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Domestic Violence Handbook



California Attorney General's Office

California Attorney General's Office
Crime and Violence Prevention Center

Domestic Violence Handbook

A Survivor's Guide



Crime and Violence Prevention Center
California Attorney General's Office

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Revised

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How to Use This Handbook

Domestic violence is a major problem, both in California and throughout the United States. One out of every four women has reported that they have experienced domestic violence in their lives. One third of women murdered are killed by a person they had an intimate relationship with.

The ***Domestic Violence Handbook*** was developed as a survivor's guide for victims of domestic violence. While domestic violence is a term that is used to describe many kinds of family violence, including child, spouse and elder abuse, this handbook specifically talks about abuse that occurs between couples in ongoing or terminated relationships (whether or not they are married). Since women are most often the victims of domestic violence, the information in this handbook is primarily directed to the battered woman or wife. However, it should be noted that incidents of domestic violence against men are increasing, and domestic violence also exists in gay and lesbian relationships.

Men are also victims of domestic violence. Men and boys are less likely to report the violence and seek services due to the following challenges: the shame of being a male victim, the perceived failure to conform to the macho stereotype, the fear of not being believed, the denial of victim status, and the lack of support from society, family members and friends.

Domestic violence occurs in the lesbian, gay, bisexual and transgender (LGBT) community at the same rate and severity as in the heterosexual community. Fear of discrimination or bias may prevent LGBT victims of domestic violence from seeking help from law enforcement, and legal and court systems.

Domestic violence can take many forms, including physical, verbal or emotional abuse, intimidation, and denial of rights. It also includes sexual assault. If you are in a relationship where domestic violence is occurring or has happened in the past, this handbook can help you. The material has been organized in the following way:

- Chapter 1, *Dealing With Domestic Violence*, contains information on how to get help if you are a victim of domestic violence and need to protect yourself immediately.
- Chapter 2, *Understanding Domestic Violence*, provides background information on the nature and causes of domestic violence, to help you learn what is happening and why.
- Chapter 3, *Living Violence-free*, discusses a number of alternatives you may want to consider in order to have a life free from violence.
- Chapter 4, *Resources For Survivor's of Domestic Violence*, includes the names of support organizations, books for further reading, and sources for general, legal and financial information you may find helpful.

If possible, try to read through the handbook when you have the time and privacy to familiarize yourself with all of the information. If you are being hurt, and you have to leave your home suddenly, Chapter 1 contains a checklist of things you may want to take with you. (Chapter 3 includes some additional suggestions on what to take with you if you move out

for a period of time or permanently.) If time permits, there is also a personal ***Plan Ahead Checklist*** located at the back of the handbook that you can fill out in case you need it. Having this important information already in place may be helpful should you find yourself in a crisis situation where you are upset and in a hurry.

Domestic violence can begin with angry words, a shove or a slap. Quite often, this behavior escalates, establishing a pattern of abuse. Without intervention, the assaults often become more frequent and more violent as time goes on. Domestic violence creates feelings of isolation, anger, disappointment, loneliness or bitterness for victims. It can negatively impact children who witness the violent behavior. Domestic violence can also result in permanent physical injury or even death.

Above all, ***domestic violence is a crime***. You do not have to remain a victim — you are a survivor, and help is available. If you need assistance, contact your local domestic violence program, the Victims of Crime Resource Center at **1-800-VICTIMS (1-800-842-8467)**, or one of the organizations listed in this handbook. The Crime and Violence Prevention Center staff and others who contributed to this publication hope it will be of benefit to you and wish you the best.

Crime and Violence Prevention Center
Office of the Attorney General
Sacramento, California

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Dealing With Domestic Violence

If you are a victim of domestic violence, safety is the first priority for you and your children. Help is available, and you have options!

If you are in immediate danger:

- **Call 911 or leave as soon as possible.** If your batterer is still in the house, and you think you may be in danger, call 911 for help. If possible, move to a room or area with easy access to an exit and away from possible weapons. If you are able to leave, go to a neighbor's house or other safe place, or call a friend or relative to come and pick you up.

If you are not in immediate danger, but need help:

- **Call** the 24-hour National Domestic Violence Hotline at **1-800-799-SAFE (1-800-799-7233)** or the Victims of Crime Resource Center at **1-800-VICTIMS (1-800-842-8467)**. These resources can help you locate a domestic violence program in your area or offer you other assistance. (Their services are described in more detail in Chapter 4.)

Call 911 in an Emergency

If you call 911, explain to the dispatcher exactly what is

happening to you. For example, say, “My partner hit me. Now I’m being threatened with a knife.” The dispatcher may ask you some questions. Answer as clearly as you can and be sure to say if:

- There is a weapon involved and, if so, what type.
- You have suffered any injuries.
- Your batterer is still there or has threatened to return soon.
- Your batterer has threatened to harm you again or hurt your children.
- Your batterer is under the influence of drugs and/or alcohol.
- You have a protective order against your batterer.
- You have called 911 before.

The police or sheriff’s deputies will respond faster if any of these factors are present, and they will be better prepared to help you when they arrive. Call them as soon as you can. If you believe you are in danger, leave your home. If you must leave, let the police or sheriff’s department know how to contact you.

The responding officers can also help you with an ***Emergency Protective Order***, which is explained in more detail in Chapter 3.

