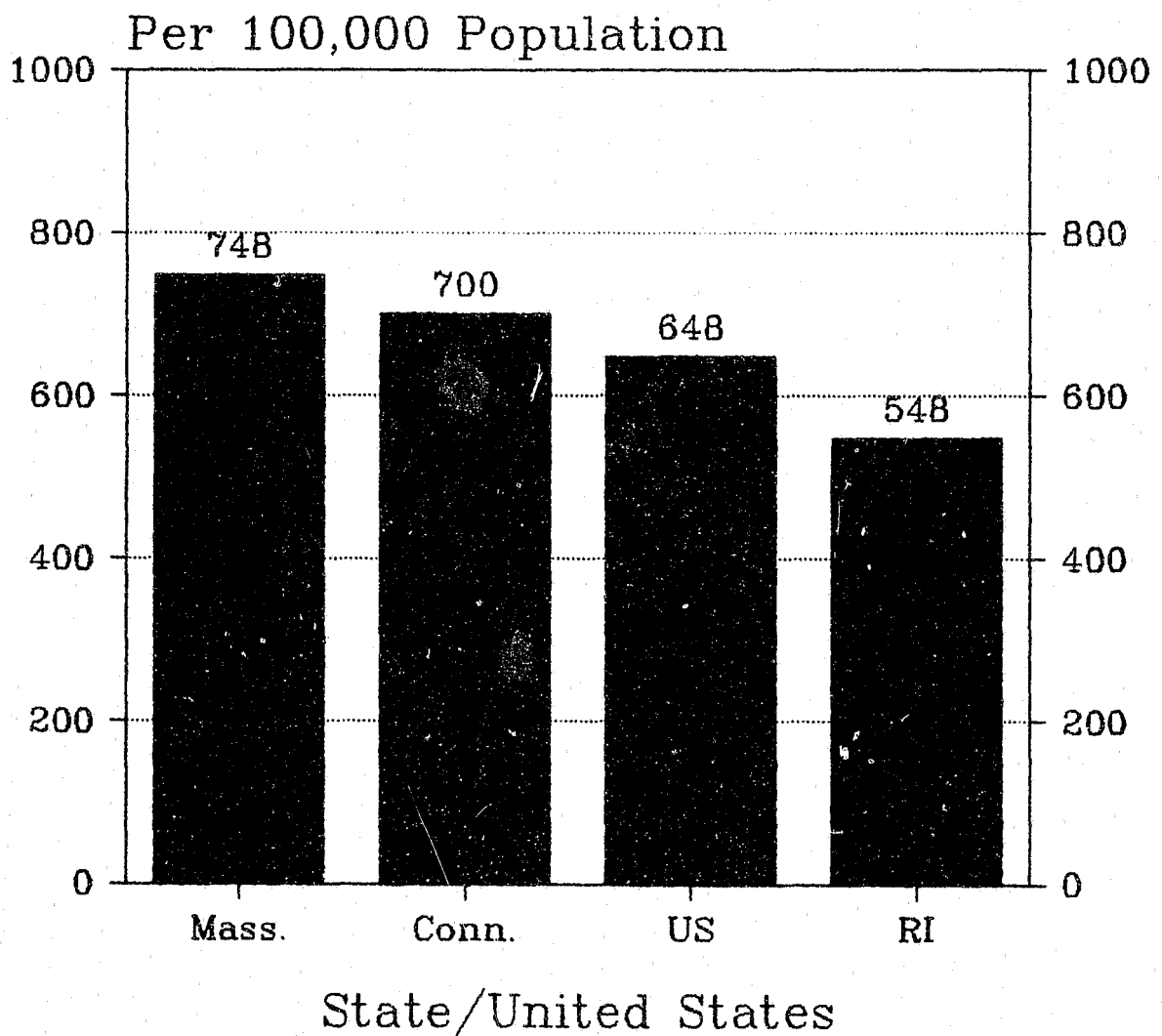
Number of Domestic Abuse District Court Charges, RE: Assaults 1989-1992



