

The author(s) shown below used Federal funds provided by the U.S. Department of Justice and prepared the following final report:

Document Title: Next Millennium Conference: Ending Domestic Violence; Contextualizing Outcomes

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Document No.: 184564

Date Received: September 27, 2000

Award Number: 1999-WT-VX-0002

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THE NEXT MILLENNIUM CONFERENCE:
Ending Domestic Violence
Contextualizing Outcomes
August 29, 1999

Page 1
BOS: MB

MOD: I have the honor of introducing our esteemed faculty for this session. This is the--just to let you know you're in the right place--this is "Contextualizing Outcomes Family Community and Service Systems". So, we're going to talk about research. And I just got hustled into doing this. And they gave me all this stuff to read. But I'm not going to do it. So, we can get right down to it. This is Ellen Penn, PH.D., Wendy Pollack, J.D. And they're going to talk to us about everything they know. Ellen is the founder of the Domestic Abuse Intervention Project in Deluth. And they've kind of been at the cutting edge of everything since the beginning of time. And so, that's kind of what you need to know about her. She's been all around the world and she knows a lot of stuff. And Wendy is a colleague of Jody Raphael's, who couldn't be here today. And she's going to focus a lot on, I think, Welfare reform research. And it's going to be participatory. And because, you know, these sessions get taped, what they're going to do is when you have questions or comments, they're going to have to take the time to repeat them into the microphone so that everything gets on tape. So, it's a little tedious, but if you'd all bear with that. So without further ado, who's going first?

...: I'm just a little bit concerned about people's comfort

level. I mean, there is (Inaudible). And also, is there anybody under 30, able-bodied (Inaudible).

...: How many people over 50 are standing up? We shouldn't be standing anymore. Our uterus are in bad shape. So, is there anybody who's standing that really needs it. There's one chair here. There's one chair here. And there's places if you want to sit on the ground. Because it doesn't even look like if you wanted sit on the ground (Inaudible).

...: (Inaudible)?

...: Yeah, we will.

...: I believe we're recording right now.

...: Right. So, if you want to actually get a place to sit, there's a little place on here that you could sit on the soft carpet.

MS. POLLACK: Hello. I'm not Jody Raphael, for those of you who know who she is. She apologizes very much. But she had a family emergency that she had to attend to today.

However, just for those of you who are really sorry she's not here, she will be doing a couple of more sessions and basically go over the same information, I know once tomorrow morning. And I don't know, you know, that part of different tracks. I'm Wendy Pollack and I am a colleague of Jody's.

I work at the National Center on Poverty Law. Some of you must know that's a new name for the National Clear House for Legal Services.

I concentrate on Welfare issues and barriers to the transition from Welfare to work, which includes domestic violence. So, I've been very involved in these issues, also.

What I'm going to do is Jody just kind of gave me her spiel here. And I'm just going to read from it just so that I cover everything that she would have wanted covered. And then we can just, you know, engage more in a dialog after that. Okay?

As Welfare Departments began to work with women on Welfare to transition them into employment in the mid 1990s, grassroots Welfare to Work programs discovered that many of these women's partners were deliberately sabotaging their efforts at education, training and work, and using violence to do it. Obviously threatened by the women's efforts to become self-sufficient, the men made use of a variety of strategies calculated to prevent the women from successfully completing training programs or getting to work. Women's stories from all around the country revealed multiple examples of identical strategies, including destruction of books and homework papers, destroying winter clothing, disabling the family car, keeping women up all night before key tests and job interviews and inflicting visible facial injuries before job interviews. Program providers also noted that domestic violence increased or was exasperated

when women sought education training or work. Some program staff noticed that many of the abuses were unemployed or underemployed. The implication was that the new economic equation or imbalance within the household led to intimate partners seeking to express their dominance and control in violence. If the abusers are unemployed, the fear is, of course, that when they have their own funds, the women will leave them or find someone at the work place who has more resources than they have.

Research since then, has documented the large prevalence of women on Welfare who are current domestic violence victims. Because of the large number, there is a concern that Welfare reform will exasperate domestic violence in low-income households, putting women and children at greater risk than ever before. For this reason, Senators Paul Welstone and Patty Murray added the Family Violence Option to the Federal Welfare Reform Legislation in 1996. Under the Family Violence Option, Federal work requirements and the Federal lifetime limit on Welfare receipt, along with any other provisions, can be temporarily waived in order to keep battered women safe through the Welfare to Work journey.

In this short presentation, I will briefly summarize what research is telling us about the nature of this problem. And we'll also give you some preliminary

information about how the states are doing with implementing the Family Violence Option. Information gathered by the Taylor Institute during its recent in depth survey of Family Violence Option implementation at the state level.

We have now, through five major Welfare case load studies, established that about 20% of all women on the Welfare rolls are current victims of domestic violence. And about two-thirds are past victims of domestic violence. The large number of past victims is great cause for concern. Because some battered women--not all--continue to suffer from the traumatic effects of past violence that can interfere with either getting or maintaining employment. As these research studies were undertaken between 1996 and 1998, we would expect that as Welfare case loads are now declining, victims of domestic violence would be more likely to remain on the case load, resulting in a higher percentage of women on Welfare experiencing work sabotage by their partners.

Research has now also confirmed that domestic violence serves as an employment barrier for some domestic violence victims. It is demonstrating what we all kind of instinctively know. Domestic violence victims do try to work. But many find it difficult to maintain that employment over time in the fact of domestic violence. For example, the Wurster Family Research Project found that

domestic violence victims are most apt to cycle on and off Welfare. Receiving Welfare for longer periods than those women who are not cyclers. The project also found that women who experienced physical aggression during the first 12-month follow-up period had about one-third the odds of working at least 30 hours a week for six months or more--six months or more during the following year as did women who had not experienced such aggression.

Susan Lloyd's neighborhood study found that women who had experienced domestic violence within the past 12 months and who stated that their partners had directly prevented them from going to school or work or had threatened _____ to their children, were less likely to be employed than women who did not experience these particular forms of abuse. Likewise, women whose partners had threatened to kill them at some point in time were less likely to be currently employed. And at the University of Pittsburgh, Lisa Brush found that in her sample of over 200 women in a mandatory work program--women who had sought an order of protection as a result of domestic violence--dropped out at six times the rate of women who did not. Strong evidence that battered women facing the safety crisis in the short time will be unable to comply with Welfare requirements.

Research is also documenting a greater prevalence of

health and mental health problems among domestic violence victims on Welfare and their non-abuse counterparts. For example, the research is finding that abused women suffer from major depression or post-traumatic stress disorder at higher rates than non-victims or women in the general population. In a recent University of Michigan study, for example, a random sample of 753 single mothers with children on the Welfare rolls in an urban Michigan county in February 1997, 61.6% of recent victims qualified for one of the five psychiatric diagnoses measured by the research.

Child support enforcement is also a matter of concern. In the Center for Policy Research Study, over 1,000 new applicants for public assistance was screened for domestic violence in four Colorado Welfare offices. Across all four sites, 40% of applicants disclosed current or past abuse. 44% of the victims reported that their abusive ex-partners had prevented them working. However, only 6.7% of the interviewed victims expressed an interest in applying for a good cause exemption from cooperating with Child Support Enforcement because of danger to themselves or their children. This represents about 33 women. But these are 33 women whose lives we may have been able to save through domestic violence screening.

Anyone wanting more information about any of this research should consult the website--the project's website--

at www.ssw.umich.edu/traps. Well, let me--okay, www.ssw.umich.edu/--slash going towards you--trapped. Trapped. T-R-A-P-P-E-D. That's the website of--the combined website of the University of Michigan and the Taylor Institute Study. Okay.

