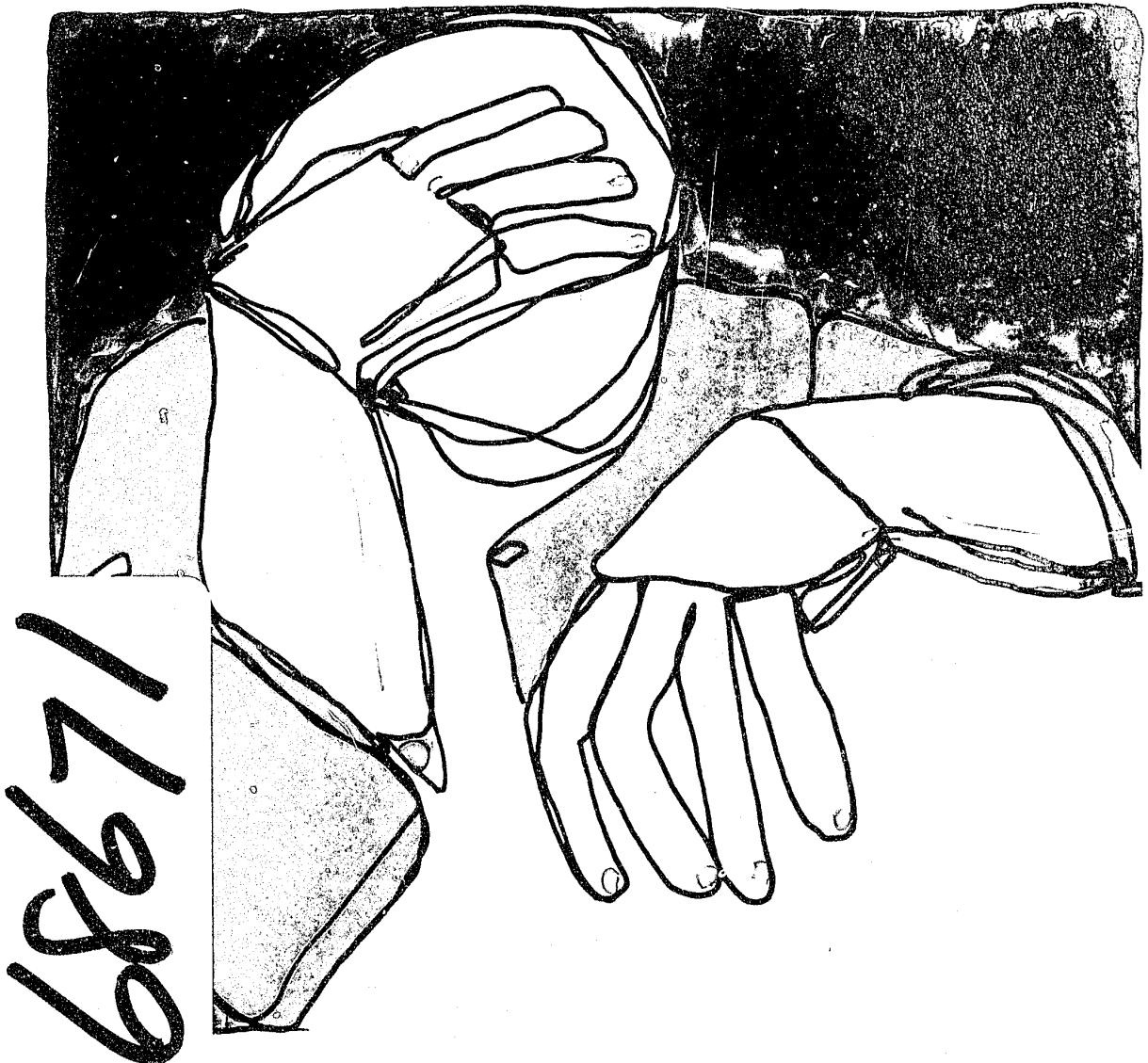


# Battered Women in Hartford, Connecticut

April 1979



—A report of the Connecticut Advisory Committee to the United States Commission on Civil Rights prepared for the information and consideration of the Commission. This report will be considered by the Commission, and the Commission will make public its reaction. In the meantime, the recommendations in this report should not be attributed to the Commission, but only to the Connecticut Advisory Committee.



# Battered Women in Hartford, Connecticut

—A report prepared by the Connecticut Advisory  
Committee to the U.S. Commission on Civil Rights

NCJRS

JUN 23 1980

ACQUISITIONS

## **ATTRIBUTION:**

The findings and recommendations contained in this report are those of the Connecticut Advisory Committee to the United States Commission on Civil Rights and, as such, are not attributable to the Commission. This report has been prepared by the State Advisory Committee for submission to the Commission, and will be considered by the Commission in formulating its recommendations to the President and Congress.

## **RIGHT OF RESPONSE**

Prior to the publication of a report, the State Advisory Committee affords to all individuals or organizations that may be defamed, degraded, or incriminated by any material contained in the report an opportunity to respond in writing to such material. All responses have been incorporated, appended, or otherwise reflected in the publication.

## Letter of Transmittal

Connecticut Advisory Committee to  
The U.S. Commission on Civil Rights  
April 1979

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Stephen Horn, *Vice Chairman*  
Frankie M. Freeman  
Manuel Ruiz, Jr.  
Murray Saltzman

Louis Nuñez, *Staff Director*

Sirs and Madam:

The Connecticut Advisory Committee submits this report, *Battered Women in Hartford, Connecticut*, as part of its responsibility to advise the Commission on relevant civil rights problems within the State. It is hoped that the information will be useful to the Commission's national project on battered women.

This report reviews the problems facing battered women in Hartford, Connecticut. In particular, it looks at the policies and practices of the criminal justice system, including the police, the courts, and the probation department, and at public and private social service agencies, including hospitals, welfare agencies, and shelters for battered women.

The Advisory Committee initiated the project in early 1977. In September 1977 it held an informal public hearing in Hartford and received information from more than 36 witnesses, including battered women themselves, some of whom testified anonymously by a communications system from another room. In addition, the Advisory Committee and Commission staff reviewed 1 month of the Hartford Police Department files and accompanied the Hartford police on a regular tour of duty.

The Advisory Committee concluded that, despite growing public awareness of the problems of battered women, most criminal justice and social service agencies in Hartford do not, at present, provide the assistance needed by these women. The research indicates that the police and courts do not always treat battering with the seriousness it deserves and that staff throughout the criminal justice and social service agencies are not always adequately trained to handle the problems of these women. Public funds to make available the necessary services are also inadequate.

We urge the Commission's support of our recommendations.

Sincerely yours,

John Rose, Jr., *Chairperson*

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## **THE UNITED STATES COMMISSION ON CIVIL RIGHTS**

he United States Commission on Civil Rights, created by the Civil Rights Act of 1957, is an independent, bipartisan agency of the executive branch of the Federal Government. By the terms of the act, as amended, the Commission is charged with the following duties pertaining to discrimination or denials of the equal protection of the laws based on race, color, religion, sex, age, handicap, or national origin, or in the administration of justice: investigation of individual discriminatory denials of the right to vote; study of legal developments with respect to discrimination or denials of the equal protection of the law; appraisal of the laws and policies of the United States with respect to discrimination or denials of equal protection of the law; maintenance of a national clearinghouse for information respecting discrimination or denials of equal protection of the law; and investigation of patterns or practices of fraud or discrimination in the conduct of Federal elections. The Commission is also required to submit reports to the President and the Congress at such times as the Commission, the Congress, or the President shall deem desirable.

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An Advisory Committee to the United States Commission on Civil Rights has been established in each of the 50 States and the District of Columbia pursuant to section 105(c) of the Civil Rights Act of 1957 as amended. The Advisory Committees are made up of responsible persons who serve without compensation. Their functions under their mandate from the Commission are to: advise the Commission of all relevant information concerning their respective States on matters within the jurisdiction of the Commission; advise the Commission on matters of mutual concern in the preparation of reports of the Commission to the President and the Congress; receive reports, suggestions, and recommendations from individuals, public and private organizations, and public officials upon matters pertinent to inquiries conducted by the State Advisory Committee; initiate and forward advice and recommendations to the Commission upon matters in which the Commission shall request the assistance of the State Advisory Committee; and attend, as observers, any open hearing or conference which the Commission may hold within the State.

## **ACKNOWLEDGMENTS**

The Advisory Committee wishes to thank the staff of the Commission's Northeastern Regional Office, New York, New York, for its help in the preparation of this report.

Primary field investigation was conducted by Diane Brewer and Yvonne Griffith, members of the staff; Ellen Farrell, a summer law intern; and Paula Webster, a consultant hired for the project. Research and writing assistance was provided by Linda Dunn, research writer, and legal reviews was provided by Eugene Bogan, regional attorney. Additional staff support was provided by Diane Diggs, Victor Bracero, Sandra Moore, and Susan Pierce. The overall supervision for this project was the responsibility of Jacques E. Wilmore, Regional Director.

The staff of the Publications Support Center, Office of Management, was responsible for final preparation of the document for publication.

## Contents

1. Introduction .....	1
2. The Problem .....	3
Testimony	
Incidence	
National	
Connecticut	
Causes: A Discussion of the Myths	
3. The Criminal Justice System .....	7
The Law	
Execution of the Law	
Arrest	
Prosecution	
Hearing with the Family Relations Division	
Conviction and Sentencing	
Other Forms of Protection	
Bail	
Probation	
Improving the System	
Training	
Alternative Sentencing	
Female and Minority Representation on the	
Police Force	
4. Support Systems .....	19
Shelters	
Hospitals	
Financial Assistance	
Other Support Systems	
5. Findings and Recommendations .....	24
Table	
1. Disposition of Arrests .....	13

# 1. Introduction

The phenomenon of battered women has received increasing attention from the media and, to a lesser extent, governmental agencies. In spite of the increased public awareness and a growing number of "support groups" for battered women, for the most part, the major institutions of our society have done very little to reform or modify policies and procedures to meet the needs of these women.

In January 1977 the Connecticut Advisory Committee to the U.S. Commission on Civil Rights embarked on a study of battered women in the Hartford area and the manner that institutions and agencies responded to their needs. Specifically, the Advisory Committee sought to determine if battered women were denied equal protection of the laws and if they had equal access to social services and social agencies. After a preliminary assessment of the problem, the Advisory Committee cited the following as goals of its inquiry:

1. To create more responsive and effective channels for battered women seeking assistance;
2. To make the public more aware of the severity of the problem; and
3. To rally public and political support for shelters.<sup>1</sup>

The Advisory Committee's inquiry concentrated on the criminal justice system—the police, prosecutors, judges, and the family relations division of the courts—and to a lesser extent, public and private social service agencies—shelters, hospitals, and welfare agencies. Commission staff and Advisory Committee members interviewed more than 60 persons, including battered women and those working on their behalf. With the cooperation of the Hartford Police Department, police files for a 1-month period were analyzed. In addition, staff and an Advisory Committee member accompanied police

in patrol cars for an evening to observe firsthand police handling of complaints of assaults on women by their spouses or male persons with whom they lived.

The Advisory Committee's project culminated in a day-long, factfinding consultation or informal public hearing on September 26, 1977, at the State Capitol in Hartford. During the hearing, the Advisory Committee received testimony from approximately 36 witnesses, including public officials and private citizens, with an intimate knowledge of the manner in which the system reacts to battered women. Among the witnesses were four battered women who testified in open session and six additional battered women, who, to protect their anonymity, spoke through a communications system from another room in the building.

A verbatim transcript of the open session of the Connecticut Advisory Committee was made and is available for inspection at the Northeastern Regional Office of the U.S. Commission on Civil Rights.<sup>2</sup> In addition, the entire proceedings were videotaped. Additional videotaping was done at shelters and counseling services and a 60-minute film has been produced for public distribution.<sup>3</sup>

This project of the Connecticut Advisory Committee is part of a national effort of the U.S. Commission on Civil Rights on this subject. The Colorado Advisory Committee completed a study of the problems of battered women in Denver, and released a report, *The Silent Victims: Denver's Battered Women*, and a color film titled, "A Woman, a Spaniel, and a Walnut Tree."<sup>4</sup> The New Jersey Advisory Committee's project was similar to the Connecticut project and included a factfinding consultation or informal public hearing in Trenton,

<sup>1</sup> U.S., Commission on Civil Rights (USCCR), Connecticut Advisory Committee, "Proposal for Domestic Violence Project," February 1977.