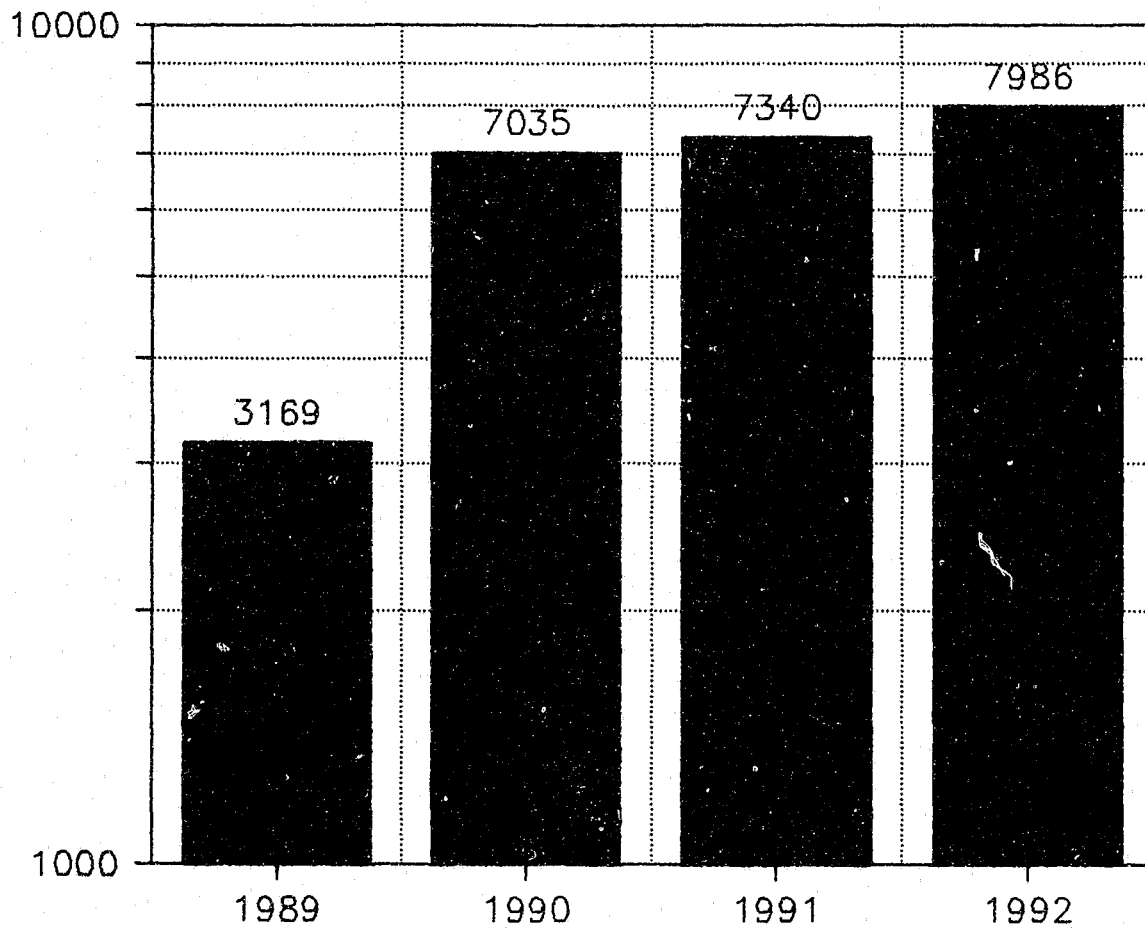
Number of Domestic Abuse District Court *Charges* RE: Violations 1989-1992



