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Legal Issues in Family Violence

February 1989

NCJRS

MAY 31 1989

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U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
Office of Human Development Services
Administration for Children, Youth and Families
Children's Bureau
National Center on Child Abuse and Neglect
P.O. Box 1182
Washington, DC 20013

Abuse of Elderly Subject of
Toronto Conference.

Swartz, J.
Journal Article
Copyright February 1, 1988
Canadian Medical Association
Journal.
138(3):261-262.

This paper summarizes a discussion of amendments to Ontario's Nursing Home Act which took place at a Canadian conference for health care aides. The intent of the legislation is to protect nursing home residents; abuse of nursing home residents can now lead to criminal charges against the nursing home employee. It is argued that the amendments lack sufficient definition in some areas and may only obscure the rights of both nursing home residents and caretakers.

Descriptors:

elder abuse laws; canada;
conferences; nursing homes;
legislation; residential care;
institutionalized elderly;
institutional abuse and neglect

Appendix: A Strategy for Teaching
Domestic Violence Intervention
to the Police: Issues and
Experiences.

Roberts, A. R.
Springer Publishing Co., New York,
NY.

Chapter in Book
pp. 193-203

Copyright 1984

Publication Source:

In: Roberts, A. R. (Editor).
Battered Women and Their
Families: Intervention
Strategies and Treatment
Programs. (Springer Series on
Social Work, Vol 1.). New York,
Springer Publishing Co.,
Distributed By:
Springer Publishing Company,
Inc.
536 Broadway

New York, NY 10012

This appendix describes a course for police in family violence awareness and intervention skills. Strategies for changing police attitudes are given. A course outline is provided, detailing a 16-week course covering such topics as shelters, child abuse, spouse abuse, crisis intervention, elder abuse, and coordination with criminal justice agencies. 39 references.

Descriptors:

police attitudes; police
training; family disturbance
calls; shelters; family violence
laws; police operating
procedures; police role

Arrest in Domestic Violence Cases:A State by State Summary.

National Center on Women and
Family Law, Inc., New York, NY.
Technical Report

14 pp.

Copyright January 1987

Distributed By:

National Center on Women and
Family Law, Inc.
799 Broadway
Room 402
New York, NY 10003
(212) 674-8200

This report charts family violence laws in 50 States and Washington, DC. For each State and the District, the chart provides the following information: acts for which a person is subject to arrest during a domestic violence police call; the arrest standard (whether arrest is mandatory or at police discretion); penalties for violating protection, restraining, and no-contact orders; and family members covered by domestic violence statutes. An explanatory introduction is included. 31 endnotes.

Descriptors:

family violence laws; law enforcement; protection orders; police operating procedures; state laws; arrest

The Assessment of Court-Mandated Male Batterers.

Sonkin, D. J.

Chapter in Book

pp. 174-196

Copyright 1987

Publication Source:

In: Sonkin, D. J. (Editor).
Domestic Violence on Trial.
Psychological and Legal
Dimensions of Family Violence.
New York, Springer Publishing
Company, Inc.,

Distributed By:

Springer Publishing Company,
Inc.
536 Broadway
New York, NY 10012

This article discusses the assessment of male batterers in court-ordered counseling. It is argued that prediction of dangerous behavior is critical, both for the victim and for the counselor, whose liability is substantial. Assessment procedures used in evaluating male batterers are detailed. Also reviewed are some of the legal and ethical issues involved in evaluating court-ordered clients. Specific procedures are recommended in response to those issues. 48 references.

Descriptors:

male batterers; court ordered therapy; case assessment; counselors role; evaluation; methods; counselors responsibility; batterers therapy

Attorney General's Task Force on Family Violence. Final Report.

Attorney General's Task Force on Family Violence (DOJ),
Washington, DC.

Final Report

157 pp.

Distributed By:

NCJRS

Rockville, MD

(301) 251-5500

In this report, the Task Force fulfills its charge of identifying the scope of and recommending responses to the problem of family violence in the United States. The panel's conclusions are informed by oral testimony of almost 300 witnesses, including victims, professionals active in prevention and treatment, and other knowledgeable persons; written testimony from hundreds of others; and staff research. The report offers specific recommendations for legislation, family violence reporting, victim assistance, law enforcement procedures, procedural guidelines for judges, professional training, and future research topics. Appendices list the witnesses who appeared at the hearings, Task Force and staff members, and research methodology. Numerous references.

Descriptors:

family violence reporting; courts; prevention; family violence laws; sexual abuse; physical abuse; sentencing guidelines; testimony

Battered Women and Justice: The Women's Self-Help Center of St. Louis.

Kimbrough, M.; Lauder, A.

Journal Article

Copyright 1987

Response.

10(4):17-19.

This article discusses a women's program in St. Louis which now

includes incarcerated women in the scope of its programs. Groups which address the incarcerated woman's isolation, fear, anxiety and depression are described. Outreach and prevention efforts are discussed, including sensitivity training for law enforcement and medical professionals, advocacy for the domestic violence victim in the criminal justice system, and outreach and counseling for abused women in prison. 3 references.

Descriptors:

battered women; missouri;
categorical programs; self help
programs; support groups;
imprisonment; sentencing; courts

Battered Women as Consumers of
Legal Services: Reports From a
National Survey.

Bowker, L. H.
Augustana Coll., Sioux Falls, SD.
Journal Article
Copyright 1987
Response.
10(1):10-17.

An article in Woman's Day magazine contained a questionnaire that asked if the respondent had sought formal assistance due to an incident of spouse abuse, and how satisfied she was with the help she received. The findings indicate that of nearly all sources, battered women were more satisfied with the help they received from lawyers. The only formal help sources rated higher were women's groups and shelters. District attorneys were rated the least helpful in the criminal justice system. The findings show that the more rigid the help source system, the less effective it is perceived to be by the battered wife who attempts to use it. The analysis further substantiates the need for a realignment of legal services for

abused wives. 30 references, 2 tables.

Descriptors:

battered women; legal services;
use studies; services delivery;
surveys

Battered Women in Court: Jury and
Trial Consultants and Expert
Witnesses.

Thyfault, R. K.; Bennett, C. E.;
Hirshhorn, R. B.
Chapter in Book
pp. 55-70
Copyright 1987
Publication Source:

In: Sonkin, D. J. (Editor).
Domestic Violence on Trial.
Psychological and Legal
Dimensions of Family Violence.
New York, Springer Publishing
Company, Inc.,

Distributed By:
Springer Publishing Company,
Inc.
536 Broadway
New York, NY 10012

This chapter discusses the admissibility of the battered woman syndrome in court, the need for expert witness testimony, and how the expert can help the attorney defending a battered woman accused of murder. Special concerns in selecting a jury for a case in which battering is a primary issue are addressed, including sample questions to be asked prospective jurors, which will bring inherent biases to the fore. Court decisions on the use of expert witnesses for battered women cases are highlighted. 21 references.

Descriptors:

battered women; trials; courts;
expert witnesses; conjugal
homicide; juries; consultation;
lawyers

Battered Women Who Kill.
Psychological Self-Defense as
Legal Justification.

Ewing, C. P.
 State Univ. of New York, Buffalo.
 Dept. of Psychology.

Book

185 pp.

Copyright 1987

Distributed By:

D.C. Heath and Co.
 125 Spring St.
 Lexington, MA 02173

This book examines the reasons why battered women kill abusive husbands, and how the legal system deals with them. Included is a description of the physical, psychological and social characteristics of battering relationships and the battered woman syndrome. Legal doctrines under which these women are convicted are reviewed. Testimony on the battered woman syndrome used to support self-defense claims is analyzed, and an explanation of why it frequently fails to achieve its intended purpose is provided. The theoretical and empirical foundation for the argument that battered women kill in psychological self-defense is presented, with a suggestion of how this theory can be assimilated into existing legal doctrine. An appendix offers 100 case histories of battered women who killed. Numerous references.

Descriptors:

battered women; homicide;
 battered woman syndrome; self
 defense; expert witnesses; case
 studies

Batterers Programs: Shifting From
Community Collusion to Community
Confrontation.

Pence, E.

Domestic Abuse Intervention
 Project, Duluth, MN.
 Training Material

46 pp.

Distributed By:

Domestic Abuse Intervention
 Project
 206 W. Fourth St.
 Duluth, MN 55807

This manual describes Duluth, Minnesota's Domestic Abuse Intervention Project (DAIP), created to monitor the criminal justice system in its treatment of abusers. DAIP's community-wide approach to the reduction of violence in the home is discussed.

A 26-week group counseling and educational program which convicted abusers are mandated to attend is described. The program curriculum is outlined, and specific week-by-week activities are detailed. Three program evaluation instruments used by DAIP are also included.

Descriptors:

male batterers; group therapy;
 batterers therapy; court ordered
 therapy; abusive husbands;
 clinical intervention;
 curricula; minnesota

Changing Police Practice: A
Manual for Battered Women's
Programs.

Hart, B. J.; Hegarty, M. E.;
 Weiss, J. S.

Training Material
 130 pp.

Copyright 1985

Distributed By:

Pennsylvania Coalition Against
 Domestic Violence
 2505 N. Front St.
 Harrisburg, PA 17110
 (717) 652-9571

This manual traces the experience of the Philadelphia Police Training Project (PPTP) in their work to change police policies in family violence situations. Organized to provide step-by-step instructions to other women's groups in their negotiations with

police departments. The development of a curriculum and training methodology is discussed. Specific incidents from the PPTP experience are used to illustrate procedures and pitfalls throughout the training. Suggestions are offered for changing police attitudes, coordinating overall justice system practices, and developing community outreach programs. Appendices give examples of new abuse legislation, model police directives, and various training forms.

