

# DOMESTIC VIOLENCE USA



## Restraining Orders A Flawed Process

"You Can't call the bullet back."

(Inside cover flap)

## *Domestic Violence*

### *Policies and process*

### *Need Major Reform*

**The judicial system in every state and the federally authorized and funded Violence Against Women Act (VAWA) are the main forces attempting to eliminate domestic violence against women.**

There have been thousands of debates and studies since the early 70's on how to cope or eliminate domestic violence. However controversies still exist and billions of federal dollars have been thrown at the problem. And, it doesn't appear that we have made any significant progress in eradicating domestic violence. As a matter of fact, violence has increased significantly since the influx of new policies and laws such as the "No Drop" and "100% Arrest" policies promoted and supported by VAWA.

Most Americans are vaguely aware of what is happening in the court system as well as the outcomes. Good or bad....statistics and anecdotes are what the people remember. Unfortunately, many false or misleading statistics are stated by top level politicians and believed by the public. Anecdotes on both sides of the issue tend to obscure what is really happening in the arena of domestic violence and whether or not the solutions implemented by the judicial system and VAWA are working.

We all believe in the same goal and nobody disputes the fact that.....**VIOLENCE AGAINST WOMEN MUST STOP.**

How to stop the violence against women is the real challenge. The present VAWA Policies and Judicial Process adopted are not working. The women that really need protection are not protected and those who are falsely accused are forever stigmatized and destroyed. The goals of VAWA and the judicial system need not change but their policies and approach need total reform.

As this book will show that in the words of a personal friend (the late Doctor Steve Cronin): The domestic violence system treats....."WOLVES LIKE LAMBS AND LAMBS LIKE WOLVES" and wolves are getting away with murder.

Based on the evidence revealed in my 30 years of studies and statistics, the domestic violence approach and process needs a thorough lobotomy.....specifically in the judicial system and VAWA.

## DEDICATION

### *To My Son and Daughter*

This book is dedicated to my son Robbie Leclair and Kerry Anderson as well as to their children: Katie, Jessica, Alyssa, Brandon.

Kerry and Robbie suffered through years of a prolonged (10 years) and acrimonious divorce and custody battle between my wife and me because the divorce system offered no process other than the adversarial approach.

The judicial process depleted all of our assets, leaving no finances to pay for Kerry and Robbie's college education. My wife and I both had college degrees; however, Kerry and Robbie were not afforded the same opportunity. At times life is not fair, both of them deserved a better shake in life. The divorce system that needs total reform will be the topic of my next book which is in progress. All children deserve an equitable judicial system.

After 30 years of personal and vicarious experience in the field of domestic violence as well as in factual research, this book was inspired by the fact that I loved my son and daughter.

**I did not want to see my daughter a victim of domestic violence nor did I want to see my son falsely accused of domestic violence.**

I also wish to thank all my relatives and friends who encouraged me to write this book. Especially, I am including those who hounded and urged me for years to finish the book.

Mainly, I am thankful to God for allowing me to live long enough to write it. God helped me survive the many years of trauma with a prolonged divorce as well as the vicarious experiences with domestic violence for some 35 years.

I hope that this book provides a new insight and perspective for parents who have sons and daughters.

# PREFACE

Hundreds of studies on domestic violence have been funded by VAWA, hundreds sponsored by and conducted by members of academia and many privately sponsored. Most, if not all, were based on random interviews, polls, surveys and/or anecdotes. Many statistics were adapted from those generated by the Department of Justice. The US Bureau of Justice statistics also relies on survey sampling to analyze and report their statistics and have even developed a software program on conducting telephone interviews to obtain crime statistics, including those for domestic violence.