<sup>2</sup> USCCR, Connecticut Advisory Committee, "Transcript of Proceedings, Public Hearing on Domestic Violence," State House, Hartford, Conn., Sept. 26, 1977, vols. I and II.

<sup>3</sup> Groups interested in the film should contact the U.S. Commission on Civil

Rights, Northeastern Regional Office, 26 Federal Plaza, Rm. 1639, New York, N.Y. 10007, or call (212) 264-0400.

<sup>4</sup> USCCR, Colorado Advisory Committee, *The Silent Victims: Denver's Battered Women* (August 1977); film entitled "A Woman, a Spaniel, and a Walnut Tree," (August 1977). Both are available on request from the Northeastern Regional Office.



New Jersey, on December 1-2, 1977. A report of this project, including findings and recommendations, will be published later. Finally, the Women's Rights Program Unit of the national office of the U.S. Commission on Civil Rights sponsored a 2-day consultation in Washington, D.C., on January 30-31, 1978, on the subject.<sup>5</sup>

This report of the Connecticut Advisory Committee that follows is divided into five sections. Section 1 is the introduction. Section 2 includes selected testimony from the battered women who spoke at the informal hearing, data on the incidence of domestic violence, and a discussion of the myths of wife battering. Section 3 provides a description of the law, discusses the arrest process (including the role of the family relations division of the courts and various means of protection that are available to battered women), and raises several suggestions for improving

the system for such women. Section 4 describes support systems such as hospital services, income maintenance, and counseling for battered women. Section 5 contains the Advisory Committee's findings and recommendations.

The Advisory Committee acknowledges the research and assistance of the Connecticut Task Force on Abused Women, a coalition of organizations and individuals who have been actively engaged in trying to do something about the problem. The task force's report, "Household Violence Study, North Central and Capital Regions," was of considerable value to the Advisory Committee in providing background information on the subject.<sup>6</sup> The Advisory Committee extends its thanks to the members of the Connecticut task force for their cooperation and support.

<sup>5</sup> USCCR, *Battered Women: Issues of Public Policy*, a consultation sponsored by the United States Commission on Civil Rights, Washington, D.C., January 30-31, 1978.

<sup>6</sup> Connecticut Task Force on Abused Women, "Household Violence Study, North Central and Capital Regions" (unpublished, March 1977).

## 2. The Problem

### Testimony

It angers me that women have to have hearings and testimony. . . to get a right that was given to them at birth, that is that we are human beings and we do not deserve to be beaten or brutalized.<sup>1</sup>

This expression of anger and despair was voiced by 1 of 10 women who described to the Advisory Committee the beatings they received from their husbands.<sup>2</sup> The history of Ms. F., as she will be identified in this report, illustrates many of the threads in the pattern known as wife abuse. The beatings began during pregnancy. They became worse and occurred more frequently. Her ultimate solution was separation and then divorce. She described the events:

We were married very young. I was 17 years old when I met and married him. Everything was fine up until the day I announced I was pregnant, which was about a month after we were married. He took it pretty badly. I was about 5 months pregnant when the beatings started. The pattern began with slapping his fists on things, throwing things, general frustrations taken out on inanimate objects.

Shortly after my son was born, I became the inanimate object. I was kicked, punched, slapped, and damn-well degraded. I was constantly run down by him. For me, I found the emotional abuse to be more than the physical abuse, but the emotional scars stayed for a long time. (I, 50-51)

She related how the police refused to take her calls for help seriously. She moved out, returned because of financial difficulties, and left again in the middle of a snowstorm with nowhere to go when her husband began beating her again. Finally, after

contacting a support group of battered women, she found a home and later a job on the staff of the support group. She slowly reconstructed a life that had been all but destroyed. (I, 52-53)

Of the 10 women testifying before the Advisory Committee, 8 were white, 1 was black, and 1 was Hispanic. The husbands or lovers, who became batterers, included a military officer, professionals, and working-class men. Each woman had a story of physical suffering, unresponsive social service agencies, and personal hardships and difficulties. Women working in support groups told of similar problems that led them to choose careers so they could help other women who had been physically abused. The following are excerpts from their testimony.

Ms. A. said:

The violence started right when I first was married. It got progressively worse as the years went on. I didn't really sustain serious injuries, but it was a constant slapping, kicking, choking. It never led me to the hospital, but the last few years that I was with him, it was almost nightly that this occurred.

My husband is alcoholic, and that instigated most of the beatings. It could also have happened if any little thing was wrong; this would be enough for him to start hitting or slapping. It could be just a cobweb in the ceiling that could start it. (I, 31)

Ms. D. said:

I don't have any money. I don't have anything. I don't have any place to live, and I'm tired. I've been running, and I've been running, and I'm not going to run anymore. I want to go away. . . . My husband won't get out of the house. He broke my son's arm, and I told the cops. The cops came to the house. He got a lock

<sup>1</sup> U.S., Commission on Civil Rights (USCCR), Connecticut Advisory Committee, "Transcript of Proceedings, Public Hearing on Domestic Violence," State House, Hartford, Conn., Sept. 26, 1977, vol. I, p. 53 (hereafter references to this transcript will be cited in parentheses in the text

with the volumes indicated in roman numerals and the pages in arabic numbers).

<sup>2</sup> Women presenting information at the hearing will be identified by letters A., B., C., etc., throughout the report in order to protect their identity.

on the door, on the apartment door. When I go away, the kids want to eat. He takes the food out of the kids' mouth. And he knocks them on the floor, and he kicks them. . . . All he wants to do is run around. And I cook. He just spits on me; and I let him and say he shouldn't have hurt my son's arm. (I, 41-42)

Ms. E. stated:

I'm now separated from my husband. . . . When I was living in the house with my husband, he tried to kill me. I called the police. They took me to the hospital. I had a lot of black and blue [marks] on my neck and my eyes were black too. My baby was there. . . [while] my husband was hitting me. My baby is only 2 years old. She was crying and telling her father to stop. (I, 46)

Ms. G., founder of a woman's center in Meriden, said:

I'm the daughter of an abused woman. I've seen my mother pushed through picture windows, pushed out of moving automobiles, stabbed with a knife, and one time when I was 9 years old I witnessed what I believed to be my mother's death. She was beaten repeatedly. First, my father broke a coffee cup over her head after spilling boiling hot coffee on her, and he placed the thumbhole of the coffee cup on the middle finger of his hand and kept hitting her on the head with the broken edge of the cup. She passed out and I ran to a neighbor's. We lived in a rural area. I ran to get the police in Colchester, and they responded well; but by the time the police got there, my mother was conscious and all the evidence. . . . When I left there was blood all over the kitchen; and when we came back with the officers, there was nothing. My father was very calm, welcomed the policemen into the house; and I was starting to feel like perhaps I was crazy. (I, 85-86)

## Incidence

### National

The testimony presented here represents the viewpoints of only several individuals in the Hartford

area. An ever-growing number of studies based on police records, hospital reports, and social service agency records document widespread and severe physical abuse of women by men in familial situations. The Federal Bureau of Investigation estimates that battering is more prevalent and more underreported than rape.<sup>3</sup> Further, in 1975 homicide within the family made up approximately one-fourth of all murders and one-half of those killings involved the husband and wife.<sup>4</sup>

Physical abuse occurs in upper- and middle-income homes as well as in poor families, to black, Hispanic, and white women alike. The "batterers" may be professionals, factory workers, or laborers. For certain racial, ethnic, national origin, or cultural groups within our society, the hardship may be even more severe than for white Anglo-Saxon women. In many instances, differences of language and cultural heritage isolate the women not only from social services but also from changing norms and attitudes toward problems such as spouse abuse. In some groups, cultural views of the role of the woman in the family and the traditional role of "machismo" in male-female relationships further intensify the problem.<sup>5</sup>

Further documentation of the problem is provided by the following:

- Approximately 70 percent of the assault victims at the Boston, Massachusetts, City Hospital emergency room are abused women.<sup>6</sup>
- Almost one-third of all female homicide victims in California in 1971 were murdered by their husbands.<sup>7</sup>
- In the District of Columbia, approximately 7,500 women attempted to file criminal charges against their husbands in 1975.<sup>8</sup>
- Montgomery County, Maryland, a wealthy suburban community, reported 660 incidents of wife abuse in 1 year.<sup>9</sup>
- A study by the Kansas City Police Department indicated that 90 percent of the city's family

<sup>3</sup> U.S., Department of Justice, Federal Bureau of Investigation, *Uniform Crime Reports*, 1975.

<sup>4</sup> International Association of Chiefs of Police, Training Key No. 246, "Investigation of Wife Beating" (Gaithersburg, Md.: 1976), p. 1.

<sup>5</sup> Dr. Julia Ramos McKay, psychologist, Institute of Living; Betsy Flynn, counselor, Greater Hartford Community College; John Went, psychiatric social worker, St. Laurence and Memorial Hospital, New London, Conn.; telephone interviews, June 1, 1977.

<sup>6</sup> Betsy Warrior, "Battered Lives," *Houseworker's Handbook* (Spring 1975), p. 25.

<sup>7</sup> Del Martin, *Battered Wives* (San Francisco: Glide Publications, 1976) p. 14.

<sup>8</sup> Center for Women Policy Studies, "Response to Intrafamily Violence and Sexual Assault" (Washington, D.C.: October 1976), vol. I, issue 1.

<sup>9</sup> Bergen County, N.J., Advisory Commission on the Status of Women, "Crimes of Violence Against Women: Rape and Battered Women" (Spring 1977), section on battered women, p. 4.

homicides had been preceded by at least one "domestic disturbance" complaint.<sup>10</sup>

## Connecticut

The Connecticut Task Force on Abused Women was the first group to document in a comprehensive way the incidence of domestic abuse in the Hartford area. In January 1977 the task force established a well-publicized hotline for abused women seeking assistance. At the same time, the task force asked that hospitals, welfare agencies, mental health clinics, and emergency housing units identify battered women among those who requested their services. During the month, a total of 274 abused women were identified. Of those women, 203 called the hotline for assistance and 71 contacted the various social service agencies.<sup>11</sup>

From these women, the task force established a profile of the battered woman that again shows battering to be a phenomenon that affects persons of all races, socioeconomic classes, and occupational groups. Approximately 80.1 percent of the women were white, 15.7 percent were black, 3.4 percent were Spanish speaking, and 0.8 percent were members of other minority groups. Approximately 60 percent did not work and 75.5 percent had children. Of those with children, 40 percent reported that the children were also abused. Approximately 54.5 percent of the batterers were professionals, 27.3 percent were skilled workers, and 18.2 percent were laborers; 57.2 percent had a drinking problem, and 13.9 percent had a drug problem.<sup>12</sup> More complete information is available in the task force's report.

The prevalence of woman abuse has been confirmed by information gathered by the Connecticut Advisory Committee in the course of its study. Hartford Police Capt. Donald Gates estimates that 20 percent of all police complaints are "domestics" or disputes involving family members. He said the majority of calls are those involving husband and wife or "boyfriend" and "girlfriend."<sup>13</sup> Cornelius Shea, a Hartford prosecutor, estimates that 10 percent of the cases in the Connecticut Court of Common Pleas are disputes between relatives.<sup>14</sup> In

its review of the Hartford police files, the Advisory Committee found that there were 178 such cases or 4.4 percent of the 4,050 police complaints filed during March 1977.<sup>15</sup> (The percentage of complaints filed can be expected to be much lower than calls received because "less serious" domestic calls are not reported in the police files. A large number of other minor crimes such as motor vehicle violations, stolen cars, and vandalism attempts become written files to provide documentation for insurance purposes, but "minor" incidents in domestic situations are not recorded.)

Those 178 cases in the Hartford police files indicate that severe battering of women occurs on a daily basis in Hartford. During the 1-month period, a total of 16 persons were assaulted with weapons such as a hammer, razor, ice pick, broom, umbrella, acid from a car battery, knife, Mace, and a bat. A total of 11 persons were hospitalized. Injuries incurred included a broken arm, repeated stabbings, and a knife wound that required 50 stitches. Ten other people were threatened with a gun.

