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Domestic Violence Advocacy in California: Social Influences, Legal Limitations, and Client-Centered Practice

Claire Shum
Scripps College

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Domestic Violence Advocacy in California:
Social Influences, Legal Limitations, and Client-Centered Practice

by
Claire Shum

Submitted to Scripps College in Partial Fulfillment
of the Degree of Bachelor of Arts

Professor Park
Professor Fisher

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Abstract

This project explores domestic violence advocacy in California by tracing historical, social, and cultural influences; examining the limit of the law and bias of those who uphold it; and analyzing a local domestic violence agency that provides services to survivors. Through the frameworks of anti-essentialization, and intersectionality I analyze gender roles and stereotypes ingrained in our culture. The essentialization of what it is to be a woman renders women's differences invisible, making it difficult for law and policy to address. By looking at domestic violence through an intersectional lens, the multi-layered nature of women's experiences can be revealed. However, not all laws and policies reflect this intersectional viewpoint which limits their effectiveness. The law can also be limited by those who enforce and interpret it. Those within law enforcement and the justice system are not immune to the stereotypes, and assumptions of the culture we live in. I use several women's stories as well as advocate interviews to demonstrate the bias or attitude of indifference that can be held by law enforcement and the court system. The advocates who work closely with survivors of domestic violence use a client-centered approach to advocacy. This affirms the client's ability and right to make her own decisions. The advocates partner the use of boundaries and self-care with this client-centered approach in order to best serve their clients.

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Introduction

The United States is no stranger to domestic violence as violence and violent people have been glorified in the media throughout our history. Although there are specific laws targeting domestic violence, according to the Center for Disease Control “1 in 4 women (24.3%) and 1 in 7 men (13.8%) aged 18 and older in the United States have been the victim of severe *physical* violence by an intimate partner in their lifetime”.¹ While these numbers in themselves are disheartening they do not even cover *psychological, financial, or sexual* violence caused by intimate-partners. When taking into these types of abuse the number of people affected by domestic violence is actually greater.

A recent example of domestic violence in the United States is the scandal between NFL football player Ray Rice and his wife Janay Rice in 2014. Ray Rice was caught on tape punching Janay unconscious and dragging her body out of an elevator. This incident has sparked a lot of debate because his initial punishment by the NFL was only a two game suspension. After the video of the incident emerged the NFL was confronted with criticism by the public for their leniency on domestic violence violations. Rice’s original punishment of a two game suspension was changed to an indefinite suspension. The penalty for anyone in the NFL for a domestic violence offense has gotten stricter since this incident. However, Rice’s suspension was lifted after he won his appeal and can sign with any team that will take him.

¹Michele C. Black et al, “National Intimate Partner and Sexual Violence Survey 2010 Summary Report”, (Atlanta, GA: Centers for Disease Control and Prevention, National Center for Injury Prevention and Control, Division of Violence Prevention, 2011).

Several aspects of this case make it so pertinent to the study of domestic violence in the United States such as the initial lack of accountability, and the attitude of the public toward Janay Rice who went through with her marriage to Rice despite the violence. While there is still a stigma against survivors of abuse, the wide recognition of domestic violence, and public backlash against an abuser who gets away with violence against his intimate-partner may signal some improvement. But the larger question is, will the public awareness of Rice's case actually bring about change or will it fade like so many other's in the past? There have been many high profile cases such as Rice's in the past that have garnered outrage for a short period of time, but did not have as much impact.

Chris Brown, Jason Kidd, James Harrison, Floyd Mayweather Jr. and Ray Macdonald are a few widely known men who were convicted of domestic violence, but have gone on to have very successful careers. None of these men have set a good example to the millions of people who watch and are influenced by them. For example, in California, Ray Macdonald of the 49'ers football team was investigated for but not convicted of domestic violence. While the investigation was ongoing, Macdonald was allowed to continue playing football. Allowing Macdonald to play while under the suspicion of committing an act of domestic violence demonstrates the indifference toward this type of violence in our society. For the NFL to allow someone under investigation for a criminal charge to continue playing perpetuates the lack of accountability for men who abuse their intimate-partners. This lack of accountability is

passed not only to other players in the NFL, but the millions of people who watch the sport as well.

A whole study could be done with professional athletes, the culture of domestic violence within professional sports, and the impact on their viewers. However, that is not the intention of this project. The point of my discussion of professional athletes and celebrities is that even as high profile individuals their abusive actions can go by without remark, or are forgotten quickly. It was only until people saw the abuse with their own eyes that Ray Rice was held accountable. His case has led to more awareness than usual such as a commercial about domestic violence in the Superbowl², and the President addressing domestic violence at the Grammy's. While most people in the United States will have heard about the Ray Rice incident involving domestic violence, what they might not realize is how present it is in our society. The everyday occurrences of domestic violence go by unobserved or ignored unlike these public scandals which have only scratched the surface of an issue that has been deeply ingrained in our society.

Terminology and Concepts:

The term domestic violence can actually be misleading. Domestic can refer to anything within the home and regarding family, while the definition of violence involves only physical force. However, when put together domestic violence is more

² This year's Super Bowl addressed the domestic violence issues with a commercial showing the aftermath of an abusive incident.

than just unlawful exercise of physical force relating to the home or family relations.

The United States Department of Justice defines domestic violence as:

a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone³

For my analysis I will be primarily using the terms *domestic violence* (DV), *domestic abuse*, and *intimate-partner violence* (IPV) because the terms *wife abuse* and *women abuse* do not accurately represent the definition above. The term wife abuse is imperfect because it excludes non-married couples or partners who experience domestic violence, while the term women abuse can also include violence done by strangers. The phrase *violence against women* has the same problem as women abuse because it is too broad a term under which rape, female genital mutilation and other sexual assaults fall under. Since there is no one perfect term, I will use a combination of the terms already discussed with domestic violence and intimate-partner violence being the most common. While I may prefer the terms domestic violence or IPV they also have problems. The term “domestic” may suggest the whole family, but I am not including the abuse of children or elders but focusing on intimate-partner relationships alone. My research focuses on abuse between *adult* couples with the abuse inflicted on *women* by their husbands, boyfriends, or partners.

³ "Domestic Violence," The United States Department of Justice, updated July 23, 2014, <<http://www.justice.gov/ovw/domestic-violence>>.

The term *gender symmetry* is the misconception that men and women batter equally. Early studies used a scale made by Straus to research the gender symmetry and confirmed the idea that men and women batter equally.⁴ However, as Wright and Hearn point out, Straus' scales have since been criticized for not taking context into account and leaving out important aspects such as "separation, assault, stalking, or homicide".⁵ When the scale was changed to include these missing pieces, "only a minority" of women committed the abuse.⁶ Although disproven, the idea of gender symmetry is still prevalent and has been used to argue against domestic violence laws and shelters for women.⁷

At times I will refer to a *cycle*, or *cycle of violence* within domestic violence which can be seen in Figure 1 on the following page. This cycle has three phases which are called the *tension-building phase*, *explosion phase*, and *honeymoon phase* (or manipulation phase), and are a part of every abusive relationship.⁸ As the picture below shows, the tension-building phase is when minor incidents happen and the victim can feel the tension growing as if they are walking on eggshells. After the tension-building phase comes the explosion phase where the abuse takes place. The explosion phase includes any type of domestic abuse, not just physical. After the explosion phase is the

⁴ Carole Wright and Jeff Hearn, "Neutralizing Gendered Violence: Subsuming Men's Violence against Women into gender-Neutral Language," in *Framing Sexual and Domestic Violence Through Language* (New York: Palgrave Macmillan, 2013), 26. And Kristen L. Anderson, "Who gets out? Gender as Structure and the Dissolution of Violent Heterosexual Relationships", in *Gender & Society*, (Vol. 21 No. 2, April 2007), 174.

⁵ Wright and Hearn, "Neutralizing Gendered Violence," 26.

⁶ Wright and Hearn, "Neutralizing Gendered Violence," 26.

⁷ Molly Dragiewicz, *Equality with a Vengeance: Men's Rights Groups, Battered Women, and Antifeminist Backlash* (Northeastern University Press: Boston, 2011) 1.

⁸ DVA training manual; Lundy Bancroft, *Why Does He Do That?: Inside the Minds of Angry and Controlling men*, (New York: Putnam's Sons, 2002), 148-149.

honeymoon phase, where the abuser apologizes, makes promises, and gives gifts. In this phase the abuser tries any strategy to ensure their victim will stay in the relationship. The longer the relationship lasts, the more frequent and more violent the explosion phase becomes and the shorter and less frequent the honeymoon phase becomes and it can disappear altogether.⁹ Each relationship is different, and so each can vary in time between the three different phases whether it is days, weeks, or years. This cycle is important to know in order to understand how domestic abuse relationships work and why women might stay. The *cycle of violence* is an important term to understand while engaging with the larger discourse of domestic violence.

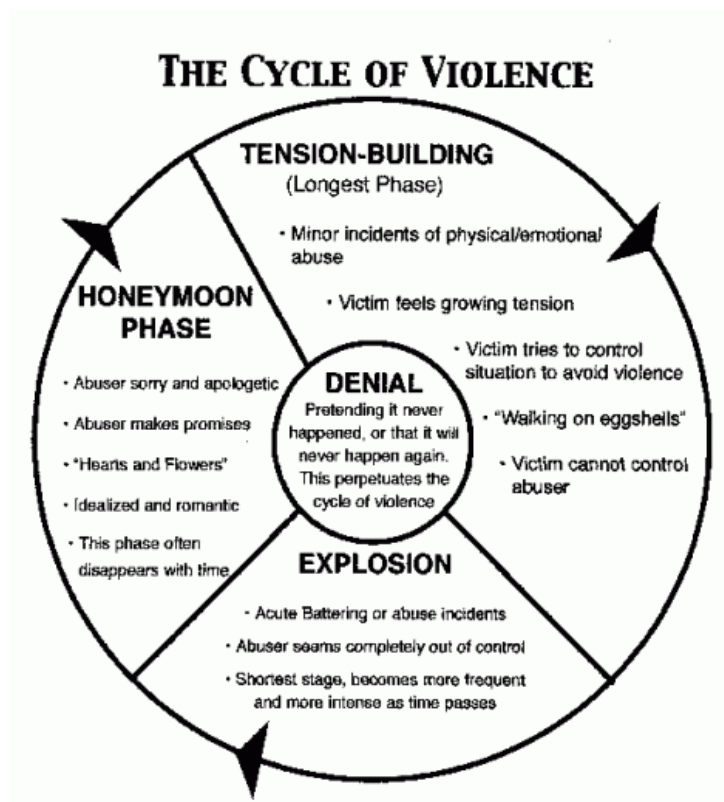


Figure 1. Cycle of violence diagram.¹⁰

⁹ DVA training manual

¹⁰ Peaceful Solutions Program, Phoenix Family Counseling and Play Therapy Center, accessed April 24, 2015. <http://cathispooner.vpweb.com/Peaceful-Solutions-Program.html>.

Methodology:

This thesis project obtained IRB approval by submitting an application to the Scripps College Internal Review Board. In order to obtain approval the name of the domestic violence organization, and the names of the interviewees have been changed due to concerns for privacy and safety. The organization will be known as the Domestic Violence Agency (DVA), and I have picked aliases for each of my research participants. In order to find out more about the DVA and get an in-depth look at what volunteers and advocates do, I participated in the 40-hour training all advocates at the agency have to complete. The training was held twice a week for four hours for a total of five weeks. We covered everything from self care, to DV101, prevention, gender roles, immigration, teen dating violence and more. These trainings have enriched my knowledge of domestic violence and the depth of this thesis.

During this time I also conducted semi-structured, individual interviews. Eight advocates from the DVA volunteered to be research participants. Of the eight interviews, six were recorded and transcribed, while the other two were handwritten notes only. Seven of the interviews were in person and one was conducted over the phone. Interviews ranged from 20 to 50 minutes depending on the amount of time each advocate was available. The interviewees were asked the same set of questions¹¹, but each interview focused on different aspects of the advocates experiences working in the field of domestic violence.