## **FACT OR FICTION ???**

**\*\* The Restraining Order /Protective Order (209A) process is critically flawed. It does not protect the women that desperately need protection and often needlessly destroys numerous men and devastates children.\*\***

**\*\* Many if not most judges handling domestic violence cases routinely violate their oath of office.\*\***

**\*\* The judicial process is on the verge of total collapse....the truth is no longer paramount in decisions on domestic violence. \*\***

**\*\* The Restraining Order process is a civil complaint and not a criminal complaint in most cases. In fact, most complaint are issued at a judicial hearing based on allegations of criminal behavior or criminal acts. \*\***

**\*\* In Massachusetts alone, for the past 5 years we had a total of 230,000 males abusing women. \*\***

\*\* Most domestic violence statistics are based on surveys, polls or random interviews rather than court based case evaluations. \*\*

\*\* Most domestic violence solutions are agenda and gender driven by the federal government and supported by billions of tax dollars. \*\*

\*\* Many publicly stated and commonly believed statistics actually come from studies that are entirely based on other studies. \*\*

**THIS BOOK REVEALS THE ANSWERS AND TELLS  
WHY.....!!!**

## DV Book Table of Contents

CHAPTER 1. Research and Statistics

CHAPTER 2. History of the good, the bad and the ugly of statistics

CHAPTER 3. Random Statements vs Statistics

CHAPTER 4. Failings and abuses of the Judicial System

CHAPTER 5. Failures and Collapse of the VAWA Goal to Protect Women

CHAPTER 6. Epilogue (Daughter Kerry 's Restraining Order)

CHAPTER 7. A 1998 Study Funded by OVW

CHAPTER 7. New Worlds of Divorce and Domestic Violence

CHAPTER 8. Preview of Coming Attraction

CHAPTER 9. Similarities with Catholic Church Sex Abuse Scandal

CHAPTER 10. Judiciary and VAWA Responsibility

CHAPTER 11. Feasible Solutions

## CHAPTER 1

### RESEARCH AND STATISTICS

#### THE REALITIES OF RESTRAINING/PROTECTIVE ORDERS IN MASSACHUSETTS COURTS

##### **“A LIE IS NOT EVIDENT WHEN THE TRUTH IS NOT DISCLOSED”**

**Bob Leclair**

Domestic Violence is a major concern in America. Restraining order laws were implemented to protect lives. The big debate now is whether the laws as presently promoted and enforced destroy more lives and careers than they actually protect. Unfortunately children are caught in the middle of this debate. Some are protected whereas others are needlessly devastated and destroyed.

Positive solutions based on accurate and meaningful research rather than on self-serving or agenda-driven studies need to be found and implemented. The need for effective research is captured in Cathy Young’s appropriately titled book “Ceasefire! Why Women and Men Must Join Forces to achieve True Equality”. This type of research should be a mandate from all parents who love and are concerned with the future of children.

Appendix A shows the ratio of divorces and Restraining in the state of Massachusetts from 1981 to 2012. Those statistics show an alarming trend and downward spiral of our country’s society.

My research and study of restraining//protective orders reveal many startling statistics that contradict numerous misconceptions on domestic violence. I believe that my study is the only one of two that derived its statistics from the evaluation and analysis of an actual sequence of restraining order documents in a district court for a complete year. The statistics derived from the study can and should become valuable tools for reform.

#### **EMERGENCY RESTRAINING ORDERS**

**The most mind-boggling statistic revealed in the study and one that has never been addressed as a major concern is the Emergency Restraining Order adopted in most states. A special Judicial Response System (JRS) was established in Massachusetts to handle emergency domestic violence situations when the courts are not open. What happens on weekends is that the police respond to the emergency domestic call and usually arrest the male and then place a telephone call to a judge who automatically grants a Restraining Order to the female. The statistics show that 70% to 73% of the Emergency restraining orders issued are vacated within three to ten days because the plaintiffs fail to show up for the first or a subsequent hearing or voluntarily vacate the order. This is such a common practice that lawyers and court personnel have a name for it...” Weekend No-Shows”.**

**In 1996 out of 50,242 restraining orders there were 12,301 emergency 209A's issued to plaintiffs based on phone calls by police to a judge under the Judicial Response System (JRS). Approximately 8600 restraining orders were vacated because the plaintiffs failed to appear at the scheduled hearings. This average has been fairly consistent over the years with some highs and lows. In 2011 out of 48,235 restraining orders there were 6,772 emergency restraining orders. This startling statistic should no longer be ignored or dismissed. The chief justices of every court system as well as VAWA should take steps to address and reform the system.**

