



TEN THINGS JUDGES SHOULD KNOW ABOUT DOMESTIC VIOLENCE

- 1. Domestic Violence offenders (like books) should not be judged by their cover.**

Domestic violence offenders come from all walks of life and socio-economic and professional levels. It is dangerous to believe that only low income or unemployed men commit acts of domestic violence. Domestic violence offenders are very adept at concealing their abusive behavior. If she could not detect his abuse during courtship, then a few moments in court will not reveal it either.
- 2. Testing is not reliable.**

A psychological evaluation will not detect the offender's true nature—offenders are not usually mentally ill. Domestic violence is a learned behavior where the offender feels it is his right to control the actions of his partner and in some cases, the children. Counselors and psychologist/psychiatrists may have little to no training or experience with the dynamics of domestic violence offenders. Reliable evidence is based on opinions of practitioners with specialized training in domestic violence.
- 3. Home is where the violence is.**

Offenders are usually only violent with people in the home—Domestic violence is a *pattern* of coercive and controlling behavior designed to exert power over another person. It is not an argument that gets out of hand but a pervasive, intimate use of power and abuse.
- 4. Children are always at risk.**

Children raised in domestic violence situations are at risk for injury and victimization as adults. Prolonged exposure to domestic violence can result in male children modeling the behavior of the offender, while female children are taught to accept victimization. Requiring the victim to leave in order to retain custody of the children places her and the children at high risk of fatal assault. In most cases, domestic violence homicides occur when she is attempting to leave.
- 5. Batterer intervention is better than counseling.**

Batterer intervention programs (BIPs) are the treatment of choice for offenders. BIPs offer sliding scale fees (not free), cultural education, education about healthy interaction with others and education about the underlying causes of domestic violence. Offender treatment must be specific, focused, court ordered and supervised in order to be effective. It is important that it is not a part of any other treatment program such as drug/alcohol programming. Conventional counseling techniques may backfire by “blaming the victim” and further placing her and the children in harm's way. Anger management programs are not effective and merely provide the offender with better ways to assault and not be caught.
- 6. Victims are damned if they do and damned if they don't.**

Domestic violence is a “no-win” situation for the victim and her children. IF SHE LEAVES: Victims face many barriers to leaving the offender, i.e., few or no resources to help her make the transition, inadequate police protection, losing her children, her job, her home, and possibly her life as well. The threat of losing the children is what many offenders use to keep her in the

relationship. In some instances, victims are held to a higher standard than that of the offenders, such as when a protective order application is required as evidence the victim is committed to stopping the violence. This is not required of any other crime victim. **IF SHE STAYS:** There are solid reasons—logistical and real—why she feels she cannot leave—judicial response should not need be one of them. An example, is when a victim fears being found neglectful for “failure to protect” without careful consideration of the circumstances by the court. Awarding custody to the unemployed offending partner or his relatives is another way that working moms are penalized by the system.

7. Domestic violence is not an argument “gone bad.”

Anger and arguing are part of a healthy relationship and essential to a good marriage/partnership. Domestic violence is **not** an argument though, it is the *ongoing* use of intimidation, isolation and violence designed to control and dominate. By the time the victim requests assistance from the court, he has escalated assault to the point the victim fears serious injury or death at his hands.

8. Things are not always as they appear.

Courts should look for context in domestic violence cases. Battered women may appear “disturbed.” Law enforcement reports describing the victim’s behavior may be accurate but misleading. Officers testify in court about what they observed—not what they know about the behaviors witnessed. Victim behaviors may include cursing, hitting, assaulting the officer, and attempting to assault the offender. This may lead the court to believe that the victim “deserved his abuse” since she appeared assaultive. Domestic violence victims, like any other persons who have been assaulted, are distraught, afraid, angry, and may act out as part of the trauma reaction. Everyone has a different reaction to violence.

9. “Believe it or not” domestic violence requires an open mind.

Reports of abuse may be “incredulous” and difficult to believe. Human beings are capable of unspeakable acts against others and these things *do* happen—and they happen to family and loved ones. Just because it is a local person and not a famous one, like Bundy or Dahmer, does not mean that horrid atrocities cannot happen in your community. If anything, the victim’s natural tendency is to underrate the frequency and severity of assault.

10. Accountability speaks louder than words.

Offenders of domestic violence must be held accountable for their actions. Lectures and warning have little to no effect on subsequent behavior of the offender. Unless there is strict supervision by the court along with court-ordered appropriate intervention such as jail, treatment, fines, child support while the woman and children are in shelter, and arrest for violating protective orders; offenders have no reason or incentive to change. Domestic violence is a long-term, deeply rooted course of interaction which meets only the needs of the offender. Swift and sure punishment is the most effective response to support the health and welfare of the victim, her children and the community.