Of the 178 cases, approximately 70 percent were serious physical assaults, threats to kill, or threats with a weapon. The others were slappings, hittings, pushings, or arguments. A total of 166 victims were women and 12 were men.<sup>16</sup> If these data are extended over a year, approximately 2000 women who have been abused in the home could call the Hartford Police Department during a 12-month period.<sup>17</sup> Because the numbers of women who call the police are only a very small percentage of the actual victims, it is easy to estimate that thousands of women need help.

## Causes: A Discussion of the Myths

For centuries, wife abuse has been tolerated, condoned, and justified by many segments of society and by most of its institutions. A woman's second-class status in a male-dominated world is frequently cited as an underlying factor for this type of physical abuse. Traditionally, women have been viewed as "inferior" to men, and wives have been seen as the

<sup>10</sup> Judith Gringold, "One of These Days - Pow Right in the Kisser," *Ms.*, August 1976, p. 54.

<sup>11</sup> Connecticut Task Force on Abused Women, "Household Violence Study, North Central and Capital Regions" (unpublished, March 1977), part 1, p. 5.

<sup>12</sup> *Ibid.*, pp. 6-8.

<sup>13</sup> Capt. Donald Gates, Hartford Police Department, interview in Hartford, Conn., Sept. 6, 1977.

<sup>14</sup> Cornelius Shea, prosecuting attorney, Connecticut Court of Common Pleas, interview in Hartford, Apr. 7, 1977.

<sup>15</sup> USCCR, Connecticut Advisory Committee, "Hartford Police Department Files, March 1977" (October 1977), p. 1.

<sup>16</sup> *Ibid.*

<sup>17</sup> The 2,000 figure is based on the assumption that approximately the same number of incidents of battering are reported every month. However, some studies indicate that the incidence rises during the hotter months and over holidays.

"property" of their husbands. Under English common law, the right of man to beat his wife was legitimized by the "rule of thumb" that permitted the beating provided the stick was no bigger around than the man's thumb.<sup>18</sup>

However, myths concerning the "cause" of battering are widespread. Persons participating in the informal open hearing spoke of these traditional "explanations." These so-called "reasons" include the greater physical strength of the man, frustration arising from unemployment or economic pressure, or alcoholism or drug abuse.

Judge Thomas Corrigan of the Connecticut Court of Common Pleas said, "It's the nature of the physique; more women are smaller than men. . . most men strike out as a show of that very strength." (II, 106) Frank Patti, director of the Hartford family relations office, said that he thought drinking was a major cause of many of the family disputes. (II, 41-2)

However, Lisa Leghorn, director of Transition House, a shelter in Boston, and a nationally recognized writer on the issue of abused women, disagreed with these explanations during her summation of the last day's discussion. Citing a study of wife abuse in New York City in which alcohol was found to be a factor in only 26 percent of the cases, she said, "Alcohol is not the reason for the abuse. Alcohol is simply an excuse to allow them to do it and get away without feeling too guilty about it." (II, 170)

Similarly, she did not agree that unemployment or mental illness were major causes of battering and said that women who were either unemployed or mentally ill rarely resorted to the same outlet of frustration. Ms. Leghorn stated, "Another theory posed is that it [battering] has to do with men's insecurity, and again, I would ask, why don't insecure women beat up insecure men?" (II, 171) She pointed out that there are women who are bigger than their husbands and yet do not beat them up. (II, 174)

An even more dangerous and widely held theory is that the battering occurs because the women like or even invite and deserve it. In interviews with seven police officers prior to the hearing, all seven said they believed that masochism entered into some cases of abuse. At the hearing, one officer said, "There are a

very few instances where women really do enjoy it." (I, 129) Other witnesses disagreed with that officer. Deputy Executive Chief James Bannon of the Detroit Police Department said, "I have yet to find a masochistic woman. . . I have looked at the records and can't find one." (I, 165) Lisa Leghorn also disagreed with that theory and said that the testimony of the battered women's efforts to get help was more than adequate proof of their desire to end the beating. (II, 174-75) Without exception, persons interviewed who are working with battered women denied these women "enjoyed" the beatings they received.

Both Ms. Leghorn and Chief Bannon argued that the exercise of power in its more general sense is behind the physical abuse of women. They argued that the traditional concepts of women as chattels, as property, that have their roots in English common law, have given rise to what Ms. Leghorn characterized as "institutionalized powerlessness for women." (II, 187) She said:

Our society has given men power with virtually no checks and balances, and it is completely ridiculous to think that anybody can be given that power and not abuse that power. Men can get away with it because our system condones it. It condones it openly with such catch phrases as "the man is king of the castle." (II, 187)

Chief Bannon phrased the same idea saying, "The woman is treated as a second-class victim in the criminal system principally because she's been treated as a chattel historically." (I, 165)

Ms. Leghorn argued that an understanding of the real basis for battering was essential to the development of real remedies. Alcoholism treatment centers, however useful in themselves, will not eliminate battering. Instead, she said, women must assume power, politically, financially, and socially. She argued that women must be given equal access to jobs and paid equally for their work, women must be elected to political office, and women must be given more control over their lives. "When society as a whole makes a commitment toward empowering women socially, economically, and politically, that's when the battering of women will stop," she said. (II, 192-93)

<sup>18</sup> Sue E. Eisenberg and Patricia L. Micklow "The Assaulted Wife: 'Catch 22' Revisited" (Ann Arbor, Mich.: University of Michigan Law School, Nov. 1, 1974), p. 3.

### 3. The Criminal Justice System

#### The Law

If a person has been assaulted, hit, or threatened by a man, under Connecticut law the perpetrator may be arrested and charged with a number of offenses. There are three categories of physical assault:

- First-degree assault, a class B felony, covers serious assaults and requires intent to cause serious physical injury by means of a deadly weapon or a dangerous instrument, or with intent to disfigure, destroy, amputate, or disable permanently another person and cause such injury to the person. First-degree assault carries a maximum penalty of 20 years in jail;
- Second-degree assault, a class D felony, covers all intentional assaults with a deadly weapon causing serious injury to another person. Second-degree assault carries a maximum penalty of 5 years' imprisonment and/or a \$5,000 fine; and
- Third-degree assault, a class A misdemeanor, covers three types of conduct: intentionally causing physical injury to another, recklessly causing serious physical injury to another, and criminally negligently causing physical injury to another by means of a deadly weapon or dangerous instrument. Third-degree assault carries a maximum penalty of up to 1-year imprisonment and/or a \$1,000 fine.<sup>1</sup>

Of the three charges, the most common in cases of domestic violence is that of third-degree assault. Other common charges that are also misdemeanors are threatening, disorderly conduct, breach of peace, and harassment. All assault laws apply equally, at least in theory, whether a woman is assaulted by a stranger on the street or by her husband or lover.

<sup>1</sup> Conn. General Statutes, Sec. 53-29, 60-61.

<sup>2</sup> Capt. Donald Gates; Sgt. Arthur Kelly, commander of the Hartford Police Academy; Richard Chester, director of career development; interviews. All Hartford Police Department interviews were held in Hartford, Conn., Aug. 9 and Sept. 6, 1978 (hereafter cited as Gates Interview or Kelly Interview).

#### Execution of the Law

##### Arrest

In Hartford, two patrol cars respond to all domestic incidents. The Hartford police officers typically enter the residence, separate the parties, talk to each of them separately, and then decide upon a course of action. Alternatives open to the police officers are to conciliate the parties, to request one party to leave, to refer the parties to social service or counseling agencies, or to make an arrest.<sup>2</sup>

In many States, if the charge is a misdemeanor, the police officers may make the arrest only if they have witnessed the event. However, in Connecticut officers may make an arrest upon "speedy information" if they believe a crime has occurred. This means the officer must either have visible evidence of a criminal act such as clear physical injury, a believable witness, or a victim who provides the complaint and is willing to do so in court.<sup>3</sup>

Officers say that in practice the willingness of the victim to testify in court is critical to the prosecution. They argue that very few arrests are made because women are often unwilling to act as a complainant and specifically request that the man not be arrested.<sup>4</sup> Many of the police files reviewed by the Advisory Committee substantiated this view that the victim requested the officers not to arrest the man.<sup>5</sup>

In most instances when the potential charge is a misdemeanor, the officer advises the woman of her right to seek a warrant against the man at police headquarters. She is given a "pink slip" to document the police complaint and also to be used in obtaining the warrant. Police officers argue that this system screens out women who are not serious in their intent to prosecute. The time lapse gives the couple a

<sup>3</sup> Gates Interview.

<sup>4</sup> Gates Interview.

<sup>5</sup> U.S., Commission on Civil Rights (USCCR), Connecticut Advisory Committee, "Hartford Police Department Files, March 1977" (October 1977), p. 2 (hereafter cited as Advisory Committee Police Files Study).

chance to "cool off" before the woman chooses her course of action.<sup>6</sup>

However, staff of the Connecticut Task Force on Abused Women said that women with whom they worked said that even though they had received serious injuries, police officers often discouraged them from requesting arrests.<sup>7</sup> Several women testifying at the Advisory Committee hearing also expressed the same view.

Ms. B. said:

Many times I've had the police tell me that there wasn't really any point in having him arrested because he would be out in a couple of hours and come home, and maybe he would set the house on fire and what would I do then? This was right in front of my husband. I felt they were giving him ideas he didn't already have.<sup>8</sup>

Ms. C. stated:

At one time I did call the police, and they came to the house. The only thing they said was, "Now you can't do that. That's not nice to do." It was like a slap on the wrist, but nothing really concrete; and then I had the fear of what my husband's reaction would be to that. (I, 39)

Ms. F. described her experience with the police:

I called the police. I was beaten, bleeding, and a mess. The police came and [my husband] left the house. . . . It was a constant thing of my calling, the police coming, and he splitting. Finally, the police said, "If you don't keep him here, don't call us." And I said, "Would you prefer that I keep him here and he'll kill me and you can come back to take over?" They left. He came back and started in, and my girlfriend upstairs called the police. They arrived. Their response was, "Look lady, he said he didn't beat you. He wants to work things out. You're being unreasonable. Why bother pressing charges? He's going to be out in a little while, and he'll be back." I insisted they press charges. They finally said, "No, and don't call us again." (I, 51-52)

Finally, Ms. H. related the following:

I called the police; and the police said: "Now look, your husband is a hard-working man. So you got six kids. He's supporting you in a pretty nice apartment here. Now, why don't you be

nice and go back and do everything he says to do; and, you know, everything is going to be all right."

I listened to them. Okay? "If you're so church minded, I sure you don't want your name in the newspaper anyway." I thought about that so I didn't press charges.

So the next time it was just worse and worse. So then he banged me around and opened this part above my eye, and I called the police back. The police said to me, "Oh, what happened here?" And I told him. So he said, "Well, okay, we'll see what we can do." And he says, "Well, I might have to take both of you down." And I said "For what? I need to go to an emergency room." And he said, "Okay." Then he turns around, and he says to me, "You really want to press charges?" I said, "Yes, I do." And he said, "Make sure you don't let the blood get in my car." (I, 55)

Although the training manual used by the Hartford Police Department calls for an arrest if necessary, the department's official interpretation of these guidelines is to arrest only as a last resort.<sup>9</sup> At the informal hearing, Sgt. Arthur Kelly, commander of the police academy, listed arrest as the fourth of eight steps in handling domestic disputes, to be used after conciliation, mediation, and referral to other agencies. "Arrest is made as a last resort, and a very minimal number of arrests are made," he said. (I, 117)

The decision to arrest seems to be left ultimately to the officer on the scene, not to the victim. Sergeant Kelly said, "The principal reason for an arrest is the familiarity of the responding officer to that particular situation." (I, 117)

Many attitudes expressed by officers interviewed also suggest that they would not make arrests readily in domestic dispute cases. The officers believed that most women would not prosecute; they thought the arrest would increase tension in the family and lead to the disintegration of the family unit. Most officers thought that the man, if prosecuted, would not be sent to jail and, if he was incarcerated, jail would hurt the woman as well as the man financially because the man would lose his job.<sup>10</sup> However, Capt. Donald Gates had a slightly different view. At

<sup>6</sup> Gates Interview.

