

ATTORNEY GENERAL'S
TASK FORCE ON
FAMILY VIOLENCE

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ATTORNEY GENERAL'S TASK FORCE ON FAMILY VIOLENCE

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FINAL REPORT

SEPTEMBER 1994

"Families stand at the center of society; . . . building our future must begin by preserving family values."

**President Ronald Reagan
December 3, 1983**

Preface

Violent crime is a major problem in this country. The possibility that any of us might be injured or have our homes invaded by a stranger is frightening to contemplate. But hundreds of thousands of Americans face an even more devastating reality. They are harmed, not by strangers but by those they trust and love. They are victimized, not on the street or in the workplace but in their own homes. The shadow of family violence has fallen across their lives and they are forever changed.

Violence in the home strikes at the heart of our society. Children who are abused or who live in homes where parents are battered carry the terrible lessons of violence with them into adulthood. A great proportion of those who assault both strangers and loved ones were raised themselves in violent households. This is learned behavior. To tolerate family violence is to allow the seeds of violence to be sown into the next generation.

When the President's Task Force on Victims of Crime studied the experience of crime victims in this country, it recognized that family violence is often much more complex in causes and solutions than crimes committed by unknown attackers. Because of this realization, the President's Task Force recommended that the present study be undertaken to give this problem the individualized consideration it requires.

To be abused by a spouse, a parent, a trusted adult or by one's own child or to witness such abuse, carries with it a particular agony. Victims wrestle with feelings of fear, loyalty, love, guilt and shame. In this they often face conflicts not experienced by those attacked by strangers. Adults will be torn between the desire to shield and help a loved one and their responsibility toward their own safety or others in the household. Children often face alone the terrible truth that those who should protect them are, in fact, a source of harm. Anyone who lives in a violent home experiences an essential loss. The one place on earth where they should feel safe and secure has become instead a place of danger.

These victims often are uniquely isolated. Friends who might otherwise be a source of support hesitate to intrude on the privacy of "family matters" or "choose sides." Reporting violence to authorities carries its own risks. All too often police, prosecutors or judges minimize or ignore

the problem and the victim is left alone to face an attacker who may respond with anger at being reported.

We as a nation can no longer allow these victims to suffer alone. We must understand the breadth and scope of the problem. We must admit that family violence is found at every level of our social structure. We must let victims know that they need not hesitate to seek help. We must listen with an understanding heart and we must act in ways which prevent, protect and support. This action requires a flexible response.

It is to understand the particular characteristics of family violence and to articulate those individualized solutions which such cases require that the Attorney General established the Task Force. On behalf of the Justice Department, I want to commend Chairman Hart, the Task Force members, Executive Director Marise Rene Duff, and the Task Force staff, who have worked so selflessly to help us all understand the problem and to articulate the ways in which it can be addressed.

Special appreciation must be extended to the National Coalition Against Domestic Violence, National Organization for Victim Assistance, Society's League Against Molestation, National Coalition Against Sexual Assault, National Committee for Prevention of Child Abuse, Parents Anonymous, Court Appointed Special Advocates, the Junior League, YWCA, and the Salvation Army, whose members have truly been carrying the conscience and the responsibility for all of us for a long time. To all volunteers who have given of their time, energy, and commitment to organize and operate crisis hotlines, to establish safe homes, to counsel and protect these victims and to create programs of prevention, we all owe these concerned citizens a great debt of gratitude.

Most especially, I want to thank those victims who were courageous enough to come forward and help us learn from their experiences. The problem of family violence is a very human one, and it is amenable to human solution. We as a society must undertake that solution. The time for standing idly by is past. Let us work together to understand and to move forward toward the building of secure homes and a peaceful future.

Lois Haight Herrington
Assistant Attorney General
U.S. Department of Justice

Washington, D.C.
September 1984

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Statement of the Chairman

*A victim of family violence is no less a victim than one
set upon by strangers.*

The problem of family violence has existed for generations, yet it is only recently that this phenomenon has begun to receive the attention it deserves. It is my hope that the findings and recommendations of this Task Force will serve as a catalyst to bring about solutions to the many varied aspects of family violence.

Family violence permeates all levels of our society. It is not unique to any particular social or economic group, nor is it restricted to any one sex or age group.

In the past, most instances of family violence, particularly sexual abuse, were kept secret within the family. Today, we are just beginning to learn the true extent of the problem as more and more family violence victims are learning that they are not alone and are coming forward in growing numbers. During the course of our hearings, the Task Force heard extensive testimony which graphically demonstrated the terror and pain these victims continually experience.

A victim of family violence is no less a victim than one set upon by strangers. It is impossible not to shed a tear when you see the pain of a child relating the fact that he cannot remember a time when he was not being beaten and believed that to be a normal family relationship, or the tragedy of a young mother being shot to death on her way to the police station to seek aid in order to escape a lifetime of family violence.

Many of the abusers were found to have been abused as children. This cycle must be broken before today's abused child becomes tomorrow's abuser.

We who have served on this Task Force have been awakened to this national tragedy of family violence. Attorney General William French Smith charged this Task Force with the responsibility of identifying the scope of

the problem of family violence in America and of making suitable recommendations. The report which follows is not the final answer but will serve as the beginning of a national approach to family violence.

Chief William L. Hart
Chairman

September 1984



Family Violence in America



Family Violence in America

The Attorney General's Task Force on Family Violence came into being at a time when the problems of family violence were finally being brought into the open. Spouse abuse, incest, child molestation, battering of children, and abuse of elderly relatives were once thought to be isolated events that occurred only among a small element of the population. All now are conceded to represent widespread problems that occur among families in every social and economic class. As the Task Force conducted its hearings around the country, it became apparent that now is a time when much progress has been made from some perspectives—and very little from others. It is a time when police and prosecutors have become much more aware of the need for action—and yet the magnitude of the problem appears to be increasing. It is a time when society's range of responses has been broadening and becoming more sensitive—and yet much remains to be done before society resolves some extremely difficult issues involved in determining the appropriate role for the government in dealing with family violence.

It is in this context that the Task Force presents its report. All the answers are not known. No panaceas for family violence are in sight. But it is the Task Force's firm belief that we as a nation are in a position to do much more in coping with and understanding the problem of family violence than we have in the past. With dedicated effort from individuals and volunteers, much progress has been made. We must continue to develop a strong, coordinated response to family violence. The criminal justice system, social service agencies and the entire community must work together to provide comprehensive services to family members. It is hoped that this report will contribute to the efforts to help the victims of family violence and prevent its recurrence.

The tragedy of family violence goes beyond the pain of any single episode. The research of the last decade has demonstrated the frightening degree to which family violence is cyclical in nature, with violence in one generation begetting violence in the next. Children in violent homes "learn" violence in much the same way they

Anyone who has ever been victimized understands the phrase 'living in fear'. Domestic violence is the most confusing and cruel indignation anyone can suffer. A woman must choose...her responsibility to hold her family together at the risk of being mentally damaged, physically injured or possibly murdered.—a victim

learn any other behavior. They observe that violence is a normal way for people to treat one another and a normal way to solve problems. The family violence that occurs today is a time bomb that will explode years later as abused children become abusers of their own children or other children, and as children who watch one parent hitting the other repeat the example in their own relationships or the community.

The costs of this violence and its transmission through the generations are intolerable, however they may be counted. The human costs in suffering are the most obvious and the most immediately tragic. But there are other incalculable costs as well for society as a whole. The family is the fundamental unit upon which society is built. When families are unable to function as the healthy, protective, nurturing institution that America has always depended upon, it should come as no surprise that community problems—crime, drug and alcohol abuse, dropouts from education and from the workplace—have been growing.

The ultimate task is to break the cycle and to prevent family violence from occurring. The debate about how to do so has been impeded, however, by two extreme positions.

One extreme is the traditional position, universal until this century, that what goes on within the home is exempt from public scrutiny or jurisdiction. If a husband beats his wife or if parents abuse their children, that is a private matter. This view is still widely held by the public and, although decreasingly, by some law enforcement officers, prosecutors, and judges. And yet what reasonable person can learn of a battered child or woman, seriously injured or too often dead, and say that the government has no role to play in protecting individuals from other members of their families? The other extreme holds that even the suspicion of abuse within the family constitutes a *prima facie* case for dissolving a marriage or taking children from the home, and that maintaining the bonds of the family counts for very little. And yet, what reasonable person would say that policy should be oblivious to the complexities of the family relationship.

Both extremes rely on misconceptions. One is the belief that mothers and children seldom really get hurt and that, if it's that bad, the mother always can take the children and leave. The other is the belief that even one spanking of a child is always a sign of abusive parenting and every physical altercation between married couples is a prologue

Many children suffer every day because people, usually people they know, are sexually or physically abusing them. . . . The law should be much stronger.—a victim

My son started to take over the abusive role of my husband.—a victim

I could feel the bones in my face breaking, but I knew that if I were to move or to make a sound that I would die.—a victim

to a beating. Like all misconceptions, they prevent a person from viewing the problem in any other way. Society can neither ignore the serious harm that does occur nor rush in to intervene indiscriminately.

The middle ground has been found in the application of the law to other forms of violence, and the law should be applied in the case of family violence as well. *The legal response to family violence must be guided primarily by the nature of the abusive act, not the relationship between the victim and the abuser.* The Task Force recommends that the legal system treat assaults within the family as seriously as it would treat the same assault if it occurred between strangers. Qualifications and nuances to that recommendation are traced throughout the remainder of the report. But its message is straightforward. Law enforcement officers ordinarily do not arrest two strangers who have shoved each other; neither ought they ordinarily arrest two family members engaged in similar behavior. But when an officer enters a home and finds a mother or child who is the victim of an assault, the officer is dealing with a crime—a crime with its own distinctive characteristics, but first and foremost a crime. When a prosecutor considers a criminal complaint arising out of an arrest for child, spouse or elder abuse, incest, or molestation, the first consideration is the nature of the violation of law that has occurred. When an offender has been convicted, the judge, as in all cases, may consider all sorts of extenuating circumstances in reaching a sentence. A judge should prescribe a sentence that takes the special nature of the victim's needs into account. But the fact that the offender is related to the victim may not in and of itself be a reason for being lenient.

Simple justice is the major justification for taking a harder stand toward family violence. The American legal system should not countenance one person doing physical harm to another person. But there is also a practical justification in terms of preventing family violence in the future, derived from two special characteristics of family violence.

One of the main reasons that the deterrent effects of punishment are diminished is the criminal's justified doubt that he will be caught or that the evidence will be strong enough to convict. In the case of family violence, the offender cannot hide his identity. Because family violence is the only crime in which the victim knows the identity of the offender, the deterrent effects of legal sanctions against the offender are potentially greater than for

[Sex offenders] should either be in counseling for the rest of their lives or put in jail more often. This would give them a chance to consider the consequences first.—a victim

any other crime. If family violence were always reported and if the legal system always acted on the basis of its knowledge, the deterrent effects of swift and certain legal penalties would be great.

Unfortunately, this potentially important preventive effect is thwarted at present by the second key characteristic of family violence: A large proportion of family violence is committed by people who do not see their acts as crimes against victims who do not know they are victims. The first, indispensable step in preventing family violence is to ensure that abusers and victims alike recognize that a crime is involved and that, when appropriate, the legal system will intervene on the victim's behalf. Many segments of the population are unaware that beating one's wife or children is a crime. It is essential that every response of the legal system convey this message: child abuse, spouse abuse, and abuse of the elderly, incest and child molestation, are not matters of personal belief on how to deal with children or keep order in the house. They are crimes. They are prohibited.

In taking these actions, it is essential that the criminal justice system be creative and flexible in its dispositions. The report discusses the many alternatives that lie between doing nothing and imposing a prison sentence, and urges that these alternatives be expanded and applied more widely.

The system must be equally creative and flexible in treating the victims. Victims of family violence are often reluctant to report what has happened to them because of shame, embarrassment, or fear. There are many steps that law enforcement officials, prosecutors, judges and the community can take to diminish these feelings. The report describes the innovations that have been most successful.

The responsibility of the criminal justice system to give special consideration to victims of family violence is very important in the treatment of children and the elderly. For example, a young person who has been arrested and taken to juvenile court as an offender receives numerous special considerations and protections, however the child who has been victimized too often receives no considerations at all and is subjected to continued mistreatment from the criminal justice system that can be as damaging as the initial crime. The Task Force recommends simple, effective steps for remedying these injustices.

Intervention in family violence cases cannot be limited to the criminal justice system. There must be a strong,

I also make it very clear that society will not tolerate this sort of behavior and that if he does not follow through with the counseling, if he does not continue the no contact order, . . . the Court will respond quickly, issue a warrant, have him brought immediately forth and off he will be to jail—Judge Barbara T. Yanick

It is destructive to the children to characterize child sexual abuse primarily as a mental health or social problem within a family. It is a crime against society as well and should be seriously treated as such.—Doris Stevens, M.S.W., A.C.S.W.

coordinated effort by the criminal justice system, victim assistance agencies and the entire community. It is essential that the community itself respond as aggressively and firmly as the criminal justice system. There cannot be one without the other, all must assume responsibility. Victims of family violence often need a variety of other supports. The supports range widely in different cases and circumstances, from a place to sleep, to help in arranging for day-care, to advice on where to get a job, to counseling on how to prevent future abuse. No one service agency is in a position to provide all the necessary help. The efforts of health facilities, educational institutions, and service providers from numerous fields must be carefully coordinated. The resources of private individuals, of business, and of the media must be joined with those of governmental agencies.

It is particularly important that there be cooperation across the gap that too often separates the criminal justice system from the providers of social services. Cooperation must begin at the federal level and continue on the state and local levels. Law enforcement officers must know where victims can be referred for emergency aid. Judges must be familiar with the services that can be employed as alternatives to traditional dispositions. Service agencies must know who to call at the police station, sheriff's office, and at the district attorney's office. The report recommends mechanisms to achieve this coordination. Only when all these segments of society work together will we achieve real progress in this vital area.

It must be recognized how much remains to be understood about the nature, extent, and treatment of family violence. The available statistics on the incidence of family violence reveal unequivocally that a major problem exists, but they are still far too imprecise to answer key questions about who is most at risk and how resources can be allocated most effectively. The information about treatment programs is still fragmentary; certain types of intervention appear to be effective, but much more information is necessary if these successes are to be built upon. Knowledge of the long-term effects of family violence, especially sexual abuse of children, remains a patchwork of data and speculation. On all these fronts, the nation's ability to cope with the problem of family violence depends on knowing much more about how it is caused and what may be done to break the cycle of violence. The report makes specific recommendations about the knowledge-building steps that need to be taken.

It is vitally important that the public recognize that there is intolerable verbal and physical abuse that occurs any hour of the day and night in homes in our communities, no matter what the age group, no matter what the socio-economic background of the individual.—a victim

Overarching all of these specific steps is the one fundamental, indispensable step to deter and prevent family violence: *The public must become aware of the nature of the problem and its obligations in combatting it.* The work of the criminal justice agencies and victim assistance agencies is extremely important, but until there is a broad, clear signal that family violence is condemned by the community, abusers will continue to ignore the reality of their crimes and victims will continue to blame themselves.

The Justice System

The Justice System

Progress against the problem of family violence must begin with the criminal justice system. Social service agencies, schools, churches, hospitals, businesses, and individual private citizens must do their part as well, but it is law enforcement that must respond to the calls for help, prosecutors who must bring the perpetrators before the courts, and judges who must impose penalties that balance the interest of the victims and the requirements of justice.

The Task Force presents separate recommendations for the improvement of policy and practice among law enforcement officers, prosecutors and judges. The recommendations begin, however, with three fundamental improvements that involve all elements of the criminal justice system.

Recommendations for the Justice System

1. Family violence should be recognized and responded to as a criminal activity.
2. Law enforcement officials, prosecutors, and judges should develop a coordinated response to family violence.
3. Communities should develop a multi-disciplinary team to investigate, process and treat all incidents of family violence, especially cases of physical and sexual abuse of children.

Discussion

Justice System Recommendation 1:
Family violence should be recognized and responded to as a criminal activity.

Family violence occurs in this country in staggering proportions. Each year thousands of men, women and children must deal with the tragedy of family violence. Although comprehensive and uniform statistics are not available, estimates from Task Force testimony indicate

that family violence is a crime problem of shocking magnitude. Battery is a major cause of injury to women in America.¹ Nearly a third of female homicide victims are killed by their husbands or boyfriends.² Almost 20 percent of all murders involve family relationships.³ Ascertainable reported cases of child abuse and neglect have doubled from 1976 to 1981.⁴ In addition to the one million reported cases of child maltreatment, there may be yet another million unreported cases.⁵ Untold numbers of children are victims of sexual abuse, and uncounted older persons suffer abuse.

These intentional, purposeful acts of physical and sexual abuse by one family member against another must be defined and recognized by the criminal justice system as serious criminal offenses. A strong commitment by law enforcement officials, prosecutors, and courts in responding to family violence as a crime can aid in deterring, preventing and reducing violence against family members.⁶

Contrary to popular myths, family violence cuts across all racial and economic lines. Victims of physical and sexual abuse come from all types of homes, even the very "best" of families. Violence has shattered the lives of men and women of all ages, representing every occupation and profession. The only major distinction between family violence and other criminal acts of violence is the relationship between the victim and the assailant.

The criminal justice system has responded inconsistently to acts of violence. Violence committed by a stranger is classified as an assault. If a person is apprehended after beating up a stranger, the usual result is an arrest and prosecution for assault and battery. Yet when one family member assaults another, it is commonly viewed as a family squabble, something less than a real crime. This disparity in the legal response to assaults must be eliminated. The problem for too long has been viewed as a private matter best resolved by the parties themselves without resort to the legal system. Today, with increasing public awareness of the seriousness and pervasiveness of family violence, there is a growing demand for an effective response from all community agencies, particularly the criminal justice system. An assault is a crime, regardless of the relationship of the parties. A person beaten in the home is no less a victim than the person beaten on the sidewalk in front of the home. The law should not stop at the front door of the family home.

Problems of family violence must be brought into the open and given a national priority. . . . Family violence should be approached in the same manner as traditionally recognized law enforcement problems such as narcotics, and career criminals.—District Attorney Robert H. Philibosian

When I tell people I am a former battered wife, it is a real eye-opener because they will say things like, you are too smart, or you are too professional, or you are too middle class.—a victim

Many of the people across the country have looked at this as a civil problem, as a family problem, as a social problem. We believe it is a criminal problem and the way to handle it is with criminal justice intervention.—District Attorney Jeanine Pirro

Sentences in this area are very much lighter than comparable situations of stranger violence. It's very discouraging when everything works all the way to the end, somebody is arrested and charged and successfully prosecuted and then the sentence is so light that it's, in a sense, a final way of condoning the violence.—Attorney Ruth Gundle

Traditional criminal justice practice in family violence cases has been to view an assault as a family disturbance, not requiring arrest. When an arrest does occur, law enforcement officers and prosecutors may fail to acknowledge the seriousness of the offense believing that the victim will be hesitant to cooperate. Penalties imposed by the court generally do not reflect the severity of the injury or the number of prior convictions for the same offense. This under-enforcement of the law tells victims and assailants alike that family violence is not really a serious crime, if a crime at all. It is this widespread perception that has contributed to the perpetuation of violence within the family.

Assaults against family members are not only crimes against the individual but also crimes against the state and the community. Intervention by the criminal justice system can effectively restrain assailants and make them responsible for their violence like any other perpetrator of crime. Arrest by law enforcement officers sends a clear signal to the assailant: abusive behavior is a serious criminal act and will not be condoned or tolerated. Prosecution policies that are not dependent upon a signed complaint from the victim reinforce that message. Courts confirm it by imposing sanctions commensurate with the crime. Such measures not only have a deterrent effect on the abuser but also provide protection for the victim.

Intervention by the criminal justice system must also recognize and be sensitive to the trauma suffered by the victim. Family violence is a crime occurring in a special context with very different causes, manifestations and effects. Reporting and successful prosecution requires victim cooperation. To achieve that cooperation after the initial call by the victim, law enforcement officials, prosecutors and judges, not the victim, must proceed with and monitor the criminal justice process. This not only reinforces the notion that abuse is a serious criminal act but also provides the victim the support necessary to participate in the criminal justice process.

The response of the criminal justice system, punishing the offender and protecting the victim, is a critical element of a community effort to reduce family violence. That response must be decisive and expeditious and, most importantly, guided by the nature of the abusive act and not the relationship of the victim and abuser.

I hope the Task Force will recommend more stringent criminal punishment for perpetrators of family violence. . . I believe a higher standard of behavior should be required of those entrusted with the care of another.—a victim.

Justice System Recommendation 2:

Law enforcement officials, prosecutors, and judges should develop a coordinated response to family violence.

The criminal justice system must respond to acts of family violence as a crime. However, no one segment alone can adequately address the problem. Each segment of the justice system has an important role to play to ensure that victims are treated fairly, swiftly, and surely. Only by working together can all parts of the system effectively intervene to assist the victims of family violence and to hold the assailants accountable for their criminal actions. A consistent coordinated approach by the justice system will more effectively deter recurring family violence and allow for more successful prosecutions. Most importantly, victims will be provided the protection and services necessary to prevent future violence.

Each element of the criminal justice system needs to know that its intervention will be followed up by the next segment of the system. Law enforcement officers are reluctant to file reports or make arrests in family cases because they believe formal charges and eventual prosecution are doubtful. Prosecutors may be reluctant to go to trial where they are uncertain that the victim will cooperate or that the judge will impose meaningful sanctions. Certainly, without any support or guidance, the victim is understandably the most unwilling to participate in the criminal justice system.

The complexities of individual components of the justice system also must be considered. For example, in complicated cases, the same matter may be handled in several different judicial forums. A case of child sexual abuse may be the subject of juvenile protection proceedings for the child, criminal proceedings against the offender, and civil proceedings involving issues of custody. Research and exploration on methods to lessen the trauma of the child victim is needed.

A coordinated response to family violence by the criminal justice system should assign specific responsibilities for each agency in the system. Law enforcement officers should presume that arrest is the appropriate response (See Law Enforcement Recommendation 2) where there is probable cause to believe a crime has occurred, and submit the reports necessary to support the filing of a complaint by the prosecutor. When there is evidence to support such action, the prosecutor should file charges against the abuser and make it clear that the

The criminal justice system poses itself as though its hands are tied behind its back with bureaucratic red tape, vicariously reenforcing the abuse.—a victim

I recommend the establishment of cross-agency committees or boards whose sole purpose it is to alleviate system barriers for victims as well as the offender group. Probably in no other kind of crime do the systems need to work together, the criminal justice system, the religious community, and the health and welfare communities.—Karil Klingbiel, M.S.W., A.C.S.W.

state, not the victim, is going forward. By so doing, the prosecutor prevents the abuser from pressuring the victim into dropping the charges. Judges also must treat family violence as a serious criminal offense by imposing punishment appropriate to the crime. Even a serious admonition from the judge to the abuser can act as a deterrent to future violence.⁷

The full participation of the victim is necessary at all critical stages of the criminal justice process. To obtain that participation, a coordinated response should include a victim advocate (See Prosecutors Recommendation 1) who educates the victim about the operation of the criminal justice system and makes referrals to appropriate service and victim compensation programs; keeps the victim informed on the progress in the case; and ensures that the victim is consulted on decisions regarding plea bargaining, sentencing and restitution.

Strong leadership and direction is needed to bring the various justice system agencies within a jurisdiction together. Piecemeal responses are unlikely to succeed. Coordination must begin at the highest levels of each criminal justice agency. All individuals involved in family violence cases must realize their responsibilities in a cooperative plan. At the same time, they must be confident that individuals in other criminal justice agencies will support and build upon their efforts.

The criminal justice system can play a significant role in ending the violent behavior of an abuser and protecting the victim from future injury. A coordinated response by the criminal justice system will result in more effective intervention by law enforcement, prosecutors and courts. As a result of this cooperation, the heightened risk of apprehension, conviction and punishment clearly will have a deterrent effect on possible abusers. Most importantly, the victim will be able to rely on certain and complete support from the criminal justice system.

Justice System Recommendation 3:
Communities should develop a multi-disciplinary team to investigate, process and treat all incidents of family violence, especially cases of physical and sexual abuse of children.

The needs of family violence victims are diverse and complex. Moreover, violence within the family scars not only the victim and the abuser, but all other family

members. Effective community intervention that meets the needs of all family members requires the delivery of comprehensive and coordinated services.

Most jurisdictions have a number of agencies that handle family violence cases. Among them are law enforcement, prosecutors, courts, protective service agencies, victim advocate units, and health and mental health facilities. But no agency or program can be successful working in isolation. Each must recognize the interrelationship among the legal, health, social service and educational responses to family violence.

To develop an effective coordinated response, each community should establish a multi-disciplinary team representing all agencies involved in family violence.⁸ Working together, team members can formulate a systematic approach with defined protocols that minimize the trauma suffered by the victim and maximize the opportunity to change the abusive patterns of the offender.

The team approach should not delay case processing nor detract from the role each agency is expected to perform. Rather, a team approach must clearly define the responsibility of each agency or organization while avoiding unnecessary duplication of effort. Recognizing that community resources may be limited, this approach will also result in more efficient use of expertise and information. Establishment of a clear performance expectation will also make the jurisdictional performance more responsive to the victim.

Individual family violence cases would be handled by the team consistent with the policies developed. This team approach and the protocols developed for each community agency will aid in reaching troubled families and delivering services that protect victims, stop the violence, and address its underlying causes and effects. The team approach also will ensure appropriate service referrals for victims and abusers.

Multi-disciplinary teams can be particularly effective in addressing the special needs of physically and sexually abused children. Frequently, abused children suffer additional harm from the justice system and other community agencies. The most disturbing example is the practice in some jurisdictions of repeated interrogation of the child. In many cases, children are subjected to over a dozen grueling and detailed investigative interviews.⁹ Duplicative and insensitive interview procedures often lead to greater trauma for the child and family and

Why should I have been taken out of the home? I was the victim. I had nothing. I did nothing wrong. My father should have been taken out, not me.—a victim

We found that one child victim averaged fifteen separate interviews.—Deanne Tilton, Service Provider

frequently result in less effective intervention and prosecution.

Multi-disciplinary teams can avoid the repeated interviewing of children, as well as elderly victims who often are put through the same ordeal. One team member, knowledgeable regarding the legal process and treatment considerations, with consultation from other team members, can conduct a videotaped interview of the victim. Other team members can observe the actual interview from behind one-way mirrors and then receive a copy of the tape recording for future use. By fitting the interviewer with an earpiece, other team members can suggest additional questions that may be necessary based on the victim's answers¹⁰ (See Prosecutors Recommendation 4 and Judges Recommendation 3). An alternative team interview method involves one joint interview by all persons needing information on the case. This interview also could be videotaped or recorded for future reference.

In all cases, the interview should take place in a comfortable, nonthreatening environment. Particularly in cases of sexual abuse, interviewers should use anatomically correct dolls to help the child or elderly person effectively and without embarrassment describe the abuse or molestation they have suffered.¹¹

Communities must identify existing resources and bring together all groups addressing the problem of family violence at the local and state levels. A multi-disciplinary team made up of representatives of all agencies dealing with family violence can focus public attention on the seriousness of the problem and deliver the services necessary to meet the needs of the victims. This coordinated intervention by each jurisdiction can facilitate the most effective response to family violence incidents, particularly the sexual abuse of children and the elderly.