**In many states, either the victim or the police can contact a judge and ask for them to issue an EPO/ERO to prevent imminent harm. The emergency protective order statistic alone should be sufficient to show that the process has become a sham and is in need of major reform. Women who truly and genuinely need protection are often rarely protected and are lulled into a false sense of security.**

**The shocking statistic on Emergency Restraining orders and the JRS system needs to be further looked at from the point of view of why this is happening. There is not just one explanation as some women's advocates would like us to believe...women fear retaliation. Base on my analysis of court records, interviews with police and court personnel as well as professionals in the field, there are several possible reasons all of which should be explored and addressed. Until we know what this shocking statistic means we have no way of addressing the problem or finding meaningful solutions. There were four major reasons that became apparent after my research and evaluation:**

- a. used as a vindictive and retaliatory measure,**
- b. used to teach a lesson to the spouse or boyfriend or to force compliance with a demand,**
- c. used to show that it can be used as leverage for further action in divorce courts**
- d. abandoned for fear of retaliation and reprisal if further pursued**

Regardless of the reason why the Emergency Restraining Orders is vacated in most cases, the statistics show that the JRS system is not working and will not work to protect the real victims who desperately need protection. Again, it is a process that creates rather than solves problems and can be essentially destructive and mired in unintended collateral damage. Refer to Appendix B additional and relevant statistics derived from this study.

**FALSE ALLEGATIONS BASED ON LIES**



There is presently much debate over the adequacy of due process and the extent of false allegations that exist in the restraining order process. While all those engaged in this debate agree that false allegations exist, they only disagree as to the extent.

According to recent press and media coverage, a group called the Fatherhood Coalition contends that an extensive number of restraining orders are based on false allegations by female plaintiffs. Supporters of the Restraining Order as we know it today, like former Senator Barbara Gray, say that as few as 5% of the approximately 50,000 complaints filed result from false accusations. If the fatherhood coalition is right, a vast majority of innocent males and fathers and their children are socially and emotionally destroyed and careers are often jeopardized. If Barbara Gray and her supporters are right, the statement by Cathy Young that “even the low estimate adds up to about 2000 a year--hardly a trifle when individuals lose their homes, their children, and sometimes their freedom is an accurate estimate of the destruction”. Neither side has any tangible proof of their contention other than anecdotes supplied by plaintiffs and defendants. However, another important factor has been left out of the equation; not all false accusations are the result of a lie, many results from a sincere and honest perception but one that is not based on reality.

The sad reality is that the percentage of false accusations could be anywhere from 5% to 51% but becomes a moot question in light of current court practices. The numbers are immaterial. The fact that they do happen should be enough to sound an alarm. Court records give no indication of the magnitude of false accusations. The restraining order judicial process rarely allows due process and evidentiary hearings as an attempt to reveal the truth. The petitions are civil and not criminal complaints and therefore are not subject to the same due process, evidentiary hearings, rules of evidence or many other safeguards provided for in the criminal process. It then becomes irrelevant that the civil petition contains allegations of criminal acts.

Contrary to a Boston Globe columnist’s contention that “the high court said the burden is on the complainant to establish under penalties of perjury, the need for an emergency court order to keep an abusive partner at bay” the current court practice is to grant the majority of restraining orders based on a “better safe than sorry approach”. Attorney Charles Bowser, who for three years sat as a judge in family court, said in a Boston Herald article about his decisions on restraining orders:

“I didn’t want to wake up in the morning and find my name in the paper as the judge who did not grant a restraining order in a case where someone was indeed harmed. In the first instance, you err on the side of caution and grant the order. But you never really know what the truth is until you conduct an evidentiary hearing, and sometimes they take a long time to schedule.”

Note: Due process and evidentiary hearings are very rarely conducted in the restraining order process and only when the case is sent to the criminal court as a criminal complaint.