Descriptors:

police attitudes; police operating procedures; police training; family violence laws; family disturbance calls; protection orders; police responsibility

Child Abuse Amendments of 1984.

Public Law 98-457.

Congress, Washington, DC.
Legislation/Hearing
16 pp.

Distributed By:

U. S. Congress
House Document Ctr.
Washington, DC
(202) 224-3121

The text of the 1984 amendments to the Child Abuse Prevention and Treatment Act and the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 is provided. Services and treatment for disabled infants are defined, and adoption services are discussed. This legislation includes the Family Violence Prevention and Services Act, which provides for technical assistance to and training in family violence programs to States, Indian tribes, public agencies, and nonprofit private organizations. The law also provides for a national clearinghouse on the prevention of family violence.

Descriptors:

child abuse laws; child neglect laws; spouse abuse laws; family violence laws; legislation; adoption; baby doe; handicapped infants

Child Abuse Prevention, Adoption, and Family Services Act of 1988.
Public Law 100-294.

Congress, Washington, DC.
Legislation/Hearing
26 pp.

Distributed By:

U. S. Congress
House Document Ctr.
Washington, DC
(202) 224-3121

The text of the current law regulating the National Center on Child Abuse and Neglect is provided. An Advisory Board on Child Abuse and Neglect and an Inter-Agency Task Force on Child Abuse and Neglect are also mandated. Amendments are given for the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 and the Family Violence Prevention and Services Act. Provisions governing grants and contracts are included.

Descriptors:

child abuse laws; child neglect laws; federal laws; family violence laws; legislation; adoption; federal programs; federal aid

The Child Witness to Family Violence: Clinical and Legal Considerations.

Goodman, G. S.; Rosenberg, M. S.
Denver Univ., CO. Dual Degree
Program in Psychology and Law.
Chapter in Book
pp. 97-126
Copyright 1987

Publication Source:

In: Sonkin, D. J. (Editor).
Domestic Violence on Trial.

Psychological and Legal
Dimensions of Family Violence.
New York, Springer Publishing
Company, Inc.,
Distributed By:
Springer Publishing Company,
Inc.
536 Broadway
New York, NY 10012

This article discusses child witnesses to violence from a psychological and a legal point of view. The effects of witnessing violent events on children's emotional well-being are examined. It is suggested that by analyzing how children perceive violence a better understanding of the transmission of violent behaviors can be developed. The memory of children involved in family violence is also studied, since they are often called upon to testify in criminal or civil cases. Specific issues and techniques that must be addressed by clinicians or attorneys using child testimony are discussed. 90 references.

Descriptors:

child witnesses of family violence; adjustment problems; problem solving; social problems; courts; legal proceedings; sequelae

The Clinical and Courtroom
Application of Battered Women's
Personality Assessments.

Rosewater, L. B.
Chapter in Book
pp. 86-94

Copyright 1987

Publication Source:

In: Sonkin, D. J. (Editor).
Domestic Violence on Trial.
Psychological and Legal
Dimensions of Family Violence.
New York, Springer Publishing
Company, Inc.,
Distributed By:
Springer Publishing Company,
Inc.

536 Broadway
New York, NY 10012

This article discusses the ways in which mental health professionals may interpret standard psychological tests, in particular the Minnesota Multiphasic Personality Inventory (MMPI) profile, to clarify the battered woman's perception and experience of her situation. While these evaluations are most often used by expert witnesses in cases of conjugal homicide, all professionals treating battered women may utilize such tests to help the women recover from and respond appropriately to the abuse. 23 references.

Descriptors:

battered women; personality assessment; personality tests; courts; trials; clinical intervention; evaluation

A Community Approach to Domestic
Violence. The Bellevue
Stipulated Order of Continuance
Program.

Bellevue Police Dept., WA.
Technical Report
49 pp.

Distributed By:

Bellevue Police Department
P.O. Box 90012
Bellevue, WA 98009

This manual examines an interagency diversionary program in Bellevue, Washington, for batterers who have been arrested for acts of domestic violence. The program is laid out in detail, emphasizing an approach to domestic violence that is both comprehensive and systematic. An evaluation of the program is given, including statistics on arrest and recidivism rates. Sample forms from the program are presented. 4 references and 11 figures.

Descriptors:

court ordered therapy; male batterers; prosecutorial diversion programs; washington; evaluation; police operating procedures; interagency cooperation

elder abuse; state surveys; state programs; elder abuse reporting; legislation; statistics; state laws; incidence

A Comprehensive Analysis of State Policy and Practice Related to Elder Abuse. A Focus on Legislation, Appropriations, Incidence Data and Special Studies.

American Public Welfare Association/National Association of State Units on Aging, Washington, DC. Elder Abuse Project.

Technical Report
374 pp.

Distributed By:

American Public Welfare Association
810 First St. NE
Suite 500
Washington, DC 20002
(202) 682-0100

This report presents the results of a survey of State social service and aging agencies conducted between October and December 1985. All 50 States, the District of Columbia, Guam, and Puerto Rico participated in the survey. The questionnaire was designed to gather descriptive and statistical information about State legislation, regulations, State appropriations, reporting requirements, incidence data, local agency programs, and special studies and research projects pertaining to elder abuse.

Responses to the questionnaire are discussed, and State legislation is analyzed. The text of the questionnaire is included as an appendix. 18 tables and 4 exhibits. (Author abstract modified)

Descriptors:

Confronting Domestic Violence: A Guide for Criminal Justice Agencies. //Issues and Practices in Criminal Justice//.

Golkasian, G. A.

Abt Associates, Inc., Washington, DC.

Technical Report
176 pp.

Distributed By:

Superintendent of Documents
U.S. Government Printing Office
Washington, DC 20402

This report examines 20 legal agencies throughout the country that have adopted new practices for handling family violence incidents. Onsite studies were conducted in Seattle, San Francisco, and Westchester County, New York. The entire criminal justice system was examined including police response, arrest procedures, prosecution decisions, trials, sentencing, court-ordered therapy programs, probation, protection assistance for the victim, and public awareness programs. It is suggested that early intervention and better coordination among services would help prevent further abuse. Appendices present examples of new laws and procedural guidelines for family violence from selected police departments and social service agencies. 182 references and 13 exhibits.

Descriptors:

spouse abuse; police operating procedures; sentencing guidelines; probation; prosecutorial diversion programs; protection orders; warrantless arrests; family violence laws

Confronting Domestic Violence:
The Role of Criminal Court
Judges. //Research in Brief
Series//.

Goolkasian, G. A.

Abt Associates, Cambridge, MA.

Book

8 pp.

Distributed By:

U.S. Department of Justice
National Institute of Justice
Washington, DC 20531

This research report describes the critical role judges play in shaping the community response to domestic violence by responding to cases presented in their courts. Ways that judges can be more effective include restricting the defendant's access to the victim before the trial, conveying judicial concern about domestic violence to the defendant and the victim, and strictly enforcing court orders and terms of probation. The dynamics of domestic violence and the response of the criminal justice system are also discussed. 40 references.

Descriptors:

battered women; courts; judges role; trials; protection orders; sentencing; court ordered therapy; batterers therapy

Contributions of Family Violence
Research to Criminal Justice
Policy on Wife Assault:
Paradigms of Science and Social
Control.

Fagan, J.

Criminal Justice Center, New York,
NY.

Journal Article

Copyright 1988

Violence and Victims.

3(3):159-186.

This article examines the evolution of criminal justice policy on family violence, formed over the past 2 decades by

political theory from divergent and often competing perspectives. Experimental research on mandatory arrest of wife batterers, policy research on special prosecution programs, and the development of treatment programs for batterers are discussed. It is suggested that critical research on family violence has not been integrated into criminal justice policy, limiting policy development and intervention strategies to practices which reflect contemporary models of sanctions and social control. The limited contributions of family violence research to criminal justice policy reflect competing paradigms of social science, the challenge of family violence cases to the social organization of the criminal courts, and divergent perspectives on social control of offenders in family and stranger violence cases. Strategies for integrated policy development are suggested. 120 references.
(Author abstract modified)

Descriptors:

family violence research; policy formation; law enforcement; courts role; judicial decisions; family violence laws

Coordinated Police, Judicial, and
Social Service Response to Woman
Battering: A Multiple-Baseline
Evaluation Across Three
Communities.

Gamache, D. J.; Edleson, J. L.;
Schock, M. D.

Minnesota Coalition of Battered
Women, Minneapolis. School
Curriculum Project.

Chapter in Book

pp. 193-209

Copyright 1988

Publication Source:

In: Hotelling, G. T., Finkelhor,
D., Kirkpatrick, J. T., and
Straus, M. A. (Editors). Coping
With Family Violence. Research
and Policy Perspectives.

Newbury Park, CA., Sage
Publications, Inc.,
Distributed By:
Sage Publications, Inc.
2111 W. Hillcrest Dr.
Newbury Park, CA 91320

This chapter presents an experimentally controlled study of coordinated police, judicial, and social service interventions in 3 suburban Minnesota communities over a 2-year period. A significant impact was found upon police and judicial responses to wife battering, but it is seen to be a slow process. Arrests as a percentage of family disturbance calls increased gradually as did successful prosecutions and the number of men mandated to counseling. While demonstrating the effectiveness of coordinated community intervention, this study raises a wide range of questions for further research. 14 references and 6 figures.