Leave the House

Whenever you believe you are in danger, you can also leave your home and take your children. If you leave, whether you believe it will be for a short time or for good, it is important to take the items listed below:

- Money
- Keys
- Driver’s license
- Car registration

- Checkbooks
- Credit cards
- Medications
- Address book
- Green card(s) for immigration verification
- Cell phone

You can also use the ***Plan Ahead Checklist*** located at the back of this handbook. (Be sure to fill it out so you will know exactly what you want to take with you.) If time permits, take everything on your list that you feel is important.

It will take courage to call for help or leave, but it may save you and your children from a future filled with repeated violence. Even if you have to leave your house in the middle of the night without packing, it is better than possibly subjecting yourself to more battering. You may be embarrassed, but you will have a better chance of being safe and unharmed.

Seek Medical Attention

Always get the medical attention you need after a beating. Do not try to patch yourself up. You may be injured much more seriously than you realize. As soon as possible, see your private physician or go to a hospital emergency department.

Tell the doctor and nurses what happened to you so they can note it in their records. You will then have the information on file if you need to use it in the future. You should also be aware that any physician or medical practitioner who treats you is required by law to report suspicious injuries to law enforcement, including your name and the extent and nature of your injuries.

This legal requirement should not keep you from seeking medical attention. The most important thing is that you get the medical care you need.

Establish an Abuse History

To the extent that you can, try to save anything that will show you were battered and how badly you were injured (any torn or bloody clothing, for example). It is also a good idea to keep a diary or journal and document each incident of abuse. If you do not take legal action now, but change your mind later, you will need proof that you were assaulted.

Try to get someone to take color photographs of your injuries as soon as possible after the beating. Ask a friend, or if you go to a domestic violence shelter, an advocate. You can also have pictures taken by your doctor and/or the police or sheriff's deputies. It is important to note that bruises/scars may appear up to 24 hours after the attack. Make sure you take photographs at that time also.

After seeking medical treatment, ask your doctor for a copy of your medical records. You should also request a copy of the crime report (described in Chapter 3) from the police or sheriff's department.

Understanding Domestic Violence

The California Penal Code defines **abuse** as “intentionally or recklessly causing or attempting to cause bodily injury, or placing another person in reasonable apprehension of imminent, serious bodily injury to himself, herself or another.”

Domestic violence is the term applied if you are abused by your spouse or former spouse, someone you live with or used to live with, someone you are/were dating or engaged to, or someone with whom you have had a child.

Domestic violence against a spouse or partner can take many forms, a number of which are listed below. You may be a victim of domestic violence if your partner:

- Hits, kicks, slaps or shoves you.
- Is extremely jealous or has an explosive temper.
- Throws things at you or breaks things in anger.
- Criticizes, threatens or blames you frequently.
- Tries to control your behavior or forces you to have sex.

The information in this chapter was prepared to help you understand why domestic violence occurs. Having this knowledge may help you to move toward a violence-free life.

Although not everything mentioned above is a crime, realize that the behaviors usually escalate into more serious and violent behavior. If you are being hurt by your partner, there is

help available. Contact your local domestic violence program for assistance and for someone to talk with. Your safety and the safety of your children are of the utmost importance.

Facts You Should Know about Domestic Violence

How severe is the problem in California?

- According to the California Women's Health Survey each year, nearly 6 percent of adult women, more than 620,000, experience some form of physical violence perpetrated by their intimate partner.
- The California Department of Justice (DOJ) reported that approximately 176,000 domestic violence-related calls for service were received by law enforcement in 2006. Of the calls, 80,000 involved weapons, including firearms, knives, hands, fists or feet.
- Statewide in 2006, DOJ reported 110 women and 24 men were murdered with domestic violence as the contributing circumstance.
- Approximately 44,000 arrests were made for domestic violence-related incidents in 2006, according to DOJ.

Characteristics of Domestic Violence

Violence between partners in a relationship may be triggered by numerous factors, including:

- Stressful or frustrating life situations such as loss of a job, financial problems or pregnancy;
- Role changes such as starting school or going to work that may impact your batterer's sense of control;
- Use of alcohol and/or drugs, which may increase abusive behavior;

- Attitudes and beliefs on the part of the batterer that rationalize abuse (“I’m the boss here” or “a slap will show who is in charge”);
- Sadistic personality of the batterer; and/or
- Mental or physical disorders.

While domestic violence is not hereditary, it has been shown to be learned behavior that is often handed down from one generation to the next. Many adults who experienced abuse or family violence during childhood now accept it as a normal part of life. In fact, some men and women do not even realize that physically assaulting their partner is a crime.

In the past, domestic violence was largely viewed as a “family matter.” Law enforcement, courts, hospitals, churches and social service agencies hesitated to intervene. Today, however, as part of the growing concern with violence in general, these organizations and other community groups are looking more closely at violence in the home, and they can offer valuable assistance to victims.

The Victim

There is no typical profile of domestic violence victims, but they are usually female (some 85 percent are women). Young, old, single, married, professional, unemployed, rich or poor — all may be potential victims of domestic violence. The problem of domestic violence occurs throughout society and affects all socioeconomic, cultural and ethnic groups.

Children in abusive homes are also victims of domestic violence, even if they are not physically abused themselves. Witnessing violence in the home causes emotional suffering and many corresponding problems for children, including increased anxiety, aggressive behavior, depression and a lack of self-esteem. Youngsters who grow up in hostile or abusive environments are much more likely to demonstrate violent

behavior as adolescents than children who are raised in nonviolent homes. Exposure to violence as a way of life may also result in their becoming involved in abusive relationships as adults.

