

**Intimate Partner Domestic Violence Audio Teleconference
Broadcast June 30, 2004**

Supplemental Materials

- **Effective Interventions in Domestic Violence Cases: Context is Everything**
- **Danger Assessment**
- **Marshall Severity of Violence Against Women Scale**
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EFFECTIVE INTERVENTIONS IN DOMESTIC VIOLENCE CASES: CONTEXT IS EVERYTHING¹

In order to ensure that criminal justice system interventions are effective in holding offenders accountable and protecting victims from harm, the context in which each act of domestic violence occurs must be understood.

Introduction

The criminal justice system is, by design and necessity, incident-focused. For example, guilt or innocence is usually determined relative to a single alleged act. However, as in the case of the use of violence to defend oneself, the context in which the violence is used may be quite relevant to the issue of criminal culpability. Furthermore, for purposes of bail or sentencing hearings the legal system must be able to distinguish among defendants in order to tailor its responses to their acts and to ensure that the system's handling of cases is effective. The context in which incidents occur is one of the most significant ways in which acts of domestic violence differ.

In order to intervene effectively in these cases, it is important to understand the complex issues of violence within intimate relationships, including the (1) intent of the offender, (2) the meaning of the act to the victim and (3) the effect of the violence on the victim; the *context* within which any given act of violence occurred. Other relevant factors include the particulars of the incident, and how much violence, coercion, or intimidation accompanied the violent event.

Some perpetrators are highly dangerous to their victims and other persons, while many are not. Some perpetrators are amenable to treatment or educational programs, while attempting to use such approaches with other perpetrators is not only a waste of resources but dangerous to the victim. Some perpetrators act in self-defense or only in response to a pattern of ongoing violence against them, while others are truly predators and terrorists whose violence must be addressed as such. Intervenor must develop and utilize methods of gathering relevant information, including from victims, about these perpetrators, as well as ways to assess the perpetrators' histories and dangerousness. They must handle cases in a manner which maximizes victim safety and offender accountability in each case.

The last two decades of experience with people who use violence in their relationships have demonstrated to both the criminal justice system and people in the battered women's movement that there are several historical contexts in which specific acts of domestic violence occur. They include (1) a history of battering, including intimidation and control tactics, by the actor; (2) the existence of a mental impairment or disability which affects the culpability of the actor; (3) the absence of a history of prior acts of violence, including tactics of intimidation and control, against the victim, which situation

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could lead a careful intervenor to the conclusion that the act was an isolated and uncharacteristic one; (4) a history of the use of violence by the actor in many situations and to resolve conflicts with many people outside the family, where the use of violence against a partner is only one part of a pattern of general “fighting” violence; and (5) in the context of and responsive to battering, where the person uses violence against a partner to resist or defend against the battering.

Because each of these contexts can call for a different response by intervenors, each one must ensure (1) that the relevant information is obtained on each person who uses violence in his/her relationship, (2) that the information is shared with other intervenors who need the information, and (3) that the information is incorporated into decisions about how the case is handled.

1. Pattern of Violence, Intimidation and Control: Battering

In the context of battering, an act of violence against a partner is often only one component of a complex system of controlling, coercive, intimidating, and violent behaviors used by someone, a “batterer,” to control the victim. The violence causes – or likely will cause – a significant gap in power and autonomy between the batterer and the victim, and it severely compromises the victim’s autonomy.

“Battering” is a sociological term coined by the grassroots battered women’s movement to describe this pattern of physical abuse, intimidation, coercion, and other forms of abuse committed by a person (the batterer) to establish or maintain control of his or her partner. This pattern is described by the Power and Control Wheel, which was created by women who attended support groups in Duluth, Minnesota, and who were asked to describe behaviors, in addition to violence, that give their violent partners power over them. Eventually the group started calling these behaviors “tactics.” Other tactics were listed, but almost all women experienced all the tactics described on the wheel. Not all behaviors on the Power and Control Wheel are illegal acts or assaults.