Descriptors:
interdisciplinary approach;
intervention strategies; program
coordination; community
cooperation; legal processes;
police operating procedures;
social services

Court Decisions on Wife Abuse
Laws: Recent Developments.

Lerman, L.
Georgetown Univ. Law Center,
Washington, DC.
Journal Article
Copyright May-June 1982
Response.
5(2):3-4, 21-22.

This article reviews the results of challenges to domestic violence laws in Missouri, Oregon, Nevada, and North Dakota. In each case the law was upheld as constitutional or as enforceable. The author cites lessons to be learned from this litigation, one of which is

that the battered women's movement should not fear challenges to domestic violence laws, because no such challenge has yet succeeded. The way to litigate a challenge to a spouse abuse law has also been demonstrated in these case laws. Drafters of new legislation must examine possible constitutional issues and avoid them. It is concluded that mandatory language describing the responsibilities of criminal justice personnel will provide the necessary leverage to enforce laws through litigation.
12 references.

Descriptors:
spouse abuse laws; judicial
decisions; law enforcement;
mandatory arrests; protection
orders; warrantless arrests

Crime and the Family.
Lincoln, A. J., (Editor).; Straus,
M. A., (Editor).
Lowell Univ., MA.
Book
264 pp.
Copyright 1985
Distributed By:
Charles C. Thomas
2600 S. First St.
Springfield, IL 62717

This book is a collection of 15 articles on the family and its relationship to crime. A conceptual framework for studying crime and the family is presented, based on ideas from criminology, victimology, and family studies. Crime in the family, crime by the family, and crime against the family are all examined. Both a subject and a name index are included. Numerous references and tables.

Descriptors:
family violence research; crime;
family problems; child abuse;
marital rape; generational cycle
of family violence; family
structure; victims

The Criminal Justice Response to
Wife Assault.

Dutton, D. G.
British Columbia Univ., Vancouver
(Canada). Dept. of Psychology.
Journal Article
Copyright 1987
Law and Human Behavior.
11(3):189-206.

This paper reviews the criminal justice response to wife abuse. By establishing a set of conditional probabilities for the reporting, detection, prosecution, and conviction for wife assault, a winnowing process occurs that is not dissimilar to that reported for other crimes. The probability of wife assault being detected by the criminal justice system is about 6.5 percent. Once it is detected, the probability of arrest is about 21.2 percent. Subsequent probabilities for conviction and punishment generate an aggregate probability that the perpetrator has a 0.38 percent chance of being punished by the courts. It is argued that the greatest impact on wife abuse recidivism reduction comes from arrest rates regardless of court outcome. At present, however, it is not known whether this effect is produced by specific deterrence or by the didactic function of law. Too little is known of the subjective states of wife batterers to ascertain whether deterrence or some other mechanism accounts for the decreased recidivism reported after arrest. Numerous references. (Author abstract modified)

Descriptors:

wife abuse; recidivism; arrests;
spouse abuse reporting; spouse
abuse laws; police operating
procedures; male batterers

The Denver Domestic Violence
Manual.

Domestic Violence Manual Task
Force, Denver, CO.
Training Material
50 pp.
Distributed By:
Domestic Violence Task Force
Denver, CO

This manual addresses the treatment of domestic violence in the Denver criminal justice system. Police and sheriff's department procedures, prosecution protocol, probation and diversion guidelines, victim advocacy, and batterers' treatment programs are examined. A summary of standards for these programs is also included.

Descriptors:

battered women; law enforcement;
colorado; prosecution; judges
role; police operating
procedures; community resources

Desperately Seeking Solutions:
Changing Battered Women's
Options Since 1880.

Allen, J.
Griffith Univ., Brisbane
(Australia).
Proceedings Paper
pp. 119-136
Copyright 1986
Publication Source:
In: Hatty, S. E. (Editor).
National Conference on Domestic
Violence, Volume 1, Canberra
(Australia), November 11-15,
1985. Phillip, A.C.T.
(Australia), Australian Inst. of
Criminology,
Distributed By:
Australian Institute of
Criminology
10-18 Colbee Ct.
Phillip, A.C.T., Australia 2606

This paper demonstrates that in Australia the struggle against domestic violence began in the nineteenth century. Violent male behavior was seen as problematic by Australia's nineteenth century

feminists. The responses to wife battering have altered significantly since the nineteenth century, but the solutions do not include the criminal prosecution of the male offender. Social developments affecting these changes include the declining female fertility rate, variations in the ideology of marriage, and increased female employment. Wife beating is characterized as a manifestation of a political process. 41 references.

Descriptors:

battered women; problem solving; social policies; australia; legislation; political factors; womens movement

Domestic Mistreatment of the Elderly--Toward Prevention.

Douglass, R. L.

American Association of Retired Persons, Washington, DC.
Criminal Justice Services.

Book

39 pp.

Copyright 1988

Distributed By:

Criminal Justice Services
American Association of Retired Persons
1909 K St. NW
Washington, DC 20049

This manual discusses the special needs of older individuals at risk of becoming victims of mistreatment, neglect, exploitation, abandonment, or abuse in the home. Intervention options are examined and long-term prevention methods for the individual, the family, and the community are explored. Different types of neglect are defined and illustrated. Legal methods of self-protection are described. A brief glossary is provided. 14 references.

Descriptors:

elder abuse; etiology; prevention; definitions; elder neglect; intervention; legal processes

Domestic Violence Expert Testimony in the Prosecution of Male Batterers.

Sonkin, D. J.; Fazio, W.

Chapter in Book

pp. 218-236

Copyright 1987

Publication Source:

In: Sonkin, D. J. (Editor).
Domestic Violence on Trial.
Psychological and Legal
Dimensions of Family Violence.
New York, Springer Publishing
Company, Inc.,

Distributed By:

Springer Publishing Company,
Inc.

536 Broadway

New York, NY 10012

This article discusses how expert testimony can be utilized in the prosecution of domestic violence cases. Common defenses used by lawyers representing male batterers are described. Theory and procedures for expert witnesses and prosecutors are outlined. An example is provided to illustrate how expert testimony may be incorporated into trial strategy. It is argued that by understanding the effects of violence on women and the psychological characteristics of male batterers, prosecuting attorneys will be able to more successfully present domestic violence cases in court. 47 references.

Descriptors:

male batterers; expert testimony; prosecution; district attorneys; trials; characteristics of abuser; conjugal homicide

Domestic Violence Information.

Women's Center and Shelter of
Greater Pittsburgh, PA.

Information Packet

38 pp.

Copyright Undated

Distributed By:

Women's Center and Shelter of
Greater Pittsburgh

P.O. Box 9024

Pittsburgh, PA 15224

(412) 687-8017

This collection of information provides statistical data on family violence, describes the history of wife abuse, outlines the services available at the women's shelter in Pittsburgh, and summarizes Pennsylvania State law on domestic violence.

Characteristics of the battered woman, the sexually abused child, and the abusive husband are described and the effects of family violence on children are discussed. Numerous references.

Descriptors:

shelter programs; battered women; resource materials; pennsylvania; child abuse; characteristics of abuser; state laws

Domestic Violence is a Crime.

Family Violence Project, San
Francisco, CA.

Book

89 pp.

Distributed By:

Family Violence Project

Bldg. One

Suite 200

1001 Potrero Ave.

San Francisco, CA 94110

(415) 821-4553

\$15.00

Changes in the San Francisco criminal justice system engineered by the Family Violence Project are described. Included are police policy statements, sample police forms, prosecution strategies,

district attorney's office form letters, information on protective court orders, and probation and diversion guidelines used in San Francisco. Statistical data on domestic violence are provided and ways to achieve systemic community change are discussed. Eight newspaper articles on the Family Violence Project and the criminal justice system are also included.

Descriptors:

spouse abuse; california; state laws; resource materials; police responsibility; law enforcement; trials; community programs

Domestic Violence is a Crime: A
Case Study - San Francisco
Family Violence Project.

Soler, E.

San Francisco Family Violence
Project, CA.

Chapter in Book

pp. 21-35

Copyright 1987

Publication Source:

In: Sonkin, D. J. (Editor).

Domestic Violence on Trial.

Psychological and Legal

Dimensions of Family Violence.

New York, Springer Publishing

Company, Inc.,

Distributed By:

Springer Publishing Company,
Inc.

536 Broadway

New York, NY 10012

This article describes the strategies by which the San Francisco Family Violence Project successfully altered the criminal justice system's response to family violence. The typical police response before the inception of the program is described. Changes made in the components of the legal system are reviewed, such as police training programs and a victim's services unit in the district attorney's office. Ways in which community organizations can become involved

in bringing about policy changes for the protection of battered women are also explained. 12 references.

Descriptors:

california; demonstration programs; law enforcement; criminal laws; battered women; community role; police operating procedures; prosecution

Domestic Violence on Trial.
Psychological and Legal
Dimensions of Family Violence.

Sonkin, D. J., (Editor).

Book

254 pp.

Copyright 1987

Distributed By:

Springer Publishing Company,
Inc.