Comparison of Domestic Violence Incident Rates Estimated/Year 1991



Number of Clients Assisted Annually at Rhode Island's Domestic Violence Shelters



1989-1992

SECTION

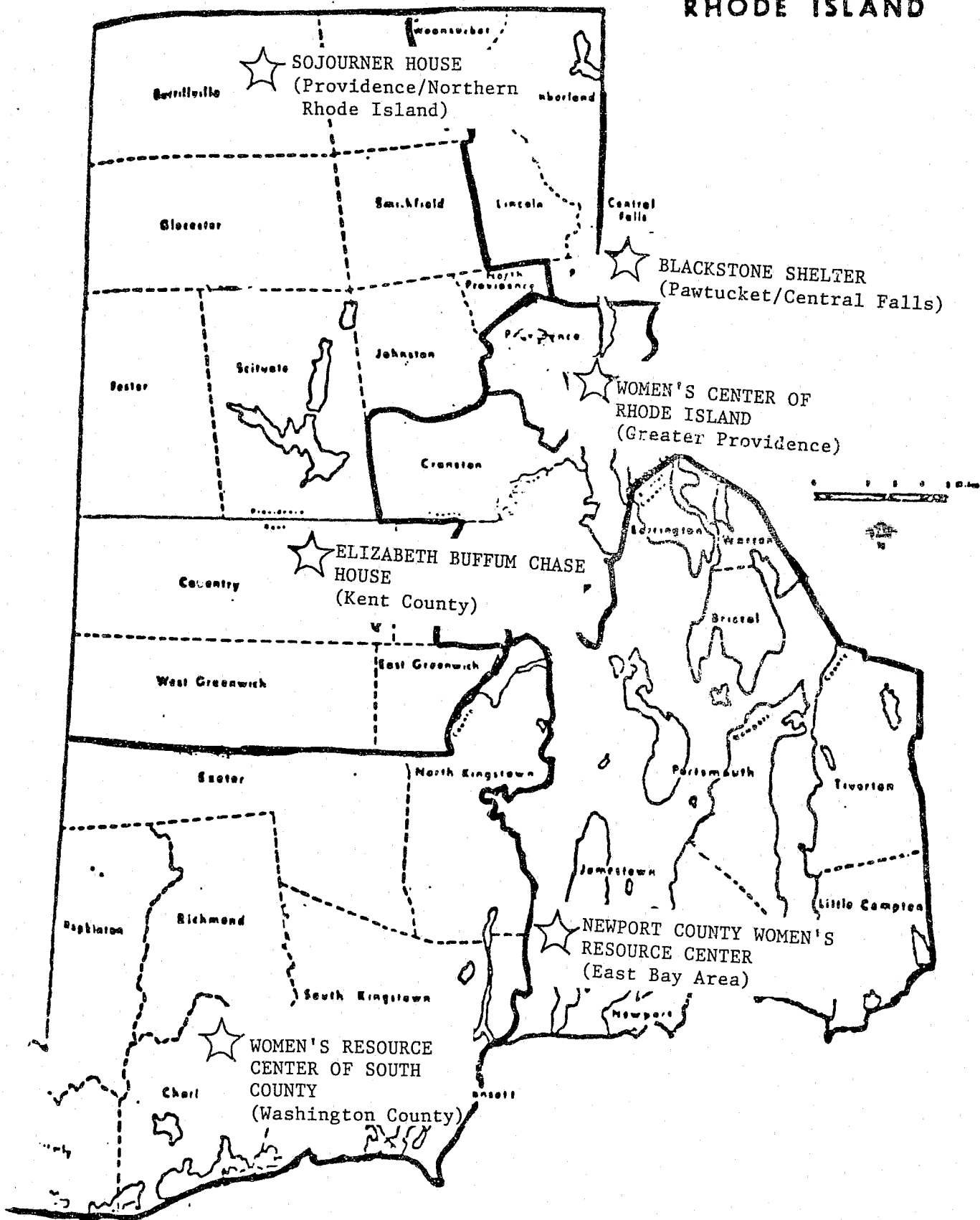
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Exhibits

Exhibit 1

★ GENERAL LOCATIONS OF ORGANIZATIONS/SHELTERS WHO ARE MEMBERS OF THE R. I. COALITION AGAINST DOMESTIC VIOLENCE (RICADV)

RHODE ISLAND



'The restraining order isn't a bulletproof vest. It's effective for those who respect the law.'

