

# Response

To the Victimization of  
Women and Children

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**RESPONSE TO THE VICTIMIZATION OF WOMEN AND CHILDREN**  
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# Social Isolation and Elder Abuse

KARL PILLEMER

In the past two decades, a considerable amount of research has been conducted in the area of domestic violence. Studies have focused primarily on abuse of children and wives. Concurrent with these research efforts has been the development of programs designed to prevent maltreatment and treat victims and offenders. More recently, researchers, practitioners, and policy-makers have turned their attention to the abuse of elderly persons. While a number of exploratory studies on this issue have been conducted, methodological limitations of these studies limit analysis and understanding of causal factors in elder abuse.

Several investigators have speculated about factors that might be related to elder abuse. Some have postulated that the mental or emotional impairment of the perpetrator may cause abuse. (Douglass *et al.*, 1980). Others have held that increased dependence of a frail elder is a risk factor in abuse (Steinmetz, 1983; King, 1983; Davidson, 1979). They argue that the demanding requirements of long-term caregiving can produce stress sufficient to reduce caregivers' abilities to cope and thus create an environment for abuse. Sengstock *et al.*, (1982) have cited external stressors such as financial strain and traumatic life events as precipitating factors in elder abuse. Thus far, however, there is limited empirical support for any of these theories.

In addition to the factors noted above, social isolation may be strongly associated with elder abuse. This article focuses on that relationship, and addresses the question of whether abused elders have a smaller and less active social support network than nonabused elders. Data from a case-control study are analyzed to shed light on this question.

## Social Isolation and Elder Abuse

It is important to consider the degree of social isolation of a

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family as a possible contributor to elder abuse for two reasons. First, there is a vast body of literature which supports the thesis that social support acts as a moderator of life stress and facilitates coping with crises (for reviews of this literature, see Cobb, 1976, and Wan, 1982). For example, researchers have found that social support has a positive impact on health status and health behavior. At least one gerontological research group (Zarit *et al.*, 1980) found that active support from kin reduced feelings of burden among caregivers of the elderly. Thus, social support may substantially strengthen the ability of families of dependent elders to cope with the stress of caregiving.

Second, social isolation has been found to be characteristic of families in which child and spouse abuse occurs. Hennessey (1979) reports from her comprehensive review of the literature that child abusers tend to be social isolates. Gil (1971) found that about half the parents in his study had lived one year or less in the home in which the abuse occurred, indicating a lack of ties to the surrounding community. Justice and Justice (1976) note that abusive parents in their study tended to be "loners." Gelles (1972) and Stark *et al.* (1981) report similar findings for spouse abusers.

Nye (1979) provides a reasonable explanation for this finding based on exchange theory: Violence that is considered to be illegitimate tends to be hidden; detection of such violence can result in informal sanctions from friends, kin, and neighbors, and formal sanctions from police and the courts. Nye (1979) hypothesizes that child and spouse abuse will be "less frequent in families that have relatives and/or friends living nearby". The presence of an active social support network may also have a mitigating effect on elder abuse—another highly illegitimate behavior.

## Methodology

This study was a component of an ongoing research project—an evaluation of three model projects on elderly abuse, funded by the Administration on Aging. All three model projects—based in Massachusetts, New York, and Rhode Island—offered casework services to victims of maltreatment who were age 60 and over. In the three-year course of the demonstration, these model projects intervened in over 300 cases of physical and psychological abuse, financial exploitation, and neglect. As part of this evaluation, a special study of a sample of physical abuse cases was conducted.

In order to improve on previous research efforts in this

area, this study had several important features. First, it focused only on one type of maltreatment—physical abuse, defined as the infliction of physical pain, injury, or coercion. As others have noted (cf Pedrick-Cornell and Gelles, 1981), conceptual problems result from lumping together cases of abuse and neglect; acts of commission differ substantially from those of omission. The sample, therefore, contained only victims of one or more acts of physical abuse. Such acts could range from throwing an object at the older person to assault with a gun or knife.

Second, unlike most other studies, this study did not rely on professional accounts of maltreatment. Instead, it involved direct interviews with clients. Third, and most important, the study included a matched control group of non-abused elders. Without a control group, it is impossible to isolate factors that are uniquely associated with situations in which elder abuse occurs. An attempt was made to interview all of the victims of physical abuse at the three model project sites. In some cases, due to the unwillingness or incapacity of the clients, this was impossible; roughly two-thirds of the victims at each site were interviewed.

A control group individually matched on gender and living arrangement was selected from the non-abuse case-load of the Massachusetts project, a large, multi-service agency for older persons.

In the interview with abuse victims, many of the questions addressed their relationships with their abusers. In the interview with controls, these questions were asked about the members of the households who occupied the same relationship to elders in the control group. Thus, if the abuser in one case was an oldest child, the control's oldest child became the subject of the interview questions.

The final sample consisted of 42 physically-abused elders and 42 non-abused controls. In both groups, 39 respondents were women and three were men. Both groups were predominantly White (97.6 percent in the abuse group and 95.2 percent of the controls). Incomes tended to be low, with 77 percent of the abuse group and 89 percent of the controls receiving less than 6,000 dollars a year. Both groups were predominantly Catholic (71 percent of the abuse group and 69 percent of the controls). The abused elders tended to be younger (mean age 70) than the controls (mean age 75). This is due to the inclusion of three persons aged 56, 57, and 59 in the abuse group. All three were severely disabled and, for this reason, model project staff suspended the age guideline. Of the abusers, 14 (33 percent) were husbands, 14 (33 percent) were sons, ten (24 percent) were daughters, two (five percent) daughters-in-law, and two (five percent) brothers.

All interviews were conducted in person by the same interviewer and lasted approximately 60 to 90 minutes. Quantitative measures were used to explore a variety of areas: physical health, functional dependency, social support, external stress, and others. Answers to open-ended questions were written down, and six tape-recorded interviews (three with victims and three with abusers) were conducted to obtain more detailed accounts of the mal-

treatment. All of these qualitative data were transcribed and analyzed.

## Findings

As noted above, social support has been found to be an important moderator of life stresses, and may prevent family tensions from rising to unmanageable levels in a stressful environment. Further, the presence of interested outsiders can make it more difficult to commit acts of violence against a relative. Such individuals may intervene themselves, or contact the police or service agencies. Thus, it is hypothesized that the physically abused elder will be less likely to have a high degree of social support.

An in-depth look at social support was obtained by using the Social Resources Rating Scale (SRRS), which is part of the Older Americans Resources and Services (OARS) instrument. This scale measures the quality and quantity of relationships with family members and friends, as well as the availability of assistance should persons require it (George *et al.*, 1982, especially Chapter 21). The most important feature of SRRS items is that they can be scaled into a number of indices of social support. On two of these indices, significant differences were found. The first index indicates the amount of contact as measured by three variables coded as "few," "adequate," or "extensive." Data on this item show a difference between victims and controls, with the abused clients significantly more likely to have "few" contacts with family members and friends than the controls (36 percent to 17 percent).

The second index contains items that measure satisfaction with these contacts. Data show that abused elders were significantly more likely to find their social relationships to be unsatisfactory (39 percent to 20 percent). Another index measures the availability of assistance from members of the informal support network. The data show no significant differences between victims and controls. In most cases, elders in both groups did have someone who would help if absolutely necessary.

Although the above findings are somewhat mixed, abused elders do appear to be more isolated than non-abused elders. They tend to have fewer overall contacts and to score significantly lower on their subjective evaluations of their social situations. However, they are not less likely to have someone to help them if they require it. It may be that the critical variable is the *amount* of involvement of outsiders in the home—the greater this involvement, the less easily a relative can be abusive without incurring the cost of negative sanctions from others. Such a finding, as noted earlier, is consistent with research on other forms of family violence.

These results, of course, do not prove that elder abuse is caused by a lack of social contact. In fact, the causal path may be in the opposite direction. That is, the abuser may prevent or inhibit outside social contact through threatening behavior, or by creating conflict in order to make others uncomfortable and less likely to visit. In fact, abused elders were much more likely to report that their relationship with the abuser had had a negative impact on their contacts with others.

This theory is supported by qualitative data from this survey. Many respondents identified the abuser as a major factor in diminished social contact. In some cases, the abuser directly prevented interaction with friends and relatives. For example, one abusive husband in the sample forbade his wife from calling her friends. Similarly, four of the elderly mothers of abusive adult children noted that their children's behavior became worse when they (the mothers) were on the telephone. As one victim reported, "He makes it hard for me to talk on the telephone. He mimics me while I'm talking. Sometimes I just throw the phone down." This is serious, indeed, for the telephone is frequently the most important source of contact with others for elders.

In general, however, social contact was limited, not because the abuser expressly forbade it, but because others found the erratic and antisocial behavior of the abuser threatening. As one abused wife reported, "I'd like to be able to go out and enjoy myself, but my husband always gets drunk. Our children used to take us out, but now my son says he can't stand the sight of him. And I don't blame them for not caring, the way he acts. Even the grandchildren don't care anymore...The family keeps away, and that hurts."

Similarly, an abused mother stated, "It's hard to invite people over. I'm embarrassed. He talks out of line sometimes." Another woman quit her "Friendly Club" because her daughter-in-law would "start screaming" whenever the club met in her home. In a third case, the husband's bizarre behavior frightened his young grandson so badly that the child was never brought back to the house. Thus, the abuser can be a key factor in reducing the elderly victim's contact with the outside world. A vicious cycle may exist: persons who might be able to intervene to ameliorate the situation are driven away, allowing the abuser's behavior to worsen; this, in turn, leads to further isolation.

## Discussion

The findings presented here provide support for the hypothesis that social isolation is a contributing factor in elder abuse. This finding fits well with the exchange theory paradigm: The costs of abusive behavior are far less when outsiders are not present to negatively sanction the behavior. Thus, the fact that the abused elders see people less frequently than the controls appears to place them at greater risk of maltreatment.

One promising strategy for intervening in elder abuse situations, therefore, would be to increase social support for the old person. At least one elder abuse project has found it very effective to introduce paraprofessional aides into abusive families (Wolf *et al.*, 1984). The simple presence of an interested outsider was found to reduce maltreatment. Another alternative would be to strengthen the informal network of abused elders through such methods as the use of volunteers, creating linkages in neighborhoods, and case management programs (Biegel *et al.*, 1984). Similarly, self-help groups, which have been found to be very effective with battered women, may also be helpful to abused old persons.

Clearly, additional research is necessary to confirm the role of social support in domestic maltreatment of the elderly, and to elaborate on the ways in which the abuser's behavior may lead to increased isolation of an older person. The data presented here, however, suggest that both researchers and service providers should pay close attention to the possibility that socially isolated elders are at particular risk of abuse.

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# Landmark Court Decision for Battered Women

JAMIE M. MOORE

**O**n June 25, 1985 a jury sitting for the U.S. District Court for the District of Connecticut awarded Tracey Thurman, a battered woman, 2.3 million dollars in compensatory damages against 24 police officers. Tracey Thurman's son, Charles Jr., was awarded 300,000 dollars against 16 police officers.<sup>1</sup> These awards were compensation for injuries inflicted by Tracey Thurman's estranged husband (and Charles Jr.'s father), Charles Thurman Sr. In a landmark decision for battered women, the jury found that the police had deprived Tracey Thurman of her constitutional right to equal protection of the law. The jury further held that police officers in Torrington, Connecticut had acted negligently in failing to protect Tracey Thurman and Charles Jr. from the violent acts of Charles Thurman Sr.

While the jury found the police officers liable to Tracey and Charles Jr., they also found that the police conduct towards Tracey Thurman did not establish a policy of discrimination on the part of the city of Torrington. The monetary awards were purely compensatory—no punitive damages were assessed.

## The Legal Argument

Tracey Thurman for herself and her son, brought a civil suit against the city of Torrington, 29 police officers, and three police chiefs in federal district court on two causes of action.<sup>2</sup> First she argued that the police had failed to provide her with equal protection of the law as guaranteed by the 14th Amendment of the U.S. Constitution.<sup>3</sup> Tracey Thurman reasoned that the police treated her differently solely because her assailant was also her husband, and that the police would have treated a woman who was threatened and abused by a stranger with more care and concern. She argued that this "hidden agenda" of police priorities resulted in unequal application of police protection.<sup>4</sup>

Tracey Thurman's second argument was based on a theory of negligence. The police have a duty to protect citizens from harm. In this case, the duty of care was

breached because the police failed to protect Tracey Thurman from assault by her estranged husband. This failure to protect was found to be a proximate cause<sup>5</sup> of Tracey Thurman's injuries and the police were held liable to her for damages based on her suffering.

In the suit brought on behalf of Charles Jr., it was also argued that his constitutional right to equal protection of the laws had been violated. Although the court explicitly rejected this argument in a pretrial ruling,<sup>6</sup> Charles Jr. was able to proceed successfully on a negligence theory similar to the one argued by his mother.

The case is currently on appeal to the U.S. District Court of Appeals for the Second Circuit. Both parties filed briefs in November, 1985 and a decision is expected before the end of the year. The negligence findings of the jury are fairly strong and are thought likely to withstand the appeals process.

## Tracey Thurman's Story

In October 1982, Tracey Thurman and her son, Charles Jr., were staying at the home of Judy Bentley and Richard St. Hillaire in Torrington, Connecticut when Charles Sr. attacked her. Bentley and St. Hillaire filed a formal complaint with the Torrington police department requesting that the police keep Charles Thurman off of their property.

On November 5, Charles Sr. returned to the Bentley/St. Hillaire residence and, using physical force, removed Charles Jr. from the home. Tracey and Richard St. Hillaire went to the Torrington police department to file a complaint; however, the police would not accept a complaint from St. Hillaire against Charles Sr. for trespassing.

On November 9, Tracey sat in her car on a Torrington street while Charles Sr. "screamed threats" at her. Charles Sr. had made repeated threats in the past that he would kill or maim Tracey or their son. A police officer observed Charles Sr. yelling at Tracey, and arrested him after he broke the windshield of the car with Tracey sitting inside. Charles Sr. was charged and found guilty of breach of the peace. He was given a six-month suspended sentence and a two-year conditional discharge. The conditions required him to stay away from Tracey and the Bentley/St. Hillaire home, and to refrain from committing any further crimes. The Torrington police department was notified of the suspended sentence and the conditions of the discharge.

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In direct violation of the "stay-away" order, Charles Sr. again returned to the Bentley/St. Hillaire home on December 31 and threatened Tracey. Although she reported the incident to the police, noting the violation of a court order, the Torrington police made no effort to locate Charles Sr. or arrest him. Between January 1 and May 4, 1983, Tracey made numerous phone complaints to the Torrington police department regarding her estranged husband's threats, but Charles Sr. was not arrested.

On May 4 and May 5, Tracey and Bentley informed the Torrington police that Charles Sr. again threatened to shoot Tracey and Charles Jr. The police took a formal complaint from Tracey but would not accept a complaint from Bentley. Tracey was told to return in three weeks in order to obtain a warrant for the arrest of Charles Sr.

On May 6, in response to Tracey's request, the Litchfield Superior Court issued an *ex parte* restraining order<sup>7</sup> forbidding Charles Sr. from assaulting, threatening, or harassing his estranged wife. The police department was notified that the restraining order had been issued.