Statistics and the fact that restraining orders are very rarely denied support the position that false accusations are not identified and flushed out in the process; consequently, “A lie is not evident when the truth is not expected”. Or, as one judge stated in open court “she may be lying through her teeth but I can’t take the chance”. I assume that the male judge who made this statement was not trying to discredit the accuser but simply state a well known fact

### **FALSE ALLEGATIONS BASED ON PERCEPTION**

Not all false allegations are based on lies. A significantly high percentage of false allegations are based on the accuser’s perception of the abuse; however, the perception is not always based on reality. Therefore, the accusation may be false but the accuser is not knowingly lying. Thereby, the allegation in 88% of the cases...”**I fear for my life**”.

This type of response is very difficult to prove or disprove, if not impossible especially in the He/says She/said cases. Unless a video of the abuse is available such as in the now famous and publicized case of football player Ray Rice, judges rarely deny a restraining order on the grounds that it is ”**better to err on the side of safety**”.

This factor alone warrants reform of the judicial process to allow for protection of the victims when the truth is not clearly discernible. To retain the present process of a dangerous and often chaotic “one-size-fits-all or better-safe-than-sorry approach”, is clearly unjust and untenable in this millennium.

### **IS REFORM OF THE JUDICIAL SYSTEM POSSIBLE?**

The restraining or protective order process now seems to destroy more people than it protects and fails to protect those women who are most vulnerable and seriously in need of protection.

There is no doubt that some form of restraining order is needed; however, an effective concept should be based on meaningful research rather than emotional, agenda-driven and partisan positions based on polls or random interviews and surveys. Most of the statistics developed and provided by the court system are merely intended to justify their yearly budget. For a history of the Good, the Bad and the Ugly of Statistics go to Appendix C.

Statistics that are not presently available but really needed are those for restraining order petitions that result in the parties filing for divorce in family courts. Statistics to include the outcome of these divorce proceedings would also be very revealing and relevant. The district and probate courts would be the only ones capable of deriving these statistics. Are they capable?...yes. Would they be willing?...No. The courts and OYW are really not interested in meaningful reform. Would an independent organization be capable of obtaining these

statistics?...yes. Would they be allowed?...No. The chief justices and the AG's office would not allow this under any circumstances because the researcher would have to correlate the names of the restraining order petitioners with those filing for divorce....which is considered taboo in Mass courts. Their relevance in reforming the process would seem to outweigh the concerns...yes, but not in Mass courts or in any other state.

## **IMPORTANT CONSIDERATION**

**The statistics in this chapter are highly significant and should be seriously considered as the basis for radical reform of the policies promoted and endorsed by VAWA as well as the laws and process adopted by the judiciary. However, probably more important is the insight revealed by analyzing all the restraining orders that were part of the study. This vicarious insight proved invaluable as the basis for many of the facts and statements made in the following chapters.**

**As the late Doctor Steve Cronin once said: "IT IS A PROCESS WHERE WOLVES ARE TREATED LIKE LAMBS AND LAMBS ARE TREATED LIKE WOLVES". There is no truer statement ever made whose real impact on society is so misunderstood and ignored. Clear evidence that this statement is true was revealed during my research and study project.**

## APPENDIX A

### Divorce and Restraining Order Statistics

MASSACHUSETTS FOR 1981 AND 1994 THROUGH 1997

TYPE OF ACTION	1981	1994	1995	1996	1997
Restraining Orders filed(all courts)	16,095	50,904	54,675	50,242	49,338
Restraining Orders in Probate Courts (EX PARTE)		6718 (out of 7164)	7435 (out of 7965)	8258 (out of 8342)	8017 (out of 8655)
Divorces Filed	25,098	21,787	21,909	21,922	23,006

APPENDIX B

Other statistics derived from the Chapter 1 study

I believe that my study is only one of two that derived its statistics from the evaluation and analysis of all the actual restraining order documents in a district court for a complete year.

Additional and the revealing statistics in my study are summarized below:

There are 40 to 60 thousand petitions filed in Massachusetts per year. In any given year 85% are filed by females and 15% are filed by males. Approximately 95% of the petitions filed are granted and approximately 5% are denied. Of the 5% denied, 1.5% was for married couples, 2.5% were for dating couples, less than 1% was for married but estranged or divorced couples and less than 0.5% was for other relationships.

