



Domestic Violence: Understanding Victim/Perpetrator Behavior

*materials are collaborative from National Judicial Institute on Domestic Violence training



Workshop Purpose

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



Introductions

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

Comings and Goings Exercise*
 An Exercise about Choices

As a result of this exercise, you should be better able to identify the complex reasons a victim might choose to remain in or return to an abusive relationship

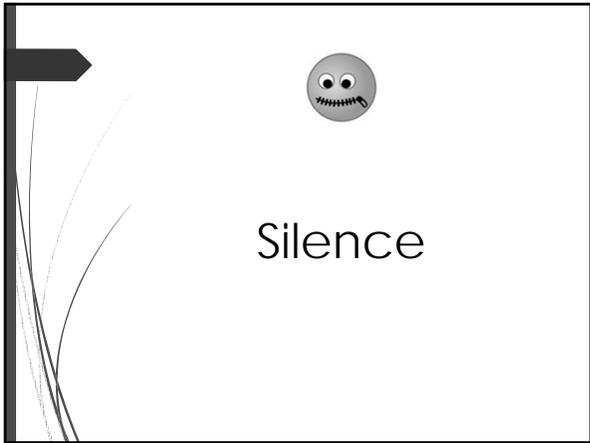
*Comings and Goings, an interactive exercise, was originally created by the National Clearinghouse on Abuse in Later Life (<http://www.ncall.us/>). The facts in this version were created and the choices within were adapted for the National Judicial Institute on Domestic Violence, but the structure and instructions remain the same.

An Exercise About Choices... 

- Interactive Exercise about choices
- Role
- Facts
- Decide where to go

An Exercise About Choices... 

- Cost
(green card/money, yellow card/Goodwill)
- Conditions on locations
- Ground Rules
 - Movement = pay the fare
 - Ringing bell = pay fare or move
 - No more resources = go home or be homeless

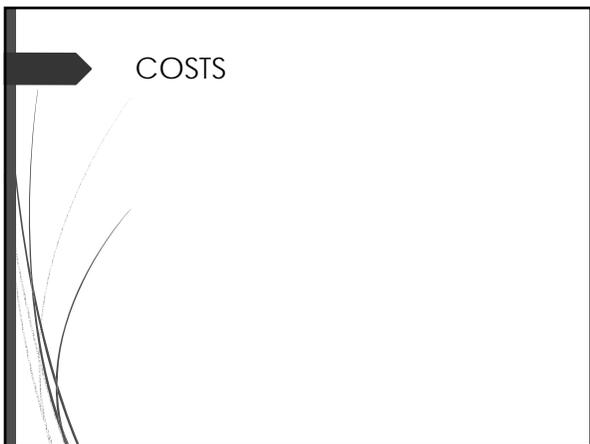


Silence



Your Role

You are a 35 year old woman who has been married for 15 years. You have three children, Gabriella, age 5, Maya, age 8 and Luis, age 14. You work part-time as a nurse's aide while your kids are at school. You are devoutly religious. You have a modest home in a rural area. Your husband works in construction. You love your 3 year old dog.



COSTS

 Large Group Discussion:

- How did it *feel* to make these choices?
- What facts, if any, made you believe that your partner was dangerous?
- What were some reasons for returning home or staying home?

 Comings and Goings

- Did anyone break the rules?
- Why was the exercise conducted in silence?
- How does this exercise apply to your role as a judge?

 DV Court is different

- Heavy Pro se
- The guilty don't always get punished
- One case - multi-faceted
 - DV, custody, support, residency, alimony, boundaries

DV Victims are different

May not behave like victims of other crimes

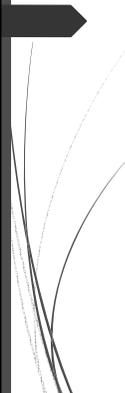
- Stay
- Return
- Recant
- Lie
- Refuse to cooperate
- Refuse assistance
- Attitude

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

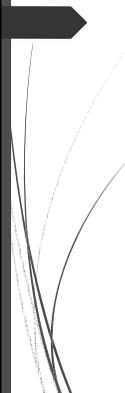
Pay It Forward

Why is Helen Hunt going back?



Pay It Forward

- Why is Kevin Spacey so angry with the Helen Hunt character?
- Is this effective behavior?
- Have you had Kevin Spacey moments?



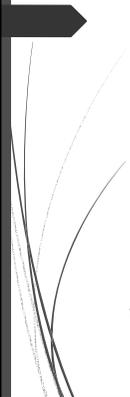
Common Responses to women who return

- Belittle
- Charge with false allegations
- Initiate “failure to protect” investigations
- Blame her for the violence



Effective Interventions in DV cases

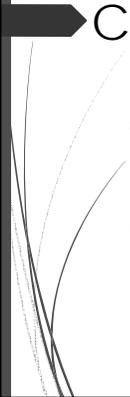
Context Is Everything



Context

INTENT
MEANING
EFFECT

Who is doing what to whom and with what impact?



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



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

Battering/Coercive Control

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

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)

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

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

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

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, lethality assessments, victim's assistance, other documentation

Pay It Forward: Clip 2

- What is the impact on a child living with a violent parent?
- What are the child's coping strategies?
- What mitigates against these adverse effects?

Children Exposed to DV

- Meaning of exposure
- Overlap with direct abuse
- Impact on Infants, children, and adolescents
- Emotional, behavioral, and cognitive problems
- PTSD
- Risk and protective factors

Factors enhancing children's resilience

- A strong relationship with a competent, caring, positive adult: (often parent)*
- Benefits of community safe haven (e.g., community centers, school, churches)*
- Characteristics of the child – average/above average intelligence, good attention span, positive self-esteem, good interpersonal skills, access to resources

*Ososky, J.D. (1999) The Impact of Violence on Children: The Future of Children: Domestic Violence and Children

How does this affect Judges?

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

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

"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

High Lethality Red Flags

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

**High Lethality Red Flags
cnt'd**

- 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

REVIEWS, REVIEWS, REVIEWS

...And more reviews

Learning Points

- Judges are making life and death decisions
- Judicial leadership is a key ingredient
- High-lethality/Non-compliance = deny or limit access to children
- Judges can stimulate creation or enhancement of services (SV&E)
- Improved communication/collaboration can save lives

What can Judges 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

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.

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.



Remember
Comings and
goings

QUESTIONS?