-LINDA VAN DEN BOSSCHE, of the Coalition Against Domestic Violence.



Journal-Bulletin/FRIEDA SQUIRES

Ending the cycle of abuse

■ From restraining orders to court attire, advocates and shelters help battered women negotiate the legal system and rebuild their lives.

By JODY McPHILLIPS
Journal-Bulletin Staff Writer

At one table, a woman sits scowling over forms that will ask a judge to stop her husband from beating her. At the other table, a grim mother leans over her sullen teenage daughter, urging the girl to spell out how her boyfriend threatened her.

The air is rank with tension as a man sticks his head in the doorway to complain his ex-wife is harassing his girlfriend. "You're telling me I can't do nothing?" he says in furious disbelief. With no room left in the cramped office, another man fills out forms in the hallway.

"This isn't even bad," says Jill Jerue, who moves calmly from person to person to answer questions. "You should see this place on a Monday."

Monday is the first day victims can get to court after a weekend of violence. And for many, one of the first stops is the Coalition Against Domestic Violence's office in the J. Joseph Garrahy Judicial Complex in Providence, where they can get help with restraining orders.

The office is part of a network of services aimed at ending the cycle of abuse. The six shelters for battered women in Rhode Island and two in South-eastern Massachusetts all offer free, expert help in negotiating the legal system.

A restraining order can make a profound difference in a victim's life. The order can stop the beatings, end the tumult and begin the long process of recovery.

That is, of course, if the batterer chooses to obey the law.

In a half-dozen or so highly publicized cases in Massachusetts recently, batterers have not only ignored such orders: They are accused of injuring or killing women and children.

In 1992, nearly 3,000 restraining orders were issued by Rhode Island family courts. The vast



Journal-Bulletin/MICHAEL J.B. KELLY

SUPPORT: Jill Jerue, right, helps a client with forms at the Coalition Against Domestic Violence's office in the J. Joseph Garrahy Judicial Complex in Providence.

The Rhode Island Coalition Against Domestic Violence
 The Rhode Island Coalition Against Domestic Violence is a 501(c)(3) non-profit organization. It is a member of the National Network of Domestic Violence Shelters and Advocates. The Coalition is composed of the following member organizations:
 The Women's Center of Pawtucket
 The Women's Resource Center of South County
 The Women's Center of East Bay
 The Women's Center of Littleton
 The Women's Center of Middletown
 The Women's Center of Portsmouth
 The Women's Center of Tiverton

EAST BAY

Victims of domestic abuse who live in Newport, Middletown, Portsmouth, Tiverton or Little Compton should call the Newport County Women's Resource Center at 1-847-2533; those cases will be heard in Newport. Those in Bristol, Barrington and Warren should also call Newport but those cases will be heard in the J. Joseph Garrahy Judicial Complex, One Dorrance Plaza, Providence. Those who live in East Providence should call the Women's Center of Rhode Island in Providence at 861-2760; those cases will be heard in the Garrahy complex.

Abuse

Continued from Page C-1

majority of cases involve men beating women, although the law also protects men and elderly people from abuse.

Linda Van Den Bossche, the coalition's victim advocacy program coordinator, estimates that about a third of such orders are violated each year.

"The restraining order isn't a bulletproof vest," she explains. "It's effective for those who respect the law. But we tell women who obtain restraining orders that they still need to develop safety plans" to get to safety quickly in case the batterer shows up.

The orders can bar batterers from the home, and sometimes give the complainant temporary custody of the children, as well as child support.

The orders are such powerful tools that courts in Rhode Island and Massachusetts limit their duration. Rhode Island courts will issue restraining orders for 21 days; Massachusetts courts for only 10.

When the order expires, complainants must return to court to present evidence backing up their claims. Their alleged attackers may present contrary evidence; a judge will decide who is telling the truth.