Alright, I would like to briefly touch on the policy recommendations that flow from this new research that I have summarized. We know that domestic violence can be exasperated when women are required to work. The research is showing a complex picture around employment. But it seems to be clear that recent victims of severe violence, especially those needing to obtain orders of protection, will have difficulty in working safely. It is, thus, essential that Welfare workers try to identify those current victims of severe domestic violence. These are the women who, it would seem according to the research, to be in the most need of domestic violence services. Second, it would be important for Welfare Departments to screen all cases prior to their being sanctioned or removed from the rolls to determine whether there is domestic violence in the picture. Welfare workers are--excuse me--Welfare workers also need to be alert to those Welfare participants who are suffering from the effects of trauma, like post-traumatic stress disorder, which could prevent some battered women from being successful on the job.

Our recent monitoring of the family violence option implementation revealed some interesting data. First, as of May 1, 1999, most states had adopted the family violence option or had policies and procedures in place providing battered women with temporary waivers of work requirement. And you are sitting in the state of Illinois, who has refused to adopt the family violence option. I've been trying now for three years and have made very little headway on that.

Second, states have taken three general approaches to the issue of assessment. Some states, and it's 29% of states, provide notice to Welfare applicants and recipients of the availability of the temporary waiver. They rely on the women, themselves, to self-disclose and do not follow up with any further questions about domestic violence. Some states, it's 32%, do not directly tell _____ applicants and recipients about the family violence option. But assess for domestic violence by asking a series of questions about the presence of domestic violence in the lives of _____ participants. Some states, 39%, provide both notification, as well as assessment of domestic violence.

To no one's surprise, not many women are currently self-disclosing to Welfare workers that they are domestic violence victims. Some recent evaluations of family

violence option demonstration projects that have interviewed women on Welfare and self-reveal that most women fear to be pitied and feel that the questions used are too intrusive. They fear that disclosure will lead to their being reported to the state child protective service or to losing their benefits because of a man in the house.

In order to keep women safe, it is essential that states improve their notice and assessment activities. We found that fully 20 states have notice and assessemtn processes that, on their face, appear inadequate. In the words of one state domestic violence coalition, "Family violence option light." Among those family violence option light practices are one-sentence notices of family violence option that appear in small type face on the _____ application, as well as assessment _____ that add one or two questions about domestic violence on the application form or on family assessment forms. Some states have prepared brochures that describe the family violence option, as well as provide a great deal of information about domestic violence and battered women services in the state. However, information about the family violence option is often buried in these basic--excuse me--brochures about domestic violence, calling into question their effectiveness as family violence option modalities.

We also found that most of the child support

enforcement notices given to Welfare participants fail to clearly and adequately explain that women fearing abuse as a result of cooperating seem to opt out of child support collection.

Sometimes a state notice may provide good notice of the temporary exemption from work requirement, but does not mention child support at all. The major issue that has emerged in implementation of domestic violence policy is effective assessment of domestic violence. Certainly, it is every battered woman's right to decide whether she wants to disclose the domestic violence in her life. However, she cannot make a free and informed choice unless she clearly understands that she may disclose and it may be in her interest to do so. The linchpin of any state's family violence option effort is, thus, the message by which the state informs the _____ participant about the family violence option or domestic violence policies and provides the opportunity to self-disclose at all stages of the case processing and throughout the Welfare to work process.

There is another major policy recommendation that flows from our family violence option research. We are pretty well convinced that those Welfare offices which are in partnership with their local domestic violence provider are better meeting the needs of battered women on Welfare. Women feel more comfortable talking to someone who is not

employed by the Welfare Department, and who is specially trained in dealing with the issue of domestic violence. And Welfare workers are relieved to have to try to deal with the issue themselves.

However, we have learned that mere co-location of domestic violence advocates Welfare offices does not do the trick. In many instances, these advocates sit and wait in vain for referrals that do not come. Successful projects are those in which domestic violence advocates are involved in providing information about domestic violence and the waivers to women in groups at the office or who are otherwise involved in doing one-on-one or group screening. We believe that on-site presence of domestic violence advocates will guarantee greater success in getting needed services to these women. In many ways, these are the hardest to serve women. As Pat Cole in Texas has pointed out, we are bringing information about domestic violence to these women and trying to intervene in a much earlier point. By the time they come into shelter or call domestic violence hotline, women are all ready to admit that they have a problem for which they want help. This is not the case with screening for domestic violence in a Welfare office. It will also probably be necessary to re-configure how we deliver services and of what these services will consist of to this population.

The full monitoring report will be posted at the website about September 15. Or you may fax a request for the full report at fax number 773-342-5918. And I have a draft form of the report so it's pretty long. So, they're not going to fax it back to you. But they'll mail it out to you.

It is essential that all grassroots groups and coalitions monitor the local Welfare offices to help them improve their approaches with battered women, with the motto "Safety First." To this end, we have prepared a free grassroots monitoring guide that I have here on the table with me. Most states have the policies and procedures that can work to keep women safe and get them services they need. But we believe that at the current time, most battered women who need to take advantage of them simply don't know about them or don't trust the department enough to use them. At this moment, there can be no substitute for public education, outreach and advocacy at the local level to get the job done. Thanks.

I have, obviously, not enough of these. And so, I would hope when you take them that just one per agency. And then I think you could fax at this same number to request further copies. Okay. Thank you. Yeah?

FROM THE AUDIENCE: (Inaudible).

MS. POLLACK: Of the report that's coming out? Is September

15. It's "Keeping Battered Women Safe Through the Welfare to Work Journey. How Are We Doing?" And it's a report on the implementation of policies for battered women and state's temporary assistance for needy families programs. And the author is Jody Raphael and Sheila Heinecke at the Taylor Institute. And the monitoring guide is "Monitoring Domestic Violence Policy and Practice in State Welfare Programs: A How-To Guide."

MOD: Do you want to take some questions now? Or should we--do you want to move on to Ellen and talk and we can do it all later.

MS. POLLACK: Well, I'll take a few questions. Because then they get lost. Yeah?

FROM THE AUDIENCE: (Inaudible).

MS. POLLACK: Yes, here. Yeah.

FROM THE AUDIENCE: I was just wondering if other states here or (Inaudible) somewhat concerned up in New York City (Inaudible) notifying Welfare centers that (Inaudible) which is, of course, an inhibitor for a woman to come forward. And I wondered if you or anyone else would like to comment on that in relationship to (Inaudible).

MS. POLLACK: Yeah. The question is, basically, the nexus between self-identifying as a victim of domestic violence and perhaps exercising a woman's right under the family violence option and then exposing yourselves to a possible

accusation that you're an unfit parent and the concern about, you know, the play on that and the child welfare services. I know in some states, and I'm not sure which ones, perhaps that actually a child just witnessing domestic violence is a reason to find that there's abuse and neglect in the household. So, this is definitely a major concern. Is there someone here who would like to address that issue who's seen that come up in their state?

FROM THE AUDIENCE: I'm from the state of Missouri. And I actually work for the Division of Family Services. And we've done collaboration with the Missouri Coalition Against Domestic Violence with our child support enforcement agency and with our _____ agency and our (Inaudible). And we got together and we discussed all those (Inaudible) and tried to figure out the best way to approach these women in these kind of situations and how we were going to screen them, how we were going to assess them and how we _____ that information across the board. So that were _____ developed regarding that. And then, also, we're doing a state-wide thing that involves every single person in our incoming (Inaudible) that are on the front lines, taking those applications, doing that screening. And then also involving the local domestic violence advocate in children (Inaudible) on a local level as well. So that's kind of the whole (Inaudible). And in that training, being

able to address that--not necessarily is it the failure to protect (Inaudible).