Battering behavior is often denied or minimized by the perpetrator. The victim often has little reason to believe that the violence will be repeated or that it will become more serious over time, contributing to her assessment that ending the relationship would be more risky or problematic than staying in it. When a battered woman does attempt to leave a battering relationship, the violence, intimidation, and coercion often escalate because the separation constitutes a direct threat to the batterer’s control over the victim. Research has not yet shown whether this is also true in cases where men are assaulted by their female partners, although there is evidence that there are few women who manage to control their male partners through violence and intimidation. Criminal justice system interventions that are most effective in battering cases are interventions which take into account the intent, meaning and effect of the violence, as well as its other common characteristics.

2. Absence of Violence, Intimidation and Control: Isolated Act

A person may use violence only once in a relationship; the act is highly uncharacteristic. Such an act of violence often occurs in the context of unusual, highly stressful circumstances which leads the actor to say and do things he or she has never done or said. In this context, the incident is *not* part of a larger pattern of coercion, intimidation, and/or violence, and neither party in the relationship uses violence to control the other. The person who uses violence in this context normally freely admits their behavior. Such an act may be an illegal domestic assault, but the perpetrator does not generally benefit from a batterers' rehabilitation group.

Many men who are actually batterers, upon being publicly accused of an assault for the first time, will assert that the assault is an isolated event. And many of these men's partners, who are actually battered women, will make statements agreeing with the assertion that the assault was a one-time event.

Intervenorers who are comfortable with the conclusion that a given incident constituted an isolated act should look for other signs that the person using violence is beginning, or is already entrenched in, a pattern of controlling behaviors which could easily lead to battering.

3. History of General Violence: A "Fighter"

Some people are generally violent people (which we refer to herein as "fighters") who use violence to resolve many kinds of conflicts, no matter the context in which the conflicts occur. These people may have poor communication skills and know little of non-violent means for resolving conflict. They may be chemically dependent. Note that a person can be a generally violent "fighter" and also be a batterer, so intervenors need to screen such cases for evidence of tactics of intimidation, power and control which would indicate that the "fighter" is actually acting as a batterer in the use of violence in his or her relationship.

4. History of Mental Impairment or Incapacity

A person may use violence as a result of an impairment caused by mental illness, alcohol/drug dependency, medication, or other factors. Such a person's use of violence in a relationship may well be illegal unless the person lacks criminal intent or is otherwise not considered culpable under the law. Research shows that a very small percentage of domestic abuse is due to mental impairment, although batterers have been known to assert that they should not be held accountable for their violent acts because they suffer from some kind of impairment. In addition, some mental health care providers, misunderstanding domestic violence, may misdiagnose a batterer as impaired when he is, in truth, using violence simply because he believes that he has the right to control his partner through various means which include violence. Finally, note that batterers are no more likely than are the general population to suffer from mental

illness and that people with mental illness are no more likely to batter their partners than people without mental illness.

5. Self Defensive or Responsive to Battering

A person's use of violence against a partner may occur only and always in response to violence or a threat of violence by the partner. Legally justifiable acts in this category include acts that are classically self-defensive; that is, they are taken to prevent the actor from suffering imminent serious harm. Acts that are responsive to violence can also be illegal. For example, a person can use violence against his or her batterer in order to punish the batterer, to "stand up to" the batterer, or to dissuade the batterer from further use of violence.

In all of these cases, the person using the violence is trying to control a situation rather than to establish overall control over the other person. Some women who have been battered in previous relationships may use violence to try to establish that they will not tolerate controlling behaviors or violence by their current partner. The key factor is that there is no attempt by the person using the violence to also use coercion or intimidation to keep the victim of their responsive violence in a state of fear (behaviors which constitute battering). The violence used in response to battering or in self defense is usually less severe than the battering violence (except in some cases involving the use of weapons) and the users of this type of violence usually stop their violence when the relationship ends.