Recommendations for Law Enforcement

1. All law enforcement agencies should publish operational procedures that establish family violence as a priority response and require officers to file written reports on all incidents. In addition, the operational procedures should require officers to perform a variety of activities to assist the victim. (See Discussion)

What I have found works better than anything else with a child is anatomically correct dolls. They can't tell you but they can show you.—Dr. Bruce Woodling

2. Consistent with state law, the chief executive of every law enforcement agency should establish arrest as the preferred response in cases of family violence.

3. Law enforcement officials should maintain a current file of all protection orders valid in their jurisdiction.

4. Law enforcement officers should respond without delay to calls involving violations of protection orders.

5. Forms for obtaining protection orders should be available at all police stations and sheriffs' offices.

6. When responding to disturbance calls, law enforcement officers should document violations of pre-trial release conditions. The report should verify the facts and circumstances necessary for the prosecutor to request revocation of the release.

Discussion

Law Enforcement Recommendation 1:

All law enforcement agencies should publish operational procedures that establish family violence as a priority response and require officers to file written reports on all incidents. In addition, the operational procedures should require officers to:

- Process all complaints of family violence as reported criminal offenses.
- Presume that arrest, consistent with state law, is the appropriate response in situations involving serious injury to the victim, use or threatened use of a weapon, violation of a protection order, or other imminent danger to the victim. If an arrest is not made, the officer should clearly document his reasons in the incident report (See also Law Enforcement Recommendation 2).
- Provide the victim and the abuser with a statement of victim's rights. The officer should inform both parties that any person who uses force to physically injure a household member has violated the law. The officer should inform victims that they have the right to be protected from further assault and abuse, to press criminal charges against the abuser and obtain an order of protection from the court.
- Take a written statement from the victim in order to assist in the effective criminal prosecution of the offender. The statement should indicate the frequency and severity of prior incidents of physical

abuse by the assaulter, the number of prior calls for assistance, and, if known, the disposition of those calls.

- Complete a written report documenting the officer's observations of the victim, abuser, visible injuries, weapons present, and any other circumstances or facts significant to the abuse situation. When possible, the officer should photograph any personal injuries or property damage sustained by the victim.
- Interview the parties separately so that the victim can speak freely without being inhibited by the presence of the offender.
- Instruct the abuser to leave the premises. This should be the preferred action when an arrest is not made. If the victim chooses to leave the residence, the officer should standby and preserve the peace. The officer should remain at the home for a reasonable period of time to allow the victim to remove personal and necessary belongings.
- Inform the victim about a shelter or other appropriate victim assistance services if available in the community.
- Arrange or provide transportation for the victim to a shelter, medical treatment facility, or other appropriate victim assistance agency.
- Remove dangerous weapons for a reasonable period for safekeeping. If a weapon is used in the commission of a crime, standard law enforcement procedures require custody of the weapon as evidence. Law enforcement policy should also require removal of weapons for safekeeping in incidents of family violence, especially when the weapon could be used in the immediate future by the offender to further harm or kill the victim.
- Verify the existence of an order of protection at a central warrants unit if the offense involves the violation of such an order.
- Provide the victim with an information card that specifically notes the officer's name, badge number, report number and follow-up telephone number.

A law enforcement agency is usually the first and often the only agency called upon to intervene in family violence incidents. Yet, in a large number of law enforcement

agencies around the country, calls involving family violence are usually given a low priority because police have traditionally reflected community attitudes which considered violence within the family a private, less serious matter than violence between strangers. Police dispatchers and emergency call operators, carrying out the community's priorities and law enforcement agency practices, may often give the impression that a family violence call is a nuisance. Accordingly, minimal information is requested from the caller and the dispatcher or emergency call operator assigns it a low dispatch priority. Consequently, intervention by the patrol officer may be slow and inconsistent.

Once on the scene, the patrol officer generally focuses on the relationship between the family members rather than the crime committed by the abuser. Officers have been trained to mediate the situation without making an arrest, and, in some cases, no report is filed. Believing eventual formal prosecution uncertain, the responding officer may attempt to dissuade the victim from pressing charges or even filing a report.

The FBI reports that nearly 20 percent of all homicides in this country occur among family members.¹² In one city, police had been called at least once before in 85 percent of spouse assault and homicide cases.¹³ In 50 percent of these cases the police had responded five times to family violence incidents prior to the homicide.¹⁴ To reduce this escalation of violence and prevent these frequently tragic consequences, all law enforcement agencies should publish operational procedures that establish family violence as a priority response and require officers to file written reports on all reported incidents. Because law enforcement is so often the only agency family members call for help, it is important that these policies are energetically supported at the highest levels of the department. That means implementation begins with the chief and continues down the chain of command.

Dispatchers and emergency call operators have the first contact with a family violence call and their actions determine the speed with which the call for assistance is handled. They should be trained to understand the need for swift and responsive law enforcement intervention and to screen and properly classify family violence calls. They should ask the caller specific questions about the nature of the violence, extent of any injuries, weapon use or threatened use, when the violence occurred, and the whereabouts of the abuser. Dispatch priorities should be

One of the police officers would come into . . . my room and write tickets with us and play while another policemen would try to help you and dad straighten out stuff, and when they left dad would beat you up again.—daughter of a spouse abuse victim

. . . A domestic situation . . . is looked at in an entirely different light. As soon as you explain to the police . . . she is married to him . . . no one takes the situation seriously.—Sister of deceased spouse abuse victim

There were times when he was very sorry and said it would never happen again, and it always did. I had black eyes, disconnected shoulders, bruises all over my body—I also had bald spots on my head from all the hair yanking.—a victim

assigned according to the seriousness of the injuries, threatened harm to the victim, presence of a weapon, and whether or not the abuser is still on the premises. An assault in progress should be assigned an immediate response priority. Dispatchers should inform the caller of the intended response and how long it will take for an officer to arrive at the household. In volatile situations, the operator may choose to keep the victim on the line until an officer arrives at the household or may ask the victim to meet the officer at a secure location, such as a neighbor's house.¹⁵

Written departmental policy should also require responding officers to file written reports on all incidents of family violence, whether or not an arrest is made. Without written incident reports, conforming to a standard format, law enforcement agencies do not have a complete or accurate indication of the extent of family violence in their jurisdiction. Failure to keep accurate records also results in the loss of much background information and other evidence necessary for appropriate criminal prosecution.

With incident reports for each call, law enforcement agencies can develop call case histories for residences involved in family violence. Police and sheriff's departments, particularly those with computer-aided dispatch, should record and store all pertinent information on family violence calls according to street address and apartment number. Dispatchers can then advise responding officers of prior family violence incidents at a particular residence, the specific circumstances of previous calls, whether or not weapons were ever involved and what actions were taken to resolve the calls. With that background information, the responding officer can more effectively intervene in a family violence situation.

Written reports should also be routinely referred to victim assistance agencies and the prosecutor's office. Independent of criminal proceedings initiated by the prosecutor, victim assistance professionals and volunteers can contact both the victim and abuser and refer them to counseling, treatment programs and other community sources of emergency assistance.

Law enforcement agencies should have officers specially trained and assigned to investigate and follow-up on family violence cases. The officer's duties should include meeting with the victim to verify the statement taken

*The abuser goes to trial with a clean record because he has never been arrested. With the central registry (of domestic dispute incidents) we are able to document the number of police responses to the particular home.—
District Attorney
Jeanine Pirro*

at the scene; completing the necessary case investigation; presenting the case to the prosecutor for review (see Prosecutors Recommendation 1); informing the victim of case progress; and maintaining a file on each case and its disposition. Even when no charges are brought, the reports illustrate and document violent incidents that may be useful in establishing an abusive pattern for future prosecution. The officer also should participate in basic training at the police academy and conduct periodic in-service training. Based on the reports, files, and the progress of the cases, the officer can provide other officers with practical guidance on the necessary actions in responding to calls of family violence (See Education and Training Recommendation 2).

To provide the most comprehensive and effective response, operational procedures also should require the officer responding to family violence calls to: process all complaints of family violence as alleged criminal offenses; presume that arrest, consistent with state law, is the appropriate response in cases of family violence; provide the victim and abuser with a statement of victim's rights; take a written statement from the victim in order to assist in the effective criminal prosecution of the offender; complete a written report documenting the officer's observation of the situation; interview the parties separately so that the victim can speak freely without being inhibited by the presence of the offender; instruct the abuser to leave the premises; standby and preserve the peace if the victim wants to leave the residence; inform the victim about a shelter or other appropriate victim assistance services if available in the community; arrange or provide transportation for victims to a shelter, medical treatment facility or other appropriate victim assistance agencies; remove dangerous weapons for a reasonable period for safekeeping;¹⁶ verify the existence of an order of protection at a central warrants unit if the offense involves the violation of such an order; and provide the victim with an information card that specifically notes the officer's name, badge number, report number and follow-up telephone number. Operational procedures should allow sufficient time flexibility to enable officers to fulfill these responsibilities when answering a family violence call.

A comprehensive written departmental policy will ensure consistent law enforcement response to incidents of family violence. All officers will have a better understanding of the complexities of family violence, the pressures on the victim not to report and the appropriate

This was one of the biggest helps, when the officer took what I was saying seriously, and he showed enough concern to come back and check on me the next morning. That made me feel like somebody was really concerned.—a victim

He would have stopped the violence long before if the police had arrested him in the beginning. In the beginning, he was afraid of police. He was afraid of going to jail and losing his job. But when he saw that the police were not going to touch him, he came right back and the violence got worse, and he got bolder.—a victim

intervention necessary. Law enforcement will not only effectively meet the immediate needs of the victim but also will help to prevent the tragic escalation of violence that all too frequently ends in serious injury or death.

Law Enforcement Recommendation 2:

Consistent with state law, the chief executive of every law enforcement agency should establish arrest as the preferred response in cases of family violence.

Historically, law enforcement has viewed family disturbance calls as one of the most difficult assignments to satisfactorily resolve. Officers know these situations are usually emotionally charged and may involve a high risk of violence. However, in spite of the complexity involved, law enforcement agencies have had very limited information on which to determine the best uniform response. Officers are called upon to provide important emergency assistance, yet the policies, training and general direction necessary for guidance have usually not been sufficient to reduce subsequent violence. Officers often must rely on their individual judgment to resolve this most difficult of assignments. The result is inconsistent law enforcement responses that further confuse the appropriate action necessary in incidents of family violence.

During the sixties, police trainers relied on the literature of psychologists and social scientists who believed that arrest was inappropriate because it exacerbated the violence, broke up families, and caused the abuser to lose his job. Consequently, mediation was the preferable solution to most family violence incidents. This method of response was based on assumptions that were neither closely examined nor adequately tested. Rather than emphasize the victim's right to safety and protection against future assaults, the mediation model moved away from law enforcement into social services. The shift to non-arrest was accepted by police officers who were attempting to provide help but did not have solid policy guidance. They welcomed this new intervention technique because it had the professional support and endorsement of the social scientists and did not, in and of itself, expose the officer to physical resistance.

Consequently, law enforcement officers have generally attempted to resolve incidents of family violence through the expeditious techniques of sending one party away

It was such an extreme experience having actually been arrested and dealt with rather harshly. . . that I sought help.—a former abuser

from the home or superficially mediating the dispute. This arrest avoidance policy, based on incorrect social science assumptions, is emphasized by all segments of the criminal justice system. It starts with initial training in the police academy which teaches the officer that arrest is usually inadvisable. This is reenforced by the actions of the prosecuting attorney who generally does not issue criminal charges or routinely prosecute these cases. Many judges also act in ways to discourage arrest by setting low bail or releasing the assailant on his own recognizance, or upon conviction, failing to impose a meaningful sanction. Finally, the officers are confronted with anecdotal vignettes about victims themselves posting the assailant's bail, or refusing to appear to testify against the abuser, thereby frustrating the efforts of the most dedicated of officers.

Although called upon to stop the violence, law enforcement has not been encouraged by any component of the criminal justice or social service systems to intervene with a formal arrest. Clearly, officers regularly classify serious assaults between strangers as felonies and make appropriate arrests. Yet when the same level of injury occurs between family members, officers have been inclined to treat the crime as, at most, a misdemeanor and failed to make an arrest. They have instead tended to require the victim to initiate a citizen's arrest. By shifting the burden of arrest, police believe the credibility of the charges will be increased and their personal liability decreased. But it is precisely this burden of a citizen's arrest that often results in the victim's reluctant participation in mediation conducted by the responding officer.

However, mediation is most often an equally inappropriate law enforcement response in family violence incidents. Mediation may assume that the parties involved are of equal culpability in the assault even though one has a visible injury and the other does not, or it may assume that the underlying cause of violence can be resolved without arrest. But an abusive relationship is generally demonstrably one sided. The abuser is usually physically superior and the victim is injured and fearful of further harm.

Mediation not only fails to hold the offender accountable for his criminal actions but, worse yet, gives the abuser no incentive to change his behavior. Rather than stopping the violence and providing protection for the victim, mediation may inadvertently contribute to a dangerous escalation of violence.

When my husband tried to kill me, I finally called the police, who came, took a look at the house and at me and we were both broken and bloody, asked if my husband was gone—he was—and said, 'lady, it's his house, he can do what he wants.'—a victim

. . . but my husband was never a person who had respect for the law and the fact that he knew he would not get away with it and he was punished. . . he's a different man now, he is a totally different person.—a victim

Do what must be done. If it's an arrest do it. If it's a 72 hour hold, do it. It isn't worth taking a chance with somebody else's life. It isn't worth the loss.—a former batterer

The original shift by law enforcement to mediation was done for the most commendable reasons. They were responding to early assumptions of psychologists and sociologists and to signals from prosecutors and judges. But a recent research experiment is challenging these traditional beliefs that mediation is the appropriate law enforcement response.¹⁷ The results of the research demonstrated that arrest and overnight incarceration are the most effective interventions to reduce the likelihood of subsequent acts of family violence. A victim's chance of future assault was nearly two and a half times greater when officers did not make an arrest. Attempting to counsel both parties or sending the assailant away from home for several hours were found to be considerably less effective in deterring future violence. The research further indicated that the interaction between the officer and the victim also has significant impact on the likelihood that the abuser will commit further violence. When officers take time to listen to the victim, before making the arrest, and the offender is aware of this, the likelihood of recurring assaults declines significantly. Researchers suggest that the assaulter views the enhanced stature of the victim and subsequent arrest and overnight incarceration as a judgment that his behavior is criminal.

Because mediation is most often an inappropriate law enforcement response and because arrest and overnight incarceration (See State Legislative Recommendation 4) have been shown to be an effective deterrent against household assault, arrest must be the presumed response in cases of family violence. Consistent with state law, the chief of police or sheriff should clearly establish arrest as the preferred intervention where the officer has probable cause to believe a misdemeanor or felony has been committed. Where probable cause is established, the facts of the situation may rebut the presumption of arrest. In those instances, the operational directive of the department should require the officer to clearly state his reasons for not making an arrest in the written report of the incident. This policy of preferred arrest for household assaults puts the abuser on notice that family violence is a crime with serious consequences. It also helps the community appreciate the criminal nature of family violence.

Understanding the potential that arrest and overnight incarceration have for protecting the victim and reducing the likelihood of future assaults, there is a clear need to integrate the policy of arrest as preferred intervention

I believe the experience of being arrested is what has made the difference [for the abuser].—a victim

throughout the criminal justice system. To reinforce this response, prosecutors ought to request appropriate conditions of release and ensure that they are enforced (See Prosecutors Recommendation 5). Judges should impose these conditions and levy appropriate sanctions if they are violated (See Judges Recommendation 8). The officer, as a trained observer, rather than the victim, can provide testimony at the preliminary hearing to establish the facts sufficient for further prosecution (See Prosecutors Recommendation 3 and Judges Recommendation 6). After the arrest is made, victim assistance agencies should be routinely contacted for follow-up services.

Law Enforcement Recommendation 3:
Law enforcement officials should maintain a current file of all protection orders valid in their jurisdiction.

Prior to the issuance of a protection order, a judge has made an independent finding that potential for harm exists and the abuser should not be in contact with the victim. This finding and the resulting order can provide the officer responding to a family disturbance call a basis for finding probable cause for trespass, disturbing the peace or another criminal offense. But often the officer arriving at the scene encounters an emotionally charged atmosphere in which it is very difficult to ascertain the terms or validity of a protection order. Frequently the victims are so distraught they cannot locate or otherwise verify the existence of the order. To facilitate effective intervention in these situations, law enforcement agencies should maintain a readily accessible current file of all protection orders valid in their jurisdiction.¹⁸

Law enforcement agencies should establish procedures whereby they receive copies of all protection orders issued by the court. The agencies should maintain a current file of orders in a central location, accessible twenty-four hours a day to officers in the field responding to family disturbance calls. The responding officer can then access the file by telephone or computer and independently verify the existence, validity and terms of the protection order. With that verification, the officer will be able to make the appropriate intervention and provide the protection intended by the court.

Law Enforcement Recommendation 4:
Law enforcement officers should respond without delay to calls involving violations of protection orders.

I was given a Permanent Order of Protection to appease me. But it was constantly violated. This was, I think, his fifth violation and nothing has been done.—a victim

Family violence is a vicious circle. You try to get help and nobody wants to help you. You must get an injunction, and then, it's almost impossible getting anyone to enforce it.—a victim

When he was picked up two weeks after the warrant was issued, the police told me that Family Court warrants are low priorities.—a victim

Some family violence victims do not first seek help from law enforcement. Rather, they obtain formal protection orders from the courts in an effort to temporarily prevent recurring violence and harassment from the abuser. But since many of these orders are issued by civil courts and their violation is a civil offense not subject to arrest, officers consider the matter to be one in which they are unable to intervene. By their inaction, law enforcement officers are unintentionally eroding the protection the victim has secured from the court and possibly contributing to an escalation of violence.

Because the principal objective of the protection order is to prevent further harm, law enforcement personnel should vigorously enforce the intent of the order. Although the violation of the order is usually a civil offense, it also may involve criminal behavior. The existence and validity of the order often gives the officer a basis for probable cause to file charges for trespass, disturbing the peace or other appropriate criminal offense. The official report or arrest then in turn becomes the basis for the court to impose a contempt order or other appropriate sanction on the abuser.

In conjunction with prosecutors and judges, law enforcement agencies should develop special policies for consistent and appropriate enforcement of all protection orders. Once these policies have been articulated, comprehensive training of law enforcement supervisors, officers and dispatchers must be initiated, followed by subsequent monitoring to ensure that the policies are implemented (See Education and Training Recommendation 2).

Law Enforcement Recommendation 5:
Forms for obtaining protection orders should be available at all police stations and sheriffs' offices.

See Judges Recommendation 4.

Law Enforcement Recommendation 6:
When responding to disturbance calls, law enforcement officers should document violations of pre-trial release conditions. The report should verify the facts and circumstances necessary for the prosecutor to request revocation of the release.

See Judges Recommendation 8.

Recommendations for Prosecutors

1. Prosecutors should organize special units to process family violence cases and wherever possible should use vertical prosecution.

- The units should work closely with victim assistance providers.
- The units should review all law enforcement reports involving incidents of family violence whenever possible.

2. The victim should not be required to sign a formal complaint against the abuser before the prosecutor files charges, unless mandated by state law.

3. Whenever possible, prosecutors should not require family violence victims to testify at the preliminary hearing.

4. Prosecutors should adopt special policies and procedures for child victims. These should include:

- Presenting hearsay evidence at preliminary hearings so the child is not required to testify in person;
- Presenting, with consent of counsel, the child's trial testimony on videotape;
- Use of anatomically correct dolls and drawings to describe abuse; and
- Limiting continuances to an absolute minimum.

5. If the defendant does not remain in custody and when it is consistent with the needs of the victim, the prosecutor should request the judge to issue an order restricting the defendant's access to the victim as a condition of setting bail or releasing the assailant on his own recognizance. If the condition is violated, swift and sure enforcement of the order and revocation of release are required.

Discussion

Prosecutors Recommendation 1:

Prosecutors should organize special units to process family violence cases and wherever possible should use vertical prosecution.

- The units should work closely with victim assistance providers.

He's a very good liar. He looks very sincere. He promises anything you want to hear. He promises that he will do anything, lots of tears and, 'I'm so sorry, and I love these children, I would never do it again . . . ' You want to believe that it's just a mistake, but it's not a mistake.—a victim

The beatings started gradually and escalated over the fifteen year period we lived together. First [they] were accidents, then something I deserved or provoked.—a victim

- **The units should review all law enforcement reports involving incidents of family violence whenever possible.**

Because family violence involves offenses inflicted not only against the individual but against the state as well, prosecution is a critical element of intervention. Prosecutors can play a key role in holding abusers accountable for their actions and at the same time help to prevent future violence. But without special units successful prosecution of family violence cases is rare. At each successive stage in the justice system, the number of active cases drops dramatically.¹⁹

The trauma and aftermath of violence within the family has a profound and significant effect upon both the abuser and victim. Too often abusers deny, minimize or excuse their violent behavior. Even after the most violent and destructive episodes, abusers typically go through a period of remorse seeking reconciliation and forgiveness. Unfortunately, repentance is generally shortlived. Without some type of intervention, the violence commonly escalates in frequency and intensity.

In addition to suffering physical injuries inflicted by the abuser, victims of family violence often blame themselves for the abuse. Guilt, shame and embarrassment make them reluctant to seek help and increases their feelings of isolation and hopelessness. Because violence is often learned behavior, many victims may even regard violence as a normal part of a relationship.

Fear of further violence, particularly fear of reprisals from an abuser who is angered by the steps the victim has taken for protection, often makes the victim hesitant to participate in the criminal justice system. Economic or emotional dependence, promises of change from the abuser, or a fear that the family might separate also contributes to a victim's reluctance to cooperate with criminal proceedings.

Prosecutors must recognize that these special concerns of family violence victims need not make them unwilling or uncooperative complainants and witnesses. Rather, prosecutors must approach cases of family violence from a fresh perspective and be flexible and sensitive in dealing with the emotional complexities of these cases. To most effectively build upon police intervention, prosecutors should organize special units to process family violence cases.²⁰

Vertical prosecution develops trust between the victim and the prosecutor. An individual relationship of trust and concern that both minimizes the negative aspects of the legal process and also strengthens the case.—Prosecuting Attorney Norm Maleng

Staffed with both attorneys and victim assistance professionals or volunteers, the unit should review all law enforcement reports involving incidents of family violence whenever possible (See Law Enforcement Recommendation 1). Not all cases will be appropriate for prosecution. However, in all cases, victim assistance personnel can provide important referral information to both the victim and abuser. Sources of treatment and counseling are particularly important for families working to resolve the underlying causes of abuse and break the cycle of violence. Prevention of future violence is definitely the goal. Referrals also can be made for housing, medical services, financial aid and other sources of emergency assistance.

In cases that do go forward, the victim assistance professionals and volunteers can provide important advice and support to the victims as well as the prosecutors. In addition to making referrals to service and treatment resources in the community, victim assistance personnel can familiarize the victim with the criminal justice process and ensure victim participation in every stage of the court proceeding. The companionship and reassurance of the victim assistance professionals and volunteers also can help the victim to deal with harassment or intimidation by the abuser and to prevent further victimization. Victim assistance personnel also can help to facilitate convenient court dates, arrange transportation to court proceedings, ensure that the victim has a secure place to wait before testifying, and intercede with employers or creditors of the victim. Working closely to support the victim, victim assistance professionals and volunteers also can aid the prosecutor by increasing victim understanding and cooperation.

The attorneys of the unit develop an expertise in dealing with family violence that results in more accurate case evaluation and more effective prosecution. The creation of a special unit also fosters the development of an individual bond of trust and concern between the victim and a prosecutor sensitive to the complexities of family violence.

Prosecutors Recommendation 2:
The victim should not be required to sign a formal complaint against the abuser before the prosecutor files charges, unless mandated by state law.

The fact is that more cases end up not being prosecuted because the victim... decides to fold his tent. This fact of life has to be dealt with and the advocate program is our way of doing that.—District Attorney Sam Millsap

As a prosecutor, I have seen relief on a woman's face, relief when I have said, 'I am sorry, I am not waiving'... it works, it really does work.—Prosecutor "Sam" Aaron

When there is sufficient evidence of criminal conduct to file charges against the abuser, the prosecutor should not first require the victim to sign a formal complaint.²¹ Requiring the victim to do so makes it appear that the victim is responsible for charging the abuser. Given that impression, the defendant will often harass, threaten or otherwise attempt to intimidate the victim into dropping the complaint. The prosecutor must relieve the victim of this pressure by filing charges without requiring the victim to sign the formal complaint. It is the prosecutor, on behalf of the state, and not the victim, who initiates prosecution when the elements of criminal conduct have been determined. The prosecutor and the judge, not the victim, determine whether the case is prosecuted or dismissed.

Anyone who has worked in this area has experienced situations when the victim does not want to go forward. That desire is manifested in several situations.

A witness simply may fail to appear even though subpoenaed. Such a failure may reflect the witness' desire to no longer see the case proceed, but it also may be the result of intimidation or actual injury. It is incumbent on the prosecutor to investigate the case.

Another situation arises when the victim voices a desire to have the matter dropped. As has been discussed, these victims are frequently ambivalent about the entire process and what would best suit their needs.

Some hesitation may be fear of the unknown. But when victims actually find themselves in court presented with the opportunity to testify, they frequently become confident enough to do so.

If victims absolutely refuse to testify, the prosecutor should still require that they make a statement under oath to the court to that effect.

In appropriate cases, it may be possible to proceed by basing prosecution on prior inconsistent statements of the victim or other witnesses to the crime. Such a decision is not lightly undertaken but the prosecutor might feel a given case is of sufficient seriousness to merit this approach.

Prosecutors Recommendation 3:

Whenever possible, prosecutors should not require family violence victims to testify at the preliminary hearing.

Testifying in court against another family member or loved one can be a very painful experience. As unpleasant as it may be to discuss the family situation and history of abuse in open court in front of strangers, it is even more disturbing to do so in the presence of the abusive family member. The preliminary hearing is one proceeding at which it should not be necessary for the victim to testify in person. At this initial examination of the evidence to consider whether there is a sufficient basis for prosecution, there is no federal constitutional right to confrontation as there is at trial.

The sufficiency of hearsay evidence at a preliminary hearing is firmly established in the federal courts as well as a number of local jurisdictions. For the purposes of the preliminary hearing, the testimony of the law enforcement officer, or investigator or other appropriate witness, that initially interviewed the victim, should be sufficient. The victim of family violence is spared the harassment and intimidation caused by repeated unnecessary appearances, continuances, and confrontations with the abuser.

Prosecutors Recommendation 4:

Prosecutors should adopt special policies and procedures for child victims. These should include:

- **Presenting hearsay evidence at preliminary hearings so the child is not required to testify in person;**
- **Presenting, with consent of counsel, the child's trial testimony on videotape;**
- **Use of anatomically correct dolls and drawings to describe abuse; and**
- **Limiting continuances to an absolute minimum.**

Children who have been abused or sexually molested have suffered an extreme trauma. Successful case prosecution requires sensitive treatment of these children to ensure that they are not further victimized in the courtroom. Special procedures will also result in the child being a more articulate and effective witness.