On Friday, May 27, following up on her visit three weeks prior, Tracey requested and received a police escort to the Torrington police station. Upon her arrival she again sought a warrant for Charles Sr.'s arrest and was told to call the police after the Memorial Day weekend. Rather than calling, Tracey returned to the police department on Tuesday, May 31, and again requested the arrest warrant. She was told that there was only one particular officer who could help her and that he was on vacation. Later that day Tracey's brother-in-law called the Torrington police station to protest the lack of action on his sister-in-law's behalf and was soothed with the information that the police planned to arrest Charles Sr. on June 8, 1983. The arrest did not take place.

On June 10, Charles Sr. again returned to the Bentley/St. Hillaire home. He demanded to speak with Tracey, who remained indoors and called the Torrington police. Tracey informed the police that Charles Sr. was there and asked that he be picked up for violating the conditions of his discharge. "After about 15 minutes, Tracey went outside to speak to her husband in an effort to persuade him not to take or hurt Charles Jr."<sup>8</sup> Charles Sr. then stabbed Tracey repeatedly in the chest, neck, and throat. After the stabbing, and approximately 25 minutes after Tracey's phone call, one police officer arrived. Charles Sr. then dropped the blood-covered knife, kicked Tracey in the head, and ran inside the Bentley/St. Hillaire residence. He came back outside carrying Charles Jr., dropped him on his mother, and told him that he (Charles Sr.) had "killed his f--- mother."<sup>9</sup> Charles Sr. again kicked Tracey in the head.

Three more police officers arrived, but Charles Sr. was allowed to wander through the gathering crowd, shouting threats at Tracey. He was finally taken into custody and arrested after he approached Tracey as she lay on a stretcher and screamed for help to keep him away from her.

It was noted in the court opinion that during most of this time, Charles Sr. lived and worked in Torrington. He was a counterman and short order cook at a local diner where he

served some of the defendant police officers. At the diner Charles Sr. repeatedly boasted to the officers that he intended to "get his wife and that he intended to kill her."<sup>10</sup> Charles Sr. is currently serving a 15 year prison sentence for the brutal assault of his wife.<sup>11</sup>

As a result of the assault, Tracey suffered fracture of the cervical vertebrae and damage to her spinal cord causing permanent paralysis below the neck. She also suffered multiple stab wounds to the chest, neck, and face causing a loss of blood, shock, permanent disfigurement, and scarring. Other injuries included blunt trauma to the head, neck, and chest; abrasions and lacerations to the cheeks and mouth; blunt trauma injury to the bronchial plexus; and severe pain, shock, and mental anguish.

## The Court Process

Tracey Thurman's suit went through an extensive discovery process with both sides filing numerous motions to obtain information from the other. As frequently occurs in suits of this magnitude, the defendants filed motions asking the court to dismiss Ms. Thurman's claims. Judge Blumenfeld, writing for the U.S. District Court for the District of Connecticut, issued an unusual and lengthy pretrial ruling on the defendants' motions.<sup>12</sup> The motions to dismiss were based on five premises: that Charles Jr. had failed to assert the deprivation of a constitutional right; that the court should dismiss the claim based on state law; that the claims against unidentified police officers should be dismissed; that Tracey Thurman had not properly established a custom or policy on the part of the city regarding domestic disputes; and that she had failed to assert the deprivation of a constitutional right.

The constitutional argument made of behalf of Charles Jr. was that while the police protect children against the violence of strangers, they "fail to protect children against the domestic violence of fathers and stepfathers."<sup>13</sup> This failure, the plaintiffs reasoned, was an impermissible classification which deprived Charles Jr. of his constitutional right to equal protection of the laws. The court dismissed the constitutional claims of Charles Jr., holding that he "did not suffer from a continuous failure of the police to provide him protection as did his mother... [and that the] isolated failure of the [police] to prevent the June 10, 1983 assault on Charles Thurman Jr. does not violate any constitutional rights."<sup>14</sup>

The court also dismissed the state law claim which concerned "a municipality's liability for the tortious acts of its employees."<sup>15</sup> For a federal court, jurisdiction over a pendant state claim is discretionary. The court here declined to exercise their jurisdiction in order to leave the interpretation of a state statute to the state judiciary. Additionally, the standards of proof required for the state statute were different from those called for in federal court and Judge Blumenfeld expressed concern about confusing the jury. The court also cited possible jury prejudice with the knowledge that the city might be obligated to pay for any judgment.

The defendant's motion to dismiss the petition against the unnamed police officers was denied without preju-

dice.<sup>16</sup> The court reasoned that Tracey Thurman needed time to complete discovery and to determine the identity of the police officers she had contact with throughout the eight month period.

The motion to dismiss Tracey Thurman's claim because she had not properly alleged a custom or policy regarding domestic disputes on the part of the city of Torrington was also denied. The court reasoned that she had pleaded a series of events that looked like "deliberate indifference on the part of the police department to the complaints of [Tracey Thurman]... and to its duty to protect her."<sup>17</sup> Such a pattern raises an inference of "custom or policy" on the part of the municipality. Because of this inference, the court concluded that the plaintiff must be allowed to bring this issue to trial and let the jury determine whether, in fact, such a policy existed.

The motion to dismiss Tracey Thurman's claims because she failed to assert the deprivation of a constitutional right was also denied. The court's assessment of her position was that the police officers' actions were based on administrative classifications, (women victims of domestic violence and women victims of stranger violence) which, as applied, violate the equal protection clause.

The court reasoned that police activity—both acts and omissions—is subject to equal protection requirements as a form of state action. "City officials and police officers are under an affirmative duty to preserve law and order and to protect the personal safety of persons in the community."<sup>18</sup> This standard, the court held, applies equally to women threatened by domestic partners and women threatened by strangers. Further, the court asserted that if officials have notice of the threats or danger, they have an affirmative duty to take reasonable protection measures.

## The Court's Analysis

Throughout its analysis on the motions to dismiss, the court considered Tracey Thurman's allegations as though they were true. In so doing, her argument characterizing the issue as one of sex-based discrimination was accepted. In a footnote, the court acknowledged that the classes involved may not be gender-based, but rather may be composed of victims of domestic violence (both men and women) and victims of violence inflicted by strangers. Yet, the court went on to cite a study on spouse abuse which found that in 29 out of 30 cases the batterer was male and the victim was female.<sup>19</sup> This study convinced the court to accept the sex-based category argument.

If the court had not characterized the classification as gender-based, the case could have been resolved differently. There are three standards of review used for equal protection analysis. The highest standard is "strict scrutiny," which is used primarily in race discrimination cases.<sup>20</sup> A "mid-tier" analysis is used primarily for sex-based and legitimacy claims.<sup>21</sup> The lowest standard is the "rational basis test," which is used for nearly every other equal protection claim.

The mid-tier analysis used in *Thurman* dictates that the classifications, in order to be upheld by the court, must be substantially related to an important government objec-

tive. If the court had characterized the classifications as victims of domestic violence and victims of stranger-inflicted violence, ignoring the statistics on the high incidence of women domestic violence victims, it is likely that a rational basis test would have been applied. The rational basis test requires only that permissible classifications be rationally related to a legitimate government interest.

There are many possible "legitimate government interests" that have been advanced to support a different police standard for domestic disputes than for other crimes. Police have been hesitant to interfere in domestic dispute cases for numerous reasons. One frequently-noted reason is the high incidence of police injury in handling domestic dispute calls. Traditional notions of family privacy have also influenced police response to domestic violence.

The assumption that families like the Thurmans should be able to work out their own difficulties without police interference was specifically repudiated. "[A]ny notion that defendant's practice can be justified as a means of promoting domestic harmony by refraining from interference in marital disputes has no place in the case at hand. Rather than evidencing a desire to work out her problems with her husband privately, Tracey pleaded with the police to offer her at least some measure of protection."<sup>22</sup>

The antiquated legal and social concept of a wife as the property of her husband has also influenced police response to domestic violence. Historically, a woman's legal identity was merged with that of her husband at marriage. Through this merger (known as the unities theory),<sup>23</sup> the husband became the sole legal representative for the family unit, casting votes, making contracts, and controlling all of the family's financial matters, including any income earned by the wife. The married women's property acts helped to establish separate legal rights for married women, and more recent court cases have tossed aside traditional characterizations of women in the legal system. The court here also rejected the concept of a woman as property when it said, "Today, however, any notion of a husband's prerogative to physically discipline his wife is an increasingly outdated misconception."<sup>24</sup>

## Significance of Thurman

The ruling is significant for police departments, cities, and insurance carriers that provide coverage for municipalities. Police departments need to reassess their training programs and policies regarding the method of handling domestic disputes. Individual police officers need to confront both their professional and personal views of domestic violence and woman battering.

Insurance carriers are studying the policies of police departments regarding domestic disputes. If local police are not responding to the *Thurman* ruling, insurance carriers may refuse to provide coverage for municipalities.<sup>25</sup>

Some critics of the *Thurman* decision argue that it places an unfair burden on police officers. Police may face lawsuits for failing to arrest an abusive spouse before injury has been inflicted, but they may also face lawsuits from the arrestee for illegal arrest procedures.

*Thurman* also has special significance for those women

who suffer doubly from domestic violence: first from the blows of their assailants and second from the inadequate police response. Battered women now have a potentially successful cause of action. *Thurman* has forged a new legal remedy.

#### Notes

1. *Thurman v. City of Torrington*, USDC DConn., No H-84-120, June 25, 1985, hereinafter *Thurman II*.
2. The suit was brought under 42 U.S.C. sections 1983, 1985, 1986 and 1988, the 5th, 9th and 14th Amendments to the U.S. Constitution.
3. The equal protection clause of the U.S. Const. amend. XIV, section 1 reads as follows: "nor shall any State...deny to any person within its jurisdiction the equal protection of the laws."
4. The arguments and events presented as facts in this article are derived from the Plaintiff's Amended Complaint, *Thurman II*, and the pretrial ruling: *Thurman v. City of Torrington*, 595 F. Supp. 1521 (1984) hereinafter *Thurman I*.
5. An injury is proximately caused by an act, or a failure to act, whenever it appears from the evidence that the act or omission played a substantial part in bringing about or actually causing the injury; and that the injury was either a direct result or a reasonably probable consequence of the act or omission. See *Black's Law Dictionary* (5th ed. 1979), p. 1103.
6. *Thurman I*.
7. A judicial order is said to be *ex parte* when it is granted at the request of one party, without notice to or contestation by any person adversely interested. See *Black's Law Dictionary*, p. 517 (5th ed. 1979).
8. *Thurman I*, 595 F. Supp. 1521, at 1525.
9. Plaintiffs Amended Complaint, Statement of Facts at #6.
10. *Id.* at #9.
11. Hentoff, "Battered Wives and the 14th Amendment," *Washington Post*, July 27, 1985 p. A23 col. 1.
12. *Thurman I*.
13. *Thurman I*, 595 F. Supp. 1521, at 1529.
14. *Id.*
15. *Id.* at 1531.
16. When a motion is denied without prejudice the moving party may raise the issue again at a later time in the litigation.
17. *Thurman I*, 595 F. Supp. 1521, at 1530.
18. *Id.* at 1527.
19. *Id.* at 1528, n. 1.
20. See *Loving v. Virginia*, 388 U.S. 1 (1967).
21. *Craig v. Boren*, 429 U.S. 190 (1976).
22. *Thurman I*, 595 F. Supp. 1521, at 1529.
23. The unities theory was elucidated in the *Commentaries on the Laws of England*, written by a fellow named Blackstone and published in England between 1765 and 1769.
24. *Thurman I*, 595 F. Supp. 1521, at 1528.
25. Hentoff, *supra*.

## Legal Victory for Los Angeles Battered Women

The Superior Court for Los Angeles County recently approved a consent decree and settlement in a class action suit against the City of Los Angeles and the L.A. Police Department (LAPD). The suit, *Thomas v. City of L.A.* (Case Number CA 000572), was brought in 1979 by three named women on behalf of all battered women who received no or inadequate police assistance in cases of domestic violence.

The settlement provided that the L.A. Police Department adopt new standards and procedures for handling domestic violence crimes. Police officers are no longer allowed to assign a lower response priority to complaints of domestic violence than to complaints from victims of stranger violence. Domestic violence is defined as any crime perpetrated against a family or household member by a family or household member. The terms family and

household member are expansive enough to include non-married cohabitants, and the standards cover both former and present household members.

The consent decree calls for dissemination of the standards among police personnel, training programs for all new and future police officers and police department employees who have reason to come into contact with domestic violence. The standards also provide for future training as new laws are developed regarding domestic violence. The LAPD is also required to designate a special person or staff of persons to answer questions regarding the new standards. The court retained jurisdiction over the agreement and consent decree so that the implementation of the standards can be monitored.

The city of Los Angeles must make a 50,000 dollar one-time grant to local shelters for battered women as part of the settlement. Legal fees will be shared by San Fernando Valley Legal Services and the Battered Women's Legal Counseling Clinic. The two non-profit organizations will use the fees to continue and expand their legal services to the indigent.

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# The Washington State Domestic Violence Act: An Evaluation Project

## Part II

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KIM KERTSON, and ROSEMARY RYAN

*This article is the second of a two-part series on the implementation of Washington State's 1979 domestic violence law. Part I of the series described the design and methodology of the evaluation project, and presented the findings of a study of nearly 200 battered women about police responses to their victimization. It also presented the results of interviews with officials from 33 police departments in Washington State, and explored their knowledge about and use of the domestic violence law. This article presents the results of interviews with prosecutors and judges about their experiences in implementing the Domestic Violence Act. In addition, recommendations are presented for each area of the criminal justice system—police, prosecutors, and judges—as well as for programs for battered women. Copies of Part I of the series (that appeared in the Summer 1985 issue of Response) are available from CWPS for \$2.50 each.*

Part II of the survey to evaluate the Washington State Domestic Violence Act (RCW 10.99) dealt with the criminal justice system (CJS) response to domestic violence cases subsequent to their initial contact with police. Of the 102 women who reported in the first survey (Client I) that they had called the police, 27 (26 percent) reported subsequent contact with a prosecutor and/or the courts in the second part of the survey (Client II). Of those 27 women, 23 were from King County, a large urban county encompassing Seattle and surrounding communities. Thus, 85 percent of the cases in which the prosecutor and/or the courts were involved were derived from 53 percent of the cases. A case had only a six percent chance of making it all the way to court outside of King County, as opposed to a 43 percent chance in King County.

There are a number of possible explanations for the lower response to the Client II survey outside of the King County area. A major factor undoubtedly is that there are two programs in King County exclusively devoted to legal advocacy for victims of domestic violence—one in the Seattle City Attorney's Office, the other at Evergreen Legal Services (a nonprofit legal assistance program serving low-income people). In addition, King County has one local

domestic violence program that has set up a volunteer legal advocacy program in cooperation with its local police department. These legal advocacy programs are more likely than shelter programs to have extended involvement with their clients, since clients stay for only a short time at the shelter before moving on, while legal advocacy programs tend to follow a client's case to resolution. Continuing contact presumably encouraged return of the questionnaire.

