

California
Attorney
General's
Office

*D*omestic
Violence
Handbook
*A Survivor's
Guide*

Crime and Violence Prevention Center

*D*omestic Violence Handbook

A Survivor's Guide



Crime and Violence Prevention Center
California Attorney General's Office
Bill Lockyer, Attorney General

December 2002
Revised

This publication may be disassembled and used as a camera-ready master for printing more copies. Permission is granted for reproduction with no additions, deletions or alterations to original text or artwork.

How to Use This Handbook

Domestic violence is a major problem, both in California and throughout the United States. Almost one-third of all women murdered in this country are killed by a domestic partner.

The ***Domestic Violence Handbook*** was developed as a survivor's guide for victims of domestic violence. While domestic violence is a term that is used to describe many kinds of family violence, including child, spouse and elder abuse, this handbook specifically talks about spouse or partner abuse that occurs between couples in ongoing or terminated relationships (whether or not they are married). Since women are most often the victims of domestic violence, the information is primarily directed to the battered woman or wife. However, it should be noted that incidents of domestic violence against men are increasing, and domestic violence also exists in gay and lesbian relationships.

Domestic violence can take many forms, including physical, verbal or emotional abuse, intimidation, denial of rights or sexual assault. If you are in a relationship where domestic violence is occurring or has happened in the past, this handbook can help you. The material has been organized in the following way:

- Chapter 1, *Dealing With Domestic Violence*, contains information on how to get help if you are a victim of domestic violence and need to protect yourself immediately.

- Chapter 2, *Understanding Domestic Violence*, provides background information on the nature and causes of domestic violence, to help you learn what is happening and why.
- Chapter 3, *Living Violence-free*, discusses a number of alternatives you may want to consider in order to have a life free from violence.
- Chapter 4, *Resources For Victims of Domestic Violence*, includes the names of support organizations, books for further reading, and sources for general, legal and financial information you may find helpful.

If possible, try to read through the handbook when you have the time and privacy to familiarize yourself with all of the information. If you are being hurt, and you have to leave your home suddenly, Chapter 1 contains a checklist of things you may want to take with you. (Chapter 3 includes some additional suggestions on what to take with you if you move out for a period of time or permanently.) If time permits, there is also a personal **Plan Ahead Checklist** located at the back of the handbook that you can fill out in case you need it. Having this important information already in place may be helpful should you find yourself in an crisis situation where you are upset and in a hurry.

Domestic violence can begin with angry words, a shove or a slap. Quite often, this behavior escalates, establishing a pattern of abuse. Without intervention, the assaults often become more frequent and more violent as time goes on. Domestic violence creates feelings of isolation, anger, disappointment, loneliness or bitterness for victims. It can negatively impact children who witness the violent behavior. Domestic violence can also result in permanent physical injury or even death.

Above all, ***domestic violence is a crime.*** You do not have to remain a victim — you are a survivor, and help is available. If you need assistance, contact your local domestic violence program, the Victims of Crime Resource Center at **1-800-VICTIMS (1-800-842-8467)**, or one of the organizations listed in this handbook. The Crime and Violence Prevention Center staff and others who contributed to this publication hope it will be of benefit to you and wish you the best.

Crime and Violence Prevention Center
Office of the Attorney General
Sacramento, California

Table of Contents

Chapter 1

Dealing With Domestic Violence	1
Call 911 in an Emergency	1
Leave the House	2
Seek Medical Attention	3
Establish an Abuse History	4

Chapter 2

Understanding Domestic Violence	5
Facts You Should Know About Domestic Violence	6
Characteristics of Domestic Violence	6
The Cycle of Violence	9
The Increasing Spiral of Violence	13

Chapter 3

Living Violence-free	14
Taking the First Step	14
Remaining With Your Batterer	15
Moving Out	16
Pursuing Legal Options	19
Creating a Violence-free Lifestyle	29

Chapter 4

Resources for Victims of Domestic Violence	30
Service Agencies	30
Victim-Witness Assistance Program	31
Financial Compensation	32
Additional Information	33
Suggested Reading List	35

Acknowledgments	36
-----------------------	----

Plan Ahead Checklist	38
----------------------------	----

Chapter **1**

Dealing With Domestic Violence

If you are a victim of domestic violence, safety is the first priority for you and your children. Help is available, and you have options!

If you are in immediate danger:

- **Call 911 or leave as soon as possible.** If your batterer is still in the house, and you think he may batter you again, call 911, go to a neighbor's house or other safe place, or call a friend or relative to come and pick you up. You can also ask your local police or sheriff's department for the telephone number of a family violence shelter.

If you are not in immediate danger, but need help:

- **Call** the 24-hour National Domestic Violence Hotline at **1-800-799-SAFE (1-800-799-7233)** or the Victims of Crime Resource Center at **1-800-VICTIMS (1-800-842-8467)**. These centers can help you locate a family violence shelter in your area or offer you other assistance. (Their services are described in more detail in Chapter 4.)

Call 911 in an Emergency

If you call 911, explain to the dispatcher exactly what is happening to you. For example, say, "My husband hit me. Now he's threatening me with a knife." The dispatcher may

ask you some questions. Answer as clearly as you can and be sure to say if:

- You have suffered any serious injuries.
- Your batterer is still there or has threatened to return soon.
- Your batterer has threatened to harm you again or hurt your children.
- There is a weapon involved and, if so, what type.
- Your batterer is under the influence of drugs and/or alcohol.
- You have a protective order against your batterer.
- You have called 911 before.

The police or sheriff's deputies will respond faster if any of these factors are present, and they will be better prepared to help you when they arrive. Call them as soon as you can. If you believe you are in danger, leave your home. If you must leave, let the police or sheriff's department know how to contact you.

The responding officers can also help you with an ***Emergency Protective Order***, which is explained in more detail in Chapter 3.

Leave the House

Whenever you believe you are in danger, you can also leave your home and take your children. If you leave, whether you believe it will be for a short time or for good, it is important to take the items listed below:

- Money
- Keys
- Driver's license
- Car registration
- Checkbooks
- Credit cards

- Medications
- Address book
- Green card(s) for immigration verification

You can also use the ***Plan Ahead Checklist*** located at the back of this handbook. (Be sure to fill it out so you will know exactly what you want to take with you.) If time permits, take everything on your list that you feel is important.

