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English 1010

December 14, 2009

Harsher Penalties for Domestic Violence

Every nine seconds a woman is abused by her husband or intimate partner in the United States. That translates to almost 4,000,000 women a year (Correia). Domestic violence renders extreme consequences for countless women and children. It's important to note that men are also victims, but the large majority of victims of domestic violence are women. Women in these situations are faced with several barriers which prevent them from leaving or getting the help they desperately need. Many women do not report their abusive partner because they fear retribution. This is a valid fear because seldom are abusive partners held accountable for reported assault. Domestic violence only multiplies when there are little to no ramifications for inflicting the abuse. Violence towards women is a problem that is out of control in the United States and across the globe. To address this pandemic of domestic violence towards women, offenders should be held legally accountable for their crimes, women should be empowered and supported, and children should be educated about domestic violence and abuse.

Domestic violence is not an isolated incident, but a pattern of coercive and controlling behavior (Violence.org). This pattern of behavior is used to gain or maintain power and control over an intimate partner. Abuse can be physical, sexual, emotional, economic or psychological actions or threats of actions that influence another person. This includes any behaviors that frighten, intimidate, terrorize, manipulate, hurt, humiliate, blame, injure or wound someone (Women's Advocates, Inc.). Unfortunately women have an extensive history of mistreatment and abuse. For example, "During the Middle Ages, the woman's subservient role was established

through a law that stated a man could legally beat his spouse for failing to obey his “reasonable” commands as long as he didn’t kill or maim her” (Helm 478). Domestic violence was not addressed in the United States until the 1970’s. Until then it was considered as a personal matter between couples instead of a serious crime. During the early 1970’s grassroots activists, primarily women, began calling attention to violence being perpetrated against women by their domestic partners (Correia). Movement activists began working on ways to provide services to victims and make domestic violence a crime. The first shelter for battered women, Women’s Advocates, opened in 1974 in St. Paul, Minnesota (Women's Advocates, Inc.). In the 1980’s domestic violence finally became illegal in every state. Police officers were required to take domestic violence seriously and new arrest procedures were designed (Correia).

Several states now have mandatory arrest laws for domestic violence offenders. Evan Starks, author of *Coercive Control: How Men Entrap Women in Personal Life* says, “Change in criminal justice policy has been dramatic.” He claims that, “Arrest reduces subsequent violence better than any other intervention” (Stark 61). Yet even where mandatory arrest policies are tightly enforced, very few offenders are prosecuted and even less offenders are convicted (Stark 62). According to Stark, police consistently report that injury is their most important consideration in arrests, along with the offender’s presence and demeanor at the scene. Even so, in actual practice only 10% to 20% of offenders are arrested even when women suffer serious injuries (Stark 64). Stark reports that an extremely optimistic projection would mean that there is just a bit better than a 1 in 10,000 chance that a perpetrator of partner abuse will go to jail. He says a more realistic estimate is that about 1 incident in 100,000 ends with imprisonment (Stark 63-64). Stark illustrates the dilemma: “The odds that any given act of abuse will result in imprisonment are infinitesimal. They are better than the odds of winning the lottery, but not by much” (Stark 63).

In “Domestic Violence Can Be Cured,” Felicia Collins Correia discusses how Tulsa, Oklahoma underwent major systems changes in the way they handled domestic violence due to several homicides. She describes the police force as “exemplary” and highlights the successes of their response to domestic violence:

A special unit of eight detectives follows up on all domestic violence cases handled by field officers. Their primary goal is to generate arrests and get the batterers into the judicial system at an early stage. These detectives interview the victim and witnesses and collect physical evidence. The responsibility for filing an affidavit to seek an arrest warrant no longer is the victim’s. The detectives prepare the affidavits from their investigation. They then can testify in court with the evidence gathered, eliminating the need for the victim’s testimony. This is significant because victims often change their minds about testifying against their abusers out of fear of retribution (Correia).

All cities should treat domestic violence this seriously and strides should be made towards prevention. Duluth, Minnesota, San Diego, California and Denver, Colorado are other cities which have produced similarly commendable results in responding to domestic violence (Correia). A disturbing fact is that most domestic violence acts are considered second class misdemeanors but would be felonies if committed against strangers (Stark 61). Incarceration and harsher penalties for offenders are needed in order to send a strong message that the abuse of women will no longer be tolerated. As former First Lady Hillary Clinton said, “What we are learning around the world is that...if women are free from violence, their families will flourish. And when families flourish, communities and nations will flourish...” (qtd.in Correia).

Batterer intervention programs (BIP’s) have been created for batterers (people who repeatedly assault others). Many batterers are now being diverted to these programs instead of

going to jail (Stark 67). Many will argue that this approach is preferred over incarceration because it makes more sense to treat offenders than jail them. This would be a good point if treatment programs worked, the problem is that current treatment approaches for men who batter have low efficacy rates (Anonymous). According to Stark, “The weight of evidence indicates that BIP’s make little difference in the likelihood that violence will continue and, at worst, these programs could increase re-abuse, deceive women into remaining with abusive men, and lead men to control tactics for violence” (79). Instead of releasing these offenders they should be required to complete intervention programs while incarcerated.