<sup>7</sup> Betsey Karl, coordinator, Connecticut Task Force on Abused Women, interview in Hartford, May 17, 1977 (hereafter cited as Karl Interviews).

<sup>8</sup> USCCR, Connecticut Advisory Committee, "Transcript of Proceedings, Public Hearing on Domestic Violence," State House, Hartford, Conn., Sept.

26, 1977, vol. 1, p. 36 (hereafter references to this transcript will be cited in parentheses in the text with the volumes indicated in roman numerals and the pages in arabic numbers).

<sup>9</sup> Kelly Interview.

<sup>10</sup> These opinions were expressed by almost all the police officers

the Advisory Committee's hearing, he said officers acted in accordance with the law and made arrests providing the woman was willing to serve as a complainant. (I, 139-40)

Most officers interviewed said that they warned the woman of these "consequences" before they arrested a man. Others said they were wary of being charged with making "false arrests" and were not certain that the department hierarchy would back up their decision to make an arrest. For a wide range of reasons, several officers interviewed admitted that they "discouraged" women from asking for an arrest in many instances.<sup>11</sup>

Del Martin, the author of *Battered Wives*, one of the first comprehensive studies on domestic violence, points out, "Encouraging people to refrain from exercising their rights could be interpreted as denying them their rights."<sup>12</sup>

Some persons interviewed argued that the woman should not be placed "on trial" at the scene of the incident, and the validity of her charge or her future course of action should not be questioned. They suggested that an arrest should occur whenever there has been physical abuse, if the woman asks to have the man arrested. Some persons maintain that an arrest should be made whenever a criminal act has occurred, regardless of the wishes of the woman.<sup>13</sup>

Attitudes of sexism, often implying a double standard toward the social and sexual roles of women and men, are more difficult to prove, although it is generally agreed they exist. Sexism is "rampant" in the criminal justice system, said James Bannon, executive deputy chief of the Detroit Police Department who served as an expert witness at the informal hearing. (I, 166) When asked about racism and sexism in society and whether those attitudes are reflected in the department, Sergeant Kelly said he thought the department reflected the "society in which it serves." (I, 154) The seven police officers interviewed believed that masochism entered into some battering situations and that some women enjoyed being beaten. In interviews before the hearing, the officers said that they believed some women invited or deserved the beating. One officer recalled an incident of a woman who had received a black eye from her husband and had called the police

to ask for his arrest. The officer said he had refused to make the arrest because the woman, according to her husband, had "drunk up the grocery money." "She had it coming to her," the officer said. Several officers agreed a double standard was applied to the drinking habits and sexual conduct of women and men. Society assumes a woman does not have a right to get angry if a man drinks or "fools around," one officer said. If she is hit for "nagging" him, she "deserves it." However, if a woman is "hit" because she behaves in such a manner, again she "deserves to be hit."<sup>14</sup>

The problem of repeated domestic calls by the same party to the police was discussed. The officers said these calls represented a drain on police resources, placed a burden on already overburdened staff, and tended to affect police attitudes about domestic calls.<sup>15</sup>

At present, officers often arrest both parties after a certain number of calls. One officer recommended establishing a system requiring mandatory counseling for both parties without placing a criminal charge on their record.<sup>16</sup> Chief Bannon suggested that persons who repeatedly call the police without following up on the charges "may have to be sanctioned in some substantial way." (I, 181)

Capt. Donald Gates suggested that because of the complexity of domestic disputes, a backup social service team be available to assist police officers particularly during the high-incidence hours between 4 p.m. and midnight. The team should consist of social workers, lawyers, psychologists, and other specialized staff. (I, 112-13)

In its review of the March 1977 Hartford police files, the Advisory Committee found that less than one-third of the reported police complaints of domestic abuse culminated in arrest. Of the 178 reported calls, 64 persons were arrested. The actual number of calls are undoubtedly much greater because the police only report those cases where further police action may occur. Of 64 persons arrested, 16 felony charges were made. The felony arrests included 5 first-degree assaults, 10 second-degree assaults, and 1 kidnapping. The remaining charges were misdemeanors, including 23 cases of third-degree assault, 5 cases of breach of peace, 4

interviewed and by all four line patrolmen. Interviews were held in Hartford. Copies of the interviews are in the files of the USCCR's Northeastern Regional Office (NERO) (hereafter cited as Hartford Police Interviews.)

<sup>11</sup> Ibid.

<sup>12</sup> Del Martin, *Battered Wives* (San Francisco: Glide Publications, 1976), p. 94.

<sup>13</sup> Karl Interviews.

<sup>14</sup> Hartford Police Interviews.

<sup>15</sup> Ibid.

<sup>16</sup> Officer Ralph Rossi, Hartford Police Department, interview in Hartford, Sept. 6, 1978.



cases of disorderly conduct, 7 cases of threatening, 4 cases of reckless endangerment, and 5 cases of other charges.<sup>17</sup>

## Prosecution

The prosecutor plays an important role for the woman who has been physically abused: first, by approving the warrant requesting the man's arrest; and second, by serving as her advocate and conducting her case in court. In the first instance, the prosecutor approves or disapproves all warrant applications made at police headquarters. Although a judge's signature is necessary before a warrant can be issued, the prosecutor also has the discretion of deciding whether there is "probable cause" that a crime occurred.

According to Cornelius Shea, prosecutor of the Connecticut Court of Common Pleas, only "a very small percent" of warrant applications in battering cases are denied, and then only in cases when the applicant has a past history of asking for an arrest and then dropping charges.<sup>18</sup>

Persons arrested for battering are arraigned in court, where the decision is made, largely by the prosecutor, to refer the parties involved to the family relations division or to continue the case in the court system. Most cases involving misdemeanors are returned to the family relations division for investigation and, if possible, conciliation, providing the accused does not have a prior record. The victims generally are not present in court at the arraignment. If a case goes to trial, the prosecutor represents the complainant. The prosecutor has the authority to decide on the strategy for prosecution, to negotiate the charge with the defendant's lawyer, and to make recommendations for sentencing. A large number of cases are "rolled," legal terminology indicating that the prosecutor has dropped the charges.<sup>19</sup>

According to Shea, in nonjury trials, witnesses, including the complainants, are interviewed for only 1 hour, between 1 p.m. and 2 p.m. before court begins. Because the prosecutor has three or four cases scheduled for trial a day, the prosecutor has only 15 to 20 minutes for each witness before the trial begins.<sup>20</sup>

In many instances, particularly if the victim was not present at the arraignment, her first contact with

the prosecutor is during the hour before the trial. Irving Aaronson, a Hartford assistant prosecuting attorney, said that the woman generally is not included in the plea bargaining process and is not informed of the reduced charges until she appears at the trial. (II, 17) Although the decision to nolle a charge is generally made in the family relations division with the knowledge of all parties, it is possible for a charge to be nolle without the victim's knowledge or consent, he said. (II, 61)

Both prosecutors interviewed said few batterers were sentenced to jail because the majority of victims drop the charges before trial. (I, 56)<sup>21</sup> They denied allegations that prosecutors discourage prosecution and said they encourage women to prosecute. Aaronson said that he believed that "a few convictions" would serve as a deterrent to further battering. (II, 59)

Under the law, the prosecutor may prosecute felony cases and call the woman as a State's witness. The woman, who is a victim, may be compelled to testify against her husband. However, because of the backlog of cases and the difficulty in obtaining a conviction without a willing witness, most persons interviewed said cases in which the woman will not testify voluntarily generally are not prosecuted. Shea said that in "serious" cases, the prosecutor will pursue the case without the woman's consent and compel her to testify.<sup>22</sup> Aaronson said that the State would prosecute, but only in a homicide. (II, 65)

A second reason why few batterers are prosecuted is the nature of the criminal justice system itself. Very few arrests regardless of charge end up in court. Aaronson estimated that less than 3-1/2 percent of all cases, but less than 1 percent of domestic violence cases, go to trial. (II, 14-15) He said that he thought that the system was adequate. "The system is fine, and it will work for the protection of the women. . . but without the component of the victim cooperating, there is nothing the system can do." (II, 57) Aaronson recommended that increased support programs be available to encourage more women to "come forward and testify." (II, 23)

<sup>17</sup> Advisory Committee Police Files Study, p. 5.

<sup>18</sup> Cornelius Shea, prosecuting attorney, Connecticut Court of Common Pleas, interview in Hartford, Apr. 7, 1977 (hereafter cited as Shea Interview).

<sup>19</sup> To nolle a charge, terminology based on the Latin expression "nolle prosequi," is the formal notice by the prosecutor that prosecution of a criminal charge of one or more counts will be ended.

<sup>20</sup> Shea Interview.

<sup>21</sup> Ibid.

<sup>22</sup> Ibid.

## Hearing with the Family Relations Division

The family relations division of the Connecticut Court of Common Pleas has two functions: counseling individuals with domestic problems and enforcing support payments. On occasions, it is asked by the court to investigate misdemeanor charges involving family members. (The division receives only cases involving married men and women. Boyfriend and girlfriend disputes are not within its jurisdiction.) It also receives cases from "off the street"; that is, family members who walk in and ask for counseling.<sup>23</sup>

In fiscal 1977, the family relations division received 8,412 cases from the court. Of those, 5,733 went back to the court for final disposition and the remainder were "resolved administratively"—either conciliated or dropped. More than half of the 5,733 cases were nolle. (II, 36)

The family relations division has a staff of 51 officers. The Hartford office has eight officers, all men, including two blacks and two Hispanics. All officers must have a college degree or a substitute in experience. Officers attend a 2-week orientation program and receive informal on-the-job training by working with the more experienced staff. J.S. Rafala, the division's administrative supervisor, said. (II, 38) The Advisory Committee expressed concern whether the family relations staff were adequately trained to serve in a counseling capacity.

Family relations division officers interview both parties in a complaint referred from the courts and make a recommendation back to the court. The most common recommendation is a nolle, and in almost all cases, the court accepts the division's recommendation. The question was raised whether written reports to the court would be preferable to the oral procedure now in use. (II, 60)

Staff said that although the length of the interview and the number of interviews held with each party vary according to the needs of the case, interviews generally last 15 to 30 minutes and may take as long as an hour. (II, 39-40) In almost all cases, the family relations counselor holds a joint interview with both parties. (II, 42) Members of the Advisory Committee expressed doubt that family relations officers spent enough time with the two parties to reach either a conciliation or the proper recommendation for court action. (II, 59, 66)

<sup>23</sup> J.S. Rafala, administrative supervisor, family relations division of the Connecticut Court of Common Pleas, interview in New Britain, Conn., Apr. 7, 1977.

The division's primary goal is the unity of the family. "If it is at all possible, it is our primary action to save families," said Rafala. (II, 36) "Our office does [everything possible] to keep the family together," said Frank Patti, head of the Hartford office. (II, 67) Advisory Committee members were concerned whether the division's stated goal of preserving the unity of the family conflicted with the best interest of the women.

At the hearing, several women testified that the division had urged them to conciliate with their husbands and drop charges.

Ms. B. said:

During the sessions with the family relations officer the second time, there was a great deal of talk; but he finally ended up suggesting that I drop charges the second time, because, obviously, this was not helping the situation at all; and I was not accomplishing anything by pursuing the charges. So I did sign a paper saying that I would drop the charges. (I, 35)

The division procedures were discussed during the hearing. The prime issue was the joint interview with both the husband and the wife. Rafala defended the joint interviews, saying:

To interview one person one time and then to have another a second time, we are not getting all the facts. We find it better to have them both there and both lay it out for us and see exactly what is going on. (II, 39)

Several women, however, criticized the joint interview process and said they were afraid of talking honestly in front of their husbands.