The special needs of the child must be considered from the initial investigative interview through case

Appropriate consideration of the victim results in better cooperation with law enforcement, helps restore confidence and will, therefore, make the system work more effectively. This really is the bedrock, improving the confidence in our criminal justice system.—Attorney General Kenneth Eikenberry

These children do not suffer from the trauma, usually, of one sudden, frightening attack, but in most cases were subjected to an abusive and secret relationship over a period of months, or years.—Doris Stevens

development and prosecution, and imposition of sentence. Task Force testimony cited many instances where children were put through numerous and grueling interviews, repeated continuances and painful questioning in the courtroom.²² Rather than giving the child the respect and compassion needed, these procedures reduce the child to an automaton, caught in the adult drama of the courtroom.

To enable children to more easily and effectively relate the abuse they have suffered, prosecutors should adopt special procedures for child abuse and molestation cases.

At the preliminary hearing the court considers only whether the evidence is sufficient to go forward with prosecution. The prosecutor should not require the child to testify in person. Consistent with state procedures, a videotaped statement, testimony by the child to a law enforcement investigator, or other such presentations should be adequate. If the state rules of procedure do not provide for such presentation, the prosecuting offices should work with concerned citizen groups and lawmakers to modify the rules of procedure to make such a presentation possible (See Judges Recommendation 3).

The child's videotaped testimony also may be sufficient for use at trial with the consent of counsel and appropriate waivers and stipulations from the defendant (See Judges Recommendation 3). While it may appear that the defense may not consent to such a procedure, the defense runs a tremendous risk by insisting on the appearance of the child victim and subjecting a sympathetic victim to cross examination. Thus it may be in the interest of both parties, and certainly in the interest of the child, to allow for the presentation of testimony on videotape.

In interviewing the child, it is particularly important that the prosecutor recognize the profound impact that crimes of abuse and molestation have on a child. Interviews and statements required for trial preparation should be kept to a minimum. The initial interview with the child should be videotaped to avoid repeated sessions of questioning. The prosecutor also should use anatomically correct dolls or drawings to help the child describe the abuse.²³

Repeated continuances can be extremely damaging to a child. It is important for a child to be able to put the incident behind him and get on with his life. Certainly parents may be reluctant to permit their child to continue in a system fraught with unnecessary delay. Delay also

She was asked exact times and dates, which she told them she could not remember. She was then made to feel that because she could not remember, she was lying.—a victim's mother

can weaken the prosecution's case as the child's memory of the crime may diminish. Prosecutors should vigorously oppose any attempt to delay cases involving child victims and should absolutely minimize continuances.

Prosecutors Recommendation 5:

If the defendant does not remain in custody and when it is consistent with the needs of the victim, the prosecutor should request the judge to issue an order restricting the defendant's access to the victim as a condition of setting bail or releasing the assailant on his own recognizance. If the condition is violated, swift and sure enforcement of the order and revocation of release are required.

See Judges Recommendation 8.

Recommendations for Judges

1. A wide range of dispositional alternatives should be considered in cases of family violence. In all cases, prior to sentencing, judges should carefully review and consider the consequences of the crime on the victim.
2. Judges should treat incest and molestation as serious criminal offenses.
3. Judges should adopt special court rules and procedures for child victims. These should include:
 - The use of hearsay evidence at preliminary hearings;
 - Appointment of a special volunteer advocate for children, when appropriate;
 - A presumption that children are competent to testify;
 - Allowing the child's trial testimony to be presented on videotape with agreement of counsel;
 - Flexible courtroom settings and procedures; and
 - Carefully managed press coverage.
4. Protection orders should be available on an emergency basis in family violence cases.
5. Judges should establish guidelines for expeditious handling of family violence cases.
6. Judges should admit hearsay statements of family violence victims at the preliminary hearing.

I feel that being a victim of the criminal is terrible enough, but when you're then... a victim at the hands of the justice system, it is a travesty.—a victim

7. Expert witnesses should be allowed to testify in family violence cases to familiarize the judge and jury with the dynamics of violence within the family.

8. In granting bail or releasing the assailant on his own recognizance, the judge should impose conditions that restrict the defendant's access to the victim and strictly enforce the order.

Discussion

Judges Recommendation 1:

A wide range of dispositional alternatives should be considered in cases of family violence. In all cases, prior to sentencing, judges should carefully review and consider the consequences of the crime on the victim.

Just as the courtroom is the ultimate focus of the criminal justice system, the imposition of a just sentence is the desired culmination of any criminal judicial proceeding. The sanction rendered is not only punishment for the offender but also an indication of the seriousness of the criminal conduct and a method of providing protection and support to the victim. Too often, in family violence cases, the sentence fails on all three counts.

The criminal justice system has traditionally considered family violence to be a personal matter that should be resolved without resort to the legal process. Placing the family, ideally a source of unity and support, into the adversarial setting of a courtroom seemed unthinkable and inappropriate. However, the testimony of hundreds of family violence victims demonstrates that judges and judicial proceedings are critical components necessary to end the violence and restore the vitality of families caught in the abusive cycle.²⁴

In all cases when the victim has suffered serious injury, the convicted abuser should be sentenced to a term of incarceration. In cases involving a history of repeated abusive behavior or when there is a significant threat of continued harm, incarceration is also the preferred disposition. In serious incidents of violence, incarceration is the punishment necessary to hold the abuser accountable for his crime. It also clearly signals the seriousness with which the offense is viewed by the community and provides secure protection to the victim.

In many instances, the victim simply wants an end to the violence. Particularly when financially dependent on

The physical abuse escalated during the marriage in frequency and seriousness over time and so did my feelings of guilt, of shame about it, of dependence on the relationship and a desperate desire to be a better person so he would not beat me.—a victim

the abuser, the victim, fearing incarceration of the person who is the sole source of economic support, is reluctant to seek the aid of the court. In these and other appropriate cases, judges should use a variety of sentencing and incarceration alternatives.

When some type of confinement is essential, judges may sentence abusers to weekend or evening incarceration. Such sentences punish the abuser yet still allow him to continue to work and provide financial support to his family. Judges also should use other creative types of sentences that include no-contact orders or work furloughs that hold the abuser accountable for his crime and yet permit continued economic support to the family.

When appropriate, other alternatives should be used. With criminal charges and formal courtroom proceedings pending, pre-trial diversion requires an abuser to participate in a treatment or counseling program. Components of court-mandated treatment programs should include instruction in anger management and non-violent conflict resolution. Upon successful completion of the treatment program and any other conditions of diversion, the trial is indefinitely postponed.

Pre-sentence diversion, while allowing conditional release, requires a convicted abuser to participate in the same kind of treatment program. As in pre-trial diversion, sentencing and possible incarceration are indefinitely delayed upon successful completion of treatment and any other diversion condition. In either type of diversion, failure to participate in or successfully complete treatment should result in immediate resumption of prosecution or sentencing.

Making the abusers accountable for their conduct includes financial responsibilities. In addition to contributing to the cost of their own treatment, abusers should also, when appropriate, provide restitution to the victim for expenses incurred as a result of the violence. Judges should order the abuser to reimburse the victim for all expenses resulting from the crime. These should include lost wages, medical, counseling and other treatment fees, and replacement value of any property destroyed by the abuser. In the event that a judge does not issue such an order, he should specifically state his reasoning for not doing so in the record. In many cases, members of the family, other than the direct victim, are affected by the abuse. This is particularly applicable to children who have witnessed spouse abuse or the

We should attempt to look at the crime they have committed, the length and extent of their abuse of a child, and that should be the determining factor on what happens to them, not lots of extraneous factors.—Jennifer James, Radio and Television Commentator

I think that... when we venture too far away from notions of accountability and punishment and too far into a straight treatment modality with no components of punitive sanctions, that we allow offenders to look at themselves as 'sick' and therefore somehow less accountable for their actions than other people.—Prosecutor Rebecca Roe

innocent parent in cases of incest. Their treatment fees also should be paid by the abuser.

As noted by the President's Task Force on Victims of Crime, only the victims can truly convey the consequences of the crime they have suffered. It is especially important in family violence cases that judges consider victim impact statements prior to sentencing. In the calm of the courtroom, weeks or months after the abuse, with obvious physical injuries healed, violence within the family may seem very far removed. But for the victim, the physical and emotional scars, to say nothing of the financial burden, continue. Judges must carefully weigh these very painful and long-lasting effects of abuse in rendering a punishment that is commensurate with the injury.

Judges and the sentences they impose can strongly reinforce the message that violence is a serious criminal matter for which the abuser will be held accountable. Judges should not underestimate their ability to influence the defendant's behavior. Even a stern admonition from the bench can help to deter the defendant from future violence.²⁵ In serious cases, incarceration is the only punishment that fits the crime. In other cases judges should carefully consider the impact of the abuse and the punishment on not only the victim and the abuser, but the entire family. Using innovative and creative sentences that include an effective treatment provision for the abuser, judges play a significant role in ending the present abuse and help to break the tragic cycle of violence.

Judges Recommendation 2:

Judges should treat incest and molestation as serious criminal offenses.

Because incest and child molestation are such heinous and reprehensible offenses, many in the community continue to minimize or deny the existence of the problem. The very children and parents whose lives are shattered by these horrible crimes may conceal or deny their unthinkable victimization. Even the criminal justice system, confronted with these crimes, wants to believe they are the result of mistakes or misunderstandings. This disbelief not only compounds the unjust guilt and blame suffered by the child, but also allows the offender to continue to prey on children with impunity.

The judge represents the law to individual offenders who are brought into court. The judge's attitude, statements and actions can communicate to an abuser that their violence is cruel, it is cruel and criminal behavior which will not be tolerated by our society.—Judge Roy O. Gulley

Believe what kids say. If a child says something. . . I think you need to pay attention to that.—a victim

Judges must take the lead in exploding the myths surrounding the sexual assault of children and treat incest and molestation as serious criminal offenses. Children rarely ever lie about sexual abuse. However, false retractions of true complaints may be common where children are pressured not to testify against a relative or friend. While a child might not suffer obvious physical injury, the deep emotional and psychological scars may never heal. The child's youth and innocence are marred by a crime whose name they do not even know.

Yet the perpetrator is most often someone the child does know, or even loves and trusts. Just as the children who are victims of sexual assault come from every social and economic level, so too, do the offenders. In fact, the incest perpetrator or child molester may well be a respected, prominent member of the community. Although the perpetrators may be dangerously violent or use other means of intimidation or threats of harm to sexually assault children, other molesters never use force. Rather, they seduce children into sexual activity with trickery and deception.

Task Force testimony suggests that incest offenders may act with motivations far different than other child molesters and may in some instances be amenable to treatment.²⁶ However, the molester, a stranger or an unrelated, trusted adult, who sexually assaults a child is rarely, if ever, susceptible to treatment.²⁷ Moreover, the despicable sexual preference for children is a conscious choice that escalates in frequency throughout the pedophile's life. Judges must hold these offenders accountable for their contemptible behavior by imposing sentences commensurate with the devastating harm suffered by the child. Incarceration, whether in hospitals, treatment centers or prisons, is absolutely essential to the protection of the nation's children. The only true protection for children from a pedophile is incapacitation of the offender.

Judges Recommendation 3:

Judges should adopt special court rules and procedures for child victims. These should include:

- The use of hearsay evidence at preliminary hearings;
- Appointment of a special volunteer advocate for children when appropriate;
- A presumption that children are competent to testify;

Contrary to lingering myths, the pedophile child molester is neither a strong man nor a dirty old man in a wrinkled raincoat with a bag of candy. He typically knows his victims. . . . He dresses and looks like everyone else.—FBI Special Agent Kenneth Lanning

From my own experience. . . once it is out in the open within the family that the incest is happening. . . the person doing the abusing isn't likely to continue because everybody knows then. You can't get away with it.—a victim

[The sex offender] needs to be policed for the rest of his life.—a victim

There is no known cure for pedophilia. Pedophilia. . . is a way of life.—Det. Lloyd Martin

- Allowing the child's trial testimony to be presented on videotape with agreement of counsel;
- Flexible courtroom settings and procedures; and
- Carefully managed press coverage.

Testifying in court can be an overwhelming and extremely trying experience for any victim of crime. The ordeal can be even more devastating for victims of family violence who must publicly reveal the humiliating and embarrassing details of abuse. Children are especially vulnerable in the courtroom. They typically feel they are somehow to blame for their victimization. Repeating and reliving the abuse through direct testimony and vigorous cross-examination further compounds their guilt and confusion. They become the pivotal players in an unfolding adult drama they cannot understand. The initial trauma inflicted upon the very young must not recur in the courtroom. Judges should adopt special rules and procedures that enable these victims to more comfortably and effectively communicate the harm they have suffered.

The preliminary hearing is not a trial. It is the initial judicial examination of the facts and circumstances of the case where the court determines only whether the evidence is sufficient to continue with further prosecution. Children should not be required to testify in person (See Prosecutors Recommendation 4). Videotaped statements or other hearsay testimony made to an appropriate official should be sufficient.

For all court hearings and proceedings, judges should consider assigning a specially trained, volunteer advocate to represent the interests of the child. In addition, the volunteer may complete an independent investigation of the case, separate and apart from those conducted by the court or protective services. Concentrating on one child's case, the volunteer will have sufficient time to research the facts of the case.²⁸ The volunteer also can facilitate communication among all elements of the system working on the case, whether it be the court, protective services, foster care, school system or health facilities, to ensure that the child receives the proper care and services.

Young children have traditionally been deemed incompetent to testify in any court proceeding because they are believed to be unable to distinguish right from wrong, fact from fantasy. Because the victim is often the only

My daughter had been abused not only by her father but by a criminal justice system entangled in it's own ambiguities.—a victim

witness to the crime, a child's testimony may be critical to the prosecution of the case. Children, regardless of their age, should be presumed to be competent to testify in court. A child's testimony should be allowed into evidence with credibility being determined by the jury. The jury should be carefully instructed not to hold the child to adult standards of credibility, but to consider the testimony in light of the child's age, maturity, and level of development.

To lessen the victim's trauma of testifying in court, innovative methods must be explored. For instance, testimony could be videotaped in a therapeutic atmosphere, for presentation at trial with stipulation by the parties to both procedure and identification (See Prosecutors Recommendation 3). The questioning could be done by an objective therapist in a relaxed setting with one-way mirrors. The defendant could observe the questioning but the child would not be required to actually see the defendant. The person questioning the child could be fitted with an earpiece to allow questions from the prosecutor and the defense attorney to be presented in a nonthreatening manner.²⁹

The Task Force recognizes that these are substantial changes in procedure but modification of this nature may be requisite. Situations occur where time and again cases go unprosecuted because children are too frightened to testify before strangers and because parents refuse to subject them to such an ordeal. To reach a point at which these cases can be prosecuted and children can be protected, procedures must be devised which both safeguard the rights of the accused and shield these children from further harm.

When the child does appear at trial, the formal setting and procedures of the courtroom can be terrifying. The intimidation may be mitigated greatly by special care. Prior to testimony, the judge should take the child into chambers, introduce the attorneys and explain how the proceedings will be conducted. When testifying, the child should be allowed to use a smaller version of the adult witness chair or sit at a table with the judge and attorneys. The child also should be allowed to use drawings or anatomically correct dolls to describe the victimization if appropriate. Language that children can understand must be used for all questions. Prior videotaping of testimony must be used whenever possible (See Prosecutors Recommendation 4).

*...the protection of children, as far as I am concerned, is as important a right. And I believe that videotaping children's testimony is extremely important, especially in the tender years.—Jeanine Pirro
District Attorney*

*The inability of young sexual assault victims to testify as effectively as adults and to confront their perpetrators result in failure to provide justice for them in many cases.—Dr.
Bruce Woodling*

Court proceedings involving a child victim or witness must not become a media event. When a youngster is a juvenile offender, his name is withheld and the court proceedings are closed to the public. At a minimum, the same considerations should be given to the child victim.

Judges Recommendation 4:

Protection orders should be available on an emergency basis in family violence cases.

Family violence is not a nine-to-five, Monday through Friday only, occurrence. In fact, family violence most often occurs after regular business hours and on weekends and holidays.³⁰ To provide effective protection, courts must be readily accessible to family violence victims. Protection orders should be available on an emergency basis, 24-hours a day.

The protection order, usually a civil order, is granted by a judge based on his independent review of the facts and a finding that the abuser poses a serious threat of intimidation, harassment or physical harm to the victim. For a limited period of time, the order restricts the abuser's access or contact with the victim. Family members who have the misfortune to suffer injury, threats or other abuse from another family member after hours should not have to wait until the start of the next judicial day to obtain a protection order. Neither should the order be costly or require the assistance of an attorney.

Simple forms for obtaining the order and directions for filling them out should be available at the courtroom, all police stations and sheriffs' offices (See Law Enforcement Recommendation 5). Victims could pick up the forms and instructions at the courthouse during business hours and at the police station or sheriff's office at all other times. Victims should then complete the form providing all pertinent and necessary information about the abuser, the danger of further harm or injury and the relief requested. The duty judge or night judge would then review the application and render a decision in much the same way he considers after-hours requests for bail or search warrants.

Judges Recommendation 5:

Judges should establish guidelines for expeditious handling of family violence cases.

As we ready ourselves for the holiday celebrations, battered women's shelters throughout the U.S. are readying themselves for their busiest time of the year. More women will seek help during this holiday season than any other time of the year.—Donna Medley, Service Provider

Judges are the ultimate legal authority in the criminal justice system. If they fail to handle family violence cases with the appropriate judicial concern, the crime is trivialized and the victim receives no real protection or justice. Using the yardstick of the court to measure conduct, the attacker will perceive the crime as an insignificant offense. Consequently, he has no incentive to modify his behavior and continues to abuse with impunity. The investment in law enforcement services, shelter support and other victim assistance is wasted if the judiciary is not firm and supportive.

Family violence is a complex criminal offense that has the seriousness of stranger-to-stranger crime but involves a victim and perpetrator who know and care for one another and usually live in the same house. The victim is a reluctant, fearful witness faced with equally undesirable alternatives: testifying against the abuser, which may lead to his incarceration and the loss of the sole source of economic support, or hedging the testimony, which may jeopardize the conviction and allow the abuser to continue the violence.

Judges must recognize this enormous personal conflict faced by the victims of family violence who so often simply want an end to the abuse. They should develop guidelines to expedite the processing of these cases and provide the protection necessary to the victim. Further, to ensure that family violence cases receive the appropriate judicial consideration, judges should establish special dockets so that these matters do not compete with other criminal cases.³¹

Judges Recommendation 6:

Judges should admit hearsay statements of family violence victims at the preliminary hearing.

See Prosecutors Recommendations 3 and 4.

Judges Recommendation 7:

Expert witnesses should be allowed to testify in family violence cases to familiarize the judge and jury with the dynamics of violence within the family.

Of all the crimes that the legal system deals with, family violence is perhaps the most perplexing and

My sister asked what the record number of postponements on a case such as this was. The clerk said that he remembered one case was delayed twelve times. . . . She then said 'Well, I guess he will have to kill me before this comes to trial.' We were postponed again that day to July 14, 1983—on that day we buried my sister.—a victim's sister

misunderstood. It seems unthinkable that one family member would violently abuse another. Judges and jurors too often assume that the victim could simply leave home if the attacks were truly threatening or dangerous. Further, many believe the courts are an unsuitable forum for family violence cases. That members of the same family should participate on opposite sides of an adversarial proceeding seems disturbingly incongruous.

But intervention by the criminal justice system, particularly the courts, can provide the real and necessary protection for the victim and the appropriate sanctions and deterrents for the abuser. To effectively accomplish both these objectives, the judge and the jury must have a clear understanding of the dynamics and complexities of family violence. Expert testimony from qualified authorities is essential to acquire that insight.

Many judges now permit authorities to testify on the battered child syndrome.³² A few judges are beginning to allow expert testimony on the battered spouse syndrome.³³ Courts should, when appropriate, admit into evidence testimony on the battered child and spouse syndromes. In addition, courts should allow testimony explaining the characteristics and effects of child sexual assault and elder abuse. Judges and jurors will gain an explicit understanding of the shame, guilt, fear, and embarrassment associated with family violence. Cognizant of the cyclical nature of violence within the family, the emotional, economic, and psychological dependencies between the victim and abuser, and the other fundamental aspects of abuse, they will be better able to understand the victim's actions. Judges can develop effective remedies and render appropriate sanctions.

Judges Recommendation 8:

In granting bail or releasing the assailant on his own recognizance, the judge should impose conditions that restrict the defendant's access to the victim and strictly enforce the order.

An important reason for intervention and arrest of the perpetrator is to provide safety for the victim. But unconditional release from custody may endanger the victim and allow the defendant to inflict further harm.

At arraignment, the defendant may have reasonable bail set or be released on his own recognizance. In

I feel a person who is the abuser should be taken out of the home, not the one who's being abused.—a victim

granting pre-trial release, the judge should impose conditions or terms that restrict the offender's access to the victim. The conditions imposed should prohibit the defendant from making any contact, personal or otherwise, with the victim. If the parties were living together, the conditions should require the defendant, not the victim, to stay away from the home. These conditions preserve the defendant's right to release but at the same time consider and provide for the victim's safety. With these restrictions imposed, the victim will not have to initiate a separate proceeding to obtain a civil protection order.

In addition to ordering the restrictions, the judge should verbally warn the offender that abuse is a criminal matter for which serious sanctions may be imposed. The judge should caution the abuser that release does not mean he is free to continue to harm or intimidate the victim. The judge should further inform the abuser that violation of the conditions will result in revocation of release. This judicial admonition sends a strong message to the abuser that he is accountable for his actions and that the victim has the support and protection of the criminal justice system. But the judicial admonition is for naught if the judge does not enforce the order.

I also make it very clear that society will not tolerate this sort of behavior and that if he does not follow through with the counseling, if he does not continue the no contact order, whatever, the court will respond quickly, issue a warrant, have him brought immediately forth and off he will go to jail.—Judge Barbara T. Yanick

Victim Assistance

Victim Assistance

The needs for assistance of the victims of family violence range from the most immediate need for safety and shelter to long-range needs for post-trauma counseling and therapy. Not only do victims of different types of family violence have different needs, the same need may have to be met in very different ways depending on the circumstances; and the needs of a single victim may change frequently as the process of resolving the problem goes forward.

The themes of the following recommendations are: diversity in the types of services that must be developed and adaptability in the way that they are administered. These requirements in turn place a responsibility on the community, and especially upon local agencies, businesses, and individuals, as the best source of knowledge about local needs and the best source of skills to meet them.

Recommendations for Victim Assistance

1. Communities should develop and provide a variety of services for family members that include:

- Family life centers
- Batterers programs
- Drop-in crisis centers
- Crisis nurseries
- Respite day-care centers
- In-home services
- Shelters
- Safe home networks

2. Shelter policies and practices should accommodate the diverse backgrounds of the residents.

3. The Department of Housing and Urban Development should adopt policies that:

- Place victims of family violence on priority listings for public housing and section 8 certificates;
- Consider only those assets to which the victim has access; and
- Require local Public Housing Authorities (PHAs) to permit transfers of residents who are victims of family violence, when safety is an issue.

4. State-level victim compensation programs should include, where possible, family violence victims as beneficiaries.

5. Because of the criminal nature of family violence, the federal government should establish a National Family Violence Resource Center within the Department of Justice.

6. States should establish Coordinating Councils to assess the needs of family violence victims and to coordinate the use of federal and state funds for family violence victim assistance programs.

7. Local governments and community service groups should assess the needs of family violence victims and cooperate in the development of victim assistance services.

8. Volunteers and the private sector should play a key role in meeting the needs of the victims of family violence.

9. The federal government should provide financial incentives and encouragement to the states to train criminal justice personnel, to conduct a family violence prevention and awareness campaign, and to maintain temporary residential facilities for victims of family violence.

10. States should use creative funding approaches for financing programs that support victims of family violence.

Discussion

Victim Assistance Recommendation 1:

Communities should develop and provide a variety of services for family members that include:

- Family life centers
- Batterers programs
- Drop-in crisis centers
- Crisis nurseries
- Respite day-care centers
- In-home services
- Shelters
- Safe home networks

Because family violence is predominantly learned behavior and cyclical in nature, early intervention is critical in averting and preventing abuse. No one service works best for all troubled families or victims of family violence. Many different but related responses are

required. Shelters have been the most visible response to a segment of the problem, and they fulfill an important need in providing safety and security to women and children who are no longer able to remain in their own homes and have nowhere else to go. To meet the needs of all victims of family violence, local communities should develop and provide a variety of services to family members. The following are among the many promising models heard in Task Force testimony:

Family life centers. Family life centers are one of the promising approaches to the critical task of preventing family violence. The name itself, "family life center," has been inviting to people who may be reluctant to seek help from other sources. The primary purpose of a center is to provide family life education that fosters family self-sufficiency, preserves marriages and promotes family stability and prevents neglect, abuse and mistreatment of family members. The centers provide marriage classes, parenting classes, and self-help groups that deal with family problems before violence erupts. In addition to these services, family life centers provide crisis services similar to those of the drop-in crisis centers. Task Force testimony indicates that family life centers are most effective when organized, housed and staffed by professionals and volunteers of community organizations.¹ Churches have been particularly supportive and successful in operating these centers.

Batterers' programs. Any discussion of services for victims should include what is one of the most important features of any victim assistance program: helping the abuser resolve and end the violent behavior. The Task Force heard numerous witnesses who discussed specific programs treating all types of abusers and incest perpetrators.² Whether the treatment is court-mandated or voluntarily sought by the abuser, programs offer important counseling and instruction in interpersonal skills, self-discipline and control, anger management and non-violent conflict resolution. These programs offer great hope and potential for breaking the destructive cycle of violence. It is critical that all programs dealing with the abuser are subjected to intense review and evaluation. Since alcohol and drug abuse seem to be involved in many incidents of family violence, it is important that batterers programs work closely with and make referrals to alcohol and drug treatment programs. With continued research, development and refinement, hopefully more effective batterers program models will be available for

All the shelters in the world aren't going to help the men. We have to be dealt with. If you don't deal with us, you're going to have that problem for the rest of eternity.—a former abuser

We believe that abusiveness is a learned behavior that can be unlearned; that abusive behavior is a relationship as well as an individual issue.—Margaret Johnson, Service Provider

replication around the country. It is important to note that the most successful treatment occurs when mandated by the criminal justice system. The importance of this leverage cannot be underrated.

Drop-in crisis centers. A drop-in crisis center functions on many levels.³ The center provides counseling to a spouse, parent, or other family member who feels he is losing control. The center is also a source of services to relieve situational stresses such as family illness or financial burdens, a place providing emergency care for a battered family member, a referral center for persons with special problems, such as alcohol or drug dependence, or simply a source of information regarding other family assistance programs available in the community.

Respite day-care centers. The stress of full-time care of an elderly person can be overwhelming. The caretaker's anxiety over the constant responsibility as well as feelings of being overwhelmed, angry and socially isolated pose a threat to the well-being of the entire family. Even an occasional break for the caretaker can defuse a potentially violent situation. Respite day-care centers provide a place where elderly people, who are otherwise completely dependent on the care of a relative, occasionally can spend the day away from home.⁴ This affords the caregiver a valuable respite from the demands of care and at the same time allows the elderly family member an opportunity for fellowship with other older adults. While at the center, the elderly person can participate in a range of social and recreational activities. Centers also offer counseling, proper medical and personal care, nutritional meals and snacks, and a variety of personal education opportunities. A center also may offer support groups for caregivers that provide an outlet for expression of feelings, emotional support, and discussion of problems and solutions.