The Batterer

Similarly, there is no single description of domestic batterers. Like victims, batterers may come from any walk of life. To outsiders, this person may appear to be a good provider, a warm and loving parent and a law-abiding citizen. Nevertheless, batterers frequently have low opinions of themselves. A batterer may also be under the influence of alcohol or drugs at the time of the assault. There may be a refusal to accept responsibility for the destructive behavior, claiming, "I was drunk," "I didn't know what I was doing," or "It just happened." Batterers may feel the abuse was justified or argue that the other party was at fault. There may also be a sincere belief that this could never happen again but without any acceptance of responsibility or understanding. In any case, the assaults usually continue to escalate into more violent behavior.

For Better or For Worse

One of the most frequently asked questions about domestic violence is, "Why does a person stay?" There are many reasons why people remain in violent relationships: love, fear, pride, loyalty, embarrassment, children, lack of knowledge about options, low self-esteem, or a combination of these factors. Victims often hope that the batterer will change, and they may even accept responsibility for the abuse. All too often those with minor children are often in the position of being financially dependent on their batterer. A lack of job skills combined with lack of affordable child care can prevent the victim from leaving the relationship.

Some victims are ashamed or embarrassed to admit they are being beaten, or that they made the wrong choice of a partner. Cultural, religious and personal beliefs or practices also play a strong role in a victim's decision to stay in a marriage or relationship. Some remain in violent situations simply because they believe their partner's promises to change. For others, the shame and embarrassment are greatly intensified due to social roles and expectations.

Finally, and most significantly, victims stay in violent relationships because they fear the consequences of leaving their partner. Many find that once they leave their batterer, the violence escalates even more. This can be the most dangerous time — if the batterer thinks they are losing control, all too often violence will increase.

The Cycle of Violence

Domestic violence is not limited to physical abuse and threats; it also includes emotional and verbal harassment and any unwanted sexual activity. Many battering incidents follow a common pattern called the ***cycle of violence***. What happens during the cycle can help to explain why some victims feel so guilty and ashamed of their partner's violence toward them. It also explains why they may find it difficult to leave, even when their lives are in danger. The cycle of violence involves a tension-building phase, a violent incident and a period of loving closeness or reconciliation.

The Tension Building Phase

This stage of the cycle of violence involves minor incidents (slapping, verbal and/or psychological abuse) with increasing tension and fear of the batterer. This may be the time when a victim will seek out help through law enforcement intervention, but unless the incidents are a crime, the police or sheriff may not be able to help the victim.

The victim may:

- pacify their batterer by nurturing or staying out of their batterer's way;
- control or influence the situation to prevent escalation of violence;
- play down, make light of, deny the violence;
- cover for their batterer and excuse violent behavior; and/or
- emotionally withdraw from the overwhelming stress.

The victim's inability to face the reality of the situation and take appropriate action to stop the abuse allows the batterer to escalate the violence.

The batterer may:

- blame their partner;
- think their partner should make them feel better;
- make unreasonable demands; and/or
- act jealous and distrustful.

The Violent Episode

During this stage, a violent episode occurs oftentimes causing injury and sometimes resulting in death. This is usually the shortest phase and may last from a relatively short time to over 24 hours.

The victim may:

- feel a complete loss of control;
- feel psychologically trapped;
- wait to seek medical treatment, if at all;
- not experience the effects of the trauma for some time; and/or
- fear that law enforcement's involvement may make the batterer more angry.

The batterer may:

- want to teach their partner a lesson;
- wrongly blame them for the violence; and/or
- want to control, put down or punish.

The Loving Reconciliation

This stage, often called the honeymoon stage, completes the cycle of violence. This phase generally follows the violent episode where it may seem that the batterer has returned to being the person the victim fell in love with.

The victim may:

- believe that the batterer is remorseful and will not be violent again;
- experience the fantasy of well-being;
- give the batterer another chance; and/or
- play down or deny the violent episodes.

The batterer may:

- want forgiveness for the violence;
- believe they won't batter again;
- give gifts; and/or
- be frightened by their own behavior.

The Increasing Spiral of Violence

One aspect of domestic violence that is particularly troubling is the progressive, spiraling nature of the problem. Once violence has begun, research indicates that it not only continues, but increases over time in both frequency and severity. The three-phase cycle also begins to change. The tension-building phases become shorter and more intense, the violent episodes are more frequent and severe, and the loving reconciliation shorter and less intense. After many years of battering, the batterer may no longer apologize at all.

The psychological consequences for the victim of the increasingly severe cycle of violence are feelings and behaviors that form another vicious cycle. The victim develops behavior patterns in response to the violence that function as traps which keep them from escaping the violent relationship. The escalating violence increases the need, but decreases the ability to find alternatives to the violent situation.

Most abuse victims fear for their lives and the lives of their children. They may have tried to leave before, only to be found by their partners and abused or “punished” even worse than before. Such victims often believe that there is no help for them. Understanding the psychological consequences of the violent relationship can help a victim to choose constructive life alternatives.

The Misuse of Technology

Batterers may use technology such as computers and cell phones to track and control their partners. It is important that precautions are taken to avoid being stalked by your partner’s abuse and misuse of technology. If you think your activities are being monitored they probably are. You don’t need special skills to monitor someone’s computer and Internet activities. Understand that it is not possible to delete or clear all your online activities. If you are being monitored, it may be dangerous to change your behaviors such as suddenly deleting your entire history if that’s not your regular habit.