If the accused doesn't show up, a judge can extend the order for up to a year — long enough for many battered people to make a psychological and financial break from the abuser.

But between 50 percent and 75 percent of complainants don't continue pressing charges, the advocates say.

"Victims are often uncomfortable in going forward," says Mary Trinity, director of the coalition. For one thing, abusive behavior fueled by drinking may dissolve into tearful regret by the next morning.

For another, the victim is usually connected to the abuser by any number of factors: love, marriage,

children, a shared history and finances, a home — a complicated web of reasons to overlook the abuse and hope for a better future.

Domestic abuse workers say they wish it were so.

"I tell them, if it happened once, it's going to happen again," says Jerue flatly. "Mostly, what works is to leave. Long term, (the violence) usually continues."

A case for confusion

Those who do screw up their courage to press charges must next figure out the court system, which since recent consolidations in Rhode Island has become increasingly complicated.

That's where the advocates come in. All area shelters have court advocates whose job it is to let victims know help is available.

Often, police summoned to a domestic fight will refer the victim to the appropriate shelter or court advocate. In other cases, the victims may call a shelter directly, or the advocate may learn of a case simply by sitting in courtrooms during morning calendar.

Once advocates locate victims, they help with restraining orders, explain to them how their cases will unfold, and help them with any other services — such as food, shelter or child care — that they may need.

Much depends on the details of a particular case. How severe is the injury? What was the relationship between the parties? Blood? Marriage? Sexual? How long ago did the relationship end?

The answers dictate which court will ultimately hear the case — and the advocates are skilled at steering victims to the correct courtroom.

The advocates know the shadings of the law inside out, says Trinity. "They aren't lawyers — they just know that part of the system very well. Some have been working in the courts since the laws were enacted."

The advocates will go to court with victims; explain to them which court they must be in and when; write letters notifying them

of the next hearing; and refer them to lawyers (usually Legal Aid) if needed.

It's all about making informed choices, says Lisa Weiner, a volunteer at the New Hope shelter in Attleboro. "We try not to force her into a decision, but to present her with all her options."

Just figuring out which court to go to can be confusing.

Two-thirds of Rhode Island's restraining orders funnel through the courts in Garrahy, where judges hear cases from Providence and points north (as well as East Bay down to Bristol).

Three other courts share the rest of the load: in Newport (Aquidneck Island, Jamestown, Tiverton and Little Compton); Kent County (Warwick, West Warwick, East Greenwich, Coventry and West Greenwich); and South Kingstown (South County and points south, including Block Island).

Support network

Both Rhode Island and Massachusetts have tough domestic violence laws mandating arrests in domestic assault cases and establishing advocates at all courts.

Since arrests became mandatory, advocates say, police are far more willing to cooperate with victims and women's shelters in prosecuting domestic assaults, whether it's a misdemeanor-level black eye or a felony assault.

The police "are great," says advocate Dorothy Davis of the Newport County Women's Resource Center. "They provide a lot of protection in dangerous situations. They're excellent."

But after all the screaming is over, victims may need more than physical protection. Says Davis, "We provide information, emotional support and advocacy.

"Especially if it's the first time she's been in court, and she doesn't know the players, and she's under stress anyway — it can be devastating. We try to smooth some of that out.

"We can't make it all go away but we try to make it as comfortable as we can."

BUSINESS

THE BOSTON SUNDAY GLOBE - FEBRUARY 14, 1993

My Turn

JOHN P. HAMILL
AND CAROLYN RAMSEY

Domestic abuse bad for business

When it comes to preventing domestic abuse, business has not yet fully faced its responsibilities. We urge large corporations and small businesses alike to join with us in combating what



HAMILL

has become an epidemic of senseless violence.

Last year, 28 Massachusetts women were murdered by their husbands or boyfriends. In the first few days of 1993, six murder victims have already joined the sorrowful statistics. Across the country, an estimated three

to four million American women are battered each year by their husbands or boyfriends.