Crisis nurseries. Crisis nurseries reproduce a home setting and provide assistance to both children and parents.⁵ Such centers offer temporary shelter and crisis-care for the children and provide services for parents that include abuse prevention, parenting information and participation in self-help groups. In addition to serving parents experiencing stress as they care for children, a crisis nursery also can be extremely helpful to the parent who is a victim of spouse abuse. The crisis nursery can provide the parent temporary relief from the responsibilities of child care while trying to resolve

Senior programs located outside the home increase the likelihood that signs of abuse or neglect may be detected and acted upon.—Lynda Richardson, Service Provider

marital problems. Nurseries are staffed by health professionals and volunteers and are most effective when open 24 hours.

In-home services. In-home services are especially appropriate for victims of elder abuse and help to provide safety for the older person in their own home.⁶ A service provider comes directly to the home, comforts and assists the victim, advises him of the measures that are available to end the abuse, and helps the victim follow through on the option chosen. Homemaker services and home delivered meals also can help to prevent the increased dependency of older people that sometimes causes a family member to abuse the elderly. The Task Force also heard examples of in-home counseling for battered women and parents who are at risk of abusing their children.

Shelters. Shelters offer safety and security to victims who are forced to flee their own homes to escape abuse but have no other place to go.⁷ Shelters can play an integral role in helping these women and children rebuild their lives and establish themselves in the community. In addition, shelters offer a variety of services to abused women and children during a period of their lives that is characteristically filled with anxiety and uncertainty. For example, these services include individual and group counseling; advocacy services; emergency medical care, food, clothing and transportation; specialized services for children; and outreach activities to inform the community of available services. Shelters should develop liaisons and referral procedures with other community service providers to ensure that comprehensive services are available to victims. Since many batterers have problems with alcohol or drug abuse, victims should be given appropriate referrals to agencies or groups which offer support to families of substance abusers.

Safe home networks. A safe home is the private home of a family that has agreed to provide emergency housing for family violence victims until permanent living arrangements can be made. Family members of the safe home, sometimes called a foster family, also provide friendships, informal counseling, a model of healthy family relationships, and moral support. Safe homes are particularly effective in rural areas or small towns that cannot support a separate shelter facility for victims of family violence.

It is my strong belief that if a shelter for battered women had been around when my husband first started abusing me, my children and I would not have had to suffer all the damage and years of hell we have been through.—a victim

Victim Assistance Recommendation 2:
Shelter policies and practices should accommodate the diverse backgrounds of the residents.

Shelters are an important resource for a diverse group of victims of family violence who must leave home to escape life-threatening abuse and have nowhere else to go. Among the most important services shelters offer for battered women and their children are immediate safety, counseling, referrals to alcohol and drug treatment programs, and assistance in seeking employment and permanent housing. In providing these services, shelter policies and practices should accommodate the varied religious, cultural and ethnic backgrounds of residents. Women who hold firm religious convictions should be encouraged to contact their rabbi, priest or minister for counseling and congregational support.

The dynamics of family violence, the characteristics of the abuser and the harm suffered by the victim are similar in all ethnic groups.⁸ But when a family member seeks help to resolve the abuse, cultural differences can have a significant impact on the victim. Shelters should be particularly sensitive to communication barriers. In ethnic areas where many people do not speak English, materials that publicize the shelter and victim assistance services should be available in the appropriate languages and assure confidentiality.⁹ Tape recordings in a language the victim understands should explain shelter services and provide information on other victim assistance programs.¹⁰ These recordings can help to make the victim more at ease in what is already a very frightening crisis situation.

Victim Assistance Recommendation 3:
The Department of Housing and Urban Development should adopt policies that:

- Place victims of family violence on priority listings for public housing and section 8 certificates;
- Consider only those assets to which the victim has access; and
- Require local Public Housing Authorities (PHAs) to permit transfers of residents who are victims of family violence when safety is an issue.

Each year, thousands of women, children, and elderly persons who are victims of abuse flee from their homes.

Women need protection against violent crimes. Services must be available to all women in need, including women who speak other languages. We are calling out for help, and our system needs to be ready to respond to this cry, even if it is in Asian or any Hispanic dialect.—Lupe Arellano, Service Provider

We had a woman at one time that came at 2:00 in the morning. The police brought her, and she believed we were...a jail.... We had no way of communicating with her until the morning...now, with the tapes, we're at least able to provide who we are and what we do and that we'll have a translator in the morning.—Gracie Brooks, Service Provider

The housing manager told the local domestic violence project that they could refer women to his program but that he would not look favorably upon their applications because he doesn't want that type of family in his subsidized program.—Marjorie Field, Service Provider

Many victims feel that this is the only immediate way to avoid continued abuse. Yet housing often is unavailable. Local shelters have limited space. Even if space is available, restrictions on length of stay, housing children, and other considerations may make shelters an undesirable option for the victim. While the Task Force favors and strongly recommends the removal of the abuser, when the victim is forced to leave home, decent long-term housing must be available.

Providing such housing is a shared responsibility of private and government groups at all levels. The federal government, with its extensive public housing and rent subsidy programs, can do much to ensure the safety of family violence victims. Waiting lists for these programs often are quite long. The Department of Housing and Urban Development should adopt regulations that give placement priority to victims of family violence.¹¹ In determining eligibility for public housing units and section 8 certificates, income or assets to which a person does not have access should not be considered.

When a family violence victim is already a resident of public housing, Department regulations should facilitate and expedite transfers to another housing unit when necessary. Although regulations of the Department do not require transfers for reasons other than changes in family size, public housing authorities clearly have the discretion to permit transfers for other reasons—for instance, considerations of tenant health and proximity to work. Unfortunately, many housing authorities will not transfer tenants who are victims of assault, abuse, or harassment by another household member, even when there is a serious ongoing threat to the tenant's security. The Department should adopt regulations which require local Public Housing Authorities (PHAs) to permit victims of family violence to transfer to another dwelling when there is a significant threat to the victim's safety.

Victim Assistance Recommendation 4:
State-level victim compensation programs should include, where possible, family violence victims as beneficiaries.

Approximately 38 states now have state-wide compensation programs for victims of crime.¹² These programs typically compensate victims for medical expenses, lost wages, funeral expenses, and loss of support to the dependents of a deceased victim. All these expenses must have been incurred as the direct result of a crime.¹³

I was told after her death to apply for help for her children to the Victim's Compensation Board. The claim was denied because she was still married to him at the time [of her death].—a victim's sister

Thirty-one of these programs have a blanket provision excluding relatives of the offender from receiving benefits.¹⁴ Thus children who have been abused by a parent cannot receive compensation. Children whose mother was murdered by the father cannot receive compensation. In some states, battered wives cannot receive compensation, even if legally separated. This blanket exclusion is unwarranted and blatantly unfair.

The concern prompting the exclusion has been that an offender may benefit directly or indirectly from an award to the victim.¹⁵ This consideration is often raised in contemplating awards to abused children who remain in the home with the abusive parent. It also is feared that one family member might falsely claim to be abused to receive compensation, or two or more family members might conspire to defraud the program.

None of these fears justifies a blanket exclusion. The physical injuries in family violence cases are as serious as those in stranger-to-stranger cases. The emotional pain and suffering often are greater. When violence results in the breakup of the family, the financial needs of the victim are especially urgent. Eligibility for compensation becomes especially important.

The criteria for eligibility can protect the purpose and integrity of the fund and ensure that family violence victims are not unjustly denied benefits. One measure used by many states allows direct payment to a victim assistance program that has provided services to the victim. Another method, adopted by some states, allows a waiver of the family member exclusion "in the interest of justice."¹⁶ For example, this would allow programs to compensate small children, whose father murdered their mother, a claim that otherwise would have to be denied. A third possibility is to limit compensation to cases in which the victim is no longer living with the abuser.¹⁷ In all cases of payments to children, the funds can be administered through a trust to prevent the abusing parent from having access to the money.

To qualify for many state compensation funds, the victim must report the crime within relatively short time limits. But children and elderly who are victims of sexual assault may not report their victimization for months or even years. Eligibility criteria should allow extended reporting periods for all cases of sexual assault when the victim is a child or elderly person. Children threatened and intimidated by the offender are often fearful of the

consequences of disclosing the crime. Elderly victims, particularly those who are physically incapacitated and dependent on the abuser for necessities, may be unable to leave the home to report the crime. With extended reporting periods these victims will not be unfairly denied help.

Several state funds now recognize the need to extend benefits for psychological counseling to the spouse of an adult victim. States should expand this eligibility to include the non-offending parents of children who are victims of sexual abuse. The non-offending parent is also a victim who suffers as a result of criminal behavior. Unless the innocent parent is helped to understand the situation and that neither they nor the child is to blame, the parent may unintentionally undermine the best efforts of a good therapist. If not helped through their own anxieties, they cannot be a resource and support for the child.

Victim Assistance Recommendation 5:

Because of the criminal nature of family violence, the federal government should establish a National Family Violence Resource Center within the Department of Justice.

Federal programs dealing with family violence are as diverse as the problem itself. Eight federal departments and one independent agency are directly involved in various family violence activities.¹⁸ Within these departments, approximately 20 agencies, bureaus and offices have some form of direct management or oversight responsibility for family violence activities.¹⁹ No agency is involved in all aspects of the problem nor does any one agency catalog results of all completed federal programs and maintain a listing of all current federal research projects, services and other programs.

The Task Force recommends that a National Family Violence Resource Center be established within the Department of Justice in the Office for Victims of Crime. The Center should:

- Maintain a reference list of all completed and current federal research projects, services, and programs dealing with family violence prevention and intervention;
- Collect and disseminate information regarding model service programs, statutes, funding methods, and training programs;

I think one of the great benefits we have is to utilize our existing institutions and not create new institutions. We're fortunate that in many areas of local government, within one political umbrella, we have medical health organizations, we have social welfare organizations, we have police and prosecution, and we have the tools to bring them together through common political bonds.—Municipal Attorney Jerry Wertzausher

We professionals don't talk to each other. We independently notice that something may be wrong in a family, but because we don't talk to each other a child dies!—Deanne Tilton, Service Provider

Let's start at the beginning and agree that caring is the motivator to change.—John McPhaul, Businessman

agencies but to avoid overlap and duplication of services, to prevent the perpetuation of needless or ineffective services, to maximize the use of limited resources, and to elevate family violence to a higher program priority. The Coordinating Council would have responsibility to:

- Identify the highest priority needs for services;
- Recommend ways to coordinate various agency budgets;
- Coordinate state and private programs with federally funded crime victim services;
- Undertake appropriate research; and
- Reconcile conflicting regulations and other inter-agency disputes.

Victim Assistance Recommendation 7:

Local governments and community service groups should assess the needs of family violence victims and cooperate in the development of victim assistance services.

Just as there is an assortment of federal and state programs and services for family violence victims, potential resources for victim assistance services on the community level are many and varied. Local government officials and community groups should work together to assess the needs of local victims and cooperate in the delivery of victim assistance services.

The mayor or county executive should establish a local working group to determine the extent of the family violence problem in the community.²¹ Other members should include the police chief or sheriff, the city attorney or county prosecutor, heads of local social service agencies, key city council members or county legislators, victim assistance administrators (See Victim Assistance Recommendation 6) and representatives of the schools, churches, hospitals, and business community. Members can then assess the local need for family violence prevention and intervention programs and begin to develop the necessary services.

Victim Assistance Recommendation 8:

Volunteers and the private sector should play a key role in meeting the needs of the victims of family violence.

The most successful component of any service program is caring people. Today, the American tradition of private initiative in the public's service is stronger than ever before. When people in the community are informed about the

suffering of their neighbors, the word spreads, individuals are energized, and action begins. At each hearing, the Task Force heard accounts of the many volunteers throughout the country who have given their time, talent, and money to establish shelters, provide child advocacy services, aid elderly victims of abuse, and raise public awareness of the problems of family violence. Family violence is a community problem where the needs of the victims are well served by volunteer effort and ingenuity. Task Force testimony indicates that self-help groups and volunteers teamed with full-time professionals in state and local service agencies are two forms of volunteer assistance that should be widely applied around the country.

Self-help groups provide peer support for both victims and abusers seeking treatment and guidance.²² Survivors of family violence and former abusers as group members make an especially worthwhile contribution. Who better than another victim can understand the pain and confusion of being victimized by another family member. No one can understand the rage and frustration felt by the offender as completely as another abuser. In the self-help group, the shared suffering of the counselors and those being counseled forms a bond that helps to break down barriers, nurtures recovery and changes in abusive behavior.

Self-help groups have the added advantage of being extremely cost-effective. Most self-help groups use the services of one professional therapist who volunteers or charges a reduced fee for his services. The shared costs per participant are low, thereby facilitating the long-term treatment that is usually needed. Those who have been in the program for some time often choose to stay in the group so that they can work with new group members. "Graduates" often prove to be effective speakers, fund-raisers, and advocates in the community.

The second application of volunteers that has proved especially effective is in the public sector, where volunteers are being teamed with full-time professionals in state and local service agencies. For example, volunteers are being used in the courts as special advocates for children.²³ After being carefully trained, the volunteer is assigned to a pending child abuse case. The volunteer advocate studies the history of the case, conducts an independent investigation of the facts and represents the child's best interest in all court proceedings. The volunteer remains on the case until final disposition,

It was found that the most effective tool for dealing with families with explosive kind of violence...is the use of self-help.—Leonard Lieber, Service Provider

They used to say, I have nothing. Nothing. I'd say, listen you have a Ph.D. in suffering. You are useful.—Erin Pizzey, Author

Through Parents' United, we've reunited our family.... It's not a real quick process. It took us a period of fourteen to sixteen months to get the family reunited. We still have a few problems.—a former abuser

often being the only person who stays with the child throughout the entire court proceeding. The benefits to the child and to the cause of justice are incalculable. The volunteer advocate program also can be used in analogous fashion to help the elderly who need guidance and support in dealing with complicated court procedures.

More generally, programs of public-private partnership have been found to ease the pressure of increasing caseloads on professional service providers, to provide continuity as victims move through the social-service and criminal justice systems, and to augment existing victim assistance services. The usefulness of such partnerships has just begun to be tapped.

All volunteers working in the field of family violence are dealing with extremely delicate psychological and emotional issues. It is essential that volunteers for all jobs be carefully screened for the necessary maturity and interpersonal skills. Once selected, volunteers must be carefully trained for the positions they are to fill and receive sufficient backup from professional staff. Volunteers also must be periodically evaluated and steps taken to prevent the "burn-out" that is endemic among workers in the field of family violence.

The private sector generally also has an important role to play as a provider of financial and in-kind assistance for services to family violence victims. The welfare of children and of families is a priority that cuts across every social, economic, and political line. The case for helping to deal with family violence as a community problem is compelling. Local businesses, community service organizations, churches, schools, hospitals, shelters and other victim assistance groups must work together to provide comprehensive and low-cost resources and services to troubled families. In-kind donations of goods and services are a readily available resource that can become a continuing, long-term contribution to shelters and other victim assistance programs. Some examples cited by witnesses before the Task Force include:

- Grocery stores donating produce, meats, and other merchandise that are still suitable for consumption but perhaps not attractive enough for sale.
- Phone companies donating yellow-page display space for a prominent listing of all family violence resources and related service agencies.
- Taxi companies providing free emergency transportation to police stations and shelters.

It's hard to keep your business right side up when your employees' lives are upside down.—Family and Children's Services of Kansas City, Inc.

- Post Offices donating unclaimed advertising samples which can amount to hundreds of individual portions of soap, shampoo, toothpaste, baby food, and other products.
- Utility companies training employees, especially meter-readers, to watch for signs of unexplained accidents, illness or neglect in young children and in their elderly customers.
- Donations of facilities for storing other donated goods.
- Use of churches as collection points for canned goods, toys, clothing, and other supplies.
- Local business people donating financial and management expertise.
- Free mailings of an information card listing victim assistance programs available in the community. For example, banks could mail a flyer publicizing a local shelter along with its monthly statement.²⁴

These are given as illustrations. The possibilities add up to far more than token additions to the resources of an assistance program. Donations of in-kind goods and services can substantially add to the prospects for long-term institutionalization and stability of victim services.

The Task Force also endorses the formation of 2% Clubs throughout the business community.²⁵ The 2% Club concept was started by local and state-level Chambers of Commerce and requires that business members pledge to give 2 percent of their pre-tax profits to charitable organizations in their community. Currently, the national figure for business donations is closer to 1 percent. It is estimated that an effective 2% Club program could generate an additional three to four billion dollars in revenues for charities. It should be noted that the 2 percent figure is not an upper limit—some cities have established 5% clubs. The practice of tithing, giving 10 percent of one's income to charitable or church organizations is a continuing source of support to service programs.

Volunteerism and private funding for family and victim support services are worthy and often more reliable sources of support than government funding. To mobilize this support, a public awareness campaign is necessary to inform the community of the needs of troubled families. When approached and informed, many individuals and local businesses not only are willing but eager to help.

We are convinced that our participation in the 5% Club as a socially responsible corporation is more important now than ever before.—Walter A. Haas, Jr., Businessman

Victim Assistance Recommendation 9:

The federal government should provide financial incentives and encouragement to the states to train criminal justice personnel, to conduct a family violence prevention and awareness campaign, and to maintain temporary residential facilities for victims of family violence.

See Federal Executive and Legislative Recommendation 5.

Victim Assistance Recommendation 10:


States should use creative funding approaches for financing programs that support victims of family violence.

Approximately 30 states have established special trust funds to finance programs that support victims of family violence.²⁶ The trusts most commonly are funded through a surcharge on the taxes pertaining to marriage and family, such as marriage licenses, birth certificates, and divorce decrees. Another state funding method for family violence programs is to use a voluntary checkoff on the state income tax returns, similar to the one used for federal campaign funds on the federal income tax return.²⁷



The states that are using such systems have found them appealing because they do not reduce the regular state appropriations for other social service programs, they help to develop grassroots support for family services, and they focus attention on services that can prevent family violence. The state surcharges on marriage licenses, birth certificates and divorce decrees range from five to twenty dollars, with ten dollars being the most common amount. The resulting funds range from \$100,000 to about \$4,000,000 annually.²⁸ The average contributions on state income returns range from one dollar to ten dollars. Michigan estimates that they will raise \$2 million from their state income tax check-off.²⁹ Half of this will go to funding programs, the remainder will be invested and earnings credited to the trust fund.

Trust funds provide a variety of services, some exclusively for victims of child abuse, others for victims of spouse abuse. Some trusts finance services for both child and spouse abuse programs. Among the services funded

through the trust funds are 24-hour switchboards and crisis lines, temporary housing, psychiatric care, legal assistance, medical assistance, emergency transportation, school placements, and prevention services. The Task Force recommends that new and existing trusts be broadened to include funding of services for victims of elder abuse.



Prevention and Awareness



Prevention and Awareness

The best of all strategies for dealing with family violence is to prevent it from occurring in the first place. A major part of the battle in preventing family violence is to spread knowledge. Potential victims and abusers must know that family violence is not sanctioned, and is not a private matter, but instead comprises criminal offenses that will be vigorously prosecuted. Potential victims particularly young children must be told of ways to protect themselves; potential abusers must learn how to deal constructively with the problems common in relationships and the difficult task of raising children. The public at large must be aware of the magnitude and urgency of the problems represented by family violence and the costs to society if prevention is not given high priority, for many of today's abused children will be tomorrow's abusers, runaways, and delinquents.

Recommendations for Prevention and Awareness

1. The federal government should, in conjunction with the private sector, develop a national family violence prevention and awareness campaign.
2. As victim assistance resources become available, states, in conjunction with private organizations, should sponsor 24-hour toll-free hotlines for victims of family violence and publicize it as part of a public information campaign.
3. Hospitals, health facilities, and pediatricians should offer instruction and information about family violence and should work with self-help groups to include prevention information.
4. Schools should ensure that all teachers are familiar with family violence prevention and that a special curriculum is part of every child's school experience.
5. The media should publicize local family violence treatment and service programs and provide substantive stories, articles, and programming, educating the public about the problem.

And I will call to your attention what happened in this country in the 1950's when we were trying to wipe out polio. Had the March of Dimes and the National Foundation for Infantile Paralysis spent all of its money on better iron lungs, we would still have polio today. But they wisely spent a portion of their money on prevention and research on vaccine and we don't have polio today.—Dr. Richard Krugman

Discussion

Prevention and Awareness Recommendation 1:
The federal government should, in conjunction with the private sector, develop a national family violence prevention and awareness campaign.

Family violence continues to thrive in part because society is unaware of the nature and extent of the problem. The secrecy that surrounds family violence contributes to the abuser's feelings of power, advantage, and invincibility. It permits them to hide, to avoid the scrutiny of the community, and to rationalize their behavior.

The same cloak of secrecy that empowers the abuser deters the victim of family violence from reporting the crime and acting to change the situation. Some victims do not know that abuse is a crime. Other victims do nothing because they think no one will believe them, or because they believe no one will take any action. Other victims, burdened with guilt and embarrassment, decide their victimization must be their own fault. Still others fail to seek help because they do not know where to go for assistance.

A lack of understanding of the nature of family violence encourages others not directly involved to keep the cloak of secrecy carefully in place. Neighbors or friends who observe physical abuse hesitate to get involved. School teachers ignore tell-tale signs of abuse and by doing so condemn the child to continued victimization. Doctors and nurses do not take the issue of abuse as seriously as natural physical injuries and so often do not even suspect a more potentially dangerous problem. Ministers, clergy, and attorneys are often so unaware of the scope of the family violence as a problem that they are ineffective counselors.

The justification for abuse, the failure to report abuse when it occurs, and the failure to do anything about it when it is reported, all may be traced in large measure to the public misperceptions of the dynamics of family violence. A national public awareness and prevention campaign can do much to overcome this misunderstanding and misconception. A national campaign should publicize:

- The criminal nature of family violence;
- The human and economic costs of family violence;

I think it's crucial that public awareness of the existence of this problem and the breadth of it in this country be heightened. This problem is not limited to any race, any class, any socio-economic group and it's not the fault of the battered women and it's not the fault of the battered children. And, I think only through specific and broad discussion of this problem will those ideas get through the strong propaganda that batterers give the women and children that it is their fault.—a victim

- Information on local resources for victims;
- Methods of preventing family violence.; and
- Special information for the very young.

A national campaign must target all audiences. The general public must:

- Become aware of the nature and costs of family violence. Professionals—such as doctors, nurses, and school teachers—must realize that they normally are in the best position to spot and detect these crimes and that this is one kind of crime where the police are often called when it is too late;
- Parents must be educated on how to warn their children about sexual molestation and how to make sure that individuals to whom they entrust their children are not molesters.

A national campaign must flow from a partnership among the private sector, the federal government, and the national organizations concerned with family violence.

Working in conjunction with the private sector, the federal government can play a useful role by helping to finance production costs (See Federal Executive and Legislative Recommendation 4). There is precedent for this. The Department of Justice already is cooperating with the private sector on the development of a national public awareness campaign for crime prevention. The Department has been active and shared the costs of the National Crime Prevention Council's successful McGruff campaign. This campaign has over 100 national and state sponsors and reaches an audience of several million persons.

The Department of Health and Human Services has led campaigns to stop smoking, and the Department of Transportation has worked with the private sector on a campaign related to the dangers of drinking and driving.

In developing a family violence prevention and awareness campaign, local resources and strategies must be used to most effectively deliver the message. The specifics of an appeal that will work in a large urban area in the Northeast are much different from an appeal that will work in a rural area of the South or a small town in the Midwest. Problems are different, customs are

The American Cancer Society's successful smoke-out campaign helps 1.4 million people give up an addictive habit. Education could do that for child abuse.—Suellen Fried, Service Provider

different, and policies are different in various sections of the country. An effective national campaign must adapt to them. More importantly, some of the most successful appeals will be based on specific local initiatives. For example, a local chief of police or sheriff announcing the department's new policy on responding to family violence calls in conjunction with a public information campaign is the best possible way of sending a message to the community.

A national campaign will need to work closely with professional associations and public interest organizations, as well as schools, churches, and civic groups, to involve them in the planning of the national effort. Ideally, simple common themes could be developed and then adapted to the special focus. State and local officials should be made aware of the campaign and encouraged to develop a specific focus that works best in their area. The Task Force heard of outstanding examples of local campaigns that could become the basis for a national campaign.¹ State and local governments, as well as private groups and organizations, have developed programs to inform people about a whole gamut of family violence issues that have sprung up around the country.

The essential ingredient in all these campaigns has been the formation of a coalition of various community groups, voluntary agencies, foundations, governmental and business representatives. No one segment or sector can be expected to develop and implement an effective public awareness campaign by themselves. Effective public awareness campaigns like the problem of family violence itself demand a large number of diverse groups working together to develop a unified response to the problem. The federal role should not be dominant for family violence is more than a federal problem or issue. It is a problem that affects the community, the schools and the work place, and needs to be dealt with by all of them. The federal role should be limited to providing funds for a portion of the production costs of a national public awareness campaign.

Public awareness of the issues of family violence offers hope that we can bring the problem out into the open and expose the frauds and myths it has conveyed to the public.

Prevention and Awareness Recommendation 2:

As victim assistance resources become available, states, in conjunction with private organizations, should sponsor 24-hour toll-free hotlines for victims of family violence. This number should be publicized as part of the public awareness campaign.

Victims of family violence repeatedly told the Task Force that they were unaware of where or to whom to report cases of battering and abuse. To ensure immediate access to information on the available assistance services, nineteen states have established toll-free hotlines for victims of family violence.² In addition to referral information, the hotline provides a quick reporting mechanism, and a sympathetic and concerned listener for the victims who use the crisis line. A single, statewide number facilitates publicity and consequent public awareness of the hotline. Because the hotline is in effect a centralized data bank of information about victim assistance services, it also facilitates the coordination and most effective use of services.

The Task Force recommends that as victim assistance resources become available, all states, in conjunction with private organizations, should sponsor 24-hour toll-free hotlines for victims of family violence. It is important that the existence of the hotline not unrealistically raise the hopes of the victim seeking help. For the hotline to be of service, there must be community resources available to meet the needs of the victim. Once services are available and the hotline is established, it should be widely publicized through billboards, public service announcements, advertisements on public transportation, and in local telephone books. Law enforcement officers and hospital emergency room personnel also should inform victims of the hotline number and services. All cases of suspected abuse received by the hotline should be referred to appropriate officials for investigation.

Prevention and Awareness Recommendation 3:

Hospitals, health facilities and pediatricians should offer instruction and information about family violence and should work with self-help groups to include prevention information.

*Men beat women
because they can.—a
victim*

One of the most effective forms of prevention is to educate individuals who are at risk of becoming victims or abusers. Hospitals and health facilities, especially health facilities dealing with newborns, are ideal settings for prevention education.