MS. POLLACK: Yeah. I think maybe we should come up and--I mean, I can't repeat everything everybody would say for this tape. So, maybe we should come up and put on the mic or--

MOD: Maybe what we should do is to have them say into the tape what the name of the person is and the program that they're from.

MS. POLLACK: Good question. Good comment. I'm sorry, I don't--your name and--

FROM THE AUDIENCE: Cary _____ from Missouri (Inaudible).

MS. POLLACK: Cary Boms from Division of Family Services in Missouri. And she had a good comment about the collaboration of out of state agencies and working with local domestic violence advocates on addressing these issues in terms of child welfare issues. Yeah?

FROM THE AUDIENCE: Kathleen _____ from _____ Resource Center. I think that your question brings up the very crux of research and policy issues. And that is that we have this assumption, or some people have an assumption that you're flown here _____ that things will get better for battered women. And what our experience tells us is there are many (Inaudible). And so, _____ disclosure (Inaudible) may not be good for every community

or for every state. And I think that, for me, there's a (Inaudible) I would like to see a _____ how do you do good policy making and add research understanding that we have this ability to hurt women by saying, "Tell us whether or not you're battered." When, in fact, the repercussions could be very grave. And I think that's an issue in health screenings. It's an issue in all areas. It's an issue for women who disclose to victim advocates located in police departments and prosecutors offices and lots and lots of different places that we're now--I think (Inaudible) we have to be very careful. And I would like to see some research and work done around how do you come to making those decisions around policy development and research development. What are some of the key factors we should think about in what happens to women (Inaudible).

MS. POLLACK: Alright. Anybody else? You back there. (Inaudible).

FROM THE AUDIENCE: We have domestic violence people that (Inaudible) not necessarily state, but (Inaudible) to whether or not the person is eligible or qualified for (Inaudible).

MS. POLLACK: There's a comment on the fact that domestic violence counselors may not want to put their name on saying that someone is--should be getting a waiver or not. Is that an issue in other places? I haven't had that problem. I

mean, we don't have the family options (Inaudible). I think there's people eager to do it. So. Yeah?

FROM THE AUDIENCE: Pat Cole and I'm from the National Training Center on the (Inaudible). A couple of things that I think we are finding and other states are, too, is that the question is about are you a victim of domestic violence (Inaudible), etc., etc., you're much less likely to get an answer to it. It's very, very questionable how appropriate that is. And some of the women in the research project have been asked why they didn't tell the truth about (Inaudible). So, really the more relevant question that's beginning to appear is, is there something that's going to interfere with your work? Is there someone that (Inaudible) doesn't want you to go to work and may hurt you if you try. Those kind of questions that really (Inaudible).

The other, I think, really great--one of the greatest problems that we have is that most of the women who acknowledge the need for services do not want to go to traditional family violence programs. They absolutely ain't going there, thank you very much. Most of them don't want waiver. And so, I don't think we can measure the success of the family violence option by the number of people who get waivers. Most don't want them. (Inaudible) how to provide the services in places that these women consider well, but to their _____. And we're a long way from that.

MS. POLLACK: Pat Cole from Texas commented it--and I think a lot of your comments have been replicated, you know, have been repeated by other people in states and it shows up in Jody's research in the report that will be released, hopefully, September 15, which is that a lot of the questions, you know, women find intrusive and don't really want to answer and don't necessarily want waivers. But I think, and if we think about if anybody saw the front of the New York Times this morning, you know, about all the money that states are not spending on Welfare recipients and this is a perfect time to be advocating for increased services to meet the very needs that you're talking about. You know, that perhaps it's not waivers that women want, but certainly there are services that women need. And we have to start figuring out what those services are, like you said. And what's the best way spend the money. But I also think, getting back to Kathleen's comment on the connection between research and policy, that, you know, we are learning that. That some of these questions that, you know, me and Jody and, you know, a group of us kind of sat around and made up that most people have duplicated now and most states have taken on, we're finding aren't the best questions. And I think, you know, we have to, you know, you have to keep evaluating the situation. And that is the connection between research and policy. And that we have to keep

learning from our mistakes. But I think that to think that--one thing that I find in Illinois, and it seems to be, you know, what's reflected in Jody's research, also, is that the states prefer to hide the eight ball. And that's when people, why they're even asking these questions. And that is atrocious. You know, and I mean, if you're not going to tell someone up front why you're asking these very personal, intrusive questions, why should they respond? And my recommendation to women would be, "Don't respond." You know. And, you know, if there's nothing in it for them that will help them in a positive way with their life and their transition off of Welfare or whatever the situation is, there's no reason to give that information. Yes.

FROM THE AUDIENCE: (Inaudible).

MS. POLLACK: Yes.

FROM THE AUDIENCE: Hi, I'm Susan _____ from Capetown, New Jersey. We've just started random (Inaudible). And we're going to be doing those classes as a way of helping people to have a place to (Inaudible).

MS. POLLACK: Yeah, I think--

FROM THE AUDIENCE: (Inaudible).

MS. POLLACK: I think that we need now to go on and let Ellen do her thing. And then we can come back and ask more questions.

MS. PENN: Okay, now this is what I'm talking into. Okay.

Neither one of us had anything to do with the writing of the description of this workshop. So just so you know that. And we're--and when you read it, it kind of leaves it wide open to just do anything. So, I'm going to tell a story. There might be some people in here who know Val Kanuhar. She's been an activist in the batter women's movement for quite a while. And recently she decided to retire and go into academia. And she went and got her PH.D. and then went off to Hawaii. And when she was getting ready to go to Hawaii--she has a golden retriever. How many people here have dogs? Okay, so you know how important dogs are. So, she has this golden retriever and she has to get shots for it and all that. And then it's going to go into this little kennel for I don't know how long when she gets to Hawaii. So, I go with her to the vet. And they're getting these shots. And there's a woman sitting in the veterinary place and she's kind of almost crying. I mean, she's really, really upset. And she's very, very agitated. And her husband, who--I mean, I think it--yeah, it is her husband. I know it's husband--after hearing the conversation. But her husband is sitting next to her reading the newspaper. And he's not sitting like a lady. He does that cross legged thing. And he's shaking his foot like this. And he's--you can tell he's mad. I can't see him. The newspaper is in front. But I know he's mad because of the way his foot is

shaking. That guy shake you guys do when you're mad. So, he's got the guy shake going. And she's kind of upset. And then she's trying to say things to him and he won't talk to her. So, finally, he--I can't quite hear what she's saying except to know that she wants something done to the dog or whatever and he doesn't. So, he puts the paper down and he says, "No. We are not spending another cent on that animal." And Val is really, like, a total dog person, right? So, she looks over and Val says to me, "He's a batterer." And she is a clinical psychologist or whatever. You know, she's got the big PH.D. So, she's got this guy pegged. So, we kind of look over. And I say, "I think you're right." And then there's this little conversation that goes between the two. And then he--she says, "Can't we just hear what the vet has to say?" And he says, "I don't give a shit what the vet has to say. Do you get it, Becky? I don't care." And so now, I'm saying, "I'm going to go and talk to that guy." Well. And she's saying, "I'll pay the bill." So, you know, we're kind of going back and forth. So then, Val kind of gets ready to kind of go over there. And then he says again, he says, "We have been married for 28 days and we have spent \$2,000 on that animal. Not another cent. Do you get it?" And it's like, get divorced. You're Catholic. You still probably haven't consummated it because you've got to go 30 days, right? I mean, we're just

assuming, you know, whatever, we're trying to say to this woman, in our heads, "Do something now. Get rid of him." And this kind of goes on and on. And finally, the vet comes out and the vet comes up to them and he says to them--I can't remember their last name, but, "It isn't good news. He has a very, very rare blood disease." And then right away, she says, "Can it be treated?" And he says, "We don't care if it can be treated. Okay?" And she looks at him and she's crying, "Can it be treated." And the vet said, "Yes, but not here. You'd have to go to a specialist." And then Val starts to go over there and Val's going to say, "I'll pay the bill." You know? And she starts walking over there and the guy says, "Becky, this is an eight-inch reptile." We both go, "Oh, my God. He's not a batterer. She's nuts." You know? Right? So, we're talking about contextualizing information, right? Probably about 90% of the research we're subjected to is not contextualizing information adequately. We did--we just snuck right out the door. You know, and told her, "Go ahead stay with him. He makes sense." Anyway, what--what I--well, no, I know there are reptile lovers here, and the hierarchy of animals and we shouldn't do that. How many of you are vegetarians? You probably don't get the whole story, do you? You don't see the difference between an alligator and a dog. Okay.