Domestic abuse affects us all. The impact on business is especially dramatic. A Bureau of National Affairs report has put the annual cost of domestic violence to business at \$4 to \$5 billion



RAMSEY

from lost work time, higher health care costs, high turnover, and lower productivity.

The best first step business can take against this tragic and costly problem is to create an atmosphere of intolerance toward domestic abuse.

Fleet Bank of Massachusetts has accepted the challenge of educating bank employees and customers about domestic abuse. By supporting the Jane Doe Safety Fund, the bank also seeks to support the women and children who are the victims of domestic abuse.

The fund, established in 1991 by the Massachusetts Coalition of Battered Women's Service Groups, focuses on public education to enhance awareness about domestic violence. Since 1978, the coalition has made significant gains in advocating an end to domestic abuse.

The fund has formed a working alliance with the business, legal and medical communities as well as the criminal justice system. Gov. Weld and the Legislature have shown sincere empathy for battered women. Last spring, the governor signed into law an important bill making "stalking" a crime. The Legislature voted to reinstate \$2 million in funding this fiscal year for battered women's shelters.

Fleet's own concern about domestic violence and compassion for its victims inspired the bank to seek out the fund. Last spring, Fleet made a \$27,000 grant to the coalition for support of its counseling programs at nearly three dozen shelters statewide.

Not surprisingly, such programs require a level of capital funding that government alone cannot provide.

From Jan. 4 through Feb. 14, over 160 Fleet branches across Massachusetts will offer \$1 Jane Doe candy bars to our customers. All proceeds from these sales will be donated to the fund. We hope to raise more than \$20,000 in this effort. Fleet employees tell us the response to this special campaign has been overwhelming. Clearly, the public is greatly moved by the current crisis in domestic violence.

In January, Fleet was the first Jane Doe Safety Fund's "Corporation of the Month." Fleet has pledged to continue its involvement in fighting domestic violence throughout the year. A new employee assistance program, for example, will offer counseling to battered women.

Individual contributions, made as easily as buying a Jane Doe candy bar, have real impact. By themselves, however, these contributions will not be enough to bridge the funding gap threatening all programs for battered women.

Fleet and the fund appeal to other businesses to join us. Fleet is proud to have been honored as Corporation of the Month. But we are eager to pass that honor along to others.

► John P. Hamill is president of Fleet Bank of Massachusetts and Carolyn Ramsey is executive director of Massachusetts Coalition of Battered Women's Service Groups and Founder of the Jane Doe Safety Fund.

Living Arts

THE BOSTON GLOBE • MONDAY, MARCH 1, 1993

Saving battered women

Through programs
and fund-raising,
her coalition
gets the job done



GLOBE STAFF PHOTO / LANE TURNER

**"Domestic violence is
the issue of the '90s,"
says Carolyn Ramsey.**

By William A. Davis
GLOBE STAFF

It was the first day in a new office suite and Carolyn Ramsey, executive director of the Massachusetts Coalition of Battered Women's Services, sat amid stacks of boxes and files — symbols of a successful, growing organization — and remembered a long-ago but still painful past.

Boston Harbor shimmered brightly under a cloudless sky outside the windows of the Commercial Street building, but Ramsey's memories were as dark as the deep night through which, clutching a child, she had once fled, a fugitive from an abusive relationship.

"Seventeen years ago I ran away from my batterer and came to Boston from New York with my 18-month-old daughter and \$200 in savings," she recalled, "I had a college degree in psychology but I was escaping and in hiding, alone and scared, an anonymous 'Jane Doe,' it was like being on the Underground Railroad."

With the help of a friend in Lynn, Ramsey says, she was able to find work and make a home for herself and her daughter. "But, every time I saw a woman traveling alone or with a child," Ramsey said, "I would wonder if her situation was what mine had been. I identified with battered women and got hooked on their problems."

