MARCH 2010 | EDITION 2 | ISSUE 4

FORUM 411

Engaging Arizona's Leaders

DOMESTIC VIOLENCE IN ARIZONA

OLD PROBLEMS, NEW POSSIBILITIES

Nearly 40 years ago, Arizonans stood in the forefront of the modern campaign against domestic violence, one of the nation's most common and destructive social ills. Today, Arizonans have an opportunity to again play an important role on the state and national stage. After four decades of struggle, setback, and success, the current challenge is to advance the campaign in ways that reflect a broader and more nuanced understanding of violence and abuse among intimate partners. Is our basic response to domestic violence – call the police after it happens – the best or only answer now? Is "domestic abuse" a more accurate and useful concept than "domestic violence"? This report, Forum 411, offers a brief look at the past, present, and future of these and related issues in Arizona.

Beyond Domestic Silence

In 1972, one of the country's first battered women's shelters, *Rainbow Retreat*, opened in Phoenix. It was a part of a national movement seeking to "break the silence" about domestic violence. Activists insisted that women's safety and equality could only be enhanced if the public became aware of the widespread violence in women's private lives. Arizonans have remained engaged ever since. Today's statewide system of response includes shelters, advocacy organizations, social and health-care support, and a justice system that administers civil and criminal laws.

Over the years, government agencies, academics, community leaders, and the general public have sharpened their awareness of domestic violence. But the stigma and the silence are far from gone, and the problem may not even be easing. Reliable statistics on this highly underreported crime are scarce, but domestic violence remains the most common violence-related 911 call to most or all of the nation's police departments. It also remains strongly linked to child abuse, substance abuse, mental illness, and even animal abuse.

> If the numbers we see in domestic violence were applied to terrorism or gang violence, the entire country would be up in arms, and it would be the lead story on the news every night.
>
> Mark Green, Former U.S Representative, Wisconsin

ASU Morrison Institute for Public Policy
ARIZONA STATE UNIVERSITY

A Very Short History[1]

The movement's history includes several overlapping phases:

- **WOMEN DEMAND CHANGE** In the late 1960s, the women's movement began to address issues of violence against women, particularly rape, following lessons learned in the civil rights and anti-war movements. From the early 1970s on, shelters were opened around the country and advocacy organizations formed, including the Arizona Coalition Against Domestic Violence in 1980.
- **LAWMAKERS BEGIN TO LISTEN** In the late 1970s and '80s, many states enacted laws against domestic violence, spurred by pressure from the women's movement, academic research, and fear of lawsuits from victims. Now all states have such laws. The Arizona Legislature passed its first domestic violence bill in 1980, which it has amended many times since. States also enacted laws to allow domestic violence victims to obtain orders of protection that restrict or prohibit contact between a victim of abuse and an alleged or convicted perpetrator. In Arizona, as in other states, lawmakers have appropriated millions of dollars for emergency shelters.
- **THE SYSTEM EVOLVES** Many of the new domestic violence laws passed in the 1980s and '90s required police and courts to respond to domestic violence as acts that could no longer be downplayed as private family matters. Courts began ordering batterers into treatment programs, usually involving group sessions in which offenders were prompted to acknowledge and repudiate their behavior. The growing volume of cases led many police departments and prosecutors' offices to designate officers or bureaus as domestic violence specialists. Some jurisdictions in Arizona and elsewhere also developed specialty domestic violence courts. Federal acknowledgement of the importance of these developments came in 1994 when Congress passed the Violence Against Women Act.
- **THE CONTEMPORARY REASSESSMENT** By the late 1990s, the majority of Americans agreed that nothing justifies domestic violence. Yet the problem remains a common one, repeat cases abound, and activists and public officials still struggle to achieve positive change for victims and families. As a result, researchers and practitioners have begun questioning society's heavy – and often sole – reliance on the criminal justice system

ARIZONA LAWS

Domestic violence is not categorized as a separate crime by Arizona law, with the exception of aggravated domestic violence, which can be charged when a suspect commits multiple domestic violence crimes. Instead, the phrase refers to crimes when committed between individuals who are or were related by "blood, marriage or household residency" and, since 2009, in a romantic or sexual relationship. Arizona Revised Statutes 13-3601 cites 21 crimes as potential incidences of domestic violence, including endangerment, threatening or intimidating, simple or aggravated assault, custodial interference, criminal trespass, criminal damage, disorderly conduct, harassment, and stalking.