¹¹ see appendix

Positionality:

In Spring of 2014, I was in northeast Brazil conducting similar interviews with a group of intelligent and passionate women. These women were lawyers, psychologists, and social workers all working in the field of domestic violence. Inspired by a lecture on gender and violence in Brazil, I chose to write my Independent Study Project on domestic violence. I worked with a federally funded organization to examine a recent DV law and its effects, or lack there of.¹² As I sat at a table with these women, sometimes individually and sometimes in small groups we discussed what the situation of domestic violence was like in Brazil and how they served as a support system for women affected by it. During our conversations the question I was asked the most was *what is domestic violence like in the United States?* I would sit there embarrassed and unable to give a decent answer to their question. Surprised by my lack of knowledge their response was for me to find out when I returned home and to notify them of the result. I have since returned to the United States, and the following thesis is the fruit of my labors prompted by this wonderful group of women. I will send a finished copy to them proud to finally have an answer to their question.

This project is not a comparison of domestic violence issues between Brazil and the United States, but my knowledge of domestic violence here has been well informed by domestic violence in other countries and as an international issue. There are some international provisions addressing discrimination and violence against women such as the Convention on the Elimination of All Forms of Discrimination

¹² The lei Maria da Penha was passed in 2006 and is a very extensive law targeting domestic violence. However, it does not work as well as it should due to cultural, political, and social reasons. Violence against women with impunity, lack of money backing it, and wanting to hide the stigma of DV.

Against Women (CEDAW) treaty which Brazil has signed, but the United States has not. Domestic violence in Brazil is still a large problem, but there has been some improvements over time. While there is not enough structure in place to enforce the new law, the signing of CEDAW shows there has been some progress in furthering women's rights and combatting domestic violence or at the very least acknowledgement of the issue. By not signing the international treaty the United States has either signaled a lack of interest in women's rights or that it believes itself above the issue. What the two countries do have in common is patriarchal society with a history of subjugating women, and an ongoing issue of domestic violence.¹³ While the comparisons between the United States and Brazil could go on, it would take a completely separate research project to do it justice. The differences of domestic violence between the United States and Brazil is a lot more complicated than these few issues because domestic violence itself is such a challenging problem. I have singled out several aspects of such a challenging problem in the United States (specifically California) in order to explore and better understand it.

Relevancy:

As I stated earlier, 1 in 4 women are physically abused in the United States, but domestic violence can have even harsher consequences, as female murder victims are "(41.5%) almost 6 times more likely than male murder victims((7.1%) to have been

¹³ Kristen L. Anderson, "Who gets out? Gender as Structure and the Dissolution of Violent Heterosexual Relationships", *Gender & Society* 21, no. 2 (2007).

killed by an intimate”.¹⁴ These numbers demonstrate the seriousness of domestic violence and confirms its social relevancy as a topic of study. However, DV is not a new topic of study as there is already extensive literature written. One example of this literature is the study done by Lawrence Sherman on police involvement and the effects of arrests on the perpetrators of abuse. He finds that the arrest as a deterrent to domestic violence depends on class, race, employment, and geography among other factors.¹⁵ Another study was funded by the World Health Organization to examine domestic violence in different countries.¹⁶ A third example is research done on the affect of abuse on women’s health.¹⁷ My project will contribute to these growing bodies of scholarship on domestic violence by examining the experiences and motivations of volunteers and staff members of a domestic violence agency who provide a support system for women affected by domestic violence in the United States.

In order to understand domestic violence in California, this thesis is organized into three chapters on social influences, law and policy, and domestic violence agencies. Chapter 1 takes a historical and social look at domestic violence in the United States, as I analyze the influence of traditional gender roles and the idea of

¹⁴ Alexia Cooper, and Erica L. Smith, “Homicide Trends in the United States, 1980-2008: Annual Rates for 2009 and 2010,” *U.S. Department of Justice: Bureau of Justice Statistics*, November 2011, 10, <http://www.bjs.gov/content/pub/pdf/htus8008.pdf>

¹⁵ Lawrence W. Sherman, and Janell D. Schmidt. *Policing Domestic Violence: Experiments and Dilemmas*, (New York: Free Press,1992)

¹⁶ WHO: Dept. of Gender and Women’s Health, “WHO multi-country study on women's health and domestic violence against women : summary report of initial results on prevalence, health outcomes and women's responses”, (Geneva: WHO, 2005).

¹⁷Evan Stark, and Anne Flitcraft. *Women at Risk: Domestic Violence and Women’s Health*, (US: Sage Publications, Inc., 1996).

intersectionality. This chapter is meant to situate the reader within the specific issue of domestic violence in the United States, to show what effects society as a whole has on the issue, and bring the ideas of intersectionally and anti-essentialization into the conversation. Chapter 2 tackles the institutionalized aspect of violence with law enforcement and the justice system. In this chapter I analyze the domestic violence laws on international, federal, and state levels to find the gap between theory and practice and the limits of law, policy, and the court system.

Chapter 3 situates the agency where I conducted interviews and participant observation in the larger coalition of hotlines, agencies, and shelters. This last chapter is an analysis of the agency and the eight advocates whom I interviewed, exploring the emerging themes of professionalism, client focus, and boundaries. By exploring the history of DV and traditional gender roles, the role of law enforcement and the justice system and finally interviews with advocates I aim to explore the complex nature of domestic violence in California and how intervention through support organizations such as the DVA manifests.

Chapter 1 DV as a Social Problem

“Theres like a very long way to go and I don’t think that anythings possible for [the DVA] to do it alone. Thats why its necessary to be involved in the community and to educate those that are in bigger positions of power like law enforce-you know legal agencies, law enforcement, as well as really the ultimate power in our culture is media”¹⁸

Violence against any group of people really starts after that group has been dehumanized, or objectified, because it is easier to treat someone poorly who is perceived as inferior.¹⁹ In the United States “those immured in the domestic sphere-women, children, servants, and other dependents were not considered full members of the political community”. Because they were not considered citizens, they had no “legal adulthood, suffrage, and participation in governance”.²⁰ Without citizenship, full rights, or equality before the law for most of this country’s history, women have been vulnerable to all forms of violence especially domestic violence. Even after women gained the right to participate as citizens domestic violence remained an issue. Domestic violence has been passed down through western thought, culture, and law for centuries.²¹

In this chapter I will explore how the issue of domestic violence has evolved in the United States and how it has been embedded in the historical and social

¹⁸Michaela (DVA advocate) in discussion with the author, January 30, 2015.

¹⁹ Bancroft, *Why Does He Do That?*, 63.

²⁰Evelyn Nakano Glenn, *Unequal Freedom How Race and Gender Shaped American Citizenship and Labor*, (Cambridge, Mass.: Harvard University Press, 2002), 19.

²¹Elizabeth H. Pleck, *Domestic Tyranny: The Making of Social Policy against Family Violence from Colonial times to the Present* (New York: Oxford UP, 1987).

formation of gender hierarchy. Young Song argues “violence against women finds its basis in women’s minority status and their historically subordinate position in society”.²² However, gender is only one facet of a multi-layered, or intersectional process, therefore, domestic violence cannot *only* be looked at through the lens of gender because life and social groupings are much more complicated. In this chapter I will argue violence against women is a symptom of a patriarchal, male-dominant society which is further compounded by race, ethnicity, class, sexuality, and disability.

Historical and Cultural Considerations:

Elizabeth Pleck, a historian, makes a detailed timeline showing how violence against women has been passed down through different societies into our own. She traces the idea of the private family sphere back to Aristotle. Pleck also cites the influence of the Roman Empire with distinct laws of husbands over wives, to explain how the “family ideal” and subjugation of women has developed over time.²³ Violence against women and wives was passed down through the middle ages and into English Common Law from which United States modeled its first laws regarding the rights of husbands over wives.²⁴ Husbands were allowed to chastise their wives because it was considered “protection” of her soul for them, but was actually license for men to beat

²² Young I. Song, *Battered Women in Korean Immigrant Families: The Silent Scream* (New York: Garland Pub., 1996), 6.

²³ Elizabeth H. Pleck, *Domestic Tyranny: The Making of Social Policy against Family Violence from Colonial times to the Present* (New York: Oxford UP, 1987), 7.

²⁴ Del Martin, “The Historical Roots of Domestic Violence,” in *Domestic Violence on Trial: Psychological and Legal Dimensions of Family Violence*, ed. by Daniel Jay Sonkin, (New York: Springer, 1987), 7.

their wives with impunity.²⁵ Slowly over the years chastisement was fought against and husbands started losing more and more *legal* power over their wives. In time women could own property, get a divorce, take custody of her children, and vote but DV remained. Although the laws no longer encouraged husbands to chastise their wives, it was considered culturally acceptable to do so, and there was no punishment by police when a husband, boyfriend, or partner beat his wife, girlfriend, or lover.

In most cases, however, battered women truly had nowhere to go. Shelters were almost non-existent, and medical, social service, and law enforcement agencies rarely provided battered women with the kind of support they needed. Although not all institutional personnel treated battered women badly, a pattern of hostility existed²⁶

This attitude of indifference toward domestic violence has lasted for almost two hundred years. Today the response to domestic violence by police, the media, and society has improved, but just 50 years ago it was considered a private, family matter in which police should not intrude. This quote encapsulates the attitude toward DV before the 1970's. More than just indifference, there was hostility and biased treatment. This lack of support changed after the battered women's movement of the 1960's and 1970's. The battered women's movement did not appear out of thin air, nor can its appearance attributed to one clear cause. Susan Schechter details the many different factors that led to the battered woman's movement by giving unique insight as a social worker and activist who was involved in the movement.²⁷ The movements of the 1950's and 1960's, such as the civil rights movement and the Chicano/a movement that were

²⁵ Del Martin, "Historical Roots", 5.

²⁶ Susan Schechter, *Women and Male Violence: The Visions and Struggles of the Battered Women's Movement*, (Boston: South End Press, 1982), 35.

²⁷ Schechter, *Women and Male Violence*, 35

going on at the time²⁸, paved the way for later movements such as the anti-rape movement and battered women's movement.

During this time of heightened political awareness, two branches of feminism were developing. Schechter describes them as a women's rights feminism who's goal was to obtain the same rights as men, and the other was a women's liberation feminism which was more radical and called for egalitarian restructuring to fix the inequality between genders. The anti-rape movement actually emerged from feminist organizing and had a lot of influence on the battered women's movement.

The anti-rape movement articulated that violence is a particular form of domination based on social relationships of unequal power. Through the efforts of the anti-rape movement, it became clear that violence is one mechanism for female social control. Today this sounds obvious; ten years ago it was a revelation. The anti-rape movement changed women's consciousness and redefined the parameters of what women would individually and collectively tolerate²⁹

Rape is also a matter of power and control, and marital rape is another form of violence used against intimate partners, but has only recently become a public issue. The awareness that these previous movements brought to women about their rights made it possible for battered women and those who supported them to organize into the battered women's movement which took place in the 1970's shortly after the anti-rape movement. The ideology of the battered women's movement drew from many different areas of feminism, and the women who joined the movement came from different areas. Battered women, social workers, women who knew battered women, and all different

²⁸ Patricia Zavella, and Ramón A. Gutiérrez. *Mexicans in California : Transformations and Challenges* (Urbana: University of Illinois Press, 2009), 9.

²⁹ Schechter, *Women and Male Violence*, 35.

types of feminists were the original proponents of women's rights regarding domestic violence. It was not until federal funding became more available that more professionals joined the shelters. The domestic violence field alongside human services as a whole has professionalized.

Because of the anti-rape and battered women's movements violence became a more public, visible issue and women started to have a voice and space to share their experiences. As a result of these movements and the organizing of women behind the issue of violence, the United States passed the Violence Against Women Act (VAWA) in 1994 which will be discussed more in depth in Chapter 2.

Although these movements, including the battered women's movement, were able to bring about change, none were able to end the problems they were fighting against. Domestic violence is still prevalent in the United States. Lets take a moment to really understand what it means to say that a quarter of adult women in the United States have been severely physically abused by their significant other. In 2013 the U.S. had an estimated total of 316,000,000 people with 50.8 % of them women.³⁰ In 2013, 38.6% of these women in the U.S. were over the age of 18. Going by the CDC's statistics of 1 in 4 adult women, about 62,000,000 women have experienced physical abuse in their lifetime. This is such a large number to begin with, but again this is only taking *physical* abuse into account. The actual number of women affected by domestic violence is even greater.

