

**What Clerks Need to Know  
about Domestic Violence**

*Judge Ty Hands*  
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\*materials are collaborative from NCJFCJ DV training and  
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**Workshop Purpose**

The purpose of this session is to provide a better understanding of the dynamics of Domestic Violence, why victims stay in battering relationships and what courts can do to provide needed resources to victims and their children.

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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
- ▶ 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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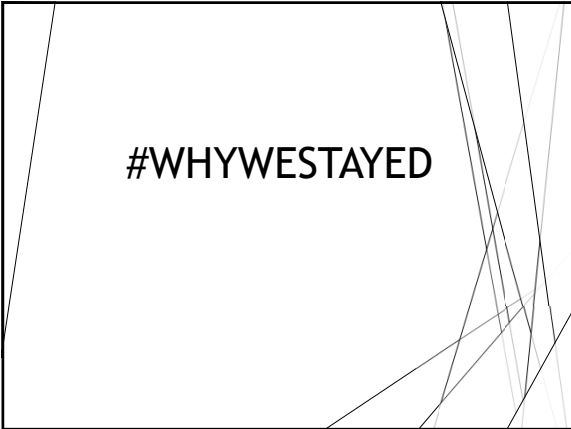
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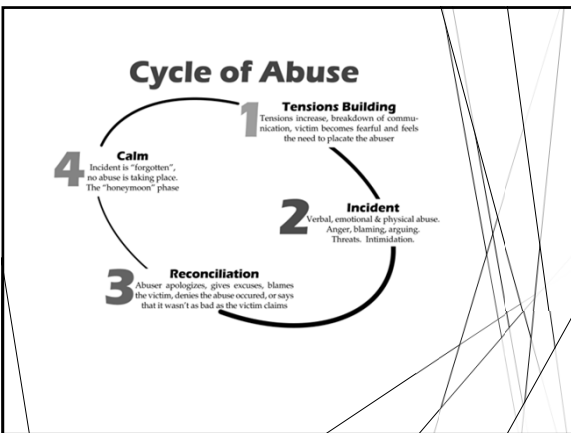
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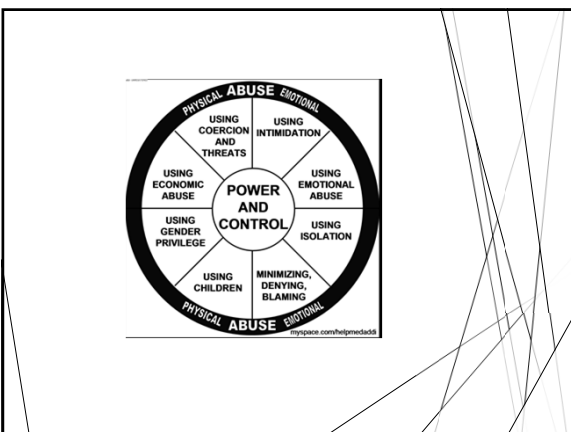
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### How does this affect YOU?

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



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### What can we do?

- Identify personal biases
- Let go of supreme responsibility
- Switch batters, if possible
- Take regular breaks, recesses, VACATION
- Debrief and regroup
- EAP/Counseling
- Take care of YOU

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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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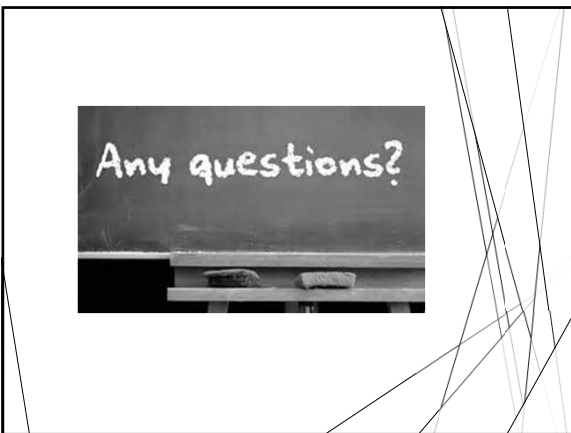
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