

Dynamics of Domestic Violence

Magistrates Special Topic:  
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Hon. Ty Hands, District Court Judge

\*materials are collaborative from NCJFCJ DV training and  
Lynn Fairweather, MSW: [www.ncjfcjtraining.com](http://www.ncjfcjtraining.com)

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Workshop Purpose

The purpose of this session is to  
provide a better understanding of  
the dynamics of Domestic Violence.

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Introductions

Name one thing you would  
like to understand about  
battered women/victims of  
domestic violence.

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## WHY DO THEY STAY?



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Domestic Violence is just

**DIFFERENT**

- Not your typical case
- Emotions run HIGH
- The guilty don't always get punished
- One case – multi-faceted
  - DV, custody, support, residency, alimony, boundaries

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DV Victims are

**DIFFERENT**

May not behave like other victims

- Stay
- Return
- Recant
- Lie
- Refuse to cooperate
- Refuse assistance
- Attitude



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## BATTERING IS RARE

- Battering is extremely common. FBI reports that a woman is battered every 12 seconds in this country.
- More than 50% of all American women will experience some form of violence from their spouses during marriage
- 3-4 million women physically abused every year
- Many of the abused women abused once a month, once a week or even daily

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## DRINKING CAUSES BATTERING

- Drinking is just an excuse
- 50% or greater correlation between SA and DV but no CAUSAL relationship
- Stopping the assailant's drinking will not end the violence
- Both problems must be addressed independently



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## STRESS CAUSES BATTERING

- Many people under extreme stress do not assault their partners
- Assailants who are stressed at work do not often attack their co-workers or bosses



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## Community places responsibility for violence where it belongs – on the criminal

- Most people blame the Victim for the crime.
- Many expect the women to stop the violence and repeatedly analyze her motivations for not leaving instead of scrutinizing why the batter keeps beating her AND why the community allows it



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## DOMESTIC VIOLENCE

- Willful intimidation, physical assault, battery, sexual assault, and/or other abusive behavior as part of a systematic pattern of power and control perpetrated by one intimate partner against another.



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## TYPES OF ABUSE

- Physical
  - INCLUDES: Pushing, shoving, kicking, slapping, punching, choking, biting, punching, hair-pulling, hitting, burning, stabbing, shooting, threatening with a knife or gun
- Sexual
  - INCLUDES: Unwanted touching, forced sexual activity (including third parties), forced sex accompanied by (or threat of) physical violence physical violence
- Emotional/psychological
  - INCLUDES: assaults against a person's well-being by systematically degrading the victim's self-worth through name calling, derogatory/demeaning comments, threats to harm/kill family, controlling sleep/eating habits, actions to imply victim is "crazy"; destroying property or pets and other forms of violence without touching the victim's body (destroying belongings, heirlooms or a pet -equally as devastating)
- Financial or Economic
  - controlling access to money: withholding resources, stealing from the victim or incurring debt in victim's name

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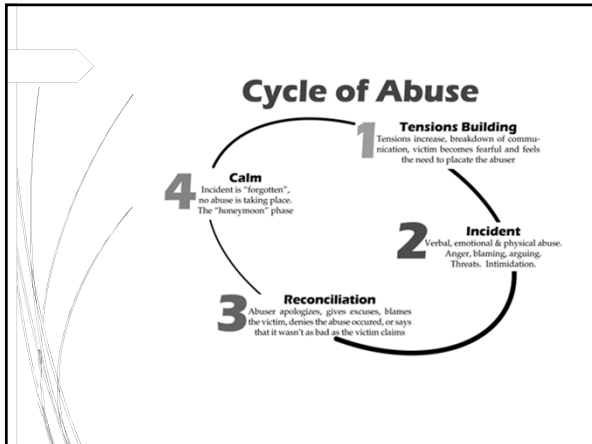
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- ### Controversial Issues re: DV cases
- ▀ Parental Alienation
  - ▀ Gender
  - ▀ Typologies of batterers
  - ▀ "High conflict" vs. DV
  - ▀ False allegations
  - ▀ Recantation
  - ▀ Victim Autonomy
  - ▀ BIP
  - ▀ Impact of DV on children & custody
  - ▀ Immigration
  - ▀ Credibility
  - ▀ Stalking

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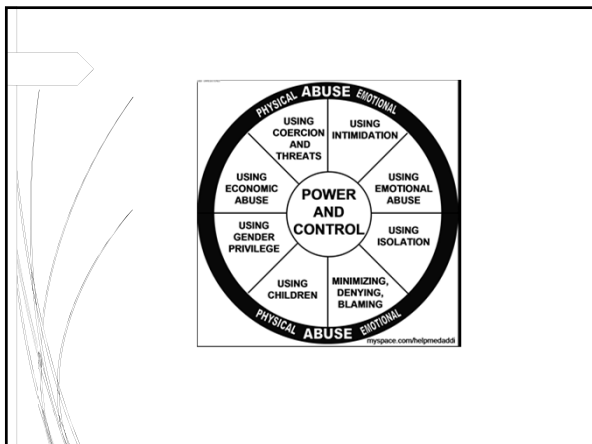
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Effective Interventions in DV cases

# Context Is Everything

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# Context

INTENT  
MEANING  
EFFECT

Who is doing what to whom and with what impact?