Domestic Violence: Selected Highlights from History

1972 — 1978 — 1980 — 1984

1972 One of the country's first battered women's shelters, *Rainbow Retreat,* opens in Phoenix.

1978 The National Coalition Against Domestic Violence (NCADV) is created.

1980 Arizona Legislature passes first domestic violence bill. Arizona Coalition Against Domestic Violence is founded.

1984 Publication of the *Minneapolis Domestic Violence Experiment* generates national momentum in favor of arresting offenders.

1984 The U.S. Attorney General's Task Force on Family Violence recommends that family violence be treated as a crime and that law enforcement agencies make arrests in such cases. Congress passes the Family Violence Prevention and Services Act (FVPSA). Phoenix Police Department adopts a form of "mandatory arrest policy."

1994 Congress passes the Violence Against Women Act (VAWA).

1995 The Office of Violence Against Women is created within the U.S. Department of Justice.

1997 Arizona Legislature creates the Domestic Violence Shelter Fund, a dedicated funding source for shelter services in the state.

2004 The Arizona Governor's Commission to Prevent Violence Against Women releases *The State Plan on Domestic and Sexual Violence: A Guide for Safety and Justice.*

to accomplish the traditional goals of victim safety and offender accountability. They note that criminal proceedings tend to focus on individual events (i.e., crimes), while domestic violence often consists of a pattern of behavior that extends over numerous episodes. Criminal matters function as adversarial proceedings – often pitting victims against someone they love – with punishment as the primary possible outcome; but many victims want help for their abusers as well as sanctions, and hope to salvage the relationship. Finally, the laws and the courts focus almost exclusively on cases of physical abuse or damage; this means the system can't deal well with other forms of abuse and is less able to provide the health-care and social services that so many victims need.

Differences of opinion can be found on virtually every aspect of domestic violence. Is arrest always the right response? Do offender treatment programs work? Are the needs of low-income and minority victims being properly addressed? Is violence among same-sex couples receiving adequate attention? We also struggle to improve a justice system that most victims don't use, that many victims who do use come away from disappointed, and where victims' wishes often differ from those of the police and prosecutors. The prosecutor's job is to do justice, usually by obtaining a criminal conviction. But a victim might be equally or more concerned about insuring personal safety, maintaining economic viability, protecting children, or securing treatment for the offender. It is no surprise then that at least 50% of cases are dropped by prosecutors because of what is often labeled "victim reluctance."

Despite such dilemmas, however, there seems to be growing agreement concerning three vital issues:

- Much more effort is needed on prevention, reducing the incidence of domestic violence rather than waiting until after the trauma and damage have occurred.
- We must make finer distinctions among the many types and degrees of violence between intimate partners so that appropriate measures can be taken.
- Much of the suffering imposed by "batterers" does not actually involve battering, but arises from an insidious campaign of "coercive control" – psychological and emotional abuse aimed at maintaining power and control over the victim even in the absence of violence.

> One in three women may suffer from abuse and violence in her lifetime. This is an appalling human rights violation, yet it remains one of the invisible and under-recognized pandemics of our time.
>
> Actress Nicole Kidman, Advocate for reducing domestic violence

1994 1995 1997 2004 2005 2006 2007 2008 2009

2005 Arizona law eliminates lesser penalties for sexual assault of a spouse than for sexual assault of a stranger.

2006 Arizona law is amended to ensure that people living in rental housing are able to call law enforcement for assistance on any matter, not just domestic violence, without a threat of being evicted for disturbing the peace of the neighborhood.

2007 A third or subsequent domestic violence offense committed within a period of 84 months becomes a crime of aggravated domestic violence, a Class 5 felony. A new law allows victims of domestic violence to terminate a rental agreement early. Arizona law is amended to require an employer to allow an employee to leave work to obtain an order of protection, an injunction against harassment, or other injunction to help ensure the health, safety, or welfare of a victim or victims' children.

2008 Arizona law is amended to allow courts to review evidence of harassment by electronic contact or communication when determining whether to issue an injunction without further hearing.

2009 Arizona law is amended to expand the definition of domestic violence to include acts where there is or was a romantic or sexual relationship between the victim and the accused.

Sources: Governor's Commission to Prevent Violence Against Women, Arizona Coalition Against Domestic Violence, Arizona WomensLaw.org, Morrison Institute for Public Policy.