### Prosecutors

The Domestic Violence Act directs prosecutors to:

- notify victims of a decision not to prosecute within five days after the police report is received;
- include in any notice of a decision not to prosecute a description of the procedure for filing a citizen's complaint; and
- require that defendants make personal appearances in court for arraignment without possibility of waiver.

The project surveyed 17 city attorneys and 11 county prosecutors to determine the extent to which prosecutorial mandates under the Act were being followed in their jurisdictions. Twenty-two prosecutors reported prosecuting between zero and 50 domestic violence cases per year, one reported between 50 and 100 cases, and prosecutors in three larger areas reported 500, 600, and 1200 cases, respectively.

Nearly half (46 percent) of the interviewees were not performing one or more of the duties specified in the Act. Only 32 percent of the prosecutors reported they kept a record of "no contact orders" (NCOs—orders forbidding the batterer to have any contact with the victim) once they had been issued. Sixty-four percent responded that they did not keep a record of NCOs.

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*The authors are members of the Domestic Violence Act Evaluation Project (DVAEP) Committee. DVAEP was a joint effort of the Washington State Shelter Network, Washington Women Lawyers, and Evergreen Legal Services which was supported by a grant from the Northwest Area Foundation. Susan Wilder Crane, Chair of the Committee, can be contacted at Evergreen Legal Services, King-Snohomish Office, 109 Prefontaine Place South, Seattle, WA 98104.*

When asked how much domestic violence training they had, 36 percent reported they had no training, 43 percent had received training during the previous year, 18 percent during the previous two years, and four percent received training immediately after the passage of the Act in 1979. Nine of the ten prosecutors who had never been trained were interested in such training, and one stated he was not interested.

## Judges

The "teeth" of the Domestic Violence Act are its provisions for NCOs in criminal cases that involve domestic violence. These orders enable judges to assure that the victims, who are usually the primary (if not sole) witnesses for the State, will be safe until trial and will not be subjected to any pressure by the defendants, either not to testify, or to change their testimony.

The Domestic Violence Act empowers courts to issue NCOs in these cases, and goes one step further: it requires courts to consider whether or not to issue pretrial NCOs in *every* domestic violence case. Nearly all of the Act's procedural requirements for courts focus on the issuance of NCOs.

Some judges had little knowledge of the law. One told the interviewers: "The courts should be more familiar with [this law]. I've not heard of it." Other judges were very familiar with the law and felt strongly that the CJS, and judges in particular, needed to be better educated about this law and how to more effectively utilize it:

[There should be] some form of non-obnoxious way of seeing that 10.99 is enforced. Some agency should monitor compliance. [The legislature] should make it a misdemeanor for a police officer who does not comply with 10.99. [There should be] some sort of liability for judges who are not aware of 10.99.

The Act requires courts to mark dockets by a special code when the cases involve domestic violence, so that courts will consider issuing NCOs at the earliest possible point in the proceeding, usually at the time of arraignment. This special code would also alert the court that the arraignment cannot be waived. This was the portion of the law with which courts appeared to have the lowest compliance; only five judges reported that their courts coded the dockets in domestic violence cases.

Some judges did not know that the law required dockets to be marked: "It would help me as a judge if the files would be designated as 'domestic violence.' That's the only way I'll know."

The Act states that arraignments in domestic violence cases cannot be waived. Nonetheless, attorneys commonly file a "notice of appearance" and waive arraignments for clients. As a result, victims of domestic violence would not receive the protection afforded by a NCO. Although two-thirds of the judges reported that they did not waive arraignments in domestic violence cases, waiver could easily occur if the judge had no means by which to identify the domestic violence cases.

Some small jurisdictions may run a greater risk of non-compliance with the mandate to consider NCOs because some prosecutors do not attend arraignments if the defendant does not have an attorney. If the dockets are not marked, the judge has no way of knowing that one assault case differs from any other.

Judges were asked if they felt that there were any problems with the NCO provision of the Act. Some judges felt uncomfortable issuing NCOs to women who were not separated from their batterers at the time of the incident, stating the NCO was, in effect, an "order to vacate" which the judges felt they had no authority to issue. Other judges were very positive about the protection that NCOs offered: "[It's] easier to issue a no contact order than to be pernickety and have the victim victimized again." One judge mentioned that he had made a policy of having defendants in domestic violence cases held without bail until a hearing could be held. This way, he ensured that NCOs were always issued when they were needed.<sup>1</sup>

The judges were asked about the circumstances that would prompt them to issue NCOs. All stated that they would issue an order if the prosecutor asked for them. The implication is that the *prosecutor* must make that request. If police reports are marked, and the prosecutor makes sure that his file and the court files are marked, it is much more likely that domestic violence cases will be identified and that NCOs will be issued when needed. Less than two-thirds of the women who responded to Client II reported that NCOs had been issued at any time during the proceeding—either pretrial or postsentencing. Only half of the women had been issued pretrial NCOs.

Pretrial NCOs are extremely important because of the length of time that may elapse before a case gets to court. Most of the women who responded to Client II cited a time lag of three to six months or longer. (It was the perception of most of the judges interviewed that it took less than two months from the incident for domestic violence cases to reach their courts for trial.) If a pretrial order is not issued and the case takes a long time to get to court, the victim is very likely to be subjected to considerable pressure from the defendant. Some of the women who responded to the survey expressed frustration with this aspect of the system's response to their problems.

Despite the fact that the legislature, in adopting the Act, clearly intended that "criminal laws be enforced without regard to whether the persons involved are or were married, cohabitating, or involved in a relationship," (RCW 10.99) it appeared that some of the judges did not view domestic violence as a crime. This affected their actions when they were asked to issue NCOs. One judge favored decriminalization of these cases: "Some cases leave a bad taste in [my] mouth—when dissolution will remedy [the] situation and a criminal action seems punitive." This is contrary to the intent of the Domestic Violence Act, which recognizes domestic violence as a serious crime.

A quarter of the judges interviewed would not issue a NCO when they thought a couple would reunite. Nearly a third of them said that they would not issue a NCO if the couple was still living together at the time of the incident.

One judge stated that he would be less likely to issue a NCO if: "[t]he parties are married and [the defendant's] conduct is not aggravated and he has nowhere else to live."

Judges were also queried about their sentencing policies. Over four-fifths of the judges stated that they did not have any policies regarding sentencing of convicted batterers. The judges were also asked about what types of conditions they would be likely to impose in cases where batterers were convicted of misdemeanor domestic violence offenses. One interesting result was that the judges were far more likely to order alcohol treatment than treatment for battering.<sup>2</sup> This could have several explanations. One might be that alcohol treatment is far more available than treatment for battering. Another might be that many judges may mistakenly assume that a batterer who drinks will stop battering if he stops drinking.

Most judges expressed frustration with domestic violence cases. They cited a lack of resources and a need for disposition options other than incarceration. Several judges expressed appreciation for shelter and advocacy programs that assist victims. Many commented that judges and other law enforcement officials need more education about domestic violence. One judge suggested that courts exchange guidelines and policies so that he could have some perspective on how other courts treat these cases. One judge summed it up:

I feel that the law has sufficient teeth in it to act as a deterrent. I think that judges have the power, but I think you need a consistency of approach...and we need to educate people so they aren't afraid to utilize the law. Domestic violence is a hidden offender and the wife leaves home for a week, the husband says she has the flu and can't come out. She's embarrassed by it because she thinks she's a failure and that failure is to her husband as well. Remove the stigma; don't condone the act. Let the people come out and deal with it and enforce our statute."

## Conclusions and Recommendations

The results of the DVAEP survey of battered women and of the police, prosecutors, and judges who comprise the criminal justice system demonstrate that, although in certain respects there is a high level of compliance with the Act, there are also many areas in which compliance and understanding need to be improved. Passing a law to deal with domestic violence is not enough.

The DVAEP has a number of specific recommendations for the police and prosecutors, as well as some general recommendations, that are designed to increase compliance with the requirements of the Domestic Violence Act.

### Recommendations for Police:

1. There should be additional training of police to increase awareness of the Act and the required response to domestic violence cases.
2. Police departments should distribute to officers written procedures for responses in domestic violence

cases (taking *detailed* written reports in all domestic violence cases, advising victims of their right to file a citizen's complaint and on the importance of preserving evidence if the officer does not arrest).

3. Police report forms should include a check-off item, or event code, specifically designated "domestic violence." This would allow an officer to tag a case from the very beginning and would help prosecutors designate cases as domestic violence. It would also mark the case as one that needs to be forwarded to the prosecutor within 10 working days if a current investigation is not under way, as required by RCW 10.99.
4. Police should respond to chargeable crimes with arrest when possible. The report recently published by the Police Foundation indicates that arrest by the police appeared to decrease repeat violence more than attempts at counseling the parties or removing the assailant from home for several hours.<sup>3</sup> The 1984 change in Washington State law makes arrest mandatory for police if the officer has probable cause to believe that a domestic violence assault has been committed within the past four hours.

### Recommendations for Prosecutors:

1. Prosecutorial decisions should be made and victims notified within five days of the prosecutors' receiving the police report, as specified in RCW 10.99.
2. Form letters regarding prosecutorial decisions containing the required instructions regarding citizen's complaints should be composed and used in the prosecutor's office. Consistent use of form letters would enable prosecutors to respond within the statutory time limit.
3. Domestic violence case files should contain a checklist enumerating all procedural requirements, options, and time limits to insure complete and effective handling of cases. A corresponding follow-up system should be maintained by office staff.
4. Domestic violence prosecutions should be given high priority. The longer the delay between the incident and final disposition in court, the more likely the victim will drop charges or refuse to testify.
5. Prosecutors should participate actively in domestic violence resource networks and should promote and use domestic violence advocacy programs. Such a partnership has been highly successful in the cities of Seattle, Spokane, and Vancouver.
6. Prosecutors take affirmative steps to increase prosecution of batterers, including:
  - the development of general policies that encourage prosecution, coupled with a case-by-case approach to dismissal of charges. (Some of the pressure on the victim should be mitigated by the new amendment to the Act which requires mandatory arrest. This can place emphasis on the arresting officer as the major witness for the state rather than the victim);
  - support and protection for the victim throughout the process, including cooperation with local domestic violence programs to provide legal ad-

vocacy;

- consultation with the victim, informing her of the consequences of pursuing the case through to trial; and
- consultation with the victim on sentencing options.

A further recommendation considered by the Committee was that prosecutors adopt a stringent "non-dismissal" policy for domestic violence cases. Batterers often threaten or intimidate victims into dropping charges. A non-dismissal policy could reduce this possibility and could result in a higher rate of conviction of batterers. Nonetheless, the Committee cannot make such a recommendation at this time because we recognize that:

- adequate resources and safety (such as shelter space) while awaiting trial are not currently available to victims;
- some jurisdictions with such a policy have gone so far as to arrest women who refused to testify against their batterers;<sup>4</sup>
- minority and low-income people suffer discriminatory treatment by the criminal justice system, and do not have equal access to legal and economic resources.

## General Comments and Recommendations

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### **1. Treat Domestic Violence as a Serious Crime**

The intent of the Act was to ensure that crimes involving domestic violence were *treated* as crimes. Victims now have many hurdles to overcome if their cases are ever to come to court.

Washington took steps to remedy this situation in the past legislative session. Washington's new Domestic Violence Prevention Act which went into effect September 1, 1984 requires mandatory arrest in all domestic violence cases in which the officer has probable cause to believe that: (a) an assault involving domestic violence has been committed during the past four hours; or (b) a restraining order, no contact order, or protection order has been violated. Officers will also be required to give victims cards that will outline their legal rights and options. These procedures should reinforce the statewide policy that domestic violence is a serious crime.

### **2. Develop Clear Standardized Policies and Procedures to Ensure Consistent Application of the Law**

Although the Domestic Violence Act articulates specific procedures, it is not enough that they be written into the law. Police departments, prosecutors' offices, and courts must *implement* the law. One effective way to do this is to set up clear written procedures embodying the requirements of the Act which are disseminated to all police officers. Police administrators should then assure that the procedures are being followed. These procedures should include:

#### **• Identification of Domestic Violence Cases**

It is imperative that domestic violence cases be identified as such from the outset as specified in the Domestic Violence Act. If the responding officer identifies a domestic violence case properly, other procedures particular to these cases are more likely to be triggered as well.

Once a domestic violence case reaches the prosecutor, the prosecutor should conspicuously mark the file as a domestic violence case on the outside. The prosecutor should also utilize a special check-off form as a reminder to notify the victim of the prosecutor's intentions to file charges within the statutory limit, request a NCO, and require the defendant to appear at arraignment. Court files and dockets should also be marked.

These procedures will help reduce the amount of time it takes for these cases to reach the court for trial, which is the purpose of the statutory time limits. Courts could expedite cases by establishing the docketing of these cases as a priority. This should help to protect victims and lessen victim drop-out. Studies have shown that criminal prosecution is the single most effective means by which to reduce the incidence of battering.

#### **• Development Statewide Guidelines**

Appropriate statewide criminal justice agencies should develop (with input from domestic violence program service providers) model guidelines for handling domestic violence cases. These guidelines should include sample forms and training materials for police and prosecutors, as well as model sentencing policies for judges. These guidelines should stress that domestic violence is a crime, and should be treated as such.

### **3. Establish Active, Viable Networks of CJS Personnel and Domestic Violence Resource People in all Communities**

Because the criminal justice system is a system, it breaks down if its components do not work in concert. Some jurisdictions have active networks, both internally and in conjunction with community agencies serving victims and batterers. We recommend that this model be duplicated elsewhere in the state.

This model can be used not only for monitoring present statutes and policies, but for implementing new ones. A prime example is the approach the Washington State Shelter Network and Legal Services have taken regarding the new Domestic Violence Prevention Act. We have encouraged shelter programs and legal services attorneys to set up local task forces with representatives from their local CJS agencies to develop flow charts and procedures for implementation.

### **4. Develop Systems for Implementing Training and Training Requirements**

The Act's only statutory requirement regarding training concerns police. The Act encourages police agencies to

cooperate with their local shelter programs when providing training to police officers. No minimum standards for training have been set for police, prosecutors, or judges. The Criminal Justice Training Commission, with input from agencies serving domestic violence victims, should set minimum standards for training of police. Prosecutors and judges, through associations like the Washington Association of Prosecuting Attorneys and the Association of State Court Judges, could receive similar training. These standards should include initial training, as well as ongoing training requirements. Law schools and community colleges that do not already do so should cover domestic violence in both family law and criminal law courses.

### **5. Legal Advocacy Programs Needed**

Legal advocacy programs should be available to battered women in all locations. Nearly all of the surveyed clients whose cases reached the courts had advocates from programs that specialized in legal advocacy. Most shelters are able to provide counseling but, because of limited financial resources, are unable to provide legal advocacy as well.

Victims are more likely to follow through with prosecution when they understand what is happening and have support. This means that a victim would:

- receive information about the criminal justice system;
- be assured of safety through the process;
- receive information about sources of economic support if her source of income is interrupted by the criminal proceedings;
- be assured of equitable and sensitive treatment if she is a minority woman; and
- have access to an interpreter if English is not her first language.