It will take courage to call for help or leave, but it may save you and your children from a future filled with repeated violence. Even if you have to leave your house in the middle of the night without packing, it is better than possibly subjecting yourself to more battering. You may be embarrassed, but you will have a better chance of being safe and unharmed.

Seek Medical Attention

Always get the medical attention you need after a beating. Do not try to patch yourself up. You may be injured much more seriously than you realize. As soon as possible, see your private physician or go to a hospital emergency department.

Tell the doctor and nurses what happened to you so they can note it in their records. You will then have the information on file if you need to use it in the future. You should also be aware that any physician or medical practitioner who treats you is required by law to make a report to law enforcement, including your name and the extent and nature of your injuries.

This legal requirement should not keep you from seeking medical attention. The most important thing is that you get the medical care you need.

Establish an Abuse History

To the extent that you can, try to save anything that will show you were battered and how badly you were injured (any torn or bloody clothing, for example). It is also a good idea to keep a diary or journal and document each incident of abuse. If you do not take legal action now, but change your mind later, you will need proof that you were assaulted.

Try to get a friend or someone from the family violence shelter to take color photographs of your injuries as soon as possible after the beating. You can also have pictures taken by your doctor, the police or sheriff's deputies, if you choose to call them.

Ask your doctor for a copy of your medical records after you are treated. You should also request a copy of the crime report (described in Chapter 3) from the police or sheriff's department.

Chapter 2

Understanding Domestic Violence

The California Penal Code defines **abuse** as “intentionally or recklessly causing or attempting to cause bodily injury, or placing another person in reasonable apprehension of imminent, serious bodily injury to himself, herself or another.”

Domestic violence is the term applied if you are abused by your spouse or former spouse, someone you live with or used to live with, someone you are dating or engaged to, or someone with whom you have had a child.

Domestic violence against a spouse or partner can take many forms, a number of which are listed below. You may be a victim of domestic violence if your partner:

- Hits, kicks, slaps or shoves you.
- Is extremely jealous or has an explosive temper.
- Throws things at you or breaks things in anger.
- Criticizes, threatens or blames you frequently.
- Tries to control your behavior or forces you to have sex.

The information in this chapter was prepared to help you understand why domestic violence occurs. Having this knowledge may help you to move toward a violence-free life.

Although not everything mentioned above is a crime, realize that the behaviors usually escalate into more serious and violent behavior. If you are being hurt by your partner, there is help available. Contact your local domestic violence program for assistance and for someone to talk with. Your safety and the safety of your children are of the utmost importance.

Facts You Should Know about Domestic Violence

How severe is the problem in California?

- Each year, nearly 6 percent of adult California women, more than 620,000, experience some form of physical violence perpetrated by their intimate partner.
- Annually, more than 250,000 women are victims of serious violence, with the potential for serious injury or death.
- It is estimated that 25,000 or more women each year in California seek emergency department care for their intimate partner physical violence injuries.
- California law enforcement agencies receive approximately 200,000 domestic violence-related calls for service annually.
- Statewide, in 2001, 176 murders were committed with domestic violence as the contributing circumstance; and approximately 52,000 arrests were made for domestic violence-related incidents.

Nationwide statistics reflect that one out of every three Americans have witnessed an incident of domestic violence. The prevalence of domestic violence is staggering through our nation.

Characteristics of Domestic Violence

Violence between partners in a relationship may be triggered by numerous factors, including:

- Stressful or frustrating life situations such as loss of a job, financial problems or pregnancy.
- Role changes (for example, the woman starts school or goes to work) that may impact the batterer's sense of control.

- Use of alcohol and/or drug abuse, which may increase abusive behavior.
- Attitudes and beliefs on the part of the batterer that rationalize abuse (“show the woman who’s boss” or “a little slap is good for her”).
- Sadistic personality of the batterer.
- Mental or physical disorders.

While domestic violence is not hereditary, it has been shown to be learned behavior that is often handed down from one generation to the next. Many adults who experienced abuse or family violence during childhood now accept it as a normal part of life. In fact, some men and women do not even realize that physically assaulting their spouse is a crime.

In the past, domestic violence was largely viewed as a “family matter.” Law enforcement, courts, hospitals, churches and social service agencies hesitated to intervene. Today, however, as part of the growing concern with violence in general, these organizations and other community groups are looking more closely at violence in the home, and they can offer valuable assistance to victims.

The Victim

There is no typical profile of domestic violence victims, but they are usually female (some 85 percent are women). Young, old, single, married, professional, unemployed, rich or poor — all may be potential victims of domestic violence. The problem of domestic violence occurs throughout society and affects all socioeconomic, cultural and ethnic groups.

Children in abusive homes are also victims of domestic violence, even if they are not physically abused themselves. Witnessing violence in the home causes emotional suffering and many corresponding problems for children, including

increased anxiety, aggressive behavior, depression and a lack of self-esteem. Youngsters who grow up in hostile or abusive environments are much more likely to demonstrate violent behavior as adolescents than children who are raised in nonviolent homes. Exposure to violence as a way of life may also result in their becoming involved in abusive relationships as adults.

The Batterer

Similarly, there is no single description of domestic abusers, other than that they are usually male. Like the victim, a batterer may come from any walk of life. To outsiders, he may appear to be a good provider, a warm and loving father and a law-abiding citizen. Nevertheless, he frequently has a low opinion of himself. A batterer may be under the influence of alcohol or drugs at the time of the assault. He may refuse to accept responsibility for his destructive behavior, claiming, "I was drunk," "I didn't know what I was doing," or "It just happened." The batterer may feel the abuse was justified or argue that his partner was at fault. He may believe he will never do it again. In any case, the assaults usually continue to escalate into more violent behavior.

For Better or For Worse

One of the most frequently asked questions about domestic violence is, "Why does a victim stay?" There are many reasons why women (or men) remain in violent relationships: love, fear, pride, loyalty, embarrassment, children, lack of knowledge about options, low self-esteem, or a combination of these factors. Victims often hope that the batterer will change, and they may even accept responsibility for the abuse. In addition, women who lack money and job skills may be financially dependent on the abuser, especially if they have children.