Hospitals should offer parenting classes to all new parents both before and immediately after the birth of the child. The hospital is the one place that reaches almost all parents at the start of the child's life and the beginning of the development of the parent-child bond. The period immediately following birth is one in which parents are most determined to be a good parent and most likely to accept advice about how to do so. Courses do not have to be lengthy, they can instruct new parents on proper methods for caring for children, the effects of abusing or neglecting a child, and the resources available in the community for parents who fear losing self-control in disciplining their children.

Pediatricians can also have an important preventive role to play. Many parents testified that when they felt like they were losing control they sought the advice of their children's doctor. Unfortunately, many times, the doctor would not take the parents' fears seriously. It is essential that the doctor respond to such a plea for help with adequate advice, referral to self-help groups, classes, or respite clinics. For very young children, this may be their only chance before serious harm is inflicted.

Well-baby clinics provide another setting for instruction of parents. Such clinics, usually serving urban neighborhoods, provide inexpensive, preventive health care for infants. They can expand upon the initial instruction received in the hospital and provide more detailed information on parenting skills and methods of caring for children of all ages. The clinics can let parents know what to expect of children at various stages and help to forestall unrealistic expectations. Clinics can also offer courses to parents on alternative forms of discipline.

Mental health clinics also can play a significant role by identifying persons who may be potentially abusive. The perpetrator often turns to such facilities for help with other problems. Staff members who are alert to the indirect signals of abusive behavior can intervene with therapy or other assistance that otherwise would not have been thought necessary. The clinics also should offer courses in anger management and non-violent problem solving methods.

*I have come to the
conclusion that the way
to prevent this crime
most often from hap-
pening is the education
of children. Not the
education of adults,
but the education of
children, and this
comes from the child
molesters themselves
who I deal with on a
daily basis.—a victim*

Prevention and Awareness Recommendation 4:
Schools should ensure that all teachers are familiar with family violence prevention and that a special prevention curriculum is part of every child's school experience.

Schools have an important leadership role in implementing prevention of abuse aimed at the very young. Instruction regarding abuse should begin very early in a child's education as experts are stating that abuse is starting at younger and younger ages.³

At a minimum, school administrators should adopt one of the several available "good touch, bad touch" programs and require that all kindergartners or first graders be given the course. The course should include the possibility of molestation by strangers as well as loved ones. Children must be taught that they can say 'no' to an adult and that they can safely turn to others for help. We must prepare children to deal with threats, bribes and force. In some jurisdictions the actual teaching is done successfully by trained volunteers, in others by trained police officers or the school teacher. In any case, the school teacher must be trained and prepared to refer these children who commonly come forth after such a program to tell about a bad touch situation they have experienced.

Sensitized and trained teachers who come into contact with their students on a daily basis should be able to discern any change in the child's physical and/or emotional well-being. By building upon the trust they have generated with their students, teachers should be able to elicit information regarding the student's life that would not be available to others.

Schools also have an important, long-range role to play in prevention of abuse. The generational nature of battering and abuse is well documented. The Task Force heard a number of experts suggest that the best way to break this generational cycle is to work with very young children to teach them techniques, such as, "time-outs," to handle angry and violent feelings without resorting to violence.

Prevention and Awareness Recommendation 5:
The media should publicize local family violence treatment and service programs and provide substantive stories, articles, and programming, educating the public about the problem.

The power of the printed and broadcast word is great, its influence perhaps immeasurable. By publicizing services and resources available for both victims and abusers, local newspapers, magazines, and radio and television stations are performing a valuable community service.

Many local stations have accepted their responsibility to serve in the public interest and have freely broadcast public service announcements regarding various family violence issues. These public service announcements are strongly encouraged because they are essential in increasing public awareness concerning the problem of family violence. However, the public service announcements in and of themselves are insufficient. Documentaries, news stories and TV movies, such as "Something About Amelia" and "Adam," are needed. These programs generated millions of calls from victims requesting help as well as from the public volunteering their assistance and requesting additional information.

The media can help us in our fight against family violence by continuing to air public service announcements, news stories, documentaries and TV movies that make the public aware of the extent and seriousness of family violence as well as appropriate public responses to the problem. Further, these shows should be broadcast at prime time to give them the widest possible exposure. Educational materials that are developed in conjunction with the shows should be distributed to as many schools and community groups as possible.

In addition, newspapers should print stories that help to educate the community about the nature, extent, prevention, costs and illegality of family violence. Newspaper and magazine stories that familiarize the community with the dynamics of family violence can also help to resolve and prevent the problem.

The media has another, less readily recognized, role to play in reducing the incidence of family violence—particularly battering and molestation. There is mounting concern that media depictions of violence and abuse, whether in print or via broadcast, can encourage aggressive, anti-social behavior by those who see them. We are increasingly aware of and concerned about anecdotes of young people emulating illegal and often violent acts they have seen presented by the media. The media industry must recognize the tremendous influence it can have and strive to avoid depictions that may lead to further violence.

*Twenty percent of our combined tax dollars and our personal income goes to deal with problems of child abuse.... I think if the American public was made aware of what it's costing them, those that don't have a human interest might begin to have a practical interest....—
 Jennifer James*

Education and Training

Education and Training

Responding effectively to family violence may involve a broad range of expertise in health, education, psychology, and the law. Further, the knowledge often must cross professional boundaries: the teacher must know something about medical characteristics of abuse; the prosecutor must know something about the psychology of family violence victims; and the physician must know something about the legal options for dealing with the problem. For these reasons, better education and training of professionals who encounter the problems of family violence deserve a high priority.

Recommendations for Education and Training

1. The curriculum of all relevant professional schools should include courses that offer instruction on the causes, consequences, and prevention of family violence and the appropriate methods of intervention. Special curricula should be developed especially for doctors, nurses, lawyers, social workers, teachers, ministers and psychologists.
2. Federal, state, and local government agencies should train relevant personnel to diagnose and appropriately intervene in family violence cases.
3. National professional organizations and community service groups should educate their members on the nature and extent of family violence, appropriate methods of intervention, and the importance of public awareness and prevention efforts.
4. Schools and hospitals should train their staffs to recognize the early warning signs of family violence.

Discussion

Education and Training Recommendation 1: The curriculum of all relevant professional schools should include courses that offer instruction on the causes, consequences, and prevention of family violence and the appropriate methods of intervention. Special curricula should be developed especially for doctors, nurses, lawyers, social workers, teachers, ministers and psychologists.

Throughout six regional hearings, the Task Force consistently heard that many professionals do not understand the criminal nature of family violence nor are they properly trained to handle the tragic and profound consequences of violence within the family. Many professionals are unable to recognize signs of abuse and do not know how to help family members or where to refer them for assistance. Because the consequences of violence are so serious and far-reaching not only for the individual family but for society generally, early intervention and treatment of the entire family is crucial. It is important that professionals be able to quickly and accurately diagnose and intervene in instances of family violence. Training for all relevant professionals should begin during their academic studies.

Classes of family violence should be a required part of the core curriculum in all relevant professional schools. Medical schools, seminaries, and schools of nursing, education, law, criminal justice, social work, psychiatry and psychology should offer courses that include instruction on the prevention of family violence; the dynamics of abuse; methods of diagnosis and intervention; appropriate responses, referrals and treatment; and legal dispositions. Further, to ensure that this subject matter is given high priority and considered an essential part of a professional education, examining boards and accreditation associations should include examination questions on family violence diagnosis, consequences, intervention, and prevention.

For doctors and nurses, special attention must be paid to the detection of child, spouse and elder abuse. Testimony was given on how often child abuse is not detected because physicians were not aware of what to look for or of the new techniques that have been developed which can assist in their diagnosis.¹ Likewise, there is need for training of nurses who may spend more time with a patient than the doctor.

For lawyers, at a minimum, there is need to update required criminal law courses to have full discussions on the legal issues of family violence. Special indepth courses on the etiology and treatment of family violence should also be available.

For educators, there is particular need to teach both pre-school and primary teachers about physical and sexual child abuse. These teachers need to know how widespread these kinds of abuses are, what are the best ways

*Violence is every bit a public health issue for me and my successors in this century, as smallpox, tuberculosis, and syphilis were for my predecessors in the last two centuries.—
U.S. Surgeon General
C. Everett Koop, M.D.*

*Judges and lawyers have grown older, not necessarily wiser. We need training in the psychological dynamics of abuse. We have to be retrained as our collective knowledge in this area increases. We must be made aware of treatment alternatives, rehabilitation techniques, and the necessity for punishment of some offenders.—
Judge Judith Rogers*

I think it's an appalling commentary that crimes that are killing thousands of Americans each year and affecting millions are not even formally studied by the many practitioners who must deal daily with the fallout.—Karil Klingbiel

to identify children who may be in need of help, how to talk to a child who may have a problem, how to report it, and how to offer preventive suggestions to the children.

Elementary and pre-school teachers also must be given training on how to handle the disruptive behavior that often leads to violence in the classroom. Children who witness abuse at home need help at an early age learning techniques of how to settle disputes and handle anger without resorting to violence.

Social workers must be made aware of the importance of close cooperation with the criminal justice system and be trained to develop such cooperation. Ministers must also be trained on the generational, cyclical nature of the problem and be versed on the need to treat family violence as a crime. Victims testified that some ministers tended to minimize the problem or tell the woman to stay and keep the marriage together even in cases of serious physical abuse towards her or the children.

Psychologists and psychiatrists must learn not only about the causes of family violence but what treatment techniques are most effective. Testimony received by the Task Force overwhelmingly suggested that a critical element to a successful treatment program is a self-help group. Professionals need to understand why this approach is successful and how to build it into a treatment program.

Education and Training Recommendation 2:
Federal, state, and local government agencies should train relevant personnel to diagnose and appropriately intervene in family violence cases.

Many federal, state, and local government employees provide services to troubled families. Law enforcement officers, criminal justice system personnel, social service employees, teachers and health and mental health professionals employed by government agencies deal with the victims and perpetrators of family violence. To build upon their academic training and to help provide the most effective assistance to family members, federal, state and local government agencies should provide these employees with initial and in-service training relating to family violence. Training should include instruction on the prevention of family violence; the dynamics of abuse; methods of diagnosis and intervention; appropriate responses, referrals and treatment; and legal dispositions. Agency

Even those who come in contact with abused elderly may not recognize the signs of abuse and neglect since there is little education or training about how to identify abuse and neglect of the elderly.
—Charlotte Flynn
Service Provider

training directors should consult closely with practitioners and research centers to incorporate the latest available method of effective response. With an updated curriculum, government employees will be better trained and equipped to diagnose, treat, counsel, and otherwise intervene in family violence cases.

It is especially important that criminal justice professionals (including law enforcement officers and probation and parole officers) be well-trained in diagnosis, intervention and referral of family violence victims and perpetrators. This can be done through college and university courses as well as in-service training. Some law enforcement agencies offer special courses with the most current information and statistics on family violence and give graduates certificates or continuing education credits.

The Attorneys General of a number of states sponsor training for local prosecutors in family violence. State Chief Judges could endorse the same sort of training for judges who must make the very difficult sentencing decisions in family violence cases.

In-service training is also essential for all social service providers such as child protection workers, mental health professionals, alcohol and drug abuse counselors and shelter workers.

The medical profession has a critical role to play in diagnosing injuries as assaults, assessing the true situation from the patient's perspective and assisting the victim in notification of law enforcement officials and referral to needed social service agencies. This training should be required of physicians, nurses, paramedics, psychologists and other health professionals who come in contact with victims, through continuing education courses or in-service training. The states should encourage all hospital emergency departments to develop protocols for the diagnosis, treatment and referral of family violence victims.

Teachers are a vital link in the effort to diagnose child abuse and child sexual assault. They spend a great deal of time with children, are able to develop trusting relationships, and are looked upon as authority figures by the children. They are obligated by law to report child abuse and it is very important that they are given the proper training to identify it (See Federal Executive and Legislative Recommendation 4).

Education and Training Recommendation 3:
National professional organizations and community service groups should educate their members on the nature and extent of family violence, appropriate methods of intervention, and the importance of public awareness and prevention efforts.

National professional organizations and community service groups are dedicated to improving the quality of service by their professions and life in the community. Since the family is one of the fundamental elements of the community, its well-being and stability should be of primary concern to these organizations. By educating their members on the nature and extent of family violence and appropriate methods of intervention, these professional organizations and service groups can make an important contribution to preventing and treating family violence.

Professional organizations and service groups offer members many opportunities for continuing education and increasing community involvement. Seminars, meetings, conferences, and publications can address the dynamics of family violence and the appropriate actions necessary to recognize, treat, and resolve the problem.

Professional organizations, such as the American Bar Association, National District Attorney's Association, National Council of Juvenile and Family Court Judges, and National Judicial College, all offer many opportunities for continuing education for their members such as seminars, annual meetings, conferences and publications. Familiarization with the unique characteristics of family violence should be a part of this training. Other professionals all have their own conferences and meetings that are ideal opportunities to train the membership and seek more effective means of intervention and treatment.

Parent groups of all kinds (Parent Teachers' Associations, youth groups, support groups, sports clubs, etc.) should make it a priority to educate their members on child abuse and molestation so that awareness of this problem will increase. Awareness will lead to precaution and prevention and more effective intervention when abuse is discovered.

Religious leaders can provide a great service to the community by addressing this problem and educating their congregations. By speaking of the problem openly,

*I would like to see some national workshops where we get together some of the key people who are involved in service delivery...to present project designs that can be used as models and can be taken back to other jurisdictions.—
Asst. Chief of Police
Noreen Skagen*

the cloak of secrecy and shame will be removed. People will know that they can call their pastor, priest, or rabbi for further information or to talk about their own family problems in this area.

The religious community has a charitable mission that can be expanded to include the needs of victims of family violence. It has been demonstrated that religious groups are very actively involved in ministry to children, teenagers, and families experiencing the tragedy of abuse or sexual assault. Church members are an untapped resource of volunteers that could be more effectively used to assist troubled families.

Community service organizations should be educated on the problem of family violence and encouraged to assist and participate in community efforts to alleviate this problem.

Community groups dealing with youth such as Boys' Clubs, Campfire, Inc., Boy and Girl Scouts, etc., should train employees and volunteers on the nature and extent of family violence, proper identification of victims and appropriate referral procedures.

These organizations should develop relationships with agencies working in the area of family violence so they can be helpful in terms of preventing violence and sexual assault, and referring family members to treatment agencies.

Many organizations and volunteer agencies have done an excellent job of working with youth and families and they are responding admirably to the increasingly visible problem of family violence.²

Education and Training Recommendation 4:
Schools and hospitals should train their staffs to recognize the early warning signs of family violence.

Two sets of professionals are more likely to have the first clues that a child or elderly person is being abused by another family member. One group is teachers and other professionals in the school system; the second consists of health personnel. These professionals should be considered the early warning system for detecting and acting upon evidence of child and elder abuse. Schools and hospitals should carefully train their staffs to recognize and report signs of suspected abuse.

Teachers have daily periods of extended contact with their students and often easily gain a child's confidence

If my son went to school unfed, or with his clothes ripped, or wearing the same pair of pants for a week, they'd be quick to jump in, but not when he goes to school with bruise marks. They do nothing. Or doctors, who also don't want to get involved. They don't want to upset the paying parent. Because the paying parent won't go back, will they?—a victim's mother

There seems to be a lack of knowledge all the way across the board in victimology. Not only was I not trained when I was in graduate school, neither are people in the legal profession or the medical profession or the social service field or the allied health field.—Mary Jo Robinson-Hardin, Service Provider

and trust. Given instruction on the clues to watch for, teachers should be able to discern the early changes in the physical and emotional well-being of a child that may signal abuse and should report suspected cases. Teachers also should be trained to use non-violent problem solving methods in the classroom. In the hospital, the attending doctors and nurses are in a unique position to assess whether the injuries of a child or elder patient are the likely result of the reported "accident." Doctors and nurses also are able to monitor the progress of a patient who continues to return for treatment of minor injuries that may seem to fit a suspected pattern of abuse. Both teachers and health personnel should be aware of the subtleties involved in detecting the early signs of abuse. For example, teachers and health personnel should be alert to unexplained drowsiness, stomach aches, and bruises, frequent trips to the bathroom or unusual personality changes in a child. Teachers and hospital personnel also should be sensitive to the victim's characteristic reluctance to reveal the identity of the perpetrator of the abuse.

Data Collection and Reporting

Data Collection and Reporting

Throughout the hearings, it became clear to the Task Force that current knowledge about the incidence of family violence is based mostly on estimates. Effective responses to the problem require much more accurate data. There is no shortage of figures, yet estimates on the numbers of abused spouses, children, and elderly persons vary greatly. In addition, legal experts regard family violence cases to be among the most underreported of any crime. The task of understanding family violence requires the collection of accurate and complete data.

Recommendations for Data Collection and Reporting

1. The Uniform Crime Reports of the Federal Bureau of Investigation (FBI) should be revised to collect and publish data that:

- Indicate the age of the victim and the relationship of the victim to the offender for crimes of aggravated assault, simple assault, rape, sex offenses (except prostitution), and offenses against the family and children; and
- Record incidents of family violence crimes, regardless of whether an arrest is made.

2. The National Crime Survey efforts to more accurately measure the extent of family violence in America, especially the physical and sexual abuse of children and abuse of the elderly, should be continued and supported.

3. Federal statutes and regulations for alcohol and drug abuse treatment programs should not conflict with state laws that require reporting of all instances of child abuse, neglect, and molestation.

4. Professionals currently required to report child abuse should be required to report elder abuse.

Discussion

Data Collection and Reporting Recommendation 1: The Uniform Crime Reports program of the Federal Bureau of Investigation (FBI) should be revised to collect and publish data that:

- Indicate the age of the victim and the relationship of the victim to the offender for crimes of aggravated assault, simple assault, rape, sex offenses (except prostitution), and offenses against the family and children; and
- Record incidents of family violence crimes, regardless of whether an arrest is made.

The Uniform Crime Reports (UCR) are published yearly by the FBI. Every month, state and local law enforcement agencies voluntarily submit crime statistics to the FBI. The UCR program provides indicators of the nature, extent, and seriousness of the national crime problem. However, current UCR statistics provide relatively little information, from a statistical perspective, about the extent and nature of crimes within the family.

Twenty-nine separate offenses are listed in the UCR. Six of these offenses pertain to crimes that may occur in the family and thus be considered as family violence crimes. They are homicide, rape, aggravated assault, simple assault, sex offenses and offenses against the family and children. Presently, homicide is the only offense in which the relationship of the victim and offender and their ages are reported to the FBI. Without being able to note the relationship between the victim and the offender or to determine the age of the victims for all crimes of violence occurring within the family, it is virtually impossible to assess how many of these offenses occurred.

Because the UCR does not have a specific category of offenses identified as crimes of family violence, it is necessary to collect additional data elements that will help to identify offenses that occurred within the family. By having the age of the victim and offender noted for the six offenses, and by knowing the relationship between the victim and the offender, there will be a better indication of how many assaults involved one spouse battering another, or how many instances involved a child who was physically or sexually assaulted by a parent.

Additionally, the Task Force recommends that all incidents of family violence crimes be reported to the

I think it ironic that the FBI lists seven significant crimes—many deal with property. It makes me wonder if sometimes that doesn't go back to old budget fights of the 1930's to prove a budget because you could recover property. And when you recover a family, there's no cost attached that you can put a number on.—Jack Dugan, Criminal Justice Practitioner

CONTINUED

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FBI, regardless of whether an arrest is made. Of the six offenses comprising family violence, homicide, rape and aggravated assault are reported to the FBI and published in the UCR utilizing a method called incident-based reporting. Each time a local or state law enforcement agency responds to a call for service involving one of these offenses, an official report is completed, regardless of whether an arrest is made. Each month, local and state law enforcement agencies note the number of incident reports and arrest reports and send this information to the FBI. Consequently, there is a fairly accurate picture of the extent of these crimes. However, for the offenses of simple assault, sex offenses and offenses against the family and children, the picture is incomplete because law enforcement agencies only report the occurrence of these crimes when an arrest is made.

By incorporating those changes, the fact that an incident of family violence that falls under a classification which previously recorded only arrests will no longer prevent it from being collected and recorded. Coupled with the information noting the relationship of the victim to the offender, incident-based reporting will provide a means to more accurately measure crimes of family violence. As a result, both law enforcement and victim services will be better able to direct their resources in responding to and providing services for victims of family violence.

Data Collection and Reporting Recommendation 2:
The National Crime Survey efforts to more accurately measure the extent of family violence in America, especially the physical and sexual abuse of children and abuse of the elderly, should be continued and supported.

Statistics indicate that only 33 percent of all crime incidents are reported to police.¹ To obtain a more accurate count of all crime, not just crime reported to the police, the National Crime Survey (NCS) sponsored by the Bureau of Justice Statistics, interviews 60,000 households every six months. The survey assesses crime victimization from the victims' standpoint rather than that of law enforcement, prosecutors or judges.

The information provided by NCS statistics cannot cover more than a part of the family violence problem. For adult and teenage victims, for example, instances of family violence are reported to the interviewer only

when victims perceive the abuse as criminal and when they are sufficiently at ease to discuss the victimization in their own home, perhaps in the presence of the abuser. Although the interviewers request, and are trained to conduct private interviews, the voluntary nature of the NCS does not permit the interviewers to mandate private interviews.

Further limiting the comprehensiveness of the survey regarding family violence, children under 12 years of age are not interviewed. It is the advice of the survey research community that interviewing younger children is not feasible, since it is unlikely that a child would frankly discuss abuse with a strange adult who the child will see no more than twice a year. Also, it is not likely that parents would allow their child to be privately interviewed, which would further reduce disclosure of parental abuse. Nevertheless, the Bureau of Justice Statistics should continue to explore methods to gain information from those under 12 years of age.

The Bureau of Justice Statistics' efforts to revise the NCS to include elements on family violence in the interview and reporting formats and to enhance its overall capacity to offer useful information on family violence should be continued and supported. Such improvements will result in a more accurate measure of the extent of family violence that can assist policymakers in allocating resources, personnel, and funds for victim assistance services.

Data Collection and Reporting Recommendation 3:
Federal statutes and regulations for alcohol and drug abuse treatment programs should not conflict with state laws that require reporting of all instances of child abuse, neglect, and molestation.

During the course of treatment, patients in federally assisted alcohol and drug abuse treatment programs may reveal incidents in which they have abused, neglected, or molested a child.² Under state law, treatment practitioners are required to report such incidents. However, federal statutes and regulations requiring confidentiality of patient records for participants in federally assisted alcohol and drug abuse treatment programs often conflict with state reporting requirements and inhibit practitioners from reporting suspected cases of abuse.³

Unfortunately, it is extremely difficult to obtain statistical information. . . that accurately depicts the range of these experiences.—Dr. Steven R. Schlesinger, Director, Bureau of Justice Statistics

The Child Abuse Prevention and Treatment Act requires states to enact laws for mandatory reporting of child abuse and neglect as a condition of receiving federal support under the Act.⁴ This is a clear statement of federal policy on the importance of reporting suspected cases of child abuse. Yet the alcohol and drug abuse treatment statutes and regulations requiring confidentiality of treatment records, make a conflicting statement of federal policy. Confidentiality regulations prevent practitioners from reporting abuse and endanger the safety of children. Although the departments administering these programs have agreed to a joint policy to make information available for the protection of children but still maintain a measure of confidentiality for the patient, the procedures are cumbersome and prevent prompt treatment and criminal prosecution.

Federal regulations should not prevent practitioners from complying with mandatory state reporting laws. The state laws were enacted in compliance with a clear statement of federal policy declaring the importance of reporting suspected cases of child abuse. The need to protect children and investigate suspected cases of abuse outweighs the interest of the alleged abusers in complete confidentiality in obtaining treatment in alcohol and drug abuse treatment programs. Confidentiality statutes and regulations for alcohol and drug abuse treatment programs should be amended to require compliance with state laws on mandatory reporting of child abuse, neglect, and molestation.

Data Collection and Reporting Recommendation 4:
Professionals currently required to report child abuse should be required to report elder abuse.

Elder abuse is a phenomenon about which very little is known. Self-reporting by the at-risk elderly is the least likely method of learning of suspected cases of abuse.⁵ Older people who are experiencing declining cognitive or emotional functioning may fear exposure of that decline and not report their victimization. Many older people may be physically incapacitated and unable to leave home to report the abuse. Still others may be unable to communicate the abuse because of mental or emotional incapacitation. Just as in the case with children, abuse of the elderly may occur for long periods of time without anyone knowing about the problem. Again, much

as with children, the elderly must rely on others to report their victimization. The same protections now available to the child victim also must be available to the elderly victim. State laws requiring mandatory reporting of child abuse should be amended to include suspected cases of elder abuse.

Research

Research

What causes family violence? What actions by law enforcement, prosecutors or courts are most effective in stopping it? What can be done to prevent family violence? The answers to these questions remain partial and uncertain. If progress against family violence is to be sustained, knowledge about these critical and highly practical questions must be increased.

Recommendations for Research

1. All federally-funded research on family violence should be coordinated with the Department of Justice.
2. National research efforts should be directed in several areas - (See Discussion of Recommendation 2).

Research Recommendation 1:

All federally funded research on family violence should be coordinated with the Department of Justice.

Seven federal departments, one independent agency, and a myriad of local, public and private groups conduct research on various aspects of family violence.¹ Unfortunately, many of these efforts have resulted in limited advances, needless duplication, and unintentional confusion about the best methods of intervention in family violence cases. There is an urgent need to coordinate family violence research so that progress is economical and efficient.

The Office for Victims of Crime, established in the Department of Justice, is effectively coordinating program development, training, legislative initiatives, and research and replication in the area of victim assistance. This office has made laudable progress in the developing discipline of victimology. In light of this success and because of its location in an agency that administers research and program development, the Victims Office should conduct a similar coordinating effort for programs dealing with the various aspects of family violence.

The Office for Victims of Crime should ensure that all new research endeavors have the benefit of the most current and comprehensive research results and program

Family violence should be placed on a par with cancer, cardiovascular disease and other well-funded research efforts. Many researchers indicate that until we translate violence and aggression into how they injure people, how much money they cost us as taxpayers, how they

information available. By cataloging areas and topics previously explored and responsibly evaluated, the Victims Office can ensure that new research projects do not inadvertently duplicate previous or current studies. Federal monies then could be more effectively channeled into new programs and projects to develop an improved response to family violence.