³⁰ United States Census Bureau. <http://quickfacts.census.gov/qfd/states/00000.html>
http://www.census.gov/popclock/data_tables.php?component=pyramid
11.39% of women under 18 (2013)
38.64% of women over 18 (2013)
316,128,839 total population (2013)

This significant number of women affected by DV in the United States will not change until domestic violence is made a priority, but women's rights overall have yet to be made a priority. For example, VAWA expired in 2011 but took two full years to be renewed in 2013, and the U.S. has yet to ratify the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). There is still a wage gap among the genders, there is a minority of women in government, and we have yet to have a female president. This lack of equality between men and women has been institutionalized into every aspect of our lives. Weldon and Htun conducted a 70 country study in order to explain the discrepancies between different governments policies on violence against women.³¹ They have found feminist mobilization forces a government to take women's rights seriously. The changes made after the battered women's movement in the United States seems to support this conclusion. However, after making progress, feminism always seems to face a period of backlash, and many women or organizations may hesitate to label themselves as feminist as Wright and Hearn describe happening in the UK.³² The backlash against feminist analysis they describe is framed in the language of gender-neutrality or gender symmetry.

An example of this pushback in the United States is the Booth v. Hvas suit.

A number of men attempted to stop all funding to domestic violence services for women in Minnesota³³ in 2000, the same year VAWA was renewed the first time.

Kristen Anderson notes that feminist efforts to publicize men's violence has "been

³¹ Weldon and Htun.

³² Wright and Hearn, 30

³³ Molly Dragiewicz, *Equality with a Vengeance: Men's Rights Groups, Battered Women, and Antifeminist Backlash* (Northeastern University Press: Boston, 2011) 1.

contested, most vehemently by men's rights activists and fathers' rights groups" claiming that women use false reports of DV in order "to achieve advantage in divorce and custody proceedings".³⁴ So even though some progress is being made, there are still conservative male groups who push back against change, and the idea of empowering women. If there is pushback against the mainstream white, feminists in the pursuit of better protection of women, then those pursuing the well-being of women of color, LGBTQ women, immigrant women, poor women, and rural women are going to have an even more challenging task. This challenge is what makes the advocacy and support of the community and the larger society so important. Laws that are limited to only one idea of what it is to be a woman in a domestic violence situation cannot be the only answer given to the issue of DV, especially if those laws have the possibility of being overturned.

Even if a woman does label herself a feminist, there are more than one kind of feminism. Mainstream feminism focuses more on equality of women within the present system. In an attempt to mobilize or compromise, mainstream feminism can universalize what it is to be a woman which bears consequences for the women with different experiences and factors influencing their lives who do not fit into this one mold. While researching population policies, Patricia Hill Collins outlines this phenomenon in the following quote.

through their genetic motherhood, White women hold the key to notions of racial purity so critical to racial categorization in the United States...middle-class and affluent White women allegedly remain superior to all other groups in

³⁴ Kristen L. Anderson, 173.

socializing White youth into naturalized hierarchies of race, gender, age sexuality, and social class. Moreover, middle-class White women have also been central as symbols of the family, neighborhood and national territory that must be protected and defended³⁵

In the United States population policies encourage white middle-class or upper class women to reproduce the nation by having and raising more children than working class women or women of color. When the term “woman” is universalized in the United States, it can become limited to being white, middle-class, and heterosexual as Hill Collins states have been seen as the symbol of this country. It is white women who must be “protected and defended” as the desired producers of the nation while women of color, queer women, immigrant women, and poor women are overlooked. This universalization of what it is to be a woman in the United States, and who deserves to be protected leads to big consequences regarding domestic violence.

Gender Roles and Stereotypes

Traditional gender roles and the expectations society expects men and women to fulfill are important aspects of the larger idea of gender hierarchy that need to be unpacked in relation to domestic violence. Kristen L. Anderson discusses gender through a structuralist framework which views gender as “a system of stratification that places women and men into unequal categories, roles, and occupations” and in domestic violence “suggests violence will be experienced differently by women and men because the gender structure influences women’s and men’s opportunities and

³⁵ Patricia Hill Collins, "Producing the Mothers of the Nation: Race, Class, and Contemporary US Population Policies." in *Women, Citizenship and Difference*, by Pnina Werbner and Nira Yuval-Davis, (London: Zed, 1999)121.

rewards for the use of violent behavior”.³⁶ It will differ in each country and culture, but in a patriarchal system, women are placed “in positions of subordination” while men are in dominant “positions of power.”³⁷ We live in a culture that blames the victims for the atrocities that happen to them such as rape. People often comment on what the victim was wearing or whether or not she struggled as if these factors implied consent.³⁸ No matter what one is wearing or what they do to ensure their safety they do not deserve to be raped, and it is in no way their fault if they are, but bias in our society suggests otherwise.³⁹

Instead of teaching girls how not to be raped (which is something we cannot actually control) why can we not teach men/boys how not to rape? How not to become batterers? How to have a healthy relationship? Domestic violence is not about anger or love, but about power and control and whatever the abuser can use against the victim in order to maintain control over them.⁴⁰ Healthy relationships are not built on love alone but must have trust, communication, and respect. A relationship is made up of two equal but separate people who can have their own lives. However, unhealthy and abusive relationships are missing these important components.

³⁶ Kristen L. Anderson, “Who gets out? Gender as Structure and the Dissolution of Violent Heterosexual Relationships”, in *Gender & Society*, (Vol. 21 No. 2, April 2007), 174-175.

³⁷ Anderson, “Who gets out?,” 179.

³⁸ Bancroft, *Why Does He Do That?*, 189.

³⁹ This brings to mind Denim Day which brings awareness to rape and gender violence. The inspiration being the outrage after a judge’s ruling in the rape of a young woman. The judge ruled that because the girl’s jeans were so tight she must have helped her rapist take them off, making the act consensual. www.dvsac.org/denim-day Domestic Violence and Sexual Assault Coalition

⁴⁰DVA training manual, DVA has identified 7 components to healthy relationships which are trust, respect, communication, honesty, equality, personal space, and consent.

Men are raised to be dominant, aggressive, and tough with anger being one of the few acceptable emotions to show. As Anderson points out, boys learn how to be violent through “rough play and contact sports”, and to accept the consequences of that violence as something normal.⁴¹ Women are raised to be nice, subordinate, considerate and more emotional. The epithets used on both men and women when either steps out of their traditional roles are often negative labels of a female. “Slut”, “whore” or “bitch” are a few examples of what women are called when they do not fit into traditional ideas of what it means to be a woman, while men might hear the insults of “pussy” or “girly” when they defy the traditional notions of manhood.

The difference in treatment of men and women informs our understanding of why it remains a constant in our society. Figure 2 on the following page shows the power and control wheel which is a composite of how women are battered. These forms of abuse are informative as to the role of gender in furthering DV. One portion of the wheel is economic abuse, a common form of domestic violence, that keeps the woman dependent on her abuser. In a study on gender and how men and women dissolve violent relationships, Anderson finds that “women are much more likely than men to be economically dependent on their partners” because “the way gender organizes the division of labor within families leads to women’s economic dependency on male partners”.⁴² While leaving is not easy because of financial, isolation, and custody issues it is also not safe. The Los Angeles County Domestic Violence Death Review

⁴¹ Kristin L. Anderson and Debra Umberson. “Gendering Violence: Masculinity and Power in Men's Accounts of Domestic Violence”, *Gender and Society* 15, no. 3 (2001): 363

⁴²Anderson, “Who gets out?,” 184.

Team in 2001 reported that 60% of domestic violence homicides happened *after* the woman had left or was in the process of leaving the abusive relationship.⁴³ Victims of domestic violence remain in their abusive relationship for varying reasons, but it is important to understand for those in and out of the DV field to understand how gender roles and stereotypes complicate the issue and in order to end victim blaming.

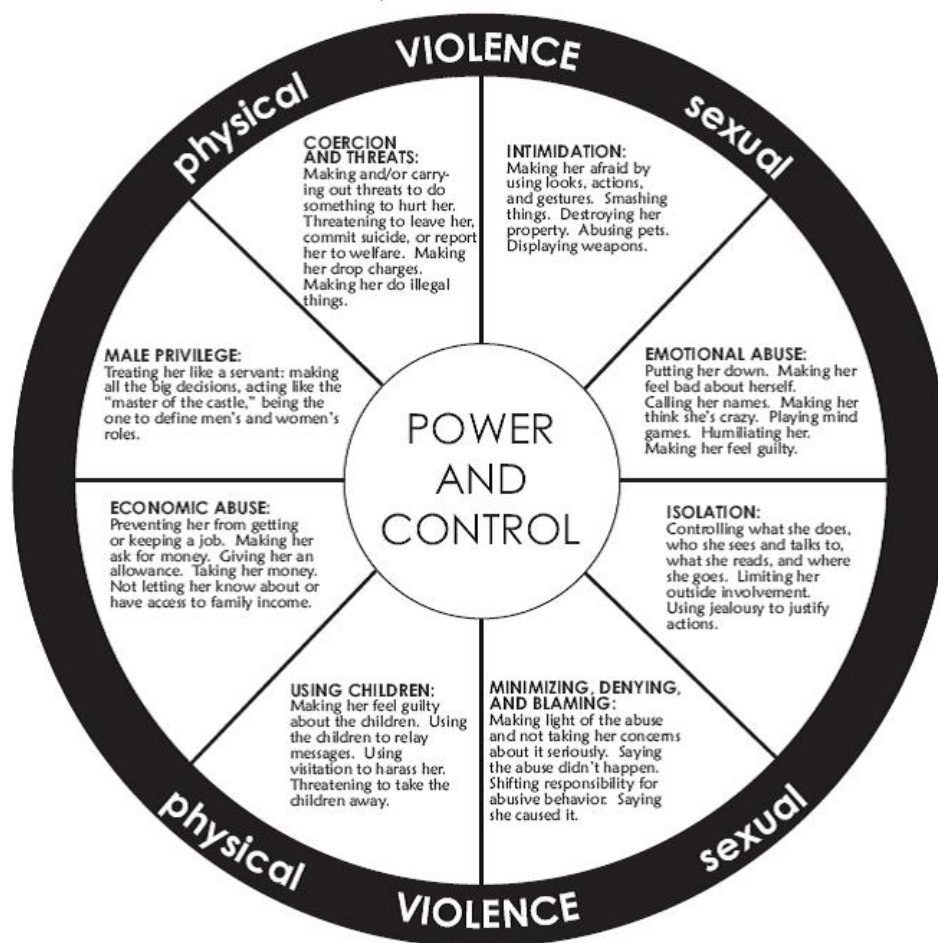


Figure 2. Power and Control Wheel.⁴⁴

⁴³Donna Wills, and Lisa Scheinin. "Report of the 1997 Domestic Violence Fatalities," Los Angeles: Los Angeles Death Review Team, 2001, 11. http://www.ndvfri.org/reports/california/California_LosAngeles_AnnualReport_2001.pdf

⁴⁴"Wheel Gallery," Home of the Duluth Model: Social Change to End Violence Against Women, accessed April 24, 2015, <http://www.theduluthmodel.org/training/wheels.html>.

Intersectionality:

Intersectionality is a term coined by Kimberlé Crenshaw focusing on the categories of race and gender. She specifically uses the term to examine the intersections of race and gender in black women's experiences, but it can be applied to more categories such as class, age, religion, and sexuality just to name a few. The idea of intersectionality is essential when it comes to domestic violence because white, western culture does not have an exclusive hold on violence against women. As discussed earlier, white middle class women are supposed to be the ideal of the American dream and American living rather than victims of violence. However, this is what makes the violence in white middle class women's homes so visible. Women of color and lower classes experiences of violence are almost naturalized and their experiences rendered invisible. Women of all races, ethnicities and cultures and sexual orientations can and do experience abuse by their intimate-partners and can experience it in many different ways which will affect the way they interact with the law/institutions and how they can be helped—or not.