Computers can store a lot of private information about what you look at via the Internet, the emails and instant messages you send, internet-based phone and IP-TTY calls you make, web-based purchases and banking, and many other activities. If you think you may be monitored on your home computer, be careful how you use your computer since a batterer might become suspicious. You may want to keep using the

monitored computer for normal activities, such as looking up the weather or recipes. It might be safer to use a computer in a public library, at a community technology center, at a trusted friend's house, or an Internet Café. Use the safer computer to research an escape plan, look for new jobs or apartments, bus tickets, or ask for help.

Email and Text/Instant Messaging (IM) are not safe or confidential ways to talk to someone about the danger or abuse in your life. If possible, call a domestic violence hotline instead. If you use email or IM, use a safer computer and an account your batterer does not know about.

Be aware that newer cell phones and cell phone plans often have location tracking (GPS) features that a batterer might try to use to learn where you are or where you have been. If possible, use your work or trusted friend's phone when seeking services and/or planning activities to free yourself from your batterer.

Living Violence-free

The breaking point is different for every individual, but the day usually comes when a victim decides they can no longer take the physical and emotional abuse. It may be after the first assault or the fiftieth.

Everyone has the right to be safe from beatings and threats. When you have made the decision to live violence-free, it is important to decide what actions you wish to take in order to create this environment for yourself and your children. Once you are out of physical danger, the information contained in this chapter can help as you consider the options available to you.

Taking the First Step

Your first decision will probably focus on your short-term future. Of primary consideration will be your own protection and that of your children. Ask yourself if you want to remain in your present situation. Even if this was the first time you were beaten, and you were not seriously injured, the event should not be taken lightly. In some relationships, battering is a once-in-a-lifetime experience. However, in a large number of cases, once the violence has started, it develops into a pattern of escalating abuse.

There are a number of options. You may decide to:

- Remain in the relationship, seek counseling for yourself and your children, and encourage your partner to seek counseling.

- Move out for a period of time or for good.
- Insist that your abusing partner move out for a period of time or for good.
- Take legal action against your partner.
- Join a support group for victims of domestic violence.

Remaining with Your Batterer

If you decide that you want to remain in the relationship, consider the following alternatives.

Seek Counseling

If you do nothing else, seek individual counseling for yourself and your children, and encourage your partner to get counseling as well. (Counseling as a couple is generally not recommended in battering cases.) Individual counseling can help to prevent the growth of an intolerably abusive situation. In fact, counseling can be of invaluable assistance no matter which action you choose to take. A domestic violence program or your county mental health agency can help direct you to counseling services. If you are embarrassed about going to a counselor, remember, it is the batterer's action — not yours — that is wrong.

Formulate an Action Plan

You may want to plan ahead and develop some action steps in case another battering incident occurs. Making preparations in advance will help you feel more in control of the situation. It is also better to think about what you would do, where you would go and what you would take with you while you are calm and not in danger. Your action plan could include:

- Making a list of people you could call in the event of a battering incident, or if you felt you were in danger.
- Deciding where you would go if you had to leave your home (i.e., contacting a domestic violence shelter,

knowing the location of a safe place such as the police/ sheriff's department or a hospital, making arrangements with a friend or relative you can trust).

- Completing your **Plan Ahead Checklist** with emergency phone numbers and other information you would need if you had to leave suddenly.
- Packing a small bag with clothing and toiletries for yourself and your children and hiding it in a safe place (include medications, personal items, toys, etc.).
- Keeping money, keys and copies of identification and other important papers together in a safe place in case you need them (or knowing where these documents are so you can find them quickly).

Moving out

Removing yourself and your children from the violence will give you time to evaluate your options in a safe environment. If you have decided to move to a domestic violence shelter or some other safe place, whether for a short time or permanently, it is important to consider the following:

Taking Your Children

You can legally take your children with you when you move out, unless the abusive parent has been given sole legal custody of them. Seeking temporary custody within a few days is important. A **Domestic Violence Protective Order (DVPO)**, which is explained later in this chapter, is one way to achieve this. A lawyer can also help you.

Your children may be targets for abuse in your absence. If you believe you are in immediate danger and cannot take your children, arrange for their temporary protective custody by contacting the police or sheriff's department right away. **This does not mean you will lose your right to custody of your children.** The question of permanent custody will be decided later by a judge.

Deciding Where to Go

If possible, stay with someone that your batterer does not know. A friend from work or church may be safer than going to a place that your batterer knows.

You and your children can go to a domestic violence shelter temporarily while you decide what you want to do next. The staff at the shelter can help you to obtain legal, financial and medical assistance. You will also have an opportunity to talk with others who have been battered. Domestic violence shelters provide emergency housing free of charge. You can find a shelter by calling **1-800-799-SAFE (1-800-799-7233)**, an emergency hotline in your community or a women's services organization. You can also ask the police or sheriff's department to refer you to a shelter. If space is not available in a shelter, the staff can help with other alternatives.

If you take your children with you, you may worry about their emotional well-being, living in a temporary situation or having to move. You will naturally be concerned about having them feel as secure and normal as possible. Since children are also considered victims of domestic violence, domestic violence shelters offer age appropriate counseling specifically for them. These counseling programs use play therapy and art therapy to help children express their feelings about living in a violent home. The shelter thus becomes a refuge, a place where you and your children can feel safe. And, most important of all, your children will no longer be exposed to the emotional and physical trauma of domestic violence in the home, which can be both damaging and dangerous.