Now Ramsey runs a coalition that assists more than 35 shelters and programs for battered women across the state — from A Safe Place Inc. on Nantucket to the Women's Services Center in Pittsfield — providing them with technical and legal advice and administrative support.

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Helping to save battered women

■ COALITION

Continued from Page 30

The coalition also runs a statewide program like no other in the country: The Jane Doe Safety Fund, which provides money for the emergency needs of victims of domestic violence and also funds educational programs aimed at eliminating such violence.

"Domestic violence is *the* issue of the '90s," says Ramsey, "It's now off the back pages and onto the front pages." That front page news is frequently grim and, if anything, getting grimmer: 26 people died in Massachusetts as a result of domestic violence in 1992 and there were six domestic violence-related deaths, including a baby, in the first three weeks of this year.

The outpouring of financial support for the Jane Doe Fund from individuals, businesses and the medical community demonstrates that the public has become aroused about domestic violence and is increasingly supportive of efforts to aid the victims and punish the perpetrators, Ramsey said. Less than two years old and competing with established charities in tight money times, so far the Jane Doe Fund has not only met but exceeded its fund-raising goals.

"The goal for our first year was \$350,000, but we got \$600,000," Ramsey said. "Our new goal is officially \$800,000, but we'd like to raise \$1 million." Last year, the fund not only received substantial cash gifts

The front page news is frequently grim and getting grimmer.

from large corporations, the Massachusetts Medical Society and a prime-time WBZ-TV (Ch. 4) telethon, but also thousands of individual contributions. A single benefit event in October, A Woman's Walk for Safety, raised more than \$240,000.

Corporate support has ranged from large donations such as Polaroid's \$75,000 gift, to Fleet Bank's offer to sell \$1 candy bars in its 160 branch banks to benefit the fund. Also there have been 'Jazzercise for Jane Doe' nights at Jazzercise Centers around the state and a benefit fashion show at Filene's in Chestnut Hill.

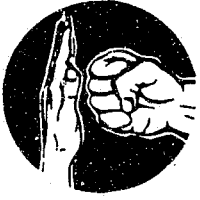
Half the money raised by the Jane Doe Fund last year went directly to shelters for battered women, said Barbara Quiroga, project coordinator for the fund. The remainder of the Jane Doe budget was used for educational programs and to cover administrative costs.

"When corporations donate to us,

they're not just writing out a check, they're becoming involved with us," said Quiroga. "There is a Jane Doe in every office and the more people talk about it, the easier it is for a woman to confide to her friend, co-worker or sister that she is being battered. It is time for women to realize that they are not to blame."

Ramsey said she believes that the Jane Doe fund's educational efforts can be just as effective as the successful volunteer campaigns to combat drunken driving and to make the public aware of famine around the world.

"The term 'designated driver' has passed into the language," Ramsey said. "We can make domestic violence part of the national domestic agenda and make it socially unacceptable."



MASSACHUSETTS COALITION OF BATTERED WOMEN SERVICE GROUPS
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**Fact Sheet on Governor Weld's FY'94
\$7.73 million Domestic Violence Budget Proposal**

The Massachusetts Coalition of Battered Women Service Groups strongly supports the coordinated, multi-disciplinary domestic violence funding package proposed by Governor Weld. We are very gratified by the responsiveness of the administration to the recommendations submitted by the Coalition.

Despite progress in overall response to battered women, signified by new laws and more trainings for court personnel and law enforcement agencies, the incidence of violence in Massachusetts has increased in severity, and the rate of domestic homicides has accelerated dramatically. Far more must be done to "strengthen the safety net," to protect the women and children who are at risk, and to prevent the tragedies which claimed the lives of 46 victims in 1992. The following is an explanation of why the money in this budget is needed, and a breakdown of how the funding would be used:

1. \$2.8 million increase to the shelters (41% increase.)