Domestic violence is an issue within most if not all Asian American cultures⁴⁵, but Young Song focuses specifically on abuse in Korean and Korean American culture. Within her book on battered Korean women, Song discusses the idea of wife beating as being an expression of patriarchal domination and the patriarchal family⁴⁶ which is similar to Pleck's notion of the Family Ideal passed down from

⁴⁵ Tuyen D. Nguyen. *Domestic Violence in Asian American Communities: A Cultural Overview* (Maryland: Lexington Books, 2005). The book covers Cambodian, Chinese, Japanese, Korean, South Asian, and Vietnamese communities.

⁴⁶ Young I. Song. *Battered Women in Korean Immigrant Families: The Silent Scream* (New York: Garland Pub., 1996), 7.

Greek and Roman culture. The idea of patriarchy and the re-enforcement of traditional gender roles can be found in most Asian and Asian-American communities.⁴⁷ Women are supposed to “live with the virtues of suffering and perseverance, and family ties are put ahead of individual needs”. In one study only 16% of Asian women believed an abused woman should reach out to the police for help.⁴⁸ These Asian communities and families have different cultural values and would rather hide domestic violence. Hiding the issue does nothing to discourage perpetrators of domestic violence and the cycle of violence will continue.

While it may seem there is not much of a issue in Asian American communities, domestic violence remains present. The different traits or values of specific ethnic groups do not affect the occurrence of domestic violence, but instead show the reluctance of members to rely on or report to public institutions. As is demonstrated by the percentage above, people would rather hide the violence because it is considered shameful rather than admit there is a problem and be able to stop it. Refusing to admit the problem does not make it go away, but actually perpetuates domestic violence because there is no accountability or consequences for the batterer. No accountability means there is no incentive for the batterer to stop the abuse and the victim has few options or resources to turn to.

The reluctance for police involvement in domestic violence is a similar sentiment found in African American communities. On the contrary to the gentle, quiet

⁴⁷ Tuyen D. Nguyen. *Domestic Violence in Asian American Communities: A Cultural Overview* (Maryland: Lexington Books, 2005), 4. The book covers Cambodian, Chinese, Japanese, Korean, South Asian, and Vietnamese communities.

⁴⁸ Nguyen, *Domestic Violence*, 4.

Asian woman stereotype, Black women are portrayed as “strong, independent, and resilient” which are commendable qualities until they keep women from “seeking help or needed support” or from being given that support.⁴⁹ While Asians and Asian-Americans are portrayed as the “model minority”, Black Americans are perceived as lazy. Black women may also fight back in order to protect themselves which goes against the common held stereotype of a weak, helpless victim. In these cases police officers can be confused as to who is the aggressor and arrest both parties. Because of different values and experiences, Asian women may not use the services available to them, while because of different values and experiences of Black women using services may actually lead to harm rather than benefit.

California is home to many Native American tribes whose women experience domestic abuse at high rates. Domestic violence was not a part of original Native American culture, but was forcibly introduced over time by western culture. If it did occur it was not tolerated and dealt with usually by the victim’s family.⁵⁰ However, in today’s society “Native women have become increasingly vulnerable to violence in their homes and in their communities” with “more than 37 percent...victimized by their intimate partners”.⁵¹ Native women often had very little recourse if the batterer was non-native even if the abuse occurred on tribal land bringing Native American sovereignty versus the federal government into an already complex issue. Similar to

⁴⁹ Hillary Potter. *Battle Cries: Black Women and Intimate Partner Abuse* (New York: New York University Press, 2008), 1.

⁵⁰ Jennie R. Joe, and Francine C. Gachupin. *Health and Social Issues of Native American Women* (Santa Barbara: Praeger, 2012).

⁵¹ Joe, *Health and Social Issues*, 154.

many women of color in the U.S., Native women have a long history of violence and oppression by the state, set apart by their gender and race. Women of color diverge from white women in this area and from each other as well, each having their own unique problems based on history and culture which will not be adequately addressed if women's experiences remain essentialized.

A specific example of the intersectional nature of race and gender in domestic violence is the highly publicized incident between, singers, Rihanna and Chris Brown in 2009. This case risks becoming oversimplified into gender stereotypes where either Chris Brown is a "black brute" or Rihanna is an "angry", "traitorous black woman".⁵² The idea of Black women being strong and independent can be twisted into the angry Black woman stereotype. However, many African American women actually "refrain from reporting their abusive partners to law enforcement" because of their empathy of the "marginalization, discrimination, and disproportionate incarceration" of Black men.⁵³ For a Black woman to call the police on her abuser it could be perceived as a betrayal because of their shared identity, and discrimination as African Americans. Women of color not only have to face sexism but racism, an additional factor that White women do not have to deal with. A factor which may limit the effectiveness of the theory and practice of domestic violence law and advocacy.

Although men are more likely to batter women in heterosexual relationships, women in same-sex relationships have the same 1 in 4 chance of experiencing domestic

⁵² Janell Hobson, *Body as Evidence: Mediating Race, Globalizing Gender*, (Albany, New York: SUNY Press, 2012), 83.

⁵³ Deborah Fingeld-Connett, "Intimate Partner Violence and Its Resolution Among African American Women", *Global Qualitative Nursing Research* 2, (2015): 3-4.

violence.⁵⁴ Lesbian and transgender women have unique concerns that heterosexual women do not. In the United States there is still a stigma attached to being LGBTQ which can be used by the batterer as an additional weapon. The threat of outing their partner to family or to the public can be used in order to maintain control.⁵⁵ If a woman decides to go to a shelter their abusive partners may be able to get into the shelters to confront them. These are concerns that are not reflected in the majority of laws we have now. The most recent renewal of VAWA includes new provisions for LGBT, Native, and immigrant women, but it was much more difficult to renew VAWA with these new provisions. The vote was far from unanimous, taking two years to renew after expiring in 2011 showing a difficulty in agreement on the issues of sexuality, sovereignty, and citizenship in domestic violence law.

Race and sexuality are not the only factors that can complicate intimate-partner violence, but also physical or mental disability. Hearing impairment, speaking impairment, physical disabilities, and mental disabilities can all affect the ability of women to ask for and receive help. All of these different realities for women are examples of subordinate status-groups who are at a disadvantage, stereotyped, and have a lack of power or influence due to the dominant status-groups desire to maintain power and control. In U.S. society the dominant status group are middle or upper-class white, protestant, heterosexual, able-bodied males. The larger meaning behind these examples is that women from all different cultures, backgrounds, languages, classes, sexual

⁵⁴ Amy Caffrey. "Domestic Violence in Lesbian, Gay, Bisexual or Transgender Relationships". <<http://maitri.org/domestic-violence-in-lesbian-gay-bisexual-or-transgender-relationships/>>.

⁵⁵ Bancroft, *Why Does He Do That?*, 168.

orientation, religion, age, and professions, can and do experience abuse by their intimate-partners.

These examples are just snapshots into only a few broad categories. When broken down even further the differences and experiences can be greater still within those groups, and each woman can belong to more than one group making a multitude of combinations possible. Yet in the U.S. a common perception of the battered woman is as “white, middle-class, heterosexual woman” who seems helpless and cannot fight back and the laws often reflect this assumption, however, this is not every woman’s experience.⁵⁶ Leigh Goodmark describes this essentialist viewpoint. “Women of color, poor women, and lesbians face a number of obstacles not encountered by straight, white, middle-class women” which have been forgotten or ignored.⁵⁷ Not every woman has the same life or experience of being abused, and the needs of each woman is not the same.

However, the battered women’s movement came to be centered on the idea of women as a whole and ignored the differences in their experiences in order to get laws passed. Goodmark argues against this essentialization of battered women’s experiences and labels her thought as anti-essentialist feminism very similar to Crenshaw’s use of intersectionality. Women of color of lower class, of different sexual orientation, of different languages and culture are not benefited by the laws that are

⁵⁶ Leigh Goodmark, *A Troubled Marriage: Domestic Violence and the Legal System* (New York: New York University, 2012), 24.

⁵⁷ Goodmark, *A Troubled Marriage*, 24.

meant for all women because one group of women's experiences cannot define the experience for every woman.

Conclusion:

Domestic violence is not a new phenomenon, nor has it decreased over time. It has been an ongoing problem in the world, and in our country for so long because it has been passed down through law, culture, and society in the way women are treated. This abuse is normalized in our society which is used to treating women like they are objects, property and not equally human. Both men and women are supposed to fit in a neat little box of traditional gender roles. Men are taught to be aggressive, and that violence is an acceptable way to solve their problems. On the other hand women are taught to be passive rather than aggressive. These gender roles inform the creation of power dynamics between abusers and the abused. However, as we have seen gender is not the only component of domestic violence, because other issues complicate DV even further such as race, sexuality, class, and disability.

These issues can get overlooked by those in intervention, but used as tools of abuse by the batterers. A few examples would be that undocumented victims of domestic violence can be threatened with deportation by their partners, while lesbian victims can be threatened to be outed to their family or peers by their partners, and religion/faith can be used to keep a victim from getting divorced from or leaving her batterer. The social movements that occurred in the later half of the 20th century brought about a lot of social awareness and change of the problems going on in the

United States. Along with awareness came law and policy addressing the issues.

Domestic violence was no longer a private, family problem, but a crime. But the many different layers of domestic violence and how it affects women differently cannot be overlooked or ignored. However, the justice system and law enforcement can really only address the symptoms of domestic violence and not the bigger societal causes.

Chapter 2 Limits of the Justice System

Violence against women in intimate relationships, as well as against their children, is routine and pervasive. Long developed patterns of state laws, policies, and practices have permitted the abuse of women by their husbands and encouraged police condonation of husbands' control, violent and otherwise, over their wives⁵⁸

As discussed in the previous chapter, domestic violence is not a new phenomenon. It has been a part of all cultures with a patriarchal, dominant-subordinate structure, or any society that does not treat its citizens equally. The United States went from having laws that encouraged men to chastise their wives, to having no laws concerning DV, to having laws that criminalized it, and yet domestic abuse has stayed constant in our society because the violence has been institutionalized. Domestic violence only became a crime in law and policy in the 1970's after the battered women's movement. Only by calling public attention to the issue were changes made, but public sentiment only has an impact on what laws are made while the topics are relevant in the view of society. There are too many issues in today's society, however, for one issue to remain in view for very long.

Although the battered women's movement was important in challenging the attitude of indifference and getting laws passed, these laws are not always effective. By the time law enforcement and the justice system get involved, women are already caught up in the cycle of violence. There is decoupling between law and practice within the sphere of domestic violence because the law is limited. Laws based on a white,

⁵⁸ Elizabeth M. Schneider, *Women and the Law Stories*, (New York: Foundation Press/Thomson Reuters, 2011), 390.

middle-class experience are not going to help all victims of domestic violence. Law is not a preventative measure because it treats the symptoms of domestic violence rather than the causes. There is only so much it can do, and while you may be able to argue the law is objective, it is not practiced or enforced objectively. There are so many people involved in a case, and the different layers and different cultural issues complicate the matter.

There have been some more promising laws that have come out recently from both federal and state levels, but the difference is in how they are applied. The U-visa, renewal of VAWA, and labor laws have all been wonderful additions in the issue of domestic violence (when enforced) which I will discuss in more detail below. In Chapter 1, I discussed the history of violence against women, and the issue of gender roles and stereotypes in our society, but I cannot stress enough that gender is only one facet to what is a very multi-layered issue. So the question is what are the laws in the United States, and California concerning domestic violence, and are they alone able to prevent and intervene? In this chapter I aim to analyze the inconsistencies between law enforcement and the justice system as institutions involved in the intervention of domestic violence.

Law, Policy and Police:

Law, policy, and police involvement are all important aspects of domestic violence in the United States today. Sherman studied policy and policing domestic violence in 1991, but his research is still prevalent today. Measures to combat domestic

violence were created based off of studies Sherman conducted in one location. When he conducted further studies, he found that the effectiveness of arresting batterers differed due to location, race, income, and other variables. Policies based on incomplete studies contribute to inconsistencies between what law is supposed to do in theory and what happens in practice. These policies will be able to protect some people while others are overlooked.