Knowing What to Take

When you leave, whether you believe it will be for a short time or for good, it is important to take the following items:

- Money
- Keys

- Driver's license
- Car registration
- Checkbooks
- Credit cards
- Medications
- Address book
- Green card(s) for immigration verification
- Cell phone

If there is time, also consider taking as many of the following items as you can. You may have difficulty going back for these things later:

- Your birth certificate
- Your children's birth certificates
- Automobile pink slip
- Lease, rental agreement or house deed
- Bankbooks
- Insurance papers
- Pictures and personal items of importance to you
- Medical records for yourself and your children
- Social security cards
- Welfare identification
- School records
- Work permits
- Passport
- Divorce papers
- Jewelry
- Items for your children (toys, blankets)
- Extra clothing

If you are thinking about leaving, it would be a good idea to put these things together in one place so you can get to them in a hurry. As discussed earlier, you may want to pack some clothing, toilet articles and personal items for yourself and your children and keep these hidden in case you need them.

If you have kept a diary or journal of abusive incidents, be sure to take it with you, along with this handbook, for future reference.

Remember, you may legally take anything that belongs to you alone and anything that belongs to you and your partner together. You can withdraw money you have in a joint bank account. It is against the law to take anything that belongs only to your partner. It is also illegal to destroy property that belongs to both of you or only to your partner.

If you cannot take everything you need when you leave, you have the right to ask the police or sheriff's deputies to escort you back to your house (civil standby) later to pick up items. They will only allow you to take things that obviously belong to you or your children, such as clothing or toys.

Once You Move

Remember, you do not want to leave any clues behind as to your whereabouts. If you are worried that your batterer may try to find you, be careful about giving out your new address and phone number (or letting your children give out this information). Consider renting a post office box for your mail or using the address and phone number of a friend. Remember that addresses are listed on protective orders and crime reports, and that credit cards, checks and telephone numbers can be traced. Check out the Secretary of State's Safe at Home Program for information on their confidential address program. (See Chapter 4 for contact information.)

Pursuing Legal Options

You may decide at some point to take legal action against your batterer. If so, seeking legal advice is a good way to become informed about your rights and legal alternatives. Among those legal options are calling the police or sheriff's department

and making a private person's (citizen's) arrest, obtaining a court order for protection against your partner, or working with the district attorney's office to see that your batterer is prosecuted.

Calling 911

Calling 911 will set the criminal justice system in motion. Your local police or sheriff's department can help you in the following ways:

- As noted earlier, they can protect you from immediate danger by helping you and your children get out of the house safely.
- They can arrest your batterer, which may lead to a conviction and possible imprisonment.

Private Person's (Citizen's) Arrest. If law enforcement officers do not actually see your batterer hurt you, or if they are unsure a crime has been committed, they may not make an arrest. However, you are always entitled to make a private person's (citizen's) arrest. The law provides that anyone can make an arrest of another person who commits a crime in his or her presence. However, if you have already obtained a domestic violence protective or restraining order, and you inform a peace officer that the batterer has violated the order; the officer may make an arrest even though he did not see the violation of the order.

If you wish to make a private person's arrest, the responding officers will explain the procedure to you. Once you have told them what happened to you and have signed the arrest form, the officers will take your batterer into custody. Be aware, however, that the law allows the police or sheriff's department to release the batterer from custody if they think the charges against the individual are not legitimate.

The Crime Report. Whether or not the batterer is arrested, a crime report will be completed for all domestic violence incidents. This report is the official record of what happened and contains the date, names of the people involved and the details of the incident. It is important that the police or sheriff's deputies make a report because:

- It provides a background and history of the batterer's behavior that can assist in prosecution of the offender if you decide to pursue legal alternatives against him.
- It helps you to show good cause for the court to grant a **Domestic Violence Protective Order** (explained below) should you ever need one.

It is important to provide a complete description of your injuries, both visible and non-visible, and any pain you have as a result of the assault. Be sure to let the officer know if your batterer has a substance abuse problem, mental health issues, or access to weapons. Even if you do not plan to take legal action at the time, request the case number and officer's name and badge number if they are not automatically given to you. This information will make it easier for you to get a copy of the report later.

Obtaining a Court Order

There are different kinds of court orders available that help protect domestic violence victims by prohibiting or requiring certain actions by the spouse or partner. A court order can protect you and your children from your batterer if you:

- Are married or were once married.
- Live with or used to live with your batterer in a relationship which was more than merely roommates.
- Have or have had a dating or engagement relationship.
- Have had a child with your batterer, or have a child of your own who needs protection from your batterer.

A law enforcement officer can obtain an **Emergency Protective Order (EPO)** for you if they are called to a scene involving domestic violence. There is no cost to you for an EPO, which is valid for at least five calendar days. You can then request a **Domestic Violence Protective Order (DVPO)** yourself from the court in a civil proceeding. An initial, temporary DVPO can be granted without your batterer being present in court. A court hearing for a permanent DVPO, at which the batterer is in attendance and can present evidence, is held later. There is no court filing cost for this type of order.

With an EPO or DVPO, the court can prohibit the batterer from striking, molesting or harassing you, coming into your house, or bothering you at work. Protective orders can also prohibit the batterer from stalking you, making telephone calls to you, contacting you repeatedly by mail, or destroying your personal property. You can also ask the court to issue a **Stay-Away Order** protecting you, whether or not there is a criminal prosecution against the batterer. This order prohibits the batterer from attempting to harass, intimidate or convince you not to testify. In addition, if your batterer is facing criminal prosecution, as part of bail or sentence conditions, the district attorney may ask the court for a criminal protective order on your behalf. You may also need to obtain a family court order regarding custody if you have children.