Additional funding for legal advocacy programs could come from the combined cooperative efforts of the criminal justice system, private foundations, charitable organizations such as United Way, and the Washington State Shelter Network. There are already a variety of models for programs of this sort, including:

- a victim assistance program within a prosecutor's office;
- a domestic violence unit within a Legal Services office; or
- a legal advocate on the staff of a grass roots domestic violence program (for example, a shelter or a safe home).

### **6. Ongoing Monitoring of Criminal Justice System For Compliance**

Communities should monitor their local CJS agencies to ensure they are complying with the Domestic Violence Act. Monitoring would include documenting and following up on victims' complaints, court-watching, and annual or biannual compliance studies. The purpose of such monitoring would be to learn:

- whether domestic violence laws are being carried out;
- if victims are treated with compassion;
- if the sentence matches the severity of the crime; and
- if court personnel and policies discriminate against minorities and low-income people.

### **7. Compilation of Statewide Statistics**

The Act requires police to keep statistics on the number of domestic violence calls they receive, but it does not require that this information be collected. If these statistics were to be compiled statewide, it would be possible to learn: (a) whether police departments are marking domestic violence reports, and (b) the actual volume of requests for assistance. This would provide more exact information about the true costs of domestic violence in the state and would facilitate development of alternative remedies.

It is hoped that these recommendations will serve to stimulate discussion between members of the criminal justice system and domestic violence workers in the state of Washington, and that through such discussion, compliance with both the spirit and the letter of the Domestic Violence Act will be increased.

#### **NOTES**

1. One deficiency in the Act is the problem with the lag time between arrest and arraignment (at which time the NCO is issued). If the defendant bails out or is released on personal recognizance, it may be several weeks before he appears before the judge for arraignment. During this time the victim has no protection. The 1984 amendments to the Act took this into account. In the future, judges must make determinations about the need for NCOs before defendants are released from jail in domestic violence cases. The judge will have the option of issuing the order by telephone in cases where it is not practical to do so in person.
2. Ninety-three percent ( $n = 27$ ) reported that they would sentence to alcohol treatment; 69 percent ( $n = 20$ ) reported that they would sentence to batterer's counseling.
3. L.W. Sherman and R.A. Berk, "The Minnesota Domestic Violence Experience," *Police Foundation Reports*. Washington, DC: Police Foundation, April 1984.
4. L. Lerman, "Elements and Standards for Criminal Justice Programs on Domestic Violence," *Response to Family Violence and Sexual Assault*. November/December 1982: 9-14.

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# Job Readiness for Battered Women: One Shelter's Experience

MARY H. CAUDILL, BEVERLY V. CLINE, AND R.M. BARBER

**D**ue to the increasing awareness of domestic violence and the need of its many victims for help in becoming economically self-sufficient, the Family Resource Center, a battered women's shelter in Virginia, instituted a vocational readiness project for its clients. The purpose of the project was to help battered women prepare to enter the paid labor force. The project was made possible by a grant from the Virginia Department of Rehabilitative Services. During the 18-month period of the grant beginning in November 1983, the project served over 65 battered women.

Although efforts to provide employment skills to battered women are increasing throughout the country, information on the effectiveness of these programs is scarce. As a result, one objective of the project was to evaluate the services. This article presents the findings of the evaluation effort, and the observations of project staff, on special problems faced by clients and staff, and effective strategies in dealing with those problems.

The Family Resource Center provides shelter and services to abused women and their children in a five-county rural area in southwest Virginia. Job readiness services were among a variety of services available to victims of family violence who came to the Center. Other services included parenting classes, group therapy, assertiveness training, and individual counseling and treatment.

The project was designed with the realization that continual physical and emotional abuse suffered by battered women create substantial barriers to independent living. Recognizing the difficulty of helping battered women to prepare for, find, and maintain jobs, the initial project design incorporated five distinct components: diagnostic evaluation, vocational assessment, prevocational services and counseling, interagency coordination and support,

and information dissemination. Program activities incorporated various levels of job readiness from hygiene, grooming, and assertiveness training to resume preparation, practice interviewing, and development of job search skills. Many of the women who completed this program went on to receive skills training for specific vocations offered through the Department of Rehabilitative Services.

Clients were referred primarily through local departments of social services, mental health agencies, or concerned friends. Some clients initiated contact themselves.

## Client Characteristics

Although the social, racial, and economic backgrounds of program participants varied, the typical client in the program was a 30-year-old White, married woman with one child. She had an 11th grade education, and few or no employment skills. She had been socially isolated and, as a result, her communication and social skills were weak. She exhibited passive and dependent behaviors and admitted her fear of separation from her abuser.

At the time of referral, 25 percent of clients had mental health problems—present or past—that required medication or hospitalization; 38 percent had physical problems requiring medical care; 53 percent were involved with another human services agency; 67 percent had family experiences with alcohol and/or drug abuse; and 96 percent reported a history of family violence.

Clients who were residents at the shelter usually arrived there in crisis; emotional states exhibited varied among women and included anger, fear, depression, and relief. Most women possessed sufficient coping skills to provide basic care for themselves and their children—a requirement for stay at the shelter. Vocational tests revealed low scores on items measuring ambition and willingness to risk.

Some of the women were eligible for State Rehabilitation Services on the basis of their physical and emotional disabilities. However, proof of disability was difficult to establish. Mental status reports and general medical exams are required and the wait for medical and psychological consultations at the public clinic was often weeks.

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## Initial Results

The initial program goal was to place 40 to 50 women in paid jobs. However, within a short time, it became apparent that this goal was unrealistic. A number of factors combined to create substantial obstacles to employment for these women. Extreme low self-esteem, identity problems, limited work opportunities, and social isolation presented the greatest psychological hurdles to self-sufficiency. After years of abuse, most women had lost (or, more commonly, never achieved) confidence in their ability to become independent.

Staff found that basic skills essential to higher functioning were time-consuming and difficult to teach. Convincing a woman with a sixth grade education that she could become self-sufficient proved extremely difficult; teaching hygiene and grooming to women with extremely low self-esteem was sometimes equally challenging.

In any area, the state of the local economy and job market directly influence employment rates. In this rural community where the primary industries are textile, furniture, and machine parts manufacturing, job opportunities are particularly limited. The economy is depressed, the average per capita income is low, and a large percentage of the population is dependent on public assistance. As a result of these and other factors, many clients were initially placed in work adjustment or job training programs rather than paid jobs.

Since pay is generally low, especially for those just entering the labor market, independent living for many battered women is dependent upon availability of subsidized housing. Public housing in this area is scarce, the waiting lists long; the delay in finding an apartment was often three months. The level of effort and support needed from staff to maintain battered women's stability and involvement during this waiting period was high. Setbacks were common. Depressed and frustrated, many women were tempted to drop out of the program. Although most knew that their life circumstances would not change overnight, all hoped for a speedier readjustment.

## Revised Design and Objectives

When it became clear that the initial project design and objectives were too ambitious, new ones were developed. The new five-part plan was organized according to the functional levels of the clients. The primary objective, after determining the appropriate functional category for each client, was to help her meet the needs and challenges associated with that level and then move on to the next.

The needs of battered women functioning at Level I (Crisis) were determined to be: medical attention, nourishment, sleep, clothing, child care, initial crisis intervention, and hygiene. Women at Level II (Stabilization) were helped to apply for public assistance (AFDC, foodstamps, and other programs) and to handle legal problems (custody, pursuing assault charges). They were also helped with parenting, searching for housing, and achieving emotional stability.

Level III (Adjustment and Preparation) tasks included assessment of social skills, learning communication skills, developing a social network, and building self-esteem. Women at Level IV (Maintenance) were given educational and vocational tests, helped to study for the GED (high school equivalency test), taught job seeking skills, and helped to keep jobs once they had them. At the final level, Level V (Independence), women were enrolled in school or a sheltered workshop, or were employed and living independently.

Virtually all service plans were initiated at Levels I and II. Some clients were in need of medical attention due to recent assaults; many were bruised and sore. During the first days of residence, clients reported loss of appetite, insomnia and nightmares; they frequently exhibited difficulty in assuming responsibility for their children. Once these problems were overcome, financial, legal, and familial situations were assessed and strategies for dealing with these problems prioritized. When these needs were met, an individual service plan was developed based on each client's functional level and capacity.

Success was defined as any upward movement from one level to the next, the assumption being that any progress would result in an increase in the confidence with which the client approached vocational training, job seeking, and eventually, independent living. Some women did not progress, some regressed. These women typically remained in crisis for a longer period of time, fluctuating in their decisions to leave their abusers.

## Factors Influencing Success

Success appeared to be related to the amount of program exposure. The greatest progress was made by women who stayed in the shelter. Shelter residents were able to receive intensive support and continual counseling, available on a 24-hour basis. Counselors were able to observe first hand the progress of residents and provide intervention and support when needed.

High exposure to the program was defined as a stay of four or more days at the shelter or attendance at four or more consultations. Low exposure was any lesser involvement in the program. Sixty-five percent of the high exposure group was successful while 88 percent of the low exposure group had little or no success.

Clients who continued to live in the abusive situation had little exposure to the program. Most did not keep their appointments. It is hypothesized that the high drop-out rate of nonresidents was a direct result of the atmosphere of intimidation in which they lived. Most admitted being fearful of and controlled by their husbands who became suspicious and jealous when they left the house. In order to keep their appointments, the women had to justify repeated attempts to leave the house or use the car. Many victims reported fear of retaliation in the form of escalating violence if their husbands discovered that they were seeking help at a shelter or were involved in a program that would further their independence.

## Client Functioning

Several weeks into the project, staff began to identify three categories into which most women fell that related to their functional levels and assistance needs.

The lowest-functioning group were characterized by their high level of dependence and extreme low self-esteem. These women tended to be passive and anxious to please project staff and others. The simplest decision was difficult, even painful. Most women functioning at this level were unable to express anger toward their abuser and tended to see the abuse as a result of a personal inadequacy. Their lack of confidence placed severe limitations on their progress toward independent functioning. It also led to superficial promise-making not only to staff, but to themselves. Rarely were these promises fulfilled and often these women returned to their abuser.

Women in this group generally had difficulty moving to a higher level of functioning without intensive support and supervision. It was very easy for them to manipulate the development of dependent relationships, and project staff were trained to discourage this dependence. The prospect of independence was frightening and their initial responses to those who encouraged their independence were passive-aggressive in nature. Only about 10 percent of these women were successful in moving to a higher level of functioning.

Women in the second group had "adequate" survival skills. They were able to present themselves in a positive manner and were persuasive. They had a strong awareness of others' vulnerabilities, and it was not unusual for them to be extremely manipulative in personal relationships. These "survivors" presented a tough exterior, often making light of or exaggerating their circumstances. For most, this behavior functioned as an effective defense mechanism. It was often difficult for these clients to directly express their needs, which sometimes delayed development of effective service plans. Many had poor impulse control and little foresight. Those who dropped out of the program tended to use extreme, sometimes self-destructive, methods (e.g., stealing, prostitution, and drugs) to avoid returning to their abusers.

These women frequently used more than one human services agency, selectively choosing those resources needed. Most women in this group did advance to higher levels of functioning; about 50 percent were somewhat successful in attaining the program goal. Progression beyond Level III, however, was rare.

Although their past circumstances were similar to those of other clients, battered women in the third group were articulate and steadfast in their decision to be successful. In general, they were more stable upon referral than the

other women, and had a realistic awareness of their needs and capabilities. Many of these clients were knowledgeable about the services available and were able to take advantage of them. Most were active participants in group and individual therapy. They were better able to manage their finances, time, and other aspects of their lives, and to develop secure support systems.

Predictably, these women had the highest success rates. Ninety percent were successful and moved to higher functioning levels more rapidly than the other groups. Even though setbacks did occur, these clients were able to evaluate and adjust their behavior to produce positive outcomes.

## Effective Counseling Techniques

Several counseling techniques were found by staff to be effective in dealing with all of these groups. Because the cycle of abuse tends to repeat itself, counselors and victims must jointly consider possible problem areas in the client's history which may impair her successful pursuit of self-sufficiency. Once these problems are identified and understood, the client will be more successful at learning new, more effective behaviors and taking responsibility for her life.

It is also important to encourage clients to continue contact with the program as they progress toward independence. Implementing the decision to become self-sufficient is extremely difficult for many battered women. Low self-esteem and dependent behaviors are powerful traits to overcome. It is unrealistic to assume that as the client enters into an independent living situation, she will be able to maintain a high level of functioning and cope effectively with the many adjustments ahead. In the experience of this project, frequent home visits and continued support services were routinely requested. A gradual phasing out of project support was found to be essential. A three month follow-up is recommended.

It is also important to present a realistic time frame in which the client may expect to progress, since there are many variables that affect success and may delay progress. Since client participation drops when progress is delayed, awareness of possible delays will help to prevent emotional setbacks.

Finally, as few programs have the resources necessary to provide all services, interagency coordination is essential for obtaining diagnostic exams, housing, and other services. This project was designed to facilitate such coordination, and the resulting communication and cooperation between agencies were beneficial to both the clients and the project staff.

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# Violence Against Women: Report from Milan

JANE ROBERTS CHAPMAN

**V**iolence against women was a primary focus of the United Nations Seventh Congress on the Prevention of Crime and the Treatment of Offenders held in Milan, Italy this summer. The Secretary General of the Congress, Mrs. Leticia Shahani, directed the delegates' attention to these issues in a forceful opening statement in which she cited the 40 years of the UN as a period during which the world has witnessed "the emergence of major threats and challenges to humanity." She specifically identified violence against women, including intrafamily violence, in a list of major problems that "continue to menace the lives of the people all over the world." Shahani noted that this UN meeting, like the Nairobi Conference on Women which preceded it by one month, recognized that "violence against women has become a world-wide phenomenon and now requires effective action to stop the degrading practices associated with it and provide measures of redress."

The purpose of the Congress, held every five years, is to bring together delegations from UN member countries to examine ongoing and emerging problems in the field of criminal justice and to encourage coordinated action at the national, regional, and international levels. During the course of the two-week Congress, a number of national delegations made presentations and issued papers on the incidence and characteristics of female victimization in their countries.