536 Broadway

New York, NY 10012

This book describes the connection between domestic violence and the courts. The book is divided into 4 sections, each of which focuses on a particular aspect of the issue of domestic violence: the historical roots of domestic violence are examined, characteristics of battered women are discussed, the issue of children is addressed, and batterers' therapy is included. Articles which address subjects such as the criminalization of family violence are included: its impact on children within the context of the legal system; the battered woman syndrome; providing testimony as an expert witness on behalf of battered women; assessing and counseling male batterers in court-mandated programs; and the legal responsibilities of counselors with violent clients. The prologue is a personal account of a victim's experience in the legal system, and the epilogue addresses justice-making for battered women. Numerous references.

Descriptors:

battered women; court ordered therapy; family violence research; male batterers; child witnesses of family violence; courts; law enforcement; battered women syndrome

Domestic Violence. A Training
Curriculum for Law Enforcement.

Martin, S.; McNeill, M.

District Attorney's Office, San Francisco, CA. Family Violence Project.

Training Material

282 pp.

Copyright 1988

Distributed By:

The Family Violence Project

Bldg. One

Suite 200

1001 Potrero Ave.

San Francisco, CA 94110

(415) 553-1752

\$60.00

This 2-volume training program for police in San Francisco covers the penal code as it relates to the dynamics and effects of domestic violence. Interviewing techniques, making an arrest, incident reports, protection orders, victim safety, effects on children, and the value of police intervention are discussed. Scenarios for role playing are also included. Fifteen appendices address such issues as the California penal code and legislation on domestic violence, police liability, investigation and report writing, batterers' programs, resources for the victim, training resources, and California State guidelines for police response to domestic calls. 52 references.

Descriptors:

law enforcement; curricula; police training; family disturbance calls; family violence laws; crisis

intervention; police operating procedures; california

Domestic Violence: Policy and Procedures Manual.

Alternatives to Domestic Violence Program, Hackensack, NJ.

Training Material
137 pp.

Distributed By:

Bergen County Department of Human Services

Alternatives to Domestic Violence

355 Main St.

Hackensack, NJ 07601

(201) 487-8484

This manual is addressed to law enforcement officers involved with domestic violence, and includes New Jersey legislation on family violence, police procedures and directives, sample forms, and a list of community resources. The Fifth Annual Domestic Violence Offense Report (1987), compiled by the New Jersey State Police, and the Alternatives to Domestic Violence Hotline Training Manual are also enclosed.

Descriptors:

police training; manuals; police responsibility; state laws; new jersey; family disturbance calls; spouse abuse; police operating procedures

Elder Abuse: Information for Law Enforcement Officers.

Nash, R.

Metropolitan Chicago Coalition on Aging, IL.

Book

29 pp.

Distributed By:

Illinois Department on Aging

Elder Abuse Program

Springfield, IL

(800) 252-8966

This manual, for law enforcement

officials and other interested professionals, describes the underlying assumptions, possible interventions, and prevention strategies involved when dealing with suspected cases of elder abuse and neglect. The abuse situation is defined, prevalence is estimated, and elder abuse legislation in Illinois is discussed. The police role in elder abuse is examined, and support and legal services for police assistance are listed. Included as an appendix are the Illinois Department on Aging Elder Abuse Program Report/Intake forms.

Descriptors:

elder abuse; elder neglect; law enforcement; resource materials; illinois; elder abuse reporting; police role; elder abuse laws

Epilogue: Justice-Making in the Aftermath of Woman-Battering.

Fortune, M. M.

Center for the Prevention of Sexual and Domestic Violence, Seattle, WA.

Chapter in Book

pp. 237-248

Copyright 1987

Publication Source:

In: Sonkin, D. J. (Editor).

Domestic Violence on Trial.

Psychological and Legal

Dimensions of Family Violence.

New York, Springer Publishing

Company, Inc.,

Distributed By:

Springer Publishing Company, Inc.

536 Broadway

New York, NY 10012

This article is a philosophical and practical discussion of ways to obtain justice for the battered woman. A process of justice-making derived from honesty and offender accountability is outlined. It is argued that holding a battered woman responsible for the violence done to her, propagates the

attitudes and myths that support male violence against women. Justice is discussed in a therapeutic, ethical, judicial, and spiritual framework which provides a perspective for those who want to help the battered woman. 3 references.

Descriptors:

battered women; victim blaming; ethics; courts; legal proceedings; theories

Family Violence Resources in the Houston-Galveston Area (pro-gen).

Baytown Area Women's Center, TX. Information Packet
47 pp.

Distributed By:

Baytown Area Women's Center
P.O. Box 3735
Baytown, TX 77840
(713) 422-2292

This information packet lists women's shelters and family violence resources in the Houston-Galveston area, provides statistical data on domestic violence, and outlines the services of the Baytown Area Women's Center. Psychological profiles of battered women, abusers, and their children are given. Responsibilities of the abuse victim in legal proceedings in Texas are detailed, and duties of the police and district attorney are delineated. A reading list and a sample protective order are also included. 19 references.

Descriptors:

battered women; shelter programs; resource materials; police responsibility; legislation; texas; legal processes

Federal Legislation Resource Collection: 1988.

Center for Women Policy Studies, Washington, DC.

Information Packet
32 pp.

Copyright 1988

Distributed By:

Center for Women Policy Studies
2000 P St. NW
Suite 508
Washington, DC 20036
(202) 872-1770

This information package contains handouts on women's issues in the legislative process. The Child Abuse Prevention, Adoption and Family Services Act of 1988 is reviewed. Texts of the law and amendment to the Child Abuse and Neglect Programs (H.R. 1900) are provided. An announcement of grants from the State Justice Institute and U.S. Department of Health and Human Services for family violence-related projects is noted. Articles on battered women's lawsuits against police, model legislation covering crime victims, and the judicial system's role in reducing domestic violence are included.

Descriptors:

federal laws; proposed legislation; family violence; resource materials; federal aid

Federal Legislation. A Resource Collection: 1984.

Center for Women Policy Studies, Washington, DC.

Information Packet
65 pp.

Distributed By:

Center for Women Policy Studies
2000 P St. NW
Suite 508
Washington, DC 20036
(202) 872-1770

This is a collection of articles from various publications dealing

with the Federal legislative aspects of family violence. The subjects addressed include child sexual abuse, domestic violence legislation, Federal funding for family violence programs, the effects of Federal budget cuts on domestic violence programs, wife abuse, and child victims' court experiences.

Descriptors:

federal laws; battered women; abused children; federal programs; child abuse laws; incest; family violence laws

A Feminist Critique of Mediation in Wife Abuse Cases.

Center for Women Policy Studies, Washington, DC.

Journal Article

Copyright January-February 1984 Response.

():5-6, 12-13.

This article discusses the movement toward mediation as a dispute resolution technique in cases of wife abuse and articulates feminist arguments against the use of mediation in these cases. The primary reason for the growth of mediation as an alternative to litigation is economic: the court system has an unmanageable backlog of cases. Through mediation the criminal justice system is circumvented. Many feminists consider the goals and structure of mediation incompatible with the goal of stopping violence in the family. They believe violence is more likely to end if the perpetrator is clearly held responsible, assured that subsequent violence will have serious consequences, and held accountable if violence does recur. 29 references.

Descriptors:

wife abuse; mediation; courts of conciliation; domestic relations

courts; program evaluation; legal processes; womens movement

Handbook for Advocates and Counsellors of Battered Women.

Boyd, M., (Editor).

The London Battered Women's Advocacy Clinic, Inc., Ontario (Canada).

Training Material

107 pp.

Distributed By:

The London Battered Women's Advocacy Clinic, Inc.

81 Ridout St. S.

London, Ontario, Canada N6C 3X2

(519) 432-2204

This Canadian handbook was developed as a training tool for counselors in the Battered Women's Advocacy Clinic of London, Ontario. It includes chapters on the traditional beliefs about spouse abuse, group and individual counseling strategies, community and social services, the criminal justice system, the Family Law Reform Act, and the civil court system. Detailed guidelines for counseling battered women are given. Substantial legal information is also included, but much of it is applicable only to Ontario residents. A bibliography and sample forms used by the clinic are provided in appendices. 43 references.

Descriptors:

battered women; intervention; myths; ontario; manuals; therapy; legal processes; womens advocacy

Integrating Feminist Theory and Practice. The Challenge of the Battered Women's Movement.

Pence, E.; Shepard, M.

Minnesota Program Development, Inc., Minneapolis.

Chapter in Book

pp. 282-298

Copyright 1988

Publication Source:

In: Yllo, K. and Bograd, M.
(Editors). Feminist
Perspectives on Wife Abuse.
Newbury Park, CA., Sage
Publications, Inc.,

Distributed By:

Sage Publications, Inc.
2111 W. Hillcrest Dr.
Newbury Park, CA 91320

This chapter describes the Domestic Abuse Intervention Project (DAIP) in Duluth, Minnesota, and its efforts to create institutional change in the criminal justice system: cases were brought to the courts for resolution; legal sanctions were imposed on batterers; shelter, education, and legal advocacy were offered to victims; and efforts were made to track assailants during court-ordered treatment and probation. As part of this effort, the DAIP was organized to monitor the new system. The project's mistakes and successes are reviewed and an evaluation of project effectiveness is given. 22 references.

Descriptors:

community cooperation; legal processes; minnesota; empowerment; womens advocacy; court ordered therapy; police operating procedures; policy formation

Intervention With the Abusive Partner.