Some women are ashamed or embarrassed to admit they are being beaten, or that they made the wrong choice of a partner. Cultural, religious and personal beliefs or practices also play a strong role in a victim's decision to stay in a marriage or relationship. Some women remain in violent situations simply because they believe their partner's promises to change. For battered men, the shame and embarrassment are greatly intensified due to social roles and expectations.

Finally, and most significantly, women stay in violent relationships because they fear the consequences of leaving their partner. Many women find that once they leave the offender, the violence escalates even more. This can be the most dangerous time — if the batterer thinks he is losing control of the woman, all too often he will resort to violence.

The Cycle of Violence

Domestic violence is not limited to physical abuse and threats; it also includes emotional and verbal harassment and any unwanted sexual activity. Many battering incidents follow a common pattern called the **cycle of violence**. What happens during the cycle can help to explain why some women feel so guilty and ashamed of their partner's violence toward them. It also explains why they may find it difficult to leave, even when their lives are in danger. The cycle of violence involves a tension-building phase, a violent incident and a period of loving closeness or reconciliation.

The Tension-building Phase

The first phase in the cycle of violence is characterized by tension between the batterer and victim. While stress is a normal factor in life and in all relationships, some people, for a variety of reasons, react to it violently. During the tension-building phase, the woman senses her partner's increasing agitation. She may or may not know what is wrong. Her

partner lashes out at her in anger, challenging her, saying she is stupid, incompetent and unconcerned about his welfare. The woman typically accepts this blame and tries hard not to make any “mistakes” or say something that may upset her partner. She takes responsibility for making him feel better, setting herself up to feel guilty when he eventually explodes in spite of her best efforts to please him.

During the increasing tension, the woman rarely becomes angry, even at the most unreasonable demands. Instead, she internalizes her anger and suffers depression, anxiety and a sense of helplessness. She may even have physical symptoms related to her emotional distress such as headaches, upset stomach, insomnia or fatigue. These problems increase her sense of worthlessness, loss of control and vulnerability to her partner’s criticisms.

The woman may deny her fear and minimize the seriousness of the threat, believing she can control the situation. Even if she acknowledges the danger, she may be reluctant to seek help. She feels ashamed of her failure to please her partner, and she believes that if other people knew about the violence, they would blame her. As the tension increases, so do minor episodes of violence such as pinching, tripping, slapping or shoving. The batterer knows his behavior is inappropriate, and he fears the woman will leave him. That fear of rejection and loss increases his rage at his partner and his need to control her.

During this phase, the couple’s children are also affected. They may feel tense, afraid, angry or confused. They may side with one or the other parent, hide, deny what is happening, or try to distract their parents.

The Violent Episode

The tension-building phase ends in an explosion of violence. The incident that sets off the man's violent behavior is often trivial or unknown, leaving the woman feeling desperately confused and helpless. During the episode, the batterer is out of control and often unaware of how much injury he is inflicting. The woman may or may not fight back. She often tries to escape the violence; she may call for help. If she cannot escape the beating, she may make herself feel as if it is happening in a dream. She may not be aware of how badly she is being hurt.

Children may be harmed as well. Those who witness the violence may feel frightened or trapped. They may watch helplessly or hide; they may even attempt to stop the fighting or try to help the victim. Children caught in the cross fire of domestic violence can become unintended victims of serious injuries when objects are thrown or weapons used. Also, youngsters who hear, but do not see the violence, may suffer emotional trauma.

Following the battering, the victim may be in a state of physical and psychological shock. She may be passive and withdrawn or hysterical and incoherent. She may be unaware of the seriousness of her injuries and resist getting treatment. The batterer discounts the episode and usually underestimates the harm he has inflicted. He may refuse to summon medical help, even if the woman's injuries are life-threatening.

The Loving Reconciliation

The loving reconciliation, also called the "honeymoon" or "remorseful" phase, begins a few hours to several days after the violent episode. Both the man and the woman have a profound sense of relief that "it's over." While the woman

may be initially angry at her partner, he begins an intense campaign to “win her back.” Just as his tension and violence were overdone, his apologies, gifts and gestures of love may also be excessive; he may shower his partner with love and praise that temporarily helps repair her shattered self-esteem. It is very difficult for her to leave him during this period, since he is meeting her desperate need to see herself as a competent and lovable woman.

In addition, the woman’s feelings of power and romantic ideals are nurtured. She believes this gentle, loving person is her “real” man. If she can only find the key, she can control him and prevent further violent episodes. No matter how often the violence has happened before, somehow this episode seems different; this time, it will never happen again. During the loving reconciliation, a strong bond develops between the couple, isolating them both from reality and from anyone who tries to intervene in their destructive relationship. Friends or family who have supported the woman and urged her to get out of the violent situation may now be seen as “enemies” trying to separate the loving couple.

Meanwhile, children living in the home during this period may express feelings of embarrassment, humiliation, relief, guilt or anger. They may try to please their parents or attempt to distract themselves to forget the stress of the battering incident.

The loving reconciliation is a time of intense pleasure and reassurance for the couple that convinces them there is nothing wrong with their relationship. Their isolation discourages them from seeking assistance, and when the violence happens again, the woman may find that she has fewer places to turn for support. Psychologists have found that any behavior followed by a positive reward happens more and more frequently. Thus, the loving reconciliation becomes a kind of reward for the violence. The more often periods of

uncomfortable tension end in violent explosions followed by loving closeness, the less likely the couple will be to develop alternatives for handling stress. And it is this cycle that must be broken in order to end the violence.

The Increasing Spiral of Violence

One aspect of family violence that is particularly troubling is the progressive, spiraling nature of the problem. Once violence has begun, research indicates that it not only continues, but increases over time in both frequency and severity. The three-phase cycle also begins to change. The tension-building phases become shorter and more intense, the acute battering incidents more frequent and severe, and the loving reconciliations shorter and less intense. After many years of battering, the man may no longer apologize at all.