Research Recommendation 2:

National research efforts should be directed in the following areas:

- Determination of the most effective methods of prevention;
- Development and evaluation of effective methods of increasing public awareness of how and when to report abuse;
- Development of strategies for the prevention of sexual molestation of children that are directed at both children and the adults who may be able to assist in prevention (See Prevention and Awareness Recommendations 3 and 4);
- Development and evaluation of effective methods for early identification of incest and sexual molestation victims;
- Development and evaluation of student conflict resolution methods for school teachers;
- Determination of the most effective reporting methods and intervention techniques in cases of elder abuse;
- Development and evaluation of the administrative and programmatic aspects of coordinated community intervention in family violence cases. Mental health, justice, welfare and medical agencies should be involved in the effort;
- Replication of the studies testing arrest as a deterrent to family violence;
- Development of judicial sanction options tailored to family violence situations;
- Evaluation of the effectiveness of various treatment programs for incest offenders;
- Development of more effective prosecution techniques for cases of child sexual assault. These should minimize to the extent possible the additional trauma for the victim created by the court processing;

offend morality and how they threaten our very civilization, that we will simply be striking our heads against a brick wall.—Karil Klingbeil

- Examination of the types of sentences imposed on child molesters and pedophiles and their subsequent patterns of behavior;
- Evaluation of the effectiveness of various treatments and sanctions imposed on child molesters and pedophiles, including incest offenders. The research should help identify which offender behavior is likely to be changed by which programs and which offender is unlikely to be amenable to any treatment program;
- Development of law enforcement techniques to investigate sex crimes perpetrated on young victims.
- Determination of how child molesters select victims, what strategies they use to entice victims to cooperate and what circumstances they consider favorable in terms of proceeding with an assault. This research would then be used to improve both prevention programs and intervention efforts;
- Development and evaluation of effective treatment strategies for victims of family violence which help to minimize the long-term psychological, medical and behavioral effects of battering;
- Development and evaluation of treatment programs for batterers, comparing specifically the results of voluntary and court-ordered treatment;
- Identification of effective methods for intervening in elder abuse cases;
- Development and evaluation of methods for minimizing dislocation and stress on victims while the violent family member is receiving treatment;
- Examination of the long-term effects of sexual molestation of children on their adult behavior or adjustment;
- Development and evaluation of effective treatment programs for children who are the victim of sexual assault including incest;
- Analysis of the economic costs of family violence.

Research is a valuable tool in the development of more effective family violence prevention, intervention, and victim assistance methods. Before sound policy determinations can be made, legislators, public officials, and program administrators need the benefit of victim input and vigorous research and analysis. The recommended research topics were consistently presented to the Task Force in six national hearings. This is not an exhaustive research agenda but one which will yield new information for policymakers and provide additional topics for study.

*I didn't say that they can't be treated, but I know of no treatment program for pedophiles. . . . We may have to incarcerate them, or do something until we find a way of dealing with them.—
Dr. Henry Giarretto,
Service Provider*

Federal Executive and Legislative and State Legislative Action

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Federal Executive and Legislative and State Legislative Action

During the past decade, many states have developed innovative and effective legislative measures to prevent victimization, increase the apprehension of perpetrators, improve their prosecution, and provide protection for victims. The following recommendations draw on these experiences both for extension to other states and for application to the federal code.

Recommendations for Federal Executive and Legislative Action

1. Federal regulations should require criminal history backgrounds on all volunteers or employees working for agencies receiving federal funding and providing care, training, supervision, entertainment or otherwise dealing with children.
2. To recognize the importance of the family and the values it sustains and to continue to relieve the financial pressures on the family, the federal income tax deduction for dependents should be increased.
3. Confidentiality statutes and regulations for federal alcohol and drug abuse treatment programs should be amended to require compliance with state laws on mandatory reporting of child abuse, neglect and molestation.
4. The federal government should provide financial incentives and encouragement to the states to train criminal justice personnel, to conduct a family violence prevention and awareness campaign, and to maintain temporary residential facilities for victims of family violence.

Discussion

Federal Executive and Legislative Recommendation 1: Federal regulations should require criminal history backgrounds on all volunteers or employees working for agencies receiving federal funding and providing care, training, supervision, entertainment or otherwise dealing with children.

Persons who sexually abuse children do so by choice and usually have an established pattern of abusive behavior.¹ They frequently have committed prior offenses, some of which may be known to previous employers, police and courts. Typically these offenders change their names or residences and seek employment with agencies that provide care, training, supervision or entertainment for children. By concealing their past offenses, these persons are able to obtain work in agencies that provide easy access to children.

Many of these child service agencies receive federal funding. To better protect children and help to control the staggering national problem of child sexual abuse, the federal government should require agencies receiving federal funding for child-related programs to use national and state data bases to complete criminal history backgrounds based on fingerprint identification on all volunteers and employees.² Responsible use of the centralized data bases by these agencies will provide greater protection to children by preventing previously identified sex offenders from occupying positions where they come in contact with youngsters.

Federal Executive and Legislative Recommendation 2: To recognize the importance of the family and the values it sustains and to continue to relieve the financial pressures on the family, the federal income tax deduction for dependents should be increased.

The family is the cornerstone of the American community. Preserving valuable traditions and nurturing the country's children, families are the nation's greatest strength and hope for the future. Because the country's vitality depends on the health and well-being of the family, it is essential that public policy affirm and fortify the family and its values.

Individuals who commit child sexual abuse don't just stop their behavior. It becomes chronic, it continues, and they seem to go on forever. . . .—Maureen Saylor, Service Provider

In some area of tax policy the 'worth' of children has drastically eroded in recent decades. . . .—Dr. Allan C. Carlson

Although the costs of raising children and caring for the dependent elderly have increased dramatically, tax policy has not acknowledged this financial burden on the family. In the late 1940's, the tax deduction for children and elderly dependents was \$600. Today, the deduction is \$1,000. However, if it had been indexed to keep pace with the increased cost of living, the deduction would be over \$3,000.³ The federal tax deduction for dependents must be increased not only to underscore the importance of the nation's children and elderly, but also to provide greater tax fairness and financial relief to the American family.

Another consideration would be the compatibility of federal labor laws and regulations with the needs of the family. Undue restrictions on working at home should be carefully reviewed to provide more options for supplementing family income.⁴ By working at home rather than commuting and adhering to standard work schedules, family members also will enjoy flexible work patterns that permit more time for parenting young children and caring for dependent elderly adults.

Federal Executive and Legislative Recommendation 3: Confidentiality statutes and regulations for federal alcohol and drug abuse treatment programs should be amended to require compliance with state laws on mandatory reporting of child abuse, neglect and molestation.

See Data Collection and Reporting Recommendation 3.

Federal Executive and Legislative Recommendation 4: The federal government should provide financial incentives and encouragement to the states to train criminal justice personnel, to conduct a family violence prevention and awareness campaign, and to maintain temporary residential facilities for victims of family violence.

Family violence is a troubling and serious problem for local communities. The repercussions of violence within the family extend far beyond the four walls of the home. There is a tremendous cost in human suffering for family members but also a significant economic cost to the community in the delivery of law enforcement, legal, medical, mental health, and other social services. The

most effective means of dealing with the problem is at the local level. The enforcement of laws prohibiting the acts involved in family violence is the responsibility of local and state law enforcement and criminal justice systems. The ingenuity, talent and creativity for the development of victim assistance services is also at the local level.

Because the strength of the nation depends upon the health of the country's families, the federal government also must play an important role in addressing the national epidemic of family violence. The task is to determine the aspects of family violence where federal leadership is necessary to most effectively approach and resolve the problem. The Task Force has concluded that three areas should be given highest priority:

- Training for criminal justice personnel;
- A national public awareness and prevention campaign; and
- Maintaining temporary residential facilities for victims.

Training of criminal justice personnel is a priority because these officials must play an increasing role in dealing with family violence. Law enforcement officers are usually the first on the scene and must make rapid determinations of how to handle the case. Prosecutors act as gatekeepers to the criminal justice system, deciding which cases are appropriate for diversion and which must be formally prosecuted. Judges must clearly inform perpetrators that their conduct is unacceptable and will no longer be condoned. Sentences rendered and served must be commensurate with the crime inflicted.

Training is the key in ensuring that each element in the criminal justice community plays its role effectively. The Task Force recommends that the Office for Victims of Crime coordinate the family violence training efforts of the various bureaus within the Department of Justice. The Victims Office is developing training packets for all the major components of the criminal justice system. These materials, to be used by law enforcement officers, prosecutors and judges, will help to heighten awareness of the needs of the victim and offer practical examples and methods of meeting those needs in the criminal justice system. Training materials on family violence can be added to that curriculum for the criminal justice community.

Healthy families are our greatest national resource. It is in them that we find our meaning, our strength, and our future. It is to them that we say, 'thank you'.—Dolores Curran, Author

We have over a million children in Texas who wake up in homes with at least one alcohol addicted parent. Their chances of being abused children are very high—Ross Newby, Alcohol Professional

I would urge that the Task Force turn the spotlight on the relationship between chemical abuse, especially alcohol, and domestic violence. In this state, alcohol abuse by the perpetrator, we believe, is the primary underlying problem in more than 50 percent of the reported spouse abuse cases.—Kenneth Eikenberry, Attorney General State of Washington

Because so much of the solution to family violence lies in a greater understanding by the public of the extent, nature, and costs of family violence, the development and implementation of a national public awareness and prevention campaign must be a priority for federal funding (See Prevention and Awareness Recommendation 1). Increasing the public's awareness helps to bring family violence out in the open, thereby denying offenders the cloak of secrecy behind which they continue to perpetuate their crime. The public awareness and prevention campaign should be a joint public and private venture.

The final area that deserves a high priority for federal funding is temporary residential facilities for victims of family violence. Shelters and safe homes play a vital role in cases where other remedies have failed and the victims must seek a safe alternative to a violent home. But Task Force testimony from around the country indicates that many shelters and safe homes are faced with increasingly limited financial resources. Lack of funds has forced many shelters and safe homes to cut back on services, turn victims away and even shut down operation. In some areas where services are lacking but the need for family violence victim services is clear, funding shortages have hampered efforts to address the problem.

Funds for these three priority areas should be available to the states on a per capita basis with the training of criminal justice personnel, a national public awareness and prevention campaign, and maintenance of shelters as priority areas for funding. States should have the discretion to award funds to organizations that are already operational or to organizations that are replicating a successful service program model. The funds should be used to expand the existing capacity of these organizations, not to supplement existing budgets. In making these awards, the states should encourage programs that remove the abuser rather than the victim from the home. When funds are used to expand facilities that serve the victims, the emphasis should be on increasing services designed to return victims safely to their own homes.

The abuse of alcohol is a serious concern in our country, contributing to many health and social problems, costing our society billions of dollars, and impeding our economic productivity.⁵ The abuse of alcohol has especially tragic consequences within the family. The precise role of alcohol in family violence has not been determined by definitive national studies, but many smaller, local studies have been done, and whether it

is a direct cause of violence or a contributing factor, the relationship is clearly there.⁶

It is known that the use of alcohol lowers the inhibitions and lessens self-control, causing one to give way to feelings of anger and frustration against one's spouse or children. Some studies indicate an increased correlation between abuse of alcohol and incest.⁷ Several theories have suggested that alcohol is used as an excuse for violence because, when drunk, a person can deny responsibility for his or her actions. Denial of responsibility is common and people expect that they will lose inhibitions and behave more aggressively when drinking alcohol. There may also be an interaction between alcohol and violence as alcohol lessens a person's ability to think rationally and results in conflicts appearing less serious than they actually are.

It may be that the character traits which lead one to drink to excess, such as lack of self-esteem, dependency needs, immaturity, and lack of self-control, also lead one to react with violence when confronted with problems or frustrations. It is clear from the available research and expert testimony that alcohol abuse and violence often occur in the same family. Victims of family violence repeatedly told the Task Force that alcohol was present and a contributing factor in the abuse perpetrated in their homes,⁸ and surveys indicate that alcohol is involved in a high percentage of all types of family violence incidents.⁹

In addition, battering has been implicated as a cause of alcoholism in women. Alcohol abuse among women is a growing problem in America and the largest precipitating cause is abuse.¹⁰ When confronted with the severe emotional and physical trauma of abuse and the resulting confusion, shame and fear, many women turn to alcohol.

In view of this inter-relationship of alcohol abuse and violence, it is imperative that these problems be dealt with as a whole. But, the Task Force often heard testimony that the role of alcohol in family violence is not taken seriously and that there is little professional cooperation or referral of clients between alcohol professionals and family violence service providers.¹¹ To treat one behavior trait and not the other is to miss half of the problem and jeopardize treatment success.

It is clear that both the victim and the perpetrator need to understand the role of alcohol in their family dysfunction in order to gain the insight and skills necessary to

He started really drinking excessively and that is when the abuse started.—a victim

He had been drinking and I came home and wanted to read the newspaper before making supper. I sat down to read it, and he wanted his supper... he kicked the cat to the ceiling... he started slapping my face with both hands.—a victim

It is fair to conclude that many beers and wines now sell for prices equivalent to those for soft drinks and fruit juices. . . . This tax induced incentive for young people to choose alcohol over other drinks must be corrected if our society is serious in its commitment to reduce alcohol problems. . . . — George Hacker, Alcohol Professional

restore their family relationships. In view of the many successful programs and self-help groups aiding alcohol abusers and their families, there is basis for much hope if these groups can begin to work closely with shelters, schools, and self-help groups for batterers and child abusers.

Although alcohol has been pervasive in all aspects of family violence, little has been done to utilize revenues generated by alcohol to prevent and heal the related problems.

Because the correlation between alcohol abuse and family violence is so high, the Task Force recommends that consideration be given to raising the funds for these three priority areas from the revenues generated by the federal taxes on beer, wine, and liquor.

Prior to the passage of the Budget Deficit Reduction Act,¹² federal taxes on alcohol had not been raised since 1951.¹³ Current federal excise tax rates result in a tax of approximately three cents on every 12 ounces of beer and fifth of wine. Alcohol taxes have not kept pace with the rising cost of living over the last 30 years and alcohol is sometimes less expensive than soft drinks. Studies show that low prices and easy accessibility are conducive to an increase in consumption and a rise in alcohol-related problems. Even a minimal increase in taxes would generate sufficient revenues to support these programs so that those who use alcohol will help to support those agencies that are dealing with the family problems caused by excessive drinking.¹⁴

Recommendations for State Legislative Action

1. States should enact laws to extend the statute of limitations in criminal cases of child sexual assault.
2. States should enact laws to permit law enforcement officers to make warrantless arrests for misdemeanor offenses involving family violence when the officer has probable cause to believe a crime has occurred and the safety of the family is in jeopardy.
3. States should enact legislation making the violation of a protection order issued in a family violence case a criminal offense.
4. States should enact legislation that permits overnight incarceration of persons arrested for incidents of family violence in appropriate cases.

5. States should enact legislation to enable businesses and organizations to have access to sexual assault, child molestation or pornography arrest or conviction records of job applicants whose work will bring them in regular contact with children.

6. States should enact laws to require professionals currently required to report child abuse, to report elder abuse.

Discussion

State Legislative Recommendation 1:
States should enact laws to extend the statute of limitations in criminal cases of child sexual assault.

Children who suffer sexual abuse are often reluctant to report their victimization.¹⁵ Incest victims may be ashamed and embarrassed and feel that they have somehow caused the assault. Other incest victims, recalling the threats of the perpetrator, fear that the innocent parent will leave home, die or stop loving them if told about the abuse. Children who are sexually molested by other relatives or adults are hesitant to disclose their secret for the same reasons. Many believe their parents will be angry and punish them for allowing the abuse. Others are fearful that the attacker will carry out his threats of injury, death or other harm to themselves, pets or parents if they reveal his identity. To cope with the undisclosed victimization children frequently mentally deny or block out the abuse.¹⁶ Children may not remember or divulge the abuse for years.¹⁷

Because criminal statutes of limitation usually begin to run from the date of victimization, victims who are unable, either emotionally or psychologically, to immediately disclose the abuse they have suffered are often precluded from appropriate legal redress.¹⁸ Therefore, the statute of limitations in criminal cases of child sexual assault should be extended. The optimum period would be for it to begin to run from the date of the victim's disclosure of the crime.

State Legislative Recommendation 2:
States should enact laws to permit law enforcement officers to make warrantless arrests for misdemeanor offenses involving family violence when the officer has probable cause to believe a crime has occurred and the safety of the family is in jeopardy.

Some people, like me, didn't have the strength to tell two years after the abuse, but maybe three or five years later, they might have been able to and I'd like to do something about my brother and I really can't.—a victim

It is not unusual for kids to block incest. It is so traumatic. . . .—a victim

I had sustained a bruise on my face, a black eye, a bloody lip. . . and I went to the state police and they said they didn't want to get involved in domestic affairs and they wanted to know what I had done to provoke the man to hit me. . . I didn't do anything; I am a victim of abuse. Can't somebody get involved? And they told me, if it was so bad to just move out.—a victim

In Oregon there was a 10 percent drop in domestic homicides. . . following enactment of the mandatory arrest law for protection order violations.—Annette Jolin, Researcher

When an officer makes an arrest for an assault, the seriousness of the injury is the determinative factor in classifying the incident as an aggravated assault, a felony, or a simple assault, a misdemeanor. When the officer has probable cause to believe a felonious assault has been committed, all states allow a warrantless arrest. Several states still do not permit an officer to make a warrantless arrest for simple assault unless the offense occurred in his presence.¹⁹ Official records and Task Force testimony show that without the support of state law, law enforcement officers are reluctant to intervene in a family violence case and often underreport the offense.²⁰ Unless life threatening injuries are involved, law enforcement officers generally classify household assaults as misdemeanors, which, in several states, means the officer cannot arrest without a warrant unless the injury occurred in his presence.

Law enforcement intervention is a critical component of the justice system's effort to break the cycle of violence within the family. Research now clearly shows that when a criminal assault has been committed, arresting the offender actually contributes to reducing the recurrence of violence.²¹ Appreciating the serious and sometimes deadly consequences of family violence, many states have expanded law enforcement powers to arrest in family violence cases. All states must provide law enforcement officers with the statutory authority necessary to make warrantless arrests for misdemeanor household assaults and thus help to prevent the tragic escalation of violence.

State Legislative Recommendation 3:

States should enact legislation making the violation of a protection order issued in a family violence case a criminal offense.

Believing that law enforcement officers can enforce a civil protection order, victims of family violence who obtain these orders have what is unfortunately a false sense of security. Most officers have no direct enforcement powers of the order itself since it is a civil writ. Its violation may eventually make the offender subject to fines and civil contempt, but not more immediate criminal sanctions. The best effort the officer can make is to use the protection order as one element for finding probable cause for arrest for trespass, breach of the peace, or other separate criminal offense supported by the circumstances.

Too often, the officer advises the victim that the only recourse for addressing a violation of a protection order is to contact an attorney, arrange a hearing date, and return to court to secure a warrant for civil contempt.

To make the legal shield of the protection order effective, violations of the order must be a criminal offense.²² Only when the offender knows his actions are subject to immediate arrest and further prosecution will the protection order be a more effective deterrent to abuse for the offender and provide the intended relief and security to the victim.

State Legislative Recommendation 4:

States should enact legislation that permits overnight incarceration of persons arrested for incidents of family violence, in appropriate cases.

Family violence occurs in an emotionally charged atmosphere with the threat of serious physical injury too often becoming the reality. An enforced separation of the victim and assailant is often necessary to permit the passions on all sides to subside and to take the reasonable steps necessary to end the violence and prevent future abuse. However, when an arrest is made or a misdemeanor citation is issued, the abuser often is released from custody immediately.²³ He can return to the family without experiencing any real cooling-off period. In fact, the arrest and brief detention may only increase the abuser's anger and hostility against family members. In such cases, a short detainment is merely an aggravating inconvenience rather than a serious sanction deterring future violence.

To ensure the safety of the victim and provide just and fair treatment of the assailant, the rights of both parties must be equally considered and balanced. When considering release or setting bail, judges must carefully assess the dangerousness of the abuser's behavior and the likelihood that the violence will continue. When that probability is great, overnight incarceration of the abuser may prove to be an effective means to prevent the continuation of the violence.²⁴ Not only will this reasonable cooling-off period provide immediate protection for the victim, but the assailant will be more likely to recognize the serious criminal nature of violence within the family. Important service and treatment contacts and

If they sometimes ordered the man out of the house, even for 24 hours, just give him a chance to really think, it would stop a lot of these cases from becoming more violent.—a victim

I feel that being a victim of the criminal is terrible enough, but when you are then, in many instances, a victim at the hands of the justice system, it is a travesty.—a victim

We need better ways to introduce evidence. We feel that we must have a situation... where the evidence that a child has given to a competent professional, for example, the therapist, must be able to be admitted. That child may not, and probably will not repeat that under the normal proceedings that take place in the criminal court situation.—Mary Emmons, Service Provider

The majority of the people who abuse children are known to the children and have abused and misused their position of control and responsibility and molested the child from that particular position. Most often this is the father, the next-door neighbor, the minister, the boy scout leader, those people who find themselves and actually put themselves in positions of being involved with children so that they can manipulate them.—Maureen Saylor, Mental Health Therapist

referrals also can be made for both the victim and the abuser during this period of detention.

State Legislative Recommendation 5:

States should enact legislation to enable businesses and organizations to have access to sexual assault, child molestation or pornography arrest or conviction records of job applicants whose work will bring them in regular contact with children.

Contrary to common perception, persons who sexually abuse children tend to be persons of respectable appearance and behavior who are known and trusted by the victim.²⁵ These abusers tend to use non-violent techniques, seducing the child through attention, affection, and gifts.

One of the common strategies of pedophiles and child molesters is to try to gain employment with organizations whose work involves the care, treatment, transportation, supervision, or entertainment of children.²⁶ It is important that employers conduct background checks of prospective employees who will have regular contact with children to provide the greatest safety to the child.

To facilitate these background checks, the Task Force endorses the recommendation of the President's Task Force on Victims of Crime concerning background investigations of persons working with children. This would enable employers to be informed of an applicant's prior record involving arrests or convictions for sex offenses or for the lesser charges to which sex offenses with children are frequently reduced. For example, in some states, the charge of sexual assault may eventually be reduced to contributing to the delinquency of a minor.

Presently, 48 states have centralized criminal history data bases that could be used for such purposes.²⁷ Further, existing federal law permits the Federal Bureau of Investigation to exchange identification records with officials of state and local governments for purposes of licensing and employment, if authorized by a state statute that has been approved by the Attorney General.²⁸ Once such a statute has been approved, the Bureau can search fingerprint submissions against its files and furnish to the state authority arrest information and dispositional data. The Task Force urges that all states avail themselves of this resource.

State Legislative Recommendation 6:

States should enact laws to require professionals currently required to report child abuse, to report elder abuse.

See Data Collection and Reporting Recommendation 4.

State Legislative Recommendation 7:

States should enact laws that allow victim compensation to be paid to victims of family violence.

See Victim Assistance Recommendation 4.

Special Considerations

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Special Considerations

The problems of family violence do not exist in isolation. As the Task Force heard testimony, it became clear that reforms are essential in problem areas that are not directly part of "family violence" as it is usually conceived but which are unquestionably contributing to the problem. Four areas are discussed in this section: violence in the media, the problem of pornography, family violence among military personnel, and grandparents' rights.

Recommendations on Violence in the Media

1. The Task Force places major responsibility for reducing and controlling the amount of violence shown on television on the networks, their affiliates, and cable stations.
2. The motion picture industry should reevaluate its rating standards to make the ratings more specific and informative.

Discussion

Violence in the Media Recommendation 1:
The Task Force places major responsibility for reducing and controlling the amount of violence shown on television, on the networks and their affiliates, and cable stations.

The Task Force heard continually from both victims and professionals that violence is most often learned behavior and that these behavior patterns are frequently passed from one generation to the next. As the research on the subject is published, the evidence is becoming overwhelming that just as witnessing violence in the home may contribute to normal adults and children learning and acting out violent behavior, violence on TV and the movies may contribute to the same result. In the interest of a safe and free society, the television industry should voluntarily set limits on the amount and kind of violence allowed on television.

The Task Force recommends that the television executives and advertisers meet together, perhaps under the leadership of the Surgeon General, to (1) review the evidence on the types and amounts of television violence that have been proved most harmful, (2) develop broadcast standards and discuss methods of voluntarily reducing the level of violence, and (3) develop an industry capability to monitor and analyze the violence being televised.

The Task Force further recommends that a rating system be developed for television programs. The ratings should be published in the television section of the newspapers and in *TV Guide*.

There are many volunteer and public service groups that rate movies and television programs, educate the public on violence research and negotiate with advertisers on their sponsorship decisions. The Task Force commends these groups and the work they are doing. The Task Force also applauds those in the media who produce quality programs that educate, entertain, and celebrate healthy family life.

Violence in the Media Recommendation 2:

The motion picture industry should reevaluate its rating standards to make the ratings more specific and informative.

Just as violence on television may be an instructional tool in learning abusive behavior, violence in the movies also may be a contributing factor in such behavior. The purpose of the motion picture rating system is to inform adults about the content of movies. One of the main uses of this information is to enable parents to make judgments about which movies they should allow their children to see. The existing ratings are not fulfilling this purpose. Specifically, the PG rating is far too general. The recent addition of a PG-13 rating is a significant improvement, but the Task Force urges the motion picture industry to continue its reevaluation and expansion of the rating system in light of recent research on violence in the media and its effects.

I recommend the elimination of both overt and covert violence in the media, whether it's television, radio or advertisements...there are billions of dollars in all forms of media, especially movies, in perpetrating violence and perpetuating it.—Karil Klingbeil, Service Provider

The motion picture rating system really is not very clear and not very informative. A different sort of rating system that gives more information on the amount of violence for both television and movies would be good.—Dr. John Murray

Recommendation on Pornography

1. The Task Force endorses the creation of the National Commission on Pornography.

Discussion

Pornography Recommendation 1:
The Task Force endorses the creation of the National Commission on Pornography.

Pornography has become a big business in the United States. Some government officials estimate that pornography is a \$4 to \$6 billion industry that continues to grow and expand.¹ It is an industry that victimizes countless children who are exploited in pornographic photographs and films. Task Force testimony indicates that an alarming number of rape and sexual assault offenders report that they were acting out behavior they had viewed in pornographic materials. Experts also testified that the only uses for child pornography are to lower the inhibitions of the child, gratify the sexual desires of the pedophile, and control and blackmail the child.

The 1970 Commission on Obscenity and Pornography found no relationship between pornography and subsequent anti-social behavior, and its report inferred that pornography was harmless. The report was repudiated by three members of the Commission and by the United States Senate. In the years since, the Commission's data and analyses have been severely challenged by scholars, clinicians and criminal justice practitioners. However, the findings of the Commission have been used to demean current research and efforts to address the problem in light of new findings and understandings.²

Pornography is a complex issue that cannot be easily addressed. The Task Force welcomes and offers its full support to the newly formed National Commission on Pornography.² Further, the Task Force recommends that the Commission should examine: the nature, extent, and effects of pornography on society, concentrating especially on the areas of child pornography; the enforcement of obscenity statutes; and the development of model legislation.

For the last fifteen years in America, the pornography industry has had a definite and devastating impact on the stability of the American family and the relationship between men, women, and children.—Bruce Taylor, Attorney

Every child is a potential victim. Child pornographers are single-minded propagandists; they are at work in every size community and among every socio-economic group. They are organized and they are willing to support each other legally and emotionally. They have a powerful underworld network of peers focused totally on children as targets.—Rita Rooney, Journalist

Recommendation for the Military

1. Military officials should be encouraged to continue their responsiveness to ending violence and abuse within military families and should continue to work cooperatively with state and local governments in addressing the problem. Specifically, military officials should:

- Make the issue of family violence a command priority;
- Coordinate their activities with and make use of local service providers;
- Provide adequate training to all personnel involved in family violence issues; and
- Share information and resources regarding family violence cases with state and local officials.

Discussion

Military Recommendation 1:
Military officials should be encouraged to continue their responsiveness to ending violence and abuse within military families and should continue to work cooperatively with state and local governments in addressing the problem. Specifically, military officials should:

- Make the issue of family violence a command priority;
- Coordinate their activities with and make use of local service providers;
- Provide adequate training to all personnel involved in family violence issues; and
- Share information and resources regarding family violence cases with state and local officials.