Arizona Looks Ahead

Like other states, Arizona has developed a complex criminal justice system response to domestic violence, a process often referred to as the "criminalization" of DV. Despite the clear progress this represents, many Arizona justice professionals themselves agree that it alone is not sufficient to deal with the problem. In a 2005 report, Morrison Institute found street-level police officers and sheriff's deputies skeptical of the ability of Arizona's "pro-arrest" policy to reduce domestic violence, frustrated by a perceived lack of follow-up from prosecutors, and often at odds with victims whose predicaments they did not fully understand.[2] In a 2007 report – based on the views of prosecutors, judges, victim advocates, probation officers, and victims – Morrison Institute found that, despite important strides made over the past three decades, the state's criminal justice system was too often falling short of its goals.[3] One city prosecutor commented: "I don't think any one part of the system – police, prosecution, courts – is set up effectively to handle [domestic violence]." Overall, criminal justice practitioners acknowledged how difficult it can be to effect changes in a system trying to cope with a high volume of cases through a blend of separate missions, responsibilities, bureaucratic cultures, and levels of government.

Even though the justice system has provided only a partial answer, it remains the system most Arizonans believe we should turn to. According to a 2005 survey of Maricopa County residents, commissioned by Morrison Institute and Maricopa Association of Governments, nearly three-quarters of those asked said that domestic violence was a major problem in Arizona, and an overwhelming majority (89%) thought it best handled by the police.[4] Asked which of four options might reduce domestic violence, respondents were more likely to say "enforcing laws strictly" (68%) than expanding "services for victims" (59%).

But this reliance on legal intervention changed when different definitions of domestic violence were offered. The difference can be seen in respondents' reactions to two scenarios. In one, they were asked what they would do if someone close to them were in a situation of "aggressive behavior between intimate partners that threatens or causes physical injury or property damage." Seventy-eight percent said they would call 911 and only 17% said they would call a family member, friend, or other trusted advisor. But in a second scenario, when the problem was "verbal, psychological, and/or financial abuse between intimate partners through which one seeks domination and control over the other," those who said they would call 911 dropped to 34%, and those who'd call a family member, friend, etc. increased to 36%.

This reflects an emerging consensus that there is more than one type of domestic violence, and that responses must be better tailored to meet each type. Some discord between intimate partners will of course never be "fixed". On the other hand, the most toxic and dangerous strain of domestic violence is that based upon an abuser's long-term strategy of "power and control." Arizona's laws still focus on physical injury or property damage, even though addressing the issue of power and control underlies virtually all domestic violence treatment programs. Few of these "coercive control" behaviors, such as isolating the victim from his/her family and friends, restricting a victim's freedom, controlling the finances, and demeaning the victim with verbal abuse are (or are likely to be) covered by criminal laws. We of course must still vigorously enforce criminal sanctions against those who employ violence against people and property. But we may also need to consider new approaches to what is now increasingly recognized as a broader and more complex phenomenon.