Another aspect to consider is that it is not just laws about domestic violence that affected battered women. Laws that are not specific to domestic violence like immigration reform or ending welfare also impact battered women. The threat of being deported can be used against undocumented women by their abusers, and time limits on welfare limit the ability of victims to be financially independent from their abuser, both contributing to the reasons why women stay. Laws and policies based on one set of experiences again only works in theory and not in practice because there is no support for those who need different forms of support or aid. These other needs are important for law makers to think about, as it is not as simple as giving more money to police departments for training, or giving money to shelters. Both police and shelters are important to domestic violence support system, but they are only two parts to a much larger issue.

But what about men?

In 2000 in Minnesota, Booth v. Hvass was brought about by eighteen men to stop state and federal funding of battered women's shelters and domestic violence

services. The men argued that shelters “seeks to generate social and political hatred against men in general, portraying them as the basic cause of all domestic violence”, and that men and women are in the same situation when it comes to domestic violence.⁵⁹ Fortunately this case was not passed, but this idea of gender symmetry is dangerous when taking laws and services into account because “women are 7 to 14 times more likely than men to report suffering severe physical assaults from an intimate partner”.⁶⁰ Women are not only more likely to suffer physical assaults from their partners, but are more likely to be killed by them as well. “In 2001, women accounted for 85 percent of the victims” while “men accounted for approximately 15 percent”.⁶¹ Men do suffer from domestic violence, however, “according to the National Center for the state Courts, male violence against women does much more damage than female violence against men, and women are much more likely to be injured than men”.⁶²

Men experiences of domestic violence should not be forgotten, but that does not mean that women’s shelters and services should be eliminated. Some shelters whose main purpose may be to serve battered women, also serve battered men. For instance the organization I worked with, the DVA, offers services to battered men.⁶³ Men also make up a small part of the volunteers and advocates and are encouraged to be a part of intervention and prevention. Domestic violence is framed as a violence against women

⁵⁹ Molly Dragiewicz, *Equality with a Vengeance: Men’s Rights Groups, Battered Women, and Antifeminist Backlash* (Northeastern University Press: Boston, 2011), 1.

⁶⁰ Margaret C. Jasper, *The Law of Violence against Women*, (2nd ed. New York: Oceana, 2007), 14.

⁶¹ Jasper, *Law of Violence*, 14.

⁶² Jasper, *Law of Violence*, 14.

⁶³ the DVA actually encourages men to get involved in the issue of domestic violence, and to volunteer in their services because it is important for the children to have a healthy male role model

type of crime, completely taking the perpetrator out of the picture, which in this case is mostly men.

Cases such as Booth v. Hvass are not just problematic because they show a backlash against feminism and the battered women's movement, but because it perpetuates the idea of women being just as responsible when it comes to domestic abuse. Women in a DV relationship are often penalized alongside the abuser for failing to protect her children from him. Recently in Oklahoma, a judge made a very controversial call with the case of a battered women, Victoria Phanhtharath, who's daughter was murdered by her boyfriend. Victoria was sentenced to 35 years in prison for failing to protect her child. She was testifying against the boyfriend in his trial, when a history of domestic abuse was revealed. When the judge heard her testimony about the abuse, he became concerned about the length of her sentence and talked to the District Attorney about reducing it. As Victoria had been in jail for 2 years already, he gave her time served and released her while the abuser got life in jail.⁶⁴ This is a very common story with an uncommon ending.

Nancy is a case manager at the DVA, and works closely with survivors of domestic violence. She has witnessed the more common story of requiring more from the victim than the abuser.

we constantly see more victim blaming than anything else. So I will see my clients have harsher penalties than what the batterers are being required to do. I feel they have to jump through so many more hoops than what the perpetrator is asked for⁶⁵

⁶⁴ Alex Campbell, "When A Witness Shocks A Judge." YouTube. October 2, 2014, accessed March 27, 2015, <https://www.youtube.com/watch?v=BozFxbHx6vM>.

⁶⁵ Nancy (DVA advocate) in discussion with the author, February 23, 2015.

Often it is the battered woman and mother who gets more time in jail or has to jump through hoops, rather than the perpetrator who actually did the abuse to her and her children. In *Booth v. Hvass* and the Oklahoma case, the justice system was able to see past the bias against DV, but as Nancy points out this is not always the outcome.

During the 40-hour training at the DVA, a former staff member, Julia, came to speak on batterers intervention programs. She had started out at a batterer's intervention program, decided it was not the right fit for her and moved on to working at the DVA. A couple years later she went back to working with batterer's intervention seeing it as another way to protect victims by helping the batterer change. However, most of the batterers in intervention programs are mandated by the state to be there. Another counselor in batterer intervention, Lundy Bancroft, finds that "it is more common for abusers to stay the same or get worse than it is for them to make the kinds of changes that bring qualitative improvements in the lives of their partners and children".⁶⁶ While this quote is not promising about the rates batterer's change, he has a similar view as Julia about working with batterers. It is the woman who is or was being battered in the relationship who he considers his real client. He also views batterers intervention as a way to hold these men accountable.

It was interesting to get Julia's perspective, because the majority of the advocates I interviewed have a negative outlook on batterers treatment programs. For them it is a place where batterers learn new ways of abuse from each other. The court

⁶⁶ Bancroft, "*Why Does He Do That?*," 359.

often mandates the program but often will not enforce it. If programs mandated by courts are not enforced, there is no accountability placed on the perpetrator, and he will have no incentive to change. For women it can be disheartening to see the abusers hurt them with impunity. If the abusers is not going to be punished in the end, then what was the point of going through the embarrassment of going to the police or the judge for help? In the next sections I analyze the different levels of laws that are supposed to protect women from violence in the United States.

International Law:

The United States has yet to ratify CEDAW, the Convention on the Elimination of all forms of Discrimination Against Women, which was adopted by the UN in 1979. We have had 35 years to sign this treaty which furthers “women’s individual rights” by making discrimination against women “a violation of international law” which had been lacking in the Universal Declaration of Human Rights.⁶⁷ Each article in the treaty addresses a way in which women are discriminated against, whether in the work place, in politics, or in the home. The countries who did ratify CEDAW affirmed that:

discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society and the family and

⁶⁷ Jean G. Zorn, "Women's Rights Are Human Rights": International Law and the Culture of Domestic Violence" in *To Have and to Hit: Cultural Perspectives on Wife Beating* by Dorothy Ayers Counts, Judith K. Brown, and Jacquelyn Campbell (Urbana: U of Illinois, 1999), 288.

makes more difficult the full development of the potentialities of women in the service of their countries and of humanity⁶⁸

We are one of only seven countries who have not signed this treaty. If ratified the U.S. Government would have to “periodically review progress made on issues such as violence against women and participate in a dialogue with a UN committee of experts on ways to improve policies and programs”.⁶⁹ While this may seem inconsequential, the act of signing the treaty has a symbolic meaning. The fact that we have refused to do so for 35 years calls into question the US’s priority of the equality and safety of women. The state’s lack of support for treaties such as CEDAW signals the rest of society that it is not an important issue to our country and thus can be overlooked and made invisible. The lack of accountability of the state trickles down into the lack of accountability in other institutions making the enforcement of crimes against women difficult and inconsistent.

Federal Law:

While the U.S. has yet to ratify CEDAW it has passed The Violence Against Women Act, or VAWA which was introduced in 1990 and passed in 1994.⁷⁰ The renewals of 2000 and 2005 went relatively smoothly, but in 2013 the Senate and House of Representatives could not agree on how to renew the act. Eventually the bill with provisions for the LGBT, Native American, and immigrant communities was passed,

⁶⁸ "CEDAW 29th Session 30 June to 25 July 2003." *UN News Center*. UN, July 2003. <<http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm#article16>>.

⁶⁹ "US: Ratify Women's Rights Treaty." Human Rights Watch. 15 July 2010. <<http://www.hrw.org/news/2010/07/15/us-ratify-women-s-rights-treaty>>.

⁷⁰ Jasper, *Law of Violence*, 2.

but not without a struggle. VAWA addresses all types of violence against women including domestic violence, rape, and other kinds of sexual assault perpetrated by strangers, families, acquaintances, and intimate partners. The act included grants for law enforcement, prosecution, battered women's shelters, rural domestic violence, child abuse enforcement and to encourage arrest.⁷¹ The act made it illegal for an abuser to cross "state lines to violate a protection order or injure, harass, or intimidate a spouse or intimate partner."⁷² Protection orders issued by a court in one state are to be honored by courts in all states regardless of the original jurisdiction.⁷³ The Safe Homes for Women Act, The Civil Rights Remedies for Gender-Motivated Violence Act, The Equal Justice for Women in the Courts Act, National Stalker and Domestic Violence Reduction and Protections for Battered Immigrant Women and Children were all a part of the 1994 VAWA.⁷⁴

The intentions behind VAWA are wonderful in theory, but there are problems in its application. Under VAWA many states adopted mandatory or pro-arrest policies. In theory the purpose of mandatory arrest was to convey that "domestic violence is a serious crime" and to "ensure the safety of the victim".⁷⁵ However, in practice these policies increased the arrests of male batterers, but also of women who acted in self

⁷¹ Jasper, *Law of Violence*, 2.

⁷² Jasper, *Law of Violence*, 19.

⁷³ Jasper, *Law of Violence*, 18.

⁷⁴ Jasper, *Law of Violence*, 2-4.

⁷⁵ Jasper, *Law of Violence*, 20.

defense.⁷⁶ Laws and policies are more effective if people know their rights. Michaela, one of my interviewees and a case manager at the DVA, was vocal on this point because

it took forever. Yeah, and so like with VAWA most people have no idea what that is, you know. Its like a big deal in the domestic violence community, but its not like its publicized like all over the place. Everybody knows who like Ray Rice is but nobody knows what VAWA is⁷⁷

While VAWA has created some comprehensive protections, women are still experiencing assault and murder due to domestic violence. In the period between 1980 and 2008, “2 out of 5 female murder victims” were murdered by their intimate-partner.⁷⁸ From 1980 to 1995 the rate of women killed by a partner declined by 5%, but from 1995-2008 the rate actually increased by 7%.⁷⁹ These startling statistics from the Bureau of Justice Statistics raises questions as to the effectiveness of VAWA’s effect on the deterrence of domestic violence.

Another important federal law for domestic violence is the U-Visa which concerns immigrants.⁸⁰ For women who are married to a U.S. Citizen and are victims of domestic violence, their precarious position as an immigrant cannot be used as a tool

⁷⁶ David Hirschel et al, “Domestic Violence and Mandatory Arrest Laws: To What Extent Do They Influence Police Arrest Decisions,” *Journal of Criminal Law and Criminology* 98, no. 1 (2007): 256. <http://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=7284&context=jclc>; Alexandra, Pavlidakis, "Mandatory Arrest: Past Its Prime," *Santa Clara Law Review* 49, no. 4 (2009): 1204. <http://digitalcommons.law.scu.edu/cgi/viewcontent.cgi?article=1076&context=lawreview>.

⁷⁷ Michaela (DVA advocate) in discussion with the author, January 30, 2015.

⁷⁸ Alexia Cooper, and Erica L. Smith, “Homicide Trends in the United States, 1980-2008: Annual Rates for 2009 and 2010,” *U.S. Department of Justice: Bureau of Justice Statistics*, November 2011, 18. <http://www.bjs.gov/content/pub/pdf/htus8008.pdf>.

⁷⁹ Cooper, “Homicide Trends,” 18.

"Victims of Criminal Activity: U Nonimmigrant Status," *U.S. Citizenship and Immigration Services*, updated January 9, 2014. <http://www.uscis.gov/humanitarian/victims-human-trafficking-other-crimes/victims-criminal-activity-u-nonimmigrant-status/victims-criminal-activity-u-nonimmigrant-status>.

against them if they are granted a U-Visa. However, it is only for immigrants in DV situations who are married to citizens and does not work if both spouses are immigrants. An example of how the law has failed to protect a survivor of domestic violence is the recent story of Nan Hui Jo.⁸¹ Nan Hui immigrated to the United States for college. She married an American citizen, but he was later imprisoned for domestic violence and she filed for divorce. She later met another American man who she had a child with, but he was also physically and verbally abusive. When she called the police they failed to make a report, her visa was expired, and her partner was not interested in getting married. In order to escape the relationship, Nan Hui went back to South Korea with her daughter. When she returned to the U.S. years later with her daughter to look at schools, she was arrested for child abduction and imprisoned. Her abuser was granted custody of the child and Nan Hui was allowed no contact with her. She was tried in December 2014 resulting in a hung jury. The District Attorney refused to let the case go and in her second trial in March of 2015 she was found guilty despite her batterer admitting to the abuse in court. Hui has applied for a U-Visa for which she is qualified to receive as an immigrant married to an American Citizen and as a victim of domestic violence, but the Immigration and Customs Enforcement wants to deport her as soon as the trial is concluded.⁸²

Consider this case in opposition to the case in Oklahoma. The victim was sentenced to 35 years for failing to protect her child despite the ongoing domestic abuse

⁸¹Sarah H. Chang, "Domestic Violence Survivor Found Guilty of Child Abduction for Fleeing with Daughter, may be Deported." *Think Progress*. March 3, 2015. <http://thinkprogress.org/immigration/2015/03/03/3629106/nan-hui-jo-abduction/>.