Roberts, A. R.
Springer Publishing Co., New York, NY.

Chapter in Book
pp. 84-115

Copyright

Publication Source:

In: Roberts, A. R. (Editor).
Battered Women and Their
Families: Intervention
Strategies and Treatment
Programs. (Springer Series on

Social Work, Vol. 1). New York,
Springer Publishing Company,
Distributed By:
Springer Publishing Company,
Inc.
536 Broadway
New York, NY 10012

This chapter considers various options for offering intervention and counseling to the abusive husband, based on a national study of 44 programs offering educational and counseling services for batterers. These programs teach anger control techniques, communication skills, and stress management skills while providing a peer support group. Some programs such as Batterers Anonymous are developed solely for men and are comprised only of batterers. Others are part of a social service agency, and offer counseling to many types of clients. Still other batterers' programs were instituted as adjuncts of shelters. Specific treatment techniques for maximum effectiveness are described: use of group therapy; structured format for meetings with the counselor in charge; client accountability for his own behavior; and the use of constructive confrontation to help the batterer see how he must change his behavior. Sample programs are briefly described. The hotline is mentioned as an anonymous means of seeking help. Court mandated counseling via prosecutorial diversion is discussed. Problems with funding batterers' programs are reviewed, and suggestions are offered for evaluating the programs. 21 references.

Descriptors:

batterers therapy; court ordered therapy; support group; stress management; communication techniques; behavior changes; hot lines; program evaluation

The Judicial System and Domestic
Violence--An Expanding Role.

Goolkasian, G. A.
Abt Associates, Inc., Cambridge,
MA.

Journal Article
Copyright 1986
Response.

9(4):2-7.

This article reviews the role of the criminal justice system in ending domestic violence. Until recently domestic violence was seen as a private family matter instead of a crime by society at large. That view was reflected in the judicial system by routing family violence cases to family courts or by screening them out of the judicial system altogether. The current trend, however, is for the increased involvement of the criminal justice system in domestic violence cases. The role of the police and prosecutors is discussed in some detail, as well as the variety of options a judge has in handling family violence offenders. 26 references.

Descriptors:

judges role; courts; police
role; judicial decisions; police
operating procedures; law
enforcement; court ordered
therapy; probation

The Justice System's Response to
Domestic Assault Cases: A Guide
for Policy Development.

Pence, E.; Galaway, B., (Editor).
Minnesota Program Development,
Inc., Duluth. Domestic Abuse
Intervention Project.

Technical Report
103 pp.

Copyright 1985

Distributed By:

Minnesota Program Development,
Inc.
Domestic Abuse Intervention
Project
206 W. 4th St.

Duluth, MN 55806
(218) 722-2781

This manual examines the Domestic Abuse Intervention Project (DAIP) in Duluth, Minnesota. The program protects and assists battered women and brings legal sanctions against batterers. Using an interdisciplinary approach involving the police, the courts, and social service agencies, the Duluth community intervenes in domestic violence cases in which physical injuries have occurred. The batterer is arrested and arraigned. The victim is contacted by an advocate, who offers support, counseling, and safety. If convicted, the batterer may be sentenced to prison, or probation with intensive therapy and counseling. Batterers on probation are monitored very closely by all agencies involved, because the safety of the victim is paramount in DAIP. By bringing family violence cases into the court system, DAIP seeks to deter the assailant from further abuse by offering increasingly harsher penalties for each infraction. The policies and procedures must be uniform and consistent to show the community's condemnation of domestic violence.

Descriptors:

intervention; battering;
community role; courts role;
police operating procedures;
models; minnesota

Legal Help for Battered Women.

Lerman, L. G.

Book

13 pp.

Copyright 1981

Distributed By:

Center for Women Policy Studies
2000 P St. NW
Suite 508
Washington, DC 20036

This short book describes in general terms some new legal remedies available to battered women, without specific reference to the laws of any single State. The difference between civil and criminal courts is outlined. Civil remedies such as protection orders, peace bonds, and divorce proceedings are discussed briefly.

Some of the procedures involved in criminal prosecution are laid out, including arrest, pretrial diversion, plea bargaining, trial, and probation. Shelters, hotlines, counseling agencies, and other places a battered woman can turn to for help are also suggested.

Descriptors:

protection orders; civil laws; battered women; spouse abuse laws; legal processes; prosecution; criminal laws; courts role

Legal Remedies for Spousal Abuse:

Victim Characteristics, Expectations, and Satisfaction.

Horton, A. L.; Simonidis, K. M.; Simonidis, L. L.

Brigham Young Univ., Provo, UT.
School of Social Work.

Journal Article

Copyright 1987

Journal of Family Violence.

2(3):265-279.

Since 1980 legal remedies for spouse abuse have been established in various forms in every State. Social service agencies and shelters currently encourage victims to use restraining orders, which now carry criminal consequences for the batterer, yet few empirical data have been reported concerning their use. This article describes 2 research studies, 1 conducted in Dane County (Madison area), Wisconsin, the other in Sacramento County,

California. The studies provide new helpful information for referring agencies and indicate which victims use these legal remedies, what their expectations are and how satisfied they are with the results. A final section discusses implications for change or clarification in policy, process, and education on the use of these legal remedies. 28 references, 1 figure. (Author abstract modified)

Descriptors:

characteristics of abused; spouse abuse; spouse abuse laws; law enforcement; protection orders; injunctions; family violence research

Legislative Trends in the Criminal Justice Response to Domestic Violence.

Buzawa, E. S.; Buzawa, C. G.

Lowell Univ., MA.

Chapter in Book

pp. 134-147

Copyright 1985

Publication Source:

In: Lincoln, A. J. and Straus, M. A. (Editors). Crime and the Family. Springfield, IL., Charles C. Thomas,

Distributed By:

Charles C. Thomas

2600 S. First St.

Springfield, IL 62717

This chapter discusses State legislative efforts to revise the criminal justice system's response to domestic violence. Changes in police operating procedures are also reviewed. It is suggested that Federal domestic violence legislation would be preferable to State legislation. Failing Federal legislation, the development of a uniform State domestic violence statute would provide national consistency and would encourage the development of a unified law enforcement response to domestic violence. 15

references.

Descriptors:

legislation; law enforcement;
courts; police operating
procedures; spouse abuse;
battering; trend analysis

Marital Rape Exemption.

National Center on Women and
Family Law, Inc., New York, NY.
Information Packet

49 pp.

Copyright September 1987

Distributed By:

National Center on Women and
Family Law, Inc.
799 Broadway
Room 402
New York, NY 10003
(212) 674-8200
\$12.00

This compilation of information on the exemption of marital rape from State criminal statutes includes a chart providing a State-by-State analysis of the marital rape exemption; citations of case law in marital rape litigation; a bibliography of general and legal articles, studies, and testimony; 3 articles from "Clearinghouse Review" on State criminal law and the marital rape exemption; the text of a speech on marital rape given before a legal association; and a fact sheet debunking many myths surrounding marital rape and its criminality.

Descriptors:

marital rape; spouse abuse laws;
sexual assault; legislation;
information sources; state laws

Marital Rape: The Misunderstood Crime.

Finkelhor, D.
New Hampshire Univ., Durham
Proceedings Paper
pp. 203-214
Copyright 1986

Publication Source:

In: Hatty, S. E. (Editor).
National Conference on Domestic
Violence, Volume 1, Canberra
(Australia), November 11-15,
1985. Phillip, A.C.T.
(Australia), Australian Inst. of
Criminology,

Distributed By:

Australian Institute of
Criminology
10-18 Colbee Ct.
Phillip, A.C.T., Australia 2606

This paper attempts to demystify the behavior associated with forced sexual activity between intimates. Stereotypes surrounding this activity are mentioned. Interviews conducted with women subjected to marital rape are reported. The subject of marital rape is divided into battery, force only, and obsessive types. Detailed case examples of each are given. The impact of these experiences on the female partner is discussed. It is argued that criminal sanctions should be applied to offenders where appropriate. 7 references.

Descriptors:

marital rape; sexual assault;
wife abuse; spouse abuse laws;
law enforcement

Marital Rape: The Misunderstood Crime. (Editorial).

Finkelhor, D.
New Hampshire Univ., Durham.
Family Violence Research Lab.
Proceedings Paper
4 pp.

Publication Source:

New York County Lawyers'
Association,

Distributed By:

New York County Lawyers'
Association

This address to the New York County Lawyer's Association examines the problem of marital rape. The popular perception of

marital rape does not coincide with the brutal reality and the crime is therefore not taken seriously. Marital rapes can be classified into 3 categories: battering rapes which are part of an overall abuse pattern; nonbattering rapes, which entail less violence and appear to be motivated by the desire to assert control; and obsessive rapes, in which the husbands have unusual sexual preoccupations. It is estimated that marital rape happens to 10 to 14 percent of married women. Victims of marital rape are found to suffer greater and more prolonged trauma than other rape victims; they feel betrayed, trapped and isolated. It is concluded that marital rape should be treated as a criminal act; attorneys, doctors, and other professionals should be more sensitive to this problem.

Descriptors:

marital rape; crime; sexual assault; abused wives; characteristics of abused; violation of personal rights; victims

Marital Rape: The Unspoken Crime!

Miller-Holmes, A.
Information Packet
11 pp.