## Global Survey on Women

In order to prepare the delegations for the task of dealing with practices such as battering, rape, and sexual slavery in the framework of the administration of justice, a Global Survey of the Situation of Women and the Criminal Justice System was conducted and issued in 1984.<sup>1</sup> The survey concluded that there has been considerable recognition of the problem of female victimization internationally although the prevalence is difficult to measure, "since the 'dark figure' of unrecorded incidents was rather high."<sup>2</sup> Many respondents to the survey emphasized that greater

attention should be devoted to the condition of women, especially as victims of sex offenses, violence and battery, abduction, slave-like practices, and forced labor. "Although a number of measures have been taken by countries to prevent violence, exploitation, and abusive practices against females and to provide the means for their protection and assistance, formidable obstacles still remain."<sup>3</sup>

The survey was conducted through the Economic and Social Council, which distributed a questionnaire to the entire network of government-appointed national correspondents with the Secretariat throughout the world. The network consisted of 260 experts, scholars, practitioners, and policymakers in the field of crime prevention and criminal justice from over 100 countries. The questionnaire elicited quantitative and descriptive information for the period between 1970 and 1982. Its major findings were as follows:

- 1) The most prevalent forms of female child and adult victimization were cited as sex-related violence in which alcohol and drugs often played an important role and which had serious repercussions for mental and physical health.
- 2) Some countries reported rather serious increases in some categories of female victimization, especially rape. However, it was noted that such increases might be partially attributed to the fact that more victims were bringing the offense to the attention of the authorities. In other countries, however, there appeared to be no significant increase in the number of offenses of which women were most frequently victims.
- 3) A number of countries reported some difficulty in providing detailed information on the actual extent of female victimization, due to a variety of factors (e.g., scarcity of published information on the topic, inadequate intervention, lack of routine recording of offender and victim characteristics, underreporting, misrecording, or lack of legislation). However, victimization surveys and other instruments were being used in some countries in an attempt to gauge the severity and extent of female victimization.
- 4) In a number of countries such acts of violence and brutality were considered grave violations of human rights, and special protection clauses were incorporated in their laws. In some, procedural changes were

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- introduced in the case of rape (e.g., protection from undue publicity, prevention of the use of certain lines of questioning during the trial, and instruction of jurors to disregard information concerning previous sex life when reaching their verdict). Furthermore, general measures on behalf of victims of violence were adopted, including prevention and intervention strategies, services and facilities for assistance, as well as victim compensation schemes.
- 5) The phenomenon of violence within the family was reported as a particular problem of serious concern in a number of countries. However, it was noted that the real extent of the problem was difficult to assess, as it remained largely a hidden crime. Information was difficult to obtain for a variety of reasons, including inadequate reporting procedures, lack of specific legislation and social, cultural, and religious factors which, *inter alia*, exerted pressure on the victim to settle the problem within the structure of immediate groups such as the family or the community. In some cases, cultural influence led to strong disapproval on the part of the community of the spouse who appealed to public authorities for protection and redress, and often tended to legitimize and even promote the use of violence as a right of the *pater familias*. In addition, some female victims failed to report acts of violence because of a lack of understanding of the law, or fear of reprisal and of jeopardizing a marriage, which was perceived as particularly threatening in cases of economic dependence. Moreover, when such acts were actually reported, the prevalent attitude among authorities (e.g., police, physicians) often led to disregard of the incident or its categorization under such headings as "accident."
- 6) Many countries reported that no form of material assistance to female victims of family violence existed—this was left to the responsibility of the family. On the other hand, many reported the availability of a wide range of services, programs, and facilities, such as shelters for temporary refuge for battered wives, hotlines for reporting violence, mental health and crisis centers, supportive peer groups, public information, special police units, specialized personnel, et cetera. In this connection, women's organizations seem to have been instrumental in creating a growing public awareness of the seriousness of the problem of violence in the family and somewhat influential in the adoption and implementation of legal and other measures aimed at controlling and limiting victimization within the family. The enactment of legislation to criminalize violence in the family was reported by a number of countries. Moreover, in a few jurisdictions, legislative bodies began to show signs of a tendency to accept rape as a crime within a marriage. A number of possibilities for effective intervention as well as strategies to reduce female victimization resulting from battery, violence, and abuse within the family were being explored.
- 7) In most replies, the existence of legislation aimed at preventing the exploitation of and trafficking in females, both nationally and internationally, was reported. Many respondents viewed such organized abuse as exclusively sex-related (e.g., inducement to prostitution, abduction into the white slave-trade). Other countries made specific reference to the economic exploitation and trafficking of females in this context.
- 8) As measures to prevent the exploitation of and trafficking in females, some reports mentioned that educational campaigns aimed at creating awareness of dangerous situations for potential victims were deemed to have been successful. Efforts were also being made in some countries to counteract the adverse influence of entertainment and tourist trades, although this was acknowledged as difficult.

## The Role of NGO's

Non-governmental organizations (NGO's) have historically played an important role in the UN Congresses on criminal justice. The Seventh Congress was no exception. Several panels were presented by non-governmental organizations. These "ancillary meetings" covered a range of issues relating to victims of crime, particularly female victims. An entire workshop was devoted to violence in the family. This panel, sponsored by the International Alliance of Women, included presentations by the International Catholic Child Bureau, the International Abolitionist Federation, and lawyers and scholars from several countries who reported on studies or new legal developments in their countries. Mrs. S. Moscos of Greece reviewed new legislation in Greece that "protects the sexual freedom and dignity of the individuals" and applies specifically to cases of marital rape.

Chana Elroy, an attorney from Tel Aviv, reported on her 10-year experience representing battered women and efforts underway in Israel to alleviate the problem of wife abuse. Shelters have been established in some Israeli cities. Policy initiatives on the issue of battered women have derived in part from the recommendations of a government-founded Committee on the Status of Women. The Committee recommended specific remedies relating to education, police treatment of victims, legal advice and legislation, health and voluntary organizations.

Non-governmental organizations influenced the actions of the official Congress through development of draft resolutions for consideration by Delegations, as well as through informal but intensive consultation with delegates. A comprehensive resolution on family violence was passed by the Congress at the close of the two-week session, and appeared in the summer issue of *Response*.

A consistent theme in the discussions of violence against women was the fact that many of the problems of female victims revolve around their treatment in the criminal justice system and their need to obtain protection from violence through the justice process. Another important resolution, presented below, was passed by the Congress and covered fair treatment of women by the criminal justice system. It notes the phenomenon of violence

against women and the fact that criminal justice systems are dealing with increasing numbers of women. It points out the inadequacy of services, programs, and personnel in criminal justice systems and calls for specific improvements in the fair treatment of women in criminal justice.

*Reaffirming* resolution nine adopted by the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders held at Caracas from 25 August to 5 September 1980,<sup>4</sup> and Economic and Social Council resolution 1984/49 of 25 May 1984 concerning the fair treatment of women by the criminal justice system and the recommendations contained therein,

*Aware that* the Seventh United Nations Congress on the prevention of crime and the treatment of offenders is addressing females as offenders and victims as major agenda items,

*Recognizing* the United Nations World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, held in Nairobi in July 1985, particularly the special areas of concern identified in the forward-looking strategies relating to abused women; women in detention; and women victims of crime, violence, or abuse; and recognizing the resolution on domestic violence against women as adopted by Committee II of the World Conference, *Bearing in mind* that violence against women is a phenomenon in many areas of the world requiring immediate and effective policy action, that female victimization is extensive in many areas, that inadequate services and insufficient attention are offered to female victims, and that many of them do not receive fair and humane treatment within the criminal justice system,

*Seriously concerned* that many criminal justice systems are dealing with an increasing number of females, whether as victims or offenders, but that programs, services, and personnel remain insufficient and inadequate to meet their special needs and circumstances,

*Noting with apprehension* the reports of the Secretary-General on the situation of women as victims of crime and the fair treatment of women by the criminal justice system and the efforts undertaken by the Secretary General in the conduct of the First United Nations Survey on the Situation of Women and the Administration of Criminal Justice Systems, 1970-1982,

1. *Invites* governments to pay particular attention to implementing parity of programs and services for female offenders and to recognize and provide for the special needs of adult and juvenile females;
2. *Invites* criminal justice authorities to examine the alternatives to the confinement of female offenders at each stage of the criminal justice process and to endeavor to ensure fair and equitable processing and the imposition of sanctions that are appropriate to the offense;

3. *Requests* the Secretary-General, in the implementation of the resolutions adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders directly or indirectly relevant to female offenders, victims, and practitioners, to ensure that recognition be given to their particular situations and to the need to provide for them;
4. *Recommends* that, in furtherance of resolution nine adopted by the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, the Secretary-General and Member States should develop adequate strategies to ensure the fair treatment of female offenders, victims, and criminal justice practitioners, and should encourage cooperative links with social, medical, and mental health services;
5. *Invites* Member States to provide equal opportunities with respect to recruitment, training, and advancement of women in all sectors of the criminal justice system;
6. *Requests* the Secretary-General, and particularly the United Nations institutes for the prevention of crime and the treatment of offenders, in collaboration with the regional commissions and other relevant United Nations organizations, to intensify efforts in the areas of training, personnel exchange, research, policy formulation and evaluation, and technical assistance concerning the fair treatment of women in the criminal justice system;
7. *Requests* the Secretary-General, in consultation with the United Nations Commission on the Status of Women, to report to the Committee on Crime Prevention and Control within three years or, if earlier, in time for the first preparatory meetings for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders on progress achieved since the Seventh United Nations Congress in Milan in the fair and equitable treatment of women as offenders, victims, and practitioners;
8. *Recommends* the inclusion of the fair treatment of females as a continuing and regular activity of the program of work of the Secretariat in the field of crime prevention and criminal justice and that this question be discussed regularly by the Committee on Crime Prevention and Control and at future congresses.

The United Nations will next consider the topic of violence against women at a meeting of the Economic and Social Council Committee in Vienna in March 1986.

#### NOTES

1. *Report of the Secretary General: The Fair Treatment of Women by the Criminal Justice System*. Vienna: Committee on Crime Prevention and Control. Eighth Session, March 21-30, 1984, paragraphs 32-39.
2. Ibid., p. 11, paragraph 45.
3. Ibid.
4. This resolution dealt primarily with fair and equal treatment of female offenders. It called for the use of alternatives to incarceration for women on an equal basis with men, and for time to be set aside in future Congresses and preparatory meetings to look at the needs of women as victims, offenders, and practitioners.

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# **NATIONAL CENTER FOR THE PREVENTION & CONTROL OF RAPE**

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## **The Sexual Assault Research Project: Assessing the Aftermath of Rape**

DEAN G. KILPATRICK

**T**he Sexual Assault Research Project (SARP) was a large clinical research project jointly conducted by the Medical University of South Carolina and People Against Rape under a grant from the National Center for the Prevention and Control of Rape. Although the project included two treatment efficacy studies, this paper will focus on SARP's major longitudinal assessment study of rape-related problems and its findings.

The project developed out of a desire by my colleague, Lois J. Veronen, and me to learn more about rape victims, their postrape problems, and how these problems change over time. Since 1974, we had been active members of People Against Rape, a Charleston, South Carolina-based grassroots rape crisis center. We felt that an essential element of working effectively with rape victims was helping them understand the types of problems victims develop after rape, why these problems develop, and how to cope with them.

As victims described their rape experiences and subsequent problems, two major themes emerged. First, victims perceive the rape itself as life threatening and terrifying. Even if no overt threats are made, there is something intrinsically terrifying about a rape experience. Second, high levels of fear and anxiety dominate the victim's psychological state and behavior after the rape. When we started to design this project in early 1976, little systematic research on the topic had been conducted, but all of the pioneering descriptive studies specifically mentioned fear and anxiety as major postrape problems for victims (e.g.,

Burgess and Holmstrom, 1974). The concept of post-traumatic stress disorder as an explanatory principle for postrape problems had not yet emerged. However, we felt that several principles of social learning theory could be used to explain victims' acquisition of fear and anxiety after a rape experience.

Our revised and extended theoretical model is described in detail elsewhere (e.g., Kilpatrick, Veronen and Best, 1985; Kilpatrick, Veronen and Resick, 1982), but can be summarized as follows:

The essence of a rape experience for victims is being powerless, helpless, vulnerable, and fearful of being seriously physically injured or killed. When subjected to this type of experience, a victim's natural response is to experience high levels of fear and anxiety. We thought that a rape experience could be usefully conceptualized as a classical conditioning situation in which confinement, helplessness, pain and/or threat of physical harm or death are unconditioned stimuli that evoke unconditioned responses of terror and extreme anxiety. Stimuli present during a rape become conditioned stimuli that evoke fear and anxiety. Thus, conditioned stimuli such as persons, situations, or events present at the time of the rape can be expected to produce conditioned responses of fear and anxiety because of their association with rape-induced terror. Some stimuli that are present during all rape situations (such as a man, and cues associated with sexual behavior) would be expected to become conditioned stimuli, evoking fear and anxiety among virtually all victims. Other stimuli are unique to each given rape experience, and can be expected to become conditioned stimuli only in cases in which they were present.

Our classical conditioning theory predicts that a victim's fears are related to the particular circumstances of her rape experience. Classical conditioning theory also states that

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fear and anxiety responses generalize to other stimuli similar to conditioned stimuli acquired during the rape. Thus, an anxiety response caused by the rapist might generalize to other men with similar characteristics.

Once anxiety symptoms have developed, rape victims could be expected to avoid situations in which they anticipate experiencing rape-related anxiety. When avoidance behavior occurs due to anticipatory anxiety, victims could be expected to experience considerable short-term relief that will increase the probability of future avoidance behavior. Moreover, the number of rape-related avoidance behaviors might become so numerous that the victim's behavior and activities would be considerably restricted. Since the key element in resolution of a phobia is exposure to the feared object or situation, avoidance behavior must be changed if fear is to be reduced.

Using this theoretical model as a guide, we made several predictions about the likely psychological aftermath of rape: First, rape victims would exhibit greater amounts of fear and anxiety than nonvictims; second, analysis of the situations most feared by victims would reveal the presence of rape-related stimuli or cues; third, because avoidance behavior perpetuates anxiety and fear responses, these responses would tend to become persistent, long-term problems for victims.

## Rationale and Overview of Study Design

A major objective of this project was to conduct a study that would longitudinally assess the effects of rape on several objective measures of fear and anxiety, other mood states, and psychological distress and symptomatology. A comparison group of nonraped women was identified and assessed at the same intervals as the rape victim group. Assessments were performed at 6- to 21-days, one-month, three-months, six-months, one-year, 18-months, two-years, three-years and four-years postrape.

## Description of Study Participants

Participants were 204 recent rape victims, age 16 or older, and 173 members of a nonvictim comparison group matched for age, race, and residential neighborhood. Victims were initially seen by a People Against Rape (PAR) counselor/advocate as a part of a treatment protocol in a hospital-based emergency room to which all rape victims in a three-county area are taken for medical evaluation and treatment. Of victim referrals contacted by the SARP staff, 62 percent participated in the study. Nonvictims were recruited by locating each victim's residence at the time of the rape, sending a letter to households in that neighborhood requesting volunteers for a study of the effects of stress on women, and selecting a woman whose racial status and age (within five years) matched that of the victim.

The mean age of victims (26.1 years) did not differ significantly from that of nonvictims (27.9 years). Nor were there significant racial differences. However, there were significant differences between victims and nonvictims in educational status, with victims having completed

somewhat fewer years in school than nonvictims. There were significant differences also in marital status: most victims had never been married (41 percent); most nonvictims were married (43 percent).

## Characteristics of Rape Incidents

In 91 percent of the rape incidents, some type of physical force was used. Weapons, generally knives or guns, were used in 36 percent of the cases. Victims were physically injured in 53 percent of the cases, but most injuries were not severe. Rapes were most likely to have occurred in the victim's home (42 percent). Other sites reported were outside (22 percent), in a house or building other than the victim's home (20 percent), or in an automobile (16 percent). In 92 percent of the cases, the assault involved completed vaginal, oral, and/or anal intercourse, while eight percent involved attempted rape. Assailants were total strangers in 52 percent of the cases, known by sight only in five percent, as acquaintances in 28 percent, as friends or dates in nine percent, as relatives in three percent, and as mixed in three percent of the cases. The racial status of the assailants was 34 percent Caucasian, 60 percent Black, two percent other racial groups, one percent integrated groups of assailants and three percent unidentified by victims. Victims reported the rape to police in 93 percent of the cases.