So, what I want to talk a little bit about is what

we're doing, like, you know, I've been an activist for 20-some years. And I know this sounds really terrible to researchers, but I've never picked up a piece of research, read it, and said, "Oh, my God. Thank you. Now I know what to do." In the millions of dollars we've spent, (Inaudible) and I thought, "Oh, I didn't know that." I've done that. But I've never thought, then, oh, this is what I'm going to do next. Because research--we are trying to change major institutions in our country. Major institutions. The law. The Welfare Department. And what we're being given by researchers is not telling us how it is that these institutions operate to produce the kinds of things that they produce. Instead, they give us profiles of women, profiles of men, statistics of this and that. And we don't end up getting a strategy for kind of deep routed institutional change. I mean, there is cultural change that we need to go through to stop battering. But there's also, I firmly believe that if you can change how institutions respond to women's lives--daily lives--that we can eliminate half the murders, half the felony assaults. We can't, by doing that, change everything. But we can change men's freedom to be violent towards women, men's sense of entitlement to be violent towards women. We can change a lot of this stuff if we can change significantly ways that institutions operate.

But the research that we're funding is not telling us how institutions are operating. How they're producing what they produce. Let me give you an example of this. I've been in the battered women's movement since 1975, or whatever, and you know, how many times have I ever dealt with a woman who got a protection order. I'm never quite fully thinking about the whole ramifications of getting that protection order. But did you know that there are thousands and thousands and thousands of people who work for the state who go out and hand men statements saying, you can't go home tonight. Okay? And these deputies from all over--and in New York, every police officer does it. Now, that's a nightmare. 40,000 of them. And they hand a guy a piece of paper and they represent the state and you know what they say to the guy? "Are you Mr. Peterson?" And they've just pulled him out of his work place, right? And they say, "I got a paper here. Your wife, Marilyn Peterson, filed a protection order against you and you can't go home tonight. You got that? You cannot call her. You cannot see your kids. You can't go by the school. You can't go near them. You can't go anywhere near them. And you have to show up in court next Thursday at 10 AM. Now if you don't show up, this may become permanent. Do you understand that? You understand what I'm saying? Do not call her. Do not talk to her. Do not--"

Now, what do you think the guy says back? "Oh, thank you deputy!" There's kind of a range of responses. One guy is having an affair. He doesn't care. "Oh, my God, I got three nights off." So, he's not all that upset, right? But there's a--but the guy who's thinking, "This is it. She's leaving me. I'm not going to see my kids again." Now we know, statistically--I mean, I'm not saying all research doesn't tell us things--statistically we know that a woman's chances of getting killed go up when she leaves her abuser. Who sees what his response is to this thing? This deputy. But we've never even--there's not--if you look around, there's not five minutes of training anywhere in the country on how to serve this paper. So, I kind of was walking around, watching these guys do it. And you know what they say when the guy says something back? "Hey, man. I'm just a mailman. Okay? You got to take this up with a judge, her--don't call her, though. You take it up with someone else. I'm the mailman. I'm out of here." And out the door he goes, right?

So, we have to look at that when we think about the way that an institution processes cases, whether it's a Welfare Department, whether it's child protection agency, whether it's the processing of a misdemeanor or felony case, there are literally, in a little town like Deluth, Minnesota, there's 131 institutional steps to process a misdemeanor

assault. You can make a human being faster than you can process a slap in our court system, right? Eyes, liver, kidneys, the whole works. You can make an entire person faster than we can--the state can process a guy slapping a woman.

So, you go through these steps. And it's step by step by step by step. And if we look at the nature of institutions, you know, here lately, your European American is under the gun, you know. We have brought a few things. Specialization. We can take any holistic process and break it down to 151 parts and make it totally unrecognizable. But we consistently get things down. Ford helped out with the Ford factory and the boat thing. But--so, we do that. We take things, very complicated, kind of life situations, and we break it down into manageable kinds of interactions with the state. But there's no connection in how it is that we respond to this woman who's being beaten up. So this woman gets beat up. She picks up the phone. She dials 911. And what--like, women are thinking different things when they dial 911. But I don't think a whole lot of women when they pick up the phone and say, "My husband is beating me up. Get a squad over here," I don't think a whole lot of them are saying, "And I'd like to activate that criminal justice system and get a prosecution. Because I'm very interested in him going into a 26-week program to manage his

anger. And if you could just send that slat over here, I'd like to enter into that process. Because I know it's going to be, like, healthy for him and our relationship." No. She's saying--and she doesn't want a girl cop. She wants Bubba. You know? And Bubba's cousin. Right? That's who she's looking for. With a gun. You know, she isn't into this, like, send over some kind of copy from England with a billy club and a little round hat. She wants real men showing up. But then she doesn't want them talking. Because they get into that real men talk.

So, what she wants is she wants somebody instantly in that house, getting this guy who is bigger than her, stronger than her, more powerful than her--getting him under some kind of control. The battered women's movement has activated this notion of let's criminalize it. It's a crime. We have to stop it. We have to say that the state doesn't approve this. We have to treat it like other crimes. We've kind of come with a social agenda, say let's criminalize this thing. And as we've done this criminalizing process, we have engaged with the Department of Corrections in our local communities, our local court systems, the federal government in a very elaborate kind of multi-layered kind of approach to saying we're going to criminalize these cases. And as we do it, we've gotten caught up in the way the institution manages the cases. To

the point where we're, you know, like just to give an example, I was in California a while back. And I went to a group of women who had been arrested for battering, and were now court ordered to a group. And I thought it was the most--is anybody here from California?--pathetic thing I've ever seen in my life. Here's this woman who is--she's about 27 years old. She has four kids. She speaks English, but English is her second language and it's not like flowing in the group room, as they're talking about the cycle of violence. I don't even think her husband has ever apologized to her in the first place. I don't even think she even has the cycle going for her. So, she's in this kind of group process. And she's in there as a batterer. And she's not a batterer. This guy's been beating the hell out of her for seven years. She kicked him in the ass after the cops has the handcuffs on. Which, she should have kicked him in the ass. He's been beating her for seven years. Finally, someone's got him hand cuffed, kick him. So, she kicks him and now she's in a batterer's group. And we, some people in the movement, are helping her through the struggle. We're not standing up and saying, "This is absolutely ridiculous. She should not--she's got to pay twenty bucks a week. There is no way she is going to make it through the California State Rule that you have to go 52 weeks to a batterer's group if you're convicted of domestic

violence. Even if you're not a batterer. Because what we're saying is anyone who slaps someone is a batterer. Which isn't true. How many of you ladies--let's tell the truth--everyone close your eyes. No, we wouldn't be able to see. But there are many, many people in this room who have slapped their partners. Who have done this in the _____ . That doesn't mean your partners live in fear of you. That doesn't mean that.