⁸²Frances Kai-Hwa Wang, "Domestic Violence Groups Rally to #StandWithNanHui", *NBC News*, March 2, 2015. <http://www.nbcnews.com/news/asian-america/domestic-violence-groups-rally-standwithnanhui-n315641>.

happening in her relationship. The judge realizes the injustice and gives her time served. On the other hand in Nan Hui's case, she leaves the violent relationship, successfully protecting her daughter. Instead of leniency she was tried not once, but *twice* because the DA refused to drop the case. If Nan Hui had stayed in the abusive situation and something happened to her daughter it would have been considered failure to protect her child and she would have gone to jail. However when she protects her daughter from witnessing or even being a part of domestic abuse she is also put in jail.

This paradox calls into question who is given protection and who is denied protection in the United States. Nan Hui is not an American Citizen, but her daughter and her abuser are. The U-visa has provisions to protect victims of crime who are not American citizens because of situations similar to this. She is not any less deserving of protection through the U-Visa, but it may not be effective in her case due to the interference of the District Attorney. She attempted to go through the proper channels such as the police, but their lack of interest forced her to find another way to get out. When she was charged for taking her daughter to South Korea with her, the first jury did not find her innocent, but neither did they declare her guilty.

At this point the justice system worked as it was supposed to. However, despite testimony by Nan Hui's abuser about the violence, she is the one considered a criminal and the DA made sure she was tried again and found guilty. Criminalization of survivors is not what the response to domestic violence cases should be. Nan Hui's case illustrates a victim of domestic violence being re-victimized by the justice system instead of being protected as she should be. If ignored and criminalized by both law

enforcement and the justice system, what are women in similar situations supposed to do, and how will they ever be able to leave?

California State Law:

“Each year in California, almost six percent of women suffer physical injuries as a result of intimate partner violence”, and in “2007, 119 women in California were murdered by their intimate partners”.⁸³ Domestic violence laws in California have increased since the 1970’s in order to address the issue. Money has been dispensed to establish networks of domestic violence centers, courts have authority to “grant temporary restraining orders in domestic-violence situations”, spousal rape is considered a crime, police departments were made to develop written policies on domestic violence, officers can confiscate a firearm during a domestic violence call and they must give victims the nearest shelters number and other helpful information.⁸⁴

According to the LAPD the most used of these laws include 13700 PC Domestic

Violence which defines domestic violence in California as:

abuse committed against an adult or fully emancipated minor who is the spouse, former spouse, cohabitant, former cohabitant, who has a dating relationship, former dating relationship, engagement relationship, former engagement relationship, or parties having a child in common⁸⁵

This definition is important because it does not assume domestic violence to only be among heterosexual, married couples. This code expands the idea of domestic abuse to

⁸³Pavlidakis, "Mandatory Arrest," 1202.

⁸⁴ Kate Sproul, California's Response to Domestic Violence. 928-S. (Sacramento: Senate Publications, 2003), 9-10.

⁸⁵"Domestic Violence: Laws Related to Domestic Violence." Los Angeles Police Department. Accessed April 23, 2015. http://www.lapdonline.org/get_informed/content_basic_view/8887

married couples, or dating couples, those who have lived together, and those who have broken up. This last part is also important because a lot of the abuse and violence happens after the victim leaves the batterer.

The other commonly used laws of the California Penal code are 273.5 PC Spousal or Cohabitant Abuse⁸⁶ with “corporal injury to spouse, former spouse, cohabitant, former cohabitant, or parent of child”. With this code there must be a visible injury or complaint of pain that signals internal injury and is considered a felony.⁸⁷ If there is no sign of injury beyond redness or swelling then the offense is categorized as a misdemeanor with 243(e)(1) PC Battery which is “battery against person the suspect has or has had a dating relationship with”⁸⁸. However, if the victim was assaulted with a deadly weapon then the offense falls under PC 245(a)(1) and there is no injury requirement for an arrest to be made. Other offenses common to DV includes 646.9 PC Stalking, anyone who “willfully, maliciously and repeatedly follows or harasses another person and who makes a credible threat”. Stalking often has harsh consequences for DV victims making it hard for them to leave. Abusers will often show up to their partners place of work and make a scene causing her to be fired and unable to support

⁸⁶ Spousal/Cohabitant Abuse has to result in a traumatic condition with a verifiable injury by a spouse or cohabitant or party who have a child together. Battery also deals with physical violence against a (former)spouse, cohabitant, fiancé, etc. Terrorist threats deals with a threat that would result in death or great injury with fear for one’s safety. For Family Violence/Firearms Seizure, police can temporarily take away and keep for 72 hours firearms/deadly weapons in sight in family violence situations. Anyone subject to a restraining order or protective order are not allowed to purchase or own a firearm.

⁸⁷ DVA training manual. If a felony offense takes place the police officer must make an arrest even if he did not see it, but if a misdemeanor takes place the officer must see it in order to make an arrest. If convicted of a felony the perpetrator goes to a state prison, while if convicted of a misdemeanor they go to county jail.

⁸⁸ DVA training manual

herself financially. However, there is now a law in California to address this issue specifically.

The Labor Code 230(e) states that an employer cannot discriminate or retaliate against, or fire any of their employees who are victims of domestic abuse, sexual assault, or stalking as long as they have disclosed this status to the employer. Part (c) of the code also states that the employer cannot discharge or discriminate against employees who are victims of DV and need to take time off in order to “obtain any relief” such as restraining orders⁸⁹. LC 230.1 lets victims of DV take time off from work in order to get medical attention or get counseling, shelter, or safety planning services. This last code is important for women to know because as one advocate described, many victims do not know about the law, and end up quitting their jobs to come into shelter, or did not come into shelter sooner because they did not want to lose their jobs.

Another common offense is 273.6 PC or violation of DV Protective Order. Protective orders are only work if they are enforced, but this does not always happen. A restraining order can only work if enforced, unlike what happened in the Town of Castle Rock v. Gonazales. In 1999 Jessica Gonzales was separated from her abusive husband, Simon, and had custody of her three daughters. Because of his previous suicide attempts and abusive behavior, Jessica was granted a protective order. Her soon to be ex-husband could only see the children on weekends or midweek if agreed upon

⁸⁹ “LABOR CODE - LAB DIVISION 2. EMPLOYMENT REGULATION AND SUPERVISION [200 - 2699.5]”, *California Legislative Information*, January 1, 2014 http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB§ionNum=230.

by both sides. However, one day he came by and took all three girls without telling Jessica. She knew that he had taken them, and called the police and showed them her protective order. She called them several times, and even after she had gotten a hold of her ex-husband who admitted he had the girls, the police “advised her to wait”.⁹⁰ Simon was later killed when he went to the police station and started shooting. The police then found the bodies of the three girls in the back of his car.

Jessica attempted to sue the state to hold someone accountable for the lack of enforcement of her protective order to ensure the same thing never happened to anyone else again, but her claim was dismissed. The Town of Castle Rock v. Gonzales is a very extreme example, but it shows what can happen when the law is not enforced as it should be. Although this case happened in Colorado it is a case that can happen in any state if orders of protection are ignored. The advocates I interviewed have clients for whom their restraining orders or protective orders were not upheld by law enforcement. The intentions of the law may be to protect victims of domestic violence, but if they are not effective if they cannot be enforced properly. And the law is not always able to update as quickly as new forms of abuse are created such as cyber abuse. With better and faster forms of technology being created, abusers find new ways to harm their victims.

⁹⁰ Schneider, *Women and the Law*, 379.

Advocate's Weigh-in:

When asked about the effectiveness of the DV laws in California, my interviewees would not give me a straight yes or no answer. The advocates generally agreed that the effectiveness of laws depended on the situation because the clients at the DVA all have different experiences with law enforcement and the justice system. Some have wonderful experiences where the police officer or the judge was very helpful, but others have bad experiences where the police officer was frustrated or uncooperative and the judge did not believe them. When discussing the *Castle Rock v. Gonzales* case, Schneider addresses this idea of indifference by the police.

The backdrop for these events is the historic and continuing problem of police indifference, in which the police regard domestic abuse as a low priority. Police have been known to delay response to these calls or to ignore them altogether⁹¹

The complacency of DV as a low priority contributed to the terrible outcome of the Gonzales' situation in Castle Rock. But cases such as Gonzales' only get attention when the violence escalates to murder. There are countless everyday experiences of abuse that go on in the United States that go by unnoticed or ignored. One advocate, Ira, was able to sum up why this was the case when she said "I think the laws objective, but I don't think it's applied objectively to every case"⁹² because, as another advocate May stated, "people are people" with their "own values, and views, and judgements".⁹³ The

⁹¹ Schneider, *Women and the Law*, 390.

⁹² Ira (DVA advocate) in discussion with the author, January 30, 2015.

⁹³ May (DVA advocate) in discussion with the author, February 9, 2015.

way the law is interpreted depends on a individual's perspective which is not always going to match the perspective of other people.

Ira worked as a volunteer, and then as a case manager at the DVA. Through her job she is able to empower women, but at the same time is witness to the unjustness and manipulative nature of the batterer relationship. She describes an experience of a client who was physically assaulted in front of her daughter and how the police officer responded to the situation.

there was a child that saw her mother being choked and the officer, she was 12, she told the officer, 'she's- I saw her being choked', and then the police officer went and told the victim, 'well, do you know what the difference between a punch and a slap is?', and no arrest was made or anything⁹⁴

What Ira is describing here is the indifference, ignorance, and even bias officers can have, while being the first person to interact with a woman who has just been, in this case, physically abused. The law may arguably be unbiased but those who enforce it, as individuals growing up and living in a society that accepts this type of violence, are not. Coming to this realization is daunting when you realize the law is interpreted and enforced by several different people during a DV case, all with their own views and biases. The first contact is by the police officer who responds to the call, then the DA who decides if the case proceeds and what charges to file, and the judge and jury to decide if the perpetrator is guilty and what the punishment is if there is any.

⁹⁴ Ira (DVA advocate) in discussion with the author, January 30, 2015.

Conclusion:

There are several layers of laws protecting women from domestic violence, but they all have their limitations. The mandatory arrest law is meant to protect victims of domestic violence, but for women who make a mark on their abuser while defending themselves will get arrested instead. These laws mainly come into effect after the violence takes place, and is limited from treating the causes of DV rather than the effects. In the opinion of advocates who work closely with their clients who are affected by these laws, they can be effective sometimes, but useless at other times.

Law enforcement and the justice system are made up of people who have been raised in a society that teaches its participants to group men and women in different gender roles and to blame the victim rather than the perpetrator. These officials cannot escape the bias, and if they are not properly educated about DV it will affect the way they handle these cases. The laws on domestic abuse have remarkably improved since the battered women's movement when it was considered a private matter and neither law enforcement nor the community intervened. While law enforcement and the courts can now intervene in domestic violence situations, the rate of this issue has not decreased over time.

After domestic violence became a criminal issue, shelters and programs such as the DVA were created. These programs function in an in-between space as another important component to addressing abuse. The law is at times an important tool to utilize, but at others an obstacle to navigate around for victims of domestic violence.

For many, whether the law is a tool or an obstacle they do not know their rights and what they are entitled to which is where agencies such as the DVA come in. Left on their own, laws, law enforcement, and the justice system would not be effective in addressing domestic violence and aiding those affected by it.