Ms. B. said:

The first time [he was arrested] we went through interviews with the Family Relations. The second time we did also, and I had to explain to the family relations officer that I was afraid to say much of anything in front of this man; and the family relations officer said, "I can't understand why anybody would be afraid of a man she had been living with all this time." And obviously he did not understand my fear. (I, 35)

When questioned, Rafala said that separate interviews would be held if "there [was] a problem." However, he said he had never "had an altercation when a woman feared to be with her husband in the

same room" since he joined the division in 1963. (II, 68)

The second function of the family relations division is to collect support payments ordered by the court. Several persons who were interviewed at and prior to the Advisory Committee's informal hearing suggested a possible conflict of interest between the division's two roles: hearing the domestic difficulties and collecting support payments. (II, 65)<sup>24</sup> The suggestion was made that the division staff might encourage the two parties to reconcile, although it was not clearly in their best interest, in order to avoid collecting support payments.<sup>25</sup> At the hearing, Mr. Patti said that he did not believe there was any conflict of interest in the two functions. (II, 65)

### Conviction and Sentencing

Although most misdemeanor charges carry a maximum of 1 year of imprisonment for persons convicted, the Advisory Committee found in its review of the March 1977 police files that relatively few men arrested for battering are convicted. Of those arrested, very few are sent to jail. Of the 64 arrests, half the charges were nolle or dismissed. A total of 13 defendants received fines, 7 received suspended sentences (some with fines), and only 3 received jail sentences. Table 1 shows the charges and the disposition of the cases.

A closer analysis of the disposition of these arrests indicates several startling facts:<sup>26</sup>

- There are almost no jail sentences in domestic violence cases. Only 3 people actually went to jail out of 64 arrests. In one of these cases, that in which the longest sentence—6 months—was imposed, the man was also charged with child abuse.
- Approximately half the persons arrested were not prosecuted. Of the 64 arrests, 31 cases were nolle and 1 was dismissed. Those cases that were nolle included both serious felony charges and less serious misdemeanor charges.

There is very little correlation between the facts of the case, the criminal charge, and the actual sentence received. The three jail sentences were for third-degree assault convictions—misdemeanor charges. (In two cases, men went to jail for hitting women: in one case, the report indicates the man hit the woman

with an umbrella in the head, and in the other case, the man hit the woman, presumably with his hand, in the head and eyes.) However, sentences were suspended for a number of apparently more serious felony charges, and in other cases, felony charges were either nolle or dismissed. These cases frequently involved the use of a deadly weapon. Three first-degree assault charges were nolle and one was dismissed. First-degree assault charges were nolle against a man who had allegedly stabbed his wife six times with an ice pick in the chest and back and broken her arm, against a man who was accused of cutting his wife and the wound required 50 stitches, and against a man who was charged with cutting the neck of a woman, threatening her, and setting fire to her sister's car. The case was dismissed against a man who was arrested for allegedly hitting a woman with whom he lived with a hammer. Suspended sentences were received in other felony cases. A man charged with first-degree kidnapping received a \$240 fine and 9 months suspended sentence after he forced the woman into his car, drove her around, and threatened to kill her and her children. A 6-month sentence was suspended for another man who was arrested for cutting a woman with a broken bottle and picking up a shotgun when she tried to defend herself with a knife. The police report indicated that the previous day he had tried to run over her with his car.

● Charges are reduced in cases with no apparent relation to the seriousness of the crime. For instance, the charge of first-degree assault against the man who allegedly was responsible for the wound requiring 50 stitches was reduced to nonsupport before it was nolle.

Prior to and at the Advisory Committee's hearing, police, judges, prosecutors, and other personnel in the criminal justice system discussed the arrest and conviction pattern for batterers and the reasons why few men are sentenced to jail.

Most persons interviewed attributed the large number of nolle and the few convictions to the women victims who decide that they do not want to prosecute and drop the charges. As discussed earlier, the family relations division plays an important role in reaching the decision to nolle a charge, and many charges are nolle as a result of the division's recommendation. Other charges that are never

<sup>24</sup> David Jackson, executive aide to the chief judge of the Connecticut Court of Common Pleas, interview in New Britain, Apr. 19, 1977 (hereafter cited as Jackson Interview).

<sup>25</sup> Members of the Connecticut Task Force on Abused Women, several

meetings and individual interviews, Hartford, 1977 (hereafter cited as Connecticut Task Force Interviews).

<sup>26</sup> Advisory Committee Police Files Study. Data for this analysis may be obtained from the NERO files.

**TABLE 1**  
**Disposition of Arrests**  
**Incidents of Domestic Violence Hartford, Connecticut**  
**March 1977**

<b>First Degree Assaults</b>	<b>5</b>	<b>Threatening</b>	<b>7</b>
Bound over to superior court	1	60 days suspended, 1 year prob.	1
Nolled	3	\$50 fine	1
Dismissed	1	Nolled	4
		No disposition given	1
<b>Second Degree Assaults</b>	<b>10</b>	<b>First Degree Kidnapping</b>	<b>1</b>
60 days suspended, 1 year prob.	1	\$240 fine, 9 mos. suspended, 1 year prob.	1
\$50 fine	1		
Nolled	5	<b>Interfering With Police</b>	<b>2</b>
Charge reduced to assault III		\$25 fine	1
90 days suspended, 1 year prob.	2	\$15 fine	1
Charge reduced to assault III pending	1		
<b>Third Degree Assaults</b>	<b>23</b>	<b>Carrying Dangerous Weapon</b>	<b>1</b>
6 months	1	\$75 fine	1
3 months	1		
60 days suspended	1	<b>Breach of Peace</b>	<b>5</b>
30 days	1	20 days suspended, 1 year prob.	1
\$50 fine	1	\$25 fine	2
\$25 fine	1	\$10 fine	1
Nolled	13	Nolled	1
No disposition given	3		
No information given	1	<b>Disorderly Conduct</b>	<b>4</b>
<b>Reckless Endangerment</b>	<b>4</b>	\$20 fine	1
Bound over to superior court	1	Nolled	3
90 days suspended	1		
Charge reduced to assault III		<b>Criminal Mischief</b>	<b>1</b>
no disposition given	1	\$50 fine	1
Charge reduced to threatening, nolled	1	<b>Criminal Trespass</b>	<b>1</b>
		Nolled	1

Source: Hartford Police Department

investigated by the family relations division are nolle by the prosecutor.

At the Advisory Committee's hearing, two judges said that if the injury was "serious," the man would be incarcerated. (II, 80-81) The two judges were unable to explain the reasons why so few persons received jail sentences among the cases reviewed by the Advisory Committee. The judges said they needed more information on the specific cases, particularly the felony cases, in order to explain the sentencing pattern. (II, 109-10)

At the informal public hearing, the judges spoke about the importance of "keeping the family together." Judge Ramsey was asked whether the goal of keeping families intact was a legitimate role for the family relations division and the court. He responded:

I think it is. I think it should be. It's a goal. It's part of the oath that every lawyer takes when he is admitted to the bar. In any divorce action he is involved in, he is going to do his best to effect a reconciliation. As you know, the divorce statutes have built-in provisions with regard to effect reconciliation if possible because it's believed, and I think rightly so, in our State that the family life is the best institution for a State. (II, 90-91)

Judge Corrigan said, "I would have to agree with Judge Ramsey. It's built into our law to effect reconciliation if at all possible." (II, 91)

This discussion suggests that they believe the goal of "keeping the family together" overrides the criminal charges lodged against persons referred to the family relations division. Judge Ramsey specifically cited the oath taken by lawyers "to effect reconciliation" in civil or divorce proceedings to justify his position that family unity is a legitimate goal of the criminal court. He then concluded that, "family life is the best institution for a State," and implied that there is no incompatibility between family unity, the interest of the woman, and the execution of justice. (II, 91)

The two judges testifying at the Advisory Committee's hearing were not in agreement on whether assaults within the home should be treated similarly to assaults in the street. Judge Corrigan said he treated assaults between strangers more severely than between persons who know each other. (II, 103) He

said, "When the assault is on somebody with a relationship, you have to take into consideration the relationship and the fact that passions do arise." (II, 103) He then related the story of a woman who was stabbed and shot by her husband. The charges were nolle, he said, because the couple was in counseling. (II, 103)

Judge Ramsey said he believed that assaults in the home ought to be treated the same as stranger-to-stranger crimes. He called for "upgrading the position of wives and girlfriends." (II, 104) He stated, "in the past it [domestic assault] has been minimized sometimes, and I think those women should be accorded the same rights that a strange woman gets when she is struck out in the streets." (II, 104)

Both judges said that alternative sentencing is used to some degree, commonly probation with conditions such as attendance at an alcoholism or psychiatric counseling program. (II, 83) Because of the extensive utilization of the family relations division, the rehabilitation alternative is generally not utilized in wife-beating cases. (II, 86)

The judges defended the system of plea bargaining and other negotiated agreements such as the decision to nolle a charge in order to lighten the court caseload. Judge Ramsey said, "We have too few judges, too few court personnel, and too few courts. If every person who was ever arrested decided to try their case out all the way, we'd come to a grinding, screaming halt." (II, 97)

Del Martin, the author of *Battered Wives*, notes that men are imprisoned for cruelty to animals (and cites the story of a man who received 90 days in jail for shooting arrows at a horse). She writes, "If judges would get tough and act like judges, rather than counselors or even practical jokers, perhaps battered women could obtain relief through the judicial process."<sup>27</sup> She criticizes both fines and short prison sentences because the punishment has impact on the wife and calls for sentences commensurate with the criminal act committed.<sup>28</sup>

### Other Forms of Protection

Under Connecticut State law, the courts have the authority to issue bonds requiring "sureties of peace and good behavior" and restraining orders prohibiting a man from returning to his house or abusing a woman.<sup>29</sup> These restraining orders were discussed at the Advisory Committee's hearing. One woman, who

<sup>27</sup> Martin, *Battered Wives*, p. 118.

<sup>28</sup> *Ibid.*

<sup>29</sup> Conn. General Statutes, Sec. 54-5, Sec. 52-471.

lived in Torrington, Connecticut, said when she obtained a restraining order, the police did not enforce it. (I, 63-64) Another woman, Ms. B., said, because of difficulties with her lawyer, it took her more than a year to obtain such an order. (I, 74)

Irving Aaronson, a Hartford assistant prosecutor, said it was "difficult" to impose a restraining order in instances when the two parties were married. He implied that the fact of marriage overrides the fact that a criminal act has occurred—and may occur again. He said:

It is a rather difficult thing in a legitimate husband and wife situation, because how are you going to tell the husband to stay away from the wife, particularly if he working and supporting her. . . .

There really is nothing much that we can do in the way of providing protection for her except [suggest she go] to her sister's or something like that. (II, 53-54)

The Connecticut Legislature passed a law effective October 1, 1977, permitting a spouse who has been physically abused to obtain a temporary restraining order restricting the other spouse for up to 90 days without having initiated divorce proceedings.<sup>30</sup> This act was generally considered to be a positive step in providing protection to battered women who have not yet decided whether to obtain a divorce. However, since only the Connecticut Superior Court now has authority to issue such an order, several persons questioned whether the Connecticut Court of Common Pleas also should have similar authority. (II, 20, 50) John Barry, a public defender in Hartford, said:

I think that most of the cases of battered women come before the court of common pleas, not superior court. If that [the order] is going to be an effective tool, I think it should be applicable also to the court of common pleas. (II, 50)

## Bail

In Hartford, as elsewhere, most persons arrested on misdemeanor charges are released immediately—either on their own recognizance or on a minimum monetary bond. The potential danger to the beaten woman when the man again has access to her was also discussed at the hearing. Capt. Donald Gates of the Hartford police said that high bail was set at the

time of the booking in cases where the man was likely to return and threaten or continue to abuse the woman. He said:

When an arrest is made and the officer comes down and says, "If this guy gets out, he's going to go back and kill her or do serious physical damage to this girl," we will set a high bond. (I, 126)

Other persons interviewed, however, charged that offenders were routinely released on low bail regardless of potential danger to the victim.<sup>31</sup>

Chief Bannon recommended an "instant" bond, requiring the man arrested to pay \$500 or some other fixed sum, to be forfeited if the batterer repeats the offense before his arraignment. (I, 172)

Bail is formally set at the arraignment. Judge Corrigan of the Connecticut Court of Common Pleas said high bond was set if "there is a present danger of the assaulter continuing his work." (II, 101) However, he also said cases referred to the family relations division are referred without bond. (II, 102)

Most persons interviewed agreed that the criminal justice system ought to provide more protection for abused women when the offenders are awaiting either arraignment or trial. Although the intent of the bail process is, ideally, not to protect the victim but to assure the defendant's appearance in court, it was agreed that other alternatives such as bonds and restraining orders should be used to a much greater degree. These alternatives should be easy to obtain and well-enforced, many persons interviewed said. (II, 181)<sup>32</sup>

## Probation

The probation department impacts on the battered woman in two ways: first, when the department makes a presentence report that is used for sentencing, usually in felony cases; and second, when the batterer is released on probation. Because wife-battering cases generally result in misdemeanor charges, the presentencing report that is commonly used for felony cases often is not requested. The supervision provided to a man on probation is very important because the sentence received for battering is commonly a suspended sentence with a year's probation.