So, we're talking about two different things. We're talking about people who terrorize people. Who control people through intimidation, coercion and violence, which we call battering. We have this social movement around battering. Then, we take up this legal agenda of mixing assaults and battering and treating them like they're the exact same thing. So, we do not stop. We don't object to what's been going on. Which is researchers, the court system, everybody acting like men are afraid of women. Now, I'm not saying that some men aren't. And there are some men that are afraid of women because they know the women want to kill them. And that's real. I'm not saying in any way that doesn't happen. But generally speaking, husbands and partners of

(End of recording on side one.)

They're not. Most of them are battered women. And being arrested and being convicted and getting stuck in batterers

groups makes them more vulnerable to violence, not less vulnerable. It puts him in a more powerful position over her to have her in trouble in the law. To have her with--in trouble with social services. To have her in trouble here. So, we're bringing women into this system, in which they're getting in trouble.

Now, what I'm suggesting is that we have a research agenda that helps us see how cases process to institutions and produce certain bad results from a battered women's perspective. So, I've got this life. Okay? And I'm out there and I have this life and I dial 911, I am getting kind of like beamed up onto the Starship Enterprise into this whole other reality. This institutional reality. And if we don't understand that institution, if we don't understand how it produces what it produces, if we take it at it's face value as legitimate, then we're advocating our responsibility as real advocates, I think, to women.

25 years ago, we faced a system that was incredibly hostile to us. I remember I always tell the story about the first time I ever did a police training and I'm with one of these--a group of, like, three women. Remember how it used to be victim panels? And then you'd get someone who'd dress up. Usually that wasn't me. But I did have a little brief case that I'd bring. It was empty. But you'd bring a brief case. And you'd have your victim panel. And usually the

victim panel would be women in different stages of liberation. You know, you'd have your total downtrodden women, who has, you know, just got to the shelter three days ago. Then you'd have your women who's kind of coming out of it. And then, you're liberated woman. And they'd all speak at these trainings. And then you had your kind of domestic violence worker. And usually we were in one of those stages, too. But we didn't say it then. We just said, "Who's the victim?" And so, I remember doing that--my very first police training in Deluth. And I went up to the--went over to the shelter and we all kind of sat around. We were all kind of nervous about going over there. I said, "Look. I'm just going to give about a ten-minute talk about why women stay. Each one of you tell your story. And boom, we're out of there. They're going to be eating out of our hands."

So, I start--I'm like 17 seconds into why women stay with men who beat them and this cop, Tommy Sitch, he raises his hand and says, "Yo." And I said, "Yes, Officer Sitch." He said, "You know, I'll tell you why these women get beat. Their pump alligator _____ outrunning their humming bird brains." And I said, "Well, thank you, Officer Sitch for that analysis." And I kind of looked over at the victim panel and they were slinking a little, you know, under the--so, I go another minute. I'm not, like, four minutes into

my talk and another cop goes, "Yeah." And I said, "Yes, Officer." They have a kind of funny way of getting attention in a police training. "Yeah!" And I said, "Yes, Officer." And he says, "You know, something about a battered woman just makes you want to hit her." And all the cops are laughing and I'm going, "Huh, yeah, well. Um. Listen, let's take a break. Okay? And we'll just--you relax. I know it's only ten minutes into the training itself. But it's probably break time." So, then, we kind of go out the door. And we're in this women's bathroom of the Deluth Police Department which has one toilet in. And we're all standing around this toilet. And this woman said, "They're animals. They're animals. I'm not going back in there." And I said, "Yeah, this isn't going well. I don't think they're catching the drift of the program here." And so, we didn't know what to do. We went out the back door, got in our cars, went back to the shelter, called up the desk and said, "We're not there. And we're not coming back. They were mean to us." You know?

And, you know, we took on this attitude that these guys were like this. And it _____ because they were sexist, because they were men, because they were chauvinist, because they worked on all male police department. We had this idea that it was because of what's in their heads that made them jerks. Their belief system made them jerks. And

I'd think--20 years later--I think you could take a whole bunch of fairly progressive people, give them those same uniforms, give them those same jobs, within five years, they're going to be jerks. Because I don't think it's the personal belief system of what individuals wearing those uniforms do. It's how they've been institutionally organized to think about the crime, to think about the people involved, to act on the crime.

That's what we're not getting to in our research. How is it that the institution has organized these people's work practices? I'll give you an example is that, you know, in dispatching, I just read about 50 transcripts of dispatcher reports. And there's a rule in dispatching--keep them on the line. If it's a domestic, keep them on the line. You want to see if it's safe or not. And it's just this rule. Keep them on the line. So, every dispatcher keeps them on the line. Now, you sit and listen to these dispatch records and there's one guy calling up. His wife hit him. And so the dispatcher is keeping her on the line. And the way she keeps her on the line is she says--keeps him on the line-- "Is she there now?" And he says, "Yeah, she's here." "Well, has she hit you before?" "You're damn right she's hit me before." Now, you hear the woman in the background saying, "You liar. You asshole liar." So, now she's yelling at him and the dispatcher says, "Is that your wife

in the background?" "Yes, it is." "Have the police ever been out there before?" "Yeah, the cops have been out here before." And then you hear her yelling, "Why don't you tell them why the cops have been out here before, asshole." So, now, it kind of goes back and forth. The next thing you know, she jumps him. And they're rolling around on the floor. And the dispatcher is keeping them on the line, right? So--and you can see this in a whole bunch of reports. They keep them on the line and the situation gets worse while they're on the line. And these rules--these rules that get set.

I'll give you another good example. In our--in Minnesota, you have misdemeanor assault. Meaning that you can beat the hell out of somebody in Minnesota and it's a misdemeanor if you don't break a bone, you don't use a weapon, you don't cause permanent bodily injury. So, you can do a lot of damage and it's still at a misdemeanor level. So, there's this one police report I'm reading. And the guy comes home. They've had some agreement that he won't come home drinking. Because that's the only time he ever hits her. So, he'll go sober for, like, six months and he'll go on a binge. And then he goes and stays at his brother's house. So, one day he comes home and he's been drinking. And she tells him, "Get the hell out of the house. You've been drinking." And she says--and he says,

"I'm not leaving. I'm not going to my brother's. And I'm not going to go home in _____ and stay out--I'm not your kid." So, he kind of comes in the house. And she says, "Brad, get out of here." And there's this kind of argument. Well, eventually, she's kind of backing up and he's coming and he's not threatening to hit her. He hasn't said he's going to hit her. He's not threatening her in any way, except, "What are you going to do if I don't leave, huh? What are you going to do, huh? Call the police?" So, he's kind of hassling her, but he's not threatening to hit her. And she kind of backs up and she picks up this knife, this steak knife off the counter and she says, "I'm telling you, get the fuck out of the house." And he goes, "Oh, what you going to do? Stab me? You going to stab me?" So he walks towards her and she jabs him in the hand. And he looks at his hand and she's cut him right here and it's bleeding. And he starts to kind of cry. And he goes, "Look what you did." And she goes, "You big baby. Get the hell out of here." And he looks at her, grabs her, twists her arm, her knife goes down, he gets her down he pounds her, like, three or four times in the face, kicks her in the stomach, kicks her in the back, pulls her out the door and pushes her out the door and slams the door and calls the cops.

She gets arrested for a felony, use of a weapon. He

gets arrested for a misdemeanor. He gets the city attorney--or the county attorney makes a deal that they'll get the charges dropped against him if he'll go with the felony because that's the more serious crime, right? So, everybody does their job. But the categories themselves of the laws do not take up what happens in women's real life. So, we have these kind of--institutions run in categories. We can't not have them. But the categories become sacred. And they--instead of what happens in women's lives.