Distributed By:

Advocates for Battered Women
P.O. Box 1954
Little Rock, AR 72203
(501) 376-3219

This brief manual reviews the problem of marital rape, common myths surrounding marital rape, and Arkansas State law on marital rape. A list of resources for the victim is included. Also enclosed are a fact sheet about Advocates for Battered Women, a shelter in Little Rock, a fact sheet on domestic violence in Arkansas, and an article on the dynamics of wife abuse.

Descriptors:

marital rape; etiology; myths; sex offenses; human rights; state law; arkansas

Mental Health Professional as Expert Witness. Psychosocial Evaluation of Battered Women Accused of Homicide or Assault.

Galliano, G.; Nichols, M.
Kennesaw Coll., Marietta, GA.
Dept. of Psychology.

Journal Article

Copyright March 1988

Journal of Interpersonal Violence.
3(1):29-41.

This article provides a short overview of current perspectives on wife battering, including the feminist therapies approach to dealing with the phenomenon of conjugal homicide. Psychologists and other mental health professionals are increasingly called upon to offer expert testimony in cases in which battered women plead self-defense in the assault or homicide of their batterers. The article outlines functions and purposes of psychological evaluation on the existence of battered women's syndrome within the context of legal proceedings. The technique of evaluating a defendant for battered women's syndrome in developing expert testimony is described, as is the standard format for providing expert testimony. Direct examination and cross-examination are discussed, with types of questions to be expected and suggested responses. 28 references. (Author abstract modified)

Descriptors:

expert witnesses; conjugal homicide; assault; battered women; psychological evaluation; professionals role; expert testimony; courts

A Model State Act: Remedies for Domestic Abuse.

Lerman, L. G.
Georgetown Univ., Washington, DC.
Center for Applied Legal
Studies.

Journal Article
Copyright Winter 1984
Harvard Journal on Legislation.
21(1):61-143.

This model State law consolidates and addresses remedies needed for domestic violence in a single comprehensive statute. Drafting comprehensive legislation to address this problem is difficult because both civil and criminal remedies are required, the needs of battered women are diverse and complex, and effective protection mandates a coordinated response by court, law enforcement agencies, mental health personnel, and the judiciary. This Model Act facilitates the victim's ability to request protection and to gain access to the courts. The act specifies police duties and recognizes that domestic violence may be handled as a civil or a criminal matter or as both. Finally, the act includes both punitive and rehabilitative dispositional options for the appropriate legal treatment of abusers. 233 references.

Descriptors:

spouse abuse laws; state laws;
proposed legislation; legal
processes

National Conference on Domestic Violence Opening Address (pro-gen).

Bowen, L.
Proceedings Paper
pp. 7-10
Copyright 1986
Publication Source:

In: Hatty, S. E. (Editor).
National Conference on Domestic
Violence, Volume 1, Canberra

(Australia), November 11-15,
1985. Phillip, A.C.T.
(Australia), Australian Inst. of
Criminology,
Distributed By:
Australian Institute of
Criminology
10-18 Colbee Ct.
Phillip, A.C.T., Australia 2606

This speech by the Australian Attorney General opened the National Conference on Domestic Violence in Canberra. The history of the conference is traced and Australian legislation on domestic violence is reviewed. It is argued that police response to the problem of domestic violence makes a great difference in the elimination of the problem.

Descriptors:

conferences; australia;
government role; battered women;
policy formation; proposed
legislation

National Conference on Domestic Violence, Volume 1. //Australian Institute of Criminology Seminar Proceedings No. 12//.

Hatty, S. E., (Editor).
Australian Inst. of Criminology,
Canberra (Australia).
Proceedings Paper
339 pp.
Copyright 1986
Publication Source:
Australian Inst. of Criminology,
Canberra (Australia),
Distributed By:
Australian Institute of
Criminology
10-18 Colbee Ct.
Phillip, A.C.T., Australia 2606

This collection of 27 papers was presented at the National Conference on Domestic Violence hosted by the Australian Institute of Criminology on November 11-15, 1985, in Canberra, at the request of the Attorney General. The papers are grouped around the

themes of individual experiences, societal institutions and domestic violence, women of ethnic groups and battering, the role of sexuality in violence, family violence research, and mental health services for victims and perpetrators. Over 300 individuals from government agencies, women's shelters, police departments, counseling centers, community health organizations, and migrant resources agencies participated in the conference. Numerous references.

Descriptors:

australia; conferences; battered women; family violence research; clinical intervention; courts; police role; ethnic groups

Oregon Supreme Court Allows Battered Woman To Sue Under Mandatory Arrest Law.

Livingston, F.
Center for Women Policy Studies,
Washington DC.
Journal Article
Copyright January-February 1984
Response.
6(1):3-4.

This article discusses the decision of the Oregon State Supreme Court to allow a battered woman to sue police who failed to enforce her protection order under the mandatory arrest provision of the Oregon Abuse Prevention Act. This was the first State Supreme Court ruling that a mandatory arrest provision can be a source of liability to noncomplying police departments. The court set forth guidelines for suits brought under the mandatory arrest statute, creating what seems to be strict liability for failure to arrest as required by the State. Because many States are adopting mandatory arrest provisions in conjunction with domestic violence legislation, police departments

will have to institute new policies to implement these provisions in order to escape liability. 8 references.

Descriptors:

oregon; protection orders; liability; state supreme courts; judicial decisions; mandatory arrests; police operating procedures; spouse abuse laws

Parallels and Pitfalls. The Aftermath of Legal Reform for Sexual Assault, Marital Rape, and Domestic Violence Victims.

Caringella-MacDonald, S.
Western Michigan Univ., Kalamazoo.
Dept. of Sociology.
Journal Article
Copyright June 1988
Journal of Interpersonal Violence.
3(2):174-189.

This article examines sweeping legislative changes over the past decade in criminal statutes, civil laws, and criminal justice policies pertaining to rape in general, marital rape in particular, and domestic violence.

The outcomes of reform are discussed, revealing both successes and failures of ameliorative efforts. Problems in the aftermath of such reform are detailed as they preclude the full protection of violently victimized women. Conclusions explore the need for further progress in this area. 52 references. (Author abstract modified)

Descriptors:

spouse abuse laws; marital rape; battering; sexual assault; spouses rights; legislation; state laws; protection orders

Passing Elder Abuse Laws at the State Level Has Proved To Be a Challenge.

Skelos, D. G.
 New York State Senate, Albany.
 Committee on Aging.
 Journal Article
 Copyright Spring 1988
 Public Welfare.
 46(2):33-36.

Difficulties in passing State legislation on elder abuse are described, beginning with local hearings in New York State. The lengthy legislative process is detailed: legislation which funded community services for the elderly was passed into law after 2 years; another bill screening home care employees was amended 4 times before being tabled. Testimony from State Senate hearings on elder abuse is included.

Descriptors:

elder abuse laws; state laws;
 new york; proposed legislation;
 hearings

**Perpetrators of Domestic Violence:
 An Overview of Counseling the
 Court-Mandated Client.**

Ganley, A. L.
 American Lake Veterans'
 Administration Medical Center,
 Tacoma, WA.

Chapter in Book

pp. 155-173

Copyright 1987

Publication Source:

In: Sonkin, D. J. (Editor).
 Domestic Violence on Trial.
 Psychological and Legal
 Dimensions of Family Violence.
 New York, Springer Publishing
 Company, Inc.,

Distributed By:

Springer Publishing Company,
 Inc.
 536 Broadway
 New York, NY 10012

This article discusses the rationale for court-mandated treatment of male batterers, pointing out that such programs

represent a major shift in the community's role in ending family violence. Intervention techniques which incorporate feminist principles, social-psychological theory, and legal objectives into a treatment approach that directly addresses violent behavior are discussed. The etiology of violence and the legal needs of society and the courts are examined. The relationship between the counselor and the court system is reviewed briefly. 24 references.

Descriptors:

male batterers; court ordered
 therapy; perpetrators;
 therapeutic effectiveness;
 counselors role; characteristics
 of abuser; categorical programs;
 batterers therapy

Police Intervention.

Roberts, A. R.

Springer Publishing Co., New York,
 NY.

Chapter in Book

pp. 116-128

Copyright 1984

Publication Source:

In: Roberts, A. R. (Editor).
 Battered Women and Their
 Families: Intervention
 Strategies and Treatment
 Programs. (Springer Series on
 Social Work, Vol. 1). New York,
 Springer Publishing Co.,

Distributed By:

Springer Publishing Company,
 Inc.
 536 Broadway
 New York, NY 10012

This chapter examines the recent changes in police operating procedures for dealing with domestic disturbance calls and family violence situations. Information from a national study of the organizational structure and function of 89 shelters for battered women is used to discuss cooperation between shelter staff

and police. The need for shelters to provide police training is mentioned. The police point of view on domestic violence is examined, and a case example of interaction between police and violent partners is given. Benefits and drawbacks of making an arrest are considered. 29 references.

Descriptors:

police operating procedures;
police attitudes; police
training; shelter policies;
family disturbance calls;
warrantless arrests; family
violence laws; case studies

Project 'SAC'--A Realistic
Approach in Treating Juvenile
Arrestees for a Domestic
Violence Crime.

Pima County Juvenile Court,
Tucson, AZ. Stop Assaultive
Children Project.

Technical Report

14 pp.