Requesting a Protective Order. You can apply for any type of protective order whether or not you have left the house to avoid further abuse, or have filed for divorce. It is best to request a protective order from the court as soon as possible after you have been battered. You do not have to hire a lawyer to apply for a protective order. If you prefer to have a lawyer, and your partner is employed, an attorney may be willing to handle your case with the expectation that the court will order your batterer to pay your attorney fees. Application forms with instruction booklets are available at courthouses, district attorney's offices, most domestic violence shelters, and some police or sheriff's departments.

Temporary protective orders granted by the court are effective for only 20 to 25 days. If you wish to receive a longer-term protective order (up to three years) you will have to attend an **Order to Show Cause (OSC)** hearing. Your batterer must receive notice of the OSC hearing prior to its taking place, so that the court can hear from both sides. If there is a problem with serving the batterer with notice of the hearing before the temporary protective order expires, the court will, on your request, re-issue the temporary protective order and set a new hearing date so you can serve the batterer. If you fail to attend this hearing, your temporary protective order will no longer be in effect.

If your batterer is served notice but does not appear at the hearing, the court will hear your case anyway and will probably grant the order you request by default. At the OSC hearing, the judge has the power to order your batterer to stay away from you and your house, to provide support for your children if they are their parent, and to reimburse you for any loss of earnings or out-of-pocket medical and legal expenses caused as a result of the battering.

Enforcing the Court Order. The law requires that a copy of a temporary or longer-term protective order granted by the court must be delivered to your batterer and to the local law enforcement agencies that operate in the areas covered by the order; it will also be registered with the Department of Justice Domestic Violence Restraining Order Registry. It is also important that you bring a copy of the order to your job or your children's school so that they can be aware of the restraining order. You cannot serve the papers on the batterer yourself — the law requires that they be served by another person. Law enforcement will serve the order for free, however, if you choose to use a process server, a fee will be charged. Also, the batterer will be considered to have been served if they are present in court when the judge issues the protective order. Be sure to keep a certified copy of any court

order for yourself and carry it with you. This is very important should you need assistance from the police or sheriff's department in enforcing the court order.

After you have obtained an EPO or DVPO, and the batterer is served with a copy of the order, your batterer is not permitted to purchase, receive or own a firearm while the protective order is in force. All protective orders should be clearly marked with the notice of the gun restriction. As long as there is a protective order, the court will demand that the batterer give up any firearms they already own or possess during the time the protective order is in effect. Your batterer must turn over any firearms in their possession to a local law enforcement agency, or sell them to a licensed gun dealer and provide the court with proof of the sale.

Remember, the protective order remains in force regardless of your actions. Even if you allow your batterer to move back in with you, the individual is still in violation of the court order. Should you decide you no longer want the protective order, you must ask the court for its removal.

If your batterer ignores the court order in any way, there are three things you can do:

- Call 911 and ask to have the person arrested. Tell the officer on the phone about the court order (the officer can verify the existence, terms and current status of the order through the Department of Justice Registry or appropriate law enforcement agency). Show your copy to the officer when they arrive.
- Make a private person's (citizen's) arrest once law enforcement officers arrive at the scene.
- Go to court and ask the judge to hold your batterer in contempt of court for violating the order.

If you do not have an attorney, the court may appoint one for you and order your partner to pay court costs and reasonable legal fees.

Prosecuting the Batterer

As mentioned earlier, if the police or sheriff is called and a crime report is filed, the batterer may be arrested. The district attorney (the prosecutor) will decide whether there is enough evidence to begin criminal proceedings. You are most likely the primary (or only) witness, and your cooperation is essential.

However, since domestic violence is a criminal act against the state, the district attorney can prosecute without your approval or cooperation, if there is sufficient evidence. In any event, if the district attorney prosecutes your batterer, you will be called upon to testify. You do not need to hire a private attorney; however, if you would like to consult a lawyer, and you either have the money or qualify for legal aid, you may do so. You may also contact your local domestic violence program for referrals for legal services.

The Arraignment. Within 48 hours of the arrest, your batterer (the defendant) will make their first appearance in court at a hearing called an arraignment. They will be informed of the charges and must enter a plea of guilty or not guilty. The judge will then decide whether to keep the batterer in jail until the next hearing or be released.

Some defendants in domestic violence cases are released at this point. Defendants can be released in two ways:

- By being required to post a certain amount of money (bond or bail).
- On their own recognizance (personal promise to appear in court at all future hearings). For this to happen, the law requires a hearing in open court after two days notice to the prosecutor, who must be given a chance to be heard.

Either way, your batterer is free to come and go until the trial (except for the possible limitations imposed by any court order you may have obtained). You should keep this in mind and ensure your safety (and that of your children, if you feel they are in danger) during this time.

The Trial and Sentencing. At the trial, you will be called to testify. You will be asked by the prosecutor to describe to the court the attack against you in great detail. Your batterer's attorney will also ask you questions. The trial can be a traumatic experience because of the questioning and because you will see your attacker in the courtroom. You can prepare yourself for the trial by reviewing the crime report so that you have the facts firmly fixed in your mind. The entries in your diary or journal can also help you. In addition, you may want to have a friend or counselor with you for support during the trial.

Keep in mind that the more detailed the information you provide the court in your testimony, the better the chance that your batterer will be convicted and sentenced to jail. This can be a long and sometimes difficult process, but it is important to follow through with it if you are convinced your batterer should be prosecuted.