Now, our job as advocates is to study institutions in a way that tells us how does a woman's life disappear? What actually happens? How does--what processes put into place from the minute you pick up 911 that makes what happened to her disappear and an institutional version of her life replaces it. And that's when you get these ridiculous results of charging a woman with failure to protect because she won't do what the judge won't do. Now, here's Judge Plath sitting right over here. I'm knocking him. You know, she's a good judge. But I'm going to say, Your Honor, these judges are driving us nuts. Your people--we're talking about your people, Your Honor.

This is a good example in Minnesota. You can, if--you can file a protection order, you know, on--you can get something of the equivalent of a protection order against someone. And a social workers knows that this guy isn't

supposed to be in the home, right? This woman has five kids. He's exposed--those kids have been exposed to violence over and over and over again. Now, she's got a protection order. A social worker goes to the door and knocks on the door. The guy's there. You know what the social worker in Minnesota does? Steps right out--"Talk to you later." Goes back to the office and would, if there's been a lot of exposure, would file a petition to get the kids out of the house. Now, why doesn't she call up the police department and charge him with being in the house? And then, if she does do that, if the social worker does do that and he gets brought into court, the judge in our city--no judge is going to say, "You're sitting in jail for the next 90 days because you can't stay away from your kids." Instead they're going to take five kids out of the home, put them in foster because the woman won't do what the judge won't do. And the judge can't get hit by the guy. Well, he gets shot. But they don't hit judges, they shoot them. And you die for the cause. You know. I mean, you get a lot more honor out of dying on the bench than a woman gets for, you know. So, she's much more vulnerable to his violence. But the judge and the social worker will not do--and then they turn around and say she's failing to protect when the state has just failed to protect. There's no reason you can't put most of these guys, if they're exposing kids to

that much violence, there's no reason we can't figure out an institutional response that puts them in the clinker instead of kids in foster care.

But what we're doing is we're going too much with what--the institutional given rules. Given categories. And what we need to do and what we need to produce is research that studies institutional practices. And the gaze has to be turned, not at profiles of batterers and profiles of battered women--they're endless. We need a profile of case processing procedures that make what's going on in a person's life irrelevant to the institutional response of that. And there's ways of doing that. But we're not--

I'll give you a good example. Sherman. I like to make fun of Sherman because he doesn't like feminists. And I am one. And so, Larry Sherman did this study where he--and replicated over--and spent several million dollars doing a study where they do this. The cops go out and they have little booklets. And they go to domestic number one and the yellow sheet's showing they're going to separate. Domestic number two, the green sheet is showing they're going to mediate. The pink sheet is showing they're going to arrest. Then they get, like, 500 of these, 500 of these, 500 of these and they study the differences between the arrest, the mediation, and the--and at the end of all that, you know what they show? Arrest has a slight deterrent affect.

Alright. Now, the nice thing that Sherman taught was in Minneapolis, the conviction rate was only 11%. So the sample wasn't contaminated by any kind of state follow up. And he thought that was good. Okay? When they replicated it in Minneapolis, it was even a better study because they only had a three percent conviction rate. Absolutely no contamination of the pure samples of these three different things.

Now, Minneapolis went through this study, came up with a mandatory arrest--no, a "Should arrest" policy. And--is there anybody here from Minneapolis? Okay, good. I just read 20 police reports produced by the Minneapolis Police Department. They are dismal. And when you read them, no prosecutor could get a conviction off them. How they get any convictions off these police reports, I wouldn't know. But if you read the police reports, there are--it goes like this: the dispatcher picks up the phone, says, "Hi, is there any alcohol involved." And marks that down. Then the cops come in and say, "Any alcohol involved." Marks that down. They're all worried about the alcohol.

Now, if you look at police reports, you'll see the police know how to document the existence of alcohol. They've got nine phrases that got sent out by the Bureau of Criminal Something or other. And they all use these phrases. Watery eyes, slurred speech, strong odor or weak

odor of alcohol. They ask, of course, how much drinking went on. They're--well, they can't walk in a straight line. Yeah. Speech is slurred. Okay. So, they have all this language that they do. And they write it down in their reports. Because they're trained to write that down. You read--just go home if you can, and get a bunch of your police reports. See if they ever write down anything about the guy intimidating her, coercing--anything that you recognize as battering. It's not on police reports because it's irrelevant. It's irrelevant. But what's relevant is the use of alcohol. What's relevant--you read 50 police reports in which the guy is arrested for assaulting her and they will tell you exactly what happened before hand. "They went to the Friend Bar. She came onto this guy. The guy apparently came over and he claims that the guy came over. And she was sitting on his lap. He went to take a lead--according to him. He came back and after his leak, she was sitting closer on his lap and they went out and he hit her."

Okay, now you look at a domestic assault--two men in a bar--and you read those reports. "An argument occurred and an assault ensued." They don't tell us what the argument was about. It's irrelevant. But it's relevant in a domestic. And alcohol is relevant in a domestic. These things that become institutionally relevant to that cop--not because of his belief system--but because he's been trained

to see those things as relevant. He looks for the elements of probably cause, looks for certain things as relevant and puts these relevant things down. We need to say something different is relevant to the court. But our police department, which was the, you know, Minneapolis Police Department, which was the very first police department to be thoroughly studied, didn't change at all. They changed the policy, but not the practice of the police.

And all I'm suggesting is that we need a new form of research that looks at institutional processes, and we think, how do you build into the institutional processes safety for women and the probability that the state is going to act in a way that's just and that's safe for women who get beat up. Now, that doesn't mean that some women aren't going to get arrested, blah, blah, blah. But it does mean that we cannot continue to adopt and fit into these institutional practices and adjust to them and take women into batterers groups and not challenge the state laws-- California should dump that stupid 52 weeks of counseling law if you get convicted. It's unfair to 100s and 100s of people. And there's nothing in the research that shows that people don't get killed because of it. So, how many people are in batterers groups that don't belong in batterers groups there? I just pick on California because they're not anywhere near Minnesota. We don't get any consulting

contracts with them, anyway. So. Okay. So, I'll just stop there. And we'll just talk a little. Name, serial, rank.

FROM THE AUDIENCE: Catherine (Inaudible). I'm just wondering--I mean, I'm liking what I'm hearing and I keep going back to--I'm from the great state of New Hampshire, (Inaudible) and this (Inaudible)--

MS. PENN: Mars instrument that was supposed to help women.

FROM THE AUDIENCE: Right.

MS. PENN: But you know when men tell us they have an instrument that's going to help us, you got to think about it.

FROM THE AUDIENCE: I can't help but think that this kind of research, like the conflict _____ and the research just puts no context in anything--is really giving an admission to systems and their unfair treatment of women. And it gives _____ not to look at that woman's experience because they've already proved it. Women are (Inaudible).

MS. PENN: Right.

FROM THE AUDIENCE: And they just--there was another study just out that says that 11 to 14-year-old adolescent girls are as violent as that same age-range of boys. No context. And I'm just wondering--that kind of--that's beginning to really annoy me.

MS. PENN: Yeah, it pisses off a lot of women in prison,

too. I think that if we were to look at what is the experience of young girls in schools that produces their violence, there is--young girls in schools are being violent, apparently. What we need to look at is that what is the--what is, you know, we just can't say this percentage of young girls are using some violence. We don't know what that violence means. If it's the same thing that they're producing about battered women, then it's bogus. Most battered women use some kind of physical force back against their abuser. Now, how many of them are batterers? Are people that the state needs to get under control because they're going to do damage? When the simplest solution is for the guy to quit hitting her. Most men would be safe from women if they quit beating them up and raping them. Now, some men wouldn't be because they're just with mean, mean women. And there's some mean ones out there. And apparently, there's some other _____ out there doing it, too, and sisters, we've got--well, we'll talk about that later.