Family violence does not end when someone puts on a uniform. Whether the incidence of family violence is higher in the military than in civilian families is unknown. But in serving their country, military families undergo many stressful situations not usually experienced by civilian families. These include frequent separations of family members, regular moves, often to foreign

No family advocacy program can be successful without the military having strong support at the command. It is the commander who can assure that a program is resourced and fully implemented; it is he who gives its sanction.—Lt. Cdr. Peter McNelis

countries, and separations from members of the extended family and friends. The Department of Defense, recognizing the importance of the problem, issued a Directive in May 1981 establishing Family Advocacy Programs.³ The Directive mandated that each service create a program to address the prevention, evaluation, and treatment of child abuse, spouse abuse, and child neglect. This important step should be augmented by a general effort by the services to make family violence a command priority. Commanding officers should treat abuse as a crime, arresting violators in accordance with the Uniform Code of Military Justice. They should ensure that no reprisals, intentional or otherwise, are taken against victims. For example, commanding officers should ensure that innocent family members are not removed from base housing because they were victims of an abuse incident.

In treating family violence as a command priority, it is essential that the military facility be aware of, and be able to draw upon, the many services that may be available in the communities near the military installation. Military and civilian authorities should share information on such items as resources, new programs, legal and policy changes, and information regarding military dependents. In addition to sharing information, commanding officers should consider reimbursing local shelters for expenses incurred in serving family members of military personnel.

Commanding officers also should ensure that persons involved in dealing with any aspect of family violence receive appropriate training. Existing program models described to the Task Force should be shared across the services and replicated as widely as possible.

Finally, commanding officers should share data related to reported cases of abuse with appropriate state and local officials. States should be required to report to military officials all reported incidents of abuse among military families living off-base and, conversely, military officials should be required to inform appropriate civilian authorities of cases occurring on the grounds of a military installation.

Conclusion

Conclusion

Throughout the months that the Task Force members studied "the darker side" of American life, we were continually reminded that there is hope for families in trouble.

As we heard the heart-rending stories of victims, we also heard from counselors, volunteers, and public officials about new, creative ways to help families caught in the cycle of violence. Though the problems are difficult, painful and complex, much is being done.

We found that Americans are compassionate people, willing to come to the aid of their neighbors. From coast to coast, volunteer programs abound. Many family charities have been in business for years and are now stretching to respond to the increasingly visible trauma of family abuse and sexual assault. Newer self-help groups, started by victims and offenders, have mushroomed by meeting a need for specialized treatment and understanding.

We found that the veil of secrecy covering family violence is gradually being lifted. Many victims, instead of being blamed for the crime, are being heard. People are coming to their aid. The criminal justice system is being re-examined to more adequately protect the victim. Professionals are becoming sensitized to the problem and aware of their responsibilities. The general public is becoming informed and involved. The rustle of change is being felt in Midwestern courtrooms and police departments, large Eastern service agencies, Southern school districts, and Western hospitals and clinics. The changes are slow in coming and are by no means universal, but they are incredibly encouraging and provide great hope for the future.

We found that Americans are family people. In spite of the intense stresses on family life in our time, people cherish their families. We found a growing commitment to family values.

Indeed, we found many healthy families in America—with great interest and concern for their own family well-being. More research is being done on healthy families.¹ In the past, researchers have studied family problems. Now they are beginning to study successful families and how they cope and grow, so that we can teach these skills and attitudes to troubled families.

*How goes the family,
so goes the nation—
Fay Angus, Concerned
Women of America*

*Family ties of any
sort—but particularly
the bond of parents to
their children—demand
emotional, financial,
and temporal sacrifice
and a considerable
degree of personal risk
and self-denial.—Dr.
Allan C. Carlson,
Rockford Institute*

Research on strong families seems to indicate that relational traits are the most important to family well-being.² This is a shift from the past when strong families were evaluated on the basis of function such as achieving economic survival, providing protection, or conferring status. As society has changed, the nurturing, caring aspects of family life are now valued the most highly.

As important as our families are to us individually and to the health of the nation, it is crucial that public policy support and strengthen family values and family well-being.

The family is the bedrock of civilization. America derives its strength, purpose and productivity from its commitment to strong family values. For our nation to thrive and grow, we must do all that we can to protect, support, and encourage America's families.

Appendices

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Witnesses Before the Attorney General's Force on Family Violence

Witnesses at each hearing are listed according to the order in which they appeared before the Task Force.

Hearing in New York, N.Y. December 1-2, 1983

The Honorable William French Smith, Attorney General of the United States, U.S. Department of Justice, Washington, D.C.

The Honorable Lois Hight Herrington, Assistant United States Attorney General, U.S. Department of Justice, Washington, D.C.

Donna Medley, Executive Director, National Coalition Against Domestic Violence, Washington, D.C.

Janice, Sister of victim

Jean, Mother of victim

Dr. Murray Straus, Professor of Sociology and Chairperson, Family Research Laboratory, University of New Hampshire, Durham, N.H.

Valerie, Victim

Mary Haviland, Park Slope Safe Homes Project, Brooklyn, N.Y.

Diane, Victim

Laura, Victim

Ann, Victim

Lucy N. Friedman, Director, New York City Victim Services Agency, New York, N.Y.

The Honorable Jack A. Krauskopf, Commissioner/Administrator Human Resources Administration, New York, N.Y.

Marjory D. Fields, Brooklyn Legal Services, Brooklyn, N.Y.

Jo Ann DiPola, Executive Director, Northern Westchester County Shelter, Westchester County, N.Y.

Lila Fontana/Uhler, Victim

Sara Moore Lashley, Delaware County Center Against Rape, Media, Pa.

Joyce Thomas, R.O., M.P.H., Director, Child Protection Center, Children's Hospital National Medical Center, Washington, D.C.

Barbara Neuman, Chief, Sex Crime Unit, Brooklyn District Attorney's Office, Brooklyn, N.Y.

Inspector James P. Shugart, Community Relations Division, Metropolitan Police Department, Washington, D.C.

Richard Tidwell, Deputy Director, Division of Public Safety, Office of Criminal Justice Planning, Columbia, S.C.

Jayne Crisp, Director, Victim Witness Assistance Program, Greenville, S.C.

D. Evan Stark, Human Resources Development, Bridgeport, Conn.

Judy Eimicke, Associate Commissioner for Programming and Planning, New York State Department of Social Services, Albany, N.Y.

Mary Ann McCabe, Director, Child Sexual Abuse Project, New York State Department of Social Services, New York, N.Y.

Joan Roach, Social Worker, Boston, Mass.

Joe Dell'Olio, Executive Vice President, Child, Inc., Wilmington, Del.

Dan Armstrong, Head of Services for Men's Programs and Clinical Services for Children, Child, Inc., Wilmington, Del.

Jose de Alfaro, Cornell University Family Life Center, New York, N.Y.

Susan Kelly Dreiss, Pennsylvania Coalition Against Domestic Violence, Harrisburg, Pa.

Joan Kuriansky, Executive Director, Women Against Abuse, Philadelphia, Pa.

Ann Erickson, Victim

Geneva Johnson, President and CEO, Family Service Association of America, New York, N.Y.

Chris Phelps, Director, Rutland County Battered Women's Network, Rutland, Vt.

Barbara Fox, Institution for the Protection of Gay & Lesbian Youth, New York, N.Y.

Robert Wald, President, EMERGE, Boston, Mass.

Liz, Victim

Martha Wray, VIBS, Smithtown, Long Island, N.Y.

Former abuser

John McMahon, Esquire, New York, N.Y.

***Rosemary Barber-Madden, Ed.B.**, Assistant Professor Clinical Public Health, Center for Population and Family Health, New York, N.Y.

***Donald R. Belsole**, Director, Division of Criminal Justice, Department of Law and Public Safety, Trenton, N.J.

***Nechama Masliansky**, Project Coordinator, City Coalition on Child Sexual Abuse, New York City Women's Bar Association, New York, N.Y.

***Hubert Williams**, Director, Newark Police Department, Newark, N.J.

* Did not testify due to time constraints. Written testimony submitted.

Hearing in Detroit, Mich., December 14-15, 1983

Inspector James Jackson, Detroit Police Department, Detroit, Mich.

Alice Belden, Director of Social Services, Children's Hospital of Michigan, Detroit, Mich.

Lucille Cantoni, Associate Executive Director, Family Services of Detroit and Wayne County, Detroit, Mich.

Katie, Victim

Sergeant Jack Sheppard, Community Services Division, Michigan State Police, East Lansing, Mich.

Phil McPeck, Casework Supervisor, Children's Aid Society, Detroit, Mich.

Victim (name withheld on request)

Barbara Meyer Lucas, M.D., Director, Child Abuse and Neglect Prevention Program, Mount Carmel Mercy Hospital, Detroit, Mich.

Sue, Victim

Jill, Victim

Dr. Cyrus Stewart, Michigan State University, East Lansing, Mich.

Diva, Victim

Roslyn, Victim

Kathy Kenny, Domestic Assault/Rape, Elimination Services, YWCA, Port Huron, Mich.

Kate, Victim

Anthony Bouza, Chief of Police, Minneapolis, Minn.

Ellen Pence, Director, Domestic Abuse Intervention Project, Duluth, Minn.
Eli Miletich, Chief of Police, Duluth, Minn.
David Nyquist, Probation Officer, Duluth, Minn.
The Honorable William R. Sweeney, Judge, Family Court Division, Duluth, Minn.
Barbara Shaw, Illinois Coalition Against Domestic Violence, Springfield, Ill.
Judge Roy O. Gulley, Director, Administrative Office of the Illinois Courts, Springfield, Ill.
Julie Hamos, Special Assistant to the State's Attorney of Cook County, Chicago, Ill.
Reuben Greenberg, Chief of Police, Charleston City Police Department, Charleston, S.C.
Lucile and Lee Sumpter, Grandparents'-Children's Rights Incorporated, Haslett, Mich.
Patricia Hudson, Instructor, State and Local Training Program, Federal Law Enforcement Training Center, Glynco, Ga.
Wendy Gail Goldberg, R.N., Henry Ford Hospital, Division of Liaison Psychiatry, Detroit, Mich.
Charles Geiger, Caseworker, Catholic Social Services of Wayne County, Taylor, Mich.
George, Former abuser
Rodney, Victim
Mary Agnes Ryan, Caseworker, Catholic Social Services of Wayne County, Taylor, Mich.
Karen, Victim
Jacqueline Davis, Community Mental Health, Emergency Telephone Service, Detroit, Mich.
Hedy Nuriel, M.S.W., YWCA Interim House, Detroit, Mich.
Bertha, Victim
Margaret Tobin, National Center on Women and Family Law, New York, N.Y.
Ray Helfer, M.D., Professor, Department of Pediatrics and Human Development, Michigan State University, East Lansing, Mich.
Deborah Cain, Director, Haven - Domestic Violence Shelter, Pontiac, Mich.
Delores, Victim
Delphine, Victim
Victim (name withheld on request)
Pat, Victim
Richard L. Douglass, M.P.H., Ph.D., Director, Institute of Aging, Jewish Home for Aged, Detroit, Mich.

Dr. Richard Krugman, Director, C. Henry Kempe Foundation, National Center for the Prevention & Treatment of Child Abuse, Denver, Colo.

Sandra McDade, President, Louisiana Eagle Forum, Shreveport, La.

Jayne Schindler, President, Colorado Eagle Forum, Brighton, Colo.

Dorothy English, FLAG (Family, Law, America, God), Little Rock, Ark.

The Honorable Jack E. Gant, Judge, Jackson County Circuit Court, Independence, Mo.

Albert Riederer, Prosecuting Attorney, Jackson County, Mo.

Kevin Regan, Assistant Prosecuting Attorney, Kansas City, Mo.

Les Wight, Esquire, Independence, Mo.

Professor Ann Bristow, Kansas State University, Department of Psychology, Manhattan, Kan.

Terry Satterlee, Attorney and Board Member, Citizens for Missouri's Children, St. Louis, Mo.

The Honorable Barbara Potts, Mayor, Independence, Mo.

Lysle Weeks, Businessman, Chairman of the Board, Hope House, Independence, Mo.

Jack Knapp, Co-Chairman, STOP! Violence Campaign, Kansas City, Mo.

Suellen Fried, Co-Chairman, STOP! Violence Campaign, Prairie Village, Kan.

Judy Koehler, Illinois State Legislator, Henry, Ill.

Georgia Nesselrode, Victim/Witness Advocate, President, Kansas Association on Domestic Violence, Salina, Kan.

Coralene Corley, Victim/Witness Advocate, Kansas City, Mo.

Dr. Deborah Wilson, Assistant Professor, School of Justice Administration, University of Louisville, Louisville, Ky.

Linda May, Director, Rose Brooks Center, Kansas City, Mo.

Merle Holcomb, Director, YWCA Spouse Abuse Center, Louisville, Ky.

Shirley, Victim

Jo Cantwell, Victim

Maggie Arzdorf-Schubbe, St. Paul, Minn.

Mary Pat Brygger, Director, Domestic Abuse Project, Minneapolis, Minn.

Sue Malone, Victim

The Honorable Janice P. Dreiling, Associate District Judge, Bartlesville, Okla.

Karen Gardner, Arkansas Coalition Against Domestic Violence, Harrison, Ark.

Pat Bates, Executive Director, Metropolitan Organization to Counter Sexual Assault, Kansas City, Mo.

Jim DeChant, Therapist, Metropolitan Organization to Counter Sexual Assault, Kansas City, Mo.

Donna, Victim

Bea McPherson, Educational Director, Society's League Against Molestation (SLAM), Littleton, Colo.

Dennis Moore, District Attorney, Johnson County, Olathe, Kan.

Brigette Peterson, Founder, Mothers' Organization for the Protection of Children, Milwaukee, Wis.

Dr. George Rekers, Department of Family & Child Development, Kansas State University, Manhattan, Kan.

Gladys Dickelman, Chairman, Social Concerns Committee, National Association of Evangelicals, Park Ridge, Ill.

Dr. John P. Murray, Director, Youth & Family Policy Studies, Father Flanagan's Boys Town, Boys Town, Neb.

Beth Mosdick, Social Services Supervision, Missouri Department of Aging, Kansas City, Mo.

Michael Couty, Missouri Division of Drug and Alcohol Abuse, Jefferson City, Mo.

Betty Williams, Director, Department of Social Policy, United Charities of Chicago, Chicago, Ill.

Dr. Lynn Ammin Schroder, Director, Catholic Charities of Kansas City-St. Joseph, Inc., Kansas City, Mo.

Dr. Karen W. Bartz, Director, Program Development Services, Campfire, Inc., Kansas City, Mo.

Hearing in Seattle, Wash., January 18-19, 1984

The Honorable Kenneth Eikenberry, Attorney General, State of Washington, Olympia, Wash.

Norm Maleng, King County Prosecuting Attorney, Seattle, Wash.

Karil S. Klingbeil, M.S.W., A.C.S.W., Harborview Medical Center, Social Work Department, Seattle, Wash.

Jacquelyn Walker, Victim

Grace Brooks, Director, YWCA Women's Support Shelter, Tacoma, Wash.

Arlene White, Victim
Elaine Ko, Victim
Dr. Vicky Boyd, Chief of Mental Health Services, Group Health Cooperative of Puget Sound, Seattle, Wash.
Pamela, Victim
D. P. Van Blaricom, Chief of Police, City of Bellevue, Bellevue, Wash.
Lee Drechsel, Executive Director, Eastside Domestic Violence Program, Bellevue, Wash.
Henrietta Nearing, Victim
Ruth Gundle, Esquire, Oregon Legal Services, Portland, Ore.
Annette Jolin, Chair, Police Internal Investigative Audit Committee, Portland, Ore.
Susan Wilder Crane, Coordinator, Abused Woman Project, Evergreen Legal Services, Seattle, Wash.
Lynda Johnson, Victim
Judy Sedacca, Victim
Joanne Tulonen, Director, Battered Women's Project, Seattle, Wash.
Lori Dawson, Victim
Victim (name withheld on request)
Jerry Wertzbaugher, Municipal Attorney, Anchorage, Alaska
The Honorable Barbara T. Yanick, Municipal Court of Seattle, Seattle, Wash.
Victim (name withheld on request)
Dawn Statham, Executive Director, Idaho Council on Domestic Violence, Boise, Idaho
Barbara Miklos, State Director, Alaska Council on Domestic Violence and Sexual Assault, Juneau, Alaska
Vietta Helmle, Director, Mid-Valley Women's Crisis Service, Salem, Ore.
Ruth Nordenbrook, Assistant United States Attorney, Brooklyn, N.Y.
Jennifer James, Ph.D., KIRO-TV and News Radio Commentator, Seattle, Wash.
Chris Wilson, Victim
Linda Reppond, Executive Director, The Shelter, Seattle, Wash.
Rebecca Roe, King County Senior Prosecuting Attorney, Seattle, Wash.
Doris Stevens, M.S.W., Director, Sexual Assault Center, Harborview Medical Center, Seattle, Wash.
Victim (name withheld on request)
Victim (name withheld on request)

Joyce Dorrycott, San Antonio, Texas
Ann Marie "Sam" Cerda Aaron, Victim
Margaret Embry, Victim
The Honorable Alfred S. Regnery, Administrator, Office of Juvenile Justice & Delinquency Prevention, U.S. Department of Justice, Washington, D.C.
James M. Wootton, Deputy Administrator, Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice, Washington, D.C.
Christine DeLange, The Family Place, Dallas, Texas
Peggy, Victim
Betty Button, Executive Director, Senate Committee on Health & Human Resources, Austin, Texas
Kenneth Lanning, Supervisory Special Agent, Behavioral Science Unit, F.B.I. Academy, Quantico, Va.
Mary Jo Robinson-Hardin, Director, Women's Resource and Rape Assistance Program, Jackson, Tenn.
Sherry L. Payne, Ph.D., Deputy Director, Abuse Services Division, Austin Child Guidance & Evaluation Center, Austin, Texas
Jonel Johns, Victim
Rosemary Puryear, Victim
Jo Ann Martens, WHO Program (We Help Ourselves), Dallas, Texas
Mary Stinson, Pebble Project, Austin, Texas
Delores Curran, Author, "Traits of a Healthy Family", Littleton, Colo.
Bruce Taylor, Vice President and Counselor, Citizen's For Decency Through Law, Phoenix, Ariz.
Fay Angus, Board Member, Concerned Women of America, Sierra Madre, Calif.
Rita Rooney, Ladies Home Journal, Newton, N.J.
Dr. William E. Loadman, Northside Child Development Center, Columbus, Ohio
Charlotte Flynn, Convener, Gray Panthers of Texas, Austin, Texas
Suzette Ashworth, Ph.D., Assistant Commissioner for Community Care Services for the Aged and Disabled, Texas Department of Human Resources, Austin, Texas
Pat Bohne, Director, Guardianship Advisory Board, Inc., San Antonio, Texas
Ross Newby, Texas Commission on Alcoholism, Austin, Texas
Jim Marquart, Assistant Commissioner for Child Protective Services, Texas Department of Human Resources, Austin, Texas

Jeanine Ferris Pirro, Assistant District Attorney, White Plains, N.Y.
Lieutenant Colonel Peter J. McNelis, U.S. Army, Director, Family Community Programs, Washington, D.C.
Major Hank Vader, U.S. Air Force, Program Manager, Air Force Family Advocacy Program, San Antonio, Texas
Melissa, Victim
Deborah Tucker, Executive Director, Texas Council on Family Violence, Austin, Texas
John McPhaul, Businessman, Austin, Texas
Joan Welsh, Chairperson, National Coalition Against Domestic Violence, Boulder, Colo.
Toby Meyers, Ed.D., Houston International Hospital, Houston, Texas
Victim (name withheld on request)
Sarah, Victim
Erin Pizzey, Author, Eldorado, N.M.
Sarah Mickey, Family Counselor, The Women's Community Association, Inc., Albuquerque, N.M.
William A. Stacey, Ph.D., Associate Professor, Department of Sociology, The University of Texas at Arlington, Arlington, Texas
Mellisa Eddy, Interwerk, Austin, Texas
Sue Forster Cox, Director, Battered Families Services, Inc., Gallup, N.M.
Margaret Atkinson, President, New Mexico Coalition Against Domestic Violence, Gallup, N.M.
Donna Muldrew, Eagle Forum, Lubbock, Texas
La Neil Wright, Texas State Chairman, Eagle Forum, Dallas, Texas
Gail Martin, Director, Gulf Coast Women's Center, Biloxi, Miss.
Nadine McNamara, Victim
Ken Nolan, Family Service Association, San Antonio, Texas
Lynda Richardson, St. Benedict's Health Care Center, San Antonio, Texas

Hearing in Sacramento, Calif., February 15, 16, & 17, 1984

The Honorable James K. Stewart, Director, National Institute of Justice, U.S. Department of Justice Washington, D.C.

Alyssum Long, Victim

The Honorable C. Everett Koop, M.D., U.S. Surgeon General, Washington, D.C.

Barbara Dyal, Victim, accompanied by **Reverend James Duncan**

The Honorable John Vasconcellos, Chairman, Committee on Ways and Means, Assembly California Legislature, Sacramento, Calif.

Robert H. Philibosian, District Attorney for Los Angeles County, Los Angeles, Calif.

Rebecca, Victim

Deborah Morrow, Victim/Witness Program, Sacramento, Calif.

G. Albert Howenstein, Executive Director, Office of Criminal Justice Planning, Sacramento, Calif.

Detective Lloyd Martin, Founder, Foundation for America's Sexually Exploited Children, Bakersfield, Calif.

Patti Lindebaugh, Executive Officer, Society's League Against Molestation (S.L.A.M.), Camarillo, Calif.

Dr. Henry Giarretto, Executive Director, Institute for the Community as Extended Family, San Jose, Calif.

Larry, Former abuser

Bob, Victim

Suzanne, Victim

The Honorable Judith Rogers, National Council of Juvenile and Family Judges, Little Rock, Ark.

Mary M. Emmons, Executive Director, Children's Institute International, Los Angeles, Calif.

Martha Ross, Victim Witness Advocate, Kokua Victim Witness Program, Honolulu, Hawaii

Leslie, Mother of victim

Linda Almdale, President, California Consortium of Child Abuse Councils, Sacramento, Calif.

Eva Jefferson Paterson, Assistant Director, San Francisco Lawyers Committee on Urban Affairs, San Francisco, Calif.

Pauline Gee, Esquire, California Rural Legal Assistance, Marysville, Calif.

Dino Thompson, Executive Director, Northland Crisis Nursery, Flagstaff, Ariz.

Ruth Edwards, Victim/Witness Assistance Division, District Attorney's Office, Oakland, Calif.

Carlene Hampton, Victim

C. Jean LaNotte, President-Founder, Save the Abused Youngsters (S.T.A.Y.), Fresno, Calif.

Jack Dugan, Director, Crime Prevention Center, Office of the Attorney General, Sacramento, Calif.

Deanne Tilton, Administrative Director, Inter-Agency Council on Child Abuse and Neglect, El Monte, Calif.

Christina Crawford, Victim

Nancy and Tom, Victims

Lupe Arellano, California Women of Color Against Domestic Violence, Gilroy, Calif.

Debbie Lee, California Women of Color Against Domestic Violence, Gilroy, Calif.

Marya Grambs, Co-Director of the Women's Foundation and Victim, San Francisco, Calif.

Michele Aiken, California Alliance Against Domestic Violence, Modesto, Calif.

Esta Soler, Director, Family Violence Project, Office of the District Attorney, San Francisco, Calif.

Sue Martin, California Alliance Against Domestic Violence, San Mateo, Calif.

Jerry Carlin, Case Manager, Mt. Zion Hospital & Medical Center, San Francisco, Calif.

Dorothy, Victim

The Reverend Marie Fortune, Center for the Prevention of Sexual and Domestic Violence, Seattle, Wash.

Dr. Anne Ganley, American Lake Veteran's Administration Center, Tacoma, Wash.

The Honorable Pete Wilson, United States Senate, Washington, D.C.

Dr. Daniel J. Sonkin, California School of Professional Psychology, San Francisco, Calif.

Richard, Former abuser

Willie, Former abuser

George, Former abuser

Dr. Bruce A. Woodling, Director, Ambulatory Forensic Medicine for Ventura County, Ventura Calif.

Mack M. Vines, Chief of Police, Charlotte, N.C.

Diane Loper, Director, Nevada Network Against Domestic Violence, Sparks, Nev.

Dr. Robert Edwards, Criminal Justice Program, University of Wisconsin, Superior, Wis.

Denise Johnson, Vice President-Director, Victim Assistance Program, Continental Insurance Company, Piscataway, N.J.

Jerry Anastasio, Victim Assistance Program, Continental Insurance Company, Piscataway, N.J.

Eugene Junette, National Chairman, Play It Safe Committee, Fresno, Calif.

Wilbur Brantley, Play It Safe Committee, Fresno, Calif.

Notes

The Justice System

1. Testimony of Dr. Evan Stark, New York hearing, December 2, 1983. Stark, Evan, M.D. and Flitcraft, Anne, M.D., "Woman-Battering, Child Abuse and Social Heredity, What Is The Relationship?" *Sociological Monographs*, London 1984.
2. U.S. Department of Justice, Federal Bureau of Investigation, *Uniform Crime Reports for 1983* (Washington, D.C.: U.S. Government Printing Office, 1984).
3. *Ibid.*, p. 11.
4. The American Humane Association, Child Protection Division, *Highlights of Official Child Neglect and Abuse Reporting, 1982*, (Denver, Colorado: The American Humane Association, 1984).
5. *Ibid.*, p. 3.
6. Smith, Barbara E., *Non-Stranger Violence: The Criminal Courts Response* (Washington, D.C., National Institute of Justice, 1983). Sherman, Lawrence W., Berk, Richard A., "The Minneapolis Domestic Violence Experiment," (Police Foundation, 1984). The Police Foundation, supported by a grant from the National Institute of Justice, in cooperation with the Minneapolis Police Department conducted an experiment in which police officers were randomly assigned one of three responses in answering domestic calls. The three alternatives were: arresting the suspect, conducting informal mediation between the parties involved in the domestic dispute, or ordering the suspect to leave the residence for eight hours. Over a six-month period, the study found that ten percent of those arrested repeated the violence, while in that same period, nineteen percent of those involved in mediation and twenty-four percent of those that were ordered to leave repeated the violence.