Distributed By:

Pima County Juvenile Court
Center
2225 E. Ajo Way
Tucson, AZ 85713
(602) 882-2015

This report describes the Stop Assaultive Children (SAC) Program as an alternative to imprisonment for juvenile family violence perpetrators. Mandatory arrest is the first step in the process, but the juvenile is generally released after a single night in prison. After release the child is given the option of signing a contract to join the SAC program. There are 4 levels in the SAC program, corresponding to the severity of the violent behavior. The first level requires only a donation or volunteer work for a family violence organization; the next level adds a 3-hour seminar to the volunteer work; the third level adds several family counseling

sessions. Finally, juveniles most at risk for future violence are required to attend 17 hours of intense individual, family, and group therapy in addition to the volunteer work or donation. SAC counseling programs interface continually with the legal system; failure to complete the contracted program means increased legal consequences. There has been a high completion rate among SAC Program participants. Recidivism rates appear to have dropped substantially in the early months of the program. 7 references and 1 table.

Descriptors:

abusive children; prosecutorial
diversion programs; parent
abuse; family therapy;
probation; therapy

Rape in Marriage. A Sociological
View.

Finkelhor, D.; Yllo, K.

New Hampshire Univ., Durham.

Family Research Lab.

Chapter in Book

pp. 121-133

Copyright 1985

Publication Source:

In: Lincoln, A. J. and Straus,
M. A. (Editors). Crime and the
Family. Springfield, IL.,
Charles C. Thomas,

Distributed By:

Charles C. Thomas
2600 S. First St.
Springfield, IL 62717

This chapter reviews current research showing that marital rape is a form of violence that occurs frequently but is rarely mentioned. Public attitudes about marital rape are discussed. A brief legal summary is given. Case studies are presented and 3 typologies are developed: battering rapes, nonbattering rapes, and obsessive rapes. 21 references.

Descriptors:

marital rape; spouse abuse;
sexual assault; legislation;
social attitudes; sociocultural
dimensions

Report on the 1985 Community
Program on Domestic Violence.

Norman, C.

Youth and Community Services
Dept., Sydney (Australia).

Proceedings Paper

pp. 175-201

Copyright 1986

Publication Source:

In: Hatty, S. E. (Editor).

National Conference on Domestic
Violence, Volume 1, Canberra

(Australia), November 11-15,

1985. Phillip, A.C.T.

(Australia), Australian Inst. of
Criminology,

Distributed By:

Australian Institute of
Criminology

10-18 Colbee Ct.

Phillip, A.C.T., Australia 2606

This paper reports on research undertaken for the New South Wales Domestic Violence Committee into ethnic women's experience of male violence. The project attempted to identify the major needs of ethnic victims of domestic violence and the resources available to help them. An extensive media campaign was followed by a phone-in survey. Few of the respondents were found to have sought police intervention. Suggestions for improving information dissemination, training service workers and police, developing new services, and expanding women's shelters to help the ethnic battered woman are included. 14 tables and 1 reference.

Descriptors:

publicity; mass media; public
awareness; educational programs;
community programs; wife abuse;
legal rights; social services

Safety for Women: Monitoring
Batterers Programs.

Hart, B.

Training Material

172 pp.

Copyright 1988

Distributed By:

Pennsylvania Coalition Against
Domestic Violence

2505 N. Front St.

Harrisburg, PA 17110

(717) 234-7353

This monograph studies programs for batterers offered by feminist counselors, in an effort to ensure that batterers' programs do not increase the danger to the abused woman. The monitoring process is defined, and a feminist analysis of male violence is offered. Four different models of organizational structure for batterers' programs are given: men's collectives; justice reform projects; in-house projects of battered women's programs; and mental health or social service agencies. Methods of selecting and training counselors are analyzed. It is argued that safety policies must be instituted, and threats made by batterers must be taken seriously.

Other issues considered include male bonding, anger management, intergenerational transmission of violence, and drug and alcohol abuse. Concurrent activities are suggested for victims and their advocates: safety planning, support groups, and monitoring of individual batterers. Appendices offer samples of protocols and forms used in batterers' programs.

Descriptors:

male batterers; womens movement;
abused women; support groups;
program evaluation; group
therapy; court ordered therapy;
batterers therapy

Sexual Assault and Battering: A
Resource Manual for Physicians,
Counselors, and Attorneys.

Colapietro, E. V., (Editor).;

Snider, F. R., (Editor).

Book

75 pp.

Distributed By:

Women's Resource Center of
Winona

51 E. Fourth St.

Winona, MN 55987

(507) 452-4440

This manual provides general information for physicians, counselors, and attorneys working with sexual assault and battering victims. Victim characteristics, needs, and feelings are described.

Intervention guidelines for the professional are suggested; the role of the doctor, counselor, and attorney handling battering and sexual assault cases is discussed.

Minnesota legislation on battering, sexual assault, and crime victim reparation is reviewed extensively in the appendices.

Descriptors:

battered women; sexual abuse; legislation; minnesota; child abuse; physicians role; therapists role; lawyers role

Spouse Abuse: An Annotated Bibliography of Violence Between Mates.

Engeldinger, E. A.

Bibliography

317 pp.

Copyright 1986

Distributed By:

Scarecrow Press, Inc.

P.O. Box 656

Metuchen, NJ 08840

Designed for scholars, students, and clinicians, this annotated bibliography attempts to gather all important literature on the subject of spouse abuse into a single list. Government documents, dissertations, directories, handbooks, scholarly articles, and books are included.

Newspaper articles and audiovisual materials have been omitted. Some of the subjects touched upon include: new legislation; legal remedies; the intergenerational cycle of abuse; women's shelters; child witnesses to family violence; alcohol abuse; batterers' treatment programs; and marital rape. The listing is organized by author, but a subject index is included.

Descriptors:

spouse abuse; legal processes; legislation; child witnesses of family violence; characteristics of abuser; shelters; marital rape; family violence

Summary of National Hearings for the White House Conference on Families.

National Inst. for Advanced Studies, Washington, DC.

Legislation/Hearing

93 pp.

Publication Source:

National Inst. for Advanced Studies, Washington, DC,

This report presents a summary of the testimony delivered at the 7 preconference hearings of the White House Conference on Families. Hearings were held between September 28, 1979 and January 12, 1980 in Kansas, Tennessee, Colorado, Connecticut, the District of Columbia, Michigan, and Washington. Participants included representatives of local governments, professional organizations, advocacy groups, service providers, academic institutions, religious organizations, "grass roots" organizations, and individuals representing themselves. The issues and recommendations are organized according to the 4 major areas of need identified by the White House Conference on Families: families and economic

well-being, families and human needs, families and major institutions, and family challenges and responsibilities. The appendix includes a sample topic outline, a sample review form, and the conference participants list. 16 exhibits.

Descriptors:

family problems; family life; conference reports; social problems; policy formation; national surveys; public opinion; hearings

The Use and Enforcement of Civil Protection Orders for Domestic Violence Cases.

Response.

Journal Article

Copyright 1986

Response.

9(4):24.

This article announces a comprehensive study of the use and enforcement of civil protection orders in domestic violence cases in all 50 States. The product of the investigation will be an issues and practices report that summarizes where and how civil protection orders have proved helpful. Recommendations to increase the effectiveness of civil protection orders will be developed. Persons with relevant statistical or legislative information are asked to contact Abt Associates, the research firm working on the study.

Descriptors:

family violence research; protection orders; legal processes; use studies; law enforcement

Violence Against Elders.

Pennsylvania State Attorney
General's Office, Harrisburg.
Family Violence Task Force.

Technical Report

108 pp.

Distributed By:

Pennsylvania Attorney General's
Office

Family Violence Task Force
Harrisburg, PA

This report briefly discusses family abuse of the elderly, abuse of the institutionalized elder, and stranger crime against elderly citizens in Pennsylvania. Recommendations for improvements in State criminal law, law enforcement, data collection, training, public awareness, and social services are reviewed in detail. Numerous references.

Descriptors:

elder abuse; state government; law enforcement; courts; pennsylvania; elder abuse laws; institutional abuse and neglect; proposed legislation

The Violent Family. Victimization of Women, Children, and Elders.

Hutchings, N., (Editor).

Southern Connecticut State Univ.,
New Haven.

Book

201 pp.

Copyright 1988

Distributed By:

Human Sciences Press, Inc.

72 Fifth Ave.

New York, NY 10011

This monograph examines the various causes and results of family violence. The legal system's approach to victims of family violence is discussed. Specific problems of child abuse, elder abuse, spouse abuse, rape, and pornography are examined. The social worker's roles and responsibilities in treating dysfunctional families are detailed. The text of State v.

Sheppard, 197 N.J. Super. 411, a child sexual assault case, is presented as an appendix. Numerous references.

Descriptors:

child abuse; elder abuse; woman abuse; social work; etiology; sexual assault; pornography; legal processes

Voices Set Free. Battered Women Speak From Prison.

Bauschard, L.; Kimbrough, M. Women's Self Help Center, St. Louis, MO.

Book

161 pp.

Copyright 1986

Distributed By:

Women's Self Help Center
2838 Olive St.
St. Louis, MO 63103

This monograph examines the plight of battered women who have killed their abusers and are now in prison. The women themselves describe a legal system that refused to enforce protection orders, clergy and counsellors who offered no help, and experiences that made them feel so trapped and threatened that they ultimately killed their batterers. Trial experiences in which women's reputations are often ruined, are described. Earlier abuse is often disregarded and a plea of self-defense disallowed. Prison experiences are detailed; guards are often abusive. Shelters, enforcement of family violence laws, and women's self-help groups are suggested as possible mechanisms to keep family violence from escalating to the point where conjugal homicide is the only solution. 14 references.