FAMILIAR FACES

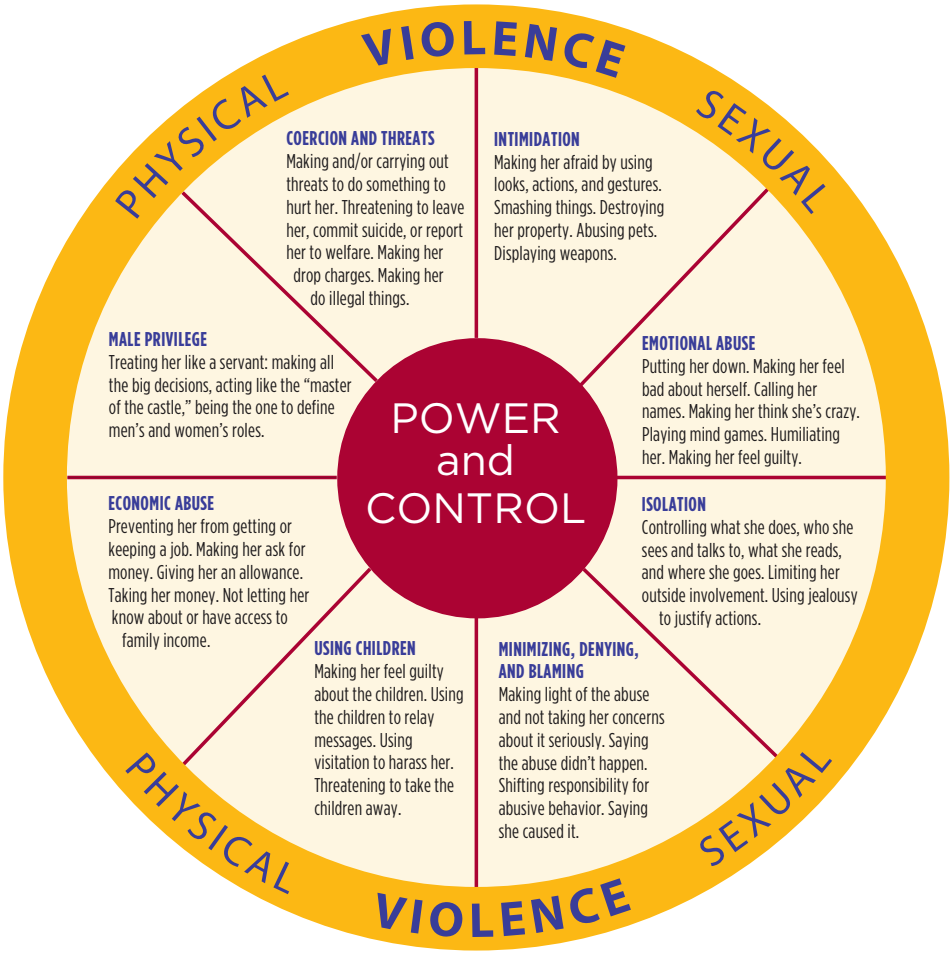
- In 2008 victims of crime in the U.S. knew the offenders in about 5 in 10 violent crimes against men and 7 in 10 violent crimes against women.
- Intimate partners were responsible for 3% of all violence against males and 23% of all violence against women in the U.S. in 2008.

Source: *Criminal Victimization, 2008*. U.S. Dept. of Justice, Bureau of Justice Statistics, September 2009, NCJ 227777.

[Domestic violence arrest] keeps people alive for another night.

Domestic Violence Detective, Arizona

Source: Morrison Institute for Public Policy.[2]



Power and Control Wheel

Physical and sexual assaults, or threats to commit them, are the most apparent forms of domestic violence and are usually the actions that allow others to become aware of the problem. However, regular use of other abusive behaviors by the batterer, when reinforced by one or more acts of physical violence, make up a larger system of abuse. Although physical assaults may occur only once or occasionally, they instill threat of future violent attacks and allow the abuser to take control of the victim's life and circumstances.

The Power and Control diagram is a particularly helpful tool in understanding the overall pattern of abusive and violent behaviors, which are used by a batterer to establish and maintain control over a partner. Very often, one or more violent incidents are accompanied by an array of these other types of abuse. They are less easily identified, yet firmly establish a pattern of intimidation and control in the relationship.

Source: National Center on Domestic and Sexual Violence and The Domestic Abuse Intervention Project.

Preserving Momentum on Multiple Fronts

Despite the controversies and challenges, Arizona has no shortage of dedicated people and good ideas for tackling domestic abuse issues comprehensively. A few of them include:

- **COLLABORATION: O'CONNOR HOUSE DOMESTIC VIOLENCE PROJECT** In 2009 retired U.S. Supreme Court Justice Sandra Day O'Connor, with a grant from the Avon Foundation, established the Avon Center for Women and Justice as part of the O'Connor House non-profit center. The group's mission is to address complex political and social issues, bringing stakeholders together so that, in the words of its mission, "Civil talk leads to civic action." Justice O'Connor chose domestic violence as the focus of the group's Avon grant, and the group is hosting regular meetings with law enforcement officers, lawyers, judges, court personnel, elected officials, academics, domestic violence survivors, and community activists to develop projects in two broad areas: (1) short-term projects aimed at reforming and filling gaps in the existing justice system, and (2) longer-term projects focused on domestic violence prevention.
- **JUSTICE: SPECIALTY DOMESTIC VIOLENCE COURTS** Beginning in the 1990s, judges around the country began to experiment with domestic violence courts, because of the high volume of cases and the special consideration these cases require. Such courts

Domestic violence causes far more pain than the visible marks of bruises and scars. It is devastating to be abused by someone that you love and think loves you in return. It is estimated that approximately 3 million incidents of domestic violence are reported each year in the United States.