Many people will argue that we cannot afford to lock up these offenders and our prisons are already at full capacity. These concerns are valid, “the United States incarcerates more people than any other country per capita in the world” (Zust 70). We need to re-evaluate our prison system and our priorities for incarceration. As Patrick McCormick portrays in “What if the hostages are already home?” our country is very supportive in offering aid to hostages coming home from war, but for the women and children being held hostage and terrorized in their own homes, little is being done to come to their aid. “Again and again, studies indicate that women in the U.S. are more likely to be assaulted, injured, raped or killed by a current or former male partner than by any other type of assailant; that many women and children are more likely to be assaulted in their own home than on the streets of our most violent cities; and that about one third of all homicides of women are committed by their boyfriends and spouses” (McCormick 48). With these statistics, the benefit of improving the safety and wellbeing of women and children, as well as the health of men in the future, are worth the costs associated with locking up and treating these criminals.

While holding men accountable is necessary in solving this problem, so is empowering women. People often criticize women for enabling abuse, staying in abusive relationships, being

codependent, etc. What many people don't realize is that these women face environmental, social and psychological barriers that prevent them from leaving (Anderson et al. 151). In a 1997 study by Grigsby and Hartman, the most frequently reported barriers keeping women from leaving abusive relationships were her mate promising to change 70.5%, her mate apologizing 60%, lack of money 45.9% and nowhere to go 28.5% (Anderson et al. 152). Although some communities have available resources, the victim may not realize they are available.

Societal, individual and religious values create barriers to leave because women are often encouraged to "work it out," stay for the children, and seen as responsible for the success or failure of the relationship (Anderson et al. 153). Bishop T.D. Jakes, in an article called "Out of Harm's Way," describes his feelings after a battered woman in his counsel rips off her son's shirt to reveal gouging open wounds which her husband inflicted by beating him with a bike chain for getting a B on his report card (Jakes 150). He writes, "I, like so many pastors, have often prayed with abused women-and instructed them to believe that God would fix their relationship. I now saw that however good those intentions, they sometimes keep a woman in harm's way. I did not regret praying that a battering man would be changed, but I was sorry, so sorry, that I had not acknowledged much sooner that there is no one size-fits-all remedy for domestic violence" (Jakes 150).

Other barriers preventing women from leaving are psychological and environmental. Chronic abuse creates psychological barriers such as fear, shame, hyper vigilance and lack of trust. Environmental barriers prevent women from leaving due to threats from the abuser and lack of money and resources. Victims learn that it is pointless to even try to escape due to all of these barriers and instead develop a stance of compliance in an effort to at least control the abuse (Anderson et al. 155). Not only is leaving difficult but it can be a significant risk. Studies show that the number of homicides by spouses have decreased since women's shelters opened,

however, they also show that the proportion of femicides (killings of women) committed by ex-husbands, boyfriends, and ex-boyfriends has increased sharply, going from one in four in 1976 to one in two today (Stark 53). Domestic violence can strip women and children of their safety, freedom, predictability, trust, friendships, family, love and worth. Domestic violence agencies, the criminal justice system, advocacy groups, our local government and society as a whole should do more to assist women in overcoming these barriers. Women and children exposed to domestic violence need safety, empowerment, education, counseling and resources so they can resolve the damage that has occurred and make healthy choices in the future.

According to Peter G. Jaffe, Claire V. Crooks, and David A. Wolfe, authors of “Legal and Policy Responses to Children Exposed to Domestic Violence: The Need to Evaluate Intended and Unintended Consequences,” the twenty-first century has been characterized by increasing attention to children in violent homes. They state, “Researchers and practitioners have pointed to the significant risks to children’s social, emotional, and cognitive adjustment stemming from exposure to domestic violence” (Jaffe , Crooks, and Wolfe 205). This awareness has prompted legislation in many states to protect children in violent homes. Another reason to protect these children is the fact that studies support a 30-60% overlap between domestic violence and child abuse (Jaffe , Crooks, and Wolfe 209). Jaffe, Crooks and Wolfe recognize the benefits of implementing laws that trigger immediate assistance for children in violent homes to get the counseling, support, and protection they may require (207). However, they emphasize that legislation to protect these children needs to be monitored for unintended negative consequences (Jaffe , Crooks, and Wolfe 207).

Because domestic violence affects children and adolescents so often, it is important to educate them. They should be taught that abuse is never acceptable and never deserved. Because some children do not have positive role models, schools should create or utilize programs on a

regular basis that build friendships for social support, increase children's self-esteem, teach communication skills and teach them how to constructively deal with their feelings. Adults repeat the patterns of behaviors they witness and learn as children. If children were empowered at school and taught that abuse should never be tolerated we could start to prevent domestic violence in the future.

Domestic violence impacts too many people. Most women I know have had abusive boyfriends, spouses, or fathers, including myself. One woman who stands out in my mind is my mother-in law, whose life was torn apart by men who were never held accountable. She is 55 years old. When she was 16 her mother was struck hard in the head by a boyfriend. A few days later she found her mother sitting on the couch dead. She had died of a stroke. The death was obviously related to the head trauma, but the boyfriend disappeared and was never charged with a crime. A few years later she married an abusive man whom beat her regularly. She called the cops but they told her there was nothing they could do because it was a "domestic dispute." She was hospitalized on several different occasions. Fortunately, strides have been made in the last 30 years making domestic violence a crime today. However, seldom are arrests made unless there is evidence of substantial pain or serious injury (Stark 64). Offenders frequently get away with their assaults and families seldom get the help they need.

It is time to do something about domestic violence. Offenders should be held legally accountable and given harsher penalties for their offenses. Charges and convictions should be based on the crime, not on the relationship to the victim. Women should be empowered and given access to resources. Children should be supported and taught that violence is never acceptable. No one has the right to spit on, name-call, smack, push, hit, punch, choke, throw, kick, rape or abuse another human being in any way. Domestic violence should not be tolerated.

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