At the end of the trial, your batterer will be found guilty or not guilty (unless the jury cannot unanimously agree on guilt, resulting in a "hung jury"). If your batterer is found guilty, the judge will decide whether they will be sentenced to jail or state prison or placed on probation. It is important to know that sometimes individuals who are arrested for battering do not spend much time behind bars, even after they have been convicted of a crime. This is especially true if it is the first arrest for battering. Depending in part on the seriousness of the attack, probation may be ordered. If probation is ordered your batterer is required to attend an approved counseling program. If the jury cannot unanimously agree on a verdict, it is up to the

prosecutor to decide whether to try the case again or dismiss the charges.

Sentencing Alternatives. There are a number of sentencing alternatives in domestic violence cases. After the judge hears from both sides in your case, the judge may:

- Order the batterer to receive counseling through a court approved 52-week batterer's intervention program.
- Order the batterer to undergo a psychiatric examination.
- Order the batterer to receive substance abuse counseling or treatment.
- Impose a fine.
- Impose a suspended sentence with probation.
- Impose a jail or prison sentence (usually batterers receive prison sentences only in felony situations).
- Impose a combination of sentencing alternatives.

If probation is granted to your batterer, the term is for a minimum of 36 months. A mandatory order protecting you from further acts of violence, threats, stalking, sexual abuse or harassment is also granted. If probation is violated, your batterer may be sentenced for a 2-4 year state prison term. If requested by you, residence exclusion or stay-away conditions may be imposed. Probation must also include your batterer's completion of a mandatory 52-week batterer's intervention program. If the court finds that the individual is not benefiting from the counseling or has engaged in further criminal conduct, the probation officer, prosecutor or in rare cases the court may request a hearing to decide if probation should be revoked and your batterer sent to jail.

All victims have the right to speak at the sentencing hearing. You may read a prepared statement or simply voice your opinion.

Protecting Yourself Against Stalking

If someone willfully, maliciously and repeatedly follows or harasses you with the intent to place you in reasonable fear for your safety, or the safety of your immediate family, that person is guilty of the crime of stalking. (**Harassment** is the knowing and willful use of actions that seriously alarm or annoy, torment or terrorize you and serve no legitimate purpose. This kind of conduct is characterized as harassment if it would cause a reasonable person to suffer substantial emotional stress.)

Stalking means that you are being harassed or threatened by a series of acts, even over a short period of time, either verbally or in writing, or by a pattern of conduct in which a threat is implied. If there is intent to make you afraid for your safety or that of your family, and the individual threatening you has the apparent ability to carry out the threat, you are being stalked. It is not necessary to prove that the stalker had the intent to actually carry out the threat. Stalking can also include being threatened over the telephone by a batterer who is in jail or in prison.

If your batterer is stalking you, or if you are being stalked by someone with whom you have never had a relationship, you can obtain a protective order. (Here again, documenting each incident can help.) However, stalking is a crime whether or not you have ever obtained a protective order against that individual. If someone stalks you after you have secured a protective order, the crime becomes a felony and carries a two- to four-year prison term.

Preparing for the Batterer's Release

If your batterer or stalker is convicted of a felony involving domestic violence or stalking, the county sheriff or state Department of Corrections is required to notify you by telephone and certified mail of his release from jail or prison at least 15 days prior to the release. In order to be contacted,

make sure that both the Department of Corrections and local law enforcement agencies have your current address and telephone number. You can also choose to have another person receive the notification for you, but it is up to you to inform the authorities of the correct address to which the notice should be sent.

Creating a Violence-free Lifestyle

No matter what choices you make for yourself and your children, there are people and organizations that can assist you along the way. As suggested earlier, whether or not you stay in the relationship, move out or take legal action against your batterer, counseling can be a tremendous help for you and your children.

In addition, there are support groups for victims of domestic violence that can give you positive interaction with people who understand. You may also choose to learn more about domestic violence and the community resources available to help you better cope with your situation. Many of these agencies and additional sources for information are listed in the last chapter of this handbook.

Resources for Survivors of Domestic Violence

If you are a victim of domestic violence, seek the assistance you need to make a better life for yourself. There are many people and organizations in your community that can help you and many sources of information on domestic violence to increase your understanding. The listings in this chapter are a starting place.

Service Agencies

If you need assistance, look in the yellow pages of your telephone directory under “Women’s Organizations and Services.” If nothing is listed, look in the white pages or the blue government pages under the name of your city or county for departments of health and human services, social services or welfare. These agencies can often help you or refer you to someone who can. Also, check the directory’s white pages under the heading “Emergency Crisis Hotlines.” Many communities have telephone hotlines that are answered 24 hours a day.

You can also call the 24-hour National Domestic Violence Hotline at **1-800-799-SAFE (1-800-799-7233)**. Domestic violence advocates can help you with referrals to programs and services nationwide, including information on domestic

violence shelters, child care and legal assistance. The hotline also has multilingual operators and a Telecommunication Device for the Deaf (TDD) line.

In addition, help is available Monday through Friday during business hours by calling the Victims of Crime Resource Center at **1-800-VICTIMS (1-800-842-8467)**. The Center provides California crime victims with referrals to domestic violence, sexual assault and child abuse prevention resources, as well as information on civil lawsuits, victim's rights under the criminal justice system and state funds for certain crime-related expenses.

Remember that your local police and sheriff's departments exist to help you. It is a good idea to always have their numbers handy. Local hospitals and emergency clinics are also designed to handle emergency problems. Other sources of help and referral are agencies like the Salvation Army or your private physician or attorney. Also, look in the yellow pages under "Attorney Referral Service" or "Legal Assistance," or in the white pages under "Bar Association" if you need a lawyer, even if you have a low income.