U.S. Senator Dianne Feinstein

are operating or planned in various county and city courts around the state. They are not separate legal entities, but typically consist of one or more sitting judges who handle all domestic violence cases in their court's jurisdiction, rather than having the cases distributed among all judges. The courts' key objective is to support intensive supervision of offenders on probation and to offer both sanctions and incentives as warranted by offender behavior. Proponents say it also develops experienced judges, promotes greater consistency in the system's response, and enables judges to work closely with teams of equally experienced prosecutors, probation officers, and advocates.

One Arizona judicial project is even moving away from the traditional adversarial approach. In 2004 a Santa Cruz County judge, in collaboration with a New York University researcher, developed one of the nation's first domestic violence programs that uses a "restorative justice" approach to reduce violent behavior in families. Called Circles of Peace, the program consists of conferences, or Circles, that bring the abuser together with their families (including the victims, if they choose), professional facilitators, and community volunteers in order to encourage dialogue and goal-oriented change. The program has reported some initial success, and is being studied under a grant from the National Science Foundation.

- **PREVENTION: PURPLE RIBBON COUNCIL** Founded in 2006, the Purple Ribbon Council is one of several groups around the state focusing on prevention. Based in Phoenix, the Council works "to prevent domestic abuse and domestic homicide through grassroots mobilizing, awareness, education, intervention, and outreach in communities across the U.S." Among its projects are "dialogue-to-action study circles" where local people work to develop action plans to prevent and respond to domestic abuse in their communities; another project is the "Fund for Children and Butterfly Club" which works to support children who have survived a domestic homicide.
- **REFLECTION: ARIZONA'S DOMESTIC VIOLENCE FATALITY REVIEW TEAMS** Arizona is one of a growing number of states that have developed domestic violence fatality review teams (DVFRTs). These teams of police officers, advocates, and other professionals perform in-depth reviews of individual domestic violence homicides in search of factors that might decrease or prevent violence in other families. They also look for what interventions, if any, might have prevented a death. Several such DVFRTs have organized in jurisdictions around the state. Arizona is fortunate in having a national expert in this field, Neil Websdale, a professor at Northern Arizona University. He and others will speak at the National Domestic Violence Fatality Review Initiative conference in Scottsdale this August.
- **LEGISLATION: ARIZONA COALITION AGAINST DOMESTIC VIOLENCE** Now in its 30th year, the Coalition is comprised of representatives from domestic violence programs and other concerned individuals and groups around the state. Among its many activities, it monitors the actions of judges to help inform voters in elections, and lobbies at the legislature on bills related to domestic violence. For example, the Coalition was instrumental in persuading lawmakers to extend domestic violence statutes to include individuals in dating relationships.
- **LAW ENFORCEMENT: PHOENIX POLICE DEPARTMENT** Numerous Arizona police agencies have established domestic violence specialists or even opened bureaus to address this extremely common offense. The Phoenix Police Department is now more thoroughly redesigning its enforcement efforts, seeking closer cooperation between

patrol officers and detectives, prioritizing cases, and equipping patrol officers with brief "risk assessment" questionnaires aimed at helping the department to better address more severe cases.

Working for a Better Future

Domestic violence and abuse pose fundamental challenges for policy makers. For one thing, their causes are complex: Do they arise primarily from the individual psychology of the people involved, or do they spring from the overall imbalance of power in a male-dominated society? Experts disagree strongly about what kinds of behavior should be included in the problem, when and how prevention efforts should be tried, and how to end abuse other than ending the relationship. We don't really even know how many victims are out there.

There is much more agreement, however, that the problem is widespread and deeply destructive to its victims and their loved ones, and by extension to society at large. There also is general acknowledgement that the criminal justice-centered approach has been an extremely important advance, even if it cannot always prevent or even address all of the factors involved. Despite the stigma that still lingers, society's silence about domestic violence is being replaced by a chorus of different views and voices. Clearly, justice professionals and others in the field cannot stop their work and start over, but they can consider adapting to new findings and understandings. In that regard, several areas will merit special attention:

- Education and training for all criminal justice professionals, from judges to patrol officers, must be continued and improved. There are still many attitudes to change, and too many instances in which justice agencies fall short of vigorously enforcing the law or fail to cooperate with each other, often at the victims' expense.
- There remains a widespread failure to recognize the frequency and destructiveness of domestic violence and abuse. Organizations like the Arizona Coalition Against Domestic Violence and O'Connor House should persist in promoting publicity, education, and collaboration.
- Prevention may indeed be the gold standard. Childhood education against violence and programs to preempt teen dating violence are two common types of efforts, but there are many programs to pick from. This can be a difficult, time-consuming, and expensive task, but it is also an urgent one that should be taken up by a number of organizations, from O'Connor House, the Coalition, and the Purple Ribbon Council to schools, civic groups, and faith-based institutions.
- If the notion continues to gain support that "domestic abuse" represents a broader and more useful concept than "domestic violence," it will mean more than a new label. It could promote a new understanding of the problem, one that centers on the protection of basic human rights. Many Arizonans may not be used to thinking in terms of human rights, which in this cause would refer to every individual's right to live without fear of domination and psychological abuse as well as

TOO MANY VICTIMS

- In 2008, females in the U.S. aged 12 or older, experienced approximately 552,000 nonfatal violent victimizations (rape/sexual assault, robbery, or aggravated or simple assault) by an intimate partner (current or former spouse, boyfriend, or girlfriend).
- During a 12-month period in 2005-6, an estimated 3.4 million persons age 18 or older in the U.S. were victims of stalking.
- Homicide victims killed by an intimate partner in the U.S. declined from an estimated 3,300 in 1993 to an estimated 2,340 in 2007.

Source: *Female Victims of Crime.* U.S. Dept. of Justice, Bureau of Justice Statistics, September 2009, NCJ 228356.

Prevention may indeed be the gold standard.

IF YOU ARE IN DANGER, CONTACT:

National Domestic Violence Hotline

1-800-799-7233

Arizona Hotline

1-800-782-6400

TO LEARN MORE, CONTACT:

Arizona Coalition Against Domestic Violence
http://www.azcadv.org/

Purple Ribbon Council
http://www.purpleribboncouncil.org/

Men's Anti-Violence Network of the Arizona Foundation for Women
http://www.azfoundationforwomen.org/whoweare/mens_anti-violence_network.php

Talk to Morrison Institute at Morrison.institute@asu.edu

battery. Indeed, some experts in this country and abroad have begun pondering ways to modify the criminal code to include non-violent abuse. While complications abound, it seems worth considering an evolution that could contribute to new approaches to prevention, prosecution, and treatment.

This is hardly an auspicious time, in Arizona or elsewhere, to propose ambitious and expensive new programs. Budgets are being cut and cut again; human-service programs are among the most vulnerable. But some advances in the campaign against domestic violence and abuse can be made without prohibitive costs, even as the Arizona Coalition Against Domestic Violence and others work to preserve as much as possible of the considerable gains that Arizona has already made. Forty years of work have brought Arizona to the point where a reassessment of its approach to intimate partner conflict presents an opportunity to make real progress in the prevention and reduction of this relentless social ill.

1 Many histories of the movement are available, for example see: http://www.dvmillennium.org/StoryFP.htm and http://data.ipharos.com/bwjp/documents/evolution_dv_theory.pdf.

2 Toon, R. and W. Hart (2005). *Layers of meaning: domestic violence and law enforcement attitudes in Arizona*. Morrison Institute for Public Policy, Arizona State University.

3 Toon, R., W. Hart, et al. (2007). *System alert: Arizona's criminal justice response to domestic violence*. Morrison Institute for Public Policy, Arizona State University.

4 Behavior Research Center (2005). *Domestic Violence Survey*. BRC Inc.

5 http://www.purpleribboncouncil.org/about.html.

MARCH 2010 | EDITION 2 | ISSUE 4

FORUM 411
Engaging Arizona's Leaders

FORUM 411 IS PRESENTED BY

westcor

THEIR SUPPORT FOR THIS PROJECT IS ACKNOWLEDGED GRATEFULLY.

Morrison Institute is a leader in examining critical issues, a catalyst for public dialogue, and a forecaster of coming issues and outlooks. An Arizona State University resource, Morrison Institute uses nonpartisan research and communication outreach to help improve Arizona's quality of life.

Design: Karen Heard/Chalk Design

Visit MorrisonInstitute.asu.edu for more information on Forum 411 topics and past issues in the series.

Printed on recycled paper with sustainable printing practices.

ASU Morrison Institute for Public Policy
ARIZONA STATE UNIVERSITY

Morrison Institute for Public Policy / School of Public Affairs
College of Public Programs / Arizona State University
Mail Code: 4220, 411 N Central Ave, Ste 900
Phoenix, AZ 85004-0692
Ph 602-496-0900 / Fx 602-496-0964 / MorrisonInstitute.asu.edu