Until June 1977, because of heavy caseloads, most probation officers met only with the person on

<sup>30</sup> Conn. General Statutes, Sec. 77-336.

<sup>31</sup> Connecticut Task Force Interviews.

<sup>32</sup> Connecticut Task Force Interviews, Apr. 6, 1977; and Karl Interviews.

probation. The officers did not contact the victim of the crime and spent very little time in the field.<sup>33</sup> However, with the institution of a new "management-by-objectives system," all cases are now rated according to priorities. Terry Capshaw, director of the department, in a written statement submitted to the Advisory Committee said officers now contact both the victim and the probationer every week:

Cases in which physical violence is involved are considered high-risk cases and receive a maximum amount of probation supervision. In such instances when the victim and the accused are related, either through marriage or common law relationships, there would be extensive contact with both victim and probationer. . . . In such high-risk cases, probation contacts under our new system will be on a weekly basis. (II, 160-61)

Mr. Capshaw said that although the officers had approximately 120 cases at a time, he believed that the new management system would enable the officers "to provide adequate service to those on probation who really need it." (II, 162) In addition to regular contact between the probation officer, probationer, and the battered woman, Mr. Capshaw said that he hoped to bring in expert groups such as Alcoholics Anonymous and Marriage Encounter to run group therapy. He said additional funds would be needed for these programs. (II, 165) His other recommendations included more complete diagnostic services to be used by the courts on a regular basis and heavier sentences for the perpetrators. "Lastly, I would say that the courts should take a stricter posture in these cases," he said. (II, 166)

## Improving the System

Although thousands of battered women call the police every year, police intervention frequently does not result in arrest. Some batterers are arrested, but few are convicted. Of those convicted, very few are sent to jail. Del Martin in her book, *Battered Wives*, explains these facts as follows:

The sanctity of the family home pervades the world of law enforcement. A man's home is his castle, and police, district attorneys, and judges hesitate to interfere with what goes on behind that tightly closed door.<sup>34</sup>

<sup>33</sup> Terry Capshaw, director of the probation department, interview in Hartford, May 13, 1977.

At the informal public hearing, Executive Deputy Chief Bannon of the Detroit Police Department, who served as an expert witness, argued that all elements of the criminal justice system must recognize the seriousness of battering. He said:

The so-called criminal justice system, every part of it seems to be too intertwined, so it's difficult to separate out the police or the court, etc. For instance, the courts, in addition to being chauvinistic, are also confronted with a situation of inadequate alternatives to jail, such as work release programs, such as enforced therapy, as somebody talked about this morning, as all different kinds of alternatives. They don't have the alternatives. The court will tell you that they would be perfectly willing to find a husband guilty of assault and sentence him, but not send him to jail because the wife and the family would lose support and make a charge against society for welfare. So prosecutors need to know that the courts, the local courts, view wife abuse as a serious problem of high priority.

Once the prosecutors and the courts agree that that's a priority crime, then the police department will have to view it as a priority crime; but until those things are done, and in that kind of succession, nothing much is going to be done. (I, 178-79)

## Training

Training for both police and court personnel was discussed at the Advisory Committee's informal hearing as a means of improving police and court procedures in relation to abused women.

At present, 1 week of an 18-week training program for Hartford police recruits is devoted to "crisis intervention." This training covers police procedures for all domestic incidents and other crisis situations, including those involving battered women. Although the training manual does not specifically address the issue of the battered woman, Sgt. Arthur Kelly, the police academy commander, said the problem was raised in classroom discussions that supplement the formal training. The academy has developed a comprehensive program on sexual assault and could develop a similar program on battering, he said. None of the inservice training has specifically addressed the problem of battered women, although there is ongoing inservice training.<sup>35</sup> Another training vehicle is information bulletins distributed to the

<sup>34</sup> Martin, *Battered Wives*, p. 87.

<sup>35</sup> Kelly Interview.



officers. One bulletin listing information and referral services for battered women was issued by the department in January 1977. The bulletin, prepared by the Connecticut Task Force on Abused Women, gives an extensive list of the rights of and services available to battered women. Although it was included in the clip file of all the officers interviewed, very few of them were familiar with its contents or had used it extensively.<sup>36</sup>

Training is also available to court personnel. Seminars are held for the judges in the court of common pleas on a regular basis. At the time of the hearing, a seminar on domestic violence had not been given.<sup>37</sup>

### Alternative Sentencing

Jail sentences are generally considered to penalize the victims of battering situations because the jail sentence generally caused the man to lose his job and penalized the woman financially. Alternative sentencing was discussed at the Advisory Committee's hearing as a means of carrying out the law without unduly hurting the woman.

Judges and court personnel interviewed said the alternative sentencing commonly used was probation with required attendance at alcoholism or psychiatric counseling programs. Other persons interviewed criticized these alternatives and suggested that required attendance at drinking or counseling programs reinforced the notion that the physical abuse of a spouse is not a crime. Many persons suggested that the physical abuse of a spouse must be recognized as a criminal act and must receive criminal sanctions before it will be eliminated.<sup>38</sup>

The suggestion was made to mete out jail sentences with the stipulation that the man return to the jail at night and on weekends. Work release programs of this nature would not threaten the man's job or his income, and yet, the jail sentence would serve as a clear reminder of the criminal nature of the act committed and the seriousness with which society views (or should view) woman abuse.<sup>39</sup>

<sup>36</sup> Hartford Police Interviews.

<sup>37</sup> Jackson Interview.

<sup>38</sup> Executive Deputy Chief James Bannon, Detroit Police Department, "Presentation on Police Difficulties with Female Battering Cases," prepared for the Connecticut Advisory Committee's informal public hearing, Sept. 26, 1977, p. 9.

<sup>39</sup> USCCR, Connecticut Advisory Committee, meeting in Hartford, May 6, 1978.

<sup>40</sup> Chief Hugo S. Masini, Hartford Police Department, letter to Jacques E.

### Female and Minority Representation on the Police Force

As of May 1978, the Hartford Police Department had 410 sworn personnel, a reduction in the uniformed staff from 505. Of those, 6 were female, 53 were black, and 10 were Hispanic.<sup>40</sup>

Three of the four female officers who serve as regular patrol officers were interviewed. They said that they did not believe that women were necessarily of greater assistance or better equipped than male officers to deal with domestic disputes. In such cases, the female officer generally interviewed the man and the male officer interviewed the woman because the woman too often expected the female officers to be biased in her favor. All three officers believed, however, that the male and female police team was more effective than two males at handling these disputes.<sup>41</sup>

According to the 1970 census, the city of Hartford is 27.9 percent black and 7.6 percent Hispanic.<sup>42</sup> A significantly higher number of black and Hispanic families are poor (45.5 percent of the families below the poverty level are black and 21.8 percent are Hispanic).<sup>43</sup> They, as most poor people, have less access to other forms of assistance such as lawyers, divorce courts, or psychiatric counseling. Thus, a higher percentage of black and Hispanic women call the police for assistance in domestic difficulties than their representation in the population or than the middle- and upper-middle-income women who go elsewhere for assistance. Of the 166 women victims in the Advisory Committee's review of the Hartford Police Department's files, 96 or 57.8 percent were black, 26 or 15.7 percent were Puerto Rican, and 38 or 22.9 percent were white.<sup>44</sup>

Persons interviewed all agreed that the low number of Hispanic police made it more difficult for Spanish-speaking women to communicate with the officers. In the one Hispanic family visited by the Advisory Committee members and Commission staff during the police patrol, both the man and the female victim spoke limited English. It was clear that the English-speaking officers had difficulty explaining

Wilmore, Regional Director, NERO, p. 1 attachment, Aug. 10, 1978, available in NERO files.

<sup>41</sup> Officers Deborah Jenkins, Barbara Moriarty, and Sharman Douglas, interviews in Hartford, Sept. 6, 1977.

<sup>42</sup> U.S., Department of Commerce, Bureau of the Census, *1970 Census of Population*, vol. I, *Characteristics of the Population*, part 8, *Connecticut*, tables 23, 97.

<sup>43</sup> *Ibid.*, tables 90, 95, and 101.

<sup>44</sup> Advisory Committee Police Files Study.



the alternatives to the woman and trying to conciliate the situation.<sup>45</sup> Persons interviewed said that the hiring of additional minority male officers must be

<sup>45</sup> NERO staff and Connecticut Advisory Committee tour with the Hartford police, Sept. 13, 1977.

accompanied by the development of an effective training program in wife abuse and sexism for all male members of the force.

## 4. Support Systems

### Shelters

For a battered woman, who is afraid for her physical well-being and perhaps for her life, housing for herself and her children is the first and most critical need.

Emotionally and psychologically as well as physically abused, she needs not only physical shelter but also emotional and psychological support. Shelters for battered women were first established in England as places where women and their children could take refuge from battering husbands and male companions. In addition to food and lodging, most shelters offer counseling, discussion groups, and other support services. They are frequently staffed by women who have experienced battering themselves. Because of the isolation that occurs in most battering situations and the emergence of guilt and shame in the women, who often feel they are responsible for being battered, the exposure to and support from women who are in the same situation are considered to be critical to the success of these programs.

In Connecticut, the first shelter established for battered women was the Prudence Crandall Center that opened in New Britain in 1975. In 1976, a series of host homes, private residences where such women are given lodging, were set up in Meriden. At the time of the Advisory Committee's informal hearing, a group called Hartford Interval House was seeking funds to establish a shelter.<sup>1</sup>

Although there was no shelter specifically for battered women in Hartford, the Salvation Army offered emergency housing for women and children during that time. The family shelter, one of two housing units at the Salvation Army, consisted of 15 beds in four suites. Women, who pay according to their ability, receive their meals, counseling on an informal basis, and assistance in finding permanent housing, jobs, etc. William Descoteaux, the shelter's

director, said that from January 1, 1977, to August 31, 1977, the shelter housed 46 battered women. (I, 98) During that period, the emergency shelter program was operating in the red. (I, 100) Mr. Descoteaux called for increased programs and funding for battered women in Connecticut:

We have serviced those battered women that we have been able to admit according to our capacity. We have turned battered women away. I would simply reinforce what my colleagues have said thus far---there are not enough community resources in the Greater Hartford area or in Connecticut for the battered women. We have had the experience of having battered women referred to us from virtually every corner of the State of Connecticut. (I, 99)

The Prudence Crandall Center in New Britain is a six-room apartment providing temporary residence for battered women. The apartment includes two bedrooms for women and their families, living areas, and a room for the resident counselor. In addition to physical shelter, the center provides counseling, referrals regarding financial and legal assistance, housing, employment, and support groups consisting of other women who have been battered. (I, 82)

From October 1975 to July 1977, through its hotline, the Prudence Crandall Center received information concerning about 190 cases of battered women. The center housed 24 cases that included 78 women and children. (I, 83) The center also houses women who are in need of emergency shelter for reasons other than battering. From December 1976 to December 1977, the center received grants of approximately \$15,000, primarily allocations under the Housing and Community Development Act. (I, 82-83)

Pat Downs, the resident counselor at the shelter, stressed the growing need for shelters and services.

<sup>1</sup> U.S. Commission on Civil Rights (USCCR), Connecticut Advisory Committee, "Transcript of Proceedings, Public Hearing on Domestic Violence," State House, Hartford, Conn., Sept. 26, 1977, vol. 1, pp. 93-5

(hereafter references to this transcript will be cited in parentheses in the text with the volumes indicated in roman numerals and the pages in arabic numbers).

