

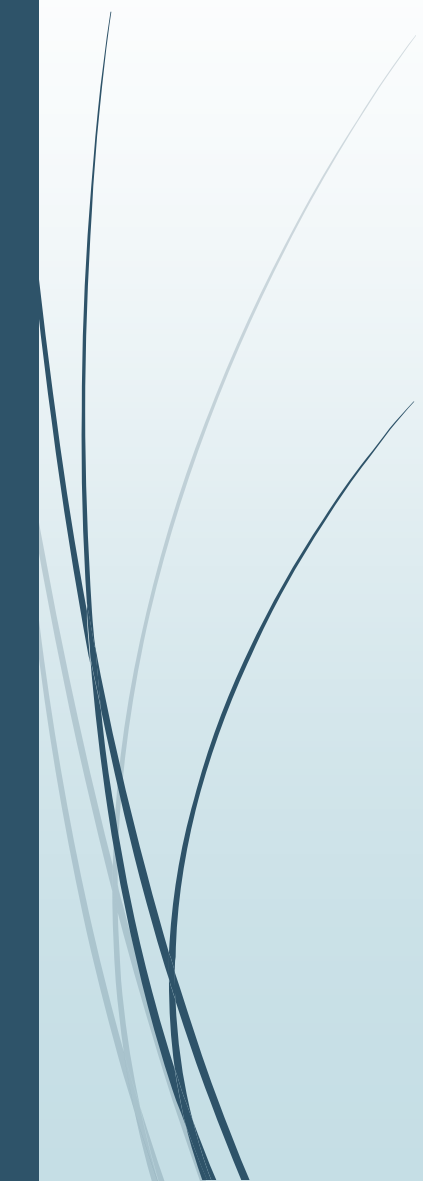
Domestic Violence: Understanding Victim/Perpetrator Behavior

2024 Summer Judges Conference
Ty Hands, District Court

*materials are collaborative from NCJFCJ DV training and Lynn Fairweather, MSW: www.presagetraining.com



Why are we here?



The purpose of this session is to provide a better understanding of why people stay in battering relationships and what we can do to provide the needed resources to those who appear before us and seek relief and Justice from us

A dark grey arrow points to the right from the left edge of the slide. Below it, several thin, curved lines in shades of blue and grey sweep across the left side of the slide.

Introductions

Name one thing you would like to understand about battered women/victims of domestic violence.



Comings and Goings Exercise

An Exercise about Choices

As a result of this exercise, you should be better able to identify the complex reasons an individual might choose to remain in or return to an abusive relationship

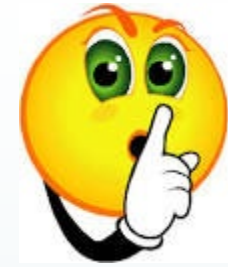
*adapted from an exercise by the National Clearinghouse on Abuse in Later Life and NCJFCJ

An Exercise About Choices...



- Interactive Exercise about choices
- You will be given a role (Ana)
- Everyone starts at HOME
- Facts
- YOU Decide when to leave HOME and where to go
- Be Ana (NOT JUDGE SO-AND-SO)
 - Stay in character!

An Exercise about Choices...



- It costs to leave home

Money = 

Goodwill =



- The locations have conditions

- Ground Rules

- Movement = Deduct the fare
- When the bell rings = deduct fare or move
- No more resources = go home or be homeless



Silence and Stay Engaged



Your Role

You are Ana, a 35 year old woman who has been married for 15 years. You have three children, Gabriella, age 5, Maya, age 8 and Luis, age 14. You work part-time as a nurse's aide while your kids are at school. You are devoutly religious. You have a modest home in a rural area. Your husband works in construction. You love your 3 year old dog.

A dark blue arrow points to the right from the left edge of the slide. Below it, several thin, light blue lines curve upwards and to the right, creating a decorative background element.

Large Group Discussion:

- How did it *feel* to make these choices?
- What facts, if any, made you believe that your partner was dangerous?
- What were some reasons for returning home or staying home?