## Assessment Battery

The assessment battery included objective, standardized measures of anxiety, fear, other mood states, psychological distress and symptomatology, self-esteem and other important elements of post-traumatic stress disorder. A complete description of all measures and their psychometric properties is presented elsewhere (Kilpatrick, Veronen and Best, 1985; Kilpatrick and Veronen, 1984). Given space constraints, this presentation of project findings will focus on results obtained using two assessment measures: the Rape Aftermath Symptom Test (RAST; Kilpatrick, Best, Veronen, Ruff, Ruff and Allison, 1985) and the Impact of Event Scale (IES: Horowitz, Wilner and Alvarez, 1979). Findings obtained using these measures were indicative of those obtained using the entire assessment battery.

The RAST is a self-report inventory constructed using items from the two instruments that proved most useful in detecting long-term effects of rape, the Derogatis SCL-90-R (Derogatis, 1977) and the Veronen-Kilpatrick Modified Fear Survey (MFS; Veronen and Kilpatrick, 1980).

Both instruments can detect significant victim-nonvictim differences in symptoms for up to three years postrape (Kilpatrick and Veronen, 1984), and we reasoned that some items might prove more useful than others in discriminating between the problems of victims and nonvictims. Since previous analyses indicated that victims' scores on the SCL-90-R and MFS did not change significantly after three months postrape, we compared victim and nonvictim scores on each of the 210 SCL-90-R and MFS items at the three-month postrape assessment and identified the 70 most discriminating items. These items reflect those stim-

uli and situations that are significantly more disturbing to victims than to nonvictims. Careful inspection suggests that these items tap symptoms of anxiety, phobic anxiety, interpersonal sensitivity, and depression.

The IES measures two key elements of post-traumatic stress disorder: event-related *Intrusion* (intrusively experienced ideas, images, thoughts, feelings, or bad dreams) and event-related *Avoidance* (consciously recognized avoidance of certain ideas, feelings, or situations). This test was administered to victims only and was added to the assessment battery in 1980.

## Procedure

There are four aspects of study procedure that require comment. First, victims were recruited into the study even if there was insufficient time for them to be assessed at later assessment periods. Thus, many more victims were assessed initially than at two-, three-, and four-year postrape assessments. Second, results of the initial and one-month postrape assessments did not differ, as was the case for the one-year and 18-month postrape assessments. Furthermore, the number of victims having completed the four-year assessment was too small ( $n = 7$ ) to permit statistical analysis. Thus, this presentation will focus on analysis of the 6- to 21-day, three-month, six-month, one-year, two-year, and three-year postrape assessment findings. Third, there were two treatment efficacy studies conducted as a part of the project, one of which was an early intervention that produced no significant improvement over two no-treatment control conditions (Kilpatrick and Veronen, 1984). Since this "treatment" produced no measurable effect, the data from the 50 victims and 42 nonvictims having participated in this efficacy study were included in the longitudinal assessment study. Finally, all victim participants in this assessment study were offered, at three months postrape, an opportunity to enter a study evaluating the efficacy of a 20-hour cognitive-behavioral treatment procedure, Stress Inoculation Training (Veronen and Kilpatrick, 1983). Since that treatment was effective, any victim who received at least one treatment session was dropped from the longitudinal assessment study.

Three sets of data analyses were performed. The first set involved conducting cross-sectional *t* tests, using RAST scores from all participants who had completed a given assessment session. These analyses provided the best estimate of whether victims and nonvictims differed at each postrape assessment. The second analysis evaluated longitudinal changes in RAST scores, using a repeated measures analysis of variance using only data from the 12 victims and 28 nonvictims who completed all assessment sessions. Third, since the IES was completed only by victims, mean scores on this measure for victims were determined at each assessment and evaluated by visual inspection.

## Results

*Cross-sectional analyses of Rast scores.* Victims had significantly higher RAST scores than nonvictims at the 6- to 21-day, three-month, six-month, one-year, two-year, and

three-year postrape assessments. That is, victims had more fears and other symptoms measured by the RAST at all assessments.

*Longitudinal analysis of RAST scores.* A preliminary analysis was conducted to determine if there were any significant differences between victims and nonvictims who had completed all assessment sessions and were used in the longitudinal analyses and those who had not completed all assessment sessions. Fortunately, there were no significant differences in initial symptomatology or in biographic/demographic characteristics of the two groups of participants.

The longitudinal analyses yielded the following major results with respect to RAST scores. First, there was a significant interaction between victim status and assessment period, indicating that rates of change over time differed for victims and nonvictims. Second, there were no significant differences in nonvictim RAST scores over all assessment sessions. That is, nonvictims' scores were stable and did not change over time. Third, victims' RAST scores were significantly higher at the initial assessment than at any of the other assessments. Furthermore, there were no significant differences in victims' scores at the three-month, six-month, one-year, two-year, and three-year assessments. Thus, after a significant improvement between the 6- to 21-day and three-month postrape assessment, victims did not improve significantly thereafter.

*Analyses of Impact of Event Scale scores.* Both *Intrusion* and *Avoidance* scores for victims were high at the initial 6- to 21-day postrape assessment. By three months postrape, scores had declined somewhat, with *Intrusion* having declined 36.1 percent from initial levels and *Avoidance* having declined a lesser amount (17.1 percent). Six- and twelve-month postrape scores were identical and reflected an additional 7.7 percent decrease in *Avoidance* scores and an additional 14.7 percent decrease in *Intrusion* scores. At two years postrape, *Avoidance* scores declined an additional 13.1 percent and remained at that level at three years postrape. *Intrusion* scores at two years postrape declined an additional 1.3 percent, and *Avoidance* declined another 15.5 percent. Thus, when compared to initial levels, *Avoidance* scores declined 38.5 percent by the final three-year postrape assessment, while *Intrusion* scores decreased 67.6 percent during the same period. It is important to note, however, that there is evidence that both *Avoidance* and *Intrusion* remain at substantial levels even at three-years postrape. The greater rate of decline of *Intrusion* is encouraging when first considered, but encouragement must be tempered upon realization that victims are having to expend a great deal of psychological energy in strategies to avoid stimuli that might prompt intrusive rape-related thoughts, ideas, and/or images.

## Major Conclusions and Implications

Each of our three major theoretical predictions about the psychological aftermath of rape received strong support. Victims had higher levels of fear, anxiety, and phobic an-

iety than nonvictims. The stimuli and situations feared significantly more by victims than by nonvictims were clearly rape related. Finally, fear and anxiety problems of rape victims proved to be relatively persistent and long-term in nature as we had predicted. Let us now consider conclusions about our findings and their implications in greater detail.

First, it is undeniable that a rape experience has an immediate, profoundly disruptive effect on the victim. This effect is compellingly demonstrated by the significantly elevated scores of victims at the initial assessment. Victims also experience high levels of intrusion of rape-related images, ideas, and thoughts into consciousness and frequently use cognitive strategies to avoid such intrusion. It is clear that most rape victims could easily be diagnosed at this point as suffering from post-traumatic stress disorder (PTSD).

Second, sometime between initial assessment and three months postrape, victims improve but are still significantly more distressed than nonvictims. This tendency of victims to remain significantly more distressed than nonvictims continues until at least three years postrape.

Third, there is little, if any, evidence that substantial improvement occurs after three months postrape for most victims. Results of the repeated measures analyses indicated that victims' symptoms levels remained relatively stable through the three-year postrape assessment.

Fourth, the findings from this study provide only minimal support for crisis theory or for theories that victims undergo a stage in which they deny the existence of rape-related problems. One could interpret the finding of some victim improvement at three months postrape as some support for crisis resolution and resumption of psychological equilibrium. However, the fact that victims' level of distress remains so great for at least three years postrape is not consistent with crisis theory predictions. Similarly, the fact that most victims report high levels of symptomatology at all assessments would appear to suggest that few victims are denying their problems.

Fifth, the following picture of the rape victim and her problems emerged at the last assessment where victims and nonvictims were statistically compared (three years postrape). Most victims continued to experience clinically significant rape-induced problems that included fear, phobic anxiety, and a withdrawn, interpersonally-isolated life style. Almost all victims were continuing to show evidence of two PTSD symptoms, intrusion and avoidance.

Sixth, the degree of individual variation in the extent of rape-induced problems appears to be increasing as the time postrape increases. Thus, it is important to remember that this individual variation in response occurs and to consider these individual variations in treatment. The issue of what factors appear to be associated with such individual variations in response to rape is discussed in detail elsewhere (Kilpatrick, Veronen, and Best, 1985).

Findings from this study have implications for service delivery and public policy. The major implication is that there is no basis for the common assumption that rape produces only short-term problems and that only short-

term "crisis" problems require treatment intervention. Most service delivery programs for rape victims are heavy on crisis services but light on services for long-term psychological problems. Most crime victim compensation programs require victims to file a claim within a year or two after the crime in order to be eligible for reimbursement for mental health or other services. Thus, victim compensation programs are not designed to deal with the victim who seeks treatment for long-term psychological problems. Clearly, the reality is that most rape victims experience long-term problems, and we must strive to make the necessary changes in legislation and service delivery systems so that the long-term psychological problems of rape victims are adequately dealt with.

These findings also have implications for counseling of victims and their significant others. An excellent case can be made that a key aspect of overcoming the negative effects of a traumatic event like rape is understanding that it is normal to develop certain problems after having been subjected to a painful, life-threatening situation. We have found that explaining our conditioning theory to victims and significant others helps them understand why they have certain problems. Moreover, with help, victims can learn to recognize the types of stimuli and situations that prompt high levels of fear and anxiety. Although it is initially discouraging to be told that rape-related problems usually last longer than a month or so, victims and their significant others clearly appreciate and benefit from knowing that long-term problems are not abnormal.

A final implication for treatment is that the types of fears and anxieties that characterize the long-term aftermath of rape could be expected to benefit from stress management types of treatment. Such treatment approaches for rape-related problems are discussed elsewhere (e.g., Veronen and Kilpatrick, 1983; Kilpatrick and Amick, 1985).

Finally, it is important to note that this study, although including some methodological advances over previous work, is not without problems of its own, chief among them being a lower participation rate than we would have wished and a sample that is representative of victims who report to police but, perhaps, is not of all rape victims. Victimization surveys indicate that the majority of rape victims do not report to police, seek medical care, or seek services from rape crisis centers (e.g., Kilpatrick, 1983; Kilpatrick, Best, Veronen, Amick, Villeponteaux, and Ruff, 1985), so it is important to realize that there may be limitations in our ability to generalize our findings to such victims. Nevertheless, we believe that the SARP longitudinal assessment study provided valuable information about the psychological aftermath of rape—information that can serve as a strong foundation for future research and treatment efforts.

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*The research component of the National Center on the Prevention and Control of Rape (NCPCR) is now the Rape Program in the Antisocial and Violent Behavior Branch, Division of Biometry and Applied Sciences, National Institute of Mental Health. Information about the Rape Program is available from the Antisocial and Violent Behavior Branch, Parklawn Building, Room 18-105, 5600 Fishers Lane, Rockville, MD 20857 (301/443-3728). Response readers may copy material that appears in this column without requesting permission from CWPS.*

## Federal Pornography Commission

When President Reagan signed the 1984 Child Protection Act he announced the establishment of The Attorney General's Commission on Pornography, asserting that "it's time to stop pretending that extreme pornography is a victimless crime." The goal of the Commission is to determine the nature, extent, and impact of pornography on society and, if appropriate, to make recommendations to the Attorney General for action.

Attorney General Edwin Meese named Henry E. Hudson, the Commonwealth's Attorney of Arlington County, Virginia, as Chairman of the Commission. Other members of the Commission include: Judith Veronica Becker, Associate Professor of Clinical Psychology and Psychiatry at Columbia University; Diane D. Cusack, Vice-Mayor of Scottsdale, Arizona; Park Elliot Dietz, Associate Professor of Law at the University of Virginia; James C. Dobson, founder and President of "Focus on the Family," a syndicated radio program; Edward J. Garcia, Judge for the U.S. District Court for the Eastern District of California; Ellen Levine, Vice President of CBS—Magazine Division and Editor-in-chief of *Woman's Day*; Harold (Tex) Lezar, former counsel to former Attorney General William French Smith; The Rev. Bruce Ritter, founder and President of Covenant House, an international child care agency; Frederick Schauer, Pro-

fessor of Law at University of Michigan Law School; and Deanne Tilton, President of the California Consortium of Child Abuse Councils.

The Commission will host six hearings, five of which have already been held, each in a different city and on a different aspect of pornography. At the first hearing in June in Washington DC, a general overview on pornography was provided. The Chicago hearing addressed laws and law enforcement efforts concerning pornography. In Houston, the commissioners heard testimony on the social science aspects of pornography. The Los Angeles hearing centered on production and manufacture of pornography. The most recent bearing in Miami covered child pornography. The final hearing is planned for January 21 and 22, 1986 in New York City and will focus on the role of organized crime in the pornography industry.

Copies of transcripts of these hearings are available from the Commission for a fee. The Commission is also accepting written testimony from anyone interested in making a statement about pornography. Send your comments to: Alan E. Sears, Executive Director, Attorney General's Commission on Pornography, 320 First Street NW, Room 1018, Washington, DC 20530.

The Commission plans to summarize all of the information presented at these hearings and make recommendations for controlling the production and distribution of pornography. The report is scheduled to be released in June 1986.

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# Surgeon General's Workshop on Violence

The Surgeon General's Conference on Violence and Public Health was held in Leesburg, Virginia on October 27 through 29, 1985. Participants were invited by the Surgeon General from throughout the country to formulate recommendations for the Public Health Service on the prevention, evaluation, and treatment of victims of child abuse, spouse abuse, rape and sexual assault, assault and homicide, child sexual abuse, and elder abuse. C. Everett Koop, M.D., Surgeon General of the United States, gave the keynote speech.

There were eleven working groups, each comprised of experts representing a variety of disciplines, skills, and experience. Recommendations of several working groups will be published in this and subsequent issues of *Response*. The following recommendations were developed by the working group on the prevention of child sexual abuse. The group was chaired by Robert ten Bensel, M.D., M.P.H. Other group participants included: Rosemary Barber-Madden, Ed.D.; J. Jarrett Clinton, M.D.; Jan Delgado, Ph.D.; David Finkelhor, Ph.D.; Helen Howerton; Dodie Livingston; Terry W. McAdam; Ramona T. Mercer, R.N., Ph.D., F.A.A.N.; Richard C. Moore, Jr., M.D., M.P.H.; Suellen Muldoon; Karin Murray; Robin Rushton; and James C. Shine. Saleem A. Shah, Ph.D., represented the advisory committee of the conference, and Bruce D. Poulter, R.N., was the recorder.

## A. Background Assumptions

1. Abuse is everyone's business. The health, mental health, [and] economic costs [of child sexual abuse] affect all Americans now and in the future.
2. Prevention is directed at both the *public* and *targeted high risk groups* for potential sexual abuse.
3. Prevention is both *primary* (stopping it before it starts) and *secondary* (early identification and treatment).
4. The first priority must be the protection of the child.
5. Culturally-sensitive approaches are to be an integral component in all recommendations.
6. There is a need for American society to realistically confront the phenomena of child sexual abuse.