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# Context is Critical

Failing to distinguish one kind of domestic abuser from another can:

- Endanger victims of ongoing violence
- Embolden perpetrators of ongoing violence
- Place children at risk

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Contexts for domestic violence

- Battering
  - Patterned use of violence, intimidation and coercion to establish dominance
- Resistive/Reactive
  - Violence produced and shaped by battering
- Other (e.g., "Situational," Pathology)
  - Violence not linked to establishing an ongoing relationship of dominance

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Battering/Coercive Control

- Power and control tactics
- Entitlement to control
- Separation/challenge to authority are triggers
- Escalation
- Most often male perpetrated on female

"Jeopardizes individual liberty and autonomy as well as safety," and is centered on the "micro-regulation of women's default roles as wife, mother, homemaker and sexual partner" (Stark 2007)

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Coercive Power

Based on Batterer's Ability to:

- Cause harm or fear of harm
- Issue rewards
- Achieve dominance
- Enforce/monitor

Based on Victim's belief in batterer's abilities. Victim chooses but not "free choice"

(Dutton & Goodman, 2005)

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## Resistive/Reactive to Ongoing Violence

- Perpetrator is responding to pattern of violence and intimidation against him/her
- Coping strategy
- Violence may be purely self defensive (non criminal)
- Violence may be retaliatory or designed to go "toe-to-toe" with the abuser



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## Non-Battering Situational

- Other forms of power and control tactics are not being used
- Violence less likely to be serious or lethal
- Violence is not in response to ongoing abuse against the perpetrator of the one-time violence
- Use of violence may be atypical
- May be in context of separation

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## Context

- Measurement of violent acts alone cannot provide whole picture
- Better decisions result from an understanding of the uses of violence and response to violence within the context of the relationship :
  - Cultural norms
  - Social status/privilege/access
  - Institutional systems

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How do we determine the context for this act of violence?  
(Intent, Meaning, Effect)

- Information from the Parties:
  - History of violence
  - Existence of pattern of intimidation and threats
  - Intent and meaning of violence to victim
  - Risk assessment
  - Screening?
- Information from others: police reports, other documentation

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How does this affect YOU?

- Anger
- "triggered"
- Overly jaded
- Avoidant
- Distant (conveyor belt mentality)
- Guilty
- Exasperated
- Irritable
- Self destructive
- Sad/depressed
- Vicarious trauma
- Burned out



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Did Domestic Violence Happen?

- False allegations in civil/criminal context
- Distinguish entirely fabricated from exaggeration, loss of memory, revising history, lack of physical evidence
- Possibility of reluctance, ambivalence, refusal, recantation



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“Whoever fights monsters should look to it that he/she does not become a monster. For when you gaze long into an abyss, the abyss also gazes into you.”

-Friedrich Nietzsche

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### What can we do?

- Identify personal biases
- Let go of supreme responsibility
- Don't go it alone
- Switch batters, if possible
- Take regular breaks, recesses, VACATION
- Debrief and regroup
- EAP/Counseling
- Take care of YOU

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### Learning Points

- Judicial officials are making life and death decisions
- Judicial leadership is a key ingredient
- High-lethality/Non-compliance = deny or limit access to children
- Improved communication/collaboration can save lives

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High Lethality Red Flags

- Severe physical abuse
  - Increase in severity or frequency? Pregnancy?
- Strangulation
- Extreme Control Issues
  - jealousy, possessiveness
- Stalking
- Recent separation

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High Lethality Red Flags

- Sexual Assault
- Use of or threats with weapons
- Mental health issues
- Substance abuse issues
- Threats to kill victim, self, others
- Defined plan or descriptive in nature

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Conclusions



- Relationships are very complex and each one is different.
- There are many factors in play at any given time and in any given relationship.
- Leaving is a process – it is hard to know where a victim is in her process at the time of contact with an intervener.
- Anger from court (or others) may foreclose further communication.

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Don't display anger, but send a consistent message:

- The Court is available whenever the victim chooses to return.
- Express concern for the victim's safety and safety of her children.
- Refer her for safety planning.
- Refer her to advocacy and other local services.

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