Violence in the Home

Women are more at risk from violence at home than in the street. It is important to shine a spotlight on domestic violence globally and to treat it as a major public health issue. Challenging the social norms that condone and therefore perpetuate violence against women is a responsibility for us all.

—Dr. Lee Jong-Wook, Director General of the World Health Organization

While I struggled at school to hide my family life, and I still performed quite well, it became increasingly difficult to live a double life, attending honors classes during the day and returning home from school as late as I could. At night, I slept with a twirling baton tucked under my bed, never knowing when I might have to wake up in the middle of the night and protect myself from my father’s unpredictable and violent outbursts.

—Miko Rose, child abuse survivor

Family violence is an umbrella term that includes a wide range of behaviors, including physical, sexual, financial, and verbal or other emotional abuse between a number of dyadic relationships: intimates (e.g., spouses and ex-spouses, boy/girlfriends and exes); parents and children; siblings; and the elderly and their caregivers, including their children. Entire texts have been written on each of these topics and it would be impossible to cover them all in detail within this single chapter. Our goal, therefore, in this chapter is to provide you with a better understanding of what we know about a few particular forms of violence within the home and how we know it.
Many of you may be confronted with family violence in your careers, whether you are working within the realm of criminal justice, the medical field, or in the social service sector. We therefore believe your understanding of this problem should go beyond sensational descriptions. Here we provide you with the knowledge to make educated decisions about situations to which you may be exposed in the future. We begin the chapter with a discussion of the violence that occurs between intimate partners.

**Intimate Partner Violence**

*Photo 5.1  Couple in a violent argument*

Amy Jones married her high school sweetheart, Christopher Rezos, in 1995 after they had dated for eight years. Although Christopher never hit Amy, he was always very critical of the things she did and attempted to control everything in her life. Even simple tasks, such as loading the dishwasher had to be done his way. The couple had two small sons, Michael, 3, and David, 7, and lived in southwestern Ohio when Amy began to realize that she no longer wanted to be married to Chris. They separated in 2004, and he moved into a hotel room. Amy met him at his hotel room one night in July 2004 to discuss the conditions of their divorce. When Chris asked her to give him full custody of their two sons, Amy told him no. The next thing she remembers is blood running down her face after he bludgeoned her over the head with a flashlight. She tried to fight back, but he continued to hit her over the head. The next thing she remembered was being dragged across the floor into the bathroom. Hotel security arrived just in time to save Amy from being drowned in the bathtub by Chris. Amy had several skull fractures and a broken vertebra. It took over one hundred staples to put her skull back together.

*(Continued)*
Chris was arrested and put into jail to await his trial. However, because he was a first-time offender, he was released on bail within three weeks. Despite an order of protection that prohibited Chris from seeing Amy, the violence did not stop. Just after his release, Amy was going to pick up her sons in their van when Chris grabbed her from the back seat where he had been hiding and shot her through the head. She remembers the gunshot and driving off the road; he then shot her a second time in the head before fleeing the scene. Miraculously, Amy survived.

While Chris was awaiting trial for his second attempted murder charge, he once again tried to kill her, this time by hiring a hit man from inside jail. Luckily, another inmate alerted the police about the attempt and Amy escaped becoming a victim for a third time. Christopher is now serving a 30-year prison term without the possibility of parole, but Amy will probably never feel completely safe again.

In Focus 5.1 illustrates that violence between intimate partners—even extreme violence—can occur in families that have all the outward appearances of normalcy. As the old saying goes, “appearances can be deceiving.” The term “intimate” generally refers to spouses, ex-spouses, boy/girlfriends and exes. Other phrases that are sometimes used to describe this same type of violence include wife battering, wife abuse, intimate terrorism, and spousal violence. The Centers for Disease Control and Prevention have provided a very useful definition when describing intimate partner violence (IPV):

the intentional use of physical force with the potential for causing death, disability, injury, or harm. Physical violence includes, but is not limited to, scratching; pushing; shoving; throwing; grabbing; biting; choking; shaking; slapping; punching; burning; use of a weapon; and use of restraints or one’s body, size, or strength against another person.  

Intimate partner violence has been around forever, but it has only been in the past 30 years or so that it has finally been acknowledged as a social problem. As recently as the 1970s and into the 1980s, police rarely made arrests when they were called to the scene of an intimate partner assault because it was thought to be a “private matter” that wasn’t the concern of the criminal justice system. The law, it seemed, didn’t extend past the front door. Widespread beliefs about the nature of the family and of gender roles contributed to this lack of attention. Fortunately, attitudes and policies have changed—largely as a result of the activism of various victims’ and women’s rights groups. Today, violence that goes on behind closed doors between intimates is usually treated like any other type of violence, with arrest being the norm rather than the exception. Because intimate partner violence is usually more private and hidden than some other forms of violence, its detection and intervention remain somewhat problematic, as does our ability to measure its perpetration. So how much violence goes on between intimate partners?
Estimating Rates of Violence Against Women

Despite over 20 years of research, the amount of intimate partner violence against women and men is still frequently disputed. For many reasons—including the stigma often attached to intimate partner violence, the fear of perpetrators retaliating, and numerous other safety concerns—estimating how often it happens has always been difficult and cannot be discussed appropriately without briefly reviewing the methodologies used to collect the data. Scholars and activists typically rely on a few different sources of information on the nature and scope of intimate partner violence. Each of them, however, has significant shortcomings that affect the quality of the information gathered. One commonly used source of information on intimate partner violence, for example, is the Uniform Crime Reports (UCR) that, if you remember, are compiled by the FBI from police reports. Relying on police reports, however, is especially problematic for intimate partner violence. The primary reason is that a large percentage of these crimes are never reported to police. Surveys have shown that, at best, only about 50% of intimate partner assaults are reported to police, and at worst, fewer than one in four are ever conveyed.\(^4\) Another problem with using police report data is that, except for the crime of homicide, the current UCR program does not include information on the victim–offender relationship within its reports. This means that it isn’t even possible to determine the magnitude of violence perpetrated by specific offenders, such as intimates, within UCR data. One exception to this rule is the crime of homicide, which tends to be reported more reliably than other less serious forms of violent victimization. An offshoot of the UCR program, the Supplementary Homicide Reports (SHR) data are collected by the FBI and allow us to examine homicides between partners. In fact, this is one of the better sources that allow us to monitor trends of these killings, since it provides a consistent set of information over time. On the other hand, we shouldn’t forget that intimate partner homicides represent only a fraction of all intimate partner violence.

Figure 5.1 displays the number of intimate partner homicides broken down by the specific victim and offender relationship. As you can see, the proportion of intimate homicides involving a spouse began decreasing over the past few decades, while the proportion of those involving a boyfriend or girlfriend began increasing. Whereas the difference between the two categories was once remarkably different, by 2008, the proportion of intimate partner homicides committed by a spouse compared to those committed by boy/girlfriends was virtually the same. The percentage of those committed by ex-spouses has remained relatively constant. When we examine intimate homicides by gender (Figure 5.2), we see that females are more likely to be the victims and the percentage of female victims has been increasing while the percentage of male victims has been in decline.

Why have there been fewer male victims of intimate partner homicides while the number of females killed by intimates has been increasing? One reason may be that there has been an increase in the services available for battered women that allow them to escape abusive relationships. Some research indicates that
female-perpetrated intimate partner homicide is often a last-ditch response to being battered. Typically, these women have been repeatedly victimized over time by their male partner and, trapped in an intolerable situation, escape by killing the man responsible for their abuse. Because this kind of killing is so often defensive in nature, scholars have investigated whether factors that facilitate a woman’s escape from an abusive relationship are related to this decline. They have found that states and cities which provide more resources for abused women—such as shelters, hotlines, and legal services—also tend to have significantly lower rates of female-perpetrated partner homicide against male partners. Such services, it is believed, offer women protection and escape from abusive relationships and increase awareness that there are alternatives available to them. This suggests that the more choices a woman has, the less likely it is that she will feel trapped into killing her abusive intimate and that is why the rate of male victimization has dropped. On the other hand, this argument isn’t the only possible explanation for these patterns of victimization.