Chapter 3

The DVA and Client-Centered Advocacy

Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it's the only thing that ever has -Margaret Mead

The DVA is an organization specific to Southern California that is dedicated to the intervention and prevention of domestic violence.⁹⁵ It is a member of the California Partnership to End Domestic Violence which is a California wide coalition bringing together agencies such as the DVA to advocate domestic violence on a state level. The California Partnership is part of the National Coalition Against Domestic Violence (NCADV) and the National Network to End Domestic Violence. The NCADV has been in affect since 1978 which is consistent with the effects of the battered movements and the organizing of shelters, hotlines, and other forms of support for DV victims, while the National Network was created in 1990, and assisted in the passing of VAWA. The National Coalitions and the California Partnership have no direct services for victims⁹⁶, but focus on “macro-level” issues such as public policy.⁹⁷ While the State and National Coalitions focus on bigger issues, the DVA focuses on intervention and prevention by providing direct services and education to its clients.

The DVA was created in the wake of the battered women’s movement, and began as women helping women. The organizations feminist roots are still visible through the real name of the DVA which comes from a story of women helping women.

⁹⁵ again the real name of the agency was changed to the DVA throughout this paper in order to ensure the privacy of its staff members

⁹⁶ the only direct service the coalition has is for reconstructive surgery

⁹⁷ *National Coalition Against Domestic Violence*, <http://www.ncadv.org>; California Partnership to End Domestic Violence, <http://www.cpedv.org/About%20Us>

However, over time DV resources such as shelters, have replaced the idea of “women helping women” with professionalism.⁹⁸ Professionalism within domestic violence advocacy is identified by Wies as a process in which people become professionals by adopting the “appropriate theory and code of ethics” and “adjusting to...the values norms, and symbols of the professional culture”.⁹⁹

There are pro and cons to this professionalization of human services as anthropologist Jessica Wies discovered in her own ethnographic research of domestic violence shelters and as I have found in mine. She frames her discussion of DV shelter advocates within human services and professionalism finding that the field of DV, similar to all human services, has been professionalized since the 1960’s and 1970’s grassroots movements. Wies argues the creation of boundaries between a professional advocate and a client can create an unequal power dynamic between the two which can be addressed through a victim-centered approach.¹⁰⁰ My interviewees find that boundaries are necessary for the client and for themselves, not just because it is professional, and the issue of power is addressed through a client-centered practice. In this chapter I will explore the DVA in more detail by discussing its objectives and effectiveness, as well as where advocates fit into the issue of domestic violence and why boundaries are necessary for both advocates and clients.

⁹⁸ Jennifer R. Wies, “Professionalizing Human Services: A Case of Domestic Violence Shelter Advocates.” *Human Organization* 67, no. 2 (2008).

⁹⁹ Wies, “Professionalizing Human Services,” 222.

¹⁰⁰ Wies, “Professionalizing Human Services,” 231.

Advocacy and Care:

The term advocacy “is the act or process of supporting a cause or proposal”. However, when applied to specific fields or issues it can take on further meaning. For example, Richard Hoefler is talking specifically about social work, but he has several different meanings for the term advocacy for instance “directly representing or defending others”, lobbying, “efforts to change policies” for groups with little power.¹⁰¹ However, he defines advocacy within social work as having social justice as the end goal. In regards to domestic violence advocacy, there may be different approaches, but the DVA promotes a *client-centric*, or victim defined advocacy¹⁰² which puts the experiences and needs of the the client first and understands that she is the expert on her own life. An advocate is part of the client’s support system, but is separate from a friend or family member. Rather than judge, advise, or over share their own personal problems, advocates give clients resources, options and support.

At the DVA “self care” is very important, and one of the first things we were taught. Self care means taking care of ones self in order to not burn out. Some examples of self care are getting enough sleep, having time to yourself, and having hobbies. Going through training and learning about domestic violence can be extremely depressing and frustrating, yet many people choose to get involved and make it their career. In my volunteer training there were about 30 diverse women who’s values, experiences, and lives have brought them together for four hours each night, twice a

¹⁰¹Richard Hoefler, *Advocacy Practice for Social Justice*, (Chicago, Illinois: Lyceum Books, 2006).

¹⁰² Jill Davies, and Eleanor Lyon. *Domestic Violence Advocacy: Complex Lives/difficult Choices*, (Second ed. Thousand Oaks, California: Sage, 2014), 3.

week for five weeks. Some, such as myself, were interested in it because of school while others in the course have experienced it themselves, and some just want to give back and do something good for the community. Through participant observation at the DVA it was clear that advocates and volunteers are mainly *women*. While there are no male volunteers in my training course, our teachers have mentioned that they do allow male volunteers and have had them in the past. The DVA is open to having men volunteer, but there are very few involved. Their presence can induce trauma to women in the shelter or at the organization but are necessary to provide healthy role models. If men do not get involved in the treatment of domestic violence they should at least get involved in the prevention of it.

Trajectory of the DVA:

The DVA started as a single hotline back in the late 1970s during the rising awareness of domestic violence. Each year based on the needs of the community it grew larger and larger, adding a shelter in the early 1980s around the same time that DV shelters were popping up around the United States. The first shelter in the United States was opened in 1973 in Minnesota and by 1979, 250 battered women's shelters existed.¹⁰³ Today the agency includes a hotline, an emergency shelter, a transitional shelter, counseling, and outreach. The outreach department focuses on prevention, education and services to clients not in shelter. The counseling department takes care of

¹⁰³ "History of Battered Women's Movement", *Saint Martha's Hall*, accessed March 2015, <http://saintmarthas.org/resources/history-of-battered-womens-movement/>.

case management and counseling of the clients. Emergency shelter is for 45 days, while transitional shelter can last much longer.

From the very beginning the DVA was focused on finding out the needs of the women in the community rather than imposing their own views on them. In an effort to maintain the privacy of the DVA, I will not directly quote their mission statement but paraphrase instead. There are two different aspects to the DVA mission in regards to domestic violence. The first is to advocate for and assist women and children¹⁰⁴ affected by DV through shelter, programs, opportunities, and education. The second part of their goals are to provide intervention, education, prevention programs, and community awareness in order to advance social change. When I asked each advocate what the objectives of the DVA were, all of them referred back to this central mission statement. It is a place that focuses on breaking the cycle of violence, which is really important when considering children. Children are a part of the DVA's mission statement because they are also affected by DV even if they are not directly being abused. Not every intimate-partner abuser, abuses their children but they are affected nonetheless.

An important part of the DVA is education for the victims, and for the general population to dispel any misconceptions. Education is important in preventing unhealthy relationships and should be taught to all ages. Children who grow up witnessing domestic violence in their home are at a higher risk of becoming the abusers

¹⁰⁴ although not mentioned in their mission statement, the DVA does treat men who are victims of DV. The DVA also treats children under the age of 18 for any kind of trauma, not just DV.

and the abused thus perpetuating the cycle of violence.¹⁰⁵ Education is also important in correcting assumptions that people make about abused women. I mentioned the idea of gender symmetry and the case of Booth v. Hvas previously, but it is useful to bring it up in this context. Men unhappy with the challenges to the status quo tried to minimize the issue of domestic violence. They made claims that women batter at the same rates, and that all domestic violence organizations are trying to make women hate men. However, my interviewees actually believe that men should be more involved in the prevention of domestic violence. Rather than propagating messages of hate, they want men to be involved at the DVA to show that not all men batter.

Client-Centered Advocacy:

There was an overwhelming positive consensus by the advocates as to the success of the DVA in fulfilling its objectives. Most referred back to the mission statement, to assist women and children in situations of domestic violence, and to break the cycle of violence. However, in order to drastically reduce domestic violence, advocates had varying solutions. The main themes that emerged were client-centered advocacy and education. For some it was women knowing the trigger signs of an unhealthy or abusive relationship, while for several others it was better domestic abuse education for police officers and judges. Still others thought having healthy relationship curriculum in schools would be beneficial. Higher accountability was also mentioned by more than one advocate for batterers and by the community in general.

¹⁰⁵ Jasper, Law of Violence, 11; Bancroft, "Why Does he Do That?," 249.

Accountability and support by the surrounding community is important because domestic violence affects more than the abuser and the abused. Their children are affected, their co-workers can be affected, their neighbors can be affected, anyone in their community can be affected when an relationship is violent.

The DVA is about 70% federally funded, requiring them to do some paperwork and tracking of clients. However, they are still able to remain client-centric and focused on their goals unlike some domestic violence services. One interviewee, Jasmine, is a marriage and therapist intern. For her empathy is the most important aspect of working in the field of domestic violence. Jasmine had worked for the Department of Mental Health (DMH) before working at the DVA and reflected on how different an experience it was.

They wanted a diagnosis in three days. They wanted a 17 page assessment done. You needed to have all of your progress notes checked by your supervisors and I found that most of my time in consultations and supervision and even just communications with my colleagues were all about billing. It wasn't about the client whatsoever, and we talked about- I mean I would have to spend an hour doing one progress note that I spent five minutes with the client, and then it would get sent back to me every day for a week because of a period or because she wanted me to add one minute instead of whatever it was. It just didn't-it wasn't client-centered and I find that that's a lot of why people leave DMH¹⁰⁶

This quote demonstrates a lack of empathy at the DMH that Jasmine finds so important in this line of work. The need for such extensive paperwork, and preoccupation with billing is one of the downsides to the professionalization of human services. Instead of being about the needs of the client, it is about paperwork and the needs of the Department. The DVA on the other hand *is* client-centric which is important to each of

¹⁰⁶ Jasmine (DVA advocate) in discussion with the author, January 28, 2015.

the advocates. Most of them actually used the word client-centered, but even those who did not say it talked about the idea of meeting the client where they are instead of forcing the advocates choices on them.

Boundaries and Self-care as Professionalism:

The motivations of each advocate interviewed were different. Many of them had found the DVA by chance, due to grad school, similar jobs, and previous experiences. Each interviewee had been volunteers previously, and knew what the job entailed when they applied for a staff position. These advocates are the ones who chose to stay despite the difficulties and the burn out because the best aspects of their jobs outweigh the worse aspects. Jana, my first interviewee, is a children's advocate. She works with the children who witness domestic violence at home, and who are often abused themselves. While discussing effective measures in intervention Jana gave the following scenario

if a client comes in and you know you're sitting down with them and saying... 'how are you doing today, how is your day' ... 'how are the children doing' ... And they're saying 'you know what I'm having a very hard time—a really hard time sleeping and I don't know what to do'. 'Well...what I have is a book for you let me give you this book. This book talks about trauma and how to cope with— when you can't sleep. Let me print this out for you' ... or ' we could talk about this right now, you want to talk about it. Lets read this together and you tell me what you think' ...I think to me that works¹⁰⁷

This example she gives seems routine enough, but it gives us a glimpse into her everyday life and how she practices domestic violence advocacy. Part of the DVA's goal

¹⁰⁷ Jana (DVA advocate) in discussion with the author, January 26, 2015.

is to be client-centered, and the individual advocates who work with the clients everyday find the client-centered approach to work. We can contrast Jana's scenario of what effective advocacy might look like with Jasmine's previous experience at the Department of Mental Health. In Jana's example, she is focused on what the needs of her client are rather than worrying about billing or typos in paperwork. Jana gives another example of client intervention similar to Jasmine's experience at the DMH.

Instead of a client coming and you telling a client– they tell you they can't sleep, they're having nightmares and you say 'its normal to have nightmares they'll go away. So how was your week last week, and were you able to accomplish those goals that we set forth. I mean you were supposed to go to the doctor on Monday and take your son, and then on Tuesday you had court how did those things go?'. To me that doesn't work, to be more– being present works¹⁰⁸

In Jana's example the client comes in with a problem and needing help from the advocate. It may seem like a simple problem, but it must be a big enough issue for the client to mention it. However, the advocate completely brushes aside the client's concerns to focus on what the advocate wants to focus on. By dictating the conversation the advocate takes away the client's ability to choose what is important in her own life.

Jana's example demonstrates the unequal distribution of power Wies brought to attention when exploring the developing professionalism in human services. Before domestic violence advocacy became a career, advocates were often survivors of domestic violence who did not need the higher levels of education that are now required, but the two are not mutually exclusive.¹⁰⁹ Most of the advocates I interviewed do have bachelors and masters degrees, but some also have similar experiences to the

¹⁰⁸ Jana (DVA advocate) in discussion with the author, January 26, 2015.