**Major given reasons for requesting a Restraining Order:**

NOTABLE

As you can see in the majority of cases the reason given is “I feared for my life”

Attempted to cause physical harm.....	27%
Caused physical harm.....	34%
Placed me in fear of imminent serious physical harm or I feared for my life.....	88%
Caused me to engage in sexual relations by force, threat or duress.....	6%

(NOTE: Percentages are based on complaints specifying 2 or more reasons.)

The reasons for the denial of 209A’s are varied and contrary to public belief, but are very meaningful in understanding the judicial system and how cases are adjudicated. The following number of cases and the reasons for denial are as follows:

- (1) 2.5% of the petitions were denied for technical reasons such as: The plaintiffs did not comply with the 209A statute: (i.e. they were not household or family members, the dating relationship was not substantive, or the court had no jurisdiction or venue).
- (2) In approximately 0.5% of the cases there were no reasons given for the denial.
- (3) In 1% of the cases it was determined that there was no fear involved on the part of

the plaintiff.

(4) In 1% of the cases there was either no evidence of violence or the witness was found not to be credible as demonstrated by the majority of judicial recorded statements like: “I find no evidence....., The evidence is insufficient to....., or I find contradictory testimony by the plaintiff which lacks credibility and.....:”

(5) In less than 0.5% of the cases the judge determined (male plaintiffs only) that the reason for the petition was for retaliation.

(6) In less than 1% of the cases the judges denied the petition on the basis that the 209A form was not complete (mostly male plaintiffs).

Other important statistics resulting from my study reveals that 33% of restraining orders were filed and issued to married couples and 5% to formerly married couples. Approximately 76.2% of the married couples involved children and 23.8 % had no children. Of the married couples with children, 20.3 % also involved children from a previous marriage. It should be noted that the forms vary from county to county and state to state and exact number of petitions involving step children is rarely indicated nor whether the male defendant is a father or stepfather. Only a few cases can be readily identified as stepfather cases.

For formerly married couples, 82% involved children whereas 18% had no children.

The study also revealed that 40% of the restraining orders were filed and issued for dating relationships. For the dating relationship cases, 9% involved children resulting from the relationship and 14% from a previous relationship. Fifty percent of the dating cases did not involve any children.

The study also indicated that 22% of the cases involved single people and the defendant a relative: such as a brother, sister, son, father, step children...or others. A few cases involve a parent on behalf of a minor involved in a dating relationship.

The statistics showed that males are 5 times more likely denied a petition as plaintiffs even though only 15% of the total number of 209A's is filed by males.

This study also strongly indicated that no 209A was ever denied on the basis of false allegations made by the plaintiff. No cases were found where false allegations were prosecuted under penalties of perjury. Also important is the fact that in some states only one part of the Restraining Order/Protective Order forms (the AFFIDAVIT page), to be filled in by the plaintiff, contains the statement : I declare under penalty of perjury that the statements made above, and in any additional pages attached, are true. All other portions of the form require the plaintiff's signature

but do not contain the perjury statement. The AFFIDAVIT page is the only page of the form never given to the defendant or only given on the day of the hearing.

The study also reveals that 70% of Restraining Orders (209A's) are vacated by the court system within the same year they were issued either because the plaintiff failed to appear for scheduled hearings, the order expired or because the plaintiff voluntarily withdrew the complaint. The types of restraining orders and the reasons they were vacated during this one-year study period is summarized as follow:

- a. Emergency restraining order granted but plaintiff failed to appear for preliminary hearing (no show).....16%
- b. Emergency restraining order granted and plaintiff appeared at preliminary hearing but failed to appear at subsequent hearing.....10%
- c. Normal restraining order granted at preliminary hearing but plaintiff failed to appear at subsequent hearings.....49%
- d. Normal and emergency orders granted but subsequently vacated at the request of the plaintiff.....22%
- e. Restraining orders were vacated because probate divorce court orders were in place and binding.....3%

Another significant statistic is that of the 40% of the restraining or protective orders for dating relationships 23% involved children. Most states have petition forms that do not indicate whether the defendant is a biological father, a step father or a live-in boyfriend. My study was able to identify that 16% of dating relationships were for live-in boyfriends. It is a strong possibility that the percentage could be much higher. The significance and impact of this statistic will be revealed in a subsequent chapter.