Victim-Witness Assistance Program

Both the State of California and the federal government make funds available to California counties through government agencies and non-profit organizations to help victims of crime, including victims of domestic violence. The California Victim-Witness Assistance Program helps minimize or reduce the trauma of violent crime for victims by offering a wide range of services, including:

- Crisis intervention.
- Resource referral and counseling.
- Emergency assistance (food and temporary lodging).

- Assistance with filing for victim's compensation or recovering property held by law enforcement.
- Assistance with notifying friends and relatives, or with employer intervention.
- Emergency Relocation.
- Information about the criminal justice system.
- Support and accompaniment during court proceedings.

For information about obtaining help through the Victim-Witness Assistance Program, call the Victims of Crime Resource Center at 1-800-VICTIMS (1-800-842-8467) or your local Victim-Witness Assistance Center.

Financial Compensation

Under the California Victims of Crime Program, the state provides compensation to victims of crime, certain family members and others, based on their relationship with the victim. This includes children who may be a witness to the domestic violence. Those individuals who are eligible may be compensated for loss of earnings or support, medical expenses, mental health counseling, job rehabilitation or funeral/burial expenses, if there is no other source of reimbursement available. Limited attorney's fees may also be paid when an attorney helps with the filing of a claim.

To receive state compensation, the victim must have been physically injured or threatened with physical injury during a crime. If emotional injury occurs as a result of the crime, necessary treatment can be covered as well. The crime must have occurred in California, or the victim must have been a California resident at the time of a crime committed out of state.

For information, including complete eligibility requirements, or to request application forms, please call the California Victims

of Crime Program at 1-800-777-9229 or write:

**California Victim Compensation
and Government Claims Board**

Victims of Crime Program
P.O. Box 3036
Sacramento, CA 95812-3036
www.vcgcb.ca.gov

You may also call your local law enforcement agency or the Victim-Witness Assistance Center in your county for more information.

Resource List

National Domestic Violence Hotline	1-800-799-SAFE (7233)
National Sexual Assault Hotline	1-800-656-HOPE (4673)
National Teen Dating Violence Hotline	1-866-331-9474
Victims of Crime Resource Center	1-800-VICTIMS (842-8467)
California Victims Compensation and Government Claims Board	1-800-777-9229
Secretary of State, Safe at Home	1-877-322-5227

Additional Information

General Information

For more information on domestic violence, sexual assault or other crime prevention issues, contact your local law enforcement agency or write:

California Partnership to End Domestic Violence
926 J St., Suite 210
Sacramento, CA 95814
(916) 444-7163
www.cpedv.org

California Coalition Against Sexual Assault

1215 K St., Suite 1100
Sacramento, CA 95814
(916) 446-2520
www.calcasa.org

Crime and Violence Prevention Center

Office of the Attorney General
P.O. Box 944255
Sacramento, CA 94244-2550
(916) 324-7863
www.safestate.org

Office of Emergency Services

Law Enforcement and Victim Services
3650 Schriever Ave.
Mather, CA 95655
(916) 324-9100
www.oes.ca.gov

Secretary of State

Safe at Home
P.O. Box 846
Sacramento, CA. 95812
1-877-322-5227
www.sos.ca.gov

Suggested Reading List

Agtuca, Jacqueline R. *A Community Secret: The Story of Two Filipinas*. San Francisco: Asian Women's Shelter, 1992.

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Levy, Barrie. *Dating Violence: Young Women in Danger*. Seattle: Seal Press, 1991.

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NiCarthy, Ginny. *Getting Free: A Handbook for Women in Abusive Relationships*. Seattle: Seal Press, 1984.

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Crime and Violence Prevention Center Staff:

Nancy Matson	Director
Patty O’Ran	Deputy Director
Lazandra Dial	Manager, Domestic Violence Prevention Program
Sandi Gaarder	Manager, Children Exposed to Violence Prevention Program
Gary Ensign	Art Director
Jan Mistchenko	Graphic Designer

Plan Ahead Checklist

Organizations I can call for help:

Emergency **911** _____
Police/Sheriff _____
Hotline _____
Shelter _____

People I can call for support:

Family _____
Friend _____
Counselor _____
Other _____

Places I can go if I must leave home:

(do not write down addresses)

1. _____
2. _____
3. _____
4. _____

Things I will take if I have to leave:

- Money
- Keys
- Driver's license
- Car registration
- Checkbooks
- Credit cards
- Medications
- Address book
- Green card(s)
- Cell phone
- Other _____
- Other _____

Additional things I will take if I have time:

- My birth certificate
- My children's birth certificates
- Automobile pink slip
- Lease, rental agreement or house deed
- Bankbooks
- Insurance papers
- Pictures and personal items of importance
- Family medical records
- Social security cards
- Welfare identification
- School records
- Work permits
- Passport
- Divorce papers
- Jewelry
- Other _____
- Other _____

Preparations I can make as part of my Action Plan:

- Pack a bag with clothing, toiletries and medications for myself and my children and keep it in a safe place.
- Have extra money, keys, identification and copies of important papers in a safe place in case I need them.
- Keep extra clothing, toiletries, money and copies of important documents with someone I trust. (I will memorize this name.)
- Know the location of a family violence shelter or other safe place and how to get there.
- Alert my neighbors to call 911 if they hear any suspicious sounds coming from my home.

- Practice making an emergency escape (with my children) and traveling to the location I have chosen as a safe place.
- Join a support group or talk with a counselor.
- Read about domestic violence and learn about my legal rights.
- Make a list of other preparations I may want to consider:
 - _____
 - _____
 - _____
 - _____