¹⁰⁹ Wies, "Professionalizing Human Services", 231.

clients they work with. One of the advocates is a survivor of domestic violence, and the volunteer training she went through helped her realize that the relationship she was in at the time was abusive as well. One advocate had been a client at the DVA as a teenager, and had friends and family who have been in abusive relationships. Another advocate had personal experience growing up in an unhealthy environment, and another realized that her grandparents were involved in an abusive relationship.

None of the interviewees went into great detail about these experiences and I did not ask further. Although I drew from such a small pool of advocates, at least half of them are known to have some kind of personal connection with the issue. These personal connections let us look past the mask of professionalism. While advocates may no longer just be “women helping women” as it was in the past, the advocates are still women helping women experiencing domestic violence. It may be easy to forget that advocates are also people with their own thoughts, feelings, and experiences. They have to keep boundaries, but not because they do not care. The field of domestic violence has professionalized, but not for lack of empathy.

Although I did not specifically ask about boundaries during the interviews, the advocates often would talk about keeping boundaries with clients when talking about self-care. When going through the 40-hour training to be a volunteer, we learned about it on the first day. The concept of self-care is important to the DVA for the well-being of its advocates. When advocates do not adequately take care of themselves they can “burnout”, resulting in high levels of staff turnover. Boundaries are an important

part of self-care for advocates, because they help them to continue working while hearing the worst kinds of things people do to another human being.

Probably the main thing that changes is you, because no longer are you without the stories of maybe the women that you've counseled or the women that you have in case management or the things that you've heard. You know those things they change you. Right and when you enter the relationship with the battered women, you know sometimes it might feel like you're battered because you're taking in- you're walking with them, you're being empathetic to them, you're trying to like help them sort through the confusion and everything like that...so it definitely impacts the person that's providing the service. And the only way that you can kind of make adjustments is a lot of self-care¹¹⁰

Here Ira was describing how her perspective on domestic violence had changed after working at the DVA. The stories she hears everyday are something she has to carry around with her. She feels empathy for her clients, but this feeling can be overwhelming. Although Ira has experienced burn out before, it was not severe enough to make her leave the field of domestic violence because she has been able to practice self-care.

Jana's interview can also give us insight into advocates as individuals with feelings. She acknowledged that at times she is trying to hold back tears

because either I can relate to their situation personally or I can see someone's potential in them and they don't see it in themselves...I think working in this field you have to learn how to have your own boundaries, you know what I mean? Have your own limits that you set when you see clients. Because at the end of the day I can't be willing-I can't be more willing to help you than you are to help yourself¹¹¹

Jana empathizes with her clients and wants them to live up to their potential, but she cannot become more invested in a client's life than the client themselves. She could

¹¹⁰ Ira (DVA advocate) in discussion with the author, January 30, 2015.

¹¹¹ Jana (DVA advocate) in discussion with the author, January 26, 2015.

work away trying to help a client, but if they are not willing to change or work hard themselves than she could become frustrated and burned out. She feels empathy for her clients, but she has to set boundaries in order to continue helping them.

However, boundaries are not important just for the advocate, but for the clients as well. A more specific example of this is an incident Jasmine described that happened to her recently. A child had disclosed to his mother that he had been sexually abused by his father. The mother later told Jasmine who had to write a child abuse report.

There is a balance though between how much am I going to sit down and grieve and how much am I going to be able to work with this kid. And I think that in that moment I've realized that I— I have to make, I have to make some choices and I have to create some boundaries, like I'm not his mother, I'm not his best friend, I'm his therapist¹¹²

In this quote Jasmine acknowledges the validity of her feelings. It is normal for her to grieve and feel empathy for the little boy who experienced something that no one should ever have to, but at the same time it is not about her. She is allowed to feel sad and cry, but she waited until she went home to do so because her focus is on helping the mother and son. She is neither a friend nor family, but a professional whom they can trust to be reliable. This point is crucial because victims of domestic violence often have no one to rely on except the batterer. Isolation is a common tactic by batterers to further the abuse. Family and friends that were supportive at the beginning often get frustrated when a victim will go back to her batterer not realizing it takes an average

¹¹² Jasmine (DVA advocate) in discussion with the author, January 28, 2015.

7-10 times for a victim to leave for good.¹¹³ As terrible as it is, sometimes friends and families only compound the issue of domestic violence.

Half of the time their parents leave them, they disown them, their family never wants to speak to them again. All their friends are on his side because they said ‘why didn’t you leave the first time? This is the seventeenth time’¹¹⁴

The most common answer for what works best in intervention was listening and validation. Clients need someone who will hear what they are saying without judgement, dismissal or disapproval. Advocates are not there to give them advice, but to give them options and resources so the client can decide for herself. The freedom to choose is important for clients who had been denied this right in their abusive relationships. My interviewees admitted that it is frustrating when a client chooses to go back to an abusive relationship. However, they voice their concerns in constructive ways and respect the client’s right to make her own decisions. Advocates are still human beings with emotions who need boundaries in order to continue with their domestic violence work, while clients need the boundaries in order to have someone they can trust and rely on who will not get frustrated and give up on them as can happen with friends and families.

Conclusion:

The DVA is a local level organization that services several counties in Southern California. It does not have the reach that the California Partnership or National Coalitions do, but these larger networks do not have the same direct contact

¹¹³ DVA training manual

¹¹⁴ Jasmine (DVA advocate) in discussion with the author, January 28, 2015.

with clients. While the DVA is not the only agency to use client-centric practices, it is not guaranteed that all agencies do use this method or that all agencies focus on prevention as well as intervention. By analyzing the DVA's mission statement I found that the agency has an end goal of social justice for women and children in situations of domestic violence. In order to pursue this goal the DVA works in both intervention and prevention using education to teach women already caught in the cycle of violence and to prevent others from getting caught in the cycle as well. In interviewing advocates from the DVA, I found that client-centered approaches to domestic violence advocacy is crucial in DV intervention. Along with client-centeredness comes the idea of professionalism.

Professionalism within the human services on its own is problematic due to the imbalance of power between the professional and the client. At the start of domestic violence advocacy there was little disparity in power because instead of the roles of professional and client there were "women helping women". However, professionalism when used in conjunction with client-centric practice addresses the imbalance of power, by giving the survivor of domestic violence the power to make her own choices instead of choosing for her. Professionalism is important in domestic violence advocacy because it promotes boundaries and self-care for both parties. Boundaries make it possible for advocates to remain client-focused because there remains a line between being "friendly" and being "friends". The advocates are support system for their clients and remain reliable and someone they can trust while giving options and resources rather than advice and opinions. Boundaries and self-care make it possible for

advocates to remain client-focused because they make it possible for these women to continue doing their jobs. These advocates are women with empathy for their clients, as well as feelings of frustrations. Boundaries help them focus on the clients' needs rather than their own feelings, while self-care helps them remain in position to help their clients.

Conclusion:

Domestic violence in the United States is an old yet ongoing issue. DV can affect any social group whether they are professional athletes such as Ray Rice, celebrities such as Chris Brown and Rihanna, immigrants such as Nan Hui, or the diverse clients of the DVA. It has been passed down through generations of our culture in the expectations we have for the behavior and roles of men and women in a patriarchal society. DV as a problem of social perception makes it difficult to create laws and policies that effectively address the myriad of experiences held by survivors of domestic violence. In Chapter 1 I have argued for intersectionality and against the essentialization of women's experiences. Although I have only touched on a few aspects such as gender, race, sexuality, and disability, domestic violence is complicated by any kind of social groupings such as religion, geography, age, and class. These different facets of identity and culture change the lived experiences of each woman.

By looking at domestic violence through the framework of intersectionality, the different experiences of survivors are made visible. The visibility of these different intersections is important when considering intervention and prevention. In Chapter 2 I stated the laws in the United States, and specifically in California, do not always reflect these different needs. If they do they are not always used in the best interest of the victim due to bias of officers in law enforcement and the justice system. The laws in the United States and California address the symptoms of domestic violence rather than the causes leading to little impact on prevention of the issue.

Regarding the lack of prevention, the statistics of the Department of Justice have shown that since 1995, the year after VAWA was passed, murders of women by their intimate-partners actually increased. The majority of these murders happen while women are leaving or have already left their abusers. Custody is also a major issue in abusive relationships, and a significant factor in why women stay or leave. Women can be penalized for failing to protect their children even more than their abuser. Victoria Phanhtharath from the case in Oklahoma is an example of women being turned into criminals because of the abuse they suffer. However, as we have seen with the case of Nan Hui, women who leave the relationship and successfully protect their children can also be punished. Nan Hui's case shows the bias held by officers of the court towards battered women. The District Attorney did not show leniency for Nan Hui although there was ample evidence of abuse. In theory she should be granted a U-Visa, but it will be no help to her if she is deported.

The bias of this District Attorney is not an isolated case. The advocates I interviewed work closely with survivors of domestic violence who have varying experiences with police officers, and court personnel. Some have good experiences with police officers and judges, but many others have been met with indifference, disbelief, and refusal to help. Those who create and interpret the law are subjective beings. Although upholders of the law, these people cannot get away from the culture they grew up in. They may also buy into the traditional gender roles and stereotypes which are embedded in our culture. Identifying the bias of law personnel and the limits

of the law is important in figuring out where DV support organizations are situated in the domestic violence field.

In Chapter 3 I argue the DVA is one organization that sits in the gaps left by the justice system. It practices advocacy on a local level with direct contact with survivors of domestic violence. Through both intervention and prevention, the organization seeks to break the cycle of domestic violence by addressing both its symptoms and causes. This is done through counseling and education of not just the clients but the surrounding community. It is important to break the misconceptions our society has on gender and battered women in order to decrease the rates of domestic violence. If we refuse to pass these misconceptions and stereotypes on to the next generation, there might be fewer batterers in the future.

The DVA functions through the work of its staff members and volunteers. The DVA has professionalized during an ongoing debate about the benefits and potential harm of professionalizing human services. I have argued that aspects of professionalism such as boundaries and self-care promote a healthier relationship between the advocate and the client. Domestic violence is not an easy topic to research let alone work beside every single day. At times just going through the volunteer training, I could feel myself starting to burn out. It was not always easy to put up boundaries, and continue to hear terrible story after story. Sometimes it was impossible to distance myself emotionally and be able to continue researching or writing. However, I was only in training twice a week, while these advocates face DV every

day. They get frustrated and burned out as well, but because of the boundaries they maintain and the use of self-care, they are able to continue DV advocacy.

The clients also benefit from these aspects of professionalism because a healthy advocate is better able to provide options, resources, and support. The advocates may not be offering friendship, but they are offering to be people the clients can trust to be reliable. They are there to validate the experiences of the survivors instead of judge them as friends and families often do. The advocates are trained to understand that domestic violence is different for every woman. Rather than tell their clients what they need to do, they actively listen to what the client feels she needs. This type of support is important not just from advocates at the DVA, but law enforcement, the justice system and the community as a whole. Rather than blaming these women for their abusive relationships, we need to understand the bigger societal influences that perpetuate domestic violence. When we have an understanding of these social causes, and can identify and apply this understanding to the different needs of survivors on a larger scale than just one organization, the rate of domestic violence has a chance of decreasing. Until then, advocates at the DVA will continue their work in intervention and prevention promoting healthy relationships and helping survivors heal from the abusive ones.

Appendix

Interview Questions

1. Please describe your motivation: How did you find out about the House of Ruth?
Have you interested in this kind of work before?
2. Please describe your role. Why did you want to volunteer/work here? When did you start working here?Has your role been changed between then and now? If so, how?
3. What is the best part of your work? What is the worst part? Is there anything you find different from what you expected?
5. Has your view of domestic violence changed since working here? If so, what was it before and what is it now?
6. Have you noticed a change in clients, or any new issues?
7. Do you know what laws protect your clients in the state of CA?
Do you think they are effective? Why or why not?
8. What have you found to be effective in the treatment and prevention of domestic violence?
9. Have you noticed a difference between what is written as policy and what is actually practiced?
- 10.What are the objectives of the House of Ruth? Have they been successful?

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