## B. Education

### 1. Community

- a. We recommend an aggressive public education campaign to stop sexual abuse of children by em-

phasizing that sexual abuse is a harmful criminal act.

- b. The public (general public, school systems, religious/cultural groups, juvenile and criminal justice systems), including all subgroups, needs to be provided with the facts about child sexual abuse and the options available for its prevention and treatment.
- c. Because the sexualization of children in the media-advertising industries may contribute to child sexual abuse in our society, it is therefore recommended that key community, government, public health, and media/advertising professionals establish policies and encourage public/private initiatives to set limits on these practices.

### 2. Health and Human Services Professions

Child sexual abuse issues, including prevention and intervention, should be incorporated in the core curriculum for undergraduate, graduate, and continuing education training of health and human services professionals. The curriculum content should be developed by appropriate academic schools and professional organizations.

### 3. Children

- a. Educators and public health officials in partnership with parents, should take the initiative to provide all children starting in elementary grades with well-evaluated sexual abuse prevention education programs. This training should include at a minimum knowledge about: sexual abuse; appropriate and inappropriate touching; appropriate and accurate sexual terminology; the right to say "no" to inappropriate touching; and the importance of telling someone when sexual abuse occurs.
- b. Educators and public health professionals, in partnership with parents, should design and implement well-tested programs to teach more effective parenting skills and child development to both elementary and secondary school children to help foster a new generation of parents who are better able to prevent, and less likely to perpetuate, sexual abuse.
- c. Primary prevention is a priority. A national search should try to identify, evaluate, highlight, and disseminate information about effective sexual abuse

prevention programs.

### C. Organization and Coordination of Services

1. To improve the identification and prevention of child sexual abuse by encouraging coordination of federal, state, and local programs, policies, and activities at all levels of law enforcement, prosecution, defense, social service, criminal and juvenile justice, public health, and other agencies.
2. Because runaway and homeless youth are at high risk of sexual exploitation, programs that serve and support them should be strengthened and expanded at all levels. We suggest increased public/private partnerships and increased community-level networking among family and youth service agencies and organizations.

### D. Research

#### 1. *Opening Remark*

Research is needed into the incidence, prevalence, predisposing factors, natural history, and effects of intervention and prevention efforts in child sexual abuse. For example:

- evaluation of preventive education programs, and
- identification of at-risk children and families.

#### 2. *Full Report Recommendations*

Improvements in our knowledge and understanding of the phenomenon of child sexual abuse, as well as more effective preventive and related interventions, require expanded research efforts in the following areas:

- a. to obtain more specific knowledge about the incidence and prevalence of child sexual abuse in various segments of the population;

- b. to conduct prospective longitudinal studies which document [child sexual abuse] in a systematic manner, and [help us] to better understand the short and long term effects of disclosed and undisclosed child sexual abuse;
- c. to identify "at risk" children and families for targeting preventive educational programs;
- d. to systematically evaluate the effectiveness of a variety of preventive educational programs;
- e. to identify normal sexual development and behaviors in order to identify more accurately deviant sexual development and behaviors;
- f. to identify the characteristics of men who are serious and repetitive perpetrators of child sexual abuse;
- g. to examine the role of parenting behaviors and involvement (and lack thereof) of fathers, as it may relate to their risk of becoming child sexual abuse perpetrators; [and]
- h. to better understand the effects of disclosure of child sexual abuse and involvement of the child victims in the criminal justice system, in order to evaluate procedures for minimizing deleterious effects.

### E. Resources

Recognizing the limits of our national resources, we recommend increasing federal, state, local, and private financial resources in support of effective programs that reduce the incidence of child sexual abuse. It is our judgment that this will be a potent action in both human and economic terms since both lives and money will be saved in the long run.

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## New Domestic Violence Prevention Project

**O**n August 9, 1985, the U.S. Department of Justice signed a cooperative agreement that awarded the National Coalition Against Domestic Violence (NCADV) a two-year grant of \$581,621 to support a domestic violence prevention project. The goals of the project are to increase the protection of and services to victims of domestic violence, and to develop strategies for preventing/reducing the incidence of domestic violence. In order to accomplish these goals, NCADV will undertake the following activities:

- Develop an information and referral service;
- Develop and distribute educational materials to the general public and the media in order to increase awareness of the incidence of domestic violence and to provide outreach to victims and potential victims;

and

- Provide training and technical assistance to state organizations responsible for the development and evaluation of domestic violence programs to increase their capacity to provide quality service to victims.

The project will also produce and distribute a national shelter directory; a series on model spouse abuse programs; public awareness brochures; quarterly information bulletins; protocols on domestic violence for mental health and human service personnel; a media packet; and a technical manual on domestic violence programming. For more information, contact Cynthia Diehm, Project Director at NCADV, 2400 Virginia Avenue NW, Suite 306, Washington DC 20037 (202/293-8860).

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## Nursing Network on Violence Against Women

**V**iolence against women results in serious health and social problems for women and children. Nurses are often the first contact abused women have with professionals in the health care system. For this reason, nursing is one of the disciplines with the greatest potential for significantly intervening with victims of violence.

In response to this challenge, 150 people from the United States and Canada attended the First National Nursing Conference on Violence Against Women which was held November 1 through 3, 1985 at the University of Massachusetts in Amherst. This conference provided a wonderful opportunity for nurses and other health care providers to meet and share their common experiences and concerns. The purpose of this national nursing conference was to foster dissemination of knowledge, current research, and innovative clinical and educational strategies.

The conference was organized by Peggy Perri, R.N., M.Ed., and Christine King, R.N., M.S., with the efforts and support of a multidisciplinary planning committee which included nurses, health educators, social workers, therapists, and activists in the violence against women movement. The conference was sponsored by the Divisions of Nursing and Continuing Education at the University of Massachusetts/Amherst and received wide support from the nursing and feminist communities.

The conference convened Friday evening, November 1, with a report from nursing colleagues who participated in the Surgeon General's Workshop on Violence and Public Health which took place in Leesburg, Virginia in October. Ann Burgess, R.N., D.N.Sc., Laura McKenna, R.N., Ph.D., Jacqueline Campbell, R.N., M.S., Janice Humphreys, R.N., M.S., and Barbara Parker, R.N., M.S., provided an excellent synopsis of the Surgeon General's meeting, highlighting the recommendations on rape, battering, child sexual assault, and elder abuse. The keynote address was delivered Saturday morning by Dr. Ann Burgess, van Ameringen Professor in Psychiatric Nursing, University of Pennsylvania. Dr. Burgess is a nursing researcher who is widely recognized in the health care field for her research on rape and child sexual assault. Forty-three scholarly presentations were offered on topics which emphasized the specific issues of violence against women and their impact on past, present, and future trends in nursing and health care aimed at eliminating violence against women.

Conference organizers made a concerted effort to include a variety of mediums by which nurses could examine these issues. Therefore, in addition to the excellent presentations, conference participants attended a puppet pro-

duction "Who Do You Tell" on the topic of child sexual abuse prevention presented by Geraldine Crisci and Sara Elston; a dramatization on incest, "We Promised Not To Tell," by Kol and Sivia; and a martial arts demonstration by the Valley Women's Martial Arts. Many exhibitors and a media festival provided the opportunity for nurses to explore the resources available for education and prevention at the local, state, and national level. In a commitment to assure access for women to attend this conference, child care was provided for all events.

The conference concluded with a networking session geared to forming a strong and committed network of nurses and health care providers who are working to eradicate violence against women. A selection of papers from the conference will be published in a forthcoming issue of the *Journal of Interpersonal Violence*. All of us who participated in this conference left not only with more knowledge but found the experience to be both personally affirming and professionally supportive. We believe that our efforts will continue to be instrumental and professionally empowering.

As a result of this conference, the nursing profession now has a national network of nurses committed to furthering the development of creative and supportive responses to the health care needs of those affected by violence in our lives. *Nursing Network on Violence Against Women* (NNVAW) is this newly-formed resource which will provide a forum for nurses and other health care providers involved in the areas of woman abuse to meet, share knowledge and ideas, and gain support for our work. We invite all nurses to join us in our efforts to prevent interpersonal violence and diminish the effects of such violence upon its victims. A NNVAW directory will be published and distributed this winter. If you wish to be included in this directory, please direct inquiries to Christine King and Peggy Perri, Division of Nursing, University of Massachusetts, Amherst, MA 01003. Supporters of NNVAW will make an attempt to network at all major nursing and interpersonal violence conferences. Look for notices of our meetings at all conferences. Plans are also underway for the Second National Nursing Conference on Violence Against Women to be held in March 1987 at the University of Massachusetts/Amherst.

We will also have the opportunity to communicate with each other through this column, which will regularly appear in *Response* beginning with this issue. All readers are invited to contribute information, ideas, and suggestions for this column to Jackie Campbell, School of Nursing, Wayne State University, Detroit, MI 48202.

# Civil Rights Pornography Ordinances: A Status Report

JAMIE M. MOORE

The civil rights approach to legislation against pornography has encountered a series of constitutional and other obstacles; however, its proponents are continuing to challenge city and county councils, and voters to support this new legal remedy. The antipornography civil rights theory is embodied in the model antipornography law developed by Andrea Dworkin and Catharine MacKinnon. The ordinance, originally introduced in Minneapolis, was passed by the Minneapolis City Council but subsequently vetoed by Mayor Donald Fraser.

Women's groups throughout the country have expressed an interest in introducing the ordinance in their jurisdictions, but substantive action has occurred in only a few locations. The ordinance was introduced in Los Angeles but defeated by the Los Angeles County Board of Supervisors in June 1985.

A modified version of the ordinance was also considered by legislators in Suffolk County, New York but defeated in December 1984. The Suffolk County version approached pornography from a concern for preservation of the family and protection of morals rather than as a measure to provide women who have been victims of pornography with a new legal tool by making exploitation by pornographers legally actionable. Women Against Pornography (based in New York City) ultimately opposed the Suffolk County bill because of its political slant. Women's groups in Detroit, Connecticut, and Vermont have indicated an interest in the ordinance.

## Indianapolis

Indianapolis has been the judicial testing ground for the ordinance. Steve Goldsmith, Marion County District Attorney, contacted Professor MacKinnon about introducing the ordinance in Indianapolis. Goldsmith testified before the Attorney General's Commission on Pornography that his "purpose in asking Indianapolis to consider the law [was] to force the debate to be removed from the area of religion and morals . . . to force the debate to be moved over to the issue of harm."

The Indianapolis/Marion County Council passed the ordinance on April 28, 1984 and it was signed into law by Mayor William H. Hudnut, III on May 1. However, the ordinance was immediately challenged by a coalition of booksellers, trade associations, broadcasters, and publishers in federal district court. The court issued a stay pending its decision, ordering the County to hold off on enforcing the ordinance. Judge Sarah Evans Barker found

the ordinance unconstitutional, ruling that the State's asserted interest in prohibiting sex discrimination is not so compelling as to outweigh First Amendment free speech interests. The court also held that even if prohibiting sex discrimination had been found to be a compelling State interest, the ordinance would still have been struck down as unconstitutionally vague and that parts of the ordinance constitute an impermissible prior restraint on speech.

Proponents of the ordinance appealed the Barker decision to the U.S. Court of Appeals for the 7th District. The court (three judges sitting en banc) issued its ruling on August 27, affirming the District Court's opinion. The case is now on appeal to the U.S. Supreme Court.

## Cambridge

Cambridge, Massachusetts has been the most recent testing ground for the model antipornography ordinance. During the summer of 1985 the Women's Alliance Against Pornography (WAAP), a grass roots organization, collected more than 5,000 signatures on a petition to put a Cambridge-specific version of the ordinance before the Cambridge City Council. The Council, when presented with this petition, had two choices: They could either vote to make the ordinance an amendment to existing human rights legislation, or the ordinance could be placed on the ballot for the voter's response. The Council argued that the Indianapolis court decision had established that the ordinance was unconstitutional and that the Cambridge City Council has the power to keep from the ballot an initiative that is beyond the city's power to enact or that is invalid.

WAAP sued the Cambridge City Council, and the Supreme Judicial Court of Massachusetts ordered that the ordinance be placed on the November 5, 1985 ballot. This court order was not handed down until October 10, leaving little time for WAAP to mount a publicity campaign.

Although the ordinance was defeated (13,031 to 9,419), Cambridge voters sent a strong message to elected officials that pornography is a political issue. Having the ordinance on the ballot and before the voting public proved to be a useful tool to ordinance proponents by providing an opportunity for wider exposure to the public of the actual language of the proposed law. The very fact that the language of the ordinance was placed before the voting public is a milestone for the supporters of the civil rights approach. Every prior introduction of the ordinance had been through legislative channels.

# Center for Women Policy Studies Publications

## RESOURCE COLLECTIONS

### **Wife Abuse, \$10.00**

This collection contains current information on all aspects of wife abuse. Included are a 1984 fact sheet and problem statement, and *RESPONSE* articles on wife battery, marital rape, children of abused women, and strategies to end abuse. Also included are a selected annotated bibliography, a resource list, a handbook for abused women, the CWPS publication *Legal Help for Battered Women*, and more.

### **Men Who Batter, \$10.00**

Designed for those developing or working in programs for men who batter their wives, this collection contains copies of six *RESPONSE* articles on men who batter, a book review and resource list, and a 50-page report on intervention programs for men who batter.

### **Sexual Assault, \$12.50**

Men who rape, helping victims of rape, long-term consequences of rape, marital rape, gang rape, sexual assault of disabled persons, and other topics are addressed in this comprehensive resource collection. It also contains a 1984 fact sheet on sexual assault, three book reviews, and other resources.

### **Child Sexual Abuse, \$15**

This comprehensive collection of resources addresses all aspects of child sexual abuse: incidence and prevalence, investigation and assessment, legal remedies, ethical arguments, treatment of victims and their families, and short-term and long-term consequences for victims. Also included are a 1984 fact sheet, a 16-page report, *Special Techniques for Child Wit-*

*nesses* by Lucy Berliner, copies of four book reviews, and a guide to other print, film, and programmatic resources.

### **Federal Legislation to Help Battered Women, \$7.50**

For six consecutive years, federal legislation was introduced into Congress to provide funding for domestic violence programs, in particular, shelters for battered women. This compilation of articles chronicles this history up to and including the signing of the Family Violence Prevention and Services Act in October 1984. A copy of that Act accompanies the fact sheet, annotated bibliography, and *RESPONSE* articles contained in this collection.

### **State Legislation on Domestic Violence: A Resource Collection for Policymakers and Advocates, \$15**

This collection contains the results of a national survey of state legislation on domestic violence and an accompanying article that discusses critical components of legislative remedies to the problem. A 147-page comprehensive model statute for states written by attorney Lisa G. Lerman and reprinted from the *Harvard Journal on Legislation* is also included as well as general background information on wife abuse, and *RESPONSE* articles on the enforcement of state laws.

### **Helping Victims of Family Violence: A Resource Collection for Program Designers, Administrators, and Practitioners, \$15**

Ten *RESPONSE* articles provide information on all aspects of programming for victims of family violence. Articles provide elements and standards for

criminal justice programs, shelters, and other victim service agencies, a self-assessment guide for service providers, and a literature review of domestic violence programming. CWPS publications on program funding and guiding battered women to legal assistance are included as are fact sheets on wife abuse and child abuse, bibliographies, resource lists, and much more.