She said, "There is a dramatic increase in the number of women who seek assistance." (I, 83) Following the Connecticut Task Force on Abused Women's campaign to educate the public on the problem of battering, the number of women seeking assistance escalated. Ms. Downs said:

In the first 3 months of 1977, during and following that publicity, the number of battered women who contacted Prudence Crandall [Center] was approximately equal to that of the previous 7 months. Both the number of battered women who have sought our assistance and the complexity of their cases have increased beyond our anticipation. (I, 84)

In Meriden, five host homes and a women's center offer services to battered women. Liz Hungerford, organizer of the center, said that the center initially served 5 cases a month and now serves 33 cases a month. "We're still not meeting the needs," she said. (I, 88)

Although all shelter staff interviewed called for more shelters to assist abused women, they recommended the shelter only as a short-term solution and not a totally satisfactory one. (II, 188-89) Several persons suggested, apart from long-term solutions such as altering the basic power structure of society, that other alternatives should be considered to provide satisfactory emergency housing for battered women. James Bannon, executive deputy chief of the Detroit Police Department, suggested that the man, not the woman, should be required to leave the house and temporary shelters should be established for them. (I, 168, 184)

## Hospitals

Police officers regularly refer abused women to hospital emergency rooms for medical treatment. Other women report to hospital emergency rooms on their own and, in some cases, the emergency room is these women's only contact with a social service agency. The most common injuries are cuts and bruises of the face and head, breast injuries, and abdominal injuries, particularly in pregnant women. These women generally do not require admission to the hospital.

<sup>2</sup> USCCR, Connecticut Advisory Committee, "Background Report for Informal Public Hearing on Battered Women, Hartford, Conn., Sept. 26, 1977." Material based on interviews with Dr. Kenneth Godlash, director of medical ambulatory services, Hartford Hospital; Dr. Philip Stent, director of ambulatory services, St. Francis Hospital; and Dr. Charles Parton,

Three hospitals—Hartford Hospital, Mt. Sinai Hospital, and St. Francis Hospital—serve the Hartford community. It was beyond the scope of the Advisory Committee to review the quality of medical treatment; however, the Advisory Committee was concerned about whether the hospitals identified battered women and then provided counseling or at least referral services to them. At the time of the hearing the three hospitals routinely did not identify cases of battering. In most instances, if the women offered the information either on their own or in response to a routine question, the information was included on their medical records.<sup>2</sup> In those instances, the women are referred to the social worker for further assistance. Most hospital social workers are on duty and work from 9 a.m. to 5 p.m. and frequently contact the women who come into the hospital after 5 p.m. the following day. An exception is the Hartford Hospital social workers who are available on call on a 24-hour basis.<sup>3</sup> Therefore, most battered women, who receive injuries and seek treatment during the night, are unable to see the social worker at the time of treatment. It is generally believed that these women are less likely to respond to a call from a social worker at a later date, such as the following morning.

At the informal public hearing, Dr. Anne Flitcraft, who has done a study of the incidence of battering at the Yale-New Haven Hospital, made a strong statement on the changing role of urban hospitals and particularly the emergency services they provide and called for more services for battered women. She believes that the need for increased specialization to provide primary medical care in community disasters, such as fires and floods, often overrides another growing need—to provide a broader range of care for the urban poor and other persons who use the emergency room as their major and often sole source of medical assistance. As a result, she said, battered women often interpreted the emergency room physician's "exclusive concerns with acute care" as "insensitivity." (II, 118-19)

In regard to battered women, Dr. Flitcraft suggested that a request for what appeared to be minor medical treatment was related to far greater trauma. She said that what "the emergency physician typically ascribes to inappropriate demand (for

director of ambulatory and community medicine, Mt. Sinai Hospital (hereafter cited as "Background Report").

<sup>3</sup> "Background Report" (n.d.), material based on interview with Helen Brown, director of social work, Hartford Hospital.

emergency room treatment) is one of the most important requests for help in our society." (II, 120)

The study of battering conducted by Dr. Flitcraft and an associate, Dr. Evan Stark, concluded that most medical reports were an unreliable means of identifying battering. Dr. Flitcraft said:

The perceived incidence of battering based on a single incident report was only 2.8 percent, but the actual prevalence of battering based upon the entire medical record approached 25 percent of all women treated for injuries during this month." (II, 121) Dr. Howard Wetstone of Hartford Hospital reported a similar unreliability in using single medical reports to document the incidence of battering. (II, 115)

The Flitcraft and Stark study indicates the importance of increased medical intervention in battering cases. The rate of miscarriages among battered women is five times greater than that of nonbattered women. Approximately 28 percent of battered women tried to commit suicide at least once; 24 percent became addicted to alcohol or drugs; 37 percent sought aid in psychiatric emergency rooms; 28 percent went to local community mental health centers, and approximately 15 percent were eventually committed to State mental hospitals. (II, 122) According to Dr. Flitcraft, the vast majority of these psychosocial problems, including suicide and drug and alcohol abuse, emerged after the beatings began.<sup>4</sup>

The Flitcraft and Stark study concluded:

Battered women utilize the medical emergency room to a greater degree than non-battered women; but here and in medical clinics are dismissed as hypochondriacs, hysterics, or neurotics and again treated with minor tranquilizers or psychiatric referrals. . . .

The therapeutic imperative of emergency room intervention in battering appears to be a clear implication from these findings—for despite the many attempts of battered women to seek intervention in presently available psychiatric facilities, the syndrome of escalating violence and incipient self-destructive behavior emerges. It is hoped that this will serve to deter those who should simply continue doing 'more and better of the same' for clearly, the referral patterns

which presently trap battered women are contributing to the emergency rather than solution of problems.<sup>5</sup>

Dr. Flitcraft described a rape-crisis team at Yale-New Haven Hospital made up of social workers and nurses. Some of the team volunteer their time to cover the emergency room on a 24-hour basis and serve as advocates for women who have been raped. She suggested providing this kind of assistance for battered women. (II, 128-29)

The issue of identifying and of reporting cases of battering was discussed at the informal public hearing. Some doctors felt that the patients might be "resentful of further probing" if staff attempted to learn the causes of their injuries (II, 131), and several doctors opposed the mandatory reporting of such cases to a public agency. (II, 117, 132) One doctor, however, supported reporting the cases, provided it was done in a confidential way, to an agency "that knew how to handle it." (II, 132) Persons at the hearing and those interviewed prior to the hearing generally agreed that increased sensitivity was needed on the part of emergency room personnel, both to better identify and assist the victims. "I think our problem is continually raising the consciousness of the people working there [in the emergency room]," said Dr. Philip Stent of St. Francis Hospital. (II, 133)

Dr. Howard Wetstone of Hartford Hospital said rising medical costs, increased financial pressures, and competing medical demands greatly limited medical resources. He said:

I need not recite for you the litany of all the other situations we are in. In each one of them, we could argue we are in an epidemic situation, and we are in a period of time when our State wishes to control the expenditures that can be made in the area of health. So the resource allocation process will not become easier. . . I think that it's reasonable to suggest that if people feel intently about any particular issue, they will have to pursue it vigorously. (II, 125-26)

## Financial Assistance

Economic dependence may be the single most important reason why women stay in battering

<sup>4</sup> Dr. Anne Flitcraft writes: "Prior to the onset of battering, the records of abused women appear to be indistinguishable from those of their non-battered counterpart. But subsequent to battering we found their psychosocial profile to be sharply distinct." "Summary of the Pilot Study: Battered Women as seen in the Emergency Room," p. 1, unpublished, available in USCCR's Northeastern Regional Office (NERO) files.

<sup>5</sup> Dr. Anne Flitcraft, "Excerpts from An Emergency Room Epilgy with a Description of a Clinical Syndrome and Critique of Present Therapeutics" (thesis, Yale Medical School, 1977), pp. 124-25, available in NERO files.

situations, so the availability of financial assistance to enable an abused woman to make the decision whether or not to leave her husband is critical. In Connecticut, as in other States, two kinds of public funds are available for women in this circumstance: the general assistance program for single persons or married persons with no children and Aid to Families of Dependent Children (AFDC) for families with children and one breadwinner. The first program is run by individual localities and the second by the State. In addition, emergency assistance is available on a temporary or interim basis through the general assistance program.

Recipients of both programs must meet income eligibility requirements for themselves and for their legal relatives. Resources in excess of \$250 must be used and liens are put on all property.

Prior to and during the Advisory Committee's informal hearing, women who applied for funds in order to leave battering husbands discussed several problems. First, if the woman herself owns any property, a lien is put on that property. If she owns her home but has never worked, her house is not only her place of work but also the only monetary asset connected with her work. Second, if a woman's husband has assets or income, she must have initiated a formal legal separation in order to obtain assistance. In these instances, application must be made through the family relations division of the Connecticut Court of Common Pleas. Third, when a woman whose husband is working receives assistance, the city or State may demand reimbursement from her husband. Several persons interviewed suggested that when the husband was unwilling to reimburse the city or State and told the welfare staff that he wanted his wife to return, some staff members encouraged the woman to go back and even made it difficult for her to obtain money.<sup>6</sup> Fourth is the question of eligibility for emergency assistance. Because there is a time lapse in obtaining funds through either of the two programs, recipients who need money immediately may apply for emergency assistance through the city's general assistance programs. Regulations provide that these funds may be used for a number of situations, including fires, floods, and other natural disasters, but not physical abuse cases. Although funds are often made available for battered women, several persons interviewed said they believed it would be easier for battered

women to obtain funds if the regulations included a specific reference concerning eligibility for aid to victims of spousal abuse.<sup>7</sup>

Testimony at the hearing suggested that many of these problems are intensified because requirements for general assistance vary from one town to another and, despite the State's minimum requirements, applicants find it easier to obtain money in one place than in another. (II, 137) John Ely, then director of State adult social services, said the State had just developed a manual for the towns and cities to make procedures more uniform. (II, 148) At present, neither program attempts to identify battered women unless the problem is specifically raised in an interview with a social worker. (II, 148) Social workers, both in the Hartford and in the State programs, are trained specifically on the problem of battering. (II, 149) However, in interviews prior to the hearing it was suggested that social workers rarely identified cases of battering because of the heavy caseload and for other reasons.<sup>8</sup> Nancy Fleming, director of casework of the Hartford Department of Social Services, made the following recommendations:

- First, a State takeover of all general assistance programs. "In the present system, the battered woman literally becomes a victim of a second battering—a bureaucratic shifting between State and local programs and sometimes between one local program and another," she said. (II, 137)
- Second, the creation of a privately administered discretionary fund "to deal with those situations where public funds or the woman's own resources are not available." (II, 137)
- Third, State-sponsored emergency shelters for women throughout the State "so that victims of batterings do not have to flee from rural and suburban areas to Hartford or other major cities to utilize this type of emergency resource." (II, 137)

### Other Support Systems

At the hearing, Mrs. B. described the despair, emotional insecurity, and feelings of inadequacy she experienced at the time she was being abused:

I believed it was something I was doing wrong; and then as the years progressed the situation kept happening over and over again with so many different situations that I finally realized it

<sup>6</sup> Members of the Connecticut Task Force on Abused Women, several meetings and individual interviews, Hartford, Conn., 1977.

<sup>7</sup> Ibid.

<sup>8</sup> Nancy Fleming, interview in Hartford, Apr. 19, 1977.

was not me, it was him. But by this time my self-esteem had hit pretty low bottom, and I had no job then and did not finish my education so that I felt somewhat trapped. I had no money of my own. . .and I felt really like a prisoner; and the more I felt that way, the more I went into myself and was unable to help myself. (I, 37)

Many support systems are needed to help women who are considering leaving their husbands, and perhaps their houses and social environments. These include counseling, medical assistance, legal advice and assistance, and referrals for jobs and housing. Many of these needs are filled to some degree by the shelters or the women's centers that initially receive the women. However, as stated earlier by persons interviewed, these shelters are few and the counseling staff in no way reaches all women who need help. Further, after the women leave the shelter, they are on their own as they apply for public assistance, attempt to obtain restraining orders against their batterers, or select an attorney to file for a divorce.