Comings and Goings

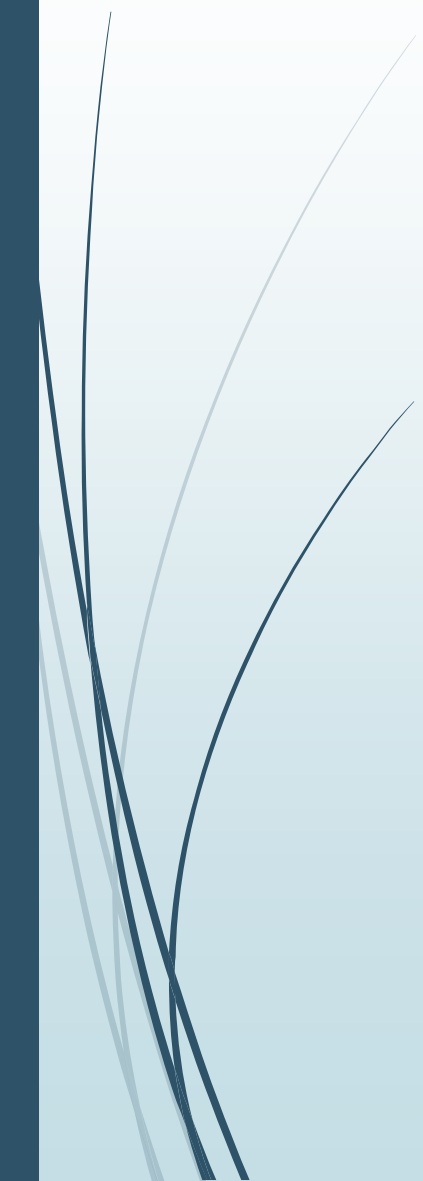
- ▶ Did anyone break the rules?
- ▶ Why was the exercise conducted in silence?
- ▶ How does this exercise apply to your role as a Judge?





Domestic Violence Court is

DIFFERENT

- ▶ Victim-driven
 - ▶ The guilty don't always get punished
- 

DV Victims are **DIFFERENT**

May not behave like other victims

- ▶ Stay
- ▶ Return
- ▶ Recant
- ▶ Lie
- ▶ Refuse to cooperate
- ▶ Refuse assistance
- ▶ Attitude



Controversial Issues re: DV cases

- Parental Alienation
- Gender
- “High conflict” vs. DV
- False allegations
- Recantation
- BIP (do they work?)
- Impact of DV on children & custody
- Immigration
- Credibility



Pay It Forward

Why is Helen Hunt going back?



A dark grey arrow points to the right from the left edge of the slide. Below it, several thin, curved lines in shades of blue and grey sweep across the left side of the slide.

Pay It Forward

- ▶ Why is Kevin Spacey so angry with the Helen Hunt character?
- ▶ Is this effective behavior?
- ▶ Have you had Kevin Spacey moments?



Effective Interventions in DV cases

Context Is
Everything

A dark grey arrow points to the right from the left edge of the slide. Below it, several thin, curved lines in shades of blue and grey sweep across the left side of the slide.

Context

INTENT
MEANING
EFFECT

Who is doing what to whom and with what impact?



Context is Critical

Failing to distinguish one kind of domestic abuser from another can:

- ▶ Endanger victims of ongoing violence
- ▶ Embolden perpetrators of ongoing violence
- ▶ Place children at risk



Contexts for domestic violence



► Battering

- Patterned use of violence, intimidation and coercion to establish dominance

► Resistive/Reactive

- Violence produced and shaped by battering

► Other (e.g., “Situational,” Pathology)

- Violence not linked to establishing an ongoing relationship of dominance



Battering/Coercive Control

- ▶ Power and control tactics
- ▶ Entitlement to control
- ▶ Separation/challenge to authority are triggers
- ▶ Escalation
- ▶ Most often male perpetrated on female



Resistive/Reactive to Ongoing Violence

- ▶ Perpetrator is responding to pattern of violence and intimidation against him/her
- ▶ Coping strategy
- ▶ Violence may be purely self defensive (non criminal)
- ▶ Violence may be retaliatory or designed to go “toe-to-toe” with the abuser



A dark grey arrow points to the right from the left edge of the slide. Below it, several thin, curved lines in shades of blue and grey sweep across the left side of the slide.