## APPENDIX C

### History of the Good, the Bad and the Ugly of Statistics

#### QUINCY DISTRICT COURT (MASSACHUSETTS)...ANOTHER MISLEADING STUDY?

A study by the Quincy District Court on Chap 209A statistics (reported in the Jan 6, 1998 Sun Chronicle) stated or implied that in a nine month period, 28% of those arraigned on charges of domestic abuse of female partners had restraining orders against them and that 70% of them were charged with abusing the woman who had filed for the order. Unfortunately, this statistic is extremely misleading and because of its adverse impact, the publication of this type of statistical information borders on irresponsibility. This study was flawed because it appears there was no effort to determine if any of the orders were emergency orders which resulted from an unsubstantiated domestic abuse complaint and an arrest, or if the violations occurred after a emergency order was issued but before a court appearance could determine guilt or innocence or if the judicial decision was based on a "better safe than sorry" approach rather than on an evidentiary hearing on the allegations. These statistics may also erroneously include violations of orders which were subsequently vacated in court or include emergency telephone orders which were vacated because the plaintiff failed to appear in court as instructed (cases commonly referred to as "Weekend No-Shows). The statistics may include multiple violations by the same person, which would tend to inflate the total number of 209A's.

The reported study and statistics never indicated the types of violations. When identified many of these violations are not as foreboding as the originators of these statistics would like the public to think. Many of these violations were just phone calls or letters which resulted from frustration and emotional stress and never culminated in physical confrontation.....nor would they ever. Many cases result from the bitterness and frustration dealing with separation from, and disagreements about, children or finances. These arguments between husbands and wives and ex's have been going on for years and most often do not result in violence and are clearly not all one-sided as these misleading statistics would seem to indicate.

Many studies and statistics that deal with Restraining Orders lump all charges into one category.....Violations. In fact, charges can range widely in terms of severity:

- a. Offenses which include A&B with or without a dangerous weapon, threat to commit



a crime, malicious destruction, B&E and or Rape

b. Restraining Order violations which include contact with plaintiff, phone calls, letters and even A&B.

An example of why the above Quincy District Court statistics are not only misleading but sometimes false is corroborated by the following court case. A wife and a husband were having marital problems so the wife filed a 209A restraining order that was subsequently granted. The husband was vacated from the home and the couple started the divorce process. Visitation rights were granted to the father. The arguments and disagreement over children and money were ongoing during the divorce proceedings. One weekend the father picked up the two boys for a weekend visit. Before returning them to the mother on Sunday, the boys informed the father that it was the mother's birthday and what should they do about it? The father suggested that they buy a birthday card and give it to the mother when they got back. The boys were happy with that approach and proceeded to buy a card and sign it. One of the boys suggested to the father that it would be nice if he signed it with them. The father not being vindictive saw no harm in it. The father signed it and took the boys back to the mother. Several hours later the police approached him, arrested and jailed him for violation of a 209A: "violation of the no communication clause" (the signed birthday card). The case went to district court and from there was assigned a trial date in front of a jury. The case was dismissed before the trial date. Such a case would have been included in the Quincy reported statistics as a violation. How many other cases similar to this were also included in those statistics? How many cases that resulted from false accusations were included the Quincy report? The report completely ignores the fact that such cases even exist.

The Attorney general Scott Harshbarger of Massachusetts touted these Quincy statistics in the media as the basis to clamor and lead the charge for stiffer penalties and a law to allow judges to issue "Super" restraining orders. Talk about dogs barking at the moon and a politician fighting for the so called "women vote" for re-election!

Such actions by Harshbarger based on misleading and/or false statistics normally result in the generation and implementation of new laws which can only serve as the basis for "witch hunts". Potentially, these ill conceived laws abused and misused will destroy parents and children rather than effectively protect the true victims.