Descriptors:

battering; conjugal homicide; spouse abuse; case reports; battered women; legal processes; prisons

Volunteer Training Manual of the Family Violence Network.

Family Violence Network, Lake Elmo, MN.

Training Material

376 pp.

Copyright 1987

Distributed By:

Family Violence Network
P.O. Box 854
Lake Elmo, MN 55042
(612) 770-8544

This training manual for volunteers working with battered women is a compilation of materials from battered women's programs in Minnesota. Subjects covered include: battered women, children, batterers, crisis intervention, legal advocacy, sexual assault, racism, and pornography. Victims' rights and the decision-making process battered women face are discussed. Statistics on incidence are

charted. Characteristics of abusers are listed and suggestions for self-help are offered. Definitions of abuse and neglect, advice to volunteers on reporting and counseling, and information for abusive parents are provided. Advice for volunteers on staffing hotlines, counseling, providing legal advocacy, and working with minority groups is also included. Numerous references.

Descriptors:

volunteer training; hot lines; rape crisis centers; children in shelters; crisis intervention; legal aid; battered women; male batterers

The Washington State Domestic Violence Act: An Evaluation Project.

Crane, S. W.; Pahl, P.; Young, J.; Shenk, J.; Mork-O'Brien, J. Evergreen Legal Services, Seattle, WA.

Journal Article

Copyright Summer 1985

Response.

8(2):13-16.

Lack of enforcement of the Washington State Domestic Violence Act led in 1982 to the formation of the Domestic Violence Act Evaluation Project, to study the adequacy of the criminal justice system's compliance with the act and its response to domestic violence in general. Two surveys were conducted, with women who contacted shelters, and with police officials, prosecutors, and judges. The surveys uncovered serious shortcomings in complying with the procedural requirements of the act. This became apparent through interviews with the clients of shelter programs and was verified by interviews with criminal justice personnel.

Descriptors:

washington; evaluation; state laws; spouse abuse laws; law enforcement; police operating procedures; shelters

The Washington State Domestic Violence Act: An Evaluation Project. Part II.

Crane, S. W.; Pahl, P.; Young, J.; Shenk, J.; Mork-O'Brien, J.
Evergreen Legal Services, Seattle, WA.

Journal Article
Copyright Fall 1985

Response.

8(3):9-13.

This article presents the results of interviews with prosecutors and judges about their experiences in implementing the Domestic Violence Act, Washington State's 1979 domestic violence law. The project surveyed 17 city attorneys and 11 county prosecutors; nearly half were not performing 1 or more of the duties specified in the act. One-third had never had any

training in domestic violence casework. Some judges interviewed had little or no knowledge of the act; some were very familiar with it and in favor of its enforcement. Recommendations are presented for police, prosecutors, judges, and battered women's programs to aid in the implementation of the act. Among these recommendations are: treat domestic violence as a serious crime; standardize policy and procedures so that consistent application of the law is ensured; develop legal advocacy programs; and monitor the criminal justice system for compliance. 4 notes.

Descriptors:

washington; program evaluation; state laws; spouse abuse laws; protection orders; legal processes; courts; law enforcement

When Battered Women Kill.

Browne, A.
New Hampshire Univ., Durham.
Family Research Lab.

Book

228

Copyright 1987

Distributed By:

The Free Press
Division of Macmillan, Inc.
866 Third Ave.
New York, NY 10022
\$19.95

Lengthy interviews with 250 battered women, 42 of whom were charged with murder or attempted murder, form the basis for this study, which is presented in a monograph. The intergenerational cycle of family violence is examined, and cultural factors in abuse are considered. The different psychological expectations of men and women in relationships are studied, as is the relationship between sexual and nonsexual abuse. The legal system's treatment of abused women

is detailed. An epilogue provides the dispositions of cases discussed in the text. An appendix describes the interview structure. Numerous references.

Descriptors:

conjugal homicide; battered women; self defense; wife abuse; legal processes; case studies; characteristics of abused; characteristics of abuser

When Battered Women Kill:

Evaluation and Expert Witness Testimony Techniques.

Thyfault, R. K.; Browne, A.; Walker, L. E. A.

Chapter in Book

pp. 71-85

Copyright 1987

Publication Source:

In: Sonkin, D. J. (Editor). Domestic Violence on Trial. Psychological and Legal Dimensions of Family Violence. New York, Springer Publishing Company, Inc.,

Distributed By:

Springer Publishing Company, Inc.

536 Broadway

New York, NY 10012

This article discusses specific issues the expert witness must address in cases where battered women have killed or assaulted their abusers. Also covered are issues that the defendant's attorney must address, evaluation procedures, and testimony issues and techniques. The need for expert testimony from a mental health service provider to educate a judge and jury about the battered woman syndrome is argued. The contribution of the professional from the beginning of a case through the sentencing is reviewed. 21 references.

Descriptors:

conjugal homicide; battered women; expert witnesses; trials;

evaluation; expert testimony; courts; lawyers

Wife Abuse, Husband Abuse, or Mutual Combat? A Feminist Perspective on the Empirical Findings.

Saunders, D. G.

Wisconsin Univ., Madison. Dept. of Psychiatry.

Chapter in Book

pp. 90-113

Copyright 1988

Publication Source:

In: Yllo, K. and Bograd, M. (Editors). Feminist Perspectives on Wife Abuse. Newbury Park, CA., Sage Publications, Inc.,

Distributed By:

Sage Publications, Inc.

2111 W. Hillcrest Dr.

Newbury Park, CA 91320

This chapter constructs a feminist framework for conceptual and empirical analyses. The literature on battered husband syndrome is critically reviewed. Conceptual problems with the notions of self-defense and retaliation are examined. An exploratory study of 52 battered women suggests that women use violence as frequently as men, but that they generally employ it in self-defense. The study methodology is described, in which feminist values were combined with quantitative research techniques. Implications for future research are included. 56 references and 4 tables.

Descriptors:

husband abuse; wife abuse; self defense; prevalence; behavior theories; research methodology

Wife Abuse: The Judicial Record.

Crites, L. L.

Family Violence Program, Honolulu, HI.

Chapter in Book

pp. 38-52

Copyright 1987

Publication Source:

In: Crites, L. L. and Hepperle, W. L. (Editors). Women, the Courts, and Equality. Sage Yearbooks in Women's Policy Studies, Volume 11. Newbury Park, CA., Sage Publications, Inc.,

Distributed By:

Sage Publications, Inc.
2111 W. Hillcrest Dr.
Newbury Park, CA 91320

This chapter reviews the progress made in the criminal justice system in obtaining appropriate sentencing for male batterers. While some changes have been made, evidence is presented that judges have not abandoned the historical view of wife abuse. A pattern of judicial sentences of convicted wife abusers, judicial response to protective order legislation, and statements of judges themselves shows that judges continue to decriminalize battering based on their personal prejudices and belief systems. 32 references.

Descriptors:

spouse abuse; judges role; protection orders; sentencing; courts; judicial decisions; judges sentencing discretion

Women's Rights Handbook.

California State Attorney

General's Office, Sacramento.

Book

175 pp.

Distributed By:

California Attorney General's Public Inquiry Unit
P.O. Box 944255
Sacramento, CA 94244
(916) 322-3360

This manual provides a summary of women's rights in employment, education, housing, credit, health care, domestic relations, and

violent crime in the State of California. Information on legal rights is included, such as resources for victims of violent crime and a directory of statewide services. A synopsis of State laws is also included.

Descriptors:

california; legislation; sex discrimination; legal rights; social services; manuals; state laws

Women, Violence, and the Law.

Select Committee on Children, Youth, and Families (House), Washington, DC.

Legislation/Hearing

187 pp.

Distributed By:

Superintendent of Documents
U.S. Government Printing Office
Washington, DC 20402

A hearing held September 16, 1987 before the House Select Committee on Children, Youth and Families examined the issues of rape, pornography and battering. Legal problems in dealing with family violence were discussed. The complete text of the hearing is provided.

Descriptors:

woman abuse; pornography; rape; battering; battered women; family violence laws

Working With Violent Families. A Guide for Clinical and Legal Practitioners.

Bolton, F. G.; Bolton, S. R.
Arizona State Dept. of Economic Security, Phoenix.

Book

437 pp.

Copyright 1987

Distributed By:

Sage Publications, Inc.
2111 W. Hillcrest Dr.

Newbury Park, CA 91320

This book examines the internal dynamics of the violent family; it is addressed specifically to clinical practitioners, attorneys, and family violence researchers. A review of current knowledge on the social and psychological makeup of the violent family is presented. Specific individuals within troubled families are described, such as the sexual abuse perpetrator, the abused wife, and the adolescent parent. Legal processes are reviewed, focusing on the changes that are taking place in State laws and police practice across the nation. Clinical issues are examined; detailed assessment skills needed to work daily with violent families are offered, with specific attention to sexual abuse, the abused elderly, and conjugal violence. Special issues such as interviewing a child, predicting violence, and dealing with hostile clients are mentioned. Cooperation of the attorney and clinician in formulating an expert witness strategy is also described. Appendices offer resources for further research. Numerous references and tables.

Descriptors:

characteristics of abuser; legal processes; therapy; characteristics of abused; social factors; elder abuse; psychological characteristics; child abuse