But it's a--we need to look at how the violence is occurring and in what context in the institution. I mean, we get all this stuff about school violence. Schools are not violent. You know, there's certain, well, Marx, now. Judge do you read Karl Marx? You don't, do you? But I'll tell you what Marx says. Marx says we are what we do. You

know, it's human activity that produces things. And that's what we don't get from this research. What activity--what went on in the processing of cases and--if you look at why men batter, we have this notion--a lot of people have this notion that men have this desire to have power over women. But I tell you, I've never interviewed a batterer that told me he had desire to have power over a women. And yet, I got it in my head, power and control because we did the chart. You know, and once your agency comes up with a chart, you've got to go with it. And so, I'm going, "Of course you want power and control over her." But that chart came out of battered women saying, "This is what men do. This is what our partners do and when they do it, they get power." The women never said, they did it because they wanted power. They said the men did it and when they did it, they got power. But I translated that in my head as men want power and control over women. So out of this desire for power, they do this.

But if we look at it, I've never heard a man say that. And I don't think men experience that they have a desire to control. They have an entitlement to. You know, when they walk in the house, they feel entitled to certain things, like, quiet. And I've told this story a million times. Some people have probably heard it. But a guy in my group one time, he says, he raises his hand and he says, "Yeah. I

got a problem with your program." And I said, "Well, what's that, Larry?" He says, "You know, I've got a chair at home." He says, "You know, I'm supposed to come here and I'm supposed to go through your little group and after 26 weeks, I'm not going to do anything on that power and control wheel, right?" And I said, "Yeah, that's the idea." And he says, "Well, I've got a chair at home and it's a recliner. When I come home at night, I sit in that chair. And I kind of kick back. If I want a coke, I order coke. If I want a beer, I order a beer. If I want the TV on, it's on. If I want it off, it's off. If I want the kids in the house, they're in. If I want them out, they're out. Now, I don't do anything on your little power and control wheel, honey, I'm going to lose my _____. And what are you going to replace it with?" And then these guys, you know, there's like 15 guys and they're all looking at me and saying, "Yeah." And I said, "Intimacy?"

But the thing was is that--what I kind of felt over time is that I was doing the same thing I think a lot of other people do. You get a concept in your head. Men want power over women. And that's all you see when you interview the men. If you're an anger management counselor, you can interview a guy and say, "Did she make you angry?" "Oh, yeah." "How angry did you get?" "10." "What did you do when you were angry?" "Hit her." "Did you say anything

that talked your anger up?" "Oh, yeah." "What did you say to talk your anger up?" "Oh, she's a bitch, blah, blah, blah." "What could you have said to bring it down?" (Inaudible). So, you're getting confirmed that he's got an anger problem.

So, we take these ideas and we find them in our research because we don't question the very basis of it. Is that we don't look at what is it that produces a man's notion of family, a man's notion of what the rules are in families? Most men don't go around beating the hell out of people. They beat the hell out of family members. That's different than people. You know when we were first trying to convince our jailers to hold these guys and we said the state law says you can hold them if they're a threat to the public. He says, "The guy hit his wife, not the public." I said, "No, we're the public. We count."

So, what's the point? The point is that we're producing over and over in research we have preconceived notions of recanting victims. Women in denial. We have those kind of things and then we find them in our research. And I think we need to throw out all those categories, throw out all those profiles of men and profiles of women and instead look at how men are--how activities in men's lives bring them into marriage. And why is that social setting--do they beat and use violence?

Now, 85% of the men that get caught for domestic violence do not use violence in any other social relationships. It's all in their families. So, we've lost the notion of what is it about the family setting that, you know, when we do anger management, well, he's, you know, fly Northwest if you want to get angry. You know? How many people got here with Northwest? You know, a while back I was flying Northwest and I had changed my ticket twice in five days. And I paid a \$75 fee on Friday and then the following Tuesday, because things changed, I had paid another \$75 fee. And when I got to the gate, I had accidentally gone to Minneapolis to get on the plane instead of Deluth. And it was an honest mistake. And I get to the Minneapolis airport and I said, "You know what? I'm supposed to be flying out of Deluth." And the woman says, "That will be a \$75 change fee, ma'am. Would you like to pay that with cash or credit card?" And I said, "You know, I'm not going to pay it. Because I paid--I'm going to Pierre, South Dakota and my ticket was \$250. I've already paid \$150 for the change fees. So, I'm not going to pay another one. I'm not paying cash or credit. Is that okay?" And she said, "Well, you will have to pay. Now, how will you do that?" And I said, "Well, I'd like to talk to your supervisor." So, she goes behind the door. And I don't think she got anybody. She just stood there. Came back and

said, "That will be a \$75 change fee, ma'am." And so, I don't know that I have an anger management problem, but I was, like, livid. And I looked at this woman and I said, "Ma'am, do you think that Northwest Airlines gives a shit about your job? Do you honestly think--and let me ask you this. Do you--you know, if you were to die today, they would send a form letter to your kids. They're not even going--someone's not even going to write a personal letter to your kids. And you're not getting employee of the month for getting my crappy little \$75. Now, do you think we could just rid of this cash or credit card question?" And she said, "Will you be paying cash or credit card?" And so, then, I'm even madder and madder. And I turn around and I say to the guy behind me, "You know, just my luck, I've got to get Miss Corporate Suck-up here." And I'm just getting worse and worse. I'm like out of control. Right? And I'm mad, mad, mad. And I'm--and the reason that I'm being so mean to this woman and saying these things is because she works for Northwest Airlines.

Now, Elizabeth knows that I've worked for the last six years in the Marine Corp. And I had generals that I've talked to and these big-time colonels and they've said the stupidest things you can imagine. I've never walked up to a general and said, "Do you think that Com _____ gives a shit about your little job?" You know, do you--I've never

said it. And I've listened to judges, Your Honor, not you, personally. But judges do really bad things in the court room and I've never gone up to them and said, "You are an idiot." Because I don't have an anger management control problem. I have a--in certain social settings, I'll be an asshole. In other ones, I won't be. Depending on what I can get away with. And that's what 90% of batterers do. They're out of control in a family setting.

Now, we need to understand how that comes to be. It comes to be in a lot of different ways. It's not just a sexist thing in his head. He's produced to say that in this social setting, he gets to do these kinds of things. And in other social settings, he doesn't. Then when he comes into the legal system, that's reproduced by how the legal system processes that case. And I have no idea what you even said, but--I'm sure--

FROM THE AUDIENCE: I really love everything that you've said and I (Inaudible). I went to the district attorney (Inaudible). Let's ask him why it is that they don't want to go (Inaudible). And then next week, they would be sort of backsliding. (Inaudible).

MS. PENN: But the question is why do they do that?

FROM THE AUDIENCE: And I asked. I said, "So, okay. Here are the numbers and you keep saying these weird things. Remember last week when we agreed (Inaudible)." So, I think

research is part of. But I think that (Inaudible).

MS. PENN: Right. You know, I just want to say that I think that the--that women don't necessarily want to prosecute the batterers because there's nothing in it for them to do that. The agenda for prosecuting batterers is the battered women's movement agenda. Not individual battered women. And we, you know, there are some women that want to prosecute for personal reasons that they think it's the only way to get them off their back. It's the only way to be saved. Most women don't think that. And in fact, with most women it's not going to necessarily make them that much safer. The battered women's movement takes the position because they're trying to change a historical kind of acceptance of violence in the home. Not because an individual--but we act like we're doing it because this woman will benefit from it.