7. *Non-Stranger Violence: The Criminal Courts Response*.
8. Community-based multi-disciplinary teams can consist of psychologists, social workers, pediatricians, hospital emergency room staff, and law enforcement officers who meet to determine the nature of each abuse case and then develop a plan of action that is in the best interest of the family. Examples of communities where such teams are functioning are: Seattle, Washington, Los Angeles, California; Detroit, Michigan; Independence, Missouri; Bronx, New York; Washington, D.C.; Long Beach and Sacramento, California. Testimony of Sergeant Jack Sheppard, Detroit hearing, December 14, 1983; Doris Stevens, Seattle hearing, January 19, 1984; mother of child abuse victim, Sacramento hearing, February 16, 1984.
9. Testimony of Deanne Tilton, Sacramento hearing, February 16, 1984; C. Jean LaNotte, Sacramento hearing, February 16, 1984.
10. Testimony of John Jordan, Chief Deputy District Attorney, 18th Judicial District, Littleton, Colorado. Mr. Jordan obtained the defendant's agreement to allow a child victim's testimony to be videotaped for presentation at trial. The defendant, defense attorney and prosecutor viewed the interview behind one-way glass. The interviewer was fitted with an earpiece that allowed both attorneys to suggest questions to the interviewer.
11. Testimony of Jayne Crisp, New York hearing, December 2, 1983. The Prosecutor's Office in Greenville, South Carolina, has enlisted the help of senior citizens from the Senior Action Center who made over 25 anatomically correct dolls. The dolls are used by sexually abused children and the elderly to better explain incidents of sexual assault in court. Testimony of Judge Judith Rogers, Sacramento hearing, February 15, 1984.
12. *Op. Cit.* at 2, *Uniform Crime Reports, 1984*.

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13. The Police Foundation, *Domestic Violence and the Police: Studies in Detroit and Kansas City*, (National Institute of Justice, 1977).
 14. *Ibid.*, p. 9.
 15. Loving, Nancy; "Responding to Spouse Abuse and Wife Beating: A Guide for Police," (Washington, D.C.: Police Executive Research Forum, 1980).
 16. Testimony of Reuben Greenberg, Chief of Police, Charleston, South Carolina, Detroit hearing, December 15, 1983. Chief Greenberg noted that, for the safety of the persons remaining in the home, his officers ask whether there are any dangerous weapons that they would like removed. Receipts for the weapons are issued and the weapon is returned in 90 days. Alternatively, by obtaining a court order, the owner can regain possession in 24 hours.
 17. *Op. Cit.* at 6, "The Minneapolis Domestic Violence Experiment."
 18. Testimony of Barbara Shaw, Detroit hearing, December 14, 1983, citing the Illinois Domestic Violence Act § 302(b), Ill. ANN. Stat. Ch. 40. The statute requires the Clerk of Courts to transmit orders of protection to the sheriff, who in turn is required to furnish copies to the Department of Law Enforcement's computerized information system. These records are continuously updated and are used to inform dispatchers and law enforcement officers of the existence of a protection order when responding to an incident of family violence. When a victim is unable to produce a copy of the order or there is some question as to the validity of an order, police officers can verify the order and the provisions by checking the central state repository.
 19. Lerman, Lisa G., *Prosecution of Spouse Abuse: Innovations in Criminal Justice, Response* (Washington, D.C.: Center for Women Policy Studies, 1981).
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San Antonio hearing, February 1, 1984; Detective Lloyd Martin, Sacramento hearing, February 15, 1984.

28. Testimony of Sydney Karr, Kansas City hearing, January 11, 1984; Carmen Ray-Bettineski, Seattle hearing, January 19, 1984. The Court Appointed Special Advocate program (CASA) originated in Seattle, Washington. The program uses specially trained volunteers to advocate for children involved in child protection cases. Advocates are appointed by the court at the initial detention hearing, and appear at every court proceeding thereafter on behalf of the child until the case is resolved. The program helps bring increased continuity and consistency to the court process.
29. *Op. Cit.* at 10, John Jordan, Chief Deputy District Attorney, Littleton, Colorado.
30. Testimony from Task Force witnesses indicates that violence in the home frequently occurs after hours and on holidays. Donna Medley, Director of the National Coalition Against Domestic Violence, New York hearing, December 1, 1983; Eli Militich, Chief of Police, Duluth, Minnesota, Detroit hearing, December 14, 1983, referred to late hours and weekend nights as "the bewitching hour."
- 1983 *Domestic Violence Report*, New Jersey State Police, Uniform Crime Reporting Unit. This study found that 30 percent of domestic violence offenses occur on Saturday and Sunday. The report also shows that 68 percent of domestic violence offenses occur from 6 p.m. to 8 a.m.
31. Testimony of Judge William R. Sweeney, Detroit hearing, December 14, 1983. According to Judge Sweeney, the Duluth Division of the Minnesota Probate and Juvenile Court designates two days of the regular court calendar to hear family violence cases.
32. American Bar Association, National Legal Resource Center for Child Advocacy and Protection, *Child Sexual Abuse and the Law* (1983). According to the

American Bar Association, testimony on the Battered Child Syndrome is widely accepted throughout the United States in juvenile court civil proceedings.

33. Testimony of Dr. Ann Bristow, Kansas City hearing, January 11, 1984. At least 20 states have accepted expert testimony on the battered spouse syndrome: Alabama, Alaska, California, Colorado, Georgia, Indiana, Iowa, Kansas, Maine, Michigan, Minnesota, Montana, Nevada, New Jersey, Oregon, Pennsylvania, South Carolina, Texas, Virginia, Washington, Wisconsin and Wyoming.

The New Jersey Supreme Court recently held that expert testimony on the behavior of women who have been subjected to sustained abuse from a spouse is admissible to help establish claims of self-defense in murder cases. *State v. Gladys Kelley*, No. 20,219 (N.J., July 24, 1984).

Victim Assistance

1. Testimony of Dr. George Rekers, Kansas City hearing, January 12, 1984. The Task Force learned of the following family life centers operating around the country: Haddon Klingberg, Jr., Ph.D., Klingberg Family Center, New Britain, Connecticut; Rev. Earl Palmer, Lay Counseling Center, First Presbyterian Church, Berkeley, California; Alison Malinowski, Family Self-Help Center, Joplin, Missouri.
2. Testimony of Margaret Johnson, Fordham Treatment Community Mental Health Center, Bronx, New York, New York hearing, December 1, 1983; Martha Wray, VIBS, Smithtown, Long Island, New York hearing, December 2, 1983; Robert Wald, EMERGE, New York hearing, December 2, 1983; Mary Agnes Ryan and Charles Geiger, Catholic Social Services of Wayne County, Michigan, Detroit hearing, December 15, 1983; Claire Williams, National Corrective Training Institute, Mark Robinson, RAVEN, Kansas City hearing, January 11, 1984; Maureen Saylor, Sex Offender Treatment Program, Seattle hearing, January 19, 1984; Dr. Henry Giarretto,

Institute for the Community as Extended Family, Sacramento hearing, February 15, 1984; Dr. Daniel Sonkin, California School of Professional Psychology, Sacramento hearing, February 16, 1984; Anne Ganley, Ph.D., American Lake Veteran's Administration Center, Sacramento hearing, February 16, 1984; Lonnie Hazelwood, Family Violence Diversion Network, Austin, Texas.

3. Testimony of Lucille Cantoni, Family Service of Detroit, Detroit hearing, December 15, 1983; Cynthia Anderson, Montgomery County Services, Bethesda, Maryland.
4. Testimony of Lynda Richardson, St. Benedict's Health Care Center, San Antonio hearing, February 2, 1984; Marie Louise Ansak, On-Lok, San Francisco, California.
5. Testimony of Dr. Vincent Fontana, New York hearing, December 2, 1983; Dino Thompson, Sacramento hearing, February 15, 1984.
6. Testimony of Raymond Raschko, Elderly Services, Community Mental Health Services, The Gatekeepers, Seattle hearing, January 19, 1984.
7. The Task Force heard from the following representatives of organizations that provide shelter for victims of family violence:

Donna Medley, National Coalition Against Domestic Violence, Washington, D.C.; Mary Haviland, Park Slope Safe Homes Project, New York; Lucy Friedman, New York City Victim Service Agency, Project Oasis, New York; JoAnn DiPola, Northern Westchester County Shelter, New York; Carolyn Fisch, Rockland County Family Shelter, Spring Valley, New York; Bonnie Maurer, New York State Coalition Against Domestic Violence, Woodstock, New York; Joseph Dell'Olio, Child, Inc., Wilmington, Delaware; Susan Kelly-Dreiss, Pennsylvania Coalition Against Domestic Violence, Harrisburg, Pennsylvania; Joan Kuriansky, Women Against Abuse in

Philadelphia, Philadelphia, Pennsylvania; Chris Phelps, Rutland County Battered Women's Network, Rutland Vermont; Linda Daniels and Kathy J. Kenny, Domestic Assault and Rape Elimination Services, Port Huron, Michigan; Barbara Shaw, Illinois Coalition Against Domestic Violence, Springfield, Illinois; Hedy Nuriel, YWCA Interim House, Detroit, Michigan; Deborah Cain, Haven-Domestic Violence Shelter, Pontiac, Michigan; Anita Smith, Action for Battered Women in Ohio, Columbus, Ohio; Lysle Weeks, Board of Directors, Hope House, Independence, Missouri; Linda May, Rose Brooks Center, Kansas City, Missouri; Merle Holcomb, YWCA Spouse Abuse Center, Louisville, Kentucky; Maggie Arzdorf-Schubbe, Minnesota Program for Battered Women, St. Paul, Minnesota; Karen Gardner, Arkansas Coalition Against Domestic Violence, Harrison, Arkansas; Gracie Brooks, YWCA Women's Support Shelter, Tacoma, Washington; Lee Drechsel, Eastside Domestic Violence Program, Bellevue, Washington; Susan Crane, Washington State Shelter Network; Barbara Miklos, Alaska Council on Domestic Violence and Sexual Assault; Vietta Helmle, Oregon Coalition Against Domestic and Sexual Violence; Linda Reppond, The Shelter, Seattle, Washington; Caren Robinson, AWARE, Juneau, Alaska; Dawn Statham, Idaho Council on Domestic Violence; Christine DeLange, The Family Place, Dallas, Texas; Deborah Tucker, Texas Council on Family Violence, Austin, Texas; Joan Welsh, National Coalition Against Domestic Violence, Boulder, Colorado; Sarah Mickey, Albuquerque Shelter for Victims of Domestic Violence, Albuquerque, New Mexico; Margaret Atkinson, New Mexico Coalition Against Domestic Violence, Gallup New Mexico; Gail Martin, Gulf Coast Women's Center, Biloxi, Mississippi; Lupe Arellano, La Isla Pacifica, Gilroy, California; Diane Loper, Nevada Network Against Domestic Violence, Sparks, Nevada.

8. Testimony of Martha Ross, Sacramento hearing, February 15, 1984.
9. Testimony of Dr. Guadalupe Quintanilla, San Antonio hearing, February 1, 1984; Lupe Arellano,

Sacramento hearing, February 16, 1984. California Women of Color provide bilingual and bicultural services to victim assistance agencies.

10. *Op. cit.* at 8, Martha Ross, Sacramento hearing. The Victim/Witness Advocate Services in Honolulu provides information for clients in Hawaiian, Korean, and Japanese and explains the American court system to ethnic clients. Testimony of Gracie Brooks, Seattle hearing, January 18, 1984.
11. Public Housing Authorities are regulated by the Department of Housing and Urban Development and receive federal funds to provide public housing for low and moderate income families. Section 8 Existing Housing is a rental subsidy program which uses private market properties to house qualified families. The family pays a percentage of the rent and the PHA subsidizes the remainder.
12. National Organization for Victim Assistance, *Victim Rights and Services: A Legislative Directory* (Washington, D.C., 1984).
13. U.S. Department of Justice, National Institute of Justice, *Compensating Victims of Crime: An Analyses of American Programs* (July 1983).
14. *Op. cit.* at 12, *Victim Rights and Services*, p. 2.
15. Testimony of Joyce Thomas, New York hearing, December 2, 1983.
16. *Op. cit.* at 13, *Compensating Victims of Crime*, p. 64.
17. *Ibid.*
18. Federal departments and agencies involved in family violence activities are: Department of Justice, Department of Treasury, Department of Education, Department of Defense, Department of Transportation, Department of Health and Human Services,

Department of the Interior, Department of Housing and Urban Development, and ACTION.

19. These agencies include: Office of Juvenile Justice and Delinquency Prevention, National Institute of Justice, Bureau of Justice Statistics, Federal Bureau of Investigation, Federal Law Enforcement Training Center, Glynco, Georgia, U.S. Coast Guard, Office of Human Development Services, National Center on Child Abuse and Neglect, Administration on Aging, National Institute of Mental Health, National Institute of Drug Abuse, The National Institute of Alcohol Abuse and Alcoholism, Center for Disease Control, and Bureau of Indian Affairs.
20. Senate Bill 2423; "Victim Assistance Act of 1984" requires that each state receiving federal funds for its victim assistance programs appoint a Victim Assistance Administrator.
21. Testimony of Mayor Barbara Potts, Kansas City hearing, January 12, 1984. Mayor Potts met with all community charities and service providers to assess the needs of their city. It was determined that a shelter was needed and businesses, men's clubs, churches, and individuals joined together to establish Hope House in Independence, Missouri.
22. Testimony of Leonard Lieber, Parents' Anonymous, Kansas City hearing, January 11, 1984; Dr. Henry Giarretto, Parents United, San Jose, California, Sacramento hearing, February 16, 1984.
23. *Op. cit.* Justice System at 28, Sidney Karr, Court Appointed Special Advocates; Carmen Ray-Bettineski, Guardian Ad Litem Program CASA.
24. Testimony of Marion Gillerlain, Spouse Abuse Education and Prevention Project of the Junior Leagues of Kansas City, Missouri, Inc. The Junior League is working with local banks to enclose information on local shelters in a monthly bank statement.

25. Testimony of The California 2% Club, Sacramento, California.
26. Testimony of the National Conference of State Legislatures, Denver, Colorado.
27. Testimony of Joan Welsh, San Antonio hearing, February 2, 1984.
28. Lerman, Lisa G.; Livingston, Franci; Jackson, Vicky, "State Legislation on Domestic Violence," *Response*, (Center for Women Policy Studies, 1983).
29. *Op. cit.* at 26, National Conference of State Legislatures.

Prevention and Awareness

1. Testimony of Lucy Friedman, Victim Services Agency, New York City, New York hearing, December 1, 1983; Jo Ann Martens, We Help Ourselves Program (WHO), Dallas, Texas, San Antonio hearing, February 1, 1984; Mary Stinson, the Pebble Project, Austin, Texas, San Antonio hearing, February 1, 1984; Mary Jo Robinson-Hardin, Circle of Love, Jackson, Tennessee, San Antonio hearing, February 1, 1984; Eugene Junette, Play It Safe Committee, Fresno, California, Sacramento hearing, February 17, 1984.
2. The National Center on Child Abuse and Neglect (NCAN) reports that four states have established 24-hour statewide hotlines for reporting child abuse and neglect; nineteen states have established toll-free hotlines. The National Coalition Against Domestic Violence (NCADV) reports that six private organizations have established statewide toll-free hotlines for reporting spouse abuse.
3. Testimony of Deanne Tilton, Sacramento hearing, February 16, 1984. Ms. Tilton reported that sexual abuse was peaking at age 4.

Education and Training

1. Testimony of Ronald Reeves, M.D.; Kansas City hearing, January 11, 1984; Joyce Olson, R.N., Kansas City hearing, January 11, 1984, Bruce Woodling, M.D., Sacramento hearing, February 16, 1984.
2. *Op. cit.* Justice System at 28, Sidney Karr, Kansas City hearing; *Op. cit.* Victim Assistance at 21, Mayor Barbara Potts and Lysle Weeks, Kansas City hearing. Testimony of Maureen Hughes, Association of Junior Leagues, New York hearing, December 2, 1983. The Junior Leagues are involved in family violence programs in 80 cities, and 60 Leagues are engaged in community programs for the elderly. Testimony of Dr. Karen Bartz, Campfire, Inc., Kansas City hearing, January 12, 1984. Campfire, Inc. teaches boys and girls involved in its clubs non-victimization and self-reliance skills. Testimony of Christina Crawford, Inter-agency Council on Child Abuse and Neglect (ICCAN), Sacramento hearing, February 16, 1984. ICCAN is a unique partnership between a government-based, child abuse council and a privately-based support group which raises funds for ICCAN neighborhood family centers, a model developed by professionals and supported by the community.

Data Collection and Reporting

1. U.S. Department of Justice, Bureau of Justice Statistics, *Report to the Nation on Crime and Justice*, (Washington, D.C.: U.S. Government Printing Office, 1983).
2. *Op. cit.* Justice System at 9, Deanne, Tilton, Sacramento hearing.

3. 42 U.S.C. § 4582 (1976) ("Alcohol Treatment Act") and specific confidentiality regulations promulgated thereunder, 42 C.F.R. § 2.11(o) (1982); 42 C.F.R. § 2.11(e) (1982).
4. 42 U.S.C. § 5101-07 (1976) ("Federal Child Abuse Act") and the regulations promulgated thereunder, 45 C.F.R. § 1340 (1982).
5. *Op. cit.* Victim Assistance at 6, Raymond R. Raschko, Seattle hearing. Testimony of Dr. Sally Althoff, Seattle hearing, January 19, 1984.

Research

1. Seven federal departments and one independent agency are involved in some aspect of family violence programming. The four offices that conduct the majority of family violence research are: the National Institute of Justice and the Office of Juvenile Justice and Delinquency Prevention, both located within the Department of Justice; and the National Center on Child Abuse and Neglect and the National Institute of Mental Health, within the Department of Health and Human Services. Other agencies involved include: the National Institute of Drug Abuse; National Institute of Alcohol Abuse and Alcoholism; and the Center for Disease Control.

Legislative

1. Testimony of Maureen Saylor, Rebecca Roe, and Doris Stevens, Seattle hearing, January 19, 1984; Patty Linebaugh, Sacramento hearing, February 15, 1984.
2. Testimony of Special Agent Melvin D. Mercer, Jr., Chief, Recording and Posting Sections, Identification Division, Federal Bureau of Investigation before the Subcommittee on Juvenile Justice, Judiciary Committee, United States Senate, 1984. The FBI has a national index where a single inquiry can be made to determine whether a person has a prior criminal record. Inquiries are processed using fingerprint

cards. The FBI can exchange identification information with states, if authorized by a state statute approved by the Attorney General.

3. "The Tax Treatment of Households of Different Size," Eugene Steuerle, American Enterprise Institute.
4. Present Department of Labor regulations prohibit work at home in seven industries: knitted outerwear, women's garments, embroidery, handkerchief manufacturing, jewelry manufacturing, button and buckle manufacturing and gloves and mittens. The only exceptions are for individuals who are unable to leave home due to physical or mental impairment, those who are caring for an invalid in the home, and those who can establish that they are independent contractors. (29 U.S.C. § 11(d), 29 C.F.R. 530)
5. Congressional Office of Technology Assessment, March 1983, estimated that the economic costs of alcohol-medical bills, time lost from work, property damage and other costs is as high as \$120 billion per year.
6. Fifth Special Report to the U.S. Congress on Alcohol and Health, U.S. Dept. of H.H.S. Public Health Service, National Institute of Alcohol Abuse & Alcoholism, December 83. The report indicated that surveys found alcohol involvement in as many as 38 percent of child abuse cases and 60 percent of all spouse abuse incidents.
7. Epstein, Cameron and Room, R., "Alcohol and Family Abuse" *Alcohol Casualties and Crime*. Report prepared for the National Institute on Alcohol Abuse and Alcoholism.
8. Testimony from Michael Couty, Missouri Division of Drug and Alcohol Abuse, Kansas City hearing, January 12, 1984; Ross Newby, Texas Commission on Alcoholism, San Antonio hearing, February 2, 1984; Christine B. Lubinski, National Council on Alcoholism, Inc., Washington, D.C.; Walker, Lenore, *The Battered Women*, Harper and Row, New York, 1979.

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9. *Op. Cit.* at 6.
 10. Testimony of Evan Stark, New York City hearing, December 2, 1983.
 11. Testimony of Jayne Schindler, Kansas City hearing, January 11, 1984; Michael Couty, Kansas City hearing, January 12, 1984; Ross Newby, San Antonio hearing, February 2, 1984; Donna Muldrew, San Antonio hearing, February 2, 1984 and Deanne Tilton, Sacramento hearing, February 16, 1984.
 12. Public Law No. 98-369 (1984).
 13. John Manfreda, Assistant Chief Counsel (Alcohol and Tobacco), Bureau of Alcohol, Tobacco and Firearms.
 14. Sonia Conly, Financial Economist, Office of Tax Analysis, Office of the Secretary, Department of Treasury. The additional revenues generated would be \$2 billion from beer, \$100 million from wine, and \$70 million from distilled spirits. These calculations are based on projected alcohol beverage sale levels for fiscal year 1985. The figures do not include transitional adjustments that might be expected from increasing the tax.
 15. Testimony of incest victim, Detroit hearing, December 14, 1983.
 16. Testimony of incest victim, Seattle hearing, January 19, 1984.
 17. Testimony of adolescent sexual abuse victim, Seattle hearing, January 19, 1984; Rosemary Puryear, San Antonio hearing, February 1, 1984.
 18. Testimony of Norm Maleng, King County Prosecutor, Seattle, Washington, Seattle hearing, January 18, 1984. See specific state statutory provisions for criminal statutes of limitation for Alaska, California, Colorado and Washington.
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3. Testimony of Lt. Col. Peter McNelis, USA, San Antonio hearing, February 2, 1984.
4. Testimony of Dr. Arthur Kornhaber before the Subcommittee on Separation of Powers, U.S. Senate, November 9, 1983.

Conclusion

1. Dr. Nick Stinnett, University of Nebraska, Department of Human Development and the Family.
2. Dolores Curran, *Traits of a Healthy Family*, Winston Press, 1983.

Biographies

William L. Hart is the Chief of Police in Detroit, Michigan. A police veteran of over 30 years, Chief Hart advanced through the ranks and was appointed chief in 1976. He has developed highly innovative and successful strategies for response to domestic violence as well as for crime prevention. Chief Hart holds a doctorate in Educational Sociology from Wayne State University and is a 1972 graduate of the FBI National Academy. In 1981 he served as a member of the U.S. Attorney General's Task Force on Violent Crime. Chief Hart was appointed by President Reagan and is currently serving as a member of the National Advisory Committee of the Office of Juvenile Justice and Delinquency Prevention.

John Ashcroft is currently serving his second term as the Attorney General for the State of Missouri. Prior to his election, Mr. Ashcroft served as Missouri's State Auditor. Mr. Ashcroft is a past president of the National Association of Attorneys General and in 1983 was awarded the Wyman Award as the attorney general who has done the most to advance the objectives of that association. As attorney general, Mr. Ashcroft has had many notable accomplishments in the legal areas of consumer protection, anti-trust, and environmental protection. Mr. Ashcroft is also in charge of his state's crime prevention program and is an advocate of strengthening Missouri's criminal

laws and procedures, especially as they relate to family violence. Mr. Ashcroft is also the author of several textbooks on business law.

Ann Wolbert Burgess is the Van Ameringen Professor of Nursing at the University of Pennsylvania; Associate Director of Nursing, Research Health and Hospitals, City of Boston, and a frequent instructor at the FBI Academy in Quantico. Dr. Burgess has written extensively on the rape and sexual victimization of children. In addition to her academic and administrative positions, Dr. Burgess has held numerous positions on various advisory committees and panels, and has received many academic honors and awards.

Ursula Meese is the executive director of the William Moss Institute, a center founded to study and provide information on issues and trends affecting family and life in the future. She is a member of the Monitoring Board of UNESCO and serves as a delegate to the United Nations Commission on the Status of Women. Mrs. Meese was a U.S. Delegate to Central Africa with Ambassador Jeane Kirkpatrick, working with women in development. She has served as a counselor for the Crisis Intervention Center in Sacramento and as a Deputy Probation Officer in Alameda County, California, specializing in child neglect and child custody.

Ruben B. Ortega is the Chief of Police in Phoenix, Arizona. A 23-year veteran of the department, he progressed through the ranks to become chief in 1980. Chief Ortega is a graduate of the National Executive Institute conducted at the FBI Academy. Chief Ortega also is active in many civic and law enforcement organizations, including the Board of Directors of the National Conference of Christians and Jews, the YMCA Corporate Board, the Executive Committee of the International Association of Chiefs of Police, and the Arizona Law Enforcement Officer Advisory Council.

Newman Flanagan is currently serving his second term as District Attorney of Suffolk County (Boston), Massachusetts, and has instituted many progressive programs for family violence victims. He is the past president of the National District Attorneys Association. In

addition to his many professional affiliations, Mr. Flanagan is also very active in community organizations. He is a past state deputy of the Massachusetts State Council of the Knights of Columbus; a member of the Board of Directors of the Boston Council of the Boy Scouts of America; a trustee of the Leukemia Society of America, and a youth hockey coach since 1960. He is also a director of the Cardinal Cushing School and Training Center in Hanover, Mass.

Clyde Narramore is a licensed psychologist and family and marriage counselor in Los Angeles. He is the founder and director of the Narramore Christian Foundation, which offers mental health services to people from around the world. Dr. Narramore served as a consulting psychologist on the staff of the Los Angeles County Superintendent of Schools for thirteen years, and is the author of numerous books including *The Psychology of Counseling*, *The Encyclopedia of Psychological Problems*, and the soon to be published, *Trouble in the Family*. Dr. Narramore also has written and produced films on the family and hosts national television and radio programs on psychology and family matters.

Catherine Milton serves as an assistant to the president of Stanford University. Ms. Milton served as assistant director of the Police Foundation, during which time she wrote several books including, *Women in Policy* and conducted studies on family homicides. While working with the U.S. Senate Special Committee on Aging, Ms. Milton helped draft the "Omnibus Victims Protection Bill of 1982," and has been involved in the development of a federal victims compensation bill. She is former director of the American Bar Association's Female Offender Resource Center. In addition, she organized a victim's education initiative for the National Judicial College.

Frances Lowery Seward is the former director of the Jamaica Services Program for Older Adults, Inc. and secretary of the Victims of Crime Advocacy League. She also serves on the Board of Directors of the National Organization for Victim Assistance. Her diverse experience has been gained from community work and employment, including nine years with the New York State Drug Abuse Control Commission as a

rehabilitation counselor and two years as supervising counselor for the NAACP Training Program.

Marise Rene Duff was special assistant to the Director of the National Institute of Justice immediately prior to becoming the executive director of the Attorney General's Task Force on Family Violence. Previously, Ms. Duff served two years at the White House as a senior policy analyst, specializing in criminal justice issues. Ms. Duff is a member of the American Bar Association and has served on the Victim's Rights Committee of the ABA Criminal Justice Section.

Task Force Staff

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Methodology

In developing this report, the Task Force relied on several sources of information:

- Public testimony provided in six cities by nearly 300 witnesses who included victims of family violence; volunteers, practitioners and professionals who have assisted family violence victims; and a variety of persons who have special knowledge relevant to the issue of violence within the family. These witnesses are listed in the Appendix to this report.

- Written testimony provided by hundreds of volunteers, professionals, practitioners, scholars, victims, and members of the general public from across the country.

- Staff research into specific issue areas that included literature searches and interviews with victims and

experts both within and outside the federal government.

It should be noted that the order in which the recommendations are presented and numbered is not meant to suggest their relative importance or priority for action.

Other matters of presentation should be clarified. Both men and women are victims and perpetrators of family violence. The use of traditional masculine pronouns is inclusive of both genders, and is not meant to imply the contrary. The use of the term abuse also should be considered to include all types of family violence. Finally, to protect the security and confidentiality of the courageous victims who came forward to share their invaluable insight and perspective with the Task Force, quotations that appear in the margins do not list the individual victim's name. Victims also are not identified by name in the appendix if they have requested anonymity.

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