Women testifying at the hearing described problems they encountered in obtaining services from the often too-complicated bureaucracies and criticized the attitudes of some persons in those bureaucracies. Ms. H. said:

This is another reason why so many go back to the same situation; it seems like every door that you can knock on is closed. You go to any social service agency; they refer you to somebody else; and all you get is the runaround; and they look at you as if you're plain old trash. (I, 56)

Again and again during the informal public hearing, persons involved in helping battered women called for increased public funding for shelters and support groups. In Connecticut at the time of the hearing, Federal Law Enforcement Assistance Administration (LEAA) funds were being used for shelters. Although Title XX funds of the Social Security Act may not be used for capital or operating expenses for shelters, they may be used for support services. In Connecticut, Title XX funds were not used for such services. At the State level, the 1977 legislation allocated \$75,000 to the Connecticut Department of Social Services to establish shelter programs throughout the State. (II, 141) John Ely, then director of the State department of adult social services, described the difficulty he experienced in allocating the limited State funds among the many shelter proposals received by the department and suggested expanding the new State law providing protective services for the elderly to include other groups of victims such as battered women. (II, 141-42)

## 5. Findings and Recommendations

As the women's movement has slowly forced the issue of wife abuse into the public eye, society and its institutions are being asked to recognize the unequal position of women, not only in the family, but throughout the social structure. Although there is growing recognition that the phenomenon of battering is widespread and that battered women need help, attitudes that gave rise to the beatings in the first place are slow to change, and institutions are even slower to respond and are not equipped to provide the needed assistance.

The Advisory Committee found that by and large the criminal justice system and social service agencies in the Hartford area do not provide the assistance physically abused women need. Many staff persons in these agencies and organizations fail to understand the complexity or the depth of the problem, and their attitudes intensify the institutional barriers facing abused women seeking help. Because of the enormity of the problem, change in one institution clearly can only be effective if there is change throughout the system. Women who leave their batterers not only need immediate financial assistance, they also must be able to receive training, acquire skills, and obtain jobs in order to become financially independent. These women also need assistance from their peers and other organized support groups to become independent emotionally and socially.

The Advisory Committee was outraged to find that some persons, particularly in the criminal justice system, still think that some women "enjoy" being beaten and, therefore, may not treat such incidents with the seriousness that they deserve.

In reviewing the criminal justice system, the Advisory Committee found too many cases in which batterers, who are first charged with serious misdemeanors or felonies, ultimately receive nollees or reduced charges that fail to reflect the seriousness of the injuries inflicted.

The Advisory Committee believes that battering exists because society lets it happen. The causes or attitudes that permit battering to happen are ingrained in our system. The physical abuse of women will cease to be a common occurrence only when society decides such abuse is wrong and recognizes it as a criminal and illegal act and punishes it accordingly.

### Police

#### Findings

1. At present, many Hartford police officers do not, in many instances, treat an assault by a man upon his wife or his female companion as a criminal act requiring arrest. In most "domestic disputes," the official policy is to make an arrest only as a last resort, and frequently police officers actively discourage women from filing charges. Some women's groups charge that this policy of nonarrest prevails even in serious batterings. Officers interviewed said they were often unwilling to make arrests because they believed that the women would not prosecute or that the arrests would disrupt the unity of the family. It is the opinion of the Advisory Committee that these factors should not be considered in making an arrest. Generally, it is left to the discretion of the line officer at the scene of the incident to determine whether an arrest should be made.

The Advisory Committee found that some officers exhibit sexist attitudes toward abused women, and many officers do not seem to understand the complexity of the problems. Attitudes of blaming the victim—or suggesting that the woman wants or deserves to be beaten—are all too prevalent.

2. Police training in this area is inadequate. There are little or no inservice training programs to continue sensitizing officers and to combat sexism in the department. Although officers are trained in crisis intervention in domestic disputes, the physical

abuse of women in familial situations is not recognized and treated as a special criminal problem.

3. The Hartford Police Department fails to identify and count incidents of battering. The lack of documentation makes it difficult to build a case for obtaining further funding and resources.

### Recommendations

1. The police chief should issue new guidelines, related to arrest in cases of battering, requiring all officers to clearly inform a woman of her rights and options and emphasizing the police authority to make arrests when they have "probable cause" that a beating has occurred. The decision whether or not to press charges should be left to the discretion of the woman. Clearly, the woman should not be discouraged from filing charges.

2. The police chief should issue a directive ordering officers to take a more active role in referring women to other agencies for assistance. The department should develop a referral card listing agencies and services for battered women and order officers to distribute the card. Officers should be briefed on and encouraged to use the information provided by the Connecticut Task Force on Abused Women.

3. The police department should identify and count incidents of battering by including such a category on the police report form and by computerizing the information. This information should be provided to line officers responding to "domestic" calls for their own protection.

4. The police academy should develop inservice and recruitment training programs solely on the issue of battered women. It is imperative in the development of such programs to secure the active assistance of feminist organizations and shelter groups on an ongoing basis.

5. The police department should hire additional female police officers in order to increase female representation on the police force. The presence of such officers should help decrease sexism in the department and make possible the deployment of more male-female teams in domestic situations.

6. The police department should hire additional Hispanic officers. The agency referral card should be translated into Spanish in order to facilitate communication with Spanish-speaking women.

## Prosecutor's Office

### Findings

1. There is inadequate contact between the prosecutor and the complainant before trial. The woman is rarely present at the arraignment when her case is often referred to the family relations division. The woman also is frequently not involved in the plea bargaining process.

### Recommendations

1. Additional staff should be hired and/or a new approach to the handling of cases developed to give priority to domestic violence cases in order to enable the prosecutor's office to serve more effectively as the advocate for battered women. An advocacy or victim's assistance center should be established in the prosecutor's office to assist victims of battering in prosecuting their cases as well as to help them find solutions to their nonlegal problems. The woman should be informed of and allowed to participate in the referral and in the plea bargaining process. Battering cases should not be discussed or nolle without first involving the victims. A charge against a battering "repeater" should not be nolle in any case.

2. Seminars on battered women should be held for prosecutors in conjunction with feminist organizations or local shelter groups for battered women.

## Family Relations Division

### Findings.

1. The family relations division does not provide adequate protection for the rights of battered women. The division's clearly stated goal of preserving family unity may be incompatible with the interests of the battered women.

Current procedures do not assure the just adjudication of domestic disputes, including battering cases. In many cases, an officer spends less than an hour with a couple, and that is not always an adequate period of time to reach a settlement. Staff of the family relations division interviews both parties together, a procedure that makes it difficult to gather adequate accurate information in order to reach a just or satisfying resolution. The failure of the division staff to understand that a woman may not speak openly or may be afraid to speak in front of her batterer indicates their insensitivity to the issue.



2. The qualifications and training required of family relations officers may be insufficient to assure their capability to evaluate marital and psychological problems and make recommendations to the court.

3. The reasons for the division's recommendations to the court are virtually never reduced to writing.

4. There is some evidence that there is a conflict of interest between the division's two functions of collecting support payments and conciliating marital difficulties. In view of the foregoing, the Advisory Committee finds the family relations division, as it currently exists, to be totally inadequate to meet the needs of battered women in Connecticut.

### Recommendations

1. The appropriate judicial officer should, at the earliest possible time, appoint a blue ribbon panel that should include representatives of feminist organizations and support groups for battered women to review and evaluate the operations of the family relations division in connection with the problems of battered women.

2. Such panel, reviewing the findings of this report and considering the views of lawyers, judges, social scientists, and others, should develop an entirely new structure to replace the family relations division.

3. Data compiled by the family relations division should be broken down to indicate the incidence of battering.

## The Court System

### Findings

1. In Hartford, few batterers are arrested; fewer are convicted in the Hartford Court of Common Pleas; and even fewer are sent to jail. Several judges interviewed said that they treated assault in the home differently from assault in the street. Some judges appear to place undue reliance on oral family relations division recommendations without investigating the reasons for the recommendations. The Advisory Committee's review of 1 month's records of arrests and convictions of the Hartford Police Department indicates that alternative sentences other than fines and probation, such as work release and accelerated rehabilitation, are not used enough.

### Recommendations

1. Seminars on domestic violence should be held for court personnel. It is imperative in the development of such a program to obtain the active assistance of feminist organizations and battered women's groups on an ongoing basis.

2. In more instances, jail sentences, including weekend confinement and work release programs, should be imposed on batterers as an indication that society considers the physical abuse of women to be a criminal act. Alternatives to jail sentences, including probation with requirements such as attendance at alcohol or psychiatric counseling programs should be used in conjunction with sentencing. It is the Advisory Committee's opinion that a strong commitment to eliminate battering by imposing severe penalties against batterers is necessary to reduce such incidents in society.

3. The chief judge should review all cases when charges lodged against a man by a wife or an abused woman are nolle to determine whether such action was consistent with the execution of justice.

4. Data should be compiled by the courts to indicate the incidence of battering.

### Shelters

### Findings

1. The role of shelters is critical in providing battered women with the most essential short-term service, shelter for themselves and their children when they must leave their homes for their safety and well-being. At the time of the hearing, there was only one full-time operating shelter in Hartford, the Salvation Army shelter, and its funding was inadequate.

2. Federal funding is inadequate. Although Title XX of the Social Security Act permits the use of funds for support services such as counseling, regulations prohibit funding for capital expenditures or direct operating expenses such as room and board for shelters. In fiscal year 1978, Title XX funds were not allocated for support services for women's centers providing shelter to battered women in Connecticut.

### Recommendations

1. There should be a statewide network of publicly funded shelters for battered women, including those in Hartford and its suburban towns. All shelters should develop an outreach program that

ensures that women in need, including minorities and Spanish-speaking women, are aware of their existence. Staff should include battered women and minority and Spanish-speaking personnel, so that the staff reflects the population served. Counseling and other referral service should be available.

2. More State and Federal assistance is needed for the creation and operation of shelters. Many funding sources, including Title XX of the Social Security Act, the Housing and Community Development Act, and the Comprehensive Employment and Training Act, should be explored and developed.

3. The U.S. Department of Health, Education, and Welfare (HEW) should seek an amendment to the Social Security Act permitting the use of Title XX funds for shelters. HEW should develop a separate program for providing both funding and technical assistance for shelters.

4. The Connecticut Department of Social Services should request a substantial increase in the amount of State funds allocated to shelters, shelter services, and support groups for battered women.

5. The highest priority in funding shelters should be given to those grassroots feminist organizations that have previously been involved in sheltering battered women. A statewide coalition of groups under an organization such as the Connecticut Task Force on Abused Women should be encouraged.

6. Funds should be made available to shelters and support groups to develop educational programs to sensitize police, courts, hospitals, welfare and social agencies, and the general public on the problems of battered women.

7. Public funding should also be allocated for a hotline for women who need emergency assistance and information. This hotline could possibly be set up by the Hartford mayor's office or the Connecticut Department of Social Services. Transportation, child care, and other such support services also should be funded.

## Hospitals

### Findings

1. Most hospitals do not have adequate procedures to identify victims of physical abuse by spouses and male companions. It is, therefore, impossible to keep records of the number of abused victims treated by emergency rooms. Counseling on a 24-hour basis is not routinely available.

## Recommendations

1. All hospitals should develop a better procedure to identify battered women and to keep records of the number of such women using emergency room services. Regional and statewide hospital associations should take the lead in encouraging hospitals to establish such procedures.

2. All hospitals also should develop better referral services for battered women who come to emergency rooms by providing information on shelters, counseling agencies, legal aid, etc. Written material in both English and Spanish should be available and displayed. A referral counselor or social worker should be available or at least on call on a 24-hour basis.

## Welfare

### Findings

1. Current regulations covering public assistance present several barriers to battered women in need of financial assistance. If a battered woman's husband has assets or income, she must file for a legal separation or divorce in order to be eligible for emergency assistance.

2. Regulations do not specify that individuals who are forced to leave their homes on account of battering are eligible for emergency assistance.

3. Policies for determining eligibility and distribution of emergency assistance funds are not uniform in the various communities. Testimony indicated that some communities provide funds faster and with more efficiency than others. In addition, attitudes about battered women may affect the manner in which applications are processed. Statistics on the number of cases of battered women are not kept for purposes of assessing the prevalence of the problem.

## Recommendations

1. The Connecticut Department of Social Services should abolish regulations requiring battered women to file for a legal separation or divorce to become eligible for financial assistance.

2. The State and Federal Governments should ensure that emergency assistance regulations clearly identify and state in understandable language that women who are homeless because of batterings are eligible for funds.

3. The State of Connecticut should strongly enforce its new emergency assistance guidelines for

localities and ensure that emergency assistance is uniformly administered, in all localities. There should be adequate monitoring procedures by the State.

4. Statistics on the number of battered women receiving financial assistance should be compiled.

**END**