The psychological consequences for the woman of the increasingly severe cycle of violence are feelings and behaviors that form another vicious cycle. She develops behavior patterns in response to the violence that function as traps which keep her from escaping the violent relationship. The escalating violence increases her need, but decreases her ability, to find alternatives to the violent situation.

Most abuse victims fear for their lives and the lives of their children. They may have tried to leave before, only to be found by their partners and abused or "punished" even worse than before. Such victims often believe that there is no help for them. Understanding the psychological consequences of the violent relationship can help a woman to choose constructive life alternatives.

Chapter 3

Living Violence-free

The breaking point is different for every individual, but the day usually comes when a victim decides she can no longer take the physical and emotional abuse. It may be after the first assault or the fiftieth.

Everyone has the right to be safe from beatings and threats. When you have made the decision to live violence-free, it is important to decide what actions you wish to take in order to create this environment for yourself and your children. Once you are out of physical danger, the information contained in this chapter can help as you consider the options available to you.

Taking the First Step

Your first decision will probably focus on your short-term future. Of primary consideration will be your own protection and that of your children. Ask yourself if you want to remain in your present situation. Even if this was the first time you were beaten, and you were not seriously injured, the event should not be taken lightly. In some relationships, battering is a once-in-a-lifetime experience. However, in a large number of cases, once the violence has started, it develops into a pattern of escalating abuse.

There are a number of first steps you can take. You may decide to:

- Remain with your batterer, seek counseling for yourself and your children, and encourage your partner to seek counseling.
- Move out for a period of time or for good.

- Insist that your abusing partner move out for a period of time or for good.
- Take legal action against your batterer.
- Join a support group for victims of domestic violence.

Remaining with Your Batterer

If you decide that you want to remain in the relationship, at least for the time being, consider the following alternatives.

Seek Counseling

If you do nothing else, seek individual counseling for yourself and your children, and encourage your partner to get counseling as well. (Counseling as a couple is generally not recommended in battering cases.) Individual counseling can help to prevent the growth of an intolerably abusive situation. In fact, counseling can be of invaluable assistance no matter which action you choose to take. A family violence shelter or your county mental health agency can help direct you to counseling services. If you are embarrassed about going to a counselor, remember, it is the batterer's action — not yours — that is the crime.

Formulate an Action Plan

You may want to plan ahead and develop some action steps in case another battering incident occurs. Making preparations in advance will help you feel more in control of the situation. It is also better to think about what you would do, where you would go and what you would take with you while you are calm and not in danger. Your action plan could include:

- Making a list of people you could call in the event of a battering incident, or if you felt you were in danger.
- Deciding where you would go if you had to leave your home (i.e., contacting a family violence shelter, knowing the location of a safe place such as the police or

sheriff's department or a hospital, making arrangements with a friend or relative you can trust).

- Completing your **Plan Ahead Checklist** with emergency phone numbers and other information you would need if you had to leave suddenly.
- Packing a small bag with clothing and toiletries for yourself and your children and hiding it in a safe place (include medications, personal items, each child's favorite toy, etc.).
- Keeping money, keys and copies of identification and other important papers together in a safe place in case you need them (or knowing where these documents are so you can find them quickly).

Moving out

Removing yourself and your children from the violence will give you time to evaluate your options in a safe environment. If you have decided to move to a family violence shelter or some other safe place, whether for a short time or permanently, it is important to consider the following.

Taking Your Children

You can legally take your children with you when you move out, unless your husband has been given sole legal custody of them. Seeking temporary custody within a few days is important. A **Domestic Violence Protective Order (DVPO)**, which is explained later in this chapter, is one way to achieve this. A lawyer can also help you.

Your children may be targets for abuse in your absence. If you believe you are in immediate danger and cannot take your children, arrange for their temporary protective custody by contacting the police or sheriff's department right away. **This does not mean you will lose your right to custody of your children.** The question of permanent custody will be decided later by a judge.

Deciding Where to Go

If possible, stay with a woman friend or relatives. This is usually a better situation than staying with a man who lives alone unless he is your brother, father or grandfather. Living with a man to whom you are not married may hurt your chances of getting custody of your children.

You and your children can go to a family violence shelter temporarily while you decide what you want to do next. The staff at the shelter can help you to obtain legal, financial and medical assistance. You will also have an opportunity to talk with other women who have been battered. Most shelters are free or charge a very low fee. You can find a shelter by calling **1-800-799-SAFE (1-800-799-7233)**, an emergency hotline in your community or a women's services organization. You can also ask the police or sheriff's department to refer you to a shelter. If space is not available in a shelter, the staff can help with other alternatives.

If you take your children with you, you may worry about their emotional well-being, living in a temporary situation or having to move. You will naturally be concerned about having them feel as secure and normal as possible. Since children are considered primary victims of domestic violence, many family violence shelters offer counseling specifically for them. These counseling programs use play therapy and art therapy to help children express their feelings about living in a violent home. The shelter thus becomes a refuge, a place where you and your children can feel safe. And, most important of all, your children will no longer be exposed to the emotional and physical trauma of domestic violence in the home, which can be both damaging and dangerous.

Knowing What to Take

When you leave, whether you believe it will be for a short time or for good, it is important to take the following items:

- Money
- Keys
- Driver's license
- Car registration
- Checkbooks
- Credit cards
- Medications
- Address book
- Green card(s) for immigration verification

If there is time, also consider taking as many of the following items as you can. You may have difficulty going back for these things later:

- Your birth certificate
- Your children's birth certificates
- Automobile pink slip
- Lease, rental agreement or house deed
- Bankbooks
- Insurance papers
- Pictures and personal items of importance to you
- Medical records for yourself and your children
- Social security cards
- Welfare identification
- School records
- Work permits
- Passport
- Divorce papers
- Jewelry

If you are thinking about leaving, it would be a good idea to put these things together in one place so you can get to them in a hurry. As discussed earlier, you may want to pack some clothing, toilet articles and personal items for yourself and your children and keep these hidden in case you need them. If you have kept a diary or journal of abusive incidents, be sure to take it with you, along with this handbook, for future reference.