As we have seen, overall violence has been decreasing since the late 1980s. Unfortunately, rates of nonlethal violence against intimates have not declined nearly as much as total rates of violence, as revealed in Figure 5.3. Since 2005, the rate of
nonlethal violence against intimate partners, including rapes, robberies, and assaults, has not declined for females but has declined about 39% for males.  

Recall from Chapter 1 that both the UCR and the National Incident Based Reporting System (NIBRS) data collection methods rely exclusively on reports to the police. If victimizations are not reported, they are never counted in either of these two data collection programs. Because of this weakness, random sample surveys of the population are sometimes used as the tool of choice for uncovering incidents of violence within families. However, as can be imagined, surveys using diverse methodologies and different definitions of violence have resulted in tremendously dissimilar estimates. For example, estimates of how many women experience violence by an intimate partner annually range from 9.3 per 1,000 women to 116 per 1,000 women. Furthermore, the differences across survey methodologies often preclude direct comparison across studies. There have been only three large nationally representative surveys that have estimated the annual rates of IPV: the National Family Violence Survey (NFVS), the National Crime Victimization Survey (NCVS), and the National Violence Against Women and Men Survey (NVAWMS). Because of their procedural differences, each of these surveys has resulted in quite different estimates of IPV. While most researchers are familiar with the methodological differences between surveys, few policy makers take these into account when making generalizations about how often intimate partner violence takes place. This has unfortunately led to widespread confusion and controversy.

**Figure 5.2** Homicides of Intimates, by Sex of Victim, 1980–2008

Knowing more about the differences between the surveys may help in clarifying the situation somewhat, so in the next sections, we want to highlight these methodological differences.

The NFVS was the first national survey devoted exclusively to estimating incidents of IPV. Its sample included only married or cohabiting couples and measured violence using an instrument called the Conflict Tactics Scale (CTS). The introduction to the CTS asks respondents to “think of situations in the past year when they had a disagreement or were angry with a specified family member (husband, child, etc.)” and to indicate how often they engaged in each of the acts included in the CTS. The list of acts covered in the Conflict Tactics Scale spans a range of behaviors, including reasoning, verbal aggression, and physical aggression or violence. Physical violence by the CTS index is often subdivided into two categories: minor violence and severe violence. These categories consist of the following acts:

**Minor violence**

- Threw something
- Pushed, grabbed, or shoved
- Slapped

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**Figure 5.3** Total Violence Crime Rate and Intimate Partner Violence Crime Rate, 1993–2010

Severe violence

- Kicked, bit, or hit with a fist
- Hit or tried to hit with something
- Beat up
- Choked
- Threatened with a knife or gun
- Used a knife or fired a gun

Estimates from the 1985 NFVS indicate that about 11.6% of couples had experienced some type of assault in the previous 12 months. Extrapolated to the total married population, this survey estimates that almost one out of eight husbands carried out one or more violent acts during the year of this study. Further, the rate of severe violence perpetrated by husbands indicates that about 1.8 million women were beaten by their partner that year. The NFVS also estimates that rates of violence perpetrated by wives against husbands are very similar to rates of violence perpetrated by husbands against wives. Herein lies one of the most frequent criticisms of the CTS methodology: that it measures acts of violence in isolation from the circumstances under which the acts were committed. As critics point out, for example, it ignores who initiates the violence, the relative size and strength of the persons involved, and the nature of the participants’ relationship. Murray Straus and Richard Gelles, the researchers who carried out the most recent NFVS, are quick to point out that the meanings behind these estimates are often misunderstood. They acknowledge that

To understand the high rate of intrafamily violence by women, it is also important to realize that many of the assaults by women against their husbands are acts of retaliation or self-defense. One of the most fundamental reasons why women are violent within the family (but rarely outside the family) is that for a typical American woman, her home is the location where there is the most serious risk of assault.

It should be noted here that a new version of the CTS called the CTS2 has been developed to address some of the methodological deficiencies of the original scale, but the new version still does not allow a researcher to account for the sequence of events that precipitated an act of violence. Thus acts of aggressive violence can still not be separated from those assaults that were used in self-defense.

The National Crime Victimization Survey

The NCVS interviews all household members aged 12 or older, not just adults. To measure incidents of violence by intimate partners and family members, the NCVS asks the following questions after the general questions about acts of violence or theft:

Other than any incidents already mentioned, has anyone attacked or threatened you in any of these ways:

- With any weapon, for instance, a gun or knife
- With anything like a baseball bat, frying pan, scissors, or a stick
c. By something thrown, such as a rock or bottle
d. Include any grabbing, punching, or choking
e. Any rape, attempted rape or other type of sexual attack
f. Any face to face threats
g. Any attack or threat or use of force by anyone at all? Please mention it even if you are not certain it was a crime.

To further cue respondents about incidents of victimization not perpetrated by strangers, they are then asked the following:

People often don’t think of incidents committed by someone they know. Did you have something stolen from you OR were you attacked or threatened by

a. someone at work or school,
b. a neighbor or friend,
c. a relative or family member, or
d. any other person you’ve met or known?

Estimates of intimate partner violence from the NCVS indicate that in 2010, the rate of intimate partner violence (IPV) against females was 5.9 per 1,000 compared to a rate of only 1.1 for males This translates into nearly one million females aged 12 and over being violently attacked by their intimate partners annually, which does not include homicides. Rates of IPV affect all racial and ethnic populations, but some individuals within these groups are much more at risk. Women who are separated, for example, appear to be extremely vulnerable compared to females in other marital status relationships, including those who are divorced. Moreover, young adults appear more vulnerable to IPV compared to those over 50. Also notice that, unlike the NFVS, the NCVS finds that females have much higher rates of intimate partner violence compared with males, which is consistent with the homicide data discussed previously.

**The National Violence Against Women and Men Survey**

Unlike crime surveys, the NAWMS was a nationally representative survey that was introduced to respondents as a survey on personal safety. This context is important because, unlike the NCVS, it does not communicate to respondents that interviewers are interested in crimes. The NAWMS measured physical assault by using a modified version of the Conflict Tactics Scale. Respondents included women and men 18 years of age and older; they were asked about assaults which had occurred as children and as adults using the following screening questions:

Not counting any incidents you have already mentioned, after you became an adult did any other adult, male or female ever . . .

a. Throw something at you that could hurt?
b. Push, grab or shove you?
c. Pull your hair?
d. Slap or hit you?
e. Kick or bite you?
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f. Choke or attempt to drown you?
g. Hit you with some object?
h. Beat you up?
i. Threaten you with a gun?
j. Threaten you with a knife or other weapon?
k. Use a gun on you?
l. Use a knife or other weapon on you?

The NVAWMS obtained higher estimates than the NCVS but lower estimates than the NFVS: 1.3% of women and 0.9% of men reported being assaulted by their intimate partners every year. Importantly, this survey also examined how many women and men experienced violent attacks over the course of their adult lives. Over one in five women (22%) and 7.4% of men had been assaulted by an intimate partner in their lives.

The National Intimate Partner and Sexual Violence Survey

Yet another survey was conducted by the Centers for Disease Control and Prevention (CDC) known as The National Intimate Partner and Sexual Violence Survey (NISVS). Like the NVAWMS, the NISVS not only asked respondents about victimizations that happened to them in the past 12 months but also about victimizations they had experienced in their lifetimes. And like the NVAWMS, the survey also measured a representative sample of the adult men and women 18 years of age and older. In addition to questions about coercive control (e.g., tried to keep you from seeing or talking to your family or friends, kept track of you by demanding to know where you were and what you were doing), which are often behaviors that precede physical violence in relationships, the physical violence questions included those from above, with the addition of “slammed you against something,” “burned you on purpose,” and “hurt you by pulling your hair.” However, unlike the NVAWMS, estimates of physical violence excluded threats of violence. Respondents were specifically asked about all intimate partners including same-sex couples.