Interventions with such persons must recognize the intent and effect of the violence, as well as the central role violence against the perpetrator plays in the decision to use violence. Sentencing and other remedies used with these perpetrators should reflect the fact that traditional batterer's intervention programs may be a waste of time and resources. In addition, they should address the reality that the victim of this type of violence will likely continue to intimidate and control, if not assault, his/her partner in the absence of intervention.

DANGER ASSESSMENT

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Several risk factors have been associated with homicides (murders) of both batterers and battered women in research conducted after the murders have taken place. We cannot predict what will happen in your case, but we would like you to be aware of the danger of homicide in situations of severe battering and for you to see how many of the risk factors apply to your situation.

Using the calendar, please mark the approximate dates during the past year when you were beaten by your husband or partner. Write on that date how bad the incident was according to the following scale:

1. Slapping, pushing; no injuries and/or lasting pain
2. Punching, kicking; bruises, cuts, and/or continuing pain
3. "Beating up"; severe contusions, burns, broken bones
4. Threat to use weapon; head injury, internal injury, permanent injury
5. Use of weapon; wounds from weapon

(If **any** of the descriptions for the higher number apply, use the higher number.)

Mark **Yes** or **No** for each of the following. ("He" refers to your husband, partner, ex-husband, ex-partner, or whoever is currently physically hurting you.)

- _____ 1. Has the physical violence increased in severity or frequency over the past year?
- _____ 2. Has he ever used a weapon against you or threatened you with a weapon?
- _____ 3. Does he ever try to choke you?
- _____ 4. Does he own a gun?
- _____ 5. Has he ever forced you to have sex when you did not wish to do so?
- _____ 6. Does he use drugs? By drugs, I mean "uppers" or amphetamines, speed, angel dust, cocaine, "crack", street drugs or mixtures.
- _____ 7. Does he threaten to kill you and/or do you believe he is capable of killing you?
- _____ 8. Is he drunk every day or almost every day? (In terms of quantity of alcohol.)
- _____ 9. Does he control most or all of your daily activities? For instance: does he tell you who you can be friends with, when you can see your family, how much money you can use, or when you can take the car? (If he tries, but you do not let him, check here: _____)
- _____ 10. Have you ever been beaten by him while you were pregnant? (If you have never been pregnant by him, check here: _____)
- _____ 11. Is he violently and constantly jealous of you? (For instance, does he say "If I can't have you, no one can.")
- _____ 12. Have you ever threatened or tried to commit suicide?
- _____ 13. Has he ever threatened or tried to commit suicide?
- _____ 14. Does he threaten to harm your children?
- _____ 15. Do you have a child that is not his?
- _____ 16. Is he unemployed?
- _____ 17. Have you left him during the past year? (If have *never* lived with him, check here: _____)
- _____ 18. Do you currently have another (different) intimate partner?
- _____ 19. Does he follow or spy on you, leave threatening notes, destroy your property, or call you when you don't want him to?

_____ Total "Yes" Answers

Thank you. Please talk to your nurse, advocate or counselor about what the Danger Assessment means in terms of your situation.

MARSHALL Severity of Violence Against Women SCALE

You have probably experienced anger or conflict with your partner. Below is a list of behaviors you may have done during the past 12 months. For each statement, describe how often you have done each behavior by placing an “X” over the appropriate number to the right.