Remember, you may legally take anything that belongs to you alone and anything that belongs to you and your husband together. You can withdraw money you have in a joint bank account with your husband or partner. It is against the law to take anything that belongs only to your husband or partner. It is also illegal to destroy property that belongs to both of you or only to your husband or partner.

If you cannot take everything you need when you leave, you have the right to ask the police or sheriff's deputies to escort you back to your house later to pick up items. They will only allow you to take things that obviously belong to you or your children, such as clothing.

Once You Move

Remember, you do not want to leave any clues behind as to your whereabouts. If you are worried that your batterer may try to find you, be careful about giving out your new address and phone number (or letting your children give out this information). Consider renting a post office box for your mail or using the address and phone number of a friend. Remember that addresses are listed on protective orders and crime reports, and that credit cards, checks and telephone numbers can be traced. Check out the Secretary of State's *Safe at Home* Program for information on their confidential address program. (See Chapter 4 for contact information.)

Pursuing Legal Options

You may decide at some point to take legal action against your batterer. If so, seeking legal advice is a good way to become informed about your rights and legal alternatives. Among those legal options are calling the police or sheriff's department and making a private person's (citizen's) arrest, obtaining a court order for protection against your partner, or working with the district attorney's office to see that your batterer is prosecuted.

Calling 911

Calling 911 will set the criminal justice system in motion. Your local police or sheriff's department can help you in the following ways:

- As noted earlier, they can protect you from immediate danger by helping you and your children get out of the house safely.
- They can arrest your batterer, which may lead to his conviction and possible imprisonment.

Private Person's (Citizen's) Arrest. If law enforcement officers do not actually see your batterer hurt you, or if they are unsure a crime has been committed, they may not make an arrest. However, you are always entitled to make a private person's (citizen's) arrest. The law provides that anyone can make an arrest of another person who commits a crime in his or her presence. However, if you have already obtained a domestic violence protective or restraining order, and you inform a peace officer that the batterer has violated the order, the officer may make an arrest even though he did not see the violation of the order.

If you wish to make a private person's arrest, the responding officers will explain the procedure to you. Once you have told them what happened to you and have signed the arrest form, the officers will take your batterer into custody. Be aware, however, that the law allows the police or sheriff's department to release the man from custody if they think the charges against him are not legitimate.

The Crime Report. Whether or not the batterer is arrested, a crime report will be completed for all domestic violence incidents. This report is the official record of what happened and contains the date, names of the people involved and the details of the incident. It is important that

the police or sheriff's deputies make a report because:

- It provides a background and history of the batterer's behavior that can assist in prosecution of the offender if you decide to pursue legal alternatives against him.
- It helps you to show good cause for the court to grant a **Domestic Violence Protective Order** (explained below) should you ever need one.

It is important to provide a complete description of your injuries, both visible and non-visible, and any pain you have as a result of the assault. Be sure to let the officer know if your batterer has a substance abuse problem or access to weapons. Even if you do not plan to take legal action at the time, request the case number and officer's name and badge number if they are not automatically given to you. This information will make it easier for you to get a copy of the report later.

There is a possibility, depending on the circumstances, that filing a crime report may result in your batterer's arrest, even if you decide you do not want him arrested.

Obtaining a Court Order

There are different kinds of court orders available that help protect domestic violence victims by prohibiting or requiring certain actions by the spouse or partner. A court order can protect you and your children from your batterer if you:

- Are married or were once married to him.
- Live with him or used to live with him in a relationship which was more than merely roommates.
- Have or have had a dating or engagement relationship with him.
- Have had a child with the batterer, or have a child of your own who needs protection from him.

A law enforcement officer can obtain an **Emergency Protective Order (EPO)** for you if he or she is called to a scene involving domestic violence. There is no cost to you for an EPO, which is valid for at least five calendar days. You can then request a **Domestic Violence Protective Order (DVPO)** yourself from the court in a civil proceeding. An initial, temporary DVPO can be granted without your batterer being present in court. A court hearing for a permanent DVPO, at which the batterer is in attendance and can present evidence, is held later. There is no court filing cost for this type of order.

With an EPO or DVPO, the court can prohibit the batterer from striking, molesting or harassing you, coming into your house, or bothering you at work. Protective orders can also prohibit the batterer from stalking you, making telephone calls to you, contacting you repeatedly by mail, or destroying your personal property. You can also ask the court to issue a **Stay-Away Order** protecting you, whether or not there is a criminal prosecution against the batterer. This order prohibits the batterer from attempting to harass, intimidate or convince you not to testify. In addition, if your batterer is facing criminal prosecution, as part of bail or sentence conditions, the district attorney may ask the court for a protective order on your behalf. You may also need to obtain a family court order regarding custody if you have children.

Requesting a Protective Order. You can apply for any type of protective order whether or not you have left the house to avoid further abuse, or have filed for divorce. It is best to request a protective order from the court as soon as possible after you have been battered. You do not have to hire a lawyer to apply for a protective order. If you prefer to have a lawyer, and your husband or partner is employed, an attorney may be willing to handle your case with the expectation that the court will order your batterer to pay your attorney fees. Application forms with instruction booklets are

available at courthouses, district attorney's offices, most family violence shelters, and some police or sheriff's departments.

Temporary protective orders granted by the court are effective for only 20 to 25 days. If you wish to receive a longer-term protective order (up to three years) you will have to attend an **Order to Show Cause (OSC)** hearing. Your batterer must receive notice of the OSC hearing prior to its taking place, so that the court can hear from both sides. If there is a problem with serving the batterer with notice of the hearing before the temporary protective order expires, the court will, on your request, re-issue the temporary protective order and set a new hearing date so you can serve the batterer. If you fail to attend this hearing, your temporary protective order will no longer be in effect.

If your batterer is served notice but does not appear at the hearing, the court will hear your case anyway and will probably grant the order you request by default. At the OSC hearing, the judge has the power to order your batterer to stay away from you and your house, to provide support for your children if he is their father, and to reimburse you for any loss of earnings or out-of-pocket medical and legal expenses caused as a result of the battering.