Non-Battering Situational

- ▶ Other forms of power and control tactics are not being used
- ▶ Violence less likely to be serious or lethal
- ▶ Use of violence may be atypical
- ▶ May be in context of separation

How do we determine the context for this act of violence? (Intent, Meaning, Effect)

- Information from the Parties:
 - History of violence
 - Existence of pattern of intimidation and threats
 - Intent and meaning of violence to victim
 - Risk assessment
 - Screening?
- Information from others: police reports, other documentation

Why stay or go back?

- Fear
- For sake of children
- Economic concerns
- Love and hope for change
- Self blame, embarrassment
- Isolation / entrapment
- Religious / cultural beliefs
- Belief that partner really needs them
- Lack of predictable, effective system response





Ending the relationship

- Easier said than done
- Doesn't always solve the problem
- Ushers in the period of highest risk

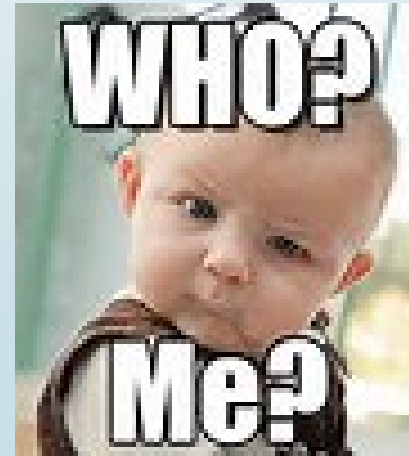
Response to women who return

- ▶ Belittle
- ▶ Minimize violence
- ▶ Use system / coerce with court orders
- ▶ Charge with false allegations
- ▶ Initiate “failure to protect” investigations
- ▶ Blame her for the violence
- ▶ Withdraw support



How does this affect YOU?


- Anger
- “triggered”
- Overly jaded
- Avoidant
- Distant (conveyor belt mentality)
- Guilty
- Exasperated
- Irritable
- Self destructive
- Sad/depressed
- Vicarious trauma
- Burned out





Did Domestic Violence Happen?

- ▶ False allegations
- ▶ Distinguish entirely fabricated from exaggeration, loss of memory, revising history, lack of physical evidence
- ▶ Possibility of reluctance, ambivalence, refusal, recantation



“Whoever fights monsters should look to it that he/she does not become a monster. For when you gaze long into an abyss, the abyss also gazes into you.”

-Friedrich Nietzsche

A dark grey arrow points to the right from the left edge of the slide. Below it, several thin, curved lines in shades of blue and grey sweep across the left side of the slide.

What can Judges do?

- Identify personal biases
- Let go of supreme responsibility
- Don't go it alone
- Switch batters, if possible
- Take regular breaks, recesses, VACATION
- Debrief and regroup
- EAP/Counseling
- Take care of YOU

High Lethality Red Flags



- Severe physical abuse
 - Increase in severity or frequency? Pregnancy?
- Strangulation
- Extreme Control Issues
 - jealousy, possessiveness
- Stalking
- Recent separation

High Lethality Red Flags

- Sexual Assault
- Use of or threats with weapons
- Mental health issues
- Substance abuse issues
- Threats to kill victim, self, others
- Defined plan or descriptive in nature





Conclusions



- Relationships are very complex and each one is different.
- There are many factors in play at any given time and in any given relationship.
- Leaving is a process – it is hard to know where a victim is in her process at the time of contact with an intervener.
- Anger from court (or others) may foreclose further communication.

A dark grey arrow points to the right from the left edge of the slide. Several thin, curved lines in shades of blue and grey originate from the bottom left and sweep upwards and to the right, framing the text.

Don't display anger, but send a consistent message:

- ▶ The Court is available whenever the victim chooses to return.
- ▶ Express concern for the victim's safety and safety of her children.
- ▶ Refer her for safety planning.
- ▶ Refer her to advocacy and other local services.



Remember
Comings and
goings



Any questions?