## OTHER PUBLICATIONS

### **Economic Independence for Women: The Foundation for Equal Rights, Jane Roberts Chapman and Margaret Gates, eds., Sage Publications, 1976, 320 pages, \$12.50 (paperback)**

This classic collection explores the full range of factors that influence the economic status of women in America. The volume considers the roots of and solutions to the problems of dependency, poverty, low wages, tax and social security disincentives, and discrimination.

### **Economic Realities and the Female Offender, Jane Roberts Chapman, Lexington Books, 1980, 234 pages, \$22.95 (hardback)**

This book examines the economic rehabilitation of women offenders within the framework of the general social movement to improve the status of women. It includes an analysis of female criminal patterns and services provided for adult women during the criminal justice process from pretrial to post-incarceration. The book identifies policy issues and makes recommendations for the development and implementation of effective correctional programs for women.

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## Editor's Comment

The article, "Toward a Domestic Violence Surveillance System: Issues and Prospects," published in the Summer 1985 issue of *Response*, was submitted for publication to CWPS by the principal author, Gary L. Bowen, Ph.D., without required approval from the Centers for Disease Control (U.S. Public Health Service, Department of Health and Human Services). CDC provided funding for the project from which the article was developed. Dr. Bowen's action was in violation of a contract between CDC and Westat, the grantee agency for which Dr. Bowen worked at the time that the article was submitted to *Response*. The article also contained language that was taken directly from an RFP developed by CDC without acknowledgement of the original source. Further, Dr. Bowen submitted to CWPS a revised version of the article deleting reference to the funding source.

The Center for Women Policy Studies maintains the highest editorial standards for its journal, *Response*, and all of its publications. Although we are in no way responsible for Dr. Bowen's actions, CWPS regrets its decision to publish the article and disapproves the actions of Dr. Bowen throughout the publication process. We apologize to the individuals who contributed to the article and were not acknowledged. Although representatives of CDC and Westat, and Dr. Bowen's co-author requested that CWPS retract the article, we have decided not to take that action on the grounds that the article makes a valuable contribution to the literature.

The following statements have been excerpted from letters received from CDC, Westat, and both authors of the article.

*Mark L. Rosenberg, M.D., M.P.H., Chief; and James A. Mercy, Ph.D., Assistant Chief, Violence Epidemiology Branch, CDC:* "The circumstances surrounding the writing and submission of this article ('Toward a Domestic Violence Surveillance System: Issues and Prospects') are such that we are asking the editors of *Response* to retract it from their journal and ask their readers to consider the article as never having been published. The article was submitted in explicit violation of the contract between CDC and Westat which stated that written permission from the CDC Project Officer was required before any work done under this contract could be published. Dr. Bowen first showed us a draft of this article, and did not indicate his intention to submit this article for publication. In fact, Dr. Bowen had already submitted the article to *Response* for publication. At no point did Dr. Bowen request permission to publish this article or even inform CDC that it had been submitted for publication. The article fails to acknowledge significant contributions from other individuals, and fails to reference the fact that parts of the paper were lifted entirely from other sources."

We do not hold the editors of *Response* responsible in any way for the inappropriate publication of this material. However, we believe it appropriate that *Response* both notify its readers that the article in question should not be cited and omit it from subsequent listings of past *Response* articles."

*Joseph A. Hunt, President, Westat:* "The lead article in the Summer 1985 issue of *Response*, 'Toward a Domestic Violence Surveillance System: Issues and Prospects,' was submitted for publication without the approval of Westat and without the appropriate clearance by our client. The underlying research for this article was performed under a U.S. Government contract with the Centers for Disease Control, and CDC clearance was required by the provisions of that contract. Dr. Gary Bowen, the

principal author of the article and the Westat director for this project until he left our organization, seriously erred in submitting the article for publication without obtaining these clearances. We are extremely dismayed by this unfortunate situation and ask that the article be retracted from the literature. Had we been apprised of these circumstances, the article would most certainly have never been submitted."

*Andrea J. Sedlak, Ph.D., co-author:* "I contributed as second author to the article by Bowen and Sedlak in the Summer 1985 issue of *Response*. I was under the impression that Dr. Bowen had obtained all the necessary approvals for the publication and that he had appropriately referenced any non-original material he contributed. I would not have permitted my name to be associated with the publication had I been aware of these problems. I request that, at the very least, my name be omitted from any future citations of this article."

*Gary L. Bowen, Ph.D., ACSW, principal author:* "I was lead author on an article entitled, 'Toward a Domestic Violence Surveillance System: Issues and Prospects.' This article was based partially on my contract work during the year 1984-1985 with the Violence Epidemiology Branch (CDC). The statement of acknowledgement was inadvertently deleted from the article. The acknowledgement should have read:

The authors wish to thank Drs. Murray Straus, Gerald Hotaling, and David Sugarman of the Family Research Laboratory at the University of New Hampshire, subcontractors on the project, for their collaboration and insights on the proposed framework for surveillance. Comments by Drs. Hotaling and Sugarman were especially helpful to the lead author in further elaborating the notion of surveillance at different levels and in understanding the importance to the framework of distinguishing between 'profile characteristics' and 'risk factors.' In addition, appreciation is expressed to Drs. Mark Rosenberg, James Mercy, and Linda Saltzman at the Violence Epidemiology Branch, and to Dr. Evan Stark at Rutgers University who critically commented on an earlier version of this material. Consolidation of information in this manuscript was supported in part with federal funds from the Department of Health and Human Services under contract number 200-84-0755. The content of this publication does not reflect the views or policies of the Department of Health and Human Services, nor does mention of trade names, commercial products, or organizations imply endorsement by the U.S. Government.

The first paragraph of the manuscript was derived unintentionally from RFP No. 200-84-0755 issued by the Centers for Disease Control on June 5, 1984. Future reference to this paragraph should cite the above referenced RFP and not the article under discussion. I wish to formally apologize to the Centers for Disease Control for this oversight.

My intent in publishing the article was in no way meant to be malicious or self-serving; it was only to share information with the readership of *Response*. As the former Project Director for the study and lead author of the article, I accept full responsibility for my actions and absolve my co-author of any responsibility for her role in publication of the article."

# RESOURCES

**What is a Shelter? and Let's Talk it Over**, by Laura Prato with illustrations by Candy MacPherson, are available from the Jersey Battered Women's Service, Inc., 36 Elm Street, Morristown, NJ 07960. The cost of \$19.95 includes the two books and a shelter worker's manual (add \$3 postage and handling). These excellent publications are designed to help children understand the shelter experience and express their feelings.

**Redress for Success: Using the Law to Enforce Your Rights as a Woman**, by Dana Shilling, 300 pp., 1985, \$8.95 (paperback), \$22.95 (hardback). Order from Viking Penguin Books, 40 West 23rd Street, New York, NY 10010. This easy-to-read book provides information on legal issues affecting women from employment law to domestic relations. Specific topics covered include sexual harassment, abortion, pregnancy, childbirth, and motherhood.

**Medical Examinations of the Sexually Abused Child**, developed by Bruce A. Woodling, M.D., 32 minute videocassette and demonstration slide set, purchase price for both: \$275. Order from New Horizons Medical Associates, 148 North Brent Street, Suite 101, Ventura, CA 93003. The video demonstrates interview and examination techniques as well as genital symptoms of acute and chronic sexual abuse in several pediatric age groups. The slides, detailing genital trauma, are coordinated with the video. A comprehensive training syllabus is also included.

**Public Affairs Committee, Inc.** publishes a series of pamphlets concerning social and economic issues, alcohol and drug abuse, child development, family life, and physical and mental health. Pamphlets are priced at

\$1 each with discounts for multiple copies. A catalog is available from Public Affairs Pamphlets, 381 Park Avenue South, New York, NY 10016.

**Survival for Women** has emergency "Call Police" signs available for \$3.95. Order from Survival for Women, 2554 Lincoln Boulevard, Suite 228, Marina Del Ray, CA 90291. The large plastic signs have corner tapes and can be placed in the rear window of a disabled car.

**The National Directory of Children & Youth Services, 1986-1987**, published by The American Humane Association and Bookmakers Guild, Inc., fourth revised edition, \$49 (add \$4 postage and handling). Order from National Directory of Children and Youth Services, 1420 Florida Avenue, Suite 202, Longmont, CO 80501 (303/442-5774/772-7322). This directory contains the latest information on how to locate the child care and child advocate professionals throughout the U.S.

**Sexually Misused Children: Identification, Documentation, Management**, developed by Harriet R. Bakalar, ACSW, Clyde L. Owings, M.D., Ph.D., and Karen A. Warne, MSW, 26 minute videocassette, purchase price: \$175; rental: \$35/week. Order from Media Library, The University of Michigan Medical Center, R4440 Kresge 1, Ann Arbor, MI 48109 (313/763-2074). Specify order number 1167. The video focuses on how health professionals should identify and appropriately document cases of suspected child sexual abuse.

**Aims Media** rents and sells child abuse intervention films (see the RESOURCES section of *Response*, Spring 1985). Aims Media has moved to 6901 Woodley Avenue, Van Nuys, CA 91406

(800/367-2467 or 818/785-4111).

**Crime and the Family**, by Alan Jay Lincoln and Murray A. Straus, 1985, 276 pp., \$28.50. Order from Charles C. Thomas, Publisher, 2600 South First Street, PO Box 4709, Springfield, IL 62708. The authors of this book, aided by contributions from other authorities, analyze the nature of crime within, by, and against the family.

**The "Wonder What" Owl**, by Gene Mackey and Helen Swan, \$4, (add \$1 postage and handling), order from Children's Institute of Kansas City, 9412 High Drive, Leawood, KS 66206. Designed for readers aged 3 to 7 years old, this book gives specific information about sexual abuse in a form children can understand. There is also a special section of the book designed to aid adults in discussions of sexual abuse.

**A Group Solution for Women in Abusive Relationships**, by Trish Livingston, 44 pp., \$12.50, order from Trish Livingston, WICCA, 702 Tenth Avenue, Fairbanks, AK 99701. This handbook explains how to run a group for women in abusive relationships and includes group exercises and activities.

**National Center for Missing & Exploited Children** has a number of publications available free of charge by writing to the National Center at 1835 K Street NW, Suite 700, Washington, DC 20006. *Parental Kidnapping* is a handbook describing the response of civil and criminal systems to parental kidnapping along with information on how to prevent parental abduction. *Selected State Legislation* is a guide to state child protection laws covering a wide variety of topics, including sexual abuse and exploitation, child pornography, and child prostitution.

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# CALENDAR

## **MARCH 13-14 APRIL 10-11 JUNE 26-27**

The Forensic Mental Health Associates will present a two-day seminar on "Child Sexual Assault: Rape, Incest & Molestation—The Psychology of the Offender" in three locations: on March 13-14 in Milwaukee, WI; on April 10-11 in Nashville, TN; and on June 26-27 in Atlantic City, NJ. The seminar will address the assessment and treatment of sexual offenders in regard to the dynamics of the offense, the motivations of the offender, and the impact on the victim. Contact Dorothy Molis, 29 Linwood Street, Webster, MA 01570 (617/943-3581).

## **MARCH 18-21**

The National Conference of the Child Welfare League of America will be held in Washington, DC. The conference will examine issues surrounding adoption, substitute care, and child abuse as well as special problems facing youth such as homelessness, juvenile justice, and substance abuse. Contact the Child Welfare League of America, 440 First Street NW, Washington, DC 20001.

## **MARCH 20-22**

Harvard Medical School, Department

of Continuing Education is offering "Abuse and Victimization: A Life-Span Perspective, Current Knowledge and Practice." The course will focus on abuse throughout life from infancy to adulthood and will also address current controversies. Tuition is \$290. Contact the Harvard Medical School, Department of Continuing Education, Boston, MA 02115.

## **MARCH 27-28 MAY 22-23**

The Forensic Mental Health Associates will sponsor a workshop on the "Assessment and Treatment of Juvenile and Adult Sex-Offenders: a Medico-Legal Approach" in two different locations: on March 27-28 in Seattle, WA; and on May 22-23 in Rapid City, SD. The seminar will focus on the offender including such issues as treatment, confidentiality, and informed consent. Contact Dorothy Molis, 29 Linwood Street, Webster, MA 01570 (617/943-3581).

## **APRIL 7-11**

The International Congress on Rape will be held in Jerusalem, Israel. The main topics will be perspectives on rape and society and the rape victim and offender. Contact SECRETARIAT,

International Congress on Rape, PO Box 394, Tel-Aviv 61003, Israel; Telephone (03) 650862, Telex 33803 TLV, Cable PELTOURS TELAVIV.

## **APRIL 17-18 JUNE 12-13**

The Forensic Mental Health Associates is sponsoring a two-day seminar "Sexual Abuse: Child Victims and Adult Survivors" in two locations: on April 17-18 in Omaha, NE; and on June 12-13 in Bismarck, ND. The workshop will focus on investigation, assessment, and treatment of child victims of sexual abuse, sexual offenders against children, and adult survivors of child sexual abuse. Contact Dorothy Molis, 29 Linwood Street, Webster, MA 01570 (617/943-3581).

## **MAY 19-23**

The Fifteenth Annual Child Abuse and Neglect Symposium is being sponsored by The C. Henry Kempe National Center for the Prevention and Treatment of Child Abuse and Neglect. The symposium will be held in Keystone, CO and the cost is \$225 (\$75 for a single day). For further information contact the Conference Coordinator, C. Henry Kempe Center, 1205 Oneida Street, Denver, CO 80220 (303/321-3963).

## Guidelines for Authors

The editor will be pleased to consider article-length submissions of research and analysis of relevant data and innovative program and legislative responses to wife abuse, child battery and sexual abuse, elder abuse, sexual assault, marital rape, pornography, prostitution, workplace harassment, and other related topics. In addition, project and research notes, book reviews, review articles, and conference and seminar announcements will be considered for publication.

Two copies of an article should be mailed to the editor, *RESPONSE to the Victimization of Women and Children*, Center for Women Policy Studies, 2000 P Street, NW, Suite 508, Washington, DC 20036.

The paper should be presented in a form which is readily understandable to the informed reader and useful to the applied practitioner. Specialist terminology should be avoided. Authors are encouraged to use frequent subheadings to increase the readability of the paper.

All copy, including footnotes, must be typed double spaced on 8 1/2 by 11 inch white paper allowing generous margins. The first sheet should carry the title of the paper, the name, professional degree, title, organizational affiliation, address, and phone number of the author(s). If there is more than one author, one should be designated to receive inquiries and correspondence from the editor.

Footnotes should be typed on a separate sheet(s) following the last page of the text. Footnotes or references will be allowed—not both.

Transmittal letters to the editor should contain the following language: "The undersigned author(s) hereby transfers, assigns or otherwise conveys total copyright ownership of her (his) submission entitled \_\_\_\_\_, which is guaranteed as original scholarship by the stated author(s), to the Center for Women Policy Studies for review, editing, and in its sole discretion, publication in *RESPONSE to the Victimization of Women and Children*."