Enforcing the Court Order. The law requires that a copy of a temporary or longer-term protective order granted by the court must be delivered to your batterer and to the local law enforcement agencies that operate in the areas covered by the order; it will also be registered with the Department of Justice Domestic Violence Restraining Order Registry. You cannot serve the papers on the batterer yourself — the law requires that they be served by another person. However, the court fee for serving the order may be waived if you file a form stating that you cannot afford the fee. Also, the batterer will be considered to have been served if he or she is

present in court when the judge issues the protective order. Be sure to keep a certified copy of any court order for yourself and carry it with you. This is very important should you need assistance from the police or sheriff's department in enforcing the court order.

After you have obtained an EPO or DVPO, and the batterer is served with a copy of the order, he is not permitted to purchase or receive a firearm while the protective order is in force. All protective orders should be clearly marked with the notice of the gun restriction. Also, you may request that the batterer be ordered to give up any firearms he already owns or possesses during the time the protective order is in effect. If the court so orders the batterer, he must turn over any firearms in his possession to a local law enforcement agency for storage, or sell them to a licensed gun dealer and provide the court with proof of the sale.

Remember, the protective order remains in force regardless of your actions. Even if you allow the batterer to move back in with you, and the protective order states that he was to stay out of your home, the other terms of the order can still be enforced if violated by the batterer (for example, if he strikes you again). Should you decide you no longer want the protective order, you must ask the court for its removal.

If your batterer ignores the court order in any way, there are three things you can do:

- Call 911 and ask to have him arrested. Tell the officer on the phone about the court order (he or she can verify the existence, terms and current status of the order through the Department of Justice Registry or appropriate law enforcement agency). Show your copy to the officer when he or she arrives.
- Make a private person's (citizen's) arrest once law enforcement officers arrive at the scene.

- Go to court and ask the judge to hold your husband or partner in contempt of court for violating the order.

If you do not have an attorney, the court may appoint one for you and order your husband or partner to pay court costs and reasonable legal fees.

Prosecuting the Batterer

As mentioned earlier, if you make a complaint and a crime report is filed, your batterer may be arrested. Then, the district attorney (the prosecutor) will decide whether there is enough evidence to begin criminal proceedings against him. For the same reason that the police or sheriff's deputies are sometimes reluctant to arrest your partner, the district attorney may be hesitant to prosecute. What you say or do can have a great deal of influence on this decision. You are most likely the primary (or only) witness, and your cooperation is essential. The district attorney will be more inclined to prosecute if he or she feels you will be a consistent witness and will not change your mind or back away from the situation later.

However, since domestic violence is a criminal act against the state, the district attorney can prosecute without your approval or cooperation, if he or she has sufficient evidence. In any event, if the district attorney decides to prosecute your batterer, you will be called upon to testify. You do not need to hire a private attorney; however, if you would like to consult a lawyer, and you either have the money or qualify for legal aid, you may do so.

The Arraignment. Within 48 hours of his arrest, your batterer (the defendant) will make his first appearance in court at a hearing called an arraignment. He will be informed of the charges against him and must enter a plea of guilty or

not guilty. The judge will then decide whether to hold him in jail until the next hearing or release him.

Most defendants in domestic violence cases are released at this point. Your partner can be released in two ways:

- By being required to post a certain amount of money (bond or bail).
- On his own recognizance (his personal promise to appear in court at all future hearings). For this to happen, the law requires a hearing in open court after two days notice to the prosecutor, who must be given a chance to be heard.

Either way, your batterer is free to come and go as he pleases until the trial (except for the possible limitations imposed by any court order you may have obtained). You should keep this in mind and ensure your safety (and that of your children, if you feel they are in danger) during this time.

The Trial and Sentencing. At the trial, you will be called to testify. You will be asked by the prosecutor to describe to the court the attack against you in great detail. Your batterer's attorney will also ask you questions. The trial can be a traumatic experience because of the questioning and because you will see your attacker in the courtroom. You can prepare yourself for the trial by reviewing the crime report so that you have the facts firmly fixed in your mind. The entries in your diary or journal can also help you. In addition, you may want to have a friend or counselor with you for support during the trial.

Keep in mind that the more detailed the information you provide the court in your testimony, the better the chance that your batterer will be convicted and sentenced to jail. This can be a long and sometimes difficult process, but it is important to follow through with it if you are convinced your batterer should be prosecuted.

At the end of the trial, your batterer will be found guilty or not guilty (unless the jury cannot unanimously agree on guilt, resulting in a “hung jury”). If your batterer is found guilty, the judge will decide whether he will be sentenced to jail or state prison or placed on probation. It is important to know that men who are arrested for battering do not spend much time behind bars, even after they have been convicted of a crime. This is especially true if it is the first arrest for battering. Probation, with a requirement that the batterer attend an approved counseling program, is often granted after a first offense, depending in part on the seriousness of the attack. If the jury cannot unanimously agree on a verdict, it is up to the prosecutor to decide whether to try the case again or dismiss the charges.

Sentencing Alternatives. There are a number of sentencing alternatives in domestic violence cases. After the judge hears from both sides in your case, he or she can:

- Order the batterer to receive counseling through a batterer’s treatment program.
- Order the batterer to undergo a psychiatric examination.
- Order the batterer to receive substance abuse counseling or treatment.
- Impose a fine.
- Impose a suspended sentence with probation.
- Impose a jail or prison sentence (usually, batterers receive prison sentences only in severe situations, or if they have prior convictions).
- Impose a combination of sentencing alternatives.

If probation is granted to your batterer, it must include a minimum prison term of 36 months (to be served if probation is violated) and a mandatory order protecting you from further acts of violence, threats, stalking, sexual abuse or harassment. If requested by you, a residence exclusion

or stay-away conditions may be imposed. Probation must also include your partner's completion of a mandatory batterer's treatment program. If the court finds that he is not benefiting from the counseling or has engaged in further criminal conduct, the probation officer, prosecutor or court may request a hearing to decide if probation should be revoked and the batterer sent to prison.

All victims have the right to speak at the sentencing hearing. You may read a prepared statement or simply voice your opinion.