So, if you think about--how is a woman going to benefit from something that happens six months after she gets beaten? There's no benefit to a conviction. Women come into court all the time and order for protection court and they tell the judge what happened. "He hit me. He did this, he did that." Women talk to judges in courtrooms. If it's going to get immediate relief and what they need. And it's not a hassle, it's not going to put them in jail. It's going to get her the house. It's going to get her this and that. Women talk in courtrooms. They don't talk in the

criminal court system because it's structured in a way that's not going to be helpful to her.

So, we are pushing the prosecution agenda, not for that individual woman, but for supposedly, women as a class. And that's a questionable political agenda. But it's one that we pushed at one time. And the feds have now taken up.

FROM THE AUDIENCE: (Inaudible).

MS. PENN: Right. But I still think that bringing this back to needing to see how a prosecutor's job is structured that produces their bad attitudes. They don't--it's not because they're jerks. And yet, consistently, prosecutors have pretty bad ideas on this. But you read the police reports that are produced for them to work with. They are useless in terms of an investigation of a crime scene.

If you start out from the very beginning with the dispatchers and the police producing--the only time you're going to get a woman to talk to you is right after she gets beat up. The next day, from then on, any detectives that contact her, 50% of the women are out the door. They don't want to proceed. So, the only time you're going to get the statements, you're going to get the story, you're going to find out what's going on, is when she picks up the phone, calls you, come up and she tells you all. And a lot of women will tell a lot that night. Some women won't. But a lot of women will tell all. But you can't find that in the

police reports.

And so, I think the thing that we have to do is we have to look all the way down. How has each person's job put together in a way that produces what it is they need to institutionally do. And instead what they do is they blame women rather than the way the institution is kind of structured, they blame her as the recanter. Anyone in their right mind would recant. It's normal to recant. It's abnormal to do something different. It's abnormal to after someone who could kill you in a hostile way. That's not normal. And we have to get rid of the idea that there's a healthy way of being beaten. You know? There is no healthy way to get beat up. And, you know, there are unhealthy responses, maybe. But it's normal--most people recant because recanting is probably the smart thing to do when you're in the middle of a criminal case and it's domestic violence.

So, that's the first thing they have to say is that's normal. So you have to process the cases if that's going to happen. And get rid of the notion of how many women recant or why did they recant or--all those kind of things.

FROM THE AUDIENCE: (Inaudible).

MS. PENN: Well, we find--yeah, now I remember the institutional ethnography stuff where you kind of look at an institution and you kind of see how it's all put together.

And we did some little ones that I want to re-do now because I'm kind of learning more about it. But what we've been doing is sending out cross teams, like probations officers and advocates and judges--not judges--we don't have them in there because of the separation of powers. But, so _____ up to the prosecutors, dispatchers, cops, advocates. And we go and watch each person's job. And we watch them do it. And we look at all the forms that they use and all the ways that they do their job. And we say, "No wonder we're producing what we're producing." When you go from 911 all the way through the system and you look at how people's jobs are organized and what they end up with to do their jobs, then you--so, if you want to change an institution, institutions run on text. They run on the things that people write down. And so you have to change how people write things down, what they write about, what kind of forms they use. If you want to change how an institution in our society operates, you start with the form and the text that they're using. Because this--this is that woman's life at the end. And if you go back and see how this case was constructed, you can re-do all that from the very first call on the 911, they can document something different.

I'm doing an audit of the St. Chaminy Sheriff's Department. And so this deputy came over and I said, "Let's

just pull up a couple of your 911 calls and see what they wrote down." So, she says, "Oh, okay. That's a good idea." And we pull up the very first one. And you know what it said on there? "Ex." E-X. That's the only description of the call. And then we looked and we could see that they were there for 17 minutes. That a one paragraph report was left. And that the guy had threatened to kill her. That's all we knew. Now, how can you get threatened be killed in this--in a society--in, you know, probably a credible threat to kill and what--and it's okay. It's institutionally okay to put down "Ex" and one tiny little paragraph.

And Larry Sherman didn't look at how are police trained to investigate these cases and how is that producing what's going on. Instead what he does is he checks out the women. You got threatened. You got mediated. You got this. You got that. And that's where the gaze, see, it goes on the batterer and on the woman and not on the institution. And that's what we need to switch around.

FROM THE AUDIENCE: (Inaudible).

MS. PENN: Well, I think you can also look at how judges-- there's a certain kind of language that gets accepted in a courtroom. And that language gets produced, like, in our court--I read this transcript of a trial where the guy--this guy kills this woman. And they're--all the talk at the sentencing hear is he's not really a criminal. He's a good

kid. He just had alcohol, a gun and his wife was unfaithful to him and can't we see how this could of happened to anybody? And everybody's saying it in the courtroom. And the prosecutor's saying, "Well, yes, that's true and a lot of men would have a hard time with this, but we've got to do something to him." They end up giving him 18 months probation.

And I'm kind of shocked when I read this. But then I started reading all these misdemeanors sentencing hearing transcripts. And that's said over and over in the courtroom. Your Honor, I mean, what is the explanation to judges about why men beat women? Alcohol. Her bad behavior. He got overly angry. And he found Jesus now, so it's all over anyway. "Thank you very much, Your Honor, for putting him in jail that night because he found Jesus because Jesus hangs out in jail." And so, that means Satan did it right? So, something evil did it. And that's told judges over and over and over by defense attorneys, by-- everybody produces the same report. Go home and read your pre-sentence investigations. And you know what they're saying? Things like his mental health background. He's been on prosaic for the last three months and before that he tried St. John's Wort because he was a vegetarian and prosaic has an animal substance in it. And so, they go through this whole, totally irrelevant thing. And no judge

hears, "Your Honor, the police have been out there 15 times. This is how many protection orders has been against this guy. This is what the history of violence has been in their relationship." They hear about his relationship to the state. Not his relationship to her. So, these judges are-- they are a product, too, of what gets produces over and over and over again.

FROM THE AUDIENCE: (Inaudible).

MS. PENN: But, I think, too, again, I'm suggesting you go back and you study the production of a pre-sentence investigation. Those probation officers have access to no information except his past criminal record. They don't have access to affidavits on protection orders. They don't have a police report that tells you the history of violence. And so, what they do is they have a formula. And they look at his mental health history, his past convictions and based on that formula, they think they're doing the right thing. So, you have to change, again, if you want to change what goes on in a sentencing hearing, you have to start with what the dispatcher writes down. What the cop writes down. And what this probation officer eventually has access to when they make the recommendation and what they're required to think about. If a probation officer is not required to tell the judge the history of violence, then they're going to tell instead the conviction history. And the conviction

history has got a formula to it. So, it's already pre-determined based on this, what's going to happen unless you change what the agency tells the probation officer, "This is what you're supposed to think about in domestic violence cases." Then re-organize his or her job so that he's got-- or she's got--the information that produces that kind of report to the judge.

FROM THE AUDIENCE: (Inaudible).

MS. PENN: There's a manual called "Conducting Community Safety." Something like a safety audit conducting accountability. It's got accountability safety audit all in it. Those three words.

FROM THE AUDIENCE: (Inaudible).

MS. PENN: Yeah, and I think there's a table here that's like Minnesota program _____. They probably either have a copy of it there or something. And I think it's something that we're developing. I don't think it's perfected, yet. But I think it--the attempt is to move away from studying profiles, producing statistical information, to producing information about how institutions act on women's lives and how you could go in and then change institutional practices. And the shift is to a thing that then makes it an organizing tool more than just a piece of data that we end up it. A real community organizing tool. And it's a process that you do with people in your court

system if they're open to it.

So, I think we have to leave. These are evaluation forms.