	1	2	3	4	
	NEVER	ONCE	A FEW TIMES	MANY TIMES	
1.	Hit or kicked a wall, door or furniture.	1	2	3	4
2.	Threw, smashed or broke an object.	1	2	3	4
3.	Drove dangerously with her in the car.	1	2	3	4
4.	Threw an object at her.	1	2	3	4
5.	Shook a finger at her.	1	2	3	4
6.	Made threatening gestures or faces at her.	1	2	3	4
7.	Shook a fist at her.	1	2	3	4
8.	Acted like a bully toward her.	1	2	3	4
9.	Destroyed something belonging to her.	1	2	3	4
10.	Threatened to harm or damage things she cares about.	1	2	3	4
11.	Threatened to destroy property.	1	2	3	4
12.	Threatened someone she cares about.	1	2	3	4
13.	Threatened to hurt her.	1	2	3	4
14.	Threatened to kill yourself.	1	2	3	4
15.	Threatened to kill her.	1	2	3	4
16.	Threatened her with a weapon.	1	2	3	4
17.	Threatened her with a club – like object.	1	2	3	4
18.	Acted like you wanted to kill her.	1	2	3	4
19.	Threatened her with a knife or gun.	1	2	3	4
20.	Held her down, pinning her in place.	1	2	3	4
21.	Pushed or shoved her.	1	2	3	4
22.	Grabbed her suddenly or forcefully.	1	2	3	4
23.	Shook or roughly handled her.	1	2	3	4
24.	Scratched her.	1	2	3	4
25.	Pulled her hair.	1	2	3	4
26.	Twisted her arm.	1	2	3	4
27.	Spanked her.	1	2	3	4
28.	Bit her.	1	2	3	4
29.	Slapped her with the palm of your hand.	1	2	3	4
30.	Slapped her with the back of your hand.	1	2	3	4
31.	Slapped her around her face and head.	1	2	3	4

MARSHALL Severity of Violence Against Women SCALE

1	2	3	4
NEVER	ONCE	A FEW TIMES	MANY TIMES

32.	Hit her with an object.	1	2	3	4
33.	Punched her.	1	2	3	4
34.	Kicked her.	1	2	3	4
35.	Stomped on her.	1	2	3	4
36.	Choked her.	1	2	3	4
37.	Burned her with something.	1	2	3	4
38.	Used a club – like object on her.	1	2	3	4
39.	Beat her up.	1	2	3	4
40.	Used a knife or gun on her.	1	2	3	4
41.	Demanded sex whether she wanted it or not.	1	2	3	4
42.	Made her have oral sex against her will.	1	2	3	4
43.	Made her have sexual intercourse against her will.	1	2	3	4
44.	Physically forced her to have sex.	1	2	3	4
45.	Made her have anal sex against her will.	1	2	3	4
46.	Used an object on her in a sexual way.	1	2	3	4

TOLMAN: Psychological Maltreatment of Women Inventory

This questionnaire asks about actions you may have experienced in your relationship with your partner. Answer each item as carefully as you can by placing a number beside each one as follows:

1	2	3	4	5	NA
NEVER	RARELY	OCCASIONALLY	FREQUENTLY	VERY FREQUENTLY	NOT APPLICABLE

IN THE PAST SIX MONTHS:

1.	My partner puts down my physical appearance.	1	2	3	4	5	NA
2.	My partner insulted me or shamed me in front of others.	1	2	3	4	5	NA
3.	My partner treated me like I was stupid.	1	2	3	4	5	NA
4.	My partner was insensitive to my feelings.	1	2	3	4	5	NA
5.	My partner told me I couldn't manage or take care of myself without him.	1	2	3	4	5	NA
6.	My partner put down my care of the children.	1	2	3	4	5	NA
7.	My partner criticized the way I took care of the house.	1	2	3	4	5	NA
8.	My partner said something to spite me.	1	2	3	4	5	NA
9.	My partner brought up something from the past to hurt me.	1	2	3	4	5	NA
10.	My partner called me names.	1	2	3	4	5	NA
11.	My partner swore at me.	1	2	3	4	5	NA
12.	My partner yelled and screamed at me.	1	2	3	4	5	NA
13.	My partner treated me like an inferior.	1	2	3	4	5	NA
14.	My partner sulked or refused to talk about a problem.	1	2	3	4	5	NA
15.	My partner stomped out of the house or yard during a disagreement.	1	2	3	4	5	NA
16.	My partner gave me the silent treatment or acted like I wasn't there.	1	2	3	4	5	NA
17.	My partner withheld affection from me.	1	2	3	4	5	NA
18.	My partner did not let me talk about my feelings.	1	2	3	4	5	NA
19.	My partner was insensitive to my sexual needs and desires.	1	2	3	4	5	NA
20.	My partner demanded obedience to his whims.	1	2	3	4	5	NA
21.	My partner became upset if dinner, housework, or laundry was not done when he thought it should be.	1	2	3	4	5	NA
22.	My partner acted like I was his personal servant.	1	2	3	4	5	NA
23.	My partner did not do a fair share of the household tasks.	1	2	3	4	5	NA
24.	My partner did not do a fair share of child care.	1	2	3	4	5	NA
25.	My partner ordered me around.	1	2	3	4	5	NA
26.	My partner monitored my time and made me account for my whereabouts.	1	2	3	4	5	NA
27.	My partner was stingy in giving me money to run our home.	1	2	3	4	5	NA
28.	My partner acted irresponsibly with our financial resources.	1	2	3	4	5	NA
29.	My partner did not contribute enough to supporting our family.	1	2	3	4	5	NA

TOLMAN: Psychological Maltreatment of Women Inventory

1	2	3	4	5	NA	
NEVER	RARELY	OCCASIONALLY	FREQUENTLY	VERY FREQUENTLY	NOT APPLICABLE	

30.	My partner used our money or made important financial decisions without talking to me about it.	1	2	3	4	5	NA
31.	My partner kept me from getting medical care that I needed.	1	2	3	4	5	NA
32.	My partner was jealous or suspicious of my friends.	1	2	3	4	5	NA
33.	My partner was jealous of other men.	1	2	3	4	5	NA
34.	My partner did not want me to go to school or other self-improvement activities.	1	2	3	4	5	NA
35.	My partner did not want me to socialize with my female friends.	1	2	3	4	5	NA
36.	My partner accused me of having an affair with another man.	1	2	3	4	5	NA
37.	My partner demanded that I stay home and take care of the children.	1	2	3	4	5	NA
38.	My partner tried to keep me from seeing or talking to my family.	1	2	3	4	5	NA
39.	My partner interfered in my relationships with other family members.	1	2	3	4	5	NA
40.	My partner tried to keep me from doing things to help myself.	1	2	3	4	5	NA
41.	My partner restricted my use of the car.	1	2	3	4	5	NA
42.	My partner restricted my use of the telephone.	1	2	3	4	5	NA
43.	My partner did not allow me to leave the house.	1	2	3	4	5	NA
44.	My partner did not allow me to work.	1	2	3	4	5	NA
45.	My partner told me my feelings were irrational or crazy.	1	2	3	4	5	NA
46.	My partner blamed me for his problems.	1	2	3	4	5	NA
47.	My partner tried to turn my family against me.	1	2	3	4	5	NA
48.	My partner blamed me for causing his violent behavior.	1	2	3	4	5	NA
49.	My partner tried to make me feel crazy.	1	2	3	4	5	NA
50.	My partner's moods changed radically.	1	2	3	4	5	NA
51.	My partner blamed me when he was upset.	1	2	3	4	5	NA
52.	My partner tried to convince me I was crazy.	1	2	3	4	5	NA
53.	My partner threatened to hurt himself if I left.	1	2	3	4	5	NA
54.	My partner threatened to hurt himself if I didn't do what he wanted me to do.	1	2	3	4	5	NA
55.	My partner threatened to have an affair.	1	2	3	4	5	NA
56.	My partner threatened to leave the relationship.	1	2	3	4	5	NA
57.	My partner threatened to take our children away from me.	1	2	3	4	5	NA
58.	My partner threatened to commit me to an institution.	1	2	3	4	5	NA