Protecting Yourself Against Stalking

If someone willfully, maliciously and repeatedly follows or harasses you with the intent to place you in reasonable fear for your safety, or the safety of your immediate family, that person is guilty of the crime of stalking. (**Harassment** is the knowing and willful use of actions that seriously alarm or annoy, torment or terrorize you and serve no legitimate purpose. This kind of conduct is characterized as harassment if it would cause a reasonable person to suffer substantial emotional stress.)

Stalking means that you are being harassed or threatened by a series of acts, even over a short period of time, either verbally or in writing, or by a pattern of conduct in which a threat is implied. If there is an intent to make you afraid for your safety or that of your family, and the individual threatening you has the apparent ability to carry out the threat, you are being stalked. It is not necessary to prove that the stalker had the intent to actually carry out the threat. Stalking can also include being threatened over the telephone by a batterer who is in jail or in prison.

If your batterer is stalking you, or if you are being stalked by someone with whom you have never had a relationship, you can obtain a protective order. (Here again, documenting

each incident can help.) However, stalking is a crime whether or not you have ever obtained a protective order against that individual. If someone stalks you after you have secured a protective order, the crime becomes a felony and carries a two- to four-year prison term.

Preparing for the Batterer's Release

If your batterer or stalker is convicted of a felony involving domestic violence or stalking, the county sheriff or state Department of Corrections is required to notify you by telephone and certified mail of his release from jail or prison at least 15 days prior to the release. You should also be notified in the event that the batterer escapes from prison. In order to be contacted, make sure that both the Department of Corrections and local law enforcement agencies have your current address and telephone number. You can also choose to have another person receive the notification for you, but it is up to you to inform the authorities of the correct address to which the notice should be sent.

Creating a Violence-free Lifestyle

No matter what choices you make for yourself and your children, there are people and organizations that can assist you along the way. As suggested earlier, whether or not you stay in the relationship, move out or take legal action against your batterer, counseling can be a tremendous help for you and your children.

In addition, there are support groups for victims of domestic violence that can give you positive interaction with people who understand. You may also choose to learn more about domestic violence and the community resources available to help you better cope with your situation. Many of these agencies and additional sources for information are listed in the last chapter of this handbook.

Chapter 4

Resources for Victims of Domestic Violence

If you are a victim of domestic violence, seek the assistance you need to make a better life for yourself. There are many people and organizations in your community that can help you and many sources of information on domestic violence to increase your understanding. The listings in this chapter are a starting place.

Service Agencies

If you need assistance, look in the yellow pages of your telephone directory under “Women’s Organizations and Services.” If nothing is listed, look in the white pages or the blue government pages under the name of your city or county for departments of health and human services, social services or welfare. These agencies can often help you or refer you to someone who can. Also, check the directory’s white pages under the heading “Emergency Crisis Hotlines.” Many communities have telephone hotlines that are answered 24 hours a day.

You can also call the 24-hour National Domestic Violence Hotline at **1-800-799-SAFE (1-800-799-7233)**. Domestic violence advocates can help you with referrals to programs and services nationwide, including information on family violence shelters, child care and legal assistance. The hotline also has multilingual operators and a Telecommunication Device for the Deaf (TDD) line.

In addition, help is available Monday through Friday during business hours by calling the Victims of Crime Resource Center at **1-800-VICTIMS (1-800-842-8467)**. The Center provides California crime victims with referrals to domestic violence, sexual assault and child abuse prevention resources, as well as information on civil lawsuits, victim's rights under the criminal justice system and state funds for certain crime-related expenses.

Remember that your local police and sheriff's departments exist to help you. It is a good idea to always have their numbers handy. ***If you have an emergency, call 911.*** Local hospitals and emergency clinics are also designed to handle emergency problems. Other sources of help and referral are the Salvation Army or your private physician or attorney. Also, look in the yellow pages under "Attorney Referral Service" or "Legal Assistance," or in the white pages under "Bar Association" if you need a lawyer, even if you have a low income.

Victim-Witness Assistance Program

Both the State of California and the federal government make funds available to California counties through government agencies and non-profit organizations to help victims of crime, including victims of domestic violence. The California Victim-Witness Assistance Program helps minimize or reduce the trauma of violent crime for victims by offering a wide range of services, including:

- Crisis intervention.
- Resource referral and counseling.
- Emergency assistance (food and temporary lodging).
- Assistance with filing for victim's compensation or recovering property held by law enforcement.
- Assistance with notifying friends and relatives, or with employer intervention.
- Emergency Relocation

- Information about the criminal justice system.
- Support and accompaniment during court proceedings.

For information about obtaining help through the Victim-Witness Assistance Program, call the Victims of Crime Resource Center at 1-800-VICTIMS (1-800-842-8467) or your local Victim-Witness Assistance Center.

Financial Compensation

Under the California Victims of Crime Program, the state provides compensation to victims of crime, certain family members and others, based on their relationship with the victim*. Those individuals who are eligible may be compensated for loss of earnings or support, medical expenses, mental health counseling, job rehabilitation or funeral/burial expenses, if there is no other source of reimbursement available. Limited attorney's fees may also be paid when an attorney helps with the filing of a claim.

To receive state compensation, the victim must have been physically injured or threatened with physical injury during a crime. If emotional injury occurs as a result of the crime, necessary treatment can be covered as well. The crime must have occurred in California, or the victim must have been a California resident at the time of a crime committed out of state.

For information, including complete eligibility requirements, or to request application forms, please call the California Victims of Crime Program at 1-800-777-9229 or write:

California Victim Compensation
and Government Claims Board
Victims of Crime Program
P.O. Box 3036
Sacramento, CA 95812-3036
www.boc.ca.gov

* This includes children who may be a witness to the domestic violence.

You may also call your local law enforcement agency or the Victim-Witness Assistance Center in your county for more information.