Battered women's hotlines received over 80,000 calls for help in 1992 (a 12% increase from 1991) and included both requests for shelter, and for other vital services. State-wide, 4,389 requests for shelter were denied due to lack of space. Services provided included legal advocacy, children's advocacy on custody and abuse issues, counseling, and assistance in obtaining public housing, welfare, health care, and job training. The increased funding would help restore services lost in previous budget cuts, allow the programs to respond to the increase in demand for additional services, and allow them to work more cooperatively with the courts and the police to better protect victims.

2. \$900,000 for DSS for battered women specialists.

In years past, DSS often failed to recognize signs of domestic violence in their child abuse caseload, and were therefore unresponsive to the needs of battered women. (Studies have estimated that as many as 70% of abused children have mothers who are also abused.) This funding would allow the department to hire additional Battered Women Specialists, and central office staff, to replicate a highly successful pilot program in Fitchburg. In addition to bringing a new sensitivity to the issue to DSS, the specialists would also provide agency services to battered women, and coordinate services with other local agencies including the courts, the DA's, the police, and the shelters.

3. \$1.3 million increase to the DA's (60% increase.)

Last year, \$150,000 was granted to each District Attorney to establish a Domestic Violence Unit. The new funding would allow the DA's offices to continue the work of these units, and provide additional training for their staff based on the multi-disciplinary team approach. The Coalition recommends that additional funds be provided where needed based on geographic size, population, and special needs of the unit.

4. \$250,000 to Massachusetts Office of Victim's Assistance.

Obtaining a protective order can be terribly confusing; therefore, \$200,000 was designated for an important program that would place trained legal advocates in courthouses statewide to assist battered women in obtaining 209A orders; and that would coordinate with the DA's domestic violence units. \$50,000 would be used for MOVA oversight, training, and coordination of domestic violence victim's services.

5. \$100,000 to the Committee for Gender Equality for training court personnel. This would fund the first phase of a comprehensive three year plan developed by the 209A Task Force of the Committee for Gender Equality. This plan would help the various departments of the Trial Court develop consistent standards of practice; help the Judicial Training Institute develop training curriculums based on these standards; and implement a multi-disciplinary court-based training for all personnel who respond to victims of domestic violence.

6. \$1.2 million to DPH for batterers treatment programs. Funding for services that help women at risk should continue to be top priority. However, it's important to realize that improved criminal justice interventions and sanctions alone aren't enough to stop batterers from abusing. This funding should allow DPH to better certify and monitor batterers treatment programs to ensure more effective treatment. These treatment programs must work cooperatively with local battered women's shelters and probation departments, and can be instrumental in helping judges assess batterer's dangerousness when determining appropriate sentencing or probation.

7. \$600,000 for technology to protect victims from batterers (bracelets, etc.) This money should fund data collection to assess the effectiveness of technology that alerts the victim and the police when a batterer is nearby, and if deemed effective, would allow for the purchase of this technology for use in sentencing batterers. While there is much interest in these systems, manufacturers such as JurisMonitor maintain that the devices are more useful in recording violations than providing security. Data evaluation may also reveal other appropriate uses for this funding. The Coalition recommends flexibility because knowledge of effective batterer's intervention is still developing.

8. \$80,000 to Executive Office of Public Safety to study dangerousness. This should fund a study of batterers to determine profiles of dangerousness in the domestic violence context, and should be made available to court and law enforcement agencies to help them assess the level of risk a batterer poses to his victim. The study should also identify other protective measures and resources to be made available to victims in high risk cases.

9. \$250,000 to Criminal Justice Training Council for a prevention project. This would allow the CJTC to evaluate and replicate it's federally- funded, pilot violence prevention training program, which uses law enforcement officials and educator teams to work in the public schools. (Similar to the DARE program.)

10. \$250,000 to the Department of Education for violence prevention programs. 1 out of 3 families are affected by domestic violence, and children in these families learn violent behavior and bring it to school. As a result, teen dating violence has become an epidemic. This money should allow the Department of Education to compile violence prevention curricula, to work with the CJTC, and to develop a violence prevention program directed at students statewide.



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