Estimates from the NISVS reveal that about 4% of women and 4.7% of men had experienced a physical attack by an intimate partner in 2010. However, women were more likely than men to be victimized by severe acts of physical violence, which did not include slapping, pushing, or shoving. As you can clearly see, the ways in which people are asked about their victimization experiences significantly impact the number of people estimated to have experienced violence. Unfortunately, policy makers and researchers alike rely on published estimates of violent victimization from one or more of the surveys without recognizing or understanding the limitations of each. When you ask, “How many men and women are assaulted by their intimate partners each year?” the answer you get depends on which survey you rely on. To facilitate comparisons across these survey methodologies, Table 5.1 displays the key differences in table form. Is it possible to compare incident rates across surveys? The simple answer is no. Because of the methodological differences between the different surveys, comparisons of their different estimates of intimate partner violence are not valid. How accurate can it really be to compare information from the NFVS, which interviewed only married and cohabiting couples, with estimates generated from
the NCVS and NVAWMS data are restricted to a similar context (i.e., adult victimizations involving
Risk Factors for Intimate Partner Violence

The theories discussed in Chapter 2 explaining violence in general can also be applied to violence between intimates, so we won’t reiterate them here. There are, however, a few additional theoretical insights specific to intimate partner violence that can also be used to help us better understand this particular form of violence.

Power and Dominance

Issues of power, dominance, and control are fundamental to most feminist theories of violence against women. An important element of this perspective is the contention that intimate partner violence—both sexual and nonsexual—is an expression of a patriarchal social structure. Patriarchy refers to the inequity of power held by males over females. The term comes from the Greek word for patriarch or “father as ruler.” Accordingly, this theory proposes that the subjugation of women by men is built into the organization of society. From this viewpoint, violence perpetrated by men against their intimate partners is an act of social control in defense of traditional male prerogatives. There is much research to support this point of view. For example, after studying violent couples for over two decades, R. Emerson Dobash and Russell Dobash concluded that the male batterers in these relationships did not believe their partners had the same rights as men to argue, negotiate, or even debate. In fact, verbal arguments were seen by these men as “a nuisance and a threat to his authority, and violence is often used to silence debate, to reassert male authority, and to deny women a voice in the affairs of daily life.”

This perspective is not without its detractors, however. For example, Janice Ristock, who studies violence within lesbian relationships, points out that dominance and power arguments—based as they are on a patriarchal and misogynistic view of society—are unable to explain the dynamics of IPV within same-sex relationships. Her point is not that feminist theories of power and patriarchy do not explain IPV but rather that intimate partner violence is not a unitary phenomenon. Closely related to the feminist paradigm of patriarchy is the notion that culturally sanctioned beliefs about the rights and privileges of husbands have historically legitimized men’s domination over their intimate partners, including the use of violence. Research has shown that men are generally more accepting of violence against women and that the most
culturally traditional men (i.e., those who accept traditional sex-role orientations such as aggression and athleticism for males and submissiveness and femininity for females) are the most accepting of violence in intimate relationships. Yet these structures, values, and attitudes are not the only possible explanations for IPV. Another school of thought focuses on the way in which attitudes toward violence may be passed down between generations.

The Cycle of Violence

The intergenerational transmission of violence theory, sometimes referred to as the cycle of violence, contends that those who experience and/or witness violence as a child are more likely to become violent in adulthood, compared with children who do not experience or witness violence. This contention is primarily based on the theoretical premises of social learning theory, which holds that violence is learned just like any other form of behavior. Despite the logic behind this assumption, and some research which supports this notion, other work suggests that its applicability is somewhat limited. To perform a valid test of the theory, you would have to follow children who were abused over their lifetimes and determine whether they had an increased risk of engaging in violence as adults compared with an equivalent sample of children who were not abused. As you can imagine, even with a lot of resources this would be hard to do. There have, however, been a few longitudinal studies that have done just this. Perhaps the longest and most recent ongoing study of this kind has been conducted by Cathy Widom and her colleagues. They have found that, although there is an increased risk of childhood abuse victims being arrested as adult offenders compared with kids who did not experience abuse, the vast majority of abused kids go on to become productive, law-abiding citizens. In other words, while children who witness or experience violence when young may be at greater risk for replicating this behavior, they are not condemned or predestined to act violently in their own lives. Other explanations, however, appear to have greater power to predict and explain intimate partner violence. It appears, for example, as if economic inequality is also a significant contributor to this particular form of violence.

Poverty

Low income appears to be significantly related to IPV, since it appears most often among those in the lowest income categories and decreases as one moves up the income scale. While intimate partner violence does appear among all social classes, it is substantially higher among the poor. There appear to be several reasons for this. Lack of economic opportunities, fewer resources, low educational levels, and the stress of being poor might all contribute to higher rates of violence between intimates. This factor also appears to be related to the higher reported rates of intimate partner violence among minority populations. Some research indicates that when economic factors are taken out of the equation, race is no longer a significant factor. In other words, the higher rates of minority group intimate partner violence may have more to do with the fact that minority groups are overrepresented among the ranks of the poor than with anything else.
living in poor neighborhoods were three times more likely to suffer from IPV as opposed to African Americans living in middle- and upper-class neighborhoods. Incidentally, the same pattern held true for whites and Latinos—albeit in slightly different percentages. In addition to economics, we can also point to the role of alcohol in facilitating IPV.

**Alcohol Use**

Research indicates that alcohol use is related to all forms of violence; however, some studies have shown it to also be a significant factor in IPV. In fact, it has been reported to be a factor in between 25% and 85% of assaults between intimates. However, it is not just drinking, but men’s binge drinking in particular that appears to significantly increase the risk of this form of violence. That is, men who drink sporadically but who drink large quantities during each episode of drinking—hence the term “binge drinking”—are at particular risk of abusing. It is important to note, however, that drinking alcohol does not cause violence; rather, we need to remember that it is a correlate, as we discussed in Chapter 3. What this means is that the effects of alcohol are mediated by context and the individual. Drinking alcohol, in other words, doesn’t cause someone to abuse and batter their significant other. There needs to be other kinds of issues and conflicts behind the violence. For some, alcohol may act as a disinhibitor for individuals already predisposed to violence—the alcohol simply removes their self-control and judgment, allowing them to lash out violently. For others, it may act as an excuse to engage in violence and not feel personally accountable, because they can blame the alcohol. Alcohol may also serve to magnify a sense of personal power and control. In each case, however, the alcohol facilitates the violence but doesn’t cause it.

**Societal Responses to Intimate Partner Violence**

As we noted at the beginning of the chapter, the criminal justice system has only recently begun to treat intimate partner violence as a criminal matter appropriate for police and prosecutorial concern. In fact, as recently as 20 years ago, many jurisdictions viewed this violence as a private matter and a few even required victims of spousal assault to pay prosecutors a fee to adjudicate their batterer. Beginning in the 1970s, however, significant lobbying efforts by victims’ rights groups in general and women’s rights groups in particular began to erode the antiquated notion that intimate partner violence against women should remain behind closed doors, and this resulted in new legislation.

In 1994, the U.S. Congress passed a landmark piece of legislation called the **Violence Against Women Act (VAWA)**. In addition to establishing the Violence Against Women Office within the U.S. Department of Justice, it was intended to improve criminal justice and community-based responses to intimate partner violence, dating violence, sexual assault, and stalking. This act was reauthorized in 2000, again in January 2006, and most recently in February 2013. This legislation established the federal government in a leadership role in encouraging local governments, including
American Indian tribes, to improve their response to both female victims and to those who victimize them and provided the impetus for a number of important initiatives and practices that continue to dominate our response to this form of violence, such as the mandatory arrest policies, which have become so prevalent.