The courts should focus on obtaining meaningful statistics rather than providing self-serving manipulated statistics. Accurate, meaningful and unbiased statistics should provide the basis and direction for meaningful research, resulting in viable solutions implemented to protect the real victims of domestic violence.

Women advocates, gender feminists quote all sorts of statistics coming from the Department of Justice. Most of these stats from DOJ are based on polls, surveys and random telephone interviews and are generated from their statistic factory and promoted by VAWO. In turn these statistics are used by the White House briefing center to justify all sorts of campaigns and promotions. Many of these statistics also come from polls and surveys from randomly accessed municipal courts and police departments. Basically the only statistics gathered by the judicial system in various court houses are those needed to justify their existence and for yearly reports.

Meaningful statistic which could be used for reform are not gathered or analyzed by the court system. Therefore it would be improbable if not impossible for significant reform to come from within the system. Procedural reform is normally the norm from within. Most of the reform now comes from pressure exerted by well financed radical/gender feminists through OVW and agenda driven studies funded by the federal government. The Independent Women's Forum organization attempted to dismiss many of the false or misleading statistics called "Factoids". The following excerpts are taken from one of their monthly publications.

**INDEPENDENT WOMEN'S FORUM: DOMESTIC VIOLENCE FACTOIDS PRESENTED AS A PUBLIC SERVICE BY IWF.**

DOMESTIC VIOLENCE COVER-UP?

Yes. Many of the oft-repeated "facts" about domestic violence turn out not to be facts at all. Unfortunately, many of these "factoids" were the basis for enacting the Violence Against Women Act (VAWA).

VAWA promotes policies and programs favored by advocacy groups, but not demonstrated to be effective in either preventing or dealing with domestic violence. The Violence Against Women Act authorized \$1.6 Billion in spending, but only \$200,000 - or 0.0001% - is earmarked for basic research.

We can't take effective steps to try to stop domestic violence until we know the truth about what it is and why it happens. This requires accurate, complete, unbiased, independently evaluated research, performed by scientists - not amateurs or advocates.

We simply don't know whether VAWA policies and programs will work. But there's one thing we do know about domestic violence victims: When they're not being helped, they're being hurt.

There are factoids, and there are facts, about domestic violence in America:

FACTOID: According to the FBI, a woman is beaten every [fill in the blank] seconds.

FACTS: First, the FBI does not calculate, tabulate, or track data on domestic violence. The FBI once did estimate that a woman is beaten every 15 seconds, but they derived this estimate from Murray Straus, Richard J. Gelles, and Suzanne K. Steinmetz's book, *Behind Closed Doors: Violence in the American*

Family. Various other fact sheets list various other numbers of seconds. The number of seconds depends on the study (if there actually was one) and how violence was defined. For example, some versions of this factoid state that a woman is beaten every 9 seconds and cite a study done by the Commonwealth Fund in July 1993. The Commonwealth Fund study used the same measure as was used by Straus and his colleagues. Unlike Straus and his colleagues who defined "abuse" as acts of violence that were likely to cause an injury, the Commonwealth Fund defined "abuse" as everything from pushing, shoving, and slapping to using a gun or knife.

FACTOID: There are four million women beaten and abused each year.

FACTS: Same problems as above. The Straus, Gelles, and Steinmetz survey estimated that 2 million women were abused each year by their husbands. Straus and his colleagues speculated that if all the respondents told the truth and if ex-husbands and boyfriends were included, the number could be as high as 4 million. However, no study to date using a representative sample and measuring severe violence has found more than 2 million abused women each year.

FACTOID: Domestic violence is the leading cause of injury to women between the ages of 15 and 44 in the United States—more than car accidents, muggings, and rapes combined.

FACTS: This factoid has been attributed to both Surgeon General Antonia Novello and the Centers for Disease Control. The actual primary source of this "fact" is research by Evan Stark and Ann Flitcraft. It was probably Stark and Flitcraft who supplied the fact to CDC, which then included it in material supplied to the Surgeon General. Unfortunately, as good a sound bite as this is, it is simply not true. The original source of this statement goes back to two papers by Stark and Flitcraft. First, the actual research the "fact" is based on is a rather small survey of one emergency room. Second, in the original articles, they said that domestic violence may (emphasis added) be a more common cause of emergency room visits than car accidents, muggings, and rapes combined. Linda Saltzman from the Centers for Disease Control tells all journalists who call to check this fact that the CDC does not recognize this as either their fact or a reputable fact.

FACTOID: The March of Dimes reports that battering during pregnancy is the leading cause of birth defects and infant mortality.

FACTS: The March of Dimes actually reports that they know of no such study.

FACTOID: Sixty-three percent of young men between the ages of 11 and 20 who are serving time for homicide have killed their mother's abuser.

FACTS: This factoid is often used by Sarah Buel in her speeches. It appears to be yet another fact from nowhere. The FBI has published no data that support this claim. The FBI's Uniform Crime Reports has no tables that report on prison populations, let alone a table or figure that breaks down prison populations by age of offender and relationship to victim. There are no Department of Justice reports that report on what number or percentage of young men kills their mother's batterer.

FACTOID: Family violence has killed more women in the last five years than the total number of Americans who were killed in the Vietnam War.

FACTS: This factoid was often used by Dr. Robert McAfee, past president of the American Medical Association. There were about 55,000 American casualties in the Vietnam War. According to the FBI, Uniform Crime Statistics, about 1,500 women are killed by their husbands or boyfriends each year. The total number of women homicide victims each year is about 5,000. Thus, in 5 years, even if every woman who was killed was killed by a family member, the total would still be one-half the number of American casualties in Vietnam.

FACTOID: Women who leave their batterers are at a 75% greater risk of being killed by the batterer than those who stay.

FACTS: Women are more likely to be victims of homicide when they are estranged from their husbands than when they live with their husbands-but not a 75% greater risk. The risk of homicide is higher in the first two months after separation. SOURCE: Wilson, Margo and Martin Daly (1993). "Spousal homicide risk and estrangement." *Violence and Victims*, 8, 3-16.

FACTOID: Women who kill their batterers receive longer prison sentences than men who kill their partners.

FACTS: This factoid is often attributed to someone from Pace University. There is no actual published source for this. According to the Bureau of Justice Statistics, *Violence Between Intimates* (November 1994), the average prison sentence for men who killed their wives is 17.5 years; the average sentence for women convicted of killing their

#### FACTOIDS FROM THE RIGHT OF CENTER

FACTOID: Women are as violent as are men, and women initiate violence as often as do men.

FACTS: This factoid cites research by Murray Straus, Suzanne Steinmetz, and Richard Gelles, as well as a host of other self-report surveys. Those using this factoid tend to conveniently leave out the fact that Straus and his colleagues' surveys as well as data collected from the National Crime Victimization Survey (Bureau of Justice Statistics) consistently find that no matter what the rate of violence of who initiates the violence, women are 7 to 10 times more likely to be injured in acts of intimate violence than are men.

#### OTHER FACTOIDS FROM NOWHERE

FACTOID: 4,000 women each year are killed by their husbands, ex-husbands, or boyfriends.

FACTS: The FBI reports that approximately 1,500 women are killed each year by husbands or boyfriends. Even if one factors in the number of women killed by unidentified or undetermined assailants, the number could not be 4,000.

FACTOID; Women of all cultures, races, occupations, income levels, and ages are battered-by husbands, boyfriends, lovers and partners.

FACTS: While this fact is technically true, it is also true that domestic violence is more likely to occur in homes below the poverty line, in minority households (even controlling for income), and among men and women 18 to 30 years of age.

FACTOID; Nationally, 50 percent of all homeless women and children are on the streets because of violence in the home.

FACTS: An interesting factoid stated by Senator Biden, but one without any actual published scientific research to support it.

FACTOID; There are nearly three times as many animal shelters in the United States as there are shelters for battered women and their children.

FACTS: Another great sound bite, but not one actually based on a verified count of either type of shelter.