Additional Information

General Information

For more information on family violence, sexual assault or other crime prevention issues, please contact your local law enforcement agency or write:

**California Alliance Against
Domestic Violence**

926 J St., Suite 210
Sacramento, CA 95814
(916) 444-7163 *www.caadv.org*

**Statewide California Coalition
for Battered Women**

P.O. Box 19005
Long Beach, CA 90807-9005
(562) 981-1202 *www.sccbw.org*

**California Coalition Against
Sexual Assault**

1215 K St., Suite 1100
Sacramento, CA 95814
(916) 446-2520 *www.calcasa.org*

Family Violence Prevention Fund

383 Rhode Island Street, Suite 304
San Francisco, CA 94103-5133
(415) 252-8900 *www.endabuse.org*

Crime and Violence Prevention Center
Office of the Attorney General
P.O. Box 944255
Sacramento, CA 94244-2550
(916) 324-7863 caag.state.ca.us/cvpc

**Governor's Office of
Criminal Justice Planning**
1130 K Street, Suite 300
Sacramento, CA 95814
(916) 324-9100 www.ocjp.ca.gov

**Secretary of State
Safe at Home**
P.O. Box 846
Sacramento, CA. 95812
1-877-322-5227 www.ss.ca.gov

Legal Information

For free information on legal proceedings and women's legal rights, please order the Attorney General's *Women's Rights Handbook* by writing to:

Office of the Attorney General
Public Inquiry Unit
P.O. Box 944255
Sacramento, CA 94244-2550

Additional legal information is available at your local district attorney's office or law enforcement agency, family violence shelter, legal aid office or public library.

Suggested Reading List

Agtuca, Jacqueline R. *A Community Secret: The Story of Two Filipinas*. San Francisco: Asian Women's Shelter, 1992.

Barnett, Olga and La Violette, Alyce. *It Could Happen to Anyone: Why Battered Women Stay*. Newbury Park: Sage, 1993.

Evans, Patricia. *The Verbally Abusive Relationship: How to Recognize It and How to Respond*. Holbrook: Bob Adams, Inc., 1992.

Island, David and Letellier, Patrick. *Men Who Beat the Men Who Love Them: Battered Gay Men and Domestic Violence*. Binghamton, New York: Harrington Park Press, 1991.

Jones, Anne. *Next Time, She'll Be Dead: Battering and How to Stop It*. Boston: Beacon Press, 1994.

Levy, Barrie. *Dating Violence: Young Women in Danger*. Seattle: Seal Press, 1991.

Martin, Del. *Battered Wives*. San Francisco: Volcano Press, 1981.

NiCarthy, Ginny. *Getting Free: A Handbook for Women in Abusive Relationships*. Seattle: Seal Press, 1984.

Renzetti, Claire. *Violent Betrayal: Partner Abuse in Lesbian Relationships*. Newbury Park: Sage, 1992.

Walker, Lenore. *The Battered Woman*. New York: Harper and Row, 1982.

White, Evelyn. *Chain, Chain, Change: For Black Women Dealing with Physical and Emotional Abuse*. Seattle: Seal Press, 1985.

Zambrano, Myrna. *Mejor Sola Que Mal Acompañada: For the Latina in an Abusive Relationship*. Seattle: Seal Press, 1985.

Acknowledgements

The Crime and Violence Prevention Center staff wishes to acknowledge the following individuals for their important contributions to this publication:

Eric Allison

Victim's Advocate
Victim-Witness Assistance Center
Ventura County District Attorney's Office

Jackie Barr

Program Consultant
Office of Child Abuse Prevention
California Department of Social Services

Julie Bradley

Detective
Domestic Violence Unit
San Diego Police Department

Mike Dawson

Program Analyst
Victims of Crime Program
State Board of Control

Peggy Dolan, J.D.

Legal Services Director and
the **staff** of Interval House Crisis Shelters

Linda Luckey

Branch Chief

Margo Fox and Linda Hansen

Senior Program Specialists
Sexual Assault and Domestic Violence Branch
Office of Criminal Justice Planning

Janet Neeley
Deputy Attorney General
Criminal Law Section
Office of the Attorney General

Karen M. Ramsay
Domestic Violence Case Coordinator
Victim-Witness Assistance Center
San Luis Obispo County District Attorney's Office

Krista Pollard
WEAVE
Managing Attorney
Legal Advocacy Program

Special thanks to Wendy Alexander, Principal, The Alexander Company, for revising and editing the handbook.

Portions of this publication were excerpted from the Attorney General's *Women's Rights Handbook*. For more information or additional copies of the *Domestic Violence Prevention Handbook*, write:

Crime and Violence Prevention Center
Office of the Attorney General
P.O. Box 944255
Sacramento, CA 94244-2550

Crime and Violence Prevention Center Staff:

Paul Seave	Director
Patty O'Ran	Assistant Director
Sandi Gaarder	Manager, Family Violence Prevention Program
Gary Ensign	Art Director
Jan Mistchenko	Graphic Designer

Cover design by Carol Wright.

Plan Ahead Checklist

Organizations I can call for help:

- Emergency **911** _____
- Police/Sheriff _____
- Hotline _____
- Shelter _____

People I can call for support:

- Family _____
- Friend _____
- Counselor _____
- Other _____

Places I can go if I must leave home:

(do not write down addresses)

1. _____
2. _____
3. _____
4. _____

Things I will take if I have to leave:

- Money
- Keys
- Driver's license
- Car registration
- Checkbooks
- Credit cards
- Medications
- Address book
- Green card(s)
- Other _____
- Other _____

Additional things I will take if I have time:

- My birth certificate
- My children's birth certificates
- Automobile pink slip
- Lease, rental agreement or house deed
- Bankbooks
- Insurance papers
- Pictures and personal items of importance
- Family medical records
- Social security cards
- Welfare identification
- School records
- Work permits
- Passport
- Divorce papers
- Jewelry
- Other
- Other

Preparations I can make as part of my Action Plan:

- Pack a bag with clothing, toiletries and medications for myself and my children and keep it in a safe place.
- Have extra money, keys, identification and copies of important papers in a safe place in case I need them.
- Keep extra clothing, toiletries, money and copies of important documents with someone I trust. (I will memorize this name.)
- Know the location of a family violence shelter or other safe place and how to get there.
- Alert my neighbors to call 911 if they hear any suspicious sounds coming from my home.

- Practice making an emergency escape (with my children) and traveling to the location I have chosen as a safe place.
- Join a support group or talk with a counselor.
- Read about domestic violence and learn about my legal rights.
- Make a list of other preparations I may want to consider:
 - _____
 - _____
 - _____
 - _____