**Mandatory Arrest**

In 1981, the first large-scale experiment to test the deterrent effects of arrest on batterers, called the Minneapolis Domestic Violence Experiment, was conducted by Lawrence Sherman and Richard Berk. The theoretical foundation of this experiment was based on the notion of deterrence—the belief that arrest would deter offenders from assaulting their partners in the future. The primary research question driving the study was, “Does arresting a man who has assaulted his partner decrease the probability that he will assault her in the future compared to other tactics typically used such as separating the parties?” The study required 51 patrol officers to randomly adopt one of three possible responses to situations in which there was probable cause to believe that domestic violence had occurred. They were instructed to (1) separate the perpetrator and victim for eight hours, (2) advise them of alternatives that might include trying to mediate disputes, or (3) arrest the abuser. Over a period of about 17 months, 330 cases were generated. The authors then evaluated the possible success of each of these different strategies for deterring offenders from repeating their abusive behavior. Recidivism was in turn measured both by official arrest statistics, such as arrest reports and, when occasionally available, through victim interviews. Official arrest statistics revealed that 10% of those arrested, 19% of those advised, and 24% of those removed repeated the violence against their partners. From these results, Sherman and Berk concluded that arrest provided the strongest deterrent to future violence and consequently should be the preferred police response. This pioneering experiment, supported by significant lobbying work by feminist and women’s organizations, generated policy changes in how the criminal justice system treated perpetrators of intimate partner violence. Lawsuits brought against police departments for negligence and other civil claims were also instrumental in convincing law enforcement to treat violence against women by their partners as they would other crimes. Today, virtually all states and the District of Columbia have mandatory arrest policies for felony domestic assaults and warrantless arrest for an unwitnessed domestic violence-related misdemeanor assault. Mandatory arrest policies require police to detain a perpetrator when there is probable cause that an assault or battery has occurred or if a restraining order is violated, regardless of a victim’s consent or protestations.

To test the validity of any experimental findings, an important principle of science is replication. Accordingly, in the late 1980s the National Institute of Justice (NIJ) funded replication experiments of the Minneapolis study in six cities. Interestingly, the published findings from these replications—which became known as the Spouse Assault Replication Program (SARP)—did not uniformly find that arrest was an effective deterrent in spouse assault cases. In fact, the results were equivocal at best: Findings ranged from arrest having no effect, to arrest having a slight deterrent effect and, alarmingly, to arrest actually increasing the probability of future violence. In an
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attempt to systematically compare results across experimental sites, Joel Garner and his colleagues examined the original SARP analyses in detail. While these researchers did find a modest effect for arrest in decreasing recidivism, they concluded that a minority of women were still repeatedly victimized by their intimate partners, regardless of arrest.35

The mixed finding regarding arrest and intimate partner violence recidivism has led some researchers to investigate other factors that may interact with the condition of arrest. For example, Raymond Paternoster and his colleagues examined whether the manner in which sanctions were imposed had an effect on intimate partner violence recidivism.36 Their research was motivated by a body of social psychological literature on a concept called “procedural justice,” which contends that conformity to group rules is as much or more because of fair procedures in delivering sanctions as it is to fair or favorable outcomes. A key proposition of procedural justice is that adhering to fair procedures will cement a persons’ ties to the social order because it treats them with fairness and worth and certifies their full and valued membership in the group. In this view, being treated fairly by authorities, even while being sanctioned by them (i.e., arrested), influences a person’s view of their own legitimacy and ultimately that person’s obedience to group norms. In other words, how a person is treated is as important as the outcome. Informed by this literature, Paternoster found that when suspects arrested for intimate partner violence perceived that they were treated fairly by the police, they were significantly less likely to engage in IPV in the future compared with those who perceived themselves as being treated unfairly.

Others have called for research to examine whether victim empowerment impacts recidivism. Victim empowerment generally means that victims’ rights and wishes are factored into the process of administering justice. One study examined the effects of victim empowerment in an experiment testing the effects of mandatory prosecution.37 Mandatory prosecution requires government attorneys to bring criminal charges against batterers, regardless of the wishes of the victim. There is variability, however, in the extent to which victims are allowed to drop charges once they have been filed. As Mills explains, “A hard no-drop policy never takes the victim’s preference to drop the charges against the batterer into consideration. A soft no-drop policy permits victims to drop the charges under certain limited circumstances.”38 Other studies have found that when victims were given the option to drop charges, they were at the lowest risk for being victimized again compared with victims who were not allowed to drop charges.39

Unintended Consequences of Mandatory Arrest Policies

Since mandatory arrest statutes have been implemented, several states have observed an increase in the number of incidents in which police arrested both the offender and the victim—dual arrests. For example, after mandatory arrest was adopted in a Minnesota county, 13% of the arrests in the first year were of the victims, rising to 25% the following year.40 Data from the Kenosha Domestic Abuse Intervention Project indicate that, after a mandatory arrest law went into effect in Wisconsin, women experienced a 12-fold increase in arrests while the number of men arrested doubled during the same time period.41 While some speculate that a portion of these
arrests may be valid, others perceive more nefarious reasons for the increase in dual arrests. As Saunders reports,

Advocates suspect that a “backlash” against new [mandatory arrest] policies has occurred among some officers because they resent limits placed on their discretion and have little sympathy for female victims to begin with . . . Consequently, they may arrest victims on trivial charges or for violence used in self-defense.42

To decrease the probability of dual arrests, some states have incorporated language such as “primary aggressor” or “predominant aggressor” within their statutes. This is intended to allow officers to distinguish between a person who is a victim largely using violence to defend themselves and the abuser. Other states have been more proactive. For example, Massachusetts law requires written justification for arresting both the offender and victim in order to reduce dual arrests.43 Given the inconsistent and sometimes deleterious consequences of mandatory arrest policies for IPV victims, some have called for a moratorium on them. For example, one scholar stated

I recommend that jurisdictions spend precious resources not on implementing mandatory policies but rather on developing programs that would provide tailored services to battered women. Toward this end, funds should be allocated to train law enforcement personnel to distinguish the fearful from those who can be empowered.44

Those who defend mandatory arrest and prosecution policies, however, have argued that victims of intimate partner violence are too helpless to make appropriate arrest or prosecution decisions and/or are too fearful to affirmatively decide to press charges. In sum, there is a great deal of ambiguity surrounding the question of how arrest may impact the probability of men assaulting their partners. The roles played by the police in both preventing violence and with its consequences are extremely complex. While the deterrent effect of mandatory arrest policies is far from clear, it is important to remember that laws serve other important societal functions, and we shouldn’t minimize the importance of those. Laws can serve notice to a community that such violence will not be tolerated. Practically speaking, laws dictating police intervention can also give the victim access and information to a number of support services, such as shelters and other social service agencies, or make them aware of legal tools such as civil protection orders.

Civil Protection Orders

Today, all 50 states offer victims of IPV some form of civil protection or temporary restraining order. These are generally called civil protection orders (CPO), and while there is significant variability across states regarding the availability and the scope of the relief provided, a CPO generally offers victims a temporary judicial injunction that directs an assailant to stop battering, threatening, or harming the woman as well as other family members and/or children. To obtain a CPO, a victim is generally required to go through two steps. First, they need to obtain an order commonly referred to as an emergency order. These temporary orders usually expire after several weeks and
are issued solely on the basis of a victim’s petition. At the time an emergency order is granted, the judge typically sets a date for a hearing on the second order of protection, often referred to as the plenary or permanent order. The emergency order and notice of the plenary hearing must then be served on the respondent (assailant), who has an opportunity to attend the second hearing. If a permanent CPO is granted at the second hearing, it generally remains in effect for a period of six months to one year.45

In theory, the advantages of a CPO, either in lieu of criminal prosecution or while awaiting criminal prosecution include the following:

- It is a quick form of legal protection compared to a criminal hearing.
- It relies on a standard of proof based on the preponderance of evidence compared with guilt beyond reasonable doubt.
- It serves to protect victims who are awaiting criminal prosecution or divorce/custody hearings.
- It provides a form of early intervention in cases that do not yet fall within the purview of criminal statutes.46

If a batterer violates the CPO, the sanctions vary from being arrested and charged with civil contempt, to charges of criminal contempt, to a misdemeanor of violating the order, or a combination of the three.

But how effective are CPOs in protecting women? Unfortunately, only a few studies have investigated this question. Adelle Harrell and her colleagues conducted one of the most ambitious assessments of protection orders in Denver and Boulder, Colorado. They examined many factors, from a sample of 350 restraining order cases that included interviews with victims over a nine-month period after the order was filed as well as official records for protection order violations. Unusually, they also studied the perceptions of a sample of men named on the restraining orders about the consequences of the CPOs. It is important to note that the history of abuse and violence experienced by women seeking a temporary restraining order was extensive: 56% of the women reported that they had sustained a physical injury during the incident that led them to seek relief from a CPO.47 Unfortunately, this study also revealed that the legal consequences for offenders who violated an order were not very consistent. For example, in the 290 incidents of victims reporting a violation to the police, only 59 arrests were made.

The primary recommendation offered by this study was that all parties involved—including victims, judges, and law enforcement officials—require education about what the order allows and prohibits. Victims need to understand how violations can be reported to the court, and police need further education regarding the correct response to violations of CPOs.48 Other researchers have examined the barriers present in the system that prevent many victims from obtaining CPOs in the first place. After surveying a national sample of domestic violence organizations that help battered women obtain protection orders, researchers found that while the statutes themselves were generally protective of women’s interests, there were serious problems implementing them. Along with specific implementation problems, a large proportion of service providers believed that women of color, women with few economic resources, and
non-English speaking women were particularly vulnerable to the barriers blocking access to CPOs.

Instrumentally, one of the most serious access problems identified by respondents was the lack of knowledge regarding the availability of protection orders to begin with. Many victims simply don’t know they exist or what purpose they serve. In addition, the majority of respondents believed that many women had trouble completing even the so-called “simplified forms” on their own. Here is how one service provider put it:

Almost all petitioners who have first tried to fill out their own papers without our assistance give up because of the volume of papers, the length of instructions, and an inability to fully understand the instructions. 49

Other barriers to CPOs were logistical and included the need to travel great distances to the courthouse, access to courts and judges during weekdays only, and the necessity to take time off from work and/or find babysitters for lengthy and often unpredictable amounts of time. Virtually all research has found that once a woman has been successful in obtaining an order, it is the legal enforcement of that order by police that remains the weakest link in the system. Scholars have found several problems inherent in the enforcement process. First, law enforcement officials are often slow in serving emergency orders and often refuse to arrest violators, even when the individual is clearly in violation of the order. Second, prosecutors are often reluctant to press charges against those who violate CPOs, and third and last, judges often impose minimal sentences even on repeat violators. 50

So do civil protection orders shield victims of intimate partner violence? In sum, the few studies that have been conducted have found that, while protection orders were useful for preventing violence in some cases, they were less effective in preventing new incidents of violence from men who had long histories of violent behavior. To increase the efficacy of CPOs, service providers have recommended the creation of coalitions or task forces to facilitate communication among the involved parties to improve enforcement procedures for civil protection orders, including representatives from the local domestic violence program, the police department, the prosecutor’s office, the judiciary, and perhaps local hospitals and private attorneys. Jurisdictions with such coordinated response systems usually have significantly fewer barriers to accessing the courts and obtaining these orders of protection. This leads us to the next innovation for fighting IPV.

**Coordinated Community Responses to Domestic Violence**

**Coordinated community responses** to violence against women across the domains of criminal justice, social services, and victim advocacy groups are increasingly being employed to both prevent and ameliorate the consequences of this violence. It should be noted that these coordinated responses are also being implemented to fight the other forms of family violence we discuss in the remaining sections of this chapter, including child and elder abuse. Unfortunately, there is extreme variability in how agencies coordinate their work across communities. Some include limited partnerships
between domestic violence programs and specific criminal justice agencies, while others are comprehensive interventions run by nonprofit agencies. Moreover, these efforts have proven to be somewhat transitory in nature—depending, for example, on the availability of funds and political support.

While very little is known about the effectiveness of these initiatives, many communities have embraced them because of the assumption that organizing a few elements of the community’s response around a common objective (e.g., to prevent violence against women) will produce better results than creating new practices or programs. Another innovative response concerns the creation of fatality review teams in many jurisdictions. Pioneered by the criminologist Neil Websdale, these teams bring together a variety of members from various groups that have an interest in preventing intimate partner violence and can include law enforcement officers, judges, defense and prosecuting attorneys, victim advocates, mental health workers, county coroners, and survivors among others. These teams then systematically review intimate partner deaths in their community with an eye toward understanding how the killing happened and how the community might respond better in the future in order to better intervene and protect battered women. Today, teams operate in all but nine states and have been successful in changing policies, affecting legislation, and improving interagency communication and cooperation in a number of locations. Similarly to coordinated community response groups, however, the fatality review teams are volunteer driven and their ability to actually prevent domestic violence-related deaths is unknown.

### Violence in Gay/Lesbian/Bisexual/Transgender (GLBT) Relationships

Although most states in the United States still do not legally recognize marriage outside of heterosexual relationships, there are hundreds of thousands of nontraditional families in this country comprising same-sex unions, both with and without children. Unfortunately, no national studies have been conducted that directly investigate how much violence exists in these types of relationships. The NVAWMS provides an indirect assessment of the magnitude, because it asks respondents whether they have ever lived with a same-sex partner as part of a couple. Rates of violence for those who answer in the affirmative are then compared with rates for those respondents who do not. Results suggest that there was more IPV between same-sex cohabitants than between opposite-sex cohabitants but that most of this violence was perpetrated by men. The NCVS is also able to indirectly measure violence between same-sex intimate partners since it asks victims whether their assailant was male or female. While a lack of official statistics exists, there is no lack of evidence that violence exists in GLBT couples from clinical and small self-selected samples. Unfortunately, the options for those in abusive GLBT relationships are typically quite limited, since victims of violence in GLBT relationships do not have equal access to social services or to the criminal justice system in the same way as victims of heterosexual violence. Although the majority of states have gender-neutral domestic violence laws, evidence suggests that the police and courts do not always treat violence that occurs in GLBT couples in a professional and objective manner. Fortunately, our definitions and laws regarding
what constitutes a family continues to evolve, and we hope victims of violence in GLBT relationships will soon be afforded the same equal access to social, medical, and criminal justice services as hetero couples enjoy.

Stalking

Stalking first entered our society’s consciousness after the murder of Rebecca Schaeffer in 1989. Twenty-one years old, Rebecca was an actress starring in a popular sitcom, *My Sister Sam*. A fast-food worker from Tucson, Arizona, named Robert Bardo became obsessed with the young actress and for over two years sent her numerous love letters. He eventually traveled to Los Angeles in the hope of tracking her down, paid a private detective to find her address, and went to Rebecca’s apartment and shot her twice after she answered the door, killing her. When stalking turns deadly for celebrities, it makes media headlines. However, the crime of stalking is most often perpetrated by intimate or former intimate partners. We therefore want to spend a little time in this chapter reviewing what we know about stalking.

After Shaeffer’s death, California implemented the first antistalking legislation in 1990. It was not until then that the legal term of *stalking* was coined. According to the model antistalking code for states developed by the NIJ, stalking is defined as

A course of conduct directed at a specific person that involves repeated visual or physical proximity, nonconsensual communication, or verbal, written or implied threats, or a combination thereof, that would cause a reasonable person fear, with repeated meaning on two or more occasions.

So how many people are stalked annually and how do we measure it? Does stalking involve unwanted repeated attempts at contact or only unwanted repeated attempts at contact that make someone feel fear? If we feel fear, how much fear is necessary for an act of stalking to be considered a crime? A “great deal of fear” or just “some fear?” The National Intimate Partner and Sexual Violence Survey (NISVS) used the following definition of stalking:

Stalking victimization involves a pattern of harassing or threatening tactics used by a perpetrator that is both unwanted and causes fear or safety concerns in the victim….a person was considered a stalking victim if they experienced multiple stalking tactics or a single stalking tactic multiple times by the same perpetrator and felt very fearful, or believed that they or someone close to them would be harmed or killed as a result of the perpetrator’s behavior.
The tactics measured included unwanted phone calls, text messages or hang-ups, unwanted emails or messages through social media, unwanted mail or presents, unwanted following from a distance or through the use of devices such as GPS systems, showing up at the victim’s home or workplace, leaving items for victim to find, or doing things that indicate the stalker had been in the victim’s home or car. Research conducted by Cupach and Spitzberg has identified eight specific tactics commonly employed by stalkers which include:

- **Hyperintimacy** refers to excessive and repetitive attempts to win the target over. It is often disguised as friendship or courtship.
- **Mediated contact** concerns the stalker using technology to constantly stay in touch through facebook, texting, calling, and faxing.
- **Interactional contact** is when the stalker joins the same clubs or groups, shows up at the same places, and tries to engage with the person who is the obsession of the stalker.
- **Surveillance** refers to the stalker getting as much information as they can about the target’s life, movement, and patterns of activity.
- **Invasion** is all about breaking into the victim’s home and property.
- **Harassment and intimidation** are, as the title indicates, strategies in which the stalker attempts to irritate and inconvenience the target through their persistent interference in the victim’s daily life.
- **Coercion and threat** refers to when a stalker’s method of contact is violence and can include kidnappings and assaults.

In 2010, the NISVS found that about 16% of women had been stalked at some point in their lifetimes and 4% had been stalked in the 12 months prior to the survey. The incidents for men was much lower, with about 5% of men experiencing stalking in their lifetimes and just over 1% experiencing it in the past 12 months. For lifetime reports of stalking, the majority of female victims (66%) were stalked by intimate partners, while the male victims were equally likely to be stalked by intimate partners and friend/acquaintances (41% and 40% respectively). The NCVS also conducted a special Supplemental Victimization Survey (SVS) in 2006 that measured stalking. It found that 2.2% of females 18 years of age and older compared to 0.8% of their male counterparts had experienced stalking in the past 12 months. Together, it was estimated that over 3,300,000 stalking victimizations occurred annually! This victimization data conforms to perpetration statistics, since research indicates that the vast majority of perpetrators are men. This means, in other words, that stalking is mostly about men stalking women. There are also a few differences in the extent to which stalking was experienced across race/ethnic groups, since a number of studies, for example, have found that Native American and Alaskan Native women were more likely than other groups to experience stalking, while Asian and Pacific Islander women were least likely to report being stalked. Age also appears to be a factor in this crime, with those under the age of 24 experiencing the highest prevalence of stalking victimization. The majority of unwanted stalking tactics included phone calls. Clearly, stalking represents
a serious threat in the United States—particularly to women. In many ways, we can see it as a dangerous correlate to intimate partner violence.

Clearly then, many stalkers are abusers whose desire for control and whose jealousy lead them to interject themselves into all aspects of their victims life by surveilling, contacting, and otherwise monitoring the target of their obsession. So why do they go to such extremes? As with so many other aspects of human behavior, there is no one single answer. Stalkers stalk for a variety of reasons. Research has shown that a recent traumatic event, such as a breakup, the death of a family member, or the loss of a job, can sometimes trigger this behavior. For others, it’s all about wanting to control their former intimate and as such, it is another way that an abuser tries to manifest power over their intimate partner, especially after a breakup. Here is how one woman experienced it. “He would follow me every time I went someplace. And he’d drive by and walk by my house every chance he got, every day until I moved to where he couldn’t find me. So, I started getting these phone calls at home and at work. And he’d come to my work and sit on a bench outside and just watch me. When I got off at night, he’d follow me home. One night when I came out to my car, there was a note saying, “You’d better think hard before you turn the key.” I got in the car and there was a picture of a blown up car on the steering wheel. I didn’t move it until a mechanic looked it over and said, “No, it’s fine.” In this victim’s experiences, we can see a number of the stalking tactics reviewed above and get a sense of how frightening and traumatic it can be.

**Societal Responses to Stalking**

As noted above, California passed the nation’s first antistalking legislation in 1990. Prior to this legislation, stalking was not considered a criminal offense in any state and, because of this, police had little power to arrest someone who behaved in a threatening way—even though such behavior caused the victim extreme distress. Although traditionally associated with celebrities, stalking was often a serious problem for women in general, many whom were trying to terminate an abusive relationship. Today, all states and the District of Columbia have some form of legislation in place to protect victims of stalking. These statutes generally define stalking in a similar way to the model antistalking statute developed by the NIJ. The goal of these statutes, of course, is to end this pattern of harassment before it escalates to physical violence. Although there is great variability in antistalking statutes across states, they can generally be classified as being either broad or narrow. A broad antistalking law prohibits conduct that causes mental distress and fear of physical harm, while a narrow antistalking law, in contrast, requires a credible threat and some form of malicious or intentional conduct, such as following or harassing.

Determining how well antistalking statutes actually protect the public is a difficult task. Ideally, to measure the effectiveness of an antistalking statute, one would first need to examine baseline rates of stalking behavior before an antistalking law was implemented in that jurisdiction and then monitor the change in stalking rates after implementation. To control for the effects of other factors that may be related to stalking behavior besides the new law, research should simultaneously monitor
stalking behavior in a demographically similar jurisdiction that did not implement antistalking statutes during the study period. This would be considered the control group. Only if rates of stalking decreased in the experimental group and not in the control group could the decrease validly be attributed to the effects of the antistalking laws. This research design is called a quasi-experimental design and is often used in evaluation research. Several factors, however, make it impossible to utilize this research design to examine the efficacy of antistalking statutes. Foremost of these is access to reliable base rates of stalking behavior. Since stalking behavior was not illegal prior to the passage of most antistalking laws, criminal justice agencies do not have data on the number of complaints, arrests, and convictions for such behavior. In the absence of such data, it is hoped that these statutes will help to deter stalking by communicating the illegality of this behavior to would-be offenders and to society at large.

**Child Abuse**

In Focus 5.2 illuminates the most extreme form of child abuse—when a child is killed by a parent. However, child abuse takes many forms, including sexual abuse which we briefly review in Chapter 7, physical abuse, and neglect. In this section, we will deal exclusively with the physical abuse of children. As you might imagine, estimating

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**In Focus 5.2**

**When Mothers Kill**

On average, over 500 children aged 5 and under are killed annually. The majority of these murders are committed by a parent, with mothers being as likely to kill their children as fathers. In the past few years, several of these cases have made national headlines, including Andrea Yates, who drowned her five children in the family’s bathtub in 2001, Deanna Laney, who stoned two of her young sons to death and seriously injured another in 2003 because she believed God commanded it, and Dena Schlosser, who in November of 2004 cut off her 11-month-old daughter’s arms.

The most recent case to make national headlines occurred in the upscale neighborhood of Tampa Palms, in Florida, in March of 2011. There, Julie Schenecker was found on her patio with blood on her white bathrobe. Inside were the bodies of her two children, 16-year-old Calyx and 13-year-old Beau. She had apparently shot Beau with a handgun the previous afternoon while driving him to soccer practice. Calyx was shot while she was on the computer in her bedroom, one bullet hitting the back of her head and another hitting her in the face. In a note found in the home, Ms. Schenecker indicated that she had also intended to kill herself but never did. Friends and neighbors of the family were shocked because they appeared to be a typical suburban family with all the indicators, including car pools, soccer games, track meets, and so on. One teacher described Ms. Schenecker as “an attentive mother who picked her daughter up from practice, attended team suppers and once surprised him with a birthday cake.”

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the prevalence of child abuse is even more difficult than estimating rates of intimate partner violence, primarily because many child victims are fearful about reporting their victimizations to an authority figure. And despite the mandatory reporting laws in place in all states, evidence of abuse and neglect can often remain hidden except for extreme cases, such as when broken bones and concussions require medical care. Moreover, the cultural norms regarding the use of physical punishment that exist in the United States are still somewhat ambiguous. Despite the fact that the percentage of parents who believe spanking a child is harmful has increased during the past 30 years, the majority of parents still use corporal punishment to discipline their children. Many of you reading this book probably have had first-hand experience with this, as have the authors. Most of us may think this is normal, but looking at the norms of other countries tells us otherwise. For example, in 1979 Sweden became the first country to ban the spanking of children. Since then, Finland, Denmark, Norway, and Austria have also banned this practice in an effort to end the abuse of children. Physical discipline is not considered a legitimate form of punishment in these nations.

As with other types of family violence, the best place to start when examining the rate of violence against children is with homicide rates. The rate of homicide against children aged 5 and under has remained relatively stable for the past 25 years. The good news, then, is that lethal child abuse has not increased. The bad news is that we have not decreased the rate at which young lives are taken by violence either. Table 5.2 presents the number and percentage of homicides against children aged 5 and under by the gender and relationship of the perpetrator. As can be seen, parents kill the majority of children of this age, with mothers and fathers about equally likely to murder their own children.

Of course, most cases of child abuse don’t result in death. But when does punishment cross the line and become abuse? How should we define child abuse? All 50 states and the District of Columbia have laws against child abuse and neglect, but each statute is different. In fact, there appears to be no national or scientific consensus on what constitutes “child abuse,” even in research circles. For example, some researchers define an abused child on the basis of having been injured. Others contend that abuse is abuse because of the severity of the assault, regardless of whether it resulted in injury. Barbara Wauchope and Murray Straus define the two as follows:

Physical punishment is . . . a legally permissible violent act (or acts) carried out as part of the parental role and physical abuse is . . . a violent act (or acts) by a parent that, in our judgment, exceeds the level of severity permitted by law and custom and exposes the child to a greater risk of injury.

The NFVS discussed earlier also asked parents about their behavior toward their children. The actions considered to be physical punishment included children being “pushed, grabbed, shoved, slapped, and spanked. Physical abuse included being kicked, bit, hit with a fist, hit with an object, beat up, burned or scalded, or being assaulted with a gun or knife.” According to these definitions, 51% of boys and about 49% of girls experienced physical punishment. Boys, however, had higher rates of physical abuse than girls, with rates of 2.8% and 1.9% respectively. Interestingly, there was no
Table 5.2  The Percentage of Homicides Against Children Aged 5 and Younger by the Gender and Relationship of the Offender, 1980–2008

<table>
<thead>
<tr>
<th>Gender of Offender</th>
<th>Parent (%)</th>
<th>Other Family (%)</th>
<th>Friend/Acquaintance (%)</th>
<th>Stranger (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>33</td>
<td>4</td>
<td>23</td>
<td>3</td>
</tr>
<tr>
<td>Female</td>
<td>30</td>
<td>3</td>
<td>5</td>
<td>3</td>
</tr>
</tbody>
</table>


difference between the rate of abuse by mothers and fathers. Recall that this is consistent with the homicide data revealing that mothers and fathers are equally likely to kill their children aged 5 and under.

**Risk Factors for Physical Child Abuse**

As we saw in In Focus 5.2, the most extreme cases of physical abuse of children that result in death are often the only cases represented by the media. However, the reasons provided to explain these exceptional cases, such as *postpartum psychosis*, are rare and are not responsible for the majority of physical abuse against children. The risk factors for intimate partner violence discussed earlier in the chapter also relate to child abuse. For example, stereotypical beliefs about men holding dominant positions over women also influence depictions of children as “property.” The intergenerational transmission of violence also contends that being abused as a child places a person at a greater risk of abusing their own children. And, similar to IPV, the stress of poverty, a lack of social support, and drug and/or alcohol abuse most certainly increase the risk of parents becoming abusive. There are, however, other risk factors specific to child abuse which are worth noting.

One consistent finding in all research is that younger children, particularly under the age of 3, are at a greater risk of being abused compared with older children.69 Other situations that appear to increase a child’s risk include inadequate bonding between parent and child and/or having a physical or mental disability as well as other health problems, including being born prematurely. Each of these situations places families and parents under tremendous stress, which for some parents may translate into abusive behavior.70 The reality of course is that many parents in high stress situations do an admirable job of parenting and act with restraint and compassion, while others in less difficult circumstances cross the line and abuse their children.

**Societal Responses to Physical Child Abuse**

Child abuse was one of the first forms of family violence to be recognized as a social problem. The impetus for this is thought to come from the medical field where the advent of radiology allowed doctors to observe multiple fractures that could
not be explained by accidental falls. In 1962, the prestigious *Journal of the American Medical Association* published an article in which the term “The Battered-Child Syndrome” was first coined and which provided a means to publicize the problem. Unfortunately, it took the federal government almost 10 years to act. In 1974, the *Child Abuse Prevention and Treatment Act* was implemented by Congress, which established the National Center on Child Abuse and Neglect under the U.S. Department of Health, Education, and Welfare.

Soon afterwards, psychologists and social workers alike began to observe the unintended negative consequences of removing children from their families and lobbied to rectify previous legislation that did not guide this removal. The *Adoption Assistance and Child Welfare Act of 1980* was intended to prevent unwarranted removal of children from their families by making “reasonable efforts” to keep families together or to unify families in a timely manner if placement could not be avoided. This act was soon followed by the *Family Preservation and Support Services Act of 1993* that was mandated to expand the services available to strengthen families as well as to provide additional supports for children who must be placed outside the home.

When the victims of family violence are children, the social service system as well as the criminal justice system becomes involved. Each state has a *Child Protection Services Division* that is mandated to protect and remove children from abusive situations. Increasingly, however, states are removing the abusive parent or caretaker rather than the child in order to prevent the child from feeling punished or stigmatized. The primary objective of the agencies in charge of this mission is to make sure the child is protected and cared for, which distinguishes them from law enforcement agencies that are focused on holding offenders accountable through criminal statutes. All states and the District of Columbia have mandatory reporting laws for these offenses, requiring designated professionals to report cases of abuse and neglect. Any person who has a duty to care for or protect a child may be considered a mandated reporter; this category includes teachers, childcare providers, physicians, and police officers. These mandatory reporting laws vary by state, as does the age at which someone is considered a “child.” At the other end of the age spectrum are the elderly who, as we are also finding out, sometimes suffer violently at the hands of loved ones.

**Elder Abuse**

Edna Zehner, who cared for her 85-year-old father, Frank Altman, lost her temper one day because his television was too loud. He was recording a religious broadcast and apparently wanted to make sure it was picked up by his tape recorder. Unfortunately for Edna, the tape recorder also provided evidence about Frank’s murder that day. After a lot of yelling about the volume of the television, Edna was heard to say, “Shut your face! I don’t want to hear you! I don’t want to see you!” Several impact sounds were heard and were followed by Frank’s groaning. It was later surmised that the noises were the sounds of Edna beating her father with a tire iron. Found four days later by a grandson, Frank was discovered lying bruised in his own waste, with a broken arm. He had been without food or water since the attack. He died just over three weeks later.
Elder abuse is one of the most recent types of family violence to be acknowledged as a social problem, and it is one of the most difficult types of violence to uncover for a number of reasons that include the isolation of the victims (i.e., they don’t go to school like children) as well as the extreme shame that many elders feel as a result of their victimization. The U.S. National Academy of Sciences has proposed a useful definition of elder abuse:

(a) intentional actions that cause harm or create a serious risk of harm (whether or not harm is intended), to a vulnerable elder by a caregiver or other person who stands in a trust relationship to the elder, or (b) failure by a caregiver to satisfy the elder’s basic needs or to protect the elder from harm.

There are several types of abuse subsumed under this definition, including physical abuse, psychological abuse, material or financial exploitation, and neglect. We will focus exclusively on physical abuse in this section. It is also important to understand that physical abuse of the elderly can occur in many settings, including in their homes, hospitals, and nursing homes. Our attention in this chapter will be focused on abuse occurring in private residences.

There have only been a handful of surveys conducted to examine elder abuse specifically, and estimates of abuse from these studies range from 2% to 10% prevalence rates. Examining the extent of violence perpetrated by known offenders against the elderly from the NCVS and homicide data suggests that, while the elderly continue to experience intimate partner violence, they are generally more vulnerable to assaults by other relatives and other known offenders compared with their younger counterparts, who are more vulnerable to assaults by intimates. In other words, they tend to be more at risk from their children than from their partners.

Risk Factors for Elder Abuse

Research generally indicates that a shared living situation is a major risk factor for elder abuse; elders living alone are at the lowest risk of experiencing physical abuse. Obviously, living with others increases the opportunities for conflict and tension that arise in all living situations. Another consistent risk factor appears to be the mental dementia: Elders with dementia appear to have higher rates of physical abuse compared with elders without this disorder. And, like the physical abuse of intimates and children, social isolation also has been identified as a risk factor for elder abuse. Victims are more likely to be isolated from friends and relatives than nonvictims. The presence of or frequent contact with other people would increase the likelihood that abusive behaviors would be detected.

A risk factor that is unique to elder abuse is that the perpetrators are more likely to be financially dependent on the person they are abusing. In many cases, the abuse results from attempts by the relatives—especially adult children—to obtain resources from the victim. It is important to reiterate, however, that abuse can take place with or without any of these factors present and that the majority of families with these risk factors present do not manifest physical abuse against the elder for whom they may be caring.
In 1965, Congress passed the Older Americans Act, which was the first piece of national legislation that expressed society’s commitment to protect vulnerable older Americans at risk. When the act was reauthorized in 1992, Congress created and funded a new Title VII, called the Vulnerable Elder Rights Protection Act, which expanded the original legislation to include mandates for the prevention of elder abuse, neglect, and exploitation. In the most recent amendments to this act in 2000, Congress called on states to foster greater coordination with law enforcement and the courts. As the years have gone by, this piece of legislation has proven instrumental in promoting public education and interagency coordination to address elder abuse. In 2003, the Senate attempted to pass an act titled the Elder Justice Act, which, among other things, would have established dual offices of elder justice in the U.S. Department of Health and Human Services/Administration on Aging as well as the U.S. Department of Justice to coordinate elder abuse prevention efforts nationally. Unfortunately, no action was taken by the Senate and the law was never passed.

As with all crimes, however, states have the primary responsibility for responding to elder abuse. As with Child Protective Services (CPS), which has primary responsibility for cases of child abuse, all 50 states and the District of Columbia have enacted legislation authorizing the provision of Adult Protective Services (APS) in cases of elder abuse. Generally, these APS laws establish a system for the reporting and investigation of elder abuse and for the provision of social services to help the victim and ameliorate the abuse. In most jurisdictions, these laws also pertain to abused adults who have a disability, vulnerability, or other impairment as defined by state law, not just to older persons. As with child abuse, the laws in most states require helping professions in the front lines, such as doctors and home health providers, to be mandated reporters when it comes to cases of suspected elder abuse or neglect. Increasingly, however, states are updating their statutes to require “any person” to report a suspicion of elder abuse. Although most states do not currently have specific laws for the prosecution of elder abuse, all incidents can be adjudicated under other statutes, including laws mandated for rape, assault, and battery.

Conclusions

Violence that takes place within the home has been occurring since the advent of the family. It is a terrible irony that the family—the institution so often portrayed as a place of love, acceptance, and refuge from the outside world—is instead, for all too many, the most dangerous environment they will ever face. Only recently have we, as a society, acknowledged the extent of the problem of violence within the family and taken steps to intervene and prevent its occurrence. We now know that family violence—even witnessed violence—has profound effects on the lives of victims, including increasing the risk of both offending and victimization in adulthood, and increased risk for other negative consequences, such as depression and alcohol and/or drug dependency. Continuing to understand the causes of these forms of violence is therefore extremely important, not just to the families affected by this violence but to society as a whole.
Key Terms

Adoption Assistance and Child Welfare Act of 1980
Adult Protective Services
Battered-Child Syndrome
child abuse
Child Abuse Prevention and Treatment Act of 1974
Child Protection Services Division
civil protection order
Conflict Tactics Scale
coordinated community responses
cycle of violence
erder abuse
Family Preservation and Support Services Act of 1993

family violence
fatality review team
intergenerational transmission of violence theory
intimate partner violence
Kenosha Domestic Abuse Intervention Project
mandatory arrest
Minneapolis Domestic Violence Experiment
National Crime Victimization Survey
National Family Violence Survey
National Intimate Partner and Sexual Violence Survey

National Violence Against Women and Men Survey
Older Americans Act of 1965
patriarchy
postpartum psychosis
primary aggressor
procedural justice
same-sex unions
Spouse Assault Replication Program
stalking
victim empowerment
Violence Against Women Act
Vulnerable Elder Rights Protection Act of 1992

Discussion Questions

1. All 50 states have passed some form of mandatory reporting law for cases of child abuse and neglect. Although many states have also created legislation to make the reporting of elder abuse cases mandatory, there is still a great deal of controversy about these laws. Some believe that elders—like all adults—have the freedom to report or not to report a victimization to police. They contend that by making the reporting of such victimizations mandatory, this freedom is taken away from a subgroup of the population. Others, however, contend that because the elderly population is more likely to suffer particular cognitive disorders that may prevent them from seeking help, these mandatory reporting laws are necessary. Where do you stand on the issue? Is there some way to protect “at risk” groups of the elderly population without taking away the freedom of choice for the entire subgroup of those over a certain age? What are the benefits and costs of such legislation?

2. Go to the U.S. Department of Justice website and find the Office on Violence Against Women (http://www.usdoj.gov/ovw/regulations.htm). Go to the section on federal legislation and find the link for the “Violence Against Women and Department of Justice Reauthorization Act of 2005 (VAWA 2005).” In your opinion, what are the
most important components of the act? What underserved populations are highlighted in the act for increased protection? What provisions does the act stipulate for each crime highlighted?

3. In 2000, the National Center for Victims of Crime (NCVC) developed a Stalking Resource Center. The mission of the program is to raise awareness of stalking and to encourage the development and implementation of multidisciplinary responses to stalking in local communities across the United States. Access this resource center through the NCVC website (www.ncvs.org/src) and examine in detail at least one issue related to stalking, which may include information about state laws and legislation or court cases involving the legality of statutes against stalking. How has legislation evolved to combat stalking while at the same time not compromising personal liberties guaranteed by the Constitution?

4. The status of women and women’s health in general are strongly related to the incidence of violence against women. The World Health Organization has published a cross-national study comparing indicators of women’s health and violence against women for several countries (www.who.int/gender/violence/who_multicountry_study/en). Using the report, compare and contrast indicators from at least five different countries. Do indicators of women’s health in general correlate with their incidence of victimization? That is, do countries with high rates of health-related problems (e.g., high rates of infant mortality, low life expectancies) also have high rates of victimization? What other national factors